

# The Weekly Daf



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**Yevamot 34 - 40**

Week of 25 Tevet 1 Shevat 5760 / 3 9 January 2000

Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud studied in the course of the worldwide **Daf Yomi** cycle

## The Ten-Year Deadline

The daughter of Rabbi Chisda married the Sage Rava after ten years of widowhood. When she became pregnant it caused a because Rabbi Yochanan had stated a law of nature that a woman who remains unmarried for ten years after her first marriage is no longer capable of bearing children.

mind to marry him, and the rule stated by Rabbi Yochanan had been qualified by Rabbi Nachman who declared that if the woman had in mind to get married she could conceive even after ten years.

The background for this dialogue is supplied by Tosefot on the basis of an incident related in Mesechta Bava Batra (12b) to illustrate that since the destruction of the *Beit Hamikdash*, prophecy was removed from the prophets and allocated to his disciples, the Sages Rava and Rami bar Chama

She did indeed marry Rami bar Chama first, and after his death she was certain that her childhood prophecy would be fulfilled and that she would marry Rava. The latter, however, had a wife already and she had to wait ten years until that woman died. Having her mind on eventually marrying Rava during all these years saved her from losing her ability to bear children.

On the basis of the rule and qualification found in our *gemara*, the Midrash thus explains a passage from the Book of Ruth (1:12). In it, Naomi discourages her widowed daughter-in-law from accompanying her to *Eretz Yisrael* in the hope of

that I have hope, and even if tonight I would marry a man and then give birth to sons,

Naomi explained that, since it was ten years short a day since the death of her husband, her ability to bear children in a new marriage would depend on one of two things:

that she had h

to an end.

Yevamot 34b

## The Preferred Mitzvah

Should a man die childless, the Torah made it a *mitzvah* for his brother to perform *yibum* by marrying the widow. The Torah *mitzvah* to be done.

But what if the brother is not motivated to marry her for the sake of the *mitzvah* but only because of her beauty or some oth

wife, and he even considered the idea that a child born from such a marriage would be a *mamzer*. The other Sages disputed this approach and held that regardless of the motive, the *yibum* was a valid fulfillment of the *mitzvah*.

These two conflicting opinions determine whether today we encourage *yibum* or its alternative, *chalitzah*. The  *mishna* in Mesechta Bechorot (13a) quoted in our *gemara* declares that in earlier generations when people had the right attitude and did *yibum* for the sake of the *mitzvah*, it was preferable for *yibum* to be done. Since in later generations people began to perform *yibum* for different reasons and not for the sake of the *mitzvah*, it is preferable to do *chalitzah*. This is clearly in line with the view of Abba Shaul.

The Sage Rami bar Chama, however, quotes Rabbi Yitzchak as stating that this position of endorsing the view of Abba Shaul was subsequently abandoned in favor of the view of the other Sages which makes *yibum* preferable even today.

There is a major debate amongst the commentaries as to whether we rule like Abba Shaul or the other Sages. Rabbeinu Alfaz (Rif) cites the statement of Rami bar Chama as support for the view of the other Sages and therefore concludes that *yibum* is preferable. Rabbeinu Tam of the Tosefists and Rabbeinu Chananel rule like Abba Shaul and conclude that *chalitzah* is preferable.

The accepted practice in virtually every Jewish community today is to avoid *yibum* in favor of *chalitzah*.

Yevamot 39b

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