



Daf In Review – Weekly Chazarah

Maseches Yevamos, Daf לז – Daf קב

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 לז---89-----

MISHNA

- If a man is told that his wife (Wife 1) has died, and he therefore goes and marries her paternal sister (Wife 2); and is then told that she died and went and married Wife 2's maternal sister (Wife 3); and is then told that Wife 3 died, so he went and married Wife 3's paternal sister (Wife 4); and is then told that she died and he went and married Wife 4's maternal sister (Wife 5), and he then finds out that none of them had actually died, he is allowed to remain married to Wife 1, 3, and 5 (they are unrelated to each other) but not to Wife 2 and 4 (2 is a sister of 1, and 4 is a sister of 3). If only Wife 1 had actually died, he remains mutar to Wife 2 and 4, but not to Wife 3 and 5.
- If one of the yavams is 9 years old and he does bi'ah with the yevama, the other brothers may no longer do yibum with the yevama. If the other brothers do bi'ah, maamar, chalitza, or give a get after the 9 year old's bi'ah, that prevents him from completing his yibum with the yevama. The main difference being that his act only has an effect when it is done first, before anyone else's act, whereas an adult's act can take effect even if it is done after the minor's act.

GEMARA

- **R' Sheishes** explained, the second case of the man who married the multiple sisters is discussing where the marriage to the second sister happened after the actual death of the first wife, and was therefore a legal and valid marriage.

BEN TEISHA SHANIM...

- **Q:** The Mishna said that the bi'ah of the minor only effects if it is done before any act of an adult brother. However, **R' Zvid bar R' Oshaiya** taught a Braisa that the bi'ah of a minor done after an adult brother did maamar, is effective in disallowing the adult from continuing with yibum!? **A:** A minor's bi'ah is effective even if done after the adult's acts. It is the minor's maamar that is only effective when it is done first.
 - **Q:** The Mishna clearly says (and gives an example) that the bi'ah of a minor is ineffective unless it is done before any adult's act!? **A:** The Mishna is missing words and should say that his bi'ah is effective at any time, but his maamar is only effective when it is the first act done to the yevama.
 - **Q:** A Braisa says that a minor can only effect a yevama in one way (with bi'ah) whereas an adult can effect a yevama in 4 ways (bi'ah, maamar, get, chalitza). We see that a minor cannot even do maamar at all!? **A:** The Braisa only mentions things that can take effect at any time. Since only his bi'ah has the ability to do that, it is the only method mentioned.
 - We find that **R' Yehuda in the name of Shmuel** says that the get given by a minor to his yevama has some effect. **R' Tachlifa bar Avimi** says his maamar has an effect. A Braisa says that **R' Meir** says his get and his maamar have an effect.
 - **Q:** A Braisa says that **R' Meir** says that the chalitza of a minor has the effect of the get of an adult. Now, if **R' Meir** holds that a minor's get has effect, he should compare the minor's chalitza to his own get, not to the get of an adult!? **A:** **R' Huna the son of R' Yehoshua** said, **R' Meir** holds that the minor's get is less effective than the adult's get, and he says that the minor's chalitza has the status of an adult's get. The minor's get is less effective in that according to **R' Gamliel** who says that no get is effective after an earlier get is given, that would not be true for the get of an adult given after the get of a minor. According to the **Rabanan** who say that the second get does have effect, that would not be true when the second get is a minor's get.

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MISHNA

- If a yavam who is a minor (at least 9 years old) has bi'ah with his yevama, and then another minor brother (also at least 9) has bi'ah with her as well, that second brother makes the first brother assur to continue with a full yibum. **R' Shimon** says he does not become assur to do so.
- If the minor yavam had bi'ah with one yevama, and then had bi'ah with a tzara, he may no longer complete yibum with the first yevama. **R' Shimon** says that he may.

GEMARA

- A Braisa says, **R' Shimon** said to the **Chachomim**, if the first minor's bi'ah makes a kinyan, the second brother's bi'ah is nothing, and if the first brother's bi'ah does nothing, neither does the second brother's bi'ah!
- Our Mishna does not follow **Ben Azzai**, who says that when one yavam gives maamar to 2 yevamos, the second one doesn't take effect. Our Mishna says that when one minor does bi'ah (a minor's bi'ah is given the status of an adult's maamar) with 2 yevamos, the second bi'ah does have an effect.

MISHNA

- If the minor yavam had bi'ah with the yevama and then he died, the yevama must get chalitza, and not yibum, from the other brothers (this yevama now has the zikah of the first brother and of the minor brother, and therefore she may not be taken in yibum).
- If a minor gets married and dies without children, his wife is patur from yibum or chalitza.
- If the minor had bi'ah with his yevama, and when he became an adult he married another woman and then died without children, the Halacha is as follows: if he never had bi'ah with his first wife (the yevama) after becoming an adult, that woman must get chalitza but not yibum (it is as if she only got maamar and therefore is now falling to yibum from "two houses", and may not be taken in yibum), and the second wife may be taken in yibum or chalitza (she has only a single zikah). **R' Shimon** says, the brother can do yibum with whichever woman he'd prefer and give chalitza to the other woman.
- All these rules apply whether he is a minor of 9 years old, or even if he is 20 years old, but has yet to produce shtei saaros.

GEMARA

- **Rava** said, we see from our Mishna that when we say that a woman who has the zikah of 2 brothers on her may not be taken in yibum, and may only get chalitza, that is even where there is no tzara in the scenario at all.

NASA ISHA UMEIS...

- The Mishna is saying the same thing that is taught in a Braisa, that a shoteh or minor who get married and die without children, their wives are patur from chalitza or yibum.

