



Daf In Review – Weekly Chazarah

Maseches Yevamos, Daf ב' – Daf ה'

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf ב'---12-----

- **R' Lili bar Mamal in the name of Mar Ukva in the name of Shmuel** said, the tzara of a woman who did mi'un to the yavam is assur to have yibum done to her.
 - **Q:** Who is the tzara assur to? It can't be to the other brothers, because **Shmuel** says that even the woman who did mi'un herself is mutar to the other brothers. It must mean that the tzara is assur to the yavam to whom the mi'un was done. Now, why is it that she herself is mutar to the other brothers since they did not get the mi'un, and yet the tzara is not mutar to the yavam even though they did not give the mi'un? **A:** It is a gezeirah so that one should not come to do yibum to the tzara of his daughter, in a case when his daughter does mi'un to him.
 - **Q:** The Mishna said that if the ervah does mi'un, the tzaros become mutar. Presumably this is discussing where the ervah did mi'un to the yavam, because if it refers to where she did it to her husband, that would be the same thing as her getting divorced from her husband, which is separately mentioned in the Mishna!? We see from here that even when she does mi'un to her yavam, the tzara remains mutar for yibum!? **A:** It may be that it refers to where she did mi'un to her husband before his death, and the Mishna is mentioning two types of "divorces". If so, there is no proof that the tzara becomes mutar when mi'un is done to the yavam.
 - **Q:** Why is it that when she does mi'un to her husband, the marriage becomes annulled and the tzara becomes mutar for yibum, but not when she does mi'un to the yavam? **A:** It is because when she does mi'un to the yavam, she appears to have been married to her husband at the time of his death, and that makes her tzara look like the tzara of an ervah.
- **R' Assi** said, the tzara of an "ailunis" (a woman who cannot have children) is assur for yibum, based on the pasuk which says "vihaya habechor asher teileid" – which means the yevama must be capable of having children. Since an ailunis cannot, she remains an eishes ach, and therefore makes her tzaros assur as well.
 - **Q: R' Sheishes** asked, a Mishna discusses a cases where a woman who fell to yibum had "maamar" (a Rabbinic process which acts like kiddushin for the yevama) done to her by one of the brothers, and that brother then died without children. The Mishna says that she (and by extension, her tzaros) are then assur for further yibum (D'Rabanan) based on a pasuk (an asmachta) that says "umeis echad meihem". The Mishna comments that this is the one case that we find that a yevama becomes assur to the yavam as a result of having fallen to him for yibum. This would suggest to exclude the case of the tzara of an ailunis, meaning that she would be mutar to the yavam!? **A:** The Mishna means that there is no other Rabbinic case like this. However, the case of the ailunis is D'Oraisa, and the tzara of the ailunis remains assur to the yavam and would not even require chalitza. In the case of the Mishna the tzara would require chalitza.
 - **Q:** Our Mishna said, that if the ervah is found to be an ailunis, her tzaros become mutar!? **A: R' Assi** is discussing where the husband knew she was an ailunis and kept her, whereas the Mishna is discussing where he didn't know, and the marriage is therefore annulled as a mistaken transaction. The words of the Mishna prove this, because the Mishna says "she was **found**" to be an ailunis.
 - **Rava** argues on **R' Assi**, and says that the tzara of an ailunis is mutar, even if the husband knew she was an ailunis, and even if the ailunis was the yavam's daughter. With regard to the verbiage of the Mishna, the word should be changed to "or if they were an ailunis".
- **Ravin in the name of R' Yochanan** said, the tzara of a woman who did mi'un to the yavam, the tzara of an ailunis, and the tzara of a remarried divorcee are all mutar to the yavam for yibum.

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- **R' Bibi** taught a Braisa before **R' Nachman**, that **R' Meir** says, there are 3 women who may use contraception: a minor (we are afraid she may get pregnant, and maybe wouldn't survive a pregnancy), a pregnant woman (we are afraid she may conceive again and kill the baby), and a nursing woman (we are afraid she will be forced to wean her child and the child will die). A minor for this purpose is a girl from 11 to 12 years old. Younger or older may not use contraception (younger can't become pregnant, and older will not be endangered by a pregnancy). The **Chachomim** say no contraception is allowed, and Hashem will have mercy on these women to protect them.
 - **Q:** Since the Braisa says that the fear with a minor is that she *may* become pregnant and *may* die, this suggests that it is possible for a minor to become pregnant and not die. If so, how does our Mishna say it is impossible to have a mother in law who does mi'un (since she had a child and therefore can't be a minor)? We see that a minor can have a child!? **A:** The Braisa should say that "she may become pregnant and then surely die". A minor who becomes pregnant will certainly die.
 - **Q:** A Braisa says that we can't say that a mother-in-law did mi'un, "since she already gave birth". Now, based on the above, the Braisa should say, "because she is already an adult"!? **A:** Really a minor can give birth (like the original reading of the Braisa), but once a woman gives birth, she is considered to be a full adult, and therefore cannot do mi'un anymore.

