

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 כי 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.

אשבחן כהנת, לוייה וישראלית מנא לן? דאמר רבי אבא אמר רב: "בת" "ובת" ה"כא 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 hasⁿ 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.

And the meaning of, If a priest's daughter be [*tihye*] to a common man is: If she engages in intercourse with him – **ומאי "כי תהיה לאיש זר"**, **כי תיבעל**: Some commentaries ask why the verse must be interpreted according to Rabbi Akiva as referring to intercourse alone, as there is an amoraic opinion that even according to Rabbi Akiva's opinion, there are several forbidden unions with regard to which betrothal does take effect, such as those that do not involve close relatives and those prohibited only due to positive mitzvot. The Rashba and the Ritva answer that the Gemara's question applies only to the amoraic opinion that, according to Rabbi Akiva, betrothal never takes effect in any forbidden union.

מקיש זרעו לו – The *Shela* explains that in the case discussed by the verse, the priest has not yet fathered a child. Therefore, the phrase "his seed" is superfluous.

HALAKHA

A *halal* disqualifies – **הלל פוסל**: Although it is permitted for any Jewish woman, even the daughter of a priest, to marry a *halal*, their intercourse permanently disqualifies her from marrying into the priesthood and from partaking of *teruma* (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:1; *Shulhan Arukh*, *Even HaEzer* 6:8).

A High Priest who engaged in intercourse with a widow – **כהן גדול באלמנה**: A High Priest who engages in intercourse with a widow is liable to receive lashes even if he did not betroth her beforehand. As for her, she becomes a *halala* and is disqualified from marrying into the priesthood (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 17:3).

ולרבי עקיבא, דאמר: אין קדושין תופסין בחיבוי לאוין, ומאי "כי תהיה לאיש זר" כי תיבעל, "אלמנה וגרושה" למה לי?

The Gemara asks: **And according to Rabbi Akiva, who said that betrothal of those who may not engage in intercourse, as they are liable for violating a prohibition, does not take effect, and therefore the meaning of the phrase "And if a priest's daughter be [*tihye*] to a common man" (Leviticus 22:12) is not: If she marries him, but rather: If she engages in intercourse with him,^h why do I need the Torah to mention the phrase "a widow, or divorced" in the verse: "But if a priest's daughter be a widow, or divorced ... she may eat of her father's bread" (Leviticus 22:13)?** It is not necessary for this phrase to teach that a gentile and a slave disqualify a woman from marrying into the priesthood through sexual intercourse, as suggested by Rabbi Yishmael, as they are included in the prohibition proscribing a woman who engaged in intercourse with a man who is unfit for her.

אלמנה להחמיר עליה, וגרושה להקל עליה. וצריכא, דאי אשמעינן אלמנה – אלמנה הוא דכי לית לה זרע אכלה, משום דחזיא לכהונה, אבל גרושה דלא חזיא לכהונה – אימא אף על גב דלית לה זרע לא אכלה. ואי אשמעינן גרושה – גרושה הוא דכי אית לה זרע לא אכלה, משום דלא חזיא לכהונה, אבל אלמנה, דחזיא לכהונה, אימא: אף על גב דאית לה זרע נמי תיכול – צריכא.

The Gemara answers: **A widow is mentioned to be stringent with her, and a divorcée to be lenient with her, and both are necessary. As, had the Torah taught us only the case of a widow, you might have assumed that specifically if this daughter of a priest is a widow she partakes of *teruma* when she does not have offspring because she is fit for the priesthood, as she may marry a common priest, but with regard to a divorcée, who is not fit for the priesthood at all, you might say that even if she does not have offspring she does not partake of *teruma*. And had it taught us only the case of a divorcée, you might have assumed that only a divorcée does not partake of *teruma* when she has offspring from a non-priest because she is not fit for the priesthood, but with regard to a widow, who is fit for the priesthood, you might say that even if she has offspring she should also partake of *teruma*.** It is therefore necessary for both cases to be stated.

ואימא: נבעלה לפסול לה – אף מחזיר גרושתו! לאיש זר" אמר רחמנא. מי שזר אצלה מעיקרא, לאפוקי האי דלא זר אצלה מעיקרא הוא.

The Gemara asks: **And perhaps you should say that the category of a woman who engaged in intercourse with a man who is unfit for her and is therefore disqualified from the priesthood applies even to the case of a man remarrying his divorcée after she had been married to another man in the meantime, which is prohibited. The Gemara answers: The Merciful One states in the Torah: "To a common man [*ish zar*]," literally, a man who is a stranger, "she shall not eat of that which is set apart from the sacred." The Gemara understands the notion of a stranger to be one whom she was forbidden to marry and interprets homiletically: Only marriage to one who was a stranger, i.e., forbidden, to her from the outset precludes her from partaking of *teruma*, to the exclusion of one who was not a stranger to her from the outset, such as her ex-husband.**

אי הכי, חלל דלאו זר הוא מעיקרא, לא לפסול! אמר קרא: "לא יחלל זרעו בעמיו", מקיש זרעו לו: מה הוא פוסל, אף זרעו נמי פוסל.

