

OVERVIEW of the Daf

1) Five inquiries related to a daughter's support (cont.)

R' Elazar's inquiry whether the daughter of a secondary ערוה receives support is left unresolved.

Rava inquires whether the daughter of an ארוסה receives support and the inquiry is left unresolved.

R' Pappa inquires whether the daughter of a woman who was violated is supported by the violator. The inquiry is left unresolved.

2) Providing a home

R' Yosef taught that the orphans do not provide the widow a home if they do not have a home, but they must still financially support the widow.

Mar bar R' Ashi maintains that if the orphans do not supply the widow with a home they do not have to support her either, but the Gemara rules against Mar bar R' Ashi.

3) A widow's right to support

R' Nachman in the name of Shmuel issued a ruling concerning the parameters for a widow to receive support.

R' Anan further clarifies these parameters.

R' Chisda and R' Yosef offer other indications that the widow no longer thinks about her husband and no longer receives support. These two views are contrasted.

The Gemara rules in accordance with R' Yehudah in the name of Shmuel who maintains that a woman does not lose support until she files to collect her kesubah in Beis Din.

Shmuel's ruling is unsuccessfully challenged.

4) Paying off the kesubah without the widow's request

Rav rules like the practice of Yehudah that the heirs can pay off the kesubah to terminate their obligation to support the widow, whereas Shmuel rules like the practice of Galil that the heirs may not pay off the kesubah to terminate their obligation to support the widow.

In Bavel they followed Rav's ruling and in Nehardea they followed Shmuel's ruling.

A related incident is recorded.

5) Deducting from the kesubah

Rav maintains that the widow's clothing are deducted from her kesubah payment whereas Shmuel disagrees.

R' Chiya bar Avin notes that Rav and Shmuel take opposite positions concerning a field-hand.

R' Kahanah maintains that Rav and Shmuel hold consistent positions even concerning the field-hand.

R' Nachman rules that although a Mishnah seems to be consistent with Shmuel's position, the halacha follows Rav's position.

R' Nachman explains to Rava that only superficially does the Mishnah follow Shmuel but upon further examination it follows Rav.

A related incident is recorded.

6) Collecting a dowry from the father's estate

Two incidents related to collecting a dowry from the father's

(Overview...Continued on page 2)

Distinctive INSIGHT

Forfeiting the kesubah for violating "the custom of Jewish women"

נפקא מינה...ולעוברת על הדת

A woman who violates the laws of Moshe and the norms for a Jewish woman can and should be divorced, and she forfeits her kesubah. This forfeiture which includes both the kesubah as well as the תוספת, any extra amounts the husband might have promised, is among the items included in the statement of Rebbe Aivu in the name of Rabbi Yanai who said "the conditions of the kesubah have the same law as he kesubah itself."

The case of being in violation of "the laws of Moshe and the norms of Jewish women" in a reference to the Mishnah later (72b) which states that such a woman loses her kesubah. Rashi explains "דת משה—the laws of Moshe" is where the wife feeds her husband food that is not properly tithed, and "דת יהודית—the customs of Jewish women" refers to laws which are not written explicitly, such as if the woman goes out in public without her hair covered properly.

This woman who "violates either the laws of Moshe or the customs of Jewish women" forfeits her kesubah and the associated additional sums only if witnesses saw her commit these sins, and only if she was properly warned ahead of time. If such a woman does teshuva and begins to act as a Jewish woman should, the husband must write another kesubah for her. Tiferes Yisroel points out that this second kesubah would be for only one hundred zuz, as the first kesubah is null and void. ■

REVIEW and Remember

1. When are children exempt from providing housing for their father's widow?
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2. What expenses are deducted from a woman's kesubah?
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3. What did R' Yochanan suggest to his relatives to protect their potential inheritance?
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4. How does a couple arrange for a kesubah less than the standard minimum?
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Dr. and Mrs. Samuel Saltzberg
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Dr. Ted Saltzberg o.b.m. ר' טובי בר' נחום

HALACHAH Highlight

Honoring a pledge to donate an item whose cost increased

הוא דאמר להו נדוניה לברת זל נדוניה אמר ר' אידי בר אבין פורנא ליתמי

A man said to others, "[Give money for] my daughter's dowry," and the cost of the dowry items decreased. R' Idi bar Avin ruled that the profit is to the benefit of the orphans

Someone once pledged to provide his Beis Midrash with a certain quantity of oil and a short time later, before he fulfilled his pledge the cost of oil skyrocketed. He wanted to know whether he was obligated to fulfill his pledge. Is it assumed that the pledge was made with the understanding that oil was a certain price and now that it has increased he would be exempt from fulfilling his pledge, or perhaps his intent was to donate a certain quantity of oil and that pledge must be honored regardless of the fact that the price has increased?

