

Einayim L'Torah

A weekly Torah publication by and for the talmidim of YU

From The Shiur Yomi of: Rabbi Hershel Schachter (Shiur Pesicha)

There are a number of *halakhic* distinctions between an *arusah* (a woman who underwent the first stage of marriage) and a *nesu'ah* (a woman who underwent the second stage of marriage). The *Gemara* in *Kiddushin* (10a) lists three (effects after *nissuin*): *ha-ba'al yoresh es ishto* (the husband inherits his wife's property), *ha-ba'al mitame le-ishto* (if a Kohen, the husband may become impure to her if she dies), and *ha-ba'al mefer nidareha* (the husband may nullify her verbal vows). Other distinctions include the *sekilah* (stoning) penalty for an *arusah* and the *chenek* (strangulation) penalty for a *nesu'ah* (who committed adultery); *terumah* of an *eishes kohen* on a *de'oraisa* level goes to an *arusah* (although *mi-derabbanan* it does not), while the *chazeh ve-shok* (*kodshim* that the Kohen is entitled to) goes only to a *nesu'ah* (at least according to *Or Sameach's* understanding of a *Yerushalmi*).

Rashi wonders why the *Gemara* in *Kiddushin* gives a separate *limmud* that *terumah* goes to the wife of a Kohen when the Torah is explicit—"kol beiso yokhal kodesh"

(his entire house shall eat the sacred food). He answers that the term *beiso* (his house) refers specifically to a *nesu'ah*, which wouldn't teach that an *arusah* may partake. This is based on the first Mishnah in *Yoma* which says that the serving *Kohen Gadol* must be married with *nissuin* in order to perform the *avodah*, because of the verse "*ve-chiper ba'ado u-v'ad beiso*," where *beiso* means *ishto davka* after *nissuin*.

Along these lines, **Rav Soloveitchik** (*Ma Dodech Mi-dod, Divrei Hagut Ve-ha'aracha*, p. 72-73) explained that while an *arusah* can be considered an *eishes ish shelo b'veis ha-ba'al*, a *nesu'ah* is an *eishes ish b'veis ha-ba'al*. The *kiddushin* is the formal *kinyan*, but the *nissuin* is the *hachnasah li-reshuso* (change of possession) that consecrates the marriage. Thus, even though *she'er, kesus ve'onah* applies only after *nissuin*, any *tenai* attached to the monetary obligation (because we *pasken* "*kol ha-mesneh al mah she-kasuv ba-Torah be-mamon, tenai kayam*") takes effect at *kiddushin* (*Kesuvos* 56a). Likewise, *shelichus* (a messenger) can be utilized for *kiddushin*, whereas *nissuin* has to be done by the husband himself ("*milsa de-leisah be-shelichus leisah be-tenai*").

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RABBI SCHACHTER

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RABBI ADLER

From the Roshei Yeshiva: Rav Elchanan Adler

Parashas Ki Seitzei contains the Torah's source for *gittin*—the laws of divorce—embedded in a larger frame: the prohibition of *machzir gerushaso*, a first husband taking back his former wife after she has married someone else (Devarim 24:1–4). The Torah narrates a sequence: a man marries, divorces with a *sefer kerisus* (bill of divorce), the woman marries another, and then either the second marriage ends in divorce or death. At that point the Torah forbids the first husband from remarrying her: “*Lo yuchal ba’alah harishon... lashuv lekachtah... acharei asher hutama’ah.*”

Chazal mined every phrase of these verses for the *halakhic* architecture of *gittin*. But the Torah's narrative frame—*machzir gerushaso*—becomes the springboard for a striking *aggadah* at the end of Yoma. The *Gemara* (Yoma 86b) records a series of “*gedolah teshuvah*—great is repentance,” culminating in Rabbi Yochanan's statement: “*Gedolah teshuvah she'docheh lo sa'aseh she'baTorah* — Repentance is so great that it ‘pushes aside’ a negative commandment in the Torah.” R. Yochanan cites Yirmiyahu (3:1): “If a man sends away his wife and she becomes another man's—will he return to her? Would not the land be profaned? Yet you have played the harlot with many lovers, and still: ‘Return to Me,’ says Hashem.” Rashi explains: the *lo sa'aseh* alluded to is precisely our parashah's *machzir gerushaso*. *Klal Yisrael*, having “married” others, is nevertheless invited back. That is the power of *teshuvah*.

