



## Daf In Review – Weekly Chazarah

### Maseches Kesuvos, Daf נג – Daf נה

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H  
vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf נה---45-----

- **Shila** taught a Braisa that there are 3 levels of death penalty that are given (depending on the case) to a naarah who was mezaneh. 1) If witnesses testify after the nissuin that she had been mezaneh while she was an arusah, she gets skilah at the entrance to her father's house, to show that the znus took place while she was still living in her father's house. 2) If witnesses testify while she is an arusah that she was mezaneh while she was an arusah, she gets skilah at the entrance to the city. 3) If she was mezaneh while she was a naarah and became a bogeres before being killed, she gets chenek.
  - **Q:** Are we to say that every time there is a change in body (e.g. to a bogeres) there is a change in the method of misah? A Braisa says that if a naarah who was an arusah and then entered nissuin and became a bogeres, and the husband then claims that she was mezaneh as an arusah, she gets skila!? **A:** **Rava** said, the case of motzi shem rah is very different, because it is always the case that she gets punished for a different punishment than she would get at the present time (a woman after the nissuin would only get chenek and she gets skila). Therefore, we can't bring a proof from that novel Halacha.
    - **Q: R' Huna the son of R' Yehoshua** asked, maybe the Torah only meant for the concept of motzi shem rah to apply to a case where she was still a naarah!? **A: R' Nachman bar Yitzchak** said, whether a change in status (or body) brings about a change in punishment is actually the subject of machlokes. In fact, we find a Mishna where the T"K says that if a person does an aveirah and is then appointed as king or Kohen Gadol, they are treated as regular people and bring the korbon of a regular person. **R' Shimon** says, if they became aware of the aveira after they became king or Kohen Gadol, they are patur from bringing the korbon. We can say that **Shila's** Braisa follows **R' Shimon**.
      - **Q:** If **R' Shimon** really holds like **Shila's** Braisa, he should require the king and Kohen Gadol to bring the korbanos that a king and Kohen Gadol bring when they sin. He shouldn't make them patur!? **A:** We find that **R' Yochanan** told one who was teaching the Braisa of **Shila**, that he should change the wording to teach that the girl is chayuv skila.
      - **Q:** She is no longer a naarah, so why should she get skila!? **A: R' Illa** said, the pasuk says "hanaarah", which suggests that it includes even the girl who was a naarah but is no longer a naarah.
      - **Q: R' Chananya** asked, if so, why doesn't the husband get malkus and have to pay the penalty even if she became a bogeres? **A: R' Yitzchak bar Avin** explained, when the girl was mezaneh she was a naarah, and therefore gets punished as one. When the husband sinned (by making the false claim), he did so against a bogeres, and therefore in that case he doesn't have to pay or get malkus.
- A Braisa says, if a naarah who was an arusah was mezaneh, she gets skila at the entrance to her father's house. If her father has no house, she gets skila at the entrance to the city. If the city is mostly made up of goyim, she gets skila at the entrance to Beis Din. Similarly, one who worshipped avodah zara gets skila at the entrance to the city that he sinned in. If the city is mostly goyim, he gets skila at the entrance to Beis Din.
  - A Braisa explains, we know that one who worshipped avodah zara gets skila at the city's entrance based on the word "she'arecha" in the pasuk. The word "she'arecha" also teaches that it should not be done there if the city is mostly goyim.
    - **Q:** How can we use the same word to teach two things? **A:** The extra word could have been written as "shaar" and was written as "she'arecha", so it teaches both things.

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- **R' Avahu** said, we learn that a naarah hame'urasah gets skila at the city's entrance from a gezeirah shava on the word "pesach" which is also stated by the Mishkan, and we then have a gezeira shava from there to the one who worshipped avodah zarah based on the words "shaar" (in that pasuk regarding the Mishkan) and "she'arecha" (written regarding the one who worshipped).
- A Braisa says, a husband who is motzi shem rah gets malkus and must pay 100 sela. **R' Yehuda** says, he gets malkus in any case, but will only have to pay the 100 sela if he had bi'ah with her.
  - The Gemara says, they argue in the machlokes between the **Rabanan** and **R' Eliezer ben Yaakov** – the **Rabanan** here hold like the **Rabanan** there, and **R' Yehuda** holds like **R' Eliezer ben Yaakov**.
  - Others say that the entire Braisa follows **R' Eliezer ben Yaakov**. Even the **T"K** is discussing where they had bi'ah. **R' Yehuda** argues and says that he gets malkus even if they did not have bi'ah.
    - **Q: R' Yehuda** says in a Braisa that he doesn't get malkus if he did not have bi'ah with her!? **A: R' Nachman bar Yitzchak** said, he means that he gets malkus D'Rabanan in either case. **A2: R' Pappa** said, when **R' Yehuda** in the second Braisa says there is only malkus when there was a bi'ah, he uses the term "malkus" to refer to a monetary payment.

