

שבת קודש פרשת נצבים | מסכת כתובות דף ב'

INSIGHTS FROM OUR CHABUROS

Coming With a Claim

שאם היה לו טענת בתולים היה משכים לבית דין

The Mishnah rules that a woman should be married on a Wednesday if she had never been married before. The reason is that if the husband has any complaint whether the woman had committed adultery since the kiddushin, he would come to Beis din early the next morning, Thursday morning. Even if the husband would come and report his concerns, the Beis din would be dealing with a ספק ספיקא, a double doubt, and therefore be powerless to act upon his information. Even assuming that the husband was accurate in his report, Beis din would not know if the act took place before the kiddushin commenced or during the kiddushin period. And even if it occurred during the kiddushin, Beis din does not know whether it happened willingly or against her will. Therefore, Rashi explains that the purpose of the husband coming to Beis din is in order to publicize the situation, and perhaps the situation will later become clarified if witnesses who have information will come and testify about it. In the meantime, the testimony of the husband will not interfere with the husband and wife being allowed to remain together.

Tosafos argues and explains that the ruling of the Mishnah is designed specifically for the immediate impact of the husband's testimony in cases of a single doubt (ספק דאורייתא). This would be where the husband is a kohen (where whether or not the act was done willingly or against her will is not relevant, for in either case she is prohibited from her husband) where the only doubt is if the act took place before or during the kiddushin. Another case of a single doubt is where the father of the wife arranged for her engagement before she was three years old. Here, it is certain that her condition changed during the kiddushin, and the only question is whether it was done willingly or against her will. Nevertheless, although the only cases where the husband's coming to Beis din will be relevant is these two cases of single doubt, all women must marry on Wednesdays, even those who do not fit into these categories, as we do not make any distinction in the rule to marry on Wednesdays (לא פלוג).

STORIES OFF THE DAF

One Learns, One Doesn't

"תלי תניא בלדא תניא..."

Despite crushing poverty, many Chassidim in pre-war Poland would support their sons-in-law in learning as long as possible. It was hoped this would enable them to continue learning even when they were finally forced to engage in business to support their families.

One Gerrer chassid was supported for a time by his father-in-law. After a few years, the father-in-law experienced some setbacks in his business and had a harder time paying his son-in-law's way. He explained this to his son in law as gently as he could. "Unless my business picks up, I am afraid you'll have to find a means to support yourself."

Since this was a major life decision, the chassid decided to consult with his Rebbe, the Sefas Emes, zt"l. He asked, "Could it be that Hashem really want me to leave my beloved shtiebele and go into business so soon?" It was obvious that the young man was unhappy to lose such important years of spiritual growth.

"Does your shver learn?" asked the Rebbe.

"He is an upright person but he doesn't really know how to learn," answered the young man.

"In that case it's up to you!" the Sefas Emes exclaimed. "If you are careful not to waste time, Hashem will enable your shver to support you. This is can be understood from the Gemara in Kesuvos 2a: 'תלי תניא בלדא תניא.' Literally, this statement means: 'Why does he hinge a Mishnah which was taught on one which was not taught?' However this statement can also be understood to refer to your situation. 'תניא' means one who learns and 'לא תניא' means on who doesn't learn. 'תלי תניא בדלא תניא' thus means 'one who learns, one who really learns the way he should, will be supported by the one who doesn't learn!'"

ROSH HASHANA CONNECTION

In the beginning of מסכת כתובות the גמרא discusses the marriage of a בתולה. In this week's הפטרה the נביא says that our relationship with הקב"ה will be renewed and compares it to a man marrying a בתולה. The פסוק says: כי יבעל בחור בתולה יבעלך בניך ומשוש חתן על כלה ישיש עליך. The מלבי"ם explains that part of this prophecy's message is that our גאולה will be such that it will be as exciting as a new relationship, and not like a man taking back his divorcee. Perhaps this is also the message of ראש השנה which takes place after the month of אלול, whose sign is a בתולה, indicating our renewed relationship with the עולם של טובה. Wishing everyone a שנה טובה, with a truly renewed spirit for our relationship with הקב"ה!

