



(9a) Returning to issues related to initial relations

- Rabbi Elazar: Where he claims there was no hymen, they are now prohibited to each other
 - Q1: Why isn't it a *sfek sfeika* – it could have been before kiddushin, and it could have been unwilling!
 - Two answers:
 - A1: This is where he is a kohen
 - A2: This is where kiddushin was set long beforehand, when she was not yet 3 years old¹
 - Q2: Isn't this obvious, from a mishnah:² "Saying 'I betrothed you' prohibits her relatives"!
 - In that mishnah he is certain of his statement.
- Tangent: What does Rabbi Elazar think is sufficient basis to force separation?
 - Q-V1: Rabbi Elazar says forcing separation requires kinuy/s'tirah, like with David/ Batsheva!
 - Wait – that didn't involve kinui/s'tirah, and Batsheva and Uriah were permitted to each other!
 - Q-V2: Rabbi Elazar says forcing separation requires kinuy/s'tirah, unlike with David/Batsheva!
 - A: Setting kinui/stirah as the sole standard makes no sense; what about witnesses? Rather:
 - Standard 1 – Two witnesses
 - Standard 2 – Kinuy/s'tirah and 1 witness³
 - Standard 3 – The claim of no hymen
 - Q: Then Batsheva should have been prohibited to Uriah, due to witnesses!
 - A1: That was oness⁴
 - (9b) A2: Batsheva had a military divorce⁵ from Uriah⁶

א. קידושין פא ע"ב

אסור לאדם שיקדש את בתו כשהיא קטנה עד שתגדיל ותאמר בפלוני אני רוצה.

ב. שמואל ב יא, ד

וישלח דוד מלאכים ויקחה ותבוא אליו וישכב עמה והיא מתקדשת מטמאתה ותושב אל ביתה:

¹ Granted that this is prohibited to do (Kiddushin 41a, 81b), it is valid

² Kiddushin 3:10 (65a)

³ The normal sotah model

⁴ Seriously?! See Mirkevet haMishneh (Chelma) to Issurei Biah 3:2; Shoel uMeishiv III 2:198, and

<https://www.etzion.org.il/he/tanakh/neviim/sefer-shmuel-bet/chapter-11-david-and-bat-sheva-part-i>

⁵ Conditional per Rashi; not conditional per Rabbeinu Tam

⁶ For more on King David and Batsheva and the issue of his sin, see <https://www.yutorah.org/lectures/lecture.cfm/940610/>