

30 Nissan 5782  
May 1, 2022



Yevamos Daf 55

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

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 Gemora cites a Mishnah: They told a married man, “Your wife has died,” and he went and married her paternal sister. Later, they told him, “She (*the second wife*) has died,” and he went and married her (*the second wife*) maternal sister. Later, they told him, “She (*the third wife*) has died,” and he went and married her (*the third wife’s*) paternal sister. Later, they told him, “She (*the fourth wife*) has died,” and he went and married her (*the fourth wife’s*) maternal sister. He found out that in fact, none of them had died. The halachah is that he is permitted to remain married to the first, third and fifth wives. (*Since he is legally married to the first wife, that renders his marriage to the second wife (her paternal sister) null and void. He is thus legally married to the third wife because she is not related at all to the first wife. Now that he is legally married to the third wife, that renders his marriage to the fourth wife (her paternal sister) null and void. He is thus legally married to the fifth wife because she is not related at all to the first or the third wives.*) If he would subsequently die childless, a *yibum* or *chalitzah* with one of these wives will release the others from any *yibum* or *chalitzah* obligations. He is forbidden to the second and the fourth wives, and a *yibum* or *chalitzah* with one of them will not release the others from a *yibum* or *chalitzah* obligation.

The Mishnah continues: If the husband cohabited with the second wife after the death of the first one (*she indeed did die*), he is permitted to remain married to the second and fourth wives. (*Since he is legally married to the second wife, that renders his marriage to the third wife (her maternal sister) null and void. He is thus legally*

*married to the fourth wife because she is not related at all to the second wife. Now that he is legally married to the fourth wife, that renders his marriage to the fifth wife (her maternal sister) null and void.*) If he would subsequently die childless, a *yibum* or *chalitzah* with one of these wives will release the other from any *yibum* or *chalitzah* obligations. He is forbidden to the first, third and fifth wives, and a *yibum* or *chalitzah* with one of them will not release the others from a *yibum* or *chalitzah* obligation.

Implicit in this Mishnah is that one is prohibited from taking his wife’s sister, whether she is a paternal or maternal sister.

The Gemora asks: How do we know that one’s wife’s maternal sister is prohibited?

The Gemora answers: It can be derived from the prohibition of a sister. Just as one is prohibited from taking his sister, whether she is a paternal or maternal sister, so too, one is prohibited from taking his wife’s sister, whether she is a paternal or maternal sister.

The Gemora asks: Let us derive from the prohibition regarding one’s father’s brother’s wife? Just as there, the prohibition is only applicable if the husband and the brother are paternal brothers and not maternal, so too, regarding the prohibition of one’s wife’s sister; she should only be forbidden if she is the wife’s paternal sister?

The Gemora answers: It is more logical to derive the halachah pertaining to a wife’s sister from one’s own

sister because she is his own relative (*a father's brother's wife is not regarded as his own relative*).

The Gemora asks: On the contrary! It would be preferable to derive the halachah of a wife's sister from the prohibition regarding one father's brother's wife because they are both related through marriage (*in contrast to one's sister, where no marriage is involved*).

The Gemora concludes: We derive this halachah from the prohibition regarding one's brother's wife. (*This prohibition is applicable whether the husband and the brother are paternal or maternal brothers.*) They are comparable because they are related through marriage and are one's own relatives. (54b2 – 55a1)

The Gemora asks: How do we know that one's brother's wife is prohibited, whether the husband and the brother are paternal or maternal brothers?

The Gemora cites a Baraisa which discusses this precise issue. It is written [Vayikra 18:16]: *The ervah of your brother's wife you shall not uncover*. This verse prohibits one from taking his brother's wife, whether the husband and the brother are paternal or maternal brothers.

The Baraisa asks: Perhaps the prohibition is only applicable if they are paternal brothers and not maternal brothers?

The Baraisa presents the source for both options. We could derive this halachah from the prohibition regarding one's sister. One is liable here (by cohabiting with one's brother's wife) and one is liable by (cohabiting with) his own sister. Just as one is prohibited from taking his sister, whether she is a paternal or maternal sister, so too, one is prohibited from taking his brother's wife, whether the husband and the brother are paternal or maternal brothers.

