

When Rav Dimi came – **כִּי אָתָּא רַב דִּימִי** – Rav Dimi was one of the Sages who would often travel from Eretz Yisrael to Babylonia, primarily to transmit the Torah of Eretz Yisrael to the Torah centers of the Diaspora, although occasionally he traveled on business as well. Consequently, many questions, particularly those concerning the Torah of Eretz Yisrael, remained unresolved until the messenger from Zion, Rav Dimi, would arrive and elucidate the *halakha*, the novel expression, or the unique circumstances pertaining to a particular statement that required clarification.

HALAKHA

What is the initial stage of intercourse – **מִהָּיָא הָעֲרָאָה** – The initial stage of intercourse is the insertion of the corona. Anything less than this is called mere external contact, for which one is exempt. The *halakha* is in accordance with the opinion of Ravin and Rav Shmuel bar Yehuda in the name of Rabbi Yoḥanan (Rambam *Sefer Kedusha, Hilkhhot Issurei Bia* 1:10; *Shulḥan Arukh, Even HaEzer* 20:1, and in the comment of Rema; see *Beit Shmuel*).

HALAKHA

What does it mean that he has acquired his *yevama* – **מֵאִי קָנָה**: If a priest performed a deficient act of intercourse with his *yevama*, meaning that he did not intend to thereby perform levirate marriage, and she had merely been betrothed to the deceased brother, she may not 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 Zera'im, Hilkhhot Terumat* 8:6; *Shulḥan Arukh, Even HaEzer* 166:9).

כִּי אָתָּא רַב דִּימִי אָמַר רַבִּי יוֹחָנָן: הָעֲרָאָה – זֶה הַכְּנָסַת עֲטָרָה. אָמְרוּ לֵיהּ: וְהָא רַבָּה בַּר בַּר חָנָה לֹא אָמַר דְּכִי אָמַר לָהּ: אוֹ אִיהוּ שְׁקָרָאִי אוֹ אֲנָא שְׁקָרִי.

When Rav Dimi came^b from Eretz Yisrael he said that Rabbi Yoḥanan said: The definition of the initial stage of intercourse is the insertion of the corona. They said to him: But Rabba bar bar Ḥana did not say so, as he taught that Rabbi Yoḥanan said that the insertion of the corona constitutes a complete act of sexual intercourse and is not considered merely the initial stage of intercourse. He said to them: Either he lied or I am lying. There is clearly a contradiction, and one of us cited Rabbi Yoḥanan's opinion incorrectly.

כִּי אָתָּא רַבִּין אָמַר רַבִּי יוֹחָנָן: הָעֲרָאָה זֶה הַכְּנָסַת עֲטָרָה. אֲדַרְבֵּה בַּר בַּר חָנָה – וְדָאִי פְּלִיגִי אֲדִשְׁמוּאֵל מִי לִימָא פְּלִיגִי!?

When Ravin came from Eretz Yisrael he said that Rabbi Yoḥanan said: The definition of the initial stage of intercourse is the insertion of the corona. The Gemara comments: He certainly disagrees with Rabba bar bar Ḥana, who cited Rabbi Yoḥanan 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?

לֹא, מִנְשִׁיקָה וְעַד הַכְּנָסַת עֲטָרָה – הָעֲרָאָה קָרִי לָהּ.

The Gemara responds: No; it is possible that there is no dispute between them, and Ravin said that Rabbi Yoḥanan 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.

כִּי אָתָּא רַב שְׁמוּאֵל בַּר יְהוּדָה אָמַר רַבִּי יוֹחָנָן הָעֲרָאָה – זֶה הַכְּנָסַת עֲטָרָה, אָמַר בֵּיאָה – אָמַר בֵּיאָה מִמֶּשׁ.

When Rav Shmuel bar Yehuda came from Eretz Yisrael he reported that Rabbi Yoḥanan said: The definition of the initial stage of intercourse is the insertion of the corona,^h 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.

Perek VI

Daf 56 Amud a

מִכַּאן וְאֵילָךְ אֵינוֹ אֶלָּא נְשִׁיקָה, וְפִטוּר עָלֶיהָ. וְפְלִיגִי אֲדִשְׁמוּאֵל.

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.

