



Daf In Review – Weekly Chazarah

Maseches Yevamos, Daf 𐤒𐤕 – Daf 𐤕𐤕

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

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MISHNA

- If a Kohen gave kidushin to a widow and was then appointed as Kohen Gadol, he may continue with the marriage.
 - It once happened that Yehoshua ben Gamla (who was a Kohen) gave kiddushin to Marsa bas Baysus (who was a widow), and the king then appointed him as Kohen Gadol, and he went ahead with the marriage.
- If a yevama falls to a Kohen and he is then appointed as Kohen Gadol, even if he had already given her maamar, he may not continue with the marriage.

GEMARA

- A Braisa says, the extra words of “yikach isha” teach that the Kohen may continue with the marriage as stated in the case of the Mishna.
 - **Q:** If so, in the case of a yevama he should also be allowed to continue along with the marriage!? **A:** The pasuk says “isha”, which comes to exclude a yevama.

MAASEH B'YEHOSHUA...

- It seems that he was appointed by the king, and not by the other Kohanim. **R' Yosef** explained, that Marsa paid a hefty sum to the king so that he should appoint her husband as the Kohen Gadol.

MISHNA

- If the brother of a Kohen Gadol dies and leaves over a yevama, the Kohen Gadol must give her chalitza, and may not do yibum.

GEMARA

- **Q:** The Mishna suggests that this would be the case whether the yevama has been widowed from eirusin or nissuin. A widow from nissuin would be assur to the Kohen Gadol with an assei (she is not a besulah) and a lo saasei (she is a widow), and therefore the assei of yibum cannot override it. However, when she was widowed from eirusin, she is only assur to the Kohen Gadol with a lo saasei (because she is still a besulah). If so, why can't the assei of yibum override the lo saasei? **A:** Only the first act of bi'ah is the mitzvah and can override the lo saasei. We don't allow that, as a gezeirah to prevent a second act of bi'ah from happening.

MISHNA

- A Kohen may not marry an ailunis (a woman who can't have children), unless he has another wife or children. **R' Yehuda** says, even if he has another wife or children he may not marry an ailunis, because she is considered to be in the category of “zonah”. The **Chachomim** say that “zonah” in the Torah refers to a convert, a freed slave, or to a woman who engaged in prohibited zenus.

GEMARA

- **Q:** The Reish Galusa asked **R' Huna**, if the reason a Kohen can't marry an ailunis is because of the mitzvah to have children, then why is this Halacha limited to a Kohen? A Yisroel should likewise be assur!? **A:** **R' Huna** said, it was said in terms of a Kohen since **R' Yehuda** later says that she is assur to a Kohen as a zonah.
- A Braisa says, **R' Eliezer** says a Kohen may not marry a minor.

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- **R' Chisda** told **Rabbah** to try and figure out the reasoning for this shita. **Rabbah** said, it must be that **R' Eliezer** holds like **R' Meir** who is concerned for the minority, and he holds like **R' Yehuda** who says that an ailunis is considered as a zonah.
 - **Q:** How can we say that he holds like **R' Meir**? We find that **R' Eliezer** argues with **R' Meir** and allows a minor to do yibum, and is not concerned that the minor may turn out to be one incapable of having children!? **Q2:** How can we say that he holds like **R' Yehuda**? **R' Eliezer** says in a Braisa that a zonah only includes a married woman who is mezaneh, and does not include an ailunis!? **A:** **R' Ada bar Ahava** said, when **R' Eliezer** said that a Kohen may not marry a minor, he meant that a Kohen Gadol may not marry a minor, because he cannot be fully koneh her until she is an adult, and at that time she will no longer be a besulah.
 - **Q:** **Rava** asked, if her father married her off, he is fully koneh her at the time of the marriage, and if she married herself off, even the **Rabanan** would agree that he could not marry her for the above reason!? **A:** **Rava** said, **R' Eliezer** was referring to a regular Kohen, and the reason we don't want him marrying a minor is because she is easily seduced, and if she is seduced, she will become assur to him. This is only a problem for a Kohen, because as the wife of a Yisroel, she would remain mutar to her husband.
 - **R' Pappa** said that **R' Eliezer** is referring to a Kohen Gadol, and the reason he may not marry a minor is based on the pasuk that says "isha".
 - **R' Nachman bar Yitzchak** said that we learn from a pasuk that a Kohen Gadol may only marry a naara.
 - The Braisa mentioned above brought the view of **R' Elazar**, that an unmarried man and woman who are mezaneh gives the woman the status of a zonah. **R' Amram** said, we do not pasken like **R' Elazar**.

MISHNA

- A person may not abstain from trying to have children unless he already has children. **B"S** say he must have at least 2 boys, and **B"H** say that one has fulfilled the obligation even with one boy and one girl, based on the pasuk of "zachar u'nekeiva bera'am".

GEMARA

- The Mishna seems to say, that although after having children one may stop having more children, he must remain married. This is a proof to **R' Nachman in the name of Shmuel**, who said that a person must remain married even if he has many children, as the pasuk teaches that it is not good for a person to remain single.
 - Others say that the Mishna means to say that once a person has children he no longer needs to remain married. Based on this, it seems to refute what **R' Nachman in the name of Shmuel** said. However, the Gemara says that it is not a refutation. The Mishna means that if one hasn't had children, he must marry a woman who can bear children. If he already has children, he may marry a woman even if she cannot bear children.

