



# THE שבוע MATTERS

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

## סוכות תשפ"א

מסכת יבמות דף כ'

לרפ"ש משה יוסף בן אסתר

## Insights from our Chaburos

### Sanctify Yourself With That Which is Permitted

קדש עצמך במותר לך  
At the beginning of Parashas Kedoshim, we find that the directive to be holy is immediately followed by the exhortation to revere one's parents and to observe the Shabbos (Vayikra 19:2-3). When the Torah reviews the giving of the Ten Commandments at Sinai in Parashas Va'eschanan (Devarim 5:6-18), only two of the mitzvos mentioned are specifically indicated as having already been commanded earlier. They are: "Observe the Shabbos... as Hashem, your G-d, commanded you" and "Honor your father and your mother, as Hashem, your G-d, commanded you." The reason for this is that these two concepts are universally accepted as being necessary - that is, one day of rest is needed each week, and one should honor and respect his parents. The Torah is therefore emphasizing that when we fulfill these mitzvos, we should not do so simply because they are good ideas, but we should comply with them because we have been commanded to do so by Hashem, and we follow His laws. When the Jews first received these commands, it was unnecessary for the Torah to make this emphasis, for the Jews at Sinai were as angels, and they certainly would have acted for the sake of Heaven alone. However, forty days later, they had fallen from that level due to the sin of the Golden Calf. This is why they had to be told to act "as they had been commanded," to direct them to keep their intentions toward the Heavens. Aruch HaShulchan explains that the Torah here directs us "to be holy." How is this to be accomplished? It is specifically when one "reveres his parents and observes the Shabbos...I am Hashem." These mitzvos could quite possibly be fulfilled due to simple and logical considerations. Yet, when we perform them solely because they were commanded by Hashem, we are acting with holiness. In fact, a holy person is one who performs all his actions, as mundane as they may seem, as part of a general framework of service of Hashem. Our Sages teach us (Yevamos 20a): "One must sanctify himself through the things that are permitted to him." This means that we should not think of holiness only in terms of those things which are spiritual and in the realm of ritual. Rather, we must realize that holiness is to be found in areas that are "permitted" - those areas which we generally consider as mundane and casual. When holiness is injected into these areas as well, one's entire life becomes one continuum of service of Hashem.

## Stories off the Daf

### Sanctify Yourselves...

קדושים תהיו...קדש עצמך במותר לך  
Rav Gad Eizner, zt"l, used the following parable to explain Rava's exhortation to, "...sanctify yourself by abstaining from that which is permitted," as found on Yevamos 20. Imagine a father who went out walking with his son. Every time they passed a toy store, the child would see a toy and beg, 'Tatte, won't you please by this toy for me?' The father obliged, and for a little while, the child was preoccupied with the gift. As soon as another toy in a different window caught the child's eye, the first toy lost its charm completely until he was ready to toss it in the trash. The child pointed to the new object of his fancy and implored, 'Tatte, I would really like that toy instead. Won't you please get it for me?' Once again, the parent capitulated. However, when they passed a third store and the child asked for yet another toy, the father finally put his foot down. The child began to scream violently and held his breath until he was literally blue. Some concerned passersby observed that if the tantrum were to continue, the child would certainly need to be brought to the emergency room! Feeling as though he had no recourse, the father paid for the third toy. A little down the road was a candy store. Of course, by this time, the child knew full well that if he pleads for some sweets his father won't have the strength to refuse. And he was absolutely correct.

We can leave an analysis of how the child's chinuch got so off track for another time. But anyone would say for certain that such a state of affairs is very bad for the child and his future. Why should this be so, though? The father is not accustoming his son to anything particularly terrible, since everyone knows that children do need to play, and sweets in moderation are fine. The problem here is that the father is training the child to believe that he must have everything he wants! This is one reason why we must place a limit on that which is permitted. Only if we accustom ourselves to refrain from excessively indulging in the permitted will we have the inner controls needed to refrain from sin when temptation strikes!

