

A

נס"ד
Intro

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

The case of a הוציאה גט, a woman who claims her Kesubah through a Get

The case of a הוציאה כתובה, a woman who claims her Kesubah through the כתובה שטר

The cases of a woman who claims multiple Kesubah payments by providing multiple Kesubos, or Gittin

A

A woman
who claims her Kesubah
through a גט



A woman
who claims her Kesubah
through a שטר
כתובה



The cases of a woman who claims
multiple Kesubah payments
by providing
multiple Kesubos, or Gittin

B

The Halachos of
כתובת קטן, a Kesubah written for a minor that
subsequently matured

כתובת עכו"ם, a Kesubah written for a gentile couple that
subsequently converted.

Some of the terms and concepts we will learn about
include

The Machlokes regarding כותבין שובר, providing a receipt;
If the מלווה, the lender - or any other תובע, cannot produce
the שטר חוב, the loan document, but produces עדים,
witnesses, to support the claim;

One opinion is
כותבין שובר

We compel the נתבע, the defendant, to pay, and accept a
receipt, even though he will now have to safeguard the
receipt to protect himself from paying a second time if the
תובע possibly finds the שטר and demands payment again.

The other opinion is
אין כותבין שובר

We do NOT compel the נתבע to pay and accept a receipt,
because of the above reason; rather, he does NOT have to
pay until the תובע produces the document

B

The Halachos of

כתובת
עכו"ם

כתובת
קטן



The Machlokes regarding

אין כותבין
שובר

כותבין
שובר

- C** שביעית משמטת
The Shmittah year clears all debts, in which a מלוה, lender, is prohibited to collect a loan after שמיטה
- However
הלל תיקן פרוזבול
הלל initiated a document, in which the מלוה transfers the loan to Bais Din, who collects the loan and returns it to the מלוה.

C



שביעית
משמטת

הלל
תיקן פרוזבול

1 So let's review ...

Zugt Di Mishnah

הוציאה גט
ואין עמו כתובה
גובה כתובתה

If a woman claims her Kesubah by providing a גט, but she does NOT produce the שטר כתובה, she may still collect her Kesubah.

Although there is a possibility of

דלמא מפקא לה לכתובתה וגביא בה
She may produce her Kesubah and collect again in another Bais Din? And therefore, we should NOT allow her to collect her Kesubah based on the Get alone?

We could answer that this Mishnah proves;

ש"מ כותבין שובר

The בעל is given a receipt, which protects him in the event that she produces the Kesubah and tries to collect again.

However, as Rashi explains;

קיימא לן כמאן דאמר

אין כותבין שובר

לפי שנמצא זה צריך לשמור שוברו מן העכברים

We Pasken that he CANNOT be compelled to accept a receipt, and the responsibility to safeguard it. Rather, he can refuse to pay until the original loan document – in this case the Kesubah – is produced, and returned to him or destroyed. If so, why does the Mishnah rule גובה כתובתה?

2 The first explanation is agreed to by both רב ושמואל; that the Mishnah is referring to

במקום שאין כותבין כתובה

Where they do NOT write a שטר כתובה, because it's a מעשה אין, and a woman usually collects her Kesubah based on the Get or גירושין שטר.

In this case, the wife claims

לא כתב לי

He did NOT write a שטר כתובה, as is the מנהג המקום, and I'm entitled to collect my Kesubah based on the Get.

The husband claims

כתבתי

I DID write a שטר כתובה - and I'm not obligated to pay until she produces it.

The Halachah is

עליו להביא ראיה

HE must prove that he DID write a Kesubah – for example, by bringing עדים, because HIS claim contradicts the מנהג המקום.

Now, if he does prove it, and she does not produce the Kesubah, he would indeed be פטור, because

אין כותבין שובר

We do NOT compel the נתבע to pay and accept a receipt.

However, the Mishnah is speaking of where he cannot prove it. Therefore,

גובה כתובתה

=====

1

משנה:

הוציאה גט
ואין עמו כתובה
גובה כתובתה

?

דלמא מפקא לה לכתובתה
וגביא בה?

She may produce her Kesubah
and collect again in another Bais Din?

