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Kesuvos Daf 71

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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

**Rabbi Yehudah’s Opinion**

The *Mishnah* had stated (regarding one who had made a vow prohibiting his wife from deriving any pleasure from him until thirty days): Rabbi Yehudah said: If he is a *Yisroel*, he can keep her as a wife and she is required to be supported through a steward; if he is a *Kohen*, he can keep her as a wife even if the term of the vow was until two months (we are more lenient because after she is divorced, he cannot remarry her later).

The *Gemora* asks: Aren’t the *Tanna Kamma* and Rabbi Yehudah stating the same opinion?

Abaye answers: Rabbi Yehudah is teaching us the *halachah* regarding the wife of a *Kohen*.

Rava answers: The difference between them is concerning a full month or a deficient month (the *Tanna Kamma* maintains that the appointed steward supports her for thirty days, whereas Rabbi Yehudah holds that he should sustain her for only twenty-nine days). (71a1)

**Unspecified Amount**

Rav said: The *halachah* that the husband may support his wife through an appointed steward is only applicable when the husband specified a term for his vow (less than thirty days); however, if he did not specify any amount, he must divorce her immediately and give her the *kesuvah*. Shmuel said: Even in this case, he is not required to divorce her immediately, for perhaps, he will find an opening for his vow (and a *Chacham* will thereby, release him from his vow).

The *Gemora* asks: Didn’t Rav and Shmuel have this exact dispute a different time (why do they argue twice regarding the same issue)? For we learned in a *Mishnah*: If one vowed, prohibiting his wife to have conjugal relations with him, Beis Shamai say: Two weeks (if the vow is for longer than this period, it is the duty of the husband either to have his vow disallowed or to release his wife by divorce). Beis Hillel say: One week. And Rav said: The argument is only applicable when the husband specified a term for his vow (one or two weeks); however, if he did not specify any amount, he must divorce her immediately and give her the *kesuvah*. Shmuel said: Even in this case, he is not required to divorce her immediately, for perhaps, he will find an opening for his vow (and a *Chacham* will thereby, release him from his vow).

The *Gemora* answers: It was necessary for them to argue in both instances. For if they would have argued only by the case of the marital relations, that is where Rav would say that he must divorce her immediately because the option of an appointed steward is not available; however, by the case of the vow prohibiting benefit, where it is possible to sustain her through a steward, perhaps Rav would agree to Shmuel. And if they would have argued only in the case of the vow prohibiting benefit, perhaps that is where Shmuel would say that he is not required to divorce her immediately, it is possible to sustain her through a steward; however, by the case of the marital relations, where the option of an appointed steward is not available, perhaps Shmuel would agree to Rav. Therefore, the *Gemora* concludes that both arguments were necessary. (71a1 – 71a2)

**Put her Finger Between Her Teeth**

The *Gemora* asks on Shmuel from our *Mishnah*: One who vows that his wife not eat from a certain type of fruit is required to divorce his wife and give her a *kesuvah*. Now, according to Rav, we can explain this part of the *Mishnah* to be referring to a case where the term of vow was unspecified and therefore, he is required to divorce her immediately. The first part of the *Mishnah* is dealing with a case where he specified a certain period of time. However, according to Shmuel, why, in this latter case, is he required to divorce her immediately?

The *Gemora* answers: The case we are dealing with is where the wife pronounced the vow and the husband upheld it (*there is no reason to wait and see if the wife will go to a Chacham to release her from the vow*). And Rabbi Meir maintains that it is “he who put her finger between her teeth” (*i.e. it is the husband’s fault because he could have annulled her vow*), and therefore, she may demand to be divorced.

The *Gemora* asks: Does Rabbi Meir actually hold that it is “he who put her finger between her teeth”? But we learned in the following *Baraisa*: If a woman made a vow of a *nazirus* (*which would forbid her from drinking wine or eating anything which has grapes as an ingredient*) and her husband heard of it and did not annul it, Rabbi Meir and Rabbi Yehudah said: It is “she who has thereby put her own finger between her teeth.” Therefore, if the husband wishes to annul her vow, he may do so. But if he said: I do not want a wife who is accustomed to taking vows, she may be divorced without receiving her *kesuvah*. Rabbi Yosi and Rabbi Elozar said: It is “he who has put his finger between her teeth.” Therefore, if the husband wishes to annul her vow, he may do so. But if he said: I do not want a wife who is accustomed to taking vows, she may be divorced, but she does receive her *kesuvah*. (*Thus we see that Rabbi Meir maintains that the wife is the one who “put her finger between her teeth”?*)

The *Gemora* answers: Reverse their opinions: Rabbi Meir and Rabbi Yehudah said: “He has put” and Rabbi Yosi and Rabbi Elozar said: “She has put.”

