



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

Kiddushin Daf Ayin Ches

- **R' Yehuda** said, if a Kohen Gadol marries and has bi'ah with a widow, he would get 2 sets of malkus: one for "lo yikach" and one for "lo yichalel".
 - **Q:** Why wouldn't he get another set of malkus for the lav of "lo yichalel zaro" (which includes his giving zerah to this bi'ah)? **A:** The case being discussed is where he did not complete the bi'ah, and therefore did not issue any zerah.
 - **Q: Rava** asked, a Mishna says, if a Kohen Gadol marries and has bi'ah with a widow who is also a divorcee, he gets malkus for each of the names of issur. This suggests that he will only get 2 sets of malkus!? **A:** The Mishna means that he will get 2 sets of malkus for each of the two names of issur.
 - **Q:** The same Mishna says that if the woman is a divorcee and a chalutza, he would only get one (presumably meaning one set of malkus)!? **A:** The Mishna means that he is only chayuv for her being a divorcee, and not for her being a chalutza (since that is only D'Rabanan), but for her being a divorcee, he will get 2 sets of malkus.
 - **Q:** A Braisa learns the issur of chalutza from a pasuk!? **A:** It is truly only assur D'Rabanan, and the pasuk is only an asmachta.
 - **Abaye** said, that when the Kohen gives kiddushin to a woman who is assur to him (with an issur Kehuna), he gets one set of malkus (even if he did not have bi'ah with her), and when he has bi'ah with her he would get a second set of malkus. **Rava** said, he only gets malkus when if he has bi'ah with her (and would then get 2 sets of malkus). This is because the pasuk says "lo yikach...v'lo yichalel", which teaches that the issur of kiddushin is only if he has bi'ah with her.
 - **Abaye** would agree, that if a man remarried his divorcee after she married someone else, he would not be chayuv unless he has bi'ah with her, because the pasuk says he may not take her "to be to him as a wife".
 - **Rava** agrees that in the case of the Kohanim, if they have bi'ah with the women assur to them and never gave them kiddushin, they would still get malkus, because the pasuk says "v'lo yichalel", and he did make her into a chalalah.
 - **Abaye and Rava** would both agree, that if a man only had bi'ah with his divorcee who had married someone else, but did not give her kiddushin, he would not get malkus. The Torah only makes her assur when done in marriage.

R' YEHUDA OMER BAS GER ZACHAR K'BAS CHALAL

- In a Braisa **R' Yehuda** explains his reasoning. He says there is a kal v'chomer. If the daughter of a chalal, who comes from a person of pure yichus (his father was a Yisrael), is passul, then surely the daughter of a ger, who doesn't come from pure yichus, will be passul. The Braisa asks, these cases can't be compared, because a chalal was produced from an aveirah, and maybe that is why his daughter is passul! The Braisa says, the case of a Kohen Gadol with a widow will refute this, because the Kohen Gadol was not produced through an aveirah, and still his daughter is passul. The Braisa asks, maybe in that case his daughter is passul because she was born from an aveirah!? The Braisa says, a chalal's daughter was not created from an aveirah, and yet she is passul. Based on all this, one cannot be learned directly from the other. The common characteristic among them all is that they have an aspect that is uncommon among most people and their daughters are passul to Kehuna. We can say that a ger as well, has an aspect that is uncommon, and therefore his daughter will also be assur to Kehuna. The Braisa asks, maybe the common characteristic among them all is that they have an element of aveirah, whereas a ger does not!?

- The Braisa continues and says, instead of the original refutation from the case of Kohen Gadol, instead refute the kal v'chomer based on a first generation Mitzri ger, who was not created through an aveirah, and yet his daughter is passul to Kehuna. On that we can ask, maybe he is different, because he may not marry into the kahal!? However, the case of chalal refutes that, because he can marry into the kahal, and yet his daughter is passul. The common characteristic among them all is that they have an aspect that is uncommon among most people and their daughters are passul to Kehuna. We can say that a ger as well, has an aspect that is uncommon, and therefore his daughter will also be assur to Kehuna. The Braisa asks, maybe the common characteristic among them all is that they make a woman passul to a Kohen when they have bi'ah with that woman!? Now, **R' Yehuda** holds that a ger makes a woman passul with his bi'ah as well. Therefore he can learn that the daughter of a ger is passul based on this "tzad hashava".

