



т"оэ

Today we will בע"ה learn דף מ of מסכת יבמות מסכת. The topics we will learn about include

שניות לעריות

The Chachamim forbade certain relatives מדרבנן, to safeguard people from עריות דאורייתא to which they are similar.

כיון שלא בנה

שוב לא יבנה

Once one brother did Chalitzah with one of the Yevamos, neither he nor his brothers may marry the Yevamah or any of the other wives.

This is discussed at length earlier on דף י' ע"ב.









So let's review

Zugt di Mishnah:

החולץ ליבמתו

הרי הוא כאחד מן האחין לנחלה

The brother who performs Chalitzah maintains his share, along with the other brothers, in the estate of the deceased brother.

ואם יש שם אב נכסים של אב

If they have a father, the father inherits the estate of the deceased brother, because

אב קודם לכל יוצאי ירכו

החולץ ליבמתו הרי הוא כאחד מן האחין לנחלה אם יש שם אב נכסים של אב אב קופק אל יוצאי יוכן

The Mishnah continues;

הכונס את יבמתו

זכה בנכסים של אחיו

The Tanna Kamma holds that the Yavam who performs Yibum inherits the entire estate of the מת, even when they have a father. His right to inherit stems from the Posuk יקום על שם אחיו

As the Gemara above on לנחלה, says, לנחלה,

The Yavam takes the place of the מת regarding the estate. This pre-empts the father.

ר' יהודה אומר

בין כך ובין כך

אם יש שם אב נכסים של אב

Rebbe Yehuda holds that even if he did Yibum, the father pre-empts the Yavam. This is derived from the following Posuk:

והיה הבכור אשר תלד – כבכור

מה בכור אין לו בחיי האב

אף האי נמי אין לו בחיי האב

A son does not inherit as long as the father is alive.

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Dedicated By: _









The Gemara goes on to the next Mishnah:

החולץ ליבמתו

The Yavam who gives Chalitzah to his Yevamah, הוא אסור בקרובותיה

He may not marry her relatives,

והיא אסורה בקרוביו

And, she may not marry his relatives.

And the Mishnah lists them:

הוא אסור

באמה ובאם אמה ובאם אביה

ובבתה ובבת בתה ובבת בנה

ובאחותה בזמן שהיא קיימת

He is forbidden to marry

- --- Her Mother, or Grandmother,
- --- Her Daughter, or Granddaughter,
- --- Her Sister as long as the Yevamah is alive -

All of the above are אסור מדרבנן, because a חלוצה is similar to a הרושה:

And since, if the Yevamah was גרושתו, divorced from him after marriage, all her above-mentioned relatives would be אסור to him, כון התורה

now that she is חלוצתו, they are all מדרבנן.

However,

והאחין מותרין

The other brothers may marry the Yevamah's relatives, because she's not their הלוצה.

We must point out that the brothers may not marry the Yevamah herself, because of

כיון שלא בנה

שוב לא יבנה

The Mishnah continues;

והיא אסורה

באביו ובאבי אביו

ובבנו ובבן בנו

באחיו ובבן אחיו

The Yevamah is forbidden to marry

- --- His Father, or Grandfather,
- --- His Son, or Grandson,
- --- His Brother or Nephew -

רבי חייא in a Braisa adds

אבי אמו

And

בן בתו

For a total of eight, and divides them into two groups of four:

ארבע מדברי תורה

וארבע מדברי סופרים

אב ובנו אחיו ובן אחיו מדברי תורה

אבי אביו ואבי אמו בן בנו ובן בתו מד"ס

Now, this does not mean that she is now אסור to the first four relatives און, based on her relationship with the Yavam. What it means is that had she been גרושתו, divorced from him after marriage, these four of his relatives would be אסור to her אחל. And, now that she is אחל, they are all אסור to her אחלוצתו.

אסור מדרבנן אוני אוני מדרבנן. The second group of four would only be אסור מדרבנן even in a marriage, because they are merely שניות מדרבנן.

