



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

### Yevamos Daf Chuf Tes

#### ISSUR MITZVAH

- **Q:** We said that this part of the Mishna follows **R' Shimon**. If so, no chalitza should be needed here!?! **A:** He requires that she get chalitza as a gezeirah for a case when there is one yevama who falls to yibum and she is an issur mitzvah.
  - **Q:** That would explain why this issur mitzvah woman herself would need chalitza, but why would her sister need chalitza? **A:** It is a gezeirah that if we let her go without chalitza we may come to release the issur mitzvah herself without chalitza as well.
    - **Q:** Why is it that we have no such gezeirah when we are dealing with a true ervah? **A:** People are familiar with the halachos of ervah, and are made known when dealing with an ervah, and it will therefore not lead to a concern as in the above gezeirah.

#### MISHNA

- If there are 3 brothers, 2 of whom married sisters and the other who is single, and then one of the married brothers dies without children and the single brother gave maamer to the widow, and then the second married brother died without children, **B"R** say the surviving brother may marry the woman he gave maamer to and the other yevama doesn't even get chalitza, since she is an achos isha. **B"H** say he must give a get and chalitza to the woman to whom he gave maamer, and give chalitza to the other yevama. It is about this case that they said "Woe for him regarding his wife and woe to him regarding his brother's wife".

#### GEMARA

- **Q:** What is the statement of "it is about *this* case..." coming to exclude? **A:** It comes to exclude the shita of **R' Yehoshua** who says that there is another case where we make one divorce his wife for a yibum situation.
- **R' Elazar** said, do not say that **B"R** say that maamer makes a full kinyan of marriage, to the point that if he wants to separate from her he only needs to give her a get, rather **B"R** say that maamer only effects a kinyan in that it rejects the tzaros from any further yibum obligation.
  - **R' Avin** said, we can see this from the Mishna we learned earlier. The Mishna said that if 2 brothers married 2 sisters and then died, and the 2 surviving brothers did yibum to the sisters, **B"R** say we do not force them to divorce. This suggests that they would agree that l'chatchila we don't allow them to marry. Now, if **B"R** hold that maamer makes a full kinyan, why can't each brother do maamer to one of the sisters (only yibum itself is assur), and through that create a full kinyan, at which time he could do a permitted yibum!?! It must be that maamer does not create a full kinyan.
    - **Q:** Even if maamer only creates a kinyan to reject to the tzaros, in the Mishna's case, why can't each brother do maamer to a sister and in that way reject the other sister from himself and then go ahead with yibum to the sister to which he gave maamer? We will have to say that only a maamer done at a time when yibum is permitted will reject the other yevamos. The same thing can be said regarding the other view, that maamer can only be said to make a full kinyan when it is a maamer done at a time when yibum is permitted.
  - **R' Ashi** taught as follows. **R' Elazar** said, do not say that **B"R** say that maamer creates a kinyan in that it rejects the tzaros to the point that the tzaros would not even need chalitza, rather it only accomplishes a partial rejection and would still require that a

chalitza be given to the tzara. On this **R' Avin** said that the Mishna suggests this as well, because it suggests that **B" S** agree that the brothers should not do yibum l'chatchila. Now, if maamer creates a full rejection, why not have each brother do maamer to one sister and in that way reject the other sister and then continue with yibum? It must be that maamer does not accomplish a full rejection.

- **Q:** In our Mishna, **B" S** say that if maamer is given, the other sister is released even without chalitza. This means that **B" S** say that there is a full rejection!? **A:** It must be that the reason that the earlier Mishna doesn't allow a maamer is because maamer is only appropriate in a case where yibum is allowed.
- **Q: Rabbah** asked, according to **B" S**, does maamer accomplish nisuin or only eirusin?
  - **Q: Abaye** asked, regarding what Halacha was this question asked? If it is whether maamer allows him to inherit her, be metamei to her, and to annul her promises, we have learned that even a full eirusin doesn't accomplish that, so certainly a maamer wouldn't accomplish that. The question must be regarding whether he must take her into chupah after maamer or can proceed directly to bi'ah. Based on this understanding of the question, it should be clear that chupah is not needed, because we have learned that yibum may even be done against the will of the yevama. If so, once he does maamer for sure it can be done so, and chuppah would surely not be needed!? **A: Rabbah** explained, the question is, that when he gives maamer it may be that we say that the zikah of yibum has been removed and a zikah of kiddushin has now taken effect. Based on this understanding, do we view maamer as having done nisuin or only eirusin?
    - **Q:** Maybe we can bring a proof from **R' Ami**, who explains a Mishna to mean that **R' Eliezer** holds that a yavam can annul the neder of his yevama only when he does maamer and only according to **B" S**, who say that maamer makes a full kinyan. Now, a man may only annul a woman's neder independently after nisuin (after only eirusin he must do so in conjunction with the father). Since he said that the yavam can annul the neder, it must be that the maamer makes a full nisuin! **A: R' Nachman bar Yitzchak** said, the Mishna may mean that he can annul the neder only along with the father, as in the case of an eirusin.
      - **Q:** According to **R' Elazar's** view that **B" S** say that maamer only makes a kinyan in that it rejects the other yevamos, how would the maamer give him the ability to annul her neder? **A:** When we say maamer is not a full kinyan, we mean that it would not allow him to get rid of her with a simple get, without chalitza. However, it would be enough of a kinyan to allow him to annul her neder. **A2:** We can also answer, that the case of the Mishna may be where the yavam refused to do yibum or chalitza, and Beis Din therefore paskened that he must support her. The ability to annul a vow typically goes exclusively to the one who is supporting a woman. Therefore, the yavam can even annul the neder on his own, without her father.