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Yevamos Daf 97

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LIPS OF TORAH SCHOLARS MOVE GENTLY IN THEIR GRAVE

Rabbi Elozar related a discussion in the Beis Medrash, but did not relate the discussion in the name of Rabbi Yochanan. When Rabbi Yochanan heard about this omission, he was perturbed.

The *Gemora* asks: Why was Rabbi Yochanan so perturbed in the first place?

The *Gemora* answered: Rav Yehudah said in the name of Rav, what is the meaning of the following verse? “I will dwell in your tent in many worlds?” Is it possible for someone to dwell in a tent in both worlds? It means that David stated before Hashem: Master of the Universe, it should be Your will that after I die, they should say a statement in my name in this world (*as well as my being in the next world*), for Rabbi Yochanan said in the name of Rabbi Shimon ben Yochai: Any deceased Torah scholar, in whose name a traditional statement is reported in this world, his lips move gently in the grave (*it is as if he is living in both worlds*).

Rabbi Yitzchak the son of Zeira, and others say that Shimon Nezira said: What is the verse? It is written [Shir Hashirim 7:10]: *And the utterance of your palate is like the best wine; it goes to my beloved with sincerity, moving gently the lips of those who are asleep.* The Sages are likened to a heated mass of grapes. As a heated mass of grapes (*sitting in the vat for a week until they become warm; the wine then emerges easily*), as soon as a man places his finger upon it, the wine moves immediately, so too with the scholars, as soon as a traditional statement is made in their name in this world, their lips move gently in the grave. (96b6 – 97a1)

STATUS OF A TWENTY-YEAR-OLD WHO IS NOT PHYSICALLY DEVELOPED

The *Mishna* had stated: These laws do not only apply to a nine-year old, but also to a twenty-year-old man who has not yet developed two pubic hairs which qualify him as a halachic adult.

The *Gemora* challenges this ruling from the following *Mishna* in Niddah (47b): If a man dies childless and leaves a brother who at the age of twenty did not produce two pubic hairs, they (*the relatives of the widow who wish to exempt her from chalizah and yibum*) must bring evidence that he is in fact twenty years of age and that he is a *saris* (*by a display of the required symptoms*). If that happens, he neither submits to *chalizah* nor performs *yibum*. If a man dies childless and leaves a wife who at the age of twenty did not produce two pubic hairs, they must bring evidence that she is in fact twenty years of age and that she is an *aylonis*. If that happens, she does not require *chalizah* or *yibum*. (*It emerges from this Mishna that a twenty-year-old man who has not yet developed two pubic hairs qualify him as a halachic adult, albeit a saris, but he is not regarded as a minor.*)

The *Gemora* answers: Didn’t Rav Shmuel bar Yitzchak say in the name of Rav that this *Mishna* is applicable only where he has already developed the signs of being a *saris*; that is when we regard him as an adult. Otherwise, a twenty-year-old man who has not developed two pubic hairs is considered a minor.

Rava said: The precise reading of the *Mishna* can be an indicator that this explanation is correct, for the *Mishna* stated: And he is a *saris*. [This implies that he actually possesses the physical characteristics of a *saris*. If, however,

he would not have these characteristics, he is still a minor. This is so even though he is twenty years old and he has never grown pubic hair.] This may indeed be derived from here.

The *Gemora* asks: Up until what age do we regard him as a minor, and not a *saris*?

The *Gemora* answers: The Beis Medrash of Rabbi Chiya taught a *braisa*: Until a majority of his years have passed (until he is thirty-six years of age since man's span of life is taken to be seventy years, as it is written in *Tehillim* 90:10).

