



## Chalitzta or Yibum

The *Mishnah* teaches that neither *chalitzta* nor *yibum* can be performed in the first three months after the death of the *yevama*'s husband. The *Gemara* explains that the three-month break is important since the *yevama* might be pregnant. This would mean that she is exempt from *yibum* and would be prohibited to the brothers. Why however can *chalitzta* not be performed during this period?

The *Gemara* explains that the *pasuk* that discusses *chalitzta* begins as follows: "But if the man will not wish to marry his sister-in-law..." The implication is that if he did want to you could. The *Gemara* understands therefore that *chalitzta* only applies when *yibum* applies. How strong is this rule?

The *Tosfot Yom Tov* notes we have learnt many *mishnayot* where the ruling is that *chalitzta* is performed but not *yibum*. In some instances this is because the *Chachamim* have only allowed *chalitzta*. One recent example (4:8) is the case of *achot chalutzato* (the sister of the woman to whom he had performed *chalitzta*). The relationship is prohibited on a rabbinic level. Had the *Chachamim* applied the above principle to their decree, since the *yevama* would require *yibum* on a biblical level, she would be left with no option and never be allowed to remarry. In this case, even though the obligation to wait is rabbinic, after waiting those three months we have options.

The *Gemara* (41b) raises another example where due to a doubt only *chalitzta* is allowed. One case is where a man marries one of two sisters and then passes away. We learnt (2:6) that if there was only one surviving brother, he must perform *chalitzta* to both sisters. *Yibum* to one of the sisters is not an option since he might be engaging in a forbidden relationship (*achot zekukato*). The *Gemara* explains that that case is different to ours. That case involves a *safek* (doubt).

If *Eliyahu* would come and reveal who the true *yevama* was, then either *yibum* or *chalitzta* could be performed. In our case however, even if we could determine with certainty that the *yevama* was not pregnant, it would make no difference. The *takana* to wait three months applies in all cases, even if the woman was a *ketana*.

Another instance is where the relationship between the *yabam* and the *yavama* is prohibited by a *lav* (negative prohibition) and only *chalitzta* should be performed (2:3). Those cases are also cases where *yibum* is being prohibited by way of rabbinic decree. The reason is that on a biblical level, *yibum* is permitted since the positive commandment to perform *yibum* overrides the negative prohibition. The *Chachamim* however were considered about further relationships after the positive *mitzvah* had been fulfilled.

The final case the *Tosfot Yom Tov* addresses involves a *kohen gadol* and a widow. Such a relationship would involve the transgression of both a positive and negative *mitzvah*. Consequently, it would not override the positive *mitzvah* of performing *yibum*. Nevertheless, the *Mishnah* teaches that only *chalitzta* can be performed. What has happened the above stated rule?

The *Gemara* (20a) deals with this special case. The above quoted *pasuk* continues as follows: "But if the man will not wish to marry his sister-in-law, then his sister-in-law shall ascend to the gate..." The *Gemara* learns from the superfluous repetition of "his sister-in-law" (*yevimto*) that the *Torah* is teaching that there is one *yevama* who on a biblical level only has the option of *yibum* and not *chalitzta*. In other words, the same *pasuk* that taught that *chalitzta* was dependant on the capacity for *yibum*, also taught that the case of a widow and *kohen gadol* is an exception to that rule.

**Yisrael Yitzchak Bankier**

**Revision Questions**

יבמות ג' ט' ד' י'

- 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? (ג': ט')
- 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? (ט': 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*? (י': 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) (ד': 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) (ד': ב')
- What is a *shomeret yavam*? (ג': ד')
- What is the law regarding the inheritance of a *shomeret yavam* that dies? (Include both opinions) (ג': ד')
- What is the only difference between being married through *yibum* and being married in the regular manner? (ד': ד')
- Which brother is first approached to perform *yibum* or *chalitzah*? (ד': ה')
- If all brothers decline, which brother must perform either *yibum* or *chalitzah*? (ד': ה')
- If one of the brothers is overseas, do we wait for him to return? (ו': ד')
- If one performs *chalitzah*, who inherits his late brother's property? (ו': ד')
- If one performs *yibum*, who inherits his late brother's property? (Include both opinions) (ו': ד')
- If one performs *chalitzah*, which of her relatives is he forbidden to then marry? (ד': י')
- Regarding the previous question, which of his relatives is she forbidden to then marry? (ו': ד')
- If one's brother marries his divorced wife's sister, then dies, must he perform *yibum*? (ד': ח')
- What is the law regarding a case where while a *shomeret yabam* is waiting, one of the brothers goes and performs *kidushin* to her sister? (ד': ט')
- Regarding the previous question, in what scenario would the brother be told to give the sister of the *shomeret yabam* a *get*? (ד': ט')
- How long must one wait before performing *yibum* or *chalitzah*? (ד': י')
- Describe the three opinions regarding to who else this waiting period applies. (ד': י')

**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
20 <sup>th</sup> May כ"ח אייר	21 <sup>st</sup> May כ"ט אייר	22 <sup>nd</sup> May א' סיון	23 <sup>rd</sup> May ב' סיון	24 <sup>th</sup> May ג' סיון	25 <sup>th</sup> May ד' סיון	26 <sup>th</sup> May ה' סיון
Yevamot 4:13-5:1	Yevamot 5:2-3	Yevamot 5:4-5	Yevamot 5:6-6:1	Yevamot 6:2-3	Yevamot 6:4-5	Yevamot 6:6-7:1

