



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

### Kiddushin Daf Ayin Hey

- A Braisa says, if a boy who is already 9 years old, and is a ger who is an Amoni, Moavi, Mitzri, or Adomi, or who is a Kutzi, nasin, chalal, or mamzer, who had bi'ah with a Kohenes, a Leviya, or a Yisraelis, makes her passul (from eating terumah or from marrying a Kohen). **R' Yose** says, any man whose children would be passul to a Kohen makes the woman he has bi'ah with passul to a Kohen as well, but if his children would not be assur to a Kohen, the woman would not be passul to a Kohen. **R' Shimon ben Gamliel** says, if a Kohen can marry a man's daughter, he can also marry that man's widow, and if he can't marry a man's daughter, he also can't marry that man's widow.
  - **Q:** What is the difference between the view of the **T"K** and **R' Yose**? **A:** **R' Yochanan** explained, the difference would be where the man was a second generation convert who is a Mitzri. His child would be mutar to marry a Kohen. According to the **T"K** he would make the woman that he has bi'ah with assur to a Kohen, and according to **R' Yose** he would not.
    - Both learn their views from the case of a widow who marries a Kohen Gadol. The **T"K** says that just like that relationship is assur, and it results in the woman becoming assur to a Kohen, so too any bi'ah that is wrong will cause the woman to become assur to a Kohen. **R' Yose** says that just as in that relationship the children become passul and the woman becomes passul, so too in another relationship, only when the children would become assur will the woman become assur. This excludes the case of a second generation Mitzri ger, whose children would be mutar.
  - **Q:** What is the difference between **R' Yose** and **R' Shimon ben Gamliel**? **A:** **Ulla** explained, the difference would be where the man was a ger from Amon or Moav (where the males are assur forever, for all generations, to marry into the kahal, and the females are mutar). According to **R' Yose**, since his daughter would be mutar, the woman he has bi'ah with also does not become assur. According to **R' Shimon ben Gamliel**, the woman would become assur.
    - Both learn their views from the case of a widow who marries a Kohen Gadol. **R' Yose** says that just as in that relationship the children become passul and the woman becomes passul, so too in another relationship, only when the children would become assur will the woman become assur. This includes the case of a ger of Amon, since his sons would be assur. **R' Shimon ben Gamliel** says, just as in that relationship all the children would be assur and the woman would be assur, so too, only in a relationship where all the children would be assur will the woman be assur. This excludes the case of a ger of Amon, since his daughters are mutar the woman would not be assur.
  - **R' Chisda** said, all would agree that the widow of a man who was a safek chalal would be assur to a Kohen. We can show this as follows. The most lenient of the views in the Braisa is **R' Shimon ben Gamliel**, who says that if a Kohen can marry a man's daughter, he can marry his widow. This presumably includes this case, and since the Kohen could not marry the daughter of a safek chalal, he could also not marry his widow.
    - **R' Chisda** argues with **R' Yehoshua** and **R' Yehuda ben Beseira**, who say that this widow would be mutar to a Kohen based on a sfek sfeika (meaning, the safek of the woman is only because of the safek of someone else, i.e. her husband) and therefore she is treated leniently.

