

דְּהָא קְנִיָּה בְּהוּיָהּ, וְאִי בֵּת יִשְׂרָאֵל לְכַהֵן הִיא – לֹא מֵאֲכִיל לָהּ מִשּׁוּם דְּעוּלָא.

”וְהַחֲרַשׁ.” אִי בֵּת כַּהֵן לְיִשְׂרָאֵל הִיא – פְּסִיל לָהּ, דְּהָא קְנִיָּה בְּתַקְנָתָא דְּרַבָּנָן, וְאִי בֵּת יִשְׂרָאֵל לְכַהֵן הִיא – לֹא מֵאֲכִיל, ”קְנִיָּן כְּסָפוֹ” אָמַר רַחֲמַנָּא, וְהָאִי לָאוּ בְּרַ קְנִיָּן הוּא.

”וּבִן תִּשְׁעֵי שָׁנִים” וְכוּ'. קָא סְלָקָא דְּעֵתָן בְּשׁוּמְרַת יָבָם לְבִן תִּשְׁעֵי וְיָוִם אֶחָד. לְמַאי אִי לְמִפְסָל – קָטָן נְמוּ מִיפְסָל פְּסִיל, אִי לְאֲכִילִי – גְּדוֹל נְמוּ לֹא מֵאֲכִיל!

אָמַר אַבְיִי: הֵכָא בִּיבָבִים בְּן תִּשְׁעֵי שָׁנִים וְיָוִם אֶחָד הֵבָא עַל יְבָמְתוֹ עֶסְקִינָן, דְּמִדְּאֲוִרֵיָּתָא קְנִיָּא לִיהּ. סְלָקָא דְּעֵתָן דְּאֲמִינָא: הוּאִיל וּמִדְּאֲוִרֵיָּתָא קְנִיָּא לִיהּ, וּבִיָּאָתוּ בִּיָּאָה, אִימָא לֹכִיל – קָא מִשְׁמַע לָן: עֲשׂוּ בִּיָּאָת בְּן תִּשְׁעֵי שָׁנִים וְיָוִם אֶחָד כְּמִמָּאָר בְּגְדוֹל.

as he acquired her by means of betrothal.<sup>N</sup> And if she is an Israelite woman betrothed to a priest, he does not enable her to partake of *teruma* due to the reason given by Ulla:<sup>N</sup> Although by Torah law a priest's betrothed partakes of *teruma*, the Sages rendered it prohibited for her to do so, lest she allow other members of her family to eat it.<sup>H</sup>

It is also taught in the mishna that a deaf-mute<sup>N</sup> disqualifies a woman from partaking of *teruma* and does not enable her to do so.<sup>H</sup> The Gemara elaborates: **If she is the daughter of a priest married to a deaf-mute Israelite, he disqualifies her, as he acquired her through marriage sanctioned by an ordinance of the Sages.** Although the marriage of a deaf-mute is invalid by Torah law, the Sages instituted an ordinance validating this type of marriage. **And if she is an Israelite woman married to a deaf-mute priest, he does not enable her to partake of *teruma*, as the Merciful One states in the Torah: “The purchase of his money, he may eat of it” (Leviticus 22:11), and this deaf-mute is not capable of acquisition by Torah law, as he is not legally competent.**

It is also taught in the mishna that a nine-year-old boy disqualifies a woman from partaking of *teruma* and does not enable her to partake. **It enters our mind** that the mishna is referring to a widow waiting for her *yavam*, who is nine years and one day old. The Gemara therefore inquires: With regard to what is this taught? If it is with regard to disqualifying her from partaking of *teruma*, a younger *yavam* also disqualifies her, as a levirate bond was created and she cannot return to her father's house. And if it was with regard to enabling her to partake of *teruma*, an older *yavam* does not enable her to partake either, as discussed above.

Abaye said: Here we are dealing with a nine-year-and-one-day-old *yavam* who already engaged in intercourse with his *yevama*,<sup>N</sup> as she was thereby acquired by him by Torah law.<sup>N</sup> It might enter your mind to say that since by Torah law she was acquired by him, as the legal status of his act of intercourse is that of intercourse, perhaps he enables her to partake of *teruma*. The mishna therefore teaches us that the Sages rendered the legal status of the intercourse of a nine-year-and-one-day-old boy like that of levirate betrothal by means of money or a document performed by an adult man,<sup>H</sup> which is not sufficient for her to partake of *teruma*. Since levirate betrothal is effective only by rabbinic law, the *yevama* is not considered the acquisition of his money by Torah law and may not partake of *teruma*.

HALAKHA

Betrothal disqualifies and does not enable her to partake – תְּהֵאֵרוּסִין פּוֹסְלִין וְלֹא מֵאֲכִילִין: The daughter of a priest who is betrothed to an Israelite is disqualified from partaking of *teruma*, as she is considered like his wife. Although an Israelite woman betrothed to a priest may partake of *teruma* by Torah law, the Sages decreed that she not do so, lest she allow other members of her family to partake of *teruma*, as stated by Ulla (Rambam *Sefer Zera'im, Hilkhhot Terumat* 8:7).

