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Yevamos Daf 18

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Rav Huna said in the name of Rav: If a woman awaiting the decision of the yavam died, the yavam is permitted to marry her mother.

This obviously indicates that Rav maintains that no *zikah* (an attachment on the account of yibum, which would create halachos similar to marriage) exists between the yevamah and the yavam. The Gemora asks: Let him then say, the *halachah* is in accordance with the view of the one who doesn't hold of *zikah*? The Gemora answers: If he would have said so, it might have been suggested that this applied only to the case where there are at least two surviving brothers, but that in the case of one brother, a *zikah* does exist.

The Gemora asks: Then let him say, the *halachah* is in accordance with the view of the one who doesn't hold of *zikah* even in the case of one brother? The Gemora answers: If he would have said so, it might have been assumed that there is no *zikah* even where the yevamah is alive (and he would be permitted to marry her mother then); Rav Huna taught us that only after the yevamah dies is he permitted to marry her mother, and not when she is still alive, because it is forbidden to abolish the commandment of yibum (marrying her mother would exempt the yevamah from yibum and chalitzah).

We learned: If his deceased brother's wife died he may marry her sister, which implies that her sister only may be married but not her mother! — The same law applies even to her mother; only because he taught in the earlier clause 'if his wife died he is permitted to marry her sister' in which case only her sister is meant and not her mother, since the

latter is Biblically prohibited, he also taught in the latter clause 'he is permitted to marry her sister'. (17b3 – 17b4)

Rav Yehudah disagrees with Rav Huna: Rav Yehudah maintains that if a woman awaiting the decision of the yavam died, the yavam is still forbidden to marry her mother.

The Gemora asks: Let him then say, the *halachah* is in accordance with the view of the one who holds of *zikah*? The Gemora answers: If he would have said so, it might have been suggested that this applied only to the case where there is but one brother, however when there are at least two surviving brothers, perhaps there is no *zikah*.

The Gemora asks: One could not possibly think that the dispute is only in a case where there is one brother because they explicitly argue in a case when there are two remaining brothers.

The Gemora answers: If he would have said so (the *halachah* is in accordance with the view of the one who holds of *zikah*), it might have been assumed that there is only a *zikah* when the yevamah is alive (and he would be prohibited to marry her mother then), but that after her death, the *zikah* is broken; Rav Yehudah taught us that the *zikah* is not automatically dissolved.

May it be suggested that the following supports his view: If his deceased brother's wife died, the Yavam is permitted to marry her sister, which implies her sister only but not her mother? — The same law may apply even to her mother; but because he taught in the earlier clause, 'if his wife died he is permitted to marry her sister', in which case her sister only

is permitted and not her mother, the latter being forbidden Biblically, he also taught in the latter clause, 'he is permitted to marry her sister'.

Rav Huna bar Chiya raised an objection: If he addressed the ma'amar to her and died, the second must perform chalitzah but may not enter into yibum. The reason then is because he addressed to her the ma'amar, but had he not addressed a ma'amar to her, the second also would have been permitted to enter into yibum with him. Now, if it be maintained that zikah does exist, the second, owing to this zikah, would be the co-wife of the 'wife of his brother who was not his contemporary'! — Rabbah replied: The same law, that the second must perform the chalitzah with, but may not be married to the yavam, applies even to the case where no ma'amar was addressed to her; and the ma'amar was mentioned only in order to exclude the view of Beis Shammai. Since they maintain that the ma'amar effects a perfect contract, he teaches us [that it was not so]. (17b4 – 18a2)

Abaye asks on Rav Yehudah from the following Baraisa: Reuven and Shimon were contemporary brothers and Reuven died childless. Shimon planned to perform a *ma'amar* to his yevamah, but before he managed to perform a *ma'amar* to her, a third brother, Levi was born and subsequently Shimon died childless. The first (*Reuven's wife*) is exempt from *yibum* and *chalitzah* on account that she is the wife of his brother who was not in his world, whereas the second (*Shimon's wife*) can be taken for *yibum* or *chalitzah*. Now, if you would say that a *zikah* does exist, Shimon's wife should be regarded as a co-wife of the first wife, who is forbidden because she is the wife of his brother who was not in his world (*and it should be forbidden for Levi to perform a yibum with her*)?

The Gemora answers that this Baraisa is following the opinion of Rabbi Meir, who maintains that there is no *zikah*.

The Gemora asks: Does Rabbi Meir actually hold that there is no *zikah*; we have learned in a Mishnah otherwise? The

Mishnah states: There were four brothers, two of whom were married to two sisters, and those who were married to the sisters died; these sisters require *chalitzah*, but they cannot be taken for *yibum*. (*The only reason to prohibit yibum in this case would be because each yevamah is the sister of his zekukah, the bond that exists between the yavam and the yevamah.*) Now, if Rabbi Meir is of the opinion that no *zikah* exists, each *yevamah* is coming from two different houses, and one brother could marry the one while the other could marry the other?

