



Daf In Review – Weekly Chazarah

Maseches Kesuvos, Daf ך – Daf טו

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf ך---10-----

- **R' Nachman in the name of Shmuel in the name of R' Shimon ben Elazar** said, the **Chachomim** instituted the giving of a kesubah, and they also said that a man is believed to have her lose the kesubah if he comes with a claim that he found an “open entrance”.
 - **Q:** If so, the whole institution of the kesubah, which was done to help the women, is of no help, since a husband can easily get it dismissed!? **A: Rava** said, we have a chazaka that a person would not bother going through with the whole wedding party if he just intended on getting rid of her.
 - A Braisa says, since the kesubah is a fine (which the Gemara later explains to mean an enactment) instituted by the **Rabanan**, the woman may only collect it from the “ziburiyes” (inferior land). **R' Shimon ben Gamliel** says that a kesubah is a Halacha D'Oraisa.
 - **Q:** A Braisa says that kesubah is D'Oraisa and **R' Shimon ben Gamliel** says it is D'Rabanan!? **A:** We must flip the shitos of this Braisa.
 - **Q:** Why do we flip the shitos of the second Braisa and not the first Braisa? **A:** We find elsewhere in a Mishna that **R' Shimon ben Gamliel** says that a kesubah should be paid from high quality coins (because it is a D'Oraisa obligation). **A2:** The entire second Braisa is the view of **R' Shimon ben Gamliel**, and he means to say that the kesubah of a besula is D'Oraisa, but the kesubah of a widow is only D'Rabanan.
- A groom came to **R' Nachman** and made the claim that he found an “open entrance”. **R' Nachman** instructed that he get lashes. He explained that the only way the groom could claim to know what an “open entrance” is, is by having been mezaneh previously.
 - **Q: R' Nachman** had said that we believe a groom who makes this claim!? **A:** We believe him, but he gets malkus. **A2: R' Achai** said, we believe him if he was previously married. We give him malkus if this is his first marriage.
- A groom came to **R' Gamliel** and made the claim that he found an “open entrance”. **R' Gamliel** told him, maybe you entered at an angle, and that is why it seemed to be open to you.
- A groom came to **R' Gamliel the son of Rebbi** and made the claim that he had bi'ah but saw no blood. The bride said that she was a besulah. **R' Gamliel** asked for the sheet that they were on. He washed it and found that the zerah had covered the blood.
 - **R' Ashi** said, in Bavel this method wouldn't work, because the washing process is different than it was in Eretz Yisrael.
- A groom came to **R' Gamliel the son of Rebbi** and made the claim that he had bi'ah but saw no blood. The bride said that she was still a besulah. **R' Gamliel** took a besula maid and a non-besula maid and had each sit over a barrel of wine. The non-besulah's breath began to smell like wine, and the besula's breath did not. He then sat the bride on the wine, and her breath also did not smell like wine. He said, this shows she is still a besulah.
- A groom came to **R' Gamliel Hazaken** and made the claim that he had bi'ah but saw no blood. The bride said that she was a besulah but was from the Durkiti family, who don't have nidah blood or besulah blood. **R' Gamliel** investigated and found that she was from that family and told the groom, you are lucky to have married into such a family.
 - **R' Chanina** said, **R' Gamliel** was just saying that, but in truth, it is not good that he married into that family because we have learned that such a woman will have difficulty having children. Others say that he meant it as a good thing, because there would never be any niddah issues with this woman.
- A groom came to **Rebbi** and made the claim that he had bi'ah but saw no blood. The bride said that she was a besulah. This took place in a year of famine. **Rebbi** directed that they be bathed and fed. They then had bi'ah and there was blood.

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MISHNA

- The kesubah of a besulah is 200 zuz, and the kesubah of a widow is 100 zuz. A besulah who is a widow, divorcee or chalutzah from the eirusin gets a kesubah of 200 when she remarries, and the new husband can state a claim of failing to find besulim.

GEMARA

- **R' Chana** of Baghdad explained, the root of the word “almanah” is “ahl shem maneh” (she gets 100 zuz for a kesubah).
 - **Q:** An almanah from the eirusin does not get 100 and is still called an almanah!? **A:** Since the other widow gets 100, we call all widows by the term almanah.
 - **Q:** The pasuk refers to a widow as an almanah, and the kesubah was a later, Rabbinic enactment!? **A:** The Torah writes this for the future, when there would be a kesubah of 100.
- **R' Chana** of Baghdad explained the various virtues of rain – it waters, saturates, fertilizes, gives shine, and adds growth.
- **R' Elazar** stated the benefits of the Mizbe'ach – it removes bad gezeiros, brings sustenance, causes the Yidden to be loved by Hashem, and brings kapparah.
- **R' Chana** of Baghdad stated the benefits of dates – they warm the body, satiate, loosen the stomach, give energy, and do not cause one to become overly particular.
 - **Rav** said, one who eats dates should not pasken. Although a Braisa says they are very healthy, they are somewhat intoxicating and one may therefore not pasken after eating them.
- **Rava** said, a door is referred to as “dasha” based on the words of “derech sham” (the way is through there). A ladder is called a “darga” based on the words of “derech gag” (the way to the roof). **R' Pappa** said that a bed is called a “purya” because it leads to having children. **R' Nachman bar Yitzchak** said, a woman who can't have children is called an ailunis, because she is like a male ram (“ayil”) who can't give birth.

