The daughter of a priest married to an Israelite may not partake of teruma. If the Israelite died and she has a son from him, she may not partake of teruma as long as that son is alive. If she subsequently married a Levite she may partake of tithe. If he died, and she had a son from him, she may still partake of tithe. If she subsequently married a priest, she may partake of teruma. If the priest died and she had a son from him, she may partake of teruma.

Gemara

We learned in the mishnah: If her son from the Levite died she may partake of teruma. The Gemara asks: This halakha with regard to a woman previously married to a priest, who had a child from the priest and was then married to a Levite and separated from him, that she once again may partake due to her son from the priest, from where do we derive it? Rabbi Abba said that Rav said: It states: “But if a priest’s daughter be a widow, or divorced, and have no child, and is returned unto her father’s house, as in her youth” (Leviticus 22:13). The verse could have stated: If a priest’s daughter. Instead, it states: “But if a priest’s daughter,” with an extra word, represented by the single Hebrew letter vav, to include this case.

The Gemara asks: In accordance with the opinion of which Sage is this exposition? Is it only in accordance with Rabbi Akiva, who expounds the additional letter vav, representing the word “and,” as an inclusive term? The Gemara refutes this suggestion: It can be understood even if you say it is in accordance with the Rabbis, who do not usually derive halakhot from an additional vav, as in this case the entire phrase: “But if a priest’s daughter,” is superfluous, as the previous verse had already specified that we are dealing with “the daughter of a priest.” Therefore, everyone agrees that in this context the additional letter in the text comes to include the additional case.

Notes

That the once again may partake due to her son - נִסֵּת. The Ra’avad asks: Before getting into the details of a woman’s ability to return to eating teruma on account of her son, after the death of her second husband, there should be an inquiry as to the source for the basic halakha that a woman can partake of teruma if she has a son who is a priest. It is derived from the verse: “Those who are born in his house, they may eat (yokhlu) of his bread” (Leviticus 22:10), which is expounded to mean both yokhlu, they may eat, and yashokhu, they may feed. This means that the son of the priest enables his mother to eat the bread as well.

It is, however, not obvious that this verse comes to teach the above halakha, as other halakhot have already been derived from that verse. The Ramban explains that the primary exposition is from the phrase: “They may eat of his bread.” That clause is in fact entirely superfluous, as this is clearly the topic of the entire verse. Therefore, these redundant words teach that not only may such people themselves eat, but they may also feed others.

A priest’s daughter, but a priest’s daughter - יִשְׂרָאֵל. The Jerusalem Talmud offers an alternative derivation. The phrase “a priest’s daughter” does not have to mean an actual daughter of a priest. Rather, it can be understood in a manner similar to the expression: “Daughter of Babylonia” (Psalms 137:8), which means a native of Babylonia or someone accustomed to its ways. Here too, “a priest’s daughter” can refer to one who observes the practices of the priesthood, which includes the wife of a priest.
HALAKHA

She does not return to partake of the breast and right hind leg — Ḥotzei. The daughter of a priest who married an Israelite is permanently barred from eating the breast and the right hind leg, even if he divorced her or died without leaving her sons (Rambam Sefer Zera''im, Hilkhot Terumot 6:7).

Where the father's agents transferred her to the husband's agents — Ḥilket. If a young daughter of a priest married, or if her father or his agents transferred her to the husband's agents for the purpose of marriage, and her husband died while she was still a young woman, she does not return to her father's jurisdiction and she may no longer nullify her vows (Shuṭhan Arukh, Yoreh De'ah 234:12).

The Sages taught: With regard to the daughter of a priest, when she returns to her father's house after having been married to a non-priest and then separated from her husband, she returns to partaking of teruma but she does not return to partake of the breast and right hind leg of peace-offerings. Rav Ḥisdai said that Rava bar Sheila said: What is the verse that teaches us this halakha? “She may not eat of that which is set apart from the sacred things” (Leviticus 22:12). This verse indicates: From that which is separated from the sacred things, i.e., offerings, and given to a priest, she may not eat. Rav Nahman said that Rabba bar Avuh said that this halakha comes from a different source: We infer from the words “she may eat of her father’s bread” (Leviticus 22:13), that she may not eat all bread; this comes to exclude the breast and right hind leg.

