As Rav said that she is like a married woman who married another man based on testimony that her husband was dead and is therefore forbidden to the yavam, i.e., to her first husband, who is called the yavam after his brother married her. And Shmuel said that she is not like a married woman, and is permitted to him. This apparently contradicts Rav Yehuda’s ruling in the name of Shmuel that the halakha is in accordance with the opinion of Rabbi Yosei, as here too people might mistakenly think that the original betrothal included an unfulfilled condition and she should therefore be forbidden to him as the wife of his brother.

Abaye said to Rav Yosef: And from where do you know that when Shmuel said that the halakha is in accordance with the opinion of Rabbi Yosei, he was speaking of the explanation of Rabbi Yitzhak Nappaha with regard to Rabbi Yosei’s opinion? Perhaps he was speaking of the explanation of Rabbi Ami, that Rabbi Yosei is referring to the difference between one who married by permission of the court and one who did so based on the testimony of witnesses. And even if one accepts the claim that Shmuel’s ruling endorses the interpretation of Rabbi Yitzhak Nappaha, from where do you know that he was referring to the clause: One who disqualifies?

But perhaps Shmuel’s ruling in accordance with the opinion of Rabbi Yosei is referring to the ruling that he does not disqualify his brother-in-law’s wife to his brother-in-law, in a case where his wife and brother-in-law left. Alternatively, the contradiction can be resolved in the following manner: From where do we know that there is a reason to accept the explanation of Rav Huna with regard to the dispute between Rav and Shmuel? Perhaps there is no cause to agree with Rav Huna at all, and it can be explained that Rav and Shmuel disagree with regard to the statement of Rav Hammuna. As Rav Hammuna said: A widow waiting for her yavam who engaged in licentious sexual relations is forbidden to her yavam.

According to this interpretation, the dispute is as follows: As Rav said, she is like a married woman and she is therefore disqualified by licentious sexual relations. And Shmuel said that she is not like a married woman and is not disqualified by licentious sexual relations. And alternatively, one can explain that Rav and Shmuel disagree with regard to the issue of whether betrothal takes effect with a yavam: As Rav said, she is like a married woman with regard to all men other than her yavam, and therefore betrothal performed by anyone else does not takes effect with her. And Shmuel said that she is not like a married woman, and this means that betrothal does take effect with her.

The Gemara asks with regard to this last answer: How can the dispute be explained in this manner? But Rav and Shmuel already disagreed over this once. The Sages would certainly not record the same dispute twice. The Gemara answers: It is possible that they did not in fact disagree twice with regard to the same case. Rather, one ruling was stated by inference from the other. In other words, their dispute was recorded in two different ways, the second time by inference from their original dispute.
He married her... sister, etc. – Elav married Leah, who gave birth to Mahla. Elav subsequently died and Leah married Hetzon and gave birth to Noa. Hetzon proceeded to marry Mikhal, who bore Hogla. Hetzon died and Mikhal married Yoav and had a child called Tirtza. Yoav married Efrat who named her daughter Milka. Consequently, there are four sets of half sisters, e.g., Mahla and Noa, or Noa and Hogla, while the others, e.g., Mahla and Hogla, or Noa and Tirtza, are not sisters from either side.

**MISHNA**

Witnesses said to a husband: Your wife is dead, and he married her paternal sister; and witnesses subsequently told him that his second wife was dead and he married her maternal sister; afterward witnesses said that this one too was dead and he married her paternal sister; finally they told him that she was dead and he married the last woman's maternal sister, and then they were all discovered to be alive. In this case he is permitted to his first wife, and to the third and to the fifth. Since these women are not sisters, his betrothal to them is effective. Consequently, if he died and one of them entered into levirate marriage, they exempt their rival wives.

But he is forbidden to the second and fourth wife, each of whom is the sister of his original wife. Therefore, if he passed away and the yevamah had relations with one of them, his relations with any one of them does not exempt her rival wife, as she was forbidden to his brother, which means there was no mitzva of levirate marriage here at all.

And if he had relations with the second woman in the aforementioned list after the death of the first, i.e., the first one indeed died but the other rumors were all false, in that case he is permitted to the second and the fourth, who are his lawful wives, and they exempt their rival wives, and he is forbidden to the third and the fifth, the sisters of the women married to him, and the sexual relations of the brother with any one of them does not exempt her rival wife.

