

A ג"ד
Intro
Today we will learn בע"ה of דף נ 'מסכת יבמות', and begin the Fifth Perek רבן גמליאל.

To help us better understand the Mishnah we will begin with a short introduction:

The Torah states that when a man dies without children, one of his brothers is required to perform יבום or חליצה with the Yavama.

יבום
Once ביאה has been performed, the Yavama becomes the wife of the Meyabem. Since the Mitzvah has been fulfilled, there are no further obligations to the other brothers, and the other wives of the deceased brother are now free to marry anyone.

Furthermore, it is now forbidden for the Yavam, or another brother, to perform ביאה with another Yavama, because of

בית אחד הוא בונה ואין בונה ב' בתים

B חליצה
So too, when Chalitzah has been performed - There are no further obligations to the brothers, and the Yavamah, as well as the other wives, are now free to marry. Furthermore, it is now forbidden for the Yavam, or another brother, to perform ביאה with the Yavama, or one of the other wives, because of

כיון שלא בנה שוב לא יבנה.

C מאמר
מאמר is when the Yavam gives the Yavamah קידושין. מאמר is not effective, because the Mitzvah can only be performed through ביאה or Chalitzah. Therefore, if one brother did מאמר, one of the other brothers would still be permitted to perform ביאה, and she would become HIS wife.

However, the Chachamim saw fit to initiate a גזירה, that when one brother performs מאמר, the remaining brothers are now prohibited to perform ביאה with any one of the Yevamos, מדרבנן.

A

יבום

Once ביאה has been performed, the Yavama becomes the Meyabem's wife.

| | |
|---|---|
| <i>There are no further obligations to the other brothers</i> | <i>The other wives are now free to marry anyone</i> |
|---|---|

It is now forbidden for the Yavam, or another brother, to perform ביאה with another Yavama, because...

בית אחד הוא בונה ואין בונה ב' בתים

B

חליצה

When Chalitzah has been performed...

It is now forbidden for the Yavam, or another brother, to perform ביאה with the Yavama, or one of the other wives, because...

כיון שלא בנה שוב לא יבנה.

C

מאמר

Is like קידושין

It is not effective מן התורה because the Mitzvah of Yibum can only be performed through ביאה

If one brother did מאמר, one of the other brothers would still be permitted to perform ביאה, and she would become his wife

אסור מדרבנן



D Because, since מאמר - which is Kiddushin - is similar to ביאה, in that they are both procedures to create a marriage, one might confuse מאמר with ביאה. One might think that just as מאמר - which is Kidushin - although effective with other women, is not effective with a Yavama, ביאה is also not effective with a Yavama, and allows the Yavam, or one of the other brothers, to perform ביאה with another one of the wives, which would be אסור מדאורייתא, as mentioned earlier.

Therefore, Chazal said that when one of the brothers performs מאמר, the remaining brothers are now אסור מדרבנן to perform ביאה with this Yevamah, or one of the other Yevamos.

מאמר is also effective in that the Yavama is considered his wife מדרבנן. Therefore, if he decides to give Chalitzah to remove the Zikah, he is also required to give her a גט to remove the מאמר. They are both then אסור to marry each other's relatives, מדרבנן, as in the case of a regular divorce, מן התורה. However, the remaining brothers are permitted to marry her relatives.

E גט
A similar גזירה was established when one brother gives the Yavama a גט.

א גט is not effective, since the Mitzvah can only be performed through ביאה or Chalitzah. Therefore, if one brother gave the Yavama a גט, one of the other brothers would still be permitted to perform ביאה, and she would become HIS wife.

However, the רבנן saw fit to initiate a גזירה, that when one brother gives the Yavama a גט, the remaining brothers are now prohibited to perform ביאה with any one of the Yevamos, מדרבנן.

Because, since Chalitzah and גט are similar in that they are both procedures to dissolve a marriage, one might confuse גט with Chalitzah. One might think that just as גט, although effective with other women, is not effective with a Yavama - Chalitzah is also not effective with a Yavama, and allows the Yavam, or one of the other brothers, to perform ביאה with this Yevamah, or one of the others, which would be אסור מדאורייתא, as mentioned earlier. Therefore, Chazal said when one of the brothers gives the Yavamah a גט, the remaining brothers are now אסור מדרבנן to perform ביאה with this Yavamah, or one of the other Yevamos.

