

Her father's house [*bei nasha*] – בֵּי נִשְׂאָה: Meaning literally a woman's house, this term is used in the general sense of a woman's family's house. Some explained, apparently in a homiletical sense, that the term comes from the from the root *n-sh-h*, meaning forget, as a woman forgets her father's house upon marriage.

רבי יוחנן אמר: אוכלת, אפילו לרבי מאיר דאמר אינה אוכלת – הני מילי משתמרת לביאה פסולה דאורייתא אבל דרבנן – אכלה.

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.

וריש לקיש אמר: אינה אוכלת, אפילו לרבי אלעזר ורבי שמעון דאמרי אוכלת – הני מילי דיש לו להאכיל במקום אחר, אבל הכא, בין דאין לו להאכיל במקום אחר – לא.

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.

וכי תימא: הכא נמי יש לו להאכילה בחוורת – חוורת פסקה מינה, וקרובה לבי נשא, אבל היא אגידא ביה.

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*],^N and therefore she may once again partake of *teruma* on her father's account. However, this *yevama* who has received a bill of divorce is still bound to her *yavam* until they perform *halitza*, and she is therefore disqualified from eating *teruma*.

"נתארמלו או נתגרשו" וכו'. בעא מיניה רבי חייא בר יוסף משמואל: בהן גדול שקדש את הקטנה ובגרה תחתיו.

S 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 Yosef 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,**

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מהו? בתר נישואין אולינן, או בתר אירוסין אולינן?

what is the *halakha*? The Gemara clarifies the dilemma: **Do we follow the time of marriage,^N 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,^B at which point she was of suitable age?**

אמר ליה: תניתוה, נתארמלו או נתגרשו, מן הנשואין – פסולות, מן האירוסין – בשרות.

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.

BACKGROUND

Betrothal and marriage – אירוסין ונישואין: A Jewish wedding is divided into two distinct parts. Betrothal is the first stage of the marriage process. The bond created by betrothal is so strong that, after betrothal, a woman requires a divorce before she can marry another man. Similarly, sexual relations with other men are considered adulterous and are punishable by death. At this stage, the betrothed couple may not yet live together as husband and wife, and most of the couple's mutual obligations do not yet apply.

The second stage of the marriage occurs when the bride

and groom come under the bridal canopy, and it immediately confers both the privileges and the responsibilities associated with marriage upon the newlywed couple. After marriage, if one spouse dies, all the *halakhot* of mourning for a close blood relation apply to the surviving spouse. If the wife of a priest dies, he is permitted to make himself ritually impure to bury her. All the monetary rights and obligations applying to married couples take effect after marriage. Today, betrothal and marriage are both performed in a single ceremony, but in talmudic times there was usually a year-long gap between the two.

What is the *halakha*? Do we follow the time of marriage, etc. – מהו? בתר נישואין וכו': According to Rashi and others, Shmuel's initial understanding of Rabbi Hiyya bar Yosef's question was the same as the Gemara's final interpretation: Is a High Priest permitted to marry a young woman who matured while she was betrothed to him? Others question this opinion based upon the continuation of the discussion recorded in the Gemara (see *Tosafot*). They explain that Shmuel initially thought that the question was whether the woman is considered to be designated for an invalid act of relations, in which case she would be prohibited from partaking of her father's *teruma* if she is the daughter of a priest (Ritva). The Rashba explains that the question was whether she should be permanently disqualified from the priesthood as a *halala* if this High Priest died (Rashba).

He betrothed a widow and was subsequently appointed to be High Priest – אִירֹס אֶת הָאֵלְמָנָה וְנִתְמַנֶּה לְהִיּוֹת כֹּהֵן גָּדוֹל – If a priest was appointed High Priest after he had betrothed a widow he is permitted to marry her (Rambam *Sefer Kedusha, Hilkhoh Issurei Bia* 17:12).

Her body has changed – אִישְׁתֵּי גוֹפָה: If 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, Hilkhoh Issurei Bia* 17:17 and *Maggid Mishne* there).

