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Kesuvos Daf 10

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Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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Conflicting Decrees

It is said that Rav Nachman said that Shmuel said in the name of Rabbi Shimon Ben Elozar: The sages established a decree for Jewish girls that a virgin should receive (*a kesuvah containing a guarantee that she will receive in case of divorce or widowhood*) two hundred (zuz). A widow should receive one hundred (zuz). They (*the sages*) also believed the groom to say that he found an open entrance (*and he could thereby cause her to lose the two hundred zuz*).

The Gemora asks: If so, what did the sages help with their decree (*of establishing this guaranteed money in her kesuvah*)?

Rava answered: The sages decree was still helpful, as it established that a person will not bother to prepare a wedding feast and lose it (*for a marriage that will only last a couple days*). [*Accordingly, we do not assume that the groom will make this claim unless it is true.*] (10a1)

Rabban Shimon ben Gamilel’s Opinion:

Torah Law or Rabbinic Decree?

The Baraisa states that since this is a fine established by the sages, she can only demand collection from his worst property.

The Gemora asks: What is the fine (*that is given to the groom, what did he do wrong*)?

The Gemora answers: It must mean to say that since this is a decree of the sages, she can only demand collection

from his worst property. Rabban Shimon ben Gamliel says: The money in the kesuvah is a Torah law.

The Gemora asks: Did Rabban Shimon ben Gamliel actually say this? Doesn’t the Baraisa state that the verse states: He should take money like the amount given to virgins. The Baraisa continues that this teaches us that the amount (*given to the father of a seduced girl*) should be equal to the amount given to virgins, and the amount given to virgins must be equal to the amount given to this person (*the father of the seduced girl*). The sages understood from this verse that it is a reliable source that the concept of money guaranteed in a kesuvah is Torah law. Rabban Shimon ben Gamliel argued that the concept of kesuvah is not a Torah law, but rather, from the words of the scribes (*sages*).

The Gemora answers that the opinions in this Baraisa must be switched around.

The Gemora asks: What do you see that makes you switch the opinions of the latter Baraisa? Why not switch the opinions of the previous Baraisa (*and say Rabban Gamliel indeed holds that kesuvah is a decree of the sages*)?

The Gemora answers that we see from another source that Rabban Gamliel holds that the concept of kesuvah is based in Torah law. The Mishnah (106b) states that Rabban Shimon ben Gamliel says: He must pay her with Kaputkiya currency. [*Rashi explains that Kaputkiya currency was better than the currency of Eretz Yisrael. Rabban Shimon said that if a person married there this*

meant that his kesuvah must be a loan that is linked to Kaputkiya currency. The Rabbanan there argue and allow him to pay even in Eretz Yisrael currency, as long as the divorce took place in Eretz Yisrael. They seemingly understand that the sages allowed the monies they instituted to be paid in the currency of the place of marriage or divorce, which means that they did not treat it like a loan. This implies that Rabban Shimon treated the monies in the kesuvah like the Torah treats a loan, and he therefore must hold the concept of monies in the kesuvah is Torah law.]

Alternatively, the Gemora answers that the entire latter Mishnah is Rabban Shimon, and it is as if there were missing some words, and is supposed to be read in the following way: The sages understood from this verse that it is a reliable source that the concept of money guaranteed in a kesuvah is Torah law. However, the concept of kesuvah for a widow is not Torah law, but rather, from the words of the scribes (*sages*), as Rabban Shimon ben Gamliel said that the concept of kesuvah of a widow is not a Torah law but rather from the words of the sages. (10a1 – 10a2)

Rav Nachman's Ruling on the Claim of Finding an Open Entrance

There was a man who came before Rav Nachman and said that he had found an open entrance. Rav Nachman said: Give him lashes with thorny palm fronds, as he had those (prostitutes) from Birchasa, who were struck by him. [*Rav Nachman meant that if he knew how to determine this, he must have been someone who knew what this felt like because of prior experience with prostitutes, for which he deserves lashes.*]

The Gemora asks: Doesn't Rav Nachman himself say that this claim is believed?

The Gemora answers that he indeed says that the claim is believed, but he is also given lashes (*for knowing that he has a claim*)!