-----Daf נ"ו---11-----

MISHNA

- A woman who is a convert, or who was a captive, or was a maidservant, who was converted, or ransomed, or freed when she was less than 3 years old, would get a kesubah of 200, and their husbands would be able to make a claim if they are found not to be a besulah.

GEMARA

- **R' Huna** said, if a minor is to convert, the tevila can be done on the knowledge of Beis Din.
 - **Q:** What is the chiddush here? That it is considered a benefit to convert and they can therefore do so for the child? We have a well-established principle that one may do something of benefit for a person even if he is not there (and without his knowledge)!? **A:** We would think that a goy rather continue the less restrictive life of a goy. He is teaching that is true only for an adult goy, who has lived with no restrictions. However, for a child, it is still considered to be a benefit to convert to being a Jew.
 - **Q:** Maybe we can say our Mishna is a proof to this, because it discusses a minor who converts, and presumably this was done on the knowledge of Beis Din? **A:** The Mishna may be discussing where they converted along with their parents, and it was therefore done based on their knowledge (they want to be together with their parents), and not on that of Beis Din.
- **R' Yosef** said, if a minor was converted, he may renounce the conversion when he becomes an adult.
 - **Q: Abaye** asked, our Mishna says that we give a minor convert a kesubah. If she may renounce the conversion, why would we give a kesubah to then spend it as a goy? **A:** We would only give it to her after she became an adult, had the chance to revoke, and did not. At that point she can no longer revoke.

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- **Q: Rava** asked, a Mishna says that a convert who converted before she was 3, who is then raped, collects the penalty like any Jewish girl. Why would we give her the penalty if she can then take the money and spend it as a goy if she revokes the conversion? **A:** We would only give it to her after she became an adult, had the chance to revoke, and did not. At that point she can no longer revoke.
- **Abaye** didn't ask from **Rava's** Mishna, because we would say that in that case we give it to her so that the sinner not make out free. **Rava** didn't ask from **Abaye's** Mishna, because it may be that she gets the kesubah to prevent her husband from easily divorcing her, which we don't want to happen as long as she has not renounced the conversion.

MISHNA

- If a man had bi'ah with a girl under 3 years old, or if a minor (less than 9 years old) had bi'ah with a woman, or a woman who lost her besulim due to injury, **R' Meir** says they get a kesubah of 200. The **Chachomim** say the injured woman only gets a kesubah of 100.
- A besulah who becomes a widow, divorcee, or chalutza from nissuin gets a kesubah of 100 when she remarries, and their husbands cannot make a claim that they were not a besulah.
- A convert, a captured woman, or a slavewoman, who converted or was freed when more than 3 years old, gets a kesubah of 100 and their husbands cannot make a claim that they were not a besulah.

GEMARA

- **R' Yehuda in the name of Rav** said, a minor who has bi'ah with an adult woman gives her the status of a woman who lost her besulim due to injury. However, **Shmuel** said that one cannot get that status from an actual bi'ah.
 - **Q: R' Oshaya** asked, our Mishna lists the case of a minor who has bi'ah with an adult woman, and the case of besulim lost due to injury as 2 separate cases!? **A: Rava** said, the Mishna means to say that when a minor has bi'ah with a woman, it gives her the status of losing besulim due to injury, which itself is a machlokes between **R' Meir** and the **Chachomim**.
- **Rami bar Chama** said, the machlokes between **R' Meir** and the **Chachomim** is only where he knew that she had lost them due to injury. In that case, **R' Meir** says she is like a bogeres, who gets a full 200 kesubah even though some of her besulim are gone, and the **Chachomim** say she is like a be'ulah. However, if he did not know that she was so injured, all would agree that she gets no kesubah at all.
 - **R' Meir** compares her to a bogeres rather than to a be'ulah, because her besulim were not lost because of a bi'ah, similar to a bogeres. The **Rabanan** say she is more like a be'ulah, in that an act was done to her, whereas a bogeres had no act done to her at all.
 - **Q: R' Nachman** asked, a Mishna says that if a woman says she lost her besulim to injury and the husband says it was lost to a bi'ah, **R' Gamliel** and **R' Eliezer** say she is believed. This suggests that she is believed and gets some kesubah!? **A:** Rather **Rava** said, **R' Meir** says that a woman who lost her besulim to injury gets a kesubah of 200 whether or not the husband knew about it. The **Rabanan** hold that if he knew about it she gets 100, and if he didn't, she gets nothing at all.
 - **Rava** ultimately retracted his view and said that the **Rabanan** say she gets a kesubah of 100 in either case. We see this because **Rava** answered a contradiction between a Mishna and a Braisa by stating that a woman who was married under the pretense of being a besula, and had in fact lost her besulim to injury, gets a kesubah of 100.
- A Braisa says, if a woman entered nissuin, but there are witnesses that she was never secluded with her husband for enough time to have a bi'ah, a second husband can still not make a claim that she was found not to be a besulah, because she was a fully married woman to the first husband.
 - **Rabbah** said, we can see from here, if a woman was married under pretense of being a besulah and was actually a beulah, she gets a kesubah of 100. **R' Ashi** said, it may be that only in this case of the Braisa does she get a kesubah, because since she was previously fully married, the second husband should have expected her to be a be'ulah.
 - **Q:** Why aren't we concerned that she was mezaneh while an arusah to the second man? **A: R' Shrivya** said, the case is where he gave her kiddushin and immediately had bi'ah with her.

