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Kesuvos Daf 66

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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

### **Mishnah**

The *Mishnah* states: The findings of a woman and her earnings belong to her husband. Regarding property that she inherits, the husband may only eat the produce while she is alive. Payment for her embarrassment or devaluation belongs to her. Rabbi Yehudah ben Beseirah says: When the injury is hidden, two parts of the payment are hers, and one is his. And when it is exposed, two parts are his and one is hers. His portion is given to him immediately, but in regards to her portion, land is purchased and he eats the produce. (65b4).

The Gemora asks: What is the Mishnah teaching us? Did we not learn this in a previous Mishnah: A father has jurisdiction over his daughter regarding her betrothal; he receives the money, he accepts the document, or he can give his daughter to him for cohabitation. The father is entitled to that which she finds, and to her earnings and to annul her vows. He receives her *get*, but he does not eat the fruit of her property during her lifetime (*if she had inherited property from her mother's family*). Once she is married (*nisuin*), the husband exceeds the father in that he does eat the fruit of her property during her lifetime.

The Gemora answers: Our Mishnah is teaching us the laws regarding her embarrassment or devaluation, as there is a dispute between Rabbi Yehudah ben Beseirah and the Rabbis (regarding this). (65b4)

### **Does a Married Woman Keep Lost Objects That She Finds?**

A *Baraisa* was taught in front of Rava stating that a lost object found by a wife belongs to her. Rabbi Akiva said: It belongs to her husband.

Rava asked: If Rabbi Akiva holds that the surplus money produced by extra work that a woman does can be kept for herself, although work money usually goes to a husband, certainly he would hold that she could keep any lost object that she finds!? [*The fact that Rabbi Akiva holds this way is established in a Mishnah.*] For it was taught in a Mishnah: [If a woman says to her husband:] “What I earn shall be ‘konam’ (forbidden for benefit) to your mouth,” her husband does not need to annul the vow. [A husband has a right to annul certain vows of his wife; here, it is not necessary, for the husband has a right to her earnings and she cannot prohibit him from using that which is his.] Rabbi Akiva says: He should annul the vow, as she might produce more than her mandatory earnings (*and that amount would become forbidden to him*).

Rava therefore said: It must be that the opinions are reversed. The *Baraisa* should read that a lost object found by a wife belongs to her husband. Rabbi Akiva said: It belongs to her.

The Gemora asks: But when Ravin arrived (*from Eretz Yisrael*), didn't he say in the name of Rabbi Yochanan: Everyone agrees regarding a woman's surplus earnings (that she obtains) without exertion (because she is talented and can easily do so) that they belong to the husband. The argument is only regarding her surplus earnings (that she obtains) with exertion (she work more than usual). The Tanna Kamma (*of the Baraisa*) understands that this too goes to her husband, while Rabbi Akiva says that she is allowed to keep the extra money. [*Accordingly, why should*

*Rabbi Akiva say that if she finds a lost object, that took no effort to find, that it should not go the husband?]*

Rav Pappa answered: A lost object is considered as if extra exertion is put in (*as it often takes some effort to recover, such as a lost injured animal*), and is therefore subject to the argument of Rabbi Akiva and the Rabbis.

Rav Pappa inquired: If she does two jobs at once, is this considered extra effort? Ravina inquired: If she does three or four jobs at once, is this considered extra effort? Their questions remain unresolved. (65b4 – 66a1)

### **Paying the Husband for Embarrassing his Wife**

*[The Mishnah quotes Rabbi Yehudah ben Beseirah as saying that a husband receives partial payment for the embarrassment and devaluation of his wife.]* Rava bar Rav Chanan asked: If someone embarrassed his friend's horse, should he have to pay him for embarrassment?

The Gemora answers: Does a horse get embarrassed?

The Gemora explains that Rava bar Rav Chanan meant to ask: If someone spat at his friend and the spittle hit him, or he removed the hair covering of a woman or his friend's cloak, he is required to pay him/her four hundred zuz. Rav Pappa taught: This is only if the spittle reached his friend, but if it only hit his clothes, he is exempt from paying this fine.

