

28 Elul 5782
Sept. 24, 2022



Kesuvos Daf 80

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h
Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

Mishnah

If someone spends money to improve the possessions brought into the marriage by his wife (*nichsei melog*; and then he divorced her), whether he spent a lot and ate a little, or if he spent a little and ate a lot, whatever he spent he spent, and whatever he ate he ate. [The wife is not obligated to pay him for his expenses.] If he spent, but he did not eat, he should swear as to how much he spent, and he may take that amount. (79b4)

How Much Must be Eaten?

The Gemora asks: How much is “a little”?

Rabbi Assi said: Even if it is only as little as a dried fig. [Once he ate that amount, he may not demand to be compensated.] This, however, is only if he ate it in an honorable manner (while he is not in a rush and at his own table). [Eating, however, in an undignified manner is not regarded as receiving a significant benefit from the field, and he still retains his right to demand compensation.]

Rabbi Abba said: In the academy of Rav they said: Even if it is only as little as a cake of pressed dates.

Rav Bibi inquired: what is the law if he ate a cake of squeezed-out dates? [This is the remains when dates are squeezed out to produce beer.] The Gemora leaves the question unresolved.

The Gemora asks: If it wasn’t eaten in an honorable manner, how, much must be eaten (that will prevent him from being compensated)?

Ulla said: Two Amoraim argued about this in Eretz Yisrael. One said an amount worth an issar, and another said an amount worth a dinar (*two types of coins*).

The judges of Pumbedisa (*Rav Pappa bar Shmuel*) said: Rav Yehudah ruled regarding an incident where the husband used a bundle of grapevines (to feed his animals). [This was regarded as sufficient usage of the field, and when he divorced his wife, he could not demand compensation for his expenses.]

The Gemora points out that this ruling of Rav Yehudah is in accordance with his own reasoning (one of his prior rulings), for Rav Yehudah states: If a person uses a field (by feeding the grapevines to his animals) when the fruit is *orlah* (*from the first three years of the life of the tree when the fruit is forbidden by the Torah*), *Shemittah* (*seventh year when the land lies fallow*), or *kilayim* (*forbidden hybrids*), he can establish a “chazakah” – “status of ownership” during this time. [*Being that he can use the vines, it is demonstrating ownership, like in this case regarding his wife’s possessions, and the seller should have protested during this time.*] (79b4 – 80a1)

Improvement and Sharecroppers

Rav Yaakov said in the name of Rav Chisda: If someone spends money to improve the possessions brought into the marriage by his wife who is a minor (*and was married to him*

in a Rabbinical marriage through her mother or brothers), it is akin to him spending money on improving someone else's possessions. [*He can collect the amount he improved the field like a regular sharecropper.*] Why? The Rabbis decreed that this should be the law in order that he should not ruin her field (*if we would say she can take everything if she eventually refuses the marriage*).

The Gemora records an incident: A woman inherited four hundred zuz in Bei Chozai. A man (her husband) went and retrieved it for her (*as it was located far away*), but spent six hundred zuz (of his own money) to get it. On the way back, he needed one (more) zuz and took from the money he had retrieved. He (after divorcing his wife) went before Rabbi Ami. Rabbi Ami told him: What you spent you spent, and what you ate you ate (for since the four hundred zuz was from her melog properties, and by the fact that you used one zuz from it – you cannot demand compensation for your expenditures).

The Sages said to Rabbi Ami: This ruling is true only when one ate the fruits (*from his wife's melog property*); however, here (when he used the one zuz), he ate the principal (which he had no rights to), and it should be considered an expense (and therefore, he still should be entitled to compensation)!?

Rabbi Ami asked: If so, it should be like a case where the husband only spent on his wife's possessions but did not consume at all, where he swears how much he spent and takes it (*the compensation*). (80a1 – 80a2)

The Mishnah had stated: [If he spent, but he did not eat], he should swear as to how much he spent, and he may take that amount.

Rabbi Assi said: The husband takes what he spent only if the value of the improvement is against his expenditures.

The Gemora asks: What is the practical meaning of this rule? [Is it implied that the husband must swear only where the

improvement just corresponds with his expenses, but he does receive his expenses without any oath, where the expenses do not exceed the amount of the improvements; or is the implication that he is to receive for his expenses no more than the value of the improvement, and where the expenses exceed the improvements, he is not entitled to receive the difference even though he is willing to swear?]

Abaye answers: This tells us that if the improvement was more valuable than the amount he spent on it, he can take the amount he spent without having to take an oath.

