

שבת קודש פרשת תרומה | מסכת כתובות דף ע"ה

INSIGHTS FROM OUR CHABUROS

Releasing vows and nullifying the kiddushin

דאמר ריש לקיש טב למיתב טן דו מלמיתב ארמלו

wo seemingly contradictory Baraisos were presented on 74b. One stated that if a sage releases the wife's vow the kiddushin is valid. The other ruled that if a sage must release her vow then the kiddushin is not valid. One resolution was that the first Baraisa reflected the opinion of Rabbi Meir, that a man is willing to have his wife come to court to have her vows annulled. Therefore, if the oath can be cancelled, the kiddushin can be salvaged. The second Baraisa is the opinion of R' Elazar who holds that a man is not willing to have his wife appear in court. Accordingly, even if the oath can be released, the husband is not expecting for that to happen, as he does not want to subject this woman to come to the sage to plead her case in court.

Rava provides an alternative answer to resolve the two Baraisos. The second Baraisa is speaking in a case where the woman is from a prominent family. The issue is that the husband does not want to be prohibited from marrying the relatives of the woman who comes from such an important family. Even if the sage can release the oath, the husband does not want to save the kiddushin. He prefers that it remain invalid, in order that the woman's relatives not become prohibited from him. The first Baraisa is dealing about a standard family, and as long as the oath can be released, the man is interested to maintain the validity of the kiddushin.

According to Rava, the Gemara elaborates and explains that the NDO of the Baraisa could not feature a parallel case of where the man comes from a prominent family. Here, ostensibly, the kiddushin should not be valid even if the oath can be released, as the woman will not want to be forbidden from his relatives. Yet, this case is not presented, because we have the famous adage of Reish Lakish: Women prefer to be married rather than to live alone Therefore, in all cases the woman wishes to have the kiddushin remain valid. A woman does not feel it too critical of a factor if the husband has vows, even if he is from an important family. A man, however, is willing to invalidate the kiddushin if the woman has vows, even if they can be released, if she is from a prominent family.

Meiri points out that this also accounts for the contrast we find earlier regarding blemishes. If the man sets a condition that the woman not have blemishes, the kiddushin is null even if she can have them healed later. If the woman made a condition that the husband not have blemishes, the kiddushin is valid as long as they can be cured. We see that the woman wishes to be married and to avoid having the kiddushin nullified.

POINT TO PONDER

The Mishna says that if a lady has מומין and she is still in her father's house, the father must prove that the מומין developed after she got engaged. However if she is already in the husband's house, then the husband has to prove that she had them, before they became engaged. On this second scenario עדים writes עדים writes עדים. Why didn't עדים write the same on the first case where the father is the one bringing proof.

Response to last week's Point to Ponder:

The Gemara says if a woman goes to a חכח and he is מדים her נדרים she is מקודשת. According to those who maintain that קידש על תנאי and afterwards we find out that the woman had נדרים she goes out without a גט, and can remarry, why aren't we concerned that she will later go to a double חכם and undo the נדרים which will make her מקודשת to the first person?

There are multiple approaches to answer this question. One answer is that since she knows that if she goes to a חכם and is מתיר these נדרים she will become retroactively engaged to the first one, she will not do so and we rely on her knowing this. The other answer is that once בית דין rules that she can marry someone else, they nullify the first מְתִיר and even if she would be מַדרים the נדרים the שִיטה מקובצת will not be מִקובצת. (See שִיטה מקובצת)

STORIES OF THE DAF

Native Sons

ולציון יאמר איש ואיש יולד בה

During World War I, Palestine was under Turkish jurisdiction and the Ottomans made life very difficult for the citizens. Press gangs would roam the streets arbitrarily drafting anyone in their wake. The conditions of these forcibly drafted soldiers were exceedingly difficult. They were subjected to hard labor, and since food was exceedingly scarce they were severely underfed.

These circumstances could all be circumvented by paying bribes to officials. However, there was one decree that was exceedingly difficult to avert. The Turks declared that anyone not born in Palestine would be deported. This was more difficult to deal with than forcible conscription, since the only way someone born out of the country could get around this was to lie on the government forms.

Since everyone knew that Rav Yosef Chaim Sonnenfeld, zt"l, was very careful to avoid falsehood in any form no matter what it might cost, people were afraid that he would forbid people to lie on the forms. During those difficult times, simple honesty would result in the sundering of many homes. When someone ventured to ask the Rav's opinion about this issue, he surprised everyone in the Old Yishuv. "It is certainly permitted!"

"But why is this different from any other falsehood which the Rav prohibits?" the questioner asked. Rav Sonnenfeld explained, "This is explicit in Kesuvos 75 on the verse, 'U'I'Tzion ye'amer ish v'ish yulad vah'— 'And of Tzion it shall be said, each and every man is born therein.' The Gemara learns from the redundancy of word Ish, each and every man, that one who yearns for Tzion is as one who was born there. We see clearly that any Jew who yearns for Tzion is actually considered as one who was born in Tzion! So to write of those who came up to Tzion out of longing for her holiness that they were native citizens in no lie at all: it is a declaration of the absolute truth!"

