

The Soncino Babylonian Talmud



YEVOMOS

BOOK IV

Folios 64a-86b

CHAPTERS VI-IX

TRANSLATED INTO ENGLISH WITH NOTES

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teaches that the Divine Presence does not rest on less than two thousand and two myriads of Israelites.¹ Should the number of Israelites happen to be two thousand and two myriads less one, and any particular person has not engaged in the propagation of the race, does he not thereby cause the Divine Presence to depart From Israel! Abba Hanan said in the name of R. Eliezer: He deserves the penalty of death; for it is said, And they had no children,² but if they had children they would not have died. Others say: He causes the Divine Presence to depart from Israel; for it is said, To be a God unto thee and to thy seed after thee;³ where there exists 'seed after thee' the Divine Presence dwells [among them]; but where no 'seed after thee' exists, among whom should it dwell! Among the trees⁴ or among the stones?

MISHNAH. IF A MAN TOOK A WIFE AND LIVED WITH HER FOR TEN YEARS AND SHE BORE NO CHILD, HE MAY NOT ABSTAIN [ANY LONGER FROM THE DUTY OF PROPAGATION].⁵ IF HE DIVORCED HER SHE IS PERMITTED TO MARRY ANOTHER, AND THE SECOND HUSBAND MAY ALSO LIVE WITH HER [NO MORE THAN] TEN YEARS.⁶ IF SHE MISCARRIED [THE PERIOD OF TEN YEARS] IS RECKONED FROM THE TIME OF HER MISCARRIAGE.

GEMARA. Our Rabbis taught: If a man took a wife and lived with her for ten years and she bore no child, he shall divorce her and give her her *Kethubah*,⁷ since it is possible that it was he who was unworthy to have children from her.⁸ Although there is no definite proof for this statement⁹ there is nevertheless a [Scriptural] allusion to it: After Abram had dwelt ten years in the land of Canaan.¹⁰ This¹¹ teaches you that the years of his stay outside the Land¹² were not included in the number.¹³ Hence, if the man or the woman was ill, or if both were in prison, [these years] are not included in the number.¹⁴

Said Raba to R. Nahman: Let deduction be made from Isaac, concerning whom it is written, And Isaac was forty years old when he took Rebecca, etc.¹⁵ and it is also written, And Isaac was threescore years old when she bore them!¹⁶ — The other replied: Isaac was barren.¹⁷ If so,¹⁸ Abraham also was barren!¹⁹ — That text²⁰ is required For a deduction in accordance with the statement of R. Hiyya b. Abba. For R. Hiyya b. Abba stated in the name of R. Johanan: Why were the years of Ishmael counted? In order to determine thereby the years of Jacob.²¹

R. Isaac stated: Our father Isaac was barren; for it is said, And Isaac entreated the Lord opposite²² his wife.²³ It does not say 'for his wife' but opposite. This teaches that both were barren.²⁴ If so, And the Lord let Himself be entreated of him²⁵ should have read, And the Lord let Himself be entreated of them!²⁵ — Because the prayer of a righteous man the son of a righteous man is not like the prayer of a righteous man the son of a wicked man.²⁶

R. Isaac stated: Why were our ancestors barren? — Because the Holy One, blessed be He, longs to hear the prayer of the righteous.

R. Isaac further stated: Why is the prayer of the righteous compared to a pitchfork?²⁷ As a pitchfork turns the sheaves of grain from one position to another, so does the prayer of the righteous turn the dispensations of the Holy One, blessed be He, from the attribute of anger to the attribute of mercy.

R. Ammi stated: Abraham and Sarah were originally of doubtful sex;²⁸ for it is said, Look unto to the rock

1. The pl. number, [H] (myriads) and [H] (thousands), having been used in both cases. The pl. signifies not less than two.
2. Num. III, 4, referring to the deaths of Nadab and Abihu.
3. Gen. XVII, 7.
4. Or 'wood'.
5. He must take another wife.
6. If she had no issue from him also.
7. V. [Glos.](#)
8. She, therefore, must not be deprived of her *Kethubah*,

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9. As to the period of ten years.
10. Gen. XVI, 3, with reference to Abram's marriage to Hagar.
11. The explicit statement, *dwelt ... in the land*.
12. Palestine.
13. Living outside Palestine being a sin, it is presumed that this might have been the cause of 'their childlessness.
14. Since no propagation was possible in such circumstances.
15. Gen. XXV, 20.
16. Ibid. 26, which shows that he waited (60 - 40 =) twenty years!
17. Knowing that the disability was due to his weakness he waited ten years longer than Abraham.
18. V. *supra* n. 13.
19. Why then did he not wait more than ten years?
20. The age of Isaac, Gen, XXV, 20.
21. And for the same reason was it necessary to give the age of Isaac. V. Meg. 17a. As the text is required for this purpose, no other deduction may be made from it. The text of the ten years of Abraham's waiting, however, as it is required for no other deduction, rightly serves the purpose of the allusion mentioned.
22. So lit., E.V. 'for'.
23. Gen. XXV, 21.
24. He had to pray not only for her but for himself also.
25. Since Isaac's prayer was not on behalf of his wife only but on behalf of himself as well.
26. Rebekah's father, Bethuel, was a wicked man. The implication of 'him' in 'entreated of him' is that Isaac's prayer was accepted before Rebekah's.
27. [H] or [H] of the same rt. as [H] and he entreated.
28. [H], Glos, s.v. *Tumtum*.

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whence you were hewn¹ and to the hole of the pit² whence you were digged,³ and this is followed by the text, Look unto Abraham your father, and unto Sarah that bore you.⁴

R. Nahman stated in the name of Rabbah b. Abbuha: Our mother Sarah was incapable of procreation; for it is said, And Sarai was barren; she had no child,⁵ she had not even a womb.⁶

Rab Judah son of R. Samuel b. Shilath stated in the name of Rab: That⁷ was taught only in respect of the early generations who lived many years. In respect of the later

generations, however, whose years of life are few, only two years and a half, corresponding to three periods of pregnancy⁸ [are allowed].⁹

Rabbah stated in the name of R. Nahman: Three years [must elapse],⁹ corresponding to three remembrances;¹⁰ For a Master said: Sarah, Rachel and Hannah¹¹ were remembered on New Year's Day.¹²

Rabbah ruled: These general principles¹³ are to be disregarded.¹⁴ For consider: Who compiled our Mishnah? Rabbi, of course; but the years of life were already reduced in the days of David. For it is written, The days of our years are threescore years and ten.¹⁵

With regard to the assumption that 'it is possible that it was he who was unworthy to have children from her',¹⁶ is it not possible that it was she who was unworthy?¹⁷ — Since she is not commanded to fulfill the duty of propagation she is not so punished.¹⁸ But surely it is not so!¹⁹ For the Rabbis once said to R. Abba b. Zabda, 'Take a wife and beget children', and he answered them, 'Had I been worthy I would have had them from my first wife!' — There he was merely evading the Rabbis; for, in fact, R. Abba b. Zabda became impotent through the long discourses of R. Huna.²⁰

R. Giddal became impotent through the discourses of R. Huna;²⁰ R. Helbo became impotent through the discourses of R. Huna,²⁰ and R. Shesheth also became impotent through the discourses of R. Huna.²⁰

R. Aha b. Jacob was once attacked by dysuria,²¹ and when he was supported on the college cedar tree a discharge issued like a green palm shoot.

R. Aha b. Jacob stated: We were a group of sixty scholars, and all became impotent through the long discourses of R. Huna,²⁰ with the exception of myself who followed the principle, Wisdom preserveth the life of him that hath it.²²

IF HE DIVORCED HER SHE IS PERMITTED, etc. Only a second husband²³

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but not a third;²⁴ whose view, then, is represented by our Mishnah? — It is that of Rabbi. For it was taught: If she circumcised her first child and he died,²⁵ and a second one who also died,²⁵ she must not circumcise her third child; so Rabbi. R. Simeon b. Gamaliel, however, said: She circumcises the third, but must not circumcise the fourth child. But, surely, the reverse was taught;²⁶ now which of these is the latter?²⁷ — Come and hear what R. Hiyya b. Abba stated in the name of R. Johanan: It once happened with four sisters at Sepphoris that when the first had circumcised her child he died; when the second [circumcised her child] he also died, and when the third [circumcised her child] he also died. The fourth came before R. Simeon b. Gamaliel who told her, 'You must not circumcise [the child]'.²⁸ But is it not possible that if the third sister had come he would also have told her the same!²⁹ — If so,³⁰ what could have been the purpose of the evidence of R. Hiyya b. Abba? [No]. It is possible that he meant to teach us the following: That sisters also establish a presumption!³¹

Raba said: Now that it has been stated that sisters also establish a presumption, a man should not take a wife either from a family of epileptics, or from a family of lepers. This applies, however, only when the fact had been established by the occurrence of three cases.³²

What is the decision?³³ — When R. Isaac b. Joseph came he related: Such a case was once submitted to R. Johanan in the Synagogue of Ma'on³⁴ on the Day of Atonement which fell on a Sabbath. A woman, it happened, had circumcised her child³⁵ who died; her second [sister circumcised her child] and he also died, and her third sister appeared before him. He said to her, 'Go and circumcise him'. Said Abaye to him:³⁶ See, you have permitted³⁷ a forbidden³⁸ and a dangerous³⁹ act.

Abaye, however, relying upon this statement⁴⁰ married Homa the daughter of Isi son of R. Isaac the son of Rab Judah, although Rehava of Pumbeditha had married her and died, and R. Isaac son of Rabbah b. Hana had

subsequently married her and also died. And after he had married her, he himself died also.

Said Raba: Would any one else have exposed himself to such danger? Surely he himself had said that Abin was reliable⁴¹ but that Isaac the Red was not a person to be relied upon;⁴¹ that Abin was well acquainted with any change⁴² [in the views of R. Johanan] but Isaac the Red was not acquainted with any such changes! Furthermore, it might be said that their dispute⁴³ extended only to the case of circumcision; do they, however, differ also in the case of marriage? — Yes; for so it was taught: If a woman was married to one husband⁴⁴ who died, and to a second one who also died, she must not be married to a third; so Rabbi. R. Simeon b. Gamaliel said: She may be married to a third, but she may not be married to a fourth.⁴⁵

In the case of circumcision, one can well understand [why the operation is dangerous with some children and not with others] since the members of one family may bleed profusely⁴⁶ while those of another family may bleed little;⁴⁷ what, however, is the reason in the case of marriage?⁴⁸ — R. Mordecai answered R. Ashi: Thus said Abimi from Hagronia in the name of R. Huna, 'The source⁴⁹ is the cause'.⁵⁰ But R. Ashi stated: '[The woman's] ill luck is the cause'.⁵⁰ What practical difference is there between them?⁵¹ — The difference between them is the case where the man only betrothed her and died,⁵² or also when he fell off a palm-tree and died.⁵²

SAID R. JOSEPH SON OF RABA to Raba: I enquired of R. Joseph whether the *Halachah* is in agreement with Rabbi, and he replied in the affirmative. [I asked] whether the *Halachah* is in agreement with R. Simeon b. Gamaliel, and he again replied in the affirmative. Was he thereby merely ridiculing me?' — The other replied: No; there are several anonymous statements [in the Mishnah] and he informed⁵³ you [that in the matter of] marriage and flogging [the anonymous Mishnah]⁵⁴ agrees with Rabbi, and that in the matter of menstrual periods and the ox [whose owner has been] fore-

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warned⁵⁵ [the anonymous Mishnah] agrees with R. Simeon b. Gamaliel.

As to marriage, there is the statement just discussed.⁵⁶

'Flogging'? — As we learned: A man upon whom the penalty of flogging had been repeatedly inflicted is to be placed⁵⁷ under confinement⁵⁸ and fed on barley, until his stomach bursts.⁵⁹

'The menstrual periods'? — As we learned: A woman may not

1. Allusion to the male organ. It was hewn but was not there originally.
2. Allusion to that of the female. Cf. *supra* n. 9. Here the deduction is from digged.
3. Isa. LI, 1.
4. Ibid. 2. This verse explains to whom v. 1 alludes.
5. Gen. XI, 30.
6. As the second section of the verse is superfluous, child, [H] is taken to imply [H] the uterus or womb.
7. The period of ten years spoken of in our Mishnah,
8. Each period extending over nine months with the addition of one month after each period to cover the days of Levitical uncleanness to which a woman after a confinement is subjected.
9. Before the husband must take another wife.
10. Three Rosh Hashanah festivals. The first two days of the new year are a time of prayer on which God remembers the childless women. The festival is also known as the Day of Memorial [H]
11. Who were originally barren. (Cf. Gen. XI, 30, XXIX, 31, I Sam. I, 2, 5).
12. R.H. 11b, Ber. 29a.
13. Which reduce the period of ten years in the case of later generations.
14. Lit., 'are not'.
15. Ps, XC, 10.
16. *Supra* 64a.
17. Why then is she entitled to receive her *Kethubah*?
18. By barrenness,
19. This refers to the implication of the statement, *supra*, that the husband must take another wife, because it is possible that he was unworthy to have children from the first but may have them from the second.
20. V. *supra* p. 416, n. 11.
21. [H] a painful or difficult discharge of the urine, occasioned by his suppression of his needs. Aruk reads, [H] 'uratic stone'. Cf. Jast.
22. Eccl. VII, 12.
23. Lit., 'second, yes'.
24. Because, having remained barren after living with two husbands for a period of twenty years, her sterility is regarded as established.
25. As a result of the operation.
26. Rabbi's opinion was attributed to R. Simeon and vice versa.
27. The latter version of a statement is regarded as the more reliable, since the author may have recognized his error and changed his view.
28. This incident must have occurred in the latter days of R. Simeon b. Gamaliel, since it was witnessed by R. Johanan who already belonged to the first generation of Amoraim. As the ruling in this incident clearly shows, R. Simeon b. Gamaliel held at that time the view attributed to him in the first cited Baraitha which must consequently be regarded as representing the later, and the more reliable version.
29. And, consequently, the second Baraitha might represent the later version!
30. That R. Hiyya b. Abba's statement was not intended to testify that a presumption can only be established by the threefold repetition of an act.
31. I.e., not only is presumption established when the act or incident is repeated three times in the case of one woman, but also when it is so repeated in the case of three sisters (women).
32. Lit., 'three times',
33. Lit., 'what about it'.
34. [Tell Ma'un, west of Tiberias, v, Klein, S. Beitrage, p. 60].
35. Lit., 'and the first circumcised'.
36. To R. Isaac b. Joseph.
37. [I.e., by reporting R. Johanan's ruling. *Var. lec.*, 'the Master permits a forbidden', etc., referring probably to R. Johanan].
38. As the third child was not permitted to be circumcised, the operation constituted manual labor which is forbidden on the Sabbath.
39. The child might have died as a result of the operation as did the other two.
40. Of R. Isaac in the name of R. Johanan, that a presumption can only be established when an incident has occurred three times.
41. In the reports he made in the name of R. Johanan. Both Abin and R. Isaac the Red reported rulings in the name of R. Johanan.
42. [H] lit., 'retraction'. [H] may also signify repetition', i.e., Abin is reliable 'because he repeated and revised what he heard' while R. Isaac the Red did not. [Hyman, *Toledoth* p. 794 explains it as: 'return'. Abin had proved reliable and hence entrusted by Babylonian

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scholars with traditional teachings for him to repeat on his 'return' to Palestine, which was not the case with R. Isaac].

43. That of Rabbi and R. Simeon b. Gamaliel.
44. Lit., 'to the first'.
45. Nid. 64a.
46. Lit., 'the blood is loose'.
47. Lit., 'the blood is held fast'.
48. Why is marriage with certain women a danger?
49. Some malignant disease in the womb.
50. Of the death of successive husbands.
51. R. Ashi and Abimi.
52. Here the source cannot have been the cause and the deaths can only be attributed to ill luck. According to the former view, therefore, no presumption would thereby be constituted.
53. Lit., 'solved', 'made clear'.
54. The *Halachah* is always in agreement with the anonymous Mishnah.
55. *Mu'ad* ([H]) v. [Glos.](#)
56. *Supra*. Since our Mishnah permits the woman to marry a second husband but not a third, it must obviously represent the view of Rabbi.
57. If he commits an offence for the third time.
58. Lit., 'they bring him into a vaulted chamber'.
59. Sanh. 81b.

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regard her menstrual periods as regular¹ unless the recurrence had been regular three times. Nor is she released from the restrictions of an established regular period unless it has varied three² times.³

'And the ox [whose owner has been] forewarned'? — As we learned: An ox is not deemed a *Mu'ad* unless [its owner] has been forewarned three times.⁴

Our Rabbis taught: A woman who had been married to one husband and had no children and to a second husband and again had no children, may marry a third man only if he has children. If she married one who has had no children she must be divorced without receiving her *Kethubah*.

The question was raised: Where she married a third husband and bore no children, may her first two husbands reclaim [the respective amounts of her *Kethubah*]?⁵ Can they plead, 'It has now been proved that you were the cause',⁶ or can she retort, 'It is only now that

I have deteriorated'? — It stands to reason that she may plead, 'It is only now that I have deteriorated'.

The question was raised: If she married a fourth husband and gave birth to children, may she claim her *Kethubah* from her third husband? — We advise her: 'Your silence is better than your speech'; for⁷ he⁸ could tell her, 'I would not have divorced you in such circumstances'.⁹ R. Papa demurred: Even if she keeps silence, should we remain silent? The divorce, surely,¹⁰ is annulled,¹¹ and her children are bastards! In truth,¹² the fact is,¹³ that it is assumed that she has now been restored to health.¹⁴

If the husband¹⁵ pleads, 'The fault is hers'¹⁶ and the wife pleads, 'The fault is his',¹⁷ R. Ammi ruled: In private matrimonial affairs¹⁸ the wife is believed. And what is the reason? — She is in a position to know whether emission is forceful,¹⁹ but he is not in a position to know it.

If the husband states that he intends taking another wife to test his potency.²⁰ R. Ammi ruled: 'He must in this case also divorce [his present wife] and pay her the amount of her *Kethubah*; for I maintain that whosoever takes in addition to his present wife another one must divorce the former and pay her the amount of her *Kethubah*.'

Raba said: A man may marry wives in addition to his first wife; provided only that he possesses the means to maintain them.

1. To be deemed Levitically clean until that period actually arrives. A woman of irregular periods is regarded as unclean for twenty-four hours prior to the monthly date on which her previous discharge occurred (v. Nid. 2a). Should a woman, the regularity of whose periods had been established omit to examine her body when menstruation is due, and subsequently find a discharge, we assume her retrospectively to have become unclean at the beginning of her period, while a woman whose periods are irregular cannot, of course, be subject to such restriction.
2. If the change of date occurred no more than twice the restrictions remain in force (v. *supra* n. 8 last clause).

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3. Nid. 63b.
4. B.K. 23b.
5. Which each of them paid her when their respective divorces had taken place.
6. Of the absence of any issue.
7. Should she persist in her claim.
8. Her third husband.
9. That she was not really barren. By advancing such a plea the husband might retrospectively annul the divorce altogether.
10. If the third husband's plea is tenable.
11. Since it was given under a misapprehension.
12. The third husband's plea is really untenable. Once he has determined to divorce her, at a time when her sterility was a matter of doubt, he cannot again retract.
13. The reason why she cannot claim her *Kethubah*.
14. But was incapable of conception at the time of her divorce; and this is the reason why she has no claim for her *Kethubah* upon the third man.
15. Refusing to pay his wife's *Kethubah*.
16. That their union had produced no issue. Lit., from her'.
17. Lit., 'from him' (cf. *supra* n. 12).
18. Lit., 'things which are between him and her'.
19. Lit., 'shoots like an arrow', which is an essential in fertilization. V. Hag. 15a.
20. To beget children.

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If the husband pleads¹ that his wife had miscarried within the ten years,² and she states, 'I had no miscarriage',³ R. Ammi ruled: She is believed in this case also; for if she had really miscarried she would not herself have sought to acquire the reputation of a barren woman.

A woman who miscarried, and then miscarried a second, and a third time, is confirmed as one subject to abortions.⁴

If he⁵ said, 'She miscarried two'⁶ and she said, 'three'?⁷ — R. Isaac b. Eleazar stated: Such a case was dealt with at the college, and it was ruled that she was to be believed; for if she had not miscarried⁸ she would not herself have sought to acquire the reputation of producing only miscarriages.

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BEROKA, HOWEVER, SAID: CONCERNING BOTH OF THEM⁹ IT IS SAID, AND GOD BLESSED THEM; AND GOD SAID UNTO THEM: 'BE FRUITFUL, AND MULTIPLY.'¹⁰

GEMARA. Whence is this¹¹ deduced? R. Ile'a replied in the name of R. Eleazar son of R. Simeon: Scripture stated, And replenish the earth, and subdue it;¹² it is the nature of a man to subdue but it is not the nature of a woman to subdue. On the contrary! And subdue it¹³ implies two!¹⁴ R. Nahman b. Isaac replied: It is written, And thou subdue it.¹⁵

R. Joseph said: Deduction¹⁶ is made from the following. I am God Almighty, be thou fruitful and multiply,¹⁷ and it is not stated, 'Be ye fruitful and multiply'.¹⁸

R. Ile'a further stated in the name of R. Eleazar son of R. Simeon: As one is commanded to say that which will be obeyed,¹⁹ so is one commanded not to say that which will not be obeyed.²⁰ R. Abba stated: It²⁰ is a duty; for it is said in Scripture, Reprove not a scorner, lest he hate thee; reprove a wise man and he will love thee.²¹

R. Ile'a further stated in the name of R. Eleazar son of R. Simeon: One may modify a statement in the interests of peace; for it is said in Scripture, Thy father did command, etc. so shall ye say unto Joseph: Forgive, I pray thee now, etc.²² R. Nathan said: It²³ is a commandment; for it is stated in Scripture, And Samuel said: 'How can I go? If Saul hear it, he will kill me', etc.²⁴

At the School of R. Ishmael it was taught: Great is the cause of peace. Seeing that for its sake even the Holy One, blessed be He, modified a statement; for at first it is written, My lord being old,²⁵ while afterwards it is written, And I am old.²⁶

R. JOHANAN B. BEROKA, HOWEVER, SAID. It was stated: R. Johanan and R. Joshua b. Levi [are at variance]. One stated that the *Halachah* is in agreement with R. Johanan b. Beroka, and the other stated that the *Halachah* is not in agreement with R. Johanan b. Beroka. It may be proved that it

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was R. Johanan who stated that the *Halachah* is not [in agreement, etc.]. For R. Abbahu was once sitting [at the college] and reported in the name of R. Johanan that the *Halachah* [was in agreement, etc.], and R. Ammi and R. Assi turned away their faces.²⁷ Others say: R. Hiyya b. Abba made the report,²⁸ and R. Ammi and R. Assi turned away their faces. Said R. Papa: According to him who maintains that R. Abbahu made the statement²⁸ it is easy to understand that it was out of respect for the royal house that they²⁹ said nothing to him.³⁰ According to him, however, who maintains that R. Hiyya b. Abba made the statement,²⁸ they²⁹ should have told him that R. Johanan did not say so!

Now, what is the decision?³¹ — Come and hear what R. Aha b. Hanina stated in the name of R. Abbahu in the name of R. Assi: Such a case³² once came before R. Johanan at the Synagogue of Caesarea, and he decided that the husband must divorce her and also pay her the amount of her *Kethubah*. Now, if it be suggested that a woman is not subject to the commandment,³³ how could she have any claim to a *Kethubah*? — It is possible that this was a case where she submitted a special plea; as was the case with a certain woman who once came to R. Ammi and asked him to order the payment of her³⁴ *Kethubah*. When he replied, 'Go away, the commandment³⁵ does not apply to you',³⁶ she exclaimed, 'What shall become of a woman like myself³⁷ in her old age!'³⁸ 'In such a case', the Master said, 'we certainly compel [the husband]'.³⁹

A woman once came [with a similar plea]⁴⁰ before R. Nahman. When he told her, 'The commandment³⁵ does not apply to you', she replied, 'Does not a woman like myself³⁷ require a staff in her hand and a hoe for digging her grave!'⁴¹ 'In such a case', the Master said, 'we certainly compel [the husband]',³⁹

Judah and Hezekiah were twins. The features of the one were developed at the end of nine months, and those of the other were developed at the beginning of the seventh month.⁴² Judith,⁴³ the wife of R. Hiyya, having suffered

in consequence agonizing pains of childbirth, changed her clothes [on recovery] and appeared⁴⁴ before R. Hiyya. 'Is a woman', she asked, 'commanded to propagate the race'? — 'No', he replied. And relying on this decision,⁴⁵ she drank a sterilizing potion. When her action finally became known, he exclaimed, 'Would that you bore unto me only one more issue of the womb!'⁴⁶ For a Master stated: Judah and Hezekiah were twin brothers and Pazi and Tawi

1. When, having lived with his wife for ten years without begetting any issue, he is ordered to divorce her and to pay her the amount of her *Kethubah*. V. *supra*.
2. And, consequently, he claims the right to continue to live with her until a period of ten years has passed from the date of the miscarriage (v. our Mishnah).
3. I.e., she was always sterile.
4. And, consequently, she must be divorced; but is entitled to her *Kethubah*.
5. Refusing to pay her *Kethubah*.
6. And, consequently, her proneness to miscarry is not established.
7. I.e., that she miscarried three times and has thus established a reputation for miscarriage.
8. Three times, as she pleaded.
9. Adam and Eve, i.e., man and woman.
10. Gen. I, 28.
11. That only the man, and not the woman, is subject to the duty of propagation.
12. Gen. I, 28.
13. [H] *ibid*.
14. Since [H] is the plural of the sec. person imperative.
15. The written form is [H] which, without the M.T. vowels, may also be read [H] the imper. sing. with pron. suffix.
16. V. *supra* note 1.
17. Gen. XXXV, 11 [H] (sing.).
18. [H] the sec. masc. pl.
19. Cf. Lev. XIX, 17, Thou shalt surely rebuke thy neighbor. [H], the repetition of the vb. implies 'rebuke only where rebuke will be effective'. (V. Rashi).
20. No rebuke should be addressed to one who is sure to ignore it.
21. Prov. IX, 8.
22. Gen. L, 16f. It is nowhere found that Jacob commanded it; but the brothers attributed the request to him for the sake of preserving the peace between themselves and Joseph.
23. Modification of a statement in the interests of peace.
24. I Sam. XVI, 2. In response to this, Samuel was advised by God to say that he came to sacrifice

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to the Lord (ibid.) though his mission, in fact, was the anointing of David (v. ibid. 1 and 13).

25. Gen. XVIII, 12, a slight on Abraham,
26. Ibid. 13. Thus God, when speaking to Abraham, modified Sarah's expression concerning him, which he might have resented, to one in which the slight of 'crabbed old age' was directed towards Sarah herself; v. B.M. Sonc. ed. p. 502, n. 4.
27. Because they knew that R. Johanan said the reverse. Out of respect, however, for the Master they refrained from a direct contradiction.
28. In the name of R. Johanan.
29. R. Ammi and R. Assi.
30. R. Abbahu. He was one of the most prominent men of his time and persona grata with the government. Cf. Hag. 14a, Keth. 17a, Sanh. 14a.
31. Lit., 'what was (the decision) about it'. V. following note.
32. Where a woman desired to be divorced on the ground that she had borne no issue from her husband.
33. Of the propagation of the race.
34. Lit., 'give me'.
35. Of the propagation of the race.
36. Hence divorce in her case was unnecessary and consequently she can lay no claim to her *Kethubah*.
37. Lit., 'this'.
38. If there will be no children to provide for her.
39. To give a divorce and to pay also the *Kethubah*.
40. V. *supra* p. 438. n. 8.
41. I.e., children who would maintain her during her lifetime and provide for her burial when she died.
42. The former was born three months before the latter. Cf. Nid. 27a.
43. Their mother.
44. In her disguise.
45. Lit., 'she went'.
46. One other pair of twin sons at least.

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twin sisters.¹

But does not the commandment apply to women? Surely, R. Aha b. R. Kattina related in the name of R. Isaac: It once happened in the case of a woman who was half slave and half free, that her master was compelled to emancipate her!² R. Nahman b. Isaac replied: People were taking liberties with her.³

CHAPTER VII

MISHNAH. IF A WIDOW [WHO MARRIED] A HIGH PRIEST,⁴ OR IF A DIVORCED WOMAN OR A *HALUZH* [WHO MARRIED] A COMMON PRIEST BROUGHT IN TO HER HUSBAND *MELOG*⁵ SLAVES AND ZON BARZEL⁵ SLAVES. THE *MELOG* SLAVES MAY NOT EAT *TERUMAH* BUT THE ZON BARZEL SLAVES MAY EAT OF IT.⁶

THE FOLLOWING ARE *MELOG* SLAVES: THOSE WHO, IF THEY DIE, ARE THE WIFE'S⁷ LOSS AND, IF THEIR VALUE INCREASES, ARE HER PROFIT. THOUGH IT IS THE HUSBAND'S DUTY TO MAINTAIN THEM, THEY MAY NOT EAT *TERUMAH*.⁶

THE FOLLOWING ARE ZON BARZEL SLAVES: IF THEY DIE, THEY ARE THE LOSS OF THE HUSBAND AND, IF THEIR VALUE INCREASES, ARE A PROFIT TO HIM. SINCE HE IS RESPONSIBLE FOR THEM,⁸ THEY ARE PERMITTED TO EAT *TERUMAH*.

IF THE DAUGHTER OF AN ISRAELITE WAS MARRIED TO A PRIEST, AND SHE BROUGHT HIM IN SLAVES, THEY ARE PERMITTED TO EAT *TERUMAH* WHETHER THEY ARE *MELOG* SLAVES, OR ZON BARZEL SLAVES.⁶ IF THE DAUGHTER OF A PRIEST, HOWEVER, WAS MARRIED TO AN ISRAELITE AND SHE BROUGHT HIM IN SLAVES, THEY MAY NOT EAT *TERUMAH* WHETHER THEY ARE *MELOG* SLAVES OR ZON BARZEL SLAVES.⁶

GEMARA. And *MELOG* SLAVES MAY NOT EAT *TERUMAH*! What is the reason? Let them rather be regarded as a possession that was acquired by one in his possession [who is permitted to eat *Terumah*]. for it was taught: Whence is it deduced that the wife whom a priest married or the slaves which he purchased may eat *Terumah*? It is said, But if a priest buy any soul the purchase of his money, he may eat of it.⁹ And whence is it

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deduced that if a woman¹⁰ purchased slaves¹¹ or if a priest's slaves purchased¹² other slaves, these may eat *Terumah*? It is said, But if a priest buy any soul, the purchase of his money, he may eat of it;⁹ a possession which his possession has acquired may eat!¹³ — Whosoever may himself eat may confer the right of eating upon others but whosoever may not himself eat may not confer the right of eating upon others.¹⁴ May he not, indeed?¹⁵ There is, surely, the case of¹⁶ an uncircumcised man and that of all Levitically unclean persons who may not themselves eat *Terumah* and yet confer the right of eating it upon others!¹⁷ — In those cases¹⁸ they are merely suffering pain in their mouths.¹⁹ But there is, surely, the case of¹⁶ the bastard²⁰ Who may not eat *Terumah* himself²¹ and yet may confer the right of eating it upon others!²² — Rabina replied. He speaks of an acquisition²³ that is permitted to eat: Any acquisition that may eat may confer the right of eating upon others, and any acquisition that may not eat may not confer the right upon others.

Raba, however, stated²⁴ that Pentateuchally they²³ may in fact eat *Terumah*; but it is the Rabbis who instituted the prohibition in order that the woman might complain, 'I am not allowed to eat; my slaves are not allowed to eat; I am only his mistress!', in consequence of which he would be likely to divorce her. R. Ashi stated:²⁴ The prohibition is a preventive measure against the possibility of her feeding them²⁵ with *Terumah* after the death [of her husband].²⁶ Now, then,²⁷ a daughter of an Israelite who was married to a priest should also be forbidden to feed [her *Melog* slaves with *Terumah*] as a preventive measure against her feeding them after [her husband's] death!²⁸ — But, said R. Ashi, [our Mishnah refers to] a priestly widow²⁹ who³⁰ might draw the following conclusion:³¹ 'At first³² they³³ ate *Terumah* at my paternal home;³⁴ and when I married this man³⁵ they³³ ate³⁶ of the *Terumah* of my husband; they³³ should now,³⁷ therefore, revert to their former condition',³⁸ and she would not know that at first³⁹ she had not made of herself a profaned

woman⁴⁰ while now⁴¹ she has made herself a profaned woman.⁴⁰ This explanation is quite satisfactory in the case of a priestly widow;⁴² what explanations however, is there in the case of a widow who is the daughter of an Israelite?⁴³ — The Rabbis made no distinction between one widow and another.⁴⁴

It was stated: If a wife: who brought to her husband⁴⁵ appraised goods,⁴⁶ demands,⁴⁷ 'I will accept only my own goods',⁴⁸ and he replies 'I am only paying their value'⁴⁹ — in whose favor is judgment to be given? Rab Judah said:

1. The two pairs of twins were children of R. Hiyya from Judith.
2. So that she might be permitted to marry a free man, As a half slave she was not allowed to contract such a marriage. Now, since her master was compelled to give her the opportunity of marrying, it is obvious that the commandment of propagation applies to women also!
3. And marriage was her only protection; and this was the reason why her master was compelled to emancipate her.
4. Contracting thereby a forbidden union.
5. V. *infra* and [Glos.](#)
6. The reason is given in the Gemara.
7. Lit., 'died for her'.
8. He or his heirs must restore them to his wife in a healthy condition should he divorce her or die.
9. Lev. XXII, 11.
10. The daughter of an Israelite, who married a priest.
11. Out of her *Melog* property the principal of which is hers.
12. With a sum of money that was given to them as their absolute property. on the condition that their master was to have no claim whatsoever upon it.
13. The expression, 'the purchase of his money is superfluous' and the text is, therefore, expounded thus: If the purchase of his money, i.e., a priest's wife or slave (who is the priest's acquisition) buy any soul, he (i.e., the one purchased) 'may eat of it'. Why then are not *Melog* slaves, being an acquisition of the priest's wife, permitted to eat *Terumah*?
14. The priest's wife in this case is not herself permitted to eat *Terumah*, since her union with this priest is a forbidden one. V. Lev. XXI, 7, 13 and *supra* p. 441, n. 1.
15. Lit., 'and not'?
16. Lit., 'and behold'.

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17. Their slaves, e.g., are permitted to eat *Terumah*. Cf. *infra* 70a.
18. Lit., 'there'.
19. I.e., their disability is restricted to their mouth alone. They are only temporarily forbidden to eat the *Terumah*. At the moment their unclean period is over or circumcision is performed their rights are fully restored. In the case of the priest's wife in our Mishnah, however, the disability is permanent, since by her forbidden marriage she remains for ever a profaned woman.
20. I.e., Mamzer, (v. [Glos.](#)) the issue of a union between a slave or idolater and a woman who was the issue of a marriage between a priest and the daughter of an Israelite.
21. Since he is neither priest nor even a legitimate Israelite.
22. His grandmother, the wife of the priest, may continue to eat *Terumah* even after the death of her husband so long as the bastard (being a descendant of her husband through their daughter) is alive. As the widow of a priest she would have lost the privilege of eating *Terumah* on her husband's death had there been no surviving descendants. V. *infra* 69b.
23. Not of a descendant.
24. In explaining the reason why *MELOG SLAVES MAY NOT EAT TERUMAH*.
25. The *Melog* slaves.
26. Believing that, as she was allowed to feed them with *Terumah* during the lifetime of her husband though they were her property, she may continue to do so even after his death. In the case of Zon Barzel slaves, however, no such error need be feared since the slaves are not hers, but his absolute property until the moment when it is surrendered to her by her husband or heir, v. *infra*.
27. If such an error as suggested is to be feared.
28. But our Mishnah distinctly states that her *Melog* slaves also may eat *Terumah*!
29. The daughter of a priest who, as a widow, married a High Priest, and thus became profaned through their forbidden marriage.
30. If her *Melog* slaves were permitted to eat *Terumah* while she lived with the High Priest.
31. After the High Priest's death.
32. During her first widowhood.
33. The *Melog* slaves.
34. As a widow she then returned to her father's priestly house and was again entitled to eat *Terumah* herself and to feed her slaves with it.
35. The High Priest.
36. Cf. *supra* n. 8.
37. When the High Priest died, though she remained a profaned widow who is, in fact, forbidden to eat *Terumah*.
38. To be allowed again, as before, to eat *Terumah*.
39. During her first widowhood.
40. *Halachah* (v. [Glos.](#)) through her forbidden marriage.
41. Having married a High Priest to whom a widow is forbidden.
42. V. *supra* p. 443, n. 7.
43. The error mentioned cannot occur in her case; but as our Mishnah draws no distinction between the two, the question remains: Why should not her *Melog* slaves be permitted to eat *Terumah*?
44. Lit., 'in her widowhood'. Were the feeding permitted in the case of the one, the other might erroneously be presumed to come under the same law.
45. As Zon Barzel property (v. [Glos.](#)).
46. Shum (v. [Glos.](#)). V. Ket. Sonc. ed. p 401. n. 11. In consideration of which he guarantees her a specified sum in her *Kethubah*, which is recoverable by her at his death, or earlier if she is divorced.
47. When she claims her *Kethubah*. v. *supra* n. 9.
48. I.e., the actual objects she had brought to her husband.
49. In accordance with the appraisalment in the *Kethubah*.

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Judgment is to be given in her favor;¹ and R. Ammi said: Judgment is to be given in his favor. 'Rab Judah said: Judgment is to be given in her favor because [they represent] assets of her paternal property [which] belong to her. R. Ammi said: Judgment is to be given in his favor' for, as the Master said, [THE FOLLOWING ARE ZON BARZEL SLAVES:] IF THEY DIE, THEY ARE THE LOSS OF THE HUSBAND AND, IF THEIR VALUE INCREASES — ARE A PROFIT TO HIM; [AND] SINCE HE IS RESPONSIBLE FOR THEM THEY ARE PERMITTED TO EAT *TERUMAH* [they are therefore obviously regarded as his own].² R. Safra said: Was it stated, 'and they belong to him? The statements surely only reads, SINCE HE IS RESPONSIBLE FOR THEM! In fact, then, they may not belong to him at all. But [is it a fact that] those for whom he³ is responsible invariably eat *Terumah*? Surely we learned: An Israelite who hired a cow from a priest may feed her on vetches of *Terumah*. A priest, however, who hired a cow from an Israelite, though it is his duty to supply her with food,⁴ must not feed her on

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vetches of *Terumah*!⁵ — How could you understand it thus! Granted that he is liable for theft or loss, is he also liable for accidents, emaciation or reduction in value!⁶ [The case⁷ in our Mishnah], surely, can only be compared to that in the final clause:⁸ An Israelite who hired a cow from a priest, guaranteeing him its appraised value,⁹ may not feed it on vetches of *Terumah*. A priest, however, who hired a cow from an Israelite, guaranteeing him its appraised value,⁹ may feed it on vetches of *Terumah*.¹⁰

Rabbah and R. Joseph were sitting at their studies at the conclusion of R. Nahman's school session, and in the course of their sitting they made the following statement: [A Baraitha] was taught in agreement with Rab Judah; and [another Baraitha] was taught in agreement with R. Ammi. ['A Baraitha] was taught in agreement with Rab Ammi': Zon Barzel slaves procure their freedom when the man,¹¹ but not when the woman [struck out] a tooth or an eye.¹² ['A Baraitha] was taught in agreement with Rab Judah': If a wife brought in to her husband appraised goods,¹³ the husband may not sell them even if it is his desire to do so.¹⁴ Furthermore, even if he brought in to her appraised goods of his own,¹⁵ he may not sell them even if he desired to do so. If either¹⁶ of them sold [any of the appraised goods] for their maintenance. Such an incident was once dealt with by R. Simeon b. Gamaliel, who ruled that the husband¹⁷ may seize them from the buyers.¹⁸

Raba¹⁹ stated in the name of R. Nahman: The law is in agreement with Rab Judah. Said Raba to R. Nahman: But surely [a Baraitha] was taught in agreement with R. Ammi! Although [a Baraitha] was taught in agreement with R. Ammi, Rab Judah's view is more logical, since any asset of a woman's paternal property [should rightly belong to her].

A woman once brought²⁰ in to her husband a robe of fine wool [which was appraised and included] in her *Kethubah*. When the man died it was taken by the orphans and spread

over the corpse. Raba ruled that the corpse had acquired it.²¹

Said Nanai son of R. Joseph son of Raba to R. Kahana: But, surely, Raba²² stated in the name of R. Nahman that the law is in agreement with Rab Judah!²³ The other replied: Does not Rab Judah admit that the robe had still to be collected [by the wife]?²⁴ Since it had still to be collected it remained in the husband's possession.²⁵ [In this ruling] Raba acted in accordance with his view [elsewhere expressed]. For Raba stated:²⁶ Consecration,²⁶ leavened food,²⁶ and

1. Her own objects must be returned to her.
2. Cf. Bomberg ed. where an amplified version of this text is given including the clause enclosed here in square brackets.
3. A priest.
4. And though he is also responsible for the loss, or theft of the animal.
5. 'A.Z. 15a; which shows that even an animal for which a priest is responsible (v. *supra* n. 2) is not permitted to eat *Terumah*. How, then, could it be said, SINCE HE IS RESPONSIBLE FOR THEM THEY ARE PERMITTED TO EAT?
6. Certainly not. Such a restricted responsibility, therefore, is incomplete and does not confer the right to *Terumah*.
7. Of Zon Barzel.
8. Of the Baraitha cited.
9. Lit., 'if an Israelite appraised a cow from'. I.e., he undertook to make good to the owner any loss in the value of the animal between the date of hire and the date of the return.
10. The animal being regarded as the priest's own property, in respect of its feeding on *Terumah*, owing to his responsibility for the return of its full value. Thus it follows that, though an animal would be returned in body, should its value on the day of its return be equal to that of its appraised value, it is nevertheless, owing to the priest's complete responsibility, deemed to be the priest's property so long as it remains in his possession; so also in the case of Zon Barzel slaves: though they would ultimately be returned to the woman in body, they are regarded, in respect of *Terumah*, as the property of the priest, who accepted full responsibility for them, so long as they remain with him.
11. The husband, who is regarded, in agreement with R. Ammi, as the owner of the slaves.
12. Cf. Ex. XXI, 26.

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13. Which the husband includes in her *Kethubah*, and undertakes to return to her at their appraised value should he divorce her or die.
14. It is his duty to keep them intact so that the objects themselves, not merely their value, may be returned to the woman in due course.
15. Included them in the amount of her *Kethubah*.
16. Lit., 'both'. V. Rashi a.l.
17. I.e., even he.
18. If the woman died; the sale being deemed invalid. That the woman, when her husband dies or divorces her, may seize such property, in the event of a sale by him, is obvious.
19. Wanting in MSS. which read 'R. Nahman stated'.
20. In her dowry, as *Zon Barzel*.
21. The shroud, wraps. or any article of dress that has covered the body of a corpse is deemed to be the dead man's property, and no living person may derive any benefit from it. V. *Sanh.* 47b.
22. Cf. *supra* n. 7.
23. That *Zon Barzel* property, such as the robe was, belongs to the wife!
24. Of course he does. The robe does not come into the actual possession of the woman until her claim is proved and the robe surrendered to her by the husband or his heirs.
25. The orphans were, therefore, entitled to use it as part of the dead man's shroud. The woman's claim upon it is undoubtedly valid, but has not any greater force than that of the holder of a mortgage. V. *infra* note 3.
26. *Supra* 46a q.v. for notes. V. also *Keth.* 59b, *Git.* 40b, *B.K.* 89b.

