



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

Yevamos Daf Ayin Tes

- The pasuk says that Ritzpah bas Ayah watched over the hanging corpses (of the story just told in the Gemara) until the rainy season came, to make sure that no birds or animals get to them.
 - **Q:** How could they leave them hanging when a pasuk says that we may not leave a corpse hanging overnight? **A: R' Yochanan in the name of R' Shimon ben Yehotzadak** said, it was preferable to not follow the pasuk, because it led to a tremendous and public Kiddush Hashem. Passersby would ask why these people were hanged and they were told that these people were princes who were hanged because they started up with converts who were not even fully accepted into Klal Yisrael. The passersby would say, "There is no nation as great as the Jews. If they even punish princes this severely, how much more so they must hold regular people accountable. And, if such a severe punishment is given for starting up with converts who are not even fully accepted, how much more so they punish for starting up with geirem who are accepted". Immediately following this incident, 150,000 geirem joined Klal Yisrael.
- **Q:** How could the Gemara earlier have said that it was Dovid who was goizer not to allow the nesinim to marry into Klal Yisrael, when we find pesukim that teach that it was Moshe who was goizer!? **A:** Moshe was goizer for the nesinim who lived at that time. Dovid was goizer for all future generations as well.
 - **Q:** We find that Yehoshua was the one who was goizer against the nesinim!? **A:** **Yehoshua** was goizer for the time that the Beis Hamikdash stood. Dovid was goizer even for when the Beis Hamikdash no longer stood.
 - In the days of **Rebbi** they wanted to allow nesinim to marry into the Kahal. **Rebbi** told them, we can release our rights to them (the nesinim were given the status of slaves), but we have no right to release the rights of the Mizbe'ach to them.
 - This argues on **R' Chiya bar Abba in the name of R' Yochanan**, who said that when the Beis Hamikdash is no longer standing, the Mizbe'ach no longer has rights to the nesinim.

MISHNA

- **R' Yehoshua** said, I have heard that a "sris" (a man who can't have children) must do chalitza and chalitza must be done for his wife (i.e. he is included in the halachos of yibum), and I have also heard that a sris does not do chalitza and chalitza is not done for his wife (i.e. he is not included in the mitzvah of yibum), but I cannot explain the distinction between the cases. **R' Akiva** said, I can explain. A man who became a sris after birth must do chalitza and chalitza must be done to his wife, since he had a time when he was able to have children. However, a sris from birth is not involved in yibum at all, because he never had the ability to have children. **R' Eliezer** said, this is not so. Rather, a sris from birth is the one who is included in the yibum obligations, because it is possible for him to be healed. A man who becomes a sris after birth is not included in the yibum obligations, because there is no chance of him being healed.
 - **R' Yehoshua ben Beseirah** testified about Ben Megusas, who was a sris after birth who lived in Yerushalyim, and yibum was done to his wife, in accordance with the view of **R' Akiva**.
- A sris does not do chalitza or yibum. An ailunis does not get chalitza or yibum. If a sris gives chalitza to a yevama, she may still marry a Kohen. However, if he had bi'ah with the yevama, she may not marry a Kohen because she has engaged in an act of zhus. Similarly, if an ailunis got chalitza, she may still marry a Kohen, but if bi'ah was done with her, she may not, because she has engaged in an act of zhus.

GEMARA

- **Q:** We know that **R' Akiva** treats chayvei lavim like chayvei krisus (in that they both produce mamzeirem and in that a marriage is not effective in either case). If so, there should be no chiyuv yibum with a sris (who is assur via the lav of petzu'a daka) just as there is no chiyuv yibum by chayvei krisus!? **A:** **R' Ami** said, the case of the Mishna is where the woman was a giyores, and **R' Akiva** holds like **R' Yosef** who says that a passul (e.g. a petzu'a daka) may marry a convert.
 - **Q:** If so, he should even be allowed to do yibum!? **A:** **R' Akiva** would actually allow yibum to be done. He only talks in terms of chalitza because **R' Yehoshua** talks in terms of chalitza. We even see this from the statement of **R' Yehoshua ben Beseirah** at the end of the Mishna.
 - **Q:** **Rabbah** asked, a Braisa which follows **R' Akiva** says that if the brother of a sris dies without children and the sris goes ahead and does bi'ah with the yevama, he is koneh her but must then divorce her because he is assur to her based on the issur of petzu'a daka. We see that **R' Akiva** says that he is subject to yibum even though she is not a giyores. If so, we are back to the original question, that according to **R' Akiva**, why is a sris subject to yibum? **A:** **Rabbah** said, the case of the Mishna is where the brother died before the yavam was a sris, and he then became a sris. Therefore, the zika took hold before he was a sris.
 - **Q: Abaye** asked, if so, we should say that the issur of petzu'a daka should come along and annul the assei of yibum!? **A:** **R' Yosef** said, the **R' Akiva** in the Mishna is the **Tanna Divei R' Akiva**, who holds that the only type of chayvei lavim that creates a mamzer is when the lav is based on a relationship of a relative. However, other lavim (such as petzu'a daka) do not create mamzeirem, are therefore not like chayvei krisus, and therefore allow the yibum obligation to take effect.
- **Q:** How does **R' Akiva** say to allow a sris to do yibum, when it is not possible for him to fulfill the purpose of yibum, which is as the pasuk says "l'hakim l'achiv sheim"!? **A:** **Rava** said, if there is no chiyuv on a man who once was able to have children, there should never be a case of yibum, because every person is incapable of having children a moment before death, and therefore should not make his wife chayuv in yibum! It must be that as long as he once was capable, there is a yibum obligation.
 - **Q:** Maybe this answer can refute the view of **R' Eliezer**? **A:** He would say that the inability at the moment before death is very different, because that is based on the weakness of the impending death, not a true inability to have children.
- **Q:** What does the term "sris chama" in the Mishna refer to? **A:** **R' Yitzchak bar Yosef in the name of R' Yochanan** said, this is someone who was already a sris before being born.
 - **Q:** How do we know if someone has this condition? **A:** **Abaye** said, this is anyone who does not urinate in an arching way.