



THE שבוע MATTERS

שבת קודש פרשת נח

מסכת יבמות דף כ"ג

ליכות רפ"ש חנה בת פעסל

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

Insights from our Chaburos

The Question of the Gemara from the Mishna of the Four Brothers

מאי שנא מהא דתנן ארבעה אחים שנים מהם נשואין שתי אחיות ומתו הנשואין את האחיות הרי אלו חלוצות ולא מתבייבמות. The Mishnah had illustrated the halacha of a person who offers kiddushin to one of two sisters but he does not know which one. The Mishnah continues to deal with the applied consequences of this case where the man died, and how his brother(s) would respond to the yibum situation. The Mishnah then illustrates the same case, but with two men, each of whom offered kiddushin to one of these sisters, and they do not know which man gave kiddushin to which sister. Finally, the Mishnah analyzes what would happen after the death of these two men if each of them had a brother, what would happen if one of them had two brothers, and what the halacha would be if each of the men each had two brothers. In reflecting upon the final case, where each of the two men had two brothers, the Gemara questions why this case is different from the case in the Mishnah at the beginning of the third perek (26a), where there are four brothers. Two of them are married to sisters, and these two brothers die childless. The wives must be given chalitza from the surviving brothers, as yibum is not an option, due to the prohibition of doing yibum with the sister of a woman who is זקוקה. Rashi (ד"ה מאי שנא) explains the precise nature of the Gemara's question. In our case of two strangers, each of which offered kiddushin to an unspecified sister, the surviving brothers must give chalitza. If they did not consult with beis din, and they each married one of the sisters, they may remain married (קדמו וחלצו אין מוציאין מידם). However, in the case of the four brothers, if the surviving brothers marry the two widowed sisters, the marriages must be terminated (אם קדמו וכנסו יוציא). Tosafos notes the obvious flaw with this explanation, in that if the question was from the statement at the end of the Mishnah, the Gemara should have cited that phrase. Rather, the question, explains Tosafos, is that in our Mishnah, we do not allow yibum, but in the Mishnah on 26a one brother may do yibum while the other gives chalitza. It is interesting to note that the very next comment of Rashi (ד"ה חלוצות ולא מתבייבמות) explains the question in the manner Tosafos understood, which is apparently inconsistent with the previous comment of Rashi himself. Aruch Lanair explains that Tosafos apparently knew that these are not the words of Rashi.

Stories off the Daf

The Newborn Convert

גר שנתגייר כקטן שנוולד דמי

The Chid"ah, zt"l, quotes Chazal as stating that even the souls of future converts were at Sinai during Matan Torah, so a convert's true place is within the Jewish people. He never really belonged to the non-Jewish world. The act of conversion is proof that he never had an essential spiritual connection with the people from whom he sprang. He is truly newly born. It was 1942, and Operation Barbarossa had brought the Nazis deep into the Ukraine. Unlike many other occupied people in Europe, the Ukrainians were more than pleased to serve in the mobile killing units, the Einsatzgruppen, so that they could kill the Jews themselves. In them, the Nazis found the most willing helpers. Indeed, the Ukrainian sadists were often reported to be worse than their German overlords. Virtually everywhere the Nazis went they were applauded for killing Jews. It was commonplace for a town to be filled with the peal of church bells when the removal of the last Jew of the town was verified. Informants were commonplace, and hardly any Jews successfully escaped the murderous sweeps of the Einsatzgruppen through the Ukraine. In the town of Uman, there was a man known as Reb Doniel the Ger. As a non-Jew he had been well liked by his fellow Ukrainians and his decision to become Jewish had been a major surprise. Conversion was exceedingly rare in those years, especially in that part of the world. Nevertheless, he was known and respected by the non-Jews of the town as well as among his fellow Jews. When the Nazis arrived in Uman, there was no pity and virtually no escape. Over the two days of Rosh HaShanah, 1942, the Jews were confined to a makeshift ghetto and were then led away to the forest to be shot. The Ukrainians collaborators directed the German soldiers to every Jew in town. The only person they didn't turn in was Reb Doniel, the convert. When Reb Doniel realized what was happening, he begged to be led to his death along with his Jewish wife and children. Surprisingly, the killers refused him, "You are one of us and should not die as a Jew!" How could the murderers know that Reb Doniel's conversion had made him as much a Jew as any of the victims?

Parsha Connection

In this week's daf, the Gemara discusses the כנענית שפחה. The original כנען is mentioned in this week's Parsha, where נח curses כנען for what he and his father חם did to נח. How is the curse of slavery an appropriate punishment for the crime? We see from Rashi and the Midrash that חם was concerned with נח having more children, which would have diminished his ultimate inheritance. As a punishment for this greed towards money and property חם was met with the ultimate curse of slavery. A slave has absolutely zero personal possessions, as anything acquired by a slave belongs to his master. By making כנען a slave, נח's punishment, was the ultimate anti-greed retribution. (Heard from Rabbi Baruch Rosenblum שליט"א) We must always remember that everything we possess is really not ours, but rather belongs to הקב"ה!

