

18 Elul 5782
Sept. 14, 2022



Kesuvos Daf 70

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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

Giving All of Their Needs

[An introduction to the following incident: The Gemora in Taanis 21a relates: [The Gemora relates a story regarding R' Yochanan and Ilfa, two great Torah scholars.] Ilfa and R' Yochanan learned Torah in great poverty and deprivation. At a certain point, their hunger became too much for the. They therefore, decided to leave the yeshiva and engage in business. Let us fulfill the verse that says, "There shall be no poor amongst you," which instructs us not to be poor. They left. Later, as they sat under a dilapidated wall eating, R' Yochanan overheard two angels speaking. "Let us knock over this wall, and bury them here," said one angel to the other, "for they have abandoned their Torah study, which ensures eternal life, to pursue mundane material pursuits." "No, leave them alone," the other angel answered. "One of them is destined for greatness, and we may not kill him." R' Yochanan overheard this conversation. Ilfa did not. "Did you hear anything?" R' Yochanan asked Ilfa. "No, nothing," Ilfa answered. "If so," R' Yochanan said to himself, "the angels must have been talking of me. Let me hurry back to the yeshiva, and fulfill there the verse, "There will not cease to be paupers amongst you." R' Yochanan returned. Ilfa did not return. When eventually Ilfa did return, he found that R' Yochanan had been appointed Rosh Yeshiva. "Had you remained learning here," the students told Ilfa, "You would have been appointed Rosh Yeshiva."]

The Gemora relates: Ilfa climbed to the top of a tall ship's mast. "If anyone here can challenge me on a teaching of Rabbi Chiya or Rabbi Oshiya that I cannot derive it from a Mishnah, I will throw myself from this mast and drown."

An old man came, and cited the following Baraisa: If a man (in his last will and testament) declares (to the trustee of his estate), "Give a shekel weekly to my sons (for their expenses)," but actually they needed a sela, then they should be given a sela (for the father meant that they should adequately be supported), but if he declared, "Give them only a shekel," then they should be given a shekel. If, however, he declared, "If they die, others should inherit the remainder in their stead," then whether he has declared "Give (a shekel)," or "Give (only a shekel)," they are given only a shekel (for it is obvious that his intention was to limit the amount given during their lifetime, so some should remain for the third party).

He replied: Who is this Tanna? This is in accordance with the view of Rabbi Meir who said: It is obligatory to carry out the will of the deceased (although an estate usually belongs to the children upon the death of their father).

Rav Chisda said in the name of Mar Ukva: Whether he (the father) said "Give," and whether he said, "Do not give," they are given all of their needs.

The Gemora asks: Don't we rule like Rabbi Meir who says that it is a mitzvah to fulfill the words of a dying person?

The Gemora answers: This is in other times when this is relative, but in this situation, it is good for him that they should be taken care of. He only said they should not be given their needs to make them active in seeking out sustenance. (69b3 – 70a1)

Guardians and a Third Party

The Mishnah states there: The purchases and sales that young children (of the age of eight or nine) transact with movable objects are valid. Rafram states: This is only when Beis Din has not appointed a guardian for these children. If it has appointed a guardian, they are invalid. How do we know this? From the fact that our Mishnah says that the actions of a minor girl are meaningless.

The Gemora asks: Perhaps when there is a third party (such as a trustee, who has a specific set of instructions), the law is different?

The Gemora answers: If so, let the Mishnah say as follows: Regarding a minor, the trustee must act in accordance with the condition of his trust. Why does it add that the actions of a minor are meaningless? From here we see that even in general (when there is not a direct third party, but an appointed guardian, with no specific instructions) that the transactions of the minor are meaningless. (70a1)

WE SHALL RETURN TO YOU, METZIAS HA-ISHAH

Mishnah

Someone who makes a vow prohibiting his wife to derive benefit from him for up to thirty days, he must appoint a steward to support her. If the vow was for longer than thirty days, he must divorce her and give her a kesuvah. Rabbi Yehudah says: If the person is a Yisrael, if it (the vow) is (up to) one month, he can keep her as a wife (and she is required to be supported through a steward), and if it (the vow) is (up to) two months, he must divorce her and give her a kesuvah; if he is a *Kohen* and it (the vow) is (up to) two months, he can keep her as a wife (*we are more lenient because after she is divorced, he cannot remarry her later*), and if it (the vow) is (up to) three months, he must divorce her and give her a kesuvah.

Someone who makes a vow prohibiting his wife to the effect that she cannot taste a certain type of fruit (*she actually pronounced the vow and he upheld it*), he must divorce her and give her a kesuvah. Rabbi Yehudah says: If the vow was for one day, he may keep her, but if it was for two days (or more), he must divorce her and give her a kesuvah. If he is a *Kohen*, and it (the vow) is (for the duration of) two days, he can keep her as a wife (*we are more lenient because after she is divorced, he cannot remarry her later*), and if it (the vow) is (for the duration of) three days, he must divorce her and give her a kesuvah.

