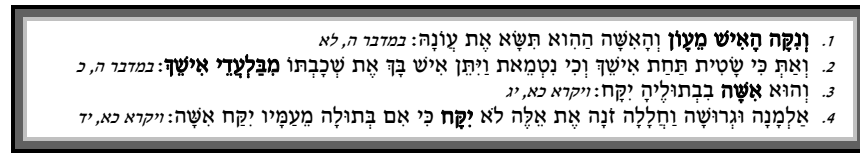


13.6.6

58a (אישתי גופה) → 59a (אמר רב עמרם)



- I. **עמרם** reported a הלכה taught by ר' ששת, who then tried to get support from a משנה
- יש חופה לפסולות, רב per הלכה
 - Support: from סוטה ב:ה – she accepts the שבועה with the doubled-אמן
 - Applied to: ארוסה, נשואה, שומרת יבם וכנוסה
 - Note: application to ארוסה needs clarification
 - Cannot be: that he warned her as ארוסה and wants to משקה her as ארוסה
 - Reason: סוטה ד:א rules that ארוסה doesn't drink (and doesn't collect כתובה)
 - Cannot be: warning during אירוסין and she was secluded then, but bringing her to drink as נשואה
 - Reason: v. 1 indicates that he must be innocent for the protocol to work
 - (tentatively) must be: warning during אירוסין, she came into חופה (w/o ביאה) then brought her to drink
 - Implication: חופה is significant for פסולות
 - Challenge (רבא): the entire משנה is "crooked"
 - Per: ברייתא – v. 2 implies that the husband had to have had relations with her before the בעול
 - Attempted save (רב"ח): could be a case where the ארוס had ביאה with her before נישואין
 - Block: in the parallel case, we wouldn't call her שומרת יבם; she is a full wife at that point
 - Per: רב, who ruled that even a "weak" ביאה accomplishes full קנין
 - Note: the entire discussion is around רב's ruling, so invoking שמואל's dissent is irrelevant
 - Answer: the case was that the יבם did מאמר (but not ביאה)
 - Per: ב"ש who argue that מאמר is a full קנין (and would allow for השקאת סוטה)
 - Challenge: if so, the "שומרת יבם" here is the same as an "ארוסה" – why mention both
 - Defense: כנוסה is also the same as נשואה –
 - Rather: נשואה - his own; כנוסה - his brother's; similarly, ארוסה - his own, שומרת יבם - brother's
 - Defense (ר"פ): סוטה ב:ה follows opinion that he may issue קינוי to ארוסה to have her drink as נשואה
 - Defense (רבנ"י): the oath is expanded (to include ארוסה etc.) via גלגול שבועה and includes סתירה as ארוסה

II. ר' יוחנן's ruling (version 1): if someone gives מאמר and there is another brother, even if כהנים and she is a בת כהן

 - then: she is נפסלה מכהונה until the process is completed
 - question: according to whom is this stated?
 - If לר"מ: he only ruled that she doesn't eat when anticipating a דאורייתא – not דרבנן
 - And if לר"א ור"ש: they didn't even invalidate when דאורייתא – certainly not מד"ס
 - Rather (version 2 per רבין): if he gave מאמר, all agree that she still eats;
 - But if: he has a חלל brother, all agree that she does not eat (in the meantime)
 - Dispute: if he gave her a גט
 - רבנן is גט יבמין – even לר"מ, since ד' יוחנן she still eats
 - לר"ל: she doesn't eat – even לר"א ור"ש, since in that case, he can feed others, unlike here
 - Counter: he could "feed" her when she returns to her father's house
 - Block: in that case, his relationship with her is terminated (→she eats); here, still connected

III. Analysis of סיפא – if they became widowed or divorced etc.

 - Question (posed to שמואל): if a כה"ג was מקדש a minor and she became בוגרת before he married her – permitted?
 - Lemma1: the moment of נישואין defines her status (already בוגרת)
 - Lemma2: the moment of אירוסין defines her status (was a בתולה at that point)
 - Answer: from our משנה – only at נישואין do they become חללה
 - Counter: wasn't asking about חללה – that is certainly only at ביאה
 - But question: was about v3 – which קיחה is it – קידושין or קידושין?
 - Answer: כה"ג – may marry her – if a כהן הדיוט was יבמות ו:ד
 - Block: that is different, per v. 4 (יקח אשה) is extra- "take his wife"
 - Answer: v. 3 also uses אשה – but there we interpret it as limiting (only one wife)
 - Rationale behind distinction: in the case of the בוגרת, she underwent a physical change