



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

Kesubos Daf Lamed

- Our Mishna, which says that the penalty applies even when the girl who was violated is assur to the man with kares, excludes the view of **R' Nechunya ben Hakana**, who says in a Braisa that not only when one is chayuv misah and money for the same action is he patur from having to pay the money ("kam lei b'diraba minei"), one is even patur from paying when the same action makes him chayuv kares and money. Therefore, according to him, since his bi'ah makes him chayuv kares, he would not have to pay the penalty.
 - **Abaye** explained, that **R' Nechunya's** view is based on the word "ason" being used in connection with a court imposed death penalty, and used (by Yaakov Avinu) to refer to death by the Hands of Heaven. This compares the two and teaches that both make the person patur from having to pay as well.
 - **Q: R' Ada bar Ahava** asked, how do you know that when Yaakov Avinu used the word "ason" he was referring to his concern of the death of Binyomin through cold or heat, which would be "by Hands of Heaven"? Maybe he was referring to death by wild animal or thieves, which is death by human hands? **A:** Yaakov was concerned for any manner of death, and therefore surely used the word "ason" to refer to death by the Hands of Heaven as well.
 - **Q:** Why is it assumed that death by heat or cold is considered to be death by the Hands of Heaven? A Braisa says that they are not considered to be by the Hands of Heaven!? Also, **R' Yosef** said that death by an attacking animal is a form of death by the Hands of Heaven in absence of the availability of Beis Din to carry out the death penalty. If so, why was it assumed that it is considered to be death by human hands? **A:** Reverse **R' Ada bar Ahava's** statement, so that he said that death by heat and cold is by human hands and death by animal is by the Hands of Heaven.
 - **Rava** said, **R' Nechunya's** view is based on the pasuk in which Hashem says that if Beis Din does not give skila to a person who gives his children to the molech avodah zara, then He will give the person kares. We see that kares is like their death penalty, and we learn that just as he is patur from paying money when he is chayuv misah, he is also patur money when he is chayuv kares.
 - The difference between **Abaye and Rava** would be where a non-Kohen ate terumah, where the punishment is death by Heaven, but is not kares. According to **Abaye** he would be patur from paying money, because Yaakov was surely referring to any form of death, and according to **Rava** he would be chayuv money, because only one who is chayuv kares would be patur.
 - **Q:** Why would he be patur in this case according to **Abaye**? We find that **R' Chisda** said that **R' Nechunya** says that one who steals and eats cheilev would have to pay for it even though he is chayuv kares, because the act of stealing came before the act of eating. If so, the same should be regarding the one who ate the terumah!? **A:** The case is where someone else stuck it into his mouth, so he didn't lift it before eating it.
 - **Q:** He is chayuv for stealing as soon as he bites it and is not chayuv for eating the terumah until he swallows it!? **A:** The person stuck it directly down his throat.
 - **Q:** If it was stuck down to a point that he could have brought it back up and he didn't bring it back up, he would be chayuv for stealing at the moment it entered his throat, but would not be

chayuv for eating until it is actually swallowed!? If it was put to a point where he cannot bring it back up, he was forced to eat it and should not be chayuv at all!? **A:** The case is where he could bring it back up only with difficulty.

- **R' Pappa** said, the case is where someone put liquid terumah into another's mouth, which is disgusting to be spit out, and therefore he becomes chayuv for both only once he swallows it.
- **R' Ashi** said, the case is where the terumah belonged to the non-Kohen, and while eating it he tore someone's clothing. That is where **Abaye** would say that he is patur.