



Taking Care of her Daughter

The twelfth *perek* opens by discussing a case where the groom commits to support his bride's daughter from a previous marriage for five years. The *Mishnayot* discuss the nature of this commitment as the family situation may change over that five-year period. The second *Mishnah* teaches that if the husband dies, even though his own daughters are only supported by the property held by the estate (*nechasim bnei chorin*), his wife's daughter whom he committed to support can be funded even by land that was sold after the commitment. This land is called *nechasim meshubadim* and can be reclaimed in the event that the funds in the estate have been exhausted.

The *Mishnah* explains that greater flexibility in claiming from *nechasim meshubadim* is because this commitment is like a contractual debt that can be collected in this manner. We shall investigate this law.

The *Ritva* notes that there are some who maintain that this commitment is equivalent to a debt; if the daughter passes away the husband must continue providing the maintenance payments to her heirs. The *Ritva* however disagrees. While it may share many similarities with debt it is not equivalent to one. It is true that the *Mishnah* teaches that the payments continue even if the daughter does not need them, e.g. the daughter marries or the mother remarries and arranges a similar commitment from the next husband. The *Ritva* however argues that the commitment was to provide her with food (or funds for food) which is no longer relevant if she dies.

A difficulty raised on our *Mishnah* is that a *Beraita* mentioned earlier (51b) lists five cases where money due is only collect from *bnei chorin*. Included in that

list is a husband that commits to supporting his wife's daughter. This appears to contradict our *Mishnah* that teaches that the commitment can be collected from *nechasim meshubadim*. *Rashi* there explains that it must be collected from *bnei chorin* since the commitment does not have a fixed limit. The *Ritva* explains that this is because future purchasers of his property will not be able to accurately assess the credit rating of the person they are purchasing from in order to consider the risk. *Rashi* continues explaining that our case however, is where the commitment was formalised with a *kinyan* (acquisition). The *Bartenura* here explains that the case in our *Mishnah* is where that commitment has been formalised with a contract.

The *Tosfot* however explain since the commitment was for five years it has a fixed figure and can be collected from *nechasim meshubadim*. The earlier *Beraita* was where the husband's commitment did not have a defined time limit. The *Tosfot* (*Gittin* 51a) adds that in our case it does not need to be documented in a contract. Even though for loans to be collected from *nechasim meshubadim* they must be in a contract, it is because people usually borrow privately.

The *Tosfot R' Akiva Eiger* notes that the *Mishnah* ends that the more astute husband would qualify the obligation to only apply as long as he was married to his wife. According to this explanation of the *Tosfot* it is possible that in this case the funds would not be able to be collected from *nechasim meshubadim* as it might be considered like not have a fixed time limit as there are many possibilities that the obligation could end.

Revision Questions

כתובות י"א: א' י"ג: ד'

- With respect to an *almanah* are the *yorshim* required to: (י"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*? (י"א: ב')
- 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: ג')
- Explain the debate regarding a case where the widow sold part of the estate that was more than the value of her *ketubah*. (י"א: ד')
- Explain the debate regarding a case where *beit din* sold property of the *yetomim* at a value that was tantamount to *ona'ah*? (י"א: ה')
- When does an *aylonit* have a *ketubah*? (י"א: ו')
- Does a divorcee that marries a *kohen* have a *ketubah*? (י"א: ז')
- Can a woman make a condition with her husband that he provide her daughter with food for five years? (י"ב: א')
- Does the condition hold if she divorces and marries another and makes the same condition? (י"ב: א')
- What happens if, within the five year period: (י"ב: ב')
 - the daughter gets married?
 - The husband dies?
- How would *pikchim* word such a condition? (י"ב: ב')
- What is the law regarding an *almanah* that does not want to leave her late husband's house? (י"ב: ג')
- What is the law regarding an *almanah* that returns to her father's house? (י"ב: ג')
- Explain the debate regarding the time within which an *almanah* can collect her *ketubah* if: (י"ב: ד')
 - She is living in her late husband's house.
 - She is living in her father's house.
- What were the two *halachot* that were disputed between *Chanan ben Avishalom* and the *bnei kohanim gedolim*? With whom did *Rabbi Yochanan Ben Zakkai* side? (י"ג: א' ב')
- Explain the debate regarding how the sons and daughters are supported when there is a very small *yerusha*? (י"ג: ג')
- Explain the debate between *Admon* and the *Chachamim* regarding a case where:
 - One party claims he is owed jugs of oil and the other party admits he only owes him empty jugs. (י"ג: ד')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

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

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

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

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
26 th August ח' אלול	27 th August ט' אלול	28 th August י' אלול	29 th August י"א אלול	30 th August י"ב אלול	31 st August י"ג אלול	1 st September י"ד אלול
Ketubot 13:5-6	Ketubot 13:7-8	Ketubot 13:9-10	Ketubot 13:11 – Nedarim 1:1	Nedarim 1:2-3	Nedarim 1:4-2:1	Nedarim 2:2-3

