



## Nothing after *Chalitzah* or *Yibum*

The fifth *perek* discusses many cases with one or more *yevamim* and *yevamot* involving different combinations and sequences of *yibum* (or *bi'ah*), *chalitzah*, *get* and *maamar*. When the *Mishnah* (5:3) discusses a number of combinations that include *chalitzah* it ends by explaining that “there is nothing after *chalitzah*.” We shall try to understand this principle.

The *Gemara* discusses how this principle applies to case where after *chalitzah* was performed, the *yabam* performed a *maamar* to the *yevama* or the *tzara*.<sup>1</sup> *R' Yehuda* explains that the *Mishnah* must be according to *R' Akiva*. After *chalitzah* is performed, there is a negative prohibition of marrying (what was) the *yevama*.<sup>2</sup> Since *R' Akiva* maintains that *kidushin* cannot take effect when it would violate a negative prohibition, it explains why a *maamar* that follows *chalitzah* is ineffective. According to the *Chachachim* who maintain that *kidushin* in such a case would be affective, a *maamar* that followed *chalitzah* would require a *get*.

The *Gemara* also cites the opinion of *Rebbi* who, like the *Chachamim*, maintains that *kiddushin* would be affective even if it violated a negative prohibition. Nevertheless *Rebbi* differentiates between how the *maamar* was given. If it was for the sake of marriage, then it would be affective. If it was given for the purpose of *yibum*, under the assumption that there was

still a *zika* and *yibum* could still be performed, then such a *maamar* that followed *yibum* would have no affect.

The *Bartenura* adds that if *biah* was performed first, i.e. a valid *yibum*, then there is “nothing after *biah*” (as stated in 5:6). The *Tosfot Yom Tov* explains that this is also only according to *R' Akiva*. The reason is that in a case where there are two *yevamot* and one or more brothers, after *yibum* there is a prohibition against marrying the *tzarah*. He explains that according to the *Rosh* and the *Rif* it is a prohibition as implied by the positive commandment (“*issur aseh*”) to “build his brother’s house” – one house not two. According to the *Tosfot* there is a negative prohibition. That being the case, only according to the *R' Akiva* would a *maamar* not have an affect on the *tzarah* after *yibum*, where as according to the *Chachamim* a *get* would be required.

*R' Akiva Eiger* notes that according to the *Rosh*’s understanding that it is an *issur aseh*, the later *Mishnah* (5:6) implies that *kiddushin* does not take hold even in the face of an *issur aseh*.<sup>3</sup> The *Tifferet Yisrael* (13 & 29) however appears to understand that when the *Mishnah* teaches there that “there is nothing after *yibum*” it is only referring to *yavama* to which *yibum* was performed. In other words, there is no longer a *zika*. With respect to the *tzara* however, there is only an *issur aseh* and *kiddushin* would be affective.

***Yisrael Yitzchak Bankier***

<sup>1</sup> The *Rambam* notes that in a case where there are two *yevamot* and two brothers and one brother performed a *get* to one *yevama* while the other brother followed with *chalitzah* to the other, the story is not over. The *tzara* is free to go even though the *chalitzah* is defined as *pesula* (since *yibum* was not possible in that situation). The first *yevama* however would require *chalitzah* from both brothers in order to be free to remarry.

<sup>2</sup> While there is a negative prohibition after *chalitzah* between the *choletz* and the *chalutzah*, there is a debate in the *Gemara* (10b) regarding the prohibition between *choletz* and the *tzarah* or the other brothers and either of the *yevamot*. *R' Yochanan* maintains the prohibition is still a *lav* while *Reish Lakish* maintains that it is an *issur karet* – the *issur erva* of marrying one’s brother’s wife.

<sup>3</sup> *R' Akiva Eiger* uses this understanding to raise a difficult on a *Tosfot*. See inside for details.

### Revision Questions

יבמות ד': י"ג ז': א'

- When is one allowed to marry his wife's sister? (ד': י"ג)
- Explain the debate regarding the following statement: (ה': א')  
"אין גט אחר גט ולא מאמר אחר מאמר"
- What else is required if the brother performed:
  - A *ma'amar* and *get*?
  - A *ma'amar* and *chalitzah*?
  - A *ma'amar* and *yibum*? (ה': ב')
  - A *get* then a *ma'amar*?
  - A *get* and then "yibum"?
  - A *get* and then *chalitzah*?
  - *Chalitzah* and then a *ma'amar*? (ה': ג')
- What is the law regarding a case where one brother who had two wives die (without children) where one brother is left and he:
  - Performed a *ma'amar* to both women?
  - Performed a *ma'amar* to one, and "yibum" to the other?
  - Performed a *ma'amar* to one, and gave a *get* to the other?
  - Gave a *get* to one and a *ma'amar* to the other?
  - Gave a *get* to both women? (ה': ד')
  - Did *chalitzah* to both women?
  - Did *chalitzah* to one and performed a *ma'amar* to the other? (ה': ה')
- Complete the following phrase and explain: (ה': ו')  
"אין אחר \_\_\_\_\_ כלום, בין בתחילה, בין באמצע בין בסוף  
ו \_\_\_\_\_ בזמן שהיא בתחילה \_\_\_\_\_, באמצע ובסוף \_\_\_\_\_"
- Regarding the previous question, on what point does R' Nechemiah argue? (ה': ז')
- If one is forced to perform *yibum*, is *yibum* valid? (ה': ח')
- If one had relations with in *issur arayot be'shogeg*, can the woman still marry a *kohen*? (ה': ט')
- Explain the debate regarding a daughter of a *kohen* who was a *gerusha* and got engaged (*kidushin*) to a *kohen*, whether she can eat *trumah*. (ה': י')
- Regarding the previous case, when does everyone agree she can eat *trumah* and when does everyone agree that she cannot? (ה': י"א')
- Can a *kohen gadol* marry a widow from *kidushin*? (ה': י"ב')
- If a *kohen* was *mekadesh* a widow and then was elected to be a *kohen gadol* can he still marry her? (ה': י"ג')
- If a *kohen's* brother dies (without children) leaving a wife, and this *kohen* performs a *ma'amar* and is then elected to be a *kohen gadol*, can he complete the *yibum*? (ה': י"ד')
- Explain the debate whether a *kohen* can marry an *aylonit*. (ה': י"ה')
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding the requirement of *pru u'rvu*. (ה': י"ו')
- According to R' Yochanan ben Bruka who is commanded to perform the *mitzvah* of *pru u'rvu* and what is his source? (ה': י"ז')
- If a *Kohen* marries a *chalutzah* can the servants that she brought with her eat *trumah*? (Be specific) (ה': י"ח')

### 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
27 <sup>th</sup> May ו' סיון	28 <sup>th</sup> May ז' סיון	29 <sup>th</sup> May ח' סיון	30 <sup>th</sup> May ט' סיון	31 <sup>st</sup> May י' סיון	1 <sup>st</sup> June יא' סיון	2 <sup>nd</sup> June י"ב סיון
Yevamot 7:2-3	Yevamot 7:4-5	Yevamot 7:6-8:1	Yevamot 8:2-3	Yevamot 8:4-5	Yevamot 8:6-9:1	Yevamot 9:2-3

