



THE שבוע MATTERS

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

שבת קודש פרשת וירא
מסכת יבמות דף כ"ה
לענ ר' שלמה יואל בן מרדכי שעסק בצרכי ציבור באמונה
לענ פיגא בן יהודה ליכטער

Insights from our Chaburos

Under What Circumstances Can the Messenger Marry the Woman?

חתם ליכא כתבא הכא איכה כתבא
The Gemara contrasts two situations, one where a witness is believed, and the other where he is not believed. From our Mishnah, we infer that if a witness comes and brings a גט from within Eretz Yisroel, the witness is believed, and he may even marry the woman about whom the document speaks. We are not relying upon the witness' testimony, as there is no need for his confirmation of the גט having been written לשמה. In a case where the witness comes and testifies that the husband has died, we allow the woman to remarry, but here, again, this ruling is not due to the testimony of the witness per se, but rather due to the conviction of the woman herself, that she is confident that her husband is actually dead. Yet in this second case, we do not allow the witness to marry the woman. Why do we allow the witness to marry the woman in the case of the divorce document, but not in the case where he testified that the man died? The Gemara answers that in the case of the גט we have a document upon which to rely. In the case of the testimony, we have no document at all, so we are actually relying upon the witness to a greater degree. Proof that this contrast is valid is from the case of the five women who are adversaries with a man's wife (117a). Even though they are not believed to say the husband died, they are nevertheless trusted to bring a גט and say בפני נחתם asks why the five women are believed to bring a גט and verify it from outside Eretz Yisroel, but the messenger in our Mishnah is not believed in this case. He answers that the five women are suspected of animosity and hatred. When they bring a document, this suspicion is removed. The messenger, however, is suspected of desiring to marry this woman. Here, his bringing a גט to court actually adds to this suspicion, so he is not believed.

Stories off the Daf

No One Considers Himself Wicked!

אין אדם משים עצמו רשע

At one Seder in the home of Rav Chaim Kanievsky, shlit"a, a guest told a story that originally appeared in the works of the Ben Ish Chai, zt"l.

"Once, a businessman was on the journey home after a successful stint at a fair. In one abandoned stretch of road, he spotted another person. As soon as the businessman drew closer the other man shocked the businessman by pointing a loaded gun right at him. In a gruff voice, the bandit said, "Hands up! Give me all of your money." The businessman did as he was told and handed over all of his hard-won earnings.

As the bandit made to leave, the businessman said, "Wait! I am really in a bind now. Won't you help me?"

"Nu?" said the bandit, clearly in a rush to make his getaway.

"That's not only my money that I gave you—it is also the return on the investments of others! They will never believe that I was robbed."

The bandit openly sneered, "Are you trying to ask for some money back?"

"No, no. All I am asking for is that you shoot a few holes in my hat."

"What?" asked the surprised bandit.

"If you shoot my hat there will be no denying that I was really robbed."

"Fine," said the thief. "Take off your hat and hold it away from you and I'll do it." Bang! "Can you shoot another hole so no one will doubt my story?" asked the businessman. Bang! "Please fire again," begged the traveler. Bang! "Could you do a couple more so it looks completely realistic?"

"I think three bullet holes is enough," demurred the thief, "But if you really want me to..."

"Just one more," begged the victim. "Alright, but then I've got to go." Click.

"You fool," shouted the thief. "Now I'm out of ammunition!" The merchant grinned and said, "If that's the case, I'll take back my money!" He beat the bandit soundly and retrieved his property.

After everyone at the table finished laughing, Rav Kanievsky spoke up. "Don't forget what the bandit told the merchant as he was taking the money: 'It's not enough that you finished my ammunition and beat me up—you're taking my money too?' Even a bandit thinks that he's in the right!"

Parsha Connection

In this week's daf, we learn about situations involving potential improper behavior by a wife, and how this behavior is perceived by others. Similarly, in this week's Parsha we read about Sarah, who was taken by אבימלך, and returned to Avraham. Why wasn't Avraham concerned about the perception that others may perceive by אבימלך taking Sarah to the palace? In fact, we see later (פרשת תולדות) that people were alleging that Yitzchok was not Avraham's son. Rashi explains that for this reason, Hashem told Avimelech, that Avraham is a prophet and knows that you didn't do anything improper. While this explains why Avraham was not concerned, it doesn't help with the allegations by others. The Alshich Hakadosh explains that this is why it says that Hashem closed fast every womb of the household of Avimelech because of Sarah (כ, יח), this was done so that EVERYONE realized that Avimelech, couldn't have done anything improper. Let's make sure that everything we do is always seen in the proper light!

Halacha Highlight

Honoring a Non-Biological Parent

אמר אביי אמרה לי אם וכי

Abaye said, "My mother told me..."

