

15 Shevat 5775  
Feb. 4, 2015



Kesuvos Daf 2

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

The *Mishna* states: A virgin is married on Wednesday and a widow is married on Thursday. *Beis Din* would be in session in the cities on Monday and Thursday. If a husband, who got married on Wednesday, will have a claim regarding his wife's virginity, he would be able to go early the next morning to the *Beis Din*. (2a1)

Rav Yosef said in the name of Rav Yehudah in the name of Shmuel: Why does a virgin get married on Wednesday? It is because we learned in the following *Mishna*: If the time arrived (In former times the betrothal (*kiddushin*) and the marriage (*nisu'in*) ceremonies were not performed at the same time as is our practice today. Rather it was customary for the bridegroom to first betroth his bride and make her his *arusah* (betrothed) and only later did he take her to the *chuppah* (bridal canopy) for the marriage ceremony. During the period intervening between the betrothal and the marriage, the *arusah* lived in her father's house, and the *arus* was not liable for her maintenance, and if she was the daughter of an Israelite, who had been betrothed by a *kohen*, she was not allowed to eat *terumah*, although, by Torah law, the daughter of an Israelite betrothed to a *kohen* is allowed to eat *terumah*, as it is written, "But if a *kohen* buy any soul, the acquisition of his money, he may eat of it" (Lev. 22:11), and the *arusah* is an "acquisition" effected by him with the money of the *kiddushin*, nevertheless, since she lives in her father's home, the Sages prohibited her from eating of the *terumah*, "lest they pour a cup of *terumah* for her in her father's home, and she offer it to her brothers and sisters" According to another opinion the prohibition was enacted

"because of a blemish," i.e., if he found a physical defect in her, her *kiddushin* would be considered erroneous, and would be annulled retroactively and thus a non-*kohen* will have partaken of *terumah*. This *Mishna* discusses the case of one who betroths a woman without specifying a marriage date and teaches how they set the marriage date subsequently, and the law regarding an *arusah* whose bridegroom (*arus*) does not wed her when the marriage date arrives. Kehati) and they (the virgin or the widow) were not married by the husband, they eat from his food and they eat of the *terumah*. One might think that if the time for *nisu'in* arrived on a Sunday, the husband would be obligated to supply her with food immediately; we therefore learned in our *Mishna* that a virgin is married on Wednesday (and the husband is not obligated to provide sustenance for her until Wednesday).

Rav Yosef asked: Master of Avraham! He is making a *Mishna* that was taught dependent upon a *Mishna* that wasn't taught!?

The Gemora interrupts: But this *Mishna* and that *Mishna* have (both) been taught?

The Gemora explains his question: Our *Mishna* specifically states the reason why a virgin is married on Wednesday. The other does not offer a reason as to why the husband's obligation does not begin on a Sunday. How can Shmuel use a *Mishna* which contains no reason at all to illuminate a *Mishna* which specifically states a reason for its ruling, and the former will be the reason why a virgin may not get married on Sunday?

The *Gemora* revises Shmuel's statement: Rather, this is what Rav Yosef said in the name of Rav Yehudah in the name of Shmuel: Why does a virgin get married on Wednesday? It is because if a husband will have a claim regarding his wife's virginity, he would be able to go early Thursday morning to the *Beis Din*. But, let them get married on Sunday, for *Beis Din* is in session on Monday as well? The *Gemora* answers: The sages were concerned for the welfare of the Jewish girls, and that the husband should be involved in preparing a wedding meal for three days: Sunday, Monday, and Tuesday, and then he should marry her on Wednesday. And now that we have learned this concept, that which we have learned in the following *Mishna*: If the time arrived and they (*the virgin or the widow*) were not married by the husband, they eat from his food and they eat of the *terumah*; if the time for *nisuin* arrived on a Sunday, the husband would not be obligated to supply her with food then since he is not able to marry her. (2a1 – 2a2)

[*It emerges that if the delay is not because of the husband, he is not obligated to supply her with food.*] Rav Yosef continues: Therefore, if he became ill, or she became ill, or if she began to menstruate, he is not obligated to supply her with food.

Other Amoraim asked this as an inquiry: What is the law if he became ill? If the wedding day falls out on a Sunday, he is not obligated to supply her with food because he is forced, and here too, he is forced? Or perhaps, there he is forced on account of a Rabbinical enactment, here, he is not (*and therefore he will be obligated to supply her with food*).

If you will say that when he became ill, he is obligated to supply her with food, what is the law if she became ill? Can the husband say to her: I am prepared to go ahead with the wedding (*it is not me causing the delay*)? Or perhaps, she can say to him: It is as if your field has

become flooded (*it is the husband's bad luck and he must support her*).

If you will say that when she became ill, he is obligated to supply her with food, what is the law if she began to menstruate?