- **R' Yehuda in the name of Rav** paskened like **R' Eliezer**. However, when he said this to **Shmuel**, **Shmuel** told him "Hillel has paskened that even the people of questionable yichus (a shtuki) can marry people who are certainly assur, and can marry other people of questionable yichus, so how can you say that the halacha follows **R' Eliezer**!?"
  - **Q:** We have learned, if an arusah became pregnant, **Rav** says the child is a mamzer and **Shmuel** says the child is a shtuki. Presumably this means that **Rav** says this child may marry another mamzer, and **Shmuel** is saying that this child may not. We see from here that **Rav** holds that this questionable child *may* marry a mamzer and **Shmuel** holds that he may not, which contradicts what they have each said, above!? **A:** We must reverse the shitos so that **Rav** is the one who labels the child as a shtuki and **Shmuel** is the one who labels the child as a mamzer.
    - **Q:** If so, why do they need to have the same machlokes twice? **A:** If **Rav** had only said that he holds like **R' Eliezer**, we would say he holds that way there, because the case was where she was single, and therefore most men are not assur to her. However, where she is an arusah and most men are assur to her, maybe he would agree with **Shmuel**. If we would only have the case of the arusa, we would think in that case **Rav** holds that way because she can say that she is pregnant from the arus, but regarding a regular case of shtuki, maybe he holds like **Shmuel**. That is why both cases are needed.
    - **A:** We can also answer that we don't need to reverse the shitos. When **Rav** says the child is a mamzer, he does not mean that the child may marry a mamzer, rather he means that he is assur to marry a Yisraelis. When **Shmuel** said the child is a shtuki, he did not mean to say that the child is assur to marry a mamzeres, rather he meant to say that the child is assur to marry a Yisraelis.
      - **Q:** Based on this, they are saying the exact same thing!? **A:** We must say that when **Shmuel** says the child is a shtuki, he means that we quiet him from the status of Kehuna even if the arus was a Kohen.
      - **Q:** This seems obvious!? If we don't even allow him to marry a Yisraelis, certainly we would not consider him to be a Kohen in any way!? **A:** Rather it means that we silence him from laying any claim to the assets of the father.
        - **Q:** We don't know who the father is, so of course he can't claim a right to the assets!? **A:** **Shmuel** was referring to a case where he grabbed some of the assets, and is teaching that we take them away from him.
    - **A:** We can also say that when **Shmuel** said he is a shtuki, he meant that he is a beduki, meaning that we ask his mother who the father is, and if she says that it is from someone who is not assur to her, she is believed.
      - **Q:** **Shmuel** has already paskened like **R' Gamliel** from another Mishna who says the case that we ask the mother and she is believed, so why is there a need to repeat it here? **A:** From the other Mishna we would think to say that she is only believed when most men there would not make the woman and the child passul. **Shmuel** is adding, that even if most men there are passul, she is believed to say that even the child is not passul.
- A Braisa says (like our Mishna), that **R' Elazar** holds that a Kuti may not marry a Kutis.
  - **Q:** What is the reason for this? **A:** **R' Yosef** said, that the **Rabanan** gave the Kutim the status that a ger has after 10 generations, at which time a Braisa says they are assur to marry a mamzeres (because people forget that they are geirem and will think that it is mutar for a Yid to marry a mamzer).
    - **Q:** **Abaye** asked, in that case we have to be goizer to avoid the confusion. However, when a Kuti is marrying a Kutis, they are both of the same status, and it won't lead to any such confusion!? **A:** **R' Dimi** said, the reason is that **R' Elazar** holds like **R' Yishmael**, who says that Kutim are not valid geirem, and **R' Yishmael** then holds like **R' Akiva**, who says that the child of a goy and a Yisraelis is a mamzer. Therefore, when a male Kuti married a Yisraelis, the child

was a mamzer, but when a male Yid married a female Kutis, the child was a regular goy. Still, the children of both these relationships were labeled as Kutim. Therefore, some Kutim were mamzeirem and some were not. That is why Kutim may not marry other Kutim.

- **Q:** We find that **R' Yishmael** does not hold like **R' Akiva**!? **A:** We can say that **R' Elazar** himself holds like **R' Yishmael** on the one hand, and like **R' Akiva** on the other hand.
- **Q:** We find that **R' Elazar** specifically holds that the child of a goy and a Yisraelis is *not* a mamzer!? **A: Ravin in the name of R' Chiya bar Abba in the name of R' Yochanan** said, there is actually a 3-way machlokes about this. **R' Yishmael** holds that Kutim are not true geirem, and that is why the **Rabanan** did not allow them to marry into the kahal. **R' Akiva** holds that the Kutim are true geirem. The reason the **Rabanan** said they can't marry into the kahal is because they would do yibum for a woman who was only an arusah, and would say that if a woman was a nesuah, she is not subject to yibum. This allowed women who were truly subject to yibum to marry other men (which is assur with a lav), which according to **R' Akiva** then produced mamzeirem. **Others** say that the reason the **Rabanan** did not allow Kutim to marry into the kahal is because they were not familiar with the particulars of the mitzvos.
  - **Q:** Who is the "others"? **A: R' Idi bar Avin** said, it is **R' Eliezer**, who says in a Braisa that the matzah of a Kuti is assur, because they are not familiar with the particulars of the mitzvos.
  - **Q:** What mitzvos are they not familiar with that caused the **Rabanan** to be goizer that they cannot marry into the kahal? **A:** They are not familiar with the details of kiddushin and gittin, which means that some of their gittin were likely invalid, yet the woman went and married somebody else, thereby producing mamzeirem.
- **R' Nachman in the name of Rabbah bar Avuha** said, the reason the Kutim are assur is because a mamzer from a relationship with a sister and a mamzer from a relationship with a brother's wife became mixed into them.
  - **Q:** If he is teaching us that there is a mamzer from a relationship that is assur with krisus, why did he need to give two examples? **A:** There was an actual incident that took place that involved both of these mamzeirem.
- **Rava** said the reason the Kutim are assur is because a slave and a maidservant got mixed into them.
  - **Q:** The only one that is a problem is when a Yid married the maidservant, so why bring the case of the slave altogether? **A:** There was an actual incident that took place that involved both of these.