

קידושין ע"ב



## OVERVIEW of the Daf

### 1) Identifying the borders of Bavel (cont.)

The Gemara continues its discussion of the borders of Bavel.

### 2) The genealogical status of the people in Bavel (cont.)

Amoraim discuss the genealogical fitness of residents of different towns in Bavel.

Tangentially, the Gemara offers two explanations of a pasuk from Sefer Daniel that is related to some of the towns mentioned in the present discussion.

Rebbi asked Levi to give analogies for the people of different nations.

The Gemara presents the comments of Rebbi from his deathbed that began with comments about the residents of different towns and concluded with other matters.

The Gemara follows up on Rebbi's statement concerning the birth of Rav Yehudah and states as a general principle that before one Torah scholar dies another is born.

A pasuk in Yechezkel is cited and Rav and Shmuel dispute the meaning of the verse.

The two opinions are explained.

The Gemara attempts to demonstrate which position is Shmuel's but it is rejected.

### 3) The genealogical status of people from other countries

R' Yehudah in the name of Shmuel asserts that the Mishnah follows the opinion of R' Meir but Chachamim hold that people from other countries are also presumed genealogically fit.

A related incident is presented.

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## REVIEW and Remember

- Concerning matters related to gittin, why is it important to know the borders of Bavel?
- In what way do Persians resemble bears?
- Who was born before R' Akiva died?
- What is the point of dispute between R' Yosi and R' Meir concerning mamzerim in the time of Moshiach?

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## Distinctive INSIGHT

### The sinners of Birsa d'Satya

כי הוה ניחא נפשיה דרבי אמר...בירתא דסטיא איכא בבבל היום סרו מאחרי המקום דאקפי פירא בכוורי בשבתא...ושמתיהו רבי אחי ברבי יאשיה ואישתמוד

In its narrative regarding various testimonies about family status, the Gemara mentions that on the day Rebbe died, he pronounced several prophetic reports about places and people. One report was that there was a city in Bavel named Birsa d'Satya. Once, on Shabbos, a certain pool flooded, and a surplus of fish were accessible in its waters. The people immediately went to gather the fish, and R' Achai b'r Yoshiya warned them that their actions were in violation of the Shabbos. When they ignored his admonitions, he placed them in banishment (נידוי). As a result, the people turned away from Hashem completely.

Terumas Hadeshen (#138) writes that when it is appropriate to place someone in נידוי, we follow through and make this declaration even if the rabbis feel that as a result, the person being admonished may react rebelliously and abandon a Torah lifestyle completely. We see this from our Gemara, where the very fact that Rebbe reported this episode indicates that in spite of the tragic outcome, the pronouncement of banishment was proper and appropriate. Rema (Y.D. 334:1) rules according to the opinion of the Terumas Hadeshen. However, Ta"z (ibid. #1) arrives at the opposite conclusion, and he understands that Rebbe was not coming to justify the actions of R' Achai, but that he was telling the listeners that all of the information he was providing them about several otherwise unknown mamzerim was true, just as he was aware of the incidents in far-off Bavel, which could be verified. He was now simply telling them that, unfortunately, the residents of the town of Birsa d'Satya had turned against Hashem and had to be shunned because their offspring were mamzerim.

Chasam Sofer (Y.D. #322) writes that a common sinner should not be placed in נידוי if we anticipate that he or his family may react drastically. However, the residents of Birsa d'Satya had shown indications of heresy, and they and their families were at risk and close to incorrigible. They needed to be placed in נידוי for their sins. ■

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# HALACHAH Highlight

**Naming a newborn baby after a tzadik who was recently niftar**  
ללמדך שאין צדיק נפטר מן העולם עד שנברא צדיק כמותו

Which teaches that a tzadik does not leave this world until a tzadik like him is created

**T**eshuvos Harashbash<sup>1</sup> records a fascinating incident involving Ramban. Rabbeinu Yonah's father and Ramban's mother were siblings and Rabbeinu Yonah's daughter was married to Ramban's son, Shlomo. When Rabbeinu Yonah died, his daughter was pregnant and she later gave birth to a boy. Since the custom amongst Sephardim is to name a grandson after his paternal grandfather, even when the grandfather is alive, the baby should have been named Moshe, the first name of Ramban. Ramban, however, advised naming the child Yonah after the maternal grandfather, Rabbeinu Yonah. The explanation he gave for his advice was based on the verse cited in our Gemara **וּזְרַח הַשֶּׁמֶשׁ וּבָא הַשֶּׁמֶשׁ** – The sun rises and the sun sets, meaning before the light of one great scholar is extinguished the light of another great scholar begins to rise. This concept was in fact fulfilled, concludes Rashbash, and the baby Yonah grew up to be a great rabbi for the Jewish People.

