



THE שבוע MATTERS

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לרפ"ש אחינו בני ישראל

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

Insights from our Chaburos

The פטור of לאוין חייבי according to Rebbi Akiva

From Rabbi Gutterman's insights. For more, visit dafaweek.org or our app at Daf a Week under resources

The גמרא says that according to רבי עקיבא, רבי לאוין are considered like עריות and are פטור from יבום וחליצה. Tosofos in ורהי דה asks that even though Rebbi Akiva holds that לאוין have no תפיסת קידושין, it still is only a לאו and not a כרת and we should apply the principle of עשה דוחה לא תעשה and say that יבום is allowed! All the ראשונים discuss תוספות's question. The רשב"א says the גמרא must have just known that עקיבא רבי happened to hold that there is no דין ערוה of חייבי לאוין. The רמב"ם learns from the ערוה of דין יבום that anytime there is no תפיסת קידושין, there is no יבום. The ריטב"א (perhaps explaining the רמב"ם) says that since we find by אשה the words תתקן, לא תתקן, we see that the issue is ליקוחין, which means that if there is no תפיסת קידושין, there is no יבום. The מילואים asks an interesting answer: he says that according to ר"ע, if we were to say that עשה דוחה לית מצות ביאה ראשונה would only allow to be performed. As soon as that was completed and the מצוה fulfilled, the marriage would come to an immediate and automatic end as the lack of קידושין would come back as soon as the עשה דוחה לית was no longer operating. If so, the whole קנין of the יבום would only be a קנין לזמן, and a קנין לזמן is equivalent to קנין פירות which does not work by אישות! Therefore, יבום cannot be done and there is therefore no חליצה as well since שאינו כל עולה ליבום. The עולה ליבום אינו עולה לחליצה asks two questions on the מילואים: אבני מילואים: First, if the מילואים was right, then even if the גמרא would have come out earlier that עשה דוחה לית there still would be no יבום since it also would only have been for the ראשונה. The גמרא earlier seemed clear that if עשה would have been לית שיש בו כרת then there would have been a קנין לזמן, a קנין לזמן is when from the start of the קנין you are only קונה something for a small amount of time. In the case of יבום, you are קונה forever, it's just that the איסור comes back later and breaks the קידושין but that is not considered לזמן. It is similar to buying land in Eretz Yisroel—we don't consider that a קנין לזמן even though יובל will eventually come and break the קנין. He does not give an answer.

Stories of the Daf

Strong Words

אמר ליה קמדומה לי שאין לו מוח בקדקדו Generally speaking, the sages were very careful not to speak in a sharp way even if they disagreed with their colleagues. When the Pri Chadash was first printed and reached the Jewish community in Egypt, the Chachamim there were amazed at the insight in the sefer. Despite their high regard for its scholarship, they placed a ban on it and didn't allow anyone in their community to purchase it. What turned them against the sefer? The fact that when the Pri Chadash argued against the Beis Yosef, he adopted a patronizing tone! When the Torah Temimah related this, he said, "One would think that the printers would have placed the Pri Chadash on the page in full like they did the Ketsos and Nesivos in Choshen Mishpat. I think it is only either found in an abbreviated form on the page or relegated to the back of the Shulchan Aruch because that ban made an impact in heaven!" However, today's daf is an example of the exception that proves the rule; when there was a valid reason, the sages could also be known to speak with great acerbity. Someone once asked the Chavos Yair, zt"l, "Why do we find in Yevamos 9a that Rebbi says that Rav Levi has no brain in his skull? Isn't that a little harsh when all Levi did was ask why there are fifteen women who discharge their tzaros from yibum, and not sixteen?" The Gadol responded, "This is where the Rambam learned that a Rav must show anger with his disciple if he feels that the student's failure to understanding is due to a lack of diligence and care in his learning. Since Rebbi felt that his student was careless, showing anger was a means to goad him to be more diligent in the future." There could be other reasons for the occasional harsh word. For example, the Chasam Sofer, zt"l, also once blasted someone named Aharon Choriner publicly. This Aharon Choriner was a "progressive Rabbi" who had an agenda to weaken traditional observance in Hungary. The Chasam Sofer pointed out, "I noticed that in the many petitions this man has submitted to the government, he signs his name: 'Aharon Choriner, Rabbi.' See for yourselves—the name and title bears the initials 'Acher!'"

Parsha Connection

In this week's daf we learn about the special sacrifices that are brought by a נשיא or בית דין in the event of an erroneous ruling. Leadership carries with it a responsibility that extends even for unintentional behavior such as a sin of שיגג, since leadership means setting an example for others. Similarly in the beginning of this week's Parsha it says "and Moshe spoke to the heads of the tribes." Why was this particular Mitzvah (of vows) communicated via the leaders? The Alshich Hakdosh explains that people tend to make vows at times of anger, and it's important for leaders to guide us on how to properly deal with life's challenges, without taking regrettable actions at times of stress. At the same time it is commendable when one makes a proper vow to do a Mitzva or pledge Tzedakah.

