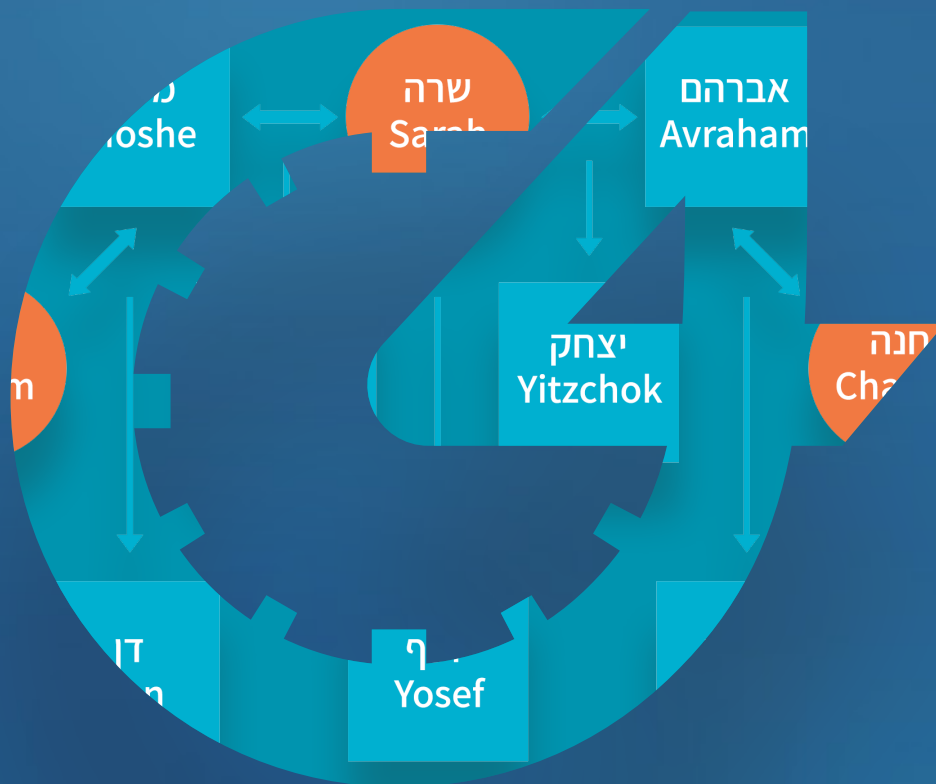


TIME MISHNA

MASECHES YEIVAMOS



Summaries, key terms, overviews, tests,
diagrams and other chazara aids

TIME 4 MISHNA

mikra

יבמות

כִּי־יֵשְׁבוּ אֲחִים יַחְדָּו וּמָת אֶחָד מֵהֶם וּבֶן אֵין־לּוֹ לֹא־תִהְיֶה אִשְׁת־הַמֶּת הַחוּצָה
לְאִישׁ זָר יִבְמָה יָבֵא עָלֶיהָ וּלְקַחְתָּהּ לוֹ לְאִשָּׁה וַיִּבְמָה:
וְהָיָה הַבְּכוֹר אֲשֶׁר תֵּלֵד יָקוּם עָלֵשֶׁם אַחִיו הַמֶּת וְלֹא־יִמָּחַה שְׁמוֹ מִיִּשְׂרָאֵל:
וְאִם־לֹא יִחַפֵּץ הָאִישׁ לְקַחַת אֶת־יִבְמָתוֹ וְעָלְתָה יִבְמָתוֹ הַשְּׂעֵרָה אֶל־הַזִּקְנִים וְאָמְרָה
מֵאִין יִבְמִי לְהָקִים לְאִחִיו שֵׁם בְּיִשְׂרָאֵל לֹא אָבָה יִבְמִי:
וְקִרְאוּ־לוֹ זִקְנֵי־עִירוֹ וּדְבָרוּ אֵלָיו וְעָמַד וְאָמַר לֹא חָפַצְתִּי לְקַחְתָּהּ:
וּנְגִשָּׁה יִבְמָתוֹ אֵלָיו לְעִנִּי הַזִּקְנִים וְחָלְצָה נָעֻל מֵעַל רַגְלוֹ וִירְקָה בְּפָנָיו וְעָנְתָה
וְאָמְרָה כִּכָּה יַעֲשֶׂה לְאִישׁ אֲשֶׁר לֹא־יִבְנֶה אֶת־בֵּית אִחִיו:
וְנִקְרָא שְׁמוֹ בְּיִשְׂרָאֵל בֵּית חָלוּץ הַנָּעֹל:
(במדבר כה:י-יז)

“When brothers will live together and one of them dies without a child, the wife of the dead man shall not be for a strange man, rather her **יבם** shall have relations with her and he will take her for himself as a wife and perform **יבום** with her.

The oldest one to whom she will give birth shall stand by name of his dead brother, and his name won't be erased from the Jewish People.

And if he will not desire to take his **יבמה**, then her **יבמה** should go up towards the gate to the elders and she shall say: “My **יבם** has refused to establish a name for his brother in the Jewish People; my **יבם** doesn't want to perform **יבום** with me.”

The elders of his city shall call him and speak to him, and he will stand up and say: “I do not desire to take her”.

His **יבמה** shall draw near to him in front of the eyes of the elders, remove his shoe from his foot and spit in front of him. She shall declare and say: “Such shall be done to the man who will not build his brother's household.”

His name shall be called amongst the Jewish people ‘the house of the one whose shoe was taken off’.

TIME 4 MISHNA

overview

יבמות

1. When **יבום** should/should not be done
(1-5;
10:6-10.9; 12)

- ✓ The exemption of an **ערוה** and her **צרה**
 - Exempt also from **חליצה** - **נאסרה**
- ✓ Forbidden **יבום** to perform **מדרבנן**
 - **איסור קדושה** - **איסור מצוה**
 - After a **גט** or another **יבמה/יבם's** **מאמר**
 - Definition of a **ממזר** - **אחות זקוקתו**
- ✓ Waiting 3 months
- ✓ 9-12 year old boy
- ✓ **חליצה** process

2. Results of **חליצה** and **יבום**
(4)

- ✓ If she is found to be pregnant
- ✓ Inheritance
- ✓ Marrying the relatives of the **יבמה/חלוצה**

3. Forbidden marriages
(2:8-10;
6-11.2)

- ✓ Due to suspicion
- ✓ Who a **כהן/כהן גדול** is forbidden to marry
 - **זונה** - **Divorcee** - **Non-בתולה**
 - **חללה** and **חלל** - Who may eat **תרומה**
- ✓ Converts from **אדום, מצרים, מואב, עמון**
- ✓ **סריס**
- ✓ Remarrying based on mistaken testimony
 - Married woman's punishments
 - Marrying one's wife's sister
 - **תקנת עגונות** - Criteria for testimony

4. The doubtful identity of a child
(11.3-11.7)

- ✓ Unknown mother or father
- ✓ Mother-in-law and daughter-in-law
- ✓ **כהן** and slave

5. **מדרבנן** marriages
(13-14)

- ✓ **מיאון**
- ✓ **קטנה**
- ✓ **חרשת** and **חרש**

TIME 4 MISHNA

key terms

יבמות

Rules:

- כל שאינה עולה ליבום, אינה עולה לחליצה** - A woman who is exempt from **יבום** is also exempt from **חליצה**
- הואיל ונאסרה עליו שעה אחת, נאסרה עליו עולמית (נאסרה)** - Once a **יבמה** becomes forbidden once to a **יבם**, she remains forbidden forever
- עשה דוחה לא תעשה** - A positive **מצוה** overrides an **עבירה**
- אין אדם משים עצמו רשע** - Confession is invalid testimony since a **רשע** cannot give testimony
- פלגינן דיבוריה** - The contents of one's speech/testimony can be split up and only partly accepted
- לא פלוג רבנן** - The **חכמים** don't make exceptions within their decrees decrees **מדרבנן** require strengthening so that people don't violate them
- דברי סופרים צריכים חיזוק** - Decrees **מדרבנן** require strengthening so that people don't violate them

Concepts and terms:

- שומרת יבם/יבמה/זקוקה** - The widow of the dead man who must perform **יבום** or **חליצה**
- יבם** - The brother of the dead man who must perform **יבום** or **חליצה**
- זיקה** - The weak marital bond between the **יבם** and **יבמה**
- אחות זקוקתו** - The sister of one's **יבם**
- ערוה** - A woman whom one is forbidden to marry due to being related
- איסור מצוה** - An **ערוה מדרבנן**, e.g. one's grandmother
- איסור קדושה** - A woman who one is forbidden to marry **מדאורייתא** but not due to being related, e.g. a **כהן** and divorcee
- צרה** - A woman who is married to the same man as another woman
- מיאון** - When a girl under the age of **בת מצוה** gets married on a **מדרבנן** level after her father died and she takes the option of dissolving the marriage before becoming **בת מצוה**
- אילונית** - A woman who is unable to have children

TIME 4 MISHNA

key terms

יבמות

צרה - A woman who is married to the same man as another woman

מיאון - When a girl under the age of **בת מצוה** gets married on a **מדרבנן** level after her father died and she takes the option of dissolving the marriage before becoming **בת מצוה**

אילונית - A woman who is unable to have children

מאמר - **קידושין** (acquiring a woman) with money or a document which a **יבם** must do **מדרבנן** before **יבום**

ממזר - One who is born from illegal relations

קרבת אשם תלוי - The **קרבת** which must be offered when there is a doubt whether one is liable to a **חטאת קרבן**

- **נכסי מלוג** - Property which belongs to a woman from which her husband may benefit
- **נכסי צאן ברזל** - Property which a woman brings into a marriage and is considered the property of her husband

כתבה - The document written at the time of marriage entitling the woman to an amount of money upon being divorced or widowed

ביאה פסולה - **יבום** which is forbidden so doesn't work

בוגרת - A woman who is over the age of 12½ and has fully matured

בתולה - A woman who has never had relations with another man

מכת עץ - A woman who lost her features of being a **בתולה** due to an injury

זר - Non-**כהן**, who is forbidden to eat **תרומה**

זונה - A woman who has had illegal relations so is forbidden to marry a **כהן** or eat **תרומה**

- **סריס חמה** - A man who was born without the ability to have children
- **סריס אדם** - A man who lost the ability to have children during his life, e.g. **פצוע** (one whose male organ has been crushed) or **כרות שפכה** (one whose tip of his male organ has been totally cut off)
- **טמטום** - One who has neither male nor female signs due to them being covered by skin
- **אנדרוגיניוס** - One who has both male and female signs

TIME 4 MISHNA

key terms

יבמות

- **חלל** - One who is born from a כהן's forbidden marriage, e.g. to a divorcee
- **חללה** - A woman who is born from a כהן's forbidden marriage or who has relations with a חלל

תקנת עגונות - Leniencies which apply in order to allow a woman whose husband is missing to remarry

סוטה - Intentional adulteress

כתבת בנין דכרין - A condition written in the כתבה that her כתבה money and property which her husband inherits from her shall be inherited when he dies only by his sons which he had with her

מחזיר גרושתו - The prohibition to remarry one's divorcee after she remarries somebody else מדאורייתא in the interim

שתי שערות - 2 hairs around the male organ which indicates maturity

קן וחומש - Paying the value of something plus a fifth, e.g. when a זר eats תרומה

בכור - Firstborn animal, which must be given to a כהן

קרבן מנחה - Offering of flour

קומץ - 3-fingers handful (usually associated with the flour of a קרבן מנחה)

אונן - One whose relative has died that day and if he is a כהן may not serve in the קרבנות בית המקדש or eat קרבנות

משמר - One of the 24 groups of כהנים which would serve in the בית המקדש for one week at a time

נדר - A vow not to benefit from something/someone










- **חרש/חרשת** - Deaf and dumb man/woman
- **פקח/פקחת** - Normal man/woman who can speak and hear

TIME MISHNA

diagrams

יבמות

KEY

-  Parents
-  Male
-  Female
-  Child
-  Possible child
-  Married
-  יבום
-  חליצה
-  Died / divorced

TIME 4 MISHNA

summaries

יבמות

- The exemption of an ערוה and her צרה from יבום and חליצה:

- **בית שמאי**: If שמעון's brother ראובן dies without children but שמעון's wife is an 'ערוה' – woman whom one is forbidden to marry due to being related – towards ראובן, she is exempt from יבום and חליצה, since 'כל שאינה עולה ליבום אינה עולה לחליצה' – a woman who is exempt from יבום is also exempt from חליצה.

בית הלל: The same applies to her 'צרה' – woman who is married to the same man.

→ If there is another brother לוי, he must perform יבום or חליצה with one of שמעון's wives, until which they may not marry anybody else due to the 'זיקה' – weak marital bond between a 'יבם' (brother of the dead man) and 'שומרת' (widow of the dead man).

- If לוי performs יבום with one of שמעון's wives and then dies, she is exempt since 'הואיל ונאסרה עליו שעה אחת, נאסרה עליו עולמית' – once a יבמה becomes forbidden once to a יבם, she remains forbidden forever – unless there is another brother other than ראובן.

→ The 15 עריות to which this applies are:

Daughter; daughter of one's son/daughter/wife/wife's son/wife's daughter; mother-in-law and her mother; father-in-law's mother; maternal sister; mother/wife's sister; maternal brother's wife; the wife of one's brother who died without children before he was born; daughter-in-law.

→ If before שמעון died, ערוה's ראובן died, was divorced, performed 'מיאון' – when a girl under the age of מצוה בת gets married on a מדרבנן level after her father died and she takes the option of dissolving the marriage before becoming בת מצוה – or was found to be an 'איילנית' – woman who is unable to have children – and so isn't taken into consideration regarding יבום, then her צרה is obligated in יבום, since the obligation depends on the time of שמעון's death.

→ If ערוה's ראובן is under the age of מצוה בת and is married to שמעון מדרבנן, her צרה requires חליצה since מדאורייתא she isn't the צרה of an ערוה.

→ **בית שמאי**: If ראובן performs יבום or חליצה with his צרה's ערוה, it's valid so in the case of חליצה she is forbidden מדרבנן to marry a כהן.

בית הלל: In the case of יבום is she forbidden מדאורייתא to marry a כהן, since it's invalid so she had forbidden relations.

- Despite their disputes, they married into each other's families and used each other's utensils despite their disputes regarding טומאה.

- If ערוה's ראובן is also שמעון's ערוה, she isn't considered Halachically married to שמעון so her צרה is obligated in יבום.

→ This includes their: mother who gave birth to him outside of marriage; father's wife; father's sister; paternal sister; father's brother's wife; paternal brother's wife who didn't become a יבמה.

TIME 4 MISHNA

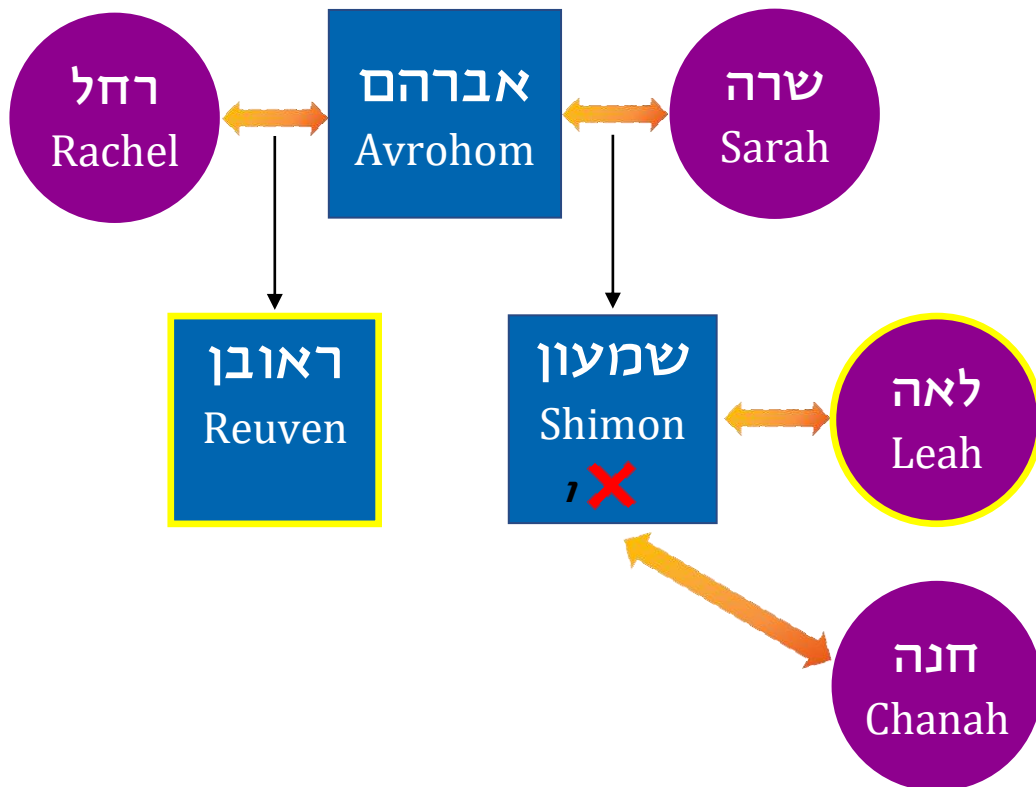
diagrams

יבמות

א:א

"אחות אמו"

