

OVERVIEW of the Daf

1) A husband's claim that his wife was not a בתולה (cont.)

R' Shimon ben Elazar provides the rationale for the credibility to the husband's claim that his wife was not a בתולה.

2) The kesubah obligation

A Baraisa presents a dispute whether the kesubah obligation is Biblical or Rabbinic.

The Baraisa's presentation that according to R' Shimon ben Gamliel the kesubah is of Biblical origin is challenged from an alternative source in which R' Shimon ben Gamliel maintains that the kesubah is of Rabbinic origin.

Two resolutions to this challenge are presented.

3) A husband's claim that his wife was not a בתולה (cont.)

Two incidents related to claims that a woman was not a בתולה are presented.

A groom claimed that he married a woman and did not find any דם בתולים. R' Gamliel bar Rebbi washed the sheet that revealed the blood.

R' Ashi explains why this method of checking for blood is no longer applicable.

Two related incidents are presented.

In the second incident it was discovered that the woman was from the Dortecki family that does not have דם בתולים.

Two versions, one positive and one negative, of R' Gamliel's response to the man who married a woman from the Dortecki family are recorded.

Another related incident is presented.

4) **MISHNAH:** The Mishnah relates that a בתולה receives a kesubah worth two hundred zuz whereas a widow receives a kesubah worth only one hundred zuz. The list of women who receive a kesubah worth two hundred is enumerated.

5) The term אלמנה

R' Chana of Baghdad explained the origin of the term אלמנה.

This explanation is unsuccessfully challenged.

The discussion digresses into whether terms in the Torah refer to something in the future.

Two additional teachings of R' Chana of Baghdad are recorded.

Incidentally the Gemara explains the origin of different words and discusses the effect eating dates has on the body.

The etymologies of additional words are explained. ■

Distinctive INSIGHT

R' Nachman said to give him lashes

אסבוהו כופרי מברכתא חביטא ליה

The Gemara had earlier reported the opinion of R' Elazar that a man who claims that his wife was not a בתולה is believed. In that discussion, the Gemara clarified the conditions and the extent to which the statement of the husband is believed, but the point is that there is some credibility given to his report. The Gemara then brings the story of a recently married man who came to Rav Nachman and complained that his wife was not a בתולה. Rav Nachman ruled that he should be given lashes. This seems to be a contradiction to our accepting the man's statement as truthful. Nevertheless, the Gemara reconciles R' Nachman's ruling with the ruling of R' Elazar. Rashi and Tosafos each explain the exchange in the Gemara in different ways.

Rashi understands that the statement of R' Nachman was said as a plain comment. Although he is to be trusted, his expertise indicates that he frequents the harlots of the city. Therefore, he is believed, but he is to be given lashes for his confession. Tosafos learns that the Gemara first understood that R' Nachman felt that the man was lying, and that his ruling was that the husband deserved lashes for having spoken slander about his new wife. "Are the harlots of the city in front of him that he should be familiar with these things?" he asked. The Gemara first notes that R' Nachman certainly did not believe the man, although R' Elazar said he is believed. The Gemara then answers that R' Nachman did, in fact, believe the man, and his ruling to administer lashes was not because he thought he was lying, but because he suspected that he was visiting the harlots.

Both according to Rashi as well as Tosafos, the answer of R' Achai is that R' Elazar's earlier statement to believe the husband is only in reference to a previously married man, whose claim about his new wife is credible. A man who was never married before is not believed, and this is what R' Nachman was dealing with. ■

Today's Daf Digest is dedicated
לע"נ אבי מורי ר' יהודה לייב בן אהרן הלוי
by the Axselrud family

HALACHAH Highlight

Is the kesubah a Biblical obligation?

