



Daf In Review – Weekly Chazarah

Maseches Yevamos, Daf כו – Daf לב

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

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MISHNA

- All the people mentioned in the previous Mishnayos, who we said are not allowed to marry a woman that they helped free from her husband, would be allowed to marry this woman if at the time that they helped this other woman these people were already married, and their wives later died.
- Also, in all the cases of the previous Mishnayos, if any of these women married someone else after being freed of her husband, and then they got divorced or widowed, they may then marry any of the men who had helped to free them initially, as well.
- All these women are also mutar to marry the sons or brothers of the men that helped to free her from her husband.

GEMARA

- **Q:** Our Mishna seems to suggest that these men may only marry these women if the men were married at the time and then became widowers, but not if the men divorced their wives. However, a Braisa says that they may even marry the women if they divorced them as well!? **A:** The Braisa is discussing where the man and his wife were already fighting before this man helped the other woman. However, the Mishna is discussing where there was no such fight, and that is why we are concerned that he is divorcing her only because he wants to marry this other woman. **A2:** In both cases there was no previous argument with his wife. However, the Braisa is discussing where it is she who began the fighting now, and the Mishna is discussing where it is he.

V'KULAN SHENISU...

- **Q:** The Mishna seems to say that if the woman got divorced or widowed from a second marriage after having been divorced or widowed from the first husband, she may then marry the man who helped free her of the first marriage. This suggests that even if she was widowed from both marriages she would be allowed to marry again. Must we say that the Mishna argues with **Rebbi**, who says that a woman who was widowed twice should not marry again, because she has a chazaka that she causes her husbands to die? **A:** The Mishna means that if she was widowed from the first *or* the second, and divorced from the other, that is when she is allowed to marry again.

V'KULAM MUTAROS LIVNEIHEM OH L'ACHEIHEM

- **Q:** Why is this different from the Mishna which says, that if a man was rumored to be mezaneh with a particular woman, he may not marry her mother, daughter, or sister? **A:** These women are often together, and we therefore need to be concerned that he will have easy access to the woman he was rumored with, who would then be assur to him D'Oraisa. However, these men are not often together, and we therefore need not be concerned that this woman will have easy access to the man she was rumored with. **A2:** In our Mishna, the husband will be careful to make sure his wife is not mezaneh, because if she would be mezaneh, he would have to divorce her. In the other Mishna, the wife will not be as careful about stopping her husband, because a man does not become assur to his wife if he is mezaneh with another woman.
 - **Q:** If so, we should permit for her to marry the man's father as well!? **A:** The Mishna means to say that she is clearly allowed to marry the man's father, because this man would not dare to be mezaneh with the wife of his father. The Mishna means to teach that she may even marry his son and his brother, where the chance is more likely than when she marries the father.

HADRAN ALACH PEREK KEITZAD EISHES ACHIV

PEREK ARBA'AH ACHIN -- PEREK SHLISHI

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MISHNA

- If there were 4 brothers, 2 of which were married to 2 sisters, and those brothers then died without children, the other brothers must do chalitzah and may not do yibum. If they went ahead and did yibum, we force them to divorce. **R' Eliezer** says, that **B"Y** would allow them to remain married, and **B"H** would force them to divorce.
- If one of the sisters was assur to one of the remaining brothers as an ervah, this brother becomes mutar to do yibum to the other sister, whereas the other brother remains assur to both sisters. If one of the sisters was not an ervah D'Oraisa, but was rather an issur mitzvah or an issur kedusha to one of the brothers, he may only do chalitzah, and not yibum.
- If one sister is assur to one brother as an ervah, and the other sister is assur to the other brother as an ervah, each brother is mutar to do yibum to the sister that is not an ervah to him. This is the case about which it was said that if a yevama's sister who is also a yevama, is assur as an ervah, the one who is not an ervah may do yibum or chalitzah.

GEMARA

- **Q:** The Mishna seems to be a clear proof that there is the concept of zikah, because if not, yibum should be permitted here, since the sisters are each falling to yibum from a different brother, and therefore each surviving brother should do yibum to one of the sisters! **A:** It may be that there is no zikah, and the reason we do not allow yibum to be done is that we are concerned that after the first sister is taken in yibum, the other brother will die, which will then negate the mitzvah for the remaining sister (she is now a wife's sister, and no yibum or chalitzah will be done), and it is assur to cause the negation of a mitzvah.
 - **Q:** If so, the Mishna should give a case where there was only one surviving brother, which would show the same Halacha? Why the need to have an additional brother in the story? **A:** The Mishna is saying, that not only is yibum assur when there is one surviving brother, because in that case by doing yibum he is certainly negating the mitzvah, rather even if there are 2 surviving brothers it would be assur for him to do yibum, even though it is only a *possibility* that the second brother will die and then negate the mitzvah.
 - **Q:** If so, why don't we give the case where there are 3 surviving brothers? **A:** We would not be concerned for 2 additional brothers dying, and would therefore allow yibum in that case.
- **Rabbah bar R' Huna** in the name of **Rav** said, if there are 3 sisters who are yevamos, who fall to yibum to 2 surviving brothers, one brother must give chalitzah to one of them, the other brother gives to another one, and the third sister would require chalitzah from both of the brothers.
 - **Q: Rabbah** said to him, by requiring chalitzah from both brothers, it must be that you hold that there is zikah, and since the chalitzah is not an ideal chalitzah (an ideal chalitzah is one that is given when it is given in lieu of a permissible yibum) it must be given by all surviving brothers. If so, why do the first 2 sisters also not need chalitzah from them both? **A:** The case is where one sister first fell to yibum, and received a full chalitzah from one. Then a second sister fell to yibum and the second brother gave the full chalitzah. When the third sister falls to yibum, it is not a situation of permitted yibum, and that is why she needs chalitzah from them both. And **Rav** (who holds that there is no zikah) was saying this according to the view that there is zikah.
 - **Shmuel** argues with **Rav** and says that one brother can give chalitzah to all 3 of the sisters.
 - **Q:** We find that **Shmuel** says that the chalitzah given must be an ideal chalitzah, because we find that he says that if a yavam gives chalitzah to two yevamos who are sisters (each being the wife of a different brother), the tzaros do not become patur from that chalitzah. If so, how can he say that one brother can give chalitzah to all 3 (once the first brother gives the first chalitzah, his chalitzah to another sister is less than ideal)!? **A:** What **Shmuel** means is that the chalitzah to the 3rd sister can be done by just one brother (they don't each have to give chalitzah).
 - **Q: Shmuel** said that one brother can give chalitzah to "all" the sisters, so how can you say that he refers only to the middle one? **A:** Since this brother will have done chalitzah to the majority of the sisters, **Shmuel** refers to it as "all" the sisters. **A2: Shmuel** says that

