



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

Yevamos Daf Mem

MISHNA

- The brother who does chalitza, shares in the estate of the dead brother, just like all the other brothers. If there is a father, he inherits the estate before all the brothers.
- The brother who does yibum inherits the entire estate from the dead brother, even if there is a father still alive. **R' Yehuda** says, in both cases, if there is a father, he inherits before the brothers.

GEMARA

- **Q:** It seems obvious that if he does chalitza he should not get more than the other brothers!? **A:** We would have thought that chalitza is in the place of yibum, and just as one inherits the estate when he does yibum, the same would hold true when he does chalitza.
 - **Q:** If so, the Mishna should say "he is *only* like one of the brothers", not that he is "just like one of the brothers"!? **A:** We would have thought that since he decided not to do yibum, we should penalize him and not give him any share in the estate at all. The Mishna therefore teaches that he is just like the other brothers, and still gets his share.

IHM YESH SHAM AV

- This is based on what we have learned that a father inherits a childless son before any other relatives.

HAKONES ES YEVIMTO...

- The Halacha that he inherits the brother's estate is based on the pasuk that says "yakum ahl shem achiv".

R' YEHUDA OMER...

- **Ulla** and **R' Yitzchak Nafcha** pasken like **R' Yehuda**. The reasoning of **R' Yehuda** is based on the pasuk of "vehaya habechor asher teileid". The pasuk compares the yavam to a bechor – just like a bechor is entitled to something extra, and he does not receive anything while the father is alive, the same is true with the yavam.
 - **Q:** If so, then just as a bechor gets a double portion from his father's estate, the yavam should also get a double portion after the father dies!? **A:** The pasuk says "yakum ahl shem *achiv*", not "ahl sehm *aviv*".
 - **Q:** Maybe we should say that the mitzvah of yibum should only be done when there is no father, and the yavam stands to inherit the estate of the brother!? **A:** The mitzvah of yibum is nowhere said to be contingent upon the yavam's right to inherit. The inheritance is only a side result of the mitzvah of yibum.
 - **R' Chanina Kara** paskened like **R' Yehuda**, but **R' Yannai** told him that his psak is incorrect. We also find that **R' Nachman** paskened like the **Rabanan**.

MISHNA

- When one does chalitza, he becomes assur to her relatives, and she becomes assur to his relatives. He may not marry her mother, maternal grandmother, paternal grandmother, daughter, daughter's daughter, son's daughter, and her sister for as long as the chalutza is alive. However, the other brothers may all marry these relatives. She may not marry his father, father's father, son, son's son, his brother, or his brother's son.
- A person is mutar to marry the relatives of the tzara of his chalutza, but he may not marry the tzara of the relative of his chalutza.

GEMARA

- **Q:** Were the **Rabanan** goizer the shniyos in the case of a chalutza (whose relatives are only assur D'Rabanan), or were they only goizer shniyos in a case of an erva D'Oraisa? **A:** The Mishna says that he is assur to marry her grandmother, but does not prohibit her great-grandmother. This would suggest that shniyos were not instituted for a chalutza.
 - It may be that we only mention a grandmother, because the Mishna goes on to say that the other brothers are allowed to marry these people. Had we said the case of “great-grandmother”, we would have said that even the other brothers are only mutar to the great-grandmother, but not the mother or grandmother. That is why we only mentioned the cases of mother and grandmother.
 - **Q:** If so, why can't the Mishna mention all the cases, and then say that the other brothers are mutar in *all* the cases!? **A: Kashyeh.**
 - **Q:** The Mishnas says she may not marry his father's father. Presumably this is because she is like the daughter in law of his son (like a wife of the one who gave the chalitza), which is a shniya, and we see that it is assur!? **A:** She is assur to him as the *actual* daughter in law of his son (wife of the one who died), and that is why she is assur.
 - **Q:** The Mishna says that she is assur to his grandson. Presumably this is because she is his grandfather's chalutza, which would be a shniya!? **A:** She is assur to him as the wife of his grandfather's brother (the dead brother), which is a shniya.
 - **Q:** We find that **Ameimar** said that a grandfather's brother's wife is not a shniya at all!? **A: Ameimar** will have to say that the Mishna is not referring to the grandson of one who gave chalitza, rather it is referring to the grandson of the father of the one who gave chalitza, which is the nephew of the one who died, and he is therefore assur to the yevama.
 - **Q:** That is the same case as the “brother's son”, which is separately listed in the Mishna!? **A:** One refers to the paternal brother's son and one refers to the maternal brother's son.
 - **Q: R' Chiya** says in a Braisa that the chalutza becomes assur to 4 men that would be assur to her D'Oraisa if she would have married the yavam, and to 4 men who would have been assur to her D'Rabanan (his father's father, his mother's father, his son's son, and his daughter's son). Presumably, she would be assur to his grandfathers as being the chalutza of the yavam, and that would only be a shniya!? **A:** She is assur to them as the wife of the one who died, not for being the chalutza of the yavam.
 - **Q:** The Braisa says that she is assur to his son's son. Presumably this is because she is his grandfather's chalutza, which would be a shniya!? **A:** She is assur to him as the wife of his grandfather's brother (the dead brother), which is a shniya.
 - **Q:** We find that **Ameimar** said that a grandfather's brother's wife is not a shniya at all!? **A: Ameimar** will have to say that she is assur to him as being the chalutza of his grandfather, and he will have to hold that we are goizer shniyos by a chalutza as well.
 - **Q:** The Braisa says that she is assur to his daughter's son, which would only be a shniya!? **A:** She is assur to him as his maternal grandfather's brother's wife (the wife of the dead brother).
 - **Q:** A maternal grandfather's brother's wife is not assur as a shniya at all!? **A:** It must be that she is assur to him in her status as a chalutza, and we see that they were goizer shiyos for a chalutza as well. **SHEMA MINAH.**

MUTAR ADAM...

- **R' Tuvi bar Kisna in the name of Shmuel** said, if one marries the tzara of his chalutza, the child they have will be a mamzer. This is because she remains with her original issur of eishes ach (and is not considered as if she too got chalitza, in which case he would only be assur to her with a lav).

- **R' Yosef** said, we see this from our Mishna as well. The Mishna says that he is mutar to the relatives of the tzara. Now, if the tzara is considered to have gotten chalitza as well, he would not be mutar to her relatives!
- **Q:** Maybe we should say this refutes **R' Yochanan**, who says that the tzara is like the chalutza, and remains assur to the yavam only with a lav!? **A:** **R' Yochanan** will answer, the Halacha that one is assur to the relatives of his chalutza is only D'Rabanan. The **Rabanan** decided to apply the issur only to the actual chalutza, and not to the tzara.
- **Q:** Why is it that he is mutar to marry the relatives of the tzara of his chalutza, but he may not marry the tzara of the relatives of his chalutza? **A:** The relatives of the chalutza often accompany her to Beis Din for the chalitza. Therefore, we are concerned that people will get confused and think that the relative is the actual chalutza, and if we allow the relative's tzara to marry him, people may think that the tzara of the chalutza is mutar. Therefore, we do not allow that marriage.