A High Priest may not marry a widow – כֹּהֵן גָּדוֹל לֹא יִשָּׂא – אֵלְמָנָה: A High Priest may not marry a widow, whether she was widowed from betrothal or marriage (Rambam *Sefer Kedusha, Hilkhoh Issurei Bia* 17:1, 11).

He may not marry a grown woman – לֹא יִשָּׂא אֶת הַבּוֹגֶרֶת – It is a mitzva for a High Priest to marry a young woman who is a virgin. He is prohibited from marrying a grown woman (Rambam *Sefer Kedusha, Hilkhoh Issurei Bia* 17:13).

He may not marry a woman whose hymen was torn accidentally – לֹא יִשָּׂא אֶת מוֹכֶת עֵץ – A High Priest may not marry a woman whose hymen was torn accidentally (Rambam *Sefer Kedusha, Hilkhoh Issurei Bia* 17:14).

NOTES

A wife in one case but not two – אִשָּׁה אַחַת וְלֹא שְׁתַּיִם: 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 Ra’avad disagrees and offers proofs to the contrary, including the fact that Jehoiada the High Priest was righteous and had two wives (see II Chronicles 24:3).

And what did you see – זִמְהָ רְאִיתָ: It would seem to have been equally possible to arrive at the opposite conclusion, that it is permitted for the High Priest to marry the woman who matured while betrothed and prohibited for him to marry a widow he had betrothed before being appointed High Priest. This is especially reasonable given that the prohibition for a High Priest to marry a widow is more severe than the prohibition for him to marry a grown woman (Ritva).

In this case of the grown woman her body has changed – לֹא יִשָּׂא אֶת הַבּוֹגֶרֶת גוֹפָה: Apparently, since her body has changed, she is no longer viewed as the same person but as a different being, and therefore she is now forbidden to him (see *Keren Ora*).

Similar to the case of a divorcée – דוּמִיָּא דְגְרוּשָׁה: *Tosafot* ask why the opposite cannot be stated: Just as the prohibition for a High Priest to marry a widow applies only to a woman who has been married, as indicated by the precedent of Tamar, so too a divorcée is prohibited only if she had been married. See the answers of *Tosafot*. *Tosafot HaRosh* and the Meiri explain that since a common priest is prohibited from marrying a divorcée but is permitted to marry a non-virgin, it must be the divorce itself that causes the prohibition regardless of whether her marriage had been consummated. The Ritva presents an alternative explanation, accepted by many later commentaries. He claims that although the case of Tamar is a biblical precedent, it is not a full-fledged verbal analogy and consequently cannot serve as a model for other *halakhot*.

אָמַר לִיהֵא לְשׁוּוּיָהּ חֲלָלָה – לֹא קָמִיבַעֲיָא לִי דְבִיבָאָה הֵיא דְמִשׁוּוּיָהּ חֲלָלָה. כִּי קָמִיבַעֲיָא לִי וְהוּא אִשָּׁה בְּבִתּוּלִיָּה יִקַּח? מֵאִי קִיחָה דְקָדוּשִׁין בְּעֵינָן, אוֹ קִיחָה דְנִישׁוּאִין בְּעֵינָן?

אָמַר לִיהֵא, הָא נִמְי תְּנִיתוּהּ: אִירֹס אֶת הָאֵלְמָנָה וְנִתְמַנֶּה לְהִיּוֹת כֹּהֵן גָּדוֹל – יִכְנֹס. שְׂאֵי הֵתֵם, דְּכָתִיב “קַח אִשָּׁה”.

הֲכָא נִמְי כְּתִיב “אִשָּׁה”. אַחַת וְלֹא שְׁתַּיִם.

זִמְהָ רְאִיתָ? הָא אִישְׁתֵּי גוֹפָה, וְהָא לֹא אִישְׁתֵּי גוֹפָה.

מִתְנִי כֹהֵן גָּדוֹל לֹא יִשָּׂא אֵלְמָנָה, בֵּין אֵלְמָנָה מִן הָאִירוּסִין בֵּין אֵלְמָנָה מִן הַנִּישׁוּאִין. וְלֹא יִשָּׂא אֶת הַבּוֹגֶרֶת, רַבִּי אֶלְעָזָר וְרַבִּי שְׁמַעוֹן מְכַשְׁרִין בְּבוֹגֶרֶת. [וְלֹא יִשָּׂא אֶת מוֹכֶת עֵץ].

