

11 Elul 5782
Sept. 7, 2022



Kesuvos Daf 63

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Daf Notes is currently being dedicated to the neshamot of

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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 Story of Rabbi Akiva

Rabbi Akiva was a shepherd of Ben Kalba Savua. His daughter, upon observing how modest and noble the shepherd was, said to him, “Were I to be betrothed to you, would you go away to study Torah?” “Yes,” he replied. She was then secretly betrothed to him and sent him away. When her father heard what she had done, he chased her from his house and forbade her by a vow to have any benefit from his estate. Rabbi Akiva spent twelve years studying Torah. When he returned home, he brought with him twelve thousand disciples. While in his home town, he heard an old man saying to his (*Rabbi Akiva’s*) wife, “How long will you be living as a widow?” She said to him: “If he would listen to me, he would sit and learn for another twelve years.” Rabbi Akiva (*overhearing this statement*) said: “I now have permission.” He therefore returned immediately to learn for another twelve years in the Beis Medrash.

When he returned (*after the second period of twelve years*), he returned together with twenty-four thousand of his students. His wife heard that he was returning, and came out to greet him. Her neighbors told her: “Borrow some clothing and cover yourself well.” She replied: “A righteous man knows the soul of his animal.”

When she reached him, she fell on her face and kissed his legs. Rabbi Akiva’s aide began to push her away. Rabbi Akiva said: “Leave her, as both mine and yours (*merit of Torah study*) is because of her.”

Her father heard that a great man was coming to town. He said: “I will go come before him; perhaps he will negate my vow.” He came before Rabbi Akiva. Rabbi Akiva said to him:

“Did you make this vow with the intention that it should apply even if he becomes a great man?” He replied: “Even if he would learn one chapter or one law (*I did not intend it*).” Rabbi Akiva told him: “I am he (*your son-in-law about whom you made the vow*).” He fell to the ground, kissed his legs, and gave him one half of his assets.

The daughter of Rabbi Akiva made the same arrangement with Ben Azzai (*that he should go learn for many years*). This is like people say: “The sheep goes after another sheep, like the actions of a mother are the actions of a daughter.”

Rav Yosef the son of Rava was sent by his father to learn in the study house of (*an elder*) Rav Yosef for six years (*after his marriage*). After three years passed and it was the eve of Yom Kippur, he thought to return to visit his wife. His father, Rava, heard about his visit and took a weapon and went out to meet him. Rava confronted him: “You remembered your prostitute?” Some say he said: “You remembered your dove?” They were both involved in this confrontation, and neither remembered to eat the seudah ha’mafsekes (*the meal customarily eaten on the eve of Yom Kippur*). (62b3 – 63a1)

Mishnah

If a woman rebels against her husband (by refusing to fulfill her obligations to her husband), we deduct from her kesuvah seven dinar per week. Rabbi Yehudah says: Seven *trapaics*. For how long can we deduct the value of her kesuvah? We can deduct the entire value of her kesuvah. Rabbi Yosi says: We can even deduct more, to the point where if she inherits assets from a relative, he can collect them (*based on this fine*). Similarly, someone who rebels

against his wife must add three dinar a week to her kesuvah. Rabbi Yehudah says: Three *trapaics*. (63a1 – 63a2)

Rebelling From What?

The Gemora asks: What is she rebelling from?

Rav Huna says: She rebels from engaging in marital relations. Rabbi Yosi the son of Rabbi Chanina says: she rebels from performing work.

The Gemora asks: Our Mishnah continued: And so too someone who rebels against his wife. The Gemora asks: This is understandable according to the opinion that ‘rebelling’ refers to engaging in marital relations (*as both are obligated to do so*). However, according to the opinion that this refers to rebelling from work, is a husband obligated to do work for his wife?

The Gemora answers: Yes, it is deemed rebellion when he says, “I will not give her food and I will not support her.”

The Gemora asks: Didn’t Rav say that someone who tells his wife, “I will not give you food and I will not support you,” he must divorce her and pay her kesuvah?

The Gemora answers: Isn’t there time in the interim that we consult with him (and try to impress on him to change his mind)? [*The Mishnah therefore states that during that time, he must pay a fine.*]

The Gemora asks a question from the following Baraisa: Both a woman who is betrothed and married, even if she is a niddah, even if she is sick, and even if she is waiting to do “yibum” – “levirate marriage (*can be considered as rebelling*).” Now, the statement regarding a sick woman is understandable if we say that rebelling refers to refusing to engage in marital relations. However, if it refers to doing work, a sick person is not able to do work!?

The Gemora answers: It must be that everyone agrees that refraining from engaging in marital relations is considered

rebelling. Their argument is merely regarding work. One opinion holds that refraining from work is not considered to be in this category, and one opinion says that it is. (63a2 – 63b1)

The text itself (of the Baraisa cited above) stated (the Gemora is citing the Baraisa mentioned above in its entirety): If a woman rebels against her husband (by refusing to fulfill her obligations to her husband), we deduct from her kesuvah seven dinar per week. Rabbi Yehudah says: Seven *trapaics*. Our masters analyzed this issue and decided through an additional vote that (instead of deducting from her kesuvah) she should be publicly declared to be rebelling against her husband for four consecutive Sabbaths. The court sends her the following message (*during this time*): You should know that if you continue in this manner, you will forfeit your entire kesuvah - even if it is of a value of one hundred maneh. Both a woman who is betrothed and married, even if she is a niddah, even if she is sick, and even if she is waiting to do yibum (*can be considered as rebelling*).