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an ideal chalitza is only necessary to patur the tzaros, but to patur the yevama herself, even less than an ideal chalitza is sufficient.

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- **Shmuel** said, 1) if 2 brothers were married to 2 sisters, and each had additional wives as well, and they then died without children, a chalitza given to the sisters does not patur the tzaros, but a chalitza given to the tzaros would patur the sisters; 2) if a man dies without children and his brother then gives a get to one of the widows, if he then gives the same woman chalitza, it does not patur the tzara, but if chalitza is given to a tzara, it does patur the woman who received the get; 3) if the brother had instead given maamer to one of the widows and then gave her chalitza, it does not patur the tzara, but if he gives chalitza to the tzara, it patur the one who got maamer as well.
 - **Q:** In the first case the chalitza given to the sisters is not ideal because they are a “wife’s sister in zika”. Why is it better when the chalitza is given to the tzara, since the tzara is then the co-wife of a “wife’s sister in zika”? **A:** **Shmuel** does not hold of zikah.
 - **Q:** We find that **Shmuel** said that he does hold of zikah!? **A:** He made the statement according to the view that there is no zikah.
 - **Q:** If so, why does the chalitza given to the sisters not patur the tzaros? At least the tzaros of the first sister who got chalitza should be patur (because she surely received a full chalitza)!? **A:** **Shmuel** meant that only the tzaros of the second sister to get chalitza are not patur. Although he uses the plural “tzaros”, he is referring to the term in general.
 - **Q:** Once he gives chalitza to the first sister, the chalitza he gives to the other sister’s tzaros is also not an ideal chalitza (she is the tzara of the sister of his chalutza) and it should therefore not patur the sister either!? **A:** **Shmuel** meant that if he first gave chalitza to the sister, he cannot patur the other sister even by giving chalitza to her tzaros, but if he first gave chalitza to the tzara of the first sister, he can then patur even the tzaros of the other sister by giving chalitza to the second sister.
 - **R’ Ashi** says that **Shmuel’s** Halacha was said according to the view that there is zikah. However, the chalitza given to the sisters is considered even less ideal than the chalitza given to their tzaros (zikah doesn’t go so far as to make them the tzaros of an ervah), and therefore, the chalitza given to the tzaros can patur the sisters.
 - A Braisa says this Halacha of **Shmuel** as well, and presumably the reason is as **R’ Ashi** says. This seems to be a proof to **R’ Ashi**. **R’ Abba bar Mamal** said, it may be that the Braisa follows **B”S**, who say that the tzara of an ervah is mutar.
 - **Q:** If so, why can’t yibum be done as well? **A:** Only because of the enactment of **R’ Yochanan ben Nuri**.
 - Although we have learned that he didn’t have the time to implement the enactment, he later went back and fully implemented it.
 - **Q:** They asked, if the yavam gave a get to one yevama and maamar to another yevama, which one is better to give the chalitza to? On the one hand the separation process has begun with a get, and maybe it should be finished with a chalitza. On the other hand, the chalitza is better when given to a full zikah, and the maamar creates an even stronger than normal zikah. **A:** **R’ Ashi** said, we can answer this from a Braisa, where **R’ Gamliel** says that a get takes effect after maamar, and maamar takes effect after a get. Now, if one is stronger than the other, the weaker one could not take effect after the stronger one. It must be that they are equal.
 - **R’ Huna in the name of Rav** said, if 2 brothers married 2 sisters and then died without children, leaving one remaining brother, if he does chalitza to the first sister who falls to yibum she is free to marry, and if he does chalitza to the second sister she is free to marry. If the first sister dies, he is even mutar to marry the second sister in yibum, and certainly if the second sister dies he is mutar to marry the first sister in yibum, because it makes sense that since she was mutar to marry him when she fell to yibum, then became assur when her sister fell to yibum, and now becomes mutar when her sister dies, that she should become fully mutar again. **R’ Yochanan** said, if the second one dies he can marry the first one in yibum, but if the first one dies he may not

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marry the second one in yibum, because any yevama who is not mutar for yibum at the time she falls to yibum, may never be taken in yibum.

