



# THE שבוע MATTERS

שבת קודש פרשת נשא | מסכת יבמות דף נ"ג

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

לע"נ טובא בת בנימין מנחם

## INSIGHTS FROM OUR CHABUROS

A Mitzvah with the Proper Intent

הבא על יבמתו בין בשוגג בין במזיד

This week's daf features the concept of performing a mitzvah without proper intent.

Ben Ish Chai illustrates the story of a great sage who once entered into a large Beis midrash. As he stood for a moment, he noticed that many of the students were participating in the learning in an aggressive and uncompromising manner. This wise man felt quite uncomfortable, as he detected that the learning in that particular Beis midrash was being done without the sweet love for Torah. Many of the people studying there were doing so without mitzvah intent, and they were aiming to flaunt their knowledge and to make an impression upon everyone else.

The visitor called the attention of a few of the students, and he told them that he noticed how that Beis midrash was filled with so much Torah. Several other students gathered around as they overheard what they were certain was a compliment.

The wise man continued. "You must know," he said, "that when Torah is studied properly, for the sake of Heaven, it immediately rises to the uppermost levels of the heavens, and the spirit of its holy words are lovingly cherished by Hashem. This is why Torah is compared to fire (see Yirmiyahu 23:29), as the nature of fire is also to rise up. However, when the study is not done with the proper intentions, it does not fly up to the heights. It remains stuck in the same Beis midrash where it began, and its journey is halted. When I told you that this very Beis midrash is filled with Torah, what I meant is that the Torah learned here is not going anywhere. It is clearly being learned for self-fulfilling goals, and none of it has gotten farther than the rafters of this roof." The students understood and accepted his words of rebuke, and they set out to improve their methods.

We must aim to have the mitzvos we perform fulfill their purpose, that they be desirable to Hashem, and that they not be delayed or trapped down here on Earth. We also pray that the mitzvos be done with enthusiasm, as they are accompanied by the purest of intent.

## STORIES OFF THE DAF

Compelled by Non-Jews

תני ר' חייא אפי' שניהם מזידים שניהם אנוסים אנוס דמתניתין היכי דצי אילימא כשאנסוהו עובדי כוכבים ובא עליה

On this week's daf we find a discussion about the meaning of "forced" relations: when either party, or both the man and woman, were compelled by non-Jews to have relations. The Kinnos of Tisha B'Av, based on Gittin 58a, describes the tragedy of just such a scenario:

"...When the son and daughter of Rabbi Yishmael Kohein Gadol were captured, they were taken by two masters who were neighbors one to the other. And each Roman master would tell the other of his deeds. One said: From the captives of Tzion I brought back a handmaid dressed in the finest scarlet wool, whose countenance is as fair as the moon, and whose beauty can be compared to that of the most beautiful women in the world...

"And his neighbor would respond with twice as many praises of his own prisoner: I too, from the captives of Yerushalayim, brought back a manservant with beautiful eyes. His visage is as radiant as the midday sun. Come, let us mate the two captives and split their abundant offspring between ourselves. [The פייטן cries out: The ears of anyone would tremble violently to hear of such an evil fate...]

"One night, after both captors had agreed to the plan, they sequestered the young man and the young woman in a room alone. And the masters stood outside the room with a single objective—while each captive cried bitterly in terror all night long.

"The young man lamented, awash in dread: How could I, a descendent of Aharon HaKohein, be wed to a handmaid?

And she too, cried and lamented over her degradation: How could I, a daughter of Yocheved, be joined to a slave? Woe that God has decreed this!

"But with the dawning of the sun, each recognized the other. They both cried out, 'Oh, my brother! Oh, my sister!' and they clasped one another and cried until they died in their grief together ..."

## PARSHA CONNECTION

In this week's daf we learn that a Yavam can perform Yibum in many ways, including by mistake or even without intent (אונס וכשוגג). There is a similar Halacha in this week's Parsha in relation to a Nazir who becomes טמא. The Torah writes וְכִי יָמוּת מֵת עָלָיו בְּפִתְעָ פְּתָאֵם וְטָמֵא רֹאשׁ נָזִיר וְכוּ'. Rashi explains that this includes אונס and שוגג. When a Nazir becomes טמא he needs to purify himself, bring sacrifices and start his count anew. The Torah writes: וְהַיָּמִים הָרִאשׁוֹנִים יִפְלוּ כִּי טָמֵא נָזִיר and the first days will fall. Why does the Torah reference these days as having fallen, it could have just said that he needs to start a new count? The Alshich Hakadosh explains that when a Nazir observes his obligations, he elevates himself and is considered holy. Now that he became טמא and needs to start again, the original days which he observed prior to becoming טמא are no longer counted, and therefore "fall" from their previous status. We just concluded counting Sefira and elevated ourselves with Shavuot. Let's keep our elevated level, through the upcoming Summer IYH!

