



Daf In Review – Weekly Chazarah

Maseches Yevamos, Daf תנ – Daf נ

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 תנ--47-----

- A Braisa says, if a goy comes and says that he is a ger, he is not believed, based on the pasuk of “itcha” – which teaches that it must be someone who was established as being a ger. However, the pasuk of “v'chi yagur itcha ager” teaches, that if he brings witnesses that he is a ger, we believe him. The word in the pasuk “b'artzichem” would seem to teach that one can only become a ger in Eretz Yisrael. The pasuk of “itcha” teaches that one may become a ger in any place. **R' Yehuda** says, the word “b'artzichem” teaches that in Eretz Yisrael one must bring a proof that he is a ger, but in chutz la'aretz a proof need not be brought. The **Chachomim** say that in either case a proof must be brought.
 - **Q:** Why do we need a pasuk to teach that we believe him if he brings witnesses? **A:** **R' Sheishes** said, the pasuk teaches that they don't have to have seen the geirus. It's enough for them to have heard that a geirus took place.
 - **Q:** How can we use “itcha” to teach that a geirus can take place in chutz la'aretz when we already used the word for the earlier drasha!? **A:** One drasha is from “itcha” and one is from “imach”.
 - **Q:** According to the **Chachomim**, what does the word “ba'aretz” teach? **A:** It teaches that we *even* accept geirem in Eretz Yisrael. We would think that we should not, because maybe they are converting so as to be able to get from the good of Eretz Yisrael. The pasuk teaches that we do accept them there as well.
 - **R' Chiya bar Abba in the name of R' Yochanan** paskened that a proof is needed in Eretz Yisrael and in chutz la'aretz.
 - **Q:** That is obvious, since that is the shita of the **Chachomim**!? **A:** We would think to pasken like **R' Yehuda**, since he has support from the pasuk.
- A Braisa says, **R' Yehuda** says, the pasuk of “u'shefatitem tzedek bein ish u'bein achiv u'bein geiro” teaches, one who does geiros in Beis Din is a true ger. One who does so in private is not a ger. A person once came to **R' Yehuda** and told him he had done geirus in private. **R' Yehuda** asked him, do you have witnesses? He said no. He asked, do you have children? He said yes. **R' Yehuda** told him, you are believed to make yourself passul, but not to make your children passul.
 - **Q:** We find in a Braisa that **R' Yehuda** says a person is believed to passul his children by saying that the child is a Kohen born to a divorcee or a chalutzah!? **A:** **R' Nachman bar Yitzchak** said, **R' Yehuda** meant to tell the man, according to you, you are a goy, and as such you are not believed to say testimony that your children are passul. **A2:** **Ravina** said, **R' Yehuda** also asked the man if he had grandchildren, and the man said that he did. **R' Yehuda** told him, although you would be believed regarding your children, you are not believed regarding your grandchildren, and as such would not be believed regarding your children in this case either.
 - The Gemara paskens like **R' Nachman bar Yitzchak**.
 - **Q:** A Braisa paskens like **Ravina**!? **A:** That was said in reference to the other Braisa of **R' Yehuda**.
- A Braisa says, if a goy comes to convert in today's times, we say to him, don't you realize that the Jews are an afflicted people? If he says, I wish I were worthy to join them, we accept him as a ger. We tell him of some minor mitzvos and of some major mitzvos. We also tell him the halachos of leket, shikcha, peyah, and maaser ani. We tell him of the punishment for not keeping the mitzvos. We tell him, right now you can eat cheilev without punishment and desecrate Shabbos without punishment. Once you convert, you would get kares for cheilev and skilah for Shabbos. We also tell him of the reward for keeping the mitzvos. We tell him, you should know that Olam Habah is only for tzadikim, and Yidden in this world cannot receive an abundance of good or bad. We don't overwhelm him or be too strict with him. If he still accepts this all, we give him a bris (and if there are still

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shreds of the milah left over we must remove them). When he heals, we make him toivel in a mikvah. Two talmidei chachomim stand over him and tell him of some minor mitzvos and some major mitzvos. Once he is toivel and comes up, he is a full fledged Yid. If the convert is a woman, women put her in the mikvah until her neck, and 2 talmidei chachomim stand over her and tell her of some minor mitzvos and some major mitzvos. This is the process that is followed for geirem and for freed slaves. Any mikvah in which a nidah can toivel is good enough for the ger and the freed slave. Anything that is considered to be a chatzitza for the tevila from tumah, is also a chatzitza for a ger, freed slave, and a nidah.

