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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

She’eir, Kesus and Onah

Rava said: The Tanna of the following Baraisa holds that a husband is Biblically obligated to support his wife: [It is written [Shmos 21:10] regarding a man’s obligations to his wife: *He may not reduce her she’eir, her kesus, or her onah.*] *She’eir* is referring to support, and so it is said: *Who ate my people’s she’eir* (referring to food). *Kesus* means clothing. *Onah* is referring to conjugal relations in their proper time as prescribed by the Torah, and so it is said: *should you withhold conjugal relations (te’aneh) from my daughters.*

Rabbi Elazar understands these words differently. *She’eir* is referring to conjugal relations in their proper time, and so it is said: *No man shall approach any she’eir of his flesh to uncover nakedness.* *Kesus* means clothing. *Onah* is referring to support, and so it is said: *He afflicted you (vay’ancha) and let you hunger.*

Rabbi Eliezer ben Yaakov explains the words differently. *She’eir* is written next to *kesus* to teach us that the husband should provide his wife with clothing that is suitable to her age – he should not provide a young woman’s clothing to an old woman, and he should not provide an old woman’s clothing to a young woman. *Kesus* is written next to *onah* to teach us that he should provide her with clothing according to the season – he should not provide for her new clothing (which is thicker and therefore warmer) in the summer, and he should not provide her with worn clothing in the winter.

Rav Yosef taught the following *Baraisa*: Her *she’eir* implies close bodily contact. This means that he must not treat her in the manner of the Persians who perform their conjugal duties in their clothing. This provides support for a ruling of Rav Huna, for Rav Huna said: A husband who said, “I will not perform my conjugal duties unless she wears her clothes and I mine,” must divorce her and give her a *kesuvah* also. (47b3 – 48a1)

Flutes and Lamenters

The *Mishnah* had stated: Rabbi Yehudah said: Even the poorest man in Israel may not hire less than two flutes and a wailing woman to lead the mourning at his wife’s burial.

The *Gemora* infers from here that the *Tanna Kamma* disagrees and holds that a husband is not required to provide these things for his wife’s funeral.

The *Gemora* asks: What are the circumstances of the case? If it is her custom (to have flutes and a wailing woman by the funeral of a woman), then why would the *Tanna Kamma* maintain that the husband is not obligated to provide this? And if it is not her custom, what is Rabbi Yehudah’s reason?

The *Gemora* explains the dispute: The *Mishnah* is referring to a case where it is the custom in the husband’s family (to have flutes and a wailing woman by the funeral

of a woman); however, it is not the custom of the wife's family. The *Tanna Kamma* maintains that we say, "A woman rises to the husband's standards, but does not descend to his standards" only while she is alive, but not after her death. Therefore, the husband is not required to provide the flutes and wailing woman for her burial because it is not his custom. Rabbi Yehudah, however, holds that the principle is applicable even after her death, and he must provide for her burial according to the standards of her family.

Rav Chisda says in the name of Mar Ukva that the *halachah* follows Rabbi Yehudah. (48a1 – 48a2)

Support if he Became Insane or if he Went Overseas

Rav Chisda said in the name of Mar Ukva: If a man became insane, *Beis Din* takes possession of his estate and provides food and clothing for his wife, sons and daughters, and he also provides something else.

Ravina asked Rav Ashi: Why should this case be different from that which was taught in the following *Baraisa*? If a man went to a country overseas and his wife claims that she wants to be provided for, *Beis Din* takes possession of the husband's estate and provides food and clothing for his wife, but not for his sons and daughters or for something else.?

Rav Ashi replied: Do you not draw a distinction between one who departs intentionally and one who departs without knowing it? (*In the case where he went overseas, the man, if he so desired, could have left instructions that his wife and family should be provided for; since, he did not leave any instructions, it is obvious that he had no intention of providing for them. This explains the ruling that his wife, whom he is under a legal obligation to maintain must be provided for by the Beis Din out of his*

estate; his sons and daughters, however, who have no legal claim upon their father's estate will not be provided for. However, a man who becomes insane, it may well be assumed that it was his wish that both his wife and family shall be properly provided for out of his estate.)