The *Gemora* asks: But does Rabbi Yosi actually hold that it is “she who put her finger between her teeth”? But we learned in our *Mishnah*: Rabbi Yosi said: If she was a poor woman, he is required to divorce her only if the vow was uttered without specifying a time limit. (*This is referring to a case where she pronounced the vow and her husband upheld it, and if she did specify a time limit, she may demand a divorce. Thus, we see that Rabbi Yosi maintains that it is “he who put her finger between her teeth”?*)

The *Gemora* answers: We are compelled to emend the opinions once again, and the following is what the *Baraisa* should have said: Rabbi Meir and Rabbi Yosi said: “He has put” and Rabbi Yehudah and Rabbi Elozar said: “She has put.”

The *Gemora* asks: But does Rabbi Yehudah actually hold that it is “she who put her finger between her teeth”? But we learned in our *Mishnah*: Rabbi Yehudah said: If he is a *Yisroel* and the vow was only for one day, he can keep her as a wife (*however, if it was for two days or more, he divorces her and gives her the kesuvah; once again, according to Shmuel, this is a case where she pronounced the vow and he upheld it; it emerges that Rabbi Yehudah also holds that it is “he who has put her finger between her teeth”?*)

The *Gemora* emends the *Baraisa* to read as follows: Rabbi Meir, Rabbi Yehudah and Rabbi Yosi said: “He has put” and Rabbi Elozar said: “She has put.”

Alternatively, if you insist that the *Baraisa* taught the opinions in pairs, you can say that Rabbi Meir and Rabbi Elozar said: “She has put” and Rabbi Yehudah and Rabbi Yosi said: “He has put,” and our anonymous *Mishnah* will not be in accordance with Rabbi Meir (*although the reverse is usually the case*). (71a2 – 71a4)

The Gemora asks: (According to Shmuel, the Mishnah is referring to a case where she pronounced the vow and he upheld it) Rabbi Yosi holds that a poor woman, where a time limit was not specified (she pronounced a vow against using perfume; the husband is required to divorce her), evidently, the husband should have annulled the vow (and by refraining from doing so, it is his responsibility). The following Baraisa would seemingly contradict this: These are the vows which a husband may annul: Vows which involve personal affliction. For instance, if a woman said, "If I bathe," or "If I do not bathe; "If I use adornments," or "If I do not use adornments." Rabbi Yosi said: These are not regarded as vows involving personal affliction. Rather, the following are vows that involve personal affliction: "I shall not eat meat," or "I shall not drink wine," or "I shall not adorn myself with colored clothing." (It emerges that a vow regarding perfumes is not considered a personal affliction and the husband cannot annul such a vow!?)

The Gemora answers: Our Mishnah is discussing adornments that are between him and her (a powder, for instance, for the removal of pubic hair; a woman's abstention from the use of such kinds of cosmetics or adornments are regarded as things affecting their intimate relations and such vows are regarded as a personal affliction and may be annulled by a husband).

The Gemora asks: This is understandable according to the opinion who maintains that a husband may annul a vow which concerns matters that are between him and her; however, what is there to say according to the opinion who holds that a husband may not annul a vow which concerns matters that are between him and her? For we learned as follows: Concerning matters that are between him and her, Rav Huna said: A husband may annul such a vow and Rav Adda bar Ahavah said: He cannot, for we never found that a fox died in his own foxhole (a proverb meaning that one is not injured by an element to which one is accustomed; the husband being accustomed to his wife's intimate parts, will not damage himself by her excess pubic hair; since the intimate relations of husband and wife are not affected by

such a vow, the husband has no right to invalidate them; how, then, can he be penalized in the case of the adornments spoken of in our Mishnah)?

The Gemora answers: We are dealing with a case where she made her cohabitation dependent upon her use of adornments, by saying: The enjoyment of cohabitation with you shall be forbidden to me should I ever make use of any adornment. (This vow, obviously, may be annulled by the husband since it effects their marital relations.)

This vow takes effect according to Rav Kahana, for Rav Kahana said: If a wife pronounces the following vow: The enjoyment of cohabitation with me shall be forbidden to **you**, we force her to cohabit with him (since the husband has a legal right to have pleasure in his marital relations, and such a vow has no validity). However, if she pronounces: The enjoyment of cohabitation with you shall be forbidden to **me**, he may annul the vow (since the vow was directed towards her pleasure, it takes effect; and we cannot force her to have relations with him) since we may not feed a person something that is forbidden to him (in our case, it would be forbidden to her).

