



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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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

Rights to her Finds

The *Mishnah* had stated: The father is entitled to that which his daughter finds. The *Gemora* explains that this was a Rabbinic decree established because we did not want there to be animosity between father and daughter (*which might happen if she would be allowed to keep that which she finds and he would no longer support her*). (46b4 – 47a1)

Earnings to the Father

The *Mishnah* had stated: The father is entitled to the earnings of his daughter.

The *Gemora* asks: What is the source for this?

The *Gemora* answers: It is learned from that which Rav Huna said in the name of Rav: How is it known that a daughter’s earnings belong to her father? It is because it is written [Shmos 21:7]: *When a father shall sell his daughter as a maidservant*. The Torah juxtaposes the words “daughter” and “maidservant” to teach the following: Just as the earnings of a maidservant belong to her master, so too, the earnings of a daughter belong to her father.

The *Gemora* asks: Perhaps, the Torah is only referring to a minor, whom a father may sell as a maidservant; however, in respect to a *na’arah*, whom the father may not sell, her earnings belong to her?

The *Gemora* answers: It can be derived through the following logical argument: If it would be imagined that her earnings do not belong to him, how would the father have the right to deliver his daughter to the *chupah* (*bridal chamber*)? How could he consign her when he thereby prevents her from doing her work (*during her preparations for chupah and its ceremony*)?

Rav Achai objects to this line of reasoning and asks: Perhaps the father pays her compensation for her loss of work during the time of the *chupah*? Alternatively, he may deliver her to the *chupah* at night (*when she is not working anyway*)! Alternatively, he may deliver her to the *chupah* on *Shabbos* and *Yom Tov* (*in which time, it is forbidden to perform any labor*)!

The *Gemora* concludes: It would not be necessary for the Torah to teach us that a father is entitled to his minor daughter’s earnings, for since he has a right to sell her as a maidservant, it is evident that her earnings belong to him. It emerges that the verse mentioned above is teaching us that the father is entitled to the earnings of his daughter, who is a *na’arah*. (47a1)

The *Mishnah* had stated: The father is entitled to annul her vows.

From where is it known? It is written: while in her state of *naarus*, in her father’s house. (47a1 – 47a2)



The *Mishnah* had stated: The father receives her *get*.

From where is it known: From Scripture where it is written: And she leaves, and: And she becomes; 'leaving' is compared to 'becoming'. (47a2)

Fruits for Ransom

The *Mishnah* had stated: The father does not eat the fruit of her property during her lifetime (*if she had inherited property from her mother's family*).

The *Gemora* cites the following *Baraisa*: The father does not eat the fruit of her property during her lifetime. Rabbi Yosi the son of Rabbi Yehudah says: The father does eat the fruit of her property during her lifetime.

The *Gemora* explains the argument: The *Tanna Kamma* holds that it is understandable why the Rabbi established that a husband may eat the fruit from his wife's property, for otherwise, he would redeem her if she was being held for ransom (*the Rabbis obligated the husband to redeem her and as a tradeoff, instituted that he eats the fruit from her property*). However, in respect to her father, it was not necessary to make such a decree, for the father will redeem her anyways; therefore, he does not eat the fruit of her property. Rabbi Yosi the son of Rabbi Yehudah, however, maintains that if not for the fact that father may eat the fruit of her property; he also would refuse to redeem her, for he would think, "Let her use her purse full of money (*that is being held for her in trust from the fruit of her property*) to redeem herself." (47a2)

A Dowry and an Addition

The *Mishnah* stated: Once she is fully married, the husband exceeds the father, for he consumes etc.

The *Gemora* cites a *Baraisa*: If a father wrote for his daughter in writing fruit, clothing or other movable

objects that she may take with her from her father's house to that of her husband (*this is known as tzon barzel – ironclad property; the property which the wife brings in to her husband in the dowry, and which the husband records in the kesuvah; the husband makes use of this property as he wishes, its profits or losses are his, and he is responsible for it; hence the name, "ironclad property": The principal remains as does iron, for if it is lost, the husband is required to pay*), and she died (*during her betrothal before the marriage was consummated*), her husband does not acquire these objects. It was said in the name of Rabbi Nosson: The husband does acquire them.

The *Gemora* attempts to link this argument with another: Can we assume that they differ on the same principles as those on which Rabbi Elozar ben Azaryah and the Rabbis differed? For we learned in a *Mishnah*: A woman who was widowed or divorced, either after marriage or after betrothal, is entitled to collect everything (*the basic obligations of the kesuvah, plus any additions that the husband included*). Rabbi Elozar ben Azaryah ruled: Only a woman widowed or divorced after *nisuin* collects everything, but if it is only after her betrothal, a virgin collects only two hundred *zuz* and a widow only one *maneh*, for the husband wrote the addition for her with the sole objective of marrying her (*and since he did not marry her, she may not claim it*).

