



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

Kesubos Daf Chuf Ches

MISHNA

- **R' Zecharya ben Hakatzav** (who was a Kohen) was in a situation where his wife was in a city under attack by an army. He said, "I swear that her hand did not leave mine from the moment the goyim came into the city until they left, and she was not violated". They said to him, a person is not believed to testify on his own behalf.

GEMARA

- A Braisa says, although he was not permitted to live with his wife anymore, he was allowed to have a house for her in his own courtyard, and she would make sure to never be there without some of her children (so that she should never be secluded with her husband).
 - **Q: Abaye** asked, may a Kohen create this setup for a divorcee also, or is it only in this case that we were lenient because it was a case of a captured woman? **A:** A Braisa says that a woman who was divorced should not remarry and live in the same neighborhood of her first husband, and if he is a Kohen, she should not live in his mavoy even if she has not remarried. We see that she certainly would not be allowed to live in the same courtyard as her former husband.
 - **Q:** Who would have to leave the neighborhood in this case – him or her? **A:** A Braisa says, she must move away, but if it was her house, he is the one who must move.
 - **Q:** What if they each own a house in that courtyard? **A:** The Braisa said that she must move from him. If that is discussing where it is his courtyard, that would be obvious. It can't be discussing where it is her courtyard, because then it would be he who would have to leave, as we just said. It must be that they both own houses in that courtyard, and we see that it is she who must move away from him.
 - **Q:** Maybe the case is where they are both renting houses!? If so, what is the Halacha where they both own houses in the same courtyard? **A: Rav** learns from a pasuk that it is more difficult for a man to be misplaced than it is for a woman. Therefore, it would make sense that it is she who must move away from him.
 - A Braisa says, if a Kohen borrows money from his wife and then divorces her, he must repay through a shali'ach, so that they not get together and have feelings for each other again.
 - **R' Sheishes** said, if they come to us in Beis Din to deal with this loan without a shali'ach, we do not take on the case. **R' Pappa** said, we even put them in cheirem for doing so. **R' Huna the son of R' Yehoshua** said, we even give them malkus.
 - **R' Nachman** said, a Braisa says that a shali'ach is only necessary when they were divorced from nissuin. However, if they were divorced from eirusin, they may deal with the loan directly.
 - We see from a story that took place in front of **Rava**, that even if they were only divorced from eirusin, if we see that this couple is especially close, we still require that a shali'ach be used.

MISHNA

- The following testimonies may be made by an adult regarding something that he witnessed as a minor: one can testify regarding the signature of his father, rebbi or brother, even if they died while he was still a minor; that he saw a woman get married with a hinuma and with her hair down (proving she was a besulah); that a particular child would go and be toivel to eat terumah

(proving that he is a Kohen); that a person would get a portion of the terumah at the granary; that a particular area is a Beis Hapras; and that he would walk up to a certain point on Shabbos (this shows where the techum for the city ends). However, a person is not believed to say that a person has a right of way through another's field, or that he has a certain right of use of another's property (these are monetary claims and as such need full, valid witnesses and testimony).

GEMARA

- **R' Huna the son of R' Yehoshua** said, this person is believed only when he has a person who witnessed the subject of the testimony as an adult, testifying along with him.
- The Mishna needs to give the case of the handwriting of the father, the rebbi, and the brother. If it would only say the case of the father, we would say that he is believed there because a son is often with his father. If it would only say the case of the rebbi, we would say that he is believed there, because it is only the fear of his rebbi that caused him to remember his handwriting. If we would only say these 2, we would say that regarding his brother he is not believed, because he doesn't have either advantage. The Mishna therefore teaches that since document authentication is only a D'Rabanan requirement, the **Rabanan** were lenient.

ZACHOR HAYISI BIPLONIS SHEYATZISAH...

- **Q:** Since this testimony is used for the amount of the kesubah payment, why is he believed regarding this? **A:** Since most women get married as a besulah, it is not considered as being real, full testimony.

V'SHEHAYA ISH PLONI YOTZEI M'BEIS HASEFER...

- **Q:** Maybe the person is the slave of a Kohen, which is why he was allowed to eat terumah!? **A:** This is a proof to **R' Yehoshua ben Levi**, who says that one may not teach Torah to a slave (so the person being taken from the yeshiva could not have been a slave).
 - **Q:** A Braisa says that if a slave reads 3 pesukim as an Aliyah in shul, this does not mean he is free. It must be that a slave can learn Torah!? **A: R' Yehoshua ben Levi** meant that one may not treat a slave like a Jewish child and teach him Torah. This Braisa is discussing where he read on his own volition.

LITBOL LECHOL B'TERUMAH

- The testimony of such a person is only believed to allow for the eating of D'Rabanan terumah.

V'SHEHAYA CHOLEK IMANU AHL HAGOREN

- **Q:** Maybe he was a slave of a Kohen who was receiving a portion for his master!? **A:** Our Mishna follows the view of **R' Yehuda** in a Braisa that says that a slave may not get a portion unless his master is there with him. **R' Yose** argues in the Braisa and says that he may. The Gemara explains, **R' Yehuda** held that way because in his area people would elevate someone for yuchsin if they saw him get a portion of terumah. They would not do so by **R' Yose**, so he did not have that concern.
 - A Braisa said, **R' Elazar the son of R' Yose** said, I have never said testimony except for once, and through that testimony a slave was elevated to the status of a Kohen (erroneously).
 - **Q:** We know that Hashem doesn't even allow bad things (i.e. aveiros) to happen through the animals of tzaddikim, He surely would not have let something bad happen from an action of a tzaddik himself!? **A:** He meant that they almost elevated a slave to the status of a Kohen. He had seen a person (who was a slave) get a portion of terumah in the granary in the area of **R' Yose**, and he said testimony about that in the area of **R' Yehuda** (where they were ready to elevate his status based on that).

V'SHEHAMAKOM HAZEH BEIS HAPRAS HU

- Such a person can be believed about this because a Beis Hapras is only D'Rabanan.

V'AHD KAHN HAYINU BA'IN B'SHABBOS

- The Mishna follows the view that the Halacha of techum is only D'Rabanan (and that is why this person is believed).

V'EIN NE'EMAN LOMAR DERECH HAYA L'PLONI...

- He is not believed, because to take money from someone, there must be valid witnesses and testimony.

- A Braisa says, a person is believed to say that when he was a child he heard his father say that a particular family is valid or passul, or that he remembers that “ketzatza” was eaten at the wedding of a particular woman, or that he would bring challah and Kohanic gifts to a particular Kohen, only if he himself brought these gifts to the proposed Kohen. If these people were goyim who converted or slaves who were freed, they are not believed. This person is not believed to say that a person has a right of way through another’s field, or that he has a certain right of use of another’s property. **R’ Yochanan ben Broka** says they are believed.
 - **Q:** Regarding which Halacha does **R’ Yochanan ben Broka** argue? It can’t be on the last case, because that is a monetary claim which certainly needs two valid witnesses. **A:** It must be regarding the goy who converted or the slave who was freed. **R’ Yochanan ben Broka** says they are believed. The point of machlokes is, the **T”K** holds that since he saw the incident as a goy, he was not careful in his observation and resulting testimony. **R’ Yochanan ben Broka** holds that since he had intent to convert he was careful.
 - **Q:** What is a “ketzatza”? **A:** A Braisa explains, when a family member would marry someone of tainted lineage, the other family members would take a barrel of fruit, break it in the town square, and tell everyone to take some to act as a way to remember that it is only the lineage of that person which will be tainted, and not the rest of the family.

HADRAN ALACH PEREK HA’ISHA SHENISARMILA!