

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

## OVERVIEW of the Daf

### 1) Did Bais Shammai practice their rulings? (cont.)

The proof that began on the previous daf to prove that Bais Shammai followed their ruling is completed and refuted. Two additional attempts to prove that Bais Shammai practiced their rulings are cited and refuted.

R' Mesharshiya unsuccessfully challenged the assertion that Bais Shammai did not follow their rulings.

Mar Zutra offered two unsuccessful challenges to the assertion that Bais Shammai did not follow their rulings.

Two proofs are presented that demonstrate that Bais Shammai practiced their rulings.

### 2) Clarifying the Beraisa

The Gemara clarifies a point in the second Beraisa cited as proof that Bais Shammai practiced their rulings, namely, that the students inquired of R' Yehoshua whether the halacha follows Bais Shammai or Bais Hillel concerning doing yibum with the co-wife of an ervah. Secondly, what is the status, from the perspective of Bais Shammai, of the children of a co-wife of an ervah who did not receive chalitzah before marrying in accordance with Bais Hillel's position?

R' Yehoshua refused to answer the question regarding the dispute between Bais Shammai and Bais Hillel, but he testified that Bais Shammai did not disqualify the children of a co-wife of an ערוה who did not receive chalitzah before marrying in accordance with Bais Hillel's position. ■

## REVIEW and Remember

1. Why did R' Tarfon yearn to marry off the co-wife of his daughter?  
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2. Why did R' Akiva take two tithes from the same esrog?  
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3. Why did R' Yehoshua hesitate to offer a ruling concerning the halacha of marrying the co-wife of one's daughter?  
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4. Explain the two sides of the question concerning the daughter of one who remarried his divorcee.  
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## Distinctive INSIGHT

*Proving whether Bais Shammai conducted themselves according to their own rulings*

מעשה וילדה כלתו של שמאי הזקן ופחת את המעזיבה וסיכך על גבי המטה בשביל הקטן. שמע מינה—עשו

Tosafos, Maharm and Tosafos Peretz all note that Shammai agrees that an infant who needs his mother is exempt from the mitzvah of sukka, and the reason he arranged for the infant to be under a kosher sukka was only due to a personal stringency (see Sukka 28b). If this was only a חומרא, what proof does our Gemara see here that Shammai conducted himself according to his teaching? If his actions here did not reflect a legal ruling, it would then not be a violation of לא תגודדו, because this would not be an indication of "two Torahs." Tosafos answers that if Bais Shammai did not follow their own rulings, they would not have done so even as a stringency, as even this has the appearance of two Torahs.

Aruch LaNer asks how this case indicates whether or not Bais Shammai conducted themselves according to their opinion. When the Gemara earlier suggested that Bais Shammai must have followed the rulings of Bais Hillel it was either because the Heavenly voice came and announced that Bais Hillel must be followed, or due to the fact that Bais Hillel was the majority. These reasons both apply only to Bais Hillel and Bais Shammai, who came later. However, Shammai himself certainly followed his opinion, as he predated the Heavenly voice and its instructions. Also, at that time Hillel and Shammai did not represent separate factions or legal camps which confronted each other. What did the Gemara expect to prove from this case and the actions of Shammai himself?

Aruch LaNer explains that even without the factors mentioned above, in consideration of לא תגודדו, it would still not have been appropriate for Shammai to publicly act in opposition to the accepted halacha that an infant is exempt from sukka. This is why the Gemara wonders how Shammai could have done such a thing. The Gemara answers that an observer would be under the impression that he did not do so for the mitzvah, but only to allow extra air to circulate. Therefore, the conduct of Shammai did not violate the guidelines of לא תגודדו. ■

## HALACHAH Highlight

**Does a yevama who marries a stranger become a זונה?**

מה לאלמנה שהיא עצמה מתחללת

What about the widow who becomes desecrated.