משכן
יחזקאל
Mishkan
Yecheskel

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And, this is the Gemara's Shaila;
גזרו שניות בחלוצה
או לא
או לא
בערוה דאורייתא גזרו בהו רבנן שניות
בערוה דאורייתא גזרו רבנן שניות
בחלוצה לא גזרו רבנן שניות
או דלמא לא שנא
However, the Gemara concludes;
שמע מינה גזרו שניות בחלוצה שמע מינה
Even where as אסור מדרבנן they would only be אסור מוב מפס האסור מדרבנן, in a case of חלוצתו they are also



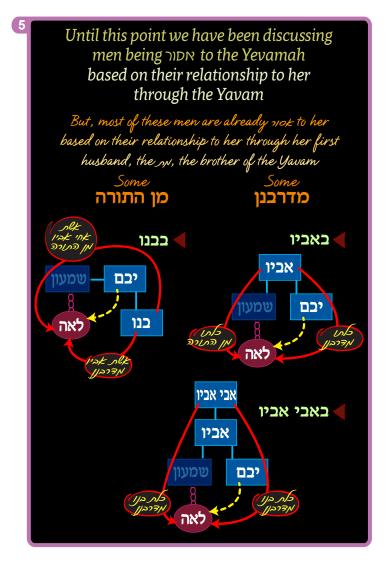
Until this point we have been discussing these men being אסור to the Yevamah based on their relationship to her through the Yavam. However, the Gemara points out that most of these men are already אסור to her based on their relationship to her through her first husband, the אסור, the brother of the Yavam – Some אביו, and some אביו, and some אביו, the father of the Yavam is, obviously, also the father of the אחים כלתו מדרבנן אחים מן האב through the Yavam, but

מת through the כלתו מן התורה.

Similarly, בנו, the son of the Yavam, is the nephew of the מת. Therefore, she is
אשת אביו מדרבנן through the Yavam, and אשת אביו מן התורה סת through the אשת אחי אביו מן התורה מת

The Gemara gives an example where it's אבי from both: אבי אביו, the Grandfather of the Yavam, and likewise, of the The Yevamah is אסור to the Grandfather as כלת בנו, his son's daughter-in-law, which even through the אסור, to whom she was married, is merely שניות מדרבנן – and certainly through the Yavam, where the whole Issur of חלוצה is merely מדרבנן.

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The Gemara continues to explain the סיפא of the Mishnah: מותר אדם בקרובת צרת חלוצתו

The scenario is as follows:

Shimon was married to לאה ורחל who are not related. Shimon died, both wives fell for Yibum, and Ruvain did Chalitzah with Leah. The ישא of the Mishnah taught; הוא אסור בקרובותיה Ruvain is forbidden in Leah's relatives,

However, the Mishnah here in the סיפ teaches that Ruvain is NOT forbidden in the Rochel's relatives.

The Mishnah continues; ואסור בצרת קרובת חלוצתו In this case, Leah and Rochel ARE sisters – However, Leah was married to Shimon, and Rochel was married to an unrelated man, Nachshon, who had another unrelated wife, Sarah. Shimon died, and Ruvain did Chalitzah with Leah. Nachshon died or divorced his wives, and Rochel and Sarah are now available for marriage.

The יישא of the Mishnah taught; הוא אסור בקרובותיה אסור בקרובותיה, she is אסור to Ruvain as קרובת חלוצתו, she is אחות חלוצתו, the sister of Leah.

The Mishnah here in the סיפא teaches that Sarah is also אסור Ruvain as צרת קרובת חלוצתו the Tzarah of the relative of his חלוצה מאי שנא האי ומאי שנא האי

The difference between the two cases is -

הך דאזלא בהדה לבי דינא גזרו בהו רבנן

In the second case, Rochel, Leah's sister, will generally accompany Leah to Bais Din, for moral support, during the Chalitzah process, and she might later be mistaken to have been the חלוצה. Therefore, Ruvain is אסור to marry Rochel's Tzarah, Sarah, because it appears like אסור אסור. For example, in a regular case of Chalitzah – After doing Chalitzah with one Yevamah, the Yavam is אסור to marry any of the other wives because of ...

האי דלא אזלא בהדה לבי דינא לא גזרו בהו רבנו

In the first case, Rochel is not Leah's sister, but her Tzarah, who does not accompany her to Bais Din, and there's no reason to mistake her for the הלוצה. Therefore, only the relatives of the הלוצה, Leah, are אסור, but the relatives of the Tzarah. Rochel, are not אסור.



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