

Daf Notes

Insights into the Daily Daf

7 Tammuz 5767

Yevamos Daf 51

June 23, 2007

Daf Notes is currently being dedicated to the neshamah of **Asher Ben Moshe** o"n. May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of Life.

Visit us on the web at www.dafnotes.blogspot.com

Produced by Rabbi Avrohom Adler

To subscribe, please send email to: Majordomo@eagleintl.com with the command "subscribe Englishdaf" in the message body

Highlights

The Gemora states: Rabban Gamliel and the Chachamim only argued regarding a *get* after a *get* and a *ma'amar* after a *ma'amar*; but a *get* given to one *yevamah* or a *ma'amar* performed with one will certainly be effective.

The Gemora asks: Why do the Rabbis say that a *get* given to a *yevamah* is effective (*resulting in the prohibition of Once he did not build, he should never again build*)?

The Gemora answers: It is because the giving of a *get* is effective elsewhere (*by a divorce from a man to his wife*). If it would not be effective by a *yevamah*, people would equate *chalitzah* with a *get*, and say that just as a *get* will not release the *yevamah*, *chalitzah* also won't, and then the *yavam* will cohabit with the *yevamah* after *chalitzah*. (*It was therefore decreed that one cannot cohabit with a yevamah after a chalitzah.*)

The Gemora asks: Why do the Rabbis say that a *ma'amar* to a *yevamah* is effective (*and he and his brothers can no longer perform a yibum*)?

The Gemora answers: It is because *ma'amar* is effective elsewhere (*by a marriage – either through money or a document*). If it would not be effective by a *yevamah*, people would equate *ma'amar* with cohabitation, and say that just as a

ma'amar does not acquire the *yevamah*, cohabitation also won't, and then the *yavam* will cohabit with a second *yevamah* after cohabitation. (50b)

The Gemora asks: Why do the Rabbis say that there is validity to something after a deficient cohabitation? (*Why is there still a need for chalitzah; shouldn't the cohabitation nullify the zikah?*)

The Gemora answers: We say as follows: Regarding the case where he gave a bill of divorce to one *yevamah*, and he cohabited with the other widow, she (*the one with whom he cohabited with*) requires a bill of divorce and *chalitzah*; the *chalitzah* is required because otherwise, people might equate cohabitation after *chalitzah* with cohabitation after a *get*. They would see that cohabitation after a *get* does not require *chalitzah*, and would assume that this cohabitation is ideal. This would lead people to allow cohabitation even after *chalitzah*. It is for this reason that the Rabbis decreed that cohabitation after a *get* requires *chalitzah*.

And regarding the case where the *yavam* married this one by *ma'amar*, and cohabited with a second widow, they require two bills of divorce and *chalitzah*; the *chalitzah* is required because

otherwise, people might equate cohabitation after *ma'amar* with cohabitation after cohabitation. They would see that cohabitation after *ma'amar* does not require *chalitzah*, and would assume that this cohabitation is ideal. This would lead people to allow cohabitation (*with one widow*) even after cohabitation was performed with a different widow. It is for this reason that the Rabbis decreed that cohabitation after *ma'amar* requires *chalitzah*. (50b)

The Gemora asks: Why do the Rabbis say that there is no validity to something after a deficient *chalitzah*? (*Why is it different that a deficient cohabitation, which is only partially effective?*)

The Gemora answers: We say as follows: Why should we be concerned? Should the Rabbis decree that *chalitzah* after a *get* should not be fully effective because of the case of *chalitzah* after *chalitzah*? There is nothing to be concerned about. Let them perform *chalitzah* incessantly; there is no prohibition against that. Should the Rabbis decree that *chalitzah* after *ma'amar* should not be fully effective because of the case of *chalitzah* after cohabitation? There is nothing to be concerned about. *Chalitzah* after *ma'amar* requires a *get* because of the *ma'amar*, so too, a *chalitzah* after cohabitation will require a *get* for the cohabitation. (50b)

Rava asks: What is the reasoning of Rabban Gamliel? (*Rabban Gamliel says: There is no validity for a get after a get. If two wives (e.g., Leah and Chanah) of a dead, childless man came before his brother for yibum, and he gave a bill of divorce to Leah, and afterwards he gave a bill of divorce to Chanah, the latter's bill of divorce is not valid, and he is not forbidden to marry her relatives. Rabban Gamliel says further: And no ma'amar after ma'amar. If one yavam married by ma'amar two yevamos from one brother who came before him for yibum, i.e., he married one of them and afterwards married the other; or if two yevamim married by ma'amar, one yevamah; the second ma'amar is void, and she does not require*

a bill of divorce from him to annul the ma'amar, and he is not forbidden to marry her relatives.)

