



This month's Daf Digest is dedicated In loving memory of
Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev (ע"ה Av).
Family Weiss, London

OVERVIEW of the Daf

1) Rumors of prohibited relations

Rava rules that a rumor that a woman was engaged in prohibited relations is to be ignored.

It is noted that the ruling of Rava is, in fact, a matter of dispute between Tannaim.

A Baraisa enumerates other rumors that are to be ignored.

2) Accepting rumors as true

Ulla defines how detailed the rumor of a woman's betrothal must be, to be taken as true.

A detail of Ulla's statement is clarified.

Levi cited a Baraisa that presented the same guidelines as Ulla.

Rabbah bar bar Chanah in the name of R' Yochanan presents a similar ruling.

A detail of R' Yochanan's statement is clarified.

Rav is cited as ruling that for a rumor to be true it must be possible to trace the origin of the rumor back to reliable witnesses.

This statement is challenged since a rumor that could be traced back to reliable witnesses is testimony rather than a rumor.

R' Shmuel bar Yehudah revises the statement to address this issue.

3) Negating a rumor

Abaye asked R' Yosef whether Beis Din will formally announce that a rumor assumed to be true is false.

R' Yosef and Abaye cite different incidents, some indicating that Beis Din does announce a rumor was untrue and others indicate that Beis Din does not make this announcement.

Several related incidents are recorded.

4) Mitigating factors

Rabbah bar R' Huna rules that a mitigating factor will cancel a rumor even if it comes up ten days later.

R' Zevid rules that we are concerned for a mitigating factor when it is possible for there to be one.

R' Pappa unsuccessfully challenges this ruling.

R' Kahana unsuccessfully challenges R' Pappa's underlying assumption.

R' Ashi rules that a rumor must be established by Beis Din and if it only comes up after a woman is married, it is ignored.

R' Chaviva rules that a rumor that comes up after a woman is betrothed is ignored, which is at odds with the implication of R' Ashi's second ruling.

5) Rumors

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Distinctive INSIGHT

Relying upon a "rumor"

לא ששמעו קול הברה, אלא כדי שיאמרו פלוני מהיכן שמע מפלוני, ופלוני מפלוני, ובודקין והולכין עד שמגיעין לדבר ברור

The Mishnah (88b) had taught that if a rumor circulates around the city that a certain woman is betrothed, we must heed that rumor and that woman may not marry anyone else without obtaining a divorce from the alleged fiancé. If this rumor is accompanied by another story that this woman who was married was divorced by her husband, we rely upon this information as well, as we have a rumor with its release.

The Gemara defines exactly what is meant by a "rumor". Ulla says that if there is a strong indication that the information is true, we can rely upon it. The example is where the girl's house it lit up with candles, sheets are spread on the tables, and people are coming and going saying that the girl is engaged.

Rav Abba explains that even without this situation, we can still rely upon information if it can be traced from the one who is relating it to the one from whom he heard it, and this, in turn, can be traced back directly to a reliable source. The Rish-onim explain why this is considered reliable. Rambam (Ishus 9:22) writes that if two people come and tell us that they saw some type of celebration, and someone came and told them that this girl became engaged to So-and-So, we can believe this report. ר"ן points out that according to Rambam, it is enough if the original source is traced back to even one person.

Rosh and Tur clearly learn that the original information must be two people, who must be identified.

Rashba and ר"ן explain that the case is where we have one witness who says he heard from Reuven that the woman was divorced, and another witness says that he heard from Shimon that she is divorced. Although we do not have information from two witnesses who heard about the divorce from the same source, we can rely upon the "rumor" and proceed based upon the information that she is divorced. ■

REVIEW and Remember

1. What types of rumors are dismissed outright?

2. What is the point of dispute between R' Yosef and Abaye concerning negating a rumor?

3. How is a rumor established by Beis Din?

4. What is the debate between Shmuel and R' Huna?

Today's Daf Digest is dedicated
in loving memory of the yahrzeit of our brother
Mr. Marvin Brickman o.b.m.
by Mr. and Mrs. Alan Gerber

HALACHAH Highlight

Divorce for reasons of צניעות

מה להלן דבר ברור אף כאן דבר ברור

Just as over there we referred to a matter that was clear, so too over here we refer to a matter that was clear

There was once a couple that had a troubled relationship and approached Beis Din for assistance. One of the points of contention related to the wife's tznius. The husband claimed that he should have the right to divorce her without paying her kesubah since she did not conform to even minimal standards of tznius. The wife claimed that her tznius standards should not be an issue since the husband knew when he married her that she was not careful with tznius.

