

XII.

BAVLI KETUBOT CHAPTER TWELVE

FOLIOS 101B-104B

12:1

- A. He who marries a woman,
- B. and she stipulated with him that he support her daughter for five years –
- C. he is liable to support her for five years.
- D. [If] she [the wife, having been divorced] married someone else,
- E. and she stipulated with him [the second husband] that he support her daughter for five years,
- F. he is liable to support her for five years.
- G. The first may not say, “When she will come to my house, I shall support her.”
- H. But he sends her food to the place where her mother is located.
- I. And so the two of them do not say, “Lo, we shall support her together [in partnership].”
- J. But one supports her and the other gives her the cost of her support [in addition].

12:2

- A. [If the daughter, whom the two husbands have agreed to support] is married,
- B. the husband provides support.

- C. And they [the mother's successive husbands] pay her the cost of her support.
- D. [If] they died, their daughters are supported from unencumbered property,
- E. for she is in the status of a creditor.
- F. The smart ones would write, "...on condition that I support your daughter for five years, so long as you are [living] with me."

I.1

- A. *It has been stated:*
- B. He who says to another, "I owe you a maneh" –
- C. R. Yohanan said, "He is liable to pay."
- D. R. Simeon b. Laqish said, "He is exempt from having to pay."
 - E. *What situation can be contemplated here? If it is a case in which he said to those present when he admitted the debt, "You are my witnesses," then what can possibly be R. Simeon b. Laqish's reason for exempting him from having to pay? And if it is a case in which he didn't make such a statement to the bystanders, then what can possibly explain why R. Yohanan says he is liable?*
 - F. *In point of fact, it is a case in which he did not say to the bystanders, "You are my witnesses," but here with what kind of a situation do we deal? It is a case in which he said to him, "I owe you a maneh," handing over a bond of indebtedness [that records the debt but bears no signatures by either the man or his witnesses] –*
 - G. R. Yohanan said, "He is liable to pay," *the matter of the bond bears the same weight as though he had said to them, "You are witnesses."*
 - H. R. Simeon b. Laqish said, "He is exempt from having to pay," *the matter of the bond does not bear the same weight.*
 - I. *We have learned in the Mishnah: **He who marries a woman, and she stipulated with him that he support her daughter for five years – he is liable to support her for five years.** Doesn't this speak of a case along the lines of the one at hand?*
 - J. **[102A]** *Not at all – it speaks of a case in which there were verbal agreements [where the witnesses enter terms verbally agreed upon between the parties]*

and sign (Slotki)], *and it follows what R. Giddal said, for said R. Giddal said Rab*, “‘How much are you going to give to your son?’ ‘Thus and so.’ ‘How much are you going to give to your daughter?’ ‘Thus and so.’ If they then arose and declared the formula of sanctification, they have effected transfer of the right of ownership. These statements represent matters in which the right of ownership is transferred verbally.”

K. *Come and take note: [If] one wrote a document for the priest that he owes him five selas, he is liable to pay him [the five selas], but his son is not yet redeemed [until the father pays five selas] [M. Bekh. 8:8C].*

L. *That case is exceptional, since it is through the Torah that the obligation is incurred.*

M. *If so, then why in the world did he write out such a document?*

N. *It was in order to choose which priest [he wished to use for the redemption of the first son].*

O. *If so, then why in the world is the son not redeemed until the money is actually paid?*

P. *The answer accords with Ulla, for said Ulla, “So far as the Torah is concerned, the son is redeemed when the father has paid the money.”*

Q. *So how come the Mishnah states, but his son is not yet redeemed [until the father pays five selas]?*

R. *This represents a precautionary decree, lest – seeing the incident – people say that firstborn may be redeemed with bonds of indebtedness.*

I.2 A. *Said Raba, “The dispute follows the lines of a conflict of Tannaite statements”:*

B. **He who signs as guarantor below the [signature of] bonds of indebtedness – [the creditor] collects [only] from unindentured property.**

C. A case came before R. Ishmael, and he ruled, “He may collect from unindentured property.”

D. Said to him Ben Nannos, “He collects neither from mortgaged property nor from unindentured property.”

E. He said to him, “Why?”

F. He said to him, “He who seizes someone by the throat [who owes him money] in the market, and his fellow came upon him and said to him, ‘Let him go’ – [the latter] is exempt [from having to guarantee the loan], since it was not in reliance upon him that he had lent [the debtor] the money in the first place. But who is the guarantor who is liable [to pay if the debtor does not do so]? [One who says,] ‘Lend him money, and I’ll pay you back’ – he is liable. For it was in reliance upon him that he had lent [the debtor] the money in the first place.”

