



Daf In Review – Weekly Chazarah

Maseches Kiddushin, Daf 𐤒𐤃 – Daf 𐤒𐤅

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
v'l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf 𐤒𐤃--69-----

MISHNA

- **R' Tarfon** says, mamzeirem can be purified in that they will not pass on their psul to their children. How so? If a mamzer marries a maidservant, the child is a slave (and not a mamzer). If that child is then freed, he becomes a full-fledged Yid and can marry a regular Jewish girl. **R' Eliezer** says that this child would be a slave and a mamzer.

GEMARA

- **Q:** Did **R' Tarfon** mean that this can be done l'chatchila, or only b'dieved? **A:** A Braisa says, the **Chachomim** said to **R' Tarfon**, you have only found a method for a male mamzer, not for a female mamzeres! Now, if he meant that this can be done l'chatchila, why can't a mamzeres go and marry a slave and in that way have her children born without the mamzer status? Since this wasn't suggested, it must be that **R' Tarfon** was suggesting this b'dieved, and not l'chatchila.
 - **Q:** This is no proof, because a mamzeres marrying a slave will not accomplish anything, because the child will have no legal relationship with the father, and will therefore not be a slave, but will rather be given the status of a mamzer!
 - **Q:** Maybe we can bring a proof that it is even l'chatchila from **R' Simlai**, who told his host who was a mamzer, "Had I known you before you were married, I could have prevented your children from being mamzeirem" (by marrying a maidservant...). Now, if this may be done l'chatchila, it makes sense why he would have told him to do this. However, if it may only be done b'dieved, how could **R' Simlai** have said that he would have told him to do this!? **A:** It could be that **R' Simlai** would have advised his host to steal something and be sold as an eved ivri. In this way, there would be no issur for him to marry a maidservant, and in that case it could even be done l'chatchila.
 - **Q:** In the times of **R' Simlai** there no longer existed the concept of an eved ivri!? Therefore, it must be that if he said he would have advised him to marry the maidservant, that means that **R' Tarfon** meant to say that it could be done l'chatchila.
 - **R' Yehuda in the name of Shmuel** paskened like **R' Tarfon**.

R' ELIEZER OMER HAREI ZEH EVED MAMZER

- **R' Elazar** said, that the view of **R' Eliezer** is based on the word "lo" in the pasuk regarding mamzer, which teaches that we always give this status to the children of a mamzer. The **Rabanan** who argue say that this refers to the case of a Yisrael who married a mamzeres. We would think that yichus follows the father based on the pasuk of "l'mishpichosam l'veis avosam". The word "lo" therefore teaches that child gets the status of mamzer even if it is the mother who is the mamzeres. **R' Eliezer** would say, just like "lo" tells us not to follow the pasuk of "l'mishpichosam...", the pasuk of "lo" also teaches us that we don't follow the pasuk of "ha'ishah viladeha...", and instead the pasuk teaches that the child will still be a mamzer. The **Rabanan** say that a slave cannot be a mamzer based on his father, because he has absolutely no connection to his father at all.

HADRAN ALACH PEREK HA'OMER!!!

PEREK ASARAH YUCHSIN -- PEREK REVI'I

MISHNA

- Ten groups of yichus went up from Bavel – Kohanim, Leviim, Yisraelim, chalalim, geirim, freed slaves, mamzeirem, nesinim, "shtukim", and "asufim".
 - Kohanim, Leviim, and Yisraelim may marry into each other.

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- Leviim, Yisraelim, chalalim, geirem, and freed slaves, may marry into each other.
- Geirem, freed slaves, mamzeirem, nesinim, shtukim, and asufim, may marry into each other.
- Shtukim refers to anyone who knows his mother but does not know who his father is.
- Asufim refers to someone who was brought in from the street and does not know who his mother or his father is.
- **Abba Shaul** would call shtukim by the term “bedukim”.

GEMARA

- **Q:** Why does the Mishna say that these people “went up from Bavel” instead of saying “they went to EY”? **A:** The Mishna is teaching us the concept taught by a Braisa, based on a pasuk, that the Beis Hamikdash is the highest point in EY, and EY is higher than any other land.
 - **Q:** It makes sense to say that the Beis Hamkidash was the highest point, as the pasuk says “v’kamta v’alisa...”. How do we know that EY is higher than all other lands? **A:** We learn from pesukim that in the times of Moshiach we will praise Hashem who has brought us “up” from all over the world to EY.
 - **Q:** Based on this, why did the Mishna have to say “went up from Bavel”? Why couldn’t it say “went up to EY”? **A:** This supports **R’ Elazar**, who says that Ezra did not go up from Bavel until he made sure that he left Bavel in a state of pure yichus.
 - We learned, **Abaye** said the different groups went up on their own, willingly. **Rava** said they were taken up against their will. They argue in the teaching of **R’ Elazar** – **Abaye** does not hold of **R’ Elazar** (who says they were forced to go up), and **Rava** holds of **R’ Elazar**. We can also say that that all agree with **R’ Elazar**. **Abaye** holds that they were forcibly separated into these groups, but they all then went up willingly to EY, and **Rava** says that they were forcibly separated and were then forcibly brought up to EY.
 - **Q:** We learned that **R’ Yehuda in the name of Shmuel** said that Bavel has purer yichus than EY. According to **Abaye** this makes sense, because since these people went up willingly, their status got confused and forgotten. However, according to **Rava**, since they were forced to go up, everyone knew who were the people of lower yichus, so why wasn’t EY as pure in yichus as Bavel? **A:** Although it was known for that generation, it was forgotten in later generations.
 - **Q:** The pasuk says that Ezra looked at the group that travelled along with him and looked for Leviim. According to **Abaye** this makes sense, because the people went willingly, so Ezra did not know who was with him. However, according to **Rava**, he knew who he took with him, so why did he have to look to see if there were Leviim!? **A:** He only paid attention to the passul people that went with him. He paid little attention to the people of pure yichus, and therefore did not know if any Leviim came with him.