A deaf-mute disqualifies and does not enable her to partake – חֲרַשׁ פּוֹסֵל וְאִינוּ מֵאֲכִיל – The daughter of a priest who married a deaf-mute Israelite is disqualified from partaking of

*teruma* due to this marriage, as it is valid by rabbinic ordinance. An Israelite woman married to a deaf-mute priest does not partake of *teruma*, as he has not acquired her by Torah law (Rambam *Sefer Zera'im, Hilkhhot Terumat* 8:9).

בִּיָּאָת יָבָם בֶּן – בִּיָּאָת יָבָם בֶּן: If a minor *yavam* aged nine years and one day engaged in intercourse with his *yevama*, the intercourse does not fully consummate the levirate marriage. Rather, it is equivalent to an adult's betrothal to his *yevama* (Rambam *Sefer Nashim, Hilkhhot Yibbum* 5:18; *Shulhan Arukh, Even HaEzer* 167:1).

NOTES

As he acquired her by means of betrothal [*havaya*] – דְּהָא קְנִיָּה בְּהוּיָהּ: *Tosafot* note that the use of the word *havaya* indicates that this *halakha* is derived from the verse “And if a priest's daughter be [*tihye*] married to a common man” (Leviticus 22:12). However, it appears from the Gemara later on that it is derived from a different verse. *Tosafot* conclude that the Gemara hints to this verse because it is a clearer source. The Gemara is not particular about referring to the accurate source because it is inconsequential here. The Ramban discusses the Gemara's tendency to cite inaccurate sources from the Torah for incidentally mentioned *halakhot* when the quoted source is clearer than the actual one.

Due to the reason given by Ulla – מִשּׁוּם דְּעוּלָא: Ulla's rationale is that the woman is not yet accustomed to the priesthood, as she is still living in her father's house, and she is likely to forget that she may not allow members of her Israelite family to partake of the *teruma*. It should be noted that another *amora* suggests a different rationale for this ordinance (see *Ketubot* 57b): The priest might discover a blemish in the woman following their marriage, which would render the betrothal mistaken and annul it retroactively. However, Ulla's rationale is the one usually quoted.

And a deaf-mute – הַחֲרַשׁ: The Jerusalem Talmud explains this case differently. It says that the mishna is referring to a woman who engaged in intercourse with a deaf-mute who is either her *yavam* or who is unfit to enter the assembly. Accordingly, he disqualifies her by Torah law, and not by rabbinic law as is explained by the Gemara.

The difference between the explanations in the Babylonian Talmud and the Jerusalem Talmud with regard to the case of a deaf-mute corresponds to the dispute between Abaye and Rava with regard to the case of a nine-year-old boy.

A nine-year-and-one-day-old *yavam* who engaged in intercourse with his *yevama* – יָבָם בֶּן תִּשְׁעֵי שָׁנִים וְיָוִם אֶחָד הֵבָא עַל יְבָמְתוֹ: By Torah law, an act of intercourse performed by a boy is recognized from the age of nine. Any adult who engaged in forbidden intercourse with him is liable, but he is exempt from punishment, as he is a minor. He is also unable to acquire property or betroth a woman, as he is not legally competent. The complexity of a minor's levirate marriage stems from the fact that levirate marriage is an acquisition created exclusively through intercourse.

As she was thereby acquired by him by Torah law – דְּמִדְּאֲוִרֵיָּתָא קְנִיָּא לִיהּ: Most commentaries maintain that the levirate marriage of a minor *yavam* is invalid by Torah law and is no more effective than betrothal of a *yevama*, which is a rabbinic institution (see *Tosafot*). Therefore, they claim that this phrase is inaccurate and refers not to acquisition but to the preexisting levirate bond between them (Ritva). Accordingly, the rationale that the mishna rejects is that the combination of the levirate bond, which exists by Torah law, and the levirate betrothal might enable the woman to partake of *teruma*.

Rashi (*Kiddushin* 19a) and Rabbi Avraham min HaHar, however, hold that a *yavam* who is a minor can perform levirate marriage by Torah law, and it was the Sages who instituted that it should be equivalent only to levirate betrothal.

The first clause is dealing with those unfit to enter the assembly, etc. – רישא פסולי קהל וכו' – According to Rabbeinu Hananel's version of the text, which is accepted by most early commentaries, the Gemara states the opposite: The first clause is dealing with those unfit for the priesthood, and the latter clause is referring to those who are unfit to enter the assembly.

Most commentaries agree with Rashi's interpretation that the expression: Those unfit for the priesthood, is referring only to a *halal*, whereas the expression: Those unfit to enter the assembly, is referring to all those who are unfit.

**An Ammonite or a Moabite convert** – גר עמוני ומואבי: Torah law prohibits a male convert from these nations and his male descendants to ever marry freely among the Jewish people (see Deuteronomy 23:4).

