

14.12.2

103a (משנה ג') → 104b (סיום הפרק)

.1 **כָּבַד אֶת אָבִיךָ וְאֶת אִמְךָ** לְמַעַן יֵאָרְכוּ יְמֶיךָ עַל הָאָדָמָה אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לְךָ: שְׁמוֹת פְּרָק כ פסוק יא  
 .2 **וַיִּכְפוּ בְנֵי יִשְׂרָאֵל אֶת מִשְׁהָ בְעֵרְבַת מוֹאָב שְׁלֹשִׁים יוֹם** וַיִּתְּמוּ יְמֵי בְכִי אָבֶל מִשְׁהָ: דְּבָרִים פְּרָק לז פסוק ח  
 .3 וַיִּתֵּן לָהֶם אֲבֵיהֶם מִתְּנֻנּוֹת רַבּוֹת לְכֶסֶף וּלְזָהָב וּלְמַגְדָּנוֹת עִם עָרֵי מִצְרֹת בִּיהוּדָה וְאֶת הַמַּמְלָכָה נָתַן לַיהוֹרָם כִּי הוּא הַבְּכוֹר: דְּה"ב כ"א:ג  
 .4 **וַתִּגְזֹר אוֹמֵר וַיִּקָּם לָךְ** וְעַל דְּרָכֶיךָ נָגַה אוֹר: אִיּוֹב פְּרָק כב פסוק כח  
 .5 נִבְזָה בְּעֵינָיו נִמְאָס וְאֶת יְרֵאֵי ה' **יִכְבֵּד** נִשְׁבַּע לְהִרְעוֹ וְלֹא יִמָּר: תְּהִלִּים פְּרָק טו פסוק ד  
 .6 **צָדֵק צָדֵק תִּרְדֹּף** לְמַעַן תַּחֲיֶיהָ וַיִּרְשַׁת אֶת הָאָרֶץ אֲשֶׁר יָקוּק אֱלֹהֶיךָ נָתַן לְךָ: דְּבָרִים פְּרָק טו פסוק כ  
 .7 **בּוֹא שְׁלוֹם וְנַחֲוּ עַל מַשְׁכַּבְוֹתֵם** הַלֵּךְ נִכְחוּ: יִשְׁעִיהוּ פְּרָק נו פסוק ב  
 .8 אֵין שְׁלוֹם אָמַר ה' לְרַשָּׁעִים: יִשְׁעִיהוּ פְּרָק מו פסוק כב  
 .9 הֵן כְּלַכֶּם קִדְחִי אֵשׁ מֵאֲזָרֵי זִיקוֹת לְכוּ בְּאוֹר אֲשַׁכֶּם וּבְזִיקוֹת בְּעֵרְתֶם מִיָּד הֵיטָה זֹאת לָכֶם לְמַעַצְבָּה תִּשְׁכַּבוּן: יִשְׁעִיהוּ פְּרָק נ פסוק יא

- I 'ג' right of residence: משנה ג'
- a She has right to remain on property – in a suitable residence - and is fed by the heirs
    - i Note: she may continue to use servants, vessels, bedclothes etc. as when her husband was alive
    - ii Caveat: only “in my house” (as per language of ב”ד – תנאי ב”ד) – not in his “shed” i.e. if his house is small, the heirs don’t need to leave to make room for her
    - iii Implication: if the heirs sold her residence, the sale is invalid, dissimilar from heirs who sell when there are limited funds (and the daughters should be fed) which is valid – in that case, there was no earlier שעבוד
    - iv Limitation: if the residence collapses, they aren’t obligated to rebuild it; even if she offers to build it herself, they aren’t obligated to accept her offer
      - 1 Question: what if she improves it? תיקו
  - b If she decides to move out, they have no obligation to feed her
    - i Challenge: why not feed her as she received while at their estate?
      - 1 Answer: the household is blessed with more inhabitants
        - (a) Observation: the תנאים taught us about blessing, wealth and health
          - (i) Blessing: as per this dictum – ברכת הבית ברובה
          - (ii) Wealth: clever person rents the property where sale is taking place to prevent other from changing his mind
          - (iii) Health: ruling about chewing wheat kernels on פסח to put on wound (b/c of חמץ → heals)
        - 2 Challenge: if so, let them feed her minus the deficit caused by her absence
        - 3 Answer: indeed, we do pay her as per that amount
      - ii Caveat: if her reason for moving out was that she is young as are the heirs, they must feed her
- II Story of death of רבי (ראשית דרבי) – vv. 1-9
- III Duration of collection of כתובה: משנה ד'
- a רשב"ג in the name of ר"מ:
    - i in husband’s house: 25 years, since she uses the property up bit by bit over that time
      - 1 question: should we pro-rate? תיקו
    - ii in father’s house: forever
  - b חכמים:
    - i in husband’s house: forever
    - ii in father’s house: 25 years (as a form of מחילה)
      - 1 רב: (testimony in presence of רבי יוסי) – only if she doesn’t have כתובה
      - 2 ר' אלעזר: even if she has כתובה
      - 3 challenge: בעל חוב may collect even if he’s been silent for 25 years
        - (a) assumption: he has the שט"ח
        - (b) implication: only applies to בעל חוב, who is not likely to be מוחל 9(→not אלמנה)
        - (c) answer: he doesn’t have שט"ח – rather, the borrower admits to the debt (::גרופה)
    - iii if she dies; her heirs must make claims during 25 years (else, we assume מחילה)
    - iv if she makes a claim, the 25 year-count begins over
  - c dispute as to whether this limitation applies as well to תוספת
    - i רב ובר קפרא – only to 100/200
    - ii תנאי כתובה (ככתובה דמי) – applies to entire כתובה (ר' יוחנן)