The verse equates a woman to a man – And is this derived from here? Ramban asks: Even without the proof from the verses, there is another reason why it is prohibited for a woman to marry a man to whom she is forbidden, as there is a general prohibition: “You shall not put a stumbling block before the blind” (Leviticus 19:14), which means that it is prohibited to assist another person in the performance of a transgression. He answers that a marriage of this sort would constitute a violation of the general prohibition, but the Gemara is inquiring into whether there is also a specific prohibition with regard to these marriages. Other early authorities add that the prohibition: “You shall not put a stumbling block before the blind” is stated in general terms, and therefore lashes are not administered for it. Consequently, the Gemara sought a source for her liability to receive lashes for this transgression.

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The Gemara asks: But there is the prohibition for priests to contract ritual impurity from a corpse, which is a prohibition that is not equally applicable to all, as only priests are bound by this prohibition, and the reason that this command applies only to male priests is that the Merciful One writes: “Speak to the priests the sons of Aaron, and say to them: None shall defile himself” (Leviticus 21:1), from which it is inferred: The sons of Aaron and not the daughters of Aaron. Therefore, were it not for this specific derivation, I would say that women from priestly families are also obligated to avoid becoming ritually impure. What is the reason for this? Is it not due to the principle that Rav Yehuda said that Rav said, that women are equated to men with regard to all punishments in the Torah, including those that are not equally applicable to all?

The Gemara rejects this proof: No, that initial assumption, that the daughters of priests might be obligated to avoid ritual impurity, is not due to the halakha that Rav Yehuda said that Rav said, but rather it is something that we learn through tradition from the words “they may not take.” This phrase teaches that women are included in the marital prohibitions of the priesthood, and we might therefore have thought that they are included in all halakhot pertaining to priests.
There are those who say a different version of this answer: With regard to that verse about taking, it was necessary for him to mention this explicitly, for it might enter your mind to say: We should learn this halakha from the prohibition of impurity and conclude that just as only male descendants of Aaron are prohibited from contracting ritual impurity, the restrictions of marriage also apply only to men. The verse therefore teaches us, with the words "they may not take," that this is not the case.

The Gemara relates: Rav Pappa and Rav Huna, son of Rav Yehoshua, arrived at the town of Mintzeve, to the place of Rav Idi bar Avin. The townspeople asked them: Is it prohibited for daughters of priests who are fit to marry priests to marry men disqualified from the priesthood or not?

Rav Pappa said to them: You learned it in a mishna (Kiddushin 69a): People of ten types of lineages ascended from Babylonia: Priests, Levites, and Israelites, halalim, converts, and freed slaves, and manzzerim, Gibeonites, children of unknown paternity (shetukim), and foundlings. With regard to Priests, Levites, and Israelites, they are permitted to marry into one another’s families; Levites, Israelites, halalim, converts, and freed slaves are permitted to marry into one another’s families; converts, freed slaves, and manzzerim, Gibeonites, shetukim, and foundlings are permitted to marry into one another’s families; whereas the tanna does not teach that priestesses, i.e., daughters of priests, are permitted to marry a halal. This must mean they are forbidden to them.

Rav Huna, son of Rav Yehoshua, said to him: There is no proof from here, for he teaches the halakha anywhere that these men may marry those women, and there is also a parallel case where these women may marry those men. With regard to the case of a priest, however, since if he wants to marry a halala this is prohibited to him, the tanna does not teach this halakha. Consequently, there is no proof from this mishna that daughters of priests who are fit to marry priests are warned against marrying men disqualified from the priesthood. They came before Rav Idi bar Avin and told him about the question and their debate about the matter. He said to them: Children, this is what Rav Yehuda said that Rav said: Daughters of priests who are fit to marry priests are not warned against marrying men disqualified from the priesthood.

PERSONALITIES

Rav Idi bar Avin – רבי עד בר אבי

Rav Idi bar Avin was an amora from the third and fourth generations of Babylonian amora'im.

It is related that his father, Rav Avin Naggara, was meticulous concerning the lighting of Sabbath candles, and Rav Huna told him that he would merit sons who were Torah scholars. Indeed, he fathered Rav Hiyya bar Avin and Rav Idi bar Avin.

