

OVERVIEW of the Daf

1) Suspected adultery (cont.)

After the Gemara resolves the challenge to Rav by explaining that the Baraisa follows the conflicting opinion of Rebbi, the Gemara rules like Rav and like Rebbi, which is seemingly contradictory.

The Gemara differentiates between a rumor that stopped and a rumor that did not stop.

Abaye defines a rumor that did not stop as a rumor that continued for a day and a half.

Additional qualifications concerning rumors are presented.

2) The marriage between the suspected adulterer and adulteress

Rabbah bar Huna inquired about a man who divorced his wife because of her bad reputation and then illegally remarried her, is he required to divorce her?

Rabbah bar R' Nachman cited our Mishnah, if a man was suspected of cohabiting with a married woman and after her divorce he married her they must divorce, as an answer to Rabbah bar Huna's inquiry.

Rabbah bar Huna successfully challenges the parallel between the two cases.

3) MISHNAH: The Mishnah presents cases where a person who testified that a married woman is no longer married is not allowed to marry her because of the fear that he falsified the testimony.

4) Cases that do not require testimony

The Gemara infers that had the man brought the get from Eretz Yisroel where we do not rely on his testimony the agent is permitted to marry the woman. This is seemingly contradicted by the Mishnah's ruling that if a man testifies that a woman's husband died and we do not rely on his testimony, he may not marry her.

The Gemara distinguishes between a case where there is a document and one where there is not.

5) A witness who is a sinner

The implication of the Mishnah is that the testimony of a sinner is accepted and yet there is a teaching of R' Yosef that indicates that the testimony of a sinner is not admissible.

After rejecting a proposed answer the Gemara concludes that R' Yosef and R' Menashe both explain how their position could fit even with the opinion of Rabanan.

6) Clarifying R' Yehudah's position

The Gemara explains that the reason in the case of, "we killed him," the witness is believed is that he only testifies that he was with those who killed.

The explanation is supported by a Baraisa.

A matter related to this Baraisa is clarified.

7) MISHNAH: The Mishnah presents one case where a Talmid Chacham would not be permitted to marry a woman he helped free from marriage and two cases where he is permitted to marry the woman he freed from marriage.

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HALACHAH Highlight

Under what circumstances can the messenger marry the woman?
התם ליכא כתבא הכא איכא כתבא

The Gemara contrasts two situations, one where a witness is believed, and the other where he is not believed. From our Mishnah we infer that if a witness comes and brings a גט from within Eretz Yisroel, the witness is believed, and he may even marry the woman about whom the document speaks. We are not relying upon the witness' testimony, as there is no need for his confirmation of the גט having been written לשמה. Where the witness comes and testifies that the husband has died, we allow the woman to remarry, but here, again, this ruling is not due to the testimony of the witness per se, but rather due to the conviction of the woman herself, that she is confident that her husband is actually dead. Yet in this second case, we do not allow the witness to marry the woman. Why do we allow the witness to marry the woman in the case of the divorce document, but not in the case where he testified that the man died?

The Gemara answers that in the case of the גט we have a document upon which to rely. In the case of the testimony, we have no document at all, so we are relying upon the witness to a greater degree. Proof that this contrast is valid is from the case of the five women who are adversaries with a man's wife (117a). Even though they are not believed to say the husband died, they are nevertheless trusted to bring a גט and say בפני נכתב ובפני נחתם.

יוסקי asks why the five women are believed to bring a גט and verify it from outside Eretz Yisroel, but the messenger in our Mishnah is not believed in this case. He answers that the five women are suspected of animosity and hatred. When they bring a document, this suspicion is removed. The messenger, however, is suspected of desiring to marry this woman. Here, his bringing a גט to court actually adds to this suspicion, so he is not believed. ■

REVIEW and Remember

- How long must a rumor circulate to be considered real?

- Why is the agent who delivers a get from out of the country not permitted to marry the woman who's get he delivered?

- Why is a person unable to establish himself as a sinner?

- How many people must be present when a minor does מיאון?

Distinctive INSIGHT

Honoring a non-biological parent

Abaye said, "My mother told me..."

