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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

When Both Betrothed Parents Admit the Child is Theirs

A bridal couple once came before Rav Yosef. She said, ‘It¹ is from him’ and he said, ‘Yes. [it is] from me.’ Rav Yosef said, “what should we suspect about her? First of all, he admits (*that the child is his*). Additionally, Rav Yehudah said in the name of Shmuel that the halachah is like Rabban Gamliel (*that we believe the mother*).”

Abaye asked him, “and in such a case if he would not admit (*that the child was his*), would Rabban Gamliel say the child is kosher? Didn’t Shmuel say to Rav Yehudah, “Smart one! The halachah is like Rabban Gamliel, but you should not rule this way unless most people in her vicinity would be permitted to her.” In this case, Abaye continued, most people are considered unfit to be with her, as she is betrothed (*and therefore forbidden to other men*). [It would therefore seem that Shmuel would not rule that we would believe her in this case, if the husband had not admitted. Therefore, Abaye is asking that Rav Yosef’s second reason is seemingly irrelevant.]

Rav Yosef replied, “According to your reasoning (*the statement of Shmuel*), you should ask on the statement (of Shmuel) itself. How could Shmuel say that the halachah is the child is kosher, but do not rule this way? What must you answer to resolve this contradiction? It must be that Shmuel meant that originally we would rule stringently (*i.e. if a kohen were to ask if he should still marry his betrothed*), and only after the fact (*i.e. if he*

married her already) would we rule leniently. This case too,” Rav Yosef replied, “is considered already after the fact (*after the child has already been conceived*).” (13b4 – 14a1)

Abaye asked Rava, would Rabbi Yehoshua say she is not believed? This seems to contradict a Mishnah (Eiduyos 8:3) where Rabbi Yehoshua and Rabbi Yehudah ben Beseirah both testified that a widow who was married to a possible Chalal (*product of a sinful kohen marriage*) is permitted to marry a kohen. [She is not considered to have become unfit to kehunah, which would have happened if her husband had been an actual Chalal. We say that the widow retains her status of being permitted to kehunah. Why, then, do we not say that the child should be kosher when there is only a doubt whether or not he is kosher?]

Rava answered that when a woman marries, she carefully checks out her husband (*that he is of proper lineage*) and then agrees to marry him. Can we say the same thing about a woman who has an illicit relationship that she first checks out the man’s lineage!?

Rava proceeded to remark (*to Abaye*), “(you asked that) Rabbi Yehoshua seems to contradict himself, but you do not think that Rabban Gamliel contradicts himself? Doesn’t the end of this Mishnah (ibid.) say that Rabban Gamliel said that he accepted the testimony (*of Rabbi Yehoshua and Rabbi Yehudah regarding the widow of a*

¹ The child with which she was pregnant.

possible Chalal), but told them that they (*Beis Din*) could not help. This was because Rabbi Yochanan ben Zakai had decreed not to convene a Beis Din regarding this matter, as the kohanim would only listen to the Beis Din if they said she is to be distanced (*forbidden*), not if they say she is able to come close (*permitted*). [This creates a similar contradiction in *Rabban Gamliel* as the contradiction asked by *Abaye* on *Rabbi Yehoshua* above. Why would *Rabban Gamliel* permit the baby but not the widow of the possible Chalal?]

Rava answered that the question on *Rabban Gamliel* is not difficult, as in the case of our Mishnah the woman is certain that her child is of kosher lineage. However, in the case of a possible chalal even the woman herself is not certain that her husband was not a chalal. This is why there is reason to be stringent that she should not be able to marry a kohen.

Rava continues that the question on *Rabbi Yehoshua* is also not difficult. In our Mishnah, there is only one doubt (*whether or not the father was permitted to her*). However, in the case of the widow of the possible chalal there are two doubts. [Rashi explains that there is a doubt whether he is the son of a kohen, and whether he is the son of a kohen who married a divorcee. If he is either not the son of a kohen or not the son of a kohen-divorcee relationship, he is not a chalal. This gave *Rabbi Yehoshua* more reason to be lenient.]

The Gemora says that we can now sum up their logic (*using the answer of Rava*). *Rabban Gamliel* understands that a claim of certainty is strong enough to even override one doubt and enable us to rule that the child is kosher, whereas a doubtful claim is so weak that even when there are two doubts the child is considered unkosher. *Rabbi Yehoshua* understands that one doubt is strong enough to override even a claim of certainty (*that the child is kosher*), and two doubts creates a leniency that even exists when there is a doubtful claim. (14a1 – 14a3)

The Problem with an Almanas Isah

The Baraisa asks, what is an *almanas isah* (the woman we discussed previously who married a possible chalal)? A widow of a man who has no suspicion that he is a mamzer (*product of an illicit relationship punishable by death or kares*), *nasin* (*gentiles who tricked Yehoshua into allowing them to convert*), or gentile slave. [He is merely a possible chalal.] *Rabbi Meir* said that he heard that anyone who does not have any of these possible problems can marry a kohen. *Rabbi Shimon ben Elazar* said in the name of *Rabbi Meir*, and *Rabbi Shimon ben Menasya* likewise said, who is an *almanas isah*? Any family that has mixed among them a possible chalal (*will also contain an almanas isah*). Jews recognize who is a mamzer amongst them, but they do not recognize who is a chalal (*the Gemara will explain this statement*).

