



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 SHABUOT MATTERS

שבת קודש פרשת פקודי | מסכת יבמות דף צ"ד

רחל לאה בת מנחם הכהן ע"ה

INSIGHTS FROM OUR CHABUROS

מותרת לחזור לו

The case of the רישא of the Mishnah is where a man's wife went abroad, and he was then told that she died. The man then married the sister of his former wife. The first wife then came back alive. The halacha is that the first wife may return and continue to be married to her husband. The "marriage" to the sister-in-law is null and void, to the extent that this man is even allowed to marry the relatives of the sister, which would be forbidden if the marriage was considered valid. For example, this man may marry the daughter of his wife's sister, and she is not considered to be the daughter of his wife, who is prohibited.

The Rishonim discuss the novelty of the statement of the Mishnah that upon her return the first wife may continue to be married to the husband. Tosafos (ד"ה ואע"ג דאזיל) explains that the חידוש is that the rules which apply to a husband and to a wife are different for when each remarried after being told that their spouse had died but then the spouse returned alive afterwards. The wife who remarried may not go back to her husband, as we learned at the beginning of the perek. The חידוש is that the husband who remarried may go back to his previous wife, even if he "married" his wife's sister in the meantime.

Aruch Laner notes that Tosafos holds that a man can only marry his wife's sister if the information about his wife's death is provided by two witnesses. Therefore, for the contrast of Tosafos to be accurate, this means that Tosafos understands that the earlier Mishnah holds that a woman who remarried based upon the testimony of two witnesses who testified that her husband died may still not go back to her husband if he returns alive. However, according to the opinion in the earlier Mishnah (87b) that holds that a woman who remarried based upon the testimony of two witnesses may return to her husband, and the case earlier when she may not return to her husband is dealing with a situation where she remarried based upon a single witness, the contrast to our Mishnah is no longer correct. After all, the husband himself cannot marry his wife's sister unless two witnesses testify that the wife died, and in the parallel case of two witnesses who testify to allow the woman to remarry also results in her being able to return to her husband if he returns alive. Aruch Laner explains that according to Rashi (ד"ה וגיסי), the husband is allowed to marry his wife's sister even if only one witness comes to say that the wife died. According to this, the חידוש of our Mishnah comes to contrast our halacha to that of the earlier Mishnah. In both cases, the respective spouse remarries based upon the testimony of one witness. If the husband comes back alive (the רישא), the wife may not return to her husband. If the wife returns alive (the סיפא), the husband may take his previous wife back.

What is the חידוש of the Mishnah?

STORIES OFF THE DAF

Pearls or Shards?

הוה ליה לר' אלעזר למדרש ביה מרגניתא ודרש ביה חספא

Once, Rav Isser Zalman Meltzer, zt"l, was part of a group accompanying the Chofetz Chaim, zt"l, on a train ride. In those days, people had a difficult time making a living and would try almost any method to make a small profit. Poor Jewish women would sometimes board trains to sell peanuts at a cheap rate. Such a woman approached the Chofetz Chaim, who bought some peanuts. Not surprisingly, the entire group with him followed suit. After the woman left their compartment, the Chofetz Chaim commented, "Do you know how silk is manufactured? You take strands of silk and put them together to make threads. No normal person would take silk thread and unravel it until they are left with weak and fragile strands. Similarly, if you bought peanuts to enable this poor woman to make a living, it is like taking separate strands and making strong and lasting silk thread from them. But if you meant solely to give yourself a moment's physical pleasure, you lost the opportunity to fulfill a precious mitzvah. You would be like the fool who unravels silk to its basic components and renders it unfit for real use!"

On this week's daf we find that Rav Elazar ben Masya should have expounded a pearl, but instead, he expounded shards. Similarly, with our every mundane action we can either weave the strands of our everyday actions into a brilliant spiritual garment by having the right intentions, or we might unravel our spirituality by focusing on our own selfish needs. For example, if while at work we consider that our real purpose is to fulfill the mitzvah of chessed by providing for our families and enabling ourselves to give charity to others, our mundane acts take on a spiritual character. Every physical act is potentially a spiritual pearl! It all depends upon our focus. Will our mundane actions be worthless shards or precious pearls? The choice is ours!

PARSHA CONNECTION

In this week's daf we learn that two witnesses have the highest form of believability. The same concept appears in the beginning of the Parsha, where משה רבינו provides an accounting for the תורה donations. The Alshich points out that the תורה repeats the fact that it was בצלאל together with אהליהו who built everything to teach us that since there were two people working together and therefore trustworthy in their accounting. There is a fascinating דיוק made by the Alshich regarding the אדנים. The ויהי מאת ככר הכסף לצקת את אדני הקדש ואת אדני פסוק says: "אדנים מאת ככר הכסף לצקת את אדני הקדש ואת אדני פסוק", a "hundred אדנים for 100 ככר", it should have said a hundred ככר for 100 אדנים, but it says just the opposite! The אלשיך הקדוש explains that usually when silver is melted it loses some of its weight, but here it retained 100% of the original amount. Therefore 100 אדנים equalled exactly 100 ככר.