He answers: Rabban Gamliel is uncertain whether a *get* to a *yevamah* effects full rejection of the *yevamah* or none at all. He is also uncertain whether *ma'amar* to a *yevamah* effects full acquisition of the *yevamah* or none at all.

Regarding a *get*: If the first *get* given effected a full rejection, what would the second one accomplish? If the first *get* given didn't accomplish anything, the second one will not accomplish anything either.

Regarding *ma'amar*: If the first *ma'amar* effected a full acquisition, what would the second one accomplish? If the first *ma'amar* didn't accomplish anything, the second one will not accomplish anything either.

Abaye asks from the following braisa: Rabban Gamliel admits that a *get* (*to one widow*) has validity after a *ma'amar* (*to the co-wife*), and the *yavam* will be prohibited from performing a *yibum* with them or marrying the *get*-recipient's relatives. He also admits that a *ma'amar* (*to one widow*) has validity after a *get* (*to the co-wife*), and the *yavam* will be prohibited from marrying the *ma'amar*-recipient's relatives. He also admits by a *get* given to a third *yevamah* after a cohabitation with a second *yevamah* followed a *ma'amar* to the first. He also admits by a *ma'amar* to a third *yevamah* after a cohabitation with a second *yevamah* followed a *get* given to the first.

If a *get* or *ma'amar* does not accomplish anything, let the cohabitation afterwards be regarded as a cohabitation at the beginning (*as if the ma'amar or get was nonexistent*), and we learned in the Mishna regarding cohabitation, when it is at the beginning, there is no validity for anything which follows it?

Abaye offers his own explanation: Rabban Gamliel maintains that a *get* does effect a partial

rejection and *ma'amar* accomplishes a partial acquisition. One *get* after another *get* has no validity because the first *get* given effected a partial rejection, and the second *get* cannot add to that rejection. One *ma'amar* after another *ma'amar* has no validity because the first *ma'amar* effected a partial acquisition, and the second *ma'amar* cannot add to that acquisition. However, regarding a *get* after a *ma'amar* or a *ma'amar* after a *get*; there can be validity since one is effecting a partial rejection, and one is accomplishing a partial acquisition.

The Chachamim disagree and maintain that the Rabbis decreed that there is the ability for a *get* or a *ma'amar* to take effect with each and every *yavam* and *yevamah*. (*Since it is only a partial rejection or acquisition, the zikah-attachment still exists.*)

Abaye concludes by explaining Rabban Gamliel's opinion in the braisa. A deficient cohabitation is stronger than a *ma'amar* and weaker than a *ma'amar*. It is stronger because a *ma'amar* after a *ma'amar* has no validity, but cohabitation after a *ma'amar* is effective. It is weaker because a *ma'amar* after a *get* is completely effective (*and a second ma'amar will not accomplish anything*), but cohabitation after a *get* is not completely effective (*and a ma'amar afterwards will have validity*). (50b – 51a)

The Gemora cites a braisa: Rabban Gamliel says: There is no validity for a *get* after a *get*. If two wives (e.g., Leah and Chanah) of a dead, childless man came before his brother for *yibum*, and he gave a bill of divorce to Leah, and afterwards he gave a bill of divorce to Chanah, Rabban Gamliel maintains that he should perform *chalitzah* with the first *yevamah* (Leah), and he is forbidden to marry her relatives. He is permitted to marry the relatives of the second *yevamah* (Chanah). The Chachamim hold that he is forbidden to marry the relatives of both of them, and he is required to perform *chalitzah* with one of them. And a similar

halacha applies if two *yevamim* give each a bill of divorce to one *yevamah*.

