

OVERVIEW of the Daf

1) Redeeming a wife from captivity (cont.)

Abaye continues his ruling and states that a husband married to a *מזורה* is not required to redeem her from captivity since he is not permitted to continue his marriage with her.

Rava disagrees and maintains that even in the case of the kohen gadol married to a widow he is not obligated to redeem her from captivity.

It is suggested that the dispute between Abaye and Rava is the same dispute between R' Eliezer and R' Yehoshua.

This suggestion is rejected in light of two technical difficulties it would create in the Baraisa.

This alternative explanation is refuted and the Gemara proceeds to explain how Abaye and Rava each will explain the Baraisa.

2) Ransoming one's wife

A Baraisa presents the parameters of whether the obligation to ransom a wife falls to the husband's heirs.

In a related incident Rav rules like a Baraisa that maintains that the obligation never falls to the husband's heirs.

A Baraisa presents additional guidelines for ransoming a wife.

Following an inference from the Baraisa, the Gemara notes that there is a contradiction between two rulings of R' Shimon ben Gamliel.

The contradiction is resolved.

3) Providing medical care for one's wife

A Baraisa presents a dispute whether children must provide medical care for their mother.

R' Yochanan states that in Eretz Yisroel they treat blood letting like healing that has no limit.

A related incident is recorded.

4) **MISHNAH:** The Mishnah presents additional obligations that a man accepts as part of the *kesubah* regardless of whether it was written into the *kesubah*.

5) The *kesubah* of male children

The reason and mechanism that allows for the enactment of the *kesubah* of male children is explained.

Abaye and Rava put a limit on how much a man may give to his daughter for a dowry.

Details related to the rationale behind the enactment and the mechanism by which the mechanism works are presented.

The Gemara begins an incident related to the topic of the *kesubah* of male children. ■

Distinctive INSIGHT

Redeeming one's wife at an exorbitant price

תנו רבנן: נשבית והיו מבקשים ממנו עד עשרה בדמיה פעם ראשונה פודה, מכאן ואילך רצה פודה, רוצה אינו פודה

The Baraisa discusses the details of the husband's obligation to redeem his wife if she is taken captive and held for ransom. The first time this tragic event occurs, the husband must redeem his wife even if the captors demand ten times the price of what the wife would be worth in the market. If the wife were to be taken captive a second time, the husband no longer has an obligation to redeem her. The responsibility to redeem one's wife only extends to one event. If the husband chooses to do so, he certainly may redeem his wife even multiple times, but the obligation only applies to one time.

Our Gemara allows the wife to be redeemed for an amount far beyond her actual value. The Mishnah in Gittin (45a) clearly rules that it is prohibited to redeem captives by paying any amount above the actual value of the person. The Gemara in Gittin considers two possibilities to explain this guideline. One reason is because we do not want to place too much of a burden upon the community. The other possible reason is because we do not want to encourage the enemy to come and take more captives. The Gemara does not resolve which is the true reason. Tosafos here (ד"ה והיו מבקשין) notes that we can perhaps prove this question from our Gemara. We allow the husband to spend an exorbitant amount of money to redeem his wife. Obviously, the reason must be the concern of burdening the community, and here the husband accepts to pay the full amount himself. If the reason is in order not to incite the enemy, that same problem would exist here where the husband is paying a huge sum.

Tosafos answers that nevertheless, even according to the opinion that the community must avoid inciting the enemy, this is only when the funds are paid from public funds. However, an individual is never prevented from being allowed to redeem himself, from redeeming his wife. As the verse states (Iyov 2:4): "Skin for the sake of skin. Whatever a person has he will give up for the sake of his life." Therefore, our Gemara cannot be brought to prove that the reason not to pay a large ransom is in order not to burden the community, because according to all opinions it would be permitted for the husband to redeem his wife at all costs. ■

HALACHAH Highlight

Does silence constitute an admission?

