

18 Iyar 5776
May 26, 2016



Kiddushin Daf 76

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

The Cutheans

And others say: It (*the Cutheans were disqualified*) is because they are not experts regarding the nuances of (*halachic law when*) performing *mitzvos*.

The *Gemora* asks: Who is the author of this opinion?

Rav Idi bar Avin answers: It is Rabbi Elozar. The *braisa* states: It is permissible to eat *matzah* on *Pesach* made by a Cuthean (*for we can rely on them that they will prevent it from becoming chametz*), and the eating of such bread will discharge his obligation on *Pesach* (*it is assumed that they made the matzah with the intent that it should be used for the mitzvah*). Rabbi Elozar forbids the eating of such *matzah*, because they (the Cutheans) are not familiar with the details of the *mitzvos* (*and we are concerned that it is chametz*). Rabban Shimon ben Gamliel says that in all the *mitzvos* which the Cutheans do observe, they are much more particular than the Jews themselves.

The *Gemora* asks: How does the above apply to our topic (*regarding their lineage*)?

The *Gemora* answers: They are not particular regarding the laws of marriage and divorce (*and this will result in the children being mamzeirim*).

The *Gemora* offers another reason why Rabbi Elozar forbids the marriage between two Cutheans. Rav Nachman says in the name of Rabbah bar Avuha: There are *mamzeirim* from their sisters and their sisters-in-law that are mixed up in their population.

The *Gemora* asks: Why did he specifically mention how the *mamzeirim* were created?

The *Gemora* answers: He wanted to teach us that *mamzeirim* come from forbidden relationships where the punishment is only *kares*.

The *Gemora* asks: Why didn't he just give one example?

The *Gemora* answers: He gave both examples (*sisters and sisters-in-law*) because these actually happened.

Rava says: Slaves and slave women were mixed with them.

The *Gemora* asks: Why should this pose a problem? The fact that a man will marry a slave woman is the real problem (*as their children will not be Jewish*)! Why, then, didn't Rava merely say that the problem was the slave women?

The *Gemora* answers: He mentioned slaves as well because these actually happened. (76a)

Mishna

If a man (*a Kohen*) is marrying a *Kohenes*, he needs to check (*into his prospective wife's genealogy to make sure that she doesn't come from a mamzer – Rashi, or a chalal – Tosfos*) four types of mothers that equal eight people. They are: Her mother and her mother's mother, her mother's father's mother and her mother, the mother of her father and her mother, and the mother of her father's father and her mother. If someone is marrying a *Leviyah* or a *Yisroelis*, he adds one (*apparently another level, see Gemora*). One does not need to check the lineage of a *Kohen* who is serving in



the Beis Hamikdash, a Levite who sang on the podium in the Beis Hamikdash, or a *Yisroel* who served on the Sanhedrin.

Anyone whose father was a judge (*on a Beis Din*) or a caretaker for a charity can marry a *Kohen*, and there is no need to check their lineage. Rabbi Yosi says: This is also the case for someone who signed as a witness in the old courts of Tzipori. Rabbi Chanina ben Antignos says: This is also the case for someone who was written as one of the soldiers of King David (*see 76b*). (76a)

Checking the Lineage

The *Gemora* asks: Why are we checking the women and not the men?

The *Gemora* answers: When women fight, they take shots at each other by saying that the other woman was promiscuous (*but they do not discuss lineage*). If something was problematic with their lineage, people would not find out about it. When men fight, they take shots at each other by saying that the other person has problematic lineage. Accordingly, if something was problematic with the lineage of a man, people would know about it.

The *Gemora* asks: Why wasn't the bride required to look into her groom's lineage?

The *Gemora* answers: This supports Rav's statement. Rav Yehudah said in the name of Rav: Women of legitimate status (*daughters of Kohanim*) were not forbidden to be married to *chalalim*. (*The Torah's prohibition against a Kohen marrying a chalalah is applicable only to the man, but the woman is permitted to marry a chalal.*)

Rav Adda bar Ahava taught: Four levels that equals twelve women. A *braisa* writes: Four levels that equal sixteen women.

The *Gemora* asks: It is understandable that Rav Adda might have been discussing a *Leviyah* or *Yisroelis* (*which our*

Mishna agrees that this would prompt a check of another level). However, is the *braisa* arguing on our *Mishna*?

The *Gemora* answers: It could be that the *Mishna* agrees with the *braisa*. When the *Mishna* says "another one," it means another pair of mothers (*for each mentioned*).

Rav Yehudah says in the name of Rav: These are all the words of Rabbi Meir. However, the *Chachamim* say that all families have a status of having kosher lineage.

The *Gemora* asks: Is this correct? Didn't Rav Chama bar Gurya say in the name of Rav that our *Mishna* is only talking about a case where a complaint (*regarding problematic lineage*) had been made about a certain family (*and therefore they require checking into*)?

