



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

### Kesubos Daf Lamed Ches

- The Gemara has been dealing with the question as to why multiple pesukim are needed to teach the concept that one who is chayuv misah cannot pay money in lieu of receiving the death penalty. **Rami bar Chama** now says that the additional pasuk is needed to teach that even if one is chayuv misah for an action and simultaneously causes damage with another action he will be patur from paying the money.
  - **Q: Rava** asked, we learn this from **Chizkiya** as well, who learned this Halacha from the pasuk of "ayin tachas ayin"! **A: R' Ashi** said, the additional pasuk is needed to teach that if one is chayuv misah he does not even have to pay money for a penalty fine that he is subject to. We would have thought that a penalty should be treated differently.
    - **Q: According to Rabbah** who says that one would pay a penalty although he is chayuv misah, what is the additional pasuk needed for? **A:** He will use it as we stated in the previous Daf, that it teaches that one who was sentenced to death has no eirech value.

### MISHNA

- If a naarah was an arusah and was divorced during the eirusin, and was then violated, **R' Yose Haglili** says she is not entitled to the penalty and **R' Akiva** says that she is, and that she keeps the penalty (as opposed to her father keeping the penalty).

### GEMARA

- The view of **R' Yose Haglili** is based on the pasuk that says that the violated naarah was "lo orasa". **R' Akiva** says that the pasuk is teaching that if she was not an arusah the money goes to her father, and if she was, the money goes to her.
  - **Q: According to R' Akiva** maybe we should understand the pesukim to mean that a bogeres who is violated also gets the penalty, only she is different than a naara in that the bogeres will keep the money herself!? We know that this is not the case and when the pasuk says naara it means that she is the only one who gets the penalty. If so, when the pasuk says lo orasa it should also mean that if she was an arusah who was then divorced she should get nothing at all!? **A: R' Akiva** says that the words "lo orasa" are needed for a gezeirah shava to teach that the penalties are the same for a woman who was raped and for a woman who was seduced.
    - **Q: Why does R' Akiva** use the "lo orasa" for the gezeira shava, which then leaves the word "besula" available to teach that a beulah does not get the penalty? Maybe he should use the word "besula" for the gezeirah shava and then leave the "lo orasa" available to teach that a naara who was an arusa and was then divorced does not get the penalty!? **A:** The Gemara ultimately says that a beulah had a physical change happen to her body whereas an arusah did not. Therefore, it would make more sense to exclude the Beulah rather than the arusah.
    - **Q: How does R' Yose Haglili** learn that the penalties for rape and seduction are the same? **A:** He learns it from the pasuk of "kesef yishkol kimohar habesulos".
    - **Q: In the Mishna R' Akiva** says that the penalty given for a naara who was an arusa and was then divorced is kept by her. However, in a Braisa he says that the penalty is given to the father!? **A:** There are 2 Tanna'im who disagree about the opinion of **R' Akiva**.
      - **Q: According to the Mishna's version of R' Akiva**, although the words "lo orasa" are used for the gezeirah shava they are still used for their simple

meaning in that they teach that the money is kept by the girl herself, rather than her father. However, according to the Braisa's version, the words are used for the gezeirah shava and do not teach anything at all in their simple meaning, which is not the way we are supposed to darshen!? **A: R' Nachman bar Yitzchak** said, the pasuk should be read as if it says "asher lo arusa" (she is not presently an arusah), and teaches that such a girl does not get the penalty.

- **Q:** The one who violates an arusah would be subject to skila, and of course would not pay the penalty!? **A:** We would think that since the penalty is a novel concept it must be paid even when he is being put to death.
- **Q:** According to **Rabbah** who says that the penalty is paid even when he is being put to death, how would he darshen the pasuk? **A:** He would have to hold like the Mishna's version of **R' Akiva**.
- **Abaye** said, if the violated naarah dies before payment is made, the violator becomes patur from having to pay, because the pasuk says the penalty should be given to the "avi hanaarah", and not the father of a dead girl.
  - We find that **Rava** was unsure of the Halacha on this issue.