CONTINUED

Halacha Highlight

The Mitzvah of Writing a Sefer Torah

הניחא לרב שמעון דרשי טעמא דקרא
Rabbeinu Asher ben Yechiel¹, the Rosh, writes that although it is certainly a mitzvah to write a Sefer Torah, that mitzvah is limited to previous generations when people studied Torah directly from a Sefer Torah. Nowadays people study out of books rather than Sifrei Torah, so the mitzvah is to write [e.g. publisher purchase] seforim so that a person and his children will be able to study Torah. Commentators debate the intention of Rosh. Rav Yosef Karo², the Beis Yosef, writes that Rosh did not intend to uproot the original mitzvah of writing a Sefer Torah. His intention was to add to that mitzvah and rule that writing seforim is greater than writing a Sefer Torah. Rav Yehoshua Falk Katz³, the Derisha, disagrees with Beis Yosef and writes that Beis Yosef's understanding of Rosh cannot be reconciled with his words. Furthermore, if one follows his reasoning, namely, the purpose of the mitzvah is to have texts from which one could study Torah it is only logical that nowadays the mitzvah will be fulfilled with sefarim rather than a Sefer Torah since people do not study Torah from a Sefer Torah.

Rav Moshe Sofer⁴, the Chasam Sofer, asserts that the reason Beis Yosef felt the need to interpret the language of Rosh that the mitzvah to write a Sefer Torah still applies is that Rosh's rationale applies only if one accepts the principle of R' Shimon of expounding the rationale of the verse (דרשין טעמא דקרא). If, on the other hand, one follows R' Yehudah, which is the generally accepted position, the mitzvah of writing a Sefer Torah cannot be replaced due to the fact that people no longer study Torah from a Sefer Torah. Rav Ovadiah Yosef⁵ expresses astonishment at Chasam Sofer's assertion because all opinions agree that when the Torah explicitly presents a reason we do expound the halacha in accordance with the stated reason. Rav Yosef then challenges his own assertion from our Gemara and the parallel Gemara in Kiddushin which limits the verse "You shall not make marriages with them etc." to the seven nations of Canaan despite the fact that the Torah presents the rationale for the mitzvah. He resolves this question by citing numerous authorities who write that there is indeed a conflict between different sugyos but the sugyos, that expound the rationale of the verse when the reason is presented is the more authoritative approach.

1. רש"י ריש הלכות ספר תורה
2. ב"י יוד סי' ער דה וכתב א"א ז"ל
3. דרישה שם אות ד'
4. שו"ת חתם יוד סי' רנד
5. שו"ת יביע אומר ח"ח יוד סי' לו אות ב'

Mussar from the Daf

The Definition of True Love!

The Gemorah quotes the pasuk (Deuteronomy 21:15), "If a man has two wives, one beloved, and one hated" and then asks whether there is a beloved wife by Hashem and a hated wife by Hashem? Meaning even if the husband dislikes his wife, why would that justify the disliked wife's son not receiving his fair inheritance share that the Torah needs to prohibit it. The Gemorah answers that "beloved" means that the wife's marriage is beloved in the eyes of Hashem, inasmuch as halacha permitted her marriage to her husband, and "hated" means that her marriage is hated because according to halacha it was forbidden for her to enter into this marriage.

Similarly, we find that the Torah discusses the halacha that one has to help load and reload the donkey of his שונא (Mishpatim, 23, 5) which Tosafas explains refers to a person that is "hated" because he is a sinner, not because of personal animosity towards the person.

Rav Wolbe once asked his Rebbe, Rav Yerucham Levovitz if it is mutur to ever hate a person who does aveiros? Rav Yerucham answered that only an Adam Gadol is able to distinguish between hating the actions (aveiros) but still loving the person. A lesser person would unfortunately hate the person who does the aveiros which is problematic.

We see from all of this that Hashem unconditionally loves all of His children and we too should love all of Hashem's children. What can be hated are a person's actions that are not in conformity with the Torah.

As a result, one has to be careful in his interactions with someone who is less or non-observant. One should never hate even a non-observant person, and he should certainly not feel good when misfortune happens to him. Rather one should have rachamonos on them for the predicament, and if they are in need עמו עוזב. At most, one should despise their bad deeds.

Point to Ponder

The Gemara brings a verse which states a concern for one's grandchild being influenced to leave the faith, if he lets his Jewish daughter marry a non-Jew. Why are we not concerned about his daughter being influenced in the same way, and straying from Judaism?

Response to last week's Point to Ponder

On daf כ"ב 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? Although the Mishna doesn't state so explicitly, the Rishonim assume that if a ממזר who was married dies without children his wife would need Yibum. This is further confirmed in the first משנה in the 9th Perek.

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

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