



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

לע"נ אסתר אביגיל בת חיה רבקה וציפורה רחל בת אסתר מחלה THE DIMONT FAMILY EDITION

THE SHABUOT MATTERS

שבת קודש פרשת שמיני | מסכת יבמות דף צ"ז

לע"נ ר' דוד בן ר' נחום

INSIGHTS FROM OUR CHABUROS

Prohibited Relatives

בנישואין איכא שאר

Tosafos (ד"ה עריות) "explains that it is חופה—when a man takes a woman into his domain—that the relatives of the woman become forbidden to him. This is when she is considered "married." Earlier, on 3a, Tosafos expresses the same opinion. This halacha does not depend upon whether the marriage was consummated, but rather as soon as חופה takes place, this woman is legally considered his wife. Pischei Teshuva (15:#5) explains that once we say that ביאה is not a factor, even Tosafos agrees that the prohibition actually begins earlier, at kiddushin. However, Shaar Hamelech proves that Tosafos holds as stated here, that this legal status only begins at marriage (נישואין). Rambam, however, writes (Hilchos Isurei Bi'ah 2:7) that once the man offers kiddushin to the woman, and she accepts, her six close relatives become prohibited to the man forever. Aruch Laner explains that the difference of opinion we find here between Tosafos and Rambam actually originates with the different opinions we find among the Tannaim. Our Mishnah states that the prohibition begins with marriage. The Baraisa (Derech Eretz 1:1) states that this status begins earlier, at the time of kiddushin. A practical difference between these opinions would be where a man would offer kiddushin to a woman, and then offer kiddushin to the woman's daughter. According to Rambam, the man was immediately prohibited to the woman's relatives, and the kiddushin to the daughter is of no significance at all. According to Tosafos, both offers of kiddushin are valid, and the man must give a גט to each. However, Aruch Laner admits that this point is not brought in halacha, and it appears that, in fact, Tosafos agrees with Rambam, and the relatives become prohibited at the moment of kiddushin. Tosafos only mentions the term חופה as he is explaining the Gemara according to Rava at this point.

PARSHA CONNECTION

In this week's daf we learn about children born from a lady who converted while she was pregnant, and whether her change of status during the pregnancy has an effect on the child. The גמרא in ע"ב פכ"ב יומא tells of the fascinating impact that a pregnant woman's behavior can have on her offspring. Two pregnant women smelled food on יום כיפור and wanted to eat. Both were reminded that it was Yom Kippur and that eating is אסור. One of them listened and became the mother of יוחנן רבי, the second lady didn't listen and became the mother of a רשע. The גר"א (at the age of 6) said that this story is reflected in the last פסוק in this week's Parsha. להבדיל בין הטמא ובין הטהר ובין החיה הנאכלת ובין החיה אשר לא תאכל, to differentiate between the חיה that is eaten and the חיה that is not eaten. While the plain meaning of the word חיה is to an undomesticated animal, it can also refer to a woman in childbirth, as we find in שמות when חיות המה יוכבד ומרים describe the Jewish women.

STORIES OFF THE DAF

The Misquoted Maharshah

דובב שפתי ישנים

A bochur once approached R' Meir Shapiro, z"tl, the Rosh Yeshiva of Chachmei Lublin. Although Rav Meir was always happy to speak in learning with anyone, this particular bochur preferred longwinded discussions about real or imagined difficulties in the commentaries rather than actually working to develop a clear his own understanding of the sugyos. The bochur requested an explanation of a very difficult concept he told over in the name of the Maharshah. Oddly enough, this particular Maharsha did not sound familiar to Rav Meir. After searching his memory for a short time, Rav Meir was certain that no such comment of the Maharshah existed. The Rav said graciously, "Pardon me, my precious friend, but there is really no difficulty at all since the Maharshah you are quoting doesn't exist." The bochur was adamant that he had quoted the Maharshah correctly. "How can you say that? Of course it exists!" Rav Meir responded with enthusiasm, "אדרכה! Let's see." After several moments of futile searching, it was apparent that the bochur had confused a Maharshah with a different commentator that actually said something altogether different. Afterward, Rav Meir wished to delicately chide the bochur without giving offense. He felt that the misquote showed that this particular student needed to learn with much more deliberation and care. He said, "You know, our discussion has left the Maharshah with his mouth open, and Mashiach standing on one foot!" The young man was flummoxed. "What do you mean?" Rav Meir explained, "In Yevamos 97a, Chazal say that when people in this world recite teachings of a departed Chacham, his lips move in the grave. Furthermore, in Megillah, Chazal say one who says a Torah concept in the name of its originator brings redemption to the world. Rav Meir concluded, "The moment you said, 'The Maharshah says...' the Maharshah opened his mouth and Mashiach picked up his foot to bring the redemption. But when it turned out that you said something that the Maharshah never said, you left them both hanging in such awkward positions!"

HALACHA HIGHLIGHT

Repeating a Teaching in the Name of its Author

דאמר רבי יוחנן משום רבי שמעון בן יוחי כל תלמיד חכם שאמרים דבר שמועה מפיו בעולם הזה שפתותיו דובבות בקבר

As R' Yochanan said in the name of Rashb"l: Any deceased scholar in whose name a teaching is cited in this world causes his lips to move.

