

Daf Notes

Insights into the Daily Daf
Yevamos Daf 26

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Highlights

The Mishna states: And all of them (*an agent who brings a bill of divorce from overseas, one who testifies about a wife that her husband had died and the sage who did not release the wife from her vow causing the husband to divorce her*); if they had wives at that time and subsequently they died, they are permitted to marry those women (*since they were married at the time, people will not suspect that they acted in order to marry them*).

And all of them (*these women*); if they married others and were divorced or became widows, they are permitted to be married to those men.

And all of them are permitted to their sons, or to their brothers. (26a)

The Mishna had stated: If they had wives at that time and subsequently they died, they are permitted to marry those women (*since they were married at the time, people will not suspect that they acted in order to marry them*).

The Gemora asks: The Mishna implies that they are permitted to marry those women if their wives died, but not if they were divorced. But we learnt in a braisa: Even if they divorced they are permitted to marry them?

The Gemora answers: It is no contradiction. Our Mishna is discussing a case where there was previous friction (*in his marriage, and the divorce was not on account of the rumored incident*), and the braisa is referring to a case where there was no previous friction (*and the divorce could be because of the alleged incident; he is then prohibited from marrying her*).

Alternatively, we can answer that in both cases, there was no previous friction, but the braisa is discussing a case where he started the fight, thus we suspect that he is looking for an excuse to divorce, and therefore he may not marry the woman, whereas the Mishna is discussing a case where she started the fight, and there is therefore no reason to assume that he planned the divorce in order to marry the woman. (26a)

The Mishna had stated: And all of them are permitted to their sons, or to their brothers.

The Gemora asks: How is this case different from that which was learnt in a braisa: One who is suspected of adultery with a woman is forbidden to marry her mother, daughter, and sister? (*The reason for this prohibition is because this marriage might bring him closer to that woman.*)

The Gemora answers: Women are accustomed to visit other women (*and we are therefore concerned that he will continue his relationship with the woman when she comes to visit his wife*), but men are not accustomed to visit other men (*and therefore we are not concerned that she will come into contact with that man again*).

Alternatively, women, who live with other women's husbands do not cause the husband to become prohibited to his wife, and therefore the wives are not so concerned about the continued relationship, whereas men, who live with other men's wives do cause the wives to become prohibited to their husbands, the husbands are concerned about other men being involved with their wives and therefore we permit the woman to marry his relative since the relative will not allow his wife to continue the relationship. (26a)

WE SHALL RETURN TO YOU, KEITZAD

The Mishna states: There were four brothers, two of whom were married to two sisters, and those who were married to the sisters died; these sisters require *chalitzah*, but they cannot be taken for *yibum*. (*The*

only reason to prohibit yibum in this case would be because each yevamah is the sister of his zekukah, the bond that exists between the yavam and the yevamah.) If the brothers married them, they are required to divorce them. Rabbi Eliezer states: There is actually an argument between Beis Shamai and Beis Hillel regarding this matter. Beis Shamai maintains that the brother may remain married to the sisters and Beis Hillel disagrees.

If one of the sisters was an *ervah* to one of the brothers, he would be prohibited from marrying her, but permitted to her sister; the other brother would be prohibited to marry both of them. (*The case is as follows: Two brothers (Reuven and Shimon) married two sisters Rochel and Leah, and the two husbands died childless. The sisters fall for yibum to Levi and Yehudah, and one of the sisters is prohibited to Levi because she is an ervah (a former daughter-in-law). The ervah's sister requires chalitzah or is married by yibum. Normally, if two sisters fall before the yavam for yibum, both are prohibited from marrying him as his yevamah, since each is the sister of a zekukah, and she has the status of his wife's sister. In this case, however, in which one of the women is prohibited to the yavam by a prohibition of ervah, and therefore there is no zikah between her and the yavam, he is permitted to marry her sister by yibum, because she is not the sister of a zekukah. Both of them are forbidden to Yehudah.*)

If one of the sisters was prohibited because of *mitzvah* or because of sanctity, her sister would require *chalitzah* but she is not taken for *yibum*.

