

NOTES

Raised an objection to Rabbi Yoḥanan, etc. – **איִתְּיָבִיהַ... לְרַבִּי יוֹחָנָן וְכוּ'**: Some commentaries suggest that Rabbi Yosei bar Ḥanina's objection poses a more significant difficulty to Rav's position, but it was not mentioned as an objection to Rav because Rav held that this mishna is in accordance with the opinion that the levirate bond is substantial, though Rav himself does not maintain that stance (*Tosafot*). The Meiri adds further that since there is a principle that Rav is considered like a *tanna*, in that he can disagree with a mishna, it is less compelling to challenge his ruling from a mishna. *Tosefot HaRosh* explains that in truth this objection applies to Rav as well, but since Rabbi Yosei bar Ḥanina was close to Rabbi Yoḥanan and from the same generation as him, he raised it against him specifically. Moreover, this issue is later resolved on its own in the process of the talmudic deliberations in accordance with Rav's opinion, as Rav is concerned lest the mitzva of levirate marriage be negated. Alternatively, the Rivan holds that there is no difficulty for Rav here at all because Rav holds that in cases of invalid *ḥalitza*, the woman must repeat the *ḥalitza* with all of the brothers. In that case, the second woman would be the sister of his *ḥalutza*, which would preclude the possibility of consummating the levirate marriage. The Rashba proves from the fact the Gemara did not resolve the issue in this way, according to Rabbi Yoḥanan's opinion, that Rabbi Yoḥanan agrees with Shmuel, both with regard to the question of whether the levirate bond is substantial as well as with regard to the issue of whether a woman who performed invalid *ḥalitza* must repeat it with all of the brothers.

אִתְּיָבִיהַ רַבִּי יוֹסֵי בַר חֲנַנְיָא לְרַבִּי יוֹחָנָן: אַרְבַּעָה אַחֵיו, שְׁנַיִם מֵהֶם נְשׂוּאִים שְׂתֵי אַחֵיוֹת, וּמִתּוֹ הִנְשׂוּאִין אֶת הָאַחֵיוֹת – הָרִי אֵלּוּ חוֹלְצוֹת וְלֹא מִתְּיַבְּמוֹת. וְאַמַּאי לִיקוּ חֵד מִיַּנְיָהוּ לְחַלּוֹץ לָהּ לְשֵׁנִיָּהּ, וְתִיָּהוּ רִאשׁוֹנָה לְגַבִּי אֵיךְ כִּיבְמָה שְׂהוּתָרָה וְנִאֲסָרָה וְחִזְרָה וְהוּתָרָה – תַּחֲזוֹר לְהִתְיַבְּרָה הָרִאשׁוֹן!

אָמַר לִיה: אַחֵיוֹת אֵינִי יוֹדֵעַ מִי שְׁנָאָן. וְלִימָא לִיה: מַאי "חוֹלְצוֹת" נְנִי דְקַתְנִי – חוֹלְצַת חֵדָא! "חוֹלְצוֹת" קַתְנִי.

וְלִימָא לִיה: מַאי "חוֹלְצוֹת" חוֹלְצוֹת דְעָלְמָא! הָרִי אֵלּוּ קַתְנִי. וְלִימָא: דְחַלּוֹץ לִיה לְרִאשׁוֹנָה בְּרִישָׁא! "חוֹלְצוֹת"

Rabbi Yosei bar Ḥanina raised an objection to the opinion of Rabbi Yoḥanan^N from the mishna: In the case of four brothers, two of whom were married to two sisters, and those married to the sisters died, then those sisters must perform *ḥalitza* and may not enter into levirate marriage. And why does the mishna require *ḥalitza*? Let one of the brothers rise and perform *ḥalitza* with the second sister, i.e., the sister whose husband died later. As a result, the first would be like a *yevama* who was permitted at the time of her husband's death but later became forbidden due to the bond that was created with her sister, and she then subsequently became permitted by means of *ḥalitza* performed with her sister, insofar as the other brother, i.e., he who did not perform *ḥalitza*, is concerned. Therefore, she should return to her original permitted status.

Rabbi Yoḥanan said to him: I do not know who taught: Sisters. Rabbi Yoḥanan was in doubt as to the correct version of this mishna, as he could not find any reasonable explanation of this mishna according to any known opinion. The Gemara asks: Why did Rabbi Yoḥanan respond in such an extreme manner. Let him say to him, to Rabbi Yosei bar Ḥanina, an alternate solution: What is the meaning of the ruling that the sisters perform *ḥalitza*, which the mishna teaches? The meaning is that one sister performs *ḥalitza*. The Gemara answers: Such a solution is untenable, as the mishna teaches the ruling using the words: Perform *ḥalitza*, in the plural.

The Gemara suggests: And let Rabbi Yoḥanan say to him: What is the meaning of the ruling to perform *ḥalitza*? They perform *ḥalitza* in general. Accordingly, the mishna teaches that in such cases the second women performs *ḥalitza*. The Gemara responds: The mishna teaches: Then those women perform *ḥalitza*. The emphasis on the word: Those, indicates that it is specifically those two women who both perform *ḥalitza*. The Gemara asks further: And let him say that the mishna is referring only to the specific case where the *yavam* performed *ḥalitza* with the first sister first. As a result, there was no longer be any possibility of rendering the second sister permitted, as Rabbi Yoḥanan permitted levirate marriage only in the case where *ḥalitza* was performed with the second sister first. The Gemara answers: This cannot be suggested either, for the phrase: Perform *ḥalitza*,

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And let him say...lest he proceed, etc. – **וְלִימָא... דְלִמָּא קְדָיִם וְכוּ'**: One can ask with regard to this question: Doesn't Rabbi Yoḥanan himself hold that if the second sister dies the first is permitted? This indicates that he is not concerned that there might be confusion of this kind. This difficulty can be resolved by asserting that Rabbi Yoḥanan allows the first sister to enter into levirate marriage only in the case where one of the sisters died, as in such a situation there is no concern for confusion. However, in a case where both sisters are alive, perhaps there would be concern, and therefore this rabbinic decree would apply. The Gemara, however, did not assume this distinction when it raised the objection, but rather understood that the fear of confusing the women was a legitimate concern in all cases (Rashba).

It teaches they may not enter into levirate marriage – **וְלֹא מִתְּיַבְּמוֹת קַתְנִי**: The Rivan explains that if the matter were prohibited by rabbinic decree, it would have sufficed to say: They perform *ḥalitza*. The fact that the mishna repeated the ruling and stressed that they may not enter into levirate marriage indicates that this matter was a conclusive halakhic ruling.

