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Kesuvos Daf 77

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Mishnah

If a man develops bodily defects, we do not force him to divorce his wife. Rabban Shimon ben Gamliel states: This is only said regarding small defects, but regarding big defects we would force him to divorce his wife. (77a1)

When Did the Defects Develop?

Rav Yehuda’s text in the Mishnah read “develops,” whereas Chiya bar Rav’s text read “there were (*before marriage*).”

The Gemora notes: The one who says “develops” would say the same law would certainly apply to a case where “there were,” as the woman saw the defects before marriage and accepted them. The one who says “there were” would say that the law would be different if the defects developed after their marriage.

The Mishnah stated: Rabban Shimon ben Gamliel said: This is only said regarding small defects, but regarding big defects we would force him to divorce his wife. The Gemora asks: This is understood according to the text “develops,” as there is a difference between small and large defects. However, according to the text “there were,” why should it make a difference if the defects are small or large? She saw that he had them before the marriage and accepted them anyway!?

The Gemora answers: She thought she could accept such a condition, and she now realizes that she cannot.

The Gemora asks: What is a large defect?

Rabban Shimon ben Gamliel explained: For example, if he is blinded in one eye, his hand was cut off, or his foot was broken. (77a1)

The Halachah

It was said: Rabbi Abba bar Yaakov said in the name of Rabbi Yochanan: The law is in accordance with the opinion of Rabban Shimon ben Gamliel. Rava says in the name of Rav Nachman: The law is in accordance with the opinion of the Sages (*Tanna Kamma*).

The Gemora asks: Did Rabbi Yochanan in fact rule this way? But Rabbah bar bar Chanah reported in the name of Rabbi Yochanan: Whenever Rabban Shimon ben Gamliel appears in the *Mishnah*, the law follows his opinion. This is with the exception of three cases: the guarantor (*Bava Basra 173b*), Tzidon (*see Gitin 74a*), and the final (*case regarding an*) evidence (*in Sanhedrin 31a*).

The Gemora answers: It is an Amoraic dispute (*as to what Rabbi Yochanan holds*). (77a2)

Mishnah

The following is a list of men whom we force to give their wives a divorce (*upon their wives request*): Someone who smitten with boils, one who has *polypus* (which will be explained in the Gemora), and (and any of the following craftsperson): one who gathers handfuls (of excrement), a copper refiner, a tanner (for these professions are repulsive; the wife can force a divorce for the husband is unbearably revolting) - whether (the defects) were there before they were married, or whether they developed after they were married. Regarding all of them, Rabbi Meir said: Even if he

made this a condition with her (*that she would marry him regardless*), she can claim (later), "I thought I could accept it (live with him in such a manner), but now I realize that I cannot tolerate it." The Sages, however, say: [If he made this condition with her] she is forced to accept it, besides for someone who has been smitten with boils, because it (intimate relations with him) makes his skin fall apart. There was an incident in Tzidon with a tanner who died (*without having children, causing his wife to fall to yibum*) who had a brother that was also a tanner. The Sages said: The widow can (refuse to marry him, and) say, "Your brother, I was willing to tolerate; you, however, I am not willing to tolerate." (77a2 – 77a3)

What is a Polipus?

The Gemora asks: What is meant by one who has *polypos*?

Rav Yehudah said in the name of Shmuel: It is someone who has a horrible odor coming from his nose. In a braisa it defines this as someone who has an odor of the mouth.

Rav Assi taught this in an opposite manner (*Shmuel said an odor of the mouth, and the braisa said that it was an odor of the nose*). He remarked that one can remember this fact with the following mnemonic: Shmuel's mouth did not stop talking about this entire chapter. (77a3)

Mekametz

The Gemora asks: What is a mekametz?

Rav Yehudah said: It is someone who gathers dog manure.

The Gemora asks: A Baraisa states that a mekametz is a tanner!?

