



Netinim

The third *Mishnah* in chapter eight of *Masechet Yevamot* discusses various individuals that are invalid to marry into the Jewish people, or more specifically, *kehal Hashem*. The *Mishnah* specifically highlights the cases of a *mamzerin* and *netinim*¹ as those that are forbidden. With regard to *Mamzerim* there is a specific *pasuk* (*Devarim* 23:3) that invalidates them. What is unclear, however, is the source for the prohibition against *Netinim*.

The *Gemara* (*Yevamot* 79a) seems to imply that the source of this prohibition was based on a decree and not *assur* from the *Torah*. *Yehoshua* made the first decree and then *David HaMelech* made a subsequent one. This however, is in contrast to the beginning of the third *perek* of *Makkot*, where the *Mishnah* states that one is *chayav malkut* for marrying a *Netin*. The *Bartenura* comments there that the reason one is *chayav* is due to the prohibition of marrying one from the seven Canaanite nations “*lo titchaten bam*” - “you shall not marry them” (*Devarim* 7:3) - which implies that the prohibition is *assur m'do'oraysa*.

There are *mefarshim* who dispute the *Bartenura's* opinion. They explain that this prohibition of marrying the seven Canaanite nations does not apply in the case of the *Netinim*. This is because the prohibition only applies to those who remain idol worshippers. The *Netinim* in fact, did convert and should be allowed to enter into the Jewish people on a *d'Oraysa* level. Nevertheless, due to the decrees of *Yehoshua* and then *David HaMelech* they remain forbidden rabbinically.

The *Ritva* however agrees with the *Bartenura* and

states that the *Mishnah* in *Makkot* teaches us that one receives lashes for a relationship with *Netinim* because they are prohibited on a *d'Oraysa* level. This is proven from the fact that the *issur* of marrying a *Netin* is mentioned in the same *Mishnah* as other *Torah* prohibitions. In fact, the *Ritva* continues by saying that this *Mishnah* proves that *Netinim* are proper converts and once they have converted they have “*ishut*”, which implies they are able to complete an effective marriage, even though it is prohibited². This is because the *Mishnah* lists them with other relationships such as a widow for the *Kohen Gadol*, or a divorcee for a regular *kohen*, whose marriages are halachically effective even though they are forbidden on a *d'Oraysa* level.

The question remains however with the *Ritva* in explaining the earlier *Gemara* that states that *Yehoshua* and *David HaMelech* instituted the decree against *Netinim*. How could the prohibition be *De'Oraysa*, as the *Ritva* maintains, if the decree was instituted after the *Torah* was given?

Rabbeinu Tam answers that the prohibition against marrying *Netinim* is covered by the *pasuk* in *Devarim* and the prohibition against them is from the *Torah*. He explains that the *gezeira* made subsequently was not on forbidding marriage, but rather as extending their period of servitude to the Jewish people. Therefore, according to this opinion, they were already forbidden to marry into the Jewish people from the *Torah* - however the rabbinic decrees ensured that they would remain in a position of servitude, as woodchoppers and water bearers for the Jewish people.

Yehuda Gottlieb

¹ The *Netinim* was a name given to the Givonites who converted during the times of *Yehoshua Bin Nun*. This nation tricked *Yehoshua* into accepting them as converts during the conquest of

the Land of Israel. They are referred to in the *Mishnah* as *Netinin* based on the language of the *pasuk* in *Yehoshua* (9:27).

² This is the opinion of *Rava* in *Yevamot* (76a).

Revision Questions

יבמות ז':ב' ט':ג'

- If a *Kohen* marries a *bat Yisrael* can the servants that she brought with her eat *trumah*? (ז':ב')
- If an *Yisrael* marries a *bat Kohen* can the servants that she brought with her eat *trumah*? (ז':ב')
- According to *R' Yosi* if a *bat Yisrael* that marries a *kohen* is widowed while pregnant (with no other children), can her servants eat *trumah* and why? (Be specific) (ג':ג')
- Which five people prevent a *bat Kohen* from eating *trumah*? (ז':ד')
- If a man had two wives, one of which was the daughter of his brother, and both he and the wife that was his brother's daughter were killed, but we are unsure who died first, what is the law regarding the remaining wife (with respect to *yibum/chalitzah*)? (ז':ד')
- Which people: (ז':ה')
 - "לא פוסלים ולא מאכילים"
 - "פוסל ומאכיל"
- Describe a case how a *kohen gadol* can invalidate one from eating *trumah*. (ז':ו')
- Can an *arel* eat *trumah*? (ח':א')
- Can an *arel's* wife eat *trumah*? (ח':א')
- What is a *petzua daka*? (ח':ב')
- What is a *cherut shofcha*? (ח':ב')
- Who can a *petzua daka* and *cherut shofcha* marry? (ח':ב')
- When can one marry a converted: (ח':ג')
 - *Moavi*?
 - *Amoni*?
 - *Mitzri*?
- Which of the above cases is the subject of a debate? (ח':ג')
- What are the two opinions regarding when a *saris* is *choletz*? (ז':ח')
- In what situations does a *saris* invalidate a *yavamah* from marrying a *Kohen*? (ז':ח')
- Can a *bat Yisrael* eat *trumah* if she is married to a *Kohen* who is: (ח':ו')
 - A *saris chamah*?
 - An *androginus*?
- What are the four cases where a woman is permitted to her husband but not the *yabam*? (ט':א')
- What are the four cases where a woman is not permitted to her husband but permitted to the *yabam*? (ט':ב')
- What are the four cases where a woman is not permitted to either her husband or *yabam*? (ט':ב')
- If one marries one of the *shniyot la'eriyot*: (ג':ט')
 - Is the brother required to perform *yibum*?
 - Are the children *kasher le'kehuna*?
 - Does the wife have a *ketubah*?
- If a *kohen* marries a *chalutzah*, does his wife have *ketubah*? (ג':ט')

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10 minutes before *Mincha*
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
3 rd June י"ג סיון	4 th June י"ד סיון	5 th June ט"ו סיון	6 th June ט"ז סיון	7 th June י"ז סיון	8 th June י"ח סיון	8 th June י"ט סיון
Yevamot 9:4-5	Yevamot 9:6-10:1	Yevamot 10:2-3	Yevamot 10:4-5	Yevamot 10:6-7	Yevamot 10:8-9	Yevamot 11:1-2

