

**A** ס"ד  
Intro

Today we will learn בע"ה in Daf of יבמות צ"ו.  
The topics we will learn about include;

If a person marries a woman he becomes forbidden to her immediate relatives even after they are no longer married. However, if a person coerced or seduced a woman, he does not become forbidden to her relatives. Nevertheless, while the אנוסה ומפונה is still alive it is אסור to marry her immediate relatives

**A**

◆  
If a person  
**MARRIES**  
a woman  
**HE** becomes  
forbidden  
to her relatives  
*even after they are  
no longer married*

◆  
If a person  
**SEDUCED**  
a woman,  
**HE** does not  
become forbidden  
to her relatives.  
*Nevertheless,  
while she is still  
alive it is אסור*

**B** If a person married a woman, she becomes forbidden to his immediate relatives even after they are no longer married. However, if a person was אנוסה ומפונה a woman, this איסור does not apply.

**B**

◆  
If a person  
**MARRIED**  
a woman,  
**SHE** becomes  
forbidden to his  
relatives  
*even after they are  
no longer married*

◆  
If a person  
**SEDUCED**  
a woman,  
**SHE** does not  
become forbidden  
to her relatives.

**C** In a case of אנוסה ומפונה אביו there's a מחלוקת; The חכמים hold that even then the איסור does not apply רבי יהודה holds that the איסור does apply

גר שנתגייר כקטן שנולד דמי  
A גר is like a newborn person. Therefore על פי תורה two brothers who were מגייר are not considered brothers. As a result, there is no וחליצה, and one may marry the other's wife, since there's no אשת אב, מן התורה. However, there is a מחלוקת if the רבנן made a גזירה against one marrying the other's wife, so that people shouldn't think that there's no אשת אב.

**C**

◆  
**אנוסה ומפונה אביו**  
The חכמים  
hold that even then  
the איסור does not apply  
רבי יהודה  
holds that the איסור does apply

◆  
**גר שנתגייר  
כקטן שנולד דמי**

1 So let's review

We begin a new פרק:

The משנה teaches that although in general when a person marries a woman, he is forbidden to her immediate relatives even after they are no longer married, and his immediate relatives are forbidden to her even if they are no longer married - Nevertheless, these איסורין do not apply when a person had an out-of-wedlock relationship with a woman. There is no איסור between him and her relatives, and between her and his relatives.

זאקט די משנה

נושאים על האנוסה ועל המפותה

A person may marry the relatives of a woman whom he either coerced or seduced.

האונס והמפתה על הנשואה חייב

However, if a person was מאנס or מפתה a relative of his wife, he is liable for the prescribed punishment.

1

נושאים על האנוסה

When a person marries a woman, he is forbidden to her immediate relatives even after they are no longer married

נושאים על האנוסה ועל המפותה

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האונס והמפתה על הנשואה חייב

If he was מאנס or מפתה a relative of his wife, he is liable for the prescribed punishment

2 The גמרא presents a contradiction to our משנה:

ורמיניהו הנטען מן האשה

איסור באמה ובבתה ובאחותה

If there were rumors that a person had relations with a woman, he is איסור to marry her mother, daughter, and sister

So we see that the איסור does apply even to אנוסה ומפותה?

The גמרא answers that the ברייתא is speaking of

קודם מיתה

ומדרבנן

He may not marry the relatives of his אנוסה ומפותה as long as she is alive, because of a גזירה דרבנן that he may continue his relationship with the אנוסה ומפותה, which is now an איסור דאורייתא, because she's his wife's relative.

However, our משנה is speaking of

לאחר מיתה

After the אנוסה ומפותה already died, he may marry her relatives, because the גזירה no longer applies.

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2

ורמיניהו הנטען מן האשה  
איסור באמה ובבתה ובאחותה

We see that the איסור does apply even to אנוסה ומפותה

The ברייתא  
is speaking of  
קודם מיתה  
ומדרבנן

Our משנה  
is speaking of  
לאחר מיתה

3 The Gemara proceeds:  
 מנא הני מילי  
 Where is the source that these איסורין only apply to a person's wife and not to his אנוסה ומפותרה?  
 The Gemara answers  
 בכולן נאמר שכיבה  
 By all איסורי ערוה the תורה uses the term שכיבה  
 וכאן נאמר קיחה  
 And by the איסורין of one's wife's relatives the תורה uses the term קיחה  
 As it says  
 ואשה אל אחותה לא תקח  
 This teaches us that the איסור applies only to the relatives of a person's wife and not of his אנוסה ומפותרה

3

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**מנא הני מילי**

*Where is the source that these איסורין only apply to a person's wife and not to his אנוסה ומפותרה?*

