



THE שבוע MATTERS

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

שבת קודש פרשת וישב

מסכת יבמות דף ל'

לענ ברוך געציל בן יהודה הכהן

Insights from our Chaburos

Rav Nachman Explains That the Mishna

אין זיקה

שלשה אחים שנים מהם נשואין שתי אחיות ואחד נשוי נכרית, גירש אחד מבעלי אחיות את אשתו

The case of this Mishnah is of three brothers, two of them, Reuven and Shimon, are married to sisters, Rachel and Leah, while Levi, the third brother, is married to Sara, an unrelated woman. Reuven divorces Rachel, and following this divorce, Levi, the third brother, dies. Reuven takes Levi's yevama, Sara, for yibum. Reuven now dies. The halacha is that Sara is permitted to be taken by Shimon for yibum, and she is not considered to be a co-wife of Rachel, because their marriages to Reuven did not coincide at any point.

Tosafos (דה גירש אחד) asks why the Mishnah illustrates its point with a case of three brothers, as noted above. The Mishnah could have given a case of two brothers married to two sisters. One of them divorced his wife, married another woman, unrelated to the sisters, and then he died. This new wife is permitted to be taken for yibum, as she is not considered a co-wife with the sister who was divorced. What, then, asks Tosafos, does the Mishnah gain by choosing a case of three brothers, rather than two?

Tosafos explains that the illustration of three brothers provides us with the ability to show Rav Nachman's insight of אין זיקה. We must remember that Rav Nachman holds like Rav Yirmiya, that נשואין מפילים—the moment of evaluating eligibility for yibum is when the brothers are all alive and married, not later, when the death of the brother occurs. If we hold that אין זיקה is affected, Sara, the non-related woman, would be prohibited as a co-wife of the sisters. Sara's availability for yibum while Reuven is still married to Rachel creates a co-wife relationship which determines Sara's status even if Reuven divorces Rachel before taking Sara as a wife. The ruling of the Mishnah that Sara is permitted must be due to אין זיקה. This insight can only be illustrated with three brothers. The parallel case with two brothers would have no implication regarding אין זיקה because Sara would be permitted if she was never married until after the divorce, or she would be a bona fide co-wife of Rachel if married to Shimon before the divorce.

Stories off the Daf

The Precious Chiddush

דחביבה ליה אקדמה

On this week's daf we find that the Tanna taught the chiddush first since it was beloved to him. This is the way of the Gedolim; they have a never ending thirst for Torah, especially for new and innovative ways of seeing things.

Rav Eliezer Yehudah Finkel, zt"l, the Rosh Yeshiva of Mir, learned under the Chofetz Chaim, zt"l, when he was a young man. The winters in Radin were very fierce. There was a tremendous amount of rain at the beginning and end of the winter, bracketing a mid-winter abundance of snow that made traveling almost impossible.

Throughout the winter in Radin, Rav Finkel's shoes were horribly torn and he had no money to replace or repair them. He also had six students in whom he hoped to cultivate the ability to be mechadeish. To this end, he paid them a ruble each month to present him with a powerful and true chiddush every month. Although he certainly could have relegated the rubles for whatever he wished, he chose to give up on the shoes (which cost half a ruble for the best pair), to encourage these six students to use every instant of their time toiling in learning.

His father, the Alter of Slabodka, zt"l, did not wish to take money from the yeshiva to pay for his son's shoes even though he had ample opportunity. The Alter even went so far as to ignore the powerful entreaties of his wife and the treasurer of the yeshiva when shoes were purchased for all the bochurim in Slabodka. For the bochurim, yes. For his own son? No.

Years later, after Rav Eliezer Yehudah Finkel settled in Yerushalayim, it was known that even in the hardest times one could always secure money for one's Shabbos needs. One merely needed to go to the Mirrer Rosh Yeshiva and tell him a true chiddush. A chiddush was so precious to him that he would gladly pay all of the person's Shabbos expenses for the pleasure!

Parsha Connection

In this week's daf we learn about 3 married brothers. One of them dies childless, and his brother, after doing יבום with his wife, dies as well; resulting in their wife becoming a יבמה to the third surviving brother. This situation elicits a quandary: does the third brother's יבום create a namesake for the latest brother, or does he create a namesake for BOTH of his deceased brothers? This week's parsha offers us some insight. Yehuda's 2 sons were both married to תמר and both died childless. Although he had another son, Yehuda hesitated in letting him (יבום) marry her. תמר, seeing that Yehuda was not offering his third son to her, took matters into her own hands. She ended up becoming pregnant with twins. The נחל קדומים quotes the ארי זצל, who explains that פרץ ורחל are namesakes for ער ואונן. We see that יבום ש'תמר was indeed intended for BOTH of her let husbands. There is a beautiful hint to this in (46,12) פרשת ויגש, where the pasuk includes all 5 of Yehuda's sons in the list of those coming to Egypt! Perhaps we can also suggest that this is why she conceived twins (one of only 2 cases mentioned in the Torah). Seeing she and Yehuda cohabited only once (according to one version in Rashi), she had to create both namesakes at the same time!! (עיין אלשיך הקדוש ומלבנים).

