



THE SHABUOT MATTERS

שבת קודש פרשת מטות-מסעי | מסכת יבמות דף קט"ו

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

INSIGHTS FROM OUR CHABUROS

An Adequate Sign

הבא מאי סימנא איבא ודקאמר וכן הויין אימר חושבנא איתרמי

The Gemara discusses whether in a case where we are not aware of any war taking place and a woman tells us that there is a war and her husband was killed in it whether we can believe her testimony or not. Typically we would not believe her as we would assume a woman makes assumptions and didn't actually see her husband die but here she has a *ניגו* that she could have omitted the fact that there was a war going on. All the *ראשונים* discuss the glaring question: *ניגו* is a way to prove that someone isn't lying since if they were lying they would have said something else. However, in this case we don't think the woman is lying; what we are afraid of is that she didn't pay close enough attention to make sure her husband was actually dead. So how would a *ניגו* address that concern? There are many fascinating answers. *תוספות* in *אמרינן* says that the fact that she knew there was a war going on when we didn't means she is being *נדויק* well so we can believe her and assume that she made sure that her husband was in fact dead. The *רשב"א* has a different approach. He says that this isn't a regular *ניגו* of believability. Rather, since if she had not mentioned a war we would have believed her and would not have been concerned that there was a war allows us to say that even though she did mention the war we still don't have to be concerned. The *ריטב"א* understands that this is closer to the real concept of *ניגו* in the sense that she not only could have said nothing, she should have said nothing. The fact that she mentioned there was a war shows us that she must be very confident he is dead which adds credence to her claim.

PARSHA CONNECTION

In this week's daf the Gemara discusses the possibility of a man dying in battle while his wife survived. We find this exact scenario in this week's Parsha, when the בני ישראל killed all the men in *מלחמת מדין* while the women were spared. בני ישראל got angry at בני ישראל for not also killing the women like it says: *וַיִּקְצֹף מֹשֶׁה עַל פְּקוּדֵי הַחַיִּיל שֶׁרָא: וַיִּקְצֹף מֹשֶׁה עַל פְּקוּדֵי הַחַיִּיל שֶׁרָא: וַיִּקְצֹף מֹשֶׁה עַל פְּקוּדֵי הַחַיִּיל שֶׁרָא:* and the next *פסוק* explains why משה was angry, *וַיֹּאמֶר אֱלֹהִים מֹשֶׁה תַּחֲיִיתֶם כָּל נַקְבָּה,* In the second *פסוק* the word *משה*, seems extra. It already said in the previous *פסוק* that משה was angry, and all that was needed now was him asking them *נקבה כל נקבה*. Why does it say משה again? *הרמב"ם* explains that משה didn't immediately rebuke them for sparing the women, rather he waited until he was able to calmly ask them *נקבה כל נקבה*. This is also why it says *ויאמר* and not *וידבר*, because *ויאמר* indicates a soft tone. The *תורה* is teaching us the importance of never losing one's composure when relating to our fellow human beings.

STORIES OFF THE DAF

False Advertising

אי נמי לפנחיא שבקיה

A person once needed to send matzos abroad. Although he wrote "fragile" on the boxes, they matzos were broken when they arrived. Subsequently, the man wrote the word "glass" on the boxes, and his solution worked. Afterward, the man's friend asked, "Who said you are permitted to lie in writing in order to safeguard an object?"

The question was presented to Rav Yosef Shalom Eliashiv, *zt"l*, and he permitted the action. Rav Chaim Kanievsky, *shlit"a*, explained Rav Eliashiv's *psak*: "In *Yevamos 115b* we find that even if a barrel is marked 'teruma' we assume that the contents are chulin, since it was common practice to label a barrel teruma merely as a means of safeguarding the chulin contents from thieves. Clearly, then, there is no prohibition against falsifying the nature of the contents of a container in order to safeguard them!"

Dayan Yaakov Yisrael Fisher, *zt"l*, dissented, however. "Although I also permit the action, I rely on a different reasoning. The Gemara in *Yevamos* is no proof at all. No one actually marked a vessel filled with chulin with the sign for 'teruma.' Chulin was merely placed in a vessel which had once contained *teruma* and was marked appropriately at the time it was originally filled! In our case, the word 'glass' was actually written on boxes containing matzah!"

Rav Chaim defended his proof, though. "What's the difference? The point is that by placing the chulin in a vessel marked as 'teruma' the sender is fooling people into thinking that the contents are teruma. Just as writing 'glass' on a boxes of matzos fools the handlers into believing that they contain glass. We see from the Gemara that this is permitted as long as one does it to protect his property."

Rav Fisher still disagreed. "There is no correlation between the two cases. Placing the chulin in a vessel marked 'teruma' is a form of *shev v'al taaseh* since the person didn't actually commit a lie to writing. He merely stored one item in a box that had been duly marked when it contained something else. Writing glass on a box of matzah is an overt action. I permit because he did not write that the contents are glass, he merely wrote the word 'glass.'"

The Rebbe of Toldos Aharon, *zt"l*, explained further: "The man is merely requesting that they handle his packages like glass!"

