

OVERVIEW of the Daf

1) Supporting one's daughters (cont.)

Another incident involving supporting daughters is cited.

Rava's ruling in the previous incident is unsuccessfully challenged.

A Baraisa is cited that teaches the dispute between Rebbi and R' Shimon ben Elazar whether a girl is supported from movable property.

The Gemara comments that although generally halacha follows Rebbi when he argues with another Tanna in this case halacha follow the opinions of R' Shimon ben Elazar.

2) MISHNAH: The Mishnah begins by identifying different obligations that the husband is obligated to fulfill even if they are not mentioned in the kesubah. The Mishnah concludes by mentioning the obligations from which the husband may be able to exempt himself.

3) Identifying the author of the Mishnah

It is noted that the Mishnah's ruling that a husband must pay the minimum value of the kesubah even if it was not written follows R' Meir rather than R' Yehudah.

This is difficult because a later ruling, related to the issue of whether leaving out a reference to the fact that the property is encumbered is a mistake of the scribe, follows R' Yehudah's position on the matter rather than R' Meir's.

After rejecting a possible solution to the contradiction in the Mishnah the Gemara explains how the Mishnah could, in fact, be consistent with either one of their positions.

4) The wife of a non-kohen who was violated

Shmuel's father ruled that when the wife of a non-kohen was violated she is prohibited to her husband because we fear that by the end of the act it was consensual.

Two unsuccessful challenges to this ruling are presented.

Rava disagrees with the ruling and maintains that even if she verbally expressed a willingness to be with the violator, she remains permitted to her husband because it is the yetzer hora that is speaking.

A Baraisa containing an exposition supporting Rava is cited.

Two additional expositions of that pasuk are recorded.

R' Yehudah rules that women taken captive by bandits remain permitted to their husbands.

This ruling is challenged but the original ruling is only slightly modified.

(Overview...Continued on page 2)

Distinctive INSIGHT

Redeeming and healing one's wife

אמר הרי גיטה וכתובתה ותרפא את עצמה, רשאי

If a woman becomes ill, part of the kesubah agreement is that the husband is obligated to obtain and pay for medical care to heal her. If the woman is captured, the husband is required to redeem her. There is, however, a peculiar difference between these cases. Technically, if the woman is captured, the husband cannot abrogate his responsibility by presenting the woman with a divorce, and thereby declare that she must now redeem herself. This is not the case regarding a case where the woman becomes ill. In this case, the husband may divorce her and inform her that it is now up to her to seek medical treatment on her own. In this case, the husband is legally within his rights to walk away from his sick wife. Once the couple is no longer married, the ex-husband is no longer responsible for her support or medical care. What is the reason for the difference between these two cases?

While the couple is still married, medical care for the wife is included in the husband's commitment to support her and provide her with adequate sustenance. The husband provides this benefit in consideration for the woman's surrendering her income from any work she does. Now, however, that they are no longer married, and the woman is not paying her husband the income she earns, he is not obligated to support or to heal her.

Redeeming one's wife, however, is a kesubah responsibility independent of what the woman provides to her husband. This promise becomes an obligation from the moment she is captured, and the husband cannot walk away from it by divorcing her.

Ravaed cites a Sifrei which teaches that a master who owns a Jewish maidservant who becomes ill cannot dismiss her while she is suffering an illness, and he must first nurse her back to health. This should certainly be the case, he says, in regards to a Jewish wife. Ran explains that our Mishnah, therefore, is dealing with a case where the woman is not ill enough to be confined to bed. ■

REVIEW and Remember

1. What was Rava's reasoning to support an orphan girl from movable property?

2. What does a husband have to do to exempt himself from covering his wife's medical costs?

3. What impressed Rav about Shmuel's father when Rav seemed to successfully challenge his ruling?

4. Was Ben Netzer a king or a bandit?

HALACHAH Highlight

Prohibiting a woman to her husband

שאף על פי שלא נתפשה מותרת ואינו זו שקידושיה קידושי טעות
Even though she was not forced [to have an adulterous affair] she is permitted to her husband. And who is this? A woman whose kiddushin was performed in error.

