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Kesuvos Daf 61

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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

To Nurse or Not to Nurse

Rav Huna said: Rav Huna bar Chinana tested us with the following question: If the wife wants to nurse the child and the husband does not want her to, we listen to her, for it is painful for her (*not to nurse*). What would the *halacha* be if the husband wants the wife to nurse the child and she does not want to; who do we listen to? If it is not her family’s custom to nurse (*they are wealthy and hire wet nurses*), we certainly listen to her. But, if it is her family’s custom to nurse and his family does not nurse, what is the *halacha*? We resolved it for him by citing the following *braisa*: A woman rises to the husband’s standards, but does not descend to his standards (*therefore, she may follow his family’s custom of not nursing*).

Rav Huna said: What is the Scriptural proof? — For she is a man’s wife, [she is to participate] in the elevation of her husband but not in his descent. Rabbi Elazar said, [The proof is] from here: Because she was the mother of all living she was given [to her husband] to live but not to suffer pain. (61a1)

Wife and the Maidservant

The *Mishnah* had stated: If she brings a maid into the marriage, she is not required to grind, bake, or launder clothes.

The *Gemora* asks: It may be inferred from the *Mishnah* that the wife is still obligated to perform the other chores (*cooking, nursing, making his bed and working with wool*)

for the husband. But why should that be? Let the wife say that the maidservant should perform all the chores?

The *Gemora* answers: The husband can answer her, “The maidservant will work for me and for her, but who will work for you?” (*There is an extra person in this household now.*) (61a1)

The *Mishnah* had stated: If she brings two maids, she is not required to nurse or cook.

The *Gemora* asks: It may be inferred from the *Mishnah* that the wife is still obligated to perform the other chores (*making his bed and working with wool*) for the husband. But why should that be? Let the wife say that one maidservant should work for herself and for her (*the wife*), and the other maidservant should work for herself and for you (*the husband*)? (*If the wife can perform these chores for two people, it is reasonable to assume that two maidservants can perform these chores for four people.*)

The *Gemora* answers: The husband can answer her, “Who will work for the guests who stay for a long time, and who will work for all the occasional visitors who come in?” (*A house that has many household members attracts people to stop by.*) (61a1 – 61a2)

The *Mishnah* had stated: If she brings three maids she is not required to make his bed or knit with wool.

The *Gemora* asks: It may be inferred that her other duties, however, she must perform; but why? Let her say to him, "I brought you a third maidservant to attend upon our guests and occasional visitors."

The *Gemora* answers: It is because he might reply, "The more people that are in the household, the more number of guests and occasional visitors there will be."

The *Gemora* asks: If so, the same claim could also be advanced even when there were four maidservants?

The *Gemora* answers: In the case of four maidservants, since their number is considerable they assist one another. (61a2)

Rabbi Chana, or some say Rav Shmuel bar Nachmeini, stated: When the *Mishnah* said that she brought in maidservants, it does not mean that she had actually brought them; but rather, the *Mishnah* means that wherever she brings in a dowry from which she is in a position to bring in maidservants, she will be released from the obligation of performing those chores, even though she has not actually brought any maidservants.

The *Gemora* cites the following *Baraisa* which supports this opinion: A wife is entitled to the same privileges whether she brought a maidservant to him or whether she saved up for one out of her own income. (61a2)

Mixing a Cup of Wine for her Husband

The *Mishnah* had stated: If she brings four maids she can just sit in her special silk canopy (*easy chair*).

Rav Yitzchak bar Chananya said in the name of Rav Huna: Even though they said that she may sit in her easy chair, she should nevertheless mix a cup of wine for him, make his bed and wash his face, hands and feet.

Rav Yitzchak bar Chananya said in the name of Rav Huna: All kinds of work that a woman performs for her husband, a menstruant may perform for her husband, except the mixing of the cup (*of wine to serve him*), and the making of his bed and the washing of his face, his hands and his feet (*because these actions may bring about temptation*).

Rava notes: That which we stated that a menstruant shall not make her husband's bed, that is only if her husband is present, but if he is not present, she is permitted to make his bed.

