

17 Sivan 5782  
June 16, 2022



Yevamos Daf 101

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

### Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

#### Striking and cursing both possible fathers

The *Mishnah* discussed a case regarding intermingled children that are both *Kohanim* and stated the following *halachah*: He is exempt from death if he strikes or curses either of his possible fathers.

The Rabbis taught in a *Baraisa*: If one of the sons struck one of the possible fathers and then he struck the other, or if he cursed one of the possible fathers and then he cursed the other, or cursed them both simultaneously or struck them both simultaneously, he will be liable (*since one of the two is certainly his father*). Rabbi Yehudah said: If he struck or cursed them simultaneously, he will be liable (*the specific warning (hasra'ah) that must precede any forbidden act that is punishable by a court is here effected when the witnesses warned the offender by one statement against the striking or the cursing of the two, e.g., 'do not strike them'*), but if he struck or cursed one and then he struck or cursed the other, he is exonerated (*though he may have been duly warned in each particular case, no penalty can be imposed upon him by any court, since each warning was of a doubtful character since it was unknown in each case whether the particular man he was about to strike or curse was his father or not; a warning of a doubtful character is, in the opinion of Rabbi Yehudah, of no validity, while in the opinion of the first Tanna, it is valid*).

The *Gemora* asks: But, surely, it was taught in the following *Baraisa*: Rabbi Yehudah stated that the son is exonerated even if his offences were simultaneous. The *Gemora* answers: Two *Tannaim* differ as to what was the opinion of Rabbi Yehudah.

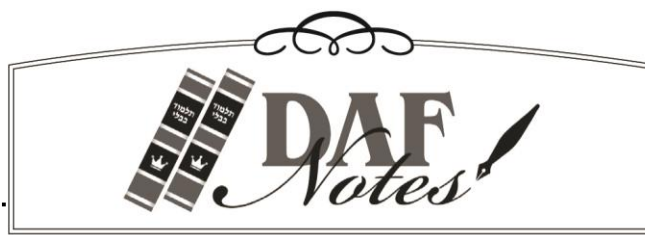
The *Gemora* asks: What is the reason of the *Tanna* who exonerated the son even when he acted simultaneously? Rabbi Chanina replied: The prohibition against “blessing (*a euphemism for cursing*)” is mentioned in the Torah in respect of parents on earth and the prohibition against “blessing” is mentioned in respect to the One above (*Hashem*). Just as there is no association above (*a person cursing knows precisely to Whom he is cursing*), so must there be no association below (*only when the curse referred to a single individual is the offender subject to punishment*), and striking a parent is compared to cursing (*and the same guidelines will apply*). (101a1)

#### INTERMINGLED SON OF TWO KOHANIM

The *Mishnah* had stated: The intermingled son of two *Kohanim* can serve as a *Kohen* in the *Beis Hamikdosh* during the shift of each father’s household, but cannot demand a share in the division of *korban* meat, as the household can claim that he does not really deserve a share because he might belong to a different household.

The *Gemora* asks: Since, he is not receiving a share, why should he go up? The *Gemora* asks inquisitively: You ask, “Why should he go up?” Surely, he might say that he wishes to perform a positive commandment of serving in the *Beis Hamikdosh*. The *Gemora* explains its original question: The *Mishnah* does not say “if he went up,” but rather, “he goes up,” thus implying, that he goes up even against his will. (*Why do we force him to go up?*)

Rabbi Acha bar Chanina answered in the name of Abaye in the name of Rabbi Assi in the name of Rabbi Yochanan: We compel him to serve for the purpose of averting any possible negative reflection upon his family. (*If he would refrain from*



...serving, rumor might attribute his abstention to some serious disqualification which would bring discredit upon all his family; its members, therefore, may compel him to join in the service.) (101a2)

The Mishnah had stated: If both (husbands) belonged to the same Mishmar, (he takes one portion).