The Gemora answers: Actually Rabbi Meir maintains that no *zikah* exists, but nevertheless, it would be forbidden to perform *yibum* with each of the widows. This is because a *yibum* with one can annul the precept of *yibum* with the other; if one of the brothers performs *yibum* with one sister and the other brother dies, there would be no possibility of *yibum* or *chalitzah* with her (*since she is the yavam's wife's sister*) and this would have negated the *mitzvah* of *yibum* with her.

The Gemora asks: If there is no *zikah*, we should not be concerned with the possibility of negating the *mitzvah* of *yibum* either? The Gemora proves this to be the case from Rabban Gamliel. For Rabban Gamliel who holds that no *zikah* exists also [maintains that] the *mitzvah* of *yibum* may be annulled; as we learned: Rabban Gamliel said: If she made a declaration of refusal well and good; if she did not make a declaration of refusal let [the elder sister] wait until [the minor] grows up and this one is then exempt as his wife's sister! - The other said to him: Are you pointing out a contradiction between the opinion of Rabbi Meir and that of Rabban Gamliel? No [replied Abaye]; we mean to say this: Does Rabbi Meir provide even against a doubtful annulment and Rabban Gamliel does not provide even against a certainty! — It is quite possible that he who does not provide makes no provision even against a certain annulment, while

he who does provide makes provision even against a doubtful annulment.¹ (18a2 – 18a4)

Abaye said to Rav Yosef: Rav Yehudah's ruling follows his teacher Shmuel, for we have learned in a Mishnah (41a): A woman was awaiting the decision of the *yavam*, and his brother (*who is also a yavam*) betrothed the *yevamah's* sister; it was said in the name of Rabbi Yehudah ben Beseira that we should tell him (*the one who married the sister*) to wait (*from consummating the marriage*) until his brother performs a *yibum* or *chalitzah* with the *yevamah*. (*This ruling is based on the concept of zikah; the brother is forbidden to consummate the marriage with the sister of the yevamah because she is prohibited to him on account of her being the sister of his zekukah.*) And Shmuel said: The halachah is like Rabbi Yehudah ben Beseirah.

The other asked him: What [objection could there be] if the statement be attributed to Rav? Is it the contradiction between the two statements of Rav? Surely it is possible that these Amoraim are in dispute as to what was the opinion of Rav! — Since this ruling was stated with certainty in the name of Shmuel, while as to Rav's view [on the matter] Amoraim differ, we do not ignore the statement attributing it with certainty to Shmuel in favor of the one which involves Amoraim in a dispute as to the opinion of Rav.

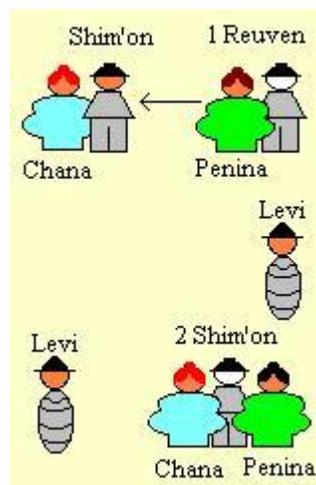
Rav Kahana said: I reported the statement in the presence of Rav Zevid of Nehardea, when he said: You teach it thus; our version is explicit: Rav Yehudah stated in the name of Shmuel: If a woman awaiting the decision of the *yavam* died, [the *yavam*] is forbidden to marry her mother, from which it naturally follows that he is of the opinion that a *zikah* exists. Shmuel is here consistent; for Shmuel said: The halachah is in accordance with the view of Rabbi Yehudah ben Beseirah.

And [both statements are] necessary. For had he only stated, 'A *zikah* exists', it might have been assumed to refer to the case of one *yavam* only but not to that of two, hence we are

¹ The Gemora answers that Rabbi Meir is concerned even when it is merely a possibility that the *mitzvah* of *yibum* will be

taught [that the same law applies also to two]. And if it had only been stated, 'The halachah is in accordance with the opinion of Rabbi Yehudah ben Beseirah', it might have been assumed [that the *zikah* is in force] while the widow is alive but that after her death the bond is dissolved, hence we are taught that the *zikah* is not dissolved automatically. (18a4 – 18b1)

The Mishnah states: There were two brothers, Reuven and Shimon. Reuven died childless and Shimon performed a *yibum* on Reuven's widow, Penina. A third brother, Levi was born and subsequently Shimon died childless. Shimon's two widows fall for *yibum* to Levi. Penina is exempt from *yibum* and *chalitzah* because she is the wife of Levi's brother who was not in his world (*Reuven and Levi were not alive at the same time.*) Chana, Shimon's original wife, is exempt as well because she is the co-wife of an *ervah*. If Shimon performed a *ma'amar* with Penina and then died childless, Levi can perform *chalitzah*, but not *yibum*.



