



## Daf In Review – Weekly Chazarah

### Maseches Kesubos, Daf לט – Daf טז

Daf In Review is being sent I'zcher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H  
vI'zcher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

#### -----Daf לט---73-----

- It was taught, if a man gave kiddushin on a condition, and then married her without a condition, **Rav** says it is a valid marriage and would require a get, and **Shmuel** says the marriage is not valid and no get would be required.
  - **Abaye** said, the reason of **Rav** is not because the nissuin without a condition shows that he was mochel the condition. Rather, the reason is because a person does not want his tashmish to be znus, therefore, he has in mind at the time of the first bi'ah that it act as a new kiddushin.
    - **Q:** They already have this same machlokes regarding a minor who was married off by her mother or brothers (the marriage is D'Rabanan) and she then became an adult, and then went and married another man without receiving a get from the first man, where **Rav** says that she does not need a get from the second man (as soon as she becomes an adult the first man had in mind that the first bi'ah should act as a D'Oraisa kiddushin) and **Shmuel** says she does need a get from the second man. Why the need to repeat it again here? **A:** If we would only have that case we would think that **Rav** holds that way there, because there was no stipulation, but here where there was a stipulation, maybe he would agree with **Shmuel**. If we would only have this case we would think that in the other case **Shmuel** would agree with **Rav**. Therefore, we need both cases.
    - **Q:** Our Mishna says that if one married a woman without a condition and it turns out that she was under vows, she may be divorced without a kesubah payment. This suggests that she would need to receive a get. Presumably this is a case of where he gave kiddushin on a condition and entered nissuin without any condition, and we see that a get is required, not like **Shmuel**!? **A:** The case is where the kiddushin and the nissuin were done without any stipulation.
      - **Q:** This would mean that in a case where the kiddushin was made on a condition and the nissuin was done without a condition she would not need a get. If so, the Mishna should have given that case instead of the case of where the kiddushin was made on a condition and she was found to have been under vows, because if she doesn't need a get in the first case she surely won't need a get in this second case!? **A:** That is actually what the Mishna means when it says this case, and it should be read into the words of the Mishna.
    - **Q:** According to **Shmuel**, why is it that he doesn't have to pay the kesubah (based on the fact that he doesn't want to be married to a woman who takes vows) but still needs to give a get (the marriage shouldn't be effective at all)!? **A:** **Rabbah and R' Chisda** said, she only needs a get D'Rabanan. **Rava** said, the Tanna is unsure what the result should be, and therefore for a monetary case he is lenient and for the case of issurin he is machmir.
  - **Rabbah** said, the machlokes is where he gave kiddushin to 2 women – one with a condition that she not be under vows and the other with no such condition – and it was found that the second woman was under vows. **Shmuel** holds that since he made the condition with the first woman we assume he felt that way with the second woman as well, and the marriage is therefore not valid. **Rav** said that maybe he purposely didn't make the condition with the second woman and her marriage is therefore valid and would require a get to terminate it.
    - **Q:** **Abaye** asked, the Gemara used our Misha to ask on **Shmuel**, and clearly did not treat it as a case of two women as described by **Rabbah**!? **A:** It must be that **Rabbah** meant to say that there was only one woman, who he first gave kiddushin with a condition, then divorced her, then gave her kiddushin a second time but without a condition. That is the case of the machlokes.

## Daf In Review – Weekly Chazarah

However, if it was a straightforward case of a kiddushin with a condition and then a nissuin all would agree that a get would not be needed.

- **Q: Abaye** asked, a Braisa says if a kiddushin was done in error, there is a machlokes whether the husband would be koneh her with a later bi'ah. Now, presumably this refers to a case of an error regarding her being under vows, and is a straightforward case in which case **Rabbah** says that all would agree that there would be no effective marriage!? **A:** The error was that the kiddushin was done with less than the value of a perutah, and the man thought it would suffice for kiddushin.
  - **Q:** That case is expressly listed in the Braisa after the general case of “error”!? **A:** The Braisa is explaining the case of “error” as referring to the case of less than the value of a perutah.
    - The machlokes is that the **T”K** holds that a person knows kiddushin can’t take place with less than a perutah, and therefore he has in mind to be koneh her with a later bi’ah. **R’ Shimon ben Yehuda** in the Braisa holds that a person doesn’t know that and therefore doesn’t have in mind to be koneh her with a later bi’ah.
- **Q: Abaye** asked, a Braisa says that if a bi’ah was done as kiddushin on the condition that his father agreed, there is a machlokes whether the kiddushin is valid even if the father didn’t agree. Now, according to **Rabbah’s** explanation all should agree that the kiddushin should not be effective at all!? **A:** The machlokes there is whether we understand that the father can remain quiet to show acquiescence or whether he must actively agree, and the case was where the father remained quiet and did not actively agree.
- **Q: Abaye** asked, we find a machlokes in a Braisa whether a minor girl who was married off D’Rabanan and remained with her husband after becoming an adult, may do yibum or only chalitza. The machlokes would be whether the marriage becomes D’Oraisa with the first bi’ah after becoming an adult. This does not fit with **Rabbah’s** explanation, which would hold that all would agree that the later bi’ah does not make a valid kiddushin!? **A:** The machlokes there is whether we say that everyone knows that the first kiddushin with the minor was ineffective and therefore he definitely had in mind to make a kiddushin with the bi’ah once she becomes an adult.

