

**שבת קודש פרשת ויגש | מסכת כתובות דף ט"ז**

לע"נ בילה שרה בת אפרים הכהן

**INSIGHTS FROM OUR CHABUROS**

**Follow the Majority**

**כל קבוע כמחצה על מחצה דמי**

The **T**he משנה says that if a woman says she that when she got married she was a בתולה and deserves 200 and the husband says she was an אלמנה and she is only entitled to 100, we believe the husband if there are no עדים. The גמרא says this must be against ר"ג because ר"ג would say that the wife is believed. רש"י explains that this is because the woman has a חזקת הגוף which supports her claim. Later the גמרא asks that even according to יוסי ר' why we don't believe the wife based on טוב since רוב נשים בתולות נישאות? רוב says that this question must only be against רב who holds you can be רוב ע"י רוב, but according to שמואל whom we pasken like one could not be ממון based on רוב alone. The בעל המאור disagrees and says that the גמרא's question is even according to שמואל since in addition to the טוב the woman also has a חזקת הגוף to back up her claim, and רוב וחזקה is enough to be ממון. The רמב"ן makes a critical point about this. The רמב"ן takes issue with the premise of both the רש"י mentioned earlier and the בעל המאור that there is a relevant חזקה here. He says that a חזקה that works is a חזקת כשרות that most women are not מזנה. However, the issue here is not whether she was מזנה or even if she was a בעולה. The issue is only if she had been a נשואה to anyone prior to her marriage. After all, even a נבעלה ולא נבעלה who gets divorced and is still a בתולה only gets a כתובה of 100 when she remarries. So her חזקת הגוף is not relevant, and there is no חזקה that a woman doesn't marry. In fact, women are expected to marry. So there is no חזקה to speak of here. The פני יהושע asks that what the רמב"ן said can't possibly be true because if it were then why did the גמרא suggest that our משנה wasn't like ר"ג? According to the רמב"ן there is no חזקת הגוף in our משנה and ר"ג only believed a woman because of her חזקת הגוף. The סופר here answers that according to the רמב"ן the גמרא understood in it's question that if ר"ג held that a ברי וחזקה is enough to be ממון then certainly a ברי ורוב should be enough since רובא וחזקה רובא עדיף, to which the גמרא answers that ברי וברי is different.

**STORIES OFF THE DAF** **Gladdening the Bride and Groom**

**"כיצד מרקדים לפני הכלה..."**

**R**av Yosef Chaim Sonnenfeld, zt"l, was known to truly cherish the great mitzvah of making a chosson and kallah happy at their simchah. Whenever he would attend any wedding, he would always make sure to sing and dance a great deal with a lot of enthusiasm and vitality.

When the Rav grew older, even though he could no longer dance as he used to, he would still tell others to dance. He would stir up the dancers so that their rejoicing would be the way it ought to—so that it could gladden the hearts of the new couple. Rav Yosef Chaim would always say, "In Kesuvos 16b the Gemara asks: keitzad merakdin lifnei hakallah? This is generally translated as, 'How does one dance before the bride?' But the word merakdin doesn't only mean to dance. The proper word for dance would be rokdin. The word merakdin actually means to cause others to dance. This is why I am so careful to make sure that the dancing is up to par even though I myself am no longer capable of dancing much. I thus fulfill the mitzvah of being meraked, of being mesameach, of bringing joy, to the chosson and kallah!"

Once, the Sar Shalom of Belz, zt"l, commented on this avodah. "The Gemara asks: מרקדים לפני הכלה how should one dance before the bride? If you look, you'll find that the first letter of each of these words spells HaMelech. This teaches us that a person can dance before the kallah with the same attitude and the same devotion to Hashem as experienced by the chazzan as he intones HaMelech during the Yomim Noraim!"

**PARSHA CONNECTION**

**This week's daf** discusses the concept of קול as proof of a lady being a בתולה when she got married. Similarly the פרשה tells us that a קול was heard in the house of פרעה regarding יוסף's brothers. The פסוק says: "ויעניו פרעה ובעיניו עבדיו" "והקל נשמע בית פרעה לאמר". The word עבדיו looks like it's missing a ב, it should have said meaning in the house, but instead it says that the קול was heard "house Pharaoh"? The מדרש תנחומא writes that the קול refers to the sound of יהודה yelling, when he realized that the ruler was יוסף. Yehuda's yell was so loud that it caused the walls to fall and יוסף ופרעה to fall off their chairs. This is why the possuk says that the sound was heard by the house of פרעה, because it refers to the actual walls. The פסוק continues with the word לאמר, which also seems out of context since the קול does not appear to be relaying a message to others? The הקודש explains that the full message was יוסף באו אחי יוסף, but it did not include the fact that they sold him. This is why the פסוק continues that the message found favor in the eyes of פרעה and his servants. Had they also known that Yosef's brothers had sold him, they would not have been happy.

