



THE SHABBAT MATTERS

שבת קודש פרשת חוקת | מסכת יבמות דף נ"ז

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

לע"נ דינה בת יעקב

INSIGHTS FROM OUR CHABUROS

What is חופה?

רב אומר יש חופה לפסולת

The process of נישואין is characterized with the procedure of חופה. The Rishonim discuss the precise makeup of this procedure. Shulchan Aruch (Even Hoezer 55:1) rules that when the husband brings the woman to his house, and they remain there in seclusion, this is חופה. Rema adds three additional opinions (יש אומרים) that hold that seclusion is not necessarily part of חופה. One is that it is sufficient that the husband bring the woman to his house as his wife. Others maintain that חופה is formally when the bride and groom stand and have a tallis spread above them as the brachos are recited. There is one final opinion, and it states that when a בתולה is taken to the wedding in a special canopy-wagon (הינומא), this is חופה. Rema concludes that the common practice for that we call חופה, is the ceremony when a canopy is spread above four poles and the chosson and kallah stand underneath. We recite the berachos for אירוסין and the chosson presents the kallah with kiddushin. They continue to stand there as we recite the wedding berachos before them. This is חופה. Afterwards, they are escorted to a secluded place (צנוע) (מקום) where they can eat something.

Our Gemara cites whether מחלוקת חופה has an effect with a woman who is prohibited to be wed (פסולה). Rav holds that there is an effect, while Shmuel holds that there is no significance to חופה with a woman who is פסולה for this man. The Rishonim provide varying explanations on how to understand this dispute. Rashi explains that we are dealing with חופה itself, which is not preceded by קידושין. Although both Rav and Shmuel hold that חופה without קידושין is not קונה (unlike בר הונא who holds that the חופה is קונה—Kiddushin 5a), Rav still holds that חופה is at least the initial step toward חופה. Therefore, in a case where the marriage itself disqualifies the woman from teruma, the חופה already has this effect. Shmuel holds that because the חופה is not קונה, it has no effect to disqualify the woman.

Tosafos (ד"ה רב אמר) learns that Rav and Shmuel actually agree that in general, we hold according to Rav Huna who rules that חופה is קונה. The dispute is only here, regarding how to view חופה with a פסולה. And the dispute is regarding חופה without קידושין having taken place, or even after a proper קידושין has taken place. Rav holds that חופה with a פסולה has an effect, while Shmuel holds that it is meaningless.

STORIES OFF THE DAF

Waiting for a Great Man

לסוף אתא גברא רבה אחרינא ובכא מיניה מילתא [אחריתא] ופשט ליה

On this week's daf we find that Rav Oshaya only answered a question when a "great man" came along. Sometimes, the answer is dependent on the stature of the person asking the question.

The Ponevzher Rav, zt"l, once traveled to America to raise funds and found himself in a certain city whose native-born Rabbi was quite young and inexperienced. As was the custom, the Rav approached this person to help him raise funds. Before they set out to canvass the wealthier members of the community, the local Rabbi said to Rav Kahanaman, "We are sure to be successful with everyone except one certain baal habayis. The man is very wealthy but he never, ever, donates more than fifty dollars (in those years, a sizable sum) to any cause. The only exception was when he gave one thousand dollars to Rav Meir Shapira, zt"l, of Lublin."

Rav Kahanaman said, "Tell me what happened." The local Rabbi related, "After the gevir told Rav Meir that he would donate fifty dollars, the Lubliner Rav asked to speak to him privately. They left the room together, and when they returned five minutes later, the gevir handed Rav Meir one thousand dollars. And neither would tell me why!"

The Ponevzher Rav decided to approach the gevir alone. When he arrived he said, "I haven't come to ask for money. I only want to know what the Rav of Lublin said to you—the information might prove helpful with others." The wealthy man answered, "Rav Meir took me aside and asked me what I think of the local, native-born Rabbi? I told him that although he seemed a competent Rav, I never felt confident that he had enough discernment to tell who really deserves a large donation and who doesn't. That is why I only give a standard fifty dollars. Rav Meir then said: This is why we need a yeshiva like Chachmei Lublin—to train Rabbonim of the highest quality, because America is not yet ready to produce great Rabbonim! Naturally I gave as much as I could to the yeshiva!" The gevir continued, "Since you came alone, I see that you also understand the limitations of our Rabbi." Not surprisingly, the man offered the Ponevzher Rav a sizable donation without even being asked!

PARSHA CONNECTION

In this week's daf we learn about how the wife of a כהן can eat Terumah even if she herself is the daughter of a ישראל. There is a similar situation discussed in this week's Parsha, where the Jews in the Midbar had water not based on their own merit but on the merit of another party, in this case מרים. When מרים passed away the well disappeared. הקב"ה tells רבינו to speak to the rock, and it will give forth water. This is similar to the passuk in בשלח, when Hashem tells Moshe to hit the rock. Since the water comes from a "well" why is Moshe told to talk to a rock instead of talking to the "well"? The Alshich Hakadosh explains that there was never a problem with the well itself, rather there was a rock that blocked the well from being visible and giving forth water. This can also be understood as an analogy to our Torah learning. Torah is compared to water. The Torah is always there and available to us, we just need to remove the obstructions that prevent us from doing so!

