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Kiddushin Daf 66

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

One Witness

Abaye said: If one witness said to a person, “You ate (inadvertently) *cheilev* (forbidden fats),” and that person remained quiet, the witness is believed (and he would be required to bring a *chatas*).

There is a *Tanna* that supports this ruling, for we learned in a *Mishna*: If one witness testifies that a certain person ate *cheilev* (forbidden fats) inadvertently, and thus is liable to bring a *chatas* (sin-offering). That person claims that he did not eat it at all. The *halachah* is that he is exempt from bringing a *chatas*. The *Gemora* analyzes the *Mishna*. The reason why he is exempt from bringing the *chatas* is because he contradicted the witness and claimed that he did not eat the *cheilev*. If, however, he would have remained quiet, he would be liable to bring a *chatas*. [It emerges from here that one witness is trusted in regards to Biblical prohibitions.]

And Abaye said: If one witness said to a person, “Your *tahor* foods became *tamei*,” and that person remained quiet, the witness is believed.

There is a *Tanna* that supports this ruling, for we learned in a *Mishna*: If one witness said to a person, “Your *tahor* foods became *tamei*,” and that person claims that it did not, the foods are ruled to be *tahor*. The *Gemora* analyzes the *Mishna*. The reason why the foods are ruled to be *tahor* is because he contradicted the witness. If, however, he would have remained quiet, the foods would be ruled to be *tamei*.

And Abaye said: If one witness said to a person, “your ox became a *nirva* (an animal on which an act of bestiality has been performed) and that person remained quiet, the witness is believed (and the animal becomes disqualified from being used as a *korban*).

There is a *Tanna* that supports this ruling, for we learned in a *Mishna*: And an animal with which a sin was committed, or if it killed a person, by the word of one witness, or by the word of the owner, he is believed (and the animal becomes disqualified from being used as a *korban*). When the *Mishna* said one witness, it must be talking about a case where the owner remained quiet, and yet we see that the one witness is believed.

The *Gemora* explains why the three rulings of Abaye were all necessary to state.

The *Gemora* inquires: If a witness tells a husband that his wife committed adultery, and the husband is quiet, what is the law?

Abaye says: The witness is believed (and the husband can no longer have relations with his wife). Rava says: He is not believed, as anything relating to *ervah* matters requires two witnesses.

Abaye says: What is my source? There was a blind person who used to arrange *Mishnayos* before Shmuel. One day he was late and did not arrive. Shmuel sent a messenger for him. The messenger was going to get him from (his



house on) one path, while the blind person was coming (to Shmuel) from another path. When the messenger came back, he said to the blind man, "Your wife committed adultery (he must have seen this when he went to his house)." The blind man went before Shmuel. Shmuel said to him: If you believe him, you should divorce her. If you do not, you should not. What did Shmuel mean? He must have meant that as long as you believe that his messenger is not a thief (and he is therefore a kosher witness) you should divorce her.

Rava explains that this was not Shmuel's intent. Rather, his intent was that if you believe him like you would believe two witnesses, you should divorce her (for if he believes this to be true, he must abide by his belief). Otherwise, do not divorce her.

Abaye says: What is my (new) source? The *braisa* states: King Yannai once went to Kuchlis, which is located in the desert, and captured sixty of its villages. When he came back, he was very happy, and called together all of the Torah scholars. He said: Our fathers ate salty vegetables when they were building the Beis Hamikdash, we should also eat these now to remember our fathers. He then had salty vegetables placed on tables of gold, and the people (at the gathering) ate. There was a scorning, bad hearted, godless person named Elozar ben Po'irah present. He said to Yannai: King Yannai, the heart of the *Perushim* (Torah faithful) is set against you! King Yannai replied: What should I do about this (to see if you are correct)? Elozar replied: Put the *tzitz* (an adornment only allowed to be worn by the "Kohen Gadol" -- "High Priest") between your eyes. He did this. There was an elder named Yehudah ben Gediyah present. He said to Yannai: King Yannai, it is enough that you have the crown of the throne! Leave the crown of *Kehunah* for the sons of Aharon! This is because they said regarding him that his mother had been captured by idolaters in Modi'in, but they searched to see if it was true and it (proof) was not found. [According to *Rashi*, his father was indeed a Kohen, but according to this

