

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Mishnah**

The *Mishnah* states: If someone was married to three wives, and died, this one's *kesuvah* is a *maneh*, and this one's two hundred, and this one's three hundred, and there is only a *maneh* (and each of their *kesuvah*'s were signed on the same day), they all share equally (since they all have a lien of one hundred on his property).

If there were two hundred (in his estate), the one of a *maneh* takes fifty, whereas the one's of two hundred and three hundred each receives three gold *dinars* (seventy five *zuz*; they all have a lien on the one hundred, but only two of them have a lien on the remainder).

If there were three hundred, the one of a *maneh* takes fifty; the one of two hundred takes a *maneh*; and the one of three hundred, takes six gold *dinars*.

And similarly, if there were three people who put money in a fund, and it diminished or increased, they divide it in the same manner. (93a1 – 93a2)

### **Explanation of the Second Ruling**

The *Gemora* asks (on the *Mishnah*'s second ruling): Why does the first one receive fifty; the one hundred should be divided amongst the three of them and she should only take thirty-three and a third?

Shmuel answered: The *Mishnah* is referring to a case where the one who is entitled to the two hundred *zuz*

wrote to the woman who was entitled to one *maneh*, “I have no claim whatsoever upon the *maneh*.”

If so, asks the *Gemora*, let us examine the latter part of the ruling: Whereas the one's of two hundred and three hundred each receives three gold *dinars*. Why, let the third woman tell the second one, “You have removed yourself from the first *maneh*” (and therefore, the second woman should only receive fifty)?

The *Gemora* answers: She only removed herself from any claim upon the first *maneh* (she did not remove herself from the *kesuvah* itself; she didn't remove herself from any claim regarding the third woman either; she, therefore, receives an amount equal to that of the third woman). (93a2)

### **Explanation of the Third Ruling**

The *Mishnah* had stated: If there were three hundred, the one of a *maneh* takes fifty; the one of two hundred takes a *maneh*; and the one of three hundred, takes six gold *dinars*.

The *Gemora* asks: Why does the second one receive a *maneh*, she should only be entitled to seventy-five *zuz* (since we are discussing a case where the second woman wrote to the first woman, “I have no claim whatsoever upon the *maneh*”)?

Shmuel answered: The *Mishnah* is referring to a case where the one who is entitled to the three hundred *zuz*

wrote to the woman who was entitled to the two hundred zuz and to the one who was entitled to one *maneh*, “I have no claim whatsoever upon the first *maneh*.” (The second woman, however, did not waive any of her rights; therefore, the first two women divide the one hundred equally and the second two women divide the second hundred equally; the third woman takes the third hundred herself.) (93a2 – 93a3)

### **An Alternative Explanation**

Rav Yaakov from Nehar Pekod offers an alternative explanation to the *Mishnah*: The first case (the second ruling) is referring to a case of two seizures (of moveable, mortgaged property by the wives) and the latter case is referring to two cases of seizures.

He explains: They initially seized seventy-five zuz (and therefore, they each received twenty-five zuz). Then, they seized one hundred and twenty-five zuz (and now, we consider again the debt owed to each woman; hence, they divide the seventy-five zuz owed to them, with each receiving twenty-five, and the remaining fifty is divided amongst the last two women).

The latter case is explained as follows: They initially seized seventy-five zuz (and therefore, they each received twenty-five zuz). Then, they seized two hundred and twenty-five zuz (and now, we consider again the debt owed to each woman; hence, they divide the seventy-five zuz owed to them, with each receiving twenty-five; the next hundred zuz is divided equally amongst the last two women and the remaining fifty zuz belongs to the third woman). (93a3)

### **Dissenting Opinion**

The *Gemora* cites a *Baraisa*: The *Mishnah*'s rulings follow the opinion of Rabbi Nassan; however, Rebbe says: I do not agree with Rabbi Nassan regarding this and I hold that

all the monies are divided equally (the estate being equally mortgaged to all three women, the woman who claims the smallest amount has no less a right to it than the women who claim the bigger amounts have a right to theirs; only in the case of contributors to a common fund are profits and losses to be divided in proportion to the respective amounts contributed). (93a3)

### **Money in a Fund**

The *Mishnah* stated: And similarly, if there were three people who put money in a fund, and it diminished or increased, they divide it in the same manner.

Shmuel said: If two people put money into a fund, one gave a *maneh* and the other gave two hundred zuz, the profit is shared equally.

Rabbah said: It stands to reason that Shmuel's ruling applies where an ox was jointly purchased for plowing and was used for plowing (so that the share of one partner in the ox is as essential as that of the other, the animal being useless for work unless it is whole); where, however, an ox was purchased for plowing and was used for slaughter, each of the partners receives a share in proportion to his investment (since the animal can be divided).

Rav Hamnuna, however, ruled: Where an ox was jointly purchased for plowing, even if it was used for slaughter, the profit must be equally divided.

