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Yevamos Daf 4

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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The Gemora required a source to teach us that one cannot perform yibum on his wife’s sister. The Gemora infers from here that otherwise, without “aleha,” one would have been permitted to perform yibum on his wife’s sister. The Gemora asks: Why would this have been allowed? The Gemora answers: This would have been based on the principle that a positive commandment can override a prohibition. The positive commandment of yibum would have overridden the prohibition against living with one’s wife’s sister. The Gemora objects to this explanation: A positive commandment can override a prohibition that carries with it a standard punishment, whereas a positive commandment cannot override a prohibition that is punishable by kares. Furthermore, the Gemora inquires as to where the source is that a positive commandment can override even an ordinary prohibition.

It is written [Devarim 22: 11 - 12]: You shall not wear shatnez (wool and linen together). You shall make for yourself tzitzis (twined fringes). The fact that the Torah juxtaposes these two verses, teach us that one can make tzitzis even in a case of shatnez. This indicates that a positive commandment can override a prohibition. and Rabbi Elezar said: from where is the rule of proximity [of texts] derived from the Torah? As it is said: They are established forever and ever, they are done in truth and uprightness. Furthermore, Rav Sheishes stated in the name of Rabbi Elazar who stated it in the name of Rabbi Elazar ben Azaryah: From where is it proved that a sister-in-law, who falls to the lot of a yavam who is afflicted with boils, is not muzzled? From the Biblical text: You shall not

muzzle the ox when he treads out the grain, and in close proximity to it is written: If brethren dwell together. Furthermore, Rav Yosef said: Even he who does not base interpretations on the proximity [of Biblical texts] anywhere else does base them [on the texts] in Devarim, for Rabbi Yehudah who does not elsewhere base any interpretations [on textual proximity], bases such interpretations on the Devarim text. And from where is it proved that elsewhere he does not advance such interpretation? — From what has been taught: Ben Azzai said: It was stated: You shall not allow a sorceress to live, and it is also stated: Whoever lies with an animal shall surely be put to death; one subject was placed near the other to indicate that as the man who lies with an animal is to suffer the death penalty of stoning so also is a sorceress to suffer the death penalty of stoning. Rabbi Yehudah said to him: Shall we, because one subject was placed in close proximity to the other, lead out a person to be stoned? In truth [the penalty of the sorceress is derived from the following]: The necromancer and the charmer were included among the sorcerers; why then were they mentioned separately? In order that the others may be compared to them, and to tell you that as the necromancer and the charmer are subject to the death penalty of stoning, so is a sorceress also subject to the penalty of stoning.

And from where is it proved that in Devarim he does advance such interpretation? — From what we learned: A man may marry a woman who has been violated or seduced by his father or his son. Rabbi Yehudah prohibits in the case of a woman violated or seduced by one’s

father. And in connection with this, Rav Giddal said in the name of Rav: What is Rabbi Yehudah's reason? Because it is written: A man shall not take his father's wife, and shall not uncover his father's skirt, the 'skirt' which his father saw he shall not uncover. And from where is it inferred that this is written with reference to a violated woman? — From the preceding section of the text where it is written: Then the man that lay with her shall give unto the girl's father fifty shekels of silver near which it is stated: A man shall not take etc. And the Rabbis? — If one text had occurred in close proximity to the other the exposition would have been justified; now, however, that it does not occur in close proximity [it must be concluded that] the context speaks of a woman who is awaiting the decision of the yavam and that, [in marrying such a woman, a son] transgresses two negative commandments.

And what is the reason why [Rabbi Yehudah] derives laws [from the proximity of texts] in Devarim? — If you wish I might say: Because [there the deduction] is obvious; and if you prefer I might say: Because [there the text] is superfluous. 'If you prefer I might say: Because [there the deduction] is obvious', for, otherwise, the All Merciful should have written the prohibition in the section of forbidden relatives. 'And if you prefer I might say: Because [there the text] is superfluous', for otherwise, the All Merciful should have written: A man shall not take his father's wife; what need was there for adding: And shall not uncover his father's skirt? Hence it must be concluded that the text was meant to provide a superfluous text.

¹ The Gemora proceeds to explain why we would be justified to expound the juxtaposition regarding *tzitzis* and *shatnez* even according to Rabbi Yehudah.

² It is obvious that these two verses were juxtaposed for the sake of expounding them, for otherwise, the passage regarding *tzitzis* should have been written in Parashas Shelach, which is the primary source for the obligation to wear a four-cornered garment of *tzitzis*.

