



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

לע"נ אסתר אביגיל בת חיה רבקה וציפורה רחל בת אסתר מחלה THE DIMONT FAMILY EDITION

THE SHABOT MATTERS

שבת קודש פרשת בהעלותך | מסכת יבמות דף נ"ד

In honor of the Maggid Shir Rabbi Binyomin Halberstam

INSIGHTS FROM OUR CHABUROS

A Niddah Must Immerse in the Mikveh After the Seven Days

ביומי תליא מילתא

Rashash notes that the language of the Gemara seems to suggest that a niddah is טהורה as soon as the requisite seven days pass. He points out that what the Gemara means, however, is that the process of becoming pure depends upon days and immersing.

The fact that a niddah must immerse before emerging from her impurity is not written explicitly in the Torah (Vayikra 15, in Parashas Metzora, where the laws of niddah are written). Nevertheless, Tosafos (earlier, 47b במקום ד"ה) lists three possible sources for this halacha.

The first proof is in the name of Rabbi Yehuda Gaon. The verses teach that when a person touches either her (ibid. verse 19) or a bed upon which she laid (ibid. v. 21), they require immersion before they can be pure. Logic tells us that if these secondhand levels which merely touched things she touched must be immersed, then she herself must undergo immersion before becoming pure.

The second proof is brought in the name of Rabeinu Tam. The Gemara (Avoda Zara 75b) learns that utensils purchased from a gentile must be immersed in water "that is suitable for a niddah - נ"י - נדה" (Bamidbar 31:23). We see implicitly that the Torah requires a niddah to immerse in a mikveh.

Finally, Tosafos cites Rabeinu Yitzchok, who brings the Gemara in Shabbos (64b) which states that "a niddah shall remain in her status—תהיה—בנדתה" (Vayikra 15:19) until she enters a mikveh. Shabbos (47a, note א') adds two mores sources which indicate that a niddah requires immersion before she can become טהורה.

When the Beis Yosef cites this halacha, he also brings the words of Rambam (איסורי ביאה דג): "ורחצו במים" Vayikra 15:18, This is the source that all impurities must undergo immersion before they are purified. Beis Yosef also cites a verse in Zecharia (13:1) which refers to the fact that a niddah must immerse as part of her טהרה.

STORIES OFF THE DAF

Avoiding Embarrassing Others

נפל מן הגג ונתקע חייב בארבע דברים

TOn this week's daf we learn that one who inadvertently embarrasses another by falling off the roof doesn't have to pay for causing shame to the victim. Although we learn from this that this particular payment of damages is only required of one who caused embarrassment intentionally, it is still better to avoid embarrassing another if it is at all possible.

The Chazon Ish, zt"l, was exceedingly careful not to embarrass anyone even inadvertently. One time, he arrived first to a bris. As was often the case, the Chazon Ish had gotten almost no sleep for many days and was exceedingly tired. Since he felt like he was going to literally collapse from exhaustion, he laid down on a bench to get some badly needed rest. As other guests arrived at the bris, one guest said to another, "Look at the meshuganner who is sleeping on a bench!" His friend recognized the "meshuganner" and blurted out, "That's the Chazon Ish!"

Although by this time the Chazon Ish had woken up and overheard the exchange, he remained motionless for a long time to limit the natural embarrassment of the first speaker. Only after he was sure that the man had been given enough time to mingle in the crowd and he was reasonably assured that the man would not be recognizable, did the Chazon Ish get up and join the guests.

On another occasion, the Chazon Ish was attending a sheva berachos where the entire speech given by the chosson was based on false hashkafos, to which it was known the Chazon Ish vehemently objected. Everyone wondered how the Chazon Ish would handle this; he was so careful never to embarrass others, yet if he didn't protest people would surely think that he agreed with the statements made.

During the entire speech, the Chazon Ish was silent. Immediately after the chosson concluded, the gadol said in a calm and gentle voice which all could hear, "That is not true." This way, obvious and direct embarrassment to the chosson was minimized, and everyone knew that the Chazon Ish did not agree!

PARSHA CONNECTION

In this week's daf, we learn about various relationships which are prohibited, including one's sister. One of the most famous Jewish sisters is Miriam who saved her brother Moshe. In this week's Parsha we read that Miriam was complaining to Aharon about Moshe, and Hashem came out and defended Moshe. When explaining why Moshe is different, Hashem says among other things, "פה אל פה - מו"פ - Mouth to mouth I speak to him". This phrase is difficult to understand, since we listen with our ears? It should have said that Hashem speak directly to Moshe's ear not his mouth. The Alshich Hakadosh explains that when Hashem gave Moshe a נבואה he placed the words in his mouth. This is similar to the expression שכינה מדברת מתוך גרונו, which means that Hashem was כביכול speaking from Moshe's throat.

MUSSAR FROM THE DAF

In the Know

ישן לא קנה ביבמתו

The Gemara says that a Yavam cannot acquire a Yevama if he is sleeping. Rashi explains that the reason for this rule is that one who is sleeping is not a Bar Daas. How is sleeping worse than one who is intimate with the Yevama B'shogeig, B'mezid or אונס? It seems that Rashi understands that the most minimal amount of Daas needed to acquire the Yevama is to be aware consciously of the action that the Yavam is doing. And it seems that this very low level of daas needed to do this Yibum kinyan is unique in the Torah. This is probably because in this rare case, Chazal tell us that the Yevama is maknah (gifted) to the Yavam from Shamayim (Daf 41).

