



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Kiddushin Daf Samach Vuv

- **Abaye** said, if a single witness tells a person “you ate cheilev”, and the person remains silent, the single witness is believed. We can learn this from a Mishna which says that if a single witness tells a person “you ate cheilev” and the person says “I did not”, the person is patur from bringing a chatas. This suggests that if the person remained silent the single witness would be believed.
- **Abaye** also said, if a single witness tells a person “your tahor food became tamei” and the person remained silent, the single witness is believed. We can learn this from a Mishna which says that if a single witness tells a person “your tahor food became tamei” and the person responds “they did not become tamei” the food is considered to be tahor. This suggests that if the person remained quiet, the single witness would be believed.
- **Abaye** also said, if a single witness tells a person “a person was mezaneh with your ox” (which would make it assur to be brought as a korbon) and the person remains silent, the single witness is believed. We can learn this from a Mishna which says that an animal with which a person was mezaneh, which was told as having done so either by a single witness or by the owners, the testimony is believed. Now, this testimony of the single witness can't be talking about where the owner admits to it, because that case is dealt with explicitly in the Mishna. Rather, it must be that the owner was silent, and we see that in that case the single witness is believed.
 - The Gemara says, all these 3 cases were necessary to be taught. If **Abaye** would only give us the case with the cheilev, we would say that if the person himself wasn't sure that he ate cheilev, he wouldn't bring a chatas that is not needed, and in that way bring chullin to the Azarah (which is a serious aveirah). However, in the case where the single witness says that the food is tamei, it may be that the person doesn't contradict only because he figures that food can be eaten when he is tamei anyway. If **Abaye** would only give the case with the tamei food, we would say that only in that case his silence is an admission, because he would not stand by silently as a person is making him lose the ability to eat certain foods while he is tahor. However, in the case of the animal used for zenus, he may think that most animals are not brought as korbonos, so there is no reason to argue with this single witness about this. That is why all these cases are necessary.
 - **Q:** If a single witness tells a person that his wife was mezaneh and the person remains silent, may he continue living with his wife? **A:** **Abaye** says the single witness is believed and the person becomes assur to his wife. **Rava** says the single witness is not believed, because all matters of ervah require at least 2 witnesses.
 - **Abaye** said he can bring a proof from a story that took place. There was a blind person that would teach Braisos in front of **Shmuel**. One day this person did not come, so **Shmuel** sent a shaliach to go see where he was. While he was heading towards the blind man's house, the blind man showed up by **Shmuel**. When the shaliach returned he told the man, “Your wife was mezaneh”. When asked what to do, **Shmuel** told him, “if you believe this shaliach you must divorce her, and if you do not, you need not divorce her”. Presumably he was telling him, if you trust that this shaliach is a valid witness, then you must divorce your wife. We see that a single witness is believed in this case! **Rava** said, **Shmuel** was telling the man “if you believe this shaliach like 2 people, then you must divorce her”.
 - **Abaye** brings another proof, from a story told to us in a Braisa, that took place with King Yannai. After a particularly satisfying victory, he called all the Chachomim to a feast. A rasha tried to incite him to kill the Chachomim. He did so by telling Yannai to put on the tzitz and see if the Chachomim would allow

him to act as Kohen Gadol. He did so, and the Chachomim protested. The reason they protested was that people had said that Yannai's mother was captured by goyim before he was born, which if true, would make Yannai passul to serve as Kohen Gadol. Yannai then banished them from the feast, and after being convinced by the rasha, he had them killed. Before they were killed, the Chachomim looked into the matter of his mother's capture and ultimately decided that there were no grounds to believe that she was captured. Now, what does the Braisa mean that initially there was reason to believe that she was captured, but ultimately there were no grounds? If the case is that initially there were 2 witnesses that said she was and later there were two witnesses that said that she wasn't, why would we rely more on the second set than on the first set!? Rather, we must say that initially there was a single witness that said she was captured and later 2 witnesses said that she wasn't, and we can see that the single witness is not believed *only* because there are 2 witnesses that contradict him, but if not for that, a single witness would be believed! **Rava** said this is not a valid proof, because it may be that there were 2 witnesses to each side of the argument, but the second set of witnesses made the first set into "eidim zomimim", in which case we believe the second set and do not believe the first set. We can also say like **R' Yitzchak** said, that although she was captured, it was determined that she had quickly escaped, before anyone could have been mezaneh with her.