The Gemara asks: **If so, a *halal*, who was not excluded at the outset, as he may marry even the daughter of a priest, should not disqualify a woman from marrying into the priesthood. The Gemara answers that the verse states, with regard to a priest who marries a woman unfit for the priesthood: "He shall not profane his seed among his people" (Leviticus 21:15), thereby juxtaposing his seed to him.ⁿ Just as he, a priest who married a woman forbidden to him, disqualifies her from the priesthood, so too, his seed, the *halal*, also disqualifies a woman with whom he engaged in intercourse.^h**

ואימא: משעת הויה? דומיא דכהן גדול באלמנה, מה כהן גדול באלמנה – בביתא, אף האי נמי – בביתא.

The Gemara asks: **And perhaps you should say that a woman who engaged in intercourse with a man unfit for her is disqualified from the time of their betrothal, even before they engaged in intercourse. The Gemara answers that this is similar to a High Priest who engaged in intercourse with a widow: Just as a High Priest who engaged in intercourse with a widow^h has disqualified her through intercourse, not betrothal, so too, this unfit man has also disqualified her through intercourse.**

A second-generation Egyptian and a second-generation Edomite – מצרי שני ואדומי שני – It is prohibited for an Egyptian or Edomite convert and his son to enter the assembly of Israel by marriage, however, his grandson may marry an Israelite (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 12:19).

ואימא: עד דאיכא הויה וביאה! דומיא דכהן גדול באלמנה, מה כהן גדול באלמנה – בביאה לחודה, אף האי נמי בביאה לחודה.

”ורבי יוסי אומר: כל שזרעו פסול – פוסל, וכל שאין זרעו פסול – אינו פוסל.” מאי איכא בין תנא קמא לרבי יוסי?

אמר רבי יוחנן: מצרי שני ואדומי שני איכא ביניהו.

ושניהם לא למדוה אלא מכהן גדול באלמנה. תנא קמא סבר: מה כהן גדול באלמנה, שביאתו בעבידה – ופוסל, אף האי נמי פוסל.

ורבי יוסי סבר: ככהן גדול, מה כהן גדול – שזרעו פסול ופוסל, אף כל שזרעו פסול פוסל, לאפוקי מצרי שני דאין זרעו פסול, דכתיב: “בנים אשר יולדו להם דור שלישי יבא להם בקהל ה’.”

”רבן שמעון בן גמליאל אומר: כל שאתה נושא בתו אתה נושא אלמנתו” וכו’. מאי איכא בין רבי יוסי לרבן שמעון בן גמליאל?

אמר עולא: גר עמומי ומואבי איכא ביניהו. ושניהם לא למדוה אלא מכהן גדול באלמנה. רבי יוסי סבר: מה כהן גדול באלמנה – שזרעו פסול ופוסל, אף כל שזרעו פסול – פוסל.

The Gemara asks: **And perhaps you should say that he does not disqualify her until there is both betrothal and intercourse.** The Gemara again answers that this is **similar to a High Priest** who engaged in intercourse **with a widow: Just as a High Priest** who engaged in intercourse **with a widow** disqualifies her **through intercourse alone,**¹⁸ **so too, this man also disqualified her through intercourse alone.**

It was taught in the *baraita* under discussion (68a) that **Rabbi Yosei says:** Of the men unfit to enter the assembly of Israel, **anyone whose offspring are also unfit disqualifies** a woman with whom he engaged in intercourse from the priesthood. However, **anyone whose offspring are not unfit does not disqualify** her. The Gemara asks: **What difference is there between the first *tanna* of the *baraita* and Rabbi Yosei?**

Rabbi Yohanan said: The practical difference **between them** pertains to a **second-generation Egyptian and a second-generation Edomite.**¹⁹ The children of these men, i.e., the third generation, may marry Jews of unflawed lineage. Therefore, according to Rabbi Yosei, they too do not disqualify a woman from the priesthood through intercourse with them. The first *tanna*, however, holds that they have the same status as a first-generation Egyptian or Edomite convert, in that they disqualify a woman from the priesthood through intercourse.

And both *tanna'im* derived their respective opinions **only from the case of a High Priest** who engaged in intercourse **with a widow**, although they reached different conclusions. **The first *tanna* reasoned:** **Just as with regard to a High Priest** who engaged in intercourse **with a widow, his act of intercourse with her is a transgression, and therefore he disqualifies** her from the priesthood, **so too, this man, a second-generation Egyptian or Edomite, also disqualifies** her.

And Rabbi Yosei also reasoned: This is like a **High Priest** who engaged in intercourse with a widow. **Just as the High Priest’s children are unfit** for the priesthood, **and he himself disqualifies** the widow from marrying into the priesthood, **so too, any man whose children are unfit** to marry Jews of unflawed lineage **disqualifies** a woman with whom he engaged in intercourse from marrying into the priesthood. This inference comes **to exclude a second-generation Egyptian, whose children are not unfit**, as it is written: **“The children of the third generation that are born to them may enter into the assembly of the Lord”** (Deuteronomy 23:9).

It is taught in the *baraita* under discussion that **Rabban Shimon ben Gamliel says:** **Anyone whose daughter you may marry, you may marry his widow;** anyone whose daughter you may not marry, you may not marry his widow. The Gemara asks: **What difference is there between Rabbi Yosei and Rabban Shimon ben Gamliel?** They appear to be stating the same principle, that a man disqualifies a woman from the priesthood only if his children are unfit to marry Jews of unflawed lineage as well.

