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**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

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

The Mishnah had stated: The co-wife of an *ervah* and the co-wife’s co-wife are exempt from being taken for *yibum* and *chalitzah*. The Gemora inquires as to the source of this halachah: Rav Yehudah cites the verse “*litzror*.” The Torah could have written “*lotzur*,” the extra “*reish*” teaches us that other co-wives are forbidden, as well. Rav Ashi said: A Scriptural verse is not necessary; it can be derived purely with logic. Once the initial co-wife is forbidden to the *yavam*, she is regarded as an *ervah* of his brother’s wife. When the other brother subsequently marries her and he has a wife of his own, his wife becomes a co-wife of an *ervah* and is also forbidden. (13a1)

The Mishnah had stated: How is it that if they died or if they refused, or if they were divorced, or if they were found to be an *aylonis*, their co-wives are permitted? If his daughter or any other one of these *arayos* was married to his brother, who had another wife, and his daughter died, or was divorced, and afterwards his brother died childless, her co-wife is permitted.

The Gemora states: The co-wife would be permitted even if the deceased married the co-wife and only afterwards divorced the *ervah* (*the ervah and the co-wife were married to the deceased brother simultaneously*).

The Gemora asks a contradiction from the following Mishnah (30a):



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There were three brothers: Reuven and Shimon were married to two sisters, Rachel and Leah, and the other brother, Levi is married to an unrelated woman, Ester. Shimon divorced his wife, and then Levi died. Shimon performed a *yibum* with Ester and then died childless. This is what they said; and all who died, or who were divorced, their co-wives are permitted. It would seem from this Mishnah that Ester is permitted to be taken for *yibum* by Reuven only because she was not married to Shimon at the same time as Reuven’s wife’s sister (Lea), but if they would have been married to Shimon simultaneously and then Shimon divorced Lea, and then died, Ester would not be permitted for *yibum* to Reuven. This is not consistent with our Mishnah.

Rabbi Yirmiyah answered: The Tanna that taught this Mishnah did not teach the other Mishnah. The Tanna of our Mishnah maintains that it is the husband’s death which causes the wives to fall for *yibum*. [This is why the co-wife of the *ervah* is permitted even though she was married to the deceased brother together with the *ervah*; we are only concerned with the moment that he died. As long as they were not together at that time, the co-wife will be permitted.] The Tanna of the later Mishnah holds that the original marriage causes the wives to fall for *yibum* (as long as the *ervah* and the wife were married at the same time, the co-wife will be forbidden to the *yavam* - *even though the ervah was divorced prior to his death*).



Rava said: [Both statements] may, in fact, represent the views of [one Tanna,] it being a case of 'this; and there is no need to state that'. (13a1 - 13a2)

The Mishnah had stated: Whoever is entitled to make a declaration of refusal [etc.]. Then let her declare her refusal now and thus enable [her co-wife] to be married to the yavam! May it then be suggested that this supports Rabbi Oshaya? For Rabbi Oshaya said: She may annul [the yavam's] ma'amar by her declaration of refusal, but may not sever by such a declaration the zikah bond! — No; the case of the co-wife of a forbidden relative is different; for Rami bar Yechezkel learned: If a minor made a declaration of refusal against her husband, she is permitted to marry his father. If, however, she made her declaration of refusal against the yavam, she is forbidden to marry his father. From this it clearly follows that from the moment she becomes subject to yibum she is looked upon as his daughter-in-law; similarly, here also she is looked upon as the co-wife of his daughter from the moment she becomes subject to yibum. (13a2 – 13a3)

The Mishnah states: There are six *arayos* where a greater stringency applies than to these (*the fifteen arayos mentioned in the first Mishnah*), because they are married to others (*these arayos cannot be married to the brother either*), their co-wives are permitted. The Mishnah lists them: his mother, and his father's wife, and his father's sister, his paternal sister, and his father's brother's wife, and the wife of his paternal brother.

Beis Shammai permits the co-wives to the brothers, but Beis Hillel prohibits them.

If the *yavam* performed *chalitzah* with the co-wife of an *ervah*, Beis Shammai disqualifies her from marrying a kohen, but Beis Hillel permits her to marry a kohen (*since she was exempt from yibum and chalitzah, the chalitzah which was done was meaningless*).

If the co-wife was taken for *yibum*, Beis Shammai maintains that she is still qualified to marry a kohen (*if her husband would die*), but Beis Hillel disqualifies her (*since she was not permitted to be taken for yibum, she is regarded as a zonah and thus forbidden to a kohen*).

