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Yevamos Daf 74

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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 returns to the original inquiry (*Can an uncircumcised person eat maaser sheini (one brings one tenth of his produce to Yerushalayim to be eaten there)?*): The Gemora attempts to bring a proof from the following braisa: One who had been circumcised, but shreds which render the circumcision invalid remained, is not permitted to eat *terumah*, nor the Pesach offering, nor any consecrated offerings, nor *maaser*. What does the braisa mean when it mentioned *maaser*? Is it not referring to *maaser sheini*? (*This would prove that an uncircumcised person may not eat maaser sheini.*)

The Gemora deflects the proof: Perhaps the braisa is referring to the *maaser* taken from animals; an uncircumcised person will be prohibited from eating it because it is a consecrated offering, but he will be permitted to eat from *maaser sheini*.

The Gemora asks: How can the braisa be referring to animal tithe? This would have precisely the same halachah as other consecrated offering, and that was already mentioned in the braisa.

The Gemora counters: According to your reasoning, why did the braisa specifically mention the Pesach offering? Shouldn't the Pesach be included in all consecrated offerings?

The Gemora replies: It is understandable why the braisa mentioned Pesach and other consecrated offerings. If the braisa would have just mentioned Pesach, I might have thought that Pesach is the only offering where an uncircumcised person may not partake of because the Torah

explicitly writes the prohibition there; the braisa was compelled to mention that the prohibition is applicable to other offerings as well. If the braisa would have just mentioned consecrated offerings, I might have thought that this is referring to the Pesach offering; it was therefore necessary for the braisa to state consecrated offerings and the Pesach. However, the Gemora concludes its question: There is no need to state animal tithe. (*Obviously, the braisa is referring to maaser sheini, and this would prove that an uncircumcised person may not eat maaser sheini.*)

The Gemora deflects the proof: Perhaps the braisa is referring to *maaser rishon* (which is given to a Levi), and the braisa is reflecting the opinion of Rabbi Meir, who maintains that *maaser rishon* is forbidden to a non-Levi. (74a)

The Gemora attempts to bring a proof (that an uncircumcised person is prohibited from eating maaser sheini) from the following braisa: Since Rabbi Chiya bar Rav of Difti has taught: An uncircumcised person is forbidden to eat of both tithes; isn't one the maaser of the grain (*maaser sheini*) and the other the animal tithe!

The Gemora deflects the proof: Perhaps the braisa is referring to *maaser rishon* (which is given to a Levi), and the braisa is reflecting the opinion of Rabbi Meir. (74a)

The Gemora attempts to bring a proof from the following braisa: An *onein* (*one whose close relative passed away and has not been buried yet*) is prohibited from eating *maaser sheini*, but he is permitted to eat *terumah* and to perform the services of the *parah adumah* (*red heifer*). A *tevil yom* (*one who has immersed in a mikvah but still has tumah on*



him until nightfall) is prohibited from eating *terumah*, but is permitted to perform the services of the *parah adumah* and to eat *maaser*. A *mechusar kippurim* (one who was *tamei*, but has immersed himself in a *mikvah*, and has waited until nightfall; he is just lacking atonement until he brings his offerings the next day) is prohibited from performing the services of the *parah adumah*, but he is permitted to eat *terumah* and *maaser*.

The Gemora concludes its proof: If an uncircumcised person may eat *maaser sheini*, the braisa should state that an uncircumcised person is prohibited from eating *terumah*, but is permitted to perform the services of the *parah adumah* and to eat *maaser*.

The Gemora answers: The Tanna of this braisa is from the academy of Rabbi Akiva, who maintains that an uncircumcised person is like a *tamei*, as it was taught in a braisa: Rabbi Akiva stated: Since it was stated [Vayikra 22:4]: *A man, a man from the offspring of Aaron who is a metzora, or a zav shall not eat of the holies*. The extra words, "A man, a man" teaches us that the uncircumcised also is included in the prohibition against eating *terumah*.

The Gemora asks: Who is the Tanna that disagrees with Rabbi Akiva?

The Gemora answers: It is the Tanna Kamma of Rabbi Yosef the Babylonian, for it was taught in a braisa: If an *onein* or *mechusar kippurim* burn the *parah adumah*, it is valid. (Just as he disagrees with Rabbi Akiva regarding a *mechusar kippurim*, he would disagree with him regarding an uncircumcised person.) Rabbi Yosef the Babylonian said: If an *onein* burned the *parah adumah*, it will be valid; however, if it was performed by one who is a *mechusar kippurim*, it is invalid. (74a)

The Gemora notes: Rabbi Yitzchak also holds that an uncircumcised person may not eat *maaser sheini*. He derives this halachah from a *gezeirah shavah* (one of the thirteen principles of Biblical hermeneutics; it links two similar words

from dissimilar verses in the Torah) from Pesach. Just as an uncircumcised person, cannot partake in the Pesach offering, so too, he cannot eat *maaser sheini*.

