



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

Yevamos Daf Lamed

MISHNA

- If there are 3 brothers, 2 of whom are married to 2 sisters, and the third who is married to an unrelated woman, and one of the brothers who is married to a sister dies without children, and the brother who is married to an unrelated woman does yibum to the sister, and he then also dies without children, causing both of his wives to fall to yibum to the husband of the other sister, the Halacha is that the sister is released without anything since she is his wife's sister, and the other wife is released without anything as the tzara to this ervah.
 - If the brother had given maamer to the sister after the first brother died, but never fully married her before he himself died, the Halacha is that the unrelated woman must get chalitza from the brother, and may not be taken in yibum.

GEMARA

- The Mishna says that in the last case she can only get chalitza because the sister was already given maamer. This suggests that if even maamer was not given, this unrelated woman could even be taken by the surviving brother in yibum. **R' Nachman** said, we see from here that this Mishna holds that there is no zika, even when the yevama falls to only one brother.

MISHNA

- If there are 3 brothers, 2 of whom are married to 2 sisters, and the third who is married to an unrelated woman, and this third brother dies without children, and one of the brothers does yibum to his wife, and then he also dies without children, causing both of his wives to fall to yibum to the husband of the other sister, the Halacha is that the sister is released without anything since she is his wife's sister, and the other wife is released without anything as the tzara to this ervah.
 - If the brother had given maamer to the unrelated woman after the first brother had died, but never fully married her before he himself died, the Halacha is that the unrelated woman must get chalitza from the remaining brother, and may not be taken in yibum.

GEMARA

- **Q:** This Mishna seems to be saying the exact same thing as the last Mishna!? In fact, if anything, the last Mishna is a bigger chiddush, because in that case the sister makes the unrelated woman fully patur even though the sister is only the tzara (not the original wife), whereas in this Mishna she makes her patur because she is the original wife!? **A:** In fact, the Tanna taught this second Mishna first, because he thought that in the first Mishna's case the unrelated woman would need yibum or chalitza (since she was the original wife). He then realized that she would be assur in that case as well, and therefore taught that Mishna. However, since this more novel ruling was more beloved to him, he placed it first. The second Mishna was not deleted, because once taught, it remains.

MISHNA

- If there are 3 brothers, 2 of whom (Reuven and Shimon) are married to 2 sisters, and the third (Levi) who is married to an unrelated woman, and Reuven dies without children, and Levi does yibum to the sister, and then Shimon's wife dies, and then Levi dies without children as well, the

Halacha is that the woman is patur from yibum or chalitzah from Shimon, since the sister was assur to Shimon at the time of Reuven's death (when he was still married to a sister).

GEMARA

- **R' Yehuda in the name of Rav** said, any yevama which can't be taken in yibum at the time of death of her husband, takes on the status of an eishes ach that had children, and remains assur to the brother forever.
 - **Q:** This Halacha was clearly stated in our Mishna, so why does **Rav** state it as well? **A:** From the Mishna we would think to say that the woman is assur because she remained Shimon's wife's sister through her initial yibum period (Shimon's wife did not die until after Levi did yibum). However, we would say that if Shimon's wife died after Reuven died, but before Levi did yibum, that Shimon may take Reuven's wife in yibum. **Rav** teaches that since at the moment of Reuven's death his wife was assur to Shimon, she remains assur to Shimon forever.
 - **Q:** This Halacha is clearly stated in a Mishna as well. The Mishna says, if 2 brothers are married to 2 sisters, and one of the brothers dies without children, and then the second brother's wife dies, he may still not do yibum, since the yevama was assur to him at the time of the brother's death!? **A:** We would think that the Halacha only applies in the case of that Mishna, since there is no 3rd brother, so at the time of Reuven's death his wife is not subject to yibum at all. However, when there is a 3rd brother, since she remains subject to yibum, if she then becomes mutar to Shimon, he should be allowed to do yibum with her as well. **Rav** therefore teaches that if she becomes assur to him for even a moment, she remains assur to him forever.

MISHNA

- If there are 3 brothers, 2 of whom are married to sisters and a 3rd (Levi) who is married to an unrelated woman, and Reuven divorces his wife, and then Levi dies without children, and Reuven then does yibum to Levi's wife, and then Reuven dies without children, Shimon may do yibum to Reuven's wife (which was the unrelated woman). This is regarding what they said that if any of the arayos died or were divorced, their tazros are mutar even for yibum.

