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Yevamos Daf 30

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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The Mishnah states: Three were three brothers, Reuven, Shimon and Levi. If two of them (*Reuven and Shimon*) are married to two sisters (*Rochel and Leah*), and the third one (*Levi*) is married to an unrelated woman. One of the sister’s husbands (*Shimon*) died childless and Levi performed a *yibum* on Shimon’s wife (*Leah*), and then he died. His two wives fall for *yibum* to Reuven. Leah is released from *yibum* and *chalitzah* because she is Reuven’s wife’s sister, and the second wife is also released because she is the co-wife of an *ervah*.

If after Shimon died, Levi performed a *ma’amar* with Leah and then he died childless, the co-wife would require a *chalitzah*, but may not be taken in *yibum*. (30a1)

The Gemora infers from the Mishnah that Reuven cannot perform a *yibum* with the co-wife because Levi performed a *ma’amar* with Reuven’s wife’s sister; otherwise, she would be permitted to be taken for *yibum* even though she is a co-wife through *zikah* of Shimon’s widow.

Rav Nachman states that this would indicate that the Tanna of this Mishnah maintains that there is no *zikah*-attachment even when there is only one brother. (30a1)

The Mishnah states: Three were three brothers, Reuven, Shimon and Levi. If two of them (*Reuven and Shimon*) are married to two sisters (*Rochel and Leah*), and the third one (*Levi*) is married to an unrelated woman. Levi dies and one of the other brothers (*Shimon*) performed a *yibum* on Levi’s wife. Subsequently, Shimon died childless. Shimon’s original wife is exempt from *yibum* or *chalitzah* because she is Reuven’s wife’s sister and the other widow (*Levi’s wife*) is exempt because she is a co-wife of an *ervah*.

If Shimon only performed *ma’amar* with Levi’s wife and then he died, that wife could not be taken in *yibum*, but would require *chalitzah*. (30a1 – 30a2)

The Gemora asks: What is the necessity for teaching this Mishnah; it is obvious and even simpler than the previous Mishnah? If there (in the previous Mishnah), where the wife's sister is only a co-wife to the stranger (to Levi’s wife, the unrelated woman), it has been said that (when Levi died) the stranger is forbidden (to Reuven), how much more so here, where the stranger is the co-wife to a wife's sister!

The Gemora answers: Originally, the Tanna of the Mishnah was of the opinion that only in our case would the unrelated *yevamah* be considered a forbidden co-wife because she is the lesser wife (*on account of the ma’amar*), however, in the previous Mishnah, when she was the primary wife, the Tanna maintained that

she would be permitted (*he therefore omitted this case*). Afterwards, the Tanna reversed his opinion and ruled that she would remain forbidden in both cases. Since this case was dear to him, he inserted it prior to the other ruling; and since the other ruling was taught already, it was not moved from its original place. (30a2)

The Mishnah states: There were three brothers, Reuven, Shimon and Levi. Reuven and Shimon were married to two sisters, Rochel and Leah. Reuven died childless, leaving his wife Rochel to fall for yibum to Shimon and Levi. Shimon cannot perform a yibum at this time for Rochel is his wife's sister. Levi performed the yibum, and subsequently, Leah, Shimon's wife died. Levi died childless, leaving his wife Rochel to fall for yibum again to Shimon. This time, however, she is not forbidden to Shimon because Shimon's wife had died. The Mishnah taught us that nevertheless, Shimon cannot perform a yibum with Rochel because once she was forbidden to Shimon, she remains forbidden to him forever. (30a3)

Rav Yehudah said in the name of Rav: 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 asks: What is the novelty of this teaching; we have learned this precise teaching in our Mishnah?

The Gemora answers: One might have thought that the ruling of the Mishnah is limited to the case where she was forbidden to the *yavam* during the entire time of the first *yibum* situation (*Shimon's wife was alive when Levi performed a yibum*), however, if she would have become permitted during that time (*Shimon's wife died prior to Levi's yibum, resulting in the fact that Rochel is*

not subject to the prohibition of his wife's sister any longer), perhaps she would not remain forbidden to him; Rav teaches us that she will always remain forbidden.

The Gemora asks: We have learned this ruling as well in a Mishnah later (32a): Three were two brothers, Reuven and Shimon that were married to two sisters, Rochel and Leah. Reuven died childless, leaving his wife Rochel to fall for *yibum* to Shimon. (*Shimon cannot perform a yibum at this time for Rochel is his wife's sister.*) Afterwards Shimon's wife dies and now Rochel would be permitted to Shimon (*since one's wife's sister is permitted to him after his wife dies*). Shimon is still forbidden from performing a *yibum* with Rochel, his wife's sister because once a *yevamah* is prohibited to the *yavam*, she is forbidden forever.

