



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

Yevamos Daf Lamed Hey

- **Shmuel** said, all women who were mezaneh and then want to marry, must wait 3 months before marrying, except for a girl who was converted as a minor and a maidservant who was freed as a minor.
 - This suggests that a Jewish minor must wait 3 months to marry after having been mezaneh. **Shmuel** can't be referring to a case where the minor did mi'un, because he clearly said that such a girl need not wait. He can't be referring to a girl who got divorced, because **Shmuel** already says elsewhere that such a girl must wait. He must be talking about a girl who was mezaneh, and the **Rabanan** were goizer that such a girl must wait (even though she can't become pregnant) for the case of an adult girl in the same situation.
 - **Q:** Our Mishna says that we are not goizer in the case of a minor (she need not wait)!? **A:** **R' Gidal in the name of Rav** said, the case of our Mishna is very uncommon, and therefore the **Rabanan** were not goizer there.
 - **Another version** of **Shmuel's** statement was that he said all girls must wait 3 months to get married except for a convert or freed maidservant who were adults.
 - This suggests that a Jewish minor would not have to wait 3 months. Based on other statements of **Shmuel** (as stated above) this must refer to a case where the minor was mezaneh (and not where she did mi'un or was divorced). The reason the **Rabanan** were not goizer in this case is because it is uncommon for a minor to be mezaneh.
 - **Q:** Why are we not goizer in the case of the convert or the freed slave, since znus is common there!? **A:** He holds like **R' Yose** who says that these women do not have to wait to get married. **Rabbah** explains, because they are careful to use contraception to prevent pregnancy. **Abaye** explains, even when she doesn't have an opportunity to use contraception, she turns her body over after the znus to prevent from becoming pregnant. **R' Yehuda**, who argues on **R' Yose**, holds that we make them wait, because we are concerned that this method may sometimes not be done properly and will fail to prevent pregnancy.

V'IHM HAYU KOHANOS...

- **Q:** Why are only daughters of Kohanim disqualified? Even wives of Kohanim should be disqualified as well!? **A:** The Mishna should be changed to read "the wives of Kohanim".
 - **Q:** We have learned that **R' Amram** said that even the wives of Yisraelim become assur to a Kohanim in the future if they are raped when still married to the Yisrael!? **A:** **Rava** said, the Mishna should be understood as saying, if these girls were daughters of Kohanim, they may never go back there to eat terumah (even if they are widowed without any children, in which case such a girl may go back and eat terumah, this girl may not, because she is considered to have engaged in znus).

HADRAN ALACH PEREK ARBA'AH ACHIN!!!

PEREK HACHOLETZ L'YEVIMTO -- PEREK REVI'I

MISHNA

- If one gave chalitza and the yevama is then found to have been pregnant, if the child is born and is a viable child, the yavam is mutar to her relatives and she is mutar to his relatives and she is not passul to a Kohen (i.e. it is as if the chalitza never took place). If the child is not a viable child, the yavam becomes assur to her relatives, she becomes assur to his relatives, and she becomes passul for a Kohen.
- If one did yibum and the yevama is found to have been pregnant, and the child is born and is a viable child, they must get divorced and must bring a chatas. If the child is not viable, they may remain married.
 - If it is uncertain whether the child is from the dead brother or from the yavam, he must divorce her, the child is not a mamzer, and they must bring an asham talui.

