



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

Yevamos Daf Lamed Aleph

- **Q: Abaye** asked, a Mishna says, if a house collapsed and killed Reuven and his wife (who was Shimon's daughter), Shimon must give chalitza to Reuven's other wife, but may not do yibum, because we don't know who died first. Now, according to what **Rabbah** had said previously, we should say that this woman had a chazaka that she was not subject to yibum (because she was the tzara of an ervah) and based on a safek we should not come to make her subject to yibum!? If you will answer that we make her get chalitza as a chumrah, we should say that we don't allow that because it may lead to yibum being done as well, as we said regarding the case of a questionable divorce!? **A:** Divorce is more common, and therefore the **Rabanan** were goizer that we can't allow chalitza, lest it lead to yibum. Regarding the house collapsing, that is something that is not common, and therefore the **Rabanan** were not goizer in that case, which is why we allow and require chalitza. **A2:** Regarding the divorce, where the ervah is still alive, people will say, if the **Rabanan** required chalitza although the ervah is still around, it must be that they feel that the divorce is a fully functioning divorce. To prevent that, they said that chalitza should not be done. However, in the case of the collapsed house, since the ervah is dead, no one will say that since they require chalitza it must be that the **Rabanan** know that the wife died before the husband, for how could they know?
- **Q:** How can **Rabbah** say that our Mishna didn't mention the case of a questionable divorce, where the get was questionable whether it landed in her 4 amos, because in that case we couldn't have the tzara be subject to chalitza, because it may lead to yibum being done? We have a Mishna that says that when a get lands in a way that it is questionably within her 4 amos, we *do* require the tzara to get chalitza, and the Mishna is not concerned that it may lead to yibum!? **A:** We have learned that **Rabbah** and **R' Yosef** both said, that Mishna is discussing where there are 2 sets of contradicting witnesses. Therefore, it is a safek D'Oraisa, and we can't follow the chazakah, and we make her get chalitza. However, in our Mishna, we are discussing a case where there is one witness against one witness. This is only a safek D'Rabanan, and we therefore follow the chazakah.
 - **Q:** We find that even when there are 2 sets of contradicting witnesses, we still follow the chazakah!?
- Based on all the questions, **Abaye** said, that the Mishna actually did mean to include the case of where the get is questionably within her 4 amos. The Mishna did not list it specifically, because it meant to say that just as we have that case regarding kiddushin, we have that same case regarding a divorce as well.
 - **Q:** If so, what do the words of "this is" the case of a questionable kiddushin come to exclude? **A:** It comes to exclude the case where the kiddushin document is not dated.
 - **Q:** According to the view that a get must be dated to prevent someone from trying to save his wife who was found to have been mezaneh while married to him, we should likewise require a date on a kiddushin document as well!? **A:** Since most people do kiddushin with money and not with a document, they did not make this dating requirement.

MISHNA

- If 3 brothers married 3 unrelated women, and Reuven dies without children, and Shimon gives maamer to the yevama, and then Shimon dies without children, Levi must give chalitza to these women, and not do yibum. This is based on the pasuk of "u'meis echad meihem...yevama yavo aleha" – yibum is only to be done when a woman falls to yibum from one brother, and here it is

as if she is falling from 2 brothers. **R' Shimon** says, he can do yibum to either one and give chalitza to the other.

GEMARA

- **Q:** The Mishna learns this exemption from a pasuk. If so, they should be patur from chalitza as well!? **A:** It is really only D'Rabanan, and they made a gezeirah that both women can't be taken in yibum, because it may lead people to say that even when 2 women are falling from the same brother, they may both be taken in yibum.
 - **Q:** Why can't we allow only one of them to have yibum and give chalitza to the other one? **A:** We are concerned that people will say that the women from one brother were partially built (with yibum) and partially let go (with chalitza).
 - **Q:** What is wrong if they say that? **A:** The concern is for the case when he gives chalitza first and then does yibum with the other one. We are afraid that one will come to do that when the women are truly from one brother. In that case it would be fully assur, because we learn from a pasuk that once chalitza is given, yibum may no longer be done.
- **Rava** said, if Shimon gave a get to the yevama after giving her maamer and then he died, Levi would be allowed to take Shimon's original wife in yibum. He would not be allowed to take the maamer wife in yibum, because that may lead to people allowing yibum even for a regular yevama who had received a get.
 - **Another version** says that **Rava** even allowed yibum to the woman who got a get after her maamer, because he says that the get reversed the maamer and she is now as she was before – a yevama who has fallen to yibum.