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DAF YOMI DIGEST
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יבמות נ״ב
The Chicago Center

OVERVIEW of the Daf

1) Clarifying the Mishnah

A matter related to the language of the Mishnah is clarified.

2) The ideal manner of performing yibum

The Mishnah states that performing מאמר and then yibum is the ideal way to do the mitzvah. It is suggested that this supports R' Huna, who issued a similar ruling.

The proof is rejected.

The full statement of R' Huna is cited and clarified.

Related to the clarification of R' Huna, the Gemara cites many Rabbinic violations for which Rav would administer lashes.

The Gemara clarifies the last case.

According to Nehardea, Rav only administered lashes in one case and there are two versions which case that was.

3) מאמר

A Baraisa is cited that describes how מאמר is performed. The language of the kesubah given to a yevama is presented.

4) גט

Abaye inquired of Rabbah whether a גט that is ineffective for a married woman will be effective for a yevama to disqualify her from doing yibum.

Rabbah responded that it will indeed disqualify her from doing yibum.

Rabbah bar Chanan unsuccessfully challenges the premise of the inquiry.

Two inquiries related to a גט given to a yevama are presented and left unresolved.

5) מאמר after chalitza

R' Yehudah in the name of Rav states that the Mishnah's ruling that nothing is effective after chalitza is limited to the opinion of R' Akiva, but according to Chachamim who maintain that kiddushin takes hold even when facing a prohibition, מאמר will be effective after chalitza.

The assertion that the Mishnah follows R' Akiva is unsuccessfully challenged.

A Baraisa is cited that supports R' Yehudah's explanation.

A related Baraisa is cited that presents the dispute between Rebbi and Chachamim concerning the effectiveness of kiddushin following chalitza.

R' Yosef suggests an explanation of Rebbi's position.

Abaye rejects this explanation and offers an alternative explanation.

Rava offers an alternative explanation to the dispute. ■

Distinctive INSIGHT

Lashes for abusing a messenger of the Rabbis

ומאן דפקר שלוחא דרבנן

The Gemara clarifies that a yavam should give מאמר before taking the yevama and fulfilling the mitzvah with ביאה. If the yavam would take the yevama without מאמר, he would be liable for "lashes of discipline—מכת מרדות," due to the ruling of Rav, who considered this to be פריצות.

The Gemara lists eight cases in which Rav ruled that Rabbinic lashes are administered. One of the cases is for a person who is insolent towards a messenger of the Rabbis. Here, Rashi explains that this means that a person acts with חוצפה against a messenger of the court. However, in Kiddushin (12b), Rashi explains that the person defies and is מצער the court messenger by striking him.

Rashba in Kiddushin questions this comment of Rashi, because striking another Jew is a violation of a Torah law, and a person can be placed in נידוי for doing so. Therefore Rashba explains that the lashes in our Gemara are referring to a case where the messenger was abused verbally. ר״ן explains that it can even be speaking about where the messenger was insulted in front of others. He suggests that the accurate text should therefore read דמבזה rather than דפקיר.

Tosafos in our Gemara notes that this case is not only dealing with abusing a messenger of the court, but, in fact, it is speaking about disgracing and abusing any messenger of a Rabbi. He cites a story from Kiddushin (70a), where Rabbi Yehuda sent a messenger to someone, and when the fellow acted abusive toward the messenger, Rabbi Yehuda punished him by placing him in נידוי. This is because acting impudently against the messenger is tantamount to disgracing the rabbi himself, who had sent him. ■

REVIEW and Remember

1. What is the ideal way to fulfill the mitzvah of yibum according to R' Huna?

2. What is unique about the kesubah written for a yevama?

3. Why did the Gemara assume that the Mishnah could not follow R' Akiva?

4. Explain the dispute between Rebbi and Chachamim.

HALACHAH Highlight

Lashes of discipline

והתניא לוקה מכת מרדות מדרבנן

Didn't the Baraisa teach that he receives lashes? Those are only lashes of discipline for violating a Rabbinic injunction.

