



THE שבוע MATTERS

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

שבת קודש פרשת אמור | מסכת יבמות דף נ'

לע"נ ר' צבי מנחם בן ר' שמריהו

INSIGHTS FROM OUR CHABUROS

After Chalitzta,
There is Nothing

חלץ ועשה מאמר, נתן גט ובעל. או בעל ועשה מאמר נתן גט וחלץ אין אחר חליצה כלום

This section of the Mishnah first discusses the case where the yavam performed chalitzta, followed by either מאמר, giving of a גט or doing ביאה. In these cases, giving of a once chalitzta was performed, the mitzvah between the yavam and the yevama is complete מְדֻאָּרִית, and any of the three follow-up actions has no meaning or validity. Once chalitzta is done, the presenting of מאמר or the ביאה has no effect upon the sister-in-law to acquire her in any manner, and the גט does not affect her to disqualify her as a divorcee.

The next case is where the yavam performed yibum properly (או בעל). If this was then followed by either giving מאמר, presenting a גט, or performing chalitzta, the significance of the first act is total, and the yibum is complete. The subsequent גט or chalitzta do not disqualify her to remain married to the yavam due to a consideration of שוב לא יבנה, because they are man and wife.

The Mishnah concludes these two cases by declaring "after chalitzta, nothing else has an effect." As Rashi points out, from the Gemara later (53a), the Mishnah should have made a more comprehensive conclusion and said "after chalitzta or after ביאה nothing else has an effect," but it chose to feature the case where the yevama will be released to marry anyone she chooses, rather than the case where she marries the yavam.

Earlier in the Mishnah, this same ruling had already appeared: אבל לא אחר. בעילה ולא אחר חליצה כלום. There, the statement was made by חכמים. The difference is, however, that the earlier statement was made in reference to one yavam and two yevamos, where the one yavam gives chalitzta to one yevama, and, for example, then presents the other co-wife with a גט. It is also referring to two yevamim (two surviving brothers) and a single yevama. Here, again, if one brother first does chalitzta or ביאה, any subsequent action on the part of the second brother is meaningless in terms of the זיקה which was already settled. The later statement of the Mishnah is speaking about one yavam and one yevama.

PARSHA CONNECTION

In this week's daf, the Gemara discusses two opinions regarding a person's potential lifespan and how one's actions (deeds) may increase or alternatively reduce the person's lifespan. In this week's Parsha we find a fascinating insight into how a Kohen Gadol may affect someone else's lifespan. The Torah requires that a Kohen Gadol marry a בתולה, unlike a regular Kohen who is permitted to marry a widow. In explaining why a Kohen Gadol is restricted from marrying a widow the Baalei Tosfos on the Torah, offers the following insight. The Torah was concerned that if a Kohen Gadol takes an interest in a married lady, he may pray on Yom Kippur when he enters the קודש הקודשים and recites the שם המפורש, that the women become a widow so that he can marry her! This only applies to the Kohen Gadol, since a regular Kohen can never enter the קודש הקודשים. This insight illustrates the tremendous powers bestowed on the Kohen Gadol as well as the Torah's endless concern for everyone's wellbeing!

STORIES OFF THE DAF

"I Will Complete
the Number of
Your Days"

וחכמים אומרים זכה מופסיפים לו לא זכה פוחתין לו

On this week's daf we find that if a person is meritorious, his days are lengthened, but if not, they are reduced, God forbid. Rav Yosef Shani, shlit"a, of Yerushalayim, once shared a family story that illustrates this idea most dramatically:

Years ago, on Erev Yom Kippur, one of the Rav's uncles was forced by his employer to show up for work until midday. "I know that you would rather not come, but you won't have to do anything," the boss reassured him. "Just sit at the counter in case someone comes in, and you can go home early."

So Rav Shani's uncle assumed his post, and spent the entire morning immersed in Tehillim. During that period, Rav Shani's grandmother had been very ill, and it appeared as though she might not live through the next day or two. As the Rav's uncle recited Tehillim, his heart was with his ailing mother. Just then, a stranger entered the store. "What are you doing?" asked the man.

"My mother is ill, it is just before the holiest day of the year, and I am reciting Tehillim."

The stranger scoffed, "Do you think that those words are going to do any good? You might as well read names out of the phone book!"

The older man was astonished, "What, don't you believe in anything?"

The customer proclaimed, "I only believe in what I can see."

Feeling a sudden inspiration, the Rav's uncle asked, "If I pay you one British pound, will you sell me ten years of your life?"

The other man laughed, "You'll pay good money for a fantasy? I'll give you ten years of my life for that pound, and tonight while you're fasting, I'm going to buy myself a bottle of Arak and make a party!" The two signed a short contract and dated it. Then the man bought what he needed and left. By the time Sukkos passed, Rav Shani's grandmother had recovered, and everyone forgot about the incident.

