

OVERVIEW of the Daf

1) A mistaken chalitzah

A Baraisa rules that a mistaken chalitzah is valid.

Reish Lakish offers an example of a mistaken chalitzah.

R' Yochanan rejects this example and cites an alternative example.

A Baraisa is cited that supports R' Yochanan's explanation.

An incident involving a mistaken chalitzah is presented.

Another related incident is recorded.

A Baraisa contrasts the halacha of a mistaken chalitzah and get as well as a coerced chalitzah and get.

The Baraisa is clarified.

2) Writing a document of chalitzah

R' Huna is quoted as ruling that judges may preside over a chalitzah or מיאון the relevant documents cannot be written unless they know the participants.

Rava maintains that to preside over a chalitzah or מיאון the Beis Din must know the participants therefore the documents could be written by witnesses who do not know the participants.

3) MISHNAH: The Mishnah elaborates on the chalitzah procedure.

4) The procedure for chalitzah

R' Yehudah summarizes the order of the chalitzah ceremony and in doing so teaches that the order is not essential for the validity of the chalitzah.

A Baraisa supports this ruling.

5) The chalitzah recitation

Abaye and Rava disagree about whether there is a concern that pausing in certain points of the recitation could give the wrong impression.

A related incident is recorded.

6) The chalitzah document

Abaye and Mar Zutra disagree about whether just the beginning and end of each verse is written into the chalitzah document or the entire verse.

The Gemara rules in accordance with Mar Zutra that the entire pasuk is written.

7) Spitting

Abaye rules that the spit must reach the yavam.

Rava rules that spit that is artificially generated is invalid for the chalitzah ceremony.

Rava also rules that the judges must see the spit.

8) The chalitzah declaration

R' Yehudah relates that R' Tarfon had all the students make the declaration which supports his position in the Mishnah that the students make the necessary declaration with the judges.

הדרן עלך מצות חילוצה

Distinctive INSIGHT

Chalitzah performed with a condition that is not fulfilled

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

The 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. ■

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HALACHAH Highlight

Coercing a person to fulfill a mitzvah

כופין אותו עד שיאמר רוצה אני

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

The 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 Kesubos¹ 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 Lisa², 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 Kamma³ 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 Hakohen⁴, the Ketzos Hachoshen, disagrees

REVIEW and Remember

1. What is a mistaken chalitza?
2. Is it necessary for the judges to know the couple who are doing chalitza?
3. Is the order of the chalitza ceremony essential to its validity?
4. Is it necessary for the judges to see the saliva emerge from the yevama's mouth?

and maintains that only Beis Din is authorized to force a person to fulfill a positive mitzvah. The reason⁵ 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 ■

STORIES Off the Daf

Shabbos and Chalitzah

בית חלוץ הנעל

Once, Rav Shalom of Kaminka, ז"ל, and Rav Shimon of Yaroslav, ז"ל, visited with Rav Aharon Rokach of Belz, ז"ל, 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 chalitza, it too requires a kvi'us makom before the meal just as chalitzah requires designating a place in which to conduct chalitza 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 chalitza?" 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: רצה והחליצנו. רצה והחליצנו has the same root as חליצה."

When Rav Shlomo of Munkatch, ז"ל, 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 chalitza based on exactly that phrase from the bentching!"

The Magen Avraham of Trisk, ז"ל, 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 Ge-

mara 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 chalitza, the man who performed the ceremony will be known among the Jewish people as, "the house whose shoe has been removed." ז"ל (בית חלוץ הנעל), a student of the Vilna Gaon, ז"ל, connects this expression to Shabbos. בית חלוץ הנעל, with the additional kollel number added is equal to the gematria of the word Shabbos. $2+10+400=412$, $8+30+6+90=134$, $5+50+70+30=155$; $412+134+155+1=702$; שבת: $300+400+2=702$ 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! ■