The Gemora answers: One might have thought that that only in the Mishnah's case would the *yevamah* remain forbidden because she was completely rejected from this house (*there were only two brothers*), however, in the case when she was not completely rejected from the house, the Tanna would maintain that she would be permitted, Rav teaches us that even in that case, she will remain forbidden. (30a3 – 30a4)

The Mishnah states: There were three brothers: Reuven and Shimon were married to two sisters, Rachel and Leah, and the other brother, Levi is married to an unrelated woman, Ester. Shimon divorced his wife, and then Levi died. Shimon performed a *yibum* with Ester and then died childless. This is what they said; and all who died, or who were divorced, their co-wives are permitted.



Courtesy of <http://chavruta.tripod.com/> (30a4)

The Gemora states: The reason that Levi's wife is permitted is because Shimon first divorced his wife and then Levi died. If Levi would have died first, and then Shimon would divorce his wife; Levi's wife would still be forbidden.

Rav Ashi said: This is a proof that there exists a *zikah*-attachment even when there are two brothers.

The Gemora asks: This would seemingly be inconsistent with the statement of Rav Nachman above, who inferred from the Mishnah that there is no *zikah*-attachment even when there is only one brother.

The Gemora answers: Rav Ashi would understand the Mishnah above differently. (*The Mishnah had stated: If after Shimon died, Levi performed a ma'amar with Leah and then he died childless, the co-wife would require a chalitzah, but may not be taken in yibum. The Gemora infers from the Mishnah that Reuven cannot perform a yibum with the co-wife because Levi performed a ma'amar with Reuven's wife's sister; otherwise, she would be permitted to be taken for yibum even though she is a co-wife through zikah of Shimon's widow.*) Even if Levi had not performed a *ma'amar*, the co-wife would be forbidden because she is a *zikah*-co-wife; the only reason the Mishnah discussed a case of *ma'amar* is to preclude the opinion of Beis Shamai who holds that *ma'amar* accomplishes a full acquisition (*and she is a full-fledged wife rendering the co-wife a co-wife of an ervah; this would release her from chalitzah as well*).

The Mishnah teaches us that we do not follow Beis Shamai's opinion. (30a5 – 30b1)

But then as to Rav Nachman's [inference] doesn't that of Rav Ashi present a difficulty? And should you reply that the same law, that her co-wife is permitted, is also applicable to the case where he died first and the other brother divorced his wife afterwards, what [it could be objected] would 'this is' exclude? It might exclude the case where he married her first and then divorced his wife. This might be a satisfactory explanation if he holds the view of Rabbi Yirmiyah who said: Break it up! the Tanna who taught this Mishnah did not teach the other Mishnah. The Tanna of our Mishnah maintains that it is the husband's death which causes the wives to fall for *yibum*. [This is why the co-wife of the *ervah* is permitted even though she was married to the deceased brother together with the *ervah*; we are only concerned with the moment that he died. As long as they were not together at that time, the co-wife will be permitted.] The Tanna of the later Mishnah holds that the original marriage causes the wives to fall for *yibum* [as long as the *ervah* and the wife were married at the same time, the co-wife will be forbidden to the *yavam* (even though the *ervah* was divorced prior to his death)]. And 'this is' would thus exclude the case where he first married and then divorced; if, however, he is of the same opinion as Rava who said: Both statements may in fact represent the views of one Tanna, it being a case of "this and there is no need to state that," what does 'this is' exclude? — He has no alternative but to adopt the view of Rabbi Yirmiyah.

And according to Rava, the explanation would be satisfactory if he held the view of Rav Ashi, for then, 'this is' would exclude the case of one who died without first divorcing his wife; if, however, he holds the same view as Rav Nachman, what would 'this is' exclude? -



He has no alternative but to accept the view of Rav Ashi. (30b1 – 30b3)

The *Mishnah* states: And all of them (*the fifteen women prohibited due to ervah listed above, who exempt their co-wives and their co-wives co-wives from chalitzah and from yibum*) if their marriage or divorce was in doubt, the rivals perform *chalitzah* (*since we suspect that the woman prohibited due to ervah might have been divorced, or that her marriage was not valid, and thus they are not the co-wives of a woman prohibited by ervah*) and are not married by *yibum* (*since the woman prohibited by ervah may have been married, or may have been divorced, and they are indeed the rivals of a woman prohibited by ervah*). What is a doubtful marriage? He threw her *kiddushin*, and it was in doubt whether it lay nearer to him, or nearer to her, this is a doubtful marriage. What is the case of the doubtful divorce? He wrote in his own handwriting but there are no witnesses on it, or there are witnesses on it but there is no date on it, or there is a date on it but there is only one witness on it, this is a doubtful divorce. (30b4)

The *Gemora* asks: Why didn't the *Mishnah* state a case of a doubtful divorce where the husband threw the *get* towards the wife, and we are uncertain if the document lay nearer to him or to her?

