

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah begins by enumerating a list of fifteen women who as a result of the prohibition against marrying the yavam are not only exempt from the mitzvah of yibum but they exempt their co-wives and their co-wives' co-wives.

If, however, the fifteen women had previously died or for some other reason were not married when the yavam's brother died, the co-wives are permitted for yibum.

The Mishnah gives an illustration of each of the first two cases.

The Mishnah concludes and rules that any time the ערוה could have done מיאון (i.e. a Rabbinic marriage involving a minor) the co-wife should perform chalitzah but not yibum.

2) Clarifying the Mishnah

The Gemara inquires why the case of one's wife's sister is not listed first since that is the case from which all the other arayos are derived.

A possible explanation is suggested but rejected.

The Gemara explains that since the prohibition concerning one's daughter is derived from an exposition it is dear to the Tanna so he listed it first. ■

REVIEW and Remember

1. What is a צרת צרה?
2. What daughter does the Mishna refer to with the term בתו?
3. What is מיאון?
4. Which is the more severe death penalty; burning or stoning?

Today's Daf Digest is dedicated
By Dr. & Dr. Ron Sanders
Mr. & Mrs. Binyomin Sanders
In loving memory of their mother
לע"נ מרת רחל בת ר' יוסף הכהן, ע"ה

HALACHAH Highlight

Beginning Seder Nashim with Yevamos

חמש עשרה נשים פטורות צרותיהן

Tosafos Harosh analyzes why Seder Nashim begins with Yevamos. Why did Rabbi Yehuda Hanasi select this Massechta to open the section of Nashim? The rule is לא מתחלינן בפורענותא—we do not open discussions with unfortunate tidings (see Bava Basra 14b), and the case of Yevamos is dealing with a man who died without any children—a truly tragic situation.

The Gemara in Shabbos (31a) tells us that the Order of the Mishnayos is arranged according to the verse in Yeshayahu: (33:6) “The stability of your time and the strength of salvation is wisdom, etc.” The word in the verse which refers to the Order of Nashim is “strength—חסן.” Rashi explains that the word חסן is similar to ייחוס, meaning descendants. It is through one's establishing a family with his wife that he merits to have descendants.

Tosafos in Moed Katan (28b, ד"ה בלע) explains that the final massechta in Moed is Moed Kattan, where the nature of the content is tragic. It is therefore appropriate to place Yevamos at the beginning of Nashim, immediately following Moed Kattan, as they both share dreadful overtones. This is in consonance with the rule (Bava Basra 14b) that we place sadness with sadness, and consolation with consolation.

Alternatively, Tosafos Harosh suggests that with the beginning of Nashim, it is necessary for the Mishnah to establish a list of which women are permitted for a man to marry, and which are prohibited for a man to marry. In fact, the expression used should have been that there are fifteen עריות, thus emphasizing that these women are prohibited. This is, in fact, the terminology used later in the Mishnah on 13b—מש עריות חמורות מאלו. Our Mishnah instead uses the expression fifteen נשים because, as the Gemara will report, the number “fifteen” is used to exclude the case of the co-wife of a sota or of a barren woman, a ממאנת or of one who remarries his divorced wife. These cases are not genuine עריות, and they are best excluded using the term “נשים” rather than the term “עריות.” ■

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Mr. and Mrs. Myron Cherry
In loving memory of their sister
Rita Cherry o'b'm

Distinctive INSIGHT

May an **אוננת** perform *chalitza*

And one's wife's sister

The Chacham Tzvi¹ cites earlier authorities² who maintain that a woman who is in **אנינות** may not perform *chalitza*. The rationale for this position is that one who is an onen is exempt from mitzvos and since *chalitza* is a mitzvah it should not be performed by one who is an **אונן**. One of the challenges Chacham Tzvi presents against this position is that immediately upon the death of the widow's husband the widow and the deceased brother's enter a state of **אנינות** which, according to these authorities, prevents them from performing *chalitza*. Consequently, it should be impossible to ever perform *chalitza* since the rule³ is that a person who is unfit for *yibum* or *chalitza* at the time of the husband's passing cannot become fit for *yibum* or *chalitza* in the future. This would lead to the absurd conclusion that *yibum* and *chalitza* could never be performed.