- **Q:** We find that **Rav** says this logic of **R' Yochanan** as well, so how can he disagree with him? **A:** He only says that when at the time she falls to yibum, yibum cannot be done based on a D'Oraisa. Here, it is a zikah (which is D'Rabanan) that prevents her from doing yibum.
- **Q: R' Yose bar Chanina** asked, our Mishna says that if 2 sisters fall in yibum to 2 brothers, they must do chalitza and not yibum. According to what was said above, one brother should give chalitza to the second sister, and the other brother should then be allowed to do yibum with the first sister (since she was mutar, then became assur, then became mutar again)!? **A: R' Yochanan** said, that Mishna is not correct.
 - **Q:** Why couldn't **R' Yochanan** just answer that the Mishna means that one of them (i.e. the second one) gets chalitza? **A:** The Mishna used the plural of "choltzos".
 - **Q:** Why couldn't he say that the Mishna uses the plural to refer to cases in general, but not to both women? **A:** The Mishna says "harei *eilu* choltzos", which refers to both women.
 - **Q:** Why couldn't he say that the Mishna is talking about a case where the first sister was given chalitza first, and that is why the second needs chaltiza as well, but the reverse would not be true? **A:** The Mishna seems to mean that l'chatchila, we tell them to give chalitza to both sisters.
 - **Q:** Why couldn't he say that the Mishna is a gezeira for a case when he gives chalitza to the first sister first? **A:** The Mishna says "v'lo misyabmos", which seems to mean that there is no Halacha of yibum over here at all.
 - **Q:** Why couldn't he say that the Mishna is based on a gezeira that we can't allow yibum in this case, because it may lead to the mitzvah being negated in another case (where a brother does yibum and the other brother then dies)? **A: R' Yochanan** is not concerned for the possibility of death.
 - **Q:** Why couldn't he say that the Mishna follows **R' Elazar** who says that if a yevama becomes assur for even an instant, she remains forever assur for yibum? **A:** Since the end of the Mishna brings the shita of **R' Elazar**, it must be that the beginning of the Mishna does not follow **R' Elazar**.
 - **Q:** Why couldn't he say that the Mishna is discussing where they fell to yibum simultaneously, and the Mishna follows **R' Yose Haglili** who says it is possible to have happened at the exact same moment, and therefore both of them were never eligible for yibum!? **A:** That would mean that an anonymous Mishna follows **R' Yose Haglili**, and we know that the Halacha does not follow him.
 - **Q:** Why couldn't he say that the Mishna is discussing where we don't know which sister fell to yibum first!? **A:** If that is the case, why do we say that if each brother took a sister in yibum, we force them to divorce? We can understand that the first one to marry must get divorced (because he married the sister of his zikah), but why would the second one to marry have to get divorced (it is only a safek if he did something wrong, because it is possible that he married the first sister, and as such should not be forced to get divorced)?
 - It was due to all of the above that **R' Yochanan** felt forced to say that the Mishna is not correct.

- **Q:** The Mishna had said, if two sisters fall to 2 brothers in yibum, and one of the sisters is assur to one of the brothers as an ervah, that brother becomes mutar to the other sister even for yibum, and the second brother

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may take neither in yibum, because to him each one is the sister of his zika. Presumably this is referring even to the case where the sister that was an ervah fell to yibum first, and then the other sister fell. Now, in that case, why wouldn't we say that the brother who has the ervah issue with the first sister should marry the second sister, and the second brother should then marry the first sister, since she was mutar, became assur, and now became mutar again, she should be fully mutar!? **A: R' Pappa** said, the case is where the non-ervah sister fell to yibum first, and that is why the second brother remains assur to both sisters.

R' ELIEZER OMER B" S OMRIM...

- A Braisa says, **R' Eliezer** says that **B" S** say we don't force them to divorce, and **B" H** say that we do. **R' Shimon** says that we don't force them to divorce. **Abba Shaul** says, that **B" H** held a lenient view here and held that we don't force them to divorce.
 - **Q:** Who does **R' Shimon** follow? If he follows **B" S**, he is saying the same thing as **R' Eliezer**. If he is following **B" H**, he is saying the same thing as **Abba Shaul**!? **A: R' Shimon** is saying that **B" S** and **B" H** agree that we don't force them to divorce.

HUYSA ACHAS MEIHEM...

- **Q:** We had a Mishna in the last perek that said the same thing, so why the need to repeat it here? **A:** The previous Mishna is discussing where there is one surviving brother, and this Mishna discusses where there are two. If we would just have the last Mishna we would say that yibum is permitted there, because there is no concern that it would lead to a second brother doing yibum. If we would just have this Mishna, we would say that maybe we only allow it here, because the fact that there is a second brother who does not do yibum will show people that marrying one of 2 sisters who have fallen for yibum is typically not permitted.

ISSUR MITZVAH...

- **Q:** This was already taught in a previous Mishna as well!? **A:** The last Mishna taught the Halacha regarding the woman herself who is an issur mitzvah. This Mishna teaches regarding the sister of such a woman. We would think that the issur mitzvah should be treated as an ervah and should permit the other sister for yibum. We would say that **Rabanan** allowed this to be treated as such to allow the mitzvah of yibum to take place.

HUYSA ACHAS MEIHEN...

- **Q:** This is the same case as earlier in the Mishna, only that earlier the case was where one sister was an ervah to one brother, and here each sister is an ervah to a different brother!? **A:** If we only had the first case we would think only there yibum is allowed, because the fact that the second brother does not do yibum shows that such a case is typically assur. If we would only have this later case we would say that it is only mutar in this case, because by both of them doing yibum it shows that the other sister is an ervah to each brother, and that's why it is allowed.