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B"S OMRIM SHNEI ZECHARIM

- **B"S** learn this out from Moshe, who only had 2 sons, and still separated from his wife. **B"H** learn their view from Creation, when Hashem created one man and one woman.
 - **B"S** doesn't learn from Creation, because at Creation it had to be one male and one female, in order to populate the world. **B"H** doesn't learn from Moshe, because this is one of 3 things that Moshe did in seeming contrast to Halacha, but Hashem "agreed" with him each time. The 3 times are as follows:
 - **He permanently separated from his wife.** Moshe darshed a kal v'chomer. He said, if the Yidden, who are getting spoken to from the Shechina only once, and they knew exactly when that would take place, had to separate from their wives, Moshe, who constantly spoke to the Shechina, and did not have a set time when that would take place, must surely separate from his wife. We see

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that Hashem agreed with him, because after Matan Torah, Hashem told Moshe to tell the Yidden to return to their tents (i.e. their wives) and then Hashem told Moshe, “But you, stand here with Me”. (Also, Hashem told Aharon and Miriam that Moshe acted properly by separating from his wife, because he constantly and directly spoke to the Shechina.)

- **He broke the “luchos”.** Moshe said, if Korbon Pesach, which is only one mitzvah, may not be eaten by someone who does not keep the Torah, the “luchos”, which represents the entire Torah, definitely cannot be accepted by Yidden who just worshipped the “Eigel”. Therefore he broke the “luchos”. We see that Hashem agreed, because Hashem told Moshe to take the broken luchos and put them into the Aron. The pasuk says “asher shibarta”, which we darshen to mean “thank you for breaking it”.
- **He added an extra day of separation.** Moshe darshened the pasuk. Hashem said “Hayom u’machar” – today and tomorrow. Moshe said the pasuk was comparing “today” to “tomorrow”. Just like “tomorrow” is a full, 24-hour period, so too “today” must be a full 24-hour period, and therefore the day of the commandment (which took place in the morning, after the night had already passed for this day) cannot be counted for those 2 days. Therefore, Moshe added one more day. We see that Hashem agreed with this, because the Shechina did not rest on Har Sinai until Shabbos, the day after the additional day of separation instituted by Moshe.
- A Braisa says, **R’ Nosson** says that **B”S** say a person is obligated to have 2 sons and 2 daughters and **B”H** say one son and one daughter.
 - Another Braisa says that **R’ Nosson** says that **B”S** say the obligation is to have one son and one daughter, and **B”H** say it is either a son or a daughter (he has contributed to the habitation of the world).
- If a goy had children and then converted, **R’ Yochanan** says that he has fulfilled the mitzvah to have children (he physically had children), and **Reish Lakish** says that he has not yet fulfilled his obligation (as a convert he is considered to be a newly born person).
 - They follow their views elsewhere, where **R’ Yochanan** says that if a goy converts after having children, the next son born will not have the status of a bechor for inheritance (he has earlier children) and **Reish Lakish** says that he does get the status of a bechor, because the convert is considered to be a new person.
 - It was necessary to have both machlokes. If we would just have the first one, we would say that **R’ Yochanan** there says he has fulfilled his obligation since goyim are also commanded to have children, but maybe with regard to bechor he would agree with **Reish Lakish**. If we would only have the second machlokes, we would say that **Reish Lakish** only says as he does there (since goyim don’t have the laws of inheritance), but with regard to the obligation to have children, where goyim have the obligation as well, maybe he would agree with **R’ Yochanan**.
 - **Q: R’ Yochanan** asked, we find a pasuk that says a goy does have lineage, which should suggest that the children of the goy are still considered to be his children!? **A: Reish Lakish** answered, while he is a goy they are considered his children. However, after he converts, they are no longer considered to be his children.
 - **Rav** said, all agree that slaves are not considered to have lineage (based on the pasuk that compares them to donkeys).
 - **Q:** We find a pasuk that gives the lineage of a slave!? **A: R’ Acha bar Yaakov** said, it says the slave had sons, meant in the way that one says an animal has offspring.
- A Braisa says, if one had children who died in his lifetime, **R’ Huna** says he has still fulfilled his obligation (since he has brought souls into this world, which is one of the reasons to have children), and **R’ Yochanan** says that he has not (he has not left over people to inhabit the world).
 - **Q:** A Braisa says that grandchildren are considered children. This seems to say that without grandchildren, if a person’s children have died, he is not considered to have had children for purposes of his obligation!? **A:** The Braisa is discussing using the grandchild to complete the number of children required to fulfil the obligation.

