



THE DAF • A • WEEK **שבוע** MATTERS

שבת קודש פרשת צו | מסכת יבמות דף מ"ה

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

לע"נ פערל חיה בת ר' יעקב צבי ע"ה

INSIGHTS FROM OUR CHABUROS

Placing a Task Upon a Slave Before he Immerses

הלוקח עבד מן ההעובד כוכבים וקדם וטבל לשם בן חורין קנה עצמו בן חורין

If an owner wants to avoid having his servant obtain his freedom, he should make sure that he places a physical assignment or task for the servant to perform while he is still in the water of the mikveh before he exits.

This is the basis for a comment of אגרא דכלה (Parashas Yisro, #253). There are thirty six cases where excision—כרת is the punishment. Among them, thirty four are negative commandments, while two of them are positive commandments, where failure to comply earns a person this severe penalty. The two positive mitzvos in this category are milah, and the korban Pesach. Why are these two mitzvos unique in this manner? Furthermore, why is it that Hashem commanded these two mitzvos to the Jews while they were still in Egypt? At that time they were still enslaved and under the control of Pharaoh. What was the purpose of them fulfilling these two acts of allegiance to Hashem at this early moment?

Technically, as the Jews were about to be freed from the slavery of Egypt, if any one of them would have entered into a mikveh for the purpose of being released from bondage, before accepting upon himself to serve Hashem, he could have become a "free man," without being subservient to Hashem, חס ושלום. Therefore, while they were still in Egypt, but before they were officially free, Hashem placed upon them the yoke of Heaven so that they would not be able to declare themselves free of Hashem's service. This also explains why noncompliance with these two mitzvos results in כרת. Anyone who wantonly abandons his obligation to do milah or korban Pesach shows that he wishes to remove the yoke of Heaven from his self. Measure for measure, the appropriate retribution is clearly that he should be removed from the congregation.

The verse teaches (Shemos 12:24): "You shall guard these [mitzvos], as a statute for you and your children for all generations." This teaches that it is the fulfillment of these mitzvos which leads to a commitment for you and your children, forever.

STORIES OFF THE DAF

"Who Hasn't Immersed to be Rid of her Niddus?"

אמר רב אסי מי לא טבלה לנדוטה

After several years of growth and study, a baalas teshuvah of marriageable age was admitted to a well-known Beis Yaakov seminary in America. She was an excellent student of very refined character, who blended in beautifully with her fellow talmidos. Being slightly older than the other girls, she was approached by a member of the community with a shidduch; the boy was learning well in the local yeshiva, and came from a well-respected Sephardic family. The boy and girl seemed suited to one another, but when the boy's family inquired as to whether the girl's parents had observed the halachos of taharas mishpachah and the answer was in the negative, the suggestion was withdrawn.

In distress, the girl ran to her menaheles, and broke down in tears. "I understand there is something called pegam niddus, but why I am responsible for my parent's actions? Isn't there something I can do to rid myself of this?"

Her understanding menaheles said gently, "What makes you think you have a pegam niddus? Just because this boy's family is particular on this matter does not mean that there is something wrong with you!"

The girl looked at her mentor unbelievably. The Rebbetzin went on, "This question came before Rav Moshe Feinstein, zt"l, twenty years ago. A boy asked about whether he should marry a very lovely, sensitive, G-d fearing girl even though her parents were not observant. Shouldn't he worry about pegam niddus? Rav Moshe answered that the proof of the pegam is in the child's behavior. If we see that a boy or girl from an irreligious home nevertheless grows up into a true yarei Shomayim, it must be that there is no pegam. He explained that Hashem sometimes orchestrates events that the mother went swimming in the ocean or a lake just before she conceived, and through השגחה פרטית the child was born without any niddah taint at all. The ways of Hashem are beyond our understanding—and it is clear from your יראת שמים and middos tovos that you are as pure as anyone else! You have nothing to be ashamed of!"

PARSHA CONNECTION

In this week's daf, the גמרא discusses the elevated status of the כהנים. This status is derived from their very important role of serving in the מִשְׁכַּן and later in the הַמִּקְדָּשׁ, which is discussed in the Parsha. The second פסוק says: צו את אהרן ואת בניו which the Midrash points out is the only time in ויקרא that אהרן is mentioned this way, whereas in every other instance the פסוק says בני אהרן. Why is אהרן mentioned separately in this way? The יקר כלי explains, based on the Midrash, that Hashem was upset at Aharon due to his involvement in the Golden Calf. This is directly related to the sacrifices discussed in ויקרא since were it not for the sin of the Golden Calf, there would be no need for atonement via sacrifices. Moshe advocated for Aharon and this is why he is mentioned separately in our Parsha.