Rav Idi bar Avin was a disciple of Rav Hisdai, but he transmits traditions in the name of various Sages from the second generation of Babylonian amora'im. He was one of the greatest amora'im of his generation, and he is found engaged in halakhic discourse primarily with Abaye. Rav Idi was the leader of his town, where he apparently ran a private yeshiva.

He lived an exceptionally long life. Rav Huna, son of Rav Yehoshua, and Rav Pappa were among the disciples who learned Torah from him. In his old age, he called these disciples his dardekai, children.

Very little is known of the events of his life, besides the fact that he had two sons who were Sages in the next generation.

HALAKHA

Priests, Levites, and Israelites – קדושים, לויים, שילה

Priests, Levites, and Israelites are permitted to marry into each other’s families. The lineage of the offspring follows that of the father (Rambam Shfer Kedusha, Hilkhot Issurei Bi’a 19:15; Shulhan Arukh, Even HaCzer 8:1).

Levites, Israelites, halalim, converts – לויים, ישראלים, חללים

Levites, Israelites, halalim, converts, and freed slaves are permitted to marry into each other’s families. If a male convert or freed slave married a Levite or Israelite woman, the offspring is an Israelite. If a male Israelite, Levite or halal married a female convert or freed slave, their offspring’s lineage follows that of the father (Rambam Shfer Kedusha, Hilkhot Issurei Bi’a 19:16; Shulhan Arukh, Even HaCzer 8:2–3).

Converts, freed slaves, and manzzerim – בתי קדושים, זרים, ממזר

In the case of a shetuk and a foundling, there is uncertainty as to whether or not they are manzzerim. Therefore, they may not marry even other shetukim, nor may they marry a lewed of unlawful lineage or a manzzer; but they may marry converts and Gibeonites, and their offspring similarly have the status of an uncertain manzzer, in accordance with the opinion of Rabbi Elazar in tractate Kiddushin. Definite manzzerim are permitted to marry converts, freed slaves, and Gibeonites, and their offspring are manzzerim. Converts and freed slaves may marry each other, and their children are fit to enter the congregation (Rambam Shfer Kedusha, Hilkhot Issurei Bi’a 15:33).
A secondary relative of the husband but not a secondary relative of the yavam — בְּאֵחָו לְהַרְוָא אֵין לִקְשׁוֹנִי לַחַיִּים. In the Jerusalem Talmud, this inquiry is extended to ask whether a woman who is fit to marry the husband but is forbidden to the yavam as a secondary relative is entitled to a marriage contract, and it leaves this issue unresolved. It appears that according to the Gemara here, this question does not arise at all, for since the husband was obligated to pay her the marriage contract, she does not forfeit this right just because she happened before a yavam for levirate marriage (Rambam, Rashba).

There is dispute among the commentators and authorities in the case of a woman who was forbidden to her husband as a secondary relative, and her yavam consummated the levirate marriage with her. Some claim that although the yavam is not obligated to pay her marriage contract if they get divorced, nevertheless, the Sages forbade a woman to remain with her husband without a marriage contract, and therefore he must provide her with one. Others contend that since this woman is not entitled to a marriage contract at all, the Sages did not require one in this case.

Can it be concluded by inference that there is a woman who does have a marriage contract from the yavam — בְּאָה לַבַּﬠַל אֵין תְּנֵיתוּהוּ. Rav Sheshet’s proof from the baraita is clear enough, but the Gemara sought to undermine the baraita as a reliable source, since its wording is somewhat unclear. It was therefore necessary to resolve the difficulty in order to strengthen the proof (Ritva).

He stands in a position where he is obligated to arise and divorce her — אֵין נְפָלֵיוֹנָיו בְּכִי לְהַרְוָא. This case is presumably referring to a wife who comes to court to claim sustenance from her husband. The court is obligated to separate the couple, and therefore she would certainly not receive her sustenance. The Rashba points out that if her husband chose to provide her with food he cannot demand repayment from her, and consequently the Gemara has to establish the case as referring to a woman demanding future sustenance.

§ We learned in the mishna that secondary forbidden relatives, whose status is established by rabbinic law, are sometimes forbidden to the husband and sometimes to the yavam. The residents of the town of Biri inquired of Rav Sheshet: Is a woman who is a secondary forbidden relative of the husband but not a secondary forbidden relative of the yavam entitled to a marriage contract from the yavam or not? The Gemara clarifies the sides of the dilemma: Perhaps, since the Master said that in a levirate marriage, the payment of her marriage contract is due from the property of her first husband, and this woman, who was a secondary relative of her first husband, does not receive a marriage contract from him, she consequently does not have the right to one from the yavam either.