- **Q:** Why do we try to dissuade one who wants to convert? **A:** If they can be dissuaded, we don't want them converting.
- **Q:** Why do we tell them the halachos of leket, shikcha, etc? **A: R' Chiya bar Abba in the name of R' Yochanan** said, it is because a goy is generally very stingy. We want him to hear that he will have to give away from his produce to the poor.
- The Braisa said that we do not overly dissuade him. **R' Elazar** said, we learn this from Naomi who stopped dissuading Rus after she saw that Rus was determined to stay. She told Rus about the restrictions of techum Shabbos, about the restrictions of yichud, about the restrictions of 613 mitzvos, about the issur of avodah zarah, about the 4 death penalties, about the different cemeteries for resha'im. When she saw that Rus continued to want to convert, Naomi stopped dissuading her.
- The Braisa said, once he accepts, we immediately give him a bris. We do so immediately so as not to delay a mitzvah.
- The Braisa said that if there are shreds left on the milah, he must have them removed. This Halacha was taught in a Mishna.
- The Braisa said that after he heals, he is to be toivel. We wait for him to heal, because water is detrimental for a wound.
- **Q:** How could only 2 talmidei chachomim stand there? **R' Chiya in the name of R' Yochanan** said that 3 people must be there!? **A: R' Yochanan** had told the Tanna that the Braisa must be changed to say "3".
- The Braisa said that after he comes up from the tevila, he is a full-fledged Yid. The significance of this is, that if he then decides that he doesn't want to be a Jew, he is still considered to be a "mumar", and if he gives kiddushin, it is effective.
- **Q:** The Braisa seems to say that a freed slave must also accept the mitzvos as part of his process. However, another Braisa says that he need not do so!? **A: R' Sheishes** said, this Braisa follows **R' Shimon ben Elazar**, and our original Braisa follows the **Rabanan**. We see they hold this way in another Braisa, where **R' Shimon ben Elazar** says that a woman captured in war can be forced to convert and thereby allow a Yid to marry her, and the **Rabanan** say that she cannot be forced.
 - **Rava** explains, that **R' Shimon ben Elazar** learns his shita from a pasuk that suggests that a slave can be forced into having a bris milah. The **Rabanan** use that pasuk to teach that a slave who is made hefker goes free and does not even require a get shichrur.

-----Daf פ"ד-----48-----

- **Q:** The Gemara said that since the **Rabanan** hold that a woman caught in war can only be converted willingly, it must be that they hold that a freed slave can also only be fully converted willingly. **R' Pappa** asked, maybe the **Rabanan** only hold that way with the woman, because she has no connection to any mitzvos. However, with regard to a freed slave who was chayuv in some mitzvos before he was freed, maybe they would agree that he becomes a full-fledged Yid even if he doesn't want to!? In fact, there is a Braisa that must follow the **Rabanan**, which suggests that even a slave is converted against his will!? **A:** It must be that when the earlier Braisa compared the conversion of a ger to that of a slave, it was not comparing for purposes of willingness, it was comparing for purposes that both need to be toivel in a mikvah.
- A Braisa says, the pasuk says that the woman captured at war must be left to "v'gilcha es rosha v'asisah es tziparneha". **R' Eliezer** says that means her nails must be cut (just as her hair must be cut), and **R' Akiva** says it means that her nails must be left to grow (just like we cut off her hair so that she is unbecoming, we let her nails grow so that she is unbecoming).

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- A Braisa says, the woman must be left to “cry for her father and her mother”. **R’ Eliezer** says this means she must cry for her actual parents. **R’ Akiva** says it means she must cry for her avodah zarah. The pasuk says this must be done for “yerach yamim”, which means for 30 days. **R’ Shimon ben Elazar** says, it means 90 days (yerach is 30, yamim is 30, and v’achar kein is another 30).
 - **Q: Ravina** asked, maybe yerach is 30, yamim is 30, and achar kein means an amount equal to all the previous, which brings the total to 120!? **Kashyeh**.
- A Braisa says, **R’ Yishmael** says one may keep a slave that did not get a bris. **R’ Akiva** says that such a slave may not be kept. **R’ Yishmael** said, the pasuk says that a slave must rest on Shabbos, which must be referring to a slave without a bris (because otherwise he is already included in the chiyuv to rest from another part of the pasuk). We see that such a slave may be kept!? **R’ Akiva** said, the pasuk is referring to a slave that was bought right before Shabbos without enough time to give a bris before Shabbos.
- **R’ Yehoshua ben Levi** says, if one buys a slave from a goy and the slave doesn’t want to get a bris, the master may keep him for 12 months, trying to convince him, and if he is ultimately not convinced, he must sell him back to a goy.
 - The **Rabanan** said to **R’ Pappa**, this can’t follow **R’ Akiva**, because he doesn’t allow such a slave to be kept at all! **R’ Pappa** said, it may follow **R’ Akiva**. It may be that the case is where the slave initially accepted to get a bris and then later changed his mind about having it done. It may be that in that case even **R’ Akiva** would allow the slave to be kept for 12 months.
 - **Q: R’ Zvid** from Neharda’a asked, if **R’ Akiva** agrees in this case, why wouldn’t he have answered that this is the case of the slave without a bris referred to in the pasuk regarding Shabbos? **A: R’ Kahana** answered, it may be that **R’ Akiva** could have answered that as well, but chose the other answer of a slave that was purchased right before Shabbos.
- **Ravin** said in the name of **R’ Illai**, if a purchaser stipulates that he is buying a slave on the condition that he not get a bris, such a slave may be kept without a bris.
 - The **Rabanan** said to **R’ Pappa**, this can’t follow **R’ Akiva**, because he doesn’t allow such a slave to be kept at all! **R’ Pappa** said, it may follow **R’ Akiva**. It may be that **R’ Akiva** only holds that way when a condition was not made.
 - **Q: R’ Zvid** from Neharda’a asked, if **R’ Akiva** agrees in this case, why wouldn’t he have answered that this is the case of the slave without a bris referred to in the pasuk regarding Shabbos? **A: R’ Kahana** answered, it may be that **R’ Akiva** could have answered that as well, but chose another answer of a slave that was purchased right before Shabbos.
- **R’ Chanina bar Pappi**, **R’ Ami**, and **R’ Yitzchak Nafcha** were sitting together and said, there was a city in Eretz Yisrael where all the slaves refused to get a bris. The people held onto them for 12 months, and then sold them back to goyim. This must follow the Braisa stated previously, that held this way. **R’ Shimon ben Elazar** says, such a slave may not be kept in Eretz Yisrael at all, so as not to increase the risk of tumah, and may not be kept at all in a border city, because of the risk that they will help goyim to conquer the city.
- A Braisa says, **R’ Chananya the son of R’ Gamliel** says, the reason that geirem suffer is as punishment for their not keeping the 7 mitzvos Bnei Noach before they converted. **R’ Yose** says, a ger is like a newborn child and would therefore not be punished for earlier acts. Rather, the reason they suffer is because they are not familiar with the mitzvos and therefore fail to keep them. **Abba Chanan in the name of R’ Elazar** says, the reason they suffer is because they do the mitzvos out of fear of Heaven instead of love for Heaven. **Others** say, they suffer because they delayed in becoming geirem.

