



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

### Kesubos Daf Lamed Vuv

- A Braisa says, girls who are arayos or shniyos to a man are not entitled to the penalty if they are raped or seduced by that man. A girl who did mi'un is not entitled to the penalty if she is then raped or seduced. An aylunis is also not entitled to this penalty. A woman who was divorced as a "shem rah" (her husband claims she was not a besulah and it was proven by witnesses that she was mezaneh after her kiddushin and before her nisuin) is not entitled to the penalty.
  - **Q:** What is meant by arayos and shniyos? If arayos mean arayos D'Oraisa and shniyos mean arayos D'Rabanan, why wouldn't the shniyos get the penalty? D'Oraisa they are mutar to this man!? **A:** Arayos means women assur to him with the death penalty and shiyos mean women assur to him with kares. The Braisa holds that women assur with only a lav would be entitled to the penalty, and the Braisa would therefore follow the view of **Shimon HaTeimani**. **A2:** Others say that arayos refer to women assur with the death penalty and kares, and shniyos refer to women assur with a lav, and they all don't get the penalty. According to this, the Braisa follows the view of **R' Shimon ben Menasya**.
  - **Q:** The Braisa says that a girl who did mi'un (which must be done as a minor) is not entitled to the penalty. This suggests that any other minor would be entitled. This follows the **Rabanan** who say that a minor gets the penalty. The next part of the Braisa says that an aylunis does not get the penalty, presumably because she is considered to be a minor. This follows **R' Meir**, who says that a minor does not get the penalty. Must we say that one part follows the **Rabanan** and another part follows **R' Meir**? **A:** We can say that the Braisa follows **R' Yehuda**, who says that even a naarah may do mi'un. However, with regard to collecting the penalty, he holds like **R' Meir** that a minor is not entitled to the penalty.
    - **Q:** We find that **R' Yehuda in the name of Rav** said that the view that a minor is not entitled to the penalty is the view of **R' Meir**. If **R' Yehuda** held that way as well, they would have said it is the view of **R' Meir and R' Yehuda**!? **A:** The Tanna of the Braisa is a Tanna who holds like **R' Meir** in one regard (that a minor is not entitled to the penalty) and argues with him in another regard (he says that even a naarah may do mi'un).
    - **Rafram** said, when the Braisa says "mamenes" it refers to a girl who *can do* mi'un (i.e. a minor), and not to one who actually did mi'un. Therefore we can't infer that any other minor may collect to the penalty.
      - **Q:** Why not simply say "a minor"? **KASHYEH**.
  - **Q:** The Braisa said that an aylunis does not get the penalty. However another Braisa says that she does!? **A:** The first Braisa follows **R' Meir** and the other Braisa follows the **Rabanan**.
    - **Q:** This Braisa that was just mentioned in the above paragraph also stated that a man may not make a claim against his wife who is a bogeres that she was missing her besulim. However, we find that **Rav** says that a bogeres who is a besulah may have multiple bi'ahs her first night although she sees blood, because we say the blood is from her besulim. We see that a bogeres does have besulim!? **A:** Her husband would be believed if he made the claim that she didn't have any blood with the first bi'ah. What the Braisa meant is that he is not believed to say that he found a "pesach pasu'ach".
    - The Braisa also said that **Sumchos in the name of R' Meir** said that the husband of a blind woman cannot make a claim that she was not a besulah. **R' Zeira**

explained, the reason for this is that such women constantly fall and lose their besulim when they fall onto the ground.

- **Q:** The Braisa says that if a woman was divorced as a “shem rah” (presumably meaning that her husband brought witnesses that she was mezaneh as an arusah) and is then violated, she is not entitled to the penalty. Now, such a woman would be chayuv skila!? **A: R’ Sheishes** said, the Braisa means that a girl who had a bad name in her young years and is then violated does not get the penalty (we assume she was mezaneh based on her reputation, and is therefore not a besulah).
  - **R’ Pappa** said, based on this we would say that a document that has a reputation for being forged cannot be used to collect.
    - The Gemara explains, that just as where there are 2 people who say a girl solicited them for zenus, we will consider her not to be a besulah, because we assume that she eventually found someone to be mezaneh with, so too, if 2 people come and say the document owner asked them to forge the document, we assume it is forged, because if he couldn’t find anyone to forge he may have forged it on his own.

#### MISHNA

- The following are naaros who are not entitled to the penalty: a convert, captured woman, or maidservant who converted, or was freed when more than 3 years old and who were then violated, although **R’ Yehuda** says that the captured girl would still be entitled to the penalty; a man who violates his daughter, his daughter’s daughter, his son’s daughter, his wife’s daughter, her son’s daughter, her daughter’s daughter, in all these cases she is not entitled to the penalty because the man is chayuv misah in Beis Din and we learn from a pasuk that one who is chayuv misah does not pay money in addition to being put to death.

#### GEMARA

- **R’ Yochanan** said that **R’ Yehuda** (in our Mishna) and **R’ Dosa** make the same point, because **R’ Dosa** says in a Braisa that a captured daughter of a Kohen who is freed may eat terumah (we don’t assume she was violated).
  - **Rabbah** said, this is not necessarily true. It may be that **R’ Yehuda** only holds that way in the Mishna so that the violator should not benefit by being free from paying the penalty, but in the case of the Braisa he may say that she may not eat terumah. Also, it may be that **R’ Dosa** only holds that way for D’Rabanan terumah, but regarding the penalty which is D’Oraisa, it may be that he would say that she is not entitled to it.
    - **Q: Abaye** asked, **R’ Yehuda** says his Halacha even in regard to the amount of the girl’s kesubah, where there is no violator who is benefitting from that, so how can you say that his Halacha is based on the premise that we don’t want the sinner to benefit!? **A:** We give her the higher kesubah so that people shouldn’t hold back from marrying her.
  - **Q:** How could we say that **R’ Yehuda** holds that a captured woman is assumed not to have been violated? A Braisa says that a Kohen who ransoms a captured girl may marry her, but if he is only a witness that testifies that she was not violated, he may not marry her. **R’ Yehuda** says that in either case he may not marry her!? **A: R’ Pappa** says, we must change the wording of the Braisa so that **R’ Yehuda** is saying that in either case he may marry her. **A: R’ Huna the son of R’ Yehoshua** says the Braisa should state as is. **R’ Yehuda** is saying according to the shita of the **Rabanan** – you should hold that in either case he may not marry her!? The **Rabanan** however say that if he ransoms her and testifies for her he may marry her, because the fact that he spent money on her must mean that he checked her out and she was not violated.
  - **Q: R’ Pappa bar Shmuel** asked **R’ Yosef**, we find a Braisa where **R’ Yehuda** says that we are concerned that a convert was mezaneh up until the point of her conversion. If so, he would say the same thing regarding a captured woman!? **A: R’ Yosef** said, a captured woman will watch herself from being mezaneh, whereas a goy before the conversion will not.