

14.4.12

53b (בגן נוקבן) → 54b (סוף הפרק)

- I **א** **משנה**: guarantee for the woman's daughters, that they'll be taken care of until...
- a **ר**: they are married (as is our reading of the **משנה**)
- i **challenge**: even if she is a **בוגרת**, if she's unmarried, why should she still get fed?
- b **לוי**: they become of age (**בוגרת**)
- i **challenge**: even if she is married, if she's not yet a **בוגרת**, why should she still get fed?
- ii **Answer**: all agree that if she reaches age **or** gets married, she gets no more **מזונות** (from the estate)
- iii **Dispute**: limited to a case of **נערה** (or **קטנה**) who is an **ארוסה**
- iv **Support**: **לוי** reads "until they become **בוגרות** or their time to marry comes"
- v **Further support**: dispute among **תנאים** if she gets **מזונות** until she becomes betrothed or a **בוגרת**
- c **יוסף** 'ר's version – "until they 'become' (attached to men)"
- i **clarification**: betrothal or marriage? (unclear)
- ii **query of יוסף** 'ד: did you hear from יהודה 'ר if an **ארוסה** still gets fed from the heirs?
- iii **Answer1**: didn't hear, but it is reasonable that she doesn't – the fiancé doesn't want her to be degraded
- 1 **Response**: argue the opposite – it is reasonable that she does; since it's not yet a "sure thing"
- iv **Answer2**: (inversion of answer #1 and the response)
- d Question asked of **ר**: does a **מאנת** (who returns to the estate) get **מזונות**
- i **Answer**: apparently a dispute between **יהודה/חכמים** 'ר (based on the slight variation of their wording re the rule of an **אלמנה** etc. getting fed when in her father's home)
- ii **Unresolved questions about מזונות**:
- 1 **בת יבמה** – since **כתובה** comes from 1st husband, **no** OR since, if there isn't enough, comes from 2nd - **yes**
- 2 **בת שנייה** – since a **שנייה** has no **כתובה**, **no** OR since she didn't violate the law, **no קנס** and **yes**
- 3 **בת ארוסה** – she has a **כתובה**, **yes** OR since we don't write it until **נישואין**, **no**
- 4 **בת אנוסה** – since the **קנס** is in lieu of **כתובה**, **no** OR since **כתובה** is generally not needed here (he cannot divorce her in any case), we ignore the lack of **כתובה** and **yes**
- (a) according to **ריב"י**, who gives an **אנוסה** a 100 **כתובה**, certainly there are **מזונות**
- II **ב** **משנה** (a): guarantee that the wife, if widowed, will be able to remain in his house as long as she is an **אלמנה**
- a **יוסף** 'ר: only if he has a house for her - not a small shed or worse (in which case, the heirs can send her away)
- i in such a case, she still retains **מזונות** (**אשי**) (**מר בר רב אשי** dissents, but **הלכה** follows **ר**)
- b if she is courted to be married and she accepts – she loses **מזונות**
- i if she turns it down due to honor for her dead husband – keeps **מזונות**
- ii if she turns it down due to the unsuitability of the suitor – loses **מזונות**
- c **יוסף** 'ר: if she began putting on makeup - loses **מזונות**
- d **חסדא** 'ר: if she had relations with another man – loses **מזונות**
- i **זנות** is less obvious than makeup- in case of **זנות**, her **יצר** overcame her
- e ruling: we reject all of this, in deference to **שמואל**'s ruling that only when she claims her **כתובה**, she loses **מזונות**
- i **challenge**: only if she sells her **כתובה** or uses it as collateral or designates it for collection does she lose **מזונות**
- ii **answer**: these cancel **מזונות** even if done outside of **ב"ד**; claiming the **כתובה** only cancels **מזונות** if done in **ב"ד**

- III משנה יב (b): guarantees for wife
- a custom of (ויירושלים) אנשי גליל to guarantee the woman room and board until she marries (as above)
 - b custom of יהודה – אנשי יהודה – to guarantee the woman room and board until the heirs pay her כתובה
 - i רב: follows אנשי יהודה (followed in and around Babylon)
 - ii שמואל: follows אנשי גליל (followed in and around Nehardea [as far as the Nehardean weights are used])
 - iii case with נחמן ר': husband's locale determines custom
 - c assessing אלמנה's clothes in ב"ד (and reckoning them against payment) when claiming כתובה
 - i רב: count them
 - ii שמואל: don't count them
 - 1 ר' חייא בר אבין – positions reversed in re: paying hired hand who was provided clothing by owner
 - 2 רב כהנא – positions are consistent in re: paying hired hand (רב had a mnemonic for this)
 - iii ruling: even though משנה in ערכין seems to support שמואל כרב, הלכה כרב
 - 1 case where heirs "tricked" widow into dressing nicely to come to ב"ד and, following רב, it was counted
 - 2 case where father set aside moneys for נדוניא but the price was reduced; savings went to heirs
 - 3 case where father directed 400 זוז of wine given to his daughter – price went up and she lost out
 - 4 case where a widow who ate a lot was being supported by יוחנן ר' family; he directed them to assign some land for that purpose but it backfired (ר"ל) providing more of a resource for her
- (a) note: had they said במזונות, that would have been a "pay off", by saying למזונות, they hurt their cause