



Mishnah: The practice in Yehudah, which eliminated claims of betulim¹

- If the chatan ate at his in-laws in Yehudah, he can't claim betulim, since there was yichud.^{2 3}

Gemara: What did they actually do in Yehudah?

- Our mishnah said "If the chatan ate", so not everyone in Yehudah did this!
- Abbaye: We see that there were different practices in Yehudah, as per Rabbi Yehudah's braita:
 - 1) Originally in Yehudah, unlike Galil, they did yichud before chuppah to encourage familiarity
 - 2) Originally in Yehudah, unlike Galil, they set up two intimates to make sure neither side would pull a trick re blood evidence.
 - 3) Originally in Yehudah, unlike Galil, the intimates actually slept in the house where the couple were⁴
 - And if one didn't do "this", one could not claim besulim.
- Q on the braita: What is "And if one didn't do this"?:
 - If it's #1 – Then it should be "if one did do this"!
 - If it's #2-3 – Then it should be "if one didn't have watchers"!
- Three answers:
 - Abbaye: It's #1, and it should read "If one did do this"
 - Rava: It's global, "If one didn't act like Galil in Galil, but instead did Yehudah in Galil"
 - Rav Ashi: It's #2, and it should read, "if one didn't have watchers"⁵

Mishnah: The Ketuvah shouldn't be about yichus – and yet that has happened

- A widow receives 100, regardless of lineage
- But a beit din of kohanim would claim 400 for a betulah of a kohen family⁶
 - And the chachamim did not protest.

Gemara: The manipulated ketuvah meets free market economics

- Braita: A bat kohen widow has a ketubah of 200.
 - Q: But our mishnah said 100!
 - A: Rav Ashi: This was a historical phenomenon:
 - (12b) At first they said 400 for a kohenet betulah and 100 for a kohenet widow, but this led to disgrace of the widow⁷
 - They changed the widow to 200, like the braita, but then men didn't marry them; they could marry a betulah Yisraelit instead
 - So they switched it back to 100, as per our mishnah.
- Shemuel: The beit din of kohanim practice of 400 was also used by yisrael families of fine lineage, too
 - Q: A braita says it was done for kohen-yisraelit and kohenet-yisrael, but that's because they have an aspect of kehunah! And it doesn't mention yisrael-yisraelit at all!
 - A: The yisrael-yisraelit case is obvious; we needed to teach the kohen-yisraelit case, lest he say he is elevating her already and so the ketubah should not be higher.

¹ Why did they do this? (Ritva, Ran, Talmidei Rabbeinu Yonah)

² But didn't Rav Nachman say we aren't worried that the man would prepare everything and then ruin it? (Tosafot 10a אמר)

³ And this applies to any case of yichud before nisuin, wherever it takes place (Even haEzer 68:1)

⁴ This is odd (Niddah 17a, Eruvin 55b)

⁵ Shulchan Aruch Even haEzer 68:2 follows Rav Ashi

⁶ Even without anything written into the ketuvah document (Tosafot, Rashba)

⁷ Easy divorce (Rashi); Less interest in marrying them (Tosafot)

א. שו"ע אבן העזר סח:א

כל בתולה שכתובתה ק"ק יש לה טענת בתולים. וכל שכתובתה מנה, או שלא תקנו לה כתובה, אין לה טענת בתולים. וכל המתייחד עם ארוסתו קודם נשואין, אין לה טענת בתולים.

ב. נדה טז:יז.

אמר רבי שמעון בן יוחאי ארבעה דברים הקב"ה שונאן ואני איני אוהבן: הנכנס לביתו פתאום ואצ"ל לבית חברו... והמשמש מטתו בפני כל חי. אמר ליה רב יהודה לשמואל ואפ"ל לפני עכברים? א"ל שינא לא, אלא כגון של בית פלוני שמשמשין מטותיהן בפני עבדיהם ושפחותיהם... רבה בר רב הונא מקרקש זגי דכילתא, אביי באלי דידבי [זבובין], רבא באלי פרוחי [יתושין].

ג. עירובין נה ע"ב

אליעזר איש ביריא אומר: יושבי צריפין כיושבי קברים [כלו' כמו מתים – רש"י], ועל בנותיהם הוא אומר 'ארור שכב עם כל בהמה.' מאי טעמא? עולא אמר שאין להן מרחצאות, ורבי יוחנן אמר מפני שמרגישין זה לזה בטבילה.

ד. שו"ע אבן העזר סח:ב

אם מנהג המקום להעמיד עדים למשמש שלא ינהגו מנהג רמאות, ואירע הדבר שלא העמידו עדים, אינו יכול לטעון טענת בתולים.