



# THE שבוע MATTERS

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

שבת קודש פרשת בלק | מסכת יבמות דף נ"ה

לע"נ חיים בן דוב

## INSIGHTS FROM OUR CHABUROS

**The Brother who Disqualifies the Yevama from Teruma**

יש לו אח חלל דברי הכל אינה אוכלת

The Gemara presents a case where a woman was married to a kohen, and the husband died childless. There are two surviving brothers, one of them being a חלל. One of these brothers performed מאמר with the yevama. Rav Chanina teaches in the name of Rabbi Yochanan that at this point, the woman cannot eat teruma. Rashi explains that even if the מאמר was done by the non-חלל brother, at this point the remaining brother cannot complete the yibum, although from a Torah level he is still required to do so. She is technically awaiting a prohibited yibum, and this disqualifies her from teruma until the brother who performed מאמר completes the process and marries her for yibum. If the מאמר was done by the חלל, she would not be able to eat teruma at that point either.

Rambam (הלכות תרומות ז:כב) writes that since she is associated to both of the brothers, and one of them is a חלל, she cannot eat teruma due to the aspect of the חלל in the picture. This suggests that it is not due to the מאמר and the resulting prohibited yibum which is impending, as Rashi mentions, but rather due to the זיקה to the חלל directly that results in this restriction. It is as if the woman is currently מקודשת to the חלל, which restricts her right to eat teruma, just as if she was מקודשת to any non-kohen.

Ritva explains this opinion of Rabbi Yochanan using a blend of the comments of Rashi and Rambam. Keren Orach wonders why Rashi introduces the aspect of this woman awaiting a ביאה פסולה, when the disqualification for teruma could simply be understood in terms of the זיקה to the חלל, as Rambam explains.

שיעורי רבי דוד wants to explain that Rashi is consistent with his comment to Kesuvos 57a, that from a Torah level, a regular yavam cannot provide teruma to the future yevama, who is awaiting yibum (שומרת יבם). She is not קנין כספו, but she was rather acquired by the deceased brother. Therefore, Rashi also would hold that the fact that one of the surviving brothers is a חלל does not establish a connection which is strong enough to cancel her rights to teruma (for example if she is the daughter of a kohen).

Rambam, however, understands according to Tosafos (later, 67b, ד"ה קנין), that the Torah does allow a yavam to feed teruma to a woman. This is a strong enough bond which associates the yevama with the family of the yavam, and it is only the rabbi who disallow her to eat. Here, based upon the Torah view, the זיקה of the חלל would immediately disallow the yevama from eating teruma.

## STORIES OFF THE DAF

**בזמן שהאיש מנוקה מעון המים בודקין את אשתו Bearing One's Spouse**

Many chassanim would ask Rav Wolbe, zt"l, what they should consider and daven for under the chuppah since it is such an auspicious time. And very often, men who were having trouble at home would also inquire about how to improve their shalom bayis. Rav Wolbe's answer was often the same for both queries. "The term for marriage is לשאת אשה. This really reaches the crux of marriage, because לשאת literally means 'to carry,' or 'to bear.' We are assuming the responsibility to carry or bear our wives for the rest of our lives.

He would continue, "Everyone has his own particular nature which is determined by his innate characteristics and his upbringing, as the Chassid Yaavetz writes. He continues to explain what many do not realize: although people age, they generally don't really change their middos for the better. Even one person in a thousand doesn't really change himself from good to bad. Although people do alter somewhat due to their choices in life, the vast majority remain the same! So before one tries to change his spouse, let him see how much he has changed himself. Invariably, he will find that he has not changed in any significant way. And if he has, then his own sterling middos will enable him to bear his partner's bad middos with equanimity! Instead of waiting for one another to change, each should try to really live the verse, 'Love covers all flaws!' The most needed quality of a couple is patience with one another's faults. This is the foundation of all shalom bayis."

We can learn this lesson from our Gemara. The waters of the sotah only revealed the wife's sin if her husband was completely without blemish in this area from the time of bar mitzvah. So we see just how carefully the accusing party must examine himself before leveling his complaint against his spouse!

## PARSHA CONNECTION

**In this week's daf,** In this week's daf the Gemara discusses certain details of a סוטה, a lady suspected of infidelity. There is an interesting reference to סוטה in the following verse in this week's Parsha וישב ישראל בשטים ויחל העם לזנות אל בנות חואב. While Yisroel was residing in Shitim the nation sinned with daughters of Moav. Why does the Passuk switch from ישראל to עם, and why is it important to mention שטים as the place where the incident occurred? Chazal explain that עם in this context refers to the ערב רב and not to יעקב בני יעקב. Shitim is a reference to a foolish act (שטות) and has the same root and meaning of סוטה. So while בני ישראל were staying in שטים the ערב רב acted like שטים just like a סוטה does when she commits her act of infidelity. The same word, שטים is also used to describe the ארון like it says: ועשו ארון עצי שטים. This is not simply a reference to a type of tree but rather a זכות to help protect ישראל בני ישראל from the future sin of שטים in this week's Parsha. ( See מדרש לקח טוב וספר צרור המור )

## MUSSAR FROM THE DAF

Finding Favor in One's Eyes

משקה לה כשהיא נשואה מי בדקי לה מיא והתניא (ה, לא) ונקה האיש מעון בזמן שהאיש מנוקה מעון המים בודקין את אשתו אין האיש מנוקה מעון אין המים בודקין את אשת

The Gemara tells us that for the Sotah waters to work the husband has to also be pure from any sin (according to the Rambam, even a ביאה that is pasul d'rabbanan would count as a disqualification). Why is that? What is the connection? If the wife was suspected of being unfaithful, why wouldn't the Sotah process still be effective? What does one thing have to do with the other?

