# שבת קודש פרשת חוקת-בלק

מסכת יבמות דף ז

לרפש אחינו בני ישראל

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

## Insights from our Chaburos

# What's a Big חומרה, What's a small

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The גמרא says that a לית is more חמור than an עשה and yet an עשה is able to be דוחה as a result מה גליון Reb Akiva Eiger in the לי חמורא רבא מה לי points out the famous רמבץ who says that an עשה is really greater than a לת because an עשה comes from אהבה whereas a לית comes from יראה. Most אחרונים understand Reb Akiva Eiger to be asking a question on the רמבץ inasmuch as our גמרא says explicitly that לית is more עשה than an עשה and not the other way around (they answer that even if it is more חומר the עשה is still greater.) If רעיא meant to ask on the רמבץ, it must be he understood that the assertion of our גמרא that לת is more חומר than an עשה remains true even למסקנא. However, the ריטביא is explicit that the idea of מה לי חמורא רבא מה לי is only true according to the חומרא זוטא in the מסקנא there is a difference between little and big issurim. אות פיט in אות eavs that this is exactly how the רמבץ learned our סוגיא! In other words, we say that an עשה is greater than a למסקנא because it comes from אהבה and we therefore have no source for מה לי חמורא זוטה מה לי חמורא מה. We find this a similar discussion in the ספר תספות יומא דף פיג דה טבל in יומא דף פיג שho discusses the idea that that we feed a חולה שיש בו סכנה the lowest level איסור first (הקהל קהל מחילה) and asks that the רמבים is משמע in הלכות אסורות פרק יד that we feed a sick person לאו (לאו better than עשה אחר זמן ביעור (an שביעית). The reason is because יתרו is greater as the יתרו says in יתרו. Reb Akiva Eiger there disagrees and quotes our גמרא that a לאו is more חומר than a לית. We see there clearly that רבי עקיבע איגר understood our גמרא to be even למסקנא.

#### Stories of the Daf

#### **Pocketing Pennies**

שדוחה עבודה ואין דוחה שבת

On this week's daf we find that Shabbos is so stringent that even a מת מצוה does not override it. The Chofetz Chaim, zt"l, was very emphatic about the importance of keeping Shabbos. He helped many people who had difficulty with understanding the absolute inviolability of this mitzvah to be able to put things into their true perspective. Once, when the Chofetz Chaim was in Moscow to attend to yeshiva business, he heard about a certain observant Jew who owned a factory that unfortunately did not close down until several hours into Shabbos and which began work again the following day while it was still daylight. When this wealthy factory owner came to greet him, the Chofetz Chaim related the following parable: "A certain non-Jewish peasant would sell the sacks of grain he had grown to a Jewish wholesale merchant. The way they kept track of how much grain had been brought in was to fill the scale over and over again to its maximum capacity, as they marked a line on the wall to keep track of how many times the scale had been filled. The scale held a total of sixteen kilograms, and when they multiplied this number by the number of lines on the wall, they would determine the exact weight of the grain being sold. He continued, "One day, the peasant realized that if the Jew wanted to cheat him, all he would need to do would be to erase some of the lines while he dragged in his sacks! So he insisted that they change their method; the Jew would give the peasant a small coin to hold after each scale-full. The Jew readily agreed. However, as the coins passed into the peasant's hands, he foolishly looked on it as an opportunity to pocket a little spare change at the Jew's expense. Without thinking, the peasant cheated himself out of the value of several scales-worth of grain! The Chofetz Chaim concluded, "Chazal tell us that in the merit of keeping Shabbos, Hashem blesses our endeavors. When one steals an hour or two from his Shabbos observance in order to make money, he is just like this foolish peasant. It's like pocketing pennies and throwing away thousands!"

### Review & Remember

- 1. What is the argument that the burial of an abandoned corpse should override Shabbos?
- 2. Why was the prohibition against marrying a brother's wife singled out?
- 3. Explain הואיל ואשתרי.
- 4. What halacha was instituted by Yehoshafat?

## Parsha Connection

In this week's daf we learned that even someone who is prohibited from burying a Niftar such as a Nazir or a Kohe, still has an obligation to bury a Meis Mitzvah. A Meis Mitzvah is someone who doesn't have a next of kin or anyone else available to bury them. In this week's Parsha we read about how Moshe and Aharon buried their sister Miriam. Since she died in the Midbar where the whole Klal Yisroel was stationed, why did Moshe and Aharon bury her? Aharon was a Kohen Gadol (who cannot contaminate himself even to his 7 close relatives) and Moshe was also considered like the Kohen Gadol. Both should have been prohibited from burying Miriam since she was not a Meis Mitzvah. The Panim Yafot, offers a beautiful answer based on a Ramban, in the beginning of the Parsha who writes that one who dies from Neshika does not become Tame'h. This was certainly the case with Miriam, who as quoted in Rashi died by way of Neshika.