The Gemora asks: In what respect do two Mishmaros differ from one that (in the former case) he may not (demand a portion)? Is it because when he comes to the one Mishmar, he is driven away (because they tell him that he might belong to the other Mishmar), and when he comes to the other Mishmar, he is again driven away? Then, even in the case of one Mishmar as well, when he comes to one Beis Av (as each Mishmar was divided into six batei avos, with each family serving one day of the week), he should be driven away, and when he comes to the other Beis Av, he should also be driven away!? Rav Pappa replied: It is this that was meant: If both (husbands) belonged to the same Mishmar and to the same Beis Av as well, he takes one portion. (101a2)

## **WE SHALL RETURN TO YOU, NOSSE'IN AL HA'ANUSAH**

### **Mishnah**

(Introduction for this Perek, which deals with the laws of chalitzah (from Kehati): It is written in the Torah section about yibum, "And if the man does not want to take his brother's wife, then his brother's wife shall go up to the gate of the elders, and say: 'My husband's brother refuses to raise up to his brother a name in Israel; he will not perform the duty of a husband's brother to me.' Then the elders of his city shall call him, and speak to him; and if he stands, and says: 'I do not want to take her'; then shall his brother's wife go up to him in the presence of the elders, and loose [ve-chaltzah] his shoe from off his foot, and spit before him; and she shall answer and say, 'So shall it be done to the man that does not build up his brother's house.' And his name shall be called in Israel, 'The house of him that had his shoe loosened'" (Deut. 25:7-10). This chapter teaches the procedure of the mitzvah of chalitzah and the details of its laws.)

The Mishnah states: The mitzvah of chalitzah requires three judges, and even if the three of them are laymen. If she performed chalitzah with a shoe, her chalitzah is valid; with a sock, her chalitzah is invalid. If she performed chalitzah with a sandal that has a sole, it is valid; with one that does not have a sole, it is invalid. If the shoe was worn from the knee and downward, her chalitzah is valid; from the knee and upward, her chalitzah is invalid.

If she performed chalitzah with a sandal that is not his (the yavam's), or with a wooden sandal, or with the left shoe which was placed on his right foot, her chalitzah is valid. If she performed chalitzah with a large shoe, but he could walk with it, or with a small one which covers most of his foot, her chalitzah is valid. (101a3 – 101a4)

### **Laws of Chalitzah**

The Mishnah had stated: The mitzvah of chalitzah requires three judges, and even if the three of them are laymen.

The Gemora asks: Since even three laymen are sufficient, what is the necessity for judges? The Gemora answers: The Mishnah is teaching us that three men are required, who are capable of dictating the prescribed verses like judges.

The Gemora states that according to this explanation, the Mishnah is teaching us precisely what the Rabbis taught in the following Baraisa: The process of chalitzah is performed in the presence of three men who are able to dictate the prescribed verses like judges. Rabbi Yehudah said: It must be performed in the presence of five people.

The Gemora explains their dispute: What is the first Tanna's reason? For it was taught in the following Baraisa: It is written [Devarim 25:7]: elders. This implies that two are required. And since a court may not be evenly balanced (if they would be equally divided, we couldn't make a decision based on a majority), one more man is added to them; behold, we have three.

The *Gemora* asks: And how does Rabbi Yehudah derive that there must be five people by a *chalitzah*? The word *elders of* would imply that two are required. And since it is written *elders*, this implies that another two are required. And since a court may not be evenly balanced, one more man is added to them; behold, we have five.

The *Gemora* asks: As to the first *Tanna*, what deduction does he make from the word *elders of*? The *Gemora* answers: He uses it for the purpose of including even three laymen.

The *Gemora* asks: How, then, does Rabbi Yehudah deduce the eligibility of laymen? The *Gemora* answers: He deduces it from the words *to the eyes of the elders*. For a master said: *To the eyes of* excludes blind men. Now, since the expression *to the eyes of* is required to exclude blind men, it follows that even laymen are eligible. For should it be suggested that only members of the Sanhedrin are eligible, what would be the necessity to exclude blind men? They would be excluded from that which Rav Yosef taught. For Rav Yosef taught the following *Baraisa*: Just as the *Beis Din* must be clean in respect of righteousness (*their character*), they must be clean from all physical defects, as it is written: *You are completely beautiful, my friend, without any blemish in you.*

The *Gemora* asks: As to the first *Tanna*, what deduction does he make from the word *to the eyes of the elders*? The *Gemora* answers: He uses it for the purpose of that which Rava derived from it, for Rava stated: The judges must see the spittle issuing from the mouth of the *yevamah* during the *chalitzah* procedure, because it is written: *to the eyes of the elders ... and she shall spit.*

The *Gemora* asks: But doesn't the other *Tanna* (*Rabbi Yehudah*) also require that phrase (*to the eyes of the elders*) for Rava's ruling? The *Gemora* answers: This is so indeed.

