



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Yevamos Daf Yud

- **R' Ada Karchina in the name of Rava** said, it may be that **Rebbi** agrees with the rules of **Rav** and **R' Chiya**. The reason why **Rebbi** felt that the case of "anusas aviv" cannot be listed in our Mishna is because that case is impossible to fit within the rules of **Rav** and **R' Chiya** (it is impossible to have the scenario where there are 2 sisters married to 2 brothers after having been raped by the brothers' father, where one of those sisters would be assur to only one of the other brothers as his mother, and mutar to the other brother, because the mother's sister would be assur to this man as well, since a mother's sister is also an ervah. The only way we can say that we can create such a case would be where these 2 women who were raped were not sisters, but then the element of them being 2 sisters would be missing. Therefore, it is impossible to fit within these rules, and it cannot be added to the list in our Mishna).
- **R' Ashi** said, it may be that **Rebbi** argues with **Rav** and **R' Chiya**, and he also would agree that our Mishna lists cases which are subject to machlokes. The reason he said that the case of anusas aviv cannot be added to the Mishna is because he said that we can prove that our Mishna actually follows the shita of **R' Yehuda**, who says that one is prohibited to marry a woman who was raped by his father. We can prove this from the next Mishna (which is a continuation of our Mishna) which says that there are 6 arayos which are different than the listed 15, in that they are impossible to fall for yibum to the relative. The Mishna lists a mother, a father's wife, a father's sister, etc. and says that these women can only marry other people (i.e. they can never marry one's paternal brother) and that is why they are different. Now, a father's wife seems to include a mother as well. It must be that the case of the mother is when it was never one's father's wife (i.e. the father had raped this woman), and still the Mishna says that she may only marry "other people", meaning not any of the father's sons. This Mishna seems to clearly follow **R' Yehuda**, which means that our Mishna does as well. That is why **Rebbi** told **Levi** that he is clearly wrong for thinking that this case can be added to our Mishna.
  - **Q: Ravina** asked, even according to **R' Yehuda** it is possible to have a case where one of the sons married the anusa of his father, since it is assur with a lav, but not with kares. Therefore, although not allowed, if a son went through with a marriage, the marriage would take effect. If that son then died without children, it is conceivable that this woman can fall to yibum to her own son. If so, why can't this be listed in the Mishna even according to **R' Yehuda**!? **A:** Our Mishna does not discuss cases where one entered into a marriage unlawfully.
    - **Q: R' Ashi** asked, it is possible to have this scenario even without an unlawful marriage. The case would be where a father-in-law raped his daughter-in-law, and a son was born from the act. In that case, the woman is lawfully married to her husband although she was raped by her father-in-law, and if her husband dies without children, she would fall to her own son for yibum. If so, why isn't it listed in our Mishna!? **A: R' Kahana** answered, the Mishna is only dealing with cases in which the brothers were born through mutar marriages, and not in cases like the above, where the brother was born from a case of rape.
- Although **Rebbi** told **Levi** that he was wrong, **Levi** still added this case of anusas aviv to a Braisa that he taught. He said that this case should be added to the other 15 listed in the Mishna.
  - **Q: Reish Lakish** asked **R' Yochanan**, according to **Levi** who says that the Mishna is dealing with cases of unlawful (although effective) marriages, there should be another case listed in the Mishna. The case would be where one of the brothers gave chalitzta to a yevama and then married her. Once he gives chalitzta, he is only assur to her with a

regular lav (the kares penalty comes off for this brother only – according to **Reish Lakish** – based on a pasuk). If he then remarries her and she falls to yibum to the other brothers, she would be assur to them, since they retain the initial kares penalty for this woman. If so, this woman should be another case listed in the Mishna!? **A: R' Yochanan** said, this woman would patur her tzaros, but could never get to a situation of having her tzaros patur their future tzaros (because she becomes assur to all the brothers, and no brother could marry her or her tzara, thus ending the chain at that point). Because of that, this case is different than the other cases of our Mishna, and was therefore not added to the list.

- **Q:** Why didn't **R' Yochanan** say that in fact the other brothers *would* be chayuv to do yibum or chalitza to her, because **R' Yochanan** holds (not like **Reish Lakish**) that when any brother does chalitza, that woman now becomes assur to all of them only through a lav, and no longer through kares!? **A: R' Yochanan** was giving an answer that can even work according to the shita of **Reish Lakish**.
- We learned, when a brother does chalitza to one of the wives, **Reish Lakish** said, that brother to that woman is only now assur via a lav, but all other brothers to all the wives would be assur with kares, and even the brother who gave chalitza, would be assur with kares to all the other wives. **R' Yochanan** said, all the brothers to all the wives become assur only via a lav.
  - The shita of **Reish Lakish** is based on the pasuk of the lav "Asher lo yivneh" – from which we darshen that once he does chalitza he may no longer marry her. This only applies to the one who did chalitza and to the woman to which it was done. **R' Yochanan** says that he was doing the shlichus of his brothers by doing that chalitza, and she was doing the shlichus of all the wives by accepting the chalitza. Therefore, they are all included in the pasuk, and are all now assur only via a lav.
  - **Q: R' Yochanan** asked, a Braisa says, if one did chalitza and then married that woman, and he then died without children, the other brothers must do chalitza. That only makes sense according to **R' Yochanan**, because according to **Reish Lakish** the brothers should be patur from doing so since they are assur to her with kares!? **Reish Lakish** asked back, the end of that Braisa says that if one of the other brothers married this woman, she may marry another man without even getting a divorce. Now, that makes sense only according to **Reish Lakish**, because according to him the marriage cannot take effect since she is assur with a kares penalty!? **A: R' Sheishes** said, the end of the Braisa can be explained according to **R' Yochanan**. It may be that she is only assur to the other brothers with a lav. The reason that the marriage cannot take effect is because the Braisa is following **R' Akiva**, who says that a marriage does not take effect between people who are assur to each other even if only via a lav.
    - **Q:** If so, the Braisa should say "according to **R' Akiva** she can get married to another man without receiving a divorce"!? **A:** That remains a **KASHYEH**.