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manumission cancel a mortgage.¹

Rab Judah stated: If a wife brought to her husband² two articles worth a thousand *Zuz*, and their value increased to two thousand, she receives one³ in settlement of her *Kethubah*;⁴ and for the other⁵ she pays its price and receives it, since it represents assets of her paternal property.⁶

What are we taught by this⁷ statement! That assets of her paternal property belong to her? This, surely, has already been stated by Rab Judah!⁸ — It might have been assumed that that statement⁸ applied only where she came to claim [paternal property] as part of her *Kethubah*, but not where she desired to take it in return for payment of its value, hence we

were taught [that she may also pay its price and receive it].

MISHNAH. IF THE DAUGHTER OF AN ISRAELITE WAS MARRIED TO A PRIEST WHO DIED AND LEFT HER PREGNANT, HER SLAVES MAY NOT EAT *TERUMAH*⁹ IN VIRTUE OF THE SHARE OF THE EMBRYO,¹⁰ SINCE AN EMBRYO MAY DEPRIVE¹¹ [ITS MOTHER]¹² OF THE PRIVILEGE [OF EATING *TERUMAH*]¹³ BUT HAS NO POWER TO BESTOW IT UPON HER;¹⁴ SO R. JOSE. THEY¹⁵ SAID TO HIM: SINCE YOU HAVE TESTIFIED TO US IN RESPECT OF THE DAUGHTER OF AN ISRAELITE WHO WAS MARRIED TO A PRIEST,¹⁶ THE SLAVES OF THE DAUGHTER OF A PRIEST, WHO A MARRIED TO A PRIEST WHO DIED AND LEFT HER WITH CHILD, SHOULD ALSO BE FORBIDDEN TO EAT *TERUMAH* ON ACCOUNT OF THE SHARE OF THE EMBRYO!¹⁷

GEMARA. A question was raised: Is R. Jose's reason¹⁸ because he is of the opinion that an embryo in the womb of a lay woman¹⁹ is regarded as a nonpriest,²⁰ or is his reason because only the born may bestow the right of eating but the unborn may not? — In what respect could this difference matter?²¹ — In respect of an embryo in the womb of a priest's daughter.²² Now, what is the reason? Rabbah replied: R. Jose's reason is this. He is of the opinion that an embryo in the womb of a lay woman¹⁹ is regarded as a non-priest.²⁰ R. Joseph replied: The born may bestow the privilege of eating while the unborn may not.

An objection was raised: They said to R. Jose: Since you have testified to us in respect of the daughter of an Israelite who was married to a priest, what is the law in respect of the daughter of a priest who was married to a priest? 'The first',²³ he replied, 'I heard;²⁴ but the other²⁵ I have not heard'.²⁶ Now, if you agree [that R. Jose's reason is because] an embryo in the womb of a lay woman²⁷ is regarded as a non-priest,²⁸ it was correct for him to say, 'The first I heard, but the other I did not'. If you maintain, however, [that R. Jose's reason is because] the born may bestow the right of eating and the unborn may not,

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what [could he have meant by] 'The first I have heard but the other I have not heard', when the principle is the same! — This is indeed a difficulty.

Said Rab Judah in the name of Samuel: This²⁹ is the opinion of R. Jose; but the Sages said: If he³⁰ has children,³¹ they³² may eat [*Terumah*] by virtue of his children;³³ if he has no children, they³² may eat by virtue of his³⁴ brothers, and if he has no brothers they³² may eat by virtue of the entire family.³⁵ 'This',³⁶ would imply that he³⁷ himself does not share the view;³⁸ but, surely, Samuel said to R. Hana of Baghdad, 'Go bring me a group of ten men that I may tell you in their presence³⁹ that if title is conferred upon an embryo [through the agency of a third party], it does acquire ownership!'⁴⁰ The fact is that 'this' here denotes that he⁴¹ also holds the same opinion. What, then, does he⁴¹ teach us?⁴² That the Rabbis disagree with R. Jose! But do they, in fact, disagree? Surely R. Zakkai stated:⁴³ This evidence⁴⁴ was submitted by R. Jose in the name of Shemaiah and Abtalion and they⁴⁵ agreed with him! — R. Ashi replied: Does it read, 'and they accepted'? It was only said, 'and they agreed', [which may only mean] that his view is logical.⁴⁶

Our Rabbis taught: If he⁴⁷ left children,⁴⁸ both these and the others⁴⁹ may eat *Terumah*.⁵⁰ If he⁵¹ left his widow with child,⁵² neither these nor the others⁴⁹ may eat it.⁵³ If he left children and also left his widow with child, the *Melog* slaves may eat as she may eat;⁵⁴ but the Zon Barzel slaves may not eat, on account of the share of the embryo which may deprive [its mother]⁵⁵ of the privilege [of eating *Terumah*] but has no power to bestow it;⁵⁶ so R. Jose. R. Ishmael son of R. Jose stated in the name of his father: A daughter may bestow the right of eating; a son may not.⁵⁷ R. Simeon b. Yohai said: [If the children⁵⁸ are] males, all [the slaves] may eat.⁵⁹ [If however they are] females, [the slaves] are not permitted to eat, since it is possible that the embryo might be a male;⁶⁰ and daughters, where there is a son, have no share at all.⁶¹ What need was there to point⁶²

to the possibility that the embryo might be a male when this⁶³ might be equally deduced [from the fact] that [even when the embryo is] a female it deprives them of the privilege!⁶⁴ — He meant to say: There is one reason and also an additional one. 'There is the one reason' that a female embryo also deprives [the slaves] of the privilege; and, furthermore,⁶⁵ 'it is possible that the embryo might be a male and daughters, where there is a son, have no share at all'.

'[If the children are] males, [the slaves] may eat'. But, surely, there is an embryo in existence!⁶⁶ — He is of the opinion

1. The prohibition against the use of a dead man's shroud has the same force as that of consecrated objects and invalidates, therefore, the legal force of the wife's mortgage. V. *supra* note 1.
2. In her dowry as Zon Barzel.
3. Which is now worth one thousand *Zuz*.
4. Which entitles her only to the one thousand *Zuz* which was the sum at which the two articles were appraised at the time she transferred them to her husband.
5. The value of the second article, now belonging to the husband since the appreciation took place while the articles were in his possession.
6. Which property belongs to her.
7. R. Judah's.
8. *Supra* 66b, top.
9. Even if she had other children by virtue of whom she herself is entitled to the eating of *Terumah*.
10. A portion of each slave belonging to the embryo who is one of the heirs.
11. The reasons are explained *infra*.
12. If she is the daughter of a priest who was married to an Israelite who died.
13. Even though there are no other children from that union to deprive her of the right of returning to the priestly house of her father and to enjoy the privilege again.
14. If she is an Israelite's daughter married to a priest who died leaving her with no children but the embryo. As it cannot bestow such right upon its mother so it cannot bestow it upon its slaves.
15. The Sages who disagreed with him.
16. That an embryo does not entitle one (either its mother or slaves) to the privilege of eating *Terumah*.
17. V. p. 447, n. 12.
18. In forbidding in our Mishnah the eating of *Terumah* by Zon Barzel slaves.

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19. The daughter of an Israelite, belonging to no priestly family.
20. Even if his father was a priest.
21. Since, whatever the reason, the embryo does not bestow the privilege.
22. Who had been married to a priest. The first reason does not apply, while the second, does
23. Lit.. 'this'.
24. That the slaves are forbidden to eat *Terumah*.
25. Lit., 'this'.
26. V. *supra* p. 448, n. 13. Consequently they are allowed to eat *Terumah*.
27. V. p. 448, n. 8.
28. V. p. 448, n. 9.
29. The ruling in our Mishnah.
30. The deceased priest.
31. Besides the embryo.
32. The Zon Barzel slaves.
33. The embryo is entirely disregarded.
34. The deceased priest's.
35. Among the entire family of the priest there must be at least one who is entitled to be his heir; and so long as the embryo is unborn, that born heir, as the owner of the slaves, is fully entitled to confer upon them the right of eating *Terumah*.
36. The expression, 'This is the opinion of R. Jose'.
37. Samuel.
38. That an embryo acquires ownership.
39. Thus giving the matter due publicity.
40. B.B. 142b, Keth. 7b, Zeb. 95a.
41. Samuel.
42. By pointing out that the statement is that of R. Jose.
43. V. BaH. Cur. edd., 'R. Zakkai raised an objection'.
44. Recorded in our Mishnah.
45. The Rabbis.
46. They, however, did not accept it.
47. A deceased priest.
48. And his widow was not pregnant.
49. The *Melog* and the Zon Barzel slaves.
50. The *Melog* slaves are entitled to the privilege by virtue of the rights of the widow who is entitled to it by virtue of her surviving children; and the Zon Barzel slaves are entitled to the privilege by virtue of the priest's living children who are now their owners.
51. The deceased priest.
52. And he is not survived by any other children.
53. Since the embryo cannot bestow the privilege (cf. *supra* n. 4) either upon his mother or upon the slaves.
54. The *Melog*'s slaves being the property of the widow and the embryo having no share in them. As by virtue of her living sons the widow is herself entitled to eat *Terumah* she may also feed her slaves on it, Cf. *supra* n' 4.
55. V, *supra* p. 448, n. 1.
56. v. *supra* p. 448, n. 3.
57. This is explained *infra*.
58. Who survived the deceased priest.
59. On their account because the chances that the embryo will be a viable male and thus have a share in the slaves are so uneven that they may be disregarded. For, in the first instance, it is likely that the embryo will be a female and thus have no share at all in the slaves. And secondly, were it to be a male, it might yet be a miscarriage, which again would have no share in the slaves (v. *infra*).
60. Who, when born, will become the owner of the slaves.
61. The slaves, therefore, would be the property of the embryo which cannot bestow upon them the right of eating *Terumah*.
62. As a reason why the slaves are forbidden to eat *Terumah* in the latter case.
63. The prohibition upon the slaves.
64. Since the female embryo, when born, would be entitled to a share among the other daughters and now, therefore, as an embryo, deprives the slaves of the privilege.
65. Which is the other reason.
66. And it, owing to its share in them, should deprive the slaves of the privilege.

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that no provision need be made against the less usual cases.¹ Or if you prefer I might say that he² is of the opinion that provision in fact must be made against the less usual cases also, [but here] a special arrangement might be made³ in accordance with a ruling of R. Nahman in the name of Samuel. For R. Nahman stated in the name of Samuel: Where orphans⁴ wish to divide the property of their [deceased] father, *Beth Din* appoint a guardian for [every one of] them, and [each guardian] chooses for his ward a suitable portion. As soon, however, as they reach their majority they are entitled to enter a protest.⁵ In his own name, however, R. Nahman stated: Even when they reach majority they are not entitled to protest, for otherwise what validity is there in the authority of a *Beth Din*!⁶

Must it be assumed that R. Nahman's ruling is a matter of dispute between Tannaim!⁷ — No; all accept R. Nahman's [arrangement],⁸ but the dispute here⁹ centers on the question whether¹⁰ provision was to be made against the less usual cases.¹¹

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'R. Ishmael], son of R. Jose, stated in the name of his father: A daughter may bestow the right of eating; a son may not.¹² Wherein lies the difference [between the son and the daughter]? If a son may not bestow the right of eating on account of the share of the embryo, a daughter also should not be entitled to bestow the right of eating on account of the share of the embryo! — Abaye replied: Here¹³ we are dealing with a small estate¹⁴ and in a case where there is a son¹⁵ as well as a daughter, [so that the slaves may eat the *Terumah*] whatever be the assumption [as to the sex of the embryo]. If the embryo is a son then he is not better than the one who is already born.¹⁶ And if it is a daughter, then why does a daughter eat at all?¹⁷ Surely by virtue of an ordinance of the Rabbis.¹⁸ But so long as she has not seen the light¹⁹ no provision for her has been made by the Rabbis.²⁰ If you take it²¹ to refer²² to a small estate, [how will you] explain the final clause,²³ 'since it is possible that the embryo might be a male, and daughters, where there is a son, have no share at all'? On the contrary; a small estate belongs to the daughters! — The final clause refers to a large estate. But does a small estate belong to the daughters? Surely, R. Assi stated in the name of R. Johanan: Where male orphans forestalled [the ruling of *Beth Din*] and sold a small estate, their sale is valid!²⁴ — But the fact is that by the mention of daughter 'the mother' is to be understood.²⁵ If so, this is exactly the same statement as that of R. Jose! — The entire statement was made by R. Ishmael son of R. Jose.

MISHNAH. AN EMBRYO,²⁶ A LEVIR,²⁷ BETROTHAL,²⁸ A DEAF-MUTE,²⁹ AND A BOY WHO IS NINE YEARS AND ONE DAY OLD,³⁰ DEPRIVE [A WOMAN]³¹ OF THE RIGHT [OF EATING *TERUMAH*], BUT CANNOT BESTOW THE PRIVILEGE UPON HER,³² [EVEN WHEN] IT IS A MATTER OF DOUBT WHETHER THE BOY IS NINE YEARS AND ONE DAY OLD OR NOT,³³ OR WHETHER HE³⁴ HAS PRODUCED TWO HAIRS³⁵ OR NOT. IF A HOUSE COLLAPSED UPON A MAN AND UPON HIS BROTHER'S DAUGHTER,³⁶ AND IT IS NOT

KNOWN WHICH OF THEM DIED FIRST, HER RIVAL MUST PERFORM *HALIZAH*³⁷ BUT MAY NOT CONTRACT LEVIRATE MARRIAGE.³⁸

GEMARA. AN EMBRYO, for if [its mother] is the daughter of a priest [who was married] to an Israelite [the embryo] deprives her of the privilege,³⁹ [for it is written]. As in her youth,⁴⁰ which excludes one who is with child.⁴¹ And if she is the daughter of an Israelite [who was married] to a priest, the embryo does not bestow the privilege³⁹ upon her, because the living child does bestow the privileged but not the unborn.⁴²

A LEVIR, for if [his Yebamah] is the daughter of a priest who was married to an Israelite, [the levir] deprives her of the privileged [for it is written], And is returned unto her father's house,⁴⁰ which excludes one who is awaiting the decision of the levir;⁴³ and if she is the daughter of an Israelite [who was married] to a priest [the levir] does not bestow the privilege upon her, because the All Merciful said, The purchase of his money.⁴⁴ while she is the purchase of his brother. BETROTHAL, for if [the woman] is the daughter of a priest [who was betrothed] to an Israelite, [betrothal] deprives her of the privilege,

1. Lit., 'a minority'. I.e., against the possibility that the embryo might be born a viable male. Against the possibility of male births there is the equal possibility of female births, and by adding the minority of miscarrying women to the half of female births, the male births are found to form only a minority.
2. R. Simeon.
3. The embryo is allotted as his share a portion of the estate exclusive of the slaves, who consequently form a portion of the shares of the living brothers, who, as their owners, bestow upon the slaves the right of eating *Terumah*. Where, however, there are only daughters, such an arrangement cannot be made, since in such a case the embryo, in case he is born a viable male, is the sole heir and owner.
4. Who are minors.
5. Against the original division, and to demand a new one. The validity of acceptance of the shares by the guardians extends only to the

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- produce or yield of the estate up to the date of the protest.
6. V. Kid. Sonc. ed., p. 210, notes.
 7. That R. Simeon, who permits the slaves to eat, in the case of sons, by adopting the arrangement mentioned, is of the same opinion as R. Nahman; while R. Jose, who forbids *Terumah* to the slaves, maintaining as he evidently does that the arrangement is of no avail and that the division must be postponed until the heirs reach majority, is in disagreement with R. Nahman.
 8. Wherever such had been made,
 9. Between R. Jose and R. Simeon, *supra* 6a.
 10. Where R. Nahman's arrangement had not been made,
 11. R. Simeon permits the slaves to eat *Terumah*, because he holds that no provision has to be made against the less usual cases (v. *supra* p. 451, n. 3) while R. Jose forbids them to eat it, because he maintains that provision must be made even against the less usual case.
 12. This is now assumed to mean that where there is a daughter but no son, she bestows the right of eating *Terumah* upon the slaves, but where there is a son, the slaves are not permitted to eat the *Terumah*.
 13. R. Ishmael's statement.
 14. Which, by an ordinance of the Rabbis, must be handed over to the daughters for their maintenance while the sons receive nothing. v. B.B, 139b.
 15. To whom the estate belongs in accordance with the Pentateuchal law.
 16. Lit., 'exists', 'stands'. Since the Rabbis deprived the living son of his share and gave it to the daughters. they have, even more so, deprived the embryo of its share.
 17. From her father's estate, though he is also survived by sons'
 18. Pentateuchally she has no claim at all in the presence of a son.
 19. Lit., 'came out into the air of the world'.
 20. The embryo, consequently, cannot possibly have a share in the slaves, who may, therefore, eat *Terumah* by virtue of the rights of the living children. Had there been a daughter only and no son, the slaves would not have been permitted to eat *Terumah* on account of the embryo, which, were it a female, would have had in the slaves an equal share with their sister.
 21. R. Ishmael's statement.
 22. Lit., 'in what did you place it'.
 23. Which presumably deals with a similar case.
 24. Keth. 103a, Sotah 21b, B.B. 140a. Which proves that the estate, even when small, belongs to the sons also. How then could the slaves be permitted to eat *Terumah*?
 25. I.e., the mother of the embryo may feed her *Melog* slaves with *Terumah* as she herself is permitted to eat it by virtue of her living sons. A son, however, may not feed the *Zon Barzel* slaves with *Terumah* owing to the share of the embryo.
 26. Whose mother was (a) the daughter of a priest married to an Israelite, or (b) the daughter of an Israelite married to a priest, and whose father died before he (the embryo) was born.
 27. The widow of whose deceased brother was (a) the daughter of a priest (he and his brother being Israelites), or (b) the daughter of an Israelite (he and his brother being priests).
 28. Of (a) the daughter of a priest to an Israelite, or (b) the daughter of an Israelite to a priest.
 29. Who is (a) an Israelite married to the daughter of a priest, or (b) a priest married to the daughter of an Israelite.
 30. This is explained in the Gemara, *infra*.
 31. If she is (a) the daughter of a priest (cf. last four notes).
 32. If she is (b) the daughter of an Israelite (cf. *supra* notes 6-9).
 33. This has no reference to what follows and is explained in the Gemara.
 34. Who betrothed the woman.
 35. Which are the marks of puberty, when he becomes legally entitled to contract a marriage.
 36. To whom he had been married and who, like himself, died childless.
 37. With the daughter's father, the brother of the deceased. Though the dead woman was his forbidden relative, her rival becomes subject to the *Halizah* because it is possible that the woman had been killed before the man, and when the man died her former rival was no longer related to her. V. *infra* note 6.
 38. Because it is also possible that the man was killed first and that the rival consequently remained forbidden to the levir as the rival of his daughter.
 39. Of eating *Terumah*.
 40. Lev. XXII, 13.
 41. Only when she returned unto her father's house as in her youth (v. *ibid.*), i.e., if, like a virgin, she has no child at all, not even an embryo, may she eat of her father's bread (*ibid.*) i.e., *Terumah*.
 42. This is deduced from Such as are born in his house, etc. (Lev. XXII, 11) by taking the Kal [H] in the sense of Hif. [H] V Torath Kohanim, a.l., (v. Rashi).
 43. Being dependent on the levir's will she cannot without his release, return to her father's house.
 44. Lev. XXII, 11 emphasis on 'his.'

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Yebamoth 68a

since he acquires her by the betrothal;¹ and if she is the daughter of an Israelite [who was betrothed] to a priest, the betrothal cannot bestow the privilege upon her, owing to the ruling of 'Ulla.²

A DEAF-MUTE, for if [the woman] is the daughter of a priest [who was married] to [him³ who is] an Israelite, he deprives her of the privilege, since he⁴ acquired her by virtue of a Rabbinical enactment;⁵ and if she is the daughter of an Israelite [who was married] to [him³ who is] a priest, he cannot bestow the privilege upon her, because the All Merciful said, The purchase of his money,⁶ while he³ is not eligible to execute any *Kinyan*.

AND A BOY WHO IS NINE YEARS, etc. This was assumed⁷ to refer to the case of a Yebamah who was awaiting the decision of a levir who was nine years and one day old.⁸ Now, in what respect?⁹ If in respect of depriving her¹⁰ of the privilege,¹¹ a younger child would also equally deprive her of the privilege! And if in respect of bestowing the privilege,¹² a grownup levir also cannot bestow this privilege!¹³ — Abaye replied: We are dealing here with a levir of the age of nine years and one day, who cohabited with his Yebamah¹⁴ who, according to Pentateuchal law, becomes his *Kinyan*. Since it might have been assumed that, as Pentateuchally she becomes his *Kinyan*, and his cohabitation also is legal, he should be entitled to bestow the privilege upon her, hence we were taught that the cohabitation of a boy who is nine years and one day old has been given the same validity only as that of a Ma'amar by an adult.¹⁵ Said Raba to him: If so,¹⁶ [why] is it stated in the final clause, [EVEN WHEN] IT IS A MATTER OF DOUBT WHETHER THE BOY IS NINE YEARS AND ONE DAY OLD, OR NOT? If a boy who is certainly of the age of nine cannot bestow the privilege, is there any need to speak of a boy whose age is in doubt! — No, said Raba, [the Mishnah] deals with a boy of the age of nine years and one day belonging to one of the classes of

disqualified persons who, by their cohabitation, deprive a woman¹⁷ of the privilege of eating *Terumah*;¹⁸ as it was taught: An Ammonite,¹⁹ a Moabite,¹⁹ an Egyptian,²⁰ or an Idumean²⁰ proselyte, a Cuthean,²¹ a Nathin,²¹ a Halal²¹ or a bastard, of the age of nine years and one day, who cohabits with the daughter of a priest of a Levite or of an Israelite, disqualifies her.²² But since it is stated in the final clause,²³ 'If they are not fit to enter the assembly of Israel they render [a woman] unfit', it may be inferred that the first clause does not deal with such disqualified persons! — The first clause speaks of those who are disqualified to enter the assembly, while the latter clause speaks of those who are disqualified to marry the daughter of a priest.²⁴

[To turn to] the main text:²⁵ An Ammonite,²⁶ a Moabite,²⁶ an Egyptian or an Idumean²⁷ proselyte, a Cuthean,²⁸ a Nathin,²⁸ a Halal²⁸ or a bastard, of the age of nine years and one day, who cohabits with the daughter of a priest, of a Levite or of an Israelite disqualifies her.²⁹ R. Jose said: Anyone whose children are disqualified causes disqualification;³⁰ he whose children are not disqualified does not cause disqualification.³⁰ R. Simeon b. Gamaliel said: Whenever you may marry his daughter you may marry his widow,³⁰ and whenever you may not marry his daughter you may not marry his widow.³¹

Whence are these rulings³² deduced? — Rab Judah replied in the name of Rab: Scripture stated, And if a priest's daughter be married unto to a strange man,³³ as soon as she has had connubial relations with a disqualified person³⁴ the latter disqualifies her. But the text cited is surely required [for another] purpose, viz., that the All Merciful ordained that the daughter of a priest who was married to a layman³⁵ may not eat *Terumah*! — That³⁶ may be deduced from the text, And is returned unto her father's house, as in her youth, she may eat of her father's bread.³⁷ Since the All Merciful ordained, And is returned unto her father's house ... she may eat,³⁷ it follows that prior to that³⁸ she was not

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permitted to eat. But if [deduction were to be made] from that text,³⁷ [it may be objected] one might have assumed that as a negative precept³⁹ which is derived from a positive one⁴⁰ it has only the force of a positive precept,⁴¹ hence did the All Merciful write the other text⁴² to [indicate that it is] a negative precept! — [That it is] a negative precept may be deduced from, There shall no strange man⁴³ eat⁴⁴ of the holy things.⁴⁵

1. And being, therefore, deemed to be his legal wife she is forbidden to eat *Terumah*. V. Lev. XXII, 12.
2. Though Pentateuchally a woman who is betrothed to a priest is entitled to the privilege of eating *Terumah*, she has been forbidden to eat it during the period of betrothal, when she is still in her father's house, as a preventive measure against the possibility of her treating to it a brother or a sister of hers. V. Keth. 57b.
3. The deaf-mute.
4. Though mentally defective and, therefore, Pentateuchally ineligible to execute any *Kinyan*.
5. V. *infra* 112b.
6. Lev. XXII, 11, emphasis on purchase (*Kinyan*).
7. By him who raised the following objection.
8. And with whom no connubial intercourse had taken place.
9. Is the age mentioned of any consequence.
10. If she is the daughter of a priest, and the levir is an Israelite.
11. Of the eating of *Terumah*; the purpose of the ruling being to indicate that the levirate bond comes into force simultaneously with the levir's capability of cohabitation.
12. When he is a priest and she is the daughter of an Israelite; the purpose being to indicate that, though he is capable of cohabitation, his levirate bond is not powerful enough to bestow upon his Yebamah the privilege of eating *Terumah*.
13. As was explicitly stated earlier in our Mishnah.
14. An act which in the case of a levir who is of age is valid.
15. Which does not constitute complete *Kinyan* (cf. *supra* 50a). The boy of the age of nine years and one day CANNOT consequently BESTOW THE PRIVILEGE any more than the others enumerated in our Mishnah. The ruling as to 'depriving a woman of the privilege' applies only to the cases of the EMBRYO, THE LEVIR, BETROTHAL AND THE DEAF-MUTE but not to that of the boy of the age mentioned.
16. That the boy of the age of nine years and one day was included only because of the ruling

that he CANNOT BESTOW THE PRIVILEGE, and that the ruling of 'depriving a woman of the privilege' does not apply to him, cf. *supra* n. 2.

17. If she is the daughter of a priest.
18. The boy of the age of nine years and one day accordingly deprives a woman of the privilege; and it is because of this ruling that the case of the boy was included in our Mishnah. The second ruling that certain persons CANNOT BESTOW THE PRIVILEGE is not, of course, necessary in his case and applies only to the others enumerated, vi., THE EMBRYO, THE LEVIR, BETROTHAL AND A DEAF-MUTE.
19. Who is forbidden to enter the congregation of the Lord. Cf. Deut. XXIII, 4.
20. Who, to the third generation, is forbidden to enter the congregation of the Lord. Cf. *ibid.* 9f.
21. V. [Glos.](#)
22. Kid. 74b. If the woman is the daughter of a Levite or an Israelite she is forbidden to marry a priest, and if she is the daughter of a priest she may neither marry a priest nor may she continue to eat *Terumah*.
23. In the continuation of our Mishnah *infra* 6.
24. As e.g., a Halal who is permitted to enter the assembly (i.e., to marry the daughter of an Israelite), but is forbidden to marry the daughter of a priest. (Cf. *supra* 37a). Though the expression 'not fit to enter the assembly of Israel' was used in the final clause also, it only implies marriage with the daughter of a priest, since otherwise this part of the Mishnah would have been a mere repetition of the first and, consequently, superfluous.
25. The full text of the previous citation.
26. V. *supra* p. 456, n. 6.
27. V. *loc. cit.* n. 7.
28. V. [Glos.](#)
29. V. p. 456, n. 9.
30. For explanation v. Gemara *infra*.
31. Tosef. Nid. VI.
32. Concerning the disqualifications enumerated in the cited Baraitha.
33. So literally. (a) 'one who is not a priest'; (b) 'one strange to her', 'a disqualified person', E. V. a common man'. Lev. XXII, 12.
34. 'Strange man' is taken in sense (b).
35. Non-priest, an Israelite. V. *supra* n. 11.
36. That a priest's daughter who was married to an Israelite loses the privilege of eating *Terumah*.
37. Lev. XXII, 13.
38. Before she returned to her father's house, i.e., while she was still a married woman, 'living with her husband.
39. Not to eat *Terumah*.
40. 'When she returned to her father's house she may eat *Terumah*'.
41. Which is not punishable by flogging.

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42. Lev. XXII, 12.
43. Non-priest, an Israelite. V. *supra* p. 457. n. 11.
44. It is now presumed that as the woman married a stranger she assumes his status and is consequently, like her husband, forbidden to eat *Terumah*.
45. Lev. XXII, 10.

Yebamoth 68b

But that text is required for its own purpose!¹ The expression, 'There shall no strange man', is written twice.² But still is not this³ required for the exposition of R. Jose b. Hanina? For R. Jose b. Hanina stated: There shall no strange man³ implies, 'I have imposed upon you a prohibition concerning non-priests only but not concerning Onan'!⁴ — R. Jose b. Hanina's exposition may be deduced from the Scriptural use of the longer expression 'And there shall no strange man' instead of 'strange man'.⁵

But still is not this,⁶ required for the following which was taught:⁷ When she⁸ returns,⁹ she returns only to [the privilege of eating] *Terumah*, but does not return to [the privilege of eating] the breast and shoulder.¹⁰ And¹¹ R. Hisda stated in the name of Rabina b. R. Shila, 'What Scriptural text proves this? It is written, but if a priest's daughter be married unto a strange man, she shall not eat of the *Terumah* of the holy things,¹² she must not eat of that which is set apart¹³ from the holy things'!¹⁴ — If so,¹⁵ Scripture should have written. She shall not eat of the holy things'. why [then the longer expression], of the *Terumah* of the holy things? Two deductions¹⁶ may, consequently be made.

We have now deduced¹⁷ [the law relating to] a priest's daughter;¹⁸ whence, however, is this deduced in respect of the daughter of a Levite or an Israelite? — As R. Abba stated in the name of Rab [that deduction is made from the Scriptural use of] 'But a daughter' [where only] 'daughter' [could have been used].¹⁹ so here also [deduction is made from the use of] 'and a daughter' [where only] 'daughter' [could have been used].²⁰ In accordance with whose view?²¹ Is it Only in accordance with that of R. Akiba who bases expositions on

[superfluous] Wawin!²² — It²³ may be said to have been made even according to the view of the Rabbis, because the entire Scriptural expression, And a daughter²⁴ is superfluous.²⁵ [Thus the disqualification] in respect of *Terumah* has been proved;²⁶ whence, [however, is it deduced that the disqualification extends also] to the prohibition of marrying a priest?²⁷ — Has not the daughter of a Levite or of an Israelite been included²⁸ in respect of priestly marriage only? For, as regards *Terumah*, neither of them is ever eligible to eat it.²⁹

Are they never eligible?³⁰ Such eligibility surely occurs when [a mother]³¹ eats *Terumah*³² by virtue of the rights of her son!³³ — [The case of a mother, who eats *Terumah*] by virtue of the rights of her son, may be deduced by inference a *minori ad majus*: If the daughter of a priest who eats the *Terumah* by virtue of her own sanctity becomes disqualified³⁴ how much more so the daughter of a Levite or of an Israelite who eats it only by virtue of the rights of her son.³⁵ [On the contrary], this [very point]³⁶ provides the reason:³⁷ A priest's daughter whose body is sacred is rightly disqualified,³⁴ this woman, however, whose own body is not sacred might not become disqualified!³⁸ — The fact is rather, that the prohibition³⁹ to marry a priest may be deduced a *minori ad majus* from a divorced woman: If a divorced woman who is permitted to eat *Terumah* is nevertheless forbidden to marry a priest, how much more reason is there that such a woman⁴⁰ who is forbidden to eat *Terumah* should be disqualified from marrying a priest.³⁵

May a prohibition, however, be deduced by logical argument!⁴¹

This⁴² is a mere elucidation [of the law].⁴³

Might it not be suggested [that the statement,] 'she had connubial relations with a disqualified person'⁴⁴ [refers to persons cohabitation with whom is] subject to the penalty of *Kareth*!⁴⁵ — The All Merciful said, If ... be married,⁴⁶ only those with whom

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marriage is valid;⁴⁷ with those who are subject to the penalty of *Kareth* marriage is not valid.⁴⁸ If so,⁴⁹ no idolater or slave should cause disqualification!⁵⁰ — These cause disqualification in accordance with a ruling of R. Ishmael. For R. Johanan stated in the name of R. Ishmael: Whence is it deduced that if an idolater or a slave cohabits with the daughter of an Israelite, of a priest or of a Levite, he disqualifies her?⁵¹ — It was stated in, But if a priest's daughter be a widow or divorced, etc.,⁵²

1. For the law concerning a non-priest. What proof then is there that a priest's daughter who married such a man is also subject to the same law?
2. Once in Lev. XXII, 10, which refers to any non-priest; and a second time, *ibid.* 13. which speaks of the daughter of a priest who returns to her father's house, and concludes with the expression, There shall no strange, etc. referring to the priest's daughter who is married to such a man.
3. The second text, Lev. XXII, 13.
4. *Infra* 70b, 71a. [H] the mourning of an Onan, v. [Glos.](#)
5. The superfluous and serves the purpose of R. Jose's deduction, and the remainder of the clause, therefore, indicates the negative precept.
6. The text of Lev. XXII, 12.
7. *Infra* 87a.
8. The daughter of a priest who was divorced or became a widow and had no child.
9. To her father's house.
10. Which are also among the priestly gifts. Cf. Ex. XXIX, 27. Lev. VII, 34. X, 14.
11. In explanation of the Baraita.
12. Lev. XXII, 12. [H]
13. [H] of the same rt. as [H]. V. *supra* n. 3.
14. From the sacrifices, i.e., the breast and the shoulder. V. *supra* n. 1.
15. That only one of the deductions mentioned is to be made from this text.
16. That (a) a disqualified person disqualifies a priest's daughter with whom he cohabited (*supra* 68a), and (b) that when a priest's daughter returns as a widow or a divorcee to her father's house she is not permitted to eat of the breast and the shoulder of the peace-offerings.
17. Lit., 'we found'.
18. V. *supra* n. 7 (a).
19. *Infra* 6a, 87a.
20. The superfluous 'and' indicates a comparison between the daughter of the priest and the daughter of a Levite or of an Israelite.
21. Is the deduction made (v. n. 11).
22. Plur. of *waw* 'and'. And not in accordance with the Rabbis who are in the majority? V. Sanh. 51b.
23. The deduction from 'and a daughter'.
24. Not only the jaw.
25. Since the context, But if a priest ... and such as are born in his house (Lev. XXII, 11) speaks of the relatives of a priest, it would have been obvious to whom v. 12 referred even if a priest's daughter were omitted, reading only. If she be married, etc.
26. Since Scripture mentions it. Lit., 'we found'.
27. If a disqualified person cohabited with her. V. *supra* 68a.
28. In the prohibition.
29. Lit., 'for if for *Terumah*, are they subjects of eating *Terumah*?' As they are never allowed to eat *Terumah* there is obviously no need to forbid it to them.
30. To eat *Terumah*. Lit., 'why not'.
31. The daughter of a Levite or of an Israelite.
32. After the death of her husband who was a priest.
33. Who survived his father. A Scriptural text might consequently have been required to forbid a woman in such circumstances from eating *Terumah* if she cohabited with a disqualified person!
34. Lit., 'he (i.e., the disqualified man who cohabited with her) disqualifies her'.
35. Hence no Scriptural text was needed to exclude her.
36. The sacredness of the body of the priest's daughter.
37. Why a priest's daughter only should be disqualified.
38. Cf. *supra* notes 7 and 8 second clause.
39. On the part of the daughter of a priest who cohabited with one of the disqualified persons mentioned.
40. Cf. *supra* n. 13.
41. A prohibition, which involves the penalty of flogging. must be derived from an explicit Scriptural text. V. Mak. 17b.
42. The inference *a fortiori* mentioned.
43. The actual prohibition, how ever, is based on the fact that she is forbidden to eat *Terumah*; as she is forbidden to eat it owing to the loss of her sanctity, so is she forbidden to marry a priest.
44. Who, as has been inferred, *supra* 68a, from a Scriptural text, causes her disqualification.
45. A brother, for instance, betrothal with whom is invalid. What proof, however, is there that persons, such as a Cuthean, a Nathin or a bastard, cohabitation with whom is subject to

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flogging only and betrothal with whom is valid, also disqualify a priest's daughter from marrying a priest?

46. Lev. XXII, 12.
47. Cause disqualification.
48. Hence there was no need for a Scriptural text to exclude them. The text consequently refers to those who are subject to the penalty of flogging.
49. That Scripture refers only to those with whom marriage is valid.
50. But, as stated *infra* 69b, a slave does cause disqualification.
51. From (a) marrying a priest; and (b) eating *Terumah* in the case of the daughter of a priest, or in the case of the daughter of a Levite or an Israelite who was married to a priest who left her with children by virtue of whom she was entitled to the privilege of eating *Terumah*.
52. Lev. XXII, 13 which concludes, and is returned unto her father's house ... she may eat of her father's bread, i.e., *Terumah*.

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only in the case of a man in relation to whom widowhood or divorce is applicable;¹ an idolater and a slave, however, are excluded, since in relation to them no widowhood or divorce is applicable.²

Thus we have found [the law concerning] the daughter of a priest;³ whence, however, [is the law concerning] the daughter of a Levite and of an Israelite to be inferred? — As R. Abba stated in the name of Rab [that deduction is made from the Scriptural use of] 'And a daughter', [where only] 'daughter' [could have been used],⁴ so here also [deduction is made from the use of] 'And a daughter', [where only] 'daughter' could have been used.⁵ In accordance with whose view?⁶ Is it only in accordance with that of R. Akiba, who bases expositions on [superfluous] Wawin!⁷ — It⁸ may be said to have been made even according to the view of the Rabbis, because the entire [Scriptural expression] And a daughter⁹ is a superfluous text.¹⁰ But might it be suggested that in the case of a man in relation to whom widowhood and divorce is possible,¹¹ [the woman]¹² may eat *Terumah* if she¹³ has no children,¹⁴ and may not eat if she has children, but in the case of a man in relation to whom widowhood and

divorce are not possible¹⁵ she may eat *Terumah* even if she¹³ has children?¹⁶ — If so,¹⁷ what need was there to include the daughter of a Levite and of an Israelite!¹⁸

According to R. Akiba, however, who stated that betrothal with those whose intercourse involves the penalty of a negative commandment has no validity and that the meaning of¹⁹ If ... be married²⁰ to a strange man²¹ is 'if she cohabits',²² what need was there²³ [for] 'widow or divorced'?²⁴ — The widow was stated²⁵ in order to restrict her privilege;²⁶ and the divorced woman, in order to relax her restrictions.²⁷ And [both²⁸ were] required. For had only the widow been mentioned it might have been assumed that only a widow may eat *Terumah* if she has no children because she is eligible to marry a priests but, a divorced woman who is ineligible to marry a priest may not eat it even if she has no children. And had the divorced woman only been mentioned it might have been suggested that only a divorced woman may not eat *Terumah* if she has children because she is ineligible to marry a priest, but a widow who is eligible to marry a priest may eat it even if she has children. [Hence both were] necessary.

Might it not be suggested [that the statement], 'She had connubial relations with a disqualified person'²⁹ refers also to one who remarried his divorced wife!³⁰ — The All Merciful said, To a strange man, only one who was formerly a stranger to her.³¹ Her former husband³² is excluded since he was not formerly a stranger to her.

If so, a Halal,³³ who is not a stranger³⁴ to her,³⁵ should not cause her disqualification! Scripture stated, He shall not profane his seed among his people;³⁶ 'his seed'³⁷ is compared to himself, as he disqualifies³⁸ so does his seed disqualify.³⁹

Might it be suggested [that the disqualification⁴⁰ is effected] from the moment of betrothal?⁴¹ — [His case⁴² must be] similar to that of a High Priest with a widow. As a High Priest, in the case of a

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widow, [causes her disqualification] by cohabitation only,⁴³ so does this [person⁴⁴ cause disqualification] by cohabitation only.

Might it be suggested [that disqualification⁴⁰ is effected] only where there was betrothal as well as cohabitation? — His case⁴² must be similar to that of a High Priest with a widow. As the High Priest, [when he marries] a widow, [causes her disqualification] by cohabitation alone⁴⁵ so does this [person⁴⁶ cause disqualification] by cohabitation alone.

'R. Jose however said: 'Anyone whose children are disqualified causes disqualification, but he whose children are not disqualified does not cause disqualification'. What is the practical difference between the first Tanna and R. Jose? — R. Johanan replied: The difference between them is the case of an Egyptian proselyte of the second generation and an Idumean proselyte of the second generation.⁴⁷ And both of them⁴⁸ deduced their respective views from none other than [the disqualification] of a widow by a High Priest. The first Tanna reasons: As a High Priest whose cohabitation with a widow is forbidden causes her disqualification, so does this person⁴⁹ also cause disqualification. R. Jose, however, reasons thus: Like a High Priest. As a High Priest whose seed is disqualified causes disqualification, so does any other person cause disqualification only when his seed is disqualified; an Egyptian proselyte of the second generation is thus excluded, since his children are not disqualified, for it is written, The children of the third generation that are born unto them may enter into the assembly of the Lord.⁵⁰

'R. Simeon b. Gamaliel said: Whenever you may marry his daughter, you may marry his widow, etc.' What is the practical difference between R. Jose and R. Simeon b. Gamaliel? 'Ullah replied: The difference between them is the case of an Ammonite and a Moabite proselyte.⁵¹ And both of them⁵² derived their respective views from none other than [the disqualification] of a widow by a High Priest. R. Jose reasons thus: As with a High Priest who married a widow, his seed is disqualified

and he himself causes disqualification, so does any other person cause disqualification only when his seed is disqualified. R. Simeon b. Gamaliel, however, reasons thus: As with a High Priest who married, a widow, all his seed⁵³ is disqualified and he himself causes disqualification, so does only such a person cause disqualification, all whose seed is disqualified; an Ammonite and a Moabite are, therefore, excluded since not all their seed are disqualified.⁵⁴ For a Master said: An Ammonite,⁵⁵ but not an Ammonitess; a Moabite,⁵⁵ but not a Moabitess.⁵⁶

MISHNAH. THE VIOLATOR, THE SEDUCER AND THE IMBECILE⁵⁷ CAN NEITHER DEPRIVE A WOMAN⁵⁸ OF THE RIGHT OF EATING *TERUMAH* NOR CAN THEY BESTOW THE RIGHT UPON HER.⁵⁹ IF THEY ARE, HOWEVER, UNFIT TO ENTER INTO THE ASSEMBLY OF ISRAEL⁶⁰ THEY DO DEPRIVE A WOMAN⁵⁸ OF HER RIGHT TO THE EATING OF *TERUMAH*.⁶¹ HOW? IF⁶² AN ISRAELITE HAD INTERCOURSE WITH THE DAUGHTER OF A PRIEST⁶³ SHE MAY STILL CONTINUE TO EAT *TERUMAH*.

1. Viz., a legitimate Israelite. Only in such a case does the widow or divorced woman regain her right of eating *Terumah*.
2. Their betrothal and marriage having no validity.
3. That intercourse with a slave or an idolater causes her disqualification.
4. *Supra* 68b, *infra* 87b.
5. *Supra* 68b, p. 459, n. 11.
6. Was the deduction made.
7. V. *supra* p 459, O. 13.
8. The deduction from 'And a daughter.'
9. Lev. XXII, 13.
10. As Lev. XXII, 13 follows v. 12 which deals with the daughter of a priest, the subject, 'a priest's daughter', of v. 13, could have been omitted as self-evident.'
11. A legitimate Israelite or Levite.
12. A priest's daughter after she had been divorced by her husband or become a widow.
13. Cf. Rashi, Cur. edd., 'to him'.
14. From that husband. V. *supra* n. 8.
15. An idolater, for instance, or a slave.
16. The cohabitation with such a person having no legal effect whatsoever.
17. That from the Scriptural text mentioned a relaxation of the law is to be deduced, its purpose being the indication that a priest's

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daughter is not disqualified even where she has issue from an idolater or a slave.

