

16 Sivan 5782
June 15, 2022



Yevamos Daf 100

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Daf Notes is currently being dedicated to the neshamah of

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People Who Cannot Collect Terumah

The *Gemora* cites a *Baraisa*: There are ten classes of people that we do not give a share of *terumah* at the granary. They are the following: The deaf-mute, the imbecile, the minor, the *tumtum* (*undetermined sex*), the hermaphrodite, the slave, the woman (*a Kohen's wife*), the uncircumcised (*a Kohen, whose brothers died as a result of their circumcision, and who, owing to the fatal effect of such an operation on members of his family, is himself exempt from circumcision*), the *tamei*, and one who married a woman who is unsuitable for him. And regarding all of these, however, *terumah* may be sent to their houses, with the exception of the one who is *tamei* and one who married a woman who is unsuitable for him. Now, one can well understand the prohibition in respect of the deaf-mute, the imbecile and the minor, since they lack intelligence (*and it would be a mark of disrespect were the sacred terumah to be entrusted to the care of persons who are mentally defective, or undeveloped, or in any other way below the normal standard of intellectual or physical fitness*), and in respect of the *tumtum* and the hermaphrodite also, they are regarded as creatures unto themselves (*and it would be disrespectful for the sacred terumah to be given to these people*). We do not give *terumah* to the slave a *Kohen*, as we are scared that people might eventually think that he himself is a *Kohen* (*when he is not even a full-fledged Jew*). A *Kohen* who has not had a circumcision, or one who is *tamei*, may also not collect *terumah*, as it is inappropriate that *terumah* should be collected by people who are considered defiled. A *Kohen* who marries a woman forbidden to *Kohanim* is fined that he cannot even have *terumah* sent to him. (99b3 – 100a1)

The Wife of a Kohen

The *Gemora* asks: Why can't the wife of a *Kohen* collect *terumah*? Rav Pappa and Rav Huna the son of Rav Yehoshua argue about this law. One says: The reason is because the woman might get divorced, and will subsequently be unable to eat *terumah*. People might not realize that this happened, and will still give her *terumah*. The Rabbis therefore decreed as a preventive measure that she should not collect *terumah*. The other one says: The reason is to avoid possible situations of *yichud* (*prohibition against a man being alone with a woman*) between her and people giving out *terumah* at their granaries.

The *Gemora* asks: What is the practical difference between these two reasons?

The *Gemora* offers two differences: One is in a case where the granary is close to the city where she lives, but people are not frequently in the area of the granary. If the reason is because she might get divorced, it doesn't seem applicable, as local people always know if someone in their town was divorced. If the reason is because of *yichud*, it is obviously still applicable. A second difference would be in the opposite case, where the granary is far from the town, but always has many people in its vicinity. While a divorce from a different town might not become known there, there is clearly no problem of *yichud*. (100a1)

People Who Cannot Have Terumah Sent to Their Houses

All of the people listed in the previous *Baraisa*, who cannot collect *terumah*, may nonetheless have it delivered to their

homes, besides a *Kohen* who is *tamei* and a *Kohen* who marries a woman who is forbidden to *Kohanim*.

The *Gemora* notes that while a *tamei* cannot have *terumah* sent to him, a *Kohen* who was not circumcised (*whose brothers died as a result of their circumcision, and who, owing to the fatal effect of such an operation on members of his family, is himself exempt from circumcision*) may have *terumah* sent to him. The reason must be because he simply was forced not to circumcise himself, as it would be too dangerous. He therefore is allowed to have *terumah* sent to him. The *Gemora* therefore asks: Why should a *Kohen* who is *tamei* be any different? He was also a victim of forced circumstances, where he had to become *tamei*!

Even so, the *Gemora* answers, the *Kohen* who was not circumcised due to his brothers deaths is a greater *ones* (*forced circumstance*), and is the reason why he can have *terumah* sent to his house (see *Rashi 99b DH "Mishagrin"* who states that he himself is not allowed to eat *Terumah*, only the people of his household). (100a1)

Collection of Women and Servants

The *Baraisa* states that we do not give a servant and woman *terumah* at the granaries. However, where they do give women and servants at the granaries, the woman receives first and is sent immediately on her way.

The *Gemora* asks: What does this mean? The *Baraisa* first states in a definite fashion that we do not give them *terumah* at the granaries, and then it states that they do receive?

