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Yevamos Daf 61

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Daf Notes is currently being dedicated to the neshamah of

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

Rabbi Yaakov Bar Idi stated in the name of Rabbi Yehoshua ben Levi: The halachah is in agreement with Rabbi Shimon ben Yochai (who rules that a Kohen may marry a woman who converted when she was younger than three years old).

Rabbi Zeira said to Rabbi Yaakov Bar Idi: Did you hear this explicitly, or did you learn it by a deduction? The Gemora comments: What could be the deduction? It is as Rabbi Yehoshua ben Levi related: There was a certain town in Eretz Yisroel, where the legitimacy of their inhabitants was disputed, and Rebbe sent Rabbi Rumanos, who conducted an enquiry, and found in it (a Kohen who married) (the daughter of; some versions of the Gemora omit this) a convert who was under the age of three years and one day, and Rebbe declared her eligible to live with a Kohen. [This is precisely the teaching of Rabbi Shimon ben Yochai, who ruled that a Kohen may marry a woman who converted when she was younger than three years old.] Rabbi Yaakov Bar Idi replied: I heard it explicitly.

The Gemora asks: And what does it matter if it was learned by deduction? The Gemora answers: It is possible that there (by the incident related above) it was different; since the marriage had already taken place he sanctioned it; for, indeed, both Rav and Rabbi Yochanan stated: A Kohen may not marry a bogeress or one who was ‘wounded by wood,’ but if already married, he may continue to live with her.

The Gemora challenges the comparison: How can these cases be compared? There, it is quite correct (to sanction the marriage since in any case) she (his wife) would ultimately become a bogeress while she will be with him, and she (the one who was wounded by wood) would also ultimately become a be’ulah (her virginity no longer intact) while with

him; but here (when the Kohen marries a zonah), would she ultimately become a harlot while with him? Rav Safra taught that he arrived at this conclusion by deduction, and having raised the difficulty, answered it in the same way.

The Gemora relates: A certain Kohen married a convert who was under the age of three years and one day. Rav Nachman bar Yitzchak said to him: How could you do this? He replied: It is because Rabbi Yaakov Bar Idi stated in the name of Rabbi Yehoshua ben Levi that the halachah is in agreement with Rabbi Shimon ben Yochai. Rav Nachman bar Yitzchak said: Go, and remove (divorce) her, or else, I will remove Rabbi Yaakov Bar Idi from your ear (i.e., I will excommunicate you, and you will be forced to divorce her). (60b4 – 60b5)

It was taught in a Baraisa: Rabbi Shimon ben Yochai said: The graves of idolaters do not transmit *tumah* through the roof (if the *tumah* source and a person or object is under the same roof). He cites a Scriptural source to prove this point. It is written [Yechezkel 34:31]: *Now you my sheep, the sheep of my pasture; you are adam.* You, Israel, are referred to as “Adam,” man, but an idolater is not regarded as “Adam.” (The word “Adam” is the term used in the Torah regarding the laws of *tumah* by way of a roof; thus we see that the grave of an idolater does not transmit this *tumah*.)

An objection was raised: It is written: *And the people (nefesh adam) were sixteen thousand!?* [This is referring to the Midianites!?] The Gemora answers: This is due to the mention of cattle (in the previous verse; however, when ‘adam’ is mentioned alone, it refers only to Israelites).

The Gemora asks: It is written: *In which (the city of Ninveh) there are more than one hundred and twenty thousand*

people (*adam*) that cannot discern between their right and their left hand!?! The Gemora answers: This is due to the mention of cattle.

The Gemora asks: It is written [Bamidbar 31:19]: *Whoever killed a person or touched a corpse, purify yourselves*. Moshe instructed the soldiers returning from battle with the Midianites to purify themselves; it is evident that an idolater can transmit *tumah*?

The Gemora answers: Perhaps one of the Jews was killed in battle, and it was due to his corpse that they were required to purify themselves.

The Gemora asks: Why did the Rabbis assume that the only source of *tumah* was from the idolaters?

The Gemora answers: It is written [ibid :49]: *Not a man of us is missing*. This would indicate that there were no Jewish casualties.