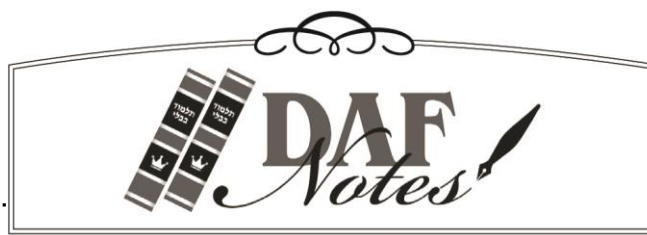
rumor he should not have married his wife, as she was unfit to marry a Kohen. If the rumor was true (see below for the exact case), this would mean Yannai was a *chahal*, and was not fit to serve as a Kohen.]

Yannai angrily removed the scholars from the meal. Elozar ben Po'irah again spoke to King Yannai. He said: King Yannai, it is understandable that a regular Jew should swallow insults. However, you are a king and the *Kohen Gadol*, is it fitting that you should do the same? King Yannai asked: What should I do? Elozar replied: If you listen to my advice, you will kill them all. King Yannai asked: What will become of the Torah? Elozar replied: The Torah will be wrapped and placed in a corner, and whoever wants will go and study it.

Rav Nachman bar Yitzchak says: Immediately, a wind of heretical behavior entered Yannai's mind. This is evident from the fact that he did not reply, "This maybe true about the written Torah, but what about the Oral Torah (which was not yet written down at all)?" Immediately, the spark of evil was started by Elozar ben Po'irah, and Yannai killed all the scholars. The world was lacking Torah knowledge until Shimon ben Shetach (Yannai's wife's brother; she hid him) came and returned the Torah back to its original state.

Abaye says: What was the case regarding Yannai's mother? If it was that two people said she was captured and two said she wasn't, why should we believe those who say that she was captured? We should rely on those who say she wasn't captured! Rather, it must be that one person testified she had been captured, and two testified against him (which is why the first witness was ignored). Otherwise, he would be believed.

Rava rejects the proof: The case is where there were two witnesses for each side. This is like Rav Acha bar Minyumi once clarified a case that it was discussing where the second set of witnesses turned the first set into *zomemin*.



[“Eidim Zomemin” are witnesses who are totally discredited and punished because another set of witnesses said that they could not have seen what they saw, because they were with the second set of witnesses at the time that they testified they saw the incident.] Here too, the case is where the second set of witnesses made the first set into *zomemin* (and in this case, the Torah believes the second set).

Alternatively, the answer could be according to the opinion of Rabbi Yitzchak. He says: The Jews brought a slavewoman to the captors area instead of Yannai’s mother. [The second set of witnesses clarified to the first set that Yannai’s mother had not been the one taken into a secluded area. She had never been in a secluded area with her captors, for she was rescued immediately and replaced by the slavewoman.]

Rava says: What is my source? The *Mishna* quotes Rabbi Shimon as stating the following. There was an incident regarding a pool of water belonging to a man named Diskim in Yavneh which had a status of having enough water to be a valid *mikvah* (the full forty *se’ah*). However, when it was measured, it was found lacking in the proper amount. Everything that had become *tahor* based upon this *mikvah* was proclaimed *tahor* by Rabbi Tarfon, and Rabbi Akiva ruled that they were *tamei*. Rabbi Tarfon said: The *mikvah* had a status of having the proper amount. Now that you are saying it is lacking that amount, do not proclaim that earlier it was lacking when you are not certain that was the case. Rabbi Akiva said: If a person had been *tamei*, and you are uncertain that the *mikvah* had a proper amount, do not say that he is now *tahor* when you are not certain this is the case. Rabbi Tarfon said: This is analogous to a person who is offering sacrifices on the altar, and it becomes known that he is a son of a divorcee or a *chalutzah*. The ruling is that his previous sacrifices are valid! Rabbi Akiva says: This is analogous to a *Kohen* who is sacrificing and it becomes known he has a blemish. His sacrifices are unfit!