The *Gemora* asks on Rabbah from the following *Baraisa*: If two people put money into a fund, one gave a *maneh* and the other gave two hundred zuz, the profit is shared equally. Is this not referring to a case where the ox was purchased for plowing and was used for slaughter? It would then be a refutation to Rabbah!

The *Gemora* deflects the challenge: It is referring to a case where the ox was jointly purchased for plowing and was used for plowing.

The *Gemora* asks: But we may then infer that if the ox was purchased for plowing and was used for slaughter, the *halacha* would be that each of the partners receives a share in proportion to his investment. Then, we could have learned that case in the end of the *Baraisa* instead of the following case which was taught: If one person purchased healthy oxen for two hundred zuz and the other person purchased weak oxen for a hundred zuz and afterwards, they formed a partnership, each of the partners receives a share in proportion to his investment (*since weak oxen do not perform work equal to that of healthy oxen*). The *Baraisa* should have made a distinction in the first case itself? The following is what the *Baraisa* should have taught: When do these words (*the profit is shared equally*) apply? It applies only when the ox was purchased for plowing and was used for plowing; however, if it was purchased for plowing and used for slaughter, the *halacha* would be that each of the partners receives a share in proportion to his investment.?

The *Gemora* answers: That is actually what the *Baraisa* was in fact saying. When do these words (*the profit is shared equally*) apply? It applies only when the ox was purchased for plowing and was used for plowing; however, if it was purchased for plowing and used for slaughter, it is as if one person purchased healthy oxen for two hundred zuz and the other person purchased weak oxen for a hundred zuz and afterwards, they formed a partnership, and the *halacha* would be that each of the partners receives a share in proportion to his investment.

The *Gemora* asks from our *Mishnah* which states: And similarly, if there were three people who put money in a fund, and it diminished or increased, they divide it in the same manner. Now, if the *Mishnah* means that they suffered a loss or that they generated a profit, and

nevertheless, the *Mishnah* rules that each of the partners receives a share in proportion to his investment. This would be inconsistent with Shmuel's opinion!

Rav Nachman answers in the name of Rabbah bar Avuha: No! The *Mishnah* is referring to a case where they now have new coins (*which are easier to spend*) or they now have coins that were voided by the government, and are now only suitable to be used as an application upon a wound on the bottom of one's foot (*since the face value of the coins are still the same, they each would receive a share in proportion to their investment*). (93a3 – 93b2)

## INSIGHTS TO THE DAF

### ***Marrying Multiple Women on the same Day***

The *Mishnah* states: If someone was married to three wives, and died, this one's *kesuvah* is a *maneh*, and this one's two hundred, and this one's three hundred, and there is only a *maneh*, they all share equally (*since they all have a lien of one hundred on his property*).

Rashi explains that each of their *kesuvah*'s were signed on the same day, for otherwise, the one which was signed first would be entitled to collect her *kesuvah* first.

The Haflaah asks: The *Chachamim* instituted that a man is responsible for a *kesuvah* even if he does not write one; accordingly, the *halacha* should be that the one who was married first should be entitled to collect her *kesuvah* first?

The Haflaah adds that they obviously were not married on the same day, for the *Gemora* in Moed Katan (8b) states that we may not intermingle one joyous occasion with another, and that is why one may not marry a woman during the festival; so too, there should be a prohibition against marrying multiple women on the same day!



He answers that although a man is responsible for a *kesuvah* even without writing one, his property is not mortgaged for the payment, and therefore, the woman who was married first will not have any stronger rights than the woman who married later.

It is noteworthy that the Rambam in Hilchos Ishus (10:13) writes that one is permitted to marry two women on the same day. The Haflaah writes that our *Mishnah* is the source where the Rambam derived this *halacha* from.

#### **DAILY MASHAL**

##### ***Fighting on the Borders***

The Gemora had stated: And from what moment is it considered that a propriety act has been performed? It is as soon as he walks upon the borders of the field.

The Kidinover Rebbe used to say: The primary focus of a person's life – one that he is obligated to exert himself over – is to ensure that all of his deeds, actions and thoughts are for the sake of Heaven, and that he does not want to benefit from physical matters. And although this is a quite difficult task, nevertheless, if one at least makes an attempt at this, and the Holy One, Blessed be He, recognizes his intent, it is something very dear and precious to Him.

The Rebbe continues: Merely knowing chassidus is not sufficient, for when it comes to a test, it remains in his knowledge and in his brain, but it does not lead to any positive action.

This is what Chazal are hinting at when they said: And from what moment is it considered that a propriety act has been performed? It is as soon as he walks upon the borders of the field. The borders of the field is referring to the permitted desires of this world. When is it regarded as a person has conquered his desires? It is when he has

firmly established that even those pleasures that are permitted to him, he will not indulge in, and if he accomplishes that, he has conquered and acquired the entire field.

This is what is said in the lamentations on Tisha b'Av: All those chasing after us have reached between the borders, for the Evil Inclination is battling on the fringes, and once man is ensnared in his grasp in the permitted pleasures of the world, it is a small step away from those that are forbidden.

May we merit the light of recognizing this and taking action to lead the life that God wants from us.