

**A widow to a High Priest, etc.** – אִלְמָנָה לְבָהֵן גְּדוּל וְכוּ' – If a widow is betrothed to a High Priest, or a divorcée is betrothed to a priest, even if they are daughters of priests, they may not partake of *teruma*. This is in accordance with the opinion of Rabbi Meir. If they were then widowed or divorced before completing the marriage, they may once again partake of *teruma*. However, if their marriage to the priest was consummated, they are *halalot* and are permanently disqualified from partaking of *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:21).

**A priest with crushed testicles who betrothed a valid woman** – פְּצוּעַ דְּכָא כְהֵן שְׁקֵדֵשׁ בְּיָרְהָ – If a priest with crushed testicles betrothed a woman, even if she is the daughter of a priest, she may not partake of *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:14).

NOTES

**Halala** – חֵלְלָה: If it is forbidden for a woman to marry a regular priest or a High Priest and she engages in sexual intercourse with him, she is rendered a *halala*. A woman is also considered a *halala* if she is born from the union of a priest and a woman who is forbidden from marrying a priest; or if she is the wife or daughter of a *halal*, which is a son born from the union of a priest and a woman who is forbidden from marrying a priest. It is prohibited for a *halala* to marry a priest or partake of *teruma*.

**A priest with crushed testicles who betrothed the daughter of an Israelite** – פְּצוּעַ דְּכָא כְהֵן שְׁקֵדֵשׁ בֵּת יִשְׂרָאֵל – Virtually all the commentaries prefer Rabbeinu Hānanel's reading: A priest with crushed testicles who betrothed the daughter of a priest (see *Tosafot*).

**מתני' אִלְמָנָה לְבָהֵן גְּדוּל, גְּרוּשָׁה וְחֵלְוִיצָה לְבָהֵן הַדְּיוּט מִן הָאִירוּסִין – לֹא יֹאכְלוּ בְּתֻרְמָה, רַבִּי אֶלְעָזָר וְרַבִּי שִׁמְעוֹן מְכַשְׁרִין.**

**נִתְאַרְמְלוּ אוֹ נִתְגַּרְשׁוּ, מִן הַנְּשׂוּאִין – פְּסוּלוֹת, מִן הָאִירוּסִין – כְּשֵׁרוֹת.**

**גַּמְ' תַּנְיָא, אָמַר רַבִּי מֵאִיר: קַל וְחֹמֶר, וּמַה קְדוּשֵׁי רְשׁוֹת – אֵין מְאֻבְּלִין, קְדוּשֵׁי עֲבִירָה – לֹא כָּל שְׁבָן?**

**אָמְרוּ לוֹ: לֹא, אִם אָמַרְתָּ בְּקִידוּשֵׁי רְשׁוֹת – שְׁבָן אֵין לוֹ לְהֶאֱכִיל בְּמָקוֹם אַחֵר, תֵּאמַר בְּקִידוּשֵׁי עֲבִירָה – שְׁבָן יֵשׁ לוֹ לְהֶאֱכִיל בְּמָקוֹם אַחֵר.**

**אָמַר רַבִּי אֶלְעָזָר אָמַר רַבִּי אוֹשְׁעִיָּא: פְּצוּעַ דְּכָא כְהֵן שְׁקֵדֵשׁ בֵּת יִשְׂרָאֵל – בְּאֵנוּ לְמַחְלוּקַת רַבִּי מֵאִיר וְרַבִּי אֶלְעָזָר וְרַבִּי שִׁמְעוֹן.**

**לְרַבִּי מֵאִיר דְּאָמַר מִשְׁתַּמְרַת לְבִיאַה פְּסוּלָה דְּאוֹרֵייתָא לֹא אָבְלָה – הָא נְמִי לֹא אָבְלָה, לְרַבִּי אֶלְעָזָר וְרַבִּי שִׁמְעוֹן דְּאָמְרֵי מִשְׁתַּמְרַת לְבִיאַה פְּסוּלָה דְּאוֹרֵייתָא אָבְלָה**