Rami bar Ḥama objects to this: But we can say that the verse comes to exclude nullification of vows. The Torah would consequently be teaching us that even after she “is returned unto her father's house, as in her youth” (Leviticus 22:13), she does not return to her youth in all ways, as her father may not nullify her vows. Rava said: The connection between her and her father's house with regard to vows has already been severed, as taught by the school of Rabbi Yishmael, as the school of Rabbi Yishmael taught: “But the vow of a widow, or of a divorcée... shall stand against her” (Numbers 30:10). What is the meaning when the verse states this? She was removed from the category of one who is under the authority of her father when she married, and she has likewise been removed from the category of one who is under the authority of her husband, as she is no longer married to him.

Rather, the verse is referring to a case where the father transferred his daughter to the husband's agents for the purpose of marriage, and she consequently left her father's house. Or, it is referring to a case where the father's agents transferred her to the husband's agents and she was widowed or divorced on the way, before she arrived at her husband's house. How shall I consider her? Is she in the house of this one, her father, or is she in the house of that one, her husband? Rather, this comes to tell you: Since she has entirely left her father's jurisdiction when she was transferred to the husband's agents, even if for just one moment, her father is no longer able to nullify her vows. We learn from here that a father cannot annul his daughter's vows after she has been married, and there is no need for an additional verse to teach this halakha.

Rav Safran said: The halakha that she does not return to her father's house with regard to the breast and the right hind leg is derived from the verse: “From her father’s bread she may eat,” which indicates that she partakes of the “bread” of teruma but not of the meat of the breast and hind leg. Rav Pappa said a different interpretation: “From her father's bread she may eat” is referring to bread owned by her father, such as teruma, which is the property of the priest, which excludes the breast and right hind leg, as the priests receive their portion from the table of the Most High. Unlike teruma, the breast and right hind leg do not belong to the priests. Rather, after the offering is sacrificed to God, they eat these portions but are not considered to own them.

NOTES

To exclude nullification of vows — Ḥotzei. The connection between this issue and the nullification of vows is not immediately apparent. The Ritva explains that the phrase “she may eat of her father's bread” indicates that she eats against her will. In other words, even if she vowed not to eat something, her father can nullify her vow. Some later authorities suggest that the resemblance between the verse referring to teruma: “And she is returned unto her father's house, as in her youth” (Leviticus 22:13) and the verse about vows: “Being in her youth, in her father's house” (Numbers 30:17) indicates a connection between the two cases.
And Rava said: It states: “And the breast of waving and the hind leg of heaving you shall eat...you, and your sons and your daughters with you” (Leviticus 10:14). This indicates that daughters of priests may eat at a time when they are “with you,” but once they have left the priest’s domain, e.g., by marrying an ordinary Israelite, they may no longer partake of these gifts even if they subsequently return to his household.

Rav Adda bar Ahava said: It was taught: With regard to the daughter of a priest, when she returns to her father’s house, after marrying and separating from her husband without a child, she returns for the purposes of eating teruma, but she does not return for the purposes of eating the breast and right hind leg. By contrast, if an Israeli woman ate on account of her son from a priest, if she later married an Israelite and he died, she returns to partake even of the breast and right hind leg.6

Rav Mordechai went and stated this halakha before Rav Ashi, who said to him: From where does he include the case of a woman who partakes of teruma on account of her son? From the verse “but if a priest’s daughter” (Leviticus 22:13). Is the Israeli woman preferable to her, the daughter of a priest herself, who does not return to eating the breast and hind leg? The Gemara answers: There, the Torah writes exclusions, as we learned above, which teach us that she does not return in all regards, whereas here it does not write exclusions. Consequently, although the halakha of a woman who has a son from a priest is itself derived from the case of the daughter of a priest returning to her father’s house, she has more abilities than the latter.

