19.04.04; 72b (צוה ה' ליעקב סביביו צריו) \rightarrow 74a (אמר רבא הלכה כאבא שאול)

- I Continuation of Aggadic inquiry into the status of בבל (vv. 1-5)
- II Observation about our משנה which noted clear identifications of all בבל
 - a שמואל: authored by ה"מ, but חמים maintain that all countries have חזקת כשרות
 - i story: אמימר permitted a student to marry a girl from מחוזייתא (outside of בבל)
 - 1 Challenge (ר' אמי מדרש מדר מדי מדרש 'ר' בפא 'ר' במנא מ' מחל ל don't have that reading of שמואל
 - 2 Nonetheless: he heard it directly from an elder in נהרדעא, accepted it and allowed it based on חכמים
- III Future status of ממזרים and נתינים
 - a ר' יוסי they will ultimately become "purified" as per v. 6 הלכה
 - ס dissent: ר"מ they won't (emphasis on end of v. 6) v. 7 (יטי) they won't (emphasis on end of v. 6) v. 7 (יטי)
- IV ממזרים as part of 'קהל (and forbidden from marrying ממזרים) or not
 - a גר a ר' יוסי may marry a ממזרת
 - i reason: 5 mentions of ההלן (vv. 8-10) to ban ממזרים from הנים, לויים, ישראלים, permit ממזרת ממזרת, שתוקי מ
 - 1 explanation: v. 8 only bans ממזר ודאי (not a שתוקי) and only from [קהל ה') (not from [שתוקי) (שתוקי)
 - b גר bans a גר from marrying a ממזרת
 - i reason: he reads one קהל ה' = קהל גרים one is extra to include המנים ולויים
 - ii alternatively: he agrees that כהנים ולויים are distinct; v. 11 equates ישראלים::גרים
 - 1 counter (ר' יוסי): the word חוקה interrupts (between ולגר הגר)
 - c Ruling: גר, עבד משוחרר וחלל are allowed to marry כהנת
 - i Supports: בסולים who taught that כשרות were never banned from marrying
 - 1 Story: זירא קublicized ruling that a גרים may marry a ממזרת (like ר' יוסי) (city with lots of גרים) –pelted him
 - 2 Story: מחוזא taught in גר that a גר may marry a כהנת (they honored him)
 - (a) Then: he taught that a ממזרת they said he had lost his earlier favor
 - (i) Response: he was giving them more choices (to their advantage said to appease them)
 - (ii) Ruling: כרי יוסי) ממזרת (not banned from marrying פסולים); may marry מזרת (כר' יוסי)
- V Analysis of ruling of שתוקי (unknown father) and אסופי (foundling) as פסולי קהל:
 - א מה"ת: spermitted most are כשרים אצלה, and even if it's a case of קבוע (she went to him) ספק is ok (v. 8)
 - i *note*: reason they forbad it so that he wouldn't marry his paternal sister
 - $ii \quad if$ so: שתוקי shouldn't be allowed to marry שתוקית Answer: unlikely that both שתוקים are from the same father
 - 1 Question: if so, he shoudn't marry a בת שתוקי (may be his paternal sister) answer: לא שכיח
 - iii Rather: it is a מעלה ביוחסין (special consideration to maintain "family purity")
 - b אסופי na מה"ת: אסופי is permitted (bastards aren't abandoned; the woman claims its from her husband) same as above (רוב
 - i reason for ban: מעלה עשו ביוחסין
 - c exceptions to אסופי. any circumstance where it's clear that he was cared for and abandoned due to financial need etc.
 - i note: פבא added that if he was taken from the שוק, parents aren't trusted to claim him unless during a famine
- VI tangent (אסופי: 3 who are trusted immediately (after the questionable event) אסופי, midwife (which born first) and נדה
 - a תיות. believed which child is נתין/ממזר, כשרות only if there's no challenge (either of 2 עדים, or 1 [works if no חזקת.
 - additionally: seller is believed to testify which buyer bought from him; שלון believed to testify which he acquitted,
 - i additional: 3 are believed to testify which is בכור midwife (immediately), mother (7 days), father (forever v. 12)
 - 1 parallel: father believed to testify son is חכמים ;בן-גרושה disagree
- VII אבא שאול (משנה מ"א) called "שתוקי" that we check with the mother who the father is stronger than משנה ":ר"ג (כתובות פ"א)
 - a אבא שאול רוב פסולים אצלה only believed if there are הלכה כאבא שאול , according to אבא שאול , even if הלכה כאבא שאול רוב פסולים אצלה

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