

שבת קודש פרשת בראשית | מסכת כתובות דף נ"ז

INSIGHTS FROM OUR CHABUROS

Defining the dispute

מאי קא משמע לך? הא קא משמע לך דפליגי תרי אמוראי אטעמא דנפשייהו ולא פליגי תרי אמוראי אליבא דחד אמורא

In general, when an argument in the Gemara can be explained in one of two ways, Rav Pappa notes that there is a preference to explain it in a manner which avoids saying that one of the opinions is outright mistaken. In this case, the Mishnah discusses a case where a woman forgoes the full amount of her kesubah, but she does so only verbally, and not in writing. At what point can she retract her willingness to release the husband from paying the entire kesubah, if at all? The Baraisa (56b) featured three opinions. Rabbi Meir stated that no reductions are allowed at all. Rabbi Yose allowed the kesubah to be diminished verbally, and Rabbi Yehuda allows it only if done in writing. The Gemara cites Rav Dimi who quotes Rabbi Yehoshua ben Levi. He explains that Rabbi Yehuda and Rabbi Yose discuss only when the woman expresses her position "at the beginning," but "at the end" even Rabbi Yose agrees that her willingness to diminish the kesubah must be done in writing. Rabbi Yochanan expresses an opinion that the argument in the Baraisa applies whether "at the beginning or at the end." Ravin then comes and he, too, explains the Baraisa. He says that the argument between Rabbi Yehuda and Rabbi Yose pertains only when the woman expresses her position "at the end," but "at the beginning" all require that the woman can express herself verbally. The Gemara notes that depending on how we define "beginning" and "end," Rabbi Yehoshua and Rabbi Yochanan do not disagree at all. Rav Pappa accepts the statement of Rabbi Avahu that Rabbi Yehoshua ben Levi and Rebbe Yochanan do not argue. The lesson of Rav Pappa, however, is that it would have been better to explain the issue in the Baraisa differently than did Rabbi Avahu. According to Rabbi Avahu, two Amoraim (in this case, Rav Dimi and Ravin) argue regarding the words of a third Amora (Rabbi Yehoshua ben Levi). One says that Rabbi Yehoshua holds that the dispute in the Baraisa is "in the beginning," while the other says that Rabbi Yehoshua holds that the dispute in the Mishnah is "at the end." Rav Pappa felt that this is too drastic of a difference, where the words of Rabbi Yehoshua are presented in two extreme versions. Rav Pappa felt it would have been better to say that Rabbi Yehoshua and Rabbi Yochanan argue about the logic of the situation (in this case, at what point the woman can agree verbally to diminish her kesubah, and when it must be done in writing). Nevertheless, Rav Pappa did accept the explanation of Rabbi Avahu.

PARSHA CONNECTION

In this week's daf the גמרא says that an ארוסה cannot eat תרומה because we are afraid that she will give some to her brother and sister, who are not תרומה. The first time that a lady shared food with a man is when אדם הראשון gave חוה the fruit from the העץ הדעת. ותרא האשה כי טוב העץ למאכל וכי תאוה הוא says: בראשית פרק ג פסוק ו חז פסוק. לעינים ונחמד העץ להשכיל ותקח מפריו ותאכל ותתן גם-לאישה עמה ויאכל. What does the פסוק mean when it says that "she saw that the tree is good to eat", how can one SEE that a fruit is tasty? The אלשיך הקודש as well as the כלי יקר explain that this is the typical debate that everyone has with temptation. Looking at the immediate pleasure that one can visualize as opposed to the punishment which can't be seen right now. The אור החיים הקדוש offers a different, fascinating explanation for this פסוק, based on the assumption that this tree was an אתרוג. Every tree except the אתרוג has a bark which is not edible. The אתרוג is the only tree that has the property of שוה עץ ופריו שוה, טעם עץ ופריו שוה, meaning that the bark tastes the same as the fruit. חזקוני first tasted the "tree" which is why it says העץ למאכל כי טוב, and when she saw that the עץ is tasty, she then took from the fruit because she saw from the tree that the fruit was tasty.

STORIES OF THE DAF **The Biggest Miracle**

"השתא מדידהו ספו ליה..."

For about five years during the time when the Tchebiner Rav, ז"ל, served in Tchebin, the Kedushas Tzion of Bovov, ז"ל, also lived in the town. When the Rav married off his children, he naturally extended an open invitation to the Rebbe. The Rebbe decided to attend a sheva brachos that the Rav made in his house. When the Rebbe arrived with his entourage, he took out some money and gave it to his son-in-law and said, "Send one of the young men to purchase beer for drinking."

When the Rav, who was quite wealthy during his tenure in Tchebin, heard this, he said, "I am בעל שמחה here and I already purchased the drinks. Why has the Rebbe sent out for more?"

The Bobover Rebbe answered, "I am sending out for drink because of the Tosafos who write that it is the way of a guest to give משקה to the people of his host's household." The Rav, who was known to have encyclopedic knowledge of Shas, immediately said, "There is no such Tosafos!" Although the Rebbe was known to be a prodigious scholar himself, he was silent and did not try to defend his position further. When the Rav was later reviewing Kesuvos 57b, he learned the last Tosafos on the daf. To his surprise he saw that Tosafos says there that the way of a guest is to provide משקה to the host's household to find favor in their eyes. The Rav was so impressed with the scholarship of the Kedushas Tzion that the very next day he told the entire story to the bochurim in his yeshiva.

