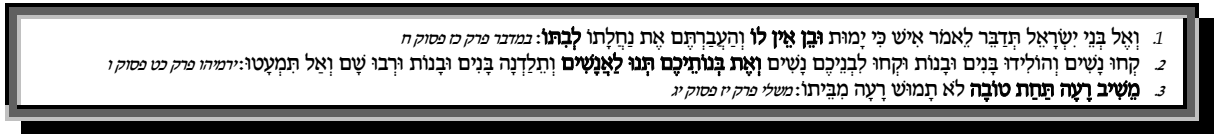


14.4.11

52b (משנה י') → 53b (בבב)



- I 'משנה י' (automatic; even if not written in, it is active)⁵
- a "male sons that I have with you will inherit your **כתובה** above and beyond their division with their brothers"
 - b *reason*: father will give a generous dowry (knowing it'll stay in the family)
 - c *challenge*: (to entire notion of dowry) – תורה provides for sons-only inheritance (as per inference from v.1) and **חכמים** allow for dowry (taking money from estate, rightfully slated for sons, given to daughters)
 - i *answer*: dowry is also "דאורייתא" as per v. 2:
 - 1 *understood*: taking wives for your sons
 - 2 *unclear*: taking husbands for your daughters (out of father's control)
 - 3 *answer*: provide dowry so that they will "fetch" men
 - 4 *limit*: until 1/10 of father's possessions
 - ii *challenge*: only allow **כתובה ב"ד** to apply to dowry, not תוספת & 100/200
 - 1 *answer*: in such a case, father will also refuse to write a significant dowry over
 - iii *challenge*: let **כתובה ב"ד** only apply where father has written a dowry
 - 1 *answer*: לא פלוג (standardization of law)
 - iv *Challenge*: if she has daughter(s), **כתובה ב"ד** should be applied (and his sons should be cut out of this portion)
 - 1 *Application*: her daughter(s) should be sole heirs of her **כתובה**
 - 2 *Answer*: **חכמים** made **כתובה ב"ד** like a regular נחלה
 - v *Challenge*: if they have only daughters, **כתובה ב"ד** should be applied (answer as above)
 - vi *Challenge*: let **כתובה ב"ד** be collected from מטלטלין?
 - 1 *Answer*: **חכמים** equated it to **כתובה** (only collected from קרקע)
 - vii *Challenge*: let her collect from משועבדים (as is done with **כתובה**)
 - 1 *Answer*: wording of (כתובה) **משנה** is ירתון (inheritance – not **כתובה**)
 - viii *Challenge*: should even apply if there isn't a surplus דינר beyond the value of the **כתובות**
 - 1 *Answer*: wherever נחלה דאורייתא would be uprooted, רבנן didn't apply their נחלה
 - d (story: ר' פפא and the huge dowry given to his son by his father-in-law and מרימר יהודה בר מרימר's disapproval)
 - e *Question*: if she sells the **כתובה** (on spec) and predeceases the husband, is there still **כתובה ב"ד**?
 - i *Challenge*: why not ask about מוחלת
 - ii *Answer*: **מוחלת** would be more obvious if she loses it
 - iii *Rulings*:
 - 1 if she forgives it to her husband, they lose **כתובה ב"ד**
 - 2 if she sells it to others (on spec), they don't lose – she was forced by financial need
 - 3 *question*: what if she sells to her husband – comparable to forgiving to husband or selling to others?
 - 4 *Answer*; comparable to selling to others; **כתובה ב"ד** is retained
 - 5 *Challenge*: (from יבמות יא:) – if she married a 2nd husband, relying on report that husband was dead and he showed up, neither set of יורשין get her **כתובה**
 - (a) *Fix*: means **כתובה ב"ד**
 - (b) *Explanation*: we see that in case of אונס (her יצה"ר got the best of her), we disallow **כתובה ב"ד**
 - (c) *Answer*: this is a קנס for her "jumping the gun" and marrying without proper investigation
 - f *Ruling*: if a woman is מוחל her **כתובה** to her husband, she has no claim on מזונות (in spite of v. 3)
 - g *Case*: an ארוס whose fiancée died was almost forced to either bury her or pay the 100/200
 - i *Dissent*: an ארוס doesn't inherit his ארוסה (or מטמא לה); nor does she need מטמא for him, but she does collect the **כתובה** if he dies
 - 1 *Implication*: if she dies, there is no **כתובה** (→no obligation of burial), since the consequence of "when you marry another you will collect your **כתובה**" (widow)

⁵ גמרא will be explained on the next page, as they aren't analyzed in this piece of