



גדרים דף ע"ד

English Halacha Topics

Dedicated by Mr. and Mrs. Mayer and Chaya Rivka Fischl

THIS WEEK'S MAAREI MEKOMOS ARE DEDICATED

לזכר נשמת ר' שלמה זלמן בן ר' חנוך הכהן עהרנטרייא

Naming After a Yavam or Living Ancestors

The Mishnah deals with a shomeres yavam, a widow awaiting yibum, and annulment of her vows. We hold like Rabbi Akiva, that the yavam cannot annul her vows no matter how many brothers there are (Shulchan Aruch Y.D. 234:7).

On the subject of yibum, there's a fascinating topic involving names. The Torah says that a brother of a deceased childless man should marry his wife, which is yibum. "And the first child to be born should be established with the name of his deceased brother in order to not erase his name from Israel" (Devarim 25:6). There's an implication here that the very name of the brother should be remembered, by naming the child born from the yibum union after him. However, the Gemara in Yevamos (24a) teaches that this is not the case. "You might say... that if his name was Yosef, you must call him Yosef; Yochanan, Yochanan." Rather, as it says elsewhere "included under the name" (Bereishis 48:6) and means to inherit, so too here. The yavam inherits the deceased brother's portion.

The Shulchan Aruch codifies it: "he doesn't have to call him after the dead brother" (E.H. 166:5). This opens up a discussion among the Poskim. The language of the Shulchan Aruch implies that it is certainly permissible to name the child after the first husband. Indeed, the Yafeh L'Lev (Rav Rachamim Felagi, on the Shulchan Aruch) notes that according to the Zohar it is commendable to do so, and that it is the custom. Zecher Dovid advises to add another name to the child as well. He writes that he did it for a grandchild (Maamar 1 Ch. 84). On the other hand, Beis Yitzchak (Y.D. 2:163:3) warns against using the same name, as it may cause bad mazal.

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Another discussion about names is the Ashkenazic custom to refrain from naming after a living ancestor. The Sefer Chassidim (460) mentions the practice. Some explains it as either as a lack of honor to the elder person if a child bears his name, or that it might incur danger to the man. It is not forbidden, per se. They asked the Chelkas Yaakov for advice in the case of a man who wanted to name his child after his mother, while his mother-in-law who had the same name was still alive. He responded that most people today don't use their given Hebrew name in daily living, so it's not a

problem as long as the commonly used name is different from the mother-in-law's. Even better would be to add another name, and then there certainly is no problem (Y.D. Vol. 2:136).

Another exception to the rule of not naming after the living is if one names after a famous righteous person. Rav Moshe Feinstein (O.C. 4:66) recommends naming after a righteous person, whether a Prophet or Biblical saint, "or even someone in this generation who is known to be a tzaddik and a sage, even if he is alive."

Rav Elyashiv zt"l had a neighbor, an elderly, lonely woman who would come by very often for encouragement. The entire family would try to lift her spirits and she became close to them all. Since she was childless, she begged Rebbetzin Elyashiv to name a child after her upon her demise. Rav Elyashiv decided to not wait that long, and named the next daughter born to them after the woman, although she was still alive! That way, she could already rest assured that she'd have a perpetuation in the world.

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