

NOTES

His own pregnant or nursing wife – מעוברת ומיניקת – עצמו: Rashi and the Rambam hold that a pregnant woman drinks the bitter water immediately, even though it might cause her death and, consequently, the death of the fetus. *Tosafot*, however, explain that she does not drink immediately. Rather, the ritual is delayed until she gives birth. This opinion is supported by the statement of Rabban Gamliel in the *Sifrei Zuta* that a *sota* does not drink the bitter water while she is pregnant.

מעוברת חבירו ומיניקת חבירו – לא שותות ולא נוטלות בתובה, דברי רבי מאיר,

שהיה רבי מאיר אומר: לא ישא אדם מעוברת חבירו ומיניקת חבירו; ואם נשא – יוציא ולא יחזיר עולמית. וחכמים אומרים: יוציא, וכשיגיע זמנו לכנס – יכנס.

והרובא שנשא עקרה וזקינה, ואין לו אשה ובנים מעיקרא – לא שותה ולא נוטלת בתובה. רבי אלעזר אומר: יכול הוא לישא אחרת ולפרות ולרבות הימנה.

אבל המקינא לארוסתו ולשומרת יבם שלו ומשכנסה נסתרה – או שותה או לא נוטלת בתובה. מעוברת ומיניקת עצמו – או שותה או לא נוטלת בתובה. הרובא שנשא עקרה וזקינה ויש לו אשה ובנים – או שותה או לא נוטלת בתובה.

The *baraita* continues: A woman who was pregnant with the child of another man at the time of her marriage and a woman who was nursing the child of another man at the time of her marriage neither drink the bitter water nor collect payment of their marriage contracts, as their marriages were prohibited by rabbinic law. This is the statement of Rabbi Meir.

The *baraita* continues: The reason for this is as Rabbi Meir would say: A man may not marry a woman who is pregnant^h with the child of another man or a woman who is nursing the child of another man, until twenty-four months pass after the baby's birth, so as to ensure that the woman will not become pregnant while the child needs to nurse. And if he married her, he must divorce her and may never remarry her, as the Sages penalized him for transgressing the prohibition. And the Rabbis say: He must divorce her, and when his time to marry her arrives,^h i.e., twenty-four months after the baby's birth, he can marry her again.

The *baraita* continues: In the case of a young man who married a barren woman^h or an elderly woman, and he did not have a wife and children beforehand, the woman neither drinks nor collects payment of her marriage contract, as it is prohibited for him to marry a woman with whom he cannot procreate. Rabbi Elazar says: This marriage is not forbidden, as he can marry another woman and procreate through her, and therefore she can drink the bitter water.

The *baraita* continues: However, in the case of one who issued a warning to his betrothed,^h or to his *yevama* while she was a widow awaiting her *yavam*, and she secluded herself with the other man after he consummated the marriage, she either drinks the bitter water or does not collect payment of her marriage contract. If his own pregnant or nursing wife^{nh} becomes a *sota*, then despite the concern that the bitter water may harm the fetus, she either drinks the bitter water or does not collect payment of her marriage contract. In the case of a young man who married a barren woman or an elderly woman, and he already had a wife and children^h and was therefore permitted to marry his barren or elderly wife, the woman either drinks the bitter water or does not collect payment of her marriage contract.

HALAKHA

לא – A man may not marry a woman who is pregnant, etc. – ישא אדם מעוברת וכו': The Sages decreed that a man may not marry or betroth a woman who is pregnant with the child of another man or nursing the child of another man until twenty-four months elapse after the baby's birth. This prohibition applies both with regard to a widow and with regard to a divorcée. She may not marry even if she already entrusted her child to a wet nurse or weaned the child. However, if the child died she is permitted to remarry immediately. If the mother weaned the child during her husband's lifetime, or entrusted the child to a wet nurse three months before her husband's death, or if she is a woman who does not nurse her children at all, she is required to wait only three months from the time of her husband's death in order to remarry. These three months are required in order to differentiate between a child born from the first husband and a child born from the second husband (Rambam *Sefer Nashim, Hilkhot Geirushin* 11:25; *Shulhan Arukh, Even HaEzer* 13:11).

He must divorce her and when his time to marry her arrives, etc. – יוצא וכשיגיע זמנו לכנס וכו': If one marries a woman who is pregnant with the child of another man or nursing the child of another man, in violation of the rabbinic decree prohibiting this marriage, he is ostracized until he divorces her. This applies even if he is a priest and he will not be permitted to remarry

her. If he is an Israelite, then after the period of twenty-four months elapses he is permitted to remarry her. If he married her and fled to a distant land from which he will not return until the twenty-four months elapse, then when he returns he may maintain her as his wife.

If one betrothed a pregnant or nursing woman, he is not forced to divorce her; however, he may not consummate the marriage until after the twenty-four months elapse. The Rema, however, writes that there is no distinction between marriage and betrothal, and he must divorce her. See the *Be'er Heitev* and the *Beit Shmuel*, who discuss whether it is possible to rely on the more lenient opinion in the case of a priest who betrothed a pregnant or nursing woman, since if he divorces her, he will not be permitted to remarry her (Rambam *Sefer Nashim, Hilkhot Geirushin* 11:28; *Shulhan Arukh, Even HaEzer* 13:12).

