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Yevamos Daf 79

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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

Dovid said: “In regards to fixing the sin of not eulogizing Shaul properly, twelve months have already lapsed since Shaul died, and it is no longer fitting to eulogize him. However, in regards to the *Nesanim*, let us summon them and appease them. Immediately they were called, as it is written [Shmuel II, 21, 2-3]: *And the king called the Gibeonites and said to them ... “What shall I do for you, and with what shall I make atonement so that you shall bless the inheritance of Hashem?”* The passage continues [ibid. v.4-6]: *And the Gibeonites said to him: “We have no matters of silver and gold with Shaul, or with his house, and we don’t care to put to death any man in Israel ... Let there be delivered to us seven men from among his sons, and we will hang them for the sake of Hashem etc.”* Dovid tried to pacify them, but they were not appeased. Dovid said: “There are three distinguishing characteristics of the Jewish people; they are merciful, bashful and benevolent. Whoever has these three characteristics are fitting to cleave to this nation *(as the Gibeonites displayed a spirit of revenge and vindictiveness they were excluded from, and forbidden even to enter, the assembly of Israel).*”

The passage continues: It is written [ibid. v.8-9]: *And the king took the two sons of Rizpah the daughter of Ayah, whom she bore to Saul, Armoni and Mephibosheth; and the five sons of Michal the daughter of Saul, whom she bore to Adriel the son of Barzilai the Meholathite. And he delivered them into the hands of the Gibeonites, and they hanged them in the mountain before the Lord, and they fell all seven together. And they were put to death in the days of the harvest, in the first days, at the beginning of the barley harvest.*

The Gemora asks: Why were these seven men chosen?

Rav Huna answers: Dovid passed Shaul’s descendants before the Holy Ark. He whom the Ark detained was condemned to death, and he whom the Ark did not detain was spared for life.

Rav Chana bar Katina asked him from the following verse [ibid. v.7]: *But the king took pity on Mephibosheth, the son of Jonathan the son of Shaul.* How could Dovid have mercy on him if it was determined by the Holy Ark?

The Gemora answers: Dovid did not pass him before the Ark.

The Gemora asks: It would seem that Dovid is showing favoritism by holding him back?

The Gemora answers: He did pass him before the Ark, and the Ark detained him. Dovid begged for mercy on his behalf, and the Ark released him.

The Gemora asks: It would seem that Dovid is still showing favoritism?

The Gemora answers: Dovid begged that the Ark should not detain him.

The Gemora asks: But is it not surely written [Devarim 24:16]: *The fathers shall not be put to death for the children and sons shall not be put to death because of fathers?*

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: It is better that a letter be uprooted out of the Torah than that the Divine Name shall be publicly profaned. (78b – 79a)

The passage continues: It is written [Shmuel II, 21:10]: *And Rizpah the daughter of Aiah took the sackcloth and she spread it for her upon the rock, from the beginning of the harvest until water was poured upon them from heaven; and she allowed not the birds of the heaven to rest on them by day, nor the beasts of the field by night.*

The Gemora asks: But is it not written [Devarim 21:23]: *His body shall not remain for the night on the gallows?*

Rabbi Yochanan said in the name of Rabbi Shimon ben Yehotzadak: It is better that a letter be uprooted out of the Torah and the Divine Name shall be publicly sanctified. For passersby would inquire, "What kind of men are these?" They would be told, "These are royal princes." The passersby would then ask, "And what have they done?" They would be told, "They laid their hands upon unaccepted converts." Then they exclaimed: "There is no nation in existence which one ought to join as much as this one. If the punishment of royal princes was so great, how much more so of that of common people; and if such was the justice done for unattached converts, how much more so for accepted converts." Immediately, one hundred and fifty thousand converts joined the Jewish people, as it is written: *And Solomon had seventy thousand that bore burdens, and eighty thousand that were hewers in the mountain.*

The Gemora asks: Might not these have been Israelites (and not converts)?

