

14.6.1

(אסמכתייהו אארעא הוא) → 67a (משנה א') 65b

1. אם לא תדעי לך היפה בנשים צאי לך בעקבי הצאן ורעי את גולתה על משכנות הרעים: שיר השירים פרק א פסוק ח

- I רבנן/ריב"ב disposition of wife's wages, property and benefits (משנה only needed for dispute א')
- a מציאה, מע"י, מציאה go to husband
- i נדרים יא:ד: ר"ע goes to her, similar to surplus wages which ר"ע grants to her (as per יא:ד:)
- Note: surplus wages granted to her – only if she had to expend extra effort (:: מציאה)
 - Question: what if she works at several jobs simultaneously (e.g. watches field, spins wool) - תיקו
- b פירות (that falls to her) – buy land and he eats ירושה
- c בושת ופגם (payments of battery)
- i חכמים: all belong to her
- ii ר' יהודה בן בתירה: if the wound is unexposed, she gets 2/3, he gets 1/3; if exposed, she gets 1/3, he gets 2/3
- Disposition: his portion is given immediately; hers is invested in real estate and husband gets פירות
 - Challenge: why does the husband get any of her בושת?
 - Answer: they are like 1 body (אשתו כגופו) and there is real indignity caused him if his wife is shamed
- II נדוניא: משנה ב' – if חתן dies before wedding, father-in-law can diminish נדוניא to יבם
- a He may state that he was willing to give such moneys to the brother –
- b even if: the deceased brother was an ע"ה and the live brother is a ת"ח
- III מכסי צאן ברזל: משנה ג'
- a moneys – add 50% since he can invest them
- b goods – diminish 20% - as she uses them (clothes etc.) and are depreciated
- i specifics: if he agreed to write $1x \leftrightarrow 1x$, she brings $1x$; but if he wrote $1x$ w/o agreement, she has to bring $1.25x$
- c examples – both large and small (ratio consistent) and both sides (his/hers)
- IV משנה ד': continuation from ג'
- a moneys – 1 דינר (=4 סלע) becomes 6 סלע (ratio even exists with small moneys, where there is little profit)
- i note: needed to teach same with large amounts, where expenses and risk is greater
- b groom accepts responsibility to give her 10 זוז for each מנה (10%) for perfumes etc.
- i note: this custom only exists in ירושלים – unclear how often he must give this percentage and if it's based on the money he received or the value ($X+50%$)
- ii story: daughter of גוריון בן גוריון who had a fabulous כתובה and was reduced to penury
- putative reason: ג"ג didn't give צדקה (properly)
 - addition: ראב"צ saw her picking morsels from between animal's feet, applied v. 1 (גוייתך → גדויתך)
- c הלכות אישות כג:יא-יב – all of this (משנה ג-ד) follows local, common custom (see רשב"ג)
- d question: status of gold within context of our משנה (assessed at value or at +50%?)
- i ר' יוחנן – at equal value
- ii challenge: ברייתא – זהב is like all כלים (depreciate) –
- rejection: means like זהב כלים which don't depreciate (equal)
 - block: should say ככלי (i.e. vessels of gold are like gold); and
 - block: ברייתא distinguishes between gold and gold coins
 - Addendum: רשב"ג states that in a place where they don't use gold as coins, they are equal
 - Question: to what is his addendum attached?
 - Answer1: refers to סיפא – case where gold coins are barely used, רשב"ג considers this coins (+50%)
 - Answer2: whole ברייתא is רשב"ג – 1st part is in re place where they use as coins; else, equal value
 - Challenge: should say ככלי
- iii Other possibility: ברייתא is referring to small bits of gold which are like כסף כלי and depreciate
- e List of goods which the woman can collect 150% since they are used as money (but see ר"ת who interprets all of them as usable for collection of כתובה as קרקע – following meaning of פורנא in last case, below)⁶
- i רבא first considered allowing money pouches in מחוזה for collection of כתובה (as קרקע) since he saw that they relied on them for payment;

⁶ See the רשב"ג's innovative suggestion that מטלטלין might be considered collectible דגמרא based on this