Rav Achai answered that when Rav Nachman said he is believed, he meant when he was already married (*and therefore does not receive lashes, as he could know this from past permitted experience*). This story was talking about someone who was never previously married. (10a2 – 10a3)

Other Rulings in this Case

There was a man who came before Rabban Gamliel and said that he had found an open entrance. Rabban Gamliel said: Perhaps you turned to the side (*and she is actually still a virgin*). I will give you a parable, to what is this compared to? It is to a person who was walking in the darkness of night, (*and then he reached the door of his house and there is an obstacle preventing the door from opening normally*). If he turns, it is as if he found it open (*and he doesn't realize that he would not have been able to open the door normally*). If he does not turn (*and he tries to go in normally*), he will find it locked.

Others say that Rabban Gamliel replied to the man as follows: Perhaps you purposely turned, and uprooted the door and the lock. I will give you a parable, to what is this compared to? It is to a person who was walking in the darkness of night, (*and then he reached the door of his house and there is an obstacle preventing the door from opening normally*). If he purposely turns (*forcefully*), it is as if he found it open (*and he doesn't realize that he was the one who knocked away the barrier*). If he does not turn (*and he tries to go in normally*), he will find it locked. (10a3)

Ways to Determine Virginity

There was a man who came before Rabban Gamliel bar Rebbe and said: I had marital relations and did not find any blood. His wife said: My teacher, I was a virgin.

Rabban Gamliel said: Bring me the sheet. They brought him the sheet, he soaked it in water and laundered it, and he found on it many drops of blood. He replied to the man: Go and take your purchase (*wife, as she indeed was a virgin*).

Huna Mar the son of Rava from Parzakya said to Rav Ashi: Shouldn't we also do this test (*if this claim is brought before us*)? He answered: Our ironing (*that they used to do with glass stone, see Rashi*) is like their laundering. If you will say that we should therefore iron (*the sheet*), the glass will take away the spots. (10a3 – 10b1)

There was a man who came before Rabban Gamliel bar Rebbe and said: I had marital relations and did not find any blood. His wife said: My teacher, I was a virgin. Rabban Gamliel said: Bring me two maidservants, one who is a virgin and one who is not, and sit them down on a barrel of wine. The one who is not has the smell of the wine wafting (*in that area, as it is not closed*), and the one who is a virgin does not. This woman too (*can be tested to determine her status*). They sat her down on the barrel of wine and the smell did not waft. He said: Go and take your purchase (*wife, as she indeed was a virgin*).

The Gemora asks: Why didn't he just check this with her originally (*why did he also do this with two maidservants*)?

The Gemora answers that he had heard this tradition, but he never saw it done. He therefore thought that perhaps the tradition was inaccurate. It was also not normal to denigrate Jewish girls (*for this purpose, so he ordered that they bring maidservants who were not Jewish*). (10b1)

There was a man who came before Rabban Gamliel the Elder and said: My teacher, I have had marital relations but did not find any blood. His wife said: My teacher, I am from the Durkati family who does not have either menstrual blood, nor virgin blood. Rabban Gamliel investigated regarding her relatives, and found that she

was correct. He said: Go and take your purchase (*wife, as she indeed was a virgin*), praised are you who have merited (*a wife*) from the house of Durkati. What does Durkati mean? A cut-off (*from these bloods*) generation.

Rabbi Chanina said: Rabban Gamliel comforted this man with illogical comfort. This is because Rabbi Chiya taught the following: Just as yeast is good for dough, so is blood good for a woman (*as it causes her to become pregnant quicker*). The Baraisa also says in the name of Rabbi Meir that any women who has much blood, has many children.

It is said that Rabbi Yirmiyah bar Abba stated (*that the phraseology of go and take your purchase in the case immediately above means*): "Acquire your purchase," he said to him. Rabbi Yossi bar Avin says: "You are obligated in your purchase," he said to him. The opinion that he meant, "You are obligated in your purchase" is understandable according to the words of Rabbi Chanina (*that this wasn't great as his wife couldn't have so many children, nor get pregnant quickly*). However, according to the opinion that says, "Acquire," what kind of meritorious acquisition is this (*that he should use a term referring to both acquiring, and implying that it is a great merit to do so*)?