The Gemora notes: It (the *gezeirah shavah*) is free for deduction, for if it is not free, it could be refuted as follows: The pesach offering is rightly subject to the restriction (that an uncircumcised person cannot partake in it) since one may incur in respect of it the penalties for *piggul*, *nossar* and *tamei*!

The Gemora asserts: It is indeed free for the deduction.

The Gemora asks: Which (of the expression of "of it") is free?

Rava replied in the name of Rabbi Yitzchak: 'Of it' is written three times in connection with the pesach offering. One is required for the pesach offering itself; one for the *gezeirah shavah*; and as to the third, according to the one who maintains that the Torah intended a positive commandment to follow a negative one (and therefore, he will not incur lashes for leaving it over until morning), 'of it' was written a second time, because 'left over' was written a second time; and according to the one who maintains that the repetition of until the morning was intended to allow a second morning for its burning (the first day of Chol HaMoed), 'of it' was written a second time, because 'until the morning' had to be written a second time.

He continues: Also, in connection with *maaser sheini*, 'of it' was written three times. One is required for its own purpose (that an *onein* is prohibited from eating *maaser sheini*); one is required for the deduction which Rabbi Avahu made in the name of Rabbi Yochanan (that *maaser sheini* that became *tamei* may not be burned for one's own benefit, but oil of *terumah* that became *tamei* may be burned for one's own benefit); and the third is required for the exposition made by Rish Lakish, for Rish Lakish stated in the name of Rabbi Samya: From where is it derived that *maaser sheini* which has become *tamei* may be used for anointing? It is said: *Nor have I given "of it" for the dead; only for a dead man have I*

not given, but I have given for a living man in the same manner as for the dead. Now, what is it that may be equally applied to the living and to the dead? You must say that it is anointing.

Mar Zutra asked: It might be suggested that it refers to the purchase for the dead a casket and shrouds (with funds of maaser sheini that became tamei)?

Rav Huna son of Rabbi Yehoshua replied: 'Of it' means of the maaser sheini itself (which therefore refers to anointing the dead, and not for purchasing items for the dead).

Rav Ashi replied: 'Nor have I given' must be analogous to 'I have not eaten.' Just as there it refers to the maaser sheini itself, so here as well, it must refer to the maaser sheini itself.

The Gemora asks: But still it is free, however, in one side only! The gezeirah shavah is quite satisfactory according to the one who maintains that deduction may be made even in such a case, and may not be refuted. According to the one, however, who is of the opinion that deduction may be made but also refuted, what can be said?

The Gemora answers: Rabbi Avahu's deduction may be inferred from the verse cited in the statement which Rav Nachman made in the name of Rabbah bar Avuha, for Rav Nachman said in the name of Rabbah bar Avuha: It is written: *Hashem says: "I gave you the guarding of terumosai – my terumos,"* referring to two types of *terumah* – one of *terumah* which is *tahor* and one of *terumah* which is *tamei*; and the Torah said: [*I have given*] to you – (*meaning*), let it be yours for burning it under your pot. (74a)

The Mishna had stated: All those that are *tamei* may not eat *terumah*.

The Gemora asks: How do we know this halachah?

The Gemora answers: Rabbi Yochanan said in the name of Rabbi Yishmael: It is written [Vayikra 22:4]: *A man, a man*

*from the offspring of Aaron who is a metzora or a zav shall not eat from the holies until he becomes purified.* Which food is equally applicable to all the offspring of Aaron (*including men and women*)? This must be referring to *terumah*, and the verse states that if one is *tamei*, he may not eat the *terumah*.

The Gemora asks: Perhaps the Torah is referring to the breast and thigh from a *shelamim* (*which is given to a Kohen, and it may be eaten by all his family members*)?

The Gemora answers: The breast and thigh from a *shelamim* are not eaten by all the offspring of Aaron because a *Kohenes* who married a *Yisroel*, and becomes widowed or divorced, will not be permitted to eat from the *shelamim*. (*She returns to her father's house only in respect to terumah.*)

The Gemora asks: *Terumah* is also not eaten by all the offspring of Aaron because a *chalalah* (*a female offspring of a Kohen and a woman who is forbidden to him because he is a Kohen*) is not permitted in *terumah*.

