



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 שבוע MATTERS

שבת קודש פרשת האזינו | מסכת יבמות דף ע'

לע"נ ר' יעקב בן נחמן

INSIGHTS FROM OUR CHABUROS

An Uncircumcised Male Does Not Eat Teruma

הערל וכל הטמאים לא יאכלו בתרומה

Rashi explains that the case of an uncircumcised male is where the brothers of this person underwent milah, and they died tragically due to the procedure. As soon as a chazakah is established, and we see that milah is causing the death of the children of this family, we do not allow milah to be done to any other boys in the family, as it poses a life-threatening danger to the child. If this child is a kohen, he cannot eat teruma, and when he grows older and marries, his wife cannot eat teruma on his behalf. Tosafos cites Rashi, and agrees that this is, indeed, the case of the Mishnah.

The point of Tosafos is that we might have thought that the case where teruma must be withheld is that of a newborn, who has not yet had his bris milah (ערל), but a person who is forcibly prevented from doing the mitzvah due to uncontrollable circumstances might be allowed to eat teruma. The truth is, though, that the Mishnah teaches the case of אחיו. The proof of Tosafos is that the Gemara (71a) asks whether teruma oil may be spread on a newborn before he has his bris, and the Gemara does not refer to our Mishnah to resolve the issue. It must be, says Tosafos, that our Mishnah is not dealing with an infant before his scheduled bris, but rather a case of even an older person, where the bris was suspended due to mortal danger.

Throughout shas, Rabeinu Tam argues against this interpretation, and he insists that the case of לרע is where the person is required to have a bris, but he consciously neglects to do so due to fear of danger or of pain (משומד לערלות).

STORIES OFF THE DAF

The Uncircumcised Child

הערל וכל הטמאים לא יאכלו בתרומה

We find on today's daf that an uncircumcised Jew may not eat teruma. Although such a person is excluded from certain mitzvos and incurs a terrible punishment as an adult, he is nevertheless a Jew.

Once, Rav Chaim of Brisk, zt"l, was in Petersburg at a meeting with other great Rabbonim when the issue of whether uncircumcised Jewish children should be included in communal registries arose. All of the Rabbonim agreed that exclusion would make assimilationist parents think twice before deciding to forgo the mitzvah and was therefore a sound idea; Rav Chaim was the sole dissenting voice at the meeting.

He exclaimed, "Rabbosai! Show me where we find that an uncircumcised child is not a Jew! We know full well that such a child may not eat terumah or from other korbanos, but he still has the innate kedushah of a Jew! If he fails to fulfill the mitzvah later, when he comes to majority, it's true that he is liable to terrible punishment—but this is no different from the punishment incurred by a person who ate cheilev or blood, or who desecrated the Shabbos. Why, then, should you single out such a child? Quite the contrary—one would think there is more room for leniency here because it is the parent who is at fault, not the child!"

One of the Rabbonim at the meeting then told a related story, "There was a Jew in Warsaw who refused to circumcise his son, and when the unfortunate child died soon after, the community leaders refused to bury the child." All of the other Rabbonim agreed emphatically with the decision made in Warsaw, but Rav Chaim again expressed his disapproval.

He said, "As we find in the Gemara, an uncircumcised child is forbidden to eat teruma, korbanos, the Pesach offering, and to serve in the Beis HaMikdash. Nowhere do we find that he is to be denied kever Yisroel.

Rav Chaim concluded, "If you really want to stop the secularists, tell the parents that they won't be buried in the Jewish cemetery, not the child!"

PARSHA CONNECTION

This week's daf we learn the concept of בני בנים הרי הן כבנים, which means that grandchildren are like children. Parshas האזינו tells us to look at the previous generations, בינו שנות דור ודור "Analyze the generations". What are we supposed to glean from this analysis? The כלי יקר explains that there is a very important message that we need to take from the earlier generations. The גוים believed that the world was always here and is not a creation of the ריבונו של עולם. Looking at the past and seeing how the first generations lived very long lives (hundreds of years), and we live relatively short lives, should cause one to try and understand why it changed? Once we understand that הקב"ה created the world and that it was less than 6000 years ago, we can explain that the first generations needed many years to discover and "invent" things that later generations will have. Later generations don't need as much time because we have a much shorter learning curve and can accomplish more in less time! Let's use our time wisely and make this year special!

REVIEW AND REMEMBER

1. Is an exposition needed to teach that grandchildren are like children?
2. What is one source that one who is uncircumcised is prohibited from eating teruma?
3. Is an אונן permitted to eat teruma?
4. Does the non-circumcision of one's children prevent one from eating teruma?