The braisa continues: If one *yavam* married by *ma'amar* two *yevamos* from one brother who came before him for *yibum*, i.e., he married one of them and afterwards married the other; Rabban Gamliel maintains that he should give a *get* to the first *yevamah* and perform a *chalitzah* with her, and he is forbidden to marry her relatives. He is permitted to marry the relatives of the second *yevamah*. The Chachamim hold that he is required to give a *get* to both of them, and he is forbidden to marry the relatives of both of them, and he is required to perform *chalitzah* with one of them. And a similar halacha applies if two *yevamim* perform *ma'amar* to one *yevamah*. (51a)

The Gemora asks on Shmuel from this braisa: The braisa had stated: If two wives (e.g., Leah and Chanah) of a dead, childless man came before his brother for *yibum*, and he gave a bill of divorce to Leah, and afterwards he gave a bill of divorce to Chanah, Rabban Gamliel maintains that he should perform *chalitzah* with the first *yevamah* (Leah), and he is forbidden to marry her relatives. He is permitted to marry the relatives of the second *yevamah* (Chanah). Shouldn't this be a refutation of Shmuel? Shmuel said: There were two brothers, one of them had two wives and died childless. The *yavam* gave a *get* (bill of divorce) to one of the women. He is now prohibited from performing *yibum* with any of these women, but he is required to perform a *chalitzah*. (*Although giving a get to a yevamah does not accomplish anything (for the Torah prescribes only a yibum or a chalitzah with a yevamah), the Rabbis decreed that it should be treated similar to a chalitzah.*) If the *yavam* performs a *chalitzah* with the woman who received the *get*, the co-wife is not released.

Why then does Rabban Gamliel maintain that the *chalitzah* performed with the first *yevamah* releases the co-wife; the *chalitzah* is deficient since it follows the giving of a *get*?

The Gemora answers: Shmuel could say that he is issuing his ruling in accordance with those that hold that there exists a *zikah*-attachment between the *yavam* and the *yevamah*; a deficient *chalitzah* will not release the co-wife. Rabban Gamliel would hold that there is no *zikah*-attachment, and a deficient *chalitzah* can release the co-wife. (51a)

The Gemora assumes that if Rabban Gamliel maintains that there is no *zikah*-attachment, it is evident that the Chachamim hold that there is a *zikah*-attachment. If so, let the braisa be a refutation of Rabbah bar Rav Huna in the name of Rav.

The braisa had stated: And a similar halacha applies if two *yevamim* give each a bill of divorce to one *yevamah*. (*If each yavam gave the yevamah a get, only one of them is required to perform a chalitzah with her.*)

Rabbah bar Rav Huna said in the name of Rav: Three sisters who are sisters-in-law (*they were married to three brothers*) who fall for yibum before two brothers, one brother performs *chalitzah* to one of them, the other brother performs *chalitzah* to a different one of them, and the middle one (*the other sister*) requires *chalitzah* from both of them. (*Since there is a zikah-attachment between the widows and the brothers, and the chalitzah performed with the middle sister is a deficient chalitzah (because she cannot be taken for yibum since she is the sister of his chalutzah), and a deficient chalitzah requires that she goes for chalitzah to all of the brothers.*)

Why do the Chachamim rule that only one *chalitzah* is necessary?

The Gemora answers: Rabbah bar Rav Huna would answer that both Rabban Gamliel and the Chachamim would hold that there is no *zikah*-attachment; their dispute is only regarding the validity of a *get* following a *get* or *ma'amar* following a *ma'amar*. (51a – 51b)

Rabbi Yochanan said: Rabban Gamliel, Beis Shamai, Rabbi Shimon, Ben Azzai and Rabbi Nechemia all maintain that *ma'amar* accomplishes a complete acquisition of the *yevamah*.

Rabbi Yochanan explains: Rabban Gamliel's view is evident from the Mishna. (*There is no validity for a ma'amar after a ma'amar; the first ma'amar leaves no room for the second one to accomplish anything.*)

Beis Shamai's opinion can be derived from the following ruling: There were three brothers, two of whom were married two sisters, and one is unmarried. If one of the husbands of the sisters died, and the bachelor performed a *ma'amar*, and afterwards his second brother died. Beis Shamai said: His wife stays with him, and the other is released because she is his wife's sister. (*Beis Shamai maintains that ma'amar is Biblically valid and the sister is regarded as his wife's sister.*)

The Gemora demonstrates that Rabbi Shimon and Ben Azzai also hold that *ma'amar* accomplishes a complete acquisition of the *yevamah*.

Rabbi Nechemia's position regarding *ma'amar* can be proven from his opinion cited in the Mishna (50b). Rabbi Nechemia said: It is all one, cohabitation and *chalitzah*, whether at the beginning, or in the middle, or at the end, there is no validity for anything which follows it. The Rabbis equated a deficient cohabitation with a *ma'amar*, and Rabbi Nechemia maintains that there is no validity for anything which follows a deficient cohabitation. It can thus be proven that he holds that *ma'amar* accomplishes a full acquisition. (51b)