

**שבת קודש פרשת כי תבא | מסכת כתובות דף נ"א**

**INSIGHTS FROM  
 OUR CHABUROS**

**Redeeming and  
 healing one's wife**

אמר הרי גיטה וכתובתה ותרפא את עצמה, רשאי

If a woman becomes ill, part of the kesubah agreement is that the husband is obligated to obtain and pay for medical care to heal her. If the woman is captured, the husband is required to redeem her. There is, however, a peculiar difference between these cases. If the woman is captured, the husband cannot abrogate his responsibility by presenting the woman with a divorce, and thereby declare that she must now redeem herself. This is not the case regarding a case where the woman becomes ill. In this case, the husband may divorce her and inform her that it is now up to her to seek medical treatment on her own. In this case, the husband is legally within his rights to walk away from his sick wife. Once the couple is no longer married, the ex husband is no longer responsible for her support or medical care. What is the reason for the difference between these two cases?

While the couple is still married, medical care for the wife is included in the husband's commitment to support her and provide her with adequate sustenance. The husband provides this benefit in consideration for the woman's surrendering her income from any work she does. Now that they are no longer married, and the woman is not paying her husband the income she earns, he is not obligated to support or to heal her.

Redeeming one's wife, however, is a kesubah responsibility independent of what the woman provides to her husband. This promise becomes an obligation from the moment she is captured, and the husband cannot walk away from it by divorcing her.

Raaved cites a Sifrei which teaches that a master who owns a Jewish maidservant who becomes ill cannot dismiss her while she is suffering an illness, and he must first nurse her back to health. This should certainly be the case, he says, in regards to a Jewish wife. Ran explains that our Mishnah, therefore, is dealing with a case where the woman is not ill enough to be confined to bed.

**PARSHA CONNECTION**

In this week's daf the משנה discusses what happens if a husband does not write his wife a כתובה or he left out certain details from the כתובה. Similarly in פרשת כי תבא we find the fascinating phrase of: **הזאת יעלם יהוה עליך עד השמורך גם כל חלי וכל מכה**. **אשר לא כתוב בספר התורה**. What does the תורה mean when it says, "not written in this ספר תורה"? The אלשיך הקדוש explains that when we look at the previous קללות they are very specific and include references to plagues which are familiar to us, for example it says: **והשיב בך את כל מזוה מצרים אשר יגרת מפניהם ודבקו בך**, which are specifically known to us from מצרים. Why is it important to add that the מכות are known to us? Also why does it add **ודבקו בך**? Obviously if a person were to experience these plagues they would be upon them. The answer is that **הקב"ה** is warning us not to think that these events are just a coincidence and are not specific punishments for our sins. Therefore it says **ודבקו בך**, meaning onto you and not onto your non-Jewish neighbors, which is a sign that they are meant specifically for us. Similarly, **תוכנו** which we saw in **סירצו** are a sign that they are not a random coincidence. Once we understand that everything is from **הקב"ה** and meant to remind us to do תשובה, than even those plagues which were not mentioned will be understood as coming from **הקב"ה**. This is why it says **"אשר לא כתוב בספר התורה הזאת"**.

**STORIES  
 OF THE DAF** King of Thieves

גבי אחשוורוש לסטים הוא גבי לסטים דעלמא  
 מלך הוא

When the agreements of "land for peace" finally materialized and Yasser Arafat י"ש became chairman of the Palestinian Authority, someone pointed out that this was a perfect opportunity to make the blessing **חלק מכבודו לבני אדם אשר** over a true monarch. Arafat definitely had the power to execute whomever he wished and the fact that most heads-of-state today do not have this power makes the opportunities to make this blessing very rare indeed. His undisputed wickedness should not have any bearing on one's ability to recite the blessing, since one makes it whether the gentile ruler in question is righteous or wicked. Presumably, it could be a mitzvah to go to Gaza to see the Palestinian chairman!

However, it was clear that one cannot possibly take such a radical step without verifying that it is the proper course of action with a reliable posek. This question was brought before Rav Yitzchak Zilberstein, shlit"a, who wrote back, "I consulted with my esteemed brother-in-law, Rav Chaim Kanievsky, zt"l. He said that this is similar to the case of Ben Netzer, the notorious bandit king mentioned in the Gemara Kesuvos 51b. Although he was a king, compared to Achashverosh he was merely a bandit. Rashi explains that he was a bandit who captured entire cities and ruled over them and became the king of thieves and murderers."

On the basis of this teshuvah, the author of the Davar B'to wrote, "It is prohibited to travel to Gaza or Jericho to witness the honor accorded to Arafat י"ש so as to be able to discern between a Jewish king and a non-Jewish king. It would be a ברכה לבטלה. "Because Arafat was no king; he was merely the ruler of a "thugocracy" of thieves and murderers, just like Ben Netzer.

