With regard to a slave it is also clear, since if he is given teruma perhaps the court will come to elevate him, etc. – Ḥilkhot Terumot. Perek XI. 100a

The Gemara explains later that teruma may not be distributed to a woman in public, lest an Israelite woman who was married to a priest continue to receive teruma after divorce. The Ritva asks why this reason is not given with regard to a slave as well, as a slave who is freed by his master no longer partakes of teruma. He answers that it is prohibited, with certain exceptions, for one to free his slave, so the concern for that situation is low. Tosafot assert that a freed slave would not want to present himself as a slave, even for the purpose of receiving teruma. This can serve as an answer to the Ritva’s question as well.

Because these situations are repulsive – מָשָּׂרָה תְּרוּמָּה. Although there is no obligation to be in a state of ritual purity, other than when one enters the Temple or eats sacred food, it is considered praiseworthy to be ritually pure, and the state of ritual impurity is considered somewhat repulsive. This is why havremi, i.e., people who have the presumptive status of trustworthiness with regard to ritual impurity, are particular about eating even non-sacred food in a state of purity. With regard to an uncircumcised man, the Gemara states that being uncircumcised is considered repulsive to Jews (Nedarim 31b).

However, to an uncircumcised man one may send it – אֲבָל. The Meiri maintains that this halka is referring to a man who is uncircumcised for reasons entirely beyond his control. However, teruma is not sent to a man who can be circumcised but refrains from doing so.

What is this saying – אֲבָל: The commentaries ask why the Gemara doesn’t raise the possibility that the baraita is referring to a case where the prohibition against distributing teruma to a woman does not apply because neither concern exists, e.g., the case of a granary that is close to town and is also frequently by people. The Ritva answers that this possibility contradicts the wording of the baraita, which indicates that it is referring to the same granary discussed in the first clause of the baraita.

Because it is demeaning – כֵּלֵי נָשָׂא. The Sages state in several places that the shame felt by a woman is greater than that felt by a man, especially in a socially uncomfortable situation, such as a pauper collecting tithes or a litigant. The Ritva adds another reason to give the woman first. If the owner gives the man first, he might be left alone with the woman.

However, to an uncircumcised man one may send it – אֲבָל. The Rambam rules that teruma is sent to neither an impure man nor an uncircumcised man. The Kesef Mishneh questions this ruling, as it appears to contradict the Gemara. He concludes that the Rambam had a different version of the text. Others explain that the Rambam is of the opinion that the halka is not in accordance with this Gemara. Rather, Rabbi Akiva’s opinion that an uncircumcised man has the same status as an impure man is accepted. It is also possible that the Rambam’s ruling refers to a man who is willfully uncircumcised, whereas the Gemara is referring to a man whose is uncircumcised for reasons entirely beyond his control (see Mei; Rambam Sefer Zera’im, Hilkhot Terumot 1.22).

The woman is given first – הַאִשָּׁה לָהֶם. If a man and a woman come to a house to receive the poor man’s tithe, the woman is given the tithe first and released, and only then is the man given (Rambam Sefer Zera’im, Hilkhot Mattenot Aniyim 6.15).

NOTES

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HALAKHA

It is stated in the baraita under discussion: And with regard to all of them, one may send teruma to them, to their homes, with the exception of a ritually impure man and one who marries a woman unfit for him. The Gemara infers: However, to an uncircumcised man one may send it. What is the reason? How does he differ from an impure man?

The Gemara answers: One may send him teruma. It is because of circumstances beyond his control, i.e., the death of his brothers from their circumcision, that he was not circumcised. The Gemara asks: Isn’t an impure man also in his state due to circumstances beyond his control? Why is teruma not sent to him? The Gemara answers: This man is uncircumcised because of circumstances entirely beyond his control, as circumcision is considered life-threatening for him, whereas that impure man is not under circumstances entirely beyond his control, as one can protect himself from ritual impurity.

The Sages taught: One may not distribute teruma to a slave or a woman if they are in the granary. And in a place where people do distribute it to them, the woman is given first and released immediately. The Gemara asks: What is this saying? If one may not distribute teruma to them, how can there be a place where it is distributed?

The Gemara explains that this statement is not referring to teruma. This is what it is saying: In a case where the poor man’s tithe is distributed to the poor from the owner’s house, the woman is given teruma first. What is the reason? She is given the tithe first because it is demeaning for a woman to have to wait in the company of men for a lengthy period of time.

