

Tractate
Kesubos
Volume I
2a1 to 41b4

Deals with the mutual obligation of a man with his wife

- at the inception of marriage.
- during the marriage.
- after marriage is terminated by death or divorce.

Obligations regarding: commitments of

- marital
- financial

Definition: Kesubah means:

- the document itself.
- the dower itself.

If there is no actual document in writing, the Kesubah obligations are in effect nonetheless.

The amount of the Kesubah depends on whether the woman is:

- a virgin 200 zuz
- a widow or divorcee 100 zuz
- injured – in a dispute

Origin Ex 22:16

Biblical: Refers to a seducer, “He shall pay... in the settlement made to a virgin, 50 selaim’.” This amount equals 2 hundred dinars or zuz.

Rabbinic: This is to protect the wife from capricious divorce.

Rabbienu Gershom – A man can only divorce a wife with her consent. He receives cherem if he does so without her consent.

All agree that the Rabbis set the amount of the Kesubah and most accept that the idea is not biblical.

We may modify the standard:

We may do so to increase the standard amount.

We may not do so to decrease the standard amount.

Other items in the Kesubah:

-Iron Sheep-‘Nichseh tzon barzel’- dowry that she brings into the marriage.

He may use its profit and is entitled to any increase in its value. But he must return to her the full value it had at the time of the marriage. He must pay for any damage, depreciation or loss. The wife is assured of retaining the value of the items.

If she chooses not to enter certain properties into the Kesubah or she inherits property during the marriage, they are called “plucking” property. He enjoys their dividends i.e., fruit from a fruit tree, but does not profit from an increase in their value and is not responsible for their damage, depreciation or loss. The property reverts to her, in what ever condition it may be, upon divorce or death.

Stages of marriage

1. Betrothal – Erusin – actually legally married. Need a ‘get’ to dissolve.
However, can’t yet engage in marital relations. Erusin is established via money, a contract of marriage (not the Ketubah) or intercourse. Intercourse, as a method of betrothal, is forbidden by the rabbis.
2. Nisuin – full marriage - means
 1. wears a veil
 2. under his domain, i.e., under the bridal canopy.
 3. Yichud – seclusion.We do all three.

בְּתוּלָה נִשְׂאָת לַיּוֹם הַרְבִּיעִי

A virgin is married on Wednesday.

If the husband has any complaint about her virginity, he can come to Bais Din early the next morning, Thursday. But it would be a ‘safek sefekah,’ “a double doubt”. Did it happen, and if so did it happen before or after Kiddushin began. And if so, did it happen willingly or against her will. A widow is married on Thursday.

However, it could be a single doubt: For example,

A. If he is a Kohen-

If the husband is a Kohen, then any intercourse willingly or unwillingly is not relevant. She’s forbidden to marry a Kohen.

B. If she was betrothed at age 3-

Then certainly the act occurred after Kiddushin began.

תְּלִי תַנְיָא בְּדִלָּא תַנְיָא

He makes a Mishneh that we do learn, dependent upon a Mishneh that we don't learn.

The person who learns is dependent on the person who does not learn.

For example, the person who does not or cannot learn himself, is to support a person who does learn. The learner is dependent upon him.

מֵצִי אָמַר לָהּ אֲנִי הָאֵל קְאִימְנָא

Can he say to her, “I’m ready and standing here prepared to marry”.

When a man makes a condition that his ‘get’ should not be valid if he returns by a certain date and, due to circumstances beyond his control, he cannot arrive, the ‘get’ is not valid. It is null and void. But only if the unavoidable circumstance was not a result of his actions or self inflicted problems, i.e., he ran out of money, etc.

So we see that unavoidable circumstances can void an agreement.

The rabbis used this example to judge a case where a member of the community, all of whom were responsible to share in the costs of a high holiday cantor, was, due to unavoidable circumstances, unable to be home for the holidays. Is he still responsible to pay his share? No! Unavoidable consequences beyond his control makes his obligation to the community null and void.

בְּתוּלָה נִשְׂאָת לְיוֹם הַרְבִּיעִי

A virgin should be married on a Wednesday.

This gives 3 days for her husband to prepare the wedding and the opportunity to bring any problems to the attention of Bais Din on Thursday.

If there is a danger, i.e., an edict that all virgins will be killed on Wednesday, she may marry on Tuesday. If dangerous on Tuesday, she may marry on Monday. This constitutes an unavoidable circumstance.

וּמֵת אָבִיו שֶׁל חָתָן אוֹ אִמָּה שֶׁל כַּלָּה

And the father of the groom or the mother of the bride, dies.

Another situation that permits burial on Monday and is termed an unavoidable circumstance, is the death of the father or mother of the bride or groom.

If there will be financial consequences, i.e., the wine is already watered, the meat is slaughtered and bread is baked, we permit the marriage, but request that it be done immediately, even if it is Monday. So as to not further delay the burial.

The sages allow the wedding to take place before the burial, so that the wedding feast not be lost.

Other possible reasons:

- So the bride's marriage will not be in jeopardy. A delay may permit the groom to have other ideas.
- One party may consider the death a bad omen regarding the marriage and be reluctant to proceed. Therefore, the law is to marry immediately.

וּמַת אָבִיו שֶׁל חָתָן אוֹ אִמָּה שֶׁל כַּלָּה

The father of the groom or the mother of the bride dies.

What is the law if a close relative dies near the time of the wedding, but not so close that the wine is watered, the meat slaughtered and the bread baked?

- Groom:
1. Has older children from a prior marriage – He waits 30 days to marry.
 2. Has no children. He may marry after 7 days mourning and cohabit immediately.
 3. Has small children that need maternal attention. He may marry immediately after 7 days mourning, but may not cohabit until after Sheloshim.

וּמֵת אָבִיו שֶׁל חָתָן אוֹ אִמָּה שֶׁל בִּלָּה

The father of the groom or the mother of the bride dies.

Sequence of events:

- parent dies
- corpse taken to another room
- wedding occurs
- Mitzvah – cohabitation occurs and then he separates from her
- the deceased is buried
- 7 days of feasting for the wedding
- (afterwards) the 7 days for mourning

For all these 14 days, the bride and groom sleep separately.

וְנוֹהֵג שִׁבְעַת יָמֵי הַמְשָׁתָּה וְאַחַר כֵּן נוֹהֵג שִׁבְעַת יָמֵי אֲבִילוֹת

He will observe seven days of feasting and afterwards, seven days of mourning.

May a bridegroom shave or cut his hair during the week of Sheva Berachos?

The week is a Yom Tov for the Chassan and he may not do work (Malachah). Therefore, it should be prohibited to shave or cut his hair.

However, a King may not do Malachah and he may shave and cut his hair. Therefore, Malachah relating to one's appearance is not prohibited.

A burial that takes place on a Yom Tov:

The 7 days of Sheva Berachos (that are “like” a Yom Tov) do not count toward Sheloshim. This is due to the fact that during Yom Tov, inconspicuous observances of mourning are observed, but not so during the “Yom Tov” of Sheva Berachos. The groom is permitted, like a King, to wash his clothes, etc. and no hint of mourning is appropriate. Therefore, these days are not counted toward the Sheloshim. Therefore, since he is not in mourning and is not restricted by Yom Tov, he may shave and/or cut his hair.

עַד שִׁסְתָּם הַגּוֹלֵל

Until the top of the casket is closed.

When does mourning begin?

When the large stone that is rolled, closing the niche where the body is buried, that officially begins the mourning period.

This refers to the catacombs, or spaces hewn into rocks of the past. Nowadays, we understand that when the grave is covered with earth and the corpse is buried, the mourning period begins.

Can we bury in a mausoleum?

Vault burial is historically the oldest form of Jewish internment of the dead.

This historical context rises when we discuss the permissibility of burial in a mausoleum of a Jewish person.

Rabbienu Tam – Materials used to cover a grave, a rolled stone, the cover of the coffin, a tombstone, is to be considered a source of defilement for a Kohen.

עַד שִׁסְתָּם הַגּוֹלִל

Until the top of the casket is closed.

This refers to when the laws of mourning begin.

Vaults, niche, covered by a large stone or casket covered with earth, catacombs:

The Sanhedrin referred to in a discussion as to whether an above ground mausoleum is permitted in Judaism. Vault burial is historically the oldest form of Jewish burial. Cement is earth and we place pieces of clay pottery on the eyes and mouth of the corpse, which some interpret as equivalent to covering with earth, as in earlier days.

Conclusion: It is better to bury in the earth.

A mausoleum should not be outlawed.

עַד שִׁסְתָּם הַגּוֹלֵל

Until the top of the casket is closed.

Until they place the round stone (that closes the burial site).

The covering of a grave conveys defilement to a Kohen in the same manner as a corpse and he cannot jump or fly over it. Unless:

- It is a tombstone, not erected at the time of burial.
- The body has a Tefach of space between it and the earth around it.

The cover of the tomb is nailed or secured with pegs.

R Moshe Feinstein states – Only metals known in Torah times, i.e., gold, silver, copper, iron, tin, lead and mercury have the halachic status of metal. Today's airplanes made of aluminum and titanium do not count as metals and can't convey Tumah. Neither do other metals, such as arsenic and zinc. Therefore, a Kohen may fly over a cemetery.

בְּשֶׁלְמָא בְּעֶרְבַּ שַׁבָּת

It is understandable why a wedding cannot occur on Friday.

The first cohabitation will cause a wound, which is forbidden on Shabbos.

Why not permit a wedding Saturday night after Shabbos is concluded?

Because during the day before the wedding, the couple may calculate the number of guests, seating arrangement, costs, etc. Such calculations and such business like matters, should not occur on Shabbos.

וְחֻשְׁבוֹנוֹת שֶׁל מִצְוָה מִי אֲסִירֵי

But are calculations for a Mitzvah prohibited?

On Shabbos, it is permitted to:

- Allocate charity to the poor.
- Discharge matters of public concern.
- Publicize matters of danger.
- Arrange a match for a young girl.
- Teach a young boy Torah.

Yes, but perhaps he will be so preoccupied, that he will violate Shabbos.

If you are so concerned, you should not allow Yom Kipper to fall on a Monday. Since he has to prepare the pre-Yom Kipper meal Sunday afternoon, he may start preparing, be preoccupied in arranging it and violate the Shabbos before.

There is no problem when Yom Kipper falls on a Monday, he has all day Sunday to prepare. However, for a Saturday night obligation, he has no time to prepare at all!

פּוֹסְקִין צְדָקָה לְעֲנִיִּים בְּשַׁבָּת

We may allocate charity to the poor on the Sabbath.

Is it permitted to sell honors in Shul on Shabbat?

For example:

- opening and closing the Aron Kodesh
- an aliyah
- haftorah, etc?

Only private business matters are not to be discussed on Shabbos, but for Mitzvahs or for community needs it is permissible.

However, we are prohibited from pledging items or money to the Bais Hamikdash on Shabbos or Yom Tov. Because there is a transfer of ownership versus a regular pledge to give Tzedakah. However, since such pledging in Shul occurs at a time when more people are present and they are in good spirits and might pledge more, it is considered a matter of public interest and is permitted.

הוֹאִיל וְנֶאֱמַרְהָ בּוֹ בְרָכָה לַדְּגָיִם

Since a blessing to the fish was stated on that day.

A virgin is to be wed on Wednesday, because of the blessing to the fish to be fruitful and multiply and fill the waters of the sea (Rashi). This is an especially potent blessing which relates also to the procreation of man and is auspicious for the Mitzvah of cohabitation.

אֱלֹמָנָה נִשְׂאָת בְּחַמִּישִׁי

A widow is married on Thursday (Yom Chamishi) and cohabits Thursday night (Yom Shishi) because a similar blessing was given to man (Gen 1:28).

Why the difference? The virgin gets the blessing (of the fish) and her husband has the opportunity to go promptly to Bais Din Thursday morning, if he senses something is wrong, i.e., she is not a virgin.

The widow or divorcee does not need the Bais Din, for she is not expected to be a virgin.

תְּהִיָּה לְךָ עַל-אַזְנוֹתָיִךָ

You shall have a spike amongst your weapons

to cover your waste by digging holes.

Don't read it as 'azainechah' but as 'oznechah' "your ears", because if a person hears something improper, he should place his finger, which is shaped like a spike, into his ears.

Why is the entire ear hard, while the lobe of the ear is soft?

So that if someone hears something that is not proper, he will be able to bend his earlobe and block the sound in the ear canal.

מִפְּנֵי מָה אֹזֶן כּוֹלָה קֶשֶׁה וְהָאֵלֶיָּה רַכָּה

Why is the entire ear hard but the lobe soft?

A person should not permit his ears to hear:

- idle words
- purposeless words
- empty words.

Because the ears are the most easily burned of all the parts of the body. For example, idle words will damage a person.

It is a shame to waste time listening to idle talk. A great Rabbi was asked how he became so learned? He replied, “I learned all I know in 5 minutes”. “I mean”, he said, “during the 5 minutes that people waste many times in their day, I used it to learn and tried not to waste a second”.

אֵל יִשְׁמִיעַ אָדָם תָּנוּ רַבָּנַן לְאָזְנוֹ דְּבָרִים בְּטֵלִים
מִפְּנֵי שֶׁהֵן נְכוּוֹת תְּחֵלָה לְאִיבָרִים

A person should not let his ears hear idle talk because the ears are most easily burned of all the limbs.

The ears constantly remind us of their extreme sensitivity to external influences and how careful we must be to guard them.

For instance:

- unprotected ear during freezing weather, turns painfully red
- tingling ear in an over heated room
- most susceptible to fire injury

Therefore, be cautious regarding hearing bad thoughts. The ear is sensitive.

Not only should we avoid hearing forbidden words, we should also avoid hearing things that have no purpose in serving HaShem. Don't waste your time.

מֵהוּ לְבַעוֹל בְּתַחֲלָה בְּשַׁבָּת

What is the law regarding cohabitating for the first time on Sabbath?

Technically, it should not occur because one might create a wound. But that is an inadvertent consequence and not an intentional creation of a wound.

R Shimon says - Something that is not intended is permitted.

R Yehudah says - Something that is not intended is prohibited.

However, a Malachah is only considered Malachah if it is for constructive purposes, not destructive.

Here, is opening a passageway destructive, since it destroys her virginity or constructive since it facilitates future cohabitation? Also, if we find it unintentional and destructive, we could permit it outright.

This question, whether unintended consequences prohibit, is used in the discussion as to whether we are permitted to convert one party whose spouse does not wish to convert and thereby, create an intermarriage or not.

שֵׂאִין בְּקִיָּאִין בְּהִטְיָיָה אֶלָּא יֵשׁ בְּקִיָּאִין בְּהִטְיָיָה

There are those who are not knowledgeable about penetrating at an angle, but there are those who are.

An act is forbidden when the consequence is inevitable, but if the consequence is not an absolute inevitability, the act is permitted. If an expert could do it without the consequence, then a non-expert is also permitted to do it. ‘An act that provides no benefit for him’ is not proscribed. It is forbidden only to do acts that are prohibited and a person intentionally does it for its proscribed purpose. If the act is not consciously intended, it is obviously not for any proscribed purpose.

