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Bava Basra Daf 145

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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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

“Give me my Husband and I will Rejoice with him”

The *Gemora* asks: May it be said that the question whether a betrothed woman may claim, “Give me my husband and I will rejoice with him (*for I am prepared to get married*)” is a matter of dispute between the following *Tannaim*? For it was taught in a *braisa*: One who betroths a woman (*and he divorces her or she dies before the nisuin*); if she is a virgin, she collects two hundred zuz, and if she is a widow (*from beforehand*), she collects a *maneh*. Where it is the custom to return the *kiddushin* money, it must be returned, and where the custom is not to return, it does not need to be returned; these are the words of Rabbi Nassan. Rabbi Yehudah HaNasi said: In truth the *Chachamim* said: Where it is the custom to return the *kiddushin* money, it must be returned, and where the custom is not to return, it does not need to be returned.

The *Gemora* asks: Isn’t Rabbi Yehudah HaNasi saying exactly the same thing as the *Tanna Kamma*? It must be explained that the difference between them lies in the admissibility of the claim, “Give me my husband and I will rejoice with him (*for I am prepared to get married*),” and it is as if there are missing some words in the *braisa*, and it should read as follows: One who betroths a woman; if she is a virgin, she collects two hundred zuz, and if she is a widow (*from beforehand*), she collects a *maneh*. This applies only to the case where he has retracted, but if she died, where it is the custom to return the *kiddushin*

money, it must be returned, and where the custom is not to return, it does not need to be returned. And this applies only to the case where she died, but where he died, it does not need to be returned. What is the reason for this? It is because she can say, “Give me my husband and I will rejoice with him (*I am prepared to get married*).” And Rabbi Yehudah HaNasi said: In truth the *Chachamim* said: Whether he died, or whether she died, where it is the custom to return the *kiddushin* money, it must be returned, and where the custom is not to return, it does not need to be returned, and she is not able to claim, “Give me my husband and I will rejoice with him (*for I am prepared to get married*).”

The *Gemora* rejects this explanation: No! Everyone agrees that she may advance the claim, “Give me my husband and I will rejoice with him (*for I am prepared to get married*),” and in the case where he died, no one disputes this. They argue only in the case where she died, and the point of issue between them is whether the *kiddushin* money is irretrievable or not (*does a man, when giving money to betroth a woman, resolve in his mind that he is prepared to forfeit the money if this will not result in a nisuin*). Rabbi Nassan holds that the *kiddushin* money is not irretrievable (*and it must be returned*), and Rabbi Yehudah HaNasi holds that the *kiddushin* money is irretrievable (*and it does not need to be returned*).

The *Gemora* asks: But surely Rabbi Yehudah HaNasi said:

Where it is the custom to return the *kiddushin* money, it must be returned?

The *Gemora* answers: He means as follows: And with regards to gifts (*that the groom sends to his betrothed*), where it is the custom to be returned, it must be returned (*but not the kiddushin money*).

The *Gemora* notes: These *Tannaim* argue on the same principle as the following *Tannaim*, for it was taught in a *braisa*: If one betroths a woman with a *kikar* (2,500 *zuz*) of silver (*but it did not result in a nisuin*); if she is a virgin, she collects two hundred *zuz*, and if she is a widow (*from beforehand*), she collects a *maneh* (*besides the kiddushin money, which she may keep*); these are the words of Rabbi Meir. Rabbi Yehudah said: If she is a virgin, she collects two hundred *zuz* (*from the kikar*), and if she is a widow (*from beforehand*), she collects a *maneh*, and she returns the remainder (*from the kikar*) to him (*she cannot keep the kiddushin money*). Rabbi Yosi said: If he betrothed her with twenty *shekels*, he gives her thirty halves (*besides the twenty; this will be explained below*); if he betrothed her with thirty *shekels*, he gives her twenty halves.

Now, what is the case that we are dealing with here? If we are discussing a case where she died, does she receive her *kesuvah* (*she collects her kesuvah when he dies or divorces her, not if she dies*)? And if the case is where he died, would she return to him the remainder? Let her use the claim, "Give me my husband and I will rejoice with him!" Perhaps it may be suggested that we are dealing with a case where the wife of a *Yisroel* committed adultery; then, let us consider the circumstances: If it was done with her consent, would she, in such a case, receive her *kesuvah*? And if she was forced, she is surely permitted to remain married to him!? It must be that the *braisa* is discussing a case where the wife of a *Kohen* was

