

OVERVIEW of the Daf

1) Unavoidable circumstances with regard to gittin

Rava finishes explaining his reasoning why a claim of unavoidable circumstances is not accepted to prevent a conditional גט from taking effect.

The Gemara questions how the Rabbis could declare a Biblically valid גט invalid.

The mechanism which allows this to occur is explained.

A second, opposite version of Rava's statement is presented in which he maintains that one may claim unavoidable circumstances to nullify a conditional גט.

Three unsuccessful attempts are made to refute the second version of Rava's statement.

2) Setting the wedding day

R' Shmuel bar Yitzchok teaches that the enactment to marry a בתולה on Wednesday began during the time of Ezra when Beis Din would convene on Monday and Thursday. Therefore, if there is a place where they convene every day she could be married any day.

The Gemara unsuccessfully challenges the assertion that notwithstanding issues related to Beis Din, a בתולה could be married any day of the week.

3) שקדו

A Baraisa explains the principle of שקדו in addition to other related halachos.

The danger referenced in the Baraisa is explained.

The reason is given why the enactment to marry a בתולה on Wednesdays was not uprooted altogether due to the danger involved.

The unavoidable circumstance (אונס) mentioned in the Baraisa is defined.

A second definition of the "unavoidable circumstance" is presented that begins a discussion of the halachos that relate to a bride or groom who enter into a state of mourning when they are supposed to marry. ■

REVIEW and Remember

1. What mechanism allows the Rabanan to uproot kiddushin?

2. Why is it important to know the halacha which was in place before the time of Ezra?

3. Explain שקדו.

4. What is the unavoidable circumstance that permits marrying on Monday?

Distinctive INSIGHT

Marriages taking place on Tuesdays due to the threat

נהגו, לגמרי נעקריה

The Baraisa told of a crisis (סכנה) which arose. Due to this "danger," a shift occurred among the population to marry on Tuesday, instead of Wednesday, in order to avoid this threat. When the Gemara tried to understand the nature of this threatening condition, the Gemara first suggested that it referred to a period when the Romans announced that any woman who would arrange to marry on Wednesday would be killed. In order to avoid this dangerous situation, the young brides spontaneously changed their wedding dates to Tuesday. The Gemara quickly notes that if this was the danger, this could not possibly account for the reaction listed in the Baraisa, where the people seemed to shift over to Tuesday on their own. After all, the obvious reaction to such a situation would have been an organized suspension of the enactment altogether by the Beis Din, and not just a grassroots shift away from the problem. Rashi explains that the rabbis would have established a different official day (to marry).

The commentators wonder about this exchange in the Gemara, in light of the Gemara in Sanhedrin (74b) which teaches that if the gentiles threaten the Jews to violate a mitzvah, we are duty-bound to resist their intimidation, even to the point of death. This does not apply only to the three cardinal sins, but even regarding mere customs, such as wearing discreet colored clothing (shoe strings that are black, rather than red). Why, then, is the Gemara suggesting that the Beis Din would have capitulated in this case?

Chasam Sofer provides an answer to this question. The rule of marrying on Wednesday was not meant to lock in on Wednesday due to its being a special day. It only retains its character due to its being the day before Thursday, when Beis Din meets. The Gemara here is not suggesting that the wedding day be changed, as was the intention of the enemy, but rather that the Beis Din change its meeting day. If, for example, Beis Din would, at this point, decide to convene on Wednesdays, instead of Thursdays, the brides would automatically shift over to marry on the day beforehand, in compliance with the rule to marry on the day before the meeting of Beis Din. The suggestion of the Gemara is that the Beis Din would have changed their meeting day, which was not the

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מרת רחל מרים בת ר' ישראל ע"ה

HALACHAH Highlight

An adulterous affair with an idolater

ולידרוש להו דאונס שרי

But teach them that if they are taken forcefully they are permitted

There was once an idolater who had an affair with a married Jewish woman. The woman subsequently was divorced from her husband, and following her divorce she abandoned her Judaism and married the idolater. Some time later the man converted to Judaism and Rabbeinu Tam¹ permitted them to marry. The difficulty with the lenient ruling is that there is a principle that when a woman has an adulterous affair she becomes prohibited to her husband and the one with whom she had the adulterous affair (אחד לבעל ואחד לבועל). How then was Rabbeinu Tam allowed to permit this couple to marry after converting? Tosafos² explains that cohabiting with an idolater is treated, halachically, the same as relations with an animal. Therefore the principle that a woman becomes prohibited to the adulterer with whom she had her adulterous affair does not apply if the man was an idolater.