Halacha Highlight

Speaking Harshly to Students

אמר ליה קמדומה לי שאין לו מוח בקדקדו
He [Rebbi] said to him [Levi], It appears to me that he has no brain in his head.

Rav Yair Chaim Bachrach¹, the Chavos Yair, was asked to explain the many derisive and biting comments that rabbis made to one another in the Gemara. For example, in a number of places upon hearing Rav's opinion on a matter, Rav Sheishes commented that Rav must have been "dozing and drifting into sleep" when he made this comment. These types of comments are difficult to understand in light of the verse in Koheles (9:17) which states, "The words of scholars are heard if they are presented pleasantly," and the Mishnah in Avos (2:10) which states that one should treat the honor of his friend like his own.

Concerning the comment of R' Sheishes about Rav, Chavos Yair notes that the wording is, "dozing and drifting into sleep" rather than "drifting into sleep and dozing." The significance of this could be understood in light of a comment of Tosafos in Pesachim² where Tosafos distinguishes between two cases of dozing—the dozing that occurs when one is falling asleep and the dozing that occurs as one is waking from sleep. When one dozes as he is waking it is likely that he will catch an illogical statement that he made as he was rising, since he is moving towards more consciousness. In contrast, one who is dozing into sleep will not catch an error made while dozing since he is moving towards greater unconsciousness. Thus, when R' Sheishes stated that Rav was "dozing and drifting into sleep" he was complimenting Rav because Rav would not make such a statement had he been conscious of what he was saying.

Chavos Yair proceeds to cite our Gemara where Rebbi comments that Levi's question "indicates that he does not have a brain inside of his skull," and explains that the comment and similar ones are permitted when they are made by a Rebbi to his student. It is permitted for a teacher to rebuke his students, even using harsh words, to drive them towards greater clarity and accuracy in their studies. This, suggests Chavos Yair, is the source for Rambam's ruling³, subsequently codified in Shulchan Aruch⁴ that a rebbi is permitted to display anger with his student if he sees the student behaving lazily.

1. שו"ת חוות יאיר סי' קנ"ב
2. תוס' פסחים ק"ט : דה אמר
3. רמב"ם פ"ד מהל' תלמוד תורה ה"ה
4. שו"ע י"ד סי' רמ"ו סעי' י"א

Mussar from the Daf

Daf Corona Connection

The Gemara says that individuals who serve Avodah Zarah are punished with סקילה (stoning), therefore their money is saved. However, members of an entire community who serve Avodah Zarah (עיר הנדחת) are punished with (סייף) decapitation, therefore their money is destroyed. What is the difference between an individual and community regarding their punishments and possessions? In addition, what is the connection between receiving סקילה (a more severe punishment) and having one's possessions saved? (The gemorah's uses of the term לפיכך (therefore) indicates a connection). The Vilna Gaon (שנות אליהו, סוף זרעים) and מרגליות הים (Sanhedrin 111b) give answers to this question. We can perhaps suggest another answer. It could be that the punishment for the individual is more severe because in order to worship Avodah Zarah he had to brazenly go against the "tide" of his friends and community. By contrast, each individual in the עיר הנדחת may have been swept up the city. Now we can perhaps understand the word לפיכך. Since the individual had the more severe punishment of סקילה it served as a כפרה, and there can be a corresponding רחמנות on their possessions, and they therefore can be saved. The עיר הנדחת would be the opposite. What lesson can we take from this? At times we may find ourselves in situations in which we feel Hashem is dealing with us with מידת הדין. It may be sickness, financial problems, etc. However, that same feeling should generate a simcha in knowing that this din can be a kapara and Hashem will have רחמנות on us in other situations, primarily in our judgement in Olam Habah.

Point to Ponder

The Gemara discusses the number of cases in the Mishna and asks why the additional case of אביו אנוסת אביו was not added bring the count in the Mishna to 16. In answering the question, the Gemara says that the Mishna only lists universally agreed upon cases and the case of אנוסת אביו is in dispute. The Gemara then questions this answer from a Mishna in the second perek which does involve a dispute, to which the Gemara responds that only in the first perek do we list universally agreed cases. The Gemara questions this proposition again, this time from the next Mishna (in the first Perek) which quotes a dispute between Bais Shamai and Bais Hillel. Why didn't we ask the second question first? It is the more obvious question since it involves the next Mishna?

Response to last week's Point to Ponder

Rava concludes that we don't need a special possuk to exempt an erva from Yibum, since a positive Mitzva cannot override a prohibition that carries kares. Rashi on Daf Beis Amud Beis writes that in cases where there is no Mitzva of Yibum, a brother's wife becomes to him, like an אשת אב, since there is no Mitzva of Yibum. How about according to Rava? Rava's answer that עליה is not necessary, assumes that if Yibum can not result in marriage, there is no Mitzva. This is derived from ולקחה, which the Gemara learns teaches us she becomes his wife for "everything." Therefore if the Mitzva can't overcome the Lav, then ולקחה says that in this case there's no Mitzva. (See daf 20).

ר' יוסף שמואל שמעלקא בר יצחק מערמלשטיין ז"ל Shelly Mermelstien לע"נ *Yevamos has been dedicated in*

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