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Kesuvos Daf 54

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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

Daughter of a Secondary Ervah

Rabbi Elozar inquired: Does a daughter of a forbidden marriage to a secondary *ervah* receive support from her father’s estate or not?

The *Gemora* elaborates: Since her mother does not receive a *kesuvah*, her daughter doesn’t either, or do we say that the mother was penalized by the Rabbis because she committed a transgression, her daughter, who did not commit a transgression would not be penalized and will receive support?

The *Gemora* lets this question remain unresolved. (53b3 – 54a1)

Daughter of an Arusah

Rava inquired: Does the daughter of an *arusah* receive support from her father’s estate or not?

The *Gemora* elaborates: Since her mother has a *kesuvah* (if her father had written one for her on betrothal, or, according to the opinion that holds that the Rabbis instituted a *kesuvah* for an *arusah*), she should receive support (as he is responsible for the *kesuvah* of his wife, so should he be responsible for the maintenance of his daughter), or do we say that since the Rabbis did not establish that a *kesuvah* should be written until the *nisuin*, the daughter should not be entitled for support?

The *Gemora* lets this question remain unresolved. (54a1)

Daughter of a Violated Woman

Rav Pappa inquired: Does the daughter of a woman who was violated receive support from her father’s estate or not?

The *Gemora* explains the inquiry: According to Rabbi Yosi the son of Rabbi Yehudah, there is no inquiry, for he maintains that a violated woman receives a *kesuvah* in the amount of a *maneh*. The inquiry is according to the Rabbis who say that the fine paid by the violator is a satisfaction for her *kesuvah* (and there is no longer a *kesuvah* obligation). What is the *halachah*? Since the mother has no *kesuvah*, the daughter should not be entitled for support, or perhaps, since the reason that the Rabbis instituted a *kesuvah* is in order for it to be not so light in his eyes to divorce her; the violator cannot divorce her anyway, so there is no reason for a *kesuvah* payment (however, the conditions for the *kesuvah*, such as support for the daughter, were not established for this reason, and therefore, the daughter may be entitled for support).

The *Gemora* lets this question remain unresolved. (54a1)

House, but not a Shack

The *Mishnah* had stated: You will sit in my house and be supported by my estate as long as you are living as a

widow in my house is (*also automatically*) obligatory, as it is a condition of Beis Din.

Rav Yosef taught: This *halachah* is only applicable if the husband left for the widow a house to dwell in; however, if he left only a shack, the inheritors live there, but not the widow (*she must find her own place of lodging*).

Rav Yosef continues: But nevertheless, she still would receive support from her husband's estate. Mar bar Rav Ashi disagrees and says that she does receive support, but the *halachah* does not follow his opinion. (54a2)

Widow Forfeits her Right to Support

Rav Nachman said in the name of Shmuel: Once the widow accepts a marriage proposal, she is not entitled to receive support from her husband's estate any longer.

Implicit in Shmuel's ruling is that if a marriage was proposed to her and she refused, she still would be entitled for support.

Rav Anan clarifies Shmuel's ruling: If she refused on account of the honor of her previous husband, she is still entitled to support; however, if she refused because she said that these men were unworthy suitors, she is not entitled to receive support from her husband's estate any longer (*because had they have been worthy, she would have accepted*).

Rav Chisda said: If the widow acts promiscuously, she forfeits her right to support. Rav Yosef said: If she paints her eyes or braids her hair (*for the purpose of attracting men*), she forfeits her right to support.

The *Gemora* comments: He who ruled: 'If she acts promiscuously' would even more so deprive her of support if she paints her eyes or braids her hair. He, however, who ruled: 'If she painted her eyes or braided

her hair' would allow her maintenance if she acts promiscuously. What is the reason? — Perhaps, her Evil Inclination caused her to act promiscuously (*and it was not because she was pursuing another husband*).

The *Gemora* issues a ruling: The *halachah* does not follow the above rulings; rather, it follows that which Rav Yehudah said in the name of Shmuel: Only a widow who demands her *kesuvah* in *Beis Din* forfeits her right to support.

The *Gemora* challenges this ruling: Does she forfeit her right to support when she demands her *kesuvah* in *Beis Din*? But we learned in the following *Baraisa*: A widow who sold her *kesuvah*, or if she used her *kesuvah* as a collateral for a loan, or if she used her *kesuvah* as an *apotiki* for a loan (*a person may designate any type of property as security to the creditor without placing it in the possession of the creditor; the creditor has a lien on this property, and if the debt is not otherwise repaid, the creditor can collect his debt from the security*), she forfeits her right to support. We can infer from this *Baraisa* that only in these cases does she forfeit her right to support, but not in the case where she demands her *kesuvah* payment in *Beis Din*.