The *Gemora* asks: How, then, does he deduce the eligibility of laymen? The *Gemora* answers: He deduces it from the following verse: (*She shall say: My yavam refuses to establish*

*a name for his brother) in Israel.* This implies that any Jew whatsoever is eligible to be a judge.

The *Gemora* asks: As to the first *Tanna*, what deduction does he make from the word *in Israel*? The *Gemora* answers: He uses it for the purpose of that which Rav Shmuel bar Yehudah derived from it, for he stated: The verse *in Israel* implies that *chalitzah* must be performed at a *Beis Din* of Jews, but not at a *Beis Din* of converts.

The *Gemora* asks: How, then, does Rabbi Yehudah deduce this rule? The *Gemora* answers: *In Israel* is written a second time.

The *Gemora* asks: As to the first *Tanna*, what deduction does he make from the word *in Israel* (*the second time*)? The *Gemora* answers: He uses it for the purpose of another deduction in accordance with that which was taught in the following *Baraisa*: Rabbi Yehudah stated: We were once sitting before Rabbi Tarfon when a *yevamah* came to perform *chalitzah*, and he instructed us to say: "The man who had his shoe removed."

The *Gemora* asks: How, then, does Rabbi Yehudah deduce this rule? The *Gemora* answers: This is deduced from the verse: And his name shall be called.

The *Gemora* asks: If this is so (*that we have expounded each plural expression to add two judges*), And they shall call should imply another two; And they shall speak should imply another two? It would emerge that according to Rabbi Yehudah, behold there are nine; and according to the Rabbis, behold there are seven? The *Gemora* answers: Those words are required for a deduction in accordance with that which was taught in the following *Baraisa*: And they shall call him (*the yavam*), but not their representative; And they shall speak unto him teaches that the *Beis Din* gives him suitable advice. If the *yavam*, for instance, was young and the *yevamah* old, or if he was old and she was young, he is told: "What would you have in common with a young woman"? Or, "What would you have in common with an old woman"?

“Go find someone who is of similar age as yourself, and do not bring any quarrels into your home.” (101a4 – 101b2)

### CHALITZAH REQUIRES THREE

Rava rules in the name of Rav Nachman: The law is that *chalitzah* must be performed in front of three people, since it was taught anonymously in our *Mishnah* according to that opinion.

Rava asked Rav Nachman: If so, *mi'un* (A girl whose father had died could be given in marriage while still a minor (under the age of twelve) by her mother or older brother. This marriage is only valid Rabbinically. As long as she has not attained the age of twelve, she may nullify the marriage by refusing to live with her husband. This act of refusal, referred to as *mi'un* nullifies the marriage retroactively.) should also be performed in front of three people? For we learned anonymously in the following *Mishnah* (Sanhedrin 2a): *Mi'un* and *chalitzah* are performed in front of three people. Perhaps, you will say that this indeed is the *halachah* in practice, but we learned in the following *Baraisa*: Beis Shammai maintains that *mi'un* must be performed in front of three ordained judges. Beis Hillel holds that it can be performed in front of any three people, even if they are not ordained. They both agree however, that it must be performed in front of three. Rabbi Yosi the son of Rabbi Yehudah and Rabbi Eliezer the son of Rabbi Yosi state that *mi'un* can be performed even in front of two people. Rav Yosef bar Minyomi rules in the name of Rav Nachman that the *halachah* is in accordance to that pair (who holds that two people being present is sufficient).

The *Gemora* answers: With respect to *mi'un*, there is only one anonymous *Mishnah* which rules that three people are required (and therefore we may rule with the opposing opinion), however, in respect to *chalitzah*, there are two anonymous *Mishnahs* which rule that *chalitzah* requires three people.