GEMARA

- If one did chalitza with a yevama who was pregnant, and she then had a miscarriage, **R' Yochanan** says that she does not need another chalitza from the other brothers, because he holds that the chalitza and the bi'ah to a pregnant women are considered valid (assuming she miscarries), and **Reish Lakish** says that she does (the chalitza and bi'ah to a pregnant woman is not considered to be valid).
 - **Q:** What is the basis of the machlokes? **A:** It may be based on logic, where **R' Yochanan** says, if we would have known in advance that the yevama would miscarry, she would definitely be subject to yibum and chalitza, so now that we find out after the yibum or chalitza, it is considered valid as well. **Reish Lakish** says that we don't say it is valid when we first find out later. It also may be based on the pasuk of "u'bein ein lo" – **R' Yochanan** says, he truly has no child at this time, and even later the child born was not viable, so the action was a valid action, and **Reish Lakish** says, the pasuk teaches "ayin lo" – examine into it and see if he left any children, which means that even a fetus invalidates the chalitza or the yibum and puts a hold on the halachos of yibum until it is clarified whether or not the dead brother has left a viable child.
 - **Q:** **R' Yochanan** asked, our Mishna says that if he gave her chalitza when she was pregnant and the child was born and was not viable, they are assur to each other's relatives and she is passul for a Kohen. It must be that the chalitza given during pregnancy was valid, otherwise she wouldn't be assur to a Kohen!? **A:** **Reish Lakish** said, it is actually only a chumra D'Rabanan that makes her assur to a Kohen.
 - **Q:** Others say that **Reish Lakish** asked from our Mishna and said that according to **R' Yochanan** the Mishna in the above case should have said that "she doesn't need chalitza from any of the brothers". The fact that it didn't say that must mean that the chalitza was not valid!? **A:** **R' Yochanan** said, in truth it should have said like you suggested. However, since the beginning of the Mishna says "she is not passul to a Kohen", this part of the Mishna wants to end by saying "she is passul to a Kohen".
 - **Q:** **R' Yochanan** asked, our Mishna says, if he did yibum and the child is then found to be not viable, he may remain married to the yevama. Now, according to me, since the yibum was valid when she was pregnant, he "may remain married to her". However, according to **Reish Lakish**, who says the yibum done during pregnancy is not valid, the Mishna should have said "he has bi'ah with her again and then may keep her as his wife"! **A:** **Reish Lakish** said, the Mishna means to say that he should have bi'ah with her again and then may remain married to her.
 - Others say that **Reish Lakish** asked from this part of our Mishna, that it suggests that in this case he must have bi'ah with her again and then may keep her as a wife. However, according to **R' Yochanan**, it should have said that he may keep her or get rid of her!? **R' Yochanan** answered, in truth it should have said like you suggested. However, since the beginning of the Mishna says "he must

divorce her”, the Mishna wanted to be consistent and end with “and he may keep her”.

- **Q:** A Braisa says, if yibum was done and the yevama was found to be pregnant, the tzara may not yet marry, because maybe the child will be viable. Now, this clearly can't be correct, because if the child is viable the tzara may certainly marry (she is not subject to yibum)! The Braisa must mean that we are concerned that the child will not be viable, in which case the tzara is only freed with the bi'ah done to the yevama. Now according to **R' Yochanan**, as soon as the bi'ah was done, the tzara should be allowed to marry, because the bi'ah to a pregnant woman is a valid bi'ah of yibum!?
A: Abaye said, it must be that **R' Yochanan** agrees that the bi'ah to a pregnant woman will not be valid for yibum. The machlokes with **Reish Lakish** is only regarding the chalitza done to a pregnant woman while she is pregnant – **R' Yochanan** says it is valid and **Reish Lakish** says it is not valid.
 - **Q: Rava** asked, this can't be right, because we know that chalitza is only valid when yibum would have been valid, so **R' Yochanan** could not make this distinction!?
A: Rava therefore says, the Braisa means to say that if a yavam had bi'ah with a pregnant yevama, the tzara may not get married, because the child may turn out to be a viable child, in which case even **R' Yochanan** would agree that the yibum or chalitza done during the pregnancy is not valid, and the tzara would therefore not be allowed to marry until the child is actually born. A Braisa says like **Rava** as well.
 - **Q:** This Braisa that says like **Rava** is problematic according to **Reish Lakish**, because it suggests that the bi'ah done to the pregnant woman would allow the tzara to get married if the child turns out not to be viable!?
A: Reish Lakish would explain the Braisa to mean that she may not get married because maybe the child is not viable, and the bi'ah done during the pregnancy is not valid. Even though most women have viable children, even a viable child does not allow the tzara to get married until the child is actually born.