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Kesuvos Daf 64

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Refusing Yibum

Rav Tuvi bar Kisma said in the name of Shmuel: We write a certificate of rebelliousness against an *arusah* (who refuses to enter into *nisuin* after the time allotted for her), but we do not write a certificate of rebelliousness against a *yevamah* (who refuses to enter into *yibum*).

The *Gemora* asks from the following *Baraisa*: Both a woman who is betrothed and married, even if she is a *niddah*, even if she is sick, and even if she is waiting *yibum*; all can be regarded as rebelling. (Evidently, we would write a certificate for a *yevamah* awaiting *yibum* if she refuses)!

The *Gemora* answers: It is not difficult; the *Baraisa* is referring to a case where the *yavam* is demanding that the *yevamah* should avail herself to him, whereas Shmuel is discussing a case where she is demanding of him. For Rav Tachlifa bar Avimi said in the name of Shmuel: *Beis Din* gets involved to help the *yavam* when he demands of her and she refuses; however, they do not get involved to help her when she demands of him and he refuses.

The *Gemora* asks: If Shmuel is referring to a case where she demands of him and he refuses, he should have said: We write a certificate of rebelliousness for an *arusah* (not against the *arusah*)?

The *Gemora* answers: It is not difficult; let us emend Shmuel’s statement to read: We write a certificate of rebelliousness for an *arusah*.

The *Gemora* asks: Why is it different that we don’t write a certificate of rebelliousness against the *yavam*? It must be because we tell the *yevamah*, “Go, you are not obligated to have children!” Shouldn’t the same logic apply by an *arusah* also? When she is demanding to be married with *nisuin*, we should tell her, “Go, you are not obligated to have children!”

Perhaps you will say that it is referring to a case where the *arusah* is coming with a valid claim, saying, “I wish to have a staff in my hand and a spade for my burial (a son who will provide for me while I am alive and arrange for my burial when I die).” If so, the same claim can be said by a *yevamah* as well; why is the *arusah*’s claim any stronger?

Rather, the *Gemora* reverts to its original understanding: Both the *Baraisa* and Shmuel are discussing a case where the *yavam* is demanding of the *yevamah*; the difference is as follows: The *Baraisa* is referring to a case where the *yavam* is demanding that the *yevamah* should submit to *chalitzah* (we write a certificate of rebelliousness against her because *chalitzah* is regarded as the preferred option). Shmuel is discussing a case where the *yavam* is demanding that *yibum* should be performed (we do not write a certificate of rebelliousness against her). For Rabbi Pedas said in the name of Rabbi Yochanan: *Beis Din* gets involved to help the *yavam* when he demands that the *yevamah* should submit to *chalitzah*; however, they do not get involved to help her when he demands *yibum*.

The *Gemora* asks on this explanation: Why is it different that we don’t write a certificate of rebelliousness against the *yevamah* when she refuses *yibum*? It must be because we tell the *yavam*, “Go and marry a different woman.” Shouldn’t

we be able to say the same thing when his *yevamah* refuses to submit to *chalitzah*?

Perhaps you will say that the *yavam* can counter and say, "Since the *yevamah* is attached to me, another woman will not want to marry me," and therefore, the *Baraisa* rules that *Beis Din* assists him. If so, we can say the same argument in Shmuel's case, when she refuses *yibum*. Why should the two cases be different?

Rather, the *Gemora* explains that both the *Baraisa* and Shmuel are discussing a case where the *yavam* is demanding of the *yevamah* to avail herself for *yibum*; the difference is as follows: The *Baraisa* is following the opinion of the original *Mishnah* (the *mitzvah* of *yibum* is more preferable than *chalitzah*; and therefore, the *yevamah* is regarded as rebellious if she refuses *yibum*). Shmuel is following the opinion of the later *Mishnah* (the *mitzvah* of *chalitzah* is more preferable than *yibum*; and therefore, the *yevamah* is not regarded as rebellious if she refuses *yibum*). For we learned in the following *Mishnah*: The *mitzvah* of *yibum* takes precedence over the *mitzvah* of *chalitzah*. This was only initially, when the people intended solely for the sake of the *mitzvah*, but now that they have ulterior motives involved, the *mitzvah* of *chalitzah* takes precedence. (64a1 – 64a3)

Compensation for Rebellion

The *Mishnah* had stated: One who rebels against his wife must add three *dinar* a week to her *kesuvah*. Rabbi Yehuda says: Three *trapaics*.

