

Daf Notes

Insights into the Daily Daf
Yevamos Daf 27

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Highlights

Shmuel said: If there were three brothers, two of them were married to two sisters and they each had another wife as well. The two brothers died childless, leaving their wives available for *yibum* to the third brother. If he performs *chalitzah* with the sisters, the co-wives are not released and are still in a *zikah* situation (*the chalitzah to the sisters is a deficient chalitzah because they cannot be taken for yibum and a deficient chalitzah does not exempt the co-wives*). If he performed *chalitzah* with the co-wives, the sisters are released from their attachment to the *yavam*. (*The Gemora will explain why the chalitzos are not deemed to be deficient in this case as well.*)

Shmuel rules regarding another case: 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; however if he performed *chalitzah* with the co-wife, the woman who received the *get* is released.

Shmuel issued a third ruling: 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. (27a)

The Gemora asks on Shmuel's first ruling: (*If there were three brothers, two of them were married to two sisters and they each had another wife as well. The two brothers died childless, leaving their wives available for yibum to the third brother. If he performs chalitzah with the sisters, the co-wives are not released and are still in a zikah situation. If he performed chalitzah with the co-wives, the sisters are released from their attachment to the yavam.*) Why are the co-wives not released when he performed *chalitzah* with the sisters? It is because each sister is regarded as a wife's sister because of the *zikah*-attachment. Since they cannot be taken for *yibum*, their *chalitzah* is considered deficient and does not exempt their co-wives. Accordingly, the same logic should apply in the case when he performed a *chalitzah* with the co-wives. It is also forbidden to perform a *yibum* with the co-wives of a wife's sister through *zikah*. Why does Shmuel rule that

chalitzah performed with the co-wives releases the sisters; their *chalitzah* is deficient as well?

The Gemora answers: Shmuel is following the opinion of the one that says that there is no *zikah*-attachment. (*The sisters would not be similar to a wife's sister and the chalitzah with the co-wives is not deficient.*)

The Gemora asks: If so, why does a *chalitzah* to the sisters not release the co-wives, the *chalitzah* should be legitimate if there is no *zikah*-attachment? The Gemora clarifies its question: (*the example given is where he initially performs a chalitzah with Leah and then with the other sister Rochel*) It is understandable that the co-wife of Rochel, who received *chalitzah* second, should not be released because Rochel's *chalitzah* was deficient; she is a sister of a *chalutzah*, namely Leah, and she could not have been taken for *yibum*. However, the Gemora does not understand why the co-wife of Leah should not be released. If Shmuel is following the opinion who holds that there is no *zikah*-attachment, Leah could have been taken for *yibum*; her *chalitzah* is completely legitimate and should release her co-wife?

The Gemora concedes that Shmuel only meant to rule regarding the co-wife of the second sister, Rochel; she has not been released from the *yavam*. The co-wife of the first sister, Leah, to have *chalitzah* is released, and she is permitted to marry another man.

The Gemora asks: If when Shmuel mentioned the "co-wives," he is referring specifically to Rochel's co-wife, let us examine Shmuel's next statement. Shmuel said: If he performed *chalitzah* with the co-wives, the sisters are released from their attachment to the *yavam*. Why would Rochel, the second sister, be released on account of the *chalitzah* performed with her co-wife; the *chalitzah* performed with the co-wife is deficient because she is the co-wife of his *chalutzah's* forbidden relative (*Leah's sister's co-wife*)?

The Gemora explains Shmuel's statements differently: Shmuel's first statement is as follows: If the *yavam* began with one of the sisters (*he performed chalitzah with Leah*), he may not complete the sequence by performing *chalitzah* with one of the co-wives since she is forbidden to be taken for *yibum* on account of being the co-wife of his *chalutzah's* forbidden relative. Shmuel's second statement is as follows: If the *yavam* began with one of the co-wives (*he performed chalitzah with Leah's co-wife*), he may complete the sequence by performing *chalitzah* with the other sister, Rochel. Performing a *chalitzah* with Rochel will release Rochel's co-wife as well. This is because we learned in a Mishna that one is permitted to perform a *yibum* with the relative of his *chalutzah's* co-wife. (27a)

