

To cause her to lose her marriage contract – להפסידה – כתובתה: The Gemara later (13a) cites a dispute among the *amora'im* whether this means that she loses the marriage contract of two hundred dinars to which a virgin is entitled, and instead receives one hundred as a non-virgin, or whether she loses her entire marriage contract, since the entire marriage was based on false pretenses and is therefore a mistaken transaction. The early halakhic authorities (Rif, citing Rav Hai Gaon) write that the dispute is only with regard to the standard payment of the marriage contract. However, the groom is required to pay any sum that he committed to add to the marriage contract.

In Judea... where he makes the claim that there was no blood – ביהודה... דקא טעין טענת דמים: Some explain that with regard to the claim of an unobstructed orifice, it is conceivable that they engaged in intercourse while betrothed and were both under the impression that it was not full-fledged intercourse. However, with regard to bleeding, had they engaged in intercourse in Judea, and she saw blood, she would have told both him and her parents, to avoid suspicion later. However, if she said nothing at the time, it is likely that she had engaged in intercourse with another man (*Tosefot Yeshanim*).

ולמאי? אי לאוסרה עליו – ביהודה אמאי לא? אלא לאו – להפסידה כתובתה, ודקא טעין טענה, מאי לאו דקא טעין טענת "פתח פתוח"! לא, דקא טעין טענת דמים.

The Gemara asks: **And for what matter is this claim directed? If it is to render her forbidden to him, then in Judea why is the claim not credible?** If he is certain that he did not engage in intercourse with her, and finds that she is not a virgin, apparently she committed adultery and that claim should render her forbidden. **Rather, is it not that he is seeking to cause her to lose her marriage contract<sup>N</sup> in a case where he makes a claim? And what, is it not referring to a case where he makes the claim: I encountered an unobstructed orifice, and apparently he is accorded credibility? The Gemara rejects that proof: No, it can be explained that it is a case where he makes the claim that there was no blood.<sup>N</sup>**

## Perek I

## Daf 10 Amud a

איתמר, אמר רב נחמן אמר שמואל משום רבי שמעון בן אלעזר: חכמים תקנו להם לבנות ישראל, לבתולה מאתם, ולא למנה מנה. והם האמינוהו, שאם אמר "פתח פתוח מצאתי" נאמן. אם בן מה הזעילו חכמים בתקנתם?

It was stated: Rav Nahman said that Shmuel said in the name of Rabbi Shimon ben Elazar: **The Sages instituted the marriage contract for Jewish women:<sup>N</sup> For a virgin two hundred dinars<sup>N</sup> and for a widow one hundred dinars.<sup>H</sup> And they deemed the groom credible in that if he says with regard to his virgin bride: I encountered an unobstructed orifice and she is not a virgin, he is deemed credible, causing her to lose her marriage contract.** The Gemara asks: **If so, and the Sages deemed him credible, what did the Sages accomplish in their ordinance that the marriage contract of a virgin is two hundred dinars, if his claim that she is not a virgin is effective?**

אמר רבא: חזקה, אין אדם טורח בסעודה ומפסידה.

Rava said: The ordinance is effective due to the **presumption that a person does not<sup>N</sup> exert himself to prepare a wedding feast and then cause it to be lost.<sup>N</sup>** Investing in the wedding preparations clearly indicates that the groom's intention is to marry the bride and rejoice with her. If, nevertheless, he claims that she is not a virgin, apparently he is telling the truth.

## HALAKHA

For a virgin two hundred dinars and for a widow one hundred dinars – לבתולה מאתם ולא למנה מנה: If a man marries a virgin, even if she was widowed or divorced after betrothal to another man, she is entitled to a marriage contract of two hundred dinars. However, if a man marries a woman who was widowed or divorced after marriage to another man, or who engaged in sexual relations while single, she is entitled to a marriage contract of only one hundred dinars (Rambam *Sefer Nashim, Hilkhot Ishut* 11:1; *Shulhan Arukh, Even HaEzer* 66:6, 67:1-2).

## NOTES

The Sages instituted the marriage contract for Jewish women – חכמים תקנו להם לבנות ישראל: Rashi states that the Gemara explained the fact that the Sages accorded credibility to the claim of the groom to void the marriage contract, by stating that the marriage contract is an obligation by rabbinic law. The commentaries discuss why his claim would not be accepted if it was an obligation by Torah law.

For a virgin two hundred dinars – לבתולה מאתם: According to Rabban Shimon ben Gamliel, who holds that the marriage contract is an obligation by Torah law, the source of two hundred dinars for a virgin is clear, as that is the sum of the dowry of a virgin in the Torah. According to the Rabbis, who hold that it is an obligation by rabbinic law, the reason that the Sages instituted two hundred dinars is that they concluded that one with that sum, which was approximately the basic annual wage, is not considered poor, and they sought to ensure that the divorcee or widow would not be dependent on the aid of society. For a widow, who already received a certain sum from

the marriage contract of her first husband, one hundred dinars was sufficient (*Ramat Shmuel*).

The presumption that a person does not, etc. – חזקה אין אדם: The early commentaries discuss the fundamental legal situation with regard to the woman's claim that she is entitled to payment of the marriage contract. On the one hand, since the husband is currently in possession of the disputed funds, the burden of proof is incumbent upon the woman, who is the claimant in this case. On the other hand, the woman's claim is supported by the presumptive status of her body, as most women marry as virgins. As a rule, the presumptive status of her body takes precedence over the possession of disputed property. Therefore, it was necessary to buttress the husband's claim with an additional presumption: A person does not exert himself to prepare a wedding feast and then cause it to be lost.

A person does not exert himself to prepare a wedding feast and then cause it to be lost – אין אדם טורח בסעודה ומפסידה: *Tosafot* infer that this presumption is relevant only in a case where he stands to lose his entire investment in the feast because the wedding is voided, e.g., where the groom is a priest and therefore there is only one uncertainty, or where he claims that the betrothal was a mistaken transaction. However, if his claim is merely to reduce the marriage contract payment to the one hundred dinars of a non-virgin, his claim is not accorded credibility. Similarly, the Rosh explains that in any case where his intention is for her to remain his wife, then since he doesn't actually lose the value of the entire feast, his claim is not credible. The Ramban writes that the primary reason is not that he will lose the money invested in the feast, but rather, in a broader sense, that a person does not get married in order to immediately cast aspersions upon the woman he just married. Or, as he phrased it: A person does not spit in the cup from which he is drinking. According to all of these explanations, the groom's credibility is based on the assumption that he will behave rationally.

Since it is a penalty instituted by the Sages – הואיל – יקנס חכמים הוא: The use of the term penalty in this context is questionable, even though it is ultimately abandoned. The Ya'avetz writes that fundamentally the marriage contract was instituted as a type of penalty to deter the husband from coveting another woman and divorcing his wife for no good reason. Even though the marriage contract applies in all cases, even where there is justification for the divorce, this was the initial motive for the ordinance.

