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כתובות נ"ו
The Chicago Center

This month's Daf Digest is dedicated
L'ilui Nishmas Yosef ben Chaim haKohen Weiss (8 Elul) & Mrs. Yenta Weiss, Rivke Yenta bas Asher Anshel (13 Elul)
Family Weiss, London

OVERVIEW of the Daf

1) The position of R' Elazar ben Azaryah (cont.)

As a result of a successful challenge the Gemara reframes the dispute. Both Rav and R' Nosson agree that a presumption is acceptable and the dispute relates to whether there is a presumption in this case.

Numerous opinions are cited whether halacha follows R' Elazar ben Azaryah and the Gemara concludes that halacha follows his opinion.

Ravin inquired whether a woman who had chupah but did not have relations receives the supplemental part of the kesubah.

The Gemara demonstrates that it is chupah that allows her to collect the supplemental part of the kesubah.

This proof is unsuccessfully challenged.

R' Ashi inquired whether a woman who entered the chuppah and then became a niddah collects the supplemental part of the kesubah.

The matter is left unresolved.

2) Writing a receipt

The inference of the Mishnah that R' Yehudah maintains that receipts are written is challenged.

R' Yirmiyah and Abaye offer alternative resolutions and the Gemara explains why they do not accept the other's resolution.

R' Yehudah seems to indicate that it is necessary for the woman to write a receipt that she received part of the kesubah. The Gemara challenges this position since as a monetary matter even an oral stipulation should be sufficient.

The Gemara suggests that it is the result of the fact that the kesubah is only Rabbinically required.

This explanation is unsuccessfully challenged.

Another unsuccessful challenge is presented.

3) Clarifying R' Meir's position

The Gemara notes that according to R' Meir's position the relations that the couple has will be considered lewd.

It is demonstrated that R' Meir maintains that the kesubah is of Biblical origin.

4) Reducing the value of the kesubah

A Baraisa presents a dispute about reducing the value of a kesubah.

The Baraisa's statement that a man may diminish the value of a woman's kesubah is challenged from a Baraisa.

After clarifying the Baraisa the Gemara answers the challenge. ■

Distinctive INSIGHT

The discounted kesubah

טעמא דכתבה ליה. אבל על פה לא.

The Mishnah taught that the standard price listed in the kesubah of a בתולה is two hundred zuz. However, Rabbi Yehuda rules that if the couple agrees, the husband can record that he is promising the full amount, and the woman can write a receipt that she has already received one hundred of the sum.

The Gemara points out that this might seem inconsistent with the general policy of Rabbi Yehuda, who holds (Bava Basra 170b) that if a borrower pays back part of a loan, it is not sufficient for the lender to write a receipt for partial payment, as Rabbi Yose holds, but the original document itself must be exchanged for a new one representing the new, smaller balance. We see that Rabbi Yehuda does not agree that writing a receipt is a valid option. Rabbi Yirmiya answers that our case is dealing where the woman writes her acceptance of partial payment within the document itself.

Abaye answers that the cases are fundamentally different. One case is where part of a loan was repaid. We are concerned that if a receipt is issued, and it is later lost, the lender will come to collect the entire loan, including the amount actually paid back. This would be a travesty. However, in the case in our Mishnah, the woman never received any payment toward her kesubah. Even Rabbi Yehuda would hold that a receipt should be written. In case the receipt is later lost, and the woman ends up collecting the full amount, this would not be so terrible, as the truth is that the woman never received any

(Continued on page 2)

REVIEW and Remember

1. What is חיבת חופה?
2. Why are there opinions that oppose writing receipts?
3. How does the Gemara demonstrate that R' Meir holds that a kesubah is of Biblical origin?
4. Can a man designate movable items as payment for his wife's kesubah?

HALACHAH Highlight

Chupah by day or night

חופה נמי לא קשיא ... אורח ארעא קא משמע לן דבלילה

Chupah also is not difficult... [the Tanna is] teaching derech eretz that the chupah should be held at night.

Rav Yaakov Emden[1] writes that the Gemara seemingly indicates that in the time of Chazal the chupah ceremony was held at night. The Shearim HaMetzuyanim B'Halacha[2] also cites the opinion of the Bach, who wrote that it is correct to have the chupah at night. Shearim Hamitzuyanim B'Halacha cites our Gemara as well as a Tosafos in Yoma as proof to that position.

