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Yevamos Daf 6

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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 had stated: 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 continues: Perhaps it can be derived from the *mitzvah* of honoring one’s father and mother. It was taught in a Baraisa: One might have thought that the *mitzvah* of honoring one’s father and mother overrides Shabbos (*if a parent would instruct their son to violate the Shabbos, he would be obligated to listen*); the Torah writes [Vayikra 19:3]: *Every man: Your mother and father shall you revere, and My Shabbos’ shall you observe, I am HaShem your G-d.* We infer from here: Everyone is obligated to honor *HaShem*, including the father and the mother. The Gemora assumes that the Torah is referring to a case where the parent said to his son, “Slaughter for me,” or “Cook for me,” which is a *kares* prohibition. The reason he shouldn’t obey the father is because of the specific verse (*mentioned above*), but otherwise, the positive commandment of obeying one’s parent would override a prohibition, even one that consists of *kares*.

The Gemora objects to this proof: No, the Torah is referring to a case where the parent instructed him to lead a loaded animal on Shabbos, which is not a *kares* prohibition. (*This is referred to as the prohibition of mechamer, leading an animal with a load on it on Shabbos. This prohibition does not involve a death*

punishment, even though all other Shabbos prohibitions do involve the death penalty.)

The Gemora objects to this interpretation: If the verse is referring to a standard prohibition and nevertheless, the positive commandment of honoring one’s parents does not override the prohibition of *mechamer*, let us derive from here that positive commandments cannot override a prohibition?

Perhaps you would answer that the prohibitions pertaining to Shabbos are stricter than a standard prohibition and therefore we would not be able to compare this situation with other prohibitions (*a positive commandment cannot override a Shabbos prohibition, but it can override a regular prohibition*).

The Gemora proves from a Baraisa that the prohibitions pertaining to Shabbos are similar to other prohibitions.

It was taught in a Baraisa: If a kohen’s father tells his son to become *tamei* or not to return a lost object, he should not obey him because it is written [Vayikra 19:3]: *Every man: Your mother and father shall you revere, and My Shabbos’ shall you observe, I am HaShem your G-d.* We infer from here: Everyone is obligated to honor *HaShem*, including the father and the mother. Although the verse is referring to the prohibition of Shabbos, nevertheless, we derive from there regarding all prohibitions. It is evident that the Tanna does not consider a Shabbos prohibition stricter than a regular prohibition. (5b4 – 6a2)

The Gemora concedes that it is evident that the Torah is referring to a case where the parent instructed the son to slaughter or cook for him, which involves a *kares* prohibition. The fact that we needed a verse to teach us that he should not obey his parent's command indicates that a positive commandment can override a prohibition that involves *kares*. Yet, this still will not explain why the verse *aleha* is required to teach us that a man cannot perform *yibum* on his wife's sister. In the case where the parent instructed the son to slaughter or cook for him, the prohibited act of slaughtering or cooking is essential for the fulfillment of the commandment (*and that is why one might think that it would be permitted to do*); however in the case of *yibum*, it is not essential to violate the prohibition of living with one's wife's sister in order to fulfill the *mitzvah* since the *mitzvah* can be observed by performing *chalitzah*. Accordingly, it should never enter our mind that the *mitzvah* shall override the *kares* prohibition of his wife's sister since the *mitzvah* can be fulfilled through performing a *chalitzah*; why is the verse *aleha* required? (6a2)

The Gemora presents another source: Perhaps it can be derived from the *mitzvah* of building the Beis Hamikdosh. It was taught in a Baraisa: One might have thought that the *mitzvah* of building the Beis Hamikdosh should override Shabbos; the Torah writes [Vayikra 19:3]: *My Shabbos' shall you observe, and My Sanctuary shall you revere; I am HaShem*. We infer from here: Everyone is obligated to honor *HaShem*, including the Sanctuary. The Gemora assumes that the Torah is referring to a case of building and destroying, which is a *kares* prohibition. The reason one should not violate the Shabbos is because of the specific verse (*mentioned above*), but otherwise, the positive commandment of building the Beis Hamikdosh would override a prohibition, even one that consists of *kares*.