From here the Sages based – מכאן סמכו חכמים – From a precise analysis of the language, the early commentaries conclude that even according to Rabban Shimon ben Gamliel, the sum written in the marriage contract is a rabbinic ordinance and not fixed by Torah law. However, the fundamental obligation to write a marriage contract is derived from the verse in the Torah: “He shall pay money according to the dowry of virgins” (Ritva).

The marriage contract of a woman... is an ordinance by rabbinic law – מדברי סופרים: There are various opinions as to whether the marriage contract is by Torah law or by rabbinic ordinance (see HALAKHA). The dispute dates back at least to the geonic period and may have been the subject of a dispute between the Sages in Babylonia, where the ruling is in accordance with the opinion of Shmuel and Rav Nahman, and those in Eretz Yisrael, where the ruling is in accordance with the opinion of Rabban Shimon ben Gamliel. That could also explain some of the differences between the formulas of the marriage contract employed in those places.

With regard to the standard formula of the marriage contract, which includes the expression: Two hundred dinars to which you are entitled by Torah law, many authorities reprimanded those who included that phrase, and some ruled the marriage contract invalid. However, the Ritva and the Meiri explain that the wording is merely to enhance the authority of the marriage contract enabling the woman to collect payment as if it were a commitment by Torah law (see *Tosafot*).

He gives her payment from the money of Cappadocia – נותן לה ממעות קפוטקיא: The early commentaries discuss the significance of the coins used to pay the marriage contract if ultimately the amount of the payment is the same (see *Tosafot*). The Meiri writes that if the groom did not specify the coinage, his intention is to use the legal tender in the place where the contract was signed. Others explain that although the values are the same, currency that is universally accepted is preferable.

## BACKGROUND

The *baraita* is incomplete and it is teaching the following – חסורי מיחסרא והכי קתני: This method of explanation appears throughout the Talmud. Generally speaking, it does not suggest an actual emendation of the text of the *baraita*. The addition introduced by the Gemara is a necessary elaboration upon that which is written in the *baraita*, which is insufficiently clear in its current form. The addition provides the necessary clarification.

תנא: הואיל וקנס חכמים הוא – לא תגבה אלא מן הזיבורית. קנסא? מאי קנסא? אלא אימא: הואיל ותקנת חכמים הוא – לא תגבה אלא מן הזיבורית. רבן שמעון בן גמליאל אומר: כתובת אשה מן התורה.

ומי אמר רבן שמעון בן גמליאל הכי? והתנא: “כסף ו שקל כמהר הבתולות” שיהא זה כמזהר הבתולות, ומזהר הבתולות בזה. מכאן סמכו חכמים לכתובת אשה מן התורה. רבן שמעון בן גמליאל אומר: כתובת אשה אינה מדברי תורה אלא מדברי סופרים!

איפוך. ומאי תזית דאפכת בתרייתא? איפוך קמייאתא!

הא שמעינא ליה לרבן שמעון בן גמליאל דאמר כתובת אשה מדאורייתא, דתנן: רבן שמעון בן גמליאל אומר: נותן לה ממעות קפוטקיא.

ואי בעית אימא: פולה רבן שמעון בן גמליאל היא, וחסורי מיחסרא והכי קתני: מכאן סמכו חכמים לכתובת אשה מן התורה. כתובת אלמנה אינה מדברי תורה אלא מדברי סופרים. שרבן שמעון בן גמליאל אומר כתובת אלמנה אינה מדברי תורה אלא מדברי סופרים.

**S** A Sage taught in a *baraita*: Since payment of the marriage contract is a penalty instituted by the Sages,<sup>n</sup> she may collect only from the husband's land of the most inferior quality.<sup>h</sup> The Gemara asks: A penalty? What penalty is there in a marriage contract? Rather, emend the *baraita* and say: Since it is a rabbinic ordinance<sup>h</sup> and not a Torah obligation, she may collect only from the husband's land of the most inferior quality. Rabban Shimon ben Gamliel says: The marriage contract of a woman is an obligation by Torah law.

The Gemara asks: And did Rabban Shimon ben Gamliel say that? But isn't it taught in a *baraita* that it is written with regard to a seducer: “He shall pay money according to the dowry of virgins” (Exodus 22:16)? The Torah establishes that this fine will be like the dowry of a virgin, and that the dowry of a virgin will be like this fine, i.e., fifty silver *sela*, or two hundred dinars. From here the Sages based<sup>n</sup> their determination that a woman's marriage contract is an obligation by Torah law. Rabban Shimon ben Gamliel says: The marriage contract of a woman is not an obligation by Torah law, but is by rabbinic law.<sup>n</sup>

The Gemara resolves the contradiction between the statements of Rabban Shimon ben Gamliel: Reverse the attribution of opinions in this *baraita*. The Gemara asks: And what did you see that led you to reverse the attribution of opinions in the latter *baraita*? Reverse the attribution of opinions in the former, in the *baraita*, and say that Rabban Shimon ben Gamliel is the one who holds that the marriage contract is a rabbinic ordinance.

The Gemara answers: The reason is that we learned that it is Rabban Shimon ben Gamliel who said elsewhere that the marriage contract of a woman is an obligation by Torah law, as we learned in a mishna (110b) that Rabban Shimon ben Gamliel says that if a man marries a woman in Cappadocia, where the currency is more valuable, and he divorces her in Eretz Yisrael, he gives her payment for the marriage contract from the money of Cappadocia.<sup>n</sup> From the fact that he is obligated to pay the marriage contract in the currency of the place where he undertook the obligation, apparently the marriage contract of a woman is not an obligation by Torah law.

And if you wish, say instead that the entire latter *baraita* is in accordance with the opinion of Rabban Shimon ben Gamliel, but the *baraita* is incomplete and it is teaching the following:<sup>b</sup> From here, the Sages based their determination that a woman's marriage contract in the case of a virgin is an obligation by Torah law. However, the marriage contract of a widow is not an obligation by Torah law but is an ordinance by rabbinic law, as Rabban Shimon ben Gamliel says: The marriage contract of a widow is not an obligation by Torah law but is an ordinance by rabbinic law.

## HALAKHA

She may collect only from the land of the most inferior quality – לא תגבה אלא מן הזיבורית: A wife collects payment of her entire marriage contract, both the standard payment and any additional commitment assumed by the husband, from the land of the lowest quality belonging to the husband, in accordance with the *baraita*. The early commentaries disagree with regard to the ruling in a case where the husband expressly stipulates that his wife will collect payment of the marriage contract from his highest quality land. The *Shulhan Arukh* (*Hoshen Mishpat* 108:18) rules that a condition of that kind takes effect. In the *Beit Shmuel* it is written that since today the prevalent custom is to include in the marriage contract the phrase: The choicest of properties, the wife collects payment

of the marriage contract from land of the highest quality (Rambam *Sefer Nashim, Hilkhot Ishut* 16:3; *Shulhan Arukh, Even HaEzer* 100:2).

