



לע"נ ברוך בענדיט ובורה גרוס ע"ה
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The Hakuk Edition English Topics on the Daf

Dedicated l'refuah sheleima for Yaakov ben Victoria

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THE EIGHTH PEREK OF YEVAMOS IS DEDICATED:

לזכר גשמת שלמה בן יהושע והחבר דוד בן החבר מרדכי

Yevamos Daf 77

Doag impugned upon Dovid's yichus, claiming that even Moavos are included in the Torah's prohibition from marrying into Klal Yisroel. Finally, Amasa forcefully declared his tradition that they, and hence Dovid, are permitted.

Didn't this whole exchange happen already, long before? In the story of Rus, Boaz asked Plony Almony if he wanted to marry Rus. He responded that he didn't want to ruin his nachala; Boaz then took Rus. Chazal tell us that Plony thought that Moavi women are also forbidden, so he would damage his lineage if he would marry her. Boaz, the Shofet of Klal Yisroel, gathered ten men together to publicize his ruling to a Beis Din and pronounced that she is permitted – Moavi v'lo Moavis (See Me'am Loez on Rus Ch. 4).

So, how could they come along 300 years later and cast aspersions on Dovid? Didn't they know the derasha that Moavos are permitted?

The Maharsha asks this question and adds several more. How could Plony refuse to take her, when Boaz told him he could – isn't that chutzpa to argue with the leader of the generation? Additionally, he expressed concern about his children's

yichus; why wasn't his own sin, the issur dioraisa of marrying a Moavi, enough excuse to say no?

All these questions lead to one solution, writes Maharsha. This episode was a manifestation of yibum. Although Plony, also known as Tov, was not the brother of Rus' husband (he was an uncle), in ancient times yibum was done with any relative. Thus explains the Ramban that Tamar was seeking yibum with Yehuda, her father-in-law. This, as well, was a fulfillment of yibum (Bereishis 38:8). Boaz was a first cousin, so he deferred first to Tov, since he was a closer relative.

We had a Gemara earlier (20b) that really the mitzvas aseil of yibum should override a lo sasei because aseil docheh lo sasei. However, Chazal forbade it because only the initial biyah would be permitted; they forbade it for fear of a second biyah.

This was the assumption of Tov – that Boaz meant for the mitzvah of yibum to override the aveira of marrying a Moavi. The actual biyah would be permitted, but it would damage his offspring, because, he assumed, they would have the status of Moavim. Boaz was by that point very

elderly and childless, so for him it wasn't an issue.

And Doag was arguing the same thing, all those years later! What happened with Boaz? He was with Rus one night and passed away the next day. So, maybe he would have separated from her after the first time, but he didn't have the chance. And now Dovid may be a Moavi, like his ancestor Rus.

This beautiful explanation of Maharsha has some apparent problems, though. Most notably, Tosfos on daf 20 states that even the conclusion of the initial *biyah* is forbidden when a *lav* is involved. Since *yibum* may be accomplished with *he'ara* (daf 53b), the beginning of *biyah*, nothing more is allowed, even with *asei docheh lo sasei*. If so, Boaz could not have impregnated Rus, because he wouldn't have been permitted to complete the *biyah*? Thus asks Aruch L'ner.

Yashresh Yaakov adds more problems. Maharsha based his explanation on the Ramban, but if we analyze that passage, it doesn't seem to work here. Ramban writes: "The ancient sages, prior to the [giving of the] Torah, knew of the great benefit to a deceased soul when *yibum* is done. The brother has precedence, and after him, any relative... can accomplish this... The Midrash says Yehuda began *mitzvas yibum*... When the Torah came and forbade certain relatives, Hashem wanted to permit *eishes ach* for the sake of *yibum*. He didn't want to permit the *issurim* of *eishes achi ha'av* (aunt) or *eishes haben* (daughter-in-law), since the greatest benefit is through the brother." He concludes, "This is the concept found by Boaz and Naomi and her neighbors."

Clearly, argues Yashresh Yaakov, once the Torah was given, *yibum* cannot override any *issur* aside from *eishes ach*!

So how could it override the apparent *issur* of Moavi? Although the Ramban does mention Boaz, he means that it bore resemblance to the spiritual effects of *yibum*. (The reference to Naomi is that when Rus bore a child, Naomi took him in her lap and was his nursemaid (Rus 4:16). Since the child had a spark of Rus' husband, Naomi's son, it was as if this child was her own. Her neighbors indeed proclaimed, "A child was born to Naomi!")

Additionally, the Midrashim imply that Rus and Orpah did not convert when they wed their husbands. Thus, Rus was not halachically a relative of Boaz. Once again, it was not an actual fulfillment of *mitzvas yibum*, but a parallel version of its deeper concepts. So how could the Maharsha say it was?

Firstly, the question from Tosfos could be deflected because other Rishonim argue. The Ramban states that if *asei docheh lo sasei*, the entire *biyah* would be permitted, as the *posuk* says, "Yevama yavoh oleha," implying a complete *biyah*.

To answer the issues with *yibum* of relatives, the Kli Chemda offers some technical explanations. Perhaps Boaz held that the Torah restricted *yibum* to a brother only as an obligation, but the option remained to do it with relatives. He compares it to *mitzvos* which women are not obligated in, but wish to do anyway, like *lulav* and *esrog*. Alternatively, the *aveira* of marrying a woman forbidden with a *lav* is only if both *kiddushin* and *biyah* are done (*midioraisa* – Rambam, *Issurei Biyah* 15:2). In this case, *kiddushin* was not done, so the concept of *yibum* may override the *issur dirabonon* of Moavi.

Two more approaches to the original question: If Boaz already *paskened*, how could they argue about it later?

The Brisker Rav suggests that Doag wanted to question Boaz's derasha, as a Beis Din is technically permitted to argue with another Beis Din's ruling. (See Rambam Mamrim 2:1.) How did Amasa put an end to the tumult? By asserting that it was a kabala – a Halacha L'Moshe Misinai, as Maharsha and others say. Nobody can doubt such a ruling (Griz al Hatorah, Rus).

One more possibility is that Doag was arguing that although Moavos are permitted, their children may retain the status of Moavi. (We mentioned this debate that week.) Therefore, even though Rus was permitted to Boaz, her male offspring would not be – including Dovid (Iyun Yaakov).