



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

Kesubos Daf Pey

- There was a woman who inherited 400 zuz in Bei Chozai. Her husband spent 600 zuz to retrieve the inheritance. When he was traveling back home he took one zuz to help cover his travel expenses. He then divorced his wife. **R' Ami** said, since he has "eaten" some, he is not entitled to reimbursement for what was spent. The **Rabanan** said to **R' Ami**, this husband took money from the principal asset, not the produce, and as such would be obligated to pay back the zuz that he took. Therefore, it should be as if he didn't eat any produce and he should be entitled to reimbursement for his expenditure. **R' Ami** said, if this is so, he should swear as to how much he spent and is entitled to reimbursement for that amount.

YISHAVA KAMA HOTZI V'YITOL

- **R' Assi** said, this is only true when there is improvement against the expenses.
 - **Abaye** said, this means that if the improvement is more than the expenses, then he can get reimbursement without swearing. **Rava** said, this would lead to him lying about how much he spent (since he doesn't have to swear). Rather, this means that if he spent more than the improvement, he is only entitled to reimbursement up to the amount of the improvement, and he must swear to receive that reimbursement.
- **Q:** If the husband hired sharecroppers to work his wife's melog field, and he then ate some produce and divorced his wife, can the sharecroppers demand a share of the improvements that they made? On the one hand they were brought in by the husband and therefore should stand in his shoes. Just as he is not entitled to any compensation they are likewise not entitled. On the other hand, maybe we say that the field needed sharecroppers and they did the job, and therefore they are entitled!?
 - **Q: Rava bar R' Chanan** asked, why is this different than someone who made an unsolicited improvement in a field, in which case the Halacha is that we give him the lesser of his expenses or the improvement to the field? The sharecroppers in the question above should likewise get this amount!?**A:** The case of the unsolicited improvements is different, because there is no one who would make those improvements free of charge. However, in the case of the sharecroppers, if they wouldn't have worked the field, the husband would have worked the field, and he would not have been reimbursed.
 - **A:** With regard to the first question above, **R' Huna the son of R' Yehoshua** said, if the husband is a sharecropper, the sharecroppers do not get compensated, because the husband would have done the work without reimbursement. If the husband is not a sharecropper, they do get compensated, because the land needs to be worked and there is no one who would do it for free.
- **Q:** What is the Halacha if a husband sells the melog property with regard to his rights to the produce? Do we say that he can sell the rights that he has in the property and therefore it is a valid sale, or do we say that the **Rabanan** instituted that the produce belongs to the husband so that he will have a steady stream of profit to spend on the family, but they did not give him the rights to be able to sell them?**A: Yehuda Mar the son of Mareimar in the name of Rava** said that the sale is valid. **R' Pappa in the name of Rava** said that the sale is not valid.
 - **R' Pappa** said, this view of **Yehuda Mar the son of Mareimar** was learned based on a story with **Rava**, where a husband took one of his wife's melog maids and gave it to his second wife. **Rava** allowed the gift to stand. It seemed that it was because **Rava** held that his sale of the melog asset would be valid (with regard to his rights in the asset).

However, it may be that **Rava** allowed it because the maid for the second wife would also help out with the house and in that way benefitted the house. However, if there was no benefit for the house it may be that **Rava** would not have allowed the transfer to stand.

- The Gemara paskens that if a husband sells his rights to produce of the melog property, the sale is not valid.
 - **Abaye** said, this is because we are concerned that the buyer will allow the asset to get ruined, because he doesn't know how much longer he will have the asset and will therefore not invest money to maintain it. **Rava** said, it is because the husband only gets the produce to increase the steady profit of the house.
 - The difference between these opinions would be a field close to the city, where the woman can watch and prevent it from getting ruined. Another difference would be where the husband was the sharecropper of the buyer. In that case as well the husband will not allow the field to become ruined. Another difference would be where the husband takes the money from the sale and does business with it (the house will benefit from the profits).

MISHNA

- If a shomeres yavam inherited property, **B”S and B”H** agree that she may sell or transfer the property.
- If a shomeres yavam dies, **B”S** say that her kesubah and her melog properties are divided by heirs of the husband and of the father. **B”H** say that the properties remain by those who possess them: the kesubah is in the possession of the heirs of the husband, and the melog properties are in the possession of the heirs of the father.
- If the brother (the dead husband of the yevama) leaves over money, the money is used to purchase real property, and the yavam eats the produce of that property. The same is done if he leaves produce that is detached from the ground. If he leaves 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 of which the yavam eats the produce. The **Chachomim** say, produce attached to the ground belongs to him, whereas produce detached belongs to whoever gets possession first. If he gets it, he is koneh. If she gets it, she should sell it and buy a piece of land with the proceeds and the yavam eats the produce of that land.
- When he marries her, she becomes his wife in all respects, except that her kesubah obligation rests on the estate of the first husband. The yavam may not designate particular assets for the kesubah, thereby allowing him to sell the brother's other assets. Rather, all the brother's assets are pledged to the kesubah. Similarly, a man may not tell his wife that he is designating a particular asset for collection of her kesubah. Rather, all his assets are pledged for her kesubah.
 - If the yavam divorces the yevama after marrying her, she is only entitled to the amount of her kesubah. If he then remarries her, she is like all other women who remarry their husbands and she is only entitled to her first kesubah.