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בס"ד Intro

Today we will בע"ה learn דף ס"ו of מסכת יבמות מסכת דף ס"ו The topics we will learn about include.

The meanings of נכסי and נכסי and נכסי צאן ברזל מלוג

And

נכסי צאן ברזל

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.

For the purposes of our Mishnah, and many other Halachos, they are considered his.

are those properties which are NOT assessed and written into the כתובה. They remain in her possession, 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.

For the purposes of our Mishnah, and many other Halachos, they are considered hers.

The Gemara will also teach the source for the Halachah that the wife, servants and animals of a Kohen are allowed to eat Terumah.

And, several reasons why עבדי מלוג in a prohibited marriage, are not allowed to eat Terumah

נכסי נכסי מלוג צאן ברזל

The source for the Halachah that the wife, servants and animals of a Kohen are allowed to eat Terumah





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So let's review

Before we begin the Mishnah, let's briefly review the meaning of

נכסי מלוג

And

נכסי צאן ברזל

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

מרכים 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.

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# נכסי צאן ברזל

Properties which are assessed and written into the כתובה. The husband acquires all rights to them during the marriage.

In the event of divorce or the husband's death, these properties must be returned to her at their assessed value at the time of the marriage.

They are considered his

## נכסי מלוג

Properties which are NOT assessed and written into the כתובה.
They remain in her possession, and the husband merely has the rights to its produce or profits.

They are considered hers



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### Zogt Di Mishna

אלמנה לכהן גדול גרושה וחלוצה לכהן הדיוט

A Kohen Gadol who marries a widow, or a Kohen Hedyot who marries a divorcee; and,

הכניסה לו עבדי מלוג ועבדי צאן ברזל

She brought into the marriage servants who were גנסי, and servants who were נכסי, צאן ברזל.

עבדי מלוג לא יאכלו בתרומה

The עבדי מלוג may not eat תרומה, because they are her possessions.

עבדי צאן ברזל יאכלו

The עבדי צאן ברזל may eat תרומה, because they are the husband's possessions.

The Gemara will elaborate on the reasons.

#### The Mishna explains

ואלו הן עבדי מלוג

אם מתו מתו לה

ואם הותירו הותירו לה

עבדי מלוג are those which if they die, it's her loss, and if they increase in value, it's her gain. Therefore, אע"פ שהוא חייב במזונותן

אע פ שהוא דריב במזונודן הרי אלו לא יאכלו בתרומה

Even though the husband is required to provide for their needs, they MAY NOT eat Terumah, because they are not considered his possessions, but hers.

ואלו הן עבדי צאן ברזל אם מתו מתו לו

ואם הותירו הותירו לו

עבדי צאן ברזל are those which if they die, it's his loss, and if they increase in value, it's his gain. Therefore,

הואיל והוא חייב באחריותן

הרי אלו יאכלו בתרומה

Since he is completely liable for them, they MAY eat Terumah, because they are considered his possessions.

3 The Mishnah continues:

בת ישראל שניסת לכהן והכניסה לו עבדים

A Kohen who marries a Bas Yisroel, and she has servants, בין עבדי מלוג בין עבדי צאן ברזל

הרי אלו יאכלו בתרומה

Whether they are עבדי מלוג or עבדי צאן ברזל, they MAY eat Terumah.

ובת כהן שניסת לישראל והכניסו לו עבדים

A Yisroel who marries a Bas Kohen and she has servants, בין עבדי מלוג ובין עבדי צאן ברזל

הרי אלו לא יאכלו בתרומה

Whether they are עבדי מלוג or עבדי צאן ברזל, they may NOT eat Terumah.

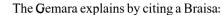












דתניא מנין לכהן שנשא אשה וקנה עבדים

שיאכלו בתרומה

What is the source that the wife and servants of the Kohen are allowed to eat Terumah? After all, they are not Kohanim!

שנאמר וכהן כי יקנה נפש קנין כספו

הוא יאכל בו

The Pasuk states that when a Kohen acquires a living soul, they are allowed to eat Trumah.

The Braisa continues;

ומנין לאשה שקנתה עבדים

ועבדיו שקנו עבדים

שיאכלו בתרומה

And what is the source that when his wife or his servants acquire their own servants, that they too are allowed to eat Terumah?

שנאמר וכהן כי יקנה נפש קנין כספו הוא יאכל בו

The additional words קנין כספו teach us

קנינו שקנה קנין

אוכל

That when his possessions acquire possessions, they too are allowed to eat Terumah

If so, why are the עבדי מלוג of an אלמנה לכהן גדול not allowed to eat Terumah?