BEN TEISHA...MISHEHIGDIL...

- **Q:** Why don't we say that since the bi'ah of the minor is given the status of the maamar of an adult, the tzara should not be allowed to be taken in yibum!? **A: Rav** said that they did not treat the bi'ah of the minor as the maamar of an adult for this purpose.
 - **Shmuel** and **R' Yochanan** both say that they did, and the reason the Mishna does not say that the tzara is assur to be taken in yibum is because that is actually a matter of dispute.
 - **R' Elazar** repeated this teaching of **R' Yochanan** without attributing it to **R' Yochanan**, and **R' Yochanan** was upset at him for this. **R' Ami** and **R' Assi** tried to calm **R' Yochanan** by showing him the ills of anger and how it led the tearing of a Sefer Torah, and the eventual turning of that Beis Medrash into a house of avodah zarah. **R' Yochanan** became even more upset, saying that that story happened between colleagues, whereas he was the rebbi here. **R' Yaakov bar Idi** then told **R' Yochanan** that we find that whenever Yehoshua said something that he heard from Moshe he did not say that it was from Moshe. Rather, since Moshe was his known rebbi, it was known that anything Yehoshua said was automatically from Moshe. The same is here with **R' Elazar**, who is your talmid. This appeased **R' Yochanan**.

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- **R' Yochanan** was very particular to have this repeated in his name, because we find a drasha that when something is said over in someone's name, it is a big zechus for him even if he is no longer living.

-----Daf 139-----90-----

ECHAD BEN TEISHA SHANIM...

- **Q:** A Mishna says that a person who doesn't have shtei saaros at 20 years old should bring proof that he is 20 and he is given the status of a sris, which is an adult, and not like our Mishna said that he is still considered to be a minor!? **A: R' Shmuel bar Yitzchak in the name of Rav** explained that that Mishna is discussing where the person developed signs of being a sris. Our Mishna is discussing where these signs have not developed.
 - **Q:** If a person does not develop signs of a sris, until what age is he considered to be a minor? **A:** Until most of his life has passed (when he is 36).
 - When **Rava** was asked to examine a person to see if he was a sris (because he hadn't produced shtei saaros), if he saw the person was underweight, he'd tell him to put on some weight. If he saw he was overweight, he'd tell him to lose weight. Being underweight or overweight can cause the shtei saaros to fall out of a person.

HADRAN ALACH PEREK HA'ISHA RABBAH!

PEREK NOSIN AHL HA'ANUSAH -- PEREK ACHAD ASSAR

MISHNA

- One may marry the relatives of a woman he has raped or seduced. A person who rapes or seduces a relative of his wife is chayuv for bi'ah with an ervah. A person may marry a woman who was raped or seduced by his father or by his son. **R' Yehuda** says a person may not marry a woman who was raped or seduced by his father.

GEMARA

- The Mishna says like a Braisa, which says that one may marry the daughter of a woman he has raped, but one may not marry the daughter of a woman who was his wife.
 - **Q:** A Braisa says that a man who is rumored to have been mezaneh with a particular woman may not marry that woman's mother, daughter or sister!? **A:** The Braisa is based on a gezeirah D'Rabanan.
 - **Q:** The Mishna says "one may marry", which suggests even l'chatchila. If it was assur even D'Rabanan, the Mishna would not use such language!? **A:** Our Mishna is discussing the Halacha after the death of the woman that was raped or seduced.
- **Q:** How do we know that a man may marry the relatives of this woman? **A:** A Braisa says, by all other arayos the Torah says the issur is to "lie" with the ervah. Regarding a woman's relatives, the Torah says the issur is to "take" a woman and her relative, which refers to marriage.
 - **Q: R' Pappa** asked **Abaye**, the pasuk regarding the issur to be with one's sister also says it in terms of "taking". Is that to mean that the issur is only in marriage, but not just for znus? **A: Abaye** said, where the word "taking" can mean marriage, it is to be understood as such. Where it can't mean that (marriage does not take effect between siblings), it must mean znus.
 - **Rava** said, we learn that one may marry the relative of the woman he has raped from the psukim. One pasuk says a man not be mezaneh with his daughter or granddaughter. This suggests that he could marry his wife's daughter and granddaughter. Another pasuk says that he cannot marry his wife's daughter and granddaughter. It must be that he may not marry the relatives from his wife, but may marry the relatives of the woman he has raped.

R' YEHUDA OSER B'ANUSAS AVIV...

- **R' Gidal in the name of Rav** explains **R' Yehuda**, that the pasuk says it is assur to marry your father's wife and then says "v'lo yigaleh knaf aviv". Given that the previous pasuk discusses a rape, we say that this is also referring to a woman raped by one's father, and the pasuk says that she is assur. The **Rabanan** say that the

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beginning of the pasuk separates the pasuk of rape from this part of the pasuk, and therefore the pasuk is to be understood for the Halacha of **R' Anan**, who says that it is assur to marry the yevama of one's father.

