



Daf In Review – Weekly Chazarah

Maseches Kesuvos, Daf 72 – Daf 77

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- The Gemara has been dealing with the question as to why multiple pesukim are needed to teach the concept that one who is chayuv misah cannot pay money in lieu of receiving the death penalty. **Rami bar Chama** now says that the additional pasuk is needed to teach that even if one is chayuv misah for an action and simultaneously causes damage with another action he will be patur from paying the money.
 - **Q: Rava** asked, we learn this from **Chizkiya** as well, who learned this Halacha from the pasuk of “ayin tachas ayin”? **A: R' Ashi** said, the additional pasuk is needed to teach that if one is chayuv misah he does not even have to pay money for a penalty fine that he is subject to. We would have thought that a penalty should be treated differently.
 - **Q: According to Rabbah** who says that one would pay a penalty although he is chayuv misah, what is the additional pasuk needed for? **A:** He will use it as we stated in the previous Daf, that it teaches that one who was sentenced to death has no eirech value.

MISHNA

- If a naarah was an arusah and was divorced during the eirusin, and was then violated, **R' Yose Haglili** says she is not entitled to the penalty and **R' Akiva** says that she is, and that she keeps the penalty (as opposed to her father keeping the penalty).

GEMARA

- The view of **R' Yose Haglili** is based on the pasuk that says that the violated naarah was “lo orasa”. **R' Akiva** says that the pasuk is teaching that if she was not an arusah the money goes to her father, and if she was, the money goes to her.
 - **Q: According to R' Akiva** maybe we should understand the pesukim to mean that a bogeres who is violated also gets the penalty, only she is different than a naara in that the bogeres will keep the money herself!? We know that this is not the case and when the pasuk says naara it means that she is the only one who gets the penalty. If so, when the pasuk says lo orasa it should also mean that if she was an arusah who was then divorced she should get nothing at all!? **A: R' Akiva** says that the words “lo orasa” are needed for a gezeirah shava to teach that the penalties are the same for a woman who was raped and for a woman who was seduced.
 - **Q: Why does R' Akiva** use the “lo orasa” for the gezeira shava, which then leaves the word “besula” available to teach that a beulah does not get the penalty? Maybe he should use the word “besula” for the gezeirah shava and then leave the “lo orasa” available to teach that a naara who was an arusa and was then divorced does not get the penalty!? **A:** The Gemara ultimately says that a beulah had a physical change happen to her body whereas an arusah did not. Therefore, it would make more sense to exclude the Beulah rather than the arusah.
 - **Q: How does R' Yose Haglili** learn that the penalties for rape and seduction are the same? **A:** He learns it from the pasuk of “kesef yishkol kimohar habesulos”.
 - **Q: In the Mishna R' Akiva** says that the penalty given for a naara who was an arusa and was then divorced is kept by her. However, in a Braisa he says that the penalty is given to the father!? **A:** There are 2 Tanna'im who disagree about the opinion of **R' Akiva**.
 - **Q: According to the Mishna's version of R' Akiva**, although the words “lo orasa” are used for the gezeirah shava they are still used for their simple meaning in that they teach that the money is kept by the girl herself, rather than her father. However,

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according to the Braisa's version, the words are used for the gezeirah shava and do not teach anything at all in their simple meaning, which is not the way we are supposed to darshen!? **A: R' Nachman bar Yitzchak** said, the pasuk should be read as if it says "asher lo arusa" (she is not presently an arusah), and teaches that such a girl does not get the penalty.

- **Q:** The one who violates an arusah would be subject to skila, and of course would not pay the penalty!? **A:** We would think that since the penalty is a novel concept it must be paid even when he is being put to death.
- **Q:** According to **Rabbah** who says that the penalty is paid even when he is being put to death, how would he darshen the pasuk? **A:** He would have to hold like the Mishna's version of **R' Akiva**.
- **Abaye** said, if the violated naarah dies before payment is made, the violator becomes patur from having to pay, because the pasuk says the penalty should be given to the "avi hanaarah", and not the father of a dead girl.
 - We find that **Rava** was unsure of the Halacha on this issue.

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- **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 nissuin is different than eirusin, because when a girl enters nissuin 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.

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- **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 sassei? 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.

