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Yevamos Daf 96

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

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### Five sisters

The *Mishnah* states: 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 halacha 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.

The *Mishnah* concludes: A nine year old *yavam* can render the brothers unfit for *yibum* if he does so first, and his adult brothers can render him unfit if they perform *yibum*. The difference between the minor and his adult brothers is that he can render them unfit “at first,” while they can do so “at first and at the end.” What is the case? If the nine year old cohabits with the *yevamah*, he renders his brothers unfit to perform *yibum*. However, if any of the adult brothers cohabit with the *yevamah*, or they performed a *ma’amar*, gave her a letter of divorce, or submitted to *chalitzah*, they render their minor brother unfit to perform *yibum*. (96a1 – 96a3)

### Gemora

The *Gemora* asks: How could the (*the end of the first case of the*) *Mishnah* state that the second wife alone is considered married to the husband, if the first wife was found to be dead only after he married all of the women?

Rav Sheishes answers that the *Mishnah* means that it was later determined that the second wife married her

husband after the first had definitely already passed away. The *kiddushin* was therefore valid, and she becomes his true wife. (96a3)

### Status of a Nine-Year Old

The *Mishnah* stated that a nine-year old only renders his brothers unfit for *yibum* if he is the first one to perform any action of *yibum*. However, Rav Zevid bar Rav Oshaya quoted a *Baraisa* stating that if an adult brother did *ma'amar* to a *yevamah*, and then his nine-year old brother cohabited with her, the nine-year old indeed renders the older brother unfit for *yibum*. How can we reconcile this with our *Mishnah*?

The *Gemora* answers that when the *Mishnah* said that a nine-year old can only render his brothers unfit if he is the first one, it was talking about *ma'amar*, not actual *yibum*.

The *Gemora* asks, this seems difficult to reconcile with a different *Baraisa* that seems to make the same statement as our *Mishnah* and clearly mentions a case of actual *yibum*.

The *Gemora* answers that this second *Baraisa* is missing words, and should actually read that this is only in case of *ma'amar*, not actual *yibum*.

The *Gemora* continues that there is another *Baraisa* which seems to say that a nine-year old's *ma'amar* is insignificant. The *Baraisa* states that such a child only renders his brothers unfit to perform *yibum* through actual relations, while his brothers can do this through relations, *ma'amar*, *get*, and *chalitzah*. The *Gemora* answers that this *Baraisa* did not discuss the *ma'amar* of a nine-year old because, as stated above, his *ma'amar* is only effective if his brothers have not yet done anything ("at first, not at the end"). (96a)

### Get of a Nine-Year Old to a Yevamah

Rav Yehudah stated in the name of Shmuel that a nine-year old can also make his brothers unfit to do *Yibum* by giving the *Yevamah* a *Get*. Rav Tachlifa Bar Avimi states that he only has *Ma'amar*. Rabbi Meir states in a *Baraisa* that he has both *Ma'amar* and *Get*.

The *Gemora* asks, does Rabbi Meir indeed hold that his *Get* is effective?

The *Gemora* quotes a *Baraisa* which states that a nine-year old's relations (regarding *Yibum*) is like the *Ma'amar* done by an adult. Rabbi Meir argues that his *Chalitzah* is like the *Get* of an adult. Rabbi Meir's statement in this *Baraisa* implies that his *Get* is not effective, as even his *Chalitzah* is only like the *Get* of an adult. If his *Get* was effective, Rabbi Meir should say that (regarding *Yibum*) his *Chalitzah* is like his *Get*!

Rav Huna, the son of Rabbi Yehoshua, answers that Rabbi Meir indeed holds that his *Get* is effective, but not as effective a regular *Get*, as opposed to his *Chalitzah* which is indeed as effective as a regular *Get*.

What is the difference between the *Chalitzah* and *Get* of a nine-year old?

The *Gemora* explains the difference both according to the opinion of Raban Gamliel and the Rabanan (see *Mishnah* on 50a-b at length). Raban Gamliel who holds that there is no validity in a *Get* after one brother has already given a *Get* to the *Yevamah*, only holds this when both brothers are either adults or minors. However, if an adult brother would give a *Get* after a younger brother, it would be effective. The Rabanan who hold that there is a purpose in giving another *Get* would similarly hold this when both people involved were adults or minors. However, the *Get* of a nine-year old after an adult would be ineffective. (96a)

### Mishnah

The *Mishnah* states that if a nine-year old brother has relations with a *Yevamah*, and then his nine-year old brother later has relations with her, the first brother becomes unfit for *Yibum* due to the actions of his brother. The *Tanna Kamma* holds that the relations of a minor are akin to *Ma'amar*, and therefore both have validity and require a *Get* (see Rashi). Rabbi Shimon argues that he does not become unfit. The *Tanna Kamma* also states that if a nine-year old had relations with one of his dead brother's widows, and then proceeded to have relations with her co-wife, they both become unfit for *Yibum*. Rabbi Shimon argues that he does not become unfit. (96b)