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# The Gemara offers three explanations: One -

אמר רבינא קנין אוכל

אמר רבינא קנין אוכל מאכיל

כווזכיל קנין שאינו אוכל

אינו מאכיל

When the Kohen's possessions MAY eat, their possessions MAY eat as well. But, when the Kohen's Possessions may NOT eat, their possessions may not eat either. Therefore, since this is a prohibited marriage, she becomes a חללה, and disqualified from Kehunah, and from eating Terumah. Since she may not eat, her servants may not eat either.

### The 2nd explanation;

רבא אמר מדאורייתא מיכל אכלי

ורבנן הוא דגזרי בהו

מדאורייתא her servants are indeed allowed to eat, as taught in the Braisa. However the רבנן enacted a הזירה,

כדי שתאמר אני איני אוכלת

עבדי אינן אוכלין

זונה אצלו

הלכך אתי לאפוקה

To help her realize, that being that she and her servants are not allowed to eat, this means that she is not really married to him, and she will eventually end her marriage.

#### The 3rd explanation;

רב אשי אמר באלמנה כהנת דאתיא לאוריי

מדאורייתא her servants are allowed to eat, however the רבנן enacted a גזירה in the case of a widow, a Bas Kohen, who married a Kohen Gadol who then died. Because she will rationalize as follows:

מעיקרא

אכלי בתרומה דבי נשא

Originally, my servants were eligible to eat Trumah because of my father, a Kohen.

אינסיב להאי

אכלי בתרומה דגבראי

I married the Kohen Gadol, and they ate Trumah because of my husband.

והשתא הדרי לי למילתיה קמייתא

Now that my husband died, they may continue to eat Trumah as before.

ולא ידעה

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דמעיקרא לא שויתה לנפשה חללה

השתא שויתה לנפשה חללה

And she will not realize that initially she was qualified - and therefore causing them to be qualified - to eat Trumah.

However, now that she became disqualified as a חללה, she can no longer cause them to be qualified to eat Trumah.









Therefore, the Chachomim enacted a גזירה that as soon as she enters a prohibited marriage, her עבדי מלוג are not allowed to eat Terumah.

However, there was no need to enact a עבדי צאן for עבדי צאן, because it's clearly understood that the husband was the one qualifying them to eat, as his possessions, and since he died they no longer have a reason to eat.

The Gemara adds - Although אלמנה בת ישראל מאי איכא למימר

This גזירה does not apply to a widow, a Bas Yisroel who was married to a Kohen Gadol, since her servants could not eat before she was married?

Nevertheless,

באלמנותה לא פליגי רבנו

The Chachomim included all widows in the גזירה.

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Therefore, the Chachomim enacted a בזירה that as soon as she enters a prohibited marriage, her עבדי מלוג are not allowed to eat Terumah

But, there is no עבדי צאן ברזל for גזירה, because it's understood that the husband was the one qualifying them to eat as his possession

אלמנה בת ישראל מאי איכא למימר

The Gemara continues:

המכנסת שום לבעלה

She brought into the marriage גכסי צאן ברזל, which were assessed and written into the Kesubah:

Now, at the time of divorce.

היא אומרת כלי אני נוטלת

והוא אומר דמים אני נותן

She says she wants the actual belongings, and he says that he will give her the value of the belongings.

?הדין עם מי

Who gets to keep the original belongings?

This is a Machlokes:

רב יהודה אמר הדין עמה

משום שבח בית אביה דידה הוי

She has the right to get the belongings, so that they remain in her family









ר' אמי אמר הדין עמו דאמר מר אם מתו מתו לו ואם הותירו הותירו לו והואיל וחייב באחריותן יאכלו

He gets to keep the belongings. Because, the Mishna says that since he takes full responsibility for the נכסי צאן ברזל, the servants may eat Terumah - Therefore, he retains ownership of these possessions, and pays her their value.

The Gemara cites two Braisos - one in support of Rav Yehudah, and one in support of Rav Ami.

אמר רבא אמר רב נחמן הלכה כרב יהודה

The final ruling is like Rav Yehuda that she gets the actual belongings, because,

מסתברא טעמיה משום שבח בית אביה

His reasoning of שבח בית אביה is more compelling.



9 The Gemara continues

א"ר יהודה הכניסה לו שני כלים באלף זוז ושבחו ועמדו על שני אלפים

She brought into the marriage, as נכסי צאן ברזל, two utensils, which at the time of the marriage were worth one-thousand Zuz. By the time of the divorce their value increased to two-thousand Zuz – and the gain is his. Therefore.

אחד נוטלתו בכתובה

She takes only one utensil for the one-thousand Zuz guaranteed in the Kesubah. However,

ואחד נותנת דמים ונוטלתו

מפני שבח בית אביה דידה הוי

She can compel him to sell her the second utensil for its current value of one thousand Zuz, because of שבח בית even though it belongs to him.





