



# THE **שבוע** MATTERS

פסח תשפ"א | מסכת יבמות דף מ"ו

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

לע"נ יעקב בן אליהו

## INSIGHTS FROM OUR CHABUROS

### The Process of Purifying in a Mikveh

בהדי דדלי רישיה ממאי אנהו ליה זולטא דטינא ארישיה וכו'

**T**he Gemara suggests that a container of cement be placed upon the slave so that as he lifts his head out of the mikveh he already be in the midst of working for his master, and that he not be given even a moment to declare his independence.

Kesef Mishnah (Avos Hatum'ah 6:16) cites a Tosefta (from Machshirim 2:5) that teaches that a person who is ritually impure does not become purified as he enters the water of the mikveh, but rather as he exits the mikveh. The Achronim discuss the precise intent of the Kesef Mishnah. Does the person become pure only when completely leaves the mikveh, or is it tahara obtained when he begins to emerge?

Our Gemara seems to contain an answer to this question. Minyamin was the slave of Rav Ashi. He was taken to the mikveh to immerse to be a slave of a Jew. Ravina and Rav Acha were assigned the job to administer the situation properly. As soon as Minyamin raised his head out of the water, they were careful to have a package waiting to be placed upon him so that he would be carrying it immediately. This suggests that lifting one's head out of the water after the immersion in the mikveh was not yet effective, and there was still an opportunity for the slave to declare his independence, unless his master would exercise control over him immediately, as he did. It must be, then, that it is not until his entire body leaves the water that purity is achieved. This proof, however, is not conclusive, as noted by פרדס יוסף (Parashas Metzora). He explains that the story of Minyamin could be referring to where the package was arranged while the slave was totally immersed, even before he raised his head from the water, but after he raises his head from the water it would be too late to subjugate him.

Some bring a proof to resolve this question from a Mishnah in Mikvaos (7:6). A mikveh has precisely forty se'ah, and two people enter, one after the other. The first person is tahor, because he entered into a mikveh with the requisite volume of water. The second person is not tahor, because it is inevitable that some water remained on the body of the first person, and the mikveh became depleted. Now, if we say that the process only completes when the person exits the mikveh totally, even the first person should fail to become tahor, because the effect of the mikveh is only determined at the moment the person becomes tahor, and the person himself has depleted the mikveh by the time he exits completely. It must be, therefore, that the mikveh causes its effect once the person exits even partially.

## STORIES OFF THE DAF

הקדש...מפקיעה...  
מדי שיעבוד

### Removing the Lien

**I**t is hard for us to imagine the subtlety and insidiousness of the early Haskalah movement as it penetrated into the observant communities of eastern Europe. One of the gedolei Yisroel once commented on the success of the so-called "enlighteners." "The same evil inclination that entices us to be lazy in our avodah is what energizes the maskil to get up in the morning and fight Yiddishkeit!"

The influence of the Haskalah has continued unabated, and contemporary gedolim have always been vigilant on stemming its influence in the yeshivos. Rav Shach, zt"l, once advised a boy whose friend seemed to be moving quite quickly in the wrong direction to be very careful. The Rosh Yeshiva chided the boy, "Don't you know that you have enough negativity inside yourself to help his warped opinions find a comfortable home in your heart?"

During the last two hundred years, the maskilim have found very fertile ground in the hearts of the young and foolish. Despite their sometimes sophisticated seeming arguments, most of them didn't go adrift because of deep intellectual questions. They became "freethinkers" so that they could act out their hearts' desires unimpeded by conscience.

One time, a certain chassid was slowly moving away from his traditional practices and beliefs and was gradually becoming more modern in his actions and dress. When this young man visited with the Damasek Eliezer of Vizhnitz, zt"l, the Rebbe asked pointedly, "What has happened to you?"

The young man replied, "Rebbe, what can I do? I have a strong yetzer hara which does not allow me to break free of acting on my bad impulses."

The Rebbe responded, "The Gemara in Yevamos 46a states that declaring something hekadesh is one way in which a person can remove a lien from it. But this can be read another way: through consecrating and sanctifying yourself, you can remove the yetzer hara's lien on yourself! If you wish to be freed from your bad impulses you must act to sanctify yourself right now!"

## PESACH CONNECTION

**In this week's daf,** the Gemara references the איסור of drinking a non Jew's wine. This prohibition was designed to ensure that we remain separate from our non Jewish neighbors. We find a very poignant reference to this in the Haggadah. We lift up the second cup of wine while reciting שְׁעַמְדָה וְהִיא שְׁעַמְדָה which doesn't seem to fit the normal pattern for the Seder. Rav Rosenblum explains that lifting of the cup is to indicate that the prohibition on drinking or benefiting from non Jewish wine, is what saved us as a nation! Hence the double meaning of the phrase וְהִיא שְׁעַמְדָה (This is what stood up for us.) This is very appropriate to the Seder since our ability to stay faithful and separated from our surroundings was also one of the unique merits that the Jews had in Egypt. Let's always remember who we are!