### -----Daf 46-----

- A Braisa says, the pasuk regarding a motzi shem rah says "v'anshu oso", which means he must pay a penalty, and also says "v'yisru", which refers to malkus.
  - **Q: "V'anshu"** clearly refers to money, because the pasuk says "v'anshu oso mei'ah kesef". However, how do we know that v'yisru refers to malkus? **A: R' Avahu** said, we learn it from the case of a "ben soreh u'moreh" which itself is learned from elsewhere, that "v'yisru" refers to malkus.
- **Q: Where** does the Torah write a warning for the motzi shem rah (there cannot be malkus unless the Torah writes a warning)? **A: R' Elazar** said, we learn it from the pasuk of "lo seileich rachil". **R' Nosson** said, we learn it from the pasuk of "v'nishmarta mikol davar rah".
  - **R' Elazar** uses the other pasuk for a drasha of **R' Pinchas ben Yair** (that a person should be careful with his thoughts). **R' Nosson** uses the other pasuk as a warning to Beis Din not to treat some litigants softer than others.
- A Braisa says, if after making the claim the husband did not ask the witnesses to come and testify, rather they came on their own and did so, and it then turns out that they were lying, the husband will not be subject to malkus or the penalty. However, either she or the false witnesses will be put to death.
  - The Braisa suggests that if he had asked them to come, even if he didn't hire them, he would be subject to the penalty. This argues on **R' Yehuda**, who says that he is only chayuv if he hired the witnesses (based on a gezeirah shava).
    - **Q: R' Yirmiya** asked, what is the Halacha according to **R' Yehuda** if he hired them by giving them real property (the pasuk used in the gezeira shava refers to movable property)? What if he gave them less than a shava perutah? What if he gave a full perutah for the two of them to split?
    - **Q: R' Ashi** asked, what if a husband who marries the woman for a second time is motzi shem rah now about her not having been a besulah at the time of her first marriage? What if the yavam makes the claim stating that she wasn't a besulah at the time of her marriage to the dead brother? **A: The Gemara** says that this last question can be answered based on the pasuk of "es biti nasati l'ish hazeh", which teaches that a yavam cannot make this claim.
- Earlier we referenced a machlokes between the **Rabanan** and **R' Eliezer ben Yaakov**. The source for this machlokes is a Braisa. The Braisa says, the **Rabanan** say that if the claim turns out to be false, he is subject to malkus and the penalty whether or not they had bi'ah. **R' Eliezer ben Yaakov** says he is only subject to these if he had bi'ah with her.
  - **Q: R' Eliezer's** view is based on the pasuk that says "u'bah eileha" and "v'ekrav eileha". How do the **Rabanan** understand these pesukim? **A: They** say that the pesukim refer to coming close with a claim and with words.

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- **Q:** According to **R' Eliezer** it makes sense that the man claims that he found his wife not to be a besulah. However, according to the **Rabanan**, if he didn't have bi'ah, how can he make this claim? **A:** The pasuk means that he says he could not find witnesses to contradict the earlier witnesses who said she was mezaneh.
- **Q:** According to **R' Eliezer** it makes sense that the father counterclaims "v'eileh besulei biti". However, how do the **Rabanan** understand that? **A:** The father is referring to witnesses who contradict the earlier witnesses.
- **Q:** According to **R' Eliezer** it makes sense that the pasuk says they "spread out the sheet". However, how do the **Rabanan** understand that? **A:** **R' Avahu** explains, it means that they clarify the accusations and responses between the two, as is similarly explained in a Braisa.
- **R' Yitzchok bar R' Yaakov bar Geyorei in the name of R' Yochanan** said, although the Torah always treats a bi'ah in the natural way the same as it does a bi'ah in an unnatural way, the case of motzi shem rah is different. In that case, as long as the husband had bi'ah with her, even if it was in the unnatural way, he would have to pay the penalty if he makes a false claim regarding her having been mezaneh in the *natural way*.
  - **Q:** If he is following the **Rabanan**, he is chayuv even if he didn't have bi'ah with her!? If he is following **R' Eliezer ben Yaakov**, he must have had bi'ah in the natural way!? **A:** **R' Kahana** said that **R' Yochanan** said the husband is not chayuv until he has bi'ah with her in the natural way, and he claims that she was mezaneh in the natural way.

### MISHNA

- A father is entitled to his daughter's kiddushin – whether by getting the money, the document, or giving her over for bi'ah. He also gets her finds, her earnings, and can annul her vows. If she gets divorced from the kiddushin, the father accepts the get. A father is not entitled to the produce of the field that his daughter inherited from her mother's family.
- Once the girl enters nissuin, the husband is even stronger than the father was, in that he is entitled to the produce of the girl's property. The husband is obligated to support her, to ransom her, and to bury her. **R' Yehuda** says, even a pauper must hire at least two flutes and one lady to lead the lamenting at his wife's funeral.