- **Q:** One's father's yevama should be assur as his aunt!? **A:** The pasuk makes her assur with a second lav.
- **Q:** She is already assur as any yevama is assur to marry a man other than her yavam!? **A:** The pasuk makes her assur with a third lav. **A2:** The pasuk is needed for after the father's death, when she is no longer a yevama waiting for her yavam to do yibum.
- The Gemara goes through a number of riddle type cases that produce strange results:
 - It is possible for a woman to say that her paternal brother is her mother's husband, and that she herself is his wife's daughter (when Reuven marries the woman his father had raped and had produced a daughter with).
 - **Rami bar Chama** explains, this cannot work according to **R' Yehuda**.
 - A woman can say "He is my brother, and he is my son, I am the sister of the baby I am carrying". This can be said when a goy is mezaneh with his daughter and has a son with her.
 - A woman can say "You are my son, and I am your sister's daughter". This can be said when a goy is mezaneh with his daughter's daughter and had a son with her.
 - A woman can say that a child is her son, and she is his brother's daughter. This can be said when a goy is mezaneh with his son's daughter and has a son with her.
 - A woman can say, "My brother is my father, who is my husband, who is my husband's son, who is my mother's husband, and I am his wife's daughter". This can be said when a goy is mezaneh with his mother and has a daughter with her, and then is mezaneh with that daughter (in this way he is her "husband"), and then his father is mezaneh with that daughter who had children from him.
 - A woman can say to a man, "You and I are siblings, your father and I are siblings, and your mother and I are siblings". This can be said when a goy is mezaneh with his mother and has 2 daughters from her, and then is mezaneh with one of those daughters and has a son with her. His mother's sister can make this statement to him.
 - A person can say "You and I are cousins, your father and I are cousins, and your mother and I are cousins". This can even happen in a permissible way, if Reuven has 2 daughters, and one married Shimon, and Levi's son married the other daughter. Shimon's son can make this statement to Levi's grandson.

MISHNA

- If brothers converted, and one dies without children, the other is not obligated in yibum or chalitza. This will be the same Halacha even if one of the brother's was conceived before the mother's conversion and born after the conversion and the second brother was conceived and born after the mother's conversion. The same Halacha will apply to a maidservant whose sons were freed along with her.

GEMARA

- **R' Acha bar Yaakov** allowed 2 brothers who were freed from slavery along with their mother, to marry each other's wives (he held they were not legally related anymore). **Rava** asked him, we know that **R' Sheishes** disallowed it!? He answered, that he argues with **R' Sheishes**.
 - Both would agree that if they are only paternal brothers, they would be permitted to marry. They would also agree that if they were maternal brothers it would be assur. The machlokes is where they are maternal and paternal brothers. The one who says it is mutar says so because they are referred to as the sons of their father. **R' Sheishes** says it is assur because they are also referred to as the sons of their mother.
 - Others say that **R' Acha bar Yaakov** even argued regarding maternal brothers, and he allowed it, because a convert is considered to be a newborn baby (without any family relationships).
 - **Q:** Our Mishna says that convert brothers may not do yibum, presumably because it is assur!? **A:** The Mishna means there is no yibum *obligation*, but they would be mutar to marry their brother's wife.

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- **Q:** The fact that the Mishna begins the second case with “even though”, would suggest that the Mishna is dealing with an issur!? **A:** The Mishna means to say that “even though” both brothers were born to a Jewish mother, and there is a chance that people may therefore confuse them with regular Jews, still they are mutar to marry each other’s wife.
 - **Others** say that the Mishna is a proof to **R’ Acha**, because the verbiage of “even though” suggests that even though both brothers were born to a Jewish mother, and there is a chance that people may therefore confuse them with regular Jews, still they are mutar to marry each other’s wife. The Gemara then says, it may be that the Mishna means that they are assur. The “even though” means that even though one was conceived before the conversion, and therefore it is as if they are from 2 different mothers, still they are assur.
- **Q:** A Braisa says that twin converts do not do yibum or chalitzah and are not chayuv for the ervah of eishes ach. If they were conceived before their mother’s conversion and born after it, they would not do yibum or chalitzah, but would be chayuv for the ervah of eishes ach. If they were conceived after the conversion they are like regular Jews. Now, the Braisa says they would not be chayuv for eishes ach, but this suggests that there would be an issur, which is like **R’ Sheishes** said!? **A:** It may be that there is even no issur. The reason the Braisa said “they are not chayuv”, is to use the verbiage used in the next part of the Braisa, which had to say “they are chayuv”.
 - **Rava** said, the fact that we give no credit to the paternity of goyim is not because we are unsure as to their paternity, which would suggest that if we were sure we would give credit, because the Braisa says that twins converts are not subject to yibum or chalitzah, even though it is known with certainty that they share the same father. Rather, the reason is based on a pasuk.

-----Daf פ"ט-----91-----

- A Braisa says, **R’ Yose** said, a ger once married his maternal brother’s wife, and the **Chachomim** said it was okay because there is no legal marriage for a ger.
 - **Q:** Does this mean to say a ger has no legal marriage and if he gives a kiddushin it has no effect!? **A:** The Braisa means that there is no issur of eishes ach for a ger.
 - **Q:** Presumably this is referring to where the brother married after he became a ger, and still it is mutar, which is a proof to the view of **R’ Acha bar Yaakov**!? **A:** The case is where he was married to the woman only before he converted and then she converted as well. We would think not to allow the brother to marry her, as a gezeirah to prevent him from marrying the brother who was married as a ger.
- **Q:** A Braisa says that **Ben Yasyan** met a ger who married his maternal brother’s wife, and said that **R’ Akiva** allowed such a marriage!? **A:** The case is where he was married to the woman only before he converted and then she converted as well. We would think not to allow the brother to marry her, as a gezeirah to prevent him from marrying the brother who was married as a ger.
 - **Q:** **R’ Abba in the name of R’ Huna in the name of Rav** said that we don’t trust the recitation of a halachic tradition said by someone who himself benefits from the tradition as stated. If so, how was this ger believed!? **A:** He had taught this tradition before it became relevant to his own case. **A2:** He stated the tradition as happening to an actual case that had occurred. **A3:** He stated a second tradition from **R’ Akiva** along with this one (he darshened a pasuk to teach that Hashem appeared to Yonah only twice), and therefore he is believed.
 - **Q:** A pasuk seems to say that Hashem spoke to Yonah a third time as well!? **A:** **R’ Akiva** meant that Hashem only spoke to Yonah twice regarding Ninveh.
- **Q:** A Braisa says that a ger may marry his brother’s wife. Presumably this is referring to where the brother married after he became a ger, and still it is mutar, which is a proof to the view of **R’ Acha bar Yaakov**!? **A:** The case is where he was married to the woman only before he converted and then she converted as well. We would think not to allow the brother to marry her, as a gezeirah so as to prevent him from marrying the brother who was married as a ger.