On its face, this *gemara* is peculiar. Why should *teshuvah* functioning this way be surprising? After all, we have a well-known principle of *aseh docheh lo sa'aseh*, a positive command overriding a negative one. Perhaps *teshuvah* (a positive imperative) simply overrides the *lo sa'aseh*? The *Mahar”m Chaviv* (in his work on Yoma, often bound with *Kapot*

Temarim on Sukkah) gives a potential answer: *aseh docheh lo sa'aseh* applies when the same person, in the same act, fulfills the *aseh* and thereby overriding the *lo sa'aseh*. Here, however, the “*aseh*” of *teshuvah* is performed by us, but the “violation” of *machzir gerushaso* (so to speak) would be on the “side” of HaKadosh Baruch Hu, Who takes us back. If different “parties” are involved, the mechanism of *aseh docheh lo sa'aseh* may not naturally apply.

The *Mahar”m Chaviv*, however, then questions this distinction, citing sugyos that suggest *aseh docheh lo sa'aseh* might apply even when two parties are implicated. Yet Rabbi Akiva Eiger, in his *hagahos* there, bolsters the initial approach. He points to *Tosafos* (Gittin 41a) on the case of a person who is half-slave, half-free (*chetzyo eved v'chetzyo ben chorin*), where we force the master to free him in order to fulfill the *aseh* of *pru u'rvu*. Why not allow him to remain in that status and marry a *shifchah*, letting the *aseh* of *pru u'rvu* override the *lo sa'aseh*? *Tosafos*, in one of his answers suggests: that would leave the woman transgressing without an *aseh*; *de-b'didah leka aseh*. Evidently, the standard override doesn't function when the one fulfilling the *aseh* and the one “violating” the *lo sa'aseh* are not the same.

With this point we can now understand our *aggadah*: Rabbi Yochanan is saying that while usually *aseh docheh lo sa'aseh* would not apply, Hashem allows *teshuvah* to violate these regular rules. However, another possibility emerges when we consider the following question: is *teshuvah* itself a *mitzvah*? The Ramban counts “*v'shavta ad Hashem Elokecha*” as the command of *teshuvah*, whereas the Rambam famously foregrounds *viduy* (confession) as the *mitzvah*, implying *teshuvah* may be the posture that animates it. If *teshuvah* is not a classic
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RABBI BERMAN

Special Addition: Shiur Kelali from Rabbi Berman

While the *kesubah* is generally treated as a *nissuin* document, there are strong indicators that it is also tied to *kiddushin*. These include Rambam's link in his description of the *mitzvah* in *Mishnah Torah* (*Ishus* 1:1) "*lisa ishah be-kesubah ve-kiddushin*", and his formulation of the prohibition of *kedesha* "*hizhir she-lo lavo al ishah belo kesubah ve-kiddushin*" (*Sefer Hamitzvos* 355). Likewise, the Gemara's definition of a concubine "*pilagshim belo kesubah u-belo kiddushin*" (*Sanhedrin* 21a) and the *halakhos* that demand payment of the *kesubah* in some capacity after *erusin* (*Kesuvos* 54a), all demonstrate this link. How do we explain this connection?

After periods of concern about marriage stability and hasty divorces, Shimon ben Shetach (approx. one hundred years before the first *Tannaim*) instituted that all of the husband's property be lienied for the *kesubah* payment in order to secure the relationship (*Kesuvos* 82b). This should be seen not merely as a practical measure, but as expressing the covenantal bond that requires harmony and mutual commitment. In the same vein, the Chachamim's rationale "*chachamim hem she-tiknu kesubah la-ishah kedai she-lo tihyeh kalah be-einav le-hotsi'ah*" (*Yevamos* 88b) frames *kesubah* as protecting the dignity and durability of the marriage.

Perhaps we can suggest a shift in function over time. The *ikkar kesubah* (principle amount) is learned from the verse about the *mefateh*, "*mohar yimaharenah lo le'ishah*." Even the Chachamim who hold that this core obligation is *derabbanan* agree that the principle amount is patterned after this verse (*Kesuvos* 10a.). Thus, whether the simple *peshat* of *mohar* in the Torah directly refers to our modern day *kesubah* (Rashi) or simply presents of affection (Ramban), Chazal link the *kesubah* to the biblical *mohar* (cf. Shekhem's "*mohar u-matan*").

