

6 Sivan 5782
June 5, 2022



Yevamos Daf 90

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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

REPAYMENT WITH CHULLIN TAMEI

Rav Chisda attempts again to bring a proof that *Beis Din* has the authority to make a condition that will uproot something from the Torah. He cites the following *braisa*: If a non-Kohen inadvertently ate *terumah* which was *tamei*, he must repay the Kohen with *chullin* (unconsecrated) produce that is *tahor*. (That which he compensates the Kohen with replaces the *terumah* and acquires *terumah* sanctity; this is why he pays him with produce that is *tahor*.) If he paid the Kohen with *chullin* that is *tamei*, Sumchos says in the name of Rabbi Meir: If he used *tamei* produce inadvertently, the repayment is valid (this *tamei* produce now becomes *terumah*, and he has no further obligation). If he used *tamei* produce intentionally, the repayment is invalid (the Rabbis penalized him; the *tamei* produce is returned to him and he must repay the Kohen with *tahor* produce). The Chachamim say: Whether he did so inadvertently or willingly, the repayment is valid, and he must repay again with *tahor* produce (this second repayment does not acquire *terumah* sanctity).

The *Gemora* asks on Rabbi Meir: Rabbi Meir ruled that if a non-Kohen inadvertently ate *terumah* which was *tamei*, and he deliberately paid the Kohen with *chullin* that is *tamei*, he is penalized, and the repayment is invalid. Why should that be the case? On the contrary, let him be blessed for doing such a noble thing! He ate something that was unfit for the Kohen to eat while he was *tamei* (for a Kohen is always forbidden from eating *terumah tamei*), and he is repaying him with something (that he thinks) is fit for the Kohen to eat while he is *tamei* (in truth, the Kohen will not be able to eat this because the *tamei chullin* produce becomes *terumah tamei*).

Rava answers, and according to others, the answer was cited without definite attribution: It is as if the *braisa* was missing some words, and this is what the *braisa* is teaching us: If a non-Kohen inadvertently ate *terumah* which was *tamei*, he repays the Kohen with anything (even with *chullin* produce that is *tamei*). If he ate *terumah* which was *tahor*, he must repay the Kohen with *chullin* (unconsecrated) produce that is *tahor*. If he paid the Kohen with *chullin* that is *tamei*, Sumchos says in the name of Rabbi Meir: If he used *tamei* produce inadvertently, the repayment is valid (this *tamei* produce now becomes *terumah*, and he has no further obligation). If he used *tamei* produce intentionally, the repayment is invalid (the Rabbis penalized him; the *tamei* produce is returned to him and he must repay the Kohen with *tahor* produce). The Chachamim say: Whether he did so inadvertently or willingly, the repayment is valid, and he must repay again with *tahor* produce (this second repayment does not acquire *terumah* sanctity).

Rav Chisda presents his proof: In the case where he repaid the Kohen with *tamei chullin* produce, this compensation is Biblically valid (since we previously learned that *tamei* produce may be sanctified as *terumah*), and if the Kohen would betroth a wife using this produce, the *kiddushin* would take effect. And yet, according to Rabbi Meir, the Rabbis declared that the repayment is invalid, and this married woman (Biblically) is now permitted to marry anyone else. [It is apparent that *Beis Din* has the authority to make a condition that will uproot something from the Torah.]

Rabbah objects to this proof: Rabbi Meir did not mean that the repayment is invalid and that it must be returned; he meant that he must repay again with *chullin* which is *tahor*.



(The first payment, however, still belongs to the Kohen, and consequently, the woman with whom he betrothed with this produce will remain a married woman.)

The *Gemora* asks: If so, Rabbi Meir and the Chachamim are ruling precisely the same?