לְכַתְּחִלָּה קַתְנִי. וְלִימָא לִיה גִּזְרָה דְלִמָּא קְדָיִם וְחַלּוֹץ לְרִאשׁוֹנָה בְּרִישָׁא! וְלֹא מִתְּיַבְּמוֹת קַתְנִי, דְלִיבָא דִּין יְבוּם הָכָא בְּלָא.

implies that the mishna teaches a case in which *ḥalitza* is performed *ab initio*. This indicates that this is the first course of action and the only way to resolve the situation. The Gemara asks further: And let him say to him the following: The mishna prohibits levirate marriage *ab initio* in this case, due to a rabbinic decree lest he proceed^N and perform the *ḥalitza* with the first^H sister first, whereby it would be prohibited to consummate the levirate marriage with the second. Perhaps for this reason the Sages decreed that it is prohibited to consummate the levirate marriage even if *ḥalitza* was performed with the second sister. The Gemara answers: It teaches: They may not enter into levirate marriage.^N This indicates that the *halakha* of levirate marriage does not apply here at all. Accordingly, even after the fact, if he performed *ḥalitza* with the second sister, the *halakha* of levirate marriage would not apply to the first sister.

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Lest he proceed and perform the *ḥalitza* with the first, etc. – **דְלִמָּא קְדָיִם וְחַלּוֹץ לְרִאשׁוֹנָה וְכוּ'**: If there were four brothers, and two of them were married to two sisters, and the two married brothers died one after the other, and one of the surviving brothers proceeded to perform *ḥalitza* with the second sister, then the first sister is rendered permitted to the other brother. It seems that even Rabbi Yoḥanan is in agreement with this *halakha*, but he could not find a way to interpret the mishna to accord with this ruling (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 7:1; *Shulḥan Arukh*, *Even HaEzer* 175:1).

He was not concerned over the possibility of the death – **לְמִיתָהּ לֹא חִיִּישׁ**: The early commentaries object to this statement based on several sources, especially the discussion in the beginning of tractate *Yoma*, where the *tanna* Rabbi Yehuda is concerned that the wife of the High Priest might die. They point out that even if Rabbi Yohanan himself is not concerned over this eventuality, he could still interpret this mishna as following the opinion of those who are concerned for the possibility of death.

There are various suggestions as to how to resolve this difficulty. Some commentaries explain that Rabbi Yohanan held that although this opinion exists, it is the opinion of only a single Sage, and therefore it would not be presented in an unattributed manner in the mishna. This answer is similar to the one cited by the Gemara in the continuation of the discussion concerning the opinion of Rabbi Yosei HaGelili. The Gemara does not accept the suggestion that the mishna follows the opinion of Rabbi Yosei HaGelili, as his is the opinion of a single Sage.

Alternatively, since Rabbi Yohanan is not concerned about the possibility of death and because he always concludes the *halakha* follows the unattributed mishna, his opinion is that it is impossible for there to be an unattributed mishna that holds that there is no concern over the possibility of death (see Rashba and Ritva).

The Rashba explains that even if there is a concern over the possibility of death, such a concern would not be significant enough to negate the mitzva of levirate marriage, and this follows the opinion that *halitza* is not considered a fulfillment of the mitzva of levirate marriage.

The Maharsha, in *Mahadura Batra*, states that there is concern about the possibility that the High Priest may die, despite the fact that it is an improbable scenario, only because all of Israel depend upon him for atonement on Yom Kippur. *Mitzpe Eitan* explains that there is concern over the possibility of death in cases where the death will cause the violation of a prohibition for which one is liable to receive the death penalty. This is not a concern in cases where death could prevent one from fulfilling a positive mitzva.

It is possible to be precise – אָפְשָׁר לְצַמְצֵם: The Sages of the Mishna differ as to whether it is possible for two events to occur at precisely the same moment. The early commentaries differ in their understanding of this dispute. According to Rashi and the Rambam, it is physically impossible for two events to occur at the exact same moment. Therefore, the dispute between the *tanna'im* revolves around the question of how to relate to events that appear to occur simultaneously. According to the opinion that it is not possible to be precise, the assumption is that the events did not occur simultaneously. Because the order in which they took place cannot be ascertained, the instance is related to as a case of uncertainty. According to the opinion that it is possible to be precise, despite the fact that the events did not actually take place simultaneously, the *halakha* relates to them as if they had occurred at exactly the same time.

In contrast, *Tosafot* maintain that events can actually occur simultaneously. The dispute therefore relates to a situation where two events appear to occur simultaneously. In this case, it is assumed that the events indeed took place at the same time, or it is assumed that it is impossible to determine whether or not these events actually occurred simultaneously, and therefore this is a case of uncertainty?

My fellow brother consummated the levirate marriage with the second, etc. – חֲבֵרָאֵי שְׁנֵיהּ יִיבָם וְכוּ' – Some point out the following problem: According to this assertion, his brother transgressed and engaged in sexual relations with the sister of a woman with whom he had a levirate bond. However, according to the Gemara on *sob*, licentious relations do not fully consummate levirate marriage, and the *yevama* under such circumstances still requires *halitza*. Accordingly, in the case here, there is still a levirate bond connecting this sister to the second brother and the other sister remains forbidden as the sister of a woman with whom he has a levirate bond. This difficulty can be resolved by saying that the requirement for *halitza* is a rabbinic decree, and even licentious relations between a *yavam* and *yevama* still uproot the levirate bond (*Hazon Ish*).

וְלִימָא לִיה גּוֹזֵרָה שְׂמָא יָמוּת, וְאָסוּר לְבַטֵּל מִצְוֹת יְבָמִין רַבִּי יוֹחָנָן לְמִיתָהּ לֹא חִיִּישׁ.

The Gemara asks: **And let him say to him** a different reason for the ruling of the mishna: It is due to a rabbinic decree lest the second brother die, and it is prohibited to negate the mitzva of levirate marriage. Perhaps for this reason it would be forbidden to consummate the levirate marriage in the case where two sisters happened before him for levirate marriage, and not due to the prohibition proscribing the sister of a woman with whom he has a levirate bond. The Gemara answers: **Rabbi Yohanan was not concerned over** the possibility of the death^N of a brother, and in his opinion there is no need to make a decree to address such cases.

וְלִימָא לִיה רַבִּי אֶלְעָזָר הֵיא, דְאָמַר: בֵּין שְׁעֵמֶדָה עָלְיוּ שְׁעָה אַחַת בְּאִיסוּר נְאֻסָּדָה עָלְיוּ עוֹלָמִית! מְדֻסְיָפָא רַבִּי אֶלְעָזָר רִישָׁא לָאוּ רַבִּי אֶלְעָזָר.

The Gemara asks: **And let Rabbi Yohanan say to him** that this mishna is in accordance with the opinion of **Rabbi Elazar, who said: Once the yevama stood before him at one time as forbidden, even if it was not at the time that she happened before him, she remains forbidden to him forever.** Perhaps the mishna could be explained according to Rabbi Elazar's opinion. The Gemara answers: **Since** the opinion of **Rabbi Elazar** is cited explicitly in the latter clause of the mishna, it can be deduced that the first clause is not according to the opinion of **Rabbi Elazar**. Therefore, this ruling cannot be attributed to **Rabbi Elazar**.