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- **Q:** The Braisa said, if a goy married a woman and her daughter and then became a ger, he must divorce one of them. The Braisa then says that l'chatchila he should not marry them both. Now, if he must divorce one, clearly he may not marry them both l'chatchila!? **A:** When the Braisa says that l'chatchila he should not marry them, it is referring to the earlier part of the Braisa that discusses marrying other women (e.g. his paternal sister, etc.).
- The Braisa ended by saying that if the ger's wife died he may marry her mother. Others had a version that said he is assur to marry her mother.
 - The version that says it is assur holds like **R' Yishmael**, who says that a mother in law remains assur to a regular Jew even after the death of his wife. Therefore, the **Rabanan** were goizer in the case of a ger as well. The version that says it is mutar holds like **R' Akiva**, who says that issur of marrying a mother in law is weakened after the death of his wife, and therefore the **Rabanan** were not goizer in the case of a ger.

MISHNA

- If 5 women had their sons get mixed up (they no longer know which boy belongs to them), and each of these boys got married and died childless (and each had a brother who should be subject to yibum), 4 out of the 5 brothers give chalitzta to one woman and the 5th one does yibum to her. This is repeated (with a different brother becoming the "5th brother") to each of the 5 women. The result is that each woman receives 4 chalitzos and one yibum.

GEMARA

- The chalitzos must be done before the yibum, because if not it is very possible that he is marrying a yevama that is not his, with the result that a yevama is marrying someone other than her yavam.
- **Q:** The Mishna seems to say that one brother cannot marry more than one of the women. Why not? **A:** We do not want one marrying all 5 women. We rather each one take one wife, so that it is possible that one may have done yibum to the proper woman.
- A Braisa says, if some of them were brothers and some were not brothers, the brothers should do chalitzta and the non-brothers should do yibum.
 - **R' Safra** explains, the Braisa means, if some were only paternal brothers and some of the living brothers, besides being a paternal brother to one of the dead brothers were also a maternal brother to one of the brothers who died, the one who is also a maternal brother should only do chalitzta, and the one who is only a paternal brother should do the yibum.

The Braisa continues, if some brothers are Kohanim and some are not, the Kohanim should give chalitzta and the non-Kohanim should do yibum. If some brothers are Kohanim and the others are maternal brothers (as explained earlier), they should all do chalitzta and may not do yibum.

-----Daf ט"ז ---92-----

- A Braisa says, it is possible that one must give his mother chalitzta because of a safek, that one give his sister chalitzta because of a safek, and that one give his daughter chalitzta because of a safek.
 - If 2 women, each of whom had a son, then had sons at the same time and the babies became mixed up, and then each of these women became widows and married the first son of the other woman, and both husbands died childless, the two sons who were mixed up are each going to have to give chalitzta to each of the women (one of which is his mother).
 - If 2 women, each of whom had a son, then had daughters at the same time and the babies became mixed up, and these girls each married a paternal brother of the brothers, and the paternal brothers both died childless, the remaining brothers will have to give chalitzta to their yevama, who may possibly be his own maternal sister.

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- If 2 women had daughters at the same time and the babies became mixed up, and these girls each married a paternal brother of the fathers, and the paternal brothers both died childless, the remaining brothers (the fathers) will have to give chalitza to their yevama, who may possibly be his own daughter.
- **R' Meir** said in a Braisa, it is possible for children of the same parents to have the status of 5 different genealogical groups. If a Yid purchases a slave and maidservant from a goy, and this slave couple had 2 children before being bought (the children are considered regular goyim), and one of them then converts (one is now a ger), he then makes them go to the mikvah to become the slaves of a Jew and they have another child (that child has the status of a Kinaani slave), and he then frees the maid and they have another child (that child gets the status of a mamzer), and he then frees the slave and they have another child (that child is a full-fledged Jew).
- A Braisa says, there can be a case where someone sells his father in order to allow his mother to collect her kesubah. If a Yid bought a slave and maidservant from a goy, and they already had a son (who was not a slave himself), and the Yid then frees the maidservant and marries her and gives all of her possessions to her son (the goy). That goy can then sell his father (who is one of the Yid's possessions) to get money to pay for his mother's kesubah when the Yid dies.