The *Gemora* asks: What is the "something else" mentioned in the *Baraisa*?

Rav Chisda says that it means perfume. (*If he went insane, they provide perfume for his wife; however, if he went overseas, they do not.*) Rav Yosef says that it is referring to charity. (*If he went insane, they tax his property; however, if he went overseas, they do not.*)

The *Gemora* elaborates on this dispute: According to the one who explained 'something else' to mean perfume, the ruling would apply with even greater force to charity (for if the court has no right to provide from a man's estate for his own personal interests, they certainly would have much less power to exact from that estate for charity, which is a communal interest). He, however, who explained 'something else' to mean charity, he restricts his ruling to this alone, but perfume, he maintains, must be given to her, for her husband would not consent that she shall become repulsive. (48a2 – 48a3)

Rav Chiya bar Avin said in the name of Rav Huna: If a man went to a country overseas, and his wife died, *Beis Din* takes possession of the husband's estate and buries her according to his standard.

The *Gemora* asks: In a manner befitting his standard, and not that of her status!?

The *Gemora* answers: It should be read as follows: Even according to his status; and it is this that he is informing us: A woman rises to the husband's standards, but does not descend to his standards" even after her death. (48a3)

Rav Masnah said: A man (upon his deathbed) who gave instructions that when his wife died she shall not be buried at the expense of his estate must be obeyed.

The Gemora asks: What, however, is the reason for heeding his instructions when he has left instructions? Is it because the estate falls to the orphans (who are not the widow's heirs, and therefore, they are not obligate to pay for her burial)? But the estate falls to the orphans, does it not, even if he left no instructions (and, in any event, they should not be obligated to pay)?

The Gemora answers: What Rav Masnah said was as follows: A man, who gave instructions that when he dies, he shall not be buried at the expense of his estate, is not to be obeyed, for it is not within his power to enrich his children and throw himself upon the public. (48a3)

Mishnah

The *Mishnah* states: She (*a bride*) always remains under the jurisdiction of her father until she enters the authority of her husband at marriage. If her father delivered her to the agents of her husband (*and certainly if he delivered her directly to the husband*), she is under the authority of her husband. If her father went with the agents of her husband, or the agents of her father went with the agents of her husband, she remains under the jurisdiction of her father. If the agents of her father delivered her to the agents of her husband, she is under the authority of her husband. (48a3 – 48b1)

“Always”

The *Gemora* asks: What is the *Mishnah* teaching us when it uses the word “always”?

The *Gemora* answers: It is coming to exclude that which we learned in a different *Mishnah*. For we learned in a

Mishnah: 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 chupah (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 *Mishnah* 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*. Our *Mishnah* is teaching us that the *halachah* is not like that; she never eats of *terumah*, even if the time designated for *nisuin* has passed, until the husband marries her. (48b1)

Delivery to the Husband

The *Mishnah* had stated: If her father delivered her to the agents of her husband (*and certainly if he delivered her*

directly to the husband), she is under the authority of her husband.

Rav said: She is under the authority of her husband in all respects except for the permission to eat *terumah*. (Rav maintains that the reason an *arusah* is prohibited from eating *terumah* is "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*. Since, in this case, he still has not determined if she has any defects, she is still prohibited from eating *terumah*.)

Rav Assi said: She is under the authority of her husband in all respects even for the permission to eat *terumah*. (Rav Assi maintains that the reason an *arusah* is prohibited from eating *terumah* is "lest they pour a cup of *terumah* for her in her father's home, and she offer it to her brothers and sisters." Once she is delivered to her husband's house, this is not a concern any longer.)

Rav Huna asked to Rav Assi, and others say: Chiya bar Rav asked to Rav Assi: Our Mishnah states: She (*a bride*) always remains under the jurisdiction of her father until she enters the chuppah!?! [And until then she is forbidden to eat *terumah*. How then could Rav Assi maintain that *terumah* is permitted to her as soon as she is delivered to the agents of her husband?]

