



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

Yevamos Daf Tzaddik Beis

NISEIS AHL PI BEIS DIN TEITZEI...

- **Ze'iri** said, our Mishna is not followed in practice, based on a Braisa that was taught that says that if Beis Din paskened based on a mistaken fact (they said it was already night, but it was later determined to be a mistake, because the clouds dispersed and the sun was still visible), it is not called a true "psak" and one who followed the erroneous statement *would* be chayuv to bring a korbon. **R' Nachman** says, it is considered to be a psak of Beis Din, and therefore she would be patur from having to bring a korbon.
 - **R' Nachman** said, his view can be proven from the fact that a single witness is never believed, so it must be that the reason she is allowed to marry is based on the psak of Beis Din.
 - **Rava** said, **Ze'iri's** view can be proven from the fact that when one witness says that the husband died we would allow her to marry. If 2 witnesses then come and say that he did not die we would say she may not marry. If another single witness then comes and says that he died we would again allow her to marry. If this was based on a psak, rather than a mistake, we would not allow them to allow, then prohibit, and then allow again.
 - **R' Eliezer** also seems to hold that it is considered a mistake of fact, because he says that the woman must bring a chatas.

HORUHA BEIS DIN L'HINASEI...

- **Q:** What type of immoral act is the Mishna referring to? **A:** **R' Elazar** says she was mezaneh with a man who would be mutar for her to marry. **R' Yochanan** says it means she was a widow who then married a Kohen Gadol or a divorcee who married a regular Kohen.
 - **R' Elazar** would agree that the Mishna can also refer to **R' Yochanan's** cases. However, **R' Yochanan** would say that for regular znus she can say that Beis Din gave her the status of a single woman, and therefore she would not be chayuv.
 - A Braisa says like **R' Yochanan**.

MISHNA

- If a woman's husband and his only child travel overseas, and they came and told her, first your husband died and then the child died (thus making her patur from yibum), and she got married based on that, and then others came and told her that the child died before the husband (thus making her chayuv in yibum and assur to marry someone else), she must leave the second husband and the child born either first (before the second witnesses came) or last (after the witnesses came) are mamzeirem (this follows **R' Akiva**).
- If they first told her that the child died and then the husband died, and based on that she did yibum, and they then told her that first the husband died and then the child died, she must leave him, and the child born first or last is a mamzer.
- If they told her that her husband died and she remarried based on that, and then they told her that he was alive at the time of her remarriage, but died later on, she must leave the second husband, and a child born before the first husband's death is a mamzer.
- If they told her that her husband died, and based on that she accepted kiddushin from a man, and then her first husband appeared, she may return to her first husband. Even if the second man gave her a get, it would not pasul her from marrying a Kohen. **R' Elazar ben Masya** darshened the pasuk "v'isha gerusha mei'isha" – only a woman who gets divorced from someone who was her husband becomes assur to a Kohen.

GEMARA

- **Q:** What is meant by the Mishna when it says “first” and “last”? If “first” means before she found out that she shouldn’t have remarried and “last” means after they found out, that would mean the child is a mamzer in either case, and the Mishna should just say that the “the child is a mamzer”? **A:** Since in the later case of the Mishna the Mishna discusses where she was told that her first husband was not dead at the time she remarried but died later on, and in that case it makes a difference whether the child was conceived first (before the first husband died) or last (after he died), in this first case we also say “first” and “last”, even though there is truly no need to speak in those terms.
- A Braisa says, when we say that the child of a yevama who married someone other than her yavam, is a mamzer, that only follows **R’ Akiva**, who says that a child produced from chayvei lavim is a mamzer. However, the **Chachomim** say there is no mamzer by a yevama.
- **R’ Yehuda in the name of Rav** said, the pasuk of “lo sihiyeh eishes hameis hachutza l’sih zar” teaches that a yemava cannot have effective kiddushin from a man other than her yevama. **Shmuel** said, since we do not know correct pshat in the pasuk, we will require her to receive a get (because **Shmuel** is not certain whether the pasuk teaches that there is a lav, or whether it teaches that kiddushin is not effective).
 - **R’ Mari bar Rachel** said to **R’ Ashi**, that **Ameimar** paskened like **Shmuel**.
 - **R’ Ashi** said, based on this, if a yevama marries someone else, and her yavam is a Kohen, the Kohen should give her chalitza and she may remain with her husband (since in order to do yibum we would require her to receive a get, which in this case would make her assur to the yavam who is a Kohen).
 - **Q:** This means that the second husband comes out ahead by having married her when he wasn’t allowed to (since he may remain married to her)!? **A:** What **R’ Ashi** must have said was, that if the yavam was a Yisrael, we require her to receive a get from her current husband and she is then permitted to the yavam for yibum.
 - **R’ Gidal in the name of R’ Chiya bar Yosef in the name of Rav** said, kiddushin is not effective for a yevama, but nissuin is.
 - **Q:** The Gemara assumes this to mean that if a yevama accepted kiddushin from an outside man she would not need a get, but if she went through with nissuin she would need a get. Why would the two be treated differently? **A:** **Rav** must have said that neither kiddushin nor nissuin is effective. **A2:** Nissuin with another man is “effective” in that it is treated as znus, which according to **R’ Hamnuna** makes her assur to the yavam. **A3:** Although there should be no difference, we require her to receive a get when nissuin was done, out of concern that if we don’t, people will say that even when a woman got married based on erred testimony that her husband had died she does not need a get.
 - **R’ Yannai** said, they voted and decided that kiddushin (from an outside man) is not effective on a yevama.
 - **Q: R’ Yochanan** asked, this ruling seems unnecessary, because a Mishna says that if a man gives kiddushin to a woman and says it should take effect after she receives chalitza from her yavam it is not effective!? **A:** **R’ Yannai** told him, if not for the ruling, you would have thought that it is not effective because it is not taking effect at the time that it is given. Now you realize that it is because kiddushin does not take effect on a yevama at all.
 - **Q: Reish Lakish** said to **R’ Yochanan**, your proof is anyway not good, because that Mishna may follow **R’ Akiva**, who says that kiddushin is not effective for chayvei lavim. **A:** The Mishna can’t follow **R’ Akiva**, because we find in a Mishna that **R’ Akiva** says that things can take effect in the future (“adam makneh davar shelo bah l’olam”), and therefore, the kiddushin should take effect after she receives the chalitza!

- **Reish Lakish** said, that **R' Huna the son of R' Yehoshua** interprets the Mishna of **R' Akiva** in a way which does not require us to say that he holds that a person may effect something in the future.
- This argues on **R' Nachman bar Yitzchak**, who says that **R' Huna** holds like **Rav**, who holds like **R' Yanai**, who holds like **R' Chiya**, who holds like **Rebbi**, who holds like **R' Meir**, who holds like **R' Eliezer ben Yaakov**, who holds like **R' Akiva**, that a person can effect something (he can transfer something) that has not yet come into the world.