וְיִמָּא לְהוּ דְנִפּוּל בְּבֵת אַחַת וְרַבִּי יוֹסֵי הַגְּלִילִי הֵיא, דְאָמַר: אָפְשָׁר לְצַמְצֵם! לֹא סָתַם לָן תֵּנָא כְּרַבִּי יוֹסֵי הַגְּלִילִי.

The Gemara asks: **And let him say to him** that here the reference is to a situation where the two brothers died at once, and consequently both of the women happened before the *yevamin* for levirate marriage at the same time. **And this mishna is in accordance with the opinion of Rabbi Yosei HaGelili, who says: It is possible to be precise.**^N It is possible to determine that two events occurred at exactly the same moment, both sisters were forbidden at the time that they happened before the brothers-in-law. The Gemara answers: **The tanna did not teach an unattributed mishna in accordance with the opinion of Rabbi Yosei HaGelili.** Any time the mishna is cited in accordance with **Rabbi Yosei HaGelili's** opinion, it is always attributed to him explicitly.

וְלִימָא לִיה דְלֹא יָדְעִינָן הֵי נְפּוּל בְּרִישָׁא!

The Gemara asks: **And let him say to him** a different explanation for the ruling: This mishna is indeed addressing a case where the brothers died one after the other, yet **we do not know which sister happened before the yevamin for levirate marriage first.**^H In that case, it would be impossible to determine which sister would be permitted.

אֵי הָכִי, הֵינּוּ דְקָתַנִּי "קָדְמוּ וְכִנְסוּ יוֹצִיאוּ" בְּשִׁלְמָא רַאשׁוֹנָה אֲמַרִּינָן לִיה: מֵאֵן שְׂרִיא לָךְ? אֶלָּא שְׁנֵיהּ, אָמַר: חֲבֵרָאֵי שְׁנֵיהּ יִיבָם, אֲנָא רַאשׁוֹנָה מְיִיבָם!

The Gemara answers: **If so, that which the mishna teaches** in the latter clause: **And if they married their wives before consulting the court they should divorce them**, is difficult. Why must they divorce their wives in this situation? **Granted**, the brother who took the first sister in levirate marriage must divorce her, as **we say to him: Who permitted her to you?** Indeed, she was forbidden as the sister of a woman with whom he had a levirate bond, and so he must divorce her. **However**, the brother who took the second sister could say: **My fellow brother consummated the levirate marriage with the second^N sister, but I am consummating the levirate marriage with the first sister.** It is possible that after the other brother consummated the levirate marriage with the second sister, the first sister would then be permitted to him after the fact, and he is not required to divorce her unless it is certain that he violated a prohibition.

הֵינּוּ דְקָאָמַר לִיה: אַחֲזִיּוֹת אֵינִי יוֹדֵעַ מִי שְׁנָאָן.

The Gemara concludes: Indeed, **this is what** Rabbi Yohanan meant when he **said to Rabbi Yosei bar Hanina: I do not know who taught: Sisters**, for according to these considerations he cannot properly resolve the ruling of this mishna.

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We do not know which sister happened before the *yevamin* first – דְלֹא יָדְעִינָן הֵי נְפּוּל בְּרִישָׁא – If two brothers who were married to two sisters died, and it is unknown which died first, then both sisters must perform *halitza* and may not enter into levirate marriage (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 7:1; *Shulhan Arukh*, *Even HaEzer* 175:2).

If one of them was forbidden, etc. – היתה אחת מהן אסורה על זכר: If one of the sisters was the forbidden relative of one brother, then that brother is permitted to marry the second woman, and the second brother is forbidden to both women. If each was forbidden to a different brother, then she who is forbidden to one is permitted to the other. This applies only in cases of forbidden relatives, but in cases of prohibitions stemming from sanctity or a mitzva, both women must perform *halitza* (Rambam *Sefer Nashim, Hilkhot Yibbum* 7:5; *Shulhan Arukh, Even HaEzer* 175:1).

A case where the woman who was not his mother-in-law happened before them first – כגון דנפלה תוך דאינה חמותו – ברישא: If the first sister who happened before the *yavam* for levirate marriage was a relative forbidden to the *yavam*, such as his mother-in-law, and he consummated the levirate marriage with the second sister, then the first sister is permitted to the other brother (Rambam *Sefer Nashim, Hilkhot Yibbum* 7:5; *Shulhan Arukh, Even HaEzer* 175:1).

Two brothers who married their wives before consulting the court – קדמו וכןסו: If two sisters happened before two brothers for levirate marriage, and the two brothers proceeded to marry them before consulting the court, they must divorce them, as is stated explicitly in the mishna. This ruling is not in accordance with the statement of Abba Shaul, which opposes both the unattributed mishna and the opinion of Rabbi Eliezer (Rif; Rambam; Rosh).

Some say that they are not required to divorce their wives (*Tur*). They explain that because Beit Hillel is generally the more lenient opinion, we follow the opinion of Rabbi Shimon and Abba Shaul (Rambam's Commentary on the Mishna). The *Bah*, however, holds that this is a scribal error in the *Tur* (Rambam *Sefer Nashim, Hilkhot Yibbum* 7:5; *Shulhan Arukh, Even HaEzer* 175:3).

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Let the son-in-law rise and consummate the levirate marriage with the sister, etc. – ליקו חתן לייבם תוך זכר: This objection could apparently be resolved according to the suggestion that appeared previously in the Gemara, that there is a rabbinic decree in these cases to prevent his brother from consummating the levirate marriage with the wrong woman. This suggestion arose only in passing during the talmudic deliberations and was rejected outright because there is no concern for confusion between the women (Rashba).

This was a matter of leniency for Beit Hillel – קל היה להם: In the Jerusalem Talmud, a question is raised about this formulation: Did Abba Shaul intend to speak disparagingly of Beit Hillel by suggesting that they acted leniently where there should have been a prohibition? It is explained there that he intended to say that, according to Beit Hillel, there was not an actual prohibition in place at all, and so it would be permitted to consummate the levirate marriage.

תנן: היתה אחת מהן אסורה על האחד איסור ערוה – אסור בה ומותר באחותה, והשני אסור בשתייהן. סלקא דעתך דנפלה חמותו תחלה.

ואמאי? ליקו חתן לייבם תוך דאינה חמותו ברישא, ותהוי חמותו לגבי איךך ביבמה שהותרה ונאסרה וחזרה והותרה – תחזור להיתרה הראשון.

אמר רב פפא: כגון דנפלה תוך דאינה חמותו ברישא.

”רבי אליעזר אומר: בית שמאי אומרים” וכו’. תנאי: רבי אליעזר אומר בית שמאי אומרים: יקיימו, ובית הלל אומרים: יוציאו. רבי שמעון אומר: יקיימו. אבא שאול אומר: קל היה להם לבית הלל בדבר זה, שבית שמאי אומרים יוציאו ובית הלל אומרים יקיימו.

