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Yevamos Daf 60

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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

The Gemora cites a Baraisa: A *Kohen Gadol* may not marry a woman that he himself violated or seduced, but if he married her, they are married. He may not marry a woman that someone else violated or seduced, and if he married her, Rabbi Eliezer ben Yaakov says: The child born from such a union is a *chalal* (*disqualified from Kehunah*). The Chachamim maintain that the child is legitimate.

The Baraisa had stated: But if he married her, they are married. Rav Huna said in the name of Rav: He is required to divorce her.

The Gemora asks: Doesn't the Baraisa mean that he may remain married to her?

Rav Acha bar Yaakov answers: The Baraisa means that he does not have to pay the fine for seducing the woman. (*One who seduces a woman is required to marry her or pay fifty shekalim. The Kohen Gadol is not required to pay the penalty if he marries her; however, he is still required to divorce her.*)

Rav Geviha from Kasil went and said over Rav's ruling before Rav Ashi. Rav Ashi asked him: Didn't Rav and Rabbi Yochanan state that a *Kohen Gadol* may not marry a *bogeres* or a woman who was injured by a piece of wood, but if he married her, they are married. The Gemora explains the logic: A *Kohen Gadol* may remain married to the *bogeres* because anyway, she will eventually become a *bogeres* with him. A *Kohen Gadol* may remain married to the woman who was injured by a piece of wood because she will eventually become a woman who was injured by a piece of wood (*she will lose her virginity*) with him. Here too, in the case where the *Kohen Gadol* married the woman he had previously

seduced, he should be permitted to remain married to her because she will eventually cohabit with him?

The Gemora remains with a difficulty. (59b3 – 60a1)

The Baraisa had stated: He may not marry a woman that someone else violated or seduced, and if he married her, Rabbi Eliezer ben Yaakov says: The child born from such a union is a *chalal* (*disqualified from Kehunah*). The Chachamim maintain that the child is legitimate.

Rav Huna said in the name of Rav: The halachah is in accordance with Rabbi Eliezer ben Yaakov. Rav Gidel also said in the name of Rav: The halachah is in accordance with Rabbi Eliezer ben Yaakov.

Others said: Rav Huna said in the name of Rav: What is Rabbi Eliezer ben Yaakov's reason? It is because he holds like Rabbi Elozar who maintains that an unmarried man who cohabits with an unmarried woman without intending for marriage has rendered her a *zonah*. (*This explains why the child is a chalal.*)

The Gemora asks: Can it be that Rabbi Eliezer ben Yaakov agrees with Rabbi Elozar? But we have an established principle that the teachings of Rabbi Eliezer ben Yaakov are few but clean, and yet Rav Amram said that the halachah does not follow Rabbi Elozar's opinion?

The Gemora remains with a difficulty. (60a1 – 60a2)

Rav Ashi explains their argument differently. Rabbi Eliezer ben Yaakov maintains that a *chalal* can result from cohabitation with a woman that is subject to a positive

commandment (*the mitzvah that a Kohen Gadol should marry a virgin*). The Chachamim disagree.

The Gemora cites Scriptural sources for their respective opinions.

The Gemora asks: What is Rabbi Eliezer ben Yaakov 's reason?

The Gemora answers: It is written: *A widow, or one divorced, or a desecrated woman, or a harlot, these he shall not marry, but a virgin (of his people, he shall take as his wife)*, and this is followed by the Scriptural injunction: *And he shall not desecrate his offspring among his people (by rendering his children as chalallim)*, which refers to all (including the positive commandment of marrying a virgin).

The Gemora explains that the Rabbis disagree because the expression 'these,' the context is broken up.

Rabbi Eliezer ben Yaakov, however, maintains that the expression 'these' serves the purpose of excluding the menstruant (that her child will not be rendered a chalal).

The Gemora asks: Whose view is represented in the following statement wherein it was taught: Only the offspring of 'these' is to be regarded a chalal, but no offspring of a menstruant is to be deemed a chalal?

The Gemora answers: Whose view? That of Rabbi Eliezer ben Yaakov.

The Gemora asks: But according to the view of Rabbi Eliezer ben Yaakov, the expression 'these' should have been written at the end of the verse?

The Gemora notes that this indeed is a difficulty. (60a2)

The Gemora cites a Baraisa: If a *Kohen* has a sister who died as an *arusah*; Rabbi Meir and Rabbi Yehudah maintain that the *Kohen* may contaminate himself to her (*one of the seven*

*relatives that the torah permits the Kohen to contaminate himself for is his virgin sister*). Rabbi Yosi and Rabbi Shimon disagree.

If the sister was violated or seduced, they all agree that the *Kohen* may not contaminate himself to her.

