



DERECH B'YAM HATALMUD



KESSUVOS PEREK ONE

SECTION ONE

**Excerpt of Derech B'Yam HaTalmud
on the First Perek of Mesechtas Kessuvos**

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UNIT ONE



יום הרביעי Should Marry on בתולה Understanding Why a

OVERVIEW

The opening משנה and גמרא of כתובות discuss the requirement created by the חכמים for בתולות to marry on Wednesday night only. What is the reason for the requirement? Does it apply to אלמנות as well, and if not, what is the difference between them?

מראה מקומות

- משנה וגמרא דף ב. עד "אינו מעלה לה מזונות"
- חידושי הרמב"ן (ד"ה הא דאמרינן ועכשיו ששינינו שקדו וכו') מ-"ומיהו תמיה לך"
- חידושי הריטב"א (ד"ה שקדו חכמים)

POINTS TO CONSIDER

Issue One – Why does the משנה teach that a בתולה marries on יום הרביעי?

The opening משנה of כתובות brings a תקנת חכמים that a בתולה marries on יום הרביעי.

Several issues will be discussed in the first פרק regarding this rule, including: Is this a requirement or only a preference? What are the reason(s) for this תקנה? Do they apply in all cases, or are there exceptions?

Issue Two – What is the reason for the decree of שקדו?

The גמרא on דף ב. and later in the פרק says שקדו חכמים – the Rabbis decreed that the חתונות should be held at least three days after שבת, so that the סעודות can be properly prepared. Is there an underlying reason for the decree? What does it teach about the proper priorities when planning a wedding?

The חידושי הרמב"ן (ד"ה הא דאמרינן ועכשיו) and the חידושי הריטב"א (ד"ה שקדו חכמים) each suggest a reason for the enactment.

Summary of the משנה

The opening משנה of כתובות מס' teaches that a בתולה can marry only on יום הרביעי and an אלמנה only on יום החמישי (The גמרא will later explain the reason for the second דין.)

The משנה explains the reason behind the first rule: בתי דינים were open on טענת טענת (תקנת עזרא) due to the יום החמישי and יום השני. If a man had a משכים לבית דין – claim that his wife was not a בתולה – he would wake up early on the morning after the wedding to go to the court and announce his claim there.

רש"י (ד"ה שפעמים בשבת) says that it was important for the husband to go to בית דין immediately before he had time to cool off. His claim, if proven correct, would cause her to be אסור to him. His going to בית דין would cause a קול to circulate about his allegations and encourage עדים to come forward who are aware of her actual status.

Summary of the גמרא

ר' יוסף asks in the name of שמואל: why does the משנה say that a בתולה can marry only on יום הרביעי?

QUESTION: What is the question of ר' יוסף? Is he trying to understand why a בתולה must marry on יום הרביעי, or the reason that she cannot get married on יום הראשון (as implied by the משנה)?

ר' יוסף cites the answer of שמואל to this question. He brings another teaching: the practice at the time was for the נישואין and קידושין to be one year apart. הגיע זמן – once the date of the נישואין came, the בעל was required to feed the כלה. Additionally, if the בעל is a כהן, his ארוסה is permitted to eat תרומה. This takes effect even if the חתונה did not yet occur.

יכול – The גמרא says that it is possible that the one-year anniversary of the קידושין will fall on Sunday. One might think in such a case that the husband is obligated to feed her beginning from that day. Therefore, the חכמים taught that she does not get married until Wednesday.

רש"י (ד"ה לכך) says that the משנה is teaching that in such a case, the בעל is not required to feed his ארוסה if the twelve months end on Sunday. The reason for this is because the חכמים required them to wait until Wednesday to have the נישואין. This is not considered to be a delay which was caused by him which he is responsible for.

If the question of רב יוסף is why a בתולה should get married on יום הרביעי, the גמרא does not appear to be answering that question here.

רב יוסף responds: מריה דאברהם (an expression of astonishment).