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MISHNA

- Who is a mamzer? **R’ Akiva** says, anyone born from a relationship where his parents were assur to each other with a lav. **Shimon Hateimani** says, it is a child produced from any relationship that is assur with kares, and the Halacha follows this view. **R’ Yehoshua** says, it is a child born from a relationship that is assur with the death penalty of Beis Din.

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- **R' Shimon ben Azzai** said, he saw a genealogical document in Yerushalayim that listed someone as a mamzer because he was produced from the znus of a man and another man's wife. This would follow the shita of **R' Yehoshua**.
- If a man's wife dies, he may then marry her sister. If he divorced his wife and she then died, he may also marry her sister. Even if after the divorce she went and married someone else and then died, he may then marry her sister.
- If a man's yevama dies, he may marry her sister. If he gave her chalitza and she then died, he may marry her sister. If she married another man and then died, he may then marry her sister.

GEMARA

- **Q:** What is the reasoning of **R' Akiva**? **A:** The pasuk says "v'lo yigaleh knaf aviv", which **R' Akiva** darshens like **R' Yehuda** and says that this refers to a woman who his father raped, which is only assur to a person via a lav. The pasuk two pesukim later then discusses a mamzer, to teach that a mamzer is produced from chayvei lavim.
 - **Q:** We find that **R' Simai** says that **R' Akiva** says a mamzer is produced even from chayvei lavim that are not familial based, and that **R' Yesheivav** says that **R' Akiva** says that a mamzer is even produced from a relationship assur with an assei. According to them, what would be the source of **R' Akiva**? **A:** They will say that he learns it from the seemingly extra word of "v'lo" in the pasuk.
- **Q:** What is the reasoning of **Shimon Hateimani**? **A:** He holds like the **Rabanan**, who say that the previously mentioned pasuk refers to the yevama of one's father, which is assur to him with kares. It is about that type of relationship that the pasuk then discusses mamzer, to teach that a mamzer is produced from chayvei krisus.
- **Q:** What is the reasoning of **R' Yehoshua**? **A:** He says, the pasuk did not need to write "lo yikach". It did so to teach that the words in between "lo yikach" and "lo yigaleh" – which are "his father's wife", which is an ervah that carries the death penalty, is the only thing that produces a mamzer.
- **Abaye** said, all agree that a child produced from tashmish with a nidah or with a sotah would not be a mamzer. The reason is that kiddushin can take effect on these women in their current state, and a mamzer is only produced from a relationship where kiddushin can't take effect.
 - A Braisa says this as well, and adds the case of a shomeres yavam. **Abaye** didn't list that case, because he was unsure whether we pasken like **Rav** (who says that kiddushin would not take effect with her), or like **Shmuel**.

AMAR R' SHIMON BEN AZZAI...

- A Braisa says, **Shimon ben Azzai** said, he found a document in Yerushalayim that said that a certain person was a mamzer because he was born from the znus of an eishes ish, it also said that the teachings of **R' Eliezer ben Yaakov** are few and pure, and it also said that Menasheh killed Yeshaya.
 - **Rava** explained, Menasheh judged Yeshaya as a false Navi, and then he had him killed. He cited examples of where he felt that Yeshaya contradicted things that Moshe Rabbeinu had said. Yeshaya said to himself, I know that if I try to explain these contradictions, Menasheh will not listen to what I have to say. If I say it anyway, he will kill me and thereby be a meizid for killing me. In an effort to escape, Yeshaya said a Name of Hashem and was swallowed into a cedar tree. Menasheh's people cut down the tree, and as they cut it open, Yeshaya was killed.
 - With regard to the contradictions, they can be answered as follows. Although Yeshaya said that he saw Hashem and Moshe said no man can see Hashem and live, Moshe's nevuah was much clearer, and therefore he could not have seen Hashem on the level that he saw, and still live. Although Moshe said that Hashem always answers us, and Yeshaya said we must find Hashem when He can be found, Moshe was talking about a tzibbur, to whom Hashem always listens, and Yeshaya was talking about an individual, for whom Hashem is "found" to listen to tefillos during aseres yimei teshuva. Although Moshe said that Hashem fills one's days but does not add to them, and Yeshaya said that Hashem does add to one's days, we find that it is actually a machlokes among Tanna'im whether one can have years added to his life.

