



## Eitzah Tova

The *Mishnah* (8:8) teaches that neither a *yabam* or husband can designate funds from which the *ketubah* will be paid. Instead, the *ketubah* can be collected from all his property.

Recall that if a man passes away without having any children, his surviving brother must perform either *yibum* or *chalitzah*. By performing *yibum* he effectively marries her, the difference however being that the *ketubah* is collected from the late brother's estate. The *yabam* in this *Mishnah* would like to designate some of the estate for the *ketubah* so he can make use of the rest. The *Mishnah* does not allow him to do so. With respect to case of a regular marriage, there is no restriction on what the husband can do with his own property. Why then can the husband not designate some of the funds for the *ketubah*?

The *Gemara* (81b) provides two explanations. The first is that the *Gemara* is providing "good advice". In other words, it appears that one could technically do so, but the possible consequences would be negative.

*Rashi* explains that we are concerned that that which was set aside might get lost. In that case he would be required to write a new *ketubah*.

The *Tosfot* however asks that the urgency to write a new *ketubah* is only according to opinion of *R' Meir* who forbids a husband to be with his wife without a *ketubah*. The "good advice" is only relevant according to the that opinion.

The *Tosfot* cites the *Ri* who explains that if the funds are set aside, then it would be quick and easy for the husband to divorce her. Recall that according to the

opinion that a *ketubah* was rabbinic and instituted so that marriage would not be treated flippantly, setting aside money for a quick exit runs counter to the motivation for a *ketubah*. That said, it would appear to be more than just "good advice" but undermine the institution of the *ketubah*.

The *Tosfot* however also cite the *Rashba* that who maintains that it is beneficial to the husband not to set aside property for the *ketubah*. Normally, there is a lien on all his property for the *ketubah*. This however does not prevent him from using are selling any of his possessions. If he indeed runs out of money, then the *ketubah* would be collected from the land he sold. If, however he set aside property for the *ketubah* then he would not be able to sell it. Consequently, it is beneficial to the husband to not allocate funds for the *ketubah*.

The *Shita Mekubetzet* explains that this is the reason why the *Mishnah* writes, "so too, a man should not say to his wife, your *ketubah* is resting on the table, rather all his property is responsible for the *ketubah*." Considering that the *Mishnah* is normally concise, it should have simply added, "so too a husband." According to *Rashba* the verbosity is because the "good advice" is different for the husband then it is for the *yabam*.

The *Tosfot* however notes that the *Gemara* concluded with a different explanation – *eivah*. In other words, it would create a feeling that the husband was anticipating divorce. It is this reason that is relevant to both cases in the *Mishnah*; the *yabam* and husband.

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## Revision Questions

כתובות ז' ח' – ט' ג'

- When does the law mentioned in the previous question no longer apply? (ז' ח')
- If the family claims that the *mum* developed after *eirusin* on who is the burden of proof? (ז' ח')
- What is the law when *mumin* develop on the husband after marriage? (ז' ט')
- For which *mumin* developing on the husband is there agreement that the husband must divorce his wife? (ז' י')
- Is there any restriction placed on a woman who inherits property: (ז' א')
  - Prior to marriage?
  - After *kidushin*?
  - After *nisuin*?
- How does *R' Shimon* differentiate between property that, if sold by the wife after marriage, the husband may reclaim it from the buyers and property that the husband may not reclaim? (ז' ב')
- What is done with the following items that a wife inherits: (ז' ג')
  - Money?
  - Picked/detached fruit?
  - Unpicked fruit?
- Complete the following phrase and explain: (ז' ד')  
 "רבי שמעון אומר: מקום שיפה כוחו בכניסתה \_\_\_\_\_  
 מקום שהורע כוחו בכניסתה \_\_\_\_\_"
- What is done with the following items that a wife inherits: (ז' ה')
  - Elderly servants?
  - Old vines?
- When can a husband claim the expenses paid on *nichsei melog*? (ז' ו')
- Are there any restrictions placed on a *shomeret yabam* on the sale of property she inherits? (ז' ז')
- Explain the opinions of *Beit Shammai* and *Beit Hillel* regarding what is done with the property of a *shomeret yabam* that dies? (ז' ח')
- What is done with the *shomeret yabam*'s original husband's: (ז' ט')
  - Money?
  - Picked/detached fruit?
  - Unpicked fruit? (Explain both opinions.)
- Can the *yabam* set aside money for the *yavamah*'s *ketubah* in order to seize possession of his late brother's property? (ז' י')
- What is the impact of the following statements made by a husband prior to marriage: (ז' יא')
  - "דין ודברים אין לי בנכסך"?
  - "דין ודברים אין לי בנכסך ובפירותיהן"?
  - "דין ודברים אין לי בנכסך ובפירותיהן ובפרי ברותיהן, בחיין ובמותך"?
- Explain the debate regarding who inherits a collateral in the hands of a lender. (ז' יב')
- What other possessions are also debated in the same manner as the previous question? (ז' יג')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
4 February כ"ה שבט	5 February כ"ו שבט	6 February כ"ז שבט	7 February כ"ח שבט	8 February כ"ט שבט	9 February ל' שבט	10 February א' אדר
Ketubot 9:4-5	Ketubot 9:6-7	Ketubot 9:8-9	Ketubot 10:1-2	Ketubot 10:3-4	Ketubot 10:5-6	Ketubot 11:1-2