הואיל ותקנת חכמים הוא – Some authorities (Rabbeinu Tam) rule in accordance with the statement of Rabban Shimon Ben Gamliel, whose statements in the mishna are generally the basis for the halakhic ruling that the marriage contract is an obligation by Torah law. However, most authorities rule that the marriage contract is an ordinance by rabbinic law. This in accordance with the statement cited by Rav Nahman in the name of Shmuel, as the halakhic ruling is generally in accordance with both Shmuel and Rav Nahman in civil matters (Rambam *Sefer Nashim, Hilkhot Ishut* 10:7; *Shulhan Arukh, Even HaEzer* 66:6).

Palm branches [kufrei] – כּוּפְרֵי: An Aramaic word, similar to the Arabic كفري *kafarrā*, meaning palm fronds and palm branches.

Prostitutes [mevarakhta] – מְבֻרְכָתָא: According to Rashi, this is the name of a village or town near Mehoza whose name means caravan or convoy of camels. Therefore, it may have been a market town frequented by prostitutes. Some say that the word means convoy, and in this context, a group of prostitutes.

In Syriac, the term *mevarekh* is employed as a euphemism for debased or shameful. Therefore, it is possible that *mevarakhta* means prostitutes.

Cloth [sudar] – סוּדָר: From the Greek σουδάριον, *sudarium*, or the Latin sudarium, meaning towel or napkin. In the language of the Sages a *sudar* is apparently a cloth with a variety of functions, e.g., a scarf, a head covering, or a tablecloth.

## NOTES

Prostitutes – מְבֻרְכָתָא: Rashi writes, and it is also cited in the *Arukh*, that this is the name of a place frequented by prostitutes. Rabbeinu Hananel explains, and it is also cited in the *Arukh* and elsewhere in the name of the *ge'onim*, that it means a small pool. In this context, it is a euphemism for the female genitalia. Others explain that because the word contains the Hebrew root for bless, it is a euphemism for prostitutes, substituting blessed for cursed.

Flog him with palm branches, prostitutes are common around him – אֶסְבּוּהוּ כּוּפְרֵי מְבֻרְכָתָא הַבֵּיטָא לֵיהּ: Rashi understands the expression: Prostitutes are common around him, as a statement. The Gemara is saying that he is accorded credibility and flogged because he is suspect of gaining experience through licentious relations. *Tosafot* understand the expression as a rhetorical question. The Gemara is saying that the bachelor is not accorded credibility because he is not expert in the matter.

Some explain that there are three distinct cases. If a bachelor makes the claim it is considered impertinent and slanderous; his claim is not accorded credibility and he is flogged for slander. If he is insistent and states that he is certain, his claim is accepted but he is flogged for licentiousness. If he was previously married, his claim is credible and there are no sanctions (see Meiri).

The Ritva asks: If a bachelor claiming that his bride is not a virgin is flogged, he will refrain from coming to court at all, and that undermines the whole purpose of the ordinance of marrying a virgin on Wednesday. He answers that there remains the claim that no bleeding resulted from the rupture of the hymen. Furthermore, once his claim is a certain one and he is angry, he will certainly not be deterred from making his claim in court even if as a result he will be flogged.

Perhaps you diverted your approach, etc. – שָׂמָא הִטִּיתָ וְעִקְרָתָ לְדָשָׁא: The explanation is that in his passion, he engaged in intercourse so forcefully that he did not sense her hymen (Ritva; see Rambam and *Shulhan Arukh*).

And you displaced the door – וְעִקְרָתָ לְדָשָׁא: The explanation is that in his passion, he engaged in intercourse so forcefully that he did not sense her hymen (Ritva; see Rambam and *Shulhan Arukh*).

ההוא דאתא לקמיה דרב נחמן, אמר ליה: פתח פתוח מצאתי. אמר ליה רב נחמן: אסבּוּהוּ כּוּפְרֵי, מְבֻרְכָתָא חֲבִיטָא לֵיהּ.

והא רב נחמן הוא דאמר מהימן! מהימן, ומסבּינן ליה כּוּפְרֵי. רב אחאי משני: כאן – בכחור, כאן – בנשוי.

ההוא דאתא לקמיה דרבן גמליאל, אמר ליה: פתח פתוח מצאתי. אמר ליה: שָׂמָא הִטִּיתָ? אָמְשׁוּל לָךְ מְשׁוּל, לָמָּה הִדְבַר דוּמָה – לָאֲדָם שְׁהִיָּה מְהַלֵּךְ בְּאִישׁוֹן לַיְלָה וְאִפִּילָהּ הִישָׁה – מְצָאוּ פְתוּחָהּ, לֹא הִישָׁה – מְצָאוּ נְעוּלָהּ.

איכא דאמרי, הכי אמר ליה: שָׂמָא בְּמִוּיד הִטִּיתָ וְעִקְרָתָ לְדָשָׁא וְעִבְרָא? אָמְשׁוּל לָךְ מְשׁוּל לָמָּה הִדְבַר דוּמָה – לָאֲדָם שְׁהִיָּה מְהַלֵּךְ בְּאִישׁוֹן לַיְלָה וְאִפִּילָהּ הִישָׁה – בְּמִוּיד – מְצָאוּ פְתוּחָהּ, לֹא הִישָׁה בְּמִוּיד – מְצָאוּ נְעוּלָהּ.

ההוא דאתא לקמיה דרבן גמליאל בר רבי, אמר ליה: רבי, בעלתי ולא מצאתי דם. אמרה לו: רבי, בתולה הייתי. אמר להם: הביאו לי אותו סודר. הביאו לו הסודר ושראו במים, וכבסו, ומצאו עליו כמה טיפי דמים. אמר לו: לך זכה במקחך.

אמר ליה הונא מר בריה דרבא מפוזקאי לרב אשי: אנן נמי נעביד הכי – אמר ליה

§ The Gemara relates: A certain man who had never been married came before Rav Nahman and said to him: I encountered an unobstructed orifice when I consummated the marriage. Rav Nahman said in his regard: Flog him with palm branches [kufrei];<sup>1</sup> prostitutes [mevarakhta]<sup>LN</sup> are common around him.<sup>N</sup> As he was never previously married, how was he able to determine whether or not the orifice was unobstructed, if he did not gain experience with prostitutes?

The Gemara asks: But isn't Rav Nahman he who said that he is deemed credible when he claims that he encountered an unobstructed orifice? The Gemara answers: Yes, he is deemed credible, and nevertheless, we flog him with palm branches. Rav Aḥai answered: Here, in the case where he is flogged, it is with regard to a bachelor, who is not accorded credibility, because he lacks experience. There, in the case where he is accorded credibility, it is with regard to one who has been married.<sup>H</sup>

The Gemara relates a similar incident from an earlier era: A certain man who came before Rabban Gamliel said to him: I encountered an unobstructed orifice. Rabban Gamliel said to him: Perhaps you diverted your approach<sup>NH</sup> and therefore, you encountered no obstruction? I will tell you a parable to which this is similar. It is similar to a man who was walking in the blackness of night and darkness and he arrived at the entrance to the house; if he diverts the object preventing the door from opening, he finds it open; if he does not divert it, he finds it locked. Perhaps you too diverted your approach and entered from a different angle and that is why you did not encounter an obstruction.