### -----Daf 74-----

- **R’ Acha bar Yaakov in the name of R’ Yochanan** said (like **Rabbah** said earlier) that if a kiddushin was given on a condition and the nissuin with a bi’ah later took place, although the condition was not fulfilled, all (**Rav and Shmuel**) would agree that the marriage is not valid and no get is needed to terminate the marriage.
  - **Q: R’ Acha the son of R’ Ika** asked, a Braisa says, **R’ Yochanan** says that if one does chalitza on the promise of money and never gets the money, the chalitza is still valid. We see that when someone does an act he is mochel any previous condition. The same should be in our case, and once he does bi’ah with her it should show that he is mochel any previous condition!? **A: R’ Acha bar Yaakov** answered, the reason the chalitza is valid in that case is because the condition was not a good condition. For a condition to be valid it must follow the pattern of the condition of Gad and Reuvein, one requirement of which is that it can be done by a shaliach. Since chalitza cannot be done by a shaliach, the condition was not valid to begin with.
    - **Q:** Bi’ah cannot be done with a shaliach and yet we see that a condition attached to it is valid!? **A:** The only reason it is valid there is because the different forms of kiddushin are compared to each other.
- **R’ Ulla bar Abba in the name of Ulla in the name of R’ Elazar** said, if one gives kiddushin with a loan, or with a condition, or with less than a perutah, and he then has bi’ah, all agree that he would need to give a get to terminate that marriage.

## Daf In Review – Weekly Chazarah

- **R' Yosef bar Abba in the name of R' Menachem in the name of R' Ami** said, in the case of one who gave kiddushin of less than a perutah and then had bi'ah, she would need a get. He only agrees with that case because everybody knows that a perutah is needed and he clearly had in mind for the bi'ah to act as a kiddushin. Regarding the other cases, people don't know, and he therefore may not have had in mind for the bi'ah to act as a kiddushin.
- **R' Kahana in the name of Ulla** said, if one gives kiddushin on a condition and then has bi'ah without the condition being fulfilled, she needs a get to terminate the marriage. This argues on a Tanna of a Braisa who says that the marriage is as if it didn't exist.
- A Braisa says, if a woman went to annul her vows and thereby fulfil the condition that she was not under vows, the kiddushin is valid. If she went to a doctor to fix her mum and thereby fulfil the condition not to have a mum, the kiddushin is nevertheless invalid. The reason for the difference is that annulment of the vow makes it as if it never existed at all. Healing the mum only takes it away from this point in time.
  - **Q:** A Braisa says that in both cases the kiddushin is not valid!? **A: Rabbah** said, the first Braisa follows **R' Meir** who says that a person doesn't mind having his wife be embarrassed by going to Beis Din, and therefore her going to annul fulfils the condition, and the second Braisa follows **R' Elazar** who says that a person does mind that, and therefore the condition was made that there should be no vow at all.
    - We find this machlokes in a Mishna. The Mishna says if one divorces his wife based on a vow she made, he may not remarry her. The same would be if he divorced her based on rumors of her znus. **R' Yehuda** says, if it was a publicly known vow he may not remarry her, but if it was not, he may remarry her. **R' Meir** says, if it was a vow that needs a chochom to annul it (it was not something the husband could have annulled) he may not remarry her. If it was a vow that he could have annulled, he may remarry her. **R' Elazar** said, they prohibited marriage in the case of a vow that needs a chochom's annulment only because of a vow that does not need his involvement.
      - The machlokes is that **R' Meir** holds that a person is willing to have his wife embarrassed by having her go to Beis Din, whereas **R' Elazar** says he is not.
    - **Rava** said, the Braisos are not contradictory. The second Braisa is dealing with a woman from a prominent family, and if the kiddushin is valid it would necessitate a divorce which would make the husband assur to all her relatives. He does not want to become assur to all her relatives, and he therefore does not want the kiddushin to be valid. The first Braisa is dealing with a woman from a regular family where this concern does not exist.
      - **Q:** The end of this second Braisa says that if the condition was for the husband not have been under vows, and he then goes to a chochom to annul vows that he is under, it is considered a valid fulfilment of the condition. According to **Rava**, we should say that it is not a valid kiddushin, and that this Braisa is discussing a man from a prominent family and the woman doesn't want the kiddushin to be valid so that she should not become assur to the rest of his family when the marriage must terminate in divorce!? **A:** A woman just wants to be married, and is not as concerned for the husband being from a prominent family, so she wants the kiddushin to be valid.

