



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

Kesubos Daf Pey Gimmel

PEREK HAKOSEIV L'ISHTO -- PEREK TESH'I

MISHNA

- If a husband writes to his wife that he has no claim on her property, he may still continue to eat the produce during her lifetime and he would inherit it from her if she dies. If so, what does his writing accomplish? It accomplishes that if she transfers the property to another, it is a valid transfer.
- If he writes, I have no claim on your property or the produce, he no longer has rights to the produce, but he still inherits the property from her when she dies. **R' Yehuda** says, he would still be allowed to eat the produce of the produce unless he writes that he has no claim to the produce and the produce of the produce forever.
- If he writes, I have no claim on your property, the produce, or the produce of the produce, during your lifetime or after your death, then he has no rights to any produce and does not inherit the property upon her death. **R' Shimon ben Gamliel** says he would still inherit her, because he inherits her based on the Torah, and one cannot make a stipulation that negates a Halacha in the Torah, and if he does the stipulation is void.

GEMARA

- **R' Chiya** taught a Braisa that says that the man can even say these things, without having to write them.
- **Q:** A Braisa says that if a partner in a field says, I no longer have a claim on the property, there is no legal significance in his statement. If so, why does our Mishna say that there is some consequence to his statement? **A:** In the yeshiva of **R' Yannai** they said, he wrote this to her while she was an arusah. Since he did not yet get his Rabbinic rights to the property, he can waive off those rights and prevent them from taking effect.
 - **Q:** Why can't he waive the rights after the nissuin? **A: Abaye** said, after nissuin his rights are equal to hers, meaning they are like partners, and therefore, such a statement is ineffective in removing his rights. **Rava** said that his rights are actually stronger than her rights.
 - **Q:** If after making this ineffective statement to a partner the person then makes a kinyan, does that then make it effective? **A: R' Yosef** said a kinyan was made on the ineffective statement and is therefore ineffective again. **R' Nachman** said the kinyan is on the field and the transfer would therefore be effective.
 - **Abaye** said, **R' Yosef's** view makes sense when the partner making the statement protested when the other partner tried taking possession of the entire field. However, if he stands by quietly, it must be that the kinyan is effective.
 - **Ameimar** paskened that the kinyan is effective.

IHM KEIN LAMAH KASAV LAH...

- **Q:** Why can't the wife say that the statement was meant to fully remove all his rights!? **A: Abaye** said, when dealing with an unclear document like this, the recipient has the weaker stance and only the least valuable right is taken from the husband.

- **Q:** Maybe he meant to remove his rights to the produce? **A: Abaye** said, people rather have a smaller amount of something now than the possibility to have a larger amount later. Therefore, we assume that he did not give away his current right.
- **Q:** Maybe he meant to give up his right to inherit her? **A: Abaye** said, the case of her dying before him is more common than her trying to sell property that she inherits. Therefore, it is logical to assume that he gave up the less common right.
- **R' Ashi** said, by stating his removal from “your property”, he specifically excludes removal from the produce. By stating “your” property, he excludes removal from his rights to the property after her death.

R' YEHUDA OMER L'OLAM HU OCHEIL PEIREI PEIROS

- A Braisa explains that “peiros” are the produce produced by the field that she inherited. “Peirei peiros” is when the produce is sold, a field is purchased with the proceeds, and that field then produces produce.
- **Q: R' Yehuda** said in the Mishna that he must say he removes his rights to the produce of the produce “forever”. Which words make him relinquish his rights in the produce of the produce? Is it when he says “the produce of the produce” or is it when he says “forever”? Is it one of those or is it only when they are both stated together? The Gemara leaves this as a question.
- **Q:** What if the husband says he relinquishes his rights to the “produce of the produce”, but never mentions that he is doing so for the produce? Does he retain his rights to the produce? **A:** It must be that he loses his rights even to the produce, because if he is allowed to eat the produce there will never be “produce of the produce” and his statement would be meaningless.
 - **Q:** Based on this, when **R' Yehuda** said that a man who gives up his rights to the produce retains his rights to the produce of the produce, since the wife will be eating the produce how will there ever be produce of the produce? It must be that we are referring to a case where there is leftover produce. If so, that is what the case that the question above may be referring to as well!?