

## OVERVIEW of the Daf

### 1) The Ten Tribes (cont.)

R' Abba bar Kahana identifies where the Ten Tribes settled. Shmuel presents a number of unsuccessful challenges to R' Assi's earlier ruling that if an idolater betroths a woman we must be concerned that the betrothal is valid because the person may descend from the Ten Tribes.

### 2) Tarmud

It is reported that the Jewish People will make a holiday on the day that Tarmud is destroyed.

After it is noted that Tarmud is already destroyed the Gemara offers two resolutions to explain the intent of the original assertion.

### 3) Harpania

An incident involving R' Hamnuna and the city of Harpania is recorded. The name of the city alludes to the fact that people with tainted genealogy turn to find a spouse.

Rava declares that it is deeper than Gehinom.

The Gemara traces the origin of the mamzerim of Harpania to the slaves of Shlomo Hamelech.

**הדרן עלך חמש עשרי נשים**

**4) MISHNAH:** The Mishnah describes the case of the wife of the non-contemporary brother and adds that if the contemporary brother did maamar to the widow before the non-contemporary brother was born and then dies the contemporary brother's widow requires chalazah.

### 5) Clarifying the language of the Mishnah

R' Nachman notes that the deceased brother's wife could be accurately described as "first" or "second."

### 6) The wife of the non-contemporary brother

R' Yehudah in the name of Rav identifies the source that yibum is not done on the wife of a non-contemporary brother.

R' Yehudah and Rabbah present different sources for the halacha that yibum is only performed for a paternal brother.

Rabbah's source is unsuccessfully challenged.

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## REVIEW and Remember

1. Where did the city of Harpania derive its name?  
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2. Explain מאמר.  
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3. What is the source that yibum is done only to a paternal brother?  
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4. Explain זיקה.  
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## HALACHAH Highlight

*A brother who was not in his world—why is he exempt?*

אשת אחיו שלא היה בעולמו היכה כתיבא

The Gemara searches for the verse which is the source that yibum cannot be done by a brother who is born only after the original married brother died. Tosafos wonders why a special verse is needed to teach us this halacha, when we would conclude that yibum under these circumstances would be impossible for another reason. The rule is that the ways of the Torah are pleasant—**נעים דרכיה**. For example, we learn later (87b) that if a man dies and leaves a son, his wife obviously does not have to do yibum. If the son dies, and the woman now has no surviving child, we might suggest that the woman should now do yibum. Yet the Gemara points out that this is not the case, because once this woman has been released from the law of yibum, it would not be "the ways of pleasantness" to require her to be subject to this restriction anew.

Accordingly, says Tosafos, let us consider a woman whose husband dies childless. If he has no brothers, there is no rule of yibum. It would be unreasonable to expect her to wait indefinitely to see whether her father-in-law's wife might have another son sometime in the future, and to reinstate the law of yibum which was already dismissed. Therefore, asks Tosafos, why do we need a verse to teach the exclusion of "a wife of a brother who was not in the world," when it should be excluded based upon simple logic?

Tosafos answers that the verse is only needed in the case where the father-in-law's wife was pregnant at the moment of the brother's death. Here, it might not be unreasonable to expect the widow to wait and see if the child will be a boy. Nevertheless, the woman is exempt due to the verse of **יחדו**.

Ramban and Ritva explain that the concept of "the ways of the Torah are pleasant" only excludes the case where the widow had a son who died. Here, if yibum would be reinstated, every woman would have to wait forever in case **ח"ו** her children might all die, and to possibly marry the brothers. This would be absurd, and **נעים דרכיה** precludes such a situation. It might be reasonable, however, to expect the woman to wait in the case of waiting to see if any more sons might be born to the mother-in-law, and when she dies the "yevama" could then be released. ■

Today's Daf Digest is dedicated

לזכר נשמת

הרב הקדוש רבי אלימלך

בן

הרב הקדוש רבי אליעזר ליפמאן זצלה"ה

מליזענסק

# Distinctive INSIGHT

## Falling to a mumar

”יחדו” מיוחדים בנחלה

“Together” [teaches that the brothers must be] together in regard to inheritance

The Mordechai<sup>1</sup> cites Gaonim who maintain that if the brother is a mumar (heretic) the widow is permitted to marry and does not even require chalitza. Mordechai explains that a mumar loses his status as a brother, like we find in the laws of ribbis. The Avnei Miluim,<sup>2</sup> however, challenges this explanation. The definition of brotherhood regarding ribbis and yibum are different. Concerning ribbis, the term brotherhood refers to the collective brotherhood of the Jewish People and a person who does not behave like a Jew loses his status as a brother. Brotherhood for yibum is determined by the blood relationship that brothers share and is not related to whether the brother is a mumar.