“אֶחָד הַמְעַרָה וְאֶחָד הַגּוֹמֵר קָנָה.” מֵאִי קָנָה? רַב אָמַר: קָנָה לְכָל. וְשְׁמוּאֵל אָמַר: לֹא קָנָה אֶלָּא לְדִבְרִים הָאֲמֹרִים בַּפֶּרֶשָׁה: לִירֵשׁ בְּנִכְסֵי אָחִיו, וּלְפֹטְרָה מִן הַיְבָמוֹת.

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*?^{nh} 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 Shmuel said he has only acquired her with regard to the matters stated in the chapter of levirate marriage, i.e., to inherit his brother's property and to exempt her from levirate marriage if he then dies and leaves behind children from another wife.

NOTES

What does it mean that he has acquired his *yevama* – **מֵאִי קָנָה**: The commentaries disagree over the meaning of this passage. According to *Tosafot*, the Ramban, and the Rashba, the discussion concerns a case in which his intercourse was deficient because he did not intend thereby to perform levirate marriage. However, if he intended to perform levirate marriage and engaged only in the initial stage of intercourse, all agree that they are fully married, as this is considered a complete act of intercourse.

Conversely, the Rif apparently understood that the discussion also applies to anyone who performs only the initial stage of intercourse. The Rambam explicitly endorses this opinion as well.

According to this opinion, when the Gemara mentions unwitting and intentional intercourse, it is merely citing examples, but does not mean to exclude the case of one who performs only the initial stage of intercourse (Rabbi Avraham min HaHar). The *Arukh LaNer* claims that the Rif is consistent with his opinion above (see NOTES to 55b) that the initial stage of intercourse consummates a marriage only if the woman had previously been betrothed to the man. Consequently, the *amora'im* here dispute whether the levirate bond is sufficiently strong to allow the levirate marriage to be consummated via the initial stage of intercourse.

Say as follows: If he did not have a chance, etc. – *אימא הכי: ולא הספיק וכו'*. Shmuel does not mean to say that the *baraita* is incomplete. Rather, he understands that when the *baraita* states that the woman may partake of *teruma* if her first husband died and the woman happens before her *yavam* for levirate marriage, it means that if she had already been married to her first husband before he died, she may partake of *teruma* after performing levirate marriage with her deaf-mute *yavam*. The case is not comparable to one where she had merely been betrothed to her first husband (Ritva).

מן הנשואין לדברי הכל אכלה, דהא הוה קאכלה מעיקרא. פי פליגי – מן האירוסין. רב אמר: אוכלת, דהא רבי רחמנא ביאת שוגג במזיד.

ושמואל אמר: כי רבי רחמנא – לאוקמיה במקום בעל, לאלומי מבעל – לא.

ואודא שמואל לטעמיה, דאמר רב נחמן אמר שמואל: כל שהבעל מאכיל – יבם מאכיל, וכל שאין הבעל מאכיל – יבם אינו מאכיל.

מיתבי: בת ישראל פקחת שנתארסה לכהן פקח, ולא הספיק לכונסה עד שנתחרש – אינה אוכלת. מת, ונפלה לפני יבם חרש – אוכלת. ובזו יפה כח היבם מכח הבעל.

בשולמא לרב – נחא, אלא לשמואל – קשיא!

אמר לך שמואל: אימא הכי: ולא הספיק לכונסה עד שנתחרש – אינה אוכלת בתרומה. כנס ואחר כך נתחרש – אוכלת, מת ונפלה לפני יבם חרש – אוכלת.

ומאי "בזו" דאילו בעל חרש מעיקרא – לא אוכלת, ואילו יבם חרש מעיקרא – אכלה.

ואיבא דאמרי: מן האירוסין – דברי הכל לא אכלה, דהא לא אכלה בחיי בעל.

The Gemara adds: If she was a *yevama* 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 *yevama* 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 *yavam* 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 *yavam* 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 *yavam* 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 *yevama* 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 Rav, this works out well, as intercourse with the deaf-mute *yavam*, 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 *yavam* 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 chanceⁿ 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 *yavam* for levirate marriage, she may partake of *teruma*.

And what is the meaning of the phrase: In this regard the strength of the *yavam* 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 *yavam* 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 *yevama* 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.