The Gemora answers: Spit that only hits clothing is not such an embarrassment, whereas if a person's wife is embarrassed it is embarrassing to him as well.

Ravina asked Rav Ashi: This seems difficult, as according to this answer if someone embarrassed a poor person from a good family, he should have to pay the entire family for the embarrassment!

Rav Ashi answered: In such a case the poor person is not like their body. Here, a wife is considered to be as one person with her husband. (66a1 – 66a2)

### **Mishnah**

If a person promised monies to his son-in-law (as a dowry), and then he died (*and his brother will perform "yibum" – "levirate marriage"*), the Sages said: He can tell his new son-in-law, "I was willing to give this money to your brother, but not to you."

If a woman (a bride) promises to bring in one thousand *dinars* to the marriage, he should write in the *kesuvah* that he will give her fifteen *manehs* (*one thousand five hundred dinars*). [He must, in return for the profits he will be able to derive from his trading with her money, add fifty per cent to the amount his wife brought him.] If she brings appraised goods (that deteriorates over time) to him, he should pledge opposite their value in the *kesuvah* less one fifth. [This refers to an appraisal made during the wedding festivities when the tendency is to over-assess whatever goods the bride brings to her husband.] If she brings assets into the marriage that are appraised at a *maneh*, and they are indeed worth a *maneh*, he should pledge one hundred in the *kesuvah*. [He cannot claim twenty-five percent more than the maneh as in the case where the valuation was made during the wedding festivities.]

If he accepted appraised goods for a *maneh* (he committed to writing a *manah* in the *kesuvah*), she must give him goods (that are ascertained that the wear-and-tear valuables she brings) are worth thirty-one *sela* and a *dinar* (*which equal a manah plus one fifth*). If he accepted appraised goods for four hundred, she must bring him five hundred. Whatever the estimate is by the groom, he must commit to one fifth less. (*The Gemora will discuss all of these seemingly extra statements.*) (66a2 – 66b1)

### **A Solid Claim**

The *Baraisa* states: It does not need to be said that the father-in-law can make this claim if his first son-in-law was a Torah scholar and his second (*possible*) son-in-law is an ignoramus. Even if the opposite is true, he can claim "I would give this money to your brother but not to you." (66b1)

### **The Mishnah's Cases Are Not Redundant**

[The Gemora now discusses the redundancies of the Mishnah.] The Gemora asks: These are the same cases as in the first part of the Mishnah!?

The Gemora answers: The difference between them is a large estimate versus a small monetary estimate. [One might think that either the larger amounts are exaggerated or that smaller amounts are exaggerated to make them more important, and therefore a fifth is not in every case. This is why examples of both a lot of money and small amounts are given.] Additionally, the Mishnah wanted to state that this is true whether the estimate is done by him or by her. (66b1)

### **Mishnah**

If she commits to bringing him money (to invest), each sela of hers equals six dinars (one third more than its face value). The groom should give ten dinars to her "kukah" (see Gemora later) for every hundred that she brings into the marriage for her own benefit (see Rashi). Rabban Shimon ben Gamliel says: This is all in accordance with the local custom. (66b1)

### **The Cases are not Redundant**

The Gemora asks: Is this not the same lesson as the first case in the previous Mishnah that he had to commit to fifteen hundred zuz?

The Gemora answers: The Mishnah wanted to stress that just as this applies to big amounts it also applies to small amounts.

The Gemora explains further why this was necessary: If it would only say this by big amounts, one might say that this is because one can easily make a large profit with a large amount of capital. However, with small amounts of money with small profit margins, maybe this is not the case. The Mishnah therefore said the law is the same. If it would have only said the law by a small amount of capital, we would

have thought this is only regarding a small amount, where there is less responsibility and liability, not regarding large amounts where the responsibility and liability is greater. This is why the case of the large amount is also necessary. (66b1 – 66b2)

### **What is a "Kukah"?**

The Mishnah had stated: The groom should give ten dinars to her "kukah."

The Gemora asks: What is her "kukah?"

