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Kiddushin Daf 80

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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

Status is Important

[It was stated that we may assume that a woman is the mother of young children if they attach themselves to her.] Rish Lakish said: This is only true regarding consecrated items that are eaten outside of Yerushalayim (*terumah*). However, this does not extend to the issue of lineage (and the girls cannot marry Kohanim unless there is proof that they are this woman’s daughters). Rabbi Yochanan said: We rule like this even with regards to lineage.

The *Gemora* notes: Rabbi Yochanan follows his reasoning. This is as Rabbi Chiya bar Abba said in Rabbi Yochanan’s name: We give lashes, stoning, and burning based on a *chazakah*, but we do not burn *terumah* based on a *chazakah*.

We see that we administer lashes based on a *chazakah* from a statement of Rav Yehudah. He says: If amongst her neighbors she was known to currently be a niddah, her husband is liable to incur lashes for being with her during this time.

We see that we stone and burn people based on a *chazakah* from a statement of Rabbah bar Rav Huna. He says: If a man and woman raised a son or daughter in their house, we will stone or burn them if they have relations with each other (and they cannot claim that they are not actually the child’s parents).

Rabbi Shimon ben Pazi states in the name of Rabbi Yehoshua ben Levi, who states in the name of Bar Kappara: There was once an incident regarding a woman who brought a child to Yerushalayim on her shoulders and raised him. He later had relations with her, and they were stoned. They were not stoned because of testimony that he was her child, but rather because he was always with her.

We do not burn *terumah* based on a *chazakah*. Rabbi Shimon ben Lakish says we do, but Rabbi Yochanan says we do not. Their opinions are based on how they understand the following *Mishna*. The *Mishna* states: If a child is found next to a batch of dough and he has some dough in his hand, Rabbi Meir says the dough is *tahor*. The *Chachamim* say it is *tamei*, as a child usually sifts through garbage (and touches dead *sheratzim*, causing him and the *terumah* he touches to become impure).

The *Gemora* asks: What is Rabbi Meir’s reasoning?

The *Gemora* answers: Most children do touch garbage, while a minority of children do not. The dough’s status is that it was *tahor*. If we combine the minority with the *chazakah* of the dough, the majority loses its strength.

The *Gemora* asks: What is the reasoning of the *Chachamim*?

The *Gemora* answers: The *Chachamim* hold that a minority is insignificant. This means that we have a majority versus a previous *chazakah*, and the majority

determines the law (*and the dough is therefore ruled to be tamei*).

Rish Lakish said in the name of Rabbi Oshaya: This is a case where we burn *terumah*. Rabbi Yochanan says: This is not a *chazakah* that causes us to burn *terumah*.

The *Gemora* asks: According to Rabbi Yochanan, which *chazakah* causes us to burn *terumah*?

The *Gemora* answers: It is the case of the following *Mishna*. The *Mishna* states: If there is dough in a house along with *sheratzim* and frogs, and there are marks in the dough, the *halachah* is as follows: If there are mostly *sheratzim*, the dough is *tamei*. If there are mostly frogs, it is *tahor*.

The following *braisa* supports Rabbi Yochanan. It says: Two things do not have the ability to ask, but the *Chachamim* made it as if they do have the ability to ask. (*Practically speaking, this means that they are ruled tamei if they were in a situation where they might reasonably have become tamei in a private domain*). They are: A child and another thing.

We stated the case regarding the child earlier. What is “another thing”? The *Gemora* answers that the case is where there was dough in a house along with chickens and impure liquids. Peck marks were found in the dough. In such a case, we “hang” the *terumah*, meaning that we do not allow it to be eaten, nor do we burn it. Rabbi Yehoshua ben Levi explains: This is only regarding clear liquids. However, if the liquids were red, we would know if he pecked the dough.

The *Gemora* asks: Perhaps the dough swallowed the liquid (*and its color*)?

