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Yevamos Daf 32

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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The Mishnah states: 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. (32a1 – 32a2)

The Gemora asks a question on our Mishnah based on a Mishnah we had learned previously (30a). (*The Mishnah had stated: 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.*) The Gemora asks: If in the previous Mishnah, when the *yevamah* was not completely rejected from this house (*since she was permitted to Levi*), nevertheless, we rule that she remains forbidden to the other brother (*Shimon*) forever; in our Mishnah, where she is completely rejected from this house (*for Shimon*

was the only brother), she should certainly remain forbidden to Shimon (*even after his wife dies*). Why was it necessary to teach this case?

The Gemora answers: Originally, the Tanna of the Mishnah was of the opinion that only in our case would the *yevamah* remain forbidden because she was completely rejected from this house, however, in the case when she was not completely rejected from the house, 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, even when she was not completely rejected from the house. 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. (32a2)

The Gemora cites a Baraisa: (*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.*) If Shimon went ahead and cohabitated with Rochel (*while his wife was still alive*), he has violated two prohibitions; his brother’s wife and his wife’s sister. These are the words of Rabbi Yosi. Rabbi Shimon said: He is only liable for the prohibition against taking one’s brother’s wife.

The Gemora asks a contradiction from a Baraisa: Rabbi Shimon said: He is only liable for the prohibition against taking one’s wife’s sister.

The Gemora answers: There is no difficulty: The first Baraisa is referring to a case where the prohibition of the brother's wife preceded the prohibition of the wife's sister; the second Baraisa is discussing a case where the prohibition of the wife's sister preceded the prohibition of the brother's wife. (*Rabbi Shimon holds that a prohibition cannot take effect on an existing prohibition.*) (32a2 – 32a3)

The Gemora asks on Rabbi Shimon: In the first Baraisa, where the wife's sister prohibition does not take effect, why can't Shimon perform a *yibum* in this case; the only prohibition is the brother's wife and the *mitzvah* of *yibum* overrides that?

Rav Ashi answers: The wife's sister prohibition is pending; if at any point in time, the brother's wife prohibition is lifted, the prohibition of taking one's wife's sister will take effect. It is for this reason that the brother's wife prohibition remains in effect. (32a3)

The Gemora discusses Rabbi Yosi's opinion: Rabbi Yosi maintains that he is liable for two prohibitions; his brother's wife and his wife's sister. It emerges that Rabbi Yosi would hold that a prohibition can take effect on an existing prohibition.

The Gemora asks from a Baraisa: If one committed a transgression that entails two different death penalties, he receives the one that is stricter. Rabbi Yosi says: He incurs the first punishment. Rabbi Yosi explains in a different Baraisa: If the woman was first his mother-in-law and later became the wife of another man, he is subject to the mother-in-law prohibition. If the woman was first the wife of another man and later became his mother-in-law, he is subject to the wife of another man prohibition. Thus we see that Rabbi Yosi maintains that one prohibition does not take effect on an existing prohibition.

Rabbi Avahu answers: Rabbi Yosi maintains that one prohibition does not take effect on an existing prohibition; however, he agrees in a case that the second prohibition can take effect if it is a more extensive prohibition. (*This explains why Rabbi Yosi maintains that if Shimon went ahead and cohabitated with Rochel, he has violated two prohibitions; his brother's wife and his wife's sister. When Shimon married, Rochel was forbidden to him on account of being his wife's sister. When Reuven married Rochel, she became prohibited to the other brothers besides for Shimon. This prohibition includes more people, so it takes effect on Shimon as well. In a case where the second prohibition is not more extensive, Rabbi Yosi concedes that the second prohibition does not take effect. This would explain Rabbi Yosi's opinion in the second Baraisa. A married woman is forbidden to the entire world; becoming his mother-in-law does not create any new prohibitions to any others. This is why the mother-in-law prohibition does not take effect. If she was his mother-in-law first and then she got married, the wife of another man prohibition will take effect. If he committed the transgression unintentionally, he will be required to bring two chatas offerings. If he sinned intentionally, he will be subject to two death penalties, but since he can only be executed once, he will receive the stricter type of execution.*)

The Gemora asks: This would only be understandable in a case where the prohibition of the wife's sister preceded the prohibition of the brother's wife; since the brother's wife prohibition includes more people (*the brothers*), it is deemed a more extensive prohibition and it will take effect. However, where the prohibition of the brother's wife preceded the wife's sister prohibition, why would Rabbi Yosi hold that the second prohibition takes effect?

