

## OVERVIEW of the Daf

### 1) Negative commandments (cont.)

Abaye offers another explanation for Issi's ruling that women are exempt from the prohibition against making a bald spot as an expression of mourning.

Abaye's explanation is unsuccessfully challenged.

Rava suggests another source for Issi's ruling.

Rava and Abaye explain why they disagree with one another's source for Issi's ruling.

A Baraisa is cited to explain the alternative exposition Abaye and Rava make from the pasuk of **בנים אתם לה' אלוקיכם**.

The Gemara explains why R' Meir cites two pesukim to prove that no matter what, the Jewish People are considered Hashem's children.

**2) MISHNAH:** The Mishnah presents the list of services and identifies the one service that could be performed by a woman.

### 3) Identifying the sources for the Mishnah's rulings

The sources for the rulings of the Mishnah are cited.

The Gemara identifies which sprinkling the Mishnah mentions and then identifies the source that women are excluded from performing that service.

The sources that the Korban Mincha of a sotah and a nezirah are waved by the woman are identified.

**4) MISHNAH:** The Mishnah teaches that mitzvos that are land-related apply only in Eretz Yisroel and those that are not land-related apply even in the Diaspora. ■

## REVIEW and Remember

1. What is the dispute between Abaye and Rava concerning the source for Issi's ruling.
2. Which part of the korban service can be performed by a woman?
3. What type of "sprinkling" does the Mishnah discuss?
4. What category of mitzvos are obligatory only in Eretz Yisroel?

## Gemara GEM

*What do Abaye and Rava do with the verse?*

ובין לאביי ובין לרבה האי בנים אתם מאי דרשי ביה

The Mishnah (29a) taught that women are obligated to comply with all negative commandments, with the exception of shaving the hair of the corners of one's head and the prohibition of kohanim not to defile themselves with the impurity of the dead. The Gemara (35b) cites the opinion of Issi who adds a third negative mitzvah from which women are exempt. This is the prohibition not to shave one's head due to the grief of hearing that someone has died. This is learned from the verse: **"בנים אתם לה' אלקיכם...לא יקרחה"**. It is only men (בנים) who are commanded to comply with this guideline, and not women. The first Tanna apparently does not use the verse to teach anything about women's being exempted from the prohibition of shaving the head due to grief.

In our Gemara, Abaye and Rava each come and present different verses as the source for the law of Issi. This leads the Gemara to ask, "What do Abaye and Rava each do with the verse of **בנים אתם וגו'** if they derive the halacha of Issi from other sources?" Tosafos HaRosh notes that it is not only Abaye and Rava who did not learn any lesson from the verse of **בנים אתם**, but it was also the first Tanna of the Mishnah who did not use the verse for any lesson. The first Tanna stated that women are only exempt from two prohibitions, not three, as Issi had contended. The Gemara should have included the first Tanna of the Mishnah together with Abaye and Rava when it inquired about how others understand the lesson from the verse of **בנים אתם**.

Tosafos HaRosh answers that the Gemara only focuses upon Abaye and Rava, as it was they who rejected the presentation of Issi who derived his halacha from this verse. It seems that the reason Abaye and Rava each offered alternative verses is that they use the verse of **בנים אתם** for other lessons.

עצמות יוסף explains that the question of the Gemara is to be understood according to the Tanna of the Mishnah as well as Issi. The Gemara only directed its question in terms of Abaye and Rava because the analysis of the verse affects Issi and whether his lesson is valid. The Gemara now suggests that according to Abaye and Rava, the verse teaches us the lesson of Rav Yehuda that the Jewish nation are referred to as "sons of Hashem" only as long as they do His will. The **שיטה לא נודע למי** says that this is the lesson which the Tanna of the Mishnah also derives from this verse. ■

## HALACHAH Highlight

### Does a son-in-law inherit positions of authority?

"דבר אל בני ישראל וסמך" בני ישראל סומכים ואין בנות ישראל סומכות

"Speak to Bnei Yisroel and he shall lean" Jewish men lean but Jewish women do not