18. If a priest's daughter is not disqualified, how much less the daughter of a Levite or of an Israelite. The purpose of the Scriptural text, therefore, must be taken to be the disqualification of the daughter of a priest. The inclusion of the daughter of a Levite and of an Israelite was, therefore, necessary to indicate that even if either of those was enjoying the privilege of eating *Terumah*, by virtue of the rights of the children she had from a priest, she loses that privilege if she cohabited with an idolater or a slave even though the act resulted in no issue.
19. Lit., 'and what'.
20. [H], lit., 'shall be'.
21. Lev. XXII, 12.
22. Since no legal marriage with any of the disqualified persons is at all possible.
23. When cohabitation with an idolater or a slave had taken place.
24. To exclude, as stated *supra* an idolater and slave, in relation to whom no widowhood or divorce is possible since they are surely included among the other disqualified persons betrothal or marriage with whom is invalid!
25. Not for the purpose of the deduction made by R. Ishmael.
26. To indicate that a priest's daughter who was the widow of an Israelite may not eat *Terumah* if she has children, even after the death of her husband. Had no Scriptural text indicated this law it might have been assumed that she may eat *Terumah* even if she had children from the Israelite.
27. To allow her (cf. *supra* n. 4) to eat *Terumah* where she has no issue from the Israelite. Had not Scripture indicated this law it might have been assumed that as the divorcee was forbidden to marry a priest so she was forbidden to eat *Terumah* even if her union with the Israelite produced no issue.
28. Widow and divorcee.
29. Who, as deduced from a Scriptural text, *supra* 68a, causes the disqualification of the woman with whom he cohabited.
30. After she had been married to another man. Such a marriage being forbidden (v. Deut. XXIV, 4), the first husband should be regarded as a 'strange man' (Lev. XXII, 12) and consequently included among the persons who cause a woman's disqualification. Why, then, was it stated (*supra* 44b) that a woman so remarried to her first husband is permitted to marry a priest and, all the more, to eat *Terumah*! (V. Rashi a.l. Cf., however, Tosaf s.v. [H] *supra* 44b).
31. Who was never allowed to marry her.
32. Lit., that'.
33. V. [Glos.](#)
34. V. Rash and BaH. Cut. edd. insert, 'formerly'.
35. He may marry' a priest's daughter.
36. Lev. XXI, 15, referring to a High Priest.
37. I.e., a Halal
38. A widow whom he married from the eating of *Terumah* (v. Kid. 77a).
39. Any woman he marries.
40. Of a woman by marrying a 'strange man', a disqualified person.
41. [H] as implied in the expression [H] '(she shall be' Lev. XXII, 12 (of the same rt. [H]), the woman remaining disqualified even if, owing to the death of the disqualified person no cohabitation took place.
42. That of the disqualified person, deduced from the text mentioned.
43. Since the text specifically mentions his seed (Lev. XXI, 15). V. also *supra* 56b.
44. The disqualified person, V. *supra* n. 10.
45. Since the disqualification is effected even if there was no betrothal.
46. V. *supra* note 10.
47. Who are themselves forbidden to marry into the congregation (v. Deut. XXIII, 8) but their children, being of the third generation, are permitted. (Ibid. 9). According to the first Tanna one of the second generation causes the disqualification of the woman he marries; while according to R. Jose he does not, because his children are not disqualified.
48. R. Jose and the first Tanna.
49. An Ammonite or a Moabite proselyte of the second generation, cohabitation with whom is forbidden. Cf. p. 464, n. 15.
50. Deut. XXIII, 9.
51. According to R. Jose such a proselyte causes disqualification; according to R. Simeon b. Gamaliel he does not. V. Gemara *infra*.
52. R. Simeon b. Gamaliel and R. Jose.
53. Daughters as well as sons.
54. Their daughters being permitted to marry into the congregation.
55. Shall not enter into the assembly of the Lord. Deut. XXIII, 4.
56. *Infra* 76b, Kid. 67b, Keth. 7b, Hul. 62b.
57. Even if betrothal took place. The action of an imbecile has no legal force.
58. If she is a priest's daughter entitled to eat *Terumah*.
59. If they are priests and she is the daughter of an Israelite.
60. Those, e.g., who are enumerated in Deut. XXIII, 2ff.
61. Since she becomes profaned through their intercourse with her.
62. Cur. edd. insert in parenthesis, 'he was'. BaH reads instead, 'behold'.
63. Against her will or with her consent, but with no matrimonial intention.

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IF SHE BECOMES PREGNANT SHE MAY NO LONGER EAT *TERUMAH*.¹ IF THE EMBRYO WAS CUT IN HER WOMB SHE MAY EAT.² IF³ A PRIEST HAD INTERCOURSE WITH THE DAUGHTER OF AN ISRAELITE, SHE MAY NOT EAT *TERUMAH*. [EVEN IF] SHE BECOMES PREGNANT SHE MAY NOT EAT.⁴ IF, HOWEVER, SHE GAVE BIRTH TO A CHILD SHE MAY EAT.⁵ THE POWER OF THE SON IS THUS GREATER THAN THAT OF THE FATHER.⁶

A SLAVE, BY HIS COHABITATION, DEPRIVES A WOMAN⁷ OF THE PRIVILEGE OF EATING *TERUMAH*⁸ BUT NOT AS HER OFFSPRING.⁹ HOW? — IF THE DAUGHTER OF AN ISRAELITE WAS MARRIED TO A PRIEST OR THE DAUGHTER OF A PRIEST WAS MARRIED TO AN ISRAELITE, AND SHE BORE A SON BY HIM, AND THE SON WENT AND VIOLATED A BONDWOMAN WHO BORE A SON BY HIM, SUCH A SON IS A SLAVE;¹⁰ AND IF HIS FATHER'S MOTHER WAS AN ISRAELITE'S DAUGHTER WHO WAS MARRIED TO A PRIEST, SHE MAY NOT EAT *TERUMAH*;¹¹ BUT IF SHE WAS A PRIEST'S DAUGHTER AND MARRIED TO AN ISRAELITE SHE MAY EAT *TERUMAH*.¹²

A BASTARD DEPRIVES A WOMAN¹³ OF THE PRIVILEGE OF EATING *TERUMAH* AND ALSO BESTOWS THE PRIVILEGE UPON HER.¹⁴ HOW? IF AN ISRAELITE'S DAUGHTER WAS MARRIED TO A PRIEST OR A PRIEST'S DAUGHTER WAS MARRIED TO AN ISRAELITE, AND SHE BORE A DAUGHTER BY HIM, AND THE DAUGHTER WENT AND MARRIED A SLAVE OR AN IDOLATER AND BORE A SON BY HIM, SUCH A SON IS A BASTARD; AND IF HIS MOTHER'S MOTHER WAS AN ISRAELITE'S DAUGHTER WHO WAS MARRIED TO A PRIEST, SHE MAY EAT *TERUMAH*; BUT IF SHE WAS A PRIEST'S DAUGHTER WHO WAS MARRIED TO AN ISRAELITE SHE MAY NOT EAT *TERUMAH*.

A HIGH PRIEST SOMETIMES DEPRIVES A WOMAN¹⁵ OF HER RIGHT TO EAT *TERUMAH*. HOW? IF A PRIEST'S DAUGHTER

WAS MARRIED TO AN ISRAELITE AND SHE BORE A DAUGHTER BY HIM, AND THE DAUGHTER WENT AND MARRIED A PRIEST AND BORE A SON BY HIM, SUCH A SON IS FIT TO BE A HIGH PRIEST, TO STAND AND MINISTER AT THE ALTAR. HE ALSO BESTOWS UPON HIS MOTHER,¹⁵ THE PRIVILEGE OF EATING *TERUMAH*, BUT DEPRIVES¹⁶ HIS MOTHER'S MOTHER¹⁷ OF THIS PRIVILEGE. THE LATTER¹⁸ CAN RIGHTLY SAY, '[MAY THERE] NOT [BE ANOTHER] LIKE MY GRANDSON THE HIGH PRIEST WHO DEPRIVES ME OF THE PRIVILEGE OF EATING *TERUMAH*.'

GEMARA. [Here]¹⁹ we learn what the Rabbis taught: If an imbecile or a minor married and died, their wives are exempt from *Halizah* and from levirate marriage.²⁰

IF AN ISRAELITE HAD INTERCOURSE WITH THE DAUGHTER OF A PRIEST SHE MAY STILL CONTINUE TO EAT *TERUMAH*. IF SHE BECOMES PREGNANT SHE MAY NO LONGER EAT. Since she may not eat when she is definitely with child, precaution should be taken against the possibility that she might be with child!²¹ Did we not learn, 'They²² must be kept apart'²³ for three months, since it is possible that they are pregnant'?²⁴ Rabbah son of R. Huna replied: In respect of genealogy²⁵ precautions were taken;²⁶ in respect of *Terumah* no such precautions were considered necessary. But was no such precaution considered necessary in respect of *Terumah*? Surely, it was taught: [If a priest said]²⁷ 'Here is your letter of divorce [which shall become effective] one hour before my death', she is forbidden to eat *Terumah* at once!²⁸ — In fact,²⁹ said Rabbah son of R. Huna, precautions were taken in respect of legitimate marriage,³⁰ but in respect of illegitimate intercourse³¹ no such precaution was considered necessary.³² But was such precaution, taken in respect of legitimate marriage? Surely, it was taught: If a priest's daughter was married to an Israelite who died,³³ she may perform her ritual immersion³⁴ and eat *Terumah* the same evening!³⁵ — R. Hisda replied: She performs

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the immersion but may eat *Terumah* only until the fortieth day. For if she is not found pregnant³⁶ she never was pregnant;³⁷ and if she is found pregnant,³⁸ the semen, until the fortieth day, is only a mere fluid.³⁹ Said Abaye to him: If so,⁴⁰ read the final clause: If the embryo in her womb can be distinguished she is considered to have committed an offence⁴¹ retrospectively!⁴² — The meaning is that⁴³ she is considered to have committed an offence⁴¹ retrospectively⁴⁴ to the fortieth day.⁴⁵

It was stated: Where a man cohabited with his betrothed in the house of his [future] father-in-law, Rab said: The child is a bastard; and Samuel said: The child is a shethuki.⁴⁶ Raba said: Rab's view is reasonable in the case where the betrothed woman was suspected of illicit relations with strangers.⁴⁷ Where, however, she is not suspected of illicit relations with strangers the child is ascribed to him.⁴⁸ Said Raba: Whence do I infer this? From the statement, IF, HOWEVER, SHE GAVE BIRTH TO A CHILD SHE MAY EAT. For how is this to be understood? If it be suggested to refer to a woman who is suspected of illicit relations with strangers, why should she be allowed to eat *Terumah* when she bore a child!⁴⁹ Consequently it must refer to a woman⁵⁰ who was suspected of illicit relations with him only but not with strangers. Now, if there⁵¹ where she is forbidden to the one as well as to the other,⁵² the child is regarded as his⁵³ how much more so⁵⁴ here⁵⁵ where she is forbidden to all other men and permitted to him. Said Abaye to him: It may still be maintained that Rab is of the opinion that wherever she is suspected of illicit relations with him,⁵⁶ the child is deemed to be a bastard even where she is not suspected of such relations with others. What is the reason? Because it is assumed that as she exposed herself to the man who betrothed her so she exposed herself to others also; but our Mishnah⁵⁷ deals with the case where both of them⁵⁸ were imprisoned in the same gaol.⁵⁹

Others say: Where he⁵⁶ cohabited with her, no one disputes that the child is regarded as his; but the statement made was in the

following form. Where a betrothed woman became pregnant, Rab ruled: Such a child is a bastard; and Samuel ruled: The child is a shethuki.⁶⁰ Raba said: Rab's view is reasonable where the woman was not suspected of illicit relations with him,⁵⁶ but was suspected of such relations with others,⁶¹

1. The embryo causes its mother's disqualification. V. *supra* 67b.
2. Immediately. And the same law applies where the embryo was born dead.
3. Cur. edd., 'he was'; BaH, 'behold'.
4. An embryo in the womb cannot confer upon its mother the privilege of eating *Terumah*, as deduced from born in his house (Lev. XXII. 11). V. *supra* 67b.
5. By virtue of the existence of a son, though he is illegitimate.
6. While the latter, as a violator or seducer, cannot confer the privilege, the son can.
7. If she is a priest's daughter entitled to eat *Terumah*.
8. As explained *supra* 68b.
9. If the slave is the offspring of a priest's daughter who was married to an Israelite now dead, he does not deprive her of the right of returning to the house of her father again to eat *Terumah*. V. *infra* for further explanation.
10. The child of a bondwoman, though of an Israelite father, is deemed a slave, as deduced from Ex. XXI, 4.
11. If her husband and her son (the father of the slave) are dead. Though the son of a son (like a son) confers upon his grandmother the right of eating *Terumah* (v. *infra* 70a), the offspring of a union between an Israelite and a bondwoman is not regarded as the legitimate son of his father but as the child of his mother.
12. The slave not being regarded as legitimate offspring (cf. *supra* n. 2) to deprive her of the privilege.
13. If she is a priest's daughter entitled to eat *Terumah*.
14. If she was the daughter of an Israelite who was married to a priest now dead.
15. Even after the death of his father.
16. As the living offspring of an Israelite.
17. Though his own mother is dead. Were it not for his existence, his grandmother would have regained her original right of eating *Terumah* on the death of her daughter. V. *infra* 87a.
18. Lit., 'this'.
19. In the statement that an imbecile's betrothal neither confers upon a woman, nor deprives her of the right of eating *Terumah* (v. our Mishnah), thus affirming that an imbecile's *Kinyan* has no validity.

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20. Tosef. Yeb. XI, *infra* 96b, 2b; because there is no validity whatsoever in the *Kinyan* of his marriage.
21. And should, in consequence, be forbidden to eat *Terumah* immediately after intercourse had taken place. Why then was it stated, **IF AN ISRAELITE HAD INTERCOURSE ... SHE MAY STILL CONTINUE TO EAT TERUMAH?**
22. Women who have been exchanged for one another. (V. the Mishnah, *supra* 33b).
23. I.e., they are forbidden to cohabit with their husbands.
24. *Supra* 33b. Similar precaution, then, should have been taken here also!
25. The Mishnah cited is concerned with safeguarding the status of a legitimate child by taking the necessary precautions to distinguish him from the illegitimate.
26. In the interests of the purity of family life special precautions were necessary.
27. To his wife, the daughter of an Israelite.
28. Suk. 23b, Git. 28a, Ned. 3b; since the priest might die at any moment while the woman was indulging in the consumption of *Terumah*. This proves that in respect of *Terumah* also precautions were taken.
29. Withdrawing from his first reply.
30. Of which the Mishnah (*supra* 33a) cited speaks.
31. The subject of the section of our Mishnah under consideration.
32. V. *supra* 35a.
33. On the same day, after one act of cohabitation.
34. Prescribed in Lev. XV, 18.
35. No precaution being taken against the possibility that the woman may have conceived and thereby remained forbidden to eat *Terumah*.
36. On the fortieth day.
37. And is allowed to eat *Terumah* after that day also.
38. On the fortieth day.
39. And cannot be regarded as a child.
40. That prior to the fortieth day the woman is not regarded as pregnant.
41. Lit., 'injured'.
42. She pays compensation for any *Terumah* she may have consumed by returning to the priest the principal plus a fifth. V. Lev. XXII, 14.
43. Lit., 'what'.
44. If she ate *Terumah* at any time after the fortieth day.
45. But not earlier. She pays no compensation for any *Terumah* she may have consumed prior to the fortieth day.
46. Only a doubtful bastard. V. [Glos.](#) and Kid. 6.
47. Lit., 'when she is spoken of in a low voice from (by) the world'.
48. The man who betrothed her.

49. There is no proof that the priest was the child's father.
50. Lit., 'but no'.
51. In our Mishnah.
52. To the violator and seducer as well as to any other man, for it is forbidden to have intercourse with a woman without betrothal.
53. The violator's or seducer's.
54. Should the child be regarded as the son of the man who betrothed her.
55. The case where the man cohabited with his betrothed.
56. The man who betrothed her.
57. Which regards the child as the son of the violator or seducer.
58. The man and the woman.
59. Where no intercourse with any other man was possible.
60. Only a doubtful bastard. V. [Glos.](#) and Kid. 6.
61. These being in the majority, the child is deemed to be the son of one of the strangers.

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but where she is suspected of illicit relations with him, the child is regarded as his, although she is also suspected of such relations with others. Said Raba: Whence do I derive this? From the Statement, **IF, HOWEVER, SHE GAVE BIRTH TO A CHILD, SHE MAY EAT.** For how is this to be understood? If it be suggested to refer to a woman who is suspected of illicit relations with him but not with strangers, was it at all necessary to state that she may eat *Terumah*?¹ Consequently it must refer to a woman² who was suspected of illicit relations with strangers also. Now, if there,³ where she is forbidden to the one as well as to the other,⁴ the child is regarded as his,⁵ how much more so⁶ here⁷ where she is forbidden to any other man and is permitted to him.⁸ Said Abaye to him: It may still be maintained that Raba is of the opinion that wherever she is suspected of illicit relations with strangers the child is deemed to be a bastard even if she is also suspected of such relations with him; and our Mishnah deals with one who had not been suspected at all.⁹

A SLAVE, BY HIS COHABITATION, DEPRIVES A WOMAN OF THE PRIVILEGE OF EATING TERUMAH, etc.

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What is the reason?¹⁰ — Scripture stated, The wife and her¹¹ children shall be, etc.¹²

A BASTARD DEPRIVES A WOMAN OF THE PRIVILEGE OF EATING *TERUMAH* AND ALSO BESTOWS THE PRIVILEGE UPON HER. Our Rabbis taught: And have no child.¹³ So far I only know¹⁴ of her own child; whence her child's child? It was consequently stated, And have no child,¹³ implying 'any child whatsoever'.¹⁵ So far I only know of a legitimate child; whence the illegitimate child? It was stated, And have no [en lah]¹⁶ child,¹³ which implies, 'hold an enquiry'¹⁷ concerning her.'¹⁸ But from this text,¹³ surely, the deduction concerning a child's child was made! — No Scriptural text is really required for the inclusion of one's child's child, since children's children are like children;¹⁹ if a text is at all required it is for the inclusion of an illegitimate child.

Said Resh Lakish to R. Johanan: In accordance with whose view?²⁰ Is it only in accordance with that of R. Akiba who maintains that the offspring of a union between such whose intercourse involves them in the penalty of a negative precept is regarded as a bastard!²¹ — It may even be said to represent the view of the Rabbis, since in respect of an idolater and a slave they agree.²² For when R. Dimi came²³ he stated in the name of R. Isaac b. Abdimi in the name of our Master:²⁴ If an idolater or a slave cohabited with the daughter of an Israelite, the child born from such a union is deemed a bastard.

A HIGH PRIEST SOMETIMES DEPRIVES A WOMAN OF HER RIGHT. Our Rabbis taught: [The grandmother might justly say], 'I would [willingly] be an atonement²⁵ for my grandson, the little cruse²⁶ who bestows upon me the privilege of eating *Terumah*,²⁷ but would not be an atonement for my grandson, the big jar²⁸ who deprives me of the privilege of eating *Terumah*.²⁷

CHAPTER VIII

MISHNAH. AN UNCIRCUMCISED [PRIEST]²⁹ AND ALL LEVITICALLY UNCLEAN PERSONS MAY NOT EAT *TERUMAH*. THEIR WIVES AND SLAVES, HOWEVER, MAY EAT *TERUMAH*.³⁰ [A PRIEST WHO IS] WOUNDED IN HIS STONES³¹ AND ONE WHOSE MEMBRUM IS CUT OFF,³² AS WELL AS THEIR SLAVES, MAY EAT *TERUMAH*, BUT THEIR WIVES MAY NOT.³³ IF, HOWEVER, NO COHABITATION TOOK PLACE AFTER THE MAN WAS WOUNDED OR HAD HIS MEMBRUM CUT OFF, THE WIVES³⁴ ARE PERMITTED TO EAT.³⁵

WHO IS TERMED A PEZU' A DAKKAH?³¹ A MAN WHO IS WOUNDED EITHER IN BOTH HIS STONES, OR EVEN ONLY IN ONE OF THEM. AND A KERUTH SHOFEKAH? A MAN WHOSE MEMBRUM IS CUT OFF. IF, HOWEVER, [ANY PART] OF THE CORONA REMAINED, EVEN SO MUCH AS A HAIR'S BREADTH, THE MAN IS REGARDED AS FIT.

GEMARA. It was taught: R. Eliezer³⁶ stated, Whence is it deduced that an uncircumcised [priest] may not eat *Terumah*? A sojourner and a hired servant were mentioned in connection with the paschal lamb,³⁷ and A sojourner and a hired servant were also mentioned in respect of *Terumah*,³⁸ as the paschal lamb, in connection with which 'A sojourner and a hired servant' were mentioned, is forbidden to the uncircumcised,³⁹ so is *Terumah*, in respect of which 'A sojourner and a hired servant' were mentioned, forbidden to the uncircumcised. R. Akiba stated: This deduction is unnecessary. Since it was stated, What man soever,⁴⁰ the uncircumcised also is included.⁴¹

The Master said, 'R. Eliezer stated, "A sojourner and a hired servant were mentioned in connection with the paschal lamb, and "A sojourner and a hired servant" were also mentioned in respect of *Terumah*,⁴² as the paschal lamb, in connection with which "A

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sojourner and a hired servant" were mentioned, is forbidden to the uncircumcised, so is *Terumah*, in respect of which "A sojourner and a hired servant were mentioned, forbidden to the uncircumcised". Is it⁴³ free for deduction?⁴⁴ For if it is not free, the objection might be raised⁴⁵ that the paschal lamb may be different⁴⁶ since in connection with it one may also incur penalties⁴⁷ for pigul,⁴⁸ Nothar⁴⁸ and uncleanness!⁴⁹ — It is certainly free for the deduction. Which expression⁵⁰ is free? Is it that of *Terumah*? Surely it is required for its own purpose. For it was taught: A sojourner⁵¹ means one who is acquired for life⁵² and a hired servant⁵¹ means one who is acquired for a number of years.⁵³ But let 'sojourner' only be mentioned and a 'hired servant' be omitted and one would infer: If one who is acquired for life⁵⁴ is not permitted to eat *Terumah* how much less one who is acquired only for a number of years! If so,⁵⁵ it might have been assumed that 'a sojourner' means one who is acquired for a number of years [and that only he may not eat *Terumah*],⁵⁶ but that one who is acquired for life may eat,⁵⁷ hence the insertion of the expression, 'a hired servant', which explains the meaning of sojourner,⁵⁸ [viz.,] that it signifies one who, though acquired for life, may not eat!⁵⁹ — But [in fact] the one⁶⁰ mentioned in respect of the paschal lamb is free for deduction. For what could be the meaning of 'A sojourner and a hired servant' which the All Merciful wrote in connection with the paschal lamb?⁶¹ If it be suggested that it means the actual sojourner and hired servant,⁶² [could it have been imagined] that [an Israelite]⁶³ is exempt from the Paschal lamb because he is a sojourner or a hired servant? Surely, we have it as an established law in regard to *Terumah* that such a person is not permitted to eat it,⁶⁴

1. Certainly not; since the child is obviously the son of the priest.
2. Lit., 'but no'.
3. In our Mishnah.
4. To the violator and seducer as well as to any other man.
5. The violator's or seducer's.

6. Should the child be regarded as the son of the man who betrothed her.
7. The case of the betrothed.
8. The man who betrothed her.
9. Either in respect of the violator or seducer on the one hand or in respect of any others. All that our Mishnah teaches is that if cohabitation with the former took place, even if only once, the child is regarded as his.
10. Why is he not regarded as the offspring of the priest? V. our Mishnah and *supra* p. 466, n. 16.
11. Emphasis on her.
12. Shall be her master's (Ex. XXI, 4), i.e., they are regarded (a) as slaves, and (b) as the offspring of the bondwoman. Hence they cannot be regarded as the offspring of the priest.
13. [H] Lev. XXII, 13.
14. Had [H] been omitted.
15. Lit., 'from all (any) place'.
16. [H].
17. [H] 'examine', 'investigate'. The *Aleph* of [H] is interchangeable with the *Ayin* of [H].
18. An enquiry is to be made whether she has *any kind of son*, i.e., even if only a bastard. Thus a bastard also is deemed to be her child. Cf. *supra* 22b.
19. *Supra* 62b.
20. Was it stated in our Mishnah that the offspring of a union between the daughter of an Israelite and an idolater or a slave (a union which is forbidden by a negative precept only, no *Kareth* being involved, cf. *supra* 45a) is regarded as a bastard.
21. Does our Mishnah, then, represent the view of an individual, which is contrary to the expressed view of the majority.
22. With R. Akiba.
23. From Palestine.
24. Rabbi, Judah the Prince, the Master par excellence of his time. Cf. *supra* 45a.
25. [H]: an expression of respect or affection. Cf. Kid. 31b.
26. Metaph. for bastard. [H] cf. [H].
27. As stated in our Mishnah.
28. The High Priest. Cf. the colloquial expres. 'big pot'.
29. Though the uncircumcision was not due to any fault of his. If, e.g., he was forbidden circumcision because his brothers died as a result of such an operation. Cf. *supra* 64b.
30. By virtue of the rights of their husband and master. Uncircumcision and uncleanness are only temporary disqualifications which prevent the priest from eating *Terumah*, while they continue. His sanctity and privileges, however, remain in force.
31. [H]
32. [H]
33. Because the cohabitation with these maimed priests causes the profanation of the women.

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34. Who were married to them before they were maimed.
35. *Terumah*.
36. Cur. edd. 'Eleazar'. Cf. Tosaf. Sotah 24a s.v. [H], and Men. 17b [H].
37. Ex. XII, 45.
38. Lev. XXII, 10.
39. Ex. XII, 48.
40. Lev. XXII, 4.
41. In the prohibition; the text, according to Rabbinical interpretation, referring to the prohibition of eating *Terumah*.
42. V. *supra* p. 473 notes.
43. The expression. 'A sojourner and a hired servant'.
44. I.e., is not the expression required in connection with the subject spoken of in the context.
45. Against deducing *Terumah* from the Paschal lamb.
46. From *Terumah*, i.e., subject to greater restrictions.
47. *Kareth* if the transgression was willful, and a sin-offering if unwitting.
48. V. [Glos.](#)
49. How then could *Terumah* which is not surrounded by such restrictions be deduced from it?
50. Of the two expressions, 'A sojourner and a hired servant'.
51. Lev. XXII, 20.
52. Lit., 'an everlasting possession', i.e., a Hebrew servant who, on refusing to go out free, has had his ear bored. (Cf. Ex. XXI, 5f).
53. The ordinary Hebrew servant who remains the property of his master for six years only, after which he goes out free for nothing (v. Ex. XXI, 2).
54. Who is in fact his master's absolute property.
55. If only the sojourner had been mentioned.
56. Since he is not his master's absolute possession.
57. Since he is the absolute property of his master.
58. Since a hired servant implies one who is acquired for a period, the other expression cannot refer to the same class of servant, but to one acquired for life. [H], E.V. a sojourner (rt. [H] 'to abide') implies longer service than that of the [H], E.V., hired servant.
59. How, then, since the expression is required for the laws of *Terumah*, could it be suggested that the expression, 'a sojourner and a hired servant', mentioned in connection with *Terumah*, is free for deduction?
60. The expression 'A sojourner and a hired servant'.
61. Ex. XII, 45, a sojourner ... shall not eat thereof.
62. I.e., a Hebrew servant who (a) serves his master for life or (b) for a period of years. Cf. *supra* p. 474, nn. 14 and 15.

63. Who is subject to the fulfillment of the commandments.
64. Though his master is a priest.

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which proves¹ that his master does not acquire his person² so that here also³ his master does not acquire his person!⁴ [The expression]⁵ must consequently [have been written] for the purpose of the deduction.⁶

But is it⁷ not free in one direction only,⁸ while R. Eliezer⁹ was heard to state [that an analogy between expressions of which only one¹⁰ is free¹¹ may be drawn, but may also be refuted!¹² — Since [the expressions]¹³ are not required [for their own context]¹⁴ one of them is allotted to the law¹⁵ in respect of which the inference is made¹⁶ and the other is allotted to the law from which the inference is made,¹⁷ so that a word analogy is obtained which is free in both directions.

Might¹⁸ [not the deduction be made:]¹⁹ As the paschal lamb is forbidden to an Onan²⁰ so is *Terumah* forbidden to an Onan²¹ — R. Jose son of R. Hanina replied: Scripture stated, 'There shall no common man,²² I commanded you concerning its prohibition to the common man²³ but not concerning that of the Onan. But might it be suggested: But not the uncircumcised!²⁴ Surely 'A sojourner and a hired servant'²⁵ was written.²⁶ And what reason do you see?²⁷ — It is logical to infer that the case of the uncircumcised is to be included, since²⁸ it involves the absence of an act²⁹ and that act is one affecting the man's own body; [the uncircumcised] is punishable by *Kareth*;³⁰ the law³¹ was in force before the Revelation;³¹ and the [non]-circumcision of one's male children and slaves debars [one from eating of the paschal lamb].³² On the contrary; the case of the Onan should have been included,³³ since mourning is an ever-present possibility,³⁴ is common to men as well as to women, and no man has the power to cure himself of it!³⁵ — Those³⁶ are more in number.

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Raba said: Even if those³⁶ were not more in number, you could not suggest that uncircumcision, which is actually mentioned in respect of the Paschal lamb, should be excluded³⁷ while the mourning of an Onan, which in the case of the paschal lamb itself was deduced from that of the tithe,³⁸ should be deduced from it.

Might³⁹ [it not be said:]⁴⁰ As the [non]-circumcision of one's male children and slaves debar one from the eating of the paschal lamb, so should the [non]-circumcision of one's male children and slaves debar one from the eating of *Terumah*! — Scripture stated, When thou hast circumcised him, then shall he eat thereof,⁴¹ the [non]-circumcision of one's male children and slaves debar one from the eating thereof, of the Paschal lamb only; the [non]-circumcision of one's male children and slaves does not, however, debar one from the eating of *Terumah*. If so,⁴² [why not] say, But no uncircumcised person shall eat thereof⁴³ [also implies:] He may not eat 'thereof' only but may eat *Terumah*!⁴⁴ — Surely it was written A sojourner and a hired servant.⁴⁵ And what reason do you see?⁴⁶ — It is only logical to include a man's own circumcision, since the act is performed on his own person and its neglect is punishable by *Kareth*. On the contrary; the circumcision of one's male children and slaves should have been excluded because it may occur at any time! — The former restrictions are more in number. And if you prefer I might say that even if those were not more in number your suggestion could not be entertained; for is there anything which is not debarred by his own state of uncircumcision but is debarred by that of the other!

Now that it has been said that the expression, 'Thereof,' was introduced for expository purposes, what⁴⁷ was the purpose of the text, There shall no alien eat of it?⁴⁸ — Only with regard to it⁴⁹

1. Since a Canaanite slave, whose body is acquired by the master, may eat of his *Terumah*.

2. The Hebrew servant sells only his labor, while he himself remains a free man.
3. In respect of the Paschal lamb.
4. As he is thus a free man, it is obviously his duty to observe the commandment of the Paschal lamb. What need then was there for the specification of A sojourner and hired servant?
5. A sojourner and a hired servant. Ex. XII, 45.
6. [The verse would then be referring to a non-Jew, 'a sojourner' denoting a resident alien and 'a hired servant' an idolater. This, however, would be included in uncircumcised' (Ex. Xli, 48) and 'alien' (verse 43). Consequently the verse must have been written for deduction (Tosaf.)].
7. The expression. A sojourner and a hired servant.
8. That of the Paschal lamb.
9. Cur. edd. 'Eleazar'.
10. Lit., 'from one side'.
11. For interpretation or deduction.
12. *Infra* 104a. The analogy in the present instance might be refuted by the objection raised *supra* 70a.
13. (a) sojourner and (b) hired servant.
14. Both being superfluous and free for deduction.
15. That of *Terumah*.
16. That *Terumah* may not be eaten by the uncircumcised.
17. Paschal lamb.
18. Lit., 'if (you say)'.
19. Since a word analogy has been established.
20. V. [Glos.](#)
21. If the two are compared as regards the uncircumcised they should also be compared in respect of the Onan!
22. Lev. XXII, 10.
23. The non-priest.
24. I.e., the uncircumcised might have been excluded by the text cited, not the Onan.
25. Ex. XII, 45.
26. Which includes the uncircumcised in the prohibition.
27. For excluding Onan and including the uncircumcised.
28. Cur. edd. insert in parenthesis the following mnemonic as an aid to the recollection of the characteristics which distinguish the uncircumcised from the Onan: Acts cut (*Kareth*) in the Word (Revelation) of the servant.
29. Circumcision.
30. If he willfully neglects the fulfillment of the precept.
31. On Sinai. Lit., 'and it is before (divine) speech'. The commandment concerning circumcision was given to Abraham. V. Gen. XVII, 9ff.
32. A man is forbidden to participate in the eating of the Paschal lamb if any of his sons or slaves

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who are liable to circumcision remain uncircumcised. Cf. Ex. XII, 44, 48.

33. In the prohibition to eat *Terumah*.
34. Lit., 'it is at all hours'; one may have more than one bereavement in his lifetime, but can be circumcised once only.
35. The cause of an Onan's mourning is not controlled by human action. To make oneself fit by circumcision is within man's own power.
36. The restrictions of circumcision.
37. Lit., 'leave out' from the prohibition.
38. v. *infra* 73a.
39. Lit., 'if (you say)'
40. Since a word analogy has been established.
41. Ex. XII, 44, emphasis on thereof.
42. Since the expression 'thereof' is made the basis of an exposition.
43. *Ibid.* 48.
44. Which, of course, would be contrary to the deduction *supra*.
45. From which deduction was made that an uncircumcised person may not eat *Terumah*.
46. For including in the prohibition one's own circumcision and excluding that of one's sons and slaves.
47. BaH emends the following version by some transpositions and additions.
48. Ex. XII, 43. emphasis on the last word, [H] of it (E.V. thereof).
49. [H] (cf. *supra* n. 2), the Paschal lamb.

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does apostasy disqualify,¹ but in respect of tithe, apostasy does not disqualify.

What was the purpose of, But no uncircumcised person shall eat thereof?² — 'Thereof'³ only may he not eat, but he may eat of the unleavened bread and bitter herbs.⁴ And it was necessary for Scripture to specify⁵ both 'Uncircumcised' and 'There shall no alien.' For had the All Merciful mentioned the 'uncircumcised' only it might have been assumed [that the prohibition applies only to him], because he is repulsive. but not to an alien who is not repulsive. And had the All Merciful written only 'There shall no alien' it might have been assumed [that only he is subject to the prohibition]. because his heart is not directed towards heaven, but not the uncircumcised whose heart is directed towards heaven. [Hence both were] required.

What⁶ was the purpose of repeating the expression. 'Of it',⁷ twice? — As expounded by Rabbah in the name of R. Isaac.⁸

The Master said, 'R. Akiba stated: This deduction is unnecessary. Since it was stated, What man soever,⁹ the uncircumcised also was included'.¹⁰ Might it be suggested that it¹¹ includes the Onan?¹² R. Jose b. Hanina replied: Scripture stated, There shall no common man,¹³ I commanded you concerning its prohibition to a common man¹⁴ but not concerning that of an Onan.¹² Might it be suggested: But not the uncircumcised?¹⁵ — Surely, what man soever' was written.¹⁶ And what reason do you see?¹⁷ — It is logical that the case of the uncircumcised should be included, since¹⁸ it involves the absence of an act¹⁹ and that act is one affecting the man's own body; [the uncircumcised] is punishable by *Kareth*;²⁰ the law²¹ was in force before the Revelation;²² and the [non]-circumcision of one's male children and slaves debars [one from eating the paschal lamb].²³ On the contrary; the case of the Onan should have been included,²⁴ since mourning is an ever-present possibility,²⁵ is common to men as well as women, and no man has the power to cure himself of It!²⁶ — Those²⁷ are more in number. Raba said: Even if those²⁷ were not more in number, you could not make your suggestion.²⁸ For Scripture stated, What man soever.²⁹ Now what disability is it that is applicable to a man and not to a woman? You must, of course, say that it is uncircumcision.

What expository use does R. Akiba³⁰ make of the expression A sojourner and a hired servant?¹³ R. Shemaia replied: To include³¹ a circumcised Arab and a circumcised Gibeonite.³² Are these, however, regarded as circumcised at all? Surely we learned: [If a man said]. 'Konam³³ if I benefit from the uncircumcised', he may benefit from uncircumcised Israelites³⁴ but is forbidden to benefit from circumcised idolaters.³⁵ [If he said]. 'Konam', if I benefit from the circumcised', he is permitted to benefit from circumcised idolaters but is forbidden to benefit from uncircumcised Israelites!³⁶ —

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But In truth [the text referred to] includes³⁷ a proselyte who had been circumcised but did not perform the prescribed ritual immersion,³⁸ and a child who was born circumcised,³⁹ he⁴⁰ holding that it is necessary to provide for a few drops of the blood of the covenant⁴¹ to flow;⁴² while R. Eliezer⁴³ follows his own view, he having stated that 'A proselyte who has been circumcised, though he has not performed his ritual immersion, is regarded as a proper proselyte'.⁴⁴ and he is also of the opinion that it is not necessary to provide for any drops of the blood of the covenant⁴¹ to flow where a child was born circumcised.³⁹

What expository use, however, does R. Eliezer make of the expression. What man soever?⁴⁵ — The Torah, [he maintains], speaks in the language of [ordinary] men.⁴⁶

R. Hama b. Ukba inquired: May an uncircumcised child⁴⁷ be anointed with the oil of *Terumah*?⁴⁸ Does non-circumcision in the pre-circumcision period⁴⁹ constitute a bar⁵⁰ or not? — R. Zera replied: Come and hear: I only know [of the command]⁵¹ concerning the circumcision of the male children [which he has] at the time of the preparation⁵² [of the paschal lamb],⁵³ and concerning the slaves [which he has] at the time of the eating thereof;⁵⁴ whence, however, is it deduced that the restriction mentioned in respect of this category is to be applied to the other, and that of the other to this one?⁵⁵ Then⁵⁶ was specifically stated in both categories⁵⁷ so that an analogy between the two might be drawn.⁵⁸ Now, it is quite possible to imagine a man's slaves as being with him at the time of the eating of the paschal lamb but not at the time of its preparation,⁵⁹ when, for instance, he bought them in the meantime.⁶⁰ How is it possible, however, that a person's male children should be in existence during the eating and not during the preparation? Obviously only when birth occurred in the interval between the preparation and the eating.⁶¹ Thus it may be inferred that uncircumcision in the pre-circumcision period⁶² constitutes a legal status of

uncircumcision.⁶³ Said Rabbah:⁶⁴ Do you understand this? The All Merciful said, Let all his males be circumcised, and then let him come near and keep⁶⁵ it; but such a child is not fit to be circumcised!⁶⁶ But what are we dealing with here? With a child⁶⁷ who recovered from a fever.⁶⁸ Then⁶⁹ let him be granted [a period of convalescence of] full seven days.⁷⁰ for⁷¹ Samuel said that a child who recovered from a fever must be allowed a period of convalescence of full seven days!⁷² — Where he was already granted the seven days' period.⁷³ He should, then,⁷⁴ have been circumcised in the morning!⁷⁵ — We require

1. An apostate may not participate in the eating of the Paschal lamb.
2. Ex. XII, 48, emphasis on [H]. Cf. *supra* note 2.
3. [H] (cf. note 2) the Paschal lamb.
4. Which were served with the Paschal lamb. V. Ex. XII, 8.
5. Lit., 'to write', in regard to the prohibition of eating the Paschal lamb.
6. Since the expression, 'Thereof'. is made the basis of an exposition.
7. Ex. XII, 9, 10; also mentioned in respect of the Paschal lamb.
8. *Infra* 74a. Pes. 96a.
9. Lev. XXII, 4.
10. In the prohibition against eating *Terumah*, *supra* 70a, q.v. for notes.
11. The Scriptural text cited.
12. V [Glos.](#)
13. Lev. XXII, 10.
14. The non-priest.
15. Cf. *supra* p. 476. n. 18.
16. Which includes the uncircumcised in the prohibition.
17. For including the uncircumcised and excluding the Onan.
18. V. *supra* p. 476. n. 22, where the mnemonic also is explained.
19. The circumcision.
20. V. *supra* p. 476. n. 24.
21. Of circumcision.
22. V. *supra* p. 476. n. 25.
23. V. *supra* p. 477. n. 1.
24. In the prohibition of eating *Terumah*.
25. V. *supra* p. 477. n. 3.
26. V. *supra* p. 477, n. 4.
27. The restrictions of circumcision.
28. To include the Onan and exclude the uncircumcised.
29. Lev. XXII, 4, [H] (lit., 'man man'). emphasis on man.

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30. Who deduces the prohibition of the uncircumcised, in respect of *Terumah*, from What man soever.
31. In the prohibition to eat of the Paschal lamb.
32. [H] (Cf. Josh. IX, 3ff); synonymous with Nathin (v. [Glos.](#)). Aruk and MSS. read [H] 'highlander'. Cf. 'A.Z. 27a. The circumcision of these men was not performed in fulfillment of the Pentateuchal commandment and had, therefore, no religious value.
33. [H] an expression used in a vow of abstinence. V. Ned. 3lb.
34. In ordinary speech (the usages of which are the determining factor in vows), even such Israelites are never described as 'uncircumcised'.
35. Since such idolaters also are in ordinary speech described as 'uncircumcised'.
36. V. *supra* note 2. Now, since circumcised idolaters are never regarded as 'circumcised', they are obviously forbidden to eat of the Paschal lamb; what need then was there for a special text to include them in the prohibition?
37. In the prohibition to eat of the Paschal lamb.
38. He may not eat of the Paschal lamb before he has performed the immersion.
39. I.e., without his foreskin.
40. R. Akiba.
41. [H]. V. Gen. XVII, 10.
42. Though no proper circumcision is necessary. Cf. *supra* n. 6.
43. Who does not include these in the prohibition to eat the Paschal lamb.
44. *Supra* 46a.
45. V. *supra* p. 479. n. 21.
46. In ordinary speech people repeat certain words. The repetition of the term man (v. *supra* p. 479. n. 21) has, therefore, no expository significance.
47. During the days preceding the child's circumcision which is normally due on the eighth day of his birth, v. Gen. XVII, 12.
48. Anointing with the oil of *Terumah* is forbidden wherever its consumption is forbidden. V. Shab. 86a.
49. v. p. 480. n: 15.
50. Against the consumption, etc. (v. *supra* n. 1) of *Terumah*.
51. In regard to the eating of the Paschal lamb.
52. Its ritual slaying.
53. Scripture states, Let all his males (i.e.. his children) be circumcised, and then let him (i.e.. the master) ... keep it (Ex. XII, 48); one's own keeping (v. *supra* n. 5) is thus made dependent on the circumcision of one's children.
54. Since Scripture stated, Every man's servant ... when ... circumcised. then shall he (i.e., his master) eat (Ex. XII, 44); one's own eating of the lamb is thus dependent on the circumcision of one's slaves.
55. I.e., that the non-circumcision of a person's children born to him subsequent to the preparation of the Paschal lamb debars him from the eating of it, and that the non-circumcision of his slave debars him not only from the eating of it but also from its preparation.
56. תן
57. In Ex. XII, 44. and *ibid.* 48.
58. V. *supra* note 8.
59. Its ritual slaying.
60. Between the preparation and the consumption.
61. I.e., on the same day. viz., on the fourteenth of Nisan, the Passover Eve.
62. The child being only one day old (v. *supra* n. 24).
63. The answer to R. Hama's enquiry is consequently in the negative.
64. Cur. edd., 'Raba'.
65. Ex XII, 48, i.e., in order that a man shall be enabled to observe the commandment of the Paschal lamb he is advised, or instructed, to circumcise all his males.
66. How, then, could the text possibly have referred to his case!
67. Over the age of eight days (cf. *supra* p. 480, n. 15).
68. Lit., 'fever released him'. The fever from which he suffered during the time of the preparation of the Paschal lamb. While in his fever he was physically unfit for, and hence exempt from circumcision. Now that he has recovered he is, at the time of consumption of the Paschal lamb, physically fit, and consequently subject to circumcision.
69. If the child recovered from an illness.
70. Before circumcision is allowed.
71. Cur. edd. encloses in parenthesis 'for ... seven days'.
72. Before the seven days are passed the child remains unfit for circumcision. How, then, could his state of lawful uncircumcision debar his father from the consumption of the Paschal lamb?
73. And it expired on the Passover Eve.
74. V. *supra* n. 9.
75. I.e., before the time of the preparation of the Paschal lamb; and, since that was not done, the child was in a legal state of uncircumcision not only during the time of eating, but also during the time of the preparation. The difficulty then arises again: What need was there for a Scriptural text to include the prohibition of eating the Paschal lamb while such a child remained uncircumcised, when the preparation that must precede the eating is already forbidden!