With regard to 'the mixing of the cup,' Shmuel's wife made a change (during her 'seven clean days' after menstruation and prior to ritual immersion, when marital relations are still forbidden – Rashi) by serving him with her left hand. Abaye's wife placed the cup on the edge of the wine cask. Rava's wife placed it on the pillow. Rav Papa's wife put it on his foot-stool. (61a2 – 61a3)

The Danger of Craving for Food

Rav Yitzchak bar Chananya further stated in the name of Rav Huna: All foods may remain in the presence of the waiter (*even though, he will not be eating until they finished*) except meat and wine (*which excite his appetite and any delay in satisfying it will cause him extreme pain*).

Rav Chisda said: This applies only to fatty meat and old wine. Rava said: It applies to fatty meat throughout the year but old wine only in the Tammuz season.

Rav Anan bar Tachlifa related: I was once standing in the presence of Shmuel when they brought him a dish of mushrooms, and, had he not given me to eat from it, I would have been exposed to danger.

Rav Ashi said: I was once standing before Rav Kahana when they brought him slices of turnip heads in vinegar, and, had he not given me to eat from it, I would have been exposed to danger.

Rav Pappa said: Even a fragrant date may expose one to danger.

This is the general rule: Any food that has a strong aroma or a sharp taste will expose a man to danger if he is not allowed to eat from it.

Both Avuha bar Ihi and Minyamin bar Ihi showed consideration for their waiter. One would give him a portion of every kind of dish served while the other gave him a portion of one kind only (*at the beginning of the meal, and gave him from the other dishes upon the conclusion of the meal*). With the former Eliyahu conversed, but with the latter, he did not.

It was related of two pious men, and others say that they were Rav Mari and Rav Pinchas the sons of Rav Chisda: One of them gave a share to his waiter first while the other gave him last. With the one who gave the waiter his share first, Eliyahu conversed; with the one, however, who gave his waiter last, Eliyahu did not converse. (*By failing to give the waiter a share as soon as the various dishes were served, he caused him unnecessary pain of unsatisfied desire and hunger.*)

The *Gemora* records a related incident: Ameimar, Mar Zutra and Rav Ashi were once sitting at the gate of King Izgur's palace (*a Persian king*). The King's table-steward passed them by (*carrying food for the king*). Rav Ashi, observing that Mar Zutra turned pale in the face, took some of the food with his finger and put it into his mouth. "You have ruined the king's meal," the table-steward exclaimed. "Why did you do such a thing?" he was asked by the king's officers. Rav Ashi responded, "The man who prepared that dish has rendered the King's food objectionable." "Why?" they asked him. "I noticed," he replied, "leprous pig meat in it." They examined the dish but did not find anything. Rav Ashi took hold of the chef's finger and put it on one piece of meat, and he asked them,

"Did you examine this part?" They examined it and miraculously found it to be as Rav Ashi had said. The Rabbis asked him, "Why did you rely upon a miracle?" Rav Ashi replied, "I saw the demon of leprosy hovering over him."

The *Gemora* records another related incident: A Roman once said to a woman, "Will you marry me?" "No," she replied. Thereupon, he brought some pomegranates, split them open and ate them in her presence. She kept on swallowing all the saliva that irritated her, but he did not give her any of the fruit until her body became swollen. Eventually, he said to her, "If I cure you, will you marry me?" "Yes," she replied. He went and brought more pomegranates, split them open and ate them in her presence. He said to her, "All the saliva that irritates you, spit out at once, and again and again." She continued doing so until something issued forth from her body in the shape of a green palm-leaf, and she recovered. (61a3 – 61b1)

The Mishnah had stated: And she works with wool.

Only in wool but not in flax? Whose [view then is represented in] our Mishnah? — It is that of Rabbi Yehudah. For it was taught: [Her husband] may not compel her to wait upon his father or upon his son, or to put straw before his animal; but he may compel her to put straw before his herd. Rabbi Yehudah said: Nor may he compel her to work in flax because flax causes one's mouth to be sore and makes one's lips stiff. This refers, however, only to Roman flax. (61b1)

Rav Malkiyo or Malkiya?

The *Mishnah* had stated: Rabbi Eliezer says: Even if she brings one hundred maids into the marriage, he can force her to knit, as her having nothing to do could lead to promiscuity.

Rav Malkiyoh stated in the name of Rav Adda bar Ahavah:
The *halachah* follows the opinion of Rabbi Eliezer.

