



THE SHABUOT MATTERS

שבת קודש פרשת אמור | מסכת יבמות דף ק"ד

לע"נ ברוך בענדיט וברכה גרוס ע"ה
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INSIGHTS FROM OUR CHABUROS

Chalitzta is a Judgement

דמר סבר חליצה כתחלת דין ומר סבר חליצה כגמר דין

The Mishnah reports that there is a dispute whether chalitzta can take place at night or if it must take place during the day. The Gemara suggests that this difference of opinion hinges upon whether we consider chalitzta to be the beginning of a process of judgment (which requires that it take place during the day, just as the beginning of judgment), or as the end of the process of judgment (which can be completed at night).

All opinions see chalitzta as a judgment. Ridbaz explains that this is because the entire procedure of chalitzta must be done in front of Beis din. Rashi explains that it is a judgment because by means of chalitzta the yevama is enabled to collect her kesuva. The fact that the chalitzta is the critical process whereby this changes gives it its status as a judgment.

The הגהות מרדכי explains that the opinion which views chalitzta as the beginning of judgment understands that while the woman was awaiting yibum, she was unable to collect her kesuva. The chalitzta is the procedure whereby she can now begin to collect the final settlement from her dead husband's estate. Viewing the situation from a personal perspective, we can say that the chalitzta is the beginning of her rights. On the other hand, we can also say that it marks the end of the issue of the kesuva, which becomes settled and finalized. In this regard the chalitzta is the end of judgment.

Or Zarua explains that before the death of her husband, the woman was married, and therefore prohibited from every other man with the penalty of death. Once her husband died, she awaits yibum with the brother-in-law, and she is prohibited from everyone else due to a לאו. After chalitzta, she is completely permitted to marry anyone. In this manner, we can refer to chalitzta as a final judgment. The opinion which refers to chalitzta as the beginning of judgment would say that the woman's status of being permitted now begins.

STORIES OFF THE DAF

Kevod HaTorah

בשמאל חליצתה וכו'

On this week's daf, the Gemara discusses whether one may use a left shoe for chalitzta. It is the responsibility of the presiding Rav to ensure that a chalitzta is done properly, in accordance with all the halachos involved.

For Gedolei Yisrael, the main concern is doing the Creator's will. There are many astonishing stories about the boundless devotion for doing רצון ה' exhibited by Rav Moshe Feinstein, zt"l.

One of Rav Moshe's talmidim once recounted, "Rav Moshe saw as part of his responsibility as a Rosh Yeshiva that he ought to invite along a group of talmidim whenever the unusual mitzvah of chalitzta was performed. That way, we would have the opportunity to see how it is done properly.

"Rav Moshe would examine the shoe to be sure that it was valid. He would then crouch down on the floor to examine the foot of the yavam for any trace of dirt that could invalidate the procedure. He would have a receptacle of water nearby. If the Rosh Yeshiva found dirt, he himself would rinse the grime off of the yavam's foot."

Perhaps such behavior seems unbefitting for a great Rosh Yeshiva and posek. The Rosh Yeshiva's attitude was the exact opposite: What could be more respectable than fulfilling a mitzvah properly?"

On his way to America, Rav Moshe stopped in Latvia. His brother-in-law suggested that he take a position there, since he was afraid that if Rav Moshe came to America he would not be respected as a talmid chacham of his stature deserved. Rav Moshe decided not to remain in Latvia even though he was offered a very prestigious position. When he arrived in America, his brother-in-law asked, "Why didn't you take my advice?"

Rav Moshe answered, "I left Russia not for my own comfort but for the sake of raising my children as Jews. It is not clear to me that Latvia will stay suitable for this aim. Since my whole purpose in leaving Russia is to raise my children as Jews, I would rather raise them in America which is free and likely to remain so. It is far better to come to the U.S. where I will be able to raise my children to do Hashem's will even if it means working as a street cleaner than to take an honorable position in a place where the future of Yiddishkeit is insecure!"