**MISHNA** A widow to a High Priest,<sup>H</sup> a divorcée, or a *halutza* to a common priest, even if they had only engaged in betrothal and had not yet had intercourse, may not partake of *teruma*. Since they are forbidden to the men who betrothed them, the betrothal itself disqualifies them from the privileges of priesthood even if they are the daughters of priests. **Rabbi Elazar and Rabbi Shimon declare them fit to partake of *teruma*.** Since the prohibition is violated through the act of intercourse and not betrothal, the women are disqualified only once they have intercourse.

In a case where these women were widowed or divorced, if it was from marriage, they are disqualified from the priesthood and may not partake of *teruma*. This is because a woman prohibited from marrying a priest who has intercourse with a priest becomes a *halala*,<sup>N</sup> and is thereby disqualified from partaking of *teruma*. However, if they were widowed or divorced from their state of betrothal, they are once again fit to partake of *teruma* according to all opinions.

**GEMARA** It is taught in a *baraita* that Rabbi Meir said: This is an *a fortiori* inference: Just as optional betrothal, e.g., in the case of an Israelite who betroths the daughter of a priest, does not entitle her to partake of *teruma*, as her betrothal to a non-priest disqualifies her from partaking of her father's *teruma*, is it not all the more so true in a case of betrothal that constitutes a transgression, as in the cases in the mishna?

They said to him: No, if you say that this is true with regard to an Israelite, whose status cannot entitle her to partake of *teruma* in another case, as one betrothed to an Israelite may never partake of *teruma*, shall you also say that this is the case with regard to betrothal to a priest that constitutes a transgression, where his status does entitle her to partake of *teruma* in a different case, as marriage to a priest entitles a woman to partake of *teruma* in a case where it is permitted for them to marry?

Rabbi Elazar said that Rabbi Oshaya said: In the case of a priest with crushed testicles or with other wounds to his genitals who betrothed the daughter of an Israelite,<sup>HN</sup> which is prohibited by the verse "He that is crushed or maimed shall not enter into the congregation of the Lord" (Deuteronomy 23:2), we have arrived at the dispute between Rabbi Meir on the one hand and Rabbi Elazar and Rabbi Shimon on the other.

According to Rabbi Meir, who said that a woman who is reserved for intercourse that is invalid, i.e., prohibited, by Torah law may not partake of *teruma*, this one may also not partake of *teruma*, as it is prohibited by Torah law for her to have intercourse with a man with crushed testicles. According to Rabbi Elazar and Rabbi Shimon, who say that a woman who is reserved for intercourse that is invalid by Torah law may partake of *teruma* until she actually engages in the prohibited act of intercourse,

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הָא נְמִי אָבְלָה. מִמַּאי? דְּלִמָּא עַד כְּאֵן לֹא קְאָמְרֵי רַבִּי אֶלְעָזָר וְרַבִּי שִׁמְעוֹן הָתָם אָלֵא דִּישׁ לוֹ לְהֶאֱכִיל בְּמָקוֹם אַחֵר, אָבְלָה הֵכָא, דְּאֵין לוֹ לְהֶאֱכִיל בְּמָקוֹם אַחֵר – לֹא.

this one may also partake of *teruma* until that time. The Gemara refutes this argument: From where do we know that this is correct? Perhaps Rabbi Elazar and Rabbi Shimon stated their opinion there only with regard to a priest whose status can entitle her to partake of *teruma* in another case, but here, in the case of a priest with crushed testicles, whose status cannot entitle her to partake of *teruma* in another case, as it is forbidden for him to marry a woman who was born Jewish, no, they did not state their opinion.

Rabbi Oshaya – רבי אושעיא: Rabbi Oshaya was one of the greatest of the first generation of *amora'im* in Eretz Yisrael. Due to his prominence and influence, he was known as Rabbi Oshaya the Great, and was also given the honorific title Father of the Mishna.

