

OVERVIEW of the Daf

1) אונס (cont.)

The Gemara identifies the case of אונס of the Mishnah and then explains the case where the yavam and yevama were coerced as mentioned in R' Chiya's Baraisa.

A Baraisa is cited that teaches the ruling that relations effects yibum under all circumstances.

A second Baraisa that addresses the same verse is cited.

The Gemara explains how the halachos mentioned in the two Baraisos could be derived from the same verse.

2) Yibum while sleeping

R' Yehudah identifies the exposition that teaches that yibum cannot be done while sleeping.

This ruling is unsuccessfully challenged and the discussion teaches that the yevama does not have to be awake but the yavam has to be at least dozing for yibum to be effective.

3) Falling from the roof

Rabbah identifies which four payments one is liable to pay if he falls off the roof onto someone and explains why he does not have to pay for humiliation.

4) העראה

The Gemara searches for the source that העראה is considered to be relations, and after numerous failed attempts the Gemara finally points to a היקש.

The Torah's juxtaposition of the prohibition of a niddah and one's brother's wife is questioned.

R' Huna answers that it teaches that it is prohibited for a woman to marry her husband's brother if her husband is still alive, even if they are divorced.

The Torah's reference to העראה in the context of the prohibition against marrying one's father's sister and mother's sister is questioned.

Rava explains that it teaches that העראה is prohibited even to an animal.

The Gemara inquires why this teaching was mentioned in the context of a כרת prohibition rather than in the context of another prohibition that carries the punishment of execution by Beis Din.

The Gemara answers that since the entire verse is used for expositions, this exposition was included as well.

A Baraisa is cited that contains numerous expositions from this verse.

R' Avahu explains why a separate exposition is needed to teach that a maternal sister is prohibited in the context of the prohibition against marrying one's father's sister as well as one's mother's sister.

Rava explains how we know that the prohibition against marrying one's father's brother's wife applies only to a paternal brother.

5) One's wife's sister

A Mishnah that discusses the issue of marrying one's wife's sister is cited. ■

Distinctive INSIGHT

A niddah must immerse in the mikveh after the seven days

ביומי תליא מילתא

Rashash notes that the language of the Gemara seems to suggest that a niddah is טהורה as soon as the requisite seven days pass. He points out that what the Gemara means, however, is that the process of becoming pure depends upon days and immersing.

The fact that a niddah must immerse before emerging from her impurity is not written explicitly in the Torah (Vayikra 15, in Parashas Metzora, where the laws of niddah are written). Nevertheless, Tosafos (earlier, 47b במקום ב"ד) lists three possible sources for this halacha.

The first proof is in the name of Rabbi Yehuda Gaon. The verses teach that when a person touches either her (ibid. verse 19) or a bed upon which she laid (ibid. v. 21), they require immersion before they can be pure. Logic tells us that if these secondhand levels which merely touched things she touched must be immersed, then she herself must undergo immersion before becoming pure.

The second proof is brought in the name of Rabeinu Tam. The Gemara (Avoda Zara 75b) learns that utensils purchased from a gentile must be immersed in water "that is suitable for a niddah - מי נדה" (Bamidbar 31:23). We see implicitly that the Torah requires a niddah to immerse in a mikveh.

Finally, Tosafos cites Rabeinu Yitzchok, who brings the Gemara in Shabbos (64b) which states that "a niddah shall remain in her status—בנדתה" (Vayikra 15:19) until she

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REVIEW and Remember

1. What is the case of coercion mentioned in the Mishnah?
2. Is the mitzvah of yibum fulfilled if it was done while the yavam was sleeping?
3. What is the source that a woman is prohibited to marry her husband's brother even after they are divorced?
4. How is it possible to be legally married to three "sisters"?

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 In loving memory of their sister
 מרת רבקה בת ר' אלימלך דב, ע"ה

HALACHAH Highlight

Honoring a father

ואי כתב רחמנא באחות אם שכן ודאית

If the Torah wrote [the prohibition against marrying a parent's sister in the context of] one's mother's sister, I would assume it only applies in that case since she is certainly [related].