ZU HEE SHE'AMRU...

- **Q:** What does the "zu hee" come to exclude? **A:** The case where one sister is an issur mitzvah to one and the other sister is an issur mitzvah to the other.
 - **Q:** We already excluded such a case earlier in the Mishna when one sister was an issur mitzvah to one brother. Why the need to refer to it in the case of where there is the parallel for the 2 brothers? **A:** We would think that maybe we only don't treat her as a full ervah when the second brother has no ervah type relationship with any sister, because we have to be concerned that he will do yibum as well. However, when each brother has an issur mitzvah relationship, we would think that we can treat them as full ervahs and allow yibum.
- **R' Yehuda in the name of Rav** said, all 15 arayos of the first Mishna can be fit into a situation where there are 2 sisters who fall to yibum to 2 brothers, and each sister is only assur to one of the brothers as an ervah (with each of the 15 types), with the result that each brother will be mutar to do yibum to one of the sisters.
 - **R' Yehuda** said this only applies from the case of the mother in law and forward, but not the first 6 cases, because the only way to fit the first 6 cases would be with the case of a daughter born through rape, and the Mishna is not dealing with that type of case.
 - **Abaye** says the Mishna does discuss such cases and therefore even the first six cases can fit into this setup. However, the case of eishes achiv shelo haya b'olamo cannot fit, because it can only fit according to **R' Shimon**, and the statement of **Rav** was not meant to include cases of machlokes.

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- **R' Safra** says that even eishes achiv shelo haya b'olamo fits, and it will follow the view of **R' Shimon**, and the case will be where there are 4 brothers, 2 of which are married to 2 sisters. The first of those brothers dies and a 5th brother is born and one of the previous brothers (not married to a sister) does yibum. Then the second brother married to the other sister dies, a 6th brother is then born and the other brother of the original 4 then does yibum. Finally, the remaining two of the original 4 also die without children.

MISHNA

- If there are 3 brothers, 2 of whom are married to 2 sisters, or to a woman and her daughter, or a woman and her granddaughter, and the two brothers then die without children, the surviving brother must give them chalitzah, but no yibum. **R' Shimon** says they do not even require chalitzah.
- If one of these women was assur to the surviving brother as an ervah, he is assur to her but may even do yibum to the other woman.
- If one is assur to him as an issur mitzvah or issur kedusha, they require chalitzah and may not be taken in yibum.

GEMARA

- A Braisa says, **R' Shimon** says they are patur based on the pasuk of “v'isha ehl achosa lo sikach litzror” – if the sisters becomes tzaros by falling to the same man for yibum, neither of them may be taken in yibum.

HUYSA ACHAS MEIHEN...

- **Q:** This seems to be the same thing as the last Mishna!? **A:** This is needed to teach that according to **R' Shimon**, who says in the previous case that they are fully patur, in this case one can even be taken in yibum.

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ISSUR MITZVAH

- **Q:** We said that this part of the Mishna follows **R' Shimon**. If so, no chalitzah should be needed here!? **A:** He requires that she get chalitzah as a gezeirah for a case when there is one yevama who falls to yibum and she is an issur mitzvah.
 - **Q:** That would explain why this issur mitzvah woman herself would need chalitzah, but why would her sister need chalitzah? **A:** It is a gezeirah that if we let her go without chalitzah we may come to release the issur mitzvah herself without chalitzah as well.
 - **Q:** Why is it that we have no such gezeirah when we are dealing with a true ervah? **A:** People are familiar with the halachos of ervah, and are made known when dealing with an ervah, and it will therefore not lead to a concern as in the above gezeirah.

MISHNA

- If there are 3 brothers, 2 of whom married sisters and the other who is single, and then one of the married brothers dies without children and the single brother gave maamer to the widow, and then the second married brother died without children, **B"R** say the surviving brother may marry the woman he gave maamer to and the other yevama doesn't even get chalitzah, since she is an achos isha. **B"H** say he must give a get and chalitzah to the woman to whom he gave maamer, and give chalitzah to the other yevama. It is about this case that they said “Woe for him regarding his wife and woe to him regarding his brother's wife”.

GEMARA

- **Q:** What is the statement of “it is about *this* case...” coming to exclude? **A:** It comes to exclude the shita of **R' Yehoshua** who says that there is another case where we make one divorce his wife for a yibum situation.
- **R' Elazar** said, do not say that **B"R** say that maamer makes a full kinyan of marriage, to the point that if he wants to separate from her he only needs to give her a get, rather **B"R** say that maamer only effects a kinyan in that it rejects the tzaros from any further yibum obligation.