If the woman was injured by a piece of wood, he may not contaminate himself to her; these are the words of Rabbi Shimon, for Rabbi Shimon used to say: A woman who is fit for a *Kohen Gadol*, her brother, the *Kohen*, may contaminate himself to her; however, a woman who is disqualified for a *Kohen Gadol*, her brother, the *Kohen*, may not contaminate himself to her.

The Baraisa concludes: Everyone agrees that he may contaminate himself to his sister, who died as a *bogeres*.

The Gemora cites the Scriptural sources for all these halachos.

The Gemora asks: What is Rabbi Meir's and Rabbi Yehudah's reason?

The Gemora answers: They make the following exposition: *And for his sister a virgin*, excludes one who had been violated or seduced. It might be assumed that one who was 'wounded' is also to be excluded; therefore it was specifically stated: *that has had no husband* - only she whose condition is due to a man is excluded, but not one whose condition is not due to a man. *That is close* includes a betrothed sister; to him includes a sister who is a bogeres.

The Gemora asks: What need was there for a Scriptural verse in this case? Surely Rabbi Meir stated: *virgin* implies even one who retains some of her virginity?

The Gemora answers: It was required, because it might have been assumed that the expression of 'virgin' shall be deduced from 'virgin' elsewhere (where a maiden was

violated); just as there it refers to only a na'arah, so here as well, it refers to only a na'arah; therefore we were taught that the case here is different.

The Gemora asks: And what are the reasons of Rabbi Yosi and Rabbi Shimon?

The Gemora answers: They make the following exposition: *And for his sister a virgin* excludes one who has been violated, seduced or wounded; *that hath had no* excludes one who is betrothed; *that is close* includes a betrothed woman who had been divorced; *to him* includes one who is a bogeress. (60a2 – 60a4)

The Gemora asks: *that is close* includes a betrothed woman who had been divorced!? But, surely Rabbi Shimon said: He may contaminate himself for one who is fit to marry a Kohen Gadol, but may not contaminate himself for one who is not fit to marry a Kohen Gadol (and this would exclude a divorcee)!?

The Gemora answers: There it is different, because the Merciful One has included her by the expression 'close.'

The Gemora asks: If so, the 'wounded' also should be included!?

The Gemora answers: 'Close' implies one and not two.

The Gemora asks: And what reason for this do you see (to include this one and to exclude the other)?

The Gemora answers: To the body of the one something had been done, while to that of the other, nothing had been done.

The Gemora asks: As to Rabbi Yosi, since his colleague (R' Shimon) had left him, it may be inferred that in respect of the 'wounded (by wood),' he himself is of the same opinion as Rabbi Meir (who permits her brother to contaminate to her). From where, however, does he derive it?

The Gemora answers: It is from *that has had no man*.

The Gemora asks: But deduction, surely, had already been made from this verse!?

The Gemora answers: One is deduced from *that has had no*, and the other from *man*.

The Gemora asks: 'to him' includes one who is a bogeress!? But surely Rabbi Shimon stated that 'virgin' implied perfect virgin!

The Gemora answers: His reason there is also derived from here, because he makes the following exposition: since the Scriptural verse 'to him' was required to include one who is a bogeress, it is to be inferred that 'virgin' implies a perfect virgin. (60a4 – 60b2)

The Gemora cites a Baraisa: Rabbi Shimon ben Yochai said: If a girl under three years old converts, she is qualified for the *Kehunah*. (*We do not consider her a zonah because cohabitation under three years of age is not legally regarded as cohabitation.*) He cites Scriptural proof for this. It is written [Bamidbar 31:18]: *But all the children among the women who have not known cohabitation with a male, spare for yourselves. (It emerges that some of the Midianite girls taken in captive were permitted to be taken as wives by the Jewish soldiers.)* The Gemora states: Pinchas the *Kohen* was among them, and he was included in this permission.

The Rabbis disagree with Rabbi Shimon ben Yochai, and they understand the verse to be referring to female slaves (*to be taken as wives for their male slaves*).

The Gemora asks: According to Rabbi Shimon ben Yochai, permission should be granted even if they are older than three years of age; the verse does not specify under three?

The Gemora answers: The verses are understood according to Rav Huna's interpretation. There is an apparent

contradiction in the verses regarding which of the Midianite girls should be killed, and which should be spared. Rav Huna explains: Any girl who is fit for cohabitation should be killed, and only if she was not fit for cohabitation, namely, if she is under three years of age, should she be spared.

The Gemora wonders: How did the Jews know who were old enough for cohabitation and who were not old enough?

Rav Chana bar Bizna said in the name of Rabbi Shimon the Pious: The Midianite women were passed before the tzitz (the golden plate worn on the forehead of the Kohen Gadol). Any woman whose face turned sickly was determined to be fit for cohabitation; any woman whose face did not turn sickly was determined to be too young for cohabitation.