Avnei Miluim suggests an explanation that could justify this position. There is an opinion in the Rishonim<sup>3</sup> that a mumar does not inherit his father's property. Consequently, one can assert that since a mumar does not inherit his father's property he will also not bind the widow to yibum. This connection between inheritance and yibum is taught in our Gemara. The Gemara rules that the mitzvah of yibum does not apply to a maternal brother because the Torah indicates that it only applies for those who “share” an inheritance. Rashi<sup>4</sup> explains that they inherit one property and bequeath one to the other.

The Chasam Sofer<sup>5</sup> expresses astonishment at the resolution of Avnei Miluim. Avnei Miluim's explanation is built on his assertion that Rashi connects the issue of inheritance from the father and yibum. In fact, Rashi did not mention inheriting from the father. The only issue Rashi addressed regarding inheritances

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The necessity for two different expositions for the same halacha is explained.

### 7) Marrying the mother of a shomeres yavam

R' Huna rules that if a shomeres yavam dies without yibum or chalitza the yavam is permitted to marry her mother.

This indicates that R' Huna follows the position that there is no zikah and the Gemara explains why he expressed his opinion in the context of this ruling.

R' Huna's ruling is unsuccessfully challenged.

R' Yehudah disputes R' Huna's ruling and rules that the yavam may not marry the shomeres yavam's mother.

This indicates that R' Yehudah follows the opinion that there is zikah and the Gemara explains why he expressed his opinion in the context of this ruling. ■

is the ability of the brothers to inherit and bequeath to one another. Consequently, our Gemara cannot be cited as support for the opinion cited by Mordechai.

Shulchan Aruch<sup>6</sup> rules that a widow who falls to a yavam who is a mumar must receive chalitza before she is permitted to remarry despite the existence of a differing opinion. Rema<sup>7</sup>, however, cites a dispute concerning a widow who remarried without chalitza, thinking that her husband did not have any brothers and it was later discovered that there is a brother but he is a mumar. One opinion maintains that she does not have to leave her present marriage whereas others maintain that chalitza is still required. ■

1. מרדכי יבמות פ"ד סי' כ"ח-כ"ט
2. אבני מלואים סי' קנ"ז סק"א
3. ע' שו"ת הרא"ש כלל י"ז סי' י'
4. רש"י ד"ה המיוחדים בנחלה
5. שו"ת חת"ס אה"ע ח"ב סי' ע"ד אולם נראה שהאבני מלואים נקט ביחד משפרש"י בב' ד"ה המיוחדים בנחלה ע"ש
6. שו"ע אה"ע סי' קנ"ז סע' ד'
7. רמ"א שם ■

# STORIES Off the Daf

## Consecration through Separation

כיצד... עשה בה מאמר

When the Beis Aharon of Karlin, zt"l, made a siyum on Masseches Yevamos, many of his followers joined him for the festive meal. After much lively singing, someone asked the Beis Aharon a question that related to one of the matters discussed in the massechta.

The chassid asked, “Why do we find that someone who marries a yevama is called one who has done ma'amar instead

of kiddushin? And what exactly does the word ma'amar mean?”

The Beis Aharon responded, “We must first understand why marrying a woman is called kiddushin. This is a language of hekdes, consecration through separation, since as soon as she accepts kiddushin she becomes prohibited to anyone else. However, in the case of the yevama, she has been prohibited to anyone else all along from the time she was first married to the husband who later died. From the time of his death, she has been prohibited to anyone else until she is either bound through yibum or released through chalitza. It is therefore inappropriate

to call marriage to her kiddushin, since this act doesn't make her any more consecrated through separation from others than she already was!

The Beis Aharon continued, “Now we can try to understand the meaning of the word מאמר. The reason why the sages chose this name is because the whole purpose of yibum is to perpetuate the name of the deceased. So the act of yibum is really an aspect of resurrection for the dead brother. We find that it is the מאמר, the word, of Hashem that brings the dead back to life, as we see in the phrase: מחיה מתים במאמר. This is why such a marriage is called מאמר. ■