A גט is also effective in that the Yavama is now considered a divorcee, restricting both of them from marrying each other's relatives, מדרבנן. However the remaining brothers are permitted to marry her relatives.

So, we have established that when one of the brothers gives the Yavamah a מאמר or a גט, the remaining brothers are not allowed to perform ביאה with this Yavamah, or one of the other Yevamos.

D **מדרבנן The Yavama is considered his wife.**
Therefore, if he decides to give Chalitzah to remove the Zikah, he is also required to give her a גט to remove the מאמר.

They are both then אסור to marry each other's relatives, מדרבנן, as in the case of a regular divorce, מן התורה

The remaining brothers are permitted to marry her relatives

E **גט**

It is not effective מן התורה because the Mitzvah of Yibum can only be performed through ביאה

If one brother gave a גט, one of the other brothers would still be permitted to perform ביאה, and she would become his wife

אסור מדרבנן However, it is

They are both then אסור to marry each other's relatives, מדרבנן, as in the case of a regular divorce, מן התורה

The remaining brothers are permitted to marry her relatives

When one of the brothers gives the Yavamah a מאמר or a גט the remaining brothers are not allowed to perform ביאה with this Yavamah, or any of the other Yevamos.



1 So let's review

For a better understanding of this Mishnah please see the introduction to this Daf, where we have established that when one of the brothers gives the Yavamah a מאמר or a גט, the remaining brothers are not allowed to perform ביאה with this Yavamah, or one of the other Yevamos.

1

When one of the brothers gives the Yavamah a מאמר or a גט the remaining brothers are not allowed to perform ביאה with this Yavamah or one of the other Yevamos

2 Bearing this in mind we begin to review the first Mishna in the fifth perek - רבן גמליאל

Zugt di Mishnah:

רבן גמליאל אומר אין גט אחר גט

There were three brothers Reuven, Shimon and Levi. Levi who married two unrelated women, Rochel and Leah, passed away without children, and they now fall for Yibum to Reuven and Shimon.

If Reuven gave Rochel a גט, Reuven and Shimon are now prohibited to be Meyabim Rochel and Leah. Reuven is also prohibited to marry Rochel's relatives.

If Shimon then gives Rochel a גט as well, Rabban Gamliel says אין גט אחר גט, the second גט is not effective, and therefore unlike Reuven, Shimon is permitted to marry Rochel's relatives.

וחכמים אומרים יש גט אחר גט

The Chachomim disagree with Rabban Gamliel and say that the second גט which Shimon gave Rochel is also effective. Therefore, Shimon is also prohibited to marry Rochel's relatives.

So too, if after giving Rochel a גט, Reuven gives Leah a גט as well -

According to רבן גמליאל the second גט is not effective, and Reuven is still permitted to marry Leah's relatives.

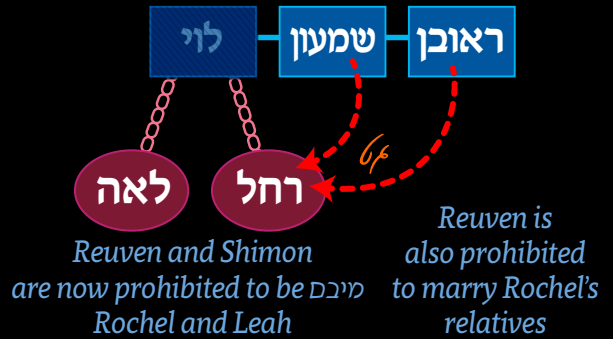
According to the חכמים the second גט is also effective, and Reuven is now prohibited to marry Leah's relatives.

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2

רבן גמליאל

רבן גמליאל אומר אין גט אחר גט



וחכמים אומרים יש גט אחר גט

רבן גמליאל אומר אין גט אחר גט

The second גט which Shimon gave Rochel is also effective.

The second גט is not effective

Therefore, Shimon is also prohibited to marry Rochel's relatives

Therefore, Shimon is permitted to marry Rochel's relatives

So too, if after giving Rochel a גט

Reuven gives Leah a גט as well...

The second גט is also effective.

