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The Gemora asks: what does Rebbe do with the verse ‘*aleha*’?

The Gemora answers: He uses it for that which was taught in the following Baraisa: The court is not liable (*to bring the communal-error bull*) unless they permit a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently. And the same applies with an Anointed *Kohen*. And regarding idolatry (*the court is not liable to bring a bull and a goat, and the Anointed Kohen does not bring a female goat*), they are not liable unless they ruled on a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

And it was taught similarly in a Mishnah which summarizes the sacrifice offered by various people for various transgressions:

Transgression	Person	Sacrifice
One’s punishable by <i>kares</i> when committed intentionally	Individual	Female lamb or goat
	King	Male goat
	Anointed <i>Kohen</i>	Bull
	Court	
Idolatry	Individual	Female lamb
	King	
	Anointed <i>Kohen</i>	
	Court	Bull ( <i>olah</i> ), goat ( <i>chatas</i> )

The Gemora asks: And how are these laws derived? It is from that which the Rabbis taught in a Baraisa: It is written: *When the sin regarding which (aleha) they committed becomes known*. Rebbe said: It is derived through a *gezeirah shavah*: It is written here, ‘*aleha*,’ and it is written regarding the prohibition against cohabiting with one’s wife’s sister, ‘*aleha*.’ Just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding the communal-error bull, it only applies when they ruled to permit a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

The Gemora asks: We know this by a community; how do we know this regarding an Anointed *Kohen*?

The Gemora answers: It is because it is written regarding him: *to the guilt of the nation (we compare his offering to the communal one)*.

The Baraisa continues: We learn that this law applies by a *Nasi* as well, through a *gezeirah shavah* using the word *mitzvos*, which is written by a *Nasi* and the communal-error bull. We also learn from *Nasi* that an individual is not liable to bring a *chatas* unless he transgressed a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently. (8b4 – 9a2)

The Baraisa had stated: And regarding idolatry (*the court is not liable to bring a bull and a goat, and the Anointed Kohen does not bring a female goat*), they are not liable unless they ruled on a prohibition that is punishable by *kares* when done

intentionally, and there is a liability for a *chatas* when done inadvertently.

The *Gemora* explains how this is known: It is derived through a *gezeirah shavah*: It is written here, *mei'einei*, and it is written regarding the communal-error bull, *mei'einei*. Just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding idolatry, it only applies when they ruled to permit a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

The *Gemora* cites the verse, *if a person*, written by an individual's inadvertent transgression of idolatry. An individual, *Nasi* and Anointed *Kohen* are all included in the verse, *if a person*. The letter 'vav' (meaning 'and') adds to the preceding subject and therefore we may learn regarding the latter passage from the former. [We can therefore learn from the communal-error that just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding these people's inadvertence, it only applies when they committed a transgression that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.]

The *Gemora* asks: This is well according to the opinion who uses the word '*aleha*' for a *gezeirah shavah*, as stated above; however, according to the Rabbis, who use '*aleha*' in connection with the laws of *arayos* and co-wives, how do they deduce that the obligation for the *korban* is incurred only where the prohibition is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently?

The *Gemora* answers: They deduce it from that which Rabbi Yehoshua taught his son: It is written: *You shall have a single law for you, for one who acts in error*. And then it states: *But the person that does with a high hand* etc. All the commandments of the Torah were compared to the

prohibition of idolatry; just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding these people's inadvertence, it only applies when they committed a transgression that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

From there, we have derived the laws for an individual, a *Nasi* and an Anointed *Kohen* – both in regard to idolatry and in regard to all other commandments; from where is it known regarding an error by the community involving idolatry? It is because it is written: *if a person*. [The letter 'vav' (meaning 'and') adds to the preceding subject and therefore] we may learn regarding the former passage from the latter. [We can therefore learn from the rules of personal idolatry to the sin of the community regarding idolatry.]

The *Gemora* notes what Rebbe does with Rabbi Yehoshua ben Levi's verse. He applies it to the following: Since we find that the Torah made a distinction between a multitude and individuals (*who committed idolatry*) that the multitude is punished by the sword and their property destroyed, while individuals are punished by stoning and their property is spared. One might have thought that a distinction should also be made in respect of their sacrifices. It was therefore stated: *You shall have a single law for you*.

Rav Chilkiyah of Hagronya asked: What might have been the distinction with respect of their sacrifices? They could not bring a bull, for the congregation brings a bull for the transgression of any of the other commandments! They cannot bring a bull as an *olah* and a goat for a *chatas*, for the congregation brings such offerings in respect of idolatry! They cannot bring a he-goat, for a *Nasi* brings such an offering in the case of his transgression of any of the other commandments! They cannot bring a she-goat, for this is also the sacrifice of an individual!

