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Yevamos Daf 59

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The Mishnah had stated: If these [forbidden women married to Kohanim] were then widowed or divorced etc.

Rabbi Chiya bar Yosef inquired of Shmuel: If a Kohen Gadol betrothed a minor, who became a bogeress (a girl reaches a state of *na’arus* when she becomes twelve and sprouts two pubic hairs; this stage lasts six months – at which point, she becomes a bogeress) during her betrothal with him, what is the law? [Is he permitted to consummate the marriage with her? This is based upon the verse: And the Kohen Gadol shall ‘take’ a wife in her virginity.] Are we guided by the marriage (the time of *nisuin*; and at this point, she is not regarded as a virgin any longer), or by the betrothal (the *erusin*, and then he may consummate the marriage, for at the time of *erusin*, she was still a virgin)?

Shmuel replied to him: You have learned it in a Mishnah: If they (the forbidden women) became widows or were divorced after marriage (from their Kohen husbands), they remain ineligible; if after betrothal they become eligible. [Evidently, ‘taking’ is dependent upon *erusin* and not *nisuin*.]

Rabbi Chiya bar Yosef said to him: With reference to rendering her a *chalalah* (disqualified for *Kehunah*), I have no doubt that it is the forbidden cohabitation that causes her to be a *chalalah*. My question is only: What is implied by the verse: And he shall take a wife in her virginity? Is the ‘taking’ of betrothal required, or is it the ‘taking’ of marriage that is required?

Shmuel replied: You have learned this also in a Mishnah: A Kohen who betrothed a widow, and was subsequently appointed to be a Kohen Gadol, may consummate the

marriage! [Evidently, ‘taking’ is dependent upon *erusin* and not *nisuin*.]

Rabbi Chiya bar Yosef deflects the proof: There, it is different because it is written: shall he take as his wife. [Since it is superfluous, we learn that there are times that he may take a widow as his wife; namely – when he betrother her in a legitimate manner – when he was a mere Kohen.]

The Gemora asked: Here also (regarding the prohibition against marrying a bogeress), it is written ‘as his wife’? The Gemora answers: Only one (woman may be included), but not two.

The Gemora asks: And what is the reason? The Gemora answers: In the case of the one (the bogeress), her body has undergone a change; in that of the other (when he married her legitimately as a Kohen), her body underwent no change. (58b3 – 59a1)

The Mishnah states: A *Kohen Gadol* is prohibited from marrying a widow, whether she is a widow from a state of *erusin* or from a state of *nisuin*. He is also forbidden from marrying a *bogeress* (a girl is regarded as a minor until twelve years old and grows two pubic hairs; afterwards she is a *na’arah* for six months; after that she is considered a bogeress, a complete adult). Rabbi Eliezer and Rabbi Shimon maintain that a *Kohen Gadol* is permitted to marry a bogeress. A *Kohen Gadol* is forbidden from marrying a woman who was injured by a piece of wood (*mukas eitz*). (This is referring to any type of injury that ruptures her hymen.) (592a)

The Gemora cites a Baraisa which cites the Scriptural source proving that a *Kohen Gadol* may not marry a widow, whether she is a widow from a state of *erusin* or from a state of *nisuin*. *A widow . . . he shall not take a wife*; whether she became a widow after a betrothal or after a marriage.

The Gemora asks: Is this not obvious? The Gemora answers: It might have been assumed that the meaning of widow is to be inferred from widow in the case of Tamar; just as there it was one after marriage, so here also it is one after marriage; therefore, we were taught that any widow was meant.

The Gemora asks: But might it not be suggested that it is indeed so? The Gemora answers: It is compared to a divorced woman: Just as 'divorced woman' includes any divorcee - whether after betrothal or after marriage, so too, 'widow' includes any widow - whether after betrothal or after marriage. (59a2 – 59a3)

The Mishnah had stated: He is also forbidden from marrying a *bogeress*. The Gemora cites a Baraisa: It is written: *A Kohen Gadol shall marry a woman in her virginity*. This would preclude a *bogeress*, whose virginity has dissipated; these are the words of Rabbi Meir. Rabbi Eliezer and Rabbi Shimon maintain that a *Kohen Gadol* is permitted to marry a *bogeress*.

What is their point of contention? Rabbi Meir expounds: If the Torah would have just written: *besulah*, a virgin, we would have ruled that a *Kohen Gadol* is permitted to marry a woman with only partial virginity; since the Torah wrote: *besuleha*, her virginity, we rule that her entire virginity must be intact. The Torah actually wrote: *bivsuleha*, in her virginity, which Rabbi Meir derives from there that a *Kohen Gadol* cannot marry a woman who has engaged in natural cohabitation; however, if she engaged in unnatural cohabitation, she would not be disqualified.