## MUSSAR FROM THE DAF

Stop the Blame Game

The Mishna states that a Yevam can acquire a Yevama even in a situation where he is forced (אונס) to be intimate with her. Tosafos explains that if a person is intimate with another because he has a gun to his head and is scared he will be killed, that is not a situation of אונס.

This is a big chiddush. One would have thought that if a person has a gun to his head he cannot be responsible for his actions because of the anxiety and pressure that he is under.

A great Rav once said that the כפירה of our generation is to find a way to negate any responsibility for our actions. Whether it is one's family or experiences one has gone through, people don't want to admit fault with their actions. We see this in the court system. Criminals are able to create a defense of innocence based on their upbringing.

We see this in everyday life as well. People like to blame everybody else for their mistakes. Children blame their parents and teachers. Employees blame their work environment.

Tosafos is teaching us that even if one has a gun to their head, they are still a Baal Bechira and have to take responsibility for their actions and cannot claim "אונס" (they were forced).

## POINT TO PONDER

**The Mishnah writes** that whether one started the act of ביאה or finished it (אחד המערה ואחד הגומר) he acquires the Yevama. What does the Mishnah mean? If starting the act is enough then certainly finishing it would be enough?

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

The Gemara says that חז"ל instituted נאמר for Yibum as the proper way to fulfill the Mitzvah. תוס' ד"ה דמקדש בביאה, says that even though ביאה is necessary to fulfill the Mitzvah of Yibum, it is still not proper to perform ביאה as the first action. Why is this so? We can understand regular קידושין whereby witnesses observe giving a ring as a more modest interaction, but if by Yibum it is inevitable that the witnesses need to testify concerning the ביאה, why should the timing affect its appearance?

One potential reason for יבום בביאה being פריצות is the fact that witnesses are needed for Yibum. This requirement could be fulfilled with נאמר being done in front of witnesses, alleviating the need for witnesses at the time of ביאה. (See מהרש"א וערוך (לנר)).

## REVIEW AND REMEMBER

1. Can one do a conditional chalitzah?
2. What is the dispute between R' Yochanan and Reish Lakish?
3. What are three opinions concerning the last discussion in the mishnah?
4. Is intention for the mitzvah of yibum necessary for it to be effective?

## HALACHA HIGHLIGHT

Intention to Fulfill the Mitzvah of Yibum

הבא על יבמתו בין בשוגג בין במזיד

*One who has relations with his yevama whether unintentionally or whether intentionally*

Rashi<sup>1</sup> writes that the case of the Mishnah of having relations "intentionally" – במזיד—refers to where the yavam intended to have promiscuous relations and did not intend to fulfill the mitzvah. Rav Yosef Babad<sup>2</sup>, the Minchas Chinuch, suggests that although the Mishnah rules that the yibum is effective even without intention to fulfill the mitzvah and he acquires her as his wife, nonetheless, since mitzvos require intent he is not credited with fulfillment of the mitzvah and if he wants to fulfill the mitzvah they must have relations again. Furthermore, in those cases where the positive command of yibum overrides a prohibition and the Torah permits a yavam to have relations to fulfill the mitzvah, if the first time they had relations he had in mind that he was not going to fulfill the mitzvah it is permitted for them to have relations a second time in order to fulfill the mitzvah. Rav Shimon Shkop<sup>3</sup> disagrees with this assertion and writes that once the acquisition of yibum has occurred and the yevama became his wife it is not possible to fulfill the mitzvah anymore, and in a case of a prohibited relationship they would not be permitted to have relations a second time to fulfill the mitzvah.

Rav Elchonon Wasserman<sup>4</sup> elaborates further and writes that intent to fulfill the mitzvah is not essential to the acquisition and the mitzvah is considered fulfilled. The reasoning is that intent is essential to the fulfillment of a mitzvah only when an action constitutes the mitzvah, e.g. eating matzah or blowing the shofar, but if the fulfillment of the mitzvah is the result of an action, intent to fulfill the mitzvah is not essential. For example, the mitzvah of פרו ורבו is to have children, although the only way to have children is to have relations the relations do not become the mitzvah. Consequently, even if a person did not have intent for the mitzvah of פרו ורבו at the time he had relations the mitzvah is still fulfilled since it is the outcome of the action that is the mitzvah. Similarly, the mitzvah of yibum is to acquire the yevama as one's wife. Since the mitzvah is the result of the action (being married) rather than the action (the yibum itself) intent is not necessary for fulfillment of the mitzvah and as long as the outcome is achieved one is credited with the mitzvah.

1. רש"י ד"ה מזיד
2. מנחת חינוך תקצ"ח אות ה'
3. חידושי ר' שקוף די' ב' אות ה'
4. קובץ שיעורים בתובות אות רמ"ט

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