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Kiddushin Daf 70

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Mamzeirim Ascended to Eretz Yisroel

The *Gemora* provides the scriptural verse which proves that converts and freed slaves ascended to *Eretz Yisroel*.

The *Gemora* asks: From where do we know that *mamzeirim* ascended to *Eretz Yisroel*?

The *Gemora* answers: It is written: *Now Sanballat the Horonite and Toviyah the Ammonite slave heard etc. (proving that Toviyah was a slave)*, and it is written: *For many in Judea were his (Toviyah’s) confederates, for he was the son-in-law of Shechaniah the son of Arach, and Yehochanan his (Toviyah’s) son had married the daughter of Meshullam the son of Berechiah. [We see that Toviyah and his son married Jewish women.]*

The *Gemora* asks that this would be a proof according to those that hold that if an idolater or a slave cohabits with a Jewish woman, the child produced will be a *mamzer*. However, if you hold that the child is a legitimate Jew, what is the proof?

And furthermore, how do we know that they had children from their Jewish wives?

And also, perhaps they were always in *Eretz Yisroel*; how do we know that they ascended from Bavel?

Rather, the proof is from the following verse: *And these were the ones who ascended from Tel-Melach, Tel-Charsha: Cherub, Addon, and Immer; but they could not*

tell their fathers’ house and their children, if they were Jewish.

The *Gemora* expounds: Tel-Melach is referring to the people whose actions resemble those of Sedom (*who were adulterous and gave birth to mamzeirim*), which was turned into a mound (*Tel*) of salt (*Melach*).

Tel-Charsha is referring to one who calls out “Father” upon seeing a male, and his mother quiets him (*for the identity of the father is not known; the child is thus called a shetuki*).

But they could not tell their fathers’ house and their children, if they were Jewish is referring to an *asufi* – one who was gathered from the marketplace and does not know the identity of his father or his mother.

Cherub, Addon, and Immer – Rabbi Avahu said: The Master (*Addon*) of the world said: I said that *Klal Yisroel* should be like the holy *cherub* (*angel*) before me, but they have placed themselves like a leopard (*which consorts with others’ mates*).

Another version is cited: Rabbi Avahu said: he Master of the world said: Even though *Klal Yisroel* made themselves like a leopard, they are still regarded to me like a *cherub*. (70a)

Marrying an Unfit Woman

Rabbah bar bar Chanah said: If one marries a woman that is not fit for him, the Torah considers it as if he plowed the entire world and planted it with salt, as it is written: *And*

these were the ones who ascended from Tel-Melach (salt), Tel-Charsha (plowing).

Rabbah the son of Rav Adda said in the name of Rav: If one marries a (*disqualified*) woman for her money, he will have children that are blemished. The *Gemora* cites a verse which shows that his and her portion of the money will be destroyed within a month of their marriage.

And Rabbah the son of Rav Adda said, and others say that it was Rabbi Sala in the name of Rav Hamnuna: If one marries a woman that is not fit for him, Eliyahu ties him to a pillar, and the Holy One, Blessed be He, whips him.

And a *Tanna* taught: Regarding all of them (*Kohanim, Leviim and Yisroelim*) Eliyahu writes and the Holy One, Blessed be He, writes: Woe is to he who disqualifies his children and who causes blemishes to his family and who marries a woman that is not fit for him. Eliyahu ties him to a pillar, and the Holy One, Blessed be He, whips him. And anyone who (*constantly*) claims that others are disqualified, he himself is most likely disqualified. And he does not praise others.

Shmuel said: Whichever blemish he was claiming about others is the one that he is blemished with. (70a)

Rav Nachman and Rav Yehudah

A man from Nehardea once entered a butcher store in Pumbedisa to buy meat. He said, "Give me meat." They replied, "Wait until the messenger of Rav Yehudah bar Yechezkel takes his meat, and then we will give to you." The man felt slighted and scoffed, "Who is Yehudah the son of Sheviskel (*a glutton*) that he should be given priority?" Rav Yehudah placed a ban on him. It was also reported to Rav Yehudah that he commonly called people "slaves," and he announced that the man was probably himself a descendant from slaves.

The man from Nehardea went to Rav Nachman and said he wanted to summon Rav Yehudah bar Yechezkel to a

lawsuit before Rav Nachman. Thereupon Rav Nachman sent a summons to Rav Yehudah to come before him to answer the charges. Upon receiving the summons, Rav Yehudah went to Rav Huna to inquire whether he was obliged to obey the summons. Rav Huna answered, "Strictly speaking, you are not obliged to go because you are a great man (*even greater than Rav Nachman because you are the leader in Pumbedisa, and the halachah is that he cannot force a greater man to come before him*), but out of respect for the House of the *Nasi* (*the Reish Gilusa*), get up and go."

