

THE FOURTH PEREK OF YEVAMOS IS SPONSORED

לע"נ דוד בן יצחק איסאק



THE HAKUK EDITION

ENGLISH TOPICS ON THE DAF

Dedicated L'Refuah Shlaima for Yaakov ben Victoria

RABBI MORDECHAI PAPOFF

Daf Hashovua Yevamos Daf 43

Our daf mentions some halachos of the Nine Days, including, “Before this time, they must reduce their affairs – from buying and selling, from building and planting.” This refers to the days from Rosh Chodesh Av until Tisha B’av.

We must decrease our business dealings during these days, showing our aveilus over the churban of the Beis Hamikdash. What, exactly, is included in this issur? For that we have to return to Maseches Taanis.

Discussing fast days instituted for droughts, the Mishnah in Taanis (12b) says that “they must reduce business dealings, building and planting” – like our Beraisa about Chodesh Av. The Gemara there (14b) explains building and planting as “binyan u’zriyah shel simcha,” those done for joyous occasions; examples given are wedding halls and royal gardens. Now, what about business affairs? Are they also included in this parameter, and only *joyous* transactions are forbidden; or is all business assur?

Tosfos here quotes a Yerushalmi that applies the Gemara in Taanis to Tisha B’av, about building and planting. Continues Tosfos, some interpret business affairs in the same vein, that only festive transactions are assur, like for a chupa. However, “it appears more correct to say that *all* business affairs must be reduced in this days.” Only building and planting are defined with simcha activities.

Interestingly, Tosfos in Megilla (5b) concurs with the first opinion. He proves it from the fact that construction is permitted (unless for simcha); isn't that called business dealings?! So too, only simchadike business must be toned down.

The **Tur** (O.C. 551) brings the same Yerushalmi that building and planting for simcha is forbidden, and then explains the stringent opinion of our Tosfos that since the Talmud Bavli (here) doesn't specify that only simcha-related construction is intended, all building is forbidden. This is analogous to business dealings, which is forbidden across the board, just like for a mourner, as we mourn over Yerushalayim.

The last sentence is explained by the **Beis Yosef** as follows. Why should all construction be forbidden? Because a mourner is forbidden to engage in all forms of business. And construction is comparable, as well – as opposed to hilchos taanis, which do not fall into the rubric of aveilus.

Thus, it's a machlokes Rishonim as the extent of this issur. Now let's discuss the practical halacha (for specific questions, consult a Rav.)

“Nowadays,” continues the Beis Yosef, “people do not reduce their business dealings at all after Rosh Chodesh. Apparently, they follow the first opinion of Tosfos, that only if it's simcha-related is it forbidden. If so, they must be careful to reduce that sort of transaction, like items for a chupa.”

He notes further the strange fact that the major poskim Rishonim do not even quote our Beraisa! Why don't they? Maybe because they hold that only simcha-related activities are forbidden, and we already have the rule of “when Av enters, we should *minimize joy*.” These restrictions are included in that halacha! Another option is that the Poskim understand our Beraisa as middas chassidus, optional, exemplary behavior; not mandatory.

One more limud zechus for those who continue business as usual in Av is suggested by the Maharshal (cited in the **Bach**). He wrote, “Now they have become lenient... Perhaps they maintain that in our days, when there are taxes from the king and bureaucrats, everything is considered necessary for living.” This precedent is found in Tosfos in Bava Metzia (70b), that lending with interest is permitted to non-Jews because otherwise we would not be able to make a living.

When the Beis Yosef wrote his **Shulchan Aruch**, he says, “from Rosh Chodesh Av we decrease business dealings, and construction and gardening of a simcha nature” (551:2). It is somewhat unclear if simcha refers back to business dealings as well, or not. The **Mishnah Berurah** quotes Poskim for both options. He adds that the Shulchan

Aruch in Siman 554:22 implies that all business should be reduced, since it doesn't specify shel simcha. He concludes with the Bach's idea that we are lenient due to financial constrictions. In Shaar Hatzion, he says it is better to be stringent at least with simcha transactions, such as buying silver objects or things for a wedding.

Rabbi Moshe Feinstein zt"l was asked for guidelines of what is permitted in the Nine Days. He rules that it is forbidden to purchase cars for pleasure, but if it is necessary for work, we may be lenient. Since it is not of a simcha nature, even the Mishnah Berurah seems to allow it. Buying a tallis runs into the problem that Shehechyanu would be required and we don't make that bracha in the Three Weeks. As an aside, brand new clothes may not be worn – even for Shabbos.

It is praiseworthy to refrain from work that could be done after Tisha B'av, **Rav Shmuel Wozner** zt"l is quoted as saying, such as optional construction in one's house. Also, there is a problem of buying certain new items, such as large home appliances; he classifies them as causing simcha so should be postponed. However, if it would incur significant distress, one can be lenient (Mibeis Levi Vol. 13 p. 23 and on).