Someone who makes a vow prohibiting his wife to the effect that she cannot adorn herself with a certain type of perfume (*she actually pronounced the vow and he upheld it*), he must divorce her and give her a kesuvah. Rabbi Yosi says: In the case of poor people (who are not accustomed to perfume), this (that he must divorce her) is true only if the vow was without any set time

limit; regarding wealthy women, however, if the vow was for thirty days, he must divorce her). (70a2)

The Gemora asks: Being that a husband is required to support his wife, how can he vow not to give her benefit? Is it within his power to cancel his obligation? Why, 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. In our case as well, the husband is obligated to support her and cannot go against his obligation!?!]

The Gemora answers: Being that he can say to her, “Keep your earnings (*which you would otherwise be obligated to give to me*) in lieu of my support,” it is as if in this case he indeed stated, “Keep your earnings in lieu of your support.”

The Gemora asks: And if Rav Huna’s statement in the name of Rav is correct (we can ask the following), for Rav Huna said in the name of Rav: A woman can say to her husband, “I will not be supported (by you) and I will not work (for you).” Accordingly, why does the Mishnah say: [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. We should say the following: Being that she can say, “I will not be supported (by you) and I will not work (for you),” it should be as if she now indeed said, “I will not be supported (by you) and I will not work (for you)” (*and her vow should be valid; for if the husband’s vow implies that he is forgoing her earnings, then her vow should imply that she is forgoing his support; and since*

we see that her vow does not have that implication, his should not either!)?!

The Gemora answers: We do not assume “it is as if” (as the explanation for our Mishnah). The case of our Mishnah is where the husband actually said, “Keep your earnings in lieu of your support.”

The Gemora asks: If this is the case, why does the Mishnah say she needs a steward (to be appointed to give her support)?

The Gemora answers: The case is where she does not have enough (her earnings were not sufficient to support her).

The Gemora asks: If her earnings were not sufficient, the question returns to its place! [The husband’s vow should be ineffective, for he has an obligation to support his wife!?!]

Rav Ashi answers: The case is where her earnings are sufficient for big things (life’s staples), but not for small things (i.e., indulging in minor luxuries).

The Gemora asks: What exactly are “small things”? If these are things she is accustomed to (being given by her husband), she is accustomed to them (*and the husband is still obligated to give it to her*)! If she is not accustomed to them, why does a steward need to supply them?

The Gemora answers: She was accustomed to them in her father’s house, but up to this point in her marriage she was going along with him (her husband) without them. She can say, “Until now, when you did not yet make the vow (prohibiting your possessions) to me, I was able to continue this standard (without these



luxuries) with you, but now that you have made the vow (prohibiting your possessions) to me, I cannot (any longer) go along with you (without them).”

The Gemora asks: Why specifically until thirty days?

The Gemora answers: Until thirty days, people have not yet heard about this and it is not embarrassing to her, but after thirty days, people have already heard and it becomes embarrassing to her.

Alternatively, the Gemora answers (its original question), the case of the Mishnah is where he made the vow when she was only betrothed (*not yet married*). [As the husband’s obligation to support his wife does not take effect until nisuin, she has no lien on his possessions, and his vow is indeed effective.]

The Gemora asks: Is a betrothed woman entitled to support? [Why is it necessary to provide her with a steward?]

The Gemora answers: The case of the Mishnah is where the time came and he did not yet marry her, for it was taught in a Mishnah: If the set time for the wedding arrived and they were not married, they eat from his food and (*if he is a Kohen*) they may eat terumah.

The Gemora asks: According to this answer, what is the reasoning behind thirty days?

The Gemora answers: For thirty days, the messenger (the steward) will carry out his mission, but more (than that), the messenger will not carry out his mission.

Alternatively, the Gemora answers (*its original question*), the case of the Mishnah is where he made the vow when she was only betrothed, and then she

married him. [As the vow took effect during the betrothal, it remains in effect – even after nisuin!]

The Gemora asks: She married him!? This would mean that she considered this and accepted (that she will not receive support). [How does she then have the right to demand a divorce?]

The Gemora answers: The case of the Mishnah is where she said, “I thought that I would be able (to live with such a situation), but now, I see that I cannot.”

The Gemora asks: We only use this logic regarding blemishes (before marriage – where the wife accepted the husband’s blemishes, and she cannot demand a divorce afterwards), but regarding (lack of) support, would we say this? [Surely, she should have realized that she would not be able to survive without food!?]

Rather, the Gemora notes that it is clear that we should return to the answers suggested originally. (70a3 – 70b3)

The Mishnah had stated: [Someone who makes a vow prohibiting his wife to derive benefit from him] for up to thirty days, he must appoint a steward to support her.

The Gemora asks: Isn’t the steward operating as his agent (so if the husband cannot provide support, it should not be permissible in this manner as well)?

Rav Huna answers: The case of the Mishnah is (not where the person is directly appointed, but rather) where the husband declares, “Whoever supports her will not lose” (*hinting that he will pay them back; and it is therefore regarded as the steward is acting on his own*).

The Gemora asks: When he (the husband) says this, isn't the steward (nevertheless) acting as his agent? But it was taught in a Mishnah: If someone was thrown into a pit and calls out that anyone who hears him should write a *get* to his wife (*specifying his name and his city*), those who hear this should indeed write and send the *get* to his wife. [Evidently, such language is considered a specific instruction!?!]

