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Yevamos Daf 81

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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

The Mishna states: A *saris-chamah* (sterile from birth) *Kohen* who married the daughter of an Israelite, entitles her the right to eat *terumah*. Rabbi Yosi and Rabbi Shimon say: An androgynous (hermaphrodite) *Kohen* who married a daughter of an Israelite entitles her the right to eat *terumah*. Rabbi Yehudah says: A *tumtum* (undetermined sex) that was torn and was found to be a male, does not submit to *chalitzah*, because he is classified as a *saris*. An androgynous may marry, but may not be married by a man. Rabbi Eliezer says: One is liable to stoning on account of cohabiting with an androgynous, as with a male. (81a)

The Mishna had stated: A *saris-chamah* (sterile from birth) *Kohen* who married the daughter of an Israelite, entitles her the right to eat *terumah*.

The Gemora asks: Isn't this halachah obvious? (If she is permitted to marry him, she should be entitled to eat *terumah*.)

The Gemora answers: One might have thought that only a *Kohen* who is capable of fathering children can entitle others to eat *terumah*; the Mishna teaches us that even if he does not have the ability of fathering children, he may still entitle others to eat *terumah*. (81a)

The Mishna had stated: Rabbi Yosi and Rabbi Shimon say: An androgynous (hermaphrodite) *Kohen* who married a daughter of an Israelite entitles her the right to eat *terumah*.

Rish Lakish said: He entitles her to eat *terumah*, but not the breast and the thigh from the *shelamim*. Rabbi Yochanan said: He even entitles her to eat the breast and the thigh from the *shelamim*.

The Gemora asks on Rish Lakish: What is the difference between the breast and the thigh and *terumah*? Both of them are Biblically prohibited for non-Kohanim!?

The Gemora answers: We are discussing *terumah* of nowadays (after the destruction of the Beis Hamikdosh), which is only a Rabbinical requirement (since we are uncertain if the androgynous is a male or female, we apply the principle of acting leniently when there is uncertainty regarding a Rabbinic law).

The Gemora asks: What is the law, however, when the Temple is in existence? Obviously, it is that she (the wife of the androgynous *Kohen*) may not eat *terumah*! Why, then, did Rish Lakish state: But not the breast and the thigh from the *shelamim*? He should rather have drawn the distinction in respect of the *terumah* itself, as follows: This (the Mishna's teaching that the wife of the androgynous *Kohen* may eat *terumah*) applies only to Rabbinical *terumah* (of nowadays), but not to *terumah* that has been Biblically ordained!?

The Gemora answers: This is what he meant: Nowadays, the androgynous entitles his wife to eat *terumah* because separating *terumah* is only a Rabbinical requirement. However, in the times when the Beis Hamikdosh was in existence, he does not entitle her to eat the breast and thigh, and even Rabbinic *terumah* (from fruits and vegetables) because we are concerned that he will provide her with Biblical *terumah* as well. (81a)

Rabbi Yochanan said: An androgynous even entitles his wife to eat the breast and the thigh from the *shelamim*. Rabbi



Yochanan said to Rish Lakish: Do you really hold that *terumah* nowadays is only a Rabbinical requirement?

Rish Lakish replied: Yes, I do, for I have learned in a braisa that if a round cake of pressed figs (of *terumah*) became mixed with other round cakes of pressed figs, the mixture is permitted. (*If one cake of terumah was mixed up with a hundred non-consecrated cakes of the same size, or if a cake of terumah that was tamei was mixed up with a hundred such cakes of terumah that is tahor, the entire quantity is permitted. This proves that terumah at the present time is only a Rabbinical requirement, since such nullification, had the requirement been Biblical, would not, owing to its significance, (based on the fact that it is commonly counted when sold) have been permitted. Though the terumah of figs, like that of all other fruit of trees, is at all times a Rabbinical requirement only, its nullification would not have been permitted at the present time had there been any Biblical terumah in existence at the same time. The nullification of the Rabbinical terumah would have been forbidden as a preventive measure against the possible assumption that the Biblical terumah also might be nullified.*)

Rabbi Yochanan said to Rish Lakish: But I have learned in a braisa that if a piece of *tamei chatas* meat became mixed with pieces of *tahor chatas* meat, the mixture is permitted. (*This proves that even Biblically prohibited foods, which are commonly counted when sold, may nevertheless become nullified.*) Did we learn in the Mishna that anything that is commonly counted is considered significant and cannot be nullified? (*This seemed to have been Rish Lakish's reading of the Mishna because pressed figs are commonly counted when they are sold, but sometimes, they are sold by estimation.*) We learned in the Mishna that anything which is exclusively counted is considered significant and cannot be nullified! (*This is why the pressed figs and the meat slices can become nullified.*)

