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Yevamos Daf 66

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### Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

This chapter continues to discuss the prohibition of eating *terumah* when an unlawful marriage has taken place. To understand this Mishnah, we must first mention (as already mentioned above [4:3]) that the property of a married woman is divided into two categories: (1) *nikhsei melog* (usufruct property) -- the property which the woman brings in with her from her father's house, and which is not recorded in the *ketubah*, as well as property which comes to her by inheritance or as a gift after the marriage. This property is hers, and her husband is not responsible for it, since he may only usufruct (*the right to use and enjoy the profits and advantages of something belonging to another as long as the property is not damaged or altered in any way*) it. The term *nikhsei melog* is derived from the Aramaic word *meligah*, plucking, i.e., the husband plucks the property just as a chicken is plucked. (2) *nikhsei tzon barzel* (ironclad property) -- the property which the wife brings in to her husband in the dowry, and which the husband records in the *ketubah*. The husband makes use of this property as he wishes, its profits or losses are his, and he is responsible for it. Hence the name, "ironclad property": the principal remains as does iron, for if it is lost, the husband is required to pay (see *Bartenura*). (from Rabbi Pinchas Kahati – Torah Community Connections)

The Mishna states: Concerning a widow who is married to a *Kohen Gadol*, or a divorcee or a *chalutzah* who is married to an ordinary *Kohen*; if she brought into the marriage *melog* slaves and *tzon barzel* slaves, the *melog* slaves are not permitted to eat *terumah* (*they are regarded as belonging to the woman, and she is disqualified from eating terumah*), whereas the *tzon barzel* slaves are permitted to eat *terumah* (*they are regarded as belonging to the husband*).

And these are *melog* slaves: If they die, it is her loss. If they increase in value, the increase belongs to her. Although the husband is required to sustain them, they are not permitted to eat *terumah*.

And these are *tzon barzel* slaves: If they die, it is his loss. If they increase in value, the increase belongs to him. Since he is responsible for these slaves, they may eat *terumah*.

If a daughter of a *Yisroel* is married to a *Kohen*, and she brings slaves into the marriage, whether they are *melog* slaves or *tzon barzel* slaves, they are permitted to eat *terumah*.

If a daughter of a *Kohen* is married to a *Yisroel*, and she brings slaves into the marriage, whether they are *melog* slaves or *tzon barzel* slaves, they are not permitted to eat *terumah*. (66a)

The Gemora asks: Why can't the *melog* slaves of the widow be permitted to eat *terumah*? They should be regarded as the acquisition of the *Kohen* that bought other property (*and that property is permitted to eat terumah*). It was taught in a braisa: How do we know that a *Kohen* who married a woman or bought slaves that they are permitted to eat *terumah*? It is written [Vayikra 22:11]: *If a Kohen shall buy any soul, the purchase of his money, he may eat of it*. How do we know that a *Kohen's* wife who bought slaves or a *Kohen's* slave that bought other slaves that they are permitted to eat *terumah*? It is written *If a Kohen shall buy any soul, the purchase of his money, he may eat of it*. We derive from this verse that the acquisition of the *Kohen* that bought other property, the purchased property may eat *terumah*.

The Gemora answers using the following principle: Anyone who eats *terumah* himself can entitle others to eat *terumah*, whereas anyone who may not eat *terumah* himself cannot entitle others to eat *terumah*. (*Since the widow married to the Kohen Gadol may not eat terumah, she cannot entitle others to eat terumah.*)

The Gemora challenges this principle: But an uncircumcised *Kohen* or a *Kohen* who is *tamei* may not eat *terumah*, but they entitle others to eat *terumah*?

The Gemora answers: These people are only temporarily prohibited from eating *terumah* (*the uncircumcised Kohen can become circumcised, and the Kohen who is tamei can become tahor; therefore they can entitle others to eat terumah, whereas the widow is disqualified permanently*).

The Gemora asks: But a *mamzer* who cannot eat *terumah*, yet entitles others to eat *terumah*? (*A Kohen marries a non-Kohen (Sarah) and they have a daughter. This daughter marries a mamzer and they have a son, who is also recognized as a mamzer. If the Kohen and his daughter dies, the grandmother, Sarah may continue to eat terumah on account of the mamzer grandson even though he himself cannot eat terumah.*)

Ravina qualifies the principle: Any *Kohanic* acquisition who eats *terumah* himself can entitle others to eat *terumah*, whereas any *Kohanic* acquisition who may not eat *terumah* himself cannot entitle others to eat *terumah*. (*This explains why the widow's melog slaves cannot eat terumah.*)

Rava answers differently: Biblically, her slaves are permitted to eat *terumah*; the Rabbis decreed that they should not eat in order for her to say, "I cannot eat *terumah*, and my slaves cannot eat either. It must be that I am nothing but a harlot to the *Kohen*." (*This will lead to strife between the two of them, and he will divorce her, which was the Rabbis intention.*)

Rav Ashi offers a third answer: Biblically, her slaves are permitted to eat *terumah*; the Rabbis decreed that they should not eat out of the concern that they will eat *terumah* even after her husband's death.

The Gemora asks: If so, let us apply the same decree when a daughter of a *Yisroel* marries a *Kohen* (*legally*)?

Rav Ashi clarifies his answer: The Rabbis issued a decree regarding a widowed *Koheness* who marries a *Kohen Gadol*. She might mistakenly feed her *melog* slaves *terumah* after her husband's death by saying the following: "Initially (*after I became a widow the first time*), my slaves were permitted to eat *terumah* from my father's house. I went and married the *Kohen Gadol*, and they still were permitted to eat *terumah*. Now that he died, I should return to my original status, and they should still be permitted to eat *terumah*." She does not understand that initially, she was not a *chalahah*; now, that she married the *Kohen Gadol*, she has become a *chalahah*, and her slaves cannot eat *terumah*.

