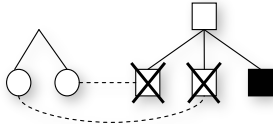




Volume 9. Issue 2

## Achot Zekukato

The *Mishnah* (3:4) records a debate involving a *yabam* that is faced with two *yevamot* (from two marriages) who are sister:<sup>1</sup>



Prior to *yibum* or *chalitza* there is somewhat of a bind between the *yabam* and *yevama* – a *zika*. Since in this case, the two *yevamot* are sisters, they are defined as *achot zekukato*, the sister of a *zika*. The *Chachamim* maintain that biblically this situation is not important and the widows would require *yibum* or *chalitza*. Nevertheless the *Rabbanan* insisted that only *chalitza* be performed. *R' Shimon* however argues that the widows are exempt from any requirement of *yibum* or *chalitza*. We shall seek to understand his position.

The *Gemara* (28b) explains that *R' Shimon* learns his law from the following *pasuk*: “You shall not take a woman in addition to her sister, to make them rivals (*litzror*)...” *R' Shimon* understands that as soon as they would be in a situation of being *tzarot*, there is no obligation to perform *yibum* (“take them”).

The *Nimukei Yosef* explains that a *zika* is considered “as if” they are married. Consequently, each of the *yevamot*, are considered like his wife’s sister – *achot isha* - a forbidden relationship. The *Chidushei Anshei Shem* notes that according to this understanding *R' Shimon*’s ruling would only apply if both sisters became *yevamot* at the same time. Were that not the case the brother

would be obligated to perform to *yibum* to the first *yevama* as she would be considered “married” to her first.

The *Tosfot* (19b) however understands that *R' Shimon* does not agree that a *zika* is binding.<sup>1</sup> Accordingly we must then understand that the basis of *R' Shimon*’s position is the *pasuk* cited above. In other words, irrespective of *zika*, the *Torah* decrees that when two sisters are *yevamot* to one<sup>2</sup> *yabam* they are exempt from *yibum* or *chalitza*.

*Rashi* (28b) explains that according to *R' Shimon* once the *Torah* treats the case of *achot zekukato* as an *erva* and exempts them from *yibum* and *chalitza*, each would be prohibited to the remaining brother, as they would now be considered an *eshet ach*.

Last week’ issue discussed the exemption that applied to *tzarot*. That exemption is learnt from the same *pasuk* that *R' Shimon* uses. The *Tosfot Yeshanim* explains that *R' Shimon* understands that the *pasuk* teaches us about the case of *achot zekukato*, or more broadly, *tzarat erva* by way of a *zika*. That being the case, according to *R' Shimon*, it is expanded to other *tzarot erva* as well. Consequently the *Tosfot Yeshanim* understands the exemption to be more in-line with the exemption of *tzarot erva* rather than *achot isha*.

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<sup>1</sup> See *Yevamot* (18b) that seems to support this position. Also see the *Ritva* (*Miluim* 12) who attempts to resolve this difficulty.

<sup>2</sup> There is discussion whether *R' Shimon* also argues in the case where there are two brother’s remaining. The *Tosfot* (28b) understand that in

such a case, *R' Shimon* would agree with the *Chachamim*. The *Ritva* (29a) on the other hand maintains that the debate would continue.

### Revision Questions

יבמות ב' ה' ג' ה'

- Is a brother that is a *mamzer* required to perform *yibum*? (ב' ה')
- What should one do if he married one of two sisters, but is unsure whom he married? (ב' ה')
- Regarding the previous question, what should his brother do if this person then dies (without any children)? (ב' ה')
- Regarding the previous question, is the law different if he has more than one brother? (ב' ה')
- If two unrelated people married two sisters but were not sure who married who, what should they do? (ב' ה')
- Regarding the previous question, what should their brothers do if they then die (without any children)? (ב' ה')
- Regarding the previous question, is the law different if one of the husbands had more than one brother? (ב' ה')
- Regarding the previous question, is the law different if both the husbands had more than one brother? (ב' ה')
- In general, on which brother does the responsibility of *yibum* initially lie? (ב' ח')
- What is one suspected of doing if he is obligated to divorce a woman he married? (ב' ח')
- If a witness come with news that a women's husband was killed, is he allowed to marry the deceased's wife? (ב' ט')
- What other two cases share the same law as the previous question? (ב' ט')
- What are the two exceptions to the answers for the previous two questions? (ב' י')
- If two brothers marry two sisters and then die (without any children) can the two remaining brothers perform *yibum*? (ג' א')
- What is the law if they both go ahead and perform *yibum*? (ג' א')
- Regarding the previous case:
  - Is the law any different if one of the remaining brothers is a relative of one of the widowed sisters (*issur ervah*)? (ג' ב')
  - What is the law if one of the remaining brothers has an *issur kedushah* with respect to one of the widowed sisters? (ג' ב')
  - What if one of the remaining brothers has an *issur ervah* to one of the sisters and the other brother has an *issur ervah* to the other? (ג' ג')
- 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. (ג' ד')
- Regarding the previous question, when can the brother perform *yibum* to one of the widowed sisters? (ג' ד')
- 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? (ג' ה')
- 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? (ג' ו')
- 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? (ג' ו')
- Regarding the first *Mishnah* in the *masechet*, when do we say that the *tzarot* still require *chalitzah*? (ג' ז')

### 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/](http://www.shemayisrael.com/mishna/)

Rav Meir Pogrow  
[613.org/mishnah.html](http://613.org/mishnah.html)

Rabbi E. Kornfeld  
 Rabbi C. Brown  
<http://www.dafyomi.co.il/calendars/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
13 <sup>th</sup> May כ"א אייר	14 <sup>th</sup> May כ"ב אייר	15 <sup>th</sup> May כ"ג אייר	16 <sup>th</sup> May כ"ד אייר	17 <sup>th</sup> May כ"ה אייר	18 <sup>th</sup> May כ"ו אייר	18 <sup>th</sup> May כ"ז אייר
Yevamot 3:9-10	Yevamot 4:1-2	Yevamot 4:3-4	Yevamot 4:5-6	Yevamot 4:7-8	Yevamot 4:9-10	Yevamot 4:11-12

