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Kesuvos Daf 59

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**  
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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

**Earnings**

The Mishnah had stated: 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 asks: When does it become consecrated?

The Gemora answers: Both Rav and Shmuel stated: The surplus becomes consecrated only after the wife's death (when the husband inherits her possessions).

Rav Adda bar Ahavah stated: The surplus is consecrated while she is still alive (as soon as she produces them).

Rav Pappa asked: In what circumstances are we dealing? If you will say that the Mishnah is referring to a case where the husband provides her with food and also provides her with a silver ma'ah (as the Mishnah below will state) for her other requirements, what then is the reason of the one who stated that it 'becomes consecrated only after the wife's death' (as he is entitled to her earnings, for he is fulfilling his requirement)? If, however, it is referring to a case where the husband does not provide her with food and does not provide her with a silver ma'ah for her other requirements, what then is the reason of the one who stated that 'it is consecrated while she is still alive' (as in this case, he is not entitled to her earnings, for he is not fulfilling his requirement)?

The Gemora answers: This is a case indeed where he was providing her with food, but he was not providing her with a silver ma'ah for her other requirements. Rav and Shmuel are of the opinion that the Rabbis have ordained (the provision

for the husband to provide) sustenance (for a wife) in return for her (mandatory) earnings, and a silver ma'ah in return for the surplus; and since the husband did not provide her the silver ma'ah, the surplus remains hers. Rav Adda bar Ahavah, however, is of the opinion that sustenance was ordained in return for the surplus, and the silver ma'ah in return for her earnings; and since the husband provided the sustenance, the surplus is his.

The Gemora asks: On what principle do they differ?

The Gemora answers: One master (Rav and Shmuel) holds that the common thing (that the husband provides food for his wife) is in exchange of the common (for the wife to work and produce the mandatory earnings prescribed for her), and one master (Rav Adda bar Ahavah) holds that the fixed amount (the silver ma'ah) is in exchange of the fixed amount (which is her mandatory earnings, as the Mishnah below will state that it is five sela'im of warp threads per week).

The Gemora asks (*on Rav Ada who says that "mezonos" – "support" given by a husband is in exchange for his wife's "mosar" – "surplus money earned"*) from the following Baraisa: The Rabbis established that the husband should provide for her sustenance in return for his entitlement to her earnings.

The Gemora answers: The Baraisa should say: [The Rabbis established that the husband should provide for her sustenance] in return for his entitlement to her 'extra' earnings.

The Gemora asks from the following Mishnah: If he doesn't give her a silver ma'ah for her needs, her earnings remain with her.

he Gemora answers: The Mishnah should say: If he doesn't give her a silver ma'ah for her needs, her 'extra' earnings remain with her.

The Gemora asks: But regarding this ruling, doesn't the Mishnah continue by saying: And how much work must she do for him? [She must spin each week the weight of] five sela'im of warp threads in Judea (*which are her mandatory earnings*)?

The Gemora answers: This is what the continuation of the Mishnah means: How much are her mandatory earnings, so that we should know what is (regarded as) extra? [She must spin each week the weight of] five sela'im of warp threads in Judea, which is equivalent to the weight of ten sela'im in the Galilee. (58b4 – 59a1)

#### **Shmuel's Halachic Ruling**

Shmuel said: The halachah follows Rabbi Yochanan Ha'Sandlar (*who stated that if a man consecrates his wife's surplus earnings, the money is not consecrated*).

The Gemora asks: Did Shmuel really say this? But it was taught in a Mishnah: [If a woman says to her husband:] "What I earn shall be 'konam' (forbidden for benefit) to your mouth," her husband does not need to annul the vow. [A husband has a right to annul certain vows of his wife; here, it is not necessary, for the husband has a right to her earnings and she cannot prohibit him from using that which is his.] Rabbi Akiva says: He should annul the vow, as she might produce more than her mandatory earnings (*and that amount would become forbidden to him*). Rabbi Yochanan ben Nuri says: He should annul the vow, as he might end up divorcing her, and she will be forbidden to return to him (as it will be impossible to avoid deriving benefit from her, for she will need to grind the flour, bake or perform other tasks specified in the Mishnah below). And Shmuel said: The

halachah is according to Rabbi Yochanan ben Nuri! [*This implies that a vow can be binding (when he divorces her) even when it is currently (when they are married) inapplicable; this is in contrast to Rabbi Yochanan Ha'Sandlar who rules that such a vow is ineffective!?*]

The Gemora answers: When Shmuel said that the halachah was like Rabbi Yochanan ben Nuri in the above case, he meant due to the extra earnings. [The husband should annul the vow, for it will be effective on the excess earnings.]

