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Kesuvos Daf 58

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Providing the Wife with Terumah

The *Mishnah* had stated regarding the amount of *terumah* a husband may provide his wife: Rabbi Tarfon says: They give her everything (*all her food*) of *terumah*. Rabbi Akiva says: Half of her food must be *chulin* (*for the days in which she is tamei and therefore prohibited from eating terumah*) and the other half may be *terumah*.

Abaye said: This argument applies only to a daughter of a *Kohen* who is betrothed to a *Kohen*; however, regarding a daughter of a *Yisroel* who is betrothed to a *Kohen*, everyone agrees that half of her food must be *chulin* and the other half may be *terumah* (*the chulin is needed for the days that she is tamei; a daughter of a Kohen is familiar with the halachos of terumah, and she knows that the terumah must be sold when she is tamei and exchanged for other food*).

Abaye continues: The argument applies only by an *arusah*; however, regarding a *nesuah* (*who eats by herself in her own apartment, and it is not proper for her to go to the market and sell it*), everyone agrees that half of her food must be *chulin* and the other half may be *terumah*.

The *Gemora* cites a *Baraisa* supporting Abaye’s qualifications: Rabbi Tarfon says: They give her everything of *terumah*. Rabbi Akiva says: Half of her food must be *chulin* and the other half may be *terumah*. When do these words apply? It is only when a daughter of a *Kohen* is betrothed to a *Kohen*, but regarding a daughter of a *Yisroel* who is betrothed to a *Kohen*, everyone agrees that

half of her food must be *chulin* and the other half may be *terumah*. And when do these words apply? It is only by an *arusah*; however, regarding a *nesuah*, everyone agrees that half of her food must be *chulin* and the other half may be *terumah*.

Rabbi Yehudah ben Beseirah said: We give her two parts *terumah* and one part *chulin*.

Rabbi Yehudah said: They give her everything of *terumah* and she sells it (*when she is tamei*) and buys *chulin* with it (*but, unlike Rabbi Tarfon who allows only as much terumah as if it were chulin, Rabbi Yehudah allows a larger quantity of terumah (which is cheaper since only a Kohen buys it) so that its proceeds should suffice for the purchase of the required quantity of ordinary food*).

Rabban Shimon ben Gamliel said: Any place that it is mentioned that she is given *terumah*, we give her double in *terumah* what we would have given her in *chulin*.

The *Gemora* asks: What is the difference between these last two opinions?

The *Gemora* answers: The difference between them is regarding the trouble it takes to sell the *terumah* (*it is difficult to sell terumah since only Kohanim will buy it and it must be offered at a very low price; to save the woman trouble, Rabban Shimon ben Gamliel allows her terumah double the quantity of the chullin, so that by reducing the price of the former by a half, she would easily dispose of it*



and be able to acquire with the proceeds her required ordinary produce; Rabbi Yehudah, however, makes no provision for saving her trouble, and allows her only a slight margin of *terumah* above that of ordinary food estimated at the current prices). (58a1 – 58a2)

Scriptural Source

The *Mishnah* had stated: The *yavam* does not entitle his *yevamah* to eat *terumah*.

What is the reason? - The *Gemora* explains the reason for this: It is written [Vayikra 22:11]: *The acquisition of his money, he may eat of it.* Only a *Kohen's* own acquisition may eat *terumah*; however, a *yevamah* is the acquisition of his brother, not his own. (58a2)

The *Mishnah* had stated: If she spent six months with her husband [and six months with her *yavam*, and even if all of them were with her husband, less one day that she was with her *yavam*, or all of them were with her *yavam*, less one day that she was with her husband, she does not eat *terumah*].

The *Gemora* asks: Now, if the (majority of the) days were with the husband, you said that she does not (eat *terumah*, for it is the husband only, and not the *yavam*, who entitles her to eat *terumah*), then, where the (majority of the) days were with the *yavam*, is there any question (that she is not entitled to eat *terumah*)?

The *Gemora* answers: The *Mishnah* is written in a “this, and it not necessary to state this” format. (58a2)

Beis Din's Retraction

The *Mishnah* had stated: This is the initial teaching of the *Mishnah*. The *Beis Din* following them said: She does not eat *terumah* until she enters the bridal canopy.

The *Gemora* asks: What was the reason for the retraction?

Ulla answered, and others say that it was Rav Shmuel bar Yehudah who answered: The reason why she may not partake in *terumah* until she has entered the *chupah* 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*).

