



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

לע"נ אסתר אביגיל בת חיה רבקה וציפורה רחל בת אסתר מחלה THE DIMONT FAMILY EDITION

# THE SHABBOS MATTERS

שבת קודש פרשת בחקותי | מסכת יבמות דף ק"ו

## INSIGHTS FROM OUR CHABUROS

### On Condition That

לבתר דחלץ לה אמר לה זיל הב ליה משטה אני בך עבדה ליה

**T**he Baraisa taught that a chalitzah which is performed with false pretenses is valid. The classic example is where the yavam is convinced to do the chalitzah on the condition that the woman will give him two hundred zuz. After the chalitzah is completed, even if the condition is not met and the woman does not give the money, the chalitzah is valid.

Rashi refers to the Gemara in Kesuvos (74a) in order to explain why the chalitzah is valid even though the condition was not fulfilled. The fact that any condition is valid is derived from the fact that Moshe set forth a condition with the members of the tribes of Reuven and Gad before they went in front of the nation to conquer the land. They were told that if they did not lead the nation to battle the Canaanites, they would not receive their portion on the east of the Jordan River. In this case, Moshe could have had his agent, Yehoshua, supervise the division of the land. So, too, any condition is valid only if it the case can just as well be assigned to an agent. This, however, is not the case by chalitzah, because the yavam cannot delegate his role. Therefore, the entire concept of chalitzah is something that cannot be done conditionally. In other words, once chalitzah is done, it is final.

Tosafos (ibid.) points out that applications do not have to match the case of Reuven and Gad exactly in order for the rule of conditions to apply. For example, we do not require that land must be involved. The rule is, though, that we use logic to apply the law of conditions. If a person can delegate his role to be fulfilled by means of an agent, this indicates that the person involved is firmly in control. This is a case for which he can therefore also assign a condition if he chooses.

## PARSHA CONNECTION

**This week's parsha** begins with the words בחקותי תלכו וכו' אמ. A חוק is meant to represent a מצוה for which we do not have a reason, for example אדומה פרה. It is also used to describe the spitting of a יבמה which is discussed in this week's daf. The מדרש תנחומא lists the spit of a יבמה along with אדומה פרה and שעטנז as מצוות that we don't understand. The word בחקותי in this week's Parsha according to "רש"י refers to עמלות in the study of תורה. But why is the study of Torah called a חוק? One can certainly appreciate the purpose of Torah study? The אור החיים הקודש explains that this refers to the מצוה of repeating what one has already learned. Although in other subjects one may master a subject and never need to repeat its study, there is a special מצוה to constantly learn תורה regardless of how many times one has already learned it.

## STORIES OFF THE DAF

### Shabbos and Chalitzah

בית חלוץ הנעל

**O**nce, Rav Shalom of Kaminka, zt"l, and Rav Shimon of Yaroslav, zt"l, visited with Rav Aharon Rokach of Belz, zt"l, for Shabbos. Before Shabbos, Rav Shimon approached the Belzer Rebbe with a request. "Please tell me which place I will sit in at your table during the Shabbos meals. The reason I ask is since Shabbos is like chalitzah, it too requires a kvi'us makom before the meal just as chalitzah requires designating a place in which to conduct chalitzah before the ceremony begins."

Although the Belzer Rebbe graciously designated a place for Rav Shimon, some people were puzzled by his statement. "What is the connection between Shabbos and chalitzah?" they asked.

Rav Shalom of Kaminka noticed this and explained, "Rav Shimon is absolutely correct in correlating the two. This is the deeper meaning of the additional petition that we say during bentching on Shabbos: רצא והחליצינו. Notice that והחליצינו has the same root as חליצה."

When Rav Shlomo of Munkatch, zt"l, would tell over this story he would add, "It is impressive when you consider the depth of the words of these tzaddikim. The Arizal himself correlates Shabbos and chalitzah based on exactly that phrase from the bentching!"

The Magen Avraham of Trisk, zt"l, explained the connection. "On Shabbos, one's weekday shoes are removed. This represents the limitations of the weekdays which are exchanged for the higher type of providence which could be called, in contrast, Shabbos shoes. This is what the Gemara means when it states that Shabbos is likened to the next world. There is a different standard on Shabbos than during the week."

In Yevamos 106b, Chazal bring that after the chalitzah, the man who performed the ceremony will be known among the Jewish people as, "the house whose shoe has been removed." zt"l, a student of the Vilna Gaon, zt"l, connects this expression to Shabbos.

