



נדרים דף ס"א

HALACHA CHABURA DAF 61

Marriage Between Cousins

Our daf discusses the argument between R' Meir and R' Yosi if a person would put himself into a place of doubtful ramifications. One example is if a man is mekadesh one of four women with an unclear expression; see the entire sugya. This topic is analogous to another sugya involving marriages, as follows.

In Teshuvos V'Hanhagos (Vol. 2:620), R' Moshe Stenbuch shlit"a records an opinion that one is forbidden to marry his cousin. He writes that when he was once in America, a Rabbi Eliyahu Young z"l requested his signature on a Rabbinical proclamation to this effect. Studies had shown that a certain percentage of such unions are plagued with ill health in their offspring. "We should forbid it so that one doesn't bring himself into doubtful circumstances," borrowing the expression of our Gemara. Let's delve into this fascinating sugya a bit.

The Rema (E.H. 2:6) actually says that it's a mitzvah for a man to marry his sister's daughter; some add also one's brother's daughter. His source is the Gemara in Yevamos 62b, and the Rambam (Issurei Biyah 2:14). This goes against the idea above, since marrying close relatives is somewhat dangerous. However, in Tzava'as R' Yehuda HaChosid (22) we find the opposite: one should *not* marry his brother's or sister's daughter. See the Pischei Teshuva on the Rema, who refers us to the Noda B'Yehuda (E.H. 2:79). There, he unequivocally disputes the opinion of R' Yehuda HaChosid: "... we find in the Tzava'ah of R' Yehuda HaChosid certain items which are practically forbidden to hear; he says one shouldn't marry his niece, while the Gemara says it's a mitzvah!"

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Somewhat in the middle, the Tzitz Eliezer (15:44) notes the different opinions and concludes that one cannot *forbid* such marriages, even though recent medical studies have indicated grounds for caution and danger. He inclines against it, though, “one will receive reward for abstaining from it, fulfilling the mitzvah of ‘you shall guard your souls exceedingly.’”

Returning to Rav Sternbuch, he opines that it may depend on one’s intentions. If a man is driven solely by desire, it could be considered dangerous. However, if he wishes to marry for the sake of Heaven, then he needn’t worry. Examples are if he wants to marry her because the family has good lineage, the girl has exceptional virtues, or he is getting on in age and can’t find anyone else appropriate for him. “Hashem will help him raise upright, wonderful generations and he doesn’t have to care about the studies conducted by non-Jews or secular people. By us, everything goes by the intention.”

Practically speaking, we have on record (Orchos Rabbeinu 1:266) that the Steipler was consulted by people wishing to marry cousins, and he replied that it’s not a good match. He showed petitioners the sefer Even HaRoshah, by R”A Kletzkin, rabbi of Lublin, in which he is very stringently opposed. The Steipler would generally forbid such a marriage or refuse to offer his opinion, sending them to someone else for a psak. It even occurred once that a shidduch was finalized between cousins and right before they wrote the tennaim he told them to break it off.

On the other hand, his son Rav Chaim zt”l tells that once (in 1983) an American boy came to the Steipler to ask about the issue of marrying a cousin and was told that it’s a very slight concern. “One in a thousand are affected adversely,” and he gave his blessings for the shidduch. The Steipler further cited the Chazon Ish that R’ Yehuda HaChosid was capable of ruling against a Gemara because he saw with Ruach Hakodesh that times would come when it would be inadvisable. This doesn’t contradict the Gemara because it was speaking of its own times. The Chazon Ish added that he never saw anyone go against the Tzava’a of R”Y HaChosid and see success...

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