The mishna addresses a different issue: If a boy aged nine years and one day had relations with his yevama he thereby disqualifies his brothers from levirate marriage, despite the fact that as a minor he has not acquired the yevama through this act of intercourse, and the brothers likewise disqualify the woman from him if they have intercourse with the yevama. However, there is a difference between them, as he disqualifies them only if he engaged in relations with her first, and the brothers disqualify him whether they had relations first or last.

The mishna explains: How so? A boy aged nine years and one day who had relations with his yevama has disqualified his brothers, as they are no longer eligible to marry her. If his brothers had relations with her, or performed levirate betrothal with her, or gave her a bill of divorce, or performed halitza with her, they permanently disqualify him from engaging in relations with her.
The Gemara states: And if he had relations with the second after the death of the first.

The Gemara asks: Is that to say that all of them, all the other cases in the mishna, are not dealing with a situation after the death of the first woman? The entire case starts with the report: Your wife is dead. Rav Sheshet said: After the definite death of the first one. In other words, the mishna means that this did not follow a mere rumor that she was dead, but it was positively established that she had actually died.

The mishna teaches that a boy aged nine years and one day who had relations with his yevama has disqualified her from his brothers.

They say in response: The intercourse of a nine-year-old disqualifies his brothers even if it happens last; however, in the case of a boy who merely performed levirate betrothal with her, if he did so first he disqualifies his brothers, whereas if he was last, he does not disqualify his brothers. The Gemara asks: And do the sexual relations of a nine-year-old disqualify his brothers even when performed last? But isn’t it taught in the mishna: However, he disqualifies them only if he was first, and the brothers disqualify him whether they were first or last. How so? A boy aged nine years and one day who had relations with his yevama has disqualified his brothers. The example the mishna uses for a boy who disqualifies his brothers first is an act of intercourse.

The Gemara answers: The mishna is incomplete and this is what it is teaching: With regard to a boy aged nine years and one day, he disqualifies his brothers first, and they disqualify him first and last. In what case is this statement said? This is said with regard to levirate betrothal, i.e., if they performed levirate betrothal with her. However, if the minor had relations with her, he disqualifies them even if he did so last. How so? If a boy aged nine years and one day had relations with his yevama after his brother performed levirate betrothal with her, he has disqualified his brothers.

The Gemara asks: And does a nine-year-old boy have the ability to perform levirate betrothal at all that would have any effect with regard to the eligibility of his brothers in levirate marriage? But isn’t it taught in a baraita: With regard to a boy aged nine years and one day, he disqualifies the yevama to his brothers in one way, and the brothers disqualify him in four ways. How so? He disqualifies the brothers by relations, i.e., the yevama is forbidden to the other brothers if she has sexual relations with him, and the brothers disqualify him by relations, by levirate betrothal, by a bill of divorce, and by halitza. The tanna does not mention the levirate betrothal of a minor at all.

The Gemara rejects this claim: No proof can be derived from that source, as with regard to the sexual relations of a minor, which disqualifies his brothers whether it came first or last, the tanna can teach a definite ruling, i.e., he can state this halakha in an unambiguous and unqualified manner. Conversely, with regard to the levirate betrothal of a minor, which if it occurred first disqualifies his brothers but if it happened last, after one of the brothers performed levirate marriage with her, it does not disqualify them, the tanna cannot teach it in a definite and unqualified manner, but would have to elaborate and explain the precise circumstances. Therefore he omitted this case entirely.
The Gemara asks: And does Rabbi Meir hold that a minor boy has the ability to give a bill of divorce? But isn’t it taught in a baraita: They established the sexual relations of a nine-year-old like a levirate betrothal performed by an adult. Rabbi Meir says: They established the ḥalitza of a nine-year-old like a bill of divorce of an adult. The Gemara explains the difficulty: And if it is so, let Rabbi Meir teach: They established the ḥalitza of a nine-year-old like his own bill of divorce, 6 as he too can give a yevama a bill of divorce. Rav Huna, son of Rav Yehoshua, said: He does have the ability to give a bill of divorce, but it is less powerful than the bill of divorce of an adult yevamah, as explained by Rav Huna below.