The *Gemora* explains that the second statement was not talking about *terumah*, but rather *ma'aser ani* (*tithe that is given to the poor*), which was given out at houses in the city, not at granaries. The *Baraisa* was stating that women should be given *ma'aser ani* first, as it is degrading for them to wait to collect *ma'aser ani*, which is essentially charity.

On a similar note, Rava states: Originally, when two cases would come before him to judge, one involving a female plaintiff and one involving a male plaintiff, he would judge the case of the male first. His reasoning was that the male is more important, as he is obligated in more *mitzvos* than a woman. However, once he heard the law above regarding *ma'aser ani*, he realized that he should judge the case of the woman first, as it is embarrassing for a woman to wait for the judges to judge her case. (100a1 – 100a2)

The slave and Kohen Who Were intermingled at Birth

The *Mishnah* had stated regarding the child of a *Kohenes* who became intermingled with her slavewoman's child: If they grew up, and they freed one another, they must marry wives eligible for the *Kehunah*.

The *Gemora* asks: Is this optional? If they do not free each other, they can't get married, as they would not be able to find a marriage partner suitable for them. They can't marry a slavewoman, or a free woman.

Rava explains that the *Mishnah* means that they are forced to free each other. (100a2)

His flour-offering

After listing the various applicable stringencies that a person who might be a *Kohen* or a freed slave have to abide by, the *Mishnah* states that this person receives the stringencies of *Kohanim* and *Yisraelim* (*regular Jews*).

The *Gemora* asks: What law is the *Mishnah* alluding to that was not already mentioned?

Rav Pappa answers: It is referring to a *korban minchah* (*flour offering*) which would be voluntarily brought by such a person. His *minchah* would have *kemitzah* (*a Kohen takes three fingers full of the minchah offering and offers it on the altar*) done to it, like the *minchah* of a *Yisrael*, and it is not eaten at all, like the *minchah* of a *Kohen*. How would his

minchah be offered? After having *kemitzah* done to it, the *kemitzah* would be offered, separate from the rest of the *minchah* (which would also be offered).

The *Gemora* asks: Isn't there a law that if the appropriate part of a *korban* has been offered, the rest of it (*that is not supposed to be burned*) is explicitly forbidden to be burned on the altar? Accordingly, if this person is really a freed servant whose *minchah* is supposed to be partially eaten, how can we burn that portion on the altar?

Rabbi Yehudah the son of Rabbi Shimon ben Pazi said: It is burned for the sake of firewood (*as if it was fuel for the fire*), in accordance with a ruling of Rabbi Eliezer, for it was taught in a *Baraisa*: Rabbi Eliezer said: For a pleasing aroma you may not offer upon the altar (*something that may be eaten*); but you may offer up for the sake of wood.

The *Gemora* asks: Although we see our Mishnah's statement fits the opinion of Rabbi Eliezer, can it fit the opinion of the Rabbis, who argue on him?

The *Gemora* says it can, in light of the position of Rabbi Elozar son of Rabbi Shimon regarding the way a *Kohen* brings a *minchas chotei* (*flour offering for a Kohen who sins*). Rabbi Elozar son of Rabbi Shimon understands that the *minchas chotei* of a *Kohen* must undergo *kemitzah*, while the rest of it is simply placed on the *beis hadeshen* (*where the ashes of the altar were placed*). Although the Rabbis argue on Rabbi Elozar son of Rabbi Shimon regarding a *minchas chotei*, that is because they understand that a regular *minchas chotei* of a *Kohen* must be completely offered on the altar, without having some of it placed in a place usually reserved for ashes. However, they would agree that in a strange case such as that of our mixed up servant/*Kohen*, where there is no regular solution, as we are unsure what type of *korban* he is supposed to bring, one should place the leftovers on the *beis hadeshen*. (100a3 – 100a4)

Mishnah

A woman is required to wait three months between marriages (*to different people*) in order to ensure that any child she will have after her second marriage will clearly belong to the second parent. If a woman did not wait three months, and has a child, a mere seven months after marrying her second husband, the identity of the child's father is unclear. Accordingly, if this child grows up and dies without having had children from his marriage, his possible brothers from both of his possible fathers may only perform *chalitzah* and not *yibum*, as it is unclear if this *yevamah* is theirs. Similarly, he may only perform *chalitzah* to the widow of his possible brothers.

The Mishnah continues: If he had possible half-brothers from both of his possible fathers, he can do both *chalitzah* and *yibum* to their widow. [*Rashi explains that the Mishnah is talking about a case where he is the only possible brother from that father. He can therefore perform yibum or chalitzah, because if he really is a half-brother, the yibum or chalitzah is valid. If he is not, he is either marrying someone who is not his relative, or doing chalitzah to someone who didn't need it in the first place.*] If his widow falls to *yibum*, she can have *chalitzah* done by the half-brother of one possible father, and a half-brother from the second possible father can then perform *yibum* (or *chalitzah*).