G. Said R. Ishmael, “He who wants to get smart had best get busy with commercial law. For you have no specialty in the Torah greater than those laws. For they are like an ever-bubbling spring. He who wants to get busy with commercial law had best serve [as disciple of] Simeon b. Nannos” [M. B.B. 10:8Eff.].

H. *[Raba resumes:] “May we then say, R. Yohanan makes his ruling in accord with the thinking of R. Ishmael, and R. Simeon b. Laqish in accord with that of Ben Nannos?”*

I. *With respect to the position of Ben Nannos there is no dispute at all. [102B] Where there is a dispute, it concerns the position of R. Ishmael. R. Yohanan accords with R. Ishmael, and R.*

Simeon b. Laqish maintains, R. Ishmael took the position that he did only where there is an obligation that is imposed by the law of the Torah, but not here, where there is no obligation that is imposed by the Torah.

I.3 A. *Reverting to the body of the foregoing:* Said R. Giddal said Rab, “‘How much are you going to give to your son?’ ‘Thus and so.’ ‘How much are you going to give to your daughter?’ ‘Thus and so.’ If they then arose and declared the formula of sanctification, they have effected transfer of the right of ownership. These statements represent matters in which the right of ownership is transferred verbally.”

B. *Said Raba, “It stands to reason that the statement of Rab pertains to a man whose daughter was a girl, in which case the benefit of the token of betrothal is assigned to the father [in which case he agrees even to a verbal undertaking, accepting it as though it were a written bond], but if the daughter were pubescent, the rule would not apply, since the benefit of the token of betrothal does not go to him. [While that may stand to reason, in fact,] by God! Rab’s statement pertains even to the case of a pubescent daughter, because if you don’t take that view, then what benefit does the father of the son [the bridegroom’s father] derive? [He gets none of the benefit of the betrothal.] So the operative consideration must be, because of the satisfaction of forming a shared family tie, they decide to accord*

one another full rights of transfer of title.”

- I.4**
- A. Said Rabina to R. Ashi, “Are such verbal agreements supposed to be written down in a deed, with witnesses, or is that not the case?”
 - B. He said to him, “Such verbal agreements are not supposed to be written down in a deed, with witnesses.”
 - C. *An objection was raised: **The smart ones would write, “...on condition that I support your daughter for five years, so long as you are [living] with me.”*** [That is so even though the agreement was verbal, so how can we say there is no recording of the agreement (Slotki)?]
 - D. *What is the meaning of **would write**? It means, say.*
 - E. *Who in the world ever heard that write means say?*
 - F. *Well, as a matter of fact, we have learned in the Mishnah, **He who writes for his wife, “I have no right nor claim to your property”** [M. 3:9A], and R. Hiyya repeated the Tannaite version as, “He who says to his wife....”*
 - G. *Come and take note: **They write the documents of betrothal and marriage only with the knowledge and consent of both parties** [M. B.B. 10:4A]. So if it is with the knowledge and consent of both parties, they do write such documents! *Doesn’t this then speak of deeds recording prior, verbal agreements?**
 - H. *Oh come on, it obviously refers to **documents of betrothal**! That is in line with R. Pappa and R. Sherabayya, for it has been stated:*
 - I. If someone wrote a deed of betrothal in her name but without her knowledge and consent –
 - J. *Rabbah and Rabina say, “She is betrothed.”*
 - K. *R. Pappa and R. Sherabayya say, “She is not betrothed.”*
 - L. *Come and take note: **If they died, their daughters are supported from unencumbered property, for she is in the status of a creditor.*** [Slotki: Since only a written deed would confer upon her such a status, it is obvious that such a deed was in her possession, an objection against Ashi.]
 - M. *Here with what situation do we deal? It is a case in which the man confirmed his obligation by an act of acquisition [so in such a case, it is proper to write a deed].*
 - N. *If the verbal agreement produced a transfer of title through an act of acquisition, then the same right should be accorded to the daughters, too!*