-----Daf 40-----

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.

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- 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' 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 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.

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-----Daf נ"ד--41-----

MISHNA

- If one says that he seduced a particular girl, he must pay boshes and pegam based on his admission, but does not pay the penalty.
- If one says that he stole, he pays the principal based on his admission, but does not pay the penalty of keifel, or “4 and 5”.
- If one says that his ox killed a Jew, or killed another ox, he must pay based on his admission. However, if he says that his ox killed someone’s slave, he does not pay the penalty.
- The general rule is, whenever one pays for more than what he damaged, he does not pay that based on his own admission.

GEMARA

- **Q:** Why didn’t the Mishna give the example of where one admits to having raped a girl? **A:** The Mishna means to say, surely in the case of rape we would believe him. The Mishna is saying, that even when he says that he seduced her, which means that she was a willing participant, still we believe him and he must pay the boshes and pegam, even though his admission means that she was willingly mezaneh.
 - The Mishna does not agree with **R’ Shimon ben Yehuda in the name of R’ Shimon** of a Braisa, who said that one who admits to having seduced a girl will not pay boshes or pegam either, because he is not believed to say that the girl was a willing participant in zenus.
 - **Q: R’ Pappa** asked **Abaye**, if she is willing to accept the hit to her reputation and take the money, may she do so? **A:** Since it may not be acceptable to the father we would still not accept his admission. Even if he is ok with it, we still wouldn’t accept it, because there may be a family member somewhere who doesn’t want the embarrassment from that reputation.

HA’OMER GANAVTI MISHALEIM ES HAKEREN...

- There is a machlokes regarding the “half nezek” that is paid by a “tam” ox – **R’ Pappa** says it is considered to be a compensatory payment (really he should be paying the entire damage but the Torah had pity, since he was not warned regarding his ox), whereas **R’ Huna the son of R’ Yehoshua** says it is a penalty payment (really he should pay nothing, since he had no way of knowing his ox would gore, but the Torah said he must pay half as a penalty).
 - **Q:** A Mishna says, the damaged party and the damager are both involved in the payment. Now, presumably this is discussing the half nezek payment and thereby suggests that it is a compensatory payment, because if it is a penalty the damaged party should be getting nothing at all, so how can we say that he is considered to be involved in the payment but only getting half? **A:** The Mishna is referring to the Halacha that the owner of the dead animal is responsible to sell it and bears any loss from further depreciation of the dead animal.
 - **Q:** That Halacha is already taught earlier in the Mishna!? **A:** We need to be taught this in regard to a “tam” and separately in regard to a “muad”. We would think that a tam hasn’t been warned and that is why the damaged party must deal with the dead animal, and a muad must pay full so maybe only in that case the damaged party must deal with the dead animal.
 - **Q:** A Mishna says, the difference between a tam and muad is that a tam pays from the body of the animal and a muad must pay from his best property. The Mishna does not say that a difference is that a tam would not pay based on his own admission. This would therefore suggest that the half nezek payment is compensatory!? **A:** It may be that the Mishna left out that difference, but it would in fact be a difference. We see that the Mishna left out other differences as well, as we see it left out the fact that a tam does not pay kofer when the ox kills a person, whereas a muad does.
 - The Gemara says that it may be that kofer is not being left out, because the Mishna may follow **R’ Yose Haglili** who says that a tam pays half kofer, and that difference is included in the Mishna’s statement.