### GEMARA

- **Q:** How do we know that a father is entitled to the daughter's kiddushin money? **A:** **R' Yehuda** said, the pasuk says that a girl who was sold as a maid and became a naarah goes out free "without money". This teaches that this master doesn't get money when she leaves his jurisdiction, but her other master (i.e. her father) does get money when she leaves his jurisdiction (with kiddushin).
  - **Q:** Maybe the pasuk means that there is money, but it is she who keeps it? **A:** A pasuk clearly says that the father can accept kiddushin for his daughter. How can we say that she would keep the money?
  - **Q:** Maybe he keeps the money when the girl is a minor, but when she is a naarah, since she can accept kiddushin she also keeps the money!? **A:** The pasuk of "binureha beis aviha" teaches that all profit of a naarah goes to her father.
    - **Q:** We find that **R' Huna in the name of Rav** learns that a daughter's wages go to her father from the fact that he is allowed to sell her as a maid. Why couldn't he learn it from the pasuk of binureha beis aviha? It must be because that pasuk is written in regard to nullifying her vows. If so, how do we know that the father gets the earnings? We can't learn it from the fact that he can nullify her vows or that he gets the penalty payment, because we don't learn monetary obligations from issurim or from penalties!? We can't learn it from the fact that he gets boshes and pegam payments, because those are different in that he has a stake in them (he can earn money by giving her to someone who would embarrass her and depreciate her value)!? **A:** It is logical that the pasuk of "without money" comes to teach that a case similar to the naarah's leaving the master (i.e. her leaving the father with kiddushin) would involve money going to the master (i.e. the father).

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- **Q:** The leaving of the master (which is a complete leaving) is not similar to the leaving from the father (which is not complete until he gives her over to chuppah)!? **A:** She leaves him at kiddushin with respect to nullifying her vows (it must be done in conjunction with the husband). In this way it is considered to be a complete leaving.

### SHTAR U'BI'AH

- **Q:** How do we know the father is entitled for these forms of kiddushin as well? **A:** The pasuk of “v'huysa l'ish acher” compares all forms of kiddushin to each other, and teaches that they are treated the same.

### ZAKAI B'MITZI'ASA

- This is a Rabbinic institution to prevent the father from hating the daughter.

## -----Daf י"ד--47-----

### B'MASSEI YADEHA

- **Q:** How do we know that a father keeps his daughter's wages? **A:** **R' Huna in the name of Rav** said, the pasuk of “V'chi yimkor es bito l'amah” compares a daughter to a maid to teach that just as a maid's wages go to her master, so too a daughter's wages go to her father.
  - **Q:** Maybe that only applies to a minor, who the father has the right to sell, but not a naarah? **A:** If a father couldn't keep the wages of a naarah, he wouldn't be allowed to marry her off, because that would prevent her from earning money. It must be that the money would anyway go to him.
    - **Q:** **R' Achai** asked, maybe the father has to pay for her work stoppage when he marries her off? Or maybe he must marry her off at night when she is not working? Or maybe he may only marry her off on Shabbos and Yom Tov? **A:** We learn that a father keeps the naarah's earnings from the pasuk above. The pasuk cannot be teaching regarding a minor, because since he can sell her it is obvious that he gets her wages. The pasuk must therefore be teaching regarding a naarah.

### B'HAFARAS NIDAREHA

- This is learned from the pasuk of “binureha beis aviha”.

### UMIKABEL ES GITA

- The pasuk compares divorce to kiddushin. This teaches that they are treated the same.

### V'EINO OCHEIL PEIROS B'CHAYEHA

- A Braisa says, a father does not eat the produce of a daughter's property during her lifetime. **R' Yose the son of R' Yehuda** says he does.
  - The machlokes is, that the **T"K** holds that a husband is entitled to the produce so that he not refuse to redeem her if she is ever captured. However, a father will never hold back from doing so, so he is not given the produce. **R' Yose the son of R' Yehuda** holds that a father might also refuse to redeem a daughter if he is not given the produce.

### NISEIS YESER ALAV HABAAL SHEHU OCHEIL...

- A Braisa says, if a father gave his daughter moveable property to take into her marriage, and the girl died before the nissuin, the husband does not get to keep these items. In the name of **R' Nosson** it was said that he does get these items.
  - **Q:** Maybe we can say that this is the same machlokes as the one between **R' Elazar ben Azarya and the Rabanan** in a Mishna, where the **Rabanan** say that a woman who is divorced or widowed even from the eirsuin collects the full kesubah and even any additional amounts (above the 100 or 200 of a basic kesubah) that were promised, and **R' Elazar ben Azarya** says she only gets the entire amount if she had already entered nissuin, but if she had not yet done so, she is only entitled to the basic 100 or 200 of the kesubah. Maybe we can say that **R' Nosson** holds like the **Rabanan**, and the **T"K** holds like **R' Elazar ben Azarya**!? **A:** It may be that they both hold like **R' Elazar ben Azarya**, and the reason of **R' Nosson** is that the father gave those items out of happiness for having made a relationship with the husband's family. Since the relationship was made that is why he gets to keep the property.