His family came from the south, where he was apparently born and raised. At some point he moved to the Galilee and settled in Tzippori and Caesarea. The verse “A threefold cord is not quickly broken” (Ecclesiastes 4:12) was used to describe him, as his father, Rabbi Hama, and his grandfather, Rabbi Bisa, were also renowned Sages.

Rabbi Oshaya was originally a disciple of bar Kapara, and later, probably after his move to the Galilee, he became a disciple of Rabbi Hiyya. Like Rabbi Hiyya, Rabbi Oshaya authored a collection of *baraitot* that is considered highly authoritative and reliable, to the extent that the Sages stated a principle that any collection of *baraitot* other than that of Rabbi Hiyya and Rabbi Oshaya is of questionable validity.

It seems that as a young man Rabbi Oshaya was a member of the rabbinical court of Rabbi Yehuda HaNasi. However, his most active years came during the time of Rabbi Yehuda HaNasi's students, and especially during the time of Rabbi Yehuda HaNasi's grandson, Rabbi Yehuda Nesia, when Rabbi Oshaya was considered the outstanding scholar of the generation. Rabbi Oshaya's family maintained close ties with the house of the *Nasi*.

All the important *amora'im* in Eretz Yisrael viewed themselves as Rabbi Oshaya's students, including the illustrious Rabbi Yoḥanan. Together with his greatness in Torah, Rabbi Oshaya was also known for his exemplary behavior and for his consideration in tending to the physical and emotional needs of those in distress. It seems that he was also well versed in worldly wisdom, as his masters occasionally sent him to explain issues to various individuals from other nations.

It is not known what Rabbi Oshaya's occupation was, but it is clear that he barely made a living. He lived a long life, as his students' students were prominent scholars in Eretz Yisrael during his own lifetime. His son, Rabbi Marinos, is mentioned in the Jerusalem Talmud.

וכי תימא: הכא נמי יש לו להאכיל בבת גרים – והא מיבעיא בעי לה רבי יוחנן מרבי אושעיא, ולא פשיט ליה.

And if you say that here too, his status can at least entitle his wife to partake of *teruma* if he marries the daughter of converts, wasn't it already raised as a dilemma by Rabbi Yoḥanan before Rabbi Oshaya<sup>p</sup> whether the daughter of converts who married a priest with crushed testicles may partake of *teruma*, and he was unable to resolve it for him? Therefore, there is a difference between a priest with crushed testicles and other priests who betroth women who are disqualified by their intercourse.

איתמר, אבני אמר: הואיל ומאכילה בלא ידעה,

It was stated that Abaye said: Women betrothed to a priest with crushed testicles may eat *teruma* since his status entitles his wife to partake of *teruma* in a case where he has not known her. If a priest was properly married and then his testicles became crushed, as long as he has not known his wife, i.e., engaged in intercourse with her, after that point in time, she may continue partaking of *teruma* as his wife.

רבא אמר: הואיל ומאכילה בעבדיו ושפחותיו הכנענים.

Rava said she may continue to partake of *teruma* for a different reason: She may eat *teruma* since the status of this priest entitles his Canaanite slaves and maidservants to partake of *teruma*. Because he has the power to enable others to partake of *teruma*, the case of a woman betrothed to a priest with crushed testicles is comparable to the cases in the mishna, and Rabbi Elazar and Rabbi Shimon would permit the woman to partake of *teruma*.

אבני לא אמר כרבא, קנין דאישות מקנין דאישות – ילפינן, ולא ילפינן קנין דאישות מקנין דעבדים.

The Gemara clarifies the two opinions. Abaye did not say in accordance with the opinion of Rava because he claims that we derive the *halakhot* related to the acquisition of marriage from the acquisition of marriage, and we do not derive the *halakhot* related to the acquisition of marriage from the acquisition of slaves.