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- **Q:** A Braisa says that if a child dies or cannot have children, the father has not fulfilled his obligation!? This is a **TEYUFTA** of **R' Huna**.
 - **Abaye** thought to say that a grandson can take the place of a son, and a granddaughter can take the place of a daughter, and even a grandson for a daughter, but wasn't sure if a granddaughter can take the place of a son. **Rava** told him that she definitely can, because he has accomplished leaving people to inhabit the world.
 - **Q:** Everyone would seem to agree that 2 grandchildren from one child would not suffice, and could only take the place of that one child. Yet, we find that **R' Sheishes** told the **Rabanan** that he fulfilled the mitzvah by having grandchildren from his daughter!? **A:** **R' Sheishes** was actually just trying to stop the **Rabanan** from telling him to remarry.
 - **Q:** **Rabbah** asked **Rava bar Mari**, how do we know this concept that grandchildren are considered like children? It can't be from the fact that Lavan referred to his grandchildren as his children, because he just meant that they came from his daughters who Yaakov had "acquired". **A:** We learn it from pesukim that refer to people from Yehuda as having come from Shevet Menashe. It must be that they were referred to as such because their grandfather came from Menashe.
- Our Mishna says that if one already has children, he may stop trying to have more children. This does not follow **R' Yehoshua** who says based on a pasuk that although a person had children when he was young, he should have more when he is older. **R' Akiva** says that pasuk refers to learning Torah and acquiring talmidim, and teaches that although a person learned and had talmidim when he was young, he should try and learn and get more when he is older.
 - We find that **R' Akiva** had 12,000 pairs of talmidim who all died in one time period, because they did not treat each other with proper respect. He then went and taught Torah to **R' Meir**, **R' Yehuda**, **R' Yose**, **R' Shimon**, and **R' Elazar ben Shamu'ah**, and they upheld Torah at that time.
 - A Braisa says, they all died between Pesach and Shavuot, and died the terrible death of askarah.
 - **R' Masna** said that the Halacha follows **R' Yehoshua**.
- **R' Tanchum in the name of R' Chanilai** says based on pesukim, a person who does not have a wife lives without happiness, without bracha, and without good. In Eretz Yisrael they added that such a person lives without Torah and without a protective wall. **Rava bar Ulla** added, he lives without peace.
 - **R' Yehoshua ben Levi** said, if one knows that his wife is a Yiras Shamayim and yet he does not keep his onah obligation, he is called a sinner (in a pasuk).
 - **R' Yehoshua ben Levi** said, one must be with his wife before he embarks on a journey.
- A Braisa says, if one loves his wife like he does himself, and honors her more than he honors himself, and one who brings up his children in a proper path, and marries them off at the beginning of adulthood, is said to be sure he will live in peace. One who loves his neighbors, and one who is close with his relatives, and one who marries his sister's daughter, and one who lends money to a poor person when he is in need, will be answered by Hashem when he calls out.

-----Daf 10---63-----

- The Gemara lists 7 statements of **R' Elazar**, which are based on pesukim:
 - A person who doesn't marry is not considered to be a person.
 - A person who doesn't own land is not considered to be a person.
 - The pasuk says "e'eseh lo eizer kinagdo", which teaches, if a person is zocheh, his wife will help him. If he is not zocheh, she opposes him.
 - Others say that he said, if a man is zocheh, his wife is "kinagdo" (she is with him). If he is not zocheh, she is "kinagdo" (she whips him).
 - **R' Yose** asked Eliyahu, in what way does a wife help a husband? He answered, she takes the wheat and makes food, she takes the flax and makes clothing.
 - The pasuk says that Adam said "This time it is a bone from my bones...". This teaches that Adam had tashmish with every animal and was not satisfied until he had tashmish with Chava.

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- He explains a pasuk to mean, that Hashem told Avrohom “v’nivrichu bicha” – I will graft into you 2 good plants, referring to Rus and to Naama, who came from Moav and Amon. “Kol mishpichos ha’adama” – even the people who live in the earth are only blessed in the zechus of the Yidden. “Kol goyei haaretz” – even people who spend most of their time on ships are only blessed in the zechus of the Yidden.
- He explains a pasuk, that when Moshiach comes, all professions will be abandoned and everyone will work the land.
- He says the word “yardu” used in conjunction with farming teaches that working the land is the lowliest of jobs.
- The Gemara quotes **R’ Elazar, Rav, and Rava**, who all say that buying and selling is preferable over working the land. **R’ Pappa** said, one should rather grow his own food than buy it, even if the cost is the same, because more bracha comes on home grown produce.
 - The Gemara says, a person should sell all his household goods and furniture do to business and not become poor, but one should not sell his clothing. If one has a small hole, he should plug it rather than enlarge it to repair and plaster. If one must repair and plaster, do that rather than to replace the entire wall, because getting involved in building makes one poor. One should jump at the opportunity to buy real estate. One should take his time when choosing a wife. One should go “down a step” when taking a wife, and go “up a step” when choosing a close friend.
- **R’ Elazar bar Avina** said, punishment only comes to the world because of the Yidden.
- **R’ Chiya** once blessed **Rav**, that he should be saved from the thing worse than death. **Rav** searched and found a pasuk that says a bad wife is worse than death.
 - **Rav’s** wife would purposely give him the opposite of what he asked for. His son **Chiya** would ask his mother for the opposite of what **Rav** really wanted, so that she would actually bring what **Rav** wanted. When **Rav** heard why he started getting what he asked for, he told **Chiya** that he shouldn’t do that, because it is not saying the truth.
 - **R’ Chiya’s** wife would bother him a lot, yet he would buy her nice things that he knew she would appreciate. **Rav** asked why he bought gifts for her given that she was so bad to him. **R’ Chiya** said, it is enough that she raises my children and saves me from sin.
 - **R’ Yehuda** once told his son **R’ Yitzchak**, that the pasuk that says a wife is worse than death refers to **R’ Yitzchak’s** mother. Although we find that elsewhere **R’ Yehuda** said that his wife was very good, her issue was that she would anger quickly but would then calm quickly.
- **Q:** What is meant by a “bad wife”? **A: Abaye** said, it is a woman who will serve her husband a meal, but will verbally abuse him as she does so. **Rava** said, she serves him a meal but will intentionally not eat with him.
- **R’ Chama bar Chanina** said, we learn from a pasuk, after a man marries, he no longer has the same desire for sin.
 - In Eretz Yisrael, when a man got married, they would ask him “matza or motzeh” – meaning did you get a good wife or a bad wife.
 - **Rava** said based on pesukim, it is a mitzvah to divorce a bad wife. **Rava** also said, if one can’t afford to divorce his bad wife, he should marry another woman, and that will make the first wife change her ways. **Rava** said, a bad wife is like a stormy day. **Rava** said, based on the pasuk of “matza isha matza tov”, that if the pasuk refers to a physical wife, this shows how great a good wife is, and if the pasuk refers to Torah, the fact that Torah is compared to a good wife, we see how great a good wife is. Similarly, when the pasuk says that a bad wife is worse than death, if it refers to a physical wife, we see how bad a bad wife is, and if it refers to Gehenom, we still see how bad a bad wife is.
 - **R’ Nachman in the name of Rabbah bar Avuha** said, the pasuk that says that there will be bad brought on a person from which he cannot escape, refers to a bad wife who has a hefty kesubah.
 - **R’ Chanan bar Rava in the name of Rav** said, the pasuk that says that a person’s children will be given to another nation, actually means that they will be given over to a stepmother. He also said, when the pasuk says “I will anger then with a disgusting nation”, it refers to a bad wife with a hefty kesubah. **R’ Eliezer** said this last pasuk refers to the Tzedukim. A Braisa says this refers to nations who would walk around unclothed in the marketplace. **R’ Yochanan** said, this refers to the wicked “Chabarim”.

