

OVERVIEW of the Daf

1) R' Eliezer's position concerning an androgynus (cont.)

R' Nachman bar Yitzchok offers another proof that R' Eliezer does not always treat an אנדרוגינוס as a full-fledged male.

Rebbi relates in a Baraisa the difficult circumstances in which he learned R' Eliezer's ruling in the Mishnah that cohabiting with an אנדרוגינוס makes one liable to stoning.

הדרן עלך הערל

2) MISHNAH: The Mishnah states that there are women permitted to their husbands and prohibited to their yavam, permitted to their yavam and prohibited to their husband, permitted to both or prohibited to both. Examples of each category are presented. A similar presentation is made concerning Rabbinic prohibited marriages. The Mishnah concludes with the law of whether a woman involved in a prohibited relationship receives a kesubah.

3) Clarifying the Mishnah

The Gemara inquires why the Mishnah begins with a case of marriage when a case of kiddushin would teach the same halacha.

After rejecting some proposed answers it is explained why the Mishnah discusses a case of marriage.

The Gemara inquires why the case involves a widow when a case of a virgin would teach the same halacha.

After rejecting a proposed solution it is explained why the Mishnah discusses a case of a widow.

R' Pappa suggests an additional case that could have been included in our Mishnah.

The Gemara answers that the Mishnah left this case out and cites other cases that were also left out of the Mishnah.

After challenging suggested examples of cases left out of the Mishnah the Gemara accepts that cases were left out of the Mishnah.

4) Daughters of kohanim marrying chalalim

R' Yehudah in the name of Rav ruled that daughters of kohanim are not prohibited from marrying חללים.

An unsuccessful attempt is made to support this ruling.

Ravin ban Nachman unsuccessfully challenges this ruling ■

Distinctive INSIGHT

They only let him teach one thing

תניא אמר רבי כשבלכתי ללמוד תורה אצל ר' אלעזר בן שמוע חברו עלי תלמידיו כתרנגולים של בית בוקיא ולא הניחוני ללמוד אלא דבר אחד

The students of R' Elazar ben Shamoa only allowed Rebbe to teach one halacha in their Beis midrash. Aruch Laner notes that it is astonishing to find a group of students who would not allow a visiting scholar to teach in their yeshiva! Furthermore, if, for whatever reason they did not wish to allow Rebbe to teach in their yeshiva, why did they acquiesce and allow him to teach this one halacha?

Aruch Laner explains that the students of Rebbe Elazar ben Shamoa were wary that Rebbe had not come to teach, but rather to stir up trouble. We find a similar situation in Kiddushin (52b) where, after the death of Rabbi Meir, Rabbi Yehuda gave instructions to his students not to allow the students of Rabbi Meir to enter their local Beis midrash. The students of Rabbi Meir had a well-known reputation of using their brilliant analytical study skills not to delve deeper into clarifying the truth, but to mock and debate for the sake of criticizing their study opponents (לקנטר). In order to protect his own students Rabbi Yehuda did not invite Rabbi Meir's group to join his yeshiva.

Similarly here, the students of Rebbe Elazar ben Shamoa were concerned that Rebbe might have been coming to teach in order to criticize and disparage their rebbe. Why did they suspect him of this? The law of having reverence for Torah scholars is derived (Kiddushin 57a) from the word את in the verse את ה' אלוקיך תירא. However, not all opinions agree that the word את can be used to teach this, or any, lesson. The students here wanted to be sure that Rebbe agreed that Torah scholars, such as their teacher, deserved respect. The rule of the Mishnah about אנדרוגינוס is in fact, based upon the word את (see 83b). If Rebbe would agree to this halacha, and usage of the word את this would demonstrate that he came to honor their teacher and not to disgrace him ■

REVIEW and Remember

1. What was the one halacha that Rebbe learned from R' Elazar ben Shamua?
2. Does a woman married to someone to whom she is prohibited receive a kesubah?
3. What was the case that R' Pappa suggested should have been included in the Mishnah?
4. Is a daughter or a kohen permitted to marry a חלל?