**An Egyptian or an Edomite convert** – גר מצרי ואדומי: A convert of Egyptian or Edomite descent, whether male or female, may not marry a Jew by birth. This restriction applies for two generations (see Deuteronomy 23:8–9).

**Samaritan** – כותי: The Samaritans are the descendants of the nations displaced by Sennacherib, King of Assyria, and brought to settle in Eretz Yisrael. Eventually, they accepted upon themselves several mitzvot (II Kings, chapter 17). At the beginning of the Second Temple period, during the times of Ezra and Nehemiah, relations between the Samaritans and the Jews deteriorated. Later, the Samaritans established a center of worship on Mount Gerizim, as they claimed that the sanctity of that mountain was established by one of the Ten Commandments. Some generations of Sages recognized Samaritans as half-Jewish. They went so far as to say that the Samaritans are extremely exacting in the fulfillment of the mitzvot they adopted, even more so than Jews. Ultimately, as the Samaritans continued to distance themselves from the Jewish people in virtually every regard, they were accorded the legal status of gentiles.

**Gibeonite** – גיתין: A Gibeonite is a descendant of the nation that tricked the Jewish people into making a covenant with them in the time of Joshua. According to most commentaries, by Torah law, the Gibeonites could have been treated as ordinary converts, but first Joshua and then King David decreed that they be treated as *mamzerim*, and therefore it became prohibited for Jews to marry them.

אמר ליה רבא: אי הכי, סיפא דקתני: ספק בן תשע שנים ויום אחד ספק שאינו, השתא ודאי בן תשע לא מאכיל – ספק מיבעיא?!

אלא אמר רבא: בבן תשע שנים ויום אחד דהנך פסולים קתני, דפסולי בביתא. וכדתניא: בן תשע שנים ויום אחד גר עמוני ומואבי, מצרי ואדומי, כותי, נתין, חלל וממזר, שבאו על בהנת לוייה וישראלית – פסולה.

והא מדקתני סיפא: אם אינן ראויין לבא בישראל הרי אלו פסולים, מכלל דרישא לאו בפסולים עסקינן! רישא פסולי קהל, סיפא פסולי בהונה.

גופא, בן תשע שנים ויום אחד גר עמוני ומואבי מצרי ואדומי כותי נתין חלל וממזר שבאו על בהנת לוייה וישראלית – פסול.

רבי יוסי אומר: כל שזרעו פסול – פוסל, כל שאין זרעו פסול – אינו פוסל. רבן שמעון בן גמליאל אומר: כל שאתה נושא בתו – אתה נושא אלמנתו, וכל שאין אתה נושא בתו – אי אתה נושא אלמנתו.

Rava said to him: If so, consider the latter clause of the mishna, which teaches that a boy with regard to whom there is uncertainty whether he is nine years and one day old and uncertainty whether he is not, disqualifies a woman from partaking of *teruma*, and he does not enable her to partake. Now that, according to your explanation, one who is definitely nine years old does not enable her to partake of *teruma*, is it necessary to teach the same concerning a boy with regard to whom there is uncertainty as to whether or not he reached that age?

Rather, Rava said that the mishna is teaching this *halakha* with regard to a nine-year-and-one-day-old boy who is one of those unfit males listed in a *baraita*,<sup>H</sup> who disqualify a woman from marrying a priest by their intercourse, as they are unfit to enter the assembly of Israel through marriage, as it is taught in a *baraita*: A nine-year-and-one-day-old boy who is an Ammonite or a Moabite convert; or who is an Egyptian or an Edomite convert; or who is either a Samaritan [*kuti*], a Gibeonite, a *halal*, or a *mamzer*, when he engaged in intercourse with a priestess, i.e., the daughter of a priest, a Levite, or an Israelite, he thereby disqualified her from marrying a priest,<sup>H</sup> and, in the case of the daughter of a priest, from partaking of *teruma*.

The Gemara raises a difficulty from the fact that the latter clause, the next mishna (69a), teaches that if men who are unfit to enter the assembly of Israel by marriage engage in extramarital intercourse with women, they disqualify them from marrying into the priesthood: It may be inferred that in the first clause, the mishna above, we are dealing not with unfit individuals but with men fit to marry Jews of unflawed lineage. The Gemara answers: That inference is incorrect. The first clause of the mishna is dealing with those unfit to enter the assembly<sup>N</sup> of Israel by marriage, while the latter clause is dealing with those who are merely unfit for the priesthood. That is why the mishna is referring to them separately. Accordingly, Rava's explanation that the mishna is referring to an unfit nine-year-old boy is viable.

**S** The Gemara addresses the matter itself and cites the complete *baraita*. A nine-year-and-one-day-old boy who is an Ammonite or a Moabite convert;<sup>N</sup> or who is an Egyptian or an Edomite convert;<sup>N</sup> or who is either a Samaritan,<sup>N</sup> a Gibeonite,<sup>N</sup> a *halal*, or a *mamzer*, when he engaged in intercourse with a priestess, or a Levite, or an Israelite, he thereby disqualified her from marrying into the priesthood.

