

Daf Notes

Insights into the Daily Daf
Yevamos Daf 29

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Highlights

The Mishna states: Three were three brothers, Reuven, Shimon and Levi. If two of them (*Reuven and Shimon*) are married to two sisters, or to a woman and her daughter, or to a woman and her daughter's daughter, or to a woman and her son's daughter (*and both Reuven and Shimon die childless*), these two women require *chalitzah*, but they may not be taken in *yibum* (*since each one of these women is an ervah from the other zekukah*). Rabbi Shimon exempts even from *chalitzah*.

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.

If her prohibition is because of *mitzvah* or because of sanctity, they would require *chalitzah* but they may not be taken for *yibum*. (28b)

The Mishna had stated: 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 Gemora asks: Why is this halacha in the Mishna repeated here; precisely the same halacha was taught in a previous Mishna (26a)?

The Gemora answers that it is necessary according to the opinion of Rabbi Shimon. He maintains that

whenever two sisters fall for *yibum* to one *yavam*, they are excluded from *yibum* and *chalitzah*. One might possibly think that even if one of the sisters was an *ervah* to the *yavam*, the other sister should not be taken for *yibum* because we should be concerned that people will mistakenly think that you can perform a *yibum* with one of the sisters when there is no *ervah*; the Mishna teaches us that we do not institute such a decree and the brother may perform a *yibum* on the sister who is not an *ervah*. (28b)

The Mishna had stated: If her prohibition is because of *mitzvah* or because of sanctity, they would require *chalitzah* but they may not be taken for *yibum*.

The Gemora asks: If the latter portion of the Mishna follows Rabbi Shimon's opinion, why in this case would Rabbi Shimon require a *chalitzah*; Rabbi Shimon maintains that whenever two sisters fall for *yibum* to one brother, they are exempt from *yibum* and *chalitzah*, and here both women are Biblically falling for *yibum* to the brother (*one of them is only Rabbinically forbidden*); there should be no *chalitzah* requirement?

The Gemora answers: They were concerned that if these women would be released without a *chalitzah*, we would release a *yevamah* who is

Rabbinically forbidden to the *yavam* even without *chalitzah* (in a regular case, when they aren't sisters).

The Gemora asks: This is understandable regarding the Rabbinically forbidden woman herself, but why do we require a *chalitzah* to her sister?

The Gemora answers: It was decreed because of the Rabbinically forbidden woman. If we would release the sister without a *chalitzah*, this would result in people releasing the Rabbinically forbidden woman without *chalitzah*.

The Gemora asks: Why don't we issue the same decree when one of the sisters is Biblically forbidden; there the halacha is that the sister can be taken for *yibum* or *chalitzah*, but the *ervah* is released outright, without even a *chalitzah*?

The Gemora answers: Everyone is learned regarding a Biblical *ervah*; they all know that she is exempt from *yibum* and *chalitzah*. This reason becomes publicized. Not everyone knows the laws regarding a Rabbinically forbidden woman and therefore *chalitzah* was required. (28b – 29a)

The Mishna states: 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.) Beis Hillel said: He must release his *ma'amar*-wife with a *get* (bill of divorce) and with *chalitzah*, and his brother's wife with *chalitzah*. This is what they said, "Woe unto him because of his wife and woe unto him because of his brother's wife." (29a)

Rabbi Elozar said: Do not say that a *ma'amar* according to Beis Shamai accomplishes a complete acquisition of the *yevamah*, and if he

would want to release her, it would be sufficient for him to give her a *get* (and not *chalitzah*); rather, the *ma'amar* accomplishes that her relatives are now Biblically forbidden to be taken for *yibum*.

Rabbi Avin attempts to bring support from the Mishna (26a) to Rabbi Elozar's interpretation. The Mishna had stated: (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 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.

It can be implied from Beis Shamai's words that the brothers should not initially perform *yibum* with the sisters. Now, if a *ma'amar* according to Beis Shamai would accomplish a complete acquisition of the *yevamah*, and if he would want to release her, it would be sufficient for him to give her a *get* (and not *chalitzah*), let each brother perform a *ma'amar* with one sister (it is not forbidden to perform a *ma'amar* with a *zekukah*'s sister) acquiring her as a wife (which would render the sister as his wife's sister, dissolving any *zikhah* attachment with her; this would allow him to take his *ma'amar* wife for *yibum*), and then he will be permitted to take her for *yibum*. Since Beis Shamai does not allow this option, it is evident that *ma'amar* does not accomplish a complete acquisition of the *yevamah*.

The Gemora deflects this proof: Even if the *ma'amar* does not accomplish a complete acquisition; it at least accomplishes that the relatives of the *ma'amar*-wife are forbidden to him. Accordingly, the same question can be asked. Why can't each brother perform a *ma'amar* with

one sister, which would reject the other sister from him, and then he should be permitted to take the woman he performed *ma'amar* with for *yibum*.

It is apparent that only a permitted *ma'amar* (*one where it would be permitted to perform a yibum*) accomplishes that the relatives of the *ma'amar*-wife are forbidden to him, so too if you hold that a *ma'amar* accomplishes a complete acquisition, that is only when the *ma'amar* is a permitted one. (29a – 29b)

Rav Ashi taught the above discussion differently: Rabbi Elozar said: Do not say that a *ma'amar* according to Beis Shamai accomplishes a complete rejection of the *yevamah's* relatives, and her sister would not even require a *chalitzah*; rather, the *ma'amar* accomplishes that she will not become forbidden on account of being a *zekukah's* sister, and that her sister will be Biblically forbidden to be taken for *yibum*, but she will require a *chalitzah*.

Rabbi Avin attempts to bring support from the Mishna (26a) to Rabbi Elozar's interpretation. The Mishna had stated: (*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 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.

It can be implied from Beis Shamai's words that the brothers should not initially perform *yibum* with the sisters. Now, if a *ma'amar* according to Beis Shamai would accomplish a complete a complete rejection of the *yevamah's* relatives, and her sister would not even require a *chalitzah*, let each brother perform a *ma'amar* with one sister (*it*

is not forbidden to perform a ma'amar with a zekukah's sister) acquiring her as a wife, which would thereby reject the second sister from himself and then he will be permitted to take his *ma'amar*-wife for *yibum*. Since Beis Shamai does not allow this option, it is evident that *ma'amar* does not accomplish a complete rejection of the *ma'amar*-wife's sister.

The Gemora asks: Didn't Beis Shamai state in our Mishna that in the case where 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. We see that the *ma'amar*-wife's sister is released completely and does not require *chalitzah*?

This version of Rabbi Elozar is thus refuted.

The Gemora explains the reason of the other Mishna why each one of the brothers cannot perform a *ma'amar* with one of the sisters and then take her for *yibum*. Any *yevamah* who is not eligible for a complete *yibum* will not be eligible for a partial *yibum*, i.e. *ma'amar* either. (*In that Mishna, the two sisters were widowed together and they each became forbidden on account of being a zekukah's sister. Since they cannot be taken for yibum, ma'amar will not be fully effected either. In our Mishna, at the time that the yavam performed a ma'amar, there was only one widow and she could have been taken for yibum; here, the ma'amar is effective and later when the other sister falls for yibum, she is completely rejected on account of being his ma'amar-wife's sister and is released without chalitzah or yibum.*) (29b)