Perhaps you will answer that the second prohibition does add more people; when Shimon marries his wife, he becomes prohibited to all her sisters besides the one who

was already his brother's wife. Let us say that Rochel will be subject to the wife's sister prohibition besides the brother's wife prohibition based on that? The Gemora states that this would not be considered an extensive prohibition (*the forbidden object becomes prohibited to more people*). This is an inclusive prohibition (*more objects become forbidden to the same people*) and Rabbi Yosi does not hold that the second prohibition takes effect when it is an inclusive one.

Rather, Rava answers: Although Rabbi Yosi maintains that he is liable for one prohibition (*since the second one does not take effect*), it is regarded as if he has violated two prohibitions.

And so Ravin, when he came to Bavel, stated in the name of Rabbi Yochanan: Although he is liable for only one prohibition (*since the second one does not take effect*), it is regarded as if he has violated two prohibitions.

The Gemora asks: What practical difference is there because of this (that we view it as if he has violated two prohibitions)?

The Gemora answers: He is considered a completely wicked person (*for violating two prohibitions*) and will be buried in a cemetery reserved for those that were executed by burning or stoning. (32a3 – 32b2)

The Gemora cites a dispute regarding a non-Kohen who performed the Temple service in the Beis HaMikdosh on Shabbos. Rabbi Chiya maintains that he has violated two transgressions; one for a non-Kohen performing the Temple service and the other for desecrating the Shabbos. Bar Kappara said: He is only liable for one; for a non-Kohen performing the Temple service.

Rabbi Chiya jumped up and swore that he had heard from Rebbe that he has violated two transgressions. Bar

Kappara jumped up and swore that he had heard from Rebbe that he has violated only one transgression.

Rabbi Chiya explained his position: All Jews are prohibited from performing labor on Shabbos. Permission was granted to perform labor in the Beis HaMikdosh only for Kohanim. It is therefore logical to assume that a non-Kohen who performed the Temple service in the Beis HaMikdosh on Shabbos has violated two transgressions. Bar Kappara explained his position: All Jews are prohibited from performing labor on Shabbos. Permission was completely granted to perform labor in the Beis HaMikdosh (*and it was not specific to the Kohanim*). A non-Kohen who performed the Temple service in the Beis HaMikdosh on Shabbos has violated only one transgression; for a non-Kohen performing the Temple service, but not for violating the Shabbos. (32b)

The Gemora cites a similar dispute between Rabbi Chiya and Bar Kappara: A blemished Kohen performed the Temple service (*we are referring to a communal offering whose time is fixed, which is permitted to be brought by Kohanim in a state of tumah*) while he was in a state of *tumah*. Rabbi Chiya maintains that he has violated two transgressions; one for performing the Temple service with a blemish and the other for performing the Temple service while he is *tamei*. Bar Kappara said: He is only liable for one; for performing the Temple service with a blemish.

Rabbi Chiya jumped up and swore that he had heard from Rebbe that he has violated two transgressions. Bar Kappara jumped up and swore that he had heard from Rebbe that he has violated only one transgression.

