



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Kesubos Daf Tes

- **R' Elazar** said, if a husband says that he found an “open entrance” with the first bi'ah with his wife (he claims that she did not seem to be a besulah, but does not have a claim that she did not bleed, either because she was from a family who didn't bleed when losing besulim or because he lost the sheet that they had bi'ah on), he is believed in regard to making her assur on himself.
 - **Q:** Why should she become assur to him? This is a sfek sfeika – it is a safek whether she had bi'ah with somebody before or after the eirusin, and even it was after, it is a safek whether it was willingly or forced!? **A:** He was talking about the wife of a Kohen, who becomes assur even if she was forced. **A2:** The girl was given to eirusin by her father when she was less than 3 years old, and if the bi'ah was done before then, the besulim would have grown back.
 - **Q:** What is the chiddush of **R' Elazar** to say that a person is believed to make her assur on himself? A Mishna already says, if a man says he was makadesh a particular woman and she says it is not true, he becomes assur to marry her relatives and she is mutar to marry his relatives (he is believed to have given the woman kiddushin only in regard to himself)!? **A:** We would have thought that in the Mishna he is sure about his claim and that is why he becomes assur to her. However, when a man says he “found an open entrance”, he is not really sure about that claim, and we would think that he therefore does not make her assur even to himself in that case.
 - **Q:** How could **R' Elazar** have said this, when we find that elsewhere he says that a woman does not become assur to a man unless it is done through warning and seclusion, and like the story with Dovid and Batsheva (to be explained later in the Gemara), and the husband's saying so based on his knowledge should not be enough!?
 - **Q:** That statement of **R' Elazar** doesn't seem to make any sense, because the story of Dovid did *not* involve a warning and seclusion, and in fact Dovid did *not* become assur to Batsheva at all!? **A:** What he meant to say is that a woman does not become assur to her husband unless there is a warning and seclusion, as we can see from the story of Dovid, where there was no warning and seclusion, and in fact he did not become assur to her.

We are still left with the question that a man should not be believed on his statement to make his wife assur to him!? **A:** **R' Elazar** can't mean to say that she can only become assur with a warning and seclusion, because that would mean that even 2 witnesses would not be able to make her assur. Rather, he must mean to say that she only becomes assur with 2 witnesses, or, if there is a warning and seclusion even one witness would be enough. Based on this, a man's statement of “an open entrance” is given the status of 2 witnesses. And, the reason why Batsheva did not become assur is because she was considered to be a woman who was forced, who does not become assur to her husband. Another reason we can give for why she did not become assur is based on **R' Shmuel bar Nachmeini in the name of R' Yonason**, who said that every soldier who went to war in the times of Dovid would write a get for his wife before he left, that stated that she is divorced from the time of the get if he eventually dies at war. Therefore, she was retroactively divorced at the time that she was with Dovid.

- **Abaye** said, our Mishna is a proof to **R' Elazar's** Halacha. The Mishna says the besula should get married on Wednesday so that the husband can go to Beis Din the next morning if need be, and he not be given a chance to cool off. Why are we afraid that he will cool off? It must be because if he goes to Beis Din she would become assur to him, and we therefore don't want him to decide not to go. Now, presumably the case is

where he is going to Beis Din with a claim of having found an open entrance, and we see that the husband is believed to make her assur to himself with that claim!

- The Gemara says this is no proof, because the Mishna may be discussing where he comes to Beis Din with a claim that she did not bleed (which is a more certain claim than the claim of having found an open entrance).
- **R' Yehuda in the name of Shmuel** said, if a man says he found an “open entrance”, he is believed to make her lose her kesubah.
 - **Q: R' Yosef** asked, what is the chiddush of **Shmuel**? This principle was already taught in a Mishna which says that in Yehuda, if a chosson and kallah ate together without witnesses present (who can testify that they were not secluded together), he may not later claim that she was not a besulah, because in that geographic the custom would be to allow the chosson and kallah to seclude with each other. The Mishna seems to suggest that only in Yehuda a man may not make this claim, but in other areas a man may make this claim. Now, regarding making her assur on him, a man would even be able to do that in Yehuda as well. It must be that the Mishna is discussing his ability to not pay her the kesubah. Presumably the claim he makes is that he found an “open entrance”, and we see that for such a claim one may hold back payment of the kesubah!? **A:** The Mishna is discussing where he makes a claim of not seeing any blood, which is a stronger claim.