Appreciating *mohar's* connotation in the Torah, and Rambam's direct link of Yehudah's gifts to Tamar to the biblical *kesubah* (*Moreh Nevukhim* 3:49), perhaps we can say the *kesubah* was originally more transactional and general in nature. In this way it mimics the stage of *kiddushin* in which she becomes "*asurah le-kulei alma ke-hekdesh*" (*Kiddushin* 2b); she is not yet "*ishto*" but just another generic "*eishes ish*."

Chazal then linked the *kesubah* with the more personal and covenantal relationship of *nissuin*. The *tosefes kesubah*, the *nedunyah* (dowry), and even our modern *kesubah* artwork express a personalized bond of commitment. The *ikkur kesubah* is the same for all; the *tosefes* and *nedunyah* are individualized and personal. In line with R. Eliezer's separation of *kesubah* payments (which we pasken like), where the obligation of the *ikkur kesubah* takes effect after *erusin* and the *tosefes* after *nissuin* (*Kesuvos* 54b), the *kesubah* moves from the transactional to the covenantal, and from the general to the personal. It is thus fitting that we read the *kesubah* between *erusin* and *nissuin* in our current weddings, in order to link its two themes.

"All of this not only clarifies the *ketubah* as a legal document, but also gives us profound insight into the nature of relationships themselves (direct quote)". *Halakha* contrasts two paradigms: the consumer (transaction, utility, exchange) and the covenantal (commitment, shared purpose, enduring bond). Marriage best exemplifies this, where *halakha* guides us from a consumer mindset into a covenantal one. The transition from *kiddushin* to *nissuin* teaches that relationships aren't static; they're meant to grow. Marriage is not an endpoint but the beginning of a shared journey— of love, mutual discovery, and unity of purpose. This growth pattern holds in all relationships: with others, with ourselves, and with Hashem.

In A Nutshell:

Rabbi Aryeh Lebowitz - Sichas Mussar

It's hard to overstate the importance of writing Torah down: you'll remember better, you can look back later, and it shows responsibility to the *mesorah*, to yourself and to others. Putting words on paper is an act of *kavod* for what you learn. However, writing things down is not only about paper; it's about writing on your heart '*vekasuv al luach libecha*.' The purpose of Yeshiva is to ingrain the Torah that you learn into your essence and persona; not simply acquiring material but making it part of you. Most of the day, especially once you leave Yeshiva, is spent outside the *beis medrash*. The question becomes: what are you discussing, and what fills your thoughts in those moments? These are the years to train yourself to think in Torah. Practical advice: take one idea you learn and carry it with you all day so it's what you're thinking about.



RABBI LEBOWITZ

Rabbi Yitzchok Cohen - Opening Mussar

- "*Barukh Ata*" should not be understood as "Blessed are Thou." Hashem does not need our *bracha*, and we are not blessing Him; rather, with these words we are acknowledging and inculcating in ourselves that He is already blessed, He is the *Mekor Haberacha* (the source of all *beracha*).
- What separates us from other animals is our *neshama*. The uniqueness of the *neshama* may lie in our ability to smile. We should start off the *zman* with joy, a genuine *simchas hachaim* for the opportunity to serve Hashem.
- The *sugya* of *yeiush* (despair) and the *machlokes* between Abaye and Rava (with regard to *yeuish shelo mida'as*) is a *sugya* in *Nezikin* and *Choshen Mishpat*. Keep it there! Too often we bring the *sugya* of *yeiush* into our own life. Don't let *yeiush* enter *Orach Chaim*! Don't be *meyaeish*! Hashem loves you, and you have to give yourself some self-respect. Keep pushing!



RABBI COHEN

(Rav Schachter Shiur Pesicha continued)

This is why Rav Soloveitchik, in contrast to the *Dagel Mervava*, insists that the *chosson* place the veil on the *kallah* all by himself at the *badeken* (see views of *nissuin* below). *Kiddushin* is the *ma'aseh kinyan* where the husband is *ba'al* on the *chalos*, and the *nissuin* is the personal culmination—the *hachnasah li-reshuso*—of this process.

