

OVERVIEW of the Daf

1) מאמר after chalitza (cont.)

Rav Sheravya suggests another explanation to the dispute between Rebbi and Chachamim concerning the effectiveness of מאמר following a chalitza.

R' Ashi and Ravina also offer different explanations to the dispute between Rebbi and Chachamim.

2) Clarifying the Mishnah

The Gemara suggests that an additional line should be added to the Mishnah.

Abaye and Rava agree with the Gemara's suggestion and the reason the Tanna of the Mishnah did not include this line is explained.

The Mishnah which ruled that there is no מאמר after מאמר is inconsistent with Ben Azzai who maintains that מאמר after מאמר is effective when there are two yavam's and one yevama.

The language of the Mishnah was initially thought to be a support for Shmuel's ruling that chalitza to the yevama who received מאמר is ineffective at releasing her co-wife.

This thought is rejected.

The suggestion that the Mishnah is proof to Rabbah bar R' Huna's ruling that a deficient chalitza requires the yevama to receive chalitza from all the brothers is rejected.

The Gemara retries to support Shmuel from the Mishnah but it is rejected.

The Gemara revisits the question of adding an additional line in to the Mishnah that is accepted by Abaye and Rava, and the Gemara explains why the Tanna of our Mishnah did not include this line.

The Gemara explains that the Mishnah can be understood in light of R' Yochanan's opinion that once a chalitza was performed, everyone's prohibition is downgraded to a negative command. The Mishnah is difficult to understand according to Reish Lakish, who holds that other than the yavam and yevama that performed the chalitza, all the others remain restricted by the kares prohibition.

Reish Lakish defends his position.

The reason for the repetition of some of the Mishnah's rulings is explained.

The Gemara cites the opinion of Abba Yosi ben Yochanan (in addition to Tanna Kamma and R' Nechemiah) and explains the three opinions on the matter.

הדרן עלך רבן גמליאל

3) MISHNAH: The Mishnah explains how the mitzvah of yibum is performed and extends that discussion to how one violates the prohibition against relations with one of the עריות

4) Clarifying the Mishnah

The Gemara explains the meaning behind the use of the term אפילו.

A Baraisa is cited that supports this interpretation.

5) אונס

The Gemara begins an inquiry into the case of the Mishnah of אונס - coercion. ■

Distinctive INSIGHT

A mitzvah with the proper intent

הבא על יבמתו בין בשוגג בין במזיד

Today's daf features the concept of performing a mitzvah without proper intent.

Ben Ish Chai illustrates with the story of a great sage who once entered into a large Beis midrash. As he stood for a moment, he noticed that many of the students were participating in the learning in an aggressive and uncompromising manner. This wise man felt quite uncomfortable, as he detected that the learning in that particular Beis midrash was being done without the sweet love for Torah. Many of the people studying there were doing so without mitzvah intent, and they were aiming to flaunt their knowledge and to make an impression upon everyone else.

The visitor called the attention of a few of the students, and he told them that he noticed how that Beis midrash was filled with so much Torah. Several other students gathered around as they overheard what they were certain was a compliment.

The wise man continued. "You must know," he said, "that when Torah is studied properly, for the sake of Heaven, it immediately rises to the uppermost levels of the heavens, and the spirit of its holy words are lovingly cherished by Hashem. This is why Torah is compared to fire (see Yirmiyahu 23:29), as the nature of fire is also to rise up. However, when the study is not done with the proper intentions, it does not fly up to the heights. It remains stuck in the same Beis midrash where it began, and its journey is halted. When I told you that this very Beis midrash is filled with Torah, what I meant is that the Torah learned here is not going anywhere. It is clearly being learned for self-fulfilling goals, and none of it has gotten far-

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REVIEW and Remember

1. Can one do a conditional chalitza?

2. What is the dispute between R' Yochanan and Reish Lakish?

3. What are three opinions concerning the last discussion in the Mishnah?

4. Is intention for the mitzvah of yibum necessary for it to be effective?

HALACHAH Highlight

Intention to fulfill the mitzvah of yibum

הבא על יבמתו בין בשוגג בין במזיד

One who has relations with his yevama whether unintentionally or whether intentionally.

