



## OVERVIEW of the Daf

### 1) A Kohen Gadol who marries a widow

R' Yehudah states that a Kohen Gadol who marries a widow receives two sets of lashes.

The Gemara explains why he does not receive a third set of lashes.

R' Yehudah's ruling is unsuccessfully challenged.

Abaye asserts that a kohen receives lashes for betrothing a woman whom he is prohibited to marry and another set of lashes if he has relations with that woman.

Rava disagrees and maintains that lashes are given only if he has relations with the woman he is prohibited to marry.

The Gemara identifies a case where Abaye will agree with Rava, a case where Rava agrees with Abaye and a case about which both Abaye and Rava will agree.

### 2) The daughter of a male convert

A Baraisa elaborates on R' Yehudah's view that the daughter of a male convert is prohibited to marry a kohen.

Another Baraisa is cited that adds a fourth opinion to the Mishnah who permits a kohen to marry a girl who converted when she was less than three years old.

The Gemara notes that all three opinions utilize the same pasuk to derive their position.

R' Nachman notes a difficulty with the verse that was just cited.

Another difficulty with the pasuk is raised and resolved.

A Baraisa is cited that supports this explanation.

Rav Hamnuna in the name of Ulla rules in accordance with R' Yosi's opinion that the daughter of converts is permitted to marry a kohen.

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## REVIEW and Remember

1. How many sets of lashes could a Kohen Gadol receive for betrothing a widow?
2. What are the four opinions regarding the daughter of a convert?
3. Is it possible to have a change of subject in the middle of a verse?
4. Explain the dispute between R' Yehudah and Chachamim concerning the word **יכיר**.

## Distinctive INSIGHT

### *Sitting in the courtyard, entering into the היכל*

ושמואל שוכב בהיכל ה' - והלא אין ישיבה בעזרה אלא למלכי בית דוד

Our Gemara reports that it is prohibited for anyone to sit in the courtyard of the Beis Hamikdash, except for the kings who are descendants of Dovid Hamelech. This is why the Gemara was certain that the verse in Shmuel (1 3:3) could not be telling us that Shmuel was laying down in the **היכל**, but rather is a different spot, outside the courtyard and sanctuary.

Most Rishonim understand that the halacha not to sit in the courtyard of the Beis Hamikdash is a Torah law (Rashi, Sanhedrin 101b, and one opinion in Tosafos, Zevachim 16a). Nevertheless, there is an opinion of the **אור זרוע** (2:227) who rules that it is only a rabbinic law.

Mishne L'melech (to Beis Habechira 7:6) asks that according to the view that this law is only rabbinic, our Gemara could have said that Shmuel lay down in the **היכל** because at that time the rabbis had not yet established the law to prohibit sitting or lying down in the **היכל**.

Gevuros Ari (to Yoma 25a) also points out that our Gemara could have asked that not only should Shmuel not have been allowed to sit or lay down in the **היכל**, but also his mere entering into the **היכל** is prohibited by the Torah. In fact, even a kohen cannot enter into the **היכל** unless he is involved directly in the service of the Beis Hamikdash (Menachos 27a). If the Gemara understood that the prohibition against sitting (or lying down) was also a Torah law, we could say that the Gemara actually felt that there were multiple issues regarding Shmuel's conduct, and it simply asked one question out of the several which were problematic. However, if the Gemara felt that the issue of sitting in the courtyard was rabbinic, why would the Gemara question how he could be in violation of the rabbinic prohibition, rather than to ask how could Shmuel have entered the **היכל** in the first place?

Based upon this observation, Gevuros Ari concludes that the issue of sitting in the courtyard must be a Torah law, and not just a rabbinic enactment to ensure the respect one must have for the Beis Hamikdash. ■

## HALACHAH Highlight

### *A mother's reliability to declare her daughter a mamzeres*

האומר בני זה ממזר אינו נאמן

Someone who declares, "This child is a mamzer," is not believed

There was once a woman who, according to her own statement, married a man at a ceremony officiated by an Orthodox rabbi and they had three children together. Some time later they had a civil divorce but never went through the process of executing a גט. She retained custody of the children and her husband paid child support. The husband went on to marry a gentile woman and the woman had a civil marriage with a second man and gave birth to sons and a daughter. This daughter attended religious schools and reached marriageable age and the difficult question arose, is she permitted to marry into קהל since, based on her mother's statement, she is a mamzeres.

