



Daf In Review – Weekly Chazarah

Maseches Yevamos, Daf 71 – Daf 70

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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- **Q:** How do we know that a yavam is koneh his yevama with bi'ah even if it was done without intent? **A:** A Braisa says, the pasuk says “yevama yavo aleha”, which teaches that the preferred mitzvah is yibum, not chalitzah. Another drasha is that the pasuk teaches that he is koneh her with bi'ah, whether done b'shogeg, b'meizid, willingly, or forced.
 - **Q:** The Braisa used that pasuk to teach the preferred mitzvah, so how can it then use it to teach the other drasha? **A:** We can learn that yibum is the preferred mitzvah from the pasuk of “v'im lo yachpotz ha'ish”, which teaches that if he does want yibum, it is the preferred mitzvah.
 - A Braisa says, “yevama yavo aleha” teaches that yibum can be done with bi'ah in the natural way; “ulikacha” teaches that it can be done with bi'ah in an unnatural way; “veyibeim” teaches that only bi'ah is koneh her, and money or a shtar would not work; “veyibma” teaches that it is effective even when done against her will.
 - **Q:** How can the first Braisa use the pasuk to teach “whether b'shogeg, b'meizid...” when we see it is used by the second Braisa to teach that he is koneh when he does a bi'ah in the natural way? **A:** We learn that out from the pasuk of “l'hakim l'achiv shem” (it is to produce children, which only comes from a regular bi'ah).
 - We have learned that **R' Yehuda** said that one cannot be koneh his yevama when he is sleeping. The pasuk says “yavo aleha” which teaches that he must intend for the bi'ah.
 - **Q:** A Braisa says it is effective even if he is sleeping!? **A:** The Braisa should read that it is effective when *she* is sleeping.
 - **Q:** A Braisa clearly says it is effective whether he or she is sleeping!? **A:** The Braisa is discussing when he is dozing off – not fully awake, but not fully sleeping.
 - We have learned that **Rabbah** said, if one falls off the roof onto a woman and thereby has bi'ah with her, he would not be chayuv to pay her for the embarrassment caused. The reason is, that one is only chayuv for embarrassment when he intended to do the act.
 - **Rava** said, if one thought he was pushing against a wall, and was actually pushing against his yevama and thereby had bi'ah with her, he is not koneh her. If he thought he was pushing against an animal (for znus) and was actually pushing against his yevama and thereby had bi'ah with her, he is koneh her, because he intended to do bi'ah.

ECHAD HAME'AREH

- **Ulla** said, we learn that hara'a (the beginning of bi'ah) is assur with an ervah from the pasuk by nidah which says “es mekorah *hera*”.
 - **Q:** That teaches by nidah. How do we know this regarding all the other arayos? We can't learn them from nidah, because nidah is different in that she makes the man tamei!? **A:** We learn it from eishes ach, where the pasuk refers to her as a “nidah”. This teaches that she is like a nidah in that hara'a is assur.
 - **Q:** We can't learn out the other arayos from eishes ach, because it is different in that it can become unlimited in number (the brother can marry 1,000 women if he'd like)!? **A:** We learn it from the ervah of a father's sister and a mother's sister. The pasuk regarding them says “es she'eiro *hera*”.
 - **Q:** These arayos are different in that they do not come about through a marriage!? How would we learn this Halacha for arayos that come about through marriage!? **A:** We will have to learn it out from 2 of these cases together.
 - **Q:** We can't learn it from eishes ach and from the aunts, because those two are relatives of the man doing the znus, and wouldn't be able to teach regarding the ervah of eishes ish, where the

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woman is not related to the man at all!? We can't learn it from nidah and the aunts, because those are arayos that came about on their own (without a marriage)!? **A:** We will learn it from nidah and eishes ach.

- **Q: R' Acha the son of R' Ika** asked, these 2 are different in that these 2 never become mutar during the lifespan of the thing that makes them assur (the woman's period, and her marriage to the brother), whereas a married woman could become mutar during the life of her husband, and therefore couldn't be learned out from them!? [**R' Acha M'difti** asked **Ravina**, nidah and eishes ach do not become mutar at the end of the lifespan of the thing that makes them assur! They become mutar based on the counting of days or only if the brother didn't have children!? Rather, we must say that the question is that eishes ish is different than them in that the thing that makes her assur (i.e. the husband) is the thing that can make her mutar, whereas by nidah and eishes ach this is not so.] **A: R' Yonah** said, the pasuk generalizes all the arayos together to compare them to each other. Therefore, we can learn all arayos from nidah, that hara'a is assur.
 - **Q:** If so, why does the pasuk refer to eishes ach as a nidah? **A:** It is like **R' Huna** said, that it teaches that just as a nidah eventually may become mutar, but is assur with kares while she is assur, so too an eishes ach, although she may one day be mutar to the brother, while she is assur, she remains assur with kares.
 - **Q:** Why did the pasuk say "hera" by the arayos of a father's sister and a mother's sister? **A: Rava** said, it is not needed there, so we use it to teach that hara'a is even assur by znus with an animal.
 - **Q:** Why did the pasuk choose to write this word used for the case of znus with an animal in the pasuk regarding the arayos of an aunt? **A:** That entire pasuk is meant for drashos, therefore this word was put there as well. We find that the pasuk is used as a drasha to teach that a father's sister is assur whether she is his paternal sister or maternal sister. The pasuk teaches that a father's sister and mother's sister are both assur, whether they are paternal or maternal sisters.
 - **Q:** Why does the pasuk have to teach this Halacha regarding the sister of the father and the mother? Why can't it say it by one and we would learn it out by the other as well!? **A: R' Avahu** said, if it would only say it regarding a father's sister, we would say it only applies there, because one's lineage is through his father. And if we would just say it regarding a mother's sister, we would say that it only applies there, because one is 100% certain as to who his mother is.
 - **Q:** Why is it that a father's brother's wife is only assur when it is the father's paternal brother? **A: Rava** said, we learn it from a gezeirah shava on the word "dodo" from the obligation to redeem a relative who has sold himself as a slave to a goy. Just as there it is only a father's paternal brother (based on the pasuk that says "from his family", and only a father's family is referred to as "family"), the same would be here.

