



לעי"נ ברוך בענדיט ובורה 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 EIGHTH PEREK OF YEAMOS IS DEDICATED:

לזכר גשמת שלמה בו יהושע והחבר דוד בו החבר מרדכי

## Yevamos Daf 73

### Mitzvos of biyur and vidui maasros

We have a Beraisa on our daf discussing details of mitzvos pertaining to produce grown in Eretz Yisroel. Contrasting maaser and bikkurim with terumah, it says that the first two require vidui and biyur, as opposed to terumah. Let's explore these two mitzvos, and try to clarify if they apply in our days or not.

The Torah tells us, "At the end of three years, remove all the maaser of your produce... The Levi shall come... the convert and widow, and they will eat and be satiated" (Devarim 14:28-29). This is the mitzvah of biyur, giving all the matanos that were to be to have been given until now. Later on, in Perek 26, the Torah describes vidui maasros. After distributing the various tithes in the third year, one must come to the Beis Hamikdash and recite the formula written there: "I have removed the holy things from the house; I have given it to the Levi, the convert, the orphan and the widow..."

The first question is, are these two parshiyos dependent on each other? Particularly, vidui is supposed to be done in the Mikdash, but biyur need not be. Does either mitzvah apply today?

The Rambam elaborates on the details of vidui in Hilchos Maaser Sheni Ch. 11. He

begins with the heading of the mitzvas aseil of vidui maaser, describes the entire process, and notes that it cannot be done until all the matanos have been distributed properly.

Minchas Chinuch (Mitzvah 607) emphasizes that vidui and biyur are two separate mitzvos. The Torah lists them separately. Chazal say vidui was cancelled during the era of the Second Beis Hamikdash, but biyur certainly continued, as he proves from several accounts of such. And it still applies today, at least midirabonon. He's therefore bothered that the Rambam does not list mitzvas biyur as an independent mitzvah ("צריך עיון כעת").

Also relevant to us is the Rambam's comment in Halacha 4: Whether or not the Beis Hamikdash stands, one is obligated in biyur and vidui. The Raavad protests that the pesukim clearly state that vidui must be done in the Mikdash! If there's no Beis Hamikdash, it's patently impossible. Kessef Mishnah and Radvaz defend the Rambam and suggest that it's not me'akev; it is only preferably done in the Mikdash, but is acceptable anywhere. Accordingly, it still applies in our days.

These issues come to the fore in the explanation of a Mishnah in Maaser Sheni (5:7). What should someone do with his

maaser sheni in our days, when the time of biyur arrives? Beis Shammai say to redeem them onto money (and bring it to Yerushalayim). Beis Hillel say, "money is the same as fruits." The Bartenura explains that it all needs geniza (burial or the like), so redemption is useless. Rambam explains that the fruits need biyur. What is the core of their dispute?

It follows the machlokes we just mentioned, explains Mishnah Rishona. Bartenura holds like the Raavad in that mitzvas vidui applies only when there's a Mikdash – and biyur goes along with it. In fact, biyur is subordinate to vidui, as the main part of the mitzvah is vidui. That is why Rambam lists only vidui in his preface to the topic! Since there's no mitzvas vidui today, no biyur is necessary, either. Instead, we do geniza. Rambam, on the other hand, elucidates our Mishnah in line with his opinion in his Yad Hachazaka that vidui does still apply in our days, and thus biyur does, too.

Thus, biyur may be a separate mitzvah from vidui, but it is considered an auxiliary aspect of vidui. As the Rambam teaches in his Yad (ibid. 7), one cannot say the vidui until he has completed the distribution of all the matanos. The recital includes, "I have done all that You have commanded me." It's thus a prerequisite for vidui (Toras Ha'aretz 3:56).

The Chazon Ish (Demai 2:7) has a different way of viewing this, and it impacts the relevance of these mitzvos to our times. He comments that biyur does not have to be done right before vidui. On the contrary, it's the last chance to do it. Alacrity calls for taking care of it earlier! Therefore, biyur is not associated with vidui, but is included in the laws of terumos and maasros. This is another answer to the Minchas Chinuch's question of why Rambam doesn't list biyur

separately; it's simply the culmination of hafroschas matanos.

According to this approach, even if we follow the opinion of the Raavad that vidui does not apply today, biyur still would. It is not dependent on vidui. And, adds the Chazon Ish, women would be obligated in biyur, since it's not a time-related mitzvah. The date when vidui is done (the last day of Pesach) is just the last chance to do it; it is relevant the entire time.

One more perspective is alluded to by the Chazon Ish and elaborated upon in Mitzvas HaMelech (p. 166). The Rishonim asked why it's called "vidui," usually associated with "confession" of a misdeed. Yet, here he's doing the very opposite – he's congratulating himself for carrying out all the halachos? The Minchas Chinuch suggests that it refers to someone who delayed giving the matanos until the third year. Now, he finally does his duties, right at the deadline. For that, he confesses! What is striking about this explanation is that if one already gave all his matanos, he would not say vidui maaser... The Sefer Hayereim mentions that vidui is done "at the time of biyur," implying likewise, that only if the biyur was delayed is vidui recited.

With this understanding, we can conjecture that biyur is not listed as a separate mitzvah because it is essentially a post-facto correction of procrastination.

Rabbi Moshe Mordechai Karp shlit"a in his Mishmeres Terumosoi concludes that biyur should be done, but vidui is not practiced, since we do not carry out the halachos as they are Biblically instructed. (For example, we don't give Kohanim terumah. See there, Perek 1 and 2.)