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Kesuvos Daf 68

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Daf Notes is currently being dedicated to the neshamot of

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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

Pretenders

The *Gemora* cites an incident: Rabbi Chanina had a poor man to whom he regularly sent four *zuz* on every *Erev Shabbos*. One day he sent the money with his wife who came back and told him that the man was in no need of charity. Rabbi Chanina asked her, “What did you see?” She replied, “I heard that he was asked, ‘On what would you like to dine? Would you like silver or gold tablecloths?’” Rabbi Chanina remarked, “It is because of such cases that Rabbi Elozar said: Come and let us be grateful to the swindlers (*who pretend to be poor*), for were it not for them, we would have been sinning every day (*on account of ignoring the poor*), as it is said: *and he will appeal against you to Hashem, and it will be a sin upon you.*

Rabbi Chiya bar Rav of Difti taught the following *Baraisa*: Rabbi Yehoshua ben Korcha said: Anyone who shuts his eyes against charity is regarded like who worships idols. The verse states (*regarding charity*), “Beware lest something be in your heart uprooting the yoke (*of serving Hashem*).” The verse also states (*regarding serving idols*), “People who are uprooting the yoke went out.” Just like the latter verse is referring to idol worship, so too not giving charity (*where the verse uses similar words*) is akin to idol worship.

The *Gemora* cites a related *Baraisa*: If a man pretends to have a blind eye, a swollen belly or a shriveled leg, he will not depart from this world before actually experiencing

such a condition. If a man accepts charity and is not in need of it, his end will be that he will not depart from this world before he experiences such a condition. (67b5 – 68a1)

Less than Two Hundred Zuz

The *Gemora* cites a *Mishnah* in Pe’ah: We do not compel him (*one who has less than two hundred zuz in cash and he therefore wishes to take a share in the poor man's gifts*) to sell his house or his utensils (*even though the proceeds from such a sale will raise his capital to above two hundred zuz, and he will not be considered a pauper any longer*).

The *Gemora* asks: Is that so? Was it not taught in the following *Baraisa*: If a poor man was in the habit of using gold utensils, he must sell them and use silver utensils. If he was in the habit of using silver utensils, he must sell them and use copper ones. (*This indicates that a poor man is expected to sell his costlier goods before he is allowed to take entitlements designated for the poor; why then was it stated here that he is not compelled to sell his house or utensils?*)

Rav Zevid replied. This is no difficulty. The *Baraisa* is referring to his bed and table (*we require him to sell them*); the *Mishnah* is referring to his cups and dishes.

The *Gemora* asks: What difference is there in the case of the cups and dishes that they are not to be sold?

Obviously because he can say, “The inferior quality is repulsive to me.” But in respect of a bed and table also, he might say, “The cheaper ones are unacceptable to me!”

Rava the son of Rabbah offers a different answer: The *Baraisa* is referring to a silver plow (*which is an item that is not used for his personal use, and generally, people are not finicky about it*).

Rav Pappa replied: There is no difficulty: The *Mishnah* is referring to a man before he came under the obligation of repayment (*if he possessed less than two hundred zuz and applied for assistance; he is not required to sell utensils to raise his capital*), whereas, the *Baraisa* is referring to a man after he had come under the obligation of repayment (*who, being in possession of two hundred zuz, accepted entitlements granted to the poor under false pretences; after it had been discovered that he was not actually a pauper, he was instructed by the court to refund all sums he had received unlawfully; in such a case, if he is unable to repay the money, he is compelled to sell his costly articles and use the cheaper ones*). (68a1 – 68a2)

Mishnah

The *Mishnah* states: An orphan (*minor*) who was given in marriage by her mother or her brother with her consent, and they wrote for her one hundred, or fifty zuz (*for her dowry*), she can, after she comes of age, exact from them what should rightfully be given to her (*a tenth of her father’s estate*).

Rabbi Yehudah says: If he gave his first daughter in marriage, the second should be given in the same manner as he gave to the first. But the Chachamim say: Sometimes a man is poor and becomes wealthy, or he is wealthy and becomes poor; rather, they appraise the assets and give her accordingly. (68a2)

Assessing the Father’s Character

Shmuel said: With regard to a dowry, we estimate according to the disposition of their father (*if he would be liberally generous or perhaps sting*).

The *Gemora* asks on Shmuel from the following *Baraisa*: The daughters are to be maintained and provided for out of the estate of their father. How do we do this? It is not to be said, “Had her father been alive, he would have given her such and such an amount.” Rather, the estate is valued and she is given accordingly. Are we not referring to the estate set aside for the dowry of the orphaned daughter (*this would be inconsistent with Shmuel’s ruling that we assess the father’s disposition*)?