The Gemora objects to this proof: No, the Torah is referring to the prohibition of leading a loaded animal on Shabbos, which is not a *kares* prohibition.

The Gemora objects to this interpretation: If the verse is referring to a standard prohibition and nevertheless, the positive commandment of building the Beis Hamikdosh does not override the prohibition of *mechamer*, let us derive from here that positive commandments cannot override a prohibition?

Perhaps you would answer that the prohibitions pertaining to Shabbos are stricter than a standard prohibition and therefore we would not be able to compare this situation with other prohibitions (*a positive commandment cannot override a Shabbos prohibition, but it can override a regular prohibition*).

The Gemora proves from a Baraisa that the prohibitions pertaining to Shabbos are similar to other prohibitions.

It was taught in a Baraisa: If a kohen's father tells his son to become *tamei* or not to return a lost object, he should not obey him because it is written [Vayikra 19:3]: *Every man: Your mother and father shall you revere, and My Shabbos' shall you observe, I am HaShem your G-d*. We infer from here: Everyone is obligated to honor *HaShem*, including the father and the mother. Although the verse is referring to the prohibition of Shabbos, nevertheless, we derive from there regarding all prohibitions. It is evident that the Tanna does not consider a Shabbos prohibition stricter than a regular prohibition.

The Gemora concedes that it is evident that the Torah is referring to a case of building and destroying on Shabbos, which is a *kares* prohibition. The fact that we needed a verse to teach us that one should not build or destroy on Shabbos indicates that a positive commandment can override a prohibition that involves *kares*. Yet, this still will not explain why the verse *aleha* is required to teach us



that a man cannot perform *yibum* on his wife's sister. In the case of building and destroying for the Beis Hamikdosh, the prohibited act of building and destroying is essential for the fulfillment of the commandment (*and that is why one might think that it would be permitted to do*); however in the case of *yibum*, it is not essential to violate the prohibition of living with one's wife's sister in order to fulfill the *mitzvah* since the *mitzvah* can be observed by performing *chalitzah*. Accordingly, it should never enter our mind that the *mitzvah* shall override the *kares* prohibition of his wife's sister since the *mitzvah* can be fulfilled through performing a *chalitzah*; why is the verse *aleha* required?

The Gemora asks: We do not need a verse to teach us that the positive commandment does not override a prohibition of *kares* even when the prohibition is essential for the fulfillment of the commandment since we have previously derived this from the verse concerning the *mitzvah* of honoring one's parents.

The Gemora states: Indeed it is so. But what is the verse *My Shabbos' shall you observe, and My Sanctuary shall you revere; I am HaShem* teaching us? The verse juxtaposing the observance of Shabbos with the revering of the Beis Hamikdosh is actually teaching us something entirely different (*and we cannot derive from there that a positive commandment will override a kares prohibition*). It was taught in a Baraisa: Just like one does not revere the Shabbos, but reveres the One who instructed us to observe the Shabbos, so too one is not required to revere the Beis Hamikdosh. Rather, one is required to revere the One who instructed us regarding the building of the Beis Hamikdosh.

How does one display reverence of the Beis Hamikdosh? One should not enter the Temple Mount with his stick, shoe, and money belt or with the dust upon his feet. One should not use it as a shortcut and spitting is forbidden based on a *kal vachomer*.

This halacha is applicable even when the Beis Hamikdosh is not in existence. This is derived from the fact that the Torah juxtaposed the observance of Shabbos to the reverence of the Beis Hamikdosh. Just as the obligation to observe Shabbos is forever, so too, the reverence of the Beis Hamikdosh is forever. (6a4 – 6b1)

The Gemora posits another source (*as to why we would think that the mitzvah of yibum overrides the prohibition of living with his wife's sister even though it involves kares*): It can be derived from the prohibition regarding kindling on Shabbos.