forced to commit adultery (*and she will become forbidden to her husband*) and the point of issue between them is whether the *kiddushin* money is irretrievable or not. Rabbi Meir holds that the *kiddushin* money is irretrievable (*and she does not return it*), and Rabbi Yehudah holds that the *kiddushin* money is not irretrievable (*and she must return it*). Rabbi Yosi is uncertain as to whether it is irretrievable or not (*and therefore the kiddushin money is split between the man and the woman*). Consequently, if he betrothed her with twenty *shekels* (*she may keep ten shekels, and the other ten shekels, which are forty zuz, she keeps as an initial payment for her kesuvah*), he gives her another thirty halves (*fifteen shekels, which is sixty zuz, thus totaling one hundred zuz, which is the total payment of her kesuvah*). And if he betrothed her with thirty *shekels* (*she may keep fifteen shekels, and the other fifteen shekels, which are sixty zuz, she keeps as an initial payment for her kesuvah*), he gives her another twenty halves (*ten shekels, which is forty zuz, thus totaling one hundred zuz, which is the total payment of her kesuvah*).

Rav Yosef bar Minyumei said in the name of Rav Nachman: Where it is the custom to return (*the kiddushin money when she dies*), it must be returned. This was the custom in Nehardea. Rabbah and Rav Yosef both stated: Regarding the rest of Bavel, presents (*that the groom sends to his bride*) are returned, but the *kiddushin* money is not returned.

Rav Pappa said: The *halachah* is that whether he died (*and the inheritors want the kiddushin money from her*) or she died (*and the husband wants the kiddushin money from her inheritors*) or he retracted, presents are returned, but the *kiddushin* money is not returned. If she retracted, even the *kiddushin* money is returned.

Ameimar said: The *kiddushin* money should not be

returned. This is a decree instituted out of the concern that people might say that a *kiddushin* (from this man) would take effect with her sister (for if the money is returned, it gives the appearance as if there was never a *kiddushin*).

Rav Ashi said: Her bill of divorce would prove that she was in fact married to him.

The *Gemora* notes that the statement of Rav Ashi is a mistake, for there will be some who heard of this (the returning of the *kiddushin* money), but did not hear of that (her divorce). (145a)

Groomsman's Gifts

The *Mishna* had stated: Groomsman's gifts are collectable in *Beis Din*.

The *Gemora* cites a *braisa*: There are five things said regarding these gifts:

1. They are collectable in *Beis Din*. This is because it is regarded as a loan.
2. They are returned in the proper time (only when the groomsman gets married).
3. There is no concern of interest (that the groom will reciprocate with a larger gift than he received). This is because he is not giving him the large gift with this in mind (he could have just as easily given a smaller gift; it is only due to his joy that he is giving a large one).
4. The debt is not cancelled with *Shemittah*. This is because the debt is not yet due (since the groomsman did not get married yet).
5. A firstborn does not receive a double portion of it. This is because it is a prospective asset, and a firstborn receives a double portion only in assets that are already possessed by the father.

Rav Kahana said: This is the rule of *shushvinus*: If the (first) groom was in town (when the groomsman got married), he should have come (and he can be taken to *Beis Din*). If he could hear the sound of the wedding bells (even if he was outside of the town), he should have come. If he could not hear the sound of the bells, the groomsman should have informed him. He (the first groom) has, therefore, a grievance against him, but he must nevertheless repay him (however, he may deduct the value of the food that he would have eaten at the wedding feast had he been invited).

The *Gemora* asks: And up to how much may he deduct? Abaye said: Groomsman are in the habit of putting in their stomachs up to the value of a *zuz* brought in their hands. If he would bring four *zuz* (an expensive gift), half is paid (for he would be served generously). In cases of higher values (more than four *zuz*), every man according to his importance (for he would be served expensive delicacies).

The *Gemora* cites a *braisa*: If a groomsman rejoiced with the groom at his public wedding, and he now desires the latter to reciprocate at his own private wedding, he may tell him, "I will rejoice with you at a public wedding in the same manner as you have performed for me" (and he therefore is not obligated to reciprocate). If a groomsman rejoiced with one who married a virgin, and he now desires the latter to reciprocate at his marriage with a widow, he may tell him, "I will rejoice with you when you marry a virgin in the same manner as you have performed for me" (and he therefore is not obligated to reciprocate). If a groomsman rejoiced with the groom on the occasion of his second marriage, and he now desires the latter to reciprocate on the occasion of his first marriage, he may tell him, "I will rejoice with you when you will marry a second wife in the same manner as you



have performed for me” (and he therefore is not obligated to reciprocate). If a groomsman rejoiced with the groom on the occasion of his marriage with one woman, and he now desires the latter to reciprocate on the occasion of his marriage with two women, he may tell him, “I will rejoice with you when you will marry one woman in the same manner as you have performed for me” (and he therefore is not obligated to reciprocate).

