

14.5.1

54b (משנה א') → 56a (תיקו)

I תוספת and כתובה: משנה א'

- a 100/200 is a base minimum and he may **add** as much as he likes –
- i *note*: rabbis did not put a cap on the כתובה to prevent shaming the poor
 - ii *note*: use of word להוסיף indicates that the תוספת כתובה falls under the rubric of כתובה
 - 1 *application*: (all of these apply to תוספת כתובה as to כתובה)
 - (a) if she sells or forgives the כתובה,
 - (b) if she “rebels” against her husband,
 - (c) if she collects part or claims the כתובה
 - (d) if she violates proper norms of behavior (forfeiting כתובה)
 - (e) doesn't have rights to profit in מלוג נכסי after death of husband
 - (f) requirement of taking an oath to collect
 - (g) שמיטה does not cancel it
 - (h) if the man writes any land over to his wife, she forfeits כתובה
 - (i) she collects from the worst grade of land (זיבורית)
 - (j) if the widow moves back to her father's house, she has a limited time to claim כתובה
 - (k) כתובה בנין דכרין applies to entire amount
 - (i) *Tangential disputes between judges in Pumbedita and Mata Mahsia*:
 1. collection of כתובת ב"ד from משועבדים
 - a. **Pumbedita: don't collect** – wording of משנה is ירתון (inheritance)
 - b. *Mata Mahsia*: collect – wording of משנה is יסבון (take/collect, as a בע"ח)
 2. collecting from מטלטלין that were designated for כתובה but were lost
 - a. **Pumbedita: no oath required**
 - b. *Mata Mahsia*: oath required
 3. collecting from land which is clearly marked on 1 border (if all 4, certainly no שבועה)
 - a. **Pumbedita: no oath required**
 - b. *Mata Mahsia*: oath required
 4. if someone directed witnesses to write a gift of land, but they didn't make a קנין from him
 - a. *Pumbedita*: no need to confirm the gift afterwards
 - b. **Mata Mahsia: must confirm the gift afterwards**
- b if he dies or divorces her, she collects all
- i ראב"ע: only collects all if marriage was consummated; if only betrothed, only collects 100/200
 - ii *ruling*:
 - 1 dispute between רב ור' נתן if הלכה follows ראב"ע
 - 2 *suggestion*: depends on whether we utilize אומדנא (estimation) to figure out his intent
 - (a) *evidently*: ר' נתן, who ruled like שזורי that we accept our estimation of a man's intent when directing a קנין while he is dying, must be the one who rules like ראב"ע
 - (b) *rejection*: רב also accepts אומדנא – he gives “double-advantage” to a מרע in which the sick man directed the order to include קנין:
 - (i) *advantage 1*: מתנת בריא – cannot be retracted if he recovers
 - (ii) *advantage 2*: מתנת שכיב מרע – if he directed a loan to be forgiven, it works
 - (iii) *שמואל*: neither advantage; may have intended to work as שטר, which is invalid posthumously
 - (c) *rather*: both רב ור' נתן utilize אומדנא:
 - (i) *position A*: following ראב"ע, the תוספת was written in anticipation of נישואין
 - (ii) *position B*: following חכמים, the תוספת was written due to the family connection, which was made
 - 3 *final ruling*: long-running disputes in א"י and בבל - final ruling follows ראב"ע
 - 4 *spinoff*: what if she entered the חופה but he died/divorced her before ביאה?
 - (a) *Lemma 1*: the ביאה is the realization of his desire as far as the תוספת is concerned (**no**) OR
 - (b) *Lemma 2*: the חופה is the realization of his desire as far as the תוספת is concerned (**yes**)
 - (c) *Suggested solution*: from יוסף ר' יוסף's wording – לילה ראשון – שלא כתב לה אלא על חובת לילה ראשון – שטר, which is invalid posthumously
 - (d) *Rejection*: language is equivocal
 - 5 *Spinoff 2*: what if she became נדה after entering the חופה (and then he died)
 - (a) *Observation*: even if we accept lemma 2 above, perhaps only a הראויה לביאה will finalize it
- c Dispute between מאיר ר' יהודה/ר' מאיר regarding a “pre-forgiven” כתובה is analyzed on p. 53