



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

Kiddushin Daf Pey

- **Reish Lakish** said, we only rely on the presumption that children that tag along with a woman must be the children of that woman, with regard to them eating kodashim outside of Yerushalayim (i.e. terumah and challah). However, we do not make this assumption with regard to allowing them to marry based on this yichus. **R' Yochanan** said, we make this presumption even with regard to yichus.
 - **R' Yochanan** follows his shitah elsewhere. We find that **R' Chiya bar Abba in the name of R' Yochanan** said: we give malkus based on a chazakah, we give misah by skila and sreifah based on a chazakah, but we do not burn terumah based on a chazakah.
 - We give malkus based on a chazakah as taught by **R' Yehuda**, who said that if a woman was established as a niddah by her neighbors (they saw her dressed in the clothing that she wears when she is a niddah), and her husband then had bi'ah with her, we would give him malkus based on that.
 - We give skila and sreifah based on a chazakah as taught by **Rabbah bar R' Huna**, who said that if a man, a woman, a young boy, and a young girl, all live together, and we have no proof that the man and woman are married and that the children are their children, but we presume this (a chazakah) to be the case, we would give skilah based on this chazakah (if the boy would be mezaneh with the woman that we presume to be his mother) and would give sreifah based on this chazakah (if the man would be mezaneh with the girl who we presume to be his daughter).
 - **R' Shimon ben Pazi in the name of R' Yehoshua ben Levi in the name of Bar Kappara** said, it once happened that a woman came to Yerushalayim carrying a young boy and raised him as her son. When he was older they were mezaneh together. They were brought to Beis Din and killed with skilah. This was not based on knowing with certainty that she was his mother, but rather based on the fact that he would tag along with her as a child, which created a chazakah that she was his mother.
 - We don't burn terumah based on a chazakah, as seen in a machlokes. **Reish Lakish** says we burn terumah based on a chazakah and **R' Yochanan** says that we do not burn terumah based on a chazakah. They are both following their own shitos based on a Mishna. The Mishna says, if a young child is found next to a dough and there is a piece of dough in his hand, **R' Meir** says the dough is still considered as tahor, and the **Chachomim** say the dough is considered tamei, because it is normal for a young child to touch things (they touch the garbage dumps, where there are often animal carcasses and sheratzim and he therefore has a chazakah that he is tamei, and the fact that he is next to the dough with dough in his hand tells us that he touched the dough and that the dough is therefore tamei). The Gemara there explained that **R' Meir** holds that most children touch the garbage, but a minority of children do not, and since the dough has a chazakah of taharah, we join the minority of taharah with the chezkas taharah, which is able to win out over the majority of children who do touch around in the garbage. The **Rabanan** say that once we have a majority, the minority is considered to no longer exist, and therefore we follow the majority, because when a majority contradicts a chazakah we follow the majority, which therefore tells us that this dough is tamei. Regarding this machlokes **Reish Lakish** said the **Rabanan** would hold that we burn the terumah

based on this. **R' Yochanan** says that we would *not* burn the terumah based on this.

- A Braisa supports the view of **R' Yochanan**. The Braisa puts 2 cases into the same category: the case of the young child next to the dough, and the case of a dough of terumah which was near tamei liquids, and we find that chickens pecked all over the dough (we are afraid that the chickens drank the tamei liquid, and with that still in their mouths, they pecked at the dough, dropping some of the liquid on the dough, making the dough tamei). In these cases, the dough will not be allowed to be eaten (since it may be tamei terumah) but will also not be burned (since it may not be tamei terumah). Since the Braisa puts the two cases in the same category, this suggests that in the case of the small child we would also not burn the terumah, which is exactly what **R' Yochanan** said.
 - **R' Yehoshua ben Levi** said, we only have the concern that maybe the tamei liquid went into the dough if the liquid was white, but if it was red liquid, we would not have that concern, because if they did peck with the liquid in their mouths, we would see the stain on the dough.
 - **Q:** Maybe the red liquid was absorbed into the dough?
A: **R' Yochanan** said, we must say that even if the liquid was red, but it was clear to the point that a child's reflection could be seen in it, then we would be concerned that the dough became tamei and the liquid was absorbed in the dough. However, if the red liquid was cloudy, it could not be absorbed into the dough to the point that it is not noticed, and therefore we would not be concerned that the dough was tamei.

MISHNA

- A man may not be secluded with two women, but a woman may be secluded with two men. **R' Shimon** says, even one man may seclude with 2 women if his wife is there, and he may even sleep in the same room as them, because his wife will guard him from doing any aveirah.
- A man may be secluded with his mother or his daughter, and he may sleep in the same bed with them even if there is bodily contact (as long as the son or the daughter is still young). Once the child is older, they may still sleep next to each other, but they must sleep in clothing.

GEMARA

- **Q:** Why is it that a man may not seclude with 2 women, but a woman may seclude with 2 men?
A: **Tana Divei Eliyahu** teaches, women are easily convinced, and therefore a woman is not embarrassed to do an aveirah in front of another woman, because she feels that the other woman will quickly follow her.
- **Q:** How do we know that there is an issur to seclude with a woman? **A:** **R' Yochanan in the name of R' Yishmael** said, there is a "remez" from the pasuk that warns to be careful from being convinced by a person's maternal brother to do avodah zarah. From the fact that the pasuk chooses to use the example of a maternal brother (because of the closeness that they share), it must be that a person may seclude with his mother, or else he wouldn't be hanging around his mother's house very often, and wouldn't be especially close with his brothers from his mother more than the brothers from his father.
 - **Q:** What is the simple meaning of the pasuk? **A:** **Abaye** said, it is teaching, that surely one would not listen to his paternal brother, who he may not like since he sees him as competition in the eventual inheritance. Rather one must even be careful not to listen to his maternal brother who tries to convince him to do avodah zarah.
- **Q:** Maybe we must say that our Mishna does not follow **Abba Shaul**. A Braisa says that if a child dies within his first 30 days, he is carried out to be buried without a coffin or the like (there is no need to honor this child like an older person who died), and can even be buried in the presence of only 3 people – a woman and two men. However, it should not be done with 2 women and one man (because the cemeteries were far from the city, and would therefore result in the man

being secluded with 2 women). **Abba Shaul** says the burial can even be done with one man and two women. We see that **Abba Shaul** says that there is no problem of seclusion!? **A:** It may be that **Abba Shaul** would agree that it is assur. It is only in the case of a burial where it is mutar, because the yetzer harah could not make someone do an aveirah like that in a period of mourning. The **Rabanan** (the **T"K**) holds like **R' Yitzchak**, who darshens a pasuk to teach that even during mourning a person's yetzer harah is strong. **Abba Shaul** says that pasuk is referring to the yetzer harah causing a person to question why Hashem is treating him so. The **Rabanan** would agree with that, but would still say that it is assur to allow one man with 2 women for a burial, because a story once took place where a man and a woman once faked a burial just so that they should be able to seclude themselves and do an aveirah.