The *Gemora* asks: What are *trapaics*?

Rav Sheishes said: A *trapaic* is equivalent to an *astira* (a provincial *sela*).

The *Gemora* asks: And how much is an *astira*?

The *Gemora* answers: It is half a (Tyrian) *zuz* (the Tyrian coins were made out of pure silver, whereas, the provincial coins had only one part silver and seven parts were made from base metal; hence, the Tyrian coins were valued at eight times more than a provincial coin; there are four *zuz* (or *dinars*) in a *sela* and consequently, a provincial *sela* is equivalent to half of a Tyrian *zuz*).

The *Gemora* cites a *Baraisa*, which supports this explanation: Rabbi Yehudah said: Three *trapaics* (per week), which are equivalent to nine *ma'ahs* (since there are six *ma'ahs* in a *zuz* and a *trapaic* is half a *zuz*; three *trapaics* are equivalent to nine *ma'ahs*), which amounts to (a reduction) of a *ma'ah* and a half per day (six days of the week).

(It emerges from this *Baraisa* that when we increase her *kesuvah* on account of his rebelliousness, we do not include *Shabbos*.) Rav Chiya bar Yosef asked of Shmuel: Why is it that when we decrease her *kesuvah* on account of her rebelliousness, we include *Shabbos* (as Rabbi Yehudah stated: Seven *dinars* per week; one *dinar* per day), and yet, when we increase her *kesuvah* on account of his rebelliousness, we do not include *Shabbos*?

Shmuel answers: When we decrease her *kesuvah* on account of her rebellion, it does not have the appearance of "Shabbos pay"; however, where we are increasing his *kesuvah* on account of his rebellion (if we would include *Shabbos*), it would appear as "Shabbos pay." (It is Rabbinnically forbidden to earn money on *Shabbos*, for this may result in buying, selling and renting on *Shabbos*.)

Rav Chiya bar Yosef asked of Shmuel: Why is that a rebellious woman loses more than a rebellious man?

Shmuel replied: Go out and learn from a market of harlots; who hires whom? (Since the man hires the woman, it is obvious that his desire for intimacy is greater, and the lack of intimacy causes more anguish to him than to her.) Another explanation: The man's desires are recognizable on the

outside (*his erection and therefore, he is more embarrassed*), whereas a woman's is on the inside. (64a3 – 64b1)

Mishnah

The *Mishnah* states: If a man provides for his wife through a third party, he may not give her less than two *kavs* of wheat, or four *kavs* of barley per week. Rabbi Yosi said: Barley was granted to her only by Rabbi Yishmael, who was close to Edom. He also gives her half a *kav* of beans, a half a *log* of oil, and a *kav* of dried figs, or a *maneh* of pressed figs. And if he has none, he must provide in their stead produce from another place.

He must provide for her a bed, a mattress, and a mat. And he must give her a kerchief for her head, and a belt for her loins, and shoes from festival to festival, and clothing of fifty *zuz* from year to year. And he does not give her, either new clothes in the summer, worn-out in the winter, but he gives her new clothes worth fifty *zuz* in the winter, and she covers herself in their worn condition in the summer, and the worn-out ones are hers.

The *Mishnah* continues: He gives her a *ma'ah* of silver for her needs, and she eats with him on Friday nights. And if he does not give her a *ma'ah* of silver for her needs, her earnings are hers.

