

The one performs *Chalitzoh* for both of them – האחד¹ חולץ לשתיהן –

OVERVIEW

The case here is where two people (גד and ראוּבן) were two מקדש sisters (רחל ולאָה) and we do not know who married which sister. גד and ראוּבן both died childless. גד has one brother (אשר), while ראוּבן has two brothers (לוי and שמעון). The rule is that אשר is first חולץ to both sisters,² while regarding שמעון and לוי, one (לוי) performs חליצה on one of the sisters (רחל), and the other brother (שמעון) may be מייבם the other sister (לאָה). Our תוספות explains the necessity of the first set of חליצות.

פירוש³ האחד יחידי והשנים אחד חולץ ואחד מייבם -

The explanation of **האחד (the one)** is the one who is a **single brother** (namely אשר the brother of the deceased גד). And of **the two** brothers of ראוּבן (namely שמעון and לוי), **one** performs **חליצה** on one of the sisters (רחל), and the **other** brother can be מייבם the remaining sister (לאָה) who did not have חליצה the second time). The גמרא continues -

ודוקא מיחלץ והדר יבומי -

‘And only if there is חליצה and afterwards יבום’, is the יבום permitted -

פירוש⁴ שחלץ היחידי תחילה⁵ והדר יבומי א' מן השנים אחר חליצת אחיו דממה נפשך מותר -

The explanation of the phrase, 'ודוקא מיחלץ והדר יבומי' is that the **single brother** (אשר) performed **חליצה** first on both sisters, and then one (לוי) of the **two brothers** (שמעון or לוי) was **מייבם** (לאָה) after his brother (שמעון) performed חליצה (on רחל), for in any case the remaining sister (לאָה) is permitted to him (לוי). תוספות continues to explain why לאָה is permitted to לוי (in the last step) -

דאי חלץ אחיו לזקוקתו אם כן מותר זה ליקח אחותה כיון דחלץ⁷ אחיו פקע הזיקה -

For if brother שמעון performed חליצה to לוי's sister, so therefore לוי is permitted

¹ This תוספות is referencing the גמרא on (the top of) נב, א.

² Each one of the sisters may have been s'גד wife, so neither can marry unless they are freed from their זיקה to אשר (s'גד brother). By giving them חליצה it is permissible for s'גד widow to remarry, except we are not sure who is s'גד widow.

³ This פירוש of תוספות appears to be exactly like (נב, א ד"ה דוקא) פ"י הקונטרס, so perhaps it should read פ"י הקונטרס.

⁴ The word 'פירוש' here is excluding the rejected פירוש that is mentioned at the end of this תוספות. See footnote # 11.

⁵ At this point (after אשר was חולץ both sisters) there is no more זיקה to אשר, and only one sister has a זיקה to שמעון (except we do not know which one).

⁶ We are now assuming that רחל was ראוּבן's wife and she requires חליצה from שמעון (or לוי); she is a זקוקה to them, and once she received חליצה from שמעון, her sister לאָה (who was s'גד wife) has no more זיקה to anyone, for אשר gave her חליצה already, therefore לוי can marry her as a wife (not as יבום).

⁷ However before אשר gave חליצה to רחל, it is not permissible for לוי to be מייבם לאָה for perhaps רחל was ראוּבן's wife and רחל is זקוקה to לוי (as well as to שמעון), and מדרבנן it is not permitted to marry זקוקתו.

to marry her sister (לאה), for since his brother (שמעון) performed חליצה (on רחל), the זיקה, that רחל had on לוי expired; it exists no longer.

ואי לא חליץ לזקוקתו⁸ אם כן זה ייבם זקוקתו -

And if שמעון did not perform חליצה לזקוקתו, so therefore this לוי is מייבם זקוקתו לוי⁹.
the wife of his brother ראוּבן.

