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Yevamos Daf 3

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The Gemora states that the exemptions regarding the fifteen women listed in the Mishnah are all derived from the verse in the Torah discussing his wife’s sister.

The Gemora asks: Why didn’t the Mishnah list the case of his wife’s sister first?

The Gemora attempts the following answer: The Tanna enumerated the forbidden relatives in the order of the degrees of their respective severity, and our Mishnah represents the view of Rabbi Shimon who regards burning as the most severe (and the Mishnah first lists the nine women with whom intimacy is punishable by burning).

The Gemora rejects that answer, for then, the case of ‘one’s mother-in-law’ should have been mentioned first, since Scripture enunciated the principle of burning in the case of one’s mother-in-law. And furthermore, the case of ‘one’s daughter-in-law’ should have come immediately after ‘his mother-in-law’ (and the others that are punishable by burning), since after burning, stoning is the severest penalty!?

Rather, this, in fact, is the proper reply: Since the prohibition of intimacy with one’s daughter was derived by an exposition (and not written explicitly in the Torah), the teaching therefore is dearer to him than an obvious explicit verse (and that is why it is mentioned first).

The Gemora asks: The law (that these women are exempted from yibum), surely, concerning all the others also was arrived at by exposition!?

The Gemora answers: Granted that in respect of exemption from yibum, the law in respect to them was arrived at by exposition, but the principle of prohibition (of intimacy) with them has been explicitly enunciated in Scripture, while as regards to one’s daughter, the very principle underlying the prohibition (of intimacy with her) has been arrived at by exposition; for Rava stated that Rav Yitzchak bar Avdimi had said to him that this is derived from the gezeirah shavah of “heinnah-heinnah” and “zimah-zimah.” [The prohibition of having relations with one’s biological daughter, born out of wedlock, is learned from the same word heinnah – they are used in the verse about a biological daughter and the verse about one’s wife’s offspring. Just as the verse about a wife’s offspring explicitly enumerates a daughter along with a granddaughter, so the verse about a biological granddaughter includes a daughter. We then learn that both of these cases are punishable by burning, from the same word zimah – immorality used in the verse about a wife’s offspring and in the verse about a wife’s mother. Just as the verse about a wife’s mother explicitly states that he is punished by burning, so we learn that all the other cases associated with this word are punished by burning.]

The Gemora asks: Now that it has been stated that preference is given to whatever is arrived at by exposition, the Tanna should have placed ‘his wife’s sister’ last (since this is where the exemption for yibum is taught)?

The Gemora answers: As he was dealing with a prohibition due to sisterhood, he mentioned also ‘his wife’s sister.’

The Gemora asks: Then let him relegate the entire clause to the end?

The Gemora answers (its original question differently): The Mishnah listed the fifteen women according to the closeness of their relationship with the yavam. The closest relatives' are his daughter, and his daughter's daughter and his son's daughter, since these three are his blood relatives. Since the Tanna listed three generations descending from the man, he listed three generations descending from the yavam's wife, i.e. his wife's daughter, and her daughter's daughter and her son's daughter. Once the Mishnah listed three generations descending from her (yavam's wife), he decided to list three generations ascending from her, i.e. his mother-in-law, and his mother-in-law's mother and his father-in-law's mother. He then listed the yavam's maternal sister and his mother's sister since they are his blood relatives (more than his daughter-in-law, who is only related through her marriage to his son). Once he was discussing prohibitions pertaining to sisters, he mentioned his wife's sister. Of the three remaining women (his daughter-in-law, his maternal brother's wife and the wife of his brother who was not in his world, who are all not blood relatives), the Tanna should have listed his daughter-in-law first (because her prohibition is the most severe; stoning compared to kares); however, since we were discussing prohibitions dealing with siblings, the Tanna listed his maternal brother's wife and the wife of his brother who was not in his world and concluded with his daughter-in-law. (2b3 – 3a2)

The Gemora asks: Why does the Mishnah say that these fifteen women exempt their co-wives; let the Mishnah say that they forbid their co-wives?

The Gemora answers: If the Mishnah would say forbid, one might think that it is forbidden to perform a yibum with her, but one is required to perform chalitzah; the Tanna teaches us that she is exempt from chalitzah, as well.

