

## OVERVIEW of the Daf

### 1) Waiting three months to marry (cont.)

The reason a Jewish-born minor must wait three months before marrying if she had relations out of wedlock is a decree on account of an adult.

This explanation is unsuccessfully challenged.

A second version of Shmuel's ruling is presented where the exceptions to the rule are adults who convert or are freed from slavery.

It can be inferred from this ruling that a Jewish-born minor would not be required to wait three months if she had relations out of wedlock.

Rabbah explains that the reason the convert and freed slave are not required to wait three months before marrying is that there is an assumption that they used a contraceptive to prevent pregnancy.

Abaye successfully challenges this explanation and offers an alternative explanation.

### 2) The ramifications for kehunah

Rava clarifies that the Mishnah is teaching that if the case of the Mishnah involves the daughter of a kohen married to a Yisroel she becomes disqualified from eating terumah in her father's home.

הדרן עלך ארבעה אחין

**3) MISHNAH:** The Mishnah discusses the ramifications for one who did chalitzah or yibum without waiting the requisite three months and it was discovered that the yevama was pregnant.

### 4) Chalitzah to a pregnant woman

R' Yochanan maintains that chalitzah done to a pregnant woman who then miscarried is valid whereas Reish Lakish disagrees and maintains that another chalitzah is required.

Each of their positions is explained and the Gemara offers two different explanations, one based on reasoning and the other based on a pasuk, concerning the exact point of dispute.

R' Yochanan unsuccessfully challenges Reish Lakish from our Mishnah.

According to an alternative version Reish Lakish unsuccessfully challenged R' Yochanan from our Mishnah.

R' Yochanan offers another unsuccessful challenge from our Mishnah.

According to an alternative version, Reish Lakish unsuccessfully challenged R' Yochanan from our Mishnah.

A challenge to R' Yochanan from a Baraisa is presented.

Abaye suggests that our initial explanation of R' Yochanan was flawed.

Rava challenges this assertion of Abaye.

## Distinctive INSIGHT

*To which family does this son belong?*

ספק בן תשעה לראשון ספק בן שבעה לאחרון כו'

The Gemara in Yoma (75a) points out that as long as the manna bread fell in the desert, this heavenly bread solved the doubt of paternity of a child born after a woman's remarriage. If the portion of manna fell at the doorstep of the family of the first husband, this would serve as conclusive proof that the first man was the true father. If the portion of manna fell at the door of the second husband, this would prove that it was he who was the father.

The Divrei Shaul (Parashas Beshalach) asks how we are to understand the verse (Shemos 16:18) which states, "The one who gathered more did not have extra, and the one who gathered less did not have less. Each had according to his amount to eat." It seems from this verse that there were people who gathered more than their share of the manna bread. Why did Moshe not anger with them as he did with Dasan and Aviram when they tried to take more than they needed?

Even more disturbing is the previous verse which states, "The people of Israel did as Moshe instructed them, and they gathered, the ones [who took] more and the ones [who took] less." How can the verse begin by declaring how they people did as instructed, but then say that their actions were apparently contrary to the rules Moshe had set forth? If they took more than they should have, or if they took less, this was not what Moshe had said.

Divrei Shaul suggests that the verse is referring to those who had a doubt about the family size, as we find in our Gemara where a child's father is undetermined. Moshe told these people that "in the morning justice will prevail." In this case, one man might have gathered more, thinking that the baby was his son, while the other man might have gathered less, figuring that the child was not his. The miraculous manna appeared among the collections of the proper family, no matter whether the head of the household had anticipated his amount correctly or not. The one who might have collected too much did not end up with more, if it was inappropriate, and the one who collected less did not end up with a deficient amount. ■

## HALACHAH Highlight

*Deciding halacha based on knowledge that came from a Prophet*

ר' יוחנן סבר אם יבא אליהו ויאמר וכו'

R' Yochanan maintains that if Eliyahu were to come and declare etc.

