



Me'uberet

The *mitzvah* of *yibum* only applies if a man dies without having any children. The *Mishnah* (4:1) discusses a case where the brother, the *yabam*, performs *chalitzah* and soon discovers that the widow, the *yavama*, is pregnant. The *Mishnah* teaches that if she gives birth, and the child survives, then the *chalitzah* is meaningless since she did not require *chalitzah*. The *Mishnah* teaches that they would be able to marry each other and she would not be defined as a *chalutzah* and would be able to marry a *kohen*. If however she miscarries, then the opposite would be true.

The *Gemara* (35b) records the debate in case where she miscarries. *R' Yochanan* maintains, that since *chalitzah* has been performed, nothing further is required and she may now marry someone else. *Reish Lakish* however argues that *chalitzah* is still required. The *Gemara* explains that there are two ways to understand debate. Either they argue regarding the interpretation of a *passuk* or the debate is based on logic. According to the latter understanding, *R' Yochanan* argues that if we knew in advance that the pregnancy was not viable, then certainly *chalitzah* would work. Consequently, once she miscarries we now know that at the time of *chalitzah* the pregnancy was not viable and *chalitzah* should be effective. This logical tool is referred to as "*tigli milta le'mafreah*". *Reish Lakish* however argues that in this context we cannot say that information learnt later can define an early status; so the earlier *chalitzah* is invalid. We shall try to understand the position of *Reish Lakish*.

The *Ritvah* cites his *Rav*, the *Ra'ah*, who explains that if at the time of *chalitzah* the child was not going to survive, then *Reish Lakish* would agree that the *chalitzah* is effective. His concern however is that at the time, the child was healthy, and there was a later incident that caused the miscarriage. Consequently, *Reish Lakish* requires *chalitzah* again, based on this doubt.

The *Ritvah* also cites the *Tosfot* who explain that according to *Reish Lakish*, *chalitzah* during any pregnancy is not valid. This is because he maintains that the *Torah* only required *chalitzah* when there is no child (viable or otherwise) in the world from the couple. Note that this explanation is not

based on a doubt, but rather the *chalitzah* is definitely ineffective. Importantly, this understanding is that *chalitzah* is ineffective and not that *yibum* or *chalitzah* is not required. For if she miscarries, then *Reish Lakish* still requires *chalitzah*. If she were truly exempt, then this would continue to be the case.

The *Tosfot* printed in our *Gemara* however explains that according to *Reish Lakish*, *tigli milta le'mafreah* is only useful when the law now is dependant on the current status which may be revealed at a latter point. This case however is different, in that we want to know now what the status will be in the future. Consequently, it does not help when that status is learnt.

The *Tosfot* ask a further question, that if explored will help us to understand our debate. The next *Mishnah* teaches that if he performed *yibum*, and then she miscarries, he is not required to bring a *korban* for having a forbidden relationship. The *Tosfot* however ask, that according to *Reish Lakish*, the relationship he had while the *yavama* was pregnant should not be defined as *yibum* (much like *chalitzah* at that time is meaningless). That being the case, it should be considered as if he had a relationship with his brother's (ex-)wife, not in the context of *yibum* which is prohibited and he should be required to bring a *korban*. The *Tosfot* however answer by citing another case, were a *katan* tried to perform *yibum*, where even though the *mitzvah* has not been performed, no prohibition has been violated. Consequently, that would be that case in this situation as well. How do we understand this answer?

The *Ritva* explain in a similar way to the *Tosfot* cited by the *Ritva* above. He explains that it is true that *bi'ah* (the relationship) did not qualify as *yibum* at that time – he terms it *bi'ah geru'ah*. However since once she miscarries she still requires *yibum* (she is *zekuka*) it is not considered as though the *bi'ah* was not in the context of the *mitzvah* of *yibum*. He asserts that if it were truly prohibited due to her being his brother's (ex-)wife, then since she was prohibited at that moment, then even after the miscarriage *yibum* would have been prohibited.

Revision Questions

בבמות ג' - ד' - ו'

- In which previous *Mishnah* did we see a case relating to the laws derived from the previous set of questions? (ג':ג)
- Explain the debate regarding the case where two brothers marry two sisters and die (without any children) and what the single remaining brother must do. (ד':ג)
- Regarding the previous question, when can the brother perform *yibum* to one of the widowed sisters? (ד':ג)
- Explain the debate regarding the following case: three brothers, two of which marry two sisters. One dies, and the single brother performs a *ma'amar*. The second married brother then dies. What is the remaining brother required to do? (ה':ג)
- What is the law regarding the following case: three brothers, two of which marry two sisters and the third brother is also married. One of the brothers that married one of the sisters dies, and the third brother performs a *yibum* then dies (with out any children).What is the remaining brother required to do? (ו':ג)
- Regarding the previous case, would the law change if the wife of the remaining brother (i.e., one of the sisters) died prior to the second brother dying? (ז':ג)
- Regarding the first *Mishnah* in the *masechet*, when do we say that the *tzarot* still require *chalitzah*? (ח':ג)
- Three brothers marry three different women. If the first brother dies, and the second performs a *ma'amar* then dies, what is the third brother required to do? (ט':ג)
- If two brothers marry two sisters, and one of the brothers dies, and then soon after the wife of the remaining brother dies, can he perform *yibum* to the remaining sister? (י':ג)
- If two people performed *kidushin* on two women, and then by *chuppah* the couple switched by mistake, when would the men have transgressed three different *issurim*? (יא':ג)
- What is the law if a brother performs *chalitzah* on a *yavamah* and then it is discovered that she was pregnant? (Include both cases) (יב':א)
- What is the law if a brother performs *yibum* on a *yavamah* and then it is discovered that she was pregnant? (Include all three scenarios) (יב':ב)
- What is a *shomeret yavam*? (יג':ד)
- What is the law regarding the inheritance of a *shomeret yavam* that dies? (Include both opinions) (יד':ג)
- What is the only difference between being married through *yibum* and being married in the regular manner? (יד':ד)
- Which brother is first approached to perform *yibum* or *chalitzah*? (יד':ה)
- If all brothers decline, which brother must perform either *yibum* or *chalitzah*? (יד':ו)
- If one of the brothers is overseas, do we wait for him to return? (יד':ז)

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel
Shiur in English

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

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mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
http://www.dafyomi.co.il/calend
ars/myomi/myomi-thisweek.htm

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
11 February כ"ז שבט	12 February כ"ח שבט	13 February כ"ט שבט	14 February ל' שבט	15 February א' אדר	16 February ב' אדר	17 February ג' אדר
Yevamot 4:7-8	Yevamot 4:9-10	Yevamot 4:11-12	Yevamot 4:13-5:1	Yevamot 5:2-3	Yevamot 5:4-5	Yevamot 5:6-6:1