The Gemora asks: But in our case (where she made her cohabitation dependent upon her use of adornments, by saying: The enjoyment of cohabitation with you shall be forbidden to me should I ever make use of any adornment), let her not adorn herself and she will not become forbidden to have relations with him (and therefore, it should not be regarded as a vow that involves matters that are between him and her, and consequently, the husband should not be allowed to annul such a vow)?

The Gemora answers: If so (that she will not adorn herself), she will be referred to as a repulsive woman (and since she eventually will adorn herself, it is regarded as a vow that involves matters that are between him and her).

The Gemora asks: Let her adorn herself and become forbidden to partake in relations with him, and according to

Beis Shammai, this should be for two weeks and according to Beis Hillel, it should be for one week (*why is he required to divorce her immediately*)?

The *Gemora* answers: The dispute between Beis Shammai and Beis Hillel applies only to a case where the husband has forbidden her by a vow because in such circumstances she thinks: He may have been angry with me, but he will eventually calm down. Here, however, since she has made the vow and he remained silent, she comes to the following conclusion: Since he remained silent, he must indeed hate me (*and therefore, he divorces her immediately*). (71a4 – 71b2)

#### **Time Limit**

The *Mishnah* had stated: Rabbi Yosi said: If she was a poor woman, he is required to divorce her only if the vow was uttered without specifying a time limit.

The *Gemora* asks: How long of a time is considered as if there was a term limit specified (*and within that time, he would not be required to divorce her*)?

Rav Yehudah said in the name of Shmuel: It is twelve months.

Rabbah bar bar Chanah said in the name of Rabbi Yochanan: It is ten years.

Rav Chisda said: It is until the festival, but not including the festival since it is common for a Jewish girl to adorn herself during the festival. (71b2)

The *Mishnah* had stated: Regarding a wealthy woman, the maximum amount (of the vow) is thirty days.

The *Gemora* asks: Why specifically thirty days?

Abaye explains: It is because an important woman benefits from the fragrance of her adornments for thirty days. (71b3)

#### **Mishnah**

The *Mishnah* states: One who restricts his wife by a vow that she should not go to her father's house, this is the *halacha*: When her father is with her in the city, if the term was for less than a month, he keeps her, but if the vow was for two months (*more than one month*), he is required to divorce her and give her the *kesuvah* (*since it is customary for the wife to visit him frequently*). When her father is in another city, if the term was for one festival, he keeps her, but if the vow was for three festivals, he is required to divorce her and give her the *kesuvah*. One who restricts his wife by a vow that she should not go to a mourner's house or a wedding, he is required to divorce her and give her the *kesuvah*, because he is in essence "locking the door in front of her." If the husband claims that he made this vow because of "something else" (*the Gemora will define this term*), he is permitted to do so (*and she may not demand a divorce*). If the husband tells her: On the condition that you tell So-and-So what you told me, or (*he said*) what I told you, or that you fill up or pour into the garbage, he is required to divorce her and give her the *kesuvah*. (71b3)

#### **Two Festivals**

The *Gemora* asks: The *Mishnah* had stated that if the term was for one festival, he may keep her. We can infer from here that if the term was for two festivals, he would be required to divorce her. Then, the *Mishnah* rules that if the term was for three festivals, he is required to divorce her. We can infer from here that if the term was for two festivals, he may keep her as a wife. These implicit rulings are contradictory!

Abaye answers: The second ruling is dealing with the wife of a *Kohen*, and it is following the opinion of Rabbi Yehudah (*who allots extra time for the term of the vow before he would be required to divorce her*).

Rabbah bar Ulla answers: The first ruling of the *Mishnah* is referring to a woman who is anxious to go to her father's house, whereas the second ruling of the *Mishnah* is referring to a woman who is not so anxious (*and therefore, even a vow*



with the term of two festivals would not be grounds for divorce). (71b3 – 71b4)

“Then was I in his eyes as one that found peace.” Rabbi Yochanan interpreted: like a bride who was found faultless in the house of her father-in-law and she is anxious to go and tell of her success at her paternal home.

“And it shall be at that day, said Hashem, that you shall call Me my husband, and you will no longer call Me my master.” Rabbi Yochanan interpreted: Like a bride in the house of her father-in-law and not like a bride in her paternal home. (71b4)

#### INSIGHTS TO THE DAF

##### ***Living in Eretz Yisroel and not Eating Meat or Drinking Wine***

If a woman living outside of *Eretz Yisroel* pronounced a vow that she will go and live in *Eretz Yisroel*; at the time of her vow, it was not dangerous to live there, but later, there was a fear of war. Is the husband allowed to annul her vow?

