

לְרַבִּי מַעִיר דְּאָמַר קְדוּשֵׁין פְּסָלִי – חוּפָּה נִמְי פְּסָלָהּ, לְרַבִּי אֶלְעָזָר וְרַבִּי שְׁמַעוֹן דְּאָמְרֵי קְדוּשֵׁין לֹא פְּסָלִי – חוּפָּה נִמְי לֹא פְּסָלָהּ.

וּמַמַּאי? דְּלִמָּא עַד כְּאֵן לֹא קָאָמַר רַבִּי מַעִיר הֵתָם אֶלְא בְּקְדוּשֵׁין דְּקִנְיָ לָהּ. אֲבָל חוּפָּה דְּלֹא קִנְיָ לָהּ – לֹא.

אִי נִמְי, עַד כְּאֵן לֹא קָאָמְרֵי רַבִּי אֶלְעָזָר וְרַבִּי שְׁמַעוֹן הֵתָם – אֶלְא בְּקְדוּשֵׁין, דְּלֹא קְרִיבֵי לְבִיּאָה, אֲבָל חוּפָּה דְּקְרִיבָא לְבִיּאָה – הֵכִי נִמְי דְּפְסָלָהּ.

אֶלְא אִי אֵיכָא לְמִימַר – בְּפְלוּגְתָא דְּהִנְי תְּנַאֲי, דְּתַנַּי: נִשְׂאוּ זֶו זֶו, בְּשִׁרוֹת וּפְסוּלוֹת, אוּ שְׁנַבְנְסוּ לְחוּפָּה וְלֹא נִבְעֵלוּ – אוּכְלוֹת מְשֻׁלוּ וְאוּכְלוֹת בְּתְרוּמָה.

נִבְנְסוּ, מִכְּלָל דְּנִשְׂאוּ – נִשְׂאוּ מִמַּשֵּׁ?

אֶלְא לֹא – כְּגוֹן שְׁנַבְנְסוּ לְחוּפָּה וְלֹא נִבְעֵלוּ. וְקִנְיָ: אוּכְלוֹת מְשֻׁלוּ וְאוּכְלוֹת בְּתְרוּמָה.

רַבִּי יִשְׁמַעֵאל בְּנֵי שֵׁל רַבִּי יוֹחָנָן בֶּן בְּרוּקָה אָמַר: כָּל שְׂבִיּאָתָהּ מְאִכִּילָתָהּ – חוּפָּתָהּ מְאִכִּילָתָהּ, וְכָל שְׂאִין בִּיּאָתָהּ מְאִכִּילָתָהּ – אֵין חוּפָּתָהּ מְאִכִּילָתָהּ.

מַמַּאי? דְּלִמָּא רַבִּי יִשְׁמַעֵאל בְּנֵי שֵׁל רַבִּי יוֹחָנָן בֶּן בְּרוּקָה כְּרַבִּי מַעִיר סְבִירָא לֵיהּ, דְּאָמַר: קְדוּשֵׁין לֹא אֶכְלָהּ.

According to Rabbi Meir, who says that betrothal to a priest disqualifies a woman who is unfit to marry him from partaking of *teruma* even if she is the daughter of a priest, entering the wedding canopy with a priest also disqualifies her. Conversely, according to Rabbi Elazar and Rabbi Shimon, who say that betrothal does not disqualify her, entering the wedding canopy also does not disqualify her.