The Gemora asks: How does Rabbi Shimon ben Yochai interpret this verse?

The Gemora answered: The verse is stating that no Jew died because of sin (*they did not succumb to the temptation of the Midianite women*), but they could have died as a casualty of war.

Ravina offers an alternative answer to the original question: Rabbi Shimon ben Yochai ruled that the grave of an idolater cannot transmit *tumah* by way of a roof, but they can transmit *tumah* through touching or carrying. (60b5 – 61a2)

The Mishnah states: If a *Kohen* performed *erusin* with a widow and then he was appointed the *Kohen Gadol*, he is permitted to marry her. There was an incident with Yehoshua ben Gamla who betrothed Marta bas Baitos, who was a widow. The king then appointed him the *Kohen Gadol*, and then he married her.

If a woman awaiting *yibum* fell for *yibum* to an ordinary *Kohen*, and then he was appointed the *Kohen Gadol*, even if he performed *ma'amar*, he should not marry her. (61a2)

The Gemora cites a Baraisa: From where is it deduced that a *Kohen* who betrothed a widow and was afterwards appointed *Kohen Gadol* may consummate the marriage? It is specifically stated: *shall he take as a wife*. [The superfluous words 'as a wife' teaches us that he may remain married to her.]

The Gemora asks: If so, the same law should apply to a *yevamah* awaiting the decision of the *yavam* as well (that he should be allowed to marry her)!?

The Gemora answers: A 'wife' but not a *yevamah*. (61a2)

The Mishnah had recorded an incident with Yehoshua ben Gamla. The Gemora infers that the king appointed him the *Kohen Gadol*, but his brothers, the *Kohanim*, and the Sanhedrin did not appoint him.

Rav Yosef said: I recognize a conspiracy here, for Rav Assi said: Marta the daughter of Baitos gave golden dinarim to King Yannai in order that Yehoshua ben Gamla should be appointed the *Kohen Gadol* (*although he wasn't the most deserving from all the Kohanim*). (61a2)

The Mishnah states: A *Kohen Gadol* whose brother died, the *Kohen Gadol* should perform *chalitzah*, but not *yibum*. (61a3)

The Gemora infers that this halachah is applicable whether she falls for *yibum* from a state of *erusin* or *nisuin*. The Gemora asks: It is understandable why he can't perform a *yibum* if she falls for *yibum* from a state of *nisuin*; there is a positive commandment to marry a virgin besides for the negative prohibition against marrying a widow. The positive commandment of *yibum* cannot override both commandments. However, if she falls for *yibum* from a state of *erusin*, there is merely a negative prohibition against

marrying a widow; why don't we say that the positive commandment of *yibum* should override this prohibition and we should permit the *Kohen Gadol* to perform a *yibum*?

The Gemora answers that there is a Rabbinical decree prohibiting this. They decreed that he should not perform the first act of cohabitation (*where he would be fulfilling the mitzvah*) because we are concerned that he might perform a second act (*where he would not be fulfilling the mitzvah, and therefore it would be forbidden*). (61a3)

The Mishnah states: A *Kohen* should not marry an *aylonis* (*an adult woman who did not develop any signs of female puberty and is incapable of bearing children*) unless he has another wife or he already has children. Rabbi Yehudah maintains that he is prohibited from marrying an *aylonis* even if he has another wife or children because she is the *zonah* that the Torah refers to. The Chachamim say: A *zonah* is a female convert, a freed slavewoman, or one who engaged in an illicit act of cohabitation. (61a3)

The Reish Gilusa asked Rav Huna: What is the reason that a *kohen* should not marry an *aylonis*? It is probably because there is a *mitzvah* of procreation. If so, the prohibition should apply by a *Yisroel* as well; why does the Mishnah only mention a *Kohen*?