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a full period of seven days.¹

But, surely, Luda'ah learned, 'The day of a child's recovery is like the day of his birth'.² Does not this mean that as in respect of the day of his birth no full period is required³ so is no full period required in respect of the day of his recovery? — No; the day of his recovery is superior to the day of his birth. For, whereas in respect of the day of his birth no full period is required,³ in respect of the day of his recovery a full period is required.¹

R. Papa replied:⁴ Where, for instance, the child had a pain in his eye and recovered⁵ in the meantime.⁶ Raba replied:⁷ Where, for instance, his father and mother were confined in prison.⁸ R. Kahana son of R. Nehemiah replied:⁷ Where, for instance, the child was a *Tumtum*⁹ who in the meantime¹⁰ was operated upon and was found to be a male. R. Sherabia replied:⁷ 'Where, for instance, the child put forth his head out of the fore-chamber [of the uterus]'.¹¹ But can such a child survive? Surely it was taught: As soon as the child emerges into the air of the world the closed organ¹² is opened and the opened¹³ is closed,¹⁴ for otherwise he could not survive even for one hour!¹⁵ — Here we deal with a case where the heat of the fever sustained him. Whose fever? If 'his own fever' be suggested, he should, if such was the case, be allowed a full period of seven days!¹⁶ — It means, where the fever of his mother sustained him. And if you prefer I might say that the statement¹⁷ applies only when the child does not cry. When, however, it cries it undoubtedly survives.

R. Johanan stated in the name of R. Bana'ah: An uncircumcised [Israelite] is eligible to receive sprinkling;¹⁸ for so we find that our ancestors¹⁹ received sprinkling²⁰ while they were still uncircumcised, since it is said, And the people came up out of the Jordan on the tenth day of the first month,²¹ but on the tenth they were not circumcised owing to the fatigue of the journey; when, then, [could the sprinkling] have been performed?²²

Obviously²³ while they were still uncircumcised.²⁴ But is it not possible that they prepared no Paschal lamb at all? — This suggestion cannot be entertained at all, since it is written, And they kept the Passover.²⁵ Mar Zutra demurred: It is possible that it²⁶ was a paschal lamb that was prepared in uncleanness!²⁷ — R. Ashi retorted: It was explicitly taught: They were circumcised, they performed their ritual ablutions, and they prepared their paschal lambs in a state of cleanness.

Rabbah b. Isaac stated in the name of Rab: The commandment of uncovering the corona at circumcision²⁸ was not given to Abraham; for it is said, At that time the Lord said unto Joshua: 'Make thee knives of flint, etc.'²⁹ But is it not possible [that this applied to] those who were not previously circumcised; for it is written, For all the people that came out were circumcised,³⁰ but all the people that were born, etc.?³⁰ — If so,³¹ why the expression, 'Again!' Consequently³² it must apply to the uncovering of the corona.³³ Why, then,³⁴ the expression, 'A second time?'³⁵ — To compare the termination of the circumcision with its commencement; as the commencement of the circumcision is essential³⁶ so is the termination of circumcision³⁷ essential;³⁸ for we learned, 'These are the shreds which render circumcision invalid: Flesh which covers the greater part of the corona; and [a priest whose circumcision was so defective] is not permitted to eat Terumah'; and Rabina, or it might be said, R. Jeremiah b. Abba, stated in the name of Rab: Flesh which covers the greater part of the height of the corona.³⁹

Why were they not circumcised in the wilderness? — If you wish I might say: Because of the fatigue of the journey;

1. Lit., 'from time to time. If the child, for instance, recovered in the afternoon, circumcision may not be performed before the same hour on the afternoon of the eighth day. If this day happens to be the Passover Eve, the child is not fit for circumcision at the time of the preparation though he may be fit at the time of eating.
2. Shab. 137a.

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3. Circumcision may be performed at any hour on the eighth day of a child's birth without any regard to the hour at which he was born.
4. It is possible for a child to be unfit for circumcision at the time of the preparation of the Paschal lamb and yet be fit at the time of eating.
5. On the Passover Eve.
6. Between the preparation and the eating. At the preparation the child was still unfit for circumcision; at the eating, however, he was fit, since no period of seven days' convalescence is allowed after recovery from such a minor ailment.
7. V. *supra* note 1.
8. At the time the Paschal lamb was prepared for them by an agent. At the time of eating, however, they were free. While in prison they were unable to perform, and consequently were exempt from the duty of circumcising their child. When they were set free they came under the obligation.
9. V. [Glos.](#)
10. Between the preparation and the eating of the Paschal lamb.
11. Seven days prior to the Passover Eve; while birth was completed on the Passover Eve between the time of the preparation and the time of the eating. As the protrusion of the head constitutes birth in respect of circumcision (v. Nid. 29a) the operation must be performed as soon as birth is completed.
12. The mouth.
13. The navel.
14. In the embryonic state the mouth is closed and the navel, by means of which it draws sustenance, open.
15. Nid. 30b. Since it has no means whereby to draw sustenance.
16. Like any other child recovering from a serious illness.
17. That the child cannot survive.
18. Of the water of purification (cf. Num. XIX. 2f) if he was Levitically unclean. He is, thereby, enabled to eat holy food, immediately after the circumcision, no other sprinkling being required.
19. Who were born in the wilderness and were not circumcised until they entered Canaan (cf. Josh. V. 4ff).
20. To enable them to eat of the Paschal lamb. They were all Levitically unclean owing to contact with the dead in the wilderness. Such persons remain unclean for seven days and, before they are allowed to eat of the Paschal lamb, must, on the third and the seventh day, be sprinkled upon with the water of purification.
21. Josh. IV. 19.
22. It could not have been performed on the eleventh, since that would not allow a period of four days (v. *supra* n. 3) between the first and the second sprinkling if they were to participate in the meal of the Paschal lamb which is prescribed for the fourteenth.
23. Lit., 'not'?
24. I.e., either on the tenth, when they were still uncircumcised, or earlier. In either case it follows that the sprinkling which was performed while they were still uncircumcised enabled them to eat of the Paschal lamb.
25. Josh. V, 10.
26. The Paschal lamb spoken of in the text cited.
27. As is permitted when the majority of the congregation is in a state of uncleanness; v. Yoma 6b.
28. [H] uncovering the corona of the membrum by splitting the membrane that covers it and drawing it towards its base.
29. And circumcise again (Josh. V. 2). Since a second circumcision was necessary (emphasis on 'again') it is assumed that the previous circumcisions performed in accordance with the law given to Abraham, without uncovering the corona, were made invalid in the days of Joshua.
30. In the wilderness ... had not been circumcised, Josh. V, 5.
31. If the instruction to circumcise applied to the non-circumcised only.
32. Lit., 'but not'?
33. I.e., a second circumcision for those who were already, but not properly, circumcised.
34. Since the expression, 'Again', is used for the purpose of an exposition.
35. Josh. V, 2. As 'Again', so should 'A second time' also he expounded.
36. Lit., 'prevents'; unless circumcision was performed the Paschal lamb may not be eaten.
37. The uncovering of the corona.
38. Cf. *supra* n. 7.
39. Shab. 137a and *supra* 47b q.v. for notes.

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and if you prefer I might say: Because the North wind¹ did not blow upon them. For it was taught: In all the forty years during which Israel was in the wilderness the North wind did not blow upon them. What was the reason? — If you wish I might say: Because they were under divine displeasure.² And if you prefer I might say: In order that the clouds of glory³ might not be scattered.

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R. Papa said: Hence, no circumcision may be performed on a cloudy day or on a day when the South wind⁴ blows; nor may one be bled⁵ on such a day. At the present time, however, since many people are in the habit of disregarding these precautions,⁶ The Lord preserveth the simple.⁷

Our Rabbis taught: In all the forty years during which Israel was in the wilderness⁸ there was not a day on which the North wind² did not blow at the midnight hour; for it is said, And it came to pass at midnight, that the Lord smote all the firstborn, etc.¹⁰ How is the deduction arrived at? — By this we were taught that an acceptable time¹¹ is an essential.¹²

R. Huna said: A *Mashuk*¹³ is Pentateuchally permitted to eat *Terumah* but has been forbidden to do so by Rabbinical ordinance, because he appears to be like one uncircumcised.

An objection was raised: The *Mashuk* requires to be [re-]circumcised!¹⁴ — Only by Rabbinical ordinance.

But he who raised the objection on what ground did he raise it, when it was definitely stated 'requires'!¹⁵ — He misunderstood the final clause: R. Judah said, He¹⁶ should not be circumcised because such an operation is dangerous in his case.¹⁷ They said to him: 'Surely many were circumcised in the days of Ben Koziba¹⁸ and yet gave birth to sons and daughters, [such circumcision being lawful] as, in fact, it is said in Scripture, Must needs be circumcised,¹⁹ even a hundred times. And, furthermore, it is said, He hath broken My covenant,²⁰ which includes the *Mashuk*'.²¹ What need was there for the additional text? — In case you might argue that Must needs be circumcised²² includes only the shreds which render a circumcision invalid²³ [so he added]. Come and hear, He hath broken My covenant²⁰ which includes the *Mashuk*.²⁴ He²⁵ consequently thought that, as the Talmud²⁶ made use of a Scriptural text, the law²⁷ must be Pentateuchal; but the fact is that it is only²⁸

Rabbinical, and the Scriptural text is a mere prop.

An objection was raised: A *Tumtum*²⁹ may not eat *Terumah*,³⁰ but his women³¹ and slaves may eat of it. A *Mashuk*³² and one born circumcised³³ may eat of it. The hermaphrodite³⁴ may eat *Terumah* but not holy food³⁵ while the *Tumtum* may eat neither *Terumah* nor holy food.³⁶ At all events, it was taught here that the *Mashuk* and one born circumcised may eat *Terumah*; is not this a refutation against R. Huna!³⁷ — It is indeed a refutation.³⁸

The Master said, 'A *Tumtum* may not eat *Terumah*, but his women³⁹ and slaves may eat of it'. By what legal act could a *Tumtum* acquire his wives?⁴⁰ If it be suggested, by betrothing them; for it was taught. 'If a *Tumtum* betrothed a woman, his betrothal is valid and if he was betrothed by a man his betrothal is also valid',⁴¹ it might be retorted that the validity was intended only as a restrictive measure;⁴² was it, however, intended also as a relaxation of a law?⁴³ He⁴⁴ is possibly a woman, and no woman, surely, may betroth a woman! — Abaye replied: Where his testes can be distinguished externally. Raba replied: 'What is the meaning of "his women"? — His mother'. But [is not the case of his mother] self-evident? It might have been presumed that only one capable of procreation bestows the privilege of eating *Terumah*, but one who is incapable does not bestow it, hence we were taught [that even a *Tumtum* may bestow the privilege].

Come and hear: A *Tumtum* may eat neither *Terumah* nor holy food.⁴⁵ According to Abaye, this⁴⁶ is quite correct, since the first clause speaks of the certainly non-circumcised person⁴⁷ while the final clause speaks of the doubtful one; according to Raba, however, what need was there for the mention of the *Tumtum* in the final clause? — The meaning of⁴⁸ *Tumtum*⁴⁹ is 'the uncircumcised'.⁵⁰ If, however, one whose status as a non-circumcised person is in doubt is not permitted to eat *Terumah*,⁵¹ would any one who is definitely an uncircumcised person be

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permitted to eat it?⁵² — The final clause is an interpretation of the first:⁵³ Why may not 'a *Tumtum* eat *Terumah*'? Because he might have the status of an uncircumcised person,⁵⁴ and a man who is uncircumcised 'may eat neither *Terumah* nor holy food'.

May it be assumed that this⁵⁵ is a question in dispute among Tannaim: A *Mashuk*,⁵⁶ and⁵⁷ a proselyte whose conversion took place while he was already circumcised,⁵⁸ and a child, the proper time of whose circumcision had passed,⁵⁹ and all other circumcised persons, this means to include one who has two foreskins, may be circumcised in the daytime only. R. Eleazar b. Simeon, however, said: At the proper time⁶⁰

1. Which in that part of the world brings fine, mild and wholesome weather.
2. On account of the sin of the golden calf (Rashi). v. Ex. XXXII; or that of the spies (Tosaf. a.l. s.v. [H]), v. Num. XIII.
3. Which surrounded Israel. Cf. Ex. XIII. 21f.
4. Which brings unwholesome weather.
5. By blood-letting.
6. Lit., 'they tread in it'.
7. Ps. CXVI, 6. Providence protects those who are unable to protect themselves.
8. Though they were in disgrace. (Cf. *supra* p. 485. n. 22).
9. Which in that part of the world brings fine, mild, and wholesome weather.
10. Ex. XII, 29.
11. Midnight.
12. In respect of the plague of the firstborn which brought deliverance to the oppressed; and so also in respect of the blessings of the North wind without which life would be intolerable. Cf. Rashi, a.l.
13. [H] (rt. [H] 'to draw'), a circumcised person whose prepuce has been drawn forward to cover up the corona. V. [Glos.](#)
14. Tosef. Shah. XVI; presumably in accordance with Pentateuchal law.
15. Which implies a Rabbinical provision only. A Pentateuchal law would have read, 'the *Mashuk* is regarded as an uncircumcised person'.
16. The *Mashuk*.
17. It might fatally injure him.
18. Or Bar Kokeba, the leader of the Judean revolt against Rome in 132 C.E. In the course of the persecutions that preceded the revolt, many had their prepuces forcibly drawn in order to obliterate the sign of the Abrahamic

covenant, and when liberation came they were again circumcised.

19. Gen. XVII, 13, [H], repetition of the verb.
20. Gen. XVII, 14.
21. V. *supra* p. 486. n. 8.
22. Gen. XVII, 13, [H], repetition of the verb.
23. A second circumcision being required only when such shreds remained.
24. Since the former case is covered already by the previous text.
25. The student who raised the objection against R. Huna, *supra*.
26. [So MS.M. Cur. edd. [H] ([H]) 'Six orders'. The term Talmud here denotes the discussion of a Halachic statement with a view to elucidating the basis on which it is based. V. Strack. Introduction, p. 5].
27. In respect of the *Mashuk*.
28. Lit., 'and it is not (so)'.
29. One whose sex is uncertain. V. [Glos.](#)
30. Though he is a priest. It is possible that an operation would reveal him to be a male who, prior to his circumcision, is forbidden to eat *Terumah*.
31. At present this is assumed to mean wives.
32. V. *supra* p. 486, n. 8.
33. I.e., without a prepuce.
34. If he is a circumcised priest.
35. This refers to the highest grade of holy food such, for instance, as the sin, and guilt-offerings which may be eaten by priestly males only. The hermaphrodite cannot be regarded as a male.
36. Tosef. Yeb. X.
37. Who stated that these are, at least Rabbinically, forbidden to eat of it.
38. According to another reading (v. Rashi). the Baraitha is cited in support for R. Huna's view, it being interpreted that 'the *Mashuk*, etc. may eat by Pentateuchal law only' but is Rabbinically forbidden.
39. At present assumed to mean wives.
40. Lit., 'whence to him, to the *Tumtum*, his wives'?
41. In the latter case the man is forbidden to marry the *Tumtum*'s mother or sister; and in either case the betrothal may be annulled by a letter of divorce only. Tosef. Yeb. XI. Bek. 42b.
42. To require, for instance, a letter of divorce. Cf. *supra* note 1.
43. To allow an Israelite woman to eat *Terumah* by virtue of the *Tumtum*'s doubtful manhood.
44. The *Tumtum*.
45. Tosef. Yeb. X.
46. The mention of the *Tumtum* in this, as well as in the first clause.
47. Where the testes may be externally distinguished.
48. Lit., 'what is'.
49. In the final clause.

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50. The rt. of *Tumtum*, [H] also signifies 'stop up', 'closing up', sc. the foreskin.
51. The case referred to in the first clause.
52. Obviously not. What need then was there for the final clause!
53. Lit., 'what is the reason, he said'.
54. Lit., 'doubtfully uncircumcised'.
55. The law concerning the *Mashuk* in R. Huna's statement *supra*.
56. V. [Glos.](#)
57. V. Rashal. Cur. edd. insert here in parenthesis. 'and one born circumcised'.
58. While he was still an idolater, the operation having been performed with no religious motive.
59. I.e., after the eighth day of his birth. V. Gen. XVII, 12.
60. On the eighth day. Cf. *supra* note 4.

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children may be circumcised in the daytime only; and if not at the proper time they may be circumcised both by day and by night,¹ Do they not differ on the following principle: While one Master² is of the opinion that the circumcision of a *Mashuk* is a Pentateuchal law, the other Master³ is of the opinion that the circumcision of the *Mashuk* is only a Rabbinical ordinance?⁴ — And can you understand this?⁵ Is there any authority who maintains that the duty to circumcise a child whose proper time of circumcision had passed⁶ is only Rabbinical!⁷ But the fact is that both⁸ agree that the circumcision of a *Mashuk* is a Rabbinical ordinance,⁹ and that the duty to circumcise a child whose proper time of circumcision had passed, is Pentateuchal. Here,¹⁰ however, their difference depends on the following principle: One Master¹¹ holds that [the conjunctive in the expression]. And in the day¹² is to be expounded;¹³ and the other Master³ is of the opinion that [the conjunctive in] And in the day¹² is not to be expounded.¹⁴ [The exposition here is of the same nature] as the following:¹⁵ When R. Johanan was once sitting [at his studies] and expounding that 'Nothar¹⁶ at its proper time¹⁷ may be burned in the daytime only,¹⁸ and if not at its proper time,¹⁹ it may be burned either in the day or in the night'. R. Eleazar raised an objection: I only know that a child whose circumcision

takes place on the eighth day must be circumcised in the daytime only; whence, however, is it deduced that the case of a child whose circumcision takes place on the ninth, tenth, eleventh or twelfth²⁰ is also included? Because it was expressly stated, 'And in the day';²¹ and even he²² who bases no expositions on a *Waw* does base his exposition on the basis of a *Waw* and a He!²³ The other remained silent. After he went out, R. Johanan said to Resh Lakish: I observed that the son of Pedath²⁴ was sitting and making expositions like Moses in the name of the Almighty. 'Was this his'? Resh Lakish replied. 'It is really a Baraitha'. 'Where', the first asked. 'was it taught'? — 'In Torath Kohanim'.²⁵ He went out and learned it²⁶ in three days; and was engaged in making deductions and drawing conclusions from it for a period of three months.

R. Eleazar stated: The sprinkling²⁷ performed²⁸ by an uncircumcised person is valid, for his status is similar to that of a Tebul Yom²⁹ who, though forbidden to eat *Terumah*, is permitted to prepare³⁰ the red heifer.³¹

The case of the Tebul Yom,²⁹ however, might be different, since he is also permitted to eat tithes!³² — Are we speaking of eating?³³ We speak only of touching: If a Tebul Yom who is forbidden to touch *Terumah* is permitted [to occupy himself] with the red heifer,³⁰ how much more so the uncircumcised who is permitted to touch *Terumah*!

The same [law] was also taught [elsewhere]: The sprinkling³⁴ performed³⁵ by an uncircumcised man is valid; and such an incident once happened, and the Sages declared his sprinkling to be valid.

An objection was raised: If a *Tumtum*³⁶ performed sanctification,³⁷ his sanctification is invalid, because he [has the status of the person whose uncircumcision is a matter of] doubt, and such a person is forbidden to perform sanctification.³⁷ If an hermaphrodite,³⁸ however, performed sanctification,³⁷ his sanctification is valid. R.

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Judah said: Even if an hermaphrodite performed sanctification his act has no validity. because [his sex might] possibly be that of a woman, and a woman is ineligible to perform sanctification.³⁹ At all events it was taught here that the uncircumcised or the person whose uncircumcision is a matter of doubt is forbidden to perform sanctification!⁴⁰ R. Joseph replied: This Tanna is one of the school of R. Akiba who include the uncircumcised in the same prohibition as that of the unclean; as it was taught: R. Akiba said, '*What man soever*⁴¹ includes also the uncircumcised'.⁴²

Raba related: I was once sitting before R. Joseph when I raised the following difficulty: Then⁴³ the Tanna⁴⁴ should not have omitted to state.⁴⁵ 'The uncircumcised and the unclean', and one would at once suggest that the author was R. Akiba!⁴⁶ — But does he not?⁴⁷ Surely it was taught: The uncircumcised and the unclean are exempt from appearing at the Festivals!⁴⁸ — There [the case is different], because he is a repulsive person.⁴⁹

They⁵⁰ follow their own respective views. For it was taught: All⁵¹ are permitted to perform sanctification,⁵² with the exception of the deaf, the imbecile and the minor. R. Judah permits in the case of the minor but regards a woman and an hermaphrodite as unfit.⁵³ What is the Rabbi's reason? — Because it is written, And for the unclean they shall take of the ashes of the burning of the purification from sin,⁵⁴ those who are ineligible⁵⁵ for the gathering⁵⁶ are also ineligible for the sanctification,⁵⁷ but those who are eligible⁵⁸ for the gathering⁵⁶ are also eligible for the sanctification.⁵⁹ And R. Judah?⁶⁰ — He can answer you: If so,⁶¹ Scripture should have used⁶² the expression 'He shall take',⁶³ why then, And they shall take?⁶⁴ To indicate that even those who are ineligible there⁶⁵ are eligible here. If so, a woman also should be eligible!⁶⁶ Shall he put⁶⁷ but not 'Shall she put'. And the Rabbis? — Had it been written, 'He shall take'⁶⁸ and 'Shall he put'.⁶⁸ it might have been assumed that only one individual must take⁶⁹ and only

one must put,⁷⁰ hence did the All Merciful write, And they shall take.⁷¹ And had the All Merciful written, 'And they shall take' and also 'Shall they put'.⁷¹ it might have been assumed that two must take⁶⁹ and two must put,⁷⁰ hence did the All Merciful write, And they shall take⁶⁸ and Shall he put.⁶⁸ [to indicate that the rites are duly performed] even if two take⁶⁹ and one put.⁷⁰

1. Tosef. Shab. XVI.
2. The first Tanna who restricts the time of the circumcision to the day only.
3. R. Eleazar b. Simeon.
4. Hence he permits its performance during the night also. Would then R. Huna's ruling agree with the view of one Tanna only!
5. That the point at issue should be the one suggested.
6. V. *supra* note 4.
7. Certainly not. Being obviously a Pentateuchal law, the point at issue in the Baraitha cited cannot be the one suggested.
8. Lit., 'but, that all the world', i.e., the first Tanna and R. Eleazar b. Simeon.
9. In agreement with R. Huna's ruling.
10. In the Baraitha cited.
11. V. *supra* note 7.
12. The Waw (and) in [H], Lev. XII, 3.
13. Since the statement, In the eighth day the flesh of his foreskin shall be circumcised (ibid.) would have sufficiently indicated that circumcision must be performed in the daytime, the addition of the conjunction *Waw* is regarded as an indication that even a circumcision that takes place after its proper time must be performed in the daytime only. And the case of the *Mashuk* was, by Rabbinical ordinance, given the same force as that of the child.
14. Nothing may be inferred from the use of the conjunctive *Waw*, not even the case of the child whose proper time of circumcision had passed, much less that of the circumcision of the *Mashuk*, which is altogether a Rabbinical enactment. The circumcision of either may consequently be performed in the night also.
15. In the objection raised by R. Eleazar *infra*.
16. V. *Glos.*
17. On the third day. V. Lev. VII. 17.
18. Since the expression day was explicitly used.
19. After the third day. V. *supra* n. 5.
20. Day of its birth. V. Shab. 137a.
21. Lev. XII. 3.
22. R. Eleazar b. Simeon. *supra*.
23. Both these letters are found in the word [H] *And that which remaineth* (ibid. VII. 17), and both are superfluous; which proves that even

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- when burning takes place after the proper time it must be done in the daytime. How then could R. Johanan state that *Nothar*, after its proper time, may be burned either in the day or in the night?
24. R. Eleazar's father was Pedath.
 25. [H] 'the law of the priests', an Halachic commentary on Leviticus, sometimes designated *Sifra*.
 26. The book, *Torath Kohanim*.
 27. Of the waters of purification. V. Num. XIX. 2ff.
 28. V. *ibid.* 19.
 29. [H], one who has performed his ritual ablution and is awaiting sunset, when his purification will be completed. V. [Glos.](#)
 30. And also to sprinkle the waters of purification. (V. Rashi).
 31. From which the water of purification (p. 490. n. 14) is prepared.
 32. As the law in his case was relaxed in respect of the tithe it might also have been relaxed in respect of purification. How, then, could the uncircumcised, whose case is more restricted, be compared to him?
 33. Of the red heifer. In such a case the objection might be justified.
 34. Of the waters of purification. V. Num. XIX. 2ff.
 35. V. *ibid.* 19.
 36. V. [Glos.](#)
 37. Of the water of purification by mixing the water with the ashes of the red heifer. V. Num. XIX. 27.
 38. Who had been duly circumcised.
 39. Tosef. Parah IV.
 40. How then could R. Eleazar maintain that the uncircumcised may touch *Terumah*?
 41. Lev. XXII, 4, lit., 'man man'.
 42. *Supra* 70a. As he is included there, so he is also included in the prohibition to touch *Terumah*. R. Eleazar need not adopt this view, since the Rabbis are in disagreement with it.
 43. If R. Akiba regards the uncircumcised and the unclean as having the same status in all respects.
 44. Whenever he deals with uncleanness caused by touch.
 45. Lit., 'and (he) should teach'.
 46. Since, however, the uncircumcised is always omitted, it follows that, with the exception of the case of the red heifer, he does not have the same status as the unclean. How then could it be said that according to R. Akiba the uncircumcised may not touch *Terumah*?
 47. Mention the two side by side.
 48. Hag. 4b. Three times a year, on the occasion of the Festivals of Passover, Pentecost and Tabernacles, all males had to appear before the Lord in the Temple at Jerusalem. V. Ex. XXIII. 17 and cf. Hag. 20.
 49. It is revolting to have an uncircumcised man in the Temple. Hence the prohibition. This, however, supplies no proof that in all other respects also the uncircumcised has the same status as the unclean.
 50. R. Judah and the Rabbis, in their difference on the question of the hermaphrodite.
 51. Levitically clean persons, including a woman.
 52. V. *supra* p. 491. n. 9.
 53. Parah V, 4.
 54. Num. XIX, 17.
 55. Minors.
 56. Of the ashes of the red heifer.
 57. Since the mention of the latter rite, in Num. XIX, follows that of the former, no other rite in respect of the red heifer being mentioned in between.
 58. Women. V. Yoma 43a.
 59. V. p. 492. n. 17.
 60. How, in view of this deduction made by the Rabbis, can he maintain that an hermaphrodite is ineligible?
 61. That sanctification is to be compared to gathering.
 62. In Num. XIX, 17.
 63. The sing., as was done in the case of the verb referring to the gathering. V. *ibid.* 9.
 64. The plural.
 65. Minors.
 66. Since she is eligible for the gathering.
 67. *And running water shall he put*, Num. XIX, 17.
 68. In Num. XIX. 17. V. *infra* nn. 11 and 12.
 69. The ashes.
 70. The water.
 71. The plural.

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And the clean person shall sprinkle upon the unclean,¹ [since] clean [was mentioned]² the implication must be that he is [somewhat unclean].³ Thus it was taught that a Tebul Yom⁴ is permitted to prepare the red heifer.

R. Shesheth was asked: Is an uncircumcised person permitted to eat tithe:⁵ Is tithe deduced from the paschal lamb in the case of circumcision⁶ as the paschal lamb is deduced from tithe in the case of the mourning of an Onan,⁷ or may only the major [sanctity] be deduced from the minor but not the minor from the major [sanctity]? He replied. You have learned this: In respect of *Terumah* and the first ripe fruits⁸ one may incur the

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penalties of death⁹ and a fifth;¹⁰ these furthermore are forbidden to non-priests, they are the [undisputed] property of the priest,¹¹ they are neutralized¹² in one hundred and one,¹³ and they require washing of the hands,¹⁴ and sunset,¹⁵ All these restrictions apply to *Terumah* and Bikkurim only but not to tithe.¹⁶ Now, if that were so,¹⁷ it should have been stated here, 'The uncircumcised is forbidden to eat of them, which prohibition is not applicable to tithe'.¹⁸ — He might have taught some¹⁹ and omitted others.²⁰

What else did he omit that he should have omitted this?²¹ — He omitted the following. In the final clause while it was stated: 'Some restrictions apply to tithe and the first ripe fruits, but not to *Terumah*, since tithe and the first ripe fruits must be brought to the appointed place,²² they require confession²³ and are forbidden to an Onan, and R. Simeon permits [the Bikkurim to an Onan]; they are,²⁴ furthermore, subject to removal;²⁵ but R. Simeon exempts them',²⁶ [the laws that] they may not be burned²⁷ even when Levitically unclean,²⁸

1. Num. XIX. 19.
2. Which was unnecessary. it being self-evident that the rite of purification should be performed by a clean person.
3. The object of the text being to indicate that though he is not clean in all respects he may nevertheless perform the rite of sprinkling.
4. V. [Glos.](#) The Tebul Yom is in one respect regarded as clean, since he has already performed his ritual ablution (v. Lev. XIV. 9), while in another respect (the eating of holy food), he is still regarded as unclean until sunset.
5. The 'second tithe' which is permitted to Israelites under certain restrictions. V. Deut. XIV, 22-27.
6. As the Paschal lamb is forbidden to the uncircumcised so is also the second tithe.
7. V. [Glos.](#) The prohibition of the second tithe to the Onan is specifically referred to in Deut. XXVI, 14, while the prohibition to him of the Paschal lamb is arrived at by deduction from the former.
8. Bikkurim v. [Glos.](#)
9. For unlawfully eating of them (v. Lev. XXII, 9 and Mak. 17a).
10. Of the value of the food, in addition to its actual cost, which a non-priest must pay if he

consumed unwittingly any quantity of *Terumah* or Bikkurim. V. Lev. XXII. 24.

11. He may purchase with them any objects and may also use them as a token of betrothal.
12. Lit., 'go up'. i.e., lose their sanctity.
13. If the ratio of the ordinary food to that of the *Terumah* of Bikkurim is that of a hundred to one. The priest is then given 1/101 of the mixed quantity and the rest is permitted to be eaten by any person.
14. On the part of the man who wishes to eat of them, even if they consist of fruit only, which, unlike bread, if not consecrated requires no washing of the hands.
15. Before an unclean person, though he has performed his ablution, is permitted to eat of them.
16. Bik. II. 1; B.M. 52b.
17. That the uncircumcised is permitted to eat the second tithe.
18. Since, however, this was omitted, it follows that tithe also is forbidden to the uncircumcised.
19. Of the restrictions that do not apply to tithe.
20. The uncircumcised among them.
21. If nothing else was omitted it is unlikely that one single case only should have been omitted.
22. Jerusalem. V. Deut. XIV, 22ff and XXVI, 2ff.
23. V. Deut. XXVI, 10 (Bikkurim); *ibid.* 13 (tithe).
24. Cf. Pes. 36b.
25. From the house, by the third, and the sixth year of the Septennial cycle. Cf. I have put away the hallowed things out of my house (Deut. XXVI, 13) and v. Maas. V, 6.
26. From the law of removal. Bik. II, 2.
27. Oil, for instance, for lighting purposes.
28. And not fit to be eaten.

Yebamoth 73b

and that the man¹ who eats of them while they themselves are Levitically unclean is to be flogged,² and that these laws do not apply to *Terumah*, were not stated.³ This proves clearly that only some were taught and others were omitted.⁴

The Master said,⁵ 'And are forbidden to an Onan, and R. Simeon permits [the Bikkurim to an Onan]'.⁶ Whence do they derive their views? — From the Scriptural text, Thou mayest not eat within thy gates the tithe of thy corn, or of thy wine, or of thine oil or the firstlings of thy herd⁵, etc. nor the offering of thy hand,² and a Master said that 'the offering of thy hand' refers to Bikkurim;⁷ and

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Bikkurim were compared to tithe: As tithe is forbidden to the Onan so are Bikkurim also forbidden to the Onan. And R. Simeon?⁸ — The All Merciful called them *Terumah*: As *Terumah* is permitted to the Onan⁹ so are Bikkurim permitted to the Onan.

'They are, furthermore, subject to removal; but R. Simeon permits them'. One Master¹⁰ compares [Bikkurim to tithe]¹¹ and the other Master does not.

'They may not be burned when Levitically unclean, and the man who eats of them while they themselves are Levitically unclean is to be flogged'. Whence is this derived? — From what was taught: R. Simeon said, Neither have I burned¹² thereof, being unclean,¹³ whether I was unclean and it was clean or I was clean and it was unclean. I do not know, however, where one was forbidden to eat it'.¹⁴ (But, surely, in relation to it, the uncleanness of the body was specifically stated: The soul that touches any such shall be unclean until the even, and shall not eat of the holy things,¹⁵ unless he bathe his flesh in waters — This is the question: Whence the prohibition [to eat it] where the thing itself is unclean?¹⁶ It was expressly stated,¹⁷ Thou mayest not eat within thy gates the tithe of thy corn¹⁸ but further on¹⁹ it was stated. Thou shalt eat it within thy gates; the unclean and the clean may eat it alike as the gazelle, and as the hart,²⁰ and at the school of R. Ishmael it was taught that the unclean and the clean may eat together even on the same table, and the same plate, and no precautions need be taken. Thus the All Merciful stated, 'That, concerning which I told you there, Thou shalt eat it within thy gates,²⁰ you may not eat here'.²¹

'That these laws do not apply to *Terumah*'. Whence do we derive this? — R. Abbahu replied in the name of R. Johanan: Scripture stated, Neither have I burnt thereof, being unclean,²² you may not burn 'thereof', but you may burn the oil of *Terumah* if it has become unclean.²³ Might it not be suggested: You may not burn any 'thereof'. but you may burn holy²⁴ oil that became unclean? — This, surely, may be inferred a *minori ad majus*: If

in respect of the tithe, the sanctity of which is of a minor character, the Torah stated, Neither have I burnt thereof, being unclean,²² how much more so in respect of holy food the Sanctity of which is of a major character. If so, *Terumah* also might be inferred a *minori ad majus*! — Surely 'thereof' was written. And what reason do you see?²⁵ It is logical that holy food should not be excluded, since²⁶ [the following restrictions also apply to it:] *piggul*,²⁷ *Nothar*,²⁷ sacrifice, *Me'ilah*,²⁷ *Kareth*,²⁷ and it is also forbidden to an Onan.²⁷ On the contrary; *Terumah* should not be excluded since [to it apply the restrictions of]²⁸ death.²⁹ a fifth,³⁰ it cannot be redeemed³¹ and it is forbidden to non-priests!³² — Those³³ are more in number. And if you prefer I might say: *Kareth*³⁴ is regarded as being of greater importance.

'The man that eats of them while they themselves are Levitically unclean is to be flogged, and that these laws do not apply to *Terumah*'. He is apparently³⁵ exempt only from flogging, but a prohibition³⁶ remains. Whence is this derived? — Scripture stated. Thou shalt eat it within thy gates.³⁷ only 'it'³⁸ but not any other;³⁹ and a negative precept that is derived from a positive one [has only the force of] a positive.⁴⁰

R. Ashi said:⁴¹ From the first clause also⁴² you may infer that the Tanna taught some⁴³ and omitted others,⁴⁴ since he did not state

1. Himself Levitically clean.
2. V. *infra*.
3. Though, according to the first Tanna who compares Bikkurim and tithe in all respects, these laws also should have been included in his statement.
4. The uncircumcised among them.
5. V. BaH. Cur. edd. omit.
6. *Supra* 73a.
7. In reference to which 'hand' was mentioned. V. Deut. XXVI. 4. (Tosaf. s.v. [H], a.l.).
8. Why does he permit it?
9. As shown *supra* 70a.
10. The first Tanna.
11. In respect of which the prohibition was stated in Deut. XXVI. 13. Cf. *supra* p 494. n. 18.
12. E.V. 'put away'.
13. Deut. XXVI, 14.

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14. The prohibition referring to burning only. The question is assumed to refer to the uncleanness of either the tithe or the one who eats it.
15. Which, as shown *infra* 74b, refers to tithe.
16. Lev. XXII, 6.
17. In respect of the 'second tithe'.
18. Deut. XII, 17.
19. In reference to dedicated animals which are permitted to a non-priest if they were redeemed after having become blemished.
20. Deut. XV, 22.
21. Only there may the clean eat though the unclean had touched the plate and caused the defilement of the food, but not here in the case of the second tithe.
22. Deut. XXVI, 24.
23. Which proves that no prohibition is attached to *Terumah*.
24. Dedicated, for instance, as a meal-offering.
25. For inferring holy food a *minori ad majus*, and for excluding *Terumah* by the expression thereof?
26. The mnemonic [H] represents the initials, or striking letters of *Piggul*. *Nothar*, *Korban* (sacrifice). *Me'ilah* (the 'Ayin). *Kareth*. *Asur* (forbidden).
27. V. [Glos.](#)
28. The mnemonic [H] (cf. *supra* n. 1) represents the initials of [H] 'death', [H] 'fifth', [H] 'redemption', [H] 'non-priest'.
29. For the person who eats it while he is in a state of uncleanness.
30. Payable by a non-priest who eats *Terumah* unwittingly even at a time when it is permitted to priests. The fifth is not payable in respect of holy food when its consumption is permitted to priests.
31. Holy food, however, may be redeemed in certain circumstances.
32. Holy food of the minor degree is permissible to non-priests.
33. The restrictions in respect of *Terumah*.
34. Which is incurred in connection with holy food and not in connection with *Terumah*.
35. Since flogging was mentioned.
36. To eat unclean *Terumah*.
37. Deut. XV, 22.
38. May be eaten.
39. *Terumah*.
40. Transgression of which is not punishable by flogging.
41. With reference to the question *supra* p. 494. n. 14.
42. Not only from the second.
43. Of the restrictions that do not apply to tithe.
44. The uncircumcised among them.

Yebamoth 74a

'And they¹ apply in all² the years of the septennial cycle³ and cannot be redeemed', and that 'this does not apply to the [second] tithe'. This proves it.

Come and hear: 'If shreds⁴ which render the circumcision invalid remain, he may not eat *Terumah*, nor the paschal lamb, nor holy food, nor tithe'. Does not tithe refer to the tithe of the corn? — No; the tithe of cattle.⁵ But is not the tithe of cattle the same as holy food?⁶ — Even on your view are we not told here of the paschal lamb and yet 'holy food' also is mentioned! — One can well understand why it was necessary to mention both the paschal lamb and holy food; for if the paschal lamb only had been stated it might have been assumed that it only is forbidden, because uncircumcision was written in Scripture in connection with the paschal lamb, but not holy food. And if holy food only had been stated it might have been assumed that what was meant by holy food was the paschal lamb.⁷ What need, however, was there for the mention here of the tithe of cattle!⁸ — [No, say,] rather, tithe refers to the first tithe; and this [teaching] is that of R. Meir who holds that the first tithe is forbidden to non-priests.⁹

Come and hear: Since R. Hiyya b. Rab of Difti has learned, 'An uncircumcised is forbidden to eat of both tithes', is not one the tithe of the corn and the other the tithe of the cattle! — Here also the first tithe was meant and the ruling is that of R. Meir.

Come and hear: 'An Onan is forbidden to eat of tithe but is permitted to eat *Terumah*, and [to engage] in the [preparation of] the red heifer;¹⁰ a Tebul Yom¹¹ is forbidden to eat *Terumah*, but is permitted [to engage] in [the preparation of] the red heifer, and to eat tithe; and he who was still short of atonement¹² is forbidden [to engage] in [the preparation of] the red heifer, but is permitted to eat *Terumah* and tithe'. Now, if it were so,¹³ it should have been stated, 'The uncircumcised is forbidden to eat *Terumah* but is permitted [to engage] in [the

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preparation of] the red heifer¹⁴ and to eat tithe!¹⁵ — This represents the view of a Tanna of the school of R. Akiba, who includes the uncircumcised, like the unclean, in the prohibition.¹⁶ As it was taught: Any man soever¹⁷ includes the uncircumcised.

Who is the Tanna who differs from R. Akiba?¹⁸ — It is the Tanna who [is in disagreement with] R. Joseph the Babylonian. For it was taught: The burning¹⁹ by an Onan or by one who is still short of atonement is valid; but R. Joseph the Babylonian said: That of the Onan is valid but that of him who is short of atonement is not valid.²⁰

R. Isaac also is of the opinion that the uncircumcised is forbidden to eat [second] tithe. For R. Isaac stated: Whence is it deduced that the uncircumcised is forbidden to eat [second] tithe? 'Thereof' was stated in respect of [the] tithe,²¹ and 'thereof' was also stated in respect of the paschal lamb;²¹ as the paschal lamb, in respect of which 'thereof' was used, is forbidden to the uncircumcised, so is [the] tithe, in respect of which 'thereof' was used, forbidden to the uncircumcised. Is it²² free for deduction? For if it is not free, it could be objected: The Paschal lamb is rightly subject to the restriction²³ since one may incur in respect of it the penalties for piggul,²⁴ Nothar" and Levitical uncleanness.²⁵ — It is indeed free for the deduction. Which²⁶ is free? Raba replied in the name of R. Isaac: 'Thereof' is written three times in connection with the paschal lamb.²⁷ One is required for the paschal lamb itself;²⁸ one for the analogy;²⁹ and as to the third, according to him who maintains that Scripture intended³⁰ a positive precept to follow a negative³¹ one,³² 'thereof' was written [a second time],³³ because Nothar was written [a second time];³³ and according to him who maintains [that the repetition of until the morning³⁴ was intended] to allow a second morning for its burning,³⁵ 'thereof' was written [a second time],³⁶ because until the morning³⁴ had to be written [a second time]. Also, in connection with tithe, 'thereof' was written three times. One is required for its own purpose;³⁷ one is

required for the deduction which R. Abbahu made in the name of R. Johanan;³⁸ and the third is required for the exposition made by Resh Lakish. For Resh Lakish stated in the name of R. Simya: Whence is it deduced that second tithe which has become Levitically unclean may be used for anointing? It is said, Nor have I given thereof for the dead,³⁹ only for a dead man have I not given, but I have given for a living man in the same manner as for the dead. Now, what is it that may be equally applied to the living and to the dead? You must say that it is anointing.⁴⁰ Mar Zutra demurred: It³⁹ might be suggested to refer to the purchase for the dead of a coffin and shrouds!⁴¹ — R. Huna son of R. Joshua replied: 'Thereof' means of the tithe itself.⁴² R. Ashi replied: Nor have I given³⁹ must be analogous to I have not eaten,³⁹ as there⁴³ it refers to the tithe itself so here also⁴⁴ it must refer to the tithe itself. But still it⁴⁵ is free, however, in one direction only!⁴⁶ [The analogy is] quite satisfactory according to him who maintains that deduction may be made [even in such a case]. and may not be refuted.⁴⁷ According to him, however, who is of the opinion that deduction may be made but also refuted, what can be said?⁴⁸ — R. Abbahu's deduction⁴⁹ may be inferred from the text cited in the statement which R. Nahman made in the name of Rabbah b. Abbuha. For R. Nahman stated in the name of Rabbah b. Abbuha: What was meant by the Scriptural text, And I, behold, I have given thee⁵⁰ the charge of My heave-offerings?⁵¹ Scripture speaks of two kinds of *Terumah*. One, clean *Terumah*, and the other, unclean *Terumah*; and concerning these the All Merciful said, 'It shall be thine,⁵⁰ even for burning under your dish.'⁵²

AND ALL LEVITICALLY UNCLEAN PERSONS, etc. Whence is this deduced? — R. Johanan replied in the name of R. Ishmael: Scripture stated, What man soever of the seed of Aaron is a leper, or hath an issue, etc.⁵³ Now, what is it that is equally

1. *Terumah* and Bikkurim.
2. Lit., 'other', i.e., even in the third and sixth. V. next note.