We could answer; ל"מ כותבין שובר

However;

קיימא לן כמאן דאמר אין כותבין שובר
אפי' שנמצא זה צריך לשמור שוברו מן העכברים

2

רב ושמואל

The Mishnah is referring to
במקום שאין כותבין כתובה

The wife claims

לא כתב לי

and I'm entitled
to collect my Kesubah
based on the Get

The husband claims

כתבתי

and I'm not
obligated to pay
until she produces it

עליו להביא ראיה

Because his claim
contradicts the מנהג המקום

The Mishnah is speaking of
where he cannot prove it

Therefore, גובה כתובתה

3 The Gemara continues that the Mishnah can also be referring to במקום שכותבין כתובה
Where they generally write a כתובה; שטר
However, רב ושמואל each have a different explanation:

Shmuel explains, as before, that the wife claims לא כתב לי
He did NOT write a שטר, and I'm entitled to collect my Kesubah based on the Get. The husband claims כתבתי
I DID write a שטר, as is the המקום, and I'm not obligated to pay until she produces it.

In this case, the Halachah is עליה להביא ראיה
SHE must prove that he did NOT write a Kesubah - for example, by bringing עדים, because HER claim contradicts the המקום.
And, the Mishnah indeed is speaking of where she does prove it. Therefore,
גובה כתובה
=====

3

The Mishnah can also be referring to
במקום שכותבין כתובה

שמאל explains

<i>The wife claims</i> לא כתב לי <i>and I'm entitled to collect my Kesubah based on the Get</i>	<i>The husband claims</i> כתבתי <i>and I'm not obligated to pay until she produces it</i>
--	--

עליה להביא ראיה

The Mishnah is speaking of where she does prove it
Therefore, גובה כתובה

4 Rav offers a different explanation, which actually explains the Mishnah
בין במקום שכותבין
בין במקום שאין כותבין
Both, where they DO, and DO NOT write a כתובה;
And there is NO concern for דלמא מפקא לה לכתובה וגביא בה
Because
גט
גובה עיקר
With the Get she can only collect the basic amount of 200 Zuz.
כתובה
גובה תוספת
And only with the שטר כתובה can she collect the תוספת כתובה.
But she CANNOT use a Kesubah to collect עיקר כתובה, or a Get to collect תוספת כתובה.
=====

4

רב explains

**בין במקום שכותבין
בין במקום שאין כותבין**

There is NO concern for דלמא מפקא לה לכתובה וגביא בה because...

כתובה גובה תוספת	גט גובה עיקר
----------------------------	------------------------

But she CANNOT use a Kesubah to collect עיקר כתובה, or a Get to collect תוספת כתובה.

5 The Mishnah continues:

כתובה ואין עמה גט
היא אומרת אבד גיטי
והוא אומר אבד שוברי

If she produces the Kesubah document, but does NOT produce the Get;
SHE claims that the Kesubah was NOT paid, and the Get was lost, but was NOT used to claim the Kesubah.
HE claims that the Kesubah WAS already paid before through the Get, as ruled earlier in the Mishnah, because at that time she did not produce the Kesubah. However, he lost the receipt - which he had to accept at that time to prevent her from claiming a second time through the Kesubah.

Similarly,

וכן בעל חוב שהוציא שטר חוב
ואין עמו פרוזבול

A lender who produces the loan document following Shmittah, but he does NOT produce a פרוזבול document to prove that the loan may be collected;

הרי אלו לא יפרעו

The woman CANNOT collect her Kesubah;
And the lender CANNOT collect his loan.

6 The Gemara says that according to שמואל the סיפא refers to

מקום שאין כתובין כתובה

Therefore, she CANNOT collect her Kesubah now through the כתובה, because, as Rashi explains;

חיישינן שמא כבר גבתה בגט

We are concerned that she may have already collected her Kesubah earlier using her Get.

According to רב the סיפא refers to both,

בין במקום שכותבין

בין במקום שאין כותבין

And refers to a case

כשאין שם עדי גירושין

There are NO עדים to prove that she was divorced - and, since she's not producing the Get either - Therefore, she CANNOT collect her Kesubah, because

מיגו דיכול למימר לא גירשתיה

יכול למימר גירשתיה ונתתי לה כתובתה

Since the husband would be נאמן if he claimed that he did NOT divorce her, he is נאמן when claiming that he DID divorce her, and already paid the Kesubah.

