

# שבוע Matters

THE DIMONT FAMILY EDITION

לע"נ אסתר אביגיל בת חיה רבקה וצימורה רחל בת אסתר מחלה

## שבת קודש פרשת עקב | מסכת כתובות דף מ"ז

In honor of the birth of a son to Rabbi and Mrs. Zacharia Adler

### INSIGHTS FROM OUR CHABUROS

#### Getting Married on Shabbos or Yom Tov

**R**av Huna teaches that the rights to the earnings of a daughter belong to the father. This is true regarding a daughter who is a minor, as well as for a daughter who is a נערה. Regarding a minor daughter, this fact is derived from the fact that the father can sell her as a maid-servant. The Gemara probes to identify the source for this right of the father regarding a נערה. The first suggestion is that the very fact that a father has the right to marry off his daughter as a נערה and to designate her to go to the חופה indicates that the father has control over her productivity. Otherwise, if her time and effort were fully hers, the father would not have the ability to demand her time to go to the חופה.

Rav Achai challenges this. He contends that although the father can arrange for his daughter to go to the חופה, the case could be where the father would be expected to compensate his daughter for her lost time. Or else, perhaps the father is only permitted to arrange the חופה to take place on Shabbos or Yom Tov, an hour when no one is allowed to be performing work.

Tosafos notes that the Gemara in Moed Kattan (8b) teaches that the Torah prohibits conducting a wedding on Chol Hamoed or on Yom Tov. How then, can our Gemara consider a case of a wedding taking place on Yom Tov? The case must be where the wedding itself takes place the afternoon before Shabbos or Yom Tov commences, and the wedding banquet then is held that evening, once Shabbos or Yom Tov begins. The hours before Shabbos or Yom Tov begins are a period when work is generally not done, and the father would be able to arrange the חופה at this time.

### PARSHA CONNECTION

**In this week's daf** the גמרא discusses the תקנה whereby a husband is obligated to provide for his wife's sustenance in exchange for her earnings. We find a very similar concept in the פרשה, where the תורה tells us, that if we do רצון והקב"ה and perform his מצות, he will provide for our needs. This theme is repeated multiple times in the פרשה including the second פרשה of שמע which ends with the following: למען ירבו ימיכם וימי בניכם על האדמה אשר נשבע ה' לאבותיכם ה' לאבותיכם על הארץ. לתת להם כימי השמים על הארץ. What do the words על הארץ mean? The אלשיך הקדוש quotes a ירושלמי in ברכות פרק א' as follows: רבנן אמרין כשני אבות הראשונים (דברים יא) כימי השמים על הארץ וכשם שבין הארץ לרקיע מהלך חמש מאות שנה כך בין רקיע לרקיע מהלך חמש מאות שנה ועוביו מהלך חמש מאות שנה. The ירושלמי explains that it's a reference to two things, one is the distance between the earth and the sky which is 500 years, and the second is the years of the אבות which is also 500. (The total is actually 502; 180+175+147 but the first two years of אברהם's life are not counted because for those years he had not yet recognized the הקב"ה). How are the years of the אבות relevant to this ברכה? The אלשיך הקדוש offers the following insight. The זוהר on the possuk בא בימים explains that "coming with days" means, that he lived productive days, and each day is now coming with him, because there are accomplishments attached to each day (תורה ומצות). This is the ultimate ברכה of ימיכם, meaning that we shall have many "good" days filled with accomplishments, and not "empty" days. For this reason the years of the אבות are mentioned because we want days like they had. May we all merit this ברכה!

### STORIES OF THE DAF

#### The Pain of Remorse

דמסר לה בליליא אי נמי דמסר לה בשבתות וימים טובים

**R**av Yitzchak Blazer, zt"l, one of the four original disciples of Rav Yisroel Salanter, zt"l, would deliver very stirring mussar lectures during the month of Elul, especially on motzei Shabbos after nightfall. These talks were so inspiring that many were moved to tears. Who could withstand his message after such a great gaon and tzaddik had applied the lesson to himself and his own "flaws," and would then weep copiously in regret for his "misdeeds?" Who among the listeners wouldn't be aroused to repent? He would say Boruch Hamavdil before beginning his lecture so as not to and weeping during tosefes Shabbos, since this is presumably prohibited just as it is on Shabbos unless the blessing has been made. (See Rema Orach Chaim 285 and Mishnah Berurah there, #4). Toward the end of his life, Rav Yitzchak Blazer had a change of heart and would give his motzei Shabbos drashos without saying boruch Hamavdil first.

