

## OVERVIEW of the Daf

### 1) Can a minor have children? (cont.)

R' Zevid maintains that a girl who gave birth must have produced signs of maturity as opposed to R' Safra who maintained that giving birth is itself a sign of maturity.

The Gemara explains why it is not possible to do an examination.

### 2) The co-wife's co-wife

Two sources for the Mishnah's ruling that a co-wife's co-wife is exempt are presented.

### 3) The exemption of the ערוה's co-wife

A contradiction is noted between the implication of our Mishnah and the implication of another Mishnah concerning the exemption of a co-wife of an ערוה. Does it apply only if the husband divorced the ערוה before he married the co-wife or does it apply even if he married the co-wife before divorcing the ערוה?

Two resolutions to the contradiction are presented.

### 4) The מיאון who could have done ערוה

The Gemara inquires why the minor doesn't simply do מיאון to the yavam. Since this was not presented as an option it seems that the Mishnah is a support for R' Oshaya who rules that a minor may not do מיאון to the yavam.

The Gemara dismisses this conclusion and offers an alternative explanation as to why this option is not relevant in this case.

5) **MISHNAH:** The Mishnah presents six other עריות whose co-wives are permitted since they are not permitted to marry any of the brothers. The dispute between Beis Shammai and Beis Hillel concerning the permissibility to do yibum with the co-wife of an ערוה is presented as well as some ramifications of their respective positions. The Mishnah concludes by noting that despite their differences, Beis Shammai and Beis Hillel married into each other's families and shared vessels with one another.

### 6) Clarifying the dispute between Beis Shammai and Beis Hillel

R' Shimon ben Pazi suggests one explanation for Beis Shammai's position and presents the exchange back and forth between Beis Shammai and Beis Hillel concerning this matter.

Rava offers an alternative explanation for Beis Shammai's position, namely that one prohibition cannot take effect on another prohibition.

The Gemara explains why the Mishnah presented the cases of chalitza and yibum as differences between Beis Shammai and Beis Hillel.

### 7) Forming separate groups

Reish Lakish inquires of R' Yochanan why the prohibition against forming separate groups is not violated when Megillas Esther is read on different days in different communities.

R' Yochanan asks why Reish Lakish did not present his inquiry regarding the custom to refrain from doing melachah on the morning of the fourteenth of Nissan.

After Reish Lakish responds to this inquiry R' Yochanan asks why he didn't present his challenge regarding the dispute between Beis Shammai and Beis Hillel in our Mishnah. ■

## HALACHAH Highlight

*Why is a יבמה not permitted to marry outside the family without chalitza or yibum?*

לא תהיה אשת המת החוצה לאיש זר

Sefer דאורייתא (#8) analyzes the nature of prohibition of a yevama to marry outside the family (יבמה לשוק). One possibility is that the marriage of the first husband has not been completely terminated after his death, and it can be continued via yibum. The status of the wife is that she remains prohibited to marry at large due to the original marriage, and she can only proceed with her life by doing either chalitza or yibum. Another possibility is that the original marriage ends with the death of the first brother. That she cannot go and marry any man she chooses is due to a new condition which the Torah imposes, that she must submit to either yibum or chalitza as the next step.

If we would say that the woman's connection to the original marriage remains intact, and this is why she is not available to marry anyone she wishes, we can still delve further into the inquiry. Is this restriction due to her previous marriage which still binds her, or is this connection now transferred to the surviving brothers, and her being unavailable to marry at large due to her connection to the surviving brothers?

On the other hand, if we were to say that the original marriage bond has ended, is this זיקה/connection to the brothers an extension of a marriage bond, or is it a new relationship which the Torah establishes? (This might be the basis of the dispute between Rav and Shmuel (96a) regarding whether the yevama would be prohibited from the yavam if she strays while waiting for yibum. Rav considers it adultery,

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## REVIEW and Remember

1. What are the two sources that a co-wife's co-wife is exempt from yibum and chalitza?
2. What makes the six עריות enumerated in the Mishnah more severe than the fifteen enumerated at the beginning of the massechta?
3. Why weren't Beis Hillel people hesitant to marry Beis Shammai people?
4. What two halachos are derived from the words לא תתגודדו?