The school of Rabbi Yishmael taught in a Baraisa: It is written [Shmos 35:3]: *You shall not kindle a fire in any of your dwellings on the Shabbos day*. What do we learn from here?

The Gemora asks: How can you ask what is learned from this verse? There is a Baraisa that presents a dispute between Rabbi Yosi and Rabbi Nosson regarding this verse. It was taught in a Baraisa: Rabbi Yosi said that this verse teaches us that kindling on Shabbos is merely a prohibition (*and incurs lashes for violating it and not kares or stoning*). Rabbi Nosson said: It is to teach us that one is liable for punishment for violating one *melocha* (labor) on Shabbos. (*Otherwise, we would have thought that one incurs a punishment only if he violates all thirty-nine melochos.*)

And Rava answers: The Tanna was questioning the word "dwellings." Why was it necessary for the Torah to write that one cannot kindle in any of your dwellings, indicating that it is forbidden outside of Eretz Yisroel, as well; Shabbos is a personal obligation, and personal obligations apply even outside Eretz Yisroel (*unlike a mitzvah which is dependent on land, where the obligation will only be in Eretz Yisroel*)?



A student answered in the name of Rabbi Yishmael: Since it was stated: And if a man has committed a sin worthy of death, and he be put to death, one might infer [that the death penalty may be executed] both on weekdays and on the Shabbos and, as regards the application of the text: Everyone that desecrates it shall surely be put to death, this might be said to refer to the several kinds of labor other than the execution of a judicial death sentence; or again it might be inferred that it refers even to a judicial execution of a death sentence and, as regards the application of *he shall surely be put to death* [this might be said to refer] to weekdays but not to the Shabbos; or again it might be thought to apply also to the Shabbos; hence it was expressly stated: You shall kindle no fire throughout your dwellings, and further on it is stated: And these things shall be for a statute of judgment unto you throughout your generations in all your dwellings; as the expression of dwellings' mentioned below refers to the Beis din, so the expression 'dwellings' mentioned here refers also to the Beis din, and concerning this the All Merciful said, 'You shall kindle no fire'.¹

The Gemora assumes that this Baraisa is following Rabbi Nosson's opinion, who maintains that one who kindles on Shabbos incurs the penalty of *kares*, and yet, we required a verse to teach us that Beis Din cannot perform an execution on one who committed a capital offense on Shabbos. Otherwise, we would have thought that the positive commandment of executing a capital offender would override the prohibition of kindling on Shabbos. We can derive from here that in other instances, a positive commandment will override a prohibition that involves *kares*. This is why we would have thought that one can perform *yibum* on his wife's sister, if not for the verse of *aleha*.

¹ The word "dwellings" in this verse is used for a *gezeirah shavah* (one of the thirteen principles of Biblical hermeneutics - it links two similar words from dissimilar verses in the Torah) to

The Gemora objects to this proof and states that perhaps the Baraisa is following Rabbi Yosi's opinion, who holds that kindling is merely a prohibition that incurs lashes if violated, but not the penalty of *kares*.

The Gemora concludes: Even if the Tanna is following Rabbi Yosi's opinion, there would still be a proof that a positive commandment overrides a *kares* prohibition. Rabbi Yosi only said that kindling was merely a prohibition (*and not subject to kares*) in regards to a regular case of kindling. Beis Din's kindling (*when it is preparing an execution by burning*) involves the cooking of a lead wick (*a wick of lead is heated and then the molten lead is poured down the offender's throat*). And Rav Sheishes had said that there is no difference between cooking this (*lead*) wick and cooking herbs. Cooking is obviously a labor which is subject to *kares*. [It emerges that even if the Tanna follows Rabbi Yosi's viewpoint, we can see that a positive commandment overrides a *kares* prohibition and that is why we needed *aleha* to teach us that a man may not perform a *yibum* on his wife's sister.] (6b1 – 6b3)