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3. And not only, like the second tithe, in the first, second, fourth and fifth years of the cycle.
4. Of the corona.
5. Which solves the question put to R. Shesheth.
6. Which is already mentioned.
7. Both were therefore necessary.
8. Which is included in 'holy food'. V. *supra* n. 2. Hence 'tithe' must mean second tithe, which solves the question put to R. Shesheth.
9. And owing to its sanctity it was also forbidden to the uncircumcised.
10. Since it is not offered on the altar, its sanctity is of a lesser degree.
11. V. [Glos.](#)
12. An unclean person the requirements of whose purification have, with the exception of the sacrifice prescribed for the unclean, been satisfied.
13. That the uncircumcised is permitted to eat second tithe.
14. As stated *supra* 72b.
15. Since this, however, was omitted it must be assumed that the omission was due to the fact that tithe is permitted to the uncircumcised!
16. To engage even in the preparation of the red heifer (*supra* 72b).
17. Lev. XXII, 4; lit., 'man man'.
18. And maintains (v. *supra* 72b) that the uncircumcised may deal with the red heifer.
19. Of the red heifer. V. Num. XIX, 5.
20. As the first Tanna differs from R. Joseph in respect of the man who was short of atonement, he presumably differs also in respect of the uncircumcised.
21. V. *infra* for further explanation.
22. The expression 'thereof' used in the analogy.
23. Its prohibition to the uncircumcised.
24. V. [Glos.](#)
25. Hence no analogy between it and tithe would be justified.
26. Of the expressions, 'thereof'.
27. Ex. XII, 9, 10.
28. [In 'Ye shall not eat thereof raw' (verse 9) 'thereof' is required as otherwise it might have been assumed to refer to the unleavened bread and bitter herbs mentioned in the preceding verse (Tosaf)].
29. With second tithe.
30. By the text, Ye shall burn (that which remains) with fire (Ex. Xli, 10).
31. Ye shall let nothing thereof remain (*ibid.*).
32. In order to exempt the transgressor from the penalty of flogging, v. Mak. 4b.
33. In Ex. XII, 20., cf. previous note.
34. *Ibid.* Earlier in the text it was already stated, And ye shall let nothing thereof remain until the morning.
35. The morning after the first day of the Passover. V. Pes. 83b.
36. In Ex. XII. 10.
37. [The first 'thereof' to exclude the first tithe from the restriction in regard to Onan (v. *Glos*) [H].
38. Permitting the burning of unclean oil of *Terumah* for lighting purposes. V. *supra* 73b.
39. Deut. XXVI, 24.
40. It cannot refer to eating which is, of course, inapplicable to the dead.
41. And not to anointing. The deduction, consequently, would be that though unclean tithe may not be exchanged for money wherewith to buy the requirements of the dead, it being unfit as food, it may be exchanged for the purpose of buying anything for the living.
42. Not with the money for which it was exchanged.
43. In respect of eating.
44. The 'giving'.
45. The expression. 'Thereof'.
46. In that of the Paschal lamb; those occurring in the section of tithe being required for other deductions.
47. Nid. 22b.
48. In view of the objection that the Paschal lamb is subject to restrictions which are inapplicable to the second tithe.
49. From one of the expressions of 'thereof'.
50. [H].
51. Num. XVIII, 8.
52. Since R. Abbahu's deduction may be made from this text, one of the expressions of 'thereof' remains free for the purpose of the analogy.
53. Lev. XXII, 4.

Yebamoth 74b

applicable to all the seed¹ of Aaron? You must say that it is *Terumah*.² But might it not be assumed to refer to the breast and the shoulder?³ — [These are] not [permitted] to [a woman] who returns.⁴ But *Terumah* also is not permitted to a Halalah!⁵ — A Halalah is not regarded as of the seed of Aaron.⁶ And whence is it inferred that until he be clean⁷ means 'until sunset',⁸ perhaps it means, 'until the atonement is brought'? — This cannot be entertained. For a Tanna of the school of R. Ishmael [taught] that Scripture⁹ speaks of a *Zab*² who noticed only two issues, and of a leper while under observation,¹⁰ both being cases similar to that of one who is unclean by the dead;⁷ as he who is unclean by the dead⁷ is not liable to bring an atonement so are these¹¹ such as are not liable to bring an

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atonement.¹² Let it be said, then, that this¹³ applies only to those who are not liable to bring an atonement, but that for those who are liable to an atonement,¹⁴ purification is incomplete until the atonement has been brought! Furthermore, in respect of what we learned, 'If he performed the prescribed ablution and came up from his bathing he may eat of the [second] tithe; after sunset he may eat *Terumah*; and after he has brought his atonement he may also eat of the holy food';¹⁵ whence, it may also be asked, are these laws derived? — Raba replied in the name of R. Hisda: Three Scriptural texts are recorded: It is written, And shall not eat of the holy things, unless he bathe his flesh in water,¹⁶ implying if he bathed, however, he is clean. It is also written, And when the sun is down, he shall be clean, and afterwards he may eat of the holy things.¹⁷ And finally, it is written, And the priest shall make atonement for her, and she shall be clean.¹⁸ How, [then, are these contradictory conditions¹⁹ to be reconciled]?²⁰ The first refers to [second] tithe; the second to *Terumah*, and the third to holy food. Might not these be reversed?²¹ It is reasonable that *Terumah* should be subject to the greater restriction, since²² it is also subject to the restrictions of the death penalty,²³ the fifth,²⁴ it cannot be redeemed,²⁵ and is also forbidden to the non-priest.²⁶ On the contrary; [second] tithe might be regarded as subject to the greater restriction, since it²⁷ has to be brought to the appointed place,²⁸ requires confession,²⁹ is forbidden to an Onan, must not be burned³⁰ [even] when unclean, the penalty of flogging is incurred for eating it when it is unclean,³¹ and it is also subject to the law of removal!³² — The penalty of death, nevertheless, is of the greatest severity. Raba said: Apart from the fact that the death penalty is of the greatest severity it could not be said so;³³ for Scripture stated, soul.³⁴ Now, what is it that is equally [permitted] to every soul? You must admit that it is tithe.³⁵ Still, this³⁶ might apply only to one who is not liable to bring an atonement;³⁷ but where a man is liable to an atonement it might be said that [purification is not complete] until he has brought the

atonement! — Abaye replied: Two Scriptural texts are recorded in the case of a woman in childbirth.³⁸ It is written, Until the days of her purification be fulfilled,³⁹ as soon as her days are fulfilled she is clean; and it is also written, And the priest shall make atonement for her, and she shall be clean,⁴⁰ how, [then, are the two to be reconciled]?⁴¹ The former applies to *Terumah*, the latter to holy food.⁴²

But might not these be reversed?⁴³ — It stands to reason that holy food should be subject to the greater restriction,⁴⁴ since it is also subject to the restrictions of⁴⁵ piggul⁴⁶ Nothar,⁴⁶ sacrifice, *Me'ilah*,⁴⁶ *Kareth*,⁴⁶ and is also forbidden to an Onan.⁴⁶ On the contrary, *Terumah* should be subject to the greater restriction,⁴⁷ since it is also subject to the restrictions⁴⁸ of⁴⁵ the death penalty,⁴⁹ the fifth,⁵⁰ it cannot be redeemed,⁵¹ and is also forbidden to the non-priest!⁵² — Those⁵³ are more in number.

Raba said: Apart from the fact that those⁵³ are more in number this⁵⁴ could not be maintained. For Scripture stated, And the priest shall make atonement for her, and she shall be clean,⁵⁵ which implies that [until that moment] she was unclean. Now, were it to be assumed that this text⁵⁶ speaks of holy food,⁵⁷ the text, And the flesh that toucheth any unclean thing shall not be eaten⁵⁸ should apply to it!⁵⁹ It must, therefore, be concluded that the text⁶⁰ speaks of *Terumah*.

R. Shisha son of R. Idi demurred: How could it be said that the law of *Terumah* was prescribed in this text?⁶⁰ Surely it was taught: [From the text]. Speak unto the children of Israel.⁶¹ one would only learn [that these laws⁶² are applicable to] the children of Israel; whence, however, is one to infer that they also apply to a proselyte or an emancipated slave? Scripture consequently stated,⁶³ Woman.⁶⁴ Now, if it were to be assumed that the text speaks of *Terumah*, are a proselyte and an emancipated slave, [it may be asked,] permitted to eat *Terumah*!⁶⁵ Said Raba: But does it⁶⁶ not?⁶⁷

1. Males and females.

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2. It cannot refer to holy food of the higher degree of sanctity which is permitted to male priests only.
3. Of the peace-offerings which belong to the class of holy food of a minor degree of sanctity, and are permitted to the priestly males and females. (V. Lev. X, 14).
4. From the home of her husband who was an Israelite and died without issue, to that of her father who is a priest (v. *supra* 68b). *Terumah*, however, is permitted in such a case.
5. V. [Glos.](#), though she is the daughter of a priest.
6. Having been born of a forbidden marriage.
7. Lev. XXII, 4.
8. And on the basis of this interpretation the unclean is permitted to eat *Terumah* even before he has brought his atonement.
9. V. [Glos.](#)
10. Lit., 'a locked-up leper'. V. Lev. XIII, 4ff.
11. The *Zab* and leper spoken of in this text.
12. Only a confirmed leper, and a *Zab* who has had three attacks of gonorrhoea are, on recovery and purification, liable to bring sacrifices. Cf. Meg. 8a.
13. That sunset alone, though no sacrifice had yet been brought, completes the purification of the unclean as far as the consumption of *Terumah* is concerned.
14. The confirmed leper, and a *Zab* who had three attacks.
15. Neg. XIV, 3, Pes. 35a, Nid. 71b.
16. Lev. XXII, 6.
17. Ibid. 7.
18. Ibid. XII, 8.
19. Bathing, sunset and sacrifice.
20. Each text obviously pointing to a different condition as the essential, or completion of purification!
21. For *Terumah* bathing alone should suffice; while for tithe, waiting until sunset should be required.
22. V. *supra* p 497. n. 3.
23. V. *supra* p. 497. n. 4
24. V. *supra* p. 497 n. 5.
25. While tithe may be redeemed.
26. Tithe is not.
27. The mnemonic [H] lit., 'a good myrtle', represents distinctive letters occurring in prominent words describing the following restrictions [H] = [H] bringing, sc. to the appointed place; [H] = [H] confession; [H] = [H] prohibition sc. to an Onan; [H] = [H] uncleanness; [H] = [H] removal.
28. Jerusalem. V. Deut. XIV, 22ff.
29. V. Deut. XXVI, 13.
30. For lighting purposes, if, for instance, it consisted of oil.
31. While the man is clean.
32. V. *supra* p. 494, n. 18.
33. V. *supra* p. 502, n. 15.
34. Lev. XXII, 6.
35. This verse then must refer to tithe, and it requires ablution only and no waiting for sunset.
36. That purification in respect of *Terumah* is complete even before the sacrifice had been brought.
37. As, for instance, the case of the leper under observation, and that of the *Zab* who had no more than two attacks, of whom the text mentioned speaks.
38. Who is liable to bring a sacrifice.
39. Lev. XII, 4.
40. Ibid. 8.
41. According to the former text, cleanness is complete at the conclusion of the prescribed period, while according to the latter the woman cannot be clean before her sacrifices are offered.
42. Thus it follows that even when a sacrifice has been prescribed (cf. p. 505, n. 17) *Terumah* may be eaten before that sacrifice has been brought.
43. The first text applying to holy food, and the second to *Terumah*.
44. That its consumption be not permitted before the prescribed sacrifice had been offered.
45. For explanation of the mnemonics v. *supra* p. 497 nn. 1 and 3.
46. V. [Glos.](#)
47. V. *supra* note 2.
48. V. *supra* p. 497, n. 3.
49. V. *supra* p. 497 n. 4.
50. V. *supra* p. 497 n. 5.
51. Holy food may be redeemed.
52. Holy food is not.
53. The restrictions in connection with holy food.
54. That the first text, Lev. XII, 4. which permits consumption before the sacrifice is brought, should refer to holy food.
55. Lev. XII. 8.
56. V. *supra* note 12.
57. Which would accordingly be permitted to be eaten even before the prescribed sacrifice had been offered.
58. Lev. VII, 29.
59. Since the person who has not brought the prescribed sacrifice is still regarded as unclean. How then could the consumption of holy food be permitted to him?
60. Lev. XII. 4.
61. Ibid. 2.
62. Relating to uncleanness after childbirth. V. Lev. XII, 2ff.
63. Lev. XII, 2.
64. Cf. Ker. 7b.
65. Certainly not. The text must consequently refer not to *Terumah* but to holy food!
66. The text cited.
67. Speak of *Terumah*?

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Yebamoth 75a

Surely it is written,¹ She shall touch no hallowed thing² [which] includes *Terumah*!³ The fact, however, is that Scripture enumerated a number of distinct subjects.⁴ Now what need was there for three distinct texts⁵ in respect of *Terumah*? — They are all required. For were *Terumah* to be deduced from Until he be clean,⁶ it would not be known whereby,⁷ hence did the All Merciful write, And when the sun is down, he shall be clean.⁸ And if the All Merciful had written only And when the sun is down,⁸ it might have been assumed [to apply to such a person] as is not liable to bring a sacrifice, but in the case of one who is liable it might have been presumed that cleanness is not effected before he has brought his atonement, hence the All Merciful wrote, Until ... be fulfilled.⁹ And had the All Merciful written only, Until ... be fulfilled,¹⁰ it might have been presumed that cleanness may be effected even without ablution, hence did the All Merciful write, Until he be clean.⁶

According. however, to that Tanna who disagrees with the Tanna of the school of R. Ishmael, maintaining that the text⁶ speaks of a *Zab* who had three attacks of gonorrhoea and of a confirmed leper,¹¹ and that the deduction from Until he be clean⁶ is 'until he brings his atonement,¹² what need was there for two texts¹³ in respect of holy food? — [They are both] required. For had the All Merciful written about the woman after childbirth only,¹⁴ the law¹⁵ might have been said to apply to her only because her uncleanness is of long duration,¹⁶ but not to a *Zab*. And had the All Merciful written the law¹⁷ in connection with a *Zab* only,¹⁸ it might have been assumed to apply to him only since his uncleanness does not automatically cease,¹⁹ but not to a woman after childbirth.²⁰ [Hence both texts were] necessary.

What was the need²¹ for the text, It must be put into water, and it shall be unclean until the even?²² — R. Zera replied: In respect of touch;²³ as it was taught: And it shall be

unclean²⁴ might have been taken to refer to all cases,²⁵ hence it was stated, Then shall it be clean.²⁶ And if only Then shall it be clean²⁶ had been stated it might have been assumed to refer to all cases,²⁷ hence it was stated, And it shall be unclean.²⁸ How then [are the two to be reconciled]? The one²⁹ refers to [second] tithe and the other³⁰ to *Terumah*. But might not the deduction be reversed? — It stands to reason that as the eating of *Terumah* is more restricted than the eating of tithe, so shall the touching of *Terumah* be more restricted than the touching of tithe.

If you prefer I might say that the prohibition against the touching of *Terumah*³¹ is deduced from the following. It was taught:³² She shall touch no hallowed thing,³³ is a warning against its consumption.³⁴ Perhaps it is not so, but against touching it? It was stated, She shall touch no hallowed thing, nor come into the sanctuary;³⁵ the hallowed thing is thus compared to the sanctuary; as [an offence against] the sanctuary involves loss of life,³⁵ so [must the offence against] the hallowed thing be such as involves loss of life, while in respect of touch no loss of life is involved; and the reason [why eating] was expressed by a term denoting touch is to indicate that touching and eating are equally [forbidden].³⁶

[A PRIEST WHO IS] WOUNDED IN HIS STONES, etc. Who is it that taught: A woman subject to a Pentateuchally forbidden cohabitation³⁷ may eat *Terumah*?³⁸ — R. Eleazar replied: This question is the subject of a dispute, and the ruling here is that of R. Eleazar and R. Simeon.³⁹ R. Johanan said: [The ruling here] may even be that of R. Meir,³⁹ the circumstances here being different, since the woman has already been eating.⁴⁰ And R. Eleazar? — The argument, 'since she has already been eating' cannot be entertained; for should you not admit this,⁴¹ a daughter of an Israelite who was married to a priest and whose husband subsequently died, should also be permitted to eat *Terumah* since she has already been eating it.⁴² And R. Johanan? — There,⁴³ his *Kinyan* had

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completely lapsed;⁴⁴ here, however, his *Kinyan* did not lapse.⁴⁵

WHAT IS TERMED A PEZU'A? Our Rabbis taught: What is termed a Pezu'a Dakkah? A man both of whose stones were wounded or even only one of them; even though they were only punctured, crushed, or simply defective. Said R. Ishmael son of R. Johanan b. Beroka: I heard from the mouth of the Sages at the Vineyard⁴⁶ at Jabneh that one having only one stone is a natural born eunuch⁴⁷ and is, therefore, a fit person. How could it be said that such a person is a natural born eunuch!⁴⁸ — Say rather, he is like a natural born eunuch and is, therefore, fit.⁴⁹

Is [a man whose stones are] punctured incapable of procreation? Surely, a man once climbed up a palm tree

1. In the same section.
2. Lev. XII, 4.
3. V. Mak. 14b. The proselyte and emancipated slave are also included in such a prohibition.
4. One may be applicable to one class of persons and another to others.
5. Lev. XXII, 4. *ibid.* 7, and *ibid.* XII, 4, which, as explained *supra*. refer to *Terumah*.
6. Lev. XXII, 4.
7. Cleanness is effected.
8. *Ibid.* 7.
9. *Ibid.* XII, 4. which speaks of a woman after childbirth, who is liable to bring a sacrifice and is, nevertheless, regarded as clean in respect of *Terumah* immediately after the sunset of the last day of the prescribed period.
10. V. *supra* n. 24.
11. Both of whom are liable to bring sacrifices.
12. The text referring to holy food, *Terumah* having been deduced by him from Lev. XXII, 7.
13. Lev. XII, 8 and *ibid.* XXII, 4.
14. I.e., Lev. XII, 8.
15. That the prescribed sacrifice must be brought before cleanness is effected.
16. Eighty days must elapse in the case of the birth of a daughter (v. Lev. XII. 5) before the mother is permitted to eat of *Terumah* or of holy food.
17. V. *supra* note 3.
18. I.e., Lev. XXII, 4.
19. He remains unclean however long his affliction may last.
20. Who, in respect of connubial relations, is regarded as clean on the termination of the prescribed period, though the flow may still continue.
21. In view of Lev. XXII, 7 which makes the consummation of cleanness dependent on sunset.
22. Lev. XI, 32, which, also making the consummation of cleanness dependent on sunset, must, like Lev. XXII, 7 refer to *Terumah*.
23. Before sunset on the day of purification no *Terumah* may come in contact with the unclean vessel; and the same restriction applies to the Tebul Yom (v. [Glos.](#)). This could not have been deduced from Lev. XXII, 7 which does not speak of touch or contact but of eating.
24. Lev. XI, 32, even after it had been put in water.
25. I.e., that the uncleanness remains in respect of both *Terumah* and [second] tithe.
26. *Ibid.* [H]. The use of this form of the verb (which may also represent the present participle), instead of the imperfect, implies a state of cleanness even before the sun had set. (V. Rashi).
27. That the state of cleanness arises, as soon as ablution had taken place, in respect of both tithe and *Terumah*.
28. Lev. XI, 32.
29. The latter, Be clean.
30. The former, Be unclean.
31. On the part of a Tebul Yom. V. [Glos.](#)
32. So BaH. Cur. edd. omit.
33. Lev. XII, 4.
34. Before the sunset of the last day of the prescribed period, the woman being regarded until then as a Tebul Yom, the 'day' (Yom) being a 'long one' embracing all the days of the prescribed period.
35. The penalty for entering the sanctuary while one is unclean is *Kareth*. Cf. Num. XIX, 20.
36. To the unclean or the Tebul Yom.
37. As is the case in our Mishnah with the wife of the mutilated priest with whom no cohabitation has yet taken place after his mutilation, though such cohabitation may still take place at any moment.
38. V. our Mishnah.
39. V. *supra* 57b.
40. Before her husband was disabled. She is not deprived of a privilege she had been enjoying though she may not be entitled to new privileges.
41. That the argument is untenable.
42. Which is absurd. The argument is consequently untenable.
43. The case of a priest who married the daughter of an Israelite and died.
44. When he died. Hence the woman's loss of her privilege.
45. Since the marriage had not been annulled.

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46. The College. So called because the students were sitting in rows arranged like the vines in a vineyard.
47. [H] lit., 'a eunuch through heat', i.e., fever, illness (v. Golds.) or 'a eunuch of the sun', i.e., from birth when the child first saw the sun (v. Jast.).
48. The former surely might be the result of an accident!
49. The prohibition being restricted to the wounded or crushed.

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and a thorn pierced his stones, [his semen] issued like a thread of pus, and, [despite the accident], he begat children! — In that case, as a matter of fact, Samuel sent word to Rab, telling him, 'Institute enquiries respecting the parentage of his children'.

Rab Judah stated in the name of Samuel: A man whose stones have been injured by a supernatural agency¹ is regarded as a fit person.² Said Raba: This is the reason why the Scriptural text reads, Who is wounded³ and not 'the wounded'.⁴

In a Baraitha it was taught: It was said in Scripture. He who is wounded ... shall not enter⁵ and it was also said, A bastard shall not enter,⁶ as the latter is the result of human action, so is the former the result of human action.⁶

Raba stated: Wounded³ applies to all,⁷ crushed³ applies to all,⁷ and cut off⁸ applies to all.⁹ 'Wounded applies to all': Whether the membrum, the stones or the spermatic cords of the stones were injured. 'Crushed applies to all': Whether the membrum, the stones or the spermatic cords were crushed. 'Cut off applies to all': Whether the membrum, the stones or the spermatic cords were cut off.

A certain Rabbi asked Raba: Whence is it inferred that the expression Pezu'a Dakkah⁸ refers to an injury in the privy parts; might it not be said to refer to the head? The other replied: As no number of generations is mentioned,¹⁰ it may be inferred that the reference is to the privy parts.¹¹ But is it not possible that the reason why no number of

generations is given in this case is because only he himself¹² is forbidden,¹³ while his son and the son of his son are permitted! — [This must be] similar to the case of him whose membrum is cut off; as the latter involves the privy parts, so must the former involve those parts.

And whence is it inferred that the injury of the Keruth Shafekah¹⁴ himself involves his privy parts? Might it not be one involving his lips!¹⁵ — Shafekah¹⁶ is written, implying, 'at the spot where it discharges',¹⁷ But might it not refer to one's nose? — It is not written, '[Cut] at the organ that discharges', but 'a cut organ that discharges'; thus implying that organ which in consequence of a cut discharges, and in the absence of a cut does not discharge but flows out. This excludes the nose which in either case¹⁸ emits a discharge.¹⁹

In a Baraitha it was taught: It was said in Scripture. He who is wounded in his stones shall not enter,⁸ and it was also said. A bastard shall not enter,²⁰ as the latter refers to the privy parts, so does the former refer to the privy parts.

In a case where a puncture beginning below the corona terminated²¹ at the other end of it above the corona, R. Hiyya b. Abba desired to declare the sufferer as fit.²² Said R. Assi to him: Thus ruled R. Joshua b. Levi, '[A perforation of] any size in the corona constitutes a bar [against fitness]'.

IF, HOWEVER, ANY PART OF THE CORONA REMAINED, etc. Rabina, while sitting [at his studies], raised the following question: Must the HAIR'S BREADTH of which they spoke extend over the entire circumference thereof or only over its greater part? — 'The HAIR'S BREADTH', said Rabbah²³ Tosfa'ah to Rabina, must extend over the greater part of it and towards its upper section'.²⁴

R. Huna ruled: If it²⁵ is cut away like a reed pen it constitutes no disqualification; if like a gutter²⁶ it causes disqualification. For in the latter case the air penetrates;²⁷ in the former

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it does not. R. Hisda, however, ruled: [If the cut was] in the shape of a gutter no disqualification is constituted; if it had the shape of a reed pen disqualification is constituted. For in the first case friction may be produced; in the latter it cannot.

Raba said: It is reasonable to adopt the view of R. Huna that in the latter case the air penetrates while in the former it does not. For in regard to friction it is only like a bung in a cask.²⁸

Said Rabina to Meremar: Thus said Mar Zutra in the name of R. Papa, 'The law is that no disqualification is constituted whether the corona was cut away like a reed pen or like a gutter He raised, however, the question. [whether such a cut must be] below the corona or may even be above it?²⁴ — It is obvious that it may even be above it; for were it to be below the corona, the man would be regarded as fit even if the entire membrum there had been cut off. Rabina, however,²⁹ only desired to test Meremar.

Such an incident³⁰ once occurred at Matha Mehasia, and R. Ashi arranged for the corona to be cut into the shape of a reed pen, and then declared the man to be fit. It once happened at Pumbeditha that a man had his semen duct blocked, and the discharge of the semen made its way through the urinal duct. R. Bibi b. Abaye intended to declare the man fit. R. Papi, however, said to him, 'Because you are yourselves

1. Lit., 'by the hands of heaven', through lightning, for instance, or from birth.
2. He is not included in the prohibition to enter the congregation of the Lord. V. *infra* n. 9.
3. Deut. XXIII. 2.
4. The definite article would have implied that the incapacity was of long standing. (Cf. *supra* note 7).
5. Deut. XXIII. 3.
6. Not that of a supernatural force. (Cf. *supra* note 7).
7. The organs of procreation.
8. Deut. XXIII. 2.
9. The organs of procreation.
10. Forbidding them to enter into the assembly of the Lord, as is the case with a bastard, an Ammonite, a Moabite, etc. V. Deut. XXIII, 2ff.

11. An injury which deprives one of the power of procreation.
12. Who is wounded.
13. To enter into the assembly of the Lord. V. *ibid.* 2.
14. Here rendered, 'one whose membrum is cut off'.
15. From which spittle may be emitted. Shafekah, from rt. [H] 'to pour out', emit'.
16. Cf. *supra* n. 8.
17. Spittle does not flow out of the mouth.
18. Even when it is not cut.
19. But does not ejaculate.
20. Deut. XXIII. 3.
21. By sloping upwards towards the body.
22. Since one end of the perforation is below the corona.
23. So Emden. Cur. edd. 'Raba'.
24. Which is nearer to the body.
25. The corona.
26. The cut running across the center and leaving the sides intact.
27. Cooling the membrum and preventing the flow of the semen.
28. Though the bung is cut away at its lower end it nevertheless closes the hole with its upper part which comes in contact with the sides of the bung hole. The contact produced by the upper part of the membrum is sufficient for the generation of the heat required for fertilization.
29. In raising a question the answer to which was so obvious.
30. The cut having taken the shape of a gutter.

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frail beings you speak frail words;¹ through its proper duct it fertilizes but when not passing through its proper duct it does not fertilize.'

Rab Judah stated in the name of Samuel: If it had a small perforation which was closed up, the man is deemed to be unfit if the wound re-opens when semen is emitted, but if it does not re-open the man is regarded as fit.

In respect of this ruling Raba raised the question: Where? If the perforation is below the corona,² [the man should remain fit] even if it were cut off! — It means, in the corona itself. So it was also stated elsewhere: R. Mari b. Mar said in the name of Mar Ukba in the name of Samuel: If a hole that has been made in the corona itself is closed, the man is

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disqualified if it re-opens when semen is emitted; but if it does not [re-open the man is deemed to be] fit.

Raba the son of Rabbah sent to R. Joseph: Will our Master instruct us how to proceed.³ The other replied: Warm barley bread is procured, and placed upon the man's anus. Thereby the flow of semen sets in, and the effect can be observed. Said Abaye: Is everybody like our father Jacob concerning whom it is written, My might, and the first-fruits of my strength,⁴ because he never before experienced the emission of semen!⁵ — No, said Abaye, colored garments⁶ are dangled before him.⁷ Said Raba: Is everybody then like Barzillai the Gileadite!⁸ — In fact it is obvious that the original answer is to be maintained.

Our Rabbis taught: If it⁹ was punctured [the man is regarded as] unfit, because the flow is sluggish.¹⁰ If it was closed up [he is deemed to be] fit, because he is then capable of production. And this is a case where the unfit may return to his former state of fitness. What does the expression 'this' exclude? — It excludes the case where a membrane was formed on the lungs in consequence of a wound; since such cannot be regarded as a proper membrane.¹¹

R. Idi b. Abin sent the following question to Abaye: How are we to proceed?¹² — A grain of barley is to be procured wherewith the spot¹³ is lacerated.¹⁴ Tallow is rubbed in, and a big ant, procured for the purpose, is allowed to bite in, and its head is severed.¹⁵ It must be a grain of barley; an iron instrument would cause inflammation. This procedure, furthermore, applies only to a small perforation; a large one would peel off.

Rabbah son of R. Huna stated: A man who urinates at two points is an unfit person.¹⁶

Said Raba: The law is in agreement neither with the view of the son nor with that of the father. As to the son, there is the statement just mentioned. As to the father? — Since R. Huna said: Women who practice lewdness

with one another are disqualified from marrying a priest.¹⁷ And even according to R. Eleazar, who stated that an unmarried man who cohabited with an unmarried woman with no matrimonial intention renders her thereby a harlot, this disqualification ensues only in the case of a man;¹⁸ but when it is that of a woman¹⁹ the action is regarded as mere obscenity.

MISHNAH. A MAN WHO IS WOUNDED IN HIS STONES, AND ONE WHOSE MEMBRUM IS CUT OFF, ARE PERMITTED TO MARRY A PROSELYTE OR AN EMANCIPATED SLAVE. THEY ARE ONLY FORBIDDEN TO ENTER INTO THE ASSEMBLY,²⁰ AS IT IS SAID IN SCRIPTURE, HE THAT IS WOUNDED IN HIS STONES OR HATH HIS PRIVY MEMBRUM CUT OFF SHALL NOT ENTER INTO THE ASSEMBLY OF THE LORD.²¹

GEMARA. R. Shesheth was asked: May a priest who is wounded in his stones marry a proselyte or an emancipated slave;²² does he²³ remain in his state of holiness and is consequently forbidden²⁴ or does he not remain in his state of holiness and is consequently permitted?²⁴ — R. Shesheth replied: You have learned this [law in the following]. 'An Israelite who is wounded in his stones is permitted to marry a Nethinah'.²⁵ Now, were it to be assumed that he²⁶ retains his holiness, the text, Neither shalt thou make marriages with them²⁷ should be applicable here.²⁸ Said Raba: Is the law there²⁹ due at all to sanctity or non-sanctity? [It is merely due to] the possibility that he³⁰ might beget a child who³¹ would proceed to worship idols. This, then, is applicable only when they³² are still idol worshippers. When, however, they are converted, they are undoubtedly permitted,³³ and it was only the Rabbis who placed them³⁴ under a prohibition as a preventive measure.³⁵ But such a preventive measure was instituted by the Rabbis in respect of those only who are capable of procreation, not in respect of those who are incapable of procreation.³⁶

Now, then,³⁷ a bastard also, since he is capable of procreation,³⁸ should also be

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forbidden,³⁹ while in fact, we have learned, 'Bastards and Nethinim may intermarry with one another!'⁴⁰ — In fact [this is the explanation:] the Rabbis instituted a preventive measure only in the case of the fit but not in that of the unfit.⁴¹

Subsequently Raba stated: What I said⁴² is of no consequence. For while they are still idolaters their marriages are invalid; only when they are converted are their marriages valid.⁴³

R. Joseph raised an objection: And Solomon became allied to Pharaoh King of Egypt by marriage, and took Pharaoh's daughter!⁴⁴ — He caused her to be converted. But, surely, no proselytes were accepted either in the days of David or in the days of Solomon!⁴⁵ — Was there any reason for it⁴⁶ but [that the motive of the proselytes might be the benefits] of the royal table?

1. [H] = [H] 'frail things', applied to the speaker's clan as well as to his rulings. [H], 'because you'. [H] may also mean 'short lived people' and [H] according to BaH, should read [H] 'because you are descendants of short lived people'. R. Bibi was a descendant of the house of Eli who were condemned to die young (v. I Sam. II, 32f). The expression may also, like a similar root in Arabic, bear the meaning of 'foolishness'. (Cf. B.B. Sonc. ed. p. 582, n. 6).
2. Away from the body.
3. With the test, when it is desired to ascertain whether the semen will re-open a closed up perforation.
4. Gen. XLIX, 3, referring to Reuben, Jacob's firstborn son.
5. Other people are not so saintly. Why then should the elaborate test described be necessary in ordinary cases?
6. Peculiar to women.
7. Exciting his passions and thus causing a discharge.
8. Known for his indulgence in carnal gratification (v. Shab. 152a).
9. The duct of the semen.
10. And does not fertilize.
11. It may easily burst. The lungs are, therefore, regarded as wounded, and the animal from which they were taken is unfit for consumption. Cf. Hul. 42a.
12. In healing a perforated membrum.
13. Round the perforation.

14. The shreds thus formed ultimately join and aid in closing up the perforation.
15. Thus remaining in the cavity and assisting in the closing up and healing.
16. He is similar to the disabled persons spoken of in Deut. XXIII, 2.
17. Shab. 65a.
18. Who cohabited with a woman.
19. Indulging in lewdness with another.
20. They may not marry the daughter of an Israelite.
21. Deut. XXIII, 2.
22. I.e., women whom a priest is forbidden to marry.
23. The disabled priest.
24. To marry the women mentioned (Cf. *supra* n. 6).
25. Fem. of Nethin for which v. [Glos.](#)
26. A disabled man.
27. Deut. VII, 3.
28. How, then, is an Israelite permitted to marry a Nethinah! Since, however, the law does permit him to marry such a woman it is obvious that a disabled man loses his sanctity. As the disabled Israelite loses his sanctity so does the disabled priest lose his.
29. In the case of marriage between a fit or disabled Israelite and an idolatress or a Nethinah.
30. The man who marries an idolatress.
31. Through the influence of his mother.
32. The women spoken of in Deut. VII, 3.
33. Pentateuchally. Cur. edd., 'In Israel' should be omitted with the 1509 Pesaro ed. (cf. Golds.).
34. The Nethinah as well as the idolatress.
35. V. *infra* 78b.
36. This is the reason why a disabled Israelite is permitted to marry a Nethinah. No inference, therefore, may be drawn from this in respect of a disabled priest.
37. Since in respect of those who are capable of procreation the Rabbis did institute a preventive measure.
38. And is Pentateuchally forbidden to marry an idolatress.
39. To marry a Nethinah, as a preventive measure of the Rabbis.
40. Kid. 6.
41. Those, e.g., spoken of in Deut. XXIII, 2f.
42. V. BaH. That Deut. VII, 3 refers to idolaters only and not to proselytes.
43. Deut. VII, 3, must consequently refer to proselytes, the prohibition being due to the Israelite's sanctity. As the Nethinah was not forbidden to the disabled Israelite it follows that a disabled man, be he priest or Israelite, loses his sanctity; as at first suggested *supra*.
44. I Kings III, 1. The term [H] 'allied ... by marriage' implies recognition of validity of

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marriage. The Talmudic text of the verse seems to represent an abbreviation of M.T.

45. Cf. *supra* 24b.

46. For the refusal to admit proselytes.

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Such a woman¹ obviously was in no need of it.² But let the inference³ be drawn from the fact that she⁴ was an Egyptian of the first generation!⁴ And were you to reply that those⁵ had already departed, and these⁶ are others;⁷ surely, it may be pointed out, it was taught: R. Judah stated, 'Menjamin, an Egyptian proselyte, was one of my colleagues among the disciples of R. Akiba, and he told me: I am an Egyptian of the first generation and married an Egyptian woman of the first generation; I shall arrange for my son to marry an Egyptian of the second generation in order that my grandson may be enabled to enter into the congregation of Israel!'⁸ R. Papa replied: Are we to take our directions from Solomon! Solomon did not marry at all,⁹ for it is written, Of the nations concerning which the Lord said unto the Children of Israel: 'Ye shall not go among them, neither shall they come among you; for surely they will turn away your heart after their gods'; Solomon did cleave unto them in love.¹⁰ The expression. And he became allied... in marriage,¹¹ however, presents a difficulty!¹² — On account of his excessive love for her. Scripture regards him as if he had become allied by marriage to her. Said Rabina to R. Ashi: Surely we learned A MAN WHO IS WOUNDED IN HIS STONES, AND ONE WHOSE MEMBRUM VIRILE IS CUT OFF, ARE PERMITTED TO MARRY A PROSELYTE OR AN EMANCIPATED SLAVE, [from which it follows] that they are forbidden to marry a Nethinah!¹³ — The other replied: According to your view,¹⁴ read the final clause, THEY ARE ONLY FORBIDDEN TO ENTER INTO THE ASSEMBLY, [from which it follows] that they are permitted to marry a Nethinah! But [the fact is that] no inference may be drawn from this Mishnah.

MISHNAH. AN AMMONITE AND A MOABITE ARE FORBIDDEN¹⁵ AND THEIR PROHIBITION IS FOR EVER.¹⁶ THEIR WOMEN, HOWEVER, ARE PERMITTED AT ONCE.¹⁷ AN EGYPTIAN AND AN EDOMITE ARE FORBIDDEN¹⁸ ONLY UNTIL THE THIRD GENERATION.¹⁹ WHETHER THEY ARE MALES OR FEMALES. R. SIMEON, HOWEVER, PERMITS THEIR WOMEN FORTHWITH.¹⁷ SAID R. SIMEON: THIS LAW²⁰ MIGHT BE INFERRED A MINORI AD MAJUS: IF WHERE THE MALES ARE FORBIDDEN FOR ALL TIME²¹ THE FEMALES ARE PERMITTED FORTHWITH,²² HOW MUCH MORE SHOULD THE FEMALES BE PERMITTED FORTHWITH WHERE THE MALES ARE FORBIDDEN UNTIL THE THIRD GENERATION ONLY.²³ THEY REPLIED: IF THIS²⁰ IS AN *HALACHAH*,²⁴ WE SHALL ACCEPT IT; BUT IF IT IS ONLY AN INFERENCE,²⁵ AN OBJECTION CAN BE POINTED OUT. HE REPLIED: NOT SO.²⁶ [BUT IN FACT] IT IS AN *HALACHAH* THAT I AM REPORTING.

GEMARA. Whence are these laws inferred? — R. Johanan replied: Scripture stated, And when Saul saw David go forth against the Philistine, he said unto Abner, the captain of the host: 'Abner, whose son is this youth'? And Abner said: 'As thy soul liveth, O King, I cannot tell'.²⁷ But did he²⁸ not know him? Surely it is written, And he loved him greatly; and he became his armor bearer!²⁹ — He rather made the inquiry concerning his father. But did he not know his father? Surely it is written, And the man was an old man in the days of Saul, stricken in years among them;³⁰ and Rab or, it might be said, R. Abba, stated that this referred to the father of David, Jesse. who came in with an army³¹ and went out with an army!³¹ — It is this that Saul meant: Whether he descended from Perez,³² or from Zerah.³³ If he descended from Perez he would be king, for a king breaks³⁴ for himself a way and no one can hinder him. If, however, he is descended from Zerah he would only be an important man.³⁵ What is

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the reason why he gave instructions that enquiry be made concerning him? — Because it is written, And Saul clad David with his apparel,³⁶ being of the same size as his,³⁷ and about Saul it is written, From his shoulders and upward he was higher than any of the people.³⁸ Doeg the Edomite then said to him,³⁹ 'Instead of enquiring whether he is fit to be king or not, enquire rather whether he is permitted to enter the assembly or not!' 'What is the reason?'⁴⁰ 'Because he is descended from Ruth the Moabite.' Said Abner to him,⁴¹ 'We learned: An Ammonite,⁴² but not an Ammonite; A Moabite,⁴² but not a Moabite.⁴³ But in that case⁴⁴ a bastard⁴⁵ would' imply: But not a female bastard?' — 'It is written Mamzer [Which implies] anyone objectionable'.⁴⁶ 'Does then⁴⁷ Egyptian⁴⁸ exclude the Egyptian woman?' — 'Here⁴⁹ it is different, since the reason for the Scriptural text is explicitly stated: Because they met you not with bread and with water;⁵⁰ it is customary for a man to meet [wayfarers]; It is not, however, customary for a woman to meet [them]'.⁵¹

'The men should have met the men and the women the women!'

He⁵² remained silent, Thereupon. the King said.⁵³ 'Inquire thou whose son the stripling is'.⁵⁴ Elsewhere he calls him youth;⁵⁵ and here⁵⁴ he calls him, stripling!⁵⁶ — It is this that he implied, 'You have overlooked⁵⁷ an *Halachah*,' go and enquire at the college!' On enquiry, he was told: An Ammonite,⁵⁸ but not an Ammonite; A Moabite,⁵⁸ but not a Moabite.

1. Pharaoh's daughter.
2. Hence she could be accepted.
3. That marriage with a forbidden woman is valid.
4. Who is forbidden to marry into the congregation of Israel. The third generation only is permitted. (V. Deut. XXIII. 9).
5. The old Egyptians spoken of in the text cited (*supra* n. 4).
6. The Egyptians of later times.
7. Other nations superseded them. Hence the prohibition does not apply to them.
8. Which shows that even after the days of Solomon the Egyptians were still regarded as

the descendants of the ancient inhabitants of Egypt.

9. His marriage with Pharaoh's daughter was an invalid one, and she could only be regarded as his mistress.
10. I Kings XI. 2, emphasis on love, sc. he did not marry them.
11. V. *supra* p. 514, n. 15.
12. Here the union is actually described as a marriage!
13. Had they been permitted to marry such a woman, this should have been stated; and the permission to marry a proselyte and an emancipated slave would be inferred a minori ad majus. How then could it be stated, *supra* 76a. that a Nethinah is permitted to be married to a man wounded in his stones?
14. That a Nethinah is forbidden to marry disabled men.
15. To enter the assembly of the Lord (v. Deut. XXIII. 4ff).
16. V. *ibid*.
17. Immediately after conversion.
18. Cf. *supra* n. 2 and v. Deut. *ibid*. 8f.
19. Exclusive. The third generation is permitted.
20. That Egyptian and Edomite women are permitted to marry an Israelite immediately after their conversion.
21. Ammonites and Moabites. for instance.
22. Immediately after conversion.
23. Egyptians and Edomites.
24. I.e., a tradition R. Simeon received from his teachers.
25. Of R. Simeon's own reasoning.
26. Even though the ruling were based on an inference no valid objection could be advanced against it. V. Gemara *infra*.
27. I Sam. XVII, 55.
28. Saul.
29. I Sam. XVI, 21.
30. *Ibid*. XVII, 12.
31. He was chief over six hundred thousand men (Rashi).
32. The son of Judah. (V. Gen. XXXVIII. 29. Ruth, IV. 18ff).
33. V. Gen. *ibid*. 30.
34. Heb. [H] 'to break', a play upon the rt. of Perez [H].
35. Zerah of the rt. [H] 'to shine'.
36. I Sam. XVII, 38, his apparel — [H].
37. [H] 'like his size', play upon [H] of the same rt. [H]
38. *Ibid*. IX, 2. His unusual stature impressed him.
39. To Saul.
40. That his eligibility to enter the congregation should be questioned.
41. To Doeg.
42. Deut. XXIII, 4.
43. *Supra* 6a. The prohibition to enter into the congregation (v. *ibid*.). since the masculine

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gender was used in the text, applies to the males only

44. If the masculine gender excludes the women.
45. Deut. XXIII, 3, [H] masc.
46. Man or woman. [H] lit., 'anything strange', play upon [H].
47. If the masculine gender excludes the women.
48. Deut. XXIII, 8 [H] masc.
49. In the case of the Ammonite and Moabite.
50. Ibid. 5.
51. The women were, therefore, excluded from the prohibition.
52. Abner.
53. To Doeg. V. *infra*.
54. 1 Sam. XVII, 56.
55. [H] *ibid.* 55.
56. [H].
57. Lit., 'it was concealed'; rt. [H] the same as that of [H] (v. *supra* n. 9).
58. Deut. XXIII. 4.