Or perhaps, since there is a principle in levirate marriage that if she does not have a marriage contract from the first husband, e.g., he died without leaving behind any property, the Sages instituted a marriage contract for her from the second one, we should say that she has a marriage contract from the yavam?

Rav Sheshet said to them: You learned it in a baraita: Payment of her marriage contract is due from the property of her first husband, and if she was a secondary forbidden relative of the husband, she does not have one even from the yavam. This baraita clearly answers the question.

The Gemara asks: Can it be concluded by inference from the baraita that there is a case of a woman in a levirate marriage who does have a marriage contract from the yavam? The Gemara answers: The baraita is incomplete and this is what it is teaching: Payment of her marriage contract is due from the property of her first husband, and if she does not have anything from the first husband because he died without property, they instituted a marriage contract for her from the second one. And if she was a secondary forbidden relative of the husband, she does not have one even from the yavam.

Rabbi Elazar inquired of Rabbi Yohanan: Do women in cases like a widow married to a High Priest and a divorcée or a halutzta married to a common priest have rights to payment for their sustenance from their husbands, or do they not have a right to sustenance? The Gemara asks: What are the circumstances of the case under discussion? If we say that she is dwelling under his roof, he stands in a position where he is obligated to arise and divorce her. In such a situation, does she have a right to sustenance? It is obvious that she does not. The Gemara clarifies: No, it is necessary to ask this question with regard to a case where he went overseas and therefore is not present to divorce her, and in the meantime she borrowed money for her sustenance and ate. What is the halakha in that case?

NOTES

A secondary relative of the husband but not a secondary relative of the yavam — בְּאֵחָו לְהַרְוָא אֵין לִקְשׁוֹנִי לַחַיִּים. In the Jerusalem Talmud, this inquiry is extended to ask whether a woman who is fit to marry the husband but is forbidden to the yavam as a secondary relative is entitled to a marriage contract, and it leaves this issue unresolved. It appears that according to the Gemara here, this question does not arise at all, for since the husband was obligated to pay her the marriage contract, she does not forfeit this right just because she happened before a yavam for levirate marriage (Ramban, Rashba).

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A widow married to a High Priest, or a divorcée or a halaluta married to a common priest⁴ has the right to receive her marriage contract; and for the produce of her property that her husband used; and sustenance; and she gets back her worn clothes and other objects she brought to the marriage; and she is disqualified as a halaluta from marrying a priest; and her offspring is disqualified⁵ from the priesthood as a halalut and the court forces him to divorce her." A woman who is a secondary relative prohibited by rabbinic law has neither a marriage contract; nor payment for the produce of her property; nor sustenance; nor does she get back her worn clothes⁶ and she is fit to marry a priest and her offspring is fit⁷ for the priesthood; and the court forces him to divorce her.

Rabbi Shimon ben Elazar said: For what reason did they say that a widow married to a High Priest is disqualified? Because he is disqualified from the priesthood by his marriage to her, as a priest who marries a woman forbidden to him is barred from the Temple service once he divorces her and agrees not to remarry her, and she is rendered a halaluta and disqualified⁸ from the priesthood by intercourse with him, and any place where he is disqualified and she is disqualified,

Is it correct to say that sustenance is a stipulation in the marriage contract, and since she has a marriage contract she also has a right to sustenance, and therefore the husband must pay her debt? Or perhaps there is a difference between the cases: Concerning a marriage contract, which gives her motivation to take the money and leave him, she has rights to it, as the Sages wanted to motivate her to seek divorce and end the prohibited marriage. However, with regard to sustenance, we are worried that if he provides for her sustenance, perhaps she might tarry with him, as she would have no reason to rush the divorce, and consequently she does not have rights to it. He said to him: She does not have a right to sustenance.

The Gemara raises a difficulty: But isn’t it taught in a baraita that she does have⁹ a right to sustenance? The Gemara answers: When that baraita is taught, it is referring to sustenance she receives after his death. At that point, she is no longer in violation of a prohibition, while the obligation to sustain her remains intact.

