

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara explains the differences between our Mishnah and the Mishnah in the next Perek.

Shila, in a Baraisa, adds that even if the two brothers in the second pair are kohanim they are not forced to divorce.

The reason behind this ruling is that a chalutza is only Rabbinically prohibited to a kohen. Consequently, in cases of doubt it is not required that the kohanim divorce.

The assertion that a chalutza is Rabbinically prohibited is unsuccessfully challenged.

2) MISHNAH: The Mishnah rules that the oldest brother should do yibum but if a younger brother did yibum it is still valid.

3) The source of the Mishnah's ruling

A Baraisa is cited that presents, amongst other halachos, the source for the Mishnah's ruling.

The Baraisa discusses the issue of the yavam inheriting the deceased brother's estate.

Rava comments that this is the only time an exposition uproots the plain meaning of the pasuk altogether.

The necessity of the exposition is explained.

The Gemara explains how the Baraisa knows the pasuk refers to the oldest brother rather than the bechor and other details related to determining who should ideally perform yibum.

4) MISHNAH: The Mishnah rules that one who was suspected of cohabiting with a maidservant or non-Jewish woman and married her after she became Jewish is not required to divorce her. In contrast, if a man was suspected of cohabiting with a married woman and after her divorce he married her they must divorce.

5) Converting for marriage

The implication of the Mishnah that the conversion of a woman who converts for the sake of marriage is a valid conversion is unsuccessfully challenged.

A Baraisa identifies times in history when converts were not/will not be accepted because of concerns that the conversion was done with ulterior motives.

R' Elazar cites the source for this principle.

6) Suspected adultery

Rav rules that the requirement of the Mishnah that the suspected adulterer must divorce his wife is limited to a case where there were witnesses to the relations.

Two unsuccessful challenges are presented against Rav's opinion.

Two resolutions are presented to resolve the second challenge. ■

HALACHAH Highlight

Accepting a convert who comes with the proper intent

אין מקבלין גרים לימות המשיח כו' לא קבלו גרים לא בימי דוד ולא בימי שלמה

The Mordechai writes that even at times when converts are not accepted, if the convert is especially determined, he or she may be allowed to join our ranks. The proof for this is found in Sanhedrin (99b), where Timna, the common-law wife of Elifaz (the son of Eisav), wanted to convert to be Jewish. She approached Avraham, but he shunned her. She asked for guidance from Yitzchok and Yaakov, but they also denied her request. She finally decided to agree to be a common-law wife to Elifaz, figuring that it was better to be a maid to the Jewish enclave, even at the expense of losing the aristocratic status she maintained among other nations. The Gemara then makes a startling observation: The descendant of this union was Amalek (see Bereshis 36:12), the sinister symbol of cruelty and anarchy, the arch-enemy of the Jews. We see that it was not proper for this woman to be denied her yearning. If a person cares to this extent to convert, he should be accepted, and if not, the result might be an enemy of the Jewish people.

Based upon this insight, Toras Aharon (Parashas Yisro) explains the Gemara (Zevachim 116a) which teaches that according to one opinion, Yisro came to convert after hearing about the battle with Amalek. The question is clear. Yisro had heard about the parting of the waters of Yam Suf, and of the miracles of Egypt. Were none of these other miracles impressive enough to convince Yisro to come to convert?

We can say, however, that the truth is that it was the won-

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REVIEW and Remember

1. What is the source that yibum should ideally be performed by the oldest brother?

2. What happens if none of the brothers wants to do yibum?

3. Is conversion done for ulterior motives accepted?

4. What is the dispute between Rav and Rebbi?

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by the Reifer family
לע"נ מרת שושנה בת הרב דוב בער, ע"ה

Distinctive INSIGHT

Converting for the sake of marriage

הנטען... על העובדת כוכבים ונתגיירה הרי זה לא יכנוס ואם כנס אינו מוציאין מידו

Someone suspected of cohabiting with a non-Jewish woman and she converted to Judaism, he may not marry her but if he did we do not require him to divorce her.