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KEITZAD POTROS TZAROSEIHEN...

- **Q:** How do we know that a tzara makes her later tzaros patur as well? **A: R' Yehuda** said, the pasuk uses the word "litzror", which suggests that multiple tzaros are patur. **R' Ashi** said, they are patur based on the following. The original ervah makes the tzarah patur. When she becomes patur, she herself becomes the ervah of eishes ach. With that title, she then makes her future tzaros patur as well.

KEITZAD IHM MEISU HEIN...

- **Q:** Our Mishna suggests that even if the ervah and the tzara were married to the man at the same time, the tzara would be mutar for yibum as long as the ervah was divorced before the time of death. However another Braisa seems to suggest that the tzara would only be mutar if they were not married to the man at the same time!? **A: R' Yirmiya** said, the Mishna and the Braisa cannot be reconciled, and therefore must follow different shitos. **Rava** said, it may be that they follow the same shita, and the Braisa, which gives an example of where the divorce took place before the second woman was married, is teaching something that is really unnecessary to teach, after having taught the Mishna.

V'CHOL SHEYICHOLA L'MA'EIN

- **Q:** Why can't the ervah do mi'un at this point, and at least allow her tzara to have yibum done? Can we say this is a proof to **R' Oshaya**, who says that once the husband dies it is too late to do mi'un? **A:** It may be that she can do mi'un even then, but the tzara may still not undergo yibum, because she appears to be the tzara of an ervah.

MISHNA

- There are 6 arayos that are more stringent than the list in the last Mishna in that they may only marry others, and never one of the paternal brothers. For this reason, the tzaros of this ervah are always mutar. The 6 arayos are: one's mother, his father's wife, his father's sister, his paternal sister, his father's brother's wife, and his paternal brother's wife.
- **B"R** say that tzaros of the arayos are mutar for yibum. **B"H** say they are assur.
 - If the tzara of an ervah gets chalitza, **B"R** say she would be assur to a Kohen, and **B"H** say she would be mutar. If yibum was done to the tzara, **B"R** say she would be mutar to a Kohen (if her current husband were to die), and **B"H** say that she would be assur (according to them she was mezeveh with an ervah and thereby becomes passul to a Kohen).
 - Although their differing views have dramatic and opposite results, the people of **B"R** and **B"H** did not hesitate to intermarry with each other. Similarly, although they often argue with regard to tumah and tahara, they did not hesitate to use each other's keilim when preparing taharos.

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- **R' Shimon ben Pazi** explains, that **B" S's** view is based on the pasuk that says, "lo sihiyeh eishes hameis hachutza l'ish zar". This suggests that the unrelated (i.e. outside) woman is subject to yibum, presumably even when there is a related woman in the equation. **B" H** use this pasuk to teach that kiddushin given to a yevama by an outsider will not take effect.
 - **B" S** say, the pasuk doesn't say "to an outside one", it says "the outside one", which suggests as they darshen. **B" H** say that the word "chutza" can be understood as if it said "lachutz" (to the outside one), as we find many times in pesukim.
 - **B" S** learn the Halacha that kiddushin will not take effect on a yevama from the pasuk of "l'ish zar".
 - **B" H** in fact learn this Halacha from here as well. They use the word "chutza" to teach that even an arusah is subject to yibum.
 - **B" S** learn this from the "hey" of "hachutzah".
- **Rava** said, the view of **B" S** is based on the concept that one issur does not take effect upon another issur. Therefore, the issur of eishes ach never takes effect upon the ervah (who is already assur), and she is not even considered to have fallen for yibum, and the tzaros are therefore not assur. In a case where she is first eishes ach and then becomes another type of ervah, she is not considered to become that other ervah, and therefore does not make the tzaros assur.

CHALTZU BEIS SHAMAI POSLIM...

- **Q:** The results spelled out in the Mishna are obvious based on the shitos, so why the need to say them? **A:** This comes to exclude **R' Yochanan ben Nuri**, who thought to say that we should give chalitzah to all tzaros. This teaches that **B" H** say that need not be done and the tzaros therefore remain mutar to a Kohen.

NISYABMU BEIS HILLEL POSLIN...