=====

5

משנה:

וכן בעל חוב
שהוציא שטר חוב
ואין עמו פרוזבול

כתובה ואין עמה גט
היא אומרת אבד גיטי
והוא אומר אבד שוברי

הרי אלו
לא יפרעו

6

The Gemara says

According to שמואל
the סיפא refers to

מקום
שאין כתובין
כתובה

She cannot collect
through the כתובה
because

חיישינן שמא
כבר גבתה בגט

According to רב
the סיפא refers to

בין במקום שכותבין
בין במקום
שאין כותבין

And refers to a case

כשאין שם
עדי גירושין

She cannot collect
because

מיגו דיכול למימר
לא גירשתיה
יכול למימר גירשתיה
ונתתי לה כתובתה

7 The Mishnah continues:
 רשב"ג אומר
 מן הסכנה ואילך
 אשה גובה כתובתה שלא בגט
 ובעל חוב גובה שלא בפרוזבול
 תורה says that during the time of evil decrees against observance, in which, out of fear, they would destroy the Get and immediately; a woman CAN collect her Kesubah without the Get; and a lender CAN collect his loan without a פרוזבול.
 =====

7 **מלפני:**

רשב"ג אומר
מן הסכנה ואילך...

ובעל חוב גובה שלא בפרוזבול	אשה גובה כתובתה שלא בגט
---	--

During the time of decrees against observance, out of fear, they would destroy the Get and immediately

8 Zugt Di Mishnah
 שני גיטין ושתי כתובות
 גובה שתי כתובות
 If a woman produces 2 Gittin and 2 Kesubos from her husband, she collects both Kesubos, because it indicates that they divorced and remarried. One Kesubah was written for each marriage, and her husband granted an additional Kesubah by writing a second כתובה.
 However,
 שתי כתובות וגט אחד
 או כתובה ושני גטין
 או כתובה וגט ומיתה
 אינה גובה אלא כתובה אחת
 If she produces 2 Kesubos but only 1 Get, in which both Kesubos were written for one marriage;
 OR she produces 1 Kesubah and 2 Gittin, in which one Kesubah was written for both marriages;
 OR she produces 1 Kesubah, 1 Get, and witnesses, that her husband died, in which one Kesubah was written for both marriages;
 She only collects 1 Kesubah, because
 שהמגרש את אשתו והחזירה
 ע"מ כתובה הראשונה מחזירה
 A husband that divorces and remarries his wife - and he did not pay it in the interim - only intends to provide her with the initial Kesubah
 =====

8

שתי כתובות וגט אחד ושני גיטין וגט ומיתה	שני גיטין ושתי כתובות
--	----------------------------------

אינה גובה אלא כתובה אחת
*לפניקל את אלתי ופחזירה
 ע"מ כתובה הראשונה מחזירה*

גובה שתי כתובות
Because it indicates they divorced and remarried



9 Zugt Di Mishnah
 קטן שהשיאו אביו
 כתובתה קיימת
 A minor that married through his father, in which, the Kesubah was written for an invalid marriage, his wife is still entitled to her Kesubah after he matures, because שע"מ כן קיימה
 The marriage continued based on the original Kesubah.

Similarly
 גר שנתגיירה אשתו עמו
 כתובתה קיימת
 A gentile couple who were married with a Kesubah, and subsequently converted; the wife is entitled to her Kesubah, even after the גירות, because שעל מנת כן קיימה



10 says רב הונא
 לא שנו אלא מנה מאתים
 אבל תוספת אין לה
 The original Kesubah can only be used to collect the עיקר of 200 Zuz.
 However, she CANNOT collect the תוספת כתובה, unless he provides her with a new Kesubah.

הדרן עלך הכותב לאשתו
 We have B"H completed the Ninth Perek of כתובות, and will begin the Tenth Perek, מי שהיה, in the next Daf B'ezras Hashem.

