as he acquired her by means of betrothal. 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. 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.

It is also taught in the mishna that a deaf-mute 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 says: Here we are dealing with a nine-year- and one-day-old yavam who already engaged in intercourse with his yevama, as she was thereby acquired by him by Torah law. 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, 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.

Halaqha

Betrothal disqualifies and does not enable her to partake – קָנְיָא סָלְקָא מִשּׁוּם יוֹם נַמִי לָא: 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 do not, lest she allow other members of her family to partake of teruma, as stated by Ulla (Rambam Sefer Zedim, Hilkhot Terumot 8:9).

A deaf-mute disqualifies and does not enable her to partake – קָנְיָא לָא: 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 Zedim, Hilkhot Terumot 8:2).

The intercourse of a nine-year-old yavam – בִּיָּהֶל יָבָם אֶחָד: 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, Hilkhot Yeibum 5:18; Shu’ah Arukh, Even Ha’Zer 617).

Due to the reason given by Ulla – וּבִּיָּהֶל יָבָם אֶחָד 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 teruma. As he acquired her by means of betrothal [havupa] – בִּיָּהֶל יָבָם אֶחָד: Tosafot note that the use of the word havupa indicates that this halakha is derived from the verse “And if a priest’s daughter be [hinyle] 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.

And a deaf-mute – וְהַבָּא יֵשָׁנָה 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 אֶחָד בִּיָּהֶל יָבָם אֶחָד: 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 – בִּיָּהֶל יָבָם אֶחָד: Most commentators 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. — According to Rabbeinu Hananel's version of the text, which is accepted by most early commentators, 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 commentators agree with Rashi's interpretation that the expression: Those un

than Jews. Ultimately, as the Samaritans continued to interactions between the Samaritans and the Jews deteriorated.

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 (i Kings, chapter 19). 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 – מִיְּשָׁרִי: 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 commentators, 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 manzanim, and therefore it became prohibited for Jews to marry them.

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, who disqualifies 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 or a Gibeonite, or a halal, or a manzer, 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, 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 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.

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; or who is an Egyptian or an Edomite convert; or who is either a Samaritan or a Gibeonite, or a halal, or a manzer, 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.

The intercourse of an unfit nine-year-old boy — בְּכֵן מַעֲלָהה: If the intercourse of a male disqualifies a woman from marrying into the priesthood, it does so from the time he 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 Terumot 8:11).

Individuals who disqualify women from marrying into the priesthood — בְּכֵן מַעֲלָהה: If a woman engaged in intercourse with a gentile; a Gibeonite, a manzer, 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 commentators 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; Rashi; Ramban, Sefer Kadishah, Hilkhot Issurim 18:3; Shulchan Arukh, Even HaZerot 6:8).
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 from marrying into the priesthood, as the literal meaning of the expression ish zar is a man who is excluded.

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.

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).

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 from marrying into the priesthood, as the literal meaning of the expression ish zar is a man who is excluded.

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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 of sacrificial offerings. And Rav Hisdai 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 22:11). 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 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 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, 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.

If so, let the verse merely write, etc.—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 — Rav Yehuda asked: 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).

The Gemara answers: If so, if this is the only halakha derived from this verse, let the verse merely write: 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: 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.

But she does not resume partaking of the breast and the right hind leg — Rav Akiva, as he derives halakhot from the prefix vav, which means “and” or “but.” The Gemara derives from 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

From where do we derive the same halakha with regard to a Levite or an Israelite woman? 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 Zeraim, Hilkhot Terumatot 6:4–5).

The Gemara asks: If a priest’s daughter be married to a common man, she may not eat of that which is set apart from the sacred. 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 22:11). 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.

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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 Israeli 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 Israeli 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.

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 Israeliite woman has a son from a priest, she may partake of teruma. Therefore, it is necessary to include a Levite or Israeliite woman in the prohibition against partaking of teruma if she engaged in intercourse with an unfit man.

The Gemara responds: The halakha that this woman does not partake of teruma due to her son is derived through an a fortiori inference: If a priestess, who partakes of teruma due to her son 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 Israeliite 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?

The Gemara rejects this 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. If a divorcée who is the daughter of a priest, who is permitted to partake of teruma, 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?

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 of the above prohibition’s scope. In other words, the prohibition against marrying a priest is subsumed under the prohibition against partaking of teruma.

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 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.

**HALAKHA**

A divorcée who is permitted to partake of teruma — קַל מַשְׁכְּחַתְּ דְּנַפְשָׁהּ בָּא לְפָסוּל — is not disqualified from marriage if she does not partake of teruma (Rambam Sefer Zera'im, Hilkhot Terumot 8:8).
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).

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.

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 tav, 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.

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 tav. The Gemara responds: Even if you say it is in 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.

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 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.

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.

NOTES

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. Tosafot HaRashot 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.