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Kesuvos Daf 11

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Daf Notes is currently being dedicated to the neshamah of
Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Mishnah

The *Mishnah* states: A female convert, captive, and a slave woman 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. (11a1)

A Minor Convert

[One who wishes to convert to Judaism must undergo circumcision and immersion in water. This conversion process requires intent. A minor (under thirteen years of age) may be converted by his father. Our Gemora discusses a case where a fatherless minor wishes to convert; what can be done in such a situation?] 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 Baraisa: 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 *Mishnah*: A female convert, captive, and a slave woman 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 Mishnah is therefore no support for Rav Huna.*) (11a1 – 11a2)

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 *Mishnah*: A female convert, captive, and a slave woman 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.

Rava asks from the following *Mishnah*: These are the *na'aros* (girls who have reached maturity; generally at twelve years old until they become a *bogeres* at twelve and a half) who are entitled to a fine (if a man violates an unmarried woman, he must pay a penalty of fifty shekalim to her father): If one cohabits with a *mamzeres*, a *nesinah*, or with a *Cuthean* (converts to Judaism after an outbreak of wild animals in Eretz Yisroel and their conversion was debated as to its validity); if one cohabits with a convert, a captive, or with a *slavewoman* who were redeemed or converted, or freed before the age of three years and one day; they are entitled to a fine. 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.

The *Gemora* notes: Abaye did not say (ask) as Rava said (asked), because there where it speaks of fines we can say that the reason is that the sinner should not have any

benefit (therefore he should pay the fine in any case, but the case of the *kesuvah* in our *Mishnah* is different; therefore, Abaye asked from our *Mishnah*). Rava did not say (ask) as Abaye said (asked), because in the case of the *kesuvah*, we can say the reason is that it should not be a light matter in his eyes to send her away (i.e., to divorce her; therefore, he should pay the *kesuvah* in any case, but the case of the fine is different.; therefore, Rava asks from the *Mishnah*). (11a2 – 11a3)

Mishnah

The *Mishnah* 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. (11a3 – 11b1)

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 Mishnah: 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 Mishnah would consequently be against Rav and for Shmuel.*)

Rava answers: This is what the *Mishnah* 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 cohabited 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.]

The Gemora asks: And why does Rabbi Meir compare her to a bogeres? Let him compare her to a woman who has cohabited with a man!

The Gemora answers: In the case of a woman who has cohabited with a man, a deed had been done to her by a man; but in her case, no deed has been done to her by a man.

The Gemora asks: And why do the Rabbis compare her to a woman who has cohabited with a man? Let them compare her to a bogeres!

The Gemora answers: In the case of a bogeres, no deed whatsoever has been done to her, but in her case, a deed has been done to her.

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 *Mishnah*: 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 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 Baraisa: 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 *Baraisa* 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 *Mishnah*: 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 *Mishnah* 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 *Mishnah* 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 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. (11b1 – 11b4)

DAILY MASHAL

Torah is the "Way to Go"

Torah can either be a merit or an obligation, depending upon one's personal attitude and understanding of what counts most in life. The very fact that the Torah was accepted on behalf of all future Jewish generations without their physically being there is an indication that Torah is only a merit, at least to the soul, one which can be accepted on behalf of someone without his foreknowledge.

Our *Gemora* seems to indicate this when discussing whether or not a *Beis Din* can convert a non-Jew without his awareness. The *Gemora* states that for a baby who has yet to transgress, conversion to Judaism is 100% a merit. However, for an adult, or, in our *Gemora's* language, "one who has 'tasted' transgression," it may not be a merit at all.

What our *Gemora* means to say is that, for the body that thinks little about ultimate fulfillment and mostly about temporal pleasure, Torah is a burden. However, for the soul that looks past the temporal and into the ultimate, Torah is the only way to go.