The Gemora asks: In that case, he should have clarified that he only rules like Rabbi Yochanan ben Nuri regarding the extra earnings! Alternatively, he should have said merely that the halachah does not follow the Tanna Kamma! Alternatively, he should have said that the halachah follows Rabbi Akiva (*who is only concerned about extra earnings in this case*)!?

Rav Yosef suggests a different answer. Aren't we discussing konamos (a vow forbidding benefit from her future earnings as a divorcee)? Konamos are different, for just as a person can forbid the fruits of his friend upon himself, a person could similarly consecrate (*forbidding from himself and dedicating to the Beis Hamikdash*) something which has not yet come into existence (*and is currently inapplicable*). (59a1 – 59a3)

#### **The Comparison to a Field**

Abaye said to him: It is understandable that someone can forbid the fruits of his friend upon himself, just as he has the right to forbid his fruit upon his friend. However, he should not be allowed to forbid fruit that has not yet come into existence upon his friend, just like he cannot forbid the fruits of his friend upon a different friend!?

Rav Huna the son of Rabbi Yehoshua therefore answers: The case (*in the Mishnah above where R' Yochanan ben Nuri ruled that a wife can forbid her future earnings upon her husband*) is where the woman said, "Let my hands be dedicated to the One Who made them," for her hands are in

existence (and it is not considered as consecrating something that is not yet in existence).

The Gemora asks: Just because she said this, does the dedication work? Her hands are already indebted to her husband (for she is obligated to work for him, and therefore, the husband owns the right to her hands, and the vow cannot be effective at this time)!

The Gemora answers: The case is where she says that this should take effect when she gets divorced.

The Gemora asks: Is there such an effective dedication that it cannot take effect now, and yet it takes effect at a later date? [According to the one who holds that one cannot consecrate something that is not yet in existence, he cannot consecrate something that it should take effect when it comes into existence either!]

Rabbi Il'ai answers: Why not? If someone says to his friend, "The field I am now selling you should become consecrated when I buy it back from you," isn't it valid? [The consecration of the field is valid, for at the time of the vow he owns the field – even though he loses ownership in the interim. In the case of the woman, although she does not own the right to her earnings, she does own her actual hands, and that strength should allow the vow to be effective!]

Rabbi Yirmiyah asked him: The cases are incomparable!? There (in the case of the field), he currently has the ability to consecrate it; here (in the case of the woman), she has no power to divorce herself (and therefore, she has no ability to consecrate her earnings now while she is still married to take effect upon her divorce, for it is regarded as something which is not yet in existence)!? It is comparable only to the case of a person who says to his friend, "This field that I have already sold you should become consecrated when I buy it back from you," where the ruling would (obviously) be that it is not consecrated!

Rav Pappa told Rabbi Yirmiyah: Your comparison is inaccurate!? There (in Rabbi Yirmiyah's case of the field), both the field and its fruit (which will be produced) are currently in the hands of the buyer (and therefore, the consecrator has no power whatsoever to consecrate it); here, however (in the case of the woman), at least her body (*hands*) are in her possession (although the husband has a right to her earnings)!? It is comparable only to the case of a person who says to his friend, "This field that I have pledged to you (which he has as a security for a loan, and he is allowed to eat the fruits of the field in the meantime) should become consecrated when I redeem it from you," where the ruling would be that it is consecrated!

Rav Shisha the son of Rav Idi told Rav Pappa that his comparison was inaccurate: There (in Rav Pappa's case of the pledged field), he (the borrower) has the ability to redeem the field (*by paying back the loan, and therefore, he may consecrate it now for when he redeems it*)! Here (in the case of a married woman), she has no power to divorce herself (and therefore, she has no ability to consecrate her earnings now while she is still married to take effect upon her divorce, for it is regarded as something which is not yet in existence)!? It is comparable only to the case of a person who says to his friend, "This field that I have pledged to you for a ten-year period should become consecrated when I redeem it from you," where the ruling would be that it is consecrated!

