



THE שבוע MATTERS

לע"נ ברוך בענדיט וברכה גרוס ע"ה
by Mr. & Mrs. Duvy Gross

שבת קודש פרשת פינחס | מסכת יבמות דף נ"ט

L'zecher Nishmas R' Messod ben R' Yosef z"l
L'zecher Nishmas Leah bas Shraga

INSIGHTS FROM OUR CHABUROS

פרט לבוגרת שכלו בתוליה

Tosafos in Ksuvo (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 פתוח לגמרי 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 נקצת 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, 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 בתולים דם.

The Status of
דם בתלים of
a בוגרת

STORIES OFF THE DAF | A False Rumor

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

We see from today's daf 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, an older man known to all as 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!

PARSHA CONNECTION

In this week's daf, we learn some of the unique Halachos of the כהן גדול. The Parsha starts with a list of the rewards bestowed on פנחס for his heroic deed which saved בני ישראל countless lives. Among the rewards is eternal life (Assuming פנחס is אליהו) which is explained as מדה כנגד מדה, he saved many lives, and was repaid by endless years of life. In addition, all 18 גדולים who served in the first Temple as well as the few righteous one in the beginning of the second Temple came from פנחס. (See חזקוני). The Torah doesn't mention the names of the Jew who sinned with the Midyanit in last week's Parsha, yet it mentions their names and family in this week's Parsha, why? If they should be mentioned by name, why not do so right away? This teaches us two very important lessons. The first, that the Torah seeks to protect everyone from unnecessary shame, even sinners, which is why it never named the מוקוש. Secondly, when mentioning sinners has a benefit to us and Hashem, they are mentioned. This week's mention highlights the magnitude of פנחס's heroism of killing a נשיא and at the same time equates to זמרי, to show how far he fell by sinning that he is now on "her" level! (See החיים אור הקדוש and אלשיך הקדוש).

MUSSAR FROM THE DAF

Actions are Physical

ולא ישא את הבוגרת: תנו רבנן והוא אשה בתוליה יקח פרט לבוגרת שכלו לה בתוליה דברי ר' מאיר

The Mishna tells us that a Kohen Gadol can't marry a bogeres (adult girl). Why not? The Gemorah quotes R Meir who answers because a bogeret loses either part of her בתולים (Tosafos) or all (Rashi).

However, the Sefer Hachinuch seemingly gives a different reason than the Gemara. He explains that the reason that the bogeret cannot marry the Kohen Gadol is because she has probably thought about another man, and that because of her מחשבות it is considered as if she performed an action with another man. How can the Sefer Hachinuch give a different reason than the Gemara? Perhaps there is no disagreement and it is really one idea. We all know that our thoughts can affect us not only spiritually but also physically. Perhaps the Sefer Hachinuch is alluding to this very deep idea. The Sefer Hachinuch could be teaching us about the power of our מחשבה. The thoughts we think have such a strong effect on us that in the case of the bogeret her מחשבה of another man actually takes away her בתולים.

Rav Shlomo Wolbe (Vaadim on Machshava Chelek 2) discusses how a person can be more defined by what they spend their time thinking about than their actions. One's מחשבות can uplift a person from an animal to a spiritual creature.

Since one's מחשבות are so critical in defining who a person is, it is worth putting time into working on this מדה. Therefore, it is כדאי for a person to always have a קשיא or חידוש on a sugya or parsha that he is learning lurking in one's mind and spend five minutes a day thinking of possible solutions/ramification to the קשיא or חידוש.

This is one of the significant downsides of getting tied down to a smartphone. Whereas in the past when a Yid had a moment of downtime he naturally devoted it to דברים רוחני how his brain automatically directs him to his smartphone and wasting his time with the latest distraction. We can learn the lesson of the bogeret and work on taking our minds back for ourselves.

POINT TO PONDER

The Gemara says that a כהן גדול who forced himself onto a widowed נערה he cannot fulfill the Mitzva of ולו תהיה (and she shall be his wife) since a כהן גדול is prohibited from marrying a widow. How about a case where he wasn't a כהן גדול when the obligation occurred? (He was with her and later became a כהן גדול). In both cases why don't we ask him to resign as a כהן גדול so that he will be able to marry her and fulfill the Mitzvah?

Response to last week's Point to Ponder:

There are several opinions regarding what it means for the husband to be "free of sin". All the פסוקים seem to apply it only to עריות related sins. Rashi (מנוקה מעון) writes that it means living with his wife AFTER וסתירה. However the Rambam (הלכות סוטה פ"ב ה"ח) writes that any forbidden relation with any woman even if it's only rabbinic in nature renders to husband not free from sin. Rashi in סוטה דף סוטה agrees somewhat with the Rambam and writes that it means having improper relations with ANY woman, but does not mention rabbinic transgressions.

HALACHA 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.

S hulchan 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 are 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. Rav Menashe Klein⁴, the Mishnah Halachos, 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 סי' ר' סעי' ח'
2. שם סי' ק"ג
3. שו"ת רבינו חיים הכהן אה"ע סי' ח' ומובא דבריו בשו"ת משנה הלכות ח"ה סי' ר"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'

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