Rav Huna, son of Rav Yehoshua, elaborates: According to the opinion of Rabban Gamliel, who said that there is no bill of divorce after a bill of divorce for a yevama, i.e., if one of the brothers gave her a bill of divorce, no bill of divorce given later by a different brother is of any significance, this applies only when the bill of divorce was given by an adult after an adult, or by a minor after a minor. However, if an adult gave a bill of divorce after a minor, the bill of divorce of the adult is effective and disqualifies the yevama, as the bill of divorce of a minor is of less importance.

According to the opinion of the Rabbis, who say that there is a bill of divorce after a bill of divorce, this applies only to the case of an adult after an adult, or to a minor after a minor. However, they too agree that the bill of divorce of a minor after an adult is not effective, as a minor’s bill of divorce is certainly weaker than that of an adult. For this reason Rabbi Meir said that they established the ḥalitza of a nine-year-old like a bill of divorce of an adult, to emphasize that a subsequent bill of divorce of a minor is of no account.

NOTES

Holitza and a bill of divorce by a minor – רבי יהודה אומר不准 ḥalitza מ创客א אביו. The opinions of Shmuel and Rav Yehudah can be explained in two ways. Most commentators maintain that their statements apply only to the opinion of Rabbi Meir, whereas the Rabbis claim that even the Rabbis, who dispute Rabbi Meir’s opinion, concede that a minor may perform ḥalitza, levirate betrothal, or give a bill of divorce. In contrast, others claim that even the Rabbis, who dispute Rabbi Meir’s opinion, concede that a minor may perform ḥalitza, levirate betrothal, or give a bill of divorce. However, they maintain that these actions are not as powerful as his sexual relations, as they disqualify the brothers only if they are performed first (Rabbeinu Yeruham). It has also been noted that the Rambam, who states in his Commentary to the Mishna that a minor can both perform ḥalitza and give a bill of divorce, apparently later retracted this ruling in the Mishne Torah, in favor of the opinion of the Rabbis.

They established the sexual relations of a nine-year-old like a levirate betrothal – מ创客א אביו. Rashi here, followed by most commentators, maintains that by Torah law the sexual relations of a minor does not acquire the woman. Yet as his intercourse is significant with regard to prohibitions, since if she is an adult she is liable to be punished on his account and is also barred from marrying into the priesthood, the Sages were stringent with regard to the intercourse of a minor with a yevama and ruled that it is like a levirate betrothal. Conversely, the Ramban understands in the opposite manner. He cites support for his opinion from Rashi on tractate Kiddushin 19a, who claims that the relations of a nine-year-old with his yevama is a fully valid acquisition by Torah law, but the Sages decreed that it should be considered merely like levirate betrothal. His reasoning is that although a minor cannot marry a woman by means of sexual relations, this is because he is not legally competent. In the case of a yevama, by contrast, as her acquisition does not require legal competence, any intercourse, including that with a nine-year-old, serves to acquire the yevama.

Let him teach, like his own bill of divorce – מ创客א אביו. The Riva is puzzled by the wording of the Gemara here, as the entire halakha that a bill of divorce can be given to a yevama is apparently merely a decree due to halitza. How, then, can halitza be dependent on a bill of divorce? He suggests two answers. First, the language is indeed imprecise, as the main idea is that a minor’s bill of divorce and halitza are equivalent. Alternatively, his bill of divorce is in fact preferable to his halitza. The reasoning behind this claim is that as he writes a valid bill of divorce he has performed a more important action than halitza, which cannot cancel a regular marriage. Other commentators add that this bill of divorce must have been written by the minor himself, as he does not have the legal capacity to appoint a scribe as his agent to do so on his behalf (Meiri).
MISHNA If a boy aged nine years and one day had sexual relations with his yevama, and afterward his brother, who is also nine years and one day old, had relations with her, the second disqualifies her. If a minor aged nine years and one day had relations with her yevama, and afterward that same boy had relations with her rival wife, he thereby disqualifies her to himself, and both women are now forbidden to him. Rabbi Shimon says he does not disqualify her.

GEMARA It is taught in a baraita that Rabbi Shimon said to the Rabbis: If the first sexual act of a nine-year-old is considered a proper act of sexual relations, then the second act is not an act of consequence, just as the intercourse of one adult yavam after that of another adult yavam is of no effect. And if you say that the first sexual act is not considered a sexual act, the second act of himself or his brother is also not a sexual act. However, the Rabbis maintain that as the intercourse of a nine-year-old is like a levirate betrothal, one sexual act can take effect after another.

