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יבמות פ״ה
The Chicago Center

OVERVIEW of the Daf

1) Daughters of kohanim marrying chalalim (cont.)

The Gemara concludes presenting Ravin bar Nachman's unsuccessful challenge to Rav's ruling concerning the permissibility of a daughter of a kohen to marry a chalal.

R' Pappa, upon inquiry, asserted that it is prohibited for daughters of kohanim to marry chalalim.

R' Huna the son of R' Yehoshua refuted the proof.

2) The kesubah of a secondary ervah

The people of Biri inquired of R' Sheishes whether a woman who was a secondary ervah to her husband but not to her yavam receives a kesubah from her yavam.

R' Sheishes cites a Baraisa that states that she will not receive a kesubah even from the yavam.

A point mentioned in the Baraisa is clarified.

3) Sustenance

R' Elazar asked R' Yochanan whether a woman in a prohibited marriage receives sustenance in addition to her kesubah.

R' Yochanan answers that she does not receive sustenance.

R' Yochanan's ruling is unsuccessfully challenged.

A second version of this discussion is presented.

A Baraisa distinguishes between the rights of a woman involved in a Biblically prohibited marriage and a Rabbinically prohibited marriage.

R' Shimon ben Elazar and Rebbi suggest alternative reasons for the distinction and the Baraisa suggests a third explanation.

A dispute is presented whether the Baraisa's explanation was suggested by R' Shimon ben Elazar or Rebbi.

R' Chisda suggests a case that represents a practical difference between R' Shimon ben Elazar and Rebbi's opinion.

This suggestion is refuted and R' Yosef offers an alternative suggestion for a practical difference between R' Shimon ben Elazar and Rebbi.

This suggestion is rejected and R' Pappa suggests an alternative suggestion for a practical difference between R' Shimon ben Elazar and Rebbi.

This suggestion is refuted and R' Ashi proposes another practical difference between R' Shimon ben Elazar and Rebbi.

This suggestion is refuted and Mar the son of R' Ashi identifies a case that is a practical difference between R' Shimon ben Elazar and Rebbi.

4) MISHNAH: The Mishnah presents cases of women who cannot eat terumah, maaser rishon or both.

5) Bas Yisroel eating maaser rishon

The Gemara wonders why a bas Yisroel betrothed to a Levi is not permitted to eat maaser rishon since non-Leviim are permitted to eat maaser rishon.

R' Nachman in the name of Shmuel explains that the Mishnah follows R' Meir who maintains that maaser rishon is prohibited to non-Leviim. ■

Distinctive INSIGHT

When is it necessary to suspend the kesubah in a prohibited marriage?

אמר רבי שמעון בן אלעזר מפני מה אמרו אלמנה לכהן גדול יש לה כתובה מפני שהוא פסול

Rashi cites the Mishnah from Bechoros (45b) which teaches that anytime a kohen marries a woman who is prohibited to him, he becomes disqualified from serving in the Beis Hamikdash until he dismisses that woman and disavows any future benefit from her. This forbidden marriage has a built-in deterrent, in that the kohen husband is disqualified to serve in the Beis Hamikdash as long as he remains married to this woman. Accordingly, there was no need for the sages to penalize the woman further by suspending her kesuba, which would make it easier for the husband to dismiss her. This is as opposed to the cases of שניות where the woman is penalized and loses her kesubah. In the case of שניות both the husband and the wife retain their full status, so we implement a penalty which will encourage, or at least make it easy for the husband to dismiss this wife about whom the sages disapprove.

Tosafos (פ״ה ד״ה וכל מקום שהוא פסול) notes that the term הוא פסול cannot refer to a case where the kohen husband himself becomes disqualified, as Rashi explains. The problem

(Continued on page 2)

REVIEW and Remember

1. What are the ten genealogical classes that ascended from Bavel to Eretz Yisroel?
2. Does a woman in a prohibited marriage receive sustenance?
3. What is the dispute between Rebbi and R' Shimon ben Elazar?
4. Is a non-Levi permitted to eat ma'aser rishon?

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HALACHAH Highlight

The yavam's responsibility to provide a kesubah
שניה לבעל ולא שניה ליבם יש לה כתובה מיבם או לא

If a woman was a secondary ervah to her husband but not to her yavam does she receive a kesubah from the yavam or not?