KAHANEI, LEVIYEI, V’YISRA’EILI

- A pasuk mentions that these three groups were among the people that went up.

CHALALEI, GEIREI, VACHARUREI

- **Q:** How do we know that there were chalalim among them? **A:** A Braisa says, that **R’ Yose** said we can see from the pesukim how great the power of chazakah is. The pasuk says that some of the families of Kohanim couldn’t find their family trees (showing pure yichus) and they were therefore rejected (treated as chalalim) and were allowed to eat terumah, but not to eat kodashim. They were told that they have a chazakah allowing them to eat terumah, because in Bavel they ate terumah, and therefore they can eat terumah now as well.
 - **Q:** Why was there no concern that eating terumah would lead people to think they were of pure yichus? **A:** Since they were not allowed to eat kodashim, that mistake would not happen.
 - **Q:** How does this show that “the power of chazakah is great”? **A:** In Bavel they only ate terumah D’Rabanan, and in EY they ate terumah D’Oraisa.
 - **A:** We can also say that eating terumah leads people to think that the Kohanim are of pure yichus only when they eat terumah D’Oraisa, and here (even in EY) they were only eating terumah D’Rabanan.

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- **Q:** If so, how do we see that “the power of chazakah is great”? **A:** Even though in Bavel they were allowed to eat terumah, that may only be because there was no reason to be goizer for terumah D’Oraisa. However, in EY we would think to say that since there is now a reason to be goizer, they shouldn’t be able to even eat terumah D’Rabanan. We are therefore taught that the chazakah allowed them to continue eating terumah D’Rabanan.
- **Q:** The pasuk says that they were told they may not eat “kodosh hakodashim”, which suggests that they could eat all terumah, even terumah D’Oraisa!? **A:** They were told they can’t eat “kodosh” (terumah D’Oraisa) or “kodoshim” (korbanos).

GEIREI VACHARUREI

- **R’ Chisda** learned this from a pasuk that says that the Pesach was eaten by all the people “who had separated from the tumah of the goyim” (i.e. converts, and freed slaves).

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MAMZEIREI

- **Q:** How do we know that mamzeirem went up with Ezra as well? **A:** It can be learned from the pasuk that says that Yehochanan, who was the son of a slave and a Jewish woman, was in EY. This means he was a mamzer and we see that he was in EY.
 - **Q:** What about the view that a child of a goy and a Jewish woman is not a mamzer, how will he learn this? Also, maybe we can understand the pasuk to mean that his father was a slave who was married to a Jew, but that Yehochanan was from a different woman who was not a Jew? Also, even though they were in EY, how do we know that they were originally in Bavel and then went up to EY with Ezra? **A:** Rather, we know that there were mamzeirem from a different pasuk, which says that there were people who went up with them who were like Sedom – meaning that they were involved in zenus, and were therefore mamzeirem.
 - **R’ Avahu** darshens this pasuk to teach that Hashem says, “I said that the Yidden should be special to me like the kruvim, and instead they acted like unfaithful leopards”.
 - **Others** say that **R’ Avahu** darshened, Hashem says, “although the Yidden act unfaithful to me, I still love them like the kruvim”.
 - **Rabbah bar bar Chana** darshens the pasuk to teach, that whoever marries a woman who is not fitting for him is considered to have plowed the entire world and planted it with salt.
 - **Rabbah bar R’ Ada in the name of Rav** darshens a pasuk to teach, if a person marries a woman for her money, he will have not good children, and they will both lose their money in a very short time.
 - **Rabbah bar R’ Ada** said, anyone who marries a woman who is not fitting for him is tied down by Eliyahu and whipped by Hashem. A Braisa says this as well and adds that a person who claims that others have passul yichus, himself has passul yichus. Also, a person of passul yichus never praises other people. **Shmuel** says, he claims others to be passul with the psul that he himself has.
 - The Gemara tells a lengthy story that shows this point. In short, a person degraded **R’ Yehuda**, and was therefore put into cheirem. They then told **R’ Yehuda** that this person called people “slaves”. **R’ Yehuda** therefore announced that this person himself was a slave. This person went to **R’ Nachman** and asked him to summon **R’ Yehuda** to a Din Torah. **R’ Yehuda** ultimately went to **R’ Nachman**, and corrected a number of the words that **R’ Nachman** used in conversation, and disagreed with him when he suggested that he allow his daughter to serve them, or to send regards to his wife. He then asked **R’ Yehuda** why he put that person in cheirem. He explained, it was because he started up with a shaliach of the **Rabanan**. He asked him, why did you announce that he was a slave? **R’ Yehuda** explained, that this person called others “slaves”, and the Braisa and **Shmuel** said that a person who is himself passul calls other people by that psul. The person then showed up and said “I am from the royal family of the Chashmina’im, so