Rabbi Yosei says: Of the individuals mentioned above, anyone whose offspring is unfit to enter the assembly of Israel, disqualifies a woman with whom he engaged in intercourse from marrying into the priesthood. However, anyone whose offspring is not unfit does not disqualify a woman through intercourse. Rabban Shimon ben Gamliel says: Anyone whose daughter you may marry, you may marry his widow, even if you are a priest. Anyone whose daughter may marry a Jew of unflawed lineage does not disqualify a woman with whom he engaged in intercourse from marrying into the priesthood. And anyone whose daughter you may not marry, you may not marry his widow if you are a priest.

#### HALAKHA

**ביאת פסול** – The intercourse of an unfit nine-year-old boy – If the intercourse of a male disqualifies a woman from marrying into the priesthood, it does so from the time the male is nine years and one day old. The woman with whom he engaged in intercourse is thereby disqualified from marrying a priest, and if she is the daughter of a priest she may no longer partake of *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumat* 8:11).

Individuals who disqualify women from marrying into the priesthood – הפוסלים לכהונה: If a woman engaged in inter-

course with a gentile; a Gibeonite, a *mamzer*, an Ammonite or a Moabite convert, an Egyptian or an Edomite convert of the first or second generation, or a *halal*, she is disqualified from marrying into the priesthood, and if she is the daughter of a priest she may no longer partake of *teruma*. Some commentaries claim that she is disqualified from marrying into the priesthood only if she engaged in forbidden intercourse that renders her liable to receive *karet* (*Tosafot*; Rosh; Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:3; *Shulhan Arukh*, *Even HaEzer* 6:8).

Since she engaged in intercourse with one who is unfit for her, he disqualified her – פסלה – כיון שנבעלה לפסול לה, פסלה – Most commentaries maintain that any man unfit to enter the assembly of Israel who engaged in intercourse with a woman rendered her a *zona*, and it is prohibited for a priest to marry her, as the verse states: “They shall not take a woman who is a harlot [*zona*]” (Leviticus 21:7). The commentaries therefore ask why the Gemara derives this *halakha* from Leviticus 22:12. The Rashba answers that the *halakha* under discussion relates to a woman who was raped and therefore cannot be deemed a harlot. He adds that the derivation is clearly necessary according to an opinion mentioned previously, that only a woman who engaged in forbidden intercourse that renders her liable to receive *karet* has the status of a *zona* (61a).

מנא הני מילי? אמר רב יהודה אמר רב: אמר קרא “ובת כהן כי תהיה לאיש זר,” כיון שנבעלה לפסול לה – פסלה.

The Gemara asks: **From where are these matters derived**, that intercourse with an unfit man renders a woman unfit to partake of *teruma* and marry a priest? **Rav Yehuda said that Rav said: The verse states: “And if a priest’s daughter be married to a common man [*ish zar*], she shall not eat of that which is set apart from the sacred”** (Leviticus 22:12). It may be derived that **since she engaged in intercourse with one who is unfit for her, he disqualified her**<sup>a</sup> from marrying into the priesthood, as the literal meaning of the expression *ish zar* is a man who is excluded.

האי מיבעי ליה דקאמר רחמנא: בת כהן דמינסבא לזר לא תיכול!

The Gemara asks: **That verse is necessary** to teach the *halakha* that **the Merciful One says: The daughter of a priest who marries a non-priest, even one that she is permitted to marry, may not partake of *teruma***. Therefore, it cannot be the source for the *halakha* that intercourse with an unfit man renders a woman unfit to partake of *teruma* and marry a priest.

ההיא מי שבה אל בית אביה כנעוריה מלחם אביה תאכל” נפקא, מדקאמר רחמנא: “ושבה אל בית אביה תאכל” מפלל דמעיקרא לא אכלה!

The Gemara answers: **That prohibition is derived from the verse “But if a priest’s daughter be a widow, or divorced, and have no child, and is returned to her father’s house, as in her youth, she may eat of her father’s bread”** (Leviticus 22:13). **From the fact that the Merciful One says: “And is returned to her father’s house... she may eat,” it may be inferred that initially, while married to a non-priest, she was not permitted to eat**. Therefore, the prohibition against a woman who engaged in intercourse with an unfit man partaking of *teruma* may be derived from the former verse, as it is not necessary for this *halakha*.

אי מההיא הוה אמנא לאו הבא מפלל עשה – עשה, כתב רחמנא האי ללאו. [לאו] מ’וכל זר לא יאכל קדש” נפקא.