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- **Another version** has this same statement of **Rabbah** and the ensuing discussion, but based on our Mishna instead of the Braisa.
 - According to the first version, clearly it could be said on the Mishna as well. According to the second version, it may be that in the case of the Braisa he would not have to give a kesubah, because he can claim to have relied on the witnesses.

-----Daf כ"ב--12-----

MISHNA

- If a man entered into eirusin and ate at his father in law's house in Yehuda and there were no witnesses to testify that he did not seclude himself with his arusah, he may not later make a claim that she is not a besulah, because he in Yehuda it was customary for the arus to seclude with the arusah.

GEMARA

- Since the Mishna says "if one eats in his father in law's house in Yehuda", it must mean that some places in Yehuda had the custom that the arus would not eat in in his father in law's house. **Abaye** said, we see from here that various places in Yehuda had different customs.
 - This can be seen in a Braisa as well. The Braisa says that originally in Yehuda they would seclude the arus and arusa before the chuppah so that they become comfortable with each other, but in the Galil they would not do so. Originally in Yehuda they would have attendants – one for him and one for her – to examine the chosson and kallah before they enter the room, but in the Galil they did not. Originally in Yehuda the attendants would sleep in the house with the chosson and kallah, but in the Galil they did not do so. Therefore, whoever does not follow this practice cannot make a claim that the kallah is not a besulah. Now, from the fact that there were attendants in some places in Yehuda shows that different places had different customs, because a place that allowed seclusion would have no need for attendants.
 - **Q:** What custom is the Braisa referring to when it says "whoever does not follow this may not make a claim..."? If it's the first part (that seclusion was allowed), the Braisa should say that anyone who *does* follow it may not make a claim!? If it is going on the next part, it should say "anyone who was not examined may not make a claim..."? **A: Abaye** said, it is referring to the beginning of the Braisa, and change the words to read "anyone who does follow this custom may not make a claim...".
 - **Rava** said, the Braisa says "anyone who does not follow", so **Abaye** can't be right. Rather, the Braisa means to say, that anyone who did not follow the custom of the Galil in the Galil, but rather followed the custom of Yehuda in the Galil, may not make a claim.
 - **R' Ashi** said, the Braisa is going on the last part, and change the words to read "anyone who was not examined may not make a claim".

MISHNA

- An almanah who is a bas Yisrael and an almanah who is a bas Kohen both get a kesubah of 100. The Beis Din of Kohanim would collect a kesubah of 400 for a besulah who was a bas Kohen, and the **Chachomim** did not stop them.

GEMARA

- A Braisa says, an almana who is a bas Kohen gets a kesubah of 200.
 - **Q:** Our Mishna said she only gets 100!? **A: R' Ashi** said, there were 2 enactments. First they enacted that a bas Kohen who is a besulah should get a kesubah of 400 and one who is an almana should get a kesubah of 100. When the Kohanim saw that people were treating the bas Kohen almanos lightly, they instituted that they get a kesubah of 200. When they then saw that people were preferring the bas

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Yisrael besulah over the bas Kohen almanah because they had an equal kesubah, they reverted back to saying that the bas Kohen almanah only gets a kesubah of 100.

BEIS DIN SHEL KOHANIM...

- **R' Yehuda in the name of Shmuel** said, this doesn't only apply to Kohanim. Rather, even if prestigious families decide to do this as well, they may.
 - **Q:** A Braisa says that this may be done when a bas Yisrael marries a Kohen or when a bas Kohen marries a Yisrael. This suggests that if neither are a Kohen it may not be done!? **A:** The Braisa means that surely when neither are a Kohen they may increase the kesubah, because he is not increasing her status, so a higher kesubah may be given. The chiddush is that he may do so even where he is a Kohen and is increasing her status.

MISHNA

- If one marries and finds out that his wife did not have her besulim, and she says that she was raped after the eirusin and it is therefore his mazal that allowed it and she should therefore get her full kesubah, but he says it happened before the eirusin and therefore his kiddushin was a mistaken transaction and he should not have to pay her kesubah, **R' Gamliel and R' Eliezer** say that she is believed. **R' Yehoshua** says she is not believed and we therefore assume she was a be'ulah at the time of the kiddushin unless she can prove otherwise.

