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Yevamos Daf 43

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Rabbi Avahu was leaning on his servant Rabbi Nachum’s shoulder and walking, and Rabbi Nachum was asking him halachic questions:

1. How do we rule when a dispute is followed by an anonymous Mishnah? Rabbi Avahu answered that we rule like the anonymous one
2. How we rule when an anonymous one is followed by a dispute? He answered that we don’t rule like the anonymous one.
3. What if the anonymous Mishnah is disputed in a Baraisa? He answered that we rule like the anonymous one.
4. What if the Mishnah records a dispute, but there is anonymous Baraisa like one opinion? He answered that the halachah does not follow the anonymous ruling. He explains: If Rebbe did not teach the ruling anonymously in the Mishnah, how could his student, Rabbi Chiya (*the one who compiled the Baraisos*) know that this ruling is authoritative. (42b3 – 43a1)

Rabbi Nachum asked Rabbi Avahu from an anonymous Mishnah in Meseches Keilim: The Mishnah stated: A comb for flax, whose (metal) teeth were broken off and two remained, is susceptible to tumah (for the comb can still be used; it is therefore still regarded as a utensil), but if only one tooth remained, it is tahor (i.e., it is not susceptible to tumah, for it cannot perform its function). All the teeth, however, if they were removed one by one, are individually susceptible to tumah (as they are regarded as utensils, for they can be used to clean out lamps). A comb for wool, whose alternate teeth are

broken off, is tahor (for it cannot be used). If three consecutive teeth, however, remained, it is susceptible to tumah. If one of these was an outermost tooth (which were very wide), the comb is tahor (for it now only possesses two serviceable teeth, and cannot be used to comb wool). If two teeth were removed and someone used them as tweezers, they are susceptible to tumah. One tooth, as well, that was adopted for cleaning a lamp, or for stretching out cloth, is susceptible to tumah. And it has been established that the halachic ruling is not according to that Mishnah.

Rabbi Avahu answered: Leave this Mishnah out of the discussion, for Rabbi Yochanan and Rish Lakish have both said that the text of that Mishnah is not accurate.

What is the reason? - Rav Huna the son of Manoach in the name of Rav Idi the son of Rav Ikka attempts to prove that the Mishnah is not accurate because the two rulings of the Mishnah contradict each other; for at first it was stated that ‘a comb for wool, whose alternate teeth are broken off, is tahor (for it cannot be used),’ from which it follows that if two consecutive teeth did remain it would be susceptible to tumah, while immediately afterwards it was stated, ‘if three consecutive teeth, however, remained, it is susceptible to tumah,’ from which it follows that only three (will it be susceptible to tumah), but not two!?

The Gemora disagrees: What difficulty is this? It is possible that the first one refers to the inner (rows of teeth, and there, if there were only two teeth remaining,



it would still be functional), and the latter statement is referring to the outermost teeth (where three teeth remaining would be necessary).

The Gemora shows that there is a different contradiction: The contradiction, however, arises from the following: It was taught first, 'all the teeth, however, if they were removed one by one, are individually susceptible to tumah (as they are regarded as utensils, for they can be used to clean out lamps),' implying - even though each tooth was not adapted for that purpose. Now read the latter statement: 'One tooth, as well, that was adopted for cleaning a lamp, or for stretching out cloth, is susceptible to tumah – implying that it is only when he adapted it, but not when he did not adapt it!?'

Abaye replied: What is the difficulty? It is possible that the first one refers to a tooth (that was separated) with a handle (which doesn't need to be prepared at all), and the other to a tooth (that was separated) without a handle!

Rav Pappa replied: What is the difficulty? It is possible that the first one refers to narrow teeth (which require a handle in order to be held), and the latter one refers to wide teeth (which can be grasped even without a handle).

The Gemora concludes: The reason (that the Mishnah is deemed to be not accurate) is rather because the scholars with precise knowledge (of the texts) add this conclusion: These are the words of Rabbi Shimon (indicating that it is not an anonymous Mishnah). (43a1 – 43a2)

Rabbi Chiya bar Abba sent the following ruling: We are permitted to enter into *erusin* during the third month, and we have seen this done in practice. Similarly, Rabbi Elozar taught in the name of Rabbi Chanina the Great: She is required to wait most of the first month, and most of the third month, and the entire middle month (for a pregnancy can be detected in that span of time).

Ameimar permitted her to enter into *erusin* on the ninetieth day (*although that is before the three complete months*).

Rav Ashi asked Ameimar: Didn't Rav and Shmuel both say that she is required to wait three months, not including the day on which the husband died, and not including the day of *erusin*? (*This would indicate that she must wait a complete ninety days*.)