The *Gemora* asks: There are also two anonymous *Mishnahs* in respect to *mi'un*, for it was taught in a *Mishnah*: If a

woman refused or if she performed *chalitzah* in front of the sage, he may marry her, because he is part of the Beis Din; why don't we rule that three are required? Rather, the *Gemora* answers: There are only two anonymous *Mishnahs* in respect to *mi'un*; *chalitzah* has three *Mishnahs*.

The *Gemora* asks: What is the distinction if there is only one anonymous *Mishnah*, two anonymous *Mishnahs* or three?

Rather, Rav Nachman bar Yitzchak answers: We rule according to the anonymous *Mishnah* in respect to *chalitzah* because the anonymity occurs in a *Mishnah* that records a dispute (involving Rabbi Yehudah). For we learned in the following *Mishnah* (Sanhedrin 2a): *Semichah* of the elders (the law is that the majority of individual sacrifices require *semichah*, i.e., the owner of the sacrifice with all his strength lays (somech) his two hands on the head of the live animal, and confesses over his sacrifice. The sacrifices of the public, however, do not require *semichah*, with two exceptions: (1) the goat that is sent forth on Yom Kippur requires *semichah* by the High Priest; (2) the bull of “the thing which is hid from the eyes of the assembly,” i.e., if the Sanhedrin erred unintentionally in its ruling and erroneously permitted something, the intentional transgression of which is punishable by *kares* and the unintentional transgression of which requires a *chatas* sacrifice, and the majority of the people acted in accordance with this ruling, and it later became known to the Sanhedrin that it had erred, the Torah states, “then the assembly shall offer a young bull for a sin-offering” (Vayikra 4:14). This sacrifice is called “the bull of the thing which is hid from the eyes of the assembly” and requires *semichah* by members of the Sanhedrin as it is written, “and the elders of the congregation shall lay their hands upon the head of the bull” (ibid., v. 15). This *semichah* is called in our *Mishnah*, in accordance with the wording in the Torah, “*semichah* of the elders.”) and breaking the heifer's neck (i.e., if a person is found slain in a field, and the identity of the murderer is not known, the Torah writes, “Then your elders and your judges shall come forth, and they shall measure unto the cities which are round about him that is slain” (Devarim 21:2), and the city which is closest to the



slain person brings a heifer whose neck is broken. Rabbi Shimon holds that the “measuring” mentioned in the Torah is performed by three members of the Sanhedrin, and the “breaking of the neck” stated in the Mishnah is not to be taken literally, for this act was performed by the elders of the city, as specified in the Torah, and not by the three judges. (*Kehati*) – by three; so said Rabbi (Yosi) Shimon. But Rabbi Yehudah says - by five. *Chalitzah* and *mi’un*, however, require three. Here, Rabbi Yehudah did not dispute the anonymous ruling of the *Mishnah*. Learn from this that he retracted his opinion, and he too holds that *chalitzah* and *mi’un* require three people. (101b2 – 101b3)

The *Gemora* records a few incidents indicating that the Amoraim were particular to have five people present by a *chalitzah*. It was explained that this was for the sake of publicizing the matter, which would enable the *yevamah* to get married again.

Rava stated: The judges must appoint a place (for the *chalitzah* to transpire beforehand), for it is written: *Then his yevamah shall go up ‘to the gate’ (to a place that has been previously designated), to the elders.*

Rav Pappa and Rav Huna son of Rabbi Yehoshua arranged a *chalitzah* in the presence of five people.

The *Gemora* asks: In accordance with whose view (did they act)? Was it in accordance with that of Rabbi Yehudah? He, surely, had retracted his opinion (and ruled that three people were sufficient)? The *Gemora* answers: Their objective was to give the matter due publicity (and that is why they arranged to have two additional people).

The *Gemora* relates: Rav Ashi once visited the home of Rav Kahana, when the latter said to him: The master has come up to us at an opportune moment to complete a quorum of five. Rav Kahana continued: I was once standing in the presence of Rav Yehudah, when he said to me: Come, get on to this bundle of reeds that you may be included in a quorum of five. When they asked him for his rationale behind the

necessity for five, he replied: It is in order that the matter be given its due publicity.

Rav Shmuel bar Yehudah once stood before Rav Yehudah when the latter said to him: Go up, come, get on to this bundle of reeds that you may be included in a quorum of five, in order that the matter be thereby given its due publicity. Rav Shmuel bar Yehudah remarked: [It is written:] *In Israel* (which) implies that *chalitzah* must be performed at a Beis Din of (born) Jews, but not at a Beis Din of converts, while I am, in fact, a convert.

