

OVERVIEW of the Daf

1) Marrying one's chalutzah (cont.)

R' Ashi follows the position of Reish Lakish that only the one who did chalitza is not subject to kares and explains the previously-cited Berasia consistent with his opinion.

Ravina follows the opinion of R' Yochanan that once the yevama received chalitza none of the brothers is subject to kares for marrying her and explains the Baraisa consistent with his opinion.

2) Marrying the co-wife after another wife was taken in yibum

R' Acha and Ravina dispute what is violated, a kares prohibition or a positive command, if one of the brothers marries the co-wife after another wife was taken in yibum.

This dispute is related to the previous dispute between Reish Lakish and R' Yochanan.

3) The co-wife of an adulteress

R' Yehudah in the name of Rav rules that the co-wife of an adulteress is exempt from yibum and chalitza.

Two unsuccessful challenges are presented against Rav's ruling.

4) Yibum for a remarried divorcee

R' Yehudah asked R' Sheishes whether a remarried divorcee is subject to yibum.

The Gemara presents two different ways to understand R' Yehudah's question that relates to the previously cited dispute between R' Yosi ben Kipar and Rabanan.

Two unsuccessful attempts are made to resolve the inquiry.

R' Chiya bar Abba relates that R' Yochanan inquired about doing yibum on the co-wife of a remarried divorcee and explained why he did not inquire about the remarried divorcee herself.

According to a second version of this account R' Yochanan inquires about the remarried divorcee and explains why he did not inquire about her co-wife. ■

HALACHAH Highlight

The status of a doubtful "sota" and one who sinned

טומאה כתיב בה כעריות

The Gemara analyzes the case of "sota" and concludes that the only case where she is exempt from chalitza and where she exempts her co-wives as well is where she committed adultery while married to the original brother, and there were witnesses to this effect. This is the case, which, according to Chachamim, the phrase **הוטמאה אשר** applies, thus equating her to a case of **ערוה**. However, a "sota" who was merely caught in seclusion must undergo chalitza from the brothers (although yibum is prohibited), because whether she actually sinned is unknown.

Tosafos (11a, **צרת סוטה אסורה**) questions why the case of a "doubtful sota" is not classified as a case of **טומאה**. The term **טומאה** is mentioned three times in the parsha of sota, and our sages learn from this repetition that she is prohibited to her husband, the alleged adulterer, and from eating teruma (if her husband was a ko-hen). Why don't we apply the categorization of being one of **טומאה** to this woman and consider her as an **ערוה** to exempt her and her co-wife from chalitza and yibum?

Tosafos answers that it is not the wife's being in se-

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REVIEW and Remember

1. Why is the co-wife of an adulteress prohibited for yibum and chalitza?

2. How long does a woman have to seclude herself with another man to become prohibited to her husband?

3. How long does a woman have to seclude herself with another man to become prohibited to her husband?

4. Explain the dispute between R' Yosi ben Kipar and Rabanan.

Distinctive INSIGHT

Chalitzta for a suspected adulteress

אמר א' יהודה אמר רב צרת סוטה אסורה

R' Yehudah in the name of Rav said: The co-wife of an adulteress is prohibited.

There was once an estranged couple who for two and a half years lived apart from one another. Six months before the husband died, it became known that his wife was pregnant and he accused her of committing adultery. She claimed that she became pregnant from the tailor but that it happened against her will. The tailor claimed that the relationship was consensual. After the husband passed away, the widow married someone else without having received chalitzta from the yavam. Teshuvos Beis Yitzchok¹ was asked whether in this case chalitzta is required for the widow who may have committed adultery.

Although our Gemara rules that yibum is not done for a widow who committed adultery, there is a dispute whether chalitzta is required before she is permitted to remarry. Rambam² rules that the adulteress is also exempt from chalitzta. The rationale is that the Torah considers her to be an ervah to the yavam, and she is thus exempt from both yibum and chalitzta. Ra'avad³, on the other hand maintains that the Torah only exempts her from yibum but chalitzta is required before she is permitted to remarry. Shulchan Aruch⁴ rules like Rambam that the adulteress is exempt from yibum and chalitzta but Rema⁵ mentions the opinion of Ra'avad.

(Insight. Continued from page 1)

clusion that deems her as a טמאה, but rather it is whether she sinned that earns her this ignominy. The reason she immediately becomes prohibited to her husband is due to the possibility that she actually sinned. Although this is only a doubt, it is enough for the Torah to rule strictly and prohibit her to her husband, and yibum will not be required if the husband would die. The doubt, however, does not permit us to apply any lenient outcome, such as exempting her from chalitzta. In this regard we consider the possibility that she did not sin, and chalitzta is required. ■

Teshuvos Beis Yitzchok ruled that in this case the widow must perform chalitzta because of a sfek sfeika that points towards stringency in this matter. First of all, halacha may follow the position of Ra'avad who holds that even a woman who certainly committed adultery must perform chalitzta. And even if one were to argue that halacha follows Rambam that an adulteress woman does not need chalitzta, perhaps in this case the widow's claim is correct that the relations were done against her will; consequently she is not an adulterer and would require chalitzta before she is permitted to remarry. ■

1. שו"ת בית יצחק אה"ע ח"ב סי' ק"י
2. רמב"ם פ"ו מהל' יבום הי"ט
3. ראב"ד בהשגותיו להרי"ף
4. שו"ע אה"ע סי' קע"ג סע' י"א
5. רמ"א שם ■

STORIES Off the Daf

Consideration for others

לא ישפוך אדם מי בורו האחרים צריכים להם

Once, when Rav Aharon Kotler, zt"l, was visiting Israel, he hired a driver to transport him from Tel Aviv to Yerushalayim. The fairly large vehicle had a number of empty seats so the Rosh Yeshiva made sure that the driver agreed to stop and pick up any hitchhiking Jews asking for a ride at the side of the road until every empty place would be filled. The driver assented,

and they set out on their way.

Rav Shimon Zalaznik, zt"l, accompanied the Rosh Yeshiva on this journey. He asked Rav Aharon, "Surely we are not obligated to hold the driver to this condition. I know that the Rosh Yeshiva is aware that there have been several incidents of Arabs masquerading as hitchhiking Jews who have sought to murder the Jews who unwittingly come to their aid by offering a ride. Is this not a clear case of pikuach nefesh which would require our neglect of the mitzvah to do a chessed for another Jew?"

The Gadol responded, "I am far more afraid of the Gemara in Yevamos

11b than I am of the situation that you describe! There, we see that one may not empty one's cistern if another Jew might be in need of the water that it holds. There are open seats here waiting to be filled, and it will cost us the same whether we travel alone or take a full car. This is what caused me to insist on our right to pick up hitchhikers along the way. And as far as your worries about Arabs and pikuach nefesh are concerned, I don't see a problem at all. If, chas v'shalom, a terrorist were to enter the car, with siyatta d'Shemaya we would certainly be able to overpower him. After all, it's three of us against one of him!" ■