חכמים תקנו להם לבנות ישראל לבתולה מאתים ולאמנה מנה

The sages enacted for Jewish women [a kesubah] for a besulah worth two hundred zuz and for a widow one-hundred zuz

Tosafos¹ questions the language of Ashkenazi kesubos that state that a woman deserves her kesubah by Biblical mandate (דחזי ליכי מדאורייתא) when the implication of the Gemara is that the requirement upon a man to give his wife a kesubah is Rabbinic. Tosafos answers that our kesubos are written in accordance with the opinion cited later that the kesubah is of Biblical origin. Rambam and Rosh², however, maintain that the obligation of writing a kesubah is only Rabbinic, as implied by our Gemara. Shulchan Aruch³ rules in accordance with Rambam and Rosh but Rema⁴ writes that the custom is to include the phrase דחזי ליכי מדאורייתא. Chelkas M'chokeik⁵ explains that although halacha is like Rambam and Rosh that the enactment of the kesubah is Rabbinic, nonetheless, once the financial obligations are documented, one becomes Biblically obligated to fulfill his commitments and thus the language is accurate. Teshuvos Maharashdam⁶ writes that in Saloniki they would include the phrase דחזי ליכי מדאורייתא since it could be understood in one of two equally valid ways. Either the obligation of the kesubah is, in fact, Biblical but even if the obligation is only Rabbinic, nevertheless, the husband commits himself to pay the kesubah as if it was Biblically mandated.

Poskim write that even in those places where the custom is to include the phrase דחזי ליכי מדאורייתא, if it was left out the kesubah is still valid. Although there are opinions who maintain

REVIEW and Remember

1. What principle gives a man credibility when he claims that his wife was not a בתולה?
2. Why did R' Nachman administer lashes to a man who claimed that his wife was not a בתולה?
3. How did R' Gamliel bar Rebi test a woman to determine whether she was still a בתולה?
4. What are the effects that eating dates has on a person?

that if the kesubah is Biblically mandated it must be paid from Tzuri currency and if it is only Rabbinically mandated it may be paid from Medinah currency, which is an eighth of the value of Tzuri currency, nonetheless it is not essential to the validity of the kesubah and the husband will only be obligated to pay the smaller amount⁷. Rav Yitzchok Zilberstein⁸ is uncertain about this ruling and entertains the possibility that if the phrase דחזי ליכי מדאורייתא was left out the kesubah may be invalid. ■

1. תוס' ד"ה אמר ר' נחמן.
2. ע"י סדר כתובה כהלכתה שביבי אש ח"ב סי' י"ח אות ב'.
3. שו"ע אה"ע סי' ס"ו סעי' ו'.
4. רמ"א שם.
5. חלקת מחוקק שם ס"ק כ"ו.
6. שו"ת מהרשד"ם סי' קכ"ז.
7. ע"י סדר כתובה כהלכתה אות ג'.
8. סדר כתובה כהלכתה שביבי אש ח"ב סי' י"ט. ■

STORIES Off the Daf

Canceling a Transaction

חכמים תקנו להם לבנות ישראל...והם האמינוהו..."

A certain man once purchased a jacket that was guaranteed to be filled with the highest quality feathers; he paid for it with a series of post-dated checks. After several payments had already been cashed, the customer returned to the store and confronted the seller with a demand to have the remainder of his checks returned to him. "I refuse to pay a penny more than I already have for the coat! You sold me an inferior product and demanded a price that should have bought the very best. Recently, the outer cover tore and I was able to see for

myself that it is filled with mediocre feathers. Whatever money you've already been paid more than compensates for the jacket's real worth!"

The seller, for his part, was equally infuriated. "I sold you exactly what I told you, and I can't believe you have thechutzpah to lie straight to my face. This is merely a pretext to get out of paying the remainder!"

Someone familiar with this incident asked Rav Yitzchak Zilberstein, shlit"a, his opinion. "I am just curious as to what the halachah is in this case since each side seems to have a reasonable claim."

Rav Zilberstein responded, "Since the parties didn't come to me personally, this isn't a psak. In Kesuvos 9, we find that if a chassan comes to beis din immediately after his wedding and claims that his wife was not a besulah, he is believed and she is di-

vorced without her kesubah. On the following daf, we see that the ruling is based on the idea that since the chassan has invested so much energy and resources into the arrangement of his wedding, there is a chazakah that he really wants to remain married to his new bride. It is assumed that the only reason why a normal chassan would sabotage his own marriage so soon after the wedding would be because he is telling the truth.

The Rav continued, "In this case, why should the buyer be able to return, so many months after the purchase was made, and suddenly decide that he was cheated? Just because he claims that the cover was inferior to what he thought he was getting doesn't mean that the seller should be prohibited from cashing the remaining checks." ■

