

19.04.06

75a (מעשה שהיה כך היה) → 76a (וודאן בוודאן מותר) (75a)

1. ובת פהן כי תהיה אלמנה וגרושה וזרע אין לה ושבה אל בית אביה כנעוריה מלחם אביה תאכל וכל זר לא יאכל בו: ויקרא פרק כב פסוק יג
 2. ויהיו יראים את ה' ויעשו להם מקצותם פהני במות ויהיו עשים להם בבית הבמות: מלכים ב פרק יז פסוק לב
 3. כי ישבו אחים יחדו ומת אחד מהם ובן אין לו לא תהיה אשת המת החוצה לאיש זר יבמה יבא עליה ולקחה לו לאשה יבמה: דברים פרק כה פסוק ה

- I Analysis of 3-way dispute about פסולים and their ability to intermarry – ר"א's opinion that only וודאי בוודאי may marry
- a הלכה כר"א רב
- b שמואל: quotes הלל as listing 10 "groupings" that made עלייה – and all 10 may intermarry with each other (!)
- c challenge to both positions:
- i if an ארוסה is pregnant:
- 1 רב: the child is a ממזר (may marry a וודאי)
 - 2 שמואל: the child is a שתוקי (it's a ספק → may not marry a וודאי)
- ii answer #1: revert positions (רב – שתוקי – רב)
- 1 challenge: if so, why teach the principle twice? (comment on our ברייתא and independently here)
 - 2 answer: needed – if we only had רב's comment on our משנה – סד"א because אצלה רוב כשרים (she's single) - ממזר שמואל (ארוסה) – would agree with שתוקי that it's a certain ממזר
 (a) but: in case of ברייתא – would agree with שתוקי that it's a certain ממזר
 (b) and: if we only had רב סד"א – ברייתא רב סד"א – ר"א that רב judges it to be ספק as we could assume the father is the ארוס – צריכה – ארוס
- iii answer #2: רב means "בת ישראל and banned from ממזר"; ר"א means:
- 1 possibility #1: שתוקי and banned from ישראל בת (rejected - he's same as רב)
 - 2 possibility #2: שתוקי and we don't allow him to be considered a כהן (rejected – he's not even considered ישראל)
 - 3 possibility #3: שתוקי and we don't allow him to inherit his father's estate (rejected – we don't know who that is)
 (a) fix: if he seized some of the property of the alleged father's estate
 - 4 possibility #4: שתוקי = בדוקי and we ask the mother who the father is (and she has credibility)
 (a) challenge: שמואל already confirmed that the הלכה follows ר"ג (כתובות פ"א)
 (i) answer: that may have only applied where אצלה רוב כשרים – this ruling extends to אצלה רוב פסולים
- II Status of כותים (Samaritans)
- a ר"א – may not marry each other (כותי <-> כותית)
- i reason: considered as גר after 10 generations/he no longer mentions ע"ז (no longer known as גר → may not marry ממזרת)
- 1 challenge (אביי): dissimilar – in that case, the "גר" is old (generations) and the ממזרת is "fresh"
 (a) and: people will think that a בן ישראל may marry a ממזרת
 (b) however: in this case, the man and woman are of equal "vintage" as כותים
 - 2 rather: ר"א accepts ישמעאל ר"א's ruling that כותים were גרי אריות (false converts)
 (a) And: ר"א accepts ר"ע's ruling that the child of a non-Jewish man and a בת ישראל is a ממזר
 (b) Challenge: ר"א doesn't accept that ruling of ר"ע as evidenced by his use of v. 1
 - 3 Rather: ר"א accepts ר"י's ruling vis-à-vis כותים and he accepts ר"ע's ruling that ממזר הוא על בת ישראל הולד ממזר
 (a) Challenge: ר"א claims that a ממזר can only come from a relationship which entails כרת (and is an ערוה)
 - 4 Rather: there are three positions:
 (a) פסולים (v. 2) are "false converts" and the כהנים who intermarried with them are פסולים (v. 2)
 (b) ד"ע: the כותים are legitimate converts and the כהנים who intermarried with them are כשרים (v. 2)
 (i) Note: they banned these כהנים since they would have only ארוסות be considered לייבום (v. 3)
 (ii) And: ר"ע is following his own general approach to generate ממזרות from לאוין חייבי לאוין (e.g. לשוק יבמה)
 (c) ד"ע agrees with ר"ע but the כותים were banned since they weren't careful about the laws of lineage
 (i) example: ר"א rules that מצות כותי אסורה since they aren't careful about the details of מצוות
 1. note: רשב"ג rules that any מצווה that the כותים appropriated they observe more stringently than we
 2. but: in our case, they aren't experts in the areas of וקידושין גיטין
 3. or: a ממזר from אחות אה and אשת אה got mixed in to their society
 a. Teaching: that ממזר מחייבי כריתות?
 i. If so: just teach one of the cases
 ii. Answer: that's the way it happened (two occurrences)
 4. alternatively: an עבד and a שפחה got mixed in with them
 a. if so: teach one (עבד OR שפחה)
 b. answer: that's the way it happened (both)