

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah rules that a בתולה is married on Wednesday and a widow on Thursday and explains why the virgin is married on Wednesday.

2) Marrying on Wednesday

R' Yosef cites Shmuel who explains that a בתולה is married on Wednesday so that if the wedding date falls on a different day of the week he is not responsible to start providing financial support until Wednesday.

R' Yosef successfully challenges this teaching.

An alternative version of Shmuel's teaching is presented which explains why a בתולה is not married on Sunday.

R' Yosef infers from this teaching that if circumstances beyond the groom's control prevent him from marrying he does not have to provide financial support.

Others present R' Yosef's conclusion as a series of inquiries.

R' Achai suggests a resolution to these inquiries but his conclusion is rejected.

3) Unavoidable circumstances with regard to גיטין

Rava asserts that claims of illness are not accepted.

This indicates that unavoidable circumstances are not accepted as an excuse to prevent conditional גיטין from taking effect.

The Gemara inquires after the source for Rava's assertion.

A number of sources are suggested but rejected.

The Gemara's conclusion is that Rava arrived at his conclusion based on his own reasoning. ■

REVIEW and Remember

1. When does a man's financial obligation to support his wife begin?
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2. What does the phrase נסתפחה שדרה express?
.....
3. What is the difference between the word נישאו and נשאו?
.....
4. According to R' Yosi, what effect does the date have on a contract?
.....

Distinctive INSIGHT

If the husband has a claim, he will come to Beis din

שאם היה לו טענת בתולים היה משכים לבית דין

The Mishnah rules that a woman should be married on a Wednesday if she had never been married before. The reason is that if the husband has any complaint whether the woman had committed adultery during the engagement period (קידושין), he would come to Beis din early the next morning, Thursday morning. Even if the husband would come and report his concerns, the Beis din would be dealing with a ספק ספיקא, a double doubt, and therefore be powerless to act upon his information. Even assuming that the husband was accurate in his report, Beis din would not know if the act took place before the kiddushin commenced or during the kiddushin period. And even if it occurred during the kiddushin, Beis din does not know whether it happened willingly or against her will. Therefore, Rashi explains that the purpose of the husband coming to Beis din is in order to publicize the situation, and perhaps the situation will later become clarified if witnesses who have information will come and testify about it. In the meantime, the testimony of the husband will not interfere with the husband and wife being allowed to remain together.

Tosafos argues and explains that the ruling of the Mishnah is designed specifically for the immediate impact of the husband's testimony in cases of a single doubt (ספק דאורייתא). This would be where the husband is a kohen (where whether or not the act was done willingly or against her will is not relevant, for in either case she is prohibited from her husband) where the only doubt is if the act took place before or during the kiddushin. Another case of a single doubt is where the father of the wife arranged for her engagement before she was three years old. Here, it is certain that her condition changed during the kiddushin, and the only question is whether it was done willingly or against her will. Nevertheless, although the only cases where the husband's coming to Beis din will be relevant is these two cases of single doubt, all women must marry on Wednesdays, even those who do not fit into these categories, as we do not make any distinction in the rule to marry on Wednesdays (לא פלוג). ■

HALACHAH Highlight

Paying for communal responsibilities

מצי אמר לה אנה הא קאימנא

Can he say to her, "I'm ready..."

It was customary in medieval times for communities to hire a chazzan and pay people to assure a minyan in town for the Yomim Noraim. The cost of these services was shared by the members of the community. It happened once that a man was out of town for the Yomim Noraim and the other members of his household were females. The question arose whether this man was responsible to contribute to this expense. On the one hand, it could be argued that since he was not going to be home to benefit from the service he would not have to pay. Yet one could argue that as a member of the community he must contribute and it is irrelevant whether he would personally benefit from this service.

Rabbeinu Yaakov ban Moshe of Moellin¹, the Maharil, wrote that if the man's contribution is needed to make the minyan he is obligated to pay. The basis of this ruling is that Maharam of Rotenburg² ruled explicitly that the obligation to pay for the chazzan and minyan rests on those who are out of town the same as it rests on those

who remain in town. Furthermore, since Maharam did not make a distinction related to when the person left town it would seem that there is no distinction to be made and regardless of when the person left town he is obligated to share this cost.

There is, however, one exception to this rule. If the circumstance were that the man wanted to return and be home, but due to war or other unavoidable circumstances he was unable to return home, he is a victim of unavoidable circumstances (אנוס) and is not be obligated to pay. Proof to this principle is our Gemara that relates that when a man makes a condition that his גט should not be valid if he returns by a particular date and due to circumstances beyond his control he cannot arrive, the גט is not valid. This exception is limited, though, to a case where the unavoidable circumstance was not the result of his doing. Therefore, if the reason he cannot return is because of debts or some similar type of self-afflicted circumstance he is obligated to pay. ■

¹שו"ת מהרי"ל סי' קי"ז.

²מובא במרדכי ב"ב סי' תע"ח-תע"ט. ■

STORIES Off the Daf

The One Who Learns and the One Who Doesn't

"תלי תניא בדלא תניא..."

Despite crushing poverty, many Chassidim in pre-war Poland would support their sons-in-law in learning as long as possible. It was hoped this would enable them to continue learning even when they were finally forced to engage in business to support their families.

One Gerrer chassid was supported for a time by his father-in-law. After a few years, the father-in-law experienced some setbacks in his

business and had a harder time paying his son-in-law's way. He explained this to his son in law as gently as he could. "Unless my business picks up, I am afraid you'll have to find a means to support yourself."

Since this was a major life decision, the chassid decided to consult with his Rebbe, the Sefas Emes, zt"l. He asked, "Could it be that Hashem really want me to leave my beloved shtiebele and go into business so soon?" It was obvious that the young man was unhappy to lose such important years of spiritual growth.

"Does your shver learn?" asked the Rebbe.

"He is an upright person but he doesn't really know how to learn,"

answered the young man.

"In that case it's up to you!" the Sefas Emes exclaimed. "If you are careful not to waste time, Hashem will enable your shver to support you. This is can be understood from the Gemara in Kesuvos 2a: 'תלי תניא בדלא תניא.' Literally, this statement means: 'Why does he hinge a Mishnah which was taught on one which was not taught?' However this statement can also be understood to refer to your situation. 'תניא' means one who learns and 'לא תניא' means one who doesn't learn. 'תלי תניא בדלא תניא', thus means 'one who learns, one who really learns the way he should, will be supported by the one who doesn't learn!' ■