Ameimar answers: They were referring to a nursing woman (*not a widow*), for Rav and Shmuel both said that a nursing woman is required to wait twenty-four months, not including the day on which the child was born, and not including the day of *erusin*.

The Gemora asks: There was an incident that a man prepared an *erusin* feast on the ninetieth day (*after the death of her first husband*), and Rava (*didn't allow the wedding*) caused him to lose the feast. (*This would indicate that she must wait a complete ninety days*.)

The Gemora answers: The feast was for a *nisuin*. (*Erusin would be permitted prior to ninety days are complete, but not nisuin*.)

The Gemora issues the halachic rulings: A nursing woman is required to wait twenty-four months, not including the day on which the child was born, and not including the day of *erusin*. A widow must wait three months, not including the day on which the husband died, and not including the day of *erusin*. (43a2 – 43a4)

The Mishnah had stated: Rabbi Yosi says, all women may enter into *erusin* except for the widow, because of the mourning (*for thirty days*).

Rav Chisda asks: Isn't there a *kal vachomer* that *erusin* should be permitted? If it is forbidden to launder clothing during the week of Tisha b'Av, it is nevertheless permitted



to enter into *erusin*; it is permitted to launder clothing during the thirty days of mourning for a close relative, shouldn't it certainly be permitted to enter into *erusin*? Why does Rabbi Yosi maintain that *erusin* is forbidden?

What is the source? It was taught in a Mishnah: In the week in which the Ninth of Av falls, it is prohibited to cut hair and to wash clothes, and on Thursday, they are permitted because of the honor of Shabbos. And it was taught in a Baraisa: Before this time (i.e., during the week of Tisha b'Av), the public must restrict their activities in commerce, building and plantings, but it is permissible to betroth though not to marry, nor may any betrothal feast be held! [We see from here that *erusin* is permitted during the week of Tisha b'Av.]

The Gemora disagrees: That (Baraisa) was taught in respect of the period before that time (i.e., before the week in which Tisha b'Av falls; accordingly, the halachah is that *erusin* and laundering are actually forbidden during the week of Tisha b'Av).

Rava asks: There can still be a *kal vachomer* to ask on Rabbi Yosi. If it is forbidden to engage in commerce during the week that precedes the week of Tisha b'Av, it is nevertheless permitted to enter into *erusin*; it is permitted to engage in commerce during the thirty days of mourning for a close relative, shouldn't it certainly be permitted to enter into *erusin*? Why does Rabbi Yosi maintain that *erusin* is forbidden?

The Gemora answers by emending the Mishnah: Do not say that Rabbi Yosi was permitting previously married women to enter into *erusin* immediately; rather he was permitting all previously married women to enter into *nisuin* immediately, except for a widow because of mourning. (A widow cannot enter into *nisuin*, but *erusin* is permitted like it was derived through the *kal vachomer*.)

The Gemora asks: Does Rabbi Yosi not hold of waiting before *nisuin* (on account of distinguishing between the child of the first husband and that of the second)?

The Gemora answers: Yes indeed, he does not hold that there is a requirement to wait before *nisuin*.

Alternatively, the Gemora answers, that Rabbi Yosi was only referring to women who were divorced after *erusin*; they may get married immediately. Women who are divorced after *nisuin* are required to wait.

The Gemora asks: If so, this is precisely Rabbi Yehudah's opinion; what is the difference between them?

The Gemora answers: The difference between them is regarding a married woman with *nisuin* to enter into *erusin*: Rabbi Yehudah maintains that a woman who was married with *nisuin* is permitted to enter *erusin* immediately, whereas Rabbi Yosi holds that she is forbidden to enter into *erusin* immediately; she is required to wait.

The Gemora asks: And does Rabbi Yosi maintain that a woman who was married with *nisuin* is forbidden to enter into *erusin* immediately? But it has been taught in a Baraisa: All women (even those previously married with *nisuin*) may be betrothed, with the exception of the widow, owing to her mourning. And how long does her mourning continue? Thirty days. And all these (women leaving *nisuin*) must not enter into *nisuin* before three months have passed!

The Gemora explains its question: What is the difficulty in this? If you will say that it is that which the Baraisa stated: Rabbi Yosi said: All (previously married) women may be betrothed (which might indicate that a woman married with *nisuin* may enter *erusin* immediately); is this of any greater force than our Mishnah (which stated the same thing), where it was interpreted to mean that 'betrothed

women (but not one married with nisuin) who were divorced may be married,' so here as well, it might be interpreted to mean: 'All betrothed women who were divorced may be married'!

Rather, the objection, arises from the latter clause where it was stated: And all these must not enter into nisuin before three months have passed; implying that only nisuin is forbidden to them but they may well enter into erusin!?

