

# VI.

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## BAVLI KETUBOT CHAPTER SIX

### FOLIOS 65B-70A

#### 6:1

- A. [65B] What a wife finds and the fruit of her labor go to her husband [M. 4:4].
- B. And as to what comes to her as an inheritance, he has use of the return while she is alive.
- C. [Payments made for] shaming her or injuring her are hers.
- D. R. Judah b. Beterah says, “When [an injury] is done to a hidden [part of her body], to her go two shares, and to him one.
- E. “When [an injury is done] to a part of her body which shows, to him go two shares, and to her one.
- F. “His is paid over forthwith. But with hers, let real estate be purchased, and he [the husband] has the use of the return [on it while she is alive].”

- I.1** A. *So what does this Mishnah paragraph teach us that we didn't already know? Lo, we have already learned in the Mishnah: The father retains control of his daughter [younger than twelve and a half] as to effecting any of the tokens of betrothal: money, document, or sexual intercourse. And he retains control of what she finds, of the fruit of her labor, and of abrogating her vows. And he receives her writ of divorce [from a betrothal]. But he does not dispose of the return [on property received by the girl from her mother] during her lifetime. [When] she is married, the husband exceeds the father, for he disposes of the return [on property received by the girl from her mother] during her lifetime [M. 4:4A-E]!*

- B. *It was necessary to go over this familiar ground on account of the details of what is subject to dispute between R. Judah b. Beterah and rabbis, namely, [Payments made for] shaming her or injuring her are hers.*

## I.2

- A. *A Tannaite authority repeated in the presence of Raba: "What a wife finds belongs to her. R. Aqiba says, 'It is assigned to her husband.'"*
- B. *He said to him, "Now if the surplus [of a woman's wages, over and above what is needed to maintain her], [66A] says R. Aqiba, belongs to the woman herself, is it not an argument a fortiori that what she finds also belongs to her? For we have learned in the Mishnah: If she said, 'Qonam if I work for you,' he need not annul that vow, which is null to begin with. R. Aqiba says, 'Let him annul it lest she do more work for him than is required' [M. Ned. 11:4B-D]."*
- C. *"So [I shall] reverse the rulings: What a wife finds belongs to her husband. R. Aqiba says, 'It is assigned to her'?"*
- D. *When Rabin came, he said R. Yohanan [said], "With regard to the surplus that comes without much effort, everyone concurs that it belongs to the husband. [The wife hasn't worked for it.] Where there is a dispute, it concerns a surplus that requires much effort to obtain. The initial authority takes the view that it is assigned to her husband, and R. Aqiba maintains that it is assigned to her."*
- E. *Said R. Pappa, "What she finds is in the category of surplus that comes with much effort, and there is a dispute between R. Aqiba and rabbis."*

## I.3

- A. *R. Pappa raised this question: "If she did two kinds of work at once, what is the law?" [Slotki: Acts as a guard and spinning at the same time, the one not work involving effort, the other involving effort.]*
- B. *Rabina raised this question: "If she did three or four kinds of work at once, what is the law?"*
- C. *These questions stand.*

## II.1

- A. **[Payments made for] shaming her or injuring her are hers. R. Judah b. Beterah says, "When [an injury] is done to a hidden [part of her body], to her go two shares, and to him one. When [an injury is done] to a part of her body which shows, to him go two shares, and to her one. His is paid over forthwith. But with hers, let real estate be purchased, and he [the husband] has the use of the return [on it while she is alive]":**

- B. [To the statement of Judah b. Beterah] *objected Raba bar R. Hanan, “But what about the case in which someone insulted someone else’s mare? Would he have to pay for the shame?”*
- C. *Hey, is a horse subject to an insult?*
- D. *Rather, if one spat on his fellow’s garments, would he have to pay for the insult? And if you should say that that is the case, have we not learned in the Mishnah: spit, and the spit hit him, (4) pulled off his cloak, (5) pulled apart the hairdo of a woman in the marketplace, he pays four hundred zuz [M. B.Q. 8:6E-F], and said R. Pappa, “That rule applies only if the spit actually touched the person, but if it touched merely the garment, that is not the case”!*
- E. *Well, in the case of what hits his garment, there is no insult, but in the case of what hits his wife, there is a very real insult.”*
  - F. *Said Rabina to R. Ashi, “Well what about the case of someone’s insulting a poor man of good family, in which case there is an insult to the whole family – here, too, does he have to pay all of them for the insult?”*
  - G. *He said to him, “In that case, the persons of them all have not been insulted, but in this case, his wife is like his own person.”*

## 6:2

- A. **He who agrees to pay over money [as a dowry] to his son-in-law, and his son-in-law dies –**
- B. **sages have said, “He can claim, ‘To your brother was I willing to give [money], but to you [the levir] I am not willing to give money.’”**

## 6:3

- A. **[If a woman] agreed to bring into [the marriage for] him a thousand denars [ten manehs],**
- B. **he [the husband] agrees [to pay over in her marriage contract] fifteen manehs over against this.**
- C. **And over against the goods [which she agreed to bring in] estimated [to be at a given value], he agrees [to restore, as a condition of her marriage contract] a fifth less.**
- D. **[That is, if] the estimated value [to be inscribed in the marriage contract] is a maneh, and the actual value is [specified at] a maneh, he has [value] only for one maneh [and not a fifth more in value].**

- E. [If] the estimated value [to be inscribed in the marriage contract] is a maneh [but not specified at a maneh, as at D], she must give over thirty-one selas and a denar [= 125 denars in value of goods].
- F. And [if the value to be written into the marriage contract is to be] four hundred, she must give over five hundred.
- G. [66B] What the husband agrees [to have inscribed in the marriage contract] he agrees to, less a fifth [than the appraised value].

