When Rav Dimi came from Eretz Yisrael he said that Rabbi Yohanan said: The definition of the initial stage of intercourse is the insertion of the corona. The Gemara comments: He certainly disagrees with Rabban bar bar Hana, who cited Rabbi Yohanan as stating that insertion of the corona constitutes a complete act of sexual intercourse. Shall we say that he also disagrees with Shmuel, who defined the initial stage of intercourse as external contact of the sexual organs?

The Gemara responds: No; it is possible that there is no dispute between them, and Ravin said that Rabbi Yohanan calls the entire process from a kiss until the insertion of the corona the initial stage of intercourse, while anything beyond that point is a complete act of sexual intercourse.

When Rav Shmuel bar Yehuda came from Eretz Yisrael he reported that Rabbi Yohanan said: The definition of the initial stage of intercourse is the insertion of the corona, whereas a complete act of sexual intercourse is literally a complete act of sexual intercourse, i.e., insertion of the male organ beyond the corona.

From this point forward, insertion of anything less than the corona is only considered a kiss, for which he is exempt. And this statement disagrees with that of Shmuel, who maintains that one is liable to receive punishment for external contact of the sexual organs.

It was taught in the mishna that both one who merely engages in the initial stage of intercourse and one who completes the act of intercourse have thereby acquired the yevama. The Gemara asks: What does it mean that he has acquired his yevama? Rav said: He has acquired her for everything. In other words, she is considered his wife in all regards. Therefore, if he is a priest, she may partake of teruma and they are not considered fully married. Some say that the same applies if he intended to perform levirate marriage, but performed only the initial stage of intercourse. However, if she had been not only betrothed but also married to the deceased brother, even a deficient act of intercourse effects levirate marriage, and she may partake of teruma, as she had in the past. The halakha is in accordance with the opinion of Rav as presented in the second interpretation of the dispute between Rav and Shmuel (Rambam Sefer Nedusha, Hilkhot Issurei Bi 110; Shulhan Arukh, Even HaEzer 201, and in the comment of Rema; see Beit Shmuel).
The Gemara adds: If she was a yevenida from marriage, everyone agrees that she may partake of teruma after the initial stage of intercourse, as she was already partaking at the outset, when she was married to the deceased brother. Therefore, even a minimal act of intercourse is enough to allow her to continue to partake of teruma. When they disagree it is with regard to a yevenida from betrothal. Rav said: She may partake, as the Merciful One includes unwitting intercourse and the other forms of intercourse listed in the mishna, and considers them like intentional intercourse.

And Shmuel said: When the Merciful One includes these forms of intercourse, He does so only to establish the yevenida in place of the husband, but to strengthen him more than the husband, no. Since she was merely betrothed to the deceased brother, she was not permitted to partake of teruma, and therefore she may not partake of teruma at this point either.

The Gemara comments: And Shmuel follows his regular line of reasoning, as Rav Nahman said that Shmuel said: In any case where the woman’s marriage to her original husband entitles her to partake of teruma, intercourse with the yevenida in any of the manners described in the mishna also entitles her to partake of teruma, and any case where her relationship with her original husband does not entitle her to partake of teruma, i.e., if she had been betrothed but not married, intercourse with the yevenida in the manners described in the mishna also does not entitle her to partake of teruma.

The Gemara raises an objection from the following baraita: In the case of a mentally competent daughter of an Israelite who was betrothed to a competent priest, and he did not have a chance to marry her before he became a deaf-mute and was no longer mentally competent, she may not partake of teruma, as marriage to a deaf-mute does not enable a woman to partake of teruma. If the deaf-mute husband subsequently died and the yevenida happened before a deaf-mute yevenida for levirate marriage, she may partake of teruma. And in this regard the strength of the yevenida is greater than the strength of the husband.

Granted, according Rav, this works out well, as intercourse with the deaf-mute yevenida, which is comparable to the unwitting intercourse mentioned in the mishna because the deaf-mute is not mentally competent, effects the levirate marriage and allows her to partake of teruma despite the fact that she could not do so during the lifetime of her first husband. However, according to Shmuel, this is difficult, as he maintains that a yevenida cannot have more rights than the deceased husband due to intercourse undertaken without intent to perform levirate marriage.

The Gemara answers: Shmuel could have said to you: Amend the baraita and say as follows: If he did not have a chance to marry her before he became a deaf-mute, she may not partake of teruma. If he married her and afterward became a deaf-mute, she may partake of teruma. If he then died, and she happened before a deaf-mute yevenida for levirate marriage, she may partake of teruma.