The Gemara refutes this claim: **And from where** do we know that these *tanna'im* would apply their opinions with regard to betrothal to entering the wedding canopy? **Perhaps Rabbi Meir only stated his opinion there, with regard to betrothal, which acquires her. However, in the case of a wedding canopy, which does not acquire her, no, she is not disqualified.**

Alternatively, perhaps Rabbi Elazar and Rabbi Shimon stated their opinion **only there, with regard to betrothal, as it is not close to an act of sexual intercourse. However, with regard to entering the wedding canopy, which is close to an act of sexual intercourse, as it is the place where the bride and groom are secluded together and symbolizes the woman's entrance into her husband's home, it is possible that it also disqualifies her from partaking of *teruma*.**

Rather, if it can be said that this issue was already discussed by earlier Sages, it was in the dispute between these other *tanna'im*, as it is taught in a *baraita*: **If they married one another, i.e., either a woman who is fit or a woman who is unfit married a priest, or they entered the wedding canopy and did not yet have intercourse with him, they are entitled to eat of his food and to partake of *teruma*.**

The Gemara interrupts its presentation of the *baraita* to examine its wording. The fact that the *baraita* mentions a case where **they entered** the wedding canopy but did not yet have intercourse proves **by inference** that the earlier case, where **they married**, is referring to **actual marriage**. However, this is difficult because if they were actually married and had engaged in intercourse, the woman who was unfit to marry a priest is certainly disqualified from partaking of *teruma* due to the prohibited act of intercourse.

Rather, is it not that the *baraita* is referring to a single case: **Where they were married, and they entered the canopy, and had not had intercourse? And it is taught** in the *baraita* that **they are entitled to partake of his food and to partake of *teruma***. This indicates that entrance into the wedding canopy does not disqualify a woman who is unfit to marry a priest from eating *teruma*, although the act of intercourse does.

The *baraita* continues: Conversely, Rabbi Yishmael, son of Rabbi Yohanan ben Beroka, says: **Any woman whose act of intercourse entitles her to partake of *teruma*, her wedding canopy also entitles her to partake of *teruma*; and any woman whose act of intercourse does not entitle her to partake of *teruma*, her wedding canopy also does not entitle her to partake of *teruma*.** Consequently, it appears that the *tanna'im* cited in this *baraita* disagree over the very question of whether the entry of a priest and a woman unfit to marry him into the wedding canopy has legal significance.

The Gemara refutes this claim: **From where** do we know that this is correct? **Perhaps Rabbi Yishmael, son of Rabbi Yohanan ben Beroka, holds in accordance with the opinion of Rabbi Meir, who said that in the case of the betrothal of a woman unfit for a priest she may not partake of *teruma*?**

Amen that I did not go astray while betrothed – אָמֵן שְׁטִיתִי אַרוֹסָה: These *halakhot* are apparently derived from the repetitive usage of the term amen in the phrase (Numbers 5:22): “And the woman shall say: Amen, amen” (see Rashi, Rivan, and *Tosafot*).

הָאֵי כָּל שְׂאִין בִּיאָתָהּ מֵאֲבִילָתָהּ אֵין חוֹפָתָהּ מֵאֲבִילָתָהּ? כָּל שְׂאִין בִּיאָתָהּ מֵאֲבִילָתָהּ אֵין בְּסָפָהּ מֵאֲבִילָתָהּ מִיִּבְעֵי לִיהָ! דְּלִמָּא, אֵיִדִּי דְאִמְר תְּנָא קִמָּא חוֹפָה – אִמְר אֵיהוּ נָמִי חוֹפָה.

אָמַר רַב עֲמֵרָם: הָא מִילְתָּא אָמַר לָן רַב שְׁשֶׁת, וְאִנְהֵרִינְהוּ לְעֵינֵין מִמִּתְנִיתֵין: יִשׁ חוֹפָה לְפִסּוּלוֹת, וְתִנָּא תוֹנָא: “אָמֵן שְׁלֵא שְׁטִיתִי אַרוֹסָה, וְנִשְׁוֹאָה, שׁוֹמֶרֶת יָבָם, וְכַנּוּסָה.”

הָאֵי אַרוֹסָה הֵיכִי דְמִי? אֵילִימָא דְקִנֵּי לָהּ כְּשֶׁהִיא אַרוֹסָה, וְקָא מְשָׁקָה לָהּ כְּשֶׁהִיא אַרוֹסָה – אַרוֹסָה בֵּת מְשִׁתֵּיא הִיא? וְהָא תַנּוּ: אַרוֹסָה וְשׁוֹמֶרֶת יָבָם לֹא שׁוֹתוֹת וְלֹא נוֹטְלוֹת כְּתוּבָה!