- This case was only stated since we already stated the law regarding where they did chalitzah.
- **Reish Lakish** asked **R' Yochanan** why reading the megilla for different people on different days is not a problem of "lo sigodidu". **R' Yochanan** asked why **Reish Lakish** didn't have this same issue with our Mishna, where **B" S** say the tzaros are mutar and **B" H** say they are assur. **Reish Lakish** said, our Mishna is not a problem, because **B" S** did not actually follow their leniency in practice. However, **R' Yochanan** says that they did follow the leniency, and that is why he asked the question. We find that **Rav** and **Shmuel** also argued about this – **Rav** said they did not follow their view in practice, and **Shmuel** says that they did.

-----Daf 7'--14-----

- **Q:** The Gemara said that there is a machlokes whether **B" S** practiced according to their view. When did this machlokes apply? If it was before the bas kol came out that the Halacha follows **B" H**, then why wouldn't **B" S** have practiced according to their view? If it was after the bas kol, why would they have practiced according to their view? **A:** It may be that the machlokes is in regard to before the bas kol came out, and one view is that since **B" H** was the majority, **B" S** followed their view. The other shita says that **B" S** followed their own view, because we only follow the majority when dealing with equal parties. However, **B" S** were sharper than **B" H**, and therefore not considered to be equal parties. It may also be that the machlokes is regarding the time after the bas kol. The view that says they did not practice their own shita was based on the fact that the bas kol had paskened like **B" H**. The view that says that they did follow their own shita follows **R' Yehoshua**, who says that we don't follow a bas kol when deciding how to pasken.
 - **Q:** According to the view that **B" S** followed their own shita, why is this not a problem of "lo sigodidu"? **A: Abaye** said, lo sigodidu is only a problem when 2 batei dinim pasken differently in one city, but not if they are in 2 different cities.
 - **Q: Rava** asked, **B" S** and **B" H** are considered to be in one city!? **A:** Rather, **Rava** said, lo sigodidu is only a problem when one Beis Din splits, and has part pasken one way and part the other way. However, even within one city, if there are 2 batei dinim who pasken differently, that is not an issue.

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- **Q:** We find that in the place of **R' Eliezer** people did melachos on Shabbos that were not allowed in the place of **R' Akiva**. How was that allowed? **A:** We have already said that in 2 different places it is not a problem.
- **Q:** We find that **R' Avahu** would move a lamp on Shabbos when he was by **R' Yehoshua ben Levi** and would not do so when he was by **R' Yochanan**. How could he act in 2 different ways like this? **A:** **R' Avahu** held that it was truly mutar. However, when he was by **R' Yochanan**, who held it was assur, he would not move the lamp out of respect for **R' Yochanan**.
- **Q:** According to the view that **B"Y** followed their own shita, how could it be that **B"H** would marry into the families of **B"Y**? According to the view of **B"H** it is possible that there were mamzeirem within **B"Y**, because **R' Elazar** said that both agree that a mamzer is produced from a relationship that carries the kares penalty!? **A:** **B"Y** would let **B"H** know which people among **B"Y** were mamzeirem according to the view of **B"H**, and they would not marry those individuals. This must be the case, because the Mishna also says that they would borrow keilim from each other. It must be that **B"Y** would tell **B"H** which keilim would be tamei according to the view of **B"H**, and they would not borrow those. The same would apply here as well.
- **Q:** We just mentioned that **R' Elazar** said that although **B"Y** and **B"H** argue regarding the tzaros, they both agree that a mamzer is only produced from a relationship that carries the kares penalty. Who was it that "agreed" to the other? It can't mean that **B"Y** agreed to **B"H**, because according to **B"Y**, **B"H** are allowing a yevama to marry others without chalitza. At worst they are being over a lav, so clearly they would not produce mamzeirem. It can't be that **B"H** are agreeing with **B"Y**, because according to **B"H**, **B"Y** are allowing a case that carries a kares penalty, and clearly they would be producing mamzeirem!? **A:** It is **B"Y** who are agreeing to **B"H**, and the chiddush is, that although it is only a lav, they are saying that they do not follow **R' Akiva** who holds that even a marriage that is assur with a lav can produce mamzeirem.
- **Q:** A Braisa says that although **B"Y** and **B"H** argued about many matters of arayos, they would still intermarry with each other. This shows the love they had for each other. **R' Shimon** said, they would not marry the women who were certainly mamzeirem according to their view, but would marry those were only questionably mamzeirem. Now, if **B"Y** didn't practice according to their own view, why would **B"H** have held back from marrying certain women? It must be that **B"Y** practiced according to their own shitah!?
 - **Q:** It is understandable why **B"H** would hold back from marrying certain of the women, but why would **B"Y** hold back from marrying certain women of **B"H**? **A:** They held back from marrying the tzara of an ervah who fell to yibum, who according to **B"H** could marry without chalitza, but according to **B"Y** would need chalitza before marrying.
 - **Q:** Why would they only hold back from those who were clearly mamzeirem? The questionable mamzeirem should have been problematic for them as well!? **A:** The Braisa means that they did not hold back from marrying women who were not known to have any issues, because if there were any issues, **B"Y** would surely have let **B"H** know (or visa-versa) to stay away from them.
- **Q:** **R' Yochanan ben Nuri** asked in a Braisa, how should we pasken regarding this machlokes? If we follow **B"Y**, we will be producing mamzeirem according to **B"H**. If we follow **B"H**, we will be producing children with tainted lineage (i.e. produced from a relationship assur with a lav) according to **B"Y**. Therefore, let us institute that all tzaros must accept chalitza and not undergo yibum. In that way, both shitas will be satisfied. However, he did not have the time to make the institution (Hashem wanted them to pasken fully like **B"H**). **R' Shimon ben Gamliel** said to **R' Yochanan ben Nuri**, if you go ahead with your enactment, all the tzaros who did yibum in the past (according to **B"Y**) will now have their children to be considered as mamzeirem! From **R' Shimon's** concern, we see that **B"Y** must have clearly practiced according to their view!? **A:** It may be that **B"Y** always followed the view of **B"H**. What **R' Shimon** was concerned for was the tzaros who had married others without chalitza. These women would be problematic according to **B"Y** for not having had chalitza. If you will say we should make them