גַּמְי תֵּנוּ רַבָּנָן: “אֵלְמָנָה לֹא יִקַּח”, בֵּין אֵלְמָנָה מִן הָאִירוּסִין, בֵּין אֵלְמָנָה מִן הַנִּישׁוּאִין. פְּשִׁיטָא! מַהוּ דְתִימָא: לִילָף אֵלְמָנָה אֵלְמָנָה מִתְמַר, מַה לְהֵלֶן – מִן הַנִּישׁוּאִין, אִף כָּאן – מִן הַנִּישׁוּאִין, קָא מִשְׁמַע לָן.

וְאִימָא הֵכִי נִמְי! דוּמִיָּא דְגְרוּשָׁה, מַה דְגְרוּשָׁה בֵּין מִן הַנִּישׁוּאִין בֵּין מִן הָאִירוּסִין, אִף אֵלְמָנָה בֵּין מִן הָאִירוּסִין בֵּין מִן הַנִּישׁוּאִין.

Rabbi Hiyya bar Yosef said to Shmuel: With regard to causing her to become a *halala* I did not raise a dilemma, as it is clear that it is intercourse that causes her to become a *halala*. When I raised a dilemma, it was with regard to the verse pertaining to a High Priest: “And he shall take a wife in her virginity” (Leviticus 21:13). What does “take” mean in this verse? Do we require that only the taking of betrothal must occur when she is in her virginity, i.e., when she is a minor or a young woman, or perhaps we require even the taking of marriage to be performed when she is a minor or young woman?

Shmuel said to him: This, too, you learned in a mishna (61a): If he betrothed a widow and was subsequently appointed to be High Priest,^H he may marry her, despite the fact that a High Priest is prohibited from marrying a widow. This indicates that her permissibility 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 that the term “wife” allows for the inclusion of one case but not two.^N Consequently, since a High Priest may marry a widow he had betrothed before he was appointed High Priest, it cannot also be derived that he may marry a grown woman that he had betrothed before she matured.

The Gemara asks: And what did you see^N 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,^{NH} 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.

MISHNA A High Priest may not marry a widow,^H whether she is a widow from betrothal or a widow from marriage. And he may not marry a grown woman.^H 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.^H

GEMARA The Sages taught: The verse states with regard to a High Priest: “A widow... he shall not take” (Leviticus 21:14), which prohibits him from marrying any widow, whether she is a widow from betrothal or a widow from marriage. The Gemara is surprised by this statement: This is obvious, as the verse is referring to a widow without further specification. The Gemara answers: It is necessary; lest you say that one should derive a verbal analogy between the words “widow” and “widow,” based upon the usage of that term in a verse with regard to Tamar, Judah’s daughter-in-law (Genesis 38:11), as follows: Just as there, Tamar was a widow from marriage, so too here the verse is referring only to a widow from marriage. The *tanna* therefore teaches us that this is not the case.

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 divorcée:^N Just as a divorcée 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 – **בוגרת שקלו לה בתוליה**: 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

A virgin, her virginity, in her virginity – **בתולה, בתוליה, בתוליה**: 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 LaNer*, 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 – **תיפוק ליה משום דהויא בעולה**: 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 rapist marry his victim should override the requirement that a High Priest marry a virgin. The Rashba explains, based upon tractate *Ketubot* (40a), that since the obligation for a rapist 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 – **נבעלה שלא**: A High Priest may not marry a woman who has had atypical, i.e., anal, sexual intercourse (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 17:14).

Excluding a widow for a High Priest – **פרט לא למנה לכהן**: One who raped a woman who is forbidden to him, even if she was forbidden to him by rabbinic decree, may not marry her despite the general requirement that a rapist marry his victim if she consents. Consequently, if a priest raped a divorcée or a *halutza*, or if a High Priest raped a widow, he may not marry his victim (Rambam *Sefer Nashim*, *Hilkhot Na'ara Betula* 1:5; *Shulhan Arukh*, *Even HaEzer* 177:4).

