



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 DAF OF THE WEEK MATTERS

שבת קודש פרשת בלק | מסכת יבמות דף קי"ג

לע"נ מרת אסתר יהודית בת ר' שבתי ע"ה למשפחת בוכלער
לע"ר ר' מסוד בן ר' יוסף

INSIGHTS FROM OUR CHABUROS

Incompetent

יצתה זו שאין לה יד לגרש עצמה

The Gemara notes that a שוטה, a woman who is incompetent, cannot be divorced. The students at the yeshiva of R' Yanai and the Baraisa taught by Rabbi Yishmael each cite a verse as the source for this halacha. R' Yanai's students quote the vers from Devarim 24:1, "ונתן בידה - the divorce document must be placed into her hand."

This requires that the woman have a "hand" to become divorced. If the woman cannot responsibly accept the document because she does not comprehend its value (she thinks it is a mere piece of paper) and its significance (she is expecting to return to her husband's house), she cannot be divorced.

Rabeinu Tam explains that inability to divorce a שוטה applies only where the insane woman has no father. If she does have a father, the divorce will be effective, because the father appreciates the value of the document, and he will also prevent her from returning to the former husband.

Tosafos points out that Rashi (Gittin 43b) explains that if a wife is a minor, and she is therefore lacking in awareness of the meaning of a גט and who also cannot be divorced due to lacking a טי, this condition of incompetence results in her not being able to be divorced even if she has a father.

Rabeinu Tam, who argues with Rashi, proves his contention from several sources. Among them is the Yerushalmi where the opinion which learns this halacha from the verse of Rabbi Yanai (ונתן בידה) clearly holds that if the שוטה or the minor has a father, the divorce can be completed based upon the father's representing his incompetent daughter.

STORIES OFF THE DAF

Staying Married

ונתא דבי ישמאל ושלחה מביתו מי שמשלחה ואינה
חוזרת יצתה זו שמשלחה וחוזרת

On this week's daf we find that a shotah cannot be divorced from her husband because she keeps on returning to him. The Chidushei HaRim, zt"l, learned a powerful lesson from this principle. Just as the שוטה cannot be divorced, so too one remains "married" to spirituality as long as he "keeps coming back" by acting as a בן עליה would despite his shortcomings. One is only divorced from spirituality when one gives up on spiritual ascent because of his flaws.

A young bochur once came to Rav Wolbe, zt"l, feeling very confused and frustrated. He said, "I don't know what to do with myself! Sometimes I feel very drawn to spiritual matters like learning with a fire and davening. At other times I act in ways not befitting a ben Torah. What is my avodah worth if I keep falling into the same spiritual morasses?"

The Mashgiach replied, "Your feelings are the result of a simple fact: as long as one is young, one finds in himself various contradictions. On the one hand, you may be very drawn to spiritual matters. You have a taste in davening and can literally pour out your heart to Hashem. You may feel an incredibly intrinsic identification with the Torah that you learn. On the other hand, you also might enjoy joking around and making fun of things with friends.

The Mashgiach continued, "So what should you do? Just because you enjoy joking around and sometimes even wander into the realm of leitzanus, is that an excuse not to daven with kavanah? Surely this path only leads to complete estrangement from spiritual growth! Quite the contrary—since you notice this flaw in yourself and this bothers you, this should be a reason to exert yourself all the more to daven with a geshmack and seek spiritual growth in any way you can! In time you will be drawn more and more after spiritual elevation until you outgrow your spiritual immaturity altogether."

The Mashgiach concluded, "Until then you must learn to bear the unflattering assessment of your peers and even consent to be the brunt of their jokes. If you persevere, however, you will overcome your weaknesses and flourish!"

PARSHA CONNECTION

In this week's daf the Gemara discusses the משנה which says גודגדא גודגדא because of someone's testimony. This is an example of a הלכה which we only know because of someone's testimony. The story of בלק ובלעם in this week's Parsha, is very unique because of a similar phenomenon, without the תורה telling us this incident we would have no way of knowing it. The סופר makes this fascinating point regarding our פרשה, as opposed to the rest of the תורה. For example, יציאת מצרים was witnessed by 600,000 men over 20, מתן תורה was witnessed by everyone. The events were retold by fathers to their children from one generation to the next until our generation. By contrast, we only know the events between בלק ובלעם as well as the seven altars that they uilt because it was recorded. (שו"ת חתם סופר יו"ד שנו'). Perhaps this is why חז"ל wanted to include פרשת בלק in שמעו, because it signifies our אמונה. (See ברכות דף יב ע"ב). a suggestion made by Rabbi Baruch Rosenblaum א"ש.