Rav Pappa and Rav Huna, son of Ray Yehoshua, disagree on this issue. One said that it is due to the case of an Israelite woman who was married to a priest and got divorced, thereby losing her permission to partake of teruma. Teruma is not distributed to women in public at all, lest this divorcée continue to receive teruma. And the other one said that it is due to the concern that the owner and the woman might be alone together in the granary.
The handful is sacrificed.

Yosei HaGelili, who maintains that it is prohibited to free a slave, agrees that in a case like this, where it allows his master to coerced to free him, as it is otherwise prohibited to do so. Why not? Neither of them can marry a maidservant in case he is a priest, nor can either of them marry a free woman, as he might be a slave. They are therefore unable to fulfill the mitzva to be fruitful and multiply in their current state and should be obligated to free each other.

Rava said: Say that the mishna means that we coerce them and they free each other.

It is stated in the mishna: If the mixed sons matured and freed each other, they may marry women fit for the priesthood. The use of the past tense indicates that this halakha applies after the fact. If one of the sons desires to free the other, he may, but if he does not desire to do so, he is not obligated. And why not? Neither of them can marry a maidservant in case he is a priest, nor can either of them marry a free woman, as he might be a slave. They are therefore unable to fulfill the mitzva to be fruitful and multiply in their current state and should be obligated to free each other.

The Gemara asks: With regard to what halakha is this stated, beyond those cited specifically in the mishna? Rav Pappa said: It is stated with regard to their meal-offering: The handful is taken from it like the meal-offering of an Israelite, unlike that of a priest, which is burned in its entirety. However, the offering does not get eaten, like the meal-offering of priests. How so? How is the practice performed so that both stringencies are kept? The handful is sacrificed and burned by itself, and the remainder of the offering is offered by itself.

The Gemara asks: How can it be performed in this manner? There is a principle that should apply here, that whatever is partly burned in the fire on the altar is subject to the prohibition of "you may not make... as an offering" (Leviticus 2:11). This principle states that if part of an item, e.g., the blood of an animal offering or the handful of a meal-offering, is burned on the altar, then burning any of its other parts, which are not designated for burning, is prohibited. How, then, can the remainder of the meal-offering be sacrificed?

Rabbi Yehuda, son of Rabbi Shimon ben Pazi, said that the remainder is brought up to the altar only for the purpose of wood, i.e., as fuel for the altar, not as an offering. In this manner, it is permitted. This answer is in accordance with the opinion of Rabbi Elazar, as it is taught in a baraita that Rabbi Elazar said: "But they shall not come up for a sweet savor on the altar" (Leviticus 2:12). This verse indicates that you may not bring up leaven and honey as a 'sweet savor', i.e., an offering. However, you may bring up leaven, and honey, and other materials for the purpose of wood.

The Gemara asks: This works out well according to Rabbi Elazar. However, according to the Rabbis, who disagree with Rabbi Elazar and hold that it may not be burned for the purpose of fuel, what can be said? What is to be done with the remainder? The Gemara answers that the offering is treated in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon, as it is taught in a baraita that Rabbi Elazar, son of Rabbi Shimon, says: The handful is sacrificed by itself, and the remainder is scattered over the place of the ashes. And even the Rabbis disagree with Rabbi Elazar, son of Rabbi Shimon, only with regard to a sinner’s meal-offering that belongs to priests, as it is fit to be sacrificed in its entirety. However, here, in the case of an uncertain priest, even the Rabbis agree that the remainder is scattered over the ashes, as it cannot be offered in case he is a non-priest.
MISHNA With regard to a woman who did not wait three months after separating from her husband, and remarried and gave birth to a son, and it is not known if he was born after nine months of pregnancy to the former husband or if he was born after seven months to the latter husband, if she had sons of certain patrilineage from the first husband and sons of certain patrilineage from the second one, and the son of uncertain patrilineage married and died childless, then the brothers from both husbands must perform halitza with their wives. But they may not perform levirate marriage with her, in case he is only their maternal half brother, and his wife is forbidden to them. And similarly, with regard to him and their wives, if one of them dies childless, he performs halitza and not levirate marriage.

