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τ"οΣ Intro

Today we will בע"ה learn קר נ"ו קד of מסכת יבמות of מסכת יבמות The topics we will learn about include.

To what extent does an inferior ביאה acquire a Yavama?

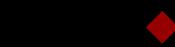
The Halacha of a woman married to a deaf Kohen in regard to eating Terumah.

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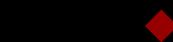
The Halacha of
A woman married
to a DEAF KOHEN
in regard to eating
Terumah

The Halacha of a coerced woman married to a Yisroel
The Halacha of a coerced woman married to a Kohen.



The Halacha of a coerced woman married to a Yisroel

The Machlokes in the case of a Bas Kohen who anticipates an invalid ביאה, in regard to eating Terumah



The Machlokes in the case of Bas Kohen who anticipates an invalid ביאה, in regard to eating Terumah







So let's review

The Mishna on דף נג said;

הבא על יבמתו

בין בשוגג בין במזיד

בין באונס בין ברצון

אחד המערה ואחד הגומר

קנה

If the Yavam performs an inferior ביאה with the Yevamah, he has acquired her as a wife.

The Gemara explains,

קנה, To what extent has the Yavam acquired the Yavamah?

רב אמר קנה הכל

Rav says the Yavam has completely acquired the Yavam, she is a full-fledged wife. Therefore, if the Yavam was a Kohen, she is allowed to eat Terumah.

שמואל אמר לא קנה אלא לדברים האמורים בפרשה

Shmuel disagrees and says he has acquired her only regarding the Halachos mentioned in the Parsha of Yibum, such as

לירש בנכסי אחיו

The Yavam inherits the estate of the deceased brother ולפוטרה מן הייבום

The Yavamah, and the other wives, become exempt from the Zikah of Yibum.

However, regarding all other Halachos she is not considered his wife. Therefore, she is not allowed to eat Terumah, until he performs a superior ביאה

Gemara elaborates, and explains the Machlokes two ways:

מן הנשואין לדברי הכל אכלה

If she had been married to the deceased brother, then everyone agrees that she is allowed to eat Terumah. דהא הות קאכלה מעיקרא

Because she had already eaten Terumah while he was alive

כי פליגי מן האירוסין

Their Machlokes is where she had only received Kiddushin from the deceased brother, but was not married to him, and was not allowed to eat Terumah while her husband was alive.

רב סבר אוכלת

דהא רבי רחמנא ביאת שוגג כמזיד

Rav says that she may now eat Terumah, because the Torah considers an inferior ביאה fully effective, which gives her all the Halachos of נשואין with the Yavam. However.

שמואל אמר כי רבי רחמנא לאוקמה במקום בעל

Shmuel says that she may not eat Trumah, because the Torah only considers an inferior ביאה for the Yavam to take the place of the deceased brother in maintaining the אירוסין.

לאלומי מבעל לא

But it does not strengthen the Kiddushin to the level of נשואין.

Therefore a superior ב'אה is still required to establish נשואין, to allow her to eat Terumah.











Another way to understand the Machlokes: מן האירוסין דברי הכל לא אכלה

They all agree that if she had only received Kiddushin from the deceased brother, she is not allowed to begin eating Terumah based on the Yavam's inferior ביאה. ביאה דהא לא אכלה בחיי בעל

Because she was never allowed to eat Terumah while her husband was alive

כי פליגי מן הנשואין

Their Machlokes is where she had been completely married to the deceased husband, and had been allowed to eat Terumah

רב אמר אוכלת

דהא הות אכלה מעיקרא

Rav says that an inferior ביאה allows her to eat Terumah, because she had already eaten Terumah while her husband was alive.

However,

שמואל אמר אינה אוכלת

כי רבי רחמנא ביאת שוגג כמזיד לדברים האמורים בפרשה

Shmuel says that she may not eat Trumah, because the Torah only granted an inferior נשואין the ability of נשואין regarding the Halachos mentioned in the Parsha of Yibum.

אבל לכל מילי לא

However, regarding all other Halachos she is not married until the Yavam performs a superior ביאה.

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The Gemara continues with a Breisah בת ישראל פקחת שנתארסה לכהן פקח

A Bas Yisroel who was sane, received Kiddushin from a Kohen who was sane.

ולא הספיק לכונסה עד שנתחרש

But he became deaf before he married her.

אינה אוכלת

She is not allowed to eat Terumah, being that her husband was deaf at the time of the marriage, the נשואין is not valid, and an ארוסה may not eat Trumah.

נולד לה בן אוכלת

If they had a son, then she is allowed to eat Terumah because of her son.

מת הבן

What happens if the son dies?

רבי נתן אומר אוכלת

Rebbi Nosson says she continues to eat Terumah וחכמים אומרים אינה אוכלת

The Chachomim say that she may not eat Terumah.











The Gemara explains:

מאי טעמא דרבי נתן

אמר רבה הואיל שכבר אכלה

Rebbe Nosson allows her to continue eating Terumah, because she had already eaten while the son was alive.

