

בעינן זרעו מיוחס אחריו - We require that his seed be pedigreed after him

OVERVIEW

Our גמרא maintains that the פסוק of 'ולזרעו אחריו וגו' teaches us that in order to be a כהן must be מיוחס. His lineage must be known. תוספות will cite a seemingly contradictory ברייתא and resolve the contradiction.

anticipates a difficulty: תוספות

והא דאמר בהחולץ (יבמות דף לז,א) ראשון ראוי להיות כהן גדול¹ גבי ספק בן תשע לראשון -
And concerning that which the ברייתא states in פרק החולץ regarding a child of questionable paternity; whether there was a nine month pregnancy from the first husband, or a seven month pregnancy from the יבם that the first child is fit to be a כה"ג; In that case the lineage of the child is in doubt; we do not know who his father is. Nevertheless the ברייתא states that he is ראוי to be a כה"ג. This contradicts the גמרא here.

replies: the גמרא תוספות

בפרק נושאים על האנוסה (שם דף ק,ב) פריך לה ומשני זרעו מיוחס אחריו דרבנן -
asks this in the האנוסה על נושאים פרק and the גמרא answers that the requirement of זרעו מיוחס אחריו is a rabbinical requirement; it is not a תורה requirement even though the גמרא quotes a פסוק, however –

קרא אסמכתא² בעלמא הוא וכי גזר רבנן בזנות בנשואין לא גזר -
the פסוק is merely an אסמכתא and when did the רבנן decree that the כהן must be מיוחס, only to exclude a child born out of promiscuity, however if the child was born into a valid marriage, they did not decree that it must be מיוחס אחריו. Therefore by the case of יבום since there was no זנות; it was a regular marriage (concerning the first born), therefore there is no requirement of זרעו מיוחס אחריו.

SUMMARY

The requirement of זרעו מיוחס אחריו disqualifies from כהונה an offspring of a זנות relationship; not of a marriage relationship.

¹ The case is of a יבם who was מייבם his יבמה within three months of his brother's death. It is not clear at that point whether or not she was pregnant with her (original) husband's child. The יבמה bore a child after seven months of יבום and within nine months of her husband's death. It is not clear whether this is the husband's child (a nine month pregnancy) or the s'יבם child (a seven month pregnancy). In either case the child is ראוי to be a כה"ג (if the brothers are ממזרים, are ספק ממזרים). [Any future children from the יבם however, are ממזרים]. [Any future children from the deceased, and therefore she is אסורה on the יבם as an אשת אחיו שלא במקום יבום, and any future children are ממזרים].

² The term אסמכתא means a support. The חכמים occasionally used a פסוק as a support for their גזירה.

THINKING IT OVER

Why does תוספות cite a question and answer that is מפורש in the גמרא?³

³ See ח"ב מ"ת.