§ The Gemara returns to the mishna. The mishna taught: The daughter of a priest married to an Israelite may not partake of teruma. The Sages taught: “And she is returned unto her father’s house” (Leviticus 22:13); this excludes a widow awaiting her yavam,7 for she cannot go back to her father’s house as long as she is still waiting for the yavam to perform levirate marriage. “As in her youth”; this excludes a pregnant woman,8 as her pregnancy has changed her, and she is no longer as she was in her youth.

But could this not be derived through an a fortiori inference, without the need for a special exposition of a verse? If in a place, i.e., a case, where the Torah did not make the halakha pertaining to a child from the first husband like the halakha pertaining to a child from the second husband to exempt her from levirate marriage; this is the case of a woman who married a man, had a son with him, was widowed, remarried an Israeli, had a son with him, and was then widowed again, she may not partake of teruma. If her son from the Israelite died, she may once again partake of teruma on account of her son from the priest. She may also partake of the breast and right hind leg (Rambam Sefer Zera’im, Hilkhot Terumot 6:18, and Kisef Mishne there).

This excludes a widow awaiting her yavam — תְרוּמָה לְיָבָם. The daughter of a priest who is waiting for an Israeli yavam may not partake of teruma (Rambam Sefer Zera’im, Hilkhot Terumot 8:5).

This excludes a pregnant woman — תְרוּמָה לְתַעַבְּדָה. If the daughter of a priest was pregnant from an Israeli, she is prohibited from partaking of teruma on account of the fetus (Rambam Sefer Zera’im, Hilkhot Terumot 8:2).

HALAKHA

On account of her son from a priest, she returns to partake even of the breast and right hind leg — תְרוּמָה לְיָבָם. If an Israeli woman married a priest, had a son with him, was widowed, remarried an Israeli, had a son with him, and was then widowed again, she may not partake of teruma. If her son from the Israelite died, she may once again partake of teruma on account of her son from the priest. She may also partake of the breast and right hind leg (Rambam Sefer Zera’im, Hilkhot Terumot 6:18, and Kisef Mishne there). This excludes a widow awaiting her yavam — תְרוּמָה לְיָבָם. The daughter of a priest who is waiting for an Israeli yavam may not partake of teruma (Rambam Sefer Zera’im, Hilkhot Terumot 8:5).

This excludes a pregnant woman — תְרוּמָה לְתַעַבְּדָה. If the daughter of a priest was pregnant from an Israeli, she is prohibited from partaking of teruma on account of the fetus (Rambam Sefer Zera’im, Hilkhot Terumot 8:2).
If this is so, then in a place where the Torah did make the halakha pertaining to a child from the first husband like the halakha pertaining to a child from the second husband to disqualify her from teruma; this is the case of a daughter of a priest who married an Israelite, had a son with him, was widowed, and afterward married another Israelite, who died childless. She may not partake of teruma on account of her son from the first husband. Is it not, therefore, right that we should make a fetus like a child who was born with regard to teruma, that would prevent her from returning to partake of teruma if she is pregnant? If this reasoning is correct, there is no need for the biblical exegesis.

However, this proof can be refuted: No, what I should say is that the Torah made a fetus like a child who was born with regard to levirate marriage, because with regard to levirate marriage the Torah made the dead like the living: If the woman had a child at the time of her husband's death she is entirely exempt from levirate marriage, even if her son subsequently died. The deceased child is like a living one in the sense that he continues to exempt his mother from the requirement of levirate marriage. Shall we then make a fetus like a child who was born with regard to teruma, where the Torah did not make the dead like the living? In the case of teruma, as long as the daughter of a priest has a living son from her Israelite husband, she is disqualified from teruma, but if he dies she may partake of teruma again, as we do not consider him like a living son. Consequently, we cannot learn the halakha of teruma from levirate marriage with regard to the status of a fetus. Therefore, the verse states "as in her youth" to exclude a pregnant woman.

