



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Yevamos Daf Yud Zayin

- When **R' Yehuda** told **Shmuel** that **R' Assi** said that we must be concerned that the kiddushin of a "goy" is effective, because the "goy" is possibly a descendent of a Jew of the 10 lost shevatim (who married a non-Jewish woman and thereby produced children who are mamzeirem), **Shmuel** said, there is no such concern, because a child born to a non-Jewish mother is a non-Jew, and therefore we do not have to be concerned that these people are Jews.
  - **Q:** What about the children of the women from the 10 shevatim? They would be Jews and possibly mamzeirem!?
  - **A:** We have a tradition that these women were incapable of having children, and therefore, any children that were born were from non-Jewish mothers.
  - Another version was that **Shmuel** responded to **R' Yehuda**, that a takana was implemented, giving these people the status of goyim. Therefore, there is no need to be concerned for a kiddushin given by them.
- **R' Yehuda** said, the Yidden will make a day of Yom Tov when Tarmod is destroyed.
  - **Q:** It was already destroyed!?
  - **A1:** Tamod was destroyed, not Tarmod. **A2:** **R' Ashi** said, Tarmod and Tamod are one and the same, but only one half was destroyed and was rebuilt before the other half was later destroyed.
- **Ulla** was talking in learning with **R' Hamnuna**, and announced that **R' Hamnuna** was a great man, if only he didn't come from Harpanya (which was full of people of questionable lineage). **R' Hamnuna** was embarrassed. **Ulla** asked him to what municipality he pays his taxes. He told him he pays to Pum Nahara. **Ulla** said, if so, you are considered to be from Pum Nahara, and you are not of questionable lineage.
  - **R' Zeira** explained that the name Harpanya means that people of questionable lineage turn there to get married.
  - **Rava** said, a pasuk says that people eventually come out of Gehenom, which means that Harpanya is worse than Gehenom, because one can never remove the taint of mamzeirus.
  - The Gemara says, the passul people of Harpanya originated in Mishon, who in turn originated from Tarmod, who in turn originated from the slaves of Shlomo.

### HADRAN ALACH PEREK CHAMEISH ESREI NASHIM

#### PEREK KEITZAD -- PEREK SHEINI

#### MISHNA

- What is the case of the exemption from yibum based on "eishes achiv shelo haya b'olamo"? If there are 2 brothers (both of whom are married), and one (Reuven) dies without children, and before the second (Shimon) does yibum, a third brother (Levi) is born, and Shimon then does yibum and dies without children. In this case, Reuven's wife will be patur from yibum to Levi, because she is an "eishes achiv shelo haya b'olamo", and Shimon's wife is patur because she is a tzara of Reuven's wife. If, however, Shimon had given "maamer" to Reuven's wife, but had never completed the yibum, and then Shimon died without children, Shimon's wife would be required to get chalitza from Levi, but could not be taken in yibum.