A young man who married a barren woman, etc. – הרובא – שנשא עקרה וכו': In the case of a man young enough to father a child who has not yet fulfilled the mitzva to procreate and who married a barren or elderly woman, if the woman secluded herself with another man after being warned, she does not drink the bitter water. She must be divorced and she does not collect payment of her marriage contract (Rambam *Sefer Nashim, Hilkhot Sota* 2:10).

One who issued a warning to his betrothed, etc. – המקינא

ללארוסתו: In the case of one who issued a warning to his betrothed, or to his *yevama* while she was awaiting levirate marriage, and she secluded herself with the other man after the marriage was consummated, she may drink the bitter water (Rambam *Sefer Nashim, Hilkhot Sota* 2:5).

His own pregnant or nursing wife, etc. – מעוברת ומיניקת – עצמו וכו': A husband may have his pregnant or nursing wife drink the bitter water, even while she is pregnant or nursing. The *Arukh HaShulhan*, citing *Tosafot*, rules that in the case of a pregnant woman the ritual is delayed until she gives birth (Rambam *Sefer Nashim, Hilkhot Sota* 2:7).

The case of a young man who married a barren woman... and he already had a wife and children, etc. – הרובא שנשא – עקרה. ויש לו אשה ובנים וכו': A barren, elderly, or sexually underdeveloped woman may drink the bitter water if her husband has already fulfilled the mitzva to procreate or if he was already married to a fertile woman. This is despite the fact that the Torah states with regard to a *sota* who is found to be innocent of adultery: "And she shall be cleared, and shall conceive seed" (Numbers 5:28). This verse does not exclude a woman who cannot give birth. Rather, the verse teaches that a fertile woman who is found by the *sota* ritual to be innocent of adultery is blessed by giving birth with ease, and by giving birth to male offspring (Rambam *Sefer Nashim, Hilkhot Sota* 2:10).

Mamzer – **מְמִזֵּר**: A *mamzer* or *mamzeret* is the male or female offspring, respectively, of an adulterous or incestuous relationship, i.e., a child born from relations between a married woman and a man other than her husband, or between relatives who are prohibited from marrying by a prohibition punishable by *karet*. The case of a child conceived through relations with a menstruating woman is an exception to this principle, as, although engaging in sexual relations with a menstruating woman is punishable by *karet*, the child is not a *mamzer* or *mamzeret*. Similarly, a child conceived out of wedlock by a man and woman who are permitted to marry is not a *mamzer* or *mamzeret*. A *mamzer* is prohibited from marrying a Jewish woman of unflawed lineage. However, he may marry a convert or a *mamzeret*. Similarly, a *mamzeret* can marry only a convert or a *mamzer*. The offspring of these unions are also *mamzerim*. A *mamzer* inherits from his father and is considered his father's son in all respects.

HALAKHA

The wife of a *mamzer* who is married to a *mamzer*, etc. – **אִשֶּׁת מְמִזֵּר לְמִמְזֵר וְכוּ**: If a woman is a convert, or an emancipated maidservant, or the wife of a convert or emancipated slave, or a *mamzeret*, or the wife of a *mamzer*, if she was permitted to her husband, she may drink the bitter water (Rambam *Sefer Nashim, Hilkhot Sota* 2:6).

The *baraita* concludes: With regard to the wife of a *mamzer*⁸ who is married to a *mamzer*⁹ in a permitted marriage, and the wife of a Gibeonite who is married to a Gibeonite in a permitted marriage, and the wife of a convert or an emancipated slave, and a sexually underdeveloped woman, if any of these women becomes a *sota* she either drinks the bitter water or does not collect payment of her marriage contract, as the marriage is permitted. After citing the entire *baraita*, the Gemara explains the difficulty: In any event, the *baraita* teaches that a sexually underdeveloped woman can drink the bitter water if the marriage is permitted, and this is a conclusive refutation of the opinion of Rav Nahman.

The Gemara answers: Rav Nahman could have said to you: There is a dispute between *tanna'im* with regard to this matter, and I state my opinion in accordance with the opinion of this *tanna*, as it is taught in a *baraita*: Rabbi Shimon Ben Elazar says: A sexually underdeveloped woman neither drinks nor collects payment of her marriage contract, as it is stated: “And she shall be cleared, and shall conceive seed” (Numbers 5:28), indicating that the *sota* ritual pertains only to one whose way is to bear seed and give birth, excluding this sexually underdeveloped woman, whose way is not to bear seed.