The Gemora answers: How can the two cases be compared? In that case, the person (at least) said (that whoever hears him) 'should write' the *get*; here, however, did the husband say that someone should support her? He merely said, "Whoever supports her (will not lose)."

The Gemora asks: But Rabbi Ami said: In the case of a fire (*which broke out on Shabbos, when non-Jews are present*), they (the Rabbis) permitted one to say, "Whoever extinguishes this fire will not lose." What does (the specification of) 'by a fire' exclude? It must exclude other such cases (*where this type of language is used – that it is regarded as a specific instruction*)!?

The Gemora answers: No, it only excludes other prohibitions on Shabbos.

Rabbah asked: It was taught in a Mishnah: If someone is prohibited by a vow to benefit from another and he does not have what to eat (and that person wishes to provide for him), the halachah is as follows: He (the one who vowed) may go to the storekeeper he normally purchases from and say as follows: "So-and-so is prohibited by a vow to benefit from me, and I don't know what to do for him." The storekeeper (understanding the hint) can then give him food and come and collect from the other. This Mishnah implies

that it is only here that it (the use of such language) is permitted (for he did not even hint that he will repay the storekeeper), but when he says, "Whoever supports him (will not lose)," it would not be permitted!?

The Gemora answers: The Mishnah there is written in a format of "it is not necessary." It is not necessary to state that the expression of 'whoever supports him will not lose' is permitted, for this is a declaration to the general public (and not to a specific person), but in this case (of the storekeeper), since he is a regular customer and he is saying to him (that the other needs food), I might think that it as if it is he is directly saying to him, "You go and provide him with food" (and as the storekeeper is now his agent, it would not be permitted); the Mishnah teaches us that even this case is permissible. (70b3 – 70b4)

The Mishnah cited above had stated: If someone is prohibited by a vow to benefit from another and he does not have what to eat (and that person wishes to provide for him), the halachah is as follows: He (the one who vowed) may go to the storekeeper he normally purchases from, and say as follows: "So-and-so is prohibited by a vow to benefit from me, and I don't know what to do for him." The storekeeper (understanding the hint) can then give him food and come and collect from the other.

The Mishnah continues: If he needed a house built, or a fence erected, or his field to be harvested (and that person wishes to provide for him), the halachah is as follows: He (the one who vowed) may go to workers he normally frequents, and say as follows: "So-and-so is prohibited by a vow to benefit from me, and I don't know what to do for him." The workers (understanding

the hint) can then work for him and come and collect from the other.

The Mishnah continues: If they were going together on the road and he does not have what to eat (and that person wishes to provide for him), the halachah is as follows: He (the one who vowed) may give food to a third party as a present and that person can come and take it from his friend. If there is no third party available, he can put the food on a rock or fence and say, "Behold, these (food items) are now ownerless to anyone who might want them," and that one can take the food and is permitted to eat. Rabbi Yosi, however, says: This is forbidden.

Rava said: What is Rabbi Yosi's reasoning? It is a decree on account of the incident of Beis Choron. [The Mishnah in Nedarim 48a recounts the following incident: It once happened that a person in Beis Choron, whose father was prohibited by vow from deriving benefit from him, and he was marrying off his son. He said to his fellow, "The courtyard and the feast are given to you as a gift, and are yours only so that Father will come and eat with us at the wedding." He said to him, "If they are mine, then they are consecrated to Heaven." The giver said to him, "Did I give you that which was mine in order that you would consecrate them to Heaven?" He said to him, "You gave to me yours only so that you and your father would be able to eat and drink, and be reconciled with one another, and that the sin should rest on his (*my*) head." The *Chachamim* said: Any gift, where if the recipient would consecrate it, it is not consecrated, is not a gift. Rabbi Yosi, explains Rava, is concerned that this case is similar. Although he did not specifically say that it is declared ownerless in order that the other fellow should have what to eat, his intentions are clear that he does not want someone else to take the food, and

therefore his declaration is insincere, and is not allowed.] (70b4 – 71a1)

DAILY MASHAL

Shalom Bayis

Our Gemora discusses cases where a wife was forbidden to derive benefit from the husband based upon his vow.

The Gemora in Nedarim tells us that when Aaron Ha'Kohen passed away, everyone cried, because he was involved with shalom bayis- as it is stated in the verse: *Aaron loved peace and he pursued peace.*

The Gemora states that if a husband makes a vow that his wife cannot benefit from him in anyway, unless she spits in the Kohen Gadol's eye, the vow is effective and they must get divorced.

Aaron Ha'Kohen pursued peace to such a degree that if he was made aware of such a vow, he would have approached the man's wife and told her that she should spit in his eye, because the doctor said that it was the only way he could get cured from his eye ailment. This would have restored the marriage. We see from Aaron's conduct that he established that the Kohen has the characteristic of shalom and has relevance to shalom bayis.

Some commentators explain that we can now understand why the Kohen is the one who conducts the ritual of the sotah and not the Levi, for it is through him, that the possibility of shalom bayis can be achieved.