א:א



1. Moshe marries Leah (Rachel's sister) and dies
 - Reuven is forbidden to Leah (ערוה) and Chanah (צרה)

TIME 4 MISHNA

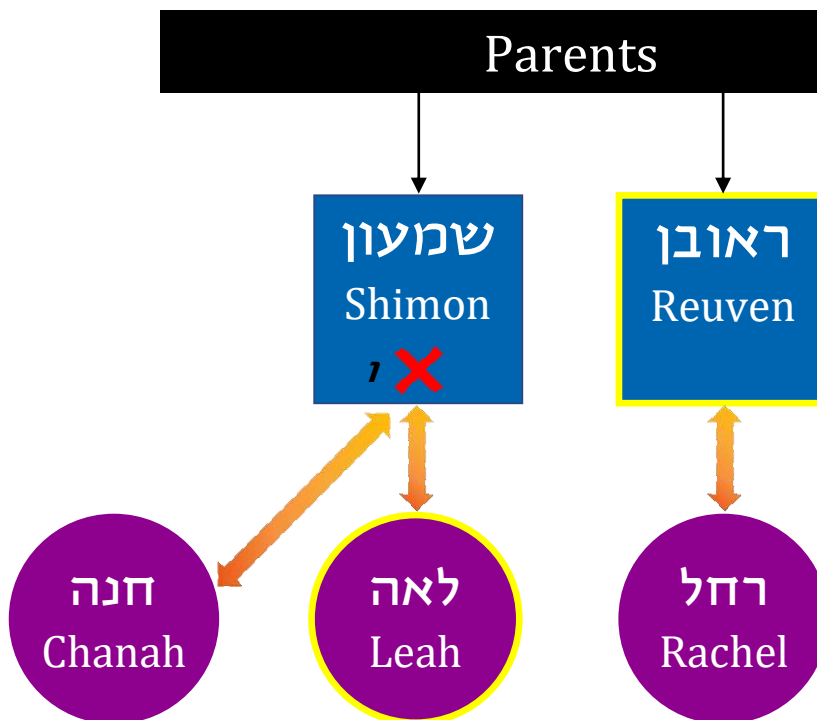
diagrams

יבמות

א:א

"אחות אשתו"

א:א



1. Shimon marries Leah (Rachel's sister) and dies
 - Reuven is forbidden to Leah (ערוה) and Chanah (צרה)

TIME 4 MISHNA

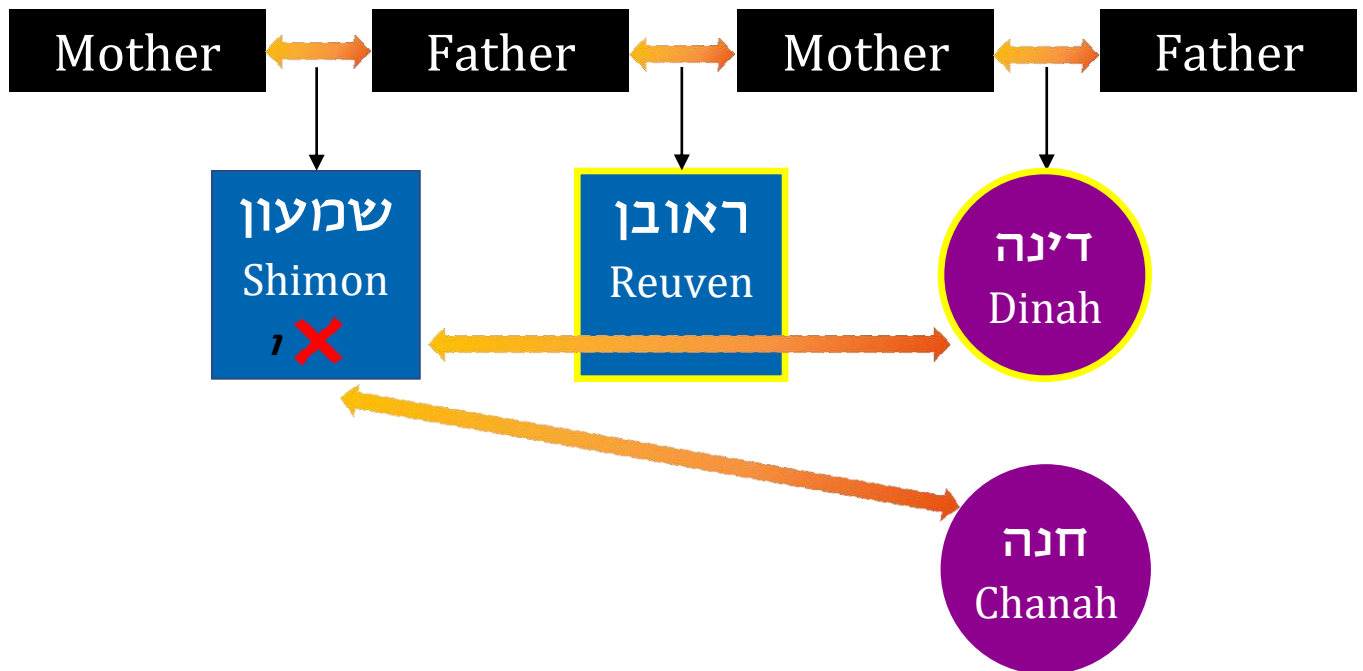
diagrams

יבמות

א:א

"אחותו מאמו"

א:א



1. Shimon marries Dinah and dies
 - Reuven is forbidden to Dinah (ערוה) and Chanah (צרה)

TIME 4 MISHNA

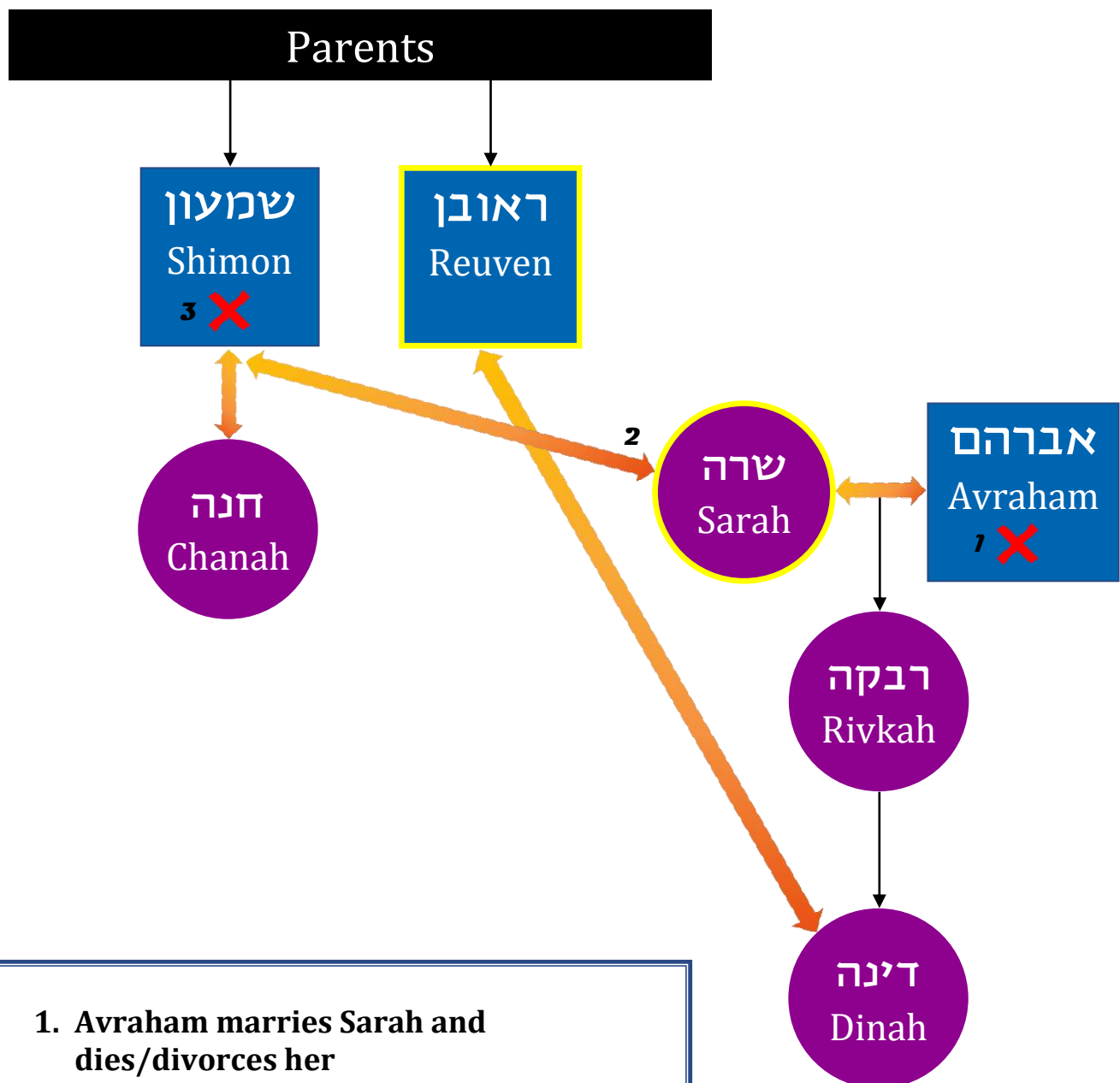
diagrams

יבמות

א:א

"אם חמותו"

א:א



1. Avraham marries Sarah and dies/divorces her
2. Shimon marries Sarah
3. Shimon dies
 - Reuven is forbidden to Sarah (ערוה) and Chanah (צרה)

TIME 4 MISHNA

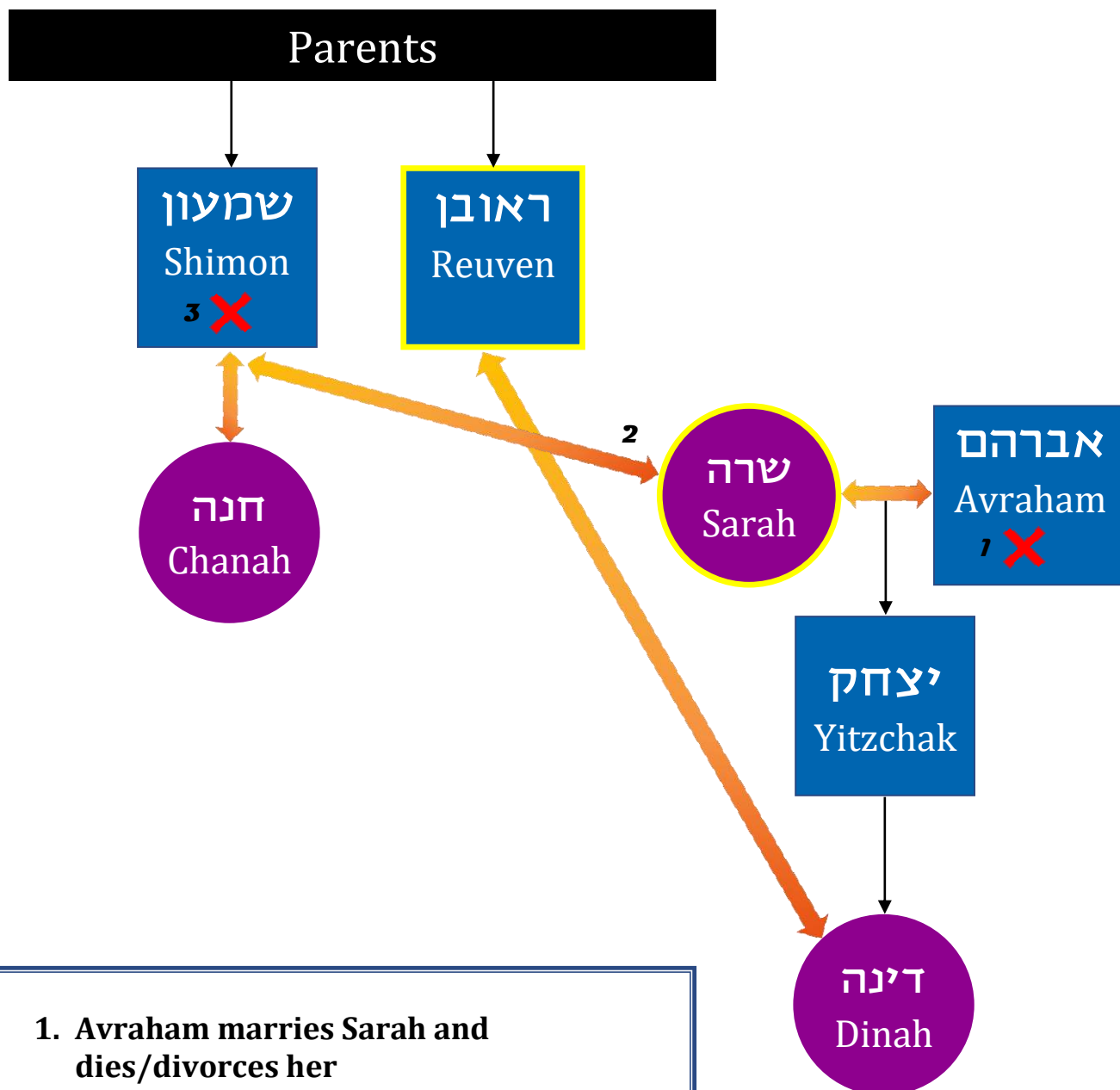
diagrams

יבמות

א:א

"אם חמיו"

א:א



1. Avraham marries Sarah and dies/divorces her
2. Shimon marries Sarah
3. Shimon dies
 - Reuven is forbidden to Sarah (ערוה) and Chanah (צרה)

TIME 4 MISHNA

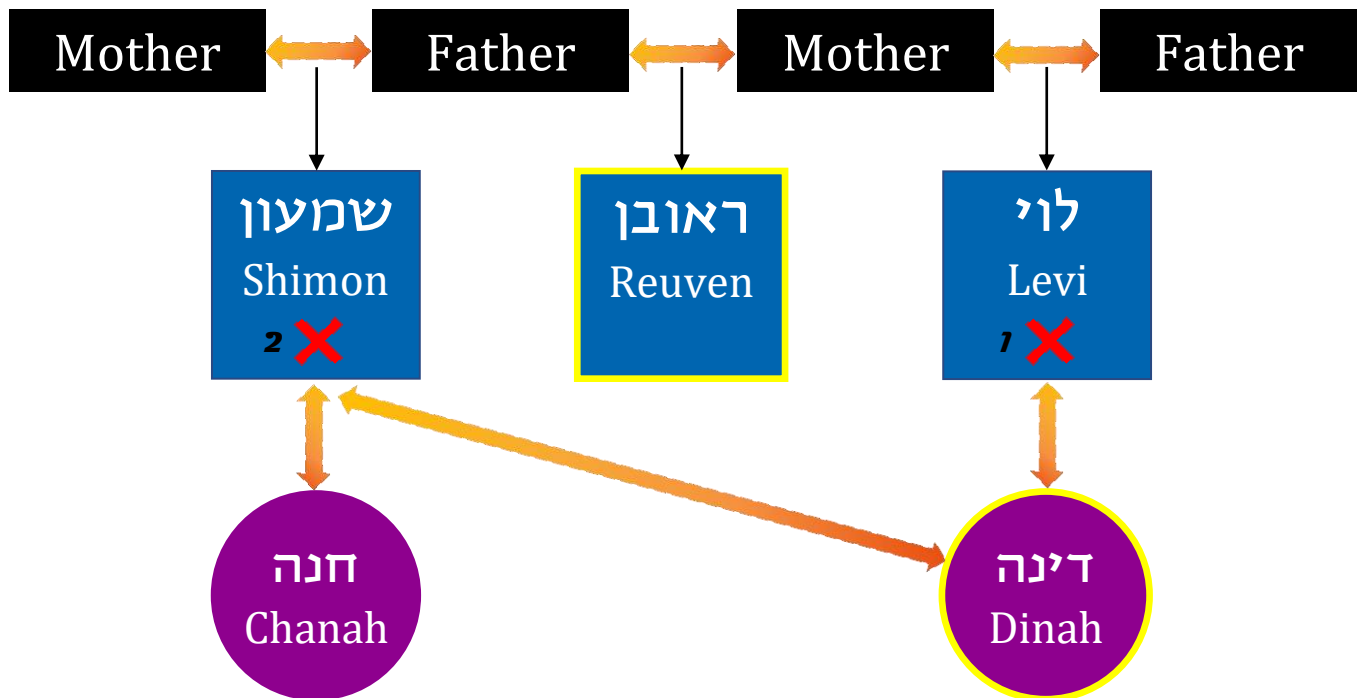
diagrams

יבמות

א:א

"אשת אחיו מאמו"

א:א



1. Levi marries Dinah and dies
2. Shimon marries Dinah and dies
 - Reuven is forbidden to Dinah (ערוה) and Chanah (צרה)

TIME 4 MISHNA

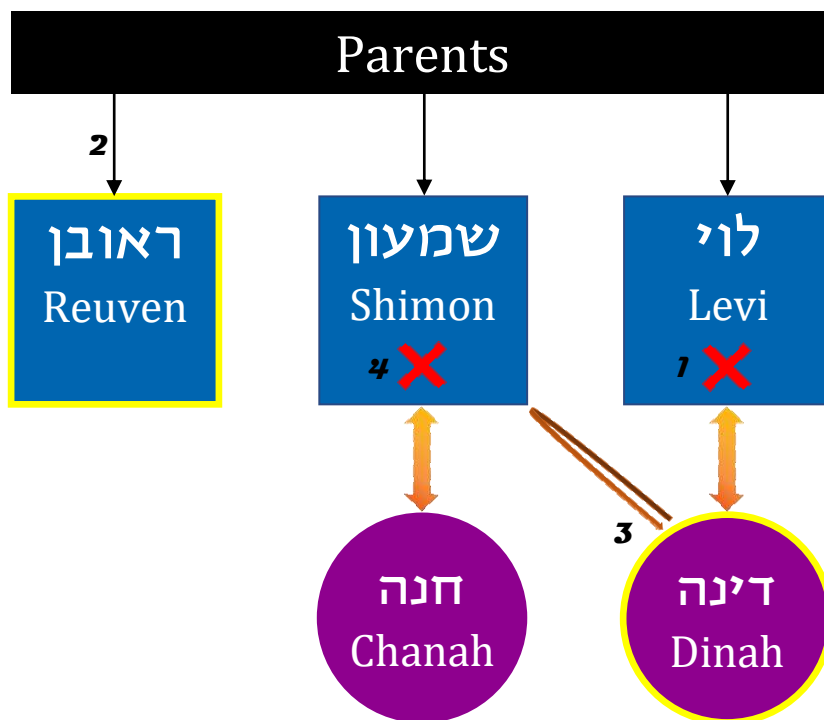
diagrams

יבמות

א:א

"אשת אחיו שלא היה בעולמו"

א:א



1. Levi dies
2. Reuven is born
3. Shimon is מייבם Dinah
4. Shimon dies
 - Reuven is forbidden to Dinah (ערוה) and Chanah (צרה)