The Gemara asks: And as for the Rabbis, what do they do with this verse: “And she shall be cleared, and shall conceive seed”? Since they hold that a sexually underdeveloped woman drinks the bitter water, what do they derive from the verse? The Gemara answers: They require it for that which is taught in a *baraita*: The verse: “And she shall be cleared, and shall conceive seed” (Numbers 5:28), indicates that if she was barren, she will be remembered and conceive a child; this is the statement of Rabbi Akiva. Rabbi Yishmael said to him: If so, all the barren women will seclude themselves with other men, and they will be remembered and conceive after drinking the bitter water and being found innocent; but that virtuous barren woman, who does not transgress the prohibition of seclusion, since she does not seclude herself with other men, she loses the opportunity to receive this blessing.

Rabbi Yishmael continues: If so, what is the meaning when the verse states: “And she shall be cleared, and shall conceive seed” (Numbers 5:28)? This means that if in the past she would give birth in pain, from then on she will give birth with ease; if she gave birth to females, she will now give birth to males; if her children were short, she will now give birth to tall children; if her children were black, she will give birth to white children.

§ The *baraita* in the *Tosefta* cited above states: The wife of a *mamzer* who is married to a *mamzer* in a permitted marriage... either drinks the bitter water or does not collect payment of her marriage contract. The Gemara asks: Isn't that obvious? Since their marriage is permitted, why should the *sota* ritual not apply? The Gemara answers: It is necessary lest you say that she should not drink, since if she drinks and is found to be innocent of adultery, she is permitted to her husband. This is undesirable since their offspring are also *mamzerim*, and we do not cause the number of individuals of flawed lineage to proliferate. The *baraita* in the *Tosefta* therefore teaches us that this is not a concern, and the wife of a *mamzer* is permitted to drink.

The aforementioned *baraita* in the *Tosefta* states: The wife of a convert or an emancipated slave, and a sexually underdeveloped woman can drink the bitter water. The Gemara asks with regard to the wife of a convert or an emancipated slave, who also has the status of a convert: Isn't that obvious? Since their marriage is permitted, why should the *sota* ritual not apply?

אִשֶּׁת מְמִזֵּר לְמִמְזֵר, וְאִשֶּׁת נְתִיךְ לְנְתִיךְ, וְאִשֶּׁת גֵּר וְעֶבֶד מְשֻׁחָרֵר, וְאִיִּלּוּנִית – אִשֶּׁת שׂוֹתָה אוֹ לֹא נוֹטְלַת כְּתוּבָהּ. קִתְּנֵי מִיָּהָא אִיִּלּוּנִית. תִּיּוּבְתֵיהּ דְּרַב נַחֲמָן!

אָמַר לָךְ רַב נַחֲמָן: תִּנְאִי הֵיא, וְאִנְא דְאָמְרִי כִּי הֵיא תִנְא; דְתִנְא, רַבִּי שְׁמַעוֹן בֶּן אֶלְעָזָר אָמַר: אִיִּלּוּנִית לֹא שׂוֹתָה וְלֹא נוֹטְלַת כְּתוּבָהּ, שְׁנַאֲמַר: “וְנִקְתָּהּ וְנִזְרַעָה זֶרַע,” מִי שְׂדֵרְבָהּ לְהִזְרִיעַ, וְיִצְאָתָה זֶה שְׂאִין דְרַבָּהּ לְהִזְרִיעַ.

וְרַבְנָן, הֵיא “וְנִקְתָּהּ וְנִזְרַעָה זֶרַע” מֵאֵי עֲבָדֵי לִיָּה? מִיִּבְעֵי לְהוֹ לְכַדְתִּנְא: “וְנִקְתָּהּ וְנִזְרַעָה [זֶרַע]” – שְׂאֵם הֵיִתָּה עֲקָרָה נִפְקֶדֶת, דְּבָרֵי רַבִּי עֲקִיבָא. אָמַר לוֹ רַבִּי יִשְׁמַעֵאל: אִם כֵּן, יִסְתְּרוּ כָּל הָעֲקָרוֹת וְיִפְקְדוּ, וְזוֹ הוּא אֵיל וְלֹא נִסְתְּרָה הַפְּסִידָה!

אִם כֵּן, מַה תִּלְמוּד לומר: “וְנִקְתָּהּ וְנִזְרַעָה זֶרַע”? שְׂאֵם הֵיִתָּה יוֹלְדֵת בְּצַעַר – יוֹלְדֵת בְּרִיחַ, נִקְבוֹת – יוֹלְדֵת זָכָרִים, קְצָרִים – יוֹלְדֵת אֲרוּכִים, שְׁחֹרִים – יוֹלְדֵת לְבָנִים.

“אִשֶּׁת מְמִזֵּר לְמִמְזֵר”. פְּשִׁיטָא! מַהוּ דְתִיָּמָא: אַפּוּשֵׁי פְסוּלִין לֹא לִיפּוּשׁ. קָא מְשַׁמְעֵ לָן.

“אִשֶּׁת גֵּר וְעֶבֶד מְשֻׁחָרֵר וְאִיִּלּוּנִית”. פְּשִׁיטָא!