Whenever people came with such a case (*twenty without developing pubic hairs*) before Rava, he would look at their stature. If the youth was thin, he would say to them: Let him first be fattened; and if he was stout, he would say to them: Let him first be made to lose weight. For pubic hairs, they can disappear sometimes as a result of emaciation and sometimes they disappear as a result of obesity. (97a1 – 97a2)

WE WILL RETURN TO YOU, HA'ISHAH RABBAH

mishna

The *Mishna* states: One may marry the relatives of a woman who was violated or seduced by him. He who violates or seduces a relative of his wife is liable. A man may marry the woman violated by his father, and the woman seduced by his father, the woman violated by his son, or the woman seduced by his son. Rabbi Yehudah prohibits the woman violated by his father or the woman seduced by his father. (97a3)

MARRYING THE RELATIVES OF A WOMAN WITH WHOM HE HAD RELATIONS WITH

The *Gemora* cites the following *braisa* which supports the ruling of the *Mishna*: If one violated a woman, he is permitted to marry her daughter. If one married a woman, he is prohibited from marrying her daughter.

The *Gemora* asks on this ruling from the following *braisa*: One who is suspected of adultery with a woman is forbidden to marry her mother, daughter, and sister. It is apparent from this *braisa* that one is forbidden to marry the relatives of a woman he was intimate with, even though he wasn't married to her.

The *Gemora* answers that the prohibition mentioned in the second *braisa* is only a Rabbinical prohibition. (*The reason for this prohibition is because the marriage to one of her relatives might bring him closer to that woman, and if he would have relations with her now, it would be violating a Biblical prohibition since he is married to her relatives.*)

The *Gemora* asks: if there is a Rabbinical prohibition to marry the relatives of a woman which he violated, how could our *Mishna* write that it is permitted to marry the relatives?

The *Gemora* answers: The *Mishna* is referring to a case where the woman, with whom he had relations, is dead. (*There is no longer any reason to be concerned if he marries the woman's relatives.*)

The *Gemora* cites two Scriptural sources for the *Mishna's* ruling that one is permitted to marry the relatives of a woman with whom he had relations with.

It was taught in a *braisa*: By all forbidden unions it is written 'shechivah' – lying, and here (by the wife's relatives), it is written 'kichah' – taking. This teaches us that these women are forbidden only in the manner of 'taking' (which means that if one married a woman, he may not have relations with her mother or sister; if, however, he seduced her or violated her, he is permitted to marry her mother or sister).

Rav Pappa said to Abaye: If that is so, then in respect of one's sister, concerning whom it is

Written: And if a man shall take his sister, his father's daughter, or his mother's daughter; is the prohibition here also only if it is in the manner of 'taking' (in marriage), but permitted if it is in

the manner of 'lying'? [This is obviously not the case!]

Abaye replied: The word 'taking' is used in the Torah without being defined, so that a verse to which 'taking' is suitable, it signifies 'taking,' while one to which only 'lying' is suitable, signifies 'lying.'

Rava stated: That a man who violated a woman is permitted to marry her daughter, is derived from here: It is written: *The nakedness of your son's daughter, or of your daughter's daughter, you shall not uncover*, thus it implies that her son's daughter and her daughter's daughter are permitted; but it is also written: *You shall not uncover the nakedness of a woman and her daughter; [you shall not take] her son's daughter or her daughter's daughter*. How then are these to be reconciled? The one refers to a case of (cohabiting with an offspring from) a forced cohabitation, and the other is referring to that of (cohabiting with an offspring from) lawful marriage.

The Gemora asks: Might not (the reconciliation) be reversed?

The Gemora answers: In respect of forbidden relatives, the expression 'kin' is written, and kinship exists only by means of marriage; but no kinship exists by means of violation. (97a3 - 97a4)

prohibition of the woman violated by his father

The *Mishna* had stated: Rabbi Yehudah prohibits the woman violated by his father or the woman seduced by his father.

Rav Gidel said in the name of Rav: What is Rabbi Yehudah's reason? It is because it is written [Devarim 23:1]: *A man shall not take his father's wife, and he shall not uncover his father's robe*. Rabbi Yehudah understands this verse to mean that the robe which his father saw, he shall not uncover.

The Gemora asks: And how is it inferred that the Torah is discussing a woman who was violated? It is from the

preceding verse, which states [Devarim 22:29]: *Then the man that lay with her shall give the girl's father fifty shekels of silver. (Since that verse is referring to a violated woman, the following verse is also referring to a violated woman; based on the principle of the juxtaposition between two verses.)*

The Gemora asks: Why do the Rabbis disagree?

