

OVERVIEW of the Daf

1) A kohen gadol marrying a minor who became a **בוגרת** before **נישואין** (cont.)

Shmuel demonstrated that a kohen gadol would not be permitted to have **נישואין** with a girl who became a **בוגרת** between **אירוסין** and **נישואין**.

R' Chiya bar Yosef reframes his question.

Shmuel demonstrated that a kohen gadol would be permitted to have **נישואין** with a girl who became a **בוגרת** between **אירוסין** and **נישואין**.

R' Chiya bar Yosef successfully challenges this proof.

2) **MISHNAH:** The Mishnah discusses the women that a kohen gadol is prohibited to marry.

3) **Clarifying the Mishnah**

The Gemara identifies the source that a kohen gadol is prohibited from marrying any widow even a widow from **אירוסין**.

A Berasia presents the dispute R' Meir versus R' Elazar and R' Shimon regarding the permissibility for the kohen gadol to marry a **בוגרת**.

The Gemara explains the point of dispute between the two positions.

4) **Unnatural intercourse**

R' Yehudah in the name of Rav rules that a woman who had unnatural intercourse is unfit to marry the kohen gadol.

Rava unsuccessfully challenges this ruling.

5) **Bestiality**

R' Shimi bar Chiya rules that a woman who had relations with an animal remains eligible to marry a kohen gadol.

A Baraisa that supports this ruling is cited.

A related incident is recorded.

Rava from Parzikaya told R' Ashi that having relations with an animal does make a woman into a **זונה**.

6) **A woman the Kohen Gadol violated or seduced**

A Baraisa discusses the permissibility of marrying the woman the kohen gadol violated or seduced and the consequence to the child born if the kohen gadol marries a woman violated or seduced by another.

R' Huna in the name of Rav rules that although the Kohen Gadol who married the woman he violated or seduced is married he must nonetheless divorce her.

This ruling is unsuccessfully challenged. ■

Today's Daf Digest is dedicated
by Mr. and Mrs. Paul Pinkus
In loving memory of their mother
מרת טובבע שרה בת הרב טובי' גוטמאן, ע"ה

Distinctive INSIGHT

*The status of **דם בתולים** of a **בוגרת***

פרט לבוגרת שכלו בתוליה

Tosafos in Kesuvos (9a, **ד"ה האומר**) brings a proof from our Gemara that a **בוגרת** does not have any **דם בתולים**. Accordingly, Tosafos, in the name of **ר"ח**, learns that if her husband would detect no blood, we would attribute this condition to her being a **בוגרת**, and not to her have committed adultery. Nevertheless, although she has no **דם**, this does not mean that her condition of **בתולים** totally disappears. We understand, therefore, that her status is one of **אין פתחה פתוח לגמרי**. Aruch Laner understands that this is what is referred to earlier in our Gemara when the verse **בבתוליה** comes to include a **בוגרת** among those women eligible to marry a kohen gadol, because she has **מקצת בתולים**. The partial **בתולים** is the fact that the **פתח** is somewhat intact.

This is also the opinion of the **גאונים** cited by Ritva in our Gemara, who hold that a **בוגרת** does not have **בתולים**.

Tosafos himself (here, **ד"ה בבתוליה**, and Ritva (Kesuvos 36a, **ד"ה נותנין**) hold that the **דם** of a **בוגרת** does not evaporate or dissipate completely, but it rather is diminished. This is also the opinion of Rashi, and this is how the halacha is quoted in Shulchan Aruch (E.H. 88:3). They explain that a **בוגרת** and a **גדולה** do have **דם**, albeit in a diminished degree, and the lack of it is evidence of her having committed adultery.

One of the proofs which Rashi brings is the fact that it is permitted for a person who is marrying a **בוגרת** to be with her the entire night of getting married, and we attribute any **דם בתולים** to **דם**. Now, if the **דם בתולים** is considered to be totally gone, then the only **דם** found would be **נדה**, and she should be prohibited immediately. Therefore, we see that the **בוגרת** does still have some **דם בתולים**. ■

REVIEW and Remember

1. What is a **בוגרת**?

2. Why, according to R' Meir, is a kohen gadol not permitted to marry a **בוגרת**?

3. According to R' Elazar, what is the definition of a **zonah**?

4. What act causes a woman to be subject to stoning but permitted to marry a kohen gadol?

HALACHAH Highlight

Relations with a spirit

אמר ר' שימי בר חייא נבעלה לבהמה לכשרה לכהונה

R' Shimi bar Chiya said: A woman who has relations with an animal is fit for kehunah.

