



THE DAF WEEK MATTERS

שבת קודש פרשת קדושים | מסכת יבמות דף ק"ג

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

לע"נ שרה בת יעקב

INSIGHTS FROM OUR CHABUROS

Pressing the Foot Against the Floor

האי מאן דחליץ צריך למיחדסיה לכרעיה

Many reasons have been given by the Rishonim and Achronim to explain why the man must press his foot onto the ground with the shoe during chalitza. Rosh (#7) writes that usually, the shoe used during this procedure is one owned by the Beis din, and it is not made to fit the particular man using it that day. It may be too large for his foot, and it may appear as if the shoe is about to fall off his foot. An onlooker may think that the yevama removes the shoe to prevent it from falling off his foot, and not for the purpose of chalitza. When the yavam presses his foot into the shoe and inserts his foot snugly into it, and the yevama then comes to take it off it will be clear that it is being done for the sake of the mitzvah. Ritva writes that the requirement for the yavam to press his foot into the shoe is simply a tradition which we have received (הלכה למשה מסיני), and there is no specific reason or logic to this detail.

Noda BeYehuda explains that the Torah requires that the yevama remove a shoe from the foot of the yavam, but the Torah does not detail what type of shoe must be used, or how she is to remove it. The intent of the verse must be to remove the shoe in its normal manner. The Gemara therefore explains that when removing a shoe, a person normally places his foot onto the ground to untie the laces, and he then lifts the foot off the ground in order to slide the loosened shoe off the foot. This is what the Gemara requires as this procedure unfolds. The yavam begins by pressing his foot on the floor when the laces are loosened, and he then lifts his foot as the shoe is removed.

Noda BeYehuda offers another explanation to the words of Ameimar. Rava holds that a chalitza shoe must protect the foot. Ameimar points out that the shoe used is usually the one owned by the Beis din, and the yavam only changes from his own shoe to that of the Beis din as the procedure is about to get underway. Accordingly, the shoe never served to protect the foot of the yavam. Therefore, the yavam is instructed to press his foot against the floor, in order for the shoe to thereby protect his foot from the hard floor beneath.

This would mean that the yavam does not have to press his foot on the floor during the chalitza procedure itself, but he may do it beforehand, as well.

STORIES OFF THE DAF

Knowing the Future

Reb Nissan Shtitzberg zt"l (a chasid of the Yesod HaAvodah of Slonim zy"a) was extremely joyous by the chasunah, when his daughter married a talmid chacham. But his joy didn't last for long because tragically, during sheva brachos, the chosson died. To make matters worse, the chosson had only one brother who was four years old. This brother would need to do chalitza for the almanah before she can remarry, but couldn't do it until his bar mitzvah. This meant that his daughter would remain an almanah for the next ten years until her four-year-old brother in law becomes bar mitzvah, to be able to do chalitzah. Reb Nissan Shtitzberg said to his rebbe, the Yesod HaAvodah, "Why did this happen to me?"

The Yesod HaAvodah replied, "Hashem's plan for your daughter is that she should build her family in ten years from now and not before. This is Hashem's will for reasons only Hashem knows. Imagine how you would feel if this first marriage didn't occur. Since it was decreed that your daughter should remain single for another ten years, you would need to wait ten years before she marries regardless. During those ten years, you will wonder in anguish, "Why isn't my daughter engaged yet? What is preventing it?" People would begin speaking lashon hara about your daughter. They will say that apparently, something is wrong with her since no one is taking her. You would be looking for all segulos possible, so your daughter can have a yeshuah. But now you know that she cannot get married for ten years. You will be calm and relaxed. You will know that there is nothing you can do to change it. You will wait patiently for the ten years to pass until she will be able to build a family at the time that heaven intended."