Rava asks: This will lead him to trickery! [*He will claim that the amount spent was slightly less than the amount of the improvement, so he can collect that amount without an oath.*]

Rava therefore says: Rav Assi meant that if he spent more than the field improved, he can only take back what he spent up to the value of the improvement, and even that is only if he takes an oath.

The Gemora inquires: What is the law if a husband had sharecroppers work the field? [*Do the sharecroppers get their share from the improvements?*] Do we say that they worked the land based on the husband, and therefore if the husband is now removed (without compensation), they too are removed (without compensation)? Or do we say that they worked on account of the land, and the land is ready for sharecropping? [*The wife would also be required to hire someone to work the land.*]

Rava bar Rav Chanan asked: Why is this different than a case where someone went down and planted trees in his friend's field without permission? The verdict there is that we evaluate for him (his expenses and the improvements), and he is compensated with the "lower hand" (the terms will be disadvantageous to him, for he will be compensated for the expenses only, and only up to the value of the improvements). [Accordingly, the sharecroppers should at least be compensated for their expenses!?

The Gemora answers: In that case, there was no one else to work the field (and had he not worked the field, it would have remained unimproved; the owner does not lose by this fellow's work, so it stands to reason that the fellow deserves to be compensated for his expenses – at least up to the improvements). In our case, however, there is the husband who would have worked the field himself (if not for the sharecroppers; this therefore represents a loss to her, for if not for them, the husband would be the one working; she therefore is not required to pay them).

The Gemora asks: What is the law? Rav Huna the son of Rabbi Yehoshua says: We see: If the husband is a sharecropper (and he would have worked the field), if the husband is now removed (without compensation), they too are removed (without compensation, for the husband would have performed the labor, and their work represents a loss for the woman; she therefore is not liable to pay them). If he is not a sharecropper, the land is prepared for sharecropping (and since she would need to hire sharecroppers regardless, she must compensate them). (80a3 – 80a4)

Selling the Field for the Fruits

The Gemora inquires: If a husband sold his wife's (melog) field to someone in a manner that he sold it solely for the rights for its produce (*not for ownership of the land*), what is the law? Do we say that whatever was acquired he may sell (and therefore the sale is a valid one), or do we say: Why did the Rabbis give rights to the husband for the produce of his wife's fields? It is so the household will benefit (and he will be kind to her), but to sell them, perhaps he has no right?

Yehudah Mar bar Mereimar said in the name of Rava: What he did was done (and is valid). Rav Pappa said in the name of Rava: He has accomplished nothing.

Rav Pappa says: This that Yehudah Mar bar Mereimar said was not stated explicitly (by Rava), but rather, it was inferred from the following incident with Rava: There was a woman

who brought two maidservants (as melog property) into her marriage. Her husband went and married another wife, and gave the new wife one of the maidservants. The first wife came before Rava, and cried out (*about the perceived injustice*), but he did not pay attention to her. The one who saw this thought that Rava's reaction must be because he holds that what he did was done (and is valid, based on the fact that a husband has the right to sell the benefits of what his wife brings into a marriage). However, this was not the reason. Rava really holds that the Rabbis gave rights to the husband for the produce of his wife's fields is so the household will benefit (and he will be kind to her). In this case, the household does benefit (as the maidservant was working with the housework).

The Gemora rules: The halachah is that a husband who sells his wife's land so that the buyer can benefit from their fruit has not accomplished anything. What is the reason for this? Abaye says: We suspect that such a buyer will allow the field to deteriorate (as he thinks that the field might be seized from his any day, he does not maintain it properly). Rava says: The Rabbis gave rights to the husband for the produce of his wife's fields is so the household will benefit (and he will be kind to her, but to sell these rights, he was never granted that privilege).

The Gemora asks: What is the practical difference between their opinions?

The Gemora answers: The difference between them would be if there is a field that is close to the city (*where one can see if the buyer is ruining the field, and he therefore will not ruin it*). Alternatively, if the husband is a sharecropper (*that he will give the fruits to the buyer directly*). Alternatively, the difference would be if he takes the money from the selling of the fruits and does business with it, directly benefiting the household. (80a4 – 80b2)

Mishnah

If while a woman was awaiting *yibum*, she inherited property from her father, and subsequently sold it or gave it away, Beis Shammai and Beis Hillel agree that it is valid. (Although Beis Hillel rules that a woman who is an *arusah* may not sell property in which she inherited, the *yevamah* is permitted to do so.)

