



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

Yevamos Daf Chuf

MISHNA

- A general rule was stated regarding the yevama: if she is assur to the yavam as a true ervah, she is patur from chalitza and yibum; if she is only assur as an issur mitzvah or an issur kedusha, she needs chalitza but may not get yibum.
- If 2 sisters fall to yibum (each from a different husband), and one of the sisters is an ervah to the yavam, the other sister must get chalitza or yibum.
- "Issur mitzvah" refers to secondary arayos, which are assur D'Rabanan. "Issur kedusha" refers to a widow to a Kohen Gadol, a divorcee or chalutza to a regular Kohen, a mamzeres or nesinah to a Yisrael, or a nasin or mamzer to a Yisraelis.

GEMARA

- **Q:** What does the term "general rule" in the Mishna come to include? **A: Rafram bar Pappa** said it comes to include the tzara of an ailunis, as **R' Assi** had said previously. **Others** say, it comes to teach that only one who is an ervah makes her tzara patur, meaning that the tzara of an ailunis (who is not an ervah) *would* be subject to yibum. This would argue with **R' Assi**.

ACHOSA SHEHI YEVIMTA

- The Mishna must be referring to where the sister is assur as a true ervah D'Oraisa, because if she is only assur D'Rabanan, we would not let the other sister go ahead with yibum, since she is truly the sister of his zikah.

ISSUR MITZVAH SHNIYOS

- **Abaye** explained, the reason the D'Rabanan arayos are referred to as "mitzvah" is because it is a mitzvah to listen to the words of the **Rabanan**.

ISSUR KEDUSHA ALMANAH L'KOHEN GADOL...

- The reason this is referred to as "kedusha" is based on the pasuk regarding the Kohanim that says "Kedoshin yihiyu".
- A Braisa says, **R' Yehuda** had the reverse understanding. According to him, issur mitzvah refers to the widow marrying the Kohen Gadol, etc., and it is referred to as mitzvah because the pasuk regarding the Kohanim says "Eileh hamitzvos". He says that issur kedusha refers to the secondary arayos D'Rabanan.
 - **Abaye** explains, the D'Rabanan is referred to as kedusha because one who follows the words of the **Rabanan** is a "kadosh".
 - **Q: Rava** asked, that suggests that one who doesn't follow the words of the **Rabanan** is merely not a kadosh, but would not be labeled as a rasha!? **A: Rava** therefore said, this is referred to as issur kedusha, because one who holds back from doing permitted things to prevent him from violating a D'Oraisa is considered to make himself kodesh.

ALMANAH L'KOHEN GADOL

- **Q:** The Mishna clearly says that a Kohen Gadol may not take a widow in yibum and must do chalitza, and seems to say that this is the case whether she is a widow from kiddushin (she is still a besulah) or from the nisu'in. Now, we can understand why he couldn't marry a widow from the nisu'in, because the assei of yibum cannot override the assei and lo assei associated with him marrying an almanah who is not a besulah. However, why can't the assei override the simple lo saasei and allow him to marry an almanah who is still a besulah!? **A: R' Gidal in the name of Rav** said, an extra word of "yevimto" in the pasuk teaches that there is one category of

women who are subject to chalitzah but not yibum, and that category must be where the yevama is assur to the yavam with a lo saasei.

- **Q:** Maybe the category of women should be those who are assur with kares!? **A:** Another pasuk teaches that one is only subject to chalitzah if she is also subject to yibum.
 - It makes sense to say that the category subject to chalitzah would be the one who would create an effective kiddushin if given (the case of the lo saasei, and not the case of kares).
- **Q: Rava** asked, a Braisa says, if in the case of issur mitzvah and issur kedusha the yavam was boel her or gave her chalitzah, the tzara is patur. Now, if the case of when he is assur to her with a lo saasei is a case where he may not do yibum even D'Oraisa, how does the tzara become patur from his being boel the yevama!? **A: Rava** said, the Mishna means to say that if an issur mitzvah (which is only D'Rabanan) is boel her, or if an issur kedusha gives her chalitzah, the tzara is patur.
- **Q: Rava** asked, a Braisa says that if a sterile man is boel his yevama, he is koneh her. Now, marrying this man is a lo saasei. If in the case of a lo saasei one may not do yibum even D'Oraisa, he should not be koneh her by being boel her!? **A:** Rather, **Rava** said, the reason the Kohen Gadol may not do yibum with the widow who is still a besulah is because there is a lo saasei and assei over there as well. The assei is the pasuk of "kedoshim yihiyu" which tells the Kohanim to remain holy.
 - **Q:** The case of a mamzeres and a nesina are only a case of a lo saasei (because it applies to Yisraelim as well), so why can't yibum override the lo saasei? **A:** The pasuk of "v'hiskadishem" is an assei for all Yidden to remain holy.
 - **Q:** Based on that, the entire Torah can be said to have an assei, and there should never be a case of an assei overriding a lo saasei? **A:** It must be that these pesukim do not act as an assei. The reason the widow who is a besulah is assur to a Kohen Gadol is because it is a gezeirah for the case of a widow from the nisuin.
 - **Q:** Why would the case of mamzeres and nesina be assur? **A:** It is a gezeira that one may come to marry them even where there is no mitzvah.
 - **Q:** Maybe we should say that there should never be yibum with the wife of a paternal brother, because it may lead to one marrying the wife of his maternal brother!? **A:** This mistake would not be made, because people know based on the pasuk that yibum is based on the relationship of inheritance.
 - **Q:** Maybe we should say that there should never be yibum with a woman whose husband didn't have children, as a gezeirah that he not do yibum with a woman whose husband had children!? **A:** This mistake would not be made, because people know based on the pasuk that yibum is based on the lack of having children.
 - **Q:** Maybe we should say that there should never be yibum with the wife of a contemporaneous brother, as a gezeirah that yibum not take place with eishes achiv shelo haya b'olamo? **A:** This mistake would not be made, because people know based on the pasuk that yibum is based on the brothers having lived at the same time.
 - **Q:** Maybe we should say that there should never be yibum with any woman, as a gezeirah so that one not do yibum with an ailunis? **A:** The case of an ailunis is not common, so we would not be goizer for that case.
 - **Q:** The case of mamzeres and nesina are also not common!? **A:** Rather, **Rava** said, the reason one may not do yibum to a woman who is assur with a lo saasei is a gezeira that if we allow him to live with her once, he will live with her a second time (and the second time is not a mitzvah and would therefore be assur).

- **Rava** then said, that reason is incorrect. The reason the assei does not override the lo saasei here is because there is an option that will obviate the need to override the lo saasei – the option of chalitza. Therefore, the assei cannot override the lo saasei.
 - **Q:** The Braisa said that the yavam is koneh by being boel the yevama even when she is assur to him with a lo saasei!?
TEYUFTA.