If one of the husbands was a *Kohen* and the other husband was a *Yisroel*, the son may only marry a woman who is fit for *Kehunah*. He may not render himself *tamei* through corpse *tumah*, but if he did render himself *tamei*, he does not incur lashes (*for perhaps he is a Yisroel, and not a Kohen*). He is prohibited to eat *terumah*; and if he ate inadvertently, he does not repay the principal and the *chomesh* (*the extra fifth to the Kohen as a penalty; this is because the burden of proof rests on the one attempting to exact payment from him, and he must bring a proof that the one who ate is not a Kohen*). He does not share a portion at the granary (*since he is forbidden to eat terumah*), and he sells his own *terumah* (*since he is not obligated to give it to a Kohen because the*

burden of proof will be on the Kohen), and the proceeds are his. He does not share in the consecrated foods of the Beis Hamikdash, and we do not give him *kodoshim* items (such as *bechor*) and we may not take his *kodoshim* away from him. He is exempt from the requirement of giving the foreleg, the jaws, and the stomach to the Kohen (when a Jew slaughters a non-sacrificial animal, he is required to give these animal parts to the Kohen), and his firstborn shall graze until it becomes blemished (when it becomes disqualified for the altar, and may be eaten by its owner; the reason why an Israelite owner may not eat of the flesh of his firstborn, even after it has contracted a blemish, is not because of its sanctity but because its consumption by a non-Kohen is regarded as stealing from the Kohanim; no such consideration arises in a case where the owner can claim that he himself is a Kohen). All the stringencies of Kohanim and the stringencies of Israelites are applied to him.

If both possible husbands were Kohanim, the son acts as an *onein* (person who cannot involve himself in mitzvos before his close relative is buried) if they die, and they act as an *Onein* if he dies (regarding Kohanim there are other pertinent laws of being an *Onein*, such as not being allowed to eat from *korbanos* during the period that one is an *Onein*). He cannot become *tamei* to them, and they cannot become *tamei* to him (if one of them dies, as they might be transgressing the prohibition against a Kohen becoming *tamei* to a non-relative). He does not inherit either family (as each family can claim that he is not their relative), but both families inherit his possessions. He is exempt from death if he strikes or curses either of his possible fathers. He can serve as a Kohen in the Beis Hamikdash during the shift of each father's household, but cannot demand a share in the division of *korban* meat, as the household can claim that he does not really deserve a share because he might belong to a different household. (100a4 – 100b2)

Gemora

The *Gemora* points out that the Mishnah carefully stated that if his widow falls to *yibum*, she must first have *chalitzah*

done by the half-brother of one possible father, and only then can *yibum* be performed by a half-brother from the second possible father. The first possible father's offspring cannot first perform *yibum*, as they would possibly encounter someone else's *yevamah* (forbidden to others by a negative prohibition). (100b2)

Status of a Child with Unidentifiable Paternal Kohen Lineage

Shmuel states that if one Kohen from a group of ten Kohanim had relations with a woman who gave birth to a child, the child is considered a *Shtuki*. What does Shmuel mean that this child is a "*Shtuki*?" If he means that he is quieted from claiming inheritance from any of these ten Kohanim when they die, that is obvious! He has no claim, as no one knows who his father really is! It must be that Shmuel means that he is quieted from proclaiming himself to have the laws of a Kohen.

The *Gemora* asks: What is the reason for this? The verse states regarding Pinchas' gift of *Kehunah*, "and it will be for him and his children after him." This implies that for someone to be a Kohen, his father must be clearly identifiable, something not present in this case.

Rav Pappa asked that we find a similar verse by Avraham Avinu, "to be for you for a G-d and for your children after you." If Shmuel understands that the words "after him" in the verse above teaches us that paternal lineage of a Kohen must be identifiable or someone cannot be deemed a Kohen, would he say that this verse regarding all Jews means that someone's father must be identifiable or his son is not Jewish? According to Shmuel, what does this verse regarding Avraham Avinu teach us?

It must be, the *Gemora* answers that this verse indeed tells us that one should make sure not to marry a non-Jew or slavewoman, in order that his children should not follow her status of being not Jewish.