HALAKHA A woman who did not wait three months after separating from her husband, etc. – The Rambam (Sefer Nashim, Hilkhot Yibbum 8:6). If a woman did not wait three months after separating from her husband before remarrying and gave birth to a son whose father can be either her first or second husband, and one of her husbands was a priest and the other an Israelite, the child is rendered an uncertain priest. This is also the status of the son of a priest who mixed with the son of an Israelite, so that their lineage was consequently indeterminate. This child may marry only women fit to marry a priest. However, if he marries a woman who is not fit, he is not obligated to divorce her. He may not become impure with impurity imparted by a corpse because he might be a priest. But if he became impure, he does not receive the forty lashes, as he might be a non-priest. Likewise, he does not partake of terumot in case he is a non-priest. However, if he ate terumot, he does not pay the principal and the additional fifth, as he might be a priest. And he does not receive terumot at the granary. However, he may sell the terumot of his own produce and the money is his. It cannot be taken away from him due to the uncertainty with regard to his status.

HALAKHA If he had half brothers, etc. – The Rambam (Sefer Nashim, Hilkhot Yibbum 8:6). If it is uncertain whether a man is the son of his mother’s first or second husband, and he has one paternal half brother from each of those husbands, and they die childless, he may perform either halitza or levirate marriage with their wives. If he dies childless, one of them performs halitza and the other performs levirate marriage with his widow (Rambam, Sefer Nashim, Hilkhot Yibbum 8:7, Shulhan Arukh, Even HaEzer 176:7). If one was an Israelite and one was a priest, etc. – The Rambam (Sefer Nashim, Hilkhot Yibbum 8:6). If a woman did not wait three months after separating from her husband before remarrying and gave birth to a son whose father can be either her first or second husband, and one of her husbands was a priest and the other an Israelite, the child is rendered an uncertain priest. This is also the status of the son of a priest who mixed with the son of an Israelite, so that their lineage was consequently indeterminate. This child may marry only women fit to marry a priest. However, if he marries a woman who is not fit, he is not obligated to divorce her. He may not become impure with impurity imparted by a corpse because he might be a priest. But if he became impure, he does not receive the forty lashes, as he might be a non-priest. Likewise, he does not partake of terumot in case he is a non-priest. However, if he ate terumot, he does not pay the principal and the additional fifth, as he might be a priest. And he does not receive terumot at the granary. However, he may sell the terumot of his own produce and the money is his. It cannot be taken away from him due to the uncertainty with regard to his status.
If both uncertain fathers were priests, then if they die he is in a state of acute mourning over each of them, in case the deceased is his father. And if he dies, they are both in a state of acute mourning over him, as one of them is his father. He may not become ritually impure to bury them, as each one may not be his relative, and they may not become ritually impure to bury him for the same reason. He does not inherit from them, as the heirs of both husbands can reject his claims. However, he inherits from him if he has no sons and split his inheritance equally.

And he is exempt from capital punishment for striking and for cursing both this father and that one. Although one who strikes or curses his father or mother is liable to receive the death penalty, he cannot be held liable, as it is unknown which of the men is his father. He must ascend to the Temple service with the priestly watch of this father and of that one, as he belongs to one of these watches and is obligated to serve with them. However, he does not receive a share of the portion of the offerings that gets eaten, as the members of each watch can claim that he is a member of the other watch. If both uncertain fathers were in one priestly watch, he receives one share, as he certainly belongs to that watch.

**GEMARA**

The mishna stated that if the son has paternal half brothers from each of his two uncertain fathers and he dies childless, a half brother from one father performs halitza and the other performs levirate marriage. The Gemara comments that halitza is specifically performed first and only afterward levirate marriage. However, levirate marriage is not performed first, as that would breach the prohibition against a yevama engaging in intercourse with a member of the public in the event that she is not his yevama but rather the yevama of the other half brother.

Shmuel said that if ten priests were standing in one place, and one of them, who is unidentified, left the group and engaged in intercourse with a woman, and she gave birth, the child is a silenced one, i.e., a child whose father’s identity is not known. The Gemara asks: What is the meaning of the phrase silenced one [shetuki]? in this regard? If we say that he is silenced from any claim to his father’s property, this is obvious; do we know who his father is? Rather, it means that he is silenced from the status of priesthood, as well. Although his father certainly is a priest, he is not given this status.

The Gemara asks: What is the reason for this? The Gemara answers that the verse states: “And it shall be to him and to his seed a priest forever” (Numbers 25:13). It is derived from “and to his seed after him” that we require a priest’s descendants to be attributed to his lineage, and here that is not the case, as there is no certain father.

