MATTERS THE שבועות תש"פ לע"נ ברוך בענדיט וברכה גרוס ע"ה מסכת יבמות דף ב׳

by Mr. & Mrs. Duvy Gross

Insights from our Chaburos

לכום do נדה Can a

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in גדה אחות אשתו asks why a יבמה who is a נדה אחות אשתו in נדה considered an צרה that would פטור a woman and her צרה from isn't similar יבום חליצה? He answers in his first answer that יבום to אחות אחות (where the נעור of צרות is learned from) since אחות is an יבם that applies to this יבם more than other men, whereas applies to everyone universally. See the קובץ הערות in the first piece in the ישמעון and the חידושי ר׳ שמעון who ask the following question on אחות אשה have נדה why is that relevant? It's true that גתוספות have but we have a principle of אין משיבין על ההקש, and אחות אשה is a היקש to all other אירות? Reb Shimon answers with the following: many of the אראשונים ask why we don't list another ערוה - a case where someone divorces a lady on condition she doesn't marry ראובן, and then she marries ראובן's brother and the brother dies and she falls to for יבום In that case יבום 's brother also cannot do יבום because of ערוה. The איד answers that the case is not considered an ערוה to because it is not an inherent ערוה but rather one that only comes because of a תנאי. Based on this principle ר׳ שמעון explains that a נדה is also not an inherent ערוה but rather the issur is only because of her טומאה. Therefore, it would not be able to צרה פטור. Reb Elchonon answers that the whole איסור נדה is inherently temporary so we don't say on it תוספות in ונאסרה שעה אחת נאסרה עולמית in דיה או שנמצאו אילונית brings the גמרא that says you can't be קטנה a קטנה lest she be found to be an אילונית. Tosofos asks why you can't be מיבם a קטנה ממה a if she is an אילונית she was never married to your brother, and if she isn't an אילונית then you are doing ר׳ אברהם מבורגיל He brings ויבום who answers that we are talking about a case where we found out she was an אילוגית after she died and we are concerned that perhaps he wouldn't have cared if she was an אילונית in which case she would be considered married to the first brother but the בם cannot do יבום since an יבום from גילד because she isn't ראוי לילד. There is a fascinating question asked by the הלכות מקוואות פרק יי in שער המלך first, maybe she isn't an אילוגית. Even if she is, maybe he would be in which case the ביאה is allowed anyway since she was never married to the brother. The שער המלך answers that you see from here an important ספיקות since it is possible to מברר one of the יסוד (whether she is an אילונית or not), even though you can't be מברר it now, it's not called a ספק.

Stories of the Daf

לרפש אחינו בני ישראל

"The Fifteen Nashim"

"חמש עשרה נשים פוטרות צרותיהן וצרות צרותיהן Rav Meshulam Zusha, zt"l, joined the disciples of the Maggid of Mezritch, zt"l, together with his famous older brother, Rav Elimelech of Lizhensk, zt"l. Although Rav Zusha soon proved that he was a profound thinker, he gained the admiration of his fellow students mainly because of his deep yiras Shomayim. Even in his younger years, he showed an intuitive grasp of the inner meaning of the Torah, sometimes at the expense of the plain meaning of the text. Although this would seem to be a disadvantage, the Rama M'Pano, zt"l, writes that even as far back as the time of the Tanaim and Amoraim certain unusual individuals developed first in yiras Shomayim and deeper learning and only afterward acquired a penetrating analysis on the level of nigleh. In any event, Rav Zusha tried to learn Gemara with various chavrusos, but his unusual approach drove several potential partners away until he finally managed to integrate his deep understanding of Torah with its more revealed aspects. During one such attempt, Rav Zusha attempted to arrange a chavrusa with Rav Shmelke of Nickolsburg, zt"l, a great Chassidic figure in his own right. When Rav Shmelke arrived at the appointed time, the two sat down and opened up their Gemaras. Rav Shmelke painstakingly began to expound the peshat of our opening Mishnah: "Fifteen women exempt their Tzaros and their Tzaros Tzaros from Chalitzah and from Yibum. 'Exempt their Tzaros' means that if one of them is married to his brother, then both she and any other co-wife to whom the brother is married is exempt from Chalitzah and Yibum." Rav Zusha was overcome with emotion and exclaimed, "Who told you that this is peshat in our Mishnah? I think it should be read differently! 'Fifteen' alludes to the Divine Name that we call Kah (which is a yud =10 and a hei =5). 'Women,' 'Nashim,' can be read as the abbreviated conjunction of two words-na Shem-as in Ana Hashem, 'please, Hashem.'" Filled with fervor, Rav Zusha was nearly weeping, "Ana Hashem פוטרות צרותיהן וצרות צרותיהן עד סוף העולם" Please, Hashem, release the Jewish people from their suffering and from all of its painful after effects for all time in the merit of Your holy Name Kah, with which You created this world and the next!"