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- A Mishna says, if a man is told that his wife (Wife 1) has died, and he therefore goes and marries her paternal sister (Wife 2). He is then told that she died and he went and married Wife 2's maternal sister (Wife 3). He is then told that Wife 3 died, so he went and married Wife 3's paternal sister (Wife 4). He is then told that she died and he went and married Wife 4's maternal sister (Wife 5). If he then finds out that none of them had actually died, he is allowed to remain married to Wife 1, 3, and 5 (they are unrelated to each other) but not to Wife 2 and 4 (2 is a sister of 1, and 4 is a sister of 3). If only Wife 1 had actually died, he remains mutar to Wife 2 and 4, but not to Wife 3 and 5.

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- **Q:** We see from here that achos ishto is assur whether she is a paternal or a maternal sister. How do we know that? **A:** We learn it from the ervah of a sister. Just like a sister is assur whether she is a paternal or maternal sister, the same is with a wife's sister.
 - **Q:** Maybe we should learn it from a father's brother's wife, and just like that is only assur for a paternal brother, a wife's sister should only be assur when she is a paternal sister!? **A:** It makes more sense to learn it from a sister, since a sister and a wife's sister are both considered to be his own relatives, as opposed to the relative of his father.
 - **Q:** Maybe it makes more sense to learn it from the case of the aunt, since the aunt and the wife's sister are both arayos brought about through a marriage!? **A:** We learn it out from eishes ach, which is also his own relative and comes about through marriage.
 - **Q:** How do we know that eishes ach is assur whether the brother is a paternal or maternal brother? **A:** A Braisa says we learn it out from the pasuk that says "ervas eishes achicha lo sigaleh" and then ends off with "ervas achicha hee". Those extra words teach that it applies to a paternal and maternal brother.
 - **Q:** The Gemara asks, maybe the extra words are only to be used to assur the wife of a paternal brother, and the extra words are needed to teach a case where the brother died with children? **A:** There is another extra phrase of "ervas achicha gila", which teaches that she is assur in that case as well. Therefore, the earlier words can be used to teach that even a maternal brother's wife is assur.
 - **Q:** If the maternal and paternal brothers are treated the same, maybe we should say that the Halacha of yibum applies to a maternal brother as well? **A:** The pasuk which teaches that a maternal brother's wife is assur says "hee", which teaches that she remains assur forever, without an opportunity for yibum.
- **Q:** We have learned that all arayos are compared to each other and are therefore learned out from each other. If so, why does the pasuk write the chiyuv of kares by the ervah of a sister? **A:** It is needed for the drasha of **R' Yochanan**, who says that if one had bi'ah with multiple arayos in one period of forgetfulness, he is chayuv a separate chatas for each and every ervah. According to **R' Yitzchak**, who uses this for another drasha, he will learn it out from the extra word of "isha" written in the pasuk of nidah.
- **Q:** Why does the pasuk write the chiyuv of "aririm yihiyu" (kares) in the pasuk of the ervah of a father's brother's wife? **A:** It is needed for the drasha of **Rabbah**, who says, there is another pasuk that says "aririm yamusu". We need both these pesukim to teach, that if he has children at the time he did the aveirah or born after that time, they will die in his lifetime, and if he doesn't have children, he will die childless.
- **Q:** How do we know that hara'a is assur by relationships of chayvei lavim as well? **A:** Since the pasuk regarding one who has bi'ah with a shifcha charufah says "shichvas zera" (which refers to a full bi'ah), it must be that all regular chayvei lavim are assur even with hara'a.
 - **Q:** Maybe we should say that since the Torah taught that chayvei kares are assur with hara'a, it must be that chayvei lavim are assur only with a full bi'ah!? **A:** **R' Ashi** said, if that was true, the pasuk regarding shifcha charufa would not have to tell us that she is assur only with a full bi'ah.
- **Q:** How do we know that the chayvei lavim to a Kohen are assur even with hara'a? **A:** We learn it from the chayvei kares with a gezeirah shava.
- **Q:** How do we know that women assur only with an assei are assur even with hara'a? **A:** We learn it from the chayvei lavim with a gezeirah shava.
- **Q:** How do we know that a yevama is assur even with hara'a to an outsider before yibum or chalitza is done to her? **A:** According to the view that she is assur to an outsider with a lav, this would fall into the category of lavim. According to the view that she is assur with an assei, this would fall into the category of the chayvei assei.
- **Q:** How do we know that a yavam can be koneh a yevama with hara'a? **A:** We learn it from a gezeirah shava from chayvei lavim.
- **Q:** How do we know that any man can be koneh his wife with hara'a? **A:** We learn it from a gezeirah shava from chayvei kares.