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how can you call me a slave!?” **R’ Yehuda** said, and **R’ Masna** later corroborated, that **Shmuel** said that anyone who claims to be from the Chashminai family is actually a slave, because the entire family was killed out, and the last remaining female member went to the roof, called out that she is the sole surviving member of the royal family, and therefore anyone who claims to be from the family is actually a slave (Herod the slave killed out the family and then claimed that he was royalty), and she then jumped off to her death. Based on this, **R’ Nachman** announced that this person was a slave. Many marriages (involving that person’s family) were abruptly ended on that day. When **R’ Yehuda** left, the people of the city wanted to stone him for making this tumultuous situation. He told them, if you stay quiet, all will be good. If you don’t, I will reveal what **Shmuel** said, that half the people of this city are actually of passul yichus.

- The Gemara quotes announcements of **R’ Yehuda, Rava, and R’ Yosef**, in which they said that certain people were of passul yichus. **R’ Yehuda in the name of Shmuel** said that hundreds, or possibly thousands, of slaves posed as Kohanim and married with Kohanim, and if you find a Kohen with chutzpah, he descends from these slaves. This argues on **R’ Elazar**, who says that all Kohanim have chutzpah, by nature.
- **R’ Avin bar R’ Ada in the name of Rav** darshens a pasuk to teach, if a person marries a woman who is not fitting for him, when Hashem rests His Shechina on the Yidden, Hashem will not testify that they are from His nation.
 - **R’ Chama the son of R’ Chanina** said, that Hashem will only rest His Shechina on the families with pure yichus.
 - **Rabbah bar R’ Huna** darshens a pasuk that regular Yidden have an advantage over geirem in that with regard to regular Yidden Hashem says “I will be their G-d and they will be My people”, but with regard to geirem Hashem says “they will be to Me for a people and I will be to them for a G-d” (they must first be to Hashem, and only then Hashem is to them).
 - **R’ Chelbo** says that geirem are as harmful to the Yidden as a “sapachas” negah.
 - **R’ Chama the son of R’ Chanina** darshens a pasuk to teach that when Hashem will purify the people by separating the people of passul yichus from those of pure yichus, He will begin with the Levi’im.

-----Daf נז-----71-----

- The Gemara earlier quoted **R’ Yehuda in the name of Shmuel**, who said that that with regard to people of pure yichus, EY is secondary to Bavel.
 - In the days of **Rebbi** they wanted to treat Bavel as secondary to EY. **Rebbi** strongly disagreed with that and sent **R’ Chanina bar Chama** to deal with these people. **R’ Chanina** told them that **R’ Yishmael the son of R’ Yose** in the name of his father said, that EY is secondary to Bavel with regard to people of pure yichus.
 - In the days of **R’ Pinchas** they wanted to treat Bavel as secondary to EY. He told his servants, I will say two things in Beis Medrash, and when I do, be ready to quickly carry me out. He went to the Beis Medrash and said “D’Oraisa a bird does not need to be shechted”. As the talmidim were busy dealing with that statement, he quickly said “EY is secondary to Bavel in regard to pure yichus”. He was then quickly carried out before anyone could catch up to him. The talmidim sat to discuss this on their own and looked into the matter. They realized that their investigations were going to put into question the yichus of some powerful families, and would endanger their safety by these people. They therefore decided not to continue this exercise.
 - **R’ Yochanan** said, we have the power to determine who in EY is of less than pure yichus, however I will not do so because some of the great people of the generation are married into these families. He follows **R’ Yitzchak**, who says that once a family of not pure yichus is mixed in with the other Yidden, we should not single out the people who are impure.