The Gemara comments: And it was necessary to write this verse that teaches the halakha of a pregnant woman, and it was necessary also to write "and she have no child" (Leviticus 22:13) because had the Merciful One written only: "And she have no child," I would have said that at the outset she was only one body when she ate teruma, and now, upon her return, there are two bodies, and that is why she is no longer "as in her youth." But a pregnant woman, who at the outset was one body and now is still one body, one might say that she may partake of teruma until the birth of her son. Consequently, it is necessary for a verse to teach the halakha. And vice-versa, had the Merciful One written the halakha with regard to a pregnant woman, I might have said that this is true only of a pregnant woman because at the outset her body was empty, and now her body is full with the child, and therefore she is no longer "as in her youth." But in a situation where "she has no child," when at the outset her body was empty and now her body is also empty, as she has given birth, you might say that she should not be disqualified. Therefore, it is necessary to write both verses.

Parenthetically, the Gemara lists terms signifying the following discussions, to serve as a mnemonic device: Said to him, we should not make, by death, we should make and not make, by a child, yavam and teruma, levirate marriage and teruma. This list of terms, taken from the introductions or key phrases in each of the ensuing discussions, is the mnemonic.
Rav Yehuda from De’iskarta said to Rava, in continuation of the discussion of the baraita: Should we not make the halakha concerning dead children like the halakha concerning living children with regard to levirate marriage by an a fortiori inference, and say: And if in a place where the Torah made the halakha with regard to a child from the first husband like the halakha with regard to a child from the second husband, to disqualify her from teruma, for as long as she has a child who is not a priest she is prohibited from partaking of teruma, the Torah nevertheless did not make dead children like living ones; therefore, in a place where the Torah did not make a child from the first husband like a child from the second to exempt her from levirate marriage, is it not right that we should not make the dead like the living? Why, then, is a yevumah exempt from levirate marriage if her late husband’s only child dies?

The verse states: “Her ways are the ways of pleasantness, and all her paths are peace” (Proverbs 3:17). In other words, since the ways of the Torah are those of pleasantness, the Torah would not obligate a woman who has married in the meantime to subsequently perform halitza, as this might demean her in her husband’s eyes.

The Gemara inquires: And let us make the halakha with regard to dead children like the halakha with regard to living ones with regard to teruma, from an a fortiori inference: And if in a place where the Torah did not make a child from the first husband like a child from the second to exempt her from levirate marriage, it nevertheless made the living like the dead, as a woman whose husband died and left a child is exempt from levitate marriage even if that child subsequently dies; then, in a place where the Torah made a child from the first like a child from the second to disqualify her from teruma, is it not right that we should make the living like the dead? The Gemara responds: Therefore, the verse states “and she have no child,” she is returned unto her father’s house, as in her youth” (Leviticus 22:13), and here she does not currently have children.

The Gemara further suggests: And let us make her child from the first husband like her child from the second one with regard to levirate marriage, again from an a fortiori inference: And if in a place where the Torah did not make the living like the dead with regard to teruma, it still made a child from the first husband like a child from the second, then in a place where it made the living like the dead, with regard to levirate marriage, is it not right that we should make a child from the first husband like a child from the second, and thereby exempt her from levirate marriage? The Gemara answers: The verse states about levirate marriage: “And he has no child” (Deuteronomy 25:5), and in fact he had none at the time of his death.

The Gemara offers another possibility: And should we make a child from the first husband not like a child from the second one with regard to teruma, from an a fortiori inference: If in a place where the Torah made the living like the dead to exempt her from levirate marriage, it still did not make a child from the first husband like a child from the second, then in a place where the Torah did not make the living like the dead, with regard to teruma, is it not right that we should not make the child from the first husband like the child from the second? The Gemara responds: Therefore, the verse states: “And she have no child,” but in fact this woman has children.
Mishna: With regard to a woman whose husband went overseas, and witnesses came and they said to her: Your husband is dead, and she married another man on the basis of this testimony, and afterward her husband came back out of the country, she must leave both this man and that one, as they are both forbidden to her. And she requires a bill of divorce from this one and that one.