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- **Q: Rava** asked, why is it that the pesukim regarding shifcha charufa, eishes ish, and sotah, each mention “shichvas zerah”, which suggests that a complete bi’ah is necessary? **A:** Regarding shifcha charufa it teaches that one is not chayuv until there is a complete bi’ah. Regarding an eishes ish, it teaches that one is not chayuv if the bi’ah was done without kishuy eiver (which is therefore not capable of emitting zerah). According to the shita that even such a person would be chayuv, we must say that it teaches that one would not be chayuv for bi’ah with the corpse of a married woman. Regarding a sotah, the pasuk says that to teach that one is not chayuv if the sotah was only warned regarding a man with whom there is suspicion that she engaged in bi’ah in an unnatural way.
 - **Q: Rava** asked, the pasuk of “mishkivei isha” teaches that unnatural is equivalent to natural bi’ah in all circumstances!? **A: Rava** said, this teaches that a warning for a wife who is suspected of bodily contact with a man (but not actual bi’ah), does not make her into a sotah.
 - **Q: Abaye** asked, that is obvious and would not need a pasuk. For although it is lewd behavior, it is not znus!? **A: Abaye** said, this teaches that a warning for a wife who is suspected of having her private area only touch the man’s private area (but not actual bi’ah), does not make her into a sotah.
 - **Q:** This makes sense according to the view that hara’a is actual penetration of the man into the woman. However, according to the view that mere contact is hara’a, **Abaye** cannot be correct!? **A:** We must say like **Rava** said. With regard to **Abaye’s** question, we would think that the Torah said a sotah is created based on the husband’s objection to particular conduct, and therefore even suspected contact would be enough to make her assur as a sotah.
- **Shmuel** said, hara’a is the contact of a man’s and woman’s private areas, since it is impossible to have contact without the slightest penetration. We can see that **R’ Yochanan** holds this way as well, because **Rabbah bar bar Chana in the name of R’ Yochanan** said, the “complete bi’ah” for shifcha charufa is the penetration of the top of the man’s eiver. Now, if that is considered to be “complete bi’ah”, it must be that hara’a is simple contact.
 - **Q: R’ Sheishes** asked, a Braisa says that “shifchas zera” teaches that he is only chayuv for a bi’ah where he can emit zerah. Presumably this refers to a bi’ah of full penetration? **A:** It may refer to penetration of the top of the eiver, which is also considered to be enough to emit zerah.
 - **R’ Dimi in the name of R’ Yochanan** said, that hara’a is the penetration of the top of the eiver. They asked **R’ Dimi**, we have learned that **Rabbah bar bar Chana** said that **R’ Yochanan** said differently!? **R’ Dimi** said, either he is lying or I am lying (i.e. our two statements cannot be reconciled).
 - **Ravin in the name of R’ Yochanan** said that hara’a is the penetration of the top of the eiver. He clearly argues on **Rabbah bar bar Chana**. Must we say that he argues on **Shmuel** as well? **A:** It may be that from the point of contact until penetration of the top of the eiver is all considered to be hara’a.
 - **R’ Shmuel bar Yehuda in the name of R’ Yochanan** said that hara’a is the penetration of the top of the eiver, and the completion of bi’ah refers to the actual end of the bi’ah. Anything less than this initial penetration (i.e. mere contact) is considered to be only contact, and they would be patur. This clearly argues on the view of **Shmuel**.

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ECHAD HAME’AREH V’ECHAD HAGOMER KANAH

- **Q:** To what extent is this less than ideal bi’ah koneh the yevama? **A: Rav** says it is fully koneh (to the point that if he is a Kohen she may eat terumah even though a full bi’ah was not done). **Shmuel** says he is only koneh her for the things written in the pasuk – to inherit his brother’s estate, and to free her from yibum.
 - The Gemara says, all agree that if she was widowed as a nesuah, this inferior bi’ah allows her to continue eating terumah (since she was allowed to eat terumah before her husband died). The machlokes is where she was widowed as an arusah (and was not allowed to eat on the basis of her husband before he died): **Rav** says, the inferior bi’ah (e.g. shogeg, etc.) is treated by the pasuk as a full bi’ah and she may therefore now eat terumah. **Shmuel** says that an inferior bi’ah is only good enough

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for the yevam to step into the place of the first husband – just like she couldn't eat terumah under him, she also can't eat terumah under the yavam. The view of **Shmuel** is consistent with his view stated elsewhere.

- **Q:** A Braisa says, if a Kohen gives kiddushin to a woman, and he then becomes a deaf-mute before the nisuin, she may not eat terumah even after the nisuin. If he then dies and she falls to yibum to a brother who is also a deaf-mute, if he does yibum (his bi'ah is on the same level as the deficient bi'ahs listed in our Mishna) she may then eat terumah. In this way the yavam is stronger than the husband. Now, according to **Rav**, this makes sense. However, this is difficult according to **Shmuel**!? **A:** **Shmuel** will say, the Braisa should be read as saying, if the first husband became a deaf-mute *after* the nisuin, and then died, causing his wife to fall to a deaf-mute brother, the yibum of the brother will again allow her to eat terumah.
- Others say, if she was widowed as an arusah, all agree that the inferior bi'ah does not allow her to eat terumah, just as she couldn't eat terumah before her husband died. The machlokes is where she was widowed as a nesuah. **Rav** says, since she ate terumah under her husband she may eat terumah based on the inferior bi'ah as well, and **Shmuel** says that the inferior bi'ah only accomplishes the things listed in the pasuk.
 - **Q:** **R' Nachman** said in the name of **Shmuel**, that wherever the husband allowed her to eat terumah the yavam also allows her to eat terumah (even with an inferior bi'ah)!? **A:** **Shmuel** meant that any type of bi'ah that would have allowed her to eat terumah under her husband will also allow her to eat terumah under her yavam.
 - **Q:** The Gemara asks the question from the same Braisa as before. The Gemara says that this remains a kashyeh.
- A Braisa says, if a Kohen gave kiddushin to a woman and became a deaf-mute before the nisuin, she may not eat terumah on account of him even after the nisuin. If she has a child from him, she may then eat terumah. If the child dies, **R' Nosson** says she may continue eating terumah and the **Chachomim** say that she may not.
 - **Rabbah** explained, the reason for **R' Nosson's** view is that she ate previously, and therefore may continue eating.
 - **Q:** **Abaye** asked, when a Yisraelis marries a Kohen who dies without children she must stop eating terumah even though she had previously eaten on account of him. The same should be if this child were to die!? **A:** **R' Yosef** said, the reason for **R' Nosson** is that he holds that the nisuin of a deaf-mute allows the woman to eat terumah, and we are not goizer the nisuin for the case of the kidushin.
 - **Q:** **Abaye** asked, if that is the reason, then why does the Braisa only allow her to eat when a child is born? **A:** That case was said, because it is only in that case that the **Rabanan** agree and allow her to eat terumah.
 - **Q:** Why doesn't **R' Nosson** argue in the beginning of the Braisa as well? **A:** He waited for the **Rabanan** to complete their view, and then he argued.
 - **Q:** If so, the Braisa should first state the view of the **Rabanan** (if the child dies she may no longer eat terumah) and then afterward state the view of **R' Nosson**!? **Kashyeh.**