Rav Ovadiah Yosef¹ relates that he read a Teshuvah from Rav Ovadiah Hadayah² in which he writes that since nowadays it is common for women to walk around in public without maintaining halachic standards of tznius, a husband can no longer claim that he wants to divorce his wife because of the manner in which she dresses. Rather, Beis Din should explain to the husband that the conditions of our times are different than the conditions of the past and great effort should be made to appease the husband and discourage him from divorcing his wife for this reason.

Rav Ovadiah Yosef³ strongly disagreed with this approach and asserted that even nowadays the halachos about this matter have not changed and if a man comes to Beis Din with the claim that he wishes to divorce his wife because she does not wish to conform to standards of tznius Beis Din should rule in his favor. Why should halacha change for this fellow who has a sincere desire that his wife should dress in a more modest fashion just because society is not careful

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Shmuel was asked to rule on a case of a rumor that said that a woman was engaged to one man and then she accepted kiddushin from another man. Shmuel ruled that she should leave the second husband and they should determine whether the rumor was true or false.

The Gemara clarifies Shmuel's intent when he asked for the rumor to be confirmed.

It is noted that Shmuel disagrees with a ruling of R' Huna.

R' Huna presented the halacha of what to do if it cannot be determined whether the rumor is true.

R' Shinena the son of R' Idi disagrees with R' Huna's ruling.

Another similar case is presented. ■

regarding matters of tznius? In formulating his argument, he cites the opinion of many Rishonim who clearly state that if a woman does not wish to conform to halachic standards of tznius there is a mitzvah, although not an obligation, to divorce her. One of the opinions he cites is the comment of the Rashba⁴ on our Gemara. Rashba contrasts our Gemara with the Gemara in Kesubos (72a) that states that a woman who does not comply with standards of tznius is divorced without a kesubah. Rashba explains that the Gemara does not mean that one is obligated to divorce a woman who does not conform to standards of tznius; rather he has the option to divorce her if he chooses and if he does indeed divorce her he is not obligated to pay her kesubah. He does, however, make it clear that a husband's claim must be sincere and if Beis Din detects that the husband is attempting to use this halacha as a weapon against his wife the claim should be dismissed. ■

1. שו"ת יביע אומר ח"ג אה"ע סי' כ"א אות ו'.
2. שו"ת ישכיל עבדי ח"ה א"ח סי' נ"ה אות ג'.
3. שו"ת יביע אומר הנ"ל אות ז' - ט'.
4. חידושי הרשב"א פ"ט. ד"ה מה להלן. ■

STORIES Off the Daf

False Claims

"שיהו נרות דולקות..."

A certain Rav Moshe proposed marriage to a widow. Shortly afterward, a certain Reb Yaakov claimed that he had already married the widow himself! Rav Moshe was shocked. How could she have possibly agreed to his proposal if she was already a married woman? Rav Moshe decided that this was very farfetched, so he asked Reb Yaakov, "Who were the witnesses to her acceptance?"

The man hemmed and hawed, "Actually, I am not one hundred percent sure..."

When Rav Moshe asked his new bride about this, she denied it categorically. "It is true that he proposed to me, but the only proposal I accepted was yours."

Reb Yaakov continued to pester the couple, however. He even found a witness who he claimed saw the whole thing. Oddly enough, the witness denied that the widow had accepted the proposal.

"Well, I proposed twice..." was Reb Yaakov's evasive reply.

After Rav Moshe married the widow, the wife's relatives decided to fake a divorce from Reb Yaakov. But their plan to try and salvage the woman's good name was exposed.

Reb Yaakov exclaimed, "If I never married her, why were they trying to fake a גט?"

Eventually the Rosh, zt"l, was consulted about this case. "This Reb Yaakov is very unscrupulous indeed. He has sullied the reputation of a bas Yisrael, and to what purpose? It is clear to anyone that his claims are false. He says he married her. But it has been our long-held custom for to make a big wedding party with beds set and people en-

tering and exiting, as we find on Gittin 89. Why has no one ever heard anything about such a wedding party arranged for the couple? Why doesn't he even remember his own witnesses' names? Why doesn't even the one witness he presents support his claim?

"From the very fact that he claims to have proposed twice, it appears as though he is simply out to trick her. Maybe he figured he would give her something without proposing and subsequently propose. Although this is not a valid marriage, perhaps he hoped that the witnesses didn't know that. The fact that he claims to have tried a second time when there was no change of heart in the widow is very suspicious."

The Rosh concluded, "It is fitting to punish him to ensure that people avoid such behavior in the future!"¹ ■

¹שו"ת הרא"ש, כלל ל"ה, סימן ד'