



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 60 IS DEDICATED:

L'ZECHER NISHMAS R' YOSEF B"R YITCHOK ZEV ALPERT

## **Yevamos Daf 60**

There's a dispute in amud b if a Kohen can marry a giyoreess who converted prior to the age of three. All agree that if she converted when she was already three she is forbidden.

What is the reasoning? The Mishnah on the next daf includes converts in the category of "zonah," one who had relations with non-Jews.

All agree that a standard giyoreess is forbidden since she is assumed to be this zonah, from her days as a non-Jew. What is the machlokes here, where she converted before the age of three? Rashi comments on Rashb"i's opinion that "we don't assume she is a zonah," meaning she didn't have relations with non-Jews.

The problem with this explanation is why the Rabbonon would forbid even a giyoreess under the age of three – Chazal said that before that age, it is not considered biyah?

The Rambam (Issurei Biyah 18:3) also says she is considered a zonah, and we hold like the Rabbonon that it's assur. The Maggid Mishnah suggests that zonah is a general term and simply means "flawed," regardless of biyah. He refers us to a Gemara in Kiddushin.

In Kiddushin daf 78a it elaborates on our machlokes and says it is based on a possuk in Yechezkel. Discussing the laws of Kohanim, it states that they must marry only "besulos from the seed of Yisroel." From here the Rabbonon derive that even a giyoreess under three is forbidden to Kohanim.

Indeed, the Raavad asserts that this is the reason for the Rabbonon, not that she is considered a zonah. It's just a gezeiras hakasuv that Kohanim can marry only those born as Jews. (The source is in Neviim, not the Chumash, so it sparks a broader debate about the severity of

halachos gleaned from Neviim. We'll get back to this.)

Maggid Mishnah thus understands Rashi like the Rambam, and zonah here doesn't denote a status relating to biyah like it usually does. However, Rashi doesn't really sound like this – “we don't assume she's a zonah” connotes a title dependent upon her actions? So asks the Minchas Chinuch (Mitzvah 266:16), and cites the Beis Shmuel who also learned Rashi that she's forbidden since she had biyah with goyim.

Crafting a combination of opinions and factors, Minchas Chinuch suggests that Rashi means that an under-three giyoreess is forbidden only midirabonon, from the possuk in Yechezkel. If she also had biyah, she'd be forbidden midioraisa!

In many areas of halacha, a distinction is made between what's midirabonon and what is midioraisa, with ramifications such as when there's a doubt as to the circumstances of the case. Here, Raavad states the source of the Rabbonon's opinion as the possuk in Yechezkel. This should not be dioraisa, then. Even so, various Gemaras explain a verse in Neviim as simply an asmachta, a hint to a preexisting ruling we have handed down from Moshe Rabbeinu (see Moed Katan 5a). The Ritva in Kiddushin and Tosfos here (daf 61a) say our halacha is midioraisa for this reason.

But it's not so simple, since our Gemara does not say this concerning our topic! That is why, explains Maggid Mishnah, the Rambam cannot use this verse as a source, since it would then be only an issur dirobonon. Instead he uses the term zonah, as mentioned, to make it midioraisa. How does he learn the Gemara in Kiddushin which provides the source as the possuk in Yechezkel? The

Beis Shmuel (E.H. 6:20) offers a middle position, that the possuk in Navi explains what the Chumash meant by the term zonah.

It once happened that a Kohen met a girl who was adopted and wanted to marry her. Rav Menashe Klein zt"l was asked if they could permit it with an interesting blend of heterim, but he refused, as follows.

The girl was converted at some point, and we hold as the Rabbonon that even under three, she's forbidden to Kohanim. How, then, could it be allowed? A Rav argued that although the story happened in London – where the majority are gentiles – there's a slight chance that the child was born Jewish. Secondly, there are some opinions that most Kohanim today have inconclusive yichus (see Shu"t Beis Efraim Siman 6), and act as Kohanim only based on chazaka. So, if we put together these two factors – maybe she is not really a convert and maybe he's not really a Kohen – they could marry.

Rav Klein rejected this outright. Firstly, if we cast aspersions on his yichus, then we wouldn't allow him or his sons to do Birchas Kohanim or other Priestly activities. Now, if a Kohen were to marry a giyoreess it would invalidate him from Kehunah (a challal). With this plan, it wouldn't accomplish anything, since he would anyway be barred from Kehunah! Secondly, by suggesting the girl was born Jewish, it stirs up much bigger problems. A Jewish child found on the street is a safek mamzer, called by Chazal an asufi or shtuki. If we would propose that this girl was born Jewish, she wouldn't be allowed to marry almost anyone! Once again, this solution would cause more problems than it would solve (Mishneh Halachos Vol. 14:18).