וּבֹעֶז אֶלְמוֹן שְׁנֵשָׂא אֶלְמָנָה הָיָה

And Boaz was a widower who married a widow.

Was Ruth a widow, technically? She had been previously married to Machlon (Ruth 1:4 and 4:10). Her marriage was not valid, since she was not a Jewess at the time. She converted after Machlon's death.

שבעה לברכה ושלושה לשמחה

Seven days for blessing, but only three days for rejoicing.

Rules for ceremonies after a wedding:

	<u>Sheva Berachos</u>	<u>Rejoicing</u>
Virgin/never married man	7 days	7 days
Virgin/widower	7 days	7 days
Widow/never married man	7 days	3 days
Widow./widower	1 day	3 days

15 - Kesubos 7b3 line 37 A12
Bleich 2:87

וְצִוָּנוּ עַל הַעֲרֵיוֹת

Who has commanded us concerning forbidden unions?

Why is this said prior to entering into a lawful matrimonial relationship?

Brisker Rav – R Yitzchak Ze'ev Soloveitchik explains that this relates to relationships with in-laws, which are incestuous, only because of this marriage about to be performed.

וְצִוָּנוּ עַל הַעֲרִיּוֹת

And has commanded us about forbidden unions.

The wording of the blessing seems strange. It is a negative blessing. It is not that we are commanded to marry, but that we are forbidden inappropriate relationships. Why emphasize the negative?

This is not a blessing regarding the fulfillment of a Mitzvah to get married. In fact, there is no such a Mitzvah. Furthermore, the bracha of Erusin is even said when a man marries an older woman. It is a blessing in praise of God for having created a method by which we can marry a woman who is appropriate for us and not one who is prohibited.

15 - Kesubos 7b4 line 43 A2
Responsa 1980-1990 p 750 N80

מְבָרְכִין בְּרֵכַת חֲתָנִים בְּעֵשְׂרָה

Where do we learn that a minyon is required for the Bircas chatanim at a wedding?

From Ruth 4:2 - “And Boaz took 10 men from the elders of the city” and from Psalms 68:27, “In assemblies, bless the Lord”. “Assembly”, ‘Kahal’ is equal to an ‘edah’ which is equal to 10 (see Num 14:27).

וְהוּא שֶׁבָּאוּ פְּנִים חֲדָשׁוֹת

This is so only when a new face (new faces) come to the meal.

- What does a new face mean?
- A person who was not there the previous day- Rashi
- Could have been to the wedding or a previous Sheva Berachos, but was not present the day before- Meiri
- A person who was never there- Ritva
- A person who did not hear the Sheva Berachos under the chupah- Rambam
- A person who did not eat at a previous Sheva Berachos meal- Rambam
- Shabbos is considered a “new face” even if a new person is not present. Also, the first or second day of a Yom Tov is considered a new face.
- A Torah discourse can also substitute as a new face.
- A new face enhances joy and special days and Torah. All enhance joy.
- Can a new face who did not eat, recite one of the Sheva Berachos?
This is controversial. It is much better to eat.

וְהוּא שָׂבְאוּ פָּנִים חֲדָשׁוֹת

This is where new faces come.

How many new faces are needed?

Residents of Ethiopia thought we need 10 new faces at each Sheva Berachos, in order to recite them.

Rabbienu Avraham (Rambam's son) said his father only required 2, since it uses the plural.

Others (The Shitah Mikubetzes) say the use of the plural merely indicates that you need a new face each day and in the aggregate that justifies the plural language.

וְיוֹצֵר הָאָדָם

Who fashions man?

“Who fashioned man in his image?” is a blessing for man (Gen 1:27).

“His image” refers to something abstract and invisible to the eye.

“And God formed man from the dust of the earth” (Gen 2:7).

So man is made from earth and from God’s image. Man is physical as well as spiritual.

“And God put man in the Garden of Eden to fill it and keep it”, (Gen 2:15).

‘V’lishmoru’ is masculine and refers to the word ‘Gan’ is masculine.

However, ‘U’l’avdah’ is feminine and refers to ‘Neshama’ “the soul”.

Man is responsible to fulfill the needs of his soul.

Being in the Garden to work and aid his soul. How? By fulfilling the positive Mitzvah of ‘work’ and ‘guard’ which represents the negative Mitzvahs.

כְּתִיב „וַיִּבְרָא אֱלֹהִים אֶת-הָאָדָם בְּצַלְמוֹ”

It is written: “God created the man in His image”.

In Gen 1:27, it says ‘Es ha’adam’ “Barach Elokim es ha’adam betzalmo”, a singular. He created one entity. In Gen 5:2 it says, ‘zachar unekevah baraam’ “male and female, He created them”, plural entities.

Originally, it was God’s plan to create 2 separate human beings. However, ultimately only one being was created. Some say the image was double faced, some say the image was back to back. They have the same name, ‘Ish’ – ‘Ishah’. This then, was only one act of creation. A combination and later an adjustment, separating the two.

This explains the second and third Berachos of the Sheva Berachos.

#2 Fashioned man

#3 and prepared from himself, a building for eternity.” What is that? A woman, who perpetuates the human race, by giving birth.

וְאִמְאֵי סִפְקֵי סִפְקָא הוּא

The case of a double doubt,

we treat leniently.

The claim of a husband that his wife is not a virgin, would be treated leniently, because even if he is accurate in his observations, we do not know if the act was done during the engagement, which would be a problem, or beforehand.

Even if done during the engagement, if it was done against her will.

His report is enough to make his wife prohibited to him. The accusation causes no penalty to her, i.e., she gets her full Kesubah.

A double doubt is dealt with leniently because a doubt creates a 50/50 situation and a second doubt diminished the case to a statistical minority. In a case where the reason to be strict is less than 50%, we can be lenient. (However each doubt may be minimal or great, we don't weigh the likelihood in %).

וּבְמַעֲשֵׂה שְׂהִיָּה

There was an incident that occurred.

Why were David Hamelech and Batsheva permitted to marry?

A man who has an adulterous relation with a married woman is not permitted to marry her. A woman is only prohibited to her husband if he warns her, before witnesses, not to seclude herself with a particular man and witnesses see her do so. Here, there was no warning and therefore, she was never prohibited from her husband.

A woman is only prohibited to her husband if she is an adulteress willingly. The verse (in Samuel II 11:4) says, “and David sent messengers and took her”. She did not go of her own volition.

Also, Bathsheba was a minor and the seduction of a minor is considered a violation (San 69b). Uriah gave Bathsheba a ‘get’ to be effective on the day he wrote it, retrospectively, if he does not return from the war. He did return briefly, but she was supposed to remain faithful to him until he did not return. However, in fact he did die, did not come back and she was considered to have been divorced retroactively (9b1 Line 1 A1) before the incident took place.

חֻכְּמִים תִּקְנוּ לָהֶם לְבָנוֹת יִשְׂרָאֵל לְבְתוּלָה מֵאֲתִים וְלֹא לְמִנָּה מִנָּה

A Ketubah of 200 zuz for a virgin.

Is the obligation of a Kesubah a requirement imposed Biblically?

Tosophos, Rema (Ex 22:16). “He shall pay the fine due to a virgin”.

Rambam, Rosh, Rabban Shimon ben Gamliel-No, it is Rabbinic.

Either the obligation is Biblical or Rabbinic. If Rabbinic, his promise that obligates him to pay, is a contract that he is Biblically responsible for.

In addition, we do use the phrase, ‘kedaas Moshe V’Yisroel’. We imply by saying, ‘kedaas Moshe’, Biblical law and by saying ‘v’Yisroel’, we imply Rabbinic law.

וְהֵם הָאֲמִינוּהוּ

And they believed the husband.

Why do the sages believe a husband who claims that his new wife is not a virgin and cause them to be divorced?

Because the Chassan has invested so much energy and resources into the arrangement of their wedding, there is a presumption that he really wants to remain married to his new bride. A normal Chassan would not sabotage his own marriage, unless he was telling the truth. This only works, i.e., he is only believed, if he came after the first cohabitation. Otherwise, he might learn to dislike her later and want to be divorced.

If he came months later, we assume he accepted the situation and we do not consider returning his money.

חֲכָמִים תְּקִנוּ לָהֶם לְבָנוֹת יִשְׂרָאֵל לְבִתּוּלָה מֵאֲתִים וְלֵאלְמָנָה מְנָה

The sages of Israel instituted the kesubah of two hundred zuz for a virgin and one hundred zuz for a widow.

The ‘get’ was enacted as protection for the woman, against the high handed tyranny of a dominating male in an ancient patriarchal society.

It was in line with this principle, to mitigate the husband’s power, that the kesubah was introduced in pre-Rabbinic times, to provide women with financial independence.

An additional measure in this direction was the enactment by R Gershom in the late 10th or early 11th century, banning any divorce without the wife’s consent.

The word ‘Takkanah’ derives from the word ‘tikun’ as in ‘Tikun Olam’, “Improving the world”. A ‘Takkanah’, an enactment of this kind, improves the world.

אֲסָבוּהוּ כּוֹפְרֵי מְבַרְכֵתָא חֲבִיטָא לִיָּהּ

Give him lashes for knowing the prostitutes of Mevarachta, who must be lying before him.

A man come to Bais Din and claims his wife is not a virgin.

Rav Elazar says he is believed, at least to the extent, that some credibility is given to his report.

Rav Nachman ruled that such a man should be given lashes.

How can this difference in opinion be reconciled? How can they both be correct?

Rashi says- Although he is to be trusted, his expertise indicates that he frequents the harlots of the city and should be given lashes for that.

Tosophos- Thinks that R Nachman believes the man is lying and deserves lashes for slandering his wife.

Rav Achai says- Rav Elazar believes the man because he was married before and therefore, is knowledgeable. R Nachman is speaking about a man not married before and his expertise must come from harlots.

בְּתוּלָה כְּתוּבָתָהּ מֵאֲתָיִם

A virgin receives a Kesubah worth 200 zuz.

A widow receives a Kesubah worth 100 zuz.

A list of women who receive 200 zuz are:

A woman who is a virgin, but a widow
-or divorcee
-or chalitzah } from Erusin

Therefore, she never completed her Nisuin and is still a virgin. Her Kesubah is 100 zuz. However, if the second husband finds her to not actually be a virgin, she loses her (entire) Kesubah, since it was a mistaken transaction.

This is a controversy:

- Some say she loses all her Kesubah money.
- Some say the Kesubah is worth 100 zuz.

בְּתוּלָה כְּתוּבָתָהּ מֵאֲתָיִם וְאֶלְמָנָה מִנָּה

A virgin receives a Kesubah worth 200 zuz and a widow gets 100 zuz.

‘Al man’ = mute – Since a widow sits mute after her husband’s death.

The last two letters, ‘nun and heh’, added to the prior ‘mem’, spells ‘manah’ = 100.

Al-manah = “No monah”, or tells us that a widow’s kesubah is not 200, but 100 zuz.

הַגֵּיּוֹרָת וְהַשְּׂבוּיָה וְהַשְּׂפָחָה

A convert, a captive, and a slave girl.

Enumerates women who are worth 200 zuz.

-A convert, captive or slave girl who was ransomed, converted or emancipated, before the age of 3 years and 1 day – we can assume they are virgins. Their kesubah is 200 like a virgin. However, a claim concerning their virginity can be made against them.

15 - Kesubos 11a1 line 6 A15
Bleich 2:336

גֵּר קָטָן

A minor who converts.

A Jew is deemed a 'man' at age 13. A non-Jew who converts to Judaism is considered a man when he reaches the age of intellectual maturity. Until then, he is called a 'ger katan' even if he is older than 13.

A 'ger katan' married a Jewess and later when he reached intellectual maturity, he renounced his Judaism. If he does not renounce, he will be deemed to be a 'man', i.e., legal capacity retroactively, to age thirteen. Any marriage contracted after age 13 would be valid.

גר קטן

A minor who converts.

An unintentional conversion is not valid. For example, a child who is not considered a 'ben daat' when converted by others during childhood, has the right upon reaching adulthood, to retroactively nullify the conversion, if it is his or her intention not to be a Jew.

Then should we convert a minor at all or wait until the minor can decide?

Conversion is permissible, under the assumption that becoming Jewish is beneficial to the child. A child being raised in a Jewish home and a Jewish environment is benefited by belonging, rather than being a partial outsider.

R Moshe Feinstein advised against adopting non-Jewish children, so that no one would be converted against their will, but if such a child is adopted, it should be converted as a minor (Egeras Moshe, Yorah Deahya 1 #162).

15 - Kesubos 11a1 line 8 B13
Weiss #209

וְזָכִין לְאָדָם שֶׁלֹּא בְפָנָיו

One may act for a person in his absence, to his advantage.

Used in a discussion: Is it permissible to adopt a child who lacks legal consent? Yes, if it is considered an advantage for him. It is only considered an advantage for a person if the adoptive parents are observant. We, by adoption, also convert the child, but the basic condition of proselytization is to accept the yoke of Torah and Mitzvahs. If these are lacking in the home, the conversion is without merit. There can be no conversion on the assumption of “benefit”, ‘zchus’.

That is in reality a disadvantage.

מֵאִי לֹא דְאֵטְבְּלִינְהוּ עַל דְּעַת בֵּית דִּין

Is it not referring to a case of immersion on the understanding of the court?

In a discussion about conversion, Rav Hava only mentions immersion and does not mention milah. Why?

-Because it is something that is common to conversion for male and females.

-Immersion is the final stage in the process. Even if a man had milah, he is not considered converted until after immersion.

-Milah and immersion are done when the child is young, lasts a lifetime and is not done again. What is the rule regarding immersion when the child comes of age and can agree to his prior conversion, do we do immersion again? No. The novelty of Rav Huna's statement is that immersion done when the child was an infant, is still valid.

הַגְּדִילוּ יְכוּלִין לְמַחֲוֹת

When they get older, they may renounce their conversion.

Case 1: A bride was adopted from a non-Jewish family, converted as an infant and raised Jewish, but was never told she was adopted. Should we tell her before she marries?

Why? Because if she finds out later and then renounces her conversion, that nullifies her marriage and any children would be non-Jews. (Really? They were born Jewish!)

Some say tell her of her adoption and no more.

R Moshe Feinstein says tell her about the fact that she is adopted and also inform her that she may renounce it if she wishes. If not, her conversion is not complete.

כִּיִּןן שֶׁהִגְדִּילָהּ שְׁעָה אַחַת וְלֹא מִיָּחָתָהּ

Once she becomes an adult for one moment and does not renounce her conversion, she can no longer renounce it.

Furthermore, it must be presented to her, because until she is made aware of her option, she retains it.

We have the prospect of a number of Jewish adult people, who were converted, having the right to opt out any time in their lives. So it is best to tell the child and have them choose Judaism. How can they choose? They are minors. The Gemara rules (Kesubos 11a) that the right lapses immediately after the convert attains majority, if she/he fails to renounce at that time and provides three ways:

1. Renunciation as a minor is maintained into majority.
2. Renunciation entails doing no Jewish activity after majority.
3. Renunciation requires a moment of conscious renunciation after majority, when the issue of continuing as a Jew is discussed.