HALACHA HIGHLIGHT

Preventing a Woman from Becoming an Aguna

תוס' ד"ה וליטעמין סיפא דקתני. דשמה שדמ שישאנה

Tosafos "perhaps she will not find someone [else] who will marry her.

Rav Mordechai Yaakov Breisch¹, the Chelkas Yaakov, addressed the issue of the effects prostate surgery will have on a man and whether it will render him into a פצווע דכא. The doctors, at the time, reported that most people who have this surgery become sterile and seemingly these men should therefore be prohibited to their wives. Chelkas Yaakov wrote that the question is very serious since many men have already had this surgery and issuing a stringent ruling would literally break up families. The reason is that if he were to become prohibited as a פצווע דכא the couple would not be allowed to be in seclusion with one another even if they wished to remain married. The reason a husband and wife are permitted to be in seclusion while she is a niddah is that the prohibition is only temporary but any time the prohibition is permanent, seclusion becomes prohibited even though they are husband and wife².

Chelkas Yaakov argues that one should seek leniencies in this case because prohibiting this man to his wife involves making her into an agunah and we find that Chazal went to great lengths to prevent women from becoming agunos. One could argue, notes Chelkas Yaakov, that since it is the husband who is prohibited to marry rather than his wife she should not be considered an agunah since she could find another husband who is not a פצווע דכא. This assertion is not valid because one can infer from Tosafos³ that even if a woman becomes prohibited to only one man who is interested in marrying her we can consider it a case of a potential agunah since we do not know whether she will find another man who is interested in taking her as a wife.

His final conclusion on the matter was that one should not have prostate surgery unless, of course, it is necessary to save the patient's life or if there is even a possible danger. Furthermore, he ruled that those people who have the surgery out of necessity, do remain permitted to their wives and it is not necessary for them to divorce.

1. שר"ת חלקת יעקב אה"ע סי' כ"ב
2. ע' תוס' סוטה ז ד"ה נדה
3. תוס' הבא ד"ה ולטעמין

MUSSAR FROM THE DAF Easier to Hate, Better to Love

הוא לא דייקא ומינסבא דסניא ליה

The Gemara discusses the possibility that the Yevamah may not be so careful in investigating testimony that the Yavam died because she may not like the Yavam and she would therefore take advantage of any testimony to rid herself of him.

Tosafos explains that this is because it is more probable and common for a person to have sinah (hatred) towards another than Ahava (love).

How can Tosafos say that? Isn't there a mitzvah for every Jew to love each other?

A person is naturally born with many negative middos. The Orchos Chaim L'Rosh (Siman 55) explains that it is the way of people to hide their eyes from the good of others and just see the bad. Our role within this world is to work on ourselves and to rid ourselves of those immature tendencies. However this takes time and hard work.

Perhaps this is what Tosafos is alluding to. Tosafos understands that the natural state of a person that is not constantly working on themselves is to be negative towards others, which is why it unfortunately may be more common for someone to hate another than to love them.

There is a great lesson from this Tosafos. We see the great responsibility on ourselves to work on our middos and specifically to love and appreciate others because if we don't, we could find ourselves becoming negative people, as Tosafos insightfully points out in our Gemara.

POINT TO PONDER

The Gemara discusses the משנה which says that if two witnesses told a woman that her husband died and then her son, and later she is told that it was actually her son who died first and therefore she needs יבום, she cannot stay with her current husband. The difficulty is why do we believe the second testimony over that of the first. The גמרא suggests that the second pair were עדי הזמה which means that they are believed because of a גזירת הכתוב. Since עדי הזמה are testifying that the first pair were not in the purported place at the purported time, but are not addressing the actual facts of the case, how can this fit into the משנה which says ואמר לה חילוף היו הדברים?

Response to last week's Point to Ponder:

When a single witness says that a woman's husband died, why are we not concerned that maybe the woman likes someone who she would like to marry and will therefore "want" to believe the witness without properly researching the situation, as we say in the case of a Yevama?

Although there may be a concern that a married woman has her eyes on someone other than her husband, it is uncommon. However in the case of יבום, the woman already knows her brother in law, and he has a נוצרה to marry her, therefore the concern is much more common and higher. (See רי"ד ת"ד)

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

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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