

12 Iyar 5782
May 13, 2022



Yevamos Daf 67

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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: If the daughter of a *Yisroel* is married to a *Kohen*, and he died, and left her pregnant, her slaves do not eat *terumah* because of the portion belonging to the fetus, for the fetus can disqualify others from eating *terumah*, and does not entitle others to eat. These are the words of Rabbi Yosi.

The Chachamim said to him: After you testified to us about a daughter of a *Yisroel* to a *Kohen*, even a daughter of a *Kohen* who was married to a *Kohen*, and he died, and left her pregnant, her slaves should not eat *terumah*, because of the portion belonging to the fetus. (67a)

The Gemora inquires into Rabbi Yosi’s reasoning: Is it because he maintains that a fetus in the womb of a *Yisroel* is regarded as a non-*Kohen* (and therefore the slaves, who are owned partially by a non-*Kohen*, cannot eat *terumah*)? Or perhaps it is because he holds that only a born *Kohen* can entitle others to eat *terumah*; an unborn *Kohen* cannot.

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

The Gemora answers: A fetus in the womb of a *Koheness* will be the difference between them.

The Gemora asks: What is indeed the halacha in this case?

Rabbah answers: Rabbi Yosi’s reason is because he maintains that a fetus in the womb of a *Yisroel* is regarded as a non-*Kohen*.

Rav Yosef said: it is because he holds that only a born *Kohen* can entitle others to eat *terumah*; an unborn *Kohen* cannot.

The Gemora asks on Rav Yosef from the following braisa: The Chachamim said to him: After you testified to us about a daughter of a *Yisroel* to a *Kohen*, even a daughter of a *Kohen* who was married to a *Kohen*, and he died, and left her pregnant, her slaves should not eat *terumah*, because of the portion belonging to the fetus.

Rabbi Yosi responded to them: Regarding this case (if the daughter of a *Yisroel* is married to a *Kohen*) I heard; however, regarding the other case (a daughter of a *Kohen* who was married to a *Kohen*), I did not hear (that the slaves may eat *terumah*; rather, they are prohibited from eating *terumah*).

The Gemora explains its challenge: If Rabbi Yosi’s reasoning is because he maintains that a fetus in the womb of a *Yisroel* is regarded as a non-*Kohen*, it is understandable why he distinguishes between a fetus of a *Yisroel* and a fetus of a *Koheness*; however, if his rationale is because he holds that only a born *Kohen* can entitle others to eat *terumah*; an unborn *Kohen* cannot, there should not be any distinction between a fetus of a *Yisroel* and a fetus of a *Koheness*.

The Gemora remains with a difficulty. (67a)

Rav Yehudah said in the name of Shmuel: These are the words of Rabbi Yosi (if the daughter of a *Yisroel* is married to a *Kohen*, and he died, and left her pregnant, her slaves do not eat *terumah* because of the portion belonging to the fetus), but the Chachamim say: If the deceased *Kohen* has other children, the slaves can eat on their account. They can also eat because of the deceased *Kohen*’s brothers or any member of his family (whoever inherits him). (This opinion maintains that the fetus does not acquire any rights in the

slaves until he is born; the relatives of the deceased Kohen inherit the slaves and entitle the slaves to eat terumah.)

The Gemora asks: Does Shmuel mean to say that he agrees with the Chachamim, and not Rabbi Yosi? But Shmuel once said to Rav Chana Bagdasaah (*from Baghdath, or an Aggada expert*), “Go out and bring me ten people (*so that the ruling should be publicized*) in order for me to say to you before them that one who gives something to a fetus, the fetus has acquired it.” (*This is consistent with Rabbi Yosi’s viewpoint.*)

The Gemora answers: Shmuel meant: “This is Rabbi Yosi’s opinion, and I agree with it.”

The Gemora asks: Do the Chachamim actually disagree with Rabbi Yosi? Rabbi Zakkai said: “Rabbi Yosi testified that his ruling came directly from Shemaya and Avtalyon, and the Chachamim agreed to him.”

Rav Ashi answers: They agreed to him that his logic was sound, but they didn’t accept his opinion as authoritative. (67a)

The Gemora cites a related braisa: If the *Kohen* died and left over sons, the *melog* slaves and the *tzon barzel* slaves are permitted to eat *terumah* (*the melog slaves because the wife eats, and the tzon barzel slaves because of the sons, who are Kohanim*).

If he died, and left her pregnant (*without any sons*), the slaves are not entitled to eat *terumah*.

If he died, and left over sons, and he left her pregnant, the *melog* slaves eat *terumah* on her account, whereas the *tzon barzel* slaves may not eat *terumah* because the fetus can disqualify others from eating *terumah*, and does not entitle others to eat. These are the words of Rabbi Yosi.

Rabbi Yishmael the son of Rabbi Yosi said in the name of his father: A daughter may entitle others to eat *terumah*, but a son cannot.

