The Gemara analyzes the two opinions: Rabbi Yohanan said she may eat teruma because even according to Rabbi Meir, who said in the mishna that she may not partake of teruma, this applies only when she is waiting for intercourse that is invalid by Torah law, but if the intercourse is prohibited by rabbinic law, she may partake of teruma. In this case, since they have not yet performed halitza, the levirate bond still applies by Torah law, but they are prohibited by rabbinic law from consummating the levirate marriage.

And Reish Lakish said: She may not partake of teruma because even according to Rabbi Elazar and Rabbi Shimon, who say in the mishna that she may partake of teruma, this applies only to a case of betrothal, as a priest can entitle a woman to partake of teruma in another case via betrothal. But here, where he gave her a bill of divorce, since he cannot entitle a woman to partake of teruma in any other case by giving her a bill of divorce, no.

And lest you say here too, in the case of a bill of divorce, he can entitle her to partake of teruma when she returns to her father’s house, this case is different for the following reason: A woman who returns to her father’s house has been severed from her husband and she is close to her father’s house [bei nasha], and therefore she may once again partake of teruma on her father’s account. However, this yaavam who has received a bill of divorce is still bound to her yaavam until they perform halitza, and she is therefore disqualified from eating teruma.

It was taught in the mishna that in the case of women who married priests despite the fact that they were unfit to do so, if they were widowed or divorced from that marriage, they are disqualified from eating teruma, but if they were widowed or divorced while they were only betrothed, they are fit to partake of teruma. Rabbi Hiyya bar Josefa raised a dilemma before Shmuel: In the case of a High Priest who betrothed a minor and she matured under him, i.e., while betrothed to him,

**What is the halakha?** The Gemara clarifies the dilemma: Do we follow the time of marriage,9 at which point she was unfit for him according to most tanna’im, who hold that a High Priest may not marry a grown woman, as she is no longer called “a wife in her virginity” (Leviticus 21:13)? Or do we follow the time of betrothal,9 at which point she was of suitable age?

Shmuel said to him: You learned it in the mishna: If they were widowed or divorced from marriage, they are disqualified from partaking of teruma, but if they were widowed or divorced from betrothal, they are fit to partake of teruma. This indicates that disqualifications from the privileges of priesthood are determined based upon marriage rather than betrothal.
He betrothed a widow and was subsequently appointed to be a High Priest. — Shlomo

If a priest was appointed High Priest after he had betrothed a widow he is permitted to marry her (Rambam Sefer Kedusha, Hilchot Issurei Bia B:17:12).

Her body has changed — A High Priest betrothed a minor and she matured before their marriage he may not marry her ab initio. However, if he did marry her, he is not forced to divorce her. This is because a High Priest is not forced to divorce his wife even if she was a grown woman when he betrothed her (Rambam Sefer Kedusha, Hilchot Issurei Bia B:17:17 and Maggid Mishne there).

A High Priest may not marry a widow — A High Priest may not marry a widow, whether she was widowed from betrothal or marriage (Rambam Sefer Kedusha, Hilchot Issurei Bia B:17:1).

He may not marry a grown woman — It is a mitzva for a High Priest to marry a young woman who is a virgin. It is prohibited from marrying a grown woman (Rambam Sefer Kedusha, Hilchot Issurei Bia B:17:13).

He may not marry a woman whose hymen was torn accidentally — A High Priest may not marry a woman whose hymen was torn accidentally (Rambam Sefer Kedusha, Hilchot Issurei Bia B:17:14).

In context, the simple meaning of this statement, as explained by Rashi and other commentaries, is that since there is only one superfluous usage of the word “wife” only one case can be permitted on the basis of this derivation. The Rambam, however, understands the Gemara’s statement literally, as reading: One wife and not two, and consequently rules that it is prohibited for a High Priest to marry two women (see Maggid Mishne and Yam shel Shlomo). The Ravaddis disagrees and offers proofs to the contrary, including the fact that Jehoada the High Priest was righteous and had two wives (see in Chronicles 24:3).

And what did you see — The Gemara objects: Here, too, with regard to a woman who matured after betrothal, it is written: ‘And he shall take a wife in her virginity,’ and this should indicate that he may marry the grown woman in this case. The Gemara answers: This is, too, you learned in a mishna (61a): If he betrothed a widow and was subsequently appointed to be a High Priest, he may marry her, despite the fact that a High Priest is prohibited from marrying a widow. This indicates that her permission to him is determined according to the time of the betrothal rather than the time of marriage. The Gemara refutes this proof: There it is different, as it is written: “He shall take for a wife” (Leviticus 21:14). The superfluous expression “for a wife” indicates that he is permitted to marry the widow in this case.

