



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

Yevamos Daf Chuf Gimmel

- **Q:** According to **R' Yose bar Yehuda** who says that a man who lives with his sister who is also the daughter of his father's wife, is only chayuv for living with his sister, what does the pasuk of "bas eishes avicha" accomplish? **A:** It teaches that he is only chayuv for living with a sister whose mother is a woman who the father could have kiddushin with - but not if her mother is a goy.
 - **Q:** Why can't we say that the pasuk means to exclude the sister whose mother was raped by his father? **A:** That can't be, because **Rava** darshens pesukim to teach that one may not live with the daughter of a child he fathered by raping a woman. We see that such a child is considered to be a full child. If so, such a sibling would also be considered to be a full sibling.
 - **Q:** Why don't we say that the pasuk comes to exclude a sister born from a marriage which was prohibited through a lo saasei? **A:** Since kiddushin takes effect in such a case, a sibling from such a marriage is clearly considered to be a full-fledged sibling.
 - **Q:** Why don't we say that the pasuk comes to exclude a sister born from a marriage which was prohibited with a kares penalty? **A: Rava** said, the pasuk says that the ervah of a sister applies even by "moledes chutz", which we darshen to refer to a case when a man is "married" to a woman who is assur to him with kares.
 - **Q:** Maybe this drasha should teach to include a sister who was born to a non-Jewish mother? **A:** The pasuk says "bas eishes avicha", which teaches that it must be a sister from a woman who could have had kiddushin with her father, which excludes a non-Jewish woman.
 - It is logical to say that a sister from a woman who was assur with kares is the one we include, since her mother could at least have kiddushin with a different man, whereas the non-Jew could not have kiddushin at all. The fact that she can have kiddushin when she converts is only because at that time she is considered to be a totally different person.
 - **Q:** From where do the **Rabanan** learn that a sister born to a non-Jewish mother is not included in the ervah of a sister? **A:** They learn it from the pasuk that teaches that the children of a non-Jew are not Jewish themselves.
 - **R' Yose bar Yehuda** uses this pasuk as well, but says that one is needed to exclude the daughter of a maidservant and one is needed to exclude the daughter of a non-Jewish woman. We could not learn one from the other because a non-Jew is somewhat better in that they have lineage (a slave does not), and a maidservant is somewhat better in that she is subject to mitzvos.
 - **Q:** Based on this, how do the **Rabanan** learn to exclude a sister from a non-Jew? They need the previous pasuk for the sister from a maidservant!? **A: R' Yochanan in the name of R' Shimon ben Yochai** said, they learn it from the pasuk that says, "Ki yasur es bincha mei'acharai" – which teaches that the child of a non-Jew is also a non-Jew.
 - **Q:** This pasuk is specifically written in regard to the 7 nations that inhabited Eretz Kinaan!? **A:** The words "ki yasur" (they will turn away your son from Hashem) are extra.
 - **Q:** They are only extra according to the view that we darshen the reasons in the pesukim. Based on that, we know the reason one can't marry a goy is because he will lead his children astray,

and there is no reason for the pasuk to say those words. However, according to view that we don't darshen the reasons in the pesukim, these words are not extra!? **A:** The shita that argues on **R' Yose bar Yehuda** is **R' Shimon**, and he is of the opinion that we do darshen the reason for pesukim.

MISHNA

- If one gave kiddushin to one of 2 sisters, but does not remember to which one, he must give a "get" to both of them (and can marry neither of them). If he dies without children and has only one brother, he must give chalitza to each woman. If he has 2 brothers, one must do chalitza and the other can then do yibum to the other sister. If both brothers went and did yibum (each to a different sister), we do not make them get divorced.
- If two unrelated men gave kiddushin to 2 sisters (each man to one of the sisters), but they don't remember to which one they gave the kiddushin to, each of the men must give a divorce to each of the women. If they both died and each one had one brother, each brother must give chalitza to each of the sisters. If one man had one brother and the other had 2 brothers, the lone brother must give chalitza to each woman, and the 2 brothers should have one give chalitza to one sister and the other brother may even do yibum to the other sister. If the two brothers each did yibum to a different sister, we don't make them get divorced. If each man had 2 brothers, one brother of each gives chalitza to a different sister, and the second brother of each may even do yibum to the one who got chalitza from the other man's brother. If the two brothers of one of the men each did chalitza to a different sister, the other pair of brothers should not do yibum to both, rather one should do chalitza to one of the women and the other can even do yibum to the other woman. If they both did yibum, we do not force them to get divorced.