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As, however, Doeg submitted to them all those objections¹ and they eventually remained silent, he desired to make a public announcement against him.² Presently [an incident occurred]: Now Amasa was the son of a man, whose name was Ithna the Israelite, that went in to Abigail³ the daughter of Nahash,⁴ but elsewhere it is written, Jether the Ishmaelite!⁵ This teaches, Raba explained, that he girded on his sword like an Ishmaelite and exclaimed, 'Whosoever will not obey the following *Halachah* will be stabbed with the sword; I have this tradition from the *Beth Din* of Samuel the Ramathite: An Ammonite but not an Ammonitess; A Moabite, but not a Moabites!⁶ Could he, however, be trusted?⁷ Surely R. Abba stated in the name of Rab: Whenever a learned man gives directions⁸ on a point of law, and such a point comes up [for a practical decision], he is obeyed if his statement was made⁹ before the event;¹⁰ but if it was not so made he is not obeyed! Here the case was different, since Samuel and his *Beth Din* were still living.¹¹

The difficulty,¹² however, still remains! — The following¹³ interpretation was given: All glorious is the king's daughter within.¹⁴ In the West¹⁵ it was explained. others quote it in the name of R. Isaac: Scripture said, And they

said unto him: 'Where is Sarah thy wife?', etc.¹⁶

The question¹⁷ is a matter in dispute between Tannaim: An Ammonite,¹⁸ but not an Ammonitess; A Moabite,¹⁸ but not a Moabites. So R. Judah. R. Simeon, however, said: Because they met you not with bread and with water;¹⁹ it is customary for a man to meet, etc.²⁰

Raba made the following exposition: What was meant by, Thou hast loosed my bonds!²¹ David said to the Holy One, blessed be He, 'O Master of the world! Two bonds were fastened on me,²² and you loosed them: Ruth the Moabites²³ and Naamah the Ammonitess.²⁴

Raba made the following exposition: What was meant by the Scriptural text, *Many things hast Thou done, O Lord my God, even Thy wondrous works, and Thy thoughts toward us?*²⁵ It is not written, 'toward me', but toward us. This teaches that Rehoboam²⁶ sat on the lap of David when the latter said to him. 'Those two Scriptural verses²⁷ were said concerning me and you.'²⁸

Raba made the following exposition: What was meant by the Scriptural text, *Then said I: 'Lo, I am come with the roll of a book which is prescribed for me'?*²⁹ David said,³⁰ 'I thought I have come³¹ only now; but I did not know that in the Roll of the Book³² it was already³³ written about me'. For there it is written, That are found,³⁴ and here it is written. I have found³⁵ David My servant; with My holy oil have I anointed him.³⁶

'Ulla said in the name of R. Johanan: The daughter of an Ammonite proselyte³⁷ is eligible to marry a priest. Said Raba b. 'Ulla to 'Ulla: In accordance with [whose view is your statement made]? If in accordance with that of R. Judah, he surely had stated that the daughter of a male proselyte is like the daughter of a male Halal!³⁸ And if in accordance with the view of R. Jose, your statement is self-evident, for surely he had stated: Even where a male proselyte had

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married a female proselyte his daughter is eligible to marry a priest!³⁹ And were you to reply that this⁴⁰ applies to such as are fit to enter the assembly⁴¹ but not to this man who⁴² is not fit to enter the assembly⁴³ whence [it may be asked] is this distinction⁴⁴ [inferred]! — It is inferred from the case of a High Priest who married a widow.⁴⁵ [But it may be objected] the marriage between a High Priest and a widow is different, since his cohabitation constitutes a transgression!⁴⁶ — [Then the case of the] Halal proves it?⁴⁷ [But it may be objected that] a Halal is different since his formation was in sin!⁴⁸ — [Then the case of the] High Priest⁴⁹ proves it; and thus the argument will go round;⁵⁰ though the aspect of the one is unlike that of the other and the aspect of the other is unlike that of the first, their common characteristic is that either of them is unlike the majority of the assembly⁵¹ and his daughter⁵² is ineligible,⁵³ so here also since he⁵⁴ is unlike the majority of the assembly,⁵⁵ his daughter should be ineligible.⁵³ [But it may again be objected] their common characteristic⁵⁶ is different, since it also involves an aspect of sin!⁵⁷ Did you possibly⁵⁸ speak of an Ammonite who married the daughter of an Israelite,⁵⁹ [informing us that], though his cohabitation is an act of transgression, his daughter is nevertheless eligible? — The other replied: Yes; for when Rabin came⁶⁰ he reported in the name of R. Johanan on the daughter of an Ammonite proselyte⁶¹ and the daughter of an Egyptian of the second generation⁶¹ that R. Johanan declared her eligible⁶² while Resh Lakish maintained that she was ineligible.⁶²

'Resh Lakish maintained that she was ineligible', for he infers this case from that of a High Priest who married a widow. 'R. Johanan declared her eligible'.

1. Addressed to Abner *supra*.
2. To brand David publicly as a descendant of a Moabitess, and unfit to enter the congregation of Israel in accordance with Deut. XXIII, 4.
3. Cur. ed., 'Abigail', is apparently a printer's error (cf. M.T.). V., however, I Chron. II, 17.
4. II Sam. XVII, 25.

5. I Chron. II, 17. Some MSS, read Ishmaelite in the [text of Sam. also. How then are the two readings to be reconciled?
6. V. *supra* p. 517, n. 17. [On the political issues involved in this controversy v. Aptowitzer, *Parteipolitik der Hasmonaerzeit* pp. 31ff. He regards the attack on the legitimacy of David as a movement inspired by the Sadducees to support the Hasmoneans' right to the throne against the challenge of their opponents. V. Kid. Sonc. ed. pp. 332ff].
7. In such circumstances.
8. Basing his ruling on traditional law which he claims to have received from his teachers.
9. In the course of his discourses and studies.
10. Before the point of law assumed practical importance.
11. Had not the statement been a true one, he would not have ventured to make it when its validity could be so easily tested.
12. Raised by Doeg (*supra* 76b) to which no reply was forthcoming
13. Cf. BaH. a.l.
14. Ps. XLV, 14. Respectable women remain at home and do not go into the open road even to meet members of their own sex. No blame, therefore, is attached to the Ammonite and Moabite women for not meeting the Israelites with bread and with water. Cf. Deut. XXIII, 5.
15. Palestine.
16. Gen XVIII, 9, and he answered, 'Behold in the tent'. Sarah remained indoors attending to the duties of her household, though there were visitors whom Abraham was entertaining in the open under the tree (*ibid.* 4).
17. As to the Scriptural text from which the admission of Ammonite and Moabite women is deduced.
18. Deut. XXIII, 4.
19. *Ibid.* 5.
20. V. *supra* 76b.
21. Ps. CXVI, 16.
22. Upon David's dynasty.
23. From whom David himself descended. V. Ruth IV. 13. 17ff.
24. The wife of Solomon and mother of Rehoboam, David's grandson. V. I Kings XIV, 21, 31.
25. Ps. XL, 6.
26. V. *supra* p. 519. n. 17.
27. Gen. XVIII. 9 and Ps, XLV. 14, from which the permissibility of admitting Ammonite and Moabite women into the congregation of Israel was deduced.
28. Divine providence which permitted Ammonite and Moabite women to enter the assembly has saved them from being excluded from the congregation of Israel.
29. Ps. XL. 8.
30. When he was anointed king.

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31. To the kingship.
32. The Scroll of the Law, the Pentateuch.
33. Since the days of Abraham.
34. Gen. XIX. 1, (rt. [H]) referring to the two daughters of Lot, from whom descended Ammon and Moab respectively.
35. Rt. [H].
36. Ps. LXXXIX. 21.
37. It is now assumed that the daughter was born from an Ammonite father and mother after their conversion.
38. Who is forbidden to marry a priest! Kid. 77a. For Halal v. [Glos.](#)
39. Kid. *loc. cit.*
40. The dispute between 'R. Judah and R. Jose.
41. Those of the nations who are not forbidden by the prohibitions prescribed in Deut. XXIII.
42. As an Ammonite.
43. In accordance with the prohibition in Deut. XXIII. 4.
44. Between an Ammonite's daughter who, as a female, is not included in the prohibition, and the daughter of any other people. What proof is there that a father's status deprives a daughter of her rights?
45. As the daughter of a High Priest who is forbidden to marry a widow, is ineligible to marry a priest, so is the daughter of an Ammonite proselyte.
46. The marriage between an Ammonite and an Ammonitess, however, is no transgression.
47. The marriage by a Halal (v. [Glos.](#)) of the daughter of an Israelite constituting no transgression, and yet his daughter is ineligible to marry a priest.
48. A Halal is the offspring of a forbidden union; the Ammonite proselyte is not. How, then, could the latter be inferred from the former?
49. Whose formation was not in sin, and yet his daughter is forbidden.
50. If objection is raised against the case of the High Priest, that of the Halal will be adduced as proof; and if objection is raised against that of the Halal, the case of the High Priest will be adduced as proof.
51. As to the High Priest his cohabitation is forbidden, and as to the Halal his formation was in sin.
52. The High Priest's and the Halal's.
53. To marry a priest.
54. The Ammonite proselyte.
55. He is forbidden to enter the assembly of the Lord (Deut. XXIII. 4).
56. That of the High Priest and the Halal.
57. The daughter of the High Priest was born in sin, since the marriage of her parents was a forbidden one, and in the case of the daughter of the Halal, the birth of the father was in sin. In the case of the Ammonite proselyte, however, neither the daughter nor her father

was born in sin. How, then, could this case be inferred from the two former? And thus the question remains, what need was there for R. Johanan to teach the evident case of the daughter of an Ammonite proselyte?

58. 'Certainly' is to be deleted. V. BaH.
59. Not as previously assumed (v. *supra* p. 520, n. 13)
60. From Palestine to Babylon.
61. Who married the daughter of an Israelite and thus contracted a forbidden union.
62. To marry a priest.

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as R. Zakkai recited¹ in the presence of R. Johanan, '[The expression,] But a virgin of his own people shall he take to wife,² includes a woman who is fundamentally a proselyte³ who is eligible to marry a priest', and the other said to him, 'I learn: ['Since. instead of] 'His people'. Of his people [was written]. a virgin who descended from two peoples⁴ is also included', and you mention only a fundamental proselyte and no other!' Now, what is meant by 'two peoples'? If it be suggested that it refers to the case of an Ammonite who married an Ammonitess, and that these are described as of 'two peoples' because the males are forbidden and the females are permitted, such a case [it may be objected] is the same as that of a fundamental proselyte! Consequently it must refer to an Ammonite who married the daughter of an Israelite.⁵

Others say: He said to him,⁶ 'I learn: ['Since, instead of] 'His people'. Of his people² [was written], a virgin who is descended from two peoples² and from a people consisting of two groups of people⁸ is included', and you mention only a fundamental proselyte and no other!⁹

According to this latter version, however,¹⁰ whence is it inferred that the daughter of an Egyptian of the second generation¹¹ is eligible to marry a priest? And should you suggest that this might be inferred from the case of an Ammonite who married the daughter of an Israelite, [it may be objected that] the case of the Ammonite who married the daughter of

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an Israelite is different since the Ammonite females are eligible.¹² — An Egyptian of the second generation who married an Egyptian woman of the second generation might prove it.¹³ But [it may be objected that the case] of an Egyptian of the second generation who married an Egyptian woman of the second generation is different since his cohabitation constitutes no transgression? — An Ammonite who married the daughter of an Israelite might prove it,¹⁴ and thus the argument would go round, etc.¹⁵

Said R. Joseph: This¹⁶ then it is that I heard Rab Judah expounding on 'His people. Of his people' and I did not [at the time] understand what he meant.¹⁷

When R. Samuel b. Judah came, he stated: Thus he¹⁸ recited in his¹⁹ presence: An Ammonite woman is eligible;²⁰ her son that is born from an Ammonite is ineligible; and her daughter that is born from an Ammonite is eligible. This, however, applies only to an Ammonite and an Ammonitess who were converted; but her daughter that was born from an Ammonite is ineligible. [On hearing this] the other said to him, 'Go recite this outside. For your statement that "an Ammonite woman is eligible" [is quite acceptable, since] Ammonite²¹ excludes the Ammonitess. That "her son that is born from an Ammonite is ineligible" [is also correct] since he is in fact an Ammonite. In what respect, however, is "her daughter that was born from an Ammonite eligible"? If in respect of entering the assembly, is there, now that her mother is eligible, any need to mention her! The eligibility must consequently be in respect of marrying a priest. [But then what of the statement], "this, however, applies only to an Ammonite and an Ammonitess who were converted; but her daughter that was born from an Ammonite is ineligible"? What is meant by "her daughter that was born of an Ammonite"? If it be suggested that it refers to an Ammonite who married an Ammonitess,²² then this is the same case as that of a fundamental proselyte!²³ Consequently it must refer to an

Ammonite who married the daughter of an Israelite'.²⁴ [Concerning this] he told him. 'Go recite this outside'.²⁵

AN EGYPTIAN AND AN EDMITE ARE FORBIDDEN ONLY, etc. What is the OBJECTION?²⁶ — Raba b. Bar Hana replied in the name of R. Johanan: Because it may be said that the case of forbidden relatives proves it,²⁷ since in respect of them the prohibition extends to the third generation only²⁸ [and is nevertheless applicable to] both males and females.²⁹ [But can it not be argued that the case] of forbidden relatives is different.³⁰ since in their case the penalty of *Kareth* is involved?³¹ — [The case of the] bastard³² proves it. [But can it not be suggested that the case] of the bastard is different³³ since he is forever ineligible to enter the congregation?³⁴ — [The case of] forbidden relatives³⁵ proves it. Thus the argument could go round.³⁶ The aspects of one are unlike those of the other and the aspects of the other are unlike those of the first. Their common characteristic, however, is that both males and females are equally forbidden; so might one also include the Egyptian man and the Egyptian woman so that in their case also both males and females should be equally forbidden.³⁷ This common characteristic, however, [it may be retorted,] is different.³³ since in one respect it also involves *Kareth*.³⁸ And the Rabbis?³⁹ They infer it⁴⁰ from the Halal⁴¹ who is the offspring of a union between those who through it, are guilty of transgressing a positive commandment;⁴² and in accordance with the view of R. Eliezer b. Jacob.⁴³ Then what is meant by, NOT SO?⁴⁴ — It is this that he said to them: As far as I am concerned, I do not accept the view of R. Eliezer b. Jacob;⁴⁵ but according to you, since your view is that of R. Eliezer b. Jacob,⁴⁶ [my reply is that] IT IS AN HALACHAH THAT I AM REPORTING.⁴⁷

It was taught: R. Simeon said to them,⁴⁸ 'I am reporting an *Halachah* and, moreover, a Scriptural text supports my view, [it having been written] sons⁴⁹ but not daughters'.

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Our Rabbis taught: Sons,⁴⁹ but not daughters; so R. Simeon. R. Judah, however, said: Behold it is said in Scripture. The sons of the third generation that are born unto them;⁵⁰ Scripture has made them dependent on birth.⁵¹

R. Johanan said: Had not R. Judah declared, 'Scripture made them dependent on birth',⁵² he would not have found his hands and feet at the house of study.⁵³ For as a Master said that a congregation of proselytes is also called an assembly.⁵⁴

1. I.e., from this statement it is deduced what was R. Johanan's view.
2. Lev. XXI, 14.
3. Or 'a proselyte of her own status' (Jast.) who was a proselyte from her birth, i.e., when her father and mother were converted after their marriage and before her birth. Where an Ammonite proselyte marries the daughter of an Israelite, the offspring of such a union is not fundamentally a proselyte and is ineligible to marry a priest since the union was a forbidden one.
4. This is explained presently
5. Thus it is proved (v. *supra* n. 4) that, in the opinion of R. Johanan, such a case is eligible.
6. R. Johanan to R. Zakkai.
7. From the daughter of an Israelite who married an Ammonite proselyte.
8. I.e., whose father is the Ammonite proselyte, a descendant of a people whose males are forbidden and whose females are permitted.
9. According to this version, unlike the former where it was arrived at by inference. R. Johanan's view is explicitly stated.
10. Since the case of the Ammonite only was mentioned. (Cf. *supra* n. 2).
11. Who married the daughter of an Israelite and thus contracted a forbidden union.
12. While the Egyptian females, like the man, are forbidden for three generations.
13. His daughter is permitted since she belongs to the third generation, although she also belongs to the Egyptian people whose males and females are equally forbidden. As this latter restriction is no bar in this case it should form no bar in the case of an Egyptian of the second generation who married the daughter of an Israelite.
14. His daughter is eligible though his marriage constitutes a transgression.
15. Continued as *supra* 77a.
16. The ruling permitting the daughter of an Ammonite proselyte who married the daughter of an Israelite.
17. R. Joseph, as a result of a serious illness, lost his memory and only dimly recollected some of the rulings and expositions of his teachers.
18. R. Zakkai. V. *supra*.
19. R. Johanan's.
20. This is explained presently.
21. Deut. XXIII, 4.
22. Who were converted prior to the birth of their daughter.
23. Who, as stated in the first clause, is eligible!
24. The daughter being ineligible because of the forbidden marriage of her parents.
25. In such a case also the daughter is eligible as deduced *supra* from the expression, Of his people (Lev. XXI. 14) instead of 'his people'.
26. That can be advanced, according to the Rabbis, against R. Simeon's argument in our Mishnah.
27. That R. Simeon's argument is untenable.
28. Both in the ascending and the descending line.
29. Similarly in the case of the Egyptian and the Edomite.
30. I.e., it is more restricted than that of marriage with an Egyptian, etc.
31. Since they are subject to the one restriction (*Kareth*) they are also subject to the other (equal prohibition of males and females). The case of the Egyptian and the Edomite, however, which does not involve *Kareth* might not include the females either!
32. Cohabitation with whom is not subject to the penalty of *Kareth*, and both males and females are nevertheless equally subject to the prohibition.
33. I.e., it is more restricted than that of marriage with an Egyptian, etc.
34. As he is subject to this restriction he is also subject to the other (cf. *supra* n. 1).
35. Who are only forbidden to intermarry with each other, but are severally permitted to all the other members of the congregation.
36. Should objection be raised against the case of the forbidden relatives, that of the bastard could be adduced as proof; and should objection be raised against that of the bastard, that of the forbidden relatives might be adduced as proof.
37. This then, is the objection which the Rabbis could raise against R. Simeon's a *minori* argument.
38. Even in the case of the bastard, *Kareth* is involved as the penalty of his parents for the action which was the origin of his birth. In the case of the Egyptian and Edomite, however, there is no aspect whatsoever involving this penalty. The latter, therefore, cannot be deduced from the others.
39. How could they still maintain their objection against R. Simeon's argument.
40. The prohibition of the females.

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41. And not, as has previously been assumed, from the bastard.
42. When, e.g., a High Priest married a seduced woman (cf. *supra* 60a) who is forbidden to him by virtue of the positive precept of Lev. XXI. 13.
43. Who, contrary to the view of the Sages, regards such a child as Halal (*supra* 59b and 60a). Thus it has been proved that even where no *Kareth* is involved, both males and females (the *Halalah* like the Halal) are included in the prohibition. Similarly in the case of the Egyptians and the Edomites.
44. The objection of the Rabbis is strong enough!
45. Cf. *supra* p. 523. n. 13. *ab. init.*, R. Simeon being of the opinion that the offspring of a union between those who are thereby guilty of transgressing a positive precept only is not regarded as a Halal.
46. And consequently you might derive the prohibition of the females from the law of the Halal.
47. And an objection is of no validity in the face of a definite tradition.
48. The Rabbis of our Mishnah.
49. [H] Deut. XXIII, 9.
50. *Ibid.* emphasis on are born.
51. Irrespective of sex. Had the law applied to males only the clause 'that are born etc,' should have been omitted.
52. I.e., that the females also are forbidden.
53. His position would have been untenable.
54. The assembly of the Lord (cf. Deut. XXIII, 2, 3, 4, 9. and Kid. 73a.).

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how¹ could an Egyptian of the second generation ever attain purity?² But is not this possible when he transgressed and did marry one?³ — Scripture⁴ would not have written of a case of 'when'.⁵ Behold the case of the bastard which is one of 'when'⁶ and yet Scripture did write it!⁷ — It wrote of a 'when' [leading] to a prohibition;⁸ it would not have written of a 'when' [if it led] to permissibility.⁹ Behold the case of the man who remarried his divorced wife,¹⁰ which involves a 'when' [leading] to a permitted act¹¹ and yet did Scripture write of it! — In that case it was written mainly for the purpose of the original prohibition.¹²

Our Rabbis taught: If the expression of sons¹³ was used, why was also that of generations¹³ used; and if that of generations was used, why

also that of sons?¹⁴ If the expression of 'sons' had been used and not that of 'generations'¹⁵ it might have been assumed that only the first and second son is forbidden but that the third¹⁶ is permitted, the expression of 'generations'¹⁷ was, therefore, used. And had the expression of 'generations' only been used and not that of sons,¹⁸ it might have been assumed that the precept was given only to those who stood at Mount Sinai,¹⁹ the expression of sons' was therefore used.²⁰ Unto them,²¹ Count from them.²² Unto them.²³ Be guided by the status of the ineligible among them.²⁴

It was necessary [for Scripture] to write *Unto them*,²⁵ and it was also necessary for it to write, *That are born*.²⁵ For had the All Merciful written only. 'That are born', it might have been presumed that the counting must begin from their children,²⁶ hence did the All Merciful write 'Unto them'.²⁷ And had the All Merciful written only 'Unto them',²⁸ it might have been presumed that, where a pregnant Egyptian woman became a proselyte, she and her child are regarded as one generation. hence did the All Merciful write. 'That are born'.²⁹

It was, furthermore, necessary to write *Unto them*²⁸ in this case,³⁰ and *Unto him*³¹ in respect of the bastard. For had the All Merciful used the expression here only,³⁰ [the restriction³² might have been assumed to apply to this case only], because the child descended from a tainted origin.³³ but not to a bastard, since he is descended from an untainted origin.³⁴ And had the All Merciful written the expression in respect of the bastard, [the restriction³² might have been presumed to apply to him only]. because he is for all time unfit to enter into the assembly, but not in this case.³⁵ [Both texts were, therefore,] required.

Rabbah b. Bar Hana stated in the name of R. Johanan: If an Egyptian of the second generation married an Egyptian woman of the first generation, her son is [regarded as belonging to the] third generation. From this

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it is obvious that he³⁶ is of the opinion that the child is ascribed to him.³⁷

R. Joseph raised an objection: R. Tarfon said, 'Bastards may attain to purity. How? If a bastard married a female slave, their child is a slave. When, however, he³⁸ is emancipated he becomes a free man'.³⁹ This⁴⁰ clearly proves that the child is ascribed to her! — There it is different, because Scripture said, The wife and her children shall be her master's.⁴¹

Raba raised an objection: R. Judah related, 'Menjamin, an Egyptian proselyte. was one of my colleagues among the disciples of R. Akiba, and he once told me: I am an Egyptian of the first generation and married an Egyptian wife of the first generation; and I shall arrange for my son to marry an Egyptian wife of the second generation in order that my grandson shall be eligible to enter the congregation'.⁴² Now, if it could be assumed that the child is ascribed to his father, [he could have married a wife] even of the first generation!⁴³ — The fact is that⁴⁴ R. Johanan said to the Tanna:⁴⁵ Read, '[a woman of the] first generation'.

When R. Dimi came⁴⁶ he stated in the name of R. Johanan: If an Egyptian of the second generation married an Egyptian wife of the first generation. her son is [regarded as belonging to the] second generation. From this it is obvious that a child is ascribed to his mother.

Said Abaye to him: What then of the following statement of R. Johanan. 'If a man set aside a pregnant beast as a sin-offering and it then gave birth, his atonement may be made, if he desires, with the beast itself, and, if he prefers, his atonement may be made with her young'.⁴⁷ This law would be intelligible if you admit that an embryo is not regarded as a part⁴⁸ of its mother, since this case would be similar to that of one who set aside as a security two sin-offerings,⁴⁹ in respect of which R. Oshaia had stated that a man who set aside two sin-offerings as a security⁴⁹ is to be atoned for with either of them, while the

other goes to the pasture.⁵⁰ If you maintain, however, that an embryo is a part⁵¹ of its mother, the former is like the young of a sin-offering,⁵² and the young of a sin-offering is sent to die!⁵³ The other remained silent. 'Is it not possible', the first said to him, 'that there⁵⁴ it is different.⁵⁵ since it is written That are born,⁵⁶ Scripture made it dependent on birth'?⁵⁷ — 'Clever man',⁵⁸ the other replied, 'I saw your chief⁵⁹ between the pillars⁶⁰ when R. Johanan gave the following traditional ruling: The reason⁶¹ here is because it was written, That are born,⁵⁶ elsewhere, however, the child is ascribed to the father'.⁶²

What, however, of the following statement of Raba. 'If a pregnant gentile woman was converted, there is no need for her son to perform ritual immersion'.⁶³ Why⁶⁴ is there no need for him to perform immersion? Should you reply that it⁶⁵ is due to a ruling of R. Isaac; for R. Isaac stated: Pentateuchally [a covering of] the greater part,⁶⁶ if one objects to it,⁶⁷ constitutes legally an interposition,⁶⁸ and if one does not object to,⁶⁹ no legal interposition is constituted;⁷⁰

1. If Egyptian women were not included in the prohibition to enter the assembly.
2. Entry into the assembly. Egyptian women proselytes being regarded, like Israelites, as an assembly (v. *supra* n. 12), no Egyptian male proselyte of the first or second generations would ever be permitted to marry them. How then, since he can marry neither a woman of Israel nor a proselyte of his own people, would he ever produce a third generation (v. Deut. XXIII, 9) that would be fit to enter the assembly?
3. A woman in Israel or an Egyptian woman proselyte.
4. In permitting the third generation (v. Deut. XXIII, 9).
5. I.e., of a possibility that a person might transgress and thus produce a generation that will be fit.
6. The assumption of a bastard's birth is dependent on the possibility that someone will commit an offence.
7. Ibid. 3.
8. The case of the bastard was stated in order to forbid his entry into the assembly.
9. The third generation may enter (ibid.).
10. After she had been married to another man (v. Deut. XXIV, 1ff).

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11. The children of such a marriage, as deduced from Deut. XXIV, 4, are eligible. (Kid. 77a and *supra* 11b).
12. The ineligibility of the woman herself. The eligibility of her children is only indirectly arrived at by a deduction.
13. Cf. Deut. XXIII, 9: The sons (E.V., children) that are born ... the third generation.
14. Either the one expression or the other should have been used throughout the context.
15. The text reading the 'third son' instead of third generation.
16. Though the son of a proselyte of the first generation.
17. Indicating all the sons of the same generation.
18. Reading 'generations that are born'.
19. And that Egyptians born three generations later than the date of the promulgation of the Law shall no more be subject to its restrictions.
20. Indicating respectively individual sons in all subsequent generations.
21. לֵהָאֵל דֵּוֹט. XXIII, 9.
22. From the generation of the proselyte. He represents the first generation; his son, the second; and his grandson, being of the third, is permitted to enter the congregation.
23. A second לֵהָאֵל (v. p. 527. n. 18) not translated in E.V.
24. Whether the father is an Egyptian proselyte and the mother is of Israel, or whether the mother is an Egyptian and the father is an Israelite. the children are in either case ineligible until the third generation.
25. Deut. XXIII, 9.
26. The proselytes themselves not being counted at all in the generations.
27. To indicate that the proselytes themselves are regarded as the first generation.
28. Deut. XXIII, 9.
29. That birth constitutes a new generation:
30. In respect of the Egyptian.
31. Ibid. 3.
32. That the ineligibility of any one of the parents causes the ineligibility of the child. Cf. *supra* note 2.
33. Lit., 'drop'. One of his parents at least was ineligible.
34. His father and mother may have been proper Israelites.
35. Since an Egyptian is permitted after the third generation.
36. R. Johanan.
37. Had he been ascribed to her he should have been regarded as belonging to the second generation.
38. The child.
39. V. Kid. 69a.
40. Since the child, prior to emancipation, is regarded as a slave.
41. Ex. XXI, 4, indicating that in this particular case, (that of the children of a female slave), the children are ascribed to their mother. This is no proof, however, that in other cases also children are to be ascribed to their mother.
42. Tosef. Kid. V; Sotah 9a; *supra* 76b.
43. And the child would have been eligible by virtue of his father.
44. Lit., 'surely'.
45. Who recited the Baraita mentioned.
46. From Palestine to Babylon.
47. Tem. 25a.
48. Lit., 'thigh'.
49. In case one should be lost, the other would take its place.
50. Until it contracts a blemish, when it is redeemed. As the young and its mother spoken of in R. Johanan's statement are regarded as separate beasts, they also would be subject to the same law, and atonement may be made by either.
51. Lit., 'thigh'.
52. Which was without child at the time of its dedication.
53. How', then, could R. Johanan state that atonement may be made with either?
54. The ruling about the ascription of the Egyptian child to its mother, reported in the name of R. Johanan.
55. From other cases. While elsewhere the child may be ascribed to its father, in the case spoken of by R. Johanan it is ascribed to the mother.
56. Deut. XXIII, 9.
57. I.e., on its mother.
58. [H] (adj. of [H] or [H] 'head') 'mann von Kopf'. 'Geistreicher' v. Levy.
59. Rabbah who was Abaye's teacher (v. Tosaf. s.v. [H] a.l., and cf. Tosaf. 'Er. 22b, s.v. [H]).
60. Of the college.
61. Why the children are ascribed to the mother.
62. The suggestion was consequently not the result of Abaye's own ingenuity but a mere repetition of what he heard from his Master, Rabbah.
63. Which forms a part of the conversion ceremonial. The immersion that had been performed by his mother exempts him also.
64. If the child is elsewhere not regarded as part of its mother.
65. The exemption of the child from the immersion.
66. Of a hair (v. Rashi, Suk. 6b); that prevents it from coming in direct contact with the water.
67. To the object or substance that causes the interposition.
68. And invalidates the immersion.
69. The presence of the interposition, when, e.g., it is necessary for it to remain there.
70. 'Er. 4b, Nid. 67b. As the embryo must necessarily remain within its mother's body

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during the period of conception, it cannot possibly object, so to speak, to its mother's interposition.

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surely [it may be retorted] R. Kahana stated: This applies only in respect of its greater part, but when the whole of it is effected a legal interposition is constituted!¹ — The case of the embryo is different since its position² is that of its natural growth.³

When Rabina⁴ came, he stated in the name of R. Johanan: Among the other nations follow the male.⁵ If they are converted⁶ follow the more tainted of the two.⁷

'Among the other nations follow the male, as it was taught: Whence is it deduced that if one of the other nations⁸ cohabited with a Canaanitish⁹ woman and begat a son, that son may be purchased as a slave?¹⁰ It is said, Moreover of the children of the strangers¹¹ that do sojourn among you, of them may ye buy.¹² As it might have been assumed that even if one of the Canaanites⁹ had cohabited with one of the women of the other [gentile] nations⁸ and begat a son, you may buy that son as a slave, it was explicitly stated, That they have begotten in your land;¹² only from those who were begotten¹³ in your land, but not from those who dwell in your land.¹⁴

'If they are converted, follow the more tainted of the two'. In what case? If it be suggested that it refers to an Egyptian¹⁵ who married an Ammonitess,¹⁶ how could the expression 'the more tainted of the two', be applicable when Scripture explicitly said, An Ammonite,¹⁷ but not an Ammonitess?¹⁸ — Rather, the reference is to an Ammonite¹⁹ who married an Egyptian wife.²⁰ If [the child of such a marriage] is a male, he is ascribed to the Ammonite;²¹ if it is a female, she is ascribed to the Egyptian.²²

MISHNAH. BASTARDS AND NETHINIM²³ ARE INELIGIBLE,²⁴ AND THEIR INELIGIBILITY IS FOR ALL TIME, WHETHER THEY BE MALES OR FEMALES.

GEMARA. Resh Lakish said: A woman bastard is eligible²⁵ after ten generations. This is derived from an analogy between tenth,²⁶ and tenth²⁷ mentioned in respect of the Ammonite and the Moabite; as in the latter case the females are permitted²⁷ so are they permitted in the former case.²⁸ Should you suggest that as in the latter case eligibility begins forthwith so it does in the former case, [it may be replied] that the analogy can only be effective in respect of the generations after the tenth.²⁹ But, surely, we learned, **BASTARDS AND NETHINIM ARE INELIGIBLE, AND THEIR INELIGIBILITY IS FOR ALL TIME, WHETHER THEY BE MALES OR FEMALES!**³⁰ — This is no difficulty: One statement³¹ is in agreement with him who holds³² that a deduction is carried through in all respects,³³ while the other³⁴ is in agreement with him who maintains³² that a deduction is restricted by its original basis.³⁵

R. Eliezer was asked: What [is the legal position³⁶ of] a female bastard after ten generations? 'Were anyone to present to me', he replied, 'a third generation. I would declare it pure!' He is obviously of the opinion [that the stock of] a bastard does not survive.³⁷ So also did R. Huna state: A bastard's stock does not survive. Did we not learn, however, **BASTARDS ARE INELIGIBLE, AND THEIR INELIGIBILITY IS FOR ALL TIME?** — R. Zera replied: It was explained to me by Rab Judah that those who are known³⁸ survive;³⁹ those who are not known³⁸ do not survive; and those who are partly known and partly unknown survive for three generations but no longer.

A certain man once lived in the neighborhood of R. Ammi. and the latter made a public announcement that he was a bastard. As the other was bewailing the action,⁴⁰ [the Master] said to him: I have given you life.⁴¹

R. Hana b. Adda stated: David issued the decree of prohibition⁴² against the Nethinim,⁴³ for it is said, And the king called the Gibeonites,⁴⁴ and said unto them-now the

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Gibeonites were not of the children of Israel, etc.⁴⁵

Why did he issue the decree against them? — Because it is written. And there was a famine in the days of David three years. year after year.⁴⁶ In the first year he said to them, 'It is possible that there are idolaters among you, for it is written, And serve other gods, and worship them ... and he will shut up the heaven, so that there shall be no rain, etc.'⁴⁷ They instituted enquiries but could not discover any idolaters. In the second year he said to them, 'There may be transgressors among you, for it is written, Therefore the showers have been withheld and there hath been no latter rain; yet thou hadst a harlot's forehead, etc.'⁴⁸ Enquiries were made but none was found. In the third year he said to them, 'There might be among you men who announce specified sums for charity in public but do not give them, as it is written, As vapors and wind without rain, so is he that boasteth himself of a false gift'.⁴⁹ Enquiries were made and none was found. 'The matter', he concluded, 'depends entirely upon me; Immediately, he sought the face of the Lord.⁴⁶ What does this mean? — Resh Lakish explained: He enquired of the Urim and Tummim.⁵⁰ How is this inferred? R. Eleazar replied: It is arrived at by an analogy between two occurrences of the expression of 'countenance of'; for here it is written, And David sought the countenance of the Lord,⁴⁶ and elsewhere it is written, Who shall enquire for him by the judgment of the Urim before the countenance of the Lord.⁵¹ And the Lord said: 'It is for Saul and his bloody house, because he put to death the Gibeonites'.⁵² 'For Saul', because he was not mourned for in a proper manner; 'and his bloody house, because he put to death the Gibeonites'. Where, however, do we find that Saul 'put to death the Gibeonites'? The truth is that, as he killed the inhabitants of Nob, the city of the priests who were supplying them⁵³ with water and food, Scripture regards it as if he himself had killed them.

Justice is demanded for Saul because he was not properly mourned for, and justice is demanded because he put to death the Gibeonites?⁵⁴ — Yes; for Resh Lakish stated: What is meant by the Scriptural text, Seek ye the Lord, all ye humble of the earth, that have executed His ordinance?⁵⁵ Where there is his ordinance,⁵⁶ there are also his executions.⁵⁷

David said: As to Saul, there have already elapsed

1. Even if the person does not mind the interposition. In the case of the embryo, surely, all its body remains untouched by the water. Why, then, should the child be exempt from the immersion!
2. In utero, during pregnancy.
3. The mother's body is inseparable from it and cannot, therefore, be regarded as an interposition.
4. [Read R. Abin, v. Kid 67a].
5. The child is ascribed to its father; though the mother may belong to a different gentile nation. V. *infra*.
6. To Judaism.
7. V. *infra*.
8. Other than the seven enumerated in Deut. VII, 1.
9. General designation of the seven nations, (v. *supra* n. 11) the males of which were to be exterminated (ibid. XX, 16).
10. And, being ascribed to his father, is not subject to the law of extermination. V. *supra* n. 12.
11. I.e., not of the seven nations who were the inhabitants of Canaan (v. *supra* n. 12).
12. Lev. XXV, 45.
13. I.e., whose mother that bore him, not his father, was a native of the land of Canaan.
14. Whose father belonged to one of the seven nations of Canaan (v. *supra* n. 22). Thus it has been shown that among the gentile nations also the child is ascribed to its father.
15. Who until the third generation is ineligible to enter the congregation.
16. Who is eligible immediately after conversion.
17. Deut. XXIII. 4.
18. She is not tainted at all!
19. Who is ineligible for all time. (Ibid.).
20. Eligible only after three generations.
21. His father, and is consequently forbidden for all time to enter the congregation. Had he been ascribed to his mother he would have been eligible after the third generation.
22. Her mother (cf. *supra* n. 6). Had she been ascribed to her father she would have been eligible forthwith (cf. *supra* n. 4).
23. Pl. of Nathin, v. [Glos.](#)

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24. To marry the daughter of an Israelite.
25. To enter the congregation (cf. Deut. XXIII, 3), i.e., to marry an Israelite.
26. In respect of the bastard (ibid.).
27. V. *supra* 69a.
28. [Rashi gives the fuller version. The Sifre: Just as 'tenth' stated with an Ammonite means for ever' (v. Deut. XXIII, 4), so does 'tenth' stated with Mamzer mean 'for ever'. Consequently, as in the former, males (are forbidden) and not females, so in the latter].
29. Since in the case of the bastard the prohibition of the first ten generations was explicitly stated and includes, as the term Mamzer connotes (v. *supra* 76b), both men and women, whereas the prohibition after ten generations in the case of bastards is not stated explicitly but derived on the basis of analogy from an Ammonite, in respect of whom 'for ever' is explicitly stated. V. p. 532, n. 14.
30. How, then, could Resh Lakish maintain that the bastard is permitted after the tenth generation?
31. The statement of Resh Lakish.
32. V. Hul. 120b.
33. Lit., 'judge from it and from it', i.e., all that applies to the case from which deduction is made is also applicable to the case deduced. As the case of the bastard is deduced from that of the Ammonite in one respect, it must also agree with it in all other respects, including eligibility of the females after the tenth generation, as Resh Lakish ruled. It is only in respect of the first ten generations which are explicitly forbidden in Scripture that deduction could not be made (cf. *supra* p. 532, n. 15).
34. The ruling in our Mishnah.
35. Lit., 'judge from it and set it in its (original) place', i.e., the rules of the case deduced limit the scope of the deduction. Though the case of the bastard is deduced from that of the Ammonite in respect of forbidding the former, like the latter, for all time, the exclusion of the females, though applicable to the latter, does not apply to the former, and female bastards (cf. *supra* p. 532, n. 15) remain, therefore, forbidden for all time.
36. As regards entry into the congregation.
37. A third generation would never come into existence.
38. As bastards.
39. There being no danger of intermarriage with them or their descendants.
40. Lit., 'and wept'.
41. Cf. *supra*. text and p. 533, nn. 9 and 10.
42. To enter the assembly.
43. Pl. of *Nathin*. V. [Glos.](#)
44. I.e., *Nethinim*. Cf. *supra* n. 4.
45. II Sam. XXI, 2, the last six words implying that they were excluded from the congregation.
46. Ibid. 1.
47. Deut. XI. 16f.
48. Jer. III, 3.
49. Prov. XXV, 14.
50. V. [Glos.](#)
51. Num. XXVII. 21.
52. II Sam. XXI, 1.
53. The Gibeonites who, as hewers of wood and drawers of water for the altar (v. Josh. IX, 23, 27), were maintained by the priests.
54. A simultaneous claim in his favor and against him!
55. Zeph. II, 3. [H].
56. [H] lit., '*his judgment*', for Saul's guilt.
57. Read [H] *his work*, sc. Saul's good deeds.

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the twelve months of the [first] year¹ and it would be unusual to arrange for his mourning now. As to the Nethinim,² however, let them be summoned and we shall pacify them. Immediately³ the king called the Gibeonites, and said unto them ... 'What shall I do for you? and wherewith should I make atonement, that ye may bless the inheritance of the Lord'? And the Gibeonites said to him: 'It is no matter of silver or gold between us and Saul, or his house,' neither is it for us [to put] any man, etc. ... Let seven men of his sons be delivered unto us and we will hang them up unto the Lord, etc.'⁴ He tried to pacify them but they would not be pacified. Thereupon he said to them: This nation⁵ is distinguished by three characteristics: They are merciful, bashful and benevolent. 'Merciful', for it is written, And show thee mercy, and have compassion upon thee, and multiply thee.⁶ 'Bashful', for it is written, That His fear may be before you.⁷ 'Benevolent', for it is written, That he may command his children and his household, etc.⁸ Only he who cultivates these three characteristics is fit to join this nation.⁹

But the king took the two sons of Rizpah the daughter of Aiah, whom she bore into Saul, Armoni and Mephibosheth; and the five sons of Michal the daughter of Saul, whom she bore to Adriel the son of Barzillai the Meholathite.¹⁰ Why just these? — R. Huna

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replied: They¹¹ were made to pass before the Holy Ark. He whom the Ark retained [was condemned] to death and he whom the Ark did not retain was saved alive.

R. Hana b. Kattina raised an objection: But the king spared Mephibosheth, the son of Jonathan the son of Saul!¹² — He did not allow him to pass.¹³ Was there favoritism then! — In fact he did let him pass and it retained him, but he invoked on his behalf divine mercy and it released him. But here, too, favoritism is involved!¹⁴ — The fact, however, is that he invoked divine mercy that the Ark should not retain him. But, surely, it is written, The fathers shall not be pit to death for the children, etc.!¹⁵ — R. Hiyya b. Abba replied in the name of R. Johanan: It is better that a letter be rooted out of the Torah than that the Divine name shall be publicly profaned.¹⁶

And Rizpah the daughter of Aiah took sackcloth, and spread it for her upon the rock, from the beginning of harvest until water was poured upon them from heaven; and she suffered neither the birds of the air to rest on then by day, nor the beast of the field by night.¹⁷ But, surely, it is written, His body shall not remain all night upon the tree!¹⁸ — R. Johanan replied in the name of R. Simeon b. Jehozadak: It is proper that a letter be rooted out of the Torah so that thereby the heavenly name shall be publicly hallowed. For passers-by were enquiring, 'What kind of men are these?' — 'These are royal princes' — 'And what have they done?' — 'They laid their hands upon unattached¹⁹ strangers' — Then they exclaimed: 'There is no nation in existence which one ought to join as much as this one. If [the punishment of] royal princes was so great, how much more that of common people; and if such [was the justice done for] unattached proselytes, how much more so for Israelites

A hundred and fifty thousand men immediately joined Israel; as it is said, And Solomon had threescore and ten thousand that bore burdens, and fourscore thousand that were hewers in the mountain.²⁰ Might not

these have been Israelites? — This cannot be assumed, for it is written, But of the children of Israel did Solomon make no bondservants.²¹ But that²² might have represented mere public service!²³ — [The deduction,] however, [is made] from the following: And Solomon numbered all the strangers that were in the Land of Israel, etc. And they were found a hundred and fifty thousand, etc. And he set threescore and ten thousand of them to bear burdens, and fourscore thousand to be hewers in the mountains.²⁴

Was it David, however, who issued the decree of prohibition against the Nethinim? Moses, surely, issued that decree, for it is written, from the hewer of thy wood to the drawer of thy water!²⁵ — Moses issued a decree against that generation only²⁶ while David issued a decree against all generations.