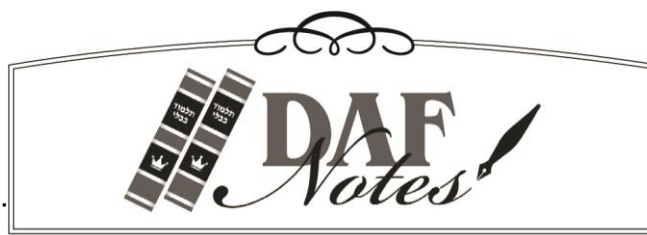
Rabbi Tarfon says: Let us see to whom our case is more comparable, and we will judge our case accordingly. Rabbi Akiva started to judge the case in the following manner: One witness is believed to say that a *mikvah* does not have the proper amount and that a *Kohen* has a blemish, while two witnesses are required to say that a *Kohen* is the son of a divorcee or *chalutzah*. Additionally, while a *mikvah* and a *Kohen* with a blemish have an integral problem, a son of a divorcee or a *chalutzah* have their problem because of the status of their parents. [Therefore, we should compare a *mikvah* found lacking to a *Kohen* with a blemish, which it is similar to, and not the case of a *Kohen* who is found to be the son of a divorcee or *chalutzah*.]

Rabbi Tarfon said: Akiva, whoever separates themselves from you is as if they are separating themselves from life!

What is the case of a *Kohen* with a blemish based on the testimony of one person? If the *Kohen* contradicts him, is the witness believed? Rather, it must be that the *Kohen* is quiet. In such a case the *Kohen* is considered to have a blemish. However, the *braisa* implies, if the witness would accuse him of being a son of a divorcee, he would not be believed even if the *Kohen* was quiet!

Abaye answers: The case is where the *Kohen* contradicts the witness, but the witness says, “Take off your clothes and I will show you.” Rabbi Akiva was merely stating that the similarity between *mikvah* and a *Kohen* with a blemish is that they both can be clearly determined by investigation of their bodies. This is unlike the son of a divorcee, which can only be determined based on the testimony of others.

The *Gemora* asks: How do we know that the service done by a son of a divorcee or *chalutzah* is valid (*b’dieved*)?



Rav Yehudah says in the name of Shmuel: The verse states, “*And it will be for him and his seed after him.*” This implies that whether his seed (*descendant*) is fit or not, his service is valid *b’dieved*.

The father of Shmuel says: The verse states, “*Bless his belongings, Hashem, and the actions of his hands accept.*” This implies that even the service of the mundane (“*chulin*”) people amongst the *Kohanim* (*referring to chalalim*) is accepted by Hashem.

Rabbi Yannai says: The verse states, “*And you will come to the Kohen who will be present in those days.*” Does the verse think a person will approach a *Kohen* who is not present in his days? Rather, this refers to someone who you thought was fit, and later realized that he is a *chalal*.

The *Gemora* asks: How do we know that if a *Kohen* with a blemish serves in the Beis Hamikdash, his service is invalid (*even b’dieved*)?

Rav Yehudah answers in the name of Shmuel: The verse says, “*Therefore I will give him My covenant of “Shalom” -- “peace.”*” This implies that the *Kohen* can only do service when he is “*Shalem*” -- “whole” without a blemish, not when he has a blemish.

The *Gemora* asks: How can the word be changed from “*Shalom*” to mean “*Shalem*?”

Rav Nachman answers: The letter “*vav*” in this word is supposed to be written as if it was cut off short (*indeed it is written this way in our Sifrei Torah*). [This implies that the word is also supposed to be derived as “*Shalem*.”] (65b – 66b)