PARSHA CONNECTION

In this week's daf the Gemara mentions the fact that when חוה listened to the נחש, it injected a זוהמה into her. One of the ramifications of this חטא is the need for us to perform certain Mitzvos as a תיקון. For example the מצוה ברית מילה which involves removing of the ערלה is a result of חטא אדם הראשון. The פרשת קדוש in אור החיים explains that ערלה didn't exist when אדם הראשון was created, and only came into existence a result of the חטא. This week's Parsha which contains the מצוה ערלה, was used by אברהם to determine the location for the ברית מילה. The Midrash (ויקרא רבה פרק כה) writes the following: אברהם made a דרשה comparing the word that is mentioned in connection with a fruit tree and the word ערלה that is mentioned in connection with a ברית מילה performed on a person. Just like הדרע by a tree is in a place that gives fruit, so too ערלה mentioned by the person is in a place which produces fruit. (See also שבת דף ע"א ק"ח)

HALACHA HIGHLIGHT

Committing Adultery to Save the Jewish People

אמר ר' יוחנן שבע בעילות בעל אותו רשע באותו היום

R' Yochanan taught that Sisra cohabited with her [Yael] seven times on that day.

The Gemara seems to cite approvingly the behavior of Yael in that she allowed Sisra to cohabit with her multiple times in order to be able to save the Jewish people. Other Gemaras¹ also characterize her behavior as a sin committed for the sake of Heaven (עבירה לשמה), but she is praised for this choice. The question that disturbs the commentators is what permission did she have to cohabit with him altogether? One cannot assert that she calculated that the benefit would outweigh the harm of the transgression since we are not privy to make such calculations. Once the Torah was given, one is obligated to follow its statutes even if he thinks he has a reason to violate one of the laws². Rabbeinu Yosef of Cologne³, the Maharik, suggests that although illicit relations is one of the three cardinal sins that one must sacrifice his life rather than violate, nonetheless, it is permitted to violate one of these prohibitions in order to save the Jewish nation.

There was once a group of people, including a married woman, traveling together and one time when they settled for the night they were threatened by some non-Jewish ruffians who had a reputation for murder. This married woman, with the permission of her husband, turned herself over in order to save the rest of the group. After these bandits finished taking advantage of her they let her and the rest of the group continue their journey without any further incident. Rav Yaakov Reisher⁴, the Shvus Yaakov, ruled that although her intention to save a group of Jews from death is laudable, nonetheless, the consequence of her action remains and since she willingly had relations with someone other than her husband she is forbidden to him similar to Yael who became prohibited to her husband even though she saved the Jewish people by having relations with Sisra. Rav Yechezkel Landau, the Noda B'Yehudah disagrees with Shvus Yaakov's assertion that she was permitted to hand herself over to the ruffians. The leniency applies when one is attempting to save the Jewish Nation but there is no leniency to violate prohibited activities to save a group of Jews who are at risk.

1. ע' תוס' ד"ה והא

2. ע' נפש החיים שער א' פכ"ג ושער ג' פ"ז

3. שו"ת מהרי"ק שורש קס"ד

4. שו"ת שבות יעקב ח"ב סע' קי"ז

POINT TO PONDER

The Gemara brings a ברייתא that a חליצה from a חליצה כשרה is a בדיעבד. Is this only for example if no other brothers are available, or is it even לכתחילה?

Response to last week's Point to Ponder:

The גמרא quotes a ברייתא which says that חליצה needs intent (כוונה). What כוונה is required, intent for the physical action meaning that the woman didn't accidentally take off the Yavam's shoe or is an intent to perform מצות חליצה?

The פוסקים assume that the required כוונה is to perform the מצוה. This is mentioned in סימן קסט אבן העזר סימן קסט regarding the question of חליצה during the time when the יבמה is an אונן. The באר היטב quotes an opinion that since יבמה may have difficulty focusing right after her husband's passing, it is better to wait to ensure the proper מצוה. (See סימן קסט סעיף מד for additional discussion).

REVIEW AND REMEMBER

1. Why is it necessary for the yavam to press his foot onto the ground?
2. Which part of the leg is the רגל?
3. Is it necessary for the yavam to own the chalitza shoe?
4. What is a סנדל of idolatry?

ר' יוסף שמואל שמעלקא ב"ר יצחק מערמעלשטיין ז"ל, Shelly Mermelstien, לע"נ has been dedicated to Yevamos

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, dafaweek.org, or download the app

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The shavua matters is published by the Daf a week program under the rabbinical guidance of Harav Meir Stern shlita and Harav Shmuel Kamenetsky shlita

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