אֵלָא דְקִנֵּי לָהּ כְּשֶׁהִיא אַרוֹסָה, וְאִסְתַּתְרָה, וְקִמְשָׁקָה לָהּ כְּשֶׁהִיא נִשְׁוֹאָה – מִי בְּדָקִי לָהּ מִיָּא? וְהִתְנַיָּא: “וְנִקְהָ הָאִישׁ מִעֵוֹן בְּיָמֵן שְׁהָאִישׁ מְנוּקָה מִעֵוֹן הַמִּים בּוֹדְקִין אֶת אִשְׁתּוֹ, אֵין הָאִישׁ מְנוּקָה מִעֵוֹן – אֵין הַמִּים בּוֹדְקִין אֶת אִשְׁתּוֹ!”

The Gemara expresses surprise: According to this suggestion, **this expression in the *baraita* is difficult: Any woman whose act of intercourse does not entitle her to partake of *teruma*, her wedding canopy also does not entitle her to partake of *teruma*. It should have said: Any woman whose act of intercourse does not entitle her to partake of *teruma*, her betrothal money also does not entitle her to partake of *teruma*, as it was the betrothal that disqualified her.** The Gemara counters this argument: **Perhaps** it can be suggested that **since the first *tanna* said his ruling with regard to a wedding canopy, Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, also said his ruling with regard to a wedding canopy, even though he holds that she was already disqualified from the time of her betrothal.**

§ Rav Amram said: This matter was said to us by Rav Sheshet, and he illuminated our eyes from the mishna, i.e., he demonstrated that the mishna serves as the basis for his opinion. Rav Sheshet’s statement was as follows: **There is significance to a priest entering the wedding canopy with women who are unfit to marry a priest. And the *tanna* of the mishna also taught this *halakha* with regard to a *sota* (*Sota* 18a–b): When a *sota* is brought to the Temple to drink the bitter waters, she affirms the oath imposed on her by a priest that she has not committed adultery. The mishna explains that when she says **amen**, it is as though she herself states that: **I did not go astray while betrothed,^{NI} or married, or as a widow waiting for her *yavam*, or as a fully married woman.****

The Gemara inquires: **This case of a betrothed woman, what are the circumstances? If we say that he was jealous of her and warned her not to seclude herself with a particular man when she was betrothed, and he also causes her to drink the waters when she is betrothed, is a betrothed woman fit to drink the waters of a *sota*? Didn’t we learn in a mishna (*Sota* 23b): A betrothed woman and a widow waiting for her *yavam* do not drink,^H as the *halakha* of the *sota* waters applies only to married women; and they do not collect their marriage contract if they secluded themselves after being warned, as they have acted in a licentious fashion?**

Rather, the case in the first mishna cited above is **that he was jealous of her and warned her not to seclude herself with a particular man when she was betrothed, and she secluded herself with that man, and her husband causes her to drink when she is already married.** However, in that case **do the waters examine her? Isn’t it taught in a *baraita* with regard to the verse: “And the man shall be clear from iniquity, and that woman shall bear her iniquity” (Numbers 5:31), that when the man is clear of iniquity^H the waters examine his wife, but if the man is not clear of iniquity the waters do not examine his wife?** By secluding herself with the other man when she was betrothed, the woman rendered herself forbidden to her husband. If he then married her, he cannot be described as clear of iniquity, and therefore the *sota* waters are ineffective.

