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Kiddushin Daf 73

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A Convert and a Mamzeres

The *Gemora* asks: How does Rabbi Yehudah (*who holds that a convert cannot marry a mamzeres*) understand these verses?

The *Gemora* answers: He derives *Kohanim* and *Levi'im* (*that they cannot marry a mamzeres*) from one extra word of “*kehal*” (*congregation*). This means the other extra word of “*kehal*” is extra, and teaches that a convert should not marry a *mamzeres*.

Alternatively, the *Gemora* answers: Rabbi Yehudah derives *Kohanim* and *Levi'im* from two separate verses of “*kehal*.” However, the fact that a *mamzer* can marry a *shetuki* and that a *shetuki* can marry a regular Jew is derived from one “*kehal*.” This is the verse, “A *mamzer* should not enter (*marry into*) the congregation of Hashem.” This implies that he cannot enter the congregation if it is clear that he is a *mamzer*. If it is in doubt, he may. Additionally, he cannot marry someone who is certainly part of the congregation, not someone who is only possibly part of the congregation.

Alternatively, the *Gemora* answers: Rabbi Yehudah derives the above teachings from two separate verses of “*kehal*.” Rabbi Yehudah’s reasoning is based on the verse, “The congregation, there is one

rule for them and for the convert who is living (*with you*).” This implies that the convert is called part of the congregation (*and therefore cannot marry a mamzeres*).

The *Gemora* asks: How does Rabbi Yosi understand this verse?

The *Gemora* answers: He understands that the word “*law*” separates the two (“*congregation*” and “*convert*”). [*We therefore cannot learn from here that a convert is called part of the congregation.*] (73a)

A Convert Marrying a Mamzeres

The *braisa* stated: A convert, freed slave, and *chahal* may marry a *Kohenes*. This is a proof to Rav. Rav Yehudah said in the name of Rav: The genealogically pure Jewish women were not prohibited from marrying men with lineage problems.

Rabbi Zeira taught in the city of Mechuza: A convert may marry a *mamzeres*. All of the people stoned him with their *esrogim* (*as there were many converts present*). Rava was astounded at Rabbi Zeira’s teaching. He proclaimed: Who would teach a thing like this in a place where there are a lot of converts!?



When Rava taught in Mechuza, he said: A convert may marry a *Kohenes*. They loaded him down with silk garments. He then proceeded to teach them that a convert may marry a *mamzeres*. They told him: You lost (*the reputation you gained with*) the first teaching! He replied: I'm doing what is best for you. If you want you can marry this one (*Kohenes*) or that one (*mamzeres*).

The law is that a convert may marry a *Kohenes* or a *mamzeres*. He may marry a *Kohenes* as she is not commanded to stay away from men with problematic lineage, and he may marry a *mamzeres* in accordance with the opinion of Rabbi Yosi. (73a)

Shetuki

Rava says: According to Torah law, a *shetuki* (*a child born from an unmarried woman*) is permitted to marry anyone. Most people she (*the mother*) would be with are fit, and whoever separates himself from the population to go to her (*to cohabit with her*) is presumed to have separated himself from the majority. If you will say that she possibly separated herself and went to him, in which case we look at him as being fixed in his place, and the rule is that whenever a doubt concerns something in its place, it has the status of half and half (*problematic or not problematic*), this would also not be a problem, for the Torah states: "A *mamzer* should not enter (*marry into*) the congregation of Hashem." This implies that he cannot enter the congregation if it is clear that he is a *mamzer*. If it is in doubt, he may. Additionally, he cannot marry someone who is certainly part of the congregation, not someone who is only possibly part of the congregation. Why, then, did the Rabbis

declare that a *shetuki* cannot marry a regular Jew? This is due to a decree, lest he marry his father's sister.

The *Gemora* asks: If so, he shouldn't marry another *shetukis* either, as she may be his father's sister!

The *Gemora* answers: Should we say that all relations were had by his father?!

The *Gemora* asks: He should not marry the daughter of a *shetukis*, as he might end up marrying his father's sister!?

The *Gemora* answers: Rather, we do not say this because this is uncommon.

The *Gemora* asks: The whole suspicion that he might ever marry his father's sister is uncommon!?

