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Yevamos Daf 99

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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

Legal oddities

The Rabbis taught in a *Baraisa*: A man must sometimes submit to *chalitzah* from his mother because of an uncertainty, from his sister because of an uncertainty and from his daughter because of an uncertainty. What is the case? If his mother and another woman had two male children, and then they gave birth to two male children in a hiding place (*the children were interchanged and it was impossible for either mother to ascertain which was her own child*) and the son of one mother married the mother of the other son, while the son of the other mother married the mother of the first, and they both died childless. Each son must submit to *chalitzah* from both women. It emerges that each of them submit to *chalitzah* from his mother because of an uncertainty.

What is the case where one will submit to *chalitzah* from his sister because of an uncertainty? If his mother and another woman gave birth to two female children in a hiding place (*and they each had a son from a different marriage*) and these son’s brothers from a different mother married these two girls and died childless. Each of the surviving brothers must submit to *chalitzah* from both widows. It emerges that a man submits to *chalitzah* from his sister because of an uncertainty.

What is the case where one will submit to *chalitzah* from his daughter because of an uncertainty? If his wife and another woman gave birth to two female children in a hiding place, and one of their husbands had two brothers. Each of the brothers married one of the girls and died childless. The father submits to *chalitzah* from both widows even though one of them is certainly his daughter. It emerges that a man

submits to *chalitzah* from his daughter because of an uncertainty. (99a1 – 99a2)

Same parents; five nations

The *Gemora* cites a *Baraisa*: Rabbi Meir said: A husband and wife may sometimes produce five different nations. What is the case? If a Jew bought a slave and a slavewoman in the market (*they did not yet undergo the process of becoming Canaanite slaves*), and they had two sons from beforehand, and one of those sons converted. The result is that one is a convert and the other is an idolater. If subsequently, the master immersed them in a *mikvah* for the purpose of becoming slaves and then they cohabited with one another and bore a son, behold, we have a convert, an idolater and a slave. If the master subsequently freed the slavewoman and the slave cohabited with her and had another son, behold, we have a convert, an idolater, a slave and a *mamzer*. If the master then freed the slave and they (*the freed slave and slavewoman*) married each other and had another son, behold, we have a convert, an idolater, a slave, a *mamzer* and a Jew.

The *Gemora* asks: What does this teach us?

The *Gemora* answers: It teaches us that a child born from a union of an idolater or a slave with a Jewess is classified as a *mamzer*. (99a2)

A son selling a father

The *Gemora* cites a *Baraisa*: There is a case where a man sells his father to enable his mother to collect her *kesuvah*. What is the case? If a Jew bought in the market a slave and a slavewoman, and they had a son from beforehand (*who was not included in the sale, thus he remains an idolater*). The

master freed the slavewoman and then, he married her. He got up and bequeathed, in writing, his entire estate to her son. (*The son now owns his father, the slave.*) The husband dies and the wife demands payment for her *kesuvah* (which she can collect from any property the husband sold or gave away after the lien took effect). This results in the fact that the son sells his father (*the slave*) in order to enable his mother to collect her *kesuvah*.

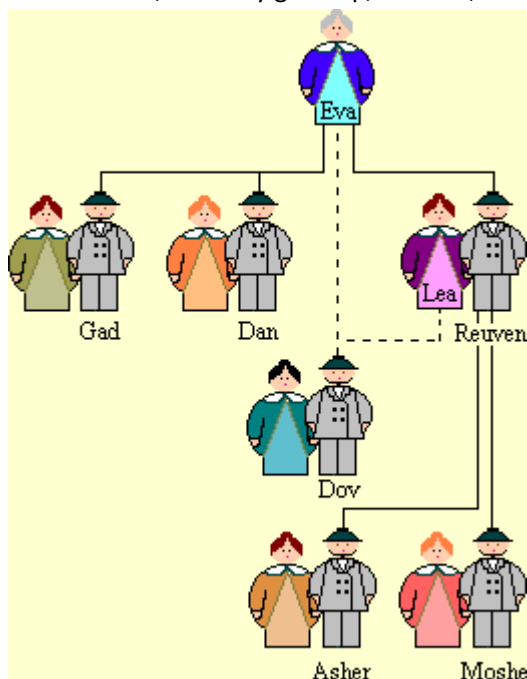
The *Gemora* asks: What does this teach us?

The *Gemora* answers: The *Baraisa* represents the opinion of Rabbi Meir, who holds that a slave is regarded as movable property, and such property is mortgaged for the payment of a *kesuvah*.

