



THE שבוע MATTERS

שבת שובה פרשת וילך | מסכת יבמות דף ס"ט

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

INSIGHTS FROM OUR CHABUROS

The Significance of the Embryo During the First Forty Days

אמר רב חסדא וכו' עד ארבעים מיא בעלמא היא

The Gemara discusses the case of a woman, a daughter of a kohen family, who had relations with a Yisroel man. Rabba bar Rav Huna explains that although if this woman is pregnant she may no longer eat teruma, we do allow her to return to her father's house immediately and to eat teruma. This is because the case is one of תונג, and we do not suspect that she is pregnant. If she had been married, we would have to wait to ascertain whether she is pregnant before allowing her to eat teruma, as we saw in a Mishnah earlier (33b). The Gemara, however, questions this distinction by demonstrating a case where, as far as teruma is concerned, even a married woman does not have to suspect that she might be pregnant. The proof is from a Berais. A bas-kohen woman married a Yisroel husband, and he died. She may return to her father's home and eat teruma immediately. How is this to be resolved?

Rav Chisda answers that permission to let this bas-kohen widow to eat teruma immediately is only during the first forty days of her suspected pregnancy. If we find out later that she is not pregnant, her eating teruma was justified. And, if we later see that she is pregnant with the fetus of a Yisroel, the developing embryo was insignificant until forty days, and it would not disqualify her.

Sefer Bikurei Yehuda cites a question from Sefer Yosef Lekach. Our Gemara holds that as far as teruma is concerned, during the first forty days of her pregnancy it is as if the woman is not pregnant, and she may eat teruma of her father's household. She may return home as she was before the marriage. Yet, we learned earlier (35b) that if the yavam performs yibum with the yevama, if they later discover that the yevama was pregnant from the first brother, the yavam and yevama must each bring a korban asham for their misdeed. The yibum was invalid, and the widow of the first brother was prohibited from the surviving brothers. Yet if they did the yibum during the first forty days of the pregnancy, it should be as if she was not pregnant, and the mitzvah of yibum should not be sinful! Why are they obligated to bring an offerig?

The answer is that once we see that she is pregnant, as far as yibum is concerned we cannot say she was eligible for yibum during those first forty days. She never was a yevama, but rather a sister-in-law who had a child from the brother. Here, however, in reference to teruma, each consumption of teruma is independent. Any teruma she ate during the first forty days was permitted, and the teruma from day forty and beyond would be prohibited, once we see that she is pregnant from the Yisroel.

STORIES OFF THE DAF

The Ammonite, the Moabite, the Egyptian, and the Edomite... but the Nochrim Are Not

דכתיב בנינים אשר יולדו להם דור שלישי יבא להם בקהלה

"The children who will be born to them in the third generation will enter into the community of Hashem..."

Since Rav Wolbe, zt"l, was committed to giving mussar shmuessen throughout the month of Elul in many different yeshivos, he used to take time to personally prepare for the Yomim Noraim during Av. Elul itself was naturally very busy, and so Rav Wolbe rarely had time to respond to late-summer queries in writing until after the Yomim Noraim altogether. Although many of those responses open with Rav Wolbe's profuse apologies for the delay, there is an interesting letter on record that serves as an enlightening exception.

A certain man who had provided Rav Wolbe with assistance while the Rav was living abroad received his response during Elul itself. Since the letter offered an opportunity for Rav Wolbe to express his gratitude, there was no possibility of delaying a warm and effusive response. He wrote, "...My heart compels me to write these few lines to you as the Yomim Noraim approach. My dear friend! I will not soon forget the friendship and dedication you showed me when I was with you. May Hashem pay you back in full!

"The aliyah of the day is the fourth of Parashas Ki Seitzei where we find the laws of conversion. I was very inspired that the entire difference between an Amonite, a Moabite, an Edomite, and an Egyptian is only in how much hakaras hatov they had toward us and how much gratitude we must have toward them. We know that the nations of Amon and Moav who did not show their appreciation for Avraham Avinu's rescue of their forefather are to be forever kept at a distance (see Ramban). Although the Egyptians drowned our children, they did harbor us in an emergency, and so they may marry into the Jewish people after the third generation. And even though Eisav went out to greet us with the sword, his progeny are permitted immediately because he is our brother! How wondrous it is to contemplate the far-reaching consequences of showing gratitude!"

Rav Wolbe closed the letter: "From your friend who loves you and is grateful to you for the rest of his life!"

REVIEW AND REMEMBER

1. Does a man who remarries his divorcee become disqualified from teruma?
2. What is the point of dispute between R' Yosi and R' Shimon ben Gamliel?
3. How does a kohen gadol disqualify his grandmother from eating teruma?
4. What is the status of a child born when a man has relations with his ארוסה?

