



THE שבוע MATTERS

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

שבת קודש פרשת ראה
מסכת יבמות דף יג
לרפ"ש אחינו בני ישראל

Insights from our Chaburos

A New or Old Marriage

From Rabbi Gutterman's insights. For more, visit dafaweek.org or our app at Daf a Week under resources

The גמרא says that a קידושין is not תופס between a יבמה and anyone who is not a יבם until she gets חליצה from her יבם. Reb Yosef Engel ז"ל in אהנון דאורייתא in ז"ל has a fascinating חקירה: what is the nature of this לשוק? Is it a new type of אישות that the תורה created between the יבם and יבמה or is it really the אישות of the dead brother that never fully went away? Alternatively, perhaps it is not אישות at all and is just a לא which is strong enough to block קידושין? There are numerous מינהנפס to this חקירה. For example, if זיקה is really a continuation of the dead brother's אישות or even the אישות ז'בם, then it would have a עריות דין which would make it יעבור ואל יעבור to violate the לא. Also, all testimony regarding this relationship would need two people as שבערה פחות משנים. To answer this question Reb Engel brings several proofs in each direction. One proof is the עזא in גמרא that the words of the פסוק (according to one אמורא) excludes a תחת אישך" of סוטה but does not exclude ארוסה. The reason is that an ארוסה is "קידושין דידיה" as opposed to a יבם which is not דידיה. It sounds like זיקה from the יבם is considered קידושין but it is considered his dead brother's קידושין and not the יבם's. However, from the גמרא in עב פג עב it suggests that the opposite is true as it says: "where do you ever find that one man makes a woman אסור to the world and another man makes her מותר?" The גמרא answers that a שומרת יבם is made אסור by the dead brother and later made permissible by the יבם. The גמרא rejects that and says the dead brother doesn't make her אסור as he is dead and his איסור is gone. It is the יבם who makes her אסור. It sounds like the זיקה is completely from the יבם and not from the dead bother at all. He has many other proofs in each direction.

Stories of the Daf

Make No Factions...

לא תתגודדו

Years ago, being a communal Rabbi was a very demanding and low-paying job. It could also be correspondingly thankless, and many Rabbonim found themselves trying to preach to congregations who were painfully difficult to move. Such a situation could deteriorate until the town would split into two camps—those who supported the Rabbi, and those who opposed him. This would understandably lead to a lot of fighting, and since there was also a scarcity of positions, there would also be a great deal of conflict about who would become the next Rabbi were the position to become vacant. Rav Yaakov Emden, ז"ל, even went so far as to write: "I say every day the blessing שלא עשני דין—Thank God that I am not in a position where I would have to try to force a community to properly observe the halachah!" A contemporary Rabbi once remarked jokingly, "Since Rav Yaakov Emden certainly didn't mean this literally, perhaps he meant that this is his kavanah when he makes the blessing שלא עשני עבד!"

One time, the Rabbi of a certain town died and there was considerable fighting about who would take his place. There were many contenders, and each had his camp of supporters who denigrated and rejected all of the other applicants. As things started to get ugly, a certain talmid chacham commented, "It's interesting that in Yevamos 13b we find that there are two lessons extrapolated from the phrase לא תתגודדו. One is about not tearing one's hair over one's deceased, and the second is about not making factions within the Jewish people. Since we could have learned not to tear our hair from the words לא תתגודדו, that the term is in the reflexive form imparts both lessons in a single phrase. But a question still remains: what do the two interpretations have to do with one another?" The scholar answered his own rhetorical question, "The relationship is obvious. The prohibition against making factions arises in the context of mourning over the dead because it's when the local Rabbi dies that communities tend to erupt in controversy!"

Parsha Connection

In this week's daf we learn about the concept of maintaining cohesion amongst Klal Yisroel. For example, two groups in the same town should not practice different customs. This is derived from a verse in this week's parsha, לא תתגודדו which literally means "You shall not gash yourself in mourning." The verse begins with the statement "Sons you are to Hashem." What is the connection between the beginning of the verse and the prohibition that follows? It would seem that we shouldn't gash ourselves because it is destructive conduct and is improper regardless of the fact that we are children of Hashem? The Alshich Hakadosh explains that since we are Hashem's children, when someone is niftar they are returning to their father, which is why we should temper our mourning. A person who inflicts a wound upon himself does so from his inability to control his mourning. With this we can perhaps explain why Chazal chose to also learn from this verse that we should all live in harmony. We are all children of the same father! A father does not like when there is division amongst his children. May we be zoche to conduct ourselves with achdus and through that merit the Geula!