ומוכת עץ

A woman injured by a piece of wood.

Enumerates those women worth 100 zuz, a reduced kesubah, and a woman injured by a piece of wood, whose value is in doubt.

-A girl under three, who cohabitated with an adult. Her hymen re-grows.

-A minor (an under age boy), who cohabits with an adult woman. His act is not considered cohabitation. It is like a wood-injured woman.

-A woman injured by a stick, i.e., a wood-injured woman.

-A virgin, widow, divorcee or chalutzah. She went to the chupah, but he died or divorced her immediately. They never had yichud. Kesubah is only 100 zuz.

-A convert, captive or slave woman over the age of 3 years and 1 day - 100 zuz.

כְּנִסָּה בְּחֻזְקַת בְּתוּלָה וְנִמְצְאָה בְּעוּלָה יֵשׁ לָהּ כֶּתוּבָה מִנָּה

If a man presumed his wife was a virgin and learns that she is not, she receives a kesubah of 100 zuz.

However, if the hymen was opened for surgery, not for cohabitation, and was then surgically repaired, what is her status?

Tosophos - She is labeled a wood-injured woman and her kesubah is 100 zuz.

Tosophos Rid said -No. If repaired, she is considered a virgin and is worth 200 zuz.

הַאוֹכֵל אֶעֱלֵךְ חֲמִיּוֹ בִּיהוּדָה שְׁלֹא בְּעֵדִים

If one eats in his father-in-law's house in Judea without witnesses.

The Mishneh makes note that it was the custom in part of Judah (in contrast to the Galilee) that a man lived with the family of the woman he intended to marry, during the year between betrothal and marriage. Consequently, he was barred from claiming that she was not a virgin at marriage, since we assume that he may well have been the one to make that so.

This observation is used to make it known to us that in the Mishnaic period, it was generally understood that “premarital” sex might be engaged in.

הָאוֹכֵל אֶצֶל חָמּוּי בִּיהוּדָה שְׁלֵא בְעֵדוּיִם

He ate in his father-in-law's house without witnesses.

This teaches that a man from Judea cannot claim his wife is not a virgin, since seclusion is allowed following betrothal in Judea.

The Gemara goes on to explain that there are places in Judea where this practice, i.e., allowing the engaged couple to be alone, was not practiced and examples in Galilee where it was practiced. If the bride and groom had no seclusion, he may make a claim that she is not a virgin, but if he did have seclusion with her, he may not make such a claim.

היו שושבינין ישנים בבית שחתן וכלה ישנים בה

Attendants would sleep in the house that the groom and bride were sleeping in.

In Judah, two Shushbinim **were** appointed for them, in order to attend the bride and groom.

The Shushbinim are companions, not witnesses. They are not required to be Jewish and there are no objections to their participation in the pageantry of the wedding ceremony.

This phrase is used by the Conservative movement to include a non-Jewish parent in the wedding, to accompany their child down the aisle and up to the bimah, but not under the chupah.

בֵּית דִּין שֶׁל כֹּהֲנִים הָיוּ גוֹבִין לְבַתּוּלָה אַרְבַּע מֵאוֹת זָוָז

A Bais Din of Kohanim would collect 400 zuz for the daughter of a Kohen, who was a virgin.

The daughter of a Kohen, who is a widow, is valued at 100 zuz, just as the daughter of an Israelite who is a widow.

The Gemara explains: The Bais Din of Kohanim originally dictated that a widow, whose father was a Kohen, should get 200 zuz. This is double the usual amount for a widow. However, when they realized that re-marriage of such widows was not happening, they changed it back to the standard price of 100 zuz. They noticed that the public calculated, “Why should I marry a widow for 200 zuz, when for the same price I could marry a virgin daughter of an Israelite”. Market place reality modified the dictum of the Bais Din.

הַנוֹשֵׂא אֶת הָאִשָּׁה וְלֹא מָצָא לָהּ בְּתוּלִים

One who marries a woman and does not find her to possess signs of virginity.

This tells us how to rule in a case where the couple disagrees as to when she lost her virginity.

She says, “I lost my virginity after we were already engaged and it is a case of the buyer’s field being inundated, i.e., you already owned me”. He says, “No. You misled me”.

If one party is uncertain, it is considered to be a transaction made in error and is therefore, reversed.

Rav Yehudah and Rav Huna-Contrasted with the other party’s certain testimony.

Rav Nachman and R Yochanan maintain that due to the uncertainty of the matter, the money should remain with its current owner. “One who wishes to extract money from his friend is obligated to bring proof”.

הַנוֹשֵׂא אֶת הָאִשָּׁה וְלֹא מָצָא לָהּ בְּתוּלִים

A person married a woman and does not find her to possess signs of virginity.

“I am not sure”.

One person claims that another owes him money. That person is not sure.

Rav Yehuda and R Huna say the certain claim is believed and he may collect. Yet we have a rule.

Why do we allow the claimant to win?

1. We assume no person would confront another and claim money unless the claim is true.
2. Every claim in court must have a claim to counter it and although the first claim is not strong by saying, “I don’t know”, that weak claim is not countered and therefore, wins.
3. The second person should know if he owes money or not. Therefore, the claim of certainty wins and can extract money.

הִיא אוֹמֶרֶת מוֹכַח עֵץ אָנִי

She says, “I am a wood-injury victim”.

A disagreement between husband and wife regarding the lack of virginity and consequently, the amount her kesubah should be less.

She claims to have been a wood-injury victim, i.e., injured with a non-living object before the engagement, though she did not tell him. He questions that it could have been by a man.

R Gamliel and R Eliezer - She is believed. Since she is certain and he is not.

R Yehoshua - She is not believed. Since one who wishes to extract money must bring proof that their claim is correct.

Pay 200 if she is correct- Wood-injury before engagement.

Pay 100 if he is correct-Not a virgin before engagement.

No, if he claims he was misled, the transaction is on a false basis and is reversed.

רְאוּהָ מִדְּבָרַת עִם אַחָד

We see an unmarried woman speaking with someone.

There was once an unmarried woman who became pregnant and had a child. She later married a man who thought she was a virgin. They had a baby boy and the father was preparing a ‘pidyon haben’. Those who knew her history, wondered if they must tell the husband. Since otherwise, he will have the ceremony and say brachos that are recited in vain. On the other hand, disclosure may cause discord and divorce!

The Maharsha (R Gruenfield) - Peace in the family supersedes the Rabbinic injunction against an unnecessary bracha.

Rav Elchonon Spector feels- Only by atonement, can a person cleanse his sin. If the husband does not know he sinned by his unnecessary bracha, he can never atone, therefore, tell him.

Rav Shlomo Zalman Auerbach says - Only tell him if we know he will not divorce her.

רְאוּהָ מְדַבֶּרֶת עִם אֶחָד

They saw an unmarried woman speaking with someone.

Two more cases where there is a dispute between R Gamliel and R Eliezer vs R Yehoshua.

A woman is seen speaking to a stranger.

A woman is pregnant by a stranger.

She says, “He is a Kohen and therefore, I may still marry a Kohen”.

R Gamliel and R Eliezer say - She is believed and permitted to a Kohen (even though she cohabitated).

R Yehoshua says- She is not believed. Since the majority of the population is not Kohanim and seclusion or cohabitation with them disqualifies her from marrying a Kohen.

R Yehoshua states - We have a higher standard regarding genealogical matters regarding a Kohen. Ordinarily, seclusion alone is not considered cohabitation. However, in regard to the purity of the Kahunah, we fear the worst and are more stringent.

מעשה בתינוקת שירדה למלאות מים מן העין ונאנסה

There was an incident involving a young girl who went down to draw water from a spring and was violated by an unknown man.

If a woman cohabits with an unknown man, her status in regards to marrying a Kohen and that of her daughter, depends on the status of the majority of the residents of that town.

If the majority of the townspeople are fit to have their daughters or widows marry into the Kahunah, this girl may also do so. Who would not be fit? A mamzer or a non-Jew.

R Akiva Eiger says - If the number of fit to unfit is only one, then a fit Kohen cannot marry her. He knows he did not violate her and therefore, to him, the number of fit and unfit is equal and we can't say there is a majority of fit men in the community. Therefore, do we need a majority besides the Kohen who wants to marry her?

R Gamliel – No, she is fit, even if the majority are unfit, because she retains her presumption of being fit unless it is proven otherwise.

R Yehudah says- She is unfit even if the majority are fit because:

1. We have a high standard regarding genealogic matters regarding the Kehunah.
2. She wishes an advantage, i.e., to marry a Kohen and must prove her worthiness.

אם רוב אנשי העיר משיאין לכהונה בן נורי הרי זו תינשא לכהונה

If the majority of the towns people are fit to have their daughters marry a Kohen, the girl may be married to a Kohen.

R Akiva Eiger asks, “What calculation do we use to make a majority?”

If there are 21 fit and 20 non-fit people and the man, who wishes to marry her, knows he was not the one who attacked her, do we say, “Since it is now 20 vs 20 there is no majority.” Or do we include him and calculate the majority to be 21 to 20?

If a majority that excludes him is used, she would always be prohibited to him.

However, we learn that the calculation includes all specimens. Therefore, his group (fit) is in the majority (See Bava Basra 23b).

15 - Kesubos 15a3

line 20 A3

Daf Digest

line 26 B2

ומי בעינן תרי רובי מעלה עשו ביוחסין

Do we actually need two majorities? They have a high standard of genealogy.

A scenario is given where the majority of townspeople are fit and the majority of caravan visitors are fit.

Therefore, two majorities we deem are fit.

Do we require two majorities? There is a higher standard for genealogic matters, i.e., one majority is not sufficient, but two majorities make her fit.

A child was presented to the Jewish agency by a non-Jewish woman after the Holocaust, stating she was given the child by a Jewish family. The child was brought to Israel and married a Torah Scholar, but later in life posed the question. Could she assume she was really Jewish or must she convert?

Reasons to believe she is Jewish:

-The non-Jewish woman testified to that.

-People are not accustomed to give their own children away.

-It was a common sad but frequent occurrence at the time. (Yet in matters of genealogy, we are strict.)

Rashi clarifies- Yes, but only in regards to Kohanim. In cases that do not involve Kohanim, one majority is sufficient.

בְּתוּלָה נִשְׂאתָנִי וְהוּא אֹמֵר לֹא כִּי אֶלָּא אֶלְמָנָה נִשְׂאתִיךְ

“You married me as a virgin”, “not so I married you as a widow”.

This is a disagreement between husband and woman as to whether she was a virgin when married and whether she deserves a Kesubah of 100 or 200 zuz. She says yes, he says no.

-If she leaves her father’s house with her hair down, we assume she was a virgin . Therefore, she deserves 200 zuz, but only if there are witnesses. Is she considered a virgin without witnesses? We are not sure and don’t assume she is a virgin.

-She says she is certain and he says “perhaps”. His uncertainty and her certainty allow us to decide she is a virgin.

-She says certain and he says certain. Add to her side the presumption of virginity and we judge her to be a virgin, but add to his side “chezkas mamon” and should she not be required to bring proof before extracting money from him?

-Add to her side, “but the majority of women marry as virgins”. Makes her claim more certain than his.

-If she claims her virginity was lost by a piece of wood. She is a virgin.

-If she claims her virginity was lost between Erusin and Nisuin. She entered marriage as a virgin. Why? Because of a ‘migu’. She could claim she was actually a virgin and it is his word against hers. She could have made a lesser claim than she did!! Therefore, her claim to be a virgin is believed.

אם יש עדים שיצתה בהינומא וכו'

If there are witnesses that she went out with a veil.

If she did go out without a veil, how do the witnesses know it was her?

If they looked under the veil. They are guilty of violating the prohibition against gazing at women and would be disqualified from being a witness!!

Rav Moshe Sternbuch and Rav Yitchak Ze'ev Solovetchik, the Brisker Rov - The witnesses should look at the bride's face before the veil is pulled down over her face.

בְּמָקוֹם דֵּלֵא אֶפְשָׁר וְדַאי כִּתְבִינָן שׁוֹבֵר

In a case where there is no other choice, we write a receipt for the husband.

Does the Gemara tell us that when the husband pays the kesubah price, which he owes to the wife he is divorcing, he should get a receipt? Yes. It is to prove he paid his debt to her so that she cannot come to request a later payment. It is his responsibility to keep that receipt forever, even his responsibility to protect it from damage by being eaten by mice.

He has the burden of proof that he can show that he paid it. True, the receipt may be lost, but that should be rare. The other party would not likely know that and be stimulated to request another payment.

It is a good practice regarding all debts. Get a receipt.

כִּיצַד מְרַקְדִין לְפָנֵי הַכֹּהֵן

How should one dance before the bride?

Gladdening the bride and groom is an obligation.

Just dance? Should say ‘rokdin’.

‘Merakdin’ actually means “to cause others to dance”. Be so joyful and so full of energy as to be infectious so others will join and dance also.

The phrase ‘hamelech...’, as though you are entertaining the King and with the same intent to show honor as when the chazzan intones the word, ‘hamelech’ on the Yomim Noraim.

15 - Kesubos 17a1 line 1 A1
Weinbach p314

כְּלוּ כַּמּוֹת שֶׁהִיא אוֹמְרִים כְּלוּ נָא וְחִסּוּדָהּ

We praise the bride as she is. Bais Hillel says, “We say she is beautiful and charming.”

What does one say when dancing before the bride at a wedding?

Bais Shammai- “The bride, as she is”.

Bais Hillel- “The bride is lovely and charming”.

“What if she is lame or blind, are we not lying”, asks Bais Shammai?

Bais Hillel - Beauty is in the eye of the beholder and if the groom agreed to marry her, she is indeed, lovely and charming in his eyes.

כָּלָה כְּמוֹת שֶׁהִיא אוֹמְרִים כָּלָה נְאֻה וְחֲסוּדָה

We praise the bride as she is and Bais Hillel says, “We say that she is beautiful and charming.”

How does one dance (recite) before the bride?

Bais Shammai says - Don't exaggerate, “Keep far from a false matter” (Ex 23:7).

Bais Hillel says - You may refer to her as a “beautiful and graceful bride”. “Always should the disposition of man be pleasant with people” (Kesubos 17a).

Korban Nathanel - It is not a falsehood, for in the eyes of her husband she is indeed a “beautiful and graceful bride”.

15 - Kesubos 18b3 line 25 B13
Responsa 1990-2000 p806

אין אדם משיים עצמו רשע

A person cannot establish himself as a criminal.

A person is innocent till proven guilty.

Self-incrimination is like “a hundred witnesses” in civil matters, but is not accepted in criminal matters.

חַתְּמוּ שֶׁקֶר וְאַל תִּהְרְגוּ

Sign falsely and we will not kill you.

False testimony is permitted in the face of danger.

A judge may recuse himself from a case if he feels intimidated or threatened.

