



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

Kesubos Daf Mem

MISHNA

- If an orphan was an arusah and was then divorced, **R' Elazar** says, one who rapes her would be subject to the penalty, but one who seduces her would not be subject to the penalty.

GEMARA

- **Rabbah bar bar Chana in the name of R' Yochanan** said, **R' Elazar's** view follows the view of his rebbi **R' Akiva** who said that a naarah who was an arusah and was then divorced is entitled to keep the penalty money. **R' Elazar** must hold like this, because his Halacha in our Mishna seems to be obvious. The Mishna must be teaching us that a naarah who was an arusah and was then divorced is like an orphan in that she keeps the penalty money.
 - The Gemara paskens in the name of **Rav** that the Halacha follows **R' Elazar**.

MISHNA

- How much is the payment for embarrassment? It all depends on the person who did the humiliation and on the person who was humiliated.
- The amount of depreciation is determined by calculating how much she was worth as a maidservant before she was violated and how much less she is worth now. The difference is the amount that must be made as payment.
- The penalty is a fixed amount which is equal for all people. Every monetary obligation that is fixed in the Torah is equal for all people.

GEMARA

- **Q:** Maybe the Torah meant for the violator to pay 50 shekalim which is supposed to cover all payment obligations? **A:** **R' Zeira** said, it can't be that one who violates a princess and one who violates a regular girl should end up paying the same amount. Therefore, it must be that there are additional payments.
 - **Q:** **Abaye** asked, we see that a set penalty is levied when one's animal kills a slave, and we don't say that different amounts are given for slaves with different levels of skill!? **A:** Rather, **R' Zeira** said, it can't be that one who violates a girl who had unnatural bi'ah first should pay the same amount as one who violates a girl who never had any relations! It must be that other payments are made.
 - **Q:** **Abaye** asked, we find that the penalty for one's animal killing a slave is constant, no matter the health status of the slave that was killed!? **A:** **Abaye** said, the pasuk says "tachas asher inah", which teaches that the 50 shekalim are payment for the violation. This suggests that there are other payments of boshes and pegam as well. **A2:** **Rava** said, the pasuk says "v'nassan ha'ish hashocheiv imah", which teaches that this penalty is for the pleasure he had from the bi'ah. This suggests that there are other payments of boshes and pegam.
- **Q:** Maybe we should say that the payments for boshes and pegam should go to the girl herself, and not her father? **A:** The pasuk says "binureha beis aviha", which teaches that all profits of a naara go to her father.
 - **Q:** We find that **R' Hunu in the name of Rav** learns that a daughter's wages go to her father from the fact that he is allowed to sell her as a maid. Why couldn't he learn it from the pasuk of "binureha beis aviha"? It must be because that pasuk is written in regard to nullifying her vows. If so, how do we know that the father gets the boshes and pegam payments? We can't learn it from the fact that he can nullify her vows or that he

gets the penalty payment, because we don't learn monetary obligations from issurim or from penalties!?

A: It is logical that these payments go to the father, since he can give her over to a disgusting person in marriage if he wanted to (which would embarrass and blemish her) so he must be entitled to the boshes and pegam payments.

PEGAM RO'IN OSAH K'ILU HEE SHIFCHA NIMKERES

- **Q:** How do we evaluate her depreciation? **A:** **Shmuel's** father said, we see the difference in how much a person would pay for a maid who is a besulah over the amount he would pay for a maid who is not a besulah.
 - **Q:** Why would that make a difference to a person at all? **A:** We see how much more a person would pay for a maid who is a besulah so that he can give her in marriage to his slave that he is very happy with (so he would spend extra to get him a besulah).

MISHNA

- In every place where a sale (of the girl by the father) may be done, there is no penalty for violating her. Wherever there is a penalty for violating her, there is no sale that can be done.
 - A minor may be sold and is therefore not entitled to the penalty. A naara is entitled to the penalty and can therefore not be sold. A bogeres may not be sold and is not entitled to the penalty.

GEMARA

- **R' Yehuda in the name of Rav** said, the Mishna follows the view of **R' Meir**, but the **Rabanan** hold that there is entitlement to the penalty even when she may be sold. This machlokes is brought in a Braisa.
 - **R' Chisda** said, **R' Meir's** view is based on the pasuk of "v'lo sihiyeh l'isha", which teaches that only a girl who can consent to a marriage (i.e. a naara) is entitled to the penalty. **Reish Lakish** explains that the **Rabanan's** view is based on the pasuk's spelling of the word "naara" without the letter "hey", which suggests that it includes a minor as well.