The *Gemora* answers: It might have been suggested that whereas the congregation brings a bull as an *olah* and a goat

for a *chatas*, these should reverse the procedure and bring a bull for a *chatas* and a goat for an *olah*. Or perhaps we would have thought that consequently there is no remedy for them; the Torah teaches us otherwise. (9a2 – 9a4)

Levi asked of Rebbe: Why did the Mishnah list only fifteen cases of women who exempt themselves and their co-wives from *yibum* and *chalitzah*; the Mishnah should have listed sixteen? Rebbe said: It would seem to me that he doesn't have any brains in his head.

The Gemora explains Rebbe's reaction: Which case should the Tanna have included; a man's mother who has been violated by his father? This case is not possible according to Rabbi Yehudah who maintains that a man cannot marry a woman whom his father violated and therefore a woman cannot fall for *yibum* to her son. The Mishnah does not list cases that involve a dispute.

The Gemora challenges the assertion that the Mishnah does not discuss cases that involve a dispute: Doesn't the Mishnah later (20a) discuss cases where a woman is prohibited by *mitzvah* (*arayos that are Rabbinically forbidden*) or because of sanctity (*women that would violate his innate sanctity, they are not subject to the penalty of kares*) and yet, Rabbi Akiva and the Rabbis dispute the halachah in these cases?

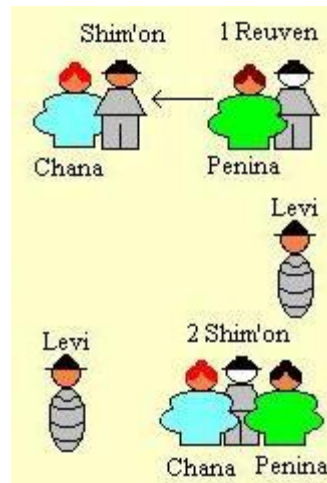
The Gemora answers that Rebbe was only referring to the cases discussed in this chapter (*the next perek, chapter does discuss disputed cases*).

The Gemora asks: The Mishnah cites the opinion of Beis Shammai, who maintain that the co-wives of the fifteen women mentioned in the Mishnah are permitted for *yibum*?

The Gemora answers: The viewpoint of Beis Shammai when Beis Hillel disagrees is not regarded as an authoritative opinion.

The Gemora asks: Our Mishnah mentioned a case of the wife of his brother who was not in his world (*this brother and the yavam were not alive at the same time*), and Rabbi Shimon and the Sages disagree (*Rabbi Shimon maintains that she is eligible for yibum or chalitzah*)?

The Gemora answers: Rabbi Shimon agrees when the brother (*Levi*) was born first and then Shimon performed a *yibum* (*on Penina*).



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In this case, Rabbi Shimon will agree that Levi will not be able to perform a *yibum* on Penina or Chana if Shimon subsequently dies. This is because Levi was alive prior to Shimon performing a *yibum*, and he was forbidden to perform a *yibum* on Penina then because he was not alive together with Reuven. Once she is forbidden to him, she remains that way and the prohibition of his brother's wife can never be lifted.

The Gemora asks: But Rabbi Oshaya said that Rabbi Shimon would disagree even in the case in the beginning of the chapter. [Rabbi Shimon would permit Reuven's wife, Penina to Levi even though Levi was born before Shimon took her in *yibum*.]

The Gemora answers: Rabbi Oshaya was refuted.

The Gemora persists in its questioning: Rav Yehudah said in the name of Rav and it was taught in the Baraisa of Rabbi Chiya: The following teaching can apply to the fifteen cases of the Mishnah: The one who is forbidden to one brother will be permitted to the other brother, and her sister, who is also a *yevamah* can do *chalitzah* or be taken in *yibum*.

The case is as follows: There were four brothers; two of them, Reuven and Shimon were married to two sisters, Rochel and Leah. If Reuven and Shimon died, the remaining two brothers (*Levi and Yehudah*) cannot perform a *yibum* with any of them because each one of these women is attached to every potential *yavam* with a *zikah*, an attachment on the account of *yibum*. The Rabbis decreed that one cannot marry the sister of a *zekukah* (*the woman who is attached to the yavam*) because a *zekukah* is similar to a wife and one is not permitted to marry his wife's sister.