Rav Ashi told Rav Shisha that his comparison was inaccurate: There (in Rav Shisha's case of the field pledged for ten years), he (the borrower) at least has the power to redeem the field after ten years, whereas here (by the married woman), she has no power to divorce herself (and therefore, she has no ability to consecrate her earnings now while she is still married to take effect upon her divorce, for it is regarded as something which is not yet in existence)!?

Rav Ashi therefore gave a different answer: Aren't we discussing konamos (a vow forbidding benefit from her future earnings as a divorcee)? Konamos are different, as

they inherently consecrated (*not just monetary sanctity; the difference being that something which is inherently sanctified, such as a korban, cannot be redeemed, and accordingly, something which is sanctified through a konam has inherent sanctity and cannot be redeemed*). And this follows Rava's principle, for Rava said: Consecration (*of an animal to the altar*), becoming prohibited as chametz and the freeing of slaves can release an *apotiki* from the lien of a creditor. (*A person may designate any type of property as security to the creditor without placing it in the possession of the creditor. The creditor has a lien on this property, and if the debt is not otherwise repaid, the creditor can collect his debt from the security. This security is called an apotiki. Rava teaches us that there are three instances where the lien can be revoked or cancelled, and the creditor must be reimbursed through other means. If an animal designated as an apotiki was consecrated for a korban, the consecration is effective and the lien is revoked. If the object designated as an apotiki to a gentile was chametz and Pesach arrived while the Jew still had possession, it becomes forbidden for any Jew to derive benefit from the chametz, and he is obligated to destroy it; the lien from the chametz is dissolved. If the apotiki is a slave and the owner frees the slave, the emancipation is effective, and the slave becomes a free man. One cannot have a monetary right on a Jewish man and therefore the lien is cancelled.*)

The Gemora asks: If this is true, let her hands be consecrated now (*during the marriage*)!

The Gemora answers: The Sages strengthened the indebtedness of a wife to her husband in order that her hands should not be consecrated from now. (59a3 – 59b2)

### **Mishnah**

These are the types of work that a woman must do for her husband: she must grind flour, bake, clean clothes, cook, nurse her son, make her husband's bed, and knit with wool.

If she brings a maid into the marriage, she does not have to grind, bake, or clean clothes. If she brought two maids, she

also does not have to nurse or cook. If she brings three maids she also does not have to make his bed or knit with wool. If she brings four maids she can just sit in an easy chair. Rabbi Eliezer says: Even if she brings one hundred maids into the marriage, he can force her to knit, as idleness brings to unchastity. Rabbi Shimon ben Gamliel says: Even if someone vows that his wife is forbidden to do work he should divorce her and give her a kesuvah, as idleness brings to insanity. (59b2)

### **Working Women**

The Gemora asks: Can it really be that she has to grind (*the water causes the wheel to grind*)?

The Gemora answers: The Mishnah means that she must busy herself with the grinding work (*such as loading the grain and collecting the flour*).

Alternatively, the Gemora answers that it is referring to hand mill (*where she indeed does the grinding*). (59b2)

The Gemora notes that our Mishnah is apparently unlike Rabbi Chiya, for Rabbi Chiya taught a Baraisa: A wife is only for beauty; a wife is only for bearing children. And Rabbi Chiya taught another Baraisa: A wife is only for feminine adornments (that the husband buys for her, and not for her to perform chores for him). Rabbi Chiya taught another Baraisa: If someone wants to make his wife shine, he should clothe her in linen garments. Someone who wants to make his daughter's skin lighter should feed her young birds and give her milk when she is close to puberty. (59b2 – 59b3)

The Mishnah had stated: And she nurses her child.

The Gemora notes that our Mishnah is apparently unlike Beis Shammai, for it was taught in a Baraisa: If a woman vowed not to nurse her child, Beis Shammai says: She should remove the breast from his mouth (as the vow takes effect). Beis Hillel says: She can be forced (by her husband) to nurse the child. If she is divorced, she cannot be forced to nurse. However, if the child recognizes her (and only wants to nurse

from her), he (the husband) pays her and forces her to nurse, as otherwise, the baby's life is in danger.

The Gemora answers: You can say that our Mishnah could even be in accordance with Beis Shammai, for the Baraisa is talking about a case where she made the vow (*not to nurse*) and he (the husband) upheld the vow. Beis Shammai therefore says that he put his finger in between her teeth (*to enable her to get away without nursing*), while Beis Hillel says that she put her own finger in between her teeth (*it was her fault she made the vow*).