HALAKHA

אָמֵן שְׁלֵא – Amen that I did not go astray while betrothed, etc. – שְׁטִיתִי אַרוֹסָה וְכוּ: When a husband makes his wife drink the waters of a *sota*, he can extend her oath beyond the man he originally specified in his warning. Therefore, she must swear that she did not have intercourse with anyone other than her husband, including during the period of her betrothal. However, she may not be forced to swear that she was faithful while waiting for her *yavam* (Rambam *Sefer Nashim, Hilkhot Sota* 4:17).

A betrothed woman and a widow waiting for her *yavam* do not drink, etc. – אַרוֹסָה וְשׁוֹמֶרֶת יָבָם לֹא שׁוֹתוֹת וְכוּ: A betrothed

woman and a woman awaiting levirate marriage do not drink the bitter waters, even if they were warned about a particular man and they secluded themselves with him. Even if they want to drink the waters and their husbands also want them to, they may not do so. Rather, their husbands must divorce them, and they do not collect their marriage contract (Rambam *Sefer Nashim, Hilkhot Sota* 2:2).

בְּיָמֵן שְׁהָאִישׁ מְנוּקָה מִעֵוֹן – When the man is clear of iniquity – the waters examine the woman only if her husband is clear of iniquity. If he has engaged in relations prohibited by rabbinic law, the waters are ineffective (Rambam *Sefer Nashim, Hilkhot Sota* 2:8, 3:17).

The cohabitation of the adulterer preceded – שְׁקִדְמָה – שְׁכִיבַת בּוֹעֵל: If a woman who was warned by her husband secluded herself with the man in question before she had intercourse with her husband, she does not drink the *sota* waters. Her husband divorces her and she does not collect her marriage contract, as stated in the *baraita* cited by Rav Aḥa bar Ḥanina (Rambam *Sefer Nashim, Hilkhot Sota* 2:5).

אֵלָּא דְקָנִי לָהּ בְּשֵׁהִיא אַרוּסָה, וְאִי־תִתְרָהּ וְנִכְנְסָה לְחֹפֶה וְלֹא נִבְעֵלָה, וְשִׁמְעַת מִיָּנָה: יֵשׁ חֹפֶה לְפִסּוּלוֹת.

Rather, it must be that he was jealous of her when she was betrothed, and she secluded herself with the other man anyway, and she had entered the wedding canopy but did not yet have intercourse with her husband when he brought her to the priest. Consequently, she is made to drink the *sota* waters as a married woman, and her husband has not committed a transgression, as he has not had intercourse with her. **Learn from this that there is significance to a priest entering the wedding canopy with women who are unfit to marry a priest, as demonstrated by the fact that the *sota* waters will examine her in these circumstances.**

אָמַר רַבָּא: וְתִסְפְּרָא דְהָא מִתְרַצְתָּא הִיא? וְהָא כִּי אֶתָּא רַבִּי אַחָא בְּרַחֲמִינָא מִדְּרוּמָא, אֶתָּא וְאִי־תִי מִתְנִיתָא בִּידֵיהּ: "מִבְּלַעֲדֵי אִישׁךָ" מִי שְׁקִדְמָה שְׁכִיבַת בְּעַל לְבוּעֵל, וְלֹא שְׁקִדְמָה שְׁכִיבַת בּוֹעֵל לְבַעַל.

Rava said: Do you hold that this *baraita* is sufficiently accurate to rely upon? But when Rabbi Aḥa bar Ḥanina came from the South, he came with this *baraita* in hand: The verse states with regard to the oath of the *sota*: "And some man has lain with you besides your husband" (Numbers 5:20), which indicates that it applies only when the cohabitation of the husband preceded that of the adulterer, but not when the cohabitation of the adulterer preceded^h that of the husband. Consequently, in the case under discussion, drinking the *sota* waters would not be effective.

אָמַר רַמִּי בְּרַחֲמֵי בְּרַחֲמָא: מִשְׁכַּחַת לָהּ כְּגוֹן שְׁבָא עָלֶיהָ אַרוּסָה בְּבֵית אָבִיהָ.