- O. *It is a case in which the act of acquisition was carried out for the one but not the others.*
- P. *What makes you so definite on the matter?*
- Q. *Since the wife was in being at the time the act of acquisition was carried out, the act of acquisition in her behalf counts; as to the other daughters [born from the marriage contract at the time of the act of acquisition], they obviously were not in being at the time of the act of acquisition, on which account the act of acquisition in their behalf is null.*
- R. *But aren't we dealing with a case in which the daughters were in being at the act of acquisition? Under what circumstances? For example, the man divorced the wife and remarried her.*
- S. *Rather, she is not accorded the advantage of the stipulation of the court [that assigns maintenance to daughters born of the marriage], so for her the act of acquisition is effective; but the daughters, not protected by the stipulation of the court, are not covered by the act of acquisition.*
- T. *So are they worse off?*
- U. *Rather, as to his daughters, this is the operative consideration: His own daughters are covered by the stipulation of the court, so one might say that they have seized some bundles of money [to pay their maintenance].*

- II.1** A. **The first may not say, “When she will come to my house, I shall support her.” But he sends her food to the place where her mother is located:**
- B. Said R. Hisda, “That is to say, the rightful place of a daughter is with her mother.” [Brothers who support her cannot demand she stay with them (Slotki)].
 - C. *How do you know, however, that we’re dealing with a mature woman? Maybe we’re dealing with a minor, and she must be lodged with her mother on account of an incident? For it has been taught on Tannaite authority: One who died and left a young son with the mother – the heirs of the father say, “Let him grow up with us,” and his mother says, “Let my son grow up with me” – they leave the son with the mother, and they don’t leave the son with the heirs of his father. There was a case in which the heirs killed the son [even] on the eve of Passover.*
 - D. *If it were the case [that a mature woman may be forced to live with her brothers, then in our Mishnah paragraph] it should be stated: to wherever she is located [rather than refer to the mother].*

- E. **[103A]** *What is the meaning of the phrase, to the place where her mother is located? It means, to the place where her mother is located – without distinguishing the adult from the minor.*

III.1 A. **And so the two of them do not say, “Lo, we shall support her together [in partnership].” But one supports her and the other gives her the cost of her support [in addition]:**

- B. *There was someone who leased his mill to another [in exchange for the latter’s help] in grinding his grain [but no rental money was agreed to]. Eventually he got rich and bought another mill and an ass. He said to him, “Up to now, I’ve had my grinding done with you, but [I don’t need that arrangement anymore, so] now, pay me rent.”*
- C. *He said to him, “I’ll be glad to grind for you [– but that alone].”*
- D. *Rabina considered ruling, “That is in line with the rule of our Mishnah: **And so the two of them do not say, ‘Lo, we shall support her together [in partnership].’ But one supports her and the other gives her the cost of her support [in addition].**”*
- E. *Said to him R. Avira, “Are the cases really comparable? In that case, the one has only one belly, not two; here the lesser can say to him, ‘Grind your grain in your mill and sell it; grind your grain in my mill and keep it.’”*
- F. *And this ruling [that the lessee cannot be forced to pay a cash rental (Slotki)] applies only in a case in which he had no other business for his grinder, but if he has enough orders for grinding wheat at his mill, he may be forced not to behave in accord with the custom of Sodom [where people wouldn’t do favors even if it cost them nothing (Slotki)].*

12:3

- A. **A widow who said, “I don’t want to move from my husband’s house” –**
- B. **the heirs cannot say to her, “Go to your father’s house and we’ll take care of you [there].”**
- C. **But they provide for her in her husband’s house,**
- D. **giving her a dwelling in accord with her station in life.**
- E. **[If] she said, “I don’t want to move from my father’s house,”**
- F. **the heirs can say to her, “If you are with us, you will have support. But you are not with us, you will not have support.”**

G. If she claimed that it is because she is a girl and they are boys, they do provide for her while she is in her father's house.

I.1 A. *Our rabbis have taught on Tannaite authority:*

B. **She may make use of the old home just as she used it when her husband was alive, so, too, the boy slaves and girl slaves just as she did when her husband was alive, so, too, the pillows and blankets, silver and gold utensils, just as she did when her husband was alive, for thus does he write for her in her marriage contract, "You will dwell in my house and enjoy support from my property so long as you spend your widowhood in my house" [T. Ket. 11:5].**

C. *R. Joseph stated a Tannaite rule: "In my house – not in my hovel."*

I.2 A. Said R. Nahman, "If the heirs of an estate sold off the house set aside for the widow, they have done nothing whatsoever."

