

OVERVIEW of the Daf

1) Clarifying R' Yosi's statement (cont.)

Two additional resolutions are presented concerning the issue of whether Shmuel ruled in accordance with R' Yosi.

The last interpretation is unsuccessfully challenged.

2) MISHNAH: The Mishnah discusses the case of a man who upon receiving information about his wife married her half-sister and this repeated itself until he had married five half-sisters only to discover his information was incorrect. The status of a nine year old yavam presented.

3) Clarifying the Mishnah

R' Sheishes clarifies the language used by the Mishnah in the second case.

4) The yibum of a nine year old following his brother's מאמר

A contradiction is noted between the inference of our Mishnah and a Baraisa concerning the status of a yevama who does yibum with a nine year old yavam after she received מאמר from one of the other brothers.

A resolution is suggested.

The resolution is challenged thus forcing the Gemara to emend the language of the Mishnah to conform with the resolution.

A contradiction is noted concerning the effect מאמר done by a minor has on the other brothers.

A resolution to the contradiction is presented.

Additional sources are cited to support the assumption that relations is not the only way a minor will disqualify the yevama from his brothers.

A contradiction between two rulings of R' Meir is cited and resolved.

5) MISHNAH: The Mishnah presents two cases, the first is when two nine year old yavams have relations with the yevama, and second, when a nine year old yavam has relations with two yevamos.

6) Clarifying the Mishnah

A Baraisa is cited that explains the rationale behind R' Shimon's position.

It is noted that the Mishnah that does not distinguish between one yavam and two yevamos or two yevamim and one yevama does not follow Ben Azzai who distinguishes between the two cases.

7) MISHNAH: The Mishnah presents a series of rulings that relate to a nine year old doing yibum and concludes by noting that even one who is twenty but hasn't physically matured is treated like a nine year old for these matters.

8) Clarifying the Mishnah

Rava clarifies the Mishnah's first ruling related to a woman who is bound to her yavam with the zikah of two yevamin.

A Baraisa is cited that echoes the Mishnah's ruling that the wife of a nine year old does not fall to yibum.

(Overview...Continued on page 2)

Distinctive INSIGHT

The tragic tearing of a Sefer Torah

תמה אני אם לא יהיה בית הכנסת זו בית תועבה

Rebbi Eliezer was a student of Rebbi Yochanan. He had repeated a statement of Rebbi Yochanan without attributing credit to his rebbe, and Rebbi Yochanan was distressed when he heard about it. Rebbe Ami and Rebbe Assi came to appease Rebbi Yochanan. They pointed out that reacting with anger or excessive annoyance was harmful. They told Rebbi Yochanan of a situation where an argument between Rebbe Elazar and Rebbi Yossi (Eruvin 101b) resulted in the tragic tearing of a Sefer Torah. Rabbi Yosi ben Kisma was present when that Sefer Torah was ruined, and he made an ominous prediction that the Beis Haknesses in which that event occurred would eventually become a building of idolatry. In fact, that is exactly what eventually happened to that building.

Maharsha explains that the foreboding prediction of Rabbi Yosi ben Kisma was a reasonable expectation, for our sages tell us that when the tempers flare and things got out of control, this causes the Shechina to depart, and the outcome of the building becoming a place of idolatry was measure for measure due to the anger generated during that argument.

Nevertheless, Rabbi Yochanan was not assuaged. עין יעקב explains that although rebuke is appropriate when given tactfully, they had not shown proper respect to Rabbi Yochanan as the Rebbe of Rebbi Eliezer. (See Yoreh De'ah #242). ■

REVIEW and Remember

1. Does kiddushin take hold on a yevama?
2. Does מאמר of a minor have any effect?
3. Is the wife of a minor subject to yibum?
4. What happened when R' Ami and R' Assi attempted to calm R' Yochanan?

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HALACHAH Highlight

Marrying before a boy reaches bar-mitzvah

נשא אשה ומת הרי זו פטורה

If he (the minor who is over nine years old) marries a woman and he (the minor) dies, she is exempt [from yibum and chalitzah]

Shulchan Aruch¹ writes that those who are present at the time a bris milah is performed should pray that just like you brought this son into the covenant so too you should bring him to Torah, chupah and good deeds. Rav Dovid Halevi², the Taz, questions the order of this prayer. The obligation to perform good deeds begins when a child reaches his bar-mitzvah and the obligation to marry does not begin until the age of eighteen. Why then, does the tefilla ask for chupah before good deeds when the correct order should be good deeds and then chupah? Taz suggests that since a person is not punished by Heaven until the age of twenty, he reaches the age of chupah before liability for good deeds and that is the intent of the prayer.