However, if he finds it impossible to withdraw, he may render an unjust verdict in favor of one of the litigants, who had threatened him with death,

15 - Kesubos 19b1 line 12 B20
Responsa 1991-2000 p-157

סֵפֶר שְׂאִינוֹ מוּגָה

A book of scripture that has not been corrected.

It is forbidden to leave a Sefer Torah, that has not been corrected for more than 30 days, in the Ark, because it may be mistakenly used and a vain blessing made upon it.

The same pertains for all holy books, since textual errors can lead to mistaken teachings.

15 - Kesubos 22a1 line 7 B1
Responsa 1991-2000 p731

בְּמוֹתָב תִּלְתָּא הֵוִינָא וְחַד לִיתוּהִי

We sat down as three judges, but one is no longer present.

This phrase was only needed if one judge died before signing the document.
Otherwise it was not necessary.

This Aramaic phrase may be used in a Hebrew document. The rabbis of Babylonia had no reservations about mixing Aramaic and Hebrew in the same text.

אָמְרָה טְמֵאָה אָנִי וְחֹזְרָה וְאֹמְרָה טְהוֹרָה אָנִי

A woman said, “I am tamei” and then declares, “I am tahor”.

A person can change their declaration:

- If they give an explanation for the first statement.
- It was based on a mistaken idea or evidence.
- It was said in jest or in a moment of anger.
- The retraction occurred almost immediately (namely within 2 seconds).

Unless:

1. The person told several persons of the original statement and it is now public knowledge. (Even an explanation does not wipe away that type of original statement).
2. The person conducts him/herself in a manner consistent with the original statement.

מִכְדֵּי הַבָּא עָלֶיהָ בְּאִשָּׁם תְּלוּי קָאִי

Two witnesses told a woman her husband died in a far away land.

She remarried.

Two other witnesses come and say that her husband had not died.

The halachah is that:

-Her second marriage is legal.

-She need not leave her second husband.

However, if she married after the second set of witnesses, she must leave the second husband and she is not permitted to the first.

דְּכוּלֵי עֲלָמָא אִית לְהוּ דְרַב הַמְנוּנָא

Everyone accepts the ruling of Rav Hamnuna.

A woman does not have the nerve to falsely declare that, “My husband divorced me”! There was a case where a wife did make that claim, though her husband denied it had occurred.

Why would a wife do that?

1. If the husband had died, it would free her from yibum.
2. She could collect her kesubah.
3. She might have another whom she wished to marry.

The case came to Bais Din and the rabbi asked her to recall how many times she circled her husband at their wedding. She said, “7 times”. “And now recall how many times you circled your husband at your divorce ceremony”. She said, “10 times”. Everyone knew she was not telling the truth.

אָבֵל נְשִׂאוֹת כַּפִּים דְּאִיסוּר עֲשֵׂה

But regarding the priestly blessing, which is forbidden to a non-Kohen.

It is not permissible for a non-Kohen to bless the people. Yet it is a custom to bless students or children with the blessings recited by the Kohanim.

- Since the Kohanim bless the people with a loud voice, we should use a soft voice.
- Since they raise their hands to bless, we should not.
- Since they use two hands, we should use one hand on the child's head and not two hands.

שְׁמַעְתָּ מִיָּלִי דְּבַר נַפְחָא וְלֹא אָמַרְתָּ לִּן מִשְׁמִיָּה

You heard these words of bar Napacha and you did not say them to me in his name?

When citing a teaching, it is necessary to mention the author's name. To do so gives the teaching greater authority and not to do so is akin to theft.

Must we cite, not only the name of the author, but the name of the book where this idea was published? What if we read one author, who cited another author, must we cite both? Or 3 or 4, if there is a train of authors who used that original source?

It is recommended that we mention the originator of the idea and the earliest book. Others suggest mentioning the first and last source and not the sources in the middle.

לֹא יִדְעָנָא לְךָ

I do not recognize you.

Mori bar Issac did not recognize a man, who said he was his brother, and claimed a portion of the father's inheritance. When asked to produce witnesses, the man claimed his witnesses were afraid to testify because of Mori's violent reputation. The Bais Din then asked Mori to bring these same witnesses to testify that the man was not his brother. Why would these witnesses now be believed? Would they not still be intimidated by Mori? Intimidation might cause a witness to refrain from testimony, but would not cause them to lie on Mori's behalf.

Joseph's brother did not recognize him either, so it is not so far fetched that brothers might not recognize each other.

בְּגוֹנֵב חֵלְבוֹ שֶׁל חֲבִירוֹ וְאָכְלוֹ

One who steals his friends 'cheilev', "forbidden fat", and eats it.

Does one violate the prohibition against eating on Yom Kippur, when the food goes down his throat or when his stomach is satisfied?

Chasam Sofer - We are not told not to eat with the terminology of eating ("lo tocheil"), but with the instruction that we must suffer. The violation occurs therefore, when the stomach is benefited by the food. Can a person be fed by NG tube? The food does not even go into a persons mouth or throat and so it would be permitted, as would IV feeding. Recall, it is a mitzvah to eat Erev Yom Kipper, even though one's stomach will benefit from that food after dark. Benefit to the stomach, not associated with eating at that time, is not prohibited.

וְנִיתְּרִי בְּהוּ בְּתוֹךְ כְּרִי דְבוּר

Why not warn them within the amount of time it takes to say.

How can Abaye suggest that we warn false witnesses that they must recant within the time frame of ‘toch kedei dibur’, “within the time it takes to say”, when the warning itself takes longer? Tosofos answers that as long as the topic does not change, it is considered within the proper time frame.

A woman was given a ring by a man who said, “With this you are my wife”. She threw the ring on the floor indicating her refusal. Did she respond appropriately to cancel the betrothal attempt? He proposed marriage, she changed the subject to a refusal of marriage, is this the same topic? Yes, the time of ‘toch kedei dibur’ is extended to include her reaction, even if it is not immediate, but on the same topic.

גֵּנֵב וְטָבַח בְּשַׁבָּת פְּטוּר

A person who steals an animal and slaughters it on Shabbos, is exempt.

Rabbah - He is exempt from the multiple payments of 4 or 5 times, because he is guilty of violating Shabbos, a capital offense. He must be punished only for the greater of his offenses.

Ritva notes -If the person stole the animal on Shabbos, but did not slaughter it until a weekday, he would have to pay the 4-5 times penalty.

Rashba says- “No. Since he is guilty of a capital crime, he is exempt regarding payment, even if he slaughters it on a different day”.

Or Sameach explains Ritva’s opinion- As long as the animal lives, it could have been returned intact. His slaughtering of it, exacerbates the crime. He is guilty of violating Shabbos and killing the stolen animal and should pay.

The halachah is that the thief is exempt from payment, even if he slaughters it on a weekday.

בְּסִבּוּרֵין שֶׁל אָבוֹהֶם הִיא וּטְבַחוֹהָ וְאֶכְלוּהָ מִשְׁלֵמִין דְּמֵי בֶּשֶׂר בְּזוּל

If they thought it was their father's and they slaughtered it and ate it. They must pay the value of cheap meat.

A grocery store made a delivery to the wrong family and by mistake the children ate some of the bananas. Is the family responsible to pay for the bananas?

If the children had damaged the food, they would pay nothing, but here, as in our Gemara, they had the benefit of eating it. The precedent in our Gemara suggests that they should pay 2/3rd the value of the bananas, just as 'cheap meat' is 2/3rds the market price of the meat.

Mishneh Berura advises going beyond the letter of the law and reimbursing the damaged party for his loss.

חַיְיבֵי מִיתוּת שׁוֹגְגִין עֲלָמָא לֹא פְּלִיגֵי דְפְטוּרִין

One who inadvertently violates a prohibition that carries the death penalty, all agree that he is exempt from monetary payments.

On pain of death, a man was forced to drive a car on Shabbos by anti-semites. He crashed into a parked car which was totaled. He wondered later if he is obligated to pay for the damages, since it occurred while he was guilty of a capital offense.

His Rav advised him that he had not committed a capital offense. By driving on Shabbos, he fulfilled the Mitzvah of ‘v'chai bahem’ “and you shall live by them”. The act of driving, literally, saved his life, and therefore, he must pay for the damages he caused.

יָצָא לָהּ שֵׁם מְזוּנָה בְּעִיר אֵין חוֹשְׁשִׁין לָהּ

If a woman has a rumor circulate that she was promiscuous, it is ignored.

A man claimed to be poor and collected charity from the townspeople. A rumor developed that he was really not so poor and was in fact a fraud, taking advantage of the good will and generosity of the town's people.

Rav Yitzchak Zilberstein was asked what to do. “We are forbidden to accept something negative about another person unless there is definite proof. Everyone has a “presumption of being righteous”, a ‘chezkas kashrus’, until there is genuine evidence. We are permitted to be cautious because of the rumor, but not to change our behavior because of it. You must continue to give, as if you never heard the rumor at all”.

וְצָרִיכָה לְהַמְתִּין שְׁלֹשָׁה חֳדָשִׁים

And she (a female convert) must wait three months before marrying.

When a woman remarries, she is obligated to wait three months before the wedding to distinguish the offspring of the first husband and the offspring of the second husband.

If a non-Jewish couple convert, they should wait three months before “remarrying” to distinguish children who were conceived before and after the conversion.

A couple, a non-Jewish man and his Jewish wife wanted to know if, when he converts, does he have to wait three months? Since, if they have a child, the child is Jewish, because the mother is Jewish. It should not matter if the father was not Jewish at the time of conception. However, it is important, because a daughter born to a non-Jewish father and Jewish mother cannot marry a Kohen. She has a different halachic status. Therefore, wait the three months.

חָדָא בְּמִיתָהּ וּמָמוֹן וְחָדָא בְּמַלְקוֹת וּמָמוֹן

Two verses teach us that a person who deserves a corporal punishment, i.e., death or lashes, does not have to pay money damages also.

(Shemos 21:22) When two men are fighting and one hits a pregnant woman, “If there is no death, he shall be penalized”, (monetarily) for causing the woman to lose her fetus. If the woman is killed, there will be no monetary payment (Devarim 25:2). The offender shall be given lashes “according to his crime”. One punishment, not two. Why do we need two verses to tell us the same thing. One to teach us that death and the other, that lashes, absolve him of a monetary payment also?

R Chaim Brisker points out that in addition he needs to bring an offering or pay back the Bais Hamikdash for Meilah. That is between him and God and he is not exempt from that payment.

אִיזְהוּ בּוֹשָׁת הַכֹּל לְפִי הַמְבִיֵּשׁ וְהַמְתַּבֵּיֵשׁ

How is the payment for humiliation calculated? It all depends on the one causing the humiliation and the humiliated.

Tur - We have to take many factors into consideration.

- A person who is known to not be respectable vs a person with a good reputation.
- The accuser, being a person of stature and honor vs the accuser, being a known irresponsible person.
- Is there a history of ill-will between them, such that the humiliation can be viewed as intentional, etc.

It is evaluated by the social status of the one being humiliated and the one doing the humiliation.

Tractate
Kesuvos
Volume II
41b5 to 77b5

פְּשִׁיטָא רֵאשׁוֹן בְּמִכָּר וְשְׁנֵי בְּמִתְּנָה

It is obvious, if the first deed transfers through a sale and the second through a gift.

The “law of the neighbor” dictates that if you wish to sell your land, you must first offer it to those who own land adjacent to yours, in order for them to have all their property in the same area.

If a person sold his land, the sale can be reversed, if he did not offer it to his neighbors. However, not if he gave it to someone else as a gift.

A person sold his land and then also gave the seller a certificate indicating that he gave it to him as a gift, in order to protect himself from the cancellation of the transfer, since the land had not been offered to his neighbor.

Tosophos suggests- The buyer should hide the first document. Also, be aware, that if a neighbor is the buyer, other neighbors cannot cancel the sale.

ה מוציא שם רע

One who defames.

A cantor lost his job after being defamed falsely. Once he was exonerated, he tried to get his job back, but the congregation had already signed a contract with another chazzan. The victim sued the gossip monger in Bais Din, for his lost wages

The Terumas Hadeshen ruled:

- His behavior was reprehensible in making a false accusation.
- He may be excommunicated until he appeases the victim.
- Bais Din can fine him to deter others.

Bais Din does not have the authority to force him to pay, since the lost wages were indirect damages and his offense was done only verbally.

After being appeased, the cantor must forgive the gossiper and not deny him forgiveness.

אַשְׁכַּחַן עֲבוֹדַת כּוֹכָבִים

One who worships idolatry.

Rav Eliezar Yehudah Waldenberg, the Tzitz Eliezer, quotes the Rav-Rabbienu Nissim that even though those who worship Islam, do not worship their prophet as a deity. Nonetheless, they bow before him. Since, one does not bow to honor the dead, because we consider that idolatry. The rule is that we may not enter a mosque.

Dayan Feinhandler and Teshuvos Chut Hameshulash permit Jews to construct a mosque. It is not a necessary part of Moslem worship, but only a place to gather and since they permit Jews to construct a mosque Jews, can certainly enter a mosque.

כָּל שֶׁבַח נְעוּרִים לְאָבִיהָ

All the revenue of an unmarried girl, goes to the father.

“All the praise of youth is the father’s”.

R Shmuel Aharon Leider used this phrase to admonish his young student. The strength of one’s younger years should be devoted to the ‘AV’, “the Father”, who is in Heaven.

שְׁלֵא כָּתַב לָהּ אֶלָּא עַל מְנַת לְכוּנְסָה

He only wrote that on condition that they would marry.

A groom, who died before the wedding, does not have to pay the bride the supplemental kesubah money.

A person who bought a cow, and it died before he had a chance to use it, cannot nullify the sale. Everyone knows a cow might die before it is used. The buyer accepts that risk. People don't consider that a bride or groom will die before marriage, and since that was not contemplated, the groom's heirs do not have to pay.

A father-in-law agreed to provide financial help to the young couple for three years. However, when he learned that his son-in-law went into business, he said, "I will pay no more". "I only offered, so that he would learn full time." However, since that was not specified, he should continue to pay.

הַאֹמֵר אִם מֵתָהּ לֹא תִקְבְּרוּהָ מִנְכָסָיו

If anyone says, “If (my wife) dies, do not bury her with my money”.

Not only must a man bury his wife, he must even bury her twice, if necessary!

The grave of a buried woman was unburied by grave robbers and they left the body unburied.
Is the husband obligated to pay for her second burial?

If a wife is a captive, the husband must ransom her. However, if she is taken into captivity a second time, he may divorce her and pay her for her kesubah. He does not have to pay a second ransom.

Seemingly, a husband does not have to provide his wife with a second burial. The cases are not comparable. As a captive, she has the kesubah money and can pay for her own ransom. Since he divorced her, he has no obligation to free her. In our case, he can't free himself by divorce and he is not allowed to burden her family with his obligation to bury his wife.

עוֹרְבָא בְּעֵי בְּנֵיהּ וְהָהוּא גְבָרָא לֹא בְּעֵי בְּנֵיהּ

Even the cruel raven feeds it's young, but so and so refuses.

Is it permissible to publicize the name of a person who does not pay his debts?

