

OVERVIEW of the Daf

1) Clarifying R' Shimon's position in the Baraisa (cont.)

The Gemara unsuccessfully challenges its understanding of Rabanan's opinion.

R' Shimon's position is unsuccessfully challenged.

2) **MISHNAH:** The Mishnah begins with a presentation of the guidelines when a prohibited woman is exempt even from chalitza and when she must receive chalitza before marrying. The next halacha relates to sisters that fall before a yavam. The Mishnah concludes by defining the terms איסור מצוה and איסור קדושה.

3) Clarifying the Mishnah

Rafraim bar Pappa clarifies that the term כלל mentioned in the Mishnah includes the co-wife of an ayilonis in accordance with R' Assi's opinion.

A second version of this discussion is presented. The Gemara explains the phrases: איסור מצוה, אחותה שהיא יבמתה and איסור קדושה.

A Baraisa relates that R' Yehudah reversed the use of the terms איסור מצוה and איסור קדושה from the way they were used in the Mishnah.

The rationale behind the use of these terms according to the Baraisa is explained.

4) A widow to the Kohen Gadol

The Mishnah teaches without qualification that a Kohen Gadol may not do yibum with a widow and the Gemara questions why, if she was only engaged when her husband passed away, is it not permitted for the Kohen Gadol to do yibum?

R' Gidal in the name of Rav offers an exposition that teaches that in this case yibum may not be performed.

This exposition is unsuccessfully challenged.

Rava challenges the assertion that a woman that is prohibited by a negative command is excluded from yibum.

Rava successfully refutes Rav's ruling with his second chal-

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HALACHAH Highlight

Sanctify yourself with that which is permitted

קדש עצמך במוותר לך

At the beginning of Parashas Kedoshim, we find that the directive to be holy is immediately followed by the exhortation to revere one's parents and to observe the Shabbos (Vayikra 19:2-3). When the Torah reviews the giving of the Ten Commandments at Sinai in Parashas Va'eschanan (Devarim 5:6-18), only two of the mitzvos mentioned are specifically indicated as having already been commanded earlier. They are: "Observe the Shabbos... as Hashem, your G-d, commanded you" and "Honor your father and your mother, as Hashem, your G-d, commanded you." The reason for this is that these two concepts are universally accepted as being necessary - that is, one day of rest is needed each week, and one should honor and respect his parents.

The Torah is therefore emphasizing that when we fulfill these mitzvos, we should not do so simply because they are good ideas, but we should comply with them because we have been commanded to do so by Hashem, and we follow His laws. When the Jews first received these commands, it was unnecessary for the Torah to make this emphasis, for the Jews at Sinai were as angels, and they certainly would have acted for the sake of Heaven alone. However, forty years later, they had fallen from that level due to the sin of the Golden Calf. This is why they had to be told to act "as they had been commanded," to direct them to keep their intentions toward the Heavens.

Aruch HaShulchan explains that the Torah here directs us "to be holy." How is this to be accomplished? It is specifically when one "reveres his parents and observes the Shabbos...I am Hashem." These mitzvos could quite possibly be fulfilled due to simple and logical considerations. Yet, when we perform them solely because they were commanded by Hashem, we are acting with holiness. In fact, a holy person is one who performs all his actions, as mundane as they may seem, as part of a general framework of service of Hashem. Our Sages teach us (Yevamos 20a): "One must sanctify himself through the things that are permitted to him." This means that we should not think of holiness only in terms of those things which are spiritual and in the realm of ritual. Rather, we must realize that holiness is to be found in areas which are "permitted" - those areas which we generally consider as mundane and casual. When holiness is injected into these areas as well, one's entire life becomes one continuum of service of Hashem. ■

REVIEW and Remember

1. What are secondary עריות?

2. What is the source for the principle that whoever falls to yibum falls to chalitza?

3. Is the yibum of a man who is sterile effective?

4. Why is it prohibited to do yibum with a woman prohibited by a negative command?

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In memory of
ר' בערל בן ר' יחיאל

Distinctive INSIGHT

Fulfilling the mitzvah of yibum

אלא מן האירוסין לא תעשה גרידא הוא יבא עשה וידחה לא תעשה

But if she was [widowed] while engaged there is only a prohibition, and the positive command should override the negative command.