Rav Huna replied: Since the Mishnah wanted to mention the final clause: Rabbi Yehudah said: even though he has had a wife and children he shall not marry a woman incapable of procreation, since such [is included in the term of] *zonah* mentioned in the Torah. Since *Kohanim* only were commanded concerning the *zonah* while *Israelites* were not so commanded, therefore *Kohen* only was mentioned (so the first part of the Mishnah specified *Kohen* even though it applies to a *Yisroel* as well). (61a3 – 61b1)

Rav Huna explains the rationale of Rabbi Yehudah's opinion. Since it is written: And they shall eat, and not have enough, they shall be promiscuous and shall not increase; cohabitation with a woman who is incapable of bearing

children is regarded as a promiscuous cohabitation, and that is why Rabbi Yehudah considers an *aylonis* to be a *zonah*. (61b1)

The Gemora cites a Baraisa: Rabbi Eliezer said: A *kohen* should not marry a minor.

Rav Chisda said to Rabbah: Go out and analyze the reason for this ruling because in the evening, Rav Huna will ask of you regarding it. He went out and analyzed it (*and said the following*). Rabbi Eliezer is following the opinion of Rabbi Meir and the opinion of Rabbi Yehudah. He holds like Rabbi Meir, who is concerned on account of the minority (*and perhaps the minor is an aylonis*), and he holds like Rabbi Yehudah who considers an *aylonis* to be a *zonah*.

The Gemora challenges Rabbah's explanation: How can you say that Rabbi Eliezer agrees with Rabbi Meir? Didn't we learn the following Baraisa: Rabbi Meir said: A minor boy or girl does not perform *chalitzah* or *yibum*. The Rabbis replied to Rabbi Meir: That which you said that a minor should not perform *chalitzah* is understandable because the Torah uses the term "*ish*," man in the portion regarding *chalitzah*, and we compare the laws of a man to a woman. However, what is your rationale for saying that a minor should not perform a *yibum*?

Rabbi Meir responded: A minor boy should not perform a *yibum* because we are concerned that he might be found to be a *saris* (*he cannot father a child due to defects in his body*); a minor girl should not perform a *yibum* because we are concerned that she might be found to be an *aylonis*. If they would perform *yibum*, it would be tantamount to cohabiting with an *ervah*.

We learned in a different Baraisa the following: Rabbi Eliezer maintains that a minor girl may be taken in *yibum*, but she should not submit to *chalitzah*. (*It emerges that Rabbi Eliezer does not subscribe to Rabbi Meir's concerns for a minority.*)

The Gemora continues challenging Rabbah's explanation: How can you say that Rabbi Eliezer agrees with Rabbi Yehudah? Didn't we learn the following Baraisa: What is a *zonah*? Rabbi Eliezer said: An adulteress. Rabbi Akiva said: A woman who cohabits indiscriminately to any man. Rabbi Masya ben Chorosh said: Even if her husband was bringing her to drink the bitter waters (*he suspected her of committing adultery*), and he cohabited with her on the way (*a relatively minor transgression*), she is rendered a *zonah*. Rabbi Yehudah said: A woman who is an *aylonis*. The Chachamim said: A *zonah* is a female convert, a freed slave woman, or one who engaged in an illicit act of cohabitation. Rabbi Elozar said: An unmarried man who cohabits with an unmarried woman without intending for marriage has rendered her a *zonah*. (*It is obvious that Rabbi Eliezer does not follow Rabbi Yehudah's opinion in regards to zonah.*) (61b1 – 61b2)

Rather, Rav Ada bar Ahavah said (*to explain Rabbi Eliezer's opinion of prohibiting a kohen from marrying a minor*): He is discussing a *Kohen Gadol*. When does he acquire her? Only after she becomes an adult; at that time she is not a virgin any longer.

Rava disagrees vehemently with this explanation: Destroyer of the mind! If her father married her to the *Kohen Gadol*, she is his wife immediately. If she married herself off, would you think that only Rabbi Eliezer prohibits this marriage and not the Rabbis; everyone would concede that this is forbidden?

Rather, Rava explains Rabbi Eliezer's opinion: He is discussing an ordinary *Kohen*, and he was concerned that she will be seduced by another man while she is married to the *Kohen*.

The Gemora asks: If so, let us prohibit even a Yisroel from marrying a minor girl?