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- **Abaye** said we can see this from a Braisa as well. The Braisa says that families of known yichus status who were treated in a way inconsistent with their status, will have Eliyahu come to say who is of pure yichus and who is not. This suggests that if they had become mixed in with the rest of the Yidden, Eliyahu will not separate them, and they will be allowed to remain this way.
- A Braisa says that there was another family of impure yichus and the **Chachomim** did not want to reveal who they were. However, once every 7 years they would reveal it to their children and talmidim. Others say it was done twice every 7 years. **R' Nachman bar Yitzchak** said, it makes sense that it was done only once in 7 years, because we find that revealing such things should not be done.
- A Braisa says, the **Chachomim** would reveal Hashem's Name of 4 letters once every 7 years to their talmidim. Others say it was done twice every 7 years. **R' Nachman bar Yitzchak** said, it makes sense that it was done only once in 7 years, because we find that revealing such things should not be done. **Rava** wanted to reveal this Name to his talmidim, but an elder told him, we learn from the pasuk that this is supposed to remain hidden.
- **R' Avina** said, one pasuk says "zeh shemi" and another pasuk says "zeh zichri". Hashem is saying, "I am not to be called in the way that My Name is written.
- A Braisa says, originally the 12 letter Name of Hashem would be told to all. When people were no longer careful, it was only given over to the discreet Kohanim, who would say it as the other Kohanim were singing the four letter Name of Hashem. **R' Tarfon** said that he once heard the Kohen Gadol whisper this Name of Hashem while duchaning.
- **R' Yehuda in the name of Rav** said, that the Name of Hashem that has 42 letters is only given over to people with many, impeccable character traits, and if he keeps it secret and pure, he is rewarded in many ways.
- **Shmuel** in the name of an elder said, Bavel has a chazaka of pure yichus unless we know that there is an issue. Other lands have a chazaka of impure yichus until it is known that they are pure. With regard to EY, if there is a chazaka of impurity, it is impure. If there is a chazaka of purity, then it is pure.
 - **Q:** The statement regarding EY doesn't make sense, because it first seems that if there is no chazaka of impurity then it is pure, but then says we need a chazaka of purity to be pure!? **A: R' Huna bar Tachlifa in the name of Rav** said, we have the assumption of impurity before marrying into a family. However, once married, there is an assumption of purity unless we find otherwise.
- **R' Yosef** said, anyone who speaks like a person from Bavel may be given a woman of pure yichus for a wife. However, nowadays, when there are people who fake it, we have to be concerned even if someone speaks like one from Bavel.
- **R' Yochanan** was trying to get **Ze'iri** to marry his daughter, but he refused, because he was from Bavel where there was pure yichus, and **R' Yochanan** was from EY where yichus was less pure. **R' Yochanan** said, you think that Bavel is of pure yichus based on our Mishna that says the passul people went up from Bavel. However, you should know that just as there were Kohanim, Leviim, and Yisraelim that remained in Bavel, there were psulim who remained there as well. It must be that **R' Yochanan** forgot what **R' Elazar** said, that Ezra took up all the psulim with him, leaving Bavel as a place of very pure yichus.
- **Ulla** saw that **R' Yitzchak the son of R' Yehuda** was older, and had not yet married. **R' Yehuda** explained, it was because he couldn't be sure which family had pure yichus. **Ulla** told him, for all we know we are all mamzeirem, as we find in Tanach that there were times that the Yidden were mezaneh and created mamzeirem! **Ulla** told him to look for a quiet family (doesn't allow a fight to continue), as that is a sign that they are a family with good yichus.
 - **Rav** said, quiet families in Bavel are the ones with good yichus.
 - **Q:** We find that **Rav** once went to investigate the yichus of a family. If it is as simple as seeing if they were quiet, why did he have to go and investigate? **A:** He went to investigate whether they were a quiet family.
- **R' Yehuda in the name of Rav** said, if two people are fighting, it means that one of them has a passul yichus, and from Heaven they don't want that other family to marry into them. **R' Yehoshua ben Levi** said, if two families

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are fighting, it means that one of them has a passul yichus, and from Heaven they don't want that other family to marry into them.

- **R' Pappa the elder in the name of Rav** said, Bavel is considered healthy in regard to yichus, Meishan is considered dead (all are mamzeirem), Madai is considered sick, and Eilam is considered to be a goses (almost dead).
 - **Q:** What is the difference between sick and a goses? **A:** Most sick people end up living, whereas most goses die.
- Based on the teachings that the people of Bavel are of pure yichus, the Gemara brings various shitos as to the border of Bavel for purposes of yichus. The Gemara also brings a machlokes whether these views are the same with regard to the borders of Bavel for purposes of a get or not.

