



# THE שבוע MATTERS

לע"נ ברוך בענדיט וברכה גראס ע"ה  
by Mr. & Mrs. Duvy Gross

## שבת קודש פרשת נsha

מסכת יבמות דף ג

לרפס אחינו בני ישראל

## Insights from our Chaburos

### Lessons from our ancestors

By Rosh Chabura Yitzchok Isaac Friedman. To hear Rabbi Friedman's shiurim visit [www.shurenjoyment.com/Isaacfriedman](http://www.shurenjoyment.com/Isaacfriedman)

Isaac Friedman here, just a quick thought I shared with my chaburah this week when we did Daf Gimel. There is an amazing phenomenon in Daf Gimmel Amud Aleph. The Gemara in explaining the order of the Mishna states that since the Tanna taught three generations of one's offspring below, i.e., his daughter, his daughter's daughter, and his son's daughter, the Tanna also taught three generations of his wife's offspring below, i.e., his wife herself, her daughter, and her daughter's daughter. And since the Tanna taught three generations of his wife's offspring below, it then also taught three generations of his wife's family above, i.e., from previous generations, namely herself, her mother, i.e., his mother-in-law, and his mother-in-law's mother. What exactly do we mean by this and what does this have to do with our daily lives?

When we teach our children and grandchildren it is so important to all of us. Although the Gemara is discussing different scenarios of relatives in sad situations (i.e., a relative being nifter or nifteret) the Gemorah takes a break to show the positive light (i.e., a reminder of the previous generations). Rav Levi Yitzchok of Barditchov Z"TL in his Sefer Kedushas Levi (Likutei Agadot 1:3) says that this lesson is so important for us to learn. Sometimes we don't get along with our parents and grandparents we feel we know better but we have to remind ourselves that everything we learned came from them. I was zoche to learn with my Zaydie Shelly Mermelstein Z"TL we were very close and a lot of the Torah I give over was because of his encouragement. My Zaydie was an incredible individual who had time for everyone despite his busy schedule. It is he I try to emulate and I really feel that the least we can do is make an effort to learn Daf Hashavua in his memory. Shabbat shalom

## Stories of the Daf

### The Mitzvas Asei of Teshuvah

עשה דוחה לא תעשה

During World War II, Rav Aharon Kotler's Yeshiva, along with many others, relocated to Vilna. For a short while, the capital of Lithuania served as an independent haven for Polish Jews fleeing the Nazi onslaught. During this period, Rav Aharon, zt"l, engaged another refugee, Rav Shach, zt"l, to deliver shiurim to his students. Soon afterward, the Soviets overran Lithuania and the Yeshiva moved again to Yanova. Not much time passed before a shocking telegram arrived. Rav Chaim Ozer Grodzensky, zt"l, the Gadol HaDor, had passed away. The Yeshiva hired a truck to drive the tudents to Vilna so that they could attend the funeral, and when they returned, Rav Aharon asked Rav Shach to give a shmuess. Rav Shach began with a rhetorical question. "What is worse—one who transgresses a prohibition, or one who disregards a positive command?" After a pregnant pause, Rav Shach continued, "The answer is obvious. Although we find in Yevamos 3b that a positive command supersedes a prohibition, it is still more serious to violate a prohibition. How do we know that this is so? We see in the fact that a person who neglected a mitzvas asei can immediately repent, while atonement for an actual prohibition demands both repentance and Yom Kippur. (Yoma 86a) Why, then, should the punishment for a prohibition be thirty-nine lashes, yet the person who refuses to fulfill an asei is beaten until he fulfills it or dies? Rav Shach went on, "The answer is straightforward: such a person is only given one lash. If he still refuses to act, he gets another. This goes on and on until he either fulfills the mitzvah or dies. Rav Shach thundered, "Rabbosai, we are that person, and the mitzvah we have neglected is teshuvah! The first 'lash' was the rise of the evil ruler of Germany, שטן היטלר! When we didn't wake up, they delivered the second potch and declared World War II. When we were stubborn and refused to change our ways, the Russians conquered Lithuania. Now we have been given yet another potch. Our beloved Rav Chaim Ozer, the Rabban Shel Yisroel, has been taken from us. What else will it take before we finally fulfill the asei of teshuvah!"

## Review & Remember

- According to the Gemara's conclusion, why are the fifteen women enumerated in the Mishnah in this particular order?
- Which *ערווה* is the source that yibum and chalitza are not done with an *ערווה*?

## Parsha Connection

In this week's daf the Gemara mentions Rav's opinion that a *סוטה צרת* is also exempt from Yibum. A Sotah is prohibited from returning to her husband as is found in this week's Parsha and is therefore not a candidate for yibum. When the suspect Sotah is brought to the Mikdash she is tested by drinking a mixture of sand and water. What does this mixture signify?

The Midrash Tanchuma, offers the following insight: When a person plants seeds in the dust it is not obvious whether they are his or from another field. It is only once the water comes down upon them and causes them to grow that it known whether they belong to the owner of the field, or whether they are from another's field. The same is with the Sotah it is only after the water enters her to we know if she has someone else's seed inside of her.

