



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

The Hakuk Edition English Topics on the Daf

Dedicated l'refuah sheleima for Yaakov ben Victoria

By Rabbi Mordechai Papoff

THE SIXTH PEREK OF YEVAMOS IS DEDICATED:

לע"נ גרשון בן החבר מרדכי



YEVAMOS DAF 55 IS DEDICATED:

הרב גרשון הרב יצחק משה ז"ל ל'Zecher Nishmas

Yevamos Daf 55

Our Gemara on amud beis notes the places where the Torah emphasizes “lying with seed” and that it implies that anything less doesn’t count. When it comes to Sotah the Gemara tries to understand what is excluded. Suggesting non-intercourse contact, it then refutes it, “Does the Torah forbid pritzus?”

This sounds like anything short of biyah is not forbidden by the Torah. Since the Gemara remarked so easily that it can’t be forbidden, Rishonim apply this to all halachos of arayos; other contact is only midirabonon.

However, this is a major dispute, most famously between the Rambam and the Ramban.

In his Sefer Hamitzvos (Mitzvah 353), the Rambam codifies the issur to “draw near” to any woman forbidden to us, as the possuk says, “Do not draw near to uncover nakedness.” The Sifra learns it as two

separate issurim, which the Rambam explains as “do not draw close, so that it shouldn’t lead to gilui arayos.” This includes hugging and kissing and the like.

The Ramban takes issue with this based on the Gemara in Shabbos 13a. Discussing whether a man may lie clothed in the same bed as his niddah wife, it brings a Beraisa expositing a possuk in Yechezkel that it’s forbidden. Then it notes that Rabbi Pedus argues and maintains that the only thing forbidden by the Torah is actual relations; touching is only midirabonon, and if they are clothed it should be permitted. Now, argues Ramban, if the Gemara held like the Sifra, why didn’t it bring it? It must be that it does not concur with that Midrash, and assumes the issur is at most midirabonon (since the source is in Nevi’im, not Chumash). Anyway, the Sifra very likely also only means midirabonon, and the derasha is just an asmachta (Rabbinic hint in the possuk).

The Shulchan Aruch (Even Ha'ezer 20:1) rules, "One who comes in contact with one of the arayos, hugs or kisses them and derives pleasure from the contact receives malkus." The meforshim there connect it to this machlokes. Chelkas Mechokek learns this as following the view of Rambam, that any contact is forbidden by the Torah.

He then cites the Rashbatz who brings our Gemara as proof for the Ramban, that only biyah is midioraisa. Many Acharonim reject the proof, because as Rashi explains, all the Gemara means is that it isn't enough to cause a woman to become forbidden to her husband. It could be forbidden from the Torah, though.

Even according to the Rambam, there are different opinions as to the extent of the issur. Is any contact ossur midioraisa, or only if done in a manner of intimacy?

The Beis Shmuel quotes a teshuvah that any contact is forbidden. The Beis Yosef invokes this same source pertaining to a niddah. In Yoreh Deiah 195:17 he writes that even if a man is a doctor, he cannot check his wife's pulse if she is a niddah. If she is in danger and there is no other doctor around, the Ramban says he may – but the Rambam would forbid it! As this falls into the category of gilui arayos, it's forbidden without any exception; yehorag v'al yaavor.

On the other hand, the Shach (ibid. 20) disagrees. The widespread practice, he writes, is that Jewish doctors treat female patients, checking their pulse and touching them as needed. Although the

Shulchan Aruch holds like Rambam, these are permitted, since they are not "derech chiba" (done in a fashion of intimacy).

Rav Moshe Feinstein ruled like the Shach, in a teshuva permitting travel on crowded subways and busses (Igros Moshe E.H. 2:14). There is no concern about deriving pleasure from contact with female passengers, nor likelihood that it would lead to anything forbidden. He elaborates that even the Beis Shmuel would agree, since the context in Yoreh Deiah is about one's niddah wife, where it certainly could lead to more interactions. Among strangers in a public place, non-intimate, accidental contact is not a problem. He deliberates if it would be problematic to ride next to one's wife on a subway if they would bump into each other, but is inclined to permit it. He further cautions that if someone finds himself having impure thoughts or sensations in such a situation, he should concentrate on words of Torah to distract himself.

Another common application is shaking hands with the opposite gender. Rav Moshe forbade it (O.C. 1:113; E.H.1:56 – apparently, since it is a personal display of association, it may well border on derech chiba). In response to a petitioner who said some frum people do shake hands when proffered, he suggests that they hold it isn't derech chiba, "but practically it is difficult to rely on this" (E.H. 4:32).