MISHNA

- If a woman has a son at the same time as her daughter in law, and the babies became mixed up, and these boys eventually married and died childless, the daughter in law's other sons only do chalitza and not yibum, because each widow may be their brother's widow or may be the widow of their father's brother. However, the other sons of the mother in law may do yibum, because the widow is possibly their brother's widow and possible their nephew's widow (which is anyway mutar).
 - If the definite sons died childless, the sons who were mixed up would do as follows: if the son of the mother in law died, the mixed up sons must only do chalitza and not yibum, because the widow may be the wife of their father's brother (which is assur). If the son of the daughter in law died, one of the mixed up sons does chalitza and the other can do yibum (the widow is either his yevama or his nephew's widow, which is mutar to him).
- If a Kohen's wife and her maidservant had sons at the same time and they became mixed up, both of these children may eat terumah, but they would only receive one portion of terumah for the both of them at the granary. Both boys may not become tamei to a meis, and both could not marry at all (neither to a woman fit to marry a Jew or to a woman who is unfit).
 - If they grew up and they each freed the other one, they may then marry women who are fit to marry Kohanim, they may not become tamei to a meis. but if they do they do not get malkus, they may not eat terumah, but if they do they do not have to pay for it and add a fifth, they do not receive a portion of terumah at the granary, they may sell the terumah that they separate from their own produce and keep the money, they do not get a portion of the kodshei hamikdash, we do not give them kodashim but we do not take their kodashim from them, they are exempt from giving the Kohanic gifts to other Kohanim, the animal bechor of each of them should graze until it gets a mum and they can then eat it, and we place on them the chumros of Kohanim and of Yisraelim.

GEMARA

MEISU HAKESHEIREM

- **Q:** By referring to the sons who are not mixed up as "valid", we are suggesting that the ones who got mixed up are passul. Why would they be passul just because they got mixed up? **A: R' Pappa** said, the Mishna should say "if the definite sons died".

LIVNEI HAKALLAH ECHAD CHOLETZ...

- The chalitza must be done before the yibum to make sure that one is not marrying a yevama to an outside man.

KOHENES SHENISAREV...

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- **Q:** Since only one of them is a Kohen it is obvious that they only receive one portion!? **A:** The Mishna means that they only receive a portion if they are there together.
 - This follows the view of **R' Yehuda** in a Braisa, who says that they both must be present, because we do not give terumah to a slave unless his owner (the Kohen) is present. **R' Yose** argues and says that in this case one can come and say, "if I am a Kohen give me my portion, and if I am a slave give me the portion for my master".
 - The reason for the difference in opinion is that in the place of **R' Yehuda** they would consider someone to be genealogically fit if they saw terumah distributed to him. In the place of **R' Yose** they would not do so.
- A Braisa says, there are 10 people who may not receive terumah at the granary: a deaf-mute, a shoteh, a minor, a tumtum, an androginus, a Knaani slave (of a Kohen), a woman (wife of a Kohen), an arel, one who is tamei, and a Kohen who is married to a woman he may not be marry. Regarding the first 8 on this list, we may send terumah to them at their homes, but not for the last 2 on this list.
 - The deaf-mute, shoteh, and minor may not get terumah at the granary, because they don't have the mental capacity to keep terumah in a state of tahara. The tumtum and androginus are considered distinct categories of people and are therefore not given terumah. A slave is not given so as not to give him the status of a valid Kohen. An arel and tamei are considered disgusting, since there are more fitting Kohanim than them. One who married an unfitting wife is not given as a penalty. Regarding why a woman isn't given, there is a machlokes between **R' Pappa** and **R' Huna the son of R' Yehoshua**: one says it is a gezeirah for when she gets divorced, so that we not continue to give her then, and the other says it is a gezeirah so that she is not secluded alone with a man at the granary.
 - The difference between these reasons would be at a granary nearby a city (so they would know if a woman had gotten divorced) but is not frequented by many people (so seclusion is still an issue). Another difference would be where the granary is far from the city but is frequented by people.
 - The Braisa seems to allow sending terumah to an arel but not to a tamei, because the arel is one who didn't get a bris after a number of his brothers died from getting a bris. Therefore he is considered to be an oneis. However, the tamei Kohen is not considered to be an oneis, because he should have been more careful.

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- A Braisa says, we do not give terumah to a slave or a woman in the granary, but in a place that we do give to a woman, we make sure to give them first and let them leave.
 - The Gemara explains, that the second part of the Braisa is referring to maaser ani, which is given to women as well, and the Braisa says that the women should be given first so as to spare them the embarrassment of waiting in line.
 - **Rava** said, initially, when a man and a woman each came before me for a Din Torah, I would take the man's case first, since he is chayuv in more mitzvos. However, after hearing the above logic, I began to take the woman's case first.

HIGDILU HATAAROVOS...

- **Q:** The Mishna seems to say that they have the option to free each other, but need not do so ("if they freed each other..."). If they don't free each other they cannot get married, so they should be forced to do so!? **A: Rava** said, the Mishna means to say that we force them to free each other.

NOSNIN ALEIHEM CHUMREI...

- **R' Pappa** explains, the Mishna is teaching here that if they bring a Korbon Mincha, it must be treated as a Mincha from a Yisrael (a kemitza is removed and offered) and of a Kohen (the entire Mincha is burned and not eaten). This is done by first removing the kemitza and burning it, and then by burning the remaining part of the Mincha.
 - **Q:** We learn from a pasuk that once the part that is supposed to be offered is offered, the remainder may not be offered on the Mizbe'ach!? **A: R' Yehuda the son of R' Shimon ben Pazi** said, the Kohen

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offers the remaining part as if it were firewood, because **R' Eliezer** says in a Braisa that it is only problematic if it is offered as a Korbon.

- **Q:** How would this work according to the **Rabanan** who argue on **R' Eliezer**? **A:** They would say that the remainder is spread over the Beis Hadeshen, and not burned on the Mizbe'ach.

