



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

Dedicated l'refuah sheleima for Yaakov ben Victoria

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THE SEVENTH PEREK OF YEVAMOS IS DEDICATED:

עבי אריה ז"ל בן נחום אהרן נ"י

Yevamos Daf 70

Our perek opens with the halacha that an arel, an uncircumcised Kohen, cannot eat terumah.

What exactly is the case?

Rashi and Tosfos say it refers to someone whose brothers died from having a bris. Hence, he's exempt from having a bris, but is nonetheless forbidden from eating terumah.

Other Rishonim ask that it doesn't fit with the later Gemara that wonders if a newborn Kohen baby may be smeared with oil of terumah. The question is if the lack of a bris at a time when a bris is not necessary would prevent him from consuming terumah. According to Rashi's interpretation, our Mishnah is the same thing? Thus, Tosfos Yeshanim (and Tosfos in Chagiga and Zevachim) cites Rabbeinu Tam to explain that arel here means a Kohen who refused to have a milah.

Tosfos deflects that refutation by differentiating between a baby less than eight days old, a situation in which nobody is obligated in a bris, and one who is exempt because it's too dangerous. Since

others similar to him are chayiv, his lack is a problem.

How can we understand the two sides of this argument?

Rav Elchonon Wasserman suggests that Rashi considers such a person an "oness," one who is prevented against his will from doing a mitzvah. It is like, as an example, if no milah knife is available and the bris cannot be performed; nonetheless, he cannot eat terumah. On the other hand, R' Tam holds that in this case the Kohen is completely excluded from the mitzvah of bris, and its absence cannot pose a deficiency which would forbid him from terumah (Kovetz He'aros 48:19).

Indeed, R' Tam would say this only in our case, where the rule is "you must live with" the mitzvos and pikuach nefesh overrides the mitzvah. In other onsim, the Kohen would be forbidden to terumah. (In contrast, Rav Yaakov Ilan shlit"a notes, is the law that one cannot eat of the Korbon Pesach if his children or slaves are uncircumcised. There, any oness which makes a bris impossible will allow the father/master to eat of the korbon. See his Kovetz Al Yad for sources.)

Another perspective with which to view the two shittos is the extent of this Kohen's exclusion from a bris. Rav Chaim Kanievsky shlita correlates our Rishonim with a machlokes about one whose brothers died from having a bris: If there is evidence that he is capable of sustaining a bris, do we do it? Rashi seems to hold that we would allow it (like the Rambam). Thus, he is not really outside the realm of bris, and his areilus prevents him from terumah. R' Tam is of the opinion that we do not even consider it (as the Noda B'Yehuda); once it's ruled out due the potential danger involved, he may not risk it. Hence, the absence of a bris is not an impediment for him! (Derech Emunah Terumos 11:7 in Biyur Hahalacha)

In any case, the Eretz Tzvi (Vol. 1:56) points out that even according to Rashi, the issue here is not that he failed to have a bris, but just that he is in an uncircumcised state. He doesn't have an obligation to have a bris. He applies this to the case of "moshech orlaso," pulling the skin over the corona to reverse the bris. He holds that a Kohen who did it may still eat terumah because he is not really an arel. It's the opposite of Rashi's opinion here – he isn't an arel but nullified his bris. Eretz Tzvi adds that R' Tam may also permit terumah in such a case, since he compares one whose brothers died to a newborn baby. The lack of a bris is not considered an orlah to forbid terumah. Here, too, the man does not have his foreskin any longer, so would not be an arel.

The Shaagas Aryeh asks in his Turei Even (Chagiga 4b) on R' Tam's opinion, from the sugya in Zevachim which explains why we need two sources to exclude both arel and an apostate from doing avodah in the Mikdash. It says that if we only had arel, we'd think it's because he's "mo'is"

("abominable," the appellation used in Chazal to describe an arel), but a sinner is not. According to Rashi, any Kohen who is uncircumcised is forbidden to terumah, so it makes sense to use that categorization for arel. But R' Tam permits the case of when the Kohen's brothers died, so how can the Gemara identify it as mo'is; the issue is not actually the lack of a bris, but the circumstances surrounding it?

He evidently understands Rabbeinu Tam as ascribing the problem of a arel here as the failure to do the mitzvah incumbent upon him, as opposed to Rashi, who holds that every case of a lack of milah is included. This is unlike the Acharonim we mentioned, who underscored that the mitzvah aspect is not the defining feature according to R' Tam.