## HALACHA HIGHLIGHT

Look at the Kallah?

אם יש עדים שיצתה בהינמא

*If there are witnesses that she went without a veil*

**A**vnei Miluim<sup>1</sup> cites the Maharit who related that one time there was a wedding, and since the bride's face was covered, the witnesses did not see her. The Maharit's father ruled that the kiddushin was not valid since the witnesses could not identify the bride and therefore required the couple to perform another kiddushin. Avnei Miluim, as well as Pischei Teshuva<sup>2</sup>, disagreed with this conclusion and maintain that it is not necessary for the witnesses to see the bride since there is a presumption (חזקה) that the bride is the one who is accepting the kiddushin. Teshuvos Chessed L'Avrohom<sup>3</sup> agreed, in theory, with Avnei Miluim but wrote that since nowadays the presumption is based on the testimony of women, who do not have credibility in this matter, there is no legal presumption to rely upon. Therefore, he writes that the witnesses should look at the bride's face sometime before the kiddushin.

Teshuvos Beis Shlomo<sup>4</sup> also addressed a rov who, based on Maharit, ruled that the witnesses should look at the bride's face before the kiddushin to be able to testify who accepted the kiddushin. Beis Shlomo criticized this ruling in very sharp terms and wrote that one should not deviate from the ruling of Rema<sup>5</sup> who wrote that the custom is to cover the face of the bride. The Mishneh Halachos<sup>6</sup> also wrote that the custom is for the bride's face to remain covered. Furthermore, if witnesses do look at the bride's face perhaps they should be disqualified from serving as witnesses for violating the prohibition against gazing at women.

On the other hand, Rav Moshe Shternbuch<sup>7</sup> writes that the Brisker Rov, insisted that the witnesses look at the bride's face before the kiddushin and he writes that the custom is to look at the bride before the veil is pulled down over her face.

1. אבני מילואים סי' ל"א סק"ד
2. פת"ש שם סק"ה
3. שו"ת חסד לאברהם מהדור"ק אה"ע סי' כ'
4. שו"ת בית שלמה אה"ע סי' ט'
5. רמ"א אה"ע סי' ל"א סע' ב'
6. שו"ת משנה הלכות ח"ד סי' ל"ד
7. שו"ת תשובות והנהגות ח"ד סי' רפ"ז

## MUSSAR FROM THE DAF

More Than Words

תנו רבנן: כיצד מרקדין לפני הבלה

**T**he Gemara asks how one should dance in front of Kallah. It then brings the machlokes of Bais Shammai and Bais Hillel concerning how far one can go in praising the Kallah.

Shouldn't the Gemara have asked "how does one praise the Kallah?" since based on their responses that appear to be the question that Bais Shammai and Bais Hillel address?

In 1971, Professor Albert Mehrabian, a Professor of Psychology at UCLA did a study and concluded that in any conversation 7% of the information was gleaned from the word itself, whereas 93% of the information was nonverbal. That nonverbal component included body language 55% and tone of voice 38%.

When we speak to others, we are giving off all kinds of messages from our nonverbal communication.

Perhaps that is the pshat in our Gemara. Bais Hillel and Bais Shammai were discussing how important nonverbal communication is when one is dancing in front of the Kallah. It is a very sensitive time and therefore, one has to be careful regarding the message of one's body language.

When we welcome our kids home or are listening to a loved one, they are subconsciously picking up on our body language. If our whole body (eyes, tone of voice, body, etc) is giving off the impression that we care about them and what they say, we will successfully be able to build our most important relationships.

## POINT TO PONDER

רש"י ד"ה הבעל מהימן writes that we do not say that a woman has a חזקה of being a בתולה due to her הגוף. Since the debate is over the amount of her כתובה, how can the חזקת הגוף help her? Even if she was still a בתולה when she got married, her כתובה may be only a מנה if she was a אלמנה or גרושה מן האירוסין. The husband is not saying that she wasn't a בתולה, he is just saying that she was a אלמנה.

### Response to last week's Point to Ponder:

Why can't we assume that the child of a pregnant woman whose father is unknown is כשר because of a ספק ספיקא? Did he go her which would render the child כשר, רוב כשרים if כשר, and even if she went to him warranting the דין of קבוע, there is still a ספק if the father was כשר or פסול.

The קידושין דף עג in ריטב"א and רשב"א assume that this would be a ספק ספיקא and the only time when we would not rely on it would be if we knew for sure that she went to him. However, the שב שמעתתא ד' כג writes that since there is only one ספק, about who was with her, it is not considered a ספק ספיקא.

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, [dafaweek.org](http://dafaweek.org), or download the app

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