



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

Kesubos Daf Lamed Tes

- **Q: Rava** asked **Abaye**, what is the Halacha if a naarah was violated and then became an arusah before payment of the penalty was made? Must the penalty still be paid? **A: Abaye** said, in the pasuk that discusses payment the pasuk does not say "Asher lo orasa". This means that payment is made even if she is an arusah at that point.
 - **Q: Rava** asked, a Braisa says that if she entered nisuin before payment was made, the payment goes to her (and not her father). There too we should say that in the pasuk of payment the pasuk doesn't say that the father only gets it if she is not a nesuah!? **A: Abaye** said, the case of nisuin is different than eirusin, because when a girl enters nisuin she is totally removed from her father's jurisdiction, whereas a girl who enters eirusin is not totally removed from it.

MISHNA

- A seducer must give payment for 3 things – embarrassment, the amount of her decreased value, and the penalty – and a rapist must give payment for 4 things – the additional thing being payment for pain.
 - The differences between a seducer and a rapist are: a rapist must pay for the pain caused, a rapist must pay the penalty immediately whereas the seducer only pays when he decides not to marry her, and the rapist must marry her if she wants whereas the seducer may choose not to marry her.
 - The rapist must marry her even if she is lame, blind, or has boils. However, if she is mezaneh after they are married, or if she is unfit to marry someone from Klal Yisrael, he is not allowed to remain married to her, because the pasuk says "v'lo sihiyeh l'isha", which teaches that the woman must be fit for him.

GEMARA

- **Q:** What pain is he paying for? **A: Shmuel's** father said it is the pain from her having been thrown onto the ground.
 - **Q: R' Zeira** asked, if this is true, if he threw her onto a soft surface he would not be chayuv to pay for pain!? This can't be right, because we see in a Braisa that the pain referred to is not the pain of being thrown down!? **A: R' Nachman in the name of Rabbah bar Avuha** said, it is the pain of pulling her legs apart.
 - **Q:** If so, a seducer should also pay for pain!? **A: R' Nachman in the name of Rabbah bar Avuha** said, a seduced girl does not experience such pain (or as others explain, it is minimal pain).

HA'ONEIS NOSEIN MIYAD HAMIFATEH L'KISHEYOTZI...

- **Abaye** explained, this means that the seducer must pay when he decides not to marry her. A Braisa says this as well. The Braisa says that the seducer must pay the penalty when he decides not to marry her, but pays for the embarrassment and decrease of value immediately. In the case of the rape or seduction, the girl or the father can prevent the marriage from taking place.
 - **Q:** Regarding a seducer the pasuk says "ihm ma'ein yi'ma'ein", and this double verbiage teaches that the father or the girl can prevent the marriage. However, regarding the case of rape the pasuk says "v'lo sihiyeh", which can teach that she must agree to the marriage, but how do we know that the father must agree to the marriage as well? **A: Abaye** said, since before the rape she couldn't marry him without her father's consent, we can't say that the sinner will be better off now and will not require the father's consent. **A2: Rava** said, we have a kal v'chomer – if a seducer, who only did the act contrary to the will of her father, must get the consent of the father, then the rapist,

who did the act contrary to the will of the father and the girl, surely needs the consent of the father to marry her.

- **Rava** doesn't say like **Abaye**, because since he pays a penalty it can't be said that he is "better off". **Abaye** doesn't say like **Rava**, because by a seducer, since he could decide not to marry her the father can also decide not to allow the marriage. However, in the case of rape, since he can't decide not to marry her, the father also can't decide not to allow the marriage.
- A Braisa says, although the rapist must pay the penalty immediately, when he divorces her he does not need to pay her a kesubah.
 - **Q:** He is not allowed to decide to divorce her!? **A:** The Braisa means, if she decides that she wants a divorce.

The Braisa continues, if the husband (who was the rapist) dies, the penalty paid covers any kesubah obligation. **R' Yose the son of R' Yehuda** says she gets a kesubah of a maneh.

- The machlokes is that the **Rabanan** hold that a kesubah was instituted to prevent a husband from giving a divorce, and in this case he anyway can't divorce her. **R' Yose the son of R' Yehuda** says, even in this case we must be concerned, because he may torture her enough until she says that she wants a divorce.

ONEIS SHOSEH B'ATZITZO

- **Q: Rava** from Parzakya asked **R' Ashi**, since we learn halachos of the seducer and rapist from each other, why aren't they the same in this regard as well? **A:** The pasuk by a seducer says "lo l'isha" – the word "lo" teaches that it must be with his consent.

KEITZAD SHOSEH B'ATZITZO...

- **R' Kahana** said, I asked **R' Zvid**, why doesn't the assei come and override the lo saasei? He answered me that we only allow for an override when there is no way to do the assei without overriding the lo saasei. However, in this case, if the woman says she doesn't want to marry him, there is no need for this assei. Therefore, we instruct her to say that she doesn't want to marry him.