**NOTES**

He does not inherit from them, etc. — The commentaries ask why the halakah with regard to inheritance, striking, and cursing are stated specifically with regard to a case in which both husbands were priests, despite the fact that these halakhot apply to the same degree to a case in which they were not priests.

One suggestion is that this halakha contains a novel element with regard to a case in which they were priests. Although they may not become ritually impure to bury the son and vice versa, they nevertheless inherit from him, as he is still considered their son. Similarly, the mishna teaches: Although the child observes acute mourning over his uncertain fathers, despite his priesthood, he is not liable to receive punishment for striking or cursing them, as the paternity of each one is uncertain (Tiferet Yoreh; see Arukh HaNer).

What is the meaning of the phrase silenced one (shetuki)? — The common meaning of the term shetuki is a person whose mother does not know the identity of his father. He is considered a mamzer due to the likelihood that he was born from an adulterous relationship or a mamzer father (Kiddushin 69a). However, in the case here, the child is certainly not a mamzer, although his father’s identity is unknown. Therefore, it is necessary for the Gemara to explain the meaning of shetuki in this context.

That he is silenced from the status of priesthood — כותבון קדוש פְּרָט כְּהוּנָּה יֵשׁ: The Ritva explains that he forfeits the rights of a priest, while the prohibitions of priesthood still pertain to him. This halakha is a penalty by rabbinic law meant to prevent women from engaging in licentious intercourse, as stated by the Gemara below.
Rav Pappa strongly objects to this: However, if that is so, since the same phrase is written with regard to Abraham: “To be a God to you and to your seed after you” (Genesis 17:7), what is the Merciful One warning him there? Can it possibly mean that one who cannot identify his parents is not obligated to serve God as a Jew? The Gemara answers that this is what He said to him: You may not marry a gentle woman or a maidservant, so that the status of your offspring will not follow her status, as the child of a Jewish man and a gentle woman or maidservant receives the status of his mother.

The Gemara raises an objection: A baraita (17a) teaches that if a priest performed levirate marriage with his brother’s wife within three months of his brother’s death, and she gave birth to a son who is either her deceased husband’s son or her brother-in-law’s son, this first son born after the levirate marriage is fit even to be a High Priest. But don’t we require his descendants to be attributed to his lineage, and that is not so in this case, as the father’s identity is unknown? The Gemara answers: The requirement that his descendants be attributed to his lineage is rabbinic law, and the verse is a mere support, not the actual source. And when the Sages decreed that one whose father’s identity is unknown is not a priest, they did so only with regard to a case of licentious intercourse. With regard to a case of marriage, as is the case in the baraita, the Sages did not apply the decree.

The Gemara asks: And with regard to a case of licentious intercourse, did the Sages in fact issue a decree? Didn’t we learn in the mishna about a woman who did not wait three months after separating from her husband and remarried and gave birth to a son?

What is the meaning of the phrase: After separating from her husband? If we say it means after her husband’s death, say the latter clause of the mishna: If they die, he is in a state of acute mourning over each of them, and if he dies, they are both in a state of acute mourning over him. Granted, if they die, he is in a state of acute mourning over them. You find this case with regard to his uncertain father from his mother’s marriage to the second man. If the second husband dies, the child must mourn for him, and he is also in a state of acute mourning following the gathering of the bones of the first husband, who died before he was born. When the bones of a person who was buried are dug up for proper burial in his ancestor’s plot, his relatives mourn for him a second time. But with regard to the statement that if he dies they are in a state of acute mourning for him, how can you find these circumstances? The first husband is already dead.

And assume the mishna’s statement is rather with regard to a divorcee. And accordingly what is the meaning of the phrase: After separating from her husband? It means: After she received a bill of divorce from her husband. If so, say the latter clause of the mishna: He may not become impure to bury them, and they may not become impure to bury him. Granted, they may not become impure to bury him, as the ruling is stringent, as with regard to each one of them perhaps he is not his son. However, why may he not become impure to bury them?

