

28 Nissan 5782  
April 29, 2022



Yevamos Daf 53

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The Mishnah had stated: If the yavam performed chalitzah with the yevamah, and then either performed ma'amar with her, or gave her a bill of divorce, or cohabited with her, etc.

The Gemora asks: It should also have been stated that no act is valid after cohabitation!?

The Gemora answers: Both Abaye and Rava say: Read in the Mishna: No act is valid after cohabitation.

The Gemora notes that our Tanna (who taught that no act is valid after chalitzah) preferred to teach the permissibility of the yevamah to the general populace (and the yavam is not required to do anything else; we can deduce as well that that nothing is valid after yibum). (53a2)

The Mishnah had stated: If he married this one by ma'amar, and that one by ma'amar, they require two bills of divorce and chalitzah.

The Gemora states that this seemingly would be inconsistent with Ben Azzai's opinion. Ben Azzai maintains that there is validity for a ma'amar after another ma'amar in a case where there were two yevamim and they both performed ma'amar with one yevamah. However, if one yavam performed ma'amar with one yevamah, and then he performed ma'amar with a second yevamah, the second one has no validity (and therefore there would be no necessity for a get to the second one). (53a2)

The Mishnah had stated: If he married this one by ma'amar, and he submitted to chalitzah from the other one, the first requires a bill of divorce.

The Gemora states that we can infer from the Mishnah that when he perform a ma'amar with one, it is proper to submit to chalitzah from the other one; for a chalitzah from the ma'amar recipient will not release the co-wife (since it does not sever the ma'amar attachment). This implication would support Shmuel, for Shmuel had stated: If a yavam performs a ma'amar with one of the widows and then he decides to release her, she needs a get and a chalitzah. If the yavam performs a chalitzah with the woman who received the ma'amar, the co-wife is not released. If he performs a chalitzah with the co-wife, the woman who received the ma'amar is released.

This would be a refutation to Rav Yosef, who maintains that one should always perform a chalitzah with the woman who is anyway disqualified for the Kehunah. (Rebbe taught that a person should not spill out the extra waters from his pit when others may have a need for it. If he is performing chalitzah anyway, which will render her forbidden to a Kohen, he should perform the chalitzah with the widow who is anyway disqualified to marry a Kohen.) (In our Mishnah, he should submit to chalitzah from the ma'amar recipient, who will anyway require a get.)

The Gemora answers: The Mishnah does not instruct him to perform chalitzah with the second widow; rather, the Mishnah is discussing the law that applies after the fact. [Perhaps, he should have submitted to chalitzah from the ma'amar recipient, since she will be receiving a get to sever the ma'amar attachment.] (53a2 – 53a3)

The Mishnah had stated: If he gave a bill of divorce to this one, and a bill of divorce to the other one, they require from him chalitzah. The Mishnah continued: These halachos apply



whether one *yavam* to two *yevamos*, or two *yevamim* to one *yevamah*.

The Gemora states that this would support Rabbah bar Rav Huna's opinion. He states: Whenever there is a deficient *chalitzah*, each brother must submit to *chalitzah* from that *yevamah*. (*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.*)

The Gemora deflects the proof: Our Mishnah does not mean that they both perform *chalitzah*; rather it (*the plural form*) means that that *yevamos* in general would require a *chalitzah* in this case (*but only from one brother*). (53a3)

The Mishnah had stated: If he gave a bill of divorce to this one, and performed *chalitzah* with the other, etc.

The Gemora asks: May it be suggested that this (that the fact that the Mishnah stated that he performed *chalitzah* with the second, and not the first one) provides support to the ruling of Shmuel, and presents a refutation against the ruling of Rav Yosef?

The Gemora answers: The Gemora answers: The Mishnah does not instruct him to perform *chalitzah* with the second widow; rather, the Mishnah is discussing the law that applies after the fact. (53a3)

The Mishnah had stated: If the *yavam* performed *chalitzah* with one and then with the other, or if he performed *chalitzah*, etc.

The Gemora asks: It should also have been stated that no act is valid after cohabitation!?

The Gemora answers: Both Abaye and Rava say: Read in the Mishnah: No act is valid after cohabitation.