The Gemora answers: A *chalalah* is not classified as an offspring of Aaron. (74a – 74b)

The Gemora states that one who is *tamei* is permitted to eat *terumah* after immersing himself in the *mikvah*, and waiting for nightfall. This is based upon the verse: *until he becomes purified*.

The Gemora asks: Perhaps the verse does not mean 'until nightfall,' but rather, it means (that he is required to wait) until he brings his atonement offering (*the next day*)?

The Gemora answers: This interpretation cannot enter your mind, for a braisa was taught in the academy of Rabbi Yishmael: The Torah is referring to a *zav* who experienced

two emissions<sup>1</sup>, and a confirmed metzora<sup>2</sup>, both being cases similar to that of one who is tamei through corpse tumah. Just as he who is tamei through corpse tumah is not liable to bring an atonement offering, so are these such as are not liable to bring an atonement offering. [And since the verse refers to those cases of tumah where an atonement offering is not required, evidently the teaching that they may not eat terumah until after the purification process refers to immersion and waiting for nightfall, but not the bringing of a sacrifice.]

The Gemora asks: Let it be said, then, that this applies only to those who are not liable to bring an atonement offering, but that for those who are liable to an atonement offering (such as a zav who has experienced three emissions, or a confirmed metzora), purification is incomplete (and the prohibition against eating terumah remains) until the atonement offering has been brought!?

Furthermore, in respect of what we learned in a Mishna: If a *metzora* immersed himself on the seventh day of his waiting period, he is permitted to eat *maaser sheini*. After nightfall, he is permitted to eat *terumah*. After he brings his atonement offering, he is permitted to eat *kodoshim*. From where, it may also be asked, are these laws derived?

Rava replied in the name of Rav Chisda: Three Scriptural verses are written: It is written: *And he shall not eat of the holy things, until he immersed himself in water*, implying that if he immersed, however, he is tahor. It is also written: *And when the sun sets, he shall be tahor, and afterwards he may eat of the holy things*. And finally, it is written: *And the Kohen*

<sup>1</sup> The Mishna in Megillah 8a says that the only difference between a zav (one who experienced a bodily emission) who saw a flow twice to one who saw three times is the sacrifice, which is only brought when he sees three times. The Gemora there cites Scriptural verses, where we derive from there that although the zav is tamei in both cases, and they require a waiting period of seven clean days, and an immersion in spring water, and a waiting period of seven days, it is only the zav who experienced three emissions who must bring a sacrifice as well.

<sup>2</sup> *There are times when it was unclear if the person was indeed inflicted with tzaraas. He was then kept in isolation for one or two weeks until the Kohen could decide if he was a metzora or tahor. If there are only*

*shall make atonement for her, and she shall be pure.* How are these contradictory verses (their conditions) to be reconciled? The first refers to maaser sheini (a tevil yom – one who has immersed but it is not yet nightfall - is permitted to eat of maaser sheini); the second to terumah (that a mechussar kippurim – one who has immersed and nightfall has passed, but he did not yet bring his atonement offering) is permitted to eat terumah, and the third to consecrated offerings (where one may not consume until his atonement offering is brought).

The Gemora asks: Perhaps these should be reversed (and the first verse refers to terumah and the second to maaser sheini)?

The Gemora answers: It is reasonable that terumah should be subject to the greater restriction, since it is stringent in respect of the following: [*Mnemonic MaCHPaZ*] (1) Death (*if eaten by a non-Kohen*), (2) a fifth (*when a non-Kohen inadvertently eats terumah*), (3) it cannot be redeemed, and (4) it is forbidden to strangers (*non-Kohanim*).

The Gemora asks: On the contrary; maaser sheini might be regarded as subject to the greater restriction, since it is stringent in respect of the following: [*Mnemonic HaDaS TaB*] (1) Bringing to the Place (to be eaten in Yerushalayim), (2) Declaration (*that all the maasros were separated properly*), (3) it is forbidden to an onein, and (4) it is forbidden to burn it when it is tamei for one's own purpose, and he incurs lashes if he eats it when it is tamei, (5) it must be removed!?

*some of the tzaraas symptoms, he is isolated for seven days. During those days, he is called a confined metzora. He is then examined again. If, upon this examination, he is found to be tahor, he becomes purified by immersing himself in a mikvah and waiting for nightfall. If, however, he is declared tamei, he is pronounced a confirmed metzora. He waits seven days and if the tzaraas goes away, he gets sprinkled from the blood of a bird together with water. Afterwards, he is required to have all the hair on his body shaved with a razor. He then immerses in a mikvah, counts seven days, and on the seventh day shaves again and immerses himself in a mikvah. On the next day, he brings the special korbanos and becomes tahor.*



The Gemora answers: The penalty of death, nevertheless, is of the greatest severity.