When Rav Shlomo Zalman Auerbach, zt"l, was asked about this, he commented, "Presumably the Gaon changed his mind since it was only tosefes Shabbos, which has less sanctity than Shabbos. We learn this from the Gemara in Kesuvos 47a where we find that some entertain the idea that a father may send his daughter to the chuppah on Shabbos or Yom Tov night when labor is prohibited. Tosafos questions this by bringing a statement from Moed Katan 8b that it is prohibited to marry during the moed since this is mixing the simchah of Yom Tov with the simchah of matrimony. Tosafos resolves the issue by stating that Kesuvos is discussing a case where one made the chuppah during tosefes Yom Tov, when the requirement to be happy with the joy of Yom Tov alone does not apply. Apparently, just like Rabbinic prohibitions are permitted during tosefes Shabbos, it is also permitted to inspire tears of remorse once it is already tosefes Shabbos."

Rav Auerbach concluded, "However, this is not really clear at all. Arousing crying and pain are so completely the antitheses of the spirit of Shabbos that perhaps this is prohibited during tosefes Shabbos as well! Perhaps they are like actual Torah-level labors that all agree are prohibited until after a person has said boruch Hamavdil!" (See Orach Chaim 299:10)

## HALACHA HIGHLIGHT

### The Son-in-Law who Leaves Learning

שלא כתב לה אלא על מנת לכונסה

*He only wrote [that he would give] her [the supplementary amount] on condition that they would marry*

**R'**Elazar ben Azaryah maintains that if a groom dies before his marriage his estate does not have to pay the bride the supplementary amount of the kesubah (תוספת כתובה). The reasoning is that it is assumed that the groom included the supplementary amount only on the condition that they would marry. Tosafos<sup>1</sup> challenges this ruling because according to this logic, if a man bought a cow from his friend and it died before the buyer had an opportunity to use the cow, the sale should be nullified because we can assume the buyer bought the cow with the intention to use the cow and not that it should die. Tosafos answers that when it comes to purchasing an animal, a person knows that there is a chance the animal may die before he will use it and people nonetheless are willing to accept that risk. This is not the mindset of a person who is interested in marrying a woman. He does not think of the possibility that one of them may die, and his commitment is completely dependant upon the marriage. Therefore, if one of them dies before the wedding, there is no obligation to pay the supplementary amount.

This discussion of Tosafos forms the foundation for the discussion in the Poskim related to presumptions (אומדנה). For example, Divrei Gaonim<sup>2</sup> cites Teshuvah Haradam who addressed the following question. A man accepted upon himself the responsibility to financially support his daughter and son-in-law for three years. In the middle of that time the father wanted to withdraw his support with the claim that his acceptance was made with the understanding that his son-in-law would study Torah full time. Now that he no longer learns full time and has entered the business world it should not be his responsibility to continue to provide financial support for the young couple. Teshuvah Haradam ruled that since this condition was not stipulated at the time the agreement was made and there is no presumption that that was the father's intent, he cannot change the terms of the arrangement in the middle of the agreement and he is obligated to continue to provide financial support to his children.

1. תוס' ד"ה שלא כתב לה  
2. דברי דאונים כלל נ"ה סי' י"ב

## MUSSAR FROM THE DAF

### Do Your Part

חייב במזונותיה וכו'. תנו רבנן: תיקנו מזונותיה תחת מעשה ידיה, וקבורתה תחת כתובתה, לפיכך בעל אוכל פירות.

**T**he Gemara tells us that the Rabbanim instituted that a husband has to provide mezonos for his wife in exchange for his right to her מעשה ידים.

This Mishna makes the marriage relationship seem more of a business relationship than a loving relationship. It seems to imply that there is no true giving for the sake of giving and a marriage is just another example of quid pro quo?

The Gemara later on Daf 58b seems to imply that Chazal instituted the various obligations and rights of the husband and wife משום איבה. This also seems odd. Usually when one thinks of איבה, one thinks of a fear of how non Jews will relate to us C'V. How is that an issue in a marriage?

Chazal were very practical in their understanding of people and the mechanics of relationships. In a perfect world, both spouses would be giving to each other simply because they love each other. However, relationships are not always so simple. There are times when one spouse may be giving substantially more in a certain area. If they don't feel that the other spouse is doing "their part," that spouse may begin to develop a feeling of resentment (איבה) which can grow and grow C'V. Therefore a spouse has to be sensitive to this concern. If they see the other spouse doing much more than them in certain areas, they must try to contribute their "fair share" so that the other spouse doesn't begin to feel resentful. This is a כלל in all relationships (business partners, colleagues etc) and the sensitivity that chazal had in our sugya can be therefore applied in many different types situations.

## POINT TO PONDER

**The Gemara says** כתב לה פירות כסות וכלים which says, תאמר אולי עמה וכו' it is listing things that are tangible and currently in existence. How about non-tangible assets? For example if someone owes her money and will pay in the future. Is this included in the כתובה?

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

The משנה says that a father is entitled to his daughter's קידושין. It then says זכאי במציאתה וכו'. Why did the משנה repeat the word זכאי, instead of just continuing to list the items that he is entitled to?

The משנה wanted to separate the זכות מציאה from the prior list, because מציאה is not מזינה but rather משום איבה whereas the others are מזינה. (See שיטה מקובצת).