**I.1** A. [He who agrees to pay over money [as a dowry] to his son-in-law, and his son-in-law dies – sages have said, “He can claim, ‘To your brother was I willing to give [money], but to you [the levir] I am not willing to give money’”:] *Our rabbis have taught on Tannaite authority:*

- B. It is not necessary to say that if the first brother was a disciple of a sage and the surviving one was an ignoramus, but even if the first brother was an ignoramus and the second a disciple of a sage, **he can claim, “To your brother was I willing to give [money], but to you [the levir] I am not willing to give money.”**

**II.1** A. [If a woman agreed] to bring into [the marriage for] him a thousand denars [ten manehs], he [the husband] agrees [to pay over in her marriage contract] fifteen manehs over against this: *So aren't the others the same as the initial example?*

- B. *The Tannaite framer first set forth the large assessment, then he set forth a small, first the valuation made by the groom of goods she had already brought to him before the marriage contract, then what she is bringing in for assessment.*

## 6:4

- A. [If] she agreed to bring in to him ready money, a silver sela is treated as six denars [instead of four].
- B. The husband takes upon himself [responsibility to give] ten denars for pocket money [“for her basket”] in exchange for each and every maneh [which she brings in].
- C. Rabban Simeon b. Gamaliel says, “All follows the local custom.”

**I.1** A. [If] she agreed to bring in to him ready money, a silver sela is treated as six denars [instead of four]: *So how is this different from the language, [If a woman] agreed to bring into [the marriage for] him a thousand denars [ten manehs], he [the husband] agrees [to pay over in her marriage*

**contract] fifteen manehs over against this?** [Slotki: In that case he adds fifty percent, in this case, too, why say the same thing twice?]

- B. *The Tannaite framer first set forth the large assessment, then he set forth a small.*

C. *And it was necessary to go over both items. For if the Tannaite authority had dealt with the big transaction only, one might have supposed that that is because the profit is large, but not a minor transaction, with a trivial profit; so the latter had to be stated. And had we been given only the minor transaction, we might have supposed that in that case the expenses and responsibility for the husband are not so big, but as to a large transaction, where the expenses and responsibility are great [we might have supposed that the same rule does not apply]. So both were required.*

**II.1** A. **The husband takes upon himself [responsibility to give] ten denars for pocket money [“for her basket”] in exchange for each and every maneh [which she brings in]:**

- B. *What is the meaning of for pocket money [“for her basket”]?*  
C. Said R. Ashi, “The perfume basket.”  
D. And said R. Ashi, “This statement was made only with reference to Jerusalem.”

**II.2** A. *R. Ashi raised this question: “Is the allowance for perfume provided in respect to each maneh of assessed property, or for each maneh for which the obligation [in the marriage contract] has been accepted? And if you should propose that it is for each maneh for which the obligation [in the marriage contract] has been accepted, then is the allowance for Sunday only, or for every day? And if you should propose that it is for every day, then is this only for the first week or for every week? And if you should propose that it is for every week, then is this for the first month or every month? And if you should propose that it is for every month, then is this for the first year or every year?”*

- B. *The question stands.*

**II.3** A. Said R. Judah said Rab, “There was the case of the daughter of Naqdimon b. Gurion, for whom sages allowed four hundred golden denars for her perfume basket for that one day, and she said to them, ‘May you do the same for your own daughters!’ and they answered her, ‘So be it.’”

**II.4** A. *Our rabbis have taught on Tannaite authority:*

B. There was the case of Rabban Yohanan b. Zakkai, who was riding on his ass leaving Jerusalem, and his disciples were following him. He saw a girl who was picking barley seeds from the shit of Arab cattle. When she saw him, she covered herself with her hair, stood before him, and said to him, “My lord, give me some food.”

C. He said to her, “My daughter, who are you?”

D. She said to him, “I’m the daughter of Naqdimon b. Gurion.”

E. He said to her, “My daughter, what ever happened to the money of your father’s house?”

F. She said to him, “My lord, *doesn’t the Jerusalem proverb go, ‘The salt [that keeps] money [secure] is distributing it [to the poor]?’*”

G. Others say, “...acts of loving kindness [done with the money]....”

H. “And what ever happened to the money of your father-in-law’s house [pledged to your marriage contract]?”

I. She said to him, “The [funds were mingled, and] one came and destroyed the other.”

J. She said to him, “My lord, do you remember when you signed my marriage contract?”

K. He said to his disciples, “I remember full well, when I signed her marriage contract, I read in it, ‘A thousand thousand gold denars from the house of her father, not counting what comes from her father-in-law....’”

L. Rabban Yohanan ben Zakkai wept and said, “Happy are you, Israel! When you do what the Omnipresent wants, no nation or alien tongue can rule you, and when you don’t do what the Omnipresent wants, he hands you over to the most degraded nation, and not only into the power of the most degraded nation, but into the power of their cattle.”

**II.5** A. *So didn’t Naqdimon b. Gurion do acts of philanthropy? And has it not been taught on Tannaite authority:* They said concerning Naqdimon b. Gurion that when he went forth from his household to the house of study, they would strew before him [67A] woolen garments, and then the poor would follow after him and roll them up [and take them home]?

B. *If you wish, I shall say, it was for his own glory that he did things like that, and if you wish, I shall say, he didn't do it to the full extent that he could have, as people say, "In accord with the strength of the camel is the burden that you load on it."*

**II.6** A. *It has been taught on Tannaite authority:*

B. **Said R. Eleazar b. R. Sadoq, "May I not see comfort, if I didn't see her picking out pieces of barley from under the hooves of horses in Akko. Concerning her, I pronounced the following verse of Scripture: 'If you do not know, O most beautiful of women...' (Son. 1: 8)" [T. Ket. 5:10].**

- II.7** A. Said R. Shemen bar Abba said R. Yohanan, "If she brought gold into the marriage, it is assessed [and registered in the marriage contract] in accord with its actual value" [and not as gold coins, fifty percent being added to the value of ready cash; it also is not diminished by a fifth, as is the case with merchandise (Slotki)].
- B. *An objection was raised: Gold, lo, it is classified like utensils [T. Ket. 6:5D]. Is this not like silver utensils, which diminish in value?*
- C. *No, like gold utensils, which do not diminish in value.*
- D. *If so, then the wording that is required is, it is classified like utensils made out of it [that is, like gold utensils]? And furthermore, it has been taught on Tannaite authority: Gold, lo, it is classified like utensils. Gold coins – lo, they are classified as ready cash. Rabban Simeon b. Gamaliel says, "In a place in which they do not customarily break down golden denars, they leave them as they are and they are entered in the marriage contract at the rate of their actual value" [T. Ket. 6:5D-F]. Now to what does Rabban Simeon b. Gamaliel refer? Should I say that it is to the latter clause [Gold coins – lo, they are classified as ready cash], it must follow that the initial authority maintains that even in a place in which it is not customary to break down golden denars [into small change] [he takes the position that he does], but then, they cannot be used as ready cash [so why should they be treated as ready cash, that is, as specie, not as a commodity]? So, we must assume, he referred to the first clause [Gold, lo, it is classified like utensils], and this is the sense of his statement: Gold, lo, it is classified like utensils. And what is this? It is silver utensils. Then: Rabban Simeon b. Gamaliel says, "In a place in which they do not customarily break down golden denars, they*

**leave them as they are and they are entered in the marriage contract at the rate of their actual value”!** [Slotki: So would Yohanan accept the opinion of Simeon b. Gamaliel against that of the anonymous first Tannaite authority?]