The Gemora answer: The husband will never have a doubt whether or not his wife is a niddah.

There was a man who came before Rebbe and said: Rebbe, I had marital relations and did not find blood. His wife said: Rebbe, I was still a virgin, but it was a year of famine. Rebbe saw that their faces were black from famine. He commanded that they should be put into the bathhouse, he fed them, and gave them to drink, and then had them enter a room. The husband then had marital relations and found blood. Rebbe said to him: Acquire your purchase. Rebbe said about them the verse: *Their skin was stuck to themselves, dry like wood*. (10b1 – 10b2)

Mishnah

The kesuvah of a virgin is for two hundred (zuz), and that of a widow for one hundred (zuz). A virgin widow, divorcee, and woman who received chalitzah who were only formerly betrothed receive a kesuvah of two hundred, and her husband has the ability to claim that he did not find that she was a virgin. (10b2)

The Word “Almanah”

The Gemora asks: Why does the Mishnah call the opposite of a virgin an “Almanah” – “widow” (see Chasam Sofer who explains that the correct opposite would seemingly be “Be’ulah” – “one who has had marital relations”)?

Rav Chana from Baghdad answers that this is an acronym for “Al Shem Manah” -- “due to the one hundred (that she gets for her kesuvah).” [This is why the Mishnah stated “Almanah” and not “Be’ulah” as the word itself hints that she only receives one hundred.]

The Gemora asks: What about a widow who was merely betrothed (she receives two hundred)?

The Gemora answers that since a regular widow from marriage receives one hundred, a widow from betrothal is also called an Almanah (even though she receives two hundred).

The Gemora asks: What is the reason that the Torah calls a widow an “Almanah” (the Torah never talks about a kesuvah, and it is argued above whether or not it is even a Torah concept)?

The Gemora answers: The Torah called a widow an “Almanah,” as in the future, the Rabbis would decree that a widow should receive a kesuvah of one hundred.

The Gemora asks: Is there a verse in the Torah that is based on future events?

The Gemora answers that there is. This is evident from the verse in Bereishis: *And the third river is called Chidekel, it is the one that goes to the east of Ashur.* Rav Yosef taught that Ashur is a city called Slika. Was this city extant during the time period discussed in the verses (the creation of the world)? It must be that it was said in the context of the future. Accordingly, we can also say that the Torah’s name for a “widow” - “Almanah” is based on the future. (10b3)

Other Interesting Words and their Characteristics

Rav Chana from Baghdad also says: Dew waters, saturates, fertilizes, gives a shine (to the fruit), and helps things grow. Rava bar Rebbi Yishmael says, and some say Rav Yeimar bar Shalmiya says: What is the verse that tells us this? The verse: its ridges are saturated to settle its furrows (to give bounty for people, see Rashi in Tehilim), with showers You will soften it (alluding to fertilization), its produce You will bless (shine and help grow).

Rabbi Elazar states that the mizbe’ach (altar) “meizi’ach” – “atones,” supplies, causes love and “mechaper” – “atonement.” The Gemora asks, aren’t “meizi’ach” and “mechaper” redundant, as they both mean atonement? The Gemora answers that “meizi’ach” means that it atones to take away bad decrees from Bnei Yisrael. “Mechaper” means that it atones for their sins.

Rav Chana from Baghdad also stated: Dates make a person, warm, full, loosen his bowels, give him strength, and do not make him too finicky. Rav says: If one eats dates, he should not rule on halachic matters.

The Gemora asks from a Baraisa that states: Dates are good to eat (after eating one’s meal) in the morning and at night, in the early afternoon they are bad, and in the late afternoon there is nothing as good as them. They take away three problems: worry, stomach sickness, and

hemorrhoids. *[This seemingly indicates that a person should be able to rule halachic matters after eating them.]*

The Gemora answers: Did we say they are not good? They are very good! For a little while, however, they can confuse one's mind in a matter similar to wine, in the same manner as Mar stated that someone who drinks a revi'is (86-150 ml) of wine should not rule on halachic matters.

Alternatively, the Gemora answers that this is not a question. One (*statement of Rav*) is before eating and one (*Baraisa*) is regarding after eating. This is as Abaye said that his foster mother told him: Eating dates before a meal is like an ax to a palm tree, and eating dates after a meal is like the bolt on a door.

