

Yevamos Daf 25 is Dedicated

ל"ענ פיגא בן יהודה ליכטער



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Daf Hashovua Yevamos Daf 25

“Abayeh said, my mother told me...” The Gemara in Kiddushin 31b says that Abayeh’s parents passed away when he was born, and he referred to his stepmother as “mother.”

This opens up to the fascinating sugya of stepparents. What are the parameters of kibud horim towards them? Do the laws of mourning apply to them? Let’s discuss some issues that come up.

A very common issue with adopted children is yichud. Since the child is not actually related, it should be forbidden for a man to be alone with an adopted daughter, and a woman with such a son. **Rav Moshe Feinstein** brings an interesting proof from the Gemara that it is permissible. It says that a boy cannot marry his adopted sister, since it would look like two siblings marrying each other. Now, if the father was always careful to avoid yichud and physical contact with her, she would not really look like a daughter!

He clarifies that it is not a problem as long as both adoptive parents are alive. The mere presence of the other spouse serves as a safeguard to permit

yichud. After one parent dies, however, they should try to be careful about it (Igros Moshe Even Ha'ezer Vol. 4:64).

An integral part of child raising is physical contact between parent and child. May an adoptive parent hug or kiss his or her child? In the teshuvah of R' Moshe Feinstein he writes that if one raises a child he may show physical affection as is normal for a parent to do.

In another case, a bochur found out that his mother was actually not his biological parent and did not want to touch her anymore. His father became furious and threatened to throw him out of the house. They approached R' Moshe, who ruled that he may touch his mother, just to do it in a slightly different manner than is usual. This was reported to **Rav Moshe Shternbuch** shlit"za, who records it along with the psak he received once from the Chazon Ish who was extremely stringent about it ("Yehorag v'al yaavor"). He suggests that making a slight variance, like kissing the back of her hand and not her cheek, would have satisfied the Chazon Ish (Teshuvos V'hanhagos Vol. 4:300).

On the other hand, **Rav Shmuel Wozner** was presented with the question of a somewhat mentally disabled 14-year-old boy whose mother passed away. The parents were advised previously that they could help with his development by showering him with lots of love and affection, and his mother used to do that. Now the father wanted to remarry. Could his new wife act in the same way with the boy? Rav Wozner did not permit it. The only hetter we find to touch for therapeutic purposes is to take the pulse of a niddah. Hugs and kisses are much greater displays of closeness, and for a boy his age and with his condition it would arouse improper thoughts. Only things like stroking his cheek are permitted (Shevet Halevi Vol. 10:234).

One may draw a distinction between the cases of R' Moshe and R' Wozner. If a stepmother raised the child from infancy, their relationship is just like a natural mother, with no inappropriate connotations. On the other hand, if she enters his life when he is older, it bears less resemblance to a regular mother and is more stringent.

How should an adopted child be called to the Torah? With the name of his biological father, or his adoptive father? **Piskei Teshuvos** (179:4) quotes many poskim that he *must* be called by his real father's name. Otherwise it can lead to problems – people might not realize he is adopted, or they may write his adoptive father's name on documents like kesubos and gittin.

The **Chasam Sofer** (O.C. 164) emphasizes that although adopting a child is a tremendous mitzvah, it does not engender the obligation of kibud av v'eim to the child. He should honor them for their efforts toward him, but it doesn't enter the rubric of the mitzvah. The issue he addressed was when a man died and his natural children weren't interested in letting the stepson say a kaddish during davening. (Presumably they split up the kaddishim, and each one was recited by only one person at a time.) The Chasam Sofer ruled that they were correct in their argument. He suggested that the tzibbur add on a perek of Tehillim after davening so the stepson could say kaddish after it.

Should a stepchild keep halachos of aveilus? **Rabbi Menashe Klein** was asked this question and he quoted the Chasam Sofer above that he does not. Certainly he should do mitzvos l'ilui nishmas the niftar and say kaddish if there is nobody else to do it. He references our Gemara about Abayah, who called his adoptive parent "mother." But he doesn't have to do any halachos of aveilus (Mishnah Halachos Vol. 10:153). (He refers to another teshuvah of his, where he insists very strongly that stepparents tell them at some point that they are adopted. If not "they will transgress the entire Torah"!)

Rabbi Moshe Shternbuch says he should carry out minhagim of aveilus (Ibid. Vol 3:374). As proof, he cites the Mishnah in which Rabbon Gamliel accepted condolences when he servant died. They asked him that aveilus does not pertain to non-Jewish slaves, to which he answered, "My servant Tevi was not like other slaves; he was kosher." The Rashba explains that Tevi became very close to R' Gamliel and he considered him like his own child. Rav Shternbuch argues that an adopted child or stepson is surely in this category! He thus should keep the halachos of aveilus, including waiting on the final day of shiva until someone comes to be menachem him.

He stresses, however, that this is a mitzvah but not the regular chiyuv of aveilus, so any part of aveilus which detracts from halachos, like not wearing tefillin the first day and aninus, do not apply to them.