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Yevamos Daf 84

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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

The Mishna had stated: Rabbi Eliezer says: One is liable to stoning on account of cohabiting with an androgynous, as with a male.

It was taught in a braisa: Rebbe related: When I went to learn Torah at the school of Rabbi Elozar ben Shamua, his disciples combined forces against me like the roosters of Beis Bukya (who were extremely tough, and never allowed a strange rooster to remain there), and did not let me learn more than this single thing in our Mishna: Rabbi Eliezer says: One is liable to stoning on account of cohabiting with an androgynous, as with a male. (83b)

WE SHALL RETURN TO YOU, HE-AREIL

The Mishna states: There are those women that are permitted to remain with their husbands, but if the husband dies childless, they are forbidden to their *yavams*. There are some that are permitted to their *yavams*, but they are prohibited to remain with their husbands. There are some that would be permitted to both, and there are some that are forbidden to both.

The Mishna explains: There are those women that are permitted to remain with their husbands, but if the husband dies childless, they are forbidden to their *yavams*: An ordinary *Kohen* who marries a widow, and he has a brother who is a *Kohen Gadol* (*she is forbidden to him because a Kohen Gadol may not marry a widow*); a *Kohen*, who is a *chalal* marries a legitimate woman, and he has a brother who is a legitimate *Kohen* (*she is forbidden to him because she becomes a chalalah by cohabiting with a chalal, and a legitimate Kohen may not marry a chalalah*); A *Yisroel* that marries the daughter of a *Yisroel*, and he has a brother who

is a *mamzer*; a *mamzer* married a *mamzeres*, and he has a brother who is legitimate.

The Mishna explains the second category: There are some that are permitted to their *yavams*, but they are prohibited to remain with their husbands. A *Kohen Gadol* who betrothed a widow, and he has a brother who is an ordinary *Kohen*; a legitimate *Kohen* who married a *chalalah*, and he has a brother who is a *chalal*; a *Yisroel* who married a *mamzeres*, and he has a brother who is a *mamzer*; a *mamzer* who married the daughter of a *Yisroel*, and he has a brother who is a *Yisroel*.

The Mishna explains the last category: The following women are forbidden to both: A *Kohen Gadol* who married a widow, and he has a brother who is a *Kohen Gadol*, or an ordinary *Kohen* (*she is forbidden to him because she becomes a chalalah through cohabitation with the Kohen Gadol*); an ordinary legitimate *Kohen* who married a *chalalah*, and he has a legitimate brother; a *Yisroel* who married a *mamzeres*, and he has a brother who is legitimate; a *mamzer* who married the daughter of a *Yisroel*, and he has a brother who is a *mamzer*; these women are prohibited to their husbands and to their *yavams*.

All other women are permitted to their husbands and to their *yavams*.

The Mishna continues: There are secondary *arayos* that are only forbidden on account of a decree by the Soferim (early Sages). If a woman is a secondary *ervah* to her husband, but not a secondary *ervah* to the *yavam*, she is prohibited to the husband and permitted to the *yavam*. If she is a secondary *ervah* to the *yavam*, but not a secondary *ervah* to the

husband, she is prohibited to the *yavam* and permitted to the husband. If she is a secondary *ervah* to both of them, she is prohibited to both of them. She does not receive her *kesuvah*, or fruits (*The husband does not pay her for the fruits that he consumed from her usufruct property. Even though the husband's right to the fruits of his wife's melog property is a compensation for his obligation to ransom her if she is taken captive by non-Jews, and he is not required to ransom this wife who is prohibited to him, and it therefore would be proper that he pay her for what he consumed of the fruits of her melog property, nonetheless the Sages punished her and she cannot collect from him the fruits he consumed, just as she does not collect her kesuvah.*), or sustenance, or depreciation (*if the husband made use of her melog property until it was worn-out, he is not required to pay her its monetary value*), and the child is legitimate, and they compel him to divorce her.

The Mishna concludes: If a widow is married to a *Kohen Gadol*, a divorced woman or a *chalutzah* to an ordinary *Kohen*, a *mamzeres* or a *Nesinah* to a *Yisroel*, the daughter of a *Yisroel* to a *Nesin* or to a *mamzer*, they receive their *kesuvah*. (84a)

[The Mishna had stated: There are those women that are permitted to remain with their husbands, but if the husband dies childless, they are forbidden to their *yavams*: An ordinary *Kohen* who marries a widow, and he has a brother who is a *Kohen Gadol*, *she is forbidden to him because a Kohen Gadol may not marry a widow.*] The Gemora asks: What was the point in teaching 'married' (that there was *nisuin*); he could have taught 'betrothed' as well (for, even then, the *yevamah* would be forbidden to the *Kohen Gadol*)!?

