

# Daf Notes

Insights into the Daily Daf

8 Sivan 5767

Yevamos Daf 22

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## Highlights

A braisa of Rabbi Chiya was taught: The third generation of his son (*his son's son's daughter*), and of his daughter (*his daughter's son's daughter*), and of the son of his wife (*his wife's son's son's daughter*), or of the daughter of his wife (*his wife's daughter's son's daughter*) are all forbidden as secondary *arayos*; the fourth generation through his father-in-law (*his father-in-law's mother's mother*) or his mother-in-law (*his mother-in-law's mother's mother*) are forbidden as secondary *arayos*. (22a)

The Gemora inquires if the six secondary *arayos* listed in Rabbi Chiya's braisa have a termination of their prohibitions or not? (*Does the prohibition stop by them or does it continue on to their descendants or ancestors in the descending or ascending line?*)

The Gemora does not resolve this inquiry. (22a)

Rav Nachman said to Rava: The Rabbis decreed that a *ger* (*a proselyte*) may not marry his gentile mother (*Biblically, this is permitted because a ger is regarded as a newborn baby and thus has no pre-existing family relationships*) because otherwise, people might say that he is coming from a strict sanctity (*a gentile is Biblically prohibited from marrying*

*his mother*) to a weaker sanctity; however, there is no reason to decree secondary *arayos* on a *ger*. (22a)

Rav Nachman said: Since the subject of proselytes has come up, let us say something else pertaining to them: Maternal brothers (*who have converted*) may not testify in a Beis Din (*it is a certainty that they came from the same gentile woman, the Rabbis decreed that they should not testify together*), however, if they did, their testimony is valid (*because converts are regarded as newborn babies without pre-existing family relationships*). Paternal brothers (*who have converted*) may testify in a Beis Din (*due to excessive male promiscuity, their brotherly relationship is not recognized*).

Ameimar said: Maternal brothers (*who have converted*) may testify in a Beis Din.

The Gemora asks: Why is there a distinction between testimony and *arayos*?

The Gemora answers: Marriage pertains to everyone; testimony is only relevant to Beis Din, and they are aware that one who converts is regarded as a newborn baby (*and thus has no pre-existing family relationships*). (22a)

The Mishna states: If one has any kind of brother, he (*the brother*) binds the wife of his brother to *yibum*; and he is his brother in every respect. These rules are always applicable except for one who has a brother from a Canaanite maidservant or from a non-Jewess.

If one has any kind of son, he (*the son*) exempts his father's wife from *yibum*; and he is liable if for striking or cursing his father; and he is his son in every respect. These rules are always applicable except for one who has a brother from a Canaanite maidservant or from a non-Jewess. (22a)

The Gemora asks: What does the Mishna mean when it stated “If one has any kind of brother”?

Rav Yehudah answered: The Mishna is coming to include a *mamzer* (*an illegitimate child*).

The Gemora asks: This is simple; since the Mishna states that he is his brother in every respect, he obviously binds the wife of his brother to *yibum*?

The Gemora answers: We might have thought that we should derive through a *gezeirah shovah* (*one of the thirteen principles of Biblical hermeneutics - it links two similar words from dissimilar verses in the Torah*) from the sons of Yaakov that just like there, the brothers were legitimate, so too, in regards to *yibum*, the brothers must be legitimate. The Mishna teaches us that this is not the case.

The Gemora asks: Perhaps it is so (*the mitzvah of yibum only applies to legitimate brothers*)?

The Gemora answers: Since a *mamzer* would exempt the wife of his father from being taken for *yibum*, a brother, who is a *mamzer* will also

bind the wife of his brother for *yibum*. (22a – 22b)

The Gemora asks: What does the Mishna mean when it stated “and he is his brother in every respect”?

The Gemora answers: The Mishna is teaching us that a *mamzer* can inherit his brother and one (*a kohen*) is permitted to become *tamei* for him. (22b)

The Gemora asks: What does the Mishna mean when it stated “If one has any kind of son”?

Rav Yehudah answered: The Mishna is coming to include a *mamzer*.

The Gemora asks: What is the reason that a *mamzer* is regarded as a son to exempt his father's wife from *yibum*?

The Gemora answers: It is written [Devarim 25:5]: *And he has no son*. The word ‘*ein*’ could be said ‘*ayen*,’ examine him. This means to search if the deceased brother has any type of son, including a *mamzer*; this would exempt the father's wife from *yibum*. (22b)

The Mishna had stated: And he is liable if for striking or cursing his father. The Gemora had explained that this is referring to a *mamzer*.

The Gemora asks: Doesn’t the prohibition against cursing one’s father only apply if the father conducts himself like the rest of the Jewish Nation; this father cohabitated with an *ervah*, the prohibition should not apply?

The Gemora answers: We are speaking of a case where the father repented.

The Gemora asks: Didn’t we learn in a Mishna in Chagigah (9a): Rabbi Shimon ben Menasye

said: *A crooked thing cannot be straightened* is referring to one who engaged in relations with a woman whom cohabitation is forbidden and produced a *mamzer* (*an illegitimate child born from a union prohibited under penalty of death or kares*) through her.

The Gemora answers: Although the effect of his sin is always revealed and remembered, he nevertheless did repent and can be regarded as one who conducts himself in the ways of the Jewish people. (22b)

The Gemora inquires: What is the law regarding the wife of his mother's maternal brother?

The Gemora answers: When Rav Yehudah bar Shila came to Bavel, he reported the following rule from Eretz Yisroel: Whenever a female is a Biblical *ervah*, the Rabbis decreed regarding the wife of a male in the same degree of relationship (*as the female*) as a secondary *ervah*.

Rava interrupts: Can this be a general rule; there are many examples that indicate otherwise? One's mother-in-law is a Biblical *ervah* and yet the wife of his father-in-law is permitted?

The Gemora states that Rav Yehudah bar Shila's rule is coming to include the case of the wife of his mother's maternal brother. Since the Torah prohibits the mother's maternal sister, the Rabbis decreed regarding the parallel male relation, which is the wife of the mother's brother.

The Gemora asks: What is the difference between the cases? (*Why is the wife of his mother's maternal brother prohibited based on the parallel by the male and the wife of his father-in-law is permitted even though the parallel case i.e., his mother-in-law is forbidden to him?*)

The Gemora answers: The wife of his mother's maternal brother became his relative through one act of betrothal and the Rabbis therefore ruled stringently; the wife of his father-in-law is permitted because that relationship came about only through two acts of betrothal (*his own marriage and his father-in-law's new marriage*). (22b)

## INSIGHTS TO THE DAF

### A CONVERT WHO CONVERTS

The Gemora states: A convert who converts is regarded as a newborn baby (*and thus has no pre-existing family relationships*).

Why does it say "a convert who converts," wouldn't it be more correct by saying "a gentile who converts"? He is not a convert until he actually converts.

Margaliyos HaShas quotes from a sefer: At the time that the entire Jewish Nation was standing by Har Sinai to receive the Torah, the souls of all the future proselytes were there, as well. Some converted immediately and others took a long time, but they were all there.

This is the explanation: A convert, one whose soul was present by Har Sinai when the Jewish people received the Torah, and is now converting, is regarded as a newborn baby.