רב יוסף says that רב יוסף was surprised at the explanation given by שמואל. Further, since רב יוסף forgot some of his learning when he became sick, he questioned the accuracy of the statement which he himself had taught.

תלי תני – This explanation is basing the teaching of the משנה which is תניא – an accepted משנה – on another teaching which was not accepted. It is illogical to do so.

The גמרא responds that both of these teachings are included in the משניות.

אלא – The גמרא explains the objection of רב יוסף in a different way, that there is an explicit reason for the דין of getting married on יום הרביעי in our משנה (so that the בעל can go early to בית דין when it meets the following morning). However, שמואל appears to base his reasoning on a different משנה for which no explicit reason is given.

אלא אי איתמר הכי איתמר – The גמרא responds that since this statement was said by שמואל, it is necessary to understand it in a way which is meaningful.

שמואל actually said that a בתולה marries on יום הרביעי so that if the בעל does not find סימנים that she is a בתולה, then he will go to בית דין early the following morning.

ותינשא – The גמרא interjects that if this is the reason for the תקנה, it should be permitted for a בתולה to marry on יום הראשון as well so that the בעל could go to בית דין the following morning if necessary.

שקדו חכמים – The גמרא responds that the Rabbis wanted the סעודה of the wedding of a בתולה to be properly prepared. This requires a minimum of three days' time after שבת. They established the requirement of שקדו to guarantee that this occurs.

רב יוסף is saying from his teacher that there are two reasons why the חכמים said that a בתולה needs to get married on יום הרביעי:

- First, due to טענת בתולים – in case her claim to being a בתולה is challenged (as taught here in the משנה).

- Second, the enactment of שקדו, to ensure that there will be adequate time to prepare for the סעודה.

ועכשיו – The גמרא says that since we see that the חכמים required people to wait until יום הרביעי to get married, we learn that even though a בעל normally needs to provide מזונות to his wife on the day that the נישואין was supposed to occur, he does not have to do so if the delay was imposed on him by the חכמים.

Understanding the reason for the שקדו decree

QUESTION: Why did the חכמים establish the שקדו rule, and how is it a benefit to the wife?

What does the rule teach about the proper priorities when planning a חתונה?

Two approaches from the ראשונים to explain the reason for שקדו

The ומיהו חידושי הרמב"ן (ד"ה הא דאמרינן ועכשיו ששנינו שקדו וכו') asks, from the words שקדו חכמים על תקנת בנות ישראל (דף ג: on) ברייתא, תמיה לי why does the Rabbis established a rule regarding *the Jewish women*? Requiring the חתונה to be delayed until יום הרביעי affects the חתן as well.

He says that the Rabbis wanted men to prepare the meals for the חתונה and for the week of שבוע ברכות early. If a man did not, he would be busy arranging them all week, ולא ישמח עמה – and would be unable to spend time with his wife properly rejoicing together.

The רמב"ן is explaining that the underlying reason for the enactment of שקדו was to enable the man to rejoice with his wife and gladden her during their first week together.

The חידושי הריטב"א (ד"ה שקדו חכמים) א"ל did not want it to be easy for a man to make a false claim on his wife (alleging that she is a בעולה), so that he would have grounds to divorce her.

They reasoned, שאין אדם טורח בסעודה כל כך בכדי – that a man would not put so much effort into preparing the wedding meal for no reason, if he was planning on divorcing her immediately after. If, even after exerting himself to prepare the meal, he claimed that she was not a בתולה, there would be more reason to take his claim more seriously.

(Even though there is a mechanism in place in case a man has actual טענת בתולים, the Rabbis wanted to make sure that the חתן is sincere in his claim. Requiring a man to spend time and money planning the סעודה would discourage any false claims.)

UNIT TWO



When is there a חיוב מזונות if the נישואין Is Delayed?

OVERVIEW

The גמרא discusses whether a בעל is required to provide מזונות to his ארוסה if the חכמים require the נישואין to be delayed, and whether the rule in this case can be applied to other situations.

