



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

Kesubos Daf Chuf Zayin

MISHNA

- If a city is attacked by an army, the wives of all Kohanim become assur to their husbands (we are concerned that they were violated by the army). However, if there are witnesses who say that they were not violated, even if the witnesses are slaves or maidservants, they are believed. A person is not believed to testify about themselves that they were not violated.

GEMARA

- **Q:** Another Mishna says, if an army comes into a town during a time of peace, we say that all open barrels of wine are tamei (as yayin nesech) and all sealed barrels of wine remain tahor. When they come in times of war, all barrels remain tahor, because they don't have the time to pour wine to their avodah zarah. Now, if they don't have time for that during war, why do we think they would have time to violate women? **A: R' Mari** said, the yetzer harah for z'nus is much greater, and they find time for that even during war.
 - **R' Yitzchak bar Elazar in the name of Chizkiya** said, the wives of Kohanim would remain mutar if the army was the army of the country that the place belongs to (they are looking to keep the people happy so that they pay taxes, and guards are set up to protect the people from the soldiers), and would be assur if they were from another country.
 - **Q:** Even with the friendly army, why are we not concerned that someone will bypass the guards and violate a woman? **A: R' Yehuda in the name of Shmuel** said, the case is where the guards are within sight of each other, so no one slips by.
 - **Q:** Still, the guards may doze off and someone will get by!? **A: R' Levi** said, the case is where they surrounded the city with chains, and dogs, and sharp things, and geese. These things make noise and/or protect from soldiers who try to get around the guards.
 - **R' Abba bar Zavda** said, it is a machlokes between **R' Yehuda Nesia and the Rabanan** whether these additional measures are necessary.
- **R' Idi bar Avin in the name of R' Yitzchak bar Ashyan** said, if there is even one hiding place in the city, all the women would remain mutar.
 - **Q: R' Yirmiya** asked, if the hiding place is only large enough for one person, what would the Halacha be? Would we say that we look at each woman as if she was the one in the hiding place and is therefore mutar, or do we say that we still consider each woman as having been violated? **A:** The Gemara says, this should be like the case where there are 2 paths, and we know that one of them certainly has tumah, and there are 2 people, one of whom went down one path and the other of whom went down the second path, and they come to ask whether they are tamei (for possibly having gone down the tamei path), **R' Yose** (who the Halacha follows) says, if they come and ask individually, we pasken that they are tahor. If they ask together, they are tamei. If one comes alone, but asks regarding himself and the other person, **R' Yose** compares that to the case of where they came together, and they are therefore tamei. Based on this, in our case as well, since we are paskening about all the women of the city, it is presumably treated as when they ask about everybody, and we must therefore pasken that they are assur.
 - **Q:** The Gemara says, there is no proof from that case. In that case there is definite tumah to someone. In our case, it is possible that none of the women were violated, and therefore the case is very different.

- **Q: R' Ashi** asked, if a woman says, "I did not hide, but I was not violated", is she believed with a miguy that she could have said she hid, and would then have been believed? **A:** The Gemara says we can compare this to a case where an owner says to the person he is renting his donkey, that he should not take the donkey on a particular road, because the water levels there are dangerous. The renter took the donkey there and the donkey died, but he claims that it did not die because of the water. **Rava** wanted to say that we should believe him with a miguy that he could have said that he took the donkey on another route. **Abaye**, said, we don't say a miguy in the face of incontrovertible facts, and water on that road is such a fact. Therefore, we don't believe him based on a miguy. Similarly in this case, we should say that since the army came in, there is incontrovertible evidence that she was violated, and we should not believe her based on a miguy.
 - **Q:** The Gemara says, the cases are not comparable, because the case of her being violated is a concern, and is not incontrovertible evidence.

IHM YEISH EIDIM AFILU EVED V'AFILU SHIFCHA NE'EMANIN

- The Gemara says, we would even believe the testimony of the woman's own maidservant.
 - **Q:** A Mishna says that we don't believe a woman's own maidservant to testify for her regarding not having had bi'ah with someone!? **A: R' Pappi** said, we are lenient in the case of a captured woman (like our case). **A2: R' Pappa** said, our Mishna is discussing the husband's maidservant, and the other Mishna is discussing her maidservant. In our case, we would not believe a woman's own maidservant.
 - **Q:** How can **R' Pappa** say that a woman's own maidservant would not be believed in our Mishna? Our Mishna says that she is not believed regarding herself, which suggests that her maidservant would be believed!? **A:** Her own maidservant is considered as "herself" and is included in that term in the Mishna.
 - **A: R' Ashi** said, both Mishnayos are discussing her own maidservant. We are concerned that her own maidservant would remain quiet rather than testify against her mistress (which is why being with a man in front of her maidservant will not suffice to the requirement that she only be alone with him in front of a witness), but she would not testify falsely. In our Mishna, remaining quiet would not be enough, she would have to actually testify, and we are not concerned that she will testify falsely.
 - **Q:** Why are we not concerned that she will testify falsely out of love or fear for her mistress? **A:** We are not concerned that she will remain quiet about the violation, and then also testify falsely regarding it. We find this logic used by **R' Chisda**, when he was concerned that people would not testify out of fear, he was not also concerned that they may come and testify falsely out of fear.
 - **Q:** Maybe we can say that whether we believe a woman's own maidservant is a matter of machlokes, because we find one Braisa that says she is believed and another that says that she is not believed!? **A:** According to **R' Pappi and R' Ashi** we must certainly say that it is a machlokes. However, according to **R' Pappa** we can say that the Braisa in which she is believed is discussing a case where she spoke "meisi'ach lefi tuma".