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- **R' Yochanan** was once told that Chabarim had come to Bavel and made 3 decrees. He said, the 3 decrees are punishment for 3 things: they decreed regarding meat, because people weren't careful to give the Kohanim their gifts of meat; they decreed regarding the bathhouses, because people weren't careful with mikveh; they decreed to exhume the dead, because people celebrated the non-Jewish holidays.
- **Rabbah bar Mari** once explained pesukim to mean that death is preferable for the wicked, because it prevents them from sinning and thereby falling to Gehenom.
- The Gemara quotes from the Book of Ben Sira:
 - A good wife is a good present, which is given to one who fears Hashem. A bad wife is like tzaraas, and the way to heal is by divorcing her. A beautiful wife makes a lucky husband, and his days are thereby doubled (he has tremendous pleasure).
 - Close your eyes to a charming woman and stay away from her and her husband so that you will not be led to sin.
 - Do not worry about tomorrow, because one never knows what the next day brings. One may not even live to see the next day and therefore worries for no reason.
 - Do not have too many people in your house, and only reveal private matters to one in a thousand.
- **R' Assi** said, Moshiach won't come until all the souls kept in the special place in Heaven called "guf" are gone.
- A Braisa says, **R' Eliezer** darshened pesukim to teach that one who doesn't try to have children is as if he murdered. **R' Yaakov** says based on a pasuk that it is as if he diminishes the image of Hashem. **Ben Azzai** says, it is as if he did both. They said to **Ben Azzai**, you don't practice what you preach (he remained single, without children)! He answered them, I have no choice, because my soul craves Torah, so the world will have to be preserved by other people.
- A Braisa darshens the pasuk of "uvnucho yomar shuva Hashem rivivos alfei Yisrael", to teach that the Shechina does not rest on less than 22,000 Yidden. This results, that if there are 21,999 Yidden, a person who didn't try to have children thereby causes that the Shechina should not rest on the Yidden! **Abba Chanan in the name of R' Eliezer** learns from a pasuk that such a person is chayuv misah. **Others** say, such a person causes the Shechina to leave the Yidden.

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MISHNA

- If a man is married for 10 years and did not have children, he must divorce his wife or take a second wife (so that he can have children). If he divorced her, she is allowed to marry another man (even if he does not yet have children) and he can live with her for 10 years before divorcing her for not having children as well.
 - If a woman miscarries, the 10 year count begins from the time of the miscarriage.

GEMARA

- A Braisa says, if a man is married for 10 years without children, he should divorce his wife, because it may be that he is not zoche to have children with her. There is a hint to this from the pasuk that tells us that Sarai gave her maidservant Hagar to Avrom after having been married in Eretz Yisrael for 10 years without children. This also teaches that he did not count the years of marriage in chutz laaretz. We can learn, if during those 10 years he was sick, or she was sick, or they were in prison, we do not count those years towards the 10 year count.
 - **Q: Rava** asked **R' Nachman**, maybe we should learn from Yitzchok, who stayed married to Rivka for 20 years before having children!? **A: R' Nachman** said, Yitzchak was not capable of having children, and therefore did not have to divorce for not having children.
 - **Q:** We find that Avrohom was not capable of having children either, so how could his waiting 10 years be a proof!? **A:** The pasuk by Avrohom is extra, and that is how we learn it. The pasuk regarding Yitzchok is not extra, because it is needed to teach us how old Yaakov was, and therefore is not available to teach that one may wait as long as Yitzchak waited.