**וכאן נאמר קיחה**

*By the איסורין of one's wife's relatives the תורה uses the term קיחה*

**בכולן נאמר שכיבה**

*By all איסורי ערוה the תורה uses the term שכיבה*

**ואשה אל אחותה לא תקח**

*the איסור applies only to the relatives of a person's wife*

4 רבא gives a different source for the דין that a person may marry the relatives of his אנוסה ומפותרה, but there is an איסור if a person is מאנס ומפותרה the relatives of his wife.  
 כתיב  
 On one hand the תורה says  
 ערות בת בנך או בת בתך לא תגלה  
 A person may not marry HIS granddaughter - which implies,  
 הא בת בנה דידה ובת בתה דידה גלי  
 He MAY marry HIS WIFE'S granddaughter  
 וכתיב  
 On the other hand the תורה says  
 ערות אשה ובתה לא תגלה  
 את בת בנה ואת בת בתה לא תקח  
 He may NOT marry HIS WIFE'S granddaughter  
 הא כיצד  
 How do we resolve this apparent contradiction?  
 כאן באונסין  
 כאן בנשואין  
 The איסור does not apply to his אנוסה's granddaughter, or other relatives, but does apply to his wife's granddaughter, or other relatives.  
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4

**רבא**

**ערות אשה ובתה לא תגלה**

**את בת בנה ואת בת בתה לא תקח**

**כאן בנשואין**

**ערות בת בנך או בת בתך לא תגלה**

**כאן באונסין**

(כאן באונסין)

5

The משנה continues:

נושא אדם אנוסת אביו ומפותת אביו  
 The רבנן hold that it is מותר for one to marry a woman with whom his father had an out-of-wedlock relationship.  
 Likewise, one may marry  
 אנוסת בנו ומפותת בנו

רבי יהודה אוסר באנוסת אביו ומפותת אביו  
 אנוסת ומפותת אביו holds it's אסור for a person to marry אביו אביו

The גמרא explains the Machlokes of רבנן ורבי יהודה:  
 אנוסת ומפותת אביו holds that a person may not marry אביו אביו, because, the Posuk says;

לא יקח איש את אשת אביו  
 ולא יגלה כנף אביו

One may not reveal the כנף, the robe of his father - Which the Gemara interprets as;  
 כנף שראה אביו לא יגלה

Rebbe Yehuda holds that this must be referring to אנוסת אביו ומפותת אביו, because the immediately preceding Pasuk is ונתן האיש השוכב עמה לאבי הנערה חמשים כסף Which speaks of a case of אנוסת

The Gemara above on ד' ד' derives from here that even though Rebbe Yehuda does not Darshen סמוכים in the first four דברים, he does Darshen סמוכים in Sefer דברים.

רבנן however hold that this is not a case of סמוכים, because the phrase לא יקח איש את אשת אביו interposes between the phrase ולא יגלה כנף אביו and the previous Posuk of אנוסת.

Rather the phrase ולא יגלה כנף אביו is referring to a שומרת יבם, because she is חליצה or יבום awaiting either - a כנף הראוי לאביו

ולעבור עליה בשלשה לאוין

There are actually three איסורים for the son to marry his father's יבמה:

- 1- כנף אביו
- 2- דודתו
- 3- יבמה לשוק

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**רבי יהודה**  
**אוסר**  
**באנוסת אביו**  
**ומפותת אביו**

**רבנן**  
**נושא אדם**  
**אנוסת אביו**  
**ומפותת אביו**  
**אנוסת בנו ומפותת בנו**

ונתן האיש השוכב עמה  
 לאבי הנערה חמשים כסף  
**לא יקח איש את אשת אביו**  
 ולא יגלה כנף אביו

סמוכים (circled in green)

סמוכים (circled in red with an X)

Referring to אנוסת ומפותת אביו

למורת יבם  
 כנף הראוי לאביו  
 ואיבוי חליצה בשלשה לאוין

כנף לראה אביו  
 לא יקח

◀ כנף אביו  
 ◀ דודתו  
 ◀ יבמה לשוק

6 The Gemara proceeds to present a number of riddles, the first of them is  
 אח מאב ולא מאם  
 He is my paternal brother but not my maternal brother  
 והוא בעלה דאם  
 He is my mother's husband  
 ואנה בריתה דאנתתיה  
 And I am his wife's daughter

The Gemara explains

This is a case where מאנס רחל was ראוּבן and had a daughter לאה; and שמעון had a son ראוּבן from a different woman. Shimon married Rochel.

In this case לאה can say about שמעון

--- He is my paternal brother but not my maternal brother

-

--- He is my mother's husband -

--- And I am his wife's daughter.

דלא כרבי יהודה דמתניתין,

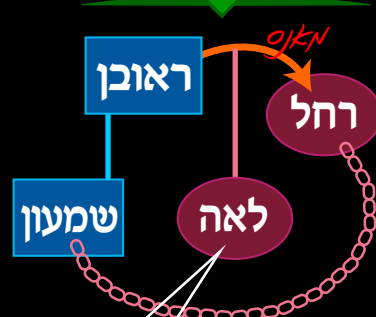
This won't fit with רבי יהודה who holds that שמעון is not allowed to marry רחל, because she is אנוסת אביו

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6

ואנה בריתה דאנתתיה And I am his wife's daughter	והוא בעלה דאם He is my mother's husband	אח מאב ולא מאם He is my paternal brother but not my maternal brother
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- Shimon is my paternal brother but not my maternal brother,
- He is my mother's husband,
- And I am his wife's daughter

דלא כרבי יהודה דמתניתין  
 who holds that שמעון is not allowed to marry רחל,  
 because she is אנוסת אביו

7 The משנה proceeds to the next זאקט די משנה  
 הגיורת שנתגיירו בניה עמה  
 If a non-Jewish woman and her 2 sons were מגייר  
 לא חולצין ולא מייבמין  
 If one of them dies without children, there is no מצות יבום  
 because they are not considered brothers, וחליצה  
 because  
 גר, a גר is like newborn child.