TIME 4 MISHNA

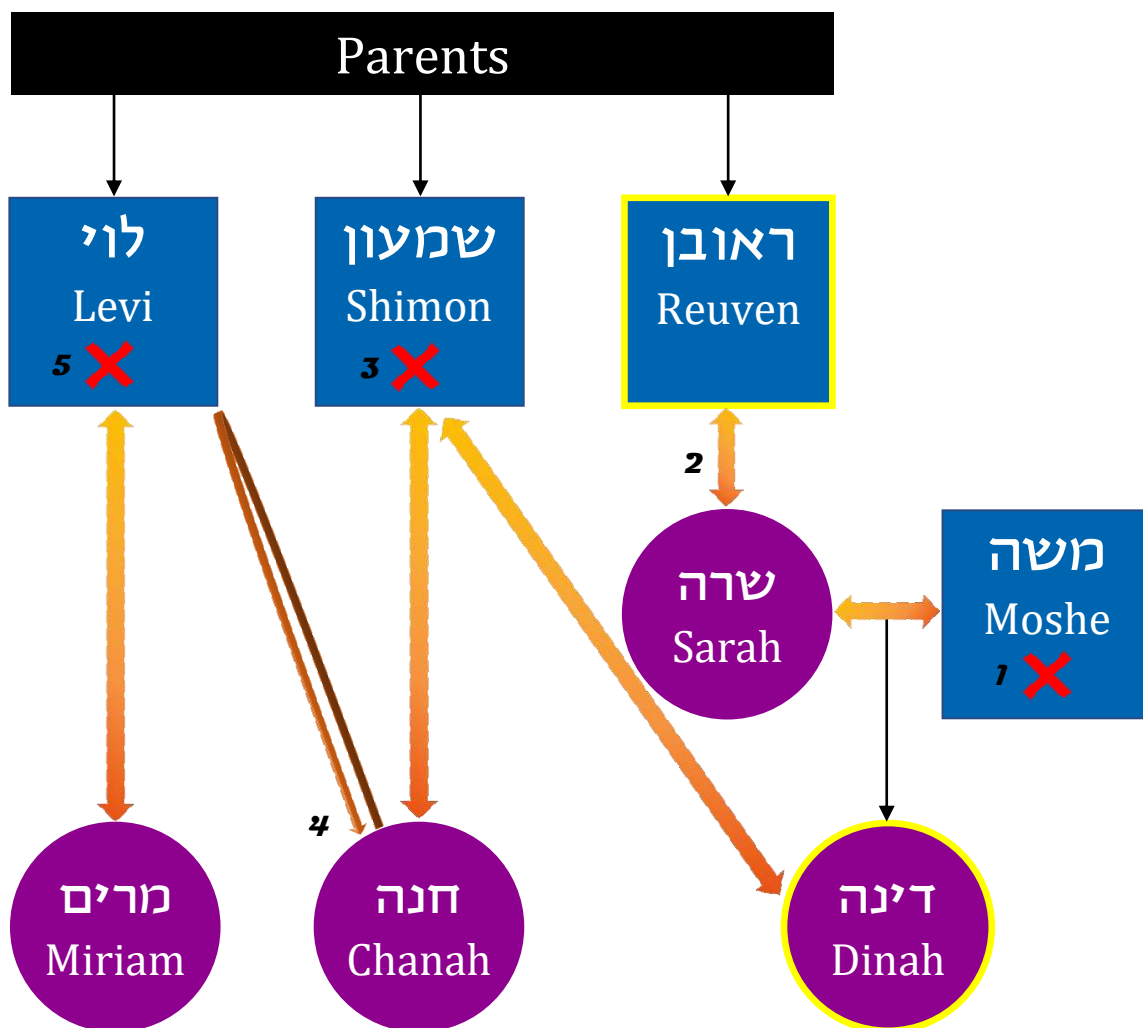
diagrams

יבמות

א:א

"בת אשתו"

א:א



1. Moshe marries Sarah and dies/divorces her
2. Reuven marries Sarah
3. Shimon dies
 - Reuven is forbidden to Dinah (ערוה) and Chanah (צרה)
 - Levi is permitted to Dinah and Chanah
4. Levi is כַּיִּיבָם Chanah
5. Levi dies
 - Reuven is forbidden to Chanah (צרה) and Miriam (צרת צרה)

TIME 4 MISHNA

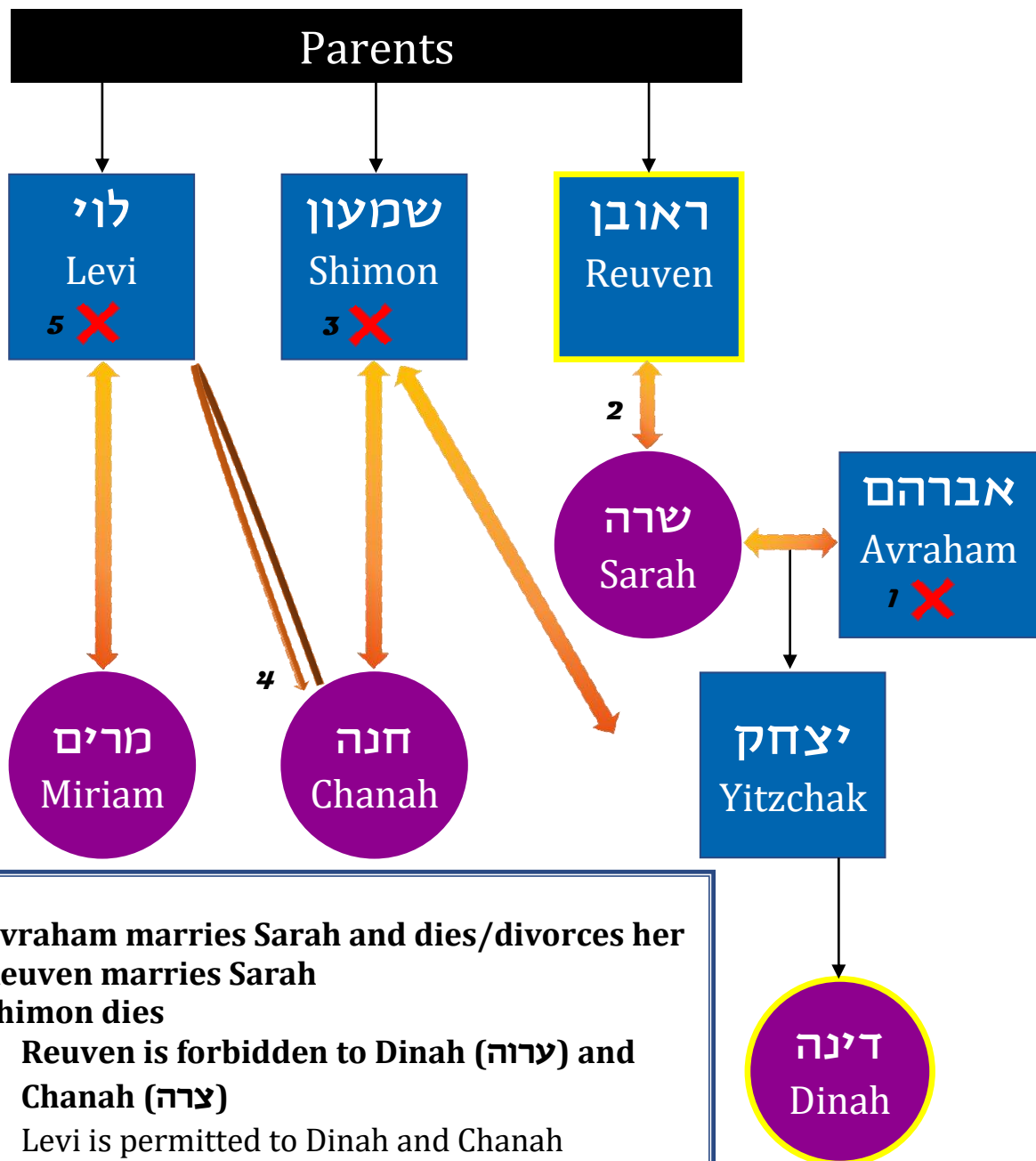
diagrams

יבמות

א:א

"בת בנה"

א:א



1. Avraham marries Sarah and dies/divorces her
2. Reuven marries Sarah
3. Shimon dies
 - Reuven is forbidden to Dinah (ערוה) and Chanah (צרה)
 - Levi is permitted to Dinah and Chanah
4. Levi is מייבם Chanah
5. Levi dies
 - Reuven is forbidden to Chanah (צרה) and Miriam (צרת צרה)

TIME 4 MISHNA

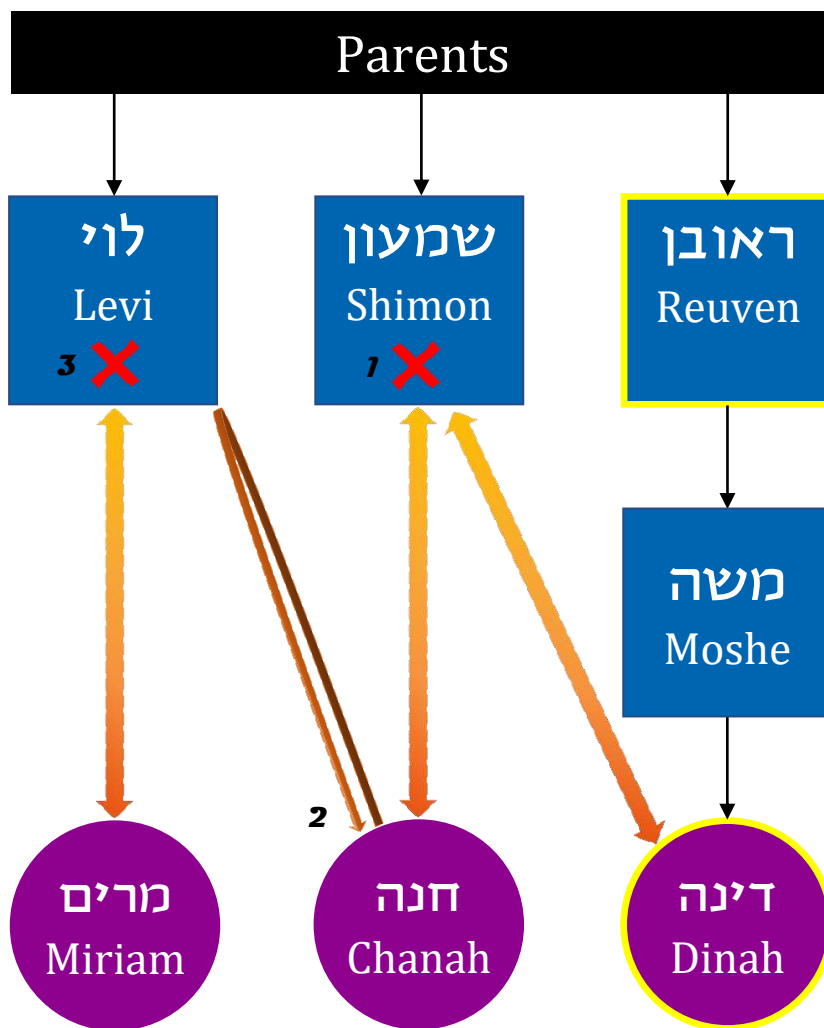
diagrams

יבמות

א:א

"בת בנו"

א:א



1. Shimon dies

- Reuven is forbidden to Dinah (ערוה) and Chanah (צרה)
- Levi is permitted to Dinah and Chanah

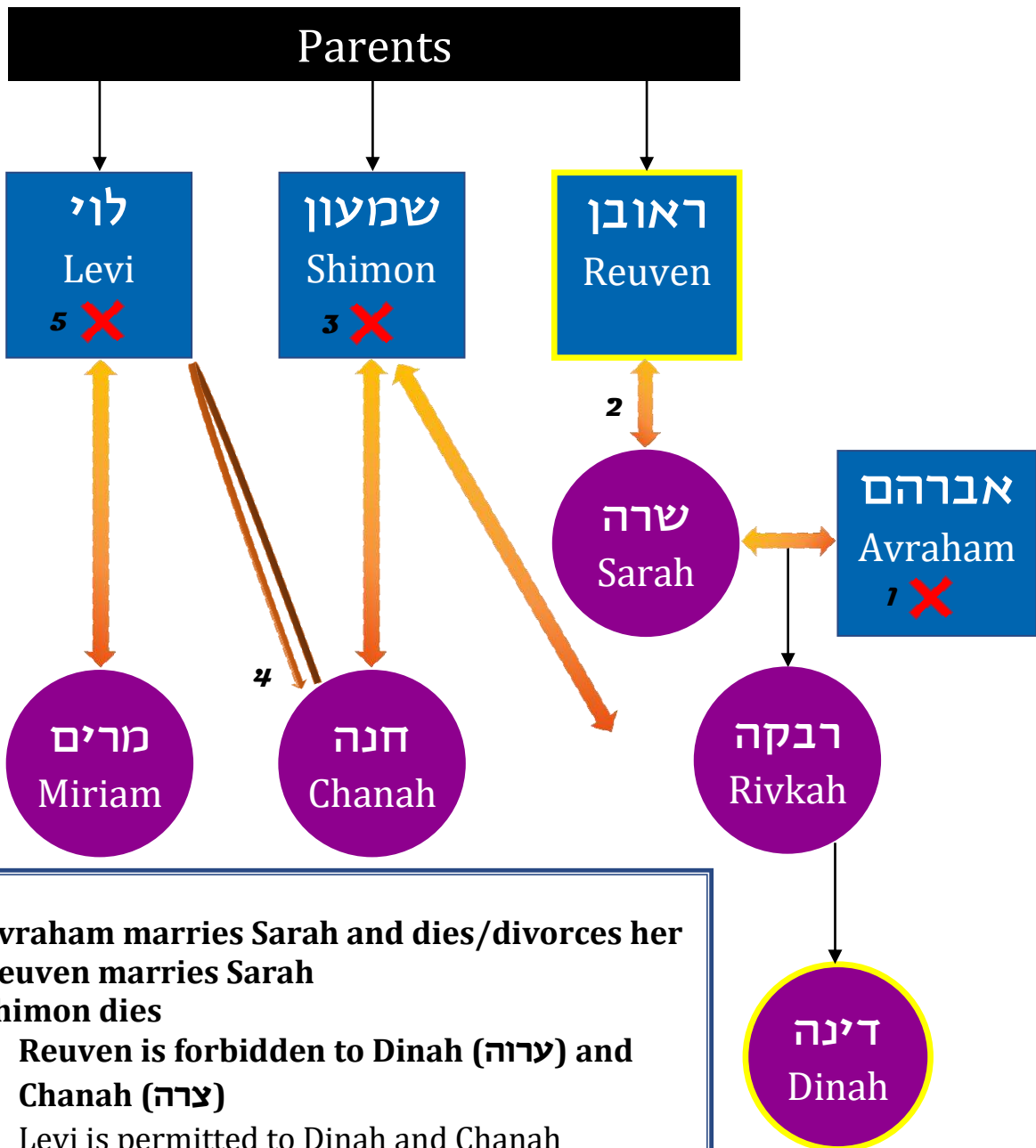
2. Levi is מייבם Chanah

3. Levi dies

- Reuven is forbidden to Chanah (צרה) and Miriam (צרת צרה)

יבמות

N:N



1. Avraham marries Sarah and dies/divorces her
2. Reuven marries Sarah
3. Shimon dies
 - Reuven is forbidden to Dinah (ערוה) and Chanah (צרה)
 - Levi is permitted to Dinah and Chanah
4. Levi is כַּיִּיבֹם Chanah
5. Levi dies
 - Reuven is forbidden to Chanah (צרה) and Miriam (צרת צרה)

TIME 4 MISHNA

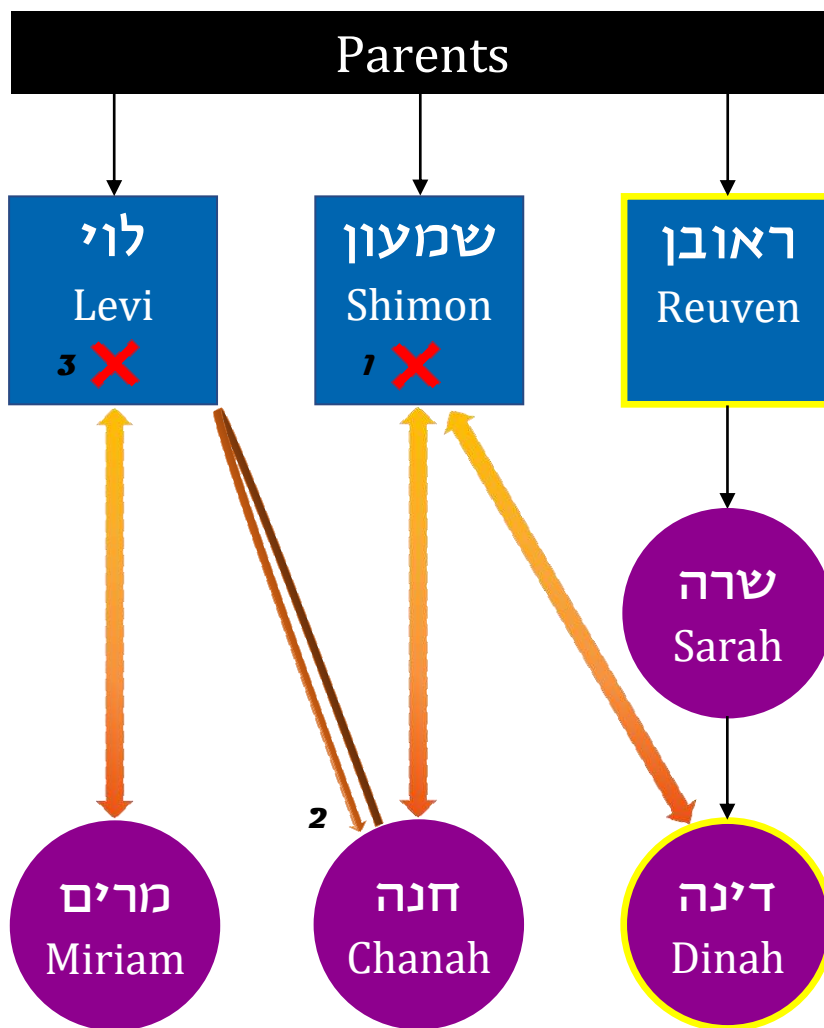
diagrams

יבמות

א:א

"בת בתו"