The Gaon Chida³ challenges this ruling from a Tosefta. The Tosefta states that an idolater that has relations with a Jewish woman and converts may not marry her, but if they married they are not compelled to divorce. How then could Rabbeinu Tam permit this couple to marry when the Tosefta rules explic-

(Insight. Continued from page 1)

issue which the gentiles had confronted at all. In this manner, the reaction of the Jewish community would not have been a capitulation to the commands of the enemy, simply because the meeting day of the Beis Din was not their issue. This would have been the correct solution, if the threat was one of death. ■

itly that the converted idolater may not marry the Jewish woman with whom he cohabited? Answers Gaon Chida, since in Rabbeinu Tam's case the woman had abandoned her Judaism and "married" the idolater, we consider this to be a case where they already married and we do not compel them to divorce.

Rav Ovadiah Yosef⁴, consistent with the principles above ruled leniently in a similar case. A Jewish man civilly married a non-Jewish woman and together they had a number of children. After some time the woman decided that she and her children should convert to Judaism. In addition to other considerations, Rav Yosef allowed the couple to marry after her conversion. Although the Tosefta ruled against this couple marrying, nonetheless, since they had a civil marriage while she was still not Jewish it could be considered a case where they are already "married" and they are not compelled to divorce. ■

1. תוסי' ישנים פב.

2. תוסי' ד"ה ולדרוש.

3. שו"ת חיים שאל ח"א סי' מ"ט.

4. שו"ת יביע אומר ח"ה יו"ד סי' כ"ד אות ז. ■

STORIES Off the Daf

Pangs of Conscience

"איכא דעבדי ברצון..."

Once, Rav Boruch Ber Leibowitz, zt"l, took ill. A doctor examined him and said, "There is nothing physically wrong with him. He is suffering from deep emotional trauma which has made him sick." Shortly thereafter the Gadol recovered. Those close to Rav Boruch Ber asked him what had caused him to get ill in the first place.

Rav Boruch Ber explained, "In Kesuvos 3b we find that when there was a decree that obligated every bride to have relations with the local non-Jewish governor on the day of her wedding. One of the reasons why we don't just teach them that a married woman forced to have relations is permitted to her husband is that we are afraid of the effect this might have on

women of more lax moral fiber. Since such women might have relations with the governor willingly, they would then actually be prohibited to their husbands! It is written in the Hafla'ah on Kesuvos that if a married woman is given a choice to either have relations with any man other than her husband or she will be killed, and she wants to have the forbidden relations, she is halachically obligated to refuse even if they will kill her. Only if she doesn't desire the act from the outset is she not obligated to die.

Reb Boruch Ber continued, "I remembered that was I ill and drank once on Yom Kippur. Presumably it is only permitted to eat or drink if you don't want to, just as we find in the parallel situation in Kesuvos 3b. But I couldn't remember what my attitude had been as I drank that day. Perhaps I had ingested something on Yom Kippur in a forbidden way, חלילה! If you might have violated the fast on Yom

Kippur, wouldn't you get violently sick too?"

Reb Boruch Ber concluded, "But then I realized the essential difference between my situation and our Gemara. In my case, I was obligated to eat since the physical act of eating would save my life. In the woman's situation, she is not saving her life by the physical act of relations with the local ruler. It is just that they will kill her if she refuses. If she really desires the forbidden relations, she is considered like someone who wants to do a sin but is afraid of the consequences. She could be compared to a potential sinner who asks a criminal to shoot him if he doesn't do the sin so that he now has a pretext. For such a person, refraining from sinning will mean his death, but we still consider him responsible for his sin! Now you can see that there is no comparison between my case and the situation of such a woman. Is it any wonder that I recovered?" ■