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Yevamos Daf 8

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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The Gemora asks: The comparison (where the yevamah was initially prohibited to the yavam with the prohibition of being his brother's wife and then there is an additional prohibition of his wife's sister) might well be justified where the deceased brother married (his wife first) and the surviving brother married (his brother's wife's sister) afterwards, for in this case, since the prohibition of brother's wife was removed (when the yevamah falls for yibum), that of the wife's sister (which comes about later) is also removed; but where the surviving brother had married (first) and subsequently the deceased brother had married (her sister), the prohibition of his wife's sister was surely in effect first (and afterwards the prohibition of his brother's wife was added; there is no logic to remove the prohibition of his wife's sister when the brother's wife prohibition is removed)!? Furthermore, even where the deceased brother married (his wife first and the surviving brother married his brother's wife's sister afterwards), the comparison would be justified in the case where the deceased brother had married and died, and the surviving brother had married afterwards so that (the yevamah) was eligible in the interval (and according to Ulla, it is logical to say that once she is permitted to him, she remains permitted – even after the yavam marries her sister, which adds a prohibition of his wife's sister); where, however, the deceased had married, and before he died, his surviving brother married his wife's sister, where his widow was never for a moment fit for his brother (Ulla's principle does not apply, for the woman was already prohibited to him as his wife's sister before she fell to him for yibum)!? Doesn't Ulla admit that if the metzora experienced a discharge on the night preceding the eighth day of his purification, he must not insert his hands into the Temple Courtyard on account of (the application of blood on) his thumbs, because at the time he was fit to bring the

sacrifice (of the purified metzora) he was not free from tumah? [Ulla stated his principle only in a case where the metzora experienced a discharge after he was already fit to insert his hands into the Temple Courtyard. The same should hold true by yibum as well!?!]

The Gemora concludes: 'Aleha' is needed for a case where the deceased brother married (his wife first) and the surviving brother married (his brother's wife's sister) afterwards (for in this case, since the prohibition of brother's wife was removed when the yevamah falls for yibum, that of the wife's sister, which comes about later, is also removed).

The Gemora offers another reason why the verse '*aleha*' is required to teach us that he may not perform a *yibum* on his wife's sister. Otherwise, it might have been deduced (*that a wife's sister is permitted to be taken in yibum*) by means of Rabbi Yonah's analogy. For Rabbi Yonah and others say, Rav Huna son of Rabbi Yehoshua said: Scripture stated: *For if anyone shall do any of these abominations, he shall be cut off*. All forbidden relatives were compared to a brother's wife; so in this case also it might have been said, just as a brother's wife is permitted, so also are all other forbidden relatives permitted; *aleha* teaches us that the wife's sister is prohibited. (8a1 – 8a2)

Rav Acha Midifti asked to Ravina: We could compare all forbidden relatives to a brother's wife, and we could compare them to a wife's sister. Why do we choose to compare them to a wife's sister, and they may not be taken in *yibum*? Let us compare them to a brother's wife, and they may be taken in *yibum*!?

Ravina answers: When there is a choice, we always compare in manner that will lead to a stringency, not a leniency. Alternatively, we can answer that a *yevamah*, who is also a wife's sister has two prohibitions; namely, a brother's wife and a wife's sister. The other relatives also have two prohibitions. A brother's wife has only one prohibition. It is logical to compare the cases with two prohibitions to the case with two prohibitions and therefore, they cannot be taken in *yibum*. (8a2)

Rava said: We do not need a verse to forbid a relative for *yibum* because a positive commandment may not override a negative prohibition that carries the penalty of *kares*; the verse is necessary to teach us that one may not perform *yibum* with the co-wife of a forbidden relative.

The Gemora asks: And in the case of a forbidden relative, no Scriptural text is required (to prohibit her from *yibum*)? Surely it was taught in a Baraisa: So far (from 'aleha') we are in a position to know the law concerning herself (the wife's sister)!?

