



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

Kesubos Daf Chuf Tes

PEREK EILU NAAROS -- PEREK SHLISHI

MISHNA

- The following naaros are entitled to the penalty if they are violated: one who violates a naarah who is a mamzeres, who is a nesinah, or who is a kutis; one who violates a naarah who is a convert, a captured woman, or a maidservant, who had converted, was ransomed, or was freed before they were 3 years old; one who violates a naarah who is his sister, father's sister, mother's sister, wife's sister, brother's wife, father's brother's wife, or a niddah, must also pay the penalty, because he is only chayuv kares for these women, and not the death penalty of Beis Din.

GEMARA

- **Q:** Is it only these passul girls who get the penalty (i.e. mamzeres, nesina, kutis), but not regular, valid girls? **A:** The Mishna means to say that these girls get the penalty even though they are passul and one would therefore think there is a reason not to allow them to get it.
- The Mishna suggests that only a naarah gets the penalty, but a minor would not. This is the view of **R' Meir** in a Braisa. The Braisa says, **R' Meir** says, a girl from one day old until she brings shte saaros may be sold by her father and is not entitled to the penalty if she is violated. From when she brings shte saaros until she is a bogeres (i.e. 12 and a half years old) she is entitled to the penalty if she is violated and may not be sold by her father, because the entitlement of the father to sell, and of the girl to the penalty, never overlap. The **Chachomim** say, a girl from when she is 3 years old until she is a bogeres is entitled to the penalty if she is violated.
 - **Q:** Do the **Chachomim** mean that she is entitled to the penalty but may not be sold? **A:** They mean that there is a right to the penalty even when there is a right for her father to sell her.
- **Q:** Why would the women in the Mishna who the rapist may not marry be entitled to the penalty? The pasuk says "v'lo sihiyeh l'isha", which suggests that the woman must be fit for him to marry!? **A: Reish Lakish** said, the pesukim say the words "naarah", "naarah", and "hanaarah" – one teaches the Halacha of the penalty, one teaches that it applies even if one violates a naarah who he is assur to marry via a lav, and the third teaches that it applies even if one violates a naarah who he is assur to marry with kares. **R' Pappa** said, the pesukim regarding a seducer say the words "besulah", "besulos", "habesulos" – one teaches the Halacha of the penalty, one teaches that it applies even if one seduces a naarah who he is assur to marry via a lav, and the third teaches that it applies even if one seduces a naarah who he is assur to marry with kares.
 - **R' Pappa** doesn't use the drasha of **Reish Lakish**, because he uses the words for the drasha of **Abaye**, that the girl must be alive at time of payment of the penalty. **Reish Lakish** doesn't use the drasha of **R' Pappa**, because he uses the pasuk for a gezeirah shava to teach that oneis and mefateh are the same penalty.
 - **Q:** How does **Reish Lakish** learn the drasha of **Abaye** and how does **R' Pappa** learn the gezeirah shava? **A:** There are a total of 6 words (the 3 of each of them). Two are needed for the basic Halacha of oneis and mefateh. One is used for the drasha of **Abaye**, one is used for the gezeirah shava, and the remaining 2 are then used to teach regarding women assur via a lav, and women assur via kares.
 - The Mishna (which says that the penalty applies even to a woman to whom he may not marry) does not follow the following Braisa. The Braisa says that **Shimon HaTeimani**

says that the penalty only applies when the woman violated could enter kiddushin with the violator. **R' Shimon ben Menasya** says that it only applies to a woman who is allowed to remain married to that man.

- **R' Zeira** explains, that the difference between them is a woman who could have a kiddushin with this man, but who may not remain married to him, as would be the case with a mamzeres and a nesinah.
 - **Q:** According to **R' Akiva** who says that kiddushin does not take effect for one assur with a lav, what would the difference between them be?
A: According to **R' Simai** it would be the case of a widow and a Kohen Gadol. According to **R' Yesheivav** the difference would be a woman who is assur via an assei (e.g. a Mitzri and an Adomi). According to the view that **R' Yesheivav** would say that even a normal assei would prevent kiddushin from taking effect according to **R' Akiva**, we would say that the difference between them would be a Kohen Gadol who violates a woman who is not a besula, and the reason this assei is different than the others is that it is an assei that does not apply to all people (and therefore kiddushin would take effect).
- **R' Chisda** said, according to **Shimon HaTeimani and R' Shimon ben Menasya**, one who violates a niddah would be subject to the penalty, because although one is subject to kares for being with her, kiddushin would still take effect and one would be allowed to keep her as a wife.