CONTINUED 

Halacha Highlight

Bequeathing One's Position of Authority

האי תנא סברמיתה מפלת והאי תנא סבר נשואין ראשונים מפילים

This Tanna maintains that it is the husband's death that causes her to fall and this Tanna holds that it is the original marriage that causes a woman to fall to yibum.

There was once a town that hired a shochet. The agreement between the town and the shochet was that when he completes his tenure and does not intend to continue slaughtering he will not bequeath the position to his son. This understanding was documented in his contract which the shochet signed. After a number of years passed the shochet began to train his son to slaughter and made efforts that his son should fill his position when he retires but members of the community opposed this plan and the disagreement was brought to the author of Teshuvos Even Yikara¹ for judgment.

Teshuvos Even Yikara suggests that the issue of bequeathing a position of authority should be analyzed in light of the discussion in our Gemara regarding the timing of when a woman falls for yibum. The author of the Mishnah at the beginning of the massechta seems to hold that it is the moment of the husband's death that causes his widow(s) to fall to yibum whereas the Mishnah later on in the massechta seemingly holds that the yevama falls to yibum from the moment she married her husband. A similar question could be asked concerning the right of a father to bequeath his position of authority to his son. Does the right to pass on one's position begin at the time that he initially accepts the position of authority or when the father no longer intends to continue in this position? If the right to pass on this position is in place from the moment the father accepts the position he would certainly have the right to forgo that right, the same way a father can sell his property so that it not available to be inherited by the son after the father's death. On the other hand, if the right begins after the father's death the position is not the father's that he would have the authority to forgo.

At the end of his analysis he decided that this issue was a moot point because he ruled that the position of shochet is not a position of authority (שררה) like a rabbi or rosh yeshiva that is passed down to one's children².

1. שו"ת אבן יקרה קמא אורח סי' ו'
2. ע' שו"ת גינת ורדים דאין לשוחט דין ירושת שררה כיון דאינה שררה של מעלה וכבוד אולם הכנהג אורח סי' נג הגבי דחולק

Review & Remember

1. What are the two sources that a co-wife's co-wife is exempt from yibum and chalitza?
3. Why weren't Beis Hillel people hesitant to marry Beis Shammai people?
4. What two halachos are derived from the words ותגודדו?

Mussar from the Daf

Love Truth and Friendships

The Mishna says that Bais Shammai and Bais Hillel argued whether or not a co-wife is obligated in or exempt from the mitzvah of Yibum to a צרת ערוה. According to Bais Hillel, Bais Shammai was producing ממזרים from such acts of Yibum. While the two sides disagreed on this point, they still did not refrain from intermarrying amongst each other. Chazal (14b) explain that it is important to know that they still married into each other's families, to teach us that they treated each other with אהבה וריעות (love and friendship). The Gemorah quotes the pasuk from Zacharia, "Love Truth and Peace." The lesson of Bais Shammai and Bais Hillel applies to all aspects of our lives. In all of our relationships whether marriage, friends or neighbors there are inevitable disagreements. Sometimes things can get very emotional, particularly when a machlokes becomes personal. This can easily lead to hatred and discord and a breakdown of a relationship. However, the two sides need to learn to place the issue under dispute in a separate "box," and not let it affect all aspects of their relationship. The priority of Yedidus has to remain a focus. We can learn from Bais Shammai and Bais Hillel how to balance the love of Shalom alongside the love of arriving at the Emes.

Point to Ponder

Rava explains that the reason why בית שמאי argue and maintain that a צרה of an ערוה can do Yibum is because we can only have one איסור at a time. For example, if one brother married Leah and then another brother married Rachel there are two possible prohibitions, Rochel and Leah can be forbidden to their respective brothers-in-law as an ערוה due to אשת אחות or אשת אר, whichever came first. What would happen if two brother's married two sisters simultaneously? Would both איסורים take effect at the same time?

Response to last week's Point to Ponder

After the Gemara brings down the statement לא ישפוך the Gemara immediately mentions a גרושתה מחזיר regarding ברייתא and says that the Yavam can do Chalitza to either one. What happened to not spilling out water which may be needed by others? There are two possible answers to the question: Either this ברייתא does not agree with Rav Yosef's suggestion of preserving water which others may need, or the main focus of the ברייתא is to teach us the Yibum Halacha, as opposed to any additional lessons which were already taught in the Mishna, namely not spilling water which others may need.

ר' יוסף שמואל שמעלקא בר יצחק מערמעלשטיין ז"ל Shelly Mermelstien לע"נ Yevamos has been dedicated in

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