The second גט is not effective

Therefore, Reuven is also prohibited to marry Leah's relatives

Therefore, Reuven is permitted to marry Leah's relatives

3 The Mishnah continues according to רבן גמליאל מ' ולא מאמר אחר מאמר
 ולא מאמר אחר מאמר
 Reuven gave Rachel a מאמר. She's considered Reuven's wife, and he is therefore prohibited to marry her relatives. Shimon is prohibited to perform ביאה with Rachel, but he's allowed to marry her relatives.
 If Shimon gave a מאמר to Rachel as well, Rabban Gamliel says אין מאמר אחר מאמר, the second מאמר is not effective, and therefore unlike Reuven, Shimon is still permitted to marry Rachel's relatives.

וחכמים אומרים יש מאמר אחר מאמר
 The Chachomim say that the second מאמר is also effective. Therefore, Shimon is also prohibited to marry Rachel's relatives.

So too, if after performing מאמר with Rachel, Reuven performs מאמר with Leah as well -
 According to רבן גמליאל the second מאמר is also effective, and Reuven is now prohibited to marry Leah's relatives.
 According to the חכמים the second מאמר is not effective, and Reuven is permitted to marry Leah's relatives.
 =====

3 רבן גמליאל - ולא מאמר אחר מאמר



ר' ראוּבֵן — שִׁמְעוֹן — לוי

לֵאָה רָחֵל

מאמר

Rachel is considered Reuven's wife, and therefore he is prohibited to marry her relatives

Shimon is prohibited to Rachel, but he is allowed to marry her relatives

וחכמים אומרים יש מאמר אחר מאמר

רבן גמליאל אומר ולא מאמר אחר מאמר

The second מאמר is also effective
 Therefore, Shimon is prohibited to marry Rachel's relatives

The second מאמר is not effective
 Therefore, Shimon is permitted to marry Rachel's relatives

So too, if after performing מאמר with Rachel Reuven performs מאמר with Leah as well...

The second מאמר is also effective,
 Reuven is now prohibited to marry Leah's relatives

The second מאמר is not effective.
 Therefore, Reuven is also permitted to marry Leah's relatives

4

רבן גמליאל continues;

ולא בעילה אחר בעילה

Reuven performed ביאה with Rachel. She is now considered his wife, and he's prohibited to marry her relatives. Shimon is allowed to marry Rachel's relatives.

If Shimon also performs ביאה with Rachel, Rabban Gamliel says אין בעילה אחר בעילה the second ביאה is not effective, and therefore unlike Reuven, Shimon is still permitted to marry Rachel's relatives.

So too, if after performing ביאה with Rachel, Reuven performs ביאה with Leah as well. The second ביאה is not effective, and Reuven is permitted to marry Leah's relatives.

Similarly,

ולא חליצה אחר חליצה

Reuven gave Rachel Chalitzah. Reuven is prohibited to marry her relatives, but Shimon is permitted to marry Rachel's relatives.

If Shimon gave Rachel Chalitzah as well, Rabbi Gamliel says אין חליצה אחר חליצה the second Chalitzah is not effective, and therefore unlike Reuven, Shimon is still permitted to marry Rachel's relatives.

So too, if after giving Rachel Chalitzah, Reuven gives Leah Chalitzah as well. The second Chalitzah is not effective, and Reuven is still permitted to marry Leah's relatives.

וחכמים אומרים

אבל לא אחר בעילה

ולא אחר חליצה כלום

In the last two cases, the Chachomim agree with Rabbi Gamliel that a second ביאה, or second Chalitzah are not effective, and therefore, place no restrictions on marrying her relatives.

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רבן גמליאל - ולא בעילה אחר בעילה

לוי

↓

לאה

Shimon is prohibited to Rachel, but he is allowed to marry her relatives

שמעון

↓

רחל

Rachel is considered Reuven's wife, and therefore he is prohibited to marry her relatives

ראובן

↓

רחל

Rachel is considered Reuven's wife, and therefore he is prohibited to marry her relatives

ביאה

▼ **רבן גמליאל**

ולא בעילה אחר בעילה

The second חליצה is not effective

Therefore, Shimon is permitted to marry Rachel's relatives

▼

Reuven then performs חליצה with Leah as well

ולא חליצה אחר חליצה

The second חליצה is not effective,

Reuven is permitted to marry Leah's relatives

▼ **רבן גמליאל**

ולא בעילה אחר בעילה

The second ביאה is not effective

Therefore, Shimon is permitted to marry Rachel's relatives

▼

Reuven then performs ביאה with Leah as well

ולא חליצה אחר חליצה

The second ביאה is not effective,

Reuven is permitted to marry Leah's relatives

וחכמים אומרים

אבל לא אחר בעילה ולא אחר חליצה כלום

In these last two cases the Chachomim agree with Rabbi Gamliel that a second ביאה, or second Chalitzah are not effective

5 The Mishnah continues with various rules of מאמר and גט regarding one Yavam and one Yavama.

The first group of cases begins with Reuven giving Rachel a מאמר first, and then either a גט, Chalitzah or performed ביאה.