### CHAYUV BIMZONASEHA...

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- A Braisa says, the **Rabanan** instituted that a husband must support his wife in return for getting her earnings, and he must pay for her burial in return for inheriting the items in her kesubah, therefore he eats the produce of his wife's property.
  - **Q:** Where was produce mentioned that the Braisa ended off discussing it? **A:** The Braisa is missing a phrase and should say that they also instituted that he must ransom her in return for eating the produce of her property.
  - **Q:** What is the term of “therefore” in the Braisa? **A:** We would think that we shouldn't let him eat the produce, but should rather have him save the produce to use in case he needs to ransom her. The Braisa teaches we let eat it, because in that way, even if the accumulated produce would not be enough to ransom her, he must do so anyway.
  - **Q:** Maybe the reasons given in the Braisa should be reversed? **A: Abaye** said, they instituted a common source of funds for a common need of the wife, and a less common source of funds for a less common need of the wife.
- **Rava** said, the Tanna of the following Braisa holds that the obligation to support a wife is from the Torah. The Braisa says, the pasuk that says that a husband must give his wife “she'eira” – which means support, “kesusa” – which means clothing, and “onasa” – which means bi'ah. **R' Elazar** says “she'eira” means bi'ah, “kesusa” –means clothing, and “onasa” –means support. **R' Eliezer ben Yaakov** says “she'eira kesusa” means age appropriate clothing, and “kesusah onasa” means seasonal appropriate clothing.
  - **R' Yosef** taught a Braisa that “she'eira” means he should have bi'ah without any clothing.
    - This supports **R' Huna** who says that if one says he will only have bi'ah with his wife while wearing clothing, he must divorce her and pay her kesubah.

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R' YEHUDA OMER AFILU ANI SHE'BIYISRAEL...

- **Q:** It seems that the **T”K** holds that these people need not be hired for the funeral of one's wife. What is the case? If it is her custom to have these, why would the **T”K** say they are not needed, and if it is not her custom, why would **R' Yehuda** say that they are needed? **A:** The case is where it is customary for someone of his status, but not for someone of her status. The **T”K** says, when we say that a husband must elevate his wife to his status, that is only during her lifetime. **R' Yehuda** says it is even after her lifetime.
  - **R' Chisda in the name of Mar Ukva** paskens like **R' Yehuda**.
  - **R' Chisda in the name of Mar Ukva** said, if a man becomes insane, Beis Din takes over his affairs and provides support for his wife, sons and daughter, and for “something else”.
    - **Q: Ravina** asked **R' Ashi**, why is this different than the Braisa that says that one who travelled overseas without leaving support, Beis Din goes into his properties to provide support for his wife, but not for his sons, daughters, or “something else”? **A: R' Ashi** said, when one leaves intentionally without leaving support, we only do what he is obligated to do. When he becomes insane, we try and do what we think he would have wanted to do.
    - **Q:** What is meant by “something else”? **A: R' Chisda** said it refers to jewelry and perfume for his wife, and **R' Yosef** said it refers to tzedaka.
      - According to **R' Chisda**, if we don't give the wife these items when he is travelling, we certainly will not give tzedaka from his money. According to **R' Yosef**, although we don't give tzedaka from his money, we would give his wife these items because we assume that he does not want his wife to become disgusting.
  - **R' Chiya bar Avin in the name of R' Huna** said, if one's wife died while he is travelling overseas, Beis Din uses his money to provide for a burial befitting for him. The Gemara explains this to mean it is befitting for her and for him. This teaches that she is elevated to his status even after her death.
  - **R' Masna** said, if a man on his deathbed says, when my wife dies do not bury her with my funds, we listen to him.

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- **Q:** After his death his funds belong to his heirs, so clearly we wouldn't use it to bury his wife. Why must he say so!? **A: R' Masna** must have meant that if one says about himself that his funds should not be used for his burial, we do not listen to him. We do not make him a public burden just because he is looking to save money for his heirs.

### MISHNA

- A bride is always treated as being in the jurisdiction of her father until she enters the jurisdiction of her husband with nissuin.
- If the father gives her over to the messengers of the husband (who will take her to the husband's house), she is considered to then be in the husband's reshus. If the father went along with them, or if the father's messengers went along with them, she remains in her father's reshus. If the father's messengers give her over to the husband's messengers, she is then in the husband's reshus.