The Gemora asks: Let the Mishnah say that these fifteen women forbid their co-wives from chalitzah?

The Gemora answers: What would be wrong with performing a chalitzah with an ervah?

The Gemora rejects this answer: If we would allow the yavam to perform a chalitzah, an ignorant person might mistakenly think that yibum is also permitted and he will perform yibum with an ervah.

The Gemora concludes: Since a co-wife of the ervah becomes forbidden only in situations which involve the mitzvah of yibum (the deceased was a brother of this person), and not in any other situation (any time that a man is married to someone else's ervah); the Mishnah uses the term "exempt," indicating that this ruling applies only in situations of yibum. (3a2)

The Mishnah had stated: Fifteen women exempt their co-wives and the co-wives of their co-wives from chalitzah and from yibum.

The Gemora asks: Would it have not been sufficient for the Mishnah to say that they are exempt from yibum?

The Gemora answers: If the Mishnah would have only said that they are exempt from yibum, we might have thought that there would be a requirement for chalitzah; the Mishnah teaches us that whoever is subject to yibum is subject to chalitzah and whoever is not subject to yibum is not subject to chalitzah.

The Gemora asks: Let the Mishnah say that they are exempt from yibum and chalitzah (reversing the order) or it can say that they are exempt from chalitzah (and we would understand that he cannot perform a yibum)?

The Gemora answers: The Mishnah is following the viewpoint of Abba Shaul, who maintains that the mitzvah of chalitzah takes precedence over the mitzvah of yibum (since he might not have pure intentions); it is for this reason that the Tanna mentions chalitzah before yibum. (3a2 – 3a3)

The Gemora asks: What was intended to be excluded by the number (fifteen) at the beginning (of the Mishnah), and

what was intended to be excluded by the number ('these' women) at the end? [If nothing were to be excluded, there would be no need for the addition of a number at the beginning, or of a reference to it at the end of a list, which presumably enumerated all possible cases.]

The Gemora answers: They were intended to exclude the respective rulings of Rav (who holds that an adulteress exempts her co-wife from chalitzah and yibum) and Rav Assi (who holds that an ayilonis – a woman incapable of procreating - exempts her co-wife from chalitzah and yibum).

The Gemora asks: What, however, do the numbers exclude according to Rav and Rav Assi?

The Gemora answers: If they share each other's views, one number would serve to exclude the co-wife of a minor who made a declaration of refusal (Mi'un - A girl whose father had died could be given in marriage while still a minor (under the age of twelve) by her mother or older brother. This marriage is only valid Rabbinically. As long as she has not attained the age of twelve, she may nullify the marriage by refusing to live with her husband. This act of refusal, referred to as mi'un nullifies the marriage retroactively. In our case, a man had two wives, and one of them was an orphaned minor. He died childless, and the minor 'refused' the yavam, as she is allowed to do. The halachah is that the minor and her co-wife are forbidden to the yavam. As the number in the Mishnah excludes this case, the halachah would be that the co-wife is subject to chalitzah.), and the other to exclude the co-wife of a wife whom her husband remarried after having divorced her. And if they do not share the views of each other, each would regard one number as serving to exclude the ruling of his colleague; and the other number, as serving to exclude either the co-wife of one who made a declaration of refusal, or the co-wife of a wife whom her husband remarried after having divorced her.

The Gemora asks: According to Rav and Rav Assi, these should have been enumerated in our Mishnah!?

The Gemora answers: This could not be done because the law of the co-wife's co-wife is not applicable to these cases (as the woman is equally forbidden to all the brothers; this is in contrast to the Mishnah's cases, where the woman is forbidden to one of the brothers but permitted to the others). (3a3 – 3b1)

The Gemora asks: From where do we derive all the halachos listed in the Mishnah?