And what is the meaning of the phrase: In this regard the strength of the yevenida is greater than the strength of the husband? It means to say that if the original husband was a deaf-mute from the outset, i.e., before consummating the marriage, she would not have been allowed to partake of teruma, whereas if the yevenida was a deaf-mute from the outset she may partake of teruma once they perform levirate marriage, because she had been fully married to the deceased brother.

And some say a different version of the dispute between Rav and Shmuel: If she was a yevenida from betrothal, i.e., her marriage with the deceased brother had never been completed, and she and the brother-in-law engaged in an inferior form of intercourse as described in the mishna, everyone agrees that she may not partake of teruma, as she did not partake of teruma in her husband’s lifetime.
When they disagree, it is with regard to a yavama from marriage. Rav says: She may partake of teruma as she was permitted to partake of teruma initially, while married to the deceased brother. And Shmuel says she may not partake of teruma, because when the Merciful One includes unwitting intercourse and considers it like intentional intercourse, it was only with regard to the matters stated in the chapter of levirate marriage, and for every other issue, no.

The Gemara raises a difficulty: Didn’t Rav Nahman say that Shmuel himself said: In any case where the woman’s marriage to her original husband entitles her to partake of teruma, intercourse with the yavam in one of the manners listed in the mishna also entitles her to partake of teruma? The Gemara answers: Emend the wording and say as follows: With regard to any act of intercourse through which the husband entitles her to partake of teruma, a yavam also entitles her to partake of teruma; and with regard to any act of intercourse through which the husband does not entitle her to partake of teruma, a yavam also does not entitle her to partake of teruma. Just as betrothal cannot be performed via an unwitting act of intercourse, this act does not entitle a yavama to partake of teruma.

The Gemara raises an objection from the following baraita: In the case of a mentally competent daughter of an Israelite who was betrothed to a competent priest, and he did not have a chance to marry her before he became a deaf-mute and was no longer mentally competent, she may not partake of teruma. If the deaf-mute husband subsequently died, and the yavam happened before a deaf-mute yavam for levirate marriage, she may partake of teruma. And in this regard the strength of the yavam is greater than the strength of the husband. Granted, according to Rav, he can answer as Shmuel answered initially, i.e., according to the first version of the dispute between Rav and Shmuel. However, according to Shmuel, it is difficult. The Gemara concludes: Indeed, it is difficult.

§ The Sages taught: In the case of a mentally competent daughter of an Israelite who was betrothed to a mentally competent priest, and he did not have a chance to marry her before he became a deaf-mute and was no longer mentally competent, she may not partake of teruma. If a son was born to her from this priest, she may partake of teruma on account of her son. If the son died, Rabbi Natan says she may continue to partake of teruma, and the Rabbis say she may not continue to partake of teruma.

The Gemara asks: What is the reasoning of Rabbi Natan? Rabba said: Since she has already partaken of teruma in a permitted manner, she may continue. Abaye said to him: However, if that is so, in the case of the daughter of an Israelite who was married to a priest, and he died childless, she should be entitled to partake of teruma, as she has already partaken of it in the past. Rather, it must be that since he has passed away, his priestly sanctity has left her, and she is considered a regular Israelite in all regards. Here too, since the son has passed away, his priestly sanctity has left her, and therefore she should not be entitled to partake of teruma. Rabba’s explanation should consequently be rejected.

Rather, Rav Yosef said: Rabbi Natan holds that the marriage of a deaf-mute who was competent when he betrothed his wife entitles her to partake of teruma, and we do not issue a decree against the wife partaking of teruma through marriage to a deaf-mute due to the case of betrothal to a deaf-mute. Although the betrothal of a deaf-mute does not take effect, his consummation of a marriage does take effect and entitles his wife to partake of teruma. Abaye said to him: If so, why do I need the baraita to specify that a son was born to her? She should be entitled to eat teruma even if she did not have a son. Rav Yosef responded: That case is mentioned due to the opinion of the Rabbis, who hold that she is entitled to partake of teruma only if she has a child.
The wife of an Israelite who was raped – אשת ישראל שנאסה: Several of the dilemmas raised in this passage are related to defining who is considered a zonah and is therefore forbidden to a priest. It was clear to the Sages that the halakhic category of zonah does not refer to a prostitute, as it does in both biblical and modern Hebrew. It refers instead to a woman who had intercourse with a man whom it is prohibited for her to marry, and with whom an act of betrothal would be ineffective. There is room to suggest a difference in this regard between a married woman and other forbidden relationships. In the case of other forbidden relationships, the woman is prohibited to the man due to her personal status, either because she is his close relative or because she is Jewish and he is not. In the case of a married woman, the prohibition stems from the marital bond, which is itself initially dependent upon her consent. Furthermore, this tie can be broken through the death of the husband or their divorce. Consequently, adultery is an act of infidelity on the part of a woman toward her husband, and a married woman who was raped is not prohibited to her husband, as she was not unfaithful to him. One might therefore have assumed that just as the woman is permitted to her husband, she is not considered a zonah, and it is permitted for her to marry a priest if she becomes a widow (see Tosafot and Tosafot Yeshanim).