-----Daf ע"ה---75-----

KOL MUMIN SHEPOS LIN...

- A Braisa adds additional mum in for a woman – one who sweats a lot, who has a mole, and who has bad breath.
  - **Q:** A Mishna seems to say that bad smells would passul a Kohen as well!? **A: R' Yose the son of R' Chanina** said, the Braisa is referring to bad smells that come from time to time, whereas the Mishna is discussing smells that are constant. **R' Ashi** said, the Braisa is talking about less offensive smells than the Mishna. Still, it is considered a mum for a woman, because she is constantly with her husband and can't mask these smells at all times.

## Daf In Review – Weekly Chazarah

- **Q:** What is the case of the mole mentioned in the Braisa? If it is large or has hair growing from it, even a Kohen would become passul from it. If it is small, it should not be considered a mum even for a woman!? **A:** **R' Yose the son of R' Chanina** said, and **R' Pappa** explained, it is a small mole that is somewhere on her forehead that is sometimes visible. Therefore it is considered a mum for the woman.
  - **R' Chisda** said, other forms of a mum for a woman can be a scar from a dog bite, or even a deep voice.
- **R' Nosson Bira'ah** taught a Braisa that a deformed chest is considered to be a mum. Another Braisa says a similar idea from **R' Nosson**.

### MISHNA

- If a mum was found on a girl after the eirusin but before the nissuin, the father must bring proof that the mum happened after the eirusin and therefore does not detract from the validity of the eirusin. If a mum was discovered after the nissuin and the husband wants to claim that the marriage was therefore in error, he must prove that the mum was present before the eirusin. This is the view of **R' Meir**. However, the **Chachomim** say this is only true for a mum on an unexposed part of the body. When the mum is on an exposed part of the body, the husband cannot even claim to have made the error. Even more so, if there is a bathhouse in the city, he cannot make a claim for error even for a mum on an unexposed body part, because he has surely sent his relatives to check her out.

### GEMARA

- **Q:** The Mishna seems to say that if the father doesn't bring proof the husband would be believed. This follows **R' Yehoshua**, who says that we don't follow her chazaka and therefore don't allow her to take money that is in his possession. However, the Mishna then suggests that once she is married, if the husband doesn't bring proof then he would be liable for the kesubah, which would seem to follow **R' Gamliel** who says that we do follow her chazaka!? **A:** **R' Elazar** said, the 2 parts of the Mishna were clearly taught by different Tanna'im.
  - **Rava** explained, don't say that **R' Yehoshua** doesn't follow a chazaka of the body at all. It is only when the chazaka is opposed by a chazaka of the money that he says we do not follow the chazaka of the body.
  - **Rava** said, the entire Mishna may be following **R' Gamliel**. When the mum is found in the father's house we make an assumption that since it was found there, that is where it came about. This weakens the position of the father. In the second case, when the mum is discovered in the husband's house, we again assume that since it was found there, that is where it came about. This weakens the husband's position.
    - **Q: Abaye** asked, if that is true, why does our Mishna say that the husband must prove that the mum existed before the eirusin? Why isn't it enough for him to prove that it existed while she still lived in the father's house, and based on the assumption we should then assume that it existed before the kiddushin!? **A: Rava** said, the reason is, if all he proves is that it existed after the eirusin, we have another assumption that a person would not "purchase" something (i.e. get married) unless he had first checked out what he was buying. We therefore assume that he knew about the mum and accepted it.
      - **Q:** If so, we should make this assumption even if the mum existed before the eirusin as well!? Rather, it must be that we say that people are never accepting of mumin. If so, why do we say that he is? **A:** If he can only show that the mum existed after the kiddushin, we have 2 chazakas at play: a chazaka that one only purchases what he has checked out, and a chazaka of her body that the mum was not present before the kiddushin. These 2 win out the one chazaka that a person is not accepting of mumin. However, if he can prove that the mum was in existence before the kiddushin, there is no chazaka of her body. Therefore, we have one chazaka against one chazaka. In a case like this we will say that the money should stay where it is (i.e. in the husband's hands).

