



THE שבוע MATTERS

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

שבת קודש פרשת כי תצא
מסכת יבמות דף טו
לרפ"ש אחינו בני ישראל

Insights from our Chaburos

אלמנה vs יבמה לשוק

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The גמרא says that ר' יהושע stated that there were two great families from Yerushalaim who were sons of צרות that did not have חליצה and they were כוהנים גדולים. The גמרא also suggests that if someone violates the לאו of שוק then the child from that אלמנה should be a חלל based on a קל וחומר: if קל וחומר makes the child a חלל even though the Issur is מחזיר גרושתו or יבמה לשוק, certainly אינו שוה בכל whose Issur is חלל should create a חלל. The גמרא is מדחה this reasoning arguing that the case of אלמנה is worse since אלמנה becomes a חללה, whereas by שוק or יבמה לשוק the woman does not become a חללה since the men weren't "זר אצלה". There is a surprising פרק in רמב"ם מעיקרא. אישורי בועל who is יבמה לשוק that says that a זונה becomes a חללה after the first ביאה since יבמה לשוק is not specifically כהונה. After the second ביאה when she is already forbidden as a זונה, the ביאה makes her a חללה and the child is a חלל. There are two questions on this רמב"ם: First, our גמרא says that the יבמה לשוק is not זונה, so how could the רמב"ם say she becomes a זונה and then a חללה? Second, how could the two families of צרות have כוהנים גדולים? Why wouldn't we be worried that the child is from the שניה where they become a חלל? The סימן ט"ו ס"ד in אבני מילואים says that what our גמרא means by "אינה מתחללת" is that even though she becomes a זונה and forbidden to זונה, she isn't מתחללת from eating תרומה by violating שוק since יבמה לשוק is learned from the פסוק לאיש זר כי תהיה לאיש זר which means זר אצלה מעיקרא. As far as how they could be כוהנים גדולים, the סימן ט"ו ס"ק ה' אמרי משה suggests that there are those that hold that a woman doesn't become a זונה if it was an אונס. Since צרה ביה told the צרה she could remarry, she does not become a זונה because at most she is an אונס inasmuch as she relied on Bais Hillel and therefore the children would not be פגום.

Stories off the Daf

The Ways of the Torah are Pleasant

דרכיה דרכי נועם

Our Gemara discusses the fact that we cannot have the women who may have required yibum do chalitzah since it may mean that their husbands will despise them. There is a general principle at work here: "The ways of Torah are pleasant, and all its paths are peace." Fulfillment of the mitzvos is meant to bring about greater mutual love among the Jewish people, not less.

Once, when Rav Shlomo Wolbe, zt"l, was in a certain town in Israel, he stayed at the home of one of the Rabbonim of the town. The Rav asked Rav Wolbe to accompany him to a din Torah. They arrived first, but when the other local Rav arrived, Rav Wolbe's host refused to stand for him. This seemed strange since the newly arrived Rav was far older than Rav Wolbe's host and common courtesy seemed to dictate that the younger Rav stand or at least make some gesture of respect toward the senior talmid chacham. At this point, a few of the members of the community called over Rav Wolbe and pleaded with him, "Rabbi, please! Can't you make peace between the two Rabbis of our town? They haven't spoken to each other in so long." When Rav Wolbe broached the subject with his host, the man expressed indignation and began to heap abuse on the elder Rav. He began an impassioned litany of all his grievances against the other Rav. "How could I consider making peace with someone who acted that way toward me!" When Rav Wolbe's host finished pouring out all his pent-up venom he concluded, "Only someone like Rav Avrohom Grodzinsky zt"l could be a Rav in the same city as another great Rav like Rav Aizik Sher, zt"l, and still treat him like a brother!" Rav Wolbe retorted, "Don't be so sure! I am certain that it was harder for them to live with each other than for you two here. You must learn to be less judgmental and get along— דרכיה דרכי נועם!

Review & Remember

1. Why did R' Tarfon yearn to marry off the co-wife of his daughter?
2. Why did R' Akiva take two tithes from the same esrog?
3. Why did R' Yehoshua hesitate to offer a ruling concerning the halacha of marrying the co-wife of one's daughter?
4. Explain the two sides of the question concerning the daughter of one who remarried his divorcee.

Parsha Connection

In this week's daf we learn about a suggestion of performing חליצה instead of Yibum to accommodate the view of Bais Shammai. The verse regarding Chalitzah is found in this week's Parsha. The possuk says as part of the procedure, "She will remove his shoe." Why is the shoe removed? What does this represent? Rabbeinu Bachya, explains that the purpose of Yibum is to continue the brother's life through the child born from the Yibum process. When a Yavam refuses to marry his brother's widow he terminates the possibility of such a continuum. This itself is a cause for mourning, and as a sign of such mourning we remove the shoe. Another explanation for this ritual, is that a son is referred to as his father's leg/foot (ברא כרעא דאבוה). Removing the shoe represents the lack of continuity that would occur via such a son. CONTINUED ➔

Halacha Highlight

Does a yevama who marries a stranger become a זונה?