מהו דתימא? "דבר אל בני ישראל" – ולא גרים. קא משמע לן. ואימא הכי נמי! "ואמרת" – רבויא הוא.

The Gemara answers: It is necessary **lest you say** that she does not drink, as the verse states: **"Speak to the children of Israel, and say unto them: If the wife of any man goes astray, and acts unfaithfully against him"** (Numbers 5:12). One might have inferred from this verse that the *sota* ritual applies only to those born as Jews **and not to converts**; the *baraita* in the *Tosefta* therefore **teaches us** that this is not so. The Gemara asks: Why not **say** that **indeed** the verse excludes converts? The Gemara answers: The subsequent term: **"And say unto them"** (Numbers 5:12) is an **amplification**, which serves to include converts.

"אשת כהן שותה" כו. "אשת כהן שותה" פשיטא! מהו דתימא? "והיא לא נתפשה" אסורה, הא נתפשה מותרת, וזו הואיל ונתפשה אסורה – אימא לא תשתה. קא משמע לן.

§ The mishna states: **The wife of a priest drinks** the bitter water, and if she is found to be innocent of adultery she is permitted to her husband. The Gemara asks: Why does the mishna state: **The wife of a priest drinks? Isn't that obvious?** The Gemara answers: It is necessary **lest you say** that she does not drink, as the verse states: **"And a man lay with her...neither was she seized"** (Numbers 5:13). This indicates that if the *sota* was not seized **she is forbidden**; however, if she was **seized**, i.e., raped, she is **permitted** to her husband. **And** with regard to **this woman**, the wife of a priest, **since** even if she was **seized** she is **forbidden** to her husband, as a priest may not remain married to his wife if she was raped while they were married, one might **say** that the *sota* ritual does not apply to her, and she **does not drink**. Therefore, the mishna **teaches us** that she does drink.

"ומותרת לבעלה". פשיטא! אמר רב הונא: במתנונה. מתנונה, הא בדקה מיא!

§ The mishna states: The wife of a priest drinks, **and** if she is found to be innocent of adultery, **she is permitted to her husband**. The Gemara asks: **Isn't that obvious?** **Rav Huna says:** The mishna is referring to a case **where** the woman's health **deteriorates** after she drinks the bitter water, and one might have thought that she is defiled. The Gemara asks: In the case of a woman whose health **deteriorates**, **hasn't the bitter water** already **evaluated** that **she** was unfaithful? The fact that her health deteriorates indicates that she is defiled and forbidden to her husband, and her death is delayed due to her merit in other matters.

במתנונה דרך אברים. מהו דתימא? הא זנוי זנאי, והא דלא בדקה מיא כי אורחיה – משום דבאונס זנאי, ולגבי כהן אסירא. קא משמע לן.

The Gemara answers: The mishna is referring to a case **where her health deteriorates**, but not in the manner of a *sota*, who is afflicted in her belly and thighs (see Numbers 5:27). Rather, she is afflicted **by way of other limbs**.^h **Lest you say:** **This woman engaged in licentious intercourse**, and the fact that the bitter water **did not evaluate her in the usual manner** is because she engaged in **licitious intercourse under duress**, and with regard to a priest, even rape **renders her forbidden to her** to her husband, the mishna therefore **teaches us** that the woman's deteriorating health does not indicate anything.

"אשת סרים שותה". פשיטא! מהו דתימא: "מבלעי אישך" אמר רחמנא, והאי לאו בר הכי הוא. קא משמע לן.

§ The mishna states: **The wife of an eunuch drinks**. The Gemara asks: **Isn't that obvious?** Since their marriage is permitted, why should the *sota* ritual not apply? The Gemara replies: It is necessary **lest you say** that she does not drink, since **the Merciful One states** with regard to the *sota*: **"But if you have gone astray while under your husband, and if you are defiled, and some man has lain with you besides your husband"** (Numbers 5:20). This indicates that her husband had lain with her, **and this husband**, the eunuch, is **not capable of that**. The mishna therefore **teaches us** that the wife of an eunuch does drink the bitter water.

"על ידי כל עריות מוקנין". פשיטא!

§ The mishna states: A husband **can issue a warning** to his wife **with regard to all those with whom relations are forbidden**, e.g., her father or brother. The Gemara asks: **Isn't that obvious?**

HALAKHA

Where her health deteriorates by way of other limbs – במתנונה דרך אברים: A *sota* who drinks the bitter water and does not die immediately is permitted to her husband, even if he is a priest. She is permitted to him even if she is afflicted by sickness, as long as her belly does not swell and her thigh

does not fall (see Numbers 5:27). However, if her belly begins to swell and her thigh begins to fall, she is certainly forbidden to her husband, in accordance with the statement of Rav Huna (Rambam *Sefer Nashim, Hilkhot Sota* 3:21).