Teshuvos Mishpatei Uziel<sup>1</sup> discusses the issue of whether a son-in-law will inherit his father-in-law's position as Rov or king. It was thought initially that proof that a son-in-law does inherit his father-in-law's position comes from a Gemara Chullin (132) that relates that R' Kahana ate priestly gifts (מתנות כהונה) on account of his wife. Similarly, Tosafos<sup>2</sup> writes that someone who is married to the daughter of a kohen has the right to collect money for pidyon haben. Teshuvos Mishpatei Uziel rejects this proof since these sources only demonstrate that the gifts go to the daughter and her husband acquires them from her but it does not demonstrate that a son-in-law inherits directly from his father-in-law.

Teshuvos Mishpatei Uziel then cites Minchas Chinuch<sup>3</sup> who entertains the possibility that a daughter may be able to inherit her father's throne and the restriction against choosing a woman as queen is limited to where a woman is appointed as queen. He is hesitant, however, to draw a definitive conclusion since the verse that teaches that the

monarchy is passed from father to son states: למען יאריך - "In order that he should have length of days on the land, the king and son," and perhaps the word בניו should be a term that excludes the possibility that a daughter would inherit the throne.

Regarding the question of whether the term בנים includes daughters or not Teshuvos Mishpatei Uziel cites Tosafos Yom Tov who asserts that the term בנים includes daughters. One proof is the verse that states בעצב תלדי בנים and a second proof is the verse לה' אלקיכם בנים both of which clearly refer to males and females alike. Teshuvos Mishpatei Uziel rejects this assertion and cites many instances where the term בנים is used and refers specifically to males. One example is recorded in our Gemara where the verse states: בני ישראל and the Gemara states that women are excluded from that halacha. Furthermore, the verses cited by Tosafos Yom Tov are exceptions rather than the rule. The reason women are included in the first verse is the word תלדי which is plural and the reason the verse לה' אלקיכם בנים includes women is it is an expression of beracha. Consequently, since women do not inherit the monarchy it is not possible for their husbands to acquire the throne from their father's-in-law. ■

<sup>1</sup> שו"ת משפטי עוזיאל כרך ב' יו"ד סי' מ"ב.

<sup>2</sup> תוס' קידושין ח. ד"ה רב כהנא.

<sup>3</sup> מנחת חינוך מצוה תצ"ז. ■

## STORIES Off the Daf

### The honor of Tefillin

"מתפילין..."

A certain talmid chacham was passing a photography studio one night, in a fairly non-religious neighborhood in Israel, when the proprietor burst out and exclaimed, "Please help us! There is a young man in the studio getting a picture of himself in tefillin for posterity and we can't seem to tie them right..."

"You mean you don't know how to tie tefillin properly?"

"Yes. and neither can the boy or his father," was the astonishing re-

sponse.

The talmid chacham understood that these people had surely not purchased a pair of tefillin, so he inquired where they had procured the tefillin.

"From a neighbor," was the reply.

The talmid chacham helped them put on the tefilin for the photograph but later had a question about this: since we must be so careful with the honor of tefillin, perhaps he should not have put them on the boy merely to take a picture. It was not as though night was the proper time to put them on l'chatchila. Maybe this constituted a cheapening of the tefillin and required an atonement?

He decided to consult with Rav Yitzchak Zilberstein, shlit"a, regarding

this question. Rav Zilberstein answered, "You definitely did right. I know of many baalei teshuvah who told me that even being photographed with tefillin at their bar mitzvah made an indelible impression on their receptive minds. Photographing such a young person with tefillin arouses yearning to fulfill this mitzvah properly.

"Although night is not the proper time for tefillin, this is a Rabbinic decree. Since this young man may never put tefillin on again, the least you can do is put it on him properly once in his life."<sup>1</sup> ■

<sup>1</sup> ברכי נפשי, בראשית, עמוד תשל"א-תשל"ב