Rav Acha the son of Rabbi Ikka answers: They are only arguing in a case when he repaid inadvertently with *tamei chullin*. (90a1 – 90a2)

Kohen THROWING tamei BLOOD

Rav Chisda attempts to bring another proof that *Beis Din* has the authority to make a condition that will uproot something from the Torah. He cites the following *braisa*: If the blood of a sacrifice became *tamei* and a *Kohen* nonetheless threw the blood against the *mizbeiach* (Altar), the halachah is as follows: If he did so inadvertently, the offering is accepted, but if he did so intentionally, the offering is not accepted.

In the case when he threw the *tamei* blood deliberately, the offering is accepted Biblically, for we learned in the following *braisa*: The *tzitz* effects acceptance¹ for the blood, meat or sacrificial parts that became *tamei*. This law applies whether it was done inadvertently or intentionally, through a mishap or willingly, and whether the offering was offered by an individual or by a community. And yet, the Rabbis declared that when he threw the blood intentionally, the offering is not accepted, which will result in the fact that when he brings another offering in its place, he is bringing an unconsecrated animal into the Courtyard for a sacrifice (which is Biblically forbidden). It is apparent that *Beis Din* has

¹ Regarding the *tzitz* it is said: It shall be on Aharon's forehead, so that Aharon shall bear a sin of the sacred offerings. This teaches that if the service of an offering is done in a prohibited fashion, the *tzitz* will atone for the sin and the sacrifice is then acceptable. The sin referred to here is the sin of *tumah*.

² one who converted on Erev Pesach, and who, by Rabbinic law, is forbidden to participate in the *korban pesach*, though Biblically it is his duty to bring the *korban pesach* as an Israelite

the authority to make a condition that will uproot something from the Torah.

Rabbi Yosi bar Chanina rejects this proof: When the Rabbis declared that the offering is not accepted, they did not mean that the offering is not accepted, and he will be obligated to bring another in its stead; rather, they meant that the meat of the sacrifice may not be eaten, but the owner has achieved atonement with it.

Rav Chisda responds: But the bottom line is that the Rabbis have uprooted the obligation of eating the meat. It is written [Shmos 29:33]: *And they shall eat them, those who gain atonement through them*. This verse teaches that the *Kohanim* eat the offering and then the owner receives atonement. It still emerges that *Beis Din* has the authority to make a condition that will uproot something from the Torah.

Rabbi Yosi bar Chanina rejects this as well: He says that a Rabbinical decree which involves sitting and not acting (*as is the case with the prohibition against eating the sacrificial meat*) is different than decreeing that an active transgression of a Biblical law can be performed (*such as Rav Chisda's ruling in the case of turning consecrated terumah into unconsecrated produce*). (90a2 – 90a4)

OTHER CASES OF SITTING AND NOT ACTING

Rav Chisda, (*upon hearing the last reply*) said to Rabbah: It was my intention to raise objections against your view (*that Beis Din does not have the authority to make a condition that will uproot something from the Torah*) from the Rabbinical decrees regarding the uncircumcised², sprinkling³, the knife

³ Rabbinically, it is forbidden to sprinkle the purification waters on one who is *tamei* on Shabbos, though Biblically it would be permitted. Should the Sabbath on which such sprinkling is due happen to be Erev Pesach, the person affected would, owing to the Rabbinical prohibition, remain *tamei* and would, in consequence, be deprived of bringing the *korban pesach*, which is a Biblical obligation.

of circumcision⁴, the linen garment with *tzitzis*⁵, the lambs of Shavuot⁶, the *shofar*⁷, and the lulav⁸. Now, however, that you taught us that abstention from the performance of an act is not regarded as uprooting a Biblical law, I have nothing to say since all these are also cases of abstention. (90b1 – 90b2)

OBEYING A PROPHET

Rav Chisda cites proof that *Beis Din* has the authority to make a condition that will uproot something from the Torah even if it involves an active transgression of a Biblical law. He cites the following *braisa*: It is written [Devarim 18:15]: *To him you shall listen*. Even if a prophet instructs you to transgress one of the commandments in the Torah, such as Eliyahu at Mount Carmel (*where he offered a sacrifice on an improvised altar despite the prohibition against offering sacrifices outside the Temple*), each case according to the needs of the moment, you must obey him.