Some say this is what Rabban Gamliel said to him: Maybe you diverted your approach intentionally and you displaced the door<sup>N</sup> and the bolt. I will tell you a parable to which this is similar. It is similar to a man who is walking in the blackness of night and darkness and he arrives at his entrance. If he diverts intentionally, he finds it open; if he does not divert intentionally, he finds it locked.

The Gemara relates: A certain man who came before Rabban Gamliel bar Rabbi Yehuda HaNasi said to him: My teacher, I engaged in intercourse and did not find blood. The bride said to him: My teacher, I was a virgin. Rabban Gamliel bar Rabbi Yehuda HaNasi said to them: Bring me that cloth [sudar]<sup>L</sup> on which you consummated the marriage. They brought him the cloth, and he soaked it in water and laundered it and found upon it several drops of blood from the rupture of the hymen. Rabban Gamliel bar Rabbi Yehuda HaNasi said to the groom: Go take possession of your acquisition, as she was a virgin and there is no need for concern.

Huna Mar, son of Rava, from Parzakya, said to Rav Ashi: Let us do so as well in similar cases and examine whether there is blood that is obscured by semen or another substance. Rav Ashi said to him:

## HALAKHA

Here it is with regard to a bachelor, there it is with regard to one who has been married – כָּאן בְּכַחוּר, כָּאן בְּנָשׁוּי: According to the Rambam, if a groom claims that he encountered an unobstructed orifice when consummating his marriage with his bride, whom he presumed was a virgin, his claim is accorded credibility, whether or not he was previously married, in accordance with the first answer cited in the Gemara and the second explanation of *Tosafot* (see Gra). However, if he is a bachelor, he is deserving of lashes because he is suspected of gaining experience through licentious relations (*Helkat Mehokek*). The Rema cites authorities (Rif; Tur) who rule that the groom's claim is credible only if he was

previously married. If not, his claim is rejected and he is flogged for slandering his wife (Rambam *Sefer Nashim*, *Hilkhot Ishut* 11:12; *Shulhan Arukh*, *Even HaEzer* 68:6).

Perhaps you diverted your approach – שָׂמָא הִטִּיתָ: If a groom claims that he encountered an unobstructed orifice when consummating his marriage with his bride, whom he presumed was a virgin, the court asks him whether he diverted his approach during intercourse or if perhaps he employed force and therefore did not sense when the hymen was ruptured. This is in accordance with the opinion of Rabban Gamliel (Rambam *Sefer Nashim*, *Hilkhot Ishut* 11:12; *Shulhan Arukh*, *Even HaEzer* 68:6).

HALAKHA

**Bring me two maidservants – הביאו לי שתי שפחות**: If the groom claims he discovered that his bride was not a virgin, and she claims in response that she is still a virgin, she is examined. The *Maggid Mishne* explains that the Rambam did not specifically mention examination by means of a barrel of wine because any examination that is effective is appropriate (see *Taz*; Rambam *Sefer Nashim*, *Hilkhot Ishut* 11:12; *Shulhan Arukh*, *Even HaEzer* 68:4).

**I am from the family of Dorketi – ממשפחת דורקטי אני**: In a case where the groom claims that he found no traces of blood upon consummating the marriage and the bride claims that the women in her family do not bleed, if the court determined the latter to be true, her presumptive status is that she was a virgin before the marriage was consummated (Rambam *Sefer Nashim*, *Hilkhot Ishut* 11:12; *Shulhan Arukh*, *Even HaEzer* 68:5).

NOTES

He learned that it was effective through tradition, etc. – **גמרא היה שמיע ליה וכו'**: The commentaries ask: If there was a tradition that this examination is effective, why didn't Rabban Gamliel examine the bride herself? They explain, based on the responsa of the *ge'onim*, that this examination requires extreme attention to detail, both in terms of the manner in which the woman is seated on the barrel and in terms of ascertaining the aroma of wine in her breath. His lack of expertise was with regard to those details, as he knew based on tradition that it was effective (*Tur*, *Maggid Mishne*).

LANGUAGE

**Dorketi – דורקטי**: The source of this word is unclear. Some suggest, especially according to the variant reading *trokati*, that it is from the Greek *τρογαῖν*, *trugan*, meaning to harvest or to rob.

**גיהוץ שלנו ככבוס שלכם. ואי אמרת  
ניעבד גיהוץ – מעברא ליה חומרתא.**

ההוא דאתא לקמיה דרבן גמליאל בר  
רבי, אמר ליה: רבי, בעלתי ולא מצאתי  
דם. אמרה ליה: רבי, עדיין בתולה אני.  
אמר להן: הביאו לי שתי שפחות, אחת  
בתולה ואחת בעולה. הביאו לו, והושיבן  
על פי חבית של יין. בעולה – ריחה נודף,  
בתולה – אין ריחה נודף, אף זו הושיבה,  
ולא היה ריחה נודף, אמר לו: לך זבה  
במקחך.

**ונבדוק מעיקרא בגווה? גמרא היה שמיע  
ליה, מעשה לא היה חזי, וסבר דלמא לא  
קיים ליה בגווה דמלתא שפיר, ולא אורח  
ארעא לולולי בבנות ישראל.**

ההוא דאתא לקמיה דרבן גמליאל הוקן,  
אמר לו: רבי, בעלתי ולא מצאתי דם.  
אמרה לו: רבי, ממשפחת דורקטי אני,  
שאין להן לא דם נדה ולא דם בתולים.  
בדק רבן גמליאל בקרובותיה ומצא  
כדבריה. אמר לו: לך זבה במקחך, אשריך  
שזכות למשפחת דורקטי.

Our calendering in Babylonia, which includes passing an abrasive stone over the garments to scrape off dirt, is like their laundering in Eretz Israel, and only in that manner do the garments in Babylonia reach that level of cleanliness. And if you say: Let us perform the process of calendering on cloths brought as proof that she was not a virgin, the stone removes any trace of blood. Therefore, the process would be ineffective.

The Gemara relates: A certain man who came before Rabban Gamliel bar Rabbi Yehuda HaNasi said to him: My teacher, I engaged in intercourse and did not find blood. The bride said to him: My teacher, I am still a virgin. Rabban Gamliel bar Rabbi Yehuda HaNasi said to them: Bring me two maidservants,<sup>H</sup> one a virgin and one a non-virgin, to conduct a trial. They brought him the two maidservants, and he seated them on the opening of a barrel of wine. From the non-virgin, he discovered that the scent of the wine in the barrel diffuses from her mouth; from the virgin he discovered that the scent does not diffuse from her mouth.<sup>B</sup> Then, he also seated that bride on the barrel, and the scent of the wine did not diffuse from her mouth. Rabban Gamliel bar Rabbi Yehuda HaNasi said to the groom: Go take possession of your acquisition, as she is a virgin.

