

אלמנה איצטריכא ליה - אלמנה It was necessary for him to mention

OVERVIEW

The גמרא explained that it was necessary for the תנא to teach us that an אלמנה cannot collect from the יתומים without a שבועה, for otherwise we may have mistakenly assumed that on account of חינא she is not obligated to swear. תוספות explains why we could not derive this from another משנה.

asks: תוספות

ואם תאמר אלמנה נמי תנינא בהכותב (כתובות דף פז, א) –

And if you will say; it was already taught in a משנה in the פרק הכותב regarding an אלמנה, for the משנה states there –

הנפרעת מנכסי יתומים לא תפרע אלא בשבועה –

‘When she collects from the assets of the orphans, she cannot collect without an oath’; seemingly referring to an אלמנה.¹ Why is it necessary to repeat it again in this משנה?!

answers: תוספות

ויש לומר דאיכא לאוקמא בגרושה² –

And one can say that we can establish that משנה in the הכותב by a divorcee, but not by a widow –

responds to the anticipated difficulty: תוספות

אף על גב דבכתובות פרק אלמנה (דף צז, ב) אמרינן דגרושה נמי בעי חן –

Even though the גמרא in אלמנה states that a גרושה also requires חן, so seemingly an אלמנה and גרושה are equal and if a גרושה requires a שבועה (even though she also requires חן), so too an אלמנה should require a שבועה –

replies that - תוספות

מכל מקום לא שמעינן מינה אלמנה –

Nevertheless we could not derive אלמנה from גרושה –

דגרושה נהי דאיכא חינא הויא אחר זמנה³ –

¹ It is an אלמנה who collects (only) from the יתומים; a גרושה collects from her husband.

² The משנה is teaching us that if a divorcee did not manage to collect her כתובה from her husband until he died, she can collect from the יתומים only with a שבועה. However we may still have thought that an אלמנה may collect from the יתומים without a שבועה (because of חינא?). תוספות will immediately explain this.

³ The כתובה was due when her husband divorced her. There could have been ample time for the husband to pay her before he died. Therefore if she demands payment from the יתומים, she has to swear, because there is the concern that her husband paid her before he died.

For by גרושה, granted that there is the reason of חינא (which would indicate an exemption from כתובה), but nevertheless **it is after the time** that the כתובה was due (which is sufficient reason to obligate her to swear) -

אבל אלמנה אית בה תרתי דתוך זמנה⁴ ואיכא נמי חינא –

However an אלמנה has two reasons why she should not be obligated to swear, **for it is תוך זמנה and there is also the reason of חינא.**

⁵ועוד דדרך תנא להשמיענו כשאין צריך להאריך בשביל כך יותר – offers an alternate answer:

And furthermore, there is no difficulty why the משנה repeats this rule regarding אלמנה, **for it is customary for the תנא to inform us** (something which we already know), **when it is not necessary to elaborate extra to do this -**

אף על פי שכבר השמיענו במקום אחר כדאשכחן בריש ברכות⁷ (דף ב,א) ובשאר דוכתי⁸:

Even though the תנא already informed us elsewhere regarding this ruling, **as we find this in the beginning of ברכות and elsewhere.**

SUMMARY

We would not know that an אלמנה is required to swear when she collects from יתומים, from the fact that a גרושה is required to swear, since by אלמנה it is תוך זמנו. Occasional a תנא may repeat his ruling if no elaboration is required.

THINKING IT OVER

What is the main reason we may have assumed that an אלמנה is not required to swear (when she collects from יתומים); is it משום חינא or because it is תוך זמנו?

⁴ The כתובה is not due until the husband dies. It is seemingly unlikely that he paid the כתובה before it was due.

⁵ This answer assumes that the משנה in הכותב is discussing an אלמנה (as the simple reading of the משנה would indicate; see footnote # 1).

⁶ The משנה could have said האלמנה את מלהשביע את האלמנה (this is the question); the משנה states אין רישא (actual) אלמנה which is added in the (actual) רישא (omitted in the סיפא).

⁷ See ד"ה והא תוספות there.

⁸ See תוספות מנחות צג, א ד"ה הכל and תוספות זבחים כח, א ד"ה אמר.