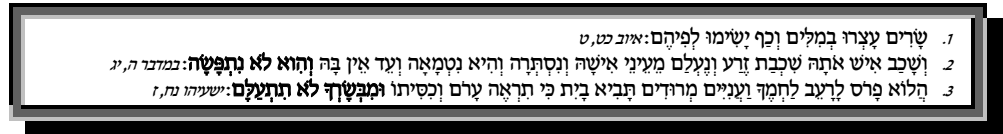


14.4.10

51a (משנה ז') → 52b (שאני)



- I ט-מ: components of כתובה which are automatically obligatory (even if not written in)
- a עיקר כתובה: משנה ז' (100/200)
- i Even if he wrote over a field worth 100 and didn't write "all my property is collateral for the debt" – חייב
- 1 Challenge: seems to be a mix of
 - (a) ר' מאיר (who doesn't allow for a "forgiven" כתובה)
 - (i) note: ר"מ doesn't make an exception for כתובה – lack of אחריות is also accepted as intended
 - (b) ר' יהודה (who maintains that a lack of אחריות in a שטר is an error and must be assumed – ב"מ א:ו)
 - 2 answer: could be either:
 - (a) ד"י: in this case, she never forgave the כתובה
 - (b) ד"מ: perhaps in our case, his obligation is to pay her from land that is "free and clear" (מחורין)
- b ח-מ: ransom (ישראל – to redeem her and bring her back to be his wife; כהן – to restore her to her father's house)
- i שמואל's father: if אשת ישראל is raped, she is nonetheless forbidden to her husband
- 1 reason: we are concerned that she eventually consented
 - 2 challenge (רב): wording of כתובה (as above)
 - (a) no response: (apply v. 1 – he should have answered that there is a leniency for a שבויה)
 - (b) question: in what circumstance does שמואל's father permit an אנוסה to her husband?
 - (c) Answer: if witnesses testify that she was protesting from beginning to end
 - 3 Dissent: רבא states that any אנוסה, even if she eventually consents (and declares that she would have hired him herself!) is permitted, since it began as coercion, we assume her יצה"ר "took over"
 - (a) Supportive ברייתא v. 2:
 - (i) Included: if she was not grabbed – אסורה
 - (ii) Implication: if she was grabbed – מותרת
 - (iii) Exclusion (from היא): there is one who, even though not grabbed, is מותרת – like רבא
 - (iv) Additional exclusion: there is another, even though grabbed, is אסורה – אשת כהן
 - (v) Additional exclusion: there is another, though not grabbed, is מותרת – if her קידושין were in error
 1. meaning: walks away from the marriage; any relationship in the meantime has no impact
 - ii tangential ruling: (רב יהודה) women grabbed by thieves are מותר to their husbands (i.e. relations are coerced)
 - 1 challenge: we see that they bring them food, hold their weapons
 - 2 answer: all due to fear
 - 3 caveat: if they are left alone and follow them of their own accord – certainly forbidden (רצון)
 - iii related ברייתא: captives of the king::captives (מותר); captives of gangs :-:captives (אסור)
 - 1 Challenge: we learned the opposite ruling
 - 2 Answer: kings like אחשוורוש (who would never marry a captive; hence the ביאה is always coerced) vs. chieftain like בן נצר; gangs like בן נצר vs. regular gang leader (to whom she'll never want to be married)

- iv Redeeming a woman who is otherwise אסורה
- 1 אלמנה לכ"ג: אביי - he redeems her, as per the wording of the כתובה (return you to your father's house)
 - 2 רבא: doesn't redeem her; only if the איסור is generated by the captivity does he redeem her (ישראל:)
 - 3 *suggestion*: dispute parallels dispute יהושע ר"א/ר' יהושע about redeeming a woman who has a נדר against him
 - (a) ר"א: redeem and pay כתובה
 - (b) ר"י: redeem but don't pay
 - (c) *addendum*: ר"י only applies this if the נדר predated the captivity
 - (d) *suggestion*: dispute re: אשת כהן (who he could return to her father's house)
 - (i) רבא: ר' יהושע/אביי: ר"א
 - (e) *rejection*: case where she took the נדר and he confirmed it:
 - (i) *dispute*: ר"א claims his fulfillment seals it; ר"י places accountability on her
 - (ii) *Challenge*: why does it matter which came first (c) above; also, why would ר"י mention the כתובה
 - (f) *Rather*: case where he was מדיר her:
 - (i) ר"א holds his position, will explain it as אשת ישראל only
 1. ר"א looks at the status at time of כתובה; ר"י looks at present
 2. *explanation*: as of the time of writing the כתובה, he could have restored her as his wife if she were captured; now, however, there is a נדר which prevents that
 - (ii) רבא holds his position – even אלמנה לכ"ג isn't redeemed; but he explains it as referring to both אשת אביי:
 1. ר"א looks at the status at time of כתובה; ר"י looks at present
- c משינה ט'
- i ransom – he must ransom her and may not abdicate, giving a גט & citing her כתובה-value which she can use
 - 1 ברייתא: if she was captured while husband was alive and he died:
 - (a) if he knew about it, the orphans are obligated to redeem her
 - (b) if he never knew about it, the orphans are not obligated to redeem her
 - (c) *rejection* (רב): rather as per other ברייתא: orphans never need redeem her, even if she was captured while husband was alive, since the condition (ואיתביק) cannot be fulfilled
 - 2 ברייתא: if she was captured and the ransom was 10X her value –
 - (a) 1st time – redeem her; afterwards – no obligation
 - (b) רשב"ג – never redeem captives for more than their value מפני תיקון העולם
 - (i) *implication*: but for their value, may be redeemed
 - (ii) *challenge*: רשב"ג ruled that we don't pay more than her כתובה-value (even once)
 - (iii) *answer*: he has both leniencies:
 1. never pay more than their worth
 2. never pay more than the value of their כתובה
 3. *reason*: to prevent Romans (e.g.) from kidnapping more women
 - ii medical – he must treat her, but may give her a גט and let her use the כתובה to cover medical costs
 - 1 אלמנה's medical expenses come from כתובה, unless they are constant – in which case they are like מזונות
 - (a) ruling: דם הקזת is considered (in א"י) like an open-ended treatment
 - (b) story: ר' יוחנן had a relative who was taking care of father's widow with a chronic disease; he ruled that they should hire a doctor for a fixed rate and take it from the כתובה
 - (c) Regret: he felt that, even though v. 3 obligates him to help family, it's inappropriate for an אדם חשוב to favor one litigant (the יתומים) over another (the widow)