



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

### Kesubos Daf Nun Beis

U'VIKOHENES AHADRINACH LIMDINASEICH...

- **Abaye** said, if a woman who was an almanah got married to the Kohen Gadol and was then captured, the Kohen Gadol would be chayuv to get her redeemed, because it would fit into the verbiage of the Mishna that a Kohen must redeem his wife to bring her back to her city (since she will be assur to him after having been captured). However, if a mamzeres or nesinah was married to a Yisrael and was captured, the husband would not have to redeem her, because he cannot be said to "redeem her and return her as a wife". **Rava** said, if the woman becomes assur to the husband because of the fact that she was captured, then he must redeem her. If she is assur to him for some other reason, he is not chayuv to redeem her.
  - **Q:** Maybe we can say that they argue in a machlokes of a Braisa. The Braisa says, **R' Eliezer** says, if one swore that his wife may not benefit from him and she is captured, he must redeem her and divorce her and pay the kesubah. **R' Yehoshua** says, he must divorce her and pay the kesubah, but he need not redeem her. Presumably, the case discussed is where the woman was the wife of a Kohen, and **Abaye** said his view in accordance with the view of **R' Eliezer**, whereas **Rava** said his view in accordance with **R' Yehoshua**? **A:** It may be that the case is where the husband was a non-Kohen. The case is where the woman made the vow not to benefit from the husband and the husband did not annul the vow. **R' Eliezer** holds that by not annulling the vow it is as if he caused the vow, and he therefore must still redeem her (even though he cannot take her back as a wife). **R' Yehoshua** says she is viewed as the cause of the vow, and therefore he does not need to redeem her.
    - **Q:** If **R' Yehoshua** says that she is at fault, why must he pay the kesubah? **A:** It must be that the case is where the husband made the vow. **Abaye** will say that all agree that when the captured woman was an almanah who had married a Kohen Gadol (or any woman married to a Kohen) he would be chayuv to redeem her. All agree further that if she was a mamzeres or nesinah married to a Yisrael, he would not be chayuv to redeem her. The machlokes is where one made the vow to prevent his wife from benefitting from him. In that case **R' Eliezer** says we follow the time that the stipulation to redeem her was made (i.e. when they got married) and he therefore must now redeem her. **R' Yehoshua** says that we look at the present time (and she can't remain married to him now because of the vow), and therefore he is not chayuv to redeem her. **Rava** will say that all agree that in the case of the almanah married to the Kohen Gadol and the mamzeres married to the Yisrael, he would not be chayuv to redeem her. The machlokes would be in the case where a vow was made, whether the man is a Kohen or not. **R' Eliezer** says we follow the time that the stipulation was made, and **R' Yehoshua** says we follow the present time (after the vow).

NISHBEIS CHAYUV LIFDOSA...

- A Braisa says, if a woman was captured and then her husband died, if he was aware of the capture before he died, the heirs must redeem her from the estate. If he was not aware, they need not redeem her.
  - **Levi** was going to follow this Braisa in practice. **Rav** told him that **R' Chiya** said that we do not pasken like this Braisa, rather we pasken like another Braisa that says that once the husband dies there is no longer a chiyuv on him or the estate to redeem her.
- A Braisa says, if a woman was captured and the captors demand even 10x her worth, the husband must redeem her the first time this happens. After the first time, he may redeem her,

but is not required to do so. **R' Shimon ben Gamliel** says, we never redeem a person for more than their worth so that it not entice kidnappers to kidnap even more.

- **Q:** This suggests that **R' Shimon ben Gamliel** holds that he must redeem her at her value even it is more than the value of her kesubah. However, we find elsewhere that **R' Shimon ben Gamliel** holds that a husband need not spend more than the value of the kesubah to redeem her!? **A: R' Shimon ben Gamliel** holds of 2 leniencies (he need not spend more than her value, or more than the value of her kesubah).

#### LAKSAH CHAYUV L'RAPOSAH

- A Braisa says, a widow is supported from the estate, and if she needs medical treatment that is like support and is also paid for by the estate. **R' Shimon ben Gamliel** says, medical treatment that is not for a chronic ailment is paid for by the kesubah. Chronic treatment is paid for as support.
  - **R' Yochanan** said, in Eretz Yisrael they treated bloodletting as a chronic ailment.
  - The relatives of **R' Yochanan** were paying for the medical treatment of their father's almanah. He advised them to set a price with the doctor so it would then be treated as other than chronic, and would be payable from the kesubah payment. **R' Yochanan** then felt bad that he helped a litigant with a strategy.
    - The Gemara explains that initially he thought that as a relative it was proper for him to help them. Later he felt that as a prestigious person it was more important for him to remain impartial.

#### MISHNA

- If a man did not write a "kesubas b'nin dichrin" (where he agrees to give the woman's sons the proceeds of her kesubah and her other properties, and that they should not have to share those assets with any brothers from another mother) in the kesubah, he is still chayuv to do this, because it is a stipulation of Beis Din.
- If a man did not write in the kesubah that the woman's daughters from him will be supported from his estate until they are married off, he is still chayuv to do this, because it is a stipulation of Beis Din.
- If a man did not write in the kesubah that the woman will be supported from his estate when he dies, he is still chayuv to do this, because it is a stipulation of Beis Din.
  - This is how the people of Yerushalayim and the Galil would write their kesubos (that she gets supported until she gets remarried or until she demands her kesubah payment, as will be stated in the Gemara). The people of Yehuda would write that she was to get supported until the heirs want to pay off the kesubah. Therefore, if they want, they could pay her kesubah and be patur from any further support.

#### GEMARA

- **R' Yochanan in the name of R' Shimon ben Yochai** said, the kesubas b'nin dichrin was instituted so that people would feel comfortable giving large dowries to their daughters.
  - **Q:** Can it be that D'Oraisa the boys are supposed to inherit and D'Rabanan we say that we would give it to this woman's daughters before the husband's other sons? **A:** We learn from a pasuk that fathers should marry off their sons and daughters. The way a father can marry off his daughter is by making her attractive with a large dowry. To encourage that, the **Rabanan** created a method for the father to be comfortable that his property will remain with his descendants.
  - **Q:** How much is one supposed to give as a dowry? **A: Abaye and Rava** both said, one should give up to a tenth of his possessions.
  - **Q:** Maybe we should say that the woman's sons (without their half brothers) inherit the property given by their grandfather, but should not inherit (without their half brothers) the part of the kesubah that is given by their father!? **A:** Doing so will also cause the woman's father to hold back from giving a large dowry.
    - **Q:** Maybe we should say that where the father didn't give any dowry the husband's part of the kesubah should be shared by all his sons (not just from that wife)? **A:** The **Rabanan** did not want to differentiate this way among the cases.

- **Q:** Maybe we should say that if the wife has no sons, her daughter should inherit the kesubah? **A:** The **Rabanan** gave it the status of an inheritance, and as such it must go to sons.
  - **Q:** When the man only has daughters, the daughter of the deceased wife should inherit the entire kesubah!? **A:** The **Rabanan** did not want to differentiate this way among the cases.
- **Q:** Why is it that the kesubas b'nin dichrin cannot be collected from moveable property? **A:** The **Rabanan** gave it the status of a kesubah, which may only be collected from real property.
  - **Q:** If so, they should be able to collect payment from properties that were sold!? **A:** They are heirs, and heirs do not inherit from properties that were sold.
  - **Q:** Why don't the sons collect if the estate will be left with less than a dinar? **A:** Doing so would uproot the D'Oraisa laws of inheritance, so we do not allow that to happen.