## Parsha Connection

In this week's daf we learn about ולקחה meaning "You should take her [as a wife]." On Sukkot the Mitzva is also to "take" in this case the four species. The actual verse says ולקחתם לכם ביום הראשון "On the first day you shall take." The Midrash questions why it is called the first day, inasmuch as Sukkos is actually on the 15th day of the month? The Midrash answers that the reference to the "first day" is a reference to the resetting of our sins, and this day represents the start of a new sin count. What does this mean? Obviously Yom Kippur atoned for all of our sins, and we now have a clean slate. The חיד"א in his Sefer אנך חומת, offers a unique insight. If one atoned for a sin and then repeated the same sin right after Yom Kippur, does he invalidate his Teshuva, with his actions, since it may indicate a lack of sincerity on Yom Kippur? He quotes the בית אלקים, who says that if the Teshuva was sincere at the time and the person could not resist the temptation again, it doesn't invalidate the earlier Teshuva. This says the חיד"א is the meaning of a new count for our sins!

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## Halacha Highlight

### Fulfilling the Mitzvah of Yibum

אלא מן האירוסיין לא תעשה גרידא הוא יבא עשה וידחה  
לא תעשה

*But if she was [widowed] while engaged there is only a prohibition, and the positive command should override the negative command*

In discussing the possibility of a Kohen Gadol performing yibum on a widow who was engaged at the time she was widowed, the Gemara suggests that the mitzvah of yibum should override the prohibition against the Kohen Gadol marrying a widow. Tosafos<sup>1</sup> challenges this assertion from another Gemara<sup>2</sup> that states that a woman does not become pregnant the first time she has relations. Accordingly, how is the Kohen Gadol permitted to do yibum with a widow if the first time they have relations they will not be able to establish the name of the deceased since she will not become pregnant and it will not be permitted to have subsequent relations once the mitzvah was performed. Tosafos answers that the Torah does not require that the relations should have the capacity to produce a child; rather the requirement is that the yavam and yevama should have the ability to produce children. Therefore, if either the yavam or yevama are sterile there is no mitzvah of yibum since they are incapable of having children. If, however, the yevama is a minor she can do yibum, even though at the moment she is incapable of having children at that moment. The reason is that she will eventually be able to have children.

A principle that Poskim extract from this Tosafos is that the fulfillment of the mitzvah of yibum does not depend upon having children; rather the mitzvah is to have relations. Consequently, if the yavam chooses to have relations once with the yevama and then divorce her, it is permitted, and the mitzvah is fulfilled even though this yibum does not produce a child. This principle is often used in circumstances where a woman falls to yibum and chalitza is not an option. One example<sup>3</sup> is a man who, due to physical deformities, is unfit for chalitza, e.g. if the yavam is lame he is unable to “stand and declare.” Since he is unfit for chalitza he could perform yibum with the intention to immediately divorce her. Another case discussed by Poskim is where the yavam was frightened by his friends who informed him that a man who performs chalitza will not experience length of days. Teshuvos Admas Kodesh<sup>4</sup> permitted the yavam to perform yibum and divorce her some short time later.

1. תוס' דה יבא

2. גמ' לקמן לד'

3. בשו"ת יביע אומר דלקמן אות ז' בשם שער דעה בתשובה ח"א סי' קי"א

4. שו"ת אדמת קדש סי' נ' המובא בשו"ת יביע אומר ח"ה אה"ע סי' יח אות ו'

## Point to Ponder

רש"י on the Mishna explains that a Kohen whose brother transgressed and married a divorcee cannot do Yibum since he is not allowed to marry a divorcee. How come Rashi picks an example which involves an איסור? The Gemara earlier (daf ט) said that the Mishna avoids examples which involve an איסור.

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

Why didn't Rav Ashi use as an example of two women falling to Yibum at precisely the same moment the case of two women married to two brothers falling to a third brother that was less than nine-years old, in which case both women would become zokuk to him at precisely the same moment, rather than a scenario of two deaths occurring at the exact same time? One possible answer is that although a minor cannot marry or consummate a marriage, since the Yevama cannot marry anyone else and is “bound” to the minor, she is still considered like כנוסה. However the גלאנטי writes that we do not say זיקה ככנוסה by a minor, and one needs to understand how he would answer our question. (See קרן אורה).

## Review & Remember

1. What are secondary יערייות?
2. What is the source for the principle that whoever falls to yibum falls to chalitza.
3. Is the yibum of a man who is sterile effective?
4. Why is it prohibited to do yibum with a woman prohibited by a negative command?

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