The Gemora answers: This cannot enter your mind, for it is written: *But of the Children of Israel, Solomon did not make slaves.*

The Gemora asks: But that (the one hundred and fifty thousand people) might have represented mere public service workers (and not converts)?

The Gemora agrees, and provides an alternate source: The deduction, however, is made from the following: *And Solomon counted all the converts that were in the Land of*

Israel, etc. and they were found to be a hundred and fifty thousand etc. And he set seventy thousand of them to bear burdens, and eighty thousand to be hewers in the mountain. (79a)

The Gemora asks: Was it Dovid who issued the decree against the *Nesinim*? Didn't Moshe already decree against the, as it is written: *from the choppers of your wood to the drawers of your water?*

The Gemora answers: Moshe only decreed for his generation; Dovid decreed for all future generations.

The Gemora asks: Didn't Yehoshua decree against them for all future generations, as it is written: *And Yehoshua designated them on that day as woodchoppers and water drawers for the assembly and for the Altar of Hashem?*

The Gemora answers: Yehoshua's decree was only applicable during the time that the Beis Hamikdosh was standing; Dovid's decree was for afterwards as well.

The Gemora records: In the times of Rebbe, they wished to release the *Nesinim* from their slave status, and thereby permitting them to marry into the congregation. Rebbe said to them: "Our portion we can release, but we cannot release the *Mizbeach's* portion (*they were designated as slaves for the people and for the Mizbeach*)."

Rabbi Chiya bar Abba disagrees: He said in the name of Rabbi Yochanan: The portion of the people is forbidden forever (*unless the Beis Din would renounce their ownership*), but the portion belonging to the *Mizbeach* is only forbidden during the time that the Beis Hamikdosh is standing. (79a – 79b)

The Mishna states: Rabbi Yehoshua said: I heard that a *saris* (*a man who is sterile*) submits to *chalitzah*, and they submit to *chalitzah* from his wife. I also heard that a *saris* does not submit to *chalitzah*, and they do not submit to *chalitzah* from his wife, and I cannot explain it (*the two contradictory rulings*). Rabbi Akiva said: I will explain. A *saris-adam* (*one*

who became sterile after birth) submits to *chalitzah*, and they submit to *chalitzah* from his wife, because he had a time of fitness. A *saris-chamah* (one who was born sterile) does not submit to *chalitzah*, and they do not submit to *chalitzah* from his wife, because he did not have a time of fitness. Rabbi Eliezer said: Not so, but rather a *saris-chamah* submits to *chalitzah*, and they submit to *chalitzah* from his wife, because he has a cure. A *saris-adam* does not submit to *chalitzah*, and they do not submit to *chalitzah* from his wife, because he does not have a cure. Rabbi Yehoshua ben Beseira testified about ben Megusas, a *saris-adam* who was in Yerushalayim, and his wife was married by *yibum*, thus confirming the opinion of Rabbi Akiva.

A *saris* does not submit to *chalitzah*, and he does not perform *yibum*. And similarly, an *aylonis* does not perform *chalitzah*, and she is not married by *yibum*. If a *saris* submitted to *chalitzah* from his *yevamah*, he does not disqualify her. If he cohabited with her, he disqualifies her, because it is an illicit cohabitation. And similarly, if brothers submitted to *chalitzah* from an *aylonis*, they have not disqualified her; if they cohabited with her, they disqualify her, because cohabitation with her is an illicit cohabitation. (79b)

The Mishna had stated: Rabbi Akiva said: I will explain. A *saris-adam* (one who became sterile after birth) submits to *chalitzah*, and they submit to *chalitzah* from his wife, because he had a time of fitness.

The Gemora asks: We have learned that Rabbi Akiva treats women prohibited by a negative precept the same as women with the penalty of *kares* (cohabitation with any of these women would render the children *mamzeirim*), and women who are subject to a penalty of *kares* are exempt from *yibum* and *chalitzah* (so why should the *saris-adam* be required to submit to *chalitzah*)?