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get chalitza even though they are already married, that can't be right, because that would cause them to become disgusting in their husbands' eyes, and the Torah would not call for that to happen.

-----Daf 10---15-----

- **Q:** A Braisa says, that **R' Tarfon** said, "I wish a situation would be brought to me with the tzara of an ervah falling to yibum, so that I can marry her (and follow the shita of **B" S**). We see that **B" S** practiced according to their view!? **A:** Change the word in the Braisa so that **R' Tarfon** said "I will marry her off" without chalitza, and follow the view of **B" H**.
 - **Q:** By saying "I wish", **R' Tarfon** is implying that he wanted to pasken in a novel way. Paskening like **B" H** is in no way novel, since the Halacha follows **B" H**!? **A:** He meant to exclude the view of **R' Yochanan ben Nuri** who said that the tzara should get chalitza before marrying someone else.
- **Q:** We have learned that **R' Gamliel's** daughter was married to his brother, who then died without children, and **R' Gamliel** did yibum to the tzara. He must have been following **B" S**, and we see that they practiced according to their view!? **A:** **R' Gamliel** could not have followed **B" S**, because he was a descendent of **Hillel**! The reason he married the tzara was because his daughter was an ailunis, and therefore her tzara was mutar.
- **Q:** **R' Mesharshiya** asked, a Braisa says that **R' Akiva** gave double maaser when he picked an esrog from a tree on Rosh Chodesh Shevat, to fulfill the view of **B" S** and **B" H** (**B" S** say it is the next year, whereas **B" H** say the new year does not begin for the trees until the 15th of Shevat). We see that **B" S** practiced according to their view!? **A:** **R' Akiva** meant to only follow **B" H**, but he was unsure whether **B" H** said that the new year begins on Rosh Chodesh or on the 15th of Shevat.
- **Q:** **Mar Zutra** asked, a Mishna says that **Shammai** broke the roof to make a succah over his newborn grandson on Succos (which followed his shitah that even babies have a mitzvah of chinuch to be in the succah). We see that they practiced according to their view!? **A:** Doing that to the roof did not make it obvious that he was following his own shitah, because people would think that he did that to simply increase the ventilation in the house. Therefore he did not create any problems by following his own shitah.
- **Q:** **Mar Zutra** asked, a Braisa says that **B" S** went and widened the opening from a kosher mikveh to one that wasn't kosher to allow for hashaka, even though the opening was big enough according to **B" H**. We see that they followed their own shitah!? **A:** Here too, it was not noticeable that they were following their own shitah, because one who saw them widen the opening would think they were doing so because they needed more water there for practical purposes.
- **Q:** A Braisa says a story where **R' Tzadok** followed the view of **B" H** regarding a Halacha of tumah. The Braisa says, although **R' Tzadok** was a talmid of **Shammai**, he always followed the shita of **B" H**. Now, if all of **B" S** followed **B" H**, why does the Braisa make special mention of **R' Tzadok**? It must mean that only he did, and the others practiced according to the view of **B" S**!?
- **Q:** We have learned that **R' Yehoshua** was asked whether the tzara of an ervah was permitted to be taken in yibum. He responded that he was afraid to answer that (because if he were to pasken like **B" H**, he would be saying that any such marriages that had taken place according to **B" S** are now improper marriages, producing mamzeirem). Now, the only reason he would be afraid would be because there were such marriages that had actually taken place, and we see that **B" S** must have practiced according to their view!?
- **Q:** We have learned that in the days of **R' Dosa ben Hurkinas**, the tzara of an ervah was permitted in yibum according to the shitah of **B" S**!? **A:** This is a clear proof that **B" S** actually practiced according to their view, **SHEMA MINAH**.