Rabbi Yochanan says: This thing I heard from b’Reibi and I didn’t hear its explanation. The case is only regarding

clear liquids that a reflection of a child can be seen in, not muddy waters. (79b – 80b)

Mishna

A man should not be secluded with two women, but one woman can be secluded with two men. Rabbi Shimon says: One man may be secluded with two women when his wife is with him and he can sleep with them in a guest house, because his wife protects him (*from sinning*). A person can be secluded with his mother or daughter. He can even sleep together with them while their skins are touching. When they are older, (*if they are sleeping close together*) they should wear clothing. (80b)

Seclusion

The *Gemora* asks: What is the reason that a man cannot be secluded with two women?

Eliyahu taught: This is because women are lightheaded (*and easily seduced*).

The *Gemora* asks: How do we know there is a prohibition of seclusion?

Rabbi Yochanan says in the name of Rabbi Yishmael: Where do we see a hint to the prohibition against seclusion in the Torah? The verse states, “*When your brother, the son of your mother, will persuade you.*” Is the son of a mother the only one who persuades you, not the son of a father? Rather this teaches us that a son may be in seclusion with his mother, but one may not be secluded with all of those forbidden to him by the Torah.

The *Gemora* asks: What is the simple explanation for why the verse singles out “*the son of your mother*”?

Abaye says: It is said in a fashion of “not only.” Not only a brother who shares a common father with you, who



might hate you and give you bad advice (*as you are competing for the same inheritance*), but even the son of your mother might give you such advice. You should not listen to him.

The *Gemora* asks: Perhaps the *Mishna* is unlike Abba Shaul. The *braisa* states: If a child dies within thirty days (*of being born*) he can be taken out to burial when he is merely being carried in someone's arms (*not in a bed*). He can be buried by one woman and two men, but not one man and two women. Abba Shaul says: He can even be buried by one man and two women.

The *Gemora* answers: Even Abba Shaul can agree to our *Mishna's* rule. He only held this case is different because it is a time when a person is broken (*and therefore his evil inclination is not so active*).

The *Gemora* asks: What is the *Tanna Kamma's* reasoning (*why the law even applies in this situation*)?

The *Gemora* answers: They reason as does Rabbi Yitzchak. He says: "What can a live man complain about, a man about his sins?" This implies that even when faced with death, a person's evil inclination is active. [*Rashi understands that Rabbi Yitzchak understood the verse to refer to a fresh mourner (not merely a complainer), and that he still must struggle to defeat his evil inclination.*]

The *Gemora* asks: How does Abba Shaul respond?

The *Gemora* answers: He understands that the verse is referring to someone who does not understand the ways of Hashem. The verse is saying, "How can he complain about the ways of Hashem? Did he overcome sinning? It is enough that he is alive!"

The *Gemora* asks: Why don't the *Chachamim* agree?

The *Gemora* answers: They refer to a known incident where many men pretended that a woman had died and that they were going to bury her, when in fact she was alive. They merely wanted to take her to a secluded place so that they could be promiscuous with her. [*This shows that laws should never be relaxed when dealing with promiscuity.*]

Rav Yehudah said in the name of Rav: The *Mishna* only permitted one woman to be secluded with two men if they are kosher Jews. However, if they are promiscuous Jews, even ten are not enough to prevent seclusion. This is evident from the aforementioned incident with the ten men taking out the woman for burial.

Rav Yosef says: This is obviously correct, as ten people will get together to steal a beam and will not be embarrassed from each other (*they will similarly not be embarrassed in this case*). (80b)

DAILY MASHAL

Rav Pam's last few years brought serious illness and a considerable measure of suffering. Despite his weakness and general condition and despite the painful treatments that were administered, no complaint was ever heard from his lips. When someone asked him why he never complained, Rav Pam replied by quoting the *gemora's* words (*Kiddushin 80*), "What should a person complain about? It's enough for him to be alive."

"Do you know how old I am?" he asked the questioner.

"Yes." (He was in his late eighties.)

"Do you know that other people don't live so long?" he returned. He regarded every day of life at his age as a gift, even if painful, and certainly not something to complain about.