The Gemara asks: Since Rabban Gamliel was familiar with this method of examination, let him use it to examine her initially. Why was the trial with the maidservants necessary? The Gemara answers: He learned that it was effective through tradition;<sup>N</sup> however, he had never seen it in action, and he thought perhaps he was not sufficiently expert in that manner of examination, and it is improper conduct to demean Jewish women by subjecting them to that indignity for naught. Once he established the effectiveness of that method, he proceeded to examine the bride to resolve the matter.

The Gemara relates: A certain man who came before Rabban Gamliel the Elder said to him: My teacher, I engaged in intercourse and did not find blood. The bride said to him: My teacher, I am from the family of Dorketi,<sup>HLB</sup> who have neither menstrual blood nor blood from the rupture of the hymen. Rabban Gamliel investigated among her relatives to determine whether the claim with regard to her family was true, and discovered that the truth was in accordance with her statement. He said to him: Go take possession of your acquisition. Happy are you that you were privileged to marry a member of the Dorketi family, as those forms of blood will never pose a problem for you.

BACKGROUND

**בתולה אין ריחה נודף –** The scent of the virgin does not diffuse – Although there is no direct connection between the reproductive system and the lungs, different systems in the body are connected by means of the diffusion of volatile substances. An example of this is that although there is no direct connection between the digestive and respiratory systems, the fact is that alcohol that one drinks diffuses through the membranes of the lungs.

Apparently, the examination discussed in the Gemara is based on the phenomenon of diffusion through the vagina. Based on the assumption that there is a palpable difference between the diffusion of alcohol vapors between a virgin and a non-virgin, this difference would eventually be discernible in the air exhaled from the lungs.

The reliability of this examination is clearly dependent on the manner in which the woman is seated on the barrel, the percentage of alcohol in the wine, and the speed at which the alcohol

fumes diffuse. Therefore, Rabban Gamliel performed a preliminary examination because he thought perhaps he was not sufficiently expert in that manner of examination.

**משפחת דורקטי –** The family of Dorketi – Apparently, there is a genetic factor that influences the prevalence or lack of blood. As a rule, the assumption is that a woman with no menstrual blood is infertile and incapable of bearing children. In the case of the Dorketi family mentioned here, there was presumably a hereditary factor in the women that caused the absolute lack of menstrual blood. The women in the family who did not menstruate were barren, and the family was perpetuated by the women who menstruated at least somewhat. However, as even they were carriers of that same genetic factor, the result was that as many as half the women in the family were barren. For this reason they were called a truncated generation.

**Her blood and her children** – דְּמִיָּהּ וּבְנֵיהָ: There is a connection between a woman's menstrual blood and the degree of her fertility. A woman who does not experience a monthly period but rather menstruates once every few months or even less frequently will tend to be less fertile, as the menstrual blood is an indicator of the ovulation that preceded it. Similarly, when the amount of menstrual blood is less than is typical, it can indicate a hormonal, nutritional, or physiological problem, which could also prevent conception.

**He saw that their faces were black** – רָאָה... שְׁפִינֵיהֶם שְׁחוּרִים: Severe malnutrition could cause a simple wound, e.g., the rupture of the hymen, not to bleed. Similarly, starvation and exhaustion could have affected the husband, rendering him unable to engage in the full act of intercourse. Treatment that addresses this condition could alleviate the problem.

## HALAKHA

**Years of drought** – שָׁנֵי בַעֲזָרָת: If the groom claims that upon consummating the marriage he found no traces of blood, and it is a period of famine or the woman appears to be suffering from malnutrition, she is brought to the bathhouse and treated and given food and drink. Then the next time she engages in intercourse she is examined for bleeding (Rambam *Sefer Nashim, Hilkhot Ishut* 11:12; *Shulhan Arukh, Even HaEzer* 68:5).

**With regard to a virgin, her marriage contract is two hundred dinars** – בְּתוּלָה כְּתוּבָתָהּ מֵאָתַיִם: The marriage contract of a virgin is at least two hundred dinars, and that of a widow is at least one hundred dinars (Rambam *Sefer Nashim, Hilkhot Ishut* 11:12; *Shulhan Arukh, Even HaEzer* 66:6).

מֵאֵי דוֹרְקֵטִי – דוֹר קְטוּעַ. אָמַר רַבִּי חֲנִינְאִי: תְּנַחֲמוּמִים שֶׁל הֶבֶל נִיחְמוּ רַבֵּן גַּמְלִיאֵל לְאוֹתוֹ הָאִישׁ. דְּתַנִּי רַבִּי חֲנִינְאִי: כְּשֶׁשָּׂה שָׂאוֹר יִפֶּה לְעִיסָה כִּךְ דְּמִים יִפִּים לְאִשָּׁה. וְתַנָּא מִשּׁוּם רַבִּי מֵאִיר: כָּל אִשָּׁה שְׂדֵמְיָהּ מְרוּבֵין – בְּנֵיהָ מְרוּבִים.

אֲתַמְר, רַבִּי יִרְמְיָהּ בְּרַ אָבָא אָמַר: "זְכֵה בְּמִקְחֶךָ" אָמַר לֵיהּ. וְרַבִּי יוֹסֵי בְּרַ אָבִין אָמַר: "נִתְחַיֵּיב בְּמִקְחֶךָ" אָמַר לֵיהּ. בְּשִׁלְמָא לְמֵאן דְּאָמַר "נִתְחַיֵּיב" – הֵיִינוּ דְּרַבִּי חֲנִינְאִי. אֶלְא לְמֵאן דְּאָמַר "זְכֵה" – מֵאֵי זְכוּתָא? דְּלֵא אֲתֵי לִידֵי סַפְקָא גְדֵה.

הֵהוּא דְּאֲתָא לְקַמְיָה דְּרַבִּי אָמַר לֵיהּ: רַבִּי, בְּעַלְתִּי וְלֹא מִצָּאתִי דָם. אָמַרְהָ לּוֹ: רַבִּי, עַדִּין בְּתוּלָה הֵייתִי, וְשָׁנֵי בַעֲזָרָת הָיִיתִי. רָאָה רַבִּי שְׁפִינֵיהֶם שְׁחוּרִים, צִוָּה עֲלֵיהֶן וְהִכְנִיסוּם לְמִרְחָץ, וְהִאֲכִילוּם וְהִשְׁקוּם, וְהִכְנִיסוּם לְחֶדֶר, בְּעַל וּמִצָּא דָם. אָמַר לּוֹ: לָךְ זְכֵה בְּמִקְחֶךָ. קָרִי רַבִּי עֲלֵיהֶם: "צַפַּד עוֹרֵם עַל עֲצָמָם יָבֵשׁ הָיָה כְּעֵץ".