Ulla said: The practical difference **between them** is in the case of an **Ammonite and a Moabite convert.** **And both of them derived** their respective opinions **from none other than the case of a High Priest with a widow.** **Rabbi Yosei reasoned:** **Just as with regard to a High Priest** who engaged in intercourse **with a widow, his children are unfit** for the priesthood **and he himself disqualifies** the widow, **so too, any man whose children are unfit disqualifies** a woman with whom he engaged in intercourse.

NOTES

Just as a High Priest who engaged in intercourse with a widow disqualifies her through intercourse alone – גדול באלמנה – against a High Priest marrying a widow and the disqualification of his child from the priesthood as a result, it is derived that just as the child is disqualified whether or not his parents were betrothed, so too, the High Priest transgresses the prohibition and disqualifies the widow through intercourse alone, even without betrothal.

רבן שמעון בן גמליאל סבר: מה בהן גדול באלמנה – שכל זרעו פסול ופוסל, אף שכל זרעו פסול ופוסל, לאפוקי עמומי ומואבי דאין כל זרעו פסול, דאמר מר: עמומי ולא עמונית, מואבי ולא מואבית.

Rabban Shimon ben Gamliel reasoned: Just as in the case of a High Priest who engaged in intercourse with a widow, where all of his children from her are unfit for the priesthood and he disqualifies her as well, so too, in the case of a man all of whose children are unfit, he disqualifies a woman with whom he engaged in intercourse. This is to the exclusion of an Ammonite or a Moabite convert, as not all of his children are unfit to marry Jews of unflawed lineage, as the Master said: An Ammonite man is unfit to enter the assembly but not an Ammonite woman; a Moabite man is unfit but not a Moabite woman.^{NH} Since only the sons of an Ammonite or Moabite convert are unfit, they do not disqualify a woman with whom they engaged in intercourse from marrying into the priesthood.

מתני' האונם והמפתה והשוטה – לא פוסלין ולא מאכילין, ואם אינן ראויין לבא בישראל – הרי אלו פוסלין. ביצד? (היה) ישראל שבא על בת בהן – תאכל בתרומה.

MISHNA In the case of one who rapes a woman without marrying her; or one who seduces a woman^H without marrying her; or an imbecile^N who engages in intercourse with a woman, even if he did marry her, if they are non-priests they do not disqualify the daughter of a priest from partaking of *teruma*, and if they are priests they do not enable an Israelite woman to partake of *teruma*. And if they are not fit to enter the assembly of Israel through marriage, they disqualify the daughter of a priest from partaking of *teruma*. How so? If it was an Israelite who engaged in extramarital intercourse with the daughter of a priest, she may partake of *teruma*, as this act of intercourse does not disqualify her.

NOTES

An Ammonite man but not an Ammonite woman, a Moabite man but not a Moabite woman – מואבי ולא עמוני, מואבית ולא עמונית: This ruling was introduced upon Ruth the Moabite's arrival in Bethlehem. It was not well known and was a cause of her rejection by her relatives before Boaz, the head of the Sanhedrin, married her (Yalkut Shimoni).

One who rapes, or one who seduces, or an imbecile, etc. – האונם והמפתה והשוטה וכו': *Tosafot* ask why the mishna does not list a minor as well, as he too does not disqualify a woman from partaking of *teruma* through intercourse, nor can he enable her to partake of *teruma* if he is a priest. They answer that since the mishna subsequently discusses the case of a pregnant woman, it cannot list a minor, as he is incapable of impregnating a woman.

HALAKHA

An Ammonite man but not an Ammonite woman, a Moabite man but not a Moabite woman – מואבי ולא עמוני, מואבית ולא עמונית: Ammonite and Moabite men are permanently prohibited from entering the assembly of Israel by marriage. This includes their sons and their sons' sons until the end of time. However, an Ammonite or Moabite female convert is permitted to marry into the assembly immediately, just like converts from other nations (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 12:18; *Shulhan Arukh, Even HaEzer* 4:2).

One who rapes or one who seduces a woman, etc. – האונם והמפתה וכו': If the daughter of a priest was raped or seduced by an Israelite man, or if she engaged in intercourse with an imbecile Israelite, she is not disqualified from partaking of *teruma*, unless the intercourse was prohibited. If an Israelite woman had one of those experiences with a priest, the priest does not enable her to partake of *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumat* 8:13).

Perek VII
Daf 69 Amud b

עיברה – לא תאכל בתרומה, נחתך העובר במעייה – תאכל. היה בהן שבא על בת ישראל – לא תאכל בתרומה, עיברה – לא תאכל, ולדה – תאכל. נמצא כחו של בן גדול משל אב.

If he impregnated her, she may not partake of *teruma*,^N as she is carrying an Israelite fetus. If the fetus was cut in her womb,^H i.e., she miscarried, she may partake of *teruma*. If the man was a priest who engaged in intercourse with an Israelite woman, she may not partake of *teruma*. If he impregnated her, she still may not partake of *teruma*, as a fetus does not enable its mother to partake. If she gave birth she may partake due to her child, a priest.^H It is therefore found in this case that the power of the son is greater than that of the father, as the father of this child does not enable the woman to partake of *teruma*, but the son does.