The *Gemora* answers: These two opinions are mutually exclusive.

Others say that Rav Yehuda said: These are all the words of Rabbi Meir. However, the *Chachamim* say that all families have a status of having kosher lineage. Rav Chama bar Gurya added: If a complaint was lodged, the family must be checked thoroughly (*even according to the Chachamim*). (76a – 76b)

No Need to Investigate

The *Mishna* had stated: One does not have to check the lineage of a *Kohen* who is serving in the Beis Hamikdash, a Levite who sang on the podium in the Beis Hamikdash, or a *Yisroel* who served on the Sanhedrin.

The *Gemora* asks: Why don't we check into the lineage of a *Kohen* who was performing the service of the Beis Hamikdash?

The *Gemora* answers: If he would have problematic lineage, they would not have let him serve.



The *Gemora* asks: Why don't we check into the lineage of a Levite who was singing on the podium of the Beis Hamikdash?

The *Gemora* answers that Mar said: There were judges there who ensured that those that were in the Beis Hamikdash were of good lineage from the *Kohanim* and Levites.

The *Gemora* asks: Why don't we check into the lineage of a *Yisroel* who served on the Sanhedrin?

Rav Yosef answers: Just as *Beis Din* are "clean" regarding matters of integrity, they are also clean of any blemish. Mereimar said: What is a verse that alludes to this? The verse states: "You are all beautiful, my wife, and have no blemish."

The *Gemora* asks: Perhaps this is only referring to a physical blemish?

Rav Acha bar Yaakov says that the verse states: "And they will stand with you there," implying that they are like you.

The *Gemora* asks: Perhaps this only referred to the elders of that generation, as they were going to hear from the *Shechinah*?

Rav Nachman says: "And they will make it easier for you and will carry (the burden) with you." "With you" refers to people like you.

The *Gemora* asks: The *Mishna* implies that we do not allow people with problematic lineage to be judges. Doesn't a different *Mishna* say: All Jews can judge laws of monetary matters, but not laws of life and death? We analyzed: What does this *Mishna* mean when it says "All?" Rav Yehuda answered: This means that even a *mamzer* can judge! [Why, then, does our *Mishna* say that a judge must have kosher lineage?]

Abaye answers: Our *Mishna* is referring to judges in Yerushalayim (*who were always ascertained to have kosher lineage*). Rav Shimon bar Zira also taught in the teachings regarding *kiddushin* that Levi organized that this was referring to the judges of Yerushalayim. (76b)

Other Positions

The *Mishna* had stated: Anyone whose father was a judge (*on a Beis Din*) or a caretaker for a charity can marry a *Kohen*, and there is no need to check their lineage.

The *Gemora* asks: Why don't we have to check into the lineage of the caretakers of charities?

The *Gemora* answers: Being that people often fight with them, as the law is that they can take collateral from people who are not giving the proper amounts of charity, even on Erev *Shabbos*; if there was a problem with their lineage, people would know about it.

The host of Rav Adda bar Ahava was a convert. The host and Rav Bibi were quarreling regarding control of a certain city. They came before Rav Yosef. He said: The verse states, "Place upon yourself a king...from amidst your brothers." This implies that any appointments you make should be from amongst your brothers. Rav Adda bar Ahava said to him: Is this even true if his mother is Jewish? Rav Yosef replied: If his mother was Jewish, he is called "from amidst your brothers." [Rav Adda's host apparently was not a regular convert, but rather his father was not Jewish.] They therefore compromised that Rav Bibi would be in charge of the spiritual affairs of the community, while the host would be in charge of the mundane needs of the community.

Abaye says: This shows that if someone is going to host a scholar, he should host someone like Rav Adda, who knows how to find his merits.

Rabbi Zeira and Rabbah bar Avuha would allow such people (*whose father was not Jewish but their mother was*) to have

positions of authority. However, in *Eretz Yisroel* they would not even put them in charge of the weights used (*in the marketplace*). In *Nehardea*, they would not even appoint them to oversee whose turn it was to draw water from a well (*to water their fields*).

The *Gemora* asks: Why did Rabbi Yosi say that one does not have to check further if they discover a witness from the old courts of Tzipori?

The *Gemora* answers: They were very careful regarding who they allowed to sign on their documents. (76b)

Soldiers

The *Mishna* had stated: Rabbi Chanina ben Antigonus says: This is also the case for someone who was written as one of the soldiers of King David.

The *Gemora* asks: What does the *Mishna* mean when it says “the Astratya of the king?”

Rav Yehuda says in the name of Shmuel: It is referring to the soldiers in the service of King David. Rav Yosef says: What is the verse that supports this? “And their lineage in the army of the king.”

The *Gemora* asks: Why was it important that they have proper lineage?

Rav Yehuda says in the name of Rav: This was in order that their merits and the merits of their fathers should help them (*in war*).