The amorphous nature and informality of the *nissuin* lends itself to at least four positions as to what defines this change in *metzius*: (a) the *badeken* (*Mordechai*, based on the verse "*u'farashta kenafecha al amasecha*"); (b1) the *chuppah* covering as a function of change in *reshus* (*Ezer Mikodesh*), where the canopy has four *tzuross ha-pesach* to define it as a distinct dwelling domain; (b2) the canopy also serves to accomplish "*u'farashta kenafecha al amasecha*"; (c) the *chuppah* must be fit for relations (*Rambam*), hence *yichud* constitutes the *chuppah*; (d) only actual entry into the husband's home (*Gra*). Although *me-ikkar hadin* (in principle) we *pasken* that the canopy (b) classifies *nissuin*, we perform all four of these actions in order to be stringent.

In accordance with the *Rambam's* position (c), **Rav Soloveitchik** was stringent like the *Maharil* (and quoted in the *Magen Avraham*) to rush the *chosson* and *kallah* after the *chuppah* to the *yichud* room in order not to create too long of a *hefsek* (pause) between the *sheva brachos* (which celebrates the *nissuin*) and this potential *nissuin*; for in this view a short elapse in time *halakhically* still allows for the *brachos* to relate to the *nissuin* that was done post-facto.

Student Dvar Torah: Caleb Breda

Rav Avraham Schorr teaches a *drush* on the very first *pasuk* of *Parshas Re'eh*: “*Re'eh anokhi nosen lifneichem hayom berachah u'kelalah*”—“See, I have given two options before you, blessing and curse.” The *Zohar* teaches that every time the word *hayom* appears in the Torah, it hints to *Rosh HaShanah*. Furthermore, “*nasan*” is the *lashon* of *matanah*—a gift. Read this way, the *pasuk* becomes: “*Re'eh, anokhi nosen lifneichem—hayom, berachah u'kelalah*.” “See, I am giving you [a gift] before *Rosh HaShanah*.” This is *Elul*, a gift that *Hashem* grants us every year; it is up to us whether it will be a *berachah* or *kelalah*. We each have the opportunity to make it purposeful and worthwhile.

In our *parsha*, *Ki Seitzei* (22:16), *Hashem* narrates that if, *chas v'shalom*, a daughter is accused by her husband, the family should come before the *zekeinim* and say: “*Ve'amar avi ha-na'arah el ha-zekeinim: et biti nasati la'ish ha-zeh le'ishah, va-yisne'ah*”—“...I gave my daughter to this man as a wife and he has come to hate her” Rav Pam brings a well-known story to illuminate this *pasuk*: In 1882, Rav Chaim Ozer Grodzensky became a *chassan*. His *kallah* was the daughter of R' Eliyahu Eliezer Grodnensky, one of Vilna's leading *dayanim* and a son-in-law of R' Yisrael Salanter, founder of the *Mussar* movement. Because R' Yisrael lived far away, the father-in-law asked Rav Chaim Ozer to send a *shtikel Torah* to gauge his brilliance, which he did. After reviewing it thoroughly, R' Yisrael was highly impressed with his mastery, but added: “I see the *chassan* is a growing *talmid chacham* who will surely leave his mark on *Klal Yisrael*... but I still want to know: Is he a *mentch*, with proper *middos*, to match his Torah?” In this light, the verse can be heard as the father probing the husband's character: I gave my daughter to this *ish*, and now he hates her—has he lived up to the title *ish*?

Rebbe Nachman in *Likutei Tefillos* pleads: “*Avinu Malkeinu, zacheinu be-rachamecha le-kabel u-le-hamshich aleinu kedushas Rosh HaShanah be-tachlis ha-shleimus, be-simchah u-ve-chedvah u-vi-vechiyah gedolah mi-toch simchah, u-vi-kedushas ha-machshavah be-yoser, be-yirah gedolah...*” *Avinu Malkeinu*, please grant us the *zechus* to grasp *kedushas Rosh HaShanah*—to feel it *b'shleimus*, with *simchah* and tears from the heart, with *machshavos* that are pure and full of true *yiras Shamayim*. It is a great *zechus* to strive to be that *ish*, a real person, and to use *Elul*, a time of introspection and *teshuvah*, to better ourselves and refocus on what matters most.

(Rav Adler's Dvar Torah on the Parsha continued)

categorical *aseh*, Rabbi Yohanan's claim is even more radical: *teshuvah* bears a metaphysical power not reducible to legal override.