A mentally competent woman who married a priest and he became a deaf-mute, etc. – פקחת שגשגה – לכהן ונתחרש וכו': If a woman from a non-priestly family was betrothed to a priest, and before they were fully married he became a deaf-mute and was no longer mentally competent, she may not partake of *teruma*. If he died and she performed levirate marriage with her deaf-mute *yavam*, she still may not partake of *teruma*. However, if her first husband married her and only then became a deaf-mute, she may partake of *teruma*. If he then died and she performed levirate marriage with her deaf-mute *yavam*, she may partake of *teruma* (Rambam *Sefer Zera'im, Hilkhoh Terumat* 8:10).

If a son was born to her – גולד לה בן – If a priest was a deaf-mute when he married, his wife may not partake of *teruma*. Nevertheless, if she has a child, she may partake of *teruma* on his account (Rambam *Sefer Zera'im, Hilkhoh Terumat* 8:10).

NOTES

However, according to Shmuel it is difficult – אלא – לשמואל קשיא: Even so, Shmuel's opinion is not entirely refuted, as even according to Rav, the text of the *baraita* must be adjusted or interpreted in a manner that is not immediately obvious. Therefore, Shmuel's opinion cannot be rejected by dint of a *baraita* of questionable reliability (Ritva; see *Keren Ora*).

כי פליגי – מן הנשואין. רב אמר: אוכלת, דהא הות אכלה מעיקרא. ושמואל אמר: אינה אוכלת, כי רבי רחמנא ביאת שוגג כמזיד – לדברים האמורים בפרשה, אבל לכל מילי – לא.

והאמר רב נחמן אמר שמואל: כל שהבעל מאכיל – יבם מאכיל! אימא: כל ביאה שהבעל מאכיל בה – יבם מאכיל בה – וכל ביאה שאין הבעל מאכיל בה – אין היבם מאכיל בה.

מיתבי בת ישראל פקחת שנתארסה לכהן פקח, ולא הספיק לבונסה עד שנתחרש – אינה אוכלת. מת ונפלה לפני יבם חרש – אוכלת, ובזו יפה כח יבם מכח בעל. בשלמא לרב – מתוך כדתיין מעיקרא. אלא לשמואל קשיא! קשיא.

תנו רבנן: בת ישראל פקחת שנתארסה לכהן פקח, ולא הספיק לבונסה עד שנתחרש – אינה אוכלת, גולד לה בן – אוכלת. מת הבן, רבי נתן אומר: אוכלת, וחכמים אומרים: אינה אוכלת.

מאי טעמא דרבי נתן? אמר רבה: הואיל שכתב אכלה. אמר ליה אביי: אלא מעתה בת ישראל שניסת לכהן ומית ליה – תיכול שכתב אכלה! אלא, בין דמית ליה פקע ליה קדושתיה מינה – דכא נמי, בין דמית ליה פקע קדושתיה מינה!

אלא אמר רב יוסף: קסבר רבי נתן נשואי חרש מאכילין בתרומה, ולא גזרינן נשואי חרש אטו קדושי חרש. אמר ליה אביי: אי הכי, גולד לה בן למה לי משום רבנן.

When they disagree, it is with regard to a *yevama* 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, but 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 *yevama* 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 *yevama* happened before a deaf-mute *yavam* for levirate marriage, she may partake of *teruma*.^h 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.ⁿ 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^h 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 allowed 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.

וְלִפְלוֹג רַבִּי נָתַן עֲלֵיהֶוּ בְּרִישָׁא – שְׂבִיק
 לָהּ לְרַבָּנָן עַד דְּמַסְיָמִי מִלְתִּייהוּ, וְהָדָר
 פְּלִיג עֲלֵיהֶוּ. אִי הָכִי לִיתֵינִי: מִת הֵבֵן
 אֵינָה אוֹכֵלֶת, רַבִּי נָתַן אוֹמֵר: אוֹכֵלֶת!
 קָשְׁיָא.

”וְכֵן הִבָּא עַל אַחַת מִכָּל הָעֵרְוֹת.”
 אָמַר רַב עֲמֵרָם: הָא מִלְתָּא אָמַר לָן רַב
 שֵׁשֶׁת,

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,**

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 Daf 56 Amud b

NOTES

The wife of an Israelite who was raped – אֶשֶׁת יִשְׂרָאֵל – שְׂנֵאָנְסָה: Several of the dilemmas raised in this passage are related to defining who is considered a *zona* and is therefore forbidden to a priest. It was clear to the Sages that the halakhic category of *zona* 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 *zona*, and it is permitted for her to marry a priest if she becomes a widow (see *Tosafot* and *Tosafot Yeshanim*).