NOTES

If he impregnated her she may not partake of *teruma* – העיברה לא תאכל בתרומה: This is not because the fetus is a non-priest, but because she partakes of *teruma* only as long as her body doesn't change due to pregnancy, as derived by the Gemara (67b) from the verse "As in her youth, she may eat of her father's bread" (Leviticus 22:13). Her body cannot be described as being "as in her youth" if she is pregnant (see Ritva).

HALAKHA

If the fetus was cut in her womb – נחתך העובר במעייה: If the daughter of a priest married an imbecile Israelite, or if she was raped or seduced by an Israelite, and she was impregnated, she may not partake of *teruma* due to the fetus. If she miscarried, she may partake of *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumat* 8:14). An Israelite woman impregnated by a priest – ישראלית: If an Israelite woman married an imbecile priest, or if she was raped or seduced by a priest, she may not partake of *teruma*, even if she is impregnated by him. However, once she has borne him a child, she may partake of *teruma* due to her child (Rambam *Sefer Zera'im, Hilkhot Terumat* 8:14).

A slave disqualifies, etc. – העבד פוסל וכו' – A slave disqualifies a woman with whom he engaged in intercourse from partaking of *teruma*, but he does not disqualify his Jewish mother. This principle applies to a gentile as well. In addition, both a slave and a gentile whose paternal grandparents are a priest and an Israelite woman do not enable their grandmother to partake of *teruma*. Why, then, is this principle stated specifically with regard to a slave? The novel element of this case is explained in *Arukh LaNer*: Even the slave of a priest, who partakes of *teruma* himself, does not enable his Israelite grandmother to partake of *teruma*.

A *mamzer* disqualifies and enables a woman to partake of *teruma* – ממזר פוסל ומאכיל: The commentaries disagree as to whether a *mamzer* who is the son of a priest partakes of *teruma* himself. The Rambam holds that he is a *mamzer* priest. Others maintain that his mother became a *halala* due to the forbidden intercourse through which he was conceived, and he is therefore rendered a *halal*, who is unfit for the priesthood (Rosh; Ritva).

This son is a *mamzer* – הרי זה ממזר: This mishna is of the opinion that the child of an Israelite woman and a slave or a gentile man is a *mamzer*. The commentaries do not follow this opinion. However, the principle that a *mamzer* whose maternal grandfather is a priest enables his maternal grandmother to partake of *teruma* is accepted unanimously (Rambam's Commentary on the Mishna).

העבד פוסל משום ביאה, ואינו פוסל משום זרע. כיצד? בת ישראל לכהן, בת כהן לישראל, וילדה הימנו בן, והלך הבן ונכבש על השפחה, וילדה הימנו בן – הרי זה עבד. היתה אם אביו בת ישראל לכהן – לא תאכל בתרומה, בת כהן לישראל – תאכל בתרומה.

ממזר פוסל ומאכיל. כיצד? בת ישראל לכהן, ובת כהן לישראל, וילדה הימנו בת, והלכה הבת ונישאת לעבד או לגוי וילדה הימנו בן – הרי זה ממזר. היתה אם אמו בת ישראל לכהן – תאכל בתרומה. בת כהן לישראל – לא תאכל בתרומה.

כהן גדול, פעמים שהוא פוסל, כיצד? בת כהן לישראל וילדה הימנו בת, והלכה הבת וניסת לכהן וילדה הימנו בן – הרי זה ראוי להיות כהן גדול עומד ומשמש על גבי המזבח, מאכיל את אמו, ופוסל אם אמו. זאת אומרת: לא בבני כהן גדול שהוא פוסלני מן התרומה.

גמ' תנינא להא דתנו רבנן: שוטה וקטן שנשא נשים ומתו – נשותיהן פטורות מן החליצה ומן הייבום.

A slave disqualifies^N a woman from partaking of *teruma* due to his engaging in intercourse with her, and he does not disqualify a woman because he is her offspring. How so? In what case would a slave theoretically disqualify a woman because he is her offspring? If an Israelite woman was married to a priest, or the daughter of a priest was married to an Israelite; and she bore him a son; and the son went and pressed himself onto a maidservant, an epithet for intercourse used in this context due to the shame involved in having intercourse with a maidservant; and she bore him a son, then this son is a slave. If the latter's father's mother was an Israelite who was married to a priest, and her husband died, she may not partake of *teruma* due to her grandson, as he is not a priest but a slave. On the other hand, if she was the daughter of a priest married to an Israelite, and he died, leaving only this grandson, she may partake of *teruma*, as the grandson is not considered his father's offspring.^H

A *mamzer* disqualifies a woman from partaking of *teruma*, and he also enables a woman to partake of *teruma*.^{NH} How so? If an Israelite woman was married to a priest, or the daughter of a priest was married to an Israelite, and she bore him a daughter, and the daughter went and married a slave or a gentile and bore him a son, this son is a *mamzer*.^N If his mother's mother was an Israelite woman married to a priest, even if her husband died, she may partake of *teruma*, as she has surviving offspring from a priest. Conversely, if she is the daughter of a priest married to an Israelite, she may not partake of *teruma*, even after her Israelite husband's death, as she has offspring from him.

