



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

### Kesubos Daf Pey Tes

#### MISHNA

- If a woman produces a get, but does not have the kesubah, she can still collect the kesubah payment. If she produced a kesubah with no get, and she says she lost her get, but her husband says he already paid the kesubah and lost his receipt, and similarly if a creditor has a loan document but does not have the pruzbul, this woman and this creditor cannot collect. **R' Shimon ben Gamliel** says, from the time of the danger and onward, a woman may collect her kesubah even without a get, and a creditor may collect the debt without the pruzbul.

#### GEMARA

- **Q:** This seems to be a proof that we write a receipt upon payment and require the husband to hold onto it (instead of returning the kesubah), because if we don't, we should be concerned that she will wait until the husband dies and reuse that kesubah to collect again!? **A: Rav** said, the Mishna is discussing a place where kesubos are not written at all. In such a place we allow women to collect by producing their get. **Shmuel** said, the Mishna may even be discussing a place that does write kesubos.
  - **R' Anan** explained **Shmuel** to mean that there are times when he must pay even without receiving the kesubah in return. The case would be where the woman can prove that he did not write a kesubah for her. In that case he would have to pay and accept a receipt for his payment.
  - **Rav** later changed his view and said that whether in a place that they write kesubos or in a place that they don't write kesubos, if a woman produces her get she can collect the basic kesubah amount, and when she produces her kesubah she may collect the excess kesubah amount.
    - **Q:** Our Mishna's second case said that if she produces only her kesubah she cannot get her kesubah payment. According to **Rav** she should at least get the amount of the excess kesubah!? **A: R' Yosef** said, the Mishna is discussing a case where there are no witnesses to the divorce either. The husband has a miguy that he could have said that he never divorced her. With that miguy he is therefore believed to say that he divorced her and already paid her kesubah.
      - **Q:** At the end of the Mishna **R' Shimon ben Gamliel** says that in times of danger we allow her to collect without a get. The Mishna must be talking about where there are witnesses, because if there are not, on what basis is she collecting? **A:** The entire Mishna is the view of **R' Shimon ben Gamliel**. He first says that if there is no get she may not collect. He then explains that this is only if there are no witnesses to the divorce. If there are, she would be able to collect the excess kesubah payment (because she has the kesubah) and will collect the basic kesubah payment when she produces the get. However, in times of danger, she can collect even the basic kesubah without producing the get.
    - **Q: R' Kahana and R' Assi** asked **Rav**, according to you, how can a widow collect her kesubah based on witnesses that he died? We should be concerned that he had previously divorced her and she will later produce her get and collect based on it!? **A:** A widow can only collect when she is known to have been married to him up to the time of death.

- **Q:** We should be concerned that he divorced her immediately before his death!? **A:** If he did so, he has brought this loss (of the risk of double payment) upon himself.
- **Q:** How do we allow a widow from the eirusin to collect, since they didn't live together we can't be sure that she wasn't divorced!? **A: Rav** would agree that when there is no choice we would have her write a receipt of payment for the husband. This must be so, because if not we should always be concerned that the witnesses to death would go to a second Beis Din and testify there as well, allowing her to collect the kesubah a second time. It must be that we have her write a receipt for the payment.
- **Q: Mar Kashisha the son of R' Chisda** asked **R' Ashi**, how do we know that a widow from the eirusin would even be allowed to collect without having a kesubah? It can't be from the Mishna that says that a woman collects the entire kesubah at termination of the nessesin or the eirusin, because that Mishna may be discussing where she has a written kesubah, and the chiddush is that we don't say that she only gets the kesubah if she entered into eirusin (like the view of **R' Elazar ben Azarya**)! Also, if there was no kesubah written, she should only be able to collect the basic kesubah payment, and the Mishna says she collects "the full amount"! It also can't be from the Braisa that says that if the husband in an eirusin dies she gets her kesubah, because that too may be discussing where she had a written kesubah!?
- **Q: R' Nachman** asked **R' Huna**, according to **Rav**, who says that she collects the basic kesubah payment based on the get, why are we not concerned that she will take the get and try and collect a second time in another Beis Din? We can't fix that by ripping up her get, because she needs the get to be allowed to remarry!? **A: R' Huna** said, we rip the get and write on it that it was ripped not because it was passul, but rather to prevent her from collecting her kesubah a second time.

#### MISHNA

- If a woman produces 2 gets and 2 kesubos, she may collect both kesubos. If she produces 2 of one, and 1 of the other, or if she produces a get, a kesubah, and witnesses to the death of the husband, she may only collect one kesubah, because one who divorces his wife and remarries her and does not write a new kesubah is considered to have remarried her on the basis of her first kesubah.

#### GEMARA

- **Q:** In the second case of the Mishna, the Mishna seems to allow her to use whichever kesubah she wants to collect with. This seems to contradict **R' Nachman in the name of Shmuel**, who says that when there are 2 documents for the same obligation, the later one nullifies the earlier one!? **A:** We have learned that **R' Pappa** said that even **R' Nachman** agrees, that if anything was added in the second document, that second document was not meant to nullify the first. The case in the Mishna must also be talking about where the second kesubah had some addition.
- A Braisa says, if a woman produces a get, a kesubah, and proof of her husband's death, if the get is dated before the kesubah (showing that the kesubah was for a later marriage) then she can collect 2 kesubos. If the kesubah was dated before the get, she can only collect one kesubah, because one who divorces his wife and remarries her and does not write a new kesubah is considered to have remarried her on the basis of her first kesubah.