



THE DAF OF THE WEEK **MATTERS**

פסח תשפ"ב | מסכת יבמות דף ק'

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

IYUN ON THE DAF

By Rabbi Yitzchok Gutterman

The Gemara says that you can send תרומה to the house of a קטן. There is an important קצות החושן related to our גמרא. The קצות in ס"ק ד' brings the פרי חדש who says that a יוצא can do a פדיון הבן and the father of the child is יוצא the מצות נתינה even though the child can't make a קנין on his own. The way it works is through דעת אחרת מקנה. The פרי חדש's proof is from our גמרא that says you can send תרומה to the house of a קטן. Apparently you see that you can be יוצא the מצות נתינה through a קטן. The קצות disagrees and says you can't use דעת אחרת מקנה to give it to the child if you don't own the item, and by תרומה the owner doesn't own it at all! All he has is the הנאה to give it to whomever he wishes, and we pasken that טובת הנאה אינה מונח. Moreover, the משנה says you can send the תרומה to the house of the שוטה as well, and there is certainly no concept of דעת אחרת מקנה by a שוטה. Therefore, the קצות says the reason our גמרא says you can send תרומה to a קטן is because the תורה already gave it to the כהנים in payment for their services. Therefore, that "שעבודא דאורייתא" entitles the child to the money in which case he doesn't need a real קנין. The ס"ק ח' argues on the whole premise that there is a מצות נתינה at all. Rather, the owner simply has the right to give the תרומה to whichever כהן he wishes but if he wants he can give up his right to that טובת הנאה and let any כהן take it himself. The אמרי בינה disagrees with the נתיבות. He points out that the קידושין דף נ"ח ע"ב in תוספות רי"ד says that the גמרא that tells us the concept of חטיה אחת פוטר את הכרי only means that if you give one kernel to a כהן the food is permissible to him and no longer טבל but he isn't יוצא the מצות נתינה until he gives a חשוב. The נודע ביהודה in י"ד ס"ק א' says exactly the same as י"ד ס"ק א', that there are two parts to giving תרומה: the חיוב הפרשה and the נתינה.

STORIES OFF THE DAF Jewish Continuity

לא תנסב עובדת כוכבים ושפחה דלא ליזיל זרעך תברה

The eighteenth-century European enlightenment movement hailed the intrinsic equality of all humanity. For Jews, this was to come to mean that the non-Jews of Europe were willing to extend new rights and privileges to Jews... as long as they were willing to jettison their "outdated" and particularistic traditions and laws. Torah-observant Jews were considered anti-progressive and often remained victims of blatant discrimination even after the ghetto walls were dismantled. Every Jew had what appeared to be a clear-cut choice: he could remain faithful to Torah and be poor and despised, or he could assimilate and be wealthy and respected. Drove of Jews abandoned Judaism, intermarried, and even converted to other religions.

On June 12, 1844, twenty-four leaders of the young German Reform movement met in Brunswick, for a conference. Their goal was to find a way to preserve what to them seemed a rapidly disappearing Judaism. They declared that they had found a way to ensure that Jews could enjoy the esteem of their Gentile neighbors without abandoning Judaism altogether. Continuity could be achieved if anything too Jewish was abandoned. This decision to attempt to radically alter Judaism was received with shock and horror by the religious community. Not only did the group declare that they were opposed to circumcision on the basis of its being, "a barbaric act of bloodletting," they also destroyed the concept of Jewish nationhood with the proclamation that, "Jews should not automatically feel solidarity with Jews everywhere."

In perhaps the most surprising reversal, the Brunswick convention publicly permitted Jews to intermarry. The group leaders declared, "The marriage of a Jew...with the adherent of any monotheistic religion is not forbidden if the civil law permits the parents to raise in the Jewish religion the children issuing from such a union."

This radical position of course stands in complete contradiction to the Gemara in Yevamos 100b, which prohibits intermarriage based on a Torah verse. Rambam maintains that such an affair is the worst of all illicit relationships since any children born of a non-Jewish mother are completely lost to the Jewish people.

When Rav Yisrael Salanter heard about this appalling decision he said, "The eventual result of Jews' permitting intermarriage is that the non-Jews will forbid it!" Ninety years later, in 1935, the Nuremberg laws were instituted, and intermarriage with "non-Aryans" was forbidden—even those people who had only a single Jewish grandparent!

YOM TOV CONNECTION

In this week's daf the Gemara discusses the Halacha that an ערל may not receive תרומה in the granary there is a similar halacha with regard to Pesach that an ערל is not permitted to eat from the מצרים in קרבן פסח בני ישראל ate the first פסח in קרבן פסח. When בני ישראל ate the first פסח in קרבן פסח. Some of the people did not want to circumcise despite רבינו משה advising them to do so. The מדרש tells us that הקב"ה blew a wind from נגד which carried the smell of the פסח, and everyone who smelled it was overcome with desire to eat the קרבן. At this point they came to beg משה רבינו to let them eat from it and he told them that they must perform a מילה first. Since their desire for the קרבן was so strong they agreed to be circumcised. (See שיר השירים רבה א')

HALACHA HIGHLIGHT

Ladies First

במקום שחולקין מעשר עני נותנין לאשה תחלה מאי טעמא משום זילותא

In a place where maaser ani is distributed it is given to women first. What is the reason? [To spare them] from disgrace.

