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Kesuvos Daf 62

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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

**Permission to Study**

The *Mishnah* had stated: Students (*who have an obligation to perform their conjugal duties once a week*) may go out for Torah study without permission for thirty days.

The *Gemora* asks: If she grants permission, for how long should he leave? – [If he has permission] as long as he wants!?! – What is the proper amount of time?

Rav said: He should be a month in the Beis Medrash and a month at home, for it is said in the Scriptures: In any matter of the divisions, which came in and went out, month by month, throughout all the months of the year. Rabbi Yochanan says: He should be a month in the Beis Medrash and two months at home, for it is said in the Scriptures: A month they were in Lebanon and two months at home.

Why doesn't Rav also derive his opinion from this text? – The building of the holy Temple is different [from the study of the Torah] since it could be carried on by others. Then why doesn't Rabbi Yochanan derive his opinion from the former text? – There [the conditions were] different because every man gained a sizeable profit.

Rav said: A sigh breaks down half of the person's body, for it is said in Scripture: Sigh, therefore, you son of man; with the breaking of the loins and with bitterness you shall sigh. Rabbi Yochanan, however, said: Even the person's entire body, for it is said in Scripture: And it shall be when they ask you: Why are you sighing? that you shall say: Because of the tidings that are coming; and every heart shall melt, and all hands

will weaken, and every spirit shall grow faint, and all knees shall become water.

As to Rabbi Yochanan, is it not also written: 'With the breaking of the loins'? – [The meaning of] this is that when [the breaking] begins it does so from the loins. And as to Rav, is it not also written: 'And every heart shall melt, and all hands will weaken, and every spirit shall grow faint'? – The report of the holy Temple is different since [the calamity] was very severe.

A Jew and an idolater were once walking together on the same road and the idolater could not keep pace with the Jew. Reminding him of the destruction of the holy Temple [the latter] grew faint and sighed; but still the idolater was unable to keep pace with him. 'Do you not say', the idolater asked him, 'that a sigh breaks half of the human body'? – 'This applies only', the other replied, 'to a fresh calamity but not to this one with which we are familiar. As people say: A woman who is accustomed to bereavements is not alarmed [when another occurs]'. (61b5 – 62a2)

**Tayalin**

The *Mishnah* had stated: The conjugal rights of a wife stated in the Torah are as follows: *Tayalin* - every day.

The *Gemora* asks: What is *tayalin*?

Rava answers: They are students who study Torah locally, and return home to sleep at night.

Abaye challenges this explanation: Rav Yitzchak interpreted the following verse [Tehillim 127:2]: *It is vain for you who rise early, and sit up late, who eat the bread of toil; so He gives unto His beloved in sleep.* This is referring to the wives of Torah scholars, who drive sleep from their eyes in this world, and therefore merit entering the World to Come. How can you (*Rava*) say that the Torah scholars have time to have relations with their wives every night?

Rather, Abaye understands *tayalin* to be referring to that which Rav states, for Rav said: It is referring to a person like Rav Shmuel bar Shilas, who ate his own food, drank his own beverages, slept in the shadow of his mansion (*securely*) and the king's officers never passed by his gate (*to collect taxes from him since he was not regarded as a wealthy man; such a person is considered a man of independence and can be intimate with his wife every night*).

When Ravin came to Bavel, he said that it is referring to the pampered men of *Eretz Yisroel* (*who make sure to eat good food and drink and are therefore healthy and strong enough to engage in relations every night*).

The *Gemora* cites an example, which demonstrates their strength: Rabbi Avahu was once standing in a bathhouse and two servants were supporting him. The floor of the bathhouse collapsed under him. It happened that he was near a column, upon which he climbed taking up the servants with him.

Another such incident: Rabbi Yochanan was once ascending a staircase and Rav Ami and Rav Assi were supporting him. The staircase collapsed under him. He himself climbed up and brought them up with him. The Rabbis said to him, "Since your strength is such, why do you require support? He replied, "If so, what strength will I reserve for the time of my old age?" (62a2 – 62a3)

The *Mishnah* had stated: [The conjugal rights of a wife stated in the Torah are as follows:] laborers - twice a week.

Was it not, however, taught in a Baraisa: Laborers, once a week? — Rabbi Yosi the son of Rabbi Chanina replied: This is no difficulty; the former [speaks of laborers] who do their work in their own town while the latter [speaks of those] who do their work in another town. — So it was also taught: Laborers [perform their marital duties] twice a week. This applies only [to those] who do their work in their own town, but for those who do their work in another town [the time is only] once a week. (62a3)

### ***Bread in their Basket***

The *Mishnah* had stated: [The conjugal rights of a wife stated in the Torah are as follows:] donkey drivers - once a week.