## Daf In Review – Weekly Chazarah

-----Daf ע"ז--76-----

- **R' Ashi** explained the difference between the first 2 cases of our Mishna (why the chazaka of the girl's body does not help in the first case but helps in the second case). In the first case when she is still an arusah the money of the kesubah would go to her father, and her chazaka can't help for her father. In the second case it is after nissuin, in which case she keeps the money herself, and therefore her chazaka helps.
  - **Q: R' Acha the son of R' Avya** asked, a Braisa says that **R' Meir** says the father would have to bring proof even after nissuin if the mum is of the type that was likely there before as well. According to what **R' Ashi** said, the chazaka should help and no proof should be needed!? **A: R' Meir** is referring to a mum like an extra finger, which was clearly with her from birth. The proof that the father must bring is that the husband was aware of it and accepted it anyway.
- **R' Yehuda in the name of Shmuel** said, if 2 people are making a deal, whereby they will trade a cow for a donkey, and the donkey owner did meshicha on the cow, and they then find that the donkey is dead before meshicha can be done on it, the donkey owner must prove that the donkey was alive when meshicha on the cow was done, and this concept is taught by our Mishna regarding the bride.
  - **Q:** Where do we see this concept in our Mishna? It can't be from the case when the girl is still living by her father, because in that case he must prove to take money from the husband, whereas **Shmuel** is discussing bringing proof to keep the cow that is already in his possession!? **A: R' Abba** said, it is the case in the Mishna of after nissuin. In that case the husband must bring proof to keep the money that is in his possession.
    - **Q:** This case is also different than **Shmuel's** case, because in the Mishna the husband brings proof against the chazaka of the girl, whereas in **Shmuel's** case he must bring proof to support the chazaka that the donkey was alive!? **A: R' Nachman bar Yitzchak** said, he is referring to the case of the arusah living in her father's house, who he says must bring proof to keep the money that he received for the kiddushin. This is like **Shmuel's** case where the man must prove that the donkey was alive to keep the cow that is in his possession.
      - **Q:** A Braisa says, if an animal is shechted and is found to be a treifah, and we don't know if it was purchased by the butcher already being a treifah (in which case he deserves his money back) or if it happened after the purchase (in which case he doesn't deserve his money back), the Halacha is that "hamotzi meichaveiro alav haraya". This means that if the butcher already paid, he would have to prove his case in order to take the money back. Now, according to what we just said, according to **Shmuel** the seller of the animal should have to bring a proof in order to keep the money that he got!? **A:** The Braisa is discussing where the butcher did not give the money, so the Braisa is therefore saying that the seller must prove his case in order to get the money.
      - **Q:** That would mean that the Braisa is stating that the butchers always buy on credit and therefore it is always the seller who is looking to collect payment. Why must we say this is so? **A: Rami bar Yechezkel** said, what **Shmuel** actually said is that in whoever's reshus the safek arose, it is he who would have to bring the proof, and he said that this is stated in our Mishna regarding a bride.
      - **Q:** The Gemara again asks from the case of the butcher. If the butcher did not give the money the seller would have to bring proof to collect. According to what **Rami bar Yechezkel** said, since the safek arose in the reshus of the butcher, it is he who should have the burden of proof!? **A:** The Braisa is discussing where the butcher gave the money, so it is he who must bring proof to get it back, just as **Rami bar Yechezkel** says. This makes sense, since people do not typically transfer possession of the animal until payment is made.

VACHACHOMIM OMRIM BAMEH DEVARIM AMURIM B'MUMIN SHEBSEISER

- **R' Nachman** said, a woman who gets seizures is considered to be a case of a mum in an unexposed part of the body.

## Daf In Review – Weekly Chazarah

- The Gemara says, this is only true if the seizures happen at set times, so that she can plan to keep them from becoming public knowledge. However, if they do not come at set times, they are considered to be like an exposed mum, because it is certain that people are aware of her condition.

### -----Daf אָזָאָ -----77-----

#### MISHNA

- If a man developed mumin after his marriage, we do not force him to divorce his wife. **R' Shimon ben Gamliel** says, this is only if they are small mumin. However, if they are large mumin we force him to divorce her.