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- **R' Avin** said, we can see this from the Mishna we learned earlier. The Mishna said that if 2 brothers married 2 sisters and then died, and the 2 surviving brothers did yibum to the sisters, **B" S** say we do not force them to divorce. This suggests that they would agree that l'chatchila we don't allow them to marry. Now, if **B" S** hold that maamer makes a full kinyan, why can't each brother do maamer to one of the sisters (only yibum itself is assur), and through that create a full kinyan, at which time he could do a permitted yibum!? It must be that maamer does not create a full kinyan.
 - **Q:** Even if maamer only creates a kinyan to reject to the tzaros, in the Mishna's case, why can't each brother do maamer to a sister and in that way reject the other sister from himself and then go ahead with yibum to the sister to which he gave maamer? We will have to say that only a maamer done at a time when yibum is permitted will reject the other yevamos. The same thing can be said regarding the other view, that maamer can only be said to make a full kinyan when it is a maamer done at a time when yibum is permitted.
- **R' Ashi** taught as follows. **R' Elazar** said, do not say that **B" S** say that maamer creates a kinyan in that it rejects the tzaros to the point that the tzaros would not even need chalitzta, rather it only accomplishes a partial rejection and would still require that a chalitzta be given to the tzara. On this **R' Avin** said that the Mishna suggests this as well, because it suggests that **B" S** agree that the brothers should not do yibum l'chatchila. Now, if maamer creates a full rejection, why not have each brother do maamer to one sister and in that way reject the other sister and then continue with yibum? It must be that maamer does not accomplish a full rejection.
 - **Q:** In our Mishna, **B" S** say that if maamer is given, the other sister is released even without chalitzta. This means that **B" S** say that there is a full rejection!? **A:** It must be that the reason that the earlier Mishna doesn't allow a maamer is because maamer is only appropriate in a case where yibum is allowed.
- **Q: Rabbah** asked, according to **B" S**, does maamer accomplish nisuin or only eirusin?
 - **Q: Abaye** asked, regarding what Halacha was this question asked? If it is whether maamer allows him to inherit her, be metamei to her, and to annul her promises, we have learned that even a full eirusin doesn't accomplish that, so certainly a maamer wouldn't accomplish that. The question must be regarding whether he must take her into chupah after maamer or can proceed directly to bi'ah. Based on this understanding of the question, it should be clear that chupah is not needed, because we have learned that yibum may even be done against the will of the yevama. If so, once he does maamer for sure it can be done so, and chuppah would surely not be needed!? **A: Rabbah** explained, the question is, that when he gives maamer it may be that we say that the zikah of yibum has been removed and a zikah of kiddushin has now taken effect. Based on this understanding, do we view maamer as having done nisuin or only eirusin?
 - **Q:** Maybe we can bring a proof from **R' Ami**, who explains a Mishna to mean that **R' Eliezer** holds that a yavam can annul the neder of his yevama only when he does maamer and only according to **B" S**, who say that maamer makes a full kinyan. Now, a man may only annul a woman's neder independently after nisuin (after only eirusin he must do so in conjunction with the father). Since he said that the yavam can annul the neder, it must be that the maamer makes a full nisuin! **A: R' Nachman bar Yitzchak** said, the Mishna may mean that he can annul the neder only along with the father, as in the case of an eirusin.
 - **Q:** According to **R' Elazar's** view that **B" S** say that maamer only makes a kinyan in that it rejects the other yevamos, how would the maamer give him the ability to annul her neder? **A:** When we say maamer is not a full kinyan, we mean that it would not allow him to get rid of her with a simple get, without chalitzta. However, it would be enough of a kinyan to allow him to annul her neder. **A2:** We can also answer, that the case of the Mishna may be where the yavam refused to do yibum or chalitzta, and Beis Din therefore paskened that he must support her. The ability to annul a vow typically goes exclusively to the one who is supporting a woman. Therefore, the yavam can even annul the neder on his own, without her father.

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-----Daf 30-----

MISHNA

- If there are 3 brothers, 2 of whom are married to 2 sisters, and the third who is married to an unrelated woman, and one of the brothers who is married to a sister dies without children, and the brother who is married to an unrelated woman does yibum to the sister, and he then also dies without children, causing both of his wives to fall to yibum to the husband of the other sister, the Halacha is that the sister is released without anything since she is his wife's sister, and the other wife is released without anything as the tzara to this ervah.
 - If the brother had given maamer to the sister after the first brother died, but never fully married her before he himself died, the Halacha is that the unrelated woman must get chalitza from the brother, and may not be taken in yibum.

GEMARA

- The Mishna says that in the last case she can only get chalitza because the sister was already given maamer. This suggests that if even maamer was not given, this unrelated woman could even be taken by the surviving brother in yibum. **R' Nachman** said, we see from here that this Mishna holds that there is no zika, even when the yevama falls to only one brother.

MISHNA

- If there are 3 brothers, 2 of whom are married to 2 sisters, and the third who is married to an unrelated woman, and this third brother dies without children, and one of the brothers does yibum to his wife, and then he also dies without children, causing both of his wives to fall to yibum to the husband of the other sister, the Halacha is that the sister is released without anything since she is his wife's sister, and the other wife is released without anything as the tzara to this ervah.
 - If the brother had given maamer to the unrelated woman after the first brother had died, but never fully married her before he himself died, the Halacha is that the unrelated woman must get chalitza from the remaining brother, and may not be taken in yibum.

GEMARA

- **Q:** This Mishna seems to be saying the exact same thing as the last Mishna!? In fact, if anything, the last Mishna is a bigger chiddush, because in that case the sister makes the unrelated woman fully patur even though the sister is only the tzara (not the original wife), whereas in this Mishna she makes her patur because she is the original wife!? **A:** In fact, the Tanna taught this second Mishna first, because he thought that in the first Mishna's case the unrelated woman would need yibum or chalitza (since she was the original wife). He then realized that she would be assur in that case as well, and therefore taught that Mishna. However, since this more novel ruling was more beloved to him, he placed it first. The second Mishna was not deleted, because once taught, it remains.