ISHTO SHEMEISA...YEVIMTO SHEMEISA...

- **R' Yosef** said, that **Rebbi** has taught an unnecessary Mishna with this last Halacha.

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HADRAN ALACH PEREK HACHOLETZ L'YEVIMTO!!!

-----Daf 50-----

PEREK R' GAMLIEL -- PEREK CHAMISHI

MISHNA

- **R' Gamliel** says, there is no effect to a get given (to a yevama) after a get (was already given to that yevama or her tzara), to a maamar given after a maamar, to a bi'ah done after a bi'ah, or to a chalitza done after a chalitza. The **Chachomim** say there is effect to a get given after a get, and to a maamar done after a maamar, although there is no effect to anything done after a bi'ah or a chalitza.
 - If a yavam does maamar and then gives her a get, he must still give her chalitza.
 - If he does maamar and gives her chalitza, he must still give her a get.
 - If he does maamar and then does bi'ah, that is the proper performance of the mitzvah of yibum.
 - If he gives a get and then does maamar, he must give another get and chalitza.
 - If he gave her a get and then did bi'ah, he must give her a get and chalitza.
 - If he gave her a get and chalitza, there is no effect to anything done after the chalitza.
 - If he 1) gives chalitza, and then does either maamar, or gives a get, or does bi'ah, or 2) does bi'ah, and then does either maamar, gives a get, or chalitza, nothing after the chalitza has any effect.
- All these rules apply whether there is one yevama or 2 yevamos.
 - If the yavam gave maamar to each of the yevamos, he must give a get to each of them and a chalitza to one of them.
 - If he gives maamar to one and does bi'ah with the other, he again must give a get to each and a chalitza to one.
 - If he gave maamar to one and chalitza to the other, he must give a get to the first one.
 - If he gave a get to each of them, he must give chalitza to one of them.
 - If he gives a get to one and does bi'ah with the other one, he must give a get and a chalitza.
 - If he gave a get to one and maamar to the other, he must give a get and a chalitza.
 - If he gave a get to one and chalitza to the other, there is no effect to anything given after the chalitza.
 - If he gave chalitza to each of the yevamos, or if he gave chalitza to one and either maamar or a get or a bi'ah to the other one, or if he does bi'ah with both of them, or if he does bi'ah with one and then gives maamar a get or chalitza to the other one, there is no effect to anything given after the chalitza.
- All these rules apply to where there are one yavam and two yevamos, and when there are two yavams and one yevama.
- In the case mentioned where he first did chalitza and then did either maamar, a get, or a bi'ah, or when he first does a bi'ah, and then does a maamar, a get, or a chalitza, and we said that there is no effect to anything done after the chalitza, that applies whether the chalitza was done in the beginning, in the middle, or at the end. With regard to a bi'ah, when it is done at the beginning, there is no effect to anything done after it. However, if the bi'ah is done in the middle or at the end, there is effect to something done after the bi'ah. **R' Nechemya** says, there is no effect to anything done after a chalitza or a bi'ah, whether the chalitza or the bi'ah was done in the beginning, in the middle, or at the end.

GEMARA

- The machlokes between **R' Gamliel** and the **Chachomim** is only regarding a get after a get, or a maamar after a maamar. However, all would agree that a get with a yevama on its own and a maamar with a yevama on its own are certainly effective to some degree.
 - **Q:** Why do the **Rabanan** say that a get is effective? **A:** Since people know that a get is effective in terminating a relationship, if we were to say that a get is not effective here, people may come to say that a chalitza is also not effective, and they may come to do bi'ah after doing chalitza.

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- **Q:** Why do the **Rabanan** say that maamar is effective? **A:** Since people know that maamar (kiddushin) is effective in creating a relationship, if we were to say that maamar is not effective here, people may come to say that bi'ah is also not effective, and they may come to do bi'ah after having done bi'ah to another yevama.
- **Q:** Why do the **Rabanan** say that there is effect to something done after a deficient bi'ah? **A:** If it is a bi'ah after the giving of a get, the **Rabanan** say it is not completely effective, as a gezeirah for a case when a bi'ah is done after a chalitza. In the case where the bi'ah was done after maamar was given to one of the other yevamos, they say the bi'ah is not completely effective as a gezeirah for a case when a bi'ah is done after another bi'ah.
- **Q:** Why do the **Rabanan** say that nothing is effective even after a deficient chalitza? **A:** There is no reason to be goizer. We don't need to be goizer when a chalitza is given after a get, for a cases when it is given after a chalitza, because there is no issur done by giving multiple chalitzos. There is also no reason to be goizer when chalitza is given after maamar, for a case when chalitza would be given after bi'ah, because in both these cases a get will be needed (for the maamar and for the bi'ah).