-----Daf ע"ב--72-----

- **Rami bar Abba** said, Chaveil Yama has the best yichus of Bavel, and Shunya and Guvya are the best of Chaveil Yama. **Ravina** adds that Tzitzora is also the best of Chaveil Yama. A Braisa says this as well.
 - **R' Pappa** said that today there are Kutim mixed into the people of these places. The Gemara says this is incorrect. It once happened that a Kuti tried to marry a girl there, but the people did not let him.
 - **R' Pappa** said, Chaveil Yama is Paras of Bursi.
- A person said he was from Shot Mishot. **R' Yitzchak Nafcha** said, Shot Mishot is between the rivers. **Abaye in the name of R' Chama bar Ukva in the name of R' Yose the son of R' Chanina** said, this means that the place has pure yichus like Pumbedisa. **R' Yochanan** said, it is located from Ihi Dekira and up.
 - **Q:** We find that **R' Yochanan** says that the border for these purposes is at the Gizma bridge, which is more down from there!? **A:** There is a small strip of land of pure yichus that extends around the passul areas and encompasses these places.
- **R' Ika bar Avin in the name of R' Chananel in the name of Rav** said, Chalzon and Nihavand are of pure yichus. **Abaye** said, don't listen to him, because he is just saying that because he has a yevama there that he wants to marry. **R' Ika** said to him, it is not I who said this, it is **R' Chananel!** They went and asked **R' Chananel**, and he confirmed that he heard this from **Rav**.
 - We find that **R' Abba bar Kahana** darshens a pasuk to teach that these places were not of pure yichus.
 - **R' Yochanan** darshened a pasuk in which Daniel told of his nevuah where he saw a bear. **R' Yochanan** said it refers to these cities, that were sometimes under Persian control and sometimes were not. **R' Yosef** taught a Braisa that the "bear" refers to the Persians, who are compared to a bear, because they eat and drink like a bear, they are fat like a bear, they are hairy like a bear, and they never rest like a bear.
 - **Rebbi** asked **Levi** to compare the Persians to something. He said they are like the mighty soldiers of Dovid's army. He then asked for a comparison of the Chabarin. He said they are like Malachim of destruction. He then asked about the Yishmaelim. He said they are like the sheidim of the bathrooms. He then asked about talmidei chachomim. He said they are like Malachim.
 - When **Rebbi** was dying he said a number of prophetic statements:
 - There is a city of Humanya in Bavel and the people are all Amonim.
 - There is a city of Misgarya in Bavel, and the people are all mamzeirem.
 - There is a city of Birka in Bavel, and in it there are 2 brothers who trade their wives with each other.
 - There is a city of Birsia D'satya in Bavel, and the people have today turned away from Hashem. In that place on Shabbos the fish pond overflowed with fish and the people went and caught the fish on Shabbos. **R' Acha the son of R' Yoshiya** put them in cheirem, and the people then turned away from Hashem.
 - There is a city of Akra D'agma in Bavel, and there is a person named **Ada bar Ahava** there who is today sitting in the lap of Avrohom Avinu.
 - Today, **R' Yehuda** was born in Bavel.

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- This is as we have learned that before one tzaddik passes away, another is born to take his place. We find that when **R' Akiva** passed, **Rebbi** was born. When **Rebbi** passed, **R' Yehuda** was born. When **R' Yehuda** passed, **Rava** was born. When **Rava** passed, **R' Ashi** was born. We find in the pesukim that before Eili passed, **Shmuel** was ready to become the leader.
- A pasuk tells that when Yechezkel had a nevuah that Platyahu ben Benaya died, he threw himself down and cried out to Hashem. **Rav and Shmuel** argue. One says it was because Platyahu was a righteous man, and that is why Yechezkel cried out. He says that when Nevuchadnetzar was going to send Yidden to Meishan to serve his son in law, Platyahu convinced him to send slaves in their place, and to allow the Yidden to serve Nevuchadnetzar instead, and remain where they were. The other says that he was a rasha, as Yechezkel saw in a nevuah that he was disgracing the Beis Hamikdash, and therefore Yechezkel was crying out, because he was upset that Platyahu died peacefully.
- The Gemara earlier had said that people from Bavel have a chazaka of pure yichus, but from other lands they do not. **R' Yehuda in the name of Shmuel** said, this is the view of **R' Meir**, however, the **Chachomim** say that all Yidden have a chazakah of pure yichus.
 - **Ameimar** allowed **R' Huna bar Nosson** to marry a woman from Mechuza. **R' Ashi** said, you must be relying on **R' Yehuda in the name of Shmuel**, who said that the **Chachomim** say all Yidden have a chazakah of pure yichus, but **R' Kahana, R' Pappa, and R' Zvid** all said that **Shmuel** said there is no such chazakah! Still, **Ameimar** allowed the marriage, because he heard from **R' Zvid** of Neharda'ah that **Shmuel** said that the **Chachomim** said there is a chazakah of pure yichus.
- A Braisa says, **R' Yose** says, mamzeirem and nesinim will be purified in the times of Moshiach. **R' Meir** says they will not be purified. **R' Yose** darshens this from the pasuk of “v'zarakti Aleichem mayim utehartem”, which he says refers to this yichus purification. **R' Meir** says, the pasuk says “mikol tumoseichem umikol giluleichem”, which teaches that the purification is from sin, not yichus. **R' Yose** says, the pasuk then says “ataher eschem”, which teaches that even yichus will be purified.
 - **R' Yehuda in the name of Shmuel** paskens like **R' Yose**.
 - **R' Yosef** said, if **R' Yehuda in the name of Shmuel** did not pasken like **R' Yose**, Eliyahu would come and have to take out huge groups of people to separate them.