The *Gemora* explains the connection: May we assume that the one who ruled that 'her husband does not acquire (*the movable objects written into the dowry*)' upholds the same principle as Rabbi Elozar ben Azaryah (*as he makes the woman's right to the additional money written into the kesuvah dependent on marriage, so also does the Tanna Kamma make the husband's right to the dowry that his wife brings from her father's house dependent on marriage*), whereas the one (Rabbi Nosson) who ruled that 'the husband does acquire (*the movable objects written into the dowry*)' upholds the



same principle as the Rabbis (*as they both maintain that betrothal provides the same rights as the marriage*)?

The *Gemora* objects to the linkage: No! The *Tanna Kamma* and Rabbi Nosson both may hold like Rabbi Elozar ben Azaryah. For the one who ruled that ‘her husband does not acquire (*the movable objects written into the dowry*)’ obviously upholds the same principle as Rabbi Elozar ben Azaryah. And as to the one (*Rabbi Nosson*) who ruled that ‘the husband does acquire (*the movable objects written into the dowry*),’ it may be explained that only in respect of commitments from him towards her did Rabbi Elozar ben Azaryah maintain his view, for the husband wrote the addition for her with the sole objective of marrying her (*and since he did not marry her, she may not claim it*). However, in respect of commitments from her towards him, even Rabbi Elozar ben Azaryah may admit that betrothal has the same force as marriage since commitments of such a nature are due to a desire from the bride’s father for matrimonial association with the groom, and such association, even with a betrothal alone, has surely taken place. (47a2 – 47b1)

Providing Maintenance

The *Mishnah* had stated: After *nisuin*, the husband is obligated to provide for her maintenance.

The *Gemora* cites a *Baraisa*: The Rabbis established that the husband should provide for her maintenance in return for his entitlement to her earnings, and the husband provides for her burial in return for his inheriting the dowry items written into her *kesuvah*. Therefore, the husband eats the fruit from his wife’s property.

The *Gemora* asks: Who mentioned fruits?

The *Gemora* answers: There are missing words in the *Baraisa*, and this is what it should say: The Rabbis established that the husband should provide for her

maintenance in return for his entitlement to her earnings, and the husband is obligated to redeem her if she was held captive, and as a tradeoff, instituted that he eats the fruit from her property, and the husband provides for her burial in return for his inheriting the dowry items written into her *kesuvah*. Therefore, the husband eats the fruit from his wife’s property.

The *Gemora* asks: What is the meaning of the word “therefore”?

The *Gemora* answers: We might have thought that a husband should not eat the fruits, but should rather leave them (*letting them accumulate as a fund for his wife’s ransom if it should be necessary*) since, otherwise (*if he would eat the fruits*), he might refrain from ransoming her. The *Baraisa* informs us that it is preferable for the husband to eat the fruit, for sometimes, the accumulation of the fruit might not suffice and he would refuse to ransom her from his own expenses.

The *Gemora* asks: How do we know that the husband should provide for her maintenance in return for his entitlement to her earnings, and the husband is obligated to redeem her if she was held captive, and as a tradeoff, instituted that he eats the fruit from her property; perhaps, the husband should provide for her maintenance in return for the right to eat the fruit from her property, and the husband is obligated to redeem her if she was held captive in return for his entitlement to her earnings?

Abaye answered: They established the obligation for a common need (*maintenance*) in return for a common occurrence (*her earnings*), and an obligation for an uncommon need (*her being held captive*) in return for an uncommon occurrence (*her owning her own property*). (47b2 – 47b3)



INSIGHTS TO THE DAF

Chupah on Shabbos and Yom Tov

The *Mishnah* had stated: The father is entitled to the earnings of his daughter.

The *Gemora* asks: What is the source for this?

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The *Gemora* asks: Perhaps, the Torah is only referring to a minor, whom a father may sell as a maidservant; however, in respect to a *na'arah*, whom the father may not sell, her earnings belong to her?

The *Gemora* answers: It can be derived through the following logical argument: If it would be imagined that her earnings does not belong to him, how would the father have the right to deliver his daughter to the *chupah* (*bridal chamber*)? How could he consign her when he thereby prevents her from doing her work (*during her preparations for chupah and its ceremony*)?

Rav Achai objects to this line of reasoning and asks: Perhaps the father pays her compensation for her loss of work during the time of the *chupah*? Alternatively, he may deliver her to the *chupah* at night (*when she is not working anyway*)! Alternatively, he may deliver her to the *chupah* on *Shabbos* and *Yom Tov* (*in which time, it is forbidden to perform any labor*)!