The Mishnah[1] in Nazir presents a dispute concerning a woman who took a vow to be a nezirah and, without her knowledge, her husband nullified the vow. While she was still unaware that her husband nullified her vow she violated the restrictions of her nezirus. Tanna Kamma rules that she is not liable to lashes and R' Yehudah states, "If she does not receive forty lashes she at least receives lashes of discipline. Rav Ovadiah Birtenoro[2] writes that the details of lashes of discipline are determined by each Beis Din based on their perception of the severity of the offense. These lashes, however, are not the same as the lashes given for a person who refuses to fulfill a positive mitzvah, because those lashes continue until he is compliant.

The Tosafos Yom Tov[3] cites an opinion which explains that these lashes are called lashes of discipline is that they are administered for one who rebels against the Torah and the Rabbis. According to this opinion, there is no difference between the lashes administered to one who refuses to fulfill a positive mitzvah and the lashes administered to one who violates a Rabbinic prohibition.

Rav Akiva Eiger[4] cites Rashi's[5] comment to our Gemara where he differentiates between Biblical lashes and Rabbinical lashes. Rashi's position is that forty lashes are given only when a person is subject to Biblical lashes, but a person who is only subject to Rabbinic lashes does not receive forty lashes. The reason for the lashes is that the violator did not behave with proper self-respect (נהג קלות ראש בעצמו).

The Rivash[6] however, holds that forty lashes are administered even for Rabbinic violations but they are not administered with the same degree of force. The Gemara Kiddushin[7] seemingly supports the view of Rivash. The Gemara there states that one who calls his friend a mamzer is punished with forty lashes. We see that even though the lashes administered are for violating a Rabbinic prohibition, nonetheless the offender receives forty lashes. ■

1. משנה נזיר פ"ד מ"ג
2. רע"ב שם
3. תיו"ט שם
4. תוספות רעק"א שם
5. רש"י ד"ה והתניא לוקה
6. שו"ת ריב"ש סי' צ'
7. גמ' קידושין כח ■

STORIES Off the Daf

The lack of Mussar

ומאן דשהי שמתא דרבנן עליה תלתין יומין ולא אתי לבי דינא ותבע לשמתיה

One of the things for which Rav gave lashes was a failure on the part of the מנודה to return Beis Din after thirty days to request that they lift the ban. How could a Jew sink so low that even thirty days of niddui leaves him indifferent? The purpose of the ban is to help the person realize that he needs to change, and in that sense it is a kind of mussar. If it fails, Rav says that we wake the sinner by giving him lashes.

In the years leading up to the Russian Revolution, a spirit of discontent swept through many of the Russian and Lithuanian yeshivos. During one particular period, there was such strong opposition to the study of mussar in Slabodka yeshiva itself that a number of former talmidim decided to publish their views. One of the dropouts announced that he would stop at nothing until he succeeded. This young man was known to have been quite a brilliant student. After much effort, however, the group didn't seem to be any closer to achieving its aims. Discomfited, they decided to try a different tactic.

The most radical student said, "It's obvious that our problem is Rav Noson Tzvi Finkel, zt"l, himself! It is the Alter of Slabodka who keeps on frustrating our every plan. All we need to do is get him out of the way and there will be no more trouble to remove the study of mussar from the yeshiva." The others agreed.

It never crossed their minds that it would be a challenge to get the Alter out of the way; as they planned to simply visit him and see how he reacted to being threatened at gunpoint!

"And if he won't resign, well, he just can be held responsible for the consequences," the ringleader said.

A group of these renegades forced their way into the Alter's house soon after and made their demands. The Alter, however, was unperturbed. He merely gazed sadly at the leader, and said calmly, "You only left us and our mussar a short while ago, and look what has happened to you already."

The ringleader was stung by the lashes of the Alter's words. Completely chastened, he turned tail and the whole group followed suit. ■

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