-----Daf ל"ג-----73-----

- A Braisa says, **R' Yose** says a ger may marry a mamzeres (a ger is not considered to be a part of the “kahal”), and **R' Yehuda** says a ger may not marry a mamzeres (a ger is included in the “kahal”). A ger, a freed slave, and a chalal, are all mutar to marry a kohenes.
 - **R' Yose's** view is based on the following. In the pesukim regarding people of passul yichus the Torah says the word “kahal” 5 times – once to teach that they are assur to Kohanim, once for Leviim, once for Yisraelim, once to teach that a mamzer may marry a shtuki, and once to teach that a shtuki may marry a Yisrael. This leaves out geirem and teaches that they are not included in the term “kahal”. **R' Yehuda** says that Kohanim and Leviim are from one shevet, and therefore can be learned out of the same “kahal”. This leaves an extra “kahal”, which teaches that geirem are included in the term “kahal”. We can also say that a separate kahal is needed for Kohanim and Leviim, but one kahal can teach that a mamzer may marry a shtuki and that a shtuki may marry a Yisrael, because this is learned out from the fact that only a definite mamzer (not a shtuki) is assur to marry into the kahal, and also that a mamzer is only assur to marry into the definite kahal (not a shtuki, which is a safek mamzer). We can also say that each of these does need a separate “kahal”, and **R' Yehuda** learns his halacha from the pasuk that says “Hakahal chukah achas lachem v'lager hagar” – which teaches that a ger is included in the term “kahal”. **R' Yose** disagrees with that, because he says the words “chukah achas” create a separation between the words “hakahal” and “ger”.
 - The second statement of the Braisa is a proof to **Rav**. We find that **R' Yehuda in the name of Rav** said, that a kohenes of pure yichus is not restricted from marrying the psulim that a Kohen of pure yichus would be assur to marry.

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- **R' Zeira** once darshened in Mechuza that a ger is mutar to marry a mamzeres. The entire crowd pelted him with their esrogim (there were many geirem in Mechuza, and they objected to his not treating them as members of the kahal). **Rava** asked, is there anyone who can teach this halacha to the people of Mechuza in a way that they will accept him? **Rava** then went and darshened in Mechuza that a ger may marry a Kohenes. The people reacted by giving him gifts. He then darshened that a ger may marry a mamzeres. The people told him, you have lost the credit for the first statement you made. He told them, I did a good thing for you. If you want, you can marry anyone from a Kohenes down to a mamzeres!
- The Gemara paskens, that a ger is mutar to marry a Kohenes and to marry a mamzeres.

EILU HEIN SHTUKI KOL SHEMAKIR

- **Rava** said, D'Oraisa a shtuki is mutar to marry into the kahal. Why? Most men in the world were mutar to this mother (she was a single woman, and therefore mutar to most men), and only a minority of men are assur to her. Therefore, if the man came to her to be mezaneh, we have the rule that "kol d'parish meirubah parish" and we can assume that this man was mutar to her and the child is not a mamzer. Even if she went to him, in which case we say "kol kevuah k'mechtza ahl mechtza dami", the child would only be a safek mamzer, and we learn from the pasuk that only a definite mamzer is assur to marry into the kahal, and also that a mamzer is only assur to marry into the definite kahal. It is the **Rabanan** who said that a shtuki is assur, as a gezeirah that since he doesn't know who his father is, if he marries a girl from the kahal, it may be his sister from his father.
 - **Q:** If so, a shtuki should not be allowed to marry another shtuki either!? **A:** We will not assume that a father produced two children out of wedlock.
 - **Q:** If so, a shtuki should not be allowed to marry the daughter of a shtuki (who went and married and had a legitimate daughter), because this girl's father may be his father!? It must be that this is an uncommon case, and therefore we are not goizer. If so, we wouldn't be goizer for any case of shtuki, so why did the **Rabanan** say a shtuki can't marry into the kahal!? **A:** The **Rabanan** set a high standard when it came to matters of yichus, and therefore prohibited a shtuki from marrying into the kahal.
- **Rava** said, D'Oraisa an asufi is mutar to marry into the kahal. Why? This child left in the street is likely not from a married woman, because even if the child is not her husband's, she would claim that it was, and would not throw the baby out. The concern is that this child was born to his mother from another man when she was only an arusah or when her husband was traveling overseas (in both cases she could not claim it was from her husband), but these cases are the minority. The majority would be made of cases where the mother was single, or where the child was legitimate and the parents could not afford to feed this child (and therefore left him in the streets), so at best this is a case of safek mamzer, and we learn from the pasuk that only a definite mamzer is assur to marry into the kahal, and also that a mamzer is only assur to marry into the definite kahal. It is the **Rabanan** who said that a shtuki and asufi is assur, as a gezeirah that since he doesn't know who his father is, if he marries a girl from the kahal, it may be his sister from his father.
 - If so, an asufi should not be allowed to marry another asufi either!? **A:** We will not assume that the same parents threw away two children.
 - **Q:** If so, an asufi should not be allowed to marry the daughter of an asufi (who went and married and had a legitimate daughter), because this girl's father may be his father!? It must be that this is an uncommon case, and therefore we are not goizer. If so, we wouldn't be goizer for any case of asufi, so why did the **Rabanan** say an asufi can't marry into the kahal!? **A:** The **Rabanan** set a high standard when it came to matters of yichus, and therefore prohibited an asufi from marrying into the kahal.
- **Rava bar R' Huna** said, if the baby was found with a bris milah, or if the baby's limbs were straightened and cared for, or if the baby had oil applied to it, or eye makeup, or with certain herbs used for health reasons tied around its neck, or a written kemeyah, or a kemeyah of spices, the baby is not given the status of an asufi (since the baby was cared for to this degree, it proves that the baby is not illegitimate). If the baby was found hanging from a palm tree, if it was in a place where animals could reach it, the baby is an asufi. If not, it is not. If it was found in a zeradsa tree near the city (where there are many sheidem), then it is an asufi. If it is not near the city, it is not an asufi. If the baby was found in a shul near the city where there are always people around, the baby is not an asufi. If it is far from the city, it is an asufi.