When Rav Yehudah came to Rav Nachman, he found him busy working on a fence (*around the roof of his house*). Rav Yehudah asked him, "Do you not agree with the opinion expressed by Rav Huna the son of Idi, who said in the name of Shmuel that it is not proper for an appointed leader of a community to engage in such labor in front of three people (*or more*)?"

Rav Nachman replied, "I was only making a small *gundarisa* (*fence*)." Rav Yehudah asked him, "Do you hate the word *ma'akeh*, which is written in the Torah or the word *mechitzah*, which is used by the Rabbis? [*Rav Yehudah wanted Rav Nachman to realize that it was improper for him to be summoned to a Beis Din by Rav Nachman.*]

Rav Nachman replied, "Sit down on the *karfita* (*bench*)." Rav Yehudah asked him, "Do you hate the word *safsal*, which is used by the Rabbis, or the word *itztiva*, which is used by people?"

Rav Nachman said to him, "Eat some *esronga* (*esrog*)." Rav Yehudah asked him, "Shmuel said, 'Whoever says *esronga* is one-third haughty (*in speech*)'; either one should say *esrog* like the Rabbis, or *esroga* like ordinary people."

Rav Nachman said to him, “Drink an *anbaga* (a cup that contained a *revi’is*; usually drunk in the morning for health reasons).” Rav Yehudah replied, “Do you hate the word *ispargus*, which is used by the Rabbis, or the word *inpak*, which is used by people?”

Rav Nachman said to him, “Donag, my daughter, will come and give us to drink.” Rav Yehudah asked him, “Shmuel said, ‘One should not make use of a woman (so that she should not be accustomed to be among men).’” Rav Nachman replied, “But, she is merely a minor!” Rav Yehudah told him back, “Shmuel explicitly said, ‘One should not make use of a woman at all, whether she is an adult or a minor.’”

Rav Nachman asked him, “Would the master send a greeting to Yalta, my wife?” Rav Yehudah replied, “Shmuel had said, ‘The voice of a woman is regarded as an *ervah* (so I cannot hear her respond to my greeting).’” Rav Nachman asked him, “But you can do it through an agent!?” Rav Yehudah answered him, “Shmuel had stated, ‘One should not send greetings to a woman (for it can lead to intimacy between them).’” Rav Nachman persisted, “But you can send greetings through her husband!?” Rav Yehudah responded, “Shmuel ruled, ‘One should not send greetings to a woman at all.’”

Rav Nachman’s wife (Yalta, who was listening to the discussion) sent a message to her husband, “Finish this dispute and let him go, before he makes you like an *ignoramus* (for he is constantly refuting your words).”

So Rav Nachman asked his visitor respectfully, “Why did you come here?” Rav Yehudah replied, “It was because you summoned me to a *Beis Din*.” Rav Nachman said to him, “Seeing that I can’t even speak your language, how I could have summoned you to *Beis Din*?” Rav Yehudah took the document from his lap, and showed it to him, saying “Here is the man and here is the document.”

Rav Nachman said, “Once you are here, let us hear the man’s claims, so that people should not say that the *Chachamim* show favoritism towards each other.

Rav Nachman asked him, “Why did you place a ban on that man?” Rav Yehudah replied, “It was because he bothered an agent of the Rabbis (*myself*). Rav Nachman said to him, “You should have administered lashes to him, for Rav would give lashes for one who was disrespectful towards a messenger from the Rabbis.” Rav Yehudah answered, “I did to him even more than that!” Rav Nachman asked him, “Why did you say that he was a slave?” Rav Yehudah replied, “It was because he commonly called people slaves, and we learned in a *braisa*: Anyone who (*constantly*) claims that others are disqualified, he himself is most likely disqualified. And he does not praise others. And Shmuel said: Whichever blemish he was claiming about others is the one that he is blemished with.” Rav Nachman asked him, “But Shmuel only meant that he is suspect of being a slave. Did he mean that he should be publicized as such?”

At that time, the plaintiff spoke up and said to Rav Yehudah, “Is it me that you call a slave, when, in fact, I descend from the Chasmonai family!” Rav Yehudah responded, “Shmuel has said that whoever says that he is from the Chashmonai family is in truth a slave (for Herod had killed them all out).

Rav Nachman said to Rav Yehudah, “Do you not hold of that which Rabbi Abba said in the name of Rav Huna, who said in the name of Rav: Wherever a scholar issues a halachic ruling (*that was previously unknown*) and such a point comes up for a practical decision, he is obeyed if he made the statement before the incident occurred, but if the statement was made only after the incident occurred, he is not obeyed (*and therefore, we do not have to accept this ruling which you stated in the name of Shmuel*)!?”