The Gemora cites a Baraisa which provides a Scriptural verse (in the passages discussing the prohibition of living with one's wife sister when his original wife is still alive) teaching us that one cannot perform a yibum on his wife's sister. And you shall not take a woman in addition to her sister, to be a rival to her (tzaros), to uncover her nakedness, 'aleha' [upon her] in her lifetime. What was the necessity there for the expression 'aleha'? It is because it was stated: Her yavam [husband's brother] shall cohabit 'aleha' [with her], it might have been thought that Scripture speaks even of any of all the forbidden relatives enumerated in the Torah. Therefore it was here stated, 'aleha' and elsewhere it was also stated 'aleha'. Just as elsewhere (by the commandment of yibum) it is in the situation of a mitzvah (where the brother dies childless), so here also (when the Torah prohibits intimacy with one's wife's sister), it is in the case of a mitzvah (of yibum); and yet did not the Merciful One say: You shall not take.

The Baraisa continues: We are thus in a position to know the law concerning herself; from where do we derive the law concerning her co-wife? It is from the Scriptural expression: to be a rival to her. We have so far deduced the law concerning her co-wife only; from where do we arrive at the law concerning her co-wife's co-wife (when a permitted brother (yavam) performs yibum with the co-wife of the forbidden woman to a different brother, and then this yavam also dies childless, the tzarah (the co-wife of the original woman) and the tzaras tzarah (the current co-wife)? It is from the fact that Scripture uses the expression litzror

and not that of latzor (for the use of the 'double letter 'reish' implies many tzaros).

The Baraisa continues: So far we have deduced the law concerning a wife's sister; from where is the law concerning the other forbidden relatives to be inferred? You must say: Just as a wife's sister is singled out in that she is a forbidden relative, the penalty for intentional cohabitation with her is kares and for unwitting cohabitation a chatas, and she is forbidden to the yavam, so also any woman who is a forbidden relative, and the penalty for intentional cohabitation with whom is kares and for unwitting cohabitation a chatas, is forbidden to the yavam.

The Baraisa continues: Now we know the law concerning themselves only; from where is the law concerning their rivals deduced? You must say: Just as a wife's sister is singled out in that she is a forbidden relative, kares is incurred by intentional cohabitation with her and a chatas for unwitting cohabitation, and she is forbidden to the yavam, and her rival is forbidden, so too in the case of any woman who is a forbidden relative, and for intentional cohabitation with whom is incurred the penalty of kares and for unwitting cohabitation a chatas, and who is forbidden to the yavam, her rival is forbidden.

The Baraisa continues: From here, the Sages said (in the Mishnah): Fifteen women exempt their co-wives and the co-wives of their co-wives from chalitzah and from yibum, until the end of the world.

The Baraisa notes: One might think that the six more stringently forbidden relatives (as they are forbidden to a man's paternal brother as well) are also included in the ruling, so that their rivals also are forbidden, therefore it must be stated: Just as a wife's sister is singled out in that she is a forbidden relative, kares is incurred by intentional cohabitation with her and a chatas for unwitting cohabitation, and she is permitted to the other brothers, and she is forbidden to the yavam, and her rival is forbidden, she may be married to the other brothers, but is forbidden to

the yavam, and her rival is forbidden, so too in the case of any woman who is a forbidden relative, and for intentional cohabitation with whom is incurred the penalty of kares and for unwitting cohabitation a chatas, and she is permitted to the other brothers, and is forbidden to the yavam, her rival is forbidden. Excluded, however, are the six more rigidly forbidden relatives. This is because they may not be married to the other brothers, and therefore, their rivals are permitted; for the law of 'tzarah' - 'a co-wife' is applicable only (where the forbidden relative and her co-wife fall to a yavam) from a brother.

The Baraisa concludes: We have deduced the prohibition; from where, however, is the penalty inferred? Scripture said: For whoever shall commit any of these abominations etc. [shall be cut off from among their people.] (3b1 – 3b3)

INSIGHTS TO THE DAF

REB AKIVA EIGER'S VELTZ KASHA

Rabbi Akiva Eiger asks the following question: Why do we need a passuk of "litzror" mentioned in the Baraisa, to derive the prohibition against marrying a tzaraas tzarah (co-wife's co-wife)? Once the Torah prohibits performing yibum with a tzarah (co-wife), she remains forbidden to her (deceased) husband's brothers because of the prohibition of eishes achiv (the wife of one's brother). Accordingly, her status is the same as that of any other ervah, and her tzarah should be no different from any tzarah of an ervah.

