

NOTES

This is with regard to the individual and this is with regard to a community – הָא בְּיַחֲדָא הָא בְּצִבּוּר: This distinction is evident in the verses themselves as well. The verse: "Whenever we call upon Him" clearly refers to a group of people, i.e., the community of the Jewish people, and the verse: "Seek the Lord while He may be found" continues "and let the wicked one forsake His way" (Isaiah 55:7), which clearly refers to an individual (Maharsha).

HALAKHA

Ten days of repentance – עֶשְׂרֵת יָמֵי תְּשׁוּבָה: While repentance is always effective, repentance of the individual is especially well received during the ten days between Rosh HaShana and Yom Kippur (Rambam *Sefer HaMadda, Hilkhot Teshuva* 2:6).

דְּרִשׁוּ ה' בְּהִמְצָאוֹ – הָא בְּיַחֲדָא הָא בְּצִבּוּר. וַיְחִיד אִימַת? אָמַר רַב נַחְמָן אָמַר רַבָּה בַר אַבּוּה: אֵלּוּ עֲשָׂרָה יָמִים שְׁבִין רֵאשִׁי הַשָּׁנָה לְיוֹם הַכְּפוּרִים.

The Gemara resolves the second contradiction: Isaiah's prophecy: "Seek the Lord while He may be found," does not contradict the verse in the Torah that God is near to His nation "whenever we call upon Him," because this prophecy of Isaiah was made with regard to the individual and this verse in the Torah is stated with regard to a community,^N as the prayer of the community is always accepted. The Gemara asks: **And when** is the time that God is to be found near the individual? Rav Nahman said **Rabba bar Avuh said: These are the ten days between Rosh HaShana and Yom Kippur.**^H

אֵת מִסְפַּר יָמֶיךָ אֲמַלֵּא – תַנַּאי הִיא. תַנַּאי אֵת מִסְפַּר יָמֶיךָ אֲמַלֵּא

The resolution of the third contradiction from the verse: "I will fulfill the number of your days," is subject to a dispute between *tanna'im*, as it is taught in a *baraita*: The verse states: "I will fulfill the number of your days";

Perek IV

Daf 50 Amud a

אֵלּוּ שְׁנֵי דוֹרוֹת, זָכָה – מִשְׁלֵימִין לוֹ, לֹא זָכָה – פּוֹחֲתִין לוֹ. דְּבַרֵּי רַבִּי עֲקִיבָא. וַחֲכָמִים אֹמְרִים: זָכָה – מוֹסִיפִים לוֹ, לֹא זָכָה – פּוֹחֲתִין לוֹ.

these are the years of the generations,^N i.e., the allotted lifespan that is preordained for each individual before birth. If he is deserving, God completes his allotted lifespan. If he is not deserving, God reduces his lifespan; this is the statement of Rabbi Akiva. Rabbi Akiva assumes one cannot outlive one's preordained allotted lifespan. **The Rabbis say: If he is deserving, God adds years to his lifespan.**^N If he is not deserving, God reduces his lifespan. According to the Rabbis, Isaiah's prophecy is referring to one who deserved to have extra years added to his allotted lifespan, and the verse in the Torah is referring to one who deserved to merely complete his lifespan.

אָמְרוּ לוֹ לְרַבִּי עֲקִיבָא: הֲרֵי הוּא אֹמֵר "וְהוֹסַפְתִּי עַל יָמֶיךָ חֲמִשׁ עֶשְׂרֵה שָׁנָה!" אָמַר לָהֶם: מִשְׁלוֹ הוֹסִיפוּ לוֹ. תִּדְעוּ, שְׁהָרִי נִבְיָא עוֹמֵד וּמִתְנַבֵּא "הִנֵּה בֶן נוֹלָד לְבֵית דָּוִד יֵאֱשָׁיָהוּ שְׁמוֹ" וְעַד יוֹן לֹא נוֹלָד מִנְּשָׂא.

The Rabbis said to Rabbi Akiva: How can you claim that one cannot outlive one's allotted lifespan when there is a verse that states that Isaiah prophesied to Hezekiah as Hezekiah lay on his deathbed: "And I will add unto your days fifteen years"? Rabbi Akiva said to them: Those additional years that God added to his lifespan are from his own allotted lifespan. When Hezekiah sinned God decreed that his lifespan be shortened, but when he repented God allowed him to live out those years. **Know** that this is so, as a prophet during the reign of King Jeroboam stood and prophesied:^N "Behold, a son shall be born unto the House of David, Josiah is his name" (1 Kings 13:2). Josiah was the grandson of Manasseh, Hezekiah's son, and at the time Hezekiah lay on his deathbed, **Manasseh had not yet been born.** Evidently, Hezekiah's preordained allotted lifespan had still not been completed.

NOTES

The years of the generations – שְׁנֵי דוֹרוֹת: Rashi and others interpret this as a reference to the years of life allotted to each generation, which are then divided and are allotted to each individual in that generation. *Tosefot HaRosh* explains that when God makes an accounting of people's lifespans He does so as part of a general decree relating to the lifespans of the entire generation. This is alluded to by the verse: "He that calls the generations from the beginning" (Isaiah 41:4). The *ge'onim* explain that the reference is to the number of years one should live based on his physical structure and health (see Meiri and Rabbi Avraham min HaHar). The Rambam wrote an important treatise in Arabic in which he summarized the various opinions on this subject, from both the philosophical and the medical perspectives.

based on one's actions? The *Tzlah* on *Yoma* 86b suggests that each day has its own unique goals to be fulfilled, and if one did not utilize each day correctly he will be called to account in the World-to-Come. However, if he merits it, he will receive additional days and consequently he will be able to complete the goals that he did not achieve during the amount of time that had been allotted to him.

