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Yevamos Daf 70

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Daf Notes is currently being dedicated to the neshamah of

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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

A Betrothed Woman Who Conceives

The Gemora cites another version of Rav and Shmuel’s dispute. Both agree that if the new husband had relations with his betrothed wife, we consider the child his own. The dispute is about an arusah who conceived, with Rav considering the child a mamzer, and Shmuel considering it a possible mamzer.

Rava says that Rav’s position is understandable when there were no rumors about her being promiscuous with her betrothed, but there were rumors about her being promiscuous with others. However, if there were rumors about her and her betrothed, even if there were rumors about her and others, we would assume it is his child.

Rava cited the Mishna as a proof, as it says that if a woman who had premarital relations with a Kohen had a child, she may eat terumah. If the case is that there were no rumors about her and others, the Mishna’s statement is obvious. It therefore must be a case where there were rumors about her and others, and we still assume the child is the kohen’s. If in this case, where she is equally prohibited to this Kohen and all others, we assume it is his child, certainly in the case of an arusah, who is technically permitted to her, we assume it is his, and not others, who are prohibited to her.

Abaye rejected this, as Rav may say his position whenever there are rumors about others, even if there are rumors about him, and the Mishna may be a case where there were no rumors at all, teaching us that we assume the child is his. (69b – 70a)

Slave Descendant

The Mishna said that a slave makes a woman invalid to eat terumah if he has relations with her, but not as a descendant of a non-kohen.

The Gemora says that we learn this from the verse which says that a slavewoman (whom a master paired with his Jewish servant) and her children belong to the master, showing that slave children are only considered children of the slaves, not of the free parent. (70a)

Mamzer Descendant

The Mishna said that a mamzer who is a woman’s descendant can make a woman unfit for terumah (if he is from her non-kohen husband), and entitles a woman to eat terumah (if he is from her late Kohen husband).

The Gemora cites a braisa which provides the source for this. The verse says that if a kohen’s daughter’s non-kohen husband dies, she eats terumah if *zera ain lah – she has no child [from him]*. Since the verse says *ain lah – there isn’t to her*, we learn that she may not eat even if she has a descendant, even if not a direct child, and even if this descendant is unfit, since this can be read as *ayain alah – investigate for her*.

The Gemora asks: How we can learn two things from this verse?

The Gemora answers that the verse isn’t necessary to include descendants, since we already know that

grandchildren are equivalent to children, and therefore the verse only teaches that even unfit descendants are included.

Rish Lakish suggested to Rabbi Yochanan that the Mishna's example of a child from a slave or non-Jew as a mamzer follows Rabbi Akiva, who says that the product of a non-kares union is a mamzer. He responded that it can be consistent with the Sages as well, since they agree that the product of a union with a slave or non-Jew is a mamzer, as Rav Dimi cited Rav Yitzchak bar Avdimi in the name of Rebbe saying that the child of a Jewish woman with a slave or non-Jew is a mamzer. (70a)

Descendants Enabling And Preventing Terumah Eating

The Mishna illustrated a case of a Kohen Gadol who prevents his maternal grandmother from eating terumah.

The Gemora cites a braisa which expresses the sentiment of a grandmother, who says "I will accept the atonement for my lowly grandson (the mamzer), who allows me to eat terumah, but not for my important grandson (the Kohen Gadol), who prevents me from eating terumah." (70a)

WE SHALL RETURN TO YOU, ALMANAH

The Mishna states: One who is uncircumcised and all those that are *tamei* (ritually impure) may not eat *terumah*. Their wives and their slaves may eat *terumah*. One who has wounded or crushed testicles and one whose member is severed, they and their slaves are permitted to eat *terumah*. Their wives, however, are not permitted to eat *terumah*. If they did not have relations with their wife after becoming one with wounded or crushed testicles or one whose member is severed, their wives are permitted to eat *terumah*.

What is a *petzuah dakah*? Any man whose testicles were wounded, and even if only one of them was wounded. What is a *kerus shafchah*? Any man whose member was cut off;

however, if a hairsbreadth of the corona remained, he is permitted to marry into the congregation. (70a)

The Gemora cites a braisa: Rabbi Eliezer said: How do we know that an uncircumcised *Kohen* may not eat *terumah*? The words "*toshav v'sachir*" are mentioned in connection with the Pesach offering, and the words "*toshav v'sachir*" are mentioned in respect to *terumah*. Just as the "*toshav v'sachir*," in connection with the Pesach offering, an uncircumcised person is forbidden to partake in it, so too, in respect to the "*toshav v'sachir*" mentioned by *terumah*, an uncircumcised person is forbidden to eat it. Rabbi Akiva stated: This deduction is unnecessary. Since it was stated [Vayikra 22:4]: *A man, a man from the offspring of Aaron who is a metzora, or a zav shall not eat of the holies*. The extra words, "A man, a man" teaches us that the uncircumcised also is included. (70a)

The Gemora cites the first opinion mentioned in the braisa. Rabbi Eliezer said: The words "*toshav v'sachir*" are mentioned in connection with the Pesach offering, and the words "*toshav v'sachir*" are mentioned in respect to *terumah*. Just as the "*toshav v'sachir*," in connection with the Pesach offering, an uncircumcised person is forbidden to partake in it, so too, in respect to the "*toshav v'sachir*" mentioned by *terumah*, an uncircumcised person is forbidden to eat it.