## HALACHA HIGHLIGHT

### Prohibiting a woman to her husband

פי שלא נתפשה מותרת ואיזו זו שקידושיה קידושי שאף על טעות

*Even though she was not forced [to have an adulterous affair] she is permitted to her husband. And who is this? A woman whose kiddushin was performed in error.*

**W**hat is the status of a woman who, while her husband was out of the country, intended to commit adultery only to later discover that her husband was already dead at the time she thought she was being unfaithful? Sefer Mutzal Mai'eish<sup>1</sup> questions whether this woman is prohibited to the adulterer under the halacha that a woman who is unfaithful becomes prohibited to her husband and the adulterer. In this case one could argue that since she intended to behave unfaithfully she should be prohibited to the adulterer. On the other hand, one could argue that since it turned out that she was a widow at the time there is no basis to prohibit her to the adulterer since he is not, in fact, an adulterer. The Birkei Yosef<sup>2</sup> proved from our Gemara that reality, not intent, is what determines the halacha and in this case since it was discovered that she was not married at the time of her adultery she is not prohibited to that man.

Rav Moshe Feinstein<sup>3</sup> addressed the opposite case. There was once a woman who remarried as a widow and after this wedding it was discovered that she had another husband, besides the one who died, who had never given her a get. They convinced that first husband to give her a get, but the question still remained whether this woman is prohibited to her third husband now that we discovered that she was still married to the first husband. In other words, since she was never divorced from her first husband, her second and third marriages are in reality adulterous affairs and seemingly she should be prohibited to him since he is an adulterer.

Rav Moshe initially commented that in an incident such as this it is not considered as if she was adulterous since she was under the impression that she was permitted to marry. He hesitated to rule leniently in this particular incident since he found it difficult to believe the reason given by this woman to explain why she thought she was divorced.

1. ספר מוצל מאש סי' מ"ו.
2. ברכי יוסף אה"ע סי' י"א סק"ה.
3. שו"ת אגרות משה אה"ע ח"א סי' נ"ד.

## MUSSAR FROM THE DAF

### A Foundation of Trust

לא כתב לה וכו'. אמר אבוה דשמואל: אשת ישראל שנאנסה — אסורה לבעלה. חיישינן שמא תחלתה באונס וסופה ברצון

ופליגא דרבא. דאמר רבא: כל שתחלתה באונס וסוף [ברצון, אפילו] היא אומרת: הניחו לו, שאלמלא (לא) נזקק לה היא שוכרתו, מותרת. מאי טעמא — יצר אלבשה

**T**he Shaylas vTeshuvos Chasan Sofer Siman 202 brings a question concerning a person who was forced to eat Treif from his captors. He explains that at the end, he began to have enjoyment from the food and wanted to know if he had to do teshuva for enjoying the non-kosher food. The Chasan Sofer explains that even in our Gemara according to דְּשִׁמוּאֵל אָבוּה: when a woman is forced, if she is וְסוּפָה בְּרָצוֹן, this is only a problem in a marriage relationship. A marriage relationship is based on trust, and when a person does an action that is clearly a break in the trust underlying that relationship, the relationship is destroyed and can never be repaired. The source is the Mahrik who explains that even though in all cases of halacha, one who says אומר מותר has a din of a שוגג, in the case of a woman who says מותר with another man, nonetheless she cannot continue her relationship with her husband because she has broken the obvious trust that every relationship is built on. Therefore, the Chasan Sofer said to this person who ate the non-kosher food, does not have to do teshuva as that din of דְּשִׁמוּאֵל אָבוּה is only applicable in a marriage relationship.

We see here a very practical מוסר for relationships. While one side may do something that מותר מתיקרה הדין, they have to understand the future consequences of their actions and how they can have devastating effects on a relationship. Therefore, one cannot just think about the עיקר הדין when contemplating one's actions, one has to fully contemplate how one's actions could have underlying damage to the foundation of trust upon which the relationship is built.

## POINT TO PONDER

The Gemara says that according to אבוה דשמואל if a lady is forced into living with someone other than her husband we suspect that it wasn't completely באונס. The גמרא than says "ופליגא דרבא" who says that as long as the beginning was אונס she is מותרת. Since רבא is clearly arguing, why doesn't it just say אמר רבא? Usually the גמרא uses the expression of ופליגא only where the argument isn't obvious and has to be deduced.

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

The Gemara says that one who spends a lot on צדקה, should not spend more than a fifth. Is this referring to a certain time frame, for example one fifth every year? Second, if this refers to a fifth of his assets in a year, wouldn't he have the same problem after a few few years whereby there will be too little left for him?

The ירושלמי explains that when a person first earns the money he should give not more than a fifth of the principal to צדקה. The next year he should give מעשר (or up to one fifth), from earnings derived from the principal, but not from the principal itself. (See ר"ן).

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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