

14.2.11

27a (משנה ט) → 28a (דגייסי בהדדי)

1. ויכר יוסף את אחיו והם לא הפרו: בראשית פרק מב פסוק ח
 2. הנה ה' מטלטלך טלטלה גבר ועטף עטה: ישעיהו פרק כב פסוק יז

- I. 20 משנה ט: status of women in invaded town
- a. all wives of כהנים are prohibited
 - i. challenge: ruling that if a raiding party came into town, only opened barrels are assumed to be י"ג
 1. →invaders don't slow down to do deliberate damage
 2. answer1: there isn't time for ניסוך, but there is time for בעילה
 3. answer2: if it is the local army, they are careful not to abuse their own citizens
 - a. challenge: certainly one soldier would get away
 - b. answer: they set up guards, traps etc. to prevent such activities
 - ii. caveat: if there is a hiding place, that spares all כהנות - even if there is only room for 1
 1. reason: each one who is judged is assumed to be that one
 2. challenge: 2 roads, 1 טהור the other טמא and טהרות were brought on both
 - a. case: if 1 of the participants asked on behalf of himself and his fellow
 - b. ruling: dispute if both are טהור (similar to being asked separately) or טמא
 - c. implication: טמאות (ר' יוסי הלכה) should be (following יוסי)
 3. defense: in our case, we know of no definite טומאה
 - iii. question: what if she states "I didn't hide, but wasn't raped" (פה שאסר)
 1. challenge: why should this be different than ruling(s) re: case of rented donkey
 - a. case: owner stipulated not to take it via route A due to water; renter took it via route A, to which he admits, but it died from something else
 - b. ruling: רבא - מיגו (could've said "went via route B")
 - c. challenge: עדים - don't accept מיגו over אביי (all know there's water on route A)
 2. answer: in our case, we don't have witnesses to her being raped
 - b. any witness (save herself) can testify to her being untouched
 - i. challenge: her own שפחה is not a "guard" against ביאה with her soon-to-be estranged בעל
 1. background: husband gives wife retroactive גט on his deathbed; she may not have ייחוד with him after that; the presence of her שפחה doesn't help
 - ii. answer1: רב פפי - leniency for a captive (בשבוייה הקילו)
 - iii. Answer2: רב פפא - our case refers to his שפחה
 - iv. Answer3: רב אשי - both refer to her שפחה, who will see but be silent
 1. in case of גט: silence creates the problem (need affirmative block to ביאה)
 2. in case of שבוייה: here she speaks up, testifying to her mistress' purity
 - a. and: she wouldn't do 2 wrongs, silent and lying
 - i. support: story of fellow with bullying witnesses (v. 1)
 - v. assessment: רב פפי ור' אשי's positions are subject to dispute (ברייתות 2, disputing validity of שפחה)
 1. question: is ר' פפא's position subject to dispute?
 2. answer: ר' פפא will explain ברייתא allowing שפחה as case of תומו לפי תומו
 - a. Support: story of child who, מסלפ"ת, vouched for his mother's purity in שבי
- II. 20 משנה ט: testimony of זכריה בן הקצב about his wife – rejected (self-promoting testimony)
- a. nonetheless, she lived in his courtyard and stayed part of the family
 - b. addendum: same should not be done with a גרושה
 - i. if the husband is a כהן, she shouldn't live on the same street
 - ii. precedence: if the property is hers, he leaves; otherwise (even if belonging to both) – she leaves
 1. reason: as per v. 2 – harder for man to move
 - c. tangent: she should only repay loans to him via an agent, and the ב"ד will not allow them to come to court together- perhaps even punishing them
 - i. caveat (אבל רבתי): if they divorced from אירוסין, they may
 1. caveat: if, nonetheless, they same overly familiar, treated as divorced from נישואין