The *Gemora* asks: Don’t we find “Tzelek the Amonite” amongst his soldiers? Doesn’t this mean he was (*a convert*) from Amon?

The *Gemora* answers: No, it means that he lived in Amon.

The *Gemora* asks: Don’t we find “Uryah the Hitite” amongst his soldiers? Doesn’t this mean he was (*a convert*) from Hit?

The *Gemora* answers: No, it means that he lived in Hit.

The *Gemora* asks: Don’t we find “Itai the Gitite” amongst his soldiers? If you will tell me that he merely lived there this is difficult, as Rav Nachman said that Itai the Gitite came and nullified an idol (*which only a gentile can do*)! Additionally, didn’t Rav Yehuda say in the name of Rav: David had four hundred children that were all the sons of an “*eishes yefas toar*” (*a woman captured in war that the Torah permits one to take*)? They all had special haircuts with much hair on the back of their necks, and would all sit in golden wagons and go out before the troops to war. They were known as the tough soldiers of the house of David!

The *Gemora* answers: These people did not really fight, but were merely used to scare the enemy. [*However, anyone who fought had good lineage.*] (76b)

INSIGHTS TO THE DAF

Cuthean as a Witness

The *Mishna* in *Gittin* states: Any document that has a Cuthean witness signed on it is disqualified (*for he is suspected of lying*) except that of a *get* for a woman and for the freeing of a slave.

Tosfos writes that this *Mishna* is only according to those who hold that the Cutheans were true converts to Judaism, and Biblically, they are regarded as full-fledged Jews. However, according to those who maintain that the Cutheans converted only out of fear of the lions, they are not regarded as Jews, and they cannot be eligible as a witness.

The Ri”f rules that nowadays, the Cutheans are disqualified from all types of testimony, for they are considered like an ordinary idolater.



Reb Isser Zalman Meltzer asks: How can a Cuthean be qualified to testify? Even if they are not suspected to lie, but they deny the Oral Law, and certainly they should be ruled ineligible!

He writes that since this was the tradition that they accepted from their fathers, they are regarded as a child who was taken captive by idolaters (*and the fact that he does not believe in the truth of the Oral law does not disqualify him, for he never knew any different*), and therefore, they are not disqualified from being a witness.

The Pnei Yehoshua asks: Since they are suspect of lying, they should be regarded as *reshaim* (*wicked people*) with respect of monetary matters, and the *halachah* is that a thief is disqualified from all testimony!?

He answers that the Yerushalmi says that the Cutheans are eligible to sign on a *get* because they are only suspect with regards to monetary matters, but not with respect of illicit relations. The Pnei Yehoshua explains: The Yerushalmi holds that a witness who is suspected of stealing is only disqualified from testifying with regards to money matters, but he would still be eligible to testify on *arayos* (*relationships*). However, *l'halacha* we hold that such a person is ineligible to testify on all matters, so accordingly, how could the *Mishna* rule that the *get* is valid?

He answers that in truth, we do not know definitely that they would lie; it is only that they are suspect of lying. The *halacha* is that if they are suspected of lying, they are disqualified from testifying with respect of monetary matters, but not with respect of other testimonies.

DAILY MASHAL

Truth is Eternity

Divrei Chaim

The Gemara (San. 97) tells the story of a certain person, R' Tovus, or according to others, R' Tovyomi, who declared that

no matter how much money he was offered he would not tell a lie. Once upon a time he discovered a town called Keshot (coincidentally, the Aramaic word for truth) in which no one died before their time. Attracted to the town, he married a wife from there and settled down and had two children. Unfortunately the end of the story is not so nice. A neighbor stopped in one day and asked for R' Tovus/Tovyomi's wife, who at that moment was washing her hair. Not wanting to speak with a lack of tzniyus (modesty) and say his was in the shower, R' Tovus/Tovyomi instead said she was not home. Immediately thereafter his two children died, and when the town leaders discovered the cause they asked him to leave the town to remove untruthfulness from their midst.

Maharal calls this Gemara "kasha me'od" and discusses it at length. There seems to be a relationship between the name of the town, which means truth, and the behavior of the town's residents, who all told the truth. But if being in the town influenced its residents to always speak the truth, "hamakom goreim", why was Rav Tovus/Tovyomi not influenced in the same way to only speak truth? And if the town's name and character had no influence, isn't it odd that all the residents, without a single exception, always told the truth?

The Maharal explains that Keshot is not a physical place, but rather is a spiritual accomplishment, a madreiga, which a person can reach. In the place called Keshot no one dies because truth is the only thing which is eternal. If you attain the degree of spiritual perfection called Keshot, you gain eternity.

R' Tovus/TovYomi sacrificed that level of keshot for the sake of the competing value of tzniyus. Undoubtedly this was the right thing to do, but doing the right thing does not absolve one from suffering whatever costs and consequences may result. Though he may have spoken a white lie for good reason, R' Tovus/TovYomi suffered the consequence of falsehood.