

## OVERVIEW of the Daf

### 1) Rabbinic marriages (cont.)

It is explained why a minor is permitted to eat her husband's terumah whereas a deaf-mute is not permitted.

The reason a minor receives a kesubah and a deaf-mute does not is explained.

The sources that a minor receives a kesubah and a deaf-mute does not are identified.

A related incident is recorded

### 2) The deaf-mute

R' Chiya bar Ashi in the name of Shmuel issues a ruling that indicates that a deaf-mute is considered mentally incompetent.

A proof to this principle is suggested.

The proof is challenged and ultimately rejected.

A second version of this discussion is presented.

R' Ashi offers two ways to understand R' Elazar's statement that the deaf-mute's status is questionable and inquires which is correct.

After identifying the practical difference between these two approaches the Gemara leaves the question unresolved.

### 3) The insane

R' Yitzchok asserts that Biblically a husband may divorce his wife who went insane and the restriction against it is only Rabbinic so that she would not be treated immorally.

The exact case where R' Yitzchok's teaching is necessary is identified.

Abaye finds support for this explanation in the words of the Mishnah.

### 4) Clarifying R' Yochanan ben Nuri's position

The Gemara inquires which case was obvious to R' Yochanan ben Nuri and which case was his inquiry.

The Gemara's conclusion is that he was not expressing his own position, which is that neither a male or female deaf-mute can divorce, rather he was asking Tanna Kamma to explain why he sees a difference between deaf-mute males and deaf-mute females.

### 5) Divorce without the woman's consent

Rava applies R' Yochanan ben Gudgeda's statement to a case of a husband who tricks his wife into accepting a get and concludes that it is a valid get.

The necessity of this application is explained.

### 6) A minor who commits a transgression

An incident is recorded where R' Pedas advised creating a situation where minors would likely violate Shabbos. ■

## Distinctive INSIGHT

*A wife who is incompetent cannot be divorced*

יצתה זו שאין לה יד לגרש עצמה

The Gemara notes that a שוטה, a woman who is incompetent, cannot be divorced. The students at the yeshiva of R' Yanai and the Baraisa taught by Rabbi Yishmael each cite a verse as the source for this halacha. R' Yanai's students quote the verse from Devarim 24:1, "ונתן בידה"—the divorce document must be placed into her hand." This requires that the woman have a "hand" to become divorced. If the woman cannot responsibly accept the document because she does not comprehend its value (she thinks it is a mere piece of paper) and its significance (she is expecting to return to her father's house), she cannot be divorced.

Rabeinu Tam explains that inability to divorce a שוטה applies only where the insane woman has no father. If she does have a father, the divorce will be effective, because the father appreciates the value of the document, and he will also prevent her from returning to the former husband.

Tosafos points out that Rashi (Gittin 43b) explains that if a wife is a minor, and she is therefore lacking in awareness of the meaning of a גט and who also cannot be divorced due to lacking a יד, this condition of incompetence results in her not being able to be divorced even if she has a father.

Rabeinu Tam, who argues with Rashi, proves his contention from several sources. Among them is the Yerushalmi where the opinion which learns this halacha from the verse of Rabbi Yanai (ונתן בידה) clearly holds that if the שוטה or the minor has a father, the divorce can be completed based upon the father's representing his incompetent daughter. ■

## REVIEW and Remember

1. Why doesn't a deaf-mute receive a kesubah?
2. What did R' Malkiyo do that impressed Rava?
3. What degree of competence is necessary for a woman to biblically receive a גט?
4. Is it biblically necessary for a woman to know that she is being handed a גט?

## HALACHAH Highlight

### Separating terumah for another

חמשה לא יתרמו ואם תרמו אין תרומתן תרומה וכו' והתורמם את שאינו שלו

Five people may not separate terumah and if they did separate terumah it is ineffective... One who separates terumah from grain that is not his.