"בית חלוץ הנעל" with the additional kollel number added is equal to the gematria of the word Shabbos. (2+10+400=412, 8 + 30 + 6 + 90=134, 5 + 50 + 70 + 30 = 155, 412 + 134 + 155 = 702. שבת is 300 + 400 + 2 = 702). נעל also means lock.

This signifies that during the six weekdays, the hanhaga was locked in to a certain strict standard. On Shabbos, however, the lock is removed and we are freed of this for the higher hanhaga of Shabbos!"

## HALACHA HIGHLIGHT

### Coercing a Person to Fulfill a Mitzvah

כופין אותו שיאמר רוצה אני

*We coerce him until he says that he is willing [to fulfill the mitzvah]*

**T**he ability to force a person to comply with a mitzvah is not limited to cases involving gittin but rather the principle applies to all mitzvos. The Gemara Kesubos<sup>1</sup> states that if a person is instructed to build a sukkah and refuses or is instructed to take a lulav and declines he may be lashed even if it kills him. An issue that is debated is whether the right to administer lashes falls into the framework of lashes that are administered punitively for violators or if this is a separate category of lashes. The practical difference between these two approaches is whether the lashes must be administered by Beis Din. If one takes the first approach these are lashes that may only be given under the authority of Beis Din but according to the second approach any person would be authorized to administer these lashes to coerce a person into compliance.

Rav Yaakov of Lisa<sup>2</sup>, the Nesivos Hamishpat, follows the second approach and maintains that any person is authorized to administer these lashes. He cites as proof to his position the Gemara in Bava Kamma<sup>3</sup> which relates that a slave owner who released his non-Jewish slave from slavery may, if necessary, beat the slave until he leaves. The reason is that as a slave he was permitted to marry non-Jewish maidservants but now that he is free they are prohibited. Consequently, the owner is authorized even to use force to remove him from the circumstances that would allow him to continue his relationship with women who are presently prohibited.

Rav Aryeh Leib Hakohen<sup>4</sup>, the Ketzos Hachoshen, disagrees and maintains that only Beis Din is authorized to force a person to fulfill a positive mitzvah. The reason<sup>5</sup> the proof of Nesivos is not relevant is that the case there involves preventing a person from violating a prohibition rather than coercing a person to fulfill a positive mitzvah. Further proof to this distinction is that when coercing a person to fulfill a positive command Beis Din can administer lashes even if it kills the recalcitrant party, whereas when lashes are administered to prevent a person from transgressing a prohibition lashes may not be administered if it will kill the transgressor.

1. גמ' כתובות פו
2. נסתיבות המשפט סי' ג' סק"א
3. קצות החושן שם סק"א
4. משובב נתיבות שם

## MUSSAR FROM THE DAF

### A Step Above

והלצה נעלו מעל רגלו

**T**he Mishna tells us that the Yevama should remove the shoe from the Yavam. What does this process symbolize? The Malbim gives a rational explanation for what is happening based on a Gemara in Shabbos (152a). There the Gemara records a statement that ודמנעלי בריגלוהי — ודמנעלי בריגלוהי one who wears shoes possesses the character trait of a human being. The Gemara is teaching us that man is superior to animals (which is symbolized by the fact that man walks on top of animal skins, i.e., his leather shoes) because man has the ability to act not in accordance with his nature. He can choose to do what he believes is right and go against his urges.

In the context of Yibum, the Torah asks the man to go against one of its commandments (the issur of אשת אח) so that he can build a name for his brother who has passed away. A Yavam that does not want to take a Yevama to build a family expresses the view that he cannot go against his nature. Since this man doesn't want or is unable to overcome his nature, therefore the Torah tells the woman to remove his shoe because he is not deserving of wearing shoes.

Whenever we notice our shoes we should use it as an opportunity to remind ourselves how we need to be better than animals. We need to learn how to sometimes go against our nature and do what is right even if it is difficult at times.

## POINT TO PONDER

**The Gemara says** that רבי חייא בר אבא tricked a יבם into doing a חליצה and then asked him to do a proper חליצה so that she can remarry. Would we be able to force a יבם to do a חליצה in such a case or can he refuse?

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

The גמרא says that a קטנה is able to do חליצה. Why aren't we concerned that she may turn out to be an אילוניית and therefore unable to perform חליצה?

Since an אילוניית is uncommon we would normally rely on רוב and assume that she is not an אילוניית. However according to חושש למיעוט סי' ר' מאיר who is חושש למיעוט we would have this concern. (See קרן אורה). It is possible that since a אילוניית doesn't need יבום there is no harm in doing חליצה מספק because in any event she can remarry, either because of חליצה or because she doesn't need יבום.

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

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