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- **Q:** Our Mishna says that when one admits that his ox killed another ox he will pay for the damage. Presumably this refers to a tam and we see that the payment is considered compensatory!? **A:** The Mishna is referring to a muad.
 - **Q:** That would mean that a tam would not pay based on his own admission. If so, instead of the Mishna giving the example of the penalty for when an ox kills a slave, why not give the example of a tam!? **A:** The Mishna wanted to only discuss cases of muad.
- **Q:** Our Mishna says, the general rule is that when one pays more than what he damaged he does not pay on his own admission. This suggests that one who pays less than what he damaged (i.e. half nezek) would pay on his own admission, and this proves that half nezek is a compensatory payment!? **A:** The inference of the Mishna should be that if one pays exactly for what he damages he must pay on his own admission.
 - **Q:** If so, the Mishna should say the general rule as being that one who pays for exactly what he damaged pays on his own admission. This would more clearly mean that one who pays more or less does not!? **A:** This is a **TEYUFTA** of the view that half nezek is a penalty payment.
- The Gemara paskens that half nezek is a penalty payment.
 - **Q:** We just said TEYUFTA to that view!? **A:** The TEYUFTA based on the verbiage on the Mishna is not a total refutation. The Mishna did not want to list a rule which would suggest that all half nezek is penalty, because there is a form of half nezek payment (“tzroros”) which we are taught Halacha L’Moshe MiSinai is considered to be a compensatory payment.
 - Now that we paskened that half nezek is a penalty payment, if a dog eats a sheep or a cat eats a large chicken (these are unusual occurrences and would only be subject to half nezek) the payment cannot be collected in Bavel (where penalties cannot be collected). However, if the damaged party grabs an asset from the damager, we do not make him return it. Also, if the damaged party asks for a court date in Eretz Yisrael and the damager refuses to go, we put the damager in cheirem.
 - The Gemara says that in either case we put the damager in cheirem until he gets rid of the damaging animal, based on **R’ Nosson**, who learns from a pasuk (“v’lo sasim damim b’veisecha”) that one should not keep a vicious dog or a rickety ladder (i.e. dangerous items) in his house.

HADRAN ALACH PEREK EILU NAAROS!!!

-----Daf דב---42-----

PEREK NAARAH SHENISPATSA -- PEREK REVI’I

MISHNA

- The payments for boshes, pegam, and the penalty for a girl who was seduced belong to the father. The same is with the payment for the pain that is paid by the rapist.
- If the parties began the case in Beis Din when the father was still alive, the payments belong to the father. If the father were to die before collecting the money, the payments would go to the brothers (the father’s heirs). If the father died before the case began, the payments belong to the girl herself.
- If the case began before the girl became a bogeres, the payments belong to the father. If he died before the payments were made, they go to the brothers. If the case did not begin before she became a bogeres, the payments go to the girl herself.
- **R’ Shimon** says, if the father died before collecting the payments, the money goes to the girl herself. With regard to a girl’s earnings and finds, even if she did not receive the money before the father died, the money would go to the brothers.

GEMARA

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- **Q:** The Mishna in the last perek already listed the payments that must be made by a rapist and a seducer, so why does the Mishna repeat it here? **A:** The Mishna here is teaching that the payments are made to the father.
 - **Q:** It is obvious that it is given to the father, because a seducer would not have to make any of these payments to the girl herself, because she was a willing participant!? **A:** The Mishna wanted to bring the machlokes between the **Rabanan** and **R' Shimon**.
- A Mishna says, if one claims that a person had violated his daughter, and the accused denies it, and then the accuser demands that the accused swear, and the accused does so, and then later the accused admits to having violated the accuser's daughter, he must pay the claim, an additional 5th, and bring an asham for swearing falsely (the 5th and the asham are brought when one swears falsely regarding a monetary claim). **R' Shimon** says he does not pay the 5th and the asham because the claim was regarding a penalty and a person does not pay a penalty on his own admission. The **Rabanan** said to him, the part of the claim which is for boshes and pegam are paid on one's own admission!
 - **Q: Abaye** asked **Rabbah**, according to **R' Shimon**, if the accused first denied a claim and then admitted that he had done what was claimed and had even been brought to Beis Din and become obligated to pay the penalty, would **R' Shimon** agree that at that point the obligation was considered to be "money" and not a penalty (and he would therefore be chayuv in the 5th and asham), or would it still be considered to be a penalty? **A: Rabbah** said, at that point it would be "money" and he would be chayuv the additional 5th and the asham.
 - **Q: R' Shimon** says in a Braisa that if one swore in denial to a claim for a penalty and then later admits to being subject to the penalty, he is not obligated to bring the asham. Presumably this is even discussing where the admission happened after his having been in Beis Din and becoming obligated to the penalty, and we see that it is not considered to be "money" even then!? **A:** The Braisa is discussing where they had not been in Beis Din.
 - **Q:** The beginning of the Braisa discusses where they were already in Beis Din, because it speaks of a person being chayuv a penalty (which wouldn't happen based on a self-admission). If so, presumably the later part of the Braisa is also discussing where they were already in Beis Din!? **A:** When a penalty obligation was established in Beis Din, **R' Shimon** only considers it to be "money" in the sense that it would belong to the heirs of the one who is to receive the penalty payment. However, he would say that it is not considered to be "money" in the sense of obligating the denier to a korbon for this denial.
 - **Q:** Our Mishna says that **R' Shimon** says, if the father died before collecting payment, the payment goes to the girl herself. Now, if **R' Shimon** holds that it is considered "money", it should go to the brothers, and not the girl!? **A: Rava** said, when **R' Yosef** became Rosh Yeshiva he answered that the penalty for being violated is different than all other penalties, because the pasuk says "v'nossan... l'avi hanaarah", which teaches that it does not become the father's until he actually receives it. However, with regard to other penalties it does become his once it was obligated by Beis Din.
 - **Q:** If so, regarding the penalty given when an ox kills a slave, where the pasuk says "yitein l'adonuv", shall we say that there too it is only considered his once he receives it? **A:** The word "v'nossan" has that connotation, but the word "yitein" does not.
 - **Q:** In the Braisa **R' Shimon** says that the reason a penalty is treated different is based on the word "v'kicheish". However, based on what was now said, **R' Shimon** should say it is based on the word "v'nossan"! **A: Rava** said, "v'kicheish" is needed for a case where the girl became a bogeres before the penalty was paid and she then died before collecting the payment. In that case the father gets it as an inheritance from her. In this case the word "v'nossan" does not apply.
 - Although **R' Shimon** refers to the obligations as penalties in the Braisa, he does so because they were initially penalties and were converted to "money" status after the obligation was set in Beis Din.