Even with regard to a High Priest, sometimes he disqualifies^H his grandmother from partaking of *teruma*. How so? If the daughter of a priest was married to an Israelite, and she bore him a daughter, and the daughter went and married a priest and bore him a son, this son is fit to be a High Priest, who stands and serves on the altar. This son enables his mother to partake of *teruma*, as he is a priest. And yet, he disqualifies his mother's mother from partaking of *teruma*, as he is her offspring from her Israelite husband. This grandmother can say in disapproval: Let there not be many like my daughter's son, the High Priest, as he disqualifies me from partaking of *teruma*.

GEMARA We already learned that the marriage of an imbecile is invalid, as the Sages taught in a *baraita*: With regard to an imbecile and a minor boy who married women and died, their wives are exempt from *halitza* and from levirate marriage.^H

HALAKHA

בן העבד אינו – בן העבד אינו – The son of a slave is not considered his offspring – נחשב לזרע: If an Israelite woman was married to a priest, or the daughter of a priest was married to an Israelite, and she bore a son, and that son engaged in intercourse with a maidservant and fathered a son, the son is rendered a slave. If the woman's son died and her grandson, the slave, is still alive, he is not considered his father's offspring. Therefore, if the woman is an Israelite who was married to a priest, she may not partake of *teruma* due to this grandson; if she is the daughter of a priest who was married to an Israelite, she is not disqualified from partaking of *teruma* because of him (Rambam *Sefer Zera'im, Hilkhhot Terumat* 6:16).

A *mamzer* disqualifies and enables a woman to partake of *teruma* – ממזר פוסל ומאכיל: If the daughter of a priest was married to an Israelite, or an Israelite woman was married to a priest, and she bore him a daughter, and that daughter engaged in forbidden intercourse that renders her child a *mamzer*, the child is still considered the offspring of his grandparents. Therefore, if

she is an Israelite woman married to a priest, she may partake of *teruma*; if she is the daughter of a priest married to an Israelite, she may not partake of *teruma* (Rambam *Sefer Zera'im, Hilkhhot Terumat* 6:13–14).

כהן גדול פעמים שהוא – פוסל: If the daughter of a priest married an Israelite and bore him a daughter, and the daughter later married a priest and bore him a son, even if the daughter dies, her mother may not partake of *teruma* due to her grandson, who is her offspring from an Israelite. This is so even if the grandson becomes the High Priest (Rambam *Sefer Zera'im, Hilkhhot Terumat* 6:15).

אשת שוטה וקטן – אשת שוטה וקטן – The wife of an imbecile or a minor whose husband died is exempt from *halitza* and levirate marriage, as their marriage was invalid (Rambam *Sefer Nashim, Hilkhhot Yibbum* 6:8; *Shulhan Arukh, Even HaEzer* 172:16).

This is your bill of divorce, etc. – הָרִי זֶה גִּטְיֶיךָ וְכוּ' – If a priest said to his Israelite wife: This is your bill of divorce one hour before my death, it is prohibited for her to partake of *teruma* immediately, lest he die within the hour (Rambam *Sefer Zera'im, Hilkhot Terumat 9:1*).

BACKGROUND

Until forty days – עַד אַרְבָּעִים – The Sages established this date as the definitive point in time from when a fetus is considered a human being, not only a growth of tissue. From the fortieth day onward, the human fetus no longer resembles that of animals, as the tail disappears, and the head, arms, and legs have a human shape to them. Although it is still very small and undeveloped, it can be visually recognized as human, and it can therefore be considered a human being. At one month, the human embryo has no visible, distinctly human characteristics.



Digital rendering of a human embryo at one month

בִּיצֵד? הֲיָה יִשְׂרָאֵל שֹׁבֵא עַל בֵּית בְּהֵן – תֹּאכַל בְּתְרוּמָה. עֵיבָרָה – לֹא תֹאכַל. בֵּינָן דְּעֵיבָרָה לֹא תֹאכַל – לִיְחֹוֹשׁ שְׂמָא עֵיבָרָה! מִי לֹא תֵּן: מִפְּרִישֵׁין אוֹתָן שְׁלֹשָׁה חֳדָשִׁים שְׂמָא מְעוּבְרוֹת הֵן!

It is stated in the mishna: **How so? If an Israelite engaged in extramarital intercourse with the daughter of a priest, she may partake of *teruma*. If he impregnated her, she may not partake of *teruma*.** The Gemara asks: **Since if he impregnated her she may not partake, let us be concerned in any case of intercourse between an Israelite and the daughter of a priest lest he impregnated her,**ⁿ thereby rendering it prohibited for her to partake of *teruma*. **Didn't we learn** in a mishna that if two men betrothed two women, and then at the time that they entered the wedding canopy, they accidentally switched wives, and engaged in relations with each other's wives that night, in this case, after the accident is discovered, the court **removes the wives from their husbands for three months, lest they are pregnant from the men they presumed to be their husbands and the fetus is therefore a *mamzer*, although they engaged in intercourse only once (33b)?**

אָמַר רַבָּה בְּרַב הוּנָא: לְיִוְחָסִין חָשְׁשׁוּ, לְתְרוּמָה לֹא חָשְׁשׁוּ. וְלְתְרוּמָה לֹא חָשְׁשׁוּ; וְהִתְנַחֵּא: "הָרִי זֶה גִּטְיֶיךָ שְׂעָה אַחַת קֹדֶם לְמִיתוּתִי" – אִסּוּרָה לְאֹכֹל בְּתְרוּמָה מִיָּד!