MISHNA

- If a woman remarried less than 3 months after termination of a marriage and has a baby boy 7 months later, thus making that we don't know if the boy is a son of the first husband or the second husband, and this woman also had additional sons from each husband as well, and this baby boy grows up, gets married, and dies without children, the sons of both husbands must do chalitza and may not do yibum. Similarly, if one of those other sons die childless, this boy must do chalitza and not yibum.
- If each husband had an additional son, but they were not from this woman, if one of those sons dies childless the safek boy may do yibum or chalitza, but if the safek boy dies, one of the other boys should do chalitza and the other can do yibum.
- If one husband was a Yisrael and the other was a Kohen, this boy may only marry a woman who is fit to marry a Kohen, he may not become tamei, but if he does he would not get malkus, he may not eat terumah, but if he does he does not need to repay it and the chomesh, he does not receive a portion at the granary, he may sell the terumah he separates from his own produce and may keep the money, he does not get kodshei hamikdash, we do not give him kodashim, but we cannot force him to give his own kodashim to a Kohen, he does not need to give the Kohanic gifts (when shechting an animal), his animal bechor may be left to graze and get a mum and may then be kept by him, and we give him the chumros of Kohanim and Yisraelim,
- If both husbands were Kohanim, he acts as an onein for both of them and they do the same for him, he may not become tamei to them and they may not become tamei to him, he does not inherit them but they inherit him, he would not be chayuv for hitting or cursing either of them, he does the Avodah with the mishmar of each of them but does not get a portion from what is divided among the people of the mishmar, but if both men were from the same mishmar he does get a single portion.

GEMARA

- When the Mishna says that one does chalitza and the other does yibum, the chalitza must be done first, so as to make sure that the zikah is gone if the marriage is not the true yibum.
- **Shmuel** said, if there is a group of 10 Kohanim and we know that one of them was mezaneh with an unmarried woman, the child is considered to be a "shtuki", (but the child is certainly a valid Kohen).
 - **Q:** What is meant by saying that he is a shtuki? If it is meant that we don't let him inherit his father's estate, that is obvious, because he doesn't know who his father is!? **A:** It must mean, that although he is genealogically fit, we do not allow him to act as a Kohen (do the Avodah or eat terumah), because the pasuk says regarding Kohanim "lo ulizaro acharav", which teaches that only a Kohen who knows who his father is gets the full status of a Kohen.
 - **Q: R' Pappa** asked, based on this, what does the pasuk regarding Avrohom mean when it says "lihiyos lecha LeiLokim ulizaracha acharecha"? **A:** That teaches that a Jew should not marry a goy, which would cause his children to follow the ways and status of their mother.
 - **Q:** A Braisa says that if a Kohen did yibum less than 3 months after his brother died, so that when a boy is born 7 months later we don't know who the father is, that boy is still fit to be a Kohen Gadol. According to what we just said, since it is uncertain who his father is, this boy should not be fit to be a Kohen!? **A:** This requirement is only D'Rabanan, and the pasuk is an asmachta. The **Rabanan** only made this gezeirah in a case of znus, not in a case of marriage.
 - **Q:** We see from our Mishna that the **Rabanan** were not goizer even in a case of znus. The Mishna says that if the woman "did not wait after her husband for 3 months" and married and had a son...". It can't be referring to where the first husband died, because the Mishna later says that both husbands observe aninus for the son. If the first husband is dead, how does he observe aninus!? It also can't be referring to where the first husband divorced her, because if

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that was so, why can't the boy become tamei to him? If he is the father he may become tamei to him, and if he is not the father, then he was born from a Kohen's marriage to a divorcee, which makes him a chalal and allows him to become tamei in either case!? It must be that the Mishna is discussing where the woman was mezaneh and did not wait 3 months after having been mezaneh, and the Mishna says that he may do the Avodah!? **A: R' Shmaya** said, **Shmuel** will say that the Mishna is discussing a case where a girl did mi'un, and waited less than 3 months before marrying another Kohen.

- **Q:** A Braisa says that a girl less than 11 can't become pregnant and a girl between 11 and 12 can become pregnant but cannot survive a pregnancy. If so, the Mishna must be talking about a girl who was at least 12 (who could become pregnant and survive the pregnancy), and a girl who is 12 can no longer do mi'un!? **A:** The case of the Mishna can be discussing a kiddushin that was made on a condition, where the condition was eventually not fulfilled. In that case the marriage can be terminated without a divorce.

-----Daf 94-----

HAYU SHNEIHEM KOHANIM...

- A Braisa says, if this son hit one man and then the other man, or if he cursed one man and then the other man, or if he hit both of them simultaneously or cursed both of them simultaneously, he would be chayuv (he has definitely hit or cursed his father). **R' Yehuda** says, if it was done simultaneously he is chayuv, but if it was one after the other he would be patur.
 - **Q:** A Braisa says that **R' Yehuda** says even if done simultaneously they are patur!? **A:** There are two Tannaim who disagree as to what **R' Yehuda** said.
 - **Q:** What would be the reason for the Tanna who says he is patur even when done simultaneously? **A: R' Chanina** said we compare the aveirah of cursing a parent to the aveirah of cursing Hashem, and thereby learn that just like one is never in doubt as to who he is cursing when he curses Hashem, he is also only chayuv for cursing a parent when he is not in doubt as to whether he is cursing a parent. We then learn to the aveirah of hitting a parent that the same Halacha applies there.

V'OLEH B'MISHMARO...

- **Q:** The Mishna seems to say that the mishmar can force him to come do the Avodah with them. Why can they do that? **A: R' Acha bar Chanina in the name of Abaye in the name of R' Assi in the name of R' Yochanan** said, if he does not do the Avodah, people will think he is a chalal, and that brings shame to the family of the mishmar. Therefore, they can force him to do the Avodah to show that he is not a chalal.

V'IHM HAYU SHNEYHEM B'MISHMAR...

