



# THE SHABUOT MATTERS

שבת קודש פרשת בהר-בחקותי | מסכת יבמות דף נ"א

לע"נ אברהם בן ישראל  
לע"נ יעקב חיים בן יצחק

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

## INSIGHTS FROM OUR CHABUROS

### What is the Reason for Raban Gamliel's Opinion?

אמר רבא מאי טעמא דרבנן גמליאל?

The primary options which the Torah gives for a yavam are either for him to marry the yevama by doing the mitzvah of yibum (ביאה), or to release the yevama by doing chalitza. Rabanan and Raban Gamliel had argued in the Mishnah about the case where the yavam does neither of these prescribed methods, but he instead presents the yevama with גט or he does נאמור. In a case where there are two surviving brothers, and one gives a גט to the yevama, Raban Gamliel rules that if the second brother also gives a גט (or gives נאמור after the first one did), this second act is meaningless. Rabanan hold that this act of the second brother presenting a גט is meaningful, and it has an effect, and he is now prohibited to her relatives.

Here, Rava inquires about the reason for the opinion of Raban Gamliel. Rashba explains that the Gemara does not have to inquire about the reasoning for Rabanan, because their opinion seems to be quite logical. As we stated, the process of giving a גט or נאמור to a yevama is not fully effective, and it makes sense that the זיקה connection has not been settled. There still remains some element of connection of the yavam with the co-wives, and his subsequent act of גט or נאמור, respectively, has an effect with the next wife. This is why the discussion in the Gemara only focuses on explaining the opinion of Raban Gamliel.

Rava answers that Rabban Gamliel has a doubt whether גט and נאמור perhaps do have validity even נדאורייתא. According to the possibility that they each do have validity, we can easily see why the second act (i.e., the גט after a גט) is meaningless, as the first act was already fully effective. If these acts are not valid נדאורייתא, then even the first act was insignificant, let alone the second time it was done.

Tosafos (ד"ה דמספקא ליה) explains that we cannot say that Rabban Gamliel holds that these acts are certainly valid, because we know that elsewhere in the Mishnah, Rabban Gamliel has said that גט after נאמור or the case of נאמור after גט do have an effect. Now, if he holds that the first acts in and of themselves were each already effective, the subsequent act would have no meaning.

It must be, therefore, that Rabban Gamliel is in doubt, as the Gemara states.

## STORIES OFF THE DAF

### The Power of Speech מאמר קונה קנין גמור

On this week's daf we find that Rabban Gamliel, Beis Shammai, Rabbi Shimon, Ben Azai, and Rabbi Nechemiah all maintain that נאמור affects a full kinyan. The reason why words alone can make such a powerful change is because they are a force that binds people together.

A certain man once came to his Rav to discuss his son. The boy was adrift and needed help. The man said, "I feel that I just don't have a close relationship with my boy, and it worries me. What am I doing wrong, and how can I correct the problem?"

The Rav asked, "Well, tell me a little about what you do when you are together at home."

After some probing, it emerged that the father sat at the Shabbos table every week with his nose buried deep in a sefer. Although the Shabbos table presented an ideal opportunity to build a close relationship with his son, the father had been sending a clear message to his child that he was more interested in his learning than in spending time together. Needless to say, this was one of the prime reasons for the distance between them.

The Rav suggested, "Why don't you spend more time with your son and take him out to the zoo or on some other trip?"

Some time later, the man came back to the Rav and said that he had taken the boy on outings, but it had not helped.

The Rav asked, "Did you go to the zoo like I recommended?"

"Yes," the distraught man answered.

"What did you do while you were there?" asked the Rav.

The father admitted that he had taken along a sefer and spent the time learning while his son looked at the animals!

The Rav exclaimed, "How do you expect to make a connection with your son if you don't talk to him!" Chastened, the man pledged to act differently the next time around.

## PARSHA CONNECTION

In this week's daf we learn that doing the same thing twice, doesn't necessarily add any benefit. For example according to Rabban Gamliel גט אחר גט, doesn't change anything because the second גט serves no function (but see מהרש"א). In this week's Parsha we find a similar idea whereby the Torah promises a double dose of Bracha if we keep the Mitzvos. In פרק כו י the Torah says that there will be so much grain that "You shall have to clear out the old to make room for the new." What is the benefit of having such an abundance, which cannot be consumed? The sefer בכור שור offers the following insight: this verse is actually referring to the year after יובל, which follows two years of the land resting and nothing being harvested. The Torah is promising that even in such a year we will have plenty of food, because of the huge storehouse.