### Rabbi Shimon's Claim

The *Baraisa* states that Rabbi Shimon asked the Rabanan: "If the first act of *Yibum* was valid, this means the second act was invalid. If the first act was invalid, the second act should likewise be invalid!" (96b)

### Unlike Ben Azai

Our *Mishnah*, the *Gemora* states, is unlike the opinion of Ben Azai. This is because the *Tanna Kamma* of our *Mishnah* understands that two *Ma'amar*'s are valid (see italics above), both in a case of two *Yavam*'s and one *Yevamah* (the first case of our *Mishnah*), and two potential *Yevamos* with one *Yavam* who does *Ma'amar* to both of them (second case of our *Mishnah*). Ben Azai argues that when there is only one *Yavam*, *Ma'amar* is only effective one time to one *Yevamah*, not to the second potential *Yevamah*. (96b)

### Mishnah

If a nine-year old has relations with his *Yevamah* and dies, his *Yevamah* can only receive *Chalitzah*, not *Yibum*, from the other brothers. If he would have married a regular woman, she does not fall to *Yibum* (as his *Kidushin* is essentially invalid, see Rashi). If he both had relations with a *Yevamah* and then married another unrelated woman after he became an adult, the *Yevamah* only requires

*Chalitzah* if he did not have relations with her after he became an adult, while his regular wife can have either *Yibum* or *Chalitzah*. Rabbi Shimon argues that the brothers can do *Yibum* to either one, and give the other one *Chalitzah*. The *Mishnah* concludes that these Halachos not only apply to a nine-year old, but also to a twenty-year man who has not yet developed two hairs which qualify him as a Halachic adult. (96b)

### Zikah of Two Yevamos

Rava stated that our *Mishnah* proves that when the Rabanan decreed that in a case where there are two *yevamos* only *Chalitzah* should be done and not *Yibum*, it is not only in case where there are two proper co-wives. [The allowance of *Yibum* to more than one woman would cause people to think that if *Yibum* can be done in this special case (such as the case of the *Mishnah* on 31b), then many widows of one husband may be taken simultaneously through *Yibum* (see Rashi)]. This is apparent from the fact that our *Mishnah* discusses one regular wife and one woman who was not really married to this man at all, and even so the *Mishnah* codifies that only *Chalitzah* can be done to her and not *Yibum* (see Ritva).

The *Gemora* quotes a *Baraisa* that similarly states that if a *Shoteh* (fool) or minor marry, their widows are exempt from *Chalitzah* and *Yibum*.

The *Gemora* asks, why isn't the relations that the husband had with the *Yevamah* when he was a minor sufficient to cause the husband's real wife to not be able to have *Yibum* (like a regular case of *Zikah* of two *yevamos*, as explained above)? His relations when he was a minor should be akin to the *Ma'amar* of an adult, which can cause *Zikah* from two *yevamos* and therefore not provide an option for *Yibum*?

The *Gemora* states that Rav states that the premise of the question is false, as a minor's relations are not akin to the

*Ma'amar* of an adult. However, Shmuel and Rabbi Yochanan say that they are. How would they answer this question?

The *Gemora* answers that they understand that there is an argument between our *Mishnah* and the *Mishnah* earlier (31b). Indeed, the author of the *Mishnah* earlier (31b) would say that the regular wife cannot have *Yibum* due to the aforementioned decree regarding two *Zikos*, even when this involves a minor. The only reason he did not discuss a minor in the *Mishnah* earlier is because the author of the *Mishnah* did not want to change the types of cases that were discussing adults, and not minors. The author of our *Mishnah* argues that no such decree exists, and therefore allows the brothers to perform *Yibum* on the regular wife in our *Mishnah*. He similarly did not discuss the decree in regards to adults, as he was not dealing with cases of adults. (96b)

#### **Rabbi Yochanan's Anger with Rabbi Elozar**

Rabbi Elozar went and related this discussion in this Beis Medrash, but did not relate the discussion in the name of Rabbi Yochanan. When Rabbi Yochanan heard about this omission, he was perturbed. Rabbi Ami and Rav Asi went up to Rabbi Yochanan and said: "Did it not happen, once in the Beis Medrash of Teveryah, that there was a discussion between Rabbi Elazar and Rabbi Yosi regarding the door lock which had a thick head (and could be used for grinding things, see Rashi), and they debated the matter with such intensity that they tore a Sefer Torah?"

The *Gemora* explains that they certainly did not intentionally tear a Sefer Torah. Rather, the Sefer Torah divided. Rabbi Yosi Ben Kisma was present at the time, and he declared that he would be astonished if as a result of this discussion which became inappropriate, the shul would not turn into a house of idol worship! Indeed, the *Gemora* states, the shul eventually became a house of idol worship. [Rabbi Ami and Rav Asi were apparently trying to tell Rabbi Yochanan not to be so particular with

Rabbi Elozar, because such behavior could lead to disastrous consequences.]

