



# THE שבוע MATTERS

שבת קודש פרשת ויצא

מסכת יבמות דף כ"ח

לרפ"ש מלכה רייזא בת מילדרד

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

## Insights from our Chaburos

### No Concern of Sudden Death

ר' יוחנן למיתה לא חישי

Two brothers married two sisters. The two brothers died, resulting in the two sisters being presented for yibum to the one surviving brother. Rav Yochanan states that if the earlier widowed sister dies, the later-widowed sister is not permitted for yibum, because "once the woman (the second sister) has been presented for yibum, and she was not eligible for yibum at that moment, she shall not be eligible to be taken for yibum forever." The second sister was not available for yibum upon the death of her husband, because her sister was then waiting as a yevama. Therefore, she is not eligible again, even upon the death of her sister. Rav Yochanan rules that when both sisters are presented for yibum, obviously both cannot be taken by any one brother. However, if the second sister dies, the first one becomes available once again, and she may be taken for yibum. Although this first sister was temporarily disqualified due to her sister's also being presented for yibum, this is where we apply the rule of "a yevama who was permitted, then forbidden, and permitted once again," and Rav Yochanan allows her to be taken for yibum. Rav Yose bar Chanina asks against Rav Yochanan from the Mishnah (26a) of four brothers, two of whom are married to sisters, and these two brothers die. The sisters are presented for yibum to the two surviving brothers. The Mishnah rules that they are given chlaitza, and not yibum. Now, if Rav Yochanan is correct, the most recent sister to be widowed should get chalitza. The first sister to be widowed has undergone a cycle of being permitted (originally, when her husband died), prohibited (when the second brother died, she and her sister were both yevamos), and permitted again (after chalitza for her sister). She should be able to have yibum. Why, then, does the Mishnah require chalitza? Rav Yochanan did not have an answer to this question. The Gemara asks: Why didn't Rav Yochanan respond by saying that the Mishnah is concerned that after the chalitza is given, the remaining brother might suddenly die, thus leaving the mitzvah of yibum/ chalitza with the first widowed sister undone. This would be a neglect of the mitzvah. The Gemara answers that Rav Yochanan does not worry about the brother's sudden death. Rashba and Ritva note that the first Mishnah in Yoma features the opinion of Rav Yehuda who does worry about the sudden death of the wife of the kohen gadol. He therefore requires a back-up wife just in case the current wife dies. Why didn't R' Yochanan say that the Mishnah (26a) is authored by Rab Yehuda? They answer that we attribute the consideration of this risk to Rabbi Yehuda only when the Mishnah says he is the author. Our Mishnah is a סתם Mishnah, and we cannot assume it is the voice of Rabbi Yehuda.

## Stories off the Daf

### Two Sisters

ואשה עלאל אחותה לא תקח לצרור

Ramban, zt"l, explains that the prohibition of marrying two sisters is different than the halacha of any of the other forbidden relationships. This prohibition only applies during the lifetime of whichever sister he married first since two sisters should live in love and harmony. It is not proper for them to be competitors for the same husband. Rav Shimon takes this a step further in the Mishnah. Unlike the sages, he holds that the verse excludes sisters from being competitors even if the situation arises that their respective husbands died and they became yevamos to the third brother. While the chachamim also agree that sisters shouldn't be competitors, they disagree about whether the third brother must do chalitza, or if the verse excludes them from chalitza altogether. Two sisters had fought before, but the last bitter argument, twenty-five years earlier, had destroyed their relationship. It began when one had felt mistreated by the other. Eventually, they stopped talking to one another. This "cold war" lasted through weddings and simchas, and also through family tragedies. Although they lived relatively close to each other, it was as if each was without a sister. After twenty-five years of feuding, one of the sisters grew ill. Sadly, the custom of the unforgiving sisters remained constant throughout the protracted illness—the sister who was in good health never sent a word, never visited. As the sick sister grew steadily worse, she sent a message to her estranged sibling, "Come to my death bed, I have something important to say." Naturally, the healthy sister assumed that her sibling wanted to apologize, or at least make peace before taking leave of this world. She ran to her sister's bedside. When she arrived at her sister's home, the patient was extremely ill and weak, and she could barely whisper. When her visitor entered the room, she signaled feebly that she wished her to bend down next to her, so that she would be able to hear. As the healthy sister bent over the bedside in conformance with her sister's wish, she was shocked when the dying woman spat right in her face! Who can understand the depth of resentment that could grow between two sisters? At the very least, the Torah warns us from provoking rivalry in a relationship that should only be defined by mutual love and care.

## Parsha Connection

### Sibling Love, Not Rivalry

In this week's daf, we continue to discuss two brothers who married sisters. The first instance of someone marrying two sisters that is discussed in the Torah is Yaakov's marriage to Rachel and Leah, in this week's Parsha. It's interesting that while Yibum is marrying a late brother's wife, Yaakov married Leah, who was originally destined to marry Esav, while his brother was still alive. In פרק כ"ט פסוק ל' it says And Yaakov lived with Rachel also; indeed, he loved Rachel more than Leah. Why is the Torah telling us that he loved Rachel MORE than Leah? We already know that he ONLY loved Rachel and in fact, it says later that Hashem saw that Leah was "hated"! The Alshich Hakadosh and the מהרי"ל דיסקין explain that he appreciated Rachel even more because of what she did with her sister Leah! Although she knew that her father was switching her with her sister and her sister didn't know the signs which she made up with Yaakov, she shared them with Leah in an incredible act of Chesed!! That's why it says that Yaakov loved Rachel מלאה (from Leah), meaning because of what she did with Leah.