And furthermore, she has a claim to neither payment of her marriage contract, nor the profits of her property used either of them, nor sustenance, nor the worn clothes she brought to the marriage. She has rights to these claims neither against this man nor against that one, i.e., she cannot collect these payments from either her first or second husband. And if she took any of these items from this man or from that one, she must return them to him.

If she was a regular Israelite woman, she is disqualified from marrying into the priesthood, as her intercourse with the second husband is considered an act of illicit sexual relations, and the daughter of a Levite is disqualified from partaking of the first tithe, and the daughter of a priest is disqualified from partaking of teruma. And neither the heirs of this man nor the heirs of that one inherit her marriage contract, as she is not considered married to either of them. This clause will be explained in the Gemara. And if they both died childless, the brothers of this one and the brothers of this one must perform ḥalitza and they do not enter into levirate marriage.

Rabbi Yosei disagrees with the first ṭamra and says that she does receive payment of her marriage contract, and the obligation of her marriage contract is upon the property of her first husband. Rabbi Elazar says: The first husband is entitled to her found articles, to her earnings, and to the nullification of her vows. Since her second marriage was an error, the first husband does not forfeit his rights. Rabbi Shimon says an even more far-reaching ruling: Her sexual relations or her halitza with the brothers of the first husband exempts her rival wife, as it is considered a proper levirate marriage or halitza, and certainly she does not require halitza from the brother of the second husband. And if she returns to her first husband, the child from him is not a mamzer.

Halakha: A woman whose husband went, etc. – Ḥakhme ha-Berit. If a woman’s husband left for overseas and she was informed that he was dead and she married another man, after which her husband returned, she must leave both of them. She requires a bill of divorce from them both, and she does not receive from either of them the payment for her marriage contract, the profits from her property, or what is left of the worn-out clothes she brought to the marriage. If they were priests they may not become ritually impure for her if she dies. Furthermore, they are not entitled to her earnings or the lost articles she finds, and they may not nullify her vows. She is also disqualified from marrying into the priesthood, and from partaking of teruma and tithes if she is the daughter of a priest. If both of her husbands died, the brothers of each must perform halitza with her, but they may not enter into levirate marriage with her (Shikut Anukh, Even HaEzer 17:56).
It may be inferred that the first clause... is referring to when there was one witness – ממקל זריך...במה. Although the mishna states: They said to her, which indicates that there is more than one witness, in tractate Karetot there is similar use of the plural form to refer to speech and notification in general, not necessarily that of two witnesses (Rashi).

Apparently, one witness is deemed credible – דְּרֵישָׁא. Rashī and many other commentaries maintain that the starting point of the Gemara’s discussion is that by Torah law one witness is deemed credible for testimony with regard to a missing husband, and cite proofs for this from similar halakhot. Conversely, others claim that the Gemara never assumed that by Torah law one witness is valid for this testimony, as two witnesses are required for any situation that involves women with whom relations are forbidden. Rather, the Sages instituted that one witness is accepted, as will be explained, and they formulated this halakha in a manner similar to other cases in which one witness is deemed credible by Torah law (Rashi; Ritva). Some commentaries explain the entire discussion at length in accordance with both interpretations (Ritva; Meir).

All these halakhot refer to a situation when she married with the permission of the court, after hearing that her husband had died. But... If she married without the consent of the court, basing herself entirely on the testimony she heard, and her husband returned, it is permitted for her to return to her first husband. The mishna adds another difference between these two scenarios: If she married by permission of the court, she must leave both of them and she is exempt from bringing the offering, i.e., the sin-offering for her unwitting adultery, as she had the authorization of the court and is therefore considered to have acted under duress.

If, however, she did not marry by permission of the court, she must leave her second husband and is liable to bring an offering for mistakenly having relations with a man forbidden to her. In this regard, the power of the court is greater, as she is exempt from bringing an offering. If the court instructed her to marry on the basis of inaccurate testimony, and she went and ruined herself by engaging in licentious relations outside maternity, she is liable to bring an offering, as they permitted her only to marry, and not to engage in licentious relations.