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- **Rava** explained, the reason **R' Gamliel** says there is no get after get, and no maamar after maamar, is because he is unsure whether a get effects a full termination or does nothing at all, and whether a maamar creates a full relationship, or nothing at all. Therefore, in both these cases, only the first get or the first maamar will take effect, because if the get or maamar effects completely, then the second one does nothing at all, and if the first one does nothing at all, the second one will also do nothing at all.
 - **Q: Abaye** asked, a Braisa says, that **R' Gamliel** agrees that a get will take effect if it is done after a maamar (done to one yevama) and a bi'ah (done to a second yavama), and that a maamar will take effect if it is done after a get and a bi'ah. Now, if **R' Gamliel** is unsure as stated by **Rava**, then the last get or maamar should surely have no effect!? If the first get or maamar is fully effective, then the last get or maamar (even the bi'ah) should not take effect, as explained above!? If the first maamar or get did not take effect, then the bi'ah should fully take effect as if it were done in the beginning (in which case we said earlier that it would take full effect), and the act of get or maamar done at the end should surely have no effect!? **A: Abaye** therefore said, it must be that **R' Gamliel** holds that a get effects a partial termination (D'Rabanan) and a maamar effects a partial relationship (D'Rabanan). Therefore, when a second get is given, it does not take effect, because the first get accomplished whatever a get can accomplish. The same is with a second maamar. However, a maamar can take effect after a get, and visa-versa, because they are each effecting in different ways. The **Rabanan** who argue on **R' Gamliel** hold that the get or maamar has effect from each brother and on each yevama, and therefore even a second get or maamar will take effect. The result is, that according to **R' Gamliel**, this deficient bi'ah (one done after a get or maamar) is stronger than a maamar in one way and weaker in another way. It is stronger in that a maamar followed by a maamar is ineffective, whereas a bi'ah following a maamar is effective. It is weaker in that a maamar following a get takes effect on all that the get "left over" of the zikah, whereas a bi'ah after a get does not do so (which is why a maamar done after a bi'ah will still take effect).
- A Braisa says, in what case did **R' Gamliel** say there is no effect to a get given after a get? If two yevamos fell to one yavam, and he gave a get to each of them, **R' Gamliel** would say that he must give chalitza to the first woman to have received a get, and the yavam becomes assur to her relatives, but he remains mutar to the relatives of the second woman. The **Chachomim** would say that he is assur to the relatives of both women, and he gives chalitza to either one of them. The same machlokes would hold true if there were two yavams and one yevama. In what case did **R' Gamliel** say there is no effect to a maamar given after a maamar? If there are 2 yevamos and one yavam, and he gave maamar to each, **R' Gamliel** says, he must give a get to the first one and then give her chalitza, and he becomes assur to her relatives, but remains mutar to the relatives of the other woman. The **Chachomim** say that the yavam must give a get to each of the women, thereby becoming assur to

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the relatives of them both, and he then gives chalitza to either of the women. The same machlokes would hold true if there were two yavams and one yevama.

- **Q:** The Braisa's first case said that **R' Gamliel** says that he gives chalitza to the first woman and remains mutar to the relatives of the second woman, and need not give her a chalitza. This seems to refute **Shmuel** who says that a chalitza given after a get does not help to release the other yevamos!? **A:** **Shmuel** would say, that his Halacha was stated only according to the view that holds "there is zikah". However, **R' Gamliel** holds there is "no zikah", and that is why he does not hold of the Halacha.
 - **Q:** Based on this, it would be logical to say that the **Rabanan** hold that there is zikah. Now, at the end of the Braisa it said that the **Rabanan** say that even when there are 2 yavams who each gave a get, only one of them must give a chalitza. This would seem to refute **Rabbah bar R' Huna in the name of Rav**, who says that when a chalitza is deficient (as when given after a get), a chalitza must be given by all the brothers!? **A:** **Rabbah bar R' Huna** would say that the **Rabanan** also hold that there is no zikah. The only point that they argue with **R' Gamliel** is whether a get after a get, or a maamar after a maamar, has any effect.
- **Q:** The Braisa said, **R' Gamliel** says that when a maamar was given to each woman, he must give a get and chalitza to the first woman. Since he holds that there is no effect to the second maamar at all, why must he give chalitza? Why can't he continue with yibum for the first woman? **A:** We don't allow that as a gezeirah that he may come to do yibum to the second woman.
- **R' Yochanan** said, **R' Gamliel**, **B"R**, **R' Shimon**, **Ben Azzai**, and **R' Nechemya** all share the same viewpoint that maamar effects a strong level of creating a relationship (each shita to a different extent, but all hold the same basic point).
 - **R' Gamliel** – is as we discussed, that there is no maamar after a maamar (the first maamar is strong enough to do whatever maamar can do).
 - **B"R** – in a Mishna they say, that when 2 brothers married 2 sisters, and Reuven dies without children, and a third brother (Levi) does maamar to Reuven's wife, and then Shimon dies without children, **B"R** say that the maamar accomplishes that Reuven's widow remains Levi's wife, and Shimon's wife is free to go, as his wife's sister.
 - **R' Shimon** – we have learned that the bi'ah of a boy between the ages of 9 and 13 is given the same significance as maamar. Now a Braisa says, that **R' Shimon** says, that if 2 brothers between the ages of 9 and 13 each do bi'ah with a yevama, only the first bi'ah takes effect. We see that he holds that a maamar would not take effect after another maamar.
 - **Ben Azzai** – he says in a Braisa that in the case of 2 yevamos and one yavam, where the yavam gave maamar to each of the yevamos, the second maamar would not take effect.
 - **R' Nechemya** – we have learned that a deficient bi'ah is given the same significance as a maamar. Now, a Mishna says that **R' Nechemya** says that no get or maamar can take effect after a deficient bi'ah. We see that he holds that a maamar or get cannot take effect after a maamar.