Rami bar Ḥama said: You find it in a case such as where her betrothed had intercourse with her licentiously when she was a betrothed woman in her father's house. Since the act of intercourse was committed licentiously rather than for the purpose of consummating the marriage, the woman is still considered betrothed. Subsequently, her betrothed warned her not to seclude herself with a particular man, and she disobeyed. Then, they entered the wedding canopy together, despite the fact that they are forbidden to one another. Once they entered the wedding canopy, the woman can be made to drink the bitter waters. This proves that there is significance to entering the wedding canopy with a woman that is unfit for one to marry.

דְּכֹוֹתָהּ גַּבִּי שׁוֹמֵרַת יָבָם – שְׁבָא עָלֶיהָ יָבָם בְּבֵית חָמִיהָ,

The Gemara asks: If so, in the corresponding case with regard to a widow waiting for her *yavam*, in which the *yavam* had licentious intercourse with her in her father-in-law's house,

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שׁוֹמֵרַת יָבָם קְרִית לָהּ? אִשְׁתּוֹ מַעֲלִיא הִיא! דְּהָא אָמַר רַב: קָנָה לְכָל בְּשִׁמוּאֵל דְּאָמַר: לֹא קָנָה אֵלָּא לְדִבְרֵים הָאֲמֹרִים בְּפִרְשָׁה.

do you call her a widow waiting for her *yavam*? Once they have engaged in intercourse, she is his proper wife, as Rav said that one who has intercourse with his *yevama*, even without intending to thereby perform levirate marriage, has acquired her for all matters. The Gemara responds: This is in accordance with the opinion of Shmuel, who said that he has acquired her only with regard to the matters stated in the chapter of levirate marriage, but not with regard to other matters, and therefore she is not considered his wife with regard to the *halakhot* of *sota*.

מִיָּדִי הוּא טַעֲמָא – אֵלָּא לְרַב, הָא אָמַר רַב קָנָה לְכָל! הִכָּא בְּמֵאֵי עֲסָקִינָּהּ, כְּגוֹן דְּעֵבֶד בָּהּ מֵאֲמָר, וּבֵית שְׁמַאי הִיא, דְּאָמְרִי: מֵאֲמָר קוֹנָה קוֹנֵן גָּמֹר.

The Gemara responds: The only reason this proof was presented is to support the opinion of Rav, who is the one who holds that there is legal significance to a priest entering the wedding canopy with a woman who is unfit to marry him. Didn't Rav say he has acquired her for all matters? The Gemara answers: With what are we dealing here? For example, a case where the *yavam* performed levirate betrothal with her and afterward had intercourse with her for the sake of promiscuity. And this is in accordance with the opinion of Beit Shammai, who say: Levirate betrothal acquires a *yevama* in a full-fledged manner and removes the levirate bond. Therefore, when they have intercourse, they do not become fully married.

NOTES

By means of extension – על ידי גלגול: Rashi notes that this *halakha* is the source of the Torah law of the extension of oaths. This means that if an individual is required to take an oath in court due to a claim made by the opposing party, the latter can force him to extend his oath to include cases for which he would not otherwise have been liable to take an oath.

If he has a brother who is a *halal* – יש לו אח חלל וכו': The relationship between the woman and the *halal* is not invalid in the normal sense of the term, as it is entirely permitted for them to marry. Nevertheless, since a *halal* is considered like a regular Israelite, if she marries him she is disqualified from partaking of her father's *teruma* (Ritva).

He gave her a bill of divorce – שניתן לה גט: Rashi explains that the *yavam* gave the *yevama* a bill of divorce, which makes her unfit to marry him by rabbinic law. Nevertheless, since by Torah law the levirate bond still exists, she is considered reserved for a prohibited act of intercourse. Rabbeinu Hananel explains differently, that he gave her a bill of divorce and subsequently performed levirate betrothal with her. In that case, he is prohibited from having intercourse with her, and yet she is considered to be reserved for him. This fits in well with the continuation of the discussion, as a priest who divorced his wife and betrothed her once again certainly does not entitle her to partake of *teruma* (see Rashba).