- E. *Not at all, he makes reference to the second of the two clauses, and at issue is a case in which it is only under duress that the gold is monetized, and this is what is at issue: One master takes the view that, since they circulate as money, we allow the increase, and the other maintains that, since it is only under duress that they circulate as money, we do not allow the increase.*
- F. *If you prefer, I shall say, the entire passage represents the position of Rabban Simeon b. Gamaliel, and it contains a lacuna, and this is how it should be worded: “Gold, lo, it is classified like utensils. Gold coins – lo, they are classified as ready cash. Under what circumstances? In a place in which they customarily break down golden denars [into small change]. But in a place in which they do not break them down into small change, they assess their value, and lo, they are entered in the marriage contract at the rate of their actual value,” the words of Rabban Simeon b. Gamaliel. For Rabban Simeon b. Gamaliel says, “In a place in which they do not customarily break down golden denars, they leave them as they are and they are entered in the marriage contract at the rate of their actual value.”*
- G. *In any event, it is still a problem that the wording should be, it is classified like utensils made out of it [that is, like gold utensils]!*
- H. *That’s a problem. But, if you like, I shall reply, here with what sort of a situation do we deal? It is a case of broken pieces of gold.*
- I. R. Ashi said, “Or with gold leaf.”

**II.8** A. Said R. Yannai, “Spices that come from Antioch are treated like ready cash.”

**II.9** A. *Said R. Samuel bar Nahmani said R. Yohanan, “Arabian camels – a woman may seize them from the husband’s estate in settlement of her marriage contract” [they are treated as not movables but real estate for their solid value].*

**II.10** A. *Said R. Pappi, “Clothes made at Be Mikse [or: clothes made of silk] – a woman may seize them from the husband’s estate in settlement of her marriage contract.”*



B. *And said R. Pappi, “Sacks made at Raddayya and ropes made at Qamhonayya – a woman may seize them from the husband’s estate in settlement of her marriage contract.”*

**II.11** A. *Said Raba, “To begin with I maintained, bags made at Mahoza – a woman may seize them from the husband’s estate in settlement of her marriage contract. How come? They rely on them [for that purpose]. But when I noticed that the women took them and went out with them into the market, and as soon as a plot of ground became available, they bought it with the money received for them, I realized that they rely for collecting the marriage settlement only upon real estate.”*

**6:5**

- A. **He who marries off his daughter without specified conditions should not assign to her less than fifty zuz.**
- B. **[If] he agreed to bring her in naked, the husband may not say, “When I shall bring her into my house, I shall cover her with a garment belonging to me.”**
- C. **But he clothes her while she is still in her father’s house.**
- D. **And so: He who marries off an orphan girl should not assign to her less than fifty zuz.**
- E. **If there is sufficient money in the fund, they provide her with a dowry according to the honor due her.**

**I.1** A. **[He who marries off his daughter without specified conditions should not assign to her less than fifty zuz:]** *Said Abbayye, “Fifty flat coins [that is, of lesser value, a flat one was worth only an eighth of a Tyrian one]. How so? Since the Tannaite statement proceeds: If there is sufficient money in the fund, they provide her with a dowry according to the honor due her – and we said, what is the meaning of, If there is sufficient money in the fund? Said Rahbah, “The charity fund.” Now if it should enter your mind that this means fifty zuz literally [that is, the Tyrian can], then how much should we give her, even if there is sufficient money in the fund? So the only meaning can be, fifty flat coins.*

### **Topical Composite on Marrying Off Orphans. Support of the Poor**

- I.2** A. *Our rabbis have taught on Tannaite authority:*
- B. **An orphan boy or an orphan girl who seek to be supported – they support the orphan girl first, then they support the orphan boy, for the**

boy can make the rounds of household doors, but the girl would not ordinarily make the rounds.

- C. An orphan boy and an orphan girl [67B] who came for money to get married – they marry off the orphan girl first, and then they marry off the orphan boy, for the shame of a girl is greater than that of the boy [T. Ket. 6:8].

**I.3** A. *Our rabbis have taught on Tannaite authority:*

- B. An orphan boy who seeks to marry – they rent a room for him, then they lay out a bed, and afterward they marry off a girl to him, as it is said, “But you shall open your hand to him and lend him sufficient for his need, whatever it may be” (Deu. 15: 8) – “sufficient for his need” refers to a room, “whatever it may be” refers to a bed and a table,” “he” refers to as a wife: “I will make him a help meet for him” (Gen. 2:18).

**I.4** A. *Our rabbis have taught on Tannaite authority:*

- B. “Sufficient for his need” you are commanded to provide for him, but you are not commanded to enrich him.
- C. “Whatever it may be” – even a horse to ride on, even a slave to run before him.
- D. They say of Hillel the Elder that for a certain poor man of good parents he bought a horse to ride on and a slave to run before him.
- E. Once he couldn’t find a slave to run before him, so he ran before him for three mils.

