

שבת קודש פרשת נצבים-וילך | מסכת כתובות דף נ"ב

INSIGHTS FROM OUR CHABUROS

Redeeming one's wife at an exorbitant price

תנו רבנן: נשבית והיו מבקשים ממנו עד עשרה בדמיה פעם ראשונה פודה, מכאן ואילך רצה פודה, רוצה איו פודה

The Baraisa discusses the details of the husband's obligation to redeem his wife if she is taken captive and held for ransom. The first time this tragic event occurs, the husband must redeem his wife even if the captors demand ten times the price of what the wife would be worth in the market. If the wife were to be taken captive a second time, the husband no longer has an obligation to redeem her. The responsibility to redeem one's wife only extends to one event. If the husband chooses to do so, he certainly may redeem his wife even multiple times, but the obligation only applies to one time.

Our Gemara allows the wife to be redeemed for an amount far beyond her actual value. The Mishnah in Gittin (45a) clearly rules that it is prohibited to redeem captives by paying any amount above the actual value of the person. The Gemara in Gittin considers two possibilities to explain this guideline. One reason is because we do not want to place too much of a burden upon the community. The other possible reason is because we do not want to encourage the enemy to come and take more captives. The Gemara does not resolve which is the true reason. Tosafos here (ד"ה והיו מבקשין) notes that we can perhaps prove this question from our Gemara. We allow the husband to spend an exorbitant amount of money to redeem his wife. Obviously, the reason must be the concern of burdening the community, and here the husband accepts to pay the full amount himself. If the reason is in order not to incite the enemy, that same problem would exist here where the husband is paying a huge sum. Tosafos answers that nevertheless, even according to the opinion that the community must avoid inciting the enemy, this is only when the funds are paid from public funds. However, an individual is never prevented from being allowed to redeem himself, from redeeming his wife. As the verse states (Iyov 2:4): "Skin for the sake of skin. Whatever a person has he will give up for the sake of his life." Therefore, our Gemara cannot be brought to prove that the reason not to pay a large ransom is in order not to burden the community, because according to all opinions it would be permitted for the husband to redeem his wife at all costs.

STORIES OF THE DAF

A Complicated Shidduch

"ראת בנותיכם תנו לאנשים..."

Today's daf mentions the prophet's words to the exiles leaving for Bavel, "And take wives for your sons, and give your daughters to men...and be numerous there, and do not diminish." (Yirmiyahu 29:6) Making shidduchim can be a very delicate matter. If the wrong person suggests the match, or if a reference gives a less than stellar report, a potential chosson or kallah can be needlessly rejected.

When an unmarried bochur named Yankel learning in yeshiva in Israel mentioned a certain girl to his friend Yoni as a possible match, Yankel said, "Obviously, it would be impossible for me to suggest the shidduch on my own since the family will not take someone as young as me seriously. You need to find a respectable shadchan, or your chances are going to be slim."

Yoni thanked his friend, but decided to try a different plan instead. In an unheard of move, he chose to save the money for shadchanus by calling the family up and pretending to be a respectable talmid chochom who wanted to suggest an exceptional young man (himself!) for their daughter. Since Yoni was an extremely versatile actor who could improvise as well as do excellent impersonations, it seemed like a fool-proof plan. The family was certain that they were speaking to a venerable shadchan and were duly impressed by the glowing terms in which the bochur was described. The two sides set up a meeting, and it went remarkably well. Yoni used the same tactic to set up several more meetings until he and the girl decided to become engaged.

At the vort, the girl's father approached the chosson and asked to be introduced to the shadchan so he could thank him properly. Yoni explained that the shadchan was unavailable. The prospective father-in-law then placed an envelope into his hands and said warmly, "Please thank him for us, then, and give him our share of the shadchanus."

Caught in an unanticipated quandary, the bochur approached Rav Yitzchak Zilberstein, shlit"a, to find out if he was permitted his fair share of the shadchanus after deducting a portion for the friend who suggested the match in the first place. The Rav replied, "You are not considered the agent of your father-in-law, since you set the whole thing up for your own benefit. He doesn't owe you a penny!"

PARSHA CONNECTION

In this week's daf the Gemara discusses one's responsibilities to their children, and חז"ל included provisions in the כתובה to ensure that the children are well cared for. Just like it's important to care for children's physical needs, we must also care for their spiritual needs. We find an example of this in פרשת וילך, where the תורה says that everyone should come for הקהל, men, women, and children. The גמרא in ע"א says that very young children, טף, are brought so that the parents will receive a reward for bringing them. What is this reward for the parents? The אלשיך הקודש explains that bringing very young children to hear תורה, is in itself the שכר, because this will cause them to want to hear תורה in the future. The ultimate reward for a parent is having children who learn תורה. This idea is similar to the ירושלמי בכמות פרק א' which says that רבי יהושע בן חנניא used to bring his crib into the בית מדרש so that he will hear the sound of תורה.

HALACHA HIGHLIGHT

Does silence constitute an admission?

