

שבת קודש פרשת בא | מסכת כתובות דף ע"ב

INSIGHTS FROM OUR CHABUROS

Feeding the husband non-kosher food

היכי דמי? אי דידיע, נפרוש. אי דלא ידע, מנע ידע?

Among the cases listed in the Mishnah of where a woman would forfeit her kesubah is where the wife is in violation of the laws of Moshe and the Jews. The example given here in our Gemara is where she feeds her husband food which is halachically unacceptable. The Gemara inquires about the case. If the husband was aware of what was happening, he should have refused to eat it. And if the husband was unaware of what was happening, how would he have found out now in order to divorce her?

Tosafos wonders, what is bothering the Gemara? The case could simply be where she tried to feed him unkosher food, and the husband caught her in the act. Although she failed this time, she should be divorced because we are concerned lest she try it again and be successful in causing her husband to sin.

Tosafos answers that the words of the Mishnah seem to suggest that the wife not only attempted to feed her husband unkosher food, but that she already succeeded (מאכילתו). Rashi seems to also understand that the wife already caused her husband to sin (ד"ה היכי דמי). Nevertheless, the subsequent case of trying to feed him bread which did not have challah taken off does not sound like she already succeeded in her plot. Once again, the Gemara tries to inquire about the circumstances of the case. Now, the question of Tosafos can be asked — let it be dealing in a situation where he caught her in the act!

Rashba answers that if the man caught the wife in the act as she tried to serve him non-kosher food, he would still not be able to divorce her without a kesubah. The woman would always be able to say that she was just trying to tease him, but that she certainly would have alerted him before he actually ate. ר"א, however, writes that the woman could be divorced and lose her kesubah in a case where she even attempts to serve her husband non-kosher food, even if she fails.

Shulchan Aruch rules that a woman can only be divorced in the case where she actually succeeded in having her husband eat from the non-kosher food, but not if she failed in her attempt.

PARSHA CONNECTION

In this week's daf the גמרא says חדש מלא חדש חסר איכא וכו' the concept of a lunar month forming the foundation of the Jewish calendar is introduced in the פרשת בא with the possuk (פרק יב ב) הוא לכם לחדשי השנה החדש הזה לכם ראש חדשים ראשון. This is followed directly with the מצוה of the פסח. קרבן פסח. Why was this the first מצוה given to ישראל and how is it connected to the מצוה of ניסן? כלי יקר explains that the Egyptians would worship sheep which represents the month of ניסן, and the "first zodiac sign" This is why they despised shepherds, because it shows that the "leader" namely the sheep which is supposed to be a god, is being "led". הקב"ה wanted to dispel this yet wanted us to have our own unique calendar. יציאת מצרים took place in ניסן to show that their עבודה זרה in its strongest month, namely ניסן whose zodiac sign is a sheep, couldn't do anything against the will of הקב"ה. This is also why the מצוה of sacrificing the sheep follows directly to show that their עבודה זרה is a mere mortal animal. Finally, we had to know how to count 10 days from the beginning of the month because the מצוה was to take the sheep on 10th of ניסן. We count the months of the year from ניסן so that we have a constant reminder of יציאת מצרים.

STORIES OF THE DAF

What is a Blemish?

"כל הפסולין הפוסלין בכהנים פוסלין בנשים..."

Once, a chosson approached the Ohr Somayach, zt"l, with a problem. "Before I got engaged, I was unaware that my prospective kallah was missing two teeth. This really bothers me, and I want to know if I can break off the shidduch without violating the cherem or having to pay damages."

The Ohr Somayach answered, "It seems on the surface as though your claim has some justification, especially in view of the fact that missing teeth do count as a blemish that disqualifies kohanim. And as we all know from Kesuvos 72a, any flaw that disqualifies a kohein also applies to women. But, the fact is that since people have become much weaker physically since the time of Chazal, it is now quite common for women to suffer from tooth decay or to require bridges or dentures. Since this is the case, you cannot claim to be involved in a טעות מקח."

On the other hand, sometimes features that would be considered marks of distinction for men are considered blemishes when found among women.

Once, a chosson approached the Tchebiner Rav, zt"l, with a sensitive question. "When I got engaged, I was told that the kallah was twenty-eight. Recently, I've discovered that she is actually thirty-eight. Do I have the right to break the engagement or not?"

The Tchebiner Rav answered, "In my opinion, you may. We see from the Yerushalmi Kesuvos 7:7 the question of whether a certain form of baldness is considered a blemish among women. The fact that this particular pattern of hair loss is considered especially ornamental for kohanim is irrelevant; among women, it is clearly a flaw. So too, is the factor of age. The distinction of age, while admirable among kohanim, is clearly a liability when considering her ability to have a large family. Therefore, you are within your rights with regards to breaking off the engagement."