HALACHA HIGHLIGHT

Is age a reason to break a shidduch?

אבל במומין שבגלוי אינו יכול לטעון

But when it comes to visible blemishes the groom cannot claim [that he was unaware of the blemish and cancel the kiddushin]

here was once a young man who agreed to marry a particular woman. When writing the tenaim he inquired about her age and those who knew her told him that she was twenty eight years old. Sometime before the wedding the groom discovered that she is at least thirty-eight and perhaps even forty years old. Rav Dov Beirish Weidenfeld¹, the Dovev Meisharim, was asked whether the groom is allowed to break the shidduch since he was misled about her age. It was suggested that it should not be permitted based on our Gemara. The Gemara teaches that the blemishes that disqualify a kohen disqualify a woman and the Gemara Chullin² teaches that age is not a disqualifying factor for a kohen to serve. Therefore, if age would be a disqualifying factor for women the Gemara should have mentioned that and since it is not mentioned it must be that it is not a reason to break a shidduch.

Dovev Meisharim rejected this proof because the Gemara is only discussing physical blemishes and is not presenting an exhaustive list of issues that constitute grounds to break a shidduch. Therefore, all matters that are not related to physical blemishes must be judged on a case by case basis and it is reasonable to break the shidduch in this case since her age could prevent the husband from fulfilling the mitzvah of IDILIPS.

The Chelkas Yaakov³ was also asked about a young man who got engaged thinking the kallah was twenty-eight. Three years later, at the time of the wedding, he discovered that she was thirty-six rather than thirty one years old. He responded that since our Gemara does not mention age as a disqualifying factor it is not a valid claim unless she is forty years old or more, since a woman who was never married will not be able to have children if she marries the first time after she turns forty⁴. Additionally, since they were engaged for such a long period of time and her age can be easily researched from government records it is considered a visible blemish and we therefore assume that he knew her age and is merely looking for a pretext to break the shidduch.

1. שו"ת דובב מישרים ח"א סי' י"ג 2. גמ' חולין כד 3. שו"ת חלקת יעקב אה"ע סי פ' 4. ע' גמ' בבא בתרא קיט

MUSSAR FROM THE DAF

Positive Intentions

"ולציון יאמר איש ואיש יולד בה והוא יכוננה עליון". אמר רבי מיישא בר בריה דרבי יהושע בן לוי: אחד הנולד בה, ואחד המצפה לראותה

abbi Meyasha, son of the son of Rabbi Yehoshua ben Levi, said: Both the man who was actually born in Zion and the one who looks forward to seeing her

How do we understand this concept, that one who is מצפה to see Eretz Yisroel is the same as one who was born in Eretz Yisroel?

The Gemara in Eruvin 17b explains that תחום שבת according to R' Akiva (walking outside of 2000 amos on Shabbos) is an איסור דאורייתא. The Ramban asks, how can an ערוב with bread help since such an תקנה דרבנן? The Ramban Prince Such an דין דאורייתא בקום ועשה? The Ramban answers that when a person places his bread in a certain location he is expressing that his דעת is where his bread is. Even though he isn't physically there, the bread represents where his thoughts are. Therefore, the Ramban explains, it isn't that a person can be now considered as if he is where he places the bread.

The Satmar Rebbe explains that our Gemara is expressing a similar concept. If one desires to be in a certain location (Eretz Yisroel in our Gemara) then we consider it as if the person is there.

This concept has great implications. On the positive side, while a person needs to live in the present, if deep down he is anticipating his next opportunity in the Bais Medrash, we can say he is living all day in the Bais Medrash. Conversely, if a person who is in the Bais Medrash is dreaming about the business deal he will have later in the day, he can be viewed as if he is at work even while he is learning.

PARSHA CONNECTION

In this week's daf the גמרא discusses a man who doesn't want a wife who makes vows (נדרנית). While most vows are unwelcome and frowned upon, there is one type of `IT' which is always encouraged, namely pledging to we are introduced to this concept as a כלל. The דבר אל־בני ישראל ויקחו־לי תרומה מאת כל־איש אשר ידבנו לבו says: דבר אל־בני ישראל תקחו את־תרומתי.There are several obvious questions regarding this. Why does it says ויקחו instead of ויתנו? Why is it called תרומתי, before it is given, it becomes תרומתי after it's received. The אלשיך הקדוש explains that the תורה is teaching us, the ideal way to donate. Oftentimes people donate during a public fundraiser, which may lead to someone giving too much because they feel pressured or because they want to show how much they can give. These ulterior motives can diminish the מצוה, because it's not done with a full heart. The ideal way is for someone to set aside what they want to give, in the privacy of their home, and THEN bring their donation to the collectors. This is what the פסוק means, ויקחו לי תרומה, at home you should take it, and bring את תרומתי, which is already called mine because it was set aside already in private, to the גבאים. Another message in this פסוק is the fact that we don't "give" הקב"ה anything since everything belongs to הקב״ה. The one thing that we give is our "heart", which is why it says אשר ידבנו לבו.

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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