



# THE DAF **שבות** MATTERS

שבת קודש פרשת ויקרא | מסכת יבמות דף מ"ד

In honor of Rabbi Uri Greenspan and the First Seder Daf Hashavua Chabura of Greater Philadelphia

## INSIGHTS FROM OUR CHABUROS

### The Mitzvah of Yibum of Yehuda and Tamar

בית אחד הוא בונה ואין בונה שני בתים

**R**amban on Chumash (to Bereshis 38:8) explains that with Yehuda taking Tamar, he fulfilled the mitzvah of yibum. This is because before the giving of the Torah yibum was able to be fulfilled by any member of the family and not necessarily only by the brother of the deceased.

We might wonder why destiny determined that in this case, it was the father, Yehuda, who was to perform the mitzvah with Tamar.

Alshich explains that with the fulfillment of yibum, and with the subsequent birth of a son to the new family, the name of the deceased brother is revived and sustained. Here, with the birth of Peretz and Zerach, the twin sons of Tamar, the name of Er and Onan, the sons of Yehuda, were perpetuated. If Shelah, the remaining son of Yehuda was to fulfill the law of yibum, his building of a household would have only been on the behalf of Onan, based upon the rule that a brother can only build one house with the widow of a brother, and not two houses. This would have left Onan without any salvation. Therefore, destiny resulted in Yehuda being the one who sustained the name of both of his sons. Yehuda, the father, was the source from which both Er and Onan originated, and with his taking of Tamar, a remnant and continuation of both sons could be realized. In this way, Peretz filled the role of Er, and Zerach perpetuated the life mission of Onan.

## PARSHA CONNECTION

**In this week's daf** we learn that one should always consider someone else's needs, and one should therefore not spill out water that may be useful to someone else. In this week's Parsha we find a similar message of the need to be mindful of others. The Passuk states 'אדם כי יקריב מכם קרבן וכו'. The word מכם "from you" seems extraneous and out of order, because if it means one of you will bring a sacrifice it should say אדם מכם כי יקריב. The Alshich Hakadosh explains that the possuk reflects our collective responsibility for each other, therefore if one sins, everyone bears responsibility inasmuch as they should have helped him avoid the sin. The Possuk is articulating that it is not one person bringing a sacrifice, but rather WE are bringing a sacrifice. As we prepare for Pesach let's remember that togetherness will bring the Geula!

## STORIES OFF THE DAF

ואל תשים קטטה בביתך  
"Do Not Sow Strife in Your Home..."

**O**n this week's daf, we find a Beraisa that states that the Sages offered a man considering yibum a number of pieces of sound advice regarding marriage. Despite the differences in their details, all of the suggestions were designed to ensure that the couple achieves one very important goal: to live a married life free of unnecessary strife. Often, the most minor of issues instigates terrible controversy in the home. And, unfortunately, being scrupulous in the observance of certain mitzvos does not guarantee that when it comes to minor irritations a person will manage to be *נועזר על מזותיו*, to subdue his lower nature.

Rav Wolbe, zt"l, recounted that when he was in Mir he stayed with a certain baal habayis for quite a while. When Elul came around, this man re-inspected all of his mezuzos and tefillin to ensure that they were 100% *מהודרין*. When the young Rav Wolbe saw this he was frankly jealous of the man's scrupulous attention to mitzvos.

One day, when the lady of the house returned home, she confessed to her husband that she had paid quite a bit extra for vegetables in the market. Disregarding the young scholar's presence, the man became livid and embarked on a tirade which lasted an hour. His beleaguered wife was terribly distressed by his outburst, and soon complained of a headache. She excused herself and went to lie down. A short time later, the poor woman died. Hashem Yishmor!

Years later, Rav Wolbe was known to comment on this tragedy, "For an extra twenty cents spent on tomatoes this man indulged his terrible temper and killed his own wife, *רחמנא ליצלן*. Even with all of his attention to mitzvos, the fact that it was Elul did not mitigate his bad middos in any way at all!"

## REVIEW AND REMEMBER

1. Is it appropriate for someone old to marry someone young?
2. What type of relationship creates *מירזומנו* according to R' Akiva?
3. What are the ramifications of begin designated as *מוגפ*?
4. What is the status of a child born to a Jewish mother and a non-Jewish father?

## MUSSAR FROM THE DAF

Their Future Needs

**R**The Gemara explains that if two women fell to Yibum one of whom was permitted to marry a Kohen and the other was not permitted (e.g., she was a divorcee), if the Yevam intends to do chalitzah he should do it to the one who is already forbidden to marry a Kohen so as not to disqualify the other woman from being able to marry a Kohen in the future. On this point, Rebbe taught that one should not dispose of water from his well when other people may need it. Why does Rebbe need this case to teach us this din. Why can't Rebbe learn this from the klal of לֹא יִפּוּךְ לֵעַל מִיּוֹם בְּיָמֶיךָ in which a person shouldn't limit another's benefit of something if they aren't currently using it.

