

## OVERVIEW of the Daf

### 1) The dispute between R' Gamliel and Rabanan

Rava suggests an explanation of R' Gamliel's position in the Mishnah, namely, that a second גט given after one has been delivered has no effect.

Abaye successfully challenges this explanation and offers an alternative explanation, as well as an explanation of the rationale behind Rabanan's position.

A Baraisa offers a more detailed presentation of the dispute between R' Gamliel and Rabanan concerning a second גט given after a first one has been delivered or a second מאמר done after an initial מאמר has been performed.

The implication of the Baraisa that chalitzah done to the yevama who received a גט is effective to release her co-wife seemingly constitutes a refutation of Shmuel who maintains the co-wife is not released in this case.

Shmuel explains that R' Gamliel's ruling assumes there is no zikah.

The Gemara assumes that if R' Gamliel follows the opinion that there is no zikah it is logical to assume that Rabanan maintain there is zikah. This assumption is successfully challenged.

Rabbah bar R' Huna explains that both opinions agree that there is no zikah, and the dispute revolves around the question of the validity of a גט after a גט or מאמר after מאמר.

Another point of the Baraisa is clarified.

### 2) מאמר

R' Yochanan asserts that R' Gamliel, Beis Shammai, R' Shimon, Ben Azzai, and R' Nechemyah all agree that מאמר constitutes a complete acquisition.

R' Yochanan supports his assertion by citing rulings of each of the Tannaim that indicate that they hold that מאמר constitutes a complete acquisition. ■

## REVIEW and Remember

1. In what way is deficient relations (ביאה פסולה) inferior to מאמר?
2. Why, according to Shmuel, doesn't the chalitzah 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?

## Distinctive INSIGHT

*What is the reason for Rabban Gamliel's opinion?*

אמר רבא מאי טעמא דרבן 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 chalitzah. Rabanan and Raban Gamliel had argued in the Mishnah about the case where the yavam does neither of these prescribed methods, but instead presents the yevama with גט or he does מאמר. 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 מאמר 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 as a result 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 מאמר 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 מאמר, 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 מאמר perhaps do have validity even מדאורייתא. 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 מדאורייתא, 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 מאמר or the case of מאמר 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 state ■

# HALACHAH Highlight

## The beracha recited when seeing Jewish graves

ב"ש אומרים אשתו עמו והלזו תצא משום אחות אשה

Beis 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 beracha, *ברוך...אשר יצר אתכם בדין*, "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 beracha 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 the Maharitatz<sup>4</sup>. Maharitatz ruled that the beracha 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.

The Ateres Paz<sup>6</sup> writes that the wording of each beracha indicates a distinction between the two berachos. In the beracha recited when one sees the place a miracle occurred the language is, "שעשה לי נס במקום הזה", thus

clearly emphasizing that the beracha is to be recited when one is at the precise location of the miracle. In contrast, regarding the beracha for seeing a grave the Gemara states that it is said "When one sees Jewish graves," - הרואה קברי - ישראל - indicating that the beracha 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. Beis 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 סע' 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 סע' ה' ■

# STORIES Off the Daf

## The power of speech

מאמר קונה קנין גמור

**O**n today's daf we find that Rabban Gamliel, Beis Shammai, Rabbi Shimon, Ben Azai, and Rabbi Nechemiah all maintain that מאמר effects 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 wor-

ries 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?!" ■