Rabbi Ami answers: The Mishna is referring to a case where the brother had married a convert, and Rabbi Akiva holds like Rabbi Yosi that the congregation of converts is not

regarded as the congregation (therefore there is no prohibition against marrying the *petzua daka*).

The Gemora asks: If so, why don't we let him perform *yibum*?

The Gemora answers: Rabbi Akiva in fact allows him to perform *yibum*; he only mentioned *chalitzah* because of Rabbi Yehoshua.

This explanation is supported by the following words of our Mishna: Rabbi Yehoshua ben Beseira testified about ben Megusas, a *saris-adam* who was in Yerushalayim, and his wife was married by *yibum*, thus confirming the opinion of Rabbi Akiva.

Rabbah objects to this explanation of Rabbi Akiva's ruling based on the following braisa: One, who is a *petzua daka* or a *kerus shafchah*, a *saris-adam*, or an old man, may either perform *chalitzah* or *yibum*. What is the case? If these died childless and were survived by wives and brothers, and those brothers performed a *ma'amar* to the wives, or gave them letters of divorce, or performed a *chalitzah*, their actions are legally valid. If they cohabited with them, the widows become their lawful wives. If the brothers died and they performed a *ma'amar* to their wives, or gave them divorce, or performed a *chalitzah*, their actions are valid. If they cohabited with them, the widows become their lawful wives, but they may not retain them, because it is written [Devarim 23:2]: *One with wounded or crushed testicles or with a severed member shall not enter into the Congregation of Hashem*. We see that we are discussing a member of the congregation, and nevertheless, Rabbi Akiva (the author of this braisa; based on the fact that the braisa states if the *petzua daka* performs *yibum*, he acquires her) rules that there is a *zikah*-attachment for *chalitzah* and *yibum*.

The Gemora offers a different explanation: Rabbi Akiva is discussing a case where she fell to *yibum* when he was healthy, and then he became a *saris-adam*. There would still be a requirement for *chalitzah* in this case.

Abaye asked: Why doesn't the prohibition of *petzua daka* come and negate the positive commandment of *yibum*? Didn't we learn similarly in the following Mishna: Rabban Gamliel says: If two brothers were married to two sisters, one an adult woman and one a minor, and the husband of the adult sister died childless. (*He may not perform yibum because he is Rabbinically married to her sister. There is a Biblical zikah-attachment.*) If she refused, she refused (*this is referred to as mi'un, which would nullify her marriage retroactively*); and if not, she waits until she comes of age, and then the other is exempt on account of being the wife's sister. It emerges that the prohibition against marrying one's wife's sister can come and negate the positive commandment of *yibum* (*even though the prohibition was not in existence at the time that she fell for yibum*). Here too, why don't we say that the prohibition of *petzua daka* should come and negate the positive commandment of *yibum*?

Rav Yosef offers a different explanation: This Tanna maintains that Rabbi Akiva holds that only a child born from a union with a woman prohibited by a negative precept because of relatedness is a *mamzer*, but if the woman is prohibited by a regular negative precept, the child will not be a *mamzer* (*therefore, the yevamah will still have a zikah-attachment to the petzua daka*). (79b)

The Gemora asks on Rabbi Akiva's opinion: The verse, 'To establish a name for his brother' should be applicable to this case (where the yavam is a *saris-adam*) as well, but he, surely, is incapable of establishing a name for his brother (although he had a period of suitability)?

Rava replied: If so, there exists no woman who is eligible for *yibum*, whose husband was not a *saris* by nature for a short time, at least, prior to his death (for during the throes of death, he is incapable of fathering children at that time).

The Gemora asks: Against Rabbi Eliezer (who maintains that the yevamah of a *saris-adam* is exempt from *yibum* or

chalitzah, for at the time of death he was sterile – even though there was a period of suitability), however, Rava's reply presents a valid refutation (for, evidently, as every case of *yibum* indicates, a period of suitability renders her eligible for *yibum*)!?