We learned in the mishna: If one of the sisters was forbidden^h to one of the brothers due to a prohibition against forbidden relatives because she was a relative of his wife or a relative from his mother’s side, then he is prohibited from marrying her but permitted to marry her sister. But the second brother, who is not a close relative of either sister, is prohibited from marrying both of them. It enters your mind to say that a forbidden woman, such as his mother-in-law, happened before the *yavam* for levirate marriage first.^b

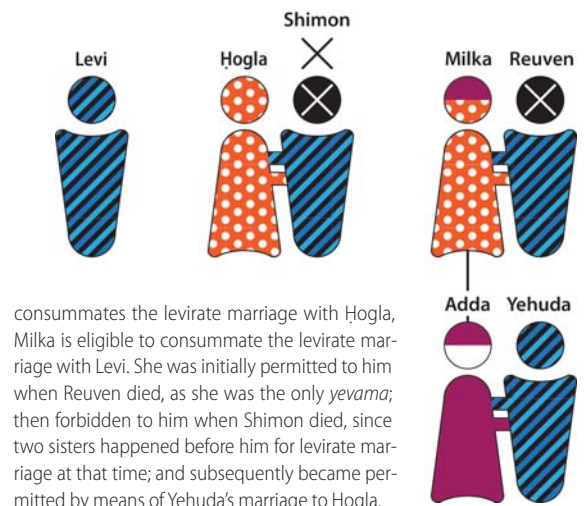
Accordingly, the Gemara asks: And why would both women be forbidden to the second brother? Let the son-in-law rise and consummate the levirate marriage with the sisterⁿ who is not his mother-in-law first. Consequently, with regard to the other brother, his mother-in-law would be considered a *yevama* who was permitted to perform levirate marriage at the time that she happened before him, and then forbidden when her sister happened before him for levirate marriage as well, and then subsequently became permitted when his brother consummated the levirate marriage with her sister. If so, the mother-in-law should return to her original permitted status and may enter into levirate marriage with him.

Rav Pappa said: The mishna is referring to a case where the woman who was not his mother-in-law happened before the brothers for levirate marriage first,^h in which case she was permitted to both of them. When her sister, i.e., the mother-in-law, happened before them for levirate marriage as well, both women were rendered forbidden to the second brother, as each one is the sister of a woman with whom he has a levirate bond. Because the mother-in-law was forbidden from the time that she happened before the *yavam* for levirate marriage, she can never be permitted to him.

With regard to the case of two brothers who married their wives before consulting the court,^h the mishna states that the women should be divorced. Rabbi Eliezer disagrees and says that this is a matter of dispute between Beit Shammai and Beit Hillel, as Beit Shammai say: They may maintain them as their wives, and Beit Hillel say: They should divorce them. An expanded version of this discussion is taught in the *Tosefta* (5:1): Rabbi Eliezer says that Beit Shammai say: They may maintain them as their wives, and Beit Hillel say: They should divorce them. Rabbi Shimon says: They may maintain them as their wives. Abba Shaul disagrees with Rabbi Eliezer and says: This was a matter of leniency for Beit Hillel.ⁿ They were the ones who put forth a lenient ruling, as Beit Shammai say: They should divorce them, and Beit Hillel say: They may maintain them as their wives.

BACKGROUND

His mother-in-law happened before him first – נפלה חמותו תחלה: There were four brothers from the same father: Reuven, Shimon, Levi, and Yehuda. Reuven and Shimon married the sisters Milka and Hogla, while Yehuda married Adda, the daughter of Milka, Reuven’s wife. If Reuven and Shimon die childless, the sisters Milka and Hogla happen before the two brothers, Yehuda and Levi, for levirate marriage. With regard to Levi, both Milka and Hogla are sisters who are *yevamot* but are otherwise unrelated to him. Consequently, they are both forbidden to him. With regard to Yehuda, however, Milka is his mother-in-law as well, and he is prohibited from marrying her. This renders her ineligible for levirate marriage with him. If Reuven died before Shimon, Milka was never eligible for levirate marriage with Yehuda because she was forbidden to him as his mother-in-law. His obligation of levirate marriage applies only to Hogla. Consequently, if Yehuda



רבי שמעון כמאן? אי כבית שמאי –
 היינו רבי אליעזר, אי כבית הלל –
 היינו אבא שאול! הכי קאמר לא
 נחלקו בית שמאי ובית הלל בדבר
 זה.

The Gemara asks about this *baraita*: **In accordance with whose opinion is the statement of Rabbi Shimon?**^N This matter is a dispute between Beit Hillel and Beit Shammai, with different versions of their opinions, and therefore Rabbi Shimon should not have formulated the *halakha* in this manner. Indeed, **if he holds in accordance with the opinion of Beit Shammai, then that is the same as the opinion of Rabbi Eliezer.** He would thereby conclude that the *halakha* is in accordance with the opinion of Beit Shammai, as per Rabbi Eliezer's version. If so, he should have formulated his opinion in that way. **If, however, he holds in accordance with the opinion of Beit Hillel, then that is the opinion of Abba Shaul.** The Gemara responds: **This is what he is saying:** Rabbi Shimon actually maintains a third opinion: **Beit Shammai and Beit Hillel did not dispute this matter;** both agreed that the marriages may be maintained.

"היתה אחת מהם" כו'. הא תנינא
 תדא זימנא: אחותה בשהיא יבמתה
 או חולצת או מתניבמת!

§ The mishna stated: If **one** of the sisters was forbidden to one of the brothers due to a prohibition against forbidden relations, then he is prohibited from marrying her but permitted to marry her sister. The Gemara asks: **We already learned this on one occasion: When her sister, who is a forbidden relative to the *yavam*, is her *yevama* as well, she either performs *halitza* or enters into levirate marriage.**

צריכא, דאי אשמועינן התם משום
 דליכא למיגזר משום שני, אבל הכא
 דאיכא למיגזר משום שני – אימא
 לא.

The Gemara answers: It is **necessary** that this be said here as well, **for if it taught us this *halakha* only there** in its more general formulation (*Yevamot* 20a), then I might have said: The *yavam* is permitted to marry the sister **because there is no reason to issue a rabbinic decree due to a second brother.** There, there is only one *yavam*, to whom one sister is permitted and the other is forbidden. **Here, however, in the case of two brothers, where there is reason to issue a rabbinic decree due to the second brother, lest he consummate the levirate marriage as well, I would say that we do not allow even the first brother to perform levirate marriage, and both sisters-in-law should be forbidden to both brothers.**

ואי אשמועינן הכא – משום דאיכא
 שני דקא מוכח, אבל התם דליכא
 שני – אימא לא, צריכא.