V'CHEIN HABAH AHL ACHAS MIKOL HA'ARAYOS

- **R' Amram** said that **R' Sheishes** told them, that the wife of a Yisrael who is raped, although she remains mutar to him, she is forever assur to marry a Kohen. **R' Sheishes** said that we see this from our Mishna which says "and also", presumably meaning that if one is mezeveh with an ervah in one of the ways listed in the Mishna (e.g. if a married woman is raped), and the Mishna then says that she is passul to a Kohen. The Gemara says, the Mishna is no proof, because the "and also" in the Mishna may be referring to the Halacha of hara'a.
 - **Q:** Does that mean to say that we learn out hara'a by arayos from yevama? We have learned that we actually learn hara'a by yevama from arayos!? **A:** The "and also" must refer to bi'ah in the unnatural way.
 - **Q:** That is also learned by yevama from arayos, and not the other way around!? **A:** The "and also" must be referring to the Halacha of unnatural bi'ah done to chayvei lavim.

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- **Rabbah** said, if a Kohen lives with his wife after she is raped, he would be chayuv malkus for living with a zonah in addition to malkus for the issur of “tumah”.
 - **Q: R’ Zeira** asked, a Braisa says that the issur for a Kohen to live with his wife who was raped is learned from the assei of a sotah. If so, the issur is considered to be an assei, and one doesn’t receive malkus for violating an assei!? **A: Rabbah** said, she is really assur with the lav of a zonah. The pasuk of sotah only teaches that the wife of a Yisrael is not assur if she was raped. However, it leaves the wife of a Kohen in the status of the lav of zonah.
 - **Other say** that **Rabbah** said, a Kohen who lived with his wife who was raped gets malkus for the lav of “tumah”. This suggests that **Rabbah** would say that she does not get malkus for the lav of zonah.
 - **Q: R’ Zeira** asked, a Braisa says that the wife of a Kohen who was raped is assur to live with him, and this is learned from the assei of sotah. If so, how can **Rabbah** say that he gets malkus for living with her? **A: Rabbah** said, she is really assur with the lav of tumah. The pasuk of sotah only teaches that the wife of a Yisrael is not assur if she was raped. However, it leaves the wife of a Kohen in the status of the lav of tumah.

MISHNA

- A widow who is now an arusah to a Kohen Gadol, or a divorcee or chalutza who is now an arusah to a regular Kohen may not eat terumah (even at a time when other arusos of a Kohen would be allowed to eat terumah). **R’ Elazar and R’ Shimon** say that they may eat terumah.
- If these women are widowed or divorced after the nisuin takes place, they are passul from Kehuna and terumah. If they are widowed or divorced before the nisuin, they remain mutar for Kehuna and/or terumah.

GEMARA

- A Braisa says, **R’ Meir** said we can say a kal v’chomer, if the permissible kiddushin of a Yisrael to a divorced daughter of a Kohen stops her from eating terumah, then surely the prohibited kedushin of these women to a Kohen should surely prevent them from eating terumah! They said to **R’ Meir**, it may be that since the Yisrael can never bring a woman to eat terumah, that is why his kiddushin prevents her from eating terumah. However, since a Kohen in a permitted scenario can bring a woman to eat terumah, it may be that he allows her to eat terumah in this case as well, as long as the forbidden nissuin did not yet take place.

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- **R’ Elazar in the name of R’ Oshaya** said, if a Kohen who is a “pitzu’a daka” gives kiddushin to a Yisraelis, her status will be subject to the machlokes between **R’ Meir**, and **R’ Elazar and R’ Shimon**. According to **R’ Meir** who says that a woman awaiting a bi’ah which is assur D’Oraisa may not eat terumah, this woman could also not eat terumah. According to **R’ Elazar and R’ Shimon**, who say that such a woman can, this woman would also be allowed to do so.
 - **Q:** It may be that **R’ Elazar and R’ Shimon** only hold their view when the man can permit a woman to eat terumah in a permissible circumstance, but a pitzu’ah daka has no permissible circumstance and they therefore may agree that the woman he gave kiddushin to may not eat terumah!? You can’t say that a pitzu’ah daka would allow a woman to eat where the woman is the daughter of a ger (who is possibly not assur to marry a pitzu’a daka), because **R’ Yochanan** asked **R’ Oshaya** what the Halacha would be in that case, and he didn’t answer!? **A: Abaye** said that the pitzu’a daka who became so injured after already being married would continue to permit a wife to eat until they have bi’ah, and therefore he may allow her to eat in this situation as well. **Rava** said, since a Kohen who is a pitzu’a daka permits his slaves to be able to eat, it may be that he likewise allows the woman in our case to eat as well.
 - **Abaye** doesn’t say like **Rava**, because he says we can’t learn out a case of marriage from a case of purchased slaves. **Rava** doesn’t say like **Abaye**, because he says that case is different, because he had previously permitted her to eat before becoming injured. **Abaye** says, the fact that she