ורבא לא אמר כאבני – שאני התם שפבר אכלה. ואבני: שפבר אכלה לא אמרין, דאי לא תימא הכי – בת ישראל שניסת לכהן ומית – תיכול, שפבר אכלה. ורבא: התם – פקע קניניה, הכא – לא פקע קניניה.

And Rava did not state his opinion in accordance with the opinion of Abaye, as he maintains that it is different there, as she had already partaken of *teruma*<sup>n</sup> before her husband's testicles were crushed and therefore she may continue to partake of it. And Abaye would respond that we do not say that the case is different because she had already partaken of *teruma*, as, if you do not say so, the daughter of an Israelite who was married to a priest who died childless should be allowed to partake of *teruma*, as she had already partaken of *teruma* while her husband was alive. And Rava replies that there is no comparison between the two cases: There, his acquisition lapses upon his death; here, his acquisition does not lapse, as she is still his wife.

גופא, בעא מיניה רבי יוחנן מרבי אושעיא: פצוע דכא בהן שנשא בת גרים, מהו שיאכילה בתרומה? אישתיק ולא אמר ליה ולא מידי. לפוך אתא גברא רבה אחרינא, ובעא מיניה מילתא [אחריתא], ופשיט ליה. ומנו – ריש לקיש. אמר ליה רבי יהודה נשיאה לרבי אושעיא: אטו רבי יוחנן לאו גברא רבה הוא? אמר ליה: דקבעי מינאי מילתא דלית לה פתרי.

§ The Gemara earlier mentioned a question that Rabbi Yoḥanan posed to Rabbi Oshaya, and it now turns its attention to that matter itself. Rabbi Yoḥanan raised a dilemma before Rabbi Oshaya: With regard to a priest with crushed testicles or with other wounds to his genitals who married the daughter of converts, what is the *halakha* concerning whether his status entitles her to partake of *teruma*? Rabbi Oshaya was silent and said nothing to him. Eventually another great man came and raised a different dilemma before Rabbi Oshaya, and he resolved his question. And who was this great man? Reish Lakish. Rabbi Yehuda Nesia said to Rabbi Oshaya: Is Rabbi Yoḥanan not a great man? Why didn't you address his dilemma? Rabbi Oshaya said to him: I did not respond because he raised a dilemma before me that has no resolution.

## NOTES

It is different there, as she had already partaken of *teruma* – שאני התם שפבר אכלה – According to the text of Rabbeinu Hananel and many others, the case under discussion is about a priest with crushed testicles who betrothed the daughter

of a priest. In that case, the woman has already partaken of *teruma* due to the fact that she is the daughter of a priest. Consequently, why should there be a distinction between that case and the case of the priest whose wife was entitled

to partake of *teruma* before his testicles were crushed? The Ritva explains that by getting married she has left her father's household, and therefore her earlier consumption of *teruma* is no longer relevant.

The congregation of converts is not called the congregation of the Lord – קהל גרים לא איקרי קהל: It is permitted for a convert to marry a *mamzeret*, and it is permitted for a female convert to marry a *mamzer* or a man with crushed testicles. The children of converts may also marry these individuals, even if they were conceived and born after their parents' conversion. This is true even after the passage of several generations, as long as they are still known as converts and neither of their parents is a natural-born Jew. The *halakha* is in accordance with the opinion of Rabbi Yosei (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 15:7–8; *Shulhan Arukh, Even HaEzer* 4:22).

**A woman who is the daughter of converts...into the priesthood – אשה בת גרים...לכהונה:** A woman who is the daughter of two converts may not marry a priest. If she nevertheless married a priest, they are not forced to divorce if she was conceived after her parents converted. This is based upon the conclusion of the Gemara in tractate *Kiddushin* (78b) that, after the fact, the *halakha* is in accordance with the opinion of Rabbi Yosei. If one of her parents was a natural-born Jew, she may marry a priest even *ab initio*, as stated by Rabbi Eliezer ben Ya'akov (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 19:12; *Shulhan Arukh, Even HaEzer* 7:21).