Or perhaps, we can derive this halachah from the prohibition regarding one's father's brother's wife. One is liable here (by cohabiting with one's brother's wife) and one is liable by (cohabiting with) his father's brother's wife. Just as there, the prohibition is only applicable if the husband and the brother are paternal brothers and not maternal, so too, regarding the prohibition of one's brother's wife; she should only be forbidden if the husband and the brother are paternal brothers.

The Baraisa states the reasons as to which prohibition is more comparable to the prohibition regarding one's brother's wife. A brother's wife is his own relative, and his sister is his own relative; one's father's brother's wife is not his own relative. However, there is a counterargument: A brother's wife is a prohibition which involves a marriage, and a father's brother's wife also involves a marriage; one's sister is a prohibition that occurs automatically, not because of any marriage.

The Baraisa concludes by citing the end of the aforementioned verse: *She is the ervah of your brother*. These words (*because they are superfluous*) teach us that one is prohibited from taking his brother's wife, whether the husband and the brother are paternal or maternal brothers.

The Gemora asks: Perhaps both verses are referring to the prohibition of cohabiting with the wife of his paternal brother, but one verse is necessary to teach us the prohibition regarding a case where she (the brother) has children, and it is during his lifetime (but he divorced her), and the other verse teaches us that the prohibition exists in a case where she (the brother) does not have children, and it is during his lifetime?

The Gemora answers: The prohibition of when she (the brother) does not have children is derived from the teaching of Rav Huna (the Torah writes the word *niddah* by the brother's wife prohibition; just as a *niddah* is

permitted afterwards, but nonetheless, if one would cohabit with her while she is a *niddah*, they would be subject to the penalty of *kares*, so too, regarding a brother's wife, even though she could be permitted if the brother died childless, she is forbidden under the penalty of *kares* when the *mitzvah* of *yibum* is not applicable).

The Gemora asks: Perhaps both verses are referring to the prohibition of cohabiting with the wife of his paternal brother, but one verse is necessary to teach us the prohibition regarding a case where she (the brother) has children, and it is during his lifetime, and the other verse teaches us that the prohibition exists in a case where she (the brother) has children, and it is after her husband died?

The Gemora answers: It is unnecessary to teach us that the brother's wife is forbidden in a case where she (the brother) has children, and the husband died. Since the Torah explicitly permits a brother's wife when the brother died childless, we can infer that she would be forbidden if he did have children.

The Gemora counters: Perhaps we can say that if he died childless, she is forbidden to marry anyone else, but is permitted to the *yavam*; however, if he died with children, she would be permitted to everyone? Alternatively, we can say: If he died childless, there is a *mitzvah* to marry her; if he died with children, it would be voluntary? Alternatively, we can say: If he died childless, he is permitted to marry her; if he died with children, there would be a positive commandment against marrying her (*but she would not be subject to the penalty of kares*)?

The Gemora answers: There is actually a third verse, which is certainly extra. It is written [Vayikra 20:21]: *He has uncovered his brother's ervah*. [These words (*because they are superfluous*) teach us that one is prohibited from

taking his brother's wife, whether the husband and the brother are paternal or maternal brothers.] (55a1 – 55a3)

The Gemora asks: But let us say that the wife of a maternal brother is like the wife of a paternal brother, and just as the wife of a paternal brother is permitted (to the *yavam*) after the death of her husband, so too the wife of a maternal brother should be permitted to her brother-in-law after the death of her husband?

The Gemora cites a Scriptural verse: *She (is the ervah of your brother)*. She (the wife of a maternal brother) should remain in her present state (and she is forbidden to her brother-in-law – even if her husband dies childless). (55a3)

The Gemora asks: Why does the Torah mention *kares* regarding the prohibition of cohabiting with one's sister (*all arayos are subject to the penalty of kares*)?

The Gemora answers: It is to teach us the halachah of Rabbi Yochanan. Rabbi Yochanan states: If one committed all the *arayos* transgression (*mistakenly thinking that she was permitted to him*) during one lapse of awareness, he is liable to bring a korban *chatas* for each and every transgression.

