

A ס"ד
Intro

Today we will learn בע"ה דף יח of Mesechte Yevamos. Some of the key topics and concepts that we will learn about include:

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 יבם 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 יבמה, 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 mother, his mother-in-law, even after the death of his wife.

A

אשת אחיו
שלא היה בעולמו

מאמר

יש זיקה

B אין זיקה

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

אסור לבטל מצות יבמין

We may not do something that will cause the Mitzvah of Yibum to be pre-empted.

B

אין זיקה

אסור לבטל מצות יבמין

1 So let's review.....

The Gemara on the previous Daf cited the following Machlokes:

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

יש זיקה

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

אמר 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 חמותו מדרבנן.

This is also a מחלוקת תנאים.

2 The Gemara cites several משיניות וברייתות which seem to support one opinion or the other, among them, the סיפא of the Mishnah at the beginning of the Perek, דף יז, which says:

עשה בה מאמר ומת

שניה חולצת ולא מתייבמת

If Shimon made a מאמר 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 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

The Gemara points out that according to the opinion of אין זיקה, the above applies only where עשה בה מאמר, as taught in the Mishnah.

According to the opinion of יש זיקה,

The above applies even where עשה בה מאמר.

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1 Conclusion of...

רב יהודה אמר
שומרת יבם שמתה
אסור באמה

יש זיקה

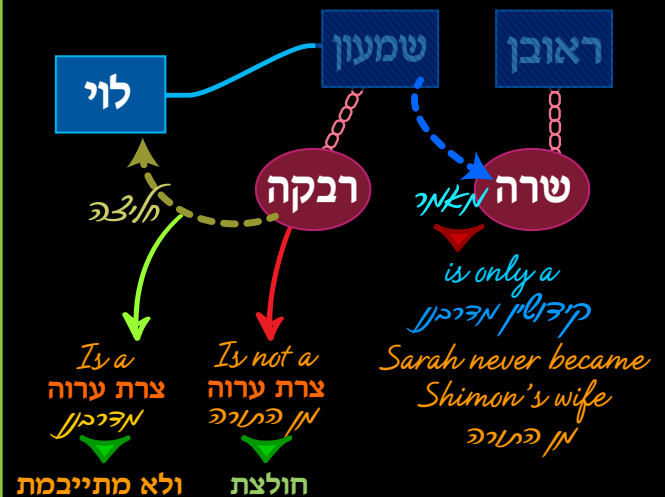
The bond between the Yevama and Yavam is considered like a marriage - מדרבנן

אמר רב הונא אמר רב
שומרת יבם שמתה
מותר באמה

אין זיקה

The bond between the Yevama and Yavam is NOT considered like a marriage

2 עשה בה מאמר ומת שניה חולצת ולא מתייבמת



יש זיקה
the above applies even if
לא עשה בה מאמר

אין זיקה
the above applies only when
עשה בה מאמר

3 After citing a Braisa which clearly holds אין זיקה, the Gemara cites the Mishnah at the beginning of the third Perek where there are four brothers, ראובן שמעון לוי יהודה. Two of them, לוי ויהודה, married two sisters, רחל ולא, and later died childless. The two Yevamos now fall for Yibum to שמעון וראובן. הרי אלו חולצות ולא מתייבמות. Each יבם may only perform חליצה, and not ייבום, with any one of the יבמות, as each one is אחות זקוקתו, the sister of a יבמה bound to him for ייבום, which is אסור מדרבנן because it is similar to אחות אשתו - Apparently this teaches that יש זיקה?



4 However, the Gemara rejects this proof, and says that there is another reason why הרי אלו חולצות ולא מתייבמות משום דאסור לבטל מצות יבמין

As the Gemara explains; דלמא אדמייבם חד מיית אידך. For example, it could happen that Ruvain will first be Meyabem Rochel, and Shimon will die before being Meyabem Leah - and Leah would now fall for Yibum to Ruvain. However, Ruvain will not be able to be Meyabem Leah, because she is אחות אשתו מן התורה, the sister of his now full-fledged wife, Rochel. וקא בטלת מצות יבמין. Therefore, Ruvain may NOT be Meyabem Rochel, because it might pre-empt the Mitzvah of Yibum, should the above scenario happen.