MISHNA

- If there are 3 brothers, 2 of whom (Reuven and Shimon) are married to 2 sisters, and the third (Levi) who is married to an unrelated woman, and Reuven dies without children, and Levi does yibum to the sister, and then Shimon's wife dies, and then Levi dies without children as well, the Halacha is that the women are patur from yibum or chalitza from Shimon, since the sister was assur to Shimon at the time of Reuven's death (when he was still married to a sister).

GEMARA

- **R' Yehuda in the name of Rav** said, any yevama which can't be taken in yibum at the time of death of her husband, takes on the status of an eishes ach that had children, and remains assur to the brother forever.
 - **Q:** This Halacha was clearly stated in our Mishna, so why does **Rav** state it as well? **A:** From the Mishna we would think to say that the woman is assur because she remained Shimon's wife's sister through her

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initial yibum period (Shimon's wife did not die until after Levi did yibum). However, we would say that if Shimon's wife died after Reuven died, but before Levi did yibum, that Shimon may take Reuven's wife in yibum. **Rav** teaches that since at the moment of Reuven's death his wife was assur to Shimon, she remains assur to Shimon forever.

- **Q:** This Halacha is clearly stated in a Mishna as well. The Mishna says, if 2 brothers are married to 2 sisters, and one of the brothers dies without children, and then the second brother's wife dies, he may still not do yibum, since the yevama was assur to him at the time of the brother's death!? **A:** We would think that the Halacha only applies in the case of that Mishna, since there is no 3rd brother, so at the time of Reuven's death his wife is not subject to yibum at all. However, when there is a 3rd brother, since she remains subject to yibum, if she then becomes mutar to Shimon, he should be allowed to do yibum with her as well. **Rav** therefore teaches that if she becomes assur to him for even a moment, she remains assur to him forever.

MISHNA

- If there are 3 brothers, 2 of whom are married to sisters and a 3rd (Levi) who is married to an unrelated woman, and Reuven divorces his wife, and then Levi dies without children, and Reuven then does yibum to Levi's wife, and then Reuven dies without children, Shimon may do yibum to Reuven's wife (which was the unrelated woman). This is regarding what they said that if any of the arayos died or were divorced, their tazros are mutar even for yibum.

GEMARA

- The Mishna suggests that the only reason the woman is mutar to Shimon is because Reuven had divorced his wife before Levi died. However, if Levi had died before the divorce, and then the story continued as above, it seems that she would be assur to Shimon. **R' Ashi** said, based on this we see that our Mishna holds that there is zika, even when there is more than one yavam.
 - **Q: R' Nachman** learned on the earlier Mishna (at the beginning of this daf) that the Tanna holds that there is no zika!? **A: R' Ashi** will understand the earlier Mishna differently, and will say that even if maamer was never given, the unrelated woman may only get chalitzah and not yibum. The reason the Mishna gives the case of maamer is to show that we do not hold of **B"S**, who say that maamer creates a full kinyan.
 - **Q: How will R' Nachman** understand our Mishna? **A:** The Mishna would hold that even if Levi had died before the divorce, she would later be mutar to Shimon in yibum (because there is no zika). When the Mishna then says "**this** is regarding..." it comes to exclude the case where Reuven did yibum to the unrelated woman and *then* divorced his wife.
 - **Q:** This makes sense according to **R' Yirmiya**, who said in the first perek that the first Mishna of the Mesechta holds that Shimon would be mutar in this case unless Reuven was still married to the sister at the time of his death, and our Mishna argues and says that Shimon is assur to her if at any time the sister and Levi's wife were married to Reuven at the same time. According to that, we can say that our Mishna comes to exclude the case as **R' Nachman** said. However, according to **Rava**, who said that our Mishna agrees that we only look at the time of Reuven's death, **R' Nachman's** exclusion can't be correct!? **A: R' Nachman** must hold like **R' Yirmiya**, and **Rava** must hold like **R' Ashi**, that our Mishna holds of zika, and the case is where Levi dies, and then Shimon dies without having done yibum, and since Reuven is assur to Shimon's wife as his achos ishto, he is also assur to Levi's wife because she was the tazara of Shimon's wife though zika.

MISHNA

- In the case of where the ervah was married with a questionable kiddushin, or had been divorced with a questionable divorce, the tzaros must get chalitzah, and may not be taken in yibum.

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- The case of questionable kiddushin would be where he threw her kiddushin money or document and we are not sure if it landed within her 4 amos (and are therefore not sure whether she acquired it). The case of a questionable divorce would be where he wrote it in his handwriting, but had no witnesses signed; or if he had witnesses but the document was not dated; or if it was dated, but there was only one witness signed, these would be the cases of a questionable divorce.

GEMARA

- **Q:** The Mishna suggests if a get was placed in a situation where we are uncertain whether it was in her 4 amos, it would not be considered a questionable divorce, and would not be considered a divorce at all, meaning that the tzara would remain patur from yibum and chalitza. Why is that so? **A: Rabbah** said, this tzara had a chazaka that she was patur from yibum and chalitza by being the tzara of an ervah. We will not say that a questionable divorce can then make her subject to yibum and chalitza (if we treat the divorce as effective, the tzara will be subject to yibum and chalitza).
 - **Q: Abaye** asked, we should say a similar logic regarding the case of a questionable kiddushin. We should say that the tzara stood mutar to be taken in yibum, and now we are saying that she is assur based on a questionable kiddushin!? **A:** Although the chazaka says to allow her to the yavam, we say it is assur based on a chumra D'Rabanan.
 - **Q:** This is a chumra that may lead to a kula!? If we treat them as married for this purpose, people will come to treat them as married for all purposes. If another man were to then give this woman kiddushin, people would say there is certainly no concern for kiddushin with this second man, when in reality there is a concern, because the first kiddushin was actually only questionable!? **A:** Since we require her to get chalitza, people will realize it is only a chumra, and they will not treat her as being certainly married based on the questionable kiddushin.
 - **Q:** Why don't we have this same chumra for a questionable divorce, and also require chalitza for the tzara, so that people will know it is only a chumra D'Rabanan!? **A:** We are concerned that if we require chalitza in that case, it may lead to allowing yibum in that case as well.
 - **Q:** We should have that same concern in the case of a questionable kiddushin!? **A:** The chazaka actually allows yibum to be done, so if yibum ends up being done, it is not such a big problem.