א:א



1. Shimon dies

- Reuven is forbidden to Dinah (ערוה) and Chanah (צרה)
- Levi is permitted to Dinah and Chanah

2. Levi is מייבם Chanah

3. Levi dies

- Reuven is forbidden to Chanah (צרה) and Miriam (צרת צרה)

TIME 4 MISHNA

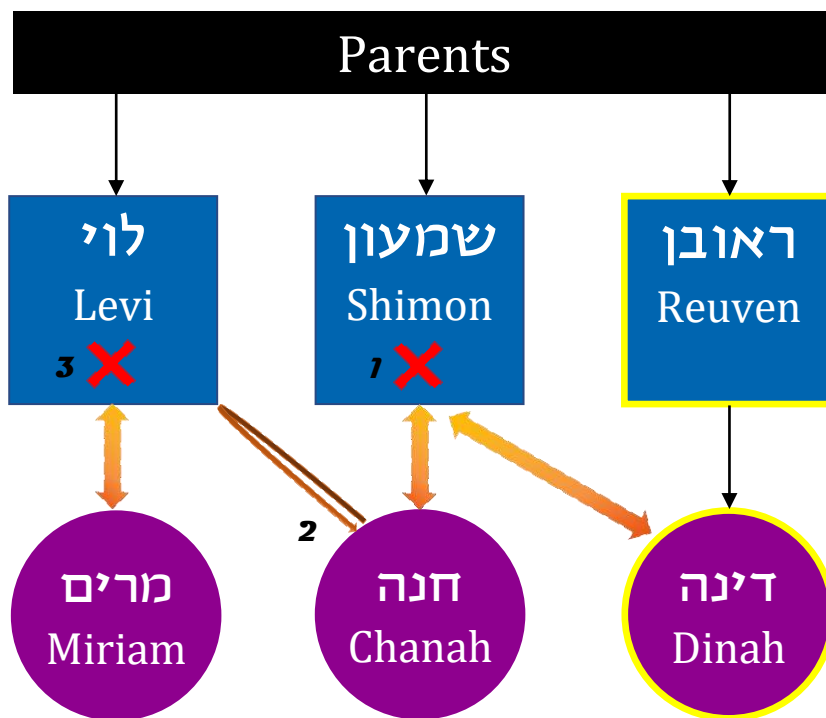
diagrams

יבמות

א:א

"בתו"

א:א



1. Shimon dies

- Reuven is forbidden to Dinah (ערוה) and Chanah (צרה)
- Levi is permitted to Dinah and Chanah

2. Levi is מייבם Chanah

3. Levi dies

- Reuven is forbidden to Chanah (צרה) and Miriam (צרת צרה)

TIME 4 MISHNA

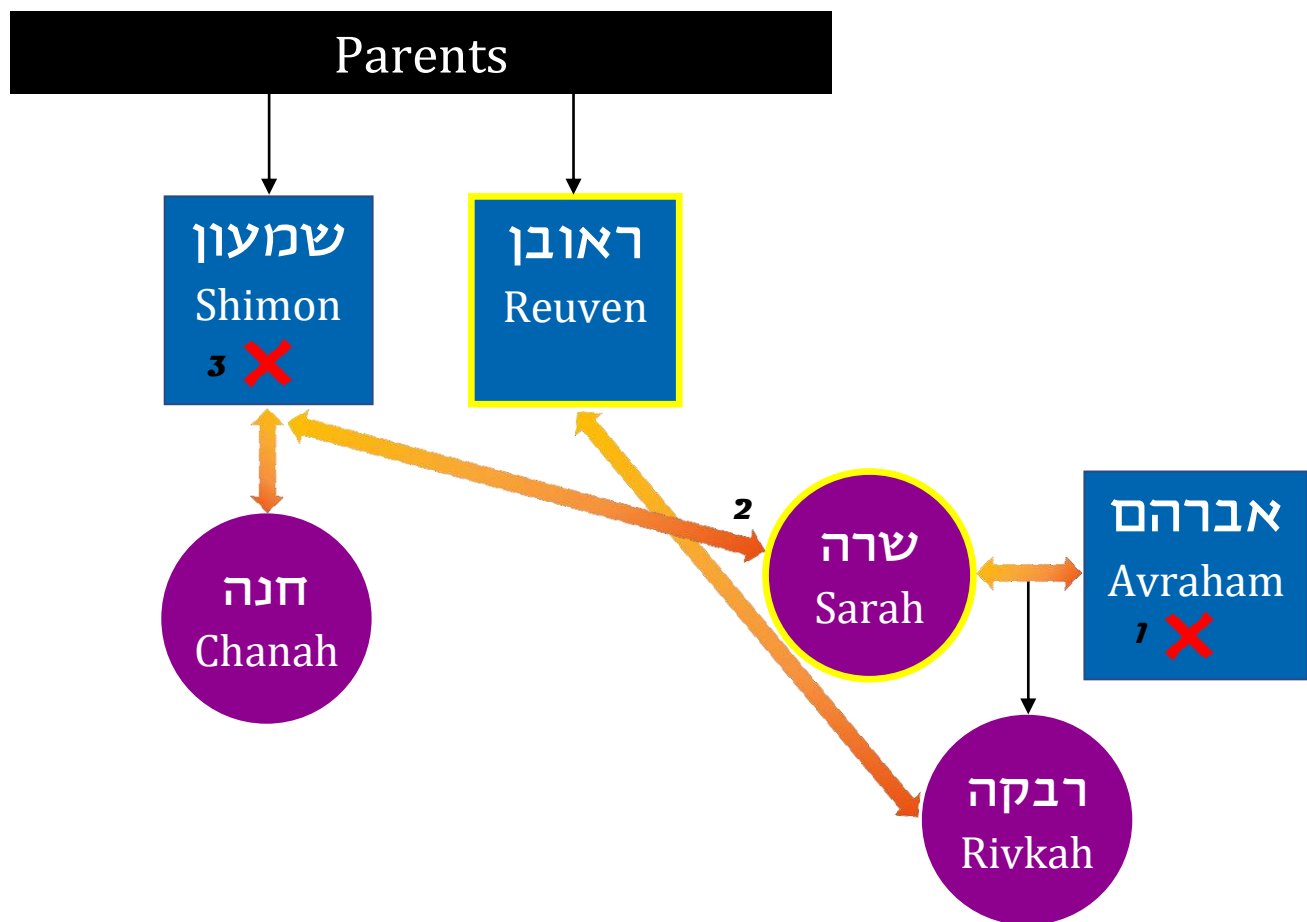
diagrams

יבמות

א:א

"חמותו"

א:א



1. Avraham marries Sarah and dies/divorces her
2. Shimon marries Sarah
3. Shimon dies

- Reuven is forbidden to Sarah (ערוה) and Chanah (צרה)

The last two stages where Levi is מייבם Chanah and Levi dies follow the exact same pattern as has been shown in the previous diagrams, so they have been left out of the remaining diagrams of this משנה

TIME 4 MISHNA

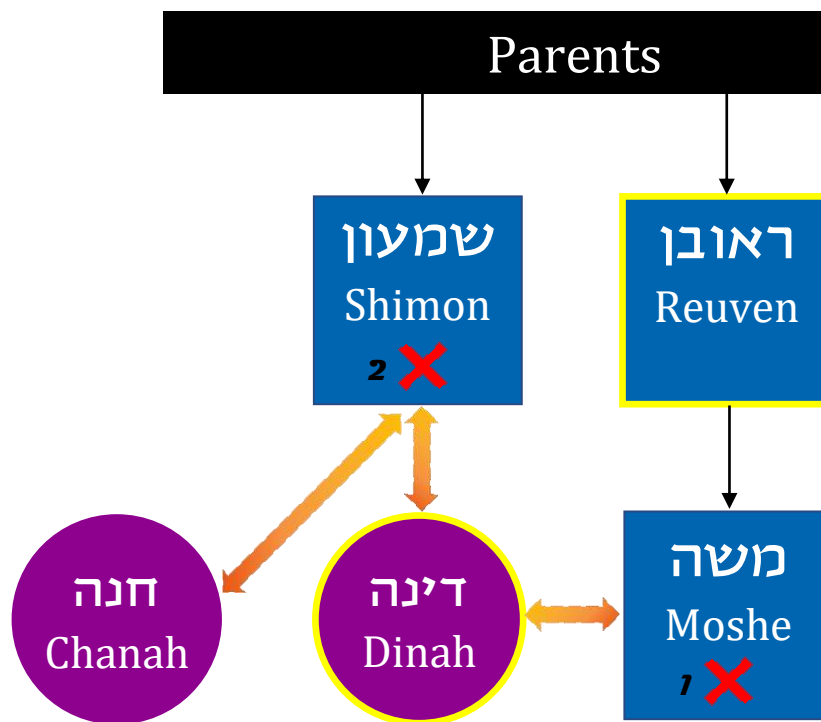
diagrams

יבמות

א:א

"כלתו"

א:א



1. Moshe marries Dinah and dies
2. Shimon marries Dinah and dies
 - Reuven is forbidden to Dinah (ערוה) and Chanah (צרה)

TIME 4 MISHNA

summaries

יבמות

- If **לוי is born after שמעון dies**, he isn't able to fulfil the **יבום** of **ראובן**, so if **ראובן** does so and then dies, **ראובן's wife is exempt** because of 'נאסרה', and she exempts her **צרות**.
ר' שמעון: If **לוי is born after ראובן performs יבום**, he **may perform יבום** when **ראובן** dies since the **יבמה** is no longer considered the wife of the first brother **שמעון**.
 → If **ראובן only did 'מאמר'** – **קידושין** (acquiring a woman) with money or a document which a **יבם** must do **מדרבנן** before **יבום** – then **לוי must perform יבום** with **ראובן's other wife**, since **מאמרייתא** she isn't the **צרה** of an **ערוה**.
- **When it's forbidden מדרבנן to perform יבום:**
 - If **ראובן is forbidden to marry שמעון's wife due to an 'איסור מצוה'** – **איסור מצוה** – e.g. one's grandmother – or an **'איסור קדושה'** – woman who one is forbidden to marry **מאמרייתא** but not due to being related, e.g. a **כהן** and divorcee – the **יבום** of **יבום** does apply since **'עשה דוחה לא תעשה'** – a positive **מצוה** overrides an **עבירה** – but **חליצה** he must do **מדרבנן**.
 - If **2 brothers marry 2 sisters** and then die, the **יבם must perform חליצה** on both **sisters** since it's forbidden **מדרבנן** to marry the relative of one's **זקוקה**.
 → If **one of the sisters is an ערוה towards ראובן**, no **זיקה** exists between them so he **may perform יבום with her sister** since she isn't **'אחות זקוקתו'** – the sister of his **זקוקה**.
 - A **'ממזר'** – one who is **born from illegal relations** – is considered a regular child regarding being related, so if **his brother dies there is a זיקה** between him and the **יבם**, and if **שמעון's only son** is a **ממזר** there is no obligation of **יבום**.
 - One who is **born from a non-Jewish woman** isn't considered related to any of the family.
 - If two sisters appoint the same messenger to receive **קידושין** from a man and so it's **a doubt as to which sister is married to him**, he **must give both of them a גט** and if he dies, his brother may not perform **יבום** but **must do חליצה** to both of them because each sister is possibly **אחות זקוקתו**.
 → If **there are 2 יבמים**, one should do **חליצה** and **the second one may do יבום** since if she is the sister of the **יבמה**, there is no longer any **זיקה**.
 - If **both brothers perform יבום**, they **may remain married** since there is no longer any **זיקה**.
 → If 2 people perform **קידושין** on 2 sisters and it's **a doubt which man is married to which sister**, then if there is **1 יבם** on either side then he **must perform חליצה to both sisters**, and if there are **2 יבמים** on either side then **one יבם** on each side should perform **חליצה** and then the remaining **יבם** on each side may perform **חליצה** on the woman with whom the **יבם** on the other side had performed **חליצה**.
 - Although any brother of the dead man may perform **יבום**, the main **מצוה** is upon the **oldest יבם** to do so.

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summaries

יבמות

- **When it's forbidden to marry a woman in order to avoid suspicion:**

- 1) One who is **accused of having relations with a non-Jewish woman** is **forbidden to marry her** even once she has converted, since it will increase people's suspicions.
 - If he marries her, he **isn't obligated to divorce her**.
- 2) If one is **suspected of having relations with the wife of another man** and as such the **בית דין** forced her husband to divorce her, he **may not marry her** and if he does so then he **must divorce her**, since it's forbidden **מדאורייתא** to marry her if the accusations are true.
- 3) A **messenger who brings a גט from outside of ישראל** to a woman and one who **testifies to the death of a married man** **may not marry her**.
 - **חכמים**: If he **testifies that he killed her husband**, although the fact that he killed him isn't accepted since **'אין אדם משים עצמו רשע'** – confession is invalid testimony since a **רשע** cannot give testimony – nevertheless **she may remarry** since the fact that he is dead is accepted because **'פלגינן דיבוריה'** – we split up the contents of the testimony and accept part of it.
 - ר' יהודה**: None of the testimony is accepted so **she may not remarry**.
 - If he **testifies that "we killed him"**, **she may remarry** since he means that he was present at the murder.
- 4) If a woman makes a **'נדר' – vow not to benefit from an item or person – from her husband and then goes to a חכם** for him to annul it but he doesn't find sufficient basis to do so, which means that her husband must divorce her, he **may not marry her** due to suspicion.
 - If **she performs מיאון or חליצה in front of him**, he **may marry her** since he wasn't alone but part of a **בית דין**.
 - In all of the above cases, if **he is already married** at the time and then his wife died, or if **she marries somebody else first**, he is **permitted to marry her**.
 - **His son or brother** are **permitted to marry her** immediately.

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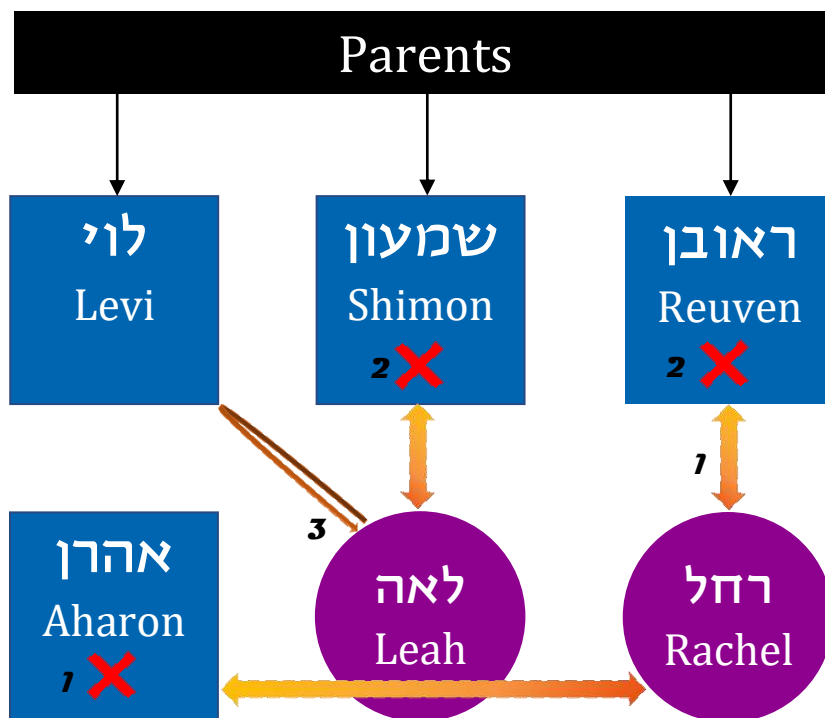
diagrams

יבמות

ב:ג

"אחותה שהיא יבמתה"

ב:ג



1. Aharon dies and Reuven marries Rachel
2. Reuven and Shimon die
 - Levi is forbidden to Rachel (ערוה) so she isn't זקוקה to him, which means that Leah is permitted since she isn't אחות זקוקתו

TIME 4 MISHNA

summaries

יבמות

• When it's forbidden **מדרבנן** to perform **יבום**:

- **חכמים**: If 2 sisters fall to a **יבם/יבמים** at once, they must perform **חליצה** on both sisters since it's forbidden **מדרבנן** to marry **זקוקתו**.
 → If they do **יבום**, they must divorce since this was a definitely forbidden marriage.
 - **ר' אליעזר**: This is only the opinion of **בית הלל**, but **בית שמאי** permit them to remain married.
ר' שמעון: It's forbidden **מדאורייתא** to perform **יבום** since **זיקה** is as strong a bond as a marriage, so they are exempt even from **חליצה**.
 → If one of the sisters is an **ערוה** towards a **יבם**, no **זיקה** exists between them so he may perform **יבום** with her sister since she isn't **זקוקתו**.
 → If one of the sisters is forbidden for a **יבם** as an **איסור מצוה** or **איסור קדושה**, he must do **חליצה** with both sisters, so that people don't come to the conclusion that it's the **איסור מצוה** or **איסור קדושה** which exempts them totally.
- **בית שמאי**: If **ראובן** and **שמעון** (brothers) marry **רחל** and **לאה** (sisters) and **ראובן** dies, after which **לוי** performs **מאמר** on **רחל** and then **שמעון** dies, **לאה** is exempt and **לוי** may complete the **מצוה** of **יבום**, since **מאמר** is a valid marriage **מדאורייתא**.
בית הלל: **מאמר** is valid only **מדרבנן** so there is a prohibition of **זקוקתו** on both sisters and he must divorce the woman with whom he did **מאמר** and perform **חליצה** with both of them.
- If **ראובן** and **שמעון** marry **רחל** and **לאה** and **ראובן** dies, and **לוי** performs **יבום** on **רחל** and then **לאה** dies, after which **לוי** dies, **רחל** is exempt from **יבום** even though she is no longer an **ערוה** towards **שמעון** of his wife's sister, because of the rule of **נאסרה**.
 → The same applies if **ראובן** and **שמעון** don't have any other brothers and **ראובן** dies followed by **לאה**.
- If there's a doubt as to whether **ערוה** **ראובן** is married to **שמעון**, e.g. if **שמעון** threw **קידושין** money or a **גט** to her and there's a doubt whether it landed within her 4 **אמות** for her to acquire it, her **צרה** requires **חליצה** out of doubt upon **שמעון**'s death.
- If **שמעון** is married to **ערוה** **ראובן**'s and he gives her a **גט** which is invalid **מדרבנן**, e.g. if 2 witnesses didn't sign on it or if it lacks a date, she requires **חליצה**.
- **חכמים**: If **ראובן** dies and **שמעון** performs **מאמר** on his wife but dies before performing **יבום**, she and **שמעון**'s other wife must perform **חליצה**, so that people don't come to think that 2 **יבמות** of one husband can do **יבום** or **חליצה** then **יבום**, since the **מאמר** makes it appear that she is **שמעון**'s full wife.
ר' שמעון: One of them may do **יבום**, since **מאמר** either works totally **מדאורייתא** or not at all even **מדרבנן**, so she is either only **ראובן**'s wife or only **שמעון**'s wife.
- If two men perform **קידושין** on 2 women but each one ends up doing **נישואין** and having relations with the other one's wife, they are **חייב** to bring a **קרבן** for every **עבירה** involved, e.g. if they were also sisters.