The Gemora states: This *gezeirah shavah* (one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah) must consist of free words (the words in the Torah are extra), for if they would not be free, we could ask on this *gezeirah shavah* as follows: How can we compare the Pesach offering to *terumah*? The Pesach offering has stringencies that one will be liable for eating *piggul* (literally translated as rejected; an offering that is rendered invalid because of an improper intent), *nossar* (part of a sacrifice that is left over after the time to eat it has passed), and *tamei* (whereas *terumah* does not have any of these stringencies). (Since the words are extra, the rule is

that we cannot refute the *gezeirah shavah* by asking questions on the comparison.)

The Gemora states: The words indeed are extra.

The Gemora asks: Which words are extra? It cannot be the "*toshav v'sachir*" mentioned in respect to *terumah* because these are surely necessary for a teaching that we learned in the following braisa: "*Toshav*" is referring to a Jewish servant who is acquired as an everlasting acquisition, and "*sachir*" is referring to a Jewish servant who is acquired for an acquisition of (six) years. The Torah teaches us that both of these servants cannot eat *terumah*.

The braisa continues by asking the following question: Let the Torah write "*toshav*," and not "*sachir*," and I would say: If a Jewish servant who is acquired as an everlasting acquisition cannot eat *terumah*, certainly a Jewish servant who is acquired for an acquisition of years may not eat *terumah*?

The braisa answers: If that were the case, I would have said that "*toshav*" is a Jewish servant who is acquired for an acquisition of years, and he may not eat *terumah*, but a servant who is acquired as an everlasting acquisition may eat *terumah*. The Torah writes "*sachir*" to teach us that "*toshav*" is a servant who is acquired as an everlasting acquisition, and nevertheless, he cannot eat *terumah*.

The Gemora concludes that the "*toshav v'sachir*" mentioned in respect to the Pesach offering are extra. What does "*toshav v'sachir*" mean when it is written here? It cannot be referring to the two types of Jewish servants because for what reason should they be exempt from eating the Pesach offering? We have previously established that they cannot eat *terumah* because their master, the *Kohen*, has not acquired them as a "monetary acquisition." They are obviously included in the obligation of bringing and eating a Pesach offering.

It is evident that the words are extra for the purpose of teaching us the *gezeirah shavah*, and it cannot be refuted.

The Gemora challenges this, as this only leaves one side of the *gezeirah shavah* available, and we know that Rabbi Elozar says that we can challenge such a *gezeirah shavah*. The Gemora answers that since neither term is necessary for Pesach, we split them up to both sides, making both sides available for the *gezeirah shavah*. (70a – 70b)

The Gemora asks: Once we have the *gezeirah shavah* between *terumah* and Pesach, let us learn the following halachah: Just as an *onein* (one whose close relative passed away and has not been buried yet) is prohibited from participating in the Pesach offering, so too, in respect to *terumah*, he should be prohibited to eat it?

The Gemora answers: Rabbi Yosi the son of Rabbi Chanina stated: *And any strange man* implies that the Torah has imposed a prohibition concerning a non-*Kohen* from eating *terumah*, but not concerning an *onein*.

The Gemora asks: Perhaps we should derive from that verse that the Torah has imposed a prohibition concerning a non-*Kohen* from eating *terumah*, but not concerning an uncircumcised *Kohen*?

The Gemora answers: The words "*toshav v'sachir*" teaches us that an uncircumcised *Kohen* may not eat *terumah*.

The Gemora asks: What did you see that compelled you to expound the *gezeirah shavah* in that manner? Perhaps it should be exactly the opposite? (Let us learn as follows: *And any strange man* should imply that the Torah has imposed a prohibition concerning a non-*Kohen* from eating *terumah*, but not concerning an uncircumcised *Kohen*; and "*toshav v'sachir*" will teach us that an *onein* may not eat *terumah*?)

The Gemora answers: It is logical that we should include an uncircumcised *Kohen* in the prohibition of eating *terumah* because the following stringencies are applicable to him: He

is missing a positive action to make him fit; an action must be performed on his body to make him fit; if he remains uncircumcised, he is subject to the penalty of *kares*; circumcision is a *mitzvah* that was given prior to the Giving of the Torah; the lack of circumcision by his male sons and servants prevents him from bringing the Pesach offering.

The Gemora asks: On the contrary. It is logical that we should include an *onein* in the prohibition of eating *terumah* because the following stringencies are applicable to him: It is a prohibition that is applicable at all times (*in contrast to circumcision, where after he is circumcised, the prohibition is not applicable any longer*); it applies to men and women; he is not able to remedy the situation himself.

