

HALACHA HIGHLIGHT

Does a Second Marriage Continue the First?

נדרו בו ביום ונתגרשה בו ביום והחזירה בו ביום אינו יכול להפר

If she took a vow on that day, she divorced on that same day, he remarried her that same day he may not revoke that vow

There was once a couple that married, divorced and remarried within the same year and they wondered whether the mitzvah that a chasan should give simcha to his wife applied. Do we say that since they are within the first year of their first marriage the obligation is still in place, or do we say that since they are now on their second marriage the mitzvah does not apply? Rav Eliezer Greiditz¹ wrote that the Mishnah² that says that "one who remarries his wife does not return from war" applies only when they lived together for a year following their first marriage. If, however, they divorced and remarried and are still within the year of the first marriage he would return home from war. The reason this is not recorded by other authorities is that it is so obvious. The B'tzeil Hachochmah³ disagreed with this conclusion because logic dictates that once they are divorced the original relationship is severed completely and the new marriage has no connection nor is it a continuation of the first marriage.

B'tzeil Hachochmah cites as proof to his position our Gemara that discusses the right of a husband to revoke his wife's vow on the day that he hears of it. The Gemara explains that if on the day the husband hears the vow they divorce and remarry, he is no longer able to revoke her vow, even though it is the same day. This clearly demonstrates that once they divorce their original relationship is completely severed and even if they remarry it is not considered a continuation of their first relationship. This principle is applied to all similar cases; therefore, whether the question is the authority of the husband to revoke a vow when they divorce and remarry on the day that he heard the vow or whether we are dealing with the question of the mitzvah on the husband to give his wife simcha during the first year of marriage we do not consider the second marriage to be an extension of the first marriage.

1. הגהות הגאון מהר"א מגריידיץ למשניות סוטה פ"ח מ"ג
2. סוטה פ"ח מ"ג
3. שו"ת בצל החכמה ח"ד סי' ע"ג

MUSSAR FROM THE DAF

Building a Love for Torah

הוא גברא דאיתסר דעלמא עליה אי נסיב איתתא כי לא תנינא הילכתא. רהיט בגפא ותובליא ולא אמצי למיתנא. אתא רב אחא בר רב הונא ושבשיה ואינסיב איתתא

The Gemara tells us a story of a man who decided he wouldn't get married until he learned "halacha." He declared a neder — apparently to motivate himself — stating that if he happened to get married without knowing halacha, he would be forbidding himself from any hana'ah in the world (which is obviously not practical). The story ends by telling us that he wasn't successful in learning the material.

The question one may ask is: What happened? Doesn't the Gemara in Megillah 6b quote Rav Yitzchak, who says: "If a person tells you, 'I toiled and did not find [success in Torah]' — don't believe him. 'I did not toil, and I found' — don't believe him. 'I toiled and I found' — believe him."

In chinuch, one can create all types of bribes and consequences for a child but still miss the goal of chinuch. The goal of chinuch is to create an inner world in the child — an inner world that has a desire and love of Torah and mitzvos. The same is true when we work on ourselves. We can bribe ourselves and impose all types of consequences on ourselves to motivate ourselves to do mitzvos. Yet if we haven't developed a proper inner world of ahava and yirah, we haven't truly developed our full selves to serve Hashem properly.

This person in the Gemara understood — for whatever reason — that he needed to know some basic level of Torah before he got married, so he decided to give himself a consequence to motivate himself. Yet it didn't work. He never had the ahava which, according to Rav Tzadok, is a precondition in that Gemara in Megillah. Rav Tzadok connects the "yagata u'matzasa taamin" to the pasuk in Mishlei (8:17): "אני אהבי אהב ומשחרי ימצאנוני" — "I love those who love Me, and those who seek Me early [out of eagerness] will find Me." Rav Tzadok reads "mesachrai" — those who rise early to seek — as those who toil specifically out of ahava, out of desire for the Torah itself.

We see from this story how one has to develop one's love of Torah — one needs a relationship to it, and to develop the ratzon to know all aspects of the Torah. Only then can one truly claim to toil in it, and "find it"!

POINT TO PONDER

אם רבי ישמעאל says that הפרה can only take place once the נדר takes effect. He brings a פסוק to support his position. Why does he need a פסוק? Isn't his position the obvious one, which means that the one arguing with him should need to prove it?

Response to last week's Point to Ponder:

Question:

The גמרא discusses the משנה regarding someone who knows that there is a concept called הפרה but isn't sure if this is a נדר. How is this different from the previous דף עה משנה דף עה which says that he doesn't have to know the נדר and can be מיפר in advance? Even according to the חכמים who say that he can't be מיפר in advance, nonetheless they agree that he doesn't need to know anything about the actual נדר.

Answer:

Although the person being מיפר the נדר doesn't need to know the details of the נדר, he must know that he is being מיפר a נדר. In our case he doesn't know that what he is being מיפר is a נדר altogether. (See אורה).