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Kesuvos Daf 17

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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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

Dancing in Front of a Bride

The Braisa states: What do we say when we dance in front of the bride? Beis Shammai say: We praise whatever is true about her. Beis Hillel states: We would say: *Kallah na’eh v’chasudah* – the bride is beautiful and charming (*regardless of whether or not this is true*).

Beis Shammai asked Beis Hillel: If she is lame or blind, we say to her that she is beautiful and charming? The Torah says: *From a lie you should distance yourself!* Beis Hillel said to Beis Shammai: According to your words, if someone purchased a bad item from the marketplace (*and cannot return it*), should one praise his purchase in his eyes (of the purchaser) or denigrate it in his eyes? One of course should praise it (for the maintenance of harmony overrides the prohibition of saying a lie)! From here (*words of Beis Hillel*), the sages said: A person’s knowledge should always be mindful of that of other people (*to make them feel good*).

When Rav Dimi arrived (*from Eretz Yisrael*) he said: This is what they say (*before a bride*) in Eretz Yisrael: No eye makeup, no blush, no hair braids, and she radiates grace.

When the Rabbis ordained Rabbi Zeira (*with semichah - Rabbinical authority*), they similarly sang before him: No eye makeup, no blush, no hair braids, and she radiates grace. [*The Maharsha explains that this referred to the fact that he was a man of integrity, who was not colored with contradiction. The Chasam Sofer explains that this was also the meaning of the song regarding the bride.*]

When the Rabbis ordained Rabbi Ami and Rabbi Assi, they sang before them: Whoever are from these or these, ordain for us, and do not ordain from those who are distorted and from those who are like rags (who do not provide the correct reason for halachos). Some say, they said: And not from those who are withholders (*who give only one fifth of the reason*) and not from those who are like lupines (bitter).

When Rabbi Avahu went from the academy to the Caesar’s residence, the matrons of the Caesar would come out to greet him and sing: Prince of his people and leader of his nation, (he is radiant, as a) candle of light, your arrival should be blessed in peace.

They said about Rabbi Yehuda bar I’lai that he would take a myrtle branch and dance in front of the bride and say, “The bride is beautiful and charming.”

Rav Shmuel the son of Rav Yitzchak would dance and juggle three myrtle branches. Rabbi Zeira said to him, “The elder is embarrassing us (*scholars!*)” When Rav Shmuel died, a pillar of fire separated him from everyone else. It was taught (*as a tradition*) that the separation of a pillar of fire only happened to one or two people in a generation.

Rabbi Zeira remarked: The elder’s myrtle branch helped him (receive that honor). Some say, he said: The elder’s acting like a fool (when he danced) helped him. Some say,



he said: The elder's methodology (to dance in such a fashion) helped him.

Rav Acha used to take the bride on his shoulders and dance. The Rabbis said to him, "Are we also permitted to do this?" He replied, "If they are to you like a beam (and not a woman), you certainly may. If not, you cannot."

Rabbi Shmuel bar Nachmeini said in the name of Rabbi Yonasan: One is permitted to gaze at the face of the bride all (*of the first*) seven days (*of feasting*), in order to make her loved by her husband.

The Gemora rules: The halachah does not follow his opinion. (16b4 – 17a2)

Bridal Processions

The Braisa states: We move the dead (*funeral procession*) away from the (*direction of the procession of the*) bride, and both a bridal procession and funeral procession are redirected from before (*the procession of*) the king. Nevertheless, they said about King Agrippas that he would change direction from before a bridal procession, and the sages praised him.

The Gemora asks: Praising him indicates that he acted properly; doesn't Rav Ashi say the following: Even according to the opinion that a Nasi, who renounces his honor, his honor is renounced, but a king, who renounces his honor, his honor is not renounced? This is indicated by the verse that states: *Surely appoint a king over you,* implying (the double expression of 'som, tasim') that the awe of the king should (*always*) be placed upon you.

The Gemora answers: It was at a crossroads (*where it was not clear that he was diverting, and it merely looked like he was going a different route*), the law is different (*as it was not apparent that he was redirecting his procession*). (17a2 – 17a3)

Taking Time to go to Weddings and Funerals

The Braisa states: One interrupts his learning in order to escort the dead and to escort the bride. They said about Rabbi Yehuda bar I'lai that he would interrupt his learning in order to escort the dead and to escort the bride. When are these words said? It is when there are not enough people (*as is befitting*) for his needs, but when there are enough people for his needs we do not stop learning Torah.

The Gemora asks: How much are "his needs (*regarding a funeral*)?"

