



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

### Yevamos Daf Chuf Zayin

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

maamar, and maamar takes effect after a get. Now, if one is stronger than the other, the weaker one could not take effect after the stronger one. It must be that they are equal.

- **R' Huna in the name of Rav** said, if 2 brothers married 2 sisters and then died without children, leaving one remaining brother, if he does chalitza to the first sister who falls to yibum she is free to marry, and if he does chalitza to the second sister she is free to marry. If the first sister dies, he is even mutar to marry the second sister in yibum, and certainly if the second sister dies he is mutar to marry the first sister in yibum, because it makes sense that since she was mutar to marry him when she fell to yibum, then became assur when her sister fell to yibum, and now becomes mutar when her sister dies, that she should become fully mutar again. **R' Yochanan** said, if the second one dies he can marry the first one in yibum, but if the first one dies he may not marry the second one in yibum, because any yevama who is not mutar for yibum at the time she falls to yibum, may never be taken in yibum.
  - **Q:** We find that **Rav** says this logic of **R' Yochanan** as well, so how can he disagree with him? **A:** He only says that when at the time she falls to yibum, yibum cannot be done based on a D'Oraisa. Here, it is a zikah (which is D'Rabanan) that prevents her from doing yibum.
  - **Q:** **R' Yose bar Chanina** asked, our Mishna says that if 2 sisters fall in yibum to 2 brothers, they must do chalitza and not yibum. According to what was said above, one brother should give chalitza to the second sister, and the other brother should then be allowed to do yibum with the first sister (since she was mutar, then became assur, then became mutar again)!? **A:** **R' Yochanan** said, that Mishna is not correct.
    - **Q:** Why couldn't **R' Yochanan** just answer that the Mishna means that one of them (i.e. the second one) gets chalitza? **A:** The Mishna used the plural of "choltzos".
      - **Q:** Why couldn't he say that the Mishna uses the plural to refer to cases in general, but not to both women? **A:** The Mishna says "harei *eilu* choltzos", which refers to both women.
      - **Q:** Why couldn't he say that the Mishna is talking about a case where the first sister was given chalitza first, and that is why the second needs chaltiza as well, but the reverse would not be true? **A:** The Mishna seems to mean that l'chatchila, we tell them to give chalitza to both sisters.
      - **Q:** Why couldn't he say that the Mishna is a gezeira for a case when he gives chalitza to the first sister first? **A:** The Mishna says "v'lo misyabmos", which seems to mean that there is no Halacha of yibum over here at all.
      - **Q:** Why couldn't he say that the Mishna is based on a gezeira that we can't allow yibum in this case, because it may lead to the mitzvah being negated in another case (where a brother does yibum and the other brother then dies)? **A:** **R' Yochanan** is not concerned for the possibility of death.
      - **Q:** Why couldn't he say that the Mishna follows **R' Elazar** who says that if a yevama becomes assur for even an instant, she remains forever assur for yibum? **A:** Since the end of the Mishna brings the shita of **R' Elazar**, it must be that the beginning of the Mishna does not follow **R' Elazar**.
      - **Q:** Why couldn't he say that the Mishna is discussing where they fell to yibum simultaneously, and the Mishna follows **R' Yose Haglili** who says it is possible to have happened at the exact same moment, and therefore both of them were never eligible for yibum!? **A:** That would mean that an anonymous Mishna follows **R' Yose Haglili**, and we know that the Halacha does not follow him.
      - **Q:** Why couldn't he say that the Mishna is discussing where we don't know which sister fell to yibum first!? **A:** If that is the case, why do we

say that if each brother took a sister in yibum, we force them to divorce? We can understand that the first one to marry must get divorced (because he married the sister of his zikah), but why would the second one to marry have to get divorced (it is only a safek if he did something wrong, because it is possible that he married the first sister, and as such should not be forced to get divorced)?

- It was due to all of the above that **R' Yochanan** felt forced to say that the Mishna is not correct.