The Gemora answers: This was stated on account of her co-wife.

The Gemora asks: Was it not taught in that Baraisa, however: Now, we know the law concerning themselves (the other forbidden women)?

The Gemora answers: This was stated on account of their co-wives.

The Gemora asks from the following Baraisa: Rebbe said: Instead of *And take*, Scripture stated: *And take her*, and instead of *And perform the duty of a husband's brother*, Scripture stated: *And perform the duty of a husband's brother unto her*. This is in order to prohibit the *yibum* of forbidden relatives and their co-wives.

The Gemora answers: Say that he meant that the verse is coming to forbid the co-wives of the forbidden relatives.

The Gemora asks: But two texts, surely, were mentioned? Wasn't one for the forbidden relative and the other for her co-wife?

The Gemora answers: No; both were for the co-wife, but one indicates prohibition of a co-wife where the mitzvah (of *yibum*) is applicable, and the other indicates permission to marry the co-wife where the mitzvah (of *yibum*) is not applicable. What is the reason? It is because instead of *And perform the duty of a husband's brother*, Scripture stated: *And perform the duty of a husband's brother unto her*. This indicates that only where *yibum* is applicable is a co-wife forbidden, but where *yibum* is not applicable, a co-wife is permitted.

Rav Ashi said: This may also be inferred from our Mishna where it was stated: Fifteen women exempt their co-wives, but it was not stated: are exempt and exempt their co-wives. This indeed proves it. (8a2 – 8a4)

The Gemora asks: If a verse is not needed to forbid *yibum* with the forbidden relative because there is a penalty of *kares*, a verse should not be necessary to forbid the co-wife either, because she is also under the penalty of *kares*, and a positive commandment may not override a negative prohibition that carries the penalty of *kares*?

The Gemora concedes this point: Rav Acha bar Bibi Mar said to Ravina: Rava meant that no verse is necessary to teach us that a co-wife of a forbidden relative is forbidden in the case of *yibum*; a verse, however, is necessary to permit a co-wife when she is outside the setting of the mitzvah of *yibum*. What is the reason? Scripture writes 'aleha.' This indicates that only where 'aleha' (*yibum*) is applicable is a co-wife forbidden, but where 'aleha' (*yibum*) is not applicable, a co-wife is permitted.

Rami bar Chama said to Rava: Might it not be suggested that the forbidden relative herself should be permitted where the mitzvah of *yibum* is not applicable?

Rava replied: Isn't such an argument contrary to the principle of a kal vachomer? Being forbidden where the mitzvah of yibum is applicable, would she be permitted where the mitzvah of yibum is not applicable?

Rami bar Chama responded: The case of a co-wife could prove it, since she is forbidden where the mitzvah of yibum is applicable, and is permitted where the mitzvah of yibum is not applicable.

Rava answers: It is for your sake that Scripture states: 'in her lifetime,' so long as she (the wife) lives (her sister is forbidden).

Rami bar Chama asked: But isn't the expression 'in her lifetime' required for the exclusion (of the prohibition) after her death (in contrast to other forbidden relatives based upon marriage)?

Rava replied: This is deduced from the text: *And a woman in addition to her sister.*

Rami bar Chama continued to ask: If the deduction were only from the text, '*And a woman in addition to her sister,*' it might have been said that if she (the wife) was divorced, the sister would be permitted, therefore it was expressly stated: *in her lifetime.* So long as she is alive, even though she has been divorced, her sister is not permitted.

The Gemora disagrees with this: But, Rav Huna bar Tachlifa said in the name of Rava that two Scriptural texts are written (regarding one's wife's sister): it is written: *You shall not take a woman in addition to her sister, to make them rival wives* (and the plural expression implies that both the wife's sister and her co-wife are forbidden), and it is also written: *to uncover her nakedness,* which implies that only one is forbidden. How then are the two texts to be reconciled? Where the mitzvah of yibum is applicable, both are forbidden; where the mitzvah of yibum is not applicable, she is forbidden but her co-wife is permitted.