-----Daf א"ל-----31-----

- **Q: Abaye** asked, a Mishna says, if a house collapsed and killed Reuven and his wife (who was Shimon's daughter), Shimon must give chalitza to Reuven's other wife, but may not do yibum, because we don't know who died first. Now, according to what **Rabbah** had said previously, we should say that this woman had a chazaka that she was not subject to yibum (because she was the tzara of an ervah) and based on a safek we should not come to make her subject to yibum!? If you will answer that we make her get chalitza as a chumrah, we should say that we don't allow that because it may lead to yibum being done as well, as we said regarding the case of a questionable divorce!? **A:** Divorce is more common, and therefore the **Rabanan** were goizer that we can't allow chalitza, lest it lead to yibum. Regarding the house collapsing, that is something that is not common, and therefore the **Rabanan** were not goizer in that case, which is why we allow and require chalitza. **A2:** Regarding the divorce, where the ervah is still alive, people will say, if the **Rabanan** required chalitza although the ervah is still around, it must be that they feel that the divorce is a fully functioning divorce. To prevent that, they said that chalitza should not be done. However, in the case of the collapsed house, since the ervah is dead, no one will say that since they require chalitza it must be that the **Rabanan** know that the wife died before the husband, for how could they know?
- **Q:** How can **Rabbah** say that our Mishna didn't mention the case of a questionable divorce, where the get was questionable whether it landed in her 4 amos, because in that case we couldn't have the tzara be subject to chalitza, because it may lead to yibum being done? We have a Mishna that says that when a get lands in a way that it is questionably within her 4 amos, we *do* require the tzara to get chalitza, and the Mishna is not

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concerned that it may lead to yibum!? **A:** We have learned that **Rabbah** and **R' Yosef** both said, that Mishna is discussing where there are 2 sets of contradicting witnesses. Therefore, it is a safek D'Oraisa, and we can't follow the chazakah, and we make her get chalitza. However, in our Mishna, we are discussing a case where there is one witness against one witness. This is only a safek D'Rabanan, and we therefore follow the chazakah.

- **Q:** We find that even when there are 2 sets of contradicting witnesses, we still follow the chazakah!?
- Based on all the questions, **Abaye** said, that the Mishna actually did mean to include the case of where the get is questionably within her 4 amos. The Mishna did not list it specifically, because it meant to say that just as we have that case regarding kiddushin, we have that same case regarding a divorce as well.
 - **Q:** If so, what do the words of “this is” the case of a questionable kiddushin come to exclude? **A:** It comes to exclude the case where the kiddushin document is not dated.
 - **Q:** According to the view that a get must be dated to prevent someone from trying to save his wife who was found to have been mezaneh while married to him, we should likewise require a date on a kiddushin document as well!? **A:** Since most people do kiddushin with money and not with a document, they did not make this dating requirement.

MISHNA

- If 3 brothers married 3 unrelated women, and Reuven dies without children, and Shimon gives maamer to the yevama, and then Shimon dies without children, Levi must give chalitza to these women, and not do yibum. This is based on the pasuk of “u'meis echad meihem...yevama yavo aleha” – yibum is only to be done when a woman falls to yibum from one brother, and here it is as if she is falling from 2 brothers. **R' Shimon** says, he can do yibum to either one and give chalitza to the other.

GEMARA

- **Q:** The Mishna learns this exemption from a pasuk. If so, they should be patur from chalitza as well!? **A:** It is really only D'Rabanan, and they made a gezeirah that both women can't be taken in yibum, because it may lead people to say that even when 2 women are falling from the same brother, they may both be taken in yibum.
 - **Q:** Why can't we allow only one of them to have yibum and give chalitza to the other one? **A:** We are concerned that people will say that the women from one brother were partially built (with yibum) and partially let go (with chalitza).
 - **Q:** What is wrong if they say that? **A:** The concern is for the case when he gives chalitza first and then does yibum with the other one. We are afraid that one will come to do that when the women are truly from one brother. In that case it would be fully assur, because we learn from a pasuk that once chalitza is given, yibum may no longer be done.
- **Rava** said, if Shimon gave a get to the yevama after giving her maamer and then he died, Levi would be allowed to take Shimon's original wife in yibum. He would not be allowed to take the maamer wife in yibum, because that may lead to people allowing yibum even for a regular yevama who had received a get.
 - **Another version** says that **Rava** even allowed yibum to the woman who got a get after her maamer, because he says that the get reversed the maamer and she is now as she was before – a yevama who has fallen to yibum.

-----Daf בל---32-----

MISHNA

- If 2 brothers are married to sisters, and Reuven then dies, and then Shimon's wife dies, Shimon remains assur to Reuven's wife forever, since she was assur to him for the time before his wife died.