### GEMARA

- **Q:** What is meant by the Mishna when it uses the word "always"? **A:** This comes to argue on an earlier Mishna that says that if the time for nissuin arrived and the nissuin did not take place, the husband must support her, and if he is a Kohen she may eat terumah. Our Mishna is teaching that she may not eat terumah until she actually enters her husband's reshus.

### MASSAR HA'AV LISHLUCHEI HABAAL HAREI HEE BIRSHUS HABAAL...

- **Rav** said, this puts her in the husband's reshus in all respects, except that it does not entitle her to eat terumah if he is a Kohen. **R' Assi** said it even allows her to begin eating terumah.
  - **Q: R' Huna** (or **Chiya bar Rav**) asked **R' Assi**, we learned that our Mishna suggests she does not begin eating terumah until she has gone to the chuppah!? **A: Rav** answered, it may be that the giving over of the girl to the husband's messengers is treated the same as if she is given to the chuppah.
  - **Shmuel** said, the giving of the girl to the husband's messengers is effective with regard to his inheriting her if she were to die at that point. **Reish Lakish** said, it is effective in regard to the kesubah.
    - **Q:** What is meant that it is effective in regard to the "kesubah"? **A: Ravina** said, this means that if he were to die at this point and she would get remarried, she would only be entitled to a kesubah of 100 from the next husband.
  - **R' Yochanan and R' Chanina** said, it is effective in all respects, including allowing her to eat terumah.
  - **Q:** A Braisa says, if the father accompanied the girl with the husband's messengers, or if the father's messengers accompanied them, or if she had a house that was along the way and the couple spent the night there, even if the dowry was already in the husband's house, if she were to die at that point the father would inherit her. However, if she was given over by the father or his messengers to the messengers of the husband, or if the husband had a house that was along the way and the couple spent the night there with intent for nissuin, even if the dowry was still with the father, if she were to die at that point the husband would inherit her. The Braisa ends off, that this is all in regard to inheritance, but in regard to eating terumah, she may not do so until she enters chuppah. This is problematic to all views besides that of **Shmuel**!? **TEYUFTA** of all the other views.
    - **Q:** The Braisa says that if it was her house and they entered with intent to spend the night but not for nissuin, it does not effectuate a nissuin. This suggests that if no intent was had, it would effectuate a nissuin. The Braisa then says, if it was his house and they entered with intent for nissuin it effectuates a nissuin. This suggests that if no intent was had it would not effectuate a nissuin!? **A: R' Ashi** said, both cases were without any specific intent. The Braisa is teaching that without specific intent, if it is her house we say that they don't want nissuin to take place, and if it is his house we say that they do want a nissuin to take place.
  - A Braisa says, if the father gave her over to the husband's messengers and she was then mezaneh, she would be put to death with chenek (as a woman who had already entered nissuin).
    - **R' Ami bar Chama** explained, this is learned from the pasuk of "liznos beis aviha". This girl is no longer in her father's house and would therefore not get skila.

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- **Q:** Maybe this pasuk is teaching that a girl who has entered chupah but did not yet have bi'ah and is mezaneh would get chenek, but not the girl described above!? **A: Rava** said we know that from the pasuk. The pasuk says “naarah besula me'orasah” would get skila – naarah teaches not to include a bogeres, besulah teaches not to include a be'ula, and me'orasa teaches not to include a nesuah. Now, a nesuah is a beula!? It must be talking about a girl who went to chupah and did not yet have bi'ah. We see that such a girl does not get skila. The other pasuk must therefore teach regarding a girl who was given to the messengers of the husband.

### -----Daf 49-----

- **Q:** Maybe we should say that if after having been given over to the husband's messengers she is for some reason brought back to her father's house, the girl returns to the reshus of the father? **A: Rava** said, **R' Yishmael** taught a Braisa that learns from a pasuk that such a girl is considered to be removed from her father's reshus entirely and forever with regard to annulling vows. We can learn from here that the same would apply to all other aspects of her relationship with her father as well.
- We had previously stated a Braisa that says that a naarah arusah who was given over to the messengers of the husband and was then mezaneh will be put to death with chenek rather than skila. **R' Pappa** says that there is a Mishna that says this as well. **R' Nachman bar Yitzchak** says that there is another Mishna which teaches this as well.

#### MISHNA

- A father is not obligated to support his daughter while he is alive. **R' Elazar ben Azarya** darshened to the **Chachomim**, in the kesubah it says “the sons shall inherit and the daughters shall be supported” – this compares the two and teaches that just as the sons don't inherit until after the father's death, so too the daughters are not supported until after the father's death.