Rav said to them: Have I not told you, "Do not go after sources that can prove precisely the opposite (of your argument)"? Rav Assi can reply to you: Delivery of the bride to the agents of her husband is equivalent to her entry into the chuppah.

Shmuel said: She is under the authority of her husband only in respect to inheritance (*if she died, her husband inherits her dowry*).

Rish Lakish said: She is under the authority of her husband only in respect to her *kesuvah*.

The Gemora asks: What does 'her *kesuvah*' mean? It cannot mean that if she dies (afterwards), the groom inherits her (dowry, pledged by her father), for that would be identical to Shmuel's ruling!?

Ravina explains this to mean that if her husband died and she marries another man, her *kesuvah* is only a *manah* (*because it is regarded as if she entered nisuin with her former husband*).

Rabbi Yochanan and Rabbi Chanina both said (like Rav Assi): Once she is delivered to the agents of the husband, she is under the authority of her husband in all respects even for the permission to eat *terumah*.

The Gemora challenges these opinions from the following *Baraisa*: If the father went with the agents of the husband, or if the agents of the father went with the agents of the husband, or if she had a court-yard on the way, and she entered it with her husband to rest there for the night, even if her *kesuvah* is already in the husband's house, her father inherits her if she died. If, however, her father delivered her to her husband's agents, or if her father's agents delivered her to her husband's agents, or the husband had a court-yard on the way, and she entered it with him with an intention of *nisuin*, even if her *kesuvah* is in her father's house, her husband inherits her if she died. This ruling was only said in respect of her inheritance, but in respect of *terumah*, the *halachah* is that a woman is not allowed to eat *terumah* until she enters the *chupah*.

Does not this represent a refutation of all (*except for Shmuel*)? This is indeed a refutation. (48b1 – 48b3)

The Gemora asks: But is this not, however, self-contradictory? You said that if she entered it with her

husband to rest there for the night (the father inherits her). The reason why such an act is not regarded as nisuin is because the entrance was made specifically for the purpose of resting for the night; had it (the shared occupancy), however, been made with no specified intention, it would be deemed to have been made with an intention for nisuin. Let us consider, however, the final clause: If, however, she entered it with him with an intention of *nisuin* (her husband inherits her); from which it follows, does it not, that if the entrance was made with no specified intention, it would be deemed to have been made just in order to rest there for the night (and not for nisuin)?

Rav Ashi replied: Both entrances mentioned are such as were made with no specified intention, but any unspecified entrance into a courtyard of hers is presumed to have been made in order to rest there overnight, while any unspecified entrance into a courtyard of his is presumed to have been made with an intention of nisuin. (48b3)

A Baraisa taught: If a father delivered his (betrothed) daughter to the agents of her husband, and she committed adultery, her penalty is that of strangulation (which is the penalty administered to a woman who underwent nisuin; for the penalty for a betrothed *na'arah* is stoning).

The Gemora asks: From where is this ruling deduced?

Rabbi Ami bar Chama replied: Scripture says (regarding a betrothed girl who committed adultery): *To commit adultery in her father's house*; thus excluding one whom the father had delivered to the agents of the husband.

The Gemora asks: Perhaps it excludes one who entered the chuppah, but with whom no cohabitation had taken place?