The *Gemora* answers: The *Baraisa* lists the cases where she loses support whether they are performed in *Beis Din* or not, whereas Shmuels' case is only applicable if she demands her *kesuvah* in *Beis Din*. (54a2 – 54a3)

People of Yehudah and Galil

The *Mishnah* had stated: "You will sit in my house and be supported by my estate as long as you are living as a widow in my house" is (*also automatically*) obligatory, as it is a condition of Beis Din. This is how the people of Yerushalayim would write (*a kesuvah, including these conditions*). The people of Galil would write like them. The people of Yehudah would write "until the inheritors wish

to give you the *kesuvah*.” Therefore, if the inheritors wish, they can give her the (*value of the*) *kesuvah* and send her off.

The *Gemora* states: Rav said: The *halachah* is in accordance with the people of Yehudah. Shmuel said: The *halachah* is in accordance with the people of Galil. In Bavel and its neighboring towns, the custom followed Rav. In Nehardea and all its neighboring towns, the custom followed Shmuel.

The *Gemora* records a related incident: A woman of Mechoza (*a neighboring town of Bavel*) was married to a man of Nehardea (*he died and the inheritors wished to give her the kesuvah and stop supporting her*). When they came before Rav Nachman, he observed from her voice that she was a native of Mechoza. Rav Nachman said to them: In Bavel and its neighboring towns, the custom followed Rav (*and therefore, if the inheritors wish, they are permitted to give her the kesuvah and send her off*).

They asked Rav: But, surely, she is married to a man of Nehardea (*and there, the custom is in accordance with Shmuel*)? He said to them: If that is the case, we must rule according to Shmuel, for in Nehardea and all its neighboring towns, the custom followed Shmuel

The *Gemora* asks: How far do the boundaries of Nehardea extend? The *Gemora* answers: As far as the Nehardean *kav* is in use (*wherever they use the Nehardean standard unit of measure*). (54a3 – 54a4)

Wife's Clothing

It was stated: When *Beis Din* collects a *kesuvah* for a widow, Rav said: An assessment is made to the clothing that she wears (*all the clothing that she received from her husband is deducted from the amount of the kesuvah*). Shmuel said: That which she wears is not assessed.

Rav Chiya bar Avin said: Their opinions are reversed in the case of a field laborer (*one who works without a set wage; when he leaves the employ of his master who, during the period of his service, had been supplying him with his clothes*). Samuel would rule that the value of his clothes is deducted from his wages and Rav would maintain that it is not to be deducted.

Rav Kahana taught: Their opinions in the case of a field laborer are the same as their opinions regarding a woman and her *kesuvah*.

Rav Nachman said: Although there is a *Mishnah* that would support Shmuel's viewpoint, the *halachah*, nevertheless, follows Rav's opinion. The *Gemora* cites the *Mishnah*: Whether a man has consecrated his estate, or whether he has consecrated the valuation of himself to the *Beis Hamikdosh*, the Temple treasurer has no claim either upon the clothes of that man's wife, or upon the clothes of his children, or the colored garments that were dyed for them (*for his wife and children*), or any new sandals that [their father may have bought for them (*because they are not considered his property, which supports Shmuel's opinion that the woman's clothing belongs to her, and not to her husband*)].

Rava asked Rav Nachman: If the *Mishnah* supports Shmuel, why does the *halachah* follow Rav?

Rav Nachman replied: The initial understanding of the *Mishnah* flows like Shmuel, but when you look closely, the *Mishnah* could be following Rav's opinion as well. What is the reason? - The husband gives his wife clothing with the understanding that she will remain with him (*consequently, so long as she lives with him, the clothing is her property and no one can take them away from her*); however, if she intends to take the clothing and leave, the husband would not have been willing to give them to her (*which explains Rav's ruling that their value is to be deducted from her kesuvah*).

The *Gemora* cites an incident: A daughter-in-law of the house of Bar Elyashiv was claiming her *kesuvah* from the orphans. When she summoned them to court, they said, "It is degrading for us that you should go in such clothes." She went home, dressed and covered herself with all her garments. When they came before Ravina, he told them: The law is in accordance with the ruling of Rav who said that when a *kesuvah* is being paid to a widow, assessment is made of what she wears (*and she now cannot lie that she doesn't have any clothing*). (54a4 – 54a6)

She Waived her Right

The *Gemora* cites several incidents: A dying man once said, "Let a bride's outfit (*the cost of which was well known, all brides being similarly provided for*) be provided for my daughter (*as a dowry*)." After he died, the price of the outfit was subsequently reduced. Rav Idi bar Avin ruled that the profits belong to the orphans (*it is their duty to provide the outfit, and since they can obtain it at a reduced price the balance is theirs*).