Rav Ashi presents a different explanation of Shmuel's statements: (*Shmuel's statements are to be understood literally and his ruling is based on his opinion that there is a zikah-attachment. Shmuel's first statement is that if he performs chalitzah with the sisters, the co-wives are not released and are still in a zikah situation. This is because the chalitzah to the sisters are deficient because they cannot be taken for yibum and a deficient chalitzah does not exempt the co-wives. Shmuel's second statement is that if he performed chalitzah with the co-wives, the sisters are released from their attachment to the yavam.*) The Gemora above questioned this; it is forbidden to perform a *yibum* with the co-wives of a wife's sister through *zikah*. Why does Shmuel rule that *chalitzah* performed with the co-wives releases the sisters; their *chalitzah* is deficient as well? Rav Ashi answers that although their *chalitzah* is deficient, it is a superior *chalitzah* than that of one performed with the *zekukah's* sister. The prohibition pertaining to the *zekukah's* sister is more severe than the prohibition regarding the co-wife of the *zekukah's* sister. Hence, Shmuel rules that the inferior *chalitzah* (one performed with the *zekukah's* sister does not release the co-wives, whereas a superior *chalitzah* (*although it is also deficient*) performed with the co-wife of the

zekukah's sister will in fact release the sister from a *chalitzah*.

The Gemora attempts to offer support for Rav Ashi from a braisa, but it is ultimately rejected. (27a)

The Gemora inquires: There were two brothers and one died childless, leaving two widows for *yibum*. The *yavam* performed *ma'amar* with one of them and gave a *get* to the other one. (*He now cannot perform a yibum with either.*) Which woman should he perform *chalitzah* with (*and will thus release her co-wife*)? Should he perform *chalitzah* with the woman who received the *get* because he already initiated a *chalitzah* (*rejection through the get*) to her or should he perform the *chalitzah* with the one who received the *ma'amar* because she is closer to cohabitating with the *yavam* than the co-wife?

Rav Ashi said: Let us learn 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. (*Rabban Gamliel and the Chachamim disagree regarding a ma'amar after a ma'amar and a get after a get.*) The Gemora states: If a *get* is superior, the *ma'amar* should not have any validity after the *get*; if *ma'amar* is superior, the *ma'amar* should not have any validity after the *get*? It is evident that they are regarded as equal and neither would take precedence over the other. (27a – 27b)

Rav Huna said in the name of Rav: There were two brothers who were married to two sisters. Reuven died first and then Shimon died. Both of their widows fall for *yibum* to a third brother, Levi. If Levi performs a *chalitzah* with Reuven's widow, she is released. If he then performs a

chalitzah with Shimon's widow, she is released. (*The same halacha would be true if he reversed the order.*) If the first widow dies (*dissolving the zikah from her*), the *yavam* may perform a *yibum* with the second widow. (*Even though, the second widow was initially forbidden to Levi on account that she was his zekukah's sister, Rav maintains that she can subsequently become permitted, provided that the zikah has dissolved.*) It is not necessary to state that if the second widow would die that he may perform a *yibum* with the first widow because she is a *yevamah* who was originally permitted (*when she fell to yibum alone*), then forbidden (*when her sister fell for yibum, resulting in a prohibition of a zekukah's sister*), and then permitted again (*when the zikah of her sister dissolved due to her death*).

Rabbi Yochanan disagrees: If the second widow would die, he may perform a *yibum* with the first widow; however if the first widow dies, the *yavam* may not perform a *yibum* with the second widow. Why not? Any *yevamah* that we cannot apply the verse "*her yavam shall cohabit with her*" at the time that she fell for *yibum* is regarded as a wife of a brother who has children and will be forbidden to the *yavam* forever.

The Gemora states that Rav actually holds of this principle as well, but only regarding a Biblical *ervah* such as a wife's sister. If the *yevamah* is the *yavam's* wife sister and subsequently, his wife dies (resulting in the fact that the *yevamah* does not have the prohibition of a wife's sister any longer), he may not perform a *yibum* with her because she was forbidden to him at the time that she fell for *yibum* and remains forbidden forever. However, in our case, where the prohibition is merely Rabbinic in nature (*the zekukah's sister*), Rav maintains that she can become permitted to him at a later time. (27b)