



Caught

The *Mishnah* (1:8) discusses a case where a woman is seen “talking” with an individual in the marketplace. The identity of this person is not known. The woman then claims that the man was a *kohen*. *Rabban Gamliel* and *R’ Eliezer* maintain that she can be trusted. *R’ Yehoshua* however disagrees, and it is assumed she had a relationship with someone that would thereafter invalidate her from marrying a *kohen*. Consequently, she would not be able to marry a *kohen* until she brings proof to support her claim.

The *Gemara* (13a) brings two opinions, both of which agree that the case is not where she was simply talking to this stranger. *Rav Ashi* explains that she had a relationship with the individual whereas *Zeiri* explains that she was witnessed going into seclusion with this person. The *Maharik* explains that it does not mean that even if they were in a seclusion for short time that there would be a problem. Rather they were behaving in a fashion prior to going into seclusion such that their intention for going there was clear.

R’ Akiva Eiger however asks that if *R’ Yehoshua* does maintain that she is not trusted, how would bringing a proof regarding the identity of this individual help. Given her willingness to engage in such a relationship, *R’ Yehoshua* should be concerned that she engaged in another one with someone else who would be problematic.

R’ Akiva Eiger therefore explains the debate between *R’ Gamliel* and *R’ Yehoshua* as follows. *R’ Gamliel* maintains that she is trusted due to a combination of two factors. One is the definite claim she is making – *bari*. The second is that she has a *chezkat kashrut*. In other words, until this point her status was that she can

marry a *kohen*. *R’ Yehoshua* however only argues where it is certain that she had a relationship, and the question is who that man was. If however there is a doubt regarding whether she had a relationship with someone else, then *R’ Yehoshua* would agree that the *bari* and *chezkat kashrut* is enough to maintain her *kashrut*.

The *Pnei Yehoshua* explains in a similar fashion that if she brings a proof, she is permitted to marry a *kohen* and we are not concerned for another forbidden relationship, since there is a double doubt. The first is whether there even was one. The second is that even if there was, it may have been with someone (from the majority) that would not have made her *pasul* to a *kohen*.

Interestingly, the *Rambam* in his commentary on the *Mishnah* maintains that even if we know that the man in question is *kasher*, she would still not be able to marry a *kohen*, since it is assumed she had a relationship with *pesulim*. We find that *R’ Akiva Eiger’s* question is indeed the *Rambam’s* conclusion. The difficulty with this explanation here, is how we understand *R’ Yehoshua’s* qualifier “... until she brings proof to support her words.” It would seem that if she would bring proof then she would be able to marry a *kohen*. The *Chatam Sofer* answers that this *Mishnah* simply follows the language used in the following *Mishnayot*. Nevertheless, in this case since it would not be possible to bring proof that she was not *mafkir* herself to anyone else, *R’ Yehoshua* would maintain that she cannot marry a *kohen*.

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Revision Questions

יבמות ט"ז: ב' - ז'

- What is the law regarding a case where two women married to two brothers, claim that their husbands have died? What if one of the women has two witnesses supporting her? What if one of the women has children? (ט"ז: ב') (ט"ז)
- What is the vital feature that one must identify about when testifying about a dead body? (ט"ז: ג') (ט"ז)
- Can one testify that a man has died if he saw him fall into the ocean? (ט"ז: ד') (ט"ז)
- Give some examples of what they would accept as a form of testimony enabling a woman to remarry? (ט"ז: ה') (ט"ז)
- Can a woman get married based on a *bat kol*? (What is a *bat kol*?) (ט"ז: ו') (ט"ז)
- When *R' Akiva* went to *Nehard'ah*, in the name of who did *Nechemya Ish Beit Dli* say that a woman can get remarried based on a single witnesses testimony? (ט"ז: ז') (ט"ז)
- Which opinion does not accept single witness testimony? (ט"ז: ח') (ט"ז)

כתובות א' - ח'

- On what day of the week would one marry a *betulah* and why? (א' - ח')
- On what day of the week would one marry an *almanah* and why? (א' - ח')
- What is the value of a *ketubah* for: (א' - ח')
 - A *betulah*?
 - An *almanah*?
 - *Gerusha min ha'eirusin*?
- What are the three cases that *R' Meir* adds whose *ketubah* is also 200 and on which case do the *Chachamim* argue? (א' - ח')
- What is the value of a *ketubah* for: (א' - ח')
 - A *betulah almanah min ha'nesuin*?
 - A *giyoret*?
- Why did the *Mishnah* need to teach that an *almanat Yisrael* and an *almanat Kohen* have *ketubot* of the same value? (א' - ח')
- Explain the two opinions regarding a case of *ta'ananat betulim* where:
 - She claims she was raped after they were engaged. (א' - ח')
 - She claims she is a *mukat etz*. (א' - ח')
- What is the third case that is debated in the same manner as the previous question? (א' - ח')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
31 December י"ט טבת	1 January כ' טבת	2 January כ"א טבת	3 January כ"ב טבת	4 January כ"ג טבת	5 January כ"ד טבת	6 January כ"ה טבת
Ketubot 1:9-10	Ketubot 2:1-2	Ketubot 2:3-4	Ketubot 2:5-6	Ketubot 2:7-8	Ketubot 2:9-10	Ketubot 3:1-2

