

OVERVIEW of the Daf

1) Those with blemished lineage (cont.)

The Gemara continues to record the exchange regarding the source that a woman becomes disqualified if she has relations with someone of blemished lineage.

2) R' Yosi's position

R' Yochanan notes that the point of dispute between Tanna Kamma and R' Yosi is whether a second generation Mitzri or Edomi will disqualify a woman with whom they have relations.

The verse that is the source for both positions is identified and explained.

3) R' Shimon ben Gamliel's position

Ulla notes that the point of dispute between R' Yosi and R' Shimon ben Gamliel is whether an Amoni or Moavi will disqualify a woman with whom they have relations.

The verse that is the source for both positions is identified and explained.

4) MISHNAH: The Mishnah enumerates men who do not disqualify a woman with whom they have relations, and it proceeds to explain one of the cases. The Mishnah also discusses the consequences of a slave or mamzer who has relations with a Jewish girl. The final halacha discusses the case of a kohen gadol who disqualifies his grandmother from eating teruma.

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REVIEW and Remember

1. Does a man who remarries his divorcee become disqualified from teruma?

2. What is the point of dispute between R' Yosi and R' Shimon ben Gamliel?

3. How does a kohen gadol disqualify his grandmother from eating teruma?

4. What is the status of a child born when a man has relations with his ארוסה?

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Distinctive INSIGHT

The significance of the embryo during the first forty days

אמר רב חסדא וכו' עד ארבעים מיה בעלמא היא

The Gemara discusses the case of a woman, a daughter of a kohen family, who had relations with a Yisroel man. Rabba bar Rav Huna explains that although if this woman is pregnant she may no longer eat teruma, we do allow her to return to her father's house immediately and to eat teruma. This is because the case is one of זנות, and we do not suspect that she is pregnant. If she had been married, we would have to wait to ascertain whether she is pregnant before allowing her to eat teruma, as we saw in a Mishnah earlier (33b). The Gemara, however, questions this distinction by demonstrating a case where, as far as teruma is concerned, even a married woman does not have to suspect that she might be pregnant. The proof is from a Baraisa. A bas-kohen woman married a Yisroel husband, and he died. She may return to her father's home and eat teruma immediately. How is this to be resolved?

Rav Chisda answers that permission to let this bas-kohen widow to eat teruma immediately is only during the first forty days of her suspected pregnancy. If we find out later that she is not pregnant, her eating teruma was justified. And, if we later see that she is pregnant with the fetus of a Yisroel, the developing embryo was insignificant until forty days, and it would not disqualify her.

Sefer Bikurei Yehuda cites a question from Sefer Yosef Lekach. Our Gemara holds that as far as teruma is concerned, during the first forty days of her pregnancy it is as if the woman is not pregnant, and she may eat teruma of her father's household. She may return home as she was before the marriage. Yet, we learned earlier (35b) that if the yavam performs yibum with the yevama, if they later discover that the yevama was pregnant from the first brother, the yavam and yevama must each bring a korban asham for their misdeed. The yibum was invalid, and the widow of the first brother was prohibited from the surviving brothers. Yet if they did the yibum during the first forty days of the pregnancy, it should be as if she was not pregnant, and the mitzvah of yibum should not be sinful! Why are they obligated to bring an offering?

The answer is that once we see that she is pregnant, as far as yibum is concerned we cannot say she was eligible for yibum during those first forty days. She never was a yevama, but rather a sister-in-law who had a child from the brother. Here, however, in reference to teruma, each consumption of teruma is independent. Any teruma she ate during the first forty days was permitted, and the teruma from day forty and beyond would be prohibited, once we see that she is pregnant from the Yisroel. ■

HALACHAH Highlight

Testing an employee

והתניא הרי זה גיטך שעה אחת קודם למיתתי אסורה לאכול בתרומה מיד
 Didn't the Baraisa teach: [If a man says to his wife,] "This is your get to be effective one moment before I die," she is prohibited from eating teruma immediately.

The Ben Ish Chai¹ was asked whether it is permitted to test one's housekeeper if there is a suspicion that the housekeeper is stealing. For example, would it be permitted to drop some money in a random fashion in a room and then ask the housekeeper to retrieve something from that room to see whether the housekeeper will take the money? Ben Ish Chai expands this question and questions whether it is permitted to present someone with a chance to violate a transgression to test their self-control and fear of Heaven.