Teshuvos Or Sameach¹ writes that this question could be resolved from our Gemara. Rashi² explains that a dowry was made up of standard pieces of clothing and jewelry; therefore if the father designated an amount of money to cover the cost of the dowry items and the price went down the extra funds belong to the orphans. Rosh³ rules that if the cost of the dowry items were to increase the orphans would suffer the loss and have to pay the additional amount out of pocket. This clearly indicates that when the father instructed that money should be set aside for his daughter's dowry his intention was that she should receive the designated items, even if their value changes. Similarly, when a person pledges, oil for example, to the Beis Midrash the assumption is that he intended to provide oil, thus, even if the price of

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estate are presented.

Another incident is recorded that relates to money designated for the widow.

הדרן עלך נערה

7) **MISHNAH:** The Mishnah presents a dispute whether a woman collects the supplemental amounts of her kesubah if she was only an ארוסה. The Mishnah concludes with a discussion related to receiving less than the minimum value of the kesubah.

8) Clarifying the Mishnah

The novelty of the Mishnah ruling that the husband may add to the value of the kesubah is explained.

The Gemara notes the significance of the word להוסיף rather than לכתוב and begins to enumerate fourteen ramifications of this point. ■

oil increases he still bears the responsibility to fulfill his pledge.

Pischei Teshuvah⁴ addresses a similar case. Reuven rented his house to Shimon for a year and included in the rental agreement was that Reuven would supply Shimon with wood for the year. Sometime during the year the cost of wood increased and Reuven wanted to either stop supplying the wood or increase Shimon's rent. The question hinges upon many different factors and halachic principles, but his conclusion is that if Reuven refuses to continue to supply wood, Shimon may break the lease or they could calculate the cost of renting the house without Reuven supplying wood. ■

1. שו"ת אור שמח ח"ב סי' ס"ג.
2. רש"י בסוגיין ד"ה נדומיה לברת.
3. רא"ש פ"ד סי' ל"ג.
4. פת"ש חו"מ סי' ש"ב סק"ז. ■

STORIES Off the Daf

Additions to the Kesubah

"אלא רצה להוסיף..."

As we see from many Gemaras in our maseches, men often added extra to the kesubah to demonstrate how beloved their bride was in their eyes. Once, a chosson wrote the correct amount on the actual kesubah, but on the back added a sentence, "I am adding on an additional 500 gold pieces beyond that which is written on the front of this paper. The entire sum of comes to 1000 gold pieces."

The document was signed in full by the chosson.

After the wedding, someone asked the

Chacham Tzvi, ז"ל, "In the event of need, would this man be really obligated to pay the full 1000 or not?"

The Chacham Tzvi responded, "Even though the husband didn't use the legal language of obligation, the wife still acquired the rights to the money on the night of the wedding. The reason is that he used the term "הוספה," adding, which means that the other debt should be compounded to the first. This shows that he wished his voluntary addition to be on the same level of obligation as the basic duty upon which he had added. The additional stipulation can serve as a lien on all of the husband's property just like the kesubah."

The Chacham Tzvi concluded, "I can prove this from Kesuvos 54b. There we find that the Gemara is careful to point

out that the Mishnah didn't say 'whoever wishes to write more on the kesubah writes it,' but rather 'whoever wishes to be מוסיף, may add'. The Gemara uses this as proof that תוספת, an additional stipulation of the kesubah, is as legally binding as the kesubah itself. Similarly, we read the words, 'ואלה המשפטים' and learn that these מוסיף, are in addition to, the earlier laws in Parshas Yisro. We see again that a language of מוסיף or הוספה comes to teach us that the latter commandments are on the same level as the former, heard by all at Sinai. So too, in the event of this man needing to pay the kesubah, he will indeed owe his wife an additional 500 gold pieces!" ■