מה לאלמנה שהיא עצמה מתחללת

What about the widow who becomes desecrated

The Gemara contrasts the Kohen Gadol who marries a widow where she and her children become desecrated and may not marry kohanim or eat teruma, and the man who remarries his divorcée (after she married another man in the meantime) where she and her children do not become desecrated from marrying kohanim or eating teruma by means of this marriage. Rashi¹ mentions that a yevama who marries a stranger without chalitzah is the same as a man who remarries his divorcée, both cases violate regular prohibitions, and the yevama does not become desecrated by the relationship. The reason is that a woman becomes desecrated from kehuna only if the man was always prohibited, in contrast to the case of the one who remarried his divorcée, or the yevama who married a stranger, who becomes prohibited only after a particular event.

Rambam² rules that a yevama who marries a stranger without chalitzah is considered a זונה and becomes prohibited to marry a kohen. This ruling is difficult in light of our Gemara that indicates that a yevama who marries a stranger without chalitzah does not become a זונה. The Avnei Miluim³ suggests that although a yevama who marries a stranger without chalitzah is categorized as a זונה, as mentioned by Rambam, nevertheless, she does not become disqualified from eating teruma. The reason is that disqualification is not dependant on whether a woman is categorized as a זונה; rather it is related to whether she cohabited with someone who was always a stranger (i.e. prohibited) to her. Accordingly, the discussion in our Gemara would be limited to the subject of teruma. The difficulty with this explanation is that Rambam⁴ ruled that when a woman has relations that categorize her as a זונה or חללה she becomes disqualified from eating teruma.

Imrei Moshe⁵ explains that a woman becomes a זונה only if she has relations intentionally and not if the relations occurred unintentionally. Consequently, if the co-wife of an ערוה married a stranger without chalitzah, following the opinion of Bais Hillel, she would not be categorized as a זונה even according to Bais Shammai because it is seen as if the prohibited relations occurred unintentionally. Therefore, Rambam's ruling is not difficult from our Gemara since our Gemara addresses a unique circumstance.

1. רשי דה היא עצמה
2. רמב"ם פ"ח מהל' איסורי ביאה ה'ג
3. אבני מילואים סי' ו' סקד
4. רמב"ם פ"ח מהל' תרומות ה'ז
5. אמרי משה סי' י' סקד

Mussar from the Daf

Repulsive Wife's

The Gemara suggests that in deference to Bais Shammai, we should say that in every case in which a co-wife (tzarah) of an ervah is present she should perform chalitzah, which would then permit her to remarry even according to Bais Shammai. The Gemara responds that this is not a viable approach, because if we require every Tzarah Ervah who is currently married to perform Chalitzah then those who are presently married will be viewed as repulsive in the eyes of their husbands and we know the Torah's ways are Darchai Noam. This is a fascinating Shakla V'itarya. Many halachos in the Torah are difficult and yet we do them anyway. But our case seems impossible. Why can't the woman simply ignore this potential ramifications of chalitzah and move on?

The Chazon Ish in his letter regarding marriage explains that a woman's nature is to look for approval and favor in her husband's eyes. By requiring this woman to do chalitzah, she will feel that her husband is disgusted with her. Any woman who feels that her husband might view her with contempt because she may have been forbidden in the past, is something that is intolerable for any wife. Therefore the Torah explains that we can't make a takana which is something a woman can not handle.

Rav Wolbe explains in his Kuntras for Chasanim, that every husband should be aware of this need of a woman and always look for ways to show his appreciation and fondness regarding the food, home, clothes etc.

Point to Ponder

The Gemara suggests that we try and accommodate בית שמואי, by having a Tzarah Ervah who married according to Bais Hillel without undergoing Chalitzah, do a Chalitzah now so that even Bais Shammai would consider her marriage 100% halachically correct. Since she is now married and is prohibited from marrying anyone else (אשת איש), why doesn't her being an Erva, take off the Zika, making the Chalitzah a moot exercise?

Response to last week's Point to Ponder

The Gemara explains that in act mutual friendship and affection, Bais Shammai and Bais Hillel would inform one another of situations in which a lady would be considered okay to marry by one and not by the other. Why isn't there an obligation to inform someone of a potential transgression, and not merely as a nicety? It is obligatory to advise someone of a potential איסור even if it's a maybe, but if it a rabbinic Halacha and only a "possible" violation, one does not have to advise anyone else. Since it is obligatory to advise in the case of a potential Issur DeOraysa, הלל, בית הלל knew that they had nothing to worry about if nothing was said. (See רבינו אברהם מן הדהר).

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

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