#### GEMARA

- The Mishna suggests that although one is not obligated to support his daughter, he is obligated to support his son. The Mishna also suggests that although one is not obligated to support his daughter, it would be a mitzvah to do so.
  - **Q:** Based on the above, the Mishna seems to follow neither **R' Meir** (who says in a Braisa that it is a mitzvah to support one's daughters, and surely one's sons since they learn Torah), **R' Yehuda** (who says that it is a mitzvah to support one's sons, and surely one's daughters since it is disgraceful for them to have to go and beg), nor **R' Yochanan ben Broka** (who says that there is not even a mitzvah to support one's sons or daughters during his lifetime)!? **A:** We can say that the Mishna is following **R' Meir**, and the Mishna means to say that there is no chiyuv to support a daughter, and the same would apply to a son, but there is a mitzvah to support a daughter, and surely a mitzvah to support a son (he learns Torah), and the reason the Mishna discusses a daughter is to teach that there is a mitzvah to support a daughter. We can also say that the Mishna follows **R' Yehuda**, and the Mishna means to say that there is no chiyuv to support a daughter, and the same would apply to a son, but there is a mitzvah to support a son, and surely a mitzvah to support a daughter (it is disgraceful for her to have to beg), and the reason the Mishna discusses a daughter is to teach that there is a no chiyuv to support a daughter (even though it is disgraceful for her to beg). We can also say that the Mishna follows **R' Yochanan ben Broka**, and the Mishna means to say that there is no chiyuv to support a daughter, and the same would apply to a son, and there is similarly not even a mitzvah to support either one of them. The reason the Mishna discusses the daughter is to teach that even though there is a chiyuv to support her after the death of the father, during his lifetime there is no chiyuv.
- **R' Illa in the name of Reish Lakish in the name of R' Yehuda bar Chanina** said, they instituted in Usha that one must support his minor sons and daughters.

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- **Q:** Do we pasken like that? **A:** We find that when a father who did not support his children was brought to **R' Yehuda**, he would try and embarrass them into doing so, but he would not force them. We find that **R' Chisda** would do the same. We find that **Rava** would do the same.
- We only do not force the father if he is not wealthy. If he is, we force him to support his children.
- **R' Illa in the name of Reish Lakish** said, they instituted in Usha that if one gifts all his possessions to his children, he and his wife are to be supported by them.
  - **Q: R' Zeira** (or **R' Shmuel bar Nachmeini**) asked, we find that when a man dies and leaves over a wife and married daughter, in which case the husband of the daughter is treated like a purchaser of the estate, the **Chachomim** said that the widow is supported from the estate. If so, it should be obvious that the father who gifted the property should have himself and his wife supported from the property!? **A:** We would think that in that case, since the husband has died, there is no one to provide for the widow and that is why we allow it. However, we would think that in the case where he gifted the property, since he is around to earn money to provide for them, we should not allow them to be supported from the property. **R' Illa** therefore teaches that they are supported from the property.
  - **Q:** Does the Halacha follow **R' Illa**? **A:** We find an incident where **R' Yonason** forced the children who were gifted the property to support their father. If the Halacha followed **R' Illa** there would be no reason for him to have to force them. It must be that the Halacha does not follow **R' Illa**.

### -----Daf 50-----

- **R' Illa** said, the **Chachomim** instituted in Usha that one should not give more than 1/5 of his money to tzedaka.
  - A Braisa says this as well, and explains that by doing so one may cause himself to have to come onto others.
  - **R' Nachman** said, we learn this from the double verbiage in the pasuk of “asser a’asrenu” – there may be 2/10 (i.e. 1/5) given, but not more.
- **R' Yitzchak** said, the **Chachomim** instituted in Usha that until a child is 12, a father should nicely coax him to learn Torah. If after 12 he still doesn’t want to learn, the father should forcefully push him, by hitting him and withholding support.
  - **Q:** We find that **Rav** told **R' Shmuel bar Shilas** that he must force even a 6 year old to learn Torah!? **A:** We “force feed” him Torah at the age of 6, but we don’t begin to punish him until the age of 12. **A2:** **Rav** was talking about learning Tanach, and **R' Yitzchak** was referring to the learning of Mishna.
    - We find that **Abaye** said, that his “mother” told him, a 6 year old is fit for learning Tanach, a 10 year old is fit for Mishna, a 13 year old boy is fit to fast for 24 hours, and a 12 year girl is fit to fast for 24 hours.
  - **R' Katina** said, if one begins teaching his son Torah before the age of 6, it will be impossible to keep the child healthy. **Others** say that if one does so the child’s friends will never be able to reach the level of Torah that this child will be able to reach.
    - The Gemara says that both these versions are correct.
    - **Others** say that if a child is weak this can be dangerous, but if he is strong there is no danger.
- **R' Yose bar Chanina** said, the **Chachomim** instituted in Usha, that if a woman sells her nichsei melug property during her husband’s lifetime and she then predeceases her husband, the husband may take the property back from the buyers.
- A pasuk says “ashrei shomrei mishpat osei tzedaka b’chol eis”. How can someone do tzedaka “at every moment”? The **Rabanan** in Yavneh darshened that this refers to one who supports his minor children. **R' Shmuel bar Nachmeini** said, this refers to one who raises an orphan child and married them off.
- A pasuk says “hon v’osher b’veiso v’tzidkaso omedes la’ad”. **R' Huna** and **R' Chisda** argue as to the meaning. One says it refers to someone who learns and teaches Torah, and the other said it refers to one who writes the sifrei Tanach and lends them out.