The Gemara indicates that there is greater certainty to identify one's mother and her relatives as definite relatives as opposed to one's father's relatives who may not, in fact, be related. The reason halacha assumes a father-child relationship is based on the halachic principle stated in the Gemara Chullin¹ that most relations a woman has are with her husband. Consequently, although there may be some doubt concerning the father-child relationship, nonetheless רוב - majority, indicates that the relationship is certain. Accordingly, Rav Chaim Soloveichik² poses an interesting question. The Gemara Kiddushin³ rules that when a mother and father ask their child to bring them food, the child is obligated to bring food to the father first since both the child and the mother are obligated to honor the father. Asks Rav Chaim, since the maternal relationship is known with certainty and the paternal relationship is only known because of רוב, it would be logical to give priority to the mitzvah that is based on certitude rather than the mitzvah based on a halachic assumption. Rav Chaim answered that it would be disrespectful to the mother to honor her before the father because of the possibility that she may have had an adulterous affair. Therefore, a component of honoring one's mother is to behave as though one knows with certainty that the paternal relation is

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enters a mikveh. ישנים תוספות in Shabbos (47a, note א') adds two mores sources which indicate that a niddah requires immersion before she can become טהורה.

When the Beis Yosef cites this halacha, he also brings the words of Rambam (א:יסורי ביאה ד:ג): "ורחצו במים" - Vayikra 15:18, This is the source that all impurities must undergo immersion before they are purified. Beis Yosef also cites a verse in Zecharia (13:1) which refers to the fact that a niddah must immerse as part of her טהרה. ■

certain, and honor is given to the father before the mother.

Rav Yosef Shaul Nathanson⁴ arrives at an interesting conclusion based on this discussion. The assumption of paternity is based on the principle of רוב, as mentioned above. Pri Megadim⁵ writes that the principle of רוב does not apply when it comes to non-Jews. Accordingly, a non-Jew cannot be obligated in the mitzvah of honoring his father since there is no certainty that there is a father-child relationship. Rav Dovid Avrohom Mandelbaum⁶ suggests that this is the source of the Gemara's statement that only those who are subject to the mitzvah of honoring a father can become nazir, thus non-Jews are excluded. Why are non-Jews excluded from honoring a father? It must be based on the reason suggested - that the father-child relationship cannot be known with certainty for a non-Jew. ■

1. גמ' חולין יא

2. כן מובא בשמ"ע' משאת המלך שמות כ:יב

3. גמ' קידושין לא

4. דברי שאול מהדורא ד' פר' במדבר ומובא דבריו בפרדס יוסף החדש דברים

ה:טז

5. פרי מגדים יו"ד סי' ס"ב

6. פרדס יוסף החדש הנ"ל ■

STORIES Off the Daf

Avoiding embarrassing others

נפל מן הגג ונתקע חייב בארבע דברים

On today's daf we learn that one who inadvertently embarrasses another by falling off the roof doesn't have to pay for causing shame to the victim. Although we learn from this that this particular payment of damages is only required of one who caused embarrassment intentionally, it is still better to avoid embarrassing another if it is at all possible.

The Chazon Ish, zt"l, was exceedingly careful not to embarrass anyone even inadvertently. One time, he arrived first to a bris. As was often the case, the Chazon

Ish had gotten almost no sleep for many days and was exceedingly tired. Since he felt like he was going to literally collapse from exhaustion, he laid down on a bench to get some badly needed rest. As other guests arrived at the bris, one guest said to another, "Look at the meshuganner who is sleeping on a bench!" His friend recognized the "meshuganner" and blurted out, "That's the Chazon Ish!"

Although by this time the Chazon Ish had woken up and overheard the exchange, he remained motionless for a long time to limit the first speaker's embarrassment. Only after he was sure that the man had been given enough time to mingle in the crowd and he was reasonably assured that the man would not be recognizable, did the Chazon Ish get up

and join the guests.

On another occasion, the Chazon Ish was attending a sheva berachos where the entire speech given by the chosson was based on false hashkafos, to which it was known the Chazon Ish vehemently objected. Everyone wondered how the Chazon Ish would handle this; he was so careful never to embarrass others, yet if he didn't protest people would surely think that he agreed with the statements made.

During the entire speech, the Chazon Ish was silent. Immediately after the chosson concluded, the gadol said in a calm and gentle voice which all could hear, "That is not true." This way, obvious and direct embarrassment to the chosson was minimized, and everyone knew that the Chazon Ish did not agree! ■