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Yevamos Daf 5

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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 asks: This (that the words wool and linen are superfluous for an exposition) fits well according to the school of Rabbi Yishmael, but according to the Chachamim (*who maintain that the words wool and linen are not extra and therefore the juxtaposition cannot be expounded*), from where is it (that a positive commandment overrides a prohibition) derived?

The Gemora answers: It is derived from the word *rosho*, his head, which is written in the verses discussing a *metzora* shaving his head (*part of his purification process*). This is a superfluous word because the Torah had stated already that he shall shave off all his hair; why is it said? It is written elsewhere [Vayikra 19:27]: *You shall not round the corners of your head (cutting the ‘payos,’ corners of the hair from his temples)*. I would have thought that this prohibition includes the *metzora*, and he cannot shave his sideburns, the possuk says *rosho*, teaching us that he shaves his entire head.

The Gemora explains that this Tanna maintains that one who shaves off all his hair from his head (*like the metzora is required to do*) has in fact violated the prohibition of rounding the corners on his head.

It emerges that we learn that the positive commandment for the *metzora* to remove all his hair overrides the prohibition of rounding the corners on one’s head. We derive from here that all positive commandments can override a prohibition.

The Gemora objects: Perhaps the reason the positive commandment can override this prohibition is because the prohibition against rounding the corners of one’s head is a prohibition that is not applicable to all (*a woman is not subject to this prohibition*). (*We cannot derive from here to other instances, where the prohibition is a universal one.*) (5a1)

But [the inference] is derived from his beard; as it was taught: ‘his beard’; what need was there for stating it? — Whereas it was said: Neither shall they shave off the corners of their beard, one might infer that this prohibition applies also to a Kohen who is a *metzora*, hence it was explicitly stated, ‘his beard’. And since there is no object in applying it to a prohibition which is not incumbent upon everybody, let it be applied to a prohibition which is incumbent upon all. - But this is still required [for its own context]! For since it might have been assumed that as kohanim are different from [other people] - Scripture having imposed upon them additional commandments, and so even a prohibition which does not apply to everybody is not superseded in their case; [therefore] it was necessary to teach us that it does supersede. — In truth the inference comes from ‘his head’ [in the manner deduced by] the following Tanna. For It was taught in a Baraisa: What is derived from the word *rosho*, his head? It is written regarding a *nazir* [Bamidbar 6:5]: *A razor shall not pass over his head. (This prohibition forbids him to shave any part of his head with a razor.)* I would have thought that one who is a *metzora* and a *nazir* would not be permitted to shave his head (even for the purification process), the Torah teaches us that the

positive commandment for a *metzora* to shave his head overrides the prohibition of the *nazir* against shaving his head with a razor. [We can derive from here to all instances that a positive commandment overrides a prohibition.]

The Gemora objects: Perhaps the reason the positive commandment can override this prohibition is because the prohibition forbidding a *nazir* to shave is a lenient one, for a *nazir* can release himself from his prohibitions by imploring a sage to annul his vow. (*We cannot derive from here to other instances, where the prohibition is a strict one.*) For, were not this the reason, what then of the accepted rule, that no positive commandment may override a negative and positive commandment combined; why not deduce the contrary from the law of the [metzora] nazir? Consequently, [it must be conceded that] the reason why no deduction may be made [from the law of the nazir is] because it may be refuted [on the grounds] that in his case absolution is possible; so here also the refutation may be advanced, ‘Since in his case absolution is possible’!

Rather, the Gemora returns to the juxtaposition of *tzitzis* and *shatnez*. The Gemora explains that there is an extra word in the verse even according to the Chachamim. The Torah could have written: *You shall make yourself tzitzis* (fringes); why did the Torah write *gedilim*, twined fringes? It is to make the verse available for expounding; 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.

But this is required for the determination of the number [of threads, thus]: ‘Twisted cord’ (*gedilim*) implies two threads, [and so] ‘twisted cords’ implies four threads, therefore, one twisted cord is to be made [of the four] and from the middle of it separate threads are to hang down! — If so, the Torah could have written: *You shall not*

wear shatnez, wool and linen. Why did the torah write the word *together*? It is to make the verse available for expounding; 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 Gemora rejects this explanation, as well: the word *together* is not extra since it teaches us that if one fastens a woolen garment to a linen garment with two passes of the needle (*forming a complete stitch*), he may not wear the garment, but if they are fastened with only one pass of the needle, it is not regarded as a connection, and they may be worn.

The Gemora states: There is still an extra word in this verse. The Torah could have written: *You shall not wear wool and linen together.* Why did the Torah write the word *shatnez*? It is to make the verse available for expounding; 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 Gemora rejects this explanation, as well: The word *shatnez* is not extra since it teaches us that one has not violated the prohibition against wearing *shatnez* unless the wool and linen threads are combed, spun and woven together.