B. *Then how is that matter distinguished from what R. Assi said in the name of R. Yohanan, for said R. Assi said R. Yohanan, "Heirs of an estate who went ahead [before the females claimed what was theirs for support] and sold property from a small estate – what they have sold is validly sold"?*

C. *There the property was not mortgaged to the female heirs while the husband was yet alive, but here the property was mortgaged to the marriage settlement while the husband was still alive."*

I.3 A. *Said Abbaye, "We hold as a tradition: If the dwelling set aside for the widow fell down, the heirs are not obligated to build it up again."*

B. *So, too, it has been taught on Tannaite authority: If the dwelling set aside for the widow fell down, the heirs are not obligated to build it up again, and not only so, but even if she says, "Let me be, and I'll build it up again out of my own resources," they pay no attention to her.*

I.4 A. *Asked Abbaye, "If she repaired it, what is the law?"*

B. *The question stands.*

II.1 A. **[If] she said, "I don't want to move from my father's house," the heirs can say to her, "If you are with us, you will have support. But you are not with us, you will not have support":**

B. *But let them support her while she is living there [in her father's household]? [Since that is not the case,] it supports what R. Huna said, for said R. Huna,*

“The blessing bestowed on a household is in accord with its size [the more people in a household, the cheaper the per unit cost of maintenance].”

- C. *Well, then, why can't they give her in accord with the blessing of the household [that is, a smaller allowance, in accord with what it would have cost to keep her at the household of the heirs]?*
- D. *They can.*

II.2 A. Said R. Huna, “The sayings of sages are a source of blessing, the sayings of sages are a source of wealth, and the sayings of sages are a source of healing.”

B. “The sayings of sages are a source of blessing”: as we just said.

C. “The sayings of sages are a source of wealth”: *For we have learned in the Mishnah, He who sells produce to his fellow – [if the buyer] drew it but did not measure it, he has acquired possession of it. [If] he measured it but did not draw it [to himself], he has not acquired possession. If he was smart, he will rent the place [in which the produce is located] [M. B.B. 5:7A-D].*

D. “The sayings of sages are a source of healing”: *For we have learned in the Mishnah, A person should not chew grains of wheat to put on his sore on Passover, because they ferment [M. Pes. 2:7E].*

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

- B. At the time that Rabbi was dying, he said, “I need my children.”
- C. His children came in to him. He said to them, “Take good care of the honor owing to your mother. Let a light be kindled in its proper place, a table set in its proper place, a bed laid in its proper place.
- D. “Joseph Hofni, Simeon Efrati – they are the ones who served me when I was alive, and they will take care of me when I have died.”

II.4 A. “Let a light be kindled in its proper place”:

B. *[Why did he have to give instructions to that effect?] The obligation derives from the Torah: “Honor your father and your mother” (Exo. 20:12).*

C. *She was a stepmother.*

D. *Honoring the stepmother also is a requirement of the Torah, for it has been taught on Tannaite authority: “Honor your father and your mother,” “your father” encompasses “your stepmother,” and “your*

mother” encompasses “your stepfather,” and the redundant “and” encompasses “your elder brother.”

E. *That applies when they are alive, but not after death.*

II.5 A. “Let a light be kindled in its proper place, a table set in its proper place, a bed laid in its proper place”:

B. *How come?*

C. *[After he died,] every Friday evening at twilight he would come to his house. On a certain Friday at twilight, a neighbor came to the door, talking in a loud voice; his slave girl whispered, “Shush, Rabbi is in session.” When he heard that, he never again came, so as not to cast a bad light on the earlier righteous men [who did not have the privilege of coming back after death].*

II.6 A. “Joseph Hofni, Simeon Efrati – they are the ones who served me when I was alive, and they will take care of me when I have died”:

B. *They thought he meant, “In this world.” But when people saw that their biers preceded his [their having died at the same time], they concluded that he was referring to the other world, and the reason that he said what he did was so that people might not suppose they had done some offense and that only the merit owing to Rabbi protected them up to then.*

II.7 A. He further said to them, “I need the sages of Israel.”

B. The sages of Israel came to him. He said to them, “Do not hold eulogies for me in the various towns [but only before large audiences in cities].

C. **[103B]** “And call the session back after thirty days [beyond my death]. Simeon, my son, is to be the sage; Gamaliel, my son, is to be patriarch; Hanina bar Hama is to preside.”