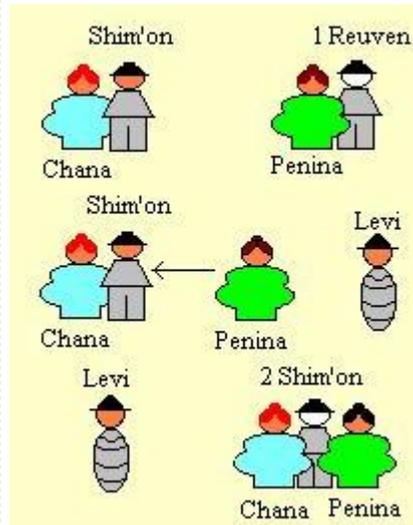
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Rabbi Shimon disagrees with the Mishnah's fist ruling. He maintains that Levi may perform *yibum* or *chalitzah* with any one that he desires. (*This is because Reuven's widow, Penina became Shimon's wife before Levi was born; Penina never fell*

negated and Rabban Gamliel is not concerned even when the *mitzvah* of *yibum* will certainly be negated.

for *yibum* to Levi as the wife of his brother who was not in this world.) (18b2)

Rabbi Oshaya states: Rabbi Shimon would disagree even in the case in the beginning of the chapter.



Courtesy of <http://chavruta.tripod.com/>

There are two brothers, Reuven and Shimon; Reuven dies childless and then a third brother, Levi is born to them. The second brother, Shimon performs a *yibum* with Reuven's wife, Penina, and then, he too, dies childless. Shimon had another wife, Chana, as well. They both (*Penina and Chana*) fall to *yibum* to Levi. Penina is exempt from *yibum* and *chalitzah* because she is the wife of Levi's brother (*Reuven*) who was not in his world (*Reuven and Levi were not alive together*). Chana is also exempt from *yibum* and *chalitzah* because she is the co-wife of an *ervah*. Rabbi Shimon would permit Reuven's wife, Penina to Levi even though Levi was born before Shimon took her in *yibum*.

From where is this inferred? From the existence of a superfluous Mishnah. For in accordance with whose view was it necessary to teach the clause of the first [Mishnah]? If it be suggested, [according to that] of the Rabbis, [it may be retorted]: If when the *yibum* had taken place first and the birth occurred afterwards, in which case he, found her permitted, the Rabbis nevertheless forbade her, is there any need [for them to specify prohibition in the case where] the

birth occurred first and the marriage took place afterwards! Consequently it must have been required [in connection with the view] of Rabbi Shimon; and the first [Mishnah] was taught in order to point out to you how far Rabbi Shimon is prepared to go while the last Mishnah was taught in order to show you how far the Rabbis are prepared to go. It would, indeed, have been logical for Rabbi Shimon to express his dissent in the first case, but he waited for the Rabbis to conclude their statement and then he expressed his dissent with their entire statement.

The Gemora asks: If Rabbi Shimon disagrees in both cases, what would be a case of the wife of a brother that was not in his world, according to Rabbi Shimon?

The Gemora presents two cases: If there was only one brother and he died childless; afterwards another brother was born. The new brother may not perform a *yibum* on the wife of his brother that was not in his world. Another case is when there were two brothers and one of them died childless. The third brother, Levi was born and the second brother did not perform a *yibum* and did not die. The widow of the first brother will be forbidden to Levi even according to Rabbi Shimon. (18b2 – 18b3)

DAILY MASHAL

MA'AMAR AND KIDDUSHIN

Why is the betrothal of a *yavam* called *ma'amar* and not *kiddushin* like the marriage of any woman?

The Beis Aharon of Karlin answered this question at a siyum on Maseches Yevamos.

Firstly, we must explain why marrying a woman is referred to as a *kiddushin*. It is derived from the word 'hekdesch,' a consecration. The concept of consecrating an object is that something that was permitted to the entire world now becomes forbidden. This is true by *kiddushin*, as well. A woman is permitted to everyone until a man performs a



kiddushin with her; she now becomes forbidden to the entire world.

A *yevamah* is different. She was married to a man and prohibited to marry anyone else. When her husband died childless, she is a *yevamah* awaiting either a *yibum* or *chalitzah*. She is still forbidden to marry anyone else. When the *yavam* betroths her, this cannot be referred to as a *kiddushin* because she was forbidden to everyone beforehand.

Why is the betrothal called *ma'amar*? The essence of *yibum* is to perpetuate the name of the deceased. *Yibum* is actually a resurrection for the deceased brother. *Ma'amar* is the word of Hashem that brings the dead back to life as it is written: *mechaye meisim b'ma'amoro*, He resurrects the dead with His words. This explains why the betrothal of a *yevamah* is called *ma'amar*.

It is well known that Shabbos is a sampling of the World to Come. This is why we say in the zemiros of Shabbos: *tehorim yiroshua vikadshua b'ma'amar kol asher asah vayechal Elokim bayom hashivii*.