If he is deserving, God adds years to his lifespan – זָכָה לוֹ: מוֹסִיפִים לוֹ: What is the significance of being given a preordained lifespan if one can merit additional years or lose years

As a prophet stood and prophesied, etc. – שְׁהָרִי נִבְיָא עוֹמֵד – וּמִתְנַבֵּא וְכוּ': In a responsum written by Rav Hai Gaon on this matter he proves from here, as well as from Isaiah's prophecy concerning King Hezekiah's impending demise, that such prophecies are always conditional on one's actions and so one can change his fate by amending his ways and through prayer. See the Rambam, who discusses this subject at length when dealing with prophecy in *Mishne Torah* and elsewhere (see also in *Tosafot*).

An unnecessary mishna – משנה שאינה צריכה: From Rashi's commentary it is clear that he holds that at the very least, the clause referring to the permissibility of one's wife's sister after the wife's death is superfluous, since the matter is stated explicitly in the Torah. However, *Tosafot Yeshanim* suggest that even that clause of the mishna hints at a novelty that is not explicit in the Torah. They explain the novelty is in the case where one's previous wife married another man: Unless she dies, the prohibition with regard to her sister still remains in effect. One might have claimed that since, by marrying another man, the woman was rendered forbidden to her first husband, therefore her sister would become permitted to him. To dispel this notion the mishna teaches that the prohibition remains in force until the wife actually dies. Therefore, *Tosafot Yeshanim* suggest that it is the latter clause, which states that if one's *yevama* died one is permitted to her sister, which is entirely superfluous. Once the mishna has stated the *halakha* in the case of one's wife's sister, it is obviously true in the case of one's *yevama* through an *a fortiori* inference.

However, from an opinion in the Jerusalem Talmud it would appear that the primary novelty in the mishna is to be found specifically in the clause concerning the sister of one's *yevama*. The novelty does not lie in the case itself but in the fact that it implies that even after one's *yevama* dies, the levirate bond continues to exist to the extent that relatives of one's *yevama* will remain forbidden to him. The mishna states that the sister of one's *yevama* is an exception to this principle, but by inference the prohibition to other relatives, e.g., her mother or daughter, continue to apply. *Tosafot Yeshanim* and *Tosafot HaRosh* reject this suggestion.

The Ramban claims that only the clause that relates to the basic case of the sister of one's wife or *yevama* being permitted upon the death of one's wife or *yevama* are considered unnecessary because those cases are explicit in the Torah. However, although the principle is the same in the other cases, since they are not stated explicitly there is value in mentioning them here.

In contrast, the Ritva claims that the entire mishna is unnecessary and rejects the suggestion that the cases were taught to indicate some subtle novelty that may be inferred from them. Rather, the mishna was written to reemphasize matters that are already known; doing so is considered "making the Torah great and glorious" (Isaiah 42:21).

ורבנן: מי כתיב מחזקה? "לבית דוד" כתיב, אי מחזקה נולד, אי מאינש אחרינא.

And what would the Rabbis respond to Rabbi Akiva's proof? They could counter: **Is it written** that Josiah was to be born specifically from the descendants of Hezekiah? **It is written** only that he would be born "unto the House of David," so he could be born either from the descendants of Hezekiah or from a different person of the House of David. Accordingly, no proof concerning Hezekiah's allotted lifespan can be deduced from that verse.

"אשתו שמתה וכו' ;במתו שמתה" וכו'. אמר רב יוסף: כאן שנה רבי משנה שאינה צריכה.

§ The mishna details the prohibition with regard to one's wife's sister in various cases: If a man's wife died, he is permitted to her sister; if his *yevama* died, he is permitted to her sister. **Rav Yosef said: Here Rabbi Yehuda HaNasi taught an unnecessary mishna,**^N since the prohibition with regard to one's wife's sister and the fact that the prohibition exists only in the lifetime of one's wife is stated explicitly in the Torah, and there is no additional novelty in this mishna's ruling.

הדרן עלך החולץ

מתני' רבן גמליאל אומר: אין גט אחר גט, ולא מאמר אחר מאמר, ולא בעילה אחר בעילה, ולא חליצה אחר חליצה. וחכמים אומרים: יש גט אחר גט, ויש מאמר אחר מאמר, אבל לא אחר בעילה ולא אחר חליצה כלום.

ביצד עשה מאמר ביבמותו, ונתן לה גט – צריכה הימנו חליצה. עשה מאמר וחליצה – צריכה הימנו גט. עשה מאמר ובעל – הרי זו כמפוזתה.

MISHNA Rabban Gamliel says:^N A bill of divorce [*get*]^B is not effective when given after a bill of divorce was previously given to a *yevama*. Once a *yevama* receives a bill of divorce from a *yavam*, no bill of divorce given by that *yavam* to her rival wife or a bill of divorce given to her by a different *yavam* is of any effect. And levirate betrothal^B is not effective after a previous levirate betrothal was performed, and intercourse with a second *yevama* is not effective after intercourse with the first one, and *halitza*^B is not effective after *halitza* was previously performed. But the Rabbis say: A bill of divorce is effective when given after a bill of divorce,^N and levirate betrothal is effective after levirate betrothal,^H but nothing is effective after intercourse^N or after *halitza*.^H If a *yavam* has relations with the *yevama* or performs *halitza* with her, no other action performed afterward is effective, whether performed by that *yavam* toward a different *yevama* or by any *yavam* with the original *yevama*.

The mishna elaborates: **How^N do these laws work in practice? If a *yavam* performed levirate betrothal^N with his *yevama*, and he later gave her a bill of divorce,^H she nevertheless requires *halitza* from him.** The bill of divorce does not fully exempt her from levirate marriage, as the levirate bond remains intact. **If he performed levirate betrothal and then *halitza*, she requires a bill of divorce from him in order to cancel the levirate betrothal.** If the *yavam* performed levirate betrothal and then engaged in intercourse with the *yevama*, this is the way to perform levirate marriage in accordance with its mitzva, as the Sages instituted this as the proper procedure for a *yavam* to perform levirate marriage.