The Gemora answers: The word *shatnez* teaches us everything. [The word is extra and therefore it is available for expounding; 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. However, if this word were intended only for this teaching, the Torah could have written a more common term, such as *kilayim*, meaning mixture; why did the Torah use the term *shatnez*? It is to learn the additional halacha that one has



not violated the prohibition against wearing *shatnez* unless the wool and linen threads are combed, spun and woven together.] (5a1 – 5b2)

The Gemora states: We have successfully found a source teaching the principle that a positive commandment overrides a standard prohibition; where do we find that a positive commandment overrides a prohibition that is subject to the penalty of *kares*, thus requiring the verse *aleha* to teach that one cannot perform *yibum* on his wife's sister?

The Gemora states: Perhaps it can be derived from the positive *mitzvah* of *bris milah* (circumcision), which can be performed even on Shabbos, which is subject to the penalty of *kares*. - The Gemora objects: *Bris milah* is different because there were thirteen covenants sealed in regards to this commandment.

Perhaps it can be derived from the positive *mitzvah* of *korban pesach*, which can be performed even on Shabbos, which is subject to the penalty of *kares*. -The Gemora objects: *Korban pesach* is different because there is a penalty of *kares* for one who refrains from offering the *korban pesach*.

Perhaps it can be derived from the positive *mitzvah* of offering the daily *korban tamid*, which can be performed even on Shabbos, which is subject to the penalty of *kares*. - The Gemora objects: *Korban tamid* is different because it is a *korban*, which is offered constantly.

[Now though] it cannot be derived from one, it might be derived from two. From which shall it be derived? [If the reply is]: Let it be derived from *milah* and the *korban pesach*, [it may be retorted]: These also involve *kares*. From the *korban pesach* and the daily offering? — Both are also intended for the Most High. From *milah* and the daily offering? — Both were also in force before the Giving of the Torah, this being according to the view of

the one who holds that the olah-offering which Israel offered in the wilderness was the daily olah-offering. Nor [can the derivation be made] from all of them, since they were all in force before the Giving of the Torah. (5b2 – 5b4)

INSIGHTS TO THE DAF

A POSITIVE COMMANDMENT OVERRIDING TWO PROHIBITIONS

Reb Moshe Rozmerin in *Dvar Moshe* states that the Rambam maintains that one who rounds the corners of his head has violated two prohibitions; one for cutting his *payos (corners)*, and another for following in the statutes of the non-Jews.

Our Gemora states that the positive commandment for the *metzora* to remove all his hair overrides the prohibition of rounding the corners on one's head.

According to the Rambam, it is actually overriding two prohibitions.

Tosfos above (3b) discussed this issue and did not cite our Gemora as a proof. Other Rishonim maintain that a positive commandment cannot override two prohibitions.

A question is brought in the name of the Lubliner Gaon: The Gemora later (20b) states regarding a widow falling to *yibum* to a Kohen Gadol that it is a situation where the positive commandment of *yibum* can possibly override the prohibition of a Kohen Gadol marrying a widow. He asks: There are two prohibitions for a Kohen Gadol to marry a widow; one is *lo yikach (he shall not take her)*, and the other is *lo yechallel (he shall not desecrate the kehuna)*. How can the positive commandment of *yibum* override two prohibitions?

Reb Chaim Ozer in *Achiezer* (Even Ezer, 4) answers: The Rishonim concede when the two prohibitions are dependent on each other, that the positive commandment can override both prohibitions. The basis for the prohibition of desecrating the *kehuna* is because it is an illicit relationship; once the *mitzvah* of *yibum* overrides the prohibition of *lo yikach*, it becomes a permitted relationship and there will be no prohibition of *lo yechallel*.

[It would seem to me that this is dependent on how we understand that a positive commandment cannot override two prohibitions. We can explain that each prohibition strengthens one another and the positive commandment cannot override any of them; or perhaps the positive commandment does override one of the prohibitions, but it does not have the capabilities to override the second one. Reb Chaim Ozer would be in accordance with the latter explanation.]

According to the *Achiezer*, we can answer the Dvar Moshe's question. The positive commandment for the *metzora* to cut his hair overrides the prohibition against rounding the corners of one's head, and consequently, there will be no prohibition of following in the statutes of the non-Jews.

DAILY MASHAL

Tefillah – Efforts and Hope

The Gemora had stated: *Korban tamid* is different because it is a *korban*, which is offered constantly.

Tefillah is also something which is recited on a constant basis.

R' Chaim Meir Yechiel of Moglenitza summoned one of his Chasidim after Shacharis one day and told him that for some time, he had noticed the Chosid's look of distraction

and lack of Kavanah during davening. The Chosid admitted that he felt unprepared for davening and that he was waiting to be stimulated from Shomayim. The Rebbe told him that according to R' Yehoshua ben Levi in Brachos (26b), Tefilos were established to replace the Korban Tamid – morning and afternoon.

Chazal point out that although the fire which consumed these Korbanos came down from Shomayim, the Kohanim were still required to bring their own fire. The same is true regarding Tefillah. You must bring your own fire to start with, and hope to merit help from Shomayim.