Ben Ish Chai cites numerous proofs that it is prohibited to test another with a transgression because if he will fail the test and violate the prohibition it will emerge that the tester violated the prohibition of לפני עור - placing a stumbling block before the blind. One proof he cites is our Gemara. The Gemara rules that if a man gives a get to his wife and declares that it should be effective one moment before he dies, she is prohibited to eat teruma immediately. The reason is that at any minute there is a concern that the husband may die at the next moment, even though right now he is alive. Similarly, in our case there is the concern that the person being tested will fail and it will be revealed that the one who presented the test violated the prohibition of לפני עור.

The Mishpatei HaTorah² addresses the same issue. He concludes that there is a difference whether one is merely testing the

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5) Clarifying the Mishnah

A Baraisa is cited that supports the Mishnah's ruling that one who is insane cannot legally marry.

The Mishnah's ruling that a woman who had relations with a Yisroel does not become disqualified is challenged from a Mishnah that indicates that we should be concerned with the possibility that she is pregnant.

Rabbah bar R' Huna fails in two attempts to resolve this contradiction.

R' Chisda presents a resolution.

Abaye unsuccessfully challenges this resolution.

6) Relations with one's ארוסה

Rav maintains that the child born to a man and his ארוסה is a mamzer whereas Shmuel maintains that the child is a possible mamzer (שתוקי).

Rava and Abaye dispute the rationale behind Rav's position.

The Gemara begins to present a second version of this discussion. ■

honesty of his employees or whether one is trying to catch someone who has been stealing in the office. If there have been thefts in the office it is permitted to test the employees. Nevertheless, one should first declare, in front of three friends, that the "bait" is ownerless - hefker, to avoid violating לפני עור in the event that the thief will take the bait. This practice should not be done, however, if one is merely testing the honesty of his employees, since there is a dispute in the Rishonim³ whether this test is permitted. Consequently, one must adopt the strict approach. ■

1. שו"ת תורה לשמה סי' ת"ז

2. משפטי התורה ח"א סי' ע"ח "פתיחן לתפיסת גנב"

3. משפטי התורה שם הע' 1 וע' בהע' 2 בנוגע לשמירת רכושו ■

STORIES Off the Daf

The Amonite, the Moabite, the Egyptian, and the Edomite...

דכתיב בנים אשר יולדו להם דור שלישי יבא להם בקהל ה'

"The children who will be born to them in the third generation will enter into the community of Hashem..."

Since Rav Wolbe, zt"l, was committed to giving mussar shmuessen throughout the month of Elul in many different yeshivos, he used to take time to personally prepare for the Yomim Noraim during Av. Elul itself was naturally very busy, and so Rav Wolbe rarely had time to respond to late-summer queries in writing until after the Yomim Noraim altogether. Although many

of those responses open with Rav Wolbe's profuse apologies for the delay, there is an interesting letter on record that serves as an enlightening exception.

A certain man who had provided Rav Wolbe with assistance while the Rav was living abroad received his response during Elul itself. Since the letter offered an opportunity for Rav Wolbe to express his gratitude, there was no possibility of delaying a warm and effusive response. He wrote, "...My heart compels me to write these few lines to you as the Yomim Noraim approach. My dear friend! I will not soon forget the friendship and dedication you showed me when I was with you. May Hashem pay you back in full!

"The aliyah of the day is the fourth of Parashas Ki Seitzei where we find the laws of conversion. I was very inspired that the entire difference between an Amonite, a

Moabite, an Edomite, and an Egyptian is only in how much hakaras hatov they had toward us and how much gratitude we must have toward them. We know that the nations of Amon and Moav who did not show their appreciation for Avraham Avinu's rescue of their forefather are to be forever kept at a distance (see Ramban). Although the Egyptians drowned our children, they did harbor us in an emergency, and so they may marry into the Jewish people after the third generation. And even though Eisav went out to greet us with the sword, his progeny are permitted immediately because he is our brother! How wondrous it is to contemplate the far-reaching consequences of showing gratitude!"

Rav Wolbe closed the letter: "From your friend who loves you and is grateful to you for the rest of his life!" ■