Rav Chanina the son of Rav Ika said: The rulings concerning a spit (*that has been used for the roasting of meat on a festival, although it is deemed to be muktza, may be placed in a corner in an unusual manner*), maidservants and pores (*that these, even without pubic hairs growing from them, are sufficient indication of puberty*) were authored by Rav Malkiyoh; but those concerning locks of hair (*an Israelite trimming the hairs of an idolater must withdraw his hand at a distance of three finger's breadth on every side of the forelock to avoid assisting them in servicing their idols*), ashes (*are forbidden to be spread on a wound in order to heal it because it gives the appearance of a tattoo*), and cheese (*made by idolaters are forbidden since they smear it with lard*) were authored by Rav Malkiyah.

Rav Pappa, however, said: If the statement is made concerning a *Mishnah* or a *Baraisa*, the author is Rav Malkiyah, but if it is concerning an Amora's statement, the author is Rav Malkiyoh. And your mnemonic is: A Tannaic statement is a queen. (*A statement issued by a Tanna is more authoritative than a statement from an Amora. Malkiyah, whose name closely resembles queen, is to be associated with the Mishnah and the Baraisa that are designated queen.*)

The *Gemora* asks: What is the practical difference between them?

The *Gemora* answers: It is the statement concerning maidservants (which is recorded in our *Mishnah*; according to Rav Papa, the statement concerning it must be that of R. Malkiyah, while according to Rav Chanina, it is included among the statements attributed to R. Malkiyoh. (61b1 – 61b2)

¹ Intercourse with whom is forbidden for two weeks.

The *Mishnah* had stated: Rabban Shimon ben Gamliel says: Even if someone vows that his wife is forbidden to do work, he should divorce her and give her a *kesuvah*, as having nothing to do can cause her to go crazy.

The *Gemora* asks: Isn't this the same view as that of the *Tanna Kamma*?

The *Gemora* answers: The practical difference between them is the case of a woman who plays with puppies or who plays chess (*a woman who spends her time in this manner may be exposed to the temptation of promiscuity, but is in no danger of falling into idiocy*). (61b2)

Mishnah

The *Mishnah* states: If one vowed, prohibiting his wife to have conjugal relations with him, Beis Shamai say: Two weeks (*if the vow is for longer than this period, it is the duty of the husband either to have his vow disallowed or to release his wife by divorce*). Beis Hillel say: One week.

Students (*who have an obligation to perform their conjugal duties once a week*) may go out for Torah study without permission for thirty days. Laborers (*who have an obligation to perform their conjugal duties twice a week*) may leave for one week.

The conjugal rights of a wife stated in the Torah are as follows: *Tayalin* - every day; laborers - twice a week; donkey drivers - once a week; camel drivers - once in thirty days; sailors - once in six months; these are the words of Rabbi Eliezer. (61b2 – 61b3)

What is the reason of Beis Shammai? — They derive their ruling from [the law relating to] a woman who bears a female child.¹ And Beis Hillel? — They derive their ruling from [the law relating to] one who bears a male child.²

² In whose case the prohibition is restricted to one week

Why shouldn't Beis Hillel also derive their ruling from [the law relating to] a woman who bears a female child? — If they had derived their ruling from [the law relating to] a woman who bears a child they should indeed have ruled thus, but [the fact is that] Beis Hillel derive their ruling from [the law of] the niddah.³ On what principle do they differ? — One is of the opinion that the usual⁴ [is to be inferred] from the usual,⁵ and the other is of the opinion that what a husband has caused⁶ should be derived from that which he has caused.

Rav stated: They differ only in the case of one who specified [the period of abstention] but where he did not specify the period it is the opinion of both that he must divorce her immediately and give her the kesuvah. Shmuel, however, stated: Even where the period had not been specified the husband may delay [his divorce], since it might be possible for him to discover some reason for [the remission of] his vow. - But surely, they once disputed this question; for have we not learned: If a man forbade his wife by vow to have any benefit from him he may, for thirty days, appoint a steward, but if for a longer period he must divorce her and give her the kesuvah. And [in connection with this] Rav stated: This ruling applies only where he specified [the period] but where he did not specify it he must divorce her immediately and give her the kesuvah, while Shmuel stated: Even where the period had not been specified the husband may also postpone [his divorce], since it might be possible for him, to discover some grounds for [the annulment of his vow]? — [Both disputes are] required. For if [their views] had been stated in the former only it might have been assumed that only in that case did Rav maintain his view, since [the appointment] of a steward is not possible but that in the second case where [the appointment] of a steward is possible he agrees with Shmuel. And If the second case

only had been stated it might have been assumed that only in that case did Shmuel maintain his view but that in the former case he agrees with Rav. [Hence both statements were] necessary. (61b4 – 61b5)

DAILY MASHAL

Spit Out all of the Saliva

Rav Anan bar Tachlifa related: I was once standing in the presence of Shmuel when they brought him a dish of mushrooms, and, had he not given me to eat from it, I would have been exposed to danger.