NOTES

Rabban Gamliel's opinion – שיטת רבן גמליאל – Some early commentaries maintain that Rabban Gamliel's statement with regard to levirate betrothal follows Rabbi Akiva's opinion that betrothal does not take effect on a woman who is forbidden due to a regular prohibition. Accordingly, after the *yavam* performs levirate betrothal with the first *yevama*, the second *yevama* would be forbidden due to the prohibition indicated by the verse: "So shall it be done to the man who does not build his brother's house" (Deuteronomy 25:9); he may build one house, in the singular, but he may not build two houses. Therefore, a second levirate betrothal would not be effective. The Ramban explains that if this is true in cases where the *yavam* consummated the levirate marriage with the first *yevama*, it is true in cases where he merely performed levirate betrothal. *Tosafot*, however, explain that Rabban Gamliel's statement accords with the opinion of the Rabbis, who disagree with Rabbi Akiva and state that betrothal does take effect on a woman forbidden due to a regular prohibition. If the *yavam* had consummated the levirate marriage with the first *yevama*, then betrothal would indeed be effective with the second *yevama*. However, in this case only levirate betrothal was performed, and the Sages did not institute a ruling allowing levirate betrothal to be effective in cases where it was already performed with one *yevama*.

A bill of divorce is effective after a bill of divorce, etc. – יש גט אחר גט וכו': The latter act of giving a bill of divorce or

performing levirate betrothal is of legal consequence. Admittedly, such actions do not acquire the *yevama* or nullify the levirate bond completely, but they do serve to connect the *yavam* to the *yevama* and render him forbidden to her relatives (see the *Melekheth Shlomo*).

אבל לא אחר – But nothing is effective after intercourse, etc. – בעילה וכו': As the Gemara will explain, this broad statement is imprecise, for most Sages agree that in certain situations his actions are effective even after intercourse or *halitza*. It is possible that this principle is only according to the opinion of Rabbi Akiva, or that it is stated in a comprehensive manner because it will later be qualified and elucidated.

How – ביצד: Rashi and *Tosafot* state that this question does not refer particularly to the dispute at the beginning of the mishna. Rather, the mishna details all the various combinations of a bill of divorce, *halitza*, levirate betrothal, and intercourse. This explains why several cases mentioned by the mishna teach us nothing new, or something we easily could have deduced from the other cases, as the *tanna* lists all possibilities.

How...performed levirate betrothal, etc. – ביצד עשה מאמר וכו': The mishna first mentions a *yavam* who performed levirate betrothal or gave a bill of divorce because the levirate betrothal and bill of divorce of a *yevama* are rabbinical decrees. Afterward it turns to actions prescribed by the Torah – intercourse and *halitza* (*Nimmukei Yosef*).

BACKGROUND

Bill of divorce [*get*] – גט: Although the term *get* is sometimes applied to all legal documents, it is commonly used to refer specifically to a bill of divorce. The basic text of a bill of divorce includes the declaration of the husband that he divorces his wife and that she is permitted to marry any other man. He is identified by his name and his father's name, and his wife is identified by her name and her father's name. The document must contain the date it was written and the signatures of two witnesses. In talmudic times a bill of divorce could be written privately by a scribe at the request of the husband. In later generations it became customary for a bill of divorce to be written in a rabbinical court that had expertise in this field, so that no halakhic difficulties would arise that might lead to the invalidation of the document.

Levirate betrothal – מאמר: In the context of the *halakhah* of levirate marriage, levirate betrothal refers to an ordinary act of betrothal that is performed prior to the actual levirate marriage. According to the mishna (*Kiddushin* 1:1), betrothal can be performed with money or its equivalent, e.g., a ring, a legal document, or sexual intercourse. According to Torah law levirate marriage can be consummated only by means of sexual intercourse. The Sages ruled that when the *yavam* gives the *yevama* money and states that he is betrothing her and fulfilling the mitzva of levirate marriage by means of this money, they are betrothed by rabbinic law.

Halitza – חליצה: When a man dies without children, the Torah obligates his brother to perform levirate marriage with the deceased man's wife. The woman is not permitted to marry out of the family until this obligation is performed. If the brother does not wish to marry the woman he may perform the *halitza* ceremony and thereby release the widow from her bond and allow her to remarry (see Deuteronomy 25:7–10). The term *halitza* is derived from the central element of this ceremony, which involves the widow removing a special sandal from the foot of one of her deceased husband's brothers. *Halitza* must be performed before a rabbinical court.

HALAKHA

גט אחר גט וכו' – A bill of divorce after a bill of divorce, etc. – Levirate betrothal does not serve to completely acquire the *yevama*, nor does a bill of divorce serve to nullify the levirate bond entirely. Therefore any action performed with the *yevama* after levirate betrothal or a bill of divorce is effective, whether it is a bill of divorce, levirate betrothal, intercourse, or *halitza*. This *halakha* applies both to situations of one *yavam* and two *yevamot*, one *yevama* and two *yevamin*, as well as two *yevamot* and two *yevamin*, in accordance with the opinion of the Rabbis (Rambam *Sefer Nashim, Hilkhot Yibbum* 5:14; *Shulhan Arukh, Even HaEzer* 170:3).

לא אחר – Nothing is effective after intercourse and halitza – בעילה וחליצה: A *yavam* who has intercourse with a *yevama* has acquired her fully, and similarly *halitza* serves to completely nullify the levirate bond. Consequently, any act performed after intercourse or *halitza* is of no halakhic consequence (Rambam *Sefer Nashim, Hilkhot Yibbum* 5:14; *Shulhan Arukh, Even HaEzer* 170:12).

If he performed levirate betrothal and gave a bill of divorce – עשה מאמר ונתן גט: If a *yavam* performed levirate betrothal with his *yevama* and gave her a bill of divorce, she still requires *halitza*. If he performed levirate betrothal and *halitza*, she requires a bill of divorce to cancel his levirate betrothal (Rambam *Sefer Nashim, Hilkhot Yibbum* 5:4; *Shulhan Arukh, Even HaEzer* 170:2).