**A priest with crushed testicles or with other wounds to his genitals – קצווע דכא בהן:** If a priest with crushed testicles married a daughter of converts she may partake of *teruma* on his account, in accordance with the opinions of Rabbi Yosei and Rabbi Eliezer ben Ya'akov (*Kesef Mishneh*; Rambam *Sefer Zera'im, Hilkhot Terumat* 7:13).

NOTES

**A woman who is the daughter of converts may not marry into the priesthood – בית גרים לא תנשא לכהונה:** As explained in tractate *Kiddushin* (78a), this *halakha* is based on the verse "Neither shall they take for their wives a widow...but they shall take virgins from the seed of the house of Israel" (Ezekiel 44:22). See the Gemara there for other reasons that apply to a female convert herself.

למאן? אי לרבי יהודה – בין בקדושתיה קאי בין לאו בקדושתיה קאי – לא אכלה. אי בקדושתיה קאי לא אכלה, דהא אמר מר: בת גר זכר כבת חלל זכר.

אי לאו בקדושתיה קאי – לא אכלה, דהא אמרינן: קהל גרים איקרי קהל.

ואי לרבי יוסי, בין בקדושתיה קאי בין לאו בקדושתיה קאי – אכלה. בקדושתיה קאי אכלה – דהא אמר: אף גר שנשא גיורת בתו בשרה לכהונה. אי לאו בקדושתיה קאי אכלה – דהא אמר: קהל גרים לא איקרי קהל.

אלא אליבא דהאי תנא. דתנן, רבי אליעזר בן יעקב אומר: אשה בת גרים לא תנשא לכהונה עד שתהא אמה מישראל.

והכי קמבעיא ליה: בשרות מיתוספא בה ואכלה, או דלמא קדושה מיתוספא בה ולא אכלה?

תא שמע: כי אתא רבי אחא בר חיננא מדרומא, אתא ואייתי מתניתא בידיה: מינן לפצווע דכא בהן שנשא בת גרים שפאכילה בתרומה – שנאמר "וכהן כי יקנה נפש קנין כסף וגו' יאכל בו",

The Gemara explains: According to whom did he raise his dilemma? If it was in accordance with the opinion of Rabbi Yehuda, then, whether the priest with crushed testicles retains his priestly sanctity or whether he does not retain his priestly sanctity and may marry women forbidden to priests, she may not partake of *teruma*. The reasoning is as follows: If he retains his priestly sanctity she may not partake of *teruma*, as the Master said: The status of the daughter of a male convert is like that of the daughter of a male *halal*. They are both prohibited from marrying a priest, and therefore even if they marry a priest, it is prohibited for them to eat *teruma*.

Even if he does not retain his priestly sanctity she may not eat, as we say that according to Rabbi Yehuda, the congregation of converts is called the congregation of the Lord. Therefore, when the Torah renders it prohibited for a man with crushed testicles to marry into the congregation of the Lord (see Deuteronomy 23:2), it renders it prohibited for him to marry converts.

And if he raised his dilemma in accordance with the opinion of Rabbi Yosei, then, whether he retains his priestly sanctity or whether he does not retain his priestly sanctity, she may partake of *teruma*. If he retains his sanctity she may partake, as Rabbi Yosei said: Even if a convert married a convert, his daughter is fit for marrying into the priesthood. If he does not retain his sanctity she may partake, as Rabbi Yosei said: The congregation of converts is not called the congregation of the Lord,<sup>H</sup> and therefore even those forbidden from entering the congregation may marry converts. Consequently, it is certainly permitted for the priest with crushed testicles to marry the daughter of converts.

Rather, Rabbi Yohanan raised his dilemma in accordance with the opinion of this *tanna*, as we learned in a mishna (*Bikkurim* 1:5) that Rabbi Eliezer ben Ya'akov says: A woman who is the daughter of converts may not marry into the priesthood<sup>NH</sup> unless her mother was Jewish from birth.

