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Kesuvos Daf 72

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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

Mourning for Others

The *Mishnah* had stated: 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.”

The *Gemora* asks: We can understand why it is regarded as “locking the door in front of her,” when he forbids her to attend a wedding. But why are we so concerned by the fact that she cannot go to a mourner’s house?

The *Gemora* answers by citing a Baraisa: If she does not participate in the mourning of others, they will not come to eulogize her. A different version of the Baraisa said that they will not come to bury her.

The *Gemora* cites a related *Baraisa*: Rabbi Meir used to say: It is written [Koheles 7:2]: *It is better to go to the house of mourning than to go to a house of feasting, for that is the end of all man, and the living should take it to heart.* What does the last part of the verse mean? The living should take to heart matters connected with death.

The *Gemora* explains the reward for those who eulogize the dead: One who eulogizes over the dead, others will eulogize over him. One who buries the dead, others will bury him. One who cries for the dead, others will cry for him. One who accompanies the dead, others will

accompany him. One who carries the dead, others will carry him. (71b4 – 72a1)

Dissolute People at the Wedding

The *Mishnah* had stated: If the husband claims that he made this vow because of “something else,” he is permitted to do so (*and she may not demand a divorce*).

The *Gemora* asks: What does the *Mishnah* mean when it says “something else”?

Rav Yehudah said in the name of Shmuel: He claimed that there were promiscuous people there, and that is why he did not want her to attend.

Rav Ashi says: His claim is only legitimate if it has been substantiated that these people were there, but otherwise, we would not believe him. (72a1)

The *Mishnah* had stated: If the husband tells her: On the condition that you tell So-and-So what you told me, he is required to divorce her and give her the *kesuvah*.

The *Gemora* asks: Why don’t we let her tell [So-and-so what the husband wants]?

Rav Yehudah said in the name of Shmuel: It is referring to embarrassing things (that the husband or the wife said about that person, and the husband wants her to repeat it to that person). (72a1)

Fill Up and Pour into the Garbage

The *Mishnah* had stated: If the husband tells her: On the condition that you fill up or pour into the garbage, he is required to divorce her and give her the *kesuvah*.

The *Gemora* asks: Why don't we tell her to fill up or pour into the garbage?

Rav Yehudah said in the name of Shmuel: The *Mishnah* is not to be taken literally. Rather, it is a euphemism for filling herself with his seed and then pouring it out (*vigorous exercise after cohabitation in order to prevent conception*).

The *Gemora* cites a *Baraisa*: The meaning of the vow is that she should fill ten pitchers of water and spill them into the garbage.

The *Gemora* asks: According to Shmuel (who explains the *Mishnah* as a euphemism), the *Mishnah* is fine, for that is the reason that he must divorce her and give her a *kesuvah* (for she wants children to help support her in her old age, and the husband's insistency that she not become pregnant is grounds for divorce), but according to the *Baraisa*, what difference does it make (why is he required to divorce her and give her the *kesuvah*); let her do it (spill some pitchers of water into the garbage)!?

Rabbah bar bar Chanah answers in the name of Rabbi Yochanan: By doing so, she will appear foolish. (72a1 – 72a2)

Bad Reputation

Rav Kahana said: If a man restricts his wife with a vow that she shall neither borrow nor lend a fine or a coarse sieve, a mill or an oven, he is required to divorce her and give her the *kesuvah*, because if she would she fulfill the vow, it would give her a bad reputation among her neighbors.

The *Gemora* cites a *Baraisa* which supports Rav Kahana: If a man restricts his wife with a vow that she shall neither borrow nor lend a fine or a coarse sieve, a mill or an oven, he is required to divorce her and give her the *kesuvah*, because if she would she fulfill the vow, it would give her a bad reputation among her neighbors. Similarly, if she vowed that she shall neither borrow nor lend a fine or a coarse sieve, a mill or an oven, or that she shall not weave beautiful garments for his children, she may be divorced without receiving her *kesuvah*, because she gives him a bad name among his neighbors (*since they will say that he is stingy*). (72a2)