The Gemora asks: Let them argue about a regular case of kesuvah? [*Why did they specifically argue about nursing?*] Additionally, there is a separate Baraisa where Beis Shammai says that no woman has to nurse!?

The Gemora therefore concludes that it is clear that our Mishnah is indeed unlike Beis Shammai. (59b3)

## INSIGHTS TO THE DAF

### ***Keeping her Earnings for Herself***

Rav Shisha the son of Rav Idi told Rav Pappa that his comparison was inaccurate: There (in Rav Pappa's case of the pledged field), he (the borrower) has the ability to redeem the field (*by paying back the loan, and therefore, he may consecrate it now for when he redeems it*)! Here (in the case of a married woman), she has no power to divorce herself (and therefore, she has no ability to consecrate her earnings now while she is still married to take effect upon her divorce, for it is regarded as something which is not yet in existence)!? It is comparable only to the case of a person who says to his friend, "This field that I have pledged to you for a ten-year period should become consecrated when I redeem it from you," where the ruling would be that it is consecrated!

The explanation is as follows: Since he can redeem the field and then consecrate it, it is not regarded as something which is not yet in existence. Therefore, he can consecrate it now

for when he redeems it. However, in the case of the married woman, she does not have it in her power to become divorced, and therefore, making a *neder* to take effect after she becomes divorced is regarded as an act involving something which is not yet in existence.

The Rishonim ask: The *halachah* is in accordance with Rav Huna who says that a woman can keep her earnings for herself by declaring that she desires not to be supported by her husband. If so, why can't she consecrate her earnings, for she does not need to be divorced to acquire the rights to her earnings?

The Ra"n answers: A woman who refuses to be supported is still required to perform the household chores, such as grinding, baking and laundering. Rabbi Yochanan ben Nuri was discussing these chores that the husband will find it impossible to avoid benefiting from if he would remarry her after divorcing her. This is why he should revoke her *neder*.

The Ramban answers: Although Rav Huna says that a woman has the right to regain her rights to her earnings, as long as she does not exercise this right, her hands are obligated to work for her husband and her earnings cannot be consecrated. This would be comparable to the case where one sold a field to his fellow with a stipulation that he could nullify the sale. Even though he has the right to nullify it, as long as he doesn't exercise that right, the field belongs to the other fellow and the seller cannot consecrate the field.

The Tosfos HaRosh answers that it is extremely uncommon for a woman to elect not to be supported by her husband and keep her earnings for herself. Since it is highly unlikely for her to exercise this right, it is not regarded as being in her power to keep her earnings for herself.

### ***Between Him and Her after Divorce***

The *Mishnah* had stated: If she vows that he should not benefit from her work, he does not have to revoke the vow (*as she is already bound to give him the proceeds of her work*). Rabbi Akiva says: He should revoke the vow, as she



might produce more than she must give to him (*and he will not be able to benefit from it*). Rabbi Yochanan ben Nuri says: He should revoke the vow, as he might divorce her and then she will be forbidden to him.

The Rishonim ask: According to Rabbi Yochanan ben Nuri, how could the husband revoke the vow because of what will be after they divorced? That is not a matter that is between him and her! How can the vow be revoked?

The Ritva writes that he means that the vow should be annulled by a sage, and he can annul all types of *nedarim*.

The Raavad answers: Any *neder* that she pronounces while she is under the jurisdiction of the husband, and it can lead to his loss of rights, he may revoke such a *neder*, even if the loss will only come about after he divorces her. Since she made the *neder* while under his authority, he may revoke the *neder*.

Tosfos writes that the husband may revoke the *neder*, for even after he divorces her, he can still remarry her. It is, therefore, regarded as a *neder* that involves a matter that is between him and her.

#### DAILY MASHAL

##### ***Beauty is a Virtue***

Rabbi Chiya cited a *Baraisa*: A wife is only for her beauty. A different *Baraisa* states: A wife is only for her cosmetics and jewelry.

The *Gemora* in *Yevamos* (63a) records an incident with Rabbi Chiya that is in line with his teaching here. Rabbi Chiya's wife would constantly torment him. Nevertheless, when he would find something in the market that he thought his wife would like, he would wrap it in a shawl and give it to her as a gift. Rav asked him: "Doesn't she bother you?" Rabbi Chiya responded: "It is enough that they raise our children, and protect us from sinning."