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יבמות

- They may remarry her real husband since it was unintentional, but they **must wait 3 months** in order that it be clear who a future child's father is.
- She **may not marry or stay married to a כהן or eat תרומה** due to the illegal relations.

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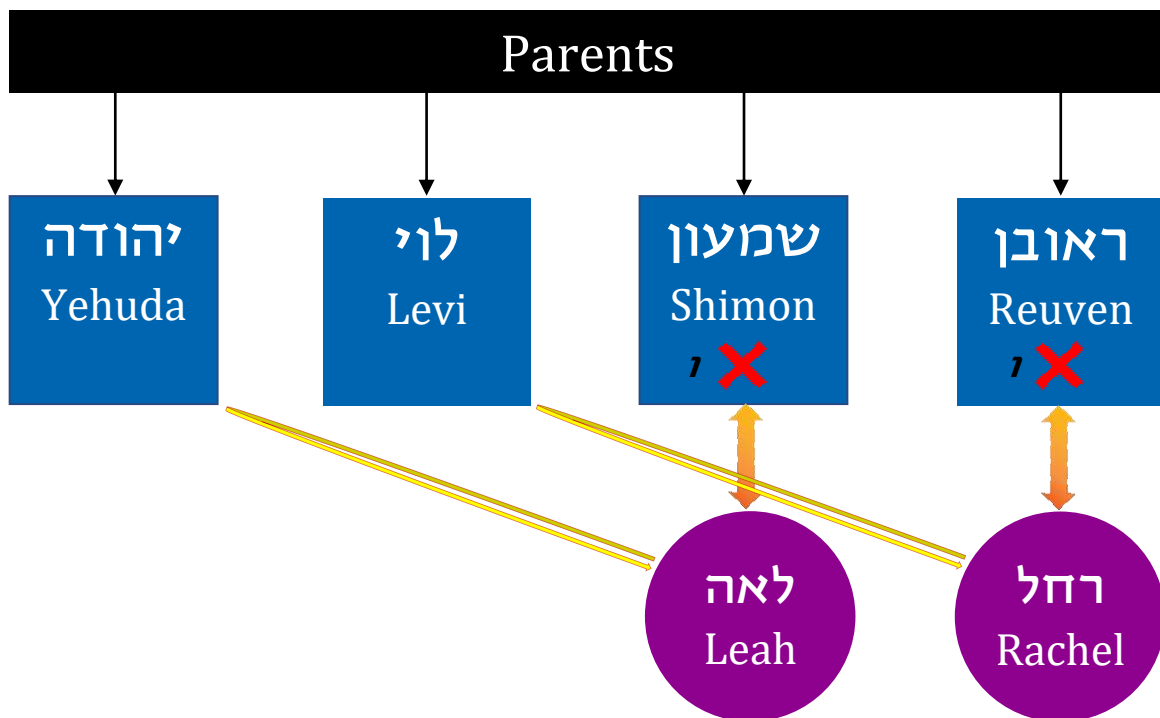
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יבמות

ג:א

"אחות זקוקתו"

ג:א



1. Reuven and Shimon die

- Levi and Yehuda must do חליצה, since two sisters fell to each of them so each one is אחות זקוקתו so forbidden מדרבנן

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summaries

יבמות

• Consequences of performing חליצה or יבום:

- If one performs חליצה with his שומרת יבם and it emerges that she is pregnant and gives birth, they may still marry each other's relatives and she may still marry a כהן since she isn't a חלוצה.
 - If she doesn't give birth, the חליצה is invalid but she's considered a חלוצה so forbidden.
- If one performs יבום with his שומרת יבם and it emerges that she was pregnant and she gives birth, the יבם and יבמה must separate and bring a קרבן חטאת for having had illegal relations with an ערוה unintentionally.
 - If it's a doubt whether the child is from her original husband or the יבם, they must separate and bring a 'קרבן אשם תלוי' – קרבן which must be offered when there is a doubt whether one is liable to a קרבן חטאת; the child isn't a ממזר.
- A שומרת יבם may sell 'נכסי מלוג' – property which belongs to a woman from which her husband may benefit – since they aren't yet married.
 - בית שמאי: If she dies, 'נכסי צאן ברזל' – property which a woman brings into a marriage and is considered the property of her husband – and the money of her 'כתבה' – document written at the time of marriage entitling the woman to an amount of money upon being divorced or widowed – are inherited by the יבם, and נכסי מלוג are split.
 - בית הלל: נכסי מלוג are inherited by her father or his inheritors.
- Once a יבם has performed יבום, they are considered like a regular husband and wife, except that the כתבה money comes from the original husband's property.
- One who dies without children is inherited by his father, and if his father is dead then his brothers including the one who performs חליצה split the inheritance.
 - חכמים: If one of the brothers performs יבום, he takes all of the inheritance.
 - ר' יהודה: His father takes precedence if he is alive.
- Although חליצה removes the זיקה of all of the brothers with the שומרת יבם, only the one who performs חליצה is forbidden מדרבנן to marry her relatives, since she is like his divorcee.
 - If one's brother marries his חלוצה's sister and dies without children, she requires חליצה since he's forbidden מדרבנן to marry her.
- One may not marry the צרה of his חלוצה's sister, since the חלוצה's sister would go to דין בית דין for the חליצה process and people might mistake her for the חלוצה, so marrying her צרה appears like marrying one's חלוצה's צרה which is forbidden.
- ר' יהודה בן בתירא: If one performs קידושין on זקנתו, although מדאורייתא the זיקה is dissolved but מדרבנן we view it as if the קידושין didn't take hold, so unless his brother performs יבום or חליצה to remove the זיקה, he must divorce her and perform חליצה on his שומרת יבם (and not יבום, since מדאורייתא she is now his wife's sister).

TIME 4 MISHNA

summaries

יבמות

• When and by whom יבום/חליצה should be performed:

- The **יבום** of **מצוה** is incumbent upon the oldest **יבם**, and if he doesn't wish to marry the **יבם** שומרת then the other brothers are asked and if they also refuse then the oldest must perform **חליצה**.
 - If he wishes to wait for a **יבם** to grow up or return from abroad, or for a **יבם** who is deaf and dumb or a fool to do **יבום**, he **must rather perform יבום or חליצה** himself immediately.
- A woman **may not remarry or even receive קידושין within 3 months of being divorced or widowed** from her husband, in case she is pregnant and it won't be known who the child's father is.
 - **חכמים**: This is true **even if she had only received קידושין** from her first husband, since **לא פלוג רבנן** – the **חכמים** don't make exceptions within their decrees.
 - ר' יהודה**: Such a woman **may remarry**, and all women **may receive קידושין** within 3 months.
 - ר' יוסי**: Only a **widow may not receive קידושין** within 1 month, as part of her mourning over her husband.
 - In the area of **יהודה**, even a woman who **had only received קידושין may not remarry** since they had the custom of being alone together.
 - A **שומרת יבם** **may not perform יבום** within 3 months, **nor חליצה**, since **כל שאינה עולה ליבום אינה עולה לחליצה**.
- If multiple **יבמות** fall for **יבום** to one person, he **may perform יבום on one יבם of each brother** who died.
- If **one of the wives of one's brother who died is already invalid to marry a כהן** and the **יבם** wishes to perform **חליצה**, he should do so with her in order to invalidate another woman from marrying a **כהן**.
- **ר' עקיבא**: A child born from **any illegal relations** is a **ממזר**.
 Alternative version of **ר' עקיבא**: A child born from **any illegal relations with a relative** is a **ממזר**.
חכמים and **שמעון התימני**: Only a child born from **relations which are punishable by כרת** is a **ממזר**.
ר' יהושע: Only a child born from **relations which warrant a death penalty** from **בית דין** is a **ממזר**.
 - **ר' שמעון בן עזאי**: A scroll was found which records that somebody was a **ממזר** due to being born from relations with a married woman, which supports the opinion of **ר' יהושע**.
- One's **wife and יבם's sister** is **considered an ערוה** until his wife/**יבם** **dies**, even if she is divorced and marries somebody else, or performs **חליצה**.

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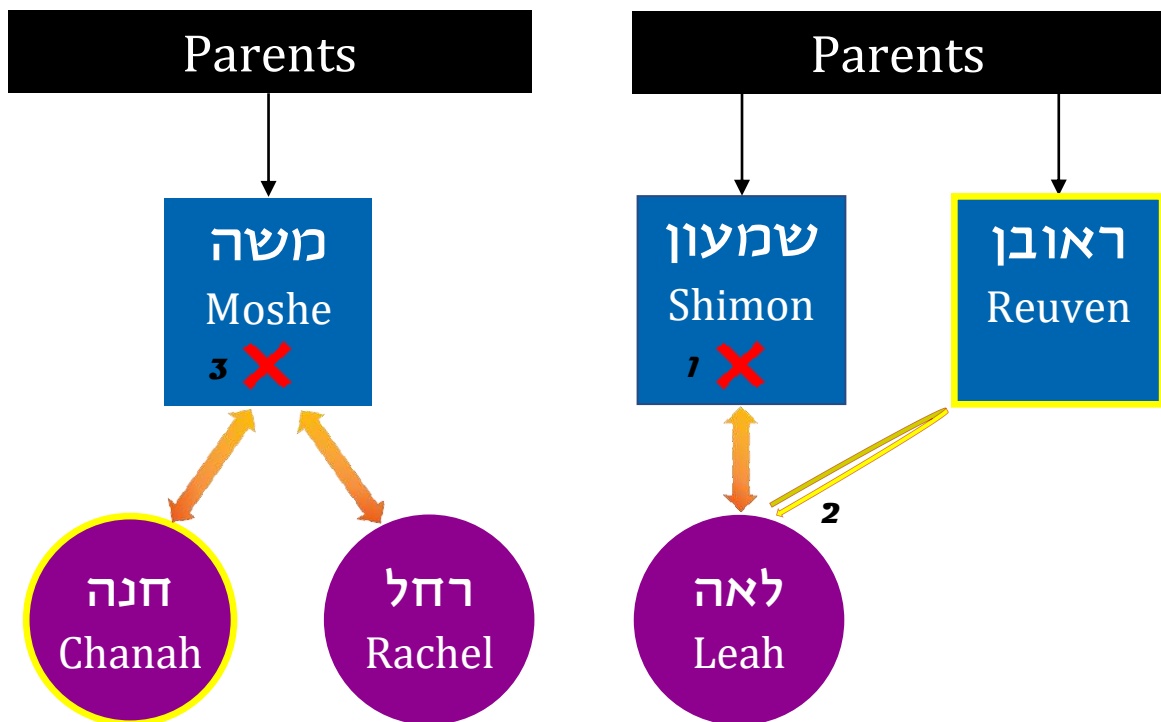
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יבמות

ד"ז

"צרת קרובת חלוצתו"

ד"ז



1. Shimon dies
2. Reuven performs חליצה with Leah
3. Moshe dies
 - Reuven may not marry Chanah, since people might confuse the חלוצה (Leah) for her sister Rachel and he will appear to be marrying the צרה of his חלוצה

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summaries

יבמות

• גט and מאמר:

- If a **יבם** performs **מאמר** with a **יבמה**, **no other יבם or יבמה may do יבום**, and that **יבם** and **יבמה** are **forbidden to marry each other's relatives**.
→ Unless that **יבם** and **יבמה** perform **יבום**, she **must receive a גט for the מאמר** since **חליצה** can only remove **זיקה**.
- If a **יבם** gives a **גט** to a **יבמה**, **יבום may no longer be performed** just like after **חליצה**, and one of the **יבמים** must perform **חליצה** with one of the **יבמות**.
- **רבן גמליאל**: **מאמר** performed with one's **יבמה** is viewed **מדרבנן** as full **יבום** and a **גט** is viewed as full **חליצה**, so if a **יבם** performs **מאמר** or gives a **גט** to a **יבמה** then **no מאמר or גט after that has any significance**.
חכמים: A **later מאמר or גט does have significance**, since **מאמר** and **גט** are viewed **מדרבנן** as partial **יבום** and **חליצה** such that a weak **זיקה** remains even **מדרבנן**.
→ For example, one who **performs מאמר with 2 יבמות must give both of them a גט and then perform חליצה on one יבמה**, since **יבום** may not be performed on either of them as it cannot be performed on the **צרה** of one who has done **מאמר**.
- **חכמים**: If a **יבם gives a גט to his יבמה and then performs יבום**, or **performs מאמר with one יבמה and then יבום with her צרה**, the **יבום** is considered to be **'ביאה פסולה'** – **יבום** which is forbidden so doesn't work – so she **requires חליצה**.
ר' נחמיה: The **יבום is totally valid**.
- Once a **יבם** has **performed חליצה** with a **יבמה**, no act performed by any **יבם** with any **יבמה** has significance, and **relations between any of them are forbidden**.

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summaries

יבמות

• Marriages of a כהן:

- A יבם fulfils יבום and **acquires her** as his full wife when having the first stage of relations, even if it isn't done **willingly** and **for the sake of the מצוה**.
→ Similarly, a woman **becomes invalid to marry a כהן** by having even the first stage of illegal relations, even if it isn't done willingly.
 - **חכמים**: A כהן גדול widow who **receives קידושין** from a כהן and a divorcee or חלוצה who receives קידושין from a כהן is **forbidden מדרבנן to eat תרומה**, since she has begun to marry a man who is forbidden for her and will invalidate her from marrying a כהן or eating תרומה.
ר' שמעון and **ר' אלעזר**: She **may eat תרומה**.
 - If he **dies or divorces her** before completing the marriage, she **may marry a כהן and eat תרומה**.
 - A כהן גדול may **not marry** a woman who was **widowed even after receiving just קידושין**.
 - **חכמים**: A כהן גדול may **not marry a 'בוגרת'** – woman who is over the age of 12½ and has **fully matured** – since she lacks the full features of a 'בתולה' – woman who has never had relations.
ר' שמעון and **ר' אלעזר**: He **may marry her** since she is still a בתולה.
 - A כהן גדול may **not marry a 'מכת עץ'** – woman who **lost her features of being a בתולה** due to an injury.
 - If a regular כהן **performs קידושין on a widow and is then appointed to be the כהן גדול**, he **may marry her** since it was begun when permitted.
 - This occurred with יהושע בן גמלא.
 - A יבם who is appointed to be the כהן גדול **may not do יבום**, since he didn't do an act of קידושין to start the marriage.
 - **ר' יהודה**: A כהן may **not marry an איילנית**, since she is considered to be a 'זונה' whom a כהן may not marry, since the marriage is purely for the sake of having relations.
חכמים: He **may marry her**, as long as he fulfils the מצוה of having children with another wife.
 - **בית שמאי**: One fulfils the מצוה of having children by having at least **2 boys**.
 - **בית הלל**: One must have at least **1 boy and 1 girl**.
 - One who **has not had a child from his wife after 10 years** of marriage **must marry another woman** in order to fulfil the מצוה.
 - If she **miscarries**, the 10 years begin again.
 - If he **divorces her, somebody else who doesn't have children may marry her** and need not assume that she is unable to have children, since it may have been due to her husband.
 - **חכמים**: **Only men** have an obligation to have children.
ר' יוחנן בן נורי: **Women** are also obligated.

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summaries

יבמות

תרומה: A כהן's wife and slaves eating

- If a **כהן marries a widow** or a regular **כהן marries a divorcee or חלוצה**, she and her non-Jewish slaves which are **נכסי מלוג** **may not eat תרומה** since this forbidden marriage prohibits her from eating תרומה, but the slaves which are **נכסי צאן ברזל** **may eat** since they are considered to be his.
 - Upon being divorced or widowed, a woman **takes back the נכסי מלוג themselves**, regardless of how much they have increased or decreased in value; she **takes back the exact value of the נכסי צאן ברזל** that they were worth when she brought them into the marriage.
 - In a **permitted marriage**, a woman and her slaves who are either **נכסי מלוג** or **נכסי צאן ברזל** **may eat תרומה** if her husband is a **כהן** and **may not** if he isn't.
- 1) **ר' יוסי**: If a **כהן** **marries a בת ישראל** and they have children and **he dies when she is pregnant**, the **slaves which are נכסי צאן ברזל** **may not eat תרומה** since the foetus has a share in the inheritance of the slaves and until he is born he has the status of his mother so is a **'זר'** – non-כהן, who is forbidden to eat תרומה.

חכמים: They **may eat תרומה**, since they aren't owned by him at all.