The Gemara objects: Here, too, with regard to a woman who matured after betrothal, it is written: ‘And he shall take a wife in her virginity,’ and this should indicate that he may marry the grown woman in this case. The Gemara answers: This is, too, you learned in a mishna (61a): If he betrothed a widow and was subsequently appointed to be a High Priest, he may marry her, despite the fact that a High Priest is prohibited from marrying a widow. This indicates that her permission to him is determined according to the time of the betrothal rather than the time of marriage. The Gemara refutes this proof: There it is different, as it is written: “He shall take for a wife” (Leviticus 21:14). The superfluous expression “for a wife” indicates that he is permitted to marry the widow in this case.

The Gemara asks: And what did you see? that led you to include the case of a widow and exclude that of a grown woman? The Gemara answers: In this case, of the grown woman, her body has changed, and therefore she is forbidden to him even though she was betrothed before she matured. In that case, of the widow, her body has not changed. It is the priest’s personal status that has changed, and therefore she remains permitted.

A High Priest may not marry a widow, whether she is a widow from betrothal or a widow from marriage. And he may not marry a grown woman. He may marry only a minor or a young woman. Rabbi Elazar and Rabbi Shimon declare a grown woman fit to marry a High Priest. And he may not marry a woman whose hymen was torn accidentally.

The Gemara asks: And say that it is indeed so, that the suggested verbal analogy is correct. The Gemara answers: It is similar to the case of a divorcer: Just as a divorcer is forbidden to a priest whether she was divorced from marriage or from betrothal, so too a widow is forbidden to a High Priest whether she is a widow from marriage or from betrothal.
A grown woman, whose hymen has worn away —

**BACKGROUND**

As Tosafot point out, this does not mean that the hymen has worn away completely, as it usually remains intact as long as it has not been forcibly broken. However, before the onset of adolescence the hymen is more prominent and relatively larger. As a girl matures, the size of the hymen decreases in relation to the vagina.

**NOTES**

It appears that the dispute concerns the meanings of the terms virgin and virginity. Do these words refer to the physical sign of virginity, i.e., a fully intact hymen, or are they abstract terms that refer to the status of a woman who has never experienced any form of sexual intercourse? In Arukh HaYesod, it is explained how these halakhot are derived based upon the hermeneutical principle that one restrictive expression after another amplifies the halakha in regard to which the verse employs these expressions.

Let him derive this halakha from the fact that she is now a non-virgin —

A High Priest may not marry a woman who has had atypical intercourse, i.e., anal, sexual intercourse (Rambam, Sefer Nishmarim 17:14). Excluding a widow for a High Priest —

One might argue that since mitzvot that are limited to specific individuals are generally considered less stringent than those that apply equally to all, the requirement that a rabbi marry his victim should override the requirement that a High Priest marry a virgin. The Rashba explains, based upon tractate Ketubot (1a), that since the obligation for a rabbi to marry his victim is not absolute, as the victim or her father have the right of refusal, it does not override the positive mitzva for a High Priest to marry a virgin.

**HALAKHA**

If she had atypical sexual intercourse —

A High Priest may not marry a woman who has had atypical intercourse, i.e., anal, sexual intercourse (Rambam, Sefer Nishmarim, Hilkhot Nafar Betula 15; Shulhan Arukh, Even HaCzer 1774).

Rav Yehuda said that Rav said: If she had atypical sexual intercourse, she is disqualified from the High Priesthood, i.e., from marrying the High Priest. Rava raised an objection based upon a baraita: The verse states with regard to rape: "And she shall be his wife" (Deuteronomy 22:19), and the Sages explained that this is referring only to a woman suitable for him, excluding a widow for a High Priest and a divorcée or a halulat for a common priest. In these cases, the rapist is not permitted to marry his victim.

The Gemara clarifies: What are the circumstances of this halakha? If we say that the High Priest raped her by engaging in typical intercourse, why does the baraita specifically state that she is forbidden to him because she is a widow? Let him derive this halakha from the fact that she is now a non-virgin. Rather, is it not that he had atypical intercourse with her, and due to the fact that she is a widow, yes, that is the reason she is forbidden, but due to the fact that she is a non-virgin, no, that is not the reason she is forbidden? This indicates that a woman who had intercourse in an atypical manner is not considered a non-virgin and is not disqualified from marrying a High Priest.

