

**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**

**T**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 סיפא 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 נומין and she is still in her father's house, the father must prove that the נומין 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 להביא צריך הבעל רש"י ד"ה הבעל צריך להביא writes רש"י עדים. Why didn't רש"י 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 חכם and he is נדרימ her נדרים she is למפרע. According to those who maintain that קידוש 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 חכם and undo the נדרים which will make her למפרע 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 נדרימ 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 קידושין and even if she would be נדרימ the נדרים (שיטה מקובצת) חל למפרע קידושין will not be.

**STORIES OF THE DAF**

**Native Sons**

**ולציון יאמר איש ואיש יולד בה**

**D**uring 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, זט"ל, 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'l'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!"

