

OVERVIEW of the Daf

1) Yibum between a Kohen Gadol and a widow (cont.)

The Gemara qualifies the dispute between R' Yochanan and R' Elazar regarding the effectiveness of yibum between a Kohen Gadol and a widow.

The opinion that maintains that the yibum is ineffective as far as the co-wife is concerned is successfully refuted from a Baraisa.

It is suggested that the cited Baraisa also refutes the opinion of Reish Lakish who maintains that a positive command overrides a prohibition only when there is no alternative. The Gemara explains how Reish Lakish could respond to this challenge.

2) Secondary עריות

Rava suggests a Biblical allusion to the prohibition of the secondary arayos mentioned in the Mishnah which is built upon the assertion that the word האל refers to something strong.

It is thought that Rava's explanation of the word האל differs from R' Levi's interpretation of that word.

The Gemara reconciles the two interpretations.

R' Levi's statement is unsuccessfully challenged.

R' Yehudah offers an alternative source to the existence of secondary arayos.

A third source is suggested by R' Oshaya and explained by R' Ashi and a fourth source is submitted by R' Kahana.

A Baraisa enumerates the eight secondary arayos and enumerates cases that are not even Rabbinically prohibited.

The Gemara clarifies the origin of the prohibition against marrying the daughter of one's wife's son.

Rav teaches that four women are considered secondary arayos but the prohibition ends with them but he only enumerated three of the four. Zeiri identified the fourth case.

The Gemara explains the dispute between Rav and Zeiri.

3) Daughter-in-law

The Gemara clarifies that the Baraisa that identifies secondary עריות does not refer to one's daughter-in-law since she is Biblically prohibited, rather it refers to one's daughter's daughter-in-law.

4) The wife of one's mother's maternal brother

The Gemara questions whether the wife of one's mother's maternal brother is a secondary ערוה.

The two sides of the inquiry are presented.

R' Safra challenges the inquiry but is refuted by Rava who

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by Mr. and Mrs. David Segall
In honor of their anniversary and
for the yahrzeit of his father
ר' ישראל בן ר' שמואל הלוי ע"ה

HALACHAH Highlight

The enactments of Shlomo Hamelech

עד שבא שלמה ועשה לה אזנים

Rav Yehuda explains that Shlomo Hamelech was the one who originated the prohibition of the secondary level of women listed in our Mishnah. Beside teaching the people wisdom, Shlomo also enacted certain guidelines and precautions, as is indicated in the verse (Kohelles 12:9): "And beside being wise, Koheles also imparted knowledge to the people, he listened (אזן) and sought out and arranged many parables." Tosafos (ד"ה רב יהודה) notes that although our Gemara mentions Shlomo's rule of שניות לעריות, the Gemara in Eiruv (21b) lists two other enactments which Shlomo arranged—washing hands before eating taharos and the laws of eiruv, but it makes no mention of שניות. Why does the Gemara in Eiruv omit the enactment of Shlomo in our Gemara about שניות? Tosafos answers that perhaps those two enactments were taught together earlier, and our rule of שניות was only later.

Chasam Sofer explains that it is an age-old concept to arrange precautions so that we do not come close to violating established guidelines. These protective measures were already practiced by Adam Harishon in Gan Eden, when he told Chava not to touch the Tree of Life, rather than to simply not eat from it. Moshe Rabeinu avoided sprinkling the chatas waters on Shabbos. We see that the fact that Shlomo also arranged his own set of precautions was not in and of itself a momentous event, and this is why the Gemara in Eiruv did not have to provide a full listing of all of Shlomo's enactments. However, the Gemara there did highlight two unusual rules that he established. He ruled that one should not eat from korbanos with his bare hands, and he enacted washing of the hands as a precaution to protect this rule. He also ruled that one may not carry from a courtyard to a מבוי and from a house into a courtyard. In order to reinforce these laws, he established eiruv. The Gemara there even reports that in those two cases, a heavenly voice emanated from above to praise Shlomo. ■

REVIEW and Remember

1. Why is impossible to do full teshuvah for using false measures?
2. Who are the eight secondary עריות enumerated in the Baraisa?
3. Why did Chazal allow multiple layers of decrees concerning secondary עריות?
4. Explain כל שבנקבה ערוה בזכר גזרו על אשתו משום שמייה

Distinctive INSIGHT

Marrying one's father-in-law's wife

ומותר אדם באשת חמיו

It is permitted to marry one's father-in-law's wife.

