

OVERVIEW of the Daf

1) Secondary arayos (cont.)

The Gemara concludes its discussion of R' Hillel's unsuccessful attempt to challenge Ameimar's ruling that the wife of one's father's father's brother or one's father's father's sister are permitted.

The Gemara cites a Baraisa of R' Chiya that enumerates six additional cases of secondary arayos.

A detail regarding the way the Tanna counts the different generations is explained.

R' Ashi inquired of R' Kahana whether the secondary arayos of R' Chiya continue for an infinite number of generations.

Two unsuccessful attempts are made to answer the inquiry but the issue is left unresolved.

2) Converts

Rava inquired of R' Nachman whether Chazal decreed against secondary arayos for converts.

R' Nachman answered that the decree does not apply.

R' Nachman maintains that maternal brothers who convert may not l'chatchilah testify together but paternal brothers may testify even l'chatchilah whereas Ameimar maintains that maternal brothers may also testify l'chatchilah.

The Gemara explains why testimony is treated differently than arayos.

3) MISHNAH: The Mishnah presents the characteristics of a brother that will subject the yevama to yibum and the characteristics of a son that will exempt the widow from yibum.

4) Clarifying the Mishnah

The Gemara inquires about the meaning of the statement a brother "of any kind."

R' Yehudah explains that it includes a brother who is a mamzer and explains the rationale behind this halacha.

The Mishnah's expression that "he is the deceased's brother for all matters" indicates that he will inherit the deceased's property and is permitted to become tamei for him.

The rationale behind this ruling is explained.

The Gemara explains why a brother from a non-Jewish maidservant or a gentile woman is not considered a brother.

The phrase, "a son of any kind," refers to a child who is a mamzer.

The rationale behind this ruling is explained.

The ruling in the Mishnah, that a mamzer is liable for inflicting his father with a wound, is challenged because the father is not behaving in a way that earns him the privileges of respect.

The Gemara answers that he has done teshuvah subsequent to his adulterous affair.

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HALACHAH Highlight

A prince who is "among you"

ונשיא בעמד לא תאור—בעושה מעשה עמד

The full verse in Shemos 22:27 instructs us not to curse a judge nor a prince. It reads, "You shall not curse a judge, and you shall not curse a leader among your people (בעמד)."

The Gri"z notes that the qualification of not cursing one "among you" is only mentioned in reference to the נשיא, but not in reference to the judge. The reason is that the positions of king and prince are passed through inheritance. Conceivably, it could be that a leader could die, and his son might rise to his position of power even though he is not worthy. The son might be a רשע, one who is in the category of "not being among your people." The Torah therefore admonishes us not to curse a leader, as long as the leader conducts himself as a righteous person. If the king or prince is a רשע, this prohibition does not apply. In fact, the Gemara (Sanhedrin 85b) learns that there is no prohibition for striking or cursing anyone who is evil, as we associate the sin of striking and of hitting. If the person does teshuva, however, the prohibition is reinstated, as our Gemara points out.

A judge, however, does not assume his position just because his father was a judge. Only a person who is qualified and competent is appointed as a judge. Accordingly, it is not common to have a judge who is a רשע and does not conduct himself "as a member of our people." This is why the Torah does not note that the judge must be "בעמד". ■

REVIEW and Remember

1. Why in some cases is one's wife counted as a generation and in other cases she is not counted?
2. Why would we think the yevama should not fall to a mamzer?
3. How do we know that even a mamzer is considered a child to exempt the deceased's widow from yibum?
4. Why does the Torah need to teach that one is prohibited from cohabiting with a sister of his father who is also a sister of his mother?

Distinctive INSIGHT

Customs for converts

ומה ערוה גופה אי לאו שלא יאמרו באין מקדושה חמורה לקדושה קלה לא גזרו בהו רבנן

If regarding the ervah herself, if not for the concern that people will say that converts come from greater sanctity to lesser sanctity the Rabbis would not have decreed [a prohibition.]

