

# Daf Notes

Insights into the Daily Daf

5 Tammuz 5767

Yevamos Daf 49

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## Highlights

The Mishna states: How is a *mamzer* produced? Rabbi Akiva says: Any union with a relative subject to a negative prohibition will produce a *mamzer*. Shimon Hatimni said: A *mamzer* can only be produced from a marriage which is punishable by *kares* and the halacha follows his words. Rabbi Yehoshua said: A *mamzer* can only be produced from a marriage which one is subject to a court-imposed execution.

Rabbi Shimon ben Azzai said: "I found a scroll of lineage in Yerushalayim and the following was written in it: 'So-and-So is a *mamzer* because he was born from an illicit relationship with a married woman.' This corroborates the words of Rabbi Yehoshua."

The Mishna continues: If one's wife died, he is permitted to marry her sister. If he divorced his wife and then she died, he is permitted to marry her sister. If he divorced her and then she married someone else and then she died, he is permitted to marry her sister.

If one's *yevamah* died, he is permitted to marry her sister. If he performed *chalitzah* with her and then she died, he is permitted to marry her sister. If he performed *chalitzah* with her and then she

married someone else and then she died, he is permitted to marry her sister. (49a)

The Gemora cites the Scriptural source for Rabbi Akiva's opinion that any union with a relative subject to a negative prohibition will produce a *mamzer*.

Rabbi Simai adds: Any woman who is subject to a negative prohibition (*even if she is not a relative*) will produce a *mamzer*.

Rabbi Yesheivav adds: Any woman who is subject to a positive prohibition will produce a *mamzer*.

The Gemora provides the Scriptural sources for those opinions as well.

The Gemora provides the Scriptural sources for the respective opinions of Shimon Hatimni and Rabbi Yehoshua as well. (49a)

Abaye said: Everyone agrees that one who cohabits with a *niddah* (*menstruant*) or a husband who cohabits with his *sotah* (*adulterous wife*) that the children born from them will not be a *mamzer*.

Abaye explains his reasoning: A *niddah* cannot produce a *mamzer* because *kiddushin* would take effect with her (*and the principle is that a mamzer can only result from a woman who kiddushin will not take effect with*). A *sotah* also cannot produce a *mamzer* because *kiddushin* would take effect with her.

The Gemora cites a braisa supporting Abaye's position. The braisa states: Everyone agrees that one who cohabits with a *niddah* or a husband who cohabits with his *sotah* or one who cohabits with a woman awaiting *yibum* that the children born from them will not be a *mamzer*.

The Gemora asks: Why didn't Abaye mention the case of one who cohabits with a woman awaiting *yibum*?

The Gemora answers: Abaye was uncertain if the halacha follows Rav or Shmuel (*who dispute if kiddushin takes effect with one who cohabits with a woman awaiting yibum*). (49b)

The Mishna had stated: Rabbi Shimon ben Azzai said: "I found a scroll of genealogical records in Yerushalayim and the following was written in it: 'So-and-So is a *mamzer* because he was born from an illicit relationship with a married woman.' This corroborates the words of Rabbi Yehoshua."

The Gemora cites a related braisa: Rabbi Shimon ben Azzai said: "I found a scroll of lineage in Yerushalayim and the following was written in it: 'So-and-So is a *mamzer* because he was born from an illicit relationship with a married woman.' The following was also written in it: 'The teachings of Rabbi Eliezer ben Yaakov are few but clean.' The following was also written in it: 'Menasheh killed Yeshaya.'"

Rava said that Menasheh the king of Israel justified his killing of Yeshaya (*who incidentally*

*was Menasheh's uncle*) because Yeshaya's prophecies contradicted those of Moshe Rabbeinu. Moshe declared that one cannot see HaShem, yet you, Yeshaya, declared that you saw HaShem sitting on His high and lofty throne.

Moshe wondered, "Who is like HaShem our G-d, whenever we call to Him?" whereas you stated, "Seek Hashem when He can be found," implying that HaShem is not readily available.

Moshe Rabbeinu stated, "I (*HaShem*) shall fill the number of your days," which implies that HaShem will not add to ones lifespan, whereas you said to King Chizkiyah, "I (*HaShem*) will add fifteen years to your life."

Yeshaya, upon hearing these accusations, said to himself, "I know that Menasheh will not accept my rebuttal of his arguments, and if I respond, I will make Menasheh a wanton killer, as he will feel justified in killing me. (*Rather, I will run away.*)" Yeshaya then uttered the Name of HaShem and was swallowed by a cedar tree. Menasheh had the cedar tree cut down and when the axe reached Yeshaya's mouth, Yeshaya was killed, because Yeshaya had declared, "I dwell among a people with impure lips." These words were not a prophecy from HaShem. Rather, Yeshaya uttered these words on his own, and for this reason he was killed.

The Gemora asks: How can we reconcile the contradictory verses?

The Gemora answers: Yeshaya was able to declare that he saw HaShem sitting on His high and lofty throne even though Moshe had declared that one cannot see HaShem because of the following braisa: All prophets viewed their prophecy through an unclear glass whereas Moshe viewed his prophecy through a clear glass.

The Gemora turns its attention to the second contradiction: When Yeshaya had stated, "Seek Hashem when He can be found," implying that HaShem is not readily available; that is referring to the prayer of an individual (*he can overcome an evil decree only during specific times of the year*). Moshe, who wondered, "Who is like HaShem our G-d, whenever we call to Him?" was referring to the communal prayers; they have the ability to overturn an evil decree any time during the year.

The Gemora asks: When during the year will HaShem answer the prayer of an individual?

Rav Nachman said in the name of Rabbah bar Avuha: These are the ten days between Rosh Hashanah and *Yom Kippur*. (49b)

## INSIGHTS TO THE DAF

### MOSHE'S PROPHECY

Gemora Bava Basra 14b states that Moshe wrote his sefer and the parsha of Bil'am? What is the connection?