#### GEMARA

- **R' Yehuda's** version of the Mishna was that it spoke of a man who developed a mum, and **Chiya bar Rav's** version of the Mishna was that it spoke of a man who always had the mum.
  - According to **R' Yehuda**, he would surely agree that if the man always had the mum he would not be forced to divorce her, because she knew about it and accepted his marriage nonetheless. According to **Chiya bar Rav**, it may be that if they developed later on the woman could force the husband to divorce her.
  - **Q: R' Shimon ben Gamliel** said in the Mishna that there is a difference between small and large mumin. According to **Chiya bar Rav**, since she knew about the mum and accepted it, why should there be any difference? **A:** She thought she would be able to handle living with it, but later realized that she could not.
- A Braisa lists the large mumin referred to by **R' Shimon ben Gamliel**: his eye was blinded, his arm was cut off, or his foot was broken.
- **R' Abba bar Yaakov in the name of R' Yochanan** paskened like **R' Shimon ben Gamliel**, whereas **Rava in the name of R' Nachman** paskened like the **Chachomim**.
  - **Q:** We have learned that **Rabbah bar bar Chana in the name of R' Yochanan** always paskens like **R' Shimon ben Gamliel** except for 3 cases, so why the need to specifically pasken like him here? **A:** There are differing opinions among the Amoraim as to how **R' Yochanan** paskened.

#### MISHNA

- The following are men who are forced to divorce their wives: a man with boils, a man with "pulipus", a man who works as a gatherer (of excrement), as a copper refiner, or as a tanner. She may force a divorce whether these conditions were present before the marriage or whether they came about after the marriage. About all of these **R' Meir** said that even if she accepted these upon herself, she can force the divorce, because she can say that she thought she would be able to live with these, but now realizes that she cannot. The **Chachomim** say, she is forced to live with these conditions, except for the condition of the man with boils, because tashmish with such a man makes his skin deteriorate even further.
  - It once happened in Tzidon that a woman whose husband was a tanner and died without children said that she refuses to do yibum with his brother who was also a tanner. The **Chachomim** said she was within her rights to do so, because she can say that she only accepted living like that with the husband, and would not accept this with the brother.

#### GEMARA

- **R' Yehuda in the name of Shmuel** said, "pulipus" refers to a bad smell from his nose. A Braisa says it refers to bad breath.
  - **R' Assi** said the views are reversed.

#### V'HAMIKAMEITZ

- **R' Yehuda** said, this refers to one who gathers dog waste with his hands.
  - **Q:** A Braisa says it refers to a tanner!? **A:** We see in another Braisa that it is a machlokes among Tanna'im.

## Daf In Review – Weekly Chazarah

### V'HAMITZAREF NECHOSHES V'HABURSI

- **R' Ashi** said, the copper refiner refers to one who makes copper into pots. **Rabbah bar bar Chana** said, it refers to one who mines copper.
  - A Braisa says like **Rabbah bar bar Chana** as well.
- **Rav** said, if a husband says that he refuses to feed and support his wife, he must divorce her and pay her kesubah. When **R' Elazar** repeated this to **Shmuel**, and **Shmuel** responded showing that he felt this was not correct, saying that if we force him to do something, we should simply force him to support her. **Rav** must have held that forcing him to support her is only a temporary fix until the next time he decides to stop supporting her.
- **R' Yehuda in the name of R' Assi** said, we only force men to divorce wives who are assur for them to marry. He said that **Shmuel** explained this to mean like a case of a Kohen Gadol married to a widow, or a divorcee or chalutza married to a Kohen, or a mamzeres or nesina married to a Yisrael, or a Yisraelis married to a nasin or a mamzer. However, if a man was married for 10 years without children, we would not force him to divorce his wife. **R' Tachlifa bar Avimi in the name of Shmuel** said that even in the case of a man married for 10 years without children we would force him to divorce his wife.
  - **Q:** Our Mishna lists cases of forcing divorce and does not mention all these additional cases. According to **R' Assi** we can say that the Mishna only lists cases D'Rabanan, and the other cases are D'Oraisa. However, according to **R' Tachlifa**, the case of being married 10 years is only D'Rabanan, so why didn't the Mishna list it as well? **A: R' Nachman** said, our Mishna lists cases where we physically force him. The case of being married 10 years would be a case where we "force" only using words.
    - **Q: R' Abba** asked, we learn from a pasuk that words are never sufficient to force someone to do anything!? **A: R' Abba** said, even for the case of being married for 10 years we would physically force him. The reason we don't list it in the Mishna is because in the other cases in the Mishna, if she says she wants to remain with him we don't force the divorce. In the case of married for 10 years, even if she says so, we would force the divorce.
      - **Q:** Where the man has boils we do not allow her to remain married even if she wants!?  
**A:** We would allow her to remain married if she agrees never to have tashmish with him.
- **R' Yose** says in a Braisa, there are 24 types of boils, all of which are aggravated by tashmish, the worst of which is called "raasan". The Gemara says, raasan comes from a baby conceived from a tashmish had after the man and woman both let blood and ate nothing before having tashmish. Characteristics of this sickness are tearing eyes, running nose, drooling, and flies flying around him. **Abaye** gives a detailed process of how one can be healed from this sickness, which is actually caused by an organism lodged in the person's brain. It is so contagious that many of the **Chachomim** would not sit near, or even down-wind from these people, and some would not enter the tent of such a person, or even eat food that came from the neighborhood of a person who was sick with raasan. **R' Yehoshua ben Levi** would sit next to such a person while he was learning, because he felt that the Torah would protect him.
  - The Gemara tells the story of **R' Yehoshua ben Levi**, who asked to see his place in Gan Eden before he died. The Malach Hamaves took him there and gave **R' Yehoshua ben Levi** his "knife" so that he not have to worry that he would be put to death on the way. When he got to the wall around Gan Eden, he jumped over it. In Heaven it was decided that he would be allowed to remain there and not have to go through death. He was asked to return the knife so that the world could continue with people dying.
  - A similar story happened to **R' Chanina bar Pappa**, but the Malach Hamaves refused to give his knife to him to hold. He explained that **R' Yehoshua ben Levi** was allowed to do so only because he sat next to people with raasan as he learned.
  - **R' Chanina** said, people in Bavel are not afflicted with raasan, because they eat beets and drink certain beers. **R' Yochanan** said people in Bavel are not afflicted with tzaraas because they eat beets, drink beers, and bathe in the Euphrates River.