The Gemara comments that according to this explanation, the mishna is not in accordance with the opinion of ben Azzai. As it is taught in a baraita that ben Azzai says: There is levirate betrothal after levirate betrothal in a case of two yevamin and one yevama. In other words, if they both performed levirate betrothal with her, their actions are effective and she is forbidden to them both. The reason is that she has ties to each of the two men, which means that each levirate betrothal is effective in forbidding the other man.

But there is no levirate betrothal after a levirate betrothal in a case of two yevamot and one yevam, as the yevam did not have a full-fledged levirate bond with both of them. Therefore, if he performs a levirate betrothal with one of them, he has completed the bond. In contrast, the conclusion of the mishna is that the sexual relations of a nine-year-old with two yevamot is effective, and as the intercourse of a boy of this age is considered like a levirate betrothal the tanna of the mishna evidently maintains that there is levirate betrothal after levirate betrothal even in a case of one yevam.

MISHNA If a boy aged nine years and one day had relations with her yevama, and died, that yevama performs halitza and may not enter into levirate marriage. If the minor married a woman in a regular manner and died, she is exempt from levirate marriage and halitza, as by Torah law a minor cannot marry. If a boy aged nine years and one day had relations with his yevama, and after he matured he married a different woman and then died childless, if he did not carnally know the first woman after he matured, but only when he was a minor, the first one performs halitza and may not enter into levirate marriage, as she is in essence a yevama who had relations with a minor, and the second woman either performs halitza or enters into levirate marriage, as she is his full-fledged wife.

Rabbi Shimon says: The brother consummates levirate marriage with whichever woman he chooses, and performs halitza with the second one. The mishna comments: This is the halakha both for a boy who is nine years and one day old, and also for one who is twenty years old who has not developed two pubic hairs. He has the status of a nine-year-old boy in this regard, as his intercourse is not considered a proper act of intercourse.
They certainly did – אֶת בָּשָׂם וַתְּשָׁוָה. This is an expression of emphasis and confirmation. Some commentators explain that not only did the Sages establish the intercourse of a minor to be like levirate betrothal with regard to the disqualification of a yevama, they also did so for the other halakhah of levirate betrothal, such as a widow of two deceased husbands (Ritva).

This is a dispute between tanna’im – עַד שֶׁלֹּא נַעֲשֶׂה. Some commentators explain that this dispute is derived from the question of whether the halakha that the wife of two deceased husbands cannot enter into levirate marriage applies by Torah law, as maintained by one opinion in the Gemara, or whether it is a decree of the Sages. Consequently, the dispute between tanna’im is whether the Sages can enact a decree due to this prohibition, or if it would constitute a decree issued to prevent violation of another decree (Tosefta HaRosh, Ritva, citing Tosafot). The Ritva maintains that the issue is whether this situation is common enough for the Sages to enact another decree on account of it, or whether it is an unusual case to which the Sages did not apply their decree.

HALAKHA

They certainly did – אֶת בָּשָׂם וַתְּשָׁוָה: The sexual act of a boy aged nine years and one day is like the levirate betrothal of an adult in all regards, both concerning the disqualification of the yevama from marriage to others as well as the fact that it prevents her rival wife from performing levirate marriage. The halakha is in accordance with the opinions of Shmuel and Rabbi Yoḥanan, as the halakha follows Rabbi Yoḥanan in his disputes with Rav (Shuṭhan Arukh, Even HaEzer 167:1).

GEMARA

If a brother performed levirate betrothal with a yevama and died, she has a levirate bond in relation to the remaining brothers from two deceased brothers. Rava said: With regard to that which the Rabbis said, that when the bond of two yevamot exists, she performs halitza and she does not enter into levirate marriage, you should not say that this applies only when there is a rival wife, as there is reason to decree due to a rival wife. The suggestion is that as the rival wife can enter into levirate marriage by Torah law, if the woman who performed levirate betrothal with the second brother was also permitted to enter into levirate marriage, people might mistakenly permit levirate marriage to two rival wives from the same family.