Yom Toy Connection

One of the most famous examples of Yibum is found in Megilas Rus which we will merit to lain this Shavuous. Although Boaz's marriage to Rus is not considered true Yibum, it is referenced as such. When the sages congratulated Boaz they said may Rus become like Rachel and Leah. Why were specifically Rachel and Leah chosen from the four Imahaos? The Alshich Hakadosh explains that this was meant to address a potential criticism towards Boaz, namely that he was marrying a lady who chased him rather than one who waited to be approached by him? This is why the Chachamim chose Rochel and Leah, Leah came out to greet Yaacov (Bereshis \mathcal{C} , \mathcal{O}) and Rachel demanded children (x, 5). Both succeeded because their true intentions were pure, so too Rus had pure intentions in seeking to having a namesake for Machlon! May we greet Moshiach Ben Dovid (her descendent), shortly, IYH! CONTINUED

Halacha Highlight

May an אוננת perform chalitza

ואחות אישתו

And one's wife's sister

Rav Tzvi Ashenazi¹, the Chacham Tzvi, cites earlier authorities² who maintain that a woman who is in אנינות may not perform chalitza. The rationale for this position is that one who is an onen is exempt from mitzvos and since chalitza is a mitzvah it should not be performed by one who is an אנין. One of the challenges Chacham Tzvi presents against this position is that immediately upon the death of the widow's husband the widow and the deceased brother's enter a state of אנינות? which, according to these authorities, prevents them from performing chalitza. Consequently, it should be impossible to ever perform chalitza since the rule³ is that a person who is unfit for yibum or chalitza at the time of the husband's passing can not become fit for yibum or chalitza in the future. This would lead to the absurd conclusion that yibum and chalitza could never be performed.

Other authorities⁴ refute this challenge from the comment of Tosafos⁵ to our Mishnah. Tosafos suggests two reasons why a woman who is a niddah is not exempt from yibum. The first reason is that only those עריות that are specific to the yavam more than to others, meaning the woman is prohibited as an ervah rather than a general prohibition that applies equally to others, as opposed to a niddah who is prohibited to everyone and not specifically to the yavam. Secondly, the reason a woman who is prohibited for yibum at the time of her husband's death does not fall to yibum if the ערוה prohibition is removed is that it is not pleasant to bind her to her brother-in-law if she was already released. Concerning a niddah, on the other hand, it is not considered lacking pleasantness since a woman who is a niddah is prohibited to her husband as well. These two reasons apply in the case of a woman who is an oneness, i.e. the prohibition in universal and does not lack pleasantness since it would apply to her husband as well, therefore an oneness should be able to perform chalitza.

ו. שות חכם צבי סי׳ א׳
שות הכם צבי סי׳ א׳
שות הראניח
גמי לקמן כז: דכל יבמה שאין אני קורא בה בשעת נפילה יבמה יבמה יבמי אני קורא בה בשעת נפילה יבמה יבא עליה הרי היא כאשת אח שיש לו בנים אסורה
שיירי קרבן (ירושלמי ריש יבמות ד"ה ואחות) שדי חמד אספד
שיירי חליצה סי׳ א׳ אות י׳ג, מהר׳ץ חיות תוד"ה ואחות ועוד
תוס ד"ה אחות אשתו

Review & Remember

1. What is a צרה צרת?

2. What daughter is referred to by the Mishnah's term בכתו?

- 3. What is מיאון?
- 4. Which is the more severe death penalty; burning or

stoning?

Mussar from the Daf

Out of Order

Why do we begin Seder Nashim with Yevamos? Wouldn't it have made more sense to begin with either Kiddushim or Kesuvos which discuss the concept of marriage. The Tosfos Yom Tov explains that the Yevamos scenario is unique in that the requirement to perform either Yibum or Chaliza is obligatory from Hashem. With respect to a regular marriage, however, a particular couple is never obligated to marry. Instead, a person generally marries based on the couple's own free will. Beis Din does not force people to marry, while they do force people to do Yibom or Chalitza. Therefore Yevamos, has precedence in the order of Misechtas. (See מאירי for a different approach to this question). This is a critical lesson for life. It is a reminder that when choosing among different activities which to give precedence to, a person should always do those activities that he has an obligation to do before engaging in activities that are merely permissive. More specifically, it is a Klal in how we prioiritize our time with chesed. Our families, children and wives need to take precedence in our time (as can be seen from the Halachos of Tzedakah). After one sees to it that those people are taken care of, then one can move on to helping others whom one chooses to help. This sometimes is difficult. Why? There is a greater Yetzera hara pushing us away from doing those things we are obligated to help first. And with others, there is a very low yetzer hara to help them and we come out feeling like a hero. However, the real hero is one who prioritizes one's family because that is what Hashem wants.

Point to Ponder

Rashi states that the case of רמנותו (a mother-in-law) refers to a situation where a woman (Rochel) had a daughter (Dinah), Rochel's husband died, Rochel then remarried to Reuvain and Shimon his brother married Dinah. If Reuvain died without children and Rochel falls to Shimon to do Yibum he is exempt since Rochel is also mother-in-law. Why couldn't Rashi say a more straightforward case that Shimon married his niece the daughter of Rochel and Reuvain who died if Reuvain now dies without other children, Shimon is exempt from Yibum since he cannot be MeYabam his mother-in-law?

Response to last week's Point to Ponder

Rashi states it was a miracle that the Mizbeach HaZahav did not burn even though there was only a very thin gold coating protecting it. How do we then learn from there that sinners will merit a miracle and not be subjected to the fires of Ga'henom? Why would we assume that sinners will also merit such a miracle? We can perhaps suggest that the Gemara learns this lesson from the very fact that Hashem made such a miracle in the Mizbeach HaZahav, and did not instruct Moshe to put on a thicker coating.

Yevamos has been dedicated in רי יוסף שמואל שמעלקא ביר יצחק מערמעלשטיין זיל Shelly Mermelstien רי יוסף שמואל שמעלקא ביר יצחק

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman,

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