Rav Menashe Klein³, the Mishnah Halachos, cites Midrash Shmuel who notes that the view that Heavenly punishment does not begin until the age of twenty is not accepted by all authorities. Proof to the other view is that Nadav and Avihu were less than twenty years old at the time they were killed by Heaven. Additionally, there is considerable debate whether aggadaic sources could be used for matters of halacha, therefore, the resolution of Taz requires more analysis.

Mishnah Halachos cites the Gemara Sanhedrin⁴ that speaks positively of one who marries off his child **סמוך לפרקן**—right before he reaches the age of maturity, and notes that according to

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9) Is the cohabitation of a minor the same as ma'amar of an adult?

The Gemara questions why in the Mishnah's third case is the co-wife permitted for yibum as the co-wife of a woman who received **מאמר**, which is thought to be the same as cohabitation of a nine year old.

Rav maintains that the cohabitation of a nine year old is not the same as **מאמר**.

Shmuel and R' Yochanan disagree and maintain that they are equivalent.

R' Yochanan addresses the Gemara's initial question by noting that the matter is a dispute between Tannaim.

A related incident is presented. ■

Tosafos⁵ the Gemara does not refer only to females but the Gemara also speaks highly of marrying off male children before they reach of maturity as well. Furthermore, Tosafos⁶ to our Gemara writes that although Chazal did not enact a Rabbinic marriage for male minors as they did for female minors, nonetheless, a male minor who marries is not only not violating a prohibition but he is also doing a mitzvah as well. Accordingly, the prayer could be understood literally and refers to those who marry before they reach the age of bar mitzvah. Thus, chupah precedes the reference to good deeds. ■

1. שו"ע יו"ד סי' רס"ה סע' א'

2. ט"ז שם סק"ג

3. שו"ת משנה הלכות ח"ד סי' קכ"ו

4. גמ' סנהדרין ע"ו

5. תוס' שם ד"ה סמוך לפירקן

6. תוס' הכה ד"ה נשא אשה ■

STORIES Off the Daf

The box of anger

בגור שיש בראשו גלוסטרא שנחלקו בו רבי אלעזר ורבי יוסי עד שקרעו ספר תורה בחמתן קרעו ס"ד אלא אימא שנקרע ס"ת בחמתן

Our Gemara teaches us the terrible consequences of anger. "In the synagogue in Teverya, Rabbi Elazar and Rabbi Yosi argued about a bolt with a pestle at the end until a sefer Torah was torn in their anger." Our Gedolim were always very careful not to even act as if they were in a state of anger unless they were certain it was l'shem Shomayim. Rav Eliyahu Lopian, zt"l, never chastised one of his children until he was certain that he harbored no anger against the child. Once he waited

a full two weeks before giving his child some well-deserved words of rebuke.

Rav Yitzchak of Vorki, zt"l, was always filled with love for his fellow Jew, and he never felt anger with another Jew. One time, however, someone spoke to him with such chutzpah that he felt it would be a chillul Hashem if he ignored the man's behavior. The Rebbe said to his shamash, Reb Feivel, "In order to get angry I need a different kapote. Bring me another frock, please."

The shamash did as requested, and the Rebbe changed his coat. Only then did he say "Nu, Feivel, go ahead and answer this insolent fellow so that there won't be a chillul Hashem."

There is a similar story about Rav Menachem Mendel, the Rav of Linsk, zt"l. Two litigants once appeared before his

Beis Din in Linsk. When Rav Menachem Mendel issued his psak, one of the litigants refused to follow the psak, and claimed aloud that it was unfair.

The Rav said, "Listen carefully. When I became Rav of this town, I brought a box filled with anger with me, which I placed on a high shelf. When I am forced to become angry l'shem Shomayim, I climb up and reach into the box to remove a little anger. The fact that I am forced to do so makes me really infuriated. You must know that if I am provoked, there will be no way to heal the damage my concern can cause! If you are stubborn now and force my hand, it's your own fault!"

The litigant was so frightened by the Rav's words that he immediately agreed to comply with the psak! ■

