



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

### Kesubos Daf Lamed Zayin

- **Q: R' Pappa bar Shmuel** asked, in our Mishna **R' Yehuda** says that we do not presume that a captured woman was violated, but in a Braisa **R' Yehuda** says that a captured woman must wait 3 months before she gets married to make sure she wasn't pregnant from her captors (which means we do presume that she was violated) and **R' Yose** says she may get married immediately!? **A: R' Yosef** didn't know what to answer, so **R' Pappa bar Shmuel** said that **R' Sheishes** said, the case in the Braisa is where she was seen being violated.
  - **Q: If so, why does R' Yose** allow her to get married immediately? **A: Rabbah** said, **R' Yose** holds that such women have methods of preventing themselves from becoming pregnant (either by using a cloth or by turning herself over right after the bi'ah). **R' Yehuda** holds that these methods are not always performed perfectly, and therefore we must be concerned that they became pregnant.

SHENE'EMAR V'LO YIHIYEH ASON ANOSH YEI'ANEISH...

- **Q: We have learned that the source for this rule is the pasuk of "kidei rishaso"!? A: One pasuk** teaches when a person is chayuv misah and money (there is loss of life so one punishment is enough), and the other pasuk teaches for when a person is chayuv malkus and money (the sin was not as severe so one punishment is enough).
  - **Q: According to R' Meir** who says that one gets malkus and pays money, why are both pesukim needed? **A: One pasuk** teaches when a person is chayuv misah and money (one is a punishment to the body and one is to the pocketbook, so only one can be done), and the other pasuk teaches for when a person is chayuv malkus and misah (we don't do 2 punishments to the body).
- **Q: A pasuk** says "lo sikchu kofer l'nefesh rotzei'ach" (don't take money for the life of a murderer). Why is that pasuk needed? **A: The pasuk** is teaching that we do not take money from a murderer and in that way exempt him from being put to death.
- **Q: A pasuk** says "lo sikchu kofer lanus ehl ihr miklato" (don't take money for one who ran to galus). Why is that pasuk needed? **A: The pasuk** is teaching that we do not take money from a murderer and in that way exempt him from having to go into galus.
  - Both pesukim are needed, one by shogeg and one by meizid. If it would only say a pasuk by meizid, we would say that there we can't take money for the punishment because the aveirah was so grave, but when it was a shogeg maybe we could take money. If we would only say shogeg we would say that there we can't take money because he is not losing his life, but by meizid we can take money to prevent his loss of life. This is why both pesukim are needed.
- **Q: A pasuk** says that the kapara for murder can only take place through the killing of the murderer. Why is this pasuk needed? **A: It is needed** to teach that if after the egla arufa process was done we find the murderer, he still must be put to death.
- **Q: A pasuk** says, "and you shall clean out the murderers from among you". Why is that pasuk needed? **A: It teaches** that the death penalty of "sayif" is done at the person's neck (not some other stabbing or cutting). This is learned from a comparison to egla arufah.
- **Q: A pasuk** says, anyone who has been condemned to death must be put to death and shall not be redeemed. What is this pasuk needed? **A: It teaches** that a person who has been sentenced to death no longer has a value for an eirichen vow.
  - According to **R' Chananya ben Akavya** who says that this person does have an eirech value, he would say that the pasuk teaches like **R' Yishmael the son of R' Yochanan ben Broka** in a Braisa. We would think that just as one who is chayuv misah at the Hands of Heaven can give money and receive a kaparah (through kofer), the same should be true

for one who is chayuv misah in Beis Din. The pasuk teaches that money cannot take the place of this death penalty.

- **Q:** We can learn this from the pasuk of “lo sikchu kofer”, mentioned above!? **A:** If we only had that pasuk we would say that an action carrying the death penalty for which there is no kapara when done b’shogeg, cannot be substituted with money, but such an action which does have a kapara when done b’shogeg maybe could be substituted for money. The other pasuk teaches that neither case can be substituted for money.
- **Q: Rava** asked, we learn this concept from **Chizkiya** (brought in the Gemara earlier) who taught that one who is chayuv misah does not pay money!?