Rabbah rejects this proof: There it is different because it says explicitly to listen to him.

Rav Chisda asks: Let us learn from there that the sages can do the same thing?

Rabbah answers: Safeguarding a measure is different. (*Eliyahu was compelled to act in that manner to prevent widespread idol worship; the Rabbis cannot issue a decree against a Biblical law only as a preventive measure.*) (90b2)

ANNULLING A DIVORCE

⁴ which is forbidden to carry on Shabbos in Rabbinically prohibited domains even though this will result in the child not being circumcised on the eighth day, a Biblical commandment

⁵ there is a Rabbinic prohibition against inserting fringes of wool in a linen garment, and this prohibition sometimes results in the abrogation of the Biblical commandment of *tzitzis*

⁶ if Shavuot fell out on Shabbos, and these lambs were not offered for the purpose for which they were designated, the sacrificial blood may

Rav Chisda attempts to bring a proof that *Beis Din* has the authority to make a condition that will uproot something from the Torah. He cites the following *braisa*: If a husband annulled his letter of divorce (*that was sent to his wife in the hands of an agent*), it is annulled (*even though he nullified it in front of a Beis Din in the absence of his wife or the agent*); these are the words of Rebbe. Rabbi Shimon ben Gamliel said: He may neither annul it nor add a single condition to it, since, otherwise, of what avail is the authority of the *Beis Din* (*since Rabban Gamliel the Elder ordained that such an annulment must not be made, since the woman in her ignorance of it might marry again and thus unconsciously give birth to illegitimate children*). Now, even though, the letter of divorce may be annulled in accordance with Biblical law, we allow a married woman, owing to the authority of *Beis Din*, to marry anyone in the world.

Rabbah rejects this proof and states: Anyone who betroths a woman does so in implicit compliance with the ordinances of the Rabbis, and the Rabbis have in this case retroactively revoked the original betrothal. (*They accomplished this by transforming retroactively the money of the betrothal given to the woman at her first marriage into an ordinary gift. Since the hefker of money comes within the authority of Beis Din, they are thus fully empowered to cancel the original betrothal, and the divorcee assumes, in consequence, the status of an unmarried woman who is permitted to marry any stranger.*)

Ravina said to Rav Ashi: This is a satisfactory explanation where betrothal was effected by means of money; what, however, can be said in a case where betrothal was effected by cohabitation?

not, in accordance with a Rabbinical prohibition, be sprinkled upon the altar, though such sprinkling is Biblically permitted

⁷ if Rosh Hashanah falls out on Shabbos, the Biblical commandment of sounding the *shofar* is abrogated by the Rabbis for fear it might be carried from one domain into another

⁸ the branches of palm trees which are taken during Sukkos; This Biblical commandment is abrogated on Shabbos for the same reason as in the case of the *shofar*



Rav Ashi replied: The Rabbis have assigned to such cohabitation the character of a promiscuous cohabitation. (*From the moment a divorce is annulled in such a manner, the cohabitation, it was ordained, must assume retroactively the character of a promiscuous cohabitation, and since her original betrothal is thus invalidated, the woman resumes the status of the unmarried and is free to marry whomsoever she desires.*) (90b3 – 90b4)

BEIS DIN ADMINISTERING PUNISHMENTS

Rav Chisda attempts to bring a proof that *Beis Din* has the authority to make a condition that will uproot something from the Torah. He cites the following *braisa*: Rabbi Elozar ben Yaakov said: I heard from my teachers that even without any Biblical authority for their rulings, *Beis Din* may administer lashes and death penalties. They may not be done for the sake of transgressing the words of the Torah, but in order to build a fence for the Torah. And it once happened that a man rode on horseback on Shabbos in the days of the Greeks, and he was brought before *Beis Din* and he was stoned. They didn't do this because he deserved this penalty, but rather, it was because the times demanded it. And another incident occurred with a man who cohabited with his wife under a fig tree, and he was brought before *Beis Din* and received lashes. They didn't do this because he deserved such a penalty, but rather, it was because the times demanded it.