מראה מקומות

- גמרא ב. מ- "לפיכך" עד "הכא לא"
- שיטה מקובצת (ד"ה או דילמא)

POINTS TO CONSIDER

Point One – Are there differences between various cases of אונס?

The גמרא in the middle of דף ב. (from the phrase ואיכא דבעי לה) says that רב יוסף asks: a חתן is required to support his כלה beginning from the wedding day (even if they do not wed). Does this obligation apply even if he is sick? Is his sickness like other cases of אונס which exempt him from beginning to support her?

What is רב יוסף asking? Since being sick is an אונס, the בעל should not be required to begin supporting his wife. Further, the גמרא compares this case to an אונס created by a תקנת חכמים which exempts the husband from paying. If a rule created by the חכמים exempts a man from paying, then certainly an illness brought on him by שמים should do so.

See the שיטה מקובצת (ד"ה או דילמא) who suggests two ways to answer these questions and to explain the גמרא.

Summary of the גמרא

The גמרא in the middle of ב. דף teaches that if הגיע זמן – if the time scheduled for נישואין arrives and the couple does not get married, the בעל must provide מזונות for the אישה. However, if the day fell on יום הראשון, the חתונה is postponed until יום הרביעי. In such a case, the בעל is not required to provide מזונות.

לפיכך – The גמרא says: it follows that if either party is sick or the woman is ארוסה, the man is also not required to provide מזונות for his ארוסה.

ואיכא דבעי לה – The גמרא says that some אמוראים ask this statement of רב יוסף as a question:

מיבעיא – What is the דין if the man is sick on the day on which the חתונה was supposed to occur? התם טעמא מאי – Do we say that this resembles the case of the חתונה falling on יום הראשון, since the wedding must be postponed because of an אונס? If so, the בעל would not be required to feed the אישה.

או דלמא – Perhaps the case of the בעל being sick is different and the husband would have to provide מזונות to his ארוסה.

The question of the גמרא is whether the husband should be exempt from supporting his ארוסה if the נישואין is postponed because of other cases of אונס.

The שיטה מקובצת (ד"ה או דילמא) asks two questions:

First, why does רב יוסף have a question in the גמרא here? It should be obvious that if either party is sick, these are cases of אונס which should exempt the בעל from starting to provide support.

Second, why does the גמרא suggest that a difference between the cases might apply since the אונס in the first case is because of a תקנת חכמים? If a situation created by the חכמים is considered an אונס, then certainly one which occurs without warning from שמים should be considered to be an אונס.

The שיטה suggests two approaches to answer these questions.

Approach One

First, he explains that when the נישואין was supposed to occur on יום הראשון and is postponed to יום הרביעי, it is to the woman's benefit that there be ample time to prepare for the סעודה for the חתונה. Since the delay is for her benefit, it is understandable that she should not receive her מזונות for the interim days.

However, when the אישה is sick, delaying the נישואין is not a benefit to her. The same rationale does not apply to explain why she should lose her מזונות.

This approach differentiates between cases in which the delay is for her benefit or it is not.

Approach Two

The שיטה suggests (from the words ולי טעם) that when יום הראשון comes (and the couple wait until יום הרביעי to marry), we do not view this as אונס that would require the בעל to begin supporting her. Rather we consider that the time of the חתונה has not arrived, since the חכמים push off the day of the wedding until יום הרביעי.

The פטור (which prevents the couple from marrying) is not because of אונס in this case, but because it has not yet reached the time when the husband is חייב to support his wife. If so, we have no precedent from here that other cases of אונס should exempt the בעל from payment.

אבל – However if either party is sick on the day of the חתונה, this is a different issue, a question of אונס. It is appropriate that the גמרא asks if the בעל is obligated to provide מזונות to the אישה.

UNIT THREE



What if the חתונה Was Delayed Due to an אונס?

OVERVIEW

The גמרא suggests that if a חתונה is delayed due to the אישה being sick, she can claim נסתחפה שדהו – his field is flooded and therefore you still need to provide מזונות to me.