The Gemora rejoins: And according to you (that it refers to a tanner), this definition cannot hold up in our Mishnah, where a tanner is explicitly mentioned along with a mekametz and a copper refiner!?

The Gemora replies: In our Mishnah this is not difficult, as it could be that when the Mishnah mentions 'tanner,' it is referring to a large-scale tanner (a rich tanner who works with many hides), and when the Mishnah says 'mekametz,' it refers to a small-scale tanner (a poor tanner who only works with a few hides). However, how does Rav Yehudah explain this Baraisa?

The Gemora answers: This is actually an argument among the Tannaim, for it was taught in a Baraisa: A mekametz refers to a tanner. Some say a mekametz is one who gathers dog manure. (77a3)

Copper Refiner

The Mishnah had stated: a copper refiner, a tanner.

The Gemora asks: What is meant by a copper refiner?

Rav Ashi said: It means someone (a coppersmith) who pounds out kettles. Rabbah bar bar Chanah said: It refers to one who mines copper from its source.

The Gemora cites a Baraisa which supports the opinion of Rabbah bar bar Chanah. What is a refiner? It is one who mines copper from its source. (77a3)

Rav said: If a man says (to his wife), "I will not give you food, and I will not support you," he must divorce her and give her a kesuvah.

Rabbi Elozar went and said this in front of Shmuel. Shmuel remarked: Give Elazar some barley fodder! Instead of forcing him to divorce, force him to provide food for his wife!

The Gemora asks: What was Rav's reasoning?

The Gemora answers: A person cannot continue living with a snake in a basket (and we therefore cannot require the wife to remain with her husband in such a situation).

When Rabbi Zeira left (from Bavel to Eretz Yisroel), he found Rabbi Binyamin bar Yefes who was sitting and saying Rav's law in the name of Rabbi Yochanan. He said to him: This is why they fed Elozar barley (fodder) in Bavel. (77a3 – 77a4)

Forced to Divorce

Rav Yehudah said in the name of Rabbi Assi: We do not force men to divorce their wives unless they are married to women who are unfit for them. When he said this before Shmuel, he said that this applies, for example, a widow to a Kohen Gadol, a divorcee or a chalitzah to a regular Kohen, a mamzeres (*product of forbidden relations upon punishment of death or kares*) or a nesinah (*people who fooled Yehoshua into allowing them to convert*) to a male Yisroel, and a female Yisroel to a nasin or mamzer. However, if someone married and she did not have children for ten years, we do not force him to divorce her.

Rav Tachlifa bar Avimi said in the name of Shmuel: Even if someone married and she did not have children for ten years, we do force him to divorce her.

The Gemora asks from our Mishnah: The following is a list of men whom we force to give their wives a divorce: Someone who smitten with boils, one who has *polypos*, etc. Now, according to Rav Assi's opinion, this list (which omits the cases of forbidden unions) is understandable, as it is only listing cases where the Sages required the divorce, but it did not teach cases where the divorce is required under Biblical law. However, according to Rav Tachlifa bar Avimi, our Mishnah should also mention the case of someone who married a woman for ten years and she did not bear children, we force him to divorce her!?

Rav Nachman answered: This is not difficult, as in this case (where she did not bear children), we force him to divorce her by convincing him with words, while in this case (the defects mentioned in our Mishnah), we force him with whips.

Rabbi Abba asked: *With words a servant will not be disciplined!?* [Evidently, mere words will not be sufficient.]

Rather, Rabbi Abba said: In this case and this case, we force him with whips. However, there (by the defects mentioned in our Mishnah), if she says, "I will stay married to him," we let her do so. In this case (where she did not bear children), even if she says, "I will stay married to him," we do not allow her to do so (*and the case therefore was not included in the Mishnah's list*).

The Gemora asks: But the case of a person smitten with boils, where even if she says, "I will stay married to him," we do not allow her to do so, because it (intimate relations with him) makes his skin fall apart, and yet, the Mishnah lists it (accordingly, the case of being married ten years without children can also be on the list)!?

