

Yibum – Maamar

Ref: *Sefer Nashim, Hilchot Yibum Vachalitzah, Chapter 2*



Derabanan, a *yavam* may not enter relations with his *yevamah* until act of *maamar* is performed i.e. he first consecrated her in the presence of 2 witnesses, and an article worth at least a *prutah*.

	Valid	Explanation
<i>Maamar</i> of <i>yavam</i> and <i>yevamah</i> must be in presence of 2 witnesses	✓	There must be willingness on part of woman (<i>yevamah</i>)
Uses article worth 1 <i>prutah</i> or more	✓	
<i>Yavam</i> must recite <i>sheva brachot</i>	✓	
<i>Yavam</i> must compose a <i>ketubah</i>	✓	
The <i>mitzvah</i> of <i>yibum</i> is incumbent on eldest brother	✓	<i>Mipi Hashmuah</i> interprets eldest brother as eldest surviving brother
If eldest brother does not want to perform <i>yibum</i> , then option given to other brothers	✓	However, if other brothers also do not want, <i>mitzvah</i> of <i>chalitzah</i> then reverts to eldest brother. This he is compelled to do.
If eldest brother is abroad, then <i>mitzvah</i> is for a younger brother	✓	One does not wait for elder brother's return as <i>mitzvah</i> must be done immediately
If <i>yevamah</i> refuses, we compel <i>yavam</i> to do <i>chalitzah</i> . However <i>yevamah</i> then loses her <i>ketubah</i> .		She is treated as a rebellious wife, even if she is prepared to marry one of the other brothers.
If the <i>yevamah</i> says that she does not want <i>yibum</i> nor <i>chalitzah</i> i.e. she just wants to remain in her husband's home, we do not agree to this.		She must accept either <i>yibum</i> or <i>chalitzah</i> , because otherwise the <i>yavam</i> will be negatively affected.