Rishonim disagree about the reason one who was suspected of cohabiting with a non-Jewish woman is not permitted to marry her even if she converts to Judaism. According to Rashi¹ the concern is that if he marries her after her conversion it appears to confirm the suspicion that he was cohabiting with a non-Jew. The implication of Rashi's explanation is that the couple would be required to divorce if there was confirmation that this couple had relations. Other Rishonim² disagree and maintain that the couple would not be required to divorce even if there was confirmation that the couple had relations before her conversion, and the reason they should not marry is that her conversion is suspect that it was done for ulterior motives.

There was once a Jewish man and a non-Jewish woman who had a civil marriage and then approached a Beis Din to convert her to Judaism. The Beis Din inquired of Rav Chaim Ozer Grodzinski³, the Achiezer, whether they could convert this woman and if they could, would it be permitted for the couple to marry. Achiezer responded that seemingly it should be prohibited to convert this woman because of the Rishonim who are suspicious that her conversion was done for ulterior motives. One could even suggest that although Rashi offers a different

(Insight. Continued from page 1)

derful miracles of the exodus which convinced him to come to convert. However, Yisro was concerned that his gestures would be turned down. The Jews were enjoying direct divine protection, and, as such, any efforts of converts to join their ranks would be suspect. When Yisro heard about the battle of Amalek, this reminded him that a convert will be accepted if he comes with a tenacious intensity, which was the lesson learned from the episode of Timna, the mother of Amalek. He knew, therefore, that his efforts would not be in vain, and this is why he came at this point. ■

interpretation of the Gemara, nevertheless, he would agree that a person should not be converted if there is a suspicion that the conversion was done for ulterior motives.

Achiezer proceeds to cite the opinion of Rav Chaim of Sanz⁴, the Divrei Chaim, who was asked a similar question. Although his initial inclination was to prohibit the man from marrying this woman, in his final analysis he refrained from issuing a definitive ruling. The reason was that the man in that case threatened to remain with that woman even if they would not grant him permission to marry, and Divrei Chaim entertained the possibility that he should be allowed to marry her to prevent him from violating a greater prohibition. Accordingly, Achiezer concluded that although the couple should not be given permission to marry in his case, if they are already married it would not be required to force them to divorce. ■

1. רש"י ד"ה דאמר ר' אסי
2. ע' רמב"ן ורשב"א
3. שו"ת אחיעזר ח"ג סי' כ"ו
4. שו"ת דברי חיים אה"ע ח"ב סי' ל"ו ■

STORIES Off the Daf

Sleep-talking

כד נאים רב אמר להיא

The Divrei Torah of Munkacz, ז"ל, would make use of a story to explain a possible meaning of the many times that Rav Sheshes said about his mentor, Rav: "When Rav was asleep he said this teaching."

"The Arizal was known for his deep and penetrating analysis of every mitzvah, custom, and verse of the Torah. He revealed a very rich and complex level of interpretation. Despite their greatness, neither the Beis Yosef, ז"ל, nor the Alshich, ז"ל, merited to study the inner secrets of the Torah with the Arizal. Their souls

simply did not require this particular rectification. When they insisted on coming to the shiur over the objection of the Arizal that this level of Torah was not what their neshamos needed, they would fall asleep!

Clearly, not all people need to learn nistar for their rectification, and a mere aptitude for the study was not enough to become a student of the Arizal. A tremendous amount of yiras shomayim and a great knowledge of the revealed levels of Torah were prerequisites for this distinction. Furthermore, the Arizal (and Rav Chaim Vital, ז"ל) only accepted students who displayed sterling integrity.

One of these students came to the home of the Arizal one Shabbos afternoon, but when he saw that his teacher was still taking his customary Shabbos rest he decided to withdraw. Just then, the stu-

dent noticed that his teacher's lips were moving. He approached his revered master and bent over to hear if he could grasp the meaning of his teacher's words. At this point, the Arizal awoke and said, "When I sleep, I grasp very deep secrets. It would literally take me years to teach you what I learned just now in my sleep!"

The Divrei Torah concluded, "This is what Rav Sheshes means. 'My master must have uttered this while asleep. Perhaps it doesn't mean what its plain meaning seems to indicate.' There is no chutzpah in this statement at all! This is especially true according to the opinion that Rav was Rebbe Abba, who wrote the Zohar HaKadosh. Rav Sheshes was hinting that this statement of Rav was really divrei Kabbalah and was not a statement about the revealed Torah at all!" ■