INSIGHTS TO THE DAF

A TELEPHONE IS THE ANSWER

One might have thought that the *mitzvah* of honoring one's father and mother overrides Shabbos (*if a parent would instruct their son to violate the Shabbos, he would be obligated to listen*); the Torah writes [Vayikra 19:3]: *Every man: Your mother and father shall you revere, and My Shabbos' shall you observe, I am HaShem your G-d*. We infer from here: Everyone is obligated to honor *HaShem*, including the father and the mother. The Gemora assumes that the Torah is referring to a case where the parent said to his son, "Slaughter for me," or

teach us that this verse is referring to a Beis Din, and even a Beis Din cannot perform an execution (*for example, burning*) on one who committed a capital offense on Shabbos.



Cook for me," which is a *kares* prohibition. The reason he shouldn't obey the father is because of the specific verse (*mentioned above*), but otherwise, the positive commandment of obeying one's parent would override a prohibition, even one that consists of *kares*.

Tha Maharatz Chyus asks: Why should we think that the son is obligated to obey the father; the Gemora in Bava Metzia (62) teaches us that one is only obligated to honor his father if he is an "*oseh ma'aseh amcha*," not if he is one that is not observing the *mitzvos* of *HaShem*?

The Ostroftzer Rebbe was once in Warsaw by one of his chasidim. The chasid proudly showed the Rebbe the new invention that was just installed in his house, a telephone.

The Rebbe took the telephone in his hands and 'sanctified' it with words of Torah.

He said: The Meiri in Yevamos asks: Why is a verse required to teach us that a son may not listen to his father when he instructs him to perform an *aveira*; the father is a *rosha* and the son is thus excluded from honoring him based on the Gemora in Bava Metzia that a father who is not "*oseh ma'aseh amcha*," one is not required to obey?

The Rebbe answered: It is referring to a case where the father calls the son on the telephone. The father is in one time zone, and it is already Motzei Shabbos, and the son is in a different time zone, where it is still Shabbos. One might think that the son is required to 'listen' to his father and answer the phone, the verse teaches us that everyone is obligated to honor *HaShem* and therefore the son should not obey the father.

DAILY MASHAL

Horav Eli Munk, zl, gives two reasons for the predominance of Shabbos over the building of the Mishkan. Firstly, the Mishkan and its successor, the Bais

Hamikdash, would one day disappear. Shabbos, on the other hand, is a mitzvah which was to last forever. Its observance would ensure that the loss of the Mishkan and the Bais Hamikdash would not affect Klal Yisrael's relationship with Hashem. Structures are temporary; mitzvos are eternal. To paraphrase Horav Munk, "More than the Jews have kept Shabbos, Shabbos has kept the Jews." We must realize that non-observance of this critical mitzvah can evoke grave consequences in our relationship with Hashem.

A second reason for the prioritization of Shabbos over the Mishkan is based on a comparison between the concepts of time and space. Hashem sanctified the seventh day of Creation, making Shabbos the symbol of holiness in the dimension of time. In a similar manner, the Mishkan serves as the representative of holiness for the dimension of space. Kedushas ha'zman, sanctification of time, takes precedence over kedushas ha'makom, sanctification of place, precisely because Hashem initiated the concept of time after the seventh day. Since man fashioned the Mishkan, however, it demonstrates man's ability to create holy places which Hashem consecrates. The holiness of time is inherent in Creation, while the consecration of space is not. Man can attain perfection within the dimension of time by using the hours and minutes that are allotted to him for spiritual purposes. Such opportunity does not exist in the spatial dimension. Holiness is not increased by vanquishing space or increasing one's possessions in quantity or quality. Our function as Jews does not depend on certain fixed points on earth, but rather in the manner in which we serve Hashem during the specific times that have been established for us. The dimension of space has the flexibility to allow changes to take place. Time does not have this characteristic. It is eternally fixed. We infer from the prohibition against desecrating Shabbos for the sake of building the Mishkan that the sanctity of time has greater significance than the sanctity of space.