5 The Gemara clarifies that רבן גמליאל and רבי מאיר both hold אין זיקה, but disagree in that רבי מאיר holds אסור לבטל מצות יבמין And רבן גמליאל holds מותר לבטל מצות יבמין

The Gemara goes on to say that רבי יהודה who holds יש זיקה Learnt it from his Rebbe שמואל, who said: יש רבני יהודה בן בתירה, who issued a ruling based on יש זיקה.

Let's summarize the שיטות of אמוראים ותנאים mentioned in our Daf:
 יש זיקה
 רבי יהודה בן בתירה - שמואל - רב יהודה
 אין זיקה
 רבן גמליאל - רבי מאיר - רב הונא אמר רב
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6 The next Mishnah gives another example of אשת אחיו שלא היה בעולמו Zugt di Mishnah: שני אחים ומת אחד מהן Reuvane and Shimon are two brothers. Reuvane who is married to Sarah died without leaving any children. וייבם השני את אשת אחיו Shimon was M'yabem Sarah, as required - and Shimon also had another wife, Rivkah. ואח"כ נולד להן אח Levi, a third brother was then born. ומת And Shimon subsequently died without leaving any children. Both wives now fall for Yibum to Levi. However, הראשונה יוצאה משום אשת אחיו שלא היה בעולמו Levi cannot be M'yabem Sarah, even though Levi and Shimon were alive together, because Sarah remains an Ervah to Levi from the original אשת אח of Reuven, with whom Levi was not alive on this world together. והשניה משום צרתה Levi cannot be M'Yabem Rivkah either because of צרת ערוה.



7 However,
עשה בה מאמר ומת שניה חולצת ולא מתייבמת
If Shimon made a מאמר, 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

The Mishnah continues:

רבי שמעון אומר
מייבם לאיזו מהן שירצה או חולץ לאיזו מהן שירצה
R' Shimon disagrees with the Tanna Kamma, and says that Levi can be Meyabem, or perform Chalitzah with either one.

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8 Zug di Gemara:
 אמר רב אושעיא
 חלוק היה ר"ש אף בראשונה
 R' Shimon disagrees with the Tanna Kamma even in the first Mishnah.
 The Gemara points out the following distinction:
 The second Mishnah, on our Daf, describes a case of יבם ולבסוף נולד
 Shimon was Meyabem Sarah before Levi was born - which is, בהתירה אשכחה
 Levi found her in a permitted status - when Levi was born there was no מכח ראובן יבום, since Shimon had already been Meyabem.
 This case was written להודיער כחן דרבנן
 Although, Rebbe Shimon holds that Sarah is מותרת to Levi in Yibum when she later falls to him from Shimon with whom he was בעולמו, because she was never אסור to him מכח ראובן, the Rabbanan hold that EVEN in this case she is אסור to Levi משום אשת אחיו שלא היה בעולמו מכח ראובן

The first Mishnah, at the beginning of the Perek, describes a case of נולד ואח"כ יבם
 Levi was born before Shimon was Meyabem Sarah - which is באיסורא אשכחה
 Levi found her in a forbidden status
 When Levi was born there was a מכח ראובן, and since Levi did not have the חיוב to be Meyabem because he was אשת אחיו שלא היה בעולמו
 Sarah became אחסור משום אשת אח מכח ראובן
 This case was written להודיער כחן דר"ש
 Although, the Rabanan hold that Sarah is אסור to Levi when she later falls to him from Shimon, because she remains אסור to him משום אשת אח מכח ראובן
 Rebbe Shimon holds that even in this case she is מותרת to Levi, Because regarding the Halachah of אשת אחיו שלא היה בעולמו we say יש זיקה וזיקה ככנוסה דמיא
 She is considered as if Shimon had already been Meyabem, and it is as if בהתירה אשכחה, and she is NOT אסור משום אשת אח מכח ראובן
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8 אמר רב אושעיא
חלוק היה ר' שמעון אף בראשונה

1st Mishnah
נולד - ואח"כ יבם
באיסורא אשכחה
 אבדו דין כמו דר"ש אחרון
 that even in this case she is מותרת to Levi, Because regarding the Halachah of אשת אחיו שלא היה בעולמו we say יש זיקה וזיקה ככנוסה דמיא
 Its as if בהתירה אשכחה, and she is NOT אסור משום אשת אח מכח ראובן

יבם - ולבסוף נולד
בהתירה אשכחה
 אבדו דין כמו דרבנן
 that EVEN in this case she is אסור to Levi משום אשת אחיו שלא היה בעולמו מכח ראובן