**HADRAN ALACH PEREK HAMADIR!!!**

# Daf In Review – Weekly Chazarah

-----Daf ע"ז--78-----

## PEREK HA'ISHA SHENAFLU -- PEREK SHEMINI

### MISHNA

- **B”S and B”H** would both agree that a woman who inherited assets before she entered into eirusin may sell or gift these assets in a valid transfer (if done before the nissuin).
- If the assets were inherited while she was an arusah and she wants to sell them while still an arusah, **B”S** say she may sell or gift them, and **B”H** say that she may not. **B”H** agree that although she may not, if she does the transaction would be valid.
  - **R’ Yehuda** said, the **Chachomim** said to **R’ Gamliel**, if he is koneh the woman with the eirusin, he should also be koneh the assets!? **R’ Gamliel** responded, we are even embarrassed that the **Rabanan** said that properties that she inherits and sells after nissuin may be taken back from the buyers by the husband, and you are going to ask that we should even limit her selling ability of properties she inherited before entering nissuin?
- If she inherited assets after entering nissuin, all agree that if she sold them the husband may take them back from the buyers.
- If she inherited assets before the nissuin and then entered nissuin, **R’ Gamliel** says, if she sold or gifted them, it is a valid transfer.
  - **R’ Chanina ben Akavya** said, the **Rabanan** said to **R’ Gamliel**, since he was koneh the woman he should also be koneh the assets!? **R’ Gamliel** responded, we are even embarrassed that the **Rabanan** said that properties that she inherits and sells after nissuin may be taken back from the buyers by the husband, and you are going to ask that we should even limit her selling ability of properties she inherited before entering nissuin?
  - **R’ Shimon** makes a distinction between assets that were known to the husband and therefore may not be sold, and assets that were not, which may also not be sold, but if they are sold the transfer would be valid.

### GEMARA

- **Q:** Why is it that **B”S and B”H** only argue when the assets were inherited once she was an arusah, but agree when the assets were inherited before she was an arusah? **A:** **R’ Yannai** said, in the first case the assets fell to her when she was under her own reshut. In the second case it fell to her while already under the reshut of the husband.
  - **Q:** If that is true, why is the sale a good sale in the second case? **A:** In the first case she is certainly in her own reshut. In the second case it is questionable (if nissuin ultimately takes place then she is already considered to be in the husband’s reshut, and if nissuin doesn’t take place she is considered to be in her own reshut). Therefore she is not supposed to go and sell them, but if she does, it is a valid sale.

### AMAR R’ YEHUDA AMRU LIFNEI R’ GAMLIEL

- **Q:** Is **R’ Yehuda** going on the case of l’chatchila according to **B”S** (and he is saying that she shouldn’t sell) or even on the case of b’dieved according to **B”H** (and he is saying that if she does sell it is not a valid sale)? **A:** A Braisa clearly says that **R’ Yehuda** is even going on the case of b’dieved.
  - The Braisa continues and says that **R’ Chanina ben Akavya** said that **R’ Gamliel’s** answer went differently than previously stated. He answered that when nissuin has been done it makes sense that the husband can revoke the sale, because he is also entitled to her finds, her earnings and to annul her vows. However, when only eirusin was done, since he can’t do any of those things he also can’t revoke the sale. The **Rabanan** said to **R’ Gamliel**, what about the case where she inherited before the nissuin and sold after the nissuin? He said, in that case her sale would be a sale. They asked, since he has been koneh her he should also be koneh the assets! He answered, we are even embarrassed that the **Rabanan** said that properties that she inherits and sells after nissuin may be taken back from the buyers



## Daf In Review – Weekly Chazarah

by the husband, and you are going to ask that we should even limit her selling ability of properties she inherited before entering nissuin?