The Gemora answers: The stringencies pertaining to an uncircumcised *Kohen* are more numerous than those relevant to an *onein*; therefore, we include an uncircumcised *Kohen* in the prohibition of eating *terumah*, and an *onein* is permitted to eat *terumah*. (70b)

Rava says that even if an uncircumcised person didn't have more severe aspects, we still would use the *gezeirah shavah* for an uncircumcised person, as the prohibition on an uncircumcised person eating pesach is explicit, as opposed to the prohibition of an *onein* eating pesach, which is itself only learned from *ma'aser sheini*. (70b)

The Gemora asks: Why don't we learn from Pesach that one may not eat *terumah* if his children or slaves aren't circumcised?

The Gemora answers that the verse which mandates circumcising slaves says that after circumcising, "then he will eat *it*," implying that this doesn't apply to other things, i.e., *terumah*.

The Gemora asks: Why don't we learn the same thing from the verse about Pesach which says that an uncircumcised person should not eat *it*, excluding *terumah*?

The Gemora answers that the *gezeirah shavah* teaches us that an uncircumcised person may not eat *terumah*.

The Gemora asks: Why do we apply the *gezeirah shavah* to an uncircumcised person and not to his slaves' and children's circumcision?

The Gemora answers that one's own circumcision is more severe since it is an act that must be done to the person himself, and it incurs *kares*.

The Gemora challenges this, as circumcising children and slaves is an obligation can recur.

The Gemora says that one's own circumcision has more severe aspects, or it isn't logical to require him to circumcise others to eat *terumah*, but not himself. (70b)

INSIGHTS TO THE DAF

IS THE TORAH WRITTEN FOR IDOLATERS?

The Gemora concludes that the words "*toshav v'sachir*" mentioned in respect to the Pesach offering are extra. What does "*toshav v'sachir*" mean when it is written here? It cannot be referring to the two types of Jewish servants (*a Jewish servant who is acquired for an acquisition of years, and a Jewish servant who is acquired as an everlasting acquisition*) because for what reason should they be exempt from eating the Pesach offering? We have previously established that they cannot eat *terumah* because their master, the *Kohen*, has not acquired them as a "monetary acquisition." They are obviously included in the obligation of bringing and eating a Pesach offering.

It is evident that the words are extra for the purpose of teaching us the *gezeirah shavah* (*to teach us that an uncircumcised person is forbidden to eat terumah*), and it cannot be refuted.

Tosfos asks: How can the Torah make a false statement (*a toshev and sachir may not eat the Korban Pesach*) just for the purpose of teaching a *gezeirah shavah*?

Tosfos answers: The Torah is referring to non-Jewish workers. Although it is unnecessary (*because there is another verse excluding non-Jews from the korban Pesach*), at least it is halachically correct. Tosfos concludes that there actually is a Mechilta that expounds the verse in this manner.

The Rambam in Hilchos Korban Pesach (9:7) rules: One is prohibited to give an idolater to eat from the Pesach offering. One who does provide the idolater with meat from the Pesach has violated a negative precept in the Torah.

The Kesef Mishna asks: The Torah does not forbid a Jew from giving the idolater from the Pesach offering; the Torah states: *A toshav and a sachir may not eat of it*.

He answers: It is obvious that the Torah is not referring to the idolater himself because an idolater is not concerned for that which is written in the Torah. We are compelled to understand the verse to be referring to the Jew. He is forbidden from giving meat from the Pesach to an idolater. Tosfos HaRosh comments similarly on our Gemora.

Rabbi Chaim Braun cites a dissenting opinion: The Yereim in *mitzvah 410* states: The Holy One, blessed is He commanded an idolater against partaking in the Pesach offering that his master has slaughtered.

Minchas Chinuch in *mitzvah 14* asks on the Rambam from the Gemora Pesachim (3b) which states the following: A gentile would always go up to Jerusalem and eat the Pesach offering. The gentile once told Rabbi Yehudah ben Beseira that although it is written in the Torah that strangers or an uncircumcised male cannot eat from the Pesach offering, he had eaten from the best meat of the Pesach offering. Rabbi Yehudah ben Beseira told the gentile to ask for the fat tail of the animal. When the gentile asked for the fat tail, he was

told that the fat tail is burned on the *mizbeach* and was not eaten. When the gentile informed them that Rabbi Yehudah ben Beseira had instructed him to make this request, they investigated and discovered that he was a gentile and they had him killed. They sent the following message to Rabbi Yehudah ben Beseira: "Peace upon you, Rabbi Yehudah ben Beseira, for you are in Netzivin but your net is spread in Jerusalem." The Minchas Chinuch asks: Why did they kill him; the prohibition is not written for the gentile; it is written for the Jew. What did the gentile do wrong that he was deserving to be killed?