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was permitted to eat previously plays no role in her future permissibility, because if it did, a woman married to a Kohen whose husband then died should be allowed to continue eating terumah! **Rava** says, that is not a good proof, because when the husband dies, his “ownership” over her has dissolved, which is why she can no longer eat terumah.

- We said previously, that **R’ Yochanan** asked **R’ Oshaya** what the Halacha would be if a Kohen who was a petzu’ah daka married the daughter of geirem, and **R’ Oshaya** didn’t answer, because he was not sure of the answer.
 - **Q:** According to what view was **R’ Yochanan** asking? According to **R’ Yehuda** he can surely not permit her to eat, because if a Kohen with such an injury still has the kedusha of a Kohen, he may not marry the daughter of geirem, and if he does, she is like a chalal who may not eat terumah. Even if such a Kohen loses the status of kedusha, **R’ Yehuda** would not allow them to get married, because he says that a ger is also prohibited from marrying a man with such an injury, and she therefore would not be allowed to eat terumah based on such a marriage! According to the view of **R’ Yose** he can surely permit her to eat, because if this Kohen is still given the status of kedusha, he holds that the daughter of geirem may marry a Kohen and therefore would be permitted to eat terumah based on the marriage. If the Kohen is not given the status of kedusha, he would hold that the marriage would still be permitted, because he holds that geirem are allowed to marry a man with such an injury! **A:** The question had to be according to **R’ Eliezer ben Yaakov**, who says in a Mishna that a daughter of a ger cannot marry a Kohen unless her mother was a full Jew. The question is, is this additional requirement so that she is at a higher level of kedusha and can therefore marry a Kohen, although she is still also allowed to marry a man with this injury, and therefore, since the marriage is allowed she would therefore be allowed to eat terumah? Or do we say that this additional requirement also makes her now assur to marry a man with such an injury, and she therefore may not eat terumah based on the marriage?
 - **A:** The Gemara brings an answer to **R’ Yochanan’s** question from a Braisa taught by **R’ Acha bar Chinina**, which said that a pasuk teaches that a Kohen who is a pitzu’a daka who marries a daughter of geirem permits her to eat terumah. This must be following **R’ Eliezer ben Yaakov** (because **R’ Yehuda** would hold she is assur to eat, and **R’ Yose** would not need a pasuk to teach this), and we see that he permits it.
- **Rav** said, that when chupah is done to a woman who is passul (e.g. a Kohen Gadol takes a widow to chupah without having done kiddushin or bi’ah), it has significance and prohibits her from eating terumah if she herself was the daughter of a Kohen who may eat terumah. **Shmuel** said there is no significance to such a chuppah. **Shmuel** added, that **Rav** would agree with him that the chuppah done to a girl less than 3 years old will have no significance (since she is not fit for bi’ah).
 - **Rava** said, a Mishna suggests like **Shmuel’s** last statement as well. The Mishna says that bi’ah only has significance when the girl is more than 3 years old. This would suggest that a chuppah done before that time would likewise have no significance.

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- We have learned that **Rav** said that chupah done by a Kohen to a woman who is passul to him does have significance on its own, and **Shmuel** said that it does not. **Rami bar Chama** said that it would actually be dependent on the machlokes between **R Meir**, and **R’ Elazar** and **R’ Shimon**: according to **R’ Meir** who says that a kiddushin with a woman who is passul to a Kohen will prevent her from eating terumah, then chuppah will do the same, and according to **R’ Elazar** and **R’ Shimon** who say that a kiddushin will not prevent the woman from eating terumah, chupah will also not prevent her from doing so.
 - **Q:** It may be that **R’ Meir** only holds that way regarding kiddushin, through which he is koneh her, but chuppah which doesn’t create a kinyan may be treated differently!? Also, it may be that **R’ Elazar** and **R’ Shimon** only hold that way regarding kiddushin, but chuppah which is close to having a bi’ah done may be treated differently and make her passul for terumah!? **A:** Rather we must say that it is dependent on a different machlokes among Tanna’im in a Braisa. The Braisa says, if a Kohen entered nissuin, by going forward with chuppah but not yet having had bi’ah, with a woman who was valid for him or who wasn’t

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valid for him, he must support her and she may eat terumah. **R' Yishmael the son of R' Yochanan ben Brokah** says that only a woman who could eat terumah after having bi'ah with that husband can eat terumah after having undergone chuppah with him. We see from here that the **T"K** holds that chuppah does not have the significance like having had bi'ah, and **R' Yishmael** says that it does.