HALAKHA

The wife of an Israelite who was raped – אֶשֶׁת יִשְׂרָאֵל – שְׂנֵאָנְסָה: 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 Bia* 18:8; *Shulhan Arukh*, *Even HaEzer* 6:11).

וְאִנְהִירֵנָהּוּ לְעֵינֵינוּ מִמַּתְנִיתֵינוּ: אֶשֶׁת
 יִשְׂרָאֵל שְׂנֵאָנְסָה, אִף עַל פִּי שְׂמוֹתֶיהָ
 לְבַעֲלָהּ – פְּסוּלָה לְכַהֲנָה. וְתַנָּא
 וְתַנָּא: וְכֵן הִבָּא עַל אַחַת מִכָּל הָעֵרְוֹת
 הָאֲמֻרוֹת בְּתוֹרָה, אוֹ פְּסוּלוֹת.

מָאִי ”וְכֵן”? מָאִי לָאוּ: לֹא שְׂנָא בְּשׁוּגָג
 וְלֹא שְׂנָא בְּמִזְדִּיק וְלֹא שְׂנָא בְּאוֹנֵס וְלֹא
 שְׂנָא בְּרִצּוֹן. וְקַתְנֵי ”פְּסוּלָה”.

לֹא. מָאִי ”וְכֵן” – אַהֲעֵרָאָה. הָעֵרָאָה
 דְּמָא? אֵילֵימָא דְּעֵרְוֹת – לְמִימָרָא
 דְּעֵרְוֹת יִלְפִינָן מִיבְּמָה? אֲדַרְבָּהּ, יבְּמָה
 יִלְפִינָן מִעֵרְוֹת, דְּעֵיקָר הָעֵרָאָה בְּעֵרְוֹת
 כְּתִיב!

אֵלָּא מָאִי ”וְכֵן” – אֵשְׁלָא כְּדַרְכָּה
 דְּעֵרְוֹת – אֲדַרְבָּהּ, עֵיקָר ”מִשְׁכְּבֵי אִשָּׁה”
 בְּעֵרְוֹת כְּתִיב?

אֵלָּא מָאִי ”וְכֵן” אֵשְׁלָא כְּדַרְכָּה דְּחֵיבֵי
 לְאוּיָן.

and he illuminated our eyes from the mishna, i.e., he demonstrated that the mishna serves as the basis for his opinion: With regard to the wife of an Israelite who was raped,^{NH} although she is permitted to her husband, she is disqualified for the priesthood. Therefore, if her husband dies, she may not marry a priest. And the *tanna* of our mishna also taught: **And so too**, in the case of one who had intercourse with any one of those with whom relations are forbidden [*arayot*] by the Torah or with those who are unfit to marry him even though they are not in the category of *arayot*, the woman is disqualified from marrying a priest.

What is the meaning of the phrase: **And so too**? What, is it not that it is no different whether they have intercourse unwittingly 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 – אָמַר רַבָּא – Other versions of the text attribute this statement to Rabba, which seems to be more consistent with the Gemara's ensuing discussion.

Due to ritual impurity – מִשּׁוּם טוּמְאָה: This prohibition is derived from two sources. The first is a verse with regard to a *sota*: “And she was made ritually impure” (Numbers 5:13). Second, the Torah states with regard to a divorced woman who was remarried and then divorced from her second husband: “Her former husband, who sent her away, may not return to take her to be his wife after she was made ritually impure” (Deuteronomy 24:4). The Sages explain (see *Nidda* 11b) that this verse also renders prohibited a married woman who had intercourse with another man (see *Tosefot HaRosh*).

All married women who engaged in extramarital intercourse were included in the category of *zona* – הַבֵּל הָיָה בְּכֻלָּי זוֹנָה: The commentaries are puzzled by this statement. Since a *zona* is forbidden only to a priest, what does it mean that initially the wife of an Israelite who was raped would also have been considered a *zona*, implying that she would have been prohibited to her husband, had the verse not excluded her from this prohibition? The *Tosefot HaRosh* explains that initially the wife of an Israelite was considered a *zona*, and was also prohibited to her husband due to becoming ritually impure. The Torah indicates that she is not prohibited to him if she was raped, but she remains classified as a *zona* and is prohibited to a priest. Consequently, the wife of a priest is also classified as a *zona* if she was raped, and therefore she is forbidden to her husband (see *Rashba*).