Rav Yehudah replied, "But there is Rav Masnah who holds like me as well?" Rav Masnah was not seen in Nehardea for thirteen years, but just that day, he came before them. Rav Yehudah asked him, "Does the master remember that which Shmuel said while he had one foot on the bank of the river and the other foot was on a boat?" Rav Masnah replied, "Shmuel said, 'Whoever says that he is from the Chashmonai family is in truth a slave, for no one remained from their family except for one maiden who went up on the roof and called out with a loud voice, "Whoever says that he is from the Chashmonai family is in truth a slave." She then threw herself off the roof and died.'"

Rav Nachman declared that the man was indeed a slave. That day, they ripped up many *kesuvos* in Nehardea (*all the married woman from that man's family lost their kesuvos*). When Rav Yehudah was leaving the city, the residents of the city followed him with intent to stone him (*for he revealed those that were genealogically unfit*). Rav Yehudah said to them, "If you will be quiet, then be quiet; otherwise, I will reveal what Shmuel said about you. There are two families in Nehardea; one named Yonah, and the other named Orvasi. The sign to determine which family is pure and which is not is as follows: The family, who is named after an impure bird (*Orvasi – after the raven*) is impure, and the family, who is named after a pure bird (*Yonah – after the dove*) is pure." Thereupon, they threw their stones into the Malka River, and the stones blocked the flow of the river. (70a – 70b)

Slaves and Converts

Rav Yehudah said in the name of Shmuel: There were either four hundred or four thousand slaves belonging to Pashchur the son of Immeir (*a Kohen in the times of Yirmiyah*), and all of them became mixed up with *Kehunah* (*for since, as slaves of a Kohen, they ate terumah, they were able to pretend to be Kohanim, and subsequently, they went and married the daughters of Kohanim*). If we find a *Kohen* who is brazenfaced, he is certainly from them. This is in disagreement with Rabbi Elozar, who says: If you see a *Kohen* who is brazen, do not suspect him of

not being disqualified for the *Kehunah*, for brazenness is a trait of the *Kohanim*, as it says: Your people are like the quarrelsome *Kohanim*.

Rabbi Avin the son of Rav Adda said in the name of Rav: If one marries a woman that is not fit for him, when the Holy One, Blessed be He, will rest His Divine Presence on the Jewish people (*when the Beis HaMikdash will be rebuilt*), he will testify on all the tribes, but He will not testify about him.

Rabbi Chama the son of Rabbi Chanina said: When the Holy One, Blessed be He, will rest His Divine Presence on the Jewish people, He will only rest it on those families in Israel that are genealogically fit.

Rabbah the son of Rav Huna said: Born Jews have the following advantage over converts: By the born Jews, it is written: I will be a God to them, and they will be a nation to Me. However, by converts, it is written: Who is he that has pledged his heart to draw near to me? says Hashem. You will be a nation to Me, and I will be a God to you. [*The converts must first act as Hashem's nation, and only then will he be their God.*]

Rabbi Chelbo said: Converts are as harmful to the Jewish people as *sapachas* (*a type of tzara'as*). (70b)

INSIGHTS TO THE DAF

Converts are like Sapachas

Rabbi Chelbo said: Converts are as harmful to the Jewish people as *sapachas* (*a type of tzara'as*).

Rashi explains that this is because converts are not so meticulous in the performance of *mitzvos*, and those Jews who observe this behavior will become influenced by them.



Tosfos writes that each and every Jew is a guarantor for his fellow, and if converts do not perform *mitzvos* meticulously, they will be punished on account of them.

Tosfos rejects this explanation, for he proves that when the Jewish people accepted to be guarantors for each other, they did not accept to be guarantors for the converts as well.

Tosfos brings another explanation: They are harmful to the Jews, for it is impossible that someone will not bother them, and the punishment for this will be severe, for the Torah in twenty-four places warn the Jewish people not to bother the converts.

Tosfos brings another explanation: It is because of the converts that we are still in exile, for the *Gemora* says that *Klal Yisroel* are scattered all over the world much more so than other nations in order for there to be additional converts.

Rabbeinu Avraham the convert explains differently: It is because the converts **are** meticulous in their performance of the *mitzvos*. This shows the shortcomings of ordinary Jews.

TEACHING TORAH TO A GENTILE PLANNING ON CONVERTING

The Rambam (Issurei Bi'ah 14:2) writes that we inform the prospective convert the essentials of the faith, which is the unity of God and the prohibition of idolatry, and they go on at great length about these matters.

The Machaneh Chaim (Y"D II, 45) asks: Why isn't this forbidden on account of a gentile studying Torah? The *Gemora* in Sanhedrin (59a) states explicitly that a non-Jew who studies Torah is liable for death.