The ראשונים disagree on the meaning of this phrase and the obligation it creates on the בעל.

מראה מקומות

- גמרא ב. מ- "ואם תמצא לומר" עד "או דלמא מציא אמרה מציא אמרה ליה נסתחפה שדהו"
- רש"י - ב. (ד"ה נסתחפה שדהו)
- רמב"ן - ב: (ד"ה ופירוש נסתחפה שדהו)
- תוס' - ב: (ד"ה מציא אמרה)

POINTS TO CONSIDER

Point One – Understanding the opinion that the חתן should provide support

The גמרא says that if a כלה becomes sick and cannot marry on the designated wedding day, she can say to him, נסתחפה שדהו – his field is flooded – so you have to provide for me.

The ראשונים disagree on the meaning of this phrase and why it creates an obligation on the בעל.

See רמב"ן (ד"ה ופירוש נסתחפה שדהו) as explained by the רש"י (ד"ה נסתחפה שדהו).

on תוס' (ד"ה מציא אמרה) presents two different approaches.

Which issue underlies their explanations?

Summary of the גמרא

ואיכא דבעי לה – The גמרא says that there are those who ask whether a בעל needs to feed the אישה if the חתונה was delayed because he was sick.

ואם תמצא לומר – The גמרא does not resolve this question, but asks another question. According to the opinion that the בעל needs to feed the אישה when he is sick (meaning that an אונס does not exempt him from his obligation to support her), then **חלתה היא מהו** – what is the דין if the חתונה is postponed because she is sick?

אנא הא קאמינא – I am ready to get married. It is your fault that we are not marrying and therefore I do not need to support you.

או דלמא – Alternatively she can say to him, **נסתחפה שדהו** – your field is flooded, so you have to provide for me, even though we are not marrying on the designated date.

The גמרא here suggests that since the עיכוב is related to her, it should cause that he does not need to provide her with מזונות. The גמרא responds that she might still be able to claim נסתחפה שדהו and that he would still need to give her מזונות.

QUESTION: What is the meaning of the phrase **נסתחפה שדהו** and how does it obligate the בעל to provide מזונות according to this opinion?

The ראשונים disagree on the meaning of the **נסתחפה שדהו** and why it creates an obligation on the בעל.

on רש"י (ד"ה נסתחפה שדהו) says that the woman is saying to the בעל, “it is as if your field was flooded with **מטר סוחף** – damaging rain.” This is to say that your מזל is responsible because you have an obligation to provide מזונות for me from today. It is your field that was “flooded.”

The רמב"ן (ד"ה ופירוש נסתחפה שדהו) explains רש"י. The woman is saying that even though the delay is from me, since it was not my fault, you must still support me.

The אונס is your responsibility. I am like your field which got ruined which you are obligated to repair.

The רמב"ן says that there are two factors which cause the בעל to be obligated to provide מזונות: The אישה did not cause the delay, and he has a requirement to feed her. Together these factors make him responsible according to this opinion.

¹ רש"י argues with תוס' (ב: ד"ה מציא אמרה).

תוס' gives two answers. In his first approach he says that the illness of the אישה caused a delay in the fulfillment of פריה ורביה since the חתונה was delayed. Since פריה ורביה is an obligation on the husband and not the wife, the delay is viewed as a punishment on him and not her. Therefore, it cannot be said that her מזל caused this.

According to תוס', the issue is who is being punished. A person is considered responsible for an event even when a factor prevents him from fulfilling a מצוה incumbent on him. Since women are not commanded in פריה ורביה, it cannot be said that the woman's מזל caused the delay of the wedding. However, a man is obligated in פריה ורביה. Consequently, the delay in the fulfillment of the מצוה is considered to be a punishment for him. It follows that the delay does not exempt him from his obligation to provide מזונות.

