

14.9.4

88b (משנה ט') → 90a (סיום הפרק)

I טו: collection in case of missing שטרות

a גט but no כתובה – she collects all

i implication: we write a שובר

ii argument: if we didn't, she could use the כתובה later and collect again (as a feigned אלמנה)

iii counter: רב – referent is a location where כתובות aren't written (rely on ב"ד תנאי)

iv Alternatively: שמואל – even where they write כתובות –

1 Explanation: if it's a location where they don't write one, the husband must prove that he did; if a location where they do write, she must prove that he didn't

2 Flipback: רב agreed that our משנה could refer to either place – he ruled that if she only brings the גט, she collects עיקר כתובה only – if she brings the כתובה, she collects תוספת only.

3 Challenge: 2nd clause in our משנה – if she brings a כתובה, he must prove that he paid it, otherwise she collects

(a) works for שמואל; referent is a location where they don't write and he claims he wrote a כתובה – he must prove it

(b) for רב, she should at least be able to collect the עיקר כתובה

(c) answer: case where there are no עדי גירושין, he has a מינו (he could have claimed that he never divorced her – therefore believe him that he paid)

(d) challenge: from סיפא, where רשב"ג allows collection (after סכנה) → must be עדי גירושין

(e) rather: entire משנה is רשב"ג (חסורי מחסרה):

(i) if there are עדי גירושין she can collect תוספת with כתובה

(ii) 100/200 only collected w/גט

(iii) גט – after סכנה, she can collect 100/200 without גט

v question: if she can only collect 100/200 with גט, how does a widow collect?

1 Provisionally: testimony of death

2 Challenge: perhaps he divorced her beforehand and she'll double-collect

3 Answer: only if she was living with him at time of death

4 Challenge: what if he divorced her just before death

5 Answer: he hurt his own cause by doing so

vi Related question: how does an אלמנה מן האירוסין collect?

1 Answer: same as above – but she may take עדי מיתה and collect several times

2 Defense: in such a case (and others like it), we write a receipt (שובר)

vii Tangent: attempts to demonstrate that אלמנה מן האירוסין collects כתובה

1 Proofs: from cases where we learn that she collects עיקר or he doesn't inherit כתובה (if ארוסה dies)

2 Block: may be referring to cases where he voluntarily wrote a כתובה at אירוסין

viii Question: according to רב (גט allows her to collect) – aren't we concerned that she may double-collect?

1 Answer: we tear שטר, writing on top of it that it was torn in spite of validity (so she can remarry)

b גט but no כתובה (she claims it was lost, he claims his receipt for כתובה was lost) – no collection

c בע"ח who comes to collect after שמיטה without his פרוזבול – no collection

i רשב"ג – since the times of danger (decrees forbidding מצוות) – we allow payment in these cases

II טז: multiple vehicles for claiming כתובה

a if she produces 2 גיטין and 2 כתובות – she collects both

b if only 1 גט or 1 כתובה or both + testimony of death – only collect once

i reason: if he remarries her, it is premised on the 1st כתובה

ii question: may she use either of the כתובות to collect? ר"נ pointed out that a later שטר cancels the earlier one

iii answer: ר"נ agrees if the 2nd one adds anything that it doesn't cancel. (here also, the 2nd must be more than 1st)

c Note on above: if the גט predates the כתובה, she collects 2 כתובות; if the כתובה predates גט, only one

i Reason: as above, 2nd marriage was based on 1st כתובה

III טז: משנה טז written by someone who is currently invalid (קטן, גר)

a Still valid, since he continued the marriage on that premise

b כר' הונא thought the intention of the משנה was to maintain entire amount, but it's only 100/200 (כר' הונא)