אבל יבומי אחד מן השנים אפילו לאחר חליצת אחיו שאין כאן אחות זקוקתו¹⁰ כדפירשתי -
However (it is not permitted) for one (לוי) of the two brothers (שמעון ולוי) to be even after his brother שמעון performed חליצה on רחל, so there is no concern of אחות זקוקתו as I explained; this alone-

לא מישתרי דכיון דלא חליץ היחידי לשתיהן איכא למיחש בזו שמתייבמת -

Is not permitted, for since the single brother אשר did not give חליצה to both sisters, there is concern regarding this לאה who is מתייבמת לוי, that -

שמא זו יבמתו של יחיד ונמצא כונסה כפגע ביבמה לשוק בלא חליצה -

Perhaps she (לאה) is the יבמה of the single brother אשר (she was s'גד wife) and if אשר did not give her חליצה, so it turns out that when לוי marries לאה it is possible that he is meeting up with a יבמה לשוק without חליצה, which is forbidden.

explained the phrase יבומי והדר מיחליץ וזהו דוקא to refer to the very first חליצה by אשר to the two sisters תוספות concludes - רחל ולא

ולא מצינו לפרש¹¹ דדוקא מיחליץ והדר יבומי -

But we cannot explain the phrase of 'דוקא מיחליץ והדר יבומי' -

קאי אשנים אבל איכא לא משום דשמא פגע באחות זקוקתו -

To be referring to the two brothers of ראוּבן that שמעון first performs חליצה on רחל and only then can לוי be מייבם לאה, however it cannot be done in the opposite order that לוי is מייבם לאה before שמעון is חולץ רחל, for there is the concern that דוקא מיחליץ והדר אשר, אחות זקוקתו לוי will meet, this is not the correct interpretation of דוקא מיחליץ והדר יבומי -

דהא מרישא¹² שמעינן:

⁸ We are now assuming that רחל was not s'גד wife, but rather ראוּבן's wife, so she is not זקוקה to שמעון or לוי.

⁹ The reasons לאה may be forbidden to לוי are (a) she is a יבמה לשוק (without חליצה), or (b) she is אחות זקוקתו לאה. Problem (a) was removed by אשר giving חליצה to both sisters (this is the חידוש of the סיפא). Problem (b) is removed by שמעון giving חליצה to רחל thereby removing her as a זקוקה לוי (this we really knew from the רישא [see footnote # 12]).

¹⁰ After שמעון was חולץ רחל, then לאה cannot be אחות זקוקתו לוי, for רחל is no longer זקוקה לוי (certainly not if רחל was s'גד wife. And) even if she was ראוּבן's wife, she already received חליצה from שמעון.

¹¹ See footnote # 4.

¹² The רישא of the ברייתא stated that if each deceased brother (גד and ראוּבן) had only one brother (שמעון) and neither can be חולץ לאה after one was חולץ. The reason is if אשר gave חליצה to רחל and שמעון wants to be מייבם לאה, there is the concern that רחל was the wife of ראוּבן and is זקוקה to שמעון (and the חליצה that רחל received from אשר is

For this we know from the רישא.

SUMMARY

The רישא (of one brother each), teaches us how to avoid the איסור of אחות זקוקתו, while the סיפא teaches us how to avoid the איסור of יבמה לשוק.

THINKING IT OVER

Why cannot we say that the phrase, 'ודוקא מיחליץ והדר יבומי'; is referring to both sets of חליצה (the two חליצות performed by אשר [to remove the איסור of יבמה לשוק] and the single חליצה performed by שמעון [to remove the איסור of אחות זקוקתו]). The גמרא included both of them in one phrase (even though we know the second חליצה [of שמעון] from the רישא), since he is not adding anything extra?

meaningless), so now if שמעון were to marry לאה (who was s'גד wife) he is marrying אחות זקוקתו (which is רחל), and this is forbidden מדרבנן. So we are already aware of the issue of אחות זקוקתו, therefore we need to assume that the phrase דוקא מיחליץ והדר מייבם is referring to the first two חליצות of אשר, regarding the issue of יבמה לשוק. See 'Thinking it over'.