There is a dispute concerning the case under discussion in the Gemara. Ramban and Rashba[1] explain that the Gemara's inquiry is not addressing a case where the yavam did not perform the mitzvah of yibum, because there is no reason he would be obligated to give the yevama a kesubah if he didn't marry her. It also cannot be addressing a case where the yavam did yibum and is interested in remaining married, because the Gemara[2] states that it is prohibited for a man to remain with his wife if she does not possess a kesubah. Rather the inquiry addresses a case of the yavam who did yibum and now would like to divorce her. Is he obligated to give her a kesubah or not?

Others[3] write that even if the yavam chooses to remain married to the yevama he is not obligated to provide her with a kesubah, the same way her deceased husband was not obligated to provide her with a kesubah. The Bach[4] explains that the restriction against remaining with a woman who does not have a kesubah is limited to a wife that was taken by choice, because we do not want him to think that it is easy to divorce her. A case of yibum is different since his wife was given to him from Heaven. Therefore, since she did not have a kesubah from her husband we do not require the yavam to provide a kesubah. A second explanation suggested by Bach is that it is only regarding permitted marriages that Chazal were concerned that it should be difficult for a husband to divorce his wife. In our case, on the other hand, since her marriage with her husband was prohibited and thus she did not have a kesubah from him, the yavam is not required to provide a kesubah since we are not concerned whether the yavam will hesitate to divorce her.

Rema[5] follows the explanation of Ramban and Rashba and rules that if the yavam intends to remain married to the yevama he must provide her with a kesubah. The Maharshal[6] follows the second opinion and maintains that even if the yavam remains married to the yevama he is not obligated to provide her with a kesubah ■.

1. מובא דבריהם במגיד משנה פ"ב מהל' יבום וחליצה הי"ז והב"ח ס"ס קס"ח וכתב עוד
2. גמ' בבא קמא פט
3. ע' מגיד משנה והב"ח הנ"ל בשם הרמב"ם והטור
4. ב"ח שם
5. רמ"א אה"ע סי' קס"ח סע' ט'
6. ים של שלמה פ"ט סי' ה' ■

(Insight. Continued from page 1)
with this is that later in the Gemara Rav Pappa presents a case of a kohen gadol and a previously-married women (בעולה), which is violation of an עשה. There, neither the kohen nor the woman becomes disqualified. According to Rashi, though, the fact that this marriage is in violation of the Torah should itself result in the kohen's being disqualified. Therefore, Rabeinu Tam explains that the case where the sages do not penalize the woman by suspending her kesubah is where הוא פסול, referring to where the offspring would be פסול rather than where the kohen becomes disqualified ■

STORIES Off the Daf

The spiritual shot of whiskey
עשרה יוחסין עלו מבבל כהנים לוים וישראלים

Our Gemara recalls the Mishnah that discusses ten levels of family heritage which journeyed from Bavel with Ezra HaSofer in an effort to determine whether or not כשרות are forbidden to marry חללים. The Mishnah states that Kohanim have the highest grade of heritage. After them are the Levi'im, followed by Yisraelim.

Rav Naftoli of Ropshitz, zt"l, once traveled to a certain town with Rav Feivel of Zebruzh. After a fiery intense davening, the two sat down for coffee. Before partaking, Rav Naftoli sat for a moment and recounted his yichus back to the Shelah HaKadosh.

Rav Feivel looked at Rav Naftoli and said, "I can only assume that you list your יחוס so that the merit of your holy ancestors will help your tefillos ascend on high. But does your honor really stand in need the merit of his ancestors after such an intense davening?"

Rav Naftoli smiled and said, "Since you, my respected friend, have asked, I will explain why I list my ancestors. You got up at midnight and recited Tikkun Chatzos to mourn over the exile of the Shechinah and the destruction of the Beis HaMikdash. You then immersed in a cold mikveh and learned until the morning. At dawn you started preparing yourself in earnest for Shacharis by saying Tehillim, learning Mishnayos, and generously giving tzedakah. When it came time to daven, you joined the tzibur for a davening full of intense devotion. After davening, you sip a cup of coffee and feel fulfilled, knowing that you have outstripped your ancestors who never served Hashem as you have.

"Like you, I also get up for Chatzos sometimes and learn a little. I can also daven what seems to be a nice davening. But when I have my coffee after davening, my innards churn as I think how inadequate my avodah is. How does my davening compare to that of my ancestors before me? Have I come to a small fraction of the avodah of the holy Shelah? Now you will understand that I list my forefathers as a way of stimulating myself to start to truly serve Hashem. Think of it as a spiritual shot of whiskey to warm me up!" ■

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