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Yevamos Daf 68

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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 Mishna states: The fetus, and the *yavam*, and the betrothal, and the deaf-mute, and a boy nine years and one day old, disqualifies others from eating *terumah* (*if a Kohen’s daughter marries a Yisroel and he dies; if she is pregnant, the fetus disqualifies her from eating terumah from her father’s house; so too, falling for yibum would disqualify her; if she becomes betrothed to a Yisroel, he will disqualify her; if she marries a non-Kohen deaf-mute, he will disqualify her*), but they do not entitle her to eat *terumah* (*if a Yisroel’s daughter marries a Kohen and he dies, if she is pregnant, the fetus does not entitle her to eat terumah; so too, falling for yibum would not entitle her to eat terumah; if she becomes betrothed to a Kohen, she cannot eat terumah; if she marries a Kohen deaf-mute, he will not entitle her to eat terumah*).

The same halachah would apply if there exists a doubt whether he is nine years and one day old, or not; if there exists a doubt whether he has produced two hairs, or not.

If a house fell on him and on his brother's daughter, and it is not known which one died first, her co-wife submits to *chalitzah* and is not married by *yibum*. (*If the wife died first, the co-wife falls to yibum, since at the time of her husband’s death, he was not married to the ervah; therefore, chalitzah is necessary. If he died first, she would be released because she is the co-wife of an ervah.*) (67b)

The Gemora explains each case of the Mishna, and cites the reason for the halachah. The first case of the Mishna was regarding a fetus: If a *Kohen’s* daughter marries a *Yisroel* and he dies; if she is pregnant, the fetus disqualifies her from eating *terumah* from her father’s house. This is because it is written: as in her youth; this excludes a pregnant woman.

The next case: If a *Yisroel’s* daughter marries a *Kohen* and he dies, if she is pregnant, the fetus does not entitle her to eat *terumah*. The Gemora explains that a child which is born entitles others to eat *terumah*, but an unborn child (a fetus) does not entitle others to eat *terumah*. (67b)

The next case of the Mishna was regarding a *yavam*: If a *Kohen’s* daughter marries a *Yisroel* and he dies childless, falling for *yibum* would disqualify her from eating *terumah*. This is because it is written: she shall return to her father’s house; a woman awaiting a *yavam* is excluded (for she is not yet free to return to her father’s house).

The next case: If a *Yisroel’s* daughter marries a *Kohen* and he dies childless, falling for *yibum* would not entitle her to eat *terumah*. The Gemora explains that she is excluded from the verse: an acquisition of his money; she, however, is an acquisition of his brother. (67b)

The next case of the Mishna was regarding a betrothal. If a *Kohen’s* daughter is betrothed to a *Yisroel*, he will disqualify her from eating *terumah* because he has acquired her. If a *Yisroel’s* daughter is betrothed to a *Kohen*, he would not entitle her to eat *terumah* because of Ulla’s teaching. (*Ulla maintains that she is Rabbinically forbidden from eating terumah because we are concerned that she will bring the terumah to her father’s house, and feed it to her brothers and sisters.*) (67b – 68a)

The next case of the Mishna was regarding a deaf-mute. If a *Kohen’s* daughter is married to a *deaf-mute*, he will disqualify her from eating *terumah* because he has

Rabbinically acquired her. If a *Yisroel's* daughter is married to a *Kohen deaf-mute*, he would not entitle her to eat *terumah* because she is not an acquisition of his money. (68a)

The next case of the Mishna was regarding a boy nine years and one day old.

The Gemora assumed that this refers to the case of a *yevamah* who was awaiting the decision of a *yavam* who was nine years and one day old. Now, the Gemora asks: In what respect (i.e., which halachah in the Mishna is this referring to)? If in respect of depriving her of the privilege (of eating *terumah*), a younger child would also equally deprive her of the privilege!? And if in respect of entitling her (to eat *terumah*), an adult *yavam* also cannot entitle her (to eat *terumah*)!?