Rav Shmuel bar Ini said in the name of Rav: Twelve thousand men and six thousand carrying shofaros (*ram's horns, used to blow to indicate that there was a procession which people should join*).

Some say: Thirteen thousand men, among which six thousand have shofaros.

Rav Huna said (*that his needs means*) the amount of people (*crossing*) from (*the gate of the city of*) Abula to the grave.

Rav Sheishes, and some say Rabbi Yochanan said: Its taking (*away of the ability to learn Torah*) is like its giving (*of the Torah*). Just as the giving (of the torah) was with sixty thousand people, so too the taking should be with sixty thousand people. Ulla adds: This is when he (*the deceased*) has studied Torah and Mishna (but did not teach it to others), but for someone who has taught others, there is no limit. (17a3 – 17b1)

Hinuma and Other Characteristics of Weddings

The Mishna stated: If there are witnesses that she went out with a "*hinuma*."

The Gemora asks: What is a *hinuma*?

Surchav bar Pappa said in the name of Zeiri: It is a round canopy of myrtle branches. Rabbi Yochanan says: It is a veil that within it a bride restfully closes her eyes.

The Gemora asks: The Mishna noted characteristics of a wedding in Yehudah that indicated that the bride was avirgin, and consequently, the kesuvah would be two hundred zuz. What are the similar characteristics of a wedding in Bavel?

Rav says: Oil was smeared on top of the heads of the Rabbis.

Rav Pappa asked Abaye: Was the master talking about the oil used for washing hair?

Abaye replied: Orphan (*of customs*)! Your mother did not smear oil on the heads of the Rabbis during your wedding!? This is like the Rabbi who was marrying off his son by the house of Rabbah bar Ulla, and some say that it was Rabbah bar Ulla who was marrying off his son at a Rabbi's house, and oil was smeared on the heads of the Rabbis.

The Gemora asks: What is the sign that is done to show that the bride is a widow?

The Gemora answers: Rav Yosef taught a braisa that they do not throw parched grain at the wedding. (17b1)

The Mishna had stated: And Rabbi Yehoshua agrees regarding the one who says to his friend, ("This field belonged to your father, and I purchased it from him," that he is believed, for the very mouth that forbade is the mouth that permitted).

The Gemora asks: Let the Mishna state that Rabbi Yehoshua agrees that when someone says to his friend, "This field belonged to you, and I purchased it from you,"

that he is believed? [*Why did he say that the field originally belonged to his friend's father?*]

The Gemora answers: This was due to the Mishna's wanting to state in the second half as follows: But if there are witnesses that it was his father's, and he says, "I purchased it from him," he is not believed. What is the case? If the current owner used the land for three years (*establishing what is known as a chazakah*), why isn't he believed? If he did not use the land for three years, he is certainly not believed! [*The Gemara is attempting to prove that there would therefore be no novelty in saying that the field was bought from the claimant himself.*]

The Gemora asks: If this is so (*that there is no novelty in the case above*), this is true by the father as well! If the current owner used the land for three years, why isn't he believed? If he did not use the land for three years, he is certainly not believed!

The Gemora answers that it makes sense that the case regarding the father could be that the current owner used the field for two years in the lifetime of the father, and one year in the life of the son. This would be in accordance with the statement of Rav Huna, as Rav Huna said that one cannot establish a chazakah on the property of a minor, even if he later grew up. [*The Mishna is therefore stating that the chazakah in this case is invalid.*]

The Gemora asks (*if this is the teaching of the Mishna*): Is Rav Huna coming to teach us what is already taught in a Mishna?

The Gemora answers that it is possible to answer that Rav Huna was explaining how to understand the Mishna.

Alternatively, it is possible that Rav Huna was stating the novel idea that this is even true if the minor grows up. [*Even if the new owner uses the land for another three years after he grows up, Rav Huna taught that this was*



not a valid *chazakah*. This is not readily apparent from the *Mishna*.]

The *Gemora* asks: Why not say the case is with the person himself, and state that the defendant used the field in front of the claimant for two years, and one year not in front of the claimant? The case may be where the claimant ran away (and was therefore not there for that one year, causing the *chazakah* to be invalid).

The *Gemora* clarifies: Why did he run away? If he ran away because people (the government) wanted to kill him, the defendant is certainly not believed as the claimant was unable to protest during that time! If he ran away because of monetary pressure, he should have protested anyway, as we established that even a protest that is not in front of the owner is a valid protest!