The Gemara rejects this answer: **If the prohibition against the daughter of a priest who married a non-priest partaking of *teruma* had been derived only from that latter verse, I would have said** that it is a prohibition that stems from a positive mitzva, as it is stated in positive form, and according to the principle that **a prohibition that stems from a positive mitzva is a positive mitzva**, she would not be liable to receive a court-imposed punishment. **The Merciful One therefore writes that former verse, to establish an explicit prohibition**. The Gemara counters: **The prohibition against the wife of a non-priest partaking of *teruma* is derived from a different verse: “No common man may eat of the sacred”** (Leviticus 22:10).

## Perek VII

### Daf 68 Amud b

ההוא מיבעי ליה לגופיה! תרי “וכל זר” כתובי.

The Gemara rejects this assertion: **That verse is necessary to teach its own basic *halakha***, that a non-priest is prohibited from partaking of *teruma*. The Gemara responds: **Two prohibitions with regard to a “common man” are written**, one in the verse previously cited and the other in Leviticus 22:13: “But there shall no common man eat of it.” One of them prohibits a non-priest from partaking of *teruma*, while the other is referring to the daughter of a priest married to a non-priest.

ואפתי מיבעי ליה לכדרבי יוסי ברבי חנינא. דאמר רבי יוסי ברבי חנינא: “וכל זר” – זרות אמרתי לה, ולא אגנות! דרבי יוסי ברבי חנינא מן “זר” “וכל זר” נפקא.

The Gemara asks: One of these verses **is still necessary to teach another *halakha* that is taught by Rabbi Yosei, son of Rabbi Hanina, as Rabbi Yosei, son of Rabbi Hanina, said that the phrase “no common man” indicates that I, God, said to you that commonness, i.e., non-priesthood, renders one unfit to partake of *teruma*, but acute mourning, i.e., mourning on the day when one’s close relative died, does not render one unfit to eat *teruma***. The Gemara answers: **This teaching of Rabbi Yosei, son of Rabbi Hanina, is derived from a superfluous word in the verse, as it could have stated: A common man may not eat of the holy thing, and it actually states: “No common man.”**

If so, let the verse merely write, etc. – אם כן לכתוב קרא – *Tosafot* explain this statement as follows: If the verse intended to disqualify the woman only from partaking of *teruma*, it should have simply referred to the sacred, and it would have been clear that this expression is referring to *teruma*, as that is the topic under discussion. Therefore, the expression “that which is set apart from the sacred” indicates that the prohibition pertains to other consecrated foods as well.

**Derivation of *halakhot* from the prefix *vav* – דרישת ווין** – Apparently, all the Sages derived *halakhot* from the prefix *vav* in various contexts. The Rabbis that the Gemara is referring to must therefore be Rabbis who interpret the prefix *vav* as only connecting between a phrase and the statement previous to it, whereas Rabbi Akiva maintains that it also implies the inclusion of additional cases relevant to the subject at hand (see *Tosafot*).

ואכתתי מיבעי ליה לכתבנא: כשהיא חוזרת – חוזרת לתרומה, ואינה חוזרת להזהר ושוק, ואמר רב חסדא אמר רבינא בר רב שילא: מאי קרא? דכתב: וכתב: כהן כי תהיה לאיש זר היא בתרומת הקדשים לא תאכל – לא תאכל במזרם מן הקדשים.

אם כן לכתוב קרא “היא בקדשים לא תאכל”, מאי “בתרומת הקדשים” – שבעת מינה תרתי.

אשכחן בהנהגה, לוייה וישראלית מנלן? כדאמר רבי אבא אמר רב: “בת” וכתב, הקא נמי “בת” וכתב.

כמאן – כרבי עקיבא, דדריש ווין! אפילו תימא רבנן, כוליה “וכתב” קרא יתיירא הוא.

The Gemara asks: The verse “And if a priest’s daughter be married to a common man” (Leviticus 22:12), from which Rav derived the *halakha* being discussed, that intercourse with an unfit man renders a woman unfit to partake of *teruma* and marry a priest, is still necessary for that which is taught in a *baraita*: When a priest’s daughter returns to her father’s house after the death of her Israelite husband, she resumes partaking of *teruma*, but she does not resume partaking of the breast and the right hind leg<sup>h</sup> of sacrificial offerings. And Rav Hisda said that Ravina, son of Rav Sheila, said: What is the verse from which this is derived? As it is written: “And if a priest’s daughter be married to a common man, she may not eat of that which is set apart from the sacred” (Leviticus 22:12). This implies that even after her husband’s death, she may not partake of the portion separated from consecrated offerings. Therefore, the verse cannot be the source for the above *halakha*.

The Gemara answers: If so, if this is the only *halakha* derived from this verse, let the verse merely write:<sup>n</sup> She may not eat of the sacred. What is the significance of the seemingly superfluous expression “that which is set apart from the sacred”? Conclude from this that the prohibition is referring to two deeds:<sup>h</sup> The daughter of a priest who engaged in intercourse with an unfit man may not partake of *teruma*, and if she weds a non-priest she may not partake of the priestly portion of offerings, the breast and right hind leg.