GEMARA

- **Q:** The Mishna seems to be a proof that a kiddushin which does not lead to the possibility of bi'ah (like in the Mishna, where he does not know which of the 2 sisters he gave kiddushin to, and therefore will never be able to have bi'ah with either of them, and still the Mishna requires that a "get" be given) is a valid kiddushin? **A:** The Mishna is dealing with a case where at the time of kiddushin he knew which girl he gave the kiddushin to. He later got mixed up.
- **Q:** The Halacha of the Mishna that he must divorce both women seems obvious, since he does not remember which sister he gave kiddushin to!? **A:** The chiddush of the Mishna is the next part, where it says that if this man died and has 2 brothers, one may do chalitza and the other may then do yibum. It must be done in that order, because if a yibum is done first, it is possible that he is doing yibum to the sister of his zikah.

SHNAYIM SHEKIDSHU SHTEI ACHAYOS...

- **Q:** The Mishna seems to be a proof that a kiddushin which does not lead to the possibility of bi'ah is considered to be a valid kiddushin? **A:** Here too, the Mishna is dealing with a case where at the time of kiddushin they knew which girl they gave the kiddushin to. They later got mixed up.
- **Q:** The Halacha of the Mishna that they must divorce both women seems obvious, since they do not remember which sister they gave kiddushin to!? **A:** The chiddush of the Mishna is the next part, where it says that if they died and one had only one brother and the other had 2 brothers, the one brother must give chalitza to both women, and from the two brothers of the second man, one may do chalitza and the other may then do yibum. It must be done in that order, because if a yibum is done first, it is possible that he is doing yibum to the sister of his zikah.
 - **Q:** This seems to be teaching the exact same thing as the earlier part of the Mishna!? **A:** We would think that we should not allow yibum in this case as a gezeirah that it may lead to yibum being done even in the case where the deceased brother left over only one brother. The Mishna teaches that there is no such concern. However, as stated, even in this case the chalitza must precede the yibum, because if yibum is done first, and in actuality it is being done to the other man's wife (rather than his brother's wife), he is marrying someone else's yevama before she got chalitza, which is assur to do.

LAZEH SHNAYIM ULAZEH SHNAYIM...

- **Q:** What is the chiddush of this part of the Mishna? It seems to be saying the same Halacha as the earlier part of the Mishna!? **A:** Since in this case, ultimately both sisters are being taken in yibum, it is more of a concern that the brothers will forget to make sure that chalitzah is done prior to the yibum. Based on that concern, we would think to possibly say that yibum should not be done. The Mishna therefore teaches that it should be done.
- **Q:** Why is our Mishna different than another Mishna which says that if there are 4 brothers, 2 of which married 2 sisters, and those 2 brothers died without children, the sisters must each get chalitza and yibum may not be done, and if yibum is done, we force them to get divorced? **A:** In that Mishna each sister is a sister to the yavam's zika. Therefore, according to the view that zikah is like a marriage, he may not marry either of them, and according to the view that he may not negate the mitzvah, he also may not marry either of them so as not to possibly negate the mitzvah of the other sister. However, in our Mishna, only one of the women is truly his yevama. Therefore, if he marries one, we do not force him to get divorced.

KADMU V'KANSU EIN MOTZI'IN...

- **Shila** taught a Braisa, that even if these brothers were Kohanim, we do not force them to get divorced (even though one of them has certainly married a chalutza, which is assur for a Kohen to do). The reason is, the Halacha that a Kohen may not marry a chalutza is only D'Rabanan. Since this is now a safek D'Rabanan, we do not force them to get divorced based on that.
 - **Q:** A Braisa says that this Halacha is learned from an extra word in a pasuk, which would mean it is D'Oraisa!? **A:** It is only D'Rabanan, and the pasuk is an asmachta.