Rabbah bar Rav Chanan asked Abaye from the *Mishnah* above which stated as follows: If one vowed, prohibiting his wife to have conjugal relations with him, Beis Hillel say: One week. Why would they be discussing only the *tayal* and a laborer (*since they are the only type of people who are obligated to have conjugal relations more than once a week*)?

Abaye answers: No! It is referring to all the people mentioned in the *Mishnah*, including a sailor, who is only obligated to engage in marital relations once every six months. He explains based upon the following saying: "You cannot compare one who has bread in his basket with one who doesn't have bread in his basket (*the latter experiences the pangs of hunger much more than the former who can eat the bread should he decide to use it up; a sailor's wife may partially satisfy her desires by the hope that her husband may at any moment return; her husband's vow extinguishes all her hope and she must not, therefore, be allowed to suffer longer than the periods indicated*)."

Rabbah bar Rav Chanan asked of Abaye: May a donkey driver become a camel driver without his wife's permission (*since it will be decreasing the frequency of his conjugal duties*)?

Abaye replied: A woman would rather have one *kav* with intimacy than have ten *kavs* and abstinence. (62a3 – 62b1)

### **Studying Away from Home**

The *Mishnah* had stated: The conjugal rights of a sailor's wife is once in six months; these are the words of Rabbi Eliezer.

Rav Beruna said in the name of Rav: The *halachah* follows the opinion of Rabbi Eliezer (*namely, that a Torah scholar may leave home to study Torah for thirty days without his wife's permission*).

Rav Adda bar Ahavah said in the name of Rav: These are the words of Rabbi Eliezer; however, the Chachamim say: A Torah scholar may leave home to study Torah for two or three years without his wife's permission.

Rava stated: The Rabbis (*and left home for more than a month to study Torah without their wife's permission*) relied on Rav Adda bar Ahavah, but act accordingly at the risk of losing their lives (*they may die before their time as a penalty for neglecting their wives*).

The *Gemora* cites an incident supporting Rava's statement: Rav Rechumi who was frequenting the lectures of Rava at Mechoza used to return home every *Erev Yom Kippur*. On one occasion, he was so engrossed by his subject that he forgot to return home. His wife was expecting him home every moment, saying, "Now, he is coming, now, he is coming." When he did not arrive, she became so depressed that a tear began to flow from her eyes. He was at that moment sitting on a roof. The roof collapsed under him and he was killed. (62b1)

### **Torah Scholars Studying Abroad**

The *Gemora* asks: How often is the obligation for conjugal relations for a Torah scholar?

Rav Yehudah said in the name of Shmuel: Every Friday night. That brings forth its fruit in its proper time, Rav Yehudah, and some say Rav Huna, or again, as others say: Rav Nachman, stated: This [refers to the man] who performs his marital duty every Friday night.

The *Gemora* cites a related incident: Yehudah the son of Rabbi Chiya and son-in-law of Rabbi Yannai would spend his time in the Beis Medrash all week, but every *Erev Shabbos* would come home. Whenever he arrived, the people would observe a pillar of light moving before him. Once he was so engrossed by his subject of study that he forgot to return home. When the light was not seen, Rabbi Yannai said to the people of the house, "Turn over his bed (*as a sign of mourning*), for had Yehudah been alive, he would not have neglected the performance of his marital relations." This remark was like an error that proceeds from the ruler, for in consequence, Yehudah died.

The *Gemora* cites another incident: Rebbe was engaged in the arrangements for the marriage of his son to the daughter of Rabbi Chiya, but when the *kesuvah* was about to be written, the bride passed away. Rebbe said, "Is there, Heaven forbid, any disqualification in our families?" They investigated the genealogy of the two families and it was discovered that Rebbe descended from Shephatiah the son of Avital (*the wife of Dovid haMelech*) while Rabbi Chiya descended from Shimi the brother of Dovid (*as the latter was not a descendent of the king's family, it was not proper for his daughter to be united in marriage with one who was*).