The Gemara contrasts the Kohen Gadol who marries a widow where she and her children become desecrated and may not marry kohanim or eat teruma, and the man who remarries his divorcée (after she married another man in the meantime) where she and her children do not become desecrated from marrying kohanim or eating teruma by means of this marriage. Rashi<sup>1</sup> mentions that a yevama who marries a stranger without chalitzah is the same as a man who remarries his divorcée, both cases violate regular prohibitions, and the yevama does not become desecrated by the relationship. The reason is that a woman becomes desecrated from kehuna only if the man was always prohibited, in contrast to the case of the one who remarried his divorcée, or the yevama who married a stranger, who becomes prohibited only after a particular event.

Rambam<sup>2</sup> rules that a yevama who marries a stranger without chalitzah is considered a זונה and becomes prohibited to marry a kohen. This ruling is difficult in light of our Gemara that indicates that a yevama who marries a stranger without chalitzah does not become a זונה. The Avnei

Miluim<sup>3</sup> suggests that although a yevama who marries a stranger without chalitzah is categorized as a זונה, as mentioned by Rambam, nevertheless, she does not become disqualified from eating teruma. The reason is that disqualification is not dependant on whether a woman is categorized as a זונה; rather it is related to whether she cohabited with someone who was always a stranger (i.e. prohibited) to her. Accordingly, the discussion in our Gemara would be limited to the subject of teruma. The difficulty with this explanation is that Rambam<sup>4</sup> ruled that when a woman has relations that categorize her as a זונה or חללה she becomes disqualified from eating teruma.

Imrei Moshe<sup>5</sup> explains that a woman becomes a זונה only if she has relations intentionally and not if the relations occurred unintentionally. Consequently, if the co-wife of an ערוה married a stranger without chalitzah, following the opinion of Bais Hillel, she would not be categorized as a זונה even according to Bais Shammai because it is seen as if the prohibited relations occurred unintentionally. Therefore, Rambam's ruling is not difficult from our Gemara since our Gemara addresses a unique circumstance. ■

1. רש"י ד"ה היא עצמה

2. רמב"ם פ"ח מהל' איסורי ביאה ה"ג

3. אבני מילואים סי' ו' סק"ד

4. רמב"ם פ"ז מהל' תרומות ה"ז

5. אמרי משה סי' י' סק"ה ■

## STORIES Off the Daf

**The ways of the Torah are pleasant**

דרכיה דרכי נועם

Our Gemara discusses the fact that we cannot have the women who may have required yibum do chalitzah since it may mean that their husbands will despise them. There is a general principle at work here: "The ways of Torah are pleasant, and all its paths are peace." Fulfillment of the mitzvos is meant to bring about greater mutual love among the Jewish people, not less.

Once, when Rav Shlomo Wolbe, ז"ל, was in a certain town in Israel, he stayed at the home of one of the Rabbonim of the town. The Rav asked Rav

Wolbe to accompany him to a din Torah.

They arrived first, but when the other local Rav arrived, Rav Wolbe's host refused to stand for him. This seemed strange since the newly arrived Rav was far older than Rav Wolbe's host and common courtesy seemed to dictate that the younger Rav stand or at least make some gesture of respect toward the senior talmid chacham.

At this point, a few of the members of the community called over Rav Wolbe and pleaded with him, "Rabbi, please! Can't you make peace between the two Rabbis of our town? They haven't spoken to each other in so long."

When Rav Wolbe broached the subject with his host, the man expressed indignation and began to heap abuse

on the elder Rav. He began an impassioned litany of all his grievances against the other Rav. "How could I consider making peace with someone who acted that way toward me!"

When Rav Wolbe's host finished pouring out all his pent-up venom he concluded, "Only someone like Rav Avrohom Grodzinsky ז"ל could be a Rav in the same city as another great Rav like Rav Aizik Sher, ז"ל, and still treat him like a brother!"

Rav Wolbe retorted, "Don't be so sure! I am certain that it was harder for them to live with each other than for you two here. You must learn to be less judgmental and get along—

דרכיה דרכי נועם! ■