The proof that this is not the case is that here, in the first clause of the mishna, there is no rival wife, as it is referring to one woman, which means that this yevama who had relations with the nine-year-old is tied by the bonds of both her first husband and the undergar yevam, whose intercourse is like levirate betrothal, and even so she performs halitza but she does not enter into levirate marriage.

§ The mishna teaches that if a nine-year-old boy married a woman and died, she is exempt from levirate marriage and halitza. The Gemara comments: We already learned this, as the Sages taught in a baraita: With regard to an imbecile and a minor who married women and died, their wives are exempt from halitza and from levirate marriage, as the marriage of a minor or an imbecile is of no account.

§ The mishna further teaches the case of a nine-year-old boy who had relations with his yevama and after he matured married another woman. The Gemara asks: And let the Sages at least establish the sexual relations of a nine-year-old to be like the levirate betrothal of an adult, and it would therefore override the requirement of the rival wife to enter into levirate marriage, in accordance with the halakha of the rival wife of a woman who has the bond of two yevamot. Rav said: They did not establish the intercourse of a nine-year-old to be like the levirate betrothal of an adult in all regards, and Shmuel said: They certainly did.40 And similarly, Rabbi Yoḥanan said: They certainly did.

If so, the question remains: And let them establish the sexual relations of a nine-year-old to be considered like levirate betrothah. Why is he able to perform levirate marriage with her rival wife? The Gemara answers: This is a dispute between tanna’im.44 This tanna who discusses the case of four brothers, one of whom died, followed by the brother who performed levirate betrothal with the yevama (31b), he maintains that the yevama and her rival wife may not perform levirate marriage with one of the surviving brothers. The reason is that he maintains that the Sages decreed that a woman who has the bond of two deceased brothers may not perform levirate marriage due to a rival wife. They must both perform halitza so that people will not say that two yevamot from one family can perform levirate marriage.

And that tanna taught us this halakha with regard to an adult brother who performed levirate marriage, and the same is true of a minor who had relations with her. And the reason that he stated the case of an adult in particular is because he was referring to an adult.

And conversely, this tanna, of the mishna here, holds that they established the sexual relations of a minor entirely like the levirate betrothal of an adult, and he maintains that the Sages did not decree that a woman who has the bond of two deceased brothers may not perform levirate marriage due to the case of a rival wife. And he taught us this halakha with regard to a minor, and the same is true of an adult. And the reason that he stated the case of a minor in particular is because he was referring to a minor.
Rabbi Yohanan was angry – מִצְחַק יַעֲקֹב: One explanation is that Rabbi Yohanan was more particular in this regard than other Sages because he had no sons, and he wanted his memory at least to be preserved through his statements (b Binyamin).

I would be surprised, etc. – וַיְבָא יַעֲקֹב דִּקֵּי: Some commentators explain the connection between this incident and the ensuing punishment, when the synagogue turned into a place of idol worship, in light of the statement of the Sages that whoever grows angry is like one who worshiped idols. Since the dispute between the scholars led to such rage, that place is clearly unworthy of serving as a study hall, as Torah should be studied in an atmosphere of peace and love (Maharsha).

Even colleagues – וַיְבָא יַעֲקֹב דִּקֵּי: Some commentators explain that Rabbi Yohanan was also attuned at the attitude of these two students, who were implicitly reproving Rabbi Yohanan. It is inappropriate for disciples to take a stance of this kind against their rabbi (Iyun Yoslak).

Joshua, with regard to every matter that he said, etc. – יְהוֹשֻׁﬠ הָיָה לָחוּ נַמִּי: Although there is a difference between the two cases, as Joshua could speak only in Moses's name, as the Jews had no other teacher at the time, it was nevertheless possible for people to assume that Joshua was stating his own ideas. This source therefore serves as proof that just as Joshua was not concerned about this error, so too Rabbi Elazar, who was Rabbi Yohanan's most prominent student, was presumably issuing only those rulings he learned from his rabbi (Maharsha).

BACKGROUND
A bolt and a knob – גְּלוּסְטְרָא וַדָּבָר: Rabbi and other commentaries explain that this refers to a bolt placed in the bottom of a door, which keeps the door closed when it is inserted into a hole in the threshold. Others claim that it is a bar inserted through rings that serves to hold two doors together (Rambam). With regard to the knob, some maintain that it is the thick part of the bolt that can also be used for pounding and is therefore a kind of vessel (Rashi; Meni). Others explain that the end of the bolt has a special part shaped like a pomegranate or a square, which signifies that this bar is no longer a crossbeam but has been permanently changed into a vessel (Rambam). Still other commentators claim that the knob is a kind of key, located on the thin end of the bolt (Rabbi Zerauya Halevi).