In a number of places, Rashi mentions that the person Abaye identifies as his mother is not, in fact, his mother because Abaye was orphaned. Rather, the woman Abaye identifies as his mother is the woman who raised him. This principle, that one can refer to a non-biological parent as a parent is mentioned explicitly in the Gemara in Megilla². In Divrei Hayamim, Basya bas Pharaoh is identified as the one who gave birth to Moshe Rabbeinu. This reference is challenged by the Gemara since Basya merely raised him but did not give birth to him. The Gemara answers with the principle that whoever raises an orphan in their home is credited with having given birth to him. Rav Moshe Sofer³, the Chasam Sofer, also points to a source that indicates that a step-child can be identified as one's child. The Torah refers to Serach as bas Asher (Bemidbar 26:46). Ramban⁴ notes that Serach was not the biological daughter of Asher. Rather, she was his wife's daughter. Nevertheless, since Asher raised her, the Torah considers it as if he was her father.

Rav Menashe Klein⁵, the Mishnah Halachos, was asked whether a step-son could observe mourning practices for his stepmother. Mishnah Halachos responded that if the step-mother does not have a child to say kaddish for her it is permitted for her step son to recite kaddish, study mishnayos, and give tzedaka on her behalf. The observation of mourning practices, on the other hand, is restricted to biological children and should not be observed by stepchildren. Furthermore⁶, the permission for a step-son to recite kaddish on behalf of his step-mother is not considered to be on the same level as a child's obligation to recite kaddish for a parent. In those places where the custom is for the mourners to take turns reciting kaddish, there is a hierarchy to be followed to determine which mourner will recite each kaddish. In the event that there are numerous mourners, those who are reciting kaddish for a step-parent do not share the same level of obligation to recite kaddish, and those mourning a biological parent do not have to forgo their privilege for someone who is reciting kaddish for a step-parent.

1. ע' רשי כתובות לט: דה אמרה ובגיטין לד: דה והלכתא
2. גמי מגילה יג
3. שו"ת חתם אורח קס"ד דה ובגדון
4. רמב"ן במדבר כ"ז: מ"ו
5. שו"ת משנה הלכות חי ס"ע קנ"ג
6. שו"ת חתם הנ"ל

Mussar from the Daf

Success Breeds Success

The Gemora discusses how a person can't testify about themselves because a close relative can't provide edus regarding close relatives (even one's self). Based on this concept, The Gemora states that a person's testimony can't turn themselves into a Rasha. The question is what issur is testimony regarding one's self or their relatives? It seems from the Shulchan Aruch and the Rambam that it is a gezaras hacatuv, as it is hard to believe that Moshe or Aharon would be nogeh (blinded) in their edus regarding each other! However, the Minchas Chinuch in Mitzvah 589, asks that we see from the Gemora in Sanhedrin 28, which states that an engaged couple can't testify against each other because they are so emotionally close to each other. The Gemora seems to imply that this halacha is logical. This certainly makes sense as we can't allow people to testify regarding their close relatives or themselves, because they may be blinded (nogeah b'davar) from seeing the truth because of their closeness. This thought would make sense when it comes to saying somebody is innocent, but according to this logic, why shouldn't a relative or person be allowed to testify to say that one is Chayiv (guilty)? Sometimes a person can suffer from such low self esteem, they only see their own weaknesses. While others see the reality of how great they are, some people are stuck and can't see any good in themselves. As the Gemora states, "We don't trust a person when he calls himself a Rasha". And this sometimes even applies in a family (close relatives). Sometimes when people have such familiarity with others, they lose sight of others' greatness and only see the problems in the others. Therefore, the halacha recognizes this and doesn't allow people to testify regarding themselves or close relatives. It is very important to be in reality and be aware of one's positive traits as well as the potential which is inside of them. Success breeds success. All while knowing it is a gift from Hashem.

Point to Ponder

Rashi on ע"ב כ"ה explains that a person who admits, is believed like 100 witnesses, only with regards to money. If for example a person admitted to stealing, which we know makes him an invalid witness, how can we believe him with regards to the money which he stole? How is it different from the cases in our Gemara where we say that a person cannot incriminate himself?

Response to last week's Point to Ponder

The Mishna says that the oldest/firstborn has the Mitzvah of Yibum but if a younger brother marries the Yevama, he gets the Mitzva. If the oldest is not interested in doing Yibum, a younger brother can do it. What would happen if the oldest only wants to do Chalitzah, but a younger brother is willing to do Yibum? Do we give preference to the younger brother because Yibum is our first choice, or do we give preference to Chalitzah since it will be performed by the older brother?

The question is discussed in the Gemara on Daf ע"א ל"ט, where 2 opinions are explained, one being that since the main objective of Yibum is to continue the brother's legacy, marriage by any brother is preferred over Chalitzah. The second opinion maintains that it's the oldest brother's Mitzva, and only his.

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

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