HALAKHA

By means of extension – על ידי גלגול: Although a betrothed woman who secluded herself with another man does not drink the *sota* waters or take an oath, if she becomes liable to do so for having secluded herself after marriage, she must extend her oath and confirm that she did not commit adultery while she was betrothed, as stated by Rav Nahman bar Yitzhak (Rambam *Sefer Nashim, Hilkhot Sota* 4:17).

One of the *yevamin* was a *halal* – אחד היבמים שהיה – חלל: If the daughter of a priest was married to a priest who died without children, and one of his brothers was a *halal*, she may not eat *teruma* due to the levirate bond she has with the *halal*. Even if one of the other brothers performed levirate betrothal with her, she may not partake of *teruma* until after she is married to him (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:22).

He gave her a bill of divorce – נתן לה גט: If a priest gave a bill of divorce to his *yevama* who is the daughter of a priest, although she is forbidden to him and yet bound to him by the levirate bond, as she has not undergone *halitza*, she is nevertheless permitted to partake of *teruma*. This is because relations between them are prohibited by rabbinic law but not Torah law. The *halakha* is in accordance with the opinion of Rabbi Yoḥanan as opposed to that of Reish Lakish (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:23).

אי הכי היינו ארוסה! ולטעמך, נשואה וכנוסה לאו חדא מילתא היא? אלא: נשואה – דידיה, וכנוסה – דחבריה. הךא נמי: ארוסה – דידיה, ושומרת יבם – דחבריה.

רב פפא אמר: האי תנא הוא, דתנאי: אין מקנין לה לארוסה להשקותה כשהיא ארוסה, אבל מקנין אותה להשקותה כשהיא נשואה.

רב נחמן בר יצחק אמר: על ידי גלגול.

שלח רב חנינא משימיה דרבי יוחנן: העושה מאמר ביבמתו, [ויש לו אח], אפילו הוא כהן והיא כהנת – פסלה מן התרומה.

למאן? אילימא לרבי מאיר, אימר דאמר רבי מאיר משתמרת לביאה פסולה לא אכלה – מדאורייתא, דרבנן מי אמר? ואלא לרבי אלעזר ורבי שמעון, השתא משתמרת לביאה פסולה דאורייתא אכלה, דרבנן מיבעיא?

אלא כי אתא רבין אמר: עשה בה מאמר ביבמתו – דברי הכל אכלה, יש לו אח חלל – דברי הכל אינה אוכלת. לא נחלקו אלא שניתן לה גט, רבי יוחנן אמר: אוכלת, ריש לקיש אמר: אינה אוכלת.

The Gemara raises a difficulty: **If so**, the case of the *yevama* who was betrothed is the same as the case of a **betrothed** woman. What is the difference between the two cases? The Gemara responds: **And according to your reasoning**, are the examples in the mishna of a **married woman and a fully married woman not a single matter?** Rather, the mishna must be referring to two very similar cases, with the following difference: **A married woman means his own wife and a fully married woman is referring to that of his fellow**, i.e., his brother's wife who became his wife through levirate marriage. **Here too**, the case of a **betrothed** woman is referring to **his own wife and the case of a widow waiting for her *yavam* is that of his fellow**, i.e., his *yevama*, who is now betrothed to him.

Rav Pappa said: Rava's question can be resolved in a manner unrelated to the question about a priest entering the wedding canopy with a woman unfit for him. The *baraita* he cited is in accordance with this *tanna*, who does not require the man to be clear of iniquity, as it is taught in a *baraita*: **One cannot be jealous over a betrothed woman and warn her not to seclude herself with a particular man in order to cause her to drink the *sota* waters when she is betrothed, but one can be jealous over her to cause her to drink the *sota* waters when she is married**, even if she secluded herself with the man when she was still betrothed.