GEMARA

- If a person tells another, "You owe me a maneh" and the other says "I do not know", **R' Yehuda and R' Huna** say he must pay (a certain claim wins out over an unsure claim), and **R' Nachman and R' Yochanan** say he is patur (the money remains in the hands of the one who currently holds it).
 - **Abaye** said to **R' Yosef**, the view of **R' Huna and R' Yehuda** is the view of **Shmuel**, because we find that **Shmuel** paskened like **R' Gamliel** of our Mishna. This shows that although it is removing money from the hands of the current possessor, a certain claim is believed over a questionable claim.
 - **Q:** Can we say that **R' Huna and R' Yehuda** follow **R' Gamliel**, and **R' Nachman and R' Yochanan** follow **R' Yehoshua**? **A:** **R' Nachman** could say that **R' Gamliel** only holds that way in our Mishna because the woman has a miguy (she could have said that she was injured, rather than raped), but in the case of the loan, where there is no miguy, he would not be believed. Or we can say, that **R' Gamliel** holds that way there because he says we have a chazaka that the woman was a besulah, but in the case of the loan there is no chazakah.
 - It also makes sense that **R' Nachman** holds like **R' Gamliel**, because the Halacha follows **R' Nachman** in monetary matters, and we also pasken like **R' Gamliel** over here.

-----Daf ל"ג-----13-----

MISHNA

- If a woman claims she had lost her besulim due to injury, and the husband says that it was due to a bi'ah, **R' Gamliel and R' Eliezer** say she is believed, and **R' Yehoshua** says she is not believed.

GEMARA

- **R' Yochanan** said the Mishna is discussing where she is saying she deserves a kesubah of 200 and he is saying she only deserves 100 (**R' Yochanan** holds like **R' Meir**, who says that in all cases a woman who lost her besulim due to injury gets a kesubah of 200). **R' Elazar** said, she is claiming that she deserves 100 and he is saying that she deserves nothing at all (**R' Elazar** holds like the **Rabanan** who says that such a woman would only get a kesubah of 100).
 - **Q:** We can understand why **R' Elazar** says as he does, because according to him the Mishna is following the view of the **Rabanan**. However, why does **R' Yochanan** not say like that as well? **A:** He holds that a woman who was married on presumption of being a besulah and it turns out that she is a be'ulah, she gets a kesubah of 100. This means that the husband's claim in this case is that she deserves only 100. If

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she is also claiming that she only deserves 100, then there is no disagreement at all! Therefore, it must be that the Mishna follows the view of **R' Meir**. **R' Elazar** doesn't have this problem, because he holds that a woman married on this presumption who turns out to be a be'ulah would receive nothing at all.

- **Q:** According to **R' Elazar**, who says she would receive no kesubah at all, it makes sense why the machlokes is needed in this Mishna and the previous one – this Mishna excludes the view of **Rami bar Chama**, who says that if the husband did not know she had lost her besulim due to injury she does not receive a kesubah at all, and the previous Mishna excludes the view of **R' Chiya bar Avin in the name of R' Sheishes**, who said that such a woman would receive a kesubah of 100. However, according to **R' Yochanan**, why are both Mishnayos needed? **A:** The previous Mishna teaches the extent of the view of **R' Yehoshua**, that even though the woman has a miguy she is not believed. This Mishna teaches the extent of **R' Gamliel**, that even though she has no miguy, she is still believed.

MISHNA

- If they saw an unmarried woman “talking” to a man, and they asked her who this man is, and she said he is so-and-so the Kohen, **R' Gamliel and R' Eliezer** say she is believed. **R' Yehoshua** says she is not believed and she is presumed to have been mezaneh with a nasin or mamzer unless she can prove otherwise.
- If an unmarried woman is pregnant and they ask her who the father of the child is, and she says it is so-and-so the Kohen, **R' Gamliel and R' Eliezer** say she is believed. **R' Yehoshua** says she is not believed and she is presumed to be pregnant from a nasin or mamzer unless she can prove otherwise.

