



When in Double Doubt

A Jewish wedding comprises of two components – *kidushin* (halachic engagement) and *nisuin* (marriage). Even though nowadays these two stages are performed within moments of each other, in the times of the *Mishnah* there was some time in between.

Kidushin is far more significant than what we refer to as engagement, as after which the woman is already defined as an *eshet ish*. A *get* would be required to break-off the *kidushin*. Also, her having a relationship with another man would equate to an affair thereby making her forbidden to her groom.

Masechet Ketubot begins with discussing the day on which the *Chachamim* decreed that a *betula* should get married – Wednesday. The *Mishnah* explains that since *Beit Din* were in session on Monday and Thursday, it ensured that if the groom had any claims regarding her *betulin* he would be able to present them the next day at the *Beit Din*. *Rashi* explains that the need for *Beit Din* to be available the next day is that if there was a break, there is a concern that the husband might be appeased. The problem then is that he could continue living with his wife who is forbidden to him due to her affair during that period.

The *Tosfot* question the reason for this decree. Even if the husband presented his case to *Beit Din*, she would still not be prohibited to him. The reason is that there is a double doubt (*sfeik sfeika*). The first doubt is whether the affair occurred prior to or during the engagement period. Even if it occurred during the engagement period there is another doubt regarding whether it was *ones* (rape) – in such a case she would not be *assur* to her husband.

Rabbeinu Tam answers that there are cases where there would only be one *safek*. In a case of a *kohen's*

wife involving *ones*, for example, she would be *assur* to her husband. Consequently the *safek* that it occurred prior to *kidushin* is the only *safek*. Nevertheless, the *Chachachim* did not differentiate in their decree and instituted that all *betulim* marry on Wednesday.

Rashi however explains that despite the *sfeik sfeika*, he should go to *Beit Din* as knowledge of the case might spread and if there are incriminating witness then they might come forward. The *Ritva* adds that according to this understanding, it appears the reason for the *takana* was for these cases of *sfeik sfeika*, where witnesses are required to affect the *issur*. In the cases of one *safek* the husband would make his wife *assur* to him even without *Beit Din*.

The *Chatam Sofer* explains that the debate between *Rashi* and *Tosfot* relates to a broader debate regarding whether in a case of a *sfeik sfeika* resulting in a leniency, must one endeavor to clarify the *safek*. It appears that according to *Rashi*, even though it is a *sfeik sfeika*, the husband must go to *Beit Din* in an attempt to call *eidim* to clarify the matter. According to *Tosfot*, in cases of *sfeik sfeika* however, there would be no need to go to *Beit Din* at all.

The *Ritva* however maintains that each of these motivations on their own would not have been enough for the decree. Firstly, with respect to *Rabbeinu Tam's* position, *kohanim* are a minority. According to *Rashi's* opinion, it would be rare the witnesses would result from the husband appearing in front of *Beit Din*. The *Ritva* holds therefore it is a combination of the two positions that motivated the decree (and he maintains that this is *Rashi's* position as well).

Yisrael Yitzchak Bankier

Revision Questions

יבמות ט"ו: י" ט"ז: ז'

- When is a women trusted to say that her *yabam* died? (Careful) (ט"ו: י')
- Regarding which relatives is a man not trusted about, if he claims they died and in what circumstance? (ט"ו: י')
- What is the law regarding a woman, whose co-wife and husband went overseas, and then she received word that her husband had died – can she remarry? Does she require *yibum* or *chalitzah*? (ט"ז: 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')
- What is the vital feature that one must identify about when testifying about a dead body? (ט"ז: ג')
- Can one testify that a man has died if he saw him fall into the ocean? (ט"ז: ד')
- Give some examples of what they would accept as a form of testimony enabling a woman to remarry? (ט"ז: ה')
- Can a woman get married based on a *bat kol*? (What is a *bat kol*?) (ט"ז: ו')
- When *R' Akiva* went to *Nehard'ah*, in the name of who did *Nechamyah Ish Beit Dli* say that a woman can get remarried based on a single witnesses testimony? (ט"ז: ז')
- Which opinion does not accept single witness testimony? (ט"ז: ז')

כתובות א' א' ו'

- On what day of the week would one marry a *betulah* and why? (א' א')
- On what day of the week would one marry an *almanah* and why? (א' א')
- What is the value of a *ketubah* for: (א' ב')
 - 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' ג')
- What is the value of a *ketubah* for: (א' ד')
 - 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' ה')
- Explain the two opinions regarding a case of *ta'ananat betulim* where:
 - She claims she was raped after they were engaged. (א' ו')
 - She claims she is a *mukat etz*. (א' ז')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
Kollel Magen Avraham
 Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendar/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
8 th July י"ח תמוז	9 th July י"ט תמוז	10 th July כ' תמוז	11 th July כ"א תמוז	12 th July כ"ב תמוז	13 th July כ"ג תמוז	14 th July כ"ד תמוז
Ketubot 1:7-8	Ketubot 1:9-10	Ketubot 2:1-2	Ketubot 2:3-4	Ketubot 2:5-6	Ketubot 2:7-8	Ketubot 2:9-10