And his dilemma was as follows: Is the reason she may marry a priest if her mother was Jewish from birth that fitness to marry a priest has been added to her, but she is not considered a member of the congregation of the Lord and may therefore marry a man with crushed testicles? If so, since she may marry a priest, she may partake of *teruma* once she does so. Or perhaps sanctity has been added to her and she is considered a member of the congregation of the Lord. Consequently, she may not marry a man with crushed testicles, and if she does, she may not partake of *teruma* even if he is a priest.

The Gemara suggests an answer to this dilemma. Come and hear: When Rabbi Aha bar Hinnana came from the south,<sup>B</sup> he came and brought this *baraita* in hand: From where is it derived that a priest with crushed testicles or with other wounds to his genitals<sup>H</sup> who married the daughter of converts entitles her to partake of *teruma*? As it is stated: "But if a priest buys any soul, the purchase of his money, he may eat of it" (Leviticus 22:11). In this context, a wife is also considered his monetary acquisition, and therefore she may partake of *teruma*.

BACKGROUND

**From the south – מדרומא:** From the time of the bar Kokheva revolt, the center of Jewish life in Eretz Yisrael was in the Galilee. Judea was mostly desolate, as the majority of the population, and the Sanhedrin, were in the Galilee. However, some important centers of Jewish life in Judea remained, including Lod

and other cities. There were some Sages who lived south of the Galilee and preserved ancient traditions. At times, these Sages would travel north to the Galilee and report halakhic traditions, *baraitot*, or statements of earlier Sages that were not known to the Sages in the Galilee.

למאן? אילימא לרבי יהודה – האמר: בין בקדושתיה קאי בין לאו בקדושתיה קאי – לא אכלה. ואי לרבי יוסי – למה לי קרא? האמר: בין בקדושתיה קאי בין לאו בקדושתיה קאי – אכלה. אלא לאו – לרבי אליעזר בן יעקב, ושמע מינה: בשורות איתוספא בה, ואכלה. שמע מינה.

The Gemara analyzes this source: According to whom is this *baraita* stated? If we say it is in accordance with the opinion of Rabbi Yehuda, didn't he say that whether this priest retains his sanctity or whether he does not retain his sanctity, she may not partake of *teruma*? And if it is in accordance with the opinion of Rabbi Yosei, why do I need a special verse to teach this *halakha*? Didn't he say that whether he retains his sanctity or whether he does not retain his sanctity, she may partake of *teruma*? Rather, is it not in accordance with the opinion of Rabbi Eliezer ben Ya'akov? And you can learn from this *baraita* that fitness was added to her, and therefore she may partake of *teruma*. The Gemara concludes: Indeed, learn from this that it is so.

איתמר, רב אמר S The Gemara cites a dispute with regard to an issue related to the previous discussion. It was stated that the *amora'im* disagreed about the following question. Rav said:

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יש חופה לפסולות, ושמואל אמר: אין חופה לפסולות.

There is significance to a priest entering a wedding canopy<sup>NB</sup> with women who are unfit to marry a priest.<sup>NH</sup> If a priest's daughter who is unfit to marry a priest enters the wedding canopy with a priest, she becomes disqualified from partaking of *teruma* from her father's household. This is the case even if the priest did not betroth her and they did not engage in sexual intercourse. And Shmuel said: There is no significance to a priest entering the wedding canopy with women who are unfit to marry a priest. Only sexual intercourse disqualifies her from the privileges of priesthood.

אמר שמואל: ומודה לי אבא בתניוקת פחותה מבית שלש שנים ויום אחד, הואיל ואין לה ביאה – אין לה חופה.

Shmuel said: And Abba, i.e., Rav, whose first name was Abba, concedes to me,<sup>N</sup> with regard to a girl less than three years and one day old, that she is not disqualified by merely entering the wedding canopy. Since there is no legal significance to an act of intercourse with her, there is no legal significance to entering the wedding canopy with her.