Mishnah

The *Mishnah* states: And these are divorced without receiving a *kesuvah*: She who transgresses the laws of Moshe or the Jewish customs. And what are the laws of Moshe? She serves him untithed food, or cohabits with him while she is a *niddah*, or if she does not separate *challah* from bread, or if she makes vows and does not fulfill them. And what are the Jewish customs? She goes out with her hair uncovered, or spins in the street, or talks to every man. Abba Shaul says: Also if she curses his parents in his presence. Rabbi Tarfon says: Also one who screams. And who is regarded as a screamer? One who speaks inside her house and her neighbors hear her voice. (72a2)

Explaining the Mishnah

The *Mishnah* had stated: If she serves him untithed food, she may be divorced without receiving her *kesuvah*.

The *Gemora* asks: How are we to understand this? If the husband knows the fact, let him abstain? And if he does not know, how did he discover it?

The *Gemora* answers: The *Mishnah* is discussing a case where she told him, "So-and-So, the Kohen rectified the pile for me," and the husband went and asked the Kohen and discovered to be untrue.



The Mishnah had stated: If she cohabits with him while she is a *niddah* (she may be divorced without receiving her *kesuvah*).

The *Gemora* asks: How are we to understand this? If the husband knows the fact, let him abstain? And if he does not know, we should rely on her (that she was not a *niddah* at that time)?

[The *Gemora* cites a Scriptural source which indicates that a woman is believed in this regard.] For Rav Chinana bar Kahana said in the name of Shmuel: how is it known that a *niddah* counts for herself (and is believed)? For it is stated: *she shall count for her seven days. "For her"* indicates that she may count for herself.

The *Gemora* answers: The *Mishnah* is discussing a case where she told him, "So-and-So, the Rabbi, has ruled that the blood was *tahor* for me," and he went and asked him and her statement was discovered to be untrue.

Alternatively, the *Gemora* answers that it can be in accordance with Rav Yehudah, who says that a woman, who was established by her neighbors to be a *niddah* (based upon the clothing that she was wearing), her husband will receive lashes if he cohabits with her.

The *Mishnah* had stated: If she does not separate *challah* from bread, she may be divorced without receiving her *kesuvah*.

The *Gemora* asks: How are we to understand this? If the husband knows the fact, let him separate the *challah* himself? And if he does not know, how did he discover it?

The *Gemora* answers: The *Mishnah* is discussing a case where she told him, "So-and-So, a kneader separated the *challah* for me," and he went and asked him and her statement was discovered to be untrue.

The *Mishnah* had stated: If she makes vows and does not fulfill them, she may be divorced without receiving her *kesuvah*.

The *Gemora* notes: This transgression affects her marriage, as the master said: One's children will die young for the sin of not fulfilling one's vows. As the verse states: *Do not let your mouth cause your flesh to sin, and do not say before the angel that it was unintentional; why should Hashem be angry at your voice, and He will destroy your handiwork?* A person's handiwork is his children, and if he does not fulfill his vows, Hashem will take his children from him.

Rav Nachman said: it is from the following verse: *In vain have I smitten your children.* "In vain" indicates that it is based on a matter of falsehood. (72a3 – 72a4)

Violating Her Vows

The *Gemora* cites a *Baraisa*: Rabbi Meir said: Any man who knows that his wife makes vows and does not fulfill them should impose (*the same*) vows upon her again.

The *Gemora* asks: You say that he should impose the same vows upon her again? How will this be a remedy?

The *Gemora* answers: Rather, say that he should provoke her again in order that she should make her vows in his presence and he would thus be able to annul them.

They, however, said to him: No one can live with a serpent in the same basket (*she will eventually pronounce a vow without him annulling it and she will then proceed to violate it*).

The *Gemora* cites a related *Baraisa*: Rabbi Yehudah said: Any husband, who knows that his wife does not properly separate *challah* from the dough that she bakes, should separate it himself again after her.



They, however, said to him: No one can live with a serpent in the same basket.

