



# THE שבוע MATTERS

שבת קודש פרשת ויקהל-פקודי | מסכת יבמות דף מ"ג

לע"נ לאה בת חנוך הענוך הכהן ז"ל לע"נ ר' זאב בן ר' חיים הכהן ז"ל לע"נ מרדכי בן משה יהודה

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

## INSIGHTS FROM OUR CHABUROS

**The Kal V'Chamor of Rav Chisda**  
By R' Hershel Weizberg

**T**he Mishna on Daf 41a discusses the waiting period for widows and divorcees to remarry. Reb Yosi permits all but widows coming from a state of nesuin to remarry within three months. A widow, however, must wait the thirty day mourning period for her late husband before she can remarry. In the case of a childless widow requiring yibum her brother in law is also observing the sheloshim and the yibum must therefore be delayed for that reason as well. The Gemara initially assumes that Reb Yosi prohibits a widow from performing even betrothal (Erusin) during the thirty day period of mourning. Rav Chisda questions Reb Yosi in such an Erusin prohibition via analogy to the week of Tisha B'av where although laundry is prohibited erusin is permitted. Since Erusin is not considered a joyous celebration for purposes of Tisha B'av it should therefore also be allowed during the sheloshim period when even laundry is permitted once the Shiva has elapsed. A widow's bereavement is seemingly more lenient than the period of lament during the Nine Days! Ultimately, Rav Ashi, deflects Rav Chisda's challenge by differentiating between a "recent loss", i.e., that of a close relative and an "ancient loss", i.e., over the destruction of the Bais Hamikdash, and between public mourning and individual grieving. Whereas Tisha B'av arouses national mourning of an ancient tragedy, one's mourning over a recent loss is actually more severe. Tosofos on Daf 43b, שאני questions this conclusion since the kal v'chomer posed by Reb Chisda seemingly remains unaddressed inasmuch as laundry is truthfully forbidden during the more lenient Tisha B'av period yet Erusin is allowed. Indeed, such is the current practice (Orach Chaim 551b), whereas during the more stringent private aveilus, engagement is banned notwithstanding laundry being permitted. Ramban also brings Tosofos's question and he explains that when it comes to laundry ancient mourning is treated more strictly precisely because of its ancient character it would be treated lightly by the public. As a result, Chazal deemed it necessary to impose more stringent measures, a move not taken for one experiencing the recent loss of a loved one. With respect to Erusin, however, Tisha B'av is a "national" tragedy, as a result we are not as concerned that the public may disparage their national mourning due to the engagement of an individual. But when it comes to the individual himself, Chazal were concerned that if we permit Erusin he will come to celebrate the event with a Seudah which is joyous or he will even thing it is permitted to consummate the actual marriage.

## STORIES OFF THE DAF

**The Ninety Day Limit**

**O**n this week's daf we find that when a certain man made a feast celebrating his kiddushin to a woman who was exactly ninety days after the nullification of her previous marriage, Rav canceled it. A man had searched for a bride for quite a while and finally got engaged to a recent divorcee. Although when one gives a divorce it is customary for the presiding Rav to inform the divorcee that she may not marry for a full ninety days, somehow this woman forgot about the restriction. The happy couple set the date of the wedding for a few days before the end of the ninety-day period. Just before the wedding, they were made aware of the problem, and they went to Rav Avraham Rosenthal, zt"l, with the question of what they should do. "Our extended families have already arrived in town and if we have to postpone the wedding there will be a tremendous amount of embarrassment for everyone concerned. Perhaps we can go ahead with the wedding somehow because of הבריאיות?" they asked. The Rav responded, "There are those who would compare this to the case where the Rema, zt"l, permits a wedding that was prepared for Friday day but got delayed to take place on Shabbos night because of הבריאיות." Rav Rosenthal put the situation before the famous Aderes, zt"l, and the great scholar indeed argued with Rav Rosenthal's original position. "We may not compare one Rabbinic proclamation to another—we see this axiom in the Tosafos on Shabbos 23b and Chulin 104a. The Aderes went on, "Just to make it more clear: here we appear to be faced with a very serious prohibition even according to those who hold it is Rabbinic, since the reasoning behind this is to prevent the birth of a child of doubtful parentage. A wedding, on the other hand, is prohibited on Shabbos mainly because of the fear that one may come to write. We see this in Beitza 37a. So you see the שבות of a wedding is for the sake of a mitzvah. That is why there is some flexibility in the case you attempt to use as a precedent, which does not exist in the case at hand. According to Rabbeinu Tam, one who has not yet had children may marry on Shabbos l'chatchilah!"

## POINT TO PONDER

**Rav Elazar taught** in the name of Rabbi Chananya Hagadol, that most of the first month, the complete second month and most of the third month, is sufficient for the 3 months of waiting. Where did he learn that this calculation is valid? The only similar idea that we find is that a part of the day is sometimes considered like a whole day, but here we have two out of three months that are incomplete.

**Response to last week's Point to Ponder:** When Rashi explains that we look at the way she walks, he is referring to the depression on the sand. There is a mark which is caused by the weight of the person, but there is also a change in the gait of a pregnant woman. A pregnant lady's weight distribution is very different from that of a non pregnant woman. Since she wants to hide the pregnancy, she will walk like she would normally walk, and avoid making a unique footprint. (See (דא"ר) י'.

## MUSSAR FROM THE DAF

Looking Back,  
Looking Forward

אלא אמר ר' אשי שאני אבילות חדשה מאבילות ישנה ושאני אבילות דרבים מאבילות דיחיד

**R**av Ashi explains that you can't compare the individual mourning for a relative to the communal mourning. As such, we can be more machmir with the mourning of an individual and prohibit אירוסין during that time. However, during communal mourning, we can still allow one to perform אירוסין. What is the difference that אירוסין is allowed during one type of mourning and not the other?

