

OVERVIEW of the Daf

1) Marrying another man's pregnant or nursing ex-wife (cont.)

R' Ashi concludes his inquiry as to whether a kohen s improperly marries the pregnant or nursing ex-wife of another man will be required to divorce her since he will be unable to remarry her.

R' Hoshaya responds by refuting the premise upon which the entire question was built.

2) One who betroths within three months of a woman's previous marriage

R' Acha and Rafram dispute whether a man who betroths a woman within three months of her previous marriage and runs away must be excommunicated. A related incident is presented.

3) The child of doubtful paternity

Rava asks R' Nachman why the רוב that most babies are born after nine months does not answer our doubt.

R' Nachman explains that the רוב is weak and cannot answer our doubt.

A Baraisa records a dispute concerning the status of the child born to a couple that performed yibum when it was uncertain that there was an obligation to do yibum.

Abaye suggests one explanation of the dispute in the Baraisa.

Rava offers an alternative explanation of the dispute in the Baraisa.

The Gemara explains that the dispute between Abaye and Rava revolves around a dispute between Rav and Shmuel as to whether halacha follows R' Elazar's opinion in a Mishnah.

Abaye explains the reason for his interpretation of R' Eliezer ben Yaakov, mentioned in the previous discussion.

An additional ruling of R' Eliezer ben Yaakov is cited that relates to the restriction against marrying women in different countries.

This ruling is unsuccessfully challenged.

A third ruling of R' Eliezer ben Yaakov is cited.

4) Dividing the estate in cases of doubtful paternity

The Gemara presents a number of rulings concerning the division of property in a case that began with a circumstance of doubtful paternity.

The Gemara suggests that the dispute between R' Abba in the name of Rav and R' Yirmiyah is related to a dispute between Admon and Rabanan.

The Gemara begins to demonstrate that the two disputes are not parallel to one another. ■

Distinctive INSIGHT

Two families in two different countries

לא ישא אדם במדינה זו וילך וישא אשה במדינה אחרת שמא יזדווג זה לזה ונמצא אח נושא את אחותו

The Gemara warns that a person may not marry one woman in one country while he also marries a different woman in another country, thus maintaining two families in two different countries. This is due to the risk that the children he has in each country might one day meet up with each other, and they might be unaware that they share the same father. This would have catastrophic consequences in case they might choose to marry one another.

Pardes Yosef in Parashas Lech Lecha writes that this same risk is present if a man travels to a different country even with his wife, while leaving any children behind in the previous place. If this same couple will have more children in their new location, these more recent children might meet with the children which were left behind, and they might marry, which is, again, an illegitimate situation.

According to this, the Pardes Yosef explains the blessing which Hashem pronounced to Avraham Avinu, when He said (Bereshis 12:1), "I will make you a great nation." Rashi explains that this refers to the fact that Hashem would publicize Avraham's mission in the world, and that he would be famous. The question is why this might have been so important for Avraham to know as he was set to depart from Charan?

We find (Bereshis 11:29) that Sarai had a sister, Milcah.

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REVIEW and Remember

1. At what point is it recognizable that a woman is pregnant?

2. What is an example of a doubtful mamzer?

3. What is the reason one should not marry women who live in different countries??

4. Explain the dispute between R' Abba and Admon.

Today's Daf Digest is dedicated
לע"נ מרת פיגא בת ר' ישראל

By the Weinberger family, Brooklyn, N.Y.

HALACHAH Highlight

Is brazenness a definitive sign of a mamzer?

ספק בן תשעה וכו'

If it is uncertain whether the child is a nine-month old etc.

Rav Tzadok Hakohen of Lublin¹ poses the following question about our Gemara. The Gemara addresses the case of yibum that was done without waiting the requisite three months from the death of the first husband and a child was born seven months later. It is uncertain whether the child is a nine-month baby from the deceased husband and the yibum was done in violation of the prohibition against marrying a brother's wife, or if the child is a seven-month baby from the yavam. A second child born is possibly a mamzer. The reason for the uncertainty is that if the first child was fathered by the deceased brother, the yavam and yevama are prohibited to one another and their offspring would be mamzerim. On the other hand, if the first child was fathered by the yavam, the yibum was performed correctly and the children of that relationship would not be mamzerim. The question that troubled Rav Tzadok was, if it was seen that the second child behaved brazenly, a characteristic of a mamzer, could that be used as evidence that he is in fact a mamzer?

Although Rav Tzadok's initial reaction was to assume that this circumstantial evidence could not be used to make this determination, he nevertheless proceeds to cite an incident in the Gemara² when this type of test was used to identify a mam-

(Insight. Continued from page 1)

Just as Sarai had a sister, it could be that Avraham also had. They now planned to depart and move out to another country. When they would have sons, the risk would surface that these sons would might one day marry the sister of the father or mother. Nevertheless, Hashem blessed Avraham that he would be famous. Our Gemara notes that the danger of one's children in different countries marrying each other does not exist in a case where the father is well known (as by the rabbis who found a wife while visiting). Therefore, it was permitted for Avraham and Sara to move on and to establish a family in the country to where they would be directed. ■

zer. A man once had ten sons, nine of whom were mamzerim but it was not known who was the legitimate son that would inherit his father's estate. R' B'naeh advised the sons to kick their father's grave until he would rise from the dead and identify the legitimate son. All the sons except one kicked the grave and R' B'naeh gave the estate to that son, explaining that the brazenness of the others indicated that they were mamzerim. Rav Tzadok proceeds to give a number of reasons why that case has no bearing on his question. One reason suggested is that in that Gemara it was known that there were nine mamzerim and the test was used to identify which of the sons had that disqualification. In our case the thought is to utilize this test to determine whether there is a mamzer and there is no evidence that this test could be used to make that determination. ■

1. דברי חלומוד אות כ"א
2. דמ' בבא בתרא נח ■

STORIES Off the Daf

The levels of Yichus

עשרה יחסין הם

On today's daf we find that there are ten levels of yichus.

Rav Shimon Schwab, zt"l, was with the Chofetz Chaim, zt"l, as a young man. He recalled, "It was Erev Shabbos of parshas Vayakhel-Pikudei and I will never forget the inspiring words of the Gadol Hador.

"He said to me, 'Perhaps you have heard that I am a kohein. What about you? Are you a kohein as well?'"

Rav Schwab continued, "I answered that I was not. The Chofetz Chaim then asked me, 'Are you a Levi then?' And I

answered, 'No.'

"The Chofetz Chaim then exclaimed, 'What a pity! When the Beis Hamikdash is rebuilt, everyone will yearn for the opportunity to do the avodah. However, the Torah says that anyone who is not a kohein who comes to do the avodah is liable to the death penalty. So why will a kohein be able to do it and not a yisroel? For one simple reason: when Moshe Rabbeinu called, "Whoever is for Hashem, come to me!" my ancestors responded and yours did not. Only the tribe of Levi ran to Moshe's side. Because your grandfather did not respond to this cry he deprived all of his descendants from the possibility of serving Hashem in the Beis Hamikdash.

"The tzaddik spoke further with a

passion, 'When someone cries mi l'Hashem eilai we must run to his side! One who fails to do sustains unimaginable losses!'"

As we have seen, yichus is very important, but it isn't everything. Someone once came before the Chofetz Chaim and started to recite his impeccable yichus with perceptible pride. The gadol said, "But who are you?"

"What do you mean? I am the grandson of so-and-so who was a gadol baTorah!"

"I am not talking about your yichus! I mean who are you to trample on your own yichus? I mean to ask if you are a ben Torah that befits your lineage. Are you living your life in accordance with the Torah in everything you do?" ■