The Gemora suggests an answer and immediately rejects it: And were you to reply that the reason for the prohibition is only because there was *nisuin*, since in that case, a positive¹ as well as a negative prohibition² is involved (and a positive

¹ The *Kohen Gadol* has a positive commandment to marry a virgin only.

commandment of *yibum* cannot override a positive commandment and a negative prohibition), but where betrothal alone took place (and there is no violation of the positive commandment of marrying a virgin), the positive commandment does override the negative; but, it could be retorted, our entire chapter deals with a positive commandment (of *yibum*) versus a negative prohibition (such as a *mamzeres*), and the positive nevertheless does not override the negative!?

The Gemora answers: As it was desired to state in the final clause of the Mishna: A *Kohen Gadol* who married a widow (and he has a brother who is a *Kohen Gadol*, or an ordinary *Kohen*, *she is forbidden to him because she becomes a chalalah through cohabitation with the Kohen Gadol*), who is forbidden only where the *Kohen Gadol* married her, since in that case, he rendered her a *chalalah*, but not where he only betrothed her, in which case, she is permitted to his brother, therefore he taught in the first clause also 'married.'

The Gemora asks: But why should the expression (in the Mishna's first clause) be determined by the final clause (of the Mishna)? Let it be determined by the middle clause: A *Kohen Gadol* who betrothed a widow, and he has a brother who is an ordinary *Kohen*!?

The Gemora provides a different answer to its initial question: The determining factor, rather, is the case immediately following in the same context. As it was desired to state: (a *Kohen* who is) a *chalal* marries a legitimate woman (and he has a brother who is a legitimate *Kohen*), where the reason for her prohibition is because the *chalal* 'married' her and thus rendered her a *chalalah*, but where he had only betrothed her, she would have been permitted to him; 'married' was, therefore, taught here as well.

[The Gemora asks a different question on the first case:] What point, however, was there in teaching (that the *Kohen* married) 'a widow' (and had a brother who was a *Kohen*

² He shall not take a widow.

Gadol)? He should have taught ‘a virgin’ (for, anyway, she becomes a widow and forbidden to the brother when her husband dies)! And should you reply that this Tanna maintains that the original marriage (when the brother first marries her) causes the subjection (to yibum; and if at that time she is permitted to the yavam, she remains permitted to him no matter what changes, and the Kohen Gadol brother can then take her in yibum); behold, it may be pointed out, the case of the a *chalal* who marries a legitimate woman (and he has a brother who is a legitimate *Kohen*, where the reason for her prohibition is because the *chalal* married her and thus rendered her a *chalalah*), where it is not said that ‘the original marriage causes the subjection’ (for at the time of the marriage, she was not yet a *chalalah*)!

The Gemora answers: This is certainly due to the final clause. As it was desired to teach in the final clause: A *Kohen Gadol* who married a widow, and he has a brother who is a *Kohen Gadol*, or an ordinary *Kohen*, she is forbidden to him because she becomes a *chalalah* through cohabitation with the *Kohen Gadol*, where the prohibition applies to a widow only (for that is what rendered her a *chalalah*), but not to a virgin, who would be eligible to marry him; therefore, ‘widow’ was taught here as well. (84a – 84b)

Rav Pappa asks: If the halachah is in accordance with the following ruling that Rav Dimi reported in the name of Rabbi Yochanan when he came from Bavel: If a second-generation Egyptian convert married a first-generation Egyptian convert, their son is regarded as a second-generation Egyptian, our Mishna should also have taught: If a second-generation Egyptian convert married two Egyptian women, one of the first, and the other of the second-generation, and he had sons from the first and from the second, if they (*the sons*) married in the proper manner (i.e., if the son of the second-generation Egyptian woman, who thus belongs to

the third and is permitted to enter the congregation, married the daughter of an Israelite, while the other who belongs to the second generation married a second-generation Egyptian), the two wives are permitted to their husbands but forbidden to their *yavams*. And if they married in the reverse (*forbidden*) order (i.e., if the son of the second-generation Egyptian woman married a second-generation Egyptian, while the while the other who belongs to the second generation married the daughter of an Israelite), the wives are permitted to their *yavams* and forbidden to their husbands. The Mishna’s category of women that are permitted to both the husband and the *yavam* could be represented by an ordinary female convert who married one of the brothers. The Mishna’s category of women that are prohibited to both the husband and the *yavam* could be represented by an *aylonis* who married the brother who is a second-generation Egyptian convert.

The Gemora answers: The Tanna taught some cases and omitted others.

The Gemora asks: What else did he omit that he should have omitted this also?

The Gemora answers: He omitted the case of the *petzua daka*³.

The Gemora asks: If this is all that can be pointed out, the case of the *petzua daka* cannot be regarded as an instance of an omission, since those that are subject to the penalty of negative precepts were already mentioned?

The Gemora answers: Were not several specific cases mentioned of those that are subject to the penalty of negative precepts? Surely it was stated: An ordinary *Kohen* who marries a widow and then again the Mishna stated: A *Kohen*, who is a *chalal* marries a legitimate woman?

is fit and his brother is a *petzua daka*, she is permitted to him and forbidden to his brother; if they both are maimed, she is forbidden to both; and finally, if they both are maimed, but she is a convert, she is permitted to both.