**I.5** A. *Our rabbis have taught on Tannaite authority:*

- B. There was the case involving the people of Upper Galilee, who bought for a poor member of good parents in Sepphoris a pound of meat every day.
- C. A pound of meat...? *So what’s the big deal?*
- D. It was chicken.
- E. *And if you wish, I will say,* “It was ordinary meat for a litra of money per litra of meat.”
- F. *R. Ashi said, “It was a little village. Every day it would involve the loss of a beast for his sake.”*

**I.6** A. *Someone once came to R. Nehemiah for support.* He said to him, “What do you usually eat?”

B. He said to him, “Fat meat and old wine.”

- C. “How would you like to share my lot and eat lentils?”
- D. He shared his lot and ate lentils and died.
- E. He said, “Woe is this man, whom Nehemiah killed!”
- F. To the contrary – “Woe is Nehemiah, who killed this man” *is what he should have said!*
- G. *But it was the man himself who was responsible, for he ought not to have indulged himself so much.*

- I.7**
- A. *Someone once came to R. Nehemiah for support. He said to him, “What do you usually eat?”*
  - B. He said to him, “Fat chicken and old wine.”
  - C. *He said to him, “Aren’t you concerned about being a burden on the community?”*
  - D. *He said to him, “So am I eating what belongs to them? I’m eating what belongs to the All-Merciful, for it has been taught as a Tannaite statement: “‘The eyes of all wait for you, and you give them their food in his season’ (Psa. 145:15) – what is said is not “in their season” but “in his season,” which teaches that to everyone the Holy One, blessed be He, gives his food in accord his season.”*
  - E. *In the meanwhile Raba’s sister, whom he had not seen for thirteen years, came along, and she brought him a fat chicken and old wine. He said, “What a surprise.” He said to him, “I apologize to you. Get up and eat.”*

- I.8**
- A. *Our rabbis have taught on Tannaite authority:*
  - B. **If someone hasn’t got anything but doesn’t want to be supported from public money,**
  - C. **“they give him money as a loan, and then they turn it into a gift,” the words of R. Meir.**
  - D. **And sages say, “They give it to him as a gift, and then they go and turn it into a loan” [T. [Peah 4:12A-D](#)].**
    - E. *As a gift? But he doesn’t take gifts!*
    - F. Said Raba, “To begin with they present it to him as a gift.”
    - G. If he has means and doesn’t want to support himself, they give money to him as a gift, but then they go and collect it from him.
    - H. *But then he won’t take it!*

I. Said R. Pappa, “This is after he dies [when the money is taken out of his estate].”

- J. **R. Simeon says, “If he has means and doesn’t want to support himself, they simply pay no attention to him. If someone hasn’t got anything but doesn’t want to be supported from public money, they say to him, ‘Well, give a pledge and take what you need,’ so as to encourage him” [T. Peah 4:12A-D].**

## **I.9**

- A. *Our rabbis have taught on Tannaite authority:*
- B. ““And lending him, you shall surely lend him sufficient for his need” (Deu. 15: 8):
- C. “This refers to one who has nothing and does not want to support himself from charity, that Scripture makes explicit that the donation must be deemed only a loan but then it is transformed into a gift.
- D. ““You shall surely lend him”: This refers to someone who does have property and does not want to support himself from it [that is, by consuming his capital], to whom the support payment is given as a gift, and then repaid by his estate,” the words of R. Judah.
- E. Sages say, “If he has means and doesn’t want to support himself, they simply pay no attention to him. And what is the sense of the duplication in, “And lending him, you shall surely lend him sufficient for his need” (Deu. 15: 8)? In this case Scripture used language in an ordinary way.”

## **I.10**

- A. *There was a poor man in Mar Uqba’s neighborhood, into whose door socket he anonymously would toss four zuz a day. Once the man thought, “I’ll go and see who is doing me this goodness.”*
- B. *On that day Mar Uqba was late at the schoolhouse, and his wife was coming home with him; when the man saw them moving the door, he went out after them.*
- C. *They ran away from him and jumped into a furnace from which the fire had just been swept out.*
- D. *Mar Uqba’s feet started to burn.*
- E. *His wife said to him, “Raise your feet and put them on mine.”*
- F. *He was upset. She said to him, “I’m usually home, so what I give is direct” [in kind, he gave money, which brings only indirect help].*
- G. *So why did they go to so much trouble anyhow?*

H. It is in line with what Mar Zutra bar Tubiah said Rab said, and some say, said R. Huna bar Bizna said R. Simeon the Pious, and some say, said R. Yohanan in the name of R. Simeon b. Yohai, "It would be better for someone to throw himself into a heated furnace than embarrass someone else in public.

I. "How do we know this? From the case of Tamar: 'When she was brought forth, she sent word to her father-in-law' (Gen. 38:25)."

**I.11** A. *There was a poor man in Mar Uqba's neighborhood, to whom he was used to sending four hundred zuz every year on the eve of the Day of Atonement. One year he sent the money to him through his son, who came home and said to him, "He doesn't need you."*

B. *He said to him, "What did you see?"*

C. *"I saw them sprinkling vintage wine before him."*

D. *He said, "So is he so effete?" He doubled the money and sent it to him.*

**I.12** A. *When Mar Uqba was dying, he said, "Bring me my account books for charity." He found written, "Seven thousand gold dinars of Sianaq." He said, "The provisions are scanty and the way is long." He went and donated half of his entire estate to the poor.*

B. *But how could he act in such a way? And did not R. Ilai say, "In Usha they ordained: He who distributes his wealth to the poor should not give away more than a fifth of his estate"?*

C. *That is the case when one is alive, lest he lose his money, but after death, there is no objection to one's doing so with his estate.*

**I.13** A. *R. Abba would bind up money in his scarf, sling it over his back, and make himself available to the poor [who would take the money quietly]. But he kept a sharp eye out for frauds.*

**I.14** A. *There was a poor man near R. Hanina, to whom he would regularly send four zuz every Friday. One day he sent the money through his wife, who came home and said to him, "He doesn't need you."*

B. *He said to her, "What did you see?"*

C. *She said, "I heard that people said to him, 'On what do you want to eat, on silver cloth or gold cloth?'"*

D. *He said, "That's in line with what R. Eleazar said, 'We have to be grateful to frauds, for if it weren't for them, we would sin every day: "And he cry unto the Lord against you and it be sin unto you" (Deu. 15: 9).'"*

**I.15** A. *R. Hiyya bar Rab of Difti set forth as a Tannaite statement: "R. Joshua b. Qorhah says, 'Whoever hides his eyes from the needs of philanthropy is as though he worships idols. Here it is written, "Beware that there not be a base thought in your heart and your eye will be evil against your poor brother" (Deu. 14: 9), and with regard to idolatry, "Certain base fellows are gone out" (Deu. 13:14). Just as there, the ultimate sin is idolatry, so here, idolatry is involved.'"*

**I.16** A. *Our rabbis have taught on Tannaite authority:*

B. He who pretends to be blind or pretends to have a swollen belly or a shrunken leg will not leave this world before he actually has such a thing. He who accepts charity but does not need it in the end will not leave this world before he needs it.