Perhaps this question would be dependent on whether there is a *mitzvah* nowadays to live in *Eretz Yisroel*. Rabbeinu Chaim *Kohen* and Tosfos (110b) maintain that there is no *mitzvah*. The Ramban and other Rishonim disagree and hold that there is a *mitzvah*.

The Chidah in Birkei Yosef discusses if this is regarded as a vow that involves personal affliction or not.

Another inquiry: If a wife pronounces a vow against eating meat and drinking wine, but she does so on advice from her doctors that it is not healthy for her; can the husband annul such a vow?

Reb Yitzchak Zilberstein says that the husband may annul such a vow, because even though the doctors say that consumption of meat and wine are unhealthy, that is only if he indulges in them, but eating a little meat and drinking a

little wine will not cause her harm, and on the contrary, it would have some health benefits; therefore, the husband may annul such a vow. If the doctors state unequivocally that any amount of meat or wine will be harmful for her, then, the husband will not be allowed to annul such a vow.

#### HALACHAH FROM THE DAF

Rav Menashe Klein, the Ungvarer Rov (*Mishneh Halachos* 6:158), was asked by a young man if he was permitted to go to learn in a *yeshiva* against the wishes of his father. The Rov refused to answer his question because the questioner did not write to him the reason for his father’s objection.

In principle, says Rav Klein, this is an old question dating back to the *Trumas HaDeshen* and brought in *Shulchan Aruch* (YD 240:25). The *halachah* is that if a *talmid* wants to go learn by a *rebbe*, even far away from home, and his parents are nervous about the physical dangers, he may go against their wishes.

However, there are certain objections the father can raise that are valid and then the son is not permitted to go learn there. Our Gemora says that if a husband forbids his wife from going to *simchos* or the visit *aveilim*, she can demand a divorce and receive her full *kesuvah*. However, if he claims that there are people there who behave immodestly, if there is strong basis for his claim his objection is justifiable.

Similarly, if the father feels that the *rebbe* lacks *yiras Shamayim* or that the other talmidim may be a bad influence, then his objection stands, but only if there is validity to his claim.

#### DAILY MASHAL

The Dubno Maggid relates a *mashal*: There was a fine young man who was known to be a Torah scholar with sterling *middos* (character traits) who was engaged to marry a young woman from a very wealthy family. One day, as the fathers were sitting down to discuss the financial arrangements for the upcoming wedding, the father of the

bride told the father of the groom, *"I am so happy our children are getting married; we will be happy to pay for the wedding. My only request is that you take care of outfitting your son for the wedding. But it is important that you buy him a suit of the finest materials."* To which the father of the groom responded, *"My dear friend, I, too, share your excitement for the upcoming wedding of our children, and I have much appreciation for your generosity. I am a man of virtually no means, and while I can certainly afford a basic wardrobe for my son, I can't purchase the type of clothing you are suggesting."* *"Well, if you can't provide this one small part, then the wedding is off!"* replied the father of the bride. And so, the beautiful match ended. A few months went by, and the father of the bride regretted his hasty decision. The groom was such a fine young man with such refined character; how could he justify breaking off the nuptials over a suit? He contacted the father of the groom and voiced his desire to have their children marry. *"My dear friend"*, replied the father of the groom, *"my son is a very special young man who has much potential. Yet, you were willing to cast him aside because of a suit. Any family that would treat my son this way doesn't truly appreciate who my son is. I no longer wish for my son to be a part of your family."*

The Dubno Maggid explains, when the spies maligned the Land of Israel, it highlighted a fundamental lack of love and appreciation for the Land. This wasn't simply a lack of proper judgment; this sin represented a fundamental lack of understanding of the preciousness and holiness of the Land. A mistake of this magnitude could not simply be remedied by attempting to march on the Land the next day, nor could it be remedied through a simple apology. It would take another forty years of nomadic existence to cultivate an appreciation for a home, for a land, for a destiny. The real sin of the spies was one of flawed perspective and outlook. All they saw were the problems. They failed to see the beauty and good.

Rabbi Shmuel Silber expounds: Nothing in life is perfect. Everything and everyone have their strengths and

weaknesses, but if all I see is what is broken and wrong, I end up appreciating nothing. Many of us have struggles with which we must contend each and every day, but we must be careful that these struggles don't obscure or eclipse our blessings. It is easy to lose one's self in the sadness and despair of difficult circumstances. We must always maintain a healthy disposition and recognize all the beautiful *berachos* and bounty we possess as well.