If he gave a bill of divorce and performed levirate betrothal – נָתַן גֵּט וְעָשָׂה מֵאָמֶר – If a *yavam* gave a bill of divorce to his *yevama*, and he or his brother subsequently performed levirate betrothal with her, she requires a bill of divorce to cancel the levirate betrothal, and *halitza* to nullify the levirate bond. Similarly, if he gave her a bill of divorce and afterward engaged in intercourse with her, she needs a bill of divorce to cancel the betrothal accomplished by intercourse, and *halitza* to nullify the levirate bond (Rambam *Sefer Nashim, Hilkhot Yibbum* 5:7; *Shulhan Arukh, Even HaEzer* 170:9).

נָתַן גֵּט וְעָשָׂה מֵאָמֶר – צְרִיכָה גֵּט וְחִלְיָצָה. נָתַן גֵּט וּבִעַל – צְרִיכָה גֵּט וְחִלְיָצָה. נָתַן גֵּט וְחָלַץ – אֵין אַחַר חִלְיָצָה כְּלוּם.

If the *yavam* gave the *yevama* a bill of divorce and afterward performed levirate betrothal^H with her, she requires another bill of divorce to cancel the levirate betrothal, as well as *halitza* to nullify the levirate bond. If he gave her a bill of divorce and then engaged in intercourse with her, she requires a bill of divorce to cancel the betrothal that took place via intercourse, and *halitza* to nullify the levirate bond; the intercourse did not affect the levirate bond because once he gave her a bill of divorce she was forbidden to him. If he gave her a bill of divorce and performed *halitza*, nothing is effective after *halitza*, as the levirate bond was completely nullified.

חָלַץ וְעָשָׂה מֵאָמֶר, נָתַן גֵּט וּבִעַל, אוֹ בִעַל וְעָשָׂה מֵאָמֶר, נָתַן גֵּט וְחָלַץ – אֵין אַחַר חִלְיָצָה כְּלוּם.

Similarly, if he performed *halitza* with her and then either performed levirate betrothal, or gave a bill of divorce, or engaged in intercourse with her; alternatively, if he engaged in intercourse with her and then either performed levirate betrothal, or gave a bill of divorce, or performed *halitza* after they engaged in relations, nothing is effective after *halitza* or intercourse. Any action performed afterward is unrelated to the levirate bond.

Perek V
Daf 50 Amud b

NOTES

Levirate betrothal with this one and levirate betrothal with that one – מֵאָמֶר בְּזוֹ וּמֵאָמֶר בְּזוֹ: *Tosafot* ask: Why can't the *yavam* give a bill of divorce for his levirate betrothal and thereby permit the second woman to perform levirate marriage, as this is an effective way of revoking the levirate betrothal according to the Gemara in the third chapter (32a). The Rivan answers that the ruling in the third chapter only applies after the fact; it is forbidden to do so *ab initio*. The *Tosafot HaRosh* holds that there the Gemara is referring only to a case where the brother who performed the levirate betrothal and gave the bill of divorce subsequently died, and therefore that ruling cannot be applied to the case in this mishna. The Ramban cites an explanation of this mishna that maintains that it is speaking only of a man who does not want to perform levirate marriage, but the Ramban rejects this answer. He himself explains that the *tanna* here is stating the basic *halakha*, without mentioning the option instituted by the Sages. Alternatively, this mishna follows the more stringent opinion found in the Gemara there, whereby a bill of divorce given by one of the brothers to the *yevama* disqualifies the levirate betrothal of the other women involved.

She requires a bill of divorce and *halitza* – צְרִיכָה גֵּט וְחִלְיָצָה: *Tosafot* point out that this is correct only according to the opinion that invalid *halitza* serves to exempt the rival wife. According to the opinion that invalid *halitza* must be repeated for both rival wives, one must say that the mishna used the more common singular form, but it actually means that he must perform *halitza* twice. This principle of the singular form of *halitza* used in place of the plural applies here and in similar cases.

אַחַת וּבְמֵה אַחַת לִיבָם אֶחָד, וְאַחַת שְׁתֵּי יְבָמוֹת לִיבָם אֶחָד. בִּיצֵר? עָשָׂה מֵאָמֶר בְּזוֹ וּמֵאָמֶר בְּזוֹ – צְרִיכוֹת שְׁנֵי גִטִּין וְחִלְיָצָה. מֵאָמֶר בְּזוֹ וּגֵט לְזוֹ – צְרִיכָה גֵּט וְחִלְיָצָה. מֵאָמֶר בְּזוֹ וּבִעַל אֶת זוֹ – צְרִיכוֹת שְׁנֵי גִטִּין וְחִלְיָצָה. מֵאָמֶר בְּזוֹ וְחָלַץ לְזוֹ – הָרֵאוּנוּהָ צְרִיכָה גֵּט.

The above principles apply both in cases of one *yevama* to one *yavam*, as well as in cases of two *yevamot* to one *yavam*. How so? If he performed levirate betrothal with this *yevama* and levirate betrothal with that one,^{NH} i.e., her rival wife, they require two bills of divorce, each for her own levirate betrothal, and *halitza* with one of them, to release them both from the levirate bond. If he performed levirate betrothal with this one and gave a bill of divorce to that one,^H the first woman requires a bill of divorce to cancel the levirate betrothal, and one of them must receive *halitza*.^N If he performed levirate betrothal with this one and engaged in intercourse with that one,^H they require two bills of divorce and he must perform *halitza* with one of them. If the *yavam* performed levirate betrothal with this one and performed *halitza* with that one,^H the first woman requires a bill of divorce.