NOTES

Wedding canopy [*huppa*] – חופה: There are differences of opinion as to what constitutes a wedding canopy. Some maintain that it refers to the ceremony where a shawl is spread over the heads of the bride and groom. Others say that *huppa* requires them to be secluded for the amount of time necessary to engage in intercourse. Still others contend that *huppa* occurs when the groom brings his bride into his home as his wife (see *Shulhan Arukh, Even HaEzer* 55).

A wedding canopy with women who are unfit to marry a priest – חופה לפסולות: Among the commentaries, there are many opinions with regard to the meaning of this passage. According to Rashi, the reference is to entering the wedding canopy without betrothal. Rav and Shmuel agree that the couple is not considered married. Nevertheless, Rav holds that the woman becomes disqualified from partaking of *teruma* because entering the wedding canopy is a preparatory stage for sexual intercourse.

Most medieval commentaries, however, maintain that this is a case where they entered the wedding canopy after betrothal. Rabbeinu Tam, cited in *Tosafot*, claims that Rav and Shmuel disagree about whether a priest and a woman unfit to marry him are considered married once they enter the wedding canopy, so that she would be disqualified from partaking of *teruma* from her father's house, or if they are not considered married in this regard until they engage in intercourse (see *Tosafot; Tosefot Had MiKamma'ei; Ramban; Ritva; Yam shel Shlomo*).

Abba concedes to me – מודה לי אבא: Rashi and Rabbi Avraham min HaHar explain that Abba was an honorific title. However, *Tosafot* provide proofs that it was Rav's first name. It is possible that both explanations are correct, and Rashi is explaining why it was not disrespectful to call Rav by his first name. Halakhic commentaries address the question of whether it is permitted to call one's father by his first name if that name is also an honorific title, such as *Abba*, which means father, or *Morenu*, which means our master.

BACKGROUND

Wedding canopy – חופה: In the talmudic era, the wedding canopy was a kind of small, decorated room, sometimes constructed from braided myrtle branches, where the bride and groom would be left alone together. It was a closed space that afforded enough privacy for the couple to engage in intimate relations. In later generations, when the wedding canopy took on a more symbolic function, the Sages debated whether entering the wedding canopy still fulfills the halakhic requirements of marriage, as mentioned in the Talmud.

HALAKHA

A wedding canopy with women who are unfit to marry a priest – חופה לפסולות: If the widowed daughter of a priest enters the wedding canopy in order to marry a High Priest, or if a divorcee enters the wedding canopy in order to marry a common priest, she becomes disqualified from partaking of *teruma*. With regard to ritual *halakha*, the *halakha* is in accordance with Rav in his disputes with Shmuel (*Rambam Sefer Zera'im, Hilkhot Terumat* 7:21).

אמר רבא: אף אנו נמי תנינא. בת שלש שנים ויום אחד מתקדשת בביאה ואם בא עליה יבם קנאה, וחיבין עליה משום אשת איש, ומטמאה את בועלה לטמא משכב תחתון כעליון.

Rava said: We, too, learn in the following *baraita* that there is no legal significance to an act of intercourse with a girl less than three years old: A girl three years and one day old can be betrothed via sexual intercourse;<sup>h</sup> and if she was a *yevama* and her *yavam* had intercourse with her, he has acquired her;<sup>h</sup> and a man who has intercourse with her while she is married to someone else is liable on her account because of the prohibition of intercourse with a married woman;<sup>h</sup> and if she experiences a menstrual discharge she renders ritually impure a man who has intercourse with her,<sup>h</sup> so that he renders impure the object upon which he lies like the upper one.<sup>n</sup>

נשאת לכהן – אוכלת בתרומה, בא עליה אחד מכל הפסולין – פסלה.

If she is married to a priest she may partake of *teruma*.<sup>h</sup> If one of those who render women unfit for marrying a priest had intercourse with her, he has disqualified her<sup>h</sup> from being able to partake of *teruma*.

