



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

### Kesubos Daf Tzaddik

#### MISHNA

- If a minor boy was married off by his father (the marriage is not effective D'Oraisa) and then he became an adult (at which time it becomes effective), the kesubah that he wrote as a minor remains effective, because he kept her as a wife on condition that the kesubah is still effective. Similarly, if a goy converts along with his wife, the kesubah he wrote as a goy remains effective, because he kept her as a wife on condition that the kesubah is still effective.

#### GEMARA

- **R' Huna** said, the original kesubah remains effective only with regard to the basic kesubah amount, but not for any additional amounts that were written into the kesubah. **R' Yehuda** says it even remains effective for the additional amounts.
  - **Q:** A Braisa says, if the minor added an amount to the kesubah when he became an adult, she gets that added amount. This suggests that she will not get any additional amount to the basic kesubah that was added as a minor!? **A:** The Braisa means she will get this amount on top of any and all amounts written in the original kesubah.
    - **Q:** A Braisa clearly says that if he added something as an adult she gets that amount, and if he did not, she only gets the basic 100 or 200 zuz!? This refutes the view of **R' Yehuda – TEYUFTA**.
      - The Gemara explains, that **R' Yehuda** misunderstood our Mishna to mean that the entire original kesubah remains in effect. In truth, the Mishna means that the basic kesubah remains in effect, and no more.

**HADRAN ALACH PEREK HAKOSEIV L'ISHTO!!!**

**PEREK MI SHEHAYA NASUY -- PEREK ASSIRI**

#### MISHNA

- If a man had 2 wives and he died (not leaving enough money to pay both kesubos), the first wife has priority over the second wife, and if both wives die before collection, the heirs of the first wife have priority over the heirs of the second wife.
- If he married the first wife and she died, then he married the second wife and he died, the second wife and her heirs have priority over the heirs of the first wife.

#### GEMARA

- The Mishna says that the first wife has *priority*, but doesn't say that the second wife does not have her kesubah. This suggests that if the second wife would seize the property before the first wife, she would be allowed to keep it. We can learn from here that a later creditor who seizes before an earlier creditor will be allowed to keep what he grabbed.
  - The Gemara says it may be that she is not allowed to keep what she seized, and the Mishna means that the first wife has total priority – even if the second wife seized the property.
  - Some said that since the Mishna does not say that if the second wife seizes property she may keep it, it must be that she would not be allowed to keep it. We can learn from here that if a later creditor seizes before an earlier creditor, he will not be allowed to keep what he seized.

- The Gemara says, it may be that the Mishna uses the verbiage of “priority” only because the end of the Mishna uses that when it says that the second wife and her heirs have priority over the heirs of the first wife.

#### NASA ES HARISHONA

- We can learn three things from this Halacha: 1) in a case where one wife died during the husband’s lifetime and the second died after his death, there is still the concept of the “benin dichrin kesuba” for the heirs of the first wife, and we are not concerned that the heirs will argue – we see this from the fact that the Mishna says the second heirs have *priority*, which suggests that if there is enough money the first heirs will get the benin dichrin piece as well; 2) we can learn that the amount paid for the second wife’s kesubah is considered an amount “left over” in the estate, which would therefore allow for the application of the benin dichrin kesubah (the Mishna later says that for benin dichrin to apply there must be at least a dinar left in the estate after the application of the benin dichrin); and 3) benin dichrin is not collected from encumbered property, because if it was, the heirs of the first wife should go and take the property that was used to pay the kesubah of the second wife.
  - **Q: R’ Ashi** asked, maybe there is no benin dichrin in the case outlined in #1. Maybe the Mishna means that the heirs of the second wife have priority in that they collect before the laws of inheritance kick in, but they kick in right after the kesubah of the second wife is collected, and at that time all the heirs inherit equally!? Also, there is no proof from our Mishna for #2, because maybe our Mishna is discussing where there is a dinar leftover without considering the kesuba payment!?
  - The Gemara says that the #1 is actually a machlokes Tanna’im in a Braisa. The Braisa says, if one wife died during his lifetime and the other died after his death, **Ben Nanas** says, the heirs of the first wife can tell the heirs of the second wife, you are a creditor, take the kesubah of your mother and go. **R’ Akiva** says, the estate has already jumped away from the first heirs and has fallen to the second heirs. Presumably the machlokes is that **Ben Nanas** holds that benin dichrin applies in this case and **R’ Akiva** holds that it does not.
    - **Rabbah** said, I saw the **Rabanan** of the yeshiva of **Rav** sitting and saying that really all hold that benin dichrin would apply. The machlokes is regarding #2, whether the kesubah payment is considered an amount left over. **Ben Nanas** says that it is, and the same would apply to an amount paid to any creditor, and **R’ Akiva** says that it is not, and the same would apply to an amount paid to any creditor. **Rabbah** told them, all would agree that an amount paid to another creditor is considered to be an amount left over. The machlokes is only regarding a kesubah payment.
      - **Q: R’ Yosef** asked, if this is the true machlokes, **R’ Akiva** should have said, if there is a dinar left over there will be benin dichrin and if not there is not. Why does he say “the estate has jumped from the first heirs”? **A: R’ Yosef** said, the proper understanding of the machlokes is as originally thought, and it is regarding #1, as explained above.
    - We can say that this is also the machlokes between the Tanna’im of another Braisa. The Braisa says, if the first wife died, he then married a second wife, and then he died, the sons of this one (presumably the second one) can come after the death and collect the kesubah of their mother. **R’ Shimon** says, if there is a dinar left over they each get their mother’s kesubah. If not, they split it equally. Presumably we can say that they argue about #1 – **R’ Shimon** says there would be benin dichrin and the **T”K** says that there would not be.
      - It may be that all agree to #1, and that there would be benin dichrin in this case. The machlokes may be whether the remaining dinar in the estate must be a dinar worth of land (which would be the view of the **T”K**) or whether a dinar of even moveable property would suffice (**R’ Shimon**).
        - **Q: In a Mishna R’ Shimon** clearly says that there must be an extra dinar of land!? **A: The machlokes** could be that the **T”K**

holds the dinar must consist of unencumbered land, whereas **R' Shimon** holds it may even be of encumbered land.

- **Q:** If this is correct, **R' Shimon** in the Braisa should have said “since there is an extra dinar”, not “if there is an extra dinar”!?  
**A:** It must be that they argue in whether or not an extra dinar is needed, or whether even less than a dinar suffices.
- **Q:** Both the **T”K and R' Shimon** say that a dinar is needed!? **A:** We must use one of the previous 2 answers (the machlokes is whether the extra dinar must be of land, or whether it can be of encumbered property), and we should reverse the views so that it is **R' Shimon** who holds that the dinar must be of real property that is unencumbered.