And if the mishna had taught us the *halakha* only here, it would have been possible to say that the permissibility of levirate marriage here is because there is a second brother who indicates, by refraining from performing levirate marriage, that the sister of a woman bound by a levirate bond is forbidden. However, there, where there is not a second brother, I would say no, this *halakha* would not apply, due to a concern that people might wrongly conclude that the sister of a woman bound by a levirate bond is permitted. Therefore, it is necessary to state this *halakha* in both places.

"איסור מצודה" כו'. הא נמי תנינא:

It was taught in the mishna: If one of the sisters was forbidden to one of the brothers due to a **prohibition** resulting from a **mitzva** or due to a prohibition stemming from sanctity, then her sister must perform *halitza* and may not enter into levirate marriage. The Gemara wonders: **We already learned this as well:**

NOTES

^N רבי – In accordance with whose opinion is Rabbi Shimon – *שמעון כמאן*: It would be difficult to say that Rabbi Shimon stated his own opinion, as he lived long after the period of Beit Shammai and Beit Hillel and was therefore not in a position to dispute them (Rivan).

In the Jerusalem Talmud, Abba Shaul distinguishes between the opinions of Rabbi Shimon and Beit Hillel. There, it

is explained that Rabbi Shimon allows the brothers to maintain their wives after the fact only when consummation had already taken place and specifically when both brothers had relations concurrently. However, according to Abba Shaul's version of Beit Hillel's opinion, the brothers would be allowed to consummate the levirate marriage even *ab initio* (see *Penei Moshé*).

NOTES

Here there is a prohibition resulting from a mitzva and her sister – **הָכָא אִיסוּר מִצְוָה וְאַחוּתָהּ** – The question arises: The Gemara has explained the reason for this *halakha* in the current mishna, but the first mishna that states a ruling with regard to a prohibition resulting from a mitzva remains superfluous. Why does the mishna state this ruling earlier (20a)? It would have sufficed to state it here alone?

A similar question arises later on the Gemara, and it is resolved as follows: Were this *halakha* stated only here, one might have thought that the rabbinic decree not to enter into levirate marriage was issued only where there was an additional brother to whom the *yevama* is permitted, for in that case the levirate marriage could be fulfilled with him. If, however, there is no other brother, and the mitzva of levirate marriage will be negated, perhaps the Sages did not issue a decree, and the *yavam* is permitted to consummate the levirate marriage with this woman. Therefore, the *halakha* was necessary in the previous mishna as well (Arukh LaNer).

אִיסוּר מִצְוָה וְאַיסוּר קְדוּשָׁה חוֹלְצֵת וְלֹא מִתְיַבְמֵת! הֵתָם אִיסוּר מִצְוָה לְחַוְדָּה. הָכָא אִיסוּר מִצְוָה וְאַחוּתָהּ.

סָלְקָא דְעֵתְךָ אָמֵינָא: לִיקוּם אִיסוּר מִצְוָה בְּמִקוּם אִיסוּר עֲרוּה, וְתִתְיַבְמֵת, קָא מְשַׁמַּע לֵן.

וְתִתְיַבְמֵת! בֵּינֵן דְּמִדְּאֹרֵייתָא רְמִיָּא קַמֵּיהּ קָא פָּגַע בְּאַחוּת וְקוֹקְתוּ, סָלְקָא דְעֵתְךָ אָמֵינָא: מִשּׁוּם מִצְוָה עֲבוּד רַבָּנַן – קָא מְשַׁמַּע לֵן.

“הִיָּתָה אַחַת מֵהֵן” כּו'. הָא תּוֹ לָמָּה לִיזְ הֵינּוּ הָךְ, מַה לִּי לְחַד מַה לִּי לְתַרְנִי!

צְרִיכָא, דְּאִי אֲשִׁמוּעִינן הֵתָם – מִשּׁוּם דְּאִיכָא שְׁנֵי דְמוֹכָת, אֲבָל הָכָא דְלִיכָא שְׁנֵי דְקָא מוֹכָת – אִימָא לָא.

If a prohibition resulting from a mitzva or a prohibition stemming from sanctity will be transgressed through the levirate marriage, then the woman must perform *ḥalitza* and she may not enter into levirate marriage. The Gemara answers: There is a novelty here: **There**, where the *halakha* is reviewed in general terms, it speaks of a **prohibition due to a mitzva alone**. One woman happened before the *yavam* for levirate marriage and it is only as a result of this prohibition that she is prevented from entering levirate marriage. **Here**, there is a **prohibition resulting from a mitzva and**, in addition, **her sister^N** happened before the *yevamin* for levirate marriage together with her.

It might enter your mind to say: Let the prohibition resulting from a mitzva stand in the same place, i.e., level of severity, **as the prohibition against forbidden relatives**. Consequently, the woman who is forbidden to the *yavam* is considered a forbidden relative and her sister is permitted to him. Despite the fact that the prohibition resulting from a mitzva is not as severe, here is it is given equal status, **and** we might say: **Let her sister enter into levirate marriage**. Therefore, **this comes to teach us** that this is not the case.

The Gemara asks: **And why in fact does her sister not enter into levirate marriage?** The Gemara answers: Her sister is forbidden to him **because by Torah law** the prohibited woman is still **set before the yavam** for levirate marriage. Were he to take the sister in levirate marriage **he would essentially be encountering the sister of the woman with whom he has a levirate bond**. **It might enter your mind to say that due to the mitzva** of levirate marriage, **the Sages did as they did** and nullified their decree prohibiting the sister of a woman with whom the *yavam* has a levirate bond from entering levirate marriage, when the original sister is forbidden only as the result of a mitzva. Therefore, **it teaches us** that they did not cancel their decree in this situation.

It was taught in the mishna: If **one of those** women was forbidden to this one brother due to a prohibition against forbidden relatives and the second was forbidden to that second brother due to a prohibition against forbidden relatives, then she who is forbidden to this brother is permitted to that brother, and she who is forbidden to that brother is permitted to this one. The Gemara asks: **Why do I need this halakha as well, for this is identical to that** which was taught earlier, when the mishna stated that if one of the sisters was forbidden to one of the brothers due to a prohibition against forbidden relatives, then he is forbidden to marry her but permitted to marry her sister. However, the second brother, who is not a close relative of either sister, is prohibited from marrying both of them. Once the mishna taught that the *yavam* is permitted to marry the woman to whom he is not related, **what is the difference to me** if there is **one brother or two brothers?** If this happened to both brothers, clearly both should be allowed.

The Gemara answers: It is **necessary** to state this, **for if it taught us the halakha only there**, in the case where only one brother is permitted, one might have said: **This is because there is a second brother who indicates** that the sister of a woman bound by a levirate bond is forbidden to him by refraining from levirate marriage with her. **However, here**, where there is **not a second brother who indicates** this, as both brothers are performing levirate marriage, then **I would say no**; this *halakha* would not apply, due to the concern that people might wrongly conclude that the sister of a woman with whom the *yavam* has a levirate bond is permitted even in cases where the other woman is not a forbidden relative.

ואי אשמועינן הכא - אדרבה, תרווייהו
מוכחי אהדי. אבל איך לא - צריכא.