HALAKHA

Levirate betrothal with this one and levirate betrothal with that one – מֵאָמֶר בְּזוֹ וּמֵאָמֶר בְּזוֹ: If a *yavam* performed levirate betrothal with one *yevama* and then he, or one of his brothers, performed levirate betrothal with her rival wife, each of the women requires a bill of divorce for the levirate betrothal, and the *yavam* must also perform *halitza* with one of them in order to exempt them both from levirate marriage (Rambam *Sefer Nashim, Hilkhot Yibbum* 5:14; *Shulhan Arukh, Even HaEzer* 170:6).

Levirate betrothal with this one and a bill of divorce to that one – מֵאָמֶר בְּזוֹ וּגֵט לְזוֹ: If a *yavam* performed levirate betrothal with one *yevama*, and subsequently he, or one of his brothers, gave a bill of divorce to her rival wife, he must give a bill of divorce for his levirate betrothal, and he or one of his brothers must perform *halitza* with one of them. Some authorities (*Tur*, citing *Tosafot*) rule that both require *halitza*

(Rambam *Sefer Nashim, Hilkhot Yibbum* 5:6; *Shulhan Arukh, Even HaEzer* 170:7).

Levirate betrothal with this one and engaged in intercourse with that one – מֵאָמֶר בְּזוֹ וּבִעַל אֶת זוֹ: If a *yavam* performed levirate betrothal with one *yevama* and he, or one of his brothers, engaged in intercourse with her rival wife, they both require a bill of divorce, and the *yavam* must perform *halitza* with one of them (Rambam *Sefer Nashim, Hilkhot Yibbum* 5:6; *Shulhan Arukh, Even HaEzer* 170:8).

Levirate betrothal with this one and performed *halitza* with that one – מֵאָמֶר בְּזוֹ וְחָלַץ לְזוֹ: If a *yavam* performed levirate betrothal with one *yevama* and he, or one of his brothers, performed *halitza* with the other one, the first woman requires a bill of divorce (Rambam *Sefer Nashim, Hilkhot Yibbum* 5:6; *Shulhan Arukh, Even HaEzer* 170:7).

Performed *halitza* and then proceeded to perform levirate betrothal – **חָלַץ וְעָשָׂה מֵאָמֶר**: According to Rashi, the mishna here returns to discuss the case of a single *yavam* and *yevama*, and it repeats this case in order to introduce the dispute between Rabbi Nehemya and the Rabbis. The Rashba and other commentaries claim that it is not necessary to define the case in this way, as this statement can apply to the cases of multiple *yevamin* and *yevamot* as well.

Halitza in the middle – חָלַץ בְּאֶמְצַע: Rashi explains that this refers to a *yavam* who gave a bill of divorce to one *yevama* and performed *halitza* with another *yevama*. If he afterward performs levirate betrothal to either of the women, it is not effective. *Tosefot HaRosh* takes issue with this example, as this *halitza* should not be considered in the middle, for there is nothing that must take place afterward. Instead, this is referring to a case where a *yavam* performed levirate betrothal followed by *halitza*. In that case he must afterward give a bill of divorce to cancel his levirate betrothal. Despite the fact that the *halitza* is considered to be in the middle as further action is demanded on his part, no other actions are effective after the *halitza*.

Nothing is effective after it – אֵין אַחֲרֶיהָ כָּלוּם: According to Rashi's comments on the mishna, in cases where the *yavam* engaged in intercourse at some stage, nothing is required after it, and she can be released with a bill of divorce without the need for *halitza* (see Maharsha). Other commentaries disagree and maintain that even according to Rabbi Nehemya, she needs *halitza* to release her from the levirate bond after invalid intercourse. The statement: There is nothing after it, only means that subsequent actions do not create a bond that would forbid him to marry her relatives. Rashi, in his commentary on the Gemara, concurs with this alternate explanation (Ramban).

גַּט לְזוֹ וְגַט לְזוֹ – צְרִיכוֹת הַיָּמֵנוּ חֲלִיצָה.
גַּט לְזוֹ וְבִעַל אֶת זֶה – צְרִיכָה גַּט וְחֲלִיצָה.
גַּט לְזוֹ וּמֵאָמֶר בּוֹ – צְרִיכָה גַּט וְחֲלִיצָה.
גַּט לְזוֹ וְחָלַץ לְזוֹ – אֵין אַחֵר חֲלִיצָה
כָּלוּם.

If the *yavam* gave a bill of divorce to this *yevama* and a bill of divorce to that one,^h they require *halitza* from him. If he gave a bill of divorce to this one and engaged in intercourse with that one,^h the latter requires a bill of divorce and *halitza*. If he gave a bill of divorce to this one and performed levirate betrothal with that one,^h the latter requires a bill of divorce and he must perform *halitza* with one of them. If the *yavam* gave a bill of divorce to this woman and performed *halitza* with that one,^h nothing is effective after *halitza*, and he cannot betroth the rival wife.

חָלַץ וְחָלַץ, אוֹ חָלַץ וְעָשָׂה מֵאָמֶר, נָתַן
גַּט וְבִעַל, אוֹ בִעַל וְבִעַל, אוֹ בִעַל וְעָשָׂה
מֵאָמֶר, נָתַן גַּט וְחָלַץ – אֵין אַחֵר חֲלִיצָה
כָּלוּם, בֵּין יָבֵם אַחֵר לְשֵׁתֵי יָבָמוֹת. בֵּין
שְׁנֵי יָבָמִין לְיָבָמָה אַחַת.

If he performed *halitza* with one *yevama* and then performed *halitza* with a second *yevama*, or he performed *halitza* with one *yevama* and then proceeded to either perform levirate betrothal,ⁿ give a bill of divorce, or engage in intercourse with a second; alternatively, he engaged in intercourse with one *yevama* and engaged in intercourse with the second *yevama*, or he engaged in intercourse with one *yevama* and proceeded to either perform levirate betrothal, give a bill of divorce, or perform *halitza* with the second, nothing is effective after *halitza* or intercourse. These *halakhot* apply both in cases of one *yavam* to two *yevamot*, as well as two *yevamin* to one *yevama*.