The *Gemora* cites a *braisa*: There are different types of Torah scholars: Rich in possessions (an owner of fields and vineyards which are visible to all) and rich in public, this is a master of *Aggadah* (for *Aggadah* is easily understood by all; he therefore speaks by the Festivals before large crowds). Rich in money (someone who profits from money-changing) and rich in Tekoan oil, this is a master in *Dialectics* (someone who develops new insights through his powers of reasoning). Rich in products that are measured and rich in products that are stored, this is a master of *Teachings* (one who knows the *halachos* and the *Amoraic* statements). Everyone is dependent on the master of wheat, i.e. the master of *Gemora*. [Bread is the staple of life; so too, the master of *Gemora*, one who knows how to reconcile the *Mishnayos* and *braisos*, is needed by all.] (145a – 145b)

INSIGHTS TO THE DAF

Why the Kiddushin Money is Irretrievable

The *Gemora* cites a dispute whether *kiddushin* money is irretrievable or not (does a man, when giving money to betroth a woman, resolve in his mind that he is prepared to forfeit the money if this will not result in a *nisuin*). Rabbi Nassan holds that the *kiddushin* money is not irretrievable (and it must be returned), and Rabbi Yehudah HaNasi holds that the *kiddushin* money is irretrievable (and it does not need to be returned).

What is the explanation of the *Tanna* that holds that the *kiddushin* money is irretrievable?

The *Ritva* writes that the man gives the money to the woman on the condition that it should be returned to him if she would die before the *nisuin*. He adds that this stipulation is only with respect to the *kiddushin* money more than the value of a *perutah*, for if the entire *kiddushin* money was included in this condition (and everything must be returned), it would emerge that they were retroactively never married, and why would it be necessary to give a *get* (in a case where she retracted prior to the *nisuin*)! If she would commit adultery, why would she be put to death? It would be a case of a *hasra'as safek* -- “an uncertain warning,” for if the *kiddushin* does not result in a *nisuin*, it would emerge that the man never gave her any money, there was never any *kiddushin*!

The *Rashba* disagrees and proves from a *Gemora* later that all the *kiddushin* money is returned. And although all the money is returned, the *kiddushin* is nevertheless valid through the benefit that she received by being able to use the money until she would be required to return it.

HALACHOS FROM THE DAF

What should I Learn?

The *Gemora* discusses different types of Torah scholars. There are those that excel in *Mishna*, some in *Aggadah*, others in *Pilpul*, some in *Halachah*, while there are yet others whose field of expertise is *Gemora*. They are all part of Torah, and each contributes its part to Torah learning. Although there is a *mitzvah* of *Yedias Hatorah* (to know as much Torah as possible), there are *halachos* in what is imperative to learn.

The Shulchan Aruch (Yoreh De'ah Siman 246 Seif 1) writes that every single Jew is obligated to learn Torah; it makes no difference if he's rich or poor, healthy or ill, young or old, even if he's preoccupied with earning a living and taking care of his family, everyone is obligated to set aside time to learn - by day and by night. If it is absolutely impossible for him to learn, either due to the fact that he has no idea how to learn anything, or he is simply extremely busy without even a moment to learn, then he should pay others to learn.

There is an opinion in *halachah* (ibid Seif 4) that when one is starting to learn Torah (*i.e. in his younger years*) he should split his learning time into thirds: the first third he should study *Tanach*, the second - *Mishna*, and the third - *Gemora*, and when he gets older, he should just learn *Gemora* while routinely reviewing *Tanach* and *Mishna*. However the Rema rules that Talmud Bavli is considered a mixture of all three, and therefore, if one focused all his energies in *Gemora*, he has fulfilled his obligation to study *Tanach* and *Mishna* as well. The Rema continues that "all one needs to learn is *Tanach*, *Mishna*, *Gemora* and the *Halachos* that are derived from them, and through this, he will acquire this world and the next."

DAILY MASHAL

The Shach and Taz quote Drishah that notes that there are *baalei batim* (*laymen - people who work and have less time to study Torah*) who learn *Gemora* without *halachah*. He rules that they must also learn *halachah*. He bases his ruling from the famous *Gemora* which states: Whoever learns two *halachos* a day is guaranteed a portion in the World to Come. Rashi explains that to *halachah* means *halachah lima'aseh* (*practical rulings; there are instances when the Gemora uses the word halachah, and it translates as Gemora*). So although the

Rema says that it is sufficient to learn *Gemora*, that is only for those who learn most of the day, but *baalei batim* that learn considerably less, must also learn *halachah*.

In regard to *Kabbalah* and other esoteric studies, the Shach rules that one should not start learning them before he is 40, since it requires a high level of holiness and purity. Pischei Tshuvah argues and cites Chavos Yair who recommends that one should altogether distance himself from learning these areas of Torah.

Mishna Berurah (Siman 290 Seif Katan 3) writes that it is written in the Zohar that a person should come up with a novel interpretation in Torah on Shabbos, and for those that can't, they should learn an area of Torah that they never learned before.