LANGUAGE
Knob (גְּלוּסְטְרָא) – אֲסַפֵּר: From the Greek κλαυστρον, kleistron, or the Latin claustrum, meaning lock.

HALAKHA
A bolt that has a knob at its end – דָּבָר וַגְּלוּסְטְרָא: A bolt for locking a door by insertion into the ground may not be used on Shabbat unless it was tied fast to the door. If it had a knob on its end, i.e., a thick attachment, it does not have to be tied fast. Rather, even if it was secured with any kind of rope, and even if it was placed on the ground, one may lock the door with it, as it has the status of a vessel (Shulhan Arukh, Ohot Hayyim 313).

Rabbi Yaakov bar Idi – יַעֲקֹב לָחוּ נַמִּי: Rabbi Yaakov bar Idi, an amos from Eretz Yisrael, was one of the most prominent disciples of Rabbi Yohanan. It seems that Rabbi Yaakov bar Idi studied Torah from some of the most important amora'im of the first generation of amora'im in Eretz Yisrael, such as Rabbi Yehoshua ben Levi and others. When he became Rabbi Yohanan's close disciple he was already a distinguished Torah scholar. Some say that he was even a disciple-colleague of Rabbi Yohanan.

PERSONALITIES

Rabbi Elazar went and said this halakha in the study hall, but he did not state it in the name of Rabbi Yohanan. Instead, he issued the halakha without attribution. Rabbi Yohanan heard that Rabbi Elazar omitted mention of his name and became angry with him. Rabbi Ami and Rabbi Asi visited Rabbi Yohanan, to placate him so that he would not be annoyed with his beloved disciple. They said to him: Wasn’t there an incident in the synagogue of Tiberias involving a bolt that secures a door in place and that has a thick knob (geluster)? Said he at its end? The question was whether it may be moved on Shabbat as a vessel, or whether it is considered muktzate as raw material.

And it was stated that Rabbi Elazar and Rabbi Yosei argued over this case until they became so upset with each other that they tore a Torah scroll in their anger. The Gemara interrupts this account to clarify exactly what happened: Tore? Can it enter your mind that such great Sages would intentionally tear a Torah scroll? Rather, you must say that a Torah scroll was torn through their anger. In the heat of their debate they pulled the scroll from one side to another until it tore. And Rabbi Yosei ben Kisma, who was there at the time, said: I would be surprised if this synagogue does not become a place of idolatrous worship. This unfortunate event is a sign that this place is unsuitable for a synagogue. And indeed this eventually occurred.

Rabbi Ami and Rabbi Asi cited this baraita to hint to Rabbi Yohanan how careful one must be to avoid anger. However, Rabbi Yohanan grew even angrier, saying: You are even making us colleagues now? Those two Sages were peers, whereas Rabbi Elazar is merely a student.

Rabbi Yaakov bar Idi visited Rabbi Yohanan and said to him: The verse states: “As God commanded His servant Moses, so did Moses command Joshua, and so did Joshua, he left nothing undone of all that the Lord commanded Moses” (Joshua 11:16). Now did Joshua, with regard to every matter that he said, say to the Jews: Thus Moses said to me? Rather, Joshua, would sit and teach Torah without attributing his statements, and everyone would know that it was from the Torah of Moses. So too, your disciple Rabbi Elazar sits and teaches without attribution, and everyone knows that his teaching is from your instruction. Hearing this, Rabbi Yohanan was appeased.

Later, after calming down, he said to Rabbi Ami and Rabbi Asi: Why don’t you know how to appease me like our colleague ben Idi? The Gemara asks: And Rabbi Yohanan, what is the reason that he was so angry about this matter? The Gemara answers that this is as Rav Yehuda said that Rav said: What is the meaning of that which is written: “I will dwell in Your tent in worlds” (Psalm 61:3), literally, forever? And is it possible for a person to live in two worlds simultaneously? Rather, David said before the Holy One, Blessed be He: Master of the Universe, let it be Your will.