GEMARA

- **Q:** What does the Mishna mean that she was “speaking” to a man? **A:** **Ze'iri** said it means she was secluded with him. **R' Assi** said it means she was mezaneh with him.
 - **Q:** According to **Ze'iri** it makes sense why the Mishna says “speaking”, but according to **R' Assi** why didn't the Mishna just say she was mezaneh? **A:** It wanted to say a finer verbiage.
 - **Q:** According to **Ze'iri** it makes sense why we needed both cases in the Mishna (the first one to teach that **R' Yehoshua** says she is assur even though we don't know she was mezaneh and the second one teaches that **R' Gamliel** believes her even though we know she had bi'ah. However, why are both cases needed according to **R' Assi**? **A:** One teaches that she remains mutar to a Kohen and the other teaches that her child is mutar to a Kohen as well.
 - **Q:** **R' Pappa** asked **Abaye**, we learned that **Rav** said that one receives malkus for secluding but does not become assur. It seems that we would have to say that **R' Yehoshua** according to **R' Assi** would disagree with that? **A:** It may be that all would agree that we are extra stringent when it comes to Kohanim.
 - **Q:** A Braisa says, if she was seen going into seclusion with a man, or into a ruin with a man, and when asked about this she says the man was her cousin who is a Kohen, **R' Gamliel and R' Eliezer** say she is believed, and **R' Yehoshua** says she is considered to have been mezaneh with a nasin or mamzer unless she can prove otherwise. According to **Ze'iri**, these two cases are like the 2 cases of our Mishna (going into a ruin is the same as seeing her be mezaneh). However, according to **R' Assi**, why are both cases needed? **A:** The Mishna means to say she secluded in a ruin (it is one case).
 - **Q:** The Mishna says “or”, meaning it is 2 separate cases!? **A:** One case is a ruin in the city (where we can assume that whoever she went with is a valid person) and the other case is a ruin in the fields (where the assumption can't be made). Both are needed, to show that **R' Yehoshua** does not agree in the first case and that **R' Gamliel** does not agree in the second case.
 - **Q:** A Braisa says, **R' Yehoshua** asked **R' Gamliel**, you agree that a captured woman with regard to whom there are witnesses that she was captured, is not believed to marry a Kohen. Why is this case (like our Mishna) different? He responded, in that case there are witnesses, whereas here there are no witnesses so she is believed. **R' Yehoshua** asked, the fact that she is pregnant is as good as witnesses, so she should not be believed!? He responded, most goyim are unrestrained regarding zenus. **R' Yehoshua** said, there is no guarantor to prevent zenus. The Braisa says, this is in regard to the woman herself. However, all would agree that the child of this woman would be a “shtuki”. The Gemara explains the

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conversation in the Braisa - **R' Gamliel** said to **R' Yehoshua**, you have only asked regarding the case of where she was pregnant, but have not addressed the case where she was “speaking” to a man? He answered, the case of “speaking” is the case of a captured woman. **R' Gamliel** said the case of a captured woman is different because goyim are unrestrained in zenus, and we therefore assume they violated her!? **R' Yehoshua** said, the case of a secluded woman should be no different, because there is no guarantor when it comes to preventing zenus. From this back and forth we clearly see that there are 2 cases being discussed. This refutes the view of **R' Assi**!? **TEYUFTA of R' Assi**.

- **Q:** Why can't **R' Yehoshua** say that the difference between the case of the captured woman and the “speaking” woman is that by the captured woman most of the people there are invalid people, whereas by the “speaking” woman most people there are valid? **A:** This supports **R' Yehoshua ben Levi**, who says that the one who says she is passul will say so even when most people there are valid, and the one who says she is valid will say so even when most people there are invalid.
- **R' Yochanan** said, just as **R' Gamliel** and **R' Eliezer** say she is valid, they say that her child would be valid to a Kohen as well, and **R' Yehoshua** would say that just as she is not valid, her child is not valid either. **R' Elazar** said that even according to **R' Gamliel** and **R' Eliezer** the child is not valid for a Kohen.
 - **Rabbah** explains the view of **R' Elazar**, the woman has a chazaka that she is valid, but the child does not.
 - **Q:** **R' Elazar** asked **R' Yochanan**, the Braisa quoted above said that all agree that the child is a shtuki!? **A:** **R' Yochanan** said, the Braisa means that the child is a shtuki, but is valid to a Kohen. As we find that **Shmuel** said that a child whose father is known to be a Kohen, but we don't know exactly which Kohen his father is, is considered a shtuki in that he may not do the Avodah or eat terumah. He learns this based on a drasha of a pasuk.
 - A couple who had eirusin came to **R' Yosef** and told him she was pregnant. They both said that she was pregnant from the husband. **R' Yosef** said she and the child will be valid because 1) they both agree that it is from the husband, 2) we pasken like **R' Gamliel** that she is believed.
 - **Q:** **Abaye** asked, we find that **Shmuel** said that we only pasken like **R' Gamliel** when most of the people present are valid, and in that case most people were not valid!? **A:** B'dieved we pasken like **R' Gamliel** even where most people are not valid. Therefore, in this case in which she was already pregnant (and is thus a case of b'dieved) we will pasken like **R' Gamliel** even though most people are not valid.