R' ELIEZER BEN YAAKOV OMER GER

- A Braisa brings a fourth view and says, **R' Shimon ben Yochai** says that a geyores who converted before she turned 3 years old is mutar to Kehuna, based on the pasuk where Moshe told the army to allow the girls less than 3 years old to live "for yourselves" (meaning so that you can marry them). Pinchas (who was a Kohen) was in the army, and we therefore see that he too was allowed to marry them.
 - The **Rabanan** argue and say "for yourselves" does not mean to marry them, it means so that you can take them as slaves.
- The Gemara says, all 4 views are based on the same pasuk of "almanah ugrusha lo yikchu lahem l'nashim ki ihm besulos mizerah beis Yisrael".
 - **R' Yehuda** holds that a woman is not mutar to a Kohen unless she comes from full yichus of Yisrael, and therefore the daughter of a ger is passul to Kehuna.
 - **R' Eliezer ben Yaakov** holds that the word "mizerah" teaches that as long as some of her yichus is from Yisrael she is mutar to a Kohen.
 - **R' Yose** darshens the pasuk to teach that as long as she was conceived while her parents were already from Yisrael (they had already converted) she is mutar to Kehuna.
 - **R' Shimon ben Yochai** darshens that as long as she gets the status of a besula (which happens at 3 years old) when she is a Yisrael, she is mutar to Kehuna.
- **Q: R' Nachman** asked **Rava**, this pasuk seems difficult to understand, because the first part seems to be discussing a Kohen Gadol, and the later part seems to be discussing a regular Kohen!? **A:** He answered, that is true, but we find other pesukim that must be understood in a similar way, by understanding the pasuk as changing the subject without telling us that it is doing so.

R' YOSE OMER AHF GER SHENASA GEYORES

- **R' Hamnuna in the name of Ulla** paskens like **R' Yose. Rabbah bar bar Chana** said this as well. However, after the Churban, the Kohanim decided to be more stringent and began to follow the view of **R' Eliezer ben Yaakov**.
 - **R' Nachman** said, **R' Huna** told me, if a Kohen comes to ask, we tell him to follow **R' Eliezer ben Yaakov**. However, if he already married the daughter of a ger and a geyores, we do not make him get divorced, based on **R' Yose**.

MISHNA

- If a person says "this son of mine is a mamzer", he is not believed. Even if a husband and wife both agree that the baby she is pregnant with is a mamzer, we do not believe them. **R' Yehuda** says they are believed in both cases.

GEMARA

- The chiddush of the second case is that even though the mother can know with a lot more certainty than the father, still we don't believe her. Also, even though a child in her stomach does not yet have a chazakah of kashrus, still we do not believe them.

R' YEHUDA OMER NE'EMANIM

- A Braisa explains, the pasuk regarding a bechor says "yakir", from which **R' Yehuda** learns that a father is believed to say which of his sons is a bechor, and just as he is believed regarding bechor, he is also believed to say that his son is from a divorcee or a chalutza. The **Chachomim** disagree and say he is not believed.

- **Q: R' Nachman bar Yitzchak** asked **Rava**, what do the **Rabanan** do with the word "yakir"? **A:** They use it for a case where the man had children somewhere else, and is therefore needed to identify which of his children are the bechor.
 - **Q:** Regarding what halacha is he believed to say so? It can't be that he is believed for purposes of giving him a double portion of his estate, because that would be obvious, since he can give it to him as a gift, he is believed to say he deserves it as a bechor!? **A:** The chiddush is that he is even believed for assets that the father gets after the time that he identified him as a bechor, which he therefore did not have the ability to give him at the time of identification, and yet he is still believed.
 - **Q:** According to **R' Meir** a person can be makneh something that he does not yet have, so why do we need the pasuk of "yakir"? **A:** It is needed for assets that he gets as he is dying. Even **R' Meir** agrees that a person cannot be makneh such assets.