

A בס"ד
 Today we will learn בע"ה of נ"ב דף of כתובות

In a case where a אלוהים גדול did an איסור and married an אלמנה and she was later taken captive, there is a מחלוקת whether he is obligated to redeem her

In a case where a husband made a נדר that his wife cannot have any benefit from him and she was later taken captive, there is a מחלוקת whether he is obligated to redeem her

A

◆

In a case where...

...A אלוהים גדול married an אלמנה and she was taken captive, there is a מחלוקת whether he is obligated to redeem her

...A husband made a נדר that his wife cannot have any benefit from him and she was later taken captive, there is a מחלוקת whether he is obligated to redeem her

B Whether יורשים must redeem a wife who was taken captive and the husband then died

Up to how much must a husband pay to redeem his wife from captivity?

B

◆

Whether יורשים must redeem a wife who was taken captive and the husband then died

◆

how much must a husband pay to redeem his wife from captivity?

C Additional תנאי כתובה that a husband agrees to

1.

בנין דכרין דיהוו ליכי מינאי
אינון ירתון כסף כתובתיך
יתר על חולקהון דעם אחוהון

If his wife dies before him - when he subsequently dies, the sons of each wife will inherit their mother's כתובה, and it will not be equally divided among all his children.

Let's explain:

Regarding this Halachah, the word כתובה refers NOT only to the 200 זוז, but ALSO to the wife's property, נכסי מלוג ונכסי, which she brings into the marriage. The Kesubah obligates the husband to return these properties in the event of divorce, or upon HIS death. In the event of HER death, he inherits them, because, the first יורש of a married woman is her husband.

Therefore, in our case, where the wife dies before the husband, these properties now become HIS property, which when he subsequently dies are, מן התורה, inherited by ALL his sons, both, those he had with her, and those he had with other wives.

However, the Chachamim initiated that ONLY his sons who are also HER sons inherit these properties;

כדי שיקפוץ אדם ויכתוב לבתו כבנו
In order to encourage fathers to provide their daughters with a large dowry, so that men will be interested in marrying them.

C

תנאי כתובה

1

בנין דכרין דיהוו ליכי מינאי
אינון ירתון כסף כתובתיך
יתר על חולקהון דעם אחוהון
*If his wife dies before him -
when he subsequently dies,
the sons of each wife will
inherit their mother's כתובה,
it will NOT be equally divided
among all his children*

כדי ליקפוץ אדם
ויכתוב לבתו כבנו

D 2.
 בנן נוקבן דיהוין ליכי מינאי
 יהוין יתבן בביתי ומיתזנן מנכסי
 עד דתלקחון לגוברין
 Her daughters from him receive support from his estate
 until they get married.

3)
 את תהא יתבא בביתי ומיתזנא מנכסי
 כל ימי מיגר אלמנותיך בביתי
 If he dies she will be supported by his estate and continue
 to live in his house as long as she remains a widow.

D ②
 בנן נוקבן דיהוין ליכי מינאי
 יהוין יתבן בביתי ומיתזנן מנכסי
 עד דתלקחון לגוברין
 HER daughters from him
 receive support from his estate
 until they get married

③
 את תהא יתבא בביתי
 ומיתזנא מנכסי
 כל ימי מיגר אלמנותיך בביתי
 SHE will be supported by his estate
 and continue to live in his house
 as long as she remains a widow

1 So let's review ...
 We learned in the previous משנה that one of the תנאי כתובה of a כהן is
 אם תשתבאי אפרקינך ואהדרינך למדינתך
 If you will be taken captive, I will redeem you, and return you to your father's house.
 Our דף begins with a מחלוקת

1 In the previous *משנה*...
 One of the תנאי כתובה of a כהן is...
 אם תשתבאי אפרקינך ואהדרינך למדינתך
 If you will be taken captive, I will redeem you, and return you to your father's house

2 אמר אביי אלמנה לכהן גדול חייב לפדותה
 If a אלמנה married an גדול and she was taken captive, he must redeem her.
 Although a גדול is forbidden to marry a אלמנה, she is nevertheless entitled to a כתובה, and the clause אפרקינך ואהדרינך למדינתך applies

