

שבת קודש פרשת וילך | מסכת כתובות דף ג'

INSIGHTS FROM OUR CHABUROS

Marriage on Tuesday

נהרגו, לגמרי נעקריה

The Baraisa told of a crisis (סכנה) which arose. Due to this "danger," a shift occurred among the population to marry on Tuesday, instead of Wednesday, in order to avoid this threat. When the Gemara tried to understand the nature of this threatening condition, the Gemara first suggested that it referred to a period when the Romans announced that any woman who would arrange to marry on Wednesday would be killed. In order to avoid this dangerous situation, the young brides spontaneously changed their wedding dates to Tuesday. The Gemara quickly notes that if this was the danger, this could not possibly account for the reaction listed in the Baraisa, where the people seemed to shift over to Tuesday on their own. After all, the obvious reaction to such a situation would have been an organized suspension of the enactment altogether by the Beis Din, and not just a grassroots shift away from the problem. Rashi explains that the rabbis would have established a different official day (to marry).

The commentators wonder about this exchange in the Gemara, in light of the Gemara in Sanhedrin (74b) which teaches that if the gentiles threaten the Jews to violate a mitzvah, we are duty-bound to resist their intimidation, even to the point of death. This does not apply only to the three cardinal sins, but even regarding mere customs, such as wearing discreet colored clothing (shoe strings that are black, rather than red). Why, then, is the Gemara suggesting that the Beis Din would have capitulated in this case?

Chasam Sofer provides an answer to this question. The rule of marrying on Wednesday was not meant to lock in on Wednesday due to its being a special day. It only retains its character due to its being the day before Thursday, when Beis Din meets. The Gemara here is not suggesting that the wedding day be changed, as was the intention of the enemy, but rather that the Beis Din change its meeting day. If, for example, Beis Din would, at this point, decide to convene on Wednesdays, instead of Thursdays, the brides would automatically shift over to marry on the day beforehand, in compliance with the rule to marry on the day before the meeting of Beis Din. The suggestion of the Gemara is that the Beis Din would have changed their meeting day, which was not the issue which the gentiles had confronted at all. In this manner, the reaction of the Jewish community would not have been a capitulation to the commands of the enemy, simply because the meeting day of the Beis Din was not their issue. This would have been the correct solution, if the threat was one of death.

STORIES OFF THE DAF

Pangs of Conscience

"איכא דעבדי ברצון..."

Once, Rav Boruch Ber Leibowitz, zt"l, took ill. A doctor examined him and said, "There is nothing physically wrong with him. He is suffering from deep emotional trauma which has made him sick." Shortly thereafter the Gadol recovered. Those close to Rav Boruch Ber asked him what had caused him to get ill in the first place.

Rav Boruch Ber explained, "In Kesuvos 3b we find that when there was a decree that obligated every bride to have relations with the local non-Jewish governor on the day of her wedding. One of the reasons why we don't just teach them that a married woman forced to have relations is permitted to her husband is that we are afraid of the effect this might have on women of more lax moral fiber. Since such women might have relations with the governor willingly, they would then actually be prohibited to their husbands! It is written in the Hafla'ah on Kesuvos that if a married woman is given a choice to either have relations with any man other than her husband or she will be killed, and she wants to have the forbidden relations, she is halachically obligated to refuse even if they will kill her. Only if she doesn't desire the act from the outset is she not obligated to die.

Reb Boruch Ber continued, "I remembered that was I ill and drank once on Yom Kippur. Presumably it is only permitted to eat or drink if you don't want to, just as we find in the parallel situation in Kesuvos 3b. But I couldn't remember what my attitude had been as I drank that day. Perhaps I had ingested something on Yom Kippur in a forbidden way, חלילה! If you might have violated the fast on Yom Kippur, wouldn't you get violently sick too?"

Reb Boruch Ber concluded, "But then I realized the essential difference between my situation and our Gemara. In my case, I was obligated to eat since the physical act of eating would save my life. In the woman's situation, she is not saving her life by the physical act of relations with the local ruler. It is just that they will kill her if she refuses. If she really desires the forbidden relations, she is considered like someone who wants to do a sin but is afraid of the consequences. She could be compared to a potential sinner who asks a criminal to shoot him if he doesn't do the sin so that he now has a pretext. For such a person, refraining from sinning will mean his death, but we still consider him responsible for his sin! Now you can see that there is no comparison between my case and the situation of such a woman. Is it any wonder that I recovered?"