Rav Nahman bar Yitzhak said: The question never arises at all, as the oath is formulated **by means of extension**.^{NH} The woman cannot be forced to drink the *sota* waters for events that took place while she was betrothed. However, if she is obligated to drink due to events that took place when she was married, the oath may be extended to include any possible acts of infidelity when she was betrothed.

Rav Hanina sent in the name of Rabbi Yoḥanan: One who performs levirate betrothal with his *yevama* and he has a brother, even if he is a priest and she is the daughter of a priest, he has disqualified her from partaking of *teruma*. By Torah law, the other brother may still have intercourse with her and thereby perform levirate marriage, but by rabbinic law only the brother who betrothed her may perform levirate marriage. Due to the fact that she is considered to be waiting for levirate marriage even vis-à-vis the brother who is rabbinically prohibited from marrying her, she is classified as a woman who is waiting for an invalid act of intercourse. Consequently, she may not partake of *teruma* until the consummation of the levirate marriage.

The Gemara asks: **According to whom** did Rabbi Yoḥanan make this statement? **If we say it is in accordance with the opinion of Rabbi Meir, say that Rabbi Meir said that a woman who is reserved for an invalid act of intercourse may not eat *teruma*** when the act of intercourse is prohibited by Torah law. However, if the act of intercourse is prohibited by rabbinic law, **did Rabbi Meir actually say that the woman is disqualified from eating *teruma*?** **Rather**, if we say it is in accordance with the opinions of **Rabbi Elazar and Rabbi Shimon, now that they hold that even a woman who is reserved for intercourse prohibited by Torah law may partake of *teruma*, is it necessary to state that she may partake of *teruma* if she is reserved for intercourse prohibited by rabbinic law?**

Rather, when Ravin came from Eretz Yisrael he said an accurate version of Rabbi Yoḥanan's statement: If a *yavam* who **performed levirate betrothal with his *yevama*** has a brother, **all agree that the *yevama* may partake of *teruma*.** If he has a brother who is a *halal*,^{NH} e.g., his mother was a divorcée and therefore unfit to marry his father, who was a priest, **all agree that the *yevama* may not partake of *teruma*, as she is considered reserved for an invalid act of intercourse. They disagreed only in a case when he gave her a bill of divorce.**^{NH} **Rabbi Yoḥanan said she may partake of *teruma*, as she is considered to have returned to her father's house, while Reish Lakish said that she may not partake of *teruma*.**

Her father's house [*bei nasha*] – בֵּי נִשְׂאָה: Meaning literally a woman's house, this term is used in the general sense of a woman's family's house. Some explained, apparently in a homiletical sense, that the term comes from the from the root *n-sh-h*, meaning forget, as a woman forgets her father's house upon marriage.

רבי יוחנן אמר: אוכלת, אפילו לרבי מאיר דאמר אינה אוכלת – הני מילי משתמרת לביאה פסולה דאורייתא, אבל דרבנן – אכלה.

The Gemara analyzes the two opinions: **Rabbi Yohanan said she may eat *teruma* because even according to Rabbi Meir, who said in the mishna that she may not partake of *teruma*, this applies only when she is waiting for intercourse that is invalid by Torah law, but if the intercourse is prohibited by rabbinic law, she may partake of *teruma*.** In this case, since they have not yet performed *halitza*, the levirate bond still applies by Torah law, but they are prohibited by rabbinic law from consummating the levirate marriage.

וריש לקיש אמר: אינה אוכלת, אפילו לרבי אלעזר ורבי שמעון דאמרי אוכלת – הני מילי דיש לו להאכיל במקום אחר, אבל הכא, בין דאין לו להאכיל במקום אחר – לא.

And Reish Lakish said: She may not partake of *teruma* because even according to Rabbi Elazar and Rabbi Shimon, who say in the mishna that she may partake of *teruma*, this applies only to a case of betrothal, as a priest can entitle a woman to partake of *teruma* in another case via betrothal. But here, where he gave her a bill of divorce, since he cannot entitle a woman to partake of *teruma* in any other case by giving her a bill of divorce, no.