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- **R' Yitzchak** said, we learn that Yitzchak was incapable of having children from the pausk of “vayetar Yitzchak L'Hashem l'nochach ishto” – opposite his wife – which teaches that he was incapable of having children just as she was incapable of having children.
 - **Q:** If so, why does it say that Hashem listened to “him”? It should say that Hashem listened to “them”? **A:** The tefila of a tzadik the son of a tzadik is more readily accepted by Hashem than the tefila of a tzadik the son of a rasha.
- **R' Yitzchak** said, the reason our forefathers were incapable of having children is because Hashem desires the tefilos of tzadikim.
- **R' Yitzchak** said, the pasuk uses the word “vayetar”, which compares the tefilos of tzadikim to a pitchfork, to teach that just as a pitchfork moves produce from place to place, so too the tefilos of tzadikim “move” Hashem from anger to mercy.
- **R' Ami** darshened a pasuk to teach that Avrohom and Sarah were both incapable of having children. **R' Nachman in the name of Rabbah bar Avuha** darshened that Sarah did not even have a uterus.
- **R' Yehuda the son of R' Shmuel bar Shilas in the name of Rav** said, the 10 year allowance was only for the earlier generations who lived long lives. However, later generations must marry another woman after 2 ½ years of childless marriage, corresponding to the time of 3 pregnancies. **Rabbah in the name of R' Nachman** said, the allowance is 3 years, corresponding to 3 Rosh Hashanas, on which we find that Hashem remembers barren women (like He remembered Sarah, Rachel, and Chana). **Rabbah** said, the allowance remains at ten year, for the Mishna was written when people no longer lived very long lives, and still the Mishna gives a 10 year allowance.
- **Q:** The Braisa quoted earlier said that after 10 years he must marry someone else, because it may be that he was not zoche to have children with her. Maybe it is her who was not zocheh (and she should therefore not be paid her kesubah)!? **A:** She is not obligated to have children, and as such would not be punished by not having children.
- **Q:** Our Mishna said that a person should marry a second woman, because he may be zoche to have children with her. We find that **R' Abbah bar Zavda** refused to marry a second woman to try and have children and said that if he was zoche to have children, he would have had with his first wife!? **A:** He was just trying to get the **Rabanan** to stop pushing him to marry. In truth, he was incapable of having children, from having held back from going to the bathroom during the shiurim of **R' Huna**. We find that **R' Gidal, R' Chelbo, and R' Sheishes** were all incapable of having children for the same reason. **R' Acha bar Yaakov** said, there were 60 **Rabanan** who were affected in this way, except for himself, who was saved, because he had a healing process done to him.

GERSHA MUTERES...

- The Mishna suggests that she can marry a second man and wait for 10 years, but would not be allowed to marry a 3rd man, presumably because not having children for 10 years with the second man creates a chazaka. Based on this, our Mishna would seem to follow the view of **Rebbi**, who says that a chazaka is created after something having happened twice, as he says in a Braisa, if 2 brothers died from milah, we don't give the 3rd brother milah. **R' Shimon ben Gamliel** argues and says that only when 3 have died would we not give the 4th brother a milah.
 - **Q:** We find a Braisa where the shitos are reversed!? **A:** Whichever Braisa was taught later is the one that should be followed.
 - **Q:** Maybe we can bring a proof from **R' Chiya bar Abba in the name of R' Yochanan**, who says that it once happened that 4 sisters each had boys, and the first 3 of the boys died from milah. They asked **R' Shimon ben Gamliel** what to do with the fourth boy, and he said not to give milah. We see that he requires 3 times to establish a chazaka!? **A:** It may be that if they would have come to him after the 2nd he would have said not to give the 3rd brother milah!
 - **Q:** If so, what would be the proof brought by **R' Chiya bar Abba**? **A:** It may be that he was teaching that sisters can be used to create a chazaka in this way.
 - **R' Yitzchak bar Yosef** said, we find that **R' Yochanan** paskened in this type of case that took place on Yom Kippur, that the 3rd boy must get milah. It must be he knew that **R' Shimon ben Gamliel** held that we need 3 times to create a chazaka. **Abaye** told **R' Yitzchak bar Yosef**, make sure you realize that you are allowing an issur D'Oraisa, and you are exposing a child to danger!

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Still, **Abaye** relied on this ruling to marry a woman who was widowed twice, saying that we would need 3 times to create a chazaka. Ultimately, she was widowed from **Abaye** as well.

- **Q: Rava** asked, **Abaye** himself seemed to say that one should not rely on this psak, so why did he himself rely on it? Also, the machlokes was only regarding milah, not regarding marriage. Maybe even **R' Shimon ben Gamliel** would agree regarding marriage!? **A:** We find that the same machlokes exists regarding marriage as well.
 - In the name of **R' Huna** it was explained that a woman can cause her husbands to die based on having tashmish with her. **R' Ashi** said it is her mazel which may cause her husbands to die. A difference between these opinions would be where she was only an arusah when her husbands died, or where her husbands died by falling off a tree.
- **R' Yosef the son of Rava** asked **R' Yosef**, is the Halacha like **Rebbi**? He answered that it is. He then asked, is the Halacha like **R' Shimon ben Gamliel**? He answered that it is. **Rava** explained, there are anonymous Mishnayos like each view and therefore they are both followed.