The *Gemora* asks that this seems difficult from a *Baraisa* that discusses a case similar to that of our Mishnah. If a woman did not wait three months before having *yibum*, and has a child a mere seven months after marrying her second husband, the identity of the child's father is unclear. If both potential fathers were *Kohanim*, the *Baraisa* states that the child is fit to be proclaimed the *Kohen Gadol* (*high priest of the Beis Hamikdash*). This seems to be in direct contradiction to Shmuel, who would seemingly say that he does not even have the status of a *Kohen*!

The *Gemora* answers that Shmuel's law was only a Rabbinical law, and did not derive the law from the verse that he quoted. The verse was only used as an *asmachta* (*a hinted support to his law*). Additionally, even Shmuel only stated that such a Rabbinical law was decreed when the relationship that bore the child was an illicit relationship, not when a marriage was merely consummated before the appropriate time (*as in the case of the Baraisa*).

The *Gemora* asks: Does the decree apply even in a case of an illicit relationship? Our Mishnah discussed someone who didn't wait three months before marrying her second husband, and then gave birth to a child. What does our Mishnah mean when it says that she didn't wait three months "after her husband?" If it refers to "after her first husband died," the end of the Mishnah that states that if both possible fathers are *Kohanim*, he acts as an *onein* if they die, and they act as an *onein* if he dies seems to be unclear. It is understandable that he could become an *onein* from both possible fathers, as his mother married her second husband and the first possible father may cause him to become an *onein* if his bones are collected when the son is alive (*giving him the status of an onein on that day, see Rashi*). However, the second statement "they become an *onein* to him," seems nonsensical, as the case is where the first father is already dead! It must be, therefore, that the case is not where the first husband died, but rather divorced his wife. When the Mishnah states "After her husband," it must mean after she received a *get* (*divorce*) from her husband.

The *Gemora* states that the rest of the Mishnah still seems difficult. The Mishnah further states that if both possible parents were *Kohanim*, "he cannot become *tamei* to them, and they cannot become *tamei* to him." It is understandable that they must be stringent and cannot become *tamei* to him, as he might not be the son of one of them (*and the non-parent would become tamei to a regular person*). However, why can't he become *tamei* to them? It is understandable that he cannot become *tamei* to the second possible father (*as he might be the son of the first father, and thereby become tamei to a non-relative*). However, he should definitely be allowed to become *tamei* to his first possible father. If he is his son, he clearly is allowed to become *tamei* to his father. If he is not, this means that he is the product of a *Kohen* and divorcee, which means he has the status of a *chalal* (*product of a forbidden Kohen marriage*) who in any event does not have the status of a *Kohen* and can become *tamei* to dead people! Why, then, would the Mishnah say he cannot become *tamei* to his first possible father? It must be that she did not wait "after her husband" in our Mishnah means that she had an illicit relationship with two different men within three months of each other. When the Mishnah stated "Achar Ba'alalah" – "after her husband," it really meant "Achar Bo'alalah" – "after her first illicit relationship." Despite the fact that this child was the product of an illicit relationship, the Mishnah concludes that he may serve as a *Kohen*. This clearly proves that Shmuel, who stated that the child of an illicit *Kohen* relationship that does not have a clear father does not have the status of a *Kohen*, was incorrect.

Rav Shmaya answered the position of Shmuel. He explained that the Mishnah may mean "after her husband," and be talking about a first marriage which ended in *mi'un* (*when a child is married off by her mother or brothers when she is a minor, and can refuse the marriage*). [*Being that the first marriage did not end in divorce, the second Kohen who marries her does not produce a chalal, which is why he cannot become tamei to either possible parent.*]

However, the *Gemora* asks, this does not seem plausible, as a minor does not normally give birth. This is apparent from the *Baraisa* that Rav Bibi cited in front of Rav Nachman: Three types of women are permitted to insert a wad into their bodies prior to engaging in marital relations in order to prevent conception. They are: A minor, a pregnant woman and a nursing woman. A minor is permitted because otherwise, she may become pregnant and die. A pregnant woman is permitted because otherwise, she might become pregnant again, and the second fetus will crush the first one. A nursing woman is permitted because otherwise, she might be compelled to wean her child, resulting in his death. The *Baraisa* continues: What age minor are we referring to? We are concerned when the minor is between eleven and twelve years old. If she is younger or older than that, she is not permitted to cohabit in that manner; these are the words of Rabbi Meir. The Chachamim disagree with the entire ruling and state that these women should cohabit in the regular manner and Heaven will have compassion on them (*becoming pregnant in these situations is highly unusual and therefore we prohibit them from utilizing and type of contraceptive measures*) as it is written [Tehillim 116:6]: *Hashem protects the fools*. This *Baraisa* shows that a minor does not normally have a child, as she would normally either not become pregnant or die due to the pregnancy.