From the fact that the latter clause of the mishna teaches: If she married without the consent of the court she is permitted to return to him, this indicates that she did so not by the consent of the court, but rather by witnesses, i.e., as there are two witnesses, she does not require special permission from the court. With this in mind, it may be inferred that the first clause of the mishna, which speaks of one who acted with the consent of the court, is referring to a situation when there was one witness. Apparently, one witness is deemed credible when he testifies about a husband’s death, i.e., the court will permit a wife to marry on the basis of the testimony of a lone witness.

And we also learned in a mishna (122a): They established that they would allow a woman to marry if her husband was reported dead by one witness, based solely on what he learned from the mouth of another witness, i.e., hearsay testimony, and also the testimony of a woman who heard from another woman, and even the testimony of a woman who heard from a slave or from a maidservant. Apparently, one witness is deemed credible in this regard, as whenever hearsay testimony is accepted, the testimony of one witness is also valid.

And we also learned in a mishna (Karetot 46b) that if one witness says to someone: You ate forbidden fat, and the accused says: I did not eat it, the accused is exempt from bringing an offering. The Gemara infers: The reason he is exempt is that the individual in question said: I did not eat it, which indicates that if he had been silent and failed to deny the accusation, the lone witness is deemed credible. Apparently, one witness is deemed credible by Torah law with regard to certain issues.
The Gemara asks: From where do we derive this? The Gemara answers: As it is taught in a baraita that the verse states: “Or if his sin be known to him” (Leviticus 4:23, 28). This indicates that he himself must be aware of his sin, and not if it was made known to him by others. In other words, one is not obligated to bring an offering due to the testimony of others, even if they testify that he had transgressed. I might have thought he should be exempt even though he does not contradict the witness’s claim. Therefore, the verse states: If his sin be known to him, which indicates that in any case, however he comes by this knowledge, he is liable.\(^9\)

The Gemara clarifies this halakha. What are the circumstances? If we say that two witnesses came and informed him and he does not contradict them, why do I need a verse to teach this ruling? After all, the testimony of two witnesses is always accepted. Rather, is it not referring to one witness, and yet if he does not contradict the sole witness, that witness is deemed credible? One can learn from this that one witness is deemed credible with regard to prohibitions. The Gemara refutes this claim: And from where do you infer that the reason is due to the fact that the one witness is deemed credible? Perhaps the accused must bring an offering because he remains silent, as there is a principle that silence is considered like an admission.

And you should know that this is the reason, as the latter clause of that same baraita teaches that if two witnesses said to him: You ate forbidden fat,\(^9\) and he says: I did not eat it, he is exempt, and Rabbi Meir obligates him to bring an offering. Rabbi Meir said that this is an *a fortiori* inference: If two witnesses can bring him to the severe penalty of death by testifying that he had committed a transgression for which one is liable to receive the death penalty, should they not bring him to the more lenient obligation of an offering?

The Rabbis said to him: There is a difference between the two cases, as with regard to an offering, what is the halakha if he would choose to say: I was an intentional sinner? One who sins intentionally is not liable to bring an offering. Since the accused in the latter clause of the baraita can negate the testimony that would have rendered him liable to bring an offering, he can likewise deny the act itself, whereas if witnesses testify that he performed an action that incurs the death penalty, his denial has no bearing on the case. The Gemara clarifies: In the first clause of the mishna, what is the reason that when he remains silent, the Rabbis obligate him to bring an offering based on the testimony of one witness? If we say it is because the witness is deemed credible, but there is the case of an ordinary pair of witnesses, where even though he contradicts their claim they are deemed credible, and yet the Rabbis exempt him from bringing an offering. If so, they would certainly not oblige him to bring an offering due to the testimony of a lone witness. Rather, is it not because he remained silent, and silence is considered like an admission? If this is the reason why he brings an offering, there is no proof from here that the testimony of one witness is accepted.