“ולא ישא את הבוגרת”. תנו רבנן: “והוא אשה בתוליה יקח”, פרט לבוגרת שקלו לה בתוליה, דברי רבי מאיר. רבי אלעזר ורבי שמעון מכשירין בבוגרת.

It was taught in the mishna: **And a High Priest may not marry a grown woman. The Sages taught that the verse: “And he shall take a wife in her virginity” (Leviticus 21:13) excludes a grown woman, whose hymen has worn away,** i.e., it is no longer as complete as that of a minor or a young woman; this is **the statement of Rabbi Meir. Rabbi Elazar and Rabbi Shimon declare a grown woman fit to marry a High Priest.**

במאי קא מיפלגי? רבי מאיר סבר: “בתולה” אפילו מקצת בתולים משמע, “בתוליה” עד דאיכא כל הבתולים, “בבתוליה” בכדרכה אין, שלא כדרכה לא.

The Gemara asks: **With regard to what do they disagree?** The Gemara explains: **Rabbi Meir holds** that were the verse referring simply to a virgin it would have indicated that **even** a woman with partial signs of virginity, i.e., a grown woman, is permitted. Since the verse states “**her virginity**,” it means that she is fit to marry a High Priest only if **all of the signs of her virginity are intact**, which excludes a grown woman. The full expression “**in her virginity**”ⁿ indicates that if she has experienced sexual intercourse in a typical manner, which takes place in the area of her virginity, i.e., her hymen, **yes**, she is disqualified from marrying a High Priest; but if she has experienced sexual intercourse in an atypical manner i.e., anal intercourse, **no**, she is not disqualified.

ורבי אלעזר ורבי שמעון סברי: “בתולה” בתולה שלימה משמע, “בתוליה” ואפילו מקצת בתולים, “בבתוליה” עד שיהיו כל בתוליה קיימין, בין בכדרכה בין שלא כדרכה.

And Rabbi Elazar and Rabbi Shimon hold that were the verse referring simply to a virgin, it would have indicated that only a complete virgin is fit to marry a High Priest, but not a grown woman. When it states “**her virginity**,” it indicates that **even** a woman with partial signs of virginity, i.e., a grown woman, is fit to marry the High Priest. The full expression “**in her virginity**” indicates that she is not fit to marry a High Priest **unless all of her virginity is intact**, i.e., she has not engaged in intercourse of any kind, **whether typical sexual intercourse or atypical sexual intercourse.**

אמר רב יהודה אמר רב: נבעלה שלא כדרכה – פסולה לכהונה. מתיב רבא: “ולו תהיה לאשה” באשה הראויה לו, פרט לא למנה לכהן גדול, גרושה וחלוצה לכהן הדיוט.

Rav Yehuda said that Rav said: If she had atypical sexual intercourse,^h 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^h and a divorcée or a *halutza* for a common priest. In these cases, the rapist is not permitted to marry his victim.

היכי דמי? אלימא בכדרכה – מאי אריא משום אלמנה? תיפוק ליה משום דהויא לה בעולה. אלא לאו שלא כדרכה. ומשום אלמנה – אין, משום בעולה – לא.

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.ⁿ 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.

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הא מני – רבי מאיר היא, ורב דאמר רבי אלעזר.

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.

One who refused – ממאנת – 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 *Sefer Kedusha, Hilkhoh Issurei Bia* 17:18).

A woman who had intercourse with an animal – נבעלה לבהמה: 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 *Sefer Kedusha, Hilkhoh Issurei Bia* 18:1, 17:14; *Shulhan Arukh, Even HaEzer* 6:8).

אי ברבי אלעזר, מאי אירויא משום בעולה?
 תיפוק ליה דהויא לה זונה, דהא אמר רבי
 אלעזר: פנוי הבא על הפנויה שלא לשם
 אישות עשאה זונה!

אמר רב יוסף: בגון שנבעלה לבהמה,
 דהתם, משום בעולה – איכא, משום
 זונה – ליכא.