Alternatively, you can say that a slave is regarded as real property, and that is why a slave can be used for a collection of a *kesuvah*. (99a2 – 99a3)

Mishnah

If a woman's child became intermingled with her daughter-in-law's child, and they grew up, married, and died childless,



the halachah is as follows: [Eva has three sons, Gad, Dan and Reuven. Reuven is married to Lea. To Reuven and Lea were born two sons: Asher and Moshe. Eva and Lea gave birth to two children, David (not pictured) and Dov, but it is not known which is the son of Eva and which is the son of Leah. If David and Dov should die without children, their wives must submit to *chalitzah* from Moshe or Asher (for one of them was certainly married to their brother), but these sons cannot perform *yibum* with any of them, for the possibility exists that one of the women is their aunt (their paternal uncle's wife), which is forbidden to them as an *ervah*. However, Moshe and Asher can perform *yibum* with them, because if Dov was the son of Eve and then their brother, they are fulfilling the obligation of *yibum*, and if Dov was the son of Leah, there is in respect of the wife of their nephew no prohibition, and she has already submitted to *chalitzah*.] The sons of the daughter-in-law must submit to *chalitzah* to the two widows and may not marry them by *yibum*, since we are uncertain which widow is his brother's wife (and would be permitted to take in *yibum*), and which widow is his father's brother's wife (and she would be forbidden); and the sons of the elder woman either submit to *chalitzah* or marry them by *yibum*, since it is uncertain which widow is his brother's wife or his brother's son's wife (and she is also permitted to them, provided that the sons of the daughter-in-law submit to *chalitzah* first).

If the legitimate (the sons whose identities are known) ones died, the halachah is as follows: The intermingled sons submit to *chalitzah* from the sons of the elder woman, and may not perform *yibum* since it is uncertain whether she is his brother's wife, or his father's brother's wife (and she would be forbidden). And with regards to the sons of the daughter-in-law, one submits to *chalitzah* (he may not take her in *yibum* first because perhaps she is awaiting *yibum* with the other son, and she is forbidden to the general population) and the other one marries by *yibum* (if he is the son of the daughter-in-law, he is rightfully performing *yibum* with her, and if he is the son of the elder woman, the widow is the wife of his brother's son, who is permitted to him).

The *Mishnah* continues: If the child of a *Kohenes* became intermingled with her slavewoman's child, they may both eat *terumah* (for even a slave of a *Kohen* is permitted to eat *terumah*), but they share one portion at the granary (this will be explained in the *Gemora*). They may not render themselves *tamei* through corpse *tumah*, and they may not marry women, whether eligible (to marry a Jew) or ineligible. If they grew up, and they freed one another, they must marry wives eligible for the *Kehunah*, and they may not render themselves *tamei* through corpse *tumah*, but if they did render themselves *tamei*, they do not incur lashes (for perhaps he is a freed slave, and not a *Kohen*). They are prohibited to eat *terumah*; and if they ate inadvertently, they do not repay the principal and the *chomesh* (the extra fifth to the *Kohen* as a penalty; this is because the burden of proof rests on the one attempting to exact payment from them, and he must bring a proof that the one who ate is not a *Kohen*). They do not share a portion at the granary (since they are forbidden to eat *terumah*), and they sell their own *terumah* (since they are not obligated to give it to a *Kohen* because the burden of proof will be on the *Kohen*), and the proceeds are theirs. They do not share in the consecrated foods of the *Beis Hamikdash*, and we do not give them *kodoshim* items (such as *bechor*) and we may not take their *kodoshim* away from them. They are exempt from the requirement of giving the foreleg, the jaws, and the stomach to the *Kohen* (when a Jew slaughters a non-sacrificial animal, he is required to give these animal parts to the *Kohen*), and his firstborn shall graze until it becomes blemished (when it becomes disqualified for the altar, and may be eaten by its owner; the reason why an Israelite owner may not eat of the flesh of his firstborn, even after it has contracted a blemish, is not because of its sanctity but because its consumption by a non-*Kohen* is regarded as stealing from the *Kohanim*; no such consideration arises in a case where the owner can claim that he himself is a *Kohen*). All the stringencies of *Kohanim* and the stringencies of Israelites are applied to them. (99a3 – 99b2)

The *Mishnah* had stated: If the legitimate (the sons whose identities are known) ones died, the halachah is as follows

etc. We can infer from here that the intermingled ones are illegitimate.

The *Gemora* asks: Are they regarded as illegitimate because they became intermingled?

Rav Pappa answers: The *Mishnah* should be emended to state that the definite ones died. (99b2)

The *Mishnah* had stated: If a woman's child became intermingled with her daughter-in-law's child, and they grew up, married, and died childless, the halachah is as follows: The sons of the daughter-in-law must submit to *chalitzah* to the two widows and may not marry them by *yibum*, since we are uncertain which widow is his brother's wife, and which widow is his father's brother's wife; and the sons of the elder woman either submit to *chalitzah* or marry them by *yibum*, since it is uncertain which widow is his brother's wife or his brother's son's wife.

The *Gemora* states: The *chalitzah* must be performed prior to the *yibum* because if one will perform *yibum* first, and he is not the actual *yavam*, he is violating the prohibition of a *yevamah* marrying someone from the general population without being released by the *yavam* with a *yibum* or *chalitzah*. (99b2)

GIVING TERUMAH TO A SLAVE

The *Mishnah* had stated: If the child of a *Kohenes* became intermingled with her slavewoman's child, they may both eat *terumah*, but they share one portion at the granary.