And what work must she do for him? She is required to spin the weight of five *selas* of warp in Judea, which equals ten *selas* in the Galil; or the weight of ten *selas* of weft in Judea, which are twenty *selas* in the Galil. But if she was nursing, they decrease her earnings obligation and increase her maintenance. To what does this refer? These minimums are applicable to a poor person in Israel. But with a wealthy person, everything is according to his honor. (64b1 – 64b2)

Amount of Meals

The *Gemora* asks: Who is the *Tanna* of our *Mishnah* (*that we give the wife two kavs of wheat per week*)? It cannot be

Rabbi Yochanan ben Berokah, nor can it be Rabbi Shimon. For we learned in the following *Mishnah*: What is the quantity needed to make an *eruv techumin* (*one who places a certain amount of food in a place up to 2,000 amos away from his current location; he is then permitted to walk 2,000 amos beyond there because the location of his food is regarded as his residence*)? Food of two meals for each person that needs the *eruv*. This is referring to food for a weekday meal, and not for *Shabbos* meals; these are the words of Rabbi Meir. Rabbi Yehudah says: This is referring to food for *Shabbos* meals, and not for his weekday meals. Both opinions intended to be lenient (*Rabbi Meir used to consume at a weekday meal less bread than at a Shabbos meal, which had more courses and since he ate bread with each course, he ate more bread; Rabbi Yehudah, however, consumed on Shabbos less bread than he would on weekdays because he satisfied himself with the extra courses*). Rabbi Yochanan ben Beroka says: The required amount of bread for an *eruv* is a loaf that is purchased for a *pundyon* when four *se'ahs* of grain are purchased for a *sela*. (*Each sela = four dinars, each dinar = six ma'ahs and each ma'ah = two pundyons. Consequently, a sela = (4 X 6 X 2) forty eight pundyons. Since a se'ah = six kavs, four se'ahs = twenty-four kavs. If four se'ahs (twenty-four kavs) sell for a sela (forty-eight pundyons), one can purchase one kav with two pundyons and a half of a kav with one pundyon; it emerges that the loaf of bread measures a volume of twelve eggs since there are twenty-four eggs in a kav.*) Rabbi Shimon says: The required amount of bread for an *eruv* is two thirds of a loaf when there are three loaves to a *kav*. (*One loaf is made from 1/3 kav, the volume of 8 eggs, and 2/3 of a loaf measures 5 1/3 eggs.*) Half of the loaf is used to determine if one's clothes have been contaminated when he entered a house with *tzaraas*. (*A person who enters a house inflicted with tzaraas becomes tamei immediately, but he is not required to wash his clothes unless he remained in it the time necessary for eating. The Sages learned from this that only if a person stayed in the house a length of time needed for eating, is required to wash his clothes. And the time is long enough "to eat a peras", i.e., 1/2 a loaf. The Mishnah teaches us that according to Rabbi Yochanan ben Berokah, who holds*

that a whole loaf is $\frac{1}{4}$ a kav [the volume of 6 eggs], the volume of the “eating of a peras” is 3 eggs; and according to Rabbi Shimon, who holds that a loaf is a $\frac{1}{3}$ of a kav [8 eggs], the volume of the “eating of a peras” is 4 eggs.) And a half of its half (a quarter of the loaf) is the amount of *tamei* food eaten that will render someone unfit to eat *terumah*. And a half of a half of a half of the loaf is the amount required to contract food *tumah*.

Now, the *Gemora* explains its question: Who is the *Tanna* of our *Mishnah* (that we give the wife two kavs of wheat per week)? If it is Rabbi Yochanan ben Berokah (who maintains that the two meals for an *eruv* measures half a kav), then two kavs of wheat will be only eight meals (and she needs fourteen for the week)? If it is Rabbi Shimon (who maintains that the two meals for an *eruv* measures two thirds of a one third kav loaf, then one meal is one ninth of a kav), then two kavs of wheat will be eighteen meals (which would be more than necessary)?

The *Gemora* answers: The *Tanna* of the *Mishnah* can be Rabbi Yochanan ben Berokah, and it is like Rav Chisda said elsewhere: Deduct a third for the profit of the shopkeeper, so too here also, take a third (though the shopkeeper buys at the rate of four *se'ahs* for a *sela*, which is equal to half a kav for a *pundyon*, he sells it at a higher price, leaving for himself a profit of one third of the purchase price; for each *pundyon*, he sells only two thirds of half a kav; one third of half a kav or one sixth of a kav thus provides one meal, two kavs therefore, would produce $(2 \times 6) =$ twelve meals) and add it (the four meals) to the eight meals that we calculated before.