MUSSAR FROM THE DAF

Treat Yourself

לסוף אתא גברא רבה אחרניא ובכא מיניה מילתא [אחריתא] ופשט ליה

There is a Gemara in Bava Metziah 85a that tells a story in which Reish Lakish (who was a bandit at the time) tells R' Yochanan that his beauty should be better used for a woman. R' Yochanan responds to Reish Lakish, that if he returns to Torah, then he would give him his sister who is even more beautiful than him.

How was it possible that Reb Yochanan was willing to give his sister over to somebody who would only marry her for her looks? Why wasn't Reb Yochanan concerned that such a relationship would be superficial and short term, as Reish Lakish might be gone the next time a more beautiful woman comes by? Perhaps our Gemara can help shed light on what was going on. Tosafos on our Gemara explains that the גברא רבה who is identified as Reish Lakish in our Gemara was actually before Reish Lakish became a bandit. Therefore, when Reb Yochanan made the offer to his future brother-in-law it was made with much cheshbon. Reb Yochanan understood that Reish Lakish was once a גברא רבה in Torah learning and therefore appreciated the חשיבות of Torah. Anybody who has tasted the sweetness of Torah, deep down really wants to return to the Torah. However, sometimes one has difficulty in motivating themselves to return. Therefore, Reb Yochanan knew that his beautiful sister would be the motivational factor that Reish Lakish would appreciate and willingly accept to bring himself back to Torah. Sometimes when one doesn't seem interested in Torah learning, it is important to find a reward for the physical self to bring it back "on board." For example, a certain Rav tells people who cannot motivate themselves to learn mussar, to try and learn mussar with a cup of hot chocolate so that the body can have an immediate reward from the learning. Learning to take care of the needs of the body can be critical at times to "entice" it to serve Hashem.

POINT TO PONDER

The Gemara discusses חופה for a wife that cannot marry a specific man, for example a divorcee who wants to marry a כהן. Is חופה defined by her entering the husband's home, or is it defined by them spending time alone, even if it's not in his physical "home"?

Response to last week's Point to Ponder:

On the מחלוקת between רב שמואל & רב 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 בעל לאוקמיה במקום בעל, 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 שם) with intent to acquire, does שמואל hold that he acquires her completely? How can we reconcile the two Rashis?

There are two main opinions regarding the רב ושמואל. One maintains that they argue in every case listed in the Mishna, which includes העראה and ביאה שלא כדרכה. The other opinion says that רב and שמואל only argue in ואונס and שוגג מזיד, which are deficient in their intent. When רש"י writes one of these inferior ways, we can understand it as referencing inferior by virtue of his intent, and not inferior in any other way, in which case there is no contradiction. (See (ריטב"א).

HALACHA HIGHLIGHT

The Sanctity of a Kohen who is פצוע דכא

פצוע דכא כהן שנשא בת גרים מהו שיאכילנה בתרומה

If a kohen who is a פצוע דכא marries the daughter of converts is he permitted to give her terumah to eat?

Shulchan Aruch¹ rules that a kohen who is a פצוע דכא (crushed testicles) is permitted to marry a woman who converted or was freed from slavery. The reason is that a person who is a פצוע דכא is not permitted to marry into the congregation (קהל), and for these matters converts and freed slaves are not considered part of the congregation. Rav Moshe Lima², the Chelkas M'chokeik infers from this ruling that a kohen who is a פצוע דכא is also permitted to marry a convert who is also a divorcee, since a kohen with this condition does not have the sanctity of the priesthood. Therefore, if he is permitted to marry the convert or freed slave, who fall under the Torah prohibition of זונה, he should also be permitted to marry her if she is a divorcee, who is mentioned in the same verse. Furthermore, since he does not have the sanctity of the priesthood he is permitted to become טומא and is not permitted to recite birkas kohanim since he does not have the sanctity of the priesthood.

Rav Shmuel ben Uri Shraga Faivish³, the Beis Shmuel, disagrees with the conclusion of Chelkas M'chokeik and rules that a kohen who is a פצוע דכא is only permitted to marry a convert or freed slave since their prohibition is not written explicitly in the Torah, i.e. the Torah does not define זונה as a convert or freed slave. However, it is prohibited for him to marry a divorcee, since that prohibition is explicit. Rav Yitzchok of Karlin⁴, the Keren Orah, rejects the opinion of Beis Shmuel and concurs with Chelkas M'chokeik that once the kohen with this condition is permitted to marry women who are normally prohibited, he will also be permitted to marry any of the women that kohanim are generally restricted from marrying. He disagrees, however, with Chelkas M'chokeik's conclusion that a kohen with this condition has no sanctity of the priesthood altogether. Keren Orah and others⁵ maintain that it is only regarding matters related to marriage that this kohen follows a different set of standards, but concerning all other matters he has the status of a kohen.

1. שו"ע הא"ע סי' ה' סעי' א'
2. חלקת מחוקק שם סק"א, וע' אוצר הפוסקים אות ה'
3. בית שמואל שם
4. קרן אורה לקמן עו. ד"ה גמרא
5. ע' חזון איש אה"ע סעי' ד' סק"ה

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