Similarly, in the case of *tzitzis*,¹ if you wish I might reply: Because [there the deduction] is obvious. And if you prefer I might reply: Because [there the text] is superfluous. 'If you prefer I might say: Because [there the deduction] is obvious', for otherwise, the All Merciful should have written [the commandment] in the section of *tzitzis*; with what other practical rule in view has he written it here?² 'And if you prefer, I might reply: Because [there the text] is superfluous', for observe: It is written: Neither shall there come upon you a garment of two kinds of stuff mingled together. What need then was there for stating: You shall not wear a *shatnez*? Hence it must be concluded that the object was to provide a superfluous text.³

The Gemora asks: These two verses are both necessary. If the Torah would have only written the passuk in Vayikra: *and a garment that is a mixture of shatnez shall not come upon you*, we would have thought that placing *shatnez* upon oneself in any manner would be forbidden, and even garment sellers would be prohibited from wearing *shatnez* (*they merely drape themselves with the garments in order to exhibit them without a specific intent for the warmth which these garments offer*). This is why the Torah wrote in Devarim: *You shall not wear shatnez*, teaching us that it is forbidden to wear *shatnez* only by a wearing that offers physical pleasure (*and since a garment seller does not wear the garment for that intent, it will be permitted for him*). And if the Torah would have only written the passuk in Devarim: *You shall not wear shatnez*, we might have thought that there is a prohibition to wear *shatnez*, which provides a good deal of physical

³ Alternatively, it is because the verse here is certainly extra and thus available for exposition. It is written [Vayikra 19:19]: *and a garment that is a mixture of shatnez shall not come upon you*. It is not necessary to write the verse in Devarim: *You shall not wear shatnez*. It is apparently extra to teach us that the positive commandment of *tzitzis* overrides the prohibition against wearing *shatnez*.

pleasure, but one would be permitted to place a garment on himself without wearing it. This is why the Torah wrote in Vayikra: *and a garment that is a mixture of shatnez shall not come upon you*, teaching us that even that is forbidden. It emerges that both verses are necessary and not extra to expound the juxtaposition to tzitzis!?! - The Gemora answers: While it's true that both verses are necessary, there are still superfluous words in the verse. The verse stated: You shall not wear shatnez wool and linen together. It is unnecessary to say that shatnez consists of wool and linen. The verse in Vayikra stated: *and a garment that is a mixture of shatnez shall not come upon you*, and it was taught in the school of Rabbi Yishmael that whenever the Torah refers to a garment and the Torah does not specify what type of garment we are discussing, it is referring to a garment of wool and linen. Why does the Torah find it necessary to write that shatnez is wool and linen? It is extra to indicate that we can expound the juxtaposition of tzitzis to shatnez to teach us that the positive commandment of tzitzis overrides the prohibition against wearing shatnez.

But the text is still required [for another purpose]! For it might have been assumed [that the limitation applies] only to 'putting on', where the benefit is not great, but that in respect of wear, the benefit from which is great, any two kinds were forbidden by the All Merciful, hence has the All Merciful written: 'wool and linen'! — If so, Scripture should have omitted it altogether and [the law would have been] deduced [by gezeirah shavah between] 'shatnez' and 'shatnez' [the latter of which occurs in connection with the law] of 'putting on'.

The Gemora asks: Why is it necessary to expound the juxtaposition that tzitzis overrides the prohibition against wearing shatnez according to the school of Rabbi

Yishmael; they have a much better source than that? It is written regarding the obligation of tzitzis [Bamidbar 15:38]: and they shall make themselves tzitzis on the corners of their garments. The school of Rabbi Yishmael maintains that whenever the Torah says garment, it is referring to wool and linen, and we know that the Torah requires one thread of techeiles wool (blue dye from the blood of the chilazon), and techeiles, surely, is wool. And from where is it deduced that techeiles is wool? Since linen is flax, techeiles must be wool. [It emerges that the Torah is obligating us to place a woolen thread on a linen garment, which would constitute shatnez.]

The Gemora answers:⁴ [The text] was necessary; for it might have been assumed [that the interpretation is] according to Rava. For Rava pointed out a contradiction: It is written, the corner, [which implies that the tzitzis must be of the same] kind of [material as that of the] corner, but then it is also written, wool and linen. How then [are these texts to be reconciled?] Wool and linen discharge [the obligation to provide tzitzis] both for a garment of the same, as well as of a different kind of material, while other kinds [of material] discharge [the obligation for a garment made] of the same kind [of material] but not for one made of a different kind [of material].