Rav Nachman bar Yitzchak replied: No! It is referring to her own maintenance (*before she is married, she is supported by the brothers*).

The *Gemora* asks: But, surely, it was stated: The daughters are to be maintained and provided for; doesn’t one of the expressions refer to the dowry and the other to her own maintenance?

The *Gemora* answers: No! They both refer to her own maintenance, and yet there is no difficulty, for one of the expressions refers to food and drink and the other refers to clothing and bed coverings.

The *Gemora* asks on Shmuel from our *Mishnah*: The Chachamim say: Sometimes a man is poor and becomes wealthy, or he is wealthy and becomes poor; rather, they appraise the assets and give her accordingly. What does the *Mishnah* mean when it says “poor” or “rich”? If it means that he is poor or rich in possessions, it would follow that Rabbi Yehudah holds that even if the father was rich when he married off the first daughter, and now he is poor, we would provide for the second daughter the same amount as the first! How can that be? The father’s

estate does not have the money to give her? Rather, it is evident that “poor” means that he is poor in mind (*stingy*) and “rich” means that he is rich in mind (*generous*). Accordingly, it emerges that Rabbi Yehudah maintains that we assess the father’s disposition and the *Chachamim* disagree; they hold that we do not make presumptions regarding the father’s disposition. This would refute Shmuel’s opinion!

The *Gemora* answers: Shmuel would follow Rabbi Yehudah’s opinion, for Rabbi Yehudah said: If he gave his first daughter in marriage, the second should be given in the same manner as he gave to the first.

The *Gemora* asks: Why didn’t Shmuel just say that the *halachah* is in accordance with Rabbi Yehudah?

The *Gemora* answers: If he would have said that the *halachah* is in accordance with Rabbi Yehudah, we might have thought that this is applicable only in a case where the father married off his first daughter (*then, we assess his character*), but in a case where he did not marry off any daughter previously, we do not make any presumptions as to the character of the father. Shmuel, therefore, teaches us that Rabbi Yehudah’s logic is based on our presumption to the father’s character, whether he married off a daughter or even if he did not marry one off. The *Gemora* concludes that the reason the *Mishnah* specified the case where he married off the first daughter is to demonstrate the extent of the *Chachamim*’s opinion – that even in that case, they disagree. (68a2 – 68a4)

Is the Halachah like Rabbi Yehudah?

Rava said to Rav Chisda: Shall we rule in your name that the *halachah* is in accordance with Rabbi Yehudah?

Rav Chisda replied: May it be the will of God that you report in your discourses all such excellent sayings in my name.

The *Gemora* asks: Could Rava, however, have made such a statement (*agreeing to Rabbi Yehudah*)? Surely, it was taught in the following *Baraisa*: Rebbe said: A daughter who is maintained by her brothers is entitled to receive a tenth of her father’s estate (*and we do not make presumptions regarding the father’s character*). And Rava stated that the law is in agreement with Rebbe!?

The *Gemora* answers: This is no difficulty. The *halachah* follows Rabbi Yehudah in a case where we were able to determine the father’s disposition; whereas, Rebbe’s ruling applies in a case where we have not formed any opinion about his character.

This explanation may also be supported by the following logical reasoning: For Rav Adda bar Ahava stated: It once happened that Rebbe gave her a twelfth of her father’s estate. Are not the two statements contradictory (*for elsewhere, Rebbe ruled that she should be awarded a tenth*)? Consequently, it must be inferred that one ruling (*where she is awarded a twelfth*) refers to a father of whom some opinion had been formed, while the other refers to a case where we have formed no opinion.

The *Gemora* concludes: This is indeed conclusive proof. (68a4)

A Tenth of the Estate

The *Gemora* stated above: Rebbe said: A daughter who is maintained by her brothers is entitled to receive a tenth of her father’s estate (*and we do not make presumptions regarding the father’s character*).

They said to Rebbe: According to you, if one has ten daughters and one son, the son will receive nothing because of the daughters!



Rebbe replied: The following is what I am saying: The first daughter is awarded a tenth of the father's estate. The second daughter is awarded a tenth of the remainder. The third daughter is awarded a tenth of what is now remaining. Then, they pool all their shares together and divide them equally. (*There will be approximately thirty-five percent of the estate remaining for the son.*)

The *Gemora* asks: Why do they have to pool their shares together after they already received their appropriate "tenth"?

The *Gemora* answers: They would pool their shares together in a case where they all came to get married at one time.

