



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

Kesubos Daf Yud Beis

MISHNA

- If a man entered into eirusin and ate at his father in law's house in Yehuda and there were no witnesses to testify that he did not seclude himself with his arusah, he may not later make a claim that she is not a besulah, because he in Yehuda it was customary for the arus to seclude with the arusah.

GEMARA

- Since the Mishna says "if one eats in his father in law's house in Yehuda", it must mean that some places in Yehuda had the custom that the arus would not eat in in his father in law's house. **Abaye** said, we see from here that various places in Yehuda had different customs.
 - This can be seen in a Braisa as well. The Braisa says that originally in Yehuda they would seclude the arus and arusa before the chuppah so that they become comfortable with each other, but in the Galil they would not do so. Originally in Yehuda they would have attendants – one for him and one for her – to examine the chosson and kallah before they enter the room, but in the Galil they did not. Originally in Yehuda the attendants would sleep in the house with the chosson and kallah, but in the Galil they did not do so. Therefore, whoever does not follow this practice cannot make a claim that the kallah is not a besulah. Now, from the fact that there were attendants in some places in Yehuda shows that different places had different customs, because a place that allowed seclusion would have no need for attendants.
 - **Q:** What custom is the Braisa referring to when it says "whoever does not follow this may not make a claim..."? If it's the first part (that seclusion was allowed), the Braisa should say that anyone who *does* follow it may not make a claim!? If it is going on the next part, it should say "anyone who was not examined may not make a claim..."? **A: Abaye** said, it is referring to the beginning of the Braisa, and change the words to read "anyone who does follow this custom may not make a claim...".
 - **Rava** said, the Braisa says "anyone who does not follow", so **Abaye** can't be right. Rather, the Braisa means to say, that anyone who did not follow the custom of the Galil in the Galil, but rather followed the custom of Yehuda in the Galil, may not make a claim.
 - **R' Ashi** said, the Braisa is going on the last part, and change the words to read "anyone who was not examined may not make a claim".

MISHNA

- An almanah who is a bas Yisrael and an almanah who is a bas Kohen both get a kesubah of 100. The Beis Din of Kohanim would collect a kesubah of 400 for a besula who was a bas Kohen, and the **Chachomim** did not stop them.

GEMARA

- A Braisa says, an almana who is a bas Kohen gets a kesubah of 200.
 - **Q:** Our Mishna said she only gets 100!? **A: R' Ashi** said, there were 2 enactments. First they enacted that a bas Kohen who is a besulah should get a kesubah of 400 and one who is an almana should get a kesubah of 100. When the Kohanim saw that people were treating the bas Kohen almanos lightly, they instituted that they get a kesubah of 200. When they then saw that people were preferring the bas Yisrael over the bas

Kohen almanah because of the higher kesubah, they reverted back to saying that the bas Kohen almanah only gets a kesubah of 100.

BEIS DIN SHEL KOHANIM...

- **R' Yehuda in the name of Shmuel** said, this doesn't only apply to Kohanim. Rather, even if prestigious families decide to do this as well, they may.
 - **Q:** A Braisa says that this may be done when a bas Yisrael marries a Kohen or when a bas Kohen marries a Yisrael. This suggests that if neither are a Kohen it may not be done!
A: The Braisa means that surely when neither are a Kohen they may increase the kesubah, because he is not increasing her status, so a higher kesubah may be given. The chiddush is that he may do so even where he is a Kohen and is increasing her status.

MISHNA

- If one marries and finds out that his wife did not have her besulim, and she says that she was raped after the eirusin and it is therefore his mazal that allowed it and she should therefore get her full kesubah, but he says it happened before the eirusin and therefore his kiddushin was a mistaken transaction and he should not have to pay her kesubah, **R' Gamliel and R' Eliezer** say that she is believed. **R' Yehoshua** says she is not believed and we therefore assume she was a be'ulah at the time of the kiddushin unless she can prove otherwise.

GEMARA

- If a person tells another, "You owe me a maneh" and the other says "I do not know", **R' Yehuda and R' Huna** say he must pay (a certain claim wins out over an unsure claim), and **R' Nachman and R' Yochanan** say he is patur (the money remains in the hands of the one who currently holds it).
 - **Abaye** said to **R' Yosef**, the view of **R' Huna and R' Yehuda** is the view of **Shmuel**, because we find that **Shmuel** paskened like **R' Gamliel** of our Mishna. This shows that although it is removing money from the hands of the current possessor, a certain claim is believed over a questionable claim.
 - **Q:** Can we say that **R' Huna and R' Yehuda** follow **R' Gamliel**, and **R' Nachman and R' Yochanan** follow **R' Yehoshua**? **A:** **R' Nachman** could say that **R' Gamliel** only holds that way in our Mishna because the woman has a miguy (she could have said that she was injured, rather than raped), but in the case of the loan, where there is no miguy, he would not be believed. Or we can say, that **R' Gamliel** holds that way there because he says we have a chazaka that the woman was a besulah, but in the case of the loan there is no chazakah.
 - It also makes sense that **R' Nachman** holds like **R' Gamliel**, because the Halacha follows **R' Nachman** in monetary matters, and we also pasken like **R' Gamliel** over here.