

OVERVIEW of the Daf

1) Having vows annulled and wounds healed (cont.)

Another point pertaining to R' Yehudah's opinion cited in a Mishnah is clarified.

After quoting again the opinions of R' Meir and R' Elazar the Gemara explains the point of dispute between them which clarifies Rabbah's resolution to the contradictory Beraisos.

Rava suggests another resolution to the contradiction between the two Beraisos.

This resolution is unsuccessfully challenged.

Tangentially the Gemara mentions a number of sayings that express the principle that women desire to be married.

2) Physical blemishes

A Baraisa enumerates blemishes that pertain to marriage and not to kohanim.

The Baraisa's statement that foul perspiration does not disqualify a kohen is challenged.

Two resolutions to this challenge are recorded.

The Gemara inquires what kind of mole is a blemish for marriage but not for kohanim.

R' Pappa explains that the Baraisa refers to a blemish that is on her forehead and is sometimes covered by her cap.

Different defects that pertain to women are presented and discussed.

The Gemara digresses to quote another teaching of R' Meysha and another exposition related to the pasuk he cited.

3) MISHNAH: The Mishnah discusses the matter of discovering defects and not knowing whether they developed before or after the marriage.

4) Clarifying the Mishnah

It is noted that an inference from the earlier part of the Mishnah follows R' Yehoshua and yet an inference from the latter part of the Mishnah follows R' Gamliel.

R' Elazar maintains that the two parts of the Mishnah follow different opinions.

Rava clarifies a point pertaining to R' Yehoshua position regarding presumptions (חזקה) of the body.

Proof to this assertion is presented.

Rava offers another resolution to the contradictory inferences of the Mishnah.

Abaye unsuccessfully challenges this resolution.

Abaye unsuccessfully challenges Rava's response to his first challenge. ■

Distinctive INSIGHT

Releasing vows and nullifying the kiddushin

דאמר ריש לקיש טב למיתב טן דו מלמיתב ארמלו

Two Beraisos which seem to contradict were presented on 74b. One stated that if a sage releases the wife's vow the kiddushin is valid. The other ruled that if a sage must release her vow then the kiddushin is not valid. One resolution was that the first Baraisa reflected the opinion of Rabbi Meir, that a man is willing to have his wife come to court to have her vows annulled. Therefore, if the oath can be cancelled, the kiddushin can be salvaged. The second Baraisa is the opinion of R' Elazar who holds that a man is not willing to have his wife appear in court. Accordingly, even if the oath can be released, the husband is not expecting for that to happen, as he does not want to subject this woman to come to the sage to plead her case in court.

Rava provides an alternative answer to resolve the two Beraisos. The second Baraisa is speaking in a case where the woman is from a prominent family. The issue is that the husband does not want to be prohibited from marrying the relatives of the woman who comes from such an important family. Even if the sage can release the oath, the husband does not want to save the kiddushin. He prefers that it remain invalid, in order that the woman's relatives not become prohibited from him. The first Baraisa is dealing about a standard family, and as long as the oath can be released, the man is interested to preserve and maintain the validity of the kiddushin.

According to Rava, the Gemara elaborates and explains that the סיפא of the Baraisa could not feature a parallel case of where the man comes from a prominent family. Here, ostensibly, the kiddushin should not be valid even if the oath can be released, as the woman will not want to be forbidden from his relatives. Yet, this case is not presented, because we have the famous adage of Reish Lakish: Women prefer to be married rather than to live alone. Therefore, in all cases the woman wishes to have the kiddushin remain valid. A woman does not feel it too critical of a factor if the husband has vows, even if he is from an important family. A man, however, is willing to invalidate the kiddushin if the woman has vows, even if they can be released, if she is from a prominent family.

Meiri points out that this also accounts for the contrast we find earlier regarding blemishes. If the man sets a condition that the woman not have blemishes, the kiddushin is null even if she can have them healed later. If the woman made a condition that the husband not have blemishes, the kiddushin is valid as long as they can be cured. We see that the woman wishes to be married and to avoid having the kiddushin nullified. ■

Today's Daf Digest is dedicated
By Mr. and Mrs. George Klein
In loving memory of their sister
מרת רבקה בת ר' אלימלך דב, ע"ה

HALACHAH Highlight

Is age a reason to break a shidduch?

