



## כתובות דף ק"ט

### POINTS TO PONDER QUESTIONS & ANSWERS

1. The משנה says הפוסק מעות לחתנו" does the משנה mean that this promise was made AFTER he was already his son-in-law? (חתנו).
2. The משנה says "ופשט לו את הרגל" why does the משנה use this expression? What does it mean?  
**Answer** Some ראשונים say that it means that he died, (ר"י מלוניל), others learn that he left the country and went overseas, this is a reference to a "travel" which used to be by foot.
3. When the משנה says תישב עד שתלבין ראשה it means that she doesn't have a way out. Why don't we say that the promise of money was like a conditional קידושין and since the condition was not met the קידושין is void?  
**Answer:** in order for a תנאי to be effective it must be made at the same time as the transaction. In this case it would be the אירוסין. The ראשונים say that in the case of the משנה it was done separately.
4. What are we looking to accomplish by having her wait? If this is meant to pressure the father, what would be the דין if the father died?  
**Answer:** she can either pressure her father to honor his commitment or if he died, pressure the יורשים to honor their father's commitment.
5. רבן גמליאל said "רואה אני את דברי אדמון" why did he use such an expression? Usually we would expect it to say כמותו or הלכה כדבריו.  
**Answer:** Since these משניות deal with questions that are resolved based on the דעת and not based on a clear cut מצוה or קבלה, it is more appropriate to say, אני רואה meaning I SEE his "opinion". (My own suggestion).
6. רבן גמליאל need to agree with אדמון about everything? writes רש"י ד"ה אין הלכה כיוצא בו.  
**Answer:** based on the last answer it makes sense that these rulings were all based on a particular approach. If you agree with that approach, you should agree with it completely.



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7. Abbi said that everyone should try and get a אפטרופוס like the one who came in front of him and knew what to say. Wouldn't Abbi have to do the same for the יתומים even if this guy didn't know what to claim? The rule is ליתומים טענין.

**Answer:** the ראשונים give two answers, one is that Abbi was curious to see what he will say, and the second approach is that we don't always claim for יתומים and it depends on what they themselves say. Therefore Abbi had to first hear his טענות.

8. The גמרא says that the case of the person who went away and lost his path through someone else's field is in a case of one person who bought four fields from 4 different people, and he can threaten to (give it) sell it back to them. Can the same be said if one person always owned it, but is now threatening to sell to four different people?

**Answer:** it seems that this can't be used to takeaway someone's existing rights.

9. Further to the above, the משנה in ז טו, פרק טו, says that if a person stole from one of five people and each one claims that he is the victim, רבי טרפון says that he leaves the item with them and they need to work it out between them. However according to רבי עקיבא he must pay each one. Why isn't our case the same? Each of the 4 buyers knows that one of them stole the "דִּרְךְ" from this individual, so according to רבי עקיבא each one needs to give him a "דִּרְךְ".

**Answer:** The נתיבות המשפט סימן קמח' explains that the right to pass through someone else's field is not an asset, but rather it is a זכות. Therefore not granting such a זכות is not גזילה.

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IN MEMORY OF MR. HERBY STAVSKY