- **Q:** Even if they are of the same mishmar he should not be allowed to take a portion, because each of them is likely from a different Beis Av within the mishmar, and can therefore deny him a portion since he does not definitely belong to them!? **A: R' Pappa** said, the Mishna is discussing where they are both of the same mishmar *and* of the same Beis Av. That is when he is entitled to a portion.

HADRAN ALACH PEREK NOSIN AHL HA'ANUSAH!

PEREK MITZVAS CHALITZA -- PEREK SHNEYM ASSAR

MISHNA

- The mitzvah of chalitza must be done in front of 3 judges, even if all three are laymen.
- If chalitza was done with a "minal" shoe (soft leather), the chalitza is valid (b'dieved). If it is done with a sock, the chalitza is passul. If it is done with a "sandal" shoe that has a sole, it is valid. Without a sole it is passul. If the shoe is worn below the knee (on an amputee) it is valid. If it is worn above the knee (the yavam's leg was amputated above the knee), the chalitza is passul. If the chalitza was done with a sandal shoe that did not

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belong to the yavam, or with a wooden sandal shoe, or with a left shoe placed on the right foot, the chalitza is valid. If it is done with a shoe that is too large for the yavam, but in which he could still walk, or with a small shoe, but one that still covers most of his foot, it is a valid chalitza.

GEMARA

- **Q:** If the 3 people can be laymen, why does the Mishna say that they must be judges? **A:** The Mishna is teaching the 3 people have to be like judges in that they must know how to read the parshiyos that are said in the chalitza process.
 - A Braisa says this as well. The Braisa says that chalitza must be done in front of 3 people who know how to read like judges. **R' Yehuda** says it must be done in front of 5 people.
 - The view of the **T"K** is stated in a Braisa and based on the pasuk that says "zikeinim", which refers to 2 people, and since we can't have an equal Beis Din, we require that there be 3 people. **R' Yehuda** says there is an additional pasuk that says "ziknei", also referring to 2 people, for a total of 4 people, and because we can't have an equal number, we need 5 people.
 - The **T"K (Rabanan)** says the word "ziknei" teaches that even laymen may be used. **R' Yehuda** learns this out from the word "l'einei". The **Rabanan** use that word to teach the Halacha of **Rava** that the Beis Din must see the spit come from the mouth of the yevama. **R' Yehuda** also needs it for that and therefore uses the word "b'Yisrael" to teach that even laymen may be used. The **Rabanan** use that word as does **R' Shmuel bar Yehuda**, to teach that the Beis Din may not be made of geirem. **R' Yehuda** says, the word "b'Yisrael" is written again in the pesukim, to teach this. The **Rabanan** use this word to teach that all the people present must announce "chalutz hanaal". **R' Yehuda** learns this from the word "v'nikra".
 - **Q:** Based on this logic, the pesukim that say "v'karu" and "v'dibru" should teach that an additional 4 judges are needed!? **A:** A Braisa says that "v'karu" teaches that the judges themselves, and not their messenger, must call the yavam, and "v'dibru" teaches that Beis Din give the yavam advice – if there is a big age difference between the yavam and the yevama, they advise him to give chalitza and not yibum.
 - **Rava in the name of R' Nachman** paskened that chalitza needs to be done in front of 3 people, since we have an anonymous Mishna that says this.
 - **Q: Rava** asked **R' Nachman**, if so mi'un should also require 3 people, because there is an anonymous Mishna that says so, and yet we find that **R' Nachman** himself says that 2 people are enough!? **A:** Chalitza has 2 anonymous Mishnayos that say so, and mi'un only has one.
 - **Q:** There are 2 Mishnayos by mi'un as well!? **A:** There are 3 such Mishnayos by chalitza.
 - **Q:** Why does it make a difference how many anonymous Mishnayos there are? **A:** The reason we pasken like that by chalitza is because we find that even **R' Yehuda** retracted his view and held that only 3 people are required for chalitza.
 - **Rava** said, we learn from the pasuk of "hashaara" that the judges must designate a place for the chalitza.
 - **R' Pappa and R' Huna the son of R' Yehoshua** said to have a Beis Din of 5, but they did so to help publicize the chalitza (not because a chalitza must have 5 judges). We find that **R' Yehuda** would do so as well.

-----Daf בך---95-----

- **Rabbah in the name of R' Kahana in the name of Rav** said, if Eliyahu would come and say that chalitza may be done with a minal shoe, we would listen to him. If he would say that chalitza may not be done with a sandal shoe, we would not listen to him, because the people are used to doing chalitza with such a shoe. **R' Yosef in the**

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name of R' Kahana in the name of Rav said, if Eliyahu would come and say that chalitzah may not be done with a minal shoe, we would listen to him. If he would say that chalitzah may not be done with a sandal shoe, we would not listen to him, because the people are used to doing chalitzah with such a shoe.

