

## OVERVIEW of the Daf

### 1) Zikah (cont.)

The Gemara continues to inquire why R' Yochanan did not offer alternative responses to the challenge to his position.

Another unsuccessful challenge to R' Yochanan is presented.

### 2) Clarifying the Mishnah

A Baraisa presents additional opinions regarding two brothers who, improperly, did yibum to two sisters.

One of the opinions cited in the Baraisa is clarified.

The Gemara explains the necessity of two of the rulings in the Mishnah since another Mishnah seemingly teaches the same halacha.

The necessity for two, seemingly repetitive, halachos of the Mishnah is explained.

The Gemara identifies a case that is excluded by the last phrase of the Mishnah and explains the necessity of that ruling.

R' Yehudah in the name of Rav and R' Chiya teach that regarding all the עריות it can be said that one sister is prohibited to one yavam and permitted to the other and the second sister is permitted to one and prohibited to the other.

R' Yehudah maintains that this principle does not apply to the first six עריות mentioned in the first Mishnah of the massechta.

Abaye maintains that the rule applies to all the עריות except for the non-contemporary brother.

R' Safra holds it applies even to the non-contemporary brother and the Gemara describes the circumstances necessary for the case to work.

**3) MISHNAH:** The Mishnah presents a dispute between Rabanan and R' Shimon concerning the halacha for two related women (e.g. sisters, mother and daughter etc.) who fall to one

(Continued on page 2)

## Distinctive INSIGHT

### No concern of sudden-death

ר' יוחנן למיתה לא חייש

Two brothers were married to two sisters. The two brothers died, resulting in the two sisters being presented for yibum to the one surviving brother. Rav Yochanan states that if the earlier widowed sister dies, the later-widowed sister is not permitted for yibum, because "once the woman (the second sister) has been presented for yibum, and she was not eligible for yibum at that moment, she shall not be eligible to be taken for yibum forever." The second sister was not available for yibum upon the death of her husband, because her sister was then waiting as a yevama. Therefore, she is not eligible again, even upon the death of her sister.

Rav Yochanan rules that when both sisters are presented for yibum, obviously both cannot be taken by any one brother. However, if the second sister dies, the first one becomes available once again, and she may be taken for yibum. Although this first sister was temporarily disqualified due to her sister's also being presented for yibum, this is where we apply the rule of "a yevama who was permitted, then forbidden, and permitted once again," and Rav Yochanan allows her to be taken for yibum.

Rav Yose bar Chanina asks against Rav Yochanan from the Mishnah (26a) of four brothers, two of whom are married to sisters, and these two brothers die. The sisters are presented for yibum to the two surviving brothers. The Mishnah rules that they are given chlaitza, and not yibum. If Rav Yochanan is correct, the most recent sister to be widowed should get chalitzta. The first sister to be widowed has undergone a cycle of being permitted (originally, when her husband died), prohibited (when the second brother died, she and her sister were both yevamos), and permitted again (after chalitzta for her sister). She should be able to have yibum. Why, then, does the Mishnah require chalitzta? Rav Yochanan did not have an answer to this question.

The Gemara asks: Why didn't Rav Yochanan respond by saying that the Mishnah is concerned that after chalitzta is given, the remaining brother might suddenly die, thus leaving the mitzvah of yibum/chalitzta with the first widowed sister undone. This would be a neglect of the mitzvah. The Gemara answers that Rav Yochanan does not worry about the brother's sudden death.

Rashba and Ritva note that the first Mishnah in Yoma features the opinion of Rav Yehuda who does worry about sudden death of the wife of the kohen gadol. He therefore requires a back-up wife just in case the current wife dies. Why didn't R' Yochanan say that the Mishnah (26a) is authored by Rab Yehuda?

They answer that we attribute the consideration of this risk to Rabbi Yehuda only when the Mishnah says he is the author. Our Mishnah is a סתם Mishnah, and we cannot assume it is the voice of Rabbi Yehuda. ■

## REVIEW and Remember

1. Explain כיון שעמדה עליו שעה אחת באיסור נאסרה עליו עולמית.
2. Why was it necessary to teach our Mishnah and the earlier Mishnah concerning a yevama who is an ערוה?
3. Why does R' Yehudah maintain that the principle of לזה מותרת לזה לאסורה not apply to the first six cases of the Mishnah?
4. What was the rationale for R' Shimon's position in the משנה?

# HALACHAH Highlight

## Concern for the possibility for death

ולימא ליה גזירה שמא ימות

R' Yochanan should have said to him [that the reason for the Mishnah's ruling] is a decree that [one of the brothers] may die.