-----Daf 10---16-----

- In the days of **R' Dosa ben Hurkinas**, it was said (in his name) that the tzara of an ervah is permitted for yibum, like the view of **B" S**. The **Chachomim** disagreed with that psak, but they could not voice their disagreement, because **R' Dosa** did not come to the Beis Medrash due to his failing eyesight. **R' Yehoshua** volunteered to go and speak to him. Along with **R' Yehoshua** went **R' Elazar ben Azarya** and **R' Akiva**. After **R' Dosa** welcomed them in and was introduced to **R' Elazar ben Azarya** and **R' Akiva** (he already knew **R' Yehoshua**), they began

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speaking to him in learning and eventually asked him how we pasken regarding the tzara of an ervah for yibum. He answered that we pasken like **B”H**. They told him that they heard in his name that he paskened like **B”S**. He told them, you must have heard that “Ben Hurkinas” paskened like **B”S**, and that is my younger brother **Yonason** (ben Hurkinas). He is a stubborn person who sticks to his convictions and has 300 reasons why the tzara of an ervah should be mutar. However, **R’ Dosa** said, we know that **Chaggai Hanavi** said 3 things: the tzara of an ervah is assur for yibum, one must give maser ani from produce grown in the lands of Amon and Moav during shmitta, and that we may accept geirim for the Karduyim and Tarmudim.

- The reason those lands are chayuv in maaser during shmitta is because they were not reconquered when the Yidden came up from Bavel, and anything that was not reconquered then, did not retain its initial kedusha. It was purposely left without kedusha so that they should not be subject to shmitta and thereby be available to give the poor people some method of support during shmitta (fields subject to shmitta do not give maaser during shmitta).
- **R’ Yochanan** and **Sabya** said that we may not accept geirim from the Tarmudim.
 - **Q:** We find that **R’ Yochanan** explained a Mishna as saying that we treat the Tarmudim as goyim for purposes of blood stains (for tumas nidah), and then said, that based on this we see that we *may* accept geirim from the Tarmudim!? **A:** There are different Amora’im who disagreed as to what **R’ Yochanan** actually said.
 - **Q:** What would be the reason not to accept geirim from Tarmod? **A:** **R’ Yochanan** and **Sabya** argue: one says because the people of Tarmod were the offspring of the slaves of Shlomo with Jewish women, with the result that they were mamzeirem (this follows the view that a child produced from a goy and a Jewess is a mamzer), and the other says these people were the offspring of the non-Jewish soldiers who came to destroy the Beis Hamikdash, and went and raped many Jewish girls, producing these children who were mamzeirem.
- **R’ Shmuel bar Nachmeini in the name of R’ Yonason** said, the pasuk of “Naar hayisi gahm zakanti” couldn’t have been said by Hashem, because He doesn’t get old, couldn’t have been said by Dovid, because he never got very old, and therefore must have been said by a Malach.
- **R’ Shmuel bar Nachmeini in the name of R’ Yonason** said, we learn from a pasuk that when Amon and Moav came to the Beis Hamikdash at the time of the Churban, they took the Sefer Torah from the Azarah and burned it, because the Torah says that a male from Amon and Moav may not be accepted as a ger.
- **R’ Yehuda in the name of R’ Assi** said, if a goy in today’s times gives a Jewish woman kedushin, we must be concerned that it is a valid kedushin, because we must be concerned that this “goy” is actually a Jew of the 10 shevatim (who were lost among the nations of the world).
 - **Q:** We have a rule that “kol d’parish meiruba parish” and therefore we should be allowed to assume that the “goy” is truly a goy!? **A:** He was discussing a case where the kiddushin was given in the places that the 10 shevatim are known to have been, in which case we have the rule of “kol kevuah k’mechtza ahl mechtza dami”.

