



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 **MATTERS**

שבת קודש פרשת ואתחנן | מסכת יבמות דף קי"ז

לע"נ ר' חיים ברוך בן בנימין

IYUN ON THE DAF

By Rabbi Yitzchok Gutterman

The משנה says that ב"ה said that we can believe a lady regarding the death of her husband to allow her to remarry but not to collect the כתובה ב"ש disagrees because the כתובה says she gets the כתובה as soon as she remarries, no matter what. Everyone agreed that the יורשים can't collect their inheritance. In the end, ב"ה agreed to ב"ש. How do we understand ב"ש? Does he mean to say that the עד isn't believed at all regarding the כתובה and the only reason she gets her כתובה is because she got remarried and that fits the words of the כתובה? If so, what if he shows up the next day alive? Does she still keep her כתובה? That is the opinion of the מילואים in סימן ק. However, most אחרונים disagree. The סימן explains as follows: if the husband didn't die, the second husband was never תופס so it turns out she never got remarried in which case she shouldn't keep the כתובה. The only other possibility is to say that the תנאי כתובה is that she gets the כתובה even if it isn't even a real marriage as long as she appeared to remarry. However, that can't be since the גמרא in שבועות דף ל"ב says that if an עד falsely testifies that a woman's husband died he must bring a שבועה since he caused a loss of the כתובה to the husband. רב אלחנן זצ"ל says that if the עד isn't really believed in regards to the כתובה and the only reason the woman gets her כתובה is because of the תנאי then he isn't חייב שבועה since that is only a חיוב for something that happens עדות בתורת עדות and not as a side תנאי. Therefore, it must be that the עד and the wife are believed עדות בתורת עדות as well, but not regarding the נחלה. Which leaves us with the question why would we say נאמנות by the נחלה and not the כתובה (which was ב"ה's point)? The answer is that we only say נאמנות when there is one עדות which is relevant to several things. However, where something is only a result of the testimony, then we cannot divide the two concepts and if you are believed for one you are believed for the other even עדות בתורת עדות. Therefore, we can say נאמנות and believe her about her husband's death regarding her remarrying but not regarding the נחלה. However, when we believe the woman to remarry it will naturally result in the חיוב כתובה being triggered, so we are forced to believe her on both.

PARSHA CONNECTION

In this week's daf the משנה lists a category of women that are not believed as witnesses in testimony given on behalf of certain of their female relatives based on a concern that they have animosity towards these relatives and would like to see them in trouble. The גמרא explains that this animosity is caused by their belief that this relative will "eat" their hard work/assets. This attitude runs contrary to our principles of בטחון. One who has strong בטחון believes that whatever they are meant to have is protected and cannot be taken by a fellow human being. This concept is the basis for the מצוה of תחמוד, לא תחמד, in this week's Parsha. The תורה lists several things that one should not covet; thy friend's wife, house, field, servants, ox and donkey, etc. The order in this week's Parsha is different from the order in the first list, which first lists a house and then a wife. Why the switch? The חזקוני explains that the order of the לוחות discussed in this week's Parsha pertains to the way young people behave, first a wife and then a house, whereas the first לוחות is referring to a more mature person who wants a house first and then a wife. The ספר חסידים writes (אות צט) that לא תחמד is written without a "ו", to teach us that one should not "cause" others to covet his belongings! For example bragging about one's wife or house.

STORIES OFF THE DAF **Toiling in Torah**

כמים הפנים אל פנים

Rav Yehudah learns from the verse, "As water reflects back one's face, so too does the heart of one reflect another's," that understanding in Torah is according to the effort one invests.

Rav Abba Yaakov Borchov, zt"l, author of Shut Chevel Yaakov, had many illustrious teachers. At first he learned with Rav Meir Simcha of Dvinsk, zt"l, and he subsequently spent three years learning b'chavrusah with the Maharil Diskin, zt"l, and his son Rav Yitzchok Yerucham, zt"l. He later learned in Kovno with Rav Yitzchok Elchonon Spector, zt"l, and was ordained by him.

When Rav Abba Yaakov was already elderly, he settled in Yerushalayim, where his shiurim were extremely well-attended.

Once he reminisced, "Two of my mentors merited to have children who were great in Torah but did not reach the greatness of their illustrious fathers. Rav Yitzchok Yerucham, the son of the Maharil Diskin, and Rav Tzvi Hirsch, the son of Rav Yitzchok Elchonon. I always thought the reason for this was similar to what the Maharal of Prague, zt"l, says about Moshe Rabbeinu's children: 'Since Moshe Rabbeinu attained a stature that surpassed the attainments of regular human beings, his children couldn't reach his exalted level.'