 - If there are **no other surviving children** from their marriage, she **may not continue eating תרומה** until he is born.
 - If she is a **כהן** **who was married to a ישראל**, she **may also not eat תרומה** since she isn't in the same state as she was before marrying, since she's pregnant.
- 2) A **שומרת יבם** of a **כהן** **may not eat תרומה**, since she isn't "the acquisition of his money" since the **יבם** didn't perform **קידושין** on her, nor if she is a **בת כהן** and he a **זר**, since she isn't in the same state as she was pre-marriage.
- 3) A **בת כהן** who has **received קידושין** from a **זר** is **forbidden מדאורייתא** to eat תרומה, and a **בת ישראל** who has received **קידושין** from a **כהן** is **forbidden מדרבנן** to eat תרומה, in case she comes to feed it to her family with whom she is living until marriage.
- 4) A **בת כהן** who **marries a חרש** (deaf and dumb man) who is a **זר** **may not eat תרומה**, nor a **בת ישראל** who marries a **כהן חרש**, since the marriage is only valid **מדרבנן**.
- 5) A **9-12 year old boy** who has illegal relations with a woman **invalidates her from marrying a כהן and from eating תרומה**, and if he is a **כהן** who marries a **בת ישראל**, she **may not eat תרומה** since the marriage is only valid **מדרבנן**.
- 6) The status of a woman regarding eating תרומה **isn't affected** by her **having relations outside of marriage**, unless he is not fit to marry a **בת ישראל**, e.g. a **ממזר**.
 - If she **gives birth**, she **has the status of her husband and child**.
- 7) Although a **ממזר** child is considered to be related, a **non-Jewish child** isn't, so if one's son has relations with a non-Jewish slave-woman and she gives birth and that child ends up being her only surviving offspring, her status **isn't affected** by him.

TIME MISHNA

summaries

יבמות

- If a **בת כהן** marries a **ישראל** and their daughter marries a **כהן** and have a child who is a **כהן**, this child causes his grandmother to **retain the status of her husband** so may not eat **תרומה**.
- If **ראובן**'s brother **שמעון** is married to his **ערוה** and another woman, and it's **a doubt whether שמעון or ערוה's died first**, her **צרה** requires **חליצה** out of doubt.

TIME 4 MISHNA

summaries

יבמות

- Although a כהן who **hasn't got a מילה ברית** or **is טמא** may not eat **תרומה**, his **wife** and **non-Jewish slaves** may eat, since the כהן is intrinsically fit for eating תרומה.
- Forbidden marriages:**
 - 1) A **male עמוני** or **מואבי** and all of his descendants **may not marry** a **בת ישראל**, but a **female** one **may marry** a regular Jew since it wasn't expected of them to come out to give food and drink to the Jewish Nation when they passed their land.
 - 2) **חכמים**: It is **forbidden to marry male or female** members from the nations of **מצרים** or **אדום**, as well as their descendants for 3 generations.
ר' שמעון: One **may marry female** members of those nations.
 - 3) It's **forbidden to marry** a **male or female ממזר** or **נתין** and all of their descendants.
 - 4) A **פצוע דכא** (one whose male organ has been crushed) and **כרות שפכה** (one whose tip of his male organ has been totally cut off) **may not have relations with a regular בת ישראל** (who isn't a convert or **ממזרת**), so such relations would make her a 'זונה' – a woman who has had illegal relations so is forbidden to marry a כהן or eat תרומה.
 - **ר' עקיבא**: A **'סריס חמה'** – man who was born without the ability to have children – **hasn't got any obligation of יבום or חליצה** if his brother dies, since he can't continue his legacy; **his wife is exempt** if he dies, since he never had a potential legacy that can be continued. This **doesn't apply to a 'סריס אדם'** – man who lost the ability to have children during his life, e.g. **פצוע דכא** or **כרות שפכה** – since he is naturally fit.
ר' אליעזר: This is the law only for a **סריס אדם** since he has no cure, unlike a **סריס חמה**.
 - An **איילוני** is also **exempt from both יבום and חליצה**.
 - If a **סריס** or **איילוני** **performs חליצה**, this isn't considered **חליצה** so the woman is still **valid to marry a כהן**; if he **performs יבום**, **she is a זונה**.
 - **ר' יהודה**: A **'טמטום'** – one who has neither male nor female signs due to them being covered by skin – whose **skin is torn and he is found to be a male** is **considered a סריס אדם** as he is unable to have children.
 - There is **no prohibition** for a **סריס חמה** to marry a **בת ישראל**, so if he is a כהן then his wife may eat תרומה.
 - 5) **ר' יוסי** and **ר' שמעון**: An **'אנדרוגינוס'** – one who has both male and female signs – is Halachically considered to be a male, so **may marry a woman** and if he is a כהן then she may eat תרומה.
 - **ר' אליעזר**: Because of this, if **another man has relations with an אנדרוגינוס**, he is **liable to the death penalty of סקילה** (stoning).

TIME 4 MISHNA

summaries

יבמות

- The מצוה of **יבום** applies even in a case where **the man who died was married to a woman forbidden to him**, as long as the marriage took hold.
- If a 'חלל' – one who is born from a כהן's forbidden marriage, e.g. to a divorcee – marries a **בת ישראל**, she becomes a 'חללה' – woman who is born from a כהן's forbidden marriage or who **has relations with a חלל** – so if he dies and her **יבם** is a regular כהן then they **must perform חליצה**.
- If a **גדול כהן** **does קידושין on a widow** and dies, she **may perform יבום** with the **יבם** who is a regular כהן, but if she **had relations** with him then she is a **חללה** and **requires חליצה**.
- If one **marries an ערוה מדרבנן**:
 - she **doesn't receive the כתובה** money upon being divorced or widowed;
 - although he isn't entitled to any of her **נכסי מלוג**, he **doesn't need to repay what he uses**;
 - he **isn't obligated to support her**
 - she **cannot take compensation for the decrease in value of her נכסי מלוג** due to his use
 → **None of these punishments apply** to a woman who was in a **marriage which is forbidden מדרבנן**, since only 'דברי סופרים צריכים חיזוק' – decrees **מדרבנן** require strengthening so that people don't violate them.
- A woman's status regarding eating **תרומה** follows the last husband who she married, and she retains that status as long as she has surviving offspring from that husband.
 - If her **husband(s and offspring) die**, then she **reverts to her original status**.

TIME 4 MISHNA

summaries

יבמות

When one remarries based on mistaken testimony:

- 1) **חכמים**: If a **woman claims that her husband has died**, she is believed and **may remarry**, because of **'תקנת עגונות'** – leniencies which apply in order to allow a woman whose husband is missing to remarry – and because she's unlikely to lie and bring upon herself all of the following consequences which apply if her husband shows up:
- she **must be divorced** with a **גט** from both men, since as a punishment for her not investigating properly whether her husband was indeed dead she is viewed as a **'סוטה'** – intentional adulteress
 - she **doesn't receive the כתבה money**
ר' יוסי: Her **first husband must pay** her **כתבה**
 - even the second man who wasn't Halachically married to her **doesn't need to compensate her** for **what he used of her מלוג נכסי** and **their decrease in value**, or for what she **borrowed in order to support herself**.
 - a child born from the **second man before she is divorced** from her first husband **is a ממזר מדאורייתא**, and a child born from the **second man after she is divorced** or one born from the **first husband** once he returns **is a ממזר מדרבנן**
ר' שמעון: A child born from her **first husband isn't a ממזר**
 - if either man is a **כהן**, they **may not become טמא** to bury her
 - they **don't have a husband's rights** to what she **finds** or **earns**, or to **annul her vows**
ר' אלעזר: Her **first husband** does **retain these rights**
 - she is **invalidated** from **marrying a כהן** and **eating תרומה** and **מעשר ראשון**
 - **her sons don't receive 'כתבת בנן דכרין'** – a condition written in the **כתבה** that her **כתבה** money and property which her husband inherits from her shall be inherited when he dies only by his sons which he had with her
 - if they die before divorcing her, she **requires חליצה**, just like a **סוטה**
ר' שמעון: The brother of her **first husband may perform יבום**
- **ר' שמעון**: If **2 witnesses testify to her husband's death**, her remarriage is considered totally unintentional so she **isn't forbidden** to her **first husband**.
- If only **1 witness** testifies to a woman's husband's death, she requires **בית דין's** explicit permission to remarry, so if he is discovered to be alive then she's **פטור from bringing a קרבן**; if **2 witnesses** testify, she doesn't require their explicit permission so she's **חייב**.
- If she **marries somebody forbidden**, this isn't included in **בית דין's** permission so she is **חייב**.
- If a woman only **receives קידושין from another man after hearing that her husband died**, and then her husband shows up, she **may continue being married to him**.
- If the second man **gives her a גט**, this is unnecessary since the **קידושין** didn't take hold, so **she is still permitted to marry a כהן**.

TIME 4 MISHNA

summaries

יבמות

1) If a woman's husband and only child go abroad and **testimony is given that her husband followed by her son died**, or vice versa, and she remarries or performs **יבום** but then discovers that the order was the opposite, a child born from that marriage **is a ממזר**.

2) **חכמים**: If a **man marries his wife's sister based on testimony of 2 valid witnesses that his wife had died**, and his wife is discovered to be alive, he **may continue living with his original wife** and may marry her sister's relatives since that marriage never took hold; he **isn't punished** like a married woman who remarried, since only regarding adultery are there **סוטה** laws and punishments if done intentionally.

ר' יוסי: The reason that a woman who remarries based on mistaken testimony of her husband's death is forbidden to continue being married to her original husband isn't because we consider her to be a **סוטה** as a punishment, rather because it appears like he is violating the prohibition of **'מחזיר גרושתו'** – when one remarries his divorcee after she remarried somebody else in the interim. Since it's forbidden to marry one's wife's sister even after divorcing his wife as long as she is alive, **no concern exists in this case**, and that is the reason why he **may continue living with his original wife**.

→ **חכמים**: If **ראובן is married to רחל and משה is married to her sister לאה**, and **משה and רחל are reported to have died**, so **ראובן marries לאה**, and then **משה and רחל** show up, **ראובן may continue being married to רחל** and **משה must divorce לאה** as a **punishment** since we consider her to be like a **סוטה**.

ר' יוסי: Since people now see that **רחל** is alive, it is apparent that **ראובן** was not married to **לאה**, so **both marriages may continue** since it **doesn't appear like מחזיר גרושתו**.

On the other hand, if **ראובן had only performed קידושין on רחל**, people will assume that he did so with a condition which wasn't fulfilled, and that he did marry **לאה** after **משה** divorced her. **משה may therefore not continue being married to לאה** since it appears like **מחזיר גרושתו**, and **ראובן may not marry רחל** since she appears to be his wife's sister – an **ערוה**.

3) If one marries his wife **שרה's** paternal (i.e. on their father's side) sister **מרים** upon hearing that **שרה** had died, and then **מרים's** maternal (i.e. on their mother's side) sister **דבורה** upon hearing that **מרים** had died, and then **דבורה's** paternal sister **חנה** and then **חנה's** maternal sister **אביגיל**, and then hears that they are all still alive, he is permitted to **שרה, דבורה and אביגיל** since they aren't sisters.

• The status of a 9-12 year old boy's actions:

- 1) His **מאמר** is considered weaker than regular **מאמר**, so if he **performs it first** then the **other brothers are forbidden** to perform **יבום**, but if he **performs it after another brother** has performed **מאמר** than it **doesn't forbid that brother** from performing **יבום**.
- 2) His **יבום** is considered to be like regular **מאמר**, so if he **performs it even after another brother** has performed **מאמר**, **they are both forbidden** to perform **יבום**.

TIME 4 MISHNA

summaries

יבמות

→ **חכמים**: If 2 **יבמים** who are aged 9-12 years old perform **יבום**, or if one performs **יבום** on 2 **יבמות**, **חליצה** is required just like after two acts of **מאמר**.

ר' שמעון: Just like **מאמר**, the **יבום** of a 9-12 year old either works totally **מדאורייתא** or not at all even **מדרבנן**, so the **יבם** and **יבמה** who performed the first **יבום** are still permitted for each other.

→ **חכמים**: If he performs **יבום** and upon reaching **בר מצוה** marries another woman and dies without having had relations with his **יבמה** since reaching **בר מצוה**, the **יבמה** requires **חליצה** just like when an adult **יבם** performs **מאמר** and dies.

ר' שמעון: He may perform **יבום** on either wife and **חליצה** on the second one.

3) Even though his relations have significance, he cannot perform regular **קידושין** until he reaches **בר מצוה** since he isn't able to make a new acquisition.

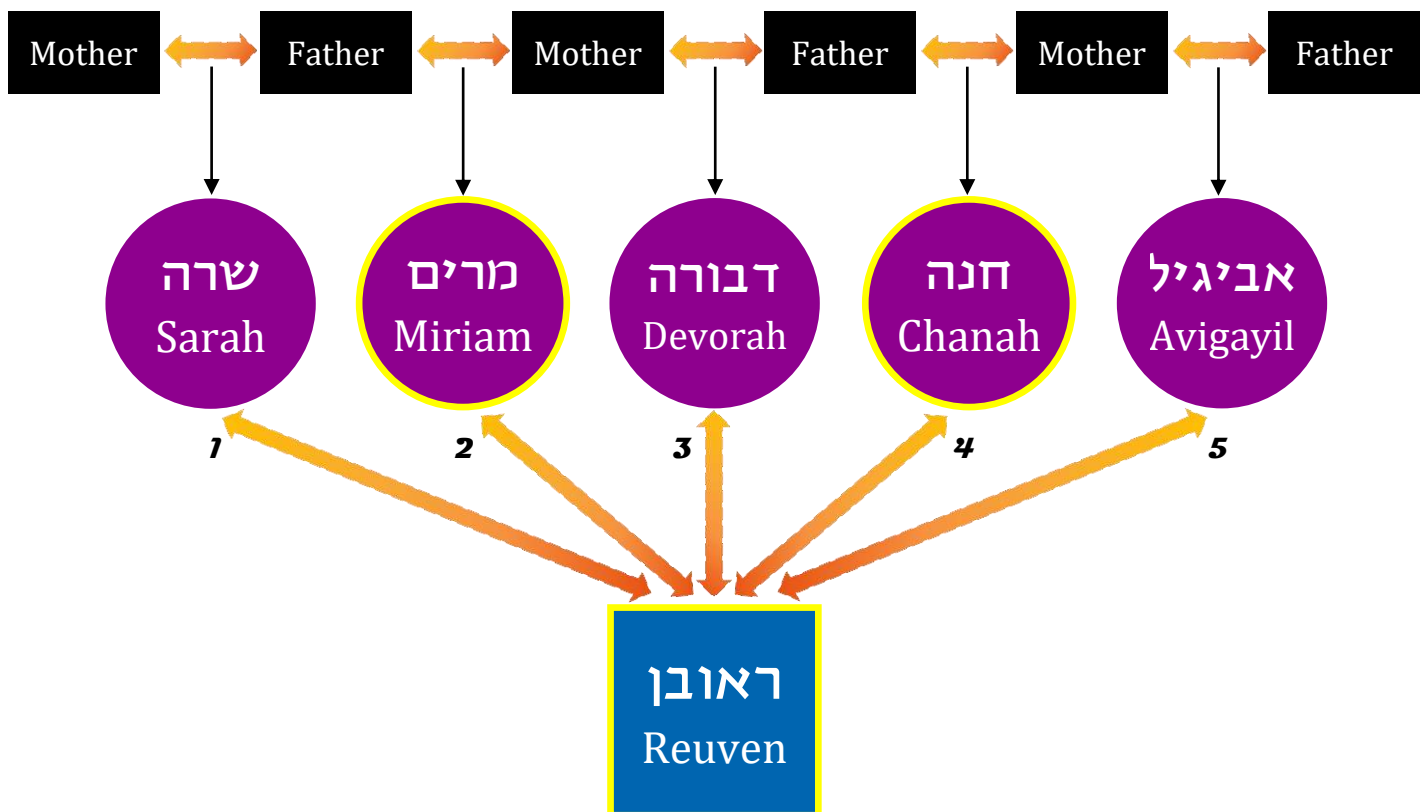
- One who is over the age of 13 but hasn't developed 'שתי שערות' – 2 hairs around the male organ which indicates maturity – has the same status as a 9-12 year old.

TIME 4 MISHNA

diagrams

יבמות

יה...ונשא אחותה מאביה/מאמה יה



1. Reuven marries Sarah
2. He hears that Sarah died and he marries her paternal sister, Miriam
3. He hears that Miriam died and he marries her maternal sister, Devorah
4. He hears that Devorah died and he marries her paternal sister, Chanah
5. He hears that Chanah died and he marries her maternal sister, Avigayil
6. He hears that they are alive
 - He may be married to Sarah, Devorah and Chanah

TIME 4 MISHNA

summaries

יבמות

- Although it's **forbidden to have relations** with one's **wife's** relatives, one **may marry** the relatives of a **woman with whom he had relations** but didn't marry.
- חכמים**: One **may marry** a **woman with whom one's father or son had relations** if she wasn't married to him.
ר' יהודה: One **cannot marry** a woman with whom **one's father** had relations, as learnt from a **פסוק**.
- If **2 brothers convert** to become Jewish and one of them dies, **his wife doesn't require יבום or חליצה** since they were born as non-Jews so the **תורה** only recognises their relationship via their mother, whereas the obligation of **יבום** applies to brothers from their father's side.
 - Even if she **converted whilst pregnant with the first brother**, **she is exempt** since their relationship via their father depends on the beginning of pregnancy.
- When the identity of children gets mixed up:**
 - If 5 women who each have a son give birth to a new son and these **5 sons get mixed up** and it's unknown who is the child of which mother, and they all get married and die, **4 out of 5 יבמים** should perform **חליצה** to each woman, after which the remaining **יבם** may choose to perform **יבום or חליצה**. Ideally, no brother should perform **יבום** more than once, so that there is a chance that **יבום** which is preferable to **חליצה** will be performed on each woman and not just a regular marriage after a valid **חליצה**.
 - If **שרה and her daughter-in-law רחל who both already have a son give birth to another son and these two get mixed up**, and they grow up, get married and die, **רחל's other son must perform חליצה** with both wives, since once of them is an **ערוה** (his father's brother's wife), and **שרה's other son may do יבום** since one of them is his **שומר יבם** and one is his nephew's wife who isn't an **ערוה**.
 - If **שרה and רחל's known sons die**, the two mixed up sons **must perform חליצה** with **שרה's son's wife**, since she is an **ערוה** to **רחל's son**, and **one should perform חליצה** with **רחל's son's wife** and then the other one may perform **יבום**, since she is either **רחל's son's שומר יבם** and **שרה's son's nephew's wife**.
 - If a **כהן's son gets mixed up with his non-Jewish female slave's child**, such that each one of them is either a **כהן** or a slave:
 - They **may eat תרומה**, and **take a share of תרומה together** at the threshing floor, since a **כהן's slave** may receive **תרומה** only with his master so that he isn't mistaken for a **כהן**.
 - They **may not become טמא** from a dead body
 - They **may not get married**, until they become **בר מצוה** and each one of them frees the other, after which one is a convert and one is a **כהן**, so:
 - They **may marry** a **woman who is fit for a כהן**.
 - They **may not become טמא** from a dead body, but **aren't lashed** for doing so.

