



לע"נ ברוך בענדיט ובורה גרוס ע"ה  
by Mr. & Mrs. Duvy Gross

# The Hakuk Edition English Topics on the Daf

*Dedicated l'refuah sheleima for Yaakov ben Victoria*

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THE EIGHTH PEREK OF YEAMOS IS DEDICATED:

לוֹזֵכֵר גִּשְׁמַת שְׁלֵמָה בֶּן יְהוֹשֻׁעַ וְהַחֲבֵר דוּד בֶּן הַחֲבֵר מֵרַדְכִי

## Yevamos Daf 78

Wrapping up our sugya of Mitzrim, the Gemara talks about a case of a Mitzri sheni man with a Mitzris rishonah woman – the child is considered a shlishi, and permitted to the Klal.

The blatant problem with this is that it contradicts a rule printed on the very next amud of Gemara – the status of offspring follows the pagum (the invalid one)? Here, the mother is a rishona, more “pagum” than the man, so the child should go after her?

Many Rishonim asked this question, but their answer isn't so simple.

The Ramban and others limit that rule to apply only to forbidden marriages. For example, if a Mitzri marries a Yisroel, their union has tefisas kiddushin but is forbidden, so the child is a Mitzri. Here, the two geirim were permitted to marry each other, so we may ascribe the child to the parent who has a more lenient status.

This sounds clear and straightforward – but let's see a Gemara in Kiddushin, the source for this rule. On daf 66b, the Mishnah says, “Any time there's kiddushin and no aveira, follow the male parent. Whenever there's kiddushin but with an aveira, the child follows the pogum one.

What is this case? If a widow marries a Kohen Gadol; a divorcee or chalutza with a Kohen; a mamzeres or nesina to a Yisroel.” Then the Gemara introduces a Beraisa which states that if a ger marries a mamzer, the child is a mamzer, in line with the rule of following the pogum. But, a ger is allowed to marry a mamzer! According to the Ramban, the rule should not apply here?

Even in our Meseches, on amud beis it says that if an Amoni marries a Mitzris we follow the pogum between them. There, too, no sin was done in their union, and yet the rule applies?

Tosfos in Kiddushin differentiates between parents stemming from the same nation, and two separate ones. This halacha applies to offspring not only from a kosher Jew who bears a child from a Mitzri, for instance, but also from two pesulim, like Amoni and Mitzri. If they come from the same nation, though, the rule of the Mishnah does not hold true, and the child may be regarded with the more lenient status. That is why a child of 2 Mitzrim, a sheni and a rishona, is a shlishi.

The Keren Orah offers another resolution. Mitzrim are in a special category, that after

three generations they are allowed to marry into Klal Yisroel. The issue here is which number generation do we attribute to this child. So, even if we would follow the pogum in terms of his nationality, the generation count is a different issue, and depends on the debate if “uber yerech imo” or not:

If we say “yerech imo,” it’s as if the child is part of his mother who is a rishona. He is a rishon in utero. When he’s born, he’s now the next generation – sheni – even in a case where we should “follow the father” (like if there is no aveira). The opposite should be true, as well – if the mother were a 2nd and the father a 1st, this logic would make the child a 3rd.

If we do not say yerech imo, the child is independent of his mother and can be reckoned a shlishi after his father – even when we should be going after the pogum. Alternatively, we may view the fetus already as the succeeding generation, and then when he’s born, an additional one – a shlishi (Chazon Ish E.H. 4:11).

But why is this necessarily so? Why should we say this differentiation? Rav Aharon Kotler explains that the pesul, the invalidation of Mitzrim, are essentially the same, no matter if they’re of the 1st or 2nd dor. Indeed, by no other pesul does this matter. It’s a gezeiras hakosuv that the 3rd generation is suddenly permitted. Thus, Chazal use other guidelines to dictate their status, such as yerech imo (Yevamos Siman 24).

Rav Shach added some more elucidation (Avi Ezri, Issurei Biyah 15:3). Our Gemara asks on this halacha from the Mishnah in Kiddushin that a mamzer could marry a shifcha and the child may become a kosher Jew. The Gemara then deflects this question with the possuk about maidservants. What was the initial

supposition – don’t we already know this derasha; we had it on daf 22 already?

Rav Shach explains with a brilliant insight. First, he asks another question. In Kiddushin there’s an argument over R’ Tarfon’s suggestion. The opposing opinion extrapolates a possuk about mamzerim, that even if only the father is a mamzer the child follows after him. Even so, R’ Tarfon maintains that “האשה וילדיה” overrides that rule. This makes our Gemara even more puzzling – that is a discussion about mamzerim, not Mitzrim?

One question answers the other. R’ Tarfon holds that the possuk about shifchos overrides the derasha; it makes the regular rules of yichusim (lineage designation) moot. It is an exception to the laws of yichus. Our sugya is also not one of simple yichus classification, as well! As we’ve been explaining, this is not a question of yichus – either way he’s a Mitzri convert – but of which generation we consider him. Thus, we may certainly compare it to the Gemara of mamzerim, to prove that it is a rule to ascribe a child to his mother!

Apparently, though, the Rishonim we mentioned do not agree to this viewpoint. Tosfos, Ramban and others seem to compare the subject of Mitzri sheni or shlishi with all the other cases of those forbidden to the Klal. That is why they must answer in other ways.