The Gemora answers: If one phrase had occurred in close proximity to the other (*if one verse directly followed the other verse without any other phrases in between*), your exposition would have been justified. Now, however, that it does not occur in close proximity, the verse is required for an exposition of Rav Anan. For Rav Anan said in the name of Samuel: The Torah is referring to a woman awaiting *yibum* by his father; and the meaning of his father's robe is: He shall not uncover the robe which is designated for his father.

The Gemora asks: Why is this verse necessary; this woman is prohibited regardless, from the fact that she is his aunt?

The Gemora answers: The verse is necessary to make him liable for two transgressions.

The Gemora persists: Why is this verse necessary; this woman is prohibited regardless, from the fact that she is a *yevamah*, who is prohibited to the general population?

The Gemora answers: The verse is necessary to make him liable for three transgressions.

Alternatively, you can say that the verse is necessary for the case when his father died; she will not be forbidden on account of being a *yevamah*, but she will be forbidden on account of being a woman who had once fallen to *yibum* to his father. (97a4 – 97a5)

RIDDLES

(The following are riddles on the possible complications of relatives, proposed in order to arm the Torah scholars

against the heretics.) My paternal brother, but not my maternal brother; and he is the husband of my mother and I am the daughter of his wife. (*This may be stated by a daughter who was born as a result of her father violating a woman, where the son of the father by another wife has subsequently married her mother.*) Rami bar Chama said: Such a relationship is not halachically possible according to the ruling of Rabbi Yehudah in our *Mishna* (since Rabbi Yehudah maintains that one may not marry a woman with whom his father violated).

A woman says: He whom I carry on my shoulder is my brother and my son, and I am his sister. This is possible when an idolater cohabited with his own daughter, and had a son by her. (*This child is her son and her brother.*)

A woman says: Greetings to you my son; I am the daughter of your sister. This is possible where an idolater cohabited with his own daughter's daughter. (*She is the child's mother and its sister's daughter.*)

Men who draw water with pails, we shall ask you a riddle that defies solution: He whom I carry is my son and I am the daughter of his brother. This is possible where an idolater cohabited with his own son's daughter. (*She is the child's mother and its brother's daughter.*)

A woman says: Woe, woe! For my brother who is my father, who is my husband, who is the son of my husband; he is the husband of my mother and I am the daughter of his wife; and he provides no food for his orphan brothers, the children of his daughter. This is possible when an idolater cohabited with his mother and had a daughter from her. He then cohabited with that daughter (*becoming her husband*). Then the idolater's father cohabited with her (*thus becoming the grandfather's husband as well*) and had children from her. (*The idolater is the daughter's brother; he is her father; he is her husband; he is the son of her (second) husband; he is the husband of her mother; she is the daughter of his wife.*)

A woman says: I and you are brother and sister, I and your father are brother and sister, and I and your mother are sisters. This is possible where an idolater cohabited with his mother and had two daughters from her. He then cohabited with one of these and had a son from her. When the son's mother's sister (*the other daughter*) carries him, she addresses him in this manner.

I and you are the children of sisters, I and your father are the children of brothers, and I and your mother are the children of brothers. This indeed is possible also in the case of a permissible marriage. There were for instance, three brothers; Reuven, Shimon and Levi. Reuven had two daughters, and Shimon came and married one of them. And then came the son of Levi, and married the other. The son of Shimon can address the grandson of Levi in this manner. (97b1)

mishna

The *Mishna* states: The sons of a female convert who converted with her do not submit to *chalitzah* and do not marry by *yibum* (*since they are not regarded as brothers*). Even if the conception of the first one was not in sanctity (*prior to her conversion*) and his birth was in sanctity (*post-conversion*), and the conception and the birth of the second were in sanctity, the same halachah applies. And so too, the same halachah would apply regarding the sons of a slavewoman who were freed together with her. (97b2)

two brothers born from a mother who converted afterwards

When the sons of the slavewoman, Yudan were emancipated, Rav Acha bar Yaakov permitted them to marry each other's wives (*since a convert has the status of a newly born child, all his previous family relationships are dissolved; the prohibition against marriage with a brother's wife does not, therefore, apply*). Rava said to him: But Rav Sheishes forbade such marriages? Rav Acha bar Yaakov replied: He forbade, but I allow.

