



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

THE DIMONT FAMILY EDITION

לע"נ אסתר אביגיל בת חיה רבקה וציפורה רחל בת אסתר מחלה

THE DAF A WEEK **MATTERS**

שבת קודש פרשת בשלה | מסכת יבמות דף פ"ז

לרפ"ש מרים בת אסתר

INSIGHTS FROM OUR CHABUROS

She May Not Eat from the Meat Gifts of her father

תנו רבנן: כשהיא חוזרת, חוזרת לתרומה ואינה חוזרת לחזה ושוק אמר רב חסדא אמר רבינא בר שילא מאי קרא? היא בתרומת הקדשים לא תאכל

The Gemara teaches the halacha of a woman who came from a family of kohanim. When she marries a non-kohen, her rights to eat teruma are suspended. If her non-kohen husband dies, and she has no children from him, she returns back to her father's house. The Mishnah presented several scenarios illustrating this case, but the rule is that she may return to eat teruma as she was allowed to do before the marriage to the non-kohen husband. However, the Baraisa adds that she may only eat teruma, as she was able to do beforehand, but she may not partake of the meat portions of חזה ושוק. When the Gemara asked why there is a distinction between her ability to eat teruma and her remaining disallowed to eat the meat gifts, the Gemara provides five different verses and the associated insights which teach this lesson. The first among the five is the explanation of Rav Chisda, who is the only one to use a verse which expresses this law in terms of a direct negative commandment (היא בתרומת הקדשים לא תאכל). The others infer the message from positive statements, which, through their negative implications, preclude this women from eating from the meat gifts given to her father.

Aruch Laner notes that according to the interpretation of Rav Chisda, the kohen daughter who returns to her father's house after being divorced or widowed and eats חזה ושוק would be liable for lashes, whereas according to the other opinions she would be in violation of a לא הבא מכלל עשה, which is considered an עשה, which does not get lashes. Rambam (Hilchos Terumos 6:7) presents the case of a kohen woman who marries a non-kohen. He introduces it with the verse of Rav Chisda, לא תאכל... ובת כהן... לא תאכל. He then rules according to this Baraisa, and in Halacha 9, when Rambam refers to the case of a kohen woman returning (חוזרת), he cites the second verse brought in our Gemara—מלחם אביה - תאכל - she shall eat from the food of her father, but not from all of it, from which we learn that she is not allowed to eat from the meat portions. Why does Rambam bring two verses, and how does this affect her being liable for lashes? In fact, in Hilchos Sanhedrin (19:4), Rambam lists this case among those which are liable for lashes. Based upon several factors, Aruch Laner explains that Rambam holds that all the Amoraim agree with Rav Chisda in that there is a bona fide negative command associated with the kohen woman's eating חזה ושוק upon her return to her father's house, but the additional verses brought in the Gemara are used to reinforce the precise understanding of the verse and its context.

STORIES OFF THE DAF

The Chazon Ish in Yerushalayim

תצא מזה ומזה וצריכה גט מזה ומזה

In 5700 (1940), the Chazon Ish, zt"l, visited Yerushalayim for the first time. The Chazon Ish visited a number of Yerushalayim's great yeshivos, and he also spoke with the Rosh Yeshiva of Eitz Chaim, Rav Isser Zalman Meltzer, zt"l. During their meeting, Rav Isser Zalman brought up an interesting story that he had heard. "When Rav Leib Kovner was Rav in that city, he permitted a certain agunah to remarry based on a number of proofs. Sadly, after her second wedding, the poor woman needed not one but two divorces because her first husband resurfaced—she was forbidden to remain married to either of them. The people of Kovno didn't want to tell the Rav what had happened so as not to pain him, but he eventually found out. Surprisingly, he did not seem devastated by the results of his action. When asked why, he explained, "This is a straight-forward Mishnah in Yevamos 87b: 'If after marrying a second husband, the first arrives, she must leave both husbands.' So we see that it is possible that, after having relied on the testimony of a witness and permitted the agunah's remarriage, the first husband can resurface!" The Chazon Ish shot back, "That is no proof at all! Quite the contrary! Chazal stressed the seriousness of a mistaken psak so that the Rav will be extra careful before permitting an agunah. It is his responsibility to weigh every aspect deliberately to ensure that he is not the cause of such heartbreak!" As the Chazon Ish took his leave someone whispered to Rav Isser Zalman, "Should I quickly say the blessing when seeing an exceptional scholar over the Chazon Ish?"

He responded immediately, "פשיטא—of course!"

PARSHA CONNECTION

In this week's daf we find the expression משלחן גבוה קא זכו כהנים, which refers to the מתנות כהונה that are given to the כהנים. The מדרש (שמות רבה כה) uses the same concept to describe the מדרש that כלל ישראל ate for forty years in the desert. Those who complained said: ואמרו היוכל אל לערך שלחן במדבר (Tehillim 84:5), can Hashem set a table for us in the desert? Hashem responded to this question with the מן. This is the meaning behind the passuk: תערוך לפני שלחן נגד צוררי, which we say in מזמור לדוד. When the מן started falling, Hashem told משה to ask Aharon to put aside a container of מן which would serve as a memorial for the future. Why was this done right now, instead of waiting until the end of the 40 years? The רמב"ם writes that even the biggest miracle, when repeated every day, will eventually seem like nature. It was therefore important to capture the excitement of the מן at the very beginning!