Abaye explains the case to be referring to a *Kohen* minor, who is over nine years and one day old, who performs a *yibum* and cohabits with her. Since he Biblically has acquired her, we might have thought that she would be entitled to eat *terumah*. The Mishna teaches us that she cannot because the Rabbis treated the minor's cohabitation as if it was a *ma'amar* performed by an adult, and therefore it is only a Rabbinical acquisition; therefore, she may not eat *terumah*.

Rava asked: If that is the explanation of the first portion of the Mishna, what is the explanation for the latter part? The Mishna had stated: The same halachah would apply if there exists a doubt whether he is nine years and one day old, or not. Now, if he does not entitle her to eat *terumah* when he is definitely nine years of age, then he certainly would not entitle her to eat *terumah* when there is a doubt regarding his age. What is the necessity to teach this latter halachah?

Rava interprets the Mishna differently: The Mishna is referring to a case where a nine year old boy with a blemished lineage (a *mamzer*) cohabited with a woman; she is disqualified from eating *terumah* (and the latter part of the Mishna teaches us that she is disqualified even if there is

uncertainty regarding his age), as is stated in the following braisa: A boy who is nine years and one day old, who is an Amonite, Moabite, Egyptian, or Edomite convert (*who are not permitted to marry into the congregation*), or is a Cuthean, Nasin, *chalal*, or *mamzer*, who cohabited with a *Koheness*, *Leviah*, or an Israelite woman has disqualified her from the *Kehunah*.

The Gemora asks: By the fact that the latter portion of our Mishna discusses cases where a man who is unfit to enter into the congregation cohabits with a woman, she is disqualified from the *Kehunah*; this would indicate that the earlier part of the Mishna is not referring to men who have a blemished lineage!?

The Gemora answers: The first portion of the Mishna is referring to men who are unfit to enter the entire congregation; the latter portion of the Mishna is discussing men who are unfit for *Kehunah*. (68a)

The Gemora cites the braisa mentioned above: A boy who is nine years and one day old, who is an Amonite, Moabite, Egyptian, or Edomite convert (*who are not permitted to marry into the congregation*), or is a Cuthean, Nasin, *chalal*, or *mamzer*, who cohabited with a *Koheness*, *Leviah*, or an Israelite woman has disqualified her from the *Kehunah*.

Rabbi Yosi states: Any man, whose children are disqualified, will disqualify a woman with whom he cohabits from the *Kehunah*. Any man, whose children are not disqualified, will not disqualify a woman with whom he cohabits from the *Kehunah*.

Rabban Shimon ben Gamliel said: Any man, whose daughter a *Kohen* is permitted to marry, he would be permitted to marry his widow. Any man, whose daughter a *Kohen* is not permitted to marry, he would not be permitted to marry his widow. (68a)

The Gemora asks: From where do we derive these halachos?

Rav Yehudah said in the name of Rav: It is written [Vayikra 22:12]: *And if a Kohen's daughter should be married to a strange man, she may not eat of the separated holies*. This teaches us that as soon as she has cohabited with an unfit person, the latter disqualifies her.

The Gemora asks: But the verse cited is surely required for another purpose? Didn't we learn from this verse that the daughter of a *Kohen* who was married to a non-*Kohen* may not eat *terumah*?

The Gemora answers: That may be deduced from the next verse: *And if a Kohen's daughter should become a widow or divorcee...she shall return unto her father's house, as in her youth; she may eat of her father's bread*. Since the Torah ordained, *she shall return unto her father's house ... she may eat*, it follows that prior to that, she was not permitted to eat.

The Gemora asks: But if this halachah would be derived only from this verse, one might have assumed that as a negative precept which is derived from a positive commandment, it has only the force of a positive commandment. The Torah required the other verse to indicate that it is a negative precept.

The Gemora answers: That it is a negative precept may be deduced from an earlier verse, which states: *And any strange man may not eat of the holy foods*.