- **Q:** The Braisa suggests that **R' Gamliel** would allow the sale in this last case even l'chatchila. However, our Mishna suggests that he would only allow it b'dieved ("if she sells it, the sale is valid")!? **A: R' Zvid** said, the words of the Mishna should be changed to suggest that it may even be done l'chatchila. **R' Pappa** said, the Mishna is following **R' Yehuda's** version of **R' Gamliel** and the Braisa is following **R' Chanina ben Akavya's** version of **R' Gamliel**, which would mean that he would hold that **B"S and B"H** did not argue in this case.
- **Rav and Shmuel** said, whether she inherited before becoming an arusah or after becoming an arusah, if she sells them after becoming a nesuah the husband can take the property back from the buyers.
  - **Q:** This doesn't follow **R' Yehuda** or **R' Chanina ben Akavya**, because they both said the sale is valid b'dieved!? **A: Rav and Shmuel** follow the view of **Raboseinu** in another Braisa.

### MISHENISEIS EILU V'EILU MODIM

- This seems to corroborate the institution established in Usha, that a woman who sold her property in her husband's lifetime, and she then died, the husband may take the property back from the buyers.
  - We can say that our Mishna is dealing with the status of the field during her lifetime as it effects the produce that the husband is supposed to own. The Usha establishment was in regard to the actual land itself, and only after the death of the wife.

### R' SHIMON CHOLEIK BEIN NICHASIM

- **Q:** What assets are considered "known" and what are considered as "unknown"? **A: R' Yose the son of R' Chanina** said, real property is "known" and other property is "unknown". **R' Yochanan** said, "unknown" are properties that she inherited in an overseas place. A Braisa says like **R' Yochanan**.

## -----Daf ע"ט-----79-----

- There was a woman who wanted to keep her properties out of the reach of her husband, so she wrote them as a gift to her daughter. When she got divorced, she went to **R' Nachman**, who tore up the gift document and returned the properties to the woman. **R' Anan** felt that **R' Nachman** was wrong for doing so. **Mar Ukva** told him that **R' Chanilai bar Idi in the name of Shmuel** said that a document which was created to hide assets from a husband should be torn up and has no affect.
  - **Rava** asked **R' Nachman**, you did so because you assume that a person would not give away their assets to someone else when they themselves need it. However, giving to a child is not like giving to someone else, so the gift should be valid!? **R' Nachman** said, one would not even give to a child if it means they will be left without any assets, therefore there is no effect to this gift.
  - **Q:** A Braisa says that one who wants to make a gift just to hide assets from her husband must write that the gift should only take affect when she wants it to take affect. This suggests that if this is not written, the recipient would be koneh the property!? **A: R' Zeira** said, **Shmuel** was talking about where she gave away all her assets, whereas the Braisa is discussing where she only gave away some of her assets.
    - **Q:** If she writes the language specified in the Braisa, the assets do not belong to the recipient. If so, the husband should be koneh them!? **A: Abaye** said, they get the status of "unknown assets" which the husband is not koneh according to **R' Shimon**.

### MISHNA

- If a married woman inherits money, the money is used to purchase real property, and the husband eats the produce of that property. The same is done if she inherits produce that is detached from the ground. If she inherits produce still attached to the ground, **R' Meir** says we appraise the value of the land without the produce and the value with the produce, and the difference is then used to buy another piece of land from which the husband eats the produce. The **Chachomim** say, produce attached to the ground belongs to him, whereas produce detached belongs to her, and she would sell it and buy a piece of land with the proceeds and the husband would eat the produce of that land.

## Daf In Review – Weekly Chazarah

- **R' Shimon** says, whereas the husband has the advantage when he marries her, he has the disadvantage when he divorces her, and visa-versa. For example, just as he is entitled to the produce attached to the ground at the time of the marriage, she is entitled to the produce attached to the ground at the time of termination of the marriage. Just as she is entitled to the produce detached from the ground at the time of the marriage, he is entitled to that produce at the time of the termination of the marriage.

