



THE שבווע MATTERS

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

שבת קודש פרשת תולדות

מסכת יבמות דף כ"ז

לזכות אסתר מלכה בת ר' שלמה סנדר

Insights from our Chaburos

Who has Priority to Receive the Chalitzta

בעלת הגט ובעלת מאמר איזו מהן קודמת? בעלת הגט עדיפא משום דרתחיל בה אה דלמא בעלת מאמר עדיפא משום דקרובה לביאה

An inquiry was presented in the beis midrash. Two women were married to one man, and he died. There was a surviving brother who presented one of the wives with מאמר, and he gave a גט to the other. At this point, after having given the גט, he is rabbinically forbidden to do yibum with either woman, and chalitzta must be given. The question is with which of the two should he do the chalitzta? Perhaps he should do it with the one who received the גט, as he already began the process of "rejecting" her, so it is with her that he should finish. Or perhaps the chalitzta should be done with the wife who was given מאמר, because she is closer to being married to him, and the chalitzta is more appropriately done with a wife.

The Rishonim explain the Gemara's inquiry in varying ways. Tosafos Yeshanim understands that the preference with whom to do chalitzta is not just a suggestion, but it is a technical question in terms of whose chalitzta will automatically release the other woman. Using this premise, Ritva asks how the question of the Gemara is to be understood. Why is doing chalitzta with the woman who received the גט an advantage "because she was already given a גט." Why is this factor an advantage, when, in fact, the earlier גט is a reason why her connection to the yavam is weaker? And the fact that she was given to one of the sisters does not seem to be a מאמר reason why doing chalitzta with her should be effective for both women.

Based upon this question, Ritva explains that the preference indicated in the Gemara is simply which woman should have priority to have the chalitzta done with her. Each woman has an advantage and a disadvantage. On the one hand, the woman who received the גט has a disadvantage, because the chalitzta is weakened, in that she already was given a גט. On the other hand, the chalitzta is desirable for her, as it will dismiss her adequately and properly. For the woman who was given מאמר, the chalitzta is an appropriate vehicle to dismiss her, especially due to the fact that the זיקה was strengthened with the מאמר. However, although the chalitzta releases her from the yibum bond, it will not exempt her fully from the brother now that he has given her מאמר. This, then, is the nature of the Gemara's inquiry about which of the sisters should have the chalitzta done with her.

Stories off the Daf

The Honor of the Departed

שכל יבמה שאין אני קורא בה בשעת נפילה יבמה יבא עליה
הרי כאשת אח שיש לו בנים אסורה

Rav Menachem Ziemba, hy"d, was known throughout Poland as a Gaon of the first order whose erudition and breadth of knowledge were famous. In addition, he was a fiery Gerrer chassid. Although there was a lot of respect for talmedei chachamim in Ger, at the Rebbe's tisch there was often a lot of jostling and it was too crowded to notice just who was being pushed aside. Rav Menachem Ziemba's attendance at every tisch was once commented on negatively by a certain non-Chassidic Rav. In a somewhat mocking tone, he asked, "Why don't they seat him at the head of the table next to the Rebbe?" Perhaps if the detractor had known the Torah greatness of the Imrei Emes, zt"l, he would have held his tongue.

Rav Ziemba once asked his Rebbe to answer the question of the Chacham Tzvi, zt"l, on Yevamos 27 where we find that if one was not halachically fit to fulfill the mitzvah of yibum as soon as it became possible to do so, one may not fulfill it later even if he becomes fit. "The Chacham Tzvi asks how can one ever be obligated in yibum, since in ordinary cases when the brother dies both the yavam and the yevama are both איננים who are not obligated to perform mitzvos?" The Imrei Emes responded, "The reason why an onen is freed from all his other obligations is so that he will be in a state similar to that of his departed relative from the time of death until the burial. This corresponds with the teaching from the Yerushalmi, that the mitzvah of onen is only for the honor of the departed. Obviously, this is only for the good of the departed soul. For this reason, the mitzvah of yibum is an exception—it too is for the honor, the ultimate honor, of the departed brother and husband. This is why the fact that they are איננים has no bearing on the mitzvah of yibum. When she falls to his lot, it is called יבמה יבוא אליה."

Parsha Connection

Don't Settle for Second Best!