Rashi¹ writes that the case of the Mishnah of having relations “intentionally” – במזיד – refers to where the yavam intended to have promiscuous relations and did not intend to fulfill the mitzvah. The Minchas Chinuch² suggests that although the Mishnah rules that the yibum is effective even without intention to fulfill the mitzvah and he acquires her as his wife, nonetheless, since mitzvos require intent he is not credited with fulfillment of the mitzvah, and if he wants to fulfill the mitzvah they must have relations again. Furthermore, in those cases where the positive command of yibum overrides a prohibition and the Torah permits a yavam to have relations to fulfill the mitzvah, if the first time they had relations he had in mind that he was not going to fulfill the mitzvah it is permitted for them to have relations a second time in order to fulfill the mitzvah. Rav Shimon Shkop³ disagrees with this assertion and writes that once the acquisition of yibum has occurred and the yevama became his wife it is not possible to fulfill the mitzvah anymore, and in a case of a prohibited relationship they would not be permitted to have relations a second time to fulfill the mitzvah.

Rav Elchonon Wasserman⁴ elaborates further and writes that intent to fulfill the mitzvah is not essential to the acquisition

ther than the rafters of this roof.” The students understood and accepted his words of rebuke, and they set out to improve their methods.

We must aim to have the mitzvos we perform fulfill their purpose, that they be desirable to Hashem, and that they not be delayed or trapped down here on Earth. We also pray that the mitzvos be done with enthusiasm, as they are accompanied by the purest of intent. ■

(Insight. Continued from page 1)

tion and the mitzvah is considered fulfilled. The reasoning is that intent is essential to the fulfillment of a mitzvah only when an action constitutes the mitzvah, e.g. eating matzah or blowing the shofar, but if the fulfillment of the mitzvah is the result of an action, intent to fulfill the mitzvah is not essential. For example, the mitzvah of פרו ורבו is to have children; although the only way to have children is to have relations, the relations do not become the mitzvah. Consequently, even if a person did not have intent for the mitzvah of פרו ורבו at the time he had relations the mitzvah is still fulfilled since it is the outcome of the action that is the mitzvah. Similarly, the mitzvah of yibum is to acquire the yevama as one’s wife. Since the mitzvah is the result of the action (being married) rather than the action (the yibum itself) intent is not necessary for fulfillment of the mitzvah and as long as the outcome is achieved one is credited with the mitzvah. ■

1. רש"י ד"ה מזיד
2. מנחת חינוך תקצ"ח אות ו'
3. חידושי ר' שמעון שקופ ד"ב אות ה'
4. קובץ שיעורים כתובות אות רמ"ט ■

STORIES Off the Daf

Compelled by Non-Jews

תני ר' חייא אפי' שניהם שוגגים שניהם מזידים שניהם אנוסים אנוס דמתניתין היכי דצי אילימא כשאנסוהו עובדי כוכבים ובא עליה

On today’s daf we find a discussion about what the meaning of “forced” relations: when either party, or both the man and woman, were compelled by non-Jews to have relations. The Kinno’s of Tisha B’Av, based on Gittin 58a, describes the tragedy of just such a scenario:

“...When the son and daughter of Rabbi Yishmael Kohein Gadol were captured, they were taken by two masters who were neighbors one to the other.

And each Roman master would tell the other of his deeds. One said: From the captives of Tzion I brought back a handmaid dressed in the finest scarlet wool, whose countenance is as fair as the moon, and whose beauty can be compared to that of the most beautiful women in the world....

“And his neighbor would respond with twice as many praises of his own prisoner: I too, from the captives of Yerushalayim brought back a manservant with beautiful eyes. His visage is as radiant as the mid-day sun. Come, let us mate the two captives and split their abundant offspring between ourselves. [The פייטן cries out: The ears of anyone would tremble violently to hear of such an evil fate...]

“One night, after both captors had agreed to the plan, they sequestered the

young man and the young woman in a room alone. And the masters stood outside the room with a single objective—while each captive cried bitterly in terror all night long.

“The young man lamented, awash in dread: How could I, a descendent of Aharon HaKohein, be wed to a handmaid?

And she too, cried and lamented over her degradation: How could I, a daughter of Yocheved, be joined to a slave? Woe that God has decreed this!

“But with the dawning of the sun, each recognized the other. They both cried out, ‘Oh, my brother! Oh, my sister!’ and they clasped one another and cried until they died in their grief together ...” ■