The Gemora answers: There (during the throes of death), it is only a general state of weakness that had set in (but he is not regarded as being sterile – even for those moments). (79b)

FOOD FOR THOUGHT

*** Why does the Gemora state that it is better to uproot one word in the Torah etc.? They uprooted an entire verse.

*** How did they accept one hundred and fifty thousand converts after this incident? We previously learned that they didn't accept converts in the times of Dovid and Shlomo.

DAILY MASHAL

Bushah – Shame

By: Rabbi Yitzchok Schwartz

There are times when *bushah*, embarrassment, can be a conduit of better serving Hashem. Klal Yisroel was blessed with three important attributes: *rachmonim* (compassionate), *bayshonim* (ashamed to do wrong), and *gomlei chassodim* (bestowing kindness) (Yevamos 79a). "The shamefaced goes to Gan Eden" (Avos 5:24).

A visitor once went to Vilna, the "Yerushalayim of Lita," and was astounded to find simple wagon drivers discussing some of the most difficult topics of Torah. When he asked one of them why the level of Vilna's *baalei agalah* is higher than in other places, he answered, "Because the legendary Gr"a, Rabbeinu Eliyahu, was here."

“Who was he?” asked the guest. “Was he the rov?”

“No,” came the answer.

“Was he the dayan?”

“No.”

“Was he the city’s maggid?”

“No.”

“Then how were people influenced by him?”

“Because he was here,” the man responded.

When the rabbonim and talmidei chachomim of Vilna saw that the Gaon learned and served Hashem 22 out of the 24 hours of the day, they felt that they had to at least maintain a schedule of 18-20 hours a day, for they were embarrassed to do less. The baalei batim, knowing the schedule of the talmidei chachomim, were thus uncomfortable not learning at least 12 hours a day. This was the way the level of ruchniyus was raised amongst the various classes in Vilna.

Yes, bushah, embarrassment, can be a good thing. If a community has certain standards of kashrus, tznius or other matters of halacha, then even if I personally am not yet inwardly on that level, the embarrassment can be a boon for growth. Of course, every individual must consult with his or her rov or moreh derech, but that is where the middah of boshes ponim is a tremendous attribute. “During ikvsa deMeshicha, chutzpah will become rampant” (Sotah 49b). This absence of bushah in our generation has allowed for unprecedented permissiveness and a steep plunge into a moral abyss.

Feeling Shame

One of the signs that a person is a Jew is the ability to feel shame [Yevamos 79a]. One of the causes for shame is taking anything without earning it [“nahama dikisufa/bread of shame”]. The gemora [Yerushalmi, Orla 1:3] says, “One who eats from the food of another is ashamed to look at the benefactor’s face.” On this, Yismach Moshe [Parshas Toldos] says that a Jew does not want Olam Habo [eternal life] for free. If one did not work and gets pay, he is ashamed to look at his employer for receiving money. He knows that he does not deserve the money. If one earns money, he is not ashamed to look at his employer. He knows he earned it. In this manner, a person’s essential work in this world is to earn the merit to have eternal life, with it NOT being “nahama dikisufa.” A person with moral values is ashamed about receiving anything for free and, if he receives something for free, he is uncomfortable with the one from whom he received it, be this G-d or man. Tana Debay Eliyahu Zuta 19 says that the essential goal of Jewish life is to obtain Olam Habo. Noam Elimelech [Parshas Ha’Azinu] writes that righteous people EARN reward from Hashem. If they obtain anything by rachamim [compassion], they did not earn it. This free gift is “lifnim mishuras hadin [beyond the strict law].” Therefore, they should have shame before Hashem for receiving “nahama dikisufa.” Righteous people want their reward to come from “din [justice].” They can know that they have earned it when they receive any reward from G-d. Ner Mitzva writes that the reason for bechira [free will choice] is to credit us with mitzvos so our “s’char [reward]” won’t be “nahama dikisufa.” If one does not feel shame for receiving things he has not earned, he should promptly consult with his rabbi for guidance on how to meaningfully improve his conduct, hashkofos [views] and midos [character traits]. A person is born into this world to toil [adam li’amal yulod; Job 5:7], in order to obtain - and deserve - eternal reward from G-d.