GEMARA

- The Mishna suggests that the only reason the woman is mutar to Shimon is because Reuven had divorced his wife before Levi died. However, if Levi had died before the divorce, and then the story continued as above, it seems that she would be assur to Shimon. **R' Ashi** said, based on this we see that our Mishna holds that there is zika, even when there is more than one yavam.
 - **Q:** **R' Nachman** learned on the earlier Mishna (at the beginning of this daf) that the Tanna holds that there is no zika!? **A:** **R' Ashi** will understand the earlier Mishna differently, and will say that even if maamer was never given, the unrelated woman may only get chalitzah and not yibum. The reason the Mishna gives the case of maamer is to show that we do not hold of **B"Z**, who say that maamer creates a full kinyan.
 - **Q:** How will **R' Nachman** understand our Mishna? **A:** The Mishna would hold that even if Levi had died before the divorce, she would later be mutar to Shimon in yibum (because there is no zika). When the Mishna then says "**this** is regarding..." it comes to exclude the case where Reuven did yibum to the unrelated woman and *then* divorced his wife.
 - **Q:** This makes sense according to **R' Yirmiya**, who said in the first perek that the first Mishna of the Mesechta holds that Shimon would be mutar in this case unless Reuven was still married to the sister at the time of his death, and our Mishna argues and says that Shimon is assur to her if at any time the sister and Levi's wife were married to Reuven at the same time. According to that, we can say that our Mishna comes to exclude the case as **R' Nachman** said. However, according to **Rava**, who said that our Mishna agrees that we only look at the time of Reuven's death, **R' Nachman's** exclusion can't be correct!? **A:** **R' Nachman** must hold like **R' Yirmiya**, and **Rava** must hold like **R' Ashi**, that our

Mishna holds of zika, and the case is where Levi dies, and then Shimon dies without having done yibum, and since Reuven is assur to Shimon's wife as his achos ishto, he is also assur to Levi's wife because she was the tazara of Shimon's wife though zika.

MISHNA

- In the case of where the ervah was married with a questionable kiddushin, or had been divorced with a questionable divorce, the tzaros must get chalitzah, and may not be taken in yibum.
 - The case of questionable kiddushin would be where he threw her kiddushin money or document and we are not sure if it landed within her 4 amos (and are therefore not sure whether she acquired it). The case of a questionable divorce would be where he wrote it in his handwriting, but had no witnesses signed; or if he had witnesses but the document was not dated; or if it was dated, but there was only one witness signed, these would be the cases of a questionable divorce.

GEMARA

- **Q:** The Mishna suggests if a get was placed in a situation where we are uncertain whether it was in her 4 amos, it would not be considered a questionable divorce, and would not be considered a divorce at all, meaning that the tzara would remain patur from yibum and chalitza. Why is that so? **A: Rabbah** said, this tzara had a chazaka that she was patur from yibum and chalitza by being the tzara of an ervah. We will not say that a questionable divorce can then make her subject to yibum and chalitza (if we treat the divorce as effective, the tzara will be subject to yibum and chalitza).
 - **Q: Abaye** asked, we should say a similar logic regarding the case of a questionable kiddushin. We should say that the tzara stood mutar to be taken in yibum, and now we are saying that she is assur based on a questionable kiddushin!? **A:** Although the chazaka says to allow her to the yavam, we say it is assur based on a chumra D'Rabanan.
 - **Q:** This is a chumra that may lead to a kula!? If we treat them as married for this purpose, people will come to treat them as married for all purposes. If another man were to then give this woman kiddushin, people would say there is certainly no concern for kiddushin with this second man, when in reality there is a concern, because the first kiddushin was actually only questionable!? **A:** Since we require her to get chalitza, people will realize it is only a chumra, and they will not treat her as being certainly married based on the questionable kiddushin.
 - **Q:** Why don't we have this same chumra for a questionable divorce, and also require chalitza for the tzara, so that people will know it is only a chumra D'Rabanan!? **A:** We are concerned that if we require chalitza in that case, it may lead to allowing yibum in that case as well.
 - **Q:** We should have that same concern in the case of a questionable kiddushin!? **A:** The chazaka actually allows yibum to be done, so if yibum ends up being done, it is not such a big problem.