Tosfos asks: How can we be discussing a case where he married her on *Shabbos* or *Yom Tov*? The *Gemora* in *Moed Katan* (8b) states that one may not *get* married even during *Chol Hamoed*, for one is not permitted to intermingle one source of joy with another. It is evident from a *Gemora* in *Chagigah* (8b) that this is a Biblical *halacha*. Certainly, it should be forbidden to marry on *Yom Tov*!?

Tosfos answers that we are referring to a case where he married her an hour before *Yom Tov*; in respect to performing labor, it is regarded as *Yom Tov*, for one is Biblically obligated to add time before *Yom Tov* and to treat it as if the *Yom Tov* began; however, it is not considered *Yom Tov* for the obligation of *simcha* yet, and therefore, one is permitted to marry during that time. It is at this time, where she anyways may not perform any labor, the father would deliver her to the *chupah*, and he would not be causing her any loss whatsoever.

Reb Akiva Eiger asks: Not all labor is forbidden to do on *Shabbos* and *Yom Tov*; isn't the father still preventing her from performing that type of work? The fact that it is forbidden to receive compensation for work performed on *Shabbos* will not be a sufficient explanation in our *Gemora*, for that is only a Rabbinical prohibition, and we are discussing a Biblical one!

Reshash answers that our *Gemora* does not mean that it is forbidden to perform labor on *Shabbos*, for there are many types of permitted labor that one may perform on *Shabbos*. Our *Gemora* means that it is not common for one to be working and receiving compensation for labor on *Shabbos* and *Yom Tov*. This is why it is not considered that the father is causing her to lose by marrying her off; she probably would not have been working anyway!

This could be proven from the *Gemora's* alternative answer that the father delivered her to the *chupah* at night. It is not forbidden to perform labor at night;

however, it is uncommon. The father is not causing her to lose by delivering her to the *chupah* at night.

It would seem from Tosfos, however, that we are searching for a time where performing labor would be forbidden, and that is why Tosfos explained the case to be referring to the additional time added before *Yom Tov*, when it is Biblically forbidden to perform labor at that time.

Food for Thought

*** How can we be discussing a case where she was delivered to the *chupah* on *Shabbos* and *Yom Tov*? Isn't it forbidden to make a *kinyan* then?

*** Tosfos asks: How can one *get* married on *Yom Tov*; there is an obligation for *simcha*, and we may not intermingle one source of joy with another? Perhaps, we can answer that the *Gemora* is referring to *Rosh Hashanah*, where there is no obligation for *simcha* (*according to some commentators*)?

*** Why does Tosfos have to explain the case to be referring to one where they got married in the time that was added on to *Yom Tov*, and therefore, there is no obligation for *simcha*; couldn't we have said that they got married on the first night of *Yom Tov*, and the *Gemora* *Pesachim* (71a) states that there is no obligation for *simcha* on the first night?

DAILY MASHAL

Fruits of their Labor

The *Gemora* states that the Chachamim established for the benefit of married women, obligating husbands to support their wives, in exchange for which the husbands received the rights to anything their wives produced.

The *Gemora* (*Gittin* 77b) adds that since this was a Rabbinic enactment, a woman reserved the right to refuse the arrangement, saying, "Do not sustain me and my earnings will not be yours," thereby keeping the fruits of her labor, while relinquishing rights to her husband's support.

The *Pardes Yosef* suggests that the verse says: every wise woman spun with her hands - referring to women who were wise enough to realize that they could easily do without the enactment of the Chachamim in the Wilderness, since their husbands weren't supporting them anyway - the manna was coming directly from Hashem. Therefore, they elected to say, "Do not sustain me and my earnings will not be yours," and kept their own handiwork, which they were then able to donate to the Mishkan. When the Mishkan was completed, the verse says that Moshe saw how everything was done as Hashem had commanded him, and so, Moshe gave the Bnei Yisroel a blessing - that the Shechinah should rest on their handiwork. Bearing in mind the *Pardes Yosef's* interpretation, Moshe's choice of words may be significant when we consider that the Torah had just referred to those women who had declared, "Do not sustain me and my earnings will not be yours" as "wise" women. As such, there might understandably be some concern that Jewish women in future generations may adopt such a position of financial independence for themselves as well, a position which would probably not promote *Shalom Bayis*. Therefore, Moshe's blessing asked that the Shechinah rest on the fruits of their labor specifically, on that potential source of contention, since the Shechinah will only be present in a home where there is *Shalom Bayis*.