The *Gemora* asks: That is still only twelve meals (and she needs fourteen meals)?

The *Gemora* answers: Since she eats with her husband on Friday night, it is not necessary to provide for that meal.

The *Gemora* asks: Firstly, this is only understandable according to the opinion who holds that the *Mishnah* means

that she actually eats together with him, but according to the opinion who maintains that “eating” is merely a euphemism for marital relations, how can it be explained? Secondly, even without the Friday night meal, she still requires thirteen meals, and two kavs will only provide twelve meals?

The *Gemora* answers: The *Tanna* of the *Mishnah* can be Rabbi Yochanan ben Berokah, and it is like a different statement that Rav Chisda said elsewhere: Deduct a half for the profit of the shopkeeper, so too here also, take a half and add it (the eight meals) to the eight meals that we calculated before.

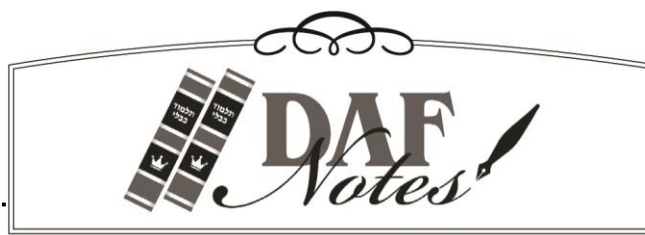
The *Gemora* asks: The two statements of Rav Chisda contradict each other!?

The *Gemora* answers: It is not difficult; one statement refers to a place where the wheat sellers supply wood to the bakers, whereas the other refers to a place where they do not supply the wood (and the shopkeeper sells at a profit equal to half of his purchase price to compensate himself for the cost of the wood).

The *Gemora* asks: Even according to this explanation, two kavs of wheat will provide sixteen meals and she needs only fourteen? This would be according to who? Can it be Rav Chidka, who says that one is obligated to eat four meals on *Shabbos* (and consequently, she needs sixteen meals a week)?

The *Gemora* answers that it can be according to the Rabbis who hold that one is required to eat only three meals on *Shabbos*, but one meal is reserved for guests and occasional visitors.

The *Gemora* concludes: Now that we explained the *Mishnah* in this way, we can say that our *Mishnah* follows the opinion of Rabbi Shimon. That which we asked that according to him, two kavs provide for eighteen meals, we can answer that we deduct meals, which are reserved for guests and occasional visitors. (64b2 – 64b5)



The Mishnah had stated: Rabbi Yosi said: Barley was granted to her [only by Rabbi Yishmael, who was close to Edom].

The Gemora asks: But is it in Edom only that they eat barley, and in the rest of the world, they do not eat barley?

The Gemora answers: this is what he was saying: Barley – that was double the amount of wheat – was granted to her only by Rabbi Yishmael, who was close to Edom. This is because barley from Edom is of very poor quality. (64b5)

INSIGHTS TO THE DAF

Yevamah's Mitzvah

The *Gemora* states that we don't write a certificate of rebelliousness against the *yavam* because we tell the *yevamah*, "Go, you are not obligated in this *mitzvah*!"

Rashi explains: The *mitzvah* to procreate obligates men, but not women.

The question can be asked: What about the *mitzvah* of *yibum*? Even if the woman is exempt from the commandment to procreate, but if she is obligated in the *mitzvah* of *yibum*, it should be regarded as the *yavam* is depriving the *yevamah* of her *mitzvah*. It is evident from our *Gemora* that the *mitzvah* of *yibum* is applicable only to the *yavam*, and not to the *yevamah*.

The Avudraham writes that the *yevamah* does not recite a blessing when she submits to *chalitzah* or *yibum* because she is exempt from the *mitzvah* of procreation. It seems that the two *mitzvos* are dependent upon each other; since she is not obligated to have children, she is exempt from the *mitzvah* of *yibum*.