עשה מאמר ביבמתו ונתן לה גט
 Reuven gave Rachel a מאמר, and then gave her a גט;
 צריכה הימנו חליצה
 Rachel still needs a Chalitzah from Reuven to release the Zikah, because the גט only released the מאמר.

עשה מאמר וחליצה
 Reuven gave Rachel a מאמר, and then gave her Chalitzah.
 צריכה הימנו גט
 Rachel still needs a גט for the מאמר.

5 עשה מאמר ביבמתו - ונתן לה גט



צריכה הימנו חליצה
 to release the Zikah
 because the גט only released the מאמר


עשה מאמר - וחליצה



צריכה הימנו גט

6 עשה מאמר ובעל
 Reuven gave Rachel a מאמר, and then performed ביאה.
 הרי זו כמצותה
 He has fulfilled the Mitzvah of Yibum, and Rachel becomes his wife.
 =====

6 עשה מאמר - ובעל



הרי זו כמצותה
 He has fulfilled the Mitzvah of Yibum,
 and Rachel becomes his wife

7 The next group begins with Reuven giving Rochel a גט first, and then either a מאמר, Chalitzah or performed ביאה.

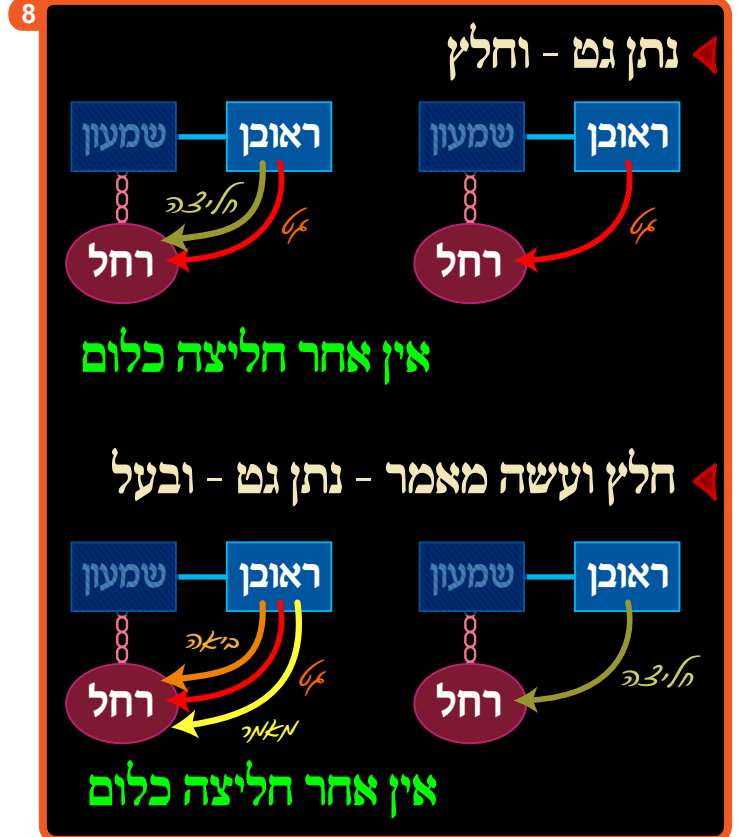
נתן גט ועשה מאמר
 Reuven gave Rochel a גט, and then מאמר.
 צריכה גט וחליצה
 Rochel needs a גט for the מאמר, and Chalitzah for the Zikah.

נתן גט ובעל
 Reuven gave Rochel a גט, and then performed ביאה
 צריכה גט וחליצה
 Rochel needs a גט for the ביאה, yet still requires Chalitzah, because it was a פסולה.