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KEITZAD ASA MAAMAR...

- **Q:** The Mishna began by discussing a get given after a get, and a maamar done after a maamar. It then asks "keitzad" and responds with a case of a get after a maamar!? **A:** **R' Yehuda** said, the Mishna leaves the clarification of the get after the get, and the maamar after the maamar for clarification in the Braisa. The Mishna itself focuses on the more complicated case of when different acts were done between the yavam and the yevama.

ASA MAAMAR U'BA'AL HAREI ZU K'MITZVASA

- **Q:** Shall we say this is a proof to **R' Huna**, who says that the mitzvah of yibum is to first do maamar and then do bi'ah? **A:** This Mishna may be saying that if done in this way it is *also* an acceptable way, but it may not be a proof to **R' Huna**, that this is the preferable way.

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- **Q:** It would seem obvious that this would be an acceptable way!? **A:** We would think that since we learned that when maamar is done it removes the zika and replaces it with an eirusin and nesuin relationship, maybe doing maamar removes the scenario of the mitzvah for yibum.
- As referenced above, **R' Huna** said that the proper form of yibum is to first do kiddushin and then the bi'ah. However, if he did bi'ah first and then did the maamar, he still acquires her.
 - **Q:** Even if he did bi'ah alone he would acquire her!? Why the need to state that he did maamar after the bi'ah!? **A:** He meant to say that if he does bi'ah without doing maamar, he still acquires her.
 - **Q:** A Braisa says that one gets malkus if he does bi'ah without first doing maamar!? **A:** That refers to malkus D'Rabanan. As we find that **Rav** gave malkus for one who: does kiddushin of bi'ah; gives kiddushin in the market; gives kiddushin without having an agreement to get married; nullifies a get; says that a get was written against his will; acts with chutzpa to the shaliach of Beis Din; remains in cheirem for 30 days without asking that it be removed; lives in his father-in-law's house.
 - **Q:** We find that **R' Sheishes** gave malkus to someone for simply passing by the house of his father in law!? **A:** That son in law was suspected of having znus with his mother in law.
 - **Nehardai** said, **Rav** only gave malkus for one who did kiddushin with bi'ah, without having had an agreement to get married first. **Others** say that even if they had an agreement he would give malkus, because it is not proper.
- A Braisa asks, how is maamar done? The yavam gives the yevama money or something worth money. The Braisa then asks, how is it done with a document?
 - **Q:** The Gemara asks, it is simple how it works – he writes on a paper “You are mekudeshes to me”!? **A:** **Abaye** explains, the Braisa was asking, how is the kesubah document for a yevama written. The Braisa continues and answers, he writes, “I have accepted the yevama upon myself, to feed and support her as is fitting, except that her kesubah is to come from the first husband”.
 - The Gemara says, if there are no assets of the first husband, the **Rabanan** say that she gets a kesubah from the second husband, so that he not be so quick to divorce her.
- **Q: Abaye** asked **Rabbah**, if one gives a get to his yevama, and the get says “You are divorced from me, but you are not mutar to any other man”, what would the Halacha be? Do we say that get only takes effect by a yevama through a D'Rabanan, and therefore, only a get that would work for a real wife will work for a yevama (and this get would not work for a real wife), or do we say that even this get could get confused with a normal get and we therefore must be gozer in this case as well? **A: Rabbah** said, we must be concerned in this case for the mixup with a regular get.
 - **Q: Rabbah bar Chanan** asked, if he would give his yevama a blank piece of paper, would we be concerned in that case as well!? **A: Abaye** said, this case is very different, because it would not passul a woman from marrying a Kohen, whereas the get mentioned above would.
- **Q: Rami bar Chama** asked, we have learned, if someone has a get written for his arusa, and says that after the nisuin he will give it to her, it is a valid get, since he has the ability to divorce her now as well. On the other hand, if he would write a get for someone he was not married to, it would not be a valid get. What if someone wrote a get for his yevama and gives it to her after the yibum? Do we say that since there is a zikah, she is like his arusah, or do we say that since he did not yet even do maamar, she is not like his arusah and the get is therefore not valid? **A: TEIKU.**
- **Q: R' Chananya** asked, if one writes a get for his zikah but not for his maamar, or visa-versa, will it be valid? Do we say that the maamar is on top of the zikah and the get is as if he divorces half the woman, in which case it would not be a valid get, or do we say that the zikah and maamar are 2 separate things? Although we find that **Rava** says that giving a get for one's maamar is valid, it may be that **R' Chananya** was still unsure. **A: TEIKU.**

CHALATZ V'ASSA MAAMAR

- **R' Yehuda in the name of Rav** said, this only follows **R' Akiva**, who says that kiddushin does not take effect when the man and woman are assur to each other with a lav. However, the **Rabanan** would say that the kiddushin would take effect.
 - **Q:** In the earlier part of the Mishna it says that if maamar is done after a get, another get is needed for the maamar. Now, according to **R' Akiva**, once a get is given she becomes assur to him with a lav based

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on a pasuk, and the later maamar should therefore not take effect at all!? **A: R' Ashi** said, even according to **R' Akiva**, the get for a yevama only takes effect D'Rabanan, and the pasuk he quotes is only an asmachta.

