

OVERVIEW of the Daf

1) When there is no transgression the child follows the status of the father (cont.)

R' Shimon concludes formulating an unsuccessful challenge to the Mishnah's first ruling that whenever there is no transgression the child follows the status of the father.

A second resolution to R' Shimon's challenge is presented.

This interpretation is challenged.

The Gemara answers that only the cases listed in the Mishnah conform to the first rule that whenever there is no transgression the child follows the status of the father.

Numerous unsuccessful challenges to this assertion are presented.

The earlier assumption that the Mishnah follows the opinion of R' Yosi is unsuccessfully challenged.

2) "Regarding other nations, go after the male"

Earlier, Ravin quoted R' Yochanan as stating that regarding other nations, go after the male. The Gemara inquires about the meaning of that statement.

A Beraisa is cited that explains the meaning of that statement.

3) "If they convert, go after the more blemished of the two of them"

The Gemara identifies the case that Ravin in the name of R' Yochanan referred to when he declared that after they convert, go after the more blemished of the two of them.

4) Relationships that create mamzerim

The Gemara inquires after the source that kiddushin does not take effect between people who are prohibited to one another by kares.

One possible source is suggested.

This source is challenged and the Gemara concludes that it can only demonstrate that kiddushin does not take effect if one attempts to marry one's wife's sister.

It is suggested that the rest of the arayos could be derived from the halacha regarding one's wife's sister but that assumption is rejected on two accounts.

Another source for this principle is suggested. ■

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 By Mr. and Mrs. Ira Kirsche
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Distinctive INSIGHT

*Among the gentiles, we follow the status of the father
 מי באומות הילך אחר הזכר? כדתニア וכו'*

Rabbi Yochanan established a rule regarding a child born from parents from differing nations. His lesson was that "among the [gentile] nations, go after (follow the status of) the male" הילך אחר הזכר". The Gemara inquires about the practical meaning of this guideline, and for its source. The Gemara concludes that this was said in reference to a case of a gentile man who was not from the seven nations of Canaan who had a child with a woman from Canaan. In this case, because the father was not a member of the seven nations of Canaan, the child does not fall into the category of "לא תחיה כל נשמה", and he may be spared.

Rambam writes (Avadim 9:3): "If a man from any of the nations has a son with a Canaanite maid-servant, the child is a Canaanite slave, as the verse states, 'that they are born in your land.' But, if a Canaanite slave has a child with a woman from the other nations (not of Canaan), the child is not a Canaanite slave, as the verse states, 'that they are born in your land,' and a slave has no familial relationship."

The ruling of Rambam is in need of clarification on two accounts, as Ra'aved notes. First of all, our Gemara concludes that lineage among the gentile nations follows the father, while Rambam rules reverse, that the status of the child follows the mother. Secondly, our Gemara notes that the legal application of this system applies to whether the child is a Canaanite regarding the law of "לא תחיה", while Rambam discusses whether the child is a slave or not.

Kesef Mishneh explains that Rambam had a text in our Gemara which read "באומות הילך אחר הנקבה," that lineage follows the mother. In this way, the ruling of Rambam follows the text of his Gemara. Lechem Mishneh finds this answer to be astonishing, as Rambam (Isurei Bi'ah 12:21) explicitly rules according to R' Yochanan as we find him in our text, that we follow the father regarding lineage. Rather, Lechem Mishneh explains that Rambam noticed that our Gemara searched for an applied understanding of R' Yochanan, and the Gemara did not simply say that the case could be where a man from Amon marries a woman from Egypt, where the child's status follows the father. Why did the Gemara choose to find a case of a man who marries a Canaanite woman, or vice-versa? Rambam therefore understood that the Gemara was only looking for the source from which we see that the child's status follows the father. The Gemara brought a Beraisa from which we see that we follow the mother regarding status of a slave due to scriptural decree (גזרת הכתוב), but in general we follow the father. ■

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HALACHAH Highlight

The lineage of Ruth and the grandchildren of Haman

באותות הולך אחר הזכר

Among the other nations a person's genealogy is determined by his father's status