But Joshua, in fact, issued the decree against them, for it is written, And Joshua made them that day hewers of wood and drawers of water for the congregation, and for the altar of the Lord!²⁷ — Joshua made his decree for the period during which the Sanctuary was in existence²⁸ while David made his decree for the time during which the Sanctuary was not in existence.

1. Of mourning. A year is regarded as the maximum period for mourning after the dead. Cf. M.K. 21b.
2. Pl. of Nethin. V. [Glos.](#)
3. V. BaH.
4. II Sam. XXI, 2-4, 6.
5. Israel.
6. Deut. XIII, 18.
7. Ex. XX, 17.
8. To be benevolent, [H] lit. 'to practice charity' (E.V. righteousness) Gen. XVIII. 19.
9. Israel. As the Gibeonites displayed a spirit of revenge and vindictiveness they were excluded from, and forbidden even to enter, the assembly of Israel.
10. II Sam. XXI, 8.
11. All the surviving descendants of Saul.
12. Ibid. 7. Had the selection been made by the Ark, what need was there for David to spare him?
13. To avoid the risk of being retained.

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14. If he who was retained was released another would have to die in his place!
15. Neither shall the children be put to death for the fathers (Deut. XXIV, 16). Why then were Saul's descendants made to suffer for the sin of Saul?
16. Which would have been the case had the crime against the Gibeonites been allowed to go unpunished.
17. II Sam. XXI, 10.
18. Deut. XXI, 23.
19. [H] lit., 'dragged in'; proselytes who have not been admitted into the congregation, [or, 'self-made proselytes', a class of converts who Judaize in mass under the impulsion of fear. V. Moore, G. F. Judaism I, 337].
20. I Kings V, 29.
21. Ibid. IX. 22.
22. The labor spoken of in I Kings V, 29.
23. Not the labor of slaves. [H] perhaps a corruption of the Persian [H] 'day laborer'. Cf. Golds. a.l. and Jast. s.v. [H].
24. II Chron. II, 16f.
25. Deut. XXIX, 10. Since these were specially singled out they obviously did not form a part of the congregation of Israel, while their services were exactly those which were peculiar to the Nethinim or the Gibeonites.
26. Of his own time.
27. Josh. IX, 27.
28. As it was specifically stated, For the altar (ibid.).

Yebamoth 79b

In the days of Rabbi there was a desire to permit the Nethinim.¹ Said Rabbi to them, 'We could very well surrender our portion; who could surrender the portion of the altar?'² He³ is thus in disagreement with R. Hiyya b. Abba. For R. Hiyya b. Abba stated in the name of R. Johanan: The portion of the congregation is forbidden for ever,⁴ and the portion of the altar is forbidden only when the Sanctuary is in existence, but when the Sanctuary is not in existence it is permitted.

MISHNAH. R. JOSHUA STATED: I HAVE HEARD⁵ THAT A SARIS⁶ SUBMITS TO HALIZAH⁶ AND THAT HALIZAH IS ARRANGED FOR HIS WIFE, AND ALSO THAT A SARIS⁶ DOES NOT SUBMIT TO HALIZAH AND THAT NO HALIZAH IS TO BE ARRANGED FOR HIS WIFE, AND I AM UNABLE TO EXPLAIN THIS.⁷ R. AKIBA SAID,

I WILL EXPLAIN IT: A MAN-MADE SARIS⁸ SUBMITS TO HALIZAH AND HALIZAH IS ALSO ARRANGED FOR HIS WIFE, BECAUSE THERE WAS A TIME WHEN HE WAS IN A STATE OF FITNESS. A SARIS BY NATURE⁹ NEITHER SUBMITS TO HALIZAH NOR IS HALIZAH ARRANGED FOR HIS WIFE, SINCE THERE NEVER WAS A TIME WHEN HE WAS FIT. R. ELIEZER SAID: NOT SO, BUT A SARIS BY NATURE⁹ SUBMITS TO HALIZAH AND HALIZAH IS ALSO ARRANGED FOR HIS WIFE, BECAUSE HE MAY BE CURED. A MAN-MADE SARIS¹⁰ NEITHER SUBMITS TO HALIZAH NOR IS HALIZAH ARRANGED FOR HIS WIFE, SINCE HE CANNOT BE CURED. R. JOSHUA B. BATHYRA TESTIFIED CONCERNING BEN MEGOSATH, WHO WAS A MAN-MADE SARIS LIVING IN JERUSALEM. THAT HIS WIFE WAS ALLOWED TO BE MARRIED BY THE LEVIR, THUS CONFIRMING THE OPINION OF R. AKIBA.

THE SARIS NEITHER SUBMITS TO HALIZAH NOR CONTRACTS THE LEVIRATE MARRIAGE, AND SO ALSO A WOMAN WHO IS INCAPABLE OF PROCREATION MUST NEITHER PERFORM HALIZAH NOR BE TAKEN IN LEVIRATE MARRIAGE.

IF A SARIS SUBMITTED TO HALIZAH FROM HIS SISTER-IN-LAW, HE DOES NOT THEREBY CAUSE HER TO BE DISQUALIFIED.¹⁰ IF, HOWEVER, HE COHABITED WITH HER HE CAUSES HER TO BE DISQUALIFIED.¹¹ SINCE HIS ACT IS SHEER PROSTITUTION.¹² SIMILARLY, WHERE BROTHERS SUBMITTED TO HALIZAH FROM A WOMAN INCAPABLE OF PROCREATION, THEY DO NOT THEREBY CAUSE HER TO BE DISQUALIFIED.¹¹ IF, HOWEVER, THEY COHABITED WITH HER, THEY CAUSE HER TO BE DISQUALIFIED.¹¹ SINCE COHABITATION WITH HER IS AN ACT OF PROSTITUTION.¹³

GEMARA. Observe! R. Akiba was heard to state that 'Those who are subject to the penalty of negative precepts¹⁴ are on a par with those who are subject to the penalties of *Kareth*';¹⁵ but those who are subject to the penalty of *Kareth* are not eligible for *Halizah*

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or levirate marriage!¹⁶ — R. Ammi replied: 'What we are dealing with here is with a case, for instance, where his brother¹⁷ had married a proselyte; and R. Akiba is of the same opinion as R. Jose, who stated that an assembly of proselytes is not regarded as an assembly.'¹⁸ If so,¹⁹ he should also be permitted to contract levirate marriage!²⁰ — The law is so indeed; only because R. Joshua used the expression 'SUBMITS TO HALIZAH'²¹ he [R. Akiba] also used the expression 'SUBMITS TO HALIZAH'. This²² may also be proved by inference; for it was stated, R. JOSHUA B. BATHYRA TESTIFIED CONCERNING BEN MEGOSATH, WHO WAS A MAN-MADE SARIS LIVING IN JERUSALEM, THAT HIS WIFE WAS ALLOWED TO BE MARRIED BY THE LEVIR,²³ THUS CONFIRMING THE OPINION OF R. AKIBA. This proves it.²²

Rabbah raised an objection: He who is wounded in the stones or has his privy member cut off, a man-made saris, and an old man, may either participate in *Halizah* or contract levirate marriage. How?²⁴ If these died²⁵ and were survived by wives and brothers, and those brothers addressed a Ma'amar to the wives, or gave them letters of divorce, or participated with them in *Halizah*, their actions are legally valid;²⁶ if they cohabited with them, the widows become their lawful wives.²⁷ If the brothers died and they²⁸ addressed a Ma'amar to their²⁹ wives, or gave them divorce, or participated with them in *Halizah*, their actions are valid;³⁰ and if they cohabited with them the widows become their lawful wives, but they³¹ may not retain them, because it is said in Scripture. He that is wounded in the stones or hath his privy member cut off shall not enter into the assembly of the Lord.³² This clearly proves that we are dealing³³ with members of the assembly!³⁴ — The fact is, said Rabbah, that this³⁵ is a case where the widow became subject to him³⁶ first and he was subsequently maimed.³⁷ Said Abaye to him: Let the prohibition against the maimed man override the positive precept of the levirate marriage!

Did we not learn [of a similar case]: R. Gamaliel said, If she³⁸ made a declaration of refusal³⁹ well and good;⁴⁰ and if not, let [the elder sister] wait until the minor grows up and she will then be exempt as his wife's sister.⁴¹ Thus it follows that the prohibition against a wife's sister has the force of overriding [that of the levirate marriage]; here also, then, let the prohibition against the maimed man have the force of overriding it! — But, said R. Joseph. this Tanna⁴² represents the view of the Tanna of the school of R. Akiba, who maintains that [the issue] of a union which is subject to the penalty of negative precepts owing to consanguinity⁴³ is regarded as a bastard, but [the issue] of a union that is merely subject to the penalty of negative precepts is not a bastard.⁴⁴

The text, 'To raise up unto his brother a name'⁴⁵ should be applicable to this case⁴⁶ also, but he,⁴⁷ surely, is incapable of raising it!⁴⁸ — Raba replied: If so,⁴⁹ there exists no woman who is eligible for the levirate marriage whose husband was not a saris by nature⁵⁰ for a short time, at least, prior to his death.⁵¹

Against R. Eliezer,⁵² however, Raba's reply⁵³ presents a [valid] objection! — There⁵⁴ it is only a general state of debility⁵⁵ that had set in.⁵⁶

What are we to understand by A SARIS BY NATURE? — R. Isaac b. Joseph replied in the name of R. Johanan: Any man

1. To enter into the congregation.
2. Both the congregation and the altar have shares in them (cf. Josh. *ibid.*).
3. Rabbi, who forbade the portion of the altar in his time though the Sanctuary was no more in existence.
4. Until a properly constituted authority should allow it.
5. A tradition from his teachers.
6. V. [Glos.](#)
7. In what case of saris *Halizah* is, and what case it is not applicable.
8. [H] lit., a 'eunuch of man', one whose emasculation was the result of human action. (Cf. *infra* n. 12).

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9. [H] lit., a 'eunuch of the sun', one who was a eunuch from the time he first saw the sun, i.e., a congenital eunuch.
10. V. p. 538, n. 10.
11. To marry a priest.
12. The woman being forbidden to him as 'his brother's wife'.
13. Cf. *supra* n. 3.
14. A man-made saris is one of these, since cohabitation with him is forbidden by a negative precept in Deut. XXIII, 2.
15. V. *supra* 49a.
16. How then could R. Akiba maintain in our Mishnah that A MAN-MADE SARIS SUBMITS TO HALIZAH.
17. The deceased brother of the saris.
18. A proselyte, not being included in the term assembly (v. Deut. XXIII, 2) she is permitted to the saris. Hence he submits to her *Halizah*.
19. V. *supra* n. 1.
20. Why then was only *Halizah* mentioned?
21. According to R. Joshua, who regards an assembly of proselytes as a congregation, marriage is in fact forbidden. Only *Halizah* is permitted because in his opinion it is applicable in the case of those a union between whom is subject to the penalty of a negative precept.
22. That according to R. Akiba even the levirate marriage is permitted.
23. Levirate marriage. V. *supra* n. 5.
24. I.e., in what connection is this law applicable?
25. Without issue.
26. Lit., 'what they did they have done'; after their Ma'amar, a divorce is required; after their divorce, no marriage may take place; and their *Halizah* is valid.
27. Lit., 'they acquired'.
28. The maimed mentioned or the old man.
29. Brothers'.
30. V. *supra* note 9.
31. Those that are maimed. The old man is excluded. V. *infra*.
32. Deut. XXIII, 2. V. Tosef. XI.
33. In regarding the *Halizah* and marriage with an impotent person as valid.
34. How then could it be suggested that R. Akiba speaks of women proselytes who are not included in the term 'assembly'?
35. R. Akiba's statement in our Mishnah.
36. As his deceased brother's wife.
37. Since the obligation arose while the man was still in a state of potency, *Halizah* with him is both necessary and valid.
38. A minor who was given away in marriage by her mother or brothers after the death of her father and whose elder sister has now become subject to the levirate marriage of her husband.
39. *Mi'un* (v. [Glos.](#)). No divorce is needed in the case of such a minor's marriage.
40. Lit., 'she refused'. Her marriage becomes null and void retrospectively, and, as she has thus never been the legal wife of the levir, her sister (who is now no more the levir's wife's sister) may well contract with him the levirate marriage.
41. *Supra* 18a, *infra* 109a.
42. Who, in fact, deals with a case where the impotency had set in prior to the obligation and yet permits the *Halizah*.
43. Of the contracting parties.
44. This Tanna, like the Tanna of our Mishnah, thus draws a distinction between two classes of trespass that are subject to the penalty of negative precepts: (a) cases due to consanguinity and (b) other cases. While the former are subject to the restrictions of those who are liable to *Kareth*, the latter are not. Maimed persons belong to the latter class and are consequently subject to the levirate law. Cf. *supra* 49a.
45. Deut. XXV, 7.
46. The maimed levir.
47. Owing to his impotency at the time of the *Halizah*.
48. Though at some earlier period he might have been; why then should he be subject to *Halizah*?
49. If his former potency is not to be taken into consideration.
50. Approaching death deprives a person of his generating powers, and he may then be regarded virtually as a saris.
51. The widow of such a saris should consequently be exempt from *Halizah* (v. our Mishnah). How, then, would a widow ever be subject to *Halizah*? It must, therefore, be admitted that a person's former capacity for propagation is taken into consideration even though that capacity was subsequently lost.
52. Who maintains that a manmade saris does not submit to *Halizah*, though prior to his incapacitation he was capable of propagation.
53. Which proves the contrary of R. Eliezer's statement (cf. *supra* n. 6).
54. Where the power of propagation is lost on approaching death.
55. Which precedes death.
56. And this cannot at all be compared with the case of an actual saris whose incapacity is due to a definite defect in his generative organs.

Yebamoth 80a

who has not experienced a moment [of life] in a state of fitness.¹ How could this² be ascertained? — Abaye replied: [By observing

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whether] when he urinates no arch is formed. What are the causes?³ — That the child's mother baked at noon⁴ and drank strong⁵ beer.

R. Joseph said: It must have been such a saris⁶ of whom I heard Ammi saying. 'He who is afflicted from birth',⁷ and I did not know [at the time] to whom he was referring. But should we not take into consideration the possibility that he might have recovered in the meantime!⁸ — Since he suffered from affliction in his early as well as in his later life, no [possible interval of recovery] need be taken into consideration

R. Mari raised an objection: R. Hanina b. Antigonos stated, 'It⁹ is to be examined¹⁰ three times in eighty days'!¹¹ — Precautions are to be taken in respect of one limb;¹² in respect of the entire body¹³ no such precautions need be taken.¹⁴

R. ELIEZER SAID: NOT SO, etc. A contradiction may be pointed out: If at the age of twenty he¹⁵ did not produce two hairs,¹⁶ they¹⁷ must bring evidence that he is twenty years of age and he, being confirmed as a saris,¹⁸ neither submits to *Halizah* nor performs the levirate marriage. If the woman¹⁹ at the age of twenty did not produce two hairs,²⁰ they²¹ must bring evidence that she is twenty years of age and she, being confirmed as a woman who is incapable of procreation neither performs *Halizah* nor is taken in levirate marriage; so Beth Hillel. But Beth Shammai maintain that with the one as well as with the other [this takes place at] the age of eighteen. R. Eliezer said. In the case of the male, the law is in accordance with Beth Hillel and in the case Of the female, the law is in accordance with Beth Shammai because a woman matures earlier than a man!²² Rami b. Dikuli replied in the name Of Samuel: R. Eliezer changed his view.²³

The question was raised: From which statement did he withdraw? — Come and hear what was taught: R. Eliezer said. A congenital saris²⁴ submits to *Halizah*, and *Halizah* is arranged for his wife, because cases

of such a nature are cured in Alexandria in Egypt.²⁵

R. Eleazar said: As a matter of fact he²⁶ did not change his view at all, but that statement²⁷ was taught in respect [of the age of] punishment.²⁸

It was stated: If a person²⁹ between the age of twelve years and one day³⁰ and that of eighteen years³¹ ate forbidden fat,³² and after the marks of a saris had appeared, he grew two hairs.³³ Rab ruled that the person is deemed to be a saris retrospectively.³⁴ But Samuel ruled [that the person is regarded as] having been a minor at that time.³⁵

R. Joseph demurred against Rab:³⁶ According to R. Meir,³⁷ a woman who is incapable of procreation³⁸ should be entitled to a fine!³⁹ — Abaye replied: She passes from her minority [directly] into adolescence.⁴⁰ The other said to him: May all such fine sayings be reported in my name. For so it was taught: A saris is not tried as a stubborn and rebellious son,⁴¹ because no stubborn and rebellious son is tried unless he bears the mark of the pubic hair.⁴² Nor is a woman who is incapable of procreation tried as a betrothed damsel⁴³ because from her minority she passes [directly] into adolescence.⁴⁴

R. Abbahu stated: On [the basis of] the marks of a saris, of a woman incapable of procreation, and of an eight-[month] child⁴⁵ no decision is made⁴⁶ until they attain the age of twenty.⁴⁷ Is, however, an eight-[month] child viable? Surely it was taught: An eight-month child is like a stone,⁴⁸ and it is forbidden to move him;⁴⁹ only his mother may bend over him and nurse him

1. I.e., who was born with defective organs.
2. That a child was a saris from birth.
3. Of congenital impotency.
4. The heat of the oven combined with the heat of the day obviously affected the generative organs of the embryo.
5. Others, 'pale', 'diluted'.
6. The congenital eunuch or 'saris by nature' spoken of in our Mishnah.
7. Lit., 'from his mother's bowels'.

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8. Between the periods of his early and present impotency. And since he was possessed of his manly powers even if only for a short time, how could he (v. our Mishnah) be regarded as a 'saris by nature'?
9. The firstborn of a beast afflicted with a serious blemish which renders it unfit for the altar.
10. To ascertain whether the blemish is a permanent one. If it was only a passing affliction it does not affect the legal fitness of the animal.
11. At the beginning, middle and end of the period. Only where the blemish remained for the full eighty days is it regarded as permanent. If no examination was made in the middle of the period mentioned, the blemish cannot be deemed to be a permanent since it is possible that it had disappeared for some time and reappeared again V. Bek. 38b. Why, then, is the middle period disregarded in the case of the saris?
12. The eye, for instance, which was the limb affected in the case cited.
13. The impotency of the saris is an affliction affecting his body as a whole.
14. It is unlikely that such a defect should appear, disappear and reappear again.
15. A levir whose duty it is to contract levirate marriage or to submit to *Halizah*.
16. The marks of puberty.
17. The relatives of the widow who wish to exempt her from the *Halizah* and the marriage.
18. By a display of the required symptoms.
19. The widow whose husband had died without issue.
20. The marks of puberty.
21. The levir's relatives. Cf. *supra* note 9, *mutatis mutandis*.
22. Nid. 47b. Now, the case spoken of here is that of a congenital saris and yet R. Eliezer stated that he is subject neither to *Halizah* nor to the levirate marriage, which is in direct contradiction to his statement in our Mishnah!
23. The two statements were made at an earlier and later period respectively.
24. V. *supra* p. 538. n. 11.
25. As this Baraitha agrees with our Mishnah and, in addition, contains also a reason for its statement, based on actual experience, it is reasonable to assume that R. Eliezer withdrew from his other view contained in the Baraitha of *Niddah*.
26. R. Eliezer.
27. *Supra*, that the age of a male is twenty, in agreement with Beth Hillel, and that that of a female is eighteen, in agreement with Beth Shammai.
28. At the ages stated males and females respectively, emerging from their state of minority and entering that of majority, become subject to all legal obligations and penalties. The statement has no reference at all to *Halizah* or the levirate marriage.
29. The reference is to a female though the masculine gender 'saris' is used. The age of twelve years and one day is applicable to females only.
30. Below this age a girl is regarded as a minor.
31. This will be according to R. Eliezer, *supra*.
32. Or committed any other transgression. The eating of forbidden fat, [H] is invariably taken as the example of a punishable offence. Cf. Golds. a.l.
33. The marks of puberty.
34. From the age of twelve years and one day. Despite the absence of the hairs until after the age of eighteen, and their subsequent appearance, the girl is regarded as having passed into her majority at the earlier age of twelve years and one day, and consequently subject from that time to all legal penalties, the delay in the emergence of her marks of puberty being attributed to her mere impotence.
35. Between the ages of twelve and eighteen. Samuel holds that majority sets in at the latter age only when the girl's impotency is definitely established.
36. Who regards a girl, who was only subsequently found to be a saris, as having been a saris and consequently also of age from the moment she was twelve years and one day old.
37. Who exempts the seducer of a minor from the payment of the fine prescribed in Deut. XXII, 29.
38. The seducer of whom is also exempt from the fine mentioned (*supra* note 2) on the ground that, as she did not produce the required hairs, she was regarded at the time as a minor. V. Keth. 35b.
39. Because, since it was later established that she was sterile, she should be regarded (cf. *supra* note 1) as having been sterile, and so also of age, retrospectively.
40. The former age is twelve years and one day; the latter is twelve and a half plus one day. In the intervening age a girl is described as [H] damsel or maiden; and it is during this period ([H]) that she is entitled to the fine mentioned. The sterile woman does in fact become of age retrospectively, as Rab laid down, but she assumes the status of the adolescent woman who is not entitled to the fine.
41. Cf. Deut. XXI, 18ff.
42. Lit., 'lower beard'.
43. Who has been outraged (v. Deut. XXII, 23ff).
44. Cf. *supra* n. 5.
45. Born in the eighth month of conception, who, as a rule, is not viable.

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46. As to whether in the case of the former they are impotent and of age, and in the case of the latter whether he is viable.
47. Between the age of twelve and this age the former are regarded as minors until they have produced two pubic hairs, if these appear before they were twenty; and if these were not produced at twenty their majority begins from the age of twelve. In the case of the child he cannot be regarded as viable before he has completed the twentieth year of his life.
48. Obviously because he is not viable.
49. On the Sabbath when only such objects may be moved as were intended to be used on that day. The moving of a stone is forbidden.

Yebamoth 80b

in order to avert danger!¹ — Here² we are dealing with one whose marks³ have not⁴ been developed.⁵ For it was taught: Who is an eight-month child? He whose months [of conception] have not been completed. Rabbi said: The marks, his hair and nails which were not developed, would indicate it.⁶ The reason then is because they were not developed, but had they been developed it would have been assumed that the child was a seven-month one⁷ only his [birth] was somewhat delayed.⁸

With reference, however, to the practical decision which Raba Tosfa'ah gave in the case of a woman whose husband had gone to a country beyond the sea and remained there for a full year of twelve months, where he declared the child legitimate,⁹ in accordance with whose [view did he act]? [Was it] in accordance with that of Rabbi who maintains that [birth] may be delayed!¹⁰ — Since R. Simeon b. Gamaliel also maintains that [birth may] be delayed, he acted in agreement with a majority. For it was taught: R. Simeon b. Gamaliel said: Any human¹¹ child that lingers for thirty days can not be regarded as a miscarriage.¹²

Our Rabbis taught: Who is a congenital saris?¹³ Any person who is twenty years of age and has not produced two pubic hairs.¹⁴ And even if he produced them afterwards he is deemed to be a saris in all respects. And these are his characteristics: He has no beard, his

hair is lank, and his skin is smooth. R. Simeon b. Gamaliel said in the name of R. Judah b. Jair:¹⁵ Any person whose urine produces no froth; some say: He who urinates without forming an arch; some say: He whose semen is watery; and some say: He whose urine does not ferment. Others say: He whose body does not steam after bathing in the winter season. R. Simeon b. Eleazar said:¹⁵ He whose voice is abnormal so that one cannot distinguish whether it is that of a man or of a woman.

What woman is deemed to be incapable of procreation? — Any woman who is twenty years of age and has not produced two pubic hairs.¹⁴ And even if she produces them afterwards she is deemed to be a woman incapable of procreation in all respects. And these are her characteristics: She has no breasts and suffers pain during copulation. R. Simeon b. Gamaliel said:¹⁵ One who has no mons veneris like other women. R. Simeon b. Eleazar said: One whose voice is deep so that one cannot distinguish whether it is that of a man or of a woman.

It was stated: As to the characteristics of a saris, R. Huna stated, [Impotency cannot be established] unless they are all present. R. Johanan, however, stated: Even if only one of them is present.¹⁶ Where two hairs were produced¹⁷ all agree that impotency cannot be established unless all characteristics¹⁸ are displayed. They only differ in the case where these were not produced. With reference, however, to what Rabbah b. Abbuha said to the Rabbis, 'Examine R. Nahman. and if his body steams I will allow him to marry my daughter'; in accordance with whose view [was he acting]? [Was it] according to R. Huna!¹⁹ — No; R. Nahman had some stray hairs.²⁰

THE SARIS NEITHER SUBMITS TO HALIZAH NOR CONTRACTS THE LEVIRATE MARRIAGE, AND SO ALSO A WOMAN WHO IS INCAPABLE OF PROCREATION, etc. The saris was mentioned in the same way as the woman who is incapable of procreation; as the woman's incapacity is due to an act of²¹ heaven so must

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that of the saris be an act²¹ of heaven; and this anonymous [Mishnah] is in agreement with R. Akiba who stated [that *Halizah* applies] only to a man-made [saris but] not [to one afflicted] by the hand of heaven.²²

IF A SARIS SUBMITTED TO HALIZAH FROM HIS SISTER-IN-LAW, HE DOES NOT THEREBY CAUSE HER TO BE DISQUALIFIED, etc. The reason then [why when HE COHABITED WITH HER HE CAUSES HER TO BE DISQUALIFIED] is because he²³ cohabited with her; another man, however, does not;²⁴

1. To the mother and the child. The latter might otherwise die of starvation before his time, and the former might contract serious illness through the accumulation of superfluous milk in her breasts. V. Tosef. Shab. XVI. Now, since the child, because he is not viable, is regarded as a stone (v. p. 545. n. 13), how could he ever attain the age of twenty?
2. In the cited Baraitha.
3. Of viability. such as hair and nails.
4. So Alfasi, BaH and some MSS. Cur. edd. omit, 'not' referring to R. Abbahu's statement.
5. Where the marks, however, are developed. as is the case in the Baraitha cited, the child may be viable.
6. Tosef. Shab. XVI. Lit., 'concerning him', whether he is an eight-month child.
7. A child whose development is completed in the seventh month is viable.
8. R. Abbahu, *supra*, referring to such a case, teaches that, even according to Rabbi, no definite decision can be arrived at before the child has grown up and attained the age of twenty.
9. Assuming, as he did, that it remained in utero three months after the nine-monthly period.
10. Would he agree with an individual, against the opinion of a majority?
11. In the case of an animal the period is eight days.
12. *Supra* 36b, Shab. 135b, Nid. 44b. The child is assumed to be a seven-month one whose birth had been delayed and who is consequently viable.
13. V. *supra* p. 538, n. 11.
14. The usual marks of puberty.
15. In reply to the question 'who is a saris?'
16. Lit., 'by one of them'.
17. Elijah Wilna deletes 'In the beard' of cur. edd. [The reference will be accordingly to an emergence of hairs after the age of twenty, for had they appeared earlier, he would no longer

be regarded as a saris even in the face of all other characteristics of a saris, v. *supra* p. 543. Tosaf., however, retains the reading of our text and consequently draws a distinction between hairs of the beard and on any other part of the body. The former in themselves, unlike the latter, are not sufficient to establish potency. V. Tosaf. s.v. [H].

18. Of a saris.
19. Since the absence of one characteristic satisfied him, contrary to the opinion of R. Johanan *supra*.
20. V. *supra* p. 547, n. 5. [H] pl. of [H].
21. Lit., 'by the hands of'.
22. The congenital eunuch or the saris by nature. Cf. *supra* p. 538. n. 11.
23. The levir to whom, as his brother's wife, she is forbidden under the penalty of *Kareth*.
24. Cause her to be disqualified.

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is this, then, an objection to the view of R. Hamnuna who stated that a widow awaiting the decision of her levir who committed adultery¹ is disqualified [from marrying her] brother-in-law!² — No; the same law³ is applicable to [the case of cohabitation with] another man also; Only because the first clause was taught in respect of himself,⁴ the latter clause also was taught in respect of himself.

SIMILARLY, WHERE BROTHERS SUBMITTED TO HALIZAH FROM A WOMAN INCAPABLE OF PROCREATION, etc. The reason then [why when THEY COHABITED WITH HER THEY CAUSE HER TO BE DISQUALIFIED] is because they cohabited with her, but had they not cohabited with her they would not;⁵ in accordance with whose view [is this statement made]? — Not in accordance with that of R. Judah; for should it [be suggested that it is in agreement with] R. Judah, he, surely, [it might be objected,] stated that a woman incapable of procreation is regarded as a harlot.⁶

MISHNAH. IF A PRIEST WHO WAS A SARIS BY NATURE⁷ MARRIED THE DAUGHTER OF AN ISRAELITE, HE CONFERS UPON HER THE RIGHT OF EATING TERUMAH. R. JOSE AND R. SIMEON STATED: IF A PRIEST WHO WAS

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AN HERMAPHRODITE MARRIED THE DAUGHTER OF AN ISRAELITE, HE CONFERS UPON HER THE RIGHT TO EAT *TERUMAH*. R. JUDAH STATED: IF A *TUMTUM*,⁸ WAS OPERATED UPON⁹ AND HE WAS FOUND TO BE A MALE, HE MUST NOT PARTICIPATE IN *HALIZAH*,¹⁰ BECAUSE HE HAS THE SAME STATUS AS A SARIS. THE HERMAPHRODITE MAY MARRY [A WIFE] BUT MAY NOT BE MARRIED [BY A MAN].¹¹ R. ELIEZER¹² STATED: [FOR COPULATION] WITH AN HERMAPHRODITE THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE.¹³

GEMARA. [Is not this]¹⁴ obvious!¹⁵ — It might have been assumed that only one who is capable of propagation is entitled to bestow the right of eating¹⁶ and that he who is not capable of propagating is not entitled to bestow the right of eating; hence we were taught [that even the saris may bestow the right].

R. JOSE AND R. SIMEON STATED ... HERMAPHRODITE. Resh Lakish said: He CONFERS UPON HER THE RIGHT OF EATING *TERUMAH* but does not confer upon her the right to eat of the breast and the shoulder.¹⁷ R. Johanan, however, said: He also confers upon her the right to eat of the breast and shoulder.¹⁷

According to Resh Lakish,¹⁸ why is the breast and the shoulder different?¹⁹ [Obviously] because [it was] Pentateuchally [ordained].²⁰ [Was not] *Terumah*, [however]. also Pentateuchally [ordained]? — We are dealing here with *Terumah* at the present time,²¹ which [is only a] Rabbinical [ordinance].²² What is the law, however, when the Sanctuary is in existence?²³ [Obviously that *Terumah* may] not [be eaten]!²⁴ Why, then, did he state, 'But does not confer the right of eating the breast and the shoulder'?²⁵ He should rather have drawn the distinction in respect of the *Terumah* itself, thus: This²⁶ applies only to Rabbinical *Terumah*,²⁷ but not to *Terumah* that has been Pentateuchally ordained!²⁸ — It is this, in fact, that he meant: When he²⁹ confers upon her³⁰ the right of eating, he

enables her to eat *Terumah* at the present time²⁷ only when it is a Rabbinical ordinance;³¹ he is not entitled, however, to confer upon her the right of eating *Terumah* at the time when the law of the breast and the shoulder is in force,³² even if the *Terumah* is only Rabbinical,³³ for she might in consequence also come to eat of Pentateuchal *Terumah*.³⁴

'R. Johanan, however, said: He also confers upon her the right to eat of the breast and the shoulder'. Said R. Johanan to Resh Lakish: Do you³⁵ maintain that *Terumah* at the present time is only a Rabbinical ordinance? — 'Yes', the other replied, 'for I read:³⁶ A cake of figs³⁷ among cakes of figs is neutralised'.³⁸ 'But I', said the first, 'read, "A piece³⁹ among pieces⁴⁰ is neutralized";⁴¹ you obviously believe that the reading⁴² is, "Whatsoever⁴³ one is wont to count",⁴⁴ the reading in fact is, "That which one is wont to count"''.⁴⁵

What [Mishnah⁴⁶ is] it? — That wherein we learned: If a man had bundles of fenugreek of Kil'ayim⁴⁷ of the vineyard⁴⁸ they must be burned.⁴⁹ If these were mixed up with others,⁵⁰

1. With any man.
2. As any harlot. Consequently she would also be forbidden to marry a priest. But according to the implication of our Mishnah she is not disqualified from marrying a priest!
3. Of our Mishnah, that cohabitation with the widow causes her disqualification.
4. The levir.
5. Cause her to be disqualified.
6. *Supra* 61a. Cf. *supra* p. 548, n. 8, *mutatis mutandis*.
7. This excludes the man-made saris who stands under the prohibition of Deut. XXIII, 2, and cannot consequently confer upon his wife the right of eating.
8. V. *Glos.*
9. Lit., 'was torn asunder'.
10. If he has a brother who could participate in the ceremony instead of him.
11. He has the status of a male rather than that of a female, and his cohabitation with a male would be an act of sodomy.
12. 'Eleazar' according to [H]. Cf. however, Tosaf. s.v. [H] *infra* 84a.
13. On the difference between R. Eliezer and R. Judah. v. Gemara *infra*.

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14. That the congenital saris bestows the right of eating *Terumah* upon his wife.
15. His marriage being lawful; since he is not subject to the prohibition in Deut. XXIII, 2 (cf. *supra* note 3), he is obviously entitled to bestow the right.
16. Cf. Lev. XXII, 11. And such as are born in his house, they may eat of his bread, emphasis on born in his house. Cf. Rashi, a.l.
17. The priest's due from certain sacrifices. Cf. Lev. VII, 34.
18. Who forbids the breast and the shoulder to the wife of the hermaphrodite.
19. From *Terumah* which may be eaten by her.
20. Cf. *supra* n. 1.
21. After the destruction of the Temple.
22. Pentateuchally it is only due while the Temple is in existence.
23. Cf. *supra* note 6.
24. By the wife of an hermaphrodite.
25. Drawing a distinction between *Terumah* and other priestly gifts.
26. That the hermaphrodite confers upon his wife the right of eating.
27. After the destruction of the Temple.
28. Cf. *supra* note 6.
29. The hermaphrodite.
30. His wife.
31. Pentateuchally it is only due while the Temple is in existence.
32. When the Temple is in existence.
33. Such as that given from the fruit of the trees, which is at all times a Rabbinical ordinance only.
34. That which is given from corn, wine and oil.
35. Since you restrict the right of consumption to *Terumah* and exclude that of the breast and the shoulder.
36. In a Baraitha. Cf. the Mishnah cited *infra* and note 11.
37. A number of figs pressed together.
38. If such a cake of *Terumah* was mixed up with a hundred non-consecrated cakes of the same size, or if a cake of *Terumah* that was Levitically unclean was mixed up with a hundred such cakes of clean *Terumah*, the entire quantity is permitted. in the latter case, to clean priests and, in the former case, to Israelites also. This proves that *Terumah* at the present time is only a Rabbinical ordinance, since such neutralization, had the ordinance been Pentateuchal, would not, owing to its comparative importance (its high commercial value, v. *infra*), have been permitted. Though the *Terumah* of figs, like that of all other fruit of trees, is at all times a Rabbinical ordinance only, its neutralization would not have been permitted at the present time had there been any Pentateuchal *Terumah* in existence at the same time. The neutralization of the former would have been forbidden as a preventive measure against the possible assumption that the 'latter also might be neutralized.
39. Of an unclean sin-offering which is Pentateuchally forbidden. V. the Baraitha *infra* 81b.
40. Of clean meat.
41. And is permitted to be eaten. As a piece of meat which is Pentateuchally forbidden (v. *supra* n. 5) may be neutralized, even though its importance, owing to its commercial value, may be as high as that of a cake of figs, so may any food be neutralized even though its prohibition is Pentateuchal.
42. Cf. the Mishnah cited *infra*.
43. Any objects which any person whatsoever sells by counting the units. V. *infra* n. 11.
44. Cannot be neutralized.
45. 'Whatsoever' is more comprehensive than 'that'. According to the former reading, neutralization is not permitted in the case of any objects which are regarded as of sufficiently high commercial value to be sold not in bulk but in units. According to the latter reading, neutralization is permitted in all cases except those where the units are of such a high value that they are not sold save by counting single units. Now, since cakes of figs are not invariably sold in units they may of course be neutralized even though they consist of Pentateuchal *Terumah* (cf. *supra* n. 7). Resh Lakish, therefore, remains with no proof whatsoever that *Terumah* at the present time is a mere Rabbinical ordinance. [This interpretation which follows Rashi does not account for the phrase 'one is wont etc', mentioned also with the latter reading. Me'iri explains the former as including whatever is being sold as a rule by counting among the poor, whereas the latter requires the sale by counting to be the general practice among the rich as well as the poor. On either reading it is the general practice rather than the invariable rule which is the determining factor].
46. Referred to by R. Johanan (cf. p. 551. n. 8).
47. V. [Glos.](#)
48. Cf. Deut. XXII, 9.
49. This is deduced from the expression [H], (*ibid.* R.V., forfeited; R.V. marg., consecrated), read as [H], 'shall be burned with fire'.
50. Permitted bundles of fenugreek.

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they must all be burned;¹ so R. Meir. The Sages, however, stated: They are neutralized in [a mixture of] two hundred and one.² R. Meir, [in his ruling,] is of the opinion that

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whatever³ might be counted causes forfeiture,⁴ while the Sages are of the opinion that only six things cause forfeiture.⁵ R. Akiba said: Seven. They are the following: Crack-nuts,⁶ the pomegranates of Badan,⁷ sealed jugs [of wine], young shoots of beet,⁸ cabbage roots and the Grecian gourd. R. Akiba adds also home made⁹ bread.¹⁰ Those which are subject to the law of 'orlah¹¹ [impart the prohibition of] 'orlah¹² [and those which are subject] to the law of Kil'ayim of the vineyard¹³ [impart¹² that of the] Kil'ayim of the vineyard.¹⁴ R. Johanan holds the view that the reading¹⁵ was, 'That which one is wont to count'¹⁶ while Resh Lakish holds the view that the reading was 'Whatsoever one is wont to count'.¹⁷

What [is the Baraita about the] piece?¹⁸ — It was taught: A piece of a Levitically unclean sin-offering that was mixed up with a hundred pieces of clean sin-offerings and, similarly, a piece of Levitically unclean showbread¹⁹ that was mixed up with a hundred pieces of clean showbread is neutralized.²⁰ R. Judah said: It is not neutralized.²¹ If, however, a piece of a Levitically clean sin offering was mixed up with a hundred pieces of clean and unconsecrated meat, and similarly if a piece of Levitically clean showbread was mixed up with a hundred pieces of clean unconsecrated bread, all agree that neutralization cannot take place.²² Now in the first clause, at any rate, it was stated that it 'is neutralized!'²³ — R. Hiyya son of R. Huna replied: In [the case where it was] crushed.²⁴ If so,²⁴ what is R. Judah's reason?²⁵

1. The forbidden Kil'ayim cannot be neutralized. The reason is given *infra*.
2. I.e., if the permitted food is two hundred times the quantity of the forbidden Kil'ayim.
3. V. *supra* p. 551. n. 9.
4. Lit., 'consecrates'. (Cf. R.V. and J.T., Deut. XXII, 9, be forfeited). All the mixture is forbidden on account of the importance (cf. *supra* p. 551, n. 11) of the forbidden object it contained, which can never be neutralized.
5. Cf. *supra* n. 9.
6. [H] (cf. Jast. and Golds.). Rashi regards Perek as a place name. Parka (Perek) is situated in Samaria in the vicinity of Shechem.

7. A Samaritan town north-east of Shechem lying in the valley Wadi Baidan.
8. Or 'tomatoes.
9. Lit., 'of the master of the house'.
10. Lit., 'loaves'.
11. V. *Glos*. The nuts, pomegranates and jugs of wine.
12. Upon the entire mixture.
13. The beet, cabbage and gourd.
14. 'Orlah III, 6, Beza 3b. Zeb. 72a.
15. In the Mishnah cited.
16. Cf. *supra* p. 551, n. 11. Only such objects cannot be neutralized. Cakes of figs and pieces of meat, however, since some people do not always sell them singly but in bulk, are of less commercial importance and may, therefore, be neutralized.
17. Cf. *supra* p. 551, nn. 7 and 8. As cakes of figs are sometimes sold by being counted singly, they are regarded as commercially important objects which, were they Pentateuchally forbidden, could never be neutralized. As it was stated, however, that a cake of figs of *Terumah* may be neutralized, it follows, according to Resh Lakish, that *Terumah* at the present time is only a Rabbinical, and not a Pentateuchal ordinance.
18. Mentioned by R. Johanan. Cf. *supra* p. 551. n. 5.
19. Cf. Ex. XXV, 30.
20. The entire mixture is regarded as clean sin-offering meat and clean showbread respectively.
21. The reason is discussed *infra*.
22. Neutralization would have removed a Pentateuchal prohibition (that of eating consecrated food by a non-priest) from the piece of the sin-offering or from that of the showbread. As, however, the entire mixture, which consists of pieces that are sometimes sold by number, may be eaten even without recourse to neutralization by a priest to whom it could be sold, though this might have to be done at a reduced cost, the law of neutralization, which is applied even in such circumstances whenever the prohibition is Rabbinical, as in the case of the cake of figs (*supra*), is not applied here where it is Pentateuchal.
23. Though these objects are sometimes sold in units. This obviously proves that the reading was, as R. Johanan stated, 'That which one is wont to count. How, then, could Resh Lakish maintain that the reading was 'Whatsoever one is wont to count?'
24. When it is no longer sold in units but in bulk.
25. Why does he in such a case object to neutralization?

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— R. Judah follows his own view; for he stated:¹ The law of neutralization takes no effect in homogeneous objects.² [Had the piece] not been crushed, however, what [would have been the law]? Assumingly that it could not be neutralized! Why, then, was it taught. 'If, however, a piece of a Levitically clean sin-offering was mixed up with a hundred pieces of clean and unconsecrated meat ... neutralization cannot take place'?³ Let the distinction be drawn in [the case of consecrated meat] itself, thus: This⁴ applies only where it⁵ was crushed; but when it was not crushed it may not be neutralized! — He preferred [to speak of] a mixture of clean with clean.⁶

According to Resh Lakish,⁷ wherein lies the difference between the first clause and the final clause?⁸ — R. Shisha the son of R. Idi replied: The first clause deals with uncleanness that was due to liquids,⁹ which is only Rabbinical,¹⁰ while the final clause [deals with a prohibition]¹¹ which is Pentateuchal.¹² What, however, [would be the law in the case of] uncleanness through a reptile?¹³ Assumingly that no neutralization is permitted! Why, then, did he state in the final clause, 'If, however, a piece of Levitically clean sin-offering was mixed up with a hundred pieces of clean and unconsecrated meat ... neutralization cannot take place'?¹⁴ Let the distinction rather be drawn in [respect of consecrated meat] itself, thus: This¹⁵ applies only to uncleanness due to liquids, but when it is due to a reptile it may not be neutralized! — He preferred [to speak] of a mixture of clean with clean.¹⁶

Rabbah replied:¹⁷ The first clause [deals with] a prohibition under a negative precept¹⁸ while the final clause [deals with] one that involves the penalty of *Kareth*.¹⁹ But surely was it not Rabbah who stated that in all Pentateuchal prohibitions there is no difference²⁰ between a prohibition that is due to a negative precept and one that involves *Kareth*!²¹ — This is a difficulty.