-----Daf 17-----

- When **R’ Yehuda** told **Shmuel** that **R’ Assi** said that we must be concerned that the kiddushin of a “goy” is effective, because the “goy” is possibly a descendent of a Jew of the 10 lost shevatim (who married a non-Jewish woman and thereby produced children who are mamzeirem), **Shmuel** said, there is no such concern, because a child born to a non-Jewish mother is a non-Jew, and therefore we do not have to be concerned that these people are Jews.
 - **Q:** What about the children of the women from the 10 shevatim? They would be Jews and possibly mamzeirem!? **A:** We have a tradition that these women were incapable of having children, and therefore, any children that were born were from non-Jewish mothers.
 - Another version was that **Shmuel** responded to **R’ Yehuda**, that a takana was implemented, giving these people the status of goyim. Therefore, there is no need to be concerned for a kiddushin given by them.
- **R’ Yehuda** said, the Yidden will make a day of Yom Tov when Tarmod is destroyed.

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- **Q:** It was already destroyed!? **A1:** Tamod was destroyed, not Tarmod. **A2: R' Ashi** said, Tarmod and Tamod are one and the same, but only one half was destroyed and was rebuilt before the other half was later destroyed.
- **Ulla** was talking in learning with **R' Hamnuna**, and announced that **R' Hamnuna** was a great man, if only he didn't come from Harpanya (which was full of people of questionable lineage). **R' Hamnuna** was embarrassed. **Ulla** asked him to what municipality he pays his taxes. He told him he pays to Pum Nahara. **Ulla** said, if so, you are considered to be from Pum Nahara, and you are not of questionable lineage.
 - **R' Zeira** explained that the name Harpanya means that people of questionable lineage turn there to get married.
 - **Rava** said, a pasuk says that people eventually come out of Gehenom, which means that Harpanya is worse than Gehenom, because one can never remove the taint of mamzeirus.
 - The Gemara says, the passul people of Harpanya originated in Mishon, who in turn originated from Tarmod, who in turn originated from the slaves of Shlomo.

HADRAN ALACH PEREK CHAMEISH ESREI NASHIM

PEREK KEITZAD -- PEREK SHEINI

MISHNA

- What is the case of the exemption from yibum based on “eishes achiv shelo haya b'olamo”? If there are 2 brothers (both of whom are married), and one (Reuven) dies without children, and before the second (Shimon) does yibum, a third brother (Levi) is born, and Shimon then does yibum and dies without children. In this case, Reuven's wife will be patur from yibum to Levi, because she is an “eishes achiv shelo haya b'olamo”, and Shimon's wife is patur because she is a tzara of Reuven's wife. If, however, Shimon had given “maamer” to Reuven's wife, but had never completed the yibum, and then Shimon died without children, Shimon's wife would be required to get chalitzah from Levi, but could not be taken in yibum.

GEMARA

- Our Mishna refers to Reuven's wife as the “first” and Shimon's wife as the “second”. Another version of the Mishna referred to Reuven's wife as the second, and Shimon's as the first. **R' Nachman** said, both versions are correct. Reuven's wife is “first” to fall to yibum, but is the “second” one to be married to Shimon.
 - **Q:** Is that to say that our Mishna cannot be discussing where Shimon first does the yibum and then later marries his other wife? **A:** It is discussing that case as well, and Reuven's wife is called the “second” because she is the one who has married for the second time.
- **Q:** Where is the erva of “eishes achiv shelo haya b'olamo” written in the Torah? **A: R' Yehuda in the name of Rav** said, the pasuk says “Ki yeishvu achim yachdav”, which means they lived (“yeishvu”) together in the world at the same time. This excludes the case of “eishes achiv shelo haya b'olamo”. The word “yachdav” teaches that yibum only applies to brothers who inherit together – i.e. paternal brothers.
 - **Rabbah** said, we learn that yibum only applies to paternal brothers from a gezeirah shava from the shevatim. Just like the Shevatim were all from one father, so too yibum is only done with brothers from the same father.
 - **Q:** Why don't we learn a gezeirah shava from arayos, and use that to teach that it even applies to maternal brothers? **A:** Regarding yibum and the shevatim the word “achim” is used, whereas regarding arayos the word “achicha” is used. Therefore, we learn the gezeirah shava from the shevatim because the words used are identical.
 - **Q:** The yeshiva of **R' Yishmael** taught that a gezeirah shava may even be learned with different words of the same meaning!? **A:** That is only true if there is no more similar word.
 - **Q:** Why don't we learn a gezeirah shava from Lot (where the pasuk also uses the word “achim”) and learn that a nephew and uncle can also do yibum!? **A:** We learn the gezeirah shava from the

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word “achim” written by the shevatim, because that word is “extra” and therefore open for the gezeirah shava.

