



## HALACHA HIGHLIGHT

### The Status of a Woman who had her בתולים Restored

אמר רבה זאת אומרת כנסה בחזקת בתולה ונמצאת בעולה יש לה כתובה מנה

*Rabbah said: The Baraisa teaches that if one married presuming his wife was a בתולה and it turned out to be a בעולה she receives a kesubah worth one hundred zuz*

Our Gemara discusses the issue of the value of the kesubah of a man who marries a woman presuming that she is a בתולה and discovers that she is a בעולה. Poskim debate whether a woman who is a בעולה is permitted to conceal this fact from her husband-to-be. One issue is whether concealing this information undermines the acquisition since the man is entering the marriage under false pretenses (מקח טעות). A second issue is whether concealing this information renders the kesubah invalid and the couple are prohibited to one another until a kesubah worth one hundred zuz can be written.

The L'Horos Nassan<sup>1</sup> was asked about the kesubah of a woman who had her בתולים opened when she was younger to allow blood to exit her body, and the opening was subsequently stitched closed. L'Horos Nosson responded that this matter would seem to parallel a dispute between Tosafos<sup>2</sup> and Tosafos Ri<sup>3</sup>. Tosafos seems to indicate that any time a woman's בתולים is not intact she is categorized as a מוכת עץ and her kesubah would be one hundred zuz. Tosafos Ri<sup>3</sup>, however, disagrees and draws a distinction regarding how the בתולים was lost. The reason the kesubah of a woman who is a מוכת עץ is one hundred zuz is because the בתולים was damaged without her intent, which renders her less desirable. On the other hand, if a woman knowingly removes her בתולים to prevent pain or discomfort it does not detract from her desirability and since she never cohabited there is no reason her kesubah should not be worth two hundred zuz. Upon further analysis he writes that since the doctors subsequently stitched closed the opening the woman could be considered a בתולה. This case would thus be compared to a girl less than three years old who is considered a בתולה regardless of what happened to her בתולים since it will regenerate. Similarly, since the doctor is able to repair the בתולים she is considered a בתולה and deserves a kesubah worth two hundred zuz.

1. שו"ת להורות נתן ח"ה סי' צ"א
2. תו"ס י"א: ד"ה ושמהאל
3. תוס' ר"ד שם ד"ה איתמר

## POINT TO PONDER

The Mishnah states that according to ר' יהושע if a husband claims that his bride was not a בתולה and she responds by saying that she was נאנס after they were engaged she isn't believed. The words of the משנה are נאמנת לא מפיה אנו חייין, why doesn't ר' יהושע simply say אינה? What does it mean, we don't live on her words?

### Response to last week's Point to Ponder:

גר קטן מטבילין אותו על דעת בית גמרא says that גמרא says that גר קטן מטבילין אותו על דעת בית גמרא how about his ברית? Geyrus requires both מילה and טבילה.

There are two answers given by the ראשונים. The first is that the גמרא wanted to focus on טבילה which applies even to women. The second answer is that זכים לאדם doesn't apply to מילה because there is צער for the boy. (See רשב"א and שיטה מקובצת).

## REVIEW AND REMEMBER

1. Does a woman receive a kesubah if her husband married her assuming she was a בתולה and it turned out he was wrong?
2. Is it permitted for a man to give his wife a more valuable kesubah?
3. What were the two stages for the development of the kesubah for the daughter of a kohen?
4. Explain the disagreement concerning someone who responds to a claim with the phrase "I don't know."

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