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- **Q:** The Mishna that was quoted earlier said that **R' Shimon** said one is patur from bringing the asham for a denied penalty since one would be patur for a self-admission. This suggests that if Beis Din set in the obligation he would be chayuv the asham!? **A: R' Shimon** was saying to the **Rabanan**, that according to him there would be no korbon even if it was established in Beis Din. However, he said to them, you should at least agree that where it was not yet established in Beis Din a penalty should not be able create an asham obligation, because a self-admission would make him patur to pay the penalty. The **Rabanan** answered that the claims for boshes and pegam are not penalties and therefore they can create the asham obligation.
 - **R' Pappa** explained, the **Rabanan** hold that a person's principle claim is for the items that he knows he can get even with a self-admission. **R' Shimon** holds that a person's principle claim will be for the item that has a set value (the 50 shekalim), and not the items that need a value to be set.

-----Daf ל"ג-----43-----

- **Q: R' Avina** asked **R' Sheishes**, if a girl is being supported by her brothers from the estate of their father, who does her wages belong to? Do they take the place of the father and get her wages, or is it different because she is being supported by the father's money, not theirs, and therefore they don't get her wages!? **A: R' Sheishes** answered, a Mishna says that when a widow is supported from her husband's estate, her wages go to the husband's heirs. The same would be with the case of this girl.
 - The Gemara says, the case may be different, because a husband doesn't want his widow to profit (be supported and keep her wages) at the expense of his sons, but does want his daughter to profit in that way even at the expense of his sons!
 - **Q:** We find that a person would rather have his widow supported even if it means that his daughter would have to beg as a pauper for food. This shows that a person is more willing to see his widow profit!? **A:** A person is more concerned with the degradation of his widow than that of his daughter, but he is more willing to allow his daughter to profit than he is to allow his widow to profit.
 - **Q: R' Yosef** asked, our Mishna says that the wages and finds that a girl earned and found, but did not collect, during her father's lifetime, go to the brothers. This suggests that wages earned after death would not go to her brothers. Presumably we are discussing a case where she is being supported, and we see that her wages do not go to the brothers!? **A:** The Mishna is discussing a case where she is not being supported.
 - **Q:** If she is not being supported it would be clear that she need not give her wages!? **A: Rabbah bar Ulla** said, it may be that she is not being supported, and the Mishna is teaching that although we know she would get to keep what she needs to support herself, we would think that any amount above that must be given to the brothers. The Mishna tells us that she gets to keep it all.
 - **Rava** said that **R' Yosef's** proof is from the fact that the Mishna compares her wages to her finds. In doing so it teaches that just as her finds go to her father during his lifetime and to her after his lifetime, the same is with her wages (even if she is supported by the brothers).
 - We find that **R' Yehuda in the name of Rav** said that a girl who is being supported by her brothers keeps her own wages.
 - **R' Kahana** said, the reason a girl keeps her own wages is based on the pasuk that says one can leave his servants as an inheritance. We learn from the pasuk that only his servants may be left as an inheritance, but his daughter (her wages) may not be left as an inheritance.
 - **Rabbah** asked, maybe the drasha from the pasuk only teaches regarding payments for injury or for her being violated, but not for her wages!?

