



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

Kesubos Daf Chuf Beis

MISHNA

- If a woman says, "I was married, but I am now divorced", she is believed based on the rule of "peh she'assar peh shehitir". However, if there are witnesses that she was married, and she claims to be divorced, she is not believed.
- If a woman says, "I was captured, but I was not mezaneh with the goyim who captured me", she is believed based on the "peh she'assar peh shehitir". However, if there are witnesses that she was captured, and she claims that she was not mezaneh, she is not believed.
- If witnesses came after she was already married, she may remain married.

GEMARA

- **R' Assi** said, we learn the concept of "peh she'assar..." from the Torah. When a father says "Es biti nasati la'ish hazeh l'isha", the statement of "la'ish" makes her assur to every man in the world, and the statement of "hazeh" then makes her mutar to the man he gave her to in marriage.
 - **Q:** Why do we need a pasuk? This is a matter of logic – if we believe him to prohibit, we should believe him to permit as well!? **A:** This concept is learned from logic. The pasuk is used for other drashos.
- A Braisa says, if a woman says that she is married, and then went back and said that she is single, she is believed.
 - **Q:** She made herself a forbidden object ("chaticha d'isura") with her first statement, so how can she then permit herself? **A: Rava bar R' Huna** said, she is believed when she gives a reason as to why she made the first statement. A Braisa says this as well. The Braisa told the story of a woman who originally said she was married to keep unfit men from trying to marry her.
 - **Q: Shmuel** asked **Rav**, what is the Halacha when a woman first says she is tamei (she is a niddah) and then says that she is not? **A: Rav** said, in this case as well, if she gives a reason why she initially said she was tamei, she would be believed that she is not tamei.
 - A Braisa says, if 2 witnesses say a man died and his wife may remarry, and 2 others say that he did not die, or if 2 say she got divorced and 2 others say that she did not, the woman may not remarry, but if she did remarry she need not get divorced. **R' Menachem bar Yose** says she would have to get divorced, but this is only if she got married after the witnesses came and testified that she may not get married. If she married before they came, he would agree that she need not get divorced.
 - **Q:** How can she or he remain married? Since it is 2 against 2 witnesses, he would be chayuv an ashm taluy for living with her!? **A: R' Sheishes** said, the case is where she married one of the witnesses who said that the first husband died. Since he is sure that she may remarry, he would not be chayuv an ashm taluy for living with her.
 - **Q:** She herself would be chayuv an ashm taluy for living with another man!? **A:** The case is where she says that she is certain that her husband has died.
 - **R' Yochanan** said, if 2 witnesses say a man died and another 2 say that he did not, his wife may not remarry, but if she did, she need not divorce. If 2 witnesses say a woman was divorced and another 2 say that she was not, she may not remarry, and if she did she must divorce.
 - **Q:** What is the difference between the 2 cases? **A: Abaye** said, the cases are where there is one witness against one witness. Regarding testimony that a husband has died, the Torah said that a single witness is believed as 2, and

therefore the one who says that he did not die is considered to be a single witness who is opposed by 2 witnesses. Regarding testimony of divorce, we can't believe the one who says she is divorced, because he is trying to change her status, which can't be done with less than 2 witnesses. **A2: Rava** said, the cases are where there are 2 witnesses against 2. **R' Yochanan** holds like the **Rabanan** regarding the case of death (and she need not divorce) and he holds like **R' Menachem bar Yose** regarding the case of divorce (and she would have to divorce if she remarried). The reason is, if the husband were to return the woman would not be able to contradict him (and say that he is dead, so she must have obviously checked into the matter well to make sure he is dead), but in the case of divorce she could contradict him (and there is less of a certainty that she made sure she was divorced before remarrying), and would not be afraid to do so since she is backed by witnesses who say she was divorced. **A3: R' Assi** said, the case is where the witnesses claim the husband died today, or that she was divorced today. In the case of death, we cannot ascertain the truth (the body was drowned or burned, etc.) and therefore if she got remarried she need not divorce. However, in the case of divorce, we tell her if she got divorced today show us the get (and since she can't, she must divorce the second husband).