In his search to find room for leniency, Rav Yechezkel Grubner<sup>1</sup> took note of the fact that there is no substantial evidence that indicates the mother had an Orthodox wedding with the first husband since there is no kesubah to prove that a wedding did, in fact, take place. The only record is a civil document (marriage license) signed by the same rabbi the mother alleges officiated at her wedding, but there are no witnesses signed on the document. Therefore, since there is no conclusive evidence that the mother was ever previously married she does not have the reliability to step forward and claim to be a sinner (i.e. an adulteress) and thus cause her children to be mamzerim<sup>2</sup>.

Rav Ovadiah Yosef<sup>3</sup> added that even if the rabbi who we are told officiated at the wedding would confirm that he did officiate at the wedding he would not be believed. The reason is that he is only a single witness and in order to disqualify

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Rabbah bar bar Chanah adds that since the time of the destruction of the Beis Hamikdash kohanim followed the opinion of R' Eliezer ben Yaakov that kohanim may not marry the daughter of converts.

R' Nachman in the name of Huna asserted that if a kohen asks he should be told not to marry the daughter of converts but if they marry it is not necessary to force them to divorce.

3) **MISHNAH:** The Mishnah discusses whether a father is believed to testify that his son is a mamzer.

#### 4) Clarifying the Mishnah

The novelty of the emphasis of the Mishnah that even the mother is not believed is explained.

A Baraisa elaborates on the dispute between R' Yehudah and Chachamim whether a father is believed to identify his son to others.

The Gemara discusses the exposition Chachamim will make from the word יכיר, used by R' Yehudah as the basis for his position.

5) **MISHNAH:** The Mishnah discusses what happens when a father sends an agent to accept kiddushin for his daughter and then he goes and accepts kiddushin for her on his own.

someone's genealogy it is necessary to have two witnesses. The requirement for two witnesses to disqualify someone's genealogy is mentioned by Ran to our Gemara and codified in Shulchan Aruch<sup>4</sup>. ■

1. מובא דבריו בשו"ת יביע אומר ח"ז אה"ע סי' ו' אות א'.

2. ע' שו"ת אה"ע סי' ד' סעי' כ"ט.

3. שו"ת יביע אומר הנ"ל.

4. שו"ת אה"ע סי' ב' סעי' ג'. ■

## STORIES Off the Daf

### *Insult and injury*

"האומר בני זה ממזר..."

It is well known that at times children can be very frustrating to their parents and might even insult them. Of course, such behavior is contrary to all the halachos of kibur av. Even worse, one who embarrasses or insults his parents is liable to the curse, "ארור מקלה אביו ואמו".<sup>1</sup> However, when children are younger it is easier to understand how they can do something so terrible—if their parents have not adequately explained the seriousness of the prohibition in a way that children can understand they do not necessarily grasp it on their own.

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One time, a young man called his father a mamzer. The father was incensed that his son had done what no normal person would ever do and wished to disinherit him.

The local rabbi consulted with the Tashbatz, zt"l, who answered, "This child is nothing but an idiot. If he is correct about his father, then he is actually a mamzer as well and is prohibited to marry into the community of Israel! A father is believed to declare about that his son is a

mamzer, as we find in Kiddushin 78, because he knows with certainty the facts. But how can this son possibly know if his father is legitimate since he surely wasn't even in the world! We can learn nothing about his lineage from this fool. Even if he said this to a stranger in pugnacious manner and not in response to a personal attack he deserves to be lashed. If he said this to his father, even if he only embarrassed him lightly, he is cursed from Hashem. In such a situation, the Rambam writes that we should give makos mardus to a child who shames his parents!"<sup>2</sup> ■

1. עיין יו"ד, סימן רמ"א, סעיף ו'

2. שו"ת תשב"ץ, חלק ב', סימן קע"ז