



בס"ד Intro

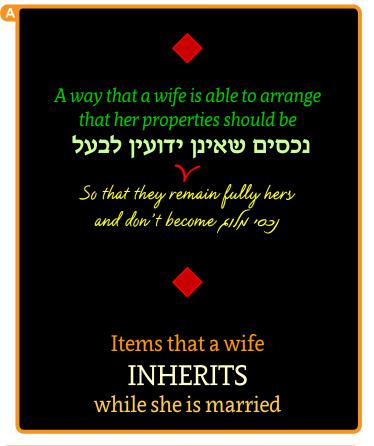
Today we will בע"ט learn מסכת כתובות of דף ע"ט learn מסכת כתובות Some of the topics we will learn about include.

A way that a wife is able to arrange that her properties should be נכסים שאינן ידועין לבעל so that they remain fully hers and don't become נכסי מלוג

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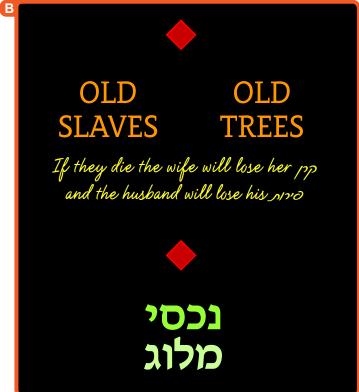
The דין for what is done with items that a wife inherits while she is married

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The דין of what is done in a case where a wife owns old slaves or old trees that if they die the wife will lose her קרן and the husband will lose his פירות.

are those properties – whether נכסי מלוג. fand or movable objects, 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.









So let's review ...

Our אדף begins by teaching that a wife can prevent her properties from becoming שטר פטים by writing a שטר פטים that she is giving away ALL of her properties to another person. In this way she accomplishes 2 things:

1.

The properties do not become נכסי מלוג, because they are now

נכסים שאינן ידועים לבעל

2.

These properties also do not become the property of the recipient. Rather, she still retains ownership, because we say that a person will not give away ALL of their נכסים; it was just done to prevent the husband from gaining ownership over it.

However, if she only wrote a שטר פסים for SOME of her properties, the recipient can claim ownership of the properties in the שטר, because a person sometimes does give away part of their נכסים.

In order to avoid this, the wife must write in the שטר מהיום ולכשארצה

The num is only effective if she later approves of it. This way she can later say that she does not approve of it



2 The next משנה continues the discussion of קרקע או מטלטלין - Which is קרקע או מטלטלין, land or movable objects - in which the אוף, the principal belongs to the אשה the wife, and the מירות, the fruits or profits, belong to the לע, the husband.

זאקט די משנה נפלו לה כספים

ילקח בהן קרקע והוא אוכל פירות

If a wife inherits money it is not given to the husband, because when he uses it the wife might lose the קדן. Rather, land is bought with it and the husband gets the פירות.

Similarly,

פירות התלושין מן הקרקע

ילקח בהן קרקע והוא אוכל פירות

If a wife inherits detached produce – which if eaten, will leave no קרן – therefore, this produce is considered , and land is bought with it and the husband gets the פירות. However,

פירות המחוברים בקרקע

If a wife inherits land with produce attached to it; Obviously, the land remains גוכסי מלוג, the קול, the future פירות his. However, how do we deal with the existing produce? Are they considered קרן, and hers, or פירות, and his? There is a סמחלוקת.









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אמר רבי מאיר

שמין אותה כמה היא יפה בפירות

וכמה היא יפה בלא פירות

ומותר ילקח בהן קרקע והוא אוכל פירות

We view the produce as part of the land, and we assess the value of the land with or without the produce. The difference is considered קרן, from which land will be bought which will be like all נכסי מלוג, the פירות his

Rashi explains;

מה שלא גדל ברשותו הוי קרן

That which grew BEFORE she acquired it, is considered קרן when acquired. However,

מה שגדל ברשותו הוי פירות

That part which continues to grow after their acquisition is considered פירות, which is entirely his.