³ In respect of such a person, prohibition and permission similar to those in our Mishna could be stated: If he is a *petzua daka* and his brother is fit, the woman is forbidden to him and permitted to his brother; if he

The Gemora counters that this case (*a chalal who marries a legitimate woman*) was required for the specific purpose of informing us that the halachah is in agreement with Rav Yehudah's ruling that he reported in the name of Rav, for Rav Yehudah said in the name of Rav: Women of legitimate status (*daughters of Kohanim*) were not forbidden to be married to *chalalim*. (*The Torah's prohibition against a Kohen marrying a chalalah is applicable only to the man, but the woman is permitted to marry a chalal.*)

The Gemora attempts to disprove again that the negative precept of the widow to the Kohan *Gadol* mentioned in the Mishna includes other negative precepts as well. Didn't the Mishna state the case where a *chalal* married a legitimate woman and then again the Mishna stated: A *Yisroel* that marries the daughter of a *Yisroel*, and he has a brother who is a *mamzer*?

The Gemora counters that these two cases are necessary. The Tanna taught us first regarding a negative precept which is not applicable to all (*the case of the chalal is applicable only to Kohanim*) and then he taught us regarding a negative precept which is applicable to all.

The Gemora answers: Why then, did the Tanna have to state two cases dealing with a *mamzer*? The Mishna states first: A *Yisroel* that marries the daughter of a *Yisroel*, and he has a brother who is a *mamzer*, and then the Mishna stated: A *mamzer* married a *mamzeres*, and he has a brother who is legitimate.

The Gemora concludes: It has thus been proven that the Tanna taught some cases while others he omitted. This indeed proves it. (*As a result, nothing can be proven regarding the Mishna's omission of the cases involving the Egyptian converts.*) (84b)

The Gemora reverts to the text stated above: Rav Yehudah said in the name of Rav: Women of legitimate status (*daughters of Kohanim*) were not forbidden to be married to

chalalim. (*The Torah's prohibition against a Kohen marrying a chalalah is applicable only to the man, but the woman is permitted to marry a chalal.*)

The Gemora asks: Might it be suggested that the Mishna provides support for his view? It was stated: A *chalal* who married an eligible woman; does this not refer to a Koheness (a daughter of a Kohen), and is not the meaning of 'eligible woman' eligible for the Kehunah?

The Gemora disagrees: No; it might refer to the daughter of an Israelite, and 'eligible woman' means eligible for the general congregation.

The Gemora asks: If so, 'he had a brother who was a legitimate Kohen' would also mean 'eligible for the congregation,' from which it would follow that he himself is ineligible for the congregation!?! [This, however, cannot be accurate, for the Mishna states that the woman is permitted to him!?!] Consequently, it must refer to the Kehunah; and since he is a Kohen, she must be a Koheness as well (which would provide support then for Rav Yehudah's statement in the name of Rav).

The Gemora disagrees: What a proof!?! Each phrase may bear its own peculiar interpretation (for the same word may have two different connotations). (84b)

Ravin bar Nachman raised an objection against Rav: It is written: *They shall not take . . . they shall not take* (and its repetition) teaches us that the prohibition was addressed to the woman because of the man! [This, seemingly, means that a Koheness would be forbidden to be married to a *chalal*!?!]

Rava replied: This is the meaning: Where the prohibition is applicable to him, it is also applicable to her, but where it is not applicable to him, it is also inapplicable to her.

The Gemora asks: Is this, however, derived from this verse? Surely it was derived from a verse which Rav Yehudah



expounded in the name of Rav! For Rav Yehudah reported in the name of Rav, and likewise a *Tanna* in the academy of Rabbi Yishmael taught: It is written: *A man or woman who will do from among any of the sins of a person*. This teaches us that all punishments that are mandated by the Torah for sinners are for both men and women alike!?

The *Gemora* answers: You might have thought that this is the case only regarding prohibitions which apply equally to all men, but where the prohibition does not apply equally to all people (such as this case, which only applies to Kohanim), it would not apply to women as well; the (repetition of the) verse (*they shall not take . . . they shall not take*) therefore informs us that this is not so.

The *Gemora* asks: Behold, however, the prohibition against (Kohanim contracting) tumah, which is a prohibition that is not equally applicable to all, and yet, the sole reason why it is inapplicable to woman is because the Merciful One wrote: *The sons of Aaron*, and we derive: not the daughters of Aaron; had, however, no such verse been available, it would have been assumed that women also come under the same obligation. What is the reason? Obviously, because of Rav Yehudah's exposition in the name of Rav!?

The *Gemora* answers: No; this might have been derived from: *They shall not take*.

Others say: The prohibition in regard to marrying had to be specified, since it might have been assumed that it should be derived from that relating to tumah (which is applicable only to men); therefore, he taught us that women are subject to the same prohibition as men. (84b – 85a)