

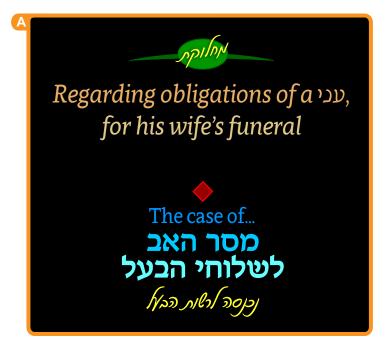


בס"ד Intro

Today we will בע"ה learn קד of מסכת כתובות of מסכת כתובות Some of the topics we will learn about include.

The Machlokes regarding the obligations of a עני, a poor man, for his wife's funeral

The case of מסר האב לשלוחי הבעל, when her father transfers his daughter to the husband's agent, this is considered Chupah, in which נכנסה לרשות הבעל, she is transferred to her husband's jurisdiction.



The cases in which מסר האב לשלוחי הבעל is NOT considered a Chupah

The opinions regarding the extent of this form of Chupah

Some of the terms and concepts we will learn about include

עולה עמו ואינה יורדת עמו

When the practices of the husband and wife's families are different

עולה עמו, she upgrades to his family's practices However

אינה יורדת עמו, she does NOT downgrade to his families practices.

קידושין

When a woman accepts Kiddushin she becomes a ארוסה, in which she is considered אשת הבעל, regarding זנות









C

נשואין

When the ארוסה performs Chupah, she becomes a נשואה, married, in which she is considered אשת הבעל for all matters which include

אכילת תרומה

If her husband is a Kohen she is eligible for eating Terumah.

לירושתה

If she dies, her husband inherits her assets ליטמא לה

If she dies, her husband, a Kohen is permitted to be מטמא

להפרת נדריה

Her husband has the complete authority to nullify her vows.

למציאותה ומעשה ידיה

Her husband is entitled to her findings and wages. כתובתה מאחר מנה

If she subsequently marries another person, she is only entitled to a partial Kesubah of 100 Zuz.



מדאורייתא ארוסה אוכלת בתרומה

מדאורייתא once she becomes ארוסה to a Kohen, she is eligible for eating Terumah.

However

מדרבנן ארוסה אינה אוכלת בתרומה עד שתכנס לחופה

The Chachamim initiated that a ארוסה is NOT eligible for Terumah until she performs Chupah.

There is a Machlokes for the reasoning of this תקנה Some say because

שמא תשקה לאחיה ולאחותה

While living in her father's home she might give Terumah to her siblings who are NOT Kohanim.

Others say because

משום סימפון

Her husband may notice a מום, a blemish, and will nullify the Kiddushin למפרע, retroactively, in which she was NOT eligible for Terumah.









1 So let's review ...

The previous Mishnah mentioned that a husband is obligated in

קבורתה

To pay for his wife's burial.

רבי יהודה אומר אפילו עני שבישראל לא יפחות משני חלילין ומקוננת לא יפחות משני חלילין ומקוננת Even when he is most destitute he must provide the minimum of two trumpeters and a crier.

The Gemara explains that the Machlokes refers to a situation in which

דאורחיה דידיה

ולאו אורחה דידה

His family is accustomed to these practices, and her family is NOT accustomed to these practices - and is based on the concept of

עולה עמו ואינה יורדת עמו

When the practices of the husband and wife's families are different, she upgrades to his family's practices, but she does NOT downgrade to his families practices.

The Tanna Kamma says he does NOT provide שני חלילין שני חלילין because,

הני מילי מחיים

אבל לאחר מיתה לא

This concept only applies while she is alive, but does NOT apply after her death.

However, רבי יהודה סבר אפילו לאחר מיתה This concept applies even after her death.

אמר רב חסדא אמר מר עוקבא הלכה כרבי יהודה

The Gemara adds;

מי שהלך למדינת הים ומתה אשתו ב"ד יורדין לנכסיו וקוברין אותה לפי כבודו הא קמ"ל עולה עמו ואינה יורדת עמו ואפילו לאחר מיתה

פילו לאחר מיתה =======











3 Zugt Di Mishnah:

לעולם היא ברשות האב

עד שתכנס לרשות הבעל לנשואין

A father has jurisdiction over his daughter and is entitled to her benefits while she is a קטנה, minor, and a גערה, twelve years, but before six months elapsed, even after she accepts Kiddushin, until she performs Chupah, in which she transfers to her husband's jurisdiction.

מסר האב לשלוחי הבעל

הרי היא ברשות הבעל

When a father transfers his daughter to the husband's agent, this is also considered Chupah, in which she is transferred to the husband's jurisdiction.

However,

הלך האב עם שלוחי הבעל

או שהלכו שלוחי האב עם שלוחי הבעל

הרי היא ברשות האב

If the father or his agents went along, as long as they are accompanying her, she is still considered to be in the father's השות.

However,

מסרו שלוחי האב לשלוחי הבעל

הרי היא ברשות הבעל

If midway they transferred her completely to the שלוחי, and left, she IS considered to be ברשות הבעל.

