



## OVERVIEW of the Daf

### 1) Three sisters who fall to two brothers (cont.)

The Gemara concludes its challenge to Shmuel who maintains that one brother can do chalitza with all three sisters.

Shmuel offers two responses in his defense.

### 2) Effective Chalitza

Three rulings of Shmuel that relate to the effectiveness of chalitza with one co-wife on behalf of another are presented.

The first of Shmuel's rulings is challenged.

Two resolutions to the challenge are presented, the second resolution suggested by R' Ashi.

The Gemara suggests that a Baraisa supports R' Ashi's resolution but it proves to be non-conclusive.

### 3) Prioritizing chalitza

The Gemara inquires whether chalitza should be done with the yevama who received a get or to the yevama who received מאמר.

R' Ashi demonstrates that they are the same.

### 4) Zikah

R' Huna in the name of Rav rules on a number of cases that relate to sisters who married two brothers and fall to a third brother for yibum.

There is a dispute between R' Huna in the name of Rav and R' Yochanan if the yavam is permitted to marry the second yevama after the first yevama dies.

Rav's position is challenged since he also subscribes to

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## HALACHAH Highlight

### Who has priority to receive the chalitza?

בעלת הגט ובעלת מאמר איזו מהן קודמת? בעלת הגט עדיפה משום דרתחיל בה או דלמא בעלת מאמר עדיפה משום דקרובה לביאה

An inquiry was presented in the beis midrash. Two women were married to one man, and he died. There was a surviving brother who presented one of the wives with מאמר, and he gave a גט to the other. At this point, after having given the גט, he is rabbinically forbidden to do yibum with either woman, and chalitza must be given. The question is with which of the two should he do the chalitza? Perhaps he should do it with the one who received the גט, as he already began the process of "rejecting" her. Or perhaps the chalitza should be done with the wife who was given מאמר, because she is closer to being married to him, and the chalitza is more appropriately done with a wife.

The Rishonim explain the Gemara's inquiry in varying ways. Tosafos Yeshanim understands that the preference with whom to do chalitza is not just a suggestion, but it is a technical question in terms of whose chalitza will automatically release the other woman. Using this premise, Ritva asks how the question of the Gemara is to be understood. Why is doing chalitza with the woman who received the גט an advantage "because she was already given a גט." Why is this factor an advantage, when, in fact, the earlier גט is a reason why her connection to the yavam is weaker? And the fact that the מאמר was given to one of the co-wives does not seem to be a reason why doing chalitza with her should be effective for both women.

Based upon this question, Ritva explains that the preference indicated in the Gemara is simply which woman should have priority to have the chalitza done with her. Each woman has an advantage and a disadvantage. On the one hand, the woman who received the גט has a disadvantage, because the chalitza is weakened in that she already was given a גט. On the other hand, the chalitza is desirable for her, as it will dismiss her adequately and properly. For the woman who was given מאמר, the chalitza is an appropriate vehicle to dismiss her, especially due to the fact that the זיקה was strengthened with the מאמר. However, although the chalitza releases her from the yibum bond, it will not exempt her fully from the brother now that he has given her מאמר. This, then, is the nature of the Gemara's inquiry about which of the sisters should have the chalitza done with her. ■

## REVIEW and Remember

1. How many people are exempted by a superior chalitza?  
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2. When was R' Yochanan ben Nuri's enactment ratified?  
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3. What condition is necessary at the time of the husband's death for yibum to be an option?  
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4. Why was R' Yochanan not challenged by the Mishnah cited to question his position?  
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## Distinctive INSIGHT

### Defining the terms **רוב** and **כל**

והא כולן קאמר כיון דרובה גביה קרי ליה כולן

*But didn't Shmuel rule [that he will do chalitzta to] all of them? Since he will do a majority of the chalitzas it can be referred to as "all of them."*

Commentators and Poskim disagree whether the correct term to use when praising Hashem is **כל** or **רוב**. For example, in the paragraph of **כי כל כולן קאמר**, some commentators maintain the correct wording is **רוב** whereas others maintain that the correct wording is **כל**. The point of dispute revolves around the meaning of the word **רוב**. If the word **רוב** translates as "majority," it is obviously inappropriate to praise Hashem with only a majority of praises rather than all praises. If, on the other hand, the word **רוב** translates as "abundance," it is appropriate to declare that Hashem should be praised with an abundance of praises.