The Gemara answers that **Rabba, son of Rav Huna, said: About lineage the Sages were concerned,** and they therefore decreed a three-month separation of the husbands and wives, to prevent the possibility of a child being of uncertain lineage. However, **about the prohibition against a non-priest eating *teruma* they were not concerned.**ⁿ The Gemara asks: **And for *teruma* were they not concerned? Isn't it taught** in a *baraita* that if a husband says to his wife: **This is your bill of divorce^h one hour before my death,** if she is an Israelite woman married to a priest **it is prohibited for her to partake of *teruma* immediately,** as the Sages were concerned that her husband might die within the hour?

אֲלֵא אָמַר רַבָּה בְּרַב הוּנָא: בְּנִישׁוּאִין – חָשְׁשׁוּ, בְּוִנּוֹת – לֹא חָשְׁשׁוּ.

Rather, **Rabba, son of Rav Huna, said: About impregnation through an act of marriage they were concerned,** but **about impregnation through licentious intercourse they were not concerned,**ⁿ as the woman generally takes precautions to ensure that she will not become pregnant.

וּבְנִישׁוּאִין מִי חָשְׁשׁוּ? וְהִתְנַחֵּא: בֵּית בְּהֵן שְׁנֵי שָׂאוֹת לְיִשְׂרָאֵל וְיָמָת – טוֹבְלוֹת וְאוֹכְלוֹת בְּתְרוּמָה לְעָרֵב!

The Gemara asks: **And about marriage were they concerned? Isn't it taught** in a *baraita*: **In the case of the daughter of a priest who married an Israelite and her husband died on that same day, she immerses to purify herself, as she is ritually impure due to their intercourse, and she may partake of *teruma* that same evening?** Evidently, the Sages were not concerned that she became pregnant from the initial act of intercourse, even that of marriage.

אָמַר רַב חֲסִדָּא: טוֹבְלוֹת וְאוֹכְלוֹת עַד אַרְבָּעִים, דָּאִי לֹא מֵיעֵבְרָא – הָא לֹא מֵיעֵבְרָא, דָּאִי מֵיעֵבְרָא – עַד אַרְבָּעִים מִיָּא בְּעַלְמָא הִיא.

Rav Hisda said: She immerses and partakes of *teruma* only until forty days after her husband's death, when there is still no reason for concern, **as if she is not pregnant then she is not pregnant. And if she is pregnant, until forty days^b from conception the fetus is merely water.** It is not yet considered a living being, and therefore it does not disqualify its mother from partaking of *teruma*.

NOTES

ליחוש שָׂמָא – Let us be concerned lest he impregnated her – עֵיבָרָה: The Ritva asks why the Gemara raises this question with regard to this clause of the mishna and not with regard to the first clause, which states that a man who rapes or seduces a woman does not disqualify her from partaking of *teruma*. He answers that the first clause can be interpreted as referring to a virgin, as that is the case of rape and seduction that is discussed in the Torah, and the Sages did not factor into their ruling the possibility of a virgin becoming pregnant from her first experience of intercourse.

a woman from partaking of *teruma*. For example, an Israelite woman married to a priest whose husband went overseas may continue to partake of *teruma* in his absence, without worrying that he might have passed away.

About lineage the Sages were concerned, about *teruma* they were not concerned – לְיִוְחָסִין חָשְׁשׁוּ, לְתְרוּמָה לֹא חָשְׁשׁוּ: Apparently, temporary problems relating to *teruma* were less of a concern than the lasting stain of defective lineage. A principle is indicated in the Jerusalem Talmud that the Sages were not concerned about possible occurrences that would disqualify

About impregnation through licentious intercourse they were not concerned – בְּוִנּוֹת לֹא חָשְׁשׁוּ – Why does the mishna permit the wife of an imbecile to partake of *teruma*? *Tosafot* maintain that she also takes precautions to avoid pregnancy, and therefore the Sages were not concerned that she might be pregnant. The Maharsha infers from Rashi that perhaps there is concern that she is pregnant, and therefore she should partake of *teruma* only if she knows that she is not. However, it is stated in the Jerusalem Talmud that since the marriage of an imbecile is invalid, she is considered unmarried for all intents and purposes.

The daughter of a priest who might be pregnant – בת כהן – ספק מעוברת: If the daughter of a priest engaged in intercourse with an Israelite, there is no concern that she might have been impregnated, and she may immerse herself and eat *teruma* that evening, as stated by Rabba, son of Rav Huna. However, if she was married to an Israelite and her husband died, she may immerse and partake of *teruma* only for forty days. If she continues to partake of *teruma* after the forty days and it becomes noticeable that she is pregnant, she is retroactively considered to have sinned from after the forty days. However, during those forty days the fetus is considered merely water and does not disqualify her from partaking of *teruma* (Rambam *Sefer Zera'im, Hilkhhot Terumot* 8:3).