Rabbah answered: This woman (*the co-wife*) is in a state of permissibility to all men (*the co-wife of an ervah may marry any man since she is not subject to the mitzvah of yibum*), would you forbid her marriage because of a doubt (*based upon the possibility that the forbidden relative's divorce was valid*)? You must not forbid her because of a doubt! (*In the three cases of divorce mentioned in our Mishnah, however, the*

prohibition is not due to doubtful divorce but to a defect or an irregularity in the document itself.)

Abaye said to him: If so, let us also in the matter of betrothal say: This woman (*the co-wife*) is in a state of permissibility to the *yavam* (*had her husband died childless before he married the forbidden relative*), would you forbid her (*for yibum*) because of a doubt? You must not forbid her because of a doubt!

The *Gemora* differentiates between the two cases: There (*the case of doubtful betrothal*), it leads to a stringency (*the prohibition to marry the yavam*).

The *Gemora* asks: But it is a stringency which may lead to a leniency? For, sometimes, he would betroth her sister (*the sister of the one whose betrothal was doubtful*) by betrothal that was not uncertain, or it might occur that another man would betroth her also by a betrothal that was not uncertain and, as the master has forbidden her co-wife to be taken in *yibum*, it would be assumed that the betrothal of the first was valid and that that of the latter was not! (*Because, in the first case, he betrothed his wife's sister; and, in the second, he betrothed a married woman. In the latter case, the betrothal being regarded as invalid, the woman might illegally marry another man. In the former case, should he die without issue, his maternal brother might illegally marry her, believing her never to have been the wife of his brother.*)

The *Gemora* answers: Since she is required to perform *chalitzah* it is sufficiently known that it (*the prohibition to take her in yibum*) is a mere stringency (*and is not due to the fact that the betrothal of the forbidden relative was valid*).

The *Gemora* asks: If so, let him, in the case of divorce also, state it (*case of a doubtful divorce where the husband threw the get towards the wife, and we are uncertain if the document lay nearer to him or to her*) and require her to perform *chalitzah*, and it will be sufficiently known that it was a mere stringency?

The *Gemora* answers: Were you to say that she was to perform *chalitzah* it might also be assumed that she may be taken in *yibum* (*and by marrying the co-wife of a forbidden relative one might become subject to the penalty of kares*).

The *Gemora* asks: But here also (*in the case of the doubtful betrothal*), were you to say that she is to perform *chalitzah*, she might also be taken in *yibum*?

The *Gemora* answers: Let her be taken in *yibum* and it will not matter at all since thereby she only retains her former status of being permitted to the *yavam*. (30b4 – 31a1)

DAILY MASHAL

Onein and Yibum

Rav Yehudah said in the name of Rav: 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 *Chacham Tzvi* asks the following question: How could *yibum* ever work, since both the *yevamah* and the *yavam* are both *oneinim* upon the death of the husband/brother, and as such are not obligated in the *mitzvah* of *yibum* (as the *Mishnah* in *Brachos* 17b states that an *onein* – one who must prepare a deceased relative for burial, is exempt from all other *mitzvos*), in

light of the rule which states that if *yibum* is not possible at the time of death, it can never be fulfilled.

He even cites earlier authorities who maintain that a woman who is in *aninus* may not perform *chalitzah*. The rationale for this position is that one who is an *onein* is exempt from *mitzvos* and since *chalitzah* is a *mitzvah* it should not be performed by one who is an *onein*.

Consequently, it should be impossible to ever perform *chalitzah* since the rule is that a person who is unfit for *chalitzah* at the time of the husband’s passing cannot become fit for *chalitzah* in the future!?! This would lead to the absurd conclusion that *yibum* and *chalitzah* could never be performed.

The *Chasam Sofer* suggests that an *onein* is indeed obligated in all *mitzvos*, including *yibum*, but is exempt at this time in other *mitzvos*, because he is engaged in another *mitzvah*.

The *Imrei Emes* answers the question as follows: An *onein* is exempt from all *mitzvos* because it is incumbent upon him to ‘join’ or ‘partner’ with the soul of the departed until he reaches his resting place; just as the deceased is exempt from all *mitzvos*, so too, his relative is exempt. [It is for this reason that an *onein* is obligated in negative prohibitions, for the deceased is not transgressing any of those prohibitions at this time.] Accordingly, we can say that the *mitzvah* of *yibum* is different, for this *mitzvah* provides pleasure for the deceased (as explained in the holy writings), and since the *mitzvah* was established for the benefit of the deceased, the *yavam* and the *yevamah* are obligated in this *mitzvah*.