"In the nation of Israel, there never arose another prophet of Moshe's stature" (Devarim 34:10) -- In the nation of Israel there did not arise, but among the other nations there did arise. Who was that? Bil'am!" (Sifri, end of Sefer Devarim, see also Bamidbar Raba 14:34)

How is it possible to suggest that Bil'am, the embodiment of evil character traits (Avot 5:19), prophesied on the same level as Moshe, the greatest of prophets? (Famous question - text from Parsha page Balak 5758)

Rabbi Mordechai Kornfeld cites the commentators who say that there is a basic distinction between the prophecy of Moshe and other nevi'im. Hashem

spoke through the throat of Moshe - "mitoch g'rono shel Moshe." Maharil Diskin explains (end of teshuvos):

The Gemora (Yevamos 49b) tells us that all the prophets saw their visions through "a clouded glass," while Moshe's prophecy was through "a clear glass." In what way is a prophet's vision clouded? Is the Divine Word not clearly revealed to him? Rav Diskin explains as follows: When Hashem delivers a prophetic message to a prophet, it must first "materialize" into a worldly vision, one that is within the grasp of the prophet. The prophet must then apply himself to the task of understanding the meaning of the vision. Ultimately, the accuracy of his interpretation will depend on how closely he grasps the ways of the Creator, or how much he has subordinated himself to the Divine Will. The barrier of physicality that stands between the prophet and heaven "clouds" the prophet's vision.

Does that mean that sometimes a prophet can "miss the point?" If he can "misread" his vision, at times, how are we ever to know whether his prophecy can be relied upon? Rav Diskin answers that even if a prophet does not grasp all the fine points, and interprets part of it other than ideally, his interpretation will certainly come true. Once he is appointed to be a prophet of Hashem, he is entrusted with "prophetic license" to interpret the Divine communications that reach him as he sees fit, and Hashem will follow through based on the prophet's interpretation. The concept of a Divine message being subject to human explication is, after all, not a new one. With regard to meaningful dreams (which our Sages term "a minor prophecy," Berachot 57b), we are told that "Dreams are fulfilled according to the interpretation that one suggests for them." (Berachot 55b -- This concept in fact has parallels in the license afforded to Talmudic scholars to interpret the Written Law based on the 13 principles of the Oral Law).

Moshe, though, was different from all other prophets. He obtained the loftiest spiritual level that a man of flesh and blood can attain -- he totally subordinated his will to that of the Creator (Bamidbar 12:3). His grasp of the Divine Will was therefore total; his visions were through a "clear glass."

Hashem chose to grant the gift of prophecy to a gentile, and Bil'am was chosen for the position (Rashi 22:5). It was to be expected that he would prophesy through an "unclear glass," like most prophets. But this could have had grave consequences. Bil'am, with his terribly unrefined character (Avot 5:19), would certainly have "seen" in his vision a perverted view of Hashem's message. What would have happened had he interpreted it as a sign of calamity for Israel, instead of a sign of their redemption! Since prophecy is fulfilled according to the interpretation of the prophet, this could have had dire results!

In order to avoid this, Hashem changed the ordinary manner of prophecy in this one case. Bil'am was shown crystal-clear, pure visions -- he was treated to the unadulterated word of Hashem. ("What Hashem puts in my mouth, I shall speak" - 22:38.) There was nothing for him to misinterpret and mis-foretell.

We can now answer our original question. The Sifri does not mean to propose the preposterous suggestion that Bil'am reached as lofty a level as Moshe. It means that there was one particular aspect of prophecy that no prophet shared with Moshe but Bil'am. That is, as far as clarity of prophecy is concerned, Bil'am's visions were as clear and unfiltered as Moshe's own visions.

## IMPURE LIPS

Rava states that (King) Menasheh accused Yeshaya HaNavi of being a *Navi Sheker*, pointing out a number of statements made by Yeshaya that

seemed inconsistent with the *Torah*. Yeshaya believed that Menasheh was not interested in his explanations and intended to kill him regardless, so he hid himself inside a tree. When Menasheh's men struck the tree near Yeshaya's mouth, Yeshaya died, because of a gratuitous remark he had once made, calling *Bnei Yisroel* "a nation of impure lips".

Kehilas Prozdor cites the *Orchos Tzadikim (shaar haka'as)* who points out that because Moshe criticized the tribes of Gad and Reuven, accusing them of being sinful, Moshe's descendant ended up a priest of idolatry. Thus, we see the consequences of a reluctance to judge positively, and of careless insults, even when true.

The *Gemara (Kesubos 17a)* asks: How should one dance before a bride?, and Beis Shamai says she is to be described as she is, while Beis Hillel opines that she is always to be described as pleasant. Beis Shamai asks Beis Hillel: How is one permitted to one lie? To which Beis Hillel replies, shouldn't one praise a buyer's purchase to him? It seems as if Beis Hillel is avoiding the question. On the other hand, how can Beis Shamai just ignore the requirement to judge positively?

The *Mishneh Halachos (12:278)* suggests that Beis Hillel's reply was to distinguish between one who asks about the *kallah* at the beginning (*should he even meet her?*), versus after they are married. If someone comes to ask about her at the beginning, Beis Hillel would agree that one must speak the truth. To do otherwise would transgress the prohibition against offering bad advice. (*See the Gemora in Kesubos 75a-b where not all failings or blemishes are visible.*) However, after they are married, to speak the truth (*where the truth is not pleasant*) would produce nothing but pain. Here, Beis Hillel argues, one must judge positively that there is something pleasant about her. For this reason, Beis Hillel used a comparison to a buyer, after he had purchased.