We learn (from Kesubos 49b) that a person who refuses to feed his young children should be publically shamed into doing his duty, even by announcing it in the market. If it is permitted to embarrass a person for not fulfilling his moral obligation, how much more so may we embarrass him for not paying the fair share of his financial or civic obligations.

אָבֵל אָמִיד כְּפִינֵן לִיה עַל כְּרַחֲמֵיהּ

But if he is wealthy, we force him to support (his children) against his will.

May a woman who knows her husband is stingy, take money without his knowledge and give it to charity?

Noda B Yehudah - Only Bais Din is authorized to force a person to give Tzedakah. His wife may not decide on her own. When Bais Din does it, it is done openly in front of him. Otherwise, it is theft!

Aruch HaShulchan Rav Yechiel Michel Epstein- We no longer have a Bais Din who can forcefully take money from a person. Why should the needy suffer. The community can decide how much each person must give and it is that person's responsibility to pay it.

דָּרָבָא כְּפִייהּ לָרַב נָתַן בַּר אַמִּי וְאַפִּיק מֵינִיָּה אַרְבַּע מֵאָה זוּזֵי לְצַדָּקָה

Rava coerced Rav Nassan bar Ami and took 400 zuz for charity.

How could he coerce him? The Torah stipulates a reward (Deut 5:10), “In return for your charity. God will bless you in all your efforts, etc”. No court can compel compliance for any Mitzvah for which the Torah stipulates a reward (Hullin 110b).

There are two negative commandments regarding charity, ‘lo teamatz’ “don’t harden your heart”, and, ‘lo tikpatz’, “don’t close your hand against the needs of your fellow”.

Rabbi Woszner, R Zorgea say- That a person can be coerced to give a blood transfusion to save the life of another person and also be coerced to give a bone marrow on the basis of these two negative commandments..

הַמְבַזֵּב אֶל יְבֻזוֹ יוֹתֵר מֵחֹמֶשׁ

Someone who gives funds to Tzedakah, may not distribute more than one fifth of his funds.

Rav Moshe Feinstein - Does this rule of Usha create a prohibition or is it merely good advice?

The Gemara challenges Mar Ukva, when at the time of his death, he intended to give away more than 20%. If Usha's pronouncement is merely good advice, there is no need to restrict one's donation at the time of his death. True, but he should not give away so much as to effectively disinherit his children.

Shulchan Aruch - Obligates those who are able, to provide for the poor, even beyond the 1/5th limit.

R Yitchak Weiss and Minchas Yitzchak- Since there are many poor people, one who has the financial means, is certainly permitted to donate more than one fifth of his estate to Tzedakah.

הַמְבַזֵּב אֶל יְבֻזוֹ יוֹתֵר מֵחֹמֶשׁ

One who lavishes money on Tzedakah, should not lavish more than one fifth of his assets.

He may not give more than 1/5th:

- Also a person who is only giving charity to fulfill the Mitzvah, but otherwise feels resentful toward those who take.
- But those who give with their whole heart may give more. It makes them feel good.

Rav Eliashiv - People may give more.

Divrei Chaim of Sanz - If a person is giving Tzedakah to atone for his sins, he may give as much as will provide his atonement.

R E Chaim Meisel said- “I sinned by giving more than 20% and so I gave more to atone for that sin!”

„הוֹן-וְעֶשֶׂר בְּבֵיתוֹ וְצַדִּיקָתוֹ עֹמֶדֶת לְעַד“

One who has wealth and riches in his house, his righteousness endures forever.

How can a person be righteous, if his wealth remains in his house?

- If he is rich in Torah, he can teach others.
- If he writes Torah Scrolls and shares them or lends them to others.
- If he gives Tzedakah. He is not losing money and he earns a Mitzvah.
- If he tithes, he will become rich. (“Tithe you shall tithe” - Dev 14:22)
- If one purchases books and donates them to a local Yeshiva, Bais Midrash or shul.

In all these cases, a person can share his riches at no cost to himself and his righteousness endures forever.

15 - Kesubos 50b2 line 23 A16
Bleich 4:45

אָמַר לְהוּ רַב נַחְמָן זִילוּ אֶהְדְּרוּ

Rav Nachman admonished the judges of Nehardea to reverse themselves.

“A Bais Din does not scrutinize the actions of another Bais Din”. Only the Bais Din having original jurisdiction, can acknowledge its error and vacate its judgment. They must be prevailed upon to concede their error.

Sanhedrin 33a - A scholar, greater in wisdom and stature, may overturn a judgment on grounds of judicial error, regarding a matter of law; Or a person appointed by the Exilarch to judge the entire area and to whom the other judges are subservient. He may overturn the Bais Din’s judgment.

שֶׁאֵף עַל פִּי שְׁלֵא נִתְפָּשָׁה מִוִּתְרָת וְאִיזוּ זוּ
שְׂקִידוּשִׁיהָ קְדוּשֵׁי טְעוֹת

Even though she was not forced, she is permitted. Who is this? A woman whose betrothal was a mistaken betrothal.

A woman had, what she thought was an adulterous affair, but learned that her husband had actually died before she was unfaithful. An unfaithful wife is not allowed to her husband, nor to the paramour. But here she was not a wife but a widow. Is she still prohibited to the paramour since she intended to be unfaithful?

Rav Chaim Yosef David Azulai (quotes the Birkei Yosef) -That reality, not intent, is what determines the law and here, there was no adultery.

נְשִׁיבִית וְהָיוּ מִבְּקָשֶׁיךָ מִמֶּנּוּ עַד עֲשָׂרָה בְּדָמֶיהָ
פַּעַם רִאשׁוֹנָה פּוֹדָהּ

A husband has the obligation to redeem his wife the first time she is a captive, even if he must pay 10 times her value.

The Mishneh (in Gittin 45a) rules that it is forbidden to redeem captives for more than their actual value. So that we:

1. Not overly burden the community.
2. Don't encourage kidnapers.

Here, the husband assumes the entire burden and even though it might encourage the enemy, we allow an individual to spend his own money as he chooses.

The obligation to redeem one's wife extends to only one event. He is not obligated, if she is kidnapped a second time. He may divorce her and not pay anything further.

לֹא תִהְיוּ בְעִבּוּרֵי אַחְסֵנְתָא אֶפִּילוּ מִבְּרָא בִישָׁא לְבָרָא טָבָא

Do not be present when an inheritance is transferred, even from a bad son to a good son.

Chasam Sofer - It is permissible to disinherit a bad son. A bad son is a heretic. Or one who is not careful in his fulfillment of the Mitzvahs, or is disrespectful to his parents.

Maharam Shick - A son who does not practice Judaism will not produce a grandchild with Torah values and may be disinherited.

Tosophos (in Avodah Zorah) - We are not permitted to transfer an inheritance, even from a son who is a heretic.

R Moshe Feinstein - If the son believes in HaShem and God's Torah, and sends his children to a day school, even though he is wicked, he might have upright children. But, if not, it is permissible to disinherit such a child.

אִשְׁתִּיק וְנִתִּיב

(Yehudah) sat silently.

Two great Rabbis had a disagreement.

-One was a guest in the house of the other and he brought enough beer for all the household guests of his host.

-The host objected, but was told by the guest Rabbi, that there is a Tosophos in Shas that recommends that a guest bring drinks to the host's household.

-The host Rabbi said, "There is no such Tosophos".

-The guest Rabbi smiled and said no more.

-The host Rabbi, when reviewing Kesubos 57b, indeed found in the last Tosophos on the page, exactly what his friend, the guest Rabbi, had quoted.

-The host Rabbi told all his students what a great scholar the guest Rabbi was and that he was exceptionally impressed by the guest Rabbi's ability to be silent about the fact that he was correct.

סָבַר הֵהוּא מִיִּרְתַּח רְתַח

We thought he (was silent because he) was angry.

Does silence constitute admission?

Is a person, who is silent when hearing accusations in Bais Din, admitting that those accusations are true or protesting the jurisdiction of the tribunal? Does he have to respond?

If there is an open meeting of the community and decisions are made, are those who were not present (even though they were given proper notice of the scheduled meeting), obligated to follow the decision, indicating their silent approval? Or is their absence a silent protest against the authority of that gathering to obligate them? We see from our Gemara, silence can be a protest, rather than an admission.

Bais Din must analyze each case of silence to determine its meaning.

נְדוּנְיָא לְבֵרַת זֶל נְדוּנְיָא

Give money for my daughter's dowry and the standard dowry dropped in price.

Can he now give the lesser amount? What if the cost of the dowry increased?

Do you have to honor a pledge to donate an item, if the value of that item increased?

What was his intent?

-To donate that item no matter its value. If so, he must honor his pledge to donate it.

-Or did he intend to donate something that has a certain value and had no intention of making a greater contribution. If so, he may donate the money the item had been worth originally.

Another case: You rent out your condo and agree to pay for the parking spot, as part of the rental price. The parking fee goes up greatly. If you have not specified a limit on the amount, you, as landlord, will pay for your tenant's parking spot in the lease, you are obligated to pay for his parking, until the end of the lease.

דְּשִׁמְעִינוּ לַיהוָה לְרַבֵּי נְתָן דְּאָוִיל בְּתַר אִוְמְדָנָא

Because we learned R Nosson follows presumptions.

May we use Tzedakah funds, given for a particular Tzedakah institution, to a different one, if circumstances change?

Minchas Yitzchak- (cites Shulchan Aruch)-Once money was collected for one purpose, it may not be redirected for a different purpose.

People were kidnapped and money collected for their ransom, but before it was paid, they were set free. Can we give them the money or use it for other community Tzedakah needs or must it be returned to the donors?

Afroksta D'Anyah advised to return the money to the donors or consult with them about the distribution of the funds.

אִרְבַּס כְּתוּבָתָהּ

Her Kesubah became lost.

Go and write a new one for her.

What to do if a Kesubah is lost or destroyed? Or merely misplaced?

Gemara and Shulchan Aruch - Even if it is lost for a moment, a new Kesubah is required. But, if the couple merely can't remember where it is, it is not yet considered lost.

During WWII and at the siege of Jerusalem in 1948, people had to leave their homes and their belongings and were not certain they could ever return.

Rav Ze'ev Mintzberg informed the Jews of Jerusalem that their wives were prohibited to them, until a replacement Kesubah was written.

שֶׁהַבְּטָלָה מְבִיאָה לְיָדֵי זִימָה

Idleness leads to unchastity.

Idleness leads to:

- Mental disturbance.
- Avaricious desire for easy money.
- Unchastity.

The generation of the flood lived in idleness. After the flood, man was compelled to plant, reap, harvest and toil to provide for his needs. He had less time for idleness and sin.

אֵין אִשָּׁה אֶלָּא לְיוֹפִי

A woman is only for beauty.

Tosophos (in Taanis 45) - It is not necessary to examine a woman's yichus, only her beauty.

Maharam of Rottenberg - A married woman should not fail to adorn herself, at home and in public.

Gemara (Taanis 23b) - The wife of Abba Chilkiyah adorned herself, so her husband would not be attracted to other women.

Rav Yosef Chaim of Baghdad - A woman should take precautions to maintain her beauty.

R Moshe Feinstein - Plastic surgery for beauty is permitted by our Gemara.

שְׁבִין הַשִּׁנַּיִם מוֹצְצוֹ וְאֵינוֹ חוֹשֵׁשׁ

Blood that is between his teeth, one may suck and swallow it and not be concerned.

Blood must not be consumed.

However, blood that is still between one's teeth and has not come out of the mouth, may be sucked out of the teeth, into one's mouth and swallowed.

Rashi explains - Blood, that is, for example, on a piece of bread from one's mouth. The bread is prohibited, because another person might see you eating it and think you are eating the blood of an animal which is not permitted. Here, since the blood has not yet come out of the mouth, no one can be misled and it is permissible to swallow it.

15 - Kesubos 60b2 line 43 B26
Bleich 3:123

בּוֹלָן צְרִיכוֹת לְהַמְתִּין שְׁלֹשָׁה חֳדָשִׁים

All must wait 3 months.

A widow or divorcee is forbidden to enter into a new marriage, until a three month waiting period has elapsed, following the termination of the prior marriage. This is required in order that there be no question regarding the paternity of a future child.

However, even a post-menopausal woman, or one who had a miscarriage after the death of her husband, or a woman who lacks a uterus, or whose husband was in jail, overseas, too old or sick, notwithstanding, all must wait three months to marry. The decree is universal, even for women who could not possibly become pregnant. Why? For fear that other women may, mistakenly, fail to observe the three month waiting period.

לְחַיִּים נִיתְּנָה וְלֹא לְצַעַר נִיתְּנָה

For life, was a woman given in marriage to her husband, not for suffering.

Vex her not, for God notes her tears.

This is an admonition that a man should not verbally or otherwise, abuse his wife, whom he has, by the wedding contract, vowed to honor.

Modern readers argue that wives, as well as husbands, are duty bound to avoid verbal abuse. Each party can feel hurt by such remarks.

חֹזֵי רוּחַ צָרַעַת דְּקָא פְּרָחָה עִלּוּיָהּ

I saw a spirit of Tsara'as floating around him.

Rashi - Rashi put his own life in danger to save Mar Zutra from danger. Is it appropriate to put yourself in danger to save another?

Radvaz - A person was threatened that he must allow a non-life endangering injury or his friend would be killed. He should not do so and to do so is foolish piety.

Chasam Sofer - If the actual danger to the donor is not great, nor life threatening, he should take that risk and save a life.

Aruch HaShulchan - Every case must be judged on its own. However, in general, a person should not endanger himself to save another.

אלו נשותיהן של תלמידי חכמים
שמנדרות שינה מעיניהם בעולם הזה ובאות לחיי העולם הבא

This refers to the wives of Torah Scholars who refrain from sleep in this world and enter the life of the World-to-Come.

The Gaon Chida asked, “If the wives of the Torah Scholars receive ½ the credit for the learning of their husbands and those who support them financially receive half the reward for the Torah that was studied, what is left for the scholar himself?”

Those rewards do not diminish the reward or the benefits of the Torah Study for the scholar himself.

סֵוִי לְבָהּ פָּרַח רוּחָהּ

Her heart realized and her spirit departed.

Rabbi Chanina returned home after 12 years of study and upon seeing him, his wife died. He cried out to God, “Is this the reward for her faithfulness through the years of my absence?” And she was resurrected. There is no mention of the need for a new betrothal and marriage ceremony.

This is used as a precedent, that after heart stoppage or transplant, no change in marital status has occurred and there is no need for betrothal and remarriage.

בְּעָא רַחְמֵי עָלֶיהָ

He therefore, prayed for her.

R Yehudah HaNasi's son's wife could not get pregnant. Her husband was advised to divorce her and marry someone who could conceive. He answered, "People will say she loyally waited all these years in vain!!" He was advised to take a second wife. The husband said, "People will say, 'This is his wife and this one is his concubine'. Therefore, he prayed for her and she was able to conceive.

This was one of the arguments used in the middle ages. Even though polygamy was permitted, it was frowned upon, as we see from above. Of the more than 2000 sages mentioned in the Talmud, not one had two wives. It was outlawed entirely by Rabbienu Gershom of Mayence, (who died in 1028) according to his famous 'Takkanah', "revision", of the law.