The Gemora answers: There (in the case of a person smitten with boils), if she says, "I will live with him in front of witnesses" (where no cohabitation will take place), we allow her to do so. However, here (in the case where he was married to her for ten years without her bearing children), even where she says, "I will live with him in front of witnesses" (where no cohabitation will take place), we do not allow her to do so (for this will prevent him from fulfilling his mitzvah of procreation). (77a4 – 77b1)

Boils and other Diseases

The Gemora cites a Baraisa: Rabbi Yosi said: One of the elders of Yerushalayim told me that there are twenty four types of people with boils. The Sages said regarding all of them that marital relations is harmful for them (as the condition will worsen), and for those afflicted with the type called *ra'asan* (*Rashi says this is someone who has a parasite in his brain*), marital relations are more harmful than any of the others.

The Gemora asks: What causes the affliction of *ra'asan*?

The Baraisa states: If someone has bloodletting done to him and soon afterwards cohabits, he will have children who are



weak (*if the woman conceives from these relations*). If both of them had bloodletting done and then cohabited, they will have children who will be afflicted with raasan.

Rav Pappa says: This is only if they did not eat anything since the bloodletting. If they did eat, however, there is nothing to be concerned about.

The Gemora elaborates on the raasan disease.

What are its symptoms? His eyes will tear, his nose will drip, he foams at his mouth, and flies constantly surround him.

What is the cure for raasan? Abaye said: One should take some pennyroyal (mint leaves) and wormwood, the bark of a walnut tree, shavings of a hide, a lily, the calyxes (shells) of red (young) dates, and boil them all together. He should bring the patient into a marble house (where there is no wind). If there is no marble house, he should bring him into a house whose walls are as thick as seven and one half brick (*twenty-two and a half handbreaths, as each brick is three tefachim long*). Pour three hundred cups of this mixture on his head until his skull becomes soft. Cut open his skull. *[After spotting the insects that are standing on the membrane and causing the disease, the following is performed.]* Bring four myrtle leaves, and carefully guide each leg (of the insect) onto a leaf (so that its legs do not dig in and puncture the membrane). Remove the insect with tongs and burn it, as if one does not do so, it will try to return (to its victim).

Rabbi Yochanan declared: Be careful from the flies surrounding one with raasan (for they can spread the disease)! Rabbi Zeira would not sit downwind with someone afflicted with raasan. Rabbi Elozar would not enter into a tent of someone with raasan. Rabbi Ami and Rabbi Assi would not eat from eggs that came from his neighborhood.

Rabbi Yehoshua ben Levi would gather them and learn Torah with them, as the verse says: *a beloved hind and she effuses charm (Mishlei 5:19)*. If it (*Torah*) promotes charm for those

who learn it, shouldn't it certainly protect (from a disease as well)? (77b1 – 77b2)

The Story of Rabbi Yehoshua ben Levi

When it came Rabbi Yehoshua ben Levi's time to die, they (*the Heavenly Court*) instructed the Angel of Death, "Go do for him as he wishes." The Angel appeared before him. Rabbi Yehoshua ben Levi requested, "Show me my place (*in the Garden of Eden*)." The Angel replied, "Yes." Rabbi Yehoshua ben Levi said to it, "Give me your knife, in order that you should not suddenly frighten me on the way (*and kill me*)." The Angel complied and gave him the knife. When he reached the Garden of Eden, the Angel lifted him up (above the wall) and showed him the spot. Rabbi Yehoshua ben Levi jumped and fell into the other side, but the Angel held onto the corner of his coat. Rabbi Yehoshua ben Levi said, "By an oath, I swear that I am not coming back." The Holy One, Blessed be He, declared, "If he ever uttered an oath (in his lifetime) and annulled it, he must come back, but if not, he shall not return." The Angel said to him, "Give me back my knife." Rabbi Yehoshua ben Levi did not give it to him. A Heavenly Voice came out and said, "Give it back to the Angel, for it is needed for other creatures."