YOM KIPPUR CONNECTION

This week's daf we learn about the 40 days it takes to form a viable ולד. Yom Kippur marks the completion of the 40-day time frame to do תשובה which began with אלול ר"ח. Chazal tell us that this same 40-day time period coincides with when Moshe Rabbeinu went up to בני ישראל to obtain the second Luchos and atonement for the שמים. It was on Yom Kippur that סלחתי כדברך הקב"ה told Moshe. There is a fascinating parallel between the first 40 days of pregnancy and the 40 days that משה רבינו spent in שמים. The Alshich Hakadosh explains (פרשת כי תשא) that it was necessary for Moshe to spend this exact amount of time with הקב"ה, because in order to receive and retain the Torah, Moshe had to be transformed into a spiritual being. Every new being needs the same 40 day process. Just like it takes 40 days to form a new baby, so too it takes 40 days to transform a person into a new (different) type of person. It is therefore very fitting for us to have a 40-day time frame for תשובה which ultimately transforms us into new beings. Let's use this precious time to elevate ourselves in preparation for יום כיפור!

POINT TO PONDER

With respect to אלהא ישראל who lives with בת כהן she is permitted to eat תרומה as long as she did not become pregnant. The Gemara asks why we are not afraid that she became pregnant but her pregnancy is not yet visible. In the earlier גמרא, regarding slaves of a deceased כהן, Rabbi Yosi says that if the widow is pregnant, the slaves cannot eat תרומה. The implication is that if we do not know that she is pregnant, the slaves could eat תרומה. Why didn't the גמרא ask the same question regarding הבחנה רבי יוסי, i.e., even if the widow is not known to be pregnant the slaves should not be permitted to eat since maybe she is pregnant?

Response to last week's Point to Ponder:

The Gemara discusses what happens when a lady has been with a פסול (for example an עמוני or מצרי) and why she can no longer eat תרומה. Why wouldn't she become a זונה which automatically disqualifies her from תרומה just like a חללה?

The discussion in this גמרא regarding לפסול is only according to רבי אליעזר who says that a זונה is a married lady who was unfaithful. However according to the other תנאים this discussion would be irrelevant because anytime a lady has relations with a פסול she becomes a זונה and cannot eat תרומה. (רשב"א).

HALACHA HIGHLIGHT Testing an Employee

זה גיטך שעה אחת קודם למיתתי אסורה לאכול בתרומה מיד והתניא רבי

Didn't the Beraisa teach: [If a man says to his wife,] "This is your get to be effective one moment before I die," she is prohibited from eating teruma immediately.

Rav Yosef Chaim of Baghdad¹, the Ben Ish Chai, was asked whether it is permitted to test one's housekeeper if there is a suspicion that the housekeeper is stealing. For example, would it be permitted to drop some money in a random fashion in a room and then ask the housekeeper to retrieve something from that room to see whether the housekeeper will take the money? Ben Ish Chai expands this question and questions whether it is permitted to present someone with a chance to violate a transgression to test their self-control and fear of Heaven.

Ben Ish Chai cites numerous proofs that it is prohibited to test another with a transgression because if he will fail the test and violate the prohibition it will emerge that the tester violated the prohibition of לפני עור – placing a stumbling block before the blind. One proof he cites is our Gemara. The Gemara rules that if a man gives a גט to his wife and declares that it should be effective one moment before he dies she is prohibited to eat teruma immediately. The reason is that at any minute there is a concern that the husband may die at the next moment, even though right now he is alive. Similarly, in our case there is the concern that the person being tested will fail and it will be revealed that the one who presented the test violated the prohibition of לפני עור.

Rav Tzvi Shpitz², the Mishpatei Hatorah, addresses the same issue. He concludes that there is a difference between whether one is merely testing the honesty of his employees or whether one is trying to catch someone who has been stealing in the office. If there have been thefts in the office it is permitted to test the employees. Nevertheless, one should first declare, in front of three friends, that the "bait" is ownerless – hefker, to avoid violating לפני עור in the event that the thief will take the bait. This practice should not be done, however, if one is merely testing the honesty of his employees, since there is a dispute in the Rishonim³ whether this test is permitted. Consequently, one must adopt the strict approach.

1. שו"ת תורה לשמה סי' ת"ז
2. משפטי התורה ח"א סי' ע"ח "פתיון לתפיסת גנב"
3. משפטי התורה שם הע' 1 וע' בהע' 2 בנוגע לשמירת רכוש

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