לעולם היא ברשות האב עד שתכנם לרשות הבעל לנשואין A father has jurisdiction over his daughter He's entitled to her benefits while she is a קטנה, minor, and a גערה, 12 years, before 6 months elapsed, even after she accepts Kiddushin, until she performs חופה מסרו שלוחי האב הלך האב מסר האב לשלוחי הבעל עם שלוחי הבעל לשלוחי הבעל או שהלכו הרי היא הרי היא ברשות הבעל שלוחי האב ברשות הבעל עם שלוחי הבעל הרי היא ברשות האב

We know that the definition of נשואין is that when the ארוסה אויס performs Chupah, she becomes a נשואה, married, and enters her husband's domain, in which she is considered אשת הבעל for all matters,

which include;

אכילת תרומה

If her husband is a Kohen she may eat Terumah. לירושתה

If she dies, her husband inherits her assets.

ליטמא לה If she dies, her husband, a Kohen is permitted to be מטמא

If she dies, her husband, a Kohen is permitted to be אטמא למת

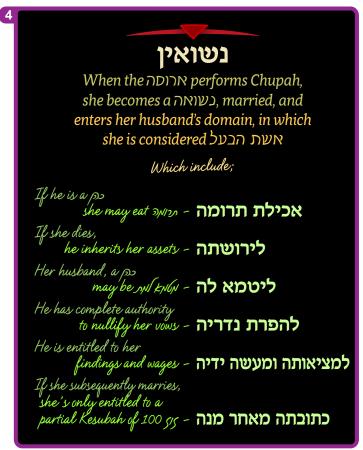
להפרת נדריה

Her husband has the complete authority to nullify her vows.

למציאותה ומעשה ידיה

Her husband is entitled to her findings and wages. כתובתה מאחר מנה

If she subsequently marries another person, she is only entitled to a partial Kesubah of 100 Zuz.









The Gemara cites a Machlokes of several opinions regarding

מסר האב לשלוחי הבעל הרי היא ברשות הבעל

To what extent is this considered like Chupah in that she is ברשות הבעל?

Several opinions regarding...

מסר האב לשלוחי הבעל
הרי היא ברשות הבעל
To what extent is this like מופה?
ברשות הבעל?

1. אמר רב מסירתה לכל חוץ מתרומה

This is considered like Chupah for all matters of נשואין, except regarding Terumah, that she may NOT eat Terumah.

As Rashi explains ב־ holds that the Chachamim initiated ארוסה אינה אוכלת בתרומה ארוסה משום סימפוו

Because her husband may notice a מום, a blemish and will nullify the Kiddushin למפרע, retroactively, in which she was NOT eligible for Terumah.

This also applies when מסר האב לשלוחי הבעל until she actually enters her husband's domain.

7 2. ורב אסי אמר אף לתרומה

This is considered a Chupah for all matters, including Terumah, that she MAY eat Terumah.

As Rashi explains רב אסי holds that the Chachamim initiated

ארוסה אינה אוכלת בתרומה

משום שמא תשקה לאחיה ולאחותה

While living in her father's home, she might give Terumah to her siblings who are NOT Kohanim.

This does NOT apply when מסר האב לשלוחי הבעל, because she already left her father's home.









8

שמואל says לירושתה

This is only considered a Chupah for inheriting her כתובה assets. As Rashi explains, because,

אחולי אחליה האב

מחמת קירוב נשואין

Her father relinquishes his rights to the כתובה assets because of the intimacy of the impending wedding.

4.

ריש לקיש says

כתובתה מאחר מנה

This is only considered a Chupah that if she subsequently marries another person, she is only entitled to a partial Kesubah of 100 Zuz.

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The Gemara cites a Braisa which states מסר האב לשלוחי הבעל וזינתה הרי זו בחנק

This is even considered a Chupah מדאורייתא that if she was מזנה, she is punished with חנק, as a תשואה, and NOT with מקלה as a ארוסה.

Because the Pasuk regarding נערה המאורסה states; וסקלוה אנשי עירה באבנים ומתה כי עשתה נבלה בישראל לזנות בית אביה כי עשתה נבלה בישראל לזנות בית אביה

The townspeople pelt her with stones until she dies, because she committed a shameful act of cohabiting while in her father's home.

The words בית אביה exclude and teach that she is only punished with סקילה while she is still in her father's domain.

פרט שמסר האב לשלוחי הבעל

This excludes Chupah through her transfer to the husband's agent in which she is NO longer in her father's domain.

As the Gemara explains, this Pasuk CANNOT refer to the other forms of Chupah.

: ברויתא:

מסר האב לשלוחי הבעל וזינתה הרי זו בחנק

Is even considered Chupah מדאורייתא. If she was מזנה, she is punished with תכך,

As a oxil

ארוסה as a סקילה NOT with

Because the Pasuk regarding จอกเหมจ จาชุ states;

וסקלוה אנשי עירה באבנים ומתה כי עשתה נבלה בישראל לונות בית אביה

She's ONLY punished with סקילה while in her father's domain פרא אתם פאב אאנתי פבצא

The Gemara explains, this Pasuk CANNOT refer to the other forms of DOIN



Dedicated By: __