Rebbe then went to arrange a match for his son to the daughter of Rabbi Yosi ben Zimra. It was agreed that the groom should spend twelve years studying Torah (*prior to the nisuin*). When the bride was led before the groom, he said to them, "Let it be six years." When they passed her before him a second time, he said, "I would rather marry her first and then proceed to the Beis Medrash." He felt embarrassed before his father, but his father said to him, "My son, you have the mind of your Creator; for in Scripture [Shmos 15:17] it is written first: *You will bring them into Eretz*

*Yisroel and implant them on the mountain of Your heritage, the foundation of Your dwelling place. Later, it is written [ibid, 25:8]: And let them make Me a sanctuary and I will dwell among them. (Initially, Hashem said that they would be brought into Eretz Yisroel, and then the Beis Hamikdosh will be built, and at the end, Hashem said that the Mishkan should be built before they enter Eretz Yisroel.)*

After the marriage, he departed and spent twelve years studying Torah. By the time he returned, his wife had become sterile. Rebbe said, "What shall we do? Should we instruct him to divorce her, it would be said, 'This poor soul waited in vain!' Were he to marry another woman, it would be said 'The latter is his wife and the other one is his mistress.'" He prayed for mercy, and she recovered.

The *Gemora* cites a related incident: Rabbi Chanania ben Chachinai was about to go away to study Torah towards the conclusion of Rabbi Shimon ben Yochai's wedding celebration. Rabbi Shimon ben Yochai said to him, "Wait for me until I am able to join you." He, however, did not wait for him, but went away alone and spent twelve years at the Beis Medrash. By the time he returned, the streets of the town were altered and he was unable to find the way back to his home. He went down to the river bank and sat down. He heard people calling out to a girl saying, "Daughter of Chachinai, daughter of Chachinai, fill up your pitcher and let us go!" He thought, "It is evident that the girl is ours," and so, he followed her. When they reached the house, his wife was sitting and sifting flour. She lifted up her eyes and seeing him, was so overcome with joy that she fainted and died. He said before Hashem, "Master of the universe, is this the reward for this poor soul?" He prayed for mercy and she revived.

Rabbi Chama bar Bisa went away from his home and spent twelve years studying Torah. When he returned he said, "I will not act as did ben Chachinai." He therefore entered the local Beis Medrash and sent word to his house. Meanwhile, his son, Rabbi Oshaya entered, sat down before him and addressed to him a question regarding a Talmudic teaching.

Rabbi Chama, upon seeing how well versed he was in his studies, became very depressed. He said, "Had I been here, I also could have had such a child." When he entered his house, his son came in, whereupon the father rose before him, believing that he wished to ask him some further questions. His wife said to him, "what father stands up before a son?"

Rami bar Hama applied to him the following Scriptural text [Koheles 4:12]: *And a three-ply cord is not quickly broken.* This is a reference to Rabbi Oshaya, son of Rabbi Chama, son of Bisa. (62b1 – 62b3)

## INSIGHTS TO THE DAF

### **Conjugal Duty**

Our *Gemora* discusses the conjugal rights of a wife, and that it varies dependent upon the stress of the husband's work and the amount of time he is required to spend away from his house.

Prior to Rabbeinu Gershom's ban against marrying more than one wife, one was permitted to have several wives. This leads us to enquire: Would these obligations remain the same even though he has multiple wives?

The Nimukei Yosef in *Yevamos* writes that if a man performed the *mitzvah* of *yibum* with four different *yevamos*, he is only required to perform his conjugal duty once a month with each wife (*if he is a donkey driver, where his duty is ordinarily once a week*). This is because he did not obligate himself to each wife, they were sent to him from Heaven (*so to speak*), and therefore, he is not required to have relations with each wife once a week; but rather, it is sufficient if he performs his duty with one of his wives each week. However, this is the *halachah* only by *yevamos*. If, however, he married four ordinary women, he is obligated to perform his marital duties with each wife once a week.

The Rambam and other Rishonim disagree and they maintain that his obligation does not change on account of marrying multiple wives; he is only required to have marital relations once a week even though each wife will be somewhat deprived from their intimacy with him.

Rav Elyashiv explains: When a man marries more than one wife, they understand that they will not be receiving from him more than a man is ordinarily required to do, and it is considered as if they waived their rights for their own personal "once a week" relations.

What would be the *halachah* if he marries one wife and later, he marries another? Do we say that the first wife understands that he is permitted to marry more than one wife, and she accepts that to begin with, or perhaps, it is only the second wife who accepts this fact and waives her right, but the husband would still be required to perform his conjugal duties to the first wife once a week?

#### DAILY MASHAL

##### *Punishment for Causing Grief to Another*

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losing their lives (*they may die before their time as a penalty for neglecting their wives*).

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Reb Chaim Shmeulwitz (*Sichos Mussar* 5731; 23) derives from here that the punishment incurred because of a transgression against a fellow person is not for the purpose of appeasing the person suffering, for in this incident, not only was his wife not appeased by the result; she now was forced to endure even more sorrow and anguish by the fact that she was now a widow. Rather, the punishment for one who pains another is akin to a fire consuming and one who torments another is naturally consumed by fire.