- We find that a Braisa says like **R' Yehuda** as well.
- A Braisa says, if one gives chalitza to his yevama and then gives her kiddushin, **Rebbi** says that if the kiddushin was given for marriage, she would need a get. If it was given for yibum, she would not need a get (since chalitza was already given, the maamar would not take effect). The **Chachomim** say, in either case, she would need a get.
 - **R' Yosef** said, **Rebbi's** view is similar to the case of one who works the field of a ger who has died (which would normally be a way to acquire the field), but does so because he thinks it is his own field. Just as there he is not koneh the field because he did not intend to make a new kinyan, so too here he did not intend to make a new kiddushin, and he therefore would not be koneh her.
 - **Abaye** said, this comparison is not right, because in the case of the field he does not even to intend to make a kinyan at all, whereas in the case of the yevama he does! Therefore, **Abaye** says that the machlokes is where the yavam says, I want to give you the kiddushin of maamar. The reason behind the machlokes is that **Rebbi** says maamar stands on the zikah. Since the zikah is gone, the maamar can't take effect. The **Rabanan** say that the zikah and the maamar each stand on their own. Therefore, even after the zikah is gone, the kiddushin of maamar can take effect.
 - **Rava** said, in **Abaye's** case all would agree that it does take effect. The machlokes is where the yavam said, I am mekadesh you with the zikah of yibum. **Rebbi** holds of the concept of zikah, and therefore, once it is removed with the chalitza, it cannot be used for kiddushin. The **Rabanan** say there is never zikah. Therefore, since this kiddushin would have taken effect before the chalitza, it can take effect now as well.
 - **R' Shrivya** said, the case here is where a deficient chalitza was done. **Rebbi** holds it still totally removes the zikah and therefore the zikah cannot be used for kiddushin. The **Rabanan** say that the chalitza does not fully remove the zikah, and therefore the zikah can still be used to create a kiddushin.
 - **R' Ashi** said, the case is where the chalitza was given on a condition. **Rebbi** holds this condition is not effective, and the chalitza therefore immediately removes the entire zikah. The **Rabanan** say that a condition can be effective, and therefore the zikah is not removed until the condition is fulfilled.
 - **Ravina** said, all agree that a condition may be made, but they argue in whether or not the condition must be a double condition. **Rebbi** says it must be so and the **Rabanan** say that it need not be double.

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CHALATZ V'ASSA MAAMAR V'NOSSAN GET U'BA'AL...

- **Q:** Why does the Mishna only end off with the statement “there is nothing that is effective after chalitza” and not add “or after bi'ah”, since that was one of the examples given as well? **A: Abaye and Rava** say, that a more proper reading should add the words “or after bi'ah”. The reason why our Mishna does not state it, is because our Tanna holds that permitting a yevama to get married to outside people is more important to be clearly stated. Once this is written, we would be able to deduce on our own that the same would hold true after a bi'ah as well.

ECHAD YEVAMA ACHAS ECHAD SHTEI YEVAMOS

- Our Mishna does not follow **Ben Azzai**, because he says in a Braisa that a maamar only takes effect after another maamar when there are 2 yavams and one yevama, not when there is one yavam and 2 yevamos.

KEITZAD MAAMAR L'ZU...

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- From the fact that the Mishna says that he gives chalitzta to the one who did not get the maamar, the Mishna seems to be a proof to **Shmuel**, who says that a chalitzta given to one who got maamar will not release a tzara. Or we can say that the Mishna also seems to refute **R' Yosef**, who says that we should give chalitzta to the woman who is anyway passul to a Kohen.
 - The Gemara says, the Mishna is not necessarily a proof or a refutation. The Mishna doesn't say "he should give chalitzta to the second woman". The Mishna says "chalatz" – which suggests that if he gave chalitzta to the second woman..., not that we are suggesting that that is how it should be done.

GET L'ZU V'GET L'ZU...

- **Q:** The Mishna seems to say that each of the women must get a chalitzta. Shall we say this is a proof to **Rabbah bar R' Huna**, who says that a deficient chalitzta must be done from each brother for each woman? **A:** The Mishna's use of the plural was meant to refer to cases in general, and not both women in this case.

GET L'ZU V'CHALATZ L'ZU

- From the fact that the Mishna says that he gives chalitzta to the one who did not get the maamar, the Mishna seems to be a proof to **Shmuel**, who says that a chalitzta given to one who got maamar will not release a tzara. Or we can say that the Mishna also seems to refute **R' Yosef**, who says that we should give chalitzta to the woman who is anyway passul to a Kohen.
 - The Gemara says, the Mishna is not necessarily a proof or a refutation. The Mishna doesn't say "he should give chalitzta to the second woman". The Mishna says "chalatz" – which suggests that if he gave chalitzta to the second woman..., not that we are suggesting that that is how it should be done.

