



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

### Kesubos Daf Tes Zayin

#### PEREK HA'ISHA SHENISARMILAH -- PEREK SHEINI

##### MISHNA

- A woman who was widowed or divorced and says that she was married as a besulah and therefore deserves 200 zuz, but he says she was married as a widow and therefore only deserves 100 zuz, if there are witnesses that she went out with a "hinuma" and with her hair out, then she gets a kesubah of 200. **R' Yochanan ben Broka** says that if dried grains were given out at her wedding, that is also a proof that she is entitled to 200.
- **R' Yehoshua** agrees, that if one person tells another, "This field used to belong to your father but I bought it from him", that the person is believed, because the mouth that has forbidden is the mouth that has made it mutar ("hapeh she'asar hu hapeh shehitir"). However, if there are witnesses that the field belonged to the father and the person says "I bought it from him", he is not believed.

##### GEMARA

- **Q:** The Mishna seems to say that if there are no witnesses that she went out with the hinuma or her hair out, then the husband would be believed. This seems to be an anonymous Mishna which doesn't hold like **R' Gamliel**, who said that the woman is believed!? **A: R' Gamliel** says his view when a claim of certainty is opposed by an uncertain claim. In this case both claims are of certainty, and he therefore would not believe her over him.
  - The one who asked the question felt that since most women get married as a besula, it gives her claim the status of a claim of certainty against an uncertain claim.
  - The Gemara says that the Mishna also suggests that **R' Gamliel** would agree in our Mishna, because the Mishna says that "**R' Yehoshua** agrees". Who is he agreeing to? It must be that **R' Gamliel** had agreed in the first case, which led the Mishna to say that **R' Yehoshua** later agrees as well.
    - **Q:** This does not prove that **R' Gamliel** agreed with anything in our Mishna. It may be that **R' Yehoshua** is agreeing with something said in the last perek regarding miguy, and not something said in this very Mishna! **R' Yehoshua** is saying that although you (**R' Gamliel**) say that when a woman says she was raped during the eirusin stage she is believed with a miguy that she could have said that she was only injured and not raped, I don't agree with that miguy, but I do agree that in our Mishna (with the field) he would be believed with a miguy. The reason why the miguy in this Mishna is stronger is that in the previous Mishna the husband has discovered that she no longer has her besulim, and he therefore makes a claim. The miguy comes into play in the counterclaim. In our Mishna, without the statement strengthened by the miguy the other party is not even aware that a claim can be made. Therefore, this miguy is considered to be a stronger miguy.
  - **Q:** Since most women get married as a besulah, even if no witnesses come why don't we assume that she was a besulah? **A: Ravina** said, because we say that a majority of women marry as a besulah, but when a besulah marries, it is known to all. Since it is not public knowledge about this woman, the majority is considered somewhat weakened.
    - **Q:** If it is always public knowledge, and this woman was not a matter of public knowledge, we should not even believe the witnesses who come, and we should say that they are false witnesses!? **A: Ravina** said, we must say that *most* besulos who get married are a matter of public knowledge. Therefore, if this

one was not a matter of public knowledge, the majority is considered to be weakened and can't be relied upon. However, if witnesses testify, they will be believed.

#### IHM YEISH EIDIM SHEYATZISAH B'HINUMA...

- **Q:** The Mishna is discussing a woman who lost her kesubah, and therefore brings witnesses to prove that she married as a besulah. Why are we not concerned that after collecting based on the witnesses in one Beis Din, she will go and produce the kesubah in another Beis Din and collect again? **A: R' Avahu** said, we tell the wife to write a receipt, which the husband can then use against any future attempts to collect. **R' Pappa** said, the Mishna is discussing a place where a kesubah document was not written, so the above concern does not apply.
  - **Others** have this discussion regarding a Braisa that says that if a woman lost her kesubah she may produce witnesses that she had a wedding styled for a besulah, and can collect based on that. The Gemara asks the same question and brings the 2 answers.
    - **Q:** How could **R' Pappa** give his answer when the Braisa specifically gives the case where she lost her kesubah? **A:** The Braisa means that she lost it in a fire, so there is no chance that she can ever collect with it.

#### IHM YEISH EIDIM...

- **Q:** Why are we not concerned that she will collect based on 2 witnesses that she had a wedding styled for a besulah, and then go to another Beis Din and produce another 2 witnesses who will testify to the same thing? **A:** In a case like this we will surely have to write a receipt for the husband.
- **Q:** The Braisa quoted above said that one of the telltale signs of a wedding for a besulah is that they would pass an "announcement cup" before her. What is an announcement cup? **A: R' Ada bar Ahava** said, they would pass a cup of terumah wine before her, as if to say that she (as a besulah) would be allowed to marry a Kohen.
  - **Q: R' Pappa** asked, even an almanah may marry a Kohen and eat terumah!? **A:** Rather, **R' Pappa** said, the symbolism was that she is having her first bi'ah with her husband, just as terumah is separated from the first of the produce.
- A Braisa says, **R' Yehuda** says that they would pass a barrel of wine before a kallah who was a besulah.
  - **R' Ada bar Ahava** said, for a besulah they would pass a sealed barrel before her, and for a be'ula they would pass an open barrel.
    - **Q:** Why didn't they just not pass anything before a be'ula? **A:** We are concerned that she would later claim that she was really a besulah, but they could not pass the barrel before her due to some oneis. Therefore, they passed an open barrel before her so that she could not have the possibility of making that claim.