



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

Kesubos Daf Tzaddik Ches

- There was a woman who seized a silver cup as partial payment for her kesubah. She then made a claim for support. **Rava** told the orphans they must support her, because no one holds like **R' Shimon** who said that a partial payment on the kesubah stops the support obligation.
- **Q: Rabbah the son of Rava** asked **R' Yosef**, when a widow sells her husband's properties outside of Beis Din, must she swear as to the amount that she got from the sale?
 - **Q:** Why didn't he ask if she must announce that she is selling a property before she does so? **A:** He answered, that **R' Nachman in the name of R' Zeira** said, if a widow appraised a property and then kept it for her kesubah, the orphans may take it back. Now, that case must be discussing where she didn't announce that she was trying to sell the property, because if she did, why can't she keep it for the kesubah? It must be discussing where she didn't announce it, and we see that she may not keep it for herself, but it seems that she would be allowed to sell it to someone else even though she did not make the announcement.
 - The Gemara says, it may be that she did announce it, and she still may not keep it, because no one gave it to her (neither the orphans nor Beis Din), and therefore she may not keep it.
 - The Gemara paskens that a widow must swear as to the amount she collected on the sale, but she need not announce that she is selling the property.

MISHNA

- If an almanah with a kesubah of 200 sold a field (from the estate) worth 100 for 200, or if she sold a field worth 200 for 100, she is considered to have received full payment on her kesubah.
- If her kesubah was 100, and she sold a field worth 100 plus a dinar for 100, the sale is void. Even if she says that she will return a dinar to the orphans, the sale is still void.
 - **R' Shimon ben Gamliel** says, the sale will be valid unless there is enough land, besides the value of 100 that should have been sold, to equal an area of 9 kavs in a field, or an area of one half kav in a garden. **R' Akiva** says there only need to be left over ¼ kav in a garden.
- If her kesubah was for 400 and she sold 3 fields worth 100 each, and sold a 4th field that was worth 100 plus a dinar for 100, this last sale is void, but the first 3 sales are valid.

GEMARA

- **Q:** Why is it that when she sells the field below value we tell her that she caused the loss and therefore bears the loss, but when she sells the field for more than its value we don't allow her to gain from the sale? **A: R' Nachman in the name of Rabbah bar Avuha** said, **Rebbi** taught in this Mishna that when a shaliach creates a gain in the transaction, the gain goes to the principal.
 - The Gemara shows that this Halacha is actually a machlokes Tannaim, but that we pasken that when the gain is made on items that don't have a set price (e.g. land) the gain goes to the principal.
- **Q:** They asked, if a person tells a shaliach to sell a half kur of land for him, and the shaliach went and sold a full kur, do we say that the shaliach added to what he was supposed to do, but the sale will be effective at least regarding the half kur, or do we say that the shaliach totally disregarded the instruction and the entire sale is void? **A: R' Yaakov of Nehar Pekod in the name of Ravina** said, a Mishna says, if a person told a shaliach to give one piece of meat to the guests, and the shaliach told them to take 2 pieces, and the guests went and took 3 pieces, and it turns out that the meat belonged to hekdesch, each one of the parties has done me'ilah. Now,

if the shaliach is considered to have disregarded the instruction and therefore made the transaction void, the principal should not be considered to have done me'ilah!? It must be that the transaction is valid to the extent of the actual instruction.

- The Gemara says, the case may be where the shaliach tells the guests that the principal said you should take one, but I allow you to take two. In that case the instruction was certainly followed and that is why the principal is considered to have done me'ilah.
- **A:** Our Mishna said that if her kesubah is for 100 and she sells property worth 100 plus a dinar for 100, the sale is void. Presumably this refers to where the sales price was the 100 plus a dinar and the Mishna means that she sold it for her 100 kesubah obligation and will return the dinar above the value of kesubah. The Mishna says that the sale is still void, because she has sold more than she was authorized to sell. We see that the entire sale becomes void.
 - **R' Huna the son of R' Nosson** said, this is not a valid proof. The Mishna may be talking about where she sold the field for only 100, and that is why it is void. However, had she sold it for its true value, it may be that the sale would not be void.
 - **Q:** If the case is where she sold it for less than its value we don't need to be taught that, because the last case of the Mishna already gives the case of where she sold the last field for less than its full value!? **A:** Both cases are discussing where she sold the field for less than the value. The chiddush of that last case is that the only time the sale becomes void is when the last field is sold below value, because then it effects the orphans. However, if she sold one of the earlier fields for less than value, she would just decrease her remaining kesubah obligation by the amount of the full value of the field and the sale would remain valid.
 - **Q:** The earlier case of the Mishna teaches that when she sells for below value in a way that it only affects her kesubah we decrease her kesubah by that amount and the sale remains valid!? **A:** We would think it only remains valid when this sale completes her kesubah obligation. However, when she still has kesubah obligation remaining after the sale we would say that the sale can't remain valid, as a gezeirah that it should not remain valid when it is the last field sold. The Mishna therefore teaches that it is valid even in that case as well.