HALAKHA

אֵשֶׁת כֹּהֵן שְׁנֵאֲנֶסָה – אֵשֶׁת כֹּהֵן שְׁנֵאֲנֶסָה: The wife of a priest who was raped is forbidden to her husband. If he engages in intercourse with her, he is flogged for violating the prohibition against having intercourse with a *zona* (*Mishne LaMelekh*), in accordance with the first version of Rabba's statement (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:7; *Shulhan Arukh*, *Even HaEzer* 6:10).

אָמַר רַבָּא: אֵשֶׁת כֹּהֵן שְׁנֵאֲנֶסָה – בְּעֵלָה – לֹקְחָהּ עָלֶיהָ מִשּׁוּם זוֹנָה. מִשּׁוּם זוֹנָה – אִין, מִשּׁוּם טוּמְאָה – לֹא? אִימָא: אַף מִשּׁוּם זוֹנָה.

מְתִיב רַבִּי זִירָא: “וְהָיָה לֹא נִתְפָּשָׂה” – אִסּוּרָה, הָא נִתְפָּשָׂה – מוֹתֶרֶת, וְיִשׁ לֶךְ אַחֲרֵת שְׂאֵף עַל פִּי שְׁנֵתְפָּשָׂה – אִסּוּרָה, וְאִיזוּ זוּ – זוּ אֵשֶׁת כֹּהֵן, וְלֹא הָבָא מִכְּלָל עֲשֵׂה – עֲשֵׂה!

Rabbi Zeira raised an objection based upon a verse with regard to a *sota*: “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 proscribing 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.

אָמַר רַבָּא: הַבֵּל הָיָה בְּכֻלָּל זוֹנָה, בְּשִׁפְטָה לֶךְ הַכֹּתוּב גַּבֵּי אֵשֶׁת יִשְׂרָאֵל “וְהָיָה לֹא נִתְפָּשָׂה” אִסּוּרָה, הָא נִתְפָּשָׂה – מוֹתֶרֶת, מִכְּלָל דְּאֵשֶׁת כֹּהֵן – בְּדִקְוֵימָא קִימָא.

Rabba said in response: All married women who engaged in extramarital intercourse were included in the category of *zona*.^N 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.

וְאִיכָא דְאָמְרִי, אָמַר רַבָּא: אֵשֶׁת כֹּהֵן שְׁנֵאֲנֶסָה – בְּעֵלָה לֹקְחָהּ עָלֶיהָ מִשּׁוּם טוּמְאָה. מִשּׁוּם טוּמְאָה – אִין, מִשּׁוּם זוֹנָה – לֹא, אִלְמָא: בְּאֻנְסָה לֹא קְרִינָא בֵּיהּ זוֹנָה.

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 proscribing a *zona*, no? Apparently, in a case of rape, the victim is not called a *zona*.

מְתִיב רַבִּי זִירָא: “וְהָיָה לֹא נִתְפָּשָׂה” – אִסּוּרָה, הָא נִתְפָּשָׂה – מוֹתֶרֶת, וְיִשׁ לֶךְ אַחֲרֵת שְׂאֵף עַל פִּי שְׁנֵתְפָּשָׂה אִסּוּרָה, וְאִיזוּ זוּ – אֵשֶׁת כֹּהֵן, וְלֹא הָבָא מִכְּלָל עֲשֵׂה – עֲשֵׂה!

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.

אָמַר רַבָּא: הַבֵּל הָיָה בְּכֻלָּל “אַחֲרֵי אֲשֶׁר הִטְמֵאָה”, בְּשִׁפְטָה לֶךְ הַכֹּתוּב גַּבֵּי אֵשֶׁת יִשְׂרָאֵל “וְהָיָה לֹא נִתְפָּשָׂה” אִסּוּרָה הָא נִתְפָּשָׂה – מוֹתֶרֶת, מִכְּלָל דְּאֵשֶׁת כֹּהֵן בְּדִקְוֵימָא קִימָא.

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.

BACKGROUND

Zona – זוֹנָה: In halakhic terms, the category of *zona* refers to a woman who has had sexual relations with a man forbidden to her by the Torah, with whom she cannot establish a marriage bond. Furthermore, it is prohibited for a woman who is catego-

rized as a *zona* to thereafter marry a priest or remain married to one (Leviticus 21:7). There is no connection between the halakhic definition of this term and its everyday usage in modern Hebrew.

