

Daf Notes

Insights into the Daily Daf

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Kesuvos Daf 11

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Daily Daf

Mishna

The *Mishna* states: A female convert, captive, and a slavewoman who were redeemed, converted, or were freed when they were less than three years and one day of age, their *kesuvah* is two hundred *zuz*, and they have a claim of virginity. (11a)

A Minor Convert

Rav Huna said: A minor convert (*he wishes to convert, and he has no father*) is immersed by the direction of *Beis Din* (*the court*).

The *Gemora* asks: What is Rav Huna teaching us? Is he teaching us that it is regarded as an advantage to the convert and one may act for a person in his absence, provided that it is for his advantage? But surely, we have learned this already in the following braisa: One may act for a person in his absence provided that it is for his advantage, but one cannot act for a person in his absence to his disadvantage!

The *Gemora* answers: One might have thought that an idolater prefers a life without restraint (*and it would therefore be a disadvantage to the minor would-be convert to become a Jew*) because it is established for us that a slave certainly prefers a self-indulgent life, therefore, Rav Huna informs us that this is said only in regard to an adult who has

already tasted sin, but in the case of a minor, it is an advantage to him.

The *Gemora* attempts to provide support for Rav Huna's ruling from our *Mishna*: A female convert, captive, and a slavewoman who were redeemed, converted, or were freed when they were less than three years and one day of age etc. Is it not that they were immersed by the direction of *Beis Din*?

The *Gemora* rejects the proof: No, here we are referring to a case of a convert whose sons and daughters were converted with him, so that they are satisfied with what their father does. (*The immersion of the minor converts therefore took place by the direction of their father and not by Beis Din. This Mishna is therefore no support for Rav Huna.*) (11a)

The Convert may Protest

Rav Yosef said: When the converts have become of age, they can protest against their conversion (*and return to their former religion*).

Abaye asked from our *Mishna*: A female convert, captive, and a slavewoman who were redeemed, converted, or were freed when they were less than three years and one day of age, their *kesuvah* is two hundred *zuz*. Now if you indeed mean to say that when they have become of age, they can protest against their conversion, would we give her the *kesuvah* that she may go and eat it as an idolater?

The *Gemora* answers: We give her the *kesuvah* when she has become of age.

The *Gemora* persists: But when she has become of age, too, she can protest and go out?

The *Gemora* answers: As soon as she was of age for one moment, and did not protest, she cannot protest any longer. (11a)

Mishna

The *Mishna* states: An adult who cohabits with a minor girl or a minor boy who cohabits with an adult and one injured by a piece of wood, their *kesuvah* is two hundred *zuz*; these are the words of Rabbi Meir. But the Chachamim say: One injured by a piece of wood, her *kesuvah* is only a *maneh*.

A virgin widow, a divorced woman, and a woman who underwent *chalitzah* after marriage, their *kesuvah* is a *maneh*, and they do not have a claim of virginity. A female convert, or a captive, and a slavewoman who were redeemed, or converted, or set free when they were more than three years and one day of age, their *kesuvah* is a *maneh*, and they do not have a claim of virginity. (11a – 11b)

Mistaken Kiddushin

Rav Yehudah said in the name of Rav: A minor who cohabits with a grown-up woman makes her as though she were injured by a piece of wood. When he said it before Shmuel, he said: Injured by a piece of wood does not apply to flesh.

There were those who taught this teaching by itself: A minor who cohabits with a grown-up woman, Rav said: He makes her as though she were injured by a piece of wood. Shmuel said: Injured by a piece of wood does not apply to flesh.

Rav Oshaya raised an objection from our Mishna: An adult who cohabits with a minor girl or a minor boy who cohabits with an adult and one injured by a piece of wood, their *kesuvah* is two hundred *zuz*;

these are the words of Rabbi Meir. But the Chachamim say: One injured by a piece of wood, her *kesuvah* is only a *maneh*. (*The Chachamim differ only with regard to a girl injured by a piece of wood, but not with regard to a minor who cohabits with a grown-up woman. This shows that the latter case cannot be compared with the former case. The Mishna would consequently be against Rav and for Shmuel.*)

Rava answers: This is what the *Mishna* means: When a grown-up man cohabits with a minor girl, it is nothing, for when the girl is less than three years of age, it is as if one puts the finger into the eye (*tears come to the eye again and again, so does virginity come back to a girl under three years*). However, when a minor boy has cohabits with a grown-up woman, he makes her as a girl who is injured by a piece of wood, and with regard to the case of a girl injured by a piece of wood itself, there is a difference of opinion between Rabbi Meir and the *Chachamim*.