The Gemora asks: But that verse is required for its own purpose (*to teach that a non-Kohen shall not eat terumah*)?

The Gemora answers: The expression, *And any strange man*, is written twice. (*One verse teaches us that a non-Kohen cannot eat terumah, and the other verse teaches us that a Kohen's daughter cannot eat terumah if she marries a non-Kohen*.)

The Gemora asks: But still, isn't the second verse required for the exposition of Rabbi Yosi the son of Rabbi Chanina?

For Rabbi Yosi the son of Rabbi Chanina stated: *And any strange man* implies that the Torah has imposed a prohibition concerning a non-*Kohen* from eating *terumah*, but not concerning an *onein* (*one whose close relative passed away and has not been buried yet*).

The Gemora answers: Rabbi Yosi the son of Rabbi Chanina's exposition may be deduced from the Scriptural use of the longer expression "*And any strange man*" instead of "*any strange man*".

The Gemora persists: But still, isn't the verse (*And if a Kohen's daughter should be married to a strange man, she may not eat of the separated holies*) required for the halachah which was taught in the following braisa: When she returns, she returns only to the privilege of eating *terumah*, but does not return to the privilege of eating the breast and thigh (*of the shelamim korbanos*). And Rav Chisda stated in the name of Ravina bar Rav Shila: What Scriptural text proves this halachah? It is written: *And if a Kohen's daughter should be married to a strange man, she may not eat of the separated holies*. This teaches us that she may not eat the breast and thigh which is separated from the holies.

The Gemora answers: The Torah could have written "*she may not eat of the holies*;" why did the Torah write then the longer expression of "*she may not eat of the separated holies*"? Two deductions may consequently be made. (*One is, that a Kohen's daughter who cohabits with an unfit person, the latter disqualifies her; and the other is, a daughter of a Kohen who marries a non-Kohen may never eat the breast and thigh which is separated from the shelamim*.)

We have now deduced the law pertaining to a *Kohen's* daughter; how do we derive this halachah in respect of the daughter of a Levite or an Israelite?

The Gemora answers: As Rabbi Abba stated in the name of Rav: The Torah could have written "*a Kohen's daughter*;"

why did the Torah write then the longer expression of “*And if a Kohen's daughter*”? It is to teach us that a daughter of a Levite or an Israelite can also become disqualified.

The Gemora asks: Is this only in accordance with the view of Rabbi Akiva who bases expositions on superfluous *vavin (and)*?

The Gemora answers: This exposition will even be according to the Sages because the entire word is superfluous.

The Gemora asks: It has proven that they are disqualified in respect to *terumah*; how do we derive that the disqualification extends also to the prohibition of marrying a *Kohen*?

The Gemora answers: Has not the daughter of a Levite or of an Israelite been included in respect of marrying a *Kohen*? For, regarding *terumah*, neither of them is ever eligible to eat it (*since we are not discussing marriage*).

The Gemora asks: Perhaps the exclusion would be relevant to cases where they would eat on account of their child who is a *Kohen (if she has a child from a Kohen, she would be permitted to eat terumah even if she was not married to him)*?

The Gemora answers: A verse would not be necessary to teach this halachah, for it can be derived by means of a *kal vachomer*. If a *Koheness*, who may eat *terumah* on account of her own sanctity, nevertheless becomes disqualified when she cohabits with an unfit man; the daughter of a Levite or an Israelite, who may only eat *terumah* on account of their children, certainly would be disqualified by cohabiting with an unfit man.

The Gemora asks: On the contrary; a *Koheness* who has her own sanctity can become disqualified, but the others, who are not sanctified will not become disqualified!?

The Gemora retracts and derives the halachah (*the disqualification extends also to the prohibition of marrying a Kohen*) from a *kal vachomer*. If a divorcee, who is permitted to eat *terumah (if she is a Kohen's daughter)*, is forbidden to marry a *Kohen*; then this woman, who may not eat *terumah*, will certainly be disqualified from marrying a *Kohen*.