POINT TO PONDER

The Mishna says that an ערל should not eat תרומה. The גמרא brings two opinions regarding the source for this din. One is that we learn it from פסח, and the other is רבי עקיבא who compares ערל to טמא. In defining ערל Rashi says that it refers to someone whose brothers died because of their חילה and therefore he can't do a bris since it's a dangerous situation for him. Another example of an ערל not mentioned in Rashi is someone who refuses to be circumcised out of fear, or להכעיס. If we compare an ערל to a טמא would it also include these additional examples, or would it be limited to one who is similar to a טמא, meaning it's involuntary? (see תוס' חגיגה ד"ב ע"ב)

Response to last week's Point to Ponder:

In an earlier גמרא, regarding slaves of a deceased כהן, Rebbe Yosi says that if the widow is pregnant, the slaves cannot eat תרומה. The implication is that if we do not know that she is pregnant, the slaves could eat תרומה. Why didn't the גמרא ask the same question regarding רבי יוסי on הבחנה, i.e., even if the widow is not known to be pregnant the slaves should not be permitted to eat since maybe she is pregnant?

In the case of רבי יוסי, if she is not visibly pregnant we have a ספק ספקא; maybe she is pregnant and even if she is pregnant maybe it's a girl. Since (according to Rashi) there are other brothers who inherit the slaves and are feeding them תרומה even רבי יוסי would hold that in case of a ספק ספקא we don't have to worry about her maybe being pregnant. (See קרן פ"א). Another potential answer is as follows: in case of a בת כהן who may have become pregnant from a non-Kohen the עובר will disqualify her from eating תרומה, in the case of the slaves the concern is the stake of the עובר and since there is currently no עובר we don't have a monetary interest which belongs to the עובר that would interfere with the other brothers' interest in the slaves. We don't worry about the possibility that he may have an interest in the future.

HALACHA HIGHLIGHT

Qualification of a Laser as an Instrument for Circumcision

הערל וכל הטמאים לא יאכלו בתרומה

An uncircumcised person (i.e. Kohen) and all those who are ritually impure may not eat teruma.

The Torah obligates the circumcision of all Jewish males, unless the circumcision would endanger the individual. One of the conditions that pose such a risk is hemophilia, a condition represented by a clotting deficiency in the blood such that the bleeding from even minor injuries can possibly become life threatening. Some options¹ have been suggested to be able to safely circumcise even a hemophiliac child.

The Strasbourger Rav, Rav Avraham David Horowitz² was asked whether a hemophiliac could be circumcised with a laser. Being that the laser cuts by means of burning the flesh, it usually does not cause bleeding and thus would not pose a clotting problem. Rav Horowitz's response centers on the acceptable tool for performing the circumcision. Metal is identified as the optimal material for the circumcising instrument³. However, in the absence of metal, any material that cuts would be acceptable. Rav Horowitz distinguishes between the instrument for ritual slaughter that must be knife-like and the instrument for circumcision which must simply effect a cut. For this, the laser may be a cutting instrument. Thus, in the absence of other options, Rav Horowitz accepts the laser for performing a circumcision on a hemophiliac, with some additional conditions.

Rav Yitzchak Yaakov Weiss⁴ and Rav Shlomo Zalman Auerbach⁵ reject this option. They reference the position of Rav Meir Arik⁶ that circumcision requires the hand's direct cutting action, and thereby question whether the laser's cutting action can be considered truly direct since the laser is merely placed in proximity to the flesh and it burns on its own.

Rav Shmuel Wosner⁷ posits that even if we accept that the laser circumcision is lacking in the cutting requirement and therefore is not considered Halachic circumcision, yet the result would still be that the individual is no longer deemed uncircumcised (ערל) and therefore the procedure should be performed. Tosafos Yeshanim⁸ in our passage does not consider individuals whose brothers' died due to circumcision to be prohibited to eat Terumah since the removal of their uncircumcised state is beyond their control (אונס). With the availability of the laser option, writes Rav Wosner, the hemophiliac may not be permitted to eat Terumah, because the opportunity to remove his uncircumcised status exists, even if it may not be Halachic circumcision.

1. ע' בס' נשמת אברהם (חי"ד סי' רסג אות ד) ובס' אוצר הברית ח"ג שער א' פ"א סי' ג
2. שו"ת קנין תורה ח"ג (סי' מו). וכן ראה בשו"ת משנה הלכות מהד"ת ח"ב (סי' קעד)
3. שו"ע יו"ד (סי' רס"ד ס"ב)
4. שו"ת מנחת יצחק ח"ח (סי' פ"ט)
5. שו"ת מנחת שלמה ח"ב (סי' צז שאלה יז) וכן ס' נשמת אברהם ח"ה (יו"ד סי' רס"ד אות א')
6. שמוע מפיו
7. שו"ת אמרי יושר ח"ב (סי' קמ)
8. שו"ת שבט הלוי ח"ט (סי' יר"ב) וכן ראה לעיל שם (סי' רח)
8. תוס' ישנים בהתחלת פירקין

ר' יוסף שמואל שמעלקא ב"ר יצחק, Shelly Mermelstien, לע"נ Yevamos has been dedicated in 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

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