



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

Kesubos Daf Ayin Hey

KOL MUMIN SHEPOSLIN...

- A Braisa adds additional mum in for a woman – one who sweats a lot, who has a mole, and who has bad breath.
 - **Q:** A Mishna seems to say that bad smells would passul a Kohen as well!? **A: R' Yose the son of R' Chanina** says, the Braisa is referring to bad smells that come from time to time, whereas the Mishna is discussing smells that are constant. **R' Ashi** says, the Braisa is talking about less offensive smells than the Mishna. Still, it is considered a mum for a woman because she is constantly with her husband and can't mask these smells at all times.
 - **Q:** What is the case of the mole mentioned in the Braisa? If it is large or has hair growing from it, even a Kohen would become passul from it. If it is small, it should not be considered a mum even for a woman!? **A: R' Yose the son of R' Chanina** says, and **R' Pappa** explained, it is a small mole that is somewhere on her forehead that is sometimes visible. Therefore it is considered a mum for the woman.
 - **R' Chisda** says, other forms of a mum for a woman can be a scar from a dog bite, or even a deep voice.
- **R' Nosson Bira'ah** taught a Braisa that a deformed chest is considered to be a mum. Another Braisa says a similar idea from **R' Nosson**.

MISHNA

- If a mum was found on a girl after the eirusin but before the nissuin, the father must bring proof that the mum happened after the eirusin and therefore does not detract from the validity of the eirusin. If a mum was discovered after the nissuin and the husband wants to claim that the marriage was therefore in error, he must prove that the mum was present before the eirusin. This is the view of **R' Meir**. However, the **Chachomim** say this is only true for a mum on an unexposed part of the body. When the mum is on an exposed part of the body, the husband cannot even claim to have made the error. Even more so, if there is a bathhouse in the city, he cannot make a claim for error even for a mum on an unexposed body part, because he has surely sent his relatives to check her out.

GEMARA

- **Q:** The Mishna seems to say that if the father doesn't bring proof the husband would be believed. This follows **R' Yehoshua**, who says that we don't follow her chazaka and allow her to take money that is in his possession. However, the Mishna then suggests that once she is married, if the husband doesn't bring proof then he would be liable for the kesubah, which would seem to follow **R' Gamliel** who says that we do follow her chazaka!? **A: R' Elazar** says, the 2 parts of the Mishna were clearly taught by different Tanna'im.
 - **Rava** explains, don't say that **R' Yehoshua** doesn't follow a chazaka of the body at all. It is only when the chazaka is opposed by a chazaka of the money that he says we do not follow the chazaka of the body.
 - **Rava** says, the entire Mishna may be following **R' Gamliel**. When the mum is found in the father's house we make an assumption that since it was found there, that is where it came about. This weakens the position of the father. In the second case, when the mum is discovered in the husband's house, we again assume that since it was found there, that is where it came about. This weakens the husband's position.

- **Q: Abaye** asks, if that is true, why does our Mishna say that the husband must prove that the mum existed before the eirusin? Why isn't it enough for him to prove that it existed while she still lived in the father's house, and based on the assumption we should then assume that it existed before the kiddushin!? **A: Rava** says, the reason is, if all he proves is that it existed after the eirusin, we have another assumption that a person would not "purchase" something (i.e. get married) unless he had first checked out what he was buying. We therefore assume that he knew about the mum and accepted it.
 - **Q:** If so, we should make this assumption even if the mum existed before the eirusin as well!? Rather, it must be that we say that people are never accepting of mumin. If so, why do we say that he is? **A:** If he can only show that the mum existed after the kiddushin, we have 2 chazakas at play: a chazaka that one only purchases what he has checked out, and a chazaka of her body that the mum was not present before the kiddushin. These 2 win out the one chazaka that a person is not accepting of mumin. However, if he can prove that the mum was in existence before the kiddushin, there is no chazaka of her body. Therefore, we have one chazaka against one chazaka. In a case like this we will say that the money should stay where it is (i.e. in the husband's hands).