וחכמים אומרים

המחוברים לקרקע שלו

We view the attached produce as פירות, and they belong to the husband. As Rashi explains the reasoning of the Chachamim;

אף אלו שלא גדלו ברשותו

תורת פירות נתנו בהן

הואיל והקרקע קיימת לה

The Chachamim considered the attached produce פירות since she retains the land as קרן.

The חכמים reiterate that which the Mishnah stated earlier; והתלושין מן הקרקע שלה

וילקח בהן קרקע והוא אוכל פירות

Only if a wife inherits detached produce is it considered קרן, from which land is bought and the husband gets the פירות.





Dedicated By: \_





The משנה concludes with an opinion that seems to be the same as the חכמים:

רבי שמעון אומר

מקום שיפה כחו בכניסתה

הורע כחו ביציאתה

If the husband has the advantage when it enters his wife's possession, he has the disadvantage when they get divorced

מקום שהורע כחו בכניסתה

יפה כחו ביציאתה

If the husband has the disadvantage when it enters his wife's possession, he has the advantage when they get divorced

כיצד

פירות המחוברים לקרקע

בכניסתה שלו

וביציאתה שלה

Attached fruits, when they enter the wife's possession, go to the husband when harvested, because they're considered פירות.

Nevertheless, upon divorce, they go to the wife along with the property to which they're attached, since they're not ready to be harvested.

The Gemara later says that the Chachamim disagree with the last point, and hold that they go to the husband when harvested, because they're considered פירות.

והתלושין מן הקרקע בכניסתה שלה

וביציאתה שלו

Detached fruits, when they enter her possession, they are hers, because these fruits are considered קקר, since she acquired them now.

However, upon divorce, they are his, because they're considered פירות, since they were harvested while they were married.

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The גמרא proceeds with a number of related discussions:

The קרקע that is bought has an order of preference - and therefore, if the husband and wife disagree on what to buy the order is as follows:

- 1. ארעא, Land
- 2. בתי, Houses
- 3. דיקלי, Palm trees
- 4. אילני, Fruit trees
- 5. גופני, Grapevines

The Gemara next defines what is considered פירות, or פירות, in a case of a tree used for its wood: כללא דמילתא

גזעו מחליף

פירא

If the trunk replenishes itself and grows new branches, the wood is פירות, because she is left with the trunk which is קרן, since it will continue to produce.

אין גזעו מחליף

If the trunk will not replenish itself, the entire tree is considered קרן, and the husband may not cut it down for wood.

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The next משנה presents 2 cases in which there is a מחלוקת: זאקט די משנה

נפלו לה עבדים ושפחות זקנים

If a wife inherits old עבדים ושפחות, and if they die the wife will lose her קרן and the husband will lose his פירות;

The תנא קמא says

ימכרו וילקח מהן קרקע

והוא אוכל פירות

They shall be sold to buy land, which will be hers, and he will enjoy the פירות.

רבן שמעון בן גמליאל אומר לא תמכור

מפני שהן שבח בית אביה

The wife has the authority to stop her husband from selling them, because they represent the prestige of her father's home.









7 Similarly,

נפלו לה זיתים וגפנים זקנים

If a wife inherits old olive trees and grapevines, and if they die the wife will lose her קרן and the husband will lose his פירות;

The תנא קמא says

ימכרו וילקח בהן קרקע

והוא אוכל פירות

They sell them and buy land, and the husband has the rights to the פירות.

רבי יהודה אומר

לא תמכור

מפני שהן שבח בית אביה

The wife may object to her husband selling them, because they represent the prestige of her father's home.



8 The גמרא qualifies; אמר רב כהנא אמר רב מחלוקת בשדה שאינה שלה

This מחלוקת is only in a case where the trees were growing in a field that belonged to another person. In that case the תנא קמא holds that the wife does NOT have the authority stop her husband from selling them, because the trees will eventually die and there will be nothing left in terms of שבח בית אביה anyway.

אבל בשדה שלה דברי הכל לא תמכור מפני שבח בית אביה

However, if the wife also inherited the land that the trees were growing on, the אמא agrees that the wife has the authority to stop her husband from selling them, because even though the trees will die the land they are on will remain to represent שבח בית אביה.





