

This month's Daf Digest is dedicated
L'ilui Nishmas Yosef ben Chaim haKohen Weiss (8 Elul) & Mrs. Yenta Weiss, Rivke Yenta bas Asher Anshel (13 Elul)
Family Weiss, London

OVERVIEW of the Daf

1) Prohibiting one's wife from going to a wedding or house of mourning

The Gemara explains why prohibiting one's wife from going to a house of mourning is grounds for divorce.

A related Baraisa is cited and explained.

The Gemara explains the term "דבר אחר" that constitutes accepted grounds to prohibit one's wife from going to a wedding or house of mourning.

2) Clarifying the Mishnah

The Gemara explains the Mishnah's case of repeating conversations.

Two explanations are offered for the Mishnah's case of filling up a utensil and spilling it into garbage.

The explanation of the Baraisa is unsuccessfully challenged.

R' Kahana presents another vow that would constitute grounds for divorce.

A Baraisa is cited that supports this ruling.

3) MISHNAH: The Mishnah presents different behaviors that constitute grounds for divorce.

4) Clarifying the Mishnah

The Gemara clarifies the cases of maaser, niddah, challah and vows that constitute grounds for divorce.

A Baraisa is cited that presents a dispute concerning a wife who takes vows but does not fulfill them.

A second Baraisa is cited that presents a similar dispute, but in the context of challah, rather than in the context of vows.

The Gemara explains whether the two Baraisas are in agreement with one another.

5) A woman's uncovered hair

The Mishnah's statement that a woman must cover her hair as an obligation that is from דת יהודית is challenged since it seems to be a Biblical obligation.

The Gemara answers by distinguishing between the extent of the Biblical and Rabbinic obligation for a married woman to cover her hair.

R' Assi in the name of R' Yochanan rules that there is no violation for a woman to go out wearing a head-basket.

R' Zeira wonders where this ruling applies.

Abaye or R' Kahana explain where this ruling applies.

6) Clarifying the Mishnah

The case of spinning thread in the marketplace is explained.

The case of speaking with other men is clarified.

A related incident is recorded.

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Today's Daf Digest is dedicated
In honor of our 23rd anniversary,
Elchanan and Ruthie Abramowitz

Distinctive INSIGHT

Feeding the husband non-kosher food

היכי דמי? אי דינע, נפרוש. אי דלא ידע, מנע ידע?

Among the cases listed in the Mishnah of where a woman would forfeit her kesubah is where the wife is in violation of the laws of Moshe and the Jews. The example given here in our Gemara is where she feeds her husband food which is halachically unacceptable. The Gemara inquires about the case. If the husband was aware of what was happening, he should have refused to eat it. And if the husband was unaware of what was happening, how would he have found out now in order to divorce her?

Tosafos wonders, what is bothering the Gemara? The case could simply be where she tried to feed him unkosher food, and the husband caught her in the act. Although she failed this time, she should be divorced because we are concerned lest she try it again and be successful in causing her husband to sin.

Tosafos answers that the words of the Mishnah seem to suggest that the wife not only attempted to feed her husband unkosher food, but that she already succeeded (מאכילתו). Rashi seems to also understand that the wife already caused her husband to sin (ד"ה היכי דמי).

Nevertheless, the subsequent case of trying to feed him bread which did not have challah taken off does not sound like she already succeeded in her plot. Once again, the Gemara tries to inquire about the circumstances of the case. Now, the question of Tosafos can be asked – let it be dealing in a situation where he caught her in the act!

Rashba answers that if the man caught the wife in the act as she tried to serve him non-kosher food, he would still not be able to divorce her without a kesubah. The woman would always be able to say that she was just trying to tease him, but that she certainly would have alerted him before he actually ate.

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REVIEW and Remember

1. Why is it better to go to a house of mourning than to a house of feasting?

2. What is the difference between דת משה and דת יהודית?

3. What is wrong with spinning thread in the market?

4. What type of blemishes can nullify a marriage?

HALACHAH Highlight

Breaking a shiduch because of looks

כל המומין הפוסלין בכהנים פוסלין בנשים

Any blemish that disqualifies a kohen disqualifies a woman

There was once a young man who wanted to break off his shiduch when he found out that his future father-in-law was not as financially secure as he thought. In an effort to find a reason to break the shiduch without having to pay a fine imposed on one who breaks a shiduch, he claimed that it was due to the kallah's long nose. Since a long nose is a blemish that disqualifies a kohen from serving in the Beis Hamikdash, it should also be grounds to break the shiduch. The Chavos Yair¹ wrote that he cannot break the shiduch unless her nose is long enough that people laugh at her. The reason is that since the groom did not stipulate anything related to her nose, we assume he is like the majority of people who do not find a slightly large nose to be grounds to break a shiduch. However, his claim to the contrary leaves some doubt about the matter, consequently, the monetary matters will be governed by the principle of *המוציא מחברו עליו הראיה* – the one who wants to collect bears the burden of proof. Therefore, the groom cannot be fined for breaking the shiduch but if the kallah's father has property that belongs to the groom he may hold onto it as payment of the fine that he feels is deserved since the groom broke the shiduch.