Rabbi Chiya bar Yosef asked Shmuel: Is a niddah fit to engage in marital relations?

He answered him: One who has bread in his basket is incomparable to someone who does not have bread in his basket. [*This means that even if someone cannot currently eat bread, he is happy knowing that he will soon be able to do so. Accordingly, the husband is not so burdened by the fact that his desire cannot be fulfilled at the present moment, for he knows she will be permitted soon afterwards; this is in contrast to one whose wife declared her refusal to engage in marital relations even after she becomes tahor.*]

Rami bar Chama states: This public declaration takes place only in the synagogues and study houses. Rava says: This is evident from the fact that the sages publicly declared this four Sabbaths in a row. This shows it is only done in the synagogues and study houses (*where people congregate on Shabbos*).

Rami bar Chama says: She is sent the above message from Beis Din twice, once before the public declaration and once afterwards.

Rav Nachman the son of Rav Chisda expounded: The law follows this declaration of our masters (unlike our Mishnah).

Rava said: This is incorrect!

Rav Nachman bar Yitzchak said to Rava: What is incorrect about it? I said this ruling to him, and I said it in the name of a great man. Who is this great man? It is Rabbi Yosi the son of Rabbi Chanina.

The Gemora asks: Who did Rava hold like? He held like that which was stated: Rava said in the name of Rav Sheishes: We consult with her (and try to pressure her to change her mind, and the interim fine her for noncompliance). Rav Huna the son of Rav Yehudah said in the name of Rav Sheishes: The halachah is: We do not consult with her.

The Gemora asks: What is the description of a rebellious woman?

Ameimar says: It is where she says, "I want him (to be my husband), but I want to pain him." However, if she says, "He is disgusting to me" (to the point that she doesn't even care if she loses her kesuvah), we do not force her (*and he can divorce her without giving her a kesuvah*).

Mar Zutra says: We force her (*using the laws of noncompliance stated above*).

There was an incident like this where Mar Zutra indeed forced the woman to comply, and (the great) Rabbi Chanina from Sura came out from it.

The Gemora states: This is not a proof that he was correct, as Heavenly assistance decided that it should be so (*based on the particular situation*).

The daughter-in-law of Rav Zevid rebelled (*and said she was disgusted by her husband*). She seized one silk coat (that she brought into the marriage). Ameimar, Mar Zutra, and Rav Ashi sat together, and Rav Gamda was sitting near them. They were sitting and stated: If she rebelled, she loses (even) her extant worn-out clothes (that she brought into the marriage). Rav Gamda interjected: Is the reason you are saying this because Rav Zevid is an important man and you are flattering him? Didn't Rav Kahana say that Rava asked about this law and did not resolve it (if she does indeed forfeit the rights to these clothing)?

The Gemora cites an alternative version of the above incident: They were sitting and stated: If she rebelled, she does not lose her extant worn-out clothes (that she brought into the marriage). Rav Gamda interjected: Because Rav Zevid is an important man, you are reversing the law against him (because you know he will not contest it)? Didn't Rav Kahana say that Rava asked about this law and did not resolve it (if she does indeed forfeit the rights to these clothing)?

The Gemora concludes: Now that the law has not been stated neither in this manner nor in that manner, the halachah is as follows: If she seizes the clothing, we do not take it away from her; if she did not seize it, we do not give it to her. And we wait twelve months of the year before giving her divorce, and during those twelve months, she is not entitled to support. (63b1 – 64a1)

DAILY MASHAL

Can't Say Hello?

Rabbi Akiva was a shepherd of Ben Kalba Savua. His daughter, upon observing how modest and noble the shepherd was, said to him, "Were I to be betrothed to you, would you go away to study Torah?" "Yes," he replied. She was then secretly betrothed to him and sent him away. When her father heard what she had done, he chased her from his house and forbade her by a vow to have any benefit

from his estate. Rabbi Akiva spent twelve years studying Torah. When he returned home, he brought with him twelve thousand disciples. While in his home town, he heard an old man saying to his (*Rabbi Akiva's*) wife, "How long will you be living as a widow?" She said to him: "If he would listen to me, he would sit and learn for another twelve years." Rabbi Akiva (*overhearing this statement*) said: "I now have permission." He therefore returned immediately to learn for another twelve years in the Beis Medrash.

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The question is asked: Why didn't Rabbi Akiva, at least, say hello to his wife, and then return to study for another twelve years? He was already home; wouldn't that have been the decent thing to do?

We always heard in Yeshiva from Rabbi Gifter zt"l that "two times twelve" is not comparable at all with "one times twenty-four." Rabbi Akiva was returning home, for he thought that his wife wished for him to be home; once he

had permission from her to study longer, it would have been an interruption in his learning.

This was always used as a lesson for us as to how vital it is for one studying Torah to utilize every second for learning, even during a lunch hour or by vacation. It is important to relax, but a true Torah scholar must always remain focused on his learning even when he is occupied with other mundane matters.

Rav Chatzkel Levinstein said that Rabbi Akiva was concerned that if he would enter his house, he would get involved in other matters, and he would not be able to return to the Beis Medrash.