The Gemora asks: According to Rabbi Yitzchak, however, who stated: All those who are subject to the penalty of *kares* were included in the general rule; and why was the penalty of *kares* for cohabitation with a sister stated separately? It is in order to indicate that his penalty is *kares* and not lashes; from where, then, is the division deduced?

The Gemora answers: It is deduced from the verse: *And a woman . . . in her state of tumah* - that guilt is incurred for every single woman. (55a3 – 55a4)



The Gemora asks: Why does the Torah mention that one will die childless if he cohabited with his father's brother's wife; the Torah has already stated that regarding all *arayos*?

The Gemora answers: It is necessary for Rabbah's teaching. For Rabbah pointed out the following contradiction: It is written: They shall be childless, and it is also written: They shall die childless! How [are these two versions to be reconciled]? If he has children he will bury them; if he has no children, he will be childless. And it was necessary to write: They shall be childless, and it was also necessary to write: They shall die childless. For had the All Merciful written only: They shall be childless, it might have been assumed to refer to children born before the transgression but not to those born subsequent to the transgression, hence the All Merciful wrote: They shall die childless. And had the All Merciful written: They shall die childless, it might have been assumed to refer to those born subsequent to the transgression, but not to those who were born previously, [hence both texts were] required.<sup>1</sup> (55a4)

Where [is the prohibition of] partial cohabitation among those who are subject to the penalty of negative commandments to be inferred? — As the All Merciful specified a cohabitation of seed in the case of a designated maidservant, it may be inferred that among all the others who are subject to the penalty of negative commandments, partial cohabitation by itself constitutes the transgression. On the contrary! As the All Merciful specified partial cohabitation in the case of those who are subject to the penalty of *kares*, it may be inferred that among those who are subject to the penalty of negative commandments consummation only constitutes the

<sup>1</sup> Rabbah states that one verse teaches us that if one has children, and he has committed one of these transgressions; he will be forced to bury his children. The other verse teaches us that if he does not have children, he will continue to live in that state, and

transgression! — Rav Ashi replied: If so, Scripture should have omitted [the reference] in the case of the designated maidservant.

Where [is the prohibition of] partial cohabitation inferred in the case of transgressions for which Kohanim alone are subject to the penalty of negative commandments? — This is arrived at by a *gezeirah shavah* between the expressions of '*kichah*' - '*taking*'.

Where [is the prohibition in respect of] those who are subject to the penalty of a positive commandment inferred? — It is arrived at by a *gezeirah shavah* between the two expressions of '*bi'ah*' - '*enter*'.

From where is the prohibition of a *yevamah* [to a stranger derived from? — If [one follows] he who holds that it is a negative commandment, [it would be subject to the same restrictions as any other] negative commandment; if [one follows] he who holds that it is a positive commandment, [it would be subject to the same restrictions as any other] positive commandment. From where, however, do we know in respect of] the *yevamah* and the *yavam*? — It is arrived at by the *gezeirah shavah* between the two expressions of '*bi'ah*' - '*enter*'.

From where do we know of the *kinyan* between husband and wife? — It is arrived at by the *gezeirah shavah* between the expressions of '*kichah*' - '*taking*'. (55a4 – 55b1)

Rava asks: Why does the Torah mention the words *a copulation of seed (a complete cohabitation)* regarding a designated slavewoman (*a Canaanite slavewoman betrothed to a Hebrew slave is forbidden to cohabit with*

he will eventually die without ever having children. The Gemora comments: This applies to children born prior to transgressing as well as to those that were born afterwards.



*a regular Jew*) regarding a married woman, and regarding a *sotah* (an adulteress)?

Rava answers: The words *a copulation of seed* regarding a designated slavewoman is necessary for the ruling we stated above (namely, that one is not liable to bring a *korban asham* until he cohabits completely with her).

The words *a copulation of seed* regarding a married woman teaches us that one is not liable for cohabitating with a limp organ.

The Gemora asks that this is acceptable only according to the opinion who maintains that one who cohabits with a limp organ is indeed not liable; but what can be said according to the one who maintains that he is indeed liable?