-----Daf 70 ---65-----

Yevamos Daf Samach Hey

- A Braisa says, if a woman was married for 10 years and didn't have children, then married another man for 10 years and didn't have children, she may then only marry a man who already has children. If she instead married a 3rd man without children, he should divorce her and she does not collect her kesubah.
 - **Q:** If she married for the third time and still did not have any children, may the first two husbands seek a refund for the kesubah that they paid her? Can they say it has now become clear that you are the reason we never had children, and therefore take back the kesubah payment, or can she say, back then it was me who was capable and you were the one who was incapable, and it is only now that I no longer have the ability to have children? **A:** It would be logical to assume that she can say to them, it is only now that I no longer have the ability to have children.
 - **Q:** If she marries a 4th husband and had children with him, can she go back and claim her kesubah from the 3rd husband? **A:** We tell her not to make such a claim, because doing so may cause the 3rd husband to claim that he only divorced her because of her inability to have children, making the entire divorce invalid, and the child that she had to be labeled as a mamzer.
 - **Q: R' Pappa** asked, even if she doesn't stir up that claim by the husband, why are we not concerned that the divorce is invalid for this reason? **A:** It must be that we say that she actually couldn't have children then, and it is only now that she is able, and therefore the divorce was given properly and is valid. Therefore, even if she would make the claim, we would say the same thing and she would not be awarded her kesubah from the 3rd husband.
- **Q:** If a couple is getting divorced because they had no children, and the husband says that she was the one incapable of having children and should therefore not get her kesubah, and the wife says that it is he who is incapable and she therefore should get her kesubah, who is believed? **A: R' Ami** said, we would believe her, because a wife knows whether her husband's zerah comes out with force, thus capable of having children, whereas the husband himself does not know.
 - **Q:** If he says, I want to marry another woman and show that I will have a child with her, thereby proving that it is not me who is incapable and therefore need not pay the kesubah, what is the Halacha? **A: R' Ami** said he must still divorce the first wife and give her the kesubah, because he holds that whenever a man marries a second wife against the will of his first wife, he must divorce the first wife and give her the kesubah. **Rava** said, a man may marry as many wives as he chooses, as long as he is able to support them. Therefore, he would be allowed to take another wife and try to prove that he was capable of having children.
 - **Q:** If the husband says that the wife had miscarried at some point in the 10 year marriage, and therefore he need not divorce her yet, and she says that she never miscarried, who do we believe? **A:**

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R' Ami said, she is believed, because she wouldn't lie and keep herself labeled as a woman incapable of having children.

- **Q:** The Halacha is, if a woman miscarried 3 times, she has established a chazaka of miscarrying with this husband, and he must divorce her. If he says that she only miscarried twice, and she says that she miscarried 3 times, who do we believe? **A: R' Yitzchak ben Elazar** said, in the Beis Medrash they said that she is believed, because she would not make up a story and thereby become known as a woman who miscarries.

MISHNA

- A man is obligated to have children, but a woman is not. **R' Yochanan ben Broka** says, the pasuk says "Vayomer **lahem** pru urvu", which means that the man and the woman were both commanded.

GEMARA

- **Q:** How do we know that the obligation only applies to men? **A: R' Illa'a in the name of R' Elazar the son of R' Shimon** said, it is based on the pasuk that says "fill the world and conquer it". It is men who conquer, and not women.
 - **Q:** The pasuk uses the word "vichivshuha" which is plural, suggesting that it applies to men and women!? **A: R' Nachman bar Yitzchak** said, the word is written as "v'chavsha", which is singular.
 - **R' Yosef** said, the pasuk says "Ani Kel Shakai prei urvei" – instead of "pru urvu", which therefore suggests it is singular.
 - **R' Illa'a in the name of R' Elazar the son of R' Shimon** said, just as it is a mitzvah to say mussar that will be accepted by people, so too it is a mitzvah not to say mussar that will not be accepted by people. **R' Abba** said, it is actually an obligation not to give such mussar.
 - **R' Illa'a in the name of R' Elazar the son of R' Shimon** said, it is mutar to bend the truth to bring about peace, as we find that the brothers told Yosef that Yaakov told them before he died to ask Yosef for forgiveness. **R' Nosson** said, it is an obligation to do so, as we see that Hashem told Shmuel to go anoint Dovid, but to do so under the pretense of bringing a korban. In the yeshiva of **R' Yishmael** it was said, peace is so great that we find that even Hashem bent the truth for it, for although Sarah said that "my husband is old", when Hashem repeated that to Avrohom, he said that Sarah said that she herself was old.