Rabbi Eliezer and Rabbi Shimon learn differently: If the Torah would have just written: *besulah*, a virgin, we would have ruled that a *Kohen Gadol* is only permitted to marry a

woman who is a complete virgin; since the Torah wrote: *besuleha*, her virginity, we rule that a *Kohen Gadol* may marry a woman who retains only part of her virginity. The Torah actually wrote: *bivsuleha*, in her virginity, which Rabbi Eliezer and Rabbi Shimon derive from there that a *Kohen Gadol* cannot marry a woman who has engaged in any type cohabitation, even if she engaged in unnatural cohabitation. (59a3)

Rav Yehudah said in the name of Rav: A woman who engaged in unnatural cohabitation is disqualified for the *Kehunah*.

Rava asked from the following Baraisa: It is written (*regarding an unmarried virgin na'arah who has been violated*) [Devarim 22:29]: *And she shall become his wife*. This halachah is applicable only if the woman is fit to become his wife, but not to a widow to a *Kohen Gadol* or a divorcee or *chalutzah* to an ordinary *Kohen*.

Rava analyzes this Baraisa: What case is the Baraisa referring to when it states that a widow is unfit to a *Kohen Gadol*. If she was violated in a natural manner, why does the Tanna specify that she is disqualified to the *Kohen Gadol* on account that she is a widow; even if she wouldn't be a widow, she is disqualified because she is not a virgin? Rather, it is evident that the Baraisa is referring to a case where she has been violated in an unnatural manner. This woman is unfit to a *Kohen Gadol* because she is a widow, but she would still be considered a virgin. This would be inconsistent with Rav's opinion.

The Gemora answers that the Baraisa is following Rabbi Meir's opinion, and Rav is in accordance with Rabbi Eliezer's opinion.

The Gemora asks: If Rav issued his ruling according to Rabbi Elozar, why did he have to disqualify her on account of not being a virgin, she should be disqualified to the *Kohen Gadol* because she is a *zonah*? Rabbi Elozar rules that an unmarried

man who cohabits with an unmarried woman without intending for marriage has rendered her a *zonah*.

Rav Yosef answers: Rav is discussing a case where she copulated unnaturally with an animal; she is disqualified because she is not a virgin, but she was not rendered a *zonah*.

Abaye asks: If she is regarded as a non-virgin, she should be regarded as a *zonah*; if she is not considered a *zonah*, she should not be considered a non-virgin either? And were you to reply that this case is similar to that of a wounded woman, it may be pointed out that if the disqualification should be extended to unnatural intercourse as well, you will find no woman eligible to marry a Kohen Gadol, since there is not one who has not been in some way wounded by a splinter!

Rav Zeira answers: Rav is discussing a case where a girl under twelve years old refused to continue her marriage. (*A girl whose father had died could be given in marriage while still a minor (under the age of twelve) by her mother or older brother. This marriage is only valid Rabbinically. As long as she has not attained the age of twelve, she may nullify the marriage by refusing to live with her husband. This act of refusal, referred to as mi'un nullifies the marriage retroactively.*) If the husband cohabited with her unnaturally, she is not rendered a *zonah*, but she is not a virgin any longer, and thus disqualified to a *Kohen Gadol*. (59a3 – 59b2)

Rav Simi bar Chiya ruled: A woman who has copulated with an animal, even though she is liable to stoning, she is qualified to the *Kehunah*. The Gemora cites a Baraisa which supports this: A woman who has copulated with one who is not a man (i.e., an animal), even though she is liable to stoning, she is qualified to the *Kehunah*.

When Rav Dimi came (from Eretz Yisroel to Bavel), he recorded an incident: It once happened with a young girl from Hislu, who was cleaning the house, and a village dog

sodomized her from behind. Rebbe pronounced that she is not disqualified from the *Kehunah*.

Shmuel added: She is eligible even for a *Kohen Gadol*.

The Gemora asks: But was there a Kohen Gadol in the days of Rebbe? [There could not have been, for he lived one hundred years after the destruction of the Temple!?] The Gemora answers: Rather, Shmuel meant that he was fit for a Kohen Gadol. (59b2)

Rava of Parzakaya said to Rav Ashi: From where is the following statement which the Rabbis made derived? Harlotry is not applicable to copulation with an animal. It is written: *You shall not bring the hire of a harlot, or the exchange of a dog (to the House of Hashem)*, and yet we learned that the hire of a dog and the exchange of a harlot are permitted, because it is written: *Alike, the two of them*; which implies two only but not four. (59b2 – 59b3)

DAILY MASHAL

The Maggid of Dubno, (in his *Ohel Yaakov*) offers a psychological explanation of why Moshe was not chosen for the priesthood. A Kohein's task is to educate and direct the nation by personal example. Moshe, on his lofty level, stood beyond what the masses could attain. One who educates the nation by example must come from within the nation and must be part of it. Hashem did not give the Torah directly to the Jewish people but to Moshe, for at the time, the Jews were unfit to receive the Torah directly from Hashem. So Hashem made Moshe his agent. For this same reason, Hashem chose Aharon over Moshe because Moshe's spiritual level was so far above the people that he was unfit to direct them in terms of their normal lives. Kol torah adds: We can also interpret the expression in the verse instructing that Aharon be taken "from among Bnai Yisrael" in a similar fashion. Hashem commanded that a person be taken from among the nation, a Kohein who was part of the nation's body and soul. Such a person was Aharon, who could lead them on the path of righteousness.