HALAKHA

A widow to a High Priest, etc. – 7:14.

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 Terumot 7:21).

A priest with crushed testicles who betrothed a valid woman – 7:14. 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 Terumot 7:14).

NOTES

Halala – חֲלָלָה. 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 – 7:14. Virtually all the commentators prefer Rabbeinu Hananel's reading: A priest with crushed testicles who betrothed the daughter of a priest (see Tosafot).

MISHNA

A widow to a High Priest, a divorcée, or a haluta 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,16 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 betroth 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 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,17 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.

According to the Gemara, the case of a woman who is reserved for intercourse with a priest with crushed testicles is a case where the status of the priest is different from the status of the woman. If the woman is reserved for intercourse with a priest who is prohibited to partake of teruma, she may not partake of teruma.

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.

16. This is the case of a halala, who is prohibited from marrying a priest and is therefore disqualified from partaking of teruma.

17. This is the case of a priest with crushed testicles, who is prohibited from marrying a woman and is therefore disqualified from partaking of teruma.

Perek VI
Daf 57 Amud a

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Rabbi Oshaya — Rabbi Oshaya was one of the greatest of the first generation of amoraim 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 Tippori 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 Hyya. Like Rabbi Hyya, 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 Hyya 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 grandson, Rabbi Yehuda Nesiya, 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 amoraim in Eretz Yisrael viewed themselves as Rabbi Oshaya’s students, including the illustrious Rabbi Yohanan. 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 very 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.

NOTES

The Gemara earlier mentioned a question that Rabbi Yohanan posed to Rabbi Oshaya, and it now turns its attention to that matter itself. Rabbi Yohanan 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 Nesiya said to Rabbi Oshaya: Is Rabbi Yohanan 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.
The congregation of converts is not called the congregation of the Lord—it is permitted for a convert to marry a mamzer, 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 Gedula, Hilkhot Issurei Bia 15:7–8; Shuvin Arukh, Even HaZer 4:22).

A woman who is the daughter of converts... into the priesthood— Rodrigo. 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 and born 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 inito, as stated by Rabbi Eliezer ben Yaakov (Rambam, Sefer Gedula, Hilkhot Issurei Bia 19:12; Shuvin Arukh, Even HaZer 7:2). A priest with crushed testicles or with other wounds to his genitals— weekday. 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 Yaakov (Kesef Mishne, Rambam, Sefer Zeraim, Hilkhot Terumot 7:13).

A woman who is the daughter of converts may not marry into the priesthood— Rodrigo. 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.

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 23:12), 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, 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 Yaakov says: A woman who is the daughter of converts may not marry into the priesthood 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, 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 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.

From the south — Rodrigo. From the time of the bar Kokhva revolt, the center of Jewish life in Eretz Israel 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.
There is significance to a priest entering a wedding canopy with women who are unfit to marry a priest. 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. 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.

Shmuel: And Abba, i.e., Rav, whose first name was Abba, concedes to me, 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.

A wedding canopy with women who are unfit to marry a priest: 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.

Abba concedes to me: Rashi and Rabbi Avraham min Hafar 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 commentators 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.

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 Yaakov? 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.

§ The Gemara cites a dispute with regard to an issue related to the previous discussion. It was stated that the amoraim disagreed about the following question. Rav said:

There is significance to a priest entering a wedding canopy with women who are unfit to marry a priest. 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.

Shmuel: And Abba, i.e., Rav, whose first name was Abba, concedes to me, 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.

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 huppah requires them to be secluded for the amount of time necessary to engage in intercourse. Still others contend that huppah occurs when the groom brings his bride into his home as his wife (see Shulkhan Arukh, Even Ha’azer 53).

A wedding canopy with women who are unfit to marry a priest: 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.

A 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.

Most medieval commentators, 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; Tosafot Had Mikkamale; Ramban; Riva; Yaman Sh’ur Shlomo).

### Notes

- There is significance to a priest entering a wedding canopy with women who are unfit to marry a priest. 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.

- Shmuel: And Abba, i.e., Rav, whose first name was Abba, concedes to me, 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.

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- A wedding canopy with women who are unfit to marry a priest: 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.

- Abba concedes to me: Rashi and Rabbi Avraham min Hafar 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 commentators 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.
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, 6 and if she was a yeumma and her yuvum had intercourse with her, he has acquired her, 7 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, 8 and if she experiences a menstrual discharge she renders ritually impure a man who has intercourse with her, 9 so that he renders impure the object upon which he lies like the upper one. 10

If she is married to a priest she may partake of teruma. 11 If one of those who render women unfit for marrying a priest had intercourse with her, he has disqualified her 12 from being able to partake of teruma.

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.

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.

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**NOTES**

So that he renders impure the object upon which he lies like the upper one – אֲנַן וּמְטַמְּאָה מִכָּל מַחֲלוֹקֶת מִשּׁוּם קדושה. 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 – בְּבִיאָה מִכָּל מַחֲלוֹקֶת מִשּׁוּם קדושה. 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, Hilkhhot Issurei Bia 3:11; Shulhan Arukh, Even HaEzer 37:1).

If her yuvum had intercourse with her he has acquired her – בְּבִיאָה שָׁלֹשָׁה מִכָּל מַחֲלוֹקֶת מִשּׁוּם קדושה. 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 Nashim, Hilkhot Terumat Eruvin 3:3).

Liable on her account because of the prohibition of intercourse with a married woman – בְּבִיאָה בָּא מִכָּל מַחֲלוֹקֶת מִשּׁוּם קדושה. If one of those who render women unfit had intercourse with her, he has disqualified her – בְּבִיאָה מִכָּל מַחֲלוֹקֶת מִשּׁוּם קדושה. If a man who renders a woman unfit for the priesthood, such as a halilah, 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 Nashim, Hilkhot Issurei Bia 3:11; Shulhan Arukh, Even HaEzer 3:9, 7:12).

She renders ritually impure a man who has intercourse with her – בְּבִיאָה מִכָּל מַחֲלוֹקֶת מִשּׁוּם קדושה. 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 Nashim, Hilkhot Metamei Mirkhav 3:1–3).

She may partake of teruma – בְּבִיאָה מִכָּל מַחֲלוֹקֶת מִשּׁוּם קדושה. 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 Nashim, Hilkhot Terumat Eruvin 3:3).

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).