II.8 A. “Do not hold eulogies for me in the various towns [but only before large audiences in cities]”:

B. *They drew the conclusion that this was because of the trouble involved. But when they saw that they held eulogies in the big towns and everybody came, they concluded that it is to be inferred that it was on account of the honor.*

II.9 A. “And call the session back after thirty days [beyond my death]”:

B. *"I'm not better than our lord, Moses, of whom it is written, 'And the children of Israel mourned for Moses in the plains of Moab thirty days' (Deu. 34: 8)."*

II.10 A. *Thirty days they mourned him day and night; from that point on, they mourned by day and studied by night or mourned by night and studied by day, until twelve months of mourning had gone by.*

II.11 A. *On the day on which Rabbi died, an echo came forth and said, "Whoever was at the death of Rabbi is destined for the life of the world to come." There was a certain fuller, who would come to Rabbi every day. He didn't come that day. When he heard this, he went up to the roof, fell to earth, and died. An echo came forth and said, "That fuller, too, is destined for the life of the world to come."*

II.12 A. *"Simeon, my son, is to be the sage":*

B. *What was the sense of this statement?*

C. *This is the sense of this statement: "Even though Simeon, my son, is to be the sage, nonetheless, Gamaliel, my son, is to be patriarch."*

D. *Said Levi, "Was it necessary to make explicit [the fact that Gamaliel, the elder, was to inherit the patriarchate]?"*

E. *Said R. Simeon bar Rabbi, "It was necessary for you and for your gimpy question."*

F. *What bothered Levi? A verse of Scripture to the same effect: "But the kingdom he gave to Jehoram, because he was firstborn" (2Ch. 21: 3).*

G. *That one [Jehoram] was correctly filling the place of his fathers, but Rabban Gamaliel did not properly fill the place of his fathers.*

H. *So why did Rabbi do this anyhow?*

I. *Granting that he was not properly filling the place of his fathers when it came to wisdom, as to fear of sin, he really did fill the place of his fathers.*

II.13 A. *"Hanina bar Hama is to preside":*

B. *R. Hanina did not accept the position, because R. Efes was older than he by two and a half years.*

C. *R. Efes presided, and R. Hanina went into session outside, and Levi came and went into session with him. R. Efes died, and R.*

Hanina presided, and Levi had no one in session with him, so he came to Babylonia.

II.14 A. *And that is in line with what they said to Rab, “An eminent authority has come to Nehardea, who is lame; and he expounded concerning a wreath that it is permitted to wear one [on the Sabbath].”*

B. *He said, “It is to be inferred that R. Efes has died, R. Hanina presides, and Levi had no one in session with him, so he has come to Babylonia.”*

C. *So maybe R. Hanina has died, R. Efes remains the presiding officer, Levi had no one in session with him, so he has come to Babylonia?*

D. *If you prefer, I shall say, Levi would have accepted the suzerainty of R. Efes, and if you prefer, I shall say, since Rabbi said, “Hanina bar Hama is to preside,” therefore it just isn’t possible that he didn’t take over, for concerning the righteous, it is written, “You shall also decree something and it shall come about for you” (Job. 22:28).*

E. *But lo, wasn’t there R. Hiyya?*

F. *He had already died [before Rabbi].*

G. *But didn’t R. Hiyya say, “I saw the burial place of Rabbi, and I shed tears on it”?*

H. *Reverse the names of the saying just cited.*

I. *But didn’t R. Hiyya state, “On the day on which Rabbi died, sanctity came to an end”?*

J. *Reverse the names of the saying just cited.*

K. *But hasn’t it been taught on Tannaite authority: When Rabbi died, R. Hiyya came in to him, and found him weeping. He said to him, “My lord, how come you’re weeping? And has it not been taught on Tannaite authority, ‘If someone died smiling, it is a good sign for him, if he died weeping, it is a bad sign for him, if he is facing upward, it is a good sign for him, if he is facing downward, it is a bad sign for him, if his face is toward people, it is a good sign for him, if his face is toward the wall, it is a bad sign for him, if his face is green, it is a bad sign for him, if his face is bright and red, it is a good sign for him, if*

it is on the Sabbath eve, it is a good sign for him, if it is at the end of the Sabbath, it is a bad sign for him, if it is on the eve of the Day of Atonement, it is a bad sign for him, if it is at the end of the Day of Atonement, it is a good sign for him, if it is on account of dysentery, it is a good sign for him, since most righteous men die of dysentery? *And he said to him, "I am weeping because of the Torah and the commandments [from which I now take my leave]."*

L. *If you wish, I shall say, reverse the names of the saying just cited, and if you wish, I shall say, don't reverse the names of the saying just cited, but, since R. Hiyya was involved in doing religious deeds, Rabbi didn't want to bother him.*