The Gemora asks: Might not the deduction be reversed: Where the mitzvah of yibum is applicable, she is forbidden, but her co-wife is permitted, but where the mitzvah of yibum is not applicable, both are forbidden?

The Gemora answers: If so, '*aleha*' should not have been stated.

Rav Ashi said to Rav Kahana: From where is it derived that the expression '*aleha*' indicates prohibition? Is it not possible that it implies permission, and that it is this that the Merciful One meant to imply: *You shall not take a woman in addition to her sister, to make them rival wives,* neither herself nor her co-wife where '*aleha*' (yibum) is not applicable, but where '*aleha*' (yibum) is applicable, both are permitted!?

Rav Kahana replied: If so, how could the '*uncovering of the nakedness*' of one be possible? If in the case where the mitzvah of yibum is applicable, both are permitted; and if where the mitzvah of yibum is not applicable, both are forbidden! (8a4 – 8b2)

It was stated: Rebbe said: Instead of *And take*, Scripture stated: *And take her*, and instead of *And perform the duty of a husband's brother*, Scripture stated: *And perform the duty of a husband's brother unto her.* This is in order to prohibit the *yibum* of forbidden relatives and their co-wives.

The Gemora asks: Are, then, co-wives mentioned here at all? And, furthermore, the law of co-wives has been derived from a different expression (*litzror*)?

The Gemora answers: The expression *litzror* is employed by Rebbe for Rabbi Shimon's deduction.

The Gemora asks: Where, however, is the co-wife mentioned?

The *Gemora* answers: What he meant is this: If so, Scripture should have stated, *And take*; why then did it state, *And he shall take her*? This is to indicate that wherever there are two to be taken, he having the choice of marrying whichever he prefers, both are permitted, but if not (*if one is a forbidden relative*), both are forbidden. *And perform the duty of a husband's brother unto her* indicates that where *yibum* is applicable, the co-wife is forbidden, where, however, *yibum* is not applicable, the co-wife is permitted.

The *Gemora* asks: As to the Rabbis, to what do they apply the verse *And he shall take her*?

They require it for the deduction of Rabbi Yosi bar Chanina. For Rabbi Yosi bar Chanina said: *And he shall take her* teaches that he may divorce her with a letter of divorce and that he may remarry her. *And he shall perform the duty of a husband's brother unto her* teaches us that even against her will, he may perform *yibum* with her.

The *Gemora* asks: And where does Rebbe learn these from?

The *Gemora* answers: The law of Rabbi Yosi bar Chanina is deduced from *To a wife*, and that the marriage may take place against her will is deduced from *Her husband's brother shall go in unto her*. (8b2 – 8b4)

DAILY MASHAL

Rav Chaim Berman told a story in the name of the Ponovezher Rav, Rav Yosef Shlomo Kahaneman, a story he used to illustrate true ahavas haTorah. Rav Avraham Burstein was the rav of the city of Tevrig in Lithuania. During World War I. there was a curfew placed on the city. No one was allowed to have any lights in their homes lest the enemy be able to spot their homes and attack. Rav Avraham disregarded the warning and left on a very small light, enough to enable him to see the page he was learning. Nevertheless, the soldiers noticed it and barged into his home, accusing him of being a spy. Rav Avraham tried to explain that he was only using the light to study, but the

soldiers would hear none of it. They demanded that he admit to his crime. Rav Avraham stood by his story and would not admit to any wrongdoing. 'The soldiers, determined that he must be a spy. prepared to shoot him. But just before they did, Rav Avraham asked for one last wish: 15 minutes. In those 15 minutes, Rav Avraham opened a Rambam, explaining to the soldiers that he had been studying something and had not figured it out, so he needed a bit more time with it. This was his dying wish. A few moments later, a siren sounded to call the soldiers together; they needed to move on to the next village. They immediately left, leaving Rav Avraham alive to figure out his Rambam. (Touched By Their Tears)