

Daf Notes

Insights into the Daily Daf

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Kesuvos Daf 69

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Daily Daf

Dowry is Different

Rav Huna said in the name of Rebbe: The orphan's right for a dowry is not the same as a condition stipulated in the *kesuvah*.

The *Gemora* suggests that Rebbe means the following: When we are collecting payment for her dowry, we may seize even from encumbered properties (*if the orphans sold the land*), however, when collecting payment for the *kesuvah* conditions, we may not seize the encumbered properties.

The *Gemora* asks that this cannot be the meaning of Rebbe's statement, for it was common practice to seize encumbered properties for her dowry and not for her maintenance! What is the novelty in Rebbe's ruling?

The *Gemora* suggests that Rebbe means the following: The dowry can be collected even from moveable property, but the conditions stipulated in the *kesuvah* may only be collected from land.

The *Gemora* rejects this explanation, for Rebbe explicitly stated in a *braisa* that we may collect from land and even from moveable property for the maintenance of the wife and the daughters (*and certainly for her dowry*).

Rather, the *Gemora* concludes that Rebbe meant the following: If a father would say that he did not want his daughters to be maintained by his estate, we would not listen to him (*for this is an obligation*

explicitly written in the kesuvah); however, if he would say that he does not want his daughters to be provided with a dowry, we would listen to him (*because this is an obligation incumbent on the heirs, not on the father, if he didn't provide specific instructions*).

Rabbi Yochanan disagrees with Rebbe: He maintains that we do not seize encumbered properties even for her dowry. (68b – 69a)

Less than Two Hundred Zuz

Ameimar said: The daughter is regarded as an inheritor of one tenth of her father's estate.

Rav Ashi asked Ameimar: Do you mean to say that the brothers cannot offer her money and take the land in exchange?

Ameimar said: Yes! (*They have no right to force her to accept money and forfeit the land.*)

Ameimar said further: She is considered an inheritor, and the brothers cannot force her to take a specific piece of land, but rather, she will take a tenth from each and every field.

Rav Ashi disagrees and maintains that the daughter is only regarded as a creditor (*and she may be forced to accept money or a specific piece of land*).

The *Gemora* proves that even Ameimar retracted from his opinion.

The *Gemora* inquires: Is she regarded as the creditor of her father (*and the brothers inherited this debt*) or that of her brothers?

The *Gemora* explains the practical differences between the two. If the debtor died and the creditor is collecting from the inheritors, they may give him inferior land; but, if the debtor is alive, he is required to pay with average land. Also, when one is collecting from orphans, they are required to take an oath that they did not receive payment yet, but the debtor himself is not required to make an oath.

The *Gemora* cites an incident for the sake of resolving the inquiry: When Ravina was collecting the dowry for the daughter of Rav Ashi, he collected average land and without an oath from Mar the son of Rav Ashi, but when he collected from the son of Rav Sama the son of Rav Ashi (*her brother's son*), he collected inferior land and only with an oath. (*According to Ravina, then, the daughter was regarded as the creditor of her brothers.*)

Rabbi Nechemia the son of Rav Yosef sent the following message to Rabbah the son of Rav Huna Zuta of Nehardea: When this woman presents herself to you, collect for her a tenth of her deceased father's estate even from the base of a mill (*since it is connected to the ground, it is regarded as real estate*).

Rav Ashi stated: When we were at the Beis Medrash of Rav Kahana, we authorized the collection of the dowry even from the rent of houses (*the rent for the house is also regarded as real estate*).

Rav Anan sent this instruction to Rav Huna: "To our colleague Huna, greetings. When this woman presents herself before you, authorize her to collect a tenth of her father's estate." When the communication arrived, Rav Sheishes was sitting before him. Rav Huna said to Rav Sheishes, "Go and convey to Rav Anan the following message, and he who does not deliver the message to him shall be

excommunicated – 'Anan, Anan, is the collection to be made only from land, or also from movable property? And who presides at the meal in a house of mourning?'" Rav Sheishes went to Rav Anan and said to him, "The Master is a master, but Rav Huna is a master of the master, and he pronounced that he will excommunicate anyone who would not convey this message to you; and had he not pronounced the excommunication, I would not have said, 'Anan, Anan, is the collection to be made only from land, or also from movable property? And who presides at the meal in a house of mourning?'" Thereupon, Rav Anan went to Mar Ukva and said to him, "See, master, how Rav Huna addressed me as 'Anan, Anan.' And furthermore, I do not know what he meant by the message he sent me on *marzeicha*." Mar Ukva said to him, "Tell me now, how the incident actually occurred." Rav anan replied to him, "The incident happened in such and such a way." Mar Ukva exclaimed, "A man who does not know the meaning of *marzeicha* should scarcely presume to address Rav Huna as, 'our colleague Huna'."

The *Gemora* asks: What is the meaning of *marzeicha*? The *Gemora* answers: A mourner. (69a – 69b)