



בס"ד Intro

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

דין ודברים אין לי עמך

In our Daf this refers to where the husband sold the property that is משועבד for the Kesubah, and the wife wrote a שטר to the לוקח that she will not collect her כתובה from the field which he bought.

יכולה היא שתאמר נחת רוח עשיתי לבעלי

She can claim that she only agreed to relinquish her rights to the property in order to please her husband.

אין נפרעין מנכסים משועבדים במקום שיש נכסים בני חורין ואפילו הן זיבורית

The מלוה, the lender, cannot confiscate sold properties if the לוה, the borrower, has properties in his possession, even if they are inferior to that which he's entitled. However,

אישתדוף בני חרי

טרפא ממשעבדי

If those properties became flooded or ruined, and worthless, he CAN confiscate the sold properties from the buyer.





נכסי ליך ואחריך לפלוני A person can give a gift and say I'm giving you my property, and after you die it should go to another person.









So let's review ...

Our דף begins with a משנה

זאקט די משנה

מי שהיה נשוי שתי נשים

ראובן was married to רחל ולאה, and רחל'ס כתובה was written first

ומכר את שדהו

וכתבה ראשונה ללוקח

דין ודברים אין לי עמך

ראובן sold his only property to שמעון, and the first wife, רחל, wrote to כתובה that she will not collect her כתובה from the field which he bought.

If ראובן died and did not leave any other properties, the following cycle will be triggered:

השניה מוציאה מהלוקח

וראשונה מן השניה

והלוקח מן הראשונה

The second wife, אאה, will collect the field from שמעון as payment for her כתובה, because she did not say to him דין דין אין לי עמך.

רחל will then collect the field from אלא, because her כתובה was written first and she never said דין ודברים אין לי עמך to Leah

שמעון will then collect the field from רחל, because she said to him דרון אין לי עמך.

וחוזרת חלילה

עד שיעשו פשרה ביניהם

And this cycle may potentially continue endlessly until they agree to a compromise.





Dedicated By: _





2 The משנה continues that this same cycle can happen in 2 other cases:

וכן בעל חוב

ראובן was owed 100 זוז by שמעון who had 2 properties which were each worth 50 זוז, and משועבד to Ruvain. אוז sold 1 property to לוי and the 2nd property to יהודה told ראובן told דין ודברים אין לי עמך

In this case, we will again see the same cycle: It starts off with ראובן collecting the 1st property from ליי because his loan of 100 אוז has a lien on both 50 אוז properties.

לוי then collects the 2nd property from ההודה, because these fields were sold באחריות, with a guarantee, and as the 1st buyer he has the right to any field sold after his. then collects that 2nd property from לוי, because he is still owed the other 50 Zuz of the loan.

This is followed by יהודה collecting the 2nd property from ארובן, because when הודה bought it, ראובן said to him דין אין לי עמך.

This cycle will continue until they come to an agreement.

This cycle can happen in 2 other cases:

ובן בעל חוב

OWED
100 TIT

Property
Property
50 TIT

לוי

וכן אשה בעלת חוב

The same scenario can be illustrated where Shimon's two properties were משועבד to his wife for her Kesubah, and ואיהודה sold 1 property to לוי and the 2nd property to יהודה, and the wife told יהודה

דין ודברים אין לי עמך

=======









The גמרא elaborates on the effectiveness of this commitment of

דין ודברים אין לי עמך

In a case of אמירה, or even כתיבה, a mere commitment, even in writing, but without a קנין;

לא אמרה כלום

It is not effective, and she can collect the field, because, as we've learned earlier on 77

לשון סילוק אינו מועיל

One cannot remove himself from something he has.

However, in a case of

קנו מידה

Where she made a קנין;

According to רב חסדא, it's a מחלוקת תנאים:

רבי מאיר says

איבדה כתובתה

It is effective, and she loses her כתובה.

says רבי יהודה

יכולה היא שתאמר

נחת רוח עשיתי לבעלי

It is not effective, because she can claim that she only agreed to relinquish her rights to the property in order to please her husband.

However, according to רבי מאיר ורבי יהודה, both רבי מאיר ורבי מאיר agree that the wife can claim

נחת רוח עשיתי לבעלי

And she can collect the property for her כתובה.