The Gemara refutes this proof: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Meir, who maintains that a woman who engaged in atypical intercourse is permitted to a High Priest, and when Rav said his statement, it was in accordance with the opinion of Rabbi Elazar, who holds that such a woman is disqualified from marrying a High Priest.
HALAKHA

One who refused -- זונא: If a young girl was married off by her mother or brother and then refused to remain with her husband, she is permitted to a priest. This is the halakha even if he wrote her a bill of divorce, they subsequently married again, and she again refused to remain married to him (Rambam, Hilkhos Issuroy Bia 17:18).

A woman who had intercourse with an animal -- אישה מ争创 אנה על חיות: A woman who had intercourse with an animal is liable for capital punishment. However, she is not considered a zona and is not disqualified from marrying a priest. If she had only atypical intercourse with an animal, she is permitted even to a High Priest (Rambam, Hilkhos Issuroy Bia 6:8).

The Gemara asks: If Rav’s statement is in accordance with the opinion of Rabbi Elazar, why did he specifically state that she is forbidden to him because she is a non-virgin? Let him derive it from the fact that she is a zona, as Rabbi Elazar said: Even in the case of an unmarried man who had intercourse with an unmarried woman not for the purpose of marriage, he has thereby caused her to become a zona.

Ray Yosef said: When Rav said that a woman who had anal intercourse is disqualified from marrying a High Priest, he was referring to a woman who had intercourse with an animal, as there she is disqualified because she is a non-virgin, but she is not disqualified because of the prohibition of a zona.

Abaye said to him: Whichever way you look at it, there is a difficulty with this answer: If she is considered a non-virgin, she is also a zona, and if she is not a zona she is also not a non-virgin. And lest you say that it is analogous to a case of a woman who lost her virginity via penetration by a foreign object atypically, i.e., anally, whose hymen was therefore not damaged and she is not forbidden as a zona, yet she is no longer considered a virgin, that is not correct: If so, if such a woman is considered a non-virgin and forbidden to a High Priest, you would have no woman who is fit for the High Priesthood, who has not lost her virginity via penetration by a foreign object atypically, i.e., by a pebble used to clean herself in the lavatory.

Rather, Rabbi Zeira said that Rav was referring to one who refused her husband after having only atypical intercourse with him. Although the act of intercourse was not licentious, as she was married at the time, she is nevertheless disqualified from marrying into the priesthood because she is not a virgin.

Rabbi Shimi bar Hiyya said: A woman who had intercourse with an animal is like one whose hymen was torn accidentally. Consequently, she is not a zona and is fit for the priesthood. This is also taught in a baraita: If a woman had intercourse with one who is not a man, i.e., an animal, although she is liable to stoning if she did so intentionally and in the presence of witnesses who forewarned her of her punishment, she is nevertheless fit for the priesthood.

If Rav’s statement is in accordance with the opinion of Rabbi Elazar, etc. -- הוא דר רבי חנני אמר: The commentators raise the following difficulty with this question: Even if Rav agrees with Rabbi Elazar with regard to atypical intercourse, how does the Gemara know that Rav accepts his opinion with regard to the effect of intercourse between an unmarried man and an unmarried woman? In fact, there is a tanna, Rabbi Shimon, who agrees with Rabbi Elazar only with regard to atypical intercourse, and it is possible that Rav agrees with Rabbi Shimon. Some commentators explain that the Gemara could have answered its question by making this point but chose instead to give a better answer (see Ramban and Rashba). Alternatively, Tosafot explain, the Gemara’s primary concern is not with the opinion of Rav himself but with the opinion of Rabbi Elazar (see Ritva).

Let him derive it from the fact that she is a zona -- ומכות מש ATI: The commentators wonder why the Gemara assumes that Rav does not hold that the woman is a zona. Perhaps Rav actually holds that she is prohibited for two reasons, because she is a non-virgin and also because she is a zona. The Rashba and Ritva answer that since there would be significant ramifications to such an opinion, as a zona is forbidden to all priests and not just the High Priest, Rav would have mentioned that she is considered a zona. The fact that he does not mention this point indicates clearly that he does not consider it to be correct.

The Maharsha explains that it was known that Rav made his statement with regard to the mishna, and therefore his halakha was stated only with regard to the High Priest, the subject of the mishna. Alternatively, if Rav were of the opinion that an unmarried man who had intercourse with an unmarried woman has caused her to become a zona, his halakha with regard to atypical intercourse would be obvious and unnecessary, as the mishna states at the beginning of the chapter that there is no difference between typical and atypical intercourse with regard to causing a woman to become disqualified from marrying into the priesthood (Shulhan Arukh, Even Ha’zer 6:8).