חָלַץ וְעָשָׂה מֵאָמֶר, נָתַן גַּט וְבִעַל, אוֹ
בִעַל וְעָשָׂה מֵאָמֶר, וְנָתַן גַּט וְחָלַץ –
אֵין אַחֵר חֲלִיצָה כָּלוּם, בֵּין בְּתוּחָה
בֵּין בְּאֶמְצַע בֵּין בְּסוֹף.

If he performed *halitza* with one *yevama* and then proceeded to either perform levirate betrothal, give a bill of divorce, or engage in intercourse with a second *yevama*; alternatively, he engaged in intercourse with one *yevama* and then proceeded to perform levirate betrothal, or give a bill of divorce, or perform *halitza* with a second *yevama*, nothing is effective after *halitza*, whether the *halitza* took place at the beginning, in the middle,ⁿ or at the end. All of these *halakhot* accord with the opinion of Rabbi Akiva, who maintains betrothal does not take effect on a woman who is forbidden due to the prohibition against betrothing a *yevama* after *halitza*.^h

וְהַבְּעִילָה, בְּזִמְנוֹ שְׁהִיא בְּתוּחָה – אֵין
אַחֲרֶיהָ כָּלוּם. בְּאֶמְצַע וּבְסוֹף – יֵשׁ
אַחֲרֶיהָ כָּלוּם. רַבִּי נְחֵמְיָה אוֹמֵר: אַחַת
בְּעִילָה וְאַחַת חֲלִיצָה, בֵּין בְּתוּחָה בֵּין
בְּאֶמְצַע בֵּין בְּסוֹף – אֵין אַחֲרֶיהָ כָּלוּם.

But with regard to intercourse, when it is at the beginning, i.e., the first act the *yavam* performed with his *yevama*, nothing is effective after it and any subsequent action is void. However, if it was performed in the middle, and similarly if it was performed at the end, i.e., after some other action that impairs the validity of his intercourse, something is effective after it.^h Rabbi Nehemya says: Both with regard to intercourse and *halitza*, whether performed at the beginning, in the middle, or at the end, nothing is effective after it.ⁿ If the *yavam* performed a valid action according to Torah law, any subsequent action is of no consequence according to *halakha*.

HALAKHA

A bill of divorce to this one and a bill of divorce to that one – גַּט לְזוֹ וְגַט לְזוֹ: If a *yavam* gave a bill of divorce to one *yevama* and he, or one of his brothers, gave a bill of divorce to her rival wife, he must perform *halitza* with one of them, and each *yavam* is forbidden to the relatives of the women to whom he gave a bill of divorce (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 5:15; *Shulhan Arukh*, *Even HaEzer* 170:1, 5).

A bill of divorce to this one and engaged in intercourse with that one – גַּט לְזוֹ וְבִעַל אֶת זֶה: If a *yavam* gave a bill of divorce to one *yevama* and he, or one of his brothers, engaged in intercourse with her rival wife, the latter requires a bill of divorce, and he must perform *halitza* with one of them (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 5:7; *Shulhan Arukh*, *Even HaEzer* 170:14).

A bill of divorce to this one and levirate betrothal with that one – גַּט לְזוֹ וּמֵאָמֶר בּוֹ: If a *yavam* gave a bill of divorce to one *yevama* and he, or one of his brothers, performed levirate

betrothal with her rival wife, the latter requires a bill of divorce, and he must perform *halitza* with one of them (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 5:9; *Shulhan Arukh*, *Even HaEzer* 170:11).

A bill of divorce to this one and performed halitza with that one – גַּט לְזוֹ וְחָלַץ לְזוֹ: If a *yavam* gave a bill of divorce to one *yevama* and he, or one of his brothers, performed *halitza* with her rival wife, nothing is necessary after *halitza* (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 5:14; *Shulhan Arukh*, *Even HaEzer* 170:14).

Actions after halitza – מַעֲשֵׂה לְאַחֵר חֲלִיצָה: If a *yavam* performed *halitza* with his *yevama* and afterward he, or one of his brothers, performed *halitza* with her rival wife or gave her a bill of divorce, this last action is of no consequence; the second *halitza* or bill of divorce does not render her relatives forbidden to him. However, if he or one of his brothers performed levirate betrothal with her rival wife or engaged in intercourse with her,

she requires a bill of divorce. The *halakha* does not follow the mishna, which is in accordance with the opinion of Rabbi Akiva (*Shulhan Arukh*, *Even HaEzer* 170:13).

מעשה לאחר ביאה – מַעֲשֵׂה לְאַחֵר בִּיאָה: If one of the brothers has relations with the *yevama*, any further nullifying action he or one of his brothers performs with her rival wife is of no effect; it does not render her relatives forbidden to him. However, if any disqualifying action preceded the intercourse, for example if he performed levirate betrothal with the rival wife or gave her a bill of divorce, the act of intercourse does not fully acquire the *yevama*, and she requires a bill of divorce. If at this stage a *yavam* performs levirate betrothal with another rival wife, it serves to forbid him to her relatives. The *halakha* is not in accordance with Rabbi Nehemya (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 5:9; *Shulhan Arukh*, *Even HaEzer* 170:12, 14).

One bill of divorce or one levirate betrothal – **גַּט אֶחָד** – **וּמֵאֵמַר אֶחָד**: Everyone agrees that a bill of divorce given to one *yevama* or levirate betrothal performed with one *yevama* serves to forbid the *yavam* to her rival wife and to render the relatives of the *yevama* prohibited to the one who gave the bill of divorce (Rambam *Sefer Nashim, Hilkhot Yibbum* 5:7; *Shulhan Arukh, Even HaEzer* 170:1).

