



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Kesubos Daf Kuf Aleph

#### V'LO B'LA'OS

- **R' Huna bar Chiya** said to **R' Kahana**, you told us in the name of **Shmuel**, that the Mishna's Halacha (that she doesn't get the worn out clothing) is only true regarding melog property. However, regarding tzon barzel property she is entitled to the worn out clothing.
  - **Q: R' Pappa** asked, with regard to which of the women mentioned in the Mishna did **R' Kahana** say this? If it was said about the girl who does mi'un, then if the clothing is in existence at the time of the mi'un, she should take it whether it is melog or tzon barzel!? If they are not in existence, then in either case she should get nothing!? If he was referring to the ailunis, then if the clothing is in existence at the time of the divorce, she should take it whether it is melog or tzon barzel!? If they are not in existence, then if it is melog, which is in her possession, she should get it, and if it is tzon barzel, which is in his possession, she should not get it!? **A:** He is referring to the case of the D'Rabanan ervah. In that case, because the marriage is assur, the **Rabanan** penalized her that she cannot get what she should deserve (i.e. the worn out clothing of the melog property) and penalized him that he cannot keep what he deserves (i.e. he must pay for the tzon barzel property that he really should be able to keep).
  - **R' Simi bar Ashi** said, from the fact that **R' Kahana** says that in this case (of an unlawful marriage) the husband may keep the clothing of the melog property, it would seem that in a lawful marriage he would not be able to do so. This would mean that the wearing of the clothing is considered to be a use of principal, and not a use of produce.
    - This argues on **R' Nachman**, who said that the use of clothing is considered to be produce, and not principal.

#### EIN LAHEN KESUBAH

- **Shmuel** said, these women only lose their rights to the standard kesubah. However, they would be entitled to any additional amount that was promised.
  - A Braisa says this as well. The Braisa says, women who the **Rabanan** said don't get their kesubah, like the girl who does mi'un and the others in her group, do not get the basic kesubah, but do get any additional amount that was promised to them. Women who the **Rabanan** said must be divorced and leave without their kesubah, such as a woman who doesn't follow the halachos and the others in her group, even lose any additional amounts promised in their kesubah. A woman who is divorced because of rumors of zenus, she takes her melog property and leaves.
    - The last part supports **R' Huna**, who says that a woman who was mezaneh still gets the worn out clothing (the melog property).
      - A Brasia was taught to **R' Nachman** that said that she is not entitled to the melog property. **R' Nachman** said this is wrong and should be changed to say that she does not lose her melog.

#### IHM MITECHILA NESA'AH...

- **R' Huna** said, an ailunis is sometimes considered to be a full-fledged wife and sometimes not – if the husband didn't know she was an ailunis she does not get a kesubah and if he did know, she is considered to be a full-fledged wife and does get her kesubah – whereas an almanah who marries a Kohen Gadol is always considered to be a full-fledged wife – even if he didn't know she was an almanah she still gets her kesubah. **R' Yehuda** says that both of these women are sometimes considered to be a full-fledged wife and sometimes not (depending on whether the husband knew of her status).

- **Q:** A Braisa says, if a Kohen Gadol married a woman thinking she was an almanah, and she turned out to be an almanah, she gets her kesubah. This suggests that if he married her without knowing her status she would not get her kesubah!? **A:** The inference is incorrect. The inference should be that if he married her believing that she was *not* an almanah and it turns out that she was an almanah, that is when she would not get her kesubah.
  - **Q:** This would mean that if he married her without knowing her status she does get her kesubah. If so, why does the Braisa give the case of where he thinks she is an almanah as a case when she gets her kesubah? Why doesn't it give the case of where he had no knowledge of her status, since there too she would get her kesubah, and we would know that in the case where he is aware of her status she would certainly get her kesubah!? **Q:** A Braisa clearly says that if he married her without knowing her status and she was then found to be an almanah, she does *not* get her kesubah!? This refutes **R' Huna!**
    - **R' Huna's** view was based on a misunderstanding of our Mishna. He thought that since the Mishna states that the ailunis only gets the kesubah if her status was known, and then mentions nothing about the almanah, it must be that the Mishna thereby teaches that an almanah is different and would get the kesubah even when her status was not known. However, the Mishna means to say that the same difference as ailunis would apply, and the almanah would only get her kesubah if the Kohen Gadol knew of her status before marrying her.

### HADRAN ALACH PEREK ALMANAH NIZONES!!!

#### PEREK HANOSEI ES HA'ISHA -- PEREK SHNAYIM ASSAR

#### MISHNA

- If a man marries a woman and agrees to support her daughter for 5 years, he must support her for 5 years. If the woman gets divorced and marries another man who also agrees to support her daughter for 5 years, the first husband must still support for the 5 years that he agreed to. He cannot say that he agreed to support the daughter only as long as he was married to her mother. Rather, he must send her support to where she lives, with her mother. Also, the 2 husbands can't decide to split the support. Rather, one can give her the food to support and the other must give her money equal to the food she would need for support.
  - If the daughter gets married, her husband gives her the food for support and her mother's two husbands must give her money equal to her support.
  - If the mother's two husbands die, their own daughters are only supported from unencumbered properties of the estate, but this girl is supported even from encumbered properties, because she is like any other creditor.
- The smarter people would write that they only agree to support the daughter for the 5 years for as long as he is still married to that girl's mother.

#### GEMARA

- We learned, if someone says to his friend, "I owe you a maneh", **R' Yochanan** says he would be chayuv a maneh to him, and **Reish Lakish** says that he would not be chayuv.
  - **Q:** If he called people to witness his admission, why would **Reish Lakish** say that he is patur? If he did not call people, why would **R' Yochanan** say that he is chayuv? **A:** The case is where he admitted to it in written (although unsigned) form and handed it over in front of witnesses. **R' Yochanan** says this is as strong as calling people to witness the admission, and he therefore is chayuv. **Reish Lakish** says that it is not, and he is therefore patur.
  - **Q:** Our Mishna says that when the husband agrees to support the daughter for 5 years, he must do so. Clearly this is not a case where there was a signed document to this effect, because then what is the chiddush of the Mishna? It must be where he admitted in an unsigned writing that was given over in front of witnesses, and we see that he is

chayuv to pay, like **R' Yochanan** said!? **A:** The Mishna is speaking where this was written in the "tna'im" for their marriage. The chiddush is, that although no formal kinyan was made for the obligation, the obligation takes effect, because the "tna'im" take effect even without a formal kinyan, once the kiddushin takes place.