The Gemara asks: We found a source for a priestess; from where do we derive the same *halakha* with regard to a Levite or an Israelite woman<sup>h</sup> who engaged in intercourse with an unfit man, i.e., that they do not partake of *teruma* even if they marry a priest? The Gemara answers that it is as Rabbi Abba said that Rav said: The verse states: “But if a priest’s daughter be a widow, or divorced” (Leviticus 22:13). It could have begun: If a priest’s daughter. The word “but,” the prefix *vav*, is seemingly superfluous, and therefore it may indicate the expansion of the prohibition to include additional women. Here too, it may be derived from the distinction between the phrase: If a priest’s daughter, and the phrase: “And if a priest’s daughter,” which utilizes the prefix *vav*, that Levite and Israelite women are subject to the prohibition as well.

The Gemara asks: In accordance with whose opinion is this exposition possible? It is in accordance only with the opinion of Rabbi Akiva, as he derives *halakhot* from the prefix *vav*, which means “and” or “but.” The Gemara responds: Even if you say it is in accordance with the Rabbis, who do not derive *halakhot* from the prefix *vav*,<sup>n</sup> the entire phrase: “And if a priest’s daughter,” is superfluous in the verse, as the previous verse already mentioned the priest’s daughter. Therefore, the inclusion of Levite and Israelite women in the prohibition may be derived from the entire expression.

#### HALAKHA

But she does not resume partaking of the breast and the right hind leg – ואינה חוזרת להזהר ושוק – If the daughter of a priest married a non-priest and was widowed or divorced without any surviving children from her husband, she may resume partaking of *teruma*. However, she may not partake of the breast and the right hind leg of offerings (Rambam *Sefer Zera’im, Hilkhot Terumat* 6:8–9).

Conclude from this that the prohibition is referring to two deeds: Two prohibitions are derived from the verse “And if a priest’s daughter be married to a common man, she may not eat of that which is set apart from the sacred” (Leviticus 22:12). The first is that a woman who engaged in sexual intercourse with a man forbidden to her is rendered a *zona* or

a *halala*, and she is permanently prohibited from partaking of *teruma*. The second is that the daughter of a priest who was married to a priest and subsequently widowed or divorced may resume partaking of *teruma*, but she may not eat the breast and the right hind leg of offerings (Rambam *Sefer Zera’im, Hilkhot Terumat* 6:7).

From where do we derive the same *halakha* with regard to a Levite or an Israelite woman – לוייה וישראלית מנלן – Not only is the daughter of a priest prohibited from partaking of *teruma* if she engaged in intercourse with a man unfit for her, but even a Levite or an Israelite woman who has a child from a priest is prohibited from eating *teruma* if she engaged in intercourse with a man forbidden to her (Rambam *Sefer Zera’im, Hilkhot Terumat* 6:10).

**קל וחומר – מְרוּשָׁה** – An *a fortiori* inference from a divorcée – **מְרוּשָׁה**: The *Tosefot HaRosh* argues that the case of an Israelite or a Levite woman should serve as a rebuttal of this inference, as she does not partake of *teruma* but she may marry a priest. He answers that the latter woman's unfitness to partake of *teruma* is inherent, and it is therefore irrelevant to the discussion. The case under discussion is a woman who was disqualified from marrying into the priesthood by an action. He continues to argue that the inference can be rebutted with the case of a daughter of a priest who was widowed by a non-priest and has children from him, as she does not partake of *teruma* but she may marry a priest. He answers that the prohibition against her partaking of *teruma* is only circumstantial; if her Israelite descendants die, she may resume partaking of *teruma*.

**גילוי מילתא בעלמא הוא** – It is merely a revelation – The commentaries offer various interpretations of this answer. The *Hazon Ish* explains that the prohibition against this woman partaking of *teruma* shows that she is rendered a *zona*. Once that has been established, all *halakhot* pertaining to a *zona* apply to her as well, e.g., her unfitness to marry a priest.

**ואימא... חייבי כריתות** – And perhaps you should say that it... applies only to those liable to receive *karet* – The *Ritva* explains that since the verse does not identify this "common man," perhaps it is referring to the type of man least suitable for her. Although those liable to receive the death penalty for their acts of intercourse are presumably less suitable than those liable to receive *karet*, they are not considered a separate legal category from those liable to receive *karet*.

**חייבי כריתות לאו בני הויה** – Those liable to receive *karet* are not fit for marriage – If so, what is the source of the *halakha* that those liable to receive *karet* also disqualify the woman from marrying a priest? *Tosafot* answer that the primary meaning of the phrase *ish zar*, translated as common man, refers to a man who renders a woman liable to receive to *karet* through intercourse. The Gemara merely proves from the wording of the verse that the verse is referring to less severe acts of intercourse as well. *Rashi*, on the other hand, maintains that the source is *Rabbi Yishmael's* teaching that any man who cannot render a woman a widow or a divorcée, i.e., his marriage to her is invalid, also disqualifies her from marrying into the priesthood.

