



THE שבוע MATTERS

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

שבת קודש פרשת בראשית

מסכת יבמות דף כ"ב

לרפ"ש ר' שמואל יעקב בן עטא זלעטא

Insights from our Chaburos

A Prince Who is "Among You"

ונשיא עמך לא תאור- בעושה מעשה עמך

The full verse in Shemos 22:27 instructs us not to curse a judge nor a prince. It reads, "You shall not curse a judge, and you shall not curse a leader among your people (בעמך).

The Gri"z notes that the qualification of not cursing one "among you" is only mentioned in reference to the נשיא, but not in reference to the judge. The reason is that the positions of king and prince are passed through inheritance. Conceivably, it could be that a leader could die, and his son might rise to his position of power even though he is not worthy. The son might be a רשע, one who is in the category of "not being among your people." The Torah, therefore, admonishes us not to curse a leader, as long as the leader conducts himself as a righteous person. If the king or prince is a רשע, this prohibition does not apply. In fact, the Gemara (Sanhedrin 85b) learns that there is no prohibition for striking or cursing anyone who is evil, as we associate the sin of striking and of hitting. If the person does teshuva, however, the prohibition is reinstated, as our Gemara points out.

A judge, however, does not assume his position just because his father was a judge. Only a person who is qualified and competent is appointed as a judge. Accordingly, it is not common to have a judge who is a רשע and does not conduct himself "as a member of our people." This is why the Torah does not note that the judge must be בעמך.

Review & Remember

1. Why in some cases is one's wife counted as a generation and in other cases she is not counted?
2. Why would we think the yevama should not fall to a mamzer?
3. How do we know that even a mamzer is considered a child to exempt the deceased's widow from yibum?
4. Why does the Torah need to teach that one is prohibited from cohabiting with a sister of his father who is also a sister of his mother.

Stories off the Daf

The Role of a Jewish Mother

"בניך מישראלית קרוי בנך ואין בנך הבא מן הנכרית קרוי בנך"

Our Gemara teaches that one who is born to a Jewish mother is Jewish while one born to a non-Jewish mother is not. One of the things we see from this is the pivotal role of the Jewish mother in the education and development of her child. Since the mother generally sets the tone in the home and ensures that the atmosphere is suffused with Yiddishkeit, her Jewishness is absolutely essential to the future of the children.

Rav Shimon Hirschler, shlit"z relates the following story about his own childhood:

"When I was a boy, I learned in Gateshead's Jewish Boarding School. One time, Rav Elya Lopian, zt"l, came to speak to us.

'Children,' he said, 'the Torah begins with the letter "ב" instead of the "א" that we might expect. Why do you think this is?

"We were all spellbound by the soft voice and penetrating gaze of Rav Elya Lopian and didn't make a sound.

Rav Elya continued, "The letter "ב" is spelled בית, which is a bayis, a "house." The whole Torah is based on the way the home is built. The house must smell Jewish, sound Jewish, and look Jewish."

He explained, 'Jewish children should grow up used to the smell of challos baking and fish being cooked for Shabbos. They should be used to hearing the sounds of Torah being studied in the home, of zemiros being sung on Shabbos, and divrei Torah being spoken. They should accept as natural that the walls are hung with pictures of gedolim and the shelves are full of seforim.'

Parsha Connection

In this week's daf we learn that any brother (as long as they share the same father) can do Yibum. The original brothers in the world were of course קין and הבל mentioned in this week's Parsha. They each brought a sacrifice and הבל's was well received but קין's was not. We know that הבל brought from his sheep (who produce wool) and קין brought flax. רבינו בחיי (ויקרא יט) writes that this is the source for the Mitzva of Shatnez which we learnt a few weeks ago. Since the source of their argument was wool and linen we see that it is not a good combination. In a fascinating insight the Yalkut on (משלי פרק לא) explains that this is the meaning of צמר ופשתים which is a reference to Sarah who used the story of קין and הבל as a source for separating ישמאל and יצחק, lest they end up like קין and הבל. Let's appreciate the importance of brotherly love, which is guaranteed to bring משיח!