- **Q:** It may be that **R' Yishmael** holds like **R' Meir**, and the reason that she may not eat is that she has undergone a kiddushin!? Although he states that it is a function of the bi'ah, that may have been said for consistency with the chosen verbiage of the **T"K**, but he may actually mean that it is a function of the kiddushin!?
- **R' Amram** said that **R' Sheishes** taught that there is significance to a chuppah done to a woman who is passul to the man, and he brings a proof from a Mishna regarding sotah. The Mishna says that the sotah must swear that she had not been mezaneh when she was an arusah, nesuah, shomeres yavam, or a fully married yevama. Now, when it says that she swears regarding when she was an arusah, that can't be taken literally, because an arusah is not given to drink. It also can't be where she was warned when she was an arusah and then drinks as a nesuah, because if the husband had bi'ah with her after having warned her, she doesn't drink. It must be that she underwent chuppah without bi'ah, and we see that there is significance to a chuppah done with one who is passul to him!
 - **Q: Rava** said, this Mishna is not correct as written, because we have learned that a woman only drinks when she had bi'ah with her husband before having been mezaneh, and therefore, if they never had bi'ah she would not drink at all!? **A: Rami bar Chama** said, the case may be discussing where she had bi'ah with her husband as an arusah.
 - **Q:** That answer can't work in the case of the yevama, because if he had bi'ah with her, he would have been fully koneh her!? You can't say this is following **Shmuel**, who says that he is only koneh her with respect to things mentioned in the pasuk, because we are trying to bring a proof for **Rav** here!? **A:** We are talking about a case in the Mishna where he gave her maamar after having warned her, and we are following **B"S** who say that maamar creates a full kinyan.
 - **Q:** That would be the same case as arusah, so why would the Mishna list them separately? **A:** Arusah was written for the case of his "own" wife, and this case was written for the case of "another's" wife (i.e. a yevama).
 - **R' Pappa** says that the Mishna follows the shita that says that we give a sotah to drink even if she hadn't had bi'ah with her husband first, and even if she had bi'ah with her husband after having been mezaneh. **R' Nachman bar Yitzchak** says that really the znus happened after nissuin. The reason she swears regarding her eirusin is because of "gilgul shevuah", which says that once we make her swear regarding one thing, we can make her swear regarding other things as well, even though those other things would not have brought about an obligation to swear on their own.
- **R' Chanina in the name of R' Yochanan** said, if one does maamar to his yevama while he has another brother, even if he is a Kohen and she is the daughter of a Kohen, she may no longer eat terumah until the yibum is done (D'Oraisa she is equally awaiting the bi'ah of either brother, however D'Rabanan if the second brother were to do bi'ah with her, it would be assur, and therefore she can be said to be awaiting a bi'ah that is passul).
 - **Q:** This was said according to who? According to **R' Meir** it is only when the bi'ah is passul D'Oraisa that it makes her prohibited to eat terumah!? According to **R' Elazar and R' Shimon**, even when waiting for a bi'ah which is passul D'Oraisa they say she may eat terumah, so surely in this case she would be permitted to eat terumah!? **A: Ravin** said that **R' Yochanan** actually said, if a yavam does maamar, all would agree she may continue to eat terumah. If there is a brother who is a chalal (bi'ah with him would make her passul D'Oraisa), all would agree that she cannot eat terumah (even **R' Elazar and R' Shimon** would hold that way here, because he does not have the ability to make any woman allowed to eat terumah). The machlokes would be where the yavam gave a get – **R' Yochanan** says that she may continue eating terumah even according to **R' Meir**, because bi'ah with her at this point would only be

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assur D'Rabanan, and **Reish Lakish** says that she may no longer eat terumah even according to **R' Elazar and R' Shimon**, since the giving of a get never has the ability to make a woman eat terumah.

NISARMILU OH NISGARSHU...

- **R' Chiya bar Yosef** asked **Shmuel**, if a Kohen Gadol gave kiddushin to a girl when she was a minor, and she became a “bogeres” (over 12 ½ years old, which some hold may no longer get married by a Kohen Gadol) while still an arusah, may he go ahead with the nissuin (because we follow the time of eirusin) or not (because we follow the time of nissuin)? **Shmuel** said, we can learn from our Mishna that nissuin is the determining time. The Mishna says that if the women become widowed or divorced from eirusin, they are still allowed to eat terumah, but from nissuin they are not allowed to eat terumah. We see that nissuin is the critical time. **R' Chiya bar Yosef** said, that only teaches at what point she becomes a chalala, and we know that it is at the time of bi'ah. However, my question was regarding the pasuk of “v'hu isha bivsuleha yikach” – is the “taking” referring to eirusin or to nissuin? **Shmuel** said, we can learn that from a Mishna that says, if a Kohen gave kiddushin to a widow and was then appointed as Kohen Gadol, he is allowed to continue with the marriage. We see that the time of eirusin is the critical time. **R' Chiya bar Yosef** said, that may be because of the extra words in the pasuk that say “yikach isha”.
 - **Q:** Why can't these words also teach that in the case of the question it is also permitted? **A:** We cannot learn out 2 drashos from the fact that a word is extra. It is more logical to allow the case of the widow taken before he was a Kohen Gadol, because her body did not physically change, whereas the body of the girl who became a bogeres did change.

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MISHNA

- A Kohen Gadol may not marry a widow, whether she was widowed as an arusah or as a nesuah, nor may he marry a bogeres. **R' Elazar and R' Shimon** say he may marry a bogeres. A Kohen Gadol may also not marry a woman who has lost her besulim via an injury.

GEMARA

- A Braisa says, the pasuk says “almanah...lo yikach”, which refers to a widow who was widowed as an arusah or a nesuah.
 - **Q:** This seems obvious!? **A:** We would think to learn from Tamar (regarding who the pasuk also uses the term “almanah”) that it only refers to a widow from a nissuin.
 - **Q:** Maybe we should learn from there!? **A:** We learn that the widow is like the divorcee – just as the divorcee is assur whether divorced as an arusah or a nesuah, the same is for a widow.

