



# *The Hakuk Edition* **English Topics on the Daf**

*Dedicated l'refuah sheleima for Yaakov ben Victoria*

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## **Yevamos Daf 90**

### Parameters of MitzvasTzitzis

One example in the Gemara of a takanas Chazal to annul a mitzvah dioraisa is “tzitzis on a sheet.” Rashi explains that it really needs tzitzis, being a four-cornered garment, but Chazal said not to put them on out of concern that one would do the same for a sheet used only at night. Such a garment is exempt from tzitzis, so if the sheet were to contain linen and the tzitzis wool, it would be a problem of shatnez.

The Gemara responds that this is a case of “shev v'al taaseh,” a passive violation, which the Rabbis have power to institute.

The problem is that donning such a sheet is an active violation! How could it be considered shev v'al taaseh? Tosfos asks this, and answers with a fine distinction. We need not have tzitzis on our clothes until we already have them on. Thus, at the precise moment of covering ourselves with the sheet, we are not yet obligated in tzitzis. Only after it's on are we obligated – and by that time we're not doing an action. So it's shev v'al taaseh!

Tosfos is not so comfortable with this answer, though, since the beracha we make on a tallis is “l'hisateif” – to don the tallis. Doesn't this imply that the mitzvah begins right away? Tosfos HaRosh offers that it refers to the state of “being covered with the tallis;” the beracha is made beforehand like by all mitzvos.

The Shaagas Aryeh (Siman 32) is puzzled by Tosfos' answer. In the sugya of aseidocheh lo sasei, the Gemara established that the aseidocheh must be performed at the same time the lo sasei is being violated, not afterwards. We know that shatnez is permitted in tzitzis. But according to Tosfos, it should not be – shatnez is transgressed immediately when such a garment is put on, yet the mitzvah of tzitzis is not accomplished until afterwards?

Additionally, he challenges Tosfos' idea that it can be called a passive violation since at the precise moment of obligation he isn't moving. But, we find many other instances in which a process or situation is initiated by an action and so the entire thing is considered active. For example, the Gemara in Makkos (21a) says that if someone is wearing shatnez and is warned that it's forbidden, he will be punished with malkus (lashes) for each time he's duly warned. He's liable for each span of time he continues wearing it such that he could have taken it off and put it back on. He didn't move a muscle – and we don't give malkus for passive aveiros! It must be that the initial donning of the garment suffices for it to be considered an active aveira for the duration of his keeping it on. So too here – even if mitzvas tzitzis begins only afterwards, the original action should carry over through the entire time he wears it?

Rather, says the Shaagas Aryeh, there's a fundamental difference between lacking tzitzis and other aveiros such as shatnez. Shatnez is a forbidden article, and can be considered an active aveira due to the earlier action. A garment lacking tzitzis, on the other hand, is not an overtly forbidden item. Putting it on is just a negligence to fulfill the Torah's command.

He compares it to the halacha of reiyah, that every Jewish male must appear in the Beis Hamikdash on the Yomim Tovim and bring a korbon. What if someone comes without a korbon – does he get malkus for violating the mitzvah? The Rambam says no, because it's a passive aveira. But, didn't he walk in – isn't that an action? Explains the Shaagas Aryeh, since the point of violation is the absence of a korbon, it's considered a passive aveira even though he did an action.

A practical application of this concept is if someone does not have kosher tzitzis on his tallis: can he put it on anyway? We mean that he has no way of getting it, or if it's Shabbos, when he cannot tie on new tzitzis. He quotes the Mordechai (Hilchos Ketanos 1044) that it is indeed permitted! It's simply an obligation to cast tzitzis onto your garment, but it is not forbidden to don a garment lacking them. "Is it forbidden to enter your house if you didn't put up a mezuzah?" the Mordechai asks rhetorically. Clearly, it is a mitzvah incumbent upon the person, but its lack does not render the garment a forbidden article.

What inherently is the difference between kum v'asei and shev v'al taaseh, active and passive aveiros? Rav Elchonon Wasserman (Kovetz Hearos Siman 69) explores this topic and offers two options. Perhaps an active aveira is more stringent than a passive one, so Chazal are empowered to override only passive ones.

If we look at it another way, when Chazal tell us to passively evade a Torah commandment, it does not directly uproot it. It is merely a limited, indirect bypass of the mitzvah, enacted for appropriate reasons. The difference would be if the mitzvah still exists after the Rabbis said not to do it. According to the first perspective, it's nullified; in the second way it still remains.

If we analyze our Tosfos, it is clear that he understands the second way. The very question that donning a tallis without tzitzis is an aveira indicates that the dioraisa mitzvah did not vanish. Furthermore – to defend him from the Shaagas Aryeh's objections – Tosfos deems it an active aveira simply because it involves an action, no matter that it's not overtly forbidden. Therefore, he needs to answer that mitzvas tzitzis is relevant only later. Malkus has a different set of prerequisites, and whenever the aveira is inherently non-active, it's considered shev. And tzitzis could be docheh the lo sasei of shatnez because the action of putting it on occurs simultaneously with the issur.

We mentioned earlier the halacha that if someone cannot get kosher tzirtzis, he may nonetheless wear the garment. The Mordechai quotes this in the name of the R"i, who is also the Baal HaTosfos in our Tosfos. The Shaagas Aryeh saw this as a contradiction: Our Tosfos assumes that if one dons a tallis without tzitzis, he is doing an active aveira. So how would it ever be permitted to put on a four-cornered garment without tzitzis? Rav Reuven Grozovsky feels that this is no contradiction. Once Tosfos answered that chiyuv tzitzis begins only after he puts it on, we can permit a possul tallis to be put on. There was no obligation to have tzitzis when he donned it, and when it would become relevant, the extenuating

circumstances allow him to leave it on  
(Chiddushei R' Reuven, Sukka Siman 4).

The Mishnah Berura holds like the  
Mordechai, but not to go outside with it if  
there is no eruv (M.B. 13:9 – see there for  
more details).