The *Gemora* qualifies this last inquiry: If she began to menstruate on the day that her period was due, she can certainly not say that it is his bad luck. The inquiry is in a case that she began to menstruate at a time that was not her fixed period. Do we say that since she began to menstruate in a time that was not her fixed period, she could say to him that it is his bad luck, and he would be obligated to supply her with food? Or perhaps, since there are women whose fixed periods change sometimes, it is as if she menstruated at the time of her fixed period (*and he would be obligated to supply her with food*).

Rav Achai attempts to resolve these inquiries from the *Mishna*, which states: If the time arrived and they were not married by the husband, they eat from his food and they eat of the *terumah*. The *Mishna* does not say that he did not marry (*which would indicate that the delay was due to the husband*); but rather, the *Mishna* states that they were not married (*indicating that the delay could have been because of the brides as well*). Now, what would be that case? It cannot be that she caused the delay, for why would he be obligated to supply her with food? Rather, it must be that she was forced to cause the delay, like our inquiries (*she became ill or began to menstruate*), and nevertheless, the *Mishna* states that she eats from him.

Rav Ashi rejects the proof: Indeed I can say that in the case of an accident, she does not eat of his food. The *Mishna* could have written that the husbands did not marry them, but since the first part of the *Mishna* refers to the brides, the latter part of the *Mishna* refers to them as well. (2a2 – 2b1)

Rava said: And with regard to divorce, it is not so (*an accident will not invalidate a divorce*).

Accordingly, Rava holds that an accident is not a valid claim in regards to a conditional divorce.

How does Rava know this rule? If you will say that it is from the following *Mishna*: If a man says to his wife: Behold this is your bill of divorce if I do not come back until twelve months, and he died within the twelve months, the divorce is not valid. We can conclude from this that only if he died there is no divorce (*because a dead person cannot divorce his wife*), but if he became ill (*and could not return within the twelve months*), the divorce is valid (*thus proving that an accident is not a valid claim in regards to a conditional divorce*).

The *Gemora* rejects this proof: Perhaps I might say that even if he became ill, the divorce is not valid (*because he may claim that an accident prevented him from returning*) and the *Mishna* states the case where he died to teach us that there is no divorce after death.

The *Gemora* asks: That there is no divorce after death, we have learned in a previous *Mishna*? If a man (who is gravely ill) says to his wife, "This is your *get* if I die," or he says, "This is your *get* from this illness," or he says, "This is your *get* after death," he has said nothing. [*In all these cases, he has stipulated that the get should be effective after his death; this is impossible.*]

The *Gemora* persists that the *Mishna* would still not be a proof: Perhaps the *Mishna* states the case where the husband died to exclude from that of our Rabbis, for it has been taught in a braisa: Our Rabbis allowed her to marry again (*even without chalitzah; she is regarded as being divorced*).

The *Gemora* asks: Who are these Rabbis? Rav Yehudah said in the name of Shmuel: They are the members of the

Beis Din that permitted oil. [*Rabbi Yehudah Nesiah permitted the olive oil of idolaters for consumption.*]

The *Gemora* explains: Why do the Rabbis permit her to get married? It is because they hold like Rabbi Yosi who said that the date of the document indicates that the divorce is valid retroactively. (*Even if the husband died, the divorce is still valid because the date written on the document was the date that the get was drawn up and delivered to the wife, and it is valid retroactively.*)

Rather, the source is from the later clause, which states: If a man said to his wife: "Your *get* should be effective from now if I do not come back within twelve months," and he died within the twelve months, the divorce is valid. And we may deduce that 'if he died' (the *get* is effective), and the same rule applies if he became ill (which would support Rava).

The *Gemora* rejects the proof, for perhaps the divorce is effective only when he died, because it was not pleasing to him that she should fall to the *yavam*!

Rather, it is from this: A man said to his wife that if he does not return within thirty days the *get* should be valid. He arrived at the end of the thirty days, but the river prevented him from arriving back (*on time, as the ferry was not present at the time*). He was saying "You see that I am coming! You see that I am coming!" Shmuel said that this is not called that he reached the city (*and therefore the get takes effect*).

The *Gemora* asks: But perhaps an accident which is frequent is different, for since he ought to have stipulated it, and he did not stipulate it, he caused the loss to himself! [At this point in the *Gemora*, we still have not found a source for Rava's ruling that there is no validity to a claim of unavoidable circumstances with regard to a conditional bill of divorce.] (2b1 – 2b3)

## INSIGHTS TO THE DAF

### Connection between the Conclusion of Yevamos to the Beginning of Kesuvos

Tractate *Yevamos* concludes with the following *Gemora*: Rabbi Elozar said in the name of Rabbi Chanina: Torah scholars increase peace in the world, for it is said: *And all your children shall be disciples of Hashem; and abundant shall be the peace of your sons.* In other places (Brochos 64b), the *Gemora* adds: Do not read *banayich*, your sons, but rather, *bonayich*, your builders. This is referring to the Torah scholars who increase peace in the world. Torah scholars strengthen the spiritual and physical dimensions of the world. They are actually building the world.

