



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

Kesubos Daf Pey Zayin

GEMARA

- **Q:** What form of oath is the beginning of the Mishna discussing? **A: R' Yehuda in the name of Rav** said, it refers to an oath for her having been put in charge of his business during his lifetime. **R' Nachman in the name of Rabbah bar Avuha** said that it even refers to an oath about her kesubah (in a case when the kesubah was partly paid, and certainly would apply to an oath of her being in charge of his business).
 - **R' Mordechai** said to **R' Ashi**, it makes sense that the wife would ask for a waiver of an oath for her kesubah, because collection of her kesubah is something that she anticipates even at the time of her marriage. However, if the Mishna is referring to her being in charge of his business, why would she think that she would become in charge of his business to the point that she would have him write a waiver for such an oath? **R' Ashi** said, you find this difficult because you have **R' Yehuda** as explaining the first part of the Mishna. I, however, have **R' Yehuda's** statement as referring to the end of the Mishna that says that the heirs cannot make her swear about her business dealings of the past. It was on that that **R' Yehuda in the name of Rav** said that they can't make her swear about anything she did during the husband's lifetime, but things that happened after that, even if before the burial, they can make her swear.
 - **R' Masna** said that they cannot make her swear about dealings between the death and the burial.
- **Rabbah in the name of R' Chiya** said, if the husband wrote to her that she shall be "without neder or shevuah", he cannot demand an oath from her, but his heirs may. If he wrote that she shall be "clean of neder and shevuah", neither he nor his heirs may demand an oath, because he has said "you are cleansed from making an oath". **R' Yosef in the name of R' Chiya** said, if the husband wrote to her that she shall be "without neder or shevuah", he cannot demand an oath from her, but his heirs may. If he wrote that she shall be "clean of neder and shevuah", he and his heirs may demand an oath, because he has said "you are to be cleansed by making a shevuah".
 - **R' Zakai** sent to **Mar Ukvah**, in both the above cases, if he said it in terms of "his" possessions, then he cannot demand an oath, but his heirs can. If he said it in terms of "these" possessions, then neither he nor his heirs can make her swear.
 - **R' Nachman in the name of Shmuel in the name of Abba Shaul ben Imma Miriam** said, in either of these cases even the heirs may not make her swear. However, there is no way to enforce this, because the **Rabanan** have said that one who wants to collect from orphans may only do so by making an oath.
 - **Others** say that this statement was made in a Braisa.
 - **R' Nachman bar Shmuel** paskened like **Abba Shaul ben Imma Miriam**.

MISHNA

- If a woman "weakens" her kesubah (admitting that it was partially paid) may only collect the remainder with an oath. If a single witness testifies that it was paid, she may only collect with an oath. If a woman wants to collect from the orphans, or from encumbered property, or not in her husband's presence, she may only collect with an oath.
 - What is the meaning of one who "weakens" her kesubah? If she had a kesubah of 1,000 zuz, and the husband claims it was already paid, but she says she only got 100 zuz, she would have to swear to get the rest.

- What is the case of the single witness? If a woman has a kesubah of 1,000 zuz, and her husband says it was fully paid, and she says it was not paid, and a single witness says it was paid, she would have to swear to collect her kesubah.
- What is the case of collecting encumbered properties? If she wants to collect her kesubah from land sold to others, she can only collect if she swears.
- What is the case of collecting from the orphans? If the husband died and she wants to collect her kesubah from the orphans, she may only do so if she swears.
- What is the case of collecting not in the presence of the husband? If he traveled overseas and she wants to collect from him in his absence, she may only do if she swears.
- **R' Shimon** says, if she is claiming her kesubah the heirs may make her swear. If she is not claiming her kesubah, the heirs may not make her swear.

GEMARA

- **Rami bar Chama** thought to say that the oath a woman must make when she weakens her kesubah is D'Oraisa – since she agrees to partial payment it is a case of “modeh b'miktzas”, which requires an oath D'Oraisa. **Rava** said, this can't be correct based on 2 reasons. One, any D'Oraisa oath is only done when the one who swears does not have to pay based on his oath, whereas this woman swears and then *gets paid*. Two, D'Oraisa there is no swearing on items involving land, so this woman would not have to swear in our case. Based on this, **Rava** said the oath of our Mishna is a D'Rabanan. The **Rabanan** enacted that she should have to swear so that we know that she carefully looked into it before claiming that she is owed money.
 - **Q:** What if witnesses saw partial payment on the kesubah and the husband claims to have then paid the remainder? Do we say that if he truly paid he would have paid in front of witnesses, or do we say that it is possible that he paid the remainder without witnesses? **A:** A Braisa says that one who weakens his document without witnesses must swear to collect the remainder. This suggests that if there are witnesses he would not have to swear!
 - It may be that the Braisa is saying that surely if there are witnesses to the partial payment the claimant will have to swear (because he could not have denied the partial payment). The Braisa is saying that even if there are no witnesses, in which case by admitting to the partial payment he is like returning a lost object (and we would therefore think that he need not swear), even then he must swear.
 - **Q:** If a woman admits to a series of partial payments, and lists them all, including some of which she says were less than a perutah, do we say that since she was so meticulous this shows that she is truthful, or do we say that it may be a trick? **TEIKU.**
 - **Q:** If a woman says that she was not paid anything on her kesubah, but admits that the amount of the kesubah is actually less than what was written, do we say that this is another form of agreeing to partial payment, or do we say that she has not admitted any payment and this is therefore different? **A:** A Braisa clearly says that in this case she would be able to collect without an oath.

EID ECHAD ME'IDA SHEHI PARU'AH

- **Rami bar Chama** thought to say that this oath would be D'Oraisa, because a Braisa says that in a case where 2 witnesses would obligate someone to money, one witness would force an oath. **Rava** said, this can't be correct based on 2 reasons. One, any D'Oraisa oath is only done when the one who swears does not have to pay based on his oath, whereas this woman swears and then *gets paid*. Two, D'Oraisa there is no swearing on items involving land, so this woman would not have to swear in our case. Based on this, **Rava** said the oath of our Mishna is a D'Rabanan. The **Rabanan** enacted this to calm the husband by requiring her to swear before collecting.
 - **R' Pappa** said, in a case like this, a husband can pay her a second time in front of a second witness and then have them combine testimonies so that she is faced with 2 witnesses instead of one. He can then claim that the first payment was a loan and demand repayment of it.
 - **Q: R' Shisha the son of R' Idi** asked, these witnesses saw 2 different events, so how can they combine to say a single testimony!? **A:** Therefore he said, the

husband can pay a second time in front of the first and the second witness and then claim the first payment was actually a loan.

- **Q: R' Ashi** asked, she will claim that she actually had 2 kesubos and neither payment was for a loan!? **A: R' Ashi** said, he must notify the witnesses of his plan before making the second payment.