The *Gemora* answers: Rather, the reason why they declared him as having problematic lineage is because they wanted to create a special aspect to lineage (*that one must know who his father is to marry a regular Jew*). (73a)

Asufi

Rava says: According to Torah law, an *asufi* is permitted to marry anyone. Why? A married woman will always say her child is from her husband. Where are the *asufim* coming from? While they could be from betrothed women or women whose husband were overseas for a long period of time, they could also be from a single girl or from a mother who gave the child up for adoption because they couldn't feed

the child. The Torah states: “A *mamzer* should not enter (*marry into*) the congregation of Hashem.” This implies that he cannot enter the congregation if it is clear that he is a *mamzer*. If it is in doubt, he may. Additionally, he cannot marry someone who is certainly part of the congregation, not someone who is only possibly part of the congregation. Why, then, did the Rabbis declare that an *asufi* cannot marry a regular Jew?

The *Gemora* answers: This is to prevent him from marrying his father’s sister.

The *Gemora* asks: If so, he should not marry another *asufis* as well, as he might end up marrying his sister from either his father or his mother (*or both*)!?

The *Gemora* answers: Do we assume all children given up are from the same mother or father?

The *Gemora* asks: He should not marry the daughter of an *asufis*, as he might end up marrying his father’s sister!

The *Gemora* answers: Rather, we do not say this because this is uncommon.

The *Gemora* asks: The whole suspicion that he might ever marry his father’s sister is uncommon!?

The *Gemora* answers: Rather, the reason why they declared him as having problematic lineage is because they wanted to create a special aspect to lineage (*that one must know who his parents are to marry a regular Jew*).

Rava bar Rav Huna said: If he was found circumcised, he is not considered an *asufi*. If his limbs were found well kept, he is not considered an *asufi*. If he had ointment smeared on him, if there was eyeliner around his eye, or if he had certain knots or amulets on him, he is clearly not an *asufi*. [*The reason for the above is because if he was not wanted at all because he was illegitimate, they would not have taken care of him.*]

If he was hanging in a basket on a tree, it depends whether or not an animal was able to get to him. If an animal could get to him, he is an *asufi*. Otherwise, he is not an *asufi*. If he was hung in a *zardasa* tree that was close to a city, he is an *asufi* (*even if animals could not get to him, as it is known as a place where demons are present*). If it is not close to a city, he is not an *asufi*. If he was left in a synagogue close to the city and where many are present, he is not an *asufi*. Otherwise, he is an *asufi*. If he was found in a ditch where date seeds are put for animal food, he is an *asufi*. If he was put in a basket in the river, he is not an *asufi*. If he was in a place in the river where boats do not travel, he is an *asufi*. If he was placed on the side of the public domain, he is not an *asufi*. If he was found in the middle of the public domain, he is an *asufi*. Rava says: During years of famine, he is not an *asufi*.

The *Gemora* asks: Which case is Rava discussing? If he is talking about babies placed in the public domain, why should she put her baby in mortal danger just because it is a year of famine?! He must be talking about a baby on the side of the public domain. Why, then, does it make a difference if it is a famine year? [*Either way we said he is not an asufi!*]

Rather Rava's statement was addressing a statement of Rav Yehudah in the name of Rabbi Abba in the name of Rabbi Yehudah bar Zavdi in the name of Rav. Rav said: As long as the baby is still in the marketplace, his parents are believed to say they are his parents. Once he is taken from the marketplace, they are no longer believed. Why? Rava explains that this is because he was already called an *asufi*. Rava adds that in a time of famine, even if he was already gathered from the marketplace, his parents are believed to say they are his parents.

Rav Chisda says: Three people are believed immediately (*but not after a period of time*). They are: People who claim an *asufi* is their child, a midwife, and one who exempts her friends from being impure. We already explained the case of an *asufi*. What is the case of a midwife?

The *braisa* states: A midwife is believed to say that one baby came out first and another came out second. This is in a case where she did not leave the room and come back. However, if she did, she is not believed. Rabbi Eliezer says: If she did not turn her face away, she is believed. Otherwise, she is not believed. What is the difference between their opinions? It is if she did not turn away her face (*but she left the room*).

What is the case where she exempts her friends? The *Mishna* states: If three women were sleeping in a bed and blood was found under one of them, they are all impure. If one of them checked herself and found she was impure, she is impure and the rest are pure. Rav

Chisda says: The case is where she checked herself right away (*after finding the blood*).

The *braisa* states: A midwife is believed to say that one baby is a *Kohen* and one is a *Levi*, and that one baby is a *mamzer* while one is a *nasin*. This is when nobody complained otherwise. However, if someone complained that this was incorrect, she is not believed. What is the case of a "complaint?" It cannot be that one person complained (*and says she is lying*), as Rabbi Yochanan said that complaints are lodged by a minimum of two people. It must be that two people contradicted her. Alternatively, one person complained. Rabbi Yochanan's law was only regarding a complaint that calls into question an existing kosher status. However, in this case where no status has been established yet, even one person's complaint is valid. (73a – 73b)