



# THE שבוע MATTERS

לע"נ ברוך בענדיט וברכה גרוס ע"ה  
by Mr. & Mrs. Duvy Gross

שבת קודש פרשת ואתחנן  
מסכת יבמות דף י"א  
לרפ"ש אחינו בני ישראל

## Insights from our Chaburos

### Making a Mistake

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The גמרא says that according to ר' יוחנן once a יבום does יבום to one of his brother's wives, the rest of the צרות remain with the עשה of לא איסור עשה. יבנה. A question is raised from the following גמרא: the גמרא on עב נ עב דף נ says that if a person did מאמר (a form of Kiddushin to a Yevama) to a lady and צרה, then he needs to give both of them a גט, and חליצה to the one he did יבום with. רשי explains the reason for the מעליותא that we are afraid people will think ביהא after a קנין is a מעליותא and they will come to say ביאה אחר ביאה אחר and they will come to do יבום to two wives and will therefore be אח אשת אח. מפרשים The גמרא which says clearly that after יבום there is no longer an איסור אשת אח, there is only an עשה. A similar question is asked on the יוסף אהע סימן קס"א in בית יוסף who says after a man does יבום to one wife the rest have an איסור אשת אח. מאיר asks that the בי seems to be inconsistent with ר' יוחנן in our גמרא who says it is only an עשה (and normally the halacha follows ר' יוחנן). He answers with a יסוד: the עשה is not a new עשה. Rather it is saying that the original איסור אשת אח that was going to leave doesn't leave but is lowered to an איסור אשת אח. This is what רשי and the בית יוסף meant by the "איסור אשת אח". This is סברא actually found explicitly in the מאירי in his הקדמה to הראשונה.

### Review & Remember

1. Why is the co-wife of an adulteress prohibited for yibum and chalitza?
2. How long does a woman have to seclude herself with another man to become prohibited to her husband?
3. Is it permitted for a man to remarry a woman he divorced?
4. Explain the dispute between R' Yosi ben Kipar and Rabanan.

## Stories of the Daf

### Consideration for Others

לא ישפוך אדם מי בורו האחרים צריכים להם  
Once, when Rav Aharon Kotler, zt"l, was visiting Israel, he hired a driver to transport him from Tel Aviv to Yerushalayim. The fairly large vehicle had a number of empty seats so the Rosh Yeshiva made sure that the driver agreed to stop and pick up any hitchhiking Jews asking for a ride at the side of the road until every empty place would be filled. The driver assented, and they set out on their way.

Rav Shimon Zalaznik, zt"l, accompanied the Rosh Yeshiva on this journey. He asked Rav Aharon, "Surely we are not obligated to hold the driver to this condition. I know that the Rosh Yeshiva is aware that there have been several incidents of Arabs masquerading as hitchhiking Jews who have sought to murder the Jews who unwittingly come to their aid by offering a ride. Is this not a clear case of pikuach nefesh which would require our neglect of the mitzvah to do a chessed for another Jew?"

The Gadol responded, "I am far more afraid of the Gemara in Yevamos 11b than I am of the situation that you describe! There, we see that one may not empty one's cistern if another Jew might be in need of the water that it holds. There are open seats here waiting to be filled, and it will cost us the same whether we travel alone or take a full car. This is what caused me to insist on our right to pick up hitchhikers along the way. And as far as your worries about Arabs and pikuach nefesh are concerned, I don't see a problem at all. If, chas v'shalom, a terrorist were to enter the car, with siyatta d'Shemaya we would certainly be able to overpower him. After all, it's three of us against one of him!"

## Parsha Connection

In this week's daf we learn about the case of Tzaros Sota (the co-wife of an unfaithful wife). In this week's Parsha we read about the Luchos Shenios. As we know the first Luchos were broken by Moshe Rabbeinu when he found out that Yidden had made the Golden Calf. Klal Yisroel's actions in making the Golden Calf is comparable to the actions of an unfaithful wife. And in fact similar to the unfaithful wife who is examined through the Mei Sotah, Klal Yisroel were given to drink from the ground up Golden Calf to determine whether they were guilty of serving the Golden Calf. See Shemos 32,20. Since the first Luchos were broken by Moshe, why do we celebrate Shavuos, on the day the first Luchos were given rather than on Yom Kippur when the Luchos Shenios were given? Perhaps we can suggest an answer along the lines of a יסוד found in the introduction to the ספר המקנה. The ספר המקנה compares the giving of the Torah to a marriage between Hashem and Bnei Yisroel. But he says that the marriage was conditioned on them accepting the commandments. Based on this we can say that the giving of the Luchos on Shavuos was the Ikur Kiddushin of Klal Yisroel, but it was based on a condition (acceptance of the commandments). Although at first they violated this condition, once they came to fulfill it with the acceptance of Luchos Shenios, it retroactively became valid as of the original date of Shavuos.