Eliyahu the Prophet called out before Rabbi Yehoshua ben Levi, "Clear some space for the son of Levi, clear some space for the son of Levi!" Rabbi Yehoshua ben Levi found Rabbi Shimon bar Yochai sitting on thirteen cushions of fine gold. Rabbi Shimon asked him, "Are you the son of Levi?" Rabbi Yehoshua ben Levi said to him, "Yes." Rabbi Shimon ben Yochai asked him: "Was a rainbow ever seen in your lifetime?" Rabbi Yehoshua ben Levi said to him, "Yes." Rabbi Shimon ben Yochai said to him, "If so, you are not the son of Levi" (for the rainbow is a sign of the covenant that, although the people deserved destruction, the waters shall no more become a flood to destroy all flesh, and it should not appear in the lifetime of a thoroughly righteous person, whose merit alone is sufficient to save the world from destruction).

The Gemora notes: This was not so, as a rainbow had never been seen in his lifetime; however, Rabbi Yehoshua ben Levi

thought, "I do not want to boast about myself." (77b2 – 77b3)

The Story of Rabbi Chanina bar Pappa

Rabbi Chanina bar Pappa was friendly with the Angel of Death. When it was time for him to die, they (*the Heavenly Court*) instructed the Angel of Death, "Go do for him as he wishes." The Angel appeared before him. He requested, "Give me thirty days to review my Torah study," for they say: Praised is someone who arrives here (the next world) with knowledge in his hand." The Angel of Death let him be. After thirty days, he again appeared before him. Rabbi Chanina bar Pappa requested, "Show me my place." "Show me my place (*in the Garden of Eden*)." The Angel replied, "Yes." Rabbi Chanina bar Pappa said to it, "Give me your knife, in order that you should not suddenly frighten me on the way (*and kill me*)." The Angel of Death said, "You want to do to me the same thing that your friend (*Rabbi Yehoshua*) did?" Rabbi Chanina bar Pappa said: "Bring a Torah scroll and look to see if there is anything there that I have not fulfilled." The Angel of Death said, "Did you stay close to people afflicted with raasan and learn Torah with them?"

Even so, when he died, a pillar of fire separated between his body and everyone else, and tradition stated that a pillar of fire separates between one's body and everyone else only to one or two people in every generation.

Rabbi Aleksandri approached (the pillar of fire). He said, "Let it be (that we can get close to him) for the honor of the Sages!" The fire did not listen. He said, "Let it be (that we can get close to him) for the honor of your father!" The fire did not listen. He said, "Let it be (that we can get close to him) for your honor (so we can properly eulogize you and take care of your needs)!" The fire went away.

Abaye stated: This (separation) is intended to separate him from someone who did not fulfill the Torah as fully as he did.

Rav Adda bar Masna said to Abaye: This excludes the master, as you have no fence around your roof.

The Gemora notes: This was not accurate, however, as he did have a fence on his roof, but (at that particular time), the wind had thrown it down.

Rabbi Chanina asked: Why are there no people afflicted with raasan in Bavel? He answered: This is because they eat beets, and they drink beer with hops from prickly shrubs.

Rabbi Yochanan asked: Why are there no people afflicted with tzaraas in Bavel? He answered: This is because they eat beets, drink beer, and they bathe in the waters of the Euphrates River. (77b4 – 77b5)

WE SHALL RETURN TO YOU, HAMADIR

DAILY MASHAL

There are people who are well versed in Torah and still have no belief in God. They are diseased. The name for their disease is Raasan (a type of leprosy). Rabbi Nachman from Breslav warns: Make sure that you keep well away from these people. The rabbis warned us that the very breath of their mouths can be harmful to honest people and it can arouse their sexual desire. Such scholars are themselves usually sexually immoral.