The *Gemora* suggests a different answer for Shmuel. The case is when the first *Kohen* marriage was not actually a marriage, as the *kiddushin* was later rendered mistaken and therefore invalid. [*Being that both father's claims to fatherhood were during "marriages," even though the first marriage was later found to be invalid the Rabbanan did not decree that the product of such Kohen fathers is not a Kohen (although they would have made this decree if the fathers had illicit relationships).*] The fact that a mistaken *kiddushin* does not fully make relations between the supposed bride and groom into an illicit relationship is like the position of Rav Yehudha in the name of Shmuel. Rav Yehudah quoted Shmuel as saying in the name of Rabbi Yishmael that when the verse states (*regarding a married woman who consents to having an affair*) "and she was not held," it is saying that

she is therefore forbidden to her husband. This implies that if she was violated, she is permitted to her (*Yisrael*) husband. Rabbi Yishmael derives from the word "and she" that there is a case where a different woman was not held, and is still permitted to her husband. What is this case? It must be where her *kiddushin* was mistaken, such as in a case of *mi'un*, where even if she has a child sitting on her shoulder she can perform *mi'un* and leave the marriage. [*Although we are not talking about a case of Miun, Rabbi Yishmael is clearly stating that if a girl who eventually did Miun had an affair before doing Miun, she retroactively did not become forbidden to her husband (due to the affair) once she does Miun. This is because Miun retroactively causes her marriage to have never taken place, and the law that a husband is forbidden to his wife who consents to have an affair is only relevant if she had the affair when they were actually married. The Gemora therefore applies Rabbi Yishmael's law and logic to an adult woman who had an affair during a marriage that was later found out to have never existed in the first place, as the kiddushin was invalid. Anything that happened during that marriage is not actually classified as an illicit relationship. This allows Shmuel to state that our Mishnah is talking about a case that is not an illicit relationship.*] (100b2 – 100b6)

INSIGHTS TO THE DAF

INTERMINGLED CHILD: WHICH FATHER SHOULD HE HONOR?

Shmuel states that if one *Kohen* from a group of ten *Kohanim* had relations with a woman who gave birth to a child, the child is considered a *Shtuki*. What does Shmuel mean that this child is a "Shtuki?" If he means that he is quieted from claiming inheritance from any of these ten *Kohanim* when they die, that is obvious! He has no claim, as no one knows who his father really is! It must be that Shmuel means that he is quieted from proclaiming himself to have the laws of a *Kohen*.

The Gemora asks: What is the reason for this? The verse states regarding Pinchas' gift of *Kehunah*, "and it will be for him and his children after him." This implies that for someone to be a *Kohen*, his father must be clearly identifiable, something not present in this case.

In the sefer, *Korban Chagigah* it is written that the child would be required to honor each one of the fathers because honoring one's father is a Biblical *mitzvah*, and in cases of uncertainty, we act stringently.

Reb Yosef Engel in *Gilyonei Hashas* asks: Why don't the laws of nullification (*bittul*) apply? We should say that the majority of these men are definitely not his father, and he should therefore be exempt from honoring any of them.

He writes that perhaps the laws of *bittul* are not applicable by positive commandments. Additionally, he suggests that a person is regarded as being prominent, and therefore they cannot become nullified.

DAILY MASHAL

Looking at one's Wife

Rashi (in *Breishis*) writes that due to his great level of modesty, Avraham never looked at Sarah until they were about to enter Egypt. The commentators ask: How was he permitted to marry her without looking at her first, when the Gemora in *Kiddushin* (41a) rules that if it is forbidden to marry a woman until he has looked at her to ensure that she will find favor in his eyes?

This is the question of Maharsha, in *Bava Basra* 16a. Maharsha answers that Avraham did see Sarah before they got married. However, he hadn't looked at her closely since that time, until he saw her reflection in Egypt. He thought she wouldn't look so beautiful at that point, many years after their wedding. But when Rashi says he noticed how beautiful she was, it was a surprise to Avraham that she was still so beautiful so many years later.

The Maharsha adds that according to our Gemora, where a verse was explained to mean that Hashem warned Avraham not to marry an idolatress or a slavewoman, it must be that Avraham did not fulfill the entire Torah until he was circumcised, and accordingly, there is no question at all as to how he could marry Sarah without looking at her first.