Rabbi Chiya explained his position: All Jews are prohibited from performing the Temple service while they are in a state of *tumah*. Permission was granted to perform the Temple service while they are in a state of *tumah* (*for a communal offering*) only for unblemished Kohanim. It is

therefore logical to assume that a blemished Kohen who performed the Temple service in the Beis HaMikdosh has violated two transgressions. Bar Kappara explained his position: All Jews are prohibited from performing the Temple service while they are in a state of *tumah*. Permission was completely granted to perform the Temple service while they are in a state of *tumah* (and it was not specific to unblemished Kohanim). A blemished Kohen who performed the Temple service in the Beis HaMikdosh while he was *tamei* has violated only one transgression; for performing the Temple service with a blemish, but not for performing the service while he was *tamei*.

The Gemora cites a third dispute between Rabbi Chiya and Bar Kappara: A non-Kohen ate the meat of the bird offering which was slaughtered through *melikah* (a Kohen pierces the back of the bird's neck with his fingernail – this is valid only by a sacrificial offering, otherwise, it would be deemed a *neveilah* and could not be eaten). Rabbi Chiya maintains that he has violated two transgressions; one for a non-Kohen eating sacrificial food and the other for eating *neveilah*. Bar Kappara said: He is only liable for one; for a non-Kohen eating sacrificial food.

Rabbi Chiya jumped up and swore that he had heard from Rebbe that he has violated two transgressions. Bar Kappara jumped up and swore that he had heard from Rebbe that he has violated only one transgression.

Rabbi Chiya explained his position: All Jews are prohibited from eating *neveilah*. Permission was granted in the Beis Hamikdosh (for a bird offering) only for Kohanim. It is therefore logical to assume that a non-Kohen ate the meat of the bird offering which was slaughtered through *melikah* has violated two transgressions. Bar Kappara explained his position: All Jews are prohibited from eating *neveilah*. Permission was completely granted in the Beis Hamikdosh (and it was not specific to Kohanim). A non-Kohen ate the meat of the bird offering which was

slaughtered through *melikah* has violated only one transgression; for a non-Kohen eating sacrificial food, but not for eating *neveilah*. (32b2 – 32b4)

INSIGHTS TO THE DAF

THE PROHIBITION OF A WIFE'S SISTER EVEN AFTER THE WIFE'S DEATH

The Gemora cites a Baraisa: (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.) If Shimon went ahead and cohabitated with Rochel (while his wife was still alive), he has violated two prohibitions; his brother's wife and his wife's sister. These are the words of Rabbi Yosi. Rabbi Shimon said: He is only liable for the prohibition against taking one's brother's wife.

Rashi specifically mentions that this dispute is referring to a case where he cohabitated with her while his wife was still alive. The Rashba and other Rishonim explain that Rashi is coming to exclude the opinion of Rabbeinu Chananel, who understands this *sugya* as referring to a case where his wife had already died (like the case of the *Mishnah*).

All the Rishonim ask on Rabbeinu Chananel: How can he possibly learn that these Tannaim are discussing a case where his wife had already died and nevertheless, there should still be a prohibition against taking one's wife's sister? There is no argument to the halacha that a wife's sister is permitted after one's wife has already died.

Reb Avrohom Erlanger in *Birchas Avrohom* attempts to answer this question. He prefaces his remarks by saying that what he is about to say is a novel idea, but we must at least attempt to explain the viewpoint of Rabbeinu Chananel.

Let us examine the permissibility of the wife's sister after the wife dies. Is the name of the initial prohibition "a wife's sister, while the wife is alive"? (*It would not be called a prohibition that is dependent on time, i.e. the lifespan of his wife because the prohibition is only until then.*) Or perhaps the prohibition of a wife's sister is forever, similar to any other *ervah*; the Torah reveals to us that the death of the wife permits her sister to be taken by the husband?

A possible difference in halachah between these two possibilities would be in a case when we are uncertain if the wife died. Would there be a *chazakah* that the wife's sister is still forbidden to him? Reb Elchonon Wasserman states that the principle of *chazakah* can only be applicable if the original prohibition was forever and the uncertainty is regarding a change in the status.

Although the simple explanation would be that the wife's sister prohibition is initially only relevant during the lifespan of his wife; if we learn differently, we can explain the opinion of Rabbeinu Chananel.