Rava said: Apart from the fact that the death penalty is of the greatest severity, it could not be said so (that the first verse refers to terumah), for the Torah stated: *nefesh* (the person). Now, what is it that is equally fit to every person (including those who are not Kohanim)? You must admit that it is maaser sheini.

The Gemora asks: Let it be said, still, that this applies only to those who are not liable to bring an atonement offering, but that for those who are liable to an atonement offering (such as a zav who has experienced three emissions, or a confirmed metzora), purification is incomplete (and the prohibition against eating terumah remains) until the atonement offering has been brought!?

Abaye replied: Two Scriptural verses are recorded in the case of a woman in childbirth. It is written: *Until the days of her purification are completed*, which implies as soon as her days are completed she is purified; and it is also written: *And the Kohen shall make atonement for her, and she shall be purified*. How then, are the two to be reconciled? The former applies to terumah (that immersion and nightfall are required), the latter to consecrated offerings (which requires the atonement sacrifice).

The Gemora asks: Perhaps these should be reversed?

The Gemora answers: It stands to reason that consecrated offerings are subject to the more severe requirement, since it is stringent in respect of the following: [Mnemonic: PaNaK IKaS] (2) *Piggul*<sup>3</sup>, (2) *Nossar*<sup>4</sup>, (3) *Korban*, (4) *Me'ilah*<sup>5</sup>, (5) *Kares*, and (6) it is forbidden to an *onein*<sup>6</sup>. [Since *Kodesh* is so

*strict in all these matters, it is logical that the limitation does not apply to it.*]

The Gemora asks: On the contrary, *terumah* is more severe, since it is stringent in respect of the following: [Mnemonic: MaCHPaZ] (1) Death (*if eaten by a non-Kohen*), (2) a fifth (*when a non-Kohen inadvertently eats terumah*), (3) it cannot be redeemed, and (4) it is forbidden to strangers (*non-Kohanim*)!?

The Gemora answers: The former are more numerous.

Rava said: Apart from the fact that those are more numerous, this (that one can be purified with regard to consecrated offerings, even without the atonement offering) could not be maintained, for Scripture stated: *And the Kohen shall make atonement for her, and she shall become purified*, which implies that until that moment she was tamei. Now, were it to be assumed that this verse speaks of consecrated offerings, the verse: *And the sacrificial meat that touches any contaminated thing shall not be eaten* should apply to it! It must, therefore, be concluded that the verse speaks of terumah.

Rav Shisha son of Rav Idi asked: How could it be said that the law of terumah was prescribed in this verse? Surely it was taught in a braisa: It is written: *Speak to the children of Israel*. One would only learn that these laws (that a woman is tamei after childbirth) are applicable to the children of Israel (a regular Israelite woman); from where, however, is one to infer that they also apply to a convert or an emancipated slavewoman? Scripture consequently stated: *Woman*. Now, if it were to be assumed that the verse speaks of terumah, are a convert and an emancipated slavewoman, it may be asked, permitted to eat terumah?

<sup>3</sup> a korban whose avodah was done with the intention that it would be eaten after its designated time

<sup>4</sup> sacrificial meat that has been leftover beyond the time that the Torah designated for its consumption

<sup>5</sup> one who has unintentionally benefited from hekdes or removed it from the ownership of the Beis Hamikdash has committed the

transgression of *me'ilah*, and as a penalty, he would be required to pay the value of the object plus an additional fifth of the value; he also brings a korban asham

<sup>6</sup> one whose close relative passed away and has not been buried yet

Rava said: But does it (the verse) not (refer to terumah)? But it is written: *Any holy food she shall not touch*, and a master has said that this includes terumah? Rather, we must conclude that the verse is discussing many laws pertaining to childbirth (and terumah as well). (74b – 75a)

#### INSIGHTS TO THE DAF

##### IS A CHALALAH AN ORDINARY BAS YISROEL?

The Gemora asks: *Terumah* is also not eaten by all the offspring of Aaron because a *chalalah* (a female offspring of a *Kohen* and a woman who is forbidden to him because he is a *Kohen*) is not permitted in *terumah*.

The Gemora answers: A *chalalah* is not classified as an offspring of Aaron.

It emerges from the Gemora that a *chalalah* may not eat *terumah* because she is not considered a *Kohenes*.

The Keren Orah inquires: Can a *chalalah* that marries a *Kohen* eat *terumah*? Can we say that just as a daughter of a *Yisroel*, who marries a *Kohen* may eat *terumah*, so too, the *chalalah*, who is married to a *Kohen* can also eat *terumah*?

