



בס"ד Intro

Today we will דף יי learn דף of Mesechte Yevamos. Some of the key topics and concepts that we will learn about include:

עובד כוכבים ועבד הבא על בת ישראל הולד ממזר

The offspring of a union of a non-Jewish man and a Jewish woman are Jewish, but they're ממזרים, who are אסור לבא בקהל – They may not marry into Klal Yisroel.

אשת אחיו שלא היה בעולמו

The Mitzvah of Yibum is only upon a brother who lived together with the deceased brother at one time. In other words, the יבעל was alive at the time of the בעל s death. However, there is NO Mitzvah of Yibum upon a brother who was born after the death of the בעל, since they had NOT lived together at one time.





מאמר, is where the יבם gives קידושין to the הבמי, which מדרבנן is considered as if he married her.

יש זיקה

The bond between the Yevama and Yavam is considered like a marriage, מדרבנן. For example, he may not marry her mother, similar to a marriage where one may not marry חמותו, his mother-in-law, even after the death of his wife.

The bond is not considered like a marriage. Therefore, he may marry her mother, because she is not considered חמותו מדרבנן.









So let's review.....

The Gemara completes the discussion of עובד כוכבים ועבד הבא על בת ישראל הולד ממזר

And completes the Perek with a discussion of various cities whose inhabitants were of questionable lineage

הדרן עלך חמש עשרה נשים

We have B"H completed the First Perek of מסכת יבמות, and begin the second Perek ניצד, B'ezras Hashem.

Zugt di Mishnah:
כיצד אשת אחיו שלא היה בעולמו
The scenario is as follows
שני אחים ומת אחד מהן
Reuvane and Shimon are two brothers.
Reuvane who is married to Sarah died without leaving any children.
ונולד להן אח ונולד להן אח ונולד להן אח ונולד להן אח וולד להן אם Levi, a third brother was then born. Levi cannot be M'Yabem Sarah since Reuven and Levi were not alive on this world together.





Dedicated By: _





The Gemara will elaborate.

ואח"כ ייבם השני את אשת אחיו ומת

Shimon was then M'yabem Sarah, as required. Shimon also had another wife, Rivkah - and he subsequently died without leaving any children. Both wives now fall for Yibum to Levi. However, הראשונה

יוצאה משום אשת אחיו שלא היה בעולמו

Levi still cannot be M'yabem Sarah, even though Levi and Shimon were alive together, because Sarah remains an Ervah to Levi from the original איסור אשת אס of Reuven. Yibum only overrides the Issur אשת אס of the brother who is currently the cause of Yibum, but not an Issur אשת אח of another brother.

והשניה משום צרתה

Levi cannot be M'Yabem Rivkah either because of ערוה.



The Mishnah continues:

עשה בה מאמר ומת

שניה חולצת ולא מתייבמת

If Shimon made a אמאס, he gave קידושין to Sarah, but did not marry her, and then died;

Rivka requires Chalitzah from Levi, but they may not perform Yibum. Why?

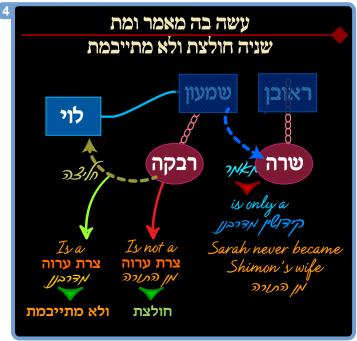
Since מאמר is only a Kiddushin מדרבנן, Sarah never became Shimon's wife מן התורה - and Rivkah is NOT a צרת ערוה מן התורה

Therefore, she is not free to marry without Chalitzah. However, she may not perform Yibum with Levi because she IS a

צרת ערוה מדרבנן

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5 The Gemara explains:

אשת אחיו שלא היה בעולמו היכא כתיבא

From where in the Torah is this Halacha derived? אמר רב אמר רב אמר רב אמר רב אמר רב אמר היא אמר רב אמר היא אמר

The very first Posuk in the Parsha of Yibum states; כי ישבו אחים יחדיו

This means:

שהיתה להם ישיבה אחת בעולם

פרט לאשת אחיו שלא היה בעולמו

The Mitzvah of Yibum is only upon a brother who lived together with the deceased brother at one time. In other words, the יבע was alive at the time of the 'בעל's death. However, there is NO Mitzvah of Yibum upon a brother who had NOT lived together with the deceased brother at one time, as in our example where Levi was born after the death of Ruvain.