The *Gemora* asks: It is understandable according to Ulla why the *halachah* was changed. Originally, an *arusah* was prohibited from eating *terumah* lest they pour a cup of *terumah* for her in her father's home, and she offers it to her brothers and sisters; that is why she was permitted to eat *terumah* after twelve months, for she is not eating together with the rest of her family any longer. The latter ruling, which prohibited her from eating *terumah* until the *chupah* 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*; the reason applies until she enters the *chupah*).

However, asks the *Gemora*, according to Rav Shmuel bar Yehudah, why was there a change? The original reason was because of a blemish and the latter reason was because of a blemish!?

The *Gemora* answers: The initial *Beis Din* maintained that a superficial examination by his family members will be sufficient and therefore, she may eat *terumah* after twelve months. The latter *Beis Din* was of the opinion that only the groom's examination at the time of the *chupah* will be sufficient; until then, we are still concerned and she may not partake in *terumah*. (58a2 – 58b1)

Mishnah

The *Mishnah* states: If one consecrates his wife's earnings, she may work and eat (*his consecration is not effective*). If he consecrates the surplus (*that which she*



earns voluntarily), Rabbi Meir says: It is consecrated. Rabbi Yochanan HaSandlar says: It is *chulin*. (58b1)

Support for her Earnings

Rav Huna said in the name of Rav: A woman is permitted to say to her husband, "I do not want to be supported by you, and I will not give you my earnings." (*She works and keeps the earnings to herself.*)

The *Gemora* explains: When the Rabbis established that a husband is required to sustain his wife and that the wife gives the husband her earnings, the primary reason for this enactment was to provide sustenance to the wife (*even when her earnings would not be sufficient for her sustenance*); the reason why the husband is entitled to her earnings is in order to prevent animosity between the husband and the wife (*which would result if he would be obligated to support her and yet, she may keep her earnings*); this is why she may waive the right to support and keep her earnings.

The *Gemora* asks on Rav Huna from the following *Baraisa*: The Rabbis established that the husband should provide for her maintenance in return for his entitlement to her earnings (*which would seemingly indicate that the primary enactment was that the earnings should go to her husband, and because of that, they decreed that the husband is required to support her*).

The *Gemora* answers: Let us say that the *Baraisa* means that the Rabbis established that the husband is entitled to her earnings in return for the maintenance that she receives from him.

The *Gemora* brings proof to Rav Huna from our *Mishnah*, which states: If one consecrates his wife's earnings, she may work and eat (*his consecration is not effective*). Is the *Mishnah* not referring to a case where the husband wishes to support her and she refuses (*and nevertheless, her earnings do not belong to him; the Mishnah is*

obviously is not referring to a case where she is actually being supported by him, for then, her earnings would belong to him and the consecration would be effective)?

The *Gemora* rejects the proof: The *Mishnah* is referring to a case where he does not have the ability to support her (*and that is why her earnings do not belong to him*).

The *Gemora* asks: If so, what is the novelty in this teaching? If the *Mishnah* is discussing a case where the brothers are not supporting her, what was the *Mishnah's* necessity to state this case? For even according to the one who ruled that a master is entitled to say to his slave, "Work for me, but I will not maintain you," this ruling applies only to a Canaanite slave concerning whom "*for it is good for him with you*" was not written in the Torah, but not to a Hebrew slave concerning whom "*for it is good for him with you*" was written in the Torah. How much more so that he cannot say this to his wife?

The *Gemora* answers: It is necessary to teach this *Mishnah* for the last clause of the *Mishnah*, which states: If he consecrates the surplus (*that which she earns voluntarily*), Rabbi Meir says: It is consecrated. Rabbi Yochanan HaSandlar says: It is *chulin*.

The *Gemora* notes: Rav Huna is in disagreement with Rish Lakish, for Rish Lakish said: Do not say that Rabbi Meir's reason (*that the surplus is not consecrated*) is because one cannot consecrate something that is not yet in existence; but rather, his reasoning is because a husband may compel his wife to work, his consecration is regarded as if he had said to her, "May your hands (*which are in existence*) be consecrated to Him who created them." (*It emerges that Rish Lakish maintains that a husband may compel his wife to work and receive the earnings, and she cannot say, "I do not want to be supported by you, and I will not give you my earnings."*)



The *Gemora* asks: But, surely, the husband did not use such an expression?

The *Gemora* answers: Since Rabbi Meir was heard to state that a man does not utter his words in vain, the expression the husband used here may be regarded as if he had actually said to her, “May your hands be consecrated to Him who created them.”