The Gemora asks: Can we derive a negative precept from a *kal vachomer*?

The Gemora answers: The *kal vachomer* simply reveals to us that one who is disqualified from eating *terumah* is disqualified from marrying a *Kohen*. (68a – 68b)

The Gemora asks: Might it not be suggested that (the verse: and if a Kohen's daughter should be to an outsider, which teaches us regarding) a woman who had cohabited with a disqualified person - refers to those people whose cohabitation with her is subject to the penalty of *kares* (and not like we learned regarding those people who are forbidden to her on account of a negative commandment – that they too disqualify her from eating *terumah* and marrying a *Kohen*)?

The Gemora answers: The Merciful One said: If she should be (married); only those with whom marriage is valid; with those who are subject to the penalty of *kares*, however, marriage is not valid.

The Gemora asks: If so, no idolater or slave should cause disqualification (for they cannot legally marry a Jewish woman)!?

The Gemora answers: These cause disqualification in accordance with a ruling of Rabbi Yishmael, for Rabbi Yochanan stated in the name of Rabbi Yishmael: From where do we know that a Canaanite slave or an idolater who cohabits with a *Koheness, Leviah* or *Yisraelis* will render her unfit to eat *terumah*? He cites a verse in Vayikra 22:13 which teaches us that a *Koheness* who marries a non-*Kohen* is not permitted to eat *terumah*. If she should become widowed or

divorced without having any children, she returns to her father's house and may eat *terumah*. This is only when she was legally married to someone who can cause her to become a widow or get divorced; a Canaanite slave or an idolater are excluded because they cannot cause her to become a widow or get divorced.

We have now deduced the law pertaining to a *Kohen's* daughter; how do we derive this halachah in respect of the daughter of a Levite or an Israelite?

The Gemora answers: As Rabbi Abba stated in the name of Rav: The Torah could have written "*a Kohen's daughter*;" why did the Torah write then the longer expression of "*And if a Kohen's daughter*"? It is to teach us that a daughter of a Levite or an Israelite can also become disqualified.

The Gemora asks: Is this only in accordance with the view of Rabbi Akiva who bases expositions on superfluous *vavin* (*and*)?

The Gemora answers: This exposition will even be according to the Sages because the entire word is superfluous. (68b – 69a)

## INSIGHTS TO THE DAF

### Chazakah HA'ASUYAH L'HISHTANOS

Rava interprets the Mishna: The Mishna is referring to a case where a nine year old boy with a blemished lineage (a *mamzer*) cohabited with a woman; she is disqualified from eating *terumah* (*and the latter part of the Mishna teaches us that she is disqualified even if there is uncertainty regarding his age*), as is stated in the following braisa: A boy who is nine years and one day old, who is an Amonite, Moabite, Egyptian, or Edomite convert (*who are not permitted to marry into the congregation*), or is a Cuthean, Nasin, *chalal*, or *mamzer*, who cohabited with a *Koheness*, *Leviah*, or an Israelite woman has disqualified her from the *Kehunah*.

Tosfos asks: Why don't we apply the principle of *chazakah*; any matter which is uncertain to us should be resolved by a presumption that the previous status continues to prevail until there is a clear indication that it has indeed changed? Let us say that since he was younger than nine previously, we will assume that he was still a minor at the time that he cohabited with her, and she should still be qualified to eat *terumah*?

Tosfos answers: We are referring to a case where the boy is presently older than nine years old, and therefore his present status of precludes the use of *chazakah*.

It is evident from Tosfos that if we still would be uncertain if he is older than nine years old, we would have relied on the *chazakah* that during cohabitation, he was younger than nine, and she would still be qualified to eat *terumah*.

This proves that Tosfos maintains that a *chazakah* which is likely to change still has the force of a regular *chazakah* until it has been established that this status changed.