Abaye asks further: And let Rabbi Natan disagree with them in the first clause of the baraita as well. Rav Yosef responds: Rabbi Natan left the Rabbis until they finished their statement, and then disagreed with them with regard to their entire statement. The Gemara asks: If so, let the baraita first teach that if the son died she may not partake of teruma, and subsequently state: Rabbi Natan said she may eat. Why is Rabbi Natan’s opinion mentioned before the Rabbis finished stating their opinion? The Gemara concludes: Indeed, this is difficult according to Rav Yosef.

It was taught in the mishna: And so too, one who had intercourse with any one of those with whom relations are forbidden by the Torah in any form is liable to receive punishment. Rav Amram said: This matter was said to us by Rav Sheshet,

Perek VI
Daf 56 Amud b

HALAKHA

The wife of an Israelite who was raped – אשת ישראל שנאסה: If the wife of an Israelite was raped, she is permitted to her husband. However, if her husband dies, she is forbidden to a priest, in accordance with the ruling of Rav Sheshet (Rambam Sefer Kedusha, Hilkhot Issurei Bi’ah 18:8, Shulhan Arukh, Even HaEzer 6:11).

What is the meaning of the phrase: And so too? What, is it not that it is no different whether they have intercourse unwillingly or intentionally, and it is no different whether they have intercourse due to coercion or willingly? And it is taught that he has rendered her disqualified from marrying a priest.

The Gemara refutes this proof: No, what is the meaning of the phrase: And so too? It is referring to the initial stage of intercourse, as this too invalidates her. The Gemara asks: The initial stage of intercourse of whom? If we say it is referring to those with whom relations are prohibited and carry a punishment of karet or death [arayot], is this to say that the halakha with regard to those with whom relations are prohibited is derived from the halakha with regard to a yevama, as implied by the phrase: And so too? On the contrary, we derive the halakha of a yevama from the halakha with regard to those with whom relations are prohibited, as the main source that indicates that the initial stage of intercourse is considered intercourse is stated in the context of those with whom relations are prohibited and not in the context of a yevama.

Rather, what is the meaning of the phrase: And so too? It is referring to atypical, i.e., anal, sexual intercourse with those with whom relations are prohibited [arayot]. The Gemara rejects this suggestion: On the contrary, the main source that atypical intercourse is considered intercourse, which is based upon the verse “The cohabitations of a woman” (Leviticus 18:22) is written with regard to those with whom relations are prohibited [arayot].

Rather, what is the meaning of the phrase: And so too? It is referring to atypical intercourse by those liable for violating an ordinary prohibition not punishable by karet, with regard to whom the expression: The cohabitations of a woman, does not appear. In any event, Rav Sheshet’s proof from the mishna is not conclusive.
Rava said: With regard to the wife of a priest who was raped, her husband is flogged if he later has intercourse with her, due to the fact that it is prohibited for a priest to have intercourse with a zona. The Gemara expresses surprise. Due to the prohibition prescribing a zona, yes; due to ritual impurity, no? The Torah refers to a married woman who has had intercourse with another man as ritually impure, and she is forbidden to her husband. The Gemara emends Rava’s statement. Say that he is also flogged due to the prohibition with regard to a zona.

Rabbi Zeira raised an objection based upon a verse with regard to a zona: “And neither was she taken” (Numbers 5:13) indicates that she is forbidden to her husband because she willingly committed adultery, but if she was forcibly taken, i.e., raped, she is permitted to her husband. The term “And…she” indicates that although these principles apply in this case, you have another case of a woman who is prohibited even though she was forcibly taken. And which is this? This is the wife of a priest.

And a prohibition that stems from a positive mitzva, e.g., the prohibition prescribing a priest’s wife to her husband if she has been raped, which is derived from the fact that the Torah indicates that the wife of an Israelite remains permitted, has the status of a positive mitzva, not a prohibition. Consequently, one should not be flogged for this offense, as one is flogged only for violating a prohibition.

Rabba said in response: All married women who engaged in extramarital intercourse were included in the category of zona. When the verse specified with regard to the wife of an Israelite: “And neither was she taken,” as it is only in that case that she is forbidden, it thereby indicates that if in fact she was forcibly taken, she is permitted. By inference, unlike the wife of an Israelite, the wife of a priest remains as she was. Since the Torah does not limit the category of zona with regard to the wife of a priest, she is considered a zona even if she was raped.