Abyeh questions this reason

אמר ליה אביי אלא מעתה בת ישראל שניסת לכהן ומית ליה תיכול שכבר אכלה

If so, a Bas Yisroel who was married to a Kohen, should be allowed to continue eating Trumah after he dies, since she had already eaten while he was alive.

Why does the Pasuk restrict her from eating?

אלא כיון דמית ליה

פקע ליה קדושתיה מינה

It must be that when he dies, her privilege to eat Trumah based on his Kehunah expires.

הכא נמי כיון דמית ליה

פקע קדושתיה מינה

So too, when her son dies, the Kehunah expires?



Therefore, Rav Yosef gives another reason אלא אמר רב יוסף קסבר רבי נתן נשואי חרש מאכילין בתרומה Rebbe Nosson holds that the marriage of a deaf Kohen allows his wife to eat Terumah. Rashi explains; because according to the Torah when a Kohen gives Kiddushin, his wife is immediately allowed to eat Terumah. However, the Chachomim initiated a אזרה that she is not allowed to eat Terumah until they are married.

Therefore, in this case where the Kohen was sane at the time of the Kiddushin, and only became deaf at the time of the marriage, his wife is allowed to eat Terumah after the marriage.

ולא גזרינן נשואי חרש אטו קדושי חרש

And we are not concerned that one might also eat Terumah after receiving Kiddushin from a deaf Kohen. The חכמים hold

גזרינן נשואי חרש אטו קדושי חרש

The Gemara questions this reasoning from the wording of the Breisah, and the question remains unanswered.





Dedicated By: _





7 The Gemara continues with the words of Rav Sheshes אשת ישראל שנאנסה אע"פ שמותרת לבעלה פסולה לכהונה A Yisroel's wife who was coerced by another man, although she is permitted to remain married to her husband, however if her husband dies she is prohibited to marry a Kohen.



The Gemara continues with a statement of Rabbah: אמר רבה אשת כהן שנאנסה בעלה לוקה עליה משום זונה A Kohen's wife, who was coerced by another man, is prohibited to remain married to her husband. Although she was coerced, she has the status of a זונה, who is prohibited to a Kohen, punishable by Malkos.



9 The Gemara asks משום זונה אין משום טומאה לא Isn't there a prohibition of טומאה, as well?

The **G**emara answers אימא אף משום זונה

There are actually two prohibitions, the Issur Zona, and the Issur Tumah, which are both punishable through Malkos.









The Gemara explains:

In פרשת אמור the Posuk states;

אשה זונה וחללה לא יקחו

A Kohen may not marry a זונה.

What is the definition of זונה?

According to the first version;

אמר רבה הכל היו בכלל זונה

As Rashi explains:

כל הנבעלות תחת בעליהן בין באונס בין ברצון

בכלל זונה לא יקחו הן

שהרי כולן נבעלו בעילת זנות

Any married woman who was involved in a בעילת זנות, even against her will, is Halachically considered a זנה. However, in פרשת נשא, in the Parsha of, סוטה, the Posuk

states;

ונסתרה והיא נטמאה

והיא לא נתפשה

She was defiled, but not coerced;

כשפרט לך הכתוב גבי אשת ישראל

והיא לא נתפשה אסורה

הא נתפשה מותרת

The Torah is teaching us that the wife of a Yisroel does not become אסור to him באונס, if she was coerced.

However, the word והיא teaches that this applies only to the wife of a Yisroel,

מכלל דאשת כהן כדקיימא קיימא

But the wife of a Kohen remains included in the איסור זונה even באונס.

This explains the Rabbah's statement

אשת כהן שנאנסה

בעלה לוקה עליה משום זונה

Similarly, regarding the איסור טומאה the Gemara explains; In גט, in the Parsha of גט, the Posuk states; לא יוכל בעלה הראשון אשר שלחה

לשוב לקחתה להיות לו לאשה

אחרי אשר הוטמאה

The פשוט פשוט of this Posuk is referring to מחזיר גרושתו, but the words אחרי אשר הוטמאה teach

לרבות סוטה שנסתרה

Which the Gemara now explains;

אמר רבה הכל היו בכלל אחרי אשר הוטמאה

All married women who cohabited with another man are considered defiled, to be included in this לאו to be

forbidden to their husbands. However,

כשפרט לך הכתוב גבי אשת ישראל

והיא לא נתפשה אסורה

הא נתפשה מותרת

As explained earlier, the wife of a Yisroel does not become אסת to him באונס, if she was coerced.

מכלל דאשת כהן כדקיימא קיימא

But the wife of a Kohen remains included in the איסור פומאה even באונס even באונס.

This explains the Rabbah's statement

אשת כהן שנאנסה

בעלה לוקה משום טומאה













According to the second version of Rabbah there is only איסור זונה, but no איסור זונה, because באונס לא קרינא ביה זונה

As Rashi explains;

סתם זונה היינו מנאפת תחת בעלה

שטעתה מאחר בעלה לזרים

A זונה is only one who willfully strays, but an אונס is not a אונה even an אשת כהן.

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We will review the next Mishnah in the following Daf.