R' YOCHANAN BEN BROKAH OMER

- There is a machlokes between **R' Yochanan** and **R' Yehoshua ben Levi**: one says that the Halacha follows **R' Yochanan ben Brokah**, and the other says that the Halacha does not follow him.
 - We find that when **R' Avahu** (or **R' Chiya bar Abba**) once said that **R' Yochanan** said that the Halacha followed **R' Yochanan ben Broka**, **R' Ami** and **R' Assi** turned away disapprovingly. It must be that **R' Yochanan** actually held that the Halacha does not follow him.
 - **R' Acha bar Chanina in the name of R' Avahu in the name of R' Assi** said, that a woman once came to **R' Yochanan** saying that her husband was incapable of having children and therefore wanted a divorce from him. **R' Yochanan** made him give a divorce and allowed her to collect her kesubah. If **R' Yochanan** held that she was not obligated to have children, he would not have allowed her to collect her kesubah.
 - The Gemara says, it may be that **R' Yochanan** allowed her kesubah not because she is obligated to have children, but rather like **R' Ami** once did so, because a woman needs children to take care of her in her old age. We find that **R' Nachman** allowed a kesubah in a similar case for the same reason.
 - We find that **R' Chiya's** wife, who had twin boys and twin girls, disguised herself and asked **R' Chiya** whether a woman has a chiyuv to have children. **R' Chiya** told her that there is no chiyuv. She then took a potion to prevent herself from becoming pregnant again.
 - **Q:** How can we say that women have no chiyuv? We find that the **Rabanan** forced a master to free his maidservant who was already half free. Presumably this was done, because she could not legally marry and could therefore not fulfill her obligation to have children!? **A:** They did so because she was

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being mezaneh with many men. They wanted her freed so that she would marry and stop the zenus.

HADRAN ALACH PEREK HABAH AHL YEVIMTO!!!

-----Daf 10 ---66-----

- A Braisa says, if a woman was married for 10 years and didn't have children, then married another man for 10 years and didn't have children, she may then only marry a man who already has children. If she instead married a 3rd man without children, he should divorce her and she does not collect her kesubah.
 - **Q:** If she married for the third time and still did not have any children, may the first two husbands seek a refund for the kesubah that they paid her? Can they say it has now become clear that you are the reason we never had children, and therefore take back the kesubah payment, or can she say, back then it was me who was capable and you were the one who was incapable, and it is only now that I no longer have the ability to have children? **A:** It would be logical to assume that she can say to them, it is only now that I no longer have the ability to have children.
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GEMARA

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R' YOCHANAN BEN BROKAH OMER

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HADRAN ALACH PEREK HABAH AHL YEVIMTO!!!

-----Daf 70 ---67-----

MISHNA

- **R' Yose** says, a Yisraelis who was married to a Kohen and was then widowed while pregnant, may not give terumah to her tzon barzel slaves to eat based on the ownership share that the unborn child has in these slaves. This is because an unborn child can prevent someone from eating terumah (if a Kohenes married a Yisrael and was then widowed when she has a child or when she is pregnant, she may not go back and eat terumah in her father's house), and never entitles someone to eat terumah (if a Yisraelis married a Kohen and she is widowed

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when pregnant, she may not continue eating terumah until the child is born). They said to him, if you say this regarding the slaves of a Yisraelis who married a Kohen, the same should be regarding the tzon barzel slaves of a Kohenes who married a Kohen, because of the ownership of the unborn baby!

GEMARA

- **Q:** Is the view of **R' Yose** based on that we don't view an unborn child in the stomach of a Yisraelis to be a Kohen (even though his father is a Kohen) until he is born, or is it that although he is viewed as a Kohen, an unborn Kohen cannot allow someone to eat terumah? The difference between these reasons would be where the mother is a Kohenes (according to the first view the fetus should allow someone to eat terumah). **A: Rabbah** said, **R' Yose's** reason is that a fetus in a non-Kohen is considered to be a non-Kohen (even if the father is a Kohen) until it is born. **R' Yosef** said, **R' Yose's** reason is that the fetus is considered to be a Kohen, but only a Kohen born into the world can allow someone to eat terumah.
 - **Q:** A Braisa says that **R' Yose** only says that the tzon barzel slaves can't eat terumah when the pregnant widow of the Kohen is a Yisraelis. However, if she was a Kohenes, the Braisa suggests that **R' Yose** would say the slaves can eat terumah. This is problematic according to **R' Yosef** and remains a KASHYEH.
 - **R' Yehuda in the name of Shmuel** said, although **R' Yose** holds this way, the **Chachomim** say that the slaves would not become assur to eat terumah on account of the fetus. Rather, they can continue to eat on account of the other children if there are, or on account of the Kohen's brothers if there are, or on account of his extended family. However, the fetus would not be considered an owner and would therefore not prevent them from eating terumah.
 - **Q: Shmuel** seems to be saying that he would not agree with **R' Yose**. However, we find that **Shmuel** holds that a fetus can acquire things given to him. If so, why is it that the fetus cannot be an owner here like **R' Yose** says? Rather, it must be that he agrees with **R' Yose** and he is just reporting that the **Chachomim** argue with **R' Yose**. That too is difficult to say, because **R' Zakkai** said that **R' Yose** said that his view is from **Shmaya** and **Avtalyon**, and the **Chachomim** agreed with him!? **A: R' Ashi** said, they agreed in the sense that his logic was reasonable, but they still argued with what the Halacha would be.
- A Braisa says, if the Kohen left over children, then the melog and the tzon barzel slaves may eat terumah. If he only left over a pregnant wife, neither of these could eat terumah. If he left over children and a pregnant wife, then the melog slaves can eat just as she may eat terumah, and the tzon barzel slaves may not eat because of the ownership of the fetus. This is the view of **R' Yose**. **R' Yishmael the son of R' Yose** said in the name of his father that a daughter can cause one to eat terumah, but a son cannot. **R' Shimon ben Yochai** says, if he left over sons, then all the slaves may eat terumah. If he only left over daughters, the slaves may not eat, because the fetus may be a boy, in which case everything belongs to him.
 - **Q:** Even if the fetus is another girl, she would inherit along with her sisters, and would therefore make the slaves assur to eat terumah before she is born, so why does **R' Shimon** say it is only a problem if the fetus is a boy? **A:** He is giving two reasons: first, even if the fetus is a girl it is a problem, and second, it may be a boy in which case he gets everything.
 - **Q:** How could **R' Shimon** say that if boys are left over the slaves may eat terumah? Since there is a fetus as well, they should not be allowed to eat terumah because of his ownership share!? **A:** The chance of this fetus getting a share is only a minority chance (the fetus may be a girl and not inherit at all, and even if the fetus is a boy, the woman may have a miscarriage), and **R' Shimon** is not concerned for a minority possibility. **A2:** He is concerned for a minority chance, but he holds like **R' Nachman in the name of Shmuel**, who says that Beis Din apportions a part of the estate other than the slaves, for this fetus. In that way, he does not have a share in them and does not prevent them from eating terumah.
 - **Q:** Maybe the machlokes between the **T"K** of the Braisa (who says that slaves can't eat when the wife is pregnant) and **R' Shimon ben Yochai** (who says that they can if there are other sons) is actually a machlokes as to whether we hold of **R' Nachman** that Beis Din may make a special apportionment for the fetus!? **A:** It may be that all agree with **R' Nachman**, and the machlokes in the Braisa is whether or not we are concerned for a minority chance.