אֲשֶׁר בָּחַן לְתַרוּמָה, לְכַהֲנָה מִנֶּלֶן? אִטוּ לְוִיָּה וְיִשְׂרָאֵלִית לֹא לְכַהֲנָה מְרַבֵּינָן לְהוּ? דְּאִי לְתַרוּמָה – בְּנוֹת מִיִּבְל תַּרוּמָה נִיְהוּ?

The Gemara asks: **We found** a source for the woman's disqualification from partaking of *teruma*; **from where do we derive** that she is disqualified from marrying into the **priesthood**? The Gemara counters: **Is that to say that we did not include a Levite and an Israelite woman** in the verse "But if a priest's daughter be a widow, or divorced, etc." (Leviticus 22:13), with regard to their marriage to a member of the **priesthood**? The derivation that a Levite and an Israelite woman are included in this verse was clearly with regard to their marriage to a priest; **as if the inclusion was with regard to *teruma*, are these women fit to partake of *teruma*** at all, regardless of their having engaged in intercourse with an unfit man? Clearly, their inclusion pertains to their marriage to a priest and their partaking of *teruma* as his wife.

אֲלֵמָה לָא? מִשְׁפַּחַת לָהּ דְּקִאֲכֹלָה בְּשִׁבִיל בְּנָה!

The Gemara rejects this assertion: **Why not?** Why can't the inclusion be referring to the partaking of *teruma* exclusively? **You find that possibility when she partakes of *teruma* due to her son.** If an Israelite woman has a son from a priest, she may partake of *teruma*. Therefore, it is necessary to include a Levite or Israelite woman in the prohibition against partaking of *teruma* if she engaged in intercourse with an unfit man.

בְּשִׁבִיל בְּנָה – קל וחומר: ומה כהנת, דְּבִקְדוּשָׁה דְּנִפְשָׁה אֲכֹלָה, פְּסִיל לָהּ, לְוִיָּה וְיִשְׂרָאֵלִית דְּלֹא אֲכֹלָה אֲלֵא בְּשִׁבִיל בְּנָה – לֹא כָּל שְׂכֵנָי!

The Gemara responds: The *halakha* that this woman does not partake of *teruma* due to her son is deduced through an *a fortiori* inference: **If a priestess, who partakes of *teruma* by virtue of her own sanctity, is disqualified** from partaking of *teruma* by an unfit man who engaged in intercourse with her, then with regard to a **Levite or Israelite woman, who partakes of *teruma* only due to her son, is it not all the more so** that it should be prohibited for her to partake of *teruma* after this act?

וְהִיא הַנּוֹתֵנָת: כֹּהֲנֵת דְּקָדִישׁ גּוֹפָה – פְּסִיל לָהּ, הָא דְּלֵא קָדִישׁ גּוֹפָה – לֹא פְּסִיל לָהּ. אֲלֵא לְכַהֲנָה, קל וחומר מגְרוּשָׁה! וְהִיא גְרוּשָׁה שְׂמוֹתָרַת בְּתַרוּמָה – אִסּוּרָה לְכַהֲנָה, וְזוֹ שְׂאִסּוּרָה בְּתַרוּמָה – אִינּוּ דִּין שְׂפָסוּלָה לְכַהֲנָה?

The Gemara rejects that response: **But that provides support** for the contrary reasoning. It is logical that a **priestess, who is herself sacred, is disqualified** by intercourse with an unfit man. However, with regard to **this woman, who is not sacred herself, and who eats *teruma* only due to her son, intercourse with an unfit man should not disqualify her.** Rather, the prohibition against these women marrying into the **priesthood** is derived by an *a fortiori* inference from the case of a divorcée:<sup>N</sup> **If a divorcée who is the daughter of a priest, who is permitted to partake of *teruma*,**<sup>H</sup> **is nevertheless prohibited from marrying into the priesthood, as is written in the Torah (Leviticus 21:7), then with regard to this woman, for whom it is prohibited to partake of *teruma*, is it not right that she should be disqualified from marrying into the priesthood?**

וכי מזהירין מן הדין? גלוי מילתא בעלמא הוא.

The Gemara raises an objection to that inference: **But do we warn, i.e., do we deduce a prohibition through logical derivation?** The Gemara answers: This is not a new prohibition; rather, it is **merely a revelation<sup>N</sup>** of the above prohibition's scope. In other words, the prohibition against marrying a priest is subsumed under the prohibition against partaking of *teruma*.

ואימא: נבעלה לפסול לה – חייבי כריתות! "כי תהיה" אמר רחמנא, הנך דאית בהו הויה, חייבי כריתות – לאו בני הויה.