Tractate *Kesuvos* commences with the following *halachah*: A virgin is married on Wednesday.

What is the connection between the conclusion of *Yevamos* with the beginning of *Kesuvos*?

Sefer *Sedeh Tzofim* explains as follows: There is a dispute (*Yevamos* 65b) regarding if women are obligated in the *mitzvah* of procreation or not. The *Gemora* explains the argument. It is written [Breishis 1:28]: *And God said to them, "Be fruitful and multiply, and fill the earth and conquer it."* Since it is the practice of men to conquer in battle, and not a woman, this indicates that the verse was addressed to men, and not to women. The *Gemora* asks: The term *vechivshua*, and conquer it, is a plural expression, and it would seem that the Torah is addressing the man and the woman to conquer the earth. Why would one opinion maintain that the obligation is only to the man? The *Gemora* answers: it is because it is written without a *vav*, and it may be read *vechovshah*, which is in the singular form.

Sefer *Nachalas Binyomin* explains that this opinion maintains that we say *yeish eim lemasores*, the transmitted written form has primacy, and that is why we expound the word in the singular to mean that only the man is obligated in the commandment of procreation, and not the woman. However, if we would hold *yeish eim lemikra*, the pronounced form has primacy, the word is read in its plural form, and we would be compelled to say that the *mitzvah* of procreation is applicable to the man and the woman.

Our *Gemora* says: A virgin is married on Wednesday. Tosfos asks: Why didn't the *Mishna* say: A man marries a virgin on Wednesday? Tosfos answers: If it would have said it in that manner, we would have thought that a man may marry a woman even against her will; the *Mishna* says: She is married to teach us that marriage can only be effected with her consent.

The *Shitah Mikubetzes* adds: One might think that if the *kiddushin* was accomplished with her consent, one may effect *nisuin*, even against her will; it is for this reason that the *Mishna* says: She is married (*nisuin*), only if she agrees.

The sefer *Shem Yisroel* writes that this is only true if you hold that a woman is not obligated in procreation. However, if you would maintain that a woman is obligated in this *mitzvah*, she can be compelled to perform *nisuin*, once she has agreed to the *kiddushin*.

We can now explain the connection between the two tractates. It is evident from the *Gemora* at the end of *Yevamos* that that we say *yeish eim lemasores*, the transmitted written form has primacy, for Rabbi Elozar said in the name of Rabbi Chanina: Torah scholars increase peace in the world, for it is said: *And all your children shall be disciples of Hashem; and abundant shall be the peace of your sons.* In other places (Brochos 64b), the *Gemora* adds: Do not read *banayich*, your sons, but

rather, *bonayich*, your builders. We do not follow the principle of *yeish eim lemikra*, the pronounced form has primacy, but rather, according to its written form.

This is why the next *Mishna*, the commencement of Kesuvos says: A virgin is married on Wednesday. We see from this language that we cannot force the woman into *nisuin* even if she already performed *kiddushin* willingly. This is because she is not obligated in the *mitzvah* of procreation. She is not included in this *mitzvah* because we say *yeish eim lemasores*, the transmitted written form has primacy, and the verse states: *vechovshah*, which is in the singular form, even though it is read *vechivshua*, in its plural form.

## DAILY MASHAL

### Lavan's Ploy

It is written: *And Lavan assembled all the people from his place and he made a feast.* The question is asked: Why would it be that Lavan, an evil person and extreme trickster, would prepare a feast for all the people? There definitely must be hidden in here a tremendous ruse!

The Chasam Sofer answers: Lavan's trick was as follows: The Gemora in bava Basra states: If a Sefer Torah was stolen in a city, the city's judges may not adjudicate the case, and the city's residents may not testify. This is because they are considered biased (*nogei'ah b'davar*), because they are benefiting from the *Sefer Torah* being returned to the city. It is known that if a judge accepts a favor from one of the litigants, and he determines that there is a legitimate possibility that his heart will sway him to favor that litigant, he can say that he is disqualified from judging this case.

Our Mishna states: A virgin is married on Wednesday, and the Gemora explains that the reason is because if a husband will have a claim regarding his wife's virginity, he would be able to go early Thursday morning to the *Beis Din*. If there would be a delay, he might become appeased in the meantime.

Lavan knew that he was about to trick Yaakov by exchanging Rochel with Leah. He was concerned that in the morning when Yaakov would realize that he married Leah and not Rochel, he would immediately go to the judges in that area to claim that the betrothal should be regarded as a mistaken purchase, and it should retroactively be considered null and void. Lavan therefore invited the entire town, and since they all derived pleasure from Lavan, they all would preclude themselves from judging, for they would automatically favor Lavan over Yaakov. Yaakov would be compelled to travel to another city, and in the meantime, he would become appeased.