If Rochel was an *ervah* to Levi (his mother-in-law) and Leah was an *ervah* to Yehudah; Levi can perform *yibum* with Leah and Yehudah can perform *yibum* with Rochel. In this case, the sisters are not forbidden because there is only a *zikah* from one man to one woman (*since an ervah removes the zikah*).

According to Rav Yehudah, the Tanna of the Mishnah (26a) can only be referring to the last nine *arayos* listed in the first Mishnah, but not to the first six (*such as his daughter*). The reason is because those six cases cannot occur unless the daughter was born through the violation of her mother (*If Levi and Yehudah's daughters are sisters, they obviously have the same mother; Levi and Yehudah could not possibly marry the same woman*); and the Mishnah is discussing cases of marriage, not cases of violation.

Abaye states that the Mishnah can be referring to the first six cases because the Mishnah has no compunctions discussing cases of violation. It is not discussing the case of the wife of his brother who was not in his world because that would involve a disagreement (*Rabbi Shimon and the*

*Rabbis*) and the Mishnah does not involve itself with disputed cases.

Rav Safra states that the Mishnah can be discussing the case of the wife of his brother who was not in his world, but only in the following scenario: There were six brothers all together. Originally, there were four, and two of them, Reuven and Shimon were married to two sisters, Rochel and Leah. Reuven died childless and then a fifth brother, Yissochar was born. (*Rochel is forbidden to Yissochar on the account of being the wife of his brother who was not in his world.*) Levi, the third brother, performed a *yibum* with Rochel and subsequently, Shimon died childless. (*Yissochar can perform a yibum with Leah because he was alive together with Shimon.*) A sixth brother, Zevulun was now born. (*Rochel is not forbidden to Zevulun on the account of being the wife of his brother who was not in his world because when he was born she was married to Levi. Leah is forbidden to Zevulun on the account of being the wife of his brother who was not in his world.*) Yehudah performed a *yibum* with Leah. Levi and Yehudah then died childless. The Rabbis maintain that each one is forbidden to the surviving brothers on the account of being the wife of their brother who was not in this world (*because of the initial marriage*). Rabbi Shimon disagrees and holds that the remaining brothers can perform *yibum* or *chalitzah* (*he is concerned only with the last marriage*).

The Gemora concludes its question: If this halachah is included in the Mishnah, it is evident that the Tanna of the Mishnah is discussing cases that involve a dispute.

The Gemora answers that Rebbe would understand the Mishnah to be referring to a case where the brothers (*Yissochar and Zevulun*) were born before the other brothers (*Levi and Yehudah*) performed a *yibum*. Even Rabbi Shimon would agree in this case that they cannot perform a *yibum*. (9a4 – 10a1)



## DAILY MASHAL

### SHAMING A STUDENT

Levi asked of Rebbe: Why did the Mishnah list only fifteen cases of women who exempt themselves and their co-wives from *yibum* and *chalitzah*; the Mishnah should have listed sixteen? Rebbe said: It would seem to me that he doesn't have any brains in his head.

The commentators ask: How could Rebbe talk to Levi in such a demeaning way? Doesn't it say in Koheles [9:17]: The words of the wise are heard when spoken softly, more than the shout of a ruler of fools? The Mishnah in Pirkei Avos [2:10] says: Rabbi Eliezer said: Let the honor of your fellow be as precious to you as your own. Why did Rebbe degrade Levi in such a manner?

The Chavos Yair (152) answers: Levi was the student of Rebbe and since Rebbe understood that Levi was a tremendous Torah scholar, it wasn't possible for him to err unless he did not thoroughly examine the matter prior to his question. Rebbe did not talk this way out of anger or haughtiness; as a matter of fact, the Gemora in Sotah (49a) states that when Rebbe died, humbleness was lost. Rebbe was instructing his student Levi that one must always scrutinize all relative material on any subject before openly discussing it.

This is the source for the following Rambam in Hilchos Talmud Torah (4:5) and cited in Shulchan Aruch (Y"D 246:11) as well (Torah.org): The student should not be embarrassed because his peers grasped [the lesson] after one or two times and he learned it only after many times. If he is embarrassed from this matter, he will end up coming in and going out of the Beit Midrash without learning anything. Therefore, the early sages said: "The shy one does not learn and the short-tempered one cannot teach" (Avot 2:5). When does this apply? If they didn't understand because of the depth of the Halakha or their limited abilities. However, if it became apparent to the teacher that they were not applying

themselves to the words of Torah and were being lax about them - and therefore, they did not understand - , he is obligated to become angry with them and to shame them with words in order to sharpen them. In this context, the sages said: "Cast fear into the students." (BT Ketubot 103b).