CHALATZ V'CHALATZ OH CHALATZ...

- **Q:** Why does the Mishna only end off with the statement "there is nothing that is effective after chalitzta" and not add "or after bi'ah", since that was one of the examples given as well? **A:** **Abaye and Rava** say, that a more proper reading should add the words "or after bi'ah". The reason why our Mishna does not state it, is because our Tanna holds that permitting a yevama to get married to outside people is more important to be clearly stated. Once this is written, we would be able to deduce on our own that the same would hold true after a bi'ah as well.

BEIN YAVAM ECHAD L'SHTEI YEVAMOS...

- **Q:** The Mishna said that a maamar after a chalitzta is ineffective whether from one yavam or two. It is understandable according to **R' Yochanan**, who says that after the chalitzta all brothers are assur to all yevamos with a lav, that the Mishna here is teaching that the maamar won't be effective even though it is only going against a lav. However, according to **Reish Lakish**, who says that the brothers remain assur to her, and all the yevamos remain assur to the yavam and all the brothers, with kares, it is obvious that maamar can't be effective!? **A:** **Reish Lakish** will say, the case in the Mishna that says that maamar can't be effective if given after a bi'ah is also obvious (she becomes fully married through the bi'ah, and it is therefore obvious that a kiddushin can't take effect)! The reason it is listed must be that the Mishna is listing all the different scenarios with one yavam and more, and one yevama and more.

CHALATZ V'ASSA MAAMAR V'NOSSAN...

- **Q:** It is understandable why the Mishna teaches that a maamar is ineffective after a chalitzta, because we would think to be goizer in that case for a case of a maamar done before a chalitzta. However, why does the Mishna need to teach that a get given after a chalitzta is not effective? That is obvious!? **A:** The Mishna later says that a get after a bi'ah and a maamar after a bi'ah are ineffective. It seems obvious that a maamar after a bi'ah is totally ineffective, so why the need to say it? The reason must be that once we list maamar in respect to chalitzta, we list it in respect to bi'ah as well. And once we mention get in reference to bi'ah, we mention get in reference to chalitzta as well.

BIZMAN SHEHEE...

- Our Mishna does not agree with a Braisa that says that just as bi'ah only renders all else ineffective when the bi'ah is done at the beginning, the same is true for chalitzta.
 - The result is that there is a 3-way machlokes. The **T"K** of our Mishna holds that we are only goizer by bi'ah (that is where we have to be concerned that saying bi'ah is final after a get may lead to bi'ah after chalitzta and bia'ah after bi'ah) but not chalitzta. **R' Nechemya** says that we are

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not goizer by bi'ah either (we don't need to be goizer because chalitza and bi'ah are D'Oraisa, so people won't come to mix up the two). The Braisa is goizer bi'ah like the Mishna, and is then goizer chalitza as a gezeirah for bi'ah.

HADRAN ALACH PEREK R' GAMLIEL!!!

PEREK HABAH AHL YEVIMTO -- PEREK SHISHI

MISHNA

- If one has bi'ah with his yevama – whether it is b'shogeg, b'meidiz, b'ones (forced), b'ratzon (willingly), or even if one of them are b'shogeg and the other is b'meizid, etc., whether he only does the beginning of the bi'ah or the complete bi'ah, he is koneh her as a wife. Also, there is no difference made between one bi'ah (in the natural way) and another bi'ah (in an unnatural way).
 - The same is for one who has bi'ah with any of the arayos or those passul to him (as a Kohen) like a widow to a Kohen Gadol, or a divorcee or chalutza to a regular Kohen, or a mamzeres of nesinah to a Yisrael, or a Yisraelis to a mamzer or nasin. In all these cases, even if the bi'ah was in one of these compromising ways, she still becomes assur to a Kohen through this bi'ah. Here again, there is no difference made between one bi'ah (in the natural way) and another bi'ah (in an unnatural way).

GEMARA

- **Q:** Why does the Mishna introduce the cases where only one of them is the compromised situation and the other is not (e.g. one is b'shogeg and one is b'meizid, etc.) by saying “even”, as if to say these cases are more novel? **A:** The Mishna is saying, not only is he koneh if he was a shogeg and she had in mind for the mitzvah, etc., rather even if neither of them had in mind for the mitzvah, he is still koneh her.
 - **R' Chiya** taught this clearly in a Braisa. He says, even if both of them were shogeg, both were meizid, or both were forced, it is still a good yibum.
- **Q:** What is the cases of them being forced? If it is that goyim forced him to have bi'ah with her, **Rava** has said that that would not be considered forced, because one can only be physically prepared for bi'ah when he is willing! It can't be discussing when he is sleeping, because **R' Yehuda** said that one who is sleeping cannot be koneh his yevama. It can't be discussing where he was ready for bi'ah with his wife on a roof, and fell off the roof onto his yevama and in that way had tashmish, because **Rabbah** said that he would not be koneh in that case! **A:** The case is where he was ready to have bi'ah with his wife, and the yevama grabbed him and had bi'ah with him.
 - **Q:** What would be the case of where they are both forced? **A:** Where he was ready for bi'ah with his wife, and goyim came and forced him onto the yevama so that they are both forced.