In a number of places Rashi¹ mentions that the person Abaye identifies as his mother is not, in fact, his mother, because Abaye was orphaned. Rather, the woman Abaye identifies as his mother is the woman who raised him. This principle, that one can refer to a non-biological parent as a parent is mentioned explicitly in the Gemara in Megilla². In Divrei Hayamim, Basya bas Pharaoh is identified as the one who gave birth to Moshe Rabbeinu. This reference is challenged by the Gemara since Basya merely raised him but did not give birth to him. The Gemara answers with the principle that whoever raises an orphan in their home is credited with having given birth to him. The Chasam Sofer³ also points to a source that indicates that a step-child can be identified as one's child. The Torah refers to Serach bas Asher (Bamidbar 26:46) but Ramban⁴ notes that Serach was not the biological daughter of Asher; rather she was his wife's daughter. Nevertheless, since Asher raised her, the Torah considers it as if he was her father.

Rav Menashe Klein⁵, the Mishnah Halachos, was asked whether a step-son could observe mourning practices for his stepmother. Mishnah Halachos responded that if the step-mother does not have a child to say kaddish for her it is permitted for her stepson to recite kaddish, study mishnayos and give tzedaka on her behalf. The observation of mourning practices, on the other hand, is restricted to biological children and should not be observed by stepchildren. Furthermore⁶, the permission for a step-son to recite

אמר אביי אמרה לי אם וכו'

8) Releasing a woman from her vow

The implication of the Mishnah is that a Talmid Chacham may release a woman from her vow. The Gemara clarifies that the Mishnah refers to an individual who is a recognized expert.

9) Clarifying the Mishnah

It is noted that the Mishnah's reference to a Beis Din over-seeing מיאון is to teach that mi'un requires three scholars rather than two as one opinion maintains.

10) The scholar and the agent

R' Kahana and R' Ashi dispute whether the scholar or the agent must get divorced if he illegally married the woman, mentioned in the Mishnah, he was not permitted to marry.

R' Zuti ruled like R' Ashi that a divorce is not necessary.

R' Ashi, in response to an inquiry, explained that the basis of his ruling is derived from a Mishnah. ■

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kaddish on behalf of his step-mother is not considered to be on the same level as a child's obligation to recite kaddish for a parent. In those places where the custom is for the mourners to take turns reciting kaddish there is a hierarchy to be followed to determine which mourner will recite each kaddish. In the event that there are numerous mourners, those who are reciting kaddish for a step-parent do not share the same level of obligation to recite kaddish, and those mourning a biological parent do not have to forgo their privilege for someone who is reciting kaddish for a step-parent. ■

1. ע' רש"י כתובות לט: ד"ה אמרה ובגיטין לד: ד"ה והלכתא
2. גמ' מגילה יג
3. שר"ת חת"ס אר"ח קס"ד ד"ה ובגדון
4. רמב"ן במדבר כ"ו: מ"ו
5. שר"ת משנה הלכות ח"י סע' קנ"ג
6. שר"ת חת"ס הנ"ל ■

STORIES Off the Daf

No one considers himself wicked!

אין אדם משים עצמו רשע

At one Seder in the home of Rav Chaim Kanievsky, shlit"a, a guest told a story that originally appeared in the works of the Ben Ish Chai, zt"l.

"Once, a businessman was on the journey home after a successful stint at a fair. In one abandoned stretch of road, he spotted another person. As the businessman drew closer the other man shocked the businessman by pointing a loaded gun right at him. In a gruff voice, the bandit said, "Hands up! Give me all of your money." The businessman did as he was told and handed over all of his hard-won earnings.

As the bandit made to leave, the businessman said, "Wait! I am really in a bind

now. Won't you help me?"

"Nu?" said the bandit, clearly in a rush to make his getaway.

"That's not only my money that I gave you—it is also the return on the investments of others! They will never believe that I was robbed."

The bandit openly sneered, "Are you trying to ask for some money back?"

"No, no. All I am asking for is that you shoot a few holes in my hat."

"What?" asked the surprised bandit.

"If you shoot my hat there will be no denying that I was really robbed."

"Fine," said the thief. "Take off your hat and hold it away from you and I'll do it."

Bang!

"Can you shoot another hole so no one will doubt my story?" asked the businessman.

Bang!

"Please fire again," begged the traveler.

Bang!

"Could you do a couple more so it looks completely realistic?"

"I think three bullet holes is enough," demurred the thief, "But if you really want me to..."

"Just one more," begged the victim.

"Alright, but then I've got to go."

Click.

"You fool," shouted the thief. "Now I'm out of ammunition!"

The merchant grinned and said, "If that's the case, I'll take back my money!" He beat the bandit soundly and retrieved his property.

After everyone at the table finished laughing, Rav Kanievsky spoke up. "Don't forget what the bandit told the merchant as he was taking the money: 'It's not enough that you finished my ammunition and beat me up—you're taking my money too!' Even a bandit thinks that he's in the right!" ■