

פרק שני – האשה שנתארמלה

The focus of material throughout this chapter is *נאמנות* – credibility and continues the theme initiated in the 1st chapter.

14.2.1

15b (משנה א') → 16b (דאי כתבינן שובר)

Note: our *משנה* utilizes an argument for credibility known as *הפה שאסר הוא הפה שהתיר* – literally "the mouth that prohibited is the mouth that permits" - i.e. if someone's own testimony is the sole source for information that would harm his cause, this gives him some credibility when that information is augmented by a declaration that helps his cause. If, however, we have corroborating evidence to his admission, that credibility no longer holds.

- I. מאתים א: various proofs which support her claim of *משנה* א
 - a. *case*: a woman is divorced or widowed and the estate contests the *כתובה* (100/200)
 - b. *proof*: witnesses that saw her come out (at the *חופה*) wearing a *הינומא* and her hair was unbound – 200
 - i. *additional proof*: passing out nuts and candy at the wedding – 200
 - ii. *concern*: perhaps she'll use *עדים* in one *ב"ד* and then *כתובה* in another *ב"ד* and "double dip"
 - iii. *solution1*: proves that we always write a receipt (*שובר*)
 - iv. *solution2*: works in locale where they don't write a *כתובה* (assumed debt)
 1. *alternatively*: solutions used to solve *ברייתא* of "lost" *כתובה*, with witnesses that they danced in front of her, passed a *כוס של בשורה* in front of her etc.
 2. *challenge*: *ברייתא* includes "lost *כתובה*" → place where they write a *כתובה*
 3. *answer*: he voluntarily wrote it and it was irretrievably lost (but this remains difficult and it is easier to read solution of *כתובה* *כותבין* *מקום* *שאינן* *כותבין* *כתובה* as on the *משנה*)
 - c. *addendum*: *ר' יהושע* concedes in a case where a man admits that a field (currently under his possession & being contested) was originally owned by the someone's father and he bought it from him – is believed
 - i. *reason*: *הפה שהתיר* (see note)
 - ii. *Caveat*: if there are witnesses that the field was the father's, he is not believed
 - d. *Inference*: without *עדים* we don't believe her, *contra* *ר"ג*
 - i. *Rejection*: here, both he and she claim *ברי*
 - ii. *Observation*: isn't that obvious – why would we think that this stands against *ר"ג*?
 1. *Answer*: since most weddings involve a *בתולה*, his claim is tantamount to a *שמא*
 - iii. *Possible support*: end of *משנה* has *ר"י* "conceding" – to *ר"ג*
 1. *assumption*: *ר"ג* must have conceded in the *רישא* → he must agree since it's *וברי*
 2. *rejection*: *ר"י*'s concession is in context of the series of cases in previous chapter, admitting that this sort of *מינו* works whereas the earlier one doesn't
 3. *question*: which case has a "deficient" *מינו* where *ר"י* holds his ground?
 - a. *Possibility #1*: case #4 (pregnant) – no *מינו* (she's pregnant)
 - b. *Possibility #2*: case #3 (*מדברת*):
 - i. *Will work*: according to *זעירי* (*נסתרה*)
 - ii. *Won't work*: *רב* *אמי* (*נבעלה*)
 - c. *Possibility #3*: case #2 – *מוכת* *עץ*
 - i. *Will work*: according to *ר"א* – 100/0 (could've said *עץ תחתיך* – 200)
 - ii. *Won't work*: according to *ר"י* – 200/100
 - d. *Possibility #4*: case #1 – *משארסתני*
 - i. *Works*: could've said she was *מוכת* *עץ* (and not invalidate from *כהונה*)
 - e. *Summary*: *ר"י* disagrees with *ר"ג* about *מינו*; agrees in our case (*פה שאסר*)
 - f. *Distinction*: why accept this one and reject that one?
 - i. *Answer*: in our case, the seller's son had no reason to raise the issue, so the buyer is initiating all the information
 - e. *Clarification*: she isn't believed without *עדים*, even though a majority of weddings involve *בתולות*, since most *בתולות* generate a *קול* and this one doesn't have a *קול*, she "loses" her *רוב*. (but it isn't true that *all בתולות* have a *קול*; if so, the witnesses would be considered *שקר*)