II.15 A. *That [description of Hiyya] is in line with what follows:*

B. *When R. Hanina and R. Hiyya would argue, R. Hanina said to R. Hiyya, "Are you going to have a fight with me? God forbid, if the Torah were to be forgotten from Israel, I could restore it through my deep master of its logic."*

C. *Said R. Hiyya to R. Hanina, "Are you going to have a fight with me, who has arranged it so that the Torah will never be forgotten in Israel? What have I done? I went and sowed flax, made nets, trapped deer, the meat of the deer I gave to orphans, from the skins I made scrolls, on which I wrote the five books of Moses. I went to a town and taught the five books to five children, and the six divisions of the Mishnah to six others. Then I told them, 'Until I return, teach each other the Pentateuch and the Mishnah.' And that is how I prevented the Torah from being forgotten in Israel."*

D. *That is in line with what Rabbi said, "How great are Hiyya's deeds!"*

E. *Said to him R. Ishmael b. R. Yosé, "Even greater than those of the master?"*

F. *He said to him, "Indeed so."*

G. *“Even greater than those of father?”*

H. *“God forbid, let not such a thing be in Israel.”*

II.16 A. [Rabbi] said to them, “I need my younger son.”

B. Entered R. Simeon. He handed over to him the divisions of wisdom.

C. [Rabbi] said to them, “I need my older son.”

D. Entered Rabban Gamaliel. He handed over to him the divisions of the patriarchate.

E. He said to him, “My son, exercise your task as patriarch on the heights, pour bile on the disciples.”

F. *Oh, now, can that really be true? And is it not written, “But he honors those who fear the Lord” (Psa. 15: 4), and a master said, “This speaks of Jehoshaphat, king of Judah. When he would see a disciple of a sage, he would rise from his throne and embrace and kiss him and call him, ‘My lord, my lord, my master, my master’?”*

G. *That presents no contradiction, the former attitude is for private conduct, the latter for public conduct.*

II.17 A. *It has been taught on Tannaite authority:*

B. Rabbi was lying in Sepphoris, and a place was made ready for him in Beth Shearim.

C. *But has it not been taught on Tannaite authority: “Justice, justice pursue” (Deu. 16:20) – follow Rabbi to Beth Shearim?*

D. *Well, Rabbi really was in Beth Shearim, but when he got sick, they brought him to Sepphoris, [104A] which is higher up and which had healthier air.*

II.18 A. *On the day on which Rabbi died, rabbis decreed a fast and prayed for mercy, saying, “Whoever says that Rabbi is dead will be stabbed with a sword.”*

B. The slave girl of Rabbi went up to the roof. She said, “Those in the upper world want Rabbi, and those in the lower world down here want Rabbi. May it be God’s will that those of the lower world will overcome those in the upper world.”

C. *But when she saw how many times he went to the privy, removing his prayer boxes containing verses of Scripture and putting them back on, and how pained he was, she said, “May it be God’s will that those of the upper world will overcome those in the lower world.”*

- D. *Now since the rabbis did not fall silent but kept praying for mercy for him, she took a cruse and threw it from the roof to earth. They shut up for a moment from asking for mercy, and Rabbi's soul found its rest.*

II.19 A. *Rabbis said to Bar Qappara, "Go, see how he is." He went and found that his soul had found its rest. He tore his cloak and burned the tear backward. When he got back, he opened with these words: "[Slotki:] The angels and the mortals have seized the holy ark. The angels have overcome the mortals and the holy ark has been captured."*

B. *They said to him, "Has he died?"*

C. *He said to them, "You said it, I didn't."*

II.20 A. When Rabbi died, he raised his ten fingers heavenward and said, "Lord of the world, you know full well that with these ten fingers of mine, I have labored in the Torah, and I didn't take any selfish benefit from even my littlest finger. May it please you that there be peace where I am laid to rest."

B. An echo came forth and said, "'He shall enter into peace, they shall rest on their biers' (Isa. 57: 2)."

C. *But shouldn't it be, in this setting, "On your bier"?*

D. *That supports R. Hiyya bar Gameda, for said R. Hiyya bar Gameda said R. Yosé b. Saul, "When a righteous man takes his leave of the world, the serving angels say before the Holy One, blessed be He, 'Lord of the world, Mr. So-and-so, a righteous man, is coming.' He said to them, 'Let the righteous come [from where they are at rest] and go out and meet him and say to him, "He shall enter into peace," and then, "They shall rest on their biers."'"*

II.21 A. Said R. Eleazar, "When a righteous person takes leave of this world, three bands of serving angels go forth to meet him. One says to him, 'Come to peace,' the next, "'He who walks in his uprightness'" (Isa. 57: 2), the third, 'He shall enter into peace, they shall rest on their biers.'"