R' Yochanan argued that if Eliyahu Hanavi were to come and inform us that a woman would miscarry she would certainly be subject to yibum or chalitza so in the Gemara's case of a woman who received chalitza while pregnant and then miscarried we should be able to declare retroactively that the chalitza was done correctly. R' Yochanan's argument indicates that if Eliyahu Hanavi were to come and share with us information that information could be used to decide matters of halacha. Furthermore, even Reish Lakish, who disagrees with R' Yochanan, does not argue that information gleaned from a prophet is unacceptable in deciding matters of halacha, his argument is that we cannot ratify a chalitza retroactively, but he seems to agree that a Prophet may introduce useful information when deciding halacha.

This approach is difficult in light of the ruling of Rambam<sup>1</sup> based on the Gemara<sup>2</sup>, that Torah is not in Heaven and halachic matters are not decided by Prophets. Our Gemara seems to be inconsistent with that ruling.

Some Poskim<sup>3</sup> maintain that these two sources are not contradictory. The statement that Torah is not in Heaven teaches that halacha is not determined by what a Prophet may claim is the will of Hashem because once the Torah was given to Klal Yisroel it is not for Hashem or any of the Prophets to decide halacha. However, many matters of halacha depend upon knowledge of the facts and it is not uncommon for there to be facts that are not known. For example, the Gemara earlier had a discussion

## REVIEW and Remember

1. Why doesn't a woman who converted have to wait three months before remarrying?
2. What is the halachic effect that rape has on the daughter of a kohen married to a Yisroel?
3. Explain the dispute between R' Yochanan and Reish Lakish?
4. How does Abaye understand the dispute between R' Yochanan and Reish Lakish?

regarding a woman who gave birth to a child and it was not known whether the child was a nine-month pregnancy from her first husband or a seven-month pregnancy from her second husband. Regarding these matters, the testimony of a Prophet concerning the facts of a case are acceptable so that those rendering a halachic decision can have all available information before them when they make their decision.

Rav Yosef Chaim Dovid Azulai<sup>4</sup>, the Gaon Chida, cites opinions who disagree with this conclusion and maintain that even information gathering may not be done through prophecy but he cites numerous proofs against this approach and his conclusion is that prophets may share knowledge of facts that they received through prophecy. ■

1. רמב"ם פ"ט המל' יסודי התורה ה"ד
2. גמ' בבא מציעא נט
3. משנה למלך פ"ט מהלך אישות ה"ו והרה"ג מהר"ץ חיות בספרו תורת הנביאים מאמר בירור אליהו
4. שם גדולים חלק גדולים מערכך י' אות רכ"ד ■

## STORIES Off the Daf

*An emergency ruling*

הוראת שעה

Our Gemara discusses the case of a special ruling being instituted temporarily because of an urgent circumstance— what is known as a *הוראת שעה*. The principle of hora'as sha'ah has been invoked in many different situations, because the Chachamim are empowered to enact emergency rulings, even what appears to be anomalous behavior in the short term, when they see that the future of Torah observance demands it.

Someone once asked Rav Wolbe, zt"l, "Why do the yeshivos seem to be in conflict

with the 'Torah Im Derech Eretz' philosophy of Rav Shimshon Raphael Hirsch, zt"l? After all, he was certainly a righteous and scholarly person! Since Rav Wolbe himself was originally from Germany, he certainly is aware that this philosophy is responsible for the religious survival of virtually every observant Jew of German descent. Why is this ignored by the yeshivos? For example, why are there no yeshivos to help people become qualified doctors who are also learned and observant?"

The Mashgiach explained, "The Holocaust destroyed the entire Torah world of Europe. It is incumbent upon us to focus on producing a new generation of great scholars and poskim. This is an aspect of *הוראת שעה*, to restore the Torah to what it

was before the war. Since the Jewish people cannot continue to exist without chachamim who are on a high level of Torah scholarship, we must immerse all of our youth exclusively in Torah. As Chazal themselves said, 'Out of every thousand students, only one emerges who is truly fitting to decide halachic questions.' For this reason, even if we were to decide that having a yeshiva that would produce God-fearing doctors is laudable, we could not focus on this goal. This is like trying to convince a medical college to train lawyers since this is an equally important profession. This will produce neither doctors nor lawyers! The Torah world's obligation is to produce gedolim to ensure the survival of the Jewish people!" ■