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ENGLISH TOPICS ON THE DAF

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Daf Hashovua Yevamos Daf 39

The Gemara teaches us a rule about mitzvah performance – we don't delay mitzvos. Even though the eldest brother is supposed to do yibum, if he is “across the sea” we do not wait for him for him to come back.

What are the parameters of this? What if a mitzvah could be done better after a short wait? The poskim discussed this, in many different sugyos.

The **Chayei Odom**, listing general guidelines for mitzvos, says this rule applies if the mitzvah will be done later in the same way it would be done now. As Chazal darshan the possuk about matzos, “when a mitzvah comes to your hand, do not delay it.” However, if by waiting a day or two it could be done in a better fashion, the Shulchan Aruch says it's better to wait. The Sefer Chassidim argues, and writes that all mitzvos should be done immediately, even if they won't be as mehudar (Klal 68:1). Let's explore these sources.

The **Shulchan Aruch** he refers to is about a common application of this concept – Kiddush Levana. In Siman 426, the Mechaber writes that one should say it only on Motzei Shabbos, “when he is in good spirit and wearing nice clothes” of Shabbos. Although it could be done earlier in the week, we wait until then for a mitzvah min hamuvchar. The **Rema** cautions that if Motzei Shabbos is after the tenth of the month, we should not wait that long, for fear that it might be cloudy for a few straight days and the mitzvah would be lost.

The **Gr”a** cites our Gemara as the source for the Rema’s psak. How so? He infers it from the wording of the Mishnah – we won’t wait for the brother to come back from “the lands over the seas,” but if he is closer than that we would wait for him. So too, we should wait with a mitzvah to perform it better, but only to some degree. This sounds similar to the Chayei Odom’s distinction between a wait of a day or two, or longer.

What’s the difference if the brother is close by or not? The **Terumas Hadeshen**, the source of the Rema’s ruling, explains the Gemara as including any circumstance in which there’s a concern the mitzvah won’t get done in the end. If we wait for a yovom katan to grow up, he might die by then. The one who is far away might never return.

That was about the hiddur of saying Kiddush Levana on Motzei Shabbos. Another halacha revolves around the hiddur of “maalin bakodesh v’ain moridin,” that we do mitzvos in ascending holiness. Therefore, the Shulchan Aruch says (O.C. 25:1) to first put on the tallis and then the tefillin. The Rema limits this to when both are available; if only tefillin are at hand, he should put them on first. The Magen Avraham cites our Gemara as his source.

This Rema seems to be saying that we shouldn’t wait *at all* with a mitzvah to do it in a better fashion! The **Sefer Chassidim** we mentioned holds this way.

Actually, it is not clear what the Sefer Chassidim holds. In siman 878 he discusses the hiddur of “hisno’eh lefanav b’mitzvos” (Sukkah 11b), to do mitzvos in a beautiful manner, such as tallis, tefillin, sukkah and lulav. If someone could obtain a kosher tallis or sefer Torah, but has the option to wait until a nicer one is available, the Sefer Chassidim writes that one should just take the simpler one now.

A commentary on the Sefer Chassidim quotes the Terumas Hadeshen to explain it, and adds that if it’s not a big delay one should wait. Indeed, the expression used in the Sefer is “a sofer who *won’t come in the near future.*” However, in his Nishmas Odom, the Chayei Odom maintains that Sefer Chassidim does not allow for any wait, inferring from the line, “Buy the tallis which isn’t so good *immediately.*” As for the diyuk about the sofer, he dismisses it – a sefer Torah cannot be written in a short time, so as long as a superior sofer will come soon, that is considered immediate.

The Nishmas Odom says the halacha is like Sefer Chassidim, which would explain the Rema about tefillin.

Should a person daven immediately when the zman starts, or should he wait until he is in a place when he can daven with more kavana? (This is if either way there is no

minyan.) The **Shulchan Aruch Harav** allows him to daven right away, but stresses that it's better to wait, to perform the mitzvah in a more mehudar way (94:5).

A fellow had a set of lulav and esrog brought to him one Sukkos day, but he knew that in an hour or two he could get better ones. He wanted to wait to make the bracha. They asked the **Shvus Yaakov** and he agreed with him (Siman 34).

Rav Shmuel Kaminetzky shlit"ta is quoted as saying that ner Chanuka is an exception to these opinions about waiting to do a better mitzvah. If one has wax candles and expects to obtain olive oil within the half-hour span following shkiya, everyone would agree that he should light right away and not wait. Why? Because Chanuka lights have to be lit immediately after shkiya, and each passing moment is delaying it. So, speed itself is a hiddur, and it would outweigh the hiddur of lighting with oil! (Kovetz Halachos p. 67)