רב פפא איעסק ליה לבריה בי אבא סוראה וכו' (נג.) סבר איהו מירתה רתה

R' Pappa was involved in marrying off his son in the home of Abba Sura'ah ... he [Abba Sura'ah] thought that he [Yehudah] was angry

Poskim debate whether a person's silence in Beis Din always constitutes an admission to the claim against him or perhaps silence might instead indicate that the person does not feel it necessary to respond to the charges. Rav Moshe Sofer¹, the Chasam Sofer addressed the case of a community that met and voted on certain monetary matters relevant to the residents of their town. Some of the community members who did not attend the meeting protested the new ordinances since they were not at the meeting for the vote. Chasam Sofer responded that since the meeting was properly publicized, those people who chose not to attend essentially gave their silent approval to all the decisions made by the members of the community who did attend the meeting.

Rav Dovid Sperber², the Afraksta D'Any'a, questioned Chasam Sofer's ruling from the fact that Rav Yosef Trani³, the Maharit, an earlier Halachic authority ruled that decisions of the community are not binding if even a majority of the community are not present when the vote is taken. How could Chasam Sofer dispute this ruling? Therefore, Afraksta D'Any'a suggests that in a case where every person received a separate notice of the gathering and people refused to attend the meeting their absence does

REVIEW and Remember

1. Explain the phrase הוא נותן אצבע בין שיניה.

2. Are the husband's children obligated to redeem their mother or step-mother from captivity?

3. Are captives redeemed for more than their value? Why?

4. What property is encumbered towards the kesubah of male children?

not constitute an agreement with the decision that the community will make. Rather, their refusal to attend sends the opposite message, namely, the gathering has no jurisdiction to make this decision and anyone's absence could be a protest against the meeting. Furthermore, it is not an absolute rule that silence constitutes an admission and he cites many sources in the Gemara like the incident in our Gemara where silence was understood to be a protest rather than an admission, to support this. Therefore, it is the responsibility of Beis Din to examine each case of silence to determine whether or not it is an indication of admission. ■

1. שו"ת חת"ם סופר חו"מ סי' קט"ז.
2. שו"ת אפרקסתא דעניא ח"א סי' מ"ט.
3. שו"ת מהר"יט ח"א סי' נ"ח. ■

STORIES Off the Daf

A Complicated Shidduch

"וְאֵת בְּנוֹתֵיכֶם תִּנּוּ לְאִנְשִׁים..."

Today's daf mentions the prophet's words to the exiles leaving for Bavel, "And take wives for your sons, and give your daughters to men...and be numerous there, and do not diminish." (Yirmiyahu 29:6) Making shidduchim can be a very delicate matter. If the wrong person suggests the match, or if a reference gives a less than stellar report, a potential chosson or kallah can be needlessly rejected. For this reason, when an unmarried bochur named Yankel learning in yeshiva in Israel mentioned a certain girl to his friend Yoni as a possible match, Yankel said, "Obviously, it would be impossible for me to suggest the shidduch on my own since

the family will not take someone as young as me seriously. You need to find a respectable shadchan, or your chances are going to be slim."

Yoni thanked his friend, but decided to try a different plan instead. In an unheard of move, he chose to save the money for shadchanus by calling the family up and pretending to be a respectable talmid chochom who wanted to suggest an exceptional young man (himself!) for their daughter. Since Yoni was an extremely versatile actor who could improvise as well as do excellent impersonations, it seemed like a fool-proof plan. The family was certain that they were speaking to a venerable shadchan and were duly impressed by the glowing terms in which the bochur was described. The two sides set up a meeting, and it went remarkably well. Yoni used the same tactic to set up several more meetings until he and the girl decided to become

engaged.

At the vort, the girl's father approached the chosson and asked to be introduced to the shadchan so he could thank him properly. Yoni explained that the shadchan was unavailable. The prospective father-in-law then placed an envelope into his hands and said warmly, "Please thank him for us, then, and give him our share of the shadchanus."

Caught in an unanticipated quandary, the bochur approached his poseik, Rav Yitzchak Zilberstein, shlit"a, to find out if he was permitted his fair share of the shachanus after deducting a portion for the friend who suggested the match in the first place.

The Rav replied, "You are not considered the agent of your father-in-law, since you set the whole thing up for your own benefit. He doesn't owe you a penny!" ■