**I.17** A. *We have learned there in the Mishnah: [Whoever has two hundred zuz [in liquid assets] may not collect gleanings, forgotten sheaves, peah, or poor man's tithe. If he had two hundred [zuz] less one dinar [he had one hundred and ninety-nine zuz], even if one thousand [householders each are about to] give him [one dinar], all at the same time, lo, this man may collect [produce designated for the poor, because at the moment he takes charity, he has less than two hundred zuz]. If he had two hundred zuz which served as collateral for a creditor, or for his wife's marriage contract, lo, this man may collect [produce designated for the poor, since this money is not available for his use]. They may not compel him to sell his house nor the tools [of his trade in order that he might have two hundred zuz (M. Pe. 8: 8)].*

B. *Now we don't, do we? But has it not been taught on Tannaite authority: If he ordinarily used gold utensils, he now uses silver ones, if they were silver, he now uses copper ones [T. Peah 4:11A-D]?*

C. *Said R. Zebid, "There is no contradiction, the one speaks of a bed and a table, the other to cups and dishes."*

D. *So how come cups and dishes are not to be sold off?*

E. *The man can say, "Cheap ones disgust me."*

F. *So with respect to a bed and table, the man can say, "Cheap ones disgust me."*

G. *Said Raba b. Rabbah, "This is with reference to a silver strigil."*

H. *R. Pappa said, "There is no contradiction. The one refers to the man before he has to repay a loan, the other afterward."* [If he had less than two hundred zuz and asked for help, there is no claim against him; he can keep what he's got. If he turns out to have been ineligible and not permitted to receive the money, he has to pay back what he got, and now he has to sell what he has and buy cheapies (Slotki).]

## 6:6

- A. **An orphan girl [lacking a father], whose mother or brothers married her off [even] with her consent,**
- B. **for whom they wrote over as her portion a hundred zuz or fifty zuz,**
- C. **can, when she grows up, exact from them what should rightly have been given to her.**
- D. **R. Judah says, "If a man had married off his first daughter, to the second should be given [a dowry] along the lines of that which he had given to the first."**
- E. **And sages say, "Sometimes a man is poor and then gets rich, or is rich, and then grows poor.**
- F. **"But they estimate the value of the property and give to her [her share]."**

## I.1

- A. Said Samuel, "As to the trousseau, the assessment is made in accord with the intention of the father." [Slotki: She is to receive a bigger or a smaller amount in accordance with her father's reputation for generosity or niggardliness.]
- B. *An objection was raised: The daughters are supported and provided for out of the estate of their fathers. How so? We do not say, "If their father were alive, he would have given such-and-so to them," but we regard someone as though he were the father present for the purpose, and they then assign to the daughters [what such a one determines] [T. Ket. 6:1C-D].*
- C. *Does this language, and provided for, not refer to the marriage dowry?*
- D. Said R. Nahman bar Isaac, "Not at all, it refers to the support of the girl herself [and not what goes to the husband as a dowry]."

- E. *But lo, the language is used, **are supported and provided for** – doesn't this mean that one verb refers to the dowry assigned to the husband and the other the support of the girl herself?*
- F. *No, both of the verbs refer to the support of the girl herself, but there is no problem in this duplication, for the one refers to her food and drink, the other to her clothing and bedding.*
- G. *We have learned in the Mishnah: “**Sometimes a man is poor and then gets rich, or is rich, and then grows poor. But they estimate the value of the property and give to her [her share].**” Now what can be the meaning of **poor**, and what can be the meaning of **rich**? If we should say, poor in wealth or rich in wealth, then, if the initial Tannaite authority maintains that, even if the father was rich but got poor, she is given as much as before, then one may object, but he hasn't got that to give! So it must mean that poor means niggardly in attitude, and rich means generous in attitude, and yet it is stated as a Tannaite formulation: **But they estimate the value of the property and give to her [her share].** Therefore it follows that we are not at all guided by an assessment of the attitude of the father, which would then contradict Samuel's position [in accord with the intention of the father]!*
- H. *Samuel accords with what R. Judah said, for we have learned in the Mishnah: **R. Judah says, “If a man had married off his first daughter, to the second should be given [a dowry] along the lines of that which he had given to the first.”***
- I. *So how come he just didn't say, “The decided law accords with R. Judah”?*
- J. *If he had said, “The decided law accords with R. Judah,” I might have supposed that that is the rule in particular if the father had already married off a daughter, in which case he would have exposed his attitude in such a matter, but if he had not married one off, that would not be the case. So we are informed that the operative consideration in the mind of R. Judah is that we are guided by the criterion of the father's disposition, without distinction as to whether he had already given the prior daughter in marriage or not done so; and the only reason that he had for mentioning a prior marriage was to show you how far rabbis would go: even though he had already given a prior daughter in marriage, so we have some accurate picture of his attitude in such a matter, nonetheless we are not guided by any such assumption concerning the father's attitude.*



- I.2** A. *Said Raba to R. Hisda, “Shall we expound in your name, ‘The decided law is in accord with R. Judah’?”*
- B. *He said to him, “May it please God that all such elegant teachings you expound in my name.”*
- C. *But did Raba make any such statement? And has it not been taught on Tannaite authority: Rabbi says, “The daughter is supported from the property of the brothers; she takes a tenth of the estate”? And Raba said, “The decided law is in accord with Rabbi”!* [How could the distribution depend on the father’s attitude, when a fixed sum is specified?]
- D. *There is no contradiction. The one speaks of a case in which we have some clear evidence of the father’s attitude, and the other, where we have none. And that stands to reason, for said R. Ada bar Ahbah, “There was a case in which Rabbi assigned to an orphan girl getting married a twelfth of the father’s estate.” So these statements would contradict one another, and does it not follow that the one speaks of a case in which we have some clear evidence of the father’s attitude, and the other, where we have none.*
- E. Yup.