There remains a conceptual problem. The *issur* of *machzir gerushaso* presupposes an actual second marriage. Yet the prophets often describe our national infidelity as *zenus*—adultery while still married—not remarriage. How, then, does the prophetic metaphor map onto the *parashah's* legal case? Two other prophecies may help us understand. First, Hoshea portrays Israel's pursuit of the nations and their gods as a full-throated attachment (*continued on page 6*)

Min HaMesorah:

Rabbi Aharon Soloveichik zt"l

(Beis Yitzchok Journal Volume 19, p.337)



RABBI SOLOVEICHIK

“הַעֲנֵשׁ שֶׁל מִיתָה הוּא הָעֲנֵשׁ הַכִּי יוֹתֵר גָּדוֹל שֶׁדִּינִי בְּנֵי נֶחַ יְכוּלִים לַעֲנֹשׁ אֶת הָעֲבֻרִינִי וְכַשִּׁישׁ צָרָךְ הַשְּׁעָה וּמִגְדֹּר מִלְתָּא לְהוֹצִיא לַפְעֵל אֶת הָעֲנֵשׁ מִיתָה. בָּרֵם, מִכֵּיוֹן שֶׁאֵין הַדִּינִים מְחִיבִים לְהוֹצִיא לַפְעֵל אֶת הָעֲנֵשׁ הַמִּקְסִימוֹם שֶׁל מִיתָה מִצַּד חֶסֶר צָרָךְ הַשְּׁעָה וּמִגְדֹּר מִלְתָּא מִמִּילָא הָעֲנֵשׁ שֶׁל מִיתָה נִחָשֵׁב לְמַעֲשֵׂה אֲכֻזָּיוֹת מִכֵּיוֹן שֶׁהַדִּינִים יְכוּלִים לְסַדֵּר עֲנֵשׁ יוֹתֵר קָטָן כְּדִי לְהוֹת מַעֲצוֹר בְּעַד הָעֲבֻרִינִים”

(Rav Adler's Dvar Torah on the Parsha continued)

—“*Elchah acharei me'ahavai, notnei lachmi u'mayim...*”(I will go after my lovers who give me my bread and water)—as if those “lovers” are the source of sustenance (Hoshea 2). The imagery is not a mere fling; it mimics remarriage. Second, Yeshayahu (50:1) delivers a thunderclap: “Thus says Hashem: *Eizeh sefer kerisus imchem asher shilachtihah?* — Where is your mother’s bill of divorce?” Hashem declares there was no genuine *get* at all: “*B’avonoseichem nimkartem u’vifsha’eichem shulchah imchem.*” The distance was generated by sin, not by divorce.

Now we can come back to Rabbi Yoḥanan’s phrase. “*Gedolah teshuvah she’docheh lo sa’aseh she’baTorah*” is not a technical claim that a positive command outranks a negative. *Teshuvah* does something prior to “ranking”: it reinterprets reality. It unmasks the “remarriage” as counterfeit and the “divorce” as illusory. In the light of return, what appeared to be a disqualifying second bond is exposed as a distortion—not a competing covenant. *Teshuvah* doesn’t trample a *lo sa’aseh*; it dissolves the case to which that *lo sa’aseh* would have applied.

As *Elul* deepens, this is profoundly hopeful. We are not asked to engineer a legal loophole against our own failures. We are invited to rediscover the bond that never truly broke. *Teshuvah* empowers us to act differently going forward and to reread our past with truth and mercy, seeing through the fog of habit, fear, and borrowed loyalties to the enduring covenant beneath. – Good *Shabbos*.

This publication is dedicated *l’ilui nishmat* Zali Arnold – ז"ל – שניאור זלמן הכהן ארנאלד ז"ל

Zali cared deeply about his friends and poured his energies into cultivating community. A Torah wizard, and a technical and organizational mastermind, Zali was selfless with his talents and dedicated every moment he could to helping others. He envisioned using his remarkable gifts to help the world in general and Israeli society (to which he made Aliyah) in particular. Even in the face of challenges, Zali’s remarkable resilience and determination in all areas, including after his sudden diagnosis, was inspiring to all. Zali was a friend to all he met and treated everyone he knew like family.

Zali passed away on the 25th of Tamuz 5785, at the age of 23 in Israel and is buried in Kfar Etzion, near Yeshivat Har Etzion, which he called his home.

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