## MUSSAR FROM THE DAF

The Freed Slave

The Shulchan Aruch rules that the Halacha accords with our Gemara's ruling that if one buys a slave from a gentile and the slave is toivel for the sake of freedom, the slave goes free. However, Shmuel explains (as per Rashi) that if the Jewish purchaser does some sort of action when the slave is in the mikvah demonstrating that the tevillah is L'shem Avdus, then the slave cannot claim he immersed for the sake of freedom, and he remains a slave.

Does this halacha have any relevance to our relationship with Hashem?

The Bnei Yissaschar explains that we were slaves to Pharaoh in Mitzrayim. Hashem then came and redeemed us. It would be a mistake, however, to think that Hashem redeemed us and set us completely free without any master. Rather we remained servants to Hashem. However, what action did Hashem do to ensure the transfer of status? The Bnei Yissaschar explains that immediately before Hashem performed the wondrous miracles that resulted in Pharaoh freeing the Jewish people, Hashem gave us the two mitzvos of Milah and Pesach which demonstrated our subservience to him and guaranteed that we would remain servants to Him forever. As a result, of that action we became obligated in all the mitzvos. This explains why these two mitzvos are the only two positive commandments that carry with it the punishment of kares. A person who refrains from these mitzvos demonstrates through his actions that he seeks to undo his status as an eved Hashem.

This concept provides us with a whole new insight into the mitzvos of Pesach. By doing the mitzvos of Pesach, we are declaring that we are truly Avdei Hashem. Through the Mitzvos of Pesach we see how Hashem saved us in Mitzrayim and therefore created a shibud to Him.

## POINT TO PONDER

The Gemara recounts an incident whereby רב אשי asked two אמוראים to immerse his slave in a Mikva and ensure that he doesn't become a free Jew in the process. He warned them that if they are not careful and the slave becomes a free man, he (רב אשי) would hold them responsible. How would we assess the damages in such a case? What is the definition of their responsibility?

### Response to last week's 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?

According to most ראשונים, the Gemara's proof of the lady's Jewish status based on her immersion in a Mikva is because her present immersion is a proof that she previously converted and not that this particular immersion served as her conversion. In fact הרהר מן ההר suggests that we could have brought the same proof from any Mitzva that we witnessed this lady performing and the Gemara chose Mikva purely as an example.

## HALACHA HIGHLIGHT

Converting Someone who Cannot be Circumcised

טבל ולא מל ר' יהושע אומר הרי זה גר כו' וחכמים אומרים כו' אין גר עד שמואל ויטברל

*If a person immersed but was not circumcised R' Yehoshua says he is a valid convert... Chachamim say... one is not a convert unless he is circumcised and has immersed.*

Our Gemara records a dispute between R' Yehoshua and Chachamim whether a conversion is valid if a person immerses but is not circumcised. R' Yehoshua maintains the conversion is valid because we find that the women who left Mitzrayim converted without circumcision, thus circumcision is not essential for a valid conversion. Chachamim disagree because we do not derive a possibility from an impossibility. Thus, the relationship between circumcision and the validity of circumcision cannot be derived from women. Shulchan Aruch<sup>1</sup> follows the opinion of Chachamim and circumcision is essential for a valid circumcision.

Rav Tzvi Pesach Frank<sup>2</sup>, the Har Tzvi, was asked about a potential convert who, due to medical conditions, could not safely be circumcised. It was suggested that although circumcision is essential for a valid conversion, perhaps this case is similar to the case in Shulchan Aruch of a person whose member was severed altogether where circumcision is not necessary. Har Tzvi demonstrates that there is no parallel between a case where circumcision is not possible due to missing body parts and where it is not advised because of a medical condition. He suggests, however, that our Gemara has bearing on this question. The reason Chachamim disagreed with R' Yehoshua was because we do not derive a possibility from an impossibility. It could be argued that a person who due to a medical condition cannot be circumcised should be considered in the category of one for whom it is impossible to be circumcised, like women, and circumcision should not be essential. Support for this explanation can be found in the commentary of the Gra<sup>3</sup>. Concerning the earlier mentioned case of a man whose member was severed, Gra writes that circumcision is not essential because this man is categorized with those for whom circumcision is impossible and thus comparable to women for whom circumcision is not essential.

Rav Frank concludes this response, however, with a certain degree of uncertainty about the matter. He is uncertain whether one can equate something that is physically impossible, i.e. circumcising a woman or a man without a member, with something that is physically possible but medically dangerous.

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2. שו"ת הר צבי יו"ד סי' ר"ב
3. גר"א יו"ד סי' רס"ח אות ד'

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