- I.3** A. *Reverting to the body of the foregoing: Rabbi says, “The daughter is supported from the property of the brothers; she takes a tenth of the estate.”*
- B. *They said to Rabbi, “In line with what you say, one who has ten daughters and a son – the son has no portion whatever in the face of the daughters’ claim on the estate!”*
- C. *He said to them, “This is how I rule: The first takes a tenth of the estate, the second, a tenth of what’s left, the third, a tenth of what’s left, and then they go back and divided equally what all had received.”*
- D. **[68B]** *But doesn’t each one get what is hers?* [Why this new division, depriving those who married earlier what was their due? (Slotki)]
- E. *This is the sense of the statement: If all of them come simultaneously to get married, they divide equally. [Otherwise the prior division stands.]*

F. *That supports what R. Mattenah said, for said R. Mattenah, "If all of them come simultaneously to get married, they each get a tenth."*

G. *A tenth? What can that possibly mean? [As it stands, the statement is impossible, since daughter one gets a tenth, daughter two, a tenth of nine tenths, daughter three, a tenth of 81/100, and so on down.] So the sense is that they take their tenths simultaneously.*

- I.4** A. *Our rabbis have taught on Tannaite authority:*
- B. Daughters of the deceased, who has left sons as well, whether they had reached puberty before marriage, or married before reaching puberty, lose their right to maintenance but not their right to a dowry," the words of Rabbi.
- C. R. Simeon b. Eleazar says, "They also lose their right to a dowry.
- D. "[If they had not married and want to get their tenth before maturing and losing it,] what are they to do?
- E. "They hire husbands for themselves and extract their dowry."

**I.5** A. Said R. Nahman, "Said to me Huna, 'The decided law is in accord with Rabbi.'"

B. *Objected Raba to R. Nahman, "An orphan girl [lacking a father], whose mother or brothers married her off [even] with her consent, for whom they wrote over as her portion a hundred zuz or fifty zuz, can, when she grows up, exact from them what should rightly have been given to her."* *So the operative consideration explaining why she can recover the proper dowry is that, when she was married, she was a minor; but if she had been a girl at the time of marriage, she would have relinquished that right [and could not get the rest of what was owing, and that would accord with Simeon b. Eleazar against Rabbi]!*

C. *That poses no real problem, the one rule speaks of a case in which she objected [when she got less of a dowry than was coming to her], and the other, a case in which she did not protest. And that stands to reason, for otherwise we should have a contradiction between two statements made by Rabbi, as it has been taught on Tannaite authority: Rabbi says, "A daughter who is supported by her brothers gets a tenth of the estate" – so if she is supported by her brothers, that is the rule, but if not, that is not the rule. [How could Rabbi say that*

*she always gets her dowry?]* Does it not follow that the one rule speaks of a case in which she objected [when she got less of a dowry than was coming to her], and the other, a case in which she did not protest?

D. *Yup.*

- I.6** A. Said Rabina to Raba, “R. Ada bar Ahbah said to us in your name, ‘A girl who has reached puberty does not have to enter a protest [against loss of her dowry, she retains a right to the tenth no matter what (Slotki)]. If she was married, she does not have to enter a protest. If she reached puberty and also was married, she certainly does have to enter a protest.’”
- B. *But did Raba make any such statement? And lo, Raba objected to R. Nahman by appeal to the Mishnah paragraph beginning, **an orphan**, and the other one said to him, “The one rule speaks of a case in which she objected [when she got less of a dowry than was coming to her], and the other, a case in which she did not protest”!* [Slotki: From this it follows that once she passes her minority, though not reaching puberty, she loses her full claim to dowry if she did not protest when she got married, so how can Raba say, “If she married, provided it was before attaining her adolescence, she need not lodge a protest”?]
- C. *That is no serious contradiction, the one speaks of a case in which she is maintained after marriage by the estate held by the brothers, the other, where she is not maintained by them.* [If she was supported by them, we assume she doesn’t protest only because she doesn’t want to lose what she’s getting, but she expects that later on they’ll give her the full amount owing on her dowry (Slotki).]

- I.7** A. Said R. Huna said Rabbi, “The claim on a dowry is not the same as a stipulation in the marriage contract” [which provides for the daughter’s maintenance (Slotki)].
- B. *So what’s the meaning of “is not the same as a stipulation in the marriage contract”? Should I say that, while for paying off the dowry, property that has been pledged by the brothers for a loan may be seized in payment of what is owing, while under the marriage contract itself, such pledged property may not be seized, then what fresh and interesting point is before us? Surely it happens every day that pledged property is seized to cover the dowry but not maintenance? And should it be suggested that, while for paying off the dowry, movables that have been sold may be seized, to pay off the marriage*

*settlement, real estate but not movables may be seized, then, well, so far as Rabbi is concerned, property in both classifications may be seized: "All the same are real estate and movables, they may be seized for support of a wife and children," the words of Rabbi! So what can possibly be the meaning of "is not the same as a stipulation in the marriage contract"?*

- C. *It is as has been taught on Tannaite authority: He who says, "Do not provide maintenance out of my estate for my daughters," they pay no attention to him. "Do not provide a dowry for my daughters out of my estate," he is listened to, because the dowry is not the same as a stipulation in the marriage contract.*

## I.8

- A. **[69A]** *Rab inserted between the lines the following inquiry to Rabbi: "If the brothers have mortgaged the inherited estate, what is the law [as to the daughters' seizing it for the cost of their dowries]?"*
- B. *R. Hiyya was in session before him. He said to him, "Did they sell it or pledge it?" He [further] said to him, "In any case, so what difference does it make? Whether they sold it or mortgaged it, they seize it for the dowry, but they do not seize it to provide maintenance."*
- C. *And from Rab's perspective, if the question concerned a case in which they sold it, then he should have written to him, "If they sold it," and if it concerned a case in which they mortgaged it, he should have written to him, "If they mortgaged it."*
- D. *Rab had in mind both situations as problems, and this is how he theorized: If I write to him, "If they sold it," I shall find a suitable answer in the language, "The estate may be seized from the purchasers," since all the more so would that be the rule if they mortgaged it. If he sends me back word that the property may not be seized, then the case of the brothers' mortgaging the estate would still stand. And if I wrote to him, "If they mortgaged it," then, if he sends me word that the property may be seized from the purchasers, still I should have trouble with the case of their selling it. So I shall write to him, "If they encumbered the property," which bears the implication of both the one and the other [Slotki: and if there is a difference in law between the two cases, Rabbi will say what it is].*
- E. *And R. Yohanan said, "All the same are the one and the other [encumbrances of the land by the brothers], they do not seize the land [to pay what is coming to the girl]."*

## I.9

A. *The question was raised: Did R. Yohanan hear what Rabbi said, and, if he heard it, did he accept it? Or perhaps he heard it but did not accept it?*

B. *Come and take note of that which has been stated:*

C. He who died and left two daughters and a son, and the first daughter went ahead and took a tenth of the estate, and the second did not suffice to take what was coming to her before the son died –

D. said R. Yohanan, “The second daughter is in the position of having given up her right” [to half the estate, which would be coming to her absent a male heir to the same estate].