The *Gemora* elaborates on their dispute. When they are brothers from the same father, but not from the same mother, everyone agrees that it would be permitted for them to marry each other's wives. When they are brothers from the same mother, but not from the same father, everyone agrees that it would be forbidden for them to marry each other's wives (*since they have the same mother, it appears as if they truly are brothers*). They argue in a case where they have the same father, and the same mother. Rav Acha bar Yaakov would permit them to marry each other's wives because we ascribe them to their father, since people refer to them as the sons of Mr. So-and-So. Rav Sheishes would prohibit them from marrying each other's wives because people also refer to them as the sons of Mrs. So-and-So.

Others say: Rav Acha bar Yaakov would even argue in a case where they have only the same mother. What is his reason that they would still be permitted to marry each other's wives? It is because one who converts is regarded as a newborn child. (97b2 – 97b3)

The *Gemora* asks on Rav Acha bar Yaakov from our *Mishna*, which stated the following: The sons of a female convert who converted with her do not submit to *chalitzah* and do not marry by *yibum*. What is the reason for prohibiting the brother and the other brother's widow to marry each other? Is it not because they are forbidden to marry each other? (*This would be inconsistent with Rav Acha bar Yaakov's opinion.*)

The *Gemora* answers: No! The *Mishna* is stating that the widow is not subject to the laws of *yibum* and *chalitzah* here (*since they are not regarded as brothers*). The widow can marry into the general population, and she may marry the remaining brother as well.

The *Gemora* asks: But how would we explain the next part of the *Mishna*? The *Mishna* states: Even if the conception of the first one was not in sanctity (*prior to her conversion*) and his birth was in sanctity (*post-conversion*), and the

conception and the birth of the second were in sanctity, the same halachah applies. If you learn that the *Mishna* is teaching us that the widow and the brother are forbidden to marry each other, it would be understandable for the *Mishna* to state that the prohibition is applicable even in the second case. One might think that since the first brother's conception was prior to the mother's conversion and the second one's conception was after her conversion, it should be regarded as if they had two different mothers (*and they should be permitted to marry*). The *Mishna* teaches us that nevertheless, they are prohibited to marry each other. However, if you learn (*like Rav Acha bar Yaakov*) that the *Mishna* is teaching us that she is permitted to marry into the general population, what is the *Mishna's* point that she is even permitted when the brothers were born in sanctity? (*The brothers being born in sanctity have no bearing on her permission to marry into the general population; that is solely dependent on the fact that they are not paternal brothers.*)

The *Gemora* answers: The novelty of this case is that even though both brothers were born in sanctity, and therefore, they might be mistaken for full-fledged Jews, nevertheless, she is permitted to marry into the general population (*since people know that the first brother, who was conceived prior to the mother's conversion, is not an actual halachic brother*). (97b3)

Others said this discussion in reverse: The *Mishna* supports Rav Acha bar Yaakov's opinion. The *Mishna* taught the second case to teach us that even though both brothers were born in sanctity, and therefore, they might be mistaken for full-fledged Jews, nevertheless, she is permitted to marry into the general population.

However, if the *Mishna* is teaching us that they are prohibited from marrying each other, how can the *Mishna* say that even when both brothers were born in sanctity, they are still forbidden to marry each other? (*The brothers being born in sanctity is more of a reason to prohibit them from marrying each other, not less.*)



The *Gemora* answers: One might think that since the first brother's conception was prior to the mother's conversion and the second one's conception was after her conversion, it should be regarded as if they had two different mothers (*and they should be permitted to marry*). The *Mishna* teaches us that nevertheless, they are prohibited to marry each other. (97b4)

The *Gemora* attempts to provide support to Rav Sheishes from the following *braisa*: If there were twin brothers who converted, or similarly, there were two twin brothers who were emancipated slaves, they do not perform *chalitzah* or *yibum*, and they would not be liable to the punishment of *kares* if they would cohabit with their brother's wife. [Since they are regarded as 'newborn babes,' they are not considered brothers.] If there were twin brothers whose conception was not in sanctity, but their birth was in sanctity (*their mother converted after conception, but before they were born*), they do not perform *chalitzah* or *yibum*, but they would be liable to the punishment of *kares* if they would cohabit with their brother's wife. If there were twin brothers whose conception and their birth were both in sanctity, they are regarded as Jews in every respect.

