

## OVERVIEW of the Daf

### 1) Divorcing a woman because of her bad reputation or vow (cont.)

The basis for R' Nachman's ruling that the husband must state that he is divorcing his wife because of her bad reputation or vow is explained.

A second version of R' Nachman's statement is presented.

Two Beraisos are recorded, each one supporting a different version of R' Nachman's teaching.

### 2) A vow that is known to the public

R' Yehoshua ben Levi cites a source for R' Yehudah's position that a vow known to the public cannot be annulled.

The reason Rabanan disagree is explained.

R' Nachman and R' Yitzchok disagree whether three or ten people constitute "public" for this matter.

Each Amora explains the rationale for his position.

### 3) The dispute between R' Elazar and R' Meir

A Beraisai cites a more elaborate version of R' Elazar's opinion.

The dispute between R' Elazar and R' Meir in the Mishnah is explained.

### 4) Clarifying the incident of the Mishnah

The Gemara clarifies why the incident cited at the end of the Mishnah was relevant to the Mishnah's discussion.

A detail related to the incident is clarified.

The necessity for the ruling that emerges from the incident is explained.

R' Sheishes and Ravina disagree which ruling was enacted for the benefit of society.

5) **MISHNAH:** The Mishnah discusses the case of one who divorces his wife because she is an aylonis.

### 6) Clarifying the position's of R' Yehudah and Rabanan

The implication of the Mishnah is that R' Yehudah is concerned for a bad outcome whereas Rabanan are not. This seemingly contradicts their positions recorded in a different Mishnah.

Shmuel suggests that the names in our Mishnah should be reversed.

This explanation is unsuccessfully challenged and the Gemara states that the name at the end of the Mishnah should also be reversed.

Abaye resolves the contradiction without reversing the names.

Rava notes that Abaye only resolved the contradictory rulings of R' Yehudah so he suggests a resolution to the contradictory rulings of Rabanan.

7) **MISHNAH:** The Mishnah discusses redeeming someone who sold himself and his children to non-Jews as slaves.

### 8) Clarifying the Mishnah

R' Assi asserts that the Mishnah's ruling that we do not redeem the person who sold himself to a non-Jew as a slave applies only when he has sold himself two previous times.

A related incident is cited and unsuccessfully challenged.

The Gemara begins to cite another related incident. ■

## Distinctive INSIGHT

### *A vow pronounced in public*

מאי טעמא דרבי יהודה דכתיב ולא הכום בני ישראל כי נשבעו להם נשיאי העדה

In the Mishnah (45b), Rabbi Yehuda taught that if a husband divorces his wife due to a vow that she took, he may not regret his actions and cancel the גט if the vow was "known to the public." Such a vow is reckless and truly inappropriate to be made by a Jewish woman. In this case, the vow cannot be annulled, and the husband is justified in declaring that he refuses to remain married to such a woman.

In our Gemara, Rabbi Yehoshua ben Levi brings the source which teaches that a vow which is "known to the public" may not be annulled. In the time of Yehoshua, the people of Gibeon misrepresented themselves as travelers from a foreign land. They were able to extract a promise of protection from the princes of the Jewish nation. When their ruse was exposed, the princes did not want to retract their oath although it was issued under false pretenses, because it was an oath which was known to the public.

Tosafos wonders why the oath should have been considered valid, as it resulted in a direct clash with the mitzvah of the Torah (Devarim 20:16) not to allow any of the residents of Canaan to remain alive during the conquest of the land. Tosafos answers that the verses (ibid. v.10-16) indicate that the law to not allow anyone to remain alive does not apply to elements of the population who wish to remain in the land peacefully, under our jurisdiction.

