



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 DAF **MATTERS**

שבת קודש פרשת אחרי מות | מסכת יבמות דף ק"ב

IYUN ON THE DAF

By Rabbi Yitzchok Gutterman

The Gemara says that if אליהו came and said that you can't do חליצה with a סנדל we wouldn't listen to him because the מנהג is to use a סנדל. The תלמי here says that the reason is because "מנהג מבטל הלכה". This needs explanation. Why would מנהג מבטל הלכה be true and when would we apply it? The הלכות קטנות in סימן ט explains it as follows: If the מנהג of ישראל is a certain way then it must be that מן השמים that's what Hashem wants us to do since Hashem would not allow a practice to take hold as a מנהג if it were wrong. The מגן אברהם in ס"ק כ"ה in מגן אברהם brings that even if most poskim are מחמיר against a מנהג and there is only one מקיל we would still apply מנהג מבטל הלכה. Rav Moshe in ז"ל מגרות משה in סימן ג explains that despite the fact that most שיטות require bentching on wine and wine is readily available. He explains that despite the fact that most שיטות require bentching on wine in this scenario, the מנהג for generations was not to do it. He adds that even though the reason for the מנהג was that people in Europe were too poor to afford wine and now we can afford it, if the מנהג for generations was not to do it as if ישראל paskened like the minority of שיטות that says we don't bentch on wine. It should be noted that the מרדכי in שכ"ו says that the concept of מנהג מבטל הלכה only applies if there is some שיטה or ראייה that it is correct, but if there is nothing to be תולה the מנהג on then we would not accept it. The רשב"ש in תקס"ב limits סימן תקס"ב as well and says that it only applies in one of two scenarios: the הלכה that is מחמיר against the מנהג isn't clear that it actually the הלכה, or by cases of ממונות דיני where common practice can override the הלכה at times. The תלמי that applies the rule of מנהג מבטל הלכה is just using a borrowed term and it means it looks like it is a case of מנהג מבטל הלכה. The רמב"ם brings the הלכות שביעית סימן ז ס"ק כ"ו in חזון אי"ש who says that it only applies to חולץ בסנדל like being איטורי דרבנן but not by דינים דאורייתא.

Regarding the above גמרא about not following אליהו, the רמב"ם in his גמרא says that the meaning of our גמרא is that a נביא has no ability to change a מצוה based on נבואה. The שדי חמד asks that our גמרא doesn't say that. Our גמרא says the reason is because בסנדל לחלוץ בעמ. He answers that the גמרא must have had a גירסא in our רמב"ם.

STORIES OFF THE DAF **Dreaming of Wealth**

יחלץ עני בעיני, בשכר עניו יחלצו מדינה של גיהנם

Once, a destitute man came to the Chofetz Chaim, זי"ל, for a brochah. He started describing the terrible poverty in his home. "My floors are made of dirt, the house is often freezing, and I can hardly put bread on the table. The Gemara in Yevamos 92b, brings the verse from Iyov 36: 'A poor man will have his afflictions removed,' and explains that those who suffer destitution in this world have the tribulations of Gehinnom removed from them in the next world.

The poor man continued, "So we see from this Gemara how difficult acute poverty is, since one who suffers it suffers their fair share of Gehinnom in this world! Isn't it fitting for me to request a blessing for wealth?"

The Chofetz Chaim, however, disagreed. "Quite the contrary! We see from the Gemara how worthwhile poverty is, since through the difficulties of acute poverty one is purified and need not see Gehinnom! Surely being exceedingly poor and bearing your suffering in this world is worthwhile since it means that you will never see Gehinnom!"

It was well known that the Chofetz Chaim practiced what he preached. For virtually his entire life he suffered from dire poverty and had no wish to be wealthy. He too had a dirt floor, his house was also often freezing, and like others suffering from want he also had trouble putting food on the table.

One time, the Chofetz Chaim didn't eat, and he explained to his students who asked that he was fasting a taanis chalom, to mitigate an evil dream. When asked what he had dreamed, the Chofetz Chaim answered, "I dreamed that I became wealthy. So either way, I must fast. If this is a message from above that wealth has been decreed upon me, I certainly must fast to avert such an evil decree. And if not, then the dream was the result of some random thoughts flitting through my head during the day. And if I am thinking anything that makes me wish to be wealthy, it is even more important that I fast!"