Some say a different version of the discussion, which is that he said to him: It is taught in a baraita that she has a right to sustenance. He replied: He stands in a position where he is obligated to arise and divorce her. He should not be required to provide for her sustenance. He again asked: But isn’t it taught in a baraita that she has a right to sustenance? He responded: When that baraita is taught it is referring to the period after his death.

The Sages taught: A widow married to a High Priest, or a divorcée or a halaluta married to a common priest⁴ has the right to receive her marriage contract; and for the produce of her property that her husband used; and sustenance; and she gets back her worn clothes and other objects she brought to the marriage; and she is disqualified as a halaluta from marrying a priest; and her offspring is disqualified⁵ from the priesthood as a halalut and the court forces him to divorce her." A woman who is a secondary relative prohibited by rabbinic law has neither a marriage contract; nor payment for the produce of her property; nor sustenance; nor does she get back her worn clothes⁥ and she is fit to marry a priest and her offspring is fit⁷ for the priesthood; and the court forces him to divorce her.

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She encourages him – **Amen**: The early authorities explain that this entire discussion is based on an assumption that appears in many places in the Talmud, namely that a woman desires to be married more than a man does. Consequently, whenever a woman has no good reason to reject a marriage there is a presumption that she actively desires it. As a result, if the marriage involves a transgression that has no deleterious effect on the wife, the Sages penalized her with the forfeiture of her marriage contract (Rashba; Meiri).

The case of a *haluluta* poses a difficulty to his opinion – **Amen**: Some early authorities maintain that according to the first version, the dispute between Rabbi Yehuda Hanasi and Rabbi Shimon ben Elazar concerns the rabbinic prohibition of a haluluta and the question of whether or not she receives her marriage contract. According to Rabbi Yehuda Hanasi, she does not receive it, whereas according to Rabbi Shimon ben Elazar, she does. The Tur claims that this is the opinion of the Rambam.

Others contend that even according to the first version, Rabbi Yehuda Hanasi agrees that a haluluta is entitled to a marriage contract, as the haluluta in her case resembles the case of a divorcee, which is a Torah law, and therefore this haluluta does not need strengthening (Rashba; Ritva). However, according to this opinion, the need for the justification: She encourages him, must be explained in the second version, which ascribes it to Rabbi Yehuda Hanasi. Some say that this is merely an additional point, so that we do not even need to think that a haluluta does not get her marriage contract. Alternatively, it may be that this reason was also stated by Rabbi Shimon ben Elazar, and Rabbi Yehuda Hanasi simply agrees with him in this regard (see Ritva).

What difference is there between the explanations of Rabbi Yehuda Hanasi and Rabbi Shimon ben Elazar – **Amen**: Many early authorities have a different version of the text that reads: What is the difference between them, referring to the two versions of the alternative explanation offered in the Gemara. The Ritva writes that there is in fact no substantial difference between the two versions, because according to the first interpretation Rabbi Yehuda Hanasi agrees that a haluluta receives a marriage contract. According to this, the two opinions differ in style alone.

A *manzater* or a Gibonite woman married to a Jew – **Amen**: Tosafot Yeshanim claim that even according to Rabbi Tarfon, the authority who holds that it is possible for the descendants of a *manzater* to enter into the congregation, the wife appears to gain nothing from this marriage, as the remedy of her son marrying a maid servant could be similarly achieved if she had married a *manzater*. They offer several answers, one of which is that she nevertheless prefers to marry a Jew, so that her children will have at least one parent with unflawed lineage. Since neither she nor her offspring suffer from this marriage, it is assumed that it is she who encourages him.

The Gemara asks: Who teaches the alternative explanation; whose opinion does it follow? Some say that Rabbi Shimon ben Elazar teaches it and is saying: What is the reason? In other words, the latter part of the *baraaita* provides the rationale for the previous statement: What is the reason that they said that if he is disqualified from the priesthood and she is similarly disqualified, they penalized him through the marriage contract? It is because in such a case he primarily encourages her to violate the prohibition, as the main disqualification concerns her, so they penalize him for enticing her to sin. And for what reason did they say that when he is fit and she is fit they penalized her through the marriage contract? It is because in such a case she encourages him, since she is not disqualified and therefore may care less about the sin. The Sages therefore penalized her.

