**כגון שקידש ובעל לאלתר –**

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

Overview

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

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**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** (נישואין) **immediately after the קידושין and died immediately** after כנסה -

**ועדים[[2]](#footnote-2) 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 לה[[3]](#footnote-3) 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 אסורה לכהונה** (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 ברייתא already stated this by saying that ויש לה עדים שלא נסתרה וכו'. What is תוספות adding to the ברייתא?!

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 היתר and חזקת הגוף and assume that if anything she was נבעלה as late as possible![[4]](#footnote-4)

1. See previous תוס' ד"ה וניחוש. [↑](#footnote-ref-1)
2. The רש"ש amends this to read או עדים (instead of ועדים). [↑](#footnote-ref-2)
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 אשת ישראל שנאנסה), whom a כהן is forbidden to marry as the פסוק states (ויקרא [אמור] כא,ז) that אשה זונה וחללה לא יקחו. [↑](#footnote-ref-3)
4. See מהר"ם שי"ף (בד"ה אבל בזה) and פרדס יצחק אות סב. [↑](#footnote-ref-4)