אמר ליה אביי: ממה נפשך, אי בעולה
 הויא – זונה נמי הויא, ואי זונה לא הויא –
 בעולה נמי לא הויא. וכי תימא: מידי דהויא
 אמוכות עץ שלא כדרךה – אם בן אין לך
 אשה שכתרה לכהונה שלא נעשית מוכת
 עץ על ידי צרור.

אלא אמר רבי זירא: בממאנת.

אמר רב שימי בר חיאי: נבעלה לבהמה –
 כשרה לכהונה. תניא נמי הכי: נבעלה למי
 שאינו איש, אף על פי שבסקילה – כשרה
 לכהונה.

The Gemara asks: If Rav's statement is in accordance with the opinion of Rabbi Elazar,^N 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*,^N 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*.

Rav 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,^N 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^{HN} 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.

S Rabbi Shimi bar Hiyya said: A woman who had intercourse with an animal^H 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,^N 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.

NOTES

If Rav's statement is in accordance with the opinion of Rabbi Elazar, etc. – אי ברבי אלעזר וכי: The commentaries 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 commentaries 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, as *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* – תיפוק ליה: The commentaries 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 men-

tion 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 (*Arukh LaNer*).

She is disqualified because she is a non-virgin – משום בעולה – איכא: The Rashba and others note that this issue appears to involve two separate factors: The prohibition against a High Priest marrying a non-virgin and his obligation to marry a woman "in her virginity." They explain that it is possible for a woman to have an intact hymen and yet not meet the criteria of a woman in her virginity.

One who refused – ממאנת: This refers to a girl under the age of twelve whose father is no longer alive. The Sages instituted that the girl's mother or brother may marry her off, but she may

terminate the marriage by a process called refusal, whereby she announces that she is not interested in the marriage. The Ritva points out that, upon refusal, the girl is considered retroactively never to have been married. Therefore, this should be a case of intercourse between an unmarried man and woman, and according to Rabbi Elazar she should be considered a *zona*. He explains that Rabbi Elazar considers the woman to be a *zona* only if the act of intercourse was performed outside of the context of marriage, but in this case, at the time when the act was performed, they were considered married.

If a woman had intercourse with one who is not a man – נבעלה למי שאינו איש: 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 whose hymen was accidentally torn. Consequently, according to the opinions that hold that a woman whose hymen was accidentally torn is 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 *Yam shel Shlomo*).

Hitlu – הִיטְלוּ: According to versions found in manuscripts and different sources, it seems that Hitlu is Ayatlu, a village known from other sources as the home of a group of priests. Ayatlu was a town in the Galilee, which is referred to today as Illut. It is about 4 km west of Nazareth. The fact that not if not all of its inhabitants were priests explains the need to determine whether this girl was halakhically permitted to marry a priest.



Location of Illut

Village [kufri] dog – כְּלָב כּוּפְרִי: The *kufri* is a special breed of dogs whose name is derived from the word *kefar*, village, that is to say, a dog raised in villages.

The mishna in tractate *Kilayim* (1:6) indicates that this kind of dog is similar to a fox, and it is therefore likely, in accordance with the explanation of the *Arukh* and others, that it was a small dog, similar in form to a jackal or a fox. These kinds of dogs were used to hunt mice, cats, and the like, and perhaps they also served as pets. The Rambam, in his commentary on that mishna, refers to a breed identified by some scholars today as the *Saluki*, a hound whose ancestors date back thousands of years. Some versions of the Talmud read monkey instead of dog.



Male Saluki

Halal – הָלָל: A *halal* refers to one disqualified from priesthood, usually the offspring of a priest and a woman forbidden to the priest, e.g., a divorcee or a *zona*. Even though the priest is considered the father of the *halal*, the son does not have the legal status of a priest but a status similar to that of an Israelite. A daughter born of such a forbidden relationship may not marry a priest.