NOTES

A man but not a minor – איש... ולא קטן: The Rambam explains that this excludes a minor under the age of nine, whose sexual act does not have the legal status of a sexual act. Although a minor's sexual act does not render a woman forbidden to her husband, a verse is required in order to exclude a minor, as one might have thought that due to the husband's objection to this contact, he may issue a warning. An alternative approach is provided by *Tosafot*, who explain that the verse excludes all minors, i.e., anyone under the age of thirteen. Despite the fact that the sexual act of a minor above the age of nine renders a woman forbidden to her husband, the verse nevertheless states that one may issue a warning only on account of a man, i.e., one who has reached majority (see *Heshek Shlomo*).

A sick man who lacks the ability to complete intercourse [shahuf] – שחוף: There are various opinions with regard to the exact definition of a *shahuf*. For the purposes of this discussion, a *shahuf* is an individual who suffers from impotency and is unable to properly engage in sexual intercourse. He can engage in intercourse with a flaccid penis, but this is not considered intercourse, except with regard to disqualifying a woman from partaking of *teruma*. The Meiri explains that one may issue a warning on account of a *shahuf* because, unlike a eunuch, a *shahuf* is sometimes able to maintain a partial erection.

BACKGROUND

A sick man who lacks the ability to complete intercourse [shahuf] – שחוף: The term *shahuf* refers to a sick individual whose illness prevents him from properly absorbing and digesting food. This causes excessive weight loss due to the body exhausting its supply of fatty tissue, and also causes impotency and a lack of sexual desire. These symptoms can appear, for example, in severe cases of diabetes mellitus.

מהו דתימא: "נטמאה", "נטמאה" שני פעמים – אחד לבעל ואחד לבעל, היכא דקא מיתסרא בהא ונות, אבל הא הואיל ואסורה ותימא – אימא לא. קא משמע לן.

The Gemara answers: It is necessary, **lest you say** that the *sota* ritual does not apply with regard to forbidden relatives, as the Torah states: "And she **was defiled**" (Numbers 5:13), "And she **was defiled**" (Numbers 5:14), **two times**. **One** verse teaches that she is defiled and forbidden to her husband, and **one** verse teaches that she is forbidden to her paramour. One might understand that the *sota* ritual applies only **where she is forbidden** to the paramour **due to this licentious intercourse**; however, with regard to **that woman**, who secluded herself with a forbidden relative, **since the woman already stands prohibited** to him due to the prohibition of incest, one might say that the *sota* ritual **does not** apply. The mishna therefore **teaches us** that one can issue a warning even with regard to forbidden relatives.

"חויז מן הקטן" וכו'. "איש" אמר רחמנא – ולא קטן. "ושאינו איש" למעוטי מאי? אילימא למעוטי שחוף – והאמר שמואל: שחוף מקנין על ידו ופוסל בתרומה.

S The mishna states: A husband can issue a warning to his wife with regard to all those with whom relations are forbidden, **with the exception of a minor** and of one who is not a man. The Gemara cites the source for this *halakha*: **The Merciful One** states in the Torah: "And a man lay with her" (Numbers 5:13), indicating that one can warn his wife with regard to a man **but not** with regard to a **minor**.ⁿ The Gemara asks: The phrase: **And of one who is not a man, serves to exclude what? If we say** that it serves to exclude a **sick man who lacks the ability to complete intercourse [shahuf]**,^{nb} **but didn't Shmuel say: One can issue a warning with regard to a shahuf**,^h and if a *shahuf* engages in sexual intercourse with the daughter of a priest, he **disqualifies her from partaking of teruma**.^h

"מקנין על ידו", פשיטא! מהו דתימא: "ושכב איש אתה שכבת זרע" אמר רחמנא, והא לאו בר הכי הוא. קא משמע לן.

With regard to Shmuel's statement that **one can issue a warning with regard to a shahuf**, the Gemara asks: **Isn't that obvious?** The Gemara answers: It is necessary, **lest you say** that one cannot issue a warning with regard to a *shahuf*, as **the Merciful One** states in the Torah: "And a man lay with her carnally [*shikhvat zera*]" (Numbers 5:13), literally, a lying of seed, **and this man is not capable of that**, as he cannot ejaculate. Shmuel therefore **teaches us** that one can issue a warning with regard to a *shahuf*.

"ופוסל בתרומה", פשיטא! מהו דתימא: "לא יחלל זרעו" אמר רחמנא – דאית ליה זרע ליחלל, דלית ליה זרע לא ליחלל. קא משמע לן.

The Gemara asks with regard to Shmuel's statement that a *shahuf* who engages in sexual intercourse with the daughter of a priest **disqualifies her from partaking of teruma**: **Isn't that obvious?** The Gemara answers: It is necessary **lest you say** that a *shahuf* does not disqualify the daughter of a priest from partaking of *teruma*, as **the Merciful One** states in the Torah with regard to a priest: "And he shall not disqualify his offspring among his people" (Leviticus 21:15). One might infer from this verse that one **who can have offspring disqualifies** a woman from partaking of *teruma*, through forbidden sexual intercourse, and that one **who cannot have offspring does not disqualify** a woman from partaking of *teruma*. Shmuel therefore **teaches us** that this is not so. In any event, Shmuel states that one can issue a warning on account of a *shahuf*, unlike the initial interpretation of the mishna.