- The difference between them is whether a minal shoe may be used for chalitzah l'chatchila (now, when Eliyahu has not yet come). **Rabbah** seems to say that it may not be used, and **R' Yosef** seems to say that it may be used.
 - **Q:** Our Mishna seems to say that a minal shoe may only be used b'dieved!? **A:** It uses verbiage of b'dieved to stay consistent with the next part of the Mishna that says that a sock may not be used for chalitzah even b'dieved. However, in truth the Mishna agrees that a minal shoe may be used l'chatchila.
 - The machlokes between **Rabbah and R' Yosef** is actually a machlokes among Tanna'im in a Braisa.
 - **Q:** What would be the reason to say that a minal shoe should not be used? If it is because the strap does not lay directly on the yavam's foot and the pasuk teaches that it must be directly on his foot, then it should be passul even b'dieved!? **A:** The reason a minal can't be used is as a gezeira that they may come to use a minal that is torn, which is passul even b'dieved. **A2:** It is a gezeirah so that people not use a half minal that doesn't cover most of the yavam's foot.
- **Rav** said, if not for the fact that I saw **R' Chiya** allow a yevama to use a sandal shoe that is tied to the foot with straps (and would otherwise easily come off), I would have said that only the Arab sandal shoe (which is a tight fit on the foot) may be used. Regarding the sandal of those times, **Rav** said that an additional strap should be used when using it for chalitzah.
- **R' Yehuda in the name of Rav** said, the chalitzah is considered effective when most of the yavam's heel has been removed from the shoe.
 - **Q:** A Braisa says that if the straps became untied on their own, or if the yavam removed most of his foot from the shoe, the chalitzah is passul. This suggests that if the yevama removes the shoe from most of his foot it would be valid, and suggests further that most of the *foot* must be removed, but most of the *heel* would be insufficient!? **A:** The Braisa is referring to the heel, and the reason it is called the foot is because the heel carries the weight of the entire foot.
 - The Braisa is a proof to **R' Yannai**, who says that the yevama must be the one to undo the straps and remove the yavam's foot from the shoe.
 - **Q:** **R' Yannai** asked, what is the Halacha if the yevama ripped the shoe off the yavam, or burned it off the yavam? Do we say that we require the foot to become exposed, and it has become exposed, or do we say that we require the removal of the shoe, and we don't have that? **TEIKU.**
 - **Q:** **R' Nechemya** asked **Rabbah**, what is the Halacha if the yavam is wearing 2 shoes and the yevama rips open the upper and removes the lower shoe, leaving the upper shoe on his foot? Do we say that we require removal of a shoe and the shoe was removed, or do we say that we require the foot to be exposed and it has not become exposed? We find that people sometimes wear multiple pairs of shoes, as we find that **R' Yehuda** would wear 5 pairs of shoes.
- **R' Yehuda in the name of Rav** said, if a yevama is raised by her husband's brothers, she is allowed to marry one of them in yibum, and we are not concerned for the possibility that she removed the shoe of one of them, thereby doing chalitzah.
 - **Q:** This suggests that if we saw her remove one of their shoes we would be concerned that a chalitzah was done. However, a Braisa says that a chalitzah is passul unless the yavam and the yevama intend for the removal to be a chalitzah!? **A:** **R' Yehuda** meant that even if we see her remove one of their shoes, we are not concerned that it has the status of a chalitzah.
 - **Others** say that we took **R' Yehuda** to mean that if we saw her remove the shoe we would be concerned that a chalitzah was done, and although the Braisa says they must intend for the act, that intention is only needed to allow her to marry someone else, but she would become assur to do yibum even without the full intention.

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- **R' Yehuda in the name of Rav** said, the pasuk mentions “v’enaaleich tachash” (the shoe of leather), which teaches that a shoe with linen stitching would be passul for chalitza.
 - **Q:** Maybe we should say that only a shoe of tachash leather can be used? **A:** The multiple use of the word “naal” in the pesukim teach to include all types of leather. The word tachash teaches to leave out certain things.
 - **R' Elazar** asked **Rav**, may a shoe of leather with goat hair straps be used? He answered, hair also comes from a tachash and therefore could be used. He asked, if so, a shoe made entirely of goat hair should be allowed!? He answered, such a shoe is called a “karka”, not a shoe.
- **Q: R' Kahana** said to **Shmuel**, how do we know the word of “v’chaltza nalo mei’ahl raglo” means to remove the shoe? Presumably based on the pasuk that says to remove the bricks of a house and says “v’chiltzu”. However, another pasuk says to ready the people for war and uses the word “heichaltzu” to mean get ready!? **A:** The pasuk means to “remove” the people from their homes to go to war.
 - **Q:** A pasuk says that a poor person will be supported “yichaleitz” in his poverty. We see it doesn’t mean to remove!? **A:** It means that a poor person is removed from Gehenom because of his poverty.
 - **Q:** A pasuk says that a Malach supports (“vayichaltzeim”) those who fear Hashem!? **A:** Again, it means those people are removed from Gehenom.
 - **Q:** A pasuk says “your bones yachlitz (will be strengthened)”!? **A:** The word can mean to remove and to strengthen, depending on the context, and in the context of the pasuk of chalitza, it means to remove.
 - A heretic once said to **R' Gamliel** that the Jews are a nation that Hashem has “removed” Himself from, because a pasuk says “chalatz mayhem”! **R' Gamliel** said, the pasuk says “mayhem”, which means it is like a yevama who removed her own shoe for chalitza, which obviously has no effect. Similarly, the Yidden have acted badly, but their relationship with Hashem remains fully intact.

B'ANPILYA CHALITZASA PESULA...

- The Mishna teaches us that a sock is not considered to be a shoe. We see this is a Braisa as well.
 - **Q:** A Braisa says that one may not walk around in socks on Yom Kippur, which presumably teaches that a sock is a shoe!? **A: Abaye** said, that Braisa is discussing socks with cushioning, and it can’t be worn because it provides pleasure.
 - **Q: Rava** asked, if it is not a shoe it would not be assur on Yom Kippur, as we find that **Rabbah bar R' Huna** would wrap cloths around his feet on Yom Kippur!? **A: Rava** said, our Mishna is discussing a material sock, and the Braisa is discussing a leather sock.
 - A Braisa says like **Rava**. It gives a list of valid and passul chalitzos. It lists (among others) a leather sock as being a valid chalitza and a material sock as being passul.