PARSHA CONNECTION

In this week's daf the Gemara quotes a ברייתא regarding the כבשים which were brought with the הלחם שתי, and are detailed in this week's Parsha. Although we mention מתן תורתנו on Yom Tov during davening and Kiddush, it is not mentioned explicitly in the אלשיך הקודש. Why is this so? The מתן תורתנו is שבועות תורה explains that mentioning מתן תורה would have a dual meaning to כלל ישראל, on the one hand it's a very lofty point since we received the תורה but on the other hand it was followed by the terrible העגל when we lost that lofty level of קדושה. Due to the הקב"ה's concern for how בני ישראל may feel about it, the תורה does not mention it explicitly. It is however hinted to, with the הלחם שתי since the תורה is compared to לחם like we find the possuk (ט ה) in משלי. בלחמי says לחמו. In this way, we have the reference, but in a hidden way. (Perhaps the two loafs also represent the two לוחות).

HALACHA HIGHLIGHT

Chalitzah for Someone Who is Left Footed

בשמאל חליצתה פסולה

With the left foot of the yavam the chalitzah is invalid

Halacha¹ follows the opinion of Chachamim that chalitzah done with the left foot of the yavam is invalid. Poskim debate whether this ruling applies for those who are left-footed or is this ruling limited to chalitzah done with the left foot of one who is right-footed. The following are four opinions found on this matter²:

1. Some Poskim equate chalitzah with tefillin and reason that just like a lefty wears his tefillin on the opposite arm of someone right-handed so too concerning chalitzah, someone left-footed will do chalitzah with the opposite foot as everyone else, i.e. the left foot.
2. Others disagree with this approach because there is an exposition that teaches that tefillin always goes on the weaker arm, thus a lefty will put his tefillin on his right arm. Since there is no similar exposition about chalitzah the matter remains doubtful whether chalitzah can be done with the left foot for one who is left-footed.
3. Some authorities suggest that chalitzah should be compared to the service of the Beis Hamikdash. Just like in the Beis Hamikdash a lefty is not allowed to serve even with his right hand so too someone who is left-footed should be incapable of doing chalitzah.
4. This approach is rejected by other authorities because a kohen who is a lefty is considered blemished (בעל מום) and that is the reason he is unfit to serve but regarding chalitzah there is no halacha precluding a blemished yavam from doing chalitzah and perhaps he should be permitted to do chalitzah with his right foot.

Shulchan Aruch³ and Rema⁴ take a strict approach and require chalitzah to be done with both feet but there is a dispute how that should be accomplished. Shulchan Aruch⁵ advises doing chalitzah with both feet simultaneously. Beis Shmuel⁶ disagrees and maintains that the two chalitzas should be done consecutively rather than at the same time.

1. שו"ע אה"ע סי' קס"ט סע' כ"ב
2. ע' חידושי הרשב"א לחוליו צב"ד"ה אית ליה
3. שו"ע בסדר חליצה אות מ'
4. רמ"א אה"ע סע' קס"ט סע' כ"ה
5. שו"ע בסדר חליצה שם
6. ש"ב ס"ק כ"ד

POINT TO PONDER

The Gemara discusses the din in the משנה regarding חליצה at night and whether it is compared to דין. Rashi writes that since the woman receiving חליצה will collect her כתובה after the חליצה it is considered דין. Why is רש"י mentioning the כתובה and not the fact that she will be allowed to remarry? Isn't the כתובה a concern for a גט as well? Would a גט given at night be פסול according to רש"י?

Response to last week's Point to Ponder:

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

The רמב"ם writes that a סומא should not do חליצה because he can't see the spit. So he obviously learned that our ברייתא is only בדיעבד. The ראב"ד comments on the רמב"ם and says that this is only in a case where there is another brother who can do the חליצה. (See הלכה ח' (פרק ד הלכות יבום וחליצה).

REVIEW AND REMEMBER

1. Why is chalitzah done at night invalid?
2. What are the three main components of a chalitzah?
3. How many judges are necessary for a valid chalitzah?
4. Is intention necessary for the spitting of the yevama to be effective?

ר' יוסף שמואל שמעלקא ב"ר יצחק מערמעלשטיין ז"ל, Shelly Mermelstien, לע"נ

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