He maintains that the prohibition of a wife's sister is forever, but there is a halachah that the death of the wife is a *matir*, permits her to be taken by the husband.

Reb Shimon Shkop states that in order for one prohibition to take effect on an existing prohibition, it must have halachic ramifications. Perhaps we can say similarly regarding the permission emerging from the death of the wife. If her death will result in a permission for the sister to be taken by the husband, the death will permit her; however, if the wife's death will not bring about such a consequence because she will anyways be forbidden to the husband on account of being his brother's wife, the death of the wife will not remove the wife's sister prohibition, and she will still be forbidden to the husband on account of being a wife's sister as well.

DAILY MASHAL

Loftiness of Shabbos

The Gemora cites a dispute regarding a non-Kohen who performed the Temple service in the Beis HaMikdosh on Shabbos. Rabbi Chiya maintains that he has violated two transgressions; one for a non-Kohen performing the Temple service and the other for desecrating the Shabbos. Bar Kappara said: He is only liable for one; for a non-Kohen performing the Temple service.

Bar Kappara explained his position: All Jews are prohibited from performing labor on Shabbos. Permission was completely granted to perform labor in the Beis HaMikdosh (and it was not specific to the Kohanim). A non-Kohen who performed the Temple service in the Beis HaMikdosh on Shabbos has violated only one transgression; for a non-Kohen performing the Temple service, but not for violating the Shabbos.

How is it possible that Shabbos can be regarded as 'permitted' even for a non-Kohen?

The Pnei Menachem explains that Bar Kappara maintains that the entire world obtains an elevated state on Shabbos and it is as if there are no ordinary people - everyone is a Kohen on Shabbos.

The Medrash states that the body is referred to as a "bas yisroel" and the soul is regarded as a "bas Kohen." Even to a bas Yisroel the body becomes elevated on Shabbos, and it transposes to a portion of the soul.

Rashi writes that the extra soul, which every Jew received before Shabbos, is instilled inside of him so that he may eat and drink on Shabbos. This demonstrates the connection between the body and the soul on Shabbos.

Bar Kappara was on such a lofty level that to him there was no 'ordinary' with respect of Shabbos.

This explains the Gemora in brachos 39a, where once two disciples were sitting before Bar Kappara, and they brought before him cabbage, durmaskin (an herb called orache) and partridge meat. [Both the cabbage and durmaskin were eaten only after being cooked.] Bar Kappara gave permission to one of them to recite the blessing (and to discharge the obligation of the others), and he jumped up and recited the blessing (of She-hakol) over the meat. The other disciple laughed at him (for he maintained that the blessing should be recited over the vegetable), and Bar Kappara became angry. He said: I am not angry with the one who recited the blessing, but with the one who laughed. [He explained:] If your colleague acts like one who has never tasted meat in his life (and that is why he concluded that the blessing should be recited over it, for the meat was more appealing to him than the vegetables, and the rule is: when two foods with the same blessing are before a person, he recites the blessing over the food which is more appealing to him), is that any reason for you to laugh? Then he reversed himself and said: [He explained:] I am not angry with the one who laughed, but with the one who recited the blessing. If there is no wisdom here (for you do not consider me a Torah scholar), is there not old age here (and for that reason, you should have consulted with me)? It was taught in a Baraisa: Neither of them lived the year out.

Bar Kappara was saying as follows: A blessing is intended to elevate the physicality in this world and bring it closer to Hashem. The student who hurriedly recited the blessing on the meat did so because the delicacies were so appealing and precious to him. He was more concerned with the flavor and taste that his body would appreciate, and not on the spiritual loftiness of the blessing. Bar Kappara said to him: Why did you mock him? It would have been preferable to bring him closer and to

elevate him. He displayed his anger towards the one who recited the blessing as well and told him that if you don't possess a good friend then turn your attention towards your teacher. If there is no wisdom here (for you do not consider me a Torah scholar), is there not old age here (and for that reason, you should have consulted with me)?