Our Gemara indicates that an oath issued in public can-

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## REVIEW and Remember

1. What is the difference between the two versions of R' Nachman's explanation of the Mishnah?  
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2. What is the point of dispute between R' Meir and R' Elazar?  
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3. What happens when a woman thought to be an aylonis remarries, has children, and files to collect her kesubah?  
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4. Why do we not redeem from captivity someone who was captured because he borrowed money without a means to repay the loan?  
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# HALACHAH Highlight

## Redeeming a thief from prison

הני בני בי מיכסי דיזפי זוזי מעובדי כוכבים

The residents of Bai Michsei who borrowed money from idolaters

Rambam<sup>1</sup> rules that someone who sold himself and his children to non-Jews as slaves or borrowed money from non-Jews and was taken into captivity or imprisoned because of those loans, should be redeemed the first and second time it occurs. On the third time there is no obligation to redeem him unless his life is threatened. Accordingly, Radvaz was asked whether there is an obligation to redeem Jews who are imprisoned for stealing money from non-Jews. Should we equate this thief with someone who borrowed money from a non-Jew and was imprisoned who should be redeemed or perhaps he is more similar to one who became an apostate who is not redeemed?

Radvaz answered that a person who is imprisoned because he was caught stealing from non-Jews should certainly be redeemed since he is not stealing to anger Hashem; rather he is stealing because he is desperate. It is safe to assume that if this fellow had a legal means to support himself he would take that approach rather than resort to stealing. Taking this line of reasoning to the next step it is logical that even a person who steals from Jews and was caught and imprisoned should be redeemed because he is not seen as a wanton sinner who is likened to an apostate.

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not be annulled. Rabbi Yehuda holds that the reason for this is that such an oath is reckless (יש בו פריצות) because it cannot be annulled. We therefore penalize a woman who pronounces such an oath. An oath pronounced privately can be annulled, so it is not considered reckless. Rambam on the Mishnah explains that the element of recklessness is the very fact that the vow was said in public. A vow said in private, however, is not considered to be in the category of פריצות. ■

Another reason it is appropriate to redeem a person who was caught stealing is that people who steal from non-Jews are under the mistaken impression that there is no prohibition against stealing from a non-Jew. They erroneously assume that the verse that prohibits stealing is limited to stealing from Jews and they further rely on the Gemara's statement (Bava Kama 38a) that once the non-Jews rejected the seven Noahide Laws Hashem declared their possessions ownerless. Although their interpretations are certainly wrong, nonetheless, since their behavior is the result of a misunderstanding of halacha rather than an intent to commit a transgression they are not categorized as apostates. Lastly, since non-Jews execute thieves there is certainly a mitzvah to redeem this thief from prison since according to halacha a person who steals is not subject to capital punishment. ■

1. רמב"ם פ"ח מהל' מתנות עניים הלי י"ג.

2. רדב"ז על הרמב"ם הני"ל. ■

# STORIES Off the Daf

## Ransom Money

"אמר רב אסי והוא שמכר ושנה ושילש..."

There have been many times in our history where Jews were confronted with a simple choice: to convert, or suffer the consequences. Consequences ranged from the expropriations of one's assets and exile to death. When Majorca was on the verge of instituting such a decree against the Jews, a certain man fled, leaving his wife in charge of his property and assets. As predicted, the decree came into being and all land and most assets of known Jews were looted; the rest were confiscated by the authorities. His wife was left with a small per-

centage of her husband's wealth and forced to convert or die. She was promised that after a fairly short period, the value of the remaining assets which had been confiscated would be restored to her.

The poor woman was completely distraught. Her only thought was to avoid converting. She decided to secretly hire a ship and flee immediately. She assumed the obligation to pay her accomplices 150 coins for the honor and considered it a bargain.

When her husband heard about this, he was furious. The moment they met, the two had a big fight and he refused to pay her debt. "I want a divorce. The 150 coins are a debt that you assumed on your own, and they are your

problem, not mine. Why should I pay your obligations?"

This case eventually came before the Tashbetz, zt"l, who ruled in the wife's favor. "As long as she is your wife, you are obligated to redeem her as we find in Kesuvos 46b and 51a.... Although in this case she obligated herself to pay the price of passage by hiring the ship, the husband is still required to pay the price since this is what will secure her freedom. We can learn this from Gittin 46. There we find that even if a person sold himself and his children three times, we redeem the children after their father's death. All the more so in our case; after all, she only took on this obligation to escape with her life and to remain a kosher Jewess!" ■

1. שו"ת תשב"ץ, חלק ב', סימן קע"ו