The Shvus Yaakov² was asked about breaking off a shiduch with a bride who had an extra-large lower lip. Shvus Yaakov responded that the groom is certainly allowed to break the shiduch without a fine. The rationale is that anytime a groom discovers that his bride has a blemish that would disqualify a kohen from serving in the Beis Hamidash he is allowed to claim that had he known about her blemish he never would have agreed to the shiduch. The Torah Temi-

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R' Yehudah in the name of Shmuel explains the case of cursing her husband's parents.

Two explanations of the Mishnah's case of a noisy woman are presented.

The second explanation is successfully challenged.

7) **MISHNAH:** The Mishnah discusses the ramifications when a man marries with mistaken assumptions.

8) Clarifying the Mishnah

The Gemara explains why this Mishnah appears here as well as in Kiddushin.

R' Yochanan in the name of R' Shimon ben Yehotzadak identifies which vows are included in the Mishnah's ruling.

A Baraisa is cited that supports this explanation.

R' Pappa challenges the Baraisa and R' Ashi answers this challenge.

9) One who betroths with a stipulation and marries without a stipulation

Rav rules that one who betroths with a stipulation and marries without a stipulation requires a *גט* whereas as Shmuel disagrees and maintains that a *גט* is not necessary. ■

mah³ notes that our Gemara indicates that a woman who has the opposite of a positive trait is considered blemished; thus a woman with a deep voice is considered to possess a wound. Therefore, since the verse refers to a woman's beauty as significant (*ומראך נאוה*) one could assert that if a groom wants to break a shiduch with the claim that the bride is ugly his claim should be accepted. He hesitates about issuing a practical ruling about the matter since there is no objective standard that could be followed to declare that a person is ugly. ■

1. שו"ת חות יאיר סי' ר"כ.

2. שו"ת שבות יעקב ח"א סי' ק"ד.

3. תורה תמימה שיר השירים פ"ב הע"י קמ"ח. ■

STORIES Off the Daf

What is a Blemish?

"כל הפסולין הפוסלין בכהנים פוסלין בנשים..."

Once, a chosson approached the Ohr Somayach, zt"l, with a problem. "Before I got engaged, I was unaware that my prospective kallah was missing two teeth. This really bothers me, and I want to know if I can break off the shiduch without violating the cherem or having to pay damages."

The Ohr Somayach answered, "It seems on the surface as though your claim has some justification, especially in view of the fact that missing teeth do count as a blemish that disqualifies kohanim. And as we all know from Kesuvos 72a, any flaw that disqualifies a kohen also applies to women. But, the fact is that since people have become much weaker

physically since the time of Chazal, it is now quite common for women to suffer from tooth decay or to require bridges or dentures. Since this is the case, you cannot claim to be involved in a *מקח טעות*."

On the other hand, sometimes features that would be considered marks of distinction for men are considered blemishes when found among women.

Once, a chosson approached the Tchebiner Rav, zt"l, with a sensitive question. "When I got engaged, I was told that the kallah was twenty-eight. Recently, I've discovered that she is actually thirty-eight. Do I have the right to break the engagement or not?"

The Tchebiner Rav answered, "In my opinion, you may. We see from the Yerushalmi Kesuvos 7:7 the question of whether a certain form of baldness is consid-

ered a blemish among women. The fact that this particular pattern of hair loss is considered especially ornamental for kohanim is irrelevant; among women, it is clearly a flaw. So too, is the factor of age. The distinction of age, while admirable among kohanim, is clearly a liability when considering her ability to have a large family. Therefore, you are within your rights with regards to breaking off the engagement." ■

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ה"ר, however, writes that the woman could be divorced and lose her kesubah in a case where she even attempts to serve her husband non-kosher food, even if she fails.

Shulchan Aruch rules that a woman can only be divorced in the case where she actually succeeded in having her husband eat from the non-kosher food, but not if she failed in her attempt. ■