### GEMARA

- It is obvious that if one of them want to use the money to buy land and the other wants to buy houses, they are to buy land. If one wants houses and the other wants date trees, they buy houses. If one wants date trees and the other wants other fruit trees, they buy date trees. If one wants fruit trees and the other wants grapevines, they buy fruit trees.
- The Gemara says, when determining whether something is classified as the principle or as produce, we look to see whether the item regenerates or replenishes after use. If it does, it is considered to be produce.
- **R' Zeira (or R' Abba) in the name of R' Oshaya in the name of R' Yannai** said, if one steals the offspring of a melog animal, the keifel (double) payment goes to the wife.
  - **Q:** A Braisa says, the **Rabanan** say that the offspring of a melog animal goes to the husband although the offspring of a melog maidservant goes to the wife. **Chananya** (the nephew of **Yoshiya**) says that both offspring go to the husband. **R' Yannai** cannot be following either shita of the Braisa!? **A:** He can be following either shita. The **Rabanan** only instituted that the husband get the produce (i.e the offspring), and the double payment is considered to be the produce of the produce, which the husband is not entitled to.
    - **Q:** Why do the **Rabanan** treat the case of the animal and of the maidservant differently? **A:** When the maidservant dies the wife is left with no “principal property” and therefore she keeps the offspring to ensure she has principal. However, when an animal dies she still has the skins of the animal and in that way retains a principal asset.
    - **R' Huna bar Chiya in the name of Shmuel** paskens like **Chananya**.
      - **Rava in the name of R' Nachman** said, **Chananya** would agree that if the couple were to divorce, the wife could force the husband to sell the offspring of the maid back to her, because that is considered to be part of the prestige of her father's house.
      - **Rava in the name of R' Nachman** said, if she has melog property of a goat, a sheep, a chicken, or a date tree, the husband may eat the produce (the milk, wool, eggs, dates) until the principal is consumed.
      - **R' Nachman** said, if she has a cloak of melog property, the husband is allowed to wear it until it is consumed.

### R' SHIMON OMER MAKOM SHEYafa KOCHO

- **Rava** explained, the difference between the **T"K** and **R' Shimon** is regarding produce that was attached to the ground at the time of the divorce (the **T"K** would say that it belongs to the husband).

### MISHNA

- If a married woman inherits old slaves or maids, they should be sold and the proceeds should be used to buy a piece of land, and the husband eats the produce of that property. **R' Shimon ben Gamliel** says, they need not be sold, because they represent the prestige of her father's house.
- If a married woman inherits old olive trees or grapevines, they should be sold and the proceeds should be used to buy a piece of land, and the husband eats the produce of that property. **R' Yehuda** says they need not be sold, because they represent the prestige of her father's house.

### GEMARA

- **R' Kahana in the name of Rav** said, the machlokes regarding the trees and grapevines is where she also inherited the surrounding field (so that she will always be left with the field after the trees die). However, if she only got the trees, all would agree that she must sell them (if not, the principal asset will be lost).

## Daf In Review – Weekly Chazarah

- **Q: R' Yosef** asked, we see that they argue in the case of the old slaves, which is like a case of her getting the trees without the surrounding field!? **A:** It must be that **R' Kahana in the name of Rav** said that the machlokes is only where she didn't get any of the field. However, if she did get the surrounding field, all would agree that she should not sell them, because they represent the prestige of her father's house.

### MISHNA

- If a husband spent money on the melog property of his wife and then divorced her, if he also ate some of the produce he is not entitled to any reimbursement for what he spent, even if he spent more than he ate, as long as he ate even a minute amount. However, if he ate absolutely nothing, he must swear as to how much he spent and make take reimbursement.

### GEMARA

- **Q:** How much is considered to be a "minute amount"? **A: R' Assi** said, even a single dried fig that was eaten in a dignified manner. **R' Abba in the name of Rav** said, that even a cake of pressed dates.
  - **Q: R' Bibi** asked, what about if the cake was made of squeezed out dates? **TEIKU**.
  - **Q:** What if the produce was not eaten in a dignified manner, how much would need to be eaten? **A: Ulla** said, 2 Amora'im in Eretz Yisrael argued: one said it would have to be produce worth an issur and one says it would have to be worth a dinar.
  - The judges of Pumbedisa said that **R' Yehuda** said that a husband who fed bundles of twigs to his animals was considered to have eaten from the produce and was thereby not allowed reimbursement.
  - **R' Yaakov in the name of R' Chisda** said, if a husband spends money on the melog property of his wife who is a minor and who can therefore refuse the marriage when she becomes an adult, he is allowed reimbursement even if he ate of the produce. The **Rabanan** allowed this so that her fields would be well taken care of.