V'LO YISAH ES HABOGERES

- A Braisa says, the pasuk says “v'hu isha bivsuleha yikach”. **R' Meir** says, this comes to disallow a bogeres, who no longer has her full besulim. **R' Elazar and R' Shimon** say that he may marry a bogeres.
 - The machlokes is, that **R' Meir** holds that the word “besula” would have taught that he may even marry a girl with partial besulim. The word “besuleha” teaches that she must have complete besulim. The word “bivsuleha” teaches that she is only assur if she has had bi'ah in the natural way. **R' Elazar and R' Shimon** say that the word “besula” teaches that the woman must have her full besulim. The word “besuleha” teaches that she is mutar even if she only has partial besulim. The word “bivsuleha” teaches that she must have never had bi'ah in the natural way or in the unnatural way.
 - **R' Yehuda in the name of Rav** said, if a woman had bi'ah in the unnatural way, she is assur to marry a Kohen Gadol.
 - **Q:** **Rava** asked, a Braisa says, the pasuk regarding one who rapes a woman says “v'lo sihiyeh l'isha”, which teaches that the rapist must marry the woman if the woman so desires. However, the pasuk comes to exclude the case where the rapist is the Kohen Gadol and the raped woman is a widow. Now, if this means where he raped her with a bi'ah in the normal way, then the Braisa should say that she is assur to him as a “be'ula”, not because she is a widow!? Rather, we

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must say that he raped her in an unnatural way, and we see this does not make her to be considered as a “be’ula”!? **A:** This Braisa follows the view of **R’ Meir**. However, **Rav** holds like **R’ Elazar** who says that an unnatural bi’ah would make her to be considered a be’ula.

- **Q:** If he follows **R’ Elazar**, he should say that she is assur as a zonah, because **R’ Elazar** says that even when a single man and single woman are mezaneh, the woman becomes a zonah!? **A:** **R’ Yosef** said, **Rav** was referring to a case where the woman was mezaneh in an unnatural way with an animal. Doing so makes her a “be’ula”, but not a zonah.
- **Q:** **Abaye** asked, if she is considered a be’ula, she should be considered a zonah, and visa-versa!? **A:** Rather, **R’ Zeira** said, **Rav** is discussing a girl who did mi’un, but had bi’ah with her husband only in an unnatural way before the mi’un. Therefore, she is not considered to be a zonah, but she is considered to be a be’ulah and may not marry a Kohen Gadol.
- **R’ Simi bar Chiya** said, a woman who was mezaneh with an animal is still fit to marry a Kohen Gadol. A Braisa says this as well. **R’ Dimi** said that **Rebbi** actually paskened this way in practice as well.
 - **Rava** from Parzakya said to **R’ Ashi**, we learn this concept that having relations with an animal is not called “zenus” from the pasuk of “lo savi esnan zonah u’mechir kelev”.
- A Braisa says, a Kohen Gadol may not marry a woman that he himself raped or seduced (even if that was the only time she ever had bi’ah), but if he did marry her, he is considered married. A Kohen Gadol may not marry a woman that was raped or seduced by another man, and if he does, **R’ Eliezer ben Yaakov** says the child would be a chalal, and the **Chachomim** say that the child would not be a chalal.
 - The Braisa said, if he marries the woman he raped or seduced, he is considered married. **R’ Huna in the name of Rav** said, we would make him divorce her.
 - Although the Braisa seems to say that we let them stay married, **R’ Acha bar Yaakov** said, the Braisa means to say that they are considered married so that the Kohen Gadol does not need to pay the fine that a seducer normally has to pay if he does not want to marry the woman.
 - **Q:** **R’ Ashi** asked, just like **Rav** and **R’ Yochanan** say that a Kohen Gadol may not marry a bogeres or a woman who lost her besulim through an injury, but if he married her he may remain married to her, and the reason for this is that the woman will anyway become a bogeres and lose her besulim while married to him, the same should hold true here, and the Kohen Gadol should be allowed to remain married to the woman he raped or seduced, since she will anyway become a be’ulah when married to him!? This remains a KASHYEH.

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- The Braisa said that if a Kohen Gadol marries a girl who was raped or seduced by another man, **R’ Eliezer ben Yaakov** said the child would be a chalal, and the **Chachomim** said the child would be valid.
 - **R’ Huna in the name of Rav** and **R’ Gidal in the name of Rav** said, the Halacha follows **R’ Eliezer ben Yaakov**.
 - **Another version** was that **R’ Huna in the name of Rav** said, the reason for the view of **R’ Eliezer ben Yaakov** is that he follows **R’ Elazar**, who says that an unmarried man and woman who are mezaneh give the woman the status of a zonah.
 - **Q:** How can he hold like **R’ Elazar**, when we know that we always pasken like **R’ Eliezer ben Yaakov**, and yet we find that we don’t pasken like this Halacha of **R’ Elazar**!? This remains a KASHYEH.
 - **R’ Ashi** said, they argue whether the violation of an assei can cause a child to be a chalal: **R’ Eliezer ben Yaakov** says that it does, and the **Chachomim** say that it does not.
- A Braisa says, if the sister of a Kohen is an arusah when she dies, **R’ Meir** and **R’ Yehuda** say the Kohen may become tamei for her. **R’ Yose** and **R’ Shimon** say that he may not. All would agree that if his sister was raped or seduced and then died, that the Kohen may not become tamei for her. **R’ Shimon** said that if the sister had lost her besulim due to injury, the Kohen may not become tamei for her, because **R’ Shimon** says only when the

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sister is still fit to marry a Kohen Gadol may her brother be metamei for her. All agree that a Kohen may be metamei for his sister who was a bogeres when she died.