Rav Yakov Bar Idi came him, and quoted the Pasuk "Like Hashem commanded his servant Moshe, so commanded Moshe to Yehoshua, and so did Yehoshua do. He did not remove anything from that which Hashem commanded." He asked Rabbi Yochanan, do you think that every time Yehoshua quoted a Halachah he said it in the name of Moshe? Yehoshua just said over Halachos, and everyone knew they were from Moshe! Similarly, everyone knows that Rabbi Elozar is your student, and whatever he says comes from you! After hearing this, Rabbi Yochanan turned to his other students and said "Why don't you know how to make peace like the son of Idi, our friend?"

Why was Rabbi Yochanan so upset in the first place? Rav Yehuda says in the name of Rav, what is the meaning of the Pasuk "I will dwell in your tent in many worlds?" Is it possible for someone to dwell in a tent in both worlds? It means that David stated to Hashem, "Master of the Universe, it should be Your will that they should say a statement in my name in this world (as well as my being in the next world)." (96b – 97a)

#### **INSIGHTS TO THE DAF**

##### **a righteous person is not allowed to stumble**

The *Gemora* records the following incident: Rabbi Elozar went and related a discussion in this Beis Medrash, but did not relate the discussion in the name of Rabbi Yochanan. When Rabbi Yochanan heard about this omission, he was perturbed. Rabbi Ami and Rav Asi went up to Rabbi Yochanan and said: "Did it not happen, once in the Beis Medrash of Teveryah, that there was a discussion between Rabbi Elazar and Rabbi Yosi regarding the door lock which had a thick head (and could be used for grinding things, see Rashi), and they debated the matter with such intensity that they tore a Sefer Torah?"



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The Ramban wonders how it is possible that a Sefer Torah was torn because of the dispute of the Sages. Does not the *Gemora* in Chullin (7a) state that Hashem does not bring a stumbling block to righteous people? How could a Sefer Torah become torn and the synagogue turn into a house of idolatry on account of these sages?

The Ramban quotes Rabbeinu Tam who states that the principle that HaShem does not bring a stumbling block on account of the righteous is applicable only to the inadvertent consumption of forbidden foods. The reason for this is because it is degrading for the righteous to eat forbidden foods. The principle does not apply, however, to other types of sins.

The Ramban challenges this interpretation from a *Gemara* in Kesubos (28b) that clearly indicates that this principle applies by other sins as well.

The Ramban quotes his teacher who states that the explanation of this principle cannot mean that the righteous do not sin, for we know that there is no righteous person in the land that doesn't sin. Rather, it means that Hashem does not allow a righteous person to inadvertently cause other to stumble and sin.

The Ramban himself answers that this principle is only applicable for inadvertent transgressions, as Hashem does not allow a righteous person to stumble in such a manner. One who strives to be completely pure, the Holy One, Blessed is He assists him. However, if a righteous person places himself in a situation where he is susceptible to sin, he is in danger just like everyone else. In instances where there were calamities, it was due to the Sages being provoked to anger, and it is known that where there is anger, the Divine Presence does not rest, subsequently leading to disastrous consequences.

#### **DAILY MASHAL**

#### **DISPLAYING ANGER**

Rav Ashi states that a Torah scholar who is not as hard as iron is not considered to be a true Torah scholar. Ravina says that nevertheless, he should conduct himself calmly as the Torah teaches us to avoid anger.

The *Gevuros Ari* asks from a *Gemora* in Pesachim which states regarding one who becomes angry; if he is a Torah scholar, his Torah will depart him and yet our *Gemora* states that a Torah scholar who is not harsh like iron is not considered a talmid chocham.

He answers that if he becomes angry for the honor of Hashem and if it would have been impossible to accomplish this without getting angry; it is not only permitted but warranted. An example for this would be to instill fear into one's students ensuring that they will not stumble into sin.

The *Acharonim* ask from the *Gemora* in Taanis (20) which states that a person should always strive to be soft like a reed and not harsh like a cedar tree. It is brought in the name of Reb Yonason Eibshitz that if a person needs to get angry, he should make sure that the anger is only on the surface but inside he should remain soft. This is what



Ravina meant when he said that one should conduct himself calmly as the Torah teaches us to remove anger from one's heart.

The Mishnah in Avos (5:10) states that it should be difficult for a person to get angry and easy to be appeased. Rabbeinu Gershom explains our Gemora to mean that a person should get angry and it should be difficult to appease him. This is seemingly not consistent with the Mishnah in Avos.

Harav Moshe Feinstein in Igros Moshe (O"C 54) answers that here the Gemora is referring to a talmid chocham that issues a ruling. He is required to exhibit anger in order to ensure that the listeners will adhere to the halacha. He should not be easily appeased so people will not say that his ruling was actually a mistake but he is too embarrassed to admit it. This is what Rav Ashi meant when he said that a Torah scholar who is not as hard as iron is not considered to be a true Torah scholar. If he is appeased readily, they will not rely on his rulings in the future.