Rav Akiva Eiger[3], on the other hand, wrote that the custom in some communities to delay the chupah until nighttime has no source in the writings of the earlier or later halachic authorities. He then mentions that Teshuvas Re'aim rules that a get that is given at night is invalid, and since the Torah equates marriage and divorce, it is possible that kiddushin should also not be held at night. He concludes that one should make an effort to comply with the opinion of the Re'aim and kiddushin should be done during the day, but if there is a compelling need (שעת הדחק) kiddushin may be held at night since most Poskim maintain that even a get may be delivered at night.

Most Poskim rule that there is no difference whether the chupah is held during the day or at night and Aruch Hashulchan[4] writes that many communities have the custom to hold the chupah specifically at night. Rav Moshe Shternbuch[5], in Teshuvos V'Hanagos, suggests that the reason is that the stars are visible at night and that is considered a good omen (סימן טוב) for the marriage.

Pishchei[6] Teshuvah writes that some communities had the custom to hold the chupah between mincha and maariv and they would begin the meal immediately. Some time later the guests would arrive and they would recite birkas hamazon and sheva berachos. Teshuvos V'Hanhagos[7] notes that even though a majority of Poskim allow the chupah to be held at night the custom in Yerushalayim is for kiddushin to be done during the day rather than at night. ■

1. הגהות רב יעקב עמדין ד"ה קמ"ל דבלילה.
2. שערים מצויינים בהלכה סי' קמ"ו קו"א סק"ד.
3. שו"ת רעק"א מהדו"ת סי' ע"א.
4. ערוה"ש אה"ע סי' כ"ו סע' י"ד.
5. שו"ת תשובות והנהגות ח"ד סי' רפ"ו.
6. פתחי תשובה אה"ע סי' ס"ב סק"י.
7. שו"ת תשובות והנהגות הנ"ל. ■

(Insight. Continued from page 1)

money in the first place.

The Gemara notes that the woman's willingness to dismiss part of the kesubah must be put in writing, but if it is simply spoken, she can still collect the entire amount. Although conditions regarding financial matters are generally binding even orally, Rabbi Yehuda holds that the kesubah here is rabbinic, and the Rabbis strengthened their words to be stronger than the words of Torah in this case. The condition is not valid unless it is written. ■

STORIES Off the Daf

Charity in the Form of Honor

החמרין שנכנסו לעיר ואמר אחד מהן שלי חדש ושל חברי ישן, שלי אנו מתוקן ושל חברי מתוקן אין נאמנים

One of the most difficult issues in avodas Hashem is learning how to handle personal honor, when it is supposed to be לשם שמים, for the sake of heaven. It is all too easy for even a great person to lose his sense of humility when others choose to show him honor for his righteousness or scholarship. Rav Wolbe, zt"l, would not allow students to carry his things for him. When one student boldly asked, "But Rebbi, don't we see in Kesuvos 56a that one who doesn't allow his students to serve him is depriving the student of kindness? And this is the ruling in Shulchan Aruch as well—so why doesn't the Rav fulfill this halachah?"

The Mashgiach replied, "It is difficult for my own service of Hashem if people honor me, so I am really an אונס, I am caught in a mitigating circumstance. That is why I cannot comply with that particular halachah in Shulchan Aruch. You can't do a chessed for a student at the expense of becoming arrogant!"

When Rav Avrahom ben Rav Nachman of Tulchin, zt"l, would make Kiddush, he always recited the prayer with tremendous emotion and sincerity. He would often take a few moments to focus on the powerful mitzvah of Kiddush and only then would he begin.

Once, as he stood in contemplation before Kiddush as was his practice, his nephew started to make a ruckus. Rav Yisroel Karduner, zt"l, protested this interruption. "Sha! Sha!" he remonstrated. It was immediately noticeable on the face of Rav Avrahom that he was distressed; without waiting an instant, he recited Kiddush.

The next day, when the two met again, Rav Avraham said to Rav Yisroel in a tone of unmistakable pique, "What do you think? You will make me into a famous Rebbe and give me honor in exchange for me doing the same for you?!"

This is a lesson can be learned from a situation described on today's daf: Two merchants enter a city and one claims that although his own produce is not tithed, he testifies that his friend's produce is tithed. We see from here the human tendency to boost the reputation of one's friend in exchange for the other providing a step up. Hashem should only save us from seeking charity in the form of honor from the people we meet each day! ■

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