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The Chicago Center

OVERVIEW of the Daf

1) Disputed claims (cont.)

The Gemara finishes demonstrating that it is logical to assume that R' Nachman follows R' Gamliel and accepts that proof.

2) MISHNAH: The Mishnah presents another dispute between R' Gamliel and R' Eliezer versus R' Yehoshua regarding a disagreement between husband and wife related to the kesubah.

3) Clarifying the Mishnah

R' Yochanan and R' Elazar dispute what the husband is agreeing to pay and what the wife is willing to accept.

Each position is explained.

R' Yochanan's position is unsuccessfully challenged twice.

4) MISHNAH: The Mishnah presents two more cases of the dispute between R' Gamliel and R' Eliezer versus R' Yehoshua.

5) "Speaking"

Zeiri and R' Assi dispute the meaning of the term "speaking" that was used in the Mishnah.

Two unsuccessful challenges are presented against R' Assi's assertion that "speaking" refers to cohabiting.

Zeiri's position that "speaking" means seclusion is unsuccessfully challenged.

On a second attempt the Gemara succeeds at refuting R' Assi's interpretation of the term "speaking."

A point in the Baraisa related to the dispute between R' Gamliel and R' Eliezer versus R' Yehoshua is clarified.

6) Clarifying the dispute in the Mishnah

(Continued on page 2)

REVIEW and Remember

1. Is a woman believed when she claims that she was a מוכת עץ?
2. Why would the Mishnah use the term speaking when referring to marital relations?
3. What is the difference between a broken down building in town and out of town?
4. How is it possible to have a שתוקי that is genealogically fit?

Distinctive INSIGHT

Does the statement of Rav agree with R' Yehoshua?

האמר רב מלקין על היחוד ואין אוסרין על היחוד, לימא דלא כר' יהושע

According to Zeiri, the case of our Mishnah is where an unmarried woman was witnessed speaking to a man. We do not have any proof that anything more than that happened between them. Rabbi Yehoshua ruled that the woman is hereby disqualified from ever marrying a kohen, and we cannot believe the woman that the man was not a נתין or ממזר. The Gemara presents a question by contrasting this to the statement of Rav who says that we do not disqualify a woman if she was in seclusion with a man. The Gemara answers that Zeiri explains that the statement of Rav could be understood in accordance with the opinion of R' Yehoshua.

While it is true that we do not disqualify a woman if she is found in seclusion, in the case of the Mishnah we are dealing with her status vis-à-vis marrying a kohen. This is different. We have special standards when dealing with marrying a kohen (מעלה עשו ביוחסין).

Rashba and Ran note that the Gemara felt that Rav's statement had to accord with that of R' Yehoshua based upon the Gemara in Kiddushin (75a) where we find a dispute between Rav and Shmuel regarding an engaged woman who was found to be pregnant. The woman claims that the father is a "kosher" person (one that would not disqualify her from marrying a kohen). Rav holds that the child (if it is a girl) cannot marry a kohen (this is according to R' Yehoshua in our Mishnah), while Shmuel says that we trust her (this is according to Rabban Gamliel in our Mishnah).

Rabbi Akiva Eiger (2:54) notes that if this was the case, our Gemara would have presented a contradiction between Rav's two statements themselves (here he does not prohibit the woman due to seclusion, whereas in Kiddushin he rules according to R' Yehoshua), and not present it as Rav versus Rabbi Yehoshua. Rather, the Gemara knew that Rav's statement here indicates that he holds like Rabban Gamliel, and we trust the woman, but in Kiddushin he rules that the child cannot marry a kohen. This is not a contradiction, because he could hold according to the opinion that even Rabban Gamliel only rules leniently in reference to the woman, but not in regard to her daughter (לדברי המכשיר בה פוסל בבתה). ■

HALACHAH Highlight

Revealing to a husband his wife's history

ראוה מדברת עם אחד וכו'

If they saw [an unmarried woman] speaking with someone etc.