A widow to a High Priest, etc. – אֶלְמִנָּה לְבָהֵן גְּדוּל וְכוּ' – 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 *halalot* and are permanently disqualified from partaking of *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumat 7:21*).

A priest with crushed testicles who betrothed a valid woman – פְּצוּעַ דְּכָא כְהֵן שְׁקֵדֵשׁ בְּיָרֵה – 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 Terumat 7:14*).

NOTES

Halala – חֵלְלָה: If it is forbidden for a woman to marry a regular priest or a High Priest and she engages in sexual intercourse with him, she is rendered a *halala*. A woman is also considered a *halala* if she is born from the union of a priest and a woman who is forbidden from marrying a priest; or if she is the wife or daughter of a *halal*, which is a son born from the union of a priest and a woman who is forbidden from marrying a priest. It is prohibited for a *halala* to marry a priest or partake of *teruma*.

A priest with crushed testicles who betrothed the daughter of an Israelite – פְּצוּעַ דְּכָא כְהֵן שְׁקֵדֵשׁ בֵּת יִשְׂרָאֵל – Virtually all the commentaries prefer Rabbeinu Hanel's reading: A priest with crushed testicles who betrothed the daughter of a priest (see *Tosafot*).

מתני' אֶלְמִנָּה לְבָהֵן גְּדוּל, גְּרוּשָׁה וְחִלּוּצָה לְבָהֵן הַדְּיוּט מִן הָאִירוּסִין – לֹא יֹאכְלוּ בְּתֻרֻמָּה, רַבִּי אֶלְעָזָר וְרַבִּי שְׁמַעוֹן מְכַשְׁרִין.

נִתְאַרְמְלוּ אוֹ נִתְגַּרְשׁוּ, מִן הַנְּשׂוּאִין – פְּסוּלוֹת, מִן הָאִירוּסִין – כְּשֵׁרוֹת.

גַּמְ' תִּנְיָא, אָמַר רַבִּי מֵאִיר: קַל וְחֹמֶר, וּמָה קְדוּשֵׁי רְשׁוֹת – אֵין מְאָכִילִין, קְדוּשֵׁי עֲבִירָה – לֹא כָּל שְׁבָן?!

אָמְרוּ לוֹ: לֹא, אִם אָמַרְתָּ בְּקִדּוּשֵׁי רְשׁוֹת – שְׁבָן אֵין לוֹ לְהֶאֱכִיל בְּמָקוֹם אַחֵר, תֵּאמַר בְּקִדּוּשֵׁי עֲבִירָה – שְׁבָן יֵשׁ לוֹ לְהֶאֱכִיל בְּמָקוֹם אַחֵר.

אָמַר רַבִּי אֶלְעָזָר אָמַר רַבִּי אוֹשְׁעִיָּא: פְּצוּעַ דְּכָא כְהֵן שְׁקֵדֵשׁ בֵּת יִשְׂרָאֵל – בְּאֵנוּ לְמַחְלוּקַת רַבִּי מֵאִיר וְרַבִּי אֶלְעָזָר וְרַבִּי שְׁמַעוֹן.

לְרַבִּי מֵאִיר דְּאָמַר מִשְׁתַּמְרַת לְבִיָּאָה פְּסוּלָה דְּאוֹרֵייתָא לֹא אָכְלָה – הָא נִמִּי לֹא אָכְלָה, לְרַבִּי אֶלְעָזָר וְרַבִּי שְׁמַעוֹן דְּאָמְרֵי מִשְׁתַּמְרַת לְבִיָּאָה פְּסוּלָה דְּאוֹרֵייתָא אָכְלָה

MISHNA A widow to a High Priest,^H a divorcée, or a *halutz* 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.

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*,^N 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.

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 Israelite 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 Israelite, whose status cannot entitle her to partake of *teruma* in another case, as one betrothed to an Israelite 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 Israelite,^{HN} 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,

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הָא נִמִּי אָכְלָה. מִמָּאִי? דְּלִמָּא עַד כְּאֵן לֹא קְאָמְרֵי רַבִּי אֶלְעָזָר וְרַבִּי שְׁמַעוֹן הָתָם אֵלֹא דִּישׁ לוֹ לְהֶאֱכִיל בְּמָקוֹם אַחֵר, אָבֵל הָכָא, דְּאֵין לוֹ לְהֶאֱכִיל בְּמָקוֹם אַחֵר – לֹא.

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.