He concluded by saying, "Some Rebbes are known to do great miracles, but to me the Kedushas Tzion's ability to be silent about the fact that he was correct is worth more than many מופתים!"

HALACHA HIGHLIGHT

Lost access to the kesubah

אירכס כתובתה ... זיל כתוב לה

Her kesubah became lost ... go and write [a new kesubah] for her

Teshuvos Ohel Yosef¹ inquired about a case where the Kesubah is not lost or destroyed but merely misplaced. Is this considered the same as if the kesubah is lost entirely and a new kesubah must be drawn up immediately, or perhaps the couple is allotted some amount of time to search for their kesubah and if, after that time passes, the kesubah is not found they will draw up a new kesubah? Teshuvos Ohel Yosef responded that the language of the Gemara and Shulchan Aruch indicates that even if it is lost for a moment a new kesubah is required but, nonetheless, if it is a case where the couple does not remember where the kesubah was placed it is not considered lost.

There was once a person who, during World War II, fled and left his possessions, including his kesubah, in Belgium in the possession of a non-Jew. He inquired of Teshuvos Chelkas Yaakov whether it is necessary to write a new kesubah. Chelkas Yaakov² responded by citing a ruling of Rema. Rema³ writes that in the case of a city that was conquered following a siege or if people were exiled from a city and the kesubos of the women were lost, new kesubos must be written for all the women even though there is the possibility that the kesubos may eventually be found or recovered. The reason is that since, presently, their whereabouts are unknown they must be replaced. Accordingly, even though there is the possibility that this person may return to Belgium and recover his property from the non-Jew with whom he entrusted his belongings, nevertheless, for the moment the kesubah is considered lost and a new kesubah must be written.

Rav Moshe Shternbuch⁴ recounts a story that follows the same line of reasoning. During the Israeli War of Independence many Jews were driven from their homes in the Old City and ended up in the Katamon neighborhood for Shabbos. Shortly before Shabbos Rav Ze'ev Mintzberg sent a message to all the refugees, who obviously did not know whether they would return to their homes in the Old City, to inform them that they are prohibited to their wives until a replacement kesubah could be secured.

1. שו"ת אהל יוסף סי' כ"ב.
2. שו"ת חלקת יעקב אה"ע סי' צ'.
3. רמ"א אה"ע סי' ס"ו סע' ג'.
4. שו"ת תמשבות והנהגות ח"א סי' תש"ס.

MUSSAR FROM THE DAF

Commitment

אירכס כתובתה. אתו לקמיה דרב יוסף, אמר להו: הכי אמר רב יהודה אמר שמואל: זו דברי רבי מאיר

The Gemara teaches us the opinion of R' Meir that if the Kesuba was lost, then the couple can't live together (קר'י לה בעילת זנות) as per Rashi). This is similar to a situation in which the kesuba was lower than the regular amount (200 zuz). Rashi tells us the reason that the couple cannot be together is because משום דלא סמכא דעתה (she is not somech her Daas on her husband). What does this mean that she isn't דעתה on her husband? And why does it mean that they can't be together anymore? Why is she not סמכא דעתה if they lose the Kesuba? Doesn't she know there is a kesuba but it is lost?

In a relationship, there is an understanding that each side cares deeply about the other and is committed long term to the other. When a spouse doesn't feel the love and commitment from the other, it is harder for that spouse to want to connect to the other spouse. The kesuba represents the man's long term commitment to take care of his wife. A woman naturally needs to be reassured that her husband is committed to her long term. Any small aberration could potentially break the strong bond between the couple. Therefore, when there is some issue with the kesuba, the woman naturally doesn't feel that the husband is committed to her. She doesn't have that tangible reassurance (as when the Kesuba is lost). The wife will therefore pull back in her commitment to her husband as she senses a lack of a tangible commitment on her husband's part. Therefore, Chazal in their understanding of relationships prohibited the couple from being together (קר'י לה בעילת זנות). They can't relate as a married couple anymore until the situation is rectified.

We see from this halacha of R' Meir how important it is for couples to consistently reassure and communicate to each other their long term commitment to be there for the other.

POINT TO PONDER

The Gemara says that we learn the time frame given to a ארוסה to prepare for the wedding from רבקה לבן, where רבקה לבן suggested that she wait a year. Was רבקה engaged at that point? Otherwise how can we bring a proof from this to an ארוסה?

Response to last week's Point to Ponder:

If someone is נקדש a lady and says that it's conditioned on him not having to provide עוונה ועונה, שאר כסות וכו', according to רבי יהודה it's a valid תנאי regarding the שאר כסות which are מחוון. What is the reasoning of רבי? מתנה על מה שכתוב בתורה? Does he argue on the concept of עוונה as well? (רש"י writes that it's only valid for שאר וכסות).

According to the רשב"א the מחלוקת between רבי מאיר and רבי יהודה is not whether one can make a תנאי against the תורה, but rather how to understand his condition. רבי מאיר holds that he is looking to condition against the תורה while רבי יהודה says that we interpret his words to mean that he wants her to waive (מחילה) her rights to these two things. Since מחילה works for money it works here as well. (See מקובצת)

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

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