### Halacha Highlight

## Allowing a woman who is a niddah to daven

יאמר עולא מה טעם הואיל והותרה לצרעתו הותר לקרויו

And Ulla said: What is the reason this is permitted? Since we allow the metzora to enter the Courtyard despite his taraas we also allow him to enter despite his seminal emission.

Rema<sup>1</sup> mentions different customs concerning the issue of whether women who are menstruating enter shul and daven. He adds, however, that even according to the strict position it is permitted for women who are menstruating to enter shul on Rosh Hashanah and Yom Kippur. Rav Avrohom Avli Gombiner<sup>2</sup>, the Magen Avrohom, adds that since they are permitted to enter shul they are also permitted to daven. The rationale for this ruling is based on Ulla's statement in our Gemara, namely, once we override one prohibition we can override others as well. Rav Moshe Sofer<sup>3</sup>, the Chasam Sofer challenges the parallel. The case of the Gemara involves two different prohibitions; both a metzora and one who experienced a seminal emission are prohibited from entering the Courtyard, but there is only one act of entering into the Courtyard. Consequently it is understood that since we override the restriction against entering the courtyard for the metzora we override a second prohibition, one who experienced a seminal emission, with the same act. In the case of Magen Avrohom, on the other hand, entering the shul and davening are two different activities. Our Gemara does not indicate that once one prohibited activity is permitted a second activity will also be permitted. Rav Yosef Chaim of Baghdad<sup>4</sup>, the Ben Ish Chai, suggests an answer to Chasam Sofer's challenge. He writes that the same prohibition, the tumah of being a niddah, restricts a menstruating woman from entering the shul and restricts her from davening. Therefore, once that restriction is lifted, to allow her to attend shul on Rosh Hashanah and Yom Kippur, she is also permitted to daven since she is davening in the same place at the same time she is permitted to sit there. Rav Ovadiah Yosef<sup>5</sup> cites an alternative resolution to Chasam Sofer's challenge. The reason to permit menstruating women into shul on Rosh Hashanah and Yom Kippur is that they would be embarrassed and saddened if they were barred from entering shul when everyone else is there. Along the same lines if they were restricted from davening when everyone else was davening there would be the same concern, therefore, once they are permitted to enter shul they are permitted to daven there as well.

רמיא אוח סיי פיח סע׳ א׳
 מגיא שם סקיג
 הגהותיו לשוע שם וע"ע בשות חתיס אוח סי׳ סיה
 שות רב פעלים אוח חיא סי׳ כ'ג
 שות יביע אומר חיז יוד סי׳ מיא

#### Mussar from the Daf

#### Don't Ruin it for Yourself

In Tosofos (דה שנאמר) he brings two reasons why a Kohen that murdered cannot duchin. In his second reason, Tosafos explains that אין קטיגר נעשה סניגר ("the prosecutor cannot be the defense attorney"). In other words, having used his hands to kill he cannot use them to dispense Birchas Kohanim. The Chida יעיר און אות א׳ סימן עט asks why that principle should apply here. The Gemara in Rosh Hoshnah דף כיז states that the principle of אין קטיגר נעשה סניגר is only relevant in the Kodesh Hakadoshim. The Chida answers that when the aveira is done with one's hands (such as with the Kohen-murderer) then the issur applies even outside of the Kodesh Hakadoshim; however, when it is simply an object in question (the golden garments), then it is only a problem in that special location of the Kodesh Hakodashim. We see from here that when one uses his body to do something inappropriate, besides for the potential destruction the act may cause, the person is also limiting the good that he could be potentially achieving with that same limb. If we internalize this message it will hopefully serve as an additional disincentive to refrain from the problematic act. Someone speaking lashon hora may be impacted in his ability to daven or share kind words with others. One who gazes at compromising material may struggle to see and understand words of Torah. And using our legs to transport us to unsavory destinations may inhibit us from success in running to perform the many mitzvos waiting for our performance.

#### Point to Ponder

The Gemara discusses the Halacha of a Kohen who is wanted for a capital crime who tries to escape by going to do the Avoda in the Bais Hamikdash. Rashi explains that if he is already on the Mizbeach we let him finish, but if he is next to it and only about to start we remove him. Since we do not remove someone who is already engaged in Avoda, it would appear that execution by Beis Din does not supersede Avoda how can we learn a Kal V'Chomer that execution by Beis Din should supersede Shabbos?

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

When one picks up a lost item his Mitzvah isn't done until he delivers the item to its rightful owner. How can we say that the Mitzvah of returning a lost object should supersede the prohibition against a Kohen becoming Tame'ai, they are not happening at the same time? If someone was entrusted to watch an item on behalf of the owner, it is considered to be in the owner's possession when it's by the shomer (custodian). Assuming that the Kohen shomer lost the item and he now finds it in the cemetery, the Mitzvah is fulfilled as soon as the shomer has it in HIS possession. (See Rabbi Akiva Eiger).

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