B. "When a wicked man takes his leave from the world, three bands of serving angels go forth to meet him. One says to him, "'There is no peace, says the Lord, for the wicked'" (Isa. 48:22), the next, "'He shall lie down in sorrow'" (Isa. 50:11), and the third, "'Go down and be laid with the uncircumcised'" (Eze. 32:19)."

12:4

- A. "So long as she is in her father's house, she collects her marriage contract at any time.
- B. "So long as she is in her husband's house, she collects her marriage contract within twenty-five years.
- C. "For in twenty-five years she may do plenty of favors [using the resources of the household for friends and neighbors] corresponding to the value of her marriage contract," the words of R. Meir, which he said in the name of Rabban Simeon b. Gamaliel.
- D. And sages say, "So long as she is in her husband's house, she collects her marriage contract at any time.
- E. "So long as she is in her father's house, she collects her marriage contract within twenty-five years."
- F. [If] she died, her heirs call attention [to her uncollected] marriage contract for twenty-five years.

- I.1 A. *Said Abbaye to R. Joseph, "Should the poorest woman in Israel have twenty-five years and Martha daughter of Beitos also have twenty-five years?"*
- B. *He said to him, "In accord with the camel is the burden."*

- I.2 A. *The question was raised: "From the perspective of R. Meir, what is the law as to her losing in proportion [year by year, 4% or one twenty-fifth at a time]?"*
- B. *The question stands.*

- II.1 A. **And sages say, "So long as she is in her husband's house, she collects her marriage contract at any time. So long as she is in her father's house, she collects her marriage contract within twenty-five years":**
- B. *Said Abbaye to R. Joseph, "So if she comes before sunset, she can collect her marriage contract, but if she comes afterward, she cannot collect it? In that slight span of time, has she surrendered her claim?"*
- C. *He said to him, "Yes, indeed. Every measurement prescribed by the sages is the same way: One may immerse in forty seahs of water, but in forty seahs of water less one qartob, one may not immerse. [The volume of an egg of food has the capacity to impart the uncleanness of foods, but the volume of an egg less a sesame seed does not impart the uncleanness of food. A piece of cloth three by three handbreadths by three handbreadths contracts uncleanness by reason of the sitting or lying of a person afflicted with the flux of Lev. 15, but a*

piece of cloth three by three handbreadths less a single three does not contract that pressure uncleanness.]”

- II.2** A. Said R. Judah said Rab, “Testified R. Ishmael b. R. Yosé before Rabbi, presenting a statement that he made in his father’s name: ‘This rule applies only in a case in which the woman cannot produce a written deed of the marriage contract, but if she produces the written deed, she may collect the amount required by her marriage contract any time at all.’”
- B. And R. Eleazar said, “Even if she produces a marriage contract, she may collect her marriage settlement only for a period of twenty-five years.”
- C. *Objected R. Sheshet, “A creditor may collect what is owing to him without making mention of the matter [for twenty-five years]. Now how are we to understand this rule? If he had no bond of indebtedness, then how in the world is he going to collect? So he had a bond of indebtedness, and the inference is, it is a creditor who may collect, because he is not likely to forgive the debt, but a widow is likely to forgive the debt.”*
- D. *Well, so he raised the question – but he resolved it: In point of fact, he had no bond of indebtedness, and here with what situation do we deal? It is a case in which the one who owes the money concedes the debt.*
- E. *But didn’t R. Ilai say, “They repeat: A divorced woman – lo, she is in the status of a creditor”! Now how can we make sense of this? If it is a divorcée who holds no marriage contract, then how could she collect? So it must be one who has a marriage contract, from which it follows that a divorcée is the one who can collect, because she is not apt to have forgiven the debt, but a widow is apt to have forgiven the debt?*
- F. *Here, too, with what situation do we deal? It is a case in which the one who owes the money concedes the debt.*
- II.3** A. Said R. Nahman bar Isaac, “R. Judah bar Qaza repeated as a Tannaite statement in the compilation of Tannaite statements of the household of Bar Qaza: “If she demanded payment of her marriage contract, **[104B]** lo, she once more stands as at the beginning of the process, and if she had in hand a written deed of her marriage contract, she may collect the marriage settlement for all time.”
- II.4** A. R. Nahman bar R. Hisda sent word to R. Nahman bar Jacob, “May our lord instruct us: When the written deed of the marriage contract is produced by the woman do we have a dispute, or does the dispute pertain to a case in which the

written deed of her marriage settlement is not produced by her? And in accord with whom is the law?"

