

OVERVIEW of the Daf

1) Confirming infidelity with the testimony of a single witness (cont.)

The Gemara concludes the second resolution to the challenge to R' Chiya's opinion that when two single witnesses disagree the woman would drink.

R' Chiya explains why two rulings related to disqualified witnesses are necessary.

הדרן עלך מי שקינא

2) **MISHNAH:** The Mishnah presents a list of statements that may be said in any language and a list of statements that must be said in Hebrew, and gives the sources that the declaration for bikkurim and chalitzah must be said in Hebrew. A description of the blessings and curses ceremony of Mt. Gerizim and Eival is presented.

3) Sotah

The source that the sotah statement may be recited in any language is identified.

A Beraisa teaches that the entire conversation with the sotah could be in any language.

Details of the Beraisa are explained.

4) The confession of tithes

The source that the confession of tithes may be said in any language is identified.

R' Zevid suggests an alternative source for this ruling.

Abaye explains why the alternative source is rejected.

R' Shimon ben Yochai teaches that one should express his own praise in a low voice and his disgrace in a loud voice.

The statement related to expressing one's praise in a low voice is challenged.

The Gemara changes the Beraisa from disgrace to his distress.

An earlier-cited statement from R' Yochanan in the name of R' Shimon ben Yochai regarding the source that davening is recited softly is unsuccessfully challenged.

5) Krias Shema

The source that Krias Shema can be said in any language is identified.

A Beraisa presents a dispute between Rabbi and Rabanan about this matter.

The exchange between these two opinions is recorded. ■

REVIEW and Remember

1. Is it permitted to recite krias shema in a foreign language that one does not understand?

2. Where did the people stand when the blessings and curses were delivered?

3. What does the Kohen tell the sotah before she drinks?

4. What is the dispute between Rabbi and Rabanan?

Distinctive INSIGHT

When can a language other than לשון הקדש be used?

אלו נאמרין בכל לשון

In discussing the various readings, prayers and statements that may be read in any language, Bi'ur Halacha (O.C. #62) writes that languages other than לשון הקדש may only be used if the people of a particular locale speak that language. לשון הקדש is unique, as it is the original and basic language of our tradition. This is why it may be used at all times, and it is not critical that many of the congregants be familiar with it and its translation. Regarding other languages, however, if only a few people there know that foreign language, then no one may use it for tefilla, reading shema or reciting ברכת המזון. Languages are only valid due to their being accepted and agreed upon as a standard means of communication in a particular locale. Therefore, if it is not used in a place, the fact that a few individuals are familiar with it does not validate it as a legal language in that place.

Bei'ur Halacha offers a proof to his assertion from the Gemara in Kiddushin (6a). If a man gives a woman money and tells her הרי את חרוftי if they are in the district of Yehuda, they are married. The reason is that this expression indicates marriage, as it was specifically in Yehuda that they borrowed this term from the context of the verse (Vayikra) and understood it as a marriage phrase. If this man and woman are in any other district and the man uses this expression, the couple is not married, even if both the bride and groom understand among themselves what is meant. What difference should there be if this couple is in Yehuda or in any other location? The answer is that the phrase חרוftי in any other place has no objective meaning as a marriage proposal. Rosh and Shulchan Aruch rule that the man must use a phrase that is understood in that particular place. Ritva also rules that a foreign language is only acceptable if it is spoken in that location. Therefore, for any place other than Yehuda, it is as if the man gave the money to the woman without saying the requisite marriage formula.

Some note that according to the Bi'ur TKHalacha, if a person is visiting a place where most people do not speak his language, his own language loses its validity as a spoken tongue. How, then, they ask, can the vow of the Sotah be administered in any language? The woman finds herself in Yerushalayim, and there the spoken language is לשון הקדש, and the only language which should be acceptable is לשון הקדש itself.

Furthermore, Rambam writes that a person may read Shema in any language, provided he understands what he is saying. According to Bi'ur Halacha, who rules according to Ritva, Rambam should have also included the stipulation that saying Shema in a foreign language is only valid if that language is spoken in that place. ■

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 By Mr. and Mrs. Norman Freedman in memory of their father
 ר' חיים ראובין בן ר' ישראל צדוק ז"ל

HALACHAH Highlight

Answering אמן to the berachos of a person's silent Shemone Esrei

מפני מה תקנו תפלה בלחש וכו'

Why did Chazal enact that tefilah should be said silently?