HALACHA HIGHLIGHT

The Reliability of a Single Witness

אילמא עד אחד מהימן

We see that a single witness is believed

Shulchan Aruch¹ rules that a single witness is believed concerning matters related to prohibitions (איסורין). However, this principle does not apply in all circumstances. For example, concerning items that do not have a presumption of prohibition (לא איתחזק איסורא) a single witness is believed, even if his testimony results in a strict ruling. Regarding items that have a presumption of prohibition, a single witness is believed only when his testimony results in a lenient ruling, but if his testimony leads to a stringent ruling his testimony is not reliable. Furthermore, testimony regarding items that had a presumption of prohibition is reliable, even if it produces a strict ruling, if the witness has the ability to remedy the situation, e.g. he is believed to declare a pile of grain tevel since he has the ability to separate teruma from the tevel. Another related detail is that the unreliability of a single witness against a presumption of prohibition applies only when he testifies about another's property, but if he testifies about his own property he is believed. The reason for this ruling is that since it is his own property he has the ability to remedy the situation. Similarly if, as a result of one's testimony one stands to lose money (e.g. he will lose his salary for having failed to properly perform his job) he is believed even if it is not his property.

Accordingly, Rav Yaakov Reisher², the Shvus Yaakov, was asked to rule about a case of Reuven who hired a worker to manufacture kosher wine and then made an agreement with Shimon to sell him the wine at what would bring Reuven a significant profit. After the sale between Reuven and Shimon was finalized the worker informed Reuven that he was negligent in his duties and the wine became prohibited as idolatrous wine (יין נסך) and was prepared to return his salary. Shvus Yaakov wrote that although Shulchan Aruch ruled that a single witness is believed if it will cause him a loss, he is not believed if his testimony will cause another a loss. Therefore, since the testimony of this witness would result in Reuven's refunding Shimon's money it is testimony that affects another and in such a circumstance we invoke the Torah principle that money is not collected based on the testimony of a single witness (אין מוציאין ממון על פי עד אחד).

1. שרע"י סי' קכ"ז סעי' ב' וגי' וע"ש בנושאי כלים
2. שו"ת שבות יעקב ח"ב סי' ע"א והבוא דבריו בפת"ש שם סק"ח

MUSSAR FROM THE DAF

Disconnected

האשה שהלך בעלה למדינת הים ובאו ואמרו לה מת בעליך וניסת ואחר מעשר כך בא בעלה תצא מזה ומזה וצריכה גט מזה ומזה היתה בת ישראל בפסלה מן הכהונה ובת לוי מן

The Mishna says that if a woman was told that her husband died and on that basis she remarried, if her previous husband were to then show up, she has to get divorced from both husbands and if she is a נעשרת she becomes פסולת from מעשר.

How is it possible that if a woman has been told that her husband died and she is not פסולה from מעשר, but this woman who didn't do anything knowingly wrong, has her right to eat מעשר taken away from her?

The Avnei Nezer explains that Shevet Levi merited מעשרות because they were not led astray by the חטא העגל with the mistaken belief that Hashem had left them. How were they able to stay so strong in such a נסיון in which the Satan covered up the eyes of Klal Yisroel? Explains the Avnei Nezer that Shevet Levi had an inner regesh (feeling) of their connection to Hashem, they were never severed from that deep connection, so they knew that Moshe had to be alive. This is implicit in the Levi's name which is based on a connection: עתה הפעם ילוה (Berishis 29, 34). Therefore, if this woman, even though she may have not seen her or known about her husband's whereabouts, if she even mistakenly lost that inner connection to him, she loses the מעלה of Shevet Levi and consequently loses her right to eat מעשר as well. By contrast, if she were to be חזונה במזיד, she doesn't lose her rights to the מעשר because while what she did was the ultimate act of disloyalty to her husband, she is not demonstrating a denial of their connection.

The מעלה of Shevet Levi is something we can all incorporate. While there may be times when it seems we are all alone, as we struggle to see the Hashgacha of the situations that befall us, one needs to develop an inner feeling of Hashem always being with us nonetheless.

POINT TO PONDER

The Gemara discusses the status of a pregnant lady with regards to eating Terumah and compares it to her status regarding יבום. Rashi writes that a pregnant widow is פטורה from יבום. How can רש"י say this? We learned earlier in פרק החולץ that a pregnant woman must wait until a child is born, and if she has a miscarriage there would be פטור, so obviously she is not פטורה?

Response to last week's Point to Ponder:

The Gemara says that the משנה which says that a lady who is engaged to a לוי can't eat מעשר is talking about her giving someone permission to take off מעשר תרומת מעשר from the מעשר. How can this fit into the words of the הנשם which clearly say לא תאכל?

Since she cannot eat without first taking off Terumah and/or תרומת מעשר, it is effectively limiting her ability to eat. (See ריטב"א) This is better understood with the רמב"ם who writes that even once married, she can only take off מעשר for her own food needs. (הלכות תרומות פרק ד' הי"ב)

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

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, dafaweek.org, or download the app

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