- It is necessary to have the gezeirah shava from the shevatim and to have the word “yachdav”. If the pasuk would only say “achim” and not “yachdav”, we would have learned the gezeirah shava from Lot, and we would say the word by Lot is extra as well, because the pasuk could have written the word “reyim” instead of “achim”. The pasuk therefore says “yachdav” to teach that they must be paternal brothers. If the pasuk would only say “yachdav”, we would think that yibum only applies to brothers who share the same father *and* mother. We therefore need the gezeirah shava from the shevatim to teach that brothers who only share the same father are also subject to yibum.
 - Although yibum is clearly tied to inheritance, and therefore it should be clear that the brothers only need to share the same father, we would think that since yibum is such a novel concept (an ervah becomes mutar in marriage), we would think that the brothers must share the same father and mother for yibum to apply.
- **R’ Huna in the name of Rav** said, if a yevama awaiting yibum died without having yibum or chalitza done to her, the yavam is mutar to marry this yevama’s mother. It must be that **Rav** holds that there is no concept of “zika” between the yevama and the yavam, and therefore it is not treated as if they were married.
 - **Q:** Why didn’t he simply say that the Halacha follows the view of the one who says that there is no zika?
A: If they would have said that, we would have thought to say that there is only no zika when there is more than one brother who remains alive and subject to yibum (since any one of them may end up doing yibum). However, when there is only one brother, we would think that there is zika. That’s why he felt the need to say that there is no zika even in this case.
 - **Q:** Why didn’t he simply say that the Halacha follows the view that there is no zika even when there is only one brother!? **A:** If he would have said that, we would think that the yavam could marry the yevama’s mother even while the yevama is alive and awaiting yibum or chalitza. He therefore said that there is no zika only after the yevama died.
 - **Q:** A Mishna says that one may marry his yevama’s sister after the yevama’s death. This suggests that he may *not* marry her mother even after her death. The Mishna seems to say that there is zika!? **A:** It may be that he may even marry the yevama’s mother after the yevama’s death. The reason it says he may marry the yevama’s sister is because earlier in the Mishna it said that one may marry his wife’s sister after his wife’s death. Therefore, it stated that the same is true for a yevama.
- **R’ Yehuda** said that a yavam may *not* marry the mother of his yevama even after the death of the yevama (she died before getting yibum or chalitza). It must be that he holds that there is zika.
 - **Q:** Why didn’t he simply say that the Halacha follows the view of the one who says that there is zika? **A:** If he would have said that, we would have thought to say that there is only zika when there is one brother who remains alive and subject to yibum. However, when there is more than one brother, we would think that there is no zika. That’s why he said that there is zika even in that case.
 - **Q:** The view that says there is zika says so even when there is more than one brother!? **A:** If he would have just said the Halacha follows that view, we would think that the zika ends upon the death of the yevama. He teaches that even after her death the zika remains, because the zika cannot be removed without some action taking place.
 - **Q:** A Mishna says that one may marry his yevama’s sister after the yevama’s death. This suggests that he may *not* marry her mother even after her death. The Mishna seems to say that there is zika and can be a proof for **R’ Yehuda**!? **A:** It may be that he may even marry the yevama’s mother after the yevama’s death. The reason it says he may marry the yevama’s sister is because earlier in the Mishna it said that one may marry his wife’s sister after his wife’s death. Therefore, it stated that the same is true for a yevama.