In this week's daf, we learn about חליצה גרועה which is also called a חליצה פסולה. One example given by the Gemara is where one brother did Chalitzta for one Yevama and he then performed Chalitzta for another sister who was also a Yevama, the later Chalitzta is considered a lesser Chalitzta. In this week's Parsha we have a similar phenomenon, whereby יצחק gave the brachos to Yaakov, and עשו complained that he is getting a "lesser" bracha. When he realized that Yaakov had succeeded in obtaining the main bracha from his father עשו exclaimed זה יעקבני זה יעקבני פעמיים that Yaakov supplanted me twice. What did he mean by "twice," if Yaakov purchased the firstborn right then he rightly deserved the blessings? The Alshich Hakadosh explains: As we know there are two worlds, this world and the world to come, עשו agreed to sell his stake in the "next world" to Yaakov, preferring instead to have "this world," but now that he realized that as a result of Yitzchok's bracha Yaakov would be getting BOTH worlds he cried that Yaakov had supplanted him twice!

Halacha Highlight

Defining the Terms כל and רוב

והא כולן קאמר כיון דרובה גביה קרי ליה כולן

But didn't Shmuel rule [that he will do chalitzas to] all of them? Since he will do a majority of the chalitzas it can be referred to as "all of them."

Commentators and Poskim disagree whether the correct term to use when praising Hashem is כל or רוב. For example, in the paragraph of חי כל, some commentators maintain the correct wording is ברוב התשבחות whereas others maintain that the correct wording is בכל התשבחות. The point of dispute revolves around the meaning of the word רוב. If the word translates as "majority," it is obviously inappropriate to praise Hashem with only a majority of praises rather than all praises. If, on the other hand, the word רוב translates as "abundance," it is appropriate to declare that Hashem should be praised with an abundance of praises.

A similar uncertainty exists regarding the correct translation of the word כל. In the Yomim Noraim davening we declare כל the Levush, and Rav Mordechai Yafa¹, notes, that the tefilla is redundant when it says כל as well as כולו. Rav Dovid Halevi², the Taz, explains that since there are many places the word כל is used to mean a majority rather than the entirety, the tefilla repeats itself to make it clear that in this context we yearn for Hashem to rule the entire world. Rav Elya Shapira³, the Elya Rabba, questions the assertion of Taz that the word כל is used to mean a majority. Rav Shalom Mordechai Schwadron⁴, the Maharsham, cites our Gemara as an example of the word used to refer to only the majority. In our Gemara, Shmuel uses the term כל and according to one of the explanations of the Gemara the term is not to be understood as referring to all of the chalitzas but to a majority of them.

Another context when this matter is relevant is a person who must nullify his domain to permit carrying in a shared courtyard. Taz⁵ rules that the person who nullifies his domain must make a separate declaration to each owner. The reason he cannot simply declare, "My domain is nullified to all of you - כולכם - is that the term כולכם may indicate only a majority which would be ineffective to permit carrying in the shared courtyard. Mishnah Berurah⁶, however, disagrees with Taz and writes that one collective declaration of כולכם is sufficient.

1. לבוש אורח ס"י תקפ"ב סעי' ג'
2. ט"ז שם סק"ג
3. א"ר שם סק"ט"ז
4. מהרש"ם לסוגיין המובא בפניני הלכה ל"דף כ"ז. (עמ' י"ז) בספר.....מתיבתא ליבמות חיב דיה והמהרש"ם
5. ט"ז ס"י ש"פ סק"א
6. מ"ב שם סק"ה

Point to Ponder

The Gemara on Daf כ"ז amud ב says that where a יבם has two sisters that are awaiting his Chalitzas, if the sister who became a widow second dies he is permitted to perform Yibum to the first sister, but if the sister who was widowed first dies, he cannot do Yibum on the second sister since he was אחת שעה אחת. The Gemara states that the same would be true regarding Chalitzas, if one brother does Chalitzas with the sister who became widowed second another brother can marry the first, implying that if he does Chalitzas to the first widowed sister, another brother cannot marry the second. According to רשי on Daf 23B that Chalitzas removes the Zika retroactively, why wouldn't he be able to marry the second sister once his brother did Chalitzas to the first? (רשי דה אין מוציאין מידם)

Response to last week's Point to Ponder

The Gemara says that the Mishna of ארבעה אחים proves that there is Zika. Rashi explains this by citing a Gemara in Nedarim regarding a Yavam undoing a Yevama's vows. Why is this reference necessary? We just had a discussion about Zika in the previous Perek, so why bring a far away Gemara in Nedarim?

Rashi wants to illustrate why a יבמה that is awaiting Yibum is considered as if she is the יבם's wife. Merely stating that there is Zika, does not make the point. By citing the fact that a יבם can annul a vow made by his יבמה, we have a concrete explanation of how she is considered as his wife.

Review & Remember

1. How many people are exempted by a superior chalitzas?
2. When was R' Yochanan ben Nuri's enactment ratified?
3. What condition is necessary at the time of the husband's death for yibum to be an option?
4. Why was R' Yochanan not challenged by the Mishnah cited to question his position?

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

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