- **Rava** brings a proof from a long Braisa quoted by the Gemara. The Braisa brings a machlokes between **R' Tarfon** and **R' Akiva** regarding a mikvah that was measured and found to be less than the minimum required amount for a mikvah. **R' Tarfon** says, anybody who used the mikvah up until this point is tahor, because the mikvah has a chazaka of being valid up until the time it was measured, and **R' Akiva** says, anybody who used this mikvah from the last time it was measured as being valid is tamei, because of his chazaka of being tamei. They each give the logic behind their view. **R' Tarfon** compared the case of mikvah to the case of a Kohen who did the Avodah and it then became known that he was the son of a divorcee or a chalutza, in which case any Avodah he had done is valid, but any Avodah he does in the future is passul. Ultimately **R' Tarfon** agreed with **R' Akiva** who said that the case of the mikvah is like the case of a Kohen who did the Avodah and it then became known that this Kohen was a baal mum, in which case any Avodah that he did is passul. The reason he agreed is because **R' Akiva** said, the case of mikvah is more similar to the case of baal mum, because a mikvah can be made passul on the basis of a single witness and a baal mum can be made passul on the bases of a single witness, whereas a single witness cannot establish one as being the son of a divorcee or a chalutza. Now, what is the case of the baal mum being establish by a single witness? If the Kohen contradicted him, the single witness would not be believed! Rather, the case must be where the Kohen remained silent. That would mean that **R' Akiva** said that in this case (of a single witness and the person remaining silent) by a matter of ervah the single witness would *not* be believed!? **Abaye** says this is not a valid proof. It may be talking about a case where the Kohen with the mum does contradict the single witness, and the reason the single witness is believed is because he can say to the Kohen "if you have no mum, then remove your clothing and show us that you have no mum!"
 - **Q:** How do we know that the Avodah that was done by the Kohen who became known to be the son of a divorcee or a chalutza is valid? **A:** **R' Yehuda in the name of Shmuel** learned it from the pasuk of "v'huysa lo ulizaro acharav" – whether they are valid or passul children they have the status of Kohanim. **Shmuel's** father learns it from the pasuk of "bareich Hashem cheilo ufaal Yadav tirtzeh" – even the "chullin" of the Kohanim have their Avodah accepted. **R' Yannai** learns it from the pasuk that says "you shall come – to the Kohen who will be in those days" – clearly one cannot go to a Kohen of past generations with his bikkurim!

The pasuk is teaching that the Avodah of a Kohen who was presumed to be valid and later found to be passul, is valid.

- **Q:** How do we know that the Avodah of a baal mum is passul? **A: R' Yehuda in the name of Shmuel** learned it from the pasuk of "lachein emor hinini nosein lo es brisi shalom" – when he is complete ("shaleim") he is a valid Kohen, and not when he is a baal mum.
 - **Q:** The word is "shalom", and not "shaleim"!? **A: R' Nachman** said, in the Torah the "vuv" of the word "shalom" is cut off, allowing us to read it as if it says "shaleim".

MISHNA

- In any case where kiddushin can take effect and there is no aveirah of these people getting married to each other, the child is given the legal status of the father. For example, the child takes on the status of a Kohen, Levi, or Yisrael, depending on the status of the father, irrespective of the status of the mother.
- In a case where kiddushin can take effect, but there is an aveirah for them to get married, the child gets the status of the blemished parent. For example, if a widow marries a Kohen Gadol, or a divorcee or chalutza marries a regular Kohen, or a mamzeres or nesinah marries a Yisrael, or a Yisraelis marries a mamzer or a nasin (in these cases the child becomes a chalal like his mother, or a mamzer or nasin like whichever parent has that status).
- In a case where kiddushin is not effective with this man, but where she could have kiddushin with another man, the child is a mamzer. For example, any case where the couple are arayos one to the other.
- In a case where kiddushin cannot be effective with this woman at all, from any man, the child gets her status. The example here would be the child of a maidservant or of a goy.