**מתני' בתולה כתובתה מאתיים** ואלמנה מנה. בתולה, אלמנה, גרושה, וחלוצה מן האירוסין – כתובתן מאתיים, ויש להן טענת בתולים.

The Gemara elaborates: **What is the meaning of Dorketi?** It means **truncated generation** [*dor katua*].<sup>N</sup> **Rabbi Hanina said: Rabban Gamliel consoled that man with vain words of consolation**, because the absence of blood in this woman is a drawback. **As Rabbi Hiyya taught: Just as leaven is fortuitous for dough, so too, blood is fortuitous for a woman. And it was taught in the name of Rabbi Meir: Any woman whose blood is plentiful, her children are plentiful.**<sup>B</sup> This bride, who lacks blood, will not produce many children.

It was stated that there is a dispute with regard to Rabban Gamliel's reply. **Rabbi Yirmeya bar Abba said that Rabban Gamliel said to the groom: Exercise your privilege and take possession of your acquisition.**<sup>N</sup> **And Rabbi Yosei bar Avin said that Rabban Gamliel said to him: It is your misfortune to take possession of your acquisition. Granted, according to the one who says: It is your misfortune, that is in accordance with the opinion of Rabbi Hanina, who said the consolation was vain. However, according to the one who says: Exercise your privilege, what is the privilege to which he is referring?** The Gemara answers: The privilege is that thanks to the condition of the women of this family, **he will not come to a situation of uncertainty whether she has the halakhic status of a menstruating woman.**

The Gemara relates: **A certain man who came before Rabbi Yehuda HaNasi said to him: My teacher, I engaged in intercourse and did not find blood. The bride said to him: My teacher, I was still a virgin. And the Gemara comments that this incident was during years of drought.**<sup>H</sup> **Rabbi Yehuda HaNasi saw that their faces were black**<sup>BN</sup> due to hunger. **He instructed his attendants to tend to them and they took them into the bathhouse and bathed them and they fed them and gave them drink. Then they took them into a room, and the groom engaged in intercourse with her and found blood, as it was due to the famine that there was no blood. Rabbi Yehuda HaNasi said to him: Go take possession of your acquisition. Rabbi Yehuda HaNasi read this verse in their regard: "Their skin is shriveled upon their bones, it is withered, it has become like a stick" (Lamentations 4:8), in the sense that no blood flows from them.**

**MISHNA** With regard to a virgin, her marriage contract is two hundred dinars,<sup>H</sup> and with regard to a widow, her marriage contract is one hundred dinars. With regard to a virgin who is a widow, a divorcée, or a *halutza*<sup>N</sup> who achieved that status from a state of betrothal, before marriage and before consummation of the marriage, for all of these **their marriage contract is two hundred dinars, and they are subject to a claim concerning their virginity, as their presumptive status of virginity is intact.**

## NOTES

**Truncated generation** [*dor katua*] – דוֹר קְטוּעַ: According to Rashi, the menstrual cycles of the female members of the family were truncated. Alternatively, the *Arukh* posits that the generations of that family were truncated, as their women were incapable of giving birth.

**Exercise your privilege** [*zekhe*] and **take possession of your acquisition, etc.** – זְכֵה בְּמִקְחֶךָ וְכוּ': The *Shita Mekubbetzet* explains that the dispute was not with regard to the language employed by Rabban Gamliel. Rather, the dispute is whether he employed the term *zekhe* in the positive sense of privilege, or whether it was in the neutral sense of taking possession. There is a similar dispute in the Jerusalem Talmud with regard to which Rabbi Yishmael, son of Rabbi Yosei, said to a woman with the same condition: May there be many like you among the Jewish people. Some say he was implying that it was a positive

phenomenon, as the potential for rendering ritually pure items impure was non-existent in those women. Others say that he was speaking euphemistically, and actually considered it a negative phenomenon.

**That their faces were black** – שְׁפִינֵיהֶם שְׁחוּרִים: There is a variant reading: That her face grew pale. This would indicate that the ruling was dependent on the physical condition of the woman, who due to hunger and weakness did not bleed (*Piskei Rid; Yam shel Shlomo*). This appears to be the position of the Rambam as well. According to that understanding, they fed the husband merely as an act of loving-kindness, not because his condition influenced hers. The halakhic authorities write that even if the woman does not claim that the failure to bleed was due to her weakness, nevertheless when it can be attributed to that condition, the matter is examined.

**A widow, a divorcée, or a halutza** – אֶלְמָנָה גְרוּשָׁה וְחֻלּוּצָה: See *Tosafot* for an explanation of the novel element with regard to a *halutza*. *Shita Mekubbetzet* explains that the novelty for each of the women listed is greater than for the previous one. Not only does a widow from betrothal receive the marriage contract of a virgin, but even a divorcée receives two hundred dinars, although one might contend that divorce carries with it a stigma rendering her less desirable. Had only the widow and the divorcée been listed, one might have contended that the *halutza*, who is not only a widow but has suffered the indignity of performing the *halitza* ceremony in court and at times even in public, would not receive a marriage contract of two hundred dinars due to the stigma involved.

**Widow [almana] – אִלְמָנָה:** The derivation of this word is not at all simple. The early grammarians claimed that it is from the Hebrew word for mute, *ilem*, and the letter *nun* is a suffix. This is also the case in the Hebrew words for complacent [*sha'anani*] and fresh [*ra'anani*].

In similar Semitic languages there are various forms of the word *almana*, e.g., the Aramaic *armalta*, which is similar to the Hebrew. This would indicate that the word *almana* is an independent term and not an extension of a different Hebrew root. The word *armalta* underwent a not uncommon transposition of the letters *lamed* and *resh* and *nun* and *lamed*, respectively, creating the word *almana*. Due to this apparent difficulty in ascertaining the source of the term, the Gemara thought it appropriate to add a homiletic interpretation.

## NOTES

**A widow is called an *almana* after the *maneh* – אִלְמָנָה:** The Ritva writes that the source of the term *almana* stems from the Hebrew word for mute, *ilem*, as she is alone and there is no one to fight her battles. This consigns her to silence, unable to defend herself. The interpretation in the Gemara is based on the suffix *na*. Rashi explains that the word *almana* is an abbreviation meaning: Merely a *maneh* [*ela maneh*], while the *ge'onim* interpret it as an abbreviation for: Not a *maneh* [*al maneh*], because she receives one hundred dinars less than her virgin counterpart.

**If one ate dates he should not issue halakhic rulings – אָכַל תְּמָרִים אֶל יוֹדֵה:** The source of the *halakha* that it is prohibited for one who is intoxicated to issue halakhic rulings is the prohibition, punishable by death at the hand of Heaven, against priests performing the Temple service under the influence of alcohol or any other food or drink capable of causing intoxication or confusion (Leviticus 10:9). The next two verses state: “And that you may distinguish between the holy and the profane, and between the impure and the pure; and that you may teach the children of Israel all the statutes which the Lord has spoken unto them by the hand of Moses” (Leviticus 10:10–11), indicating that the prohibition goes beyond Temple service and applies to teaching the Jewish people as well.