Conversely, some say that Rabbi Yehuda Hanasi is the one who teaches it, and the case of a *haluluta* poses a difficulty to his opinion, as it seems to contradict his principle that rabbinic law requires strengthening: A *haluluta* is forbidden to a priest by rabbinic law, and yet she does have a marriage contract. In response, he then said an additional explanation: Since he disqualifies her from the priesthood by rabbinic law, in this case it is he who encourages her, and in that case of secondary relatives, when neither of them is disqualified, she encourages him.

The Gemara asks: Practically speaking, what difference is there between the explanations of Rabbi Yehuda Hanasi and Rabbi Shimon ben Elazar? Rav Hidai said: The practical difference between them concerns the cases of a *manzater* or a Gibonite woman married to a Jew of unflawed lineage.

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*HALAKHA*

These are prohibited by Torah law – **Amen**: With regard to a secondary relative, the Sages did not distinguish between a husband who was aware of the problem and one who was not. In either case, the woman forfeits the basic part and the conditions of the marriage contract. This is because the Sages found it necessary to strengthen their decrees, as stated by Rabbi Yehuda Hanasi. According to the Tur, based on the Rif and the Rosh, the rationale: He encourages her, is accepted by Rabbi Yehuda Hanasi as well, in accordance with the second interpretation of the Gemara. Consequently, although a priest is prohibited by rabbinic law from marrying a haluluta, she is entitled to a marriage contract (Rambam Sefer Nashim, Hilkhot Ishut 24a; Tur, Even HaEzer 116).
According to the one who says that the reason the marriage contract is not revoked from a widow who is married to the High Priest is because this relationship is prohibited by Torah law, which doesn’t require strengthening, this too is by Torah law, and therefore she receives her marriage contract. But according to the one who says it is because he encourages her, in this case she encourages him, as the woman is disqualified regardless, and she wants to marry a Jew because there is a way for her descendants to be fit to enter the congregation: If her mamzer son marries a maidservant and has children, they will be slaves who can then be freed and enter the congregation.

The Gemara asks: But according to Rabbi Eliezer,9 who said in a mishna (Kidushin 69a) that if a mamzer marries a maidservant and they have a child, their son is both a slave and a mamzer, since she has no hope of her descendants being fit to enter into the congregation, she does not encourage him at all. Rather, Rav Yosef said: The practical difference between them is with regard to one who remarries his divorcée after she has married another man.8 According to the one who says that it depends on whether the prohibition is by Torah law, this too is prohibited by Torah law. And according to the one who says it is because he encourages her, in this case she encourages him, as she and her children are unaffected by this marriage.

The Gemara raises a difficulty: But according to Rabbi Akiva, who said that offspring conceived through intercourse with a priest for which one is liable for violating a prohibition is a mamzer, she does not encourage him at all, because according to this opinion her children would be adversely affected by the marriage. Rather, Rav Pappa said: The practical difference between them involves a non-virgin married to a High Priest.8 According to the one who says that it depends on whether the prohibition is by Torah law, this too is prohibited by Torah law. And according to the one who says it is because he encourages her, in this case she encourages him, as the marriage merely violates a positive mitzva, which does not disqualify her children.

The Gemara asks: But according to Rabbi Eliezer ben Yaakov, who said that offspring conceived through intercourse with a priest for which one is liable for violating a positive mitzva is a halal, she does not encourage him at all. Rather, Rav Ashi said: The practical difference between them is with regard to the case of one who remarries his wife when there is an uncertainty if she is an adulteress.9 If a married woman was in seclusion with another man after her husband had become suspicious and had warned her concerning that man, and the husband did not subsequently bring her to be examined by the bitter waters as a sota, but rather continued to live with her, he has acted contrary to Torah law, as she is forbidden to him.

In this case, according to the one who says that it depends on whether the prohibition is by Torah law, this too is prohibited by Torah law. And according to the one who says it is because he encourages her, in this case she encourages him, as her children are not disqualified by such a relationship. The Gemara asks: But according to Rabbi Matya ben Harash, who said that even if her husband went to cause her to drink the bitter waters and had intercourse with her on the way, he has thereby rendered her a zona and disqualified her from the priesthood, she does not encourage him at all. Rather, Mar bar Rav Ashi said: The practical difference between them is with regard to the case of a definite adulteress.8 In such a case, all agree that their children are not mamzerim, despite the prohibition against their cohabitation. Consequently, she encourages him to sin.