The Gemora cites the Mishna: If a man had bundles of fenugreek of *kilayim* (*the prohibition against planting together different species of vegetables, fruit or seeds*) of the

vineyard, they must be burned (*one cannot derive any benefit from the growths and they must be burned*). If these became mixed up with other permitted bundles, they must all be burned; these are the words of Rabbi Meir. The Chachamim say: The prohibited bundles may become nullified in a mixture of two hundred and one (*if the permitted food is two hundred times the quantity of the forbidden kilayim*). For Rabbi Meir would say the following: Anything that is commonly counted is considered significant and cannot be nullified. And the Chachamim said: There are only six items which cannot be nullified (*since they are big, expensive and the best of their species*). Rabbi Akiva said: There are in fact seven. The following are the items: Nuts from Pereich, pomegranates from Badan, sealed jugs of wine, shoots of beets, cabbage roots and Greek gourds. Rabbi Akiva adds loaves of homemade bread. Of these items, those which are subject to the law of *orlah* (*applied to newly-planted trees for a period of three years during which their fruits must not be eaten*) impart the prohibition of *orlah* and those which are subject to the law of *kilayim* of the vineyard impart that of the *kilayim* of the vineyard.

Rabbi Yochanan said: The correct version of Rabbi Meir is that anything which is exclusively counted is considered significant and cannot be nullified. Rish Lakish said: The correct version of Rabbi Meir is that anything which is commonly counted is considered significant and cannot be nullified. (81a – 81b)

The Gemora asks: What is the braisa regarding the pieces of *chatas* meat that Rabbi Yochanan mentioned above?

The Gemora answers: It was taught in a braisa: If a piece of *tamei chatas* meat became mixed with one hundred pieces of *tahor chatas* meat, and likewise, if a piece of *tamei lechem hapanim* (*showbread; twelve loaves that were on the Shulchan from Shabbos to Shabbos*) became mixed with one hundred pieces of *tahor lechem hapanim*, the mixture is permitted. Rabbi Yehudah maintains that it does not become nullified (*because in his opinion, something which is intermingled with its own kind cannot become nullified*). But

if a piece of *tahor chatas* meat became mixed with one hundred pieces of unconsecrated *tahor* meat, and likewise, if a piece of *tahor lechem hapanim* became mixed with one hundred pieces of *tahor* unconsecrated breads, everyone agrees that they do not become nullified. (*Nullification would have removed the Biblical prohibition of eating consecrated food by a non-Kohen. As, however, the entire mixture, which consists of pieces that are sometimes counted, may be eaten even without recourse to nullification by a Kohen to whom it could be sold, though this might have to be done at a reduced cost, the law of nullification, which is applied even in such circumstances whenever the prohibition is Rabbinical, as in the case of the cake of figs is not applied here where it is Biblical.*)

Rabbi Yochanan concludes his proof from the braisa: The first portion of the braisa states that the piece of meat can become nullified even though it is commonly counted.

Rabbi Chiya the son of Rabbi Huna said: The braisa is discussing a piece of meat that dissolved. (*Even Rish Lakish will agree that it can become nullified because it is not commonly counted.*)

The Gemora asks: Why does Rabbi Yehudah rule that the piece of meat cannot become nullified?

The Gemora answers: Rabbi Yehudah maintains that something which is intermingled with its own kind cannot become nullified. (81b – 82a)

INSIGHTS TO THE DAF

TERUMAH FACTS

Rashi and many other Rishonim maintain that the requirement to separate *terumah* from figs and other fruits from a tree is only Rabbinical even in the times of the Beis Hamikdosh. The Biblical obligation of *terumah* only applies to grain, olives and grapes. The Gemora, that mentions

Rabbinical *terumah* in the times of the Beis Hamikdosh can be referring to figs.

The Rambam (Terumos 2:1) holds that there is a Biblical obligation to separate *terumah* from all fruits on a tree. The Gemora, that mentions Rabbinical *terumah* in the times of the Beis Hamikdosh can be referring to vegetables or *terumah* from any land outside of Eretz Yisroel.

It emerges from our Gemora that there is an argument between Rabbi Yochanan and Rish Lakish if there is a Biblical requirement to separate *terumah* nowadays. The Rambam (ibid. 26) rules in accordance with Rish Lakish that there is only a Rabbinical obligation to separate *terumah* nowadays. The Ra'avad disagrees, and states that the halachah follows Rabbi Yochanan.

DAILY MASHAL

LEARNING through hardships

The Mashgiach of Kaminetz, Rabbi Moshe Aharon Stern zt"l related the following incident: The Netziv once visited the Reshash, who was twenty-three years the Netziv's senior. The Reshash posed to the Netziv a very difficult question that he had raised on Tosfos to Yevamos (81b) The Netziv, after pondering the question for some time, was able to resolve the difficulty by emending a word in Tosfos. The Reshash was satisfied with the answer of the Netziv, and the Reshash quotes the Netziv in his gloss on the Gemora. The Reshash concluded his comment with the praise (Mishlei 24:26): *Sfisyim yishak*, the lips of one who responds with proper words should be kissed.

Upon hearing the answer of the Netziv, The Reshash wondered why he did not merit providing the correct answer to his difficulty. The Netziv replied that the Reshash was wealthy, whereas the Netziv lived a life of poverty. The Netziv said: "When one studies Torah despite living a life of hardship, Hashem opens for him the wellsprings of Torah."