CONTINUED

## Halacha Highlight

### Concern for the Possibility of Death

ולמה ליה גזירה שמא ימות  
*R' Yochanan should have said to him [that the reason for the Mishnah's ruling] is a decree that [one of the brothers] may die.*

Although there is a dispute amongst the Poskim regarding this question of whether we are concerned with the possibility of sudden death, Tosafos<sup>1</sup> writes that all opinions agree that we are concerned with the possibility of death over a “long” period of time. The only dispute is whether we are concerned with the possibility of over a “short” period of time. Later authorities suggest different time frames regarding the definitions of “short” and “long.” According to some opinions<sup>2</sup>, less than seven days is considered “short.” According to others<sup>3</sup>, less than thirty days is considered “short.” A general application of this concept relates to the principle that one should not delay the opportunity to perform a mitzvah. Rabbeinu Yisroel Isserlin<sup>4</sup>, the Terumas Hadeshen, writes that the rationale behind this principle is the fear that the person may die before he has another opportunity to perform the mitzvah. Others maintain that the reason one should not delay the fulfillment of a mitzvah is based on the principle that one should be quick to fulfill mitzvos- זריזין מקדימין למצוות. Interestingly, Rav Chaim Yair Bachrach<sup>5</sup>, the Chavos Yair, writes that the rationale behind the principle that one should be quick to fulfill mitzvos is based on the possibility that one may die. Accordingly, Poskim discuss how long one is permitted to delay the fulfillment of a mitzvah if the reason for the delay is to allow for a more enhanced fulfillment of the mitzvah. An example of this is the ruling of Rema<sup>6</sup> concerning delaying the recitation of Kiddush Levanah in order to be able to recite the beracha more honorably, dressed in one's Shabbos garments. Rema writes that if the tenth of the month will occur before Shabbos one should not delay, but if Motza'ei Shabbos will arrive before the tenth one should wait to recite Kiddush Levanah until Mota'ei Shabbos. Rav Naftali Tzvi Yehudah Berlin<sup>7</sup>, the Netziv, challenges the entire premise and writes that Chazal's concern for the possibility that one may die is limited to a case where one person's death would leave another unable to fulfill a mitzvah properly. Chazal were not concerned, however, with the possibility that one may die and a mitzvah would be left unfulfilled, consequently, it is permitted to delay the fulfillment of a mitzvah to be able to fulfill it in a more enhanced way.

1. תוס' יח דה דלמא
2. שער המלך ה' סוכה פד הטז
3. שער המלך שם
4. שו"ת תרומת הדשן סי' ל"ה
5. שו"ת חות יאיר סי' ט
6. רמ"א אורח סי' תכז סעי' ב'
7. שו"ת משיב דבר סוף סי' מא

## Mussar from the Daf

### Exempting Oneself From Mitzvos

The Gemorah teaches us that a Yavam is forbidden to marry the The Gemara brings an opinion of why the two yevamos who were married to two brothers who both died need chalitzah done to them from the other brothers because we are concerned a brother may be miyavem one sister first and then the other brother may die and therefore the surviving brother would miss the opportunity of the mitzvah of Yibum for the other yevama.

This concept of being חושש למיתה (concerned about an imminent death) appears throughout Shas in various halachic situations. Another example would be where a Cohen says to his wife, that a moment before he dies she is divorced. The Halacha is that she can no longer eat terumah because we are concerned that he may die at any moment.

The concept of being חושש למיתה in addition to having halachic ramifications is an important tool in matters of רוחניות as well.

For example, if a person is presented with a מצוה opportunity he should be זריז to both start and complete it since maybe he will die and therefore lose out on the opportunity. For example, a person can keep pushing off the mitzvah of tzedakah as he keeps waiting for the right cause. Or another person may push off finding another Chavursa or attending a shiur. However, with this concept in mind, he will be much more eager to fulfill the mitzvah in a more timely fashion out of the concern that he does not know how long he will live. In an ironic way, the concept of death itself is a chesed to us because without it people would just procrastinate doing mitzvos, because they know they have eternity to complete them.

### Point to Ponder

The Gemara discusses why יוחנן ר' said that he doesn't know who authored the Mishna of sisters. One suggestion made to explain it is because of אסור לבטל מצות יבמין we are afraid that after one brother does Yibum with one sister his brother will die before doing Yibum with the second sister. The Gemara responds that this cannot be the explanation since ר' יוחנן is not concerned about someone suddenly dying. Since ר' יוחנן is an Amora, why can't he say that the Mishna was authored by someone who is concerned with sudden death? Just because ר' יוחנן isn't concerned, can't someone else disagree?

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

The Gemara on Daf כ"ז amud ב implies that where a יבם has two sisters that are awaiting his Chalitzah, if he does Chalitzah to the first widowed sister, another brother cannot marry the second. According to רש"י on Daf 23B that Chalitzah removes Zika retroactively, why wouldn't he be able to marry the second sister once his brother did Chalitzah to the first? (רש"י דה אין מוציאין מידם).

Although Chalitzah removes the Zika retroactively, at the time of her husband's death she was not eligible for Yibum. In effect this is treated as being removed retroactively for the future. For example a Get works only for the future but doesn't annul the marriage, on the other hand Chalitzah annuls the Zika, which means that going forward she is not considered like his ex-wife. (עיינן אור שמח קונטרס זיקה).

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

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