I once heard that during mourning one is supposed to be in a state of despair regarding the loss of the past. It is not a time to be thinking about the hope for the future with one's new spouse. Therefore, אירוסין itself would be a contradiction to that state as it would take a person out of the צער of looking back at one's losses. However, during a communal avelus, even though we are mourning over the losses of Klal Yisroel, at the same time we have an eye to the future. We have hope and have faith that Moshiach will come and herald the Geulah and bring Klal Yisroel back to Eretz Yisroel. Therefore, אירוסין which is a forward looking state of simcha is not as much of a contradiction to the communal mourning as it is to the individual mourning.

We see a very important klal from this. For a person to be in a state of Simcha, they have to have a bright outlook of hope for what will come. Too much focus on the loss of the past will drag a person down. Staying in a state of despair/Yeush will hold them back from serving Hashem with Simcha. Learning to focus on goals that one strives to accomplish and dreams of a positive future are key ingredients for a person to be in a state of Simcha.

## PARSHA CONNECTION

**In this week's daf**, the Gemara describes our mourning for the המקדש as אבילות ישנה, an old mourning. The בית המקדש which we lost, was a replacement for the Mishkan which is discussed in the Parsha. Why did Moshe Rabbeinu gather everyone (ויקהל משה) to tell them about the collection for the Mishkan? This was unlike all other Mitzvos that were communicated by Moshe Rabbeinu. The Alshich Hakadosh quotes a Midrash aggada which explains that the Mishkan was meant to atone for the sin of the הזהב (golden calf). When one examines the details we find corresponding actions, paralleling the two events. Just like they gathered around Aharon to demand an alternative to Moshe, so too Moshe now gathered them for the Mishkan. And just like they "donated" gold for the עגל, they now donated gold for the Mishkan. Perhaps this can answer a question posed by Rav Moshe Feinstein Z"TL; normally one would announce a project and then collect money for the project, however in Parshas Terumah we read that Moshe asked for Gold, Silver, etc, and THEN told them about the Mishkan. The answer is, that just like they gave Aharon gold without knowing how he will use it, they now donated for the Mishkan without knowing why. Let's pray for the rebuilding of the Bais Hamikdash in our time!

## HALACHA HIGHLIGHT

Putting Aside  
Mourning for פרו ורבו

אלא אמר ר' אשי שאני אבילות חדשה מאבילות ישנה

*Rather R' Ashi said that there is a difference between recent mourning and old mourning.*

**S**hulchan Aruch<sup>1</sup> rules that if a drought continues after a community has observed thirteen fasts, marriages should not be held. An exception to this rule is for a person who did not yet fulfill the mitzvah of פרו ורבו who is permitted to get married because the restrictions were not intended to override mitzvos. In contrast, when discussing the halachos of the Nine Days, Shulchan Aruch<sup>2</sup> rules that one is not permitted to marry during that period, but it does not mention an exception for those who have not yet fulfilled the mitzvah of פרו ורבו.

The Yeshuos Yaakov<sup>3</sup> suggests an innovative resolution to this discrepancy. He writes that decrees against marriage were not instituted for those who did not fulfill the mitzvah of פרו ורבו. However, women are exempt from the mitzvah of פרו ורבו and the requirement to mourn over the destruction of the Bais Hamikdash applies to women the same way it applies to men. Therefore, a woman is not permitted to put aside her obligation to mourn over the destruction of the Bais Hamikdash so that her future husband will fulfill his mitzvah. On the other hand, rain is withheld because of the sin of wasting time from Torah study, a mitzvah that does not apply to women, and the only reason women fast during a drought is that Chazal did not wish to distinguish between men and women. If, however, there is a man who did not yet fulfill the mitzvah of פרו ורבו the restriction against marriage could be pushed aside because of his obligation to fulfill the mitzvah, and his wife will not be restricted in this case since she has no inherent obligation to refrain from marriage during this time since it is not her sin that caused the drought.

Rav Ovadiah Yosef<sup>4</sup> disagrees with Yeshuos Yaakov for a number of different reasons. One of the disagreements relates to the assertion her obligation to mourn the destruction of the Bais Hamikdash cannot be pushed aside so that her husband could fulfill the mitzvah of פרו ורבו. Tosafos writes of an incident of a woman whose brother died right before her wedding and she was permitted to marry following shiva so that her husband would be able to fulfill the mitzvah of פרו ורבו even though she was still within shloshim. This indicates that halacha allows a woman to marry, even during times of restriction, in order to allow the fulfillment of the mitzvah of פרו ורבו.

1. שו"ע אורח סי' תקע"ה סי' ז'
2. שו"ע אורח סי' תקנ"א סי' ב'
3. ישועות יעקב סי' תקנ"א סק"ב
4. שו"ת יביע אומר ח"ו אורח סי' מ"ג

ר' יוסף שמואל שמעלקא ב"ר Shelly Mermelstien לע"נ Yevamos has been dedicated in יצחק מערמלשטיין ז"ל. For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, [dafaweek.org](http://dafaweek.org), or download the app

To share an insight from your Chabura please email [info@dafaweek.org](mailto:info@dafaweek.org)

The shavua matters is published by the Daf a week program under the rabbinical guidance of Harav Meir Stern shlita and Harav Shmuel Kamenetsky shlita

**To sponsor a publication, please contact Rabbi Zacharia Adler, Executive Director at [info@dafaweek.org](mailto:info@dafaweek.org) or call 507-daf-week. Sponsorship for one week is \$72**

Sections reprinted with permission from the Chicago Torah Center