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- **Q: R' Yishmael** said that a daughter allows the slaves to eat, but a son does not. Why is it different when there is a daughter? In each case we must be concerned for the ownership share of the fetus!? **A: Abaye** said, **R' Yishmael** is actually discussing where there is a son along with that daughter, but where the father left over a very small estate. In that case, the **Rabanan** instituted that the daughters should inherit the small estate. Therefore, if the fetus is a son, he won't inherit it, just like his brother didn't inherit it. If the fetus is a daughter, the Rabbinic institution will not kick in until she is born. Therefore, the fetus has no share in the estate, and the slaves can eat from terumah.
 - **Q:** The Braisa continues with **R' Shimon ben Yochai** who says that if the fetus is a boy the girls would have no share in the estate. If, as we just said, we are discussing a small estate, that statement would be inaccurate!? **A:** That part of the Braisa is discussing where there was a large estate.
 - **Q:** We have learned that if the sons of a small estate sell assets, the sale is considered an effective sale. This shows that they have a true ownership in the estate. If so, how can the slaves eat terumah if there is a fetus which may be a boy? **A:** When **R' Yishmael** says "daughter" he is actually referring to the mother of a child left by the Kohen. He means to say that in that case the melog slaves may eat terumah, although the tzon barzel slaves could not.
 - **Q:** That would be exactly what **R' Yose** was saying earlier in the Braisa!? **A:** In fact, the entire beginning of the Braisa is actually the view of **R' Yishmael the son of R' Yose**.

MISHNA

- A woman who is pregnant, or a yevama, or an arusa, or married to a deaf-mute, or to a boy who is 9 years old, can be disqualified from eating terumah (if she is a Kohenes and was pregnant from a Yisrael who died, or married to a Yisrael in any of the situations above), and does not entitle her to eat terumah (if she is a Yisraelis and was pregnant from a Kohen who died, or married to a Kohen in any of the situations above). The same would be where it is a safek whether the boy was 9 years old or less, or whether a 13 year old husband had brought shte saaros to be a proven adult or had not been so proven.
- If a man was married to his brother's daughter and the husband and wife were killed together, without us knowing which one actually died first, the brother of the husband must give chalitza (in case his daughter had actually died first) and cannot do yibum (in case it was his brother who died first, and all would be patur from yibum since his daughter is one of the tzaros).

GEMARA

HA'UBAR

- If she was a Kohenes married to a Yisrael, the fact that she is pregnant when he dies prevents her from going back to her father's house and eating terumah there (based on the pasuk of "kin'ureha"). If she is a Yisraelis who was married to a Kohen (who had died), she may not eat based on being pregnant, until the child is actually born.

HAYAVAM

- If she is a Kohenes who awaits yibum to a Yisrael, she may not go back and eat terumah from her father, based on the pasuk of "v'shava ehl beis aviha", which excludes a girl who still must wait for yibum or chalitza. If she is a Yisraelis who is waiting for yibum from a Kohen, she may not eat terumah, because she is not considered to be the "acquisition" of the yavam, and therefore may not eat on account of him.

V'HA'EIRUSIN

- A Kohenes arusah to a Yisrael may no longer eat terumah, because she is considered to be his wife at that point. A Yisraelis arusah to a Kohen may not eat terumah based on the gezeirah of **Ulla** (that she may come to give her father or brothers to eat from the terumah).