בת שלש שנים ויום אחד הוא דמפסלה בביאה – מפסלה בחופה, היא פחותה מבת שלש שנים ויום אחד, דלא מפסלה בביאה – לא מפסלה נמי בחופה, שמע מינה.

Rava infers from this *baraita* that it is a girl three years and one day old who is disqualified via intercourse, and consequently she is also disqualified via the wedding canopy. However, a girl who is less than three years and one day old, who is not disqualified via intercourse, is also not disqualified via the wedding canopy. The Gemara concludes: Indeed, learn from this that it is so.

אמר רמי בר חמא: יש חופה לפסולות – באנו למחלוקת רבי מאיר ורבי אלעזר ורבי שמעון.

Rami bar Hama said: With regard to the question of whether there is legal significance to a priest entering the wedding canopy with women who are unfit to marry a priest, we have arrived at the dispute cited in the mishna between Rabbi Meir on the one hand and Rabbi Elazar and Rabbi Shimon on the other.

#### NOTES

So that he renders impure the object upon which he lies like the upper one – לטמא משכב תחתון כעליון: The Torah states that if a man has intercourse with a menstruating woman, “her impurity shall be upon him” (Leviticus 15:24). This indicates that he is not merely impure with a first-degree level of impurity, as one who touches a menstruating woman; rather, he becomes a primary source of impurity, similar to the woman herself. Nevertheless, there is a difference between the impurity of a menstruating woman and that of a man who has intercourse with her. If a menstruating woman or a *zav* sits or lies upon

objects that are designated for that purpose, even if she does not make direct contact with those objects because there is something else covering them, the objects are rendered a primary source of impurity.

A man who has intercourse with a menstruating woman also renders these items impure, but only at the level of first-degree impurity, similar to the upper cover, i.e., the blanket on top of him, which is impure due to contact. Consequently, these items can render only food and drink impure, but not people or vessels.

#### HALAKHA

A girl three years and one day old can be betrothed via sexual intercourse – בת שלש שנים ויום אחד מתקדשת בביאה: An act of intercourse with a girl younger than three years and one day is not considered an act of intercourse and therefore, even if it is performed with her father’s consent, betrothal cannot be accomplished. However, technically, in the case of a girl who is three years and one day old, betrothal can be accomplished by means of intercourse (Rambam *Sefer Nashim, Hilkhot Ishut* 3:11; *Shulhan Arukh, Even HaEzer* 37:1).

If her *yavam* had intercourse with her he has acquired her – בא עליה יבם קנאה: Intercourse with a *yevama* aged less than three years and one day does not accomplish levirate marriage (*Shulhan Arukh, Even HaEzer* 167:4).

Liable on her account because of the prohibition of intercourse with a married woman – חיבין עליה משום אשת איש: An adult male who engaged in intercourse with a married minor less than three years and one day old is exempt from punishment for adultery with a married woman (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 3:2).

She renders ritually impure a man who has intercourse with her – מטמאה את בועלה: One who has intercourse with a menstruating woman attains the status of a primary source of impurity, even if she is a minor, provided she is at least three years and one day old. If he sits or lies on an object that is designated for this purpose, the object attains first-degree impurity, even if he did not touch it directly. Therefore, it can render food and drink impure, but not people or vessels (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 3:1–3).

She may partake of *teruma* – אוכלת בתרומה: If a girl at least three years and one day old is married to a priest, she is permitted to partake of *teruma* (Rambam *Sefer Zera’im, Hilkhot Terumat* 6:3).

If one of those who render women unfit had intercourse with her, he has disqualified her – בא עליה אחד מכל הפסולין פסלה: If a man who renders a woman unfit for the priesthood, such as a *halal*, a gentile, a Canaanite slave, or one of her relatives, has intercourse with her when she is at least three years and one day old, she is thereby disqualified from the priesthood (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 19:1–2; *Shulhan Arukh, Even HaEzer* 6:9; 7:12).