Chochmos Shlomo¹ wonders whether one should answer אמן if he hears the person next to him say the silent shemone esrei in a voice that is loud enough for him to hear. Sefer Mishmeres Shalom² suggests that since the enactment of Chazal was for shemone esrei to be recited silently and according to Zohar tefilos recited in an audible tone are not heard in Heaven, it is considered as if this person is not following the enactment of Chazal. Accordingly, it would seem that one should not answer אמן to that person's berachos, however, the best approach is to move far enough away so that one cannot hear the person's tefilah to avoid the issue altogether.

Rav Shmuel Halevi Wosner³, the Shevet Halevi, wrote that one should not answer אמן if the person next to him is reciting shemone esrei loud enough to be heard since he is not following

the enactment of Chazal. Even though Chazal mandated that one should answer אמן when he hears a beracha that obligation applies only when the beracha was supposed to be recited in an audible tone but since shemone esrei should not be recited in an audible tone one should not answer אמן. The only uncertainty he expresses is if a person is reciting shemone esrei in his house in an audible tone so that the members of his household will learn to daven properly it is possible that אמן should be recited. The reason is that since Poskim seem to indicate that it is permitted to say shemone esrei out loud in this case it could be appropriate to answer אמן but he does not draw a definitive conclusion about the matter.

Teshuvos B'tzeil Hachochmah⁴ also wrote that the uncertainty only applies when one is davening in an audible tone with the tzibur. When one is davening by himself in an audible tone or even if he davens out loud one should answer אמן to his berachos since he is permitted to raise his voice in order to increase his concentration. ■

1. חכמת שלמה או"ח סי' קכ"ד סע' ד'
2. ספר משמרת שלום סי' י"א אות ב'
3. שו"ת שבט הלוי ח"ג סי' ט"ו אות א'
4. שו"ת בצל החכמה ח"ה סי' קס"ד ■

STORIES Off the Daf

The silent chosson

כדי שלא לבייש עוברי עבירה

On today's daf we learn about two practices that were instituted to save sinners from embarrassment. We can learn from this to always avoid shaming others.

Rabbi Akiva Eiger, zt"l, was known to be an outstanding scholar from a very young age. When he was around sixteen years old, he attended his uncle's yeshiva in Breslau where a shidduch was suggested for him. For such a prodigy, the general practice was to find a very wealthy prospective father-in-law who loved Torah and wished to support his son-in-law during the period in which he developed into the next gadol hador.

Rav Yitzchak of Lissa was just such a man. His daughter was the paradigm of piety and he was very happy to attain a gem like the young Akiva Eiger for a son-in-law. The prospective mechutanim met in a small town located halfway between their hometowns to write the t'naim. Of

course, the gevir brought two elderly talmidei chachamim along to test the young prodigy to ensure that he was truly what they said he was. In the event that the young genius passed muster, they would sign the engagement contract.

Each of the two elderly scholars asked the prodigy a question, but to the surprise of all the young man sat silently, like one who doesn't understand. As the silence of the young man stretched on, the gevir felt that he had seen enough. He made it clear that since apparently this young man was not such a prodigy after all, he was ready to depart for home.

The mystified father asked if he could first have a few words alone with his son to see if everything was all right, since he had never known him to have nothing to say in any Torah conversation. The gevir agreed and the moment father and son were alone the father asked, "Why didn't you answer their questions?"

"They both started with assumptions that are absolutely incorrect. One asked based on his lack of understanding of Toasfos. His entire pilpul is preposterous. I understand what he thinks the answer to

his query is but he is mistaken, since in light of the other Tosafos his question doesn't have any foundation whatsoever. The second one asked what he asked only because he doesn't really understand the p'shat of the Gemara. If he truly understood the subject he would never have asked his question. If I had replied to either question, this would have shamed the two—especially since they are elderly and are known to be talmidei chachamim. I figured it was preferable to remain silent and allow them to think that I don't know."

"But if we don't sign the tanaim this will also cause embarrassment," said his father. "I suggest you speak in learning somewhere else. This will show them you truly understand without shaming them."

That is exactly what the young man did. The moment he entered the room he started speaking words of Torah that showed his incredible erudition and brilliance. After hearing him, the gevir changed his mind and the t'naim were signed after all! ■

