

Daf Digest for this month is dedicated
לעילוי נשמת צבי בן יחזקאל יוסף גרין, מחסידי דעעס
From the Grin family, Sao Paulo, Brazil

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah presents one case that relates to three brothers, two of which were married to two sisters and the third was married to a stranger. One of the brothers married to one of the sisters died before the one married to the stranger.

2) Clarifying the Mishnah

R' Nachman bar Yitzchok infers from the Mishnah that the Tanna holds that there is no zikah bond even for a widow that falls to one brother.

3) **MISHNAH:** The Mishnah presents another case that relates to three brothers, two of which were married to two sisters and the third was married to a stranger. The brother married to the stranger died before the one married to one of the sisters.

4) Clarifying the Mishnah

The Gemara explains that although there is nothing new taught in this Mishnah, it was, nevertheless, not deleted.

5) **MISHNAH:** The Mishnah presents another variation of the case of three brothers, two of which were married to two sisters and the third was married to a stranger. One of the brothers married to one of the sisters died before the one married to the stranger.

6) A yevama that does not initially fall to yibum

R' Yehudah, in the name of Rav, ruled that a yevama that does not initially fall to yibum is forever prohibited like a brother's wife who has children.

The novelty of this ruling is questioned.

The Gemara identifies what Rav adds that is novel.

7) **MISHNAH:** The Mishnah presents another variation of the case of three brothers, two of which were married to two sisters and the third was married to a stranger. One of the brothers

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Distinctive INSIGHT

Rav Nachman explains that the Mishnah holds אין זיקה
שלשה אחים שנים מהם נשואין שתי אחיות ואחד נשוי נכרית,
גירש אחד מבעלי אחיות את אשתו

The case of this Mishnah is of three brothers, two of them, Reuven and Shimon, are married to sisters, Rachel and Leah, while Levi, the third brother, is married to Sara, an unrelated woman. Reuven divorces Rachel, and following this divorce, Levi, the third brother, dies. Reuven takes Levi's yevama, Sara, for yibum. Reuven now dies. The halacha is that Sara is permitted to be taken by Shimon for yibum, and she is not considered to be a co-wife of Rachel, because their marriages to Reuven did not coincide at any point.

Tosafos (ד"ה גירש אחד) asks why the Mishnah illustrates its point with a case of three brothers, as noted above. The Mishnah could have given a case of two brothers married to two sisters. One of them divorced his wife, married another woman, unrelated to the sisters, and then he died. This new wife is permitted to be taken for yibum, as she is not considered a co-wife with the sister who was divorced. What, then, asks Tosafos, does the Mishnah gain by choosing a case of three brothers, rather than two?

Tosafos explains that the illustration of three brothers provides us with the ability to show Rav Nachman's insight of אין זיקה. We must remember that Rav Nachman holds like Rav Yirmiya, that נישואין מפילין—the moment of evaluating eligibility for yibum is when the brother are all alive and married, not later, when the death of the brother occurs. If we hold that זיקה is affected, Sara, the non-related woman, would be prohibited as a co-wife of the sisters. Sara's availability for yibum while Reuven is still married to Rachel creates a cowife relationship which determines Sara's status even if Reuven divorces Rachel before taking Sara as a wife. The ruling of the Mishnah that Sara is permitted must be due to אין זיקה. This insight can only be illustrated with three brothers. The parallel case with two brothers would have no implication regarding זיקה, because Sara would be permitted if she was never married until after the divorce, or she would be a bona-fide co-wife of Rachel if married to Shimon before the divorce. ■

REVIEW and Remember

1. How did R' Nachman bar Yitzchok infer from the Mishnah that the Tanna maintains אין זיקה?
2. How did R' Ashi infer from the Mishnah that the Tanna maintains יש זיקה?
3. What is the dispute concerning the Mishnayos between R' Yirmiyah and Rava?
4. What is the halacha for a co-wife to an ערוה when there is question regarding the ערוה's marital status?

HALACHAH Highlight

The prohibition to marry a stranger

והאי תנא סבר מיתה מפלת והאי תנא סבר נישואין הראשונים מפילים
 This Tanna holds that the death of the husband causes her to fall to yibum whereas this Tanna holds that it was her original marriage that causes her to fall to yibum.