The Mishnah asks: If she died, what shall they do with her *kesuvah* and with the property which comes in and goes out with her? (Does the *yavam* inherit her in the same manner that a husband inherits his wife?) Beis Shammai says: The husband's heirs divide it with the father's heirs (the woman's inheritors). Beis Hillel disagrees: The property remains with those that presently possess it. The *kesuvah* goes to the husband's heirs. The property which comes in and goes out with her goes to the father's heirs.

[When a *yavam* performs *yibum*, he inherits all of his brother's property, and he takes over the *kesuvah* obligation from the deceased brother.] If the deceased brother left money (and this Tanna maintains that even movables are mortgaged for her *kesuvah*), the *yavam* should buy land with it and he can eat their produce. If he left produce detached from the ground, the *yavam* should buy land with it and he can eat the fruit. If he left produce that was attached to the ground, Rabbi Meir said: The property should be evaluated how much the field is worth with the produce versus how much it is worth without the produce, and with that difference, land should be bought, from which the *yavam* can eat the produce. The Sages, however, said: Any produce that is attached to the ground belongs to the *yavam*. Produce that is detached from the ground belongs to whoever takes possession of it first. If he came first, he acquires it, and if she comes first, land should be bought, from which the *yavam* can eat the produce.

If the *yavam* marries her, she is regarded as his wife in every respect (if he divorced her, he can remarry her, though this time there is no *mitzvah* of *yibum*), except that the

obligations stemming from the *kesuvah* rests upon the property of her first husband. The *yavam* should not say to her, "Your *kesuvah* is lying on the table" (attempting to designate a certain portion of his brother's property as security for the *kesuvah*, and the remainder would be free), but rather, all of his properties are indebted to her *kesuvah*. Similarly, any husband should not say to his wife, "Your *kesuvah* is lying on the table," but rather, all of his properties are indebted to her *kesuvah*.

The Mishnah concludes: If he divorces her, she only has a *kesuvah* (meaning that she no longer has a lien on her former husband's property any more than the amount owed to her in the *kesuvah*). If he takes her back, she is like all other women (who were divorced and remarried to their first husbands), who are entitled only to the first *kesuvah*. (80b2 – 80b4)

DAILY MASHAL

"Ruach HaKodesh," which translates as "Holy Spirit," but is more than this . . . is something that Yosef clearly had, making him unique with regard to the plans of God for history. The only question is, didn't the other Talmudic rabbis also fear God? Unquestionably, just as Yosef's brothers' unquestionably feared God like their brother. Then what made the rabbis with Ruach HaKodesh different, and all the Yosefs of history for that matter?

The answer to this question, says Rabbi Pinchas Winston, emerges from a different discussion found in the Talmud: Rav Yosef was "Sinai" and Rabbah was "Oker Harim," "an uprooter of mountains." The time came when they were required [to be head of the yeshiva in Pumbedisa]. They asked: Which has preference, "Sinai" or an "Oker Harim"? They answered: "Sinai," because everyone requires the bearer of wheat. (Brochos 64a)

The Talmud means that Rav Yosef knew all the Mishnayos and Beraysos, the basis of the Oral Law, as if from Sinai. Therefore, he is called "Sinai." Rabbah, on the other hand,



“uprooted mountains,” that is, he used his sharp power of reasoning to delve deeply into Talmudic discussions to arrive at the halachah.

After Rav Yehudah, the Rosh HaYeshivah of Pumbedisa, died, they needed either Rav Yosef or Rabbah to replace him. Therefore, they sent and asked the Chachamim of Eretz Yisroel which takes precedence. The Chachamim responded, saying that Sinai comes first, because everyone needs the “bearer of wheat.” In others, they should appoint Rav Yosef as the new Rosh HaYeshivah in Pumbedisa because of his comprehensive knowledge of Mishnayos and Beraysos, since they are the source of all halachah.

Ideally, a person should have as a global knowledge of Torah as possible, and also be able to delve deeply into Torah ideas. Both are crucial for a more complete Torah education, and will benefit the person and all those whom he teaches. Not only this, but it is clearly possible for someone to end up understanding through “lyun,” deep investigation, what he may not have seen from a lack of “Bekias,” faster, more superficial learning. It is also possible from Bekias to come to question certain ideas that might normally be the result of lyun.

One fundamental difference between the two approaches can be understood through the story of Yosef and his brothers. In fact, they can represent both approaches to learning, Yosef being more the “Sinai” type and the brothers being more the “Oker Harim” type.

