



## A Kohen Yabam

We have learnt that *eirusin* (halachic engagement) and *nisuin* (marriage) used to be separated by some time to allow for adequate preparation. During that period, since the bride would be living in her parent's house, the groom was not responsible for supporting her. If however the *eirusin* period extended too long – for a *betula* this is one year – he would then be responsible for providing her with food. We also learnt that the law initially was that if the groom was a *kohen*, after the time expired his bride would be able to eat *trumah* even if she was a daughter an *yisrael*. The reason is that since after *eirusin* the bride is already considered “*kinyan kasp*” should could have really be able to eaten *trumah* immediately following *eirusin*. It was only due to a rabbinic decree that prevented her from doing so prior to the above-described point in time or prior to marriage.<sup>1</sup>

We will not be discussing this decree but rather a different point. The next *Mishnah* (5:3) teaches that if the year period was shared between the groom and the *yabam*, the two periods do not combine to enable the (now) *yavama* to eat *truma*.

*Rashi* (*Ketubot* 57a) explains that the ruling would be same even if she was an *arusa* for over a year prior to becoming a *yavama* and had begun eating *teruma*. The reason is that she would no longer be considered a “*kinyan kasp*” of the *yabam* – she is the *kinyan* of the late groom and not of the *yabam*.<sup>2</sup> Even though the *Mishnah* only brought examples where both periods of time totalled to one year, this is because the *Mishnah* chose examples where she would never have been able to eat *trumah*.

The *Rabbeinu Tam* (58a) however argues that the simple reading of the *Mishnah* implies that if she had indeed been waiting a year prior to becoming a *yavama* then she could continue eating *teruma*. He adds that once she has started

eating *teruma* the reason for the *tekana* has disappeared and she should be able to continue doing so.

The difficulty with the *Rabbeinu Tam*'s position is that the *Gemara* (57a) seems to bring *Rashi*'s exposition: “What is the reason [for the *Mishnah*'s ruling]? The *Torah* taught ‘*kinyan kasp*’ and [the *yevama*] is the *kinyan* of [the *yabam*'s] brother.” The *Rabbeinu Tam* answers that the *Gemara* is not bringing a *drash*, but rather presenting an *asmachta*<sup>3</sup> for their *gezeira*. The *Tosfot Yom Tov* explains that in other words, the *gezeira* that she can eat *teruma* after one year is in the case of “*kinyan kasp*” where she was an *arusa* for one year, but not “*kinyan achiv*”, when she is a *yavama*.

According to *Rabbeinu Tam* how can she continue to eat *teruma*? The *Rabbeinu Tam* explains that she as able to eat due to the “*zika* of the *yabam*” and the “*yabam* allows here to eat”. The implication is that the *yavama*'s capacity hinges on the *yabam*. It might be possible to suggest that as long as the *yabam* was a valid *kohen*, even if his late brother was a *pasul kohen*, if she waited longer than a year then should could eat *teruma*. The *Ramban* however explains that both the late brother and the *yabam* must be valid *kohanim* for her to be able to eat *teruma*. The *yabam* is only in this position by virtue of his brother, so his capacity to allow the consumption of *teruma* cannot be greater than his late brother's. Interestingly the *Tosfot Ha'Rosh* explains that “if she ate [*teruma*] during the life of her husband, she can continue to eat even now ‘*mishum kocho*’ since the *kinyan* has not disappear due to the *zika*.” The implication there is the here capacity to eat *teruma* is connected to her late groom and the *zika* continues it.

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<sup>1</sup> Note that this point and the rest of the article is only according to the initial teaching (*mishnah rishona*). The latter decree prevented an *arusa* from eating *trumah* prior to marriage in all cases.

<sup>2</sup> Most understand that according to *Rashi* that this law is a biblical one as it is derived from a *pasuk*. The *Ritva* however understands that according to *Rashi* there is a difference whether the *yavama* started to eating *teruma* when she was an *arusa* or after she already married. In the latter case, even

according to *Rashi*, she could continue while she is a *yevama*. According to this understanding of *Rashi* it would seem that *Rashi* maintains that the exclusion of a *yevama* from eating *teruma* is rabbinic otherwise it would be difficult to explain the distinction.

<sup>3</sup> An *asmachta* is where the *Chachamim* utilise a verse not as source for a biblical law, but rather a trigger for a rabbinic one.

**Revision Questions**

כתובות ד' ר' ה' ז'

- Complete the following statement analysed by *R' Elazar ben Azaria*: (ד' ר')  
"\_\_\_\_\_ והבנות \_\_\_\_\_ והבנים"
- What was the implication of the above statement? (ד' ר')
- Can a woman still claim the money of a *ketubah* if she never had one written for her? (ד' ז')
- What are the four conditions that even if they are not written into the *ketubah* are considered as if they have been written? (ד' ז' ח' י' י"א)
- Can a husband alleviate the responsibility of redeeming his captive wife by sending her a *get* and *ketubah*? (ד' ט')
- What is different about the *ketubot* of *Anshei Yerushalaim* and *Anshei Yehuda*? (ד' י"ב)
- Can one add to the base value of a *ketubah*? (ה' ז')
- When is there a dispute as to whether the *tosefet ketubah* is paid? (ה' ז')
- What is *R' Meir's* opinion regarding whether a woman can agree to her *ketubah* being a reduced value? (ה' ז')
- What is the maximum spacing allowed between *kidushin* and *nisuin*? (Include two cases.) (ה' ב')
- What happens after this time period? (ה' ב')
- Can a *bat Yisrael* who is a *shomeret yabam* to a *Kohen* eat *trumah*? (ה' ג')
- Can a husband *makdish* his wife's handiwork? (ה' ד')
- Explain the debate regarding whether the husband can sanctify *motar ma'asei yadeiha*. (ה' ד')
- What are the seven *melachot* performed by the wife and when does this change? (ה' ה')
- What are the opinions of *Beit Shammai* and *Beit Hillel* regarding how long we wait before forcing the husband to divorce his wife if he vowed against *tashmish*? (ה' ו')
- What is the *mitzvah* of *onah* for *po'alim*? (ה' ו')
- What are the opinions regarding a case where either of the spouses refuses *tashmish*? (ה' ז')

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
29 <sup>th</sup> July אב י'	30 <sup>th</sup> July אב י"א	31 <sup>st</sup> July אב י"ב	1 <sup>st</sup> August אב י"ג	2 <sup>nd</sup> August אב י"ד	3 <sup>rd</sup> August אב ט"ו	4 <sup>th</sup> August אב ט"ז
Ketubot 5:8-9	Ketubot 6:1-2	Ketubot 6:3-4	Ketubot 6:5-6	Ketubot 6:7-7:1	Ketubot 7:2-3	Ketubot 7:4-5