E. Said R. Hanina, “More than this they have said: ‘They seize property that has been sold or mortgaged in order to meet the obligation of a dowry,’ but they do not seize it for maintenance” – *and yet you say*, “The second daughter is in the position of having given up her right”! [Slotki: The first sister cannot possess a stronger claim on the estate than a buyer or creditor.] *But if it were the case [that Yohanan never heard what Rabbi said], [Yohanan] should have asked him, “Who said it?”* [Slotki: Since he did not ask him, it may be inferred that Yohanan heard what Rabbi said but didn’t accept it; for this reason he did not withdraw his ruling in the case of the two daughters.]

F. *But maybe in point of fact he didn’t hear it, but when he heard it, he accepted it, and the case of the two daughters [which came after he heard Rabbi’s ruling and accepted it (Slotki)] is exceptional, since the household of the second daughter now is amply provided for.* [Slotki: At first she was entitled to a tenth only and now she gets half; in such circumstances she may well surrender her claim to the tenth; Rabbi deals with a case in which the brothers are alive and the daughters are entirely dependent on their tenths.]

G. *Said R. Yemar to R. Ashi, “Well what [if we admit the argument of additional provision (Slotki)] about the following case: If the second sister found anything at all, so that she had ample provision for her house, would we also not give her a tenth of the estate?”*

H. *He said to him, “What I said referred to a household that had found ample provisions from the same estate.”*

- I.10** A. *Said Amemar, “A daughter [who has a claim on a tenth of the estate] is in the position of an heir [to the estate].”*
- B. *Said R. Ashi to Amemar, “Then if someone wanted to be quit of her claim on the estate through a cash payment, would it follow that that would not be an acceptable means of settling her claim [since such a means would not serve to meet the claim of an heiress]?”*
- C. *He said to him, “Yes.”*
- D. *“If someone wanted to settle her claim on the estate by giving her one plot of land, could such a settlement not be carried out for the same reason [because she is an heiress]?”*
- E. *He said to him, “Yes.”*
- F. *R. Ashi said, “A daughter [who has a claim on a tenth of the estate] is in the position of a creditor [to the estate].”*
- G. *And also Amemar retracted his position, for said R. Minyumi b. R. Nihuma, “I was standing before Amemar, and a woman came before him, who claimed a tenth of the estate, and I saw that it was his opinion that if the brothers wanted to quit her claim by a cash payment, they could do so. For he heard the brothers say to her, ‘So if we had cash, we would settle with you in cash,’ and he kept silent and said nothing.”*
- H. *Now that you have said that she is in the position of a creditor [to the estate], is she in the status as a creditor of the father or of the brothers?*
- I. *So what difference does it make anyhow?*
- J. *It has to do with whether she collects her tenth of the estate from land of middling quality, without an oath, or from land of poorest quality, with an oath. [If she is a creditor of the brothers, she takes an oath that she has taken nothing from the estate; if she is a creditor of the father, she is in the status of a creditor who claims payment from the debtor’s estate.] So what’s the upshot?*
- K. *Come and take note: Rabina ordered the collection in behalf of R. Ashi’s daughter of the tenth from Mar b. R. Ashi out of land of middling quality, without an oath; but from the son of R. Sama, son of R. Ashi, out of land of poorest quality, with an oath. [The former survived the father, the sister claimed her tenth; the latter predeceased Ashi, and his son inherited the father’s share; the aunt now wants her tenth. The daughter is the debtor vis-à-vis the brothers, so she got from the former land of better quality without an oath; from the latter,*

she could collect only through his son and heir, as creditor of the father (Slotki)].

**I.11** A. *R. Nehemiah b. R. Joseph sent word to Rabbah b. R. Huna Zuti in Nehardea: "When this woman becomes before you, collect for her a tenth of her father's estate, even from the casing of a handmill."*

B. *Said R. Ashi, "When we considered this matter at the household of R. Kahana, we would collect even from the rent of houses also" [classifying the rent as the house itself, which also is immovable (Simon)].*

**I.12** A. *Said R. Ashi, "When we were at the household of R. Kahana, we would collect the daughter's tenth even from the rent paid for houses."*

**I.13** A. *R. Anan sent word to R. Huna, "To Huna, our colleague, greetings: When this woman comes before you, collect in her behalf a tenth of the estate." When she came, R. Sheshet was in session before him. He said to him, "Go, say to R. Anan" – and let anyone who does not deliver this message be subject to excommunication – "Anan, Anan, is it to be collected from real estate or movables? And, by the way, who sits at the head of the meal in a house of mourning?"*

B. *R. Sheshet went to R. Anan. He said to him, "The master is an eminent authority, and R. Huna is the eminent authority over an eminent authority, and he furthermore has placed a ban of excommunication against one who does not convey this message to you; and if he had not pronounced the ban of excommunication, I could never have said the following to you: 'Anan, Anan, is it to be collected from real estate or movables? And, by the way, who sits at the head of the meal in a house of mourning?'"*

C. *R. Anan went to Mar Uqba and said to him, "Look, sir, how R. Huna has sent word to me in the language, 'Anan, Anan,' and, furthermore, I haven't got the slightest idea what he's talking about in the language, 'Who sits at the head of the meal in a house of mourning?'"*

D. *He said to him, "Tell me the exact [70A] facts of the case."*

E. *He said to him, "Well, such-and-so are the facts of the case."*

F. *He said to him, "Well, someone who doesn't know the meaning of 'who sits at the head of the meal' has no business addressing R. Huna as 'our colleague, Huna.'"*

**I.14** A. *And what is the meaning of "who sits at the head of the meal"?*

B. Mourning: "Thus said the Lord, do not enter the house of mourning" (Jer. 16: 5).

**I.15** A. Said R. Abbahu, "How on the basis of Scripture do we know that the mourner relines at the head at the mourner's meal? 'I chose out their way and sat chief and dwelt as a king in the army, as one comforts the mourners' (Job. 29:25)."