- **R' Meir and R' Yehuda** darshen the pasuk as follows: “v'laachoso habesulah” teaches that a Kohen may not become tamei for his sister who was raped or seduced. “Asher lo huysa l'ish” teaches that he may become tamei to a sister who lost her besulim due to injury. “Hakrova” comes to include an arusa, and “eilav” comes to include a bogeres, for although **R' Meir** says that the word “besula” includes even a bogeres, we would think to learn the meaning of besula from the pasuk where it is associated with a naara, and learn that here too she must be a naara.
- **R' Yose and R' Shimon** say that “v'laachoso habesulah” teaches that a Kohen may not become tamei for his sister who was raped, seduced, or lost her besulim due to injury. “Asher lo huysa l'ish” comes to exclude an arusah. “Hakrova” comes to include an arusa who had divorced before she died, and “eilav” comes to include a bogeres.
 - **Q:** How could we say that **R' Shimon** allows him to become tamei for a sister who divorced as an arusah, when **R' Shimon** said that he can only become tamei for a sister who is fit to marry a Kohen Gadol? **A:** The pasuk specifically includes her in the pasuk of “krova”.
 - **Q:** Why don't we say that the pasuk also includes a sister who lost her besulim due to injury? **A:** The pasuk can be used to include only one thing, and we will therefore leave the sister who lost her besulim out, since she has undergone a physical change.
 - **Q:** How does **R' Yose** learn that he may become tamei for a sister who lost her besulim due to injury? He already used the pasuk for another drasha!? **A:** He says that “lo huysa” and “l'ish” can each be used for a separate drasha.
 - **Q:** How could **R' Shimon** say that “eilav” teaches to include a bogeres, when we have learned that he says that the word “besula” refers to one who has all her besulim, which excludes a bogeres!? **A:** He actually learns his understanding of the word besula from here. He says that since the pasuk of “eilav” had to teach to include a bogeres, it must be that she would not otherwise be included in the word “besulah”.
- A Braisa says, **R' Shimon ben Yochai** says that a girl who converted before her 3rd birthday is allowed to marry a Kohen. He bases this on a pasuk that seems to allow the Jewish soldiers to take the girl children of Midyan as wives even though Pinchas (the Kohen) was one of the soldiers. It must be that a girl who converts before her 3rd birthday is allowed to marry a Kohen.
 - The **Rabanan** who argue on **R' Shimon ben Yochai** say that the pasuk allows these girls to be taken as slaves, not wives.
 - **Q:** Why does **R' Shimon** limit it to girls below 3? As long as we know she wasn't mezaneh, we should allow a girl who converted older than 3 as well!? **A:** He learns it as **R' Huna** learns it, from the fact that these pesukim seem to contradict each other and are answered by saying that a girl who is fit for bi'ah (above 3 years) is treated differently than a girl who is not yet fit for bi'ah (less than 3 years old). A Braisa says this way as well.
 - **Q:** How did the people know which girls were fit for bi'ah and which girls were not? **A:** **R' Chana bar Bizna in the name of R' Shimon Chasida** says, they passed the girls in front of the titz, and the girls who were fit for bi'ah took on a yellowish complexion.
 - **R' Yaakov bar Idi in the name of R' Yehoshua ben Levi** paskens like **R' Shimon ben Yochai**. **R' Zeira** asked **R' Yaakov bar Idi**, did you hear that explicitly from **R' Yehoshua ben Levi** or did you infer it from something else that he said? The statement that he could have inferred it from was that **R' Yehoshua ben Levi** said that it once happened that **Rebbi** found a girl who had converted when less than 3 years old who then married a Kohen, and **Rebbi** allowed them to remain married. **R' Yaakov** answered that he had heard it explicitly. **R' Zeira** explained, the reason this inference is not a sure proof that **R' Yehoshua ben Levi** holds like **R' Shimon ben Yochai** is because that case may be different since they were already married, as we find that **Rav and R' Yochanan** say that although a Kohen Gadol may not marry a bogeres or a girl who lost her besulim due to injury, if they have married, they may remain married.

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- **Q:** We can't compare the case of allowing the Kohen Gadol to remain married to the case of the girl convert, because the reason why the Kohen Gadol may remain married in those cases is because the girl will anyway eventually become a bogeres under him or lose her besulos under him. However, allowing the convert to marry the Kohen can't be based on this logic, because there is no basis to say that he can remain married since she will anyway become a zonah under him!? If so, the fact that **Rebbi** allowed them to remain married is a sure proof that he would allow them to get married in the first place!?
- We find that **R' Nachman bar Yitzchak** held in practice that a Kohen may not marry a convert even if she converted before her 3rd birthday.
- A Braisa says, **R' Shimon ben Yochai** said that the graves of goyim do not give off tumas ohel. He based this on a pasuk that teaches that Yidden are referred to as "adam", and goyim are not.
 - **Q:** We find pesukim that refer to goyim as "adam"? **A:** That is when they are discussed in comparison to animals.
 - **Q:** We find that Moshe instructed the soldiers to be "metaher" themselves even though they only killed or touched goyim. We see that corpses of goyim give off tumah as well!? **A:** There was a concern that maybe a Jew got killed at battle as well.
 - The **Rabanan** who argue and say that goyim do give off tumas ohel say that the pasuk tells us that not one Jew was missing. We see that Moshe's concern was based on the corpses of goyim. **R' Shimon ben Yochai** would say that the pasuk means that not one Jew was led to sin with the non-Jewish women, but there may have been Jews that were killed in battle.
 - **Ravina** said, the reason they had to purify themselves was that although corpses of goyim don't give off tumas ohel, they do give off tumah via touching and carrying, and that was the concern that Moshe had.