Rabbah responded: Safeguarding a measure is different. (*These incidents occurred in times of religious laxity when rigid measures were necessary.*) (90b4)

The Mishna had stated: [If a woman's husband went overseas, and they came (*one witness*) and said to her, "Your husband died," and she married, and afterwards her

husband returned, she must leave this one and this one.⁹] Neither this one nor this one may render himself *tamei* for her (*if she dies*).

The Gemora asks: From where is this derived? —

The Gemora answers: It is from that which is written: [A Kohen shall not contaminate himself for a dead person] except for his flesh, who is closest to him, and a master stated that 'his flesh' means his wife; while it was also written: A husband among his people shall not contaminate himself, for one who desecrates him, implying that there is a husband, then, who may contaminate himself (for his wife), and there is a husband who may not contaminate himself (to his wife). How, then are these contradictory laws to be reconciled? He may contaminate himself for his lawful wife, but he may not contaminate himself for his unlawful wife. [And as the woman in our Mishna committed adultery, and is forbidden to her husband, he may therefore not contaminate himself to her.] (90b5)

The Mishna had stated: And neither this one nor this one is entitled to an object she finds.

The Gemora explains that this is because the reason why the Rabbis ruled that a wife's finds belongs to her husband is in order that he may bear no hatred against her; but here, let him bear against her ever so much hatred (in order that he will divorce her)! (90b5)

The Mishna had stated: And neither this one nor this one is entitled to her earnings.

The Gemora explains that this is because the reason the Rabbis ruled that her earnings belonged to her husband is because she receives from him her sustenance; but here,

⁹ A woman who committed adultery is forbidden to her husband and the adulterer. This woman has the same halachos. Even though the Sages accepted the testimony of one witness regarding a woman for the sake of agunos, they ruled in this manner because they relied upon

the woman not to marry until she had thoroughly investigated and clarified the matter. Since she did not clarify the matter and married, the Sages penalized her that she must leave both.



since she receives no sustenance, her earnings do not belong to him. (90b5)

The Mishna had stated: They are not authorized to annul her vows.

The Gemora explains that this is because the reason why the Merciful One said that a husband may annul his wife's vows is in order that she may not become Repulsive (to him; like in a case where she vows not to adorn herself or to bathe); here, however, let her become ever so repulsive (in order that he will divorce her)! (90b6)

DAILY MASHAL

EATING MEAT ONLY ON SHABBOS

The Mekubalim explain the custom of some Chassidim as to why they would not eat meat during the week. Our *Gemora* said that when the *Kohanim* eat the meat from a sacrificial offering, the owner receives atonement. There are wicked people who after their death. Their soul enters into an animal as a gilgul. When a person consumes this animal, the soul of the wicked person intermingles with the soul of the person who ate the animal. When he sleeps at night and the soul ascends to the Heaven, the two souls separate. The soul belonging to the wicked person remains in Heaven and receives atonement. This is what is meant that the owner receives atonement. This process could only be accomplished together with the sanctity of Shabbos. This also explains the opinion of Beis Shamai. When they saw an animal that had a spark of sanctity contained within it, they would save that animal for Shabbos.

INVITE KOHANIM TO PARTAKE IN PURIM FEAST

It is brought in the name of the Arizal that one should invite Kohanim to partake in the Purim feast. The explanation is based on the Tikunei Zohar which states that *Purim* is similar

to *Yom Kippur*. Just as the day of *Yom Kippur* provides atonement without eating and drinking, *Purim* provides atonement only through eating and drinking. Kohanim should be invited to partake in the *Purim* feast because the *Gemora* states that through the Kohanim's eating, the owners will receive atonement.