And the opposite could also be said: **If it taught us** the ruling only **here**, in the case of two brothers, one might have said: **On the contrary, they both indicate** the nature of **each other's** status. Each of the brothers married a specific sister-in-law, i.e., the woman who was not his close relative, indicating he does not have a levirate bond with the other sister. **But in the other** case, where one brother is allowed to consummate the levirate marriage and the second brother is forbidden to both sisters, I might say that **no**, we would not allow marriage to the first brother either. Therefore, it is **necessary** to state the *halakha* in both instances.

"זו היא שאמרו" וכו'. זו היא למעוטי
מאי? למעוטי איסור מצוה לזה ואיסור
מצוה לזה.

It was taught in the mishna: **And this** is the case that was referred to when **they said**: When her sister is also her *yevama*, she either performs *halitza* or enters into levirate marriage. The Gemara asks: **What does** the expression: **This is**, come to **exclude**? The Gemara answers: **It excludes** the case where there is a **prohibition** resulting from a **mitzva for this one** and a **prohibition** resulting from a **mitzva for that one**. Although each woman is forbidden to a different brother due to a prohibition resulting from a mitzva, they may not both enter into levirate marriage.

הא תו למה לי? היינו הך, מה לי לחד
מה לי לתרי.

The Gemara asks: **Why do I need this as well?** **This** is identical to **that** which was taught previously, that if one of the sisters was forbidden to the *yavam* due to a prohibition resulting from a mitzva, then he is not permitted to consummate the levirate marriage with either of them. **What** difference is there **to me** if she happened before **one brother or two**?

מהו דתימא: בי לא אמרינן אוקי איסור
מצוה במקום איסור ערוה - היכא
דאיכא למיגזר משום שני, אבל היכא
דליכא למיגזר משום שני - אימא:
להאי אוקימנא איסור מצוה במקום
איסור ערוה ולהאי [אוקימנא] איסור
מצוה במקום איסור ערוה, וליבמו. קא
משמע לן.

The Gemara answers: **Lest you say**: There is only one instance **when we do not say**: **Let the prohibition** resulting from a **mitzva stand in the same place**, i.e., level of severity, as a **prohibition against forbidden relatives**. It occurs in a case **where it is appropriate to issue** a rabbinic decree **due to the second** brother, who is prohibited from marrying both sisters. **But in a case where it is not appropriate to issue** a rabbinic decree **due to the second** brother, as the second sister is permitted to the second brother as well, I might say: **For this brother, let us stand the prohibition** resulting from a **mitzva in the same place** as a **prohibition against forbidden relatives, and for this brother let us stand the prohibition** resulting from a **mitzva in the same place** as a **prohibition against forbidden relatives, and** as a result both brothers may consummate the levirate marriage. Therefore, it teaches us that this is not so.

אמר רב יהודה אמר רב. וכן תני רבי
תייא: בכלל אי קורא בהן האסורה לזה
מותרת לזה, ואחותה כשהיא יבמתה -
או חולצת או מתניבמת.

Incidental to this *halakha*, the Gemara cites the following statement: **Rav Yehuda said that Rav said, and similarly Rabbi Hiyya teaches in a baraita: With regard to all of those women enumerated in the first mishna of the tractate, who are forbidden to the yevamin as forbidden relatives, the following situation could arise: These women could also be two sisters who were married to two brothers who happen before their yevamin for levirate marriage while each one is a forbidden relative to one of the yevamin. In these situations, I could apply the ruling that she who is forbidden to this brother is permitted to that brother, as well as the ruling that when her sister is also her yevama she may either perform halitza or enter into levirate marriage.**

ורב יהודה מתרגם מחמותו ואילך, אבל
שיתא בבי דרישא - לא.

But Rav Yehuda interprets these principles as applying only to those cases found in the list **from the mother-in-law of the yavam and onward, but not to the six cases at the beginning**, which include his daughter, and his wife's daughter, and their descendants.

Does not deal with rape – באונסין לא קא מיירי – The reason why Rav Yehuda held that the mishna does not deal with cases of rape is not elaborated upon here at all. It is also unclear why he and Abaye do not assume that the mishna follows Rabbi Shimon's opinion. It seems that the opinions here relate to a question that was raised in Chapter One: Why was the case of his mother who was raped by his father not mentioned among the fifteen forbidden relatives? One of the answers is that the mishna there discusses only cases of marriage but not cases of rape. Alternatively, the mishna there does not list matters for which there are differing opinions. Therefore, these answers can be applied to the issue here. Rav Safra's opinion is that issues subject to dispute were cited in the mishna. The Gemara there (10a) raises objections to this opinion and proceeds to resolve the issues according to this opinion as well (*Arukh LaNer*).

מאי טעמא? מין דבתו באונסין הוא דמשכחת לה, בנשואין לא משכחת לה.

What is the reason for Rav Yehuda's distinction? This is because you find the scenario where two women who are candidates for levirate marriage are both sisters as well as the daughters of the two *yevamin* only in a case where the women are the daughters of the *yevamin* through rape, but you cannot find it in a case where they are his daughters through marriage. If one brother married a woman and had a daughter with her, then this woman, the wife of a brother who has children, is forbidden to all of his brothers. Therefore, it would be impossible for another brother to have a daughter with that same woman, and therefore the two daughters could never be sisters. The scenario of daughters who are also sisters is possible only when the first brother raped a woman and gave birth to a daughter, such that the woman is not forbidden to his brothers. If one of the brothers then had a daughter with this woman and both daughters married other brothers who then died, it is possible that these daughters would happen before their fathers for levirate marriage.

בנשואין – קמיירי, באונסין – לא קא מיירי.

Rav Yehuda maintains that the current mishna deals with cases of marriage but does not deal with cases of rape,ⁿ and therefore he does not apply the principles governing sisters to those cases.

ואבוי מתרגם אף בתו (באָה) מאַנוסותו, מין דאָשכחתי משכחת לה, אי בעיא באונסין – תהוי, אי בעיא בנשואין – תהוי. אבל אשת אחיו שלא היה בעולמו – לא, מין דאליבא דרבי שמעון הוא דמשכחת לה – אליבא דרבנן לא משכחת לה בפלוגתא לא קמיירי.

And Abaye interprets these principles as applying even to his daughter from a woman he raped. Since you can find this scenario, if the statement wants to deal with cases of rape, let it; if it wants to deal with cases of marriage, let it. It is preferable to explain this matter with regard to cases of marriage, but if that is not possible, it can still be explained as dealing with cases of rape. However, it cannot be explained as referring to the wife of a brother with whom he did not coexist. Even according to the opinion of Abaye, this case cannot be included, since you can find a situation where two sisters happen before two brothers for levirate marriage while each woman is the wife of a brother with whom he did not coexist only according to the opinion of Rabbi Shimon, while such a case cannot be found according to the opinion of the Rabbis. And Rabbi Hiyya does not deal with cases that are subject to dispute.