## Distinctive INSIGHT

### Bequeathing one's position of authority

האי תנא סברמיתה מפלת והאי תנא סבר נשואין הראשונים מפלים  
*This Tanna maintains that it is the husband's death that causes her to fall and this Tanna holds that it is the original marriage that causes a woman to fall to yibum.*

There was once a town that hired a shochet. The agreement between the town and the shochet was that when he completes his tenure and does not intend to continue slaughtering, he will not bequeath the position to his son. This understanding was documented in his contract which the shochet signed. After a number of years passed the shochet began to train his son to slaughter and made efforts that his son should fill his position when he retires, but members of the community opposed this plan. The disagreement was brought to the author of Teshuvos Even Yikara<sup>1</sup> for judgment.

Teshuvos Even Yikara suggests that the issue of bequeathing a position of authority should be analyzed in light of the discussion in our Gemara regarding the timing of when a woman falls for yibum. The author of the Mishnah at the beginning of the massechta seems to hold that it is the moment of the husband's death that causes his widow(s) to fall to yibum, whereas the Mishnah later on in the massechta seemingly holds that the yevama falls to yibum from the moment

(Insight. Continued from page 1)

while Shmuel does not).

An application of this question is dealt with in the Gemara (Kiddushin 14b) where the issue is how do we know that the death of the yavam releases the yevama to marry at large? The Gemara discusses whether the case is comparable to the death of a husband in a regular marriage situation or not. ■

she married her husband. A similar question could be asked concerning the right of a father to bequeath his position of authority to his son. Does the right to pass on one's position begin at the time that he initially accepts the position of authority or when the father no longer intends to continue in this position? If the right to pass on this position is in place from the moment the father accepts the position he would certainly have the right to forgo that right, the same way a father can sell his property so that it not available to be inherited by the son after the father's death. On the other hand, if the right begins after the father's death, the position is not the father's that he would have the authority to forgo.

At the end of his analysis he decided that this issue was a moot point because he ruled that the position of shochet is not a position of authority (שררה) like a rabbi or rosh yeshiva that is passed down to one's children<sup>2</sup>. ■

1. שו"ת אבן יקרה קמא אר"ח סי' ו'

2. ע' שו"ת גינת ורדים דאין לשוחט דין ירושת שררה כיון דאינה שררה של מעלה וכבוד אולם הכנה"ג אר"ח סי' נ"ג הגב"י דחולק ■

## STORIES Off the Daf

### Make no factions...

לא תתגודדו

Being a communal Rabbi can be a very demanding job. It could also be correspondingly thankless, and many Rabbonim found themselves trying to preach to congregations who were painfully difficult to move. Such a situation could deteriorate until the town would split into two camps—those who supported the Rabbi, and those who opposed him. This would understandably lead to a lot of fighting, and since there was also a scarcity of positions, there would also be a great deal of conflict about who would become the next Rab-

bi were the position to become vacant.

Rav Yaakov Emden, zt"l, even went so far as to write: "I say every day the blessing—שלא עשני אב בית דין—Thank God that I am not in a position where I would have to try to force a community to properly observe the halachah!" A contemporary Rabbi once remarked, "Since Rav Yaakov Emden certainly didn't mean this literally, perhaps he meant that this is his kavanah when he makes the blessing—שלא עשני עבד!"

One time, the Rabbi of a certain town died and there was considerable fighting about who would take his place. There were many contenders, and each had his camp of supporters who denigrated and rejected all of the other applicants. As things started to get ugly, a certain talmid chacham commented,

"It's interesting that in Yevamos 13b we find that there are two lessons extrapolated from the phrase לא תתגודדו. One is about not tearing one's hair over one's deceased, and the second is about not making factions within the Jewish people. Since we could have learned not to tear our hair from the words לא תתגודדו, that the term is in the reflexive form imparts both lessons in a single phrase. But a question still remains: what do the two interpretations have to do with one another?"

The scholar answered his own rhetorical question, "The relationship is obvious. The prohibition against making factions arises in the context of mourning over the dead because it's when the local Rabbi dies that communities tend to erupt in controversy!" ■