A man who engaged in intercourse with his betrothed in his father-in-law's house – הבא על ארוסתו בבית חמיו: If a betrothed woman became pregnant while still living with her parents, and the couple agrees that the betrothed is the father, or if the woman claims that he is the father and he is unavailable for comment or says that he does not remember, the child is unflawed (Rema). This ruling follows the second version of the dispute between Rav and Shmuel, according to which Rav agrees with Shmuel in this case (Rambam *Sefer Kedusha, Hilkhhot Issurei Bia* 15:17; *Shulhan Arukh, Even HaEzer* 4:27).

אמר ליה אביו: אי הכי, אימא סיפא: הובר עוברת במעיה – תהא מקולקלת למפרע! מאי מקולקלת: עד ארבעים.

איתמר, הבא על ארוסתו בבית חמיו. רב אמר: הולד ממזר, ושמואל אמר: הולד שתוקי. אמר רבא: מסתברא מילתיה דרב – דדיימא מעלמא. אבל לא דיימא מעלמא – בתרא דידיה שדינן ליה.

אמר רבא: מנא אמינא לה – דקתני: ילדה תאכל. היכי דמי? איילימא דדיימא מעלמא – ילדה אמאי תאכל? אלא לאו – מינייה דיימא ולא דיימא מעלמא.

ומה התם, דלהאי איסורא ולהאי איסורא – בתרא דידיה שדינן ליה, הקא, דלהאי איסורא ולהאי היתירא – לא כל שכיני!

Abaye said to him: If so, say the latter clause of the *baraita*: Once her fetus in her womb is noticeable, she is ruined retroactively.^N Her prior consumption of *teruma* is retroactively prohibited. Evidently, pregnancy immediately disqualifies her from partaking of *teruma*. Therefore, the reason that she may partake of *teruma* immediately after her husband's death is that the Sages were not concerned that she became pregnant. Rav Hisda responded: What is the period in which she is retroactively ruined? It is from the moment the fetus is noticeable and back in time until forty days from the beginning of her pregnancy. During the first forty days of the pregnancy, she is not retroactively ruined, as the fetus is not yet considered a living being.^H

It was stated: With regard to a man who engaged in intercourse with his betrothed in his father-in-law's house,^H i.e., before they got married, Rav said that the offspring is a *mamzer*,^N as the future husband is not considered his father. And Shmuel said that the offspring is a *shetuki*,^N a child of unknown paternity. Rava said: Rav's statement stands to reason in a case where she is rumored to have engaged in intercourse with others. However, if she is not rumored to have engaged in intercourse with others, we cast the child after him, i.e., we assume that the child is the betrothed's son.

Rava said: From where do I say that? What is the source for my assertion? The source is the mishna, which teaches that if a priest engaged in extramarital intercourse with an Israelite woman and she gave birth, she may partake of *teruma* due to her child, who is a priest. What are the circumstances? If we say that she is rumored to have engaged in intercourse with others, even if she gave birth, why may she partake of *teruma*? Shouldn't there be concern that the child's father is not the priest? Rather, is it not a case where she is rumored to have engaged in intercourse with him and is not rumored to have engaged in intercourse with others?

And if there, in the case of the mishna, where for her to engage in intercourse with this priest is a prohibition, and to engage in intercourse with that non-priest, with whom she is not rumored to have engaged in intercourse, is a prohibition of the same degree, nevertheless, we cast the child after the priest, then here, where for her to engage in intercourse with that man who is not her betrothed is a Torah prohibition, and to engage in intercourse with this man, her betrothed, is permitted by Torah law, is it not all the more so that her betrothed should be considered the father? Therefore, Rav's statement stands to reason only if the woman is rumored to have engaged in intercourse with others as well.

NOTES

Ruined retroactively – מקולקלת למפרע: In what way is she ruined? Rashi explains that she must pay for the *teruma* she consumed and add a fifth. Rabbi Avraham min HaHar and other commentaries argue that the daughter of a priest is never obligated to pay for consumption of *teruma*, even *teruma* that she consumed unlawfully, as stated in *Torat Kohanim*. Accordingly, her ruin must be her transgression of a Torah prohibition.

The offspring is a *mamzer* – הולד ממזר: According to Rashi, the child is rendered a definite *mamzer*. However, the Rashba

cites the Gemara in *Kiddushin* (75b), which indicates that Rav meant that the child is rendered a *mamzer* of uncertain status, who may not marry a Jew of unflawed lineage or a *mamzeret*.

A child whose father's identity is unknown [*shetuki*] – שתוקי: A child whose father's identity is not known is referred to as a *shetuki*, from the Hebrew root *sh-t-k*, which means to silence. The Gemara explains that when a *shetuki* calls his father, his mother silences him (*Kiddushin* 70a).

אמר ליה אביי: לעולם אימא לך: כל איכא דדיימא מיניה אף על גב דלא דיימא מעלמא – אמר רב הולד ממזר, מאי טעמא? דאמרין: מדאפקרא נפשה לגבי ארום – אפקרא נפשה לעלמא. ומתניתין – שהיו שניהם חבושים בבית האסורין.

