



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

The Hakuk Edition English Topics on the Daf

Dedicated l'refuah sheleima for Yaakov ben Victoria

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THE EIGHTH PEREK OF YEAMOS IS DEDICATED:

לזכר גשמת שלמה בן יהושע והחבר דוד בן החבר מרדכי

Yevamos Daf 79

The Prohibition of Nesinim

Here we meet the group of people called Nesinim, or Givonim, as they're referred to in Tanach. (Since Yehoshua "made/ויתנם" them woodcutters and water drawers, they're called "Nesinim/נתינים" – Rashi, Kesubos 29a.) At the bottom of amud a, the Gemara explains the layers of gezeiros enacted against their entering the Klal in marriage.

Who were they? They were actually Kenaanim who tricked Yehoshua (and Moshe) by claiming that they hailed from a distant land. Once Yehoshua made a bris, an oath of peace with them, he couldn't kill them, and they became eternal servants of the Jews.

But if so, they were from the seven nations inhabiting Eretz Yisroel, about whom the Torah commands "You shall not make marriages with them" (Devarim 7:3). The Torah already forbade them from entering the Klal; why did Moshe, Yehoshua or Dovid have to enact a prohibition?

The most simple answer is that the possuk forbids them only if they did not convert to Judaism. On daf 76a we learnt two versions of Rava's comment concerning this matter. According to the first version,

midioraisa they are permitted if they converted. Thus, Moshe and the others enacted that even after Nesinim convert they are still forbidden. Rashi seems to explain our Gemara like this: on 78b he writes that Dovid declared that they are forbidden to the Klal. Indeed, the flow of the sugya sounds like we're discussing the Mishnah's law that Nesinim are not allowed to marry us. This is how the Rambam holds (Issurei Biyah 12:22).

Although the maskana of that Gemara is that the possuk is referring to Kenaanim after conversion, these Rishonim understand that our sugya argues. And although we find in many places Nesinim coupled together with mamzerim (our Mishnah, Makkos 13, etc.) it does not mean that their prohibitions are of equal stringency. Mamzerim are forbidden midioraisa, but Nesinim, only midirabonon.

Other Rishonim chose not to pit the two Gemaras against each other, and resolved the question in other ways.

Tosfos says that when the Gemara says "Dovid decreed about them" it refers to the institution of servitude they were required to perform for the Jews. Moshe and Yehoshua similarly cast upon them the

obligation of drawing water and carrying wood. Marriage into the Jewish nation is forbidden from the Torah, though, as the earlier Gemara concludes.

A *nafka mina* (halachic difference) between these two opinions is if someone else from the 7 nations were to convert. According to Rashi, only the Nesinim were barred from entering Klal Yisroel, but any other convert would be permitted. Tosfos, though, would forbid any convert from those nations, as a Torah law (*Keren Orah*).

A third approach, a blend of the first two, is suggested by Ramban (in *Milchamos*). Interestingly, he says some Nesinim are forbidden from the Torah and some *midirabonon*. How so? If a goy of the 7 nations converts, he remains forbidden, like Rava concluded earlier. However, his child is permitted! It doesn't say in the Chumash that even later generations are forbidden as it does by other situations. It was for them that Moshe decreed an *issur* for Nesinim to marry into the Klal.

A variation of this idea is recorded in the name of the Raavad (in the Ramban here). He says that the Torah forbade members of the 7 nations even after conversion, but only for the generation that entered Eretz Yisroel. He compares it to "*geirei aroyos*" we had earlier on *daf* 24b, the paradigm of insincere converts in the episode of goyim frightened by lions who converted just to save themselves. So too, when the Jewish people converged onto Eretz Yisroel, conquering as they went, the inhabitants wanted to convert for their own purposes. Since their *geirus* wasn't proper, the Torah instructs us not to allow marriages with them. But in later generations we would accept sincere converts from the 7 nations. Except for the Nesinim – that is the subject of our *sugya*, that the leaders of Klal Yisroel throughout

the years decreed that they cannot enter the Klal.