

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah presents two circumstances where the men mentioned in the previous Mishnayos would be permitted to marry the women they released from marriage and that their sons and brothers are always permitted to marry those women.

2) Clarifying the Mishnah

R' Hillel noted a discrepancy between the implication of our Mishnah that these men may not marry if they divorce their previous wives, and a Baraisa that rules that they may marry the women they released even if they divorced their wives.

Two resolutions are presented.

The Gemara explains how the cases of the Mishnah could be explained even according to Rabbi who maintains that a woman establishes a chazakah as a katlanis after being widowed twice.

The Gemara contrasts the Mishnah, which permits his relatives to marry the woman he freed from marriage, with a Baraisa that prohibits a man from marrying the relatives of a woman with whom he was suspected of having an adulteress affair.

Two resolutions are presented.

The Gemara explains why the Mishnah felt it was unnecessary to mention that the man's father is permitted to marry the woman he released from marriage.

הדרן עלך כיצד אשת אחיו

3) **MISHNAH:** The Mishnah discusses three variations of the case of two sisters who fell to yibum before two brothers.

4) Zikah

Seemingly it can be inferred from the Mishnah that there is a zikah-bond.

The inference is rejected.

The Mishnah accordingly explains why it presents a case that begins with four brothers rather than three or five.

5) Three sisters who fall to two brothers

Rabbah bar R' Huna describes the procedure for a case of three sisters that fall to two brothers for yibum.

Rabbah challenges this ruling.

Rabbah bar R' Huna explains that his ruling is limited to a case where each step (i.e. death of a brother and chalitzah) of the case happened consecutively rather than simultaneously.

Shmuel disagrees with this conclusion and maintains that one brother can do chalitzah to all three sisters.

The Gemara begins to challenge this position. ■

HALACHAH Highlight

Chalitzah must be given, and yibum is not an alternative

הרי אלו חולצות ולא מתייבמות

The Rishonim deal with a classic inquiry regarding the halacha in the Mishnah. The case is where we have four brothers, two of whom are married to sisters. These two married brothers die, and the two sisters are candidates for yibum for the surviving brothers. The halacha of the Mishnah is that chalitzah must be given to both sisters. The Rishonim wonder why chalitzah must be given to both sisters. Let chalitzah be given to the sister whose husband died second. At this point, according to Shmuel (27a), the sister who was widowed first is not prohibited to the brother who did not offer the chalitzah. The sister who was widowed first should apparently be allowed to be taken for yibum.

The answer to this question can be explained based upon how the Mishnah is understood. According to the opinion that the underlying reason for the Mishnah is that it is prohibited to cancel the law of yibum (אסור לבטל מצות יבמין), although the suggestion offered above is valid, we are nevertheless concerned that yibum might be offered before the second sister is given chalitzah. At this point, each sister is unavailable due to her being a sister of a זיקוקה. Due to this risk, we do not allow yibum even if it is performed in the proper sequence, after the chalitzah.

The other approach to explain why the Mishnah rules that chalitzah is given to both sisters is based upon זיקה. The strong זיקה-bond which is created due to the yibum situation causes each sister to become associated to the surviving brothers. When the second brother dies, the first sister now becomes prohibited outright, as the double-זיקה causes each to be a sister of a זיקוקה. This strong status of each being prohibited, even momentarily, cannot be resolved or reversed later if the second sister was to receive chalitzah. This is why yibum is not an alternative. ■

REVIEW and Remember

1. What is a קטלנית?
2. Why doesn't the Mishnah discuss a case of three brothers rather than four?
3. What is a חליצה פסולה?
4. According to Rav, is there an issue of חליצה פסולה?

Distinctive INSIGHT

Marrying into a family with a history of illness

דאי כרבי האמר בתרי זימני הויא חזקה

Because according to Rebbi a chazakah is established after two occurrences

The Gemara's conclusion is that a once a woman is widowed twice she is considered a katlanis (a woman who is considered to be the cause of her husbands' deaths). This ruling is codified in Shulchan Aruch¹ and a similar ruling is mentioned concerning bris milah. Shulchan Aruch² rules that if two boys from a family died following their bris milah, a chazakah is established that boys from this family are endangered by having a bris milah and any additional children should not receive a bris milah until they are older and stronger. These rulings, however, are contradicted by another ruling of Shulchan Aruch³ that states that in order for a family to establish a chazakah as diseased the disease has to appear in the family three times⁴.

Teshuvos Pri Hasadeh⁵ suggested a resolution to this contradiction when he addressed the following inquiry. A man married a woman who died from a cough. He then married her sister who also died from a cough. The family wanted him to marry the third sister but he hesitated because the doctors led him to believe that this condition was

genetic and he was concerned that it would be passed on to his children. Pri Hasadeh suggests that a distinction should be made between a chazakah established regarding the person himself and a chazakah established within a family. A katlanis has established a pattern by herself as one whose husbands die, and that pattern is established after only two times. Establishing a chazakah within a family, on the other hand, requires three occurrences. Furthermore, even regarding establishing a chazakah within a family, it is logical to distinguish between a chazakah concerning bris milah and a chazakah concerning marriage. Concerning bris milah it makes sense to take a more cautious approach and even after only two occurrences a bris should not be performed on the next child until he is older. Concerning marriage, on the other hand, if permission is not granted for her to marry she will never be able to marry. Consequently, the family does not establish a chazakah until three occurrences appear in the family. Therefore, since in the query posed to Teshuvos Pri Hasadeh this illness only appeared two times in the family a chazakah is not established and it was permitted to marry the third sister ■ .

1. שו"ע אה"ע סי' ט' סע' א'

2. שו"ע יו"ד סי' רס"ג סע' ב'

3. שו"ע אה"ע סי' ב' סע' ז'

4. ע' פבת"ש אה"ע סי' ס' סק"ח ואוצר הפוסקים שם אות מ"ג

5. שו"ת פרי השדה ח"ב סי' כ"ו ■

STORIES Off the Daf

The bonds between people

ש"מ יש זיקה

On today's daf we learn about further permutations of relationships in which we are told that there is zikah. This can also be understood metaphorically—one must realize that we are connected to other people in complex ways, and how we act and react affects those others who are bound to us.

Bochurim in the Mir yeshiva in Poland would frequently not get married until they were much older. Additionally, many of the bochurim had little or no support from their families, which meant that oftentimes the Mir-

rer bochurim would accumulate significant debts. In practice, when one of these talmidei chachamim did eventually marry, one of the elements of the dowry agreement was that the prospective father-in-law would pay all of the bochur's debts. This often constituted the entire dowry.

One "alter bochur" found a very suitable girl, and his father-in-law indeed agreed to pay off his considerable debts. The girl's father claimed that the money to pay off the debts had been given to a third party they both knew and trusted. The couple was officially engaged, but not long afterward, the prospective father-in-law claimed that the money had been stolen from this third party. The man argued that this meant that he himself had no further

financial obligation. After a little investigation, it was clear that the money had never been deposited with this party at all. The entire story had just been a means to entrap the bochur into a commitment. The broader community was incensed by the obvious trickery of the girl's father.

In an unexpected move, the bochur took a train to meet his kallah face-to-face.

The first words out of his mouth were, "I came all this way just to alleviate any doubts or worries you might have about the problem with the dowry. Any money issues are only between your father and myself—they have nothing to do with you at all. Please don't worry. I would never break off a shiduch for money!" ■