

כגון שקידש ובעל לאלתר –

For instance, he was **בעל** immediately after the *Kidushin*

OVERVIEW

explained the reason there is no concern (where she would be ¹ [and lose her **אסורה** עליו]), is that the **בעילה** took place immediately after the **קידושין**, so it is not possible that she was **תחתיו**.

וכן צריך נמי להעמיד שהראשון אחר שקידש **כנסה** לאלתר ומת מיד -

And similarly it is also necessary to establish that the first husband took her in **כנסה** - immediately after the **קידושין** and died immediately after

ועדים² מעידים שלא **זינתה** תחתיו -

And [or] **עדים** testify that she was not **מזנה** תחתיו of the first husband -

דאם **נבעלה** תחת הראשון הרי **נבעלה** לפסול לה³ **ואסורה** לכהונה:

For if she was **נבעלה** to a stranger while she was with the first husband, so she was **נבעלה** לפסול לה and she is **לכהונה** **אסורה** (so if the second husband is a **כהן** she is **אסורה** to him, and the question of **וניחוש** still remains regarding that she was **מזנה** by the first husband and is **אסורה** to the second husband if he is a **כהן**).

SUMMARY

Both husbands were **מקדש** ובעל לאלתר so there is no possibility of **זינתה** תחתיו.

THINKING IT OVER

1. **תוספות** writes that we must also know that there was no **זנות** by the first husband. Seemingly the **ברייטא** already stated this by saying that **ויש לה עדים שלא נסתרה וכו'**. What is **תוספות** adding to the **ברייטא**?!
2. Why should we suspect that there was **זנות** by the first husband, since we do not know that she is a **בעולה** (as we do by the second husband)? We should rely on her **חזקת הגוף** and **חזקת היתר** and assume that if anything she was **נבעלה** as late as possible!⁴

¹ See previous **תוס' ד"ה וניחוש**.

² The **רש"י** amends this to read **או עדים** (instead of **ועדים**).

³ She was an **אשת איש** then, and any **בעילה** with a stranger is forbidden to her and makes her a **זונה** (even if she is an **אשה זונה** and **חללה** לא **יקחו** [ויקרא [אמור] כא,ז] that **פסוק** states (אשת ישראל שנאנסה), whom a **כהן** is forbidden to marry as the **פסוק** states (אשת זונה וחללה לא יקחו).

⁴ See **פרדס יצחק** אות סב and **מהר"ם שי"ף** (בד"ה אבל בזה).