Although there is a dispute amongst the Poskim regarding this question of whether we are concerned with the possibility of sudden death, Tosafos<sup>1</sup> writes that all opinions agree that we are concerned with the possibility of death over a "long" period of time. The only dispute is whether we are concerned with the possibility of over a "short" period of time. Later authorities suggest different time frames regarding the definitions of "short" and "long." According to some opinions<sup>2</sup> less than seven days is considered "short" but according to others<sup>3</sup> less than thirty days is considered "short." A general application of this concept relates to the principle that one should not delay the opportunity to perform a mitzvah. The Terumas HaDeshen<sup>4</sup> writes that the rationale behind this principle is the fear that the person may die before he has another opportunity to perform the mitzvah. Others maintain that the reason one should not delay the fulfillment of a mitzvah is based on the principle that one should be quick to fulfill mitzvos - זריזין מקדימין למצוות. Interestingly, The Chavos Yair<sup>5</sup> writes that the rationale behind the principle that one should be quick to fulfill mitzvos is based on the possibility that one may die. Accordingly, Poskim discuss how long one is permitted to delay the fulfillment of a mitzvah if the reason for the delay is to allow for a more enhanced fulfillment of the mitzvah. An example of this is

(Overview. Continued from page 1)

yavam. The Mishnah presents the relevant halachos if one of the two women is, for another reason, prohibited to marry the yavam.

### 4) Clarifying R' Shimon's position

The source for R' Shimon's position is identified.

The Gemara explains that one of the rulings is needed to negate a possible decree that R' Shimon could have made. ■

the ruling of Rema<sup>6</sup> concerning delaying the recitation of Kiddush Levanah in order to be able to recite the beracha more honorably, dressed in one's Shabbos garments. Rema writes that if the tenth of the month will occur before Shabbos one should not delay, but if Motza'ei Shabbos will arrive before the tenth one should wait to recite Kiddush Levanah until Mota'ei Shabbos.

The Netziv<sup>7</sup> challenges the entire premise and writes that Chazal's concern for the possibility that one may die is limited to a case where one person's death would leave another unable to fulfill a mitzvah properly. Chazal were not concerned, however, with the possibility that one may die and a mitzvah would be left unfulfilled, consequently, it is permitted to delay the fulfillment of a mitzvah to be able to fulfill it in a more enhanced way. ■

1. תוס' יח"ד"ה דלמא
2. שער המלך הל' סוכה פ"ד הט"ז
3. שער המלך שם
4. שו"ת תרומת הדשן סי' ל"ה
5. שו"ת חות יאיר סי' ט'
6. רמ"א אר"ח סי' תכ"ו סע' ב'
7. שו"ת משיב דבר סוף סי' מ"א ■

# STORIES Off the Daf

## Two sisters

ואשה עלאל אחותה לא תקח לצרו

Ramban, ז"ל, explains that the prohibition of marrying two sisters is different than the halacha of any of the other forbidden relationships. This prohibition only applies during the lifetime of whichever sister he married first, since two sisters should live in love and harmony. It is not proper for them to be competitors for the same husband.

Rav Shimon takes this a step further in the Mishnah. Unlike the sages, he holds that the verse excludes sisters from being competitors even if the situation arises that their respective husbands died and they became yevamos to the third brother.

While the chachamim also agree that

sisters shouldn't be competitors, they disagree about whether the third brother must do chalitzah, or if the verse excludes them from chalitzah altogether.

Two sisters had fought before, but the last bitter argument, twenty-five years earlier, had destroyed their relationship. It began when one had felt mistreated by the other. Eventually they stopped talking to one another. This "cold war" lasted through weddings and simchas, and also through family tragedies. Although they lived relatively close to each other, it was as if each was without a sister.

After twenty-five years of feuding, one of the sisters grew ill. Sadly, the custom of the unforgiving sisters remained constant throughout the protracted illness—the sister who was in good health never sent a word, never visited. As the sick sister grew steadily worse, she sent a message to her estranged sibling, "Come to my death bed,

I have something important to say." Naturally, the healthy sister assumed that her sibling wanted to apologize, or at least make peace before taking leave of this world. She ran to her sister's bedside.

When she arrived at her sister's home, the patient was extremely ill and weak, and she could barely whisper. When her visitor entered the room, she signaled feebly that she wished her to bend down next to her, so that she would be able to hear.

As the healthy sister bent over the bedside in conformance with her sister's wish, she was shocked when the dying woman spat right in her face!

Who can understand the depth of resentment that could grow between two sisters? At the very least, the Torah warns us from provoking rivalry in a relationship that should only be defined by mutual love and care. ■