Abaya says (Nedarim 41a) that true poverty is only one who lacks Daas, אמר אביי נקטינ אין עני אלא בדעה.

What is the connection? Perhaps we can learn from the Halacha of Yavam that Daas is a prerequisite for true ownership. Chazal are teaching us that Hashem can be sending a person many wonderful gifts. Yet if he is a person who is not living consciously, i.e., he is asleep, then he won't have the daas to acquire those gifts. He is therefore a very poor person who doesn't get to enjoy and appreciate all the gifts that he has.

To truly feel and appreciate the wealth we have, (and thereby acquire it) one needs to "wake up" and spend time contemplating the gifts he receives on a constant basis from Hashem. For example, simply learning about the complexity of the human body, gives a person a new awareness of the treasures within oneself.

POINT TO PONDER

The Gemara discusses the meaning of אונס in the Mishna and one suggestion is that the Yavam was asleep. The Gemara says that if he was asleep he cannot be קונה. Rashi explains that when he is asleep he is not a בר דעת, he doesn't have his faculties, and therefore he can't acquire anything. We learnt in the Mishna that someone who has no intent to acquire, but is only interested in ביאה or someone who thought that he was living with someone else (his wife), are both able to acquire. Since we see clearly that intent to acquire is not necessary, what does Rashi mean when he says that he is not a בר דעת?

Response to last week's Point to Ponder:

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

There is no difference between starting and finishing as it relates to acquiring the deceased brother's property, but there may be differences in relation to her eating Terumah if he is a Kohen. In addition, if he specifically said that he wants to acquire the Yevama only upon finishing the act of intimacy the משנה is saying that his desire doesn't matter and he is nevertheless קונה with העראה. (See אבני מילואים סימן לג' ס"ב).

HALACHA HIGHLIGHT

Honoring
a Father

ואי כתב רחמנא באחות אם שכן ודאית

If the Torah wrote [the prohibition against marrying a parent's sister in the context of] one's mother's sister, I would assume it only applies in that case since she is certainly [related].

The Gemara indicates that there is greater certainty to identify one's mother and her relatives as definite relatives as opposed to one's father's relatives who may not, in fact, be related. The reason halacha assumes a father-child relationship is based on the halachic principle stated in the Gemara Chullin¹ that most relations a woman has are with her husband. Consequently, although there may be some doubt concerning the father-child relationship, nonethelless רוב majority, indicates that the relationship is certain. Accordingly, Rav Chaim Soloveichik² poses an interesting question. The Gemara Kiddushin³ rules that when a mother and father ask their child to bring them food, the child is obligated to bring food to the father first since both the child and the mother are obligated to honor the father. Asks Rav Chaim, since the maternal relationship is known with certainty and the paternal relationship is only known because of רוב it would be logical to give priority to the mitzvah that is based on certitude rather than the mitzvah based on a halachic assumption. Rav Chaim answered that it would be disrespectful to the mother to honor her before the father because of the possibility that she may have had an adulterous affair. Therefore, a component of honoring one's mother is to behave as though one knows with certainty that the paternal relation is certain, and honor is given to the father before the mother.

Rav Yosef Shaul Nathanson⁴ arrives at an interesting conclusion based on this discussion. The assumption of paternity is based on the principle of רוב, as mentioned above. Pri Megadim⁵ writes that the principle of רוב does not apply when it comes to non-Jews. Accordingly, a non-Jew cannot be obligated in the mitzvah of honoring his father since there is no certainty that there is a father-child relationship. Rav Dovid Avrohom Mandelbaum⁶ suggests that this is the source of the Gemara's statement that only those who are subject to the mitzvah of honoring a father can become nazir, thus non-Jews are excluded. Why are non-Jews excluded from honoring a father? It must be based on the reason suggested - that the father-child relationship cannot be known with certainty for a non-Jew.

1. גמ' חולין יא
2. כן מובא בשמו ע' משאת המלך המלך שמות כ:יב
3. גמ' קידושין לא
4. דברי שאול מהדורא ד' פר' במדבר ומובא דברי בפרדס יוסף החדש דברים ה:טז
5. פרי מגדים יו"ד ס' ס"ב
6. פרדס יוסף החדש הנ"ל

ר' יוסף שמואל שמעלקא Shelly Mermelstien לע"נ has been dedicated in יצחק מערמלשטיין ז"ל. For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, dafaweek.org, or download the app

To share an insight from your Chabura please email info@dafaweek.org

The shavua matters is published by the Daf a week program under the rabbinical guidance of Harav Meir Stern shlita and Harav Shmuel Kamenetsky shlita

To sponsor a publication, please contact Rabbi Zacharia Adler, Executive Director at info@dafaweek.org or call 507-daf-week. Sponsorship for one week is \$72

Sections reprinted with permission from the Chicago Torah Center