HALACHA HIGHLIGHT

An Adulterous Affair with an Idolater

ולידרוש להו דאונס שרי

But teach them that if they are taken forcefully they are permitted

There was once an idolater who had an affair with a married Jewish woman. The woman subsequently was divorced from her husband, and following her divorce she abandoned her Judaism and married the idolater. Some time later the man converted to Judaism and Rabbeinu Tam¹ permitted them to marry. The difficulty with the lenient ruling is that there is a principle that when a woman has an adulterous affair she becomes prohibited to her husband and the one with whom she had the adulterous affair (אחד לבעל ואחד לבועל). How then was Rabbeinu Tam allowed to permit this couple to marry after converting? Tosafos² explains that cohabiting with an idolater is treated, halachically, the same as relations with an animal. Therefore the principle that a woman becomes prohibited to the adulterer with whom she had her adulterous affair does not apply if the man was an idolater.

The Gaon Chida³ challenges this ruling from a Tosefta. The Tosefta states that an idolater that has relations with a Jewish woman and converts may not marry her, but if they married they are not compelled to divorce. How then could Rabbeinu Tam permit this couple to marry when the Tosefta rules explicitly that the converted idolater may not marry the Jewish woman with whom he cohabited? Answers Gaon Chida, since in Rabbeinu Tam's case the woman had abandoned her Judaism and "married" the idolater, we consider this to be a case where they already married and we do not compel them to divorce.

Rav Ovadiah Yosef⁴, consistent with the principles above ruled leniently in a similar case. A Jewish man civilly married a non-Jewish woman and together they had a number of children. After some time the woman decided that she and her children should convert to Judaism. In addition to other considerations, Rav Yosef allowed the couple to marry after her conversion. Although the Tosefta ruled against this couple marrying, nonetheless, since they had a civil marriage while she was still not Jewish it could be considered a case where they are already "married" and they are not compelled to divorce.

1. תוס' ישנים פב
2. תוס' ד"ה ולדרוש
3. שו"ת חיים שאל ח"א סי' מ"ט
4. שו"ת יביע אומר ח"ח וי"ד סי' כ"ד אר"ת ז

PARSHA CONNECTION

In this week's daf we learn the concept of *לאחר מיתה*, which means that once a person is no longer alive he cannot affect things in this world. This exact concept is illustrated in this week's Parsha where משה רבינו tells ישראל that his time in this world is ending and he can no longer lead them. In פרק לא פסוק יד, we read that הקב"ה tells משה to call יהושע and they should both stand מועד מועד, so that יהושע can be instructed on leading ישראל בני ישראל. It is interesting to note that there are 7 פסוקים between this פסוק and when הקב"ה actually tells יהושע to be strong and lead them into ארץ ישראל, regarding what בני ישראל will do after משה רבינו passes away. The הקדוש explains that although, משה רבינו previously told יהושע to be strong (פרק ג, כח), here they had to come together to the מועד מועד, so that יהושע can attain the special status of נבואה that until now was only accorded to משה רבינו. The 7 פסוקים explain why this special power is needed by יהושע so that he can be משפיע on them and prevent them from going astray. Indeed, due to his השפעה the בני ישראל only started sinning after יהושע and the זקנים passed away. Being in the עשרת ימי תשובה we too can derive great benefits from being close to our spiritual leaders! גמר חתימה טובה!

POINT TO PONDER

The Gemara says that now that we have בתי דין available every day, a בתולה can get married any day of the week. Does this include Friday? If the marriage takes place on Friday, it will be two days until the husband can go to בית דין, so how can we allow it?

Response to last week's Point to Ponder:

The גמרא says that Sunday is not a good day for marrying a בתולה, even though there is בית דין on Monday, because of שקדו. Does this mean that you need a full three days to prepare, or you only need one or two days, but since Sunday doesn't give us enough time it automatically jumps to Wednesday?

This question is discussed by the מהרש"א and the מהר"ם. The מהרש"א assumes that it takes 3 days to prepare, and therefore the husband will not be obligated in מזונות until after 3 days.

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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