NOTES

If a woman had intercourse with one who is not a man -- בסיס ihm היא מ.GetAsync בשני ימי: The baraita is precise in its wording, which includes any form of living being. Rashi notes that a woman who had intercourse with an animal is not any more fit to marry a High Priest than a woman who hymen was accidentally torn. Consequently, according to the opinions that hold that a woman whose hymen was accidentally torn in prohibited from marrying a High Priest, this statement about a woman who had intercourse with an animal must refer to one who had anal intercourse. Alternatively, if the woman had typical intercourse that broke her hymen, it means to say that she is permitted to an ordinary priest but not to a High Priest (see Meiri and Tzum Shei Shlomo).
When Rav Dimi came from Eretz Yisrael he said: There was an incident involving a certain girl [ריאה] in the village of Hitlu who was sweeping the house, and a village [קוּפרי] dog used for hunting sodomized her from behind. And Rabbi Yehuda HaNasi permitted her to the priestly portion, as she was not considered a zona. Shmuel said: And Rabbi Yehuda HaNasi permitted her even to a High Priest, as she was still considered a virgin. The Gemara is puzzled by this: Was there a High Priest in the days of Rabbi Yehuda HaNasi? Rather, Shmuel meant that she is fit for a High Priest.

Rava of Pirkin said to Rav Ashi: From where is this matter derived that the Sages stated that there is no harlotry with regard to an animal? Rav Ashi responded 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 as an offering if that animal was ever used to pay a harlot for her services, or if it was ever used as payment in the purchase of a dog.

And we learned in a mishna (Temura 30a): The hire of a dog, a kosher animal that a man or woman gave as payment to the owner of a dog in order to have sexual intercourse with it, and similarly the price of a prostitute, a kosher animal used to purchase a prostitute as a maidservant, are permitted to be sacrificed as offerings. This is because it is stated that both of them, the specific items listed in the verse, are abominations. Consequently, only two items are prohibited, i.e., the payment given to a prostitute for her services, and the payment used in the purchase of a dog, and not four, as the reverse cases are excluded from this halakha.

The Sages taught: A High Priest may not marry a woman that he himself raped and a woman that he himself seduced, as he is commanded to marry a virgin. And if he married her, he is married. With regard to a woman who was raped by another man and a woman seduced by another man, he may not marry her. And if he married her, Rabbi Eliezer ben Yaakov says that the child born from this union is a halal, and the Rabbis say the lineage of the offspring is unflawed.

**NOTES**

Girl [ריאה] – רבי: This word is usually understood as parallel to רבי, a child, young man. According to this interpretation, the word was influenced by or borrowed from the Aramaic word for child, רבי. Others explain that ריאה is the diminutive of רבי, in the sense of a lady, with ריאה meaning a young lady. Similar terms are found in other languages.

Was there a High Priest in the days of Rabbi Yehuda HaNasi – חלה רבי יהושע: The same question can be asked with regard to Rav, who stated that a woman who had intercourse with an animal is still fit to marry a High Priest. It is explained in Aruki Laher that the Gemara does not refrain from discussing halakhot that do not apply in practice. However, Rabbi Yehuda HaNasi issued a halakhic ruling for an incident that actually occurred, and therefore there was no reason for him to say something of no relevance to the case at hand.

The hire of a dog – חלה רבי: Some commentators point out that it is prohibited to sacrifice the kosher animal as an offering, even if the animal was used to pay for an act of intercourse that causes one to be liable to capital punishment. The principle that multiple punishments are not meted out for one transgression does not apply here. Nevertheless, some say that it is due to the aforementioned principle that Rashi interprets the case as one where a man said to a woman: Take this lamb and have intercourse with my dog.

In that case, the individual who gave the present did not personally violate a prohibition for which he is liable for capital punishment (Meir).

**HALAKHA**

The hire of a dog and the price of a prostitute – חלה רבי: Kosher animals given as payment for the services of a prostitute or as payment for the purchase of a dog are unfit to be sacrificed as offerings in the Temple. However, kosher animals given as payment for the purchase of a prostitute as a maidservant, or as payment to a dog’s owner for permission to have intercourse with the dog remain fit for use as an offering (Rambam Sefer Avoda, Hilkhot Issurei Mi’bid’ah 4:18).

