



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

Kesubos Daf Chuf Gimmel

- A Braisa says, if 2 witnesses say a woman already accepted kiddushin and 2 others say she did not, she may not marry another man, but if she does she need not leave him. If 2 say she had gotten a divorce and another 2 say that she had not, she may not marry another man, and if she does she must leave him.
 - **Q:** What is the difference between the 2 cases? **A: Abaye** said, the cases are where there is one witness against one other witness. In the first case the woman was established as a single woman, so the witness saying she accepted kiddushin is not believed to change that status. Therefore, if she got married she need not leave him. In the second case, the woman was established as being married. The witness who says she was divorced is trying to change the status and is not believed. Therefore, if she gets married she must leave him. **A2: R' Ashi** said, the cases are where there are 2 witnesses against 2 witnesses, and the result must be reversed. The first case is where 2 say they saw her accept kiddushin and the other 2 say they never saw that. The case is where all these parties live in the same courtyard and we would think that if a kiddushin had taken place they surely would have heard of it. The Braisa teaches that they are not believed, because people give kiddushin in private, and therefore if she gets married she must get divorced. The second case is where 2 say they saw the divorce and 2 say they did not see it. In this case we say that she did get the divorce and the other 2 did not know about it, because people also give divorces in private. Therefore, if she got remarried she need not get divorced.

V'IHM MISHENISEIS BA'U EIDIM LO SEITZEI...

- **R' Oshaya** said, this statement refers to the first part of the Mishna (where she claims to have been married and then divorced), and **Rabbah bar Avin** said, it goes on the next part of the Mishna (where she says she was captured but was not mezaneh).
 - **R' Oshaya** would say that it for sure applies to the second case as well, because the **Rabanan** are more lenient in the case of a woman who was captured. However, **Rabbah bar Avin** would say it only applies to the second case, and not the first.
 - **Q:** Shall we say that **R' Oshaya** holds of **R' Hamnuna** (that a woman is believed when she says she is divorced) and **Rabbah bar Avin** does not? **A:** All hold of **R' Hamnuna**. The machlokes is that **R' Oshaya** holds we believe her whether she says so in front of her husband or not (because she would not have the chutzpah to lie about something like that), and **Rabbah bar Avin** holds that she only doesn't have the chutzpah in front of his face (so it is only then that she would be believed).

V'IHM MISHENISEIS BA'U EIDIM...

- **Shmuel's** father said, this is the case not only if she actually got married before the witnesses came, but even if Beis Din gave her a heter to marry before the witnesses came. The words of the Mishna "she need not leave" means that she need not leave from her heter to marry.
- A Braisa says, if a woman says she was captured and claims to have witnesses that she was not mezaneh, we allow her to marry a Kohen even before the witnesses come and testify. Once they allowed her to marry, if at that point the witnesses come and say they do not know whether she was mezaneh, we do not take away her heter to marry a Kohen. However, if witnesses come and say that she was mezaneh, she must divorce the Kohen even if they have been married for many years and have many children.
- There were women who were captured and **Shmuel's** father put guards next to them when they came to Neharda'a so that they should not be raped. **Shmuel** asked him, they were already alone with their captors before they came here, so what is the point? His father said to him, if it was your daughters would you also not care? Eventually **Shmuel's** daughters were captured as

well. When they were able to, they ran away and went to the Beis Medrash of **R' Chanina** and told him they were captured but were not mezaneh. He paskened that they could marry Kohanim. The talmidim asked him, there are witnesses overseas, so how could we let them marry a Kohen? He said, since they are not here, we can't make her assur on account of them.

- **Q:** This seems to say that if witnesses came we would say they are assur to marry a Kohen, but we have learned that once they are given a heter we do not remove that heter!? **A: R' Ashi** said, they meant that there were witnesses overseas who could testify that the girls were actually raped.

MISHNA

- If 2 women are captured (and there are witnesses to the capture) and each says they were captured but not violated, they are not believed. If each one testifies that the other was not violated, they are believed (the **Rabanan** are lenient and believe the testimony of even one witness, even a woman, in this situation).

GEMARA

- A Braisa says, 1) if a woman says that she was violated but that her co-captive was not, she is believed. 2) If she says that she was not violated but her co-captive was, she is not believed. 3) If she says that they were both violated, she is believed about herself, but not about her co-captive. 4) If she says that neither of them were violated, she is only believed about the co-captive, and not about herself.
 - **Q:** In the second case she is not believed to say she was not violated and that her co-captive was. What is the case? It can't be that there are no witnesses, because she would then be believed regarding herself. If it is talking about where there are witnesses, then why is she not believed to say that the co-captive has been violated in the third case? It must be that there are no witnesses. If so, why is she not believed to say that she was not violated in the 4th case? Are we to say that the 2nd and 4th cases discuss where there are witnesses to the capture and the 3rd case is discussing where there are no witnesses!? **A: Abaye** said, we must say that the 2nd and 4th cases discuss where there are witnesses to the capture and the 3rd case is discussing where there are no witnesses. **A2: R' Pappa** said, in each case of the Braisa there is a single witness who testifies to the exact reverse of what she says. Therefore, in the first case of the Braisa she is believed to make herself assur (she makes herself a chaticha d'issura), and is believed regarding the other woman, because a single witness won't be believed against her. In the second case she is not believed regarding herself, because there are witnesses that say she was captured, and the co-captive is mutar, because the witness says that she was not violated. In the third case, she is believed to make herself assur and the co-captive is mutar based on the testimony of the witness (the chiddush of this case would be that we don't assume that they are both tahor and that she said she was tamei only to make it believable that her co-captive was tamei). In the 4th case she is tamei, because there is a witness to her capture and the co-captive is mutar based on her testimony (the chiddush is that she is believed even though she intended on making herself tahor as well).