HALAKHA

שחוף מקנין – shahuf: One can issue a warning with regard to a *shahuf* – שחוף מקנין – על ידו: A man can issue a warning to his wife even on account of a *shahuf*, who is unable to maintain an erection and cannot ejaculate. If she subsequently secludes herself with the *shahuf* she is forbidden to her husband (Rambam *Sefer Nashim, Hilkhot Sota* 1:1; *Shulhan Arukh, Even HaEzer* 178:2).

If a *shahuf* engages in intercourse with the daughter of a priest he disqualifies her from partaking of *teruma* – שחוף... ופוסל בתרומה: A woman who engaged in prohibited intercourse, even with a *shahuf*, is disqualified from partaking of *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumot* 8:11).

ואל לא למעוטי נכרי? והאמר רב המנונא:
נכרי מקנין על ידו ופוסל בתרומה.

Since Shmuel's statement contradicts the suggestion that the mishna excludes a *shahuf*, the Gemara suggests another explanation: **Rather, the mishna serves to exclude a gentile, and teaches that one cannot issue a warning with regard to him. The Gemara asks: But didn't Rav Hamnuna say: One can issue a warning with regard to a gentile,^h and if a gentile engages in sexual intercourse with the daughter of a priest, he disqualifies her from partaking of *teruma*.**^h

מקנין על ידו, פשיטא! מהו דתימא:
"נטמאה", "נטמאה" שתי פעמים – אחד
לבעל ואחד לבעל היבא דקמיתסרא
בהא ונות, אבל הא הואיל ואסורה
וקימא – אימא לא. קמשמע לן.

The Gemara asks with regard to Rav Hamnuna's statement that **one can issue a warning with regard to a gentile: Isn't that obvious?** The Gemara answers: It is necessary **lest you say** that one cannot issue a warning in this case, as the verse states: "And she was defiled" (Numbers 5:13), "And she was defiled" (Numbers 5:14), **twice. One** verse teaches that she is defiled and forbidden to her husband, and **one** verse teaches that she is forbidden to her paramour. One might understand that the *sota* ritual applies only **where she is forbidden** to the paramour **due to this licentious intercourse; however, with regard to that woman, who engaged in sexual intercourse with a gentile, since she already stands prohibited to him, one might say that the *sota* ritual does not apply. Rav Hamnuna therefore teaches us that one can issue a warning even with regard to a gentile.**

ופוסל בתרומה, פשיטא! מהו דתימא?
"ובת כהן כי תהיה לאיש זר" אמר
רחמנא – דבר הויה אין, דלאו בר הויה
לא. קמשמע לן דפסיל מדרבי יוחנן.

The Gemara asks with regard to Rav Hamnuna's statement that a gentile who engages in sexual intercourse with the daughter of a priest **disqualifies her from partaking of *teruma*: Isn't that obvious?** The Gemara answers: It is necessary **lest you say** that he does not disqualify her, as the Merciful One states in the Torah: "And if a priest's daughter should be unto a strange man, she shall not eat of that which is set apart from the holy things" (Leviticus 22:12), indicating that if a woman engages in sexual intercourse with one who is unfit for her, he disqualifies her from partaking of *teruma*. Since the term "should be unto" denotes marriage, one might say **that one who is eligible for betrothal, yes, he disqualifies the woman; but a gentile, who is not eligible for betrothal, does not disqualify her. Rav Hamnuna therefore teaches us that a gentile disqualifies the woman from partaking of *teruma*, as one can learn from the ruling of Rabbi Yohanan.**

דאמר רבי יוחנן משום רבי ישמעאל:
מנין לנכרי ועבד שבאו על הכהנת
ועל הלוייה ועל בת ישראל שפסלוה?
שנאמר: "ובת כהן כי תהיה אלמנה
וגרושה" – מי שיש לו אלמנות וגרושות
בה, יצאו נכרי ועבד שאין לו אלמנות
וגרושות בה!

This is as Rabbi Yohanan says in the name of Rabbi Yishmael: **From where is it derived that a gentile or a slave who engaged in sexual intercourse with the daughter of a priest or with the daughter of a Levite or with the daughter of an Israelite, disqualified her from marrying a priest and from partaking of *teruma*?** This is derived as it is stated: "But if a priest's daughter should be a widow or a divorcee... she returns to her father's house... she may eat of her father's bread" (Leviticus 22:13). This indicates that the daughter of a priest returns to eat of her father's bread, i.e., *teruma*, if she engaged in sexual intercourse with **one whose marriage to her has the potential to end in widowhood or divorce, i.e., a Jew whom she is permitted to marry. This excludes a gentile and a slave, whose marriage to her does not have the potential to end in widowhood or divorce, as their betrothal is invalid.**

ואל לא למעוטי מאי? אמר רב פפא:
למעוטי בהמה, דאין ונות בבהמה.