Rami bar Chama qualifies the argument: The difference of opinion is only when he recognized (*that she has been injured by a piece of wood*), for Rabbi Meir compares her to a *bogeres* (*a girl who is twelve and a half years old, and may sometimes not have signs of virginity, and yet, her kesuvah is two hundred zuz since no man has cohabited with her, so too, a woman who was injured by wood will receive two hundred zuz*). The *Chachamim*, however, compare her to a woman who has cohabited with a man (*therefore, her kesuvah will only be a maneh*). However, if he did not recognize that she had been injured by a piece of wood, everyone will agree that she receives nothing (*for it is a mistaken kiddushin*).

The *Gemora* explains why one *Tanna* compares her to a *bogeres*, and why the other opinion compares her to a woman who has cohabited with a man.

Rav Nachman asked on Rami bar Chama who said that if he did not recognize that she had been injured by a piece of wood, everyone will agree that she receives nothing (*for it is a mistaken kiddushin*). We learned in the following *Mishna*: If she says: I was injured by a piece of wood, and he says: No, you

cohabited with a man; Rabban Gamliel and Rabbi Eliezer say that she is believed! (*This would indicate that she does receive her kesuvah even though he did not recognize that she had been injured.*)

Rather, Rava says: Whether he recognized (*that she has been injured by a piece of wood*) and whether he did not recognize that, Rabbi Meir said that her *kesuvah* is two hundred *zuz* and the *Chachamim* say that if he recognized (*that she has been injured by a piece of wood*), her *kesuvah* is a *maneh*, but if he did not recognize her, she receives nothing.

Rava, however, retracted his opinion (*and it is not regarded as a mistaken kiddushin*), for it has been taught in a *braisa*: What is the case of the Torah, where a husband slanders his wife? He comes to the *Beis Din* and says, "I, So-and-so, have not found in your daughter the signs of virginity." If there are witnesses that she has been unfaithful while she was married to him, she gets a *kesuvah* of a *maneh*. The *Gemora* asks: But surely if there are witnesses that she has been unfaithful while she was married to him, she is to be stoned? The *Gemora* explains the *braisa* as follows: If there are witnesses that she has been unfaithful while she was married to him, she is to be stoned; if she was unfaithful before the betrothal, she gets a *kesuvah* of a *maneh*. Rabbi Chiya bar Avin said in the name of Rav Sheishes: This teaches us that if he married her under the presumption that she is a virgin and she was found to have cohabited with a man, she nevertheless, receives a *kesuvah* of a *maneh*. (It is not regarded as a mistaken *kiddushin*.)

Rav Nachman objected by citing the following *Mishna*: If one marries a woman and does not find her to be a virgin, and she says: After you had betrothed me, I was violated and thus it is as if your field has been inundated, and he says: It occurred before I betrothed you, and my acquisition is thus a mistaken one and therefore, she should receive nothing. (*This is consistent with Rav Sheishes.*)

Rabbi Chiya bar Avin said to them: Is it possible to cite proof from a *Mishna* against Rav Sheishes? But Rav Amram and all the great ones of the age sat when Rav Sheishes said that teaching and they

challenged him from that *Mishna* and he answered the following: In which respect is it indeed a mistaken bargain? In respect of two hundred *zuz*, but a *maneh* she does receive. And you say that it means she receives nothing!

Whereupon Rava said: He who asked this question has asked well, for a mistaken bargain means entirely. But then that other teaching presents a difficulty. We must answer as follows: If there are witnesses that she was unfaithful while she was married to him, she is to be stoned. If she was unfaithful before the betrothal, she receives nothing. If she was found to be injured by a piece of wood, she receives a *kesuvah* of a *maneh*.

The *Gemora* asks: But Surely it was Rava who said above that according to the *Chachamim*, if he did not recognize that she had been injured by a piece of wood, she receives nothing? It must be concluded from this that Rava retracted from that opinion. (11b)