

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah rules that if one wife is eligible for marrying a kohen and the other is disqualified, chalitza should be done with the one who is disqualified and yibum should be done to the one who is qualified.

2) Clarifying the Mishnah

The Gemara clarifies the opening statement of the Mishnah.

The Mishnah's statement that a man may do yibum to four wives is challenged from a Baraisa that indicates that a person should not marry if it will become a hardship.

The Mishnah refers to a person who has the financial means to support many wives and it teaches that a person should not take more than four wives at a time.

The Gemara, through a series of questions and answers, explains why the Mishnah states that the yibum or chalitza to one yevama releases a second yevama entirely.

It is explained how we know that when there are multiple yevamos that the mitzvos of yibum and chalitza will apply.

R' Yosef cites Rabbi's teaching that "one should not waste water that another could use" as a lesson of our Mishnah that chalitza should be performed with the unqualified yevama.

3) **MISHNAH:** The Mishnah presents a dispute concerning which prohibited relationships produce a mamzer.

4) Clarifying the Mishnah

R' Akiva's statement that marrying the relative of one's chalitza is challenged since marrying the chalitza is only rabbinically prohibited.

It is suggested that the Mishnah should read, "the relative of his divorcee."

Support for this reading is presented but ultimately rejected.

The Gemara decides to revert back to its original reading and conclude that R' Akiva maintains that it is Biblically prohibited to marry the relatives of one's chalitza.

The source for this conclusion is presented.

5) Remarrying his divorcee

R' Yosef in the name of R' Shimon bar Rabbi taught that all opinions agree that the child born from a man who remarried his divorcee is unfit for kehuna.

It is suggested that the teaching is to accommodate the opinion of Shimon Hateimani.

This suggestion is refuted on three accounts.

Two of the refutations are rejected and the only the first one remains valid.

The original statement is revised to teach that all opinions agree that the child born from a man who had relations with a woman prohibited under the punishment of kares is

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Distinctive INSIGHT

The mitzvah of yibum of Yehuda and Tamar

בית אחד הוא בונה ואין בונה שני בתיים

Ramban on Chumash (to Bereshis 38:8) explains that with Yehuda taking Tamar, he fulfilled the mitzvah of yibum. This is because before the giving of the Torah, yibum was able to be fulfilled by any member of the family, and not necessarily only by the brother of the deceased.

We might wonder why destiny determined that in this case it was the father, Yehuda, who was to perform the mitzvah with Tamar.

Alshich explains that with the fulfillment of yibum, and with the subsequent birth of a son to the new family, the name of the deceased brother is revived and sustained. Here, with the birth of Peretz and Zerach, the twin sons of Tamar, the name of Er and Onan, the sons of Yehuda, were perpetuated. If Shelah, the remaining son of Yehuda was to fulfill the law of yibum, his building of a household would have only been on the behalf of Onan, based upon the rule that a brother can only build one house with the widow of a brother, and not two houses. This would have left Onan without any salvation. Therefore, destiny resulted in Yehuda being the one who sustained the name of both of his sons. Yehuda, the father, was the source from which both Er and Onan originated, and with his taking of Tamar, a remnant and continuation of both sons could be realized. In this way, Peretz filled the role of Er, and Zerach perpetuated the life mission of Onan. ■

REVIEW and Remember

1. Is it appropriate for someone old to marry someone young?

2. What type of relationship creates ממזרים according to R' Akiva?

3. What are the ramifications of being designated as פגום?

4. What is the status of a child born to a Jewish mother and a non-Jewish father?

HALACHAH Highlight

Is an אונס considered obligated in the mitzvah?

כל העולה ליבום עולה לחליצה

Whoever is subject to yibum is subject to chalitzah

The Magen Avrohom¹ writes that a person who is missing his left arm is still permitted to write tefillin. Although there is a principle that only those who put on tefillin are authorized to write tefillin, nevertheless, he is considered obligated in the mitzvah and thus permitted to write tefillin. This ruling indicates that one who is exempt from a mitzvah because he is an אונס is still considered obligated in the mitzvah. The Avnei Nezer² cites an opinion that points to a comment of Tosafos as proof to this principle. Tosafos³ questions how two deaf-mute people could be obligated in yibum when, due to their conditions, they are unable to perform chalitzah and the rule is that whoever is subject to yibum is subject to chalitzah. Tosafos answers that deaf-mute people are, in fact, obligated in the mitzvah of chalitzah, but it is considered as if their mouth pains them, causing their inability to speak. This also points to the fact that people who are אונס are still considered obligated in the mitzvah.