## BACKGROUND

**Seleucia – סֵלִיקָא:** This seems to be referring to the large city of Σελεύκεια, *Silukia*, on the Tigris River. The city was established by King Seleucus I in the beginning of the third century BCE on the ruins of an ancient city, and became the capital of the Seleucid Empire and one of the largest cities in the East. It had a large population as well, and was an important commercial center. It remained an important city during the Parthian Empire. Seleucia was destroyed in the year 153 CE, and the city of Ardashir was built on its ruins.

**Eating dates – אָכַל תְּמָרִים:** Dates are high in calories, which are mostly delivered in the form of simple carbohydrates that are digested rapidly. Therefore, eating dates satiates, raises the body temperature, and due to their high level of fiber acts as a laxative. Satiation that is not accompanied by a sense of overeating creates a general sense of calm and thereby negates troubling thoughts.

Because dates satiate, it is recommended not to eat them before a meal. However, after a meal they are beneficial; first, because they satiate, and secondly, because their laxative property is beneficial for digestion. This latter property helps ease the pain of those suffering from hemorrhoids, and there could be an element in dates that aids in healing that ailment.

Eating a large quantity of a concentrated, sweet substance could create an excess of sugar in the blood, which could cause dizziness and drowsiness, similar to the effects of drinking alcohol. Therefore, the Sages said that one may not issue a halakhic ruling after eating dates.

**גַּמְרָא מַאי אִלְמָנָה? אָמַר רַב חֲנָנִי בְּגִדְתָּא: אִלְמָנָה – עַל שֵׁם מְנָה. אִלְמָנָה מִן הָאִירוֹסִין מַאי אִיבָא לְמִמֶּר? אִיבָא דְהָא קְרִי לָהּ אִלְמָנָה.**

**אִלְמָנָה דְבִתְיָא בְּאוֹרֵייתָא מַאי אִיבָא לְמִמֶּר? דְּעִתִּידִין רַבְנָן דְּמִתְקִי לָהּ מְנָה. וְמִי בִתְבִי קָרָא לְעִתִּידָא אִין. דְּבִתְיָב וְשֵׁם הַנְּהָר הַשְּׁלִישִׁי חֲדָקְל הוּא הַהוּלֵךְ קְדָמָתָא. אֲשׁוּר, וְחֲנָנִי רַב יוֹסֵף: אֲשׁוּר וְזוֹ סֵלִיקָא. וְמִי הוּא? אֶלָּא דְּעִתִּידָהּ, הֵכָא נִמְי – דְּעִתִּידָהּ.**

**וְאָמַר רַב חֲנָנִי בְּגִדְתָּא: מִטֵּר מְשֻׁקָּה, מְרוּדָה, וּמְזוּבָּל, וּמְעֵדָן, וּמִמְשִׁיךְ. אָמַר רַבָּא בַר רַבִּי יִשְׁמַעֵאל וְאִתִּימָא רַב יִימָר בַּר שְׁלֵמְיָא: מַאי קָרָא – “תִּלְמִיָּה רֹדֵה נִחַת גְּדוּדֵיהָ בְּרַבִּיבִים תִּמְגַּגְנָה צִמְחָה תִּבְרַךְ.”**

**אָמַר רַבִּי אֶלְעָזָר: מְזוּבָּח – מְזוּיָה, וּמְזוּיָן, מְחַבֵּב, מְכַפֵּר. הֵינּוּ מְכַפֵּר הֵינּוּ מְזוּיָה! מִיִּחַ גְּזִירוֹת וּמְכַפֵּר עֲוֹנוֹת.**

**וְאָמַר רַב חֲנָנִי בְּגִדְתָּא: תְּמָרִי מְשַׁחֲקוּ, מְשַׁבְּעוּ, מְשַׁלְּשׁוּן, מְאַשְׁרוּן וְלֹא מְפַנְקוּן. אָמַר רַב: אָכַל תְּמָרִים אֶל יוֹדֵה. מִיתְיָבִי: תְּמָרִים, שְׁחָרִית וְעֶרְבִית – יְפוֹת, בְּמִנְחָה – רְעוֹת, בְּצַהֲרִים – אִין כְּמוֹתָן. וּמְבַטְלוֹת שְׁלִשָּׁה דְּבָרִים: מִחְשָׁבָה רָעָה, וְחוּלִי מַעֲיָם, וְתַחְתּוֹנוּת!**

**GEMARA** What is the relationship between the term *almana*<sup>L</sup> and its meaning, widow?

**Rav Hana of Baghdad said:** A widow is called an *almana* after the *maneh*,<sup>N</sup> one hundred dinars, which is the sum of her marriage contract. The Gemara asks: With regard to a **widow from betrothal**, whose marriage contract is two hundred dinars and not a *maneh*, **what is there to say?** The Gemara answers: **Since they called this widow from marriage *almana*, this widow from betrothal they also called *almana*.**

The Gemara asks: That explains the use of *almana* in the terminology of the Sages. However, with regard to the term *almana* **that is written in the Torah, what is there to say?** The rabbinic ordinance that the marriage contract of a widow is a *maneh* was not yet instituted. The Gemara answers: The Torah employs the term *almana* because the Sages are destined to institute the sum of a *maneh* for her in her marriage contract. The Gemara asks: **And is a verse written for the future?** The Gemara answers: **Yes, indeed it is, as it is written: “And the name of the third river is Tigris; that is it which goes toward the east of Asshur” (Genesis 2:14). And Rav Yosef taught: Asshur, that is Seleucia.<sup>B</sup> And did that city exist when the Torah was written? Rather, the Torah is referring to that city because it was destined to exist in the future. Here too, the Torah employs the term *almana* because a widow was destined to have a marriage contract of a *maneh* instituted for her.**

Apropos the statement of Rav Hana of Baghdad, the Gemara cites additional statements of his. **And Rav Hana of Baghdad said: Rain irrigates, saturates, and fertilizes the land, and refines the fruit and causes it to proliferate. Rava bar Rabbi Yishmael, and some say it was Rav Yeimar bar Shelamya who said: What is the verse that alludes to this? “Watering its ridges abundantly, setting its furrows, You make it soft with showers, You bless its growth” (Psalms 65:11). “Watering its ridges abundantly” indicates that the rain irrigates and saturates the land, “You make it soft with showers” indicates that it fertilizes the land, and “You bless its growth” indicates that it refines the fruit and causes it to proliferate.**

**Rabbi Elazar said:** The term *mizbe'ah*, altar, is a rough acrostic representing its qualities. **It moves** [*meziah*] sins and sustains [*mezin*], because as a result of the offerings sacrificed on the altar, sustenance is provided to all. **It endears** [*mehavev*], and **atones** [*mekhapper*]. *Mizbe'ah* evokes the letters *mem* and *zayin* from the first two qualities, *bet* from *mehavev* and the *kaf* from *mekhapper*. The Gemara asks: **This quality, that the altar atones, is the same as that quality, that it moves sins. Why are they listed separately?** The Gemara answers: **The altar moves evil decrees, and atones for sins.**

**And Rav Hana of Baghdad said: Dates warm and satiate, loosen the bowels, strengthen, but do not pamper. Rav said: If one ate dates<sup>B</sup> he should not issue halakhic rulings,<sup>NH</sup> as dates are intoxicating. The Gemara raises an objection: With regard to dates, in the morning and evening they have a positive effect on one who eats them; in the afternoon, they have a negative effect on one who eats them. At noon, their positive effect is unparalleled, and they negate three matters: A troubling thought, intestinal illness, and hemorrhoids. Apparently, the effect of dates is primarily a positive one.**

## HALAKHA

**If one ate dates he should not issue halakhic rulings – אָכַל תְּמָרִים אֶל יוֹדֵה:** A rabbinic scholar may not render a halakhic decision while intoxicated. Even if he ate dates or drank milk, leading to slight lightheadedness, he may not issue a halakhic

ruling, in accordance with the opinion of Rav (Rambam *Sefer Avoda, Hilkhot Biat HaMikdash* 1:3; *Shulhan Arukh, Yoreh De'a* 242:13 and in the comment of Rema).