וכי תימא: הכא נמי יש לו להאכילה בחוורת – חוורת פסקה מינה, וקרובה לבי נשא, אבל היא אגידא ביה.

And lest you say here too, in the case of a bill of divorce, he can entitle her to partake of *teruma* when she returns to her father's house, this case is different for the following reason: A woman who returns to her father's house has been severed from her husband and she is close to her father's house [*bei nasha*],^N and therefore she may once again partake of *teruma* on her father's account. However, this *yevama* who has received a bill of divorce is still bound to her *yavam* until they perform *halitza*, and she is therefore disqualified from eating *teruma*.

”נתארמלו או נתגרשו” וכו'. בעא מיניה רבי חייא בר יוסף משמואל: בהן גדול שקדש את הקטנה ובגרה תחתיו.

It was taught in the mishna that in the case of women who married priests despite the fact that they were unfit to do so, if they were widowed or divorced from that marriage, they are disqualified from eating *teruma*, but if they were widowed or divorced while they were only betrothed, they are fit to partake of *teruma*. Rabbi Hiyya bar Yosef raised a dilemma before Shmuel: In the case of a High Priest who betrothed a minor and she matured under him, i.e., while betrothed to him,

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מהו? בתר נישואין אזלינן, או בתר אירוסין אזלינן?

what is the *halakha*? The Gemara clarifies the dilemma: Do we follow the time of marriage,^N at which point she was unfit for him according to most *tanna'im*, who hold that a High Priest may not marry a grown woman, as she is no longer called “a wife in her virginity” (Leviticus 21:13)? Or do we follow the time of betrothal,^B at which point she was of suitable age?

אמר ליה: תניתיה, נתארמלו או נתגרשו, מן הנשואין – פסולות, מן האירוסין – בשרות.

Shmuel said to him: You learned it in the mishna: If they were widowed or divorced from marriage, they are disqualified from partaking of *teruma*, but if they were widowed or divorced from betrothal, they are fit to partake of *teruma*. This indicates that disqualifications from the privileges of priesthood are determined based upon marriage rather than betrothal.

BACKGROUND

Betrothal and marriage – אירוסין ונישואין: A Jewish wedding is divided into two distinct parts. Betrothal is the first stage of the marriage process. The bond created by betrothal is so strong that, after betrothal, a woman requires a divorce before she can marry another man. Similarly, sexual relations with other men are considered adulterous and are punishable by death. At this stage, the betrothed couple may not yet live together as husband and wife, and most of the couple's mutual obligations do not yet apply.

The second stage of the marriage occurs when the bride

and groom come under the bridal canopy, and it immediately confers both the privileges and the responsibilities associated with marriage upon the newlywed couple. After marriage, if one spouse dies, all the *halakhot* of mourning for a close blood relation apply to the surviving spouse. If the wife of a priest dies, he is permitted to make himself ritually impure to bury her. All the monetary rights and obligations applying to married couples take effect after marriage. Today, betrothal and marriage are both performed in a single ceremony, but in talmudic times there was usually a year-long gap between the two.

What is the *halakha*? Do we follow the time of marriage, etc. – מהו? בתר נישואין וכו' – According to Rashi and others, Shmuel's initial understanding of Rabbi Hiyya bar Yosef's question was the same as the Gemara's final interpretation: Is a High Priest permitted to marry a young woman who matured while she was betrothed to him? Others question this opinion based upon the continuation of the discussion recorded in the Gemara (see *Tosafot*). They explain that Shmuel initially thought that the question was whether the woman is considered to be designated for an invalid act of relations, in which case she would be prohibited from partaking of her father's *teruma* if she is the daughter of a priest (Ritva). The Rashba explains that the question was whether she should be permanently disqualified from the priesthood as a *halala* if this High Priest died (Rashba).