Rava replied: Emend and reconstruct it as follows: Rabbi Yosi said: Betrothed women who were divorced may enter into nisuin, with the exception of the widow owing to her mourning. And how long does her mourning continue? Thirty days. And married women may not be betrothed before three months have passed. (43a4 – 43b2)

The Gemora asks: *(It emerges from Rabbi Yosi that a widow from erusin is required to have a mourning obligation, and she must wait thirty days before entering into nisuin.)* Does a widow from erusin have a mourning obligation? Rabbi Chiya bar Ammi taught the following Baraisa: If a wife from erusin dies, the husband is not deemed to be an *onein* (*one whose close relative passed away and has not been buried yet*), he may not become *tamei* to her if he is a *Kohen*; and similarly (*if he dies*) she is not an *onein*, she does not have to be busy with his burial. If she dies, he does not inherit her and if he dies, she collects her *kesuvah*. How can Rabbi Yosi state that a widow from erusin must wait on account of the mourning obligation?

(The Gemora reverts back to its original understanding of Rabbi Yosi: He allows a woman from nisuin to enter into erusin immediately except for a widow because of her mourning obligation. Rava asked that a kal vachomer should be applicable, and erusin should be permitted

during the mourning period. The Gemora is answering this question.)

The Gemora states that there is indeed a Tannaic dispute regarding the permissibility of performing an erusin in the week preceding the week of Tisha b"Av. For it was taught in a Baraisa: From Rosh Chodesh Av until the Fast, the public must restrict their activities in commerce, building and plantings, and from performing erusin and nisuin. In the week in which the Ninth of Av falls, it is prohibited to cut hair and to wash clothes, and on Thursday, they are permitted because of the honor of Shabbos. And others say: It is forbidden (to cut hair and launder clothing) the entire month.

Rav Ashi asks: From where is it proven that betrothal means actual betrothal? Is it not possible that it is only forbidden to make a betrothal feast but that betrothal itself is permitted?

The Gemora counters: If so, does 'no performing nisuin' also mean that the making of a wedding feast is forbidden but marriage itself is permitted? [That would be obviously incorrect!]

Rav Ashi continues: Now, is this a comparison? In the case of nisuin without a feast there is still sufficient rejoicing; in the case of erusin, however, is there any rejoicing when no feast is held? [Rav Ashi proved from that Baraisa that there is no dispute and everyone would agree that erusin is permitted during that period. *(Rava's kal vachomer returns.)*]

Rather, Rav Ashi answers: A newer mourning (*close relative*) is different than an older mourning (*the loss of the Beis HaMikdosh*), and a communal mourning (*the loss of the Beis HaMikdosh*) is different than a private mourning (*close relative*). *(This explains why we rule stringently regarding the mourning for a close relative, and erusin would be forbidden then whereas it would be*



permitted during the week preceding the week of Tisha b'Av.) (43b2 – 43b4)

DAILY MASHAL

ARGUING WITH YOUR REBBE

The Gemora states that if a Baraisa existed that R' Yehudah HaNasi (Rebbi) did not learn, then R' Chiya, his disciple, could also not have known it. Yet, the Gemora (Moed Katan 16a) describes how Rebbi declared that no one should teach students Torah in the marketplace (as it was undignified), citing a Posuk as his source. R' Chiya disregarded the decree and taught his two nephews, Rav and Rabba b. Bar Chana in the marketplace, based on a different interpretation of the Pesukim. How could R' Chiya defy his teacher's edict?

Kehilas Prozdor cites the MaHarik (12) who explores the possibility that R' Chiya eventually became a disciple-colleague to Rebbi, which might permit it. However, the Gemara (Bava Basra 158b) derives that Ben Azzai was a disciple-colleague to R' Akiva from Ben Azzai's use of the word "you" rather than "Rebbi", when addressing R' Akiva. Yet, the Gemora (Kidushin 49b) states that if a man betroths a woman on condition that he is a Chochom, he needn't be a Chochom like R' Akiva to fulfill the condition; if he betroths her on condition that he is a Talmid Chochom, then he needn't be like Ben Azzai to fulfill the condition. Thus, we see that Ben Azzai was still held to be a disciple of R' Akiva, despite being labeled as a disciple-colleague.

Therefore, the MaHarik concludes that it is permitted for a student to disagree with his teacher in matters of prohibitions (as R' Chiya did). However, the Gemora (Sanhedrin 110a) which characterizes one who challenges, quarrels or complains about his Rebbi to be as one who had done so to the Shechinah, refers exclusively to one's primary teacher (who taught him most of his knowledge) and non-prohibition matters. This is derived

from the fact that Korach's group quarreled with Moshe, indisputably the primary teacher of Bnei Yisroel, but were characterized as contenders against Hashem.