



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

### Kesubos Daf Nun Hey

- In Pumbedisa they said that a kesubas b'nin dichrin is not collected from encumbered properties, because the Mishna said (as in our version) that it is treated as an inheritance. In Mata Mechasya they said that it is collected from encumbered properties, because the Mishna (according to their version) seems to refer to it as the collection of a debt.
  - The Gemara paskens that it is not collected from encumbered properties.
- Moveable property that was designated for the kesubah payment and are still intact after the husband's death, may be collected by the woman without the need to swear (normally when taking money from orphans one must swear). If the items are not intact, there is a machlokes. In Pumbedisa they said it can be collected without the need to swear, and in Mata Mechasya they said it can only be collected if she swears.
  - The Gemara paskens that there is no need to swear.
- If the husband designated a piece of property for her kesubah payment, and did so by giving the 4 boundaries of the parcel, it can be collected without the need to swear. If he only gave one of the boundaries there is a machlokes. In Pumbedisa they said it can be collected without the need to swear, and in Mata Mechasya they said it can only be collected if she swears.
  - The Gemara paskens that there is no need to swear.
- If one instructed witnesses to write and sign a gift document for a piece of land and to then give it to the recipient, if the witnesses made a kinyan on behalf of the recipient, then they can just give it to him without having to ask whether the giver has changed his mind. If they did not make a kinyan there is a machlokes. In Pumbedisa they said that they need not ask before giving it, and in Mata Mechasya they said that they do have to ask.
  - The Gemara paskens that they do have to go back and ask.

R' ELAZAR BEN AZARYA...

- **Rav and R' Nosson** argue: one says the Halacha follows **R' Elazar ben Azarya** and one says that it does not.
  - We can bring a proof that **R' Nosson** says that the Halacha follows **R' Elazar ben Azarya**, because we find that **R' Nosson** paskens like **R' Shimon Shezuri**, who says that we assess a person's intentions and follow it. It must be that he would also follow **R' Elazar ben Azarya**, and say that we assume the man only gave the additional amounts in the kesubah in anticipation of the nissuin, and therefore, if they never entered nissuin she would not be entitled to that extra amount.
  - **Q:** We find that **Rav** also says that we assess one's intent (regarding one giving an instruction of a gift on his deathbed, but also mentioning that a kinyan should be made, which is not needed for a deathbed gift, and **Rav** says that this gift has the power of a deathbed gift and of a regular gift, which makes that it cannot be revoked if the giver returns to his health). If so, there is no more of a reason to say that **R' Nosson** is the one who paskens like **R' Elazar ben Azarya**!?
  - We must say that although they both hold that we assess a person's intent, the reason why one of them would argue on **R' Elazar ben Azarya** is because that one holds that the husband's intent was to give the extra money just to make the wife feel close to him. That was accomplished, and that is why she would collect the money even before nissuin.
- The Gemara brings a number of different views as to whether or not we pasken like **R' Elazar ben Azarya**. The Gemara ends up paskening that the Halacha follows **R' Elazar ben Azarya** in practice.