מי אמרין דלא מעליז עלויי מעלה, ולפי שעתא טרדא. מידי דהוה אחמרא, דאמר מר השותה רביעית יין אל יורה. ואיבעית אימא: לא קשיא: הא – מקמי נהמא, הא – לבתר נהמא. דאמר אבוי, אמרה לי אם: תמרי מקמי נהמא – כי נרגא לדיקולא, בתר נהמא – כי עברא לרשא.

The Gemara answers that there is no contradiction. **Did we say that they are not exemplary? They are exemplary, and at the same time cause temporary distraction and intoxication, just as it is in the case of wine, as the Master said: One who drinks a quarter-log of wine should not issue halakhic rulings. And if you wish, say instead: This apparent contradiction is not difficult. This statement, which prohibits issuing a ruling under the influence of dates, is referring to one eating dates before he eats bread, when eating them can lead to intoxication. That statement, which enumerates the salutary effects of dates, is referring to one eating dates after he eats bread. As Abaye said: My mother told me that dates eaten before eating bread are destructive like an ax to a palm tree; dates eaten after eating bread they are beneficial like a bolt to a door, which provides support.**

דשא, אמר רבא: דרך שם. דרגא, אמר רבא: דרך גג. פוריא, אמר רב פפא: שפרין ורבין עליה. אמר רב נחמן בר יצחק:

Apropos the term door [*dasha*], the Gemara cites statements referring to its etymology as well as that of several other Aramaic terms. With regard to the word *dasha*, door, **Rava said: It is an acrostic for *derekh sham*, meaning through there. With regard to the word *darga*, ladder or stair, Rava said: It is an acrostic for *derekh gag*, meaning way to the roof. With regard to the word *purya*, bed, Rav Pappa said: It is an acrostic for *parin veravin aleha*, meaning one procreates upon it. Rav Nahman bar Yitzhak said:**

Perek I  
Daf 11 Amud a

אף אנו נאמר: איילונית – דוכרנית דלא ילדה.

We too will say: *Ailonit*, a sexually underdeveloped woman,<sup>b</sup> is a term meaning: Like a ram [*dukhranit*],<sup>1</sup> because like a male sheep [*ayyil*] she does not bear children.

מתני' הגיורת והשבוייה והשפחה, שנפדו ושנתגירו ושנשתחררו פחותות מבנות שלש שנים ויום אחד – בתובתן מאתים, ויש להן טענת בתולין.

**MISHNA** With regard to a female convert, or a captive woman,<sup>n</sup> or a maidservant,<sup>b</sup> who were ransomed with regard to the captive, or who converted with regard to the convert, or who were freed with regard to the maidservant, when they were less than three years and one day old,<sup>h</sup> their marriage contract is two hundred dinars, as their presumptive status is that of a virgin. Even if they were subject to intercourse when they were younger than that age, the hymen remains intact. **And they are subject to a claim concerning their virginity.**

BACKGROUND

Sexually underdeveloped woman [*ailonit*] – איילונית: From the detailed discussions in the Talmud, primarily in tractate *Yevamot*, an *ailonit* is apparently a woman suffering from a genetic condition that renders her unable to have children. This is not to be confused with sterility, which is a condition caused by certain secondary defects; the physical and sexual development of a sterile woman is standard. The *ailonit* is also characterized by different physical development in secondary sexual characteristics, e.g., growth of pubic hair. There are different theories as to the causes of this condition, ranging from those who attribute it to overproduction of male hormones to those who identify it as Turner's syndrome.

There are detailed halakhic discussions with regard to the legal status of an *ailonit*, primarily due to the total lack or delayed development of secondary sexual characteristics. As a result, various questions are raised with regard to determining when the *ailonit* assumes the status of a young woman and a grown woman.

Maidservant – שפחה: This refers to a Canaanite maidservant, a female gentile purchased by a Jew as a slave. Like a male Canaanite slave, after she is purchased she must be immersed in a ritual bath and subsequently her personal status changes: She henceforth must observe all of the Torah's prohibitions and is obligated to observe positive mitzvot that apply to a Jewish woman. Nevertheless, she is not fully Jewish and may not marry a Jewish man, except under special circumstances, where her master arranges a marriage for her with a Hebrew slave for the purpose of producing children whose status is like her own. As with a male Canaanite slave, it is permitted to sell a maidservant to other Jews but not to non-Jews. Although the *halakha* is that her master is ordinarily prohibited from freeing her, if she receives a bill of manumission, it takes effect, and her status as a freed maidservant is similar to that of a convert.

LANGUAGE

Like a ram [*dukhranit*] – דוכרנית: In Aramaic a ram [*ayyil*] is called *dikhra*, meaning male. Consequently, the term *ailonit* is derived from the Hebrew word for ram, whose Aramaic equivalent means male or masculine. An *ailonit*, therefore, is a woman incapable of having children, often masculine in appearance.

NOTES

A female convert, or a captive woman, etc. – הגיורת והשבוייה וכו': The Ritva points out that the order of the verbs: Ransomed, converted, and freed, does not correspond to the order of the subjects: Convert, captive, and maidservant. He explains that both the subjects and the verbs are listed in their respective order of importance. Converts, as people who consciously chose to join the Jewish people, are listed before victims of captivity and maidservants. Likewise, ransoming, i.e., fulfilling the mitzva of freeing captives, is the highest form of lovingkindness and takes precedence over conversion. Conversion, in turn, takes precedence over the freeing of slaves, as the latter is generally prohibited.

HALAKHA

A female convert...less than three years and one day old, etc. – פחותות מבנות שלש שנים ויום אחד וכו': A female convert, redeemed captive, or freed slave who converted or was redeemed or freed when she was less than three years and one day old retains the presumptive status of a virgin. Therefore, she is entitled to a marriage contract of two hundred dinars and her husband may make a claim concerning her virginity (Rambam *Sefer Nashim, Hilkhot Ishut* 11:1; *Shulhan Arukh, Even HaEzer* 67:3).