The Mabit explains the chiddush here is that the person who may need the benefit is not in front of us. It is a need the other may have in the future. Therefore, it is not a level of דְּוִד because the other doesn't have a present need.

At the same time even though it is not דְּוִד תְּדִיּוֹם it is not an optional level of a chesed where you are not giving something up of yourself for the other. Here, you are not giving up something for the benefit of the other. It is just a basic derech eretz that the Torah obligates one to think about the future needs of others when there is no loss to you.

There are certain actions which are so basic, they are not even optional because it doesn't cost you anything. Even if there is nobody in front of us, thinking about another is so basic and anything otherwise would reach the geder of assur.

## POINT TO PONDER

The Gemara says that if he a Yavam has the financial wherewithal he can do Yibum for four Yevomos. He should not, however, marry more than four, because we want him to be available at least once a month for each Yevama. Rashi explains that a תַּלְמִיד חָכָם has a weekly obligation to his wife. Since the Mishna is for everyone, how can this apply to someone who is not a תַּלְמִיד חָכָם and is obliged to be available more than once a week?

### Response to last week's Point to Ponder:

Rav Elazar taught in the name of Rebbe 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 else do find such a concept?

The Gemara in ע"ב יב ע"ב uses this same calculation to explain Moshe Rabbeinu's birth and his mother's hiding him for 3 months. According to one of two opinions Moshe was born on 7 Adar in a leap year and was put into a basket in the שַׁפַּת הַיָּאֵר on the 21st of Nissan. The Gemara says that the 3 months are calculated as follows, most of the first Adar, the complete second Adar and most of Nissan. The source of the overall concept is found in Sanhedrin ע"א ס"ט, where the Gemara explains that 3 months represent one third of a 9 month pregnancy and a 7 month pregnancy is similarly visible after 2 and a 1/3 months which is a third of 7. (See also רש"י & פרשת וישב פרק לח פסוק כד

## HALACHA HIGHLIGHT

Is an אֹנֶס Considered Obligated in the Mitzvah?

כל העולה ליבם עולה לחליצה

Whoever is subject to yibum is subject to chalitzah

**R**av Avrohom Avli Gombiner<sup>1</sup>, the Magen Avrohom, writes that a person who is missing his left arm is still permitted to write tefillin. Although there is a principle that only those who put on tefillin are authorized to write tefillin, nevertheless, he is considered obligated in the mitzvah and thus permitted to write tefillin. This ruling indicates that one who is exempt from a mitzvah because he is an אֹנֶס is still considered obligated in the mitzvah. Rav Avrohom Bornstein<sup>2</sup>, the Avnei Nezer cites an opinion that points to a comment of Tosafos as proof to this principle. Tosafos<sup>3</sup> questions how two deaf-mute people could be obligated in yibum when, due to their conditions, they are unable to perform chalitzah and the rule is that whoever is subject to yibum is subject to chalitzah. Tosafos answers that deaf-mute people are, in fact, obligated in the mitzvah of chalitzah but it is considered as if their mouth pains them, causing their inability to speak. This also points to the fact that people who are אֹנֶס are still considered obligated in the mitzvah.

Avnei Nezer, however, challenges this ruling from a comment of Rav Yosef Karo<sup>4</sup> concerning a deaf person blowing the shofar. Bais Yosef rules that although a deaf person possesses mental competency (דַּעַת), he may not blow shofar for others. The reason is that fulfillment of the mitzvah requires the capacity to hear and since one who is deaf cannot hear he is not obligated in the mitzvah and consequently, he cannot perform the mitzvah on behalf of others. This indicates that one who is אֹנֶס is not obligated in the mitzvah.

Rav Tzvi Pesach Frank<sup>5</sup> resolves this contradiction by delineating between the potential to do a mitzvah and the capacity to actually fulfill the mitzvah. Concerning tefillin, the principle is that only those who put on tefillin are authorized to write tefillin. This does not mean that one must be physically able to put on tefillin, rather the intent is that this is a person who bears an obligation to wear tefillin. Since we are only interested in potential because we are focused on the question of writing tefillin, the fact that he cannot wear tefillin can be ignored. On the other hand, concerning a deaf person blowing the shofar for others, it is required that he should be able to actually fulfill the mitzvah, which he is unable to do. Similarly, regarding a deaf-mute performing yibum, it is not necessary for the deaf-mute to be able to fulfill the actual mitzvah. It is sufficient that he is one who bears an obligation in the mitzvah and the handicap that prevents him from actually doing the mitzvah can be overlooked.

1. מג"א סי' ל"ט סק"ד
2. שו"ת אבני נזר א"ח סי' תל"ט
3. תוס' ד"ה כל שאינו
4. ב"י א"ח סי' תקפ"ט
5. שו"ת הרב צבי ארי"ח (א) סי' ל"ז

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