Rav Abba Yaakov continued, "When I shared this thought with the Ohr Someach (who knew and respected the two sons highly for their greatness in Torah and their refinement of character), he disagreed vehemently. 'The children had the potential to reach their fathers' levels. The sole reason they did not is that they didn't exert themselves as much as their fathers had!'

The elderly tzaddik concluded, "The same holds true for all of us! If we toil as Rav Yitzchok Elchonon did, we will reach his level! If we exert ourselves like the Maharil Diskin, we will reach his exalted level!"

The Chazon Ish, zt"l, said, "If someone were to put in the effort that the Maharsha did nowadays, he would come out with a much greater work. The harder the test, the more one must exert himself to overcome it. The greater the effort, the more siyatta d'Shmaya one merits!"

HALACHA HIGHLIGHT

Appearance of
Impropriety

הכי קאמר עד אחד אומר מת והתירוה להנשא ובא אחד ואמר לא מת לא תצא מהיתירה הראשון

This is what the Midrash is saying: One witness says that the husband died and Beis Din granted permission for her to remarry and a single witness came and said he is not dead, she does not lose her original state of permissibility

Shulchan Aruch¹ writes that if a single witness testifies that a man died and his wife was granted permission to remarry and another single witness testified that the husband is alive the woman does not lose her permit to remarry. The reason is that once the Torah believed the single witness to testify that the husband is dead his testimony is treated like the testimony of two witnesses so that the second single witness cannot refute that testimony. Rema² adds that out of concern of the appearance of impropriety she should not remarry. Rav Moshe Lima³, the Chelkas M'Chokeik, writes that even according to Rema it is not prohibited for the woman to marry; it is merely strong advice to avoid future questions that arise from an appearance of impropriety. Rav Shmuel ben Uri Shraga Faivish⁴, the Beis Shmuel, disagrees and based on Tosafos maintains that once a second single witness testifies that the husband is alive it is prohibited for her to remarry.

An explanation⁵ of Tosafos' position is that the single witness is believed in conjunction with the presumption (חזקה) that the wife thoroughly investigated the matter. If the woman has not yet remarried this presumption is not yet fully established and the single witness's testimony does not have the force of two witnesses. As a result, it is considered as if two single witnesses are contradicting one another and the woman is not permitted to remarry.

Rav Shlomo Luria⁶, the Yam Shel Shlomo maintains that even according to the position that she is not permitted to marry, Beis Din is not required to protest in the event that she ignores the prohibition and marries. Other authorities⁷ disagree with this conclusion and maintain that it is incumbent upon Beis Din to protest against a woman who remarries under such conditions.

1. שו"ע אה"ע סי' י"ז סעי' ל"ז
2. רמ"א שם
3. חלקת מחוקק שם ס"ק ס"ז
4. בית שמואל שם ס"ק ק"י
5. מהרי"ז עניני סי' נ"א
6. ים של שלמה יבמות פט"ו סי' ט"ו
7. אפי' זוטרי לאה"ע שם אות קע"ז

INSIGHTS FROM OUR CHABUROS

When One
Witness
is Trusted

כל מקום שהאמינה תורה עד אחד הרי הוא כשתיים

The Mishnah taught the halacha that where a single witness comes and testifies that the husband died, and the wife remarried based upon this information, even should a different single witness then come and say that the husband did not die, the woman need not leave the second husband. The word of the first witness is believed as two, and once the woman is permitted to remarry, the second single witness cannot alter this legal position. The wording of the Mishnah suggests that it is only after the woman actually remarries that the second witness will have no effect, but if she did not yet remarry the Beis din will take the word of the second witness into account and stop her from proceeding. Nevertheless, the Gemara clarifies that this is not the case. As Ulla reports, once the first witness has established that the husband has died, the woman's status of being allowed to remarry will remain intact even against the word of the second single witness.

Ramban writes that the statement of Ulla that we believe a single witness as two applies even if the one witness is someone who would otherwise be disqualified to testify. When we accept such an עד פסול to testify in a case of the death of a woman's husband, this witness if given full trust, even against a single kosher witness who may come later. Rambam (Hilchos Gerushin 12:21) writes that if a woman comes to testify about the death of a man, but this is followed by a single witness who says the man did not die, the wife should not remarry, and if she does, she must leave the second husband. The Rishonim point out that Rambam holds that as a single witness, a woman does not have נאמנות of two.

POINT TO PONDER

The Mishnah lists five women who are not believed to testify on behalf of certain of their female relatives. Do we not believe them at all, and these women remain a אישת איש, or does their testimony create a ספק. It would make a difference, among other things, with respect to such a woman's ability to continue eating תרומה if she is married to a כהן.

Response to last week's Point to Ponder:

Although the last reason is more likely and therefore the main reason, רבא adds the other two to support his argument. If רבא had given only one reason it may have been easier to argue that it is unlikely, but since he gave three reasons it makes it more difficult to argue against him. (See רשב"א)

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