MUSSAR FROM THE DAF

Shaping His Home

The Gemora teaches us that when a Bas Yisroel conceives from a non Jew, the child is Jewish. The child, however, cannot marry a Cohen. We see from this Gemara that a child's "Jewishness" is decided based on the mother, while the father would decide where the child falls within Klal Yisroel (i.e., Cohen, Levi or Yisroel and which to which Shevet/Tribe he belongs).

What is the lesson that we can learn from this?

The Kuzari explains that there are different types of creations in this world. The lowest is the Domem (inanimate objects), above that is Tzomeach (plants, etc.), Chaya is next (all animals), then Medaber (Human Beings), and above the Medaber is a Jew. We see that at each level, the next creation is a totally different reality than the previous. With that idea, perhaps we can suggest that a woman creates the Chomer (the substance) of what the child will be. We know that a Yid is a totally different נוציוואת than an Akum. However, just being Jewish is not enough. Just like the Tribes (Shevatim) are decided based on one's father, the father creates the Tzurah (shape) of the home. Just as each tribe had a different approach to life and what their role in this world is, so too the father's role is to shape the direction of the family. To set down a path for the family regarding where they fit into Klal Yisroel. Will their focus be only on gashmius and tayvos or will Kadusha be a priority to them. Will learning Torah be a priority? This comes primarily through the father. Through being a role model in the family, the father has a tremendous responsibility to set the course for his family and for future generations.

POINT TO PONDER

The Gemara says that if a non-Jewish lady went to the Mikva because she was a Niddah, that immersion would suffice to also make her a convert. Why would a non-Jewish lady go to the Mikva for Nidda? How can someone become a convert unintentionally?

Response to last week's Point to Ponder:

The Gemara says that if a Yavam has the financial wherewithal he can do Yibum to 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 תלמיד חכם has a weekly obligation to his wife. Since the Mishna is for everyone, how can this apply to someone who is not a תלמיד חכם and is obliged to be available more than once a week?

Although normally a husband who is not a תלמיד חכם would be expected to spend more time with his wife/wives, this situation is different. Since a יבמה is a wife that is granted to a יבם from heaven, (אשה הקנו לו מן השמים) the obligation to spend time with his wife is treated differently. (See ריטב"א).

HALACHA HIGHLIGHT

The Immersion of a Female Convert

אמר רב אסי מי לא טבלה לנדותה

R' Assi said that she must have immersed herself for her niddah status.

The Gemara¹ gives a detailed description of the process that must be followed when immersing a convert, and there is an interesting discrepancy between the procedure for a male and the procedure for a female. When detailing the procedure for a male, the Baraisa is explicit that the immersion must take place in the presence of Beis Din, whereas when detailing the procedure for a female there is no direct reference to the presence of Beis Din at the moment of immersion. This gives rise to a dispute whether Beis Din's presence is necessary for the immersion of a female. According to some opinions² the presence of Beis Din is necessary for her acceptance of mitzvos but not for the actual immersion. As far as the immersion is concerned, we assume that if Beis Din saw her enter the mikveh and she was accompanied by an upright Jewish woman, we can assume that the immersion took place. Proof to this position can be found in a comment of Tosafos³ in reference to the incident recorded in our Gemara. The Gemara relates that a man was referred to as the "son of an Aramean woman." R' Assi declared the reference unwarranted since his mother conducted herself as a Jew and at some point immersed as a niddah, which counts as an immersion for conversion. Tosafos questions the validity of this immersion since immersion requires the presence of Beis Din. One of the resolutions suggested by Tosafos is that the presence of Beis Din is only necessary for her acceptance of mitzvos but not for her immersion.

Shulchan Aruch⁴, on the other hand, follows the dissenting opinions which maintain that Beis Din must be present even at the time of the immersion. This presents a difficulty in terms of the practical matter of maintaining standards of tznius for the woman who is converting. One practical solution mentioned by Rav Ovadiah Yosef⁵ is to take a large sheet with a hole cut out of the middle and spread it over the entire mikveh. After a woman assists the convert into the water she lifts her head out of the hole in the sheet so that only her head is visible. At that time they inform her about some of the mitzvos and watch her immerse. Thus she immerses in the presence of Beis Din without compromising any standards of tznius.

1. גמ' לקמן מז

2. ע' שו"ת יביע אומר ח"א י"ד סי' י"ט אות א' ב'

3. תוס' ד"ה מי לא טבלה

4. שו"ע י"ד סי' רס"ח סע' ב'

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