A single woman once had a child. Some time later she married a widower who was not aware of this. A baby boy was born and the father began to make plans for a pidyon haben. Those who knew this woman's history inquired of the Maharshag[1] about what, if anything, should be done. On the one hand if nothing is done the father will go ahead with the pidyon haben when it is not appropriate and the berachos will be recited in vain. On the other hand if they do inform the husband it will generate discord and dissent in the marriage and will cause embarrassment and disgrace to all the parties involved. Maharshag ruled that it is not necessary to inform the husband that he should not do a pidyon haben. The reason is that the Gemara[2] teaches that the value of shalom is great that one would even be permitted to lie for the sake of peace, so certainly one is permitted to remain silent in order to retain peace. One may argue that in this case it is not necessary to be cautious regarding the dignity of this woman who behaved promiscuously, nevertheless, the husband has done nothing wrong and he should not have to suffer the embarrassment of this matter becoming publicized.

The Be'er Moshe[3] was asked a similar question and also responded that the history should not be revealed. Amongst his reasons is that making an unnecessary beracha is only a violation of a Rabbinic injunction and to maintain marital harmony and prevent a possible divorce it is permitted to remain silent about the matter.

Rav Yitzchok Elchonon Spektor[4] expressed hesitation about keeping this information hidden. He argued that according to the opinion which maintains that atonement is necessary for one who inadvertently (שוגג) violates a Rabbinic prohibition, it would be necessary for those who know this information to warn the husband so that he should not violate the Rabbinic prohibition. After analyzing different related issues his conclusion is that the husband must be informed of the relevant history. Rav Shlomo Zalman Auerbach[5] qualifies this ruling and writes that if the husband will not divorce her once he is informed of her history it is not necessary for the wife to disgrace herself. ■

1. שו"ת מהרש"ג ח"ג סי' ס"ה.
2. גמ' לקמן יז. כדברי בית הלל שאומרים כלה נאה וחסודה אפי' כשהוא שקר.
3. שו"ת באר משה ח"ח סי' רל"ז.
4. שו"ת עין יצחק ח"א אה"ע סי' ס"ז.
5. שו"ת מנחת שלמה תנינא סי' ק"ל. ■

(Overview. Continued from page 1)

R' Yochanan maintains that R' Gamliel and R' Eliezer hold that the mother and daughter are fit as opposed to R' Yehoshua who maintains they are both unfit. In contrast, R' Elazar maintains that even R' Gamliel agrees that the daughter is unfit.

Rabbah explains R' Elazar's rationale.

R' Elazar unsuccessfully challenges R' Yochanan's position.

The Gemara begins to cite a related incident. ■

STORIES Off the Daf

"She eats and wipes her mouth and says: I have done no wrong"

"אכלה ומחתה פיה ואמרה לא פעלתי און..."

Someone once asked Rav Yerucham Levovitz, zt"l, "The Gemara states that on Tisha B'Av we don't say Tachanun because it is called a moed, a festival. What does this mean?"

Rav Yerucham responded, "There are moadim of closeness like the shalosh regalim, and there is also a moed of distance, which is Tisha B'Av!"

Rav Wolbe, zt"l, explained further. "In the Medrash Yalkut Yirmiyahu #2 we find: HaKadosh Boruch Hu said, Why was Yerushalayim destroyed? Because you, the Jewish people, said 'I have not sinned.' When a person sins and denies his deed, he is living a lie. Since Hashem is a G-d of truth, it is as if the person's connection to Hashem is cut off with regard to that sin. The more one lives a lie, the greater the area where one lives without a real connection to Hashem. One has no chance of repairing the damage through repentance, since a person who denies what he has done won't admit that he has done wrong! On the other hand, when a person faces up to the distance that exists between him and Hashem because of his sin, he is living in the truth. Paradoxically, his admission of distance is what connects him to Hashem. This is the distance that is also a moed, a meeting. In this way, a person can repair the damage done and draw closer to his Creator. When we see our many flaws, this is a great reason to be encouraged since we can correct them by taking the proper action."

We learn this lesson from our Gemara as well. On today's daf, Chazal bring the verse from Mishlei 30:20: "She eats and wipes her mouth and says, 'I have not sinned.'" The sin is magnified many times by rationalizing instead of seeing the problem and working toward a solution. Rav Moshe Shmuel Shapiro, zt"l, used to say, "Teshuvah means taking the next step forward to Hashem!" ■

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