

DERECH B'YAM HATALMUD ON THE DAF

IYUN INSIGHTS ON KESSUBOS 7A-7B

(A selection of issues discussed by the מפרשים on the דף.)

Can a person acquire items on שבת?

The גמרא on דף ז. discusses the case of a couple who had ביאה ראשונה on שבת even though the man never gave his wife a כתובה. It asks how could they have relations, since giving the כתובה is a prerequisite to a couple living together. It answers אתפסוה מטלטלים – that he gave her items to hold until after שבת as a guarantee for her כתובה.

How could the woman acquire the items on שבת? A person is not permitted to make קנינים then!

The רמב"ן in (ד"ה הא דאמר ר' אמי) says that the man gave her the items *before שבת*. While there was not sufficient time to write a כתובה then, there was still enough time to give her the items.

The רמב"ם in (ד"ה אמר להו) and the רשב"א in (ד"ה אמר להו) say that the man gave her the items only as a temporary security to hold until after שבת. Therefore, she did not acquire them.

Is it permitted to have a חופה without giving a כתובה?

The גמרא says that the man had not given a כתובה to his wife before שבת. This means that they had their חופה and the נישואין without him giving her a כתובה. How could this be?

The ראשונים disagree whether a man must give his wife a כתובה before the חופה. They also differ on how to learn the case in the גמרא here.

The רמב"ם in (הלכות אישות יז:) rules that a כתובה *must be given* before the חופה.

(The מגיד משנה says that the רמב"ם holds that the גמרא here is discussing an actual event which occurred. רב אמי was asked whether ביאה ראשונה is permitted on שבת. He assumed that the couple had married properly with a כתובה. He was only informed later that this was not the case.)

The רבמ"ן in (ד: ד"ה מדאמרין) says that the case in the גמרא here is that the couple married on יום רביעי *without a כתובה*. The רמב"ן learns from here that it is unnecessary to give a כתובה prior to the חופה, but that it is necessary to do so before the actual ביאה.

He says that even though a couple cannot have ביאה if the man did not give a כתובה, it is permitted for them to be in יחוד together prior to this point. He says that we do not worry that they will have ביאה, because the woman knows that if they do so, it will be like a ביאת זנות, which a woman wishes to avoid. She will also be concerned that her husband might divorce her on a whim following the ביאה. Therefore, she will refuse to have ביאה with him unless he gives her a כתובה.

How is the term אלמנה defined? Is it limited to Jewish women?

The Gemara towards the bottom of ז' דף says that we learn the custom of ברכת התנים (referring to the שבע ברכות) from Sefer Rus which says that Boaz gathered ten men together for the ceremony of marrying Rus.

תוס' (ז': ד"ה והא בועז) in 'תוס' says that the practice of shortening the number of days on which the שבע ברכות are recited for an אלמנה even includes a convert who had been previously married before conversion. If she marries again after she converts, she is considered an אלמנה, even though she had not been Jewish at the time of her first marriage.

He brings a proof from Rus. He explains that she had not converted when she originally married Machlon. Yet, she is called an אלמנה at the time of her subsequent marriage to Boaz because she was a בעולה at that point. (According to this statement of תוס', when the Gemara uses the term אלמנה here, it refers to any woman who previously had relations.)

(The מפרשים differ on when Rus converted. See [When Did Rus Convert?](#) on our website.)

Do the מעשה אירוסין fulfill a מצוה through the חתן וכלה?

The ראשונים have a fundamental מחלוקת whether there is a specific מצוה of marriage.

רש"י (סימן יב) in רא"ש holds that the act of קידושין *is not a מצוה*. Rather, the מצוה being performed is פריה ורבייה. Therefore, he holds that the blessing of אירוסין is not a מצוה but a ברכה in which we praise Hashem for separating us from the nations and giving us laws about who and how to marry.

רמב"ם (הלכות אישות א:א) in משנה תורה differs. He holds that through the קידושין, the couple perform a מצוה עשה מן התורה, and that the blessing is a ברכת מצוה.

Why are פנים חדשות needed for the saying of the שבע ברכות?

רש"י (ד"ה פנים חדשות) in רש"י says that the term פנים חדשות refers to people who did not attend the celebration, אתמול – yesterday. The מפרשים differ if רש"י means literally that the person was not present yesterday, or that he was not present at any point in the week of שבע ברכות. (According to רש"י, it would seem that the requirement of פנים חדשות is for התחדשות – to add a new element to the celebration.)

תוס' (ד"ה והוא שבאו פנים חדשות) in 'תוס' says that the term פנים חדשות refers to people whose presence yields additional joy for the חתן וכלה and for whom one would serve additional food. (He appears to hold that the purpose of the פנים חדשות is to gladden the חתן וכלה.)

**Based on the forthcoming sefer
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