



בס"ד Intro

Today we will בע"ח learn דף ע"ח of מסכת כתובות of מסכת כתובות Some of the topics we will learn about include.

When a woman gets married, her property and belongings remain hers, but her husband acquires certain rights to them, in one of two ways.

are those properties which are assessed and written into the כתובה. The husband acquires all rights to them during the marriage. Therefore, in the event of divorce or the husband's death, these properties, or their value, must be returned to her at their assessed value at the time of the marriage. Any increase or decrease in value accrues to him.

are those properties which are NOT assessed and written into the כתובה. They remain in her possession, she owns the גוף, and the husband merely has the rights to its פירות, its produce or profits. Therefore, in the event of divorce or the husband's death, these properties are returned to her at their current value at the time of the divorce. Any increase or decrease in value accrues to her.

The Gemara in this Daf discusses נכסי מלוג which belong to her.

Based on this, it would seem that if a woman sold these properties the sale would be valid, and the husband would now have the rights to the money she received. However as we will see this is not always so.

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Dedicated By:

The משנה will discuss 4 cases of a woman selling נכסי מלוג properties

- 1) Properties that she acquired before she was even an ארוסה and now she is an ארוסה
- 2) Properties that she acquired after she was an ארוסה and now she is an ארוסה
- 3) Properties that she acquired before she was an ארוסה or before she was a משואה and now she is a נשואה נשואה
- 4) Properties that she acquired after she was a נשואה and she is now a נשואה נשואה

When a woman gets married, her property and belongings remain hers, but her husband acquires certain rights to them, in one of two ways.

נכסי מלוג נכסי צאן ברזל

Four cases of a woman selling גכסי מלוג properties



Properties she acquired before she was even an and now she is an



Properties she acquired after she was an ארוסה and now she is an



Properties she acquired before she was an ארוסה or before she was a cשואה and now she is a

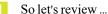


Properties that she acquired after she was a נשואה and she is now a נשואה









Our דף begins the 8th פרק of מסכת כתובות פרק האשה שנפלו

Our משנה presents 4 cases in which the wife wants to sell or give away her נכטי מלוג properties:

are those properties which are NOT assessed and written into the כתובה. They remain in her possession, she owns the און, and the husband merely has the rights to its פירות, its produce or profits.

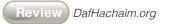
It must be pointed out that he enjoys the rights to the פירות only after נשואין, but not during אירוסין. However, the question is whether she may sell these properties during אירוסין, because it potentially deprives him of his rights to the פירות after the נשואין.

The properties were certainly hers when they came into her possession, and the אירוסין is only a ספק whether they enter the husband's possession.





Dedicated By: _





2 The משנה continues:

2)

נפלו לה משנתארסה

If she acquired the נכסי מלוג properties after her אירוסין but before her נשואין; and she wants to sell or give them away while still an ארוסה:

There is a Machlokes:

בית שמאי אומרים תמכור

She MAY sell them.

ובית הלל אומרים לא תמכור

She may NOT sell them.

אלו ואלו מודים שאם מכרה ונתנה קיים

However, בית שמאי ובית agree that if she went ahead and sold them that the sale is valid.

The גמרא explains that the reasoning of בית הלל is because there is a ספף;

אימר בזכותה

אימר בזכותו

We don't know if it's hers, because she may not go on to the נשואין - Or, if it's his, because she may go on to נשואין. Therefore.

she should not sell them.

But בדיעבד if she did sell them the sale is valid.



The משנה presents a discussion regarding this Halachah: אמר רבי יהודה

אמרו חכמים לפני רבן גמליאל

הואיל וזכה באשה

לא יזכה בנכסים

Since through אירוסין a husband was זוכה in his wife, he should also be אוכה in the properties. If so, why if the wife sold the properties, is the sale valid?

אמר להם

Dedicated By: _

על החדשים אנו בושים

אלא שאתם מגלגלין עלינו את הישנים

We are ashamed of the דין that a wife is not allowed to sell נכסי מלוג that she receives after נשואין, because they actually belong to her, and now you are asking that she should also not be allowed to sell נכסי מלוג that she received as an ארוסה and while she is still an ארוסה?









The Mishnah continues with a third case:

עד שלא נשאת

ונשאת

רבן גמליאל אומר

אם מכרה ונתנה קיים

If she received the נשואין properties before her נשואין, and after her נשואין she sold them;

the sale is valid. However, לכתחילה she is not allowed to sell them.

The משנה presents a discussion regarding this Halachah: אמר רבי חנינא בן עקביא

אמרו לפני רבן גמליאל

הואיל וזכה באשה

לא יזכה בנכסים

Since through נשואין a husband was זוכה in his wife, he should also be זוכה in the properties. If so, why if the wife sold נכסי כולוג is the sale valid?

אמר להם

על החדשים אנו בושים

אלא שאתם מגלגלין עלינו את הישנים

We are ashamed of the דין that a wife is not allowed to sell נכסי מלוג that she receives after נשואין, because they actually belong to her, and now you are asking that she should also not be allowed to sell נכסי מלוג that she received before ינשואין?

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A Fourth case:

נפלו לה משנשאת

אלו ואלו מודים שאם מכרה ונתנה

שהבעל מוציא מיד הלקוחות

If she received the נשואין properties after her נשואין and she sold them; in this case, everybody agrees that the husband may take them back from the buyers.

The גמרא qualifies that which the Mishnah says; הבעל מוציא מיד הלקוחות

It only refers to

בחייה ולפירות

While the wife is alive the husband continues to enjoy the rights to the פירות. However,

לאחר מיתה בגופה של קרקע

After her death the land belongs entirely to the buyers, because the גוף הקרקע always belonged to her, and subsequently to the buyers.

However, תקנת אושא later enacted that even לאחר מיתה בגופה של קרקע

After her death the husband gets even the גוף הקרקע, because, as Rashi explains earlier on ידף נ'קף; דשוינהו רבנן כלוקח ראשון

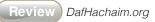
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The silv cos actually belong to her









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The משנה concludes with an opinion that argues with the in the 3rd and 4th cases where a נכסי מלוג sold נשואה: רבי שמעון חולק בין נכסים לנכסים רבי שמעון חולק בין נכסים לנכסים

רבי שמעון holds that it doesn't depend on whether the woman received the גבסי מלוג before or after נכסי מלוג. Rather, it depends on the properties:

נכסים הידועין לבעל

לא תמכור

ואם מכרה ונתנה בטל

If they are נכסי מלוג that the husband was aware of, the ד'ן is that לכתחילה, the wife should not sell them - And even בדיעבד, if she sold them the sale is not valid.

שאינן ידועין לבעל לא תמכור ואם מכרה ונתנה קיים

If they are נכסי מלוג that the husband was not aware of, for example, they came to her as a ירושה from ממדינת הים, the is that לכתחילה, the wife should not sell them - But בדיעבד if she sold them the sale is valid.

The משכה concludes with an opinion that argues with the פין in the 3rd and 4th cases where a נכסי מלוג sold בשואה

רבי שמעון חולק בין נכסים לנכסים

It doesn't depend on whether the woman received the בכסי מלוג before or after בשואין. Rather, it depends on

שאינן ידועין לבעל לא תמכור ואם מכרה ונתנה קיים נכסים הידועין לבעל לא תמכור ואם מכרה ונתנה בטל