## HALACHA HIGHLIGHT

### The Bracha Recited When Seeing Jewish Graves

ב"ש אומרים אשתו עמו והלזו תצא משום אחרת אשה

*Bais Shammai says his wife is with him and the other goes out because she is his wife's sister*

**S**hulchan Aruch<sup>1</sup> rules that one who sees Jewish graves should recite the bracha "ברוך... אשר יצר אתכם בדיון וכו'" A question that is frequently asked is whether a person who can see a cemetery from the window of his home is obligated to make this bracha when he visits a cemetery<sup>2</sup>. In other words, is the beracha recited for visiting a cemetery or is it recited when one sees Jewish graves? There were authorities<sup>3</sup> who suggested that this question could be answered from a related ruling of Rav Yom Tov ben Moshe Tzahalon, the Maharitatz<sup>4</sup>. Maharitatz ruled that the bracha recited when one sees the place a miracle occurred may only be recited when one is standing in the exact location of the miracle. Similarly, the beracha recited on seeing Jewish graves should only be recited while one is standing in the cemetery. Other authorities<sup>5</sup> question the parallel between the two cases.

Rav Pinchas Zvichi<sup>6</sup>, the Ateres Paz, writes that the wording of each bracha indicates a distinction between the two brachos. In the bracha recited when one sees the place a miracle occurred the language is "שעשה לי נס", thus clearly emphasizing that the bracha is to be recited when one is at the precise location of the miracle. In contrast, regarding the bracha for seeing a grave the Gemara states that it is said "When one sees Jewish graves," - indicating that the bracha is recited when one merely sees the graves. Proof that the word זה indicates something nearby can be found in the comments of Rav Bentzion Abba Shaul to our Gemara. Bais Shammai rules that when מאמר was done with one yevama and then her sister falls to yibum, the first one is considered his wife and the other - הלזו - is free to marry without yibum or chalitza. Rashi connects the word הלזו with a pasuk in Yechezkel where the same word is used. Rav Abba Shaul explains that the word הלזו indicates distance, like the declaration of Yosef's brothers when they saw him approaching from a distance, "הנה בעל החלומות הלזה בא". Therefore, since the beracha recited for a miracle utilizes the word זה it demands the person to be standing at the location of the miracle, but the beracha recited for seeing a Jewish grave does not require the person to be standing in the exact location since the term זה is not utilized.

1. שו"ע או"ח סי' רכ"ד סעי' י"ב

2. ע' ברכי יוסף שם אות ד' ושע"ת שם סק"ט וכה"ח שם ס"ק ל"ז ועוד

3. שו"ת פרי הארץ או"ח סי' ז'

4. שו"ץ מהריט"ץ סי' פ"ז

5. ע' ברכ"י שע"ת וכה"ח והנ"ל

6. שו"ת עטרת פז ח"א כרך א' או"ח מילואים סעי' ה'

## POINT TO PONDER

**The Gemara says** that רבן גמליאל holds that there is no זיקה and therefore his opinion doesn't contradict שמואל. The Gemara then says that if that is רבן גמליאל's position we should infer that the רבנן who argue maintain that there is זיקה. How are these two positions related? Why can't everyone agree that there is no זיקה and still argue about מאמר אחר מאמר and גט אחר גט (as the Gemara in fact concludes)?

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

The **ב"ב** 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?

Although the Mitzva of יבום ביאה Chazal instituted an engagement prior to ביאה in the form of מאמר. One does fulfill the מצוה with just ביאה but the preference is to have מאמר first. (See דף נב' ע"א ע"א).

## REVIEW AND REMEMBER

1. In what way is deficient relations (ביאה פסולה) inferior to מאמר?
2. Why, according to Shmuel, doesn't the chalitza to the גט-recipient release her co-wife?
3. What is R' Gamliel's opinion regarding the effectiveness of מאמר?
4. Does yibum performed by a nine-year-old have any validity?

ר' יוסף שמואל Shelly Mermelstien לע"נ has been dedicated in Yevamos. For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, [dafaweek.org](http://dafaweek.org), or download the app

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