The *Gemora* asks: But is Rabbi Meir of the opinion that a man cannot consecrate anything that is not yet in existence? Surely it was taught: If a man said to a woman, “You shall be betrothed to me after I convert,” or “After you shall convert,” or “After I shall have been set free from slavery,” or “After you have been set free,” or “After your husband dies,” or “After your sister (*my wife*) dies,” or “After your *yavam* has submitted to *chalitzah* from you,” she, Rabbi Meir ruled, is legally betrothed! (*When the respective conditions are fulfilled, though at the time of the betrothal they were still unfulfilled; this indicates that an act that involves something that is not yet in existence is nevertheless, valid.*)

The *Gemora* answers: From that *Baraisa*, the inference may indeed be drawn; from our *Mishnah*, however, it cannot be inferred. (58b1 – 58b4)

INSIGHTS TO THE DAF

Food for Thought

*** There are several different opinions as to the amount of *terumah* a groom should provide to his bride prior to the *nisuin*.

Rabbi Yehudah ben Beseira said: We give her two parts *terumah* and one part *chulin* (*unconsecrated produce*).

Maharshal comments: An average time for a woman to menstruate (*consequently, she is tamei and forbidden*

from eating terumah) is once every thirty days. The normal flow of blood is for three days. In addition, she must observe seven days of cleanliness prior to becoming *tahor* and only then will she be permitted to eat *terumah* again.

Rav Elyashiv Shlita asks: Where did the Maharshal find that an ordinary woman menstruates for three days? It is our custom to wait five days!?

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The *Gemora* explains the reason for this: It is written [Vayikra 22:11]: *The acquisition of his money, he may eat of it*. Only a *Kohen's* own acquisition may eat *terumah*; however, a *yevamah* is the acquisition of his brother, not his own.

Rashi maintains that even if the *yevamah* began eating *terumah* while her husband was alive, she will be required to cease eating *terumah* once he dies.

Rabbeinu Tam disagrees and holds that Biblically, once a *yevamah* obtained the right to eat *terumah*, she preserves that right even after the husband dies. It is merely a Rabbinical prohibition; the verse cited in the *Gemora* is only an *asmachta* (*used as support for the Rabbi's decree*).

Reb Elchonon Wasserman in Koveitz Shiurim (183) asks: Why does Rabbeinu Tam hold that the *yevamah* is Biblically permitted to eat *terumah* even after her husband died? She is not the wife of a *Kohen* any longer; she doesn't have any offspring from the *Kohen* (*which would have allowed her to continue eating terumah*) and she is not yet the acquisition of the *yavam*!?



[Perhaps, this challenge can be answered by examining the concept of the *zikah*-attachment between the *yavam* and the *yevamah*.]

DAILY MASHAL

The Apple doesn't Fall Far Away

The *Mishnah* (Kesuvos 57a) had stated regarding the amount of *terumah* a husband may provide his wife: Rabbi Tarfon says: They give her everything (*all her food*) of *terumah*. Rabbi Akiva says: Half of her food must be *chulin* (*for the days in which she is tamei and therefore prohibited from eating terumah*) and the other half may be *terumah*.

Abaye said (58a): This argument applies only to a daughter of a *Kohen* who is betrothed to a *Kohen*; however, regarding a daughter of a *Yisroel* who is betrothed to a *Kohen*, everyone agrees that half of her food must be *chulin* and the other half may be *terumah* (*the chulin is needed for the days that she is tamei; a daughter of a Kohen is familiar with the halachos of terumah (from her father's house), and she knows that the terumah must be sold when she is tamei and exchanged for other food*).

Rabbi Braun, in his sefer *She'orim Mitzuyanim B'halacha* notes that this is the custom of the world; that which the daughter observes in her parent's house is the manner in which she acts after she is married.

This can be seen from the *Gemora* above (23a), where it records an incident where the daughters of Shmuel were taken captive. They were taken to *Eretz Yisroel* from Bavel and leaving their captors outside, they entered the Beis Medrash of Rabbi Chanina and proclaimed, "We were captured but we are pure." Rabbi Chanina permitted them to marry *Kohanim* (*based on the principle of happeh she'assar; for the very mouth that would have rendered*

them forbidden to Kohanim is the mouth that has permitted them). Immediately afterwards, their captors entered the Beis Medrash. Rabbi Chanina said: It is evident that these women are the children of a halachic master (*for they had known to speak to the Beis Din before their captors entered; our knowledge of them being taken captive came through their mouth and not from their captors*).

Unfortunately, this can be the case in a negative manner as well. The *Gemora* in *Sukkah* states that if a child talks in a crude manner in the market, it is obvious that he heard this type of language from his parents in the house.

It is incumbent upon all parents to be constantly aware of their own behavior and manner of speech, especially, when their children are present.