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- **Q: R' Huna bar Chiya** asked on **R' Yehuda** (who says that there is zikah), our Mishna says that if the second brother did maamer to the yevama and then died, the third brother (who was born after the death of the first brother) must do chalitzta to the second brother's wife, and may not do yibum. According to **R' Yehuda**, even without the maamer, the third brother should be assur to do yibum because she is the tzara of his "eishes achiv shelo haya b'olamo" through zikah!? Why does the Mishna say this is only so when maamer was done? **A: Rabbah** said, in truth he would not be allowed to do yibum even if no maamer was done. The Mishna speaks of where maamer was done to teach, that even though according to **B"R** who hold that maamer creates a full-fledged marriage D'Oraisa, even a chalitzta would not have to be done with the second brother's wife, our Mishna holds that maamer is only a Halacha D'Rabanan, and therefore chalitzta must be done.
- **Q: Abaye** asked, a Braisa says that if Reuven and Shimon are brothers, and Reuven dies without children, and before Shimon can even do maamer a new brother, Levi, is born, and Shimon dies childless, Reuven's wife is patur from chalitzta and yibum as an eishes ach shelo haya b'olamo. Shimon's wife may be taken in yibum or given chalitzta. Now, according to **R' Yehuda**, Shimon's wife should be assur to Levi as the tzara in zikah of an eishes ach shelo haya b'olamo!? **A:** This Braisa follows **R' Meir**, who holds that there is no zikah.
 - **Q:** We find that **R' Meir** does hold of a zikah, because a Braisa says, if there are 4 brothers, 2 of who are married to 2 sisters, and those 2 brothers die, the 2 remaining brothers must do chalitzta, and may not do yibum. Now, if **R' Meir** does not hold of zikah, then one brother should be allowed to do yibum to one and the other brother to the other!? **A:** He actually holds that there is no zikah. The reason he does not allow yibum to be done is out of concern that after one brother does yibum, the other brother may die without having done yibum or chalitzta, and now that mitzvah is gone (because the remaining yevama is the sister of his wife), and **R' Meir** holds that it is assur to negate the mitzvah once it has been put in place.
 - **Q:** If he holds there is no zikah, he should also not have a problem with negating the mitzvah once it has been put in place, because we find that **R' Gamliel** holds that there is no zikah and also holds there is no problem with negating the mitzvah!? **A: R' Meir** does not have to hold like **R' Gamliel!**
 - **Q: R' Meir** seems to be concerned even for a *possible* negation of the mitzvah, whereas **R' Gamliel** is not even concerned for the *definite* negation of the mitzvah!? Can we say that they are theoretically so far apart? **A:** It may be that one who is concerned will even be concerned for the case of a possibility, and one who is not concerned will not be concerned even in a definite case.
- **Abaye** said to **R' Yosef**, this teaching of **R' Yehuda** (that there is zikah) is actually the shita of his rebbi **Shmuel**, who paskened like **R' Yehuda ben Beseira** who says there is zikah, in a Mishna.
 - **R' Kahana** said that **R' Zevid of Neharda'a** had a version of **R' Yehuda's** statement where he said the statement in the name of **Shmuel**. This fits with **Shmuel's** shita, because he paskened like **R' Yehuda ben Beseira** who says in a Mishna that there is zikah.
 - **Shmuel** had to pasken as he did in **R' Yehuda's** case and in **R' Yehuda ben Beseira's** case. One teaches that there is zikah even if there is more than one brother, and the other teaches that there is zikah even after the death of the yevamah.

MISHNA

- If Reuven and Shimon are 2 brothers and Reuven dies without children, and then Shimon does yibum to Reuven's wife, and then a new brother, Levi, is born, and then Shimon dies without children, Reuven's wife is not subject to Levi's yibum or chalitzta because she is an eishes ach shelo haya b'olamo, and Shimon's wife is also patur because she is her tzara. However, if Shimon had only done maamer to Reuven's wife, Levi would have to give chalitzta to Shimon's wife.
 - **R' Shimon** says that in the first case Levi may do yibum or chalitzta to either of the women that he wants to.

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GEMARA

- **R' Oshaya** said, **R' Shimon** argues in the case of the last Mishna as well (where Levi is born after Reuven died, but before Shimon did the yibum). We can learn this from the fact that the Tanna gave the case of the last Mishna and the case of this Mishna. If the **Rabanan** hold Levi may not do yibum in our Mishna, where he was born at a time when Reuven's wife was already taken in yibum, surely they would hold that way when he was born before yibum was done. If so, why is there a need to state the last Mishna? It must be that it was stated because **R' Shimon** argues in that case as well. The reason that **R' Shimon** is not mentioned until after the Mishna above, is because he waited for the **Rabanan** to complete their statements before he stated his own opinion.
 - **Q:** According to this, what would be the case of the issur of eishes ach shelo haya b'olamo according to **R' Shimon**? **A:** Where a man without any brothers died childless, and then a brother is born. Another case would be where there is a second brother, but the second brother does not do yibum and does not die. In these cases, the new brother could not do yibum or chalitza.
 - **Q:** We could understand why **R' Shimon** would argue in the Mishna above, because Levi was born at a time when Reuven's wife was already married to Shimon, which can be considered as a "time of heter". However, what would be the reason that Levi would be permitted to do yibum in the case when he is born before Shimon has done yibum? **A:** He holds that there is a zikah, and she is therefore considered as already married to Shimon.
 - **Q:** **R' Yosef** asked, we find that **R' Shimon** himself is unsure whether maamer together with the zikah makes a woman considered as if she is married to the yavam. How can you say that he says over here that the zikah alone makes her considered as if she is married? **A:** **Abaye** said, it may be that he is only sure when there is one yavam, but when there is more than one yavam he is unsure.