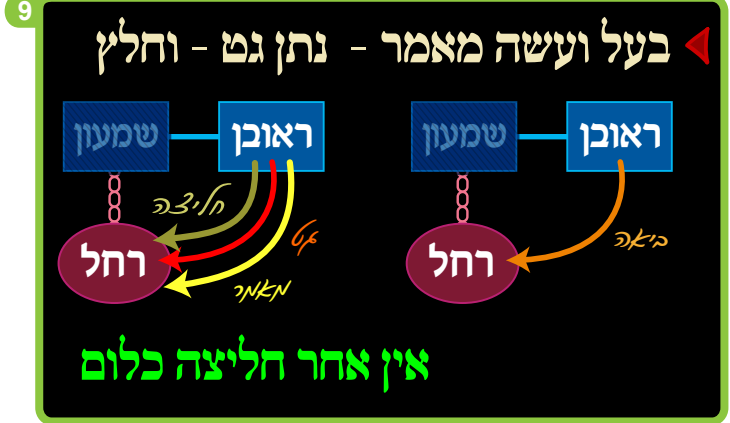


8 נתן גט וחלץ
 Reuven gave Rochel a גט, and then Chalitzah
 אין אחר חליצה כלום
 There is no further action needed after the Chalitzah.
 =====

The Mishnah continues:
 חלץ ועשה מאמר, נתן גט, ובעל
 Reuven first gave Rochel Chalitzah, and then gave her either מאמר, a גט, or performed ביאה.
 אין אחר חליצה כלום
 In all these cases, there is no further action needed after the Chalitzah, and Rochel is permitted to marry freely.



9 או בעל ועשה מאמר, נתן גט וחליץ
 OR - If Reuven first performed ביאה with Rochel, and then gave her either a מאמר, or a גט, or Chalitzah אין אחר ביאה כלום
 There is no further action needed after ביאה.
 =====



10 The Mishna continues and states that there is no difference in all these rulings whether it was יבמה אחת ליבם אחד
 One Yavem with one Yavama -
 OR
 שתי יבמות ליבם אחד
 One Yavem, Reuven, with two Yavamos, Rochel and Leah - and details the various cases.
 However this is only true according to the opinion of the Chachomim who disagree with Rabbi Gamliel and state 'יש מאמר אחר מאמר ויש גט אחר גט'.



The Mishna also states that there is no difference in all these rulings whether it was שתי יבמות ליבם אחד
 One Yavam, Reuven, with two Yavamos, Rochel and Leah.
 OR
 בין שני יבמין ליבמה אחת
 Two Yavamim, Reuven and Shimon, with one Yavama, Rachel
 =====

11 The Mishna now qualifies two of the earlier rulings:

חלץ ועשה מאמר, נתן גט, ובעל
 Reuven first gave Rochel Chalitzah, and then gave her
 either, a מאמר, a גט, or ביאה.
 OR

או בעל ועשה מאמר, ונתן גט וחלץ
 Reuven first performed ביאה with Rachel, and then gave
 her either, a מאמר, a גט, or a Chalitzah.

11 חלץ ועשה מאמר - נתן גט - ובעל

אין אחר חליצה כלום

בעל ועשה מאמר - נתן גט - וחלץ

12 אין אחר חליצה כלום
 בין בתחילה
 בין באמצע
 בין בסוף
 There is no further action required after Chalitzah - And
 there is no difference whether the Chalitzah was the first,
 second, or last action performed.
 However;
 והבעילה בזמן שהיא בתחילה אין אחריה כלום
 In the case of ביאה, only when it came first is there is no
 further action required.
 However באמצע ובסוף, if ביאה was the second or latter
 action performed,
 יש אחריה כלום
 There are requirements for Chalitzah and a גט.

רבי נחמיה אומר
 Rabbi Nechamia disagrees and says
 אחת בעילה ואחת חליצה בין בתחילה בין באמצע בין בסוף אין אחריה
 כלום
 היא is comparable to Chalitzah that there is no difference
 whether the ביאה was the first, second, or latter action
 performed. In all events there is no further action
 required.
 =====

12 אין אחר חליצה כלום
 בין בתחילה - בין באמצע - בין בסוף
*there is no difference whether Chalitzah
 was the first, second, or last action performed*

והבעילה בזמן שהיא בתחילה
 אין אחריה כלום
*However באמצע ובסוף, if ביאה was the second or laast,
 יש אחריה כלום*
There are requirements for Chalitzah and a גט.

רבי נחמיה אומר
 אחת בעילה ואחת חליצה
 בין בתחילה בין באמצע בין בסוף
 אין אחריה כלום

13 The Gemara begins by explaining why a גט and מאמר are effective with a Yavama. This has been discussed in the introduction.

