

Yevamos Daf 28 is Dedicated

לרפ"ש מלכה רייזא בת מילדרד



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ENGLISH TOPICS ON THE DAF

Dedicated L'Refuah Shlaima for Yaakov ben Victoria

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Daf Hashovua Yevamos Daf 28

On daf 28b we find the opinion of Rabbi Shimon that if two sisters face yibum to the third brother, neither of them needs yibum or chalitzah. He derives it from the possuk that there is no “lekicha” with either one.

What is the exact mechanism of this petur? If we analyze the Rishonim we see several tracks, with ramification between them.

Rashi learns that once the Torah exempts them from yibum, they revert to the regular issur of eishes ach.

The **Meiri** explains slightly differently. R' Shimon treats zikah like actual marriage, so each yevama is like his wife's sister (achos ishah). They are simultaneously absolved from yibum because he cannot marry both of them.

The **Nemukei Yosef** echoes this thought and adds that R' Shimon holds zikah is k'knusah – like they're actually married. The problem with this is that back on daf 18b the Gemara suggested this but then refuted it.

Obviously, then, he just means it is like knusah only insofar as to absolve them from yibum.

There is a **Tosfos** in Kiddushin which sheds light on our sugya, and is subject to debate among the Acharonim. On daf 50b there, the Mishnah states that if someone is mekadesh two sisters together, neither kiddushin takes effect. The Gemara derives the source from our possuk, “Ishah el achosah lo sikach.” On that the Gemara asks that a later possuk says they will get kareis for it; if no kiddushin took effect, how could there be kareis for marrying sisters?

Tosfos jumps in and cites our Gemara: R’ Shimon uses this possuk to exempt, and thus forbid, the yevamos from marrying the yovom – and that would result in kareis? We see that there could be kareis even though kiddushin can’t work? Tosfos answers that the kareis R’ Shimon refers to is for eishes ach, like any other case in which yibum is forbidden, and not for a new marriage relationship.

Imrei Moshe (7:18) notes that Tosfos, in his question, asserts that they would get kareis “because it exempts them from yibum and chalitza.” Why does Tosfos need to add this; didn’t the Gemara just say that the later possuk says they get kareis? It must be, he explains, that Tosfos assumed in his question that R’ Shimon learns the issur as being *achos ishah*, meaning that zikah would consider them already married to him. One may argue that it’s not a real achos ishah, since they were not actually married, so maybe there isn’t kareis either! Tosfos comes to refute this by adding that they are exempt from chalitza as well, which proves that it’s a dioraisa petur, and there indeed would be kareis.

Tosfos answers that the kareis results from eishes ach, which is similar to Rashi’s interpretation. However, some learn Tosfos differently than Rashi, in that it is not simply just a petur but a new ervah from this possuk. **Rav Shmuel Rozovsky** (note 94) suggests that Tosfos, even in his answer, keeps with the assumption of his question and they fall under the category of achos ishah. However, the kareis is for eishas ach since they are not really his wives.

Interestingly, in **Reshimos Shiurim** it is suggested that Rashi actually learns like the latter way. Rashi on 29a writes, “according to R’ Shimon she is an *ervah* once they become tzaros.” It could be that when Rashi on our daf

says it falls into the category of eishes ach, he means like Tosfos, that the *trigger* is achos ishah, but ultimately the ervah is of eishes ach.

What is the difference if it's a petur or a new sort of ervah? If there are co-wives of the sisters. They can have the title of tzoras ervah only if the sisters are called ervah's; if it's just a petur they would not (**Birchas Shmuel** Siman 9). The **Rashba** in a teshuva (Vol. 6:21) indeed says the tzaros are also pattur; he thus understands that it's an ervah.