And some say a different version of this discussion. Rabba said: With regard to the wife of a priest who was raped, her husband is flogged for having intercourse with her due to her ritual impurity. The Gemara asks: Due to ritual impurity, yes; due to the prohibition prescribing a zona, no? Apparently, in a case of rape, the victim is not called a zona.

Rabbi Zeira raised an objection from the verse: “And neither was she taken” indicates that she is forbidden to her husband because she willingly committed adultery, but if she was forcibly taken, she is permitted to her husband. The term: “And…she,” indicates that although these principles apply in this case, you have another case of a woman who is forbidden even though she was forcibly taken. And which is this? This is the wife of a priest. And a prohibition that stems from a positive mitzva has the status of a positive mitzva, not a prohibition. Consequently, one should not be flogged for this offense, as one is flogged only for violating a prohibition.

Rava said: All were included in the verse “Her former husband, who sent her away, may not take her again to be his wife after she was made ritually impure” (Deuteronomy 24:4). When the verse specified with regard to the wife of an Israelite: “And neither was she taken,” as it is only in that case that she is forbidden, it thereby indicates that if she was forcibly taken she is permitted. By inference, the wife of a priest remains as she was, and she is forbidden.
A widow to a High Priest, etc. — If a widow is betrothed to a High Priest, or a divorcée is betrothed to a priest, even if they are daughters of priests, they may not partake of teruma. This is in accordance with the opinion of Rabbi Meir. If they were then widowed or divorced before completing the marriage, they may once again partake of teruma. However, if their marriage to the priest was consummated, they are halalat and are permanently disqualified from partaking of teruma (Rambam Sefer Zera'im, Hilkhot Terumot 7:21).

A priest with crushed testicles who betrothed a valid woman — If a priest with crushed testicles betrothed a woman, even if she is the daughter of a priest, she may not partake of teruma (Rambam Sefer Zera'im, Hilkhot Terumot 7:14).

In a case where these women were widowed or divorced, if it was from marriage, they are disqualified from the priesthood and may not partake of teruma. This is because a woman prohibited from marrying a priest who has intercourse with a priest becomes a halala, and is thereby disqualified from partaking of teruma. However, if they were widowed or divorced from their state of betrothal, they are once again fit to partake of teruma according to all opinions.

MISHNA

A widow to a High Priest,3 a divorcée, or a haluta to a common priest, even if they had only engaged in betrothal and had not yet had intercourse, may not partake of teruma. Since they are forbidden to the men who betrothed them, the betrothal itself disqualifies them from the privileges of priesthood even if they are the daughters of priests. Rabbi Elazar and Rabbi Shimon declare them fit to partake of teruma. Since the prohibition is violated through the act of intercourse and not betrothal, the women are disqualified only once they have intercourse.

GEMARA

It is taught in a baraita that Rabbi Meir said: This is an a fortiori inference: Just as optional betrothal, e.g., in the case of an Israeliite who betroths the daughter of a priest, does not entitle her to partake of teruma, as her betrothal to a non-priest disqualifies her from partaking of her father’s teruma, is it not all the more so true in a case of betrothal that constitutes a transgression, as in the cases in the mishna?

They said to him: No, if you say that this is true with regard to an Israeliite, whose status cannot entitle her to partake of teruma in another case, as one betrothed to an Israeliite may never partake of teruma, shall you also say that this is the case with regard to betrothal to a priest that constitutes a transgression, where his status does entitle her to partake of teruma in a different case, as marriage to a priest entitles a woman to partake of teruma in a case where it is permitted for them to marry?

Rabbi Elazar said that Rabbi Oshaya said: In the case of a priest with crushed testicles or with other wounds to his genitals who betrothed the daughter of an Israeliite, which is prohibited by the verse “He that is crushed or maimed shall not enter into the congregation of the Lord” (Deuteronomy 23:2), we have arrived at the dispute between Rabbi Meir on the one hand and Rabbi Elazar and Rabbi Shimon on the other.

According to Rabbi Meir, who said that a woman who is reserved for intercourse that is invalid, i.e., prohibited, by Torah law may not partake of teruma, this one may also not partake of teruma, as it is prohibited by Torah law for her to have intercourse with a man with crushed testicles. According to Rabbi Elazar and Rabbi Shimon, who say that a woman who is reserved for intercourse that is invalid by Torah law may partake of teruma until she actually engages in the prohibited act of intercourse, this one may also partake of teruma until that time. The Gemara refutes this argument. From where do we know that this is correct? Perhaps Rabbi Elazar and Rabbi Shimon stated their opinion there only with regard to a priest whose status can entitle her to partake of teruma in another case, but here, in the case of a priest with crushed testicles, whose status cannot entitle her to partake of teruma in another case, as it is forbidden for him to marry a woman who was born Jewish, no, they did not state their opinion.