רב פפא איעסק ליה לבריה בי אבא סוראה וכו' (נג).
סבר איהו מירתח רתח

R' Pappa was involved in marrying off his son in the home of Abba Sura'ah ... he [Abba Sura'ah] thought that he [Yehudah] was angry

Poskim debate whether a person's silence in Beis Din always constitutes an admission to the claim against him, or perhaps silence might instead indicate that the person does not feel it necessary to respond to the charges. The Chasam Sofer¹ addressed the case of a community that met and voted on certain monetary matters relevant to the residents of their town. Some of the community members who did not attend the meeting protested the new ordinances since they were not at the meeting for the vote. Chasam Sofer responded that since the meeting was properly publicized, those people who chose not to attend essentially gave their silent approval to all the decisions made by the members of the community who did attend the meeting.

The Afaksta D'Anya² questioned Chasam Sofer's ruling from the fact that the Maharit³ ruled that decisions of the community are not binding if even a majority of the community are not present when the vote is taken. How could Chasam Sofer dispute this ruling? Therefore, Afaksta D'Anya suggests that in a case where every person received a separate notice of the gathering and people refused to attend the meeting, their absence does not constitute an agreement with the decision that the community will make. Rather, their refusal to attend sends the opposite message, namely, the gathering has no jurisdiction to make this decision and anyone's absence could be a protest against the meeting. Furthermore, it is not an absolute rule that silence constitutes an admission and he cites many sources in the Gemara like the incident in our Gemara where silence was understood to be a protest rather than an admission, to support this. Therefore, it is the responsibility of Beis Din to examine each case of silence to determine whether or not it is an indication of admission.

1. שו"ת חת"ם סופר חו"מ סי' קט"ז.
2. שו"ת אפרקסתא דעניא ח"א סי' מ"ט.
3. שו"ת מהרי"ט ח"א סי' נ"ח.

POINT TO PONDER

The Gemara says that in case the husband dies before he was able to free his wife from captivity, the יתומים are not obligated to free her, because the תנאי for freeing one's wife includes returning her to be his wife. In this case, since he died we cannot fulfill this condition. What would be the הלכה by a wife of a כהן? Since he cannot, in any event, live with her would the יתומים have to redeem her?

Response to last week's Point to Ponder:

The Gemara says that according to אבוא דשמואל if a lady is forced into living with someone other than her husband we suspect that it wasn't completely באונס. The גמרא then says "ויפליג דרבא" who says that as long as the beginning מותר she is אונס. Since רבא is clearly arguing, why doesn't it just say אמר רבא? Usually the גמרא uses the expression of ופליג only where the argument isn't obvious and has to be deduced. The שיטה מקובצת explains that we might assume that אבוא דשמואל was referring to her being initially forced against her will, but she was agreeable to living with him once he started the מעשה בעילה. Meaning that רצון לבסוף is not referring to the end of the מעשה but rather the beginning. If that is the case, then רבא is not arguing with אבוא דשמואל, because רבא is talking about the end of the מעשה ביאה and not the end of her being captured.

MUSSAR FROM THE DAF

Family First

אמר רבי יוחנן: עשו הקזת דם בארץ ישראל כרפואה שאין לה קצבה. קריביה דרבי יוחנן הנה להו איתת אבא דתנת צריכה רפואה כל יומא. אתו לקמיה דרבי יוחנן, אמר להו: איזילו קוצו ליה מידי לרופא
אמר רבי יוחנן: עשינו עצמנו כעורכי הדגיגין. מעיקרא מאי סבר, ולבסוף מאי סבר? מעיקרא סבר: "ומבשרך לא תתעלם", ולבסוף סבר: אדם תשוב שאני

The Gemara tells a story in which R' Yochanan advised his relatives in a legal situation how to save funds. His relatives were responsible for their father's almana (the niftar's wife) and required ongoing medical expenses. He advised them to pay the doctor a lump sum for her treatment, which would then be considered a fixed cost and that can be deducted from the Kesuba.

The Gemara tells us that R' Yochanan had regretted doing this as one is not supposed to make oneself like a legal advisor for his relatives, other people may learn from this and do the same in cases when the others are not relatives. It seems very interesting that the Gemara uses the Klal of לא תתעלם to permit R' Yochanan in the Hava Mina to do something which otherwise wouldn't be mutur. Usually the klal of לא תתעלם is used to teach us that there is a kadima (precedence) given to one's relatives in matters of tzedakah etc. How can this klal allow one to do something, which ordinarily wouldn't have been proper?

The Alter of Slobodka in the Sefer Ohr Hatzafon (Chelek 1, page 164) discusses the concept of לא תתעלם. He explains that Hashem is the true Baal Chesed. And an aspect of a true Baal Chesed is that when they give, they are able to give in a way that causes the least amount of embarrassment to the receiver. He goes on to explain that a key benefit of לא תתעלם is that when one gives to one's family, one is uniquely able to resemble Hashem as there is less embarrassment receiving from a relative then if a member of the general community gave to them. This is because the family member who is giving is almost one ("flesh and blood") with the receiver so they don't feel so ashamed to receive. We see from this that the klal of לא תתעלם is not only a concept of prioritizing family members, but it is an invitation for one to perform a chesed to a family member in a way not possibly done by another. Along those lines, in our sugya, R' Yochanan understood from the klal of לא תתעלם that he can uniquely advise his relatives because they are "flesh and blood" with him. The issur of advising litigants would not apply because it really is his case also.

We see from the story of R' Yochanan an expansion of the klal of לא תתעלם and that one has to use the opportunity one has to perform chasadim with one's family in which one may be uniquely positioned to accomplish.

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

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