-----Daf ט'--14-----

- **Q:** **Abaye** asked **Rabbah**, how can we say that **R' Yehoshua** does not believe the woman? In another Mishna **R' Yehoshua** says that a woman who was married to a questionable chalal is allowed to marry a Kohen. We see that **R' Yehoshua** follows the woman's chazaka!? **A:** **Rabbah** said, in that case where the question arose from a marriage, we rely on the fact that a woman checks into a man's yichus before marrying him, and he must therefore not be a chalal. However, in our Mishna we are discussing where she was mezaneh. A woman does not check into the man she is going to be mezaneh with.
 - **Q:** **Rava** asked, in that same Mishna **R' Gamliel** said that the woman will be treated as assur to the Kohen. This contradicts **R' Gamliel** in our Mishna who says we follow the woman's chazaka!? **A:** **Rava** said, **R' Gamliel** is not contradictory, because in our Mishna she is claiming a claim with certainty, whereas in that Mishna she is making the claiming with some uncertainty. **R' Yehoshua** is not contradictory, because in our Mishna there is only one safek (and we therefore go l'chumra), but in the other Mishna there is a sfek sfeika (and we can therefore go l'kula).
 - Based on the above, the resulting views are: **R' Gamliel** holds a claim of certainty is strong enough to be believed even in the face of a single safek, and an uncertain claim is weak in that it is not believed even in the face of a sfek sfeika. **R' Yehoshua** holds that one safek is so strong that even a claim of certainty would not be believed against it, whereas a sfek sfeika is so weak, that even an uncertain claim would be believed against it.

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- A Braisa says, a “widow of a person of uncertain status” refers to a widow regarding who we are not concerned to possibly have been married to a mamzer, a nasin, or the slaves of a king. **R’ Meir** said, I have heard that any woman regarding who we have no such concern may marry a Kohen. **R’ Shimon ben Elazar in the name of R’ Meir** said, the widow of a person of uncertain status refers to a woman who was married to a safek chalal. This is because Jews are aware of the mamzeirem among them, but not of the chalalim among them.
 - **Q:** The Braisa in the beginning suggests that mamzer, nassin, and slaves are a problem, but a chalal would not be. A chalal is D’Oraisa as well, so why should it be treated differently? **Q2: R’ Meir** seems to be saying the exact same thing as the **T”K**!? **Q3:** The end of the Braisa seems to say that a safek chalal would make the widow assur to marry a Kohen, but the beginning of the Braisa suggested that it would not!? **A: R’ Yochanan** said, the issue in the Braisa is regarding one who protests when he is called a mamzer, but who does not protest when he is called a chalal. The **T”K** holds that if one remains quiet regarding any accusation, even one of chalal, his wife would be passul to marry a Kohen, because we take his silence as an admission. **R’ Meir** then says, the silence in the face of being called a chalal is not an admission, because it does not make him passul to marry a regular Jew, and he therefore does not bother to protest. **R’ Shimon ben Elazar** then says, **R’ Meir** only said he is valid even when remaining silent if he is called a mamzer, because he figures that people know who is and is not a mamzer, so there is no need to protest. However, if he protests when being called a mamzer and is then quiet when called a chalal, we say he is passul, because the reason he was quiet is because he is happy that they are not making him passul to marry a Jew.
 - **Q:** One Braisa says that **R’ Yose** says that one who remains silent when accused of being a mamzer is valid, and one who remains silent when accused of being a chalal is passul. Another Braisa says the opposite!? **A:** The second Braisa follows the view of **R’ Meir** as stated by the first Tanna in the Braisa above, and the first Braisa follows the view of **R’ Meir** according to **R’ Shimon ben Elazar**.

-----Daf 10---15-----

MISHNA

- **R’ Yose** said, it once happened that a girl was raped when she went to draw water from a spring, and **R’ Yochanan Ben Nuri** said, if most people of that city are fit to marry into the Kehuna, this girl may also marry into the Kehuna.

GEMARA

- **Q: Rava** asked, who does **R’ Yochanan ben Nuri** follow? According to **R’ Gamliel** the woman should be valid even when most of the people are not, and according to **R’ Yehoshua** she would be passul even if most of the people are valid!? **A: R’ Nachman** said, **R’ Yehuda in the name of Rav** said, the case happened on a market day when there were many outsiders in the area, and a majority of the city residents and of the outsiders were valid for Kehuna. **R’ Yehoshua** holds that when there are 2 majorities that point to her being valid, even he agrees that she remains valid.
 - **R’ Ami** says this as well, and **R’ Yannai** says this as well.
 - The Gemara says, if we know for sure that it was a man from the city (so there is only one majority), the child born would be a shtuki.
 - We find the concept that we must have the double majority in order to render her valid, from the statement of **R’ Dimi in the name of Ze’iri in the name of R’ Chanina**, who said that the case must be where the majority of the city people and the majority of the visitors were fit for Kehuna, but the majority of each group alone would not suffice to make her valid. The reason that a majority of the city would be insufficient is because we are discussing where she went to them, in which case we have the rule that “kol kavuah k’mechtza ahl mechtza dami”, and there is not considered to be any majority. The reason we can’t rely on a majority of the visitors alone (they are not kavuah, so the previous reason

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would not be an issue) is as a gezeirah that we don't come to rely on a majority of the city people alone. However, when there is a majority of both groups, we can rely on that to render her fit for Kehuna.