In discussing the possibility of a Kohen Gadol performing yibum on a widow who was engaged at the time she was widowed, the Gemara suggests that the mitzvah of yibum should override the prohibition against the Kohen Gadol marrying a widow. Tosafos¹ challenges this assertion from another Gemara² that states that a woman does not become pregnant the first time she has relations. Accordingly, how is the Kohen Gadol permitted to do yibum with a widow if the first time they have relations they will not be able to establish the name of the deceased since she will not become pregnant and it will not be permitted to have subsequent relations once the mitzvah was performed? Tosafos answers that the Torah does not require that the relations should have the capacity to produce a child; rather the requirement is that the yavam and yevama should have the ability to produce children. Therefore, if either the yavam or yevama are sterile there is no mitzvah of yibum since they are incapable of having children. If, however, a yevama who is a minor can do yibum, even though at the moment she is incapable of having children. The reason is that she will eventually be able to have children.

A principle that Poskim extract from this Tosafos is that the fulfillment of the mitzvah of yibum does not depend upon having children; rather the mitzvah is to have relations. Consequently, if the yavam chooses to have relations once with the yevama

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lenge.

Rava, on his third attempt, offers an acceptable explanation why women prohibited by a negative command are excluded from yibum.

A Baraisa supports this explanation.

Rava, or according to another version R' Ashi, retracts this explanation in favor of another explanation but the alternative explanation is refuted.

5) Yibum between a Kohen Gadol and a widow

R' Yochanan and R' Elazar dispute the effectiveness of yibum between a Kohen Gadol and a widow. According to one opinion the co-wife is exempted, but according to the other opinion the co-wife is not exempted. ■

and then divorce her, it is permitted, and the mitzvah is fulfilled even though this yibum does not produce a child. This principle is often used in circumstances where a woman falls to yibum and chalitzta is not an option. One example³ is a man who, due to physical deformities, is unfit for chalitzta, e.g. if the yavam is lame he is unable to “stand and declare.” Since he is unfit for chalitzta he could perform yibum with the intention to immediately divorce her. Another case discussed by Poskim is where the yavam was frightened by his friends who informed him that a man who performs chalitzta will not experience length of days. Teshuvah Admas Kodesh⁴ permitted the yavam to perform yibum and divorce her some short time later. ■

1. תוס' ד"ה יבא

2. גמ' לקמן לד'

3. ע' בשו"ת יביע אומר דלקמן אות ז' בשם שערי דעה בתשובה ח"א סי' קי"א

4. שו"ת אדמת קדש סי' נ' המובא בשו"ת יביע אומר ח"ה אה"ע סי' י"ח אות ו' ■

STORIES Off the Daf

Sanctify yourselves...

קדשים תהיו...קדש עצמך במותר לך

Rav Gad Eisner, zt"l, used the following parable to explain Rava's exhortation to, "...sanctify yourself by abstaining from that which is permitted," as found on Yevamos 20.

"Imagine a father who went out walking with his son. Every time they passed a toy store, the child would see a toy and beg, 'Tatte, won't you please by this toy for me?' The father obliged, and for a little while the child was preoccupied with the gift. As soon as another toy in a different window caught the child's eye, the first toy lost its charm completely until

he was ready to toss it in the trash.

"The child pointed to the new object of his fancy and implored, 'Tatte, I would really like that toy instead. Won't you please get it for me?' Once again, the parent capitulated. However, when they passed a third store and the child asked for yet another toy, the father finally put his foot down. The child began to scream violently and held his breath until he was literally blue. Some concerned passerby observed that if the tantrum were to continue, the child would certainly need to be brought to the emergency room! Feeling as though he had no recourse, the father paid for the third toy. A little down the road was a candy store. Of course by this time, the child knew full well that if he pleads for some sweets his father won't have strength to refuse. And he was abso-

lutely correct.

"We can leave an analysis of how the child's chinuch got so off track for another time. But anyone would say for certain that such a state of affairs is very bad for the child and his future. Why should this be so, though? The father is not accustoming his son to anything particularly terrible, since everyone knows that children do need to play, and sweets in moderation are fine. The problem here is that the father is training the child to believe that he must have everything he wants! This is one reason why we must place a limit on that which is permitted. Only if we accustom ourselves to refrain from excessively indulging in the permitted will we have the inner controls needed to refrain from sin when temptation strikes!" ■