

Daf Notes

Insights into the Daily Daf

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Kesuvos Daf 49

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Daily Daf

Given Over to a Messenger

Rava said: The Tanna from the house of Rabbi Yishmael already settled this matter. The Tanna from the house of Rabbi Yishmael said that the passuk states “and the vow of a widow or divorcee, whatever she forbade on herself she is valid upon her.” What does this teach us? Of course it should be so, as she is out of the possession of her father and any husband (*so she alone is responsible for her vows*)! It must be teaching us regarding a case where her father gave her over to the messengers of her husband or the messengers of the father gave her to the messengers of the husband and she became widowed or divorced on the road. In whose possession is she considered to be, that of her father or husband? The passuk above teaches us that once she has left her father’s possession, he is no longer relative to negate her vows.

Rav Papa says: we have learned a similar teaching. The Mishna states that if someone has relations with a betrothed na’arah, he does not receive the special punishment stated by the Torah regarding a betrothed na’arah unless the girl is a betrothed virgin na’arah who is still in her father’s house.

The Gemora asks: It is understandable that when the Beraisa specifies “na’arah” it excludes a bogeres, “besulah” excludes someone who is not a virgin, and “me’urasah” excludes someone who is already married (*as these are exclusions by definition*). Why does the Beraisa (*by extension, the passuk*) state that she has to be in her father’s household? [*Don’t betrothed girls generally live by their fathers?*] It must be that the Beraisa is referring to a case where the father already handed her over to the messengers of the husband (*and*

she was unfaithful on the way). [*This is not deemed to be in her fathers house.*]

Rav Nachman bar Yitzchak says that we learned this from a previous teaching. Someone who has relations with a married woman, once she has entered the husbands domain regarding marriage even though they (*married couple*) have not yet had relations, is punished with strangulation (*typical punishment for unfaithful women*). The terminology “she entered the husband’s domain” (*instead of i.e. “entering the marriage canopy”*) implies our teaching (*that even if she was given over to his messengers she is considered in his domain*).

Mishna

The Mishna states: A father is not obligated to provide food for his daughter. This teaching Rabbi Elazar ben Azaryah taught in front of the sages in Kerem Be’Yavneh: The sons should inherit and the daughters should be supported. Just as sons only inherit after their father dies, so too daughters should only be supported after their father dies.

Supporting Children

The Gemora comments: This implies that he is not obligated in supporting his daughters, while he is obligated to support his sons. Additionally, it implies that there is no obligation to support one’s daughter but there is a mitzva to do so.

The Gemora asks: Who is the author of our Mishna? It does not seem to be Rabbi Meir, Rabbi Yehuda, or Rabbi Yochanan ben Berokah, as we shall see from the following Beraisa.

The Beraisa states that it is a mitzva to support girls, and certainly sons who learn Torah. These are the words of

Rabbi Meir. Rabbi Yehuda says that it is a mitzva to support sons, and certainly daughters, as it is degrading for the girls. Rabbi Yochanan ben Beroka says that it is an obligation to support girls after the father dies, but both (girls and boys) do not have to be supported during the father's lifetime.

Who is the author of our Mishna? It is difficult to say that it follows Rabbi Meir's opinion, as he says it is only a mitzva (not obligation) to support boys. It is difficult to say it follows Rabbi Yehuda's opinion, as he says that boys are also a mitzva. It is difficult to say it follows Rabbi Yochanan ben Beroka's opinion, as he says it is only a mitzva to support boys after the father dies.

The Gemora answers that the author could be any of these three Tanaim. Our Mishna could be Rabbi Meir, and it would read as follows: A father is not obligated to support his daughter and similarly his son, but there is a mitzva to support one's daughter and certainly his son. Why did it only say "daughter" in the Mishna? This teaches us that it is even a mitzva to support a daughter (though she does not learn Torah), but it is not obligatory. Alternatively, the Gemora answers that it could also be Rabbi Yehuda. The Mishna would read as follows: A father is not obligated to support a daughter and certainly a son, but it is a mitzva to support a son and certainly a daughter. Why does the Mishna only discuss a son? This teaches us that there is no obligation to support one's children, even regarding a daughter. Alternatively, the Gemora answers that it could also be Rabbi Yochanan ben Beroka. The Mishna would read as follows: A father is not obligated to support a daughter or a son, and it is not even a mitzva to do so. The Mishna only used the term "obligation" (not to imply it is a mitzva, but rather) because there is an obligation to support daughters after their father dies.

Rabbi Ila said in the name of Reish Lakish in the name of Rabbi Yehuda bar Chanina: In Usha they decreed that a person must support his sons and daughters when they are minors.

The Gemora inquires: Does the halachah follow this decree or not? We can answer this from Rav Yehuda, who would tell people who came before him with this question, "The alligator has children, and throws them on the people of the city?!" [This implies that he would tell people they should do so, but not enforce it.] Rav Chisda would tell people who came before him: "Turn over a grinder in public stand on top of it and say: "a raven feeds its kin, and this person does not want to do so!"

The Gemora asks, does a raven indeed feed its kin? Doesn't the passuk say "He feeds the sons of the raven who call out to Him?" This is not difficult, for the passuk is talking about the white ravens babies, while Rav Chisda meant the older black raven children (see Rashi).

When people would come before Rava, he would say: "Are you happy that your children should be supported from charity?" All of this is only referring to a case where the person is not wealthy. If he is wealthy, we force him to support his children. This is as in the case where Rava forced Rav Nasan bar Ami (regarding giving proper amounts of charity), and took from him four hundred zuz (type of coin) for charity.

Rabbi Ila said in the name of Reish Lakish that in Usha they decreed that if someone writes that all of his possessions should go to his sons as a gift as of now, he and his wife can still support themselves from those possessions. Rabbi Zeira asked, and some say it was Rabbi Shmuel bar Nachmaini, they even said this regarding a widow, so it is redundant to say this applies to a husband and wife!

The case of a widow is as Rabin sent in a letter: if someone died and left a widow and a daughter, his widow is supported from his estate. If his daughter marries, his widow still continues to be supported from the property. If the daughter dies, Rabbi Yehuda the son of the sister of Rabbi Yosi bar Chanina said that there was such an incident in his area, and they said his widow should be supported (*from her son-in-law's inheritance of the daughter's estate*). Certainly (*going back to our original question*) this is true regarding the husband himself and his wife! The Gemora answers that one might think that in the case of the widow there is no one working to support her, but in the case of a man and his wife let him work for both of them! This is why the Gemora needs to state that they can both support themselves from the estate.

INSIGHTS TO THE DAF

Supporting one's Children

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Tosfos comments: If one has children less than six years old, he has an obligation to feed them, and it is enforceable. It would seem that this is a Rabbinical obligation.

Reb Moshe Feinstein in his sefer Dibros Moshe on Gittin (fourth perek; heora 83) writes the following novel halacha: If one has only one son and only one daughter, he is halachically required to support them. His reasoning is as follows: There is a mitzva of procreation. We hold according to Rabbi Yochanan, who states that if one has children and they die, he has not fulfilled his mitzva of procreation. Accordingly, if one does not sustain his children and they consequently die, he will be lacking his mitzva of *peru u'revu*. It is therefore incumbent upon him to be concerned about the welfare of these children; not necessarily for their sake, but for his mitzva.

He adds: When the Mishna says that one is not obligated to sustain his children, that is only if he has more than one son and one daughter. He concludes that he is bewildered why none of the poskim rule accordingly.