Rav Avrohom Falaghi writes a similar account of his father. He recounts that his father, Rav Chaim Falaghi, was a master in Bavli, Yerushalmi, Tosefta, Aggadata, Poskim and halacha. Our Gemara relates, as an example of the principle that before one tzadik passes away another tzadik is born to replace him, that on the day that R' Akiva died Rabbi Yehudah Hanasi was born. Similarly, writes Rav Avrohom Falaghi, his father was born as a

(Overview. Continued from page 1)

## 4) Mamzerim and Nesinim in the time of Moshiach

A Baraisa presents a dispute concerning the status of mamzerim and nesinim in the time of Moshiach.

R' Yosi's position that they will be considered pure is unsuccessfully challenged.

R' Yehudah in the name of Shmuel rules leniently in accordance with the position of R' Yosi.

R' Yosef comments about what would have been had R' Yehudah not ruled like R' Yosi.

## 5) A convert marrying a mamzeres

A Baraisa presents a dispute between R' Yosi and R' Yehudah whether a convert is permitted to marry a mamzeres.

The Gemara begins to explain R' Yosi's position. ■

replacement for the great Gaon Rav Chaim Yosef Dovid Azulai, the Gaon Chida. This is not mere speculation because Rav Chaim Falaghi was born on the 12<sup>th</sup> of Adar I in the year 5566 (1806) and Gaon Chida died on the 13<sup>th</sup> of Adar I of that same year. Furthermore, we can assert that Gaon Chida and Rav Chaim Falaghi shared the same source of their souls (שורש נשמתם) since they shared the same name and both were outstanding Torah scholars. He explains this concept with the halacha regarding the demolition of a shul. It is prohibited to demolish one shul before the replacement is built out of fear that the first shul will be demolished and something will prevent the construction of the new shul from being completed. So too, Hashem does not take the soul of a tzadik unless a replacement is there to fill his place. ■

1. שו"ת הרשב"ש סי' רצ"א.

2. ספר פדה את אברהם. ■

# STORIES Off the Daf

## Setting conditions

"ושמתיהו ר' אחי ברבע יאשיה ואשתמוד..."

**I**n the autumn of 1955, a Jewish-owned sports center opened in Mexico. It was completely non-kosher even though the owners were somewhat traditional. When the Rav of Mexico at that time, Rabbi Yaakov Avigdor, zt"l, confronted the investors with the incompatibility of their business and a traditional Jewish lifestyle, they agreed to make the center kosher. However, their willingness to accommodate the Rav's demands only extended so far.

One of the owners said, "I am fine with serving strictly kosher and having a mashgiach. I am even willing to agree that there will be no cooking on Shabbos. But I

have one condition: don't try to limit what desserts I serve my customers. If a Jewish customer requests ice cream after a meat meal, I am not willing to refuse. If you won't agree to my conditions, then we will leave things as they are now."

Since Rav Avigdor was unsure if he was permitted to agree to this condition, he consulted with Rav Moshe Feinstein, zt"l. Rav Moshe answered, "One certainly may not permit a rabbinical prohibition to save someone from violating a Torah prohibition. The Chasam Sofer, zt"l, learns this from Kiddushin 72, where we find that Rav Achi bar Yoshiya banished people of a certain city for violating a rabbinical prohibition despite the fact that some went off the derech altogether after being shunned. In your case, however, I see no reason why you should not give a hechsher to the sports center. A hashgachah is not

on the people selling, nor on the owners: it is on the food. This entails that all milk or meat products are strictly kosher and no cooking is done on Shabbos."

Rav Moshe concluded, "It is certainly a great thing to certify this concern. However, the mashgiach must be a very discerning individual since the owners are not reliable and are likely to try and trick him. He must understand how to deal with such people to ensure that this center is truly kosher. It is a great mitzvah to enable even Jews distant from the Torah to eat kosher when visiting this center, especially since many of them are unaware of the importance of eating kosher since they were not raised with this. We are certainly responsible to do what we can to enable these unfortunates to avoid eating non-kosher as much as possible!"<sup>1</sup> ■

1. שו"ת אגרות משה, חלק יורה דעה א', סימן נ"ב