אפילו הורתו של ראשון שלא בקדושה ולידתו בקדושה  
 והשני הורתו ולידתו בקדושה

There's no יבום even if the first son was conceived  
 while his mother was a גויה and born after she was  
 מתגייר, and the 2nd son was both conceived and born after she  
 was מתגייר.

The reason for this is that even though על פי תורה they are  
 maternal brothers, they are not paternal brothers, since the  
 first son who was conceived while his mother was a גויה is  
 not related to his father, and therefore there's no מצות יבום  
 אחין מן האב which applies only to

The משנה concludes:

וכן שפחה שנשתחררו בניה עמה

The same דין applies to a שפחה who was freed together  
 with her sons, that there's no יבום וחליצה, because they are  
 not considered brothers

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7 הגיורת שנתגיירו בניה עמה  
**לא חולצין ולא מייבמין**  
*Because they are not considered brothers  
 ...because - אר לנתגייר בקטן לנתק דמי*  
**אפילו הורתו של ראשון שלא בקדושה  
 ולידתו בקדושה  
 והשני הורתו ולידתו בקדושה**  
*Even though they are maternal  
 brothers, but they are not paternal brothers,  
 The first son who was conceived while his  
 mother was a גויה is not related to his father,  
 and therefore there's no מצות יבום וחליצה  
 which applies only to אחין מן האב*  
**וכן שפחה שנשתחררו בניה עמה**  
*A who was freed together with her sons,  
 that there's no יבום וחליצה  
 because they are not considered brothers*

8 The Gemara begins by presenting a related מחלוקת. There was a case of where the sons of a שפחה were freed. רב אחא בר יעקב said it is מותר for one to marry the widow or divorcee of the other. There is no איסור אשת אב, because על פי תורה they are not considered brothers. רב ששת said it is אסור מדרבנן for one to marry the widow of the other, because we are concerned that people will come to think that a person may marry the widow or divorcee of his brother.

The Gemara elaborates on their Machlokes:

מין האב ולא מין האם

If they only share the same father but not the same mother כולי עלמא לא פליגי דשרי

Everybody agrees that even מדרבנן one MAY marry the widow or divorcee of the other, because nobody will come to think that brothers may marry each other's wives, because גוים are suspected of עריות, and people will think that they aren't brothers at all, not from their father or from their mother.

מין האם ולא מין האב

If they share the same mother, but not the same father; כולי עלמא לא פליגי דאסיר

Everybody agrees that מדרבנן one may NOT marry the widow or divorces of the other, because people will come to think that brothers may marry each other's wives. In this case, people clearly see that they were born to the same mother.

9 כי פליגי מין האב ומין האם. They argue in a case where they are brothers from the same father and the same mother. רב אחא בר יעקב holds that even מדרבנן they may marry each other's wives, because, בטר אבא שדינן. People only see them as the sons of the father, and therefore think that it's מותר because a גוי is suspected of עריות, and they will think that they don't share the same mother.

And רב ששת holds that מדרבנן they may not marry each other's wives, because

קרי ליה נמי בני פלונית

People also see them as sons of the same mother, and will come to think that brother's may marry each other's wives.

The Gemara presents an איכא דאמרי that רב אחא בר יעקב will always hold that they may marry each other's wives even if they only share the same mother and not the same father, because people know that

גר שנתגייר כקטן שנולד דמי

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8 A case of where the sons of a שפחה were freed

רב ששת

It is אסור מדרבנן for one to marry the widow of the other

We are concerned people will come to think that a person may marry the widow or divorcee of his brother

רב אחא בר יעקב

It is מותר for one to marry the widow or divorcee of the other

There is no איסור אשת אב because על פי תורה they are not considered brothers

מין האם ולא מין האב

כולי עלמא לא פליגי דאסיר

Even מדרבנן one may not marry the widow or divorcee of the other, because people will come to think that brothers may marry each other's wives

מין האב ולא מין האם

כולי עלמא לא פליגי דשרי

Even מדרבנן one may marry the widow or divorcee of the other, because nobody will come to think that brothers may marry each other's wives

9 כי פליגי מין האב ומין האם. Where they are brothers from the same father and the same mother

רב ששת

Even מדרבנן they may not marry each other's wives, because

קרי ליה נמי בני פלונית

רב אחא בר יעקב

Even מדרבנן they may marry each other's wives, because,

בטר אבא שדינן

איכא דאמרי

רב אחא בר יעקב will always hold that they may marry each other's wives because people know that

גר שנתגייר כקטן שנולד דמי