



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

Kesubos Daf Tes Vuv

MISHNA

- **R' Yose** said, it once happened that a girl was raped when she went to draw water from a spring, and **R' Yochanan Ben Nuri** said, if most people of that city are fit to marry into the Kehuna, this girl may also marry into the Kehuna.

GEMARA

- **Q: Rava** asked, who does **R' Yochanan ben Nuri** follow? According to **R' Gamliel** the woman should be valid even when most of the people are not, and according to **R' Yehoshua** she would be passul even if most of the people are valid!? **A: R' Nachman** said, **R' Yehuda in the name of Rav** said, the case happened on a market day when there were many outsiders in the area, and a majority of the city residents and of the outsiders were valid for Kehuna. **R' Yehoshua** holds that when there are 2 majorities that point to her being valid, even he agrees that she remains valid.
 - **R' Ami** says this as well, and **R' Yannai** says this as well.
 - The Gemara says, if we know for sure that it was a man from the city (so there is only one majority), the child born would be a shtuki.
 - We find the concept that we must have the double majority in order to render her valid, from the statement of **R' Dimi in the name of Ze'iri in the name of R' Chanina**, who said that the case must be where the majority of the city people and the majority of the visitors were fit for Kehuna, but the majority of each group alone would not suffice to make her valid. The reason that a majority of the city would be insufficient is because we are discussing where she went to them, in which case we have the rule that "kol kavuah k'mechtza ahl mechtza dami", and there is not considered to be any majority. The reason we can't rely on a majority of the visitors alone (they are not kevauh, so the previous reason would not be an issue) is as a gezeirah that we don't come to rely on a majority of the city people alone. However, when there is a majority of both groups, we can rely on that to render her fit for Kehuna.
 - **Q:** We find in a Braisa that we can rely on a single majority in the case where one finds a piece of meat among butcher stores of which a majority are kosher, and **R' Zeira** said this applies even if the meat is all local meat (so there is only one majority)!? **A:** We are more stringent when deciding on genealogical matters effecting Kehuna.
- **Q:** We previously learned the statement of **R' Zeira**, that "kol kavuah k'mechtza ahl mechtza dami", whether this results in a kula or a chumra. Where does **R' Zeira** learn this from? It can't be from the case of where one takes a piece of meat from a butcher store, and does not remember which one it was taken from, and there are 9 kosher stores and one non-kosher, in which case we pasken that it is assur, because that is only a case of chumra, not kula!? It also can't be from the case where there were 9 dead frogs (which don't give off tumah) and one dead sheretz (which does) and he doesn't know which one he touched, in which case we pasken that he is tamei, because there too it is a case of chumra, not kula!? **A:** It is from the case where there are 9 dead sheratzim and one dead frog and he touched one without knowing which it was. We pasken that if this took place in the reshus hayachid he is tamei, and in the reshus harabim he is tahor. We see that we don't follow the majority even though it leads to a kula.
 - **Q:** Where do we find this concept in the Torah? **A:** We find that the **Rabanan** learn from the extra words of "v'arav lo", that if one throws a stone into a group of people consisting of Jews and goyim, and he kills a Jew, he is not chayuv misah. Now, the case can't be where there is a majority of goyim, because then we don't need a pasuk to

make him patur. It also can't be a case of 50/50, because since we are lenient when there is a safek involving killing with the death penalty, we don't need a pasuk to make him patur there either. The case must be where there was a majority of Jews, but since the goyim are "kavu'ah" it is treated as a case of 50/50.

- **R' Chiya bar Ashi in the name of Rav** said that we pasken like **R' Yose** of our Mishna. **R' Chanan bar Rava in the name of Rav** said that story had that psak for some special reason, and cannot be followed in other cases.
 - **Q: R' Yirmiya** asked, how can **R' Chiya bar Ashi** suggest that we don't need a double majority in the case of allowing for Kehuna? A Mishna says that if a child is found in a city, if most residents are goyim, the child is treated as a goy. If most residents are Jews, the child is treated as a Jew. If they are 50/50, the child is treated as a Jew. **Rav** explained, that the child is treated as a Jew in this Mishna only in regard to having to sustain him. However, he clearly is not given the lineage of a Jew. **Shmuel** said he is given the status of a Jew to allow the removal of a fallen building on Shabbos to try and save him. We see that **Rav** says that a majority is not sufficient in matters of making one fit for lineage!? **A:** The Gemara says, **R' Yirmiya** did not realize that in our Mishna the case was where there was a second majority of visitors. Therefore, there was a double majority, and that is why **Rav** said it may be followed.
 - **Q:** According to **R' Chanan bar Rava**, who said that the psak of our Mishna is not to be followed, and the psak of our Mishna has been established to be a case where there are 2 majorities, that would mean that in general one majority should be sufficient. If so, why did **Rav** say that the found child is not established as being of Jewish lineage based on the single majority? **A: R' Chanan bar Rava** would not agree with the statement in the name of **Rav** that the child is not given the status of Jewish lineage based on a single majority.
 - **Q:** How could **Shmuel** say in the above quoted Mishna that we would remove the fallen building from on him on Shabbos only when the majority says that the child is Jewish, when we find that **R' Yosef in the name of R' Yehuda in the name of Shmuel** says that we do not follow a majority when possibly saving a life, rather we do whatever is necessary even if there is only a minority chance that a Jew will be saved!? **A: Shmuel's** statement was made on the first part of the Mishna, that even when the majority of the city are goyim, we would remove a fallen building from on this child on Shabbos.
 - **Q:** If so, regarding what Halacha is the child considered to be a goy? **A: R' Pappa** said, that we may give him neveilos to eat.
 - **Q:** Regarding what Halacha is the child considered to be a Jew when a majority of the city is Jewish? **A: R' Pappa** said, we would have to return his lost item to him.
 - **Q:** Regarding what Halacha is the child considered to be a Jew when the city's population is 50/50? **A: Reish Lakish** said, for the halachos of nezakin (damages). He gets the benefit of being treated as a Jew in that if his ox which is only a "tam" gores a Jew's ox, he will only have to pay for 50% of the damage (as would a Jew).

HADRAN ALACH PEREK BESULAH NISEIS!!!