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- **Ameimar** said, if a baby is found in a ditch used for storing date pits for animal feed, the baby is an asufi. If the baby was found in the river where ships pass, it is not an asufi. If it was found at the river banks where they overflow from the rainwater, it is an asufi. If it is found on the sides of the reshus harabim, it is not an asufi. If it is found in the reshus harabim, it is an asufi.
- **Rava** said, in years of hunger, the baby is not considered to be an asufi.
 - **Q:** Regarding which case is **Rava's** statement said? It can't be in the case where the baby was left in the reshus harabim (to be trampled and killed), because even in a year of hunger, the mother would not go and kill her child!? It can't be where she left the baby on the sides of the reshus harabim, because even in a year that is not a year of hunger the child would not be an asufi!? **A: Rava** was referring to a statement that was said in the name of **Rav**, that as long as the baby is still in the street, the parents of the baby are believed to claim the baby as their own. Once the baby was taken from the street, we would no longer believe people claiming to be the parents. **Rava** explains, the reason is, since the status of asufi was already placed onto this baby, we can no longer believe the people claiming to be the parents. **Rava** then said, that in a year of hunger, the parents would be believed even after the child was taken from the streets.
 - **R' Chisda** said, there are 3 people who are only believed if they make an immediate claim: people who claim an asufi, a midwife, and a woman who says that other women are not a niddah.
 - The case of asufi was explained above (they are only believed while the baby is still in the street).
 - The case of the midwife is in a Braisa, that a midwife is believed to say which of twins that are born is the bechor only if she makes the claim before leaving the room, and according to **R' Eliezer**, only if she makes the claim before turning away from the babies even if she is still in the room.
 - The case of the woman and the niddah status is if there are 3 women who slept in the same bed, and blood is found on the bed, they are all tamei as a niddah. However, if one woman does an immediate bedika and finds that she is a niddah, the other women are saved from becoming tamei as a niddah.
- A Braisa says, if a midwife assisted multiple births, she is believed to say "this child is a Kohen, this is a Levi, this is a mamzer, and this is a nasin" (if the four fathers were each one of these categories). She is only believed if there was no challenge raised against the status that she assigned to this child. If there was a challenge, she would not be believed.
 - **Q:** What is meant by a challenge? It cannot mean that one person says differently than her, because **R' Yochanan** has said that a challenge cannot be of less than 2 people!? **A:** The Braisa is discussing where there are 2 people who say different than her. **A2:** We can say that there is only one person who says differently. However, when **R' Yochanan** said that one person's challenge is worthless, that is when it goes against a chazakah. Here, it is not going against a chazakah, and therefore the person is believed to challenge the status.
- The Braisa then said, a seller is believed to say "I sold the item to this person and not to that person". He is only believed if he is still in possession of the item that was sold. If he is not, he is not believed.
 - **Q:** Why don't we just see who gave him the money? **A:** The case is that he accepted money from two people, one of which he accepted willingly and one of which was forced upon him, and he does not remember which one was which.
- The Braisa then says, a judge is believed to say "I paskened in favor of this person and paskened against that person". He is only believed while the litigants are still standing in front of him. If they are no longer there, he is not believed.
 - **Q:** Why don't we just look to see who has the document that shows that he won? **A:** The document was destroyed.

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- **Q:** Why doesn't he just rejudge the case? **A:** The Braisa is discussing a case that was decided based on the judge's discretion (which is sometimes done), and therefore there is no guarantee that the case will be decided in the same way.
- **R' Nachman** said, 3 people are believed to say that a particular child is a bechor: the midwife, the father, and the mother. The midwife is only believed immediately. The mother is believed during the first 7 days of his life. The father is believed forever.