In any event, the *braisa* had stated that they would not be liable to the punishment of *kares* if they would cohabit with their brother's wife. The implication seems to be that there is no liability, but there is a prohibition.

The *Gemora* disagrees: The law, in truth, is that there is not even a prohibition but since the latter clause of the *braisa* mentions that there is liability, the first part says that there is no liability. (97b4 – 98a1)

INSIGHTS TO THE DAF

belzer rebbe: reaping the benefits even after death

Rabbi Elozar related a discussion in the Beis Medrash, but did not relate the discussion in the name of Rabbi Yochanan. When Rabbi Yochanan heard about this omission, he was perturbed.

The *Gemora* asks: Why was Rabbi Yochanan so perturbed in the first place?

The *Gemora* answered: Rav Yehuda said in the name of Rav, what is the meaning of the following verse? "I will dwell in your tent in many worlds?" Is it possible for someone to dwell in a tent in both worlds? It means that David stated before Hashem: Master of the Universe, it should be Your will that after I die, they should say a statement in my name in this world (*as well as my being in the next world*), for Rabbi Yochanan said in the name of Rabbi Shimon ben Yochai: Any deceased Torah scholar, in whose name a traditional statement is reported in this world, his lips move gently in the grave (*it is as if he is living in both worlds*).

The Belzer Rebbe said over on the last Shabbos of his lifetime: After a person dies, he is unable to perform any mitzvos or acts of kindness in order to receive reward, as the *Gemora* in Eruvin (22a) states: Today (*this world*) is the time designated for performance of His commandments, tomorrow (*in the next world*) is the time designated for reward.

However, there are ways that a person can receive reward even after his death. If one does a mitzvah with full intention, and as a result of that, others are influenced because of him and they also perform that mitzvah, the mitzvah of others is credited on his account. If one leaves behind Torah insights, and others relate his words, his lips move gently in the grave, and he will be rewarded for the Torah being studied.

This is the explanation of the verse [Devarim 11:21]: That your days may be multiplied, and the days of your children, upon the land which Hashem swore unto your fathers to give them, as the days of the heavens above the earth. How will



a person's days be multiplied when he is in heaven? In the preceding verse, it is written: And you shall teach Torah to your children. If one teaches his children Torah and trains them in the proper method of serving Hashem, their torah studying and mitzvos observance will be credited to the parent. Even when one is residing in heaven, it is regarded as if he is still living on the earth, because he is reaping the benefits of his productive lifetime.

reporting a statement in your own name

Rav Yehuda said in the name of Rav, what is the meaning of the following verse? "I will dwell in your tent in many worlds?" Is it possible for someone to dwell in a tent in both worlds? It means that David stated before Hashem: Master of the Universe, it should be Your will that after I die, they should say a statement in my name in this world (*as well as my being in the next world*), for Rabbi Yochanan said in the name of Rabbi Shimon ben Yochai: Any deceased Torah scholar, in whose name a traditional statement is reported in this world, his lips move gently in the grave (*it is as if he is living in both worlds*).

The Kintzker Rav in Chelkas Yoav (O"C 46) states that this is applicable even if one relates a Torah statement in his own name. In Heaven, it is known who was the author of this statement, and it will be attributed to him. He does say, however, that the one who said over the statement without attributing it to the proper author, has transgresses the negative prohibition of stealing. He has stolen the honor that the actual author duly deserved.