Many years later, Rav Shani's uncle himself passed away, and after the shloshim, the family went to dismantle his apartment. Lodged in a crevice in a closet, they discovered a slip of paper—and remembered that their grandmother had passed away exactly ten years after that fateful Erev Yom Kippur!

MUSSAR FROM THE DAF

Needing to
be Needed

אלו שני דורות זכה משלימין לו לא זכה פוחתין לו דברי ר' עקיבא

Rabbi Akiva learns from the pasuk אמלא ימיו that if a person is zoche he can live to fulfill the years that were decreed for him. And if he is not zoche, he will live less than the years decreed for him. The mefarshim ask why does R' Akiva state in the Braisa דורות? Let him just say years? Why does he speak about the generation?

Reb Yisroel Salanter used to say that the secret to be Zoche to a good din on Rosh Hashanah is to be a person that the tzibur needs. Meaning, even if a person based on his own zechusim may not merit another year, where the tzibur relies on him, Hashem may nevertheless grant him a good din and give him another year of life.

Perhaps that is the pshat in R' Akiva's statement. The words שני דורות teach us that even if a person may not have enough zechusim to be granted his full life expectancy on his own, if however the tzibur needs him, he will then be zoche to another year of life.

This idea can be a motivating factor to find ways to help the tzibur. There are so many ways to help the tzibur. If somebody can't figure out what to offer, they can begin by thinking about what is lacking or missing in Klal Yisroel. And then they can think how they personally can fill that gap.

REVIEW AND REMEMBER

1. What is the dispute between R' Akiva and Chachamim concerning one who is meritorious?
2. What is the effect of a גט given to a yevama?
3. Why did Chazal give recognition to a גט given to a yevama?
4. What is a deficient chalitza (חליצה פסולה)?

POINT TO PONDER

The משנה discusses various actions taken by a יבם who has a יבמה awaiting his response. One of them is doing מאמר and then living with her, which the Mishna describes as "This is how the מצוה should be performed." Since יבום is through ביאה and מאמר is only Rabbinic, why does the משנה say that this is the "correct way"? Isn't the correct way by performing just ביאה?

Response to last week's Point to Ponder:

The Gemara says that the teachings of רבי אליעזר בין יעקב are קב. How do we understand קב which is a volume measurement in this context?

The description of קב as משנת רבי אליעזר בין יעקב is due to the fact he has a relatively small number of Halachos throughout ש"ס. However the few that he has are described as נקי meaning clean or pure, because we follow his rulings in every case. (See אברהם מן החרר).

HALACHA HIGHLIGHT

A Deficient
Chalitza

גט לזו וגט לזו צריכות הימנו חליצה

If the yavam gave a גט to this one and another גט to that one, they require chalitza from him.

The Mishnah rules that if a yavam gives a גט to one yevama and then a second גט to the second yevama they need chalitza. Although the language indicates that each of the yevamos requires chalitza, Rashi¹ writes that one chalitza will be sufficient to release both yevamos. The only lasting effect of the two גטין is that the yavam is prohibited to the relatives of each of the two yevamos. Tur², however, cites the opinion of Ramban who maintains that according to the position of Rav, when an inferior chalitza is performed the yevama must receive chalitza from each of the brothers. In this case, the yavam will be required to do chalitza with each yevama.

This issue of a deficient chalitza, however, has certain limitations. Rabbeinu Yisroel Isserlin³, the Terumas Hadeshen, was asked about a case of a minor who was mistakenly allowed to do chalitza because the Bais Din did not investigate her age. The specific question was whether it will be necessary for her to do chalitza with all the yavamim since her first chalitza was invalid. On the one hand one could argue that an improper chalitza was done, similar to a case of one yavam giving a גט to two yevamos. In that case the chalitza is considered inferior, and according to Rav each yavama requires a separate chalitza. Accordingly, when chalitza is done to a minor it is considered deficient and when she becomes an adult she will be required to do chalitza with each yavam. On the other hand, one could argue that chalitza done to a minor has no validity whatsoever and therefore it is considered as if it was not performed. Therefore, when she becomes an adult it will be sufficient to have one chalitza.

Terumas Hadeshen mentions two opinions as to what qualifies as a deficient chalitza. According to some opinions it is a chalitza that was done that has no effect whatsoever, e.g. chalitza done to a yavam who is a minor or with socks rather than a shoe. According to others it is a chalitza that restricts yibum from being done. Seemingly, according to both definitions of a deficient chalitza, if chalitza was done to a minor it has no validity and consequently it would not be necessary for her to chalitza with all the brothers when she becomes an adult.

1. רש"י ד"ה צריכות הימנו
2. טור אה"ע סי' ק"ע סעי' ה'
3. שו"ת תרומת הדשן סי' רכ"ה

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