Halacha Highlight

The Prohibition to Marry a Stranger

והאי תנא סבר מיתה מפלת והאי תנא סבר
נשואין הרשאנים מפילין

This Tanna holds that the death of the husband causes her to fall to yibum whereas this Tanna holds that it was her original marriage that causes her to fall to yibum.

Rav Yosef Engel¹ questions the nature and origin of the prohibition that restricts the widow to marry a stranger before yibum or chalitzah. One could say that the relationship she had with her deceased husband has not been severed entirely, just weakened and her “married” status was downgraded from a transgression that carries the death penalty to a simple prohibition as a “yevama l’shuk.” Alternatively, one could say that her relationship with her deceased husband has been severed entirely and a new prohibition was created, namely yevama l’shuk. Furthermore, if the relationship with the deceased husband was severed completely what is the nature of the new prohibition? Is it a general prohibition or is it a prohibition that falls under the category of marriage-related prohibitions? One difference between the two approaches would be relevant to the law that concerning marriage-related prohibitions one is obligated to forfeit one’s life rather than violate a prohibition. Consequently, if the prohibition against marrying a stranger is marriage related it would demand giving up one’s life rather than violating the prohibition but if it is a general prohibition there would be no such obligation².

Rav Yekusiel Yehudah Halberstam³, the Klausenberger Rebbe, suggests that our Gemara addresses this issue. The Gemara mentions the dispute whether it is the death of the husband that causes his widow to fall to yibum or whether it was the original marriage that causes her to fall to yibum. According to the approach that maintains that it is the death of the husband that causes her to fall to yibum it could be suggested that a new prohibition is created at that time unrelated to her previous status as a married woman. On the other hand, if one takes the approach that it was the original marriage that causes the widow to fall to yibum one could suggest that the prohibition against marrying a stranger is a continuation of her married status rather than a newly created prohibition.

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Mussar from the Daf

Causing Pain is Never a Mitzvah

שלשה אחין שנים מהם נשואים שתי אחיות ואחד נשוי נכרית מת אחד מבעלי
אחיות וכנס נשוי נכרית את אשתו ומתה אשתו של שני אחים מת נשוי נכרית
הרי זו אסורה עליו עולמית הואיל ונאסרה עליו שעה אחת

The Mishna on daf ל' explains that once a Yevama is assurah to one of the brothers of her late husband, she is always assurah to that brother. Why is that? Tosafos on 2a explains that once she is p'turah from Yibum it would be a conflict to the concept of deracheiah darchei noam for her to become obligated in Yibum to her late husband's brother. What is the explanation of this reasoning? Why is Yibum to a man she was once p'turah from considered a lack of darchai noam? Perhaps the Torah has empathy for this Almana. Her husbands' deaths were, presumably, traumatic experiences. Re-establishing a connection to the third brother after the death of the second would re-arouse the pain of the loss of her first husband, which would now be compounded by the loss of the second. Therefore, out of sympathy for this Almana, the Torah frees her from any connection to the remaining brother. We see from here how far the Torah delves into the depths of people's emotions, and takes precautions so as not to cause undue suffering. We can learn from here how important it is to be mindful of how we speak to others. Reminding people of painful or embarrassing events from the past could cause them great pain, which the Torah classifies as a prohibition of ona'as devarim.

Point to Ponder

Rav Nachman says that from the first mishna we can deduce that there is no zika. His proof is from the Mishna's statement that if the 3rd brother did מאמר on his late brother's widow, his wife gets Chalitzah. We can infer from there that without מאמר she would be eligible for יבום. Why can't it be that without מאמר she would still only get Chalitzah, but the Mishna is informing us that with מאמר she still NEEDS Chalitzah? This would also seem to fit better into the words of the Mishna, because if the Mishna intended to teach about Zika, it could have done so more directly.

Response to last week's Point to Ponder

The Gemara discusses איסור מצוה according to רבי שמעון. When two brothers marry two sisters and then die childless, the surviving brothers cannot do Yibum with either sister. However, if one of the sisters can't marry one of the brothers because of איסור מצוה, she still requires Chalitzah. An איסור מצוה, as explained earlier (daf 20), is a divorcee to a Kohen. Seeing as all of the brothers are Kohanim, how would a divorcee be able to marry one brother but not the other??

Although all brothers must have the same father, they can have different mothers. One possibility would be that one brother was born from a divorcee who their father married. The father did transgress the prohibition against a כהן marrying a divorcee, but this only affects the child/children born from that marriage. A son of a כהן born from a divorcee is a חלל, and as such he is allowed to marry a divorcee himself. (See רמב"ם הלכות איסורי ביאה פ"ט הלכה י')

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

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