The Gemora asks: This decree is understandable concerning a widowed *Koheness*, but regarding a widow, who is a daughter of a *Yisroel*, what are we concerned about (*she cannot possibly justify feeding her slaves terumah after the Kohen Gadol's death*)?

The Gemora answers: The Rabbis did not distinguish between the two types of widows. (66a)

The Gemora states: A woman who brings *tzon barzel* property into her marriage, and subsequently gets divorced. She wants to take her property, and the husband wants to give her its value. What is the halachah?

Rav Yehudah said: The law accords with her. Rav Ami said: The law accords with him.

The Gemora explains: Rav Yehudah said: The law accords with her because these properties represent the assets of her father's house, and she has a valid claim to take them

back. Rav Ami said: The law accords with him because our Mishna stated (*regarding tzon barzel slaves*): If they die, it is his loss. If they increase in value, the increase belongs to him. Since he is responsible for these slaves, they may eat *terumah*. (*It is evident that the tzon barzel property is considered his, and he has a right to keep the property, providing that he returns their value to her.*)

Rav Safra rejects Rav Ami's proof from the Mishna. It doesn't say: "Since these slaves are his, they may eat *terumah*." The Mishna states: "Since he is responsible for these slaves, they may eat *terumah*." In truth, they are not regarded as his slaves.

The Gemora asks: Is it true that the *Kohen* may feed his slaves *terumah* merely because he is responsible for them? But we learned in a Mishna (Terumos 11:9): If a Yisroel rents a cow from a *Kohen*, he may feed the cow with legumes of *terumah* (*a type of beans that is only consumed by animals*). However, a *Kohen*, who rents a cow from a Yisroel, although the *Kohen* is responsible to sustain it, he is not permitted to feed it legumes of *terumah*. (*We see from this Mishna that responsibility alone is not sufficient grounds to enable the Kohen to feed terumah to the slaves or animals.*)

The Gemora answers: A renter does not have full responsibility on the animals, and that is why it is not regarded as being the property of the *Kohen*. While he is responsible if it gets lost or stolen, he will not be responsible in cases of unavoidable loss or if the animal weakened or lost some of its value.

The Gemora cites the latter portion of that Mishna to prove this. If a Yisroel rents a cow from a *Kohen*, and has it evaluated, he may not feed the cow with legumes of *terumah*. If a *Kohen* rents a cow from a *Yisroel*, and has it evaluated, he is permitted to feed the cow with legumes of *terumah*.

Rabbah and Rav Yosef were sitting before Rav Nachman at the conclusion of his lecture, and they said: A braisa was

taught which supports Rav Ami's opinion, and a braisa was taught which support Rav Yehudah's opinion. The Gemora cites those two braisos. (66a - 66b)

Rava said in the name of Rav Nachman: The halachah is in accordance with Rav Yehudah.

Rava asked Rav Nachman: But there is a braisa supporting the viewpoint of Rav Ami (*why are you ruling in accordance with Rav Yehudah*)?

Rav Nachman replied: Although there is a braisa that supports Rav Ami, Rav Yehudah's reasoning is more logical, since he had stated: (*the wife has a valid claim to take the tzon barzel properties back*) because these properties represent the assets of her father's house, and she has a valid claim to take them back. (66b)

## INSIGHTS TO THE DAF

### HOW TO RULE

Rabbah and Rav Yosef were sitting before Rav Nachman at the conclusion of his lecture, and they said: A braisa was taught which supports Rav Yehudah's opinion, and a braisa was taught which support Rav Ami's opinion. The Gemora cites those two braisos.

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*tzon barzel properties back*) because these properties represent the assets of her father's house, and she has a valid claim to take them back.

The flow of the Gemora is a bit problematic. Rava was not talking to Rav Nachman when he said that the halachah is in accordance with Rav Yehudah. He said that over in his name. It seems a bit odd that he would then ask Rav Nachman.

Furthermore, why was he asking from a braisa that supports Rav Ami when the Gemora just quoted a braisa that supported Rav Yehudah as well?

Reb Yissochar Dov from Buska explains this Gemora. He states: There is a principle that whenever the Gemora cites two explanations, and introduces the second one with the terminology "v'ibais eima," "alternatively, you can say," the halachah follows the second opinion. This is also an established principle in Shulchan Aruch. When the Shulchan Aruch cites two opinions, the halachah follows the second one. This applies also when the Gemora cites two braisos, one supporting one viewpoint, and a second supporting the other opinion; the halachah is in accordance with the second one.

When Rabbah and Rav Yosef were sitting before Rav Nachman, Rava was there as well. The Gemora had stated that they were sitting before Rav Nachman at the conclusion of his lecture. The Likutei Maharil (78) states that whenever the Gemora uses the terminology "b'shilhei pirkei," "at the conclusion of his lecture," it means that the Amora was extremely tired and weak from his lecture. The Targum of the word "oyef," meaning tired, is "shilhei." Rav Nachman was not involved in the discussion between Rabbah and Rav Yosef when they were citing the braisos. Rava, being a disciple of Rav Nachman, remembered that Rav Nachman had ruled according to Rav Yehudah. Upon hearing the discussion between Rabbah and Rav Yosef, and realizing that the second opinion cited was according to Rav Ami, Rava questioned Rav Nachman: "How can you rule according to Rav Yehudah when the second opinion cited was according

to Rav Ami, and the halachah would follow the latter opinion?" Rav Nachman, who was extremely weak, did not respond at all, and Rava himself (*or the Gemora*) answered that the principle does not apply when the logic follows the other opinion. Since Rav Yehudah's reasoning is more logical, we rule according to him, even though the braisa supporting Rav Ami was cited second.