Therefore, since there is no Mitzvah of Yibum upon Levi, he is actually forbidden to marry her, because she is an אשת אח שלא במקום מצוה

An Ervah of אשת אח in a non-Yibum situation – and this איסור remains even when she falls to Levi a second time, from Shimon.

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The Gemara goes on to teach that Yibum applies only to אחין כון האב, brothers from one father - And cites two sources;

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יחדו

מיוחדים בנחלה

פרט לאחיו מן האם

The word יחדו teaches that the brothers are connected in another way - regarding the Halachah of ירושה. As Rashi explains;

הראויין לירש זה את זה

מן מן האב inherit each other - but

מן האם do not inherit each other.

-2-

יליף אחוה אחוה מבני יעקב

מה להלן מן האב ולא מן האם

אף כאן מן האב ולא מן האם

Regarding Yibum, the Posuk says;

כי ישבו אחים יחדיו

Regarding the שבטים, the Posuk says;

שנים עשר אנחנו אחים בני אבינו











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The Gemara explains that we need both Psukim:

If we only had אחים, we might have thought to learn a גזירה שוה from לוט, where it says

כי אנשים אחים אחים אנחנו, and we would say that an uncle and a nephew can perform Yibum.

Therefore, we need

יחדו

מיוחדים בנחלה

To teach that Yibum applies only to brothers who share directly in the inheritance of their father, but does not apply to an uncle and nephew who – although in certain cases would share in a grandfather's inheritance – do not share in it directly.

If we only had

יחדו

מיוחדים בנחלה

We might have thought that Yibum applies only to דמייחדי באבא ובאמא

Brothers, both from one father AND one mother – Therefore, we need the גזירה שוה from the שבטים who were all אחין מן האם, but were not all אחין מן האם, to teach that Yibum requires ONLY אחין מן האב.

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The Gemara proceeds with a Machlokes of another topic: אמר רב הונא אמר רב

שומרת יבם שמתה

מותר באמה

If while awaiting Yibum the Yevamah died, the Yavam may marry her mother.

ורב יהודה אמר

שומרת יבם שמתה

אסור באמה

He may not marry her mother.

The Gemara explains: Rav Yehuda holds

ש זיקר

The bond between the Yevama and Yavam is considered like a marriage, מדרבנן. For example, in this case, he may not marry her mother, as in a marriage where one may not marry, his mother-in-law, even after the death of his wife.

רב הונא אמר רב holds:

אין זיקה

The bond is NOT considered like a marriage. Therefore, he may marry her mother, because she is not considered המותו מדרבנן. However, the Gemara points out;

לאחר מיתה אין

. מחיים לא

The Yavam may only marry the mother after the death of the Yevamah, but not as long as the Yevama is alive, for another reason:

משום דאסור לבטל מצות יבמין

As Rashi explains;

ואי נסיב אמה מחיים

מבטל למצוה לגמרי מיבום ומחליצה

Marrying the mother renders the Yevama an Ervah of אשתו אשתו, which would exempt her from both יבום וחליצה, pre-empting the Mitzvah.









The Gemara also points out that this Machlokes applies to both,

בחד, where there is only one brother, and בחרי, where there are several brothers - Although there might be reason to differentiate:

As Rashi explains

בחד

דודאי עליה רמיא

אימא דמיא ככנוסה

ויאסר באמה

In the case of one brother, since the obligation of Yibum is certainly upon him, it is more reasonable to say איקה, because it resembles marriage.

אבל בתרי

דכיון דלא ידיע קמי מאן מינייהו רמיא

לא חשיבא

למיסר קרובות

In a case of two brothers, since it's uncertain who must fulfill the obligation of Yibum, it is more reasonable to say אין איקה, because it does not resemble marriage.

This discussion continues on the next Daf.

בתרי

where there are several brothers

אבל בתרי כיון דלא ידיע קמי מאן מינייהו רמיא לא חשיבא למיסר הרובות

בחד

where there is only one brother

בחד דודאי עליה רמיא אימא דמיא ככנוסה ויאסר באמה



