



Precedence in Ketubah Claims

The tenth *perek* opens by explaining that if a man dies leaving two wives, then the wife whose *ketubah* is dated earliest claims (the money owed to her in) her *ketubah* first. We learn in the fourth *Mishnah* that if their *ketubot* were dated the same, they would have equal claims and the estate would be divided equally until the *ketubot* were paid.

This rule of precedence is repeated in the fourth *Mishnah*, with the case involving four wives. The *Mishnah* however adds the detail that when the first wife claims her *ketubah* she is required to make a *shevuah* (oath) to the next wife that she had not already collected her *ketubah*. This *Mishnah* is important since it includes a debate regarding whether the final wife must make a *shevuah*. The *Chachamim* maintain it is unnecessary as this is the final *ketubah* to be collected. *Ben Nanas* however disagrees. The *Bartenura* explains that the arguments is based on the concern that later it may be discovered a field that was claimed, e.g. by the third wife was in fact stolen by the husband and in the end reclaimed. According to the *Chachamim* the third wife would be able to seize the land claimed by the fourth and therefore would not be lose out in this case. According to *Ben Nanas* however, the fourth wife can retain that land. Consequently, since the third wife could ultimately lose out by the fourth wife claiming her *ketubah*, the latter must make a *shevuah* prior to claiming her *ketubah*.

The *Mishnah* however ends that if all the *ketubot* had the same date, then they estate would be divided equally until the *ketubot* were all paid. The *Tosfot Yom Tov* find this detail unnecessary as it was taught previously.

R' Akiva Eiger stresses that the focus of this *Mishnah* is the obligation of *shevuot*, as we have explained. Consequently, the end of this *Mishnah* is to be understood in this context. In other words, if the *ketubot* were all dated the same, then they would all equally be required to make a *shevuah* (even though practically they would be paid one after the other). *R' Akiva Eiger* explains that in this case even the *Chachamim* would agree. Recall that the debate was if claimed land if could be seized by another creditor that has a higher priority claim. In this case however, since the *ketubot* are all dated the same, once the land is claimed by one of the wives for her *ketubah*, it cannot be seized. Consequently, if it was discovered later that one of the claimed lands did not in fact belong to the husband she could lose out. The *Mishnah* is therefore necessary to teach that everyone agrees, all the wives must make a *shevuah* in this case.

R' Akiva Eiger provides another answer. Had we relied on the earlier *Mishnah*, one might have thought that the claims are considered equal, only if we know with certainty that the *ketubot* were obligated simultaneously. The wording of this *Mishnah* however implies that we only know the timing based on the details of the *ketubot*. It is possible however that one *ketubah* was closed at the beginning of the hour while the other at the end. In such a case, one might think that the matter should be resolved at the discretion of the *Beit Din*. Consequently, this *Mishnah* is necessary to teach the even in this case, their claims are treated equally¹.

Yisrael Bankier

¹ The *Tifferet Yisrael* appears to argue with the *R' Akiva Eiger* as he comments that the end of the *Mishnah* teaches that they have equal claims if their *ketubot* are dated with the same hour applies even if one was written prior to the other within that hour.

Revision Questions

יבמות י' א' – י"ב: ב'

- If a man married two women, when is the *ketubah* of the first wife collected first and when is the *ketubah* of the second wife collected first? (א: י')
- In a case where a man had two wives, and he and his wives die, how is the *yerusha* divided if: (ב: י')
 - The value of the estate is equal to the value of the two *ketubot*.
 - The value of the estate is slightly more than the value of the two *ketubot*.
- Regarding the previous question, what are the two opinions regarding how the estate is valued? (ג: י')
- If a man has three wives, one with a *ketubah* 100 *dinar*, another with a *ketubah* of 200 *dinar* and another with a *ketubah* of 300 *dinar* – how is the property divided if: (ד: י')
 - The estate is valued at 100 *dinar*?
 - The estate is valued at 200 *dinar*?
 - The estate is valued at 300 *dinar*?
- What is the order of *ketubah* collection in a case where there are four wives? (ה: י')
- According to the *Tana Kama* what is different about the way the final wife collects her *ketubah*? (ו: י')
- What is the law in a case where the first of two wives writes “*din u'dvarim ein li imach*” to the purchaser of her husband’s field? (ז: י')
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- With respect to an *almanah* are the *yorshim* required to: (ח: א"א)
 - Support her?
 - Bury her?
- According to *R' Shimon* what is the difference between the manner in which a widow sells property to collect her *ketubah* if she is widowed from *eirusin* and if she is widowed from *nisuin*? (ט: א"א)
- Explain the debate regarding a case where a widow had sold part of her *ketubah* and her ability to sell part of the estate to support herself. (י: א"א)
- Explain the debate regarding a case where the widow sold part of the estate that was more than the value of her *ketubah*. (יא: א"א)
- Explain the debate regarding a case where *beit din* sold property of the *yetomim* at a value that was tantamount to *ona'ah*? (יב: א"א)
- When does an *aylonit* have a *ketubah*? (יג: א"א)
- Does a divorcee that marries a *kohen* have a *ketubah*? (יד: א"א)
- Can a woman make a condition with her husband that he provide her daughter with food for five years? (ט"ו: א"א)
- Does the condition hold if she divorces and marries another and makes the same condition? (ט"ז: א"א)
- What happens if, within the five year period: (ט"ח: א"א)
 - the daughter gets married?
 - The husband dies?

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel
Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
20 May י' סיון	21 May יא' סיון	22 May יב' סיון	23 May יג' סיון	24 May יד' סיון	25 May ט"ו סיון	26 May ט"ז סיון
Ketubot 12:3-4	Ketubot 13:1-2	Ketubot 13:3-4	Ketubot 13:5-6	Ketubot 13:7-8	Ketubot 13:9-10	Ketubot 13:11 - Nedarim 1:1