NOTES

Halitza is also ineffective – **חֲלִיצָה נְמִי לֹא מְהַיְי** – *Tosafot* point out that the Sages did not decree that women in general should require *halitza* when being divorced from their husbands out of a concern that people will confuse the cases, as everyone knows that *halitza* is not relevant for most women. In the Jerusalem Talmud the *halakha* that only a bill of divorce is effective for a married woman, and not *halitza*, is derived from specific verses.

Because it is effective in general – **מִשּׁוּם דְּמַהֲנֵי בְּעֵלְמָא**: The Gemara does not suggest that people will mistakenly conclude that if levirate betrothal is not effective, regular betrothal is also not effective. Even according to the opinion that betrothal by money is not from the Torah, people betroth in this manner all the time and will not doubt its efficacy (Ritva).

A decree with regard to intercourse after a bill of divorce, etc. – **גְּזֵרָה בִּיבְיָא אַחַר הַגָּט כּוּי** – Even though the Sages already prohibited intercourse after a bill of divorce and required the *yavam* to perform *halitza*, they also saw fit to decree that invalid intercourse should not be completely effective, for otherwise the initial prohibition would not be upheld (Rashba; see Ritva).

In any situation like these let her continue performing *halitza* – **כָּל כִּי הִנֵּי תַחְלוּץ וְתִיזִיל** – Rashi explains this as a straightforward statement: It is of no concern to us if she performs *halitza* several times. The Rashba and the Ritva explain this as a question: Would a woman really perform *halitza* multiple times? With regard to intercourse it makes sense to institute a decree, lest he engage in intercourse after performing *halitza* with her rival wife, but with regard to *halitza* there is no reason to suppose one will want to perform *halitza* again; the *Nimmukei Yosef* offers a slightly different version of the same approach. These different interpretations have halakhic ramifications with regard to the issue of whether it is permitted to perform *halitza* with two *yevamot* (see *Beit Shmuel* and *Arukh LaNer*).

גַּמְ' עַד כָּאֵן לֹא פְּלִיגֵי אֶלְא בְּגֵט אַחַר גֵּט וּמֵאֵמַר אַחַר מֵאֵמַר, אֲבָל גֵּט אֶחָד בִּיבְיָמָה (וּמֵאֵמַר אֶחָד בִּיבְיָמָה) – מְהַיְי

מֵאֵי טַעְמָא אָמור רַבֵּנן גֵּט בִּיבְיָמָה מְהַיְי – מִשּׁוּם דְּמַהֲנֵי בְּעֵלְמָא. דְּאֵי אֲמַרְתָּ לֹא מְהַיְי, אֲמַרֵי: גֵּט לְהוֹצִיאָהּ וְחֲלִיצָה לְהוֹצִיאָהּ וּמִדְּגֵט לֹא מְהַיְי – חֲלִיצָה נְמִי לֹא מְהַיְי, וְאֵתֵי לְמִיבְעֵל אַחַר חֲלִיצָה.

וּמֵאֵי טַעְמָא אָמור רַבֵּנן מֵאֵמַר בִּיבְיָמָה מְהַיְי – מִשּׁוּם דְּמַהֲנֵי בְּעֵלְמָא. דְּאֵי אֲמַרְתָּ לֹא מְהַיְי, אֲמַרֵי: מֵאֵמַר לְקַנּוּת וּבִיבְיָא לְקַנּוּת, וּמִדְּמֵאֵמַר לֹא מְהַיְי – בִּיבְיָא נְמִי לֹא מְהַיְי וְאֵתֵי לְמִיבְעֵל אַחַר בִּיבְיָא.

וּמֵאֵי טַעְמָא אָמור רַבֵּנן בִּיבְיָא פְּסוּלָה יֵשׁ אַחֲרֶיהָ כְּלוּם ?

אֲמַרֵי: אֵי בִיבְיָא אַחַר הַגָּט הִיא – גְּזֵרָה בִּיבְיָא אַחַר הַגָּט מִשּׁוּם בִּיבְיָא אַחַר חֲלִיצָה, וְאֵי בִיבְיָא אַחַר מֵאֵמַר הִיא – גְּזֵרָה בִּיבְיָא אַחַר מֵאֵמַר מִשּׁוּם בִּיבְיָא אַחַר בִּיבְיָא.

וּמֵאֵי טַעְמָא אָמור רַבֵּנן הֵיא חֲלִיצָה פְּסוּלָה אֵין אַחֲרֶיהָ כְּלוּם – אֲמַרֵי: מֵאֵי לְגִזּוּר? נִגְזוּר חֲלִיצָה אַחַר הַגָּט מִשּׁוּם חֲלִיצָה אַחַר חֲלִיצָה – כָּל כִּי הִנֵּי תַחְלוּץ וְתִיזִיל!

GEMARA Rabban Gamliel and the Rabbis disagree only with regard to the efficacy of a bill of divorce performed after a bill of divorce and levirate betrothal performed after levirate betrothal, but one bill of divorce given to a single *yevama*, or one levirate betrothal performed with a single *yevama*,¹⁴ is effective. The bill of divorce prevents him from performing levirate marriage, and the levirate betrothal requires a bill of divorce to cancel it, in addition to *halitza*.

The Gemara elaborates: What is the reason that the Sages said that a bill of divorce is effective for a *yevama*, despite the fact that she is not his wife? This is because it is effective in general in cases of married women. For if you say that it is not effective in the case of a *yevama*, there are some who might mistakenly say the following: A bill of divorce is given to a woman in order to remove her from her husband, and *halitza* likewise serves to remove her from the *yavam*; since a bill of divorce is ineffective for this *yevama*, *halitza* is also ineffective^N and does not sever their relationship completely. And perhaps the *yavam* will come to engage in intercourse after *halitza*, which is forbidden by the Torah prohibition derived from the verse: “So shall it be done to the man who does not build his brother’s house” (Deuteronomy 25:9).