Since Rav Hamnuna's statement contradicts the suggestion that the mishna excludes a gentile, the Gemara asks: **Rather, what does the term: And of one who is not a man, serve to exclude? Rav Pappa says: This serves to exclude an animal, as the concept of licentiousness does not apply with regard to an animal.^h Therefore, the *halakhot* of a *sota* do not apply in this case.**

אמר ליה רבא מפרזקיא לרב אשי:
מנא הא מילתא דאמור רבנן אין ונות
בבהמה? דכתביב: "לא תביא אתנן זונה
ומחיר כלב" וגו',

Rava of Parzakya said to Rav Ashi: **From where is this matter that the Sages stated derived, that licentiousness does not apply with regard to an animal?** Rav Ashi replied that it is as it is written: "You shall not bring the hire of a harlot, or the price of a dog, into the house of the Lord your God for any vow; for both of them are an abomination to the Lord your God" (Deuteronomy 23:19). This verse prohibits one from sacrificing an animal that served as payment to a prostitute or as payment for the purchase of a dog.

One can issue a warning with regard to a gentile – נכרי מקנין על ידו: If one issued a warning to his wife on account of a gentile, and she then secluded herself with that gentile, she is forbidden to her husband (Rambam *Sefer Nashim, Hilkhot Sota* 1:1; *Shulhan Arukh, Even HaEzer* 178:2).

If a gentile engages in intercourse with the daughter of a priest he disqualifies her from partaking of *teruma* – ופוסל בתרומה – נכרי: A woman who engages in sexual intercourse with a gentile acquires the legal status of a *zona* and is disqualified from marrying a priest. If she is the daughter of a priest she is also disqualified from partaking of *teruma* (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 18:2).

The concept of licentiousness does not apply with regard to an animal – אין ונות בבהמה: A woman who engages in intercourse with an animal does not acquire the legal status of a *zona*, i.e., a woman who has engaged in sexual intercourse with a man forbidden to her, and is not disqualified from marrying a priest. This is so despite the fact that this act is punishable by stoning (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 18:1; *Shulhan Arukh, Even HaEzer* 6:8).

אָתָּן – פְּרִיט: The hire of a dog, i.e., an animal given as payment for engaging in intercourse with a dog, and the price of a prostitute, i.e., an animal which served as payment in the purchase of a prostitute, are permitted to be sacrificed on the altar (Rambam *Sefer Avoda, Hilkhot Issurei Mizbe'ah* 4:18).

פְּרִיט – לְשָׂקִינָא לְהַ דְּרַךְ אֲבָרִים: The Rambam rules that if a woman's husband issued a warning to her, and she then secluded herself with another man and is given the bitter water to drink, if she engaged only in intimate contact with the paramour by way of other limbs, she is not evaluated by the bitter water. The *Arukh HaShulhan*, citing Rashi, rules that if the husband specified in his warning that she should not engage in intimate conduct with another man by way of other limbs, the warning is not a valid warning (Rambam *Sefer Nashim, Hilkhot Sota* 3:24).

הַעֲרָאָה וְזוֹ הַכְּנֶסֶת עֵטְרָה – The initial stage of intercourse is the insertion of the corona into the vagina, and the final stage is the complete penetration of the penis. With regard to prohibited sexual intercourse, there is no difference between the initial stage of intercourse and complete intercourse (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 1:10; *Shulhan Arukh, Even HaEzer* 20:1).

NOTES

לְשָׂקִינָא לְהַ – פְּרִיט לְשָׂקִינָא לְהַ דְּרַךְ אֲבָרִים: According to Rashi and *Tosafot* (*Yevamot* 55b), the Gemara is referring to a case where the husband issued a warning to his wife not to seclude herself with another man and engage in intimate contact by way of other limbs, without suspecting her of engaging in actual sexual intercourse with another man. Although a husband may issue a warning merely by saying: Do not seclude yourself with so-and-so, and he does not need to state the nature of his suspicions, that is because a general warning clearly expresses the husband's concern that his wife will engage in sexual intercourse with her paramour. However, if the husband explicitly states that he does not suspect her of engaging in sexual intercourse but only in other forms of sexual misconduct, since these actions would not render her forbidden to her husband, the warning is not considered a valid warning (Rosh). According to the Rambam and the Meiri, the discussion here does not pertain to the nature of the warning issued by the husband. Rather, the Gemara is discussing a case where the woman disobeyed her husband's warning and engaged in intimate contact with another man by way of other limbs. The Gemara states that since this is not considered to be sexual intercourse, the bitter water would not evaluate whether she was defiled.

And it is taught in a mishna (*Temura* 30a): In the converse cases, **the hire of a dog**, i.e., a kosher animal that was given to the owner of a dog as payment for engaging in intercourse with it, **and the price of a prostitute**,^h i.e., a kosher animal which served as payment in the purchase of a maidservant acquired for prostitution, **are permitted to be sacrificed, as it is stated in the aforementioned verse: For both of them.** This term indicates that only those **two** animals may not be sacrificed, i.e., those which served as the hire of a harlot and as the price of a dog; **and not four** animals, as the reverse cases are excluded from this *halakha*. This indicates that the concept of licentiousness does not apply with regard to animals, as the payment for intercourse with a dog is not considered payment for prostitution.

