

13.2.6

24b (משנה ח) → 25a (קם ביה בקלא וליתיה)

1. הסר ממך עקשות פה ולזות שפתים הרחק ממך: משלי ד, כד
 2. הן גור יגור אפס מאותי מי גר אתך עליך יפול: ישעיהו נד, טו

I. משנה ח: Consequences of rumors

- a. *If* a man was rumored to be having an affair with a שפחה or עכר"ם, he should not marry that girl after she is liberated or converts, as per v. 1 (avoid creating reason for people to speak badly about you)
 - i. *If* he did marry her, we do not enforce separation
 - ii. *challenge*: why is such a conversion acceptable?
 - 1. *Per*: ר' נחמיה; invalidated all גיור unless conditions akin to contemporary, harsh times
 - iii. *Defense*: follows רבנן who disagree and allow non-ideologically driven conversions
 - iv. *Tangent*: גרים weren't accepted during "glory period", nor in future glory times, as per v. 2
- b. *If* a man was rumored to be having an affair with a married woman, they may not marry after she divorces
 - i. *If* he did marry her, we *do* force separation
 - 1. *דב*: only if there were witnesses to the dalliance
 - 2. *challenge*: ברייתא states that if such a case happened:
 - a. *first*: rumors circulate about a man and a married woman
 - b. *second*: she is forcibly divorced (הוציאוה)
 - c. *third*: she marries another man, who then divorces her
 - d. *fourth*: she marries the original "rumor" man
 - e. *consequence*: he is not forced to divorce her
 - f. *implication*: only due to the 'other man' interruption is she allowed to stay
 - g. *implication*: there were **no witnesses**, even so she may not marry "rumor-man"
 - 3. *defense*: there **were** witnesses in this case as evidenced by her being forced out (בי"ד)
 - a. *point*: if there are witnesses, even with an interrupting marriage, לכתחילה "rumor-man" may not marry her
 - 4. *challenge*: ruling that we don't force her to leave if she has sons from the 1st husband (supports the rumor, rendering them possible ממזרים); if עדים of her indiscretion come, even if she has sons from her 1st husband, we forcibly remove her from the "rumor-man"
 - a. *Implication*: we originally did not allow her to marry RM without עדים
 - 5. *defense*: our משנה is a case of her having sons and there are witnesses
 - 6. *defense* #2: our ברייתא is authored by רבי:
 - a. *ruling*: if a salesman (e.g.) is seen coming out of her house and the husband comes in to find circumstantial evidence of adultery, she must be divorced; i.e. without עדים she is still forced out
- c. *ruling*: רב הלכה follows רבי and רבי הלכה follows רב!
 - i. *Challenge*: contradictory rulings (do we require witnesses to force the RM to divorce her?)
 - 1. *Resolution*: כרבי הלכה: if it is an unceasing rumor:
 - a. 1.5 days without interruption: unless the interruption was due to fear of the parties
 - b. *Note*: rumor is only meaningful if the man has no known enemies
 - i. *Otherwise*: we ascribe the rumor to them
 - ii. הלכה כרב: if there is a "rumor-lite"; no coerced divorce without עדי טומאה
 - d. *Application*: משנה rules if a man divorces his wife due to (*inter alia*) rumor of adultery, he may not take her back;
 - i. *question*: if he takes her back, may she stay?
 - ii. *answer* #1: ר' נחמן: רבה בר ר' נחמן: case: our משנה; he divorced her (read: הוציאה) may not take back
 - iii. *rejection*: dissimilar:
 - 1. *index case*: the "suitor" marries her, which adds to suspicion;
 - 2. *application*: the husband takes her back, minimizing the rumor