The Gemara teaches that the genealogy of a gentile is determined by his father. Later we are taught that only when a father descends from one of the seven nations indigenous to Canaan is there a prohibition against allowing them to live (**לא תחיה כל נשמה**) but if the father is from another nation the prohibition against allowing them to live does not apply. Accordingly, Maharit¹ questions why Doeg thought that Dovid Hamelech was disqualified to serve as king. Doeg claimed that Dovid should be disqualified because he descended from Ruth the Moabite and Moabites are not permitted to enter into Klal Yisroel. It would seem, however, that his accusation was misplaced. The Gemara Sanhedrin (60a) relates that Ruth was the daughter of Eglon who was a grandson of Balak. Although Balak was the king of Moav, Rashi (Bamidbar 22:4) informs us that Balak was originally an officer descended from Midian. Consequently, if Balak was from Midian and the genealogy of gentiles is determined by their father, Ruth was not a Moabite at all, she was a Midianite who is permitted, after converting, to marry into Klal Yisroel. One suggested resolution to this question is that the rule that genealogy follows the father is limited to the application of the prohibition against allowing someone from the seven indigenous nations of Canaan to live. For other matters, like matters related to genealogy, the status of a child is determined by whatever is the greater blemish. Thus, assum-

REVIEW and Remember

- What is the status of a child born to a Yisroel and a chalalah?
- What is the status of a child born to two gentiles?
- What is the source that kiddushin does not take effect when two people prohibited by kares try to marry?
- In what way is the prohibition against marrying one's wife's sister different from the prohibition against marrying one's brother's wife?

ing that Ruth's mother was a Moabite, that blemish will carry over into Ruth.

Teshuvas Mahersham² asks a similar type of question. The Gemara Gittin (57b) teaches that Haman's grandchildren converted and studied Torah in Bnei Brak. The difficulty with this statement is that we do not accept converts from Amalekites.³ He answers that we are forced to assume that these grandchildren must be grandchildren from a female descendant of Haman. Thus, as descendants of a male from a different nation they could convert but as far as the emphasis of the Gemara's teaching is concerned it could still be said that they are descendants of Haman. ■

- מהרי"ט ד"ה באותות.
- שו"ת מהרש"ם המובה במתיבתא בחלק ילקוט ביאורים ס"ז. ד"ה איך נתגירוו (עמ' קי"ב).
- עי' תשובה משנה הלכות חלק ט' סי' רל"ז. ע"ע נחלת שמעון ■ שמואל ב' ח"א סי' ב'

STORIES Off the Daf

A question of conversion

"באותות הולך אחר הזכר נתגירו הולך אחר הפטום..."

Today's daf discusses determining the lineage of non-Jews and converts.

It is well known that converts are actually higher souls trapped in non-Jewish bodies.¹ We find many converts who always had very strong feelings about Jews and Judaism from the moment they were exposed to our heritage. Once, a certain Polish soldier stationed in Cracow felt just such an intrinsic affinity with Judaism and expressed a very strong desire to convert to

Judaism.

Usually a potential convert who demonstrates his sincerity is welcomed with open arms, but in this particular case the rabbis of Cracow were in a quandary. Although they very much wished to convert this earnest young man, as a soldier he would definitely be forced to violate many Torah prohibitions. They wondered if this was permitted. Could they truly convert a young man they knew would be forced to violate Shabbos, kashrus, and many other serious prohibitions?

Since they had no idea if this was permitted they consulted with the Imrei Yosher, zt"l. He answered, "The Shach writes that it is permitted to circumcise on Thursday—even an infant who is not being

circumcised on the eighth day or a convert. Although one would have thought this is prohibited since they will certainly have to violate Shabbos on the third day after circumcision to properly care for the wound, it is better not to put these mitzvos off.

He concluded, "We see from this that the Shach holds that one may circumcise even if this will result in violating the Shabbos. Even the Yaavetz, who holds that one must wait until Sunday, would agree that in our case we should not wait. He permits waiting a few days, but since we have no idea how long the war will continue, it is certainly incumbent upon us to circumcise him without delay!"² ■

- עיון אוצר החיים, שמות, דף ק"
- שו"ת אמריו יושר, חלק ב', סימן ק"מ, אות ב'