## Halacha Highlight

### Chalitzah for a Suspected Adulteress

אמר ר' יהודה אמר רב צרת סוטה אסורה  
*R' Yehudah in the name of Rav said: The co-wife of an adulteress is prohibited.*

There was once an estranged couple who for two and a half years lived apart from one another. Six months before the husband died it became known that his wife was pregnant and he accused her of committing adultery. She claimed that she became pregnant from the tailor but that it happened against her will. The tailor claimed that the relationship was consensual. The local secular courts issued a decision that the tailor was responsible to pay child-support. After the husband passed away, the widow married someone else without having received chalitzah from the yavam. Teshuvos Bais Yitzchok<sup>1</sup> was asked whether in this case chalitzah is required for the widow who may have committed adultery.

Although our Gemara rules that yibum is not done for a widow who committed adultery, there is a dispute whether chalitzah is required before she is permitted to remarry. Rambam<sup>2</sup> rules that the adulteress is also exempt from chalitzah. The rationale is that the Torah considers her to be an ervah to the yavam, and she is thus exempt from both yibum and chalitzah. Ra'avad<sup>3</sup>, on the other hand maintains that the Torah only exempts her from yibum but chalitzah is required before she is permitted to remarry. Shulchan Aruch<sup>4</sup> rules like Rambam that the adulteress is exempt from yibum and chalitzah but Rema<sup>5</sup> mentions the opinion of Ra'avad. Teshuvos Bais Yitzchok ruled that in this case the widow must perform chalitzah because of a sfek sfeika that points towards stringency in this matter. First of all, halacha may follow the position of Ra'avad who holds that even a woman who certainly committed adultery must perform chalitzah. And even if one were to argue that halacha follows Rambam that an adulteress woman does not need chalitzah perhaps in this case the widow's claim is correct that the relations were done against her will; consequently she is not an adulteress and would require chalitzah before she is permitted to remarry.

1. שו"ת בית יצחק אה"ע ח"ב סי' ק"י
2. רמב"ם פ"ו מהל' יבום ה"ט
3. ראב"ד בהשגותיו להרי"ף
4. שו"ע אה"ע סי' קע"ג ס"ע י"א
5. רמ"א שם

## Mussar from the Daf

### Don't Waste Water

The Gemara on 11b explains that if two women fell to Yibum one of whom was permitted to marry a Kohen and the other not permitted (e.g., she was a divorcee), you should do chalitzah to the one who is already forbidden to marry a Kohen so as not to disqualify the other one who is kosher to marry a Kohen. On this point, Rebbe taught that one should not dispose of water from his well when other people may need it. In essence Rebbe is teaching us a din of Baal Tashchis. There are two aspects to this mitzvah. First, there is the aspect of Bain Adam L'Chevero. Meaning even though it makes no difference to the Chalutz too which lady he is doing the Chalitzah, Rebbe is teaching us that we have to think of others and see how our actions will affect those around us. Therefore Rebbe says we see here, not to waste water, because other people can use the water and therefore we should be thinking about them. The Sefer Hachinuch highlights another aspect of the Issur. When discussing the Issur of Baal Tashchis, he explains that the idea is to teach us to love that which is good and worthwhile and to cling to it, so that good becomes a part of us and we will avoid all that is evil and destructive... Not so are the wicked, who are like demons, who rejoice in destruction of the world, and they are destroying themselves. It seems that the Sefer Hachinuch focuses on the fact that Baal Tashchis is also a Midah Bain Adam L'Atzmo. We shouldn't waste and thereby become a destructive person. Practically speaking, this can apply anytime we have extra food or clothing. Instead of throwing it out, or just letting it lay around our homes, we can begin to think, who might appreciate these items? In this way, we not only help someone else, but as the Sefer Hachinuch says we inculcate within ourselves the trait of attaching ourselves to good.

### Point to Ponder

The Gemara introduces two additional cases of an ערוה exempting her מצוה. One is the case of a סוטה, and the second is one of גרושתה (a man who remarried his divorcee after she had remarried). They are both referred to in the Torah as "סומאה" and that associates them with ערויות, as to which the Torah says בכל אלה. The cases in the Mishna involve women who are an ערוה to the Yavam, these women, however, are not an ערוה to the Yavam but the deceased husband. Why then are they called an ערוה with regards to Yibum?

### Response to last week's Point to Ponder

The Gemara says that the reason we don't mention the case of one who marries a lady raped by his father is because the Mishna is not dealing with cases that come about through issur, yet immediately after this the Gemara asks about another case whereby a father-in-law raped his daughter-in-law. Doesn't this contradict the prior answer? The Gemara differentiates between what the deceased brother did and what others may have done. Rashi points out that in the second case the deceased did not do anything improper. The fact that others violated Halacha and caused a situation, is not considered a בדיעבד case.

ר' יוסף שמואל שמעלקא בר יצחק מערמלשטיין ז"ל Shelly Mermelstien לע"נ Yevamos has been dedicated in

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The shavua matters is published by the Daf a week program under the rabbinical guidance of Harav Meir Stern shlita and Harav Shmuel Kamenetsky shlita

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