איכא דאמרי: בבא עליה – כולי עלמא לא פליגי דבתריה דידיה שדינן ליה, והכי איתמר: ארוסה שענברה, רב אמר: הולד ממזר, ושמואל אמר: הולד שתוקי. אמר רבא: מסתברא מילתיה דרב – דלא דיימא מיניה ודיימא מעלמא.

Abaye said to him in rejection of his proof: **Actually, I could say to you that anywhere that she is rumored to have engaged in intercourse with him, her betrothed, even if she is not rumored to have engaged in intercourse with others, Rav said that the offspring is a mamzer. What is the reason? It is that we say that since she exposed herself to her betrothed,^N although they were not married yet, she apparently exposed herself to others as well. And the mishna that you cited as support for your assertion is referring to a situation where they were both incarcerated alone together in prison.** Therefore, there is no concern that she engaged in intercourse with another man. This is one version of the dispute between Rav and Shmuel.

Some say that **when the betrothed admits that he engaged in intercourse with her, everyone agrees that we cast the child after him.** Rather, their dispute was stated as follows: In the case of a betrothed woman who became pregnant,^H if her betrothed denies that he engaged in intercourse with her, Rav said that the offspring is a mamzer, and Shmuel said that the offspring is a child whose father's identity is not known. Rava said: Rav's statement stands to reason in a case where the woman is not rumored to have engaged in intercourse with him and she is rumored to have engaged in intercourse with others. Therefore, it is assumed that the child is a mamzer.

NOTES

Since she exposed herself to her betrothed – מדאפקרא – נפשה לגבי ארום: Sexual intercourse between a betrothed couple is prohibited only by rabbinic law. Accordingly, the blessing over betrothal: Blessed are You... Who prohibited us from incest, and forbade the betrothed to us, and permitted those married to us through a canopy and betrothal, is referring both to Torah and rabbinic prohibitions.

Early commentaries question Abaye's rationale, as intercourse between a betrothed couple is prohibited but the lineage of the child conceived through this act is completely untainted. This leads some commentaries to accept Rava's distinction and others to accept Shmuel's opinion.

HALAKHA

A betrothed woman who became pregnant – ארוסה שעיברה: If a betrothed woman became pregnant while still living with her parents, and her betrothed denies having engaged in intercourse with her, the child is rendered a definite mamzer. If she is unavailable for questioning, or if she says that she does not know the father's identity, the child is rendered a mamzer of uncertain status.

If there are rumors that a betrothed woman engaged in licentious intercourse with her betrothed and with others, the child is rendered a mamzer of uncertain status, even if her betrothed admits that he engaged in intercourse with her. If she is questioned and says that she engaged in intercourse only with her betrothed, the child is rendered unflawed. It goes without saying that the child is unflawed if it is known that she engaged in intercourse with her betrothed and there are no rumors with regard to others. This ruling follows Shmuel's opinion as cited in the second version of the dispute. Some commentaries (Rosh; Rashba; Beit Shmuel) add that even if there were rumors that she engaged in intercourse with others, if it is known that she engaged in intercourse with her betrothed, or if he acknowledges the same, the child is unflawed, as stated by Rava (Rambam Sefer Kedusha, Hilkhoh Issurei Bia 15:17–18; Shulhan Arukh, Even HaEzer 4:27–28).

Perek VII
Daf 70 Amud a

אבל דיימא מיניה, אף על גב דדיימא מעלמא, בתריה דידיה שדינן ליה,

However, if she is rumored to have engaged in intercourse with him,^N even if she is also rumored to have engaged in intercourse with others, we cast the child after him.

אמר רבא: מנא אמינא לה, דקתני: ילדה – תאכל. היכי דמי? אי לימא דיימא מיניה ולא דיימא מעלמא – צריכא למימר דתיכול? אלא לאו – דיימא נמי מעלמא.

Rava said: From where do I say that? My source is the mishna that teaches that if a priest engaged in extramarital intercourse with an Israelite woman and she gave birth, she may partake of teruma due to her child. What are the circumstances? If we say that she is rumored to have engaged in intercourse with him and she is not rumored to have engaged in intercourse with others, need it be said that she may partake of teruma? It can easily be assumed that the priest is the father. Rather, is it not a case where she is rumored to have engaged in intercourse with others as well?

ומה קתם, דלהאי איסורא ולהאי איסורא, בתריה דידיה שדינן ליה, הכא דלהאי איסורא ולהאי היתירא – לא כל שכן?!

And if there, where for her to engage in intercourse with this priest is in violation of a prohibition and to engage in intercourse with that non-priest is in violation of a prohibition of the same degree, and she is rumored to have engaged in intercourse with both, nevertheless, we cast the child after the priest, then here, where for her to engage in intercourse with that man who is not her betrothed is in violation of a Torah prohibition and to engage in intercourse with this man, her betrothed, is permitted by Torah law, is it not all the more so that he should be considered the father?

NOTES

Rumored to have engaged in intercourse with him – דיימא מיניה: Tosafot explain that she is known to have engaged in intercourse with him. Otherwise, Rava's proof from the mishna, which discusses a case of definite sexual intercourse with an Israelite, is problematic. However, the wording of Rava's statement is difficult according to this opinion. Rabbi Avraham min HaHar explains that she is rumored to have had an extensive affair with him, which raises the probability that the child is his in the mishna's case.