The Yefeh Mareh in his gloss to the Yerushalmi in Brachos disagrees, and he writes that it is only when the Torah scholar's name is mentioned that his lips begin to move. From the fact that his name was mentioned in this world, it is regarded as if he is alive and his lips can move. The reason for this is based on a Yerushalmi in Shekalim (7b) which states that when a person is relating a Torah statement from

another scholar, he should envision as if that scholar is standing beside him; it is through this that he is considered as if he is alive.

AUNT AND HIS FATHER'S YEVAMAH

It is written [Devarim 23:1]: *A man shall not take his father's wife, and he shall not uncover his father's robe.* The Torah is referring to a woman awaiting *yibum* by his father; and the meaning of his father's robe is: He shall not uncover the robe which is designated for his father.

The *Gemora* asks: Why is this verse necessary; this woman is prohibited regardless, from the fact that she is his aunt?

The *Gemora* answers: The verse is necessary to make him liable for two transgressions.

The Aruch Lener asks on this from the principle that one prohibition cannot take effect upon another prohibition. The father's brother's wife was initially forbidden to the son on account of being an aunt; how can the second prohibition of the father's yevamah take effect?

The Yashreish Yaakov answers that this is an exception to the rule derived from this verse that the second prohibition can in fact take effect, and the son will be liable for both prohibitions.

The Aruch Lener answers that the *Gemora* does not mean to say that the son will be liable for two prohibitions and he will incur lashes twice. Rather, the *Gemora* means that he will have violated two transgressions and when he dies, he will be buried among the truly wicked (*like the Gemora above 32a stated*).

PURPOSE OF THE RIDDLES:

AN IDOLATER'S MARRIAGE WITH A WOMAN WHO IS FORBIDDEN TO HIM

The Aruch Lener asks on this from the principle that one prohibition cannot take effect upon another prohibition. The father's brother's wife was initially forbidden to the son on account of being an aunt; how can the second prohibition of the father's *yevamah* take effect?

The Yashreish Yaakov answers that this is an exception to the rule derived from this verse that the second prohibition can in fact take effect, and the son will be liable for both prohibitions.

The Aruch Lener answers that the *Gemora* does not mean to say that the son will be liable for two prohibitions and he will incur lashes twice. Rather, the *Gemora* means that he will have violated two transgressions and when he dies, he will be buried among the truly wicked (*like the Gemora above 32a stated*).

The Mishna L'melech in Perashas Derochim inquires as to what the halacha would be if an idolater cohabits with a woman that is forbidden to him on account of being a close relative, and he has intention to acquire her as his wife. Does the idolater in fact acquire her as a wife, and she will be regarded as a married woman, or perhaps the *kiddushin* does not take effect, in the same manner that it has no validity by a Jew? He quotes from the Ashkenaz Scholars that the idolater does not acquire her.

The Minchas Chinuch disagrees and maintains that she will be regarded as a married woman. He explains: A verse is required to teach us that *kiddushin* cannot take effect with a woman who is an *ervah*; the verse is relevant to a Jew, not to an idolater, and therefore, there is no Scriptural source that will invalidate the *kiddushin* of an idolater, even if it is with a woman that he is forbidden to have relations with.

The Aruch Lener proves from our *Gemora* that there is validity to the *kiddushin*. The *Gemora* cited the following riddle: A woman says: Woe, woe! For my brother who is my father, who is my husband, who is the son of my husband; he is the husband of my mother and I am the daughter of his

wife; and he provides no food for his orphan brothers, the children of his daughter. This is possible when an idolater cohabited with his mother and had a daughter from her. He then cohabited with that daughter (*becoming her husband*). Then the idolater's father cohabited with her (*thus becoming the grandfather's husband as well*) and had children from her. (*The idolater is the daughter's brother; he is her father; he is her husband; he is the son of her (second) husband; he is the husband of her mother; she is the daughter of his wife.*)

It is evident that even though the idolater cohabited with his mother, which he is prohibited from doing, he is nevertheless regarded as her husband. The Aruch Lener concludes that it is quite possible that this novel ruling is precisely what the *Gemora* is intending to teach us with this obscure riddle.