The Gemara declares that when מעשר עני is distributed, it is given to women before men to save them from disgrace. Rava applied this reasoning to prioritizing cases that came before his court. He would hear cases involving women before men to save them from the disgrace of having to wait for their case to be heard.

A common issue that arises is how tzedaka organizations should distribute their funds. Should the money be distributed amongst poor orphan girls, as our Gemara would seem to indicate, or perhaps it should be distributed to the poor male orphans, to assist them to marry since they have the mitzvah of פרו ורבו as apposed to the women? To add to the difficulty of this issue there seems to be contradictory inferences in Shulchan Aruch. In one place Shulchan Aruch¹ writes that there is no greater mitzvah of tzedaka than distributing money to orphan girls to marry and Shach² cites sources that write that this ruling is limited to females as opposed to males. On the other hand when Shulchan Aruch³ discusses selling a Beis Haknesses or a Sefer Torah to marry orphans he mentions males and although later authorities include females in this halacha the primary halacha was enacted for males. Thus we have what seems to be a contradiction whether males or females have priority.

Elya Rabba⁴, citing a Gemara Kesubos, maintains that females take priority when it comes to receiving money to marry since it is more embarrassing for a female to remain unmarried. Chasam Sofer⁵ qualifies this ruling and writes that it only applies when the question is whether to give first to a male or a female when there is enough for both. In such a circumstance, preference is given to the female but if there are limited funds and a choice has to be made whether to give the money to a male or a female, males take precedence. Aruch Shulchan⁶, echoing the same ruling, explains that since males, rather than females, have the mitzvah of פרו ורבו they are given preference in circumstances of limited funds.

1. שו"ע יו"ד סי' רמ"ט סע' ט"ו
2. שו"ע שם ס"ק י"א בשם מהר"ם אלאשקר
3. שו"ע או"ח סי' קכ"ג סע' ו'
4. א"ר שם ס"ק י"ב
5. הגהות חת"ס לשו"ע או"ח שם
6. ארוה"ש יו"ד סי' רנ"א סע' ו'

MUSSAR FROM THE DAF

Burnt to a Crisp

ואינה נאכלת כמנחת כהנים

This week's daf makes reference to the קרבן מנחה of a Kohen which is not eaten but rather completely burned up. Why is the Kohen's קרבן מנחה not eaten?

Let's ask another question: Why do only the Kohanim need special clothing when performing the Avodah? Why isn't there a similar requirement for the Levim?

Rav Wolbe (AleI Shur, Chelek Aleph, page 235) explains that anybody who is l'shma, is serving Hashem with deep Pnaimum (an inner world). And the more l'shma that somebody is, the more they perform their Avodah in a tznius fashion. Conversely, the less one is l'shma, the more publicity one will find with such a person's mitzvos.

Now we can understand a fundamental Shem Mishmuel. The Shem Mishmuel (Parsha Tzav,) explains that Aharon set the tone for the Kohanim when he was מוסר נפש with the חטא העגל as Rashi (שמות לב:ה) explains that he was ready to take the blame for Klal Yisroel, even ready to lose his עולם הבא. This signifies a great level of L'shma (a pure internal avodah).

The Avnei Nezer explains that therefore Kohanim need special begadim (clothes) because anything which is primi (internal) needs to be b'tznius and therefore needs to be covered up. While the Levim whose Avodah is much more public (singing) don't need special clothing.

This explains the Shem Mshmuel is why the קרבן מנחה of the Kohen is completely burned, to symbolize the Avodah of the Kohen which is primarily internal.

In our own lives, the more we perform our personal avodah with tznius the more we are doing our Avodah L'shma.

POINT TO PONDER

The Gemara says that רבא used to deal with a דין תורה of a lady before dealing with a man's דין תורה, because a lady has more זילותא. What would be the דין if a lady and a תלמיד חכם come together? Do we still give priority to the lady משום זילותא, or do we prioritize the תלמיד חכם because of התורה?

Response to last week's Point to Ponder:

Why do we need the reason of התראת ספק to explain why a מלכות does not get מלכות? Even if the התראה would be valid there is still a ספק whether he is a כהן which should be enough not to give him מספק?

Some ספרים don't have the גירסא of התראת ספק, and it is possible that they removed it because of this question. Another possibility is that the Gemara is not talking about a case of the ספק violating a כהונה, but rather it is talking about someone who made a שבועה that this person is neither a כהן nor a ישראל. In this case the only reason not to give him מלכות is because of the התראת ספק. (See ערוך לנר).

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

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