He answers by citing a *Medrash Tanchuma* in Parshas Vayelech: The numerical value of Torah is six hundred and eleven. The remaining two *mitzvos* which complete the

six hundred and thirteen are the two *mitzvos* which were given by Hashem directly at Har Sinai. This is the explanation of the verse: The Torah that Moshe commanded us to observe. Moshe instructed us regarding six hundred and eleven *mitzvos*; the other two were from Hashem.

The prohibition against teaching an idolater Torah is only applicable to the six hundred and eleven *mitzvos* that Moshe taught us. The other two, I am Hashem your God and the Unity of God; one would be permitted to teach to them. This is where the Rambam derived his ruling from; we can go on with great length discussing the unity of God and the prohibition of idolatry.

The Maharsha (Shabbos 31a) writes that it is permitted to teach Torah to an idolater who wishes to convert. He proves this from the incident with Hillel and the convert.

Reb Akiva Eiger (41) disagrees and maintains that it is forbidden to teach Torah to an idolater even if he is planning on converting. Hillel taught the convert Torah only after he converted.

NOT BELIEVING A SCHOLAR

At that time, the plaintiff spoke up and said to Rav Yehudah, "Is it me that you call a slave, when, in fact, I descend from the Chasmonai family!" Rav Yehudah responded, "Shmuel has said that whoever says that he is from the Chashmonai family is in truth a slave (*for Herod had killed them all out*).

Rav Nachman said to Rav Yehudah, "Do you not hold of that which Rabbi Abba said in the name of Rav Huna, who said in the name of Rav: Wherever a scholar issues a halachic ruling (*that was previously unknown*) and such a point comes up for a practical decision, he is obeyed if he made the statement before the incident occurred, but if the statement was made only after the incident occurred, he is not obeyed (*and therefore, we do not have to accept this ruling which you stated in the name of Shmuel!*)?"



Rav Yehudah replied, "But there is Rav Masnah who holds like me as well?" Rav Masnah was not seen in Nehardea for thirteen years, but just that day, he came before them. Rav Yehudah asked him, "Does the master remember that which Shmuel said while he had one foot on the bank of the river and the other foot was on a boat?" Rav Masnah replied, "Shmuel said, 'whoever says that he is from the Chashmonai family is in truth a slave, for no one remained from their family except for one maiden who went up on the roof and called out with a loud voice, "whoever says that he is from the Chashmonai family is in truth a slave." She then threw herself off the roof and died.'"

Rav Nachman declared that the man was indeed a slave. That day, they ripped up many *kesuvos* in Nehardea (*all the married woman from that man's family lost their kesuvos*).

From Rashi's commentary (*Yevamos 77a*), it would seem that the reason we do not accept the scholar's statement is because we are concerned that he might deliberately falsify the *halachah*.

The Ritva forcefully disputes this. Heaven forbid that a Torah scholar would deliberately falsify the ruling. Rather, the reason why we don't believe him in these situations is because he might make a mistake; in the excitement of the moment, it would appear to him that he remembers the tradition in one manner, when in fact, it is really the opposite.

DAILY MASHAL

Where does the word *mamzer* come from?

The Gemara in *Yevamos 76b* provides the etymology for the word *mamzer* and explains that it is a combination of the words *mum zar*, a foreign blemish, because a *mamzer* has a blemish in that he is a stranger to his supposed father, i.e. his mother's husband.

Similarly, the Gemara in *Berachos 59a* explains that the river *Chidekel* is named after its waters that are *chadin v' kalin*, sharp and light. The Torah *Temimah* explains that the root of every Hebrew word has a maximum of 3 letters, so when a word is longer, it requires an explanation.

The *Sifsei Cohen* has a different explanation. He writes that the word *mamzer* is an acronym for a verse in *Mishlei (17:1)*: a house full of the sacrifices of strife". He elaborates based on a Gemara in *Sotah 7b* that infidelity destroys a house like a worm in a sesame seed. This is because when a woman is occupied with her liaisons, she ignores her responsibilities to the household and there is likely to be strife between her and her husband. This will lead to a child being born into a household full of strife, and the child is often the sacrifice, i.e. the innocent party that suffers.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF to refresh your memory

Q: How can a *mamzer* be purified?

A: He can marry a slavewoman. The child is classified as a slave (*and not a mamzer*). If the child is freed, he is regarded as a free man, and is permitted to marry into the congregation.

Q: Which ten different genealogical classes went up from Bavel in the times of Ezra?

A: *Kohanim*, *Leviim*, *Yisroelim*, *chahalim*, converts, and freed Canaanite slaves, *mamzeirim*, *nesinim*, *shetukim* (*someone whose father is unknown*) and *asufim* (*his mother and father are unknown*).

Q: Were the *Kohanim* who went up with Ezra allowed to eat Biblical *terumah*?

A: It is a *machlokes* if they were permitted in Biblical *terumah*, or only Rabbinical *terumah*.