„הַחוּט הַמְשֻׁלָּשׁ לֹא בְמַהֲרָה יִנָּתֵק׃׃ זֶה רַבִּי אוֹשְׁעִיָּא בְּנוֹ שֶׁל רַבִּי חָמָא בַּר בִּיסָא

The three ply card is not easily broken. This refers to R Oshaya, son of R. Chama, who was the son of Bisa.

Rabbi Chama bar Bisa traveled to study Torah and was gone for 12 years. When he finally returned, he first went to the local Yeshiva and sent a message to his family that he would soon arrive, so they would not be shocked by his sudden appearance.

While in the Yeshiva, he was asked very insightful questions by a young man. Rabbi Chama felt a pang of disappointment. He thought, “If I had not gone away for so long, I could have learned with my own children and they would be as knowledgeable as this young man”. Rabbi Chama then went to his own house and was pleasantly surprised to find this same young man there. He indeed, was the young son he had left 12 years earlier. R Chama and his father, Reb Bisa, were scholars and the 3 ply rope is not easily broken.

רַבִּי עֲקִיבָא רְעִיָא דְבֶן כַּלְבָּא שְׂבוּעַ הָיָה

R Akiva was a shepherd for Ben Kalba Savua.

Rabbi Akiva's wife was the daughter of the wealthy Kalba Savua. She recognized the extraordinary potential of the ignorant shepherd, who worked for her father, and agreed to marry him, if he would go to the Yeshiva to study. Her outraged father removed her from his home and made a vow forbidding her to benefit from his resources. When Rabbi Akiva returned 24 years later as a great scholar, his father-in-law not recognizing him, asked how he could nullify his vow.

“Had you known that your daughter's husband would become a great scholar, would you have made such a vow?” “No”, said Kalba Savua. “Then your vow was made on a mistaken premise and may be annulled”.

לֹא מִיִּחְוֵי בְּשֶׁכֶר שָׁבֵת

It does not have the appearance of Sabbath earnings.

Are you permitted to earn money on Shabbos?

Can you earn income if your store is open on Shabbos?

Can you earn interest in a bank on Shabbos?

Can you keep the winnings from a lottery, when the drawing occurred on Shabbos?

Can you benefit if your cow gives birth to a calf on Shabbos?

קָטָן בֶּן שֵׁשׁ יוֹצֵא בְּעִירוֹב אִמּוֹ

A child of six goes out with its mother's eruv.

Custody of children is not automatically a parental right in Jewish law. Children in a divorce are considered best served by a parent of the same gender, but that can be overridden by consideration about the best interests of the child. Even in a situation where the child might end up in a foster home, or with relatives, or others in the community, or even with non-Jews protecting the child from 'Pikuach Nefesh', is the overriding consideration.

הכל כמנהג המדינה

All matters related (to the kesubah) follow local custom.

A baby was born to a couple. Her mother had the same name as his deceased mother. He wanted to name the baby girl in honor of his mother's memory. His wife objected since her mother of the same name, was living.

If the couple lives in a place where it is the custom not to name a child after a living ancestor, they should choose another name.

15 - Kesubos 66b3 line 41 A21
Weiss 408

מִלַּח מְמוֹן חֶקֶר

The salt (preservation) of money is its distribution.

Others read not ‘chaser’, but ‘chesed’. You preserve your money by distributing it in the exercise of charitable deeds.

„אֲשֶׁר יִחְסַר לוֹׁׁ אֶפְיָלוֹ סוֹס לְרִכּוּב עָלָיו וְעַבְד לְרוּץ לְפָנָיו

Whatever is lacking for him (Deut 15:8), even a horse to ride upon and a servant to run before him.

Rambam (Hil Matnoth Aniyim 7.3) - Provide an impoverished person with that which he is accustomed to live with.

Tzanzer Rav - R Chaim Halberstam - Charity is to be dispensed according to the psychological, as well as, the physical needs of the person.

הַמְבַזֵּב אֶל יְבֻזוֹ יוֹתֵר מִחֻמֶּשׁ

One who lavishes money on charity, should not lavish more than a fifth of his assets.

It is prohibited to give more than 20% of your earnings to charity.

Do we really need a law against such generosity? Are people likely to be that generous that we must prohibit it?

The Rav of Ponevitch was asked to speak at an assembly memorializing the millions of Jews killed by the Nazis. He asked what can we do to properly remember them? “Light candles? Stand for a moment of silence? We can all become parents of their orphaned children. We can adopt them. We can build an orphanage for them. We can educate them so they grow up knowing their Jewish origins. Let us all give in this spirit from our financial resources”. Once a charitable heart is opened, the urge to give is irresistible.

הַמְקַבֵּל צְדָקָה וְאֵין צָרִיךְ לְכֹךְ הַמְקַבֵּל צְדָקָה וְאֵין צָרִיךְ לְכֹךְ עַד שְׁיֵבֵא לְיָדֵי כֹךְ

One who accepts charity, but does not need it, will not depart from this world until he experiences such a need.

If someone (67b) has money of his own, but decides to take money from the community fund, we give him money as a loan and the funds are to be paid back after he dies or before. He has not tried to mislead us.

However, if a person falsely portrays himself as a pauper or as an invalid, he will become destitute or afflicted with the condition he feigned. If he dies as a wealthy man, he will return to earth in the future as destitute or afflicted. He will have to atone for misrepresenting himself.

הַמְקַבֵּל צְדָקָה וְאִין צָרִיף לְכֹף הַמְקַבֵּל צְדָקָה וְאִין צָרִיף לְכֹף עַד שְׂיֵבֵא לְיָדֵי כֹף

One who accepts Tzedakah, but does not need it, at his end, will not depart from this world until he experiences such a need.

Shulchan Aruch - A wealthy person who is stingy and won't spend his money to buy food is not permitted to take Tzedakah.

Teshuvos Shevet Hakehasi - A pauper who can get a job, but does not, is also not permitted to take Tzedakah. However, if he has wives and children, he should be given money for their sake, since they should not be made to suffer.

תְּלַח לִיּוֹה רַב לְרַבִּי בֵּינַי חֲטִי

Rav had an inquiry, between the lines (via a letter he sent) to Rabbi .

He asked a halachic question or a Dvar Torah, mixed into a letter of worldly matters. This is a questionable practice. Some suggest that separate sheets of paper should be used for Torah topics.

The Stiepler Gaon – Rav Yisroel Yaakov Kanievsky wrote- That sending Devrei Torah on torn paper is not appropriate. It is like sending someone half an esrog.

Mishneh Halachos responded that the two are not the same. When sending an esrog, the gift is the esrog, so that sending half an esrog is disrespectful. However, when sending Devrei Torah, the paper is not important, rather it is the Torah.

Don't look at the container, look instead at the contents.

מאי,, וְהָחִי יִתֵּן אֶל-לְבוֹ" דְּבָרִים שֶׁל מִיתָה

What does it mean the living should take to heart matters of death.

R Meir - The living will take to heart those things that go along with death.

Rashi - The living will learn the reciprocity in human affairs.

Maharsha learns -No person is immortal. He, too, will someday reach this same end. He may be inspired to do the kind of good deeds that he hopes will be mentioned at his own eulogy. He gives solace to his friends anticipating their reciprocity to his own family. He is spurred forward, not to procrastinate, in accomplishing his goals.

הִיכִי דָּמִי אִי דִּינָדַע נִפְרוּשׁ אִי דְּלֹא יָדַע מִנָּא יָדַע

A woman forfeits her kesubah, if she violates the laws of Moshe and Israel.

An example: She feeds her husband non-kosher food.

Questions: -Was the husband unaware? If aware, he could refuse.

-Did she try, but failed, because he found out?

-Did she succeed in feeding him non-kosher food?

-Was she just trying to tease him, but never meant to actually do it?

Even if she did not succeed, we fear she might try again and be successful.

Therefore, even an attempt justifies divorce.

Shulchan Aruch rules- She can be divorced only if she succeeds in feeding him non-kosher food, but not if she failed in her attempt.

כָּל הַמוּמִיּוֹת הַפּוֹסְלִין בְּכַהֲנִים פּוֹסְלִין בְּנָשִׁים

Any blemish that disqualifies a Kohen, disqualifies a woman.

- She had an extra long nose.
- She had an overly large lower lip.
- She has a deep voice.
- He was told she is 28, but in fact, she is 38.

If the blemish would disqualify a Kohen.

For example:

- Is severe enough for people to laugh at her.
- Interferes with her ability to have a large family.

These are all within the rights of a groom to break off the engagement.

שֵׁאִין אָדָם עוֹשֶׂה בְּעִילָתוֹ בְּעִילַת זְנוּת

A man does not intend his relations to be wanton.

There were many marriages in Russia that were only civil marriages, as religious ceremonies were not allowed and in fact, people pretended not to be Jewish.

Do we consider them properly married?

R Yitzchak Zilberstein wrote-If the couple could not marry properly because of prejudice, or did not know that they should marry halachically, their relationship would constitute 'kiddushin' "proper marriage".

„וְלִצִּיּוֹן יֵאמַר אִישׁ וְאִישׁ יֵלֶד-בָּהּ וְהוּא יְכוֹנֵנָה עַלְיוֹן“

But of Zion, it may be said, man and man was born in her, (Psalms 87:5) And He will establish her on high.

This presages the modern law of return of the state of Israel.

Maharsha explains-All people are referred to by the land of their origins. They are called Babylonians or Philistines. However, in regard to Zion, not only are those who are born there, called a citizen, but also anyone who anxiously and confidently looks forward to living there, will be considered as having been born there.

„וּלְצִיּוֹן יֵאמַר אִישׁ וְאִישׁ יֵלֶד-בָּהּ וְהוּא יְכוֹנֵנָה עַלְיוֹן“

But of Zion, it may be said, “man and man was born in her”. (Psalms 87:5) And He will establish her on high.

Both he, who was born there and he, who looks forward to seeing it, are considered to have been born there.

Both are considered children of Zion.

R Aron Soloveitchik - This concept is the basis for the law of return, to the effect that every Jew is entitled to enter and settle in Israel, whether he was born there or he yearns to see it. The repetition of the word ‘ish’ teaches us that.

Rav Sonnenfeld - Any Jew who yearns for Zion, is as one who was born there.

(Daf Yomi Digest)

אָבֵל בְּמוֹמִין שֶׁבְּגָלוֹי אֵינוֹ יָכוֹל לְטַעוֹן

But when it comes to visible blemishes, the groom cannot claim he was unaware and cancel the Kiddushin.

Blemishes that disqualify a Kohen, disqualify a woman. Age does not disqualify a Kohen, since it is not mentioned in BT Chullin 24.

A man agreed to marry a woman, who, he had been told, was 28 years old, but he learned she was at least 38. May he break the Shidduch?

Dovev Meisharim - Those criteria relating a woman to a Kohen, only include physical blemishes. Not all defects are physical. Here, her age likely prevents the husband from fulfilling his obligation to procreate and may permit him to break the Shidduch.

In another, similar case, the engagement period was three years and we assume the young man knew the actual age of the woman. In that situation, he has no right to use her age as a pretext to break the Shidduch.

אֵין אָדָם שׁוֹתֶה בְּכוֹס אֶלָּא אַם כֵּן בּוֹדֵקוּ

A person does not drink from a cup, until he checks its contents.

This maxim relates to the obligation to check for blemishes, before entering into a marriage contract.

One may check on physical blemishes, but also on blemishes in character, miserliness, temper, tendency toward exaggeration, secretiveness, etc.

רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי מִיכָרְךָ בָּהוּ וְעָסִיק בַּתּוֹרָה

R Yehoshua ben Levi attached himself to them and studied Torah.

How could R Yehoshua ben Levi put his life at risk, to study with people who have a contagious disease? Is it not forbidden to knowingly put yourself in danger, even to perform a Mitzvah and rely on HaShem performing a miracle to protect you?

R Elchonon Wasserman and the Meshech Chochmah (Rav Meir Simcha of Dvinsk) suggest that such a concern does not apply to the study of Torah, publically, with such contagiously ill people.

Tzitz Eliezer – Permits doctors to treat patients with contagious diseases.

Rav Chaim Falagi ruled -Congregants may prevent a physician, who treats communicable diseases, from coming close to them in Shul, for fear he might transmit a disease.

Tractate
Kesuvos
Volume III
78a1 to 112a3

יֹרְשֵׁי הַבַּעַל קִבְּרֵי לָהּ דְקָא יִרְתֵי כְתוּבָה

The heirs of the husband bury her, since they inherit her kesubah.

Reuven rented his store to Shimon. Shimon did a favor for Reuven and in appreciation, Reuven reduced the rent rate to Shimon. Later, Levi rented the same store and they agreed Levi would pay what Shimon paid. But Levi had in mind the discounted rate and Reuven had in mind the full rental rate.

Maharsham (Rav Shalom Mordechai Schwadran) ruled in favor of Reuven. It is as though Shimon paid the full rent and Reuven returned some money to Shimon for his favor, as in our Gemara.

Since the Yevamah could have collected some of her kesubah and she did not, we look at it as if she collected the money and then gave it to the Yavam.

אומר לה לְכִי אֶצֶל בְּתוּבְתִיךָ

He (the husband) would say to her, “Go to your kesubah.”

How should we plan the payment of the kesubah?

One suggestion: Place 200 zuz for her kesubah in her father’s house. We are concerned that since the money is already assigned, it would make divorce less difficult. He would be quick to divorce her, since he would lose nothing by doing so.

Second suggestion: Place a lien on all of his property, such that none of it could be used, until the kesubah is paid. This would more than likely, cause him to pause in his thoughts of divorce.

הִתְקִינוּ שִׁיהִיו מְנִיחִין אוֹתָהּ בְּבֵית חָמִיהָ

They enacted that the kesubah money would be stored in her father-in-law's house (i.e., her husband's house).

Rashbash (R Shlomo ben Shimon Duran) states -It is not appropriate for the woman to leave her kesubah in her husband's possession. There is concern that if he gets angry, he may destroy it.

R Shlomo Zalman Auerbach - The husband may be allowed to know where the kesubah is, but it should not be in his domain.

R Moshe Feinstein - The wife should store the kesubah with her other valuables. Her husband may store it for her, if she trusts that he will give it to her, if she needs it.

R Manasseh Klein - It is acceptable to store the kesubah in any location, as long as it is safe.

בְּכוֹתֵב לָהּ וְעוֹדָה אַרוּסָה

The husband may relinquish his rights in her property, when he writes it, while she is an **arusah**.

A person agreed to serve as a broker for a business deal or as a Shadchan, for no pay. Later, he changed his mind and requested to be paid. Can he do so?

R Nissim - A person cannot acquire an object that does not yet exist. So too, he may not waive a right that does not yet exist. The broker had no right to a fee until the transaction is completed, so he waived nothing, when he waived his right to be paid!

So, if the person waived his right, but later changed his mind, he needs to be paid.

פְּרִיעַת בְּעַל חוּב מִצְוָה

Paying back a loan is a mitzvah.