Rav Ovadiah Yosef¹ was asked his opinion regarding a person who is converting to Judaism in Eretz Yisroel but his father's family originated from Europe. After converting, should he follow the customs of Shulchan Aruch which were accepted as binding in Eretz Yisroel, or should he follow the Ashkenazi customs in accordance with his European ancestry? Rav Yosef begins his discussion by citing the Gemara² that states that a convert is like a newborn; consequently, he does not bring with him liability for the sins he committed before his conversion. Even those sins that apply to Jews and non-Jews alike, e.g. idolatry, cursing Hashem, etc. do not carry over into his new existence and he is exempt from the death penalty following his conversion. The fact that a convert is completely disassociated from his ancestry is evident from the halacha mentioned in our Gemara that technically, a convert is permitted to marry his natural mother or sister. The only reason it is prohibited is because it could lead people to think that he went from a higher degree of sanctity to a lower degree of sanctity. However, according to the letter of the law it is permitted. According to this principle he is considered completely detached from his idolatrous existence and will take on the customs of the location of his conversion.

(Overview. Continued from page 1)

5) A sister who is the daughter of one's father's wife

A Baraisa records a dispute whether one who cohabits with a sister who is the daughter of one's father's wife is liable for two transgressions or one.

The rationale behind Rabanan's position, namely that two transgressions were violated, is explained as well as the position of R' Yosi ben Yehudah.

The exchange between the two positions is recorded.

In the course of the exchange R' Yosi ben Yehudah asserts that the phrase, "your father's wife's daughter" indicates that one is not liable for having relations with a sister born to the father from a non-Jewish maidservant or a gentile woman.

This exposition is unsuccessfully challenged. ■

The Radvaz³ uses the concept to explain why Yaakov Avinu was permitted to marry two sisters despite the fact that the Avos fulfilled the entire Torah. He explains that since Rochel and Leah converted before they married Yaakov, they lost their status as sisters, thus the prohibition against marrying two sisters was never violated.

An interesting application of this concept⁴ would be the case of a person who was born to a Jewish father and a non-Jewish mother. Since his mother is not Jewish he is required to convert to Judaism. As a convert he is not seen as connected to his biological father and he is not bound at all by his father's customs or ancestry. ■

1. שו"ת יחווה דעת ה"ה סי' ל"ג
2. גמ' סנהדרין ע"א
3. שו"ת הרדב"ז ח"ב סי' תרצ"ו
4. שו"ת יחווה דעת שם ■

STORIES Off the Daf

The role of the Jewish mother

בנד מישראלית קרוי בנד ואין בנד הבא מן הנכרית קרוי בנד

Our Gemara teaches that one who is born to a Jewish mother is Jewish while one born to a non-Jewish mother is not. One of the things we see from this is the pivotal role of the Jewish mother in the education and development of her child. Since the mother generally sets the tone in the home and ensures that the atmosphere is suffused with Yiddishkeit, her Jewishness is absolutely essential to the

future of the children.

Rav Shimon Hirschler, shlit"א, relates the following story about his own childhood:

"When I was a boy, I learned in Gateshead's Jewish Boarding School. One time, Rav Elya Lopian, zt"ל, came to speak to us.

'Children,' he said, 'the Torah begins with the letter "ב" instead of the "א" that we might expect. Why do you think this is?'

"We were all spellbound by the soft voice and penetrating gaze of Rav Elya Lopian and didn't make a sound.

Rav Elya continued, 'The letter "ב" is spelt בית, which is a bayis, a "house."

The whole Torah is based on the way the home is built. The house must smell Jewish, sound Jewish and look Jewish.'

He explained, 'Jewish children should grow up used to the smell of chalos baking and fish being cooked for Shabbos. They should be used to hearing the sounds of Torah being studied in the home, of zemiros being sung on Shabbos, and divrei Torah being spoken. They should accept as natural that the walls are hung with pictures of gedolim and the shelves are full of seforim.'

'This is what we mean with the "ב" which is a בית,' he said. 'The home is the introduction to the whole Torah!' ■