The Gemora answers: Seducing a minor girl is considered violation (*as if he forced her*), and a woman who has been violated is permitted to a Yisroel. (61b2 – 61b3)

Rav Pappa offers another explanation: [It speaks] of a *Kohen Gadol*, and it represents the opinion of the following Tanna. For it was taught: A virgin; as one might assume it to mean a minor, it was explicitly stated wife. If only 'wife' [had been written], it might have been assumed to mean one who is adolescent, hence it was explicitly stated, 'a virgin'. How, then [is the text to be understood]? One who has emerged from her minority but has not yet attained adolescence.

Rav Nachman bar Yitzchak explained: It is the opinion of the following Tanna. For it was taught: A virgin; the only meaning of 'virgin' is na'arah; and so it is said in Scripture: And the na'arah was very fair to look upon, a virgin. (61b3)

Rabbi Elozar's opinion was mentioned in the Baraisa above: An unmarried man who cohabits with an unmarried woman without intending for marriage has rendered her a *zonah*.

Rav Amram said: The halachah does not follow Rabbi Elozar's opinion. (61b3)

INSIGHTS TO THE DAF

ADAM - UNITY

Rabbi Shimon ben Yochai said: The graves of idolaters do not transmit *tumah* through the roof (*if the tumah source and a person or object is under the same roof*). He cites a Scriptural source to prove this point. It is written [Yechezkel 34:31]: *Now you my sheep, the sheep of my pasture; you are adam.* You, Israel, are referred to as "Adam," man, but an idolater is not regarded as "Adam." (*The word "Adam" is the term used in the Torah regarding the laws of tumah by way of a roof; thus we see that the grave of an idolater does not transmit this tumah.*)

The Ol'los Efraim says that there are four names for man; Adam, Gever, Enosh and Ish. Each of them can be written in



a singular form as well as in a plural form. However, the term “Adam” can only be written in a singular form. He explains this with our Gemora. Only a Jew is referred to as Adam, not an idolater. Klal Yisroel has the quality of *achdus*, uniting as one; therefore only we can be called Adam.

Using this principle, we can answer a famous question. It is written [Koheles 12:13]: *The end of the matter, all having been heard: fear God, and keep His commandments; for this is the whole man.* The Shalah comments that the verse *fear God* is referring to the negative prohibitions; the verse *and keep His commandments* is referring to the positive commandments; and the verse *for this is the whole man* is the essence of man, the two hundred and forty eight limbs and the three hundred and sixty five veins, which are corresponding to the two hundred and forty eight positive commandments and the three hundred and sixty five negative prohibitions.

There are those that ask: If so, it is impossible for any single individual to be complete; it is impossible to fulfill all six hundred and thirteen *mitzvos*. Some *mitzvos* are only applicable to a *Kohen*; some are unique to a Levi; others are only to a Yisroel; men have *mitzvos* that are only relevant to them, and women have their special *mitzvos*. How can a person be considered complete?

Perhaps the answer is because Klal Yisroel is Adam. We are all united. One person’s performance of a *mitzvah* effects everyone else. If everyone does their particular *mitzvah*, Klal Yisroel can be regarded as being complete.

DAILY MASHAL

The Beilis Blood Libel

The following story is printed in the Sefer Margaliyos HaShas amongst others and the text of the entire story can be found here: shemayisrael.com.

The Beilis Affair shook the ground under those Jews who had thought that the modern world was a more rational one, a

world in which outrageous accusations might be levied but would certainly not gain credence. When Mendel Beilis was brought to trial for a blood libel accusation, it seemed that the progress of a century would be completely wiped away in an instant.

Jews around the world were stirred to action. There was also an outpouring of sympathy from non Jews who recognized the injustice and absurdity of the accusations. A progressive newspaper in Germany reported that libels that echo with the style and content of the darkest medieval times are being hurled against the Jewish minority in Russia. Diplomats, statesmen and other men of prominence urged the Russian government to retreat from this bizarre enterprise. But against this flood of outrage, the anti-Semites of the world only strengthened and increased their own accusations.

