

13.11.3

100a (משנה ר') → 101a (סיום הפרק)

1.	וְהִיתָה לוֹ וּלְזָרְעוֹ אַחֲרָיו בְּרִית כְּהַנֵּת עוֹלָם תַּחַת אֲשֶׁר קָנָא לְאֵלֵהֶיּוּ וַיִּכְפַּר עַל בְּנֵי יִשְׂרָאֵל: בַּמְדַּבֵּר פֶּרֶק כֹּה פְסוּק יג
2.	וְהִקְמַתִי אֶת בְּרִיתִי בֵּינִי וּבֵינְךָ וּבֵין זָרְעֶךָ אַחֲרֶיךָ לְדֹרֹתָם לְבְרִית עוֹלָם לְהִיּוֹת לְךָ לְאֵלֵהֶיּם וּלְזָרְעֶךָ אַחֲרֶיךָ: בְּרֵאשִׁית פֶּרֶק יז פְּסוּק ז
3.	שָׁמַר פְּתָאִים ה' דְּלוּתִי וְלִי יְהוֹשִׁיעַ: תַּהֲלִים פֶּרֶק קטו פְּסוּק ו
4.	וְשָׁכַב אִישׁ אֶתְּךָ שָׁכַבְתָּ זָרַע וְנִעְלַם מֵעֵינַי אִישָׁה וְנִסְתָּרָה וְהִיא נִטְמָאָה וְעַד אֵין בָּהּ וְהוּא לֹא נִתְפָּשָׁה: בַּמְדַּבֵּר פֶּרֶק ה פְּסוּק יג

- I ספק בן ט' לראשון, ספק בן ז' לאחרון – המתנה (3 months between husbands) – משנה ר'
- a ruling: confirmed brothers from either husband perform חליצה only for him and he for them
- b ruling: if he had paternal (but not maternal) brothers, (only) 1 from each (possible) father:
- i if one of them dies: he may perform חליצה OR ייבום
- 1 rationale: if he is the brother, ייבום is in place; if not, she is a regular אלמנה and he may marry her
- ii if he dies: one of them performs חליצה (first), the other may then perform ייבום
- 1 rationale: if the 1st is the brother, she is now released; if the 2nd is the brother, ייבום is in place
- II משנה ז' – addition to previous ruling –
- a if 1 of the husbands was a כהן and the other a ישראל
- i the son must marry לכהונה ראויה and all ספק-status applies to him as it does to 2 men in ה' משנה
- b if both of them are כהנים
- i he mourns for either of them and they for him
- ii he is not מטמא for either of them, nor they for him
- iii he does not inherit from them, but they inherit from him
- iv he is exempt from מיתה for cursing or striking either of them
- 1 if he cursed or hit one after the other or simultaneously – חייב
- (a) ר' יהודה (1): if simultaneously – חייב, but not one after the other
- (b) פטור ר' יהודה (2): even if simultaneously, פטור
- (i) reason: similar to cursing ה' - singular (קללה::הכאה)
- v he performs עבודה during each of their משמרות but does not share the portion
- 1 reason: so as not to shame either family, as if he was ineligible for עבודה
- 2 if they are of the same משמר and בית אב, he receives one portion
- III Discussion of שמואל's ruling: if 1 of 10 כהנים (unknown which one) had ביאה with a girl, who then had a son, we "silence" him – from כהונה דין, following v. 1
- a Challenge: (ר' פפא) – then v. 2, which applies to all ישראל, - what is the referent?
- b Answer: warning not to bear children with a נכרית ושפחה
- c Challenge: ברייתא (4th ch.) that if a כהן dies and his brother is מייבם during 3 months, the son (fatherhood in question) could be כה"ג!
- d Answer: known paternity is a rabbinic demand, which they only applied to זנות
- e Challenge: our משנה, where the 1st "man" must have been a case of זנות (see below) and the son participates in both משמרות - i.e. he has כהונה דין
- i Proof: the 1st must have been זנות:
- 1 Leg1: cannot be still alive, since the ruling is that both 1st and 2nd are אונן for the son
- 2 Leg2: cannot be a divorce, because then the son could be מטמא to the 1st "man"
- (a) Either: he is the son of the 1st, in which case he should be מטמא
- (b) Or: he is the son of the 2nd, who married a גרושה, and he is a חלל who may be מטמא
- 3 →: the case is one of זנות ("בעלה" should be read "בוועלה") → rejection of שמואל
- ii challenge: perhaps the first marriage was קידושי מאן (כהן may marry a ממאנת)
- 1 rejection: ממאנת cannot give birth (סוגיא of שו"ת)
- iii challenge: perhaps the 1st marriage was קידושי טעות
- 1 support: following דרשה on v. 4 – even if she had consensual relations and then the condition was unmet, the קידושין are retroactively cancelled and she may marry a כהן
- iv result: שמואל is defended