CONTINUED

## Halacha Highlight

### Is chalitza an obligatory mitzvah?

טעמא דכתיב רחמנא עליה וכי אמרין ATI עשה  
וזהי לא תעשה

The reason yibum is not done with one of the arayos is that the Torah used the word **עליה**...the reason one could think that yibum would override the prohibition is because we say that positive mitzvos override prohibitions

There is a debate amongst Poskim<sup>1</sup> whether chalitza is an obligation or is it merely the step a woman must take if she wishes to get remarried. For example, if the yavam and yevama are elderly and have no interest in getting married to one another or anyone else is it permitted for them to forgo the chalitza ceremony or is there a mitzvah for chalitza to be performed regardless whether the yevama intends to remarry? Some Poskim<sup>2</sup> infer from Rashi's comments to the Gemara in Sanhedrin<sup>3</sup> that chalitza is merely a means to allow the yevama to remarry, and in the event that she does not intend on marrying, chalitza does not have to be performed. The Gemara there states that chalitza is not done for the wife of the king. Rashi<sup>4</sup> explains that the reason chalitza is not done is that she is prohibited to remarry. This implies that although chalitza is a mitzvah, nonetheless, it is not an obligatory mitzvah which must be fulfilled; rather it is a mitzvah that is performed to allow the yevama to remarry. Other Poskim<sup>5</sup> disagree and maintain that chalitza is an obligation and must be performed even if the yevama does not intend to remarry. Concerning Rashi's comment, it could be explained that Rashi is teaching that whenever the mitzvah of yibum could be fulfilled there is a mitzvah to perform chalitza but in the event the mitzvah of yibum cannot be fulfilled, e.g. the wife of the king, there is no mitzvah of chalitza either. Rav Mordechai Benet<sup>6</sup> ruled that chalitza is obligatory even when the yevama does not intend to remarry and cites our Gemara as one of his proofs. The Gemara comments that were it not for the exposition of the word **עליה** one would have thought that the mitzvah of yibum could override the prohibition against marrying a sister-in-law because of the principle that positive commands override prohibitions. Based on a Gemara in Kesubos<sup>7</sup>, Rav Benet notes that only obligatory mitzvos have the strength to override prohibitions but mitzvos that are optional cannot override prohibitions. Consequently, the entire premise of the Gemara assumes that the mitzvah of chalitza is obligatory and thus must be performed even if the yevama has no intention on remarrying.

1. שות עטרת פז ח'א כרך ג' אבב' ס' יב באריכות על עניין זו
2. שות שואל מшиб מהדורה א' ח'ב ס' קלה
3. גמ' סנהדרין יט
4. רש' דה ולא חולצין
5. שות עונג ייט ס' קען
6. שות רשות רודכי אבב' ס' סג
7. גמ' כתובות מ' לגב' אונס דלא דחי העשה לא תעשה ממשם דבריה למאן בדברו

## Mussar from the Daf

### Do it for Yourself

The Gemorah reasons that the Tanna listed the exemption of Yibam and Chalitza of one's daughter first in the Mishna because it was chaviv (dear) to the Tanna since it is learned from a Drasha. What does the Gemorah mean when it says a drasha is chaviv? And why does the Gemorah specifically use the term chaviv and not chashuv? The Yad Malchai explains (Klal Aleph, Siman 11) that something which one derives through their own sechel is very precious to a person more so than had they simply received over the limud from another. Why is this so? The Gemorah in Bava Metzia (38a) explains that a person prefers one measure of his own produce to even nine times that amount of his friend. Rashi explains that this is because he put effort into the growth of his produce and this creates an attachment to it. Anytime a person puts extra effort into something (e.g., raising a child, working on a marriage, teaching and guiding a student, growing a business) they tend to develop a chavivus towards that thing. A person's efforts create a bond of love and the greater energy invested the stronger the bond and attachment to that thing. If a person wants to build Ahavas HaTorah for his learning, he has to discover ways how he individually can use more of his sechel to work harder on his personal limud. This hard work creates a bond to the Torah that he is learning. This can be done in different ways based on the individual. One person may acquire this by writing down any questions he may have during his limud, another way may be to suggest answers to questions which arise during the limud, or one can try to repeatedly chazer or memorize a limud. Any way that one finds a way to work harder on a limud, it will create a bond with the limud and develop Ahavas Torah.

## Point to Ponder

The Gemara states that if we did not have a drasha from the word **עליה** telling us that in case the yevama is an ervah there is no mitzvah of Yibum we would say that the mitzva of Yibum supersedes the prohibition of the Ervah. Why do we assume that without **עליה** the person would be permitted to do Yibum we don't we say that he would have to do Chalitza and that is why we need a drasha to teach us that there is no mitzvah at all even to do Chalitza? Indeed, earlier in the daf, when explaining why the Mishna said Petoros and not Ausros it was because otherwise I would have thought that Chalitza was necessary?

### Response to last week's Point to Ponder

Rashi states that the case of **רהורתו** (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. Why couldn't Rashi say a more straightforward case that Shimon married his niece who then died, if his sister-in-law were who is also his former mother in law were to then fall before Shimon to be miyabam, Shimon is exempt since he cannot be MeYabam his mother-in-law? R' Yisrael Lipkin explains that Rashi did not want to use this case since whether a mother-in-law is assur to a person after his wife dies is subject to a machlokes tannaim.

ר' יוסף שמואל טומשלקא בר יצחק מערמיעלטשטיין זלע Shelly Mermelstien has been dedicated in memory of Shelly Mermelstien זלע Shelly Mermelstien זלע

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