The Gemarah in Kiddushin 70b teaches כל הפוסל במומו פוסל. Chazal teaches us a principle that when one begins to suspect others of a certain fault or flaw, there is a high probability that the accuser is just broadcasting their own flaws.

Perhaps that is the pshat in our Gemara. If a husband has a history of חטא in regard to forbidden relations, then any חשד (suspicion) in which he instigated against his wife needs to be taken in the context of who is making the claim. In such a situation there would be a high probability that the husband making the claim, is simply projecting his own flaws onto this wife. Therefore, perhaps The Torah doesn't want to be מכזה the woman to go through this process and erase Hashem's name when the claim may very well be untrue.

Growth is all about self knowledge. Each morsel of self knowledge can be a gem when working on Avodas Hashem. If one constantly suspects certain flaws in others, it is possible that the other person is not as bad as we might think and perhaps the flaw is really within ourselves.

## POINT TO PONDER

The Gemara says that a suspected סוטה who drinks the bitter water will only be affected if her husband himself is clean from sin (בזמן שהאיש מנוקה מעון). Does this apply only to related sins or even other types of sins (e.g. חילול שבת)? If it only does apply to related sins, does it apply only those involving his wife (i.e., having relations with her after she had וסתירה), or would any transgressions with other women also affect the חי סוטה from being effective?

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

Is חופה defined by a woman entering her husband's home, or is it defined by the couple spending time alone, even if it's not in his physical "home"?

The חופה (רמב"ם הלכות אישות פ"י הלכה א) defines חופה as a husband bringing his new wife into his home and spending time alone with her. The תוס' סוכה דף כה ע"ב ד"ה אין points to a גר"א where Tosfos describe חתנים as the place where they made חתנים, even if it was made in a public space where יחוד wasn't possible.

## HALACHA HIGHLIGHT

Relatives by Marriage Testifying Together

דכוותה גבי שומרת יבם שבא עליה בבית חמי

Similarly, in the case of the shomeres yavam, are we referring to a case where he had relations in her father-in-law's home?

Rav Akiva Eiger<sup>1</sup> expressed uncertainty about whether two people who were related by marriage through their wives can testify together about an event they saw once they are no longer related. Do we say that since they were related at the time they witnessed the event they are permanently disqualified or perhaps since either one was fit by himself and the only impediment was that they could not testify together perhaps now that they are no longer related it is acceptable? He cites Haghos Ashri<sup>2</sup> who rules that they may not testify, but Haghos Ashri does not cite any proof or support for this ruling.

Rav Akiva Eiger suggests that the discussion in our Gemara could be utilized as support for this ruling. The Gemara discusses how it is possible for the yavam to have the yevama swear that she did not have an adulterous affair while a yevama. A prerequisite to making a woman swear is that the husband had relations with the woman before the suspected adulterer did, and for a yevama that is not possible. If the yavam and yevama had relations already she is not a yevama but rather his wife and if they did not have relations she would not swear. Rav Akiva Eiger suggests that there is a possible case where the yavam had relations but did not acquire her to be his wife. Beis Shmuel<sup>3</sup> maintains that a yavam acquires a yevama only when the yibum is done in the presence of two witnesses. Accordingly, if the yavam had relations in front of two witnesses who were related by marriage through their wives they are unfit to testify that yibum took place and she would remain a yevama. However, at the time the yavam wants the yevama to take the oath as a sotah, the witnesses are no longer related by marriage and they can testify that the yavam had relations before the suspected adultery which meets the prerequisite for her to take the oath as a sotah. Since the option is not introduced by the Gemara we must conclude that the testimony of these witnesses would not be accepted even when they are no longer related since they originally witnessed the event as relatives.

1. שו"ת רעק"א מהד"ק סי' צ"ד ד"ה ומה"ט ואילך
2. הגהות אשרי שבועות פ"ד סי' ט"ו
3. בית שמואל סי' קס"ב סק"ב

ר' יוסף שמואל Shelly Mermelstien לע"נ Yevamos has been dedicated in שמואל. For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, [dafaweek.org](http://dafaweek.org), or download the app

To share an insight from your Chabura please email [info@dafaweek.org](mailto:info@dafaweek.org)  
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

To sponsor a publication, please contact Rabbi Zacharia Adler, Executive Director at [info@dafaweek.org](mailto:info@dafaweek.org) or call 507-daf-week. Sponsorship for one week is \$100

Sections reprinted with permission from the Chicago Torah Center