Rav Ashi says: It refers to her box of perfumes. Rav Ashi qualified this ruling: This law was stated only regarding Yerushalayim.

Rav Ashi inquired: Is this according to their estimated value or the value he accepts for the kesuvah (one fifth less)? If you say it is for the value he accepts, is it just the first day or for every day? If it is every day (see Rashi), does that mean just the first Shabbos or every Shabbos? If it includes every Shabbos, is this only the first month of marriage or every month? If it is every month, does it mean every month for the first year of marriage, or for every year of marriage? The question remains unresolved. (66b2)

### **The Daughter of Nakdimon ben Gurion**

Rav Yehudah said in the name of Rav: There was an incident with the daughter of Nakdimon ben Gurion. The Sages ruled that she should receive for her box of perfumes four hundred dinars for one day. She told them, "So you should rule for your daughters." They answered, "Amen."

The Rabbis taught in a Baraisa: There was an incident with Rabbi Yochanan ben Zakkai who was riding on a donkey on his way out of Yerushalayim, and his students were following him on foot. He saw a young girl who was picking barley out of the excrement of animals belonging to Arabs. When she saw him, she covered her face with her hair and stood before him saying, "Master, give me food!" He said, "My daughter, who are you?" She replied, "I am the daughter of Nakdimon

ben Gurion." He asked her, "My daughter, where did your father's money go?" She replied, "Don't they say the following parable in Yerushalayim: "The salt of money is its shortage (*if you want your money to be preserved, lessen it through charity*)"? Others say that it is through kindness. (*As the members of her family were not charitable,, they lost their money.*) He asked, "Where did the fortune of your in-laws go?" She replied, "This one came and destroyed that which belonged to the other (*my father's money and his money were mixed up together, and when one was lost, the other disappeared with it*)." She continued, "Master, do you remember when you signed my *kesuvah*?" He turned to his students and said, "I remember when I signed on her *kesuvah*, and I read about a million gold *dinars* that were pledged by her father alone, besides of that of her in-laws." Rabban Yochanan ben Zakkai started crying. He said, "Praised are you Yisrael! When you do the will of Hashem, no nation can rule over you! When you do not do the will of Hashem, He delivers you into the hands of a low nation. And not into the hands of a low nation, but in the hands of the animals of a low nation!"

The *Gemora* asks: And Nakdimon ben Gurion did not give generously to charity? But it was taught in a Baraisa: They said about Nakdimon ben Gurion: When he left his house to the study hall, fine woolen garments would be spread under him (for him to walk on), and the poor people would come and fold them up behind him. [He allowed them to keep those woolen garments!]

The *Gemora* answers: Either he gave for his own honor, or alternatively, he did not give as much as he should have, as people say, "The load is according to the (strength of the) camel." (66b2 – 67a1)

## INSIGHTS TO THE DAF

### **Humiliation through Words**

The *Gemora* cited a *Mishnah* in Bava Kamma: If someone spat at his friend and the spittle hit him, or he removed the hair covering of a woman or his friend's cloak, he is required

to pay him/her four hundred *zuz*. Rav Papa taught: This is only if the spittle reached his friend, but if it only hit his clothes, he is exempt from paying this fine.

The *Gemora* in Bava Kamma asks: Shouldn't the perpetrator be liable similar to one who humiliates his fellow with words? The *Gemora* answers: It is evident from here that one who embarrasses his fellow with words is exempt from any liability.

The Rosh cites Rav Shrira Gaon: Although it seems from the Scriptural verses that one is not liable for humiliating his fellow with words, nevertheless, the Sages would excommunicate him until he appeases his fellow properly according to his honor. He notes that it is logical to assume that there is a higher degree of embarrassment for one who is humiliated with words more than one, who was embarrassed through a wound, for there is nothing worse than slandering one's fellow.

The Rambam (Hilchos Chovel 5:7) rules that one who admits in *Beis Din* that he wounded his fellow privately, he will be liable to pay for the embarrassment, for even though the victim was not humiliated at the time of the wounding, he was humiliated at the time of the admission in *Beis Din*.