אבל במומין שבגלוי אינו יכול לטעון

But when it comes to visible blemishes the groom cannot claim [that he was unaware of the blemish and cancel the kiddushin]

There was once a young man who agreed to marry a particular woman. When writing the tenaim he inquired about her age and those who knew her told him that she was twenty-eight years old. Sometime before the wedding the groom discovered that she is at least thirty-eight and perhaps even forty years old. Rav Dov Beirish Weidenfeld¹, the Dovev Meisharim, was asked whether the groom is allowed to break the shidduch since he was misled about her age. It was suggested that it should not be permitted based on our Gemara. The Gemara teaches that the blemishes that disqualify a kohen disqualify a woman and the Gemara Chullin² teaches that age is not a disqualifying factor for a kohen to serve. Therefore, if age would be a disqualifying factor for women the Gemara should have mentioned that and since it is not mentioned it must be that it is not a reason to break a shidduch.

Dovev Meisharim rejected this proof because the Gemara is only discussing physical blemishes and is not presenting an exhaustive list of issues that constitute grounds to break a shidduch. Therefore, all matters that are not related to physical blemishes must be judged on a case by case basis and it is reasonable to break the shidduch in this case since her age could prevent the husband from fulfilling the mitzvah of פרו ורבו.

REVIEW and Remember

1. Explain the principle of טב למיתב טן דו מלמיתב ארמלו.
2. What would make Babylonian scholars greater than their Israeli colleagues?
3. What contradiction can be inferred from the Mishnah?
4. How does Rava resolve the contradiction?

Rav Mordechai Yaakov Breish³, the Chelkas Yaakov, was also asked about a young man who got engaged thinking the kallah was twenty-eight. Three years later, at the time of the wedding, he discovered that she was thirty-six rather than thirty one years old. He responded that since our Gemara does not mention age as a disqualifying factor it is not a valid claim unless she is forty years old or more, since a woman who was never married will not be able to have children if she marries the first time after she turns forty⁴. Additionally, since they were engaged for such a long period of time and her age can be easily researched from government records it is considered a visible blemish and we therefore assume that he knew her age and is merely looking for a pretext to break the shidduch.

1. שו"ת דובב מישרים ח"א סי' י"ג
2. גמ' חולין כד
3. שו"ת חלקת יעקב אה"ע סי' פ'
4. ע' גמ' בבא בתרא קיט ■

STORIES Off the Daf

Native Sons

"ולציון יאמר איש ואיש יולד בה..."

During World War I, Palestine was under Turkish jurisdiction and the Ottomans made life very difficult for the citizens. Press gangs would roam the streets arbitrarily drafting anyone in their wake. The conditions of these forcibly drafted soldiers were exceedingly difficult. They were subjected to hard labor, and since food was exceedingly scarce they were severely underfed.

These circumstances could all be circumvented by paying bribes to officials. However, there was one decree that

was exceedingly difficult to avert. The Turks declared that anyone not born in Palestine would be deported. This was more difficult to deal with than forcible conscription, since the only way someone born out of the country could get around this was to lie on the government forms.

Since everyone knew that Rav Yosef Chaim Sonnenfeld, zt"l, was very careful to avoid falsehood in any form no matter what it might cost, people were afraid that he would forbid people to lie on the forms. During those difficult times, simple honesty would result in the sundering of many homes. When someone ventured to ask the Rav's opinion about this issue, he surprised everyone in the Old Yishuv. "It is certainly permitted!"

"But why is this different from any other falsehood which the Rav prohibits?" the questioner asked.

Rav Sonnenfeld explained, "This is explicit in Kesuvos 75 on the verse, 'U'lTzion ye'amer ish v'ish yulad vah'—'And of Tzion it shall be said, each and every man is born therein.' The Gemara learns from the redundancy of word Ish, each and every man, that one who yearns for Tzion is as one who was born there. We see clearly that any Jew who yearns for Tzion is actually considered as one who was born in Tzion! So to write of those who came up to Tzion out of longing for her holiness that they were native citizens in no lie at all: it is a declaration of the absolute truth!" ■

