But if the man shall not wish to marry his sister-in-law… and she shall say, "My brother-in-law refuses to establish a name for his brother in Yisrael." (25:7)

For whatever reason, the surviving brother refuses to perform *yibum*, levirate marriage with his sister-in-law. The woman comes before *bais din* and declares, *Me'ein yevami l'hakim shem b'Yisrael*, "My brother-in-law refuses to establish a name for his brother." It seems from the text that no more is said, other than that he simply refuses to perform the *mitzvah*. Reasons are not discussed. We find another instance of *miyun*, refusal, in the Torah, when Yosef refused to succumb to the advances made by Potifar's wife: *Va'yimaen, vayomer*, "He refused and he said" (*Berachos* 39:8). In this case, however, Yosef seems to present a number of reasons/excuses to justify his refusal. This prompts the *Midrash Rabba* (*Bereishis* 87) to posit, *B'dvar mitzvah memaanin, b'dvar aveirah, ein memaanin*, "For a *mitzvah* (which one is not going to transgress) one refuses; for an *aveirah* which one will not commit, one will refuse." What are *Chazal* teaching us?

The basic explanation, as seen by the commentators, is that when one refuses to execute a *mitzvah*, he simply says, "I refuse," and gives no explanation for his behavior. This is noted from the above case of the levirate marriage where the woman simply declares, "He said no;" end of the story. It is best that explanations not be rendered, so that others not learn another way out of performing a *mitzvah*. Concerning an *aveirah*, however, it is better to give explanations, so that others will learn that there are many rational reasons for not transgressing an *aveirah*.

Gevilei Eish quotes **Horav Yitzchak Cott, zl** who presents a human nature twist to explain *Chazal's* perspective. When a person refuses to perform a *mitzvah*, he does not need an excuse to sanction his noncompliance. The power of the *yetzer hora*, evil inclination, and its tenacious grip on him is sufficient reason for his abnegation. He does not feel beholden to anyone. This is what the evil inclination can do to a person.

The individual who does not countenance sin invariably conjures up an excuse to justify his being "good." The *Rosh Yeshivah* offers the following example: One who is addicted to smoking of course does not light up on *Shabbos*, since it is prohibited. Yet, he does not acknowledge that his refusal to smoke is due to his adherence to the Torah. He simply says that he is not in the mood or that he does not feel well. Heaven forbid that someone should think that he is observant and actually cares about transgressing *Shabbos*.

Two types of refusals: Refusal to perform a *mitzvah* needs no justification. He belongs to the *yetzer hora*. Refusal to transgress, however, requires some qualification: otherwise, people might begin to believe that he is actually *frum*, observant. Perhaps there is more to it. The one who offers lame excuses to justify his non-actions intimates that he really wants to sin – if we can only remove the impediments that prevent him. Otherwise, why offer excuses? To refuse means to say no. That

should be sufficient. After all, what part of "no" does one not understand? Additional excuses and justifications only serve to undermine the emphatic nature of the "no."

This idea receives support from the **Netziv, zl,** who observes that the cantillation note, *shalsheles*, followed by a *psik*, suggests a refusal that was adamant. The notes set off the *va'yimaein*, "and he refused," adding to it, "and he <u>adamantly</u> refused." He repulsed her firmly with no indication of hope for a later weakening of his defenses. As far as Yosef personally was concerned, he was not giving in, not changing his mind. The refusal was unequivocal and not open to any compromise. The excuses which follow were for Potifar's wife, to explain to her why he was taking such a position. Yosef, however, understood that excuses are a sign of weakness.