Tosfos (57a) states: A *chalalah* who marries a *Kohen* is forbidden from eating *terumah* even if he married her in a permissible manner.

The Steipler Gaon says that a *chalalah* is regarded as being on an inferior level than an ordinary daughter of a *Yisroel*. A *chalalah* is considered a non-*Kohenes* forever. A daughter of a *Yisroel*, who marries a *Kohen* can be classified as a *Kohenes*, whereas a *chalalah* is removed from that status forever.

Furthermore, he states that a *chalalah* has an inherent disqualification from *Kehunah* besides being classified as a non-*Kohenes*.

##### PRINTER'S MISTAKE IN RASHI

The Gemora had stated that the *mitzvah* of *terumah* and *bikkurim* apply during all years of the Shemitah cycle,

whereas *maaser sheini* is separated only in the first, second, fourth and fifth years of the cycle.

It would seem from the language of Rashi that *terumah* and *bikkurim* operate only during the six years of the Shemitah cycle, but not during Shemitah itself. The Meiri explicitly states like this. The Commentators explain the reasoning for this: During Shemitah, the produce from the fields is regarded as ownerless; how can there be an obligation to bring your first fruits to the Beis Hamikdash. Furthermore, you would not be able to recite the verses that you are thankful for the land which was given to me. The Avnei Neizer (Y"D 445) writes that perhaps it can be recited. Since presently, these fruits are his, he can say that the land is his as well.

Rashi, in his commentary to Chumash (23:19) writes: The choicest of the first fruits of your soil Even in the seventh year, the offering of *bikkurim* is obligatory. The Mizrachi, Maharal and Sifsei Chachamim all state that this must be a printers mistake.

I noticed the following discussion in the Meorot HaDaf Hayomi weekly newsletter.

The Torah commands us to take the first fruit of the seven species, and bring them to the Beis HaMikdash during the period between Shavuot and Sukkos: "And you will take of the first fruits of the earth, that you will bring from the land that Hashem your G-d has given you. You will put them in a basket and bring them to the place Hashem your G-d has chosen to rest His Name upon" (Devarim 26:2). May we merit that the Beis HaMikdash soon be rebuilt, enabling us to fulfill this mitzva this very year.

Your land: The commandment of *bikkurim* involves bringing the first fruit that grow from our own land - "From the land that Hashem your G-d has given you." We need not bring *bikkurim* from ownerless trees. The Or HaChaim takes this one step further. On Shmitta year, we are commanded to disown our fields and their produce, allowing people and



animals to enter freely and help themselves to the fruit. As such, he rules that there is no mitzva of bikkurim on Shmitta, since the produce of the land is not ours for that year.

Rashi's opinion: The Minchas Chinuch (91:2) cites the Or HaChaim, and notes that not only do the Rambam and Sefer HaChinuch imply that one must bring bikkurim on Shmitta, Rashi in his commentary to the Chumash rules explicitly so. On the words, "the first fruit of the land" (Shemos 23:19), Rashi writes that even on the seventh year we must bring bikkurim. Although the Minchas Chinuch did not find a previous source, Rashi must have based himself on some ruling of the Sages (the Chazon Ish explains how Rashi learned this from the Mechilta).

However, the classic commentaries on Rashi insist that this version of Rashi must be a misprint. How could Rashi reconcile this, with the possuk that requires us to say when bringing bikkurim, "I have brought the first fruit of the land You have given me, Hashem" (Devarim 26:10)? If the land is not ours, how can we say this possuk? Furthermore, in our sugya Rashi seems to imply that we do not bring bikkurim on Shmitta (Rashi 74a, s.v. V'nohagin).

Despite these questions, the Tashbatz (II, 247) writes that there is no misprint in Rashi's commentary to Chumash. According to him, Rashi indeed holds that we must bring bikkurim on Shmitta.

Fruit that matured before Shmitta: The Chazon Ish (Orla 11, s.k. 18) explains that Rashi refers to fruit that had blossomed (chanata) in the sixth year, and were harvested in the seventh. These fruit do not have the sanctity of Shmitta. - They belong to the field's owner, who is obligated to offer from them bikkurim. One might have thought that the mitzva of bikkurim is entirely suspended during Shmitta, even for those fruit that blossomed previously. The Torah tells us that we bring the bikkurim in the season when we rejoice over the harvest (from Shavuot to Sukkos). In Shmitta there is no general harvest. Rashi comes to teach us that nonetheless, we still must bring bikkurim from the fruit that

blossomed in the previous year (see also commentary on Minchas Chinuch, Machon Yerushalayim publication, note 3).