What is the status of a woman who, while her husband was out of the country, intended to commit adultery only to later discover that her husband was already dead at the time she thought she was being unfaithful? Sefer Mutzal Mai'eish¹ questions whether this woman is prohibited to the adulterer under the halacha that a woman who is unfaithful becomes prohibited to her husband and the adulterer. In this case one could argue that since she intended to behave unfaithfully she should be prohibited to the adulterer. On the other hand, one could argue that since it turned out that she was a widow at the time there is no basis to prohibit her to the adulterer since he is not, in fact, an adulterer. Rav Chaim Yosef Dovid Azulai², the Birkei Yosef proved from our Gemara that reality, not intent, is what determines the halacha and in this case since it was discovered that she was not married at the time of her adultery she is not prohibited to that man.

Rav Moshe Feinstein³ addressed the opposite case. There was once a woman who remarried as a widow and after this wedding it was discovered that she had another

(Overview...Continued from page 1)

Two Beraisos discuss women taken captive by the government and by thieves and issue contradictory rulings.

The Gemara resolves the contradiction.

5) Redeeming a wife from captivity

Abaye rules that a kohen gadol must redeem his wife from captivity even if she is a widow since the condition a kohen makes to his wife is that he will return her to her city. ■

husband, besides the one who died, who had never given her a get. They convinced that first husband to give her a get but the question still remained whether this woman is prohibited to her third husband now that we discovered that she was still married to the first husband. In other words, since she was never divorced from her first husband her second and third marriages are in reality adulterous affairs and seemingly she should be prohibited to him since he is an adulterer.

Rav Moshe initially commented that in an incident such as this it is not considered as if she was adulterous since she was under the impression that she was permitted to marry. He hesitated to rule leniently in this particular incident since he found it difficult to believe the reason given by this woman to explain why she thought she was divorced. ■

1. ספר מוצל מאש סי' מ"ו.

2. ברכי יוסף אה"ע סי' י"א סק"ה.

3. שו"ת אגרות משה אה"ע ח"א סי' נ"ד. ■

STORIES Off the Daf

King of Thieves

"גבי אחשוורוש לסטים הוא גבי לסטים
 דעלמא מלך הוא..."

When the agreements of "land for peace" finally materialized and Yasser Arafat ימ"ש became chairman of the Palestinian Authority, someone pointed out that this was a perfect opportunity to make the blessing, ' אשר חלק מכבודו לבני אדם אדם אראפאט' over a true monarch. Arafat definitely had the power to execute whomever he wished and the fact that today's heads of state do not have this power makes the op-

portunities to make this blessing very rare indeed. His undisputed wickedness should not have any bearing on one's ability to recite the blessing, since one makes it whether the gentile ruler in question is righteous or wicked. Presumably, it could be a mitzvah to go to Gaza to see the Palestinian chairman!

However, it was clear that one cannot possibly take such a radical step without verifying that it is the proper course of action with a reliable posek. This question was brought before Rav Yitzchak Zilberstein, shlit"a, who wrote back, "I consulted with my esteemed brother-in-law, Rav Chaim Kanievsky, shlit"a. He said that this is similar to the case of Ben Netzer, the notorious

bandit king mentioned in the Gemara Kesuvos 51b. Although he was a king, compared to Achashverosh he was merely a bandit. Rashi explains that he was a bandit who captured entire cities and ruled over them and became the king of thieves and murderers."

On the basis of this teshuvah, the author of the Davar B'Ito wrote, "It is prohibited to travel to Gaza or Jericho to witness the honor accorded to Arafat ימ"ש so as to be able to discern between a Jewish king and a non-Jewish king. It would be a ברכה לבטלה." Because Arafat was no king; he was merely the ruler of a "thugocracy" of thieves and murderers, just like Ben Netzer. ■

