



THE שבוע MATTERS

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

ראש השנה תשפ"א
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Insights from our Chaburos

Does זיקה אין Really Mean No זיקה At All

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The Gemara discusses the מחלוקת of זיקה or יש זיקה. To assist with a better understanding of this מחלוקת a little background is useful. Almost all ראשונים agree that the דרבנן as to אסור to a יבם's relatives are דרבנן. However, are there any דאורייתא relevant to the מחלוקת of זיקה or יש זיקה? Second, if you hold אין זיקה, does that mean there is no halachic concept of זיקה at all? To answer these questions, we need to know a few important things: 1. The Gemara in ע"א has a משנה that brings a תנאית whether a יבם can be מפיר the נדרים of the יבמה he is זקוק to. The משנה says that אין זיקה holds he can't be מפיר her נדרים which the גמרא says means he must hold יש זיקה, and יהושע ר' says he can be מפיר her נדרים which means he holds זיקה. Since דין דאורייתא is a דין דאורייתא, it seems that the issue of זיקה is relevant even to דאורייתא. 2. The Gemara in ע"ב discusses whether a יבם can eat תרומה since she can eat מדאורייתא that ר' תוספוס says from ר"ת since she is קנין כספו. This does not seem to be connected to whether you hold יש זיקה or אין זיקה. 3. There is an important Gemara in ע"א that brings a משנה whether a יבם is שוינתה רב ושמואל. Rav says she is considered like an איש which means that she is ליבם. However, Shmuel says she is not like an איש and is therefore ליבם. What is incredible is that our Gemara says רב holds זיקה אין and שמואל holds זיקה יש! This would seem to contradict that גמרא since presumably someone who holds זיקה אין would hold she is more like an איש to the יבם than someone who held זיקה יש. In fact, the גמרא in ירושלמי argues with בבלי and says these הלכות are connected. It says that ר' לעזר says שוינתה יבם since מותר באמה יבם and also says that if the יבמה dies the יבם is מותרת to the יבם. 4. The Gemara in ע"א suggests the following resolution: while the Gemara discusses אסור קרובות which our Gemara discusses זיקה אין, the issue of זיקה אין comes from a דאורייתא as we see from the Gemara and נדרים. However, he quotes ר' גרש על הרמב"ם who says that there are two parts to marriage: the קנין aspect and the שארות (familial relation) aspect. You can have a שומרת מפיר the יבם without the שארות. So you could hold that a יבם can be מפיר the יבם because there is a קנין even though he isn't אסור (מן התורה) because there is no שארות. See סימן for another approach.

Stories off the Daf

The Bond of Zikah

זיקה בכדי לא פקעה

In our Gemara we find that, according to Rav Yehudah, the spiritual bond called zikah between the widow who hasn't undergone yibum or chalitza and her deceased husband's brothers doesn't just vanish. According to this opinion, a yevama's mother stays prohibited even after the yevama's death. A rabbi who was the acquaintance of Rav Wolbe, zt"l, had two brothers who learned in yeshivos where mussar was not studied. When he visited one, he found that the bochurim got dressed up right after seder. The rabbi assumed they must be headed out to a simcha, but when he asked about it they answered, "Don't be ridiculous—we're dressing up to go out on the town!" Upon visiting his other brother, the rabbi found some people somberly focused on lighting candles. This puzzled him greatly, so he asked for an explanation. The bochurim were aghast at his ignorance, as they explained to him that they were commemorating the yahrtzeit of a well-known apikorus. When Rav Wolbe, zt"l, would recount this story he would say, "This is what happens in a yeshiva without mussar. In one we find boys drawn after עריות and in the other עבודה! Not surprisingly, neither yeshiva exists today!" Rav Wolbe continued, "A long time ago, the Ramchal, zt"l, traveled through Frankfurt and reported that there was a yeshiva filled with several hundred bochurim who learned very diligently, yet when he broached the subject of yiras shomayim, it was like they were made of dead wood. Is it any surprise that by the time Rav Hirsch, zt"l, became Rav of Frankfurt, there was a mere handful of religious families and this yeshiva had vanished without a trace? Without mussar, even one who diligently learns Gemara with Tosafos, prays intensely and keeps all the mitzvos, won't have a clue about yiras shomayim!"

Yom Tov Connection

In this week's daf the Gemara discusses בעולמו של אה של אה. The word צרה in the context of a rival wife, is found in the Haftarah for the first day of Rosh Hashana, in relation to Elkana's two wives. In ו' פרק א' it says: "Her rival (צרתה) provoked her again and again in order to irritate her, for Hashem had closed her womb." The midrash tells us that Chana was the first wife but she encouraged her husband to marry a second wife when she couldn't conceive, hoping that by doing so she will be helped. Once she was answered she offered a very specific thanksgiving prayer (פרק ב' ה') which includes the following: "שבעים בלחם נשכרו ורעבים חלדו עד עקרה ילדה שבעה ורבת בנים אמללה" (The sated ones are hired out for bread while the hungry ones cease to be so; while the barren woman bears seven, the one with many children is bereft). What is the connection between the sated and hungry people to the story? Whatever the connection why is this situation only עקרה עד until she gave birth? The Alshich Hakadosh explains that the sated refers to the wealthy, who usually don't feel that they need to rely on Hashem, mistakenly assuming that their own talents are the cause for their success. This thinking was upended when everyone saw the barren woman giving birth to seven children, necessarily a divine miracle. Perhaps, this is why we read this on Rosh Hashana to remember that everything in our lives is 100% dependent on Hashem. Shana Tova!