- **Q:** We find in a Braisa that we can rely on a single majority in the case where one finds a piece of meat among butcher stores of which a majority are kosher, and **R' Zeira** said this applies even if the meat is all local meat (so there is only one majority)!? **A:** We are more stringent when deciding on genealogical matters effecting Kehuna.
- **Q:** We previously learned the statement of **R' Zeira**, that “kol kavuah k'mechtza ahl mechtza dami”, whether this results in a kula or a chumra. Where does **R' Zeira** learn this from? It can't be from the case of where one takes a piece of meat from a butcher store, and does not remember which one it was taken from, and there are 9 kosher stores and one non-kosher, in which case we pasken that it is assur, because that is only a case of chumra, not kula!? It also can't be from the case where there were 9 dead frogs (which don't give off tumah) and one dead sheretz (which does) and he doesn't know which one he touched, in which case we pasken that he is tamei, because there too it is a case of chumra, not kula!? **A:** It is from the case where there are 9 dead sheratzim and one dead frog and he touched one without knowing which it was. We pasken that if this took place in the reshus hayachid he is tamei, and in the reshus harabim he is tahor. We see that we don't follow the majority even though it leads to a kula.
 - **Q:** Where do we find this concept in the Torah? **A:** We find that the **Rabanan** learn from the extra words of “v'arav lo”, that if one throws a stone into a group of people consisting of Jews and goyim, and he kills a Jew, he is not chayuv misah. Now, the case can't be where there is a majority of goyim, because then we don't need a pasuk to make him patur. It also can't be a case of 50/50, because since we are lenient when there is a safek involving killing with the death penalty, we don't need a pasuk to make him patur there either. The case must be where there was a majority of Jews, but since the goyim are “kavu'ah” it is treated as a case of 50/50.
- **R' Chiya bar Ashi in the name of Rav** said that we pasken like **R' Yose** of our Mishna. **R' Chanan bar Rava in the name of Rav** said that story had that psak for some special reason, and cannot be followed in other cases.
 - **Q:** **R' Yirmiya** asked, how can **R' Chiya bar Ashi** suggest that we don't need a double majority in the case of allowing for Kehuna? A Mishna says that if a child is found in a city, if most residents are goyim, the child is treated as a goy. If most residents are Jews, the child is treated as a Jew. If they are 50/50, the child is treated as a Jew. **Rav** explained, that the child is treated as a Jew in this Mishna only in regard to having to sustain him. However, he clearly is not given the lineage of a Jew. **Shmuel** said he is given the status of a Jew to allow the removal of a fallen building on Shabbos to try and save him. We see that **Rav** says that a majority is not sufficient in matters of making one fit for lineage!? **A:** The Gemara says, **R' Yirmiya** did not realize that in our Mishna the case was where there was a second majority of visitors. Therefore, there was a double majority, and that is why **Rav** said it may be followed.
 - **Q:** According to **R' Chanan bar Rava**, who said that the psak of our Mishna is not to be followed, and the psak of our Mishna has been established to be a case where there are 2 majorities, that would mean that in general one majority should be sufficient. If so, why did **Rav** say that the found child is not established as being of Jewish lineage based on the single majority? **A:** **R' Chanan bar Rava** would not agree with the statement in the name of **Rav** that the child is not given the status of Jewish lineage based on a single majority.
 - **Q:** How could **Shmuel** say in the above quoted Mishna that we would remove the fallen building from on him on Shabbos only when the majority says that the child is Jewish, when we find that **R' Yosef in the name of R' Yehuda in the name of Shmuel** says that we do not follow a majority when possibly saving a life, rather we do whatever is necessary even if there is only a minority chance that a Jew will be saved!? **A:** **Shmuel's** statement was made on the first part of the Mishna, that even when the majority of the city are goyim, we would remove a fallen building from on this child on Shabbos.
 - **Q:** If so, regarding what Halacha is the child considered to be a goy? **A:** **R' Pappa** said, that we may give him neveilos to eat.
 - **Q:** Regarding what Halacha is the child considered to be a Jew when a majority of the city is Jewish? **A:** **R' Pappa** said, we would have to return his lost item to him.

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- **Q:** Regarding what Halacha is the child considered to be a Jew when the city's population is 50/50? **A: Reish Lakish** said, for the halachos of nezakin (damages). He gets the benefit of being treated as a Jew in that if his ox which is only a "tam" gores a Jew's ox, he will only have to pay for 50% of the damage (as would a Jew).

HADRAN ALACH PEREK BESULAH NISEIS!!!

-----Daf 10---16-----

PEREK HA'ISHA SHENISARMILAH -- PEREK SHEINI

MISHNA

- A woman who was widowed or divorced and says that she was married as a besulah and therefore deserves 200 zuz, but he says she was married as a widow and therefore only deserves 100 zuz, if there are witnesses that she went out with a "hinuma" and with her hair out, then she gets a kesubah of 200. **R' Yochanan ben Broka** says that if the dried grains were given out at her wedding, that is also a proof that she is entitled to 200.
- **R' Yehoshua** agrees, that if one person tells another, "This field used to belong to your father but I bought it from him", that the person is believed, because the mouth that has forbidden is the mouth that has made it mutar ("hapeh she'asar hu hapeh shehitir"). However, if there are witnesses that the field belonged to the father and the person says "I bought it from him", he is not believed.