Mishna

Whenever the *kiddushin* is valid and there is no sin done, the child is not a *mamzer*. What is the case? It is if the

daughter of a *Kohen*, *Levi*, or *Yisroel* married a *Kohen*, *Levi*, or *Yisroel*. Whenever the *kiddushin* is valid but there is a sin involved, the child receives the status of the parent with a blemish. What is the case? It is if a widow is married to a *Kohen Gadol*, or a divorcee or *chalutzah* who is married to an ordinary *Kohen*, or a *mamzeres* or *nesinah* is married to a *Yisroel*, or an ordinary Jewish girl is married to a *nasin* or *mamzer*. And in a case where the woman cannot have *kiddushin* with a specific man, but she could validly be *mekudeshes* to others, the child is a *mamzer*. What is the case? It is if someone cohabits with one of the *arayos* stated by the Torah (*i.e. forbidden relatives or a married woman*). And in a case where the woman cannot have *kiddushin* with a specific man and from anyone else, the child has her status. What is the case? It is a child of a Canaanite slave woman and a Gentile. (66b)

INSIGHTS TO THE DAF

“Vav” in Shalom

In our *sugya* we encounter a particularly strange dispute. The *Gemara* cites a difference of opinion about how to write the *vav* in the word *shalom* in the *pasuk*, “Behold I give him My covenant of peace” (*Bamidbar* 25:12). Some maintain that this *vav* should be a *vav katia*, meaning that it is not written exactly like other *vav*’s in the Torah. However, others are of the opinion that it is written just like any other *vav*. (This analysis of the *Gemara* is based on the interpretation by the Neos Ya’akov.) Anyone who tries to understand this difference of opinion is left confounded. What is the problem? Why didn’t they just open up a *sefer Torah* and look inside to see whether it is a regular *vav* or not?

Various explanations have been offered (see *Avi Ezri, Hilchos Sefer Torah*). Maran HaRav E.M. Shach *shlita* (*ibid.*) suggests that the *vav* in *shalom* is written fully just like any other *vav*. The Amoraim disagreed over whether it is kosher in cases where it appears as a *vav katia*, or whether it is *pasul* and must be fixed. Thus perhaps the



Amoraim only disagreed in cases where a scribe happened to write a *vav katia*, a fragmented *vav*.

Six diverse halachic opinions are offered to define a *vav katia*. 1. A small *vav*. 2. The “leg” of the *vav* is shorter, making it appear somewhat like a *yud*. 3. First a *yud* is written, then a space is left, and a line is added to complete the *vav*. 4. First a regular *vav* is written, then a crack is made in its leg by scratching out a little ink. 5. The crack in Number 4 does not break the leg all the way, but just makes a “diagonal nick” in it, leaving the outside of the *vav* complete. 6. A *vav* with a slightly shorter leg is written, then a small line is added to complete the length.

Wearing the Tzitz

The *braisa* states: King Yannai once went to Kuchlis, which is located in the desert, and captured sixty of its villages. When he came back, he was very happy, and called together all of the Torah scholars. He said: Our fathers ate salty vegetables when they were building the Beis Hamikdash, we should also eat these now to remember our fathers. He then had salty vegetables placed on tables of gold, and the people (*at the gathering*) ate. There was a scorning, bad hearted, godless person named Elozar ben Po’irah present. He said to Yannai: King Yannai, the heart of the *Perushim* (*Torah faithful*) is set against you! King Yannai replied: What should I do about this (*to see if you are correct*)? Elozar replied: Put the *tzitz* (*an adornment only allowed to be worn by the “Kohen Gadol” -- “High Priest”*) between your eyes. He did this. There was an elder named Yehudah ben Gedidyah present. He said to Yannai: King Yannai, it is enough that you have the crown of the throne! Leave the crown of *Kehunah* for the sons of Aharon! This is because they said regarding him that his mother had been captured by idolaters in Modi’in, but they searched to see if it was true and it (*proof*) was not found. [*According to Rashi, his father was indeed a Kohen, but according to this rumor he should not have married his wife, as she was unfit to marry a Kohen. If the rumor*

was true (see below for the exact case), this would mean Yannai was a chalal, and was not fit to serve as a Kohen.]

Yannai angrily removed the scholars from the meal. Elozar ben Po’irah again spoke to King Yannai. He said: King Yannai, it is understandable that a regular Jew should swallow insults. However, you are a king and the *Kohen Gadol*, is it fitting that you should do the same? King Yannai asked: What should I do? Elozar replied: If you listen to my advice, you will kill them all. King Yannai asked: What will become of the Torah? Elozar replied: The Torah will be wrapped and placed in a corner, and whoever wants will go and study it.