Avnei Nezer, however, challenges this ruling from a comment of the Beis Yosef⁴ concerning a deaf person blowing the shofar. Beis Yosef rules that although a deaf person possesses mental competency (דעת), he may not blow shofar for others. The reason is that fulfillment of the mitzvah requires the capacity to hear and since one who is deaf cannot hear he is not obligated in the mitzvah and consequently, he cannot perform the mitzvah on behalf of others. This indicates that one who is אונס is not obligated in the mitzvah.

STORIES Off the Daf

"Do not sow strife in your home..."

ואל תשים קטטה בביתך

On today's daf, we find a Baraisa that states that the Sages offered a man considering yibum a number of pieces of sound advice regarding marriage. Despite the differences in their details, all of the suggestions were designed to ensure that the couple achieve one very important goal: to live a married life free of unnecessary strife. Often, the most minor of issues instigates terrible controversy in the home. And, unfortunately, being

scrupulous in the observance of certain mitzvos does not guarantee that when it comes to minor irritations a person will manage to be מעביר על מדותיו, to subdue his lower nature.

Rav Wolbe, zt"l, recounted that when he was in Mir he stayed with a certain baal habayis for quite a while. When Elul came around, this man re-inspected all of his mezuzos and tefillin to ensure that they were 100% מהודרים. When the young Rav Wolbe saw this he was frankly jealous of the man's scrupulous attention to mitzvos.

One day, when the lady of the house returned home, she confessed to her husband that she had paid quite a bit extra

for vegetables in the market. Disregarding the young scholar's presence, the man became livid and embarked on a tirade which lasted an hour. His beleaguered wife was terribly distressed by his outburst, and soon complained of a headache. She excused herself and went to lie down. A short time later, the poor woman died. Hashem Yishmor!

Years later, Rav Wolbe was known to comment on this tragedy, "For an extra twenty cents spent on tomatoes this man indulged his terrible temper and killed his own wife, רחמנא ליצלן. Even with all of his attention to mitzvos, the fact that it was Elul did not mitigate his bad middos in any way at all!" ■

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unfit for kehuna.

It is suggested that the teaching is to accommodate the opinion of R' Yehoshua.

6) A child whose father is a non-Jew or slave

Rabbah bar bar Channah in the name of R' Yochanan asserts that all opinions agree that the child born to a non-Jewish father or slave is a mamzer.

It is suggested that this teaching is to accommodate the opinion of Shimon Hateimani. ■

Rav Tzvi Pesach Frank⁵ resolves this contradiction by delineating between the potential to do a mitzvah and the capacity to actually fulfill the mitzvah. Concerning tefillin, the principle is that only those who put on tefillin are authorized to write tefillin. This does not mean that one must be physically able to put on tefillin; rather the intent is that this is a person who bears an obligation to wear tefillin. Since we are only interested in potential because we are focused on the question of writing tefillin, the fact that he cannot wear tefillin can be ignored. On the other hand, concerning a deaf person blowing the shofar for others, it is required that he should be able to actually fulfill the mitzvah, which he is unable to do. Similarly, regarding a deaf-mute performing yibum, it is not necessary for the deaf-mute to be able to fulfill the actual mitzvah. It is sufficient that he is one who bears an obligation in the mitzvah and the handicap that prevents him from actually doing the mitzvah can be overlooked. ■

1. מג"א סי' ל"ט סק"ד
2. שו"ת אבני נזר או"ח סי' תל"ט
3. תוס' ד"ה כל שאינו
4. ב"י או"ח סי' תקפ"ט
5. שו"ת הר צבי או"ח (א) סי' ל"ז ■