HALACHA HIGHLIGHT

Paying for Communal Responsibilities

מצי אמר לה אנה הא קאימנא

Can he say to her, "I'm ready..."

It was customary in medieval times for communities to hire a chazzan and pay people to assure a minyan in town for the Yomim Noraim. The cost of these services was shared by the members of the community. It happened once that a man was out of town for the Yomim Noraim, and the other members of his household were females. The question arose whether this man was responsible to contribute to this expense. On the one hand, it could be argued that since he was not going to be home to benefit from the service he would not have to pay. Yet one could argue that as a member of the community he must contribute and it is irrelevant whether he would personally benefit from this service.

The Maharil¹ wrote that if the man's contribution is needed to make the minyan he is obligated to pay. The basis of this ruling is that Maharam of Rotenburg² ruled explicitly that the obligation to pay for the chazzan and minyan rests on those who are out of town the same as it rests on those who remain in town. Furthermore, since Maharam did not make a distinction related to when the person left town it would seem that there is no distinction to be made and regardless of when the person left town he is obligated to share this cost.

There is, however, one exception to this rule. If the circumstance were that the man wanted to return and be home, but due to war or other unavoidable circumstances he was unable to return home, he is a victim of unavoidable circumstances (אוצ) and is not be obligated to pay. Proof to this principle is our Gemara that relates that when a man makes a condition that his גט should not be valid if he returns by a particular date and due to circumstances beyond his control he cannot arrive, the גט is not valid. This exception is limited, though, to a case where the unavoidable circumstance was not the result of his doing. Therefore, if the reason he cannot return is because of debts or some similar type of self-afflicted circumstance he is obligated to pay.

1. שו"ת מהריל סי' ק"ז

2. מובא במדכי ב"ב סי' תע"ה-תע"ט

MUSSAR FROM THE DAF

Working Towards Connection

שקדו חכמים על תקנת בנות ישראל, שיהא טורח בסעודה

The Gemara tells us that Chazal were concerned about Bnos Yisroel, so therefore they made a תקנה which mandates that the חתן should be נטריח for the Wedding seudah for three days.

Why do Chazal put such an emphasis on the חתן working tirelessly for three days for the Seudah? Is the goal the Seudah or something else? And why can't somebody else help with the Seudah and it could be completed in one or two days? It seems like Chazal דוקא want him to spend three days slaving away for the Seudah.

Perhaps Chazal were concerned about the Bnos Yisroel and what type of marriage they would have. In their ingenuity, Chazal understood that if the future husband spends three days slaving away to prepare the seudah, this would present the girl with the optimum chance of having a successful marriage.

When a person invests their "sweat equity" into a project, they feel a greater connection to the project. In this manner, the future husband will be much more invested in the marriage. He will feel much more ownership over the marriage and be more motivated to do whatever it takes for it to be successful.

The בעלי מוסר teach that everything follows the beginning. As this is the lead up to the beginning of the marriage what better way to train the husband that he has a responsibility to work hard for his wife in every arena.

This Gemara is a reminder for all husbands that working hard for one's wife in all areas is not just a discretionary activity, rather a daily obligation.

POINT TO PONDER

The Gemara says that Sunday is not a good day for marrying a בתולה, even though there is בית דין on Monday, because of שקדו. Meaning that חכמים wanted to give the husband enough time to prepare. Does this mean that you need a full three days to prepare, or you only need one or two days, but since Sunday doesn't give us enough time it automatically jumps to Wednesday?

Response to last week's Point to Ponder:

Even though אשה involves a monetary aspect (i.e., כתובה) the first and arguably main question is about the woman being an איש, so how can we ignore that and only focus on the כתובה?

Since all דינים require דרישה וחקירה מדאורייתא and the חכמים nevertheless instituted that it is not required for monetary disputes, we need to assess whether this case is more comparable to דיני מחון or דיני נפשות. Additionally, there is no דיני נפשות now, although it may become an issue in the future. (See רשב"א, ריטב"א).

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, dafaweek.org, or download the app

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