

Bais HaVaad on the Parsha, Parshas Acharei Mos

Double Take

Excerpted and adapted from a shiur by Dayan Yosef Greenwald

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https://baishavaad.org/wp-content/uploads/2022/04/VAY82_006_Acharei_Mos_Off-Limits-Illicit_Marriages_and_Their_Consequences.mp3

You shall not take (lo sikach) a woman in addition to her sister, to make them rivals, to uncover the nakedness of one upon the other in her lifetime.

Vayikra 18:18

Chazal teach that even if such a *kidushin* were performed, the prohibition of *arayos* with its *chiyuv kareis* prevents the *kidushin* from taking effect. The Sefer Hachinuch (mitzvah 206) writes that still, “*lo sikach*” teaches that one who does so has violated a prohibition. This *chiddush* is not accepted by other Rishonim, who hold that since the *kidushin* is invalid, the *ma’aseh* is meaningless, so no prohibition has been committed.

The Chinuch appears to contradict a Gemara: If a woman’s husband was thought to have died and she accepted *kidushin* from another man, no *issur* is violated if her husband returns before the *nisu’in* (Yevamos 89).

According to the Chinuch, the second man should have transgressed *lo sikach*, because *eishes ish* (a married woman) is one of the *arayos*.

Perhaps the answer is that there is a fundamental difference between other *arayos* and *eishes ish*: In the former, the familial relationship precludes the possibility of marriage, so *kidushin* does not take effect, but a *ma’asei kidushin* is still halachically meaningful, so an *issur* was violated. *Kidushin* of an *eishes ish*, however, is entirely meaningless, because she is already “taken” and further taking is impossible (see Pnei Yehoshua, Gittin 43).