If one of the sisters (*Rochel*) was an *ervah* to one of the brothers (*Levi*) and the other sister (*Leah*) was an *ervah* to the other brother (*Yehudah*), the law is as follows: The one (*Rochel*) who is forbidden to this one (*Levi*) is permitted to the other brother (*Yehudah*), and the one (*Leah*) who is forbidden to this one (*Yehudah*) is permitted to the other brother (*Levi*). This case is where they say: Her sister who is her fellow *yevamah* would require *chalitzah* or *yibum*. (26a)

The Gemora states: Our Mishna obviously indicates that *zikah* (an attachment on the account of *yibum*, which would create *halachos similar to marriage*) exists between the *yevamah* and the *yavam*, for if you will say that no *zikah* exists, each *yevamah* is coming from two different houses, and one brother could marry the one while the other could marry the other?

The Gemora answers: Actually the Mishna could maintain that no *zikah* exists, but nevertheless, it would be forbidden to perform *yibum* with each of the widows. This is because a *yibum* with one can annul the precept of *yibum* with the other; if one of the brothers performs *yibum* with one sister and the other brother dies, there would be no possibility of *yibum* or *chalitzah* with her (since she is the *yavam's wife's sister*) and this would have negated the *mitzvah* of *yibum* with her.

The Gemora asks: If so, the Mishna should have stated a case where there were only three brothers (The case is as follows: Two brothers (*Reuven* and *Shimon*) married two sisters *Rochel* and *Leah*), and the two

husbands died childless. The sisters fall for yibum to a third brother Levi. If Levi performs a yibum with one of them, he would negate the mitzvah of yibum with the other because she would be his wife's sister.?)

The Gemora answers: There is a novelty in the case of four brothers that we would not have learned if the Mishna had only stated the case of three brothers. In the case of three brothers, a *yibum* to one of the sisters automatically negates a *mitzvah* of *yibum* with the other, whereas in the case of four brothers, it is merely a possibility that a *yibum* with one can negate the *mitzvah* of *yibum* with the other sister, namely if the other brother dies. The Mishna is teaching us that even when it is not a certainty, we still are concerned.

The Gemora asks: If so, let the Mishna teach a case regarding five brothers?

The Gemora answers: We are not concerned that two of the brothers will die. (26a – 26b)

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.

Rabbah said to Rabbah bar Rav Huna: By the fact that you ruled that the middle one (the other sister) requires *chalitzah* from both of them, it is evident that you hold that there is a *zikah*-attachment between the

widows and the brothers, and you must hold that 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.

If so, the first two sisters also should be required to have *chalitzah* with each of the brothers (*since they could not be taken for yibum on account of being a sister of his zekukah*)?

The Gemora answers: If they fell for *yibum* simultaneously, you would be correct. The case is speaking about that one brother died first. One of the brothers performed a *chalitzah* with her. Then, another brother died, and the other brother performed a *chalitzah* with her. (Each of those *chalitzos* was a proper full *chalitzah* because they could have taken her in *yibum* and therefore only one *chalitzah* from one of the brothers is required.) When the third brother died, his wife could not be taken in *yibum*; she will need a *chalitzah* from both brothers. (26b)

that the *mitzvah* of *yibum* is an obligation for the man (the *yavam*) and not for the woman (the *yevamah*).

The Chinuch (*Mitzvah* 598 and 599) states explicitly that that the *mitzvah* of *yibum* is only applicable to men and not to women.

The Minchas Chinuch cites a Pnei Yehoshua in Kesuvos (40a) that the *mitzvah* of *yibum* also applies to the *yevamah*.

Why should there be an obligation for the *yevamah*; the Torah explicitly states that the brother should marry his brother's wife. It is not written anywhere that she shall be taken for *yibum*?

Reb Ezriel Cziment, in his sefer *Mitzvos Hamelech* answers: Besides the *mitzvah* of performing a *yibum*, there is also an obligation to establish a name for the deceased. It is this *mitzvah* that the *yevamah* plays an integral role in and she is thus included in the *mitzvah* obligation.

INSIGHTS TO THE DAF

MITZVAH OF YIBUM WHO HAS THE OBLIGATION?

The Rambam in his *Sefer HaMitzvos* (216) writes that there is a commandment for the *yavam* to perform a *yibum* with his brother's wife when his brother died childless.

The Minchas Chinuch (1:15) states that it is implicit from the Rambam that he maintains