



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

Kesubos Daf Pey Vuv

- **Ameimar** said, according to the view that one is chayuv when he causes a loss even if he did not do so with physical damage (like in the previous case where he was mochel the loan that he had sold to another person) the person would be chayuv to pay for the entire amount of the loan. According to the view that one is patur when causing such damage, he would not be chayuv to pay for anything at all.
 - **Rafram** forced **R' Ashi** to allow for collection of the full amount of the causative damages.
- **Ameimar in the name of R' Chama** said, if a person has an obligation of paying a kesubah and a debt, and he has some money (only enough to pay one of them) and some land, he should pay the loan with the money (since he was lent money) and the kesubah with the land (a woman enters knowing that she has a lien on land). If he only has some land and it is only enough for one of them, he should pay the debt, and not the kesubah, because a woman wants to marry more than a man wants to marry.
 - **R' Pappa** asked **R' Chama**, is it true that it was said in the name of **Rava** that if a debtor only has land to pay a debt, we tell him to sell the land and pay the debt with money? He answered, it is not true. **R' Chama** explained, the case that **Rava** spoke about (that gave rise to this misunderstanding) was where the debtor had money in his possession and claimed that it was not his, but rather belonged to a goy. In that case the **Rabanan** felt that he acted improperly and therefore paskened that he must go sell his field and repay the debt with money.
 - **R' Kahana** asked **R' Pappa**, although we may seize one's property for a debt based on a D'Rabanan, according to you who say that repaying a debt is merely a mitzvah, if someone says he doesn't want to do that mitzvah, what is the Halacha D'Oraisa? He said, a Braisa says that if one doesn't want to do a mitzvas assei, we give him lashes until he dies, and we don't even stop after 39 lashes. Here too, we can force him.
- **Q: Rami bar Chama** asked **R' Chisda**, if a man gives a get and says that he doesn't want it to be effective for 30 days, and the wife then takes it and puts it on the side of the reshus harabim, if it is still there at the end of the 30 days, is it an effective divorce (i.e. is it considered to be in her reshus)? **A:** He answered, the divorce would not be effective based on what **Rav and Shmuel** said earlier. They explained **R' Tarfon** to mean that the heirs do not acquire produce left in the reshus harabim. We see that reshus harabim is not considered to be in their possession, and presumably the side of the reshus harabim is considered to be the same as the reshus harabim itself.
 - **Q: Rami bar Chama** asked, we find that **R' Nachman in the name of Rabbah bar Avuha** said that one can make a kinyan on a cow and stipulate that it should not take effect until after 30 days, and after the 30 days he would be koneh even if it stood in the swamp. Presumably a swamp is like the sides of the reshus harabim!? **A:** A swamp is not considered to be the same as the sides of the reshus harabim.

MISHNA

- If a man sets up his wife as a storekeeper to sell his items, or to run his business, he may demand an oath that she has not taken anything of his whenever he wants. **R' Eliezer** says a man may even demand an oath that she didn't steal from her threads or from the dough that she was making.

GEMARA

- **Q:** Does **R' Eliezer** mean that he can make her swear about these things if she is already swearing about one of the other items in the Mishna, or does he mean that she can be made to swear for these things alone? **A:** A Braisa says that the **Rabanan** said to **R' Eliezer**, we can't make her swear about these items, because that is no way to live. Now, if he means that she swears about these alone, that makes sense that this is no way to live. However, if it means that she only swears when she swears about the other things, what is the big deal?
 - The Gemara says, even if she only swears when she swears about the other things, that is still no way to live, because it shows that he is very untrusting of her even in daily activities.
 - **A:** A Braisa says that **R' Eliezer** clearly says that she can be made to swear on these items even if she was never appointed as a storekeeper or to run his business. This is a clear proof that he holds that she can be made to swear even on these items alone.

MISHNA

- If a husband wrote to his wife, "I have no vow or oath on you", he may not demand an oath from her, but he may demand an oath from her heirs or from someone that is coming in her place to collect her kesubah.
- If he wrote, I have no vow or oath on you, on your heirs, or on someone who comes in your place, he cannot make either of these people swear, however *his* heirs (if he died) can demand an oath from her or the other people.
- If he wrote, I or my heirs or people who come in my place have no vow or oath on you, your heirs, or people who come in your place, then neither of the first group may demand an oath from any party in the second group.
- If the woman (who was exempted from the oath) was widowed and returned to her father's house, or she stayed in her husband's house, but did not become an administrator over his affairs, the heirs may not demand an oath. If she did become an administrator, they may demand an oath concerning matters going into the future (her management of the affairs) but not regarding things of the past (her management in the past).