A dying man once said: Four hundred zuz, the value of this wine shall be given to my daughter (*as a dowry*). After he died, the price of wine rose. Rav Yosef ruled that the profits belong to the orphans.

Relatives of Rabbi Yochanan had the responsibility of maintaining their father's wife who was in the habit of consuming an enormous amount of food. When they came to Rabbi Yochanan, he told them: Go and tell your dying father that he should assign a plot of land for her support (*and if she consents to this arrangement, only the revenue from this field would be used for her support; only one who is deathly ill may transfer property to another through a mere verbal declaration*). After the father died, they came before Rish Lakish. He said to them: By such a designation, he has increased her support (*based on the father's words, it is evident that he is not depriving the widow of her right to proper maintenance from the other*

property; rather, it can only be regarded as the provision of an additional source of income from which she might draw in case the maintenance the heirs provided was not as lavishly as she desires). They asked Rish Lakish: But, Rabbi Yochanan did not say like this? Rish Lakish told them: Go give her proper maintenance, for otherwise, I shall pull Rabbi Yochanan out of your ears. Rabbi Yochanan, when they came to him again, said to them: What can I do when a man, equal in stature, differs from me?

Rabbi Avahu stated: This was explained to me by Rabbi Yochanan: If the father said that the field is "towards maintenance," he has thereby increased her support, but if he said "in maintenance," he has thereby limited the allowance for her maintenance to this specific field. (54a6 – 54b1)

WE SHALL RETURN TO YOU, NAARAH SHENISPATESAH

INSIGHTS TO THE DAF

Wife's Shabbos Clothing

It was stated: When *Beis Din* collects a *kesuvah* for a widow, Rav said: An assessment is made to the clothing that she wears (*all the clothing that she received from her husband is deducted from the amount of the kesuvah*). Shmuel said: That which she wears is not assessed.

The Rashba writes that according to Shmuel, there is no distinction between her clothing that she wears during the weekday and her clothing for *Shabbos*. One might have thought that we do not deduct her weekday clothing from her *kesuvah* because those are regarded as a necessity, but her *Shabbos* clothing, which is intended for beautification purposes, perhaps they belong to the husband. The Rashba rules that all her clothing, including those worn exclusively for *Shabbos* are hers and may not be deducted.

The Meiri disagrees and maintains that the dispute between Rav and Shmuel pertains only to her *Shabbos* clothing, but Rav would concede that her weekday clothing, which are a necessity, is not deducted from her *kesuvah*.

The Rambam rules that a woman's *Shabbos* clothing belong to the husband. In Hilchos Malveh V'loveh (1:5), he writes that a creditor may not collect his debt from the wife's clothing because they belong to her. However, the Rambam qualifies and states that this is only regarding her weekday clothes; her *Shabbos* clothing, however, belong to the husband and the creditor may seize them.

DAILY MASHAL

Israel is like a Widow

The Medrash in Eichah writes: After the destruction of the Temple, Yerushalayim was like a widow who wanted from her husband's inheritors to be given her sustenance, and did not want to claim her *kesuvah*.

Imagine a king who write a divorce document for his queen, hands it to her, but immediately takes it back. Afterwards, whenever she seeks to remarry, the king asks her, "But where is your divorce document?" Whenever she claims her sustenance from him, he replies, "But did I not divorce you?"

So too it is with the Jewish people. When they turn to idol worship, God asks them, "Have I given you a bill of divorce?" And when they ask that He should perform miracles for them, God replies, "Have I not divorced you already?"

This is what Yirmiyahu the Prophet said in the Name of Hashem: Since Israel had become a harlot, I will send her away by giving her a bill of divorce (so that she will not

merit the receiving of food, i.e., miracles, but I shall take the document back, so that she may not marry another).

The Talilei Oros on Eichah cites the Pnei Moshe of Slonim: The conclusion of our Gemora is that the widow receives support privileges from her inheritors, so long as her husband's honor remains very dear and precious to her, and that she continues to mourn his passing. Shmuel, therefore, maintains that if she accepts a marriage proposal from another, or, if she turns it down only because he is unsuitable to her, she forfeits her support privileges, for she has indicated that she does not mourn him so much; she is not honoring him sufficiently. According to halachah, however, she loses her rights to the support, only if she publicly claims her right to the *kesuvah* – in Beis Din.

The Jewish people feel the loss of the Temple deeply, and we are still in mourning. This is why the verse refers to them as a "widow" – one who wishes to be given sustenance, but not want to claim her *kesuvah*.