כִּי אָתָּא רַב דִּימִי מֵעֵשָׂה בְּרִיבָה אַחַת בְּהִיטְלוּ שְׁהִיטָהּ מִכְבֶּדַת אֶת הַבַּיִת, וְרִבְעָה כְּלָב כּוּפְרִי מֵאַחֲרֶיהָ, הִקְשִׁיירָה רַבִּי לְכַהוֹנָה. אָמַר שְׁמוּאֵל: וְלִכְהֵן גְּדוּל. בִּימֵי רַבִּי כְּהֵן גְּדוּל מִי הָיָה? אָלָא: רַאוּיָהּ לְכַהֵן גְּדוּל.

When Rav Dimi came from Eretz Yisrael he said: There was an incident involving a certain girl [*riva*]^N in the village of Hitlu^B who was sweeping the house, and a village [*kufri*] dog^B used for hunting sodomized her from behind. And Rabbi Yehuda HaNasi permitted her to the priesthood, 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 comment: Was there a High Priest in the days of Rabbi Yehuda HaNasi?^N Rather, Shmuel meant that she is fit for a High Priest.

אָמַר לִיָּה רַבָּא מִפְּרָקִין לְרַב אֲשִׁי: מִנָּא הָא מִיִּלְתָּא דְאַמּוּר רַבְנֵן אִין זְנוּת לְבַהֲמָה – דְּכָתִיב “לֹא תָבִיא אֶתֶנָּן זֹנָה וּמַחִיר כְּלָב,”

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.

וְתַנְּנָן: אֶתֶנָּן כְּלָב וּמַחִיר זֹנָה מוֹתְרִין, (מְשׁוּם) שְׁנֵי אֲמָר “גַּם שְׁנֵיהֶם” שְׁנֵי וְלֹא אֶרְבַּעָה.

And we learned in a mishna (*Temura* 30a): The hire of a dog,^N i.e., 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,^H 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*.

תַּנּוּ רַבְנֵן: אֲנוּסַת עֶצְמוּ וּמְפוֹתָת עֶצְמוּ – לֹא יִשָּׂא וְאִם נָשָׂא – נָשִׂיא. אֲנוּסַת חֲבִירוּ וּמְפוֹתָת חֲבִירוּ – לֹא יִשָּׂא, וְאִם נָשָׂא, רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אָמַר: הַזֶּה חֲלָל וְחַכְמֵי אֹמְרִים: הַזֶּה בָּשָׂר.

§ The Sages taught: A High Priest may not marry a woman that he himself raped and a woman that he himself seduced,^H 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,^H he may not marry her. And if he married her, Rabbi Eliezer ben Ya’akov says that the child born from this union is a *halal*,^B and the Rabbis say the lineage of the offspring is unflawed.

NOTES

Girl [*riva*] – רִיבָה: This word is usually understood as parallel to *roveh*, a child, young man. According to this interpretation, the word was influenced by or borrowed from the Aramaic word for child, *ravya*.

Others explain that *riva* is the diminutive of *rava*, in the sense of a lady, with *riva* meaning a young lady. Similar terms are found in other languages.

Was there a High Priest in the days of Rabbi Yehuda HaNasi – בִּימֵי רַבִּי כְּהֵן גְּדוּל מִי הָיָה: 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 *Arukh LaNer* 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 – אֶתֶנָּן כְּלָב: Some commentaries 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 (Meiri).

HALAKHA

The hire of a dog and the price of a prostitute – אֶתֶנָּן כְּלָב וּמַחִיר זֹנָה: 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, Hilkhoh Issurei Mizbe’ah* 4:18).

A woman that he himself raped and a woman that he himself seduced – אֲנוּסַת עֶצְמוּ וּמְפוֹתָת עֶצְמוּ: 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 Huna’s explanation of the *baraita* (Rambam *Sefer Nashim, Hilkhoh Na’ara Betula* 1:6 and *Sefer Kedusha, Hilkhoh Issurei Bia* 17:16).

The child of a woman raped or seduced by another man – יָלֵד אֲנוּסַת וּמְפוֹתָת חֲבִירוּ: If a High Priest had intercourse with a woman who had previously been raped or seduced by another man, he has rendered her a *halala*. Furthermore, any child born from the relationship is a *halal* (Rambam *Sefer Kedusha, Hilkhoh Issurei Bia* 19:3).