Other authorities⁴ refute this challenge from the comment of Tosafos⁵ to our Mishnah. Tosafos suggests two rea-

ואחות אשתו

sons why a woman who is a *niddah* is not exempt from *yibum*. The first reason is that only those **ערויות** that are specific to the *yavam* more than to others, meaning the woman is prohibited as an *ervah* rather than a general prohibition that applies equally to others, as opposed to a *niddah* who is prohibited to everyone and not specifically to the *yavam*. Secondly, the reason a woman who is prohibited for *yibum* at the time of her husband's death does not fall to *yibum* if the **ערוה** prohibition is removed is that it is not pleasant to bind her to her brother-in-law if she was already released. Concerning a *niddah*, on the other hand, it is not considered lacking pleasantness since a woman who is a *niddah* is prohibited to her husband as well. These two reasons apply in the case of a woman who is an oneness, i.e. the prohibition in universal and does not lack pleasantness since it would apply to her husband as well, therefore an oneness should be able to perform *chalitza*. ■

1. שו"ת חכם צבי סי' א'
2. שו"ת מבי"ט ח"ב אה"ע סי' ט"ז בשם שו"ת הראנ"ח
3. גמ' לקמן כו': דכל יבמה שאין אני קורא בה בשעת נפילה יבמה יבא עליה הרי היא כאשת אח שיש לו בנים ואסורה
4. שיירי קרבן (ירושלמי ריש יבמות ד"ה ואחות) שדי חמד אספ"ד מערכת חליצה סי' א' אות י"ג, מהר"ץ חיות תוד"ה ואחות ועוד
5. תוס' ד"ה אחות אשתו ■

STORIES Off the Daf

The fifteen *Nashim*

חמש עשרה נשים פטורות צרותיהן וצרות צרותיהן

Rav Meshulam Zusha, zt"l, joined the disciples of the Maggid of Mezritch, zt"l, together with his famous older brother, Rav Elimelech of Lizhensk, zt"l. Although Rav Zusha soon proved that he was a profound thinker, he gained the admiration of his fellow students mainly because of his deep *yiras Shomayim*. Even in his younger years, he showed an intuitive grasp of the inner meaning of the Torah, sometimes at the expense of the plain meaning of the text. Although this would seem to be a disadvantage, the Rama M'Pano, zt"l, writes that even as far back as the time of the Tana'im and Amoraim cer-

tain unusual individuals developed first in *yiras Shomayim* and deeper learning and only afterward acquired a penetrating analysis on the level of *nigleh*.

In any event, Rav Zusha tried to learn Gemara with various *chavrusos*, but his unusual approach drove several potential partners away until he finally managed to integrate his deep understanding of Torah with its more revealed aspects.

During one such attempt, Rav Zusha attempted to arrange a *chavrusa* with Rav Shmelke of Nickolsburg, zt"l, a great Chassidic figure in his own right. When Rav Shmelke arrived at the appointed time, the two sat down and opened up their Gemaras. Rav Shmelke painstakingly began to expound the peshat of our opening Mishnah: "Fifteen women exempt their Tzaros and their Tzaros Tzaros from *Chalitzah* and from *Yibum*. 'Exempt their Tzaros'

means that if one of them is married to his brother, then both she and any other co-wife to whom the brother is married is exempt from *Chalitzah* and *Yibum*."

Rav Zusha was overcome with emotion and exclaimed, "Who told you that this is peshat in our Mishnah? I think it should be read differently! 'Fifteen' alludes to the Divine Name that we call Kah (which is a yud =10 and a hei =5). 'Women,' 'Nashim,' can be read as the abbreviated conjunction of two words—*na Shem*—as in *Ana Hashem*, 'please, Hashem.'"

Filled with fervor, Rav Zusha was nearly weeping, "Anah Hashem, פטורות צרותיהן וצרות צרותיהן עד סוף העולם Please, Hashem, release the Jewish people from their suffering and from all of its painful aftereffects for all time in the merit of Your holy Name Kah, with which You created this world and the next!" ■