



לע"נ ברוך בענדיט וברכה גרוס ע"ה  
by Mr. & Mrs. Duvy Gross

# *The Hakuk Edition* **English Topics on the Daf**

*Dedicated l'refuah sheleima for Yaakov ben Victoria*

By Rabbi Mordechai Papoff

THE SIXTH PEREK OF YEVAMOS IS DEDICATED:

לע"נ גרשון בן החבר מרדכי



YEVAMOS DAF 59 IS DEDICATED:

L'zecher Nishmas Rachel Leah bas Moshe Ezra

## **Yevamos Daf 59**

Our daf opens with the question of a Kohen Gadol who was mekadesh a ketana and she became a bogeres. Is he allowed to complete nissuin with her, now that she's forbidden to him, or do we go by the beginning of their marriage process? The Gemara tries to compare it to the case of a Kohen who was mekadesh a widow and then was appointed Kohen Gadol; he may have nissuin with her. But the Gemara rejects this proof because "here, her body changed, here it did not."

What does this differentiation mean, exactly?

Rashi explains simply that bagrus is a physical change in the person's body and that is why the Gemara is unsure of the halacha. On the other hand, a widow didn't change physically in any way, only the Kohen changed his status.

In the same vein, Tosfos notes that if a regular Kohen was mekadesh a bogeres and then became Kohen Gadol, it would

be allowed, since no physical change occurred to her.

Following this reasoning, if the girl lost her besula status by biyah with her arus or some other way (mukas etz), she should become forbidden to him. However, the Ritva quotes a Gemara in Kiddushin (10a) that a Kohen Gadol could be mekadesh a woman with biyah if we hold that the beginning of biyah creates the kiddushin. (If kiddushin takes effect only at the end, by that time she's already a beulah.) Now, assuming that becoming a beulah constitutes a bodily change, then he shouldn't be able to complete the marriage anyway! Even if he succeeded in doing kiddushin at the beginning of biyah, by the time he gets to nissuin she is a beulah, so she shouldn't be permitted anymore?

The Ritva and other Rishonim answer that biyah is not a significant enough change; only bagrus. Thus, even if she became a

beulah she'd remain permitted. Alternatively, that Gemara means doing biyah together with chupah, so the erusin and nissuin happen simultaneously (but indeed nissuin would be forbidden afterwards).

Tosfos persists in asking from other Gemaras which seem to indicate that biyah is a physical change, and offers various solutions but remains uncertain.

Mishneh L'Melech (Issurei Biyah 17:17) assumes the Gemara's intention is whether the shift in status happened with her or with him. If he became Kohen Gadol the change was in his department, and if she became a bogeres the change happened with her. Only if she changed will she become forbidden. If a regular Kohen was mekadesh a bogeres and then was appointed Kohen Gadol, that would also be permitted, as Tosfos says. Therefore, in Tosfos' case of where she lost her status of besulah, the change was with her, so she would be forbidden to have nissuin with the Kohen Gadol! He doesn't understand why Tosfos deliberates if a beulah is considered a change – obviously, the halachic change occurred with her.

He draws a parallel to a Kohen Hedyot who was mekadesh a ketana widow and they both changed – he became Kohen Gadol and she became a bogeres. She would now be assur to him because she changed in a halachic way from before.

Another track is developed by several meforshim. What's the defining feature, the difference between a Kohen becoming a Kohen Gadol or the woman becoming a bogeres? We look at the moment of kiddushin. Was the current situation permissible to him at that time? If so, he may continue the marriage. When a regular Kohen betroths a widow, it's

perfectly fine for him to do nissuin. Therefore, even if he becomes a Kohen Gadol, he may keep her. Conversely, when a Kohen Gadol betroths a ketana, he is already prohibited to marry a bogeres. So if she turns into a bogeres, she becomes forbidden; the prohibition was already in place. This is what the Gemara means by "bodily change" – she changed to something that was already forbidden to him from the time of kiddushin (see Mishnas Rav Aharon, Kiddushin 15:7).

According to this way of thinking, if a besulah loses that status she will become forbidden to a Kohen Gadol, since the issur of beulah was already existent when he began the marriage.

Another difference between the three interpretations is in the case Tosfos mentions: a Kohen was mekadesh a ketana, he then becomes Kohen Gadol, and then she becomes a bogeres. Tosfos states as a matter of fact that she's forbidden, since her body changed. The Mishneh L'melech, as well, would forbid the union since a halachic change happened with her. However, according to the third pshat above, that we look at the time of kiddushin, they'd be permitted, since at that time he was still a Kohen Hedyot (and she a ketana).