And רבי מאיר only says

איבדה כתובתה

In a case where the husband sold 2 fields to 2 people;

To the 1st buyer she did NOT say

דין ודברים אין לי עמך

And to the 2nd buyer she DID say

דין ודברים אין לי עמך

She cannot claim

נחת רוח עשיתי לבעלי

Because she didn't say it to the 1st buyer;

Therefore, in this case, איבדה כתובתה, because she cannot collect from neither buyer;

She cannot collect from the 1st buyer, because he can claim

הנחתי לך מקום לגבות ממנו

I left you a field from which to collect.

She cannot collect from the 2nd buyer, because she told him

דין ודברים אין לי עמך

The גמרא also points out that in a case of a גרושה

Where she was already divorced at the time of the sale, and she told the buyer

דין ודברים אין לי עמך

It IS effective, and

איבדה כתובתה

Because, she obviously cannot claim נחת רוח עשיתי לבעלי

Since she was already divorced

==== Dedicated By: _

The effectiveness of דין ודברים אין לי עמך כתיבה or כתיבה קנו מידה WITHOUT קנין £300 22 רבי יהודה רבי מאיר יכולה היא שתאמר נחת רוח עשיתי לבעלי יכולה היא שתאמר נחת רוח עשיתי לבעלי רבי מאיר Only in a case...









The גמרא proceeds to a related discussion:

There is a Halachah of אין נפרעין מנכסים משועבדים

במקום שיש נכסים בני חורין

ואפילו הן זיבורית

The מלוה, the lender, cannot confiscate sold properties if the הול, the borrower, has properties in his possession, even if they are inferior to that which he's entitled. However,

אישתדוף בני חרי

טרפא ממשעבדי

If those properties became flooded or ruined, and worthless, he CAN confiscate the sold properties from the buyer.

====









7

The גמרא proceeds to a related case where there is a מחלוקת:

If a ראובן tells רחל, who is not married;

נכסי ליך ואחריך לפלוני

I'm giving you my property, and after you die it should go to שמעון.

וניסת, and she then died;. איי, and she then died;. רבי מאיר holds

השני מוציא

שמעון collects the property from לי, because that was the condition of the gift,

רבן שמעון בן גמליאל holds

אין לשני אלא מה ששייר ראשון

שמעון is only able to collect that which is left by רחל; And since the תקנח הקנח initiated that the husband is considered a אטעון, there is nothing left for שמעון to collect.

אביי who holds like רבן שמעון בן presents another related case

If a ראובן tells רחל, in a case where she IS married to לוי לוי לפלוני ליך ואחריך לפלוני

I'm giving you my property and then after you die it should go to שמעון;

ומכרה ומתה

And she sold the property to יהודה and then died, the following cycle is triggered:

הבעל מוציא מיד הלקוחות

ואחריך מיד בעל

ולוקח מיד אחריך

The husband לוי first collects the property from יהודה, because that's the תקנת אושא that he's the אמעון. לוקח ראשון then collects the property from אמעון, because as a condition of the gift, ראובן said that he should get the property after;

And even though there's the תקנת אושא that the husband is considered a buyer, we say that because ראובן gave her the property after she was already married and expressly told her that after she dies it should go to שמעון it's as if he said אחריך ליקני

בעל לא ליקני

שמעון should get it, and your husband ליי should not get it.

And this is followed by יהודה who collects the property from שמעון because רבן שמעון בן גמליאל אביי אלא מא איז לשני אלא מה ששייר ראשון אין לשני אלא מה ששייר ראשון

The next in line – שמעון – is only allowed to collect it if it wasn't sold

ומוקמינן לכולהו בידא דלוקח

And we leave the property in the possession of יהודה









The גמרא explains that we do not say וחוזרת חלילה עד שיעשו פשרה ביניהם

The cycle should continue, and they should come to some agreement, as we said in the משנה?

Because,

התם אית להו פסידא לכולהו

In the משנה each of the 3 people involved stands to lose something:

The 2 wives stand to lose their כתובה, and the buyer stands to lose the money he paid.

הכא לוקח הוא דאית ליה פסידא

However here only the buyer stands to lose the money he paid, but the husband and the person who was next in line will not be losing anything.

הדרן עלך מי שהיה נשוי

We have B"H completed the Tenth Perek of מסכת כתובות, and will begin the Eleventh Perek, אלמנה ניזונת, in the next Daf B'ezras Hashem.





