

**כל דאמר מבית חשמונאי אתינא עבדא הוא - Anyone who claims that he is a descendant from the house of the חשמונאים, is a slave**

### OVERVIEW

An עבד כנעני is not permitted to marry a ישראלית (and a ישראל is not permitted to marry a כנענית). (שפחה כנענית). הורדוס was an עבד כנעני in the חשמונאי household. He killed the entire חשמונאי family, except for one girl. She committed suicide so that הורדוס would not marry her. Immediately preceding her death, she exclaimed that whoever claims to be a descendant from the חשמונאי household, is really a descendant of הורדוס; and is therefore an עבד as well. תוספות will be discussing whether הורדוס or (some of) his descendants actually married Jewish women (illegally). Had they indeed (illegally) married Jewish women, then their descendants would be כשר Jews, according to some opinions.<sup>1</sup>

וכן הוא דהכי נמי אמר שמואל בפרק עשרה יוחסין (קדושין דף ע"ב, ב) –

**And this is indeed so,<sup>2</sup> for שמואל said the same thing in פרק עשרה יוחסין.** That whoever claims to be a descendant from the חשמונאים is really an עבד.<sup>3</sup>

תוספות claims that this poses a difficulty with רש"י's explanation elsewhere:

ומכאן<sup>4</sup> קשה על פירוש הקונטרס באלו נאמרים (סוטה דף מא, א) –

**And from this גמרא, there is a difficulty with the interpretation רש"י offers in פרק אלו נאמרים**

**דאמר אמרו לו לאגריפס אחינו אתה –**

**Where the גמרא states that the חכמים said to אגריפס; ‘you are our brother’<sup>5</sup> –**

**ופירש הקונטרס התם<sup>6</sup> שאמרו לו אחינו לפי שהיתה אמו מישראל –**

**And רש"י explained there, the reason that the חכמים said to him ‘you are our brother’ (even though he was a descendant of הורדוס, the slave), is because his mother was Jewish.** This concludes רש"י's interpretation on the גמרא. תוספות now poses the difficulty –

<sup>1</sup> There is a dispute regarding an עבד כנעני who is בן ישראל whether the child is a ממזר or if he is כשר.

<sup>2</sup> It is not merely a claim by this girl, but it is true.

<sup>3</sup> It was assumed (or perhaps it was known) that none of them married Jewish women since it is אסור.

<sup>4</sup> See: ‘Thinking it over’.

<sup>5</sup> אגריפס was a king towards the end of שני, and a descendant of הורדוס. The גמרא there relates that אגריפס read the תורה on תורה. When he reached the פסוק of איש נכרי לא תוכל לתת עליך (which prohibits a ‘stranger’ from becoming a מלך) his eyes flowed with tears. The חכמים responded; ‘have no fear אגריפס for אתה אחינו’.

<sup>6</sup> ד"ה אחינו

**דאם כן כיון דבני הורדוס נשאו ישראלית אמאי עבדא הוה הא שמואל גופיה אית ליה –**  
**for if this is so** as רש"י asserts that the mother of אגריפס was Jewish, then since **children married Jewish women why are their descendants considered as slaves, for** שמואל **himself maintains** that -

**עובד כוכבים ועבד הבא על בת ישראל הולד כשר בהחולץ** (יבמות דף מה,א) –

**A gentile or a slave that lives with a Jewess** (even though it is not permitted, nevertheless) **the resultant child is a** כשר Jew, as שמואל maintains **in** פרק החולץ. Why therefore does שמואל state that any descendants from the בית השמונאי are עבדים?! According to ישראליים כשרים they (may have) married Jewish women and the children are ישראליים כשרים.

**וצריך לומר שלא נשאו ישראלית -**

**And therefore it is necessary to maintain that** the descendants of הורדוס **did not** subsequently **marry Jewish women**. Rather they married other עבדים, etc. Therefore the resultant children retained their status as עבדים.

answers the anticipated question; Why then did the חכמים refer to אגריפס as 'אחינו', since he was a slave? תוספות explains:

**וקראוהו אחינו אתה לפי שעבד אחינו [הוא] במצות:** [וע"ע תוס' יבמות מה: ד"ה כיון דאמנן:]

**And the חכמים referred to אגריפס as אחינו אתה, for (even) an עבד** is considered 'אחינו' in regards to observing **the מצוות**. An עבד כנעני is obligated to perform all the מצוות that a woman is obligated to do. Therefore, they considered him a 'brother'; even though he was an עבד.

## SUMMARY

An עובד כוכבים or an עבד כנעני who fathers a child from a ישראלית, the child is a כשר according to שמואל.

maintains that the mother of אגריפס was Jewish; therefore the חכמים called him 'אחינו אתה'.

asks: according to רש"י why does שמואל maintain that the descendants of הורדוס are עבדים; perhaps their mothers' were Jewish.

maintains that none of the descendants of הורדוס married Jewish women, including the father of אגריפס. Therefore they are all עבדים. The חכמים referred to אגריפס as 'אחינו', since as an עבד כנעני, he is מחוייב במצות כאשה.

## THINKING IT OVER

What does מכאן קשה על פ"ה refer to when he states תוספות?