2 *מחלוקת*
 רבא אביי
 אלמנה לכהן גדול אינו חייב לפדותה
 Because, כל שאיסור שבייה גורם לה חייב לפדותה איסור דבר אחר גורם לה אינו חייב לפדותה
 The marriage was *not* anyway
 אביי
 אלמנה לכהן גדול חייב לפדותה
 Although, כהן is forbidden to marry a אלמנה, she IS nevertheless entitled to a כתובה, אפרקינך ואהדרינך למדינתך applies
 However, ממזרת ונתינה לישראל אינו חייב לפדותה אפרקינך ואותבינך לי לאנתו Does NOT apply, because she's *not* to him

However, ממזרת ונתינה לישראל אינו חייב לפדותה
 If one marries a פסול, and she was taken captive, he does NOT have to redeem her, because, the clause אפרקינך ואותבינך לי לאנתו I will redeem you and maintain you as my wife - Does NOT apply, because she's אסור to him

רבא says, even אלמנה לכהן גדול אינו חייב לפדותה
 Because כל שאיסור שבייה גורם לה חייב לפדותה איסור דבר אחר גורם לה אינו חייב לפדותה
 The כהן must redeem her only where she became אסור now because of the captivity, but the marriage was otherwise מותר. However, he does NOT have to redeem her where the marriage was אסור anyway.
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3 The Gemara proceeds to present another case where there is a מחלוקת whether a husband must redeem his wife:

המדיר את אשתו ונשבת
If a ישראל made a נדר that his wife may not have any benefit from him, and she was then taken captive;

רבי אליעזר says
פודה
ונותן לה כתובתה
He must redeem her.

רבי יהושע says
נותן לה כתובתה
ואינה פודה
He does not have to redeem her.

The Gemara explains
רבי אליעזר אזיל בתר מעיקרא
רבי אליעזר follows the תנאי in the כתובה where the husband committed to redeem his wife.
רבי יהושע אזיל בתר בסוף
רבי יהושע follows the נדר of the husband that his wife may not benefit from him, and therefore, since he may not bring her back home, he does not have to redeem her at all.

3 Another case where there is a מחלוקת whether a husband must redeem his wife:

המדיר את אשתו ונשבת
כדר ישראל who made a נדר,
his wife may NOT have any benefit from him, and she was then taken captive;

רבי יהושע
נותן לה כתובתה
ואינה פודה
DOESN'T redeem her

רבי יהושע אצל בני בסוף
The נכי of the husband.
Since he can't bring her home, he doesn't have to redeem her

רבי אליעזר
פודה
ונותן לה כתובתה
MUST redeem her

רבי אליעזר אצל בני מעיקרא
The כתובה תנאי in the כתובה where he committed to redeem his wife

4 The Gemara explains
According to אביי this מחלוקת is only by a ישראל, however by a כהן everybody will agree that he must ransom her, because the כתובה says that he will return her to her father's house - and this CAN be fulfilled.

According to רבא this מחלוקת is also by a כהן, because even if

אזיל בתר מעיקרא
When she was taken captive - at that point there is another איסור because of the נדר, and רבא holds

כל שאיסור שבייה גורם לה חייב לפדותה
איסור דבר אחר גורם לה אינו חייב לפדותה
=====

4 The Gemara explains...

← רבא According to → אביי
רבא is also by אביי
Even if
אזיל בתר מעיקרא
When taken captive there was another איסור because of the נדר

כל שאיסור שבייה גורם לה חייב לפדותה
איסור דבר אחר גורם לה אינו חייב לפדותה

אביי is only by אביי
כהן
everybody agrees he MUST ransom her
The כתובה says he will return her to her father's house this CAN be fulfilled

5 The Gemara continues with several related Halachos:
 1)
 נשבית בחיי בעלה ואחר כך מת בעלה
 If a wife was taken captive, and then, her husband died;
 אין היתומים חייבין לפדותה
 The יורשים do not have to redeem her
 שאין אני קורא בה ואותבינך לאינתו
 Because they cannot fulfill his commitment to redeem her
 and bring her back to be his wife

5

Several related הלכות:

1

**נשבית בחיי בעלה
ואחר כך מת בעלה**

אין היתומים חייבין לפדותה
The יורשים do NOT have to redeem her

*לאן אני קורא בה
ואותבינך לאינתו*

6 2)
 נשבית והיו מבקשין ממנו עד עשרה בדמיה
 If the captors were demanding a payment that was 10
 times her worth;
 מחלוקת ר' תנא קמא
 The תנא קמא says
 פעם ראשונה פודה
 The first time this happens, he must redeem her.
 מכאן ואילך רצה פודה רצה אינו פודה
 If it happens again, it's his choice whether to redeem her
 or not.
 רבן שמעון בן גמליאל
 says
 אין פודין את השבוין יותר על כדי דמיהן מפני תקון העולם
 It is always אסור to redeem a captive for more than their
 worth, so that kidnappers don't take advantage of this.