“Ironically,” it was Rav Yosef, like Yosef HaTzaddik himself, who was “Sinai.” Furthermore, he had to wait 22 years, like Yosef as well, before ascending to his position. Just a historical “coincidence”?

One of the most startling points in the story of Yosef and his brothers is how they could be so wrong about their brother. To be wrong about him was one thing. To be SO wrong about him, thinking that God rejected Yosef when in fact he held

him in the highest esteem, is another story. This was the product of a difference between “Sinai” and “Oker Harim.”

The difference becomes clearer when referring to “Sinai” by another name: The Big Picture. “Sinai” represents the totality of Torah, albeit not on the most detailed level. It represents the entire framework of Torah, which can be infinitely detailed on the level of “Oker Harim.”

Each approach to Torah reveals something that the other does not, and each also has its own shortcoming. “Sinai,” though providing a more complete glimpse of all of Torah can come up short on important details, especially when it comes to halachah. “Oker Harim” provides such details, but can leave a person with gaping holes in their overall Torah outlook only because they have yet to learn other areas of Torah. This is why the two approaches complement each other.

It is also true that in some situations, one can be more relevant at the time than the other. The “pilpul,” i.e., the dialectics, of a Rosh HaYeshivah whose approach to learning is “Oker Harim” can be highly stimulating, but he may not be focussed enough on the overall direction of the yeshivah. A Rosh HaYeshivah whose approach is “Sinai” may not give the most fascinating classes, but he will have his finger on all aspects of yeshivah learning, and be a great resource for students with questions.

It’s more than this, though. What follows may not be a Torah quote, but it articulates the point very well. It is talking about the scientific world, but the same predicament occurs in the Torah realm as well. It says: In short, the works of modern science, taken one by one, seem enough to dampen a person’s hope for higher meaning. If religion’s stock-in-trade is the inexplicable, the coming years don’t look like boon times. This is half of the giant paradox, and it’s one reason why the average scientist today is probably less religious than the average scientist of 50 or 100 years ago. The other half of the paradox comes from stepping back and looking at the big picture: an overarching pattern that encompasses

the many feats of 20th century science and transcends them; a pattern suggesting, to some scientists, at least, that there is more to the universe than meets the eye, something authentically divine about how it all fits together.” (What Does Science Teach Us About God?; TIME Magazine, December 28, 1992)

This is the main advantage of the “Sinai” approach, not just with respect to Torah, but to life in general. Patterns. Patterns that reveal things about life that one may only find and understand after a lot of investigation. The only problem is that such investigation may take so long as to lessen the benefit of the insight, and may even result in disaster in the meantime.

Both Yosef and his brothers wanted the same thing. They wanted to continue on with the legacy of their ancestors and give rise to the Jewish nation that was destined to emerge from them. They wanted to create a people who could fulfill the purpose of Creation in the ultimate sense, and please their Creator as much as is humanly possible.

Yosef, with his “Sinai” approach, not only understood the ultimate plan of God, but was creative in ways to fulfill it, not just in his time, but in the future. This transformed him into a partner of God, and therefore someone to whom God shared deep secrets, someone through whom God could reveal the hidden.

The brothers with their “Oker Harim” approach only saw flaw in their brother. They were exacting, so-much-so in fact that they could only see Yosef as a threat to the family tradition, not as a creative extension of it. It was their “Oker Harim” approach that even allowed them to justify the killing of their brother after convening a Bais Din, and the deceiving of their father.

Had they continued with their approach, over time they would have come to see and understand what Yosef did. But, they didn’t have that time. In the meantime their father was inconsolable, their food was running out, they were forced

down to Egypt, and Shimon was taken captive by the viceroy there. In short, their “mountains” were being “uprooted,” but not the way they had planned.

When Yosef finally revealed himself, the brothers were in shock. It wasn’t just that Yosef was still alive and was actually second-in-command over Egypt, like his dreams foretold. It was more that with all of their pilpul and learning, that they could not see what was coming. It was then that they recognized all the hints Yosef had given to them along the way until that critical moment, and how they had missed them—completely.

This brings us to this week’s parshah. It is called “Re’eh” because Moshe Rabbeinu is trying to get the Jewish people to see something they had yet to envision until that time: the bigger picture. Until then, they had panicked and sinned because they were stuck in the details of the smaller picture. He wanted to elevate their level of perception closer to his own, to give them the wherewithal to survive the challenges of Torah life after his life ended.

The secrets of God go to those who fear Him. More specifically, they go to those who see reality on the level that He does, as much as is humanly possible.