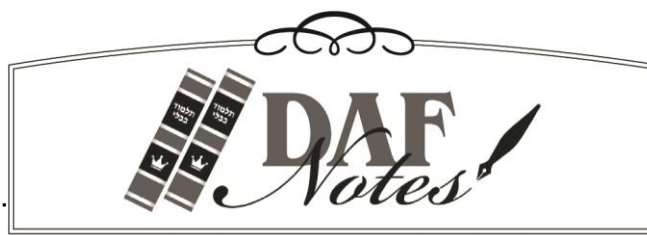
Rav Nachman bar Yitzchak says: Immediately, a wind of heretical behavior entered Yannai’s mind. This is evident from the fact that he did not reply, “This maybe true about the written Torah, but what about the Oral Torah (*which was not yet written down at all*)?” Immediately, the spark of evil was started by Elozar ben Po’irah, and Yannai killed all the scholars. The world was lacking Torah knowledge until Shimon ben Shetach (*Yannai’s wife’s brother; she hid him*) came and returned the Torah back to its original state.

Rashi asks: How can he put the *tzitz* on at this time when he is not engaged in performing the Temple service?

He answers: The *Kohanim* were permitted to derive benefit from the Holy vestments, for the Torah was not given to the ministering angels, and they were not expected to remove these garments at the moment that they concluded the service.

Tosfos asks: On the contrary! They were obligated to remove them as soon as they had a chance!

Furthermore, asks the Rashba, the permission was only inside of the Beis HaMikdash, not outside!?



The Beis Halevi explains Rashi: Since they were not expected to remove these garments at the moment that they concluded the service, this proves that there was no prohibition whatsoever against deriving benefit from the Holy vestments, and they were permitted *l'chatchilah* to wear these garments even when they were not performing the Temple service, and even when they were not inside the Beis HaMikdash.

Rabbeinu Tam answers based on a Scriptural verse that the *tzitz* was different than the other garments, and they were allowed to wear it even when they were not performing the Temple service.

The Ritva writes that Yannai was not correct by wearing the *tzitz* at this time.

DAILY MASHAL

Turkey

Since Thanksgiving Day is a national holiday in the US and is not associated with any religion, Rav Moshe Feinstein *zt'l* was asked whether there is any prohibition against participating in Thanksgiving festivities (*Igros Moshe, Y.D. IV §12*).

When the Pilgrims crossed the Atlantic Ocean in 1620 they desperately needed to learn how to subsist in the New World. Two Indians taught them how to cultivate corn and other new vegetables and dozens of other skills needed for their survival. After having harvested an abundant crop and adapted somewhat to their new conditions, they invited their Indian benefactors to join them for a thanksgiving feast. The Pilgrims were overwhelmed by the unexpectedly large turnout, and fed their guests wild "Indian fowl," the forerunner to today's turkey. Although the Pilgrims were religious, Thanksgiving Day was instituted as a national holiday, unassociated with any religion.

In his response, HaRav Feinstein begins by citing our *daf's* account of King Yanai's conquest of sixty cities and the feast he then held—which was attended by *chachmei Yisrael*—to offer thanks to Hashem. Wild herbs were served on golden tables to commemorate the poverty of our ancestors who ate those herbs while building the Second Beis HaMikdash. This story seems to indicate that one need not refrain from taking part in such thanksgiving festivities.

However, R. Moshe Feinstein explains that even when Jews celebrate a miracle, a distinction should be made between an individual arranging a special feast to thank Hashem, and the establishment of an official, annual festival. Members of a family or residents of a city who experienced a miracle are allowed to mark that day with an annual celebration of thanksgiving to Hashem. To commemorate the miracle they are allowed to decree that they and their descendants make this day like Purim (*Magen Avraham, O.C. 686:5*). On the other hand, it is forbidden to set a new *yom tov* to be celebrated by the whole nation, as the Ramban explains in reference to the *pasuk*, "You shall not add to the word which I command you" (*Devarim 4:2*). The *Igros Moshe* rules that participating in any festival on a regular basis is forbidden so that it will not be considered an attempt to establish new holidays.