The *Gemora* is teaching us that a wife who adorns herself for the sake of looking attractive to her husband is preventing him from sinning, for he will not be enticed to gaze at other women.

This is quite possibly the explanation for the *Gemora* Taanis (31a). The *Mishnah* had stated: On the fifteenth of Av, the daughters of Yerushalayim would go forth in borrowed white garments, so as not to embarrass whoever does not have and they would go forth and dance in the vineyards. And what would they say? "Young man, lift up your eyes and see what you choose for yourself. Do not set your eyes on beauty, set your eyes on the family."

The *Gemora* cites a *Baraisa*: The pretty ones among the maidens would say: "Pay attention to beauty alone, because a woman is made only for beauty." Those among them who were from a distinguished family would say: "Look to a distinguished family for women are but made to bear children." The homely ones among them would say: "Make your selections only for the glory of Heaven, but provide us with gold jewelry and pretty clothes."

The Peleh Yoetz explains that this merely means that beauty is a virtue for a young man to look for in addition to other virtues. It is quite possible that the girls who said "look to beauty," could have meant that they had many other virtues besides their beauty. Our *Gemora* is stating that even if beauty was their only virtue, it can still have a spiritual benefit. Women and their beauty are vitally important since they prevent a man from sinning.

##### ***Indulging in Frivolities***

Rabbi Pinchas Winston gleans a valuable lesson from our *Mishnah*.

Israel camped in Shittim. The people acted immorally with the daughters of Moav, who lured the people to sacrifice to their gods (Bamidbar 25:1-2)



Talk about role reversal! One moment, Bilaam is up in the mountains overlooking the Jewish camp, trying to curse the Jewish people, but forced instead to praise them for their modesty; the next moment the people are acting immorally with the daughters of Moav! How does one fall from "perfection" so fast.

Perhaps we can glean insight into this catastrophe, which happens to plague many societies today and did in the past, from a Mishnah dealing with this issue.

The tractate is Kesuvos, which, obviously, deals with a man's marital obligations to his wife (and vice-versa) and family (and which, "coincidentally," contains a large section about the blessing of living in Eretz Yisroel toward the end). The Mishnah teaches:

These are the things that a wife is obligated to perform for her husband And even if he brings into the house one hundred helpers, still, she should be compelled to work with wool, because doing nothing leads to promiscuous behavior (Mishnah, Kesuvos 59b)

We can assume, and prove from history, that this "principle" does not only apply to married women, but to everyone as well. And, we can also assume that the Mishnah's choice of "working with wool" is merely an example of an activity that keeps a person busy, and away from negative influences (not all trades create situations of modesty). And, perhaps we can make a connection from this Mishnah to the end of our parshah, and reveal the vulnerability of life in a premature Garden of Eden.

Not everyone is cut out for life in the Garden of Eden at this point in history. In fact, just about nobody is, save for a few very, **VERY** righteous individuals who have divested themselves of the pleasures of This World. As for the rest of us, the struggle does us a lot of good. It refines us, and defines us, and makes us grow and become great.

In fact, elsewhere the Talmud sums up our period of history with the following little saying:

Rav Yitzchak said: If a person tells you, "I tried, but did not succeed," don't believe him; "I did not try, but succeeded," don't believe him; "I tried and succeeded," believe him (Megillah 6b)

In the end, the Talmud concludes that this only applies to becoming "sharper" in Torah-learning (i.e., people can succeed in business with little effort and fail though they have made great effort). However, we know from the following:

According to the effort is the reward. (Pirkei Avos 5:22) -- that success **IS** the effort made.

To be human is to struggle, though our bodies fight against this with all their might (what a waste of energy!). The greatest promise that technological advancement holds out for most people is the promise of more leisure time, and, indeed, in many ways, it has delivered on that promise.

However, as we learn from the Mishnah, and from the Jews in the desert, more "leisure-time" is not necessarily a good thing. The Jews in the desert had every physical concern taken care of for them by Heaven; all they had to do was sit and learn Torah and keep away from trouble.

But what happens when trouble doesn't keep away from you?! If you're a busy person with important goals, usually you have no time for it, and the fear of wasting a single moment for trivial matters frightens you into keeping on track. There are too many important matters to take care of to indulge in frivolities and pleasures that don't pay off in the long wrong.