## Daf In Review – Weekly Chazarah

- A pasuk says “urei vanim l’vanecha shalom ahl Yisrael”. **R’ Yehoshua ben Levi** explained, when one’s children have children there is peace, because there is no need for yibum or chalitza. **R’ Shmuel bar Nachmeini** said, once there are children there are no longer fights as to who is the proper heir.

ZEH MIDRASH DARASH R’ ELAZAR LIFNEI CHACHOMIM...

- **R’ Hamnuna** said before **R’ Yosef**, that just as sons only inherit from real property, so too daughters are only supported from real property. Everyone began to yell at **R’ Hamnuna**, that would mean that only people with real property are inherited by their sons!?! That is not true!?! **R’ Yosef** explained, perhaps **R’ Hamnuna** was referring to the inheritance of the “ksubas b’nin dichrin”. **R’ Hamnuna** said, that is exactly what I was talking about.
- **R’ Chiya bar Yosef** said, **Rav** supported orphaned girls from the wheat of the “aliya”.
  - **Q:** They asked, did **Rav** give them dowries and “aliya” means as was explained by **Shmuel**, that we estimate the upper limit of the father’s generosity, or was it support that he gave them and “aliya” refers to the institution that was instituted in the attic, as related by **R’ Yitzchak bar Yosef** that it was instituted that daughters be supported even from moveable property? **A:** We find that **Shmuel** instructed a guardian to give the girls money from moveable property left over by the father. Presumably this was for support.
    - The Gemara says, it may be that **Shmuel** was talking about giving them money for a dowry.
    - In Neharda’a and in Pumbedisa (by **R’ Chana bar Bizna**) they supported girls from moveable property. **R’ Nachman** told **R’ Chana bar Bizna**, you must return the money you took from the heirs, and if you don’t, I will collect from your own assets.
    - **R’ Ami** and **R’ Assi** thought to support orphan girls from moveable property. **R’ Yaakov bar Idi** said to them, if **R’ Yochanan** and **Reish Lakish** didn’t do that, why will you?
    - **R’ Elazar** thought to support orphan girls from moveable property. **R’ Shimon ben Elyakam** said to him, I know that you are doing so out of mercy for the girls. However, the talmidim may not realize that and they will establish this as being the Halacha.
    - An orphan girl came to **R’ Yosef** and asked that she be supported. **R’ Yosef** instructed that the heirs give her from the dates that were on the mat. **Abaye** asked, even a creditor could only take from real property!?! **R’ Yosef** said, I was referring to dates that are *fit* for the mat, but which are still attached to the tree (and are therefore real property).
      - **Q:** Something that is ready to be cut is considered to already be cut (and is therefore not real property)!?! **A:** These were dates that still needed to be attached to the tree so that they could fully develop and ripen.
    - Orphan brothers and sisters came to **Rava** for support. **Rava** instructed the guardians of the estate to give the boys extra money so that they can use it to support the girls. The **Rabanan** said to **Rava**, you yourself have said that the girls are only supported from real property!?! **Rava** answered, we would take money from the estate to hire a maid for the boys, so surely we should take money to support the girls, who help take care of the house and are also the daughters of the deceased.

-----Daf נ”]---51-----

- A Braisa says, **Rebbi** says that real property and moveable property are both taken from the heirs to be used to support the widow and the daughters. **R’ Shimon ben Elazar** says, if there is real property, we can take it from the sons to use for the support of the daughters, and from older daughters for younger daughters, and from the older sons for the younger sons, and from the daughters for the sons if it is a large estate but not if there is a small estate. If there is only moveable property, we can take it from the older sons for the younger sons, and from the older daughters for the younger daughters, and from the daughters for the sons. However, we cannot take this from the sons for the support of the daughters.

## Daf In Review – Weekly Chazarah

- Although we normally pasken like **Rebbi** when he argues on another Tanna, in this case we pasken like **R' Shimon ben Elazar**, as we find that **Rava** said that we may only support the daughters from real property.