The Gemora notes that our Tanna (who taught that no act is valid after *chalitzah*) preferred to teach the permissibility of the *yevamah* to the general populace (and the *yavam* is not required to do anything else; we can deduce as well that that nothing is valid after *yibum*). (53a3)

The Mishnah had stated: If he performed *chalitzah* and he married her by *ma'amar*, there is no validity to anything which follows *chalitzah*, and the *ma'amar* is not effective. The Mishnah continued: These halachos apply whether one *yavam* to two *yevamos*, or two *yevamim* to one *yevamah*. The implication would be that if one *yavam* performed *chalitzah* with one widow and performed *ma'amar* with her co-wife, or if the *yavam* performed *chalitzah* with one widow and his brother performed *ma'amar* with her, there is no validity to anything which follows *chalitzah*, and the *ma'amar* is not effective.

[The Gemora above (10b) presented a dispute between Rabbi Yochanan and Rish Lakish. (*A man performed a chalitzah with his yevamah and then married her; Rish Lakish said that he is not liable for kares for marrying the chalutzah (the one with whom the chalitzah was performed), but the brothers will be liable to kares for taking her. He (the one who performed the chalitzah) and his brothers will be liable to kares for taking the co-wife. Rabbi Yochanan says: Both he and the brothers will not be liable to kares for taking the chalutzah or her co-wife.*)]

The Gemora asks: It is understandable why the Mishnah mentioned these halachos according to Rabbi Yochanan; although he holds that (*after chalitzah*) the entire house is only subject to a negative prohibition, nevertheless, *kiddushin* does not take effect with her (*and the Mishnah would be following Rabbi Akiva's opinion that kiddushin does not take effect with a woman subject to a negative prohibition*). However, what is the novelty of these rulings according to Rish Lakish? He maintains that (*after chalitzah*) the entire house is subject to a penalty of *kares*; does the

Mishnah need to teach us that *kiddushin* does not take effect with women subject to a penalty of *kares*?

The Gemora defends Rish Lakish's position, and asks: Is it any better according to your reasoning? The Mishnah had stated: If he cohabited with her and he married by *ma'amar*, there is no validity for the *ma'amar*. The Mishnah continued: These halachos apply whether one *yavam* to two *yevamos*, or two *yevamim* to one *yevamah*. The implication would be that if one *yavam* cohabited with her and a second *yavam* performed *ma'amar* with her, the *ma'amar* will not be valid. What is the necessity of this ruling? Does the Mishnah need to teach us that *kiddushin* does not take effect with a married woman?

The Gemora concludes: It is obvious that this is the explanation of the Mishnah. The Mishnah taught all the halachos pertaining to releasing one *yavam* and one *yevamah*, and then it taught us the halachos pertaining to two *yevamos* and one *yavam*. Since we mentioned the halachos regarding two *yevamos* and one *yavam*, the Mishnah also mentioned the halachos regarding two *yevamin* and one *yavam*. (53a3 – 53a4)

The Mishnah had stated: There is no validity to anything that follows *chalitzah*.

The Gemora asks: One can well understand why it was necessary to teach (that there is nothing valid after *chalitzah*) where the *yavam* first performed a *chalitzah* and then performed a *ma'amar*, for it might have entered your mind that provision was to be made for a *ma'amar* (to be effective) that followed *chalitzah* as a preventive measure against a *ma'amar* that preceded *chalitzah*; it was consequently necessary to tell us that no such preventive measure was to be made. What need, however, was there for the ruling where the *yavam* performed *chalitzah* and then gave her a letter of divorce? [Isn't it obvious that there is no validity to a *get* after a *chalitzah*?]

The Gemora counters: And according to your own view, let us consider the next clause in the Mishnah: If he cohabited with her and then performed *ma'amar* with her, or if he cohabited with her and then gave her a letter of divorce. One can well understand why it was necessary to teach a ruling (that a *get* releases her completely), where the *yavam* cohabited with her and then gave her a letter of divorce; since it might have entered your mind that provision was to be made for a divorce that followed cohabitation (that it is not a complete release) as a preventive measure against a divorce that preceded cohabitation; it was consequently necessary to tell us that no such preventive measure was required. But what need was there for the Mishnah to teach us that where He cohabited with her and then performed *ma'amar* with her?