Although the prohibition against marrying one's brother's wife is normally suspended in situations of yibum, the Mishnah teaches in another case (eishes achiv she'lo hayah b'olamo - the wife of his brother who was not in his world (this brother and the yavam were not alive at the same time)) that the prohibition of eishes achiv has the capability to prohibit the woman to the brother with whom she otherwise would have performed yibum with, and the Gemara does not find it necessary to seek an extra source for this.

In that case, a brother born after the death of his older (and childless) brother may not perform yibum, because he was "not in the world at the same time" as his brother and thus his brother's wife remains forbidden to him as an eishes ach. Similarly, her tzarah is also forbidden to him because she is the tzarah of an ervah. Just as in this case, an extra source is not required to teach us the prohibition of the tzarah of an ervah, a source should not be required to teach us the prohibition of the tzarah of a tzarah. (Kollel Iyun HaDaf assisted us immensely in the writing of this question.)

Reb Elchonon Wasserman (Kovetz Heoros 2:4) answers: The only time that the ervah of eishas ach can exempt the tzarah from yibum is when the ervah became exempt herself on the account of eishes ach; however, when the yevamah became exempt from yibum on the account of a different reason, resulting in there being a prohibition of eishas ach; she will not exempt the tzarah from yibum. In the case where the two brothers were not alive at the same time, the yevamah is exempt from yibum on the account of being an eishes ach; she will exempt the tzarah, as well. A tzoras ervah is not exempt because she is an eishes ach; she is only exempt because she is a co-wife of an ervah; consequently, she becomes prohibited on the account of eishes ach, but she cannot exempt her tzarah. The Gemora requires a source to teach us that the tzarah has the ability to exempt her tzarah, as well.

DAILY MASHAL

Ch. 25, v. 5: "Y'vomoh yovo o'lehoh ulkochoh lo l'ishoh" - The widowed sister-in-law he shall come upon her and he shall take her for a wife - The gemara Yerushalmi Y'vomos 4:12 relates that there were thirteen brother among whom twelve died childless. The twelve widows came to Rabbi Yehudoh Hanossi and asked him to persuade the surviving brother to do "yibum," take them all in marriage. When he discussed this matter with the surviving brother he got the expected response, that he was exceedingly reluctant to do so because he had no visible means to support so many

women and the expected family growth. When this was reported back to the widows they agreed among themselves to each take on the responsibility in a rotor manner to bring in full family support for one month a year. He did not accept this offer because seven times in nine years there would be an additional month without injcome. Rabbi Yehudoh Hanossi said that he would personally take responsible for the extra month and the twelve "yibum" marriages took place. Rabbi Yehudoh Hanossi blessed each and every family unit with blessings for a fruitful family.

The third year after the "marriages" was a leap year, containing thirteen months. These twelve women came to Rabbi Yehudoh Hannosi's home with their thirty-six children in tow, each having given birth to three children in the interim. The women left their children in the courtyard in front of the home and told Rabbi Yehudoh Hanossi that there was a "community of young children" who were there to ask for his welfare. He looked through the window of his home, saw them, and asked what they would like. They responded that they came to request that he honour his commitment to support the family for the extra month, which he did very happily. The story in the gemara ends here.

The sefer "Yichusei haTano'im v'Amoro'im" was authored by Rabbeinu Yehudoh b'r Klonimus. In it he writes that Bar Kapara was an exceedingly wise person, as related in the gemara Brochos 62b. He goes on to write that Agodoh relates that he married twelve women whom he agreed to marry because they agreed to support him out of their great appreciation for his vast wisdom. This Agodoh is nowhere to be found. Rabbi Reuvein Margolios in his sefer OI'los #5 writes that he believes that this refers to the story related earlier from the gemara Yerushalmi Y'vomos. There are indications that this is quite plausible because it is known that Bar Kapara visited Rabbi Yehudoh Hanossi, and also that he would likely be reluctant to do "yibum" even without the financial burden of a dozen wives, as per his opinion cited in the gemara Y'vomos 109, that he prefers "chalitzoh" over "yibum."