Rambam<sup>1</sup> rules that although a person is not permitted to separate teruma from another's produce without his consent, nevertheless if a person removes teruma from his own produce on behalf of another's it is teruma and his friend's produce is considered rectified. Rav Yekusiel Yehudah Halberstam<sup>2</sup>, the Klausenberger Rebbe, asserts that this ruling of Rambam represents a **בדיעבד** circumstance. In other words, it is not recommended for a person to separate his own produce as teruma for another's produce, but if it was done the separated produce is teruma and the other's produce is rectified. The rationale is that if the friend, whose produce is rectified, rejects the separation of teruma done on his behalf, his rejection is accepted. Therefore, since there is the possibility that the owner may reject this separation it is only conditional and thus a beracha may not be recited if the mitzvah is only conditional. Furthermore, the

owner of the produce does not fulfill the mitzvah of teruma through his friend's separating teruma on his behalf, so it is not possible to make a beracha. The one whose produce is rectified did not do the act of the mitzvah and the one who is separating the produce is not obligated in the mitzvah since it is not his produce. Therefore, there is no beracha to be recited.

Rav Tzvi Pesach Frank<sup>3</sup>, on the other hand indicates that the one separating teruma from his own produce on behalf of another's grain is allowed to make a beracha when he separates the teruma. This is evident from his discussion of whether or not the beracha, recited by the one separating the terumah, becomes a beracha in vain if the owner of the produce rejects the separation done on his behalf. The Chasam Sofer<sup>4</sup> writes that if the owner nullifies the agency the beracha that was recited is rendered a beracha in vain but if the owner asks a Chacham to undo the separation (**בניטול על ידי שאלה**) the beracha is not rendered a beracha in vain. The Rashash<sup>5</sup> however, maintains that under all circumstances the beracha is not rendered a beracha in vain. ■

1. רמב"ם פ"ד הל' תרומות ה"ב
2. שו"ת דברי יציב יו"ד סי' ק"צ
3. שו"ת הר צבי או"ח ח"ב סי' ל"ט
4. שו"ת חת"ס יו"ד סי' ש"כ
5. רש"ש לנדרים נ"ט ■

## STORIES Off the Daf

### Staying married

ותנא דבי ישמעאל ושלחה מביתו מי שמשלחה ואינה חוזרת יצתה זו שמשלחה וחוזרת

On today's daf we find that a shotah cannot be divorced from her husband because she keeps on returning to him. The Chidushei HaRim, zt"l, learned a powerful lesson from this principle. Just as the **שוטה** cannot be divorced, so too one remains "married" to spirituality as long as he "keeps coming back" by acting as a **בן עליה** would despite his shortcomings. One is only divorced from spirituality when one gives up on spiritual ascent because of his flaws.

A young bochur once came to Rav

Wolbe, zt"l, feeling very confused and frustrated. He said, "I don't know what to do with myself! Sometimes I feel very drawn to spiritual matters like learning with a fire and davening. At other times I act in ways not befitting a ben Torah. What is my avodah worth if I keep falling into the same spiritual morasses?"

The Mashgiach replied, "Your feelings are the result of a simple fact: as long as one is young, one finds in himself various contradictions. On the one hand, you may be very drawn to spiritual matters. You have a taste in davening and can literally pour out your heart to Hashem. You may feel an incredibly intrinsic identification with the Torah that you learn. On the other hand, you also might enjoy joking around and making fun of things with friends.

The Mashgiach continued, "So

what should you do? Just because you enjoy joking around and sometimes even wander into the realm of leit-zanus, is that an excuse not to daven with kavanah? Surely this path only leads to complete estrangement from spiritual growth! Quite the contrary—since you notice this flaw in yourself and this bothers you, this should be a reason to exert yourself all the more to daven with a geshmack and seek spiritual growth in any way you can! In time you will be drawn more and more after spiritual elevation until you outgrow your spiritual immaturity altogether."

The Mashgiach concluded, "Until then you must learn to bear the unflattering assessment of your peers and even consent to be the brunt of their jokes. If you persevere, however, you will overcome your weaknesses and

flourish!" ■