A woman who he himself raped and a woman that he himself seduced – חלה רבי: A High Priest who raped or seduced a young woman who was a virgin is not permitted to marry her, even if the incident occurred before he was appointed High Priest. If he did marry her, he is forced to divorce her, in accordance with Rav Hunia’s explanation of the baraita (Rambam Sefer Nashim, Hilkhot Nis’arot Be’ula 11:6 and Sefer Kedusha, Hilkhot Issurei Bia 17:16).

The child of a woman raped or seduced by another man – חלה רבי: If a High Priest had intercourse with a woman who had previously been raped or seduced by another man, he has rendered her a halal. Furthermore, any child born from the relationship is a halal (Rambam Sefer Kedusha, Hilkhot Issurei Bia 19:3).
The Gemara analyzes this baraita. It states that if he married the woman that he himself raped or seduced, he is married. Rav Huna said that Rav said: And he must divorce her with a bill of divorce. The Gemara asks: But consider that which the baraita teaches: If he married her, he is married. Since it is obvious that the marriage is technically valid, it must be saying that they are permitted to remain married. Rav Aha bar Yaakov said: No, it means to say that he does not pay the fine of a seduced woman. One who seduced a woman and does not wish to marry her must pay a fine (see Exodus 22:14–15). Since in this case he did marry her, he is not liable to pay the fine even though he is required to divorce her.

The Gemara relates that when Rav Geviha went from Bei Ketal he stated this halakha before Rav Ashi, who said to him: Isn’t it Rav and Rabbi Yohanan who both say: A High Priest may not marry a grown woman and a woman whose hymen was torn accidentally, but if he married one of them he is married? Apparently, the reason for this halakha is that since she will eventually be a grown woman under him, i.e., while married to him, and she will eventually be a woman whose hymen was torn under him, as she will not remain a virgin, they are permitted to remain married after the fact. Here too, in the case of a High Priest who married a woman he raped or seduced, since she will eventually be a non-virgin under him, the baraita should be understood as stating that they may remain married. The Gemara concludes: Indeed, this is difficult for Rav Huna.

The baraita cited above taught: With regard to a woman who was raped by another man and a woman seduced by another man, the High Priest may not marry her. And if he married her, Rabbi Eliezer ben Yaakov says that the child born from this union is a halal, and the Rabbis say the lineage of the offspring is unflawed. Rav Huna said that Rav said: The halakha is in accordance with the opinion of Rabbi Eliezer ben Yaakov. And, so too, Rav Giddel said that Rav said: The halakha is in accordance with the opinion of Rabbi Eliezer ben Yaakov.

The Rashba asks: Since he is obligated to divorce her he must in any case pay her marriage contract. If so, what difference does it make whether he pays the sum as a fine or for the marriage contract? Tosafot offer several answers, one of which is that the Gemara is addressing Torah law, whereas the requirement that he divorce her and pay her marriage contract is by rabbinic law.

A grown woman and a woman whose hymen was torn accidentally, but if he married one of them he is married. The Rashba asks what the source is for this ruling, as the mishna indicates simply that it is prohibited for a priest to be married to one of these women. He answers that Rav and Rabbi Yohanan rely on the baraita that states that a woman who had intercourse with an animal remains fit to marry a High Priest. This indicates that the definition of a virgin is one who has not had intercourse with a man. Consequently, a grown woman and a woman whose hymen was torn accidentally are also considered virgins.

It should also be noted that there is an alternate version of the mishna which is cited in the Jerusalem Talmud. According to that version, there are tannaim who disagree with the ruling that a High Priest may not marry a woman whose hymen was accidentally torn. Rav Huna explained the phrase: If he married one of them he is married, to mean that he is exempt from the fine but must divorce his wife. However, that interpretation is not applicable to the ruling of Rav and Rabbi Yohanan, as it does not address a case of rape or seduction, and therefore there is no fine involved. Consequently, the statement must be understood to mean that it is permitted for them to remain married (Rivan).

She will eventually be a non-virgin, etc. According to this reasoning, why should there be a distinction between a woman that he himself raped or seduced and a woman who was raped or seduced by another man? The argument that she would eventually have become a non-virgin while married to him is equally relevant to both cases. The Rif answers that there is a difference between the cases due to the greater level of disgrace when the woman has been raped or seduced by another man. He adds that perhaps the reason that some halakhic authorities ruled in accordance with the statement of Rav Huna, despite Rav Ashi’s question, is because they hold that there is disgrace even in the case of a woman that the priest himself raped or seduced.