

HALACHA HIGHLIGHT

Divorcing and remarrying on the same day

ונתארסה בו ביום

And she was betrothed on that day

There was once a couple that divorced and after two or three months a rov was able to help them reconcile their differences and they agreed to remarry. The rov called in a scribe and instructed him to write a kesubah for this couple so that they could marry without delay. The scribe went to seek permission from the Radvaz,¹ which was the custom, and he ruled that the couple may not marry without waiting seven days before the wedding. The reason is based on a halacha in Shulchan Aruch² that when a man marries a woman they must wait at least seven days after he proposes because of the concern of דם חיומו. Radvaz writes that the other people involved in this incident found his ruling strange since the couple had been previously married and seemingly there should not be a concern for דם חיומו. Radvaz argued back that logic would indicate the opposite. If a couple who are marrying for this first time who hardly know one another must be concerned about דם חיומו, certainly a couple who was previously married must be concerned about דם חיומו.

Radvaz cites the opinion of a Gaon who ruled that it is permitted for a couple to remarry on the day that they divorce and this opinion seemingly refutes Radvaz's opinion that would require a couple that is remarrying to wait seven days. Explains Radvaz that the ruling of the Gaon applies only when they remarry close to the time that they divorced so there isn't a chance for דם חיומו, but once time passed after the divorce it is necessary for the couple to wait seven days before the wedding. As evidence to this assertion, he cites our Gemara³. When the Gemara discusses the practical difference of whether divorce is similar to silence or a confirmation of the vow, the Gemara gives a case of a woman who marries numerous times over the course of a day. The reason the Gemara framed the case in this way is to avoid the issue of דם חיומו because once time passed, even to the next day, the concern of דם חיומו arises and she would not be permitted to marry without waiting seven days.

1. שו"ת הרדב"ז ח"ד סי' רס"ג
2. שו"ע יו"ד סי' קצ"ב סע' א'
3. שו"ת הרדב"ז ח"ה סי' קל"ז

TALES AND TEACHINGS FROM THE DAF

The vows of women

On this daf, we find that a woman's present husband can annul her vows. The broader lesson here is that a husband should take responsibility for anything related to his wife's vows. It is customary for men to make hatoras nedorim just before Rosh Hashanah or during the Aseres Yemei Teshuvah. One prominent menahel of a girls' seminary wondered about the girls in his mosad. He had heard that some poskim say that women should make their husbands their messengers to do hatoras nedorim for them. The husband does this by simply telling the three people acting as dayonim that he also requests annulment for his wife. This is obviously not feasible for unmarried girls, but the menahel wondered if he should bring three men into the seminary to facilitate the girls making their own hatoras nedorim.

When this question was presented to Rav Yisroel Yaakov Fischer, he ruled that this was not necessary: "Throughout the ages, women did not make hatoras nedorim for themselves, since hearing Kol Nidrei is equally efficacious in nullifying vows. Women are exceedingly careful to attend Kol Nidrei on Yom Kippur, since they know that Kol Nidrei is a declaration to annul vows, and this serves as their hatoras nedorim. "This ruling applies equally to married women. The custom is that husbands do not do hatoras nedorim for their wives. This is unnecessary, since attending Kol Nidrei suffices for them." When this same question was presented to Rav Yosef Shalom Elyashiv, he disagreed: "It is difficult to rely on Kol Nidrei for hatoras nedorim.

Therefore, women should make their own hatorah or appoint their husband as their messenger to do their hatorah. All a man must do is inform the three people ready to listen to his hatorah that he is his wife's messenger, and he wishes to be matir for her as well. The better seminaries should bring three men to be matir for their students, so they fulfill this mitzvah in the best possible manner. This is the custom in many places here in Yerushalayim, since it is the better path.

Each year, on Erev Rosh Hashanah, I send three men into the ezras noshim to be matir for the women who require this. Please let this be known in my name so more people will be careful to fulfill this precious mitzvah" (Halichos Even Yisroel; Ashrei Ha'ish).

POINT TO PONDER

The Gemara says if a lady is engaged and gets divorced and becomes engaged again the same day, her father and last חתן can undo the נדר together. How can she get engaged again the same day, shouldn't she have to wait three months for הבחנה?

Response to last week's Point to Ponder:

The Gemara asks: What if the husband says ליעה ליעה, meaning that he confirms the neder only for one hour? Is that similar to saying that it should become מופר after an hour? Since he did not explicitly say ליעה ליעה, מופר ליעה, how could such a statement take effect? After all, הופרה is not considered a valid הופרה.

The ספר שיעורי ר' דוד suggests that since we are interpreting his words of ליעה ליעה to mean that after the hour it should be מופר these same words constitute הופרה. Even though the words are not הופרה he nevertheless verbally expressed his desire.

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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The shavua matters is published by the Daf a week program under the rabbinical guidance of Harav Meir Stern shlita and Harav Shmuel Kamenetsky shlita

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