The *Gemora* notes: He who taught it (*that the husband can protect the marriage*) in connection with this case (*the challah*) would certainly apply it with even greater force to the other case (*the wife who violates her vows*). He, however, who taught it in connection with the other case applies it to that case only, but not to this one (*the challah*), because it might sometimes happen that he would eat from bread that has not been separated (*since she bakes all the time*). (72a4)

Uncovered Head

The *Mishnah* had stated: And what are the Jewish customs? She goes out with her hair uncovered.

The *Gemora* asks: Isn't going out with her hair uncovered a Biblical prohibition? Behold, it is written (regarding a sotah): *He shall uncover the head of the woman*. And a Tanna in the academy of Rabbi Yishmael taught: This is a warning to all Jewish daughters that they should not go out with their head uncovered.

The *Gemora* answers: Biblically, it would have been sufficient if she had covered her head with a head-basket (*where some of her hair would have shown through the spaces; the Jewish custom would require a complete covering*).

Rabbi Assi said in the name of Rabbi Yochanan: A woman, who goes out wearing a head-basket, is not violating the prohibition of going out with one's head uncovered.

Rabbi Zeira asked: Where is she going? If she is going into the public street, the Jewish custom is that her head must be completely covered? Rather, we are obviously talking about a courtyard. But, if so (*that you are ruling that she must be wearing some type of head-covering*), you will

not leave our father Avraham a single daughter who could remain with her husband (*since it was common for all married women go about in their court-yards with uncovered heads*)!

Abaye said, and other say: Rav Kahana said: She was going from one courtyard to another courtyard through an alley (*since fewer people frequent an alley, it would not have been included in the restrictions of a public street, yet it is not considered sufficiently private to allow the woman to go about there with her head completely uncovered*). (72a4 – 72b1)

Spinning in the Street

The *Mishnah* had stated: And what are the Jewish customs? She goes out with her hair uncovered or she spins in the street.

Rav Yehudah said in the name of Shmuel: She uncovers her arms to the men as she spins.

Rav Chisda said in the name of Avimi: As she is spinning the thread, the thread extends to her thigh area (*calling intention to her private parts*). (72b1)

Talks to Every Man

The *Mishnah* had stated: And what are the Jewish customs? She goes out with her hair uncovered, or spins in the street, or talks to every man.

Rav Yehudah said in the name of Shmuel: Talking to men is referring to a woman who is flirting with young men.

The *Gemora* records an incident: Rabbah bar bar Chanah said: I was once walking behind Rav Ukva when I observed an Arab woman who was sitting, casting her spindle and spinning, and she extended the thread to her thighs. When she saw us, she detached the spindle from the thread, threw it down and said to me, "Young man, hand me my spindle." Rav Ukva made a statement concerning



her behavior. What was that statement? Ravina replied: He spoke of her as a woman who spins in the street. The Rabbis said: He spoke of her as one who talks to every man. (72b1 – 72b2)

Cursing his Parents

The *Mishnah* had stated: Abba Shaul says: Also if she curses his parents in his presence.

Rav Yehudah said in the name of Shmuel: This includes also one who curses her husband's parents in the presence of his offspring; and your mnemonic (*that grandsons are like sons*) sign is: *Ephraim and Menasheh shall be to me as Reuven and Shimon*.

Rabbah explained: For instance, when she said in the presence of her husband's son, "May a lion devour your grandfather." (72b2)

A Screamer

The *Mishnah* had stated: Rabbi Tarfon says: Also one who screams.

The *Gemora* asks: And who is regarded as a screamer? Rav Yehudah said in the name of Shmuel: She raises her voice concerning marital relations.

It was taught in a *Baraisa*: A screaming woman is one, who while engaging in marital relations with her husband in one courtyard, can be heard (*screaming due to the pain*) in another courtyard.

The *Gemora* asks: If so, this case should be included in the *Mishnah* that deals with blemishes? Rather, it is clear that the explanation is in the manner that we initially answered. (72b2)

Mishnah

If a man married a woman on the condition that she has no current vows, and he found that she had existing vows,

she is not betrothed. If he married her without any conditions, and he found that she had existing vows, he can divorce her without giving her a *kesuvah*.