R Chaim Soloveichik challenges us by the halachic principle, that a person does not need to spend more than 20% of his assets, to fulfill a mitzvah. Therefore, if a person borrows money, he should only need to pay back up to 20% of his assets and no more.

L' Horos Nossan - One who does not pay back a loan is a thief and violates a prohibition. One must spend without limit, to avoid performing a prohibition. The limitation of spending more than 20%, relates only to a positive commandment.

וְאֵלֹוּ נִשְׁבְּעִין וְנוֹטְלִין

The following are cases where they take an oath and collect.

- The shopper claims he paid off all his debts.
- The storekeeper says, “According to my ledger, you still are in arrears.”

Our Gemara - The storekeeper takes an oath and collects his debt.

The storeowner’s ledger is not accepted as the sole evidence, but it is enough to force the shopper to take an oath denying that he owes any additional monies.

לֹא שָׁנוּ אֶלָּא לְכַתּוּבַת אִשָּׁה מִשּׁוּם חֵינָא

A woman may collect her kesubah from the estate of her former husband, even in his absence.

We allow this because of “favor”. The wife should feel secure that she will collect her kesubah, even if the husband is not present. An ordinary creditor cannot do that even with an oath, according to strict halachah.

However, Rava and R Nachman do extend this right to ordinary creditors, in order to encourage people to lend money to others. Rambam (Hilchos Malveh u' loveh 13:1) agrees and stresses that this is an enactment of the rabbis (takkanas chachomim).

We do not allow a creditor to collect in the absence of the debtor, because we are not certain whether the debt has already been paid and the debtor may have a receipt to that effect. Also, we can't go to a guarantor, until we have verified that the loan is in default.

שְׁלֵא יִהְיֶה כָּל אֶחָד וְאֶחָד נוֹטֵל מֵעוֹתָיו שֶׁל חֵבֵרוֹ

A lender who wants to collect a debt from a creditor, who is not presently available, must follow several steps.

- He must validate the loan document.
- He must bring evidence that the borrower is out of town and therefore, not available to appear in court. The Bais Din will then find a messenger to learn if he could appear in court before 30 days.
- He takes an oath that he did not receive payment for his loan.
- He must confirm that the property he wishes to collect his money from, is indeed the borrower's property.

Bais Din will stand in for the borrower, to decide which of his assets should be sold, to satisfy the debt.

אָבֵד שׁוֹבְרִי

A person lost his receipt.

His friend had an identical machine, bought at the same time. So he asked to use it, to get the benefit of the warranty service, that his machine needed. Is this halachically permitted?

R Yitchak Zilberstein - What you are planning is not theft, since your machine is still under warranty. The only question is, are you avoiding falsehood? That prohibition is violated only in Bais Din, where a person is actively perverting justice. This case, therefore, does not transgress and is permitted.

Rambam, Tosofos Yom Tov and Chut Hameshulash – all agree.

גַּר שְׁנַתְּגִיירָה אִשְׁתּוֹ עִמוֹ כְּתוּבָתָהּ קַיֶּמֶת

The kesubah of a convert, whose wife converts to Judaism with him, remains in force.

(Yevamos 22a) A person who converts is like a new born child. Is a new marriage ceremony necessary for him/her to remain married? Do we need Sheva Berachos for them?

Lechem Mishneh- They do not require a new marriage.

Noda B'Yehudah says- They do need chupah and Kiddushin.

Shevet Halevi says-They require Sheva Berachos, but only under the chupah, not for seven days (Similar to a case of a man who remarries his former wife).

Chasam Sofer requires a full week of Sheva Berachos. Since this is the first time the converted couple are halachically married (Similar to a Jewish couple who previously had only a civil marriage).

Here we see that, according to some authorities, their prior marriage is recognized and they need no remarriage or Sheva Berachos.

בְּעַל חוֹב מֵאוֹחֵר שֶׁקָּדַם וְגָבַהּ מֵה שֶׁגָּבַהּ גָּבַהּ

If a person borrowed money from two different lenders. The first lender has priority in collecting from the assets of the borrower. But, if the second lender actually collects first, he may keep what he took.

Why is this the law? If the borrower had sold his property, we would have forced the buyer to relinquish it to the lender.

The rule of reversing a sale is designed to give a sense of security to a lender, so that he would be willing to make a loan and could be assured that the collateral would be available to him. The reason we allow the second lender to keep his collected amounts, is to not discourage him from extending a loan either. Both lenders deserve to not have the door shut before them.

אִמָּא לִיחֻשׁ לְאִינְצוּרֵי

I would say we should fear a quarrel.

A friend offered to bequest a large amount of money to the father of a large family. On the condition that after the father dies, those monies would be given to a particular son. The father appreciated the kind offer, but was concerned that this sign of favoritism, might engender the same kind of jealousy that Yaakov's gift to Joseph, of the coat of many colors, created. Which resulted in the catastrophe of 400 years of slavery in Egypt.

Rav Yitzchak Zilberstein points to the case in our Gemara. Where the son of a first wife who died, is bequeathed the kesubah money, the father's estate obtained at her death. It is the law that it goes to her son only. It is not a matter of the father's preference. Here also, the funds were designated by another. It is not the father's preference and should not engender jealousy.

מצוה על היתומים לפרוע חוב אביהן

It is a Mitzvah for the heirs to pay the debts of their father.

A creditor came to collect his 100 zuz. The orphans told him, “Our father left us only this land worth 50 zuz. Here is 50 zuz cash to stop your collection activities”. The creditor exclaimed, “That is only ½ of what I am owed, so also give me the property!!”

Abaye - The cash paid, is interpreted as the orphans paying with their own money for the debt of their father, which is their Mitzvah. Paying his debts from his assets is their obligation. Then the 50 zuz cash, would be interpreted as their having bought it back.

Rav - The Mitzvah to repay the debts of their father only applies to using the assets that they inherited from him. They are not required to pay from their own assets.

Rashba - The Mitzvah applies to both his assets, as well as theirs. If the funds are received from the father, the orphans are compelled to pay off the debts of their father. If they use their own funds, they have a Mitzvah to do so, but they are not forced.

הַנִּי קָמְאֵי מִצְוָה עֲבָדִיתוֹ

Therefore, the first money was in fulfillment of that Mitzvah.

Shimon was kidnapped and would only be released if Reuven would give the kidnapers his expensive ring and Reuven did so. Shimon had previously lent Reuven money and now wanted to collect it. Reuven felt he no longer owed Shimon, because the ring used to release Shimon, was worth even more than the debt.

Rav Yosef Chaim of Baghdad, the Ben Ish Chai, answered from our Gemara, from the opinion of Abaye. - There is a Mitzvah to redeem a captive and we assume that is what Reuven did when he gave up his ring. Had he intended that the ring be a pay back of his loan, he had the responsibility to state that fact explicitly. Therefore, Shimon should be paid by Reuven, what he is owed to pay back the loan.

וְאַתָּא בַּעַל חוּב דְּרֵאוּבִין וְקַטְרִיף

Reuven's creditor comes to collect.

A woman came to Bais Din with a problem. Her new husband was deep in debt and in fact had paid the jeweler with a bad check and he threatened to repossess the ring she had been given under the Chupah.

She wanted a divorce, does she need a get?

R Yosef Shalom Eliashiv ruled- Since the sale of the ring was invalid, she does not need a divorce now. However, since her husband might later pay off the jeweler, the sale might be considered retroactively good and the marriage valid. It is better for her to obtain a get now.

שְׁנַיִם שֶׁהִטִּילוּ לְכִיס זֶה מִנָּה וְזֶה מֵאֵתַיִם הַשְּׂכָר לְאִמְצָע

If two people invest one 100 and the other 200; they divide the profit equally.

Rosh - The one who gave more could have stipulated that he expects to receive a portion of the profits, commensurate with his contribution. Since he did, not we assume he agreed to share the profits equally.

- A business deal is not only based on the amount contributed.
- A partner who gives less money may bring more experience, ingenuity, business contacts, etc., to the deal.
- No profit would come to any partner, if the business did not reach a critical level of investment, so each investor was vital to the venture.

Therefore, unless the larger investor specified otherwise, he can only receive an amount equal to the other partners.

שְׁנַיִם שֶׁהִטִּילוּ לְכִיס זֶה מִנָּה וְזֶה מֵאֵתִים הַשְּׂכָר לְאֶמְצַע

If two people invest one 100 and the other 200; they divide the profit equally

A Yeshiva student bought a raffle ticket and his two friends combined to buy a second ticket. The rule was if you buy two tickets, you get one free. At the drawing their third ticket won. How shall they divide the winnings? “While it is true that without us two, there would have been no winning, because our purchase permitted the free ticket. In actuality, you spent more than we, when you bought the entire ticket. We split the cost of the second, so you should receive 50% of the total income,” offered his friends. “Don’t you recall in Gemara Kesubos, it is necessary for the one who invests more, to specify that he expects a return commensurate with the proportion of his investment and if he did not, they all should share equally.”

They asked their Rebbe, who agreed with their analysis.

הִנְהוּ תְּרֵי שְׁטָרֵי דְאָתוּ לְקַמִּיָּה דְרַב יוֹסֵף

Two deeds of sale for the same property, were brought before Rav Yosef.

Rashi explains that the same piece of land was sold to two persons. One with a document dated “the fifth of Nissan”. The other document merely stated, “Nissan”, without indicating which day in Nissan, the sale occurred. He could only sell it to one, but which was first?

Rif and Rambam understand that the Gemara as dealing with loan documents. Only the first could have a valid lien against the land of the borrower.

Ran writes-If multiple contracts are written on one day, without indicating which was written first, they all became valid simultaneously, at the end of the day.

אִיבְעִינָא לְהוּ אִישְׁתְּדוּף בְּנֵי חָרִי מַהוּ דְּלִיטְרוּף מִמְּשַׁעְבְּדֵי

They inquired, if the free properties become ruined, what is the law?

A person bought land, and verified that the seller still had enough land to satisfy his debts. However, that land became ruined and the lender came after the buyer to invalidate the sale and use the funds to pay off his debt.

Having acted responsibly, the buyers should not suffer a loss, since he were certain the seller had sufficient assets to satisfy his creditors. That is true, but once the seller's land is ruined and no longer is able to cover his debts, the claim of the original lender is stronger than the claim of the buyers.

וְאִין חַיִּיבִין בְּקַבּוּרָתָהּ

The orphans are not obligated to bury the widow.

A man was buried and it was later discovered that there was a woman, not his wife, buried in the grave next to him.

Should the woman be exhumed? It is not customary to bury a man next to a woman who is not his wife, but perhaps the injunction against disturbing a grave is more serious and should be avoided?

R Moshe Feinstein explained- There is no prohibition to burying a man next to a woman.

However, custom has it that certain cemeteries have separate areas for men and other areas for women, or they have a policy of burying only married couples next to each other, alternating man, women, woman, man, etc. If the man's wife desires to be buried next to him, we should move the other woman. If she is not the mother of the orphans, they have no obligation to bury her.

If it is considered shameful to be buried next to a strange woman, we can exhume and rebury the body elsewhere, to end the shame.

וְהִלְכְתָּא וְלֹא אִיצְטְרִיכוּ לִיה זְוִי קְדָרִי זְבִינִי

A person sold his property because he needed funds, However, it turned out that he did not need the money. The sale is rescinded.

Rashi - He did not specifically express that his sale was conditional on his buying the other items.

Ritva - But “we knew” his intentions.

Tosophos - The seller must express his intentions verbally, not just in his thoughts. “Diburim shebelev”, ‘words in the heart’ have no legal weight.

Shulchan Aruch agrees with Tosophos that for the sale to be rescinded, he must explicitly state that the sale is conditional, or it must be “evident” ‘gilui daat’.

דָּבָר שֵׁישׁ לוֹ קֶצֶבָה חוֹלְקִין דָּבָר שֶׁאֵין לוֹ קֶצֶבָה הַבֵּל לְבַעַל הַמְּעוֹת

An item that has a set price, the profit is shared. The profit on an item that does not have a set price, goes to the owner.

An employee buys gas with a company credit card or his gas receipts are reimbursed by his employer. The gas station gives him a big reward a prize for being a great customer. Does the employee own the prize or does it belong to the employer?

Rav Tzvi Shpitz - If the employee pays with his own money, even if he is later reimbursed. the prize is his. If he pays with a company credit card it depends.

-If every customer gets a gift, it belongs to the employer.

-If the employee went out of his way to buy at this particular store, he should be paid extra for his efforts.

מוסיף על דבריו הוא מאי וליתבא מיהא קני

His messenger sold his field, but he sold one twice the size he was supposed to sell.

The second half of the land was clearly sold without authorization, so that half of the sale is cancelled. Do we say since the agent did not follow instructions, he abrogated his role as agent altogether? Is the sale of the first half of the field, also rescinded?

Midrash (Shemos Rabba 14:1) teaches that HaShem sent darkness upon Egypt. But darkness added more than it was commanded to do. This did not invalidate darkness as God's agent.

The sale of more than was authorized is, therefore, found to be compatible with his mission and the agent's actions are not rescinded, as to his authorized services. The sale is good and he gets his commission.

אין אונאָה לְקַרְקָעוֹת

There is no law of price fraud with respect to land.

Two people agreed to have an appraiser determine the value of a piece of land and the appraiser did so, but made a substantial error and undervalued the object. It was no longer a fair market price.

Rav Yitzchak Zilberstein ruled that they would have to live with the appraiser's valuation, if they had made a formal transaction, a Kinyon, to accept it, no matter what. If they had such an agreement and the appraiser made an unprofessional error, the appraiser could be held liable for the difference in price.

Here, there was no Kinyon, so the sale is void.

אָבֵל טַעָה שְׁלִיחַ לְתַקּוּנִי אָמַר לִי שֶׁדַּרְתִּיךְ וְלֹא לְעוּוֹתַי

However, when the agent errors, the principal can say, “I sent you to benefit me and not to harm me”.

The agent is given instructions, which, if he violates, any transaction is rendered null and void. Any sale is reversed, whether it is land or movable objects.

Unless the principal stipulated that the agent is authorized to act on his behalf, whether the outcome is beneficial or detrimental.

The Sma rules-The principal must accept the outcome if he made such a stipulation, only if his instructions were adhered to. However, if the agent did not follow his instructions, the principal does not have to accept the transaction.

אָמַר לְפָנָיו פֶּרְטָא בְּנוֹ שֶׁל רַבִּי אֶלְעָזָר בֶּן פֶּרְטָא בֶּן בְּנוֹ שֶׁל רַבִּי פֶּרְטָא הַגָּדוֹל

Perata, the son of R Elazar ben Perata and the grandson of R Perata the Great, said before him.

Agudah - The custom is to name a child after his grandparents, because every family holds its fathers in high esteem.

Rav Shneituch - The rationale is that naming a child after a Tzaddik, fulfills the dictum of ‘remembering the Tzaddik for a blessing’ and certainly a new baby is a blessing. In addition, the child will be protected by the merit of the ancestor.

Torah Temimah - It reminds the current generation of their link to their past and its traditions.