HALACHA HIGHLIGHT

Breaking a shiduch because of looks

כל המומין הפוסלין בכהנים פוסלין בנשים

Any blemish that disqualifies a kohen disqualifies a woman

There was once a young man who wanted to break off his shidduch when he found out that his future father-in-law was not as financially secure as he thought. In an effort to find a reason to break the shidduch without having to pay a fine imposed on one who breaks a shidduch, he claimed that it was due to the kallah's long nose. Since a long nose is a blemish that disqualifies a kohen from serving in the Beis Hamikdash, it should also be grounds to break the shidduch. The Chavos Yair¹ wrote that he cannot break the shidduch unless her nose is long enough that people laugh at her. The reason is that since the groom did not stipulate anything related to her nose, we assume he is like the majority of people who do not find a slightly large nose to be grounds to break a shidduch. However, his claim to the contrary leaves some doubt about the matter, consequently, the monetary matters will be governed by the principle of מחברו המוציא — the one who wants to collect bears the burden of proof. Therefore, the groom cannot be fined for breaking the shidduch but if the kallah's father has property that belongs to the groom he may hold onto it as payment of the fine that he feels is deserved since the groom broke the shidduch.

The Shvus Yaakov² was asked about breaking off a shidduch with a bride who had an extra-large lower lip. Shvus Yaakov responded that the groom is certainly allowed to break the shidduch without a fine. The rationale is that anytime a groom discovers that his bride has a blemish that would disqualify a kohen from serving in the Beis Hamidash he is allowed to claim that had he known about her blemish he never would have agreed to the shidduch. The Torah Temimah³ notes that our Gemara indicates that a woman who has the opposite of a positive trait is considered blemished; thus a woman with a deep voice is considered to possess a wound. Therefore, since the verse refers to a woman's beauty as significant (ומראך נאוה) one could assert that if a groom wants to break a shidduch with the claim that the bride is ugly his claim should be accepted. He hesitates about issuing a practical ruling about the matter since there is no objective standard that could be followed to declare that a person is ugly.

1. שו"ת חות יאיר סי' ר"ב.
2. שו"ת שבות יעקב ח"א סי' ק"ד.
3. תורה תמימה שיר השירים פ"ב הע' קמ"ח.

MUSSAR FROM THE DAF

Sensitivity in Marriage

הני מילי היבא דאדרה איהו, דסברה: מירתח רתח עילואי והשתא מותיב דעתיה. אבל הבא, דנדרה איהו ושתיק לה, סברה מדאשתיק — מיסנא הוא דסני לי.

The Gemara asks why is it that when the wife (in the Mishna) makes the neder to forbid perfumes, the husband has to give a get and kesubah immediately if he wasn't נפך the neder, while when the husband made the neder (prohibiting intimacy if she wears perfumes) he has one or two weeks to annul the neder? The Gemara answers that when the husband makes the neder, it is because he was angry with her, but will eventually calm down and be נתייר the neder. But the Mishna's case is when he is silent when she made a neder (thereby being נקיים it), and this must mean that he hates her, so therefore she receives a get and kesuba immediately.

Why don't Chazal at least give the husband some time in this case as well to be נפך? Why do Chazal require that she receive her get immediately?

In Berishes (3,16), after the chet of the Etz Hadaas, the Torah tells us one of the consequences will be for Chava, that זואל-אישך תשוקתך והוא "ימשל-כך" (your urge shall be for your husband). I heard from R' Dovid Greenblatt that this is saying that the woman now can't live unless she feels loved by her husband. And if a woman not only doesn't feel loved, but even feels hated, that she can't handle such a situation.

My friend, R' Yonason Grier says that is the pshat in our sugya as well. Chazal understood that in our case, when a woman feels despised, it is untenable to force her to wait for the husband to possibly annul the neder. She is in a situation that she can't live in. We allow her to receive the get right away.

We see Chazal's sensitivity to women from this sugya. We see how critical it is for every husband to do his utmost for his wife to feel loved. And conversely, we see the Tzaar a woman would C"V have if she didn't feel that love in her marriage.

POINT TO PONDER

The Gemara says that according to שמואל even if the husband was נדיר סתם we wait because he may find a פתח and undo the נדר. If this is a valid consideration, why don't we say the same if a lady made a נדר which her husband was נקיים. Rather than saying that הוא נתן אצבע בין שיניה and therefore he must give a גט, we should wait and see if she can find a פתח?

Response to last week's Point to Ponder:

The משנה says that if someone was נדיר his wife he should appoint a פרונס. Is this something which he must do, or is it optional?

The רשב"א says that appointing a פרונס is optional, meaning that he doesn't have to divorce her right away if he appoints a פרונס. (See שיטה מקובצת).

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

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