The Gemara adds that רבן שמעון בן גמליאל is even more lenient
 in that he says
 אם היה פרקונה כנגד כתובתה פודה
 אם לאו אינו פודה
 If the ransom is the same or less than the wife's כתובה, then
 the husband must redeem her. However, if the ransom is
 more than the wife's כתובה, the husband does not have to
 redeem her
 =====

6

2

**נשבית
והיו מבקשין ממנו
עד עשרה בדמיה**
*If the captors were demanding
TEN times her worth;*

מחלוקת

רש"ג אין פודין את השבוין יותר על כדי דמיהן מפני תקון העולם <i>is רבן שמעון בן גמליאל even more lenient</i>	תנא קמא פעם ראשונה פודה מכאן ואילך רצה פודה רצה אינו פודה
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**אם היה פרקונה
כנגד כתובתה פודה
אם לאו אינו פודה**
*If the ransom is more
than the wife's כתובה,
the husband does not have
to redeem her*



7 The משנה taught לקחה חייב לרפאותה
If a person's wife becomes sick, he is obligated to pay to heal her.

The גמרא presents the דין when the husband died:

The תנא קמא says
וצריכה רפואה הרי היא כמזונות
Just as the יורשים must pay for her מזונות, which she needs to live - they must also pay for her healing, which she also needs to live.
רפואה שיש לה קצבה רבן שמעון בן גמליאל says
נתרפאת מכתובתה
If there's a set amount needed to heal, she must pay for it from her כתובה.
רפואה שאין לה קצבה הרי היא כמזונות
If the healing is ongoing, it's like מזונות that are ongoing, and the יורשים must pay for it.
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7 מקור

לקחה חייב לרפאותה
If a person's wife becomes sick, he is obligated to pay to heal her

The גמרא presents the דין when the husband died:

<p>רשבי"ג רפואה שיש לה קצבה נתרפאת מכתובתה <i>A SET amount needed to heal,</i> <i>SHE pays from her כתובה</i></p> <p>רפואה שאין לה קצבה הרי היא כמזונות <i>healing that's ONGOING, is like מזונות,</i> <i>The יורשים must pay for it</i></p>	<p>תנא קמא וצריכה רפואה הרי היא כמזונות <i>Just as יורשים MUST pay for her מזונות, which she needs to live they MUST also pay for her healing, which she also needs to live</i></p>
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8 זאגט די משנה לא כתב לה
If the husband did not write one of the following three things into the כתובה:

1)
בנין דכרין דיהוו ליכי מינאי
אינון ירתון כסף כתובתיך
יתר על חולקהון דעם אחוהון
If his wife dies before him - when he subsequently dies, the sons of each wife will inherit their mother's כתובה, and it will not be equally divided among all his children.
חייב שהוא תנאי בית דין
This stipulation is in force, because it is an obligation imposed by the Chachamim upon all.

8

תנאי כתובה
NOT written into the כתובה:



9

זאגט די משנה
לא כתב לה

If the husband did not write one of the following three things into the כתובה:

1)

בנין דכרין דיהוו ליכי מינאי

אינון ירתון כסף כתובתיך

יתר על חולקהון דעם אחוהון

If his wife dies before him - when he subsequently dies, the sons of each wife will inherit their mother's כתובה, and it will not be equally divided among all his children.

חייב שהוא תנאי בית דין

This stipulation is in force, because it is an obligation imposed by the Chachamim upon all.

9

מלך

לא כתב לה

If the husband did NOT write one of the following 3 things into the כתובה:

1

בנין דכרין דיהוו ליכי מינאי
אינון ירתון כסף כתובתיך
יתר על חולקהון דעם אחוהון

If his wife dies before him

Sons of each wife inherit their mother's כתובה, it will NOT be equally divided among all his children

חייב

לפוא תנאי בית דין

10 Let's explain:
Regarding this Halachah, the word כתובה refers NOT only to the 200 זוז, but ALSO to the wife's property, נכסי מלוג, ונכסי צאן ברזל, which she brings into the marriage. The Kesubah obligates the husband to return these properties in the event of divorce, or upon HIS death. In the event of HER death, he inherits them, because, the first יורש of a married woman is her husband.
Therefore, in our case, where the wife dies before the husband, these properties now become HIS property,

which when he subsequently dies are, מן התורה, inherited by ALL his sons, both, those he had with her, and those he had with other wives.

