



Adapted from the sefer **חמין במוצאי שבת** and **חדוותא דזעיר אנפין** collections of
maamarim
given by the Tolner Rebbe shlita at Seuda Shlishis and Melave Malka

Melave Malka Parshas Ki Seitzei 5763

We find a *machlokes* in both the *Rishonim* and *Acharonim* as to whether the *mitzva* of *chalitza*, which appears in our *parsha*, can be performed by a *shaliach*. In other words, if a man marries a woman, and then dies without having children, his brother must either marry the widow through the process of *yibum*, or, if he refuses, she can free herself to marry someone else through the process of *chalitza*. Can the widow empower a *shaliach* to perform the *chalitza* on her behalf?

The *Avnei Nezer* (שו"ת אבני נזר אהע"ז סימן רכ"ב:ל"ו) addresses this question with a *chidush* based on the words of the *pesukim*.

וַנִּגְשָׁה יְבָמָתוֹ אֵלָיו לְעֵינֵי הַזִּקְנִים וְחָלְצָה נָעֻלוֹ מֵעַל רַגְלוֹ וַיִּרְקֶה בְּפָנָיו

“And his *yevama* will approach him, (the brother) before the eyes of the elders, and she will remove his shoe from his foot and spit before him”

From this *pasuk*, we learn that the *Beis Din* must see the widow remove the shoe. The *Gemara* (יבמות ק"א:) adds that the *dayanim* must also see the saliva that the woman spat on the ground. If a *shaliach* were to perform *chalitza* on the widow's behalf, the *Beis Din* wouldn't actually see the woman removing the shoe or spitting. They would only see her *shaliach*. They would simply have the knowledge (based on the testimony of two witnesses), that the woman appointed a *shaliach* to perform *chalitza* on her behalf. This is “knowing” as opposed to the “seeing” required by the Torah. (לעיני הזקנים). Therefore, concludes the *Avnei*



[1]

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Nezer, the *mitzva* of *chalitza* cannot be performed by means of a *shaliach*.

This is amazing *chidush*. Even though the general rule is that שלוחו של אדם כמותו - a person's *shaliach* is like the person himself, in this case, the word לעיני teaches us that the *dayanim* must see the widow herself perform the *chalitza*.

We can now apply the *Avnei Nezer's chidush* to other areas in the Torah that explicitly mention "seeing".

When describing *Matan Torah*, in *Parshas Yisro*, the Torah tells us, וְכָל הָעָם רָאִים אֶת הַקּוֹלֹת – and all of the nation saw the sounds, and in *Parshas Va'eschanan*, פָּנִים בְּפָנִים דִּבֶּר ה' עִמָּכֶם - Face to face Hashem spoke with you.

With those descriptions, the Torah tells us that teaching and learning Torah requires the *rav* and *talmid* to see each other. Just by seeing his *rav*, the *talmid* learns better. As Chazal teach us in *Maseches Eiruv*, (י"ג:)

"Rebbe said, the reason that I am sharper than my colleagues, is because I saw R. Meir from behind. Had I seen him from the front, I would have been even sharper, for the *pasuk* says (ישעי' ל: כ) – וְהָיוּ עֵינֶיךָ רֹאאוֹת אֶת מוֹרֶיךָ (ישעי' ל: כ) – And your eyes should see your teacher."

In *Vayikra Rabba* (כ,א) R. Yitzchak says about David Hamelech, כל הרואהו - whoever sees him, remembers his learning. The *Igra D'pirka* (פ"ו) wrote that one should apply the lesson of the Midrash by visualizing the image of a *tzadik*, each time he learns, especially the image of his *Rav Muvhak* (The *rav* from whom he learned most of his *chochma*). By doing so, your learning will be established in your heart and you won't forget it.



[2]

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In *Maseches Sofrim*, (ט"ז:ג) R. Chanina Bar Papa explains that from the *pasuk* , פָּנִים בְּפָנִים דִּבֶּר ה' עִמָּכֶם - Hashem spoke with you face to face, we learn פנים שוחקות לתלמוד - a “laughing” joyful face is necessary for learning Torah. If a *rebbe* wants to awaken the desire to learn Torah in the hearts of his *talmidim*, they must see laughter and joy when they look at his face. No educator is exempt from this requirement, and no “teacher’s assistant” can perform this task on behalf of the teacher.

If the joyful expression on our faces lets our children and *talmidim* know that we rejoice in them, and in learning with them, Hakadosh Baruch will, פנים מאירות, פנים שוחקות אכי"ר *midah k'neged midah*, show us *midah k'neged midah*.



[3]

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