Shulchan Aruch¹ rules that although a woman who has relations with an animal has violated a prohibition that carries the punishment of kares, nonetheless, she is not categorized as a zonah and is therefore permitted to marry a kohen. The reason for this ruling is that the Torah does not legally consider bestiality as relations, and a woman cannot be categorized as a zonah if she did not have relations. Be'er Heitev² cites the opinion of Maharam of Lublin who ruled that if a woman has relations with a spirit she does not become prohibited to her husband since relations with a spirit is not legally considered relations.

Teshuvos Rabbeinu Chaim Hakohen³ questions the parallel Maharam of Lublin draws between relations with an animal and relations with a spirit. It is understood that bestiality is not considered relations since humans and animals are separate species, as is evident from the fact that humans and animals cannot produce offspring with one another. Spirits, however, are different in this regard, in that spirits and humans can produce offspring with one another. The

Mishneh Halachos⁴ for example, cites a Midrash⁵ that during the time that Adam and Chavah were separated from one another Adam had relations with female spirits that produced offspring and Chava had relations with male spirits and that produced offspring. This puts the ruling of Maharam of Lublin into question.

Support for the ruling of the Maharam of Lublin can be found in a comment of Or Zarua⁶. Or Zarua writes that the prohibition of לא תנאף is limited to adulterous affairs but does not include relations with spirits. Furthermore, he cites an incident⁷ of a pious man who, while teaching the Mishnah that states, "One should not trust himself" claimed that he was beyond temptation and a spirit, appearing as a female, appeared to him and successfully tempted him. When the pious man became distressed over the incident Eliyahu Hanavi came and told him that it was only a spirit, thus putting his mind at ease. The fact that his mind was put at ease when informed it was only a spirit indicates that relations with a spirit is not a prohibited act. ■

1. שו"ע אה"ע סיק"ו סע' ח'

2. שם ס"ק י"ג

3. שו"ת רבינו חיים הכהן אה"ע סי' ח' ומובא דבריו בשו"ת מנשנה הלכות ח"ה סי' רי"ז

4. שו"ת משנה הלכות הנ"ל

5. ב"ר פ"כ פכ"ד

6. אור זרוע הגדול סי' קכ"ד

7. ע' ירושלמי שבת פ"א הל' ג' ■

STORIES Off the Daf

The false rumor

א"ר אלעזר פנוי הבא על הפנויה שלא לשם אישות עשאה זונה

We find on today's daf an opinion that if an unmarried man had relations with a single girl, and it was intended not for the sake of kiddushin, he has made her into a זונה (note: the halacha does not follow this minority opinion—see Even Hoezer 6:8). Sometimes, even the rumor of wrongdoing can be nearly as damaging as actual licentiousness.

A certain young woman once went to see the venerable sage of her town, the Chacham Tzvi, zt"l.

Clearly in distress, she poured out her woes before the Rav. "Whatever

shall I do? People are saying that I had relations with so-and-so, a known rascal! How can I convince them that this is a lie and that nothing ever happened at all?" She began to cry bitterly. "What an embarrassment for my family! How will I ever get married? Isn't there some way to convince everyone that I am really innocent?"

The Chacham Tzvi answered gently, "I can see that you are telling the truth and I absolutely believe you. Unfortunately, as you have already realized, it will be very difficult to convince the rest of the community. All of your proper behavior until now will not convince them. Sadly, it is human nature to believe the worst about people."

After a pause, the Rav continued. "There actually is one way to prove your innocence, but you must consider it very

carefully. I don't want you to even give a tentative response until at least a full day has gone by. As you know, I lost my wife some time ago. If you were to marry me, everyone would know that you are completely innocent. I am extremely fastidious in these matters, and no one would ever consider that I might marry anyone who was not on the highest moral level!"

The young lady considered the Rav's proposal and decided to accept. As promised, the wedding dispelled any doubts about the girl's purity harbored by even the most mean-spirited person in their town. The couple was blessed with a son—a prodigious scholar and tzaddik who may well have been more famous than his illustrious father had been: the Chassid Yaavetz, Rav Yaakov Emden, zt"l! ■

