



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

Kesubos Daf Mem Vuv

- A Braisa says, the pasuk regarding a motzi shem rah says "v'anshu oso", which means he must pay a penalty, and also says "v'yisru", which refers to malkus.
 - **Q:** "V'anshu" clearly refers to money, because the pasuk says "v'anshu oso mei'ah kesef". However, how do we know that v'yisru refers to malkus? **A: R' Avahu** said, we learn it from the case of a "ben soreh u'moreh" which itself is learned from elsewhere, that "v'yisru" refers to malkus.
- **Q:** Where does the Torah write a warning for the motzi shem rah (there cannot be malkus unless the Torah writes a warning)? **A: R' Elazar** said, we learn it from the pasuk of "lo seileich rachil". **R' Nosson** said, we learn it from the pasuk of "v'nishmarta mikol davar rah".
 - **R' Elazar** uses the other pasuk for a drasha of **R' Pinchas ben Yair** (that a person should be careful with his thoughts). **R' Nosson** uses the other pasuk as a warning to Beis Din not to treat some litigants softer than others.
- A Braisa says, if after making the claim the husband did not ask the witnesses to come and testify, rather they came on their own and did so, and it then turns out that they were lying, the husband will not be subject to malkus or the penalty. However, either she or the false witnesses will be put to death.
 - The Braisa suggests that if he had asked them to come, even if he didn't hire them, he would be subject to the penalty. This argues on **R' Yehuda**, who says that he is only chayuv if he hired the witnesses (based on a gezeirah shava).
 - **Q: R' Yirmiya** asked, what is the Halacha according to **R' Yehuda** if he hired them by giving them real property (the pasuk used in the gezeira shava refers to movable property)? What if he gave them less than a shava perutah? What if he gave a full perutah for the two of them to split?
 - **Q: R' Ashi** asked, what if a husband who marries the woman for a second time is motzi shem rah now about her not having been a besulah at the time of her first marriage? What if the yavam makes the claim stating that she wasn't a besulah at the time of her marriage to the dead brother? **A:** The Gemara says that this last question can be answered based on the pasuk of "es biti nasati l'ish hazeh", which teaches that a yavam cannot make this claim.
- Earlier we referenced a machlokes between the **Rabanan** and **R' Eliezer ben Yaakov**. The source for this machlokes is a Braisa. The Braisa says, the **Rabanan** say that if the claim turns out to be false, he is subject to malkus and the penalty whether or not they had bi'ah. **R' Eliezer ben Yaakov** says he is only subject to these if he had bi'ah with her.
 - **Q: R' Eliezer's** view is based on the pasuk that says "u'bah eileha" and "v'ekrav eileha". How do the **Rabanan** understand these pesukim? **A:** They say that the pesukim refer to coming close with a claim and with words.
 - **Q:** According to **R' Eliezer** it makes sense that the man claims that he found his wife not to be a besulah. However, according to the **Rabanan**, if he didn't have bi'ah, how can he make this claim? **A:** The pasuk means that he says he could not find witnesses to contradict the earlier witnesses who said she was mezaneh.
 - **Q:** According to **R' Eliezer** it makes sense that the father counterclaims "v'eileh besulei biti". However, how do the **Rabanan** understand that? **A:** The father is referring to witnesses who contradict the earlier witnesses.
 - **Q:** According to **R' Eliezer** it makes sense that the pasuk says they "spread out the sheet". However, how do the **Rabanan** understand that? **A: R' Avahu** explains, it means that they clarify the accusations and responses between the two, as is similarly explained in a Braisa.

- **R' Yitzchok bar R' Yaakov bar Geyorei in the name of R' Yochanan** said, although the Torah always treats a bi'ah in the natural way the same as it does a bi'ah in an unnatural way, the case of motzi shem rah is different. In that case, as long as the husband had bi'ah with her, even if it was in the unnatural way, he would have to pay the penalty if he makes a false claim regarding her having been mezaneh in the *natural* way.
 - **Q:** If he is following the **Rabanan**, he is chayuv even if he didn't have bi'ah with her!? If he is following **R' Eliezer ben Yaakov**, he must have had bi'ah in the natural way!? **A:** **R' Kahana** said that **R' Yochanan** said the husband is not chayuv until he has bi'ah with her in the natural way, and he claims that she was mezaneh in the natural way.

MISHNA

- A father is entitled to his daughter's kiddushin – whether by getting the money, the document, or giving her over for bi'ah. He also gets her finds, her earnings, and can annul her vows. If she gets divorced from the kiddushin, the father accepts the get. A father is not entitled to the produce of the field that his daughter inherited from her mother's family.
- Once the girl enters nissuin, the husband is even stronger than the father was, in that he is entitled to the produce of the girl's property. The husband is obligated to support her, to ransom her, and to bury her. **R' Yehuda** says, even a pauper must hire at least two flutes and one lady to lead the lamenting at his wife's funeral.

GEMARA

- **Q:** How do we know that a father is entitled to the daughter's kiddushin money? **A:** **R' Yehuda** said, the pasuk says that a girl who was sold as a maid and became a naarah goes out free "without money". This teaches that this master doesn't get money when she leaves his jurisdiction, but her other master (i.e. her father) does get money when she leaves his jurisdiction (with kiddushin).
 - **Q:** Maybe the pasuk means that there is money, but it is she who keeps it? **A:** A pasuk clearly says that the father can accept kiddushin for his daughter. How can we say that she would keep the money?
 - **Q:** Maybe he keeps the money when the girl is a minor, but when she is a naarah, since she can accept kiddushin she also keeps the money!? **A:** The pasuk of "binureha beis aviha" teaches that all profit of a naarah goes to her father.
 - **Q:** We find that **R' Huna 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 earnings? 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!? We can't learn it from the fact that he gets boshes and pegam payments, because those are different in that he has a stake in them (he can earn money by giving her to someone who would embarrass her and depreciate her value)!? **A:** It is logical that the pasuk of "without money" comes to teach that a case similar to the naarah's leaving the master (i.e. her leaving the father with kiddushin) would involve money going to the master (i.e. the father).
 - **Q:** The leaving of the master (which is a complete leaving) is not similar to the leaving from the father (which is not complete until he gives her over to chuppah)!? **A:** She leaves him at kiddushin with respect to nullifying her vows (it must be done in conjunction with the husband). In this way it is considered to be a complete leaving.

SHTAR U'BI'AH

- **Q:** How do we know the father is entitled for these forms of kiddushin as well? **A:** The pasuk of "v'huysa l'ish acher" compares all forms of kiddushin to each other, and teaches that they are treated the same.

ZAKAI B'MITZI'ASA

- This is a Rabbinic institution to prevent the father from hating the daughter.