## GEMARA

- Our Mishna refers to Reuven's wife as the "first" and Shimon's wife as the "second". Another version of the Mishna referred to Reuven's wife as the second, and Shimon's as the first. **R' Nachman** said, both versions are correct. Reuven's wife is "first" to fall to yibum, but is the "second" one to be married to Shimon.
  - **Q:** Is that to say that our Mishna cannot be discussing where Shimon first does the yibum and then later marries his other wife? **A:** It is discussing that case as well, and Reuven's wife is called the "second" because she is the one who has married for the second time.
- **Q:** Where is the erva of "eishes achiv shelo haya b'olamo" written in the Torah? **A:** **R' Yehuda in the name of Rav** said, the pasuk says "Ki yeishvu achim yachdav", which means they lived ("yeishvu") together in the world at the same time. This excludes the case of "eishes achiv shelo haya b'olamo". The word "yachdav" teaches that yibum only applies to brothers who inherit together – i.e. paternal brothers.
  - **Rabbah** said, we learn that yibum only applies to paternal brothers from a gezeirah shava from the shevatim. Just like the Shevatim were all from one father, so too yibum is only done with brothers from the same father.
    - **Q:** Why don't we learn a gezeirah shava from arayos, and use that to teach that it even applies to maternal brothers? **A:** Regarding yibum and the shevatim the word "achim" is used, whereas regarding arayos the word "achicha" is used. Therefore, we learn the gezeirah shava from the shevatim because the words used are identical.
      - **Q:** The yeshiva of **R' Yishmael** taught that a gezeirah shava may even be learned with different words of the same meaning! **A:** That is only true if there is no more similar word.
    - **Q:** Why don't we learn a gezeirah shava from Lot (where the pasuk also uses the word "achim") and learn that a nephew and uncle can also do yibum!? **A:** We learn the gezeirah shava from the word "achim" written by the shevatim, because that word is "extra" and therefore open for the gezeirah shava.
    - It is necessary to have the gezeirah shava from the shevatim and to have the word "yachdav". If the pasuk would only say "achim" and not "yachdav", we would have learned the gezeirah shava from Lot, and we would say the word by Lot is extra as well, because the pasuk could have written the word "reyim" instead of "achim". The pasuk therefore says "yachdav" to teach that they must be paternal brothers. If the pasuk would only say "yachdav", we would think that yibum only applies to brothers who share the same father *and* mother. We therefore need the gezeirah shava from the shevatim to teach that brothers who only share the same father are also subject to yibum.
      - Although yibum is clearly tied to inheritance, and therefore it should be clear that the brothers only need to share the same father, we would think that since yibum is such a novel concept (an ervah becomes mutar in marriage), we would think that the brothers must share the same father and mother for yibum to apply.
- **R' Huna in the name of Rav** said, if a yevama awaiting yibum died without having yibum or chalitza done to her, the yavam is mutar to marry this yevama's mother. It must be that **Rav** holds that there is no concept of "zakah" between the yevama and the yavam, and therefore it is not treated as if they were married.
  - **Q:** Why didn't he simply say that the Halacha follows the view of the one who says that there is no zika? **A:** If they would have said that, we would have thought to say that there is only no zika when there is more than one brother who remains alive and subject to yibum (since any one of them may end up doing yibum). However, when there is only one brother, we would think that there is zika. That's why he felt the need to say that there is no zika even in this case.

- **Q:** Why didn't he simply say that the Halacha follows the view that there is no zika even when there is only one brother!? **A:** If he would have said that, we would think that the yavam could marry the yevama's mother even while the yevama is alive and awaiting yibum or chalitza. He therefore said that there is no zika only after the yevama died.
  - **Q:** A Mishna says that one may marry his yevama's sister after the yevama's death. This suggests that he may *not* marry her mother even after her death. The Mishna seems to say that there is zika!? **A:** It may be that he may even marry the yevama's mother after the yevama's death. The reason it says he may marry the yevama's sister is because earlier in the Mishna it said that one may marry his wife's sister after his wife's death. Therefore, it stated that the same is true for a yevama.
- **R' Yehuda** said that a yavam may *not* marry the mother of his yevama even after the death of the yevama (she died before getting yibum or chalitza). It must be that he holds that there is zika.
  - **Q:** Why didn't he simply say that the Halacha follows the view of the one who says that there is zika? **A:** If he would have said that, we would have thought to say that there is only zika when there is one brother who remains alive and subject to yibum. However, when there is more than one brother, we would think that there is no zika. That's why he said that there is zika even in that case.
  - **Q:** The view that says there is zika says so even when there is more than one brother!? **A:** If he would have just said the Halacha follows that view, we would think that the zika ends upon the death of the yevama. He teaches that even after her death the zika remains, because the zika cannot be removed without some action taking place.
  - **Q:** A Mishna says that one may marry his yevama's sister after the yevama's death. This suggests that he may *not* marry her mother even after her death. The Mishna seems to say that there is zika and can be a proof for **R' Yehuda**!? **A:** It may be that he may even marry the yevama's mother after the yevama's death. The reason it says he may marry the yevama's sister is because earlier in the Mishna it said that one may marry his wife's sister after his wife's death. Therefore, it stated that the same is true for a yevama.