



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

### Kesubos Daf Pey Ches

MINECHASIM MESHUBADIM

- A Mishna says, just as one may collect from orphans only after swearing, so too orphans may collect only after swearing. Now, this can't mean that if they collect a debt of their father they have to swear, because the father would not have had to swear so neither do they. The Mishna means that if orphans collect from other orphans, they must swear before collecting.
  - **R' Zrika in the name of R' Yehuda** said, the Mishna's Halacha is only when the debtor's orphans say that their father told them that he borrowed the money but had already repaid it. However, if they say that their father said that he never borrowed the money, the other orphans could not collect even after swearing.
    - **Q: Rava** asked, when one says he never borrowed money, he is saying that he never paid it back either. If so, since there is a document that says that he did borrow, and he has admitted that he has not paid back, they should surely be able to collect in that case!? **A: R' Zrika** must have said that they collect after swearing only when the debtor had said that he borrowed and paid back. However, if he said that he never borrowed, the orphans can collect even without swearing.

V'NIFRA'AS SHELO B'FANAV LO TIPARA ELAH B'SHVU'AH

- **R' Acha Sar Habirah** said, **R' Yitzchak** in Antuchya said that only a woman for her kesubah may collect if the husband is not there. However, a creditor may not collect if the debtor is not present. **Rava in the name of R' Nachman** said, even a creditor may do so, because if we don't allow that, a person will borrow money and skip town, never having to pay and causing that people will stop lending money.

R' SHIMON OMER KOL ZMAN...

- **Q:** What case is **R' Shimon's** statement said about? **A: R' Yirmiya** said, he is going on the last case of the Mishna that says she may collect (for the kesubah or for support) not in his presence only after swearing. On that **R' Shimon** says, if she is claiming her kesubah the heirs can make her swear. If she is only asking for support, they cannot make her swear.
  - **Q: R' Sheishes** asked, if he is going on that last case, why does it mention the heirs? The case is where the man is alive and it is Beis Din who can impose the swearing!? **A: R' Sheishes** said, the statement was made on the case of the Mishna where the woman was exempted from having to swear, and after the husband's death she continued managing the finances, the **T"K** said that she can be made to swear for matters in the future. **R' Shimon** says on this case, that she can only be made to swear when she collects her kesubah. If she doesn't, she cannot be made to swear even if she is managing the finances of the estate (because she was appointed as an agent by the husband, and we find a Mishna in which there is a machlokes about exactly this issue).
    - **Q: Abaye** asked, if this is what the statement is referring to, the statement should not say "whenever she collects her kesubah", it should say "if she collects her kesubah"! **A: Abaye** said, the statement was made on the case of the Mishna in which the husband said there will not be any oath on her from him or his heirs onto her or her heirs or anyone who comes in her place. The Mishna said that she can never be made to swear in that case. **R' Shimon** argues and says that whenever she collects her kesubah she will have to swear, just like anyone else who collects from orphans.
      - **Q: R' Pappa** asked, based on this explanation, what is the second phrase of **R' Shimon** saying – "if she does not collect her kesubah she cannot be

made to swear”? **A: R’ Pappa** said, he means to say that he argues with the earlier Mishna that said that a woman can be made to swear if she is put in charge of financial affairs. **R’ Shimon** is saying that she can only be made to swear when collecting her kesubah.