In Summary

The focus of רש"י is on the *responsibility* of the בעל to provide מזונות to his wife. This begins on the day the חתונה is scheduled for. Any event which delays this (unless it is deliberately caused by her) is due to his מזל and therefore he is required to provide מזונות.

The focus of תוס' is on *culpability*. If one person is prevented from fulfilling an obligation incumbent on him, it is a punishment to him and it is viewed as if he caused it.

¹ The עמוד א' on גמרא refers to the עמוד ב' that even though this תוס' appears on עמוד א', it refers to the גמרא on עמוד ב'.

UNIT FOUR



If an אישה Is a נדה on the Day of Her Wedding, Is the בעל Required to Feed Her?

OVERVIEW

The גמרא discusses a case in which a wedding was pushed off because the woman is a נדה. Does this exempt the husband from supporting her from this point on?

מראה מקומות

- גמרא מ-ב. "ואם תמצוי לומר" עד ב: "סיפא בדידהי"
- רש"י - ב. (ד"ה נסתחפה שדהו)
- שיטה מקובצת (ד"ה והריטב"א ז"ל כתב)
- תוס' - ב: (ד"ה פשיט רב אחאי)

POINTS TO CONSIDER

Point One – Is the בעל obligated to provide for his wife in all cases of נדה?

בעל on רש"י (ד"ה נסתחפה שדהו) says that the term נסתחפה שדהו teaches that the בעל remains obligated to provide for his wife when she becomes sick because this is an unanticipated occurrence. He is only פטור from paying when she herself actively causes the delay.

How would רש"י explain the difference which the גמרא makes on ב' עמוד between שלא שעת ווסת and שעת ווסת? These are factors which are not in the control of the אישה. Why should the בעל be פטור from paying in the first case?

See the שיטה מקובצת (ד"ה והריטב"א ז"ל כתב)

Point Two – Who was רב אחאי?

The גמרא quotes an approach of רב אחאי regarding when a man is obligated to support his כלה. It introduces his statement with the word פשיט, which not a typical לשון רב with מחלוקת. Why does it use this word here? What does it tell us about his מחלוקת with רב אחאי?

Summary of the גמרא

מהו – The גמרא on the bottom of ב. דף asks about a woman who is a נדה on the day when her נישואין is scheduled to occur. Can she say "נסתחפה שדהו" to her בעל (to claim that he is responsible for the delay)?

בשעת ווסתה לא תיבעי לך – The גמרא says that this question cannot be asked when the woman became a נדה on the day she expected her flow to begin. It is obvious that the בעל is not required to provide מזונות at this time.

כי תיבעי לך – The גמרא on the top of ב' עמוד says that this question can be asked only שלא בשעת ווסתה – when the woman's flow comes in a time that she did not expect. Can she claim that she is obligated to receive מזונות from the בעל because she could not have anticipated becoming a נדה at this time?

Alternatively, since איכא נשי דקא משנייא ווסתייהו – the cycles of some women are irregular, such an occurrence should be considered like מזונות ושעת ווסתה and therefore she should not be entitled to receive מזונות.

QUESTION: How would רש"י explain the question of the גמרא here?

(ד"ה נסתחפה שדהו) רש"י on 'א עמוד explains that the claim נסתחפה שדהו is that the husband is obligated to feed his wife. His responsibility is not lessened because an unanticipated event occurred to her.

If so, the case of נדה פירסה should be the same and it should have the same דין as the illness of the woman. How then would רש"י explain the חילוק which the גמרא makes between שעת ווסת and שלא שעת ווסת? In both cases, the נישואין was delayed and according to רש"י, the man should be responsible to provide מזונות.

Rabbi Elchonon Wasserman in (קפ"ב) שיעורים asks: according to the way in which the רמב"ן explains רש"י, the man is always חייב to provide מזונות, except when she causes the delay.

Since the אישה did not willingly cause the delay when she is a נדה (in the שעת case), why is she not entitled to receive מזונות?

Rav Wasserman does not give an answer.

The (ד"ה והריטב"א ז"ל כתב) **שיטה מקובצת** suggests an approach for רש"י to explain the עמוד ב' גמרא.