GEMARA

- **Q:** The Mishna seems to say that if there are no witnesses that she went out with the hinuma or her hair out, then the husband would be believed. This seems to be an anonymous Mishna which doesn't hold like **R' Gamliel**, who said that the woman is believed!? **A: R' Gamliel** says his view when a claim of certainty is opposed by an uncertain claim. In this case both claims are of certainty, and he therefore would not believe her over him.
 - The one who asked the question felt that since most women get married as a besula, it gives her claim the status of a claim of certainty against an uncertain claim.
 - The Gemara says that the Mishna also suggests that **R' Gamliel** would agree in our Mishna, because the Mishna says that "**R' Yehoshua** agrees". Who is he agreeing to? It must be that **R' Gamliel** had agreed in the first case, which led the Mishna to say that **R' Yehoshua** later agrees as well.
 - **Q:** This does not prove that **R' Gamliel** agreed with anything in our Mishna. It may be that **R' Yehoshua** is agreeing with something said in the last perek regarding miguy, and not something said in this very Mishna! **R' Yehoshua** is saying that although you (**R' Gamliel**) say that when a woman says she was raped during the eirusin stage she is believed with a miguy that she could have said that she was only injured and not raped, I don't agree with that miguy, but I do agree that in our Mishna (with the field) he would be believed with a miguy. The reason why the miguy in this Mishna is stronger is that in the previous Mishna the husband has discovered that she no longer has her besulim, and he therefore makes a claim. The miguy comes into play in the counterclaim. In our Mishna, without the statement strengthened by the miguy the other party is not even aware that a claim can be made. Therefore, this miguy is considered to be a stronger miguy.
 - **Q:** Since most women get married as a besulah, even if no witnesses come why don't we assume that she was a besulah? **A: Ravina** said, because we say that a majority of women marry as a besulah, but when a besulah marries, it is known to all. Since it is not public knowledge about this woman, the majority is considered somewhat weakened.
 - **Q:** If it is always public knowledge, and this woman was not a matter of public knowledge, we should not even believe the witnesses who come, and we should say that they are false witnesses!? **A: Ravina** said, we must say that *most* besulos who get married are a matter of public knowledge. Therefore, if this one was not a matter of public knowledge, the majority is

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considered to be weakened and can't be relied upon. However, if witnesses testify, they will be believed.

IHM YEISH EIDIM SHEYATZISAH B'HINUMA...

- **Q:** The Mishna is discussing a woman who lost her kesubah, and therefore brings witnesses to prove that she married as a besulah. Why are we not concerned that after collecting based on the witnesses in one Beis Din, she will go and produce the kesubah in another Beis Din and collect again? **A: R' Avahu** said, we tell the wife to write a receipt, which the husband can then use against any future attempts to collect. **R' Pappa** said, the Mishna is discussing a place where a kesubah document was not written, so the above concern does not apply.
 - **Others** have this discussion regarding a Braisa that says that if a woman lost her kesubah she may produce witnesses that she had a wedding styled for a besulah, and can collect based on that. The Gemara asks the same question and brings the 2 answers.
 - **Q:** How could **R' Pappa** give his answer when the Braisa specifically gives the case where she lost her kesubah? **A:** The Braisa means that she lost it in a fire, so there is no chance that she can ever collect with it.

IHM YEISH EIDIM...

- **Q:** Why are we not concerned that she will collect based on 2 witnesses that she had a wedding styled for a besulah, and then go to another Beis Din and produce another 2 witnesses who will testify to the same thing? **A:** In a case like this we will surely have to write a receipt for the husband.
- **Q:** The Braisa quoted above said that one of the telltale signs of a wedding for a besulah is that they would pass an "announcement cup" before her. What is an announcement cup? **A: R' Ada bar Ahava** said, they would pass a cup of terumah wine before her, as if to say that she (as a besulah) would be allowed to marry a Kohen.
 - **Q: R' Pappa** asked, even an almanah may marry a Kohen and eat terumah!? **A:** Rather, **R' Pappa** said, the symbolism was that she is having her first bi'ah with her husband, just as terumah is separated from the first of the produce.
- A Braisa says, **R' Yehuda** says that they would pass a barrel of wine before a kallah who was a besulah.
 - **R' Ada bar Ahava** said, for a besulah they would pass a sealed barrel before her, and for a be'ula they would pass an open barrel.
 - **Q:** Why didn't they just not pass anything before a be'ula? **A:** We are concerned that she would later claim that she was really a besulah, but they could not pass the barrel before her due to some oneis. Therefore, they passed an open barrel before her so that she could not have the possibility of making that claim.