Rava states: The word "Dasha" – "door" is an acronym for "Derech Sham" – "that way." "Darga" – "step," Rava states, is an acronym for "Derech Gag" – "the way to the roof." "Purya" – "bed," Rav Pappa says, is an acronym for "she'parin v'ravin aleha" – "that people are fruitful and multiple on it." Rav Nachman bar Yitzchak states: The word "*aylonis*" is an acronym for "A ram that cannot give birth." (10b3 – 11a1)

INSIGHTS TO THE DAF

Must a Prospective Bride Inform the Groom regarding her Absence of Blood?

The following question was posed to Reb Moshe Feinstein: There was a girl who was over twenty years old who had pubic hairs; however, she did not commence menstruating yet. Some doctors told her that when she gets married and cohabits with her husband, she will begin her cycle and she will have the ability to bear children. Is it permitted for her father to arrange a match for her without informing the groom of the situation? Is

there a concern that this will be regarded as a mistaken *kiddushin* or not?

Reb Moshe (E"H, III, 27) addresses the question and cites proof from our *Gemora* (Kesuvos 10b).

There was a man who came before Rabban Gamliel the Elder and said, "Rebbi, I have had marital relations but did not find any blood." His wife said, "Rebbi, I am from the Durkati family who does not have either menstrual blood, nor virgin blood." Rabban Gamliel investigated regarding her relatives, and found that she was correct. He said "go and take your purchase (*wife, as she indeed was a virgin*), praised are you who have merited (*a wife*) from the house of Durkati." What does Durkati mean? A cut-off (*from these bloods*) generation.

Rabbi Chanina said that Rabban Gamliel comforted this man with illogical comfort. This is because Rabbi Chiya taught that just as yeast is good for dough, so is blood is good for a woman (*as it causes her to become pregnant quicker*)." The Baraisa also says in the name of Rabbi Meir that any women who has much blood, has many children.

It is said that Rabbi Yirmiyah bar Aba stated (*that the phraseology of go and take your purchase in the case immediately above means*) "acquire your purchase," he said to him. Rabbi Yossi bar Avin says "you are obligated in your purchase," he said to him. The opinion that he meant "you are obligated in your purchase" is understandable according to the words of Rabbi Chanina (*that this wasn't great as his wife couldn't have so many children, nor get pregnant quickly*). However, according to the opinion that says "acquire," what kind of meritorious acquisition is this (*that he should use a term referring to both acquiring and implying that it is a great merit to do so*)? The Gemora answers, that the husband will never have a doubt whether or not his wife is a Nidah.



We see that even according To Rabbi Yosi bar Avin who holds that the absence of blood can prevent a woman from bearing children, nevertheless, the *kiddushin* is valid, and not regarded as a mistake even though it is detrimental to him.

It is evident that the possibility exists that a woman without blood can give birth, although she will not bear many children. Since she is fit to have children, and many men are not particular to have many children and they are also not particular if she becomes pregnant immediately or not, it is not regarded as a mistaken *kiddushin*.

In our case, where there are doctors that say that her menstrual cycle will return and she will have the ability to bear many children, the father is not obligated to reveal her blemish to the groom's family. Reb Moshe adds: The father and the bride should resolve that if four years goes by and she doesn't become pregnant and she does not begin to menstruate, she should accept her bill of divorce without a hassle and without and monetary claims on the husband.

DAILY MASHAL

Compassion for a Widow

The Gemora asks: From what is the derivation of the word Almanah- 'al manah? The Gemora answers: It is because of the one portion that a widow receives in her Kesuvah upon her marriage [in contrast to the double portion that an unmarried woman receives in her kesuvah upon her marriage].

Ritva explains that certainly the word almanah derives primarily from the word 'l'leim' - mute. However, the added letters of nun and heh also related to the manah-single portion in her Kesuvah.

The word Almanah stems from the word 'l'leim' – mute, because she sits silently. There is not one to speak for her. She is easily the most downtrodden. She is at the mercy of others. The Torah demands compassion for her because her lot may usually be one of neglect at the best and malevolence at the worst.