HALACHA HIGHLIGHT

A Woman's Weapons

דאמר ר' איסי אשה בלי זיינה עליה

As R' Idi said, a woman's weapons are upon her

The Gemara suggests that a woman will not flee while her husband is murdered by idolaters because she knows that her sex protects her from being murdered herself. Teshuvav Avodas Hagershuni¹ expresses uncertainty whether this principle of the Gemara applies only when a married woman testifies that her husband was killed since she will likely remain with her husband until he dies or does it apply to any woman? He proceeds to demonstrate that whether one follows Rashi's or Tosafos' explanation of this principle it would seem that it is limited to a wife who testifies that her husband is dead. Rashi² explains that the idolaters will not kill her since they could have relations with her. Accordingly, it is logical to assume that the principle only applies to a wife since it is unreasonable that a woman would put herself at risk of having relations with an idolater to witness a stranger's death. Tosafos³ explains that the reason the idolaters will not kill her is because women are by nature less combative; consequently, they will not feel threatened by her presence. Nonetheless, the idolaters will still cohabit with a woman if given the chance so it seems logical that a woman would not remain if the man was not her husband.

Tiferes Tzvi⁴ also maintains that only a wife would remain behind with her husband and could testify with certainty of his death. The rationale is that she is not afraid of death, since her weapons are upon her and she is willing to take the risk that the idolaters will violate her in order to be with her husband. Sefer Chein Tov⁵ disagrees and holds that any woman is believed to say that a man was killed by idolaters and cites Rashi's comments to our Gemara as support for his position. Since Rashi⁶ writes that women are not afraid of the bandits it would seem that any woman is included in this leniency.

There are two interesting questions regarding this principle. The first question⁷ is whether this principle applies to a man disguised as a woman. A second question⁸ concerning this principle is whether this principle applies to elderly women who are unfit for relations.

1. שו"ת עבודת הרגשונים סי' ק"ו
2. רש"י עבודה זרה כ"ה ד"ה אשה
3. תוס' שם ד"ה איכה בנייהו
4. תפארת צבי סי' י"ז
5. ספר חן טוב שם ס"ק קע"ג
6. רש"י בסוגייתינו ד"ה התם
7. ספר דופקי תשובה קונטרס חקר הלכות על תקנת עגונות סי' ז'
8. כנה"ג שם הגה"ט אות תקי"ח

MUSSAR FROM THE DAF

A Miraculous Time

The Gemara explains that perhaps the woman who was saved from a fire is not believed that her husband died because we can say to her, "just as a miracle happened and you were saved, maybe a miracle happened to your husband and he was saved."

Why does the Gemara refer to a "nes" (miracle)? In the other life threatening situations (hunger, war, drowning) when the wife survived, we never refer to a nes. Furthermore, in the other situations, we never use this argument, that perhaps just as the wife was miraculously saved, perhaps her husband was also miraculously saved? What is the pshat?

Let's first take a look at a Medrash. When the Torah tells us that when Sarah, who was 91 years old, a previously barren woman gave birth (Bereishis 21, 6) it was a very special day in the world. Rashi quotes the Medrash that explains that on that day, many women were able to have children, many sick people were healed, many tefillos were answered and there was much joy in the world.

What was happening? Once Hashem creates a nes in one area of the world, then Hashem allows for nissim at that same moment in other areas of the world. Therefore, once Sarah was miraculously able to give birth, this הארת פנים shined throughout the world and allowed for others miracles to simultaneously occur.

It seems the same is so with our Gemara. Chazal understood that once a Nes happened to this woman who was miraculously saved then we see it was a special time of הארת פנים. Therefore, they were able to suggest that it is very possible that another miracle happened at the same time and the husband may have also been miraculously saved.

We see from this Gemara a very big זמן. Sometimes there is a zman which is נסוגל (auspicious) for brocha. Understanding this concept motivates a person to utilize each zman for what it is meant for. Along those lines, it is appropriate to mention that in Av, it is a time to feel the צער in recognition of our distance from Hashem. This צער will be the foundation for the Teshuva in Ellul/Tishrei which we know is a zman that is נסוגל for Teshuva and it behooves us to take advantage of that unique opportunity.

POINT TO PONDER

The Gemara questions what would be the הלכה if a woman came to report about a war and claimed that her husband died in battle. Do we say נאג because she didn't have to tell us about the war, or not. The concern when a woman says that her husband died in war is that she "believes" that he died although she didn't confirm it herself. Since נאג only helps to believe that she is not lying, how can it address the concern that she is assuming?

Response to last week's Point to Ponder:

There are two main positions in the ראשונים regarding this question. The רמב"ם writes that the father is obligated to see to it that his son doesn't consume נבלות, while the רשב"א writes that he is not. תוספות are of the opinion that it depends on the age of the child. If the child is already of חינוך age then the father has to stop him, but if he is younger then he does not have to.

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

To share an insight from your Chabura please email info@dafaweek.org

The shavua matters is published by the Daf a week program under the rabbinical guidance of Harav Meir Stern shlita and Harav Shmuel Kamenetsky shlita

To sponsor a publication, please contact Rabbi Zacharia Adler, Executive Director at info@dafaweek.org or call 507-daf-week. Sponsorship for one week is \$100

Sections reprinted with permission from the Chicago Torah Center