The Minchas Chinuch (49:7) asks: Isn't this a classical case of embarrassing one's fellow with words, and one is not liable for such humiliation?

### **Perfume for the Yerushalmi Women**

The *Mishnah* had stated: The groom should give ten *dinars* to her "*kupah*." The *Gemora* asks: What is her "*kupah*?" Rav Ashi says: It refers to her box of perfumes. Rav Ashi qualified this ruling: This law was only stated regarding Yerushalayim.

Tosfos explains: Although, the *Gemora* in Yoma (39b) states that a bride had no necessity to use fragrances because of the aroma of the *ketores*; they still required cosmetics in order to beautify her skin.

The Ritva (ibid) answers: It was beneath the dignity of the wealthy women in Yerushalayim to rely on the aroma of the *ketores*; their husbands were required to provide fragrances for them.

The Netziv answers that the aroma of the *ketores* was only sufficient during the time of the burning of the incense, but a husband needed to provide his wife with perfumes and cosmetics for the remainder of the time.

Reb Elozar Moshe Horowitz answers: On the contrary! The women of Yerushalayim required even more perfume than others. When they took leave of Yerushalayim, they needed to compensate for the lack of the aroma emanating from the *ketores*.

A similar answer is brought from the Likutei Chaver ben Chaim: A woman in Yerushalayim required even more perfume than an ordinary woman, for if she would want that her husband should recognize her distinct smell, she would need to use a lot of perfume in order that her aroma should not be negated by the aroma of the *ketores*.

#### DAILY MASHAL

##### ***How the Mighty have Fallen***

The Rabbis taught in a *Baraisa*: There was an incident with Rabbi Yochanan ben Zakkai who was riding on a donkey on his way out of Yerushalayim, and his students were following him on foot. He saw a young girl who was picking barley out of the dung of Arab-owned animals. When she saw him, she covered her face with her hair and stood before him saying, "Master, give me food!" He said, "My daughter, who are you?" She replied, "I am the daughter of Nakdimon ben Gurion." He asked her, "My daughter, where did your father's money go?" She replied, "Don't they say the following parable in Yerushalayim: "The salt of money is its shortage (*if you want your money to be preserved, lessen it through charity*)?" Others say that it is through kindness. (*As the members of her family were not charitable they lost their money.*) He asked, "Where did the fortune of your in-laws

go?" She replied, "This one came and destroyed that which belonged to the other (*my father's money and his money were mixed up together, and when one was lost, the other disappeared with it*)." She continued, "Master, do you remember when you signed my *kesuvah*?" He turned to his students and said, "I remember when I signed on her *kesuvah*, and I read about a million gold *dinars* that were pledged by her father alone, besides of that of her in-laws." Rabban Yochanan ben Zakkai started crying. He said, "Praised are you Yisrael! When you do the will of Hashem, no nation can rule over you! When you do not do the will of Hashem, He delivers you into the hands of a low nation. And not into the hands of a low nation, but in the hands of the animals of a low nation!"

The *Gemora* asks: Didn't we learn that Nakdimon gave generously to charity? The *Gemora* answers: Either he gave for his own honor or he did not give as much as he should have.

\*\*\* What can we derive from the fact that Rabbi Yochanan ben Zakkai was riding on a donkey, and his students were following him on foot?

\*\*\* How could she have covered her face with her hair; isn't the hair of a woman regarded as *ervah*?

\*\*\* Why did Rabbi Yochanan ben Zakkai question her regarding the money of her father; didn't he know about the fire that destroyed all of his storehouses?

\*\*\* The Hafla'ah writes a fascinating interpretation of the proverb said over in Yerushalayim: "The salt of money is its shortage." If one shortens the word "*mamon*," it will be spelled: *mem, mem* and *nun*. If you spell out these letters, the letters *mem, mem, vav* and *nun* will appear, spelling "*mamon*" in its entirety. This demonstrates that if one creates a deficit in his money by giving generously to charity, his money will be preserved and he will be repaid many times over.