Rav Yehudah said: By the mouth of a man like Rav Shmuel bar Yehudah (on account of his integrity), I would withdraw money (from a defendant).

The *Gemora* asks: You say ‘Withdraw’!? Could this enter your mind? Surely the Merciful One said: By the mouth of two witnesses!? The *Gemora* answers: Rather, it is this that he meant: I would, on his word, impair the validity of a document.

Rava stated: A convert may, according to Biblical law, sit in judgment on a fellow convert, for it is written: *You shall surely set over yourself a king, whom Hashem, your God, shall choose; one from amongst your brothers shall you place over yourself a king.* It is only when set ‘over yourself’ (born Jews) is he required to be one from amongst your brothers; when, however, he is to judge his fellow convert, he may himself be a convert. And if his mother was a (born) Jewish woman, he may sit in judgment even on (born) Jews. In respect of *chalitzah*, however, no man is eligible as judge unless both his father and his mother were (born) Jews, for it is written: *And his name shall be called in Israel.* (101b)

## INSIGHTS TO THE DAF

### Socks and Shoes

The *Mishnah* states: If she performed *chalitzah* with a shoe, her *chalitzah* is valid; with a sock, her *chalitzah* is invalid.

The *Gemara* (*Brachos* 62b) derives that one may not enter the *Har HaBayis* wearing shoes from the verse: *Remove your shoes from your feet*.

The *Midrash* (*Bereshis Rabba* 67:7) relates that after Geviha bar Kosem defeated the Egyptians' claim against the Jews before Alexander the Great for all the spoils that the *Bnei Yisroel* took with them from Egypt, Alexander wished to visit Yerushalayim. A Cuthean warned him that he wouldn't be allowed into the *Kodesh Kodashim* so Geviha adorned a pair of socks with jewels and suggested that the king put them on as they reached the *Har HaBayis*, which Geviha said was slippery.

Why should socks have been allowed? The *Minchas Yitzchok* (3:19) cites a *Gemora* in *Shabbos*, which implies that if footwear is ineligible for *chalitzah*, one may wear it on the *Har HaBayis*, thus permitting socks. Therefore, the *Gemora* which derives from '*Remove your shoes*' that one must remove one's shoes does not present an absolute barefoot requirement, since socks and other footwear ineligible for *chalitzah* may still be permitted.

### A Blind Person as a Judge

Can a blind person serve as a *Dayan* (judge)?

The *Gemora* writes that it is forbidden for a blind person to act as a *Dayan*. This law is derived from the verse "before the eyes of the elders". In fact, even a person who is blind in one eye is disqualified from serving as a *Dayan* on the *Sanhedrin*; the *Dayanim*, like *Kohanim* serving in the Temple, must be unblemished.

Concerning regular civil law, authorities dispute the status of a blind person (in both eyes; somebody blind in one eye can certainly serve as a *Dayan*). According to some authorities (such as *Tosafos*, *Nidda* 50a; *Mordechai*, *Sanhedrin* 714) he is disqualified, and there is a further dispute concerning his rulings *post factum*. However, the general and universal custom is to permit a blind *Dayan* to serve, as many

authorities have testified (see *Pachad Yitzchak*, *Erech Suma*; *Shut Lev Sameach*, *Choshen Mishpat* no. 2; *Shut Toras Chaim* 3:93; among others; see also *Ketzos HaChoshen* 7:2).

### DAILY MASHAL

The word 'zaken' – 'elder' is understood to mean 'zeh kanah chachmah' – 'this person acquired wisdom.' And this wordplay is needed, since one might think that any elder person has acquired wisdom by virtue of their life experiences.

Thus, we can explain our *Gemora* in the matter of *chalitzah* that requires the action to take place in front of the elders of the city. The *Gemora* says that this includes even common elder people, and not necessarily wise people. Why does this *Gemora* explain differently than the others?

One can explain that the word 'zaken' retains its simple meaning (to include any elder in years). However, since the verse already mentioned 'seivah' – 'an elderly person,' the word 'zaken' in the verse has an additional meaning.