ורב ספרא מתרגם אף אשת אחיו שלא היה בעולמו, ומשכחת לה בשיתא אחי, ואליבא דרבי שמעון. וסימניך: מת נולד וייבם, מת נולד וייבם;

And Rav Safra interprets these principles as applying to the wife of a brother with whom he did not coexist, and you can find this scenario in the case of the six brothers^b and according to the opinion of Rabbi Shimon. And your mnemonic to remember how this might come about is as follows: Died, born, consummated the levirate marriage; died, born, consummated the levirate marriage.^b

BACKGROUND

Died, born, consummated the levirate marriage; died, born, consummated the levirate marriage – מת נולד וייבם, מת נולד וייבם: Originally, there were six brothers that were all the sons of one father: Reuven, Shimon, Levi, Yehuda, Gad, and Asher. Reuven and Shimon married two sisters, Høgla and Milka, and similarly Levi and Yehuda married two sisters, Rachel and Leah. Gad and Asher married women who were not related to each other or to any of the other wives. Gad married Adda and Asher married Miriam.

The order of events is as follows: Reuven dies without children, and his wife, Høgla, happens before the other brothers for levirate marriage. Before any of the brothers consummate the levirate marriage or perform *halitza* with her, another brother, Yissakhar, is born. Yissakhar is prohibited from marrying Høgla, as she is considered the wife of a brother, Reuven, with whom he did not coexist. Consequently, Levi consummates the levirate marriage with Høgla, Reuven's wife. Afterward, Shimon dies without children and his wife, Milka, happens before all the brothers, including Yissakhar, for levirate marriage. Before any of the brothers act, another brother, Zevulun, is born, and

he is prohibited from marrying Milka, as she is considered the wife of a brother to Shimon, with whom he did not coexist. Consequently, Yehuda consummates the levirate marriage with Milka. Afterward, both Levi and Yehuda die without children, and both sets of sisters, Høgla and Milka as well as Rachel and Leah, happen before the brothers for levirate marriage. At this point, Yissakhar is forbidden not only to Høgla, who is the wife of the brother Reuven, with whom he did not coexist, but also to Rachel, as she became the rival wife of Høgla and is therefore forbidden to Yissakhar as the rival wife of the wife of a brother with whom he did not coexist. These women, however, are not forbidden to Zevulun, according to the opinion of Rabbi Shimon, because at the time that he was born, they were both married to Levi, who is a brother with whom Zevulun did coexist. However, Zevulun is prohibited from marrying both Milka, who is the wife of the brother Shimon with whom he did not coexist, and her rival wife Leah.

If Gad and Asher consummate the levirate marriage with Rachel and Leah, thereby exempting Høgla and Milka from levirate marriage, and die afterward, it turns out that Adda, the

wife of Gad, is the rival wife of Rachel, who is the rival wife of Høgla. Consequently, in relation to Yissakhar, Adda is considered the rival wife of the rival wife of the wife of a brother, Reuven, with whom he did not coexist. Similarly, Miriam is the rival wife of the rival wife of Milka, and she is forbidden to Zevulun because of Milka, who was the wife of a brother, Shimon, with whom he did not coexist. Therefore, the one who is permitted to this brother, i.e., Adda who is permitted to Zevulun, is forbidden to Yissakhar. Similarly, the one who is permitted to this brother, i.e., Miriam who is permitted to Yissakhar, is forbidden to Zevulun.

Additionally, with regard to Rachel and Leah, the ruling of: When her sister is also her *yevama* she can either perform *halitza* or enter into the levirate marriage, applies as well. This is because Rachel and Leah are sisters who happen before the brothers for levirate marriage, and the one who is forbidden to one brother is permitted to the other. This ruling therefore applies in the case of a rival wife, as well in the case of the rival wife of a rival wife.

BACKGROUND

Six brothers – שִׁשְׁתָּיִם אֶחָיו:



ראובן ושמעון נשואין שתי אחיות, לוי ויהודה נשואין שתי נכריות. מת ראובן נולד יששכר ויבם לוי, מת שמעון נולד זבולן ויבם יהודה. מתו לוי ויהודה בלא בנים, ונפלו להו קמי יששכר וזבולן.

How could this come about? There were two brothers, **Reuven and Shimon**, who were **married to two sisters**. And there were two other brothers, **Levi and Yehuda**, who were **married to two unrelated women**. Reuven died, Yissakhar was born, and Levi consummated the levirate marriage with Reuven's wife. Afterward, Shimon died, Zevulun was born, and Yehuda consummated the levirate marriage with Shimon's wife. Later, **Levi and Yehuda died childless** and these two sisters **happened before Yissakhar and Zevulun for levirate marriage**.

האסורה לזה מותרת לזה, והאסורה לזה מותרת לזה, ואחותה שהיא יבמתה.

In this scenario, the woman who had been Reuven's wife is **forbidden to this** brother, Yissakhar, as the wife of a brother with whom he did not coexist, because he was not alive at the same time as Reuven, and yet **she is nevertheless permitted to this** brother, Zevulun, because when Zevulun was born this woman was already the wife of Levi, a brother with whom he did coexist. According to Rabbi Shimon, the fact that she had previously been the wife of Reuven, a brother with whom he did not coexist, is not taken into account. Similarly, with regard to Shimon's wife, we find that **she who is forbidden to this one is permitted to that one**. Shimon's wife is forbidden to Zevulun as the wife of a brother with whom he did not coexist, but she is nevertheless permitted to Yissakhar. Accordingly, the situation of **her sister who is her yevama**, i.e., two sisters who are *yevamot* and yet are allowed to perform levirate marriage, can be applied to this case as well.

למה לי יבם יהודה? בלא יבם יהודה נמי משבחת לה!

The Gemara asks: **Why do I** need to assume that this is referring to a scenario where **Yehuda consummated the levirate marriage? You can find this possibility in** a case where **Yehuda did not consummate the levirate marriage as well**. This scenario can also take place with only five brothers and without Yehuda: Reuven and Shimon were married to two sisters, Reuven died, Yissakhar was born, and Levi consummated the levirate marriage with Reuven's wife. Then Shimon died and Zevulun was born. If Levi then dies, Levi's wife is forbidden to Yissakhar as the wife of his brother Reuven, with whom he did not coexist, but she would be permitted to Zevulun because she was already the wife of Levi when Zevulun was born. Shimon's wife would be forbidden to Zevulun but permitted to Yissakhar.

משום צרה. היא תינח צרה, צרה דצרה מאי איבא למימר?

The Gemara responds: This is **due to the rival wife**. It was taught in this way in order to make the principle applicable not only to the wives, but also to their rival wives. In this scenario, Levi and Yehuda were previously married to two sisters who then became the rival wives of a wife of a brother with whom one did not coexist. This allows the ruling to apply to the case of rival wives as well. The Gemara notes: **This works out well** if the mishna comes to include only a **rival wife** herself, but **what can be said about the rival wife of a rival wife?** How can this case explained? If one aims to include all of the details of the mishna in Rabbi Hiyya's principle, then the mishna must be referring not only to a case involving the brothers' rival wives, but also to the rival wives of those rival wives mentioned in the mishna.