The Mishnah concludes: Although Beis Hillel prohibits the co-wives and Beis Shammai permits them; these declared certain women ineligible to a kohen and these declared them eligible, Beis Shammai did not refrain from marrying women of Beis Hillel, nor Beis Hillel from Beis Shammai. So, too, in regards to *tumah* and *tahara*, they did not refrain from lending each other utensils. (13a3 – 13b1)

Rabbi Shimon ben Pazi said: What is Beis Shammai's reason? — Because it is written: The outside wife of the deceased shall not be married to a strange man; 'outside' implies that there is also an internal, and the All Merciful said: She shall not marry [a strange man]. And Beis Hillel? — They require the text for the exposition which Rav Yehudah reported in the name of Rav. For Rav Yehudah stated in the name of Rav: From where is it deduced that betrothal [by a stranger] is of no validity in the case of a *yevamah*? For it is said: The outside wife of the deceased shall not be married to a strange man; there shall be no validity in any marriage of a stranger with her. And Beis Shammai? — Is it written 'la-chutz'? Surely 'chutzah' was written. And Beis Hillel? — Since the expression used was *chutzpah*, it is just the same as if *la-chutz* had been written; as it was taught: Rabbi Nechemiah said: In the case of every word which requires a 'lamed' at the beginning, Scripture has placed a 'hey' at the end; and at the School of Rabbi Yishmael the following examples were given: *Eilim*, *Eilimah*; *Machanayim*, *Machanaymah*; *Mitzrayim*, *Mitzraimah*; *Divlasaymah*; *Yerushalaymah*; *midbarah*.

From where do Beis Shammai derive the deduction made by Rav Yehudah in the name of Rav? — It is derived from

'to a strange man.' Then let Beis Hillel also derive it from 'to a strange man'! — This is so indeed. What need, then, was there for 'chutzah'? — To include one who was only betrothed. And the others? — They derive it from the use of ha-chutzah where chutzah could have been used. And the others? — A deduction from chutzah ha-chutzah does not appeal to them. (13b1 – 13b2)

Rava offers an alternative explanation for Beis Shammai: Beis Shammai maintains that one prohibition cannot take effect on another prohibition. (*The ervah can only be forbidden on account of being a brother's wife, but not on account of the yavam's wife's sister; therefore the co-wife is not excluded from yibum. The ervah herself is forbidden because if the prohibition of his brother's wife would be lifted for yibum, the prohibition of his wife's sister would immediately take effect.*)

The Gemora asks: This explanation is satisfactory in the case where the deceased had married first and the surviving brother married afterwards, since the prohibition of marrying a wife's sister could not come and take effect on the prohibition of marrying a brother's wife; where, however, the surviving brother had married first and the deceased married later, the prohibition of 'wife's sister' was, surely, first! — Since the prohibition of a 'brother's wife' cannot take effect on the prohibition of 'wife's sister', [any of the other widows] is the co-wife of a forbidden relative to whom the mitzvah of yibum is inapplicable, and is consequently permitted. (13b2 – 13b3)

The Mishnah had stated: If they had performed the chalitzah, Beis Shammai declare them ineligible etc. Isn't this obvious? — [It had to be stated] in order to exclude [the instruction] of Rabbi Yochanan ben Nuri who said: Come and let us issue an ordinance that the co-wives perform the chalitzah but do not marry the yavam. Hence it was taught that Beis Hillel declare them eligible. (13b3 – 13b4)

The Mishnah had stated: If they were married to the yavams etc. Beis Hillel declare them ineligible. What need again was there for this? — Because it was taught: If they perform the chalitzah, it was also taught: If they were married to the yavams. (13b4)

#### DAILY MASHAL

When R' Meir Shapiro was a young child, his mother hired a melamed to study with him. When she ran out of money to pay the melamed, she pawned her jewelry. "One day there was a big snowstorm and the melamed didn't come. R' Meir's mother cried for a very long time that morning. "Young Meir tried to reassure his mother. 'I'm sure the melamed will come tomorrow and we will make up what we missed today,' he said. "'Meir,' she replied, 'it is important that kvius (regularity) be maintained. It is a great loss to miss a day of learning. That's why I'm so sad!'" R' Meir Shapiro later gave his mother part of the credit for his idea of introducing the concept of Daf Yomi. (Rebetzin Kanievsky)