Rav Nachman said: A symptom of sin is hydrokan (a bloating of the stomach). (60b2 – 60b3)

The Gemora relates a similar incident: It is written [Shoftim 21:12]: *They found among the inhabitants of Yaveish-Gilad four hundred virgin girls who had not known a man by cohabitation with a male. (From Torah.org "The Three Weeks": In Shoftim (Judges) 19-20, we find the incident of the "Pilegish in Giv'ah." A man was traveling with his concubine (Pilegish, in Hebrew) and servant back to his home. As evening approached, the group of travelers arrived in the city of Giv'ah, in the territory of the tribe of Benjamin, hoping to find a place to stay. Only one old man offered to put the group up.*

*He brought them to his home, and offered them and their donkeys food and drink. As the guests were refreshing themselves, wicked people from the city began banging on the door of the house, demanding that the old man send out the male guests from his house. The old man went out to the crowd, and tried to appease them by offering his own daughter and the man's concubine. He pleaded with them not to do anything disgraceful. The crowd took away the concubine. When she returned the next morning, after being assaulted, she collapsed and died on the old man's doorstep.*

*In the morning, the man discovered his concubine was dead. He took her body with him back home. He then cut her body into 12 pieces, sending each tribe of Israel a piece, to inform them of the abomination that occurred.*

*The whole nation was in an uproar and disgusted by what had happened. Over 400,000 warriors from all tribes gathered to eradicate this evil. The group demanded from the tribe of Benjamin that the evil men of Giv'ah be turned over, but the tribe refused and joined with the inhabitants of Giv'ah to battle against the rest of the nation. On the first two days of the battle, the unified tribes suffered severe casualties. The tribes then offered sacrifices, prayed, cried, and fasted, asking Hashem for His assistance. They asked the Kohen Gadol what should be done. He responded that on the next day, the tribe of Benjamin would be delivered into the hands of the rest of the nation. That is what happened.*

*After this incident, the tribes swore that they would not let any man from the tribe of Benjamin marry their daughters.*

*It was later discovered that the people of Yaveish-Gilad did not participate in this war. A battalion was sent to capture the city. The women who had never cohabited were spared in order for the men of Benjamin to take them as wives.)*

The Gemora asks: How did they determine which women cohabited and which did not?

Rav Kahana answered: They placed them on the opening of a barrel of wine. If she wasn't a virgin, they would be able to smell the wine on her breath (the aroma went through her); if she was a virgin, her breath would not smell.

The Gemora asks: Why didn't they pass the women before the tzitz?

Rav Kahana the son of Rav Nosson said: The tzitz would only be used for favor, and not for punishment.

The Gemora asks: If so, they should not have used the *tzitz* by Midian either?

Rav Ashi answered: This principle is only applicable to Jews; not for idolaters. (60b3 – 60b4)

### INSIGHTS TO THE DAF

#### POWERS OF THE TZITZ

Rav Chana bar Bizna said in the name of Rabbi Shimon the Pious: The Midianite women were passed before the *tzitz* (*the golden plate worn on the forehead of the Kohen Gadol*). Any woman whose face turned sickly was determined to be fit for cohabitation; any woman whose face did not turn sickly was determined to be too young for cohabitation.

Rav Nachman said: A symptom of sin is *hydrokan* (*a bloating of the stomach*).

Rashi states that this was a miracle.

Later on, the Gemora asks regarding the women of Yaveish-Gilad: Why didn't they pass the women (*to determine if they cohabited with a man or not*) before the *tzitz*?

The Acharonim discuss several questions:

- 1) How would they be permitted to rely on a miracle?
- 2) How did they know that the *tzitz* could ascertain if the women cohabited or not; perhaps it can only determine if the women were fit for cohabitation?
- 3) Why would the Midianite women turn sickly if they were only fit for cohabitation; they didn't sin yet?

#### DAILY MASHAL

The Imrei Chaim would lament about the newest phenomena of printing books or seforim that would detail arguments and fights from the earlier generations. He said: it is a well-known custom that a Jewish woman, prior to lighting the candles for Shabbos, would take a Sefer from the

shelf and place it on the table in order that the table (which had the candles on it) would not become a "basis l'davar he'assur" - a base for something which is forbidden, and then the table would be regarded as muktzah. If the woman, unintentionally, would take this particular book (recording the arguments and fights from previous generations) off the shelf and place it on the table, she would not realize that instead of rendering the table a "basis l' davar ha-mutar" - it would be rendered a "basis l'davar he-assur."

He would add in a joking manner that our Gemora says that the sign for an aveirah is hadroken - a disease. However, there are times that hadrukin (the yiddish word meaning "things which are printed") could be an aveirah in itself.