(מהימנא) → 13a (משנה ה') 12a (מהימנא)

- ו משנה הו Custom of ארץ יהודה regarding ייחוד חתן וכלה before the ייחוד
 - a someone who eats at his betrothed's house in יהודה has no claim of בתולים, due to their seclusion prior to חופה
 - b implication: not all of יהודה has this custom
 - c *support*: ר' יהודה reports that originally:
 - i Customs practiced in יהודה, but not גליל:
 - 1 seclusion: in יהודה, they would place them in seclusion prior to חופה
 - 2 *chaperones*: in יהודה, they would have 2 to ensure no deception
 - 3 escorts: in יהודה, the chaperones would sleep in the house with them
 - i anyone who doesn't practice this has no טענת בתולים
 - 1 meaning:
 - (a) אביי: means "anyone who does practice this (in יהודה")"
 - (b) גליל: "anyone who doesn't practice Galilean custom in גליל"
 - (c) רב אשי: means "anyone who isn't observed by chaperones"
- II משנה ה2 value of כתובת אלמנה
 - a always 100 even if she is אלמנת כהנים
 - b alternate report: אלמנת כהנים gets 200
 - c resolution: originally בתולת כהנים got 400 and אלמנת כהנים 100; once they saw that people were dismissive of אלמנות they changed it to 200/100; they then saw that they stopped marrying אלמנות they restored the original ruling
 - d practice: רמים of כהנים would require 400 with silent assent of חכמים
 - i addendum: even non-בהנים families may demand this amount, even if a בת ישראל is marrying "up" (כהן)
- III 'משנה וו: He finds משנה and there are conflicting claims about the reason and/or timing of the event
 - a Claims:
 - i She claims that she was raped after אירוסין (under his purview) and he "loses"
 - ii He claims that she was raped beforehand and it was מקח טעות
 - b Ruling:
 - i מי"ז and ר"ג we believe her
 - ii בעולה we assume her to have been a בעולה beforehand unless she can prove otherwise
 - c possibly analogous case: X claims that Y owed him something; Y responds "I don't know"
 - i rulings:
 - 1 רב יהודה ורב הונא: Y is חייב (X's claims is certain "ברי")
 - 2 מוחוק יוחנן: Y is מטור (money always remains with its מוחוק owner until proven otherwise)
 - 3 Observation (אביי): בי יהודה ורב הונא follow, who ruled that הלכה כר"ג even in our case (not only in the final case of the set); i.e. even though it could be argued that the money should remain with him (מרא קמא), considers a claim of ברי to be more credible
 - 4 Suggestion: ר' יהושע::ר' נחמן ור' יוחנן ,ר"ג::רב יהודה ורב הונא
 - 5 Rejection: ר' נחמן would accept ר':
 - (a) In our מוכת א: she has a מיגו (could have claimed מוכת עץ, which she doesn't have in other case
 - (b) Additional rejection: in our משנה, she maintains her earlier status (חזקה דגופה) of having been a בתולה until the last possible moment (תחתיו) which doesn't exist in the case of אחקת מרא קמא
 - (c) Support for the rejection:
 - (i) Ruling: like ר"נ in all financial cases (הלכה כר"נ בדיני)
 - (ii) Ruling: שמואל rules like ר"ג
 - (iii) →: מייג and ר"ג must be in accord QED
- זי משנה זי: claims of מוכת vs. דרוסת איש vs. דרוסת איש
 - a clarification of claims:
 - i ר' יוחגן: disputing 200/100
 - 1 accepts מוכת עץ who says that whether or not he knew about in advance, a מוכת עץ gets 200
 - (a) Cannot interpret it as 100/0 since he maintains that בתולה ונמצאת בעולה →100
 - (b) Reason for 2 משניות to show polarity between ר"ג and ר" and ר"ג
 - ii ר' אלעזר: 100/0
 - 1 accepts רבנן who say that whether or not he knew about in advance, a מוכת עץ gets 100
 - (a) Support: this is why there are both י משנה ו' and to repudiate רחב"א and to repudiate רחב"א
 - iii ר"ג and ר"א we believe her
 - iv דרוסת איש we assume her to have been a דרוסת איש unless she can prove otherwise