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This is the general rule: Any food that has a strong aroma or a sharp taste will expose a man to danger if he is not allowed to eat from it.

The *Gemora* records a related incident: A Roman once said to a woman, "Will you marry me?" "No," she replied. Thereupon, he brought some pomegranates, split them open and ate them in her presence. She kept on swallowing all the saliva that irritated her, but he did not give her any of the fruit until her body became swollen. Eventually, he said to her, "If I cure you, will you marry me?" "Yes," she replied. He went and brought more pomegranates, split them open and ate them in her presence. He said to her, "All the saliva that irritates you, spit out at once, and again and again." She continued

³ The period of whose tumah is only seven days.

⁴ Such as a quarrel between husband and wife resulting in a vow of abstention.

⁵ Menstruation which is a monthly occurrence. Births are not of such regular occurrence.

⁶ The vow of abstinence.



doing so until something issued forth from her body in the shape of a green palm-leaf, and she recovered.

Reb Akiva Eiger (Y"D 336) writes in the name of the Maharil: The Mahari Segal told us that it is forbidden to test any of the remedies and cures mentioned in the Talmud, for we do not fully comprehend all the intricate details, and if we attempt to duplicate them and it fails to heal the sick, it will result in the mocking of our Sages. (*He cites one exception that is mentioned in Meseches Shabbos.*)

The *Mishnah Berura* (617:8) cites our *Gemora* as a cure for one who smells the aroma of a certain food and he is unable to eat from it. He should be careful to spit out all the saliva accumulated in his mouth and he should not swallow any of it. His ruling indicates that this is not a magical remedy; but rather, it is a natural phenomenon, and it is applicable nowadays.

INSIGHTS TO THE DAF

Sacrificing One's Life for Another

The *Gemora* records a related incident: Ameimar, Mar Zutra and Rav Ashi were once sitting at the gate of King Izgur's palace (*a Persian king*). The King's table-steward passed them by (*carrying food for the king*). Rav Ashi, observing that Mar Zutra turned pale in the face, took some of the food with his finger and put it into his mouth. "You have ruined the king's meal," the table-steward exclaimed. "Why did you do such a thing?" he was asked by the king's officers. Rav Ashi responded, "The man who prepared that dish has rendered the King's food objectionable." "Why?" they asked him. "I noticed," he replied, "leprous pig meat in it." They examined the dish but did not find anything. Rav Ashi took hold of the chef's finger and put it on one piece of meat, and he asked them, "Did you examine this part?" They examined it and miraculously found it to be as Rav Ashi had said. The Rabbis asked him, "Why did you rely upon a miracle?" Rav

Ashi replied, "I saw the demon of leprosy hovering over him."

The Maharsha explains that the Rabbis asked Rav Ashi: Why did you put yourself into a severely dangerous predicament in order to save Mar Zutra from a minor danger.

What did Mar Zutra answer? Reb Avi Lebovitz explains: The *Gemora* answers that Rav Ashi saw the demon of leprosy hovering over him. One could interpret that he wasn't relying on a miracle since he saw that there were signs of leprosy on the meat. However, Rashi implies that Rav Ashi's answer was that he saw signs of leprosy on Mar Zutra, indicating that the element of danger for Mar Zutra was actually more severe, therefore he was willing to give up his own life to save the life of Mar Zutra.

The Chasam Sofer proves from this dialogue that one is obligated to risk their own life in order to save another. Although this *Gemora* doesn't prove any obligation, and would only prove that one is allowed to risk their life to save another; the Chasam Sofer seems to hold that when it comes to life, there can't be a choice; it is either mandatory to sacrifice one's own life or a prohibition.

The Radvaz rules that one is not permitted to sacrifice a limb of his own in order to save the life of another.

The Chasam Sofer challenges this from our *Gemora*. He understands that the danger to Rav Ashi was that the king will sever his finger. Rav Ashi relied on the miracle in order to save the life of Mar Zutra, for if would not have interceded, Mar Zutra would have died.