HALACHA HIGHLIGHT

Separating Teruma for Another

חמשה לא יתרמו ואם תרמו אין תרומתן תרומה וכו' והתורמם את שאינו שלו

Five people may not separate teruma and if they did separate teruma it is ineffective... One who separates teruma from grain that is not his.

Rambam¹ rules that although a person is not permitted to separate teruma from another's produce without his consent, nevertheless if a person removes teruma from his own produce on behalf of another's it is teruma and his friend's produce is considered rectified. Rav Yekusiel Yehudah Halberstam², the Klausenberger Rebbe, asserts that this ruling of Rambam represents a בדיעבד circumstance. In other words, it is not recommended for a person to separate his own produce as teruma for another's produce but in the event that it was done the separated produce is teruma and the other's produce is rectified. The rationale is that if the friend, whose produce is rectified, rejects the separation of teruma done on his behalf, his rejection is accepted. Therefore, since there is the possibility that the owner may reject this separation it is only conditional and thus a beracha may not be recited if the mitzvah is only conditional. Furthermore, the owner of the produce does not fulfill the mitzvah of teruma through his friend's separating teruma on his behalf so it is not possible to make a beracha. The one whose produce is rectified did not do the act of the mitzvah and the one who is separating the produce is not obligated in the mitzvah since it is not his produce. Therefore, there is no beracha to be recited.

Rav Tzvi Pesach Frank³, on the other hand indicates that the one separating teruma from his own produce on behalf of another's grain is allowed to make a beracha when he separates the teruma. This is evident from his discussion of whether or not the beracha, recited by the one separating the terumah, becomes a beracha in vain if the owner of the produce rejects the separation done on his behalf. Rav Moshe Sofer⁴, the Chasam Sofer, writes that if the owner nullifies the agency the beracha that was recited is rendered a beracha in vain but if the owner asks a Chacham to undo the separation (ביטול על ידי שאלה) the beracha is not rendered a beracha in vain. Rav Shmuel Shtrashon⁵, the Rashash, however, maintains that under all circumstances the beracha is not rendered a beracha in vain.

1. רמב"ם פ"ד הל' תרומת ה"ב
2. שו"ת דברי יציב יר"ד סי' ק"צ
3. שו"ת הר צבני אור"ח ח"ב סי' ל"ט
4. שו"ת חת"ס יר"ד סי' ש"ב
5. רש"ש לנדריים נ"ט

MUSSAR FROM THE DAF

Shameless

The Gemara explains that a woman who returns back to her husband's home even after receiving a גט cannot get divorced. ותנא דבי רבי ישמעאל: "ושלחה מביתו" מי, מי שמשלחה ואינה חוזרת, יצתה זו, שמשלחה וחוזרת.

Rashi explains that this דרשה comes to exclude a שוטה since the minhag of שוטים is not to be embarrassed.

What is unique about a שוטה in that she doesn't feel embarrassed to show up at the house of a man who is trying to divorce her?

Let's take a look at the טמא of הראשון and perhaps we can glean some insight.

The Torah (Berishis 3, 10) tells us that after the טמא of eating from the עץ הדעת, Adam and Chava were embarrassed. What changed?

Through developing דעת, which is the ability to make distinctions, Adam and Chava now were able to see that there are parts of themselves that are supposed to be private and there are parts of themselves that are able to be revealed. Seeing that parts of themselves that should be private were revealed caused them embarrassment.

In our case too, since a שוטה does not have דעת she cannot make the proper distinctions that would inform her that she should not be returning to her house. She doesn't understand these boundaries and therefore is not embarrassed to show up at her old home. Therefore the Torah explained that a גט will not work with such a person because she cannot be permanently sent from the home.

There is a great lesson to be learned from this חז"ל. Learning Torah and Mussar can strengthen one's דעת to reinforce the boundaries within which one should live. Such a person would feel embarrassed if they crossed those boundaries that the Torah defines for us to live within.

POINT TO PONDER

The Gemara says a חייא בר אשי אמר שמואל of חומרא that someone who has marital relations with an אשת חרש will not have to bring an אשם תלוי קרבן, i.e., the אשם תלוי normally brought when there is a ספק whether he violated an איסור. The Gemara explains the reason for this is because the קרבן is only brought in circumstances where two choices were before the person one of היתר and the other of איסור and there is uncertainty as to whether the איסור was transgressed. Why did the Gemara choose to make this point specifically using the אשת חרש?

Response to last week's Point to Ponder:

The ראשונים discuss this question in the context of understanding the מכלוקת of רב ושמואל. The ראב"ד writes that רב would be permissible, while the ר"ח argues that it would be a violation of her ר"ח. (רשב"א נ"ב). (See רשב"א נ"ב).

ר' יוסף שמואל שמעלקא ב"ר יצחק מערמעלשטיין ז"ל, Shelly Mermelstien לע"נ

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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