Now that the source has been established, the Gemara asks: **And perhaps you should say that this *halakha* pertaining to a woman who engaged in intercourse with a man unfit for her applies only to those liable to receive *karet*<sup>N</sup> for their act of intercourse, but not to intercourse with a man who is unfit to marry into the assembly of Israel.** The Gemara answers that **the Merciful One states** in the Torah: "If a priest's daughter be married" (Leviticus 22:12), indicating that this *halakha* is referring to those who can have a valid marriage, while those liable to receive *karet* for their act of intercourse are not fit for marriage.<sup>N</sup>

## HALAKHA

A divorcée who is permitted to partake of *teruma* – גְרוּשָׁה – a non-priest and does not have children with him is permitted to partake of *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumat* 8:8). שְׂמוֹתָרַת בְּתַרוּמָה: The daughter of a priest who got divorced from

אי הכי גוי ועבד לא ליפסלו! הנך פסלי מדרבי ישמעאל. דאמר רבי יוחנן משום רבי ישמעאל: מנין לגוי ועבד שבא על בת ישראל ועל כהנת ולויה, שפסלוה - שנאמר "ובת כהן בי תהיה אלמנה וגרושה" וגו'.

The Gemara asks: **If so, a gentile or a slave who engaged in intercourse with a Jewish woman should not have disqualified her from marrying into the priesthood, as they cannot marry her.** The Gemara answers: **These disqualify her, as derived by Rabbi Yishmael, as Rabbi Yoḥanan said in the name of Rabbi Yishmael: From where is it derived with regard to a gentile or a slave who engaged in intercourse with an Israelite woman, or with a priestess, or a Levite woman, that they have disqualified her? As it is stated: "But if a priest's daughter be a widow, or divorced, and have no child, and is returned to her father's house, as in her youth, she may eat of her father's bread" (Leviticus 22:13).**

Perek VII  
Daf 69 Amud a

NOTES

ואימא מי - But perhaps you should say, one who has, etc. *Tosafot* ask why the Gemara suggests a lenient interpretation, contrary to the principle that whenever a Torah juxtaposition can be interpreted in either a stringent or a lenient manner, the stringent interpretation is accepted. *Tosefot HaRosh* writes that since a Jewish woman's marriage to a gentile or a slave is invalid, and any child of theirs is considered the child of his mother only, it makes sense that the child should not cause her to be disqualified.

מי שיש לו אלמנות וגרושין בה, יצאו גוי ועבד שאין לו אלמנות וגרושין.

This verse is referring to a man who has potential widowhood and divorce with her, excluding a gentile and a slave, who do not have widowhood and divorce with her, as they cannot marry Jews at all. Therefore, they disqualify a woman from marrying into the priesthood through sexual intercourse, even if she does not have a child with them.

אשבחון כהנת, לוייה וישראלית מנא לן? דאמר רבי אבא אמר רב: "בת" "ובת" הכא נמי "בת" "ובת".

The Gemara asks: **We have found a source for the halakha that a gentile and a slave disqualify a priestess. From where do we derive this with regard to a Levite and an Israelite woman?** The Gemara answers: It is as **Rabbi Abba said that Rav said: The verse "But if a priest's daughter be a widow, or divorced" (Leviticus 22:13) could have begun with the words: If a priest's daughter. The word "but," the prefix vav, expands the prohibition to include additional women. Here too, it may be derived from the distinction between the phrase: If a priest's daughter, and the phrase as it actually appears in the verse: "But if a priest's daughter," that Levite and Israelite women are subject to the prohibition as well.**

במאן, ברבי עקיבא, דדריש ווי? אפילו תימא רבנן, כולה "ובת" קרא יתירא הוא.

The Gemara asks: **In accordance with whose opinion is this exposition possible? It is in accordance only with the opinion of Rabbi Akiva, as he derives halakhot from the prefix vav.** The Gemara responds: **Even if you say it is accordance with the Rabbis, the entire phrase: "But if a priest's daughter," is superfluous in the verse, as the previous verses had already mentioned the priest's daughter. Therefore, the inclusion of Levite and Israelite women in the prohibition may be derived from the entire expression.**

ואימא: מי שיש לו אלמנות וגרושין בה, כי לית ליה זרע - קאכלה, כי אית ליה זרע - לא אכלה, מי שאין לו אלמנות וגרושין בה, אף על גב דאית ליה זרע - נמי תיכול!

The Gemara suggests: **But perhaps you should say a different interpretation of the mention of widowhood and divorce in the verse: In the case of one who has<sup>n</sup> potential widowhood and divorce with her, if he does not have offspring from her she may partake of teruma upon her widowhood or divorce, whereas if he does have offspring from her she does not partake.** However, in the case of one who does not have widowhood and divorce with her, even if she has offspring from him, she should be allowed to partake of teruma, as the offspring is not considered his.

אם כן רבויי לוייה וישראלית למה לי?

The Gemara answers: **If so, why do I need to include a Levite and an Israelite woman?** If the daughter of a priest is not disqualified from teruma due to intercourse with a gentile or slave, certainly a Levite or Israelite woman is not. The fact that the verse indicates inclusion of Levite and Israelite women proves that the halakha that is derived from it is a stringency and not a leniency.