Halacha Highlight

Making a Beracha on Chalitzah

משום דקסבר אסור לבטל מצות יבמין

In the Gemara's discussion of whether there is a zikah bond between the yavam and the widow it is suggested that the prohibition against marrying a relative of the yevama is proof there is a zikah bond. This assertion is dismissed because the prohibition against marrying the yevama's relatives is due to the principle that it is prohibited to negate the mitzvah of yibum. Poskim(1) cite this as proof that there is a mitzvah to perform chalitzah as opposed to the position who maintains that it is merely a procedure to permit the widow to remarry. They argue that it is evident that only a mitzvah could negate the mitzvah of yibum but one is not permitted to negate the mitzvah of yibum for some optional activity. Consequently, chalitzah is an option instead of yibum only if it is a mitzvah.

Rav Moshe Sofer (2), the Chasam Sofer, addressed this issue and specifically analyzed it in light of the ruling of Nachalas Shiva, based on the Zohar, that there is a mitzvah to perform chalitzah. Chasam Sofer writes that even if it was correct that the Zohar maintains that chalitzah is a mitzvah, nevertheless, since Poskim write that it is merely a procedure to permit the widow to remarry one cannot be compelled to follow the opinion of the Zohar (3). Furthermore, if one looks carefully at the Zohar, he will see that the Zohar describes chalitzah as a mitzvah in a similar way that giving a נט is considered a mitzvah; meaning it is not a mitzvah to create the circumstance but once faced with the situation it is a mitzvah to conduct one's self in a particular way.

Another interesting discussion related to this disagreement is whether a beracha is recited when performing chalitzah. Maharil(4) reports sources that indicate that it is appropriate to recite a beracha on the mitzvah of chalitzah. This would indicate that chalitzah is, in fact, a mitzvah. Maharil, however, notes that the custom was that a beracha is not recited on the chalitzah. Shulchan Aruch(5) mentions the recitation of a beracha following chalitzah but notes that it is said without including Hashem's name or a reference to his Kingship.

1. ע' שות עין יצחק חב אהיע ס' סב
2. שות חתם אהיע חב ס' פה
3. ע' ב'י אוח ס' כה דה ויברך אשר
4. מהרי"ל הל' חליצה ס' ע' ז
5. שוע אהיע סדר חליצה ס' נ' אולם צ'ע אי הברכה שנוכר בשוע הוי האי ברכה נזכר במהרי"ל דמשמע במהרי"ל דאיירי בברכת המצות וברכת המצוה מברכין עובר לעשייתן ובשוע נראה דברכו אחר כל סדר החליצה וע'ע בהע' 2 על מהרי"ל הנ"ל בהמד' מכו' ירושלים

Review & Remember

1. Does the זיקה bond continue after a yevama dies?
2. Explain אסור לבטל מצות יבמין

Mussar from the Daf

Man's Thoughts

The Mishna tells us if a third brother was born after the second brother did Yibum and then the second brother died, Reb Shimon holds that the third brother can perform either Yibum or Chalitzah to either of the second deceased brother's wives. Why does the Mishna state that the man performs the Chalitzah? Isn't the woman who actually does the action of removing his shoe? The Tosfos Yom Tov answers that since the man assists in the performance of Chalitzah he can refer to it as if he is doing it. In what way does he actually assist? The Gemarah on daf 102b states that if the man does not have כוונה for Chalitzah it is invalid. We see that simply having כוונה for the Chalitzah is enough of an involvement that the Mishna gives him the status as if he is performing the action.

If one is credited for performing a mitzvah merely through his thought, the same can be said of one who inspires and enables others to perform mitzvos, those mitzvos will certainly be credited to the one who caused their performance. Indeed, the Chovos Halevovos suggests that a person's own merits are likely insufficient on their own to merit success in judgment and by causing others to perform mitzvos that a person's account is built up. Whether offering to learn with an individual who would not have learned otherwise or creating a program that inspires others to do more mitzvos, there are so many opportunities to assist others in doing mitzvos, and ultimately it is ourselves who we are really helping out.

Point to Ponder

Rav Yehuda said that a Yavam cannot marry his Yevama's mother after the Yevama died without Yibum. Rav Yehuda said this Halacha specifically regarding marrying the mother after the Yevama died to teach us that when a Yevama dies without יבום, the Zika doesn't automatically disappear. Since he holds that Zika is considered like she is the wife of the Yavam (ככנוסה). Why would this relationship disappear after her death? Once she is his wife, she should be the same as a regular wife who dies, and her husband cannot marry her mother.

Response to last week's Point to Ponder

The Gemara says one cannot marry the Yevama's mother while she is alive because it's forbidden to cancel the Mitzva of Yibum. Why is this unique to Yibum, shouldn't one always try to perform a Mitzva that is before him? It is true that someone should always perform a mitzvah before him. Here, we have a chiddush that even though the יבום is only causing the cancellation of the mitzvah indirectly it is still forbidden. In other Mitzvos such an indirect cancellation would be permissible. For example, someone who is traveling is exempt from Sukka, and we don't find an איסור to travel on Sukkos because it will cause one to miss out the Mitzva.

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

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