This provides support for [the opinion] of Rav Masnah; for Rav Masnah has said: If all of them wish to marry at the same time they are to receive one tenth. 'One tenth'! Can you imagine [such a ruling]? The meaning must consequently be that they are to receive their tenths at the same time. (68a4 – 68b1)

A Gift and a Loan

The *Gemora* cites a *Baraisa*: The orphaned daughters, whether they had attained *bagrus* (*generally, at twelve and a half*) before they married or whether they married before they had attained *bagrus*, they lose their right to maintenance (*as this is explicitly stated in the kesuvah*), but not to their dowry; these are the words of Rebbe. Rabbi Shimon ben Elozar said: They lose their rights to a dowry as well (*the tenth of the estate to which, a daughter is entitled; in his opinion, it is only one who is a minor that receives the tenth, however, once she has reached bagrus, or she performed nisuin as a na'arah, without claiming at the time her dowry, she loses her claim to it*). How should they proceed (*if they are close to attaining bagrus and have not found a husband yet*)? They hire for themselves

husbands and the husbands will collect their dowries for them.

Rav Nachman stated: Huna told me that the *halachah* follows the opinion of Rebbe.

Rava asked Rav Nachman from our *Mishnah*: An orphan (*minor*) who was given in marriage by her mother or her brother with her consent, and they wrote for her one hundred, or fifty zuz (*for her dowry*), she can, after she comes of age, exact from them what should rightfully be given to her (*a tenth of her father's estate*). It would seem that the *Mishnah* rules in this manner because she married when she was a minor (*and she cannot waive her rights to the tenth*), but if she would have married as adult, her waiver is legally valid (*and since this is an anonymous Mishnah, it is evident that even Rebbe, who compiled the Mishnayos is ruling like Rabbi Shimon ben Elozar*)?

The *Gemora* answers: This is not a difficulty, for Rebbe is referring to a case where she protested, whereas the *Mishnah* is referring to a case where she did protest.

The *Gemora* proves that Rebbe is only referring to a case where she protested, for otherwise, there would arise a contradiction between two statements of Rebbe. For it was taught in a *Baraisa*: Rebbe said: A daughter who is maintained by (the estate inherited by) her brothers is to receive a tenth of her father's estate (for her dowry); this implies that only when she is maintained (a minor or a *na'arah*) – yes (she receives a dowry from the estate), but one who is not maintained (a *bogeres*) – no (she does not receive a dowry from the estate). [This contradicts the *Baraisa* above, where Rebbe ruled that a *bogeres* receives a dowry from the estate!]? Must it not be concluded that one statement deals with one who protested and the other with one who did not protest. This indeed proves it. (68b1 – 68b2)



Ravina said to Rava: Rav Adda bar Ahavah told us in your name: If she attained her *bagrus*, she does not need to protest; if she got married (as a *na'arah*), she does not need to protest; but if she attained her *bagrus* and was also married, it is necessary for her to lodge a protest.

The Gemora asks: But could Rava have made such a statement? Surely, Rava pointed out an objection against Rav Nachman (from the Mishnah) of 'an orphan,' and the other replied that the one is a case where she protested, and the other is where she did not protest!?

The Gemora answers: This is no difficulty. One is a case where she is maintained by them (the brothers), and the other is where she is not maintained by them. (68b2)

DAILY MASHAL

Showing Gratitude to the Swindlers

The Gemora cites an incident: Rabbi Chanina had a poor man to whom he regularly sent four *zuz* on every *Erev Shabbos*. One day he sent the money with his wife who came back and told him that the man was in no need of charity. Rabbi Chanina asked her, "What did you see?" She replied, "I heard that he was asked, 'On what would you like to dine? Would you like silver or gold tablecloths?'" Rabbi Chanina remarked, "It is because of such cases that Rabbi Elozar said: Come and let us be grateful to the swindlers (*who pretend to be poor*), for were it not for them, we would have been sinning every day (*on account of ignoring the poor*).

*** The Gemora cites a Scriptural verse proving that one is regarded as a sinner if he does not give charity to a poor person. Why is a special verse necessary? The *mitzvah* of giving *tzedakah* should be like any other *mitzvah*, and one who refrains from giving to a pauper should automatically be transgressing this *mitzvah*?

*** How can we give gratitude to the swindlers; it is prohibited to provide assistance for one who is committing a transgression? Cheaters and swindlers are from the group that will not merit seeing the Shechinah; wouldn't it be better if there weren't any swindlers at all?

*** What sin are we showing gratitude to the swindlers for? Is it for the sin of ignoring a genuine poor person, or perhaps, it is only if we ignore a person whom we are uncertain if he is actually poor or not?