And what is the reason the Sages said that levirate betrothal is effective for a *yevama*? Because it is effective in general,^N as levirate betrothal is essentially an act of betrothal. For if you say that it is not effective, there are some who might mistakenly say: Levirate betrothal serves to acquire a woman and intercourse serves to acquire a woman in general, as women can be betrothed by intercourse; since levirate betrothal is ineffective in the case of a *yevama*, intercourse is also ineffective, i.e., it does not acquire a *yevama* completely. And he will therefore come to engage in intercourse with a rival wife after intercourse with the first *yevama*.

And what is the reason the Sages who disagree with Rabbi Neḥemya said that invalid intercourse, i.e., intercourse that follows any disqualifying action with the rival wife of a *yevama*, does not fully acquire the *yevama*, such that something is effective after it? In this case the invalid intercourse does not cancel the levirate bond, and therefore further action with the *yevama* is effective.

The Sages say: If this is intercourse performed after a bill of divorce, then it is considered invalid due to a rabbinic decree with regard to intercourse after a bill of divorce^N because of its potential confusion with a case of intercourse after *halitza*. The Sages established that invalid intercourse of this kind should not cancel the levirate bond completely, for if it did, then people might come to engage in intercourse after *halitza*, which would violate a Torah prohibition. And if this is intercourse performed after levirate betrothal, then it is considered invalid due to a rabbinic decree with regard to intercourse after levirate betrothal because of its potential confusion with a case of intercourse with the second *yevama* after intercourse with the first. If intercourse after levirate betrothal is effective, people might come to engage in intercourse with a second *yevama* after intercourse with a first, and this is forbidden as the woman is considered his brother’s wife who is not eligible for levirate marriage.

And what is the reason the Sages said with regard to this invalid *halitza* that nothing is effective after it? For they say: What is the reason that we should we issue a decree in that case? Should we issue a decree with regard to *halitza* performed after a bill of divorce due to a concern for *halitza* performed after *halitza*? In this case there is no concern, as there is no prohibition involved in repeating *halitza*. In any situation like these, let her continue performing *halitza*,^N for no harm is done if *halitza* is performed unnecessarily.

ליגזור חליצה אחר מאמר משום חליצה
אחר ביאה - אטו חליצה אחר מאמר
מי לא בעיא גט למאמר? חליצה אחר
ביאה נמי - בעיא גט לביאתו.

Alternatively, **should we issue a decree** stating that other actions are effective after *halitza* is performed **after levirate betrothal due to the concern for confusion with the case of *halitza* performed after intercourse?** In this case there is a concern that people will assume that no bill of divorce is required after intercourse so long as the *yavam* performed *halitza*. The Gemara challenges this concern: **Is that to say that in the case of *halitza* after levirate betrothal she does not require a bill of divorce for his levirate betrothal, such that one would conclude the same for *halitza* after intercourse?** In the case of *halitza* after levirate betrothal, the woman requires a bill of divorce, and similarly in the case of *halitza* after intercourse she likewise requires a bill of divorce for his intercourse. Thus, the same action performed following *halitza* after levirate betrothal is also performed following *halitza* after intercourse, and therefore there is no need to issue a further decree.

אמר רבא: **S** Rava said:

Perek V
Daf 51 Amud a

מאי טעמא דרבן גמליאל - דמספקא
ליה: גט, אי דחי אי לא דחי, מאמר, אי
קני אי לא קני. גט אי דחי אי לא דחי,
אי קמא דחי - בתרא מאי קעביד? אי
קמא לא דחי - בתרא נמי לא דחי.

What is the reason for the ruling of Rabban Gamliel that a bill of divorce is not effective after a bill of divorce? It is **because he is uncertain with regard to a bill of divorce whether it effectively precludes levirate marriage or whether it does not preclude levirate marriage.** Similarly, he is uncertain with regard to **levirate betrothal, whether it effectively acquires the *yevama* or does not acquire her at all.** The Gemara clarifies: With regard to a **bill of divorce, he is uncertain as to whether it precludes levirate marriage or does not preclude it. If the first bill of divorce precludes levirate marriage, what did he do by giving the latter bill of divorce, as it has no substance? Alternatively, if the first bill of divorce does not preclude levirate marriage, neither does the latter preclude levirate marriage.**

מאמר אי קני אי לא קני, אי קמא קני -
בתרא מאי קעביד? ואי קמא לא קני -
בתרא נמי לא קני.

Likewise, with regard to **levirate betrothal, he is uncertain as to whether it acquires the *yevama* or does not acquire her. If the first levirate betrothal effectively acquires the *yevama*, what does the last one accomplish? And if the first one does not acquire her, the last one also does not acquire her.** For this reason Rabban Gamliel maintains that a bill of divorce is not effective after a bill of divorce was given, and similarly levirate betrothal is not effective after levirate betrothal was performed.^N

NOTES

שיתות - The opinions of Rabban Gamliel and the Rabbis - רבן גמליאל וחכמים: The Jerusalem Talmud provides an analysis of Rabban Gamliel's opinion that is similar to the one found here. There it compares Rabban Gamliel's opinion to that of Rabbi Shimon, who maintains that levirate betrothal either acquires the *yevama* completely or it does not acquire her at all. The Jerusalem Talmud goes on to demonstrate, as Abaye argues here, that Rabban Gamliel must be of the opinion that levirate betrothal and a bill of divorce acquire her to a certain extent. The Rashba and others note that the Gemara here does not inquire into the reason behind the opinion of

the Rabbis. Despite the fact that the Gemara briefly states subsequently that the effects of levirate betrothal and a bill of divorce were instituted by the Sages, this sentence does not appear in all versions of the text and is mentioned only incidentally rather than as a full explanation. These commentaries explain that this is because the reasoning of the Rabbis is clear; it is Rabban Gamliel's opinion that requires elucidation. The Rabbis' opinion is that since levirate betrothal is a rabbinic institution, its effect is not complete, and thus both levirate betrothal and a bill of divorce can be effective even after levirate betrothal.