Rather, the fact is that just as the Mishnah taught: If the *yavam* first performed a *chalitzah* and then performed a *ma'amar*, he also taught: If he cohabited with her and then performed *ma'amar* with her. And since he desired to teach the rule where he cohabited with her and then gave her a letter of divorce, he also taught the case where the *yavam* performed *chalitzah* and then gave her a letter of divorce. (53b1)

The Mishnah had stated: This would apply whether he submitted to *chalitzah* at the beginning, or in the middle, or at the end. However, regarding cohabitation, when it is at the beginning, there is no validity for anything which follows it, whereas if it was in the middle, or at the end -- there is validity to something which follows it. Rabbi Nechemyah 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 Gemora cites a dissenting opinion from a Baraisa: Abba Yosi son of Yochanan, a man from Yerushalayim said in the name of Rabbi Meir: It is all one, cohabitation and *chalitzah*; if it is done in the beginning, there is no validity for anything which follows it. However, if it is done in the middle (*a get preceded it, and ma'amar followed it*) or in the end

(following a *get* and *ma'amar*), there is validity for that which follows it.

The Gemora states all the opinions: There are three viewpoints. The Tanna Kamma of our Mishnah maintains that there is a distinction between cohabitation and *chalitzah*. If one cohabits (*in the middle or at the end*), there is reason to decree that something which follows should have validity, for we are concerned that people might say: Just as cohabitation following a *ma'amar* effects acquisition, so too, cohabitation after cohabitation should acquire her. And just as cohabitation after a *get* effects acquisition, so too, cohabitation after *chalitzah* should acquire her. It was for this reason that the Rabbis decreed that cohabitation does not acquire her. However, regarding *chalitzah* which is performed between *get* and *ma'amar* or afterwards, there is no reason to be concerned, therefore there is no validity to anything that follows *chalitzah*.

Rabbi Nechemyah 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.

Rabbi Nechemyah disagrees with the Tanna Kamma's logic: There is no reason to be concerned. The Gemora explains: That which the Tanna Kamma said, that just as cohabitation after a *get* effects acquisition, so too, cohabitation after *chalitzah* should acquire her; this is not a concern. Everyone knows that *chalitzah* releases the *yevamah* Biblically, and they will not think that cohabitation after *chalitzah* will acquire her. That which the Tanna Kamma said, that just as cohabitation following a *ma'amar* effects acquisition, so too, cohabitation after cohabitation should acquire her; this is also not a concern. Everyone knows that cohabitation acquires the *yevamah* Biblically, and they will not think that cohabitation after cohabitation will acquire her.

Abba Yosi son of Chanan (*who holds that it is all one, cohabitation and chalitzah; if it is done in the beginning, there is no validity for anything which follows it; however, if it is done in the middle (a get preceded it, and ma'amar*

*followed it) or in the end (following a get and ma'amar), there is validity for that which follows it*) holds like the Rabbis that there is sufficient reason to decree by cohabitation (*that it is not completely effective*), and he decrees by *chalitzah* because of the concern regarding cohabitation. (53b1 – 53b2)

#### WE SHALL RETURN TO YOU, RABBAN GAMLIEL

#### DAILY MASHAL

Ma'amar effects a full acquisition according to many of the Tannaim. The reason why words alone can make such a powerful change is because they are a force that binds people together. Daf Digest relates the following story: A certain man once came to his Rav to discuss his son. The boy was adrift and needed help. The man said, "I feel that I just don't have a close relationship with my boy, and it worries me. What am I doing wrong, and how can I correct the problem?" The Rav asked, "Well, tell me a little about what you do when you are together at home." After some probing, it emerged that the father sat at the Shabbos table every week with his nose buried deep in a sefer. Although the Shabbos table presented an ideal opportunity to build a close relationship with his son, the father had been sending a clear message to his child that he was more interested in his learning than in spending time together. Needless to say, this was one of the prime reasons for the distance between them. The Rav suggested, "Why don't you spend more time with your son and take him out to the zoo or on some other trip?" Sometime later, the man came back to the Rav and said that he had taken the boy on outings, but it had not helped. The Rav asked, "Did you go to the zoo like I recommended?" "Yes," the distraught man answered. "What did you do while you were there?" asked the Rav. The father admitted that he had taken along a sefer and spent the time learning while his son looked at the animals! The Rav exclaimed, "How do you expect to make a connection with your son if you don't talk to him?!"