



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Yevamos Daf Kuf Yud Tes

PEREK HA'ISHA BASRA -- PEREK SHISHA ASSAR

MISHNA

- If a woman's husband and her co-wife went overseas, and people came and told her that her husband died, she may not marry another man or do yibum, because it must first be determined whether "she the co-wife" was pregnant.
- If a woman's husband died childless and without any brothers, but his mother is overseas, we need not be concerned that she had a son and the woman is therefore subject to yibum. However, if the mother in law went overseas when she was pregnant, we do have to be concerned that she had a son and the woman may therefore be subject to yibum. **R' Yehoshua** says, even in that case we need not be concerned.

GEMARA

- **Q:** What is meant by the words "she the co-wife"? **A:** The Mishna is teaching that we only must be concerned whether that co-wife is pregnant. We need not be concerned that maybe the husband married another woman overseas and that she became pregnant.

LO TINASEI V'LO TISYABEIM...

- **Q:** We can understand why she cannot do yibum, because maybe the co-wife was pregnant. However, why can't she marry another man? We should follow the majority of women, and the majority of married women have children. Based on that majority, she should be allowed to marry another man!? Must we say that the Mishna follows **R' Meir**, who is concerned for the minority? **A:** It may even follow the **Rabanan**, because even they only follow the majority when the majority is in front of us (like 9 out of 10 shops being kosher), but not in this case where the majority is "women of the world", who are not in front of us.
 - **Q:** We find that the **Rabanan** follow a majority that is not in front of us when they say that a minor may do yibum since most minors will eventually be capable of having children!? **A:** It must be as suggested earlier, that the Mishna follows **R' Meir**.
 - **Q:** The Mishna says that we need not be concerned that the husband's mother gave birth to a son, thus bringing a yavam into the world. Now, most married women have children, some miscarry, from the births there are 50% boys and 50% girls. If we join the miscarriages to the girls, there leaves a minority who have boys. If the Mishna follows **R' Meir**, we should be concerned for this minority and she should be assur to marry another man!? **A:** Since there is a chazaka that this woman is allowed to marry another man (because the mother in law left without being pregnant), **R' Meir** is not concerned for the minority.
 - **Q:** If so, in the previous case of the Mishna, where the husband had a brother, and her husband and co-wife went overseas and the husband died, she should be allowed to do yibum, because she has a chazaka that she is subject to yibum!? **A:** **R' Nachman in the name of Rabbah bar Avuha** said, the previous case of the Mishna, which carries the kares penalty, causes us to be concerned. The later part of the Mishna, which is only a lav, is not a cause for concern.
 - **Q:** **Rava** asked, they are both issurim D'Oraisa, so why should we make a difference just because one is a lav and one has kares? **A:** **Rava** said, in the earlier case, the chazaka says to allow her to do yibum, whereas the majority says she may marry any man (since most women have children). When we take the minority (of women who don't have children, which also allows her to have yibum) and join it with the

chazaka, we have a fifty-fifty safek whether she is mutar for yibum or to marry another man. Therefore, we do not let her marry or do yibum. However, in the later case, the chazaka and the majority both say to allow her to marry another man. Therefore, the possibility that a son was born is considered to be the minority in the minority, for which even **R' Meir** is not concerned.

LO TINASEI V'LO TISYABEIM...

- **Q:** Why is she assur forever? Why can't she just do chalitza? **A: Ze'iri** said, she must wait 3 months before doing chalitza on her own account (chalitza may not be done within 3 months of the death), and if she is unsure whether her tzara was pregnant she must wait 9 months from the death to make sure that her co-wife is not pregnant (chalitza may not be done during a pregnancy) and she may then do chalitza. **R' Chanina** said that she must wait 3 months on her own account and must wait forever on account of the co-wife (i.e. she may never do chalitza unless she knows that the co-wife did not have a baby).
 - **Q:** Why can't she do a chalitza in either case (if the co-wife had a baby she is anyway free to marry, and if not, she has now done chalitza!)? **A: Abaye bar Avin and R' Chanina bar Avin** both said, it is a gezeirah that if she gets chalitza and then finds out that the co-wife had a child, we would have to announce that she is mutar to a Kohen.
 - **Q:** What is wrong with making such an announcement? **A:** We are concerned that someone who was not aware of the announcement will see her marry a Kohen, and will say that a chalutza was allowed to marry a Kohen.
 - **Q:** The previous Mishna said that when a woman says she had a child overseas, and that her husband died and then her child died, she is not allowed to marry and must get chalitza, but not yibum. Why are we not concerned in that case that witnesses will testify to the facts as she stated them, in which case the chalitza was not needed, and they will have to announce that she is mutar to a Kohen!? **A: R' Pappa** said, the case is where the woman was a divorcee, and therefore anyway assur to a Kohen. **R' Chiya the son of R' Huna** said, the case is where she says that she, her husband, and son were all hiding in a cave at the time of death (so it is not possible for witnesses to later come and corroborate her testimony).

MISHNA

- If the wives of 2 brothers come back from overseas and each say that their husband died, each one is assur to marry another man because of the husband of the other woman (they can't rely on the testimony of the other woman, because a husband's brother's wife is one of the women who are not believed to testify to permit the woman to marry).
 - If one of the women have witnesses who corroborate her testimony, she remains assur, but the other woman becomes mutar to marry.
 - If one of the women have children and the other does not, the one who has children may marry and the one who does not may not.
 - If they each did yibum to another brother, and those brothers then die childless, they may not marry other men (the problem that existed prior to the yibum now returns and is a problem again). **R' Elazar** says, since they already married through yibum, they become mutar to marry other men at this point as well.

GEMARA

- A Braisa says, if one of the women had witnesses corroborating her testimony and she had children, and the other woman did not have witnesses or children, both women are mutar to marry.