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summaries

יבמות

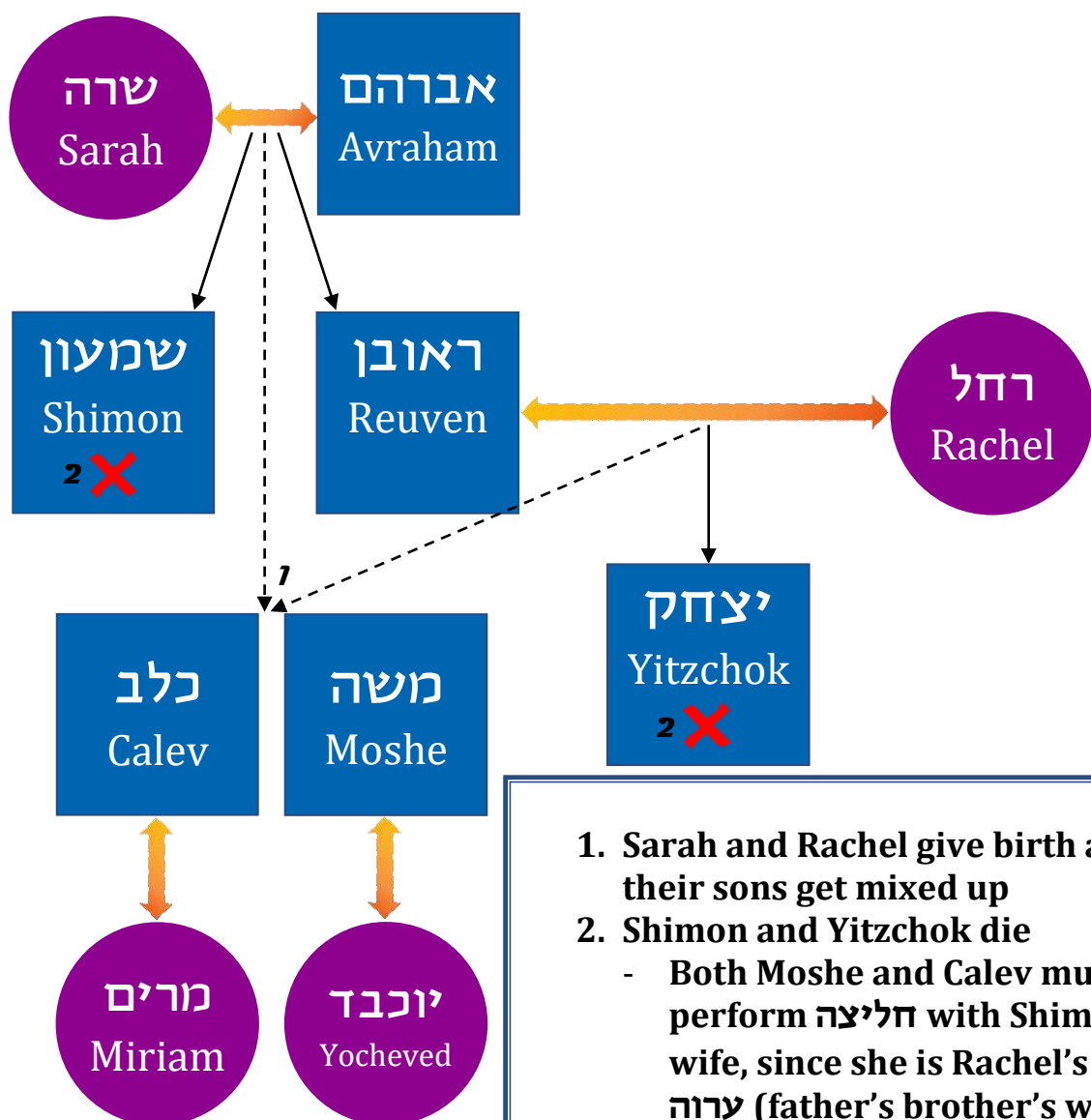
- They don't take a share of תרומה and **may not eat תרומה**, but **don't need to pay back** 'קרן וחומש' – its value plus a fifth – if they do so, since 'עליו הראיה' – one cannot take money from somebody else in a case of doubt.
 - They **should separate תרומה from their own produce, sell it** and keep the money.
 - They **don't receive a share** in קרבנות which go to כהנים.
 - One **shouldn't give them** their 'בכור' – **firstborn animal**, but they are **exempt from giving** their בכור to another כהן, rather they should wait for it to develop an injury so that it doesn't need to be offered as a קרבן and then they may benefit from it.
 - They are **exempt from giving** the **front legs, cheek and stomach** of an animal which he slaughters to a כהן.
 - A 'קומץ' – **3-finger handful** – of flour from his 'קרבן מנחה' – **flour offering** – should be burnt on the מזבח, like the קרבן מנחה of a ישראל, and **the rest** should also be burnt like the קרבן מנחה of a כהן, but not on the מזבח since he might be a ישראל.
- 4) If a woman **remarries within 3 months of being divorced or widowed** and she gives birth to a son and it's unknown from which marriage he was born, when he dies **his wife requires חליצה from his possible brothers** from both marriages, since to one set she is an ערוה (brother's wife on their mother's side).
- If **one of her husbands was a כהן and one was a ישראל**, the laws listed above apply.
 - If they were **both כהנים**:
 - He **becomes an 'אונן'** – one whose relative has died that day and he may not serve in the **בית המקדש** or eat קרבנות – upon the death of both of them.
 - He **may not become טמא** to bury either of them;
 - He **doesn't inherit** either of them if they have other children, since **המוציא מחבירו עליו הראיה**.
 - If he dies without children, **both of them split his inheritance**.
 - He **doesn't receive the death penalty** if he **hits or curses** one of them.
 - He **must serve in the 'משמר'** – one of the 24 groups of כהנים which would serve in the **בית המקדש** for one week at a time – of both men, but **may not take a portion of קרבנות** with the rest of the group (unless they were both part of the same משמר).

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diagrams

יבמות

י"א:ד "ולדה בולד כלתה, ומתו הכשרים" י"א:ד



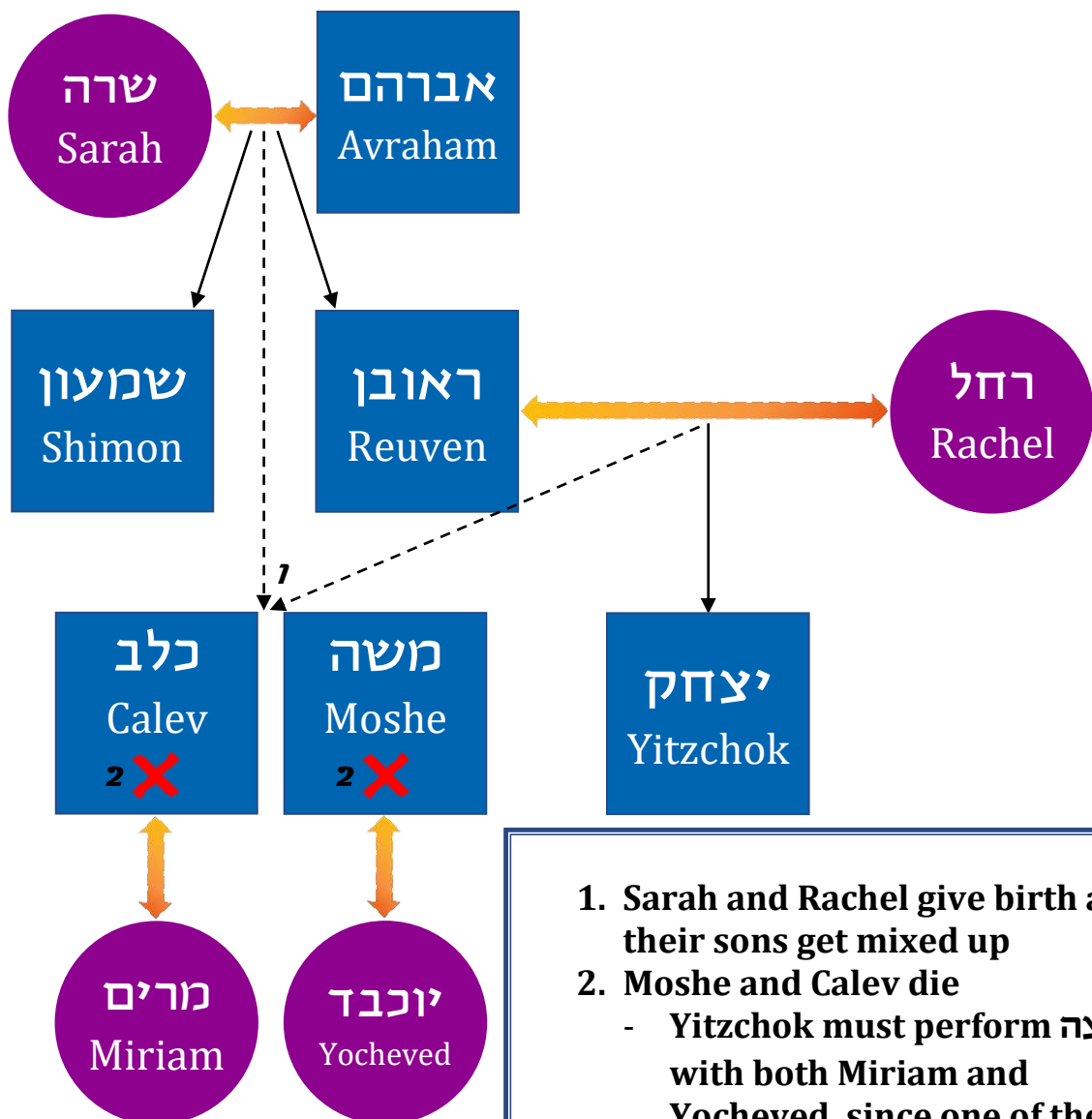
1. Sarah and Rachel give birth and their sons get mixed up
2. Shimon and Yitzchok die
 - Both Moshe and Calev must perform חליצה with Shimon's wife, since she is Rachel's son's ערוה (father's brother's wife).
 - Either Moshe or Calev must perform חליצה on one of the יבמות, and the other one may perform יבום, since each one is either his שומרת יבם or his brother's son's wife

TIME 4 MISHNA

diagrams

יבמות

י"א:ד "ולדה בולד כלתה, ומתו" י"א:ד



1. Sarah and Rachel give birth and their sons get mixed up
2. Moshe and Calev die
 - Yitzchok must perform חליצה with both Miriam and Yocheved, since one of them is his father's brother's wife (ערוה)
 - Shimon may perform יבום with Miriam and Yocheved, since each one is either his שומרת יבם or his brother's son's wife

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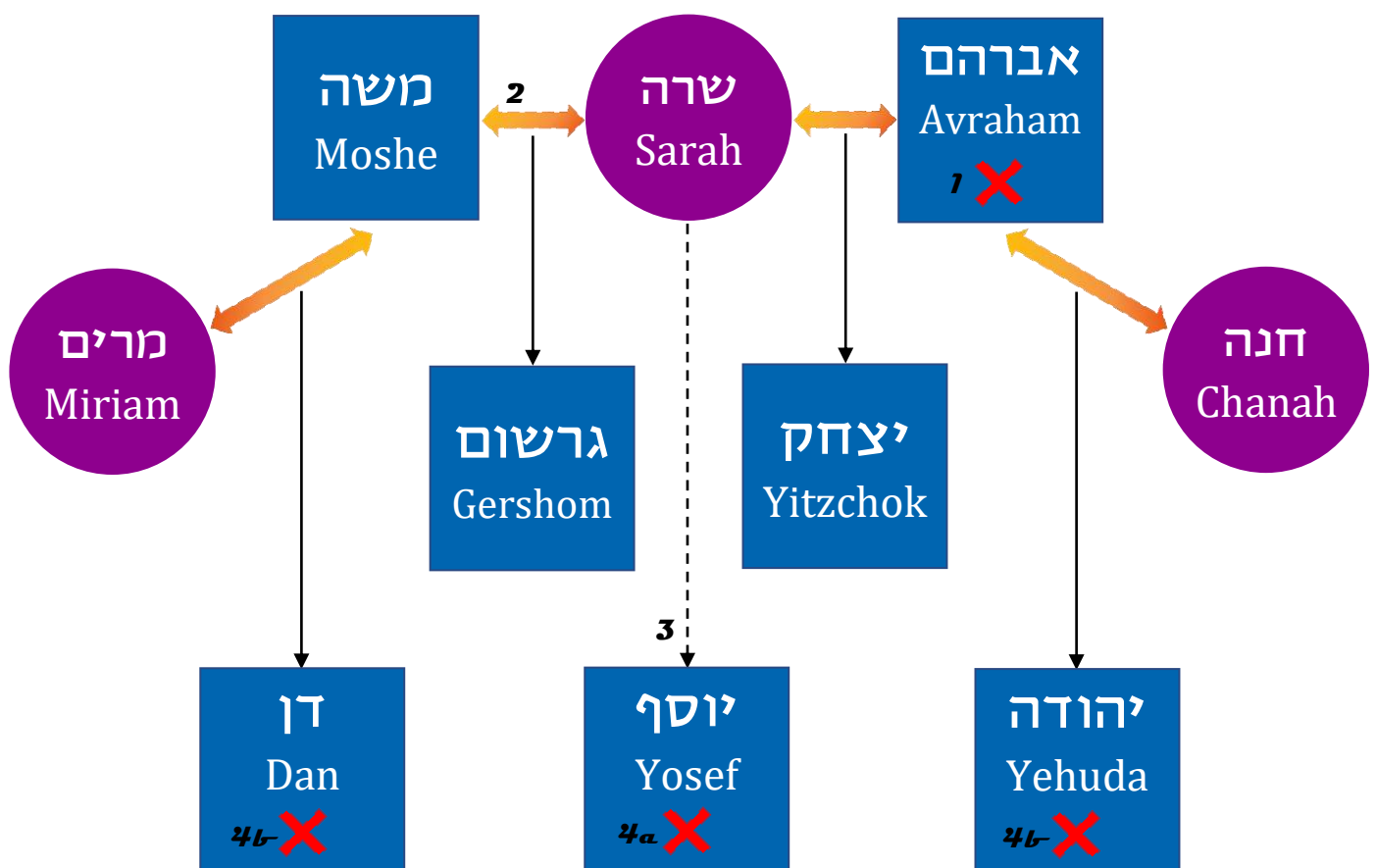
diagrams

יבמות

י"א:

"היו לו אחים...שלא מאותה האם"

י"א:



1. Avraham dies or divorces Sarah
2. Sarah marries Moshe within 3 months of separating from Avraham
3. Sarah gives birth to Yosef after being married to Moshe for 7 months, and it's unknown whether his father is Avraham or Moshe
- 4a. Yosef dies
 - Yehuda or Dan may perform יבום with Yosef's wife, since she's either their שומרת יבם or not related
- 4b. Yehuda or Dan die
 - Yosef may perform יבום with their wife, since she's either his שומרת יבם or not related

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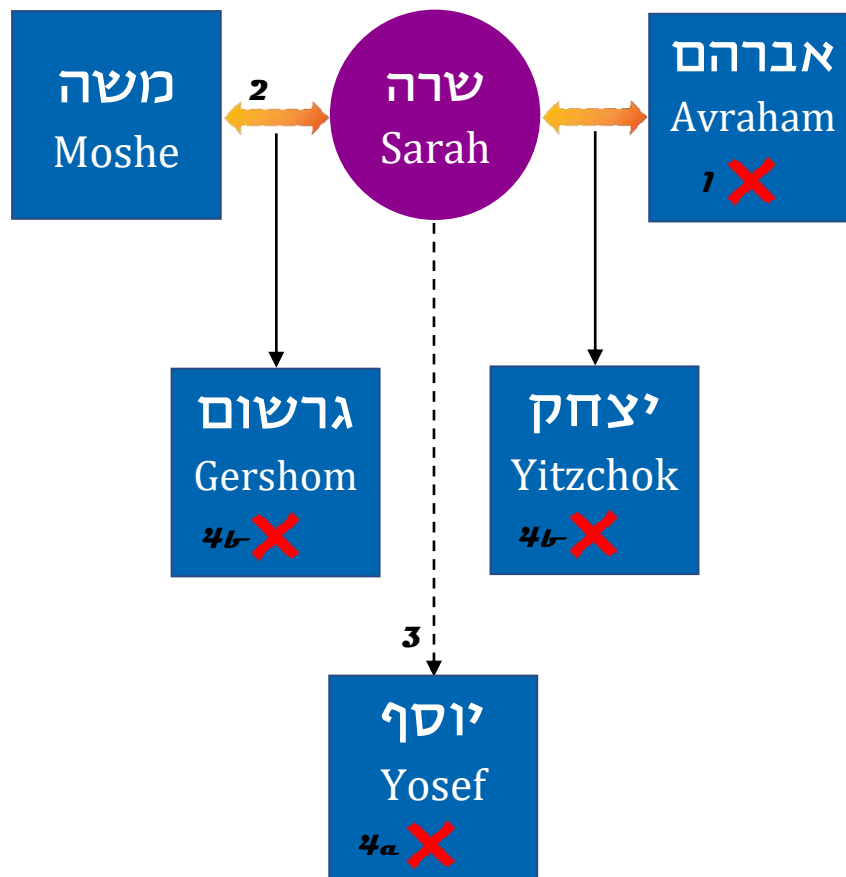
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יבמות

י"א:

"מי שלא שהתה אחר בעלה"

י"א:



1. Avraham dies or divorces Sarah
2. Sarah marries Moshe within 3 months of separating from Avraham
3. Sarah gives birth to Yosef after being married to Moshe for 7 months, and it's unknown whether his father is Avraham or Moshe
- 4a. Yosef dies
 - Yitzchak and Gershom must perform חליצה on Yosef's wife, since she could be their maternal brother's wife
- 4b. Yitzchak or Gershom dies
 - Yosef must perform חליצה on their wife