However, the Chachamim initiated that ONLY his sons who are also HER sons inherit these properties;

10 *Let's explain:
Regarding this כתובה,*

כתובה

Refers NOT only to the 200 זוז... *...but ALSO to נכסי מלוג ונכסי צאן ברזל*

Where the wife dies before the husband, these properties now become HIS property

When HE subsequently dies, מן התורה, they're inherited by ALL his sons, even those he had with other wives

However,
The חכמים initiated ONLY his sons who are also HER sons inherit these properties;

11 The Gemara explains the reason for this תקנה is; כדי שיקפוץ אדם ויכתוב לבתו כבנו
In order to encourage fathers to provide their daughters with a large dowry, so that men will be interested in marrying them -

And if all the sons - even those that are not his grandchildren - will inherit these possessions, a father will refrain from giving his daughter a large dowry. However, now that he knows that in the event that his daughter dies, HIS grandsons will inherit it, he will readily provide a large dowry.

The גמרא adds;
אביי ורבא דאמרי תרוייהו עד לעישור נכסי
A person should give up to one-tenth of his property for his daughter's dowry.

11 *The reason for this תקנה is;*

כדי שיקפוץ אדם ויכתוב לבתו כבנו

To provide their daughters with a large dowry, so men will be interested in marrying them

However,

If ALL sons even those not his grandchildren inherit these possessions, a father will REFRAIN from giving a large dowry

In the event his daughter dies, HIS grandsons will inherit it, he WILL provide a large dowry

The גמרא adds;

אביי ורבא דאמרי תרוייהו עד לעישור נכסי

A person should give up to one-tenth of his property for his daughter's dowry

12 The Mishnah continues with additional תנאי כתובה:
2) בנן נוקבן דיהוין ליכי מינאי יהוין יתבן בביתי ומיתזנן מנכסי עד דתלקחון לגוברין
Her daughters from him receive support from his estate until they get married;
חייב שהוא תנאי בית דין

12 **2**
בנן נוקבן דיהוין ליכי מינאי יהוין יתבן בביתי ומיתזנן מנכסי עד דתלקחון לגוברין
HER daughters from him receive support from his estate until they get married

חייב

לפוא תנאי בית דין

13 3)
 את תהא יתבא בביתי ומיתזנא מנכסי
 כל ימי מיגר אלמנותיך בביתי
 If he dies she will be supported by his estate and continue
 to live in his house as long as she remains a widow.
 חייב שהוא תנאי בית דין

All of the above take effect even if he did not write it specifically.

13 3
את תהא יתבא בביתי
ומיתזנא מנכסי
כל ימי מיגר אלמנותיך בביתי
SHE will be supported by his estate
and continue to live in his house
as long as she remains a widow

חייב

לכוא מאי בית דין

All of the above take effect even
if he did not write it specifically

14 The משנה concludes
 כך היו אנשי ירושלים כותבין
 אנשי גליל היו כותבין כאנשי ירושלים
 אנשי ירושלים wrote this stipulation as cited above,
 that it is HER choice - As long as she does not get
 married, or does not demand her Kesubah, she's entitled to
 support from her husband's estate -
 She has the option to stay and be supported.
 אנשי יהודה היו כותבין
 עד שירצו היורשין ליתן לך כתובתיך
 אנשי יהודה wrote this stipulation as being THEIR choice -
 As long as the יורשים do not give her the כתובה, she's
 entitled to support from her husband's estate.
 לפיכך אם רצו יורשין
 נותנין לה כתובתה ופוטרין אותה
 They have the option give her the Kesubah, and are then
 no longer obligated to support her.

14 משנה
כך היו אנשי ירושלים כותבין
אנשי גליל היו כותבין כאנשי ירושלים

אנשי ירושלים

ואנשי גליל

Wrote this stipulation
אנשי יהודה
THEIR choice
עד שירצו היורשין
ליתן לך כתובתיך

אפיכ אן רצו יורשין
נותנין לה כתובתה
ופוטרין אותה

Wrote this stipulation

HER choice

את תהא
יתבא בביתי
ומיתזנא מנכסי
כל ימי מיגר
אלמנותיך
בביתי