

OVERVIEW of the Daf

1) Clarifying the Mishnah

The Gemara infers that the Mishnah does not follow R' Gamliel's ruling that a woman's claim about her status has credibility.

The inference is rejected and the Gemara explains the thinking of the one who drew the initial inference.

A proof that R' Gamliel agrees with the Mishnah's ruling is suggested.

The proof is rejected and as part of the rejection the Gemara explains why R' Yehoshua rejects a **מגו** in the first chapter but in our Mishnah he accepts the **מגו**.

The Gemara questions why the Mishnah requires the woman to bring proof she was a **בתולה** when based on *rov* we should assume she was a **בתולה**.

The reasoning behind the Mishnah's ruling is explained.

2) Collecting a kesubah twice

The Gemara questions why we are not concerned that the woman will collect her kesubah by the testimony of witnesses and then collect a second time by producing her kesubah.

R' Avahu concludes that the Mishnah must hold that a receipt is given to the husband.

R' Pappa suggests the Mishnah refers to a place where they do not write kesubos.

A second version of this exchange, related to a Baraisa rather than the Mishnah, is presented.

R' Pappa's position is clarified.

The Gemara explains whether the two versions are consistent with one another.

It is noted that a receipt is written when it is the only way to protect the husband from his wife's collecting twice.

3) Announcement cup

R' Ada bar Ahava suggests the meaning of the announcement cup.

This suggestion is rejected and R' Pappa offers an alternative explanation.

A Baraisa identifies a different practice to distinguish between the wedding of a **בתולה** and the wedding of a **בעולה**.

The effectiveness of this practice is explained.

4) Dancing before the bride and groom

The Gemara begins to cite a Baraisa that presents a dispute between Beis Shammai and Beis Hillel concerning praising the bride. ■

Distinctive INSIGHT

This means that we write a receipt for the husband

זאת אומרת כותבין שובר

When a borrower repays his loan, the loan document is either retrieved or destroyed. There is an opinion that the borrower must procure a receipt to prove that he has paid, and he must, in effect, secure the receipt forever, even protecting it that it not be eaten by mice. Tosafos (ד"ב כותבין) cites the Gemara in Bava Basra (171b) which explains the underlying reason for the opinion that we place the burden of proof of payment of a loan upon the borrower. The rule is **עבד לזה לאיש מלוה**—the borrower is indebted to the lender. He literally is subjugated to the lender for having lent him the money, and we place the burden of proof upon him to show that he has paid it back.

In the case of a kesubah this factor is apparently not relevant. Why should the husband be handed the responsibility to always show that the kesubah was paid? He is not specifically indebted to the woman for the marriage any more than she is to him. Therefore, Tosafos explains that the reason of **עבד לזה** is not the true basis for the rule of writing a receipt. In fact, a receipt should be written for all debts, whether it be a kesubah or even a delayed payment of a purchase.

Rashba also notes that the borrower being subjugated to the lender is not the genuine reason for writing a receipt. The point is that we want to protect the payer from being asked for the money a second time. That the

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REVIEW and Remember

1. Why did the Gemara think that the Mishnah is inconsistent with R' Gamliel?
2. What makes one **מגו** stronger than another?
3. What is the hesitation to writing a receipt?
4. What is the symbolism of passing a cup of terumah before a **בתולה**?

HALACHAH Highlight

Are the witnesses allowed to look at the Kallah?

אם יש עדים שיצתה בהינומא

If there are witnesses that she went out with a veil

Avnei Miluim¹ cites the Maharit who related that one time there was a wedding, and since the bride's face was covered, the witnesses did not see her. The Maharit's father ruled that the kiddushin was not valid since the witnesses could not identify the bride and therefore required the couple to perform another kiddushin. Avnei Miluim, as well as Pischei Teshuva², disagreed with this conclusion and maintain that it is not necessary for the witnesses to see the bride since there is a presumption (חזקה) that the bride is the one who accepting the kiddushin. Teshuvos Chessed L'Avrohom³ agreed, in theory, with Avnei Miluim but wrote that since nowadays the presumption is based on the testimony of women, who do not have credibility in this matter, there is no legal presumption to rely upon. Therefore, he writes that the witnesses should look at the bride's face some time before the kiddushin.

Teshuvos Beis Shlomo⁴ also addressed a rov who, based on Maharit, ruled that the witnesses should look at the bride's face before the kiddushin to be able to testify who accepted the kiddushin. Beis Shlomo criticized this ruling in very sharp terms and wrote that one should not deviate from the ruling of Rema⁵ who wrote that the custom is to cover the face of the bride. The Mishneh Halachos⁶ also

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receipt may be lost is a remote risk, and even if it is lost, the chances are minimal that the lender or payee would be aware that this is the case to be able to accost the payer and ask him for payment. This is a better situation than not writing a receipt, where the borrower would be vulnerable.

Rashba adds that writing a receipt is primarily for the case of a loan, but we do not make any distinctions, and we require it in all cases. ■

wrote that the custom is for the bride's face to remain covered. Furthermore, if witnesses do look at the bride's face perhaps they should be disqualified from serving as witnesses for violating the prohibition against gazing at women.

On the other hand, Rav Moshe Shternbuch⁷ writes that the Brisker Rov, insisted that the witnesses look at the bride's face before the kiddushin and he writes that the custom is to look at the bride before the veil is pulled down over her face. ■

1. אבני מילואים סי' ל"א סק"ד.
2. פת"ש שם סק"ה.
3. שו"ת חסד לאברהם מהדו"ק אה"ע סי' כ'.
4. שו"ת בית שלמה אה"ע סי' ט'.
5. רמ"א אה"ע סי' ל"א סעי' ב'.
6. שו"ת משנה הלכות ח"י"ד סי' ל"ד.
7. שו"ת תשובות והנהגות ח"ד סי' רפ"ז. ■

STORIES Off the Daf

Gladdening the Bride and Groom

"כיצד מרקדין לפני הכלה..."

Rav Yosef Chaim Sonnenfeld, zt"l, was known to truly cherish the great mitzvah of making a chosson and kallah happy at their simchah. Whenever he would attend any wedding, he would always make sure to sing and dance a great deal with a lot of enthusiasm and vitality.

When the Rav grew older, even though he could no longer dance as he used to, he would still tell others

to dance. He would stir up the dancers so that their rejoicing would be the way it ought to—so that it could gladden the hearts of the new couple. Rav Yosef Chaim would always say, "In Kesuvos 16b the Gemara asks: keitzad merakdin lifnei hakallah? This is generally translated as, 'How does one dance before the bride?' But the word merakdin doesn't only mean to dance. The proper word for dance would be rokdin. The word merakdin actually means to cause others to dance. This is why I am so careful to make sure that the dancing is up to par even though I myself am no longer capable of dancing much. I thus

fulfill the mitzvah of being meraked, of being mesameach, of bringing joy, to the chosson and kallah!"

Once, the Sar Shalom of Belz, zt"l, commented on this avodah. "The Gemara asks: כיצד מרקדין לפני הכלה, how should one dance before the bride? If you look, you'll find that the first letter of each of these words spells HaMelech. This teaches us that a person can dance before the kallah with the same attitude and the same devotion to Hashem as experienced by the chazzan as he intones HaMelech during the Yomim Noraim!" ■