- B. He sent word to him, "The dispute pertains to a case in which the woman produced no written deed of her marriage settlement, but a woman who did produce such a document may collect any time she wants, and the decided law is in accord with the position of sages."

II.5 A. When R. Dimi came, he said R. Simeon b. Pazzi said R. Joshua b. Levi said in the name of Bar Qappara, "This has been taught only with regard to the maneh or two hundred zuz provided for all women, but as to the additional dowry specified in the marriage settlement, she has every right to the money at all times."

- B. And R. Abbahu said R. Yohanan [said], "It pertains even to the additional dowry, to which she loses her claim."

- C. *For* said R. Aibu said R. Yannai, "The supplementary stipulations in a marriage contract enjoy the same standing as the statutory marriage contract."

D. *So, too, it has been stated:*

E. Said R. Abba said R. Huna said Rab, "This has been taught only with regard to the maneh or two hundred zuz provided for all women, but as to the additional dowry specified in the marriage settlement, she has every right to the money at all times."

F. *Said R. Abba to R. Huna, "Did Rab really make such a statement?"*

G. *He said to him, "So did you make such a [dumb] statement to shut me up or to buy me a drink [in exchange for the information I was supposed to provide]?"*

H. *He said to him, "So I wanted to shut you up, [Bozo]!"*

II.6 A. *R. Hiyya Arika's mother-in-law was the wife of his brother [who died without heirs and whose estate Hiyya inherited]. She was a widow living in her father's house. He maintained her for twenty-five years at her father's house, and at the end of that time, she said to him, "Give me my maintenance."*

B. *He said to her, "You have no further claim on maintenance."*

C. *"Then pay off my marriage settlement."*

D. He said to her, "You have no further claim on maintenance, and you also have no claim on a marriage settlement."

E. She called him to court before Rabbah bar Shila. He said to him, "Tell me exactly the facts of the case."

F. He said to him, "I have supported her for twenty-five years in her father's house, and by your life, I myself carried the food over to her on my shoulder."

G. He said to him, "How come rabbis have said, **So long as she is in her husband's house, she collects her marriage contract at any time?** It is because we invoke the argument, the reason she didn't claim the marriage settlement was out of embarrassment. Here, too, it was on account of embarrassment. Go, pay her."

H. He ignored him. The judge wrote out for her a document permitting her to seize what was owing to her out of his property. He came before Raba. He said to him, "See, Master, how he handled my case!"

I. He said to him, "He handled your case quite properly."

J. She said to him, "If so, then let him go and return to me the produce that is owing to me from the day on which she got her court order up to today."

K. He said to her, "Show me your document of seizure." He saw that the document did not contain the language, "And we have ascertained that this estate belonged to the deceased." He said to her, "This document of seizure is no good."

L. She said to him, "Then let the document go its way, and let me get a refund for the produce from the day on which the period of the public announcement of sale came to an end and up to this date."

M. He said to her, "But that ruling upon which you rely pertains only to a case in which no error has been committed in the writing of the document of seizure, but

in a case in which an error has been made in drawing up the document of seizure, that is not the rule.”

N. *She said to him, “But is it not you, Master, who has said, ‘Responsibility for the omission of a clause pleading property in support of a document is assigned to the scribe’ [and is assumed to have been written even though it was omitted]?”*

O. *Raba said to her, “In this case, there is no invoking the position, ‘Responsibility for the omission of a clause pleading property in support of a document is assigned to the scribe,’ for in such a case, even Rabbah bar Shila to begin with overlooked the error. He was thinking, since both belonged to [Hiyya], what difference does it make whether the widow seizes the one or the other [the brother’s estate, his own estate, so he drew up the document covering all of Hiyya’s lands]. But that is not correct, for sometimes the widow might go and improve the lands which didn’t belong to the husband but to the heir, and which the court assigned to her in return for her claim [Slotki], and those belonging to her husband would be permitted to deteriorate, and the heir might then tell her, ‘Take yours and return mine to me,’ and the court would get a bad name [of carelessness].”*