The *Gemora* proves that such a protest is indeed effective: For it was taught in a *Mishna*: There are three lands for establishing *chazakah*: Yehudah, Transjordan, and Galil. If the owner of the property lived in Yehudah, but his property, which someone else was trying to establish a *chazakah* on, was in Galil, or the other way around, the *chazakah* is invalid unless the owner is in the same country as the person trying to establish a *chazakah* on his property. And the *Gemora* asked: What is the reasoning of the *Tanna Kamma*? If he holds that a protest that is not stated in the physical presence of the occupier is valid, then even from Yehudah to Galil it should be valid! If he holds that it is invalid, it should not even be valid if both parties are in Yehudah! [Why make a point of saying there are different lands for establishing a *chazakah*?]

Rabbi Abba bar Mamal answers in the name of Rav: The *Tanna Kamma* holds that a protest that is not stated in the physical presence of the occupier is valid. However, our *Mishna* is discussing a situation where there is a state of war, and therefore no regular transportation is

allowed, between the two countries. [In such a situation, it is not possible for word of the protest to reach the one establishing a *chazakah*.]

The *Gemora* asks: Why, then, did the *Tanna Kamma* give the specific case of Yehudah and Galil?

The *Gemora* answers: He was teaching us that normally relations between Yehudah and Galil are deemed to be as if there is a war between them, and there is therefore no transportation between the two countries. [The *Rashbam* explains that even when there are peaceful relations between these two lands, transportation from one to the other is deemed uncommon, and therefore a protest from one to the other is invalid.] (17b2 – 18a1)

INSIGHTS TO THE DAF

DANCING BEFORE A BRIDE

The *Gemora* asks: How should one dance before a bride?, and Beis Shammai says she is to be described as she is, while Beis Hillel opines that she is always to be described as pleasant. Beis Shammai asks Beis Hillel: How is one permitted to one lie? To which Beis Hillel replies, shouldn't one praise a buyer's purchase to him? It seems as if Beis Hillel is avoiding the question. On the other hand, how can Beis Shammai just ignore the requirement to judge positively?

The *Mishneh Halachos* (12:278) suggests that Beis Hillel's reply was to distinguish between one who asks about the *kallah* at the beginning (should he even meet her?), versus after they are married. If someone comes to ask about her at the beginning, Beis Hillel would agree that one must speak the truth. To do otherwise would transgress the prohibition against offering bad advice.

(See the Gemora in Kesuvos 75a-b where not all failings or blemishes are visible.) However, after they are married, to speak the truth (where the truth is not pleasant) would produce nothing but pain. Here, Beis Hillel argues, one must judge positively that there is something pleasant about her. For this reason, Beis Hillel used a comparison to a buyer, after he had purchased.

DAILY MASHAL

Two Types of Truth

There is a Medrash in Bereishis which says that when Hashem came to create the world some of the Middos said that the world should be created. Some said it should not. The Middah of Chesed (kindness) said the world should be created. The Middah of Emes (truthfulness) said no, human beings are full of Sheker (lies). The Middah of Tzedek (righteousness) said the world should be created. The Middah of Sholom (peace) said man should not be created. There was an argument amongst the different Middos. Cryptically, what does the Gemora say? What did Hashem do? He took the Middah of truth and threw it to the ground. The angels were astounded. They said to Hashem, "Why are you putting to shame your Middah the Middah of Emes?"

The Medrash says: That explains what is written (Tehillim 85:12): *Let truth sprout from the ground.* Hashem threw it to the ground. So the simple meaning of this Medrash is that the Middah of Emes was ignored.

Rav Shapiro said, and Rav Schwab says the same - that is not the explanation at all. There are two types of Emes. There is a heavenly Emes, an Emes which is absolute, a truth which is totally consistent with the actual facts and the way things are. That is one Middah of Emes. There is another Middah of Emes. Emes Mai'ereitz Titzmach. It is

not a heavenly Emes, but an earthly Emes that requires compromise in order to go forward. In an imperfect world the absolute truth should not always be said.

Rabbi Reisman quotes our Gemora, which states: If your friend purchases something and asks you, "What do you think of my purchase?" You should tell him, "It is wonderful; it is beautiful." What do we say when we dance in front of the bride? We would say: *Kallah na'eh v'chasudah* – the bride is beautiful and charming (*regardless of whether or not this is true*). The Emes of this world is an Emes that is not the Heavenly Emes; it is the Emes of an imperfect man. A human being needs to adapt Emes for Sholom. As a matter of fact that is the Emes of Eretz. *Emes Mai'ereitz Titzmach.* It is a type of Emes that is not absolute in the sense that it has to adapt to the needs of this world. Of course, we don't just say anything. However, according to the rules of the Torah, Hashem said, "*Let the earth give forth the Emes.*" That is the Emes that we have.