The Rambam in his Sefer HaMitzvos (216) writes that there is a commandment for the *yavam* to perform a *yibum* with his brother's wife when his brother died childless.

The Minchas Chinuch (1:15) states that it is implicit from the Rambam that he maintains that the *mitzvah* of *yibum* is an obligation for the man (the *yavam*) and not for the woman (the *yevamah*).

The Chinuch (*Mitzvah* 598 and 599) states explicitly that the *mitzvah* of *yibum* is only applicable to men and not to women.

The Minchas Chinuch cites a Pnei Yehoshua in Kesuvos (40a) that the *mitzvah* of *yibum* also applies to the *yevamah*.

Why should there be an obligation for the *yevamah*; the Torah explicitly states that the brother should marry his brother's wife. It is not written anywhere that she shall be taken for *yibum*?

Reb Ezriel Cziment, in his sefer *Mitzvos Hamelech* answers: Besides the *mitzvah* of performing a *yibum*, there is also an obligation to establish a name for the deceased. It is this *mitzvah* that the *yevamah* plays an integral role in and she is thus included in the *mitzvah* obligation.

This would seemingly be inconsistent with our *Gemora*.

Who takes Precedence??

By: Reb Oizer Alpert

Yehudah requests that Yaakov send Binyomin down to Egypt with him and entrust him with ensuring Binyomin's safe return, so that there will be food to eat so that we (the brothers), you (our father), and our children shouldn't die of starvation. Rav Yaakov Kamenetzky derives a fascinating inference from the wording of our verse. He maintains that the Torah is prioritizing for us who has precedence when it comes to saving lives. We have a principle that saving one's own life comes before all others. However, in the unthinkable situation in which one may additionally save only one's father or one's own son, as occurred all too often

during the Holocaust, who has precedence? Our Holy Torah, which contains the answer to every question, answers this one by mentioning the saving of their father Yaakov before that of their own children to teach us that one's father has priority.

It is interesting to note that Rav Elyashiv is quoted by his son-in-law Rav Yitzchok Zilberstein as opining that if one wishes to save his son in order to have somebody to take care of him in his old age and to eventually arrange his burial (see Kesuvos 64a), then he may save his son before his father. This is because the saving of his son is not just for his son's sake but also for his own, and we have a maxim that the expenses involved in honoring one's father are to be borne by one's father. In this case, were he to save his father's life instead of his son's, he wouldn't have his son to take care of him in his old age and it would come out that he saved his father on his own personal liability, something we don't obligate him to do.

Rav Zilberstein suggests that Rav Elyashiv and Rav Yaakov aren't disagreeing, but rather Rav Yaakov was interpreting the actions of the Shevatim, who did everything l'shem Shomayim (purely for the sake of Heaven) and not for any personal motivations, in which case everybody agrees that one's father comes first. He further points out that in saving Yaakov, they were also benefiting themselves as Yaakov's descent to Egypt brought about the end of the famine (Rashi 47:19) from which they personally were suffering.

DAILY MASHAL

SELECTIVE MEMORY

The Mishnah discusses the various amounts allotted for the poor, but regarding the wealthy, it is in accordance with his wealth. A lesson may be learned regarding what should be the focus of a person's life from the following story: The Meshulach from Novahrdok was well-known throughout Lithuania, tracing the same steps through the villages and cities for his collections. As he visited the home of R' Dovid

Friedman of Karlin, he marveled at the concentration and fervor of the elderly Gaon's learning. After several minutes, the Karliner noticed him standing there and asked who he was, and what he wanted. The Meshulach replied that he was collecting for the Novardok Yeshiva. R' Dovid reached into his pocket and gave the man some coins. The Meshulach continued to watch the Karliner learn, and after 10 minutes R' Dovid looked up and asked again who he was and what he wanted, handing over a few coins. When the same thing happened again, the Meshulach said he already received 2 donations from him, and just wanted to watch him learn. R' Dovid wept and apologized for his aging memory problems, adding that Boruch Hashem, he had not forgotten a single word of Torah for the last 50 years.