R Yehudah HaChasid suggests that a man and his wife, not have the same name as their in-laws, which would cause a new child to have the same name as his parent. This is to be avoided.

Particular – precise

The new husband was wise. In particular, he specified exactly what he meant to do. He would support the daughters of his new wife, but only if she remained married to him. If there was a divorce, he would stop supporting them.

Rashi (Bamidbar 16:7) points out that Korach is called clever (Pekach), since he says what appears to be a redundancy, “The entire holy assembly, all of them are holy”. He wanted there to be no misunderstanding. All of the people were holy, since they had heard the voice of God and therefore, Moshe was no holier than any one else.

בְּרַכַּת הַבַּיִת כְּרוּכָה

The blessing of a house is proportionate to its size.

Rashi - The more people living there, the cheaper the cost and there are more people to assist in doing the work.

Shabbos 122a - A lamp for one, is a lamp for a hundred.

כְּבֹד אֶת-אָבִיךָ דְכַתִּיב וְאֶת-אִמְךָ אִשָּׁת אָב הוּאִי

Honor your father and your mother. (But she was not their mother) She was only their father's wife.

Children are responsible to honor their father and their mother (Exod 20:12, Deut 5:16) and respect them (Lev 19:3).

Does this apply to adopted children?

Does this apply to children who are the product of a donor insemination or a surrogate mother?

Does such a child use his father's name when called for an aliyah to the Torah or on his/her Kesubah?

Yes. The social father's name may be used when called to the Torah, etc. Also, the parents have the same obligation to these children, as they would have to biological children.

כְּבֹד אֶת-אָבִיךָ דְכָתִיב וְאֶת-אִמְךָ אִשְׁתְּ אָבִי הִוא

Honor your father and your mother. (But she was not their mother) She was only their father's
wife

It is an honor for children to dwell with their father and an honor for a father to dwell with his children.

This is included in the honor to father and mother. The ideal of giving personal care however, did not become a legal requirement, although these legal texts assume such care.

וַיִּזְוֶה יְתִירָה לְרַבּוֹת אֶת אַחִיךָ הַגָּדוֹל

The extra 'vov' is to include (the obligation to honor) your older brother.

Shvus Yaakov - Does this mean to exclude honor to an older sister?

Teshuvos HaRosh - Includes the admonition to honor an older maternal half brother, since the extra 'vov' is related to the mother, 'v'et imo'.

Rambam - The older brother will someday stand in his father's place as head of the family and as honor to one's parents, one should honor their successor.

Gaon Chida - Rav Chaim Yosef David Azulai cites the Arizal who recommends honoring all other siblings, brothers and sisters alike. It is a Mitzvah for the younger to honor the older, in the family.

אֹתוֹ הַיּוֹם שָׁמַת רַבִּי וְהָאָמַר רַבִּי חַיִּיא בְּטָלָה קְדוּשָׁה

On the day that Rebbi (R Yehudah HaNassi) died, holiness was suspended.

Rabbienu Bachya - In other words, even Kohanim could attend his burial. His death was via a Divine Kiss and not via the Angel of Death. Only the Angel of Death can cause the corpse to convey impurity.

פָּנָיו לְמַעַלָּה סִימָן יָפֵה לוֹ פָּנָיו לְמַטָּה סִימָן רָע לוֹ

If a man dies with his face upward, it is a good omen... his face toward the public, it is a good omen.

R Reuven Margolis - If in one's entire life, a person strives to improve and reach higher and higher levels, it is a good omen for him.

If in one's life, a person turned toward helping the public for their welfare, it is a good omen for him.

Dying with the face upwards, indicates an ascent heavenward; dying with the face downward, indicates a descent into Gehinnom - R Yitzchak Chaver

יְהִי רְצוֹן שְׂיִכּוּפוֹ עַלְיוֹנִים אֶת הַתַּחְתּוֹנִים

May it be the will of the Almighty that the immortals above, overpower the mortals below.

Rebbe Yehuda HaNasi's maid prayed that rather than prolong his agony, he be permitted to die now.

Nedarim 40a - The Ran agreed that there are times when one is required to pray for mercy that a patient should die.

R Yechiel Michel Epstein - Agreed with the Ran (in Yoreh Deah 335:3).

R Eliezer Waldenberg - Insists there is no circumstance when people should pray for the death of a loved one.

R Moshe Feinstein - We cannot use this source (the Ran) to justify praying for a patient's death.

שְׂדֵיָא מֵאִיגְרָא [לְאַרְעָא] אִישְׁתִּיקוּ מִרְחֻמֵּי וְנַח נַפְשֵׁיהּ דְּרַבִּי

She threw it from the roof to the ground. They ceased to pray for mercy and Rebbi died.

Is this a case of withdrawal of care?

Is this a form of euthanasia?

Ran - When a person suffers greatly and there is no chance that he will live, we are required to pray for his death.

Rabbienu Nissim of Gerondi - “It seems to me there are times when we must pray that the sick might die, as when he suffers greatly of his illness and he cannot live”.

אָמַר לָהֶן אַתּוֹן קְאָמְרִיתוּ וְאַנָּא לֹא קְאָמִינָא

He (Bar Kappara) said to them, “You said it, but I did not say it”.

Bar Kappara went out of his way to avoid relating that Rebbe had died, based on a pasuk (in Mishlei 10:18), that ‘one who conveys bad news is a fool’.

Kol Bo writes-Instead, where someone died, it was the custom to pour out a basin of water and that would convey the information without words.

Pele Yoetz - Bad news should be hinted but not stated explicitly.

Teshuvos Salmas Yosef suggests that publicizing in the newspaper in writing, but not by voice, is preferable.

Rav Chaim Falagi - If the matter will become known anyway, the restriction against sharing bad news does not apply.

לא לִידוֹן אִינִישׁ דִּינָא לְמֵאן דְּרַחִים לִיהּ וְלֹא דְרַחִים לִיהּ לֹא חֲוֵי לִיהּ חוּבָה

No man can see the guilt of his friend, whom he loves or the merit of the one, whom he hates.

Hence, a man should not be a judge either for one whom he loves or for one whom he hates.

My friends can do no wrong and my enemies can do no right.

הַאִי עֲשֵׂה וְהַאִי עֲשֵׂה

This is a positive commandment and that is a positive commandment.

Why is a Beis Din not empowered to review the action of another Beis Din?

Dosa ben Horkanos - If such a review were to be undertaken we would need to authorize review of every Beis Din decree since the time of Moses. The Mishneh does not say review is prohibited, merely that it is unnecessary and superfluous.

If the ruling is final and this is the end of the process and the process of ‘justice being judged to your fellow’ is a mitzvah, why does the Beis Din not make a bracha each time they announce their decision?

Perhaps, because the litigants may refuse to carry out the dictate of the court. But that should not invalidate the judgment the Mitzvah has been accomplished with the court’s judgment.

15 - Kesubos 106a2 line 38 B32
Bleich 2:127

מְגִיְהֵי סְפָרִים שְׁבִירוּשָׁלַיִם

Those who correct manuscripts in Jerusalem and

those who teach the laws of ritual slaughter, may receive compensation for their efforts from Temple funds.

This passage was used by the Chasam Sofer to issue a charum against competitors of a published work (a Siddur), from publishing a competing siddur. This worked similar to a copyright law and was limited to a specific number of years. He wished to protect the investors who underwrote the religious work from loss and to encourage similar enterprisers in the future. People who supply the needs of the community, in this case by advancing Jewish education, are entitled to be compensated.

אֵין הָעֵדִים חוֹתְמִין עַל הַשְּׁטָר אֲלָא אִם כֵּן קָרְאוּהוּ

Witnesses do not sign on a document unless they have read it.

Rashba - A person is obligated to the contents of a document if his signature is affixed to it, even if it is in a language he is not able to read.

There is a presumption that people read and understand a document that they sign. We assume he read it, had it read to him, and/or trusts the person who presented the document to him for signature. (The Scribe, Notary etc.)

Chasam Sofer - When one signs a document he becomes bound by everything that is in that document, even to those things that seem unrelated to the primary purpose of the document.

15 - Kesubos 110b1 line 8 A17
Weiss #712

מִנֵּין שִׁישִׁיבֶת בְּרִכּוּיִם קָשָׁה

Dwelling in cities is difficult.

Rashi - Due to overcrowding, lack of pure air, and open spaces.

R Berel Wein - Urban living is spiritually and physically debilitating. The hurried pace, the spiritual squalor all combine to erode the old faith and its value system and life style.

מִנֵּין שִׁישִׁיבֶת בְּרַבִּים קָשָׁה

How do we know that living in a large city is difficult?

It seems obvious that it is better to live in a large city because we see so many people choose to live there. The city is large only because so many people moved there.

It is written that the people were blessed who volunteered to live in Jerusalem.

The suggestion that people who moved to the big city were given a blessing for doing so, suggests that the inducement of a blessing was given in appreciation of their sacrifice. They are referred to as volunteers, “mitnadvim”, again suggesting a special kindness on their part to suffer the burden of city life.

הוא אומר לעלות והיא אומרת שלא לעלות כופין אותה לעלות

If either spouse wishes to emigrate to Israel, the other must agree. If they fail to agree, one spouse can force the other to do so.

Can one spouse, who wishes to move to the ‘territories’, compel the other to do so as well?

What areas are sanctified? Those that were conquered by the Israelites who ascended from Egypt and the returnees from Babylon, occupy sanctified land for posterity. This includes Judea and Samaria. Joshua’s sanctification was only for “its time”, Ezra’s sanctification was for eternity.

Rambam - Joshua’s sanctification was by conquest and therefore, only lasted until Israel was conquered by others. Ezra’s sanctification was by Chazakah and therefore, did not lapse.

לְעוֹלָם יְדוֹר אָדָם בְּאֶרֶץ יִשְׂרָאֵל

One should always live in the Land of Israel.

Even in a town most of whose inhabitants are idol worshippers.

Rambam - This is a positive commandment. We are to live in the Land of Israel. Yet Rambam, did not include “dwelling in Israel” in his Sefer HaMitzvot.

R Yitzchak de Leon - Rambam felt this mitzvah lapsed after the Temple was destroyed.

R Chaim Kohen - It is no longer obligatory to dwell in Israel.

R Moshe Feinstein - It is a voluntary fulfillment of a Mitzvah.

R Ovadiah Yosef rules- that it is a definite obligation to ascend to the Land of Israel.

לְעוֹלָם יְדוּר אָדָם בְּאֶרֶץ יִשְׂרָאֵל

One should always live in the land of Israel.

Is this a Biblical or Rabbinic Mitzvah?

Does it relate to the present?

All agree it is an optional Mitzvah.

Does one fulfill it by a visit or a vacation there?

Does one fulfill it only if he moves and lives there?

Others suggest that the Mitzvah is fulfilled for every moment a person is in Eretz Yisroel.

Shulchan Aruch Harav indicates that those who travel to Israel on business are considered to be fulfilling the Mitzvah.

“He who walks 4 cubits in the Land of Israel (even as a tourist) is assured of a portion of the World to Come” (111a Bleich 2:203)

שְׂכֵל הַדֶּרֶךְ בְּאֶרֶץ יִשְׂרָאֵל הוֹמָה בְּמִי שֵׁישׁ לוֹ אֱלֹהִים
וְכָל הַדֶּרֶךְ בְּחוּצָה לְאֶרֶץ הוֹמָה בְּמִי שֶׁאֵין לוֹ אֱלֹהִים

One who dwells in Israel is compared to one who has a God, but one who dwells outside is compared to one who has no God.

God's special relationship with Eretz Yisroel predates sanctification of the land and that it was to enjoy this unique form of providence that God commanded Abraham to journey to the Promised Land.

Recall that Jacob feared Esau (Gen 37:8) because, "Esau had dwelt all those years in the Land of Israel".

שְׁלֹשׁ שְׁבוּעוֹת הִלְלוּ לָמָּה אֶחָת שְׁלֹא יַעֲלוּ יִשְׂרָאֵל בְּחֹמָה

The people wrote three oaths, one was not to attempt to return to the land by means of forcible conquest.

This oath remains and would prohibit any military campaign for the purpose of territorial aggrandizement. We cannot initiate an armed conflict for the purpose of capturing or liberating sanctified territory.

However, no restrictions apply to a defensive war or a war to retain territory already conquered.

Surrender of territory violates ‘lo techaneim’ (Deut 7:2,1) “don’t grant them permanent encampment” and even relates to sale of real estate, let alone transfer of political sovereignty.

15 - Kesubos 111a2 line 13 A19
Bleich 2:325

וְשָׁלֵא יִגְלוּ הַסּוּד לְעוֹבְדֵי בֹכָבִים

(Israel must swear a solemn oath) not to reveal the “secret”, (“the reasons of the Torah”) to idolaters.

Rashi - It is not permitted to ‘give over’ the words of Torah to others. This may refer to the intercalations used to fix the Jewish Calendar or it may refer to the reasons for the Torah’s commandments.

Rambam - It may refer to a specific Kabbalistic mystery (discussed in Rambam Lev 28:6).

בְּשֵׁם שְׂאֵסוּר לְצֵאת מֵאֶרֶץ יִשְׂרָאֵל לְבָבֶל

Just as it is prohibited to go from Eretz Yisroel to Babylon, etc.

Rambam - It is prohibited to leave Eretz Yisroel unless it is to study Torah, get married, or for business.

Rav Yoel Teitelbaum, The Satmar Rav – says the restriction is only Rabbinic. It is not in the Rosh, Tur or Shulchan Aruch. Nowadays, the restriction is not in force.

R Wosner - It is only prohibited to leave if it is to establish one's residency outside Israel and leaving is not for a constructive purpose.

Magen Avroham - Adds permission to visit relatives.

Tashbatz- Adds a visit to one's parents, 'kibud av v'aim'.

Rav Moshe Stern - Permits leaving for a bar mitzvah.

Ran and Shlomo Zalman Auerbach did not agree that leaving Israel, even for the bar mitzvah of a grandchild, as sufficient grounds to leave Israel.

15 - Kesubos 111a6 line 40 A5
Weiss # 737

כָּל הַמְהַלֵּךְ אַרְבַּע אַמּוֹת בְּאֶרֶץ יִשְׂרָאֵל

Whoever walks four cubits in the Land of Israel, is assured of a place in the World to Come.

R Nachman of Breslav - If his motive for his journey to Israel was spiritual, to become closer to God, merely stepping on the land will transform his character in a sacred manner.

אִיוֹ לָךְ כָּל אֵילָן סָדֵק שֶׁבְּאֶרֶץ יִשְׂרָאֵל

In the future, all the non-fruit bearing trees in the Land of Israel, will bear fruit.

R Shmuel Alter - Tree bearing fruit refers to a Torah Scholar and non-tree bearing fruit to others. The time will come when all are Torah Scholars.

טוב המלבין שינים לחבירו יותר ממשקהו חלב

One who shows his white teeth to his friend, is better than one who gives him milk to drink.

Smiling affectionately provides greater satisfaction than physical provisions. The physical gratification is temporary, whereas, a sincere smile can emotionally satisfy for years.