But the Tanna of the School of Rabbi Yishmael, surely, does not hold the same view as Rava! — [The text] is still necessary; for it might have been assumed that Rava's line of argument should be followed: 'The corner' [implies that the tzitzis must be made of the same] kind of [material as the] corner, and that what the All Merciful meant was this: 'Make wool [tzitzis] for wool [garments] and linen ones for linen; only when you make wool tzitzis for wool garments you must dye them'; but no wool tzitzis

⁴ We might have thought that one should use a thread of techeiles wool only on a garment of wool, and one should use linen strings when he is wearing a linen garment; the

juxtaposition teaches us that one can place woolen strings on a linen garment and linen strings on a woolen garment.

may be made for linen or linen tzitzis for wool, hence the All Merciful has written 'wool and linen' [to indicate] that even wool tzitzis [may be] made for linen garments or linen tzitzis for woolen garments. (3b3 – 4b4)

INSIGHTS TO THE DAF

SHATNEZ BY TZITZIS

It is written [Devarim 22: 11 - 12]: You shall not wear shatnez (wool and linen together). You shall make for yourself tzitzis (twined tzitzis). The fact that the Torah juxtaposes these two verses, teach us that one can make tzitzis even in a case of shatnez. This indicates that a positive commandment can override a prohibition.

The commentators ask from the Gemora below (4b): The Gemora states: If the Torah would have only written the passuk in Vayikra: and a garment that is a mixture of shatnez shall not come upon you, we would have thought that placing shatnez upon oneself in any manner would be forbidden, and even garment sellers would be prohibited from wearing shatnez (they merely drape themselves with the garments in order to exhibit them without a specific intent for the warmth which these garments offer). This is why the Torah wrote in Devarim: You shall not wear shatnez, teaching us that it is forbidden to wear shatnez only by a wearing that offers physical pleasure (and since a garment seller does not wear the garment for that intent, it will be permitted for him). Accordingly, what is the proof from the fact that one can wear a garment of tzitzis which contains shatnez that a positive commandment can override a prohibition; perhaps one can don a garment of tzitzis that contains shatnez because the prohibition is only when wearing a garment that provides physical pleasure and his intention is for that purpose? One who is wearing tzitzis should not be regarded as deriving pleasure because of the dictum of "mitzvot lav le'henos nitnu" – mitzvos were not given for the purpose of pleasure.

According to the Ran, this is not a question, for he says that the principle of "mitzvot lav le'henos nitnu" is not applicable when there is a physical pleasure; here, the garment is providing physical warmth and therefore, it should be prohibited if not for the fact that the positive commandment can override the prohibition. However, the Rashba disagrees and maintains that we don't consider any benefit that one receives during the fulfillment of a mitzvah; if so, let us say that one is permitted to wear tzitzis containing shatnez because he is not deriving any pleasure?

Reb Shmuel Rozovsky answers: The prohibition of shatnez is merely not to wear a garment containing shatnez; there is a condition that it is only regarded as wearing if he is deriving pleasure. One who is wearing a garment of tzitzis is wearing the garment and deriving pleasure. While it's true that the performance of the mitzvah negates the benefit he is receiving, he is still wearing the garment and it should be prohibited, if not for the fact that the positive commandment overrides this prohibition.

DAILY MASHAL

WHICH IS GREATER;

A POSITIVE COMMANDMENT OR A NEGATIVE ONE?

The Gemora states that a positive commandment can override a prohibition that carries with it a standard punishment.

The question is asked: Why is it that a positive commandment overrides a prohibition and yet the punishment for transgressing a prohibition is much more severe than the punishment for not fulfilling a positive commandment?

Reb Yossie Schonkopf said over a parable from his Rebbe: A trucker is hired to transport a load across the country and the owner warns him not to go beyond the speed limit, not to crash the vehicle and to follow all the road

instructions. If the trucker does everything perfectly but doesn't unload the goods at his destination; rather, he arrives at the destined location and immediately turns around carrying the same load, what is accomplished by the fact that the trucker obeyed the speed limit and followed all the rules?

The meaning is as follows: Our mission in life is to accomplish in this world and 'build the love towards HaShem,' therefore, this building overrides the transgressions. The prohibitions are only there to protect what has been built and not to suffocate the building.

This concept is elucidated by the Ramban in Parshas Yisro. He states that the fulfillment of a positive commandment is based on ahavas HaShem, loving HaShem and refraining from committing a transgression is based on yiras HaShem fearing HaShem. It is a higher level to serve HaShem through love, but it is worse to violate a prohibition, which is based upon fearing HaShem.

My brother, Reb Ben asked a similar question: The Gemora states that a positive commandment will override a negative commandment when both commandments are performed simultaneously. It is noteworthy that the Gemora in Sotah states that a mitzvah cannot extinguish an aveira, a sin, yet an aveira can extinguish a mitzvah. Apparently, the principle that a positive commandment can override a negative commandment is not a contradiction to this Gemora. Perhaps the idea is that when one performs an aveira intentionally, he has rebelled against HaShem, and it is not possible for one to appease HaShem with a mitzvah when he has just committed an act of rebellion. When one is simultaneously overriding the negative commandment by performing a positive commandment, however, he is demonstrating that he is fully aware that he is performing a negative commandment, yet he is permitted by the Torah to override the negative commandment. This principle allows him to perform the

positive commandment and be rewarded for its performance.