GEMARA

- **Q:** The earlier Mishna taught this Halacha already!? In fact, the earlier Mishna was a bigger chiddush, because in that case there were 3 brothers, the third of which was not married to a sister and therefore could have done yibum to Reuven's wife, so Reuven's wife was still subject to yibum when Shimon's wife died, and still the

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Mishna said that she remains assur to Shimon. If so, in this Mishna, where there is no 3rd brother keeping her subject to yibum, surely she would remain assur to Shimon!? **A:** Originally the Tanna taught our Mishna only, because he thought that in the case of the previous Mishna she would become mutar to Shimon. He then decided that she would be assur to Shimon in that case as well. Since that case is the bigger chiddush, he taught that Mishna first. Although our Mishna is truly no longer needed, since it was taught, it does not get removed.

- A Braisa says, if Shimon had bi'ah with Reuven's widow (while Shimon's wife was still alive), **R' Yose** says he would be chayuv for living with an eishes ach and for living with an achos ishto (he holds that "issur chal ahl issur"). **R' Shimon** says he would only be chayuv for eishes ach (because of the rule that "ein issur chal ahl issur").
 - **Q:** Another Braisa says that **R' Shimon** says he would only be chayuv for achos ishto!? **A:** In the first Braisa the case was where Reuven had gotten married first (so the issur of eishes ach existed before the issur of achos ishto) and the second Braisa is discussing a case where Shimon got married first.
 - **Q:** According to **R' Shimon**, where Reuven was first to get married, and therefore the issur of achos ishto never took effect for Shimon, if Reuven dies without children why can't Shimon do yibum, since Reuven's wife never became assur to him as an achos ishto, and the issur of eishes ach has been removed for yibum!? **A:** **R' Ashi** explains, the issur of achos ishto doesn't disappear. It "hangs in the air", and when the opportunity for it to take effect comes about (i.e. when the issur of eishes ach goes away to allow for yibum), it takes effect at that time, thus preventing the yibum.
 - **Q:** A Braisa says that if one did an aveirah which can carry 2 punishments, he receives the more stringent punishment. **R' Yose** says, he gets the punishment for the first attachment that came upon him. Another Braisa explains, if one lived with his mother in law who is also a married woman, if she was first assur to him as a mother in law and later as a married woman (she was single when he married her daughter), then he gets punished for the aveirah of living with a mother in law. In the reverse case, he is punished for living with a married woman, but not for living with a mother in law. We see from here that **R' Yose** does not hold that issur chal ahl issur!? **A:** **R' Avahu** says, **R' Yosef** agrees that by an "issur mosif" (where, for example, the woman is becoming assur to more people with this new issur), that we would say issur chal ahl issur.
 - **Q:** This would explain why **R' Yosef** says he would be chayuv for both when Shimon married his wife first and then Reuven married his wife. In that case, since she is becoming assur on all the other brothers, she becomes assur to Shimon as an eishes ach as well, even though she was already assur to him as achos ishto. However, in the case where Reuven got married first, why would the issur of achos ishto take effect on the issur of eishes ach, since it is not an issur mosif!? The fact that Shimon becomes assur to all the other sisters does not make it an issur mosif, rather that would be considered as an issur kollel!? **A:** **Rava** and **R' Yochanan** each say, that in truth **R' Yosef** does not mean that he would be punished for both aveiros (because ein issur chal ahl issur), rather we consider it as if he did both aveiros, even though he is only punished for one of them. The practical implications of that would be that we would bury him alongside the complete resha'im.
- The Gemara says, that the question of whether an issur would take effect on another issur when the second issur is a more inclusive issur (issur kollel), is actually the subject of a machlokes. The Gemara begins a long introduction to show this is the case. The Gemara first quotes 3 cases of machlokes.
 - If a non-Kohen does the Avodah on Shabbos, **R' Chiya** says he is chayuv for 2 aveiros – a non-Kohen doing the avodah, and for doing melacha on Shabbos. **Bar Kappara** says he is only chayuv for one. **R' Chiya** explained, the issur melacha on Shabbos was only removed for a Kohen who does the Avodah, and therefore this person is chayuv for 2. **Bar Kappara** explained, that the issur melacha on Shabbos was removed for doing of the Avodah, and therefore this person is only chayuv for having done the Avodah as a non-Kohen.
 - If a Kohen with a mum did the Avodah while tamei, **R' Chiya** says he would be chayuv for 2 aveiros – for doing the avodah with a mum, and for doing the avodah while tamei. **Bar Kappara** says he would only be chayuv for one. **R' Chiya** explains, when the avodah is permitted to be done when tamei (in certain

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circumstances), it was only so permitted for a Kohen without a mum to do. Therefore, he is chayuv for both. **Bar Kappara** explained, when the Avodah was permitted to be done when tamei, it was permitted for all. Therefore he is only chayuv for having done the avodah with a mum.

- If a non-Kohen eats a bird korbon that has been killed with melika (killed with the Kohen's thumbnail from the back of the neck), **R' Chiya** says he would be chayuv for 2 aveiros – eating a korbon, and eating meat from a bird that wasn't shechted. **Bar Kappara** says he would only be chayuv for one. **R' Chiya** explains, when melika was permitted for eating, that was only permitted for a Kohen eating a korbon, and therefore this non-Kohen would be chayuv for 2. **Bar Kappara** says, melika was permitted in the circumstance of korbanos, and this person would therefore not be chayuv for eating a bird with melika, since he is eating a korbon. He would only be chayuv for a eating a korbon altogether, since he is a non-Kohen.