Mar (*the author of the previous Baraisa*) said, what is an *almanas isah* (the woman we discussed previously who married a possible chalal)? A widow of a man who has no suspicion that he is a mamzer, *nasin*, or gentile slave. This implies that a possible chalal can still be kosher (for *kehunah*). What is the difference between a chalal and these other lineage problems (*where we are even stringent in a case of a possible problem*)? It must be because these other issues are problems of Torah law. This cannot be, the Gemora exclaims, as chalal is also an issue of Torah law!

Additionally, the Baraisa quoted *Rabbi Meir* as saying that he heard that anyone who does not have any of these possible problems can marry a kohen. Isn't this identical to the statement made by the *Tanna Kamma*? Additionally, the Gemora asks, *Rabbi Shimon ben Elazar* said in the name of *Rabbi Meir*, and *Rabbi Shimon ben Menasya* likewise said, who is an *almanas isah*? Any family that has mixed among them a possible chalal (*will also contain an almanas isah*). Jews recognize who is a

mamzer amongst them, but they do not recognize who is a chalal. *[This last statement implies that a possible chalal cannot marry into kehunah.]* This seemingly contradicts their first statement that he can!

Rabbi Yochanan explains that the difference between Rabbi Meir and the Tanna Kamma is a case of someone who when called a mamzer screams in protest (that it is untrue), and someone who when called a chalal is quiet. The Tanna Kamma holds that anyone who is accused of having bad lineage and is quiet has the status of having bad lineage. The Tanna Kamma's words should be understood in the following way: "What is an almanas isah? A widow of a man who there is no suspicion that he will be quiet when called a mamzer, nasin, gentile slave, or chalal. Rabbi Meir said that the ones listed explicitly by the Tanna Kamma (all besides chalal) are indeed deemed to be of unfit lineage if they are quiet. However, if someone is quiet when accused of being a chalal he may still marry a kohen. Why does he remain quiet? He doesn't protest because he simply doesn't care (*as he can marry any regular Jew anyway, as opposed to the other accusations*).

Rabbi Shimon ben Elazar responded to the Tanna (*who quoted this opinion in the name of Rabbi Meir, see Rashi*) that if you heard that Rabbi Meir said Rabbi Meir says someone who is quiet is of kosher lineage, do not say that he must have been referring to someone who is called a chalal. Rabbi Meir was referring to someone who was called a mamzer and was quiet. The reason why he remains quiet is because he figures that if he would really be deemed a mamzer by anyone, it would require that the rumor spread that he was a mamzer. However, Rabbi Meir held that someone who when called a mamzer screams in protest (*that it is untrue*), and someone who when called a chalal is quiet are indeed unfit. The reason why the chalal is quiet is because he fears that if he screams in protest people will investigate and take away his status of being a kohen (*see Tosfos*).

One Baraisa states that Rabbi Yossi said that someone who is quiet when accused of being a mamzer is kosher, while someone who is quiet when accused of being a chalal is unfit. Another Baraisa states that that someone who is quiet when accused of being a chalal is kosher, while someone who is quiet when accused of being a mamzer is unfit. This apparent contradiction is not difficult, as the second Baraisa is according to Rabbi Meir's opinion as stated by the Tanna, and the first Baraisa is Rabbi Meir's opinion as stated by Rabbi Shimon ben Elazar. (14a3 – 14b2)

Mishnah

Rabbi Yossi says that there was an incident with a young girl who went to draw water from the well, and she was raped. Rabbi Yochanan ben Nuri stated that if most people in the city are of lineage which permits them to marry kohanim, she may also marry a kohen. (14b3)

DAILY MASHAL

In Even HoEzer #107 the Satmar Rebbe argues with Rav Moshe Feinstein zatzal on the controversial issue of artificial procreation. Rav Moshe tells us that the Midrash tells us that Ben Sira was conceived in such a manner involving Yirmiyahu and his daughter, and concludes that Yirmiyahu would never have later consulted with Ben Sira in spiritual matters if he was a halachic Mamzer. Artificial procreation, according to Rav Moshe's psak does not cause mamzeirus. The Satmar Rebbe dissents. He rules that even if all Rav Moshe's suppositions were correct, Yirmiyahu's daughter performed no real "maaseh — active deed." Going to the doctor, on the other hand, would constitute an active deed.