Rav Yosef Engel¹ questions the nature and origin of the prohibition that restricts the widow to marry a stranger before yibum or chalitzah. One could say that the relationship she had with her deceased husband has not been severed entirely, just weakened and her “married” status was downgraded from a transgression that carries the death penalty to a simple prohibition as a “yevama l’shuk.” Alternatively, one could say that her relationship with her deceased husband has been severed entirely and a new prohibition was created, namely yevama l’shuk. Furthermore, if the relationship with the deceased husband was severed completely what is the nature of the new prohibition? Is it a general prohibition or is it a prohibition that falls under the category of marriage-related prohibitions? One difference between the two approaches would be relevant to the law that concerning marriage-related prohibitions one is obligated to forfeit one’s life rather than violate a prohibition. Consequently, if the prohibition against marrying a stranger is marriage related it would demand giving up one’s life rather than violating the prohibition but if it is a general prohibition there would be no such obligation².

Rav Yekusiel Yehudah Halberstam³, the Klausenberger Rebbe, suggests that our Gemara addresses this issue. The Gemara mentions the dispute whether it is the death of the husband that causes his widow to fall to yibum or whether it was the original marriage that causes her to fall to yibum. According to the approach that maintains that it is the death of the husband that causes her to fall to yibum it could be suggested that a new prohibition is created at

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married to one of the sisters divorced his wife before the brother married to the stranger died. If the divorcée does yibum and then dies, the remaining brother, who is married to one of the sisters, may do yibum.

8) Zikah

R’ Ashi infers from the Mishnah that the Tanna recognizes the existence of a zikah bond even when there are two brothers.

R’ Ashi explains why the inference R’ Nachman bar Yitzchok made concerning the first Mishnah on the daf is not the only inference that could be made.

The Gemara examines how R’ Nachman bar Yitzchok will explain the present Mishnah.

The Gemara demonstrates that a statement of Rava forces him to align with R’ Ashi.

9) MISHNAH: The Mishnah rules on the status of the co-wife of an ervah where the marital status of the ervah is questionable. The Mishnah cites an example of doubtful kiddushin and a case of doubtful divorce

10) Clarifying the Mishnah

The Gemara wonders why the case where it is questionable whether closer to him or to her was not cited as an example of a questionable divorce.

Rabbah suggests an explanation but the explanation is challenged.

that time unrelated to her previous status as a married woman. On the other hand, if one takes the approach that it was the original marriage that causes the widow to fall to yibum one could suggest that the prohibition against marrying a stranger is a continuation of her married status rather than a newly created prohibition. ■

1. בספרו אתון דאורייתא כלל ח’
2. ע”ש שיש עוד נפק”מ לענין דינא דאין דבר שבערוה פחות בשנים
3. שו”ת דברי יציב אה”ע סי’ ק”י ■

STORIES Off the Daf

The precious Chiddush

דחביבה ליה אקדמה

On today’s daf we find that the Tanna taught the chiddush first since it was beloved to him. This is the way of the Gedolim; they have a never-ending thirst for Torah, especially for new and innovative ways of seeing things.

Rav Eliezer Yehudah Finkel, zt”l, the Rosh Yeshiva of Mir, learned under the Chofetz Chaim, zt”l, when he was a young man. The winters in Radin were very fierce. There was a tremendous amount of rain at the beginning and end of the winter, brack-

eting a mid-winter abundance of snow that made traveling almost impossible.

Throughout the winter in Radin, Rav Finkel’s shoes were horribly torn and he had no money to replace or repair them. He also had six students in whom he hoped to cultivate the ability to be mechadeish. To this end, he paid them a ruble each month to present him with a powerful and true chiddush every month. Although he certainly could have relegated the rubles for whatever he wished, he chose to give up on the shoes (which cost half a ruble for the best pair), to encourage these six students to use every instant of their time toiling in learning.

His father, the Alter of Slabodka, zt”l, did not wish to take money from the ye-

shiva to pay for his son’s shoes even though he had ample opportunity. The Alter even went so far as to ignore the powerful entreaties of his wife and the treasurer of the yeshiva when shoes were purchased for all the bochorim in Slabodka. For the bochorim, yes. For his own son? No.

Years later, after Rav Eliezer Yehudah Finkel settled in Yerushalayim, it was known that even in the hardest times one could always secure money for one’s Shabbos needs. One merely needed to go to the Mirrer Rosh Yeshiva and tell him a true chiddush. A chiddush was so precious to him that he would gladly pay all of the person’s Shabbos expenses for the pleasure! ■