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ABBA SHAUL HAYA KOREY L'SHTUKI BADUKI

- **Q:** What is meant by the word "beduki"? If it means that we ask the mother who the father of this child is, and if she says the father is of good yichus we believe her, that would mean that **Abba Shaul** is repeating the view of **R' Gamliel** from another Mishna, so why is there a need to repeat it here? **A:** From the other Mishna we would think we believe the woman only regarding her own status. **Abba Shaul** therefore teaches that she is even believed regarding the status of the child as well.
 - **Q:** There is a view that **R' Gamliel** means to say that she is believed regarding the child as well. If so, what is **Abba Shaul** adding? **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. **Abba Shaul** is adding, that even if most men there are passul, she is believed to say that even the child is not passul.
- **Rava** said, we pasken like **Abba Shaul**.

MISHNA

- All the people that are assur to marry into the "kahal" may marry into each other. **R' Yehuda** says it is assur for them to do so. **R' Eliezer** says, the ones who are certainly assur may marry others who are certainly assur. However, one who is certainly assur may not marry one who is questionably assur, one who is questionably assur may not marry one who is certainly assur, and one who is questionably assur may not even marry one who is also questionably assur.
- The "questionably assur" people refer to the shtuki, the asufi, and the Kuti.

GEMARA

- **Q:** What is meant by the Mishna when it says "all the people that are assur to marry into the kahal"? It can't refer to mamzeirem, nessinim, shtukim, and asufim, because the last Mishna already said that these groups may marry into each other!? Also, what does it mean when **R' Yehuda** says it is assur for them to marry into each other? It can't mean the ones certainly assur may not marry the ones who are questionably assur, because **R' Eliezer** says that next in the Mishna, which suggests that **R' Yehuda** argues on that!? It can't mean that he says it is even assur for a ger to marry a mamzeres, because the Mishna says "all the people that are assur to marry into the kahal", and a ger is mutar to marry into the kahal!? **A:** **R' Yehuda** says, this is what the Mishna means – all those who are assur to marry into the Kehuna, specifically including the geyores who converted before she turned 3, may marry into each other (the Mishna is saying that a geyores may marry a mamzer, etc.). This would mean that the Mishna argues with **R' Shimon ben Yochai**, who says that a girl who converted before she was 3 is actually mutar to a Kohen. In any case, **R' Yehuda** comes and argues, and says that a geyores may *not* marry a mamzer.
 - **Q:** Why can't we say that the Mishna is talking about a geyores who converted after she turned 3, and in that way our Mishna can even be following **R' Shimon ben Yochai**? **A:** The Mishna couldn't make sense. The Mishna would be saying that only if she converted after she turned 3 would she be mutar to marry a mamzer. This would suggest that if she converted before she turned 3 she would not be allowed to marry a mamzer. However, according to **R' Shimon ben Yochai**, even such a geyores can marry a mamzer (as well as a Kohen). Therefore, the Mishna would not make sense.
 - **Q:** Is it an accurate rule to say that all people who are assur to marry into the Kehuna may marry into each other? What about a widow, a divorcee, a chalala, and a zonah, who may not marry a Kohen, but

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may still not marry a mamzer, or nassin, etc.!? Also, this rule suggests that if one may marry a Kohen she is assur to marry a mamzer, etc. However, we have a ger, who may marry a Kohenes, and may also marry a mamzer!? **A: R' Nosson bar Hoshaya** says, the Mishna means, all people whose daughters may not marry a Kohen, meaning to include a ger who married a geyores according to **R' Eliezer ben Yaakov** (who says that only when both parents are geirem may the daughter not marry a Kohen), may all marry into each other (this girl may marry a mamzer, etc.).

- **Q:** A Kohen is also assur to marry the daughter of a chalal, and yet this person may *not* marry a mamzer, etc.!? **A:** The Mishna is following **R' Dustai ben Yehuda**, who says that the daughter of a chalal *may* marry a Kohen.
- **Q:** A Kohen is assur to marry a girl whose parents are both chalalim, and yet this person may not marry a mamzer, etc.!? Also, the daughter of a ger and a Yisraelis may marry a Kohen, and yet this person *may* marry a mamzer, etc.!? **A: R' Nachman in the name of Rabbah bar Avuha** said, the machlokes in the Mishna is regarding what type of relationship creates a mamzer. The **T"K** says that any relationship that carries the kares penalty creates a mamzer, and **R' Yehuda** holds that only a relationship which carries the death penalty of Beis Din can create a mamzer. **A2: Rava** said, the Mishna is referring to a ger who comes from Amon or Moav, and the entire beginning of the Mishna is following **R' Yehuda**. He is saying that such geirem are mutar to marry a mamzer, etc. Although **R' Yehuda** says that a ger may not marry a mamzer, that is only a ger who may marry into the kahal. However, a ger from Amon or Moav, who may not marry into the kahal, may marry a mamzer, etc.

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- 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 Kuti, 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

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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.

VADAAN B'VADAAN MUTAR

- **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.

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- **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.