PARSHA CONNECTION

In this week's daf the גמרא discusses the difference between a גר and a גר whose mother was Jewish and one whose mother was not Jewish. It's fascinating to see in this week's פרשה the mention of גרים regarding specific מצוות. For example the תורה says that both ישראל and גרים are prohibited from eating blood. Why did the תורה specify that this מצוה applies to גרים as well? The אור החיים הקודש explains that since there are different levels of קדושה within ישראל for example לויים and כהנים, we may think that the מצוה against eating blood which the תורה relates to the נפש, like it says "כי נפש כל בשר דמו בנפשו הוא וכו'", only applies to בני ישראל. This is why it had to specify that these מצוות apply to both בני ישראל as well as גרים.

HALACHA HIGHLIGHT

Shoes on
Yom Kippur

אבל מטייל הוא באנפילין בתוך ביתו

But he may walk around in his socks in his house

Although there was a practice amongst some Amoraim to refrain from wearing non-leather shoes on Yom Kippur, the conclusion of our Gemara and the Gemara Yoma¹ seems to be that halacha follows the majority opinion that allows wearing non-leather shoes on Yom Kippur. Rabbeinu Asher ben Yechiel², the Rosh, cites an opinion that limits this ruling to wearing non-leather shoes in one's home but prohibits wearing non-leather shoes in public. The basis for the position is derived from our Gemara that mentions wearing socks in one's home which indicates that it is only acceptable on Yom Kippur to wear socks in one's home but not outside of one's home. The rationale for this distinction, writes Korban Nesanel³, is that since non-leather shoes often appear like leather shoes people may mistakenly think that someone is violating the prohibition against wearing leather shoes. To avoid this suspicion, Chazal did not allow wearing non-leather shoes in public. Rosh, however, disagrees with this conclusion and cites a Yerushalmi that indicates that it is allowed to wear nonleather shoes in public. Shulchan Aruch⁴ rules in accordance with the lenient opinion and allows wearing non-leather shoes even in a public domain.

Mishnah Berurah⁵ cites authorities who maintain that one should be strict, even concerning non-leather shoes, to wear shoes that do not provide much support or protection. The reason for this stringency is that wearing comfortable shoes, even if they are not made from leather, will detract from the suffering (עינוי) one is supposed to experience during the day. Rav Moshe Sofer⁶, the Chasam Sofer, also cites these authorities and favors their conclusion. Consequently, he writes that when walking in the street one should choose shoes that allow the person to feel the ground as he walks. Mishnah Berurah's conclusion is that although one should not protest against those who wear comfortable non-leather shoes on Yom Kippur one should strive to be strict and refrain from wearing shoes when walking outside on Yom Kippur.

1. גמ' יומא עה
2. רא"ש ליומא פ"ח ס' ז'
3. קרבן נתנאל שם אות ז'
4. שו"ע או"ח ס' תרי"ד סע' ב'
5. מ"ב שם סק"ה
6. הגהותיו לשו"ע הנ"ל

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The Gemara tells us that even if Eliyahu tells us that one can do חליצה with a סנדל we would not listen to him. This concept is found throughout Shas, when we are told we don't listen to a קול בת קול to determine the halacha since לא בשמים היא (Bava Metzia 59b)

This seems somewhat counterintuitive. If the whole purpose of doing Mitzvos is to fulfill the רצון of Hashem, then wouldn't we want to listen to any source from שמים telling us what Hashem wants? It is as if we are saying (Chas V'Shalom) we don't care what Hashem wants, rather we want to do what we want?!

When we figure out the halacha using the gift of תורה שבעל פה that Hashem gave to us, we are in essence doing what Hashem wants. Hashem wants us to use His Torah to understand what He wants in this world. And therefore when Chazal tell us that we don't listen to a Navi (to countermand the Torah) or a קול בת קול, it is because it hasn't been decided using our precious Torah.

We learn from this Gemara the חשיבות of Limud haTorah. We see how it is a preferred direct line connecting us to Hashem's will in this world.

POINT TO PONDER

The Gemara quotes a ברייתא which says that חליצה needs intent (כוונה). What כוונה is required, intent for the physical action meaning that the woman didn't accidentally take off the Yavam's shoe or is an intent to perform מצות חליצה?

Response to last week's Point to Ponder:

Why does Rashi mention that שמואל רב's father also converted and how does רש"י know this?

Given that the גמרא described him as יהודא בר יהודה רב his father must be Jewish, since יהודה is obviously a Jewish name. Rashi therefore felt a need to explain how שמואל רב was a גר if his father was Jewish.

ר' יוסף שמואל שמעלקא ב"ר יצחק מערמעלשטיין ז"ל, Shelly Mermelstien, לע"נ

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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