

OVERVIEW of the Daf

1) Lost objects

A father keeps his daughter's found objects because of the possible hatred that could develop if she kept them for herself.

2) Her earnings

Rav Huna in the name of Rav cites a verse for the source that a father keeps his daughter's earnings.

This source is successfully challenged and the Gemara slightly revises its exposition.

3) Nullifying vows and accepting her get

The sources for the father's rights to nullify his daughter's vows and accept her get are identified.

4) Eating the products of a daughter's property

A Baraisa presents a dispute whether a father is entitled to eat the fruits from his daughter's property.

The rationale behind the dispute is explained.

5) The right to property brought into the marriage during the betrothal period

A Baraisa presents a dispute whether a husband inherits the property that a woman was bringing into the marriage (נכסי צאן ברזל) if she dies while they are still betrothed.

It is suggested that the dispute is related to a dispute between R' Elazar ben Azaryah and Rabbanan who disagree whether a woman collects even the supplemental part of the kesubah if the man dies while they are still betrothed.

The connection between the two disputes is rejected.

6) A husband's rights and obligations

A Baraisa elaborates on the connection between the rights of a husband and the corresponding obligations.

A point in the Baraisa is clarified.

Abaye explains the logic behind the connections between the different rights and obligations.

7) A husband's obligation to support his wife

Rava cites a Baraisa that presents opinions that maintain that a husband's obligation to support his wife is Biblical. ■

Distinctive INSIGHT

Getting married on Shabbos or Yom Tov

מסתברא דאביה הוּו דאי סלקא דעתך שמעשה ידיה לאו דאביה אלא הא דזכי ליה רחמנא לאב למימסריה לחופה היכי מצי מסר לה הא קמבטל לה ממעשה ידיה...אי נמי דמסר לה בשבתות וימים טובים

Rav Huna teaches that the rights to the earnings of a daughter belong to the father. This is true regarding a daughter who is a minor, as well as for a daughter who is a נערה. Regarding a minor daughter, this fact is derived from the fact that the father can sell her as a maid-servant. The Gemara probes to identify the source for this right of the father regarding a נערה. The first suggestion is that the very fact that a father has the right to marry off his daughter as a נערה and to designate her to go to the חופה indicates that the father has control over her productivity. Otherwise, if her time and effort were fully hers, the father would not have the ability to demand her time to go to the חופה.

Rav Achai challenges this. He contends that although the father can arrange for his daughter to go to the חופה, the case could be one where the father would be expected to compensate his daughter for her lost time. Or else, perhaps the father is only permitted to arrange the חופה to take place on Shabbos or Yom Tov, an hour when no one is allowed to be performing work.

Tosafos notes that the Gemara in Moed Kattan (8b) teaches that the Torah prohibits conducting a wedding on Chol Hamoed or on Yom Tov. How then, can our Gemara consider a case of a wedding taking place on Yom Tov? The case must be where the wedding itself takes place the afternoon before Shabbos or Yom Tov commences, and the wedding banquet then is held that evening, once Shabbos or Yom Tov begins. The hours before Shabbos or Yom Tov begins are a period when work is generally not done, and the father would be able to arrange the חופה at this time. ■

REVIEW and Remember

1. What is the source that a father keeps his d? _____
2. Is a father always willing to redeem his daughter from captivity? _____
3. What is the point of dispute between R' Elazar ben Azaryah and Rabanan? _____
4. What verse contains the Biblical obligations a man has to his wife? _____

HALACHAH Highlight

Continuing financial support for a son-in-law who leaves learning

שלא כתב לה אלא על מנת לכונסה

He only wrote [that he would give] her [the supplementary amount] on condition that they would marry.

R' Elazar ben Azaryah maintains that if a groom dies before his marriage his estate does not have to pay the bride the supplementary amount of the kesubah (תוספת כתובה). The reasoning is that it is assumed that the groom included the supplementary amount only on the condition that they would marry. Tosafos¹ challenges this ruling because according to this logic if a man bought a cow from his friend and it died before the buyer had an opportunity to use the cow, the sale should be nullified because we can assume the buyer bought the cow with the intention to use the cow and not that it should die. Tosafos answers that when it comes to purchasing an animal, a person knows that there is a chance the animal may die before he will use it and people nonetheless are willing to accept that risk. This is not the mindset of a person who is interested in marrying a woman. He does

not think of the possibility that one of them may die, and his commitment is completely dependant upon the marriage. Therefore, if one of them dies and the wedding does not occur there is no obligation to pay the supplementary amount.

This discussion of Tosafos forms the foundation for the discussion in the Poskim related to presumptions (אומדנא). For example, Divrei Gaonim² cites Teshuvah Haradam who addressed the following question. A man accepted upon himself the responsibility to financially support his daughter and son-in-law for three years. In the middle of that time the father wanted to withdraw his support with the claim that his acceptance was made with the understanding that his son-in-law would study Torah full time. Now that he no longer learns full time and has entered the business world it should not be his responsibility to continue to provide financial support for the young couple. Teshuvah Haradam ruled that since this condition was not stipulated at the time the agreement was made and there is no presumption that that was the father's intent, he cannot change the terms of the arrangement in the middle of the agreement and he is obligated to continue to provide financial support to his children. ■

1. תוס' ד"ה שלא כתב לה.

2. דברי גאונים כלל נ"ה סי' י"ב. ■

STORIES Off the Daf

The Pain of Remorse

”דמסר לה בליליא אי נמי דמסר לה בשבתות וימים טובים...”

Rav Yitzchak Blazer, zt”l, one of the four original disciples of Rav Yisroel Salanter, zt”l, would deliver very stirring mussar lectures during the month of Elul, especially on motzei Shabbos after nightfall. These talks were so inspiring that many were moved to tears. Who could withstand his message after such a great gaon and tzaddik had applied the lesson to himself and his own “flaws,” and would then weep copiously in regret for his “misdeeds?” Who among the listeners wouldn’t be aroused to repent?

He would say Boruch Hamavdil before beginning his lecture so as not to cause pain and weeping during tosefes

Shabbos, since this is presumably prohibited just as it is on Shabbos unless the blessing has been made. (See Rema Orach Chaim 285 and Mishnah Berurah there, #4). Toward the end of his life, Rav Yitzchak Blazer had a change of heart and would give his motzei Shabbos drashos without saying boruch Hamavdil first.

When Rav Shlomo Zalman Auerbach, zt”l, was asked about this, he commented, “Presumably the Gaon changed his mind since it was only tosefes Shabbos, which has less sanctity than Shabbos. We learn this from the Gemara in Kesuvos 47a where we find that some entertain the idea that a father may send his daughter to the chuppah on Shabbos or Yom Tov night when labor is prohibited. Tosafos questions this by bringing as statement from Moed Katan 8b that it is prohibited to marry during the moed since this is

mixing the simchah of Yom Tov with the simchah of matrimony. Tosafos resolves the issue by stating that Kesuvos is discussing a case where one made the chuppah during tosefes Yom Tov, when the injunction to be happy with the joy of Yom Tov alone does not apply. Apparently, Rav Blazer learned that just like Rabbinic prohibitions are permitted during tosefes Shabbos, it is also permitted to cause the pain of teshuvah and to inspire tears of remorse once it is already tosefes Shabbos.”

Rav Auerbach concluded, “However, this is not really clear at all. Arousing crying and pain are so completely the antitheses of the spirit of Shabbos that perhaps this is prohibited during tosefes Shabbos as well! Perhaps they are like actual Torah-level labors that all agree are prohibited until after a person has said boruch Hamavdil!” (See Orach Chaim 299:10) ■