HALACHAH Highlight

Are women included in all the prohibited relationships?

כל היכא דהוא מוזהר היא מוזהרת

In all instances where a man is warned a woman is also warned.

The Gemara in Nedarim¹ teaches that if the wife of a kohen declares that she had an adulterous affair and as a result is prohibited to her husband she is not believed because we are suspicious that she found another person to marry and is looking for a quick way out of marriage. Tosafos² challenges this ruling from the principle that indicates that a person has the ability to declare, for themselves, an item prohibited **שויא אנפשיה חתיכה דאיסורא**. Applying this principle would mean that although she is not believed, in general terms, regarding the affair, she is believed to declare that she is prohibited to be with her kohen husband anymore. Tosafos cites the opinion of Rav R' Eliezer who maintains that there is no prohibition for a **זונה** to marry a kohen, the only prohibition is for the kohen to marry her. Accordingly, since she is not believed regarding her affair he is permitted to remain married to her and even if she is believed regarding herself she has not, even through her own admission, created for herself a prohibition. Tosafos challenges this explanation from our Gemara that states

clearly that all prohibitions that apply to males apply to females as well.

Rav Yechezkel Landau³, the Noda B'Yehudah, suggests that the principle that all prohibitions apply to males and females equally is limited to prohibitions that apply universally but those prohibitions that have limited application, like those that apply exclusively to kohanim, are not included in this principle and apply only to males but not females.

Another exception to this principle noted by Noda B'Yehudah⁴ is a Jewish man who has relations with a non-Jewish slave-woman. Rambam⁵ rules that the man is subject to lashes but Magid Mishnah⁶ maintains that the slave-woman is not subject to lashes. The reason is that the principle that woman are included in all **עניות** prohibitions is limited to Jewish women but does not include non-Jewish women. Therefore, even though the Jewish man has violated a prohibition by having relations with the slave-woman she is not subject to lashes. ■

1. גמ' נדרים צ

2. תוס' שם ד"ה חזרו לומר

3. שו"ת נודע ביהודה מהד"ק אה"ע סי' ע'

4. צל"ח ברכות כב ד"ה רש"י

5. רמב"ם פ"ב מהל' איסורי ביאה ה"א

6. מגיד משנה שם ■

STORIES Off the Daf

Reviewing the Main Points

יש מותרות לבעליהן

The first Mishna in **פרק יש מותרות** is a concise review of the conclusions reached in earlier chapters. Tosafos explains that it is the way of the Tanna to review the essentials so that the earlier teachings will be organized for the student so he can review them until the learning settles on his heart. Many are unaware of this all-important principle. The best way to review is to distill what comes out of the sugya and review it many times. Rambam writes that this is the correct method to review since it ensures that one will remember his learning.

Rav Raphael Yonah Tucaczinsky,

learned every moment of the day. Even when walking with a friend he would review the main points of a sugya aloud. He had a very interesting way of going home from Yeshivas Ponevezh. He would first summarize the main points of a couple of pages of Gemara. As he walked, he would review by heart the summary that he had just made. When he got to the closest street lamp he would pull out a small Gemara and review another few daf. This seder lasted until he got home.

He said, "When I was younger I had the entire length of Rechov Chazon Ish precisely measured by how much of Masseches Kiddushin I could review walking the street from end to end."

One time Rav Raphael needed to travel from Bnei Brak to Yerushalayim, a journey of approximately an hour. He

asked a friend to join him, and the other man readily acquiesced. "So what do you want to learn during the ride?" was Rav Raphael's immediate query. Wasting time was totally out of the question! As he later testified, "On the trip into Yerushalayim alone we reviewed the first perek of Kiddushin...all 40 daf!"

While Rav Raphael was living in Netivot, a kollel opened up nearby. The ride to and from the kollel took a total of twenty-two minutes, and Rav Raphael didn't waste an instant. From the moment he got in the car until he arrived he had a Gemara out and was reviewing the main points. Every day, in a mere twenty-two minutes, he reviewed seven daf! This is what a person can accomplish when he learns how to review properly! ■