B. "As one comforts the mourners" – *does that not mean that he was head of comforting others?*

C. Said R. Nahman bar Isaac, "Since the word is written with consonants that can be read 'as when one comforts mourners,' [this conclusion may follow]."

D. Mar Zutra said, "Proof derives from this verse: 'And the prince be he who is embittered, distraught among those stretched on couches' (Amo. 6: 7)" [following the rendition of Lazarus].

**I.16** A. *Said Raba, "The decided law is, payment is exacted from landed property, not from movables, whether for the marriage settlement, maintenance, or a trousseau."*

## 6:7

A. "He who appoints a third party to oversee money for his daughter, and she says, 'My [betroted] husband is trustworthy for me' –

B. "the third party [nonetheless] should carry out what has been assigned to his trust," the words of R. Meir.



- C. R. Yosé says, “And if it is only a field, and she wants to sell it off, lo, it is sold off from this moment!
- D. “In what circumstances?
- E. “In the case of an adult.
- F. **“But in the case of a minor – the deed of a minor is null.”**

## I.1

- A. *Our rabbis have taught on Tannaite authority:*
- B. **He who appoints a third party to oversee funds for his son-in-law to buy a field for his daughter, and she says, “Let them be given to my husband” –**
- C. **“If this is at the stage of the betrothal, the third party should carry out what he has been assigned to do. If this is at the stage of consummation of the marriage, she has the power to instruct the trustee,” the words of R. Meir.**
- D. R. Yosé says, “If she was an adult, whether this is stated after marriage or only after betrothal, she has the right to make such a statement. If she was a minor, whether at the stage of betrothal or at the stage of marriage, the third party should carry out what he has been designated to do” [T. Ket. 6:9].

## I.2

- A. *So what practical difference does it make?*
- B. *If we should say it is the rule governing the minor at the stage of a consummated marriage that is at issue between them, with R. Meir taking the position that she has the power to make such a statement, and R. Yosé coming along to maintain that even at the stage of a consummated marriage, if it is an adult, she may make such a statement, but if it is a minor, she may not, then I point to the concluding part of our Mishnah passage: “But in the case of a minor – the deed of a minor is null.” Now who can stand behind such a statement? If it is R. Yosé, then that could be inferred from the opening clause and did not require specification, for R. Yosé says, “And if it is only a field, and she wants to sell it off, lo, it is sold off from this moment!”*
- C. *So, it must follow, only one who is of age, who can make such a sale, is under discussion, but not a minor, who has not got the power to make such a sale. So it must be R. Meir who stands behind the cited clause, and what is before us is a flawed Mishnah paragraph, which should be read as follows: The third party [nonetheless] should*

carry out what has been assigned to his trust – under what circumstances? When it is at the stage of betrothal. But if it is at the stage of a fully consummated marriage, she has the power to make such a statement. Under what circumstances? **In what circumstances? In the case of an adult. “But in the case of a minor – the deed of a minor is null.”** [Slotki: Now since Meir also admits that the act of a minor has no validity, his statement that after marriage she is entitled to have her wish must refer to one who is of age and not to a minor; what then is the practical difference between Meir and Yosé?]

*D. Rather, it is an adult at the stage of a betrothal that is at issue between them.* [Slotki: In Meir’s view her wish is ignored; in Yosé’s, it is granted; as to a minor both agree that her request is not granted even if she makes it after the marriage.]

**I.3** A. *It has been stated:*

- B. R. Judah said Samuel [said], “The decided law is in accord with R. Yosé.”
- C. Raba said R. Nahman [said], “The decided law is in accord with R. Meir.”

**I.4** A. *Ilfa suspended himself on a sail mast and said, “If anybody should come and state to me a matter set forth by the household of R. Hiyya and of R. Oshayya, and I cannot straighten it out for him on the strength of our Mishnah, I shall fall from the mast and drown.”*

- B. *So a certain elder came and recited the following to him: He who says, “Give over a sheqel from my property to my children for their maintenance for a week,” but they are supposed to take a sela a week – they give over to them a sela. But if he said, “Give them only a sheqel,” they give them only a sheqel. If he said, “If they die, let others inherit me instead of them,” whether he said, “Give” or did not say, “Give,” they give over to them only a sheqel [T. Ket. 6:10A-D].* [Slotki: When the father mentioned the smaller coin at the outset, it was not to exclude the larger sum, but he was saying, give them what they actually need. If he named heirs other than the children, it is clear that he wanted to economize as much as possible on the weekly maintenance of the children so that the heirs might receive a very large estate.]
- C. *He said to him, “Lo, who is the authority of this teaching? [70A] It is R. Meir, who has said, “It is a religious duty to carry out the instructions of the dying man.”*

- I.5** A. Said R. Hisda said Mar Uqba, “The decided law is, whether he said, ‘Give’ or said, ‘Do not give,’ they give them whatever they need.”
- B. *But lo, it is an established fact with us that the decided law accords with R. Meir, who has said, “It is a religious duty to carry out the instructions of the dying man”!*
- C. *That is the case in other matters, but in this case, the father will be pleased to have his children get what they need, and in limiting their allowance, he wanted to raise them right.*

- II.1** A. [**But in the case of a minor – the deed of a minor is null:**] *There we have learned in the Mishnah: And as to little children: Their purchase is valid and their sale is valid in the case of movables [M. Git. 5:7D-E].*
- B. Said Rafram, “This has been taught only in a case in which there is no custodian of the estate, but if there is a custodian of the estate, their purchase is not valid and their sale is not valid. *How come? Because it is set forth as a Tannaite statement: But in the case of a minor – the deed of a minor is null.*”
- C. *But maybe the case in which a custodian has been appointed is different?*
- D. *If so, the language of the Tannaite statement should be: But in the case of a minor – the third party should carry out his assigned task.*
- E. *In that case, what’s the point of the language, the deed of a minor is null? It must be inferred that the same law pertains in general.*