CONTINUED

Halacha Highlight

Customs for Converts

ומה ערוה גופה אי לאו שלא יאמרו באין מקדושה חמורה
לקדושה קלה לא גזרו בהו רבנן

If regarding the ervah herself, if not for the concern that people will say that converts come from greater sanctity to lesser sanctity the Rabbis would not have decreed [a prohibition.]

Rav Ovadiah Yosef¹ was asked his opinion regarding a person who is converting to Judaism in Eretz Yisroel but his father's family originated from Europe. After converting should he follow the customs of Shulchan Aruch which were accepted as binding in Eretz Yisroel, or should he follow the Ashkenazi customs in accordance with his European ancestry? Rav Yosef begins his discussion by citing the Gemara² that states that a convert is like a newborn; consequently, he does not bring with him liability for the sins he committed before his conversion. Even those sins that apply to Jews and non-Jews alike, e.g. idolatry, cursing Hashem, etc. do not carry over into his new existence and he is exempt from the death penalty following his conversion. The fact that a convert is completely disassociated from his ancestry is evident from the halacha mentioned in our Gemara that technically, a convert is permitted to marry his natural mother or sister. The only reason it is prohibited is that it could lead people to think that he went from a higher degree of sanctity to a lower degree of sanctity. However, according to the letter of the law it is permitted. According to this principle, he is considered completely detached from his idolatrous existence and will take on the customs of the location of his conversion.

Rav David ben Zimra³, the Radvaz, uses the concept to explain why Yaakov Avinu was permitted to marry two sisters despite the fact that the Avos fulfilled the entire Torah. He explains that since Rochel and Leah converted before they married Yaakov, they lost their status as sisters, and thus, the prohibition against marrying two sisters was never violated.

An interesting application of this concept⁴ would be the case of a person who was born to a Jewish father and a non-Jewish mother. Since his mother is not Jewish he is required to convert to Judaism. As a convert, he is not seen as connected to his biological father and he is not bound at all by his father's customs or ancestry. .

1. שו"ת יחוה דעת ח"א סי' ל"ג
2. גמ' סנהדרין ע"א
3. שו"ת הרדב"ז ח"ב סי' תרצ"ו
4. שו"ת יחוה דעת שו"ת

Mussar from the Daf

Conversation and Parental Respect

The Gemorah in Yevamos explains that it is assur for a convert (גר) to marry his sister. Why should she be assur to him? Don't we say that a גר has the status of a person who was just born, so once he converts, his previous sister should not be related to him? The Gemorah answers that the Rabbanan created this prohibition so that people shouldn't say that now that the person became Jewish, they are more lenient regarding who they can marry.

From this sugya, the Rambam (Perek 5, Mamrim, Halacha 11) learns that it is assur for a גר to disrespect his father, so that people should not say that before he converted he honored his father, and now that he converted he does not honor his father, which would be a sign that his conversion lowered his refinement.

There is a practical lesson here. When a child decides to take on a level of Yiddishkeit greater than the parents, this can create a situation where the child is at risk to not give the proper kavod to the parent as the child may now feel holier than his parents. This can be a common challenge for Yeshiva Bochurim who are more religious than their parents or Balei Teshuva and their non-observant parents. Both have to balance stringencies or mitzvos that they may have taken on, which can give them a feeling of superiority to their parents. However, we see from our Gemara that any lower level of Kavod given to our parents as a result of a higher level of mitzvah observance could lead to a chillul Hashem and is frowned upon by the Torah.

Point to Ponder

In this week's daf the Mishna states that ANY brother can and needs to do יבום including a ממזר. How about a case where the deceased was a ממזר? Do we say that continuing such a legacy is appropriate or not?

Response to last week's Point to Ponder

Rav חסדא heard from Rav אמי that they "only prohibited a daughter in law because of a daughter in law," but he didn't know why. How come Rav חסדא didn't simply ask Rav Ami to explain it to him?

Rav חסדא did not want to be given the explanation for אסרו כלה משום כלה because he wanted to figure it out himself. Either because the Mitzva of toiling in Torah means spending time and energy to figure things out, or because he was told by the stargazers that he will be smart and wanted to use this as a test of his ability. (See Rabbi Solevetick and עירך לנר).

ר' יוסף שמואל שמעלקא בר יצחק מערמלשטיין ז"ל Shelly Mermelstien ל"נ

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, dafaweek.org, or download the app

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