



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

Kesubos Daf Ayin Ches

PEREK HA'ISHA SHENAFLU -- PEREK SHEMINI

MISHNA

- **B"S and B"H** would both agree that a woman who inherited assets before she entered into eirusin may sell or gift these assets in a valid transfer (if done before the nissuin).
- If the assets were inherited while she was an arusah and she wants to sell them while still an arusah, **B"S** say she may sell or gift them, and **B"H** say that she may not. **B"H** agree that although she may not, if she does the transaction would be valid.
 - **R' Yehuda** said, the **Chachomim** said to **R' Gamliel**, if he is koneh the woman with the eirusin, he should also be koneh the assets!? **R' Gamliel** responded, we are even embarrassed that the **Rabanan** said that properties that she inherits and sells after nissuin may be taken back from the buyers by the husband, and you are going to ask that we should even limit her selling ability of properties she inherited before entering nissuin?
- If she inherited assets after entering nissuin, all agree that if she sold them the husband may take them back from the buyers.
- If she inherited assets before the nissuin and then entered nissuin, **R' Gamliel** says, if she sold or gifted them, it is a valid transfer.
 - **R' Chanina ben Akavya** said, the **Rabanan** said to **R' Gamliel**, since he was koneh the woman he should also be koneh the assets!? **R' Gamliel** responded, we are even embarrassed that the **Rabanan** said that properties that she inherits and sells after nissuin may be taken back from the buyers by the husband, and you are going to ask that we should even limit her selling ability of properties she inherited before entering nissuin?
 - **R' Shimon** makes a distinction between assets that were known to the husband and therefore may not be sold, and assets that were not, which may also not be sold, but if they are sold the transfer would be valid.

GEMARA

- **Q:** Why is it that **B"S and B"H** only argue when the assets were inherited once she was an arusah, but agree when the assets were inherited before she was an arusah? **A:** **R' Yannai** said, in the first case the assets fell to her when she was under her own reshus. In the second case it fell to her while already under the reshus of the husband.
 - **Q:** If that is true, why is the sale a good sale in the second case? **A:** In the first case she is certainly in her own reshus. In the second case it is questionable (if nissuin ultimately takes place then she is already considered to be in the husband's reshus, and if nissuin doesn't take place she is considered to be in her own reshus). Therefore she is not supposed to go and sell them, but if she does, it is a valid sale.

AMAR R' YEHUDA AMRU LIFNEI R' GAMLIEL

- **Q:** Is **R' Yehuda** going on the case of l'chatchila according to **B"S** (and he is saying that she shouldn't sell) or even on the case of b'dieved according to **B"H** (and he is saying that if she does sell it is not a valid sale)? **A:** A Braisa clearly says that **R' Yehuda** is even going on the case of b'dieved.

- The Braisa continues and says that **R' Chanina ben Akavya** said that **R' Gamliel's** answer went differently than previously stated. He answered that when nissuin has been done it makes sense that the husband can revoke the sale, because he is also entitled to her finds, her earnings and to annul her vows. However, when only eirusin was done, since he can't do any of those things he also can't revoke the sale. The **Rabanan** said to **R' Gamliel**, what about the case where she inherited before the nissuin and sold after the nissuin? He said, in that case her sale would be a sale. They asked, since he has been koneh her he should also be koneh the assets! He answered, we are even embarrassed that the **Rabanan** said that properties that she inherits and sells after nissuin may be taken back from the buyers by the husband, and you are going to ask that we should even limit her selling ability of properties she inherited before entering nissuin?
 - **Q:** The Braisa suggests that **R' Gamliel** would allow the sale in this last case even l'chatchila. However, our Mishna suggests that he would only allow it b'dieved ("if she sells it, the sale is valid")!? **A: R' Zvid** said, the words of the Mishna should be changed to suggest that it may even be done l'chatchila. **R' Pappa** said, the Mishna is following **R' Yehuda's** version of **R' Gamliel** and the Braisa is following **R' Chanina ben Akavya's** version of **R' Gamliel**, which would mean that he would hold that **B"S and B"H** did not argue in this case.
- **Rav and Shmuel** said, whether she inherited before becoming an arusah or after becoming an arusah, if she sells them after becoming a nesuah the husband can take the property back from the buyers.
 - **Q:** This doesn't follow **R' Yehuda** or **R' Chanina ben Akavya**, because they both said the sale is valid b'dieved!? **A: Rav and Shmuel** follow the view of **Raboseinu** in another Braisa.

MISHENISEIS EILU V'EILU MODIM

- This seems to corroborate the institution established in Usha, that a woman who sold her property in her husband's lifetime, and she then died, the husband may take the property back from the buyers.
 - We can say that our Mishna is dealing with the status of the field during her lifetime as it effects the produce that the husband is supposed to own. The Usha establishment was in regard to the actual land itself, and only after the death of the wife.

R' SHIMON CHOLEIK BEIN NICHASIM

- **Q:** What assets are considered "known" and what are considered as "unknown"? **A: R' Yose the son of R' Chanina** said, real property is "known" and other property is "unknown". **R' Yochanan** said, "unknown" are properties that she inherited in an overseas place. A Braisa says like **R' Yochanan**.