



THE SHABBAT MATTERS

שבת קודש פרשת קרח | מסכת יבמות דף נ"ו

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INSIGHTS FROM OUR CHABUROS

When Does the Woman Become Disqualified to Eat Teruma?

אלמנה לכהן גדול גרושה וחלוצה לכהן הדיוט מן האירוסין לא יאכלו בתרומה וכו'

Rashi offers two approaches to explain the case of the Mishnah. He initially explains the Mishnah one way, but he then presents a number of questions against this approach. As he explains the discussion in the Gemara, Rashi presents a second approach, which he then concludes is more authoritative. His basic understanding is that we are speaking about a woman, whether she is the daughter of a kohen or a yisroel, who becomes engaged (מאוסרת) to a kohen to whom she is prohibited to marry. For example, if she is a widow engaged to a kohen gadol, or if she is a divorcée who is engaged to a regular kohen. The halacha is that, from a Torah perspective, a woman who is מאוסרת to a kohen is already considered קנין כספו, and she may already eat teruma. However, this right was suspended by the rabbis, and she may only begin to eat once she is actually married. Our Mishnah holds according to the opinion that allows her to eat teruma once the promised date for the wedding arrives, even if the wedding itself might be delayed for whatever reason.

When a kohen gives קידושין to a woman who is prohibited for him to marry, although she is technically קנין כספו, this preliminary status of אירוסין is in anticipation of an upcoming marriage which will result in this woman becoming a חללה, due to her being ineligible to marry the kohen. This will disqualify her not only from eating the teruma of the kohen husband, but also from eating teruma from her father's household, if she comes from a family of kohanim. This is the situation which is the subject of the dispute in the Baraisa. Rabbi Meir holds that she becomes rabbinically disqualified to eat teruma from the moment of אירוסין. She certainly cannot eat teruma from the date of the wedding, even if the wedding has been delayed. Rebbe Eliezer and Rabbi Shimon hold that if she actually marries the kohen she will be a חללה, and consequently not be allowed to eat teruma. However, if the date of the wedding has arrived, and the wedding is delayed, she is not yet a חללה and she may eat teruma.

STORIES OFF THE DAF

Understanding the Question

אלמנה לכהן גדול גרושה וחלוצה לכהן הדיוט מן האירוסין לא יאכלו בתרומה... אין מאכילין קדושי עבירה

Rav often has to understand the background of the questioner to ascertain what is behind his query. It is only in this way that he can provide an appropriate answer. Once, while a group of students were gathered in the home of Rav Chaim Ozer Grodzensky, zt"l, they were intruded upon by a simple Jew. The workingman trudged into the house and blurted out his question. "Rebbi, I am a kohen. Is it permitted for me to take a divorcée?"

The Gadol responded without hesitation, "Of course you may!"

The students were shocked, since it is well known that a kohen may not marry a divorcée. As soon as the man pushed his way out of the house, one of the talmidim had the nerve to question Rav Grodzensky's psak.

The student asked, "Rebbi, don't we learn from the Mishnah in Yevamos that a kohen may not take a divorcée for a wife? This is a clear verse in the Torah!"

Rav Grodzensky smiled and said, "What do you think just happened here? Is Yankel the wagon driver really asking me whether he should banish his own wife and marry a divorcée? Consider the circumstance, and then you understand the answer. Yankel has heard many times that a kohen may not 'take' a divorcée, and in his simplicity he assumed that this might include a wagon driver taking such a woman for a ride! Naturally, I explained that this is permitted!"

REVIEW AND REMEMBER

1. Is a yevama permitted to eat teruma because of the yavam?
2. Is the wife of a deaf-mute allowed to eat her husband's teruma?
3. Does a woman who is raped become prohibited to her husband?
4. Explain the dispute of R' Meir versus R' Elazar and R' Shimon?

PARSHA CONNECTION

In this week's daf the Gemara discusses eating Terumah and the fact that even a lady whose father is not a כהן can eat תרומה if she marries a כהן. The 24 presents given to כהנים was one of the triggers for the מחלוקת started by קרח, who resented the fact that כהנים get all these benefits. When assembling his team קרח, recruited דתן אבירם and an additional 250 men. The ויקרא לפני משה ואנשים מכני ישראל פסוק says חמשים ומאתים וכו' Why are they listed separately from Moshe? It should have said that קרח & his team gathered against Moshe. Additionally, the next פסוק says ויקהלו על משה ואהרן וכו' which seems extra, since we just read that the stood in front of Moshe? The Alshich Hakadosh explains that the 250 people, were concerned that קרח who was Moshe's cousin, may end up reconciling with Moshe, leaving them in Moshe's bad graces (for rebelling against him). They therefore waited until קרח confronted משה and when they saw that they are not reconciling, they joined the מחלוקת. This is why they are mentioned separately in the first פסוק, but all together in the following פסוק.

MUSSAR FROM THE DAF

Hear Him Out

ברישא שביק להו לרבנן עד דמסיימי מילתייהו והדר פליג עלייהו
וליפלוג רבי נתן עלייהו

Abaye asks why doesn't Rav Nasan disagree with the רבנן in the רישא of the Braisa? Rav Yosef explains that Rav Nasan let the Rabbanan finish their statement, and only then disagreed with them regarding the entire statement.