Rava replied: Ami told me, "A woman who entered chuppah was explicitly mentioned in The Torah: *If there will be a na'arah virgin betrothed to a man; a 'na'arah' but not a bogeres; 'a virgin,' but not a woman with whom cohabitation took place; 'betrothed,' but not one who was fully married.*

Now, what is meant by 'one who was fully married'? If you will say that it means a nesuah, is she not excluded already when we said: '*a virgin,*' but not a woman with whom cohabitation took place? Consequently, it must be concluded that by 'married,' we meant one who entered into the chuppah, but with whom no cohabitation took place (and, accordingly, the term 'in her father's house' can exclude one whom the father had delivered to the agents of the husband). (48b3 – 48b4)

INSIGHTS TO THE DAF

Husband Imposing Stringencies on his Wife

Rav Yosef taught the following *Baraisa*: Her *she'eir* implies close bodily contact. This means that he must not treat her in the manner of the Persians who perform their conjugal duties in their clothing. This provides support for a ruling of Rav Huna who stated that a husband who said, "I will not perform my conjugal duties unless she wears her clothes and I mine," must divorce her and give her a *kesuvah* also.

The Ritva comments: Even though he is wearing his clothes for modesty purposes, and even if she would do the same, this would have the status of rejecting relations since it is not in an intimate manner and is therefore grounds for divorce. Reb Avi Lebowitz points out that the Ritva does not seem to reject the notion that it would be more modest in this way; rather, it seems from the Ritva that in truth, one can make a legitimate claim that they want to maintain this stringency for the sake of modesty,



nevertheless, she is not bound to keep his stringencies, and he therefore cannot impose this stringency on her without her consent.

Shulchan Aruch (YD 185:3) issues the following ruling: If a woman told her husband that she is a *niddah*, and later she retracts and says that she is not, she is not believed. If she gives an *amasla*, e.g. an excuse, such as, at first she said that she is *niddah* because she did not have strength for cohabitation, then, she is believed.

The Rama states that if the husband wants to be stringent on himself not to believe her, it is regarded as virtuous (*midas chassidus*).

The Chasam Sofer (Y"D, 149) discusses a case where a woman showed her garment to a Rav to determine if she is a *niddah* or not, and she was told by the Rav that she is permitted, but the husband who is a Torah scholar wishes to be stringent. The Chasam Sofer elaborates to explain that the nature of being married to a Torah scholar is to accept his stringencies, and his stringency may be imposed on her.

Reb Avi explains that by analyzing the context of the Chasam Sofer, it becomes evident that he cannot impose any stringency that he chooses on her. He is speaking of a situation where it should have been expected that he would keep these types of stringencies, but in cases where at the time of the marriage, there was not any expectation for him to act stringently, he cannot impose his stringencies on her, which would conform with the implication of the Ritva.

DAILY MASHAL

Avram, Avraham; Sarai, Sarah

The Gemora notes the following concept: "A woman rises to the husband's standards, but does not descend to his

standards." The Torah [Breishis 17:5] states: And your name shall no longer be called Avram, but your name **shall be** Avraham, for I have made you the father of a multitude of nations. It is noteworthy to see the difference in language regarding when Hashem changed Sarah's name. The Torah states: Your wife Sarai - you shall not call her name Sarai, for Sarah **is** her name. Why didn't the Torah say: for Sarah **shall be** her name?

The Imrei Pinchas answers based upon the commentators say that the letter "hey" (with the numerical value of five) was taken away from the "yud" (with the numerical value of ten) in Sarai's name, and she was left with the "hey" from the "yud." Accordingly, we can explain that when the "hey" was added to Avram's name to form Avraham, the Torah states that Avraham **shall be** your name, but by Sarai, where the "hey" was removed from the "yud" in her name, and therefore only a "hey" remained, the Torah states: Sarah **is** her name, for it already was her name from before – as soon as Avram's name was changed to Avraham.

The following was added to the explanation: The Gemora in Brachos states: In the beginning, Avram was a father to (*the nation of*) Aram, and now (as Avraham) he became a father to all the people of the world. Similarly, Sarai - at first she became a princess to her own people, but later she became a princess to all the people of the world. Our Gemora writes that the wife rises to the husband's standards, but does not descend to his standards. Accordingly, when Avram's name was changed to Avraham, and with that – his status rose, Sarai's status also rose, and she was automatically Sarah – the princess to all the people of the world. That is why the Torah does not use a future tense when discussing Sarah's name change, for her name was changed at the same timer as Avraham's name was changed.