If a man married a woman on the condition that she has no blemishes, and he found that she had blemishes, she is not betrothed. If he married her without any conditions, and he found that she had blemishes, he can divorce her without giving her a *kesuvah*, for all blemishes that disqualify *Kohanim* from performing the Temple service also disqualify women from marriage. (72b2 – 72b3)

The *Gemora* asks that this *Mishnah* is repeated in Tractate Kiddushin as well!?

The *Gemora* answers: It is said here to teach the law of her *kesuvah*, and the Tanna taught the law of kiddushin on account of the laws dealing with the *kesuvah*. There, it was taught to teach the laws of kiddushin, and the Tanna taught the law of *kesuvah* on account of the laws dealing with the kiddushin. (72b3)

Rabbi Yochanan said in the name of Rabbi Shimon ben Yehotzadak: They spoke (in our *Mishnah*) only of the following vows: That she would not eat meat, that she would not drink wine or that she would not adorn herself with colored garments.

The *Gemora* provides support for this: So it was also taught in a *Baraisa*: They spoke only of the following vows: Vows that involve self-denial, namely, that she would not eat meat, that she would not drink wine or that she would not adorn herself with colored garments.

Rav Pappa raised the following difficulty: What does it (the *Baraisa's* qualifications) refer to? If it be suggested that it refers to the first clause (of the *Mishnah*, which ruled that if a man married a woman on the condition that she has no current vows, and he found that she had existing vows, she is not betrothed; then why does it



matter what type of vow it was) since the husband objects to vows - even other kinds of vows should also be included!? Rather, it refers to the latter clause (where the Mishnah ruled that if he married her without any conditions, and he found that she had existing vows, he can divorce her without giving her a *kesuvah*; this ruling applies only to these particular vows).

Rav Ashi said: It may in fact refer to the first clause, but in respect of the vows to which people usually are particular about, his objection is valid; with respect of vows to which people are not as a rule particular about, his objection has no validity. (72b3 – 72b4)

INSIGHTS TO THE DAF

Sheitels

The *Mishnah* had stated: And what are the Jewish customs? She goes out with her hair uncovered. The *Gemora* asks: Isn't going out with her hair uncovered a Biblical prohibition? The *Gemora* answers: Biblically, it would have been sufficient if she had covered her head with a head-basket (*where some of her hair would have shown through the spaces; the Jewish custom would require a complete covering*).

The Rambam seems to say that even if the basket covered her hair completely, Jewish practice mandated that she should also wear a shawl that would drape over her body.

The Chasam Sofer writes that the purpose of this shawl was to cover the hairs that protrude from under the head covering.

The Beis Yosef cites a Rashba, who rules that the wife's hair, which is common to stick out from under the covering, is not regarded as an *ervah* to the husband if the

husband is accustomed to seeing that hair and he would be permitted to recite *kerias shema* in such a situation.

The Chasam Sofer writes further that the shawl's purpose is to cover even those hairs which protrude from her head covering. However, the hairs that still stick out are not regarded as being an *ervah* to the husband.

DAILY MASHAL

House of Mourning or a Wedding Feast?

The Gemora cites a related *Baraisa*: Rabbi Meir used to say: It is written [Koheles 7:2]: *It is better to go to the house of mourning than to go to a house of feasting, for that is the end of all man, and the living should take it to heart*. What does the last part of the verse mean? The living should take to heart matters connected with death.

I once saw a suggestion (to explain this) as follows: Although making a newlywed couple happy at their wedding and comforting mourners are both great and important mitzvos, one often takes home with him more powerful life lessons upon leaving a house of mourning than when leaving a wedding. At a house of mourning, one can gain insight into the beauty – and fragility – of life, and can be inspired to lead a more meaningful and spiritual existence. Whereas at a wedding feast, the only thing most people gain is weight.

The Ramcha"l, in his classic work *Path of the Just*, adds that there is also a big "downside" to attending a wedding feast, in that it often leads people to crave material things and to be jealous of others – something which should not occur at a house of mourning.