Rav Shmuel Eliezer Halevi Eidels¹, the Maharsha, questions the inquiry of the Gemara about R' Yochanan's anger at R' Elazar for not reciting the teaching in his name. Since the Gemara Megilla² teaches that one who recites a teaching in the name of its author brings redemption to the world, others should have joined R' Yochanan's protest. Maharsha explains that the teaching must have been one that would provide benefit for R' Yochanan after he died, but he does not elaborate on this answer. Rav Mordechai Yaakov Breisch³, the Chelkas Yaakov, challenges this resolution from R' Yochanan's statement recorded in the Midrash Tanchuma. R' Yochanan rules that repeating a teaching, without mentioning the author, violates the prohibition of stealing from the poor - אל תגזל דל כי כל - ו. Accordingly, the question that others should have protested returns. R' Meir Eisenstadt⁴, the Panim Meiros, suggested that R' Yochanan was angered that R' Elazar did not cite the teaching in his name because sometimes when a teaching is cited in the name of a great scholar it is more readily accepted. Thus, R' Yochanan was concerned that if his name was not associated with his teaching it might be rejected and forgotten altogether. This would ultimately deny R' Yochanan of the pleasure of having the teaching recited after he dies. Chelkas Yaakov suggests that our passage could be understood in light of the Gemara Berachos⁵ which states that if one sees a Torah scholar commit a transgression at night, one should not think ill of him in the morning since he most certainly has done teshuvah. This principle, however, does not include cases involving monetary matters because such matters cannot be rectified unless the money is returned to its owner. Accordingly, R' Ami and R' Assi assumed that although R' Elazar had committed a transgression by not citing the teaching in the name of R' Yochanan, nevertheless, he certainly repented for his transgression and there was no reason for R' Yochanan to maintain his anger. Therefore, R' Yochanan explained that citing a teaching without mentioning the author denies the author the benefit of having his lips move as the teaching is cited after his death, thus making it akin to a monetary matter that cannot be rectified unless the transgression is rectified.

1. מהרש"א חידושי אגודת ד"ה מ"ט קפ"ד
2. גמ' מגילה טו
3. שו"ת חלקת יעקב יעקב א"ח סי' מ"ז
4. ותומדקהב תוריאמ ינב ת"וש
5. גמ' ברכות יט

MUSSAR FROM THE DAF

A Physical Manifestation

דאמר רבי יוחנן משום רבי שמעון בן יוחי כל תלמיד חכם שאמרים דבר שמועה מפיו בעולם הזה שפתותיו דובבות בקבר

The Gemara teaches that when we quote a Talmid Chacham after he is niftar, his lips move while he is in the kever. The Maharal (Chedushai Agudos) explains that this does not mean that the actual lips move. If that is true then why does the Gemara use language that describes lips moving?

When people daven, the Halacha is that they have to move their lips. Why isn't it enough to just have lofty thoughts for one's Tefilah? The answer is that we live in a physical world and in this world, it is physical actions that create Ruchnius. Speech is the physical manifestation of our neshama. Speech represents the connection between the soul and the body. Now let's look at the Michtav M'Eliyahu (Chelek 4, pages 368) to understand the Maharal. Rav Dessler explains that when a person dies, there is a separation of two parts of a person's soul. The upper soul (which relates to the sechel/ intellect) and the lower soul (which relates to the body). While the upper soul leaves the body, the lower soul stays in the kever. However, during Techias Hamesim, the Torah (which is compared to Tal (Kesubos 111a) brings these two parts of the soul back together. When there is Torah that was caused by a deceased person's two souls (his Nefesh Elyona - Sechel and Nefesh Hatachton - body) being learned in this world, the two parts are now reconnected and uplifted at the same time through this Torah. In essence, there is a "mini" Techias Hamesim occurring. Perhaps that is why Chazal termed this reality the niftar's "lips are moving" — because when a person speaks—his neshama is now manifested through his body. We call that speech. When a person speaks there is now a connection between the higher part of one's soul (the Sechel) and the lower part. This understanding should foster within us a new outlook regarding the importance of speech and using it properly through Torah, Tefilah, Chesed and speaking words of Emes, and not by Chas V'Shalom abusing our speech through words of Lashon Hora and Sheker.

POINT TO PONDER

On the משנה regarding a woman who converted together with her sons, רש"י says that they have no paternal lineage because the Torah considers them like זרע בהמה, which seems to be a sufficient standalone reason for why they have no יחוס. However, רש"י ד"ה בתר אביו שדין יחוס ד"ה ד"ה עובדת כוכבים is gives a different explanation, which is that a עובדת כוכבים is so there is no telling who the father is. Why wasn't the original reason in the משנה used?

Response to last week's Point to Ponder:

The ראשונים assume that Rashi is referring to the woman being a שוגג, since the boy wouldn't be חייב in any event because he is a קטן. With regards to her חייב תוס' ישנים argues on Rashi and says that even if she was a נזיד she would not get חיתה because she is married to a קטן and there is no נישואים for a קטן. Perhaps רש"י held that since it's יבום דעת קידושין she would be considered an אשת איש as יבום doesn't need קידושין.

ר' יוסף שמואל שמעלקא ב"ר יצחק מערמעלשטיין ז"ל, Shelly Mermelstien, לנ"ג

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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