

Firstly, for a יבם is not called an אחר – חדא דיבם לא איקרי אחר –

OVERVIEW

פן ימות במלחמה asked; perhaps when the תורה writes רב שישא בריה דרב איקא [and we cannot derive from this פסוק the term איש אחר refers (only) to the יבם. To which רב אשי responded that a יבם is not referred to as an איש אחר¹. Our תוספות resolves a seemingly apparent contradiction to this presumption of רב אשי.

תוספות asks:

תימה דגבי שדה אחוזה² אמרינן לקמן (דף יז,ב) דיבם איקרי אחר –

It is astounding! For concerning a שדה אחוזה the גמרא states later that a יבם is referred to as אחר -

דקאמר אם מכר את השדה לאיש אחר ואחיו הוי בכלל –

For the גמרא states if he sold the field to an איש אחר and his brother is included in the phrase איש אחר! Why do we say here that a יבם is not called an אחר?!

תוספות answers:

ויש לומר דלא דמי דבמקום שמדבר בכל אדם הוי יבם בכלל אחר –

And one can say that the two גמרות are not similar; for in a place where the איש אחר is discussing all people then a יבם is included in the אחר, which is the case in the other גמרא -

אבל הכא³ דבעי למימר דמותרת ליבם דוקא אם כן הוי יבם אחר דוקא:

However here where ר"ש בריה דר"א wanted to say that she is permitted only to the יבם, then only the יבם specifically would be the אחר; the גמרא rejects this. The word אחר cannot mean only the יבם for איקרי אחר יבם exclusively.

SUMMARY

A יבם can be included with everyone when using the word אחר; however אחר cannot refer to a יבם exclusively.

THINKING IT OVER

What is the difference in תוספות thinking between the קשיא and the תירוץ?

¹ Presumably because a brother is a (close) relative, and not merely 'another' person.

² A שדה אחוזה is an inherited field. If one is מקדיש his שדה אחוזה, he has the option of redeeming it from יובל. If the איש אחר (ויקרא [בחקותי] כז,כ) fails to redeem the field and the גזבר sells it (משמר), the field belongs to the כהנים (of that year). The גמרא (in ערכין כה,ב) explains that if the buyer was a brother of the מקדיש the same rule applies since he is considered an איש אחר (as opposed to if the son of the מקדיש bought it, then it does not revert to the כהנים on יובל). (ולשדה. (יובל על כהנים

³ By a שדה אחוזה the תורה could not have written [לאחיו] (ליבם) for the same law applies to everyone; however here if איש אחר means only the יבם the תורה should have written יקחנו [יבם].