



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

### Kesubos Daf Ayin Tes

- There was a woman who wanted to keep her properties out of the reach of her husband, so she wrote them as a gift to her daughter. When she got divorced, she went to **R' Nachman**, who tore up the gift document and returned the properties to the woman. **R' Anan** felt that **R' Nachman** was wrong for doing so. **Mar Ukva** told him that **R' Chanilai bar Idi in the name of Shmuel** said that a document which was created to hide assets from a husband should be torn up and has no effect.
  - **Rava** asked **R' Nachman**, you did so because you assume that a person would not give away their assets to someone else when they themselves need it. However, giving to a child is not like giving to someone else, so the gift should be valid!? **R' Nachman** said, one would not even give to a child if it means they will be left without any assets, therefore there is no effect to this gift.
  - **Q:** A Braisa says that one who wants to make a gift just to hide assets from her husband must write that the gift should only take affect when she wants it to take effect. This suggests that if this is not written, the recipient would be koneh the property!? **A: R' Zeira** said, **Shmuel** was talking about where she gave away all her assets, whereas the Braisa is discussing where she only gave away some of her assets.
    - **Q:** If she writes the language specified in the Braisa, the assets do not belong to the recipient. If so, the husband should be koneh them!? **A: Abaye** said, they get the status of "unknown assets" which the husband is not koneh according to **R' Shimon**.

### MISHNA

- If a married woman inherits money, the money is used to purchase real property, and the husband eats the produce of that property. The same is done if she inherits produce that is detached from the ground. If she inherits produce still attached to the ground, **R' Meir** says we appraise the value of the land without the produce and the value with the produce, and the difference is then used to buy another piece of land from which the husband eats the produce. The **Chachomim** say, produce attached to the ground belongs to him, whereas produce detached belongs to her, and she would sell it and buy a piece of land with the proceeds and the husband would eat the produce of that land.
  - **R' Shimon** says, whereas the husband has the advantage when he marries her, he has the disadvantage when he divorces her, and visa-versa. For example, just as he is entitled to produce attached to the ground at the time of the marriage, she is entitled to the produce attached to the ground at the time of termination of the marriage. Just as she is entitled to the produce detached from the ground at the time of the marriage, he is entitled to that produce at the time of the termination of the marriage.

### GEMARA

- It is obvious that if one of them want to use the money to buy land and the other wants to buy houses, they are to buy land. If one wants houses and the other wants date trees, they buy houses. If one wants date trees and the other wants other fruit trees, they buy date trees. If one wants fruit trees and the other wants grapevines, they buy fruit trees.

- The Gemara says, when determining whether something is classified as the principle or as produce, we look to see whether the item regenerates or replenishes after use. If it does, it is considered to be produce.
- **R' Zeira (or R' Abba) in the name of R' Oshaya in the name of R' Yannai** said, if one steals the offspring of a melog animal, the keifel (double) payment goes to the wife.
  - **Q:** A Braisa says, the **Rabanan** say that the offspring of a melog animal goes to the husband although the offspring of a melog maidservant goes to the wife. **Chananya** (the nephew of **Yoshiya**) says that both offspring go to the husband. **R' Yannai** cannot be following either shita of the Braisa!? **A:** He can be following either shita. The **Rabanan** only instituted that the husband get the produce (i.e the offspring), and the double payment is considered to be the produce of the produce, which the husband is not entitled to.
    - **Q:** Why do the **Rabanan** treat the case of the animal and of the maidservant differently? **A:** When the maidservant dies the wife is left with no “principal property” and therefore she keeps the offspring to ensure she has principal. However, when an animal dies she still has the skins of the animal and in that way retains a principal asset.
    - **R' Huna bar Chiya in the name of Shmuel** paskens like **Chananya**.
      - **Rava in the name of R' Nachman** said, **Chananya** would agree that if the couple were to divorce, the wife could force the husband to sell the offspring of the maid back to her, because that is considered to be part of the prestige of her father's house.
      - **Rava in the name of R' Nachman** said, if she has melog property of a goat, a sheep, a chicken, or a date tree, the husband may eat the produce (the milk, wool, eggs, dates) until the principal is consumed.
      - **R' Nachman** said, if she has a cloak of melog property, the husband is allowed to wear it until it is consumed.

#### R' SHIMON OMER MAKOM SHEYafa KOCHO

- **Rava** explained, the difference between the **T”K** and **R' Shimon** is regarding produce that was attached to the ground at the time of the divorce (the **T”K** would say that it belongs to the husband).

#### MISHNA

- If a married woman inherits old slaves or maids, they should be sold and the proceeds should be used to buy a piece of land, and the husband eats the produce of that property. **R' Shimon ben Gamliel** says, they need not be sold, because they represent the prestige of her father's house.
- If a married woman inherits old olive trees or grapevines, they should be sold and the proceeds should be used to buy a piece of land, and the husband eats the produce of that property. **R' Yehuda** says they need not be sold, because they represent the prestige of her father's house.

#### GEMARA

- **R' Kahana in the name of Rav** said, the machlokes regarding the trees and grapevines is where she also inherited the surrounding field (so that she will always be left with the field after the trees die). However, if she only got the trees, all would agree that she must sell them (if not, the principal asset will be lost).
  - **Q: R' Yosef** asked, we see that they argue in the case of the old slaves, which is like a case of her getting the trees without the surrounding field!? **A:** It must be that **R' Kahana in the name of Rav** said that the machlokes is only where she didn't get any of the field. However, if she did get the surrounding field, all would agree that she should not sell them, because they represent the prestige of her father's house.

## MISHNA

- If a husband spent money on the melog property of his wife and then divorced her, if he also ate some of the produce he is not entitled to any reimbursement for what he spent, even if he spent more than he ate, as long as he ate even a minute amount. However, if he ate absolutely nothing, he must swear as to how much he spent and make take reimbursement.

## GEMARA

- **Q:** How much is considered to be a “minute amount”? **A:** **R' Assi** said, even a single dried fig that was eaten in a dignified manner. **R' Abba in the name of Rav** said, that even a cake of pressed dates.
  - **Q:** **R' Bibi** asked, what about if the cake was made of squeezed out dates? **TEIKU.**
  - **Q:** What if the produce was not eaten in a dignified manner, how much would need to be eaten? **A:** **Ulla** said, 2 Amora'im in Eretz Yisrael argued: one said it would have to be produce worth an issur and one says it would have to be worth a dinar.
  - The judges of Pumbedisa said that **R' Yehuda** said that a husband who fed bundles of twigs to his animals was considered to have eaten from the produce and was thereby not allowed reimbursement.
  - **R' Yaakov in the name of R' Chisda** said, if a husband spends money on the melog property of his wife who is a minor and who can therefore refuse the marriage when she becomes an adult, he is allowed reimbursement even if he ate of the produce. The **Rabanan** allowed this so that her fields would be well taken care of.