The Gemara asks: Shmuel states that one can issue a warning with regard to a *shahuf* even though he is unable to discharge semen. **But rather, why do I need the verse to state: "And a man lay with her carnally [shikhvat zera]"** (Numbers 5:13)? The Gemara answers: It is **necessary for that which is taught in a baraita: The term "shikhvat zera" excludes something else.**

The Gemara asks: **What is meant by the term: Something else?** **Rav Sheshet said: This excludes a case where the husband issued a warning to his wife not to engage in sexual intercourse in an atypical manner**, i.e., anal intercourse, with another man, and teaches that this is not considered a valid warning. **Rava said to Rav Sheshet: Intercourse in an atypical manner is considered sexual intercourse, as it is written: "The cohabitations of a woman"** (Leviticus 18:22), indicating that there are two forms of sexual intercourse with a woman, vaginal and anal, and there is no halakhic differentiation between them.

Rather, Rava said: It excludes a case where the husband issued a warning to his wife not to engage in intimate contact with another man by way of other limbs,^{hN} as this is not considered sexual intercourse. **Abaye said to Rava: That is merely licentious behavior, and does the Merciful One render a woman forbidden to her husband on account of merely licentious behavior, without sexual intercourse?** Since this does not render her forbidden to her husband, it is obvious that if the husband issues a warning in this manner, violating the warning does not cause her to become a *sota*. The verse is therefore not required to exclude this case.

Rather, Abaye said: The verse excludes a case where the husband issued a warning to his wife with regard to engaging in genital contact without actual penetration. The Gemara asks: **This works out well according to the one who says that the definition of the initial stage of intercourse is the insertion of the corona^h but that genital contact is nothing; this is the reason that the verse came to exclude genital contact. However, according to the one who says that the definition of the initial stage of intercourse is genital contact, what is there to say?** Why should this case be excluded from the *halakhot* of a *sota*?

The Gemara answers: **Actually**, the verse serves to exclude a case **where the husband issued a warning to his wife not to engage in intimate contact with another man by way of other limbs.** **And** the verse explicitly excludes this case from the *halakhot* of a *sota*, **lest you say that the woman is rendered a sota due to this warning, as the Merciful One made this halakha dependent on the husband's objection, and the husband objects to contact of this nature.** The verse therefore **teaches us** that this is not considered a warning, as it does not involve sexual intercourse.

S Shmuel says: It is better that a man marry

תַּנְיָא: אָתָּן בְּלֵב וּמַחִיר זֹנָה – מוֹתְרִין, שְׂנֵאמַר: "גַּם שְׂנֵיֵהֶם, שְׁנִים וְלֹא אֲרַבְעָה.

וְאֵלָּא "שְׂכֵבֵת זֹרַע" לְמַד לִי מִיַּבְעֵי לִיָּה לְכַדְתְּנִיא: "שְׂכֵבֵת זֹרַע" – פְּרִיט לְדָבָר אַחֵר.

מַאי "דְּבָר אַחֵר"? אָמַר רַב שִׁשְׁתִּי: פְּרִיט לְשָׂקִינָא לְהַ שְׁלֹא בְּדַרְבָּה. אָמַר לִיָּה רַבָּא: שְׁלֹא בְּדַרְבָּה, "מִשְׂכָּבֵי אִשָּׁה" בְּתִיב!

אֵלָּא אָמַר רַבָּא: פְּרִיט לְשָׂקִינָא לְהַ דְּרַךְ אֲבָרִים. אָמַר לִיָּה אַבְיִי: פְּרִיזוֹתָא בְּעֵלְמָא הִיא, וּפְרִיזוֹתָא מִי אֶסֶר רַחֲמֵנָא?

אֵלָּא אָמַר אַבְיִי: פְּרִיט לְשָׂקִינָא לְהַ בְּנִשְׂקָה. הִנְחָא לְמָאן דְּאָמַר: הַעֲרָאָה וְזוֹ הַכְּנֶסֶת עֵטְרָה, אֲבָל נִשְׂקָה וְלֹא בְּלוֹם הִיא, הֵינֵּן דְּאֵתִי קָרָא לְמַעוֹטֵי נִשְׂקָה. אֵלָּא לְמָאן דְּאָמַר: הַעֲרָאָה וְזוֹ נִשְׂקָה, מַאי אִיבָא לְמִימַר?

לְעוֹלָם לְשָׂקִינָא לְהַ דְּרַךְ אֲבָרִים, וּמַה דְּתִימָא? בְּקִפְיָא דְּבַעַל תְּלִיא רַחֲמֵנָא, וּבַעַל הָא קָא קְפִיד. קַמְשַׁמַּע לָן.

אָמַר שְׂמוּאֵל: יֵשָׁא אָדָם