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- **R' Zeira in the name of R' Masna** said in the name of **Rav** the same thing that **R' Yehuda** said in the name of **Rav** and gave the reasoning as given by **R' Kahana**.
 - **Avimi bar Pappi** said that **Shmuel** said this as well.
- **Mar bar Ameimar** said to **R' Ashi** that **Nehardai** said the Halacha follows **R' Sheishes**, but **R' Ashi** said that the Halacha follows **Rav**.
 - The Gemara paskens like **Rav**.

MISHNA

- If one gave his daughter in eirusin and she was then divorced, and he then gave her in eirusin and she was then widowed, both of the kesubos belong to him. If he gave her in nissuin and she was divorced and then gave her in nissuin and she was widowed, both kesubos belong to her. **R' Yehuda** says the first kesubah belongs to the father. They said to him, once he gives her in nissuin he no longer has any jurisdiction over her!

GEMARA

- The Mishna gave the case where she was first divorced from nissuin and was then widowed. It does so, because the Mishna seems to hold that if she was widowed twice she would not be allowed to marry again. This follows the view of **Rebbi**, who says that something happening 2 times creates a chazakah.

R' YEHUDA OMER HARISHONA SHEL AV

- **Rabbah and R' Yosef** explain that **R' Yehuda** holds that the first kesubah takes effect at the time of the eirusin, when she was not yet given over in nissuin and is therefore still under the jurisdiction of her father.
 - **Q: Rava** asked, a Braisa says that **R' Yehuda** says, if a father gives his daughter in eirusin as a minor, and she then becomes a bogeres and then enters nissuin, he is not entitled to her kesubah. Now, according to the explanation above, he should get the kesubah, since at the time of eirusin he was entitled to it!? **A:** It must be that **Rabbah and R' Yosef** said that he gets the first kesubah, because it was written right before the nissuin, at a time when she was still in his jurisdiction. However, in the Braisa, by the time it was written she was already a bogeres and out of his jurisdiction.
- **Q:** From when does a woman collect her kesubah from properties of her husband that were sold? **A: R' Huna** said that the main part of the kesubah (the 100 or 200 zuz) is collectible from the time of the eirusin. Any amount given above that is collectible from the time of nissuin. **R' Assi** said both are collectible from the nissuin.
 - **Q:** We have learned that if a wife produces 2 kesubos, one for 200 and one for 300, **R' Huna** said that if she wants to collect 200 she may collect from the time of the earlier dated kesubah. If she wants to collect on the 300 she must collect for the later dated document. If what we said that **R' Huna** holds above is true, then in this case as well **R' Huna** should say that she can collect the 200 from the first date and the other 100 from the later date!? **A:** Why don't we say that she can collect 200 from the first time and 300 from the second time, for a total of 500? It must be, because we assume that the husband did not mean for both to be collected, but rather to give her the choice of which one she wants to collect with. Similarly, if she chooses to collect on the 300, we don't say she collects 200 based on the first date and the other 100 based on the later date, because by choosing the 300 she is giving up the lien of the first kesubah entirely.

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- The Gemara brought a statement from **R' Huna** where he said that a woman who has 2 kesubos may choose which one to collect on.
 - **Q:** Should we say that he argues on **R' Nachman**, who says that if 2 deeds are produced regarding one property, the later one nullifies the earlier one? **A:** We have learned that **R' Pappa** said that **R' Nachman** would agree that if the second deed added something more than the first, that the second one is thought to be adding to, and not nullifying, the first document. In **R' Huna's** case as well, the second kesubah was for more money, and would therefore not be thought of as nullifying the first kesubah.

