



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

### Kesubos Daf Yud Gimmel

#### MISHNA

- If a woman claims she had lost her besulim due to injury, and the husband says that it was due to a bi'ah, **R' Gamliel and R' Eliezer** say she is believed, and **R' Yehoshua** says she is not believed.

#### GEMARA

- **R' Yochanan** said the Mishna is discussing where she is saying she deserves a kesubah of 200 and he is saying she only deserves 100 (**R' Yochanan** holds like **R' Meir**, who says that in all cases a woman who lost her besulim due to injury gets a kesubah of 200). **R' Elazar** said, she is claiming that she deserves 100 and he is saying that she deserves nothing at all (**R' Elazar** holds like the **Rabanan** who says that such a woman would only get a kesubah of 100).
  - **Q:** We can understand why **R' Elazar** says as he does, because according to him the Mishna is following the view of the **Rabanan**. However, why does **R' Yochanan** not say like that as well? **A:** He holds that a woman who was married on presumption of being a besulah and it turns out that she is a be'ulah, she gets a kesubah of 100. This means that the husband's claim in this case is that she deserves only 100. If she is also claiming that she only deserves 100, then there is no disagreement at all! Therefore, it must be that the Mishna follows the view of **R' Meir**. **R' Elazar** doesn't have this problem, because he holds that a woman married on this presumption who turns out to be a be'ulah would receive nothing at all.
  - **Q:** According to **R' Elazar**, who says she would receive no kesubah at all, it makes sense why the machlokes is needed in this Mishna and the previous one – this Mishna excludes the view of **Rami bar Chama**, who says that if the husband did not know she had lost her besulim due to injury she does not receive a kesubah at all, and the previous Mishna excludes the view of **R' Chiya bar Avin in the name of R' Sheishes**, who said that such a woman would receive a kesubah of 100. However, according to **R' Yochanan**, why are both Mishnayos needed? **A:** The previous Mishna teaches the extent of the view of **R' Yehoshua**, that even though the woman has a miguy she is not believed. This Mishna teaches the extent of **R' Gamliel**, that even though she has no miguy, she is still believed.

#### MISHNA

- If they saw an unmarried woman "talking" to a man, and they asked her who this man is, and she said he is so-and-so the Kohen, **R' Gamliel and R' Eliezer** say she is believed. **R' Yehoshua** says she is not believed and she is presumed to have been mezaneh with a nasin or mamzer unless she can prove otherwise.
- If an unmarried woman is pregnant and they ask her who the father of the child is, and she says it is so-and-so the Kohen, **R' Gamliel and R' Eliezer** say she is believed. **R' Yehoshua** says she is not believed and she is presumed to be pregnant from a nasin or mamzer unless she can prove otherwise.

#### GEMARA

- **Q:** What does the Mishna mean that she was "speaking" to a man? **A: Ze'iri** said it means she was secluded with him. **R' Assi** said it means she was mezaneh with him.
  - **Q:** According to **Ze'iri** it makes sense why the Mishna says "speaking", but according to **R' Assi** why didn't the Mishna just say she was mezaneh? **A:** It wanted to say a finer verbiage.