The Jewish world was in turmoil. In congregations around the globe, special daily prayers were instituted for the deliverance of Beilis and all the Jewish people. Community leaders, rabbis, chassidic rebbes and influential activists became involved. The Chazon Ish was an active participant in the fight, as were Rabbi Meir Shapiro, the Lubliner Rav, the Lubavitcher Rebbe and the Chortkover Rebbe. The main thrust of their efforts was ambitious. They sought not only to clear Beilis of the unfounded charges but also to uproot the very idea of the blood libel.

The lawyer that headed the defense team was the legendary Oscar Gruzenberg. He knew that the prosecutions attack was going to be directed against the Talmud and other works of Jewish scholarship and that the expertise in devising a defense would have to be provided by the rabbis. Rabbi Mazeh, Chief Rabbi of Moscow, was chosen to head the rabbinic advisory team for the defense.

On October 8, 1913, right after Yom Kippur, the trial opened. The long-awaited spectacle was now under way. Jew and non-Jew in Russia and around the world awaited the outcome with breathless anticipation.

As the trial began, the indictment accused Menachem Mendel the son of Tuviah Beilis, 39, of having murdered together with other people, not discovered, under duress of mysterious religious obligations and rituals, one Andrei Yustchinsky.

The twelve jurors were carefully chosen; their identities and ideologies had been thoroughly prepared prior to the charade of the trial. The first witnesses testified to such blatant lies that the defense lawyer did not even feel compelled to discredit their testimonies. These preliminary stages were clearly a farce, and the audience, near and far, waited for the real trial to begin. At last, the parade of experts began. And the trial became an examination of the Talmud's view on various issues.

What does the Talmud say about the place from which the soul exits the body? Is it correct that the Talmud states that stealing from a gentile is permissible?

The constant refrain was about the Talmud. There, in the depths of the main courthouse of Kiev, all one could hear was Talmud. The prosecutor was prepared with an avalanche of quotes from the Halachic (legal) and the Aggadic (homiletic) portions of the Talmud. Anti-Semites around the world had done their homework and had rallied to the cause of condemning the Jewish people and the Jewish religion in a court of law.

The crucial question was posed: How dare the Jewish sages claim that [the Jewish people] are called *adam*, man, while the idol worshippers are not called *adam*?

The illustrious Rabbi Meir Shapiro was then the Rabbi of Galina. (Later, he would establish and serve as the head of the famous yeshivah of Lublin, and he would also institute the Daf Yomi.) When Rabbi Shapiro heard about attacks against the Talmud, he understood that the Talmud was being accused of inciting Jew against non-Jew. Rabbi Shapiro sent off a very clear letter to Rabbi Mazeh dealing with this

accusation. He told him to explain to the court that a very important insight into the nature of the Jewish people is revealed in this Talmudic quote.

The Torah states, he wrote, that *kol Yisrael areivim zeh lazeh*, all Jews are responsible for each other. (Shevuos 39) According to this principle, it stands to reason that the fate of Mendel Beilis, for example, which is in essence the fate of one single Jew, nevertheless touches the entire Jewish people. The Jewish people tremble for his welfare and would do everything in their power to remove the prisoner's collar from him. What would have been the reaction of the gentile world if one specific gentile had been accused of a similar crime and was standing trial in a faraway country? Clearly, no more than the people of his own town would show any interest in the libel. Perhaps, at most, people in other parts of his own country would criticize the proceedings. But people in other countries? They certainly wouldn't take a personal interest in him.

This, therefore, is the difference between the Jewish people and all other peoples. The Jews are considered *adam*, the singular form of the word man, an indication of the extreme solidarity of the Jewish people. For us, when one Mendel Beilis is put on trial, the entire Jewish world stands at his side like one man. Not so the other peoples of the world. They may very well be considered *anashim*, the plural form of the word man, but they cannot be considered *adam*, a nation that stands together as a single man.

There is no way of knowing which particular effort of which particular rabbis may have had some impact on the trial. All in all, however, the concerted efforts of the Jews bore out the interpretation of Rabbi Meir Shapiro that you [the Jewish people] are called *adam*, for the Jews did set aside their internal differences and stood together as one man until the verdict of not guilty was returned.