The Gemora answers: The words *a copulation of seed* regarding a married woman teaches us that one is not liable for cohabitating with a corpse of a married woman. This is necessary, for we might have thought that since she is still regarded as the husband's relative (regarding a *kohen becoming tamei to his wife*), it might be considered adultery; the Torah teaches us that this is not the case.

The words *a copulation of seed* regarding a *sotah* teaches us that which was taught in the following Baraisa: It excludes another thing. – What is “another thing”? Rav Sheishes explains: The verse excludes a case where he warned his wife not to engage in an unnatural cohabitation.

Rava asks: But the verse “*the copulations of a woman*” includes a case of unnatural cohabitation as well?

Rather, Rava says that the verse teaches us that one who warns his wife not to engage in bodily contact with another man does not render her a *sotah*.

Abaye asked: This is not cohabiting! It is merely lewdness (and it is obvious that such behavior will not render her a *sotah*)!

Rather, Abaye that the verse teaches us that one who warns his wife not to engage in genital contact with another man does not render her a *sotah*.

The Gemora asks: This is understandable according to the one who maintains that partial cohabitation is to be understood as insertion of the corona, but genital contact is not regarded as anything, and consequently, the verse is intended to exclude genital contact. But according to the one who holds that partial cohabitation is to be understood as genital contact, what is there to say (*she certainly should be rendered a sotah*)?

The Gemora answers: The verse teaches us that one who warns his wife not to engage in bodily contact with another man does not render her a *sotah*. This is necessary (even though it is not regarded as cohabitation), for we might have thought that becoming a *sotah* is dependent on the objection of the husband, and since he is obviously objecting to this behavior, perhaps she would be rendered a *sotah*; the Torah teaches us that this is not the case. (55b1 – 55b3)

[The Gemora cites different opinions regarding what is considered the beginning of cohabitation.]

Shmuel stated: The first stage is constituted by superficial (genital) contact. This may be compared to a man who puts his finger on his mouth; it is impossible for him not to press down the flesh (of his lips).

When Rabbah bar Bar Chanah came (to Bavel from Eretz Yisroel), he stated in the name of Rabbi Yochanan: Consummation in the case of a designated slavewoman is constituted by the insertion of the corona.





Rav Sheishes raised an objection from a Baraisa: A *copulation of seed* implies that guilt is incurred only when cohabitation was accompanied by ejaculation. Does this not refer to ejaculation resulting from the insertion of the member?

The Gemora answers: No; It is ejaculation resulting from the insertion of the corona.

When Rav Dimi came (to Bavel from Eretz Yisroel), he stated in the name of Rabbi Yochanan: The first stage is constituted by the insertion of the corona.

They said to him: But, surely, Rabbah bar Bar Chanah did not say so?

He replied: Then either he is a liar, or I am.

When Ravin came (to Bavel from Eretz Yisroel), he stated in the name of Rabbi Yochanan: The first stage is constituted by the insertion of the corona.

The Gemora notes: He is certainly in disagreement with the report of Rabbah bar Bar Chanah. Must it be said, however, that he differs also from Shmuel?

The Gemora answers: No; the entire process from the superficial (genital) contact until the insertion of the corona is described as the first stage.

When Rav Shmuel bar Yehudah came (to Bavel from Eretz Yisroel), he stated in the name of Rabbi Yochanan: The first stage is constituted by the insertion of the corona; and the final stage, by actual consummation. From this point on (if even the corona is not inserted), it is merely regarded as superficial contact, and one would not be liable for it. And he thus clearly disagrees with Shmuel. (55b3 – 56a)

## DAILY MASHAL

### CUT OFF WITHOUT CHILDREN

Rashi's opinion is that *kares* includes two punishments: He will die before his time, and he will die childless.

Tosfos (2a) cites the opinion of the Riva that only where the Torah explicitly uses the term "*aririm*" will the second punishment apply; otherwise, he will die young, but with children. Tosfos does conclude that all *arayos* will entail both punishments because they are comparable to each other.

The Ramban writes that the second punishment will not be applicable by other transgressions, such as eating blood or forbidden fats.

The Netziv cites a Yerushalmi that maintains that only by those specific *arayos* which state "*aririm*" does the second punishment apply; otherwise, he will die young, but with children.