בגון דהדר ויבמינהו נמי גד ואשר.

The Gemara answers: Therefore, one must include a case **where Gad and Asher subsequently consummated the levirate marriage with these women as well**. That is, initially there were two other brothers, Gad and Asher, who consummated the levirate marriage with the previous wives of Levi and Yehuda, each of whom had taken one of the wives of Reuven and Shimon. Later, when Gad and Asher died, their previous wives, who are the rival wives of the rival wives of Reuven and Shimon's wives, happen before Yissakhar and Zevulun for levirate marriage.

And Rabbi Shimon exempts – וְרַבִּי שִׁמְעוֹן פּוֹטֵר – The Gemara here explains the rationale behind Rabbi Shimon's opinion by way of a homiletical interpretation of the verse "And you shall not take a woman to her sister, to be a rival to her" (Leviticus 18:18). From here he learns that if two sisters happen before the *yavam* for levirate marriage, they are both rendered exempt.

In the Jerusalem Talmud, however, Rabbi Oshaya explains that Rabbi Shimon maintains that only the sister who happened before the *yavam* second is exempt from *halitza* and levirate marriage. Accordingly, the rationale behind Rabbi Shimon's opinion is that a woman with a levirate bond is considered to be married to the *yavam*. Therefore, the second sister is exempt from levirate marriage, as she is equivalent to his wife's sister. If this is the rationale behind Rabbi Shimon's opinion, then when the Gemara here asserts that both women are exempt, it must be referring to a situation where both women happened before the *yavam* simultaneously, and it must be in accordance with the opinion that it is possible to determine that two events occur simultaneously (see *Hiddushei Anshei Shem*).

Tosafot explain that this ruling applies specifically in a case where the women happened before a single *yavam*. However, if they happened before two *yevamin*, Rabbi Shimon himself rules that the marriages may be maintained after the fact (*Yevamot* 28a). This must be due to a distinction in the strength of the levirate bond with two *yevamin* and the levirate bond with only one *yavam*. In the case of a levirate bond with only one *yavam*, Rabbi Shimon maintains that the woman is considered married to the *yavam*, while in the case of two *yevamin*, the levirate bond is not exclusive and therefore does not have the strength to render the woman married to the *yavam* (Rabbi Yehuda al-Madari).

מתני' שלשה אחין, שנים מהן נשואין שתי אחיות, או אשה ובתה, או אשה ובת בנה – הרי אלו חולצות ולא מתייבמות, ורבי שמעון פוטר.

MISHNA In the case of three brothers, two of whom were married to close relatives, e.g., two sisters; or a woman and her daughter; or a woman and her daughter's daughter; or a woman and her son's daughter,^h if the two brothers who were married to two close relatives died and their wives happened before a third brother for levirate marriage, then these two women must perform *halitza* and may not enter into levirate marriage, as each of them is a relative of a woman with whom he has a levirate bond. And Rabbi Shimon exemptsⁿ them even from the obligation to perform *halitza*.

היתה אחת מהן אסורה עליו איסור ערוה – אסור בה, ומוותר באחותה. איסור מצוה או איסור קדושה – חולצות ולא מתייבמות.

If one of them was forbidden to him, the third brother, due to a prohibition against forbidden relatives, then he is prohibited from marrying her but is permitted to marry her sister. Because the woman who is forbidden to him is not considered to be a woman who requires him for levirate marriage, there is only one woman who happens before him for levirate marriage. However, if one of the women was forbidden due to a prohibition resulting from a *mitzva* or a prohibition stemming from sanctity, then they must perform *halitza* and may not enter into levirate marriage. This is because these prohibitions do not completely cancel the levirate bond.

גמ' תניא: רבי שמעון פוטר בשתייהן מן החליצה ומן הייבום, שנאמר "ואשה אל אחותה לא תקח לצרור" – בשעה שנגעשו צרות זו לזו לא יהא לך ליקוחין אפילו באחת מהן.

GEMARA It is taught in a *baraita*: Rabbi Shimon exempts both of them from *halitza* and from levirate marriage, as it is stated: "And you shall not take a woman to her sister, to be a rival to her" (Leviticus 18:18). This indicates that at the time that a situation arises wherein they are to become rival wives to each other, e.g., two sisters happen before one *yavam* for levirate marriage, you shall not have the ability to take even one of them in marriage. In his opinion, both women are exempt from both levirate marriage and *halitza* at the moment that they happen before the *yavam*, just as a forbidden relative is exempt from both levirate marriage and *halitza*.

"היתה אחת מהן" כו'. הא תו למה לי? היינו הך!

It was taught in the mishna: If one of them was forbidden to him due to a prohibition against forbidden relatives, he is prohibited from marrying her but is permitted to marry her sister. The Gemara asks: Why do I need this statement as well? This is identical to that which was taught in the previous mishna.

לרבי שמעון איצטריך: סלקא דעתך אמינא: הואיל ואמר רבי שמעון שתי אחיות לא חולצות ולא מתייבמות – לגזור משום שתי אחיות דעלמא, קמשמע לן.

The Gemara answers: It was necessary to state this again here according to the opinion of Rabbi Shimon. It might enter your mind to say: Since Rabbi Shimon said that two sisters may not perform *halitza* and may not enter into levirate marriage, as the very fact that they require levirate marriage from the same man and stand to become rival wives to each other renders them forbidden, we should issue a rabbinic decree in this case as well. Although in this case only one of the sisters is eligible for levirate marriage, as the other is a forbidden relative, perhaps there should be a rabbinic decree prohibiting the *yavam* from marrying the permitted sister, due to the similarity to the case of two sisters in general who happen before him for levirate marriage. This teaches us that even Rabbi Shimon does not hold that there is a rabbinic decree in this case.

"איסור מצוה" כו'.

It was taught in the mishna that if the wives are forbidden to the *yavam* due to a prohibition resulting from a *mitzva* or sanctity, they must perform *halitza* and may not enter into levirate marriage.

HALAKHA

שתי – שתיים – קרובות שנפלו לייבום: In the case of three brothers, two of whom were married to two sisters, if one of the brothers married to a sister dies, and later the second dies, and both sisters happen before the third brother for levirate marriage, then both women are forbidden to him. This is also the case for any other two women

that he is prohibited from marrying simultaneously, e.g., a woman and her daughter, or a woman and her daughter's daughter. The two women are considered rival wives due to the levirate bond. Consequently, they must perform *halitza* and may not enter into levirate marriage (Rambam *Sefer Nashim, Hilkhot Yibbum* 6:25; *Shulhan Arukh, Even HaEzer* 175:6).