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- The Gemara says, according to **R' Nachman**, if the first document was a sale document and the second was a gift document, or visa-versa, we would not say that the second is nullifying the first (each one adds an aspect that the other did not have). It is when they are both sale documents or both gift documents that he says the second nullifies the first. **Rafram** said, this is so because by issuing a second document, the maker is saying that the first was invalid. **R' Acha** said, that we say the recipient may have waived any lien from the first document. The difference between these two reasons would be whether we assume the witnesses on the first document are invalid, whether the recipient must pay for any fruit eaten from the field in the time between the two documents, and who would have to pay for the taxes for this in between time.
- **Q:** What is the Halacha regarding what was discussed earlier as to whether the kesubah may be claimed from the time of eirusin or only from the time of nissuin? **A: R' Yehuda in the name of Shmuel in the name of R' Elazar the son of R' Shimon** said that the 100 or 200 of the kesubah may be collected from eirusin, but any amount above that will only be from nissuin. The **Chachomim** say that both can only be claimed from the nissuin.
 - The Gemara paskens that both can only be claimed from the nissuin.

MISHNA

- If a woman convert had her daughter convert with her, and the daughter was then mezaneh while a naarah and an arusah, she would get the death penalty of chenek (rather than skila), because the pasuk that requires skila suggests that it does not apply to converts. She is also not subject to the requirement that the death penalty take place at “the entrance of her father’s house”, and she does not get the 100 sela penalty from the husband if he was lying about the znus. However, if a girl was conceived by a non-Jewish woman and born after the mother had converted, she would be subject to skila for being mezaneh as a naarah and arusah, but would still not be included in the other 2 halachos stated above. If the girl was conceived and born to a Jewish woman, she is subject to all the halachos in the pasuk.
- If a Jewish girl who was a naarah and an arusah and was mezaneh, who has a father but whose father has no house, or if her father has a house but he has died, she would still be subject to skila, because the requirement that it take place at the entrance of the father’s house is only an additional mitzvah.

GEMARA

- **Q:** How do we know that a naarah arusah conceived while her mother was a non-Jew and born when her mother was a Jew, who is mezaneh gets skilah? **A: Reish Lakish** said, the extra word in the pasuk “vameisah” includes such a girl for skilah.
 - **Q:** If she is included in the pasuk then the husband should get malkus and have to pay 100 selah if his claim is untrue!? **A:** The word “vameisah” teaches that she is included for the type of misah, but not for the other aspects of the pasuk.
 - **Q:** Maybe the extra word comes to include such a girl whose mother had converted even before her conception? **A:** Such a girl is a regular Jew and is surely included in the pasuk.
 - **Q:** Maybe the pasuk comes include a girl who was born before her mother converted (and then converted herself as well)? **A:** The word of “b'Yisrael” in the pasuk excludes such a girl.
- **R' Yose bar Chanina** said, if one is motzi shem rah on an orphan he is patur from paying the penalty, because the pasuk says “v'nasnu l'avi hanaarah”.
 - **Q: R' Yose bar Avin (or bar Zevida)** asked, **R' Yose Haglili** says in a Braisa that the pasuk of “ihm ma'ein yima'ein aviha” comes to include an orphan as well!? **A:** He answered that the case must be where she was violated and was then orphaned.
- **Rava** said, that one who is motzi shem rah on an orphan is chayuv to pay the penalty. He learns this from a Braisa that uses a pasuk to exclude a convert (who has the status of an orphan) from this Halacha. He says, if a Jewish girl who is an orphan is not included, then there would be no reason to exclude a convert. It must be that a Jewish orphan is included.

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- **Reish Lakish** says, one who is motzi shem rah on a minor is patur from paying the penalty, because the pasuk says “v’nasnu l’avi hanaarah (spelled with the “hey” at the end)”, which excludes a minor.
 - **Q: R’ Acha bar Abba** asked, without this word we would know that it doesn’t include a minor, because the pasuk says that if she was mezaneh she would be put to death, which means that it can’t be discussing a minor, because a minor is not subject to punishment!? **A:** It must be that by writing the word naarah with the “hey” in this case where it can’t be referring to a minor, the Torah is teaching that in other cases, when the word naarah is written without the “hey”, it means to include a minor as well.