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summaries

יבמות

• The **בית דין חליצה** process in **דין**:

- **חכמים**: מדאורייתא, the **בית דין** can be comprised of 3 regular people who aren't expert judges.
 - **כהן**, 5 people are required so that the news spreads more that she is able to remarry and that she may not marry a **כהן**.
- **ר' עקיבא** and **ר' יוחנן הסנדלר**, **ר' שמעון**: **בית דין** is necessary.
- 1) The **בית דין** advise the **יבם** and **יבמה** whether to perform **יבום** or not, e.g. if there is a large age gap then they would advise **חליצה**.
- 2) They both **read the פסוקים** stating that the **יבם** refuses to continue the name and legacy of his brother by performing **יבום**.
 - If the **פסוקים** which are read during the **חליצה** process **were not read**, it is still **valid**.
 - However, if the **יבם** or **יבמה** are **dumb**, it's **invalid** since they are *incapable* of reading the **פסוקים**.
- 3) The **יבמה** takes off the **יבם's shoe**.
 - The shoe used **must be made of leather and have a full heel**.
 - **מדרבנן** one may not use a **wooden shoe covered in leather**, in case he comes to using a fully wooden shoe.
 - The **shoe-straps** must be wrapped around the **יבם's leg below his knee**.
 - The shoe **must fit him**, so it must cover the majority of his foot and he must be able to walk using it.
 - Therefore, one **should ideally not use somebody else's shoe**.
 - **חכמים**: She **must take his shoe off of his right foot**.
 - **מדרבנן**, one shouldn't use a **left shoe** in case he comes to wear it on his **left foot**.
 - **ר' אליעזר**: She **may take it off of his left foot**.
- 4) The **יבמה** spits in front of the **יבם** with spit that the **בית דין** are able to see.
 - **ר' אליעזר**: If she **didn't spit** in front of him, it's **invalid** since the **תורה** says that "such shall be done", implying that if any action is missing from the process then it's invalid.
 - **ר' עקיבא**: It's **valid**, since the **תורה** is talking about actions involving the **יבם**.
- 5) **חכמים**: Following the practice of **ר' הרקנוס**, the **בית דין** recites the **פסוק** **declaring him the household of the one whose shoe was taken off for חליצה**.
 - **ר' יהודה**: **Everybody present** declare this 3 times.
- **חכמים**: The **חליצה** **may be performed at night**, just like the verdict of a court-case may be given at night, since nothing else follows the **חליצה**.
 - **ר' אליעזר**: It **may not be performed** at night, since it's like the beginning of a court-case as nothing was done previously.
- If a **child** or '**חרש**' – **deaf and dumb person** – performs **חליצה**, it's **invalid** since they lack a sufficient level of understanding for their actions to have Halachic significance.

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- **The marriage of a 'קטנה' – girl under the age of מצוה:**

מיאון – when a קטנה dissolves her מדרבנן marriage:

- 1) **בית שמאי**: She may only perform **מיאון** after receiving **קידושין** but **not once she is fully married**, so that men won't withhold from marrying orphaned girls for fear that she'll dissolve the marriage after all of the wedding expenses.
בית הלל: She **may perform מיאון** also once fully married.
 - 2) **בית שמאי**: If her husband dies and she becomes a **שומרת יבם**, **she hasn't got the power to perform מיאון** since her **זיקה** was placed upon her automatically.
בית הלל: **She may**, since **מיאון** uproots the entire original marriage as if it never began.
 - 3) **בית שמאי**: She **must declare the מיאון in front of her husband**, so that her confidence shows that she has full intent to uproot the marriage.
בית הלל: This **isn't necessary**.
 - 4) **בית שמאי**: It must be done in a **בית דין** of **expert judges**, in order that they can ascertain that her marriage began after her father had died and it was only valid **מדרבנן**.
בית הלל: A **בית דין** of **regular men** is sufficient.
 - 5) **בית שמאי**: She **may only perform מיאון once**, since otherwise it will bring a bad name to **בית דין** who are helping a woman to get married and dissolve her marriage so easily.
בית הלל: She **may do so multiple times**, since it doesn't require an expert **בית דין**.
- If her mother and brothers **married her off forcibly**, she **doesn't require מיאון** since the marriage is invalid even **מדרבנן**.
 - **ר' חנינא בן אנטיגנוס**: If **she got married when she's too young** to look after the **קידושין** money or document, she **doesn't require מיאון**.
 - **ר' אליעזר**: **Marriage rights**, such as a **ישראל** eating **תרומה** whilst married to a **כהן**, **don't apply** in a marriage which is only valid **מדרבנן**, since it's just permission to have relations.
 - Whereas if a woman who is married **מדרבנן** receives a **גט** from her husband, the marriage ends at that point, **מיאון** dissolves the entire marriage as if it never began, so they are **permitted to marry each other's relatives** and she **may marry a כהן**.
 - If a woman performs **מיאון** and then **remarries her husband who then divorces her** with a **גט** before she reaches **בת מצוה** and then she marries another man after which he dies or divorces her, she **may not remarry her original husband** since the fact that he gave her a **גט** after **מיאון** implies that at the time of her marriage to the second man, she may have been over **בת מצוה** in which case the marriage was valid **מדאורייתא**, so there exists the prohibition of **גרושתו**.
→ However, if **first he divorced her** and the second time she performed **מיאון**, it is clear that throughout the first marriage she was still **בת מצוה** and assumedly this was the case when she married the second man too in which case there wouldn't be a prohibition of **גרושתו**, so he **may remarry her**.

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→ If a **קטנה** performs **מיאון**, gets married to another man, receives a **גט**, gets married to another man and performs **מיאון**, she is **forbidden to remarry the man who gave her a גט** even though the last act that was done was **מיאון** so it's clear that her marriages were all **מדרבנן** and there is no prohibition of **מחזיר גרושתו**. This is out of concern that the man who divorced her will convince her to perform **מיאון** with her next husband so that they can remarry.

זיקות and marriages and מדרבנן and מדאורייתא

- If a **קטנה's father marries her off such that the marriage is valid and she is then divorced**, she is under her own authority so if she remarries another man before reaching **בת מצוה** this is valid only **מדרבנן**, so if her husband dies then she **must perform חליצה** since **מדאורייתא** she is the **יבם's** brother's wife without an obligation of **יבום** to permit the **ערוה**.
 - **ר' אליעזר**: In any case where a **woman gets married twice**, even if both marriages are **מדאורייתא** or both are **מדרבנן**, she **must perform חליצה**, so that one doesn't come to performing **יבום** in the above case.
- **ר' יהושע**: If **ראובן marries רחל and his brother שמעון marries her sister קטנה** so his marriage is valid only **מדרבנן**, and **ראובן** dies, **שמעון must perform חליצה** with **רחל** since **מדרבנן** she is his wife's sister, and **must divorce his wife לאה** since she is **אחות זקוקתו** and then the sister of his **חלוצה**.
 - ר' אליעזר**: **לאה should be instructed to perform מיאון**, so that **שמעון** may perform **יבום** with **רחל**, which is preferable to **חליצה**.
 - רבן גמליאל**: A woman shouldn't be instructed to perform **מיאון**, in case she will want to return to her husband once she's remarried another man, rather **שמעון should wait until his wife reaches בת מצוה**, at which point their marriage will be valid **מדאורייתא** and **רחל** will be exempt as his **ערוה**. Until then, **לאה** is **שמעון's זקוקתו** so they **may not have relations together**.
- If a man is married **מדרבנן** to a **קטנה** and a **חרשת** (deaf and dumb woman) and dies, the **יבום or חליצה performed by one of them doesn't exempt the other one**, since it's a doubt whose marriage (and by extension **זיקה**) is weaker, that of a **חרשת** because of her lack of understanding or that of a **קטנה** because of the possibility that it will emerge retroactively that she wasn't married.
- If a man was married to a '**פקחת**' – normal woman who can speak/hear – and a **חרשת**, **חליצה or יבום done with the פקחת exempts the חרשת but not vice versa**, since the **חרשת's** obligation is only **מדרבנן**.
 - The same applies to a man who was married to a **woman over בת מצוה** and a **קטנה**.

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- If a man was married to 2 **קטנות** or 2 **חרשות**, such that when he dies both women require **מדרבנן** **יבום**, once a **יבם** performs **יבום** no **יבום** performed after that has significance, since the **first יבום removed the entire זיקה**.
 - If he was married to a **קטנה** and a **חרשת**, the **חרשת** has a partial **זיקה** and the **קטנה** has a doubtful **זיקה**, so if the **חרשת** **did יבום followed by the קטנה**, the **קטנה's** act does possibly have significance and the **יבם** would **need to divorce and perform חליצה** with both of them.
- If a man was married **מדאורייתא** to a **פקחת** or **woman over בת מצוה** and also **מדרבנן** to a **חרשת** or **קטנה**, only **יבום** with the woman who was married **מדאורייתא** removes the entire **זיקה** from both women such that another **יבום** will have no significance.

ד' אלעזר: If the **woman over בת מצוה** does **יבום** after the **קטנה**, the **קטנה** **should be instructed to perform מיאון** so that the other woman's **יבום** is fully valid and doesn't require a divorce.
- If the **יבם** or **יבמה** is a **קטנה/קטן**, she **cannot remarry somebody else** until they both reach the age of **בת מצוה** or **בר/בת**, since a child cannot perform **חליצה** or get divorced.
- If a **יבמה** **brings a גט to דין בית** and **claims that she hasn't yet had relations with her יבם** so she requires **חליצה**, she is believed and **he is forced to perform חליצה** if she hasn't lived with the **יבם** for more than **30 days** or if he doesn't deny this.
 - If it's **after 30 days**, she isn't believed but **he is still requested to perform חליצה** since she's forbidden to marry without it, because '**שוייה אנפשה חתיכא**' – one is forbidden to do something which he states is forbidden for himself, even if he isn't believed.
- If a **woman makes a נדר** – vow not to benefit from something/someone – from benefitting from her husband's brother, she **may not perform יבום** with him.
 - If she **made the נדר once she became a יבם**, she **he cannot be forced to give her the כתובה** just like a woman who vows not to have relations with her husband, since it's clear that she made the vow in order to escape **יבום**.

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- A **חרש** cannot divorce his wife, since a man's intent is required for divorce, but a **חרשת** can be divorced since her intent and consent aren't required.
 - However, if he was a **חרש** at the beginning of the marriage such that the entire marriage was only valid **מדרבנן**, he can divorce her.
 - **ר' יוחנן בן גדגדה**: On the other hand, a **חרשת** who was married off **מדאורייתא** by her father can be divorced, since her intent isn't required.
 - A **חרש** can perform **יבום מדאורייתא** since intent isn't required, but he cannot divorce her even though he was a **חרש** from the start.
- If a **man's wife becomes crazy**, **מדרבנן** he may not divorce her so that she is looked after and not taken advantage of.
- In a case where there is an **obligation מדרבנן of יבום** and the **יבם שומרת יבם** is an **ערוה מדאורייתא**, she is exempt from **יבום** and **חליצה**.
- In a case where there is an **obligation מדאורייתא of יבום** and the **יבם שומרת יבם** is an **ערוה מדרבנן**, she is obligated in **חליצה** and if he is married to her sister then he must divorce her.

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- **Testimony of somebody's death:**

Allowing a woman to remarry based on testimony of her husband's death:

- **חכמים**: If a woman goes abroad with her husband and upon returning **claims in בית דין that her husband had died**, she is believed and **may remarry or perform יבום**, because of **תקנת עגונות** and since she's unlikely to lie, knowing the severe consequences of doing so.
ר' יהודה: She is only believed if she openly shows signs of mourning.
 - If they **travelled to a place of war**, she **isn't believed** since she might be assuming that he's dead based on circumstantial evidence.
 - If she had **previously claimed that her husband had divorced her** and was found to have been lying, she **isn't believed**.
 - **בית הלל** originally were of the opinion that she is only believed if her husband had been in the **same country** and it can quite easily be checked if she is lying. They later retracted and agreed with **בית שמאי** that she's believed also when he was **abroad**.
 - **בית הלל** originally were of the opinion that although she may remarry because of **תקנת עגונות**, she **may not take her כתבה** without 2 valid witnesses. They later retracted and agreed with **בית שמאי** that she **is entitled to her כתבה** too, since the **כתבה** states that she is entitled to money once permitted to marry somebody else.
- Any **single witness is believed** to allow a woman to remarry, except for her **mother-in-law and her daughter**, her **צרה**, her **husband's sister-in-law** who is her potential future **צרה** in a case of **יבום**, and her **stepdaughter**, since they might want her to be forced to separate from her husband.
 - However, if they **bring her גט** as a messenger from her husband, **they are trusted** since the **גט** is proof.
 - **חכמים**: If a woman claims that her husband died and **her צרה claims that he didn't die**, **the one who claims that he died may remarry**.
ר' שמעון and **ר' יהודה**: Her **צרה's** testimony is relevant, so she **may not remarry** since this is like 2 witnesses whose claims contradict each other, that neither are accepted.
ר' מאיר: Even if her **צרה agrees that he died but claims that he was killed**, this is considered a contradiction and **neither may remarry**.
 - **ר' טרפון**: If a woman returns from abroad with her husband and claims that he died, her **צרה may not remarry** and if she is a **ישראל בת** married to a **כהן**, she **may continue eating תרומה** assuming that he is still alive.
ר' עקיבא: She **may not eat תרומה**, since the woman's testimony is true.
 - **ר' טרפון**: If a woman **claims that her husband and her father-in-law died**, her mother-in-law may not remarry and she **may continue eating תרומה**.
ר' עקיבא: She **may not eat תרומה**.

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- **ר' טרפון**: If one violates the prohibition **מדרבנן** of performing **קידושין** with a woman via having relations with her, and he is **unsure with which woman he performed קידושין**, he **must give a גט** to each possible woman and the **כתבה** should be left in **בית דין** until one of them can prove that she received the **קידושין**.
- ר' עקיבא**: He **must give each woman a כתבה**, as a punishment for performing **קידושין** with relations.
- **ר' טרפון**: If one **steals from one of 5 people and he isn't sure from whom**, he should **place the item in בית דין** until somebody can prove that it was stolen from him.
- ר' עקיבא**: He **must give the item or its value to each of them**, as a punishment.
- When one generally invalid witness states that a woman's husband died and his testimony is accepted, it is considered to be like the testimony of 2 witnesses since that is what is always required, so even if **another witness later comes and claims that he isn't dead**, she **may still remarry**.
 - If **2 generally invalid witnesses later claim that he isn't dead**, she **must get divorced**.
- Although a woman is believed to testify that her husband died, her **claim isn't believed against her 'חזקה'** – previously known status which is assumed to remain the same, so if she went abroad with her husband and only child and returns claiming that her child died followed by her husband, cannot perform **יבום** since she had a **חזקה** of being exempt due to her child.
 - She **must still perform חליצה** before remarrying, since **שוייה אנפשה חתיכא דאיסורא**.

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- If a woman's husband and צרה go abroad and witnesses testify that her husband died, she **may not perform יבום or remarry until she knows whether her צרה gave birth**. She **cannot do חליצה**, in case when she later finds out that her צרה did give birth so the חליצה was unnecessary and invalid so she may still marry a כהן, and people might come to permit a חלוצה for a כהן.
- **חכמים**: One **doesn't need to be concerned that his mother-in-law gave birth to a יבם, unless she went abroad when already pregnant** in which case it's assumed that she'll give birth so there is a 50% chance that it's a boy so a יבם.
ר' יהושע: She doesn't need to be concerned and she **may remarry**, since the small possibility that she will miscarry is also taken into account, so the chance that she gives birth to a יבם is less than 50%.
- If **a woman and her יבם's wife both claim that their husbands died**, their testimonies are only accepted regarding themselves, so they are **both forbidden to marry** since they must assume that their יבם is still alive and she requires יבום or חליצה.
 - If one of them has **witnesses**, then **the other woman may remarry**.
 - If one of them has **children**, **she may remarry**.
 - **חכמים**: If both of them has **another יבם** so they perform יבום and then their new husbands die, they are **forbidden to remarry** again since they must assume that the other יבם is alive.
ר' אלעזר: They **may remarry**, since both of them acted based on their testimonies by performing יבום, so their testimonies are accepted fully.

Criteria which must be fulfilled to testify that somebody died:

- He **must see their face**, and other indications of identity such as his height or clothes isn't sufficient.
- He **must see him dead** and not just mortally wounded.
 - **ר' מאיר**: If one **sees somebody fall into water and not come up**, he **cannot testify** to his death since this is based on circumstantial evidence as it's possible that he is still alive.
ר' יוסי: If one **can see all 4 borders of the body of water** and he doesn't see him come up, he **can testify** to his death.
- **חכמים**: He **must see him within 3 days** of death, whilst his features are still recognisable.
ר' יהודה בן בבא: The speed of the body's decomposition depends on each situation, so there **isn't a fixed time**.
- If one overhears **women** talking about somebody having died, this is enough to **allow his wife to remarry**.
ר' יהודה: The **same applies** to **children** talking about having buried and heard eulogies about him.

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ר' יהודה בן בבא: If a **non-Jew** states that somebody died, this is **accepted as long as his intention isn't to testify**.

- He **can testify** even if he only saw the dead man by the **light of the moon or a candle**.
- If somebody's **voice is heard announcing his own or somebody else's death**, his wife **may remarry**.
- **ר' עקיבא** met **נחמיה איש בית דלי** who told him that **רבן גמליאל הזקן** accepted the testimony of one witness in order for his wife to remarry, and it was instituted that even **1 generally invalid witness is believed**, even though until then **ר' יהודה בן בבא** was the only one in **ארץ ישראל** who ruled like this.

→ Previously, **ר' אליעזר** and **ר' יהושע** had held that **2 valid witnesses** are required, and **ר' עקיבא** had held that **1 valid witness** is required.

- **חכמים**: A group of **לויים** dropped off their ill friend at an inn and later returned and the non-Jewish, female innkeeper told them that he had died, and his wife was permitted to remarry, which is proof against **ר' עקיבא**.

ר' עקיבא: This isn't a proof, since she didn't intend to testify, and she brought them his belongings.

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