The Shaaryim Mitzyonim Bhalacha asks that we find many times in Shas where we see people interrupted one who is speaking, so why did Rav Nasan feel that he could not interrupt the Rabbanan here? He answers by quoting the שיטה מקובצת (Kesubos 48a) who says that we have a rule in Shas: When the listener doesn't understand the concept of what the other is saying, then he can ask immediately. However, if he wants to question the speaker's statement, then he should wait until the speaker is finished and only then ask his question.

What is the difference? Perhaps it is a din in Kavod. It is a lack of kavod to the other by not allowing them to finish what they are saying and to cut them off. However, if one doesn't understand what the speaker is saying, it could be a kavod for the speaker to ask them right away because you are demonstrating to them that you want to understand what they have to say.

When a person is speaking and you feel the need to interrupt, try to think to yourself, how would you relate to this person if they were a Rosh Yeshiva. You surely would not cut off a Rosh Yeshiva. With this imagery, the person can then possibly garner the necessary savlonos to allow the other to finish their thought.

POINT TO PONDER

On the מחלוקת between רב & שמואל regarding what a Yavam is קונה, Rashi on the words לכל קנה says that the Gemara is asking what the Yavam is קונה when he employs any of "these" inferior ways (ביאות גרועות). Which would seemingly indicate that in ALL cases other than a regular full ביאה there's a disagreement as to what he acquired. However when we look at לאוקמיה במקום בעל רש"י ד"ה, Rashi says that only when the Yavam did not have intent on acquiring the Yevama would שמואל argue. So for example, if the Yavam did something שלא כדרכה (which would not result in הקמת שם) with intent to acquire, does שמואל hold that he acquires her completely? How can we reconcile the two Rashis?

Response to last week's Point to Ponder:

ואימא אשת אח מן גמרא's question אח מן האב כאשת אח מן האב. Why didn't the Gemara answer based on the earlier גמרא פסוק דף י"ז ע"ב on גמרא פסוק דף י"ז ע"ב that uses the פסוק of פסוק דף י"ז ע"ב to exclude a half brother from the same mother from the Mitzvah of Yibum?

The גמרא דף י"ז ע"ב is discussing the Mitzva of Yibum and learns from the fact that it says אחים that the מצוה is only by brothers who share the same father. In our גמרא the discussion is about being allowed to marry a sister-in-law, and a half brother's wife (from same mother) and questions whether a man can marry such a woman even if there is no בום דף י"ז ע"ב as we know from the גמרא on גמרא דף י"ז ע"ב.

HALACHA HIGHLIGHT

Does the Wife of a Kohen who was Violated Become Prohibited to the Violator

יש לך אחרת שאע"פ שנתפשה אסורה ואי זו זו אשת בהן

There is another who is prohibited even though she was forced and who is that? That is the wife of a kohen.

Awoman married to a non-kohen who has an adulterous affair becomes prohibited to her husband, and once prohibited to her husband she becomes prohibited to the adulterer as well, even after her husband divorces her or dies. In contrast if she was raped she does not become prohibited to her husband or to the rapist.

Rav Moshe Lima¹, the Chelkas M'chokeiek, inquires whether the wife of a kohen who is raped becomes prohibited to the rapist. Does she become prohibited to the rapist since she becomes prohibited to her husband or perhaps she will be permitted to the rapist since the prohibition against remaining married to her husband is a function of his status as a kohen and not the result of the relations per se?

Shulchan Aruch² rules that a woman who has an adulterous affair become prohibited to her husband and the adulterer. Rema³ adds that if she becomes prohibited on account of an affair she is prohibited to the adulterer. It seems as though Rema is just repeating the ruling of Shulchan Aruch. Rav Shmuel ben Uri Shraga Faivish⁴, the Beis Shmuel, answers that the Rema is addressing our question of whether the wife of a kohen who is raped becomes prohibited to the rapist and he is hinting to the fact that although in the same situation of rape the wife of a Yisroel would not become prohibited, nevertheless, the wife of a kohen becomes prohibited to the rapist.

Rav Avrohom Shmuel Binyomin Sofer⁵, the Ksav Sofer, suggests that the two approaches are reflected by the two versions in our Gemara. According to the second version of the Gemara, namely that a kohen is prohibited to his wife who was raped because of tumah, it is logical to assume that the same tumah will prohibit her to the rapist. According to the first version of the Gemara, namely that a kohen is prohibited to his wife who was raped because of tumah and זונה it could be said that she would not be prohibited to the rapist. The reason is based on a ruling of Rosh⁶ that tumah prohibits a woman to her adulterer only when that is the only reason she became prohibited to her husband. But if there is another reason she is prohibited, tumah will not prohibit her to the adulterer. Therefore, since according to this version she is prohibited as a זונה, the tumah prohibition will not prohibit her to the rapist.

1. חלקת מחוקק אה"ע סי' י"א סק"י
2. שו"ע אה"ע סי' י"א סע' א'
3. רמ"א שם
4. בית שמואל שם סק"ג
5. שו"ת כתב סופר אה"ע סיק' ח'
6. רא"ש לכתובות פרק א' סי' ד'

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