The שיטה explains that **הגיע זמן** – if the date scheduled for the נישואין arrives and the wife is sick – the obligation of the בעל to support her is not affected.

However, **פירסה נדה** is different. If the day of the נישואין arrives and the woman is a נדה, the couple is not permitted to marry. It is therefore considered as if the day of the נישואין did not arrive (**לא הגיע זמן**). As a result, the בעל is not obligated to provide for her.

רש"י would hold that a בעל is obligated to provide for the אישה in a normal situation once the day of the נישואין arrives. However, if the woman is a נדה, פירסה, it is considered as if the day of the נישואין has not yet come.

(This is similar to a סברא which the שיטה suggests to explain why the בעל is not required to provide מזונות for a נישואין scheduled for יום הראשון. Since the חכמים do not permit the marriage to occur on that day, it is considered **לא הגיע זמן**.)

The גמרא continues

פשיט – The גמרא brings two answers to the question of whether the בעל is required to support his wife if the נישואין is delayed due to her being a פירסה נדה שלא בשעת וושתה.

Answer One

*פשיט – The גמרא quotes רב אחאי who makes a דיוק from a משנה on דף which says: **הגיע זמן ולא נישאו** – if the time of the חתונה arrives without them getting married – the בעל is required to provide מזונות to her and she can eat תרומה.*

*רב אחאי notes that the משנה there does not say **לא נישאו** – he did not marry her. Rather it says **לא נישאו** – they do not marry. This alludes to a delay which was caused by the woman as well.*

*He asks: what is the case? **אי דקא מעכבין אינהי** – if the אישה willingly delays the נישואין, why should the בעל be obligated to feed her?*

*He answers: **אלא לאו דאיתניס** – it must be that the משנה refers to a case in which the נישואין was delayed due to an אונס which occurred to her. For this reason, the בעל is obligated to feed her.*

So too, if the woman is a נדה on the day of the נישואין, this is a situation of אונס. Consequently, the בעל is required to provide for her.

Answer Two

רבי אשי suggests a different answer and explanation of the wording of the later משנה.

לעולם אימא לך – In all cases of אונס, the אישה does not eat from the food of the בעל.

ודקא – When the later משנה says that the wedding is delayed and the בעל must provide support, מעכבי אינהו – it refers to a situation in which the husband causes the delay.

לא נשאו – And in truth, the later משנה should state לא נשאו – “they (masculine, referring to the husbands) did not marry,” to indicate this. The reason it is written as לא נישאו (they do not marry) is to match the beginning of the משנה which is written regarding בדידהי – they (feminine, referring to the wives).

Therefore, we do not see from the later משנה a case in which the wife caused the delay.

In Summary

רבי אשי argues with רבי אחאי. According to רבי אחאי, even if the couple does not marry when the year ends because of אונס, the חכמים obligated the husband to support her. רבי אשי learns that the husband does not have to support her if the delay is due to אונס. He explains that the phrase in the משנה which seems to say otherwise is written that way only because of symmetry.

QUESTION ONE: The word "פשיט" is not a typical לשון of a גמרא. Why is it used in this case to introduce the statement of רבי אחאי?

QUESTION TWO: Is רבי אשי arguing on רבי אחאי? The wording of the גמרא does not seem to indicate a typical מחלוקת.

brings a מחלוקת among the בעלי התוספות on how to learn the text here. (ד"ה פשיט רבי אחאי)

He quotes the רשב"ם who says that רבי אחאי גאון here is רבי אחאי גאון, one of the Gaonim and the author of the שאלות. The רשב"ם explains that he lived after the period of the אמוראים, and that the גמרא should read "ופריך". According to this reading, רבי אשי (who lived at the end of the period of the אמוראים) was responding to him and suggesting a different approach.

rejects this approach. He quotes רבינו תם who says that רבי אחאי was an אמורא and the אמוראים sometimes use atypical לשונות.