Although our Gemara rules explicitly that one is permitted to marry their father-in-law's wife, nevertheless, Tosafos¹ cites the ruling of Yerushalmi that it is not permitted to marry one's father-in-law's wife because of *מראית עין*, i.e. it appears as if one is marrying his mother-in-law. Rabbeinu Yaakov Ba'al Haturim² follows the ruling of Yerushalmi and prohibits marrying one's father-in-law's wife. The Beis Yosef³ notes that this ruling is consistent with Tosafos and Rosh. However, many other Rishonim, including Rif and Rambam disagree and indicate that there is no restriction, consistent with the ruling in our Gemara. Beis Yosef concludes that the lenient opinion is primary. Accordingly, in Shulchan Aruch⁴ he writes that "one is permitted to marry his father-in-law's wife etc. and there is an opinion that prohibits it." The principle⁵ is that when one opinion is present without qualification (*סתם*) and the second opinion is presented as "there is an opinion ..." (*ויש מי שאומר וכדומה*), halacha follows the unqualified opinion. Therefore, halacha follows the lenient opinion, and one is permitted to marry his father-in-law's wife.

Another leniency the Poskim⁶ discuss is the case son-in-law's wife has passed away. The reason for leniency is that the rationale to prohibit a man from marrying his father-in-law's wife is because of the appearance of impropriety, but if the wife/daughter is no longer alive her father is no longer seen as this man's father-in-law and consequently, all opinions would agree

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demonstrates that the question is valid.

The Gemara demonstrates that the wife of one's mother's maternal brother is a secondary *ערוה*.

5) Secondary עריות

R' Mesharshiya of Tusnia inquired of R' Pappi whether the wife of one's father's father's brother or one's father's father's sister are permitted. After presenting the two sides of the issue the Gemara makes one unsuccessful attempt to resolve the issue.

Ameimar permitted both cases.

R' Hillel challenges Ameimar's ruling. ■

that it would be permitted for the former son-in-law to marry his ex-father-in-law's wife.

The Avnei Nezer⁷ asserts that Rema follows the ruling of Tosafos and Rosh, the strict opinion, and the reason he did not write anything about the issue is because Shulchan Aruch already mentioned the existence of the strict opinion. Rav Ovadia Yosef⁸, however, points out that if Rema intended to rule in accordance with the strict opinions he should have added the words *וכן עיקר* "and this [opinion] is primary," since Shulchan Aruch's language indicates that he ruled in accordance with the lenient opinion. ■

1. תוס' ד"ה ומותר

2. טור אה"ע סי' ט"ז

3. ב"י שם ד"ה אשת חמיו

4. שו"ע שם סע' כ"ד

5. ע' שר"ך יר"ד בכללי הוראה סי' רמ"ב אות ה' וספר יד מלאכי כללי השו"ע אות י"ד

6. ע' שר"ת יבי"א דלקמן

7. שו"ת אבני נזר אה"ע סי' נ"ו אות כ"א

8. שו"ת יביע אומר ח"ח אה"ע סי' י"ז אות ב' ■

STORIES Off the Daf

"Make a safeguard for the fence..."

עשו משמרת למשמרתי

On today's daf we find the principle of the need to develop Rabbinic safeguards to protect against actual Torah law violations. Rav Shach, zt"l, once told a story to illustrate how this works:

Once there was a very simple Jew who was religious but was known to be unlearned. He walked into his local seforim store, a place in which he was rarely seen, and asked the proprietor for a siddur. Naturally, the owner brought him the simplest one in stock. Certain of a sale he said, "That will be thirty kopeks."

To his surprise, the customer rejected

it. "I didn't mean a siddur like that—I need one with a lot of commentary!"

The surprised merchant exchanged the first for a Siddur HaShelah. The buyer's eyes lit up. "That's more like it! How much is this one?"

The seller replied, "This one is considerably more expensive; it's one ruble."

"Why so expensive?" asked the simple man.

"I knew you didn't need one like this. Why not take the one I first showed you for thirty kopeks? This siddur is so expensive because it's for scholars."

"Even so, I'll take the more expensive one. It may cost a ruble, but it's worth every kopeck! The small one may be cheaper, but I've already learned my lesson!"

"What do you mean?" asked the seller.

"I used to have just such a siddur

while my neighbor had a really thick one. As everyone knows, the more you daven, the faster the pages of the siddur start to fall out. With my old siddur, as soon as I lost the first page, I lost what you say when you put on your tallis and tefillin. When the second page fell out, I lost *ברכות השחר*. After I lost a few more pages, I was left with a siddur that began at *ישתבח*! My neighbor, on the other hand, lost far more pages than I did but the main part of his siddur was still intact. It was so thick with a long introduction and commentary that even after he lost twenty pages, he was still safely in Tikkun Chatzos!"

Rav Shach concluded, "This is what it means to make a safeguard for the fence. When we have an outermost fence, even when there is some loss we still have the essential Torah!" ■