Rabbi Shimon ben Yochai said: If he leaves over male sons, the slaves are entitled to eat *terumah* (*even if she is pregnant*). If he left over only daughters, the slaves may not eat *terumah*, since the fetus may result in being a male and daughters do not inherit when there is a son.

The Gemora asks on the last ruling: Why did he say that the slaves cannot eat *terumah* because the fetus might be a male, even if it is found to be a female, the fetus should disqualify the slaves from eating *terumah*?

The Gemora answers: Rabbi Shimon ben Yochai is in fact stating two reasons: Firstly, the slaves cannot eat *terumah* because perhaps the fetus is a female, and female heirs will also disqualify others from eating *terumah*. And furthermore, if the fetus is found to be a male, the daughters will not inherit at all, and the fetus (*the sole inheritor*) will disqualify the others from eating *terumah*.

The Gemora turns its attention to his first ruling: The Gemora asks: Why can the slaves eat *terumah* when there are only sons, the fetus should disqualify the slaves from eating *terumah*?

The Gemora answers: Rabbi Shimon ben Yochai is not concerned with the minority (*there is a fifty percent chance that the fetus is female, but even if it is male, there is a small percentage of miscarriages; it emerges that most scenarios will not result in the fetus owning any portion of the slaves, therefore, they are entitled to eat terumah*).

Alternatively, you can answer the following: Rabbi Shimon ben Yochai is concerned with the minority, but the slaves are still permitted to eat *terumah* because we establish a remedy (*and designate other property for the fetus instead of the slaves*) in accordance with Rav Nachman in the name of Shmuel.

Rav Nachman said in the name of Shmuel: If a father dies leaving over minor orphans, *beis Din* sets up for each of



them a guardian, and the guardians choose a positive portion for them. When they become adults, they can protest, and claim that they would like to redivide the property. Rav Nachman himself states: They cannot protest, for otherwise, it degrades the power of Beis Din. (*It emerges that in our case as well, Beis Din can designate other property for the fetus; the slaves will be owned completely by the other sons, and therefore they can eat terumah.*) (67a – 67b)

The braisa had stated: Rabbi Yishmael the son of Rabbi Yosi said in the name of his father: A daughter may entitle others to eat *terumah*, but a son cannot.

The Gemora asks: What is the difference? The slaves should not be entitled to eat on account of the fetus?

The Gemora answers (*in the conclusion*): When the braisa said “daughter,” it was referring to the mother. The braisa is stating that her *melog* slaves are entitled to eat *terumah*. The son, however, cannot entitle the *tzon barzel* slaves to eat *terumah* because the fetus has a portion in the slaves, and are thus disqualified.

The Gemora asks: if so, this is precisely Rabbi Yosi’s opinion.

The Gemora answers: The entire braisa was taught by Rabbi Yishmael the son of Rabbi Yosi. (67b)

INSIGHTS TO THE DAF

HOW MANY JEWS ARE NEEDED TO MAKE SOMETHING PUBLIC?

Shmuel once said to Rav Chana Bagdasaah (*from Baghdath, or an Aggada expert*), “Go out and bring me ten people (*so that the ruling should be publicized*) in order for me to say to you before them that one who gives something to a fetus, the fetus has acquired it.”

It would seem from this Gemora that if something should be publicized, ten people are required.

This is also evident from the Gemora Sanhedrin (74b) which states that a person who is in public must be martyred even for a minor precept rather than violate it. Rabbi Yaakov said in the name of Rabbi Yochanan: The minimum for publicity is ten. This is derived from the verse [Vayikra 22:32]: *And you shall not profane My holy name; but I will be holy among the children of Israel.*

It is written [Bamidbar 16:21]: *Separate yourselves from among this congregation, that I may consume them in a moment.* An analogy is drawn from the use of congregation (*edah*) in two passages; one, just quoted, and the second, [ibid 14:27]: *How long shall I bear with this evil congregation.* ‘Congregation’ there refers to the Spies sent out by Moshe. As Yehoshua and Calev had dissociated themselves from their evil report, ten were left, all Israelites. Thus we see, that ten Israelites creates a quorum.

This applies to desecrating the Shabbos in public as well. The Peri Megadim (Sifsei Daas Y”D 2:17) states in the name of the Rashba: If there are ten men present when one violates the Shabbos, one is regarded as a desecrator of Shabbos in public.

This would seemingly be inconsistent with a Gemora in Bava Basra (39b) which states according to one opinion: A protest must be lodged in the presence of three people because this way, we are certain that the protest will become known.

The Gemora in Gittin (33a) also states that three people make a matter public. The Gemora rules that if a husband wishes to nullify a *get*, he must do so in front of three people. This is to ensure that the matter becomes known, and his wife will not mistakenly get married.

The Sdei Chemed (V p. 260) answers: Three people are sufficient when we wish to make something public



knowledge; once three people know about the matter, we are certain that the public will become aware of this. However, when something must be performed in public, it is only regarded as being public, if ten Jews are present at the moment it occurred.