One who remarries his divorcée after she has married another man – Ramban: According to the Torah (Deuteronomy 24:4), once a man has divorced his wife, he cannot remarry her if she has married someone else in the interim, even after she is widowed or divorced from her second husband. This halakha is mentioned by the prophet Jeremiah (Jeremiah 3:1) who uses it as a poetic contrast with the relationship between God and the Jewish people who can return to Him after atonement through exile (Radak).
HALAKHA

Sefer Zera'im

The first tithe is for a Levite; and the first tithe is for a Levite; this is the statement of Rabbi Meir. Rabbi Elazar ben Azarya permits it, i.e., the first tithe, to a priest, as he too is from the tribe of Levi. The Gemara is puzzled by this last statement: It says: Permits it. Does this prove by inference that there is one tanna that prohibits a priest from partaking of tithes? But a priest is also a Levite and cannot be considered a foreigner. Rather, say that Rabbi Elazar ben Azarya meant that one may give it even to a priest. The tithe does not have to be handed to a Levite; one may choose to give it to a priest instead.

Welome to the \(4\)th tithe: the \(4\)th tithe: the first tithe is for a Levite; this is the statement of Rabbi Meir. This ruling of Rabbi Meir does not state explicitly that, in his opinion, foreigners are prohibited from partaking of the first tithe. Rashi attempts to prove this from Rabbi Elazar ben Azarya’s response. However, Tosafot question this interpretation, as does the Rambam. The Ramban agrees with Tosafot and maintains that our knowledge of Rabbi Meir’s opinion is not from the baraita; but rather from the tradition quoted by Rav Acha, son of Rabba, which is assumed to be in accordance with Rabbi Meir’s opinion. It is based on this tradition that in several places the Talmud states as a generally accepted fact that Rabbi Meir is of the opinion that foreigners are prohibited from partaking of first tithe (Rashba; Ritva).

GEMARA

The mishna states that an Israelite woman betrothed to a Levite may not partake of tithes. The Gemara is puzzled by this ruling: And let her even be a complete foreigner who is not a Levite; may a foreigner not partake of tithes? In contradistinction to teruma, no special sanctity pertains to tithes; they are merely the possession of the Levite. What difference does it make, then, whether she is a Levite or not? Rav Naḥman said that Shmuel said: In accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Meir, who said that the first tithe is forbidden to foreigners, i.e., non-Levites, as it is taught in a baraita:

MISHNA

If there is an Israelite woman betrothed to a priest or pregnant from a priest, and he died; and a widow awaiting her yavam, who is a priest; and similarly, the daughter of a priest who is betrothed, pregnant from, or is a widow waiting for her yavam, who is an Israelite, she may not partake of teruma. If there is an Israelite woman betrothed to a Levite or pregnant from a Levite; and a widow awaiting her yavam, who is a Levite; and similarly the daughter of a Levite who is betrothed, pregnant from, or a widow waiting for her yavam, who is an Israelite, she may not partake of tithes.

If there is a daughter of a Levite betrothed to a priest or pregnant from a priest; and a widow awaiting her yavam, who is a priest; and similarly a daughter of a priest who is betrothed to or pregnant from a Levite, or is a widow waiting for her yavam, who is a Levite, she may partake of neither teruma nor tithes. This follows the halakha that betrothal, pregnancy, and waiting for a yavam disqualify the daughter of a priest from eating teruma, but they do not enable an Israelite woman to partake of teruma.

Perek IX
Daf 86 Amud a

HALAKHA

Teruma is for a priest – דְּאָסַר לְכֹהֵן. Teruma and teruma of the tithe may be eaten by adult and minor priests, both male and female, by their Canaanite slaves, and by their animals (Rambam Sefer Zera'im, Hilkhot Terumot 6:1).

The first tithe is for a Levite – דְּאָסַר לְלֵוִי. The first tithe is given to Levites, both males and females. However, this tithe may also be eaten by Israelites, even in a state of impurity, as it has no sanctity (Rambam Sefer Zera'im, Hilkhot Ma'asrot 11:2).