The *Gemora* asks: Isn't it obviously that they only receive one share (since no more than one of them can lay claim to the *Kehunah*; why state the obvious)?

The *Gemora* answers: The *Mishnah* should be understood to mean that they do not receive *terumah* from the granary unless they are both present together (only when the two come together do they receive one share; one without the other receives nothing). The Tanna of our *Mishnah* follows

the opinion who holds that we do not give a share of *terumah* to a slave unless his master is with him (*and since one of the two is obviously a slave, neither of them can claim a share unless the other is with him*). For it was taught in the following Baraisa: We do not give a share of *terumah* to a slave unless his master is with him (*people might mistakenly think that he is a Kohen, and they will allow him to marry a Jewess*); these were the words of Rabbi Yehudah. Rabbi Yosi, however, ruled: The slave may claim, "If I am a *Kohen*, give me for my own sake, and if I am a *Kohen's* slave, give me for the sake of my master."

The *Gemora* explains this dispute: In the place of Rabbi Yehudah, people were raised to the status of the genealogically qualified, enabling them to marry women of unblemished and priestly descent on the evidence that they received a share of *terumah* at the granary (*therefore, terumah must not be given to a slave in the absence of his master*). In the place of Rabbi Yosi, however, no one was raised to the status of the genealogically qualified on the evidence of having received a share of *terumah*.

The *Gemora* cites a related *Baraisa*: Rabbi Elozar bar Tzadok said: I testified once in my life regarding the genealogical status of a person, and through that testimony, I elevated a slave to the genealogically qualified.

The *Gemora* asks: Do you think that he actually elevated a slave to the genealogically qualified? Hashem does not even allow the animal of a righteous person to transgress (*referring to the animal of Rabbi Pinchas of Yair, who would not eat untithed produce*); certainly Hashem would not bring a stumbling block to the righteous person himself!

The *Gemora* answers: Rather, Rabbi Elozar bar Tzadok wanted to elevate a slave to the genealogically qualified, but he realized at the end that he was in fact a slave. The *Gemora* explains the incident: Rabbi Elozar was in the city of Rabbi Yosi when he observed them giving *terumah* to a slave in the granary. He went and testified regarding his lineage in the city of Rabbi Yehudah. (*He then realized that he could not*

testify regarding his genealogy, for even though, in Rabbi Yehudah's locale, they would elevate one's status on the evidence of having received a share of terumah, that was only because they didn't give a slave terumah when he wasn't in the presence of the master, whereas, in Rabbi Yosi's locale, they did give terumah to a slave in absence of the master, but they didn't testify regarding his genealogy based on that evidence.) (99b2 – 99b3)

INSIGHTS TO THE DAF

An uncertain Kohen reciting the priestly blessing

The *Mishnah* discusses a case regarding the child of a *Kohenes* who became intermingled with her slavewoman's child.

The Shvus Yaakov in his responsa (3) rules that in such a case, each one of the sons will recite the Priestly Blessings and the blessing beforehand. Now, even though, a non-*Kohen* transgresses a positive commandment by reciting the Priestly Blessing and he will be saying a blessing in vain, since the Priestly Blessing entails three positive commandments, it will override the questionable prohibition.

Reb Yosef Engel in Gilyonei HaShas challenges this ruling: He states that there are not three positive commandments involved in this *mitzvah*; it is mentioned three times in the Torah. And that which the Shvus Yaakov stated that once he is reciting the Priestly Blessing, he might as well recite the blessing beforehand, why is this different than any time someone performs a *mitzvah* in a case of uncertainty? He should perform the *mitzvah* without reciting the blessing!

Tosfos

The *Gemora* cites a *Baraisa*: Rabbi Elozar bar Tzadok said: I testified once in my life regarding the genealogical status of a person, and through that testimony, I elevated a slave to the genealogically qualified.

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Tosfos s.v. salka da'atach states that the text of our *Gemora* should not have the challenge from the fact that Hashem does not even allow the animal of a righteous person to transgress; certainly Hashem would not bring a stumbling block to the righteous person himself. This principle is applicable only to the inadvertent consumption of forbidden foods. (*The reason for this is because it is degrading for the righteous to eat forbidden foods.*) Here, the scholar did not violate any prohibition by elevating the status of the slave; this would not be included in the protection that Hashem provides for the scholars.

DAILY MASHAL

A Righteous and Wise Donkey

Rabbi Pinchas ben Yair's donkey was stolen and it refused to eat the food it was offered because the food wasn't tithed! The author of *Gan Yosef* zt"l wondered: It was a wise donkey. It should have eaten most of the food and left some for

ma'aseros. He replied that the question is merely an error. The donkey was wiser than we think. If it had done so, its captors would have thought that it was satisfied with a lesser amount than it was offered and after a few days it would be left with a very small portion.