### MISHNA

- If a husband did not write a kesubah for his wife, the wife will still collect 200 at the termination if she was a besulah when she got married, and 100 if she was not a besulah, because this amount is a stipulation of Beis Din. Even if one wrote that he is giving a field worth 100 zuz in the place of the 200 zuz requirement, and even if he did not write that his other assets should be pledged toward the payment, he must still pay the 200, because it is a condition of Beis Din.
- If a husband did not write in the kesubah, “If you are captured I will redeem you and return you to me as a wife”, or if he is a Kohen “and I will return you to your city”, he must still redeem her if she is captured, because it is a condition of Beis Din.
- If a woman is captured, her husband must redeem her. If he gives her a get and her kesubah payment and tells her to use the money to redeem herself, he does not become patur to redeem her by doing that.
- If a wife becomes sick, the husband must pay her medical bills to heal her. However, if he gives her a get and her kesubah payment and tells her to use that for her medical care, he is allowed to do so and becomes patur.

### GEMARA

- The first part of the Mishna follows **R' Meir**, who says in a Mishna that anyone who gives less than the 200 or 100 in a kesubah is considered to be living with his wife as an act of zenus. It can't follow **R' Yehuda**, because he says in the Mishna that the husband may give less (by having the wife say that she had already received a partial payment).
  - **Q:** When the Mishna says that even if the husband wrote that his assets are not pledged to the kesubah, he is still chayuv the full amount of the kesubah, that must follow **R' Yehuda**, who says that if a document didn't have a pledge guarantee (“achrayus”), we assume it was by mistake of the scribe and that the guarantee was truly given. Shall we say that the beginning of the Mishna follows **R' Meir** and the next part follows **R' Yehuda**? **A:** We can say that both parts follow **R' Yehuda**. He only allows it in the other Mishna, because she says that she had already received a partial payment and has thereby expressly waived her rights to anything more. In our Mishna, where she did not do that, he would not allow it. We can also say that the entire Mishna follows **R' Meir**. When the Mishna later says that he is chayuv to pay the full amount, it means that he is chayuv to pay from the unsold properties.

### LO KASAV LAH...

- **Shmuel's** father said, if the wife of a Yisrael was violated she becomes assur to her husband, because we are concerned that she ultimately had the bi'ah willingly.
  - **Q: Rav** asked him, our Mishna says that a person is obligated to redeem his wife and return her to being his wife if she is captured!? He remained quiet and didn't answer. **A:** The Gemara says, he could have answered that the kesubah stipulation is referring to where she was captured (and not known to have been violated) and we are meikel and don't have the same concern. However, if we know that she was violated it may be that we must be concerned.
  - **Q:** According to **Shmuel's** father, what is the case of a violated woman that the Torah says may return to her husband? **A:** The case would be where there were witnesses that she screamed from beginning to end of the act.
  - **Rava** argues and says that even if at the end the violated woman specifically says that she wants the zenus, she would remain mutar to her husband, because it is the beginning of the act, at which time she was forced, that creates an uncontrollable desire by her to complete the act.
    - A Braisa says like this as well. It darshens the pasuk of “v'hee lo nispasa” to teach that a woman who was forced and finished the act willingly would remain mutar to her husband.
    - Another Braisa darshens this pasuk to teach that the wife of a Kohen who is violated become assur to her husband even if she was forced.

## Daf In Review – Weekly Chazarah

- **R' Yehuda in the name of Shmuel in the name of R' Yishmael** darshened this pasuk to teach that a woman whose kiddushin was deemed to be in error, and who then was mezaneh with another man, would be mutar to go back to her husband and accept a valid kiddushin.
- **R' Yehuda** said, women who were kidnapped by kidnapers are mutar to their husbands. The **Rabanan** asked, but we see these women preparing meals for the kidnapers, which suggests that any zenus that took place was willingly!? **R' Yehuda** said, they prepare meals out of fear for them. They asked, but we see the women hand arrows to the kidnapers to help them fight!? He said, that too is out of fear. The Gemara says, if the kidnapers let them free and they anyway return to the kidnapers, that would show that any zenus was done willingly.
- A Braisa says, captives of the king remain mutar to their husbands, while captives of kidnapers become assur.
  - **Q:** Another Braisa says exactly the opposite!? **A:** The case of captives of the king is not contradictory, because we can say that the second Braisa discusses a king like Ben Netzer, who would marry some of the captives, and therefore each captive hopes to get married to him, whereas the first Braisa discusses a king like Achashveirosh, who would not marry the women and they were therefore clearly not willing. The case of captives of kidnapers is also not contradictory, because the first Braisa deals with regular kidnapers, who none of the captives want to marry, whereas the first Braisa deals with a kidnapper like Ben Netzer, who they would want to marry.
    - **Q:** Why is Ben Netzer referred to as a king and yet referred to as a kidnapper? **A:** When compared to Achashveirosh he is referred to as a kidnapper, when he is compared to regular kidnapers he is referred to as a king.