The Gemara then continues:

It was stated in the Mishna when ביאה was not the initial action performed, rather a secondary action, it is considered an invalid ביאה, and therefore requires both a גט and a Chalitzah

13 The Gemara begins by explaining why a גט and מאמר are effective with a Yavama

It was stated in the Mishna...

When ביאה was not the initial action performed, it is considered an invalid ביאה, and therefore requires both a גט and a Chalitzah

14 The Gemara questions מאי טעמא אמור רבנן ביאה פסולה יש אחריה כלום Why did the Chachomim say that an invalid ביאה requires Chalitzah?

The Gemara answers:

אמרי אי ביאה אחר גט הוא גזירה ביאה אחר הגט משום ביאה אחר חליצה

In the case of ביאה after a גט the reason is as follows: Since גט and Chalitzah are both similar, if a ביאה after a גט would be considered a valid ביאה for Mitzvas Yibum, one might come to perform ביאה after a Chalitzah, thinking that this is also a valid ביאה, and would transgress the איסור of marrying a Chalutzah, which is derived from the Pasuk

אשר לא יבנה את בית אחיו כיון שלא בנה שוב לא יבנה

Therefore Chazal initiated a גזירה that a ביאה after a גט is invalid, and Chalitzah is required.

14 מאי טעמא אמור רבנן ביאה פסולה יש אחריה כלום

אמרי אי ביאה אחר גט הוא

גזירה ← משום
ביאה אחר ביאה אחר
הגט חליצה

איסור
כאורייתא

אשר לא יבנה את בית אחיו

כיון שלא בנה שוב לא יבנה
Therefore ביאה after a גט is invalid and Chalitzah is required

15 ואי ביאה אחר מאמר היא גזירה ביאה אחר מאמר משום ביאה אחר ביאה
 In the case of ביאה after מאמר the reason is as follows: Since ביאה and מאמר are similar, if a ביאה after a מאמר would be considered a valid ביאה for Mitzvas Yibum, one might come to perform ביאה after a ביאה, thinking that this is also a valid ביאה. This would be an איסור דאורייתא, which is derived from the Pasuk אשר לא יבנה את בית אחיו בית אחד הוא בונה ואין בונה ב' בתים
 Therefore, Chazal said that a ביאה after a מאמר is invalid, and Chalitzah is required

15 אמרי אי ביאה אחר מאמר הוא

גזירה ← משום
 ביאה אחר ← ביאה אחר מאמר
 ביאה

איסור דאורייתא

אשר לא יבנה את בית אחיו

בית אחד הוא בונה - ואין בונה ב' בתים

Therefore ביאה after a מאמר is invalid and Chalitzah is required

16 The Gemara continues to ask מאי טעמא אמור רבנן האי חליצה פסולה אין אחריה כלום Why did Chazal rule that when a Chalitzah is a secondary action, it is still valid and requires no further action?
 The Gemara answers אמרי מאי לגזור, there was no need for Chazal to initiate a גזירה:
 נגזור חליצה אחר הגט משום חליצה אחר חליצה?
 If Chalitzah was given after a גט, it does not matter if one would give Chalitzah after a Chalitzah כל כי הני תיחלוץ ותיזיל
 Let him do as many Chalitzos as he pleases!

16 מאי טעמא אמור רבנן האי חליצה פסולה אין אחריה כלום

אמרי מאי לגזור

נגזור ← משום
 חליצה ← חליצה אחר הגט

גט כי הני תיחלוץ ותיזיל

Let him do as many Chalitzos as he pleases!

17 ליגזר חליצה אחר מאמר משום חליצה אחר ביאה? מושום חליצה אחר ביאה
 If Chalitzah was given after מאמר, it does not matter that one might give Chalitzah after ביאה ביאה Because, אטו חליצה אחר מאמר מי לא בעי גט למאמרו, חליצה אחר ביאה בעיא גט לביאתו
 Because when doing Chalitzah after מאמר, a גט is needed to remove the מאמר. So too, when doing Chalitzah after ביאה he would be giving her a גט as well. Therefore no further action is required.

17 ליגזר חליצה אחר מאמר משום חליצה אחר ביאה? מושום חליצה אחר ביאה

ליגזר ← משום
 חליצה ← חליצה אחר מאמר

אטו חליצה אחר מאמר מי לא בעי גט למאמרו חליצה אחר ביאה בעיא גט לביאתו

If Chalitzah was given after מאמר it does not matter that one might give Chalitzah after