- **Q:** According to **Ze'iri** it makes sense why we needed both cases in the Mishna (the first one to teach that **R' Yehoshua** says she is assur even though we don't know she was mezaneh and the second one teaches that **R' Gamliel** believes her even though we know she had bi'ah. However, why are both cases needed according to **R' Assi**? **A:** One teaches that she remains mutar to a Kohen and the other teaches that her child is mutar to a Kohen as well.
  - **Q:** **R' Pappa** asked **Abaye**, we learned that **Rav** said that one receives malkus for secluding but does not become assur. It seems that we would have to say that **R' Yehoshua** according to **R' Assi** would disagree with that? **A:** It may be that all would agree that we are extra stringent when it comes to Kohanim.
  - **Q:** A Braisa says, if she was seen going into seclusion with a man, or into a ruin with a man, and when asked about this she says the man was her cousin who is a Kohen, **R' Gamliel and R' Eliezer** say she is believed, and **R' Yehoshua** says she is considered to have been mezaneh with a nasin or mamzer unless she can prove otherwise. According to **Ze'iri**, these two cases are like the 2 cases of our Mishna (going into a ruin is the same as seeing her be mezaneh). However, according to **R' Assi**, why are both cases needed? **A:** The Mishna means to say she secluded in a ruin (it is one case).
    - **Q:** The Mishna says "or", meaning it is 2 separate cases!? **A:** One case is a ruin in the city (where we can assume that whoever she went with is a valid person) and the other case is a ruin in the fields (where the assumption can't be made). Both are needed, to show that **R' Yehoshua** does not agree in the first case and that **R' Gamliel** does not agree in the second case.
  - **Q:** A Braisa says, **R' Yehoshua** asked **R' Gamliel**, you agree that a captured woman with regard to whom there are witnesses that she was captured, is not believed to marry a Kohen. Why is this case (like our Mishna) different? He responded, in that case there are witnesses, whereas here there are no witnesses so she is believed. **R' Yehoshua** asked, the fact that she is pregnant is as good as witnesses, so she should not be believed!? He responded, most goyim are unrestrained regarding zenus. **R' Yehoshua** said, there is no guarantor to prevent zenus. The Braisa says, this is in regard to the woman herself. However, all would agree that the child of this woman would be a "shtuki". The Gemara explains the conversation in the Braisa - **R' Gamliel** said to **R' Yehoshua**, you have only asked regarding the case of where she was pregnant, but have not addressed the case where she was "speaking" to a man? He answered, the case of "speaking" is the case of a captured woman. **R' Gamliel** said the case of a captured woman is different because goyim are unrestrained in zenus, and we therefore assume they violated her!? **R' Yehoshua** said, the case of a secluded woman should be no different, because there is no guarantor when it comes to preventing zenus. From this back and forth we clearly see that there are 2 cases being discussed. This refutes the view of **R' Assi**! **TEYUFTA of R' Assi.**
    - **Q:** Why can't **R' Yehoshua** say that the difference between the case of the captured woman and the "speaking" woman is that by the captured woman most of the people there are invalid people, whereas by the "speaking" woman most people there are valid? **A:** This supports **R' Yehoshua ben Levi**, who says that the one who says she is passul will say so even when most people there are valid, and the one who says she is valid will say so even when most people there are invalid.
- **R' Yochanan** said, just as **R' Gamliel and R' Eliezer** say she is valid, they say that her child would be valid to a Kohen as well, and **R' Yehoshua** would say that just as she is not valid, her child is not valid either. **R' Elazar** said that even according to **R' Gamliel and R' Eliezer** the child is not valid for a Kohen.
  - **Rabbah** explains the view of **R' Elazar**, the woman has a chazaka that she is valid, but the child does not.
  - **Q:** **R' Elazar** asked **R' Yochanan**, the Braisa quoted above said that all agree that the child is a shtuki!? **A:** **R' Yochanan** said, the Braisa means that the child is a shtuki, but is valid to a Kohen. As we find that **Shmuel** said that a child whose father is known to be a Kohen, but we don't know exactly which Kohen his father is, is considered a shtuki in

that he may not do the Avodah or eat terumah. He learns this based on a drasha of a pasuk.

- A couple who had eirusin came to **R' Yosef** and told him she was pregnant. They both said that she was pregnant from the husband. **R' Yosef** said she and the child will be valid because 1) they both agree that it is from the husband, 2) we pasken like **R' Gamliel** that she is believed.
  - **Q: Abaye** asked, we find that **Shmuel** said that we only pasken like **R' Gamliel** when most of the people present are valid, and in that case most people were not valid!? **A:** B'dieved we pasken like **R' Gamliel** even where most people are not valid. Therefore, in this case in which she was already pregnant (and is thus a case of b'dieved) we will pasken like **R' Gamliel** even though most people are not valid.