



Volume 9. Issue 4

Nothing after *Chalitzah* or *Yibum*

The fifth *perek* discusses many cases with one or more *yevamim* and *yevamot* involving different combinations and sequences of *yibum* (or *bi'ah*), *chalitzah*, *get* and *maamar*. When the *Mishnah* (5:3) discusses a number of combinations that include *chalitzah* it ends by explaining that “there is nothing after *chalitzah*.” We shall try to understand this principle.

The *Gemara* discusses how this principle applies to case where after *chalitzah* was performed, the *yabam* performed a *maamar* to the *yevama* or the *tzara*.¹ *R' Yehuda* explains that the *Mishnah* must be according to *R' Akiva*. After *chalitzah* is performed, there is a negative prohibition of marrying (what was) the *yevama*.² Since *R' Akiva* maintains that *kidushin* cannot take affect when it would violate a negative prohibition, it explains why a *maamar* that follows *chalitzah* is ineffective. According to the *Chachachim* who maintain that *kidushin* in such a case would be affective, a *maamar* that followed *chalitzah* would require a *get*.

The *Gemara* also cites the opinion of *Rebbi* who, like the *Chachamim*, maintains that *kiddushin* would be affective even if it violated a negative prohibition. Nevertheless *Rebbi* differentiates between how the *maamar* was given. If it was for the sake of marriage, then it would be affective. If it was given for the purpose of *yibum*, under the assumption that there was

still a *zika* and *yibum* could still be performed, then such a *maamar* that followed *yibum* would have no affect.

The *Bartenura* adds that if *biah* was performed first, i.e. a valid *yibum*, then there is “nothing after *biah*” (as stated in 5:6). The *Tosfot Yom Tov* explains that this is also only according to *R' Akiva*. The reason is that in a case where there are two *yevamot* and one or more brothers, after *yibum* there is a prohibition against marrying the *tzarah*. He explains that according to the *Rosh* and the *Rif* it is a prohibition as implied by the positive commandment (“*issur aseh*”) to “build his brother’s house” – one house not two. According to the *Tosfot* there is a negative prohibition. That being the case, only according to the *R' Akiva* would a *maamar* not have an affect on the *tzarah* after *yibum*, where as according to the *Chachamim* a *get* would be required.

R' Akiva Eiger notes that according to the *Rosh*’s understanding that it is an *issur aseh*, the later *Mishnah* (5:6) implies that *kiddushin* does not take hold even in the face of an *issur aseh*.³ The *Tifferet Yisrael* (13 & 29) however appears to understand that when the *Mishnah* teaches there that “there is nothing after *yibum*” it is only referring to *yavama* to which *yibum* was performed. In other words, there is no longer a *zika*. With respect to the *tzara* however, there is only an *issur aseh* and *kiddushin* would be affective.

Yisrael Yitzchak Bankier

¹ The *Rambam* notes that in a case where there are two *yevamot* and two brothers and one brother performed a *get* to one *yevama* while the other brother followed with *chalitzah* to the other, the story is not over. The *tzara* is free to go even though the *chalitzah* is defined as *pesula* (since *yibum* was not possible in that situation). The first *yevama* however would require *chalitzah* from both brothers in order to be free to remarry.

² While there is a negative prohibition after *chalitzah* between the *choletz* and the *chalutzah*, there is a debate in the *Gemara* (10b) regarding the prohibition between *choletz* and the *tzarah* or the other brothers and either of the *yevamot*. *R' Yochanan* maintains the prohibition is still a *lav* while *Reish Lakish* maintains that it is an *issur karet* – the *issur erva* of marrying one’s brother’s wife.

³ *R' Akiva Eiger* uses this understanding to raise a difficult on a *Tosfot*. See inside for details.

Revision Questions

יבמות ד': י"ג ז': א'

- When is one allowed to marry his wife's sister? (ד': י"ג)
- Explain the debate regarding the following statement: (ה': א')
"אין גט אחר גט ולא מאמר אחר מאמר"
- What else is required if the brother performed:
 - A *ma'amar* and *get*?
 - A *ma'amar* and *chalitzah*?
 - A *ma'amar* and *yibum*? (ה': ב')
 - A *get* then a *ma'amar*?
 - A *get* and then "yibum"?
 - A *get* and then *chalitzah*?
 - *Chalitzah* and then a *ma'amar*? (ה': ג')
- What is the law regarding a case where one brother who had two wives die (without children) where one brother is left and he:
 - Performed a *ma'amar* to both women?
 - Performed a *ma'amar* to one, and "yibum" to the other?
 - Performed a *ma'amar* to one, and gave a *get* to the other?
 - Gave a *get* to one and a *ma'amar* to the other?
 - Gave a *get* to both women? (ה': ד')
 - Did *chalitzah* to both women?
 - Did *chalitzah* to one and performed a *ma'amar* to the other? (ה': ה')
- Complete the following phrase and explain: (ה': ו')
"אין אחר _____ כלום, בין בתחילה, בין באמצע בין בסוף
ו _____ בזמן שהיא בתחילה _____, באמצע ובסוף _____"
- Regarding the previous question, on what point does R' Nechemiah argue? (ה': ז')
- If one is forced to perform *yibum*, is *yibum* valid? (ה': ח')
- If one had relations with in *issur arayot be'shogeg*, can the woman still marry a *kohen*? (ה': ט')
- Explain the debate regarding a daughter of a *kohen* who was a *gerusha* and got engaged (*kidushin*) to a *kohen*, whether she can eat *trumah*. (ה': י')
- Regarding the previous case, when does everyone agree she can eat *trumah* and when does everyone agree that she cannot? (ה': י"א')
- Can a *kohen gadol* marry a widow from *kidushin*? (ה': י"ב')
- If a *kohen* was *mekadesh* a widow and then was elected to be a *kohen gadol* can he still marry her? (ה': י"ג')
- If a *kohen's* brother dies (without children) leaving a wife, and this *kohen* performs a *ma'amar* and is then elected to be a *kohen gadol*, can he complete the *yibum*? (ה': י"ד')
- Explain the debate whether a *kohen* can marry an *aylonit*. (ה': י"ה')
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding the requirement of *pru u'rvu*. (ה': י"ו')
- According to R' Yochanan ben Bruka who is commanded to perform the *mitzvah* of *pru u'rvu* and what is his source? (ה': י"ז')
- If a *Kohen* marries a *chalutzah* can the servants that she brought with her eat *trumah*? (Be specific) (ה': י"ח')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendar/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 - 2 - 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
27 th May ו' סיון	28 th May ז' סיון	29 th May ח' סיון	30 th May ט' סיון	31 st May י' סיון	1 st June יא' סיון	2 nd June י"ב סיון
Yevamot 7:2-3	Yevamot 7:4-5	Yevamot 7:6-8:1	Yevamot 8:2-3	Yevamot 8:4-5	Yevamot 8:6-9:1	Yevamot 9:2-3

