



I'm back and these are my children

The final *perek* of *Kiddushin*, begins by discussing the topic of *yuchsin* – lineage. The first *Mishnah* details the limitations on who one can marry based on their lineage. Consequently, establishing one's lineage is important. The *Mishnah* discusses when one is trusted regarding the claims he makes about his children's *yichus*¹. The *Mishnah* (4:10) explains that if one went overseas with his wife, and returned with his wife and children, he does not need to bring proof regarding his wife's *yichus* or that the children are hers. *Rashi* and the *Bartenura* explain that her *yichus* was established when they were married, and since we see the children are attached to the mother, their *yichus* is not questioned. If however he return with only the new children and says his wife died, he would need to bring proof that they are her children, but no further proof is required regarding her wife's *yichus*.

The *Tosfot* however questions *Rashi's* explanation. If the wife's *yichus* was established at the time of marriage, in both cases it is obvious that her *yichus* does not need to be confirmed again. Why then does the *Mishnah* need to state the obvious? Furthermore, why does the *Mishnah* need to restate that point in the second case?

The *Tosfot* cite the *Ri* who answers that the *Mishnah* means the two proofs that are not required are regarding the children that they are his (and not from another father) and with respect to the wife, that they are her children. However, in the second case, where the wife did not return, a proof is required regarding the children that they are his own children born to the wife that died while away. The *Mishnah* however continues that once established, no proof is required that the wife who died is the one whose he left with and whose lineage we had already established.

The *Tosfot Yom Tov* however finds this explanation forced. In both cases we refer to proof regarding the wife and children, but according to the *Ri's* explanation, the meaning of those terms is different in each case. The *Tosfot Yom Tov*

therefore suggests that the focus of the *Mishnah* was with respect to the children. The detail of the wife was indeed unnecessary and only mentioned since in the first case, the children's status is confirmed since they were attached to the mother. Having mentioned the mother's status in the first case, it continued the pattern in the second as well.

R' Tzvi Hirsh Kalisher (*chidushim* on the *Mishnah*) however asks, even if her status was established when they married, why it is obvious that in need not be verified again. In this case, the fact that he needed to inform people that this is his wife on return, must mean that enough time has passed, and people do not recognise her. Consequently, the *Mishnah* needs to teach us that he is indeed trusted when he says, "this is my wife."²

One might however ask, in the next *Mishnah* we learn that if a single man goes away and returns with a wife and children, he must provide proof regarding his new wife's *yichus*. If we do not recognise the wife in this case why is the ruling different?

R' Kalisher explains that our case is different since he left with a wife whose *yichus* was already established. Consequently, we are not concerned that they divorced, or she died and he remarried (as there has been no news to raise such a concern). The fact that we are not concerned, despite not recognising her is indeed a *chidush* (novel). Consequently, we understand why the *Mishnah* needed to teach in the first case that no proof is required regarding his wife's *yichus*. Why is this point repeated in the second case where the wife dies? *R' Kalisher* explains that had it not, we may have thought in the first case, we only believe him if we recognise her. The repetition in the second case, where the wife is no longer alive, teaches that the first case is one that is comparable to the second – where the wife we knew is no longer "here" as we do not recognise her.

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¹ Please note that the term *yichus* here is used as per the *Mishnah* where it has *halachic* significance and not as it is more commonly used to refer to one that is born to a distinguished family.

² *R' Kalisher* continues that one cannot suggest that we are dealing with a case that they do recognise the wife, yet we are considered he had divorced her while away and these are the children from a different marriage. The language of the *Mishnah* "this is my wife" does support the suggestion that this is the concern.

Revision Questions

קידושין ג' י"ב – ד' י"ב

- Complete the following rules and explain: (ג' י"ב)
 - _____ כל מקום שיש קידושין ואין עבירה
 - _____ כל מקום שיש קידושין ויש עבירה
 - _____ כל מקום שאין קידושין ויש עבירה
- According to *R' Tarfon*, how can one "metaher" a *mamzer*? (ג' י"ג)
- What were the ten categories of family that returned from *Bavel*? (ד' י"א)
- Who can *charurei* marry? (ד' י"א)
- What are *shtukei*? (ד' י"ב)
- What are *asufei*? (ד' י"ב)
- Regarding which relationship does the *Tana Kama* and *R' Yehuda* argue? (ד' י"ג)
- How many generation back does a *Kohen* need to check in his fiancé's past when marrying a *Kohenet*? Or marrying an *Yisraelit*? (ד' י"ד)
- Regarding the previous question to which case is marrying a *Leviya* compared? (ד' י"ד)
- When checking the lineage, if an ancestor had one of which five professions is it then not necessary to continue checking further back? (ד' י"ה)
- Which of a *bat chalal* or a *bat chalalah* can marry a *Kohen*? (ד' י"ו)
- According to *R' Eliezer ben Ya'akov* when is the daughter of a *ger* forbidden from marrying a *Kohen*? (ד' י"ז)
- Is a parent believed when they say that their child is a *mamzer*? (ד' י"ח)
- If a man sent a *shaliach* to marry off his (minor) daughter, but then went and decided to marry off his daughter himself, what is the law if the *shaliach* married off the daughter first? (ד' י"ט)
- What is the law regarding a case where a couple went overseas, yet the man returned with children claiming that his wife that he left with gave birth to these children and then passed away? (ד' י"י)
- What is the law, relating to *yichus*, regarding a case where a man returns from abroad saying:
 - "This is my wife that I married while away and these are her children"?
 - "I married while away and my wife died, and these are the children from that relationship"? (ד' י"יא)
- Does *yichud* apply where there is:
 - Two men and one woman?
 - Two women and one man? (Include the exception.)
 - A mother and son? (ד' י"יב)

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
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Melbourne, Australia

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10 minutes before *Mincha*
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
11 November ג' כסלו	12 November ד' כסלו	13 November ה' כסלו	14 November ו' כסלו	15 November ז' כסלו	16 November ח' כסלו	17 November ט' כסלו
Kidushin 4:13-14	Bava Kama 1:1-2	Bava Kama 1:3-4	Bava Kama 2:1-2	Bava Kama 2:3-4	Bava Kama 2:5-6	Bava Kama 3:1-2