Granted, for the second one he should not become impure, as he might not be his son. However, for the first he should be allowed to become impure whichever way you view it: If he is his son, it is appropriate for him to become impure to bury him, as even a priest must become ritually impure to bury his father. And if he is the son of the latter one, it is appropriate for him to become impure to bury him, as he, the son, is a halal. If his mother is a divorcee, his father, the latter husband, is prohibited as a priest to marry her, and a child born from this relationship is a halal, who is unfit for the priesthood. There would then be no prohibition against his becoming ritualually impure.
A conclusive refutation of the opinion of Shmuel – Sefer Kedusha

The Meiir suggests, in response to this difficulty, that the mishna is referring to not one particular case but to several different situations. The ruling with regard to ritual impurity is referring to the case of a woman who was widowed from her first husband, whereas the ruling with regard to acute mourning involves a divorcee.

Can a girl who refuses her husband give birth – הילדה אסה recurע הובא

The Gemara above indicates that giving birth is considered a sign of maturity and retroactively renders a girl a grown woman from the time she conceives (12b). The commentaries point out that this is referring not to a minor girl’s refusal but to a man who engaged in intercourse with her is exempt from lashes for rebelliousness. She is permitted to claim that the betrothal was mistaken and to thereby nullify it.

The Gemara asks: Can a girl who refuses her husband give birth? Didn’t Rav Beivai teach before Rav Nahman that women in three situations may engage in intercourse with a contraceptive resorbert, despite the fact that this practice is generally prohibited: A minor girl, a pregnant woman, and a nursing woman? A minor girl may do so lest she become pregnant and die, as the fetus might endanger her life. A pregnant woman may do so lest she get pregnant a second time and her previous fetus becomes a sandal, i.e., it is squashed by the pressure of the second fetus. A nursing woman may do so lest she wean her child prematurely, as pregnancy will cause her milk to dry up, and he will die of hunger. And who is considered a minor girl in this context? A girl from the age of eleven years and one day until the age of twelve years and one day. If she is younger than this or older than this, she should go ahead and engage in intercourse in her usual manner.

Who, although she was not coerced, is permitted to her husband – תלמוד אֵלֶיה עָלָה פִּיקָי

In the case of a man who engaged in intercourse with a minor girl who is married to an adult, if she was betrothed in a manner that is valid by Torah law, i.e., her father married her off, this man is liable to receive the death penalty by means of strangulation, while she is exempt. However, the Rambam rules that she nevertheless becomes forbidden to her husband. The Ra’avad disagrees, citing the principle that the seduction of a minor is considered rape.

If her betrothal was valid only by rabbinic law, i.e., she was married off by her mother or brothers, one who engaged in intercourse with her is exempt from the death penalty. However, he is liable by rabbinic law to receive lashes for rebelliousness. She is permitted to her husband, even if he is a priest (Rambam Sefer Kedusha, Hilkhot Issurei Bi’ah 31a).

Rav Shemaya said: The mishna’s statement pertains to a girl who refused her husband. A minor girl who was orphaned from her father may be married off by her brothers. However, she may subsequently refuse her husband before reaching majority. This nullifies the marriage entirely, so she is not considered a divorcee, for whom it is prohibited to marry a priest. In the case of the mishna, she did not wait three months after her refusal before marrying again, so she does not know who the father of her child is.

And the Rabbis say: Both this one and that one, i.e., women in any cases, should go ahead and engage in intercourse in their usual manner, and Heaven will have mercy and prevent them from getting pregnant, as it is stated: “The Lord preserves the simple” (Psalms 116:6). Evidently, a girl who is a minor and therefore young enough to refuse her husband cannot become pregnant without endangering her health.

The Gemara answers: You find a solution in the case of a mistaken betrothal. For example, if the first husband betrothed her conditionally and the condition was unfulfilled, the marriage is nullified. This woman may marry a priest. If she did so within three months, the identity of her child’s father is uncertain, which fits the statement in the mishna. And this is in accordance with what Rav Yehuda said that Shmuel said, as Rav Yehuda said that Shmuel said in the name of Rabbi Yishmael: The verse states with regard to a sota: “Neither was she [hi] coerced in the act” (Numbers 5:13). It may be inferred that she is forbidden to her husband only if she was not coerced by the adulterer; if she was coerced she is permitted to him.

And the superfluous word “she” indicates that you have another woman who, although she engaged in intercourse willingly and was not coerced, is nevertheless permitted to her husband, as the intercourse is not considered adultery. And who is this? This is referring to a woman whose betrothal was a mistaken betrothal, as even if her child is riding on her shoulders, she may refuse her husband and go off on her way. She is considered an unmarried woman, and she is therefore permitted to return to her husband, even if she engaged in intercourse with another man. The mishna may therefore be explained in a way that does not contradict Shmuel.