A similar uncertainty exists regarding the correct translation of the word **כל**. In the Yomim Noraim davening we declare **מלך על כל הארץ כולו וכו'**, and the Levush<sup>1</sup> notes that the tefilla is redundant when it says **כל** as well as **כולו**. The Taz<sup>2</sup> explains that since there are many places the word **כל** is used to mean a majority rather than the entirety, the tefilla repeats itself to make it clear that in this context we yearn for Hashem to rule the entire world. The Elya Rabba<sup>3</sup> questions the assertion of Taz that the word **כל** is used to mean a majority. The Maharsham<sup>4</sup> cites our Gemara as an example of the word **כל** used to refer to only the majority. In our

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the position that any yevama to whom one cannot do yibum at the time of her husband's death is prohibited to the yavam forever.

The Gemara limits the extent of that rule.

An unsuccessful challenge to R' Yochanan is presented.

The Gemara begins a series of inquiries concerning why R' Yochanan did not offer different responses to the inquiry. ■

Gemara, Shmuel uses the term **כל** and according to one of the explanations of the Gemara the term is not to be understood as referring to all of the chalitzas but to a majority of them.

Another context when this matter is relevant is a person who must nullify his domain to permit carrying in a shared courtyard. Taz<sup>5</sup> rules that the person who nullifies his domain must make a separate declaration to each owner. The reason he cannot simply declare, "My domain is nullified to all of you - **כולכם** - is that the term **כולכם** may indicate only a majority which would be ineffective to permit carrying in the shared courtyard. Mishnah Berurah<sup>6</sup>, however, disagrees with Taz and writes that one collective declaration of **כולכם** is sufficient. ■

1. לבוש או"ח סי' תקפ"ב סע' ג'
2. ט"ז שם סק"ג
3. א"ר שם ס"ק ט"ז
4. מהרש"ם לסוגיין המובא בפניני הלכה לדף כז. (עמ' יז) בספר מתיבתא ליבמות ח"ב ד"ה והמהרש"ם
5. ט"ז סי' ש"פ סק"א
6. מ"ב שם סק"ה ■

## STORIES Off the Daf

### The honor of the departed

שכל יבמה שאין אני קורא בה בשעת נפילה  
יבמה יבא עליה הרי היא כאשת אח שיש לו  
בנים ואסורה

Rav Menachem Ziemba, hy"ד, was known throughout Poland as a Gaon of the first order whose erudition and breadth of knowledge were famous. In addition, he was a fiery Gerrer chassid.

Rav Ziemba once asked his Rebbe, the Imrei Emes, ztl, to answer the ques-

tion of the Chacham Tzvi, zt"l, on Yevamos 27 where we find that if one was not halachically fit to fulfill the mitzvah of yibum as soon as it became possible to do so, one may not fulfill it later even if he becomes fit. "The Chacham Tzvi asks how can one ever be obligated in yibum, since in ordinary cases, when the brother dies both the yavam and the yevama are both **אווננים** who are not obligated to perform mitzvos?"

The Imrei Emes responded, "The reason why an onen is freed from all his other obligations is so that he will be in a state similar to that of his de-

parted relative from the time of death until the burial. This corresponds with the teaching from the Yerushalmi, that the mitzvah of onen is only for the honor of the departed. Obviously, this is only for the good of the departed soul. For this reason the mitzvah of yibum is an exception—it too is for the honor, the ultimate honor, of the departed brother and husband. This is why the fact that they are **אווננים** has no bearing on the mitzvah of yibum. When she falls to his lot, it is called **יבמה יבוא אליה**." ■