

לע"נ *Yevamos Perek Gimmel is Dedicated*

מרת רבקה בת ר' אליהו ז"ל

הח"ר אברהם בן ר' מאיר הלוי ז"ל

מרת האלע בת הח"ר משה הלוי ז"ל

*Yevamos Daf 30 is Dedicated*

ברוך געציל בן יהודה הכהן לע"נ



## THE HAKUK EDITION

### ENGLISH TOPICS ON THE DAF

*Dedicated L'Refuah Shlaima for Yaakov ben Victoria*

**RABBI MORDECHAI PAPOFF**

## Daf Hashovua Yevamos Daf 30

The Mishnah of daf 30a illustrates a rule that comes up many times in Yevamos. Rabbi Yehuda quoted Rav as encapsulating it that any yevama who cannot do yibum when she “falls” to her yovom is compared to an eishes ach who has children.

What are the mechanics of this rule? Why should it be this way, if afterwards she becomes fit to do yibum?

The Acharonim learn an explanation from **Tosfos** on daf 2a. Tosfos asks an intriguing question, based on our Gemara here. If a yevama who can't do yibum when her husband dies can't do it later, either, then even if she is a *niddah* she should not be able to do yibum afterwards? She was forbidden to the yovom at the time of “falling”?

Tosfos offers two answers, each one fundamental. First he points out that this is different from achos ishah and the like. There, the issur applies only to the yovom and not to other people. Niddah, however, is relevant to everyone. Secondly, he asserts that such a situation would violate the well-known adage, “Derocheho darchei noam” – the ways of the Torah are pleasant. The Gemara on daf 87b uses this possuk in a similar fashion, that

once we absolve a yevama from yibum, we will not afterwards require her to do chalitzah. A niddah, on the other hand, is a natural, regular deferral common to all marriages and her delay is not contrary to “noam.”

Now, we need to explain the first answer of Tosfos some more. If the rule is that once a yevama is forbidden she stays that way forever, what difference does it make that the issur was one that is relevant to everyone – still, she *was* forbidden at that time?

**Rav Shlomo Heiman** (Siman 2) identifies the focal point of the issur here as the Gemara puts it – *eishas ach* without the hetter of yibum. Only if the issur is connected to *eishas ach* does it stay in force even if later the circumstances change. Niddah doesn't fit into the parameters of the rule.

The second answer of Tosfos has a different theme. The issue is that we don't want to drag her back into yibum and chalitzah (especially if she already remarried), so the actual issur doesn't matter. **Rav Shmuel Rozovsky** says this answer of Tosfos learns the rule as one of zikah. If zikah didn't take effect right away, it won't later, either (Shiurei R' Shmuel, note 188).

Just to clarify, *darchei noam* is not an emotional barometer that the Rabbis should decide what feels right or not. **Rav Elchonon Wasserman** emphasizes that this possuk serves to assess what the Torah had in mind. Since it is not “noam” for her to return to yibum activities, it must not be what the Torah meant! Another place the Gemara invokes this possuk is in Sukkah 32, deliberating what precisely *hadassim* (and *lulavim*) are. One suggestion offered is a prickly plant, which the Gemara rejects since it is not “pleasant” to have to hold such a thing. There, too, this possuk identifies what the Torah intended (Kovetz Hearos 6:1).

A possible ramification of these two ways of understanding the Gemara is what the **Minchas Chinuch** (273:4) addresses. What is the halacha if at the time of her husband's death the yevama is forbidden to her yovom with both an *asei* and a *lav*, but then later the *asei* is removed? The *asei* of yibum is *docheh a lav* but not an *asei*. Thus, at first she was forbidden to do yibum, but afterwards became permitted. (His case is a yevama ketana arusa whose

yovom is a Kohen Gadol. The Rambam says a Kohen Gadol is forbidden to ketanos with an aseï. When she grows up, that aseï stops, and only the lav of marrying a widow remains.) The Minchas Chinuch deliberates the question and does not decide it.

Here, then, is an instance where the original issur was not eishes ach but an issur aseï, and subsequently was removed. This would depend on the two answers of Tosfos! If only eishes ach triggers the rule, here it would later be permissible; an exception to the rule. But if the issue is “darchei noam,” even in this case they would stay without zikah (**Rav Dovid Povarsky**, hearos on Minchas Chinuch).

Another difference between the two approaches may be if a yevama does yibum to one brother and then he dies. Another brother was forbidden to her the first time around and is now permissible. Could they do yibum? Returning to the two concepts that R’ Shmuel put forth, let’s see if they fit here. If the issue is one of eishes ach, that applies here, too. But if the subject is zikah, since this is a second yibum opportunity (nefila shniya) it may yet take effect.

Rav Elchonon Wasserman quotes **Rashi** on 2b that they are indeed forbidden, and therefore proves that the point is eishes ach and not zikah (Ibid. 1:2).

That Rashi is discussing the case of אשת אח שלא היה בעולמו, a brother who was not yet born when the first brother passed away. The yevama did yibum with a different brother who then was niftar. The younger brother remains forbidden to her. R’ Elchonon finds this difficult to fit into the second answer of Tosfos – what is “unpleasant” about her marrying this brother after her husband dies?

He explains that this also revolves around the issur of eishes ach – not zikah. Since it was not permitted earlier, it never can become muttar. (Rashi says the new brother was born after the first man’s death but before yibum of the second brother. This is disputed later in the Mesechta.) Thus, he’s understanding both answers of Tosfos as relating to eishas ach, and not zikah. This is unlike R’ Shmuel above.