R. Ashi replied:¹⁷ [The law²² in the] final clause is due to the fact that [the consecrated food] is an object which may be made²³ permissible,²⁴ and any object which [in certain circumstances] becomes permitted²⁴ cannot be neutralized even in a thousand.²⁵ This statement of R. Ashi, however, is mere fiction.²⁶ For to whom [would the mixture become permitted]!²⁷ To²⁸ the priest it is permitted [all the time],²⁹ to the Israelite²⁸ it is for ever forbidden!³⁰ The statement of R. Ashi must consequently be regarded as mere fiction. But is R. Johanan of the opinion that *Terumah* at the present time³¹ is Pentateuchal?³² Surely it was taught: If in front of two baskets, one of which contained unconsecrated fruit and the other that of *Terumah*, were two *Se'ah* measures, one containing unconsecrated fruit and the other that of *Terumah*, and the latter fell into the former, behold these are permitted,³³ for it is assumed that the *Terumah* fell into the *Terumah* and the unconsecrated fruit fell into the unconsecrated fruit.³⁴ And [in reference to this ruling] Resh Lakish stated: 'Only if the unconsecrated fruit³⁵ was more than that of the *Terumah*','³⁶ while R. Johanan stated, 'Even if the unconsecrated fruit were no more than the *Terumah*.'³⁷ Now, according to Resh Lakish³⁸ the ruling³⁹ may well be justified since he may hold the opinion that with Rabbinically [forbidden food] also it is necessary⁴⁰ to have a larger quantity [of the permitted food]. According to R. Johanan,⁴¹ however, a difficulty arises!⁴² 'This'⁴³ [R. Johanan may reply] 'is the view of⁴⁴ the Rabbis,⁴⁵

1. Zeb. 79a, Men. 22b.
2. Lit., 'a kind in its kind does not cease to exist'.
3. Thus drawing a distinction between a mixture of consecrated and unconsecrated meat.
4. That neutralization takes place.
5. The piece of the sin-offering.
6. To indicate that even in such a case, where the law of neutralization might have been expected to apply (cf. Ter. V. 3-4). the mixture remains forbidden.
7. Who explained the Baraita under discussion to refer to a crushed piece.
8. In either case the piece is Pentateuchally forbidden. As neutralization takes place in the

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- case of the first clause owing to the insignificant value of the piece. neutralization should also take place, for the same reason, in the case of the final clause! According to R. Johanan, the reason for the difference between the two clauses has been explained *supra* p. 553, n. 6.
9. If the crushed mixture was contained, for instance. in a vessel that had been in contact with unclean liquids.
 10. Pentateuchally no unclean liquid can impart uncleanness to a vessel.
 11. The consumption of consecrated food by a non-priest.
 12. Food Pentateuchally forbidden, if mixed with other food of the same kind, cannot be neutralized, according to this opinion. even if it is sold in bulk.
 13. Pentateuchal uncleanness.
 14. V. *supra* note 2.
 15. That neutralization takes place.
 16. V. *supra* p. 554, n. 5.
 17. To the objection raised against Resh Lakish.
 18. That of eating consecrated meat which is unclean. V. Lev. VII, 19.
 19. Were the crushed mixture which contained a piece of consecrated meat to be regarded as neutralized and treated like unconsecrated meat, it might be eaten by an unclean person who would thus incur the penalty of *Kareth* for eating consecrated meat during his uncleanness. Cf. Lev. VII, 20.
 20. In respect of preventive measures enacted by the Rabbis.
 21. *Infra* 219a, where, however, the reading is 'Raba'.
 22. Disallowing neutralization.
 23. If the consumer is, for instance, a priest.
 24. Even though no neutralization were to take place.
 25. Times its quantity.
 26. [H] v. B. M., Sonc. ed., p. 47. n. 1.
 27. The law which rules out neutralization in the case of objects which may attain to a state of permissibility without this process, is applicable only to such objects as become permissible, i.e., which emerge from a state of prohibition into one of permissibility. Cf. Beza 3b.
 28. Lit., 'if to'.
 29. He may eat the piece of consecrated food even if it were never mixed up with the unconsecrated food.
 30. If no neutralization were to be allowed.
 31. After the destruction of the Temple.
 32. As stated *supra* 81a.
 33. Even an Israelite may eat from the basket that contained the unconsecrated fruit.
 34. Tosef. Ter. VI end; Pes. 9b, 44a; Naz. 36b.
 35. In the basket.
 36. In the *Se'ah* measure. Only in such a case is the assumption mentioned made, because the *Terumah* representing the smaller quantity might be regarded as neutralized even if it had fallen into the basket of the unconsecrated fruit.
 37. No excess of unconsecrated fruit is necessary since the assumption mentioned is alone sufficient to establish the permissibility of the unconsecrated fruit.
 38. Who, as stated *supra*, regards *Terumah* at the present time as Rabbinical.
 39. In the Baraita cited.
 40. To make the mentioned assumption.
 41. In whose opinion *Terumah* is Pentateuchal at the present time also.
 42. How could the assumption mentioned be made in the case of a prohibition which is Pentateuchal!
 43. The ruling in the Baraita cited.
 44. Lit., 'this according to whom?'
 45. Who hold that *Terumah* at the present time is only Rabbinical.

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while I maintain the view of R. Jose'.¹ For it was taught in Seder 'Olam:² Which thy fathers possessed, and thou shalt possess it,³ they had a first,⁴ and a second⁵ possession,⁶ but they had no third one;⁷ and R. Johanan stated, 'Who is the author of Seder 'Olam? R. Jose'.⁸

But is R. Johanan of the opinion that in respect of a Rabbinically forbidden object no excess is required?⁹ Surely we learned: A ritual bath containing exactly forty *Se'ah* [of water]¹⁰ to which one *Se'ah*¹¹ was added and from which one *Se'ah*¹² was taken off, is deemed to be ritually fit.¹³ And R. Judah b. Shila stated in the name of R. Assi in the name of R. Johanan. 'As much as its greater part'.¹⁴ Does not this mean that the greater part must remain?¹⁵ — No; that the greater part must not be removed.¹⁶ And if you prefer I might say: Here¹⁷ it is different,¹⁸ since it may be said, 'For it is assumed'.¹⁹

We learned, THE HERMAPHRODITE MAY MARRY [A WIFE]!²⁰ — Read, 'If he married',²¹ But, surely, it was stated MAY MARRY!²² — And even in accordance with your view what is the meaning of BUT MAY

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NOT BE MARRIED [BY A MAN]?²³ Consequently it must be granted that as MAY ... BE MARRIED²³ implies an act that had already been performed, so also MAY MARRY implies an act that had already been performed. It may still be urged: No;²⁴ MAY MARRY implies that the act is permissible; but MAY NOT BE MARRIED²³ implies, not even if the act had already been performed.²⁵ But surely since it was taught in the final clause, R. ELIEZER STATED: [FOR COPULATION WITH] AN HERMAPHRODITE THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE, it is to be inferred that the first Tanna was doubtful on the point!²⁶ — The law²⁷ was clear to the one Master as well as to the other Master; the only difference between them was the question of stoning for copulation through either of his two organs. One Master²⁸ was of the opinion that the penalty of stoning is incurred by copulation through either of the two organs,²⁹ while the other Master³⁰ was of the opinion [that it is incurred through the male organ only] AS [IF HE WERE] A MALE.

Rab said:

1. Who stated in our Mishnah that the hermaphrodite may confer upon his wife the right of eating *Terumah*. It was in reference to this that R. Johanan had stated that the hermaphrodite may also confer upon his wife the right of eating the breast and the shoulder, which are Pentateuchally ordained, since *Terumah* also according to R. Jose is even at the present time a Pentateuchal ordinance.
2. Lit., 'Order of the World', a chronological work compiled in the first half of the second century by R. Jose b. Halafta.
3. Deut. XXX. 5, [H] the rt. of [H] is repeated.
4. After the conquest in the days of Joshua
5. In the days of Ezra.
6. The sanctity of Eretz Israel having ceased with the destruction of the first Temple and the Babylonian exile, a second 'possession was necessary to restore to the land its sanctity.
7. Which was not necessary, the second sanctification having remained for all time. As the land thus remained sacred the Pentateuchal obligation of *Terumah* also remained in force.
8. V. Nid. 46b.

9. To effect neutralization. It is now assumed that the reason why R. Johanan maintains that 'even if the unconsecrated fruit were no more than the *Terumah*' it is permitted is because, in the case of a Rabbinical prohibition, neutralization is effected by the mere accident of the mixing of consecrated with unconsecrated fruit even though the latter did not form the larger part and not because he relies on the above mentioned assumption.
10. The minimum quantity of water that constitutes a ritual bath.
11. Of unsuitable liquid.
12. Of the entire quantity of forty-one *Se'ah*.
13. Mik. VII, 2. The *Se'ah* of unsuitable liquid is regarded as having been neutralized in the forty *Se'ah* of water, so that when one *Se'ah* of the mixture was subsequently removed, the minimum of forty *Se'ah* of suitable liquid still remained in the bath.
14. Zeb. 22a. This is explained presently.
15. I.e., *Se'ah* after *Se'ah* of unsuitable liquid may be added and an equal quantity of the mixture may be successively removed only until a minimum of twenty-one *Se'ah* of suitable water remains in the bath. Should there remain less, so that the suitable liquid no longer represents the greater part of the mixture, the bath would become ritually unfit. This (the unsuitability of certain liquids in a ritual bath being only a Rabbinical provision) proves that according to R. Johanan an excess is required even in the case of Rabbinical ordinances!
16. If only half of the suitable water remained the unsuitable liquid is neutralized, no excess being required.
17. The case in the Baraita of Terumoth.
18. From the case of the ritual bath or other Rabbinical ordinances where an excess may in fact be required.
19. 'That the *Terumah* fell into the *Terumah* and the unconsecrated fruit, etc.' (v. *supra*), so that no forbidden food had ever entered the basket of the unconsecrated fruit. Such an assumption is obviously inapplicable in the case of the bath.
20. גוישא. This shows that he is regarded as a proper male. As such he should confer upon his wife the right to eat of the breast and the shoulder. How then could Resh Lakish maintain *supra* that he does not?
21. [H] i.e., if marriage had already taken place it is valid in so far as to require a letter of divorce for its dissolution since it is possible that he is a male. Originally, however, no such marriage is permitted owing to the equal possibility that he is not a male but a female.
22. Implying that marriage may be contracted in the first instance. Cf. *supra* n. 1.

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23. [H]. Perfect. Surely this cannot refer to marriage in the first instance but to a marriage already performed?
24. The two expressions are not identical.
25. The difficulty against the view of Resh Lakish consequently remains, while the opinion of R. Johanan receives confirmation.
26. Whether the hermaphrodite is to be regarded as a male. This, then, presents an objection against the view of R. Johanan.
27. That the hermaphrodite is regarded as a male.
28. The first Tanna.
29. Even if it was effected through his female organ.
30. R. Eliezer.

Yebamoth 83a

Our Mishnah¹ cannot be maintained in the presence of the following Baraitha. For it was taught: R. Jose stated, 'The hermaphrodite is a creature *sui generis*, and the Sages did not determine whether he is a male or a female'.² On the contrary; the Baraitha² cannot be maintained in the face of our Mishnah!³ — As R. Jose left his colleague⁴ it may be inferred that he changed his opinion.⁵

Samuel, however, said: The Baraitha² cannot be maintained in the face of our Mishnah.³ On the contrary; our Mishnah³ cannot be maintained in the face of the Baraitha,² since Samuel was heard to take note of an individual opinion!⁶ — This² applies only to a case where the Mishnah is not thereby uprooted; when the Mishnah, however, is thereby uprooted it need not be taken into consideration.

At the school of Rab it was stated in the name of Rab that the *Halachah* is in agreement with R. Jose in respect of the hermaphrodite and grafting; and Samuel stated: In respect of protracted labor and forfeiture.

As to the 'hermaphrodite', there is the ruling just mentioned.⁸ 'Grafting'? — As we have learned: There must be no planting, no sinking² and no grafting on the eve of the Sabbatical Year¹⁰ within thirty days before the new year; and if one planted or sank or grafted, the tree must be uprooted.¹¹ R. Judah said: Any grafting¹² which takes no root

within three days will never take root. R. Jose and R. Simeon stated: [Within] two weeks.¹³ And, [in reference to this.] R. Nahman stated in the name of Rabbah b. Abbuha that according to him who stated, 'thirty days', thirty and thirty are required;' according to him who stated 'three days', three and thirty are required;¹⁴ and according to him who stated 'two weeks', two weeks and thirty days are required.¹⁴

'And Samuel stated: In respect of protracted labor and forfeiture'. 'Protracted labor'? — As we learned: How long does the period of protracted labor¹⁵ continue? R. Meir said: Forty or fifty days.¹⁶ R. Judah said: Her [ninth] month is sufficient.¹⁷ R. Jose and R. Simeon said: Protracted labor cannot extend beyond two weeks.¹⁸ 'Forfeiture'? As we have learned: If one causes his vine to overhang¹⁹ above the crops of his neighbor, behold he causes thereby their forfeiture,²⁰ and he is liable to make compensation; so R. Meir. R. Jose and R. Simeon said:

1. Which attributes to R. Jose the opinion that the hermaphrodite bestows upon his wife the right of eating *Terumah*.
2. Tosef. Bik. II. Since his sex is a matter of doubt he cannot obviously bestow the right (v. p. 558, n. 12) upon his wife.
3. V. p. 558, n. 12.
4. In his statement in the Baraitha where he alone appears as the author. In the Mishnah both R. Jose and R. Simeon appear as the authors.
5. Which he first expressed in our Mishnah.
6. If that opinion is more rigid. (Cf. *supra* 41a Meg. 18b). Here too R. Jose's opinion in the Baraitha is more restrictive than his opinion in our Mishnah and should therefore be taken into consideration!
7. That an individual opinion is to be taken into consideration.
8. In our Mishnah (cf. Rashi a.l.).
9. The sinking of a branch under the ground while one end of it remains attached to the tree and the other end is made to protrude from the ground so that in due course it may develop into an independent tree.
10. Cf. Lev. XXV, 4ff.
11. A tree does not take root according to this view, before thirty days from the day of its planting have elapsed, and by that time the

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Sabbatical Year has already begun where all such agricultural activities are forbidden.

12. And similarly any planting or sinking.
13. Sheb. II, 6.
14. Since the last thirty days of the eve of the Sabbatical Year are regarded as part of the next Sabbatical Year (v. M.K. 3b), the plant, in order that it may be permitted, must have taken root prior to these last thirty days.
15. During this period a woman is not subject to the restrictions of a Zabah (v. [Glos.](#)), if the flow occurred during the eleven days that intervene between her menstrual periods, even if the discharge continued for three consecutive days. Such a continuous discharge at any other time, when it cannot be attributed to labor, subjects a woman to the uncleanness of a Zabah. As in this case, however, the discharge may be regarded as that attendant on labor, the woman must observe only the days prescribed for one after childbirth (cf. Lev. XII, 2ff) and not those prescribed for a Zabah (cf. *ibid.* XV, 25ff). V. Nid. 36b.
16. Prior to the birth of the child.
17. Should the flow begin prior to the ninth month and continue for three consecutive days she is regarded as a Zabah.
18. Nid. 36b.
19. Lit., 'to cover'. 'to make a shadow'.
20. Cf. Deut. XXII, 9.

Yebamoth 83b

No man can impose a prohibition upon that which is not his.¹

The question was raised: What would Samuel² have said with regard to the hermaphrodite?³ — Come and hear what Samuel said to R. Anan: The Baraita cannot be maintained in the face of our Mishnah.⁴

What would Samuel have said in respect of grafting?³ — Come and hear what Samuel said to R. Anan: Teach in accordance with the view of him who stated 'three and thirty'.

What is the opinion of Rab⁵ in respect of protracted labor?⁶ — This is undecided.⁷

What is Rab's Opinion in respect of forfeiture?⁶ R. Joseph replied. Come and hear what R. Huna stated in the name of Rab: The *Halachah* is not in agreement with R. Jose.

Said Abaye to him:⁸ What reason do you see for relying upon this statement?² Rely rather on that which R. Adda made in the name of Rab: The *Halachah* is in agreement with R. Jose! — Who is it [that is referred to by the phrase] 'At the school of Rab it was stated'?¹⁰ R. Huna [of course];¹¹ and R. Huna it was who stated that the *Halachah* is not in agreement [with R. Jose].¹²

R. JUDAH STATED: A *TUMTUM*, etc. R. Ammi remarked: What would R. Judah¹³ have done with a case like that of the *Tumtum* of Bairi,¹⁴ who, after having been placed upon the operating table¹⁵ and operated upon, begat seven children!¹⁶ And R. Judah?¹⁷ — He could tell you:¹⁸ An enquiry should be made as to the origin of his children.

It was taught: R. Jose son of R. Judah stated that a *Tumtum* must not participate in *Halizah*, since it is possible that on being operated upon he may be found to be a congenital saris.¹⁹ Is everyone then,²⁰ who is operated upon a male! — It is this that he meant: It is possible that on being operated upon he may be found to be a female; and were he found to be a male, it is even then possible that he might be found to be a congenital saris. What is the practical difference between them?²¹ — Raba replied: The practical difference between them is the question of disqualification²² where other brothers are in existence,²³ and that of *Halizah* where no other brothers exist.²⁴

R. Samuel son of R. Judah said in the name of R. Abba, the brother of R. Judah b. Zabdi, in the name of Rab Judah in the name of Rab: In respect of the hermaphrodite the penalty of stoning is incurred through either of his organs.

An objection was raised: R. Eliezer stated, 'In respect of the hermaphrodite the penalty of stoning is incurred as in the case of a male. This, however, applies only to his male organ; but in respect of his female organ no penalty is incurred!'²⁵ — He²⁶ holds the same opinion as the following Tanna. For it was taught: R. Simai stated that in respect of the

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hermaphrodite the penalty of stoning is incurred through either of his organs. What is R. Simai's reason? — Raba replied: Bar Hamduri has explained it to me as follows: And thou shalt not lie with a male, as well as with womankind;²⁷ what male is it that is capable of two manners of lying?²⁸ Obviously²⁹ the hermaphrodite. And the Rabbis? — Though he is capable of two manners of lying it is nevertheless written in Scripture. With a male.³⁰ Whence, however, do the Rabbis³¹ derive the law concerning an ordinary male? — From And.³² Whence³³ the prohibition in respect of unnatural intercourse with a woman? — From Woman.³⁴

R. Shezbi stated in the name of R. Hisda: It is not in all respects that R. Eliezer maintains that the hermaphrodite is a proper male. Since, were you to say so, [such an animal]³⁵ would be fit for consecration.³⁶ And whence is it derived that it³⁷ may not be consecrated? — From what the Rabbis taught: [A bird] that was covered,³⁸ set aside [for idolatrous purposes], or worshipped, that was the hire of a harlot³⁹ or the price of a dog,³⁹ a *Tumtum* or hermaphrodite, causes the defilement of one's clothes⁴⁰ by [contact with one's] oesophagus.⁴¹ R. Eliezer said: [A bird that was] a *Tumtum* or hermaphrodite does not impart the defilement of clothes through contact with one's esophagus; for R. Eliezer maintained that wherever male and female were mentioned,⁴² the *Tumtum* and hermaphrodite are to be excluded; but [in the case of the sacrifice of a] bird, since in respect of it no mention was made of male or female, the *Tumtum* and hermaphrodite are not to be excluded.⁴³

R. Nahman b. Isaac said: We also learned [a similar Baraitha]: R. Eliezer stated:

1. Kil. VII, 4; B.K. 100a.
2. Who only mentioned protracted labor and forfeiture.
3. Does he agree that here also the *Halachah* is in agreement with R. Jose?
4. V. *supra* 83a and cf. *supra* p. 558. n. 2 and p. 559, n. 1.

5. Whose school reported in his name (*supra* 83a) on the hermaphrodite and grafting only.
6. V. *supra* p. 560. n. 10.
7. Teku [H], v. [Glos.](#)
8. R. Joseph.
9. That of R. Huna.
10. *Supra* 38a where only the hermaphrodite and grafting were mentioned.
11. V. Sanh. 17b. Wherever it is reported that 'At the school of Rab it was stated' the author of the statement was R. Huna. When, however, R. Huna himself reports 'At the school, etc.' the author of the statement is R. Hamnuna. V. Rashi a.l. and cf. Tosaf. s.v. [H].
12. In respect of forfeiture, *supra*.
13. Who regards the *Tumtum* as a saris even if after an operation he is found to be a male.
14. A mountain village north of Safed in Palestine, once a famous town.
15. Lit., 'his (sc. the operator's) chair'.
16. Which proves, contrary to the opinion of R. Judah, that such a *Tumtum* is no saris.
17. How could he maintain his opinion in view of this incident?
18. [H], so MS.M.]
19. Tosef. Yeb. XI. Bek. 42b. A congenital saris (v. [Glos.](#)) is, of course, exempt from *Halizah*.
20. Since R. Jose mentions only the possibility of being a saris and not that of being a female.
21. Between R. Jose and his father R. Judah. Whether such a *Tumtum* is a doubtful or a certain saris he is, in either case, exempt from *Halizah*.
22. From the levirate marriage.
23. Besides the *Tumtum*. According to R. Judah, who regards him as definitely a saris, the widow, if the *Tumtum* submitted to her *Halizah*, is not thereby disqualified from subsequently marrying any of the other brothers, since the *Halizah* of a saris is null and void. According to R. Jose, however, the widow is disqualified. since the *Tumtum* might possibly be a male and his *Halizah* might be valid.
24. According to R. Judah no *Halizah* takes place; while according to R. Jose *Halizah* must be performed owing to the possibility of his being a male.
25. Tosef. Yeb. X.
26. Rab.
27. Lev. XVIII, 22. [H] pl., lit., 'lyings'.
28. V. n. 7.
29. Lit., 'be saying'.
30. [H] sing. masc. *ibid.*, which excludes copulation through his female organ.
31. Who employ the expression With a male (*ibid.*) in relation to the hermaphrodite.
32. Lev. XVIII, 22. [H], the superfluous particle of the defined accusative. Cur. edd. read, 'from

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woman'. For the reading adopted here, v. BaH, a.l.

33. According to both the Rabbis and R. Simai.
34. Ibid. cf. BaH.
35. An hermaphrodite.
36. As a sacrifice for the altar.
37. The hermaphrodite.
38. Used for bestiality.
39. Cf. Deut. XXIII. 19.
40. If the bird was offered up as a sacrifice in consequence of which its head is pinched off (cf. Lev. I, 15). As for the reasons stated, the bird is unfit for the altar, pinching (which is not the ritual mode of slaughter for unconsecrated birds) renders the bird *Nebelah* (v. [Glos.](#)) which imparts uncleanness to one's clothes. V. *infra* n. 10.
41. I.e., through eating it. It is in this manner, and not by touch, that the *Nebelah* of a clean bird (cf. Deut. XIV, 11) imparts uncleanness to a person.
42. In the Torah.
43. Bek. 42a, Zeb. 85b. Since in the case of sacrifices of beasts, male and female were mentioned, it is obvious that, according to R. Eliezer, no *Tumtum* or hermaphrodite is suitable.

Yebamoth 84a

A hybrid, *Terefah*,¹ one that was extracted through the abdominal wall,² the *Tumtum* and the hermaphrodite can neither become sacred nor can they impart sanctity to others;³ and Samuel explained: They neither become sacred by means of exchange,⁴ nor do they impart sanctity [to any other beast]⁵ by causing it to become an exchange.⁶ This proves [what has been said].

R. ELIEZER STATED ... THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE. It was taught: Rabbi related, 'When I went to learn Torah at [the school of] R. Eleazar b. Shammu'a, his disciples combined against me like the cocks of Beth Bukya⁷ and did not let me learn more than this single thing in our Mishnah: **R. ELIEZER STATED: [FOR COPULATION WITH] AN HERMAPHRODITE THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE.**

CHAPTER IX

MISHNAH. SOME WOMEN ARE PERMITTED⁸ TO THEIR HUSBANDS AND FORBLDDEN⁸ TO THEIR LEVIRS,² OTHERS ARE PERMITTED⁸ TO THEIR LEVIRS AND FORBIDDEN⁸ TO THEIR HUSBANDS, OTHERS ARE PERMITTED TO BOTH THE FORMER AND THE LATTER, WHILE OTHERS ARE FORBIDDEN TO THE FORMER AS WELL AS TO THE LATTER. IN THE FOLLOWING CASES THE WOMEN¹⁰ ARE PERMITTED TO THEIR HUSBANDS AND FORBIDDEN TO THEIR LEVIRS: IF A COMMON PRIEST WHO MARRIED A WIDOW HAD A BROTHER A HIGH PRIEST; IF A HALAL¹¹ WHO MARRIED A WOMAN OF LEGITIMATE STATUS¹² HAD A BROTHER OF LEGITIMATE STATUS;¹³ IF AN ISRAELITE WHO MARRIED THE DAUGHTER OF AN ISRAELITE HAD A BROTHER A BASTARD, OR IF A BASTARD WHO MARRIED A BASTARD HAD A BROTHER AN ISRAELITE, [IN ALL THESE CASES THE WOMEN] ARE PERMITTED⁸ TO THEIR HUSBANDS AND FORBIDDEN² TO THEIR LEVIRS.

THE FOLLOWING¹⁰ ARE PERMITTED⁸ TO THEIR LEVIRS AND FORBIDDEN⁸ TO THEIR HUSBANDS: IF A HIGH PRIEST WHO BETROTHED A WIDOW¹⁴ HAD A BROTHER A COMMON PRIEST; IF ONE OF LEGITIMATE STATUS¹⁵ WHO MARRIED A HALALAH¹¹ HAD A BROTHER A HALAL,¹¹ IF AN ISRAELITE WHO MARRIED A BASTARD HAD A BROTHER A BASTARD, OR IF A BASTARD WHO MARRIED THE DAUGHTER OF AN ISRAELITE HAD A BROTHER AN ISRAELITE, [IN ALL THESE CASES THE WOMEN] ARE PERMITTED TO THEIR LEVIRS AND FORBIDDEN TO THEIR HUSBANDS.

THE FOLLOWING¹⁵ ARE FORBIDDEN¹⁶ TO BOTH THE FORMER AND THE LATTER;¹⁷ IF A HIGH PRIEST WHO MARRIED A WIDOW HAD A BROTHER A HIGH PRIEST, OR IF A COMMON PRIEST OF LEGITIMATE STATUS¹⁸ WHO MARRIED A HALALAH¹⁹ HAD A BROTHER OF LEGITIMATE STATUS,¹⁸ OR IF AN ISRAELITE WHO MARRIED A BASTARD HAD A BROTHER AN ISRAELITE,

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OR IF A BASTARD WHO MARRIED THE DAUGHTER OF AN ISRAELITE HAD A BROTHER A BASTARD, [IN ALL THESE CASES THE WOMEN] ARE FORBIDDEN¹⁶ BOTH TO THE FORMER AND THE LATTER.¹⁷ ALL OTHER WOMEN ARE PERMITTED¹⁶ TO BOTH THEIR HUSBANDS AND THEIR LEVIRS.

[IN RESPECT OF] RELATIVES OF THE SECOND GRADE, [WHO ARE FORBIDDEN] BY THE ORDINANCES OF THE SCRIBES,²⁰ A WOMAN WHO IS WITHIN THE SECOND GRADE OF KINSHIP TO THE HUSBAND BUT NOT WITHIN THE SECOND GRADE OF KINSHIP TO THE LEVIR,²¹ IS FORBIDDEN TO THE HUSBAND AND PERMITTED TO THE LEVIR; [A WOMAN WHO IS WITHIN] THE SECOND GRADE OF KINSHIP TO THE LEVIR BUT NOT WITHIN THE SECOND GRADE OF KINSHIP TO THE HUSBAND IS FORBIDDEN TO THE LEVIR AND PERMITTED TO THE HUSBAND; [WHILE ONE WHO IS WITHIN] THE SECOND GRADE OF KINSHIP TO THE ONE AND TO THE OTHER IS FORBIDDEN TO THE ONE AS WELL AS TO THE OTHER. SHE CANNOT CLAIM EITHER *KETHUBAH*,¹⁹ OR USUFRUCT,²² OR ALIMONY, OR HER WORN CLOTHES.²³ [SHOULD A] CHILD [BE BORN HE] IS ELIGIBLE [FOR THE PRIESTHOOD]; BUT THE HUSBAND MUST BE COMPELLED TO DIVORCE HER. A WIDOW, HOWEVER, WHO WAS MARRIED TO A HIGH PRIEST, A DIVORCEE OR *HALUZAH* WHO WAS MARRIED TO A COMMON PRIEST, A BASTARD OR A NETHINAH²⁴ WHO WAS MARRIED TO AN ISRAELITE, OR THE DAUGHTER OF AN ISRAELITE WHO WAS MARRIED TO A NATHIN²⁴ OR A BASTARD IS ENTITLED TO HER *KETHUBAH*.

GEMARA. What was the point in teaching MARRIED?²⁵ He could have taught: 'Betrothed'!²⁶ And were you to reply that the reason [for the prohibition²⁷ is only] because he MARRIED, since [in that case]²⁸ a positive²⁹ as well as a negative³⁰ precept is involved,³¹ but where betrothal only took place the positive precept²⁷ does override the negative;³² but [it could be retorted] the whole

of our section deals with a positive,³³ versus a negative precept.³⁴ and the positive nevertheless does not override the negative! — As it was desired to state in the final clause, A HIGH PRIEST WHO MARRIED A WIDOW, [who is forbidden]³⁵ only where [the High Priest] MARRIED her, since in that case he caused her to be a Halalah, but [not where he only] betrothed [her in which case] she is permitted [to his brother],³⁶ he taught in the first clause also: MARRIED.

But why should the expression³⁷ be determined by³⁸ the final clause? Let it be determined by³⁹ the middle clause: IF A HIGH PRIEST WHO BETROTHED A WIDOW HAD A BROTHER A COMMON PRIEST!⁴⁰ — The determining factor,⁴¹ rather, is the case immediately following in the same context.⁴² As it was desired to teach, IF A HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS, where the reason [for her prohibition⁴³ is] because [the Halal] MARRIED her and thus caused her to become a Halalah, but where he had only betrothed her she would have been permitted to him; MARRIED was, therefore, taught [here also].⁴⁴

What point, however, was there in teaching, A widow? He should have taught: 'A virgin'!⁴⁵

1. V. [Glos.](#)
2. By means of the 'Caesarean operation'.
3. Tem. 17a. V. also *op. cit.* 11a and Bek. 42a.
4. If any of these was exchanged for a consecrated beast. (Cf. Lev. XXVII, 10). That these cannot be directly consecrated is obvious. Cf. Bek. 14a.
5. If they themselves were sacred. In the case of the hybrid, *Tumtum* and hermaphrodite their sanctity is possible only where they were born from a consecrated beast. In the case of the *Terefah* and the one extracted by means of the Caesarean operation sanctity is possible if the former was consecrated before it became *Terefah* and the latter while it was still in its embryonic state.
6. Cf. Lev. XXVII, 10.
7. A town in Upper Galilee notorious for its fierce cocks who do not allow the intrusion of a strange cock among them (Rashi).
8. In marriage.

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9. If their husbands died without issue when, in ordinary cases, it is the duty of the levir to marry his deceased brother's widow.
10. Lit., 'and these'.
11. V. [Glos.](#)
12. Eligible to marry a priest.
13. Of pure priestly stock.
14. But did not marry her. If marriage took place the woman would in consequence be ineligible to marry even a common priest.
15. Lit., 'and these'.
16. In marriage.
17. Lit., 'to these and to these'.
18. Of pure priestly stock.
19. v. [Glos.](#)
20. Cf. *supra* 201, 211.
21. If, for instance, the woman was the husband's mother's mother and the levir was his paternal, but not his maternal brother.
22. Which the husband had consumed. The reason is given *infra* 89a.
23. Which she brought to her husband at their marriage. She has no claim upon such clothes even if they were still available (Rashi). According to Tosaf. (*infra* 85a, s.v. [H]) she is entitled to such clothes, and the ruling here applies to compensation for clothes which have been completely worn out. Cf. Keth. 201a.
24. V. [Glos.](#)
25. In the first section of our Mishnah.
26. Even if only betrothal had taken place the woman would be permitted to her husband and forbidden to the levir.
27. Of the levirate marriage.
28. Where the levir is a High Priest.
29. A virgin ... shall (positive) he take (Lev. XXI, 14) but not a widow (negative). A negative derived from a positive has only the force of a positive.
30. A widow ... shall he not (negative) take (*ibid.*).
31. Were the levirate marriage to take place two precepts would have been overridden by the single positive precept of the levirate marriage.
32. V. *supra* n. 7. The positive precept. A virgin ... shall he take (v. *supra* note 6) is not in this case infringed, since a widow after a betrothal is still in her virginity.
33. Of the levirate marriage.
34. A bastard, for instance, to an Israelite.
35. To his brother who is a common priest.
36. Lit., 'to him'.
37. In the first section of our Mishnah.
38. Lit., 'and instead of teaching on account of'.
39. Lit., 'let him teach on account of'.
40. Where the expression used was BETROTHED, and not 'married'.
41. In the use of the expression of MARRIED.
42. Lit., 'but because of the daughter of the (same) valley'.
43. To his brother.

44. In the first case, that of the common priest who married a widow.
45. Who, becoming a widow after her husband's death, is, like one who was married as a widow, forbidden to a High Priest.

Yebamoth 84b

And should you reply that this Tanna holds the opinion that the original marriage¹ causes the subjection;² behold, [it may be pointed out, the case of] the HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS³ where it is not said that 'the original marriage causes the subjection'⁴ — This⁵ is certainly due to the final clause. As it was desired to teach in the final clause, IF A HIGH PRIEST WHO MARRIED A WIDOW HAD A BROTHER A HIGH PRIEST OR A COMMON PRIEST, where [the prohibition⁶ applies to] a WIDOW only⁷ but [not to] a virgin who is eligible to marry him,⁸ therefore, WIDOW was taught [here also].⁹

R. Papa demurred: If the law is in agreement with the following ruling¹⁰ which R. Dimi, when he came,¹¹ reported in the name of R. Johanan, viz., that if an Egyptian of the second generation married an Egyptian woman of the first generation her son is regarded as belonging to the second generation,¹² [our Mishnah] should also have taught: If an Egyptian of the second generation married two Egyptian women, one of the first, and the other of the second generation, and he had sons from the first and from the second, [the wives of these sons], if they¹³ married in the proper manner,¹⁴ are permitted to their husbands but forbidden to their levirs,¹⁵ and if they married in the reverse order¹⁶ [the wives] are permitted to their levirs¹⁷ and forbidden to their husbands;¹⁸ proselyte women¹⁹ are permitted to the one as well as to the other,²⁰ and women who are incapable of procreation are forbidden to the one as well as the other!²¹ — He taught some cases and omitted others. What else did he omit that he should have omitted this also? — He omitted [the case of the man] wounded in the stones.²² If this is all that can be pointed out,²³ the case of the man

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wounded in the stones cannot be regarded as an instance of an omission, since those that are subject to the penalty of negative precepts were [already] mentioned!²⁴ — Were not several specific cases mentioned²⁵ of those that are subject to the penalty of negative precepts? Surely it was stated, **IF A COMMON PRIEST MARRIED A WIDOW and then again IF A HALAL MARRIED A WOMAN OF LEGITIMATE STATUS!**²⁶ That case²⁷ was required [for the specific purpose] of informing us [that the law is] in agreement with [the ruling] Rab Judah reported in the name of Rab. For Rab Judah reported in the name of Rab: Women of legitimate [priestly] status were not forbidden to be married to men of tainted birth.²⁸

But, surely, he taught regarding **A HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS** and then again regarding **AN ISRAELITE WHO MARRIED THE DAUGHTER OF AN ISRAELITE AND HE HAD A BROTHER A BASTARD!**²⁹ — This also is not a repetition of what was already taught, since thereby he taught us [first] regarding a negative precept which is not applicable to all³⁰ and then he taught us regarding a negative precept which is applicable to all. But did he not teach³¹ **IF AN ISRAELITE WHO MARRIED A BASTARD HAD A BROTHER AN ISRAELITE!**³² Consequently³³ it must be concluded that he taught some cases while others he omitted. This proves it.

[Reverting to] the main text, 'Rab Judah reported in the name Of Rab: Women of legitimate [priestly] status were not forbidden to be married to men of tainted birth'. Might it be suggested that the following provides support for his view? [It was stated], **A HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS**; does not [this refer to] a priestess (who was fitting unto him);³⁴ and is not the meaning of³⁵ **LEGITIMATE STATUS** eligible for priesthood!³⁶ — No; [it might refer to] the daughter of an Israelite, and **LEGITIMATE STATUS** means³⁵ eligible for the assembly.³⁷ If so, **HAD A BROTHER**

OF LEGITIMATE STATUS would also [mean] 'eligible for the assembly', from which it would follow that he himself is ineligible for the assembly!³⁸ Consequently it must refer to a priest; and since he is a priest she also must be a priestess.³⁹ What an argument! Each phrase may bear its own peculiar interpretation.⁴⁰

Rabin b. Nahman raised an objection: They shall not take... they shall not take⁴¹ teaches⁴² that the prohibition was addressed to the woman through the man!⁴³ — Raba replied, [This is the meaning]: Where the prohibition is applicable to him it is also applicable to her, but where it is not applicable to him it is also inapplicable to her.⁴⁴ Is this,⁴⁵ however, deduced from this text? Surely it was deduced from a text which Rab Judah expounded in the name of Rab! For Rab Judah stated in the name of Rab and so it was taught at the school of R. Ishmael: When a man or woman shall commit any sin that men commit;⁴⁶ Scripture compared the woman to the man in respect of all the punishments in the Torah!⁴⁷ — If deduction had been made from that [text]⁴⁶ it might have been assumed [to apply only to] a prohibition that is equally applicable to all, but not to a prohibition that is not equally applicable to all.⁴⁸

1. Of the deceased brother.
2. Of the woman to the levirate marriage, i.e., the widow's status at the time of her husband's death is determined by the status in which she found herself when he married her, not by that in which his death placed her, consequently if at the time of the marriage she was a virgin she would not have been regarded as a widow and would, therefore, have been permitted to marry a priest.
3. Who becomes, thereby, disqualified from marrying his brother.
4. Had this been the case, his brother should have been permitted to marry her, owing to the fact that at the time of her marriage with the deceased (when she presumably became subject to the levirate marriage) she was no Halalah.
5. The mention of **WIDOW** rather than 'virgin'.
6. To her husband who was a High Priest. and to the levir who was a common priest.

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7. Who becomes a Halalah through such a forbidden marriage.
8. The High Priest, (her first husband) and, after his death, also his brother if he was a common priest.
9. In the first case, that of the common priest who married a widow.
10. Lit., 'if there is that'.
11. From Palestine to Babylon.
12. *Supra* 78a.
13. The sons.
14. I.e., if the son of the Egyptian of the second generation, who thus belongs to the third and is permitted to enter the assembly (v. Deut. XXIII, 9), married the daughter of an Israelite; while the other who belongs to the second generation married an Egyptian of the second generation.
15. Should one of the brothers die without issue. The son of the third generation is forbidden to marry the Egyptian of the second generation, while the son of the second generation is forbidden to marry the daughter of an Israelite.
16. I.e., if the son of the second generation married the daughter of an Israelite, while the son of the third generation married an Egyptian of the second generation.
17. Cf. *supra* n. 5 mutandis mutandis.
18. Cf. *supra*. 6 mutatis mutandis.
19. Who are not included in the term 'assembly of the Lord' (v. Deut. XXIII, 9).
20. Both the Israelite and (for the reason indicated in n. 10) the Egyptian of the second generation may marry a proselyte.
21. The son of the second generation may not marry her because she is the daughter of an Israelite, while after his death she is forbidden to his brother because a woman who is incapable of procreation is not subject to the levirate marriage and is consequently forbidden to him as his brother's wife.
22. In respect of such a maimed person, prohibition and permission similar to those in our Mishnah could be stated: If he is maimed and his brother is fit the woman is forbidden to him (v. Deut. XXIII, 2) and permitted to his brother; if he is fit and his brother maimed she is permitted to him and forbidden to his brother; if both are maimed, etc. proselyte women are permitted to both.
23. Lit., 'if because of'.
24. And among these, this case also is included. What proof, then, is there that any cases other than that of R. Dimi were omitted?
25. Lit., 'did be not teach and then taught again'.
26. Which proves that the Mishnah did not avoid giving more than one example of the same type of prohibition.
27. Of a Halal who married a woman of legitimate status.
28. Kid. 731, 76a, *infra* 85a. The purpose of our Mishnah in giving the law of the Halal was not to teach the prohibition of the woman to the levir (which, of course, as pointed out *supra*, was unnecessary) but her permission to marry a husband though he is a Halal and she is of legitimate status or of pure priestly stock. The prohibition to marry one of impure stock is incumbent upon the man and not upon the woman.
29. Which shows that the Mishnah did not avoid giving more than one example of the same type of prohibition.
30. The case of the Halal is applicable to priests only, not to Israelites.
31. Lit., 'surely he taught'.
32. Also a case of a negative precept! (cf. n. 7). Cur. edd. insert in parenthesis 'and a bastard who married a bastard and he has a brother an Israelite', which Rashi omits.
33. Lit., 'but not'?
34. Though he may marry the daughter of an Israelite he should preferably marry the daughter of a priest. Cf. Pes. 49a. [The bracketed words are rightly omitted in MS.M].
35. Lit., 'and what'.
36. To marry a priest. Which is in agreement with the opinion of Rab.
37. I.e., to marry an Israelite.
38. Surely not!
39. I.e., since the term 'legitimate status in the case of the man has reference to a priest, so the reference in the case of the woman must be to a priestess which shows that a priestess may marry one of tainted birth.
40. Lit., 'that as it is and that as it is'.
41. Lev. XXI, 7.
42. Since the expression was repeated.
43. This is now assumed to mean that as the untainted priest may not marry a Halalah so may not the untainted priestess marry a Halal. An objection against the opinion of Rab.
44. The Halalah whom an untainted priest is forbidden to marry is herself forbidden to marry such a priest. The untainted priestess however, whom a Halal is not forbidden to marry, may also marry the Halal.
45. The equality of men and women in respect of prohibitions
46. Num. v, 6.
47. Whether flogging or *Kareth*.
48. That of the priesthood does not apply to Israelites. Hence it was necessary to have the text of Lev. XXI, 7.

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Behold, however, [the prohibition against] defilement¹ which is a prohibition that is not equally applicable to all² and [yet the sole] reason [why it is inapplicable to woman is] because the All Merciful wrote The sons of Aaron³ and not the daughters of Aaron; had, however, no such text been available⁴ it would have been assumed that women also come under the same obligation. What is the reason? Obviously⁵ because of the deduction Rab Judah reported in the name of Rab!⁶ — No; this might have been deduced from They shall not take.⁷

Others Say:⁸ [The prohibition in regard] to marrying had to be specified.⁹ Since it might have been assumed that it¹⁰ should be inferred from [that relating to] defilement,¹¹ therefore he taught us¹² [that women are subject to the same prohibition as men].

R. Papa and R. Huna son of R. Joshua once happened to be at Hinzebu,¹³ the town of R. Idi b. Abin, when the following question was asked of them: Were women of legitimate [priestly] status forbidden to be married to men of tainted birth or not? R. Papa replied, 'You have learned it [in the following]. Ten different genealogical classes went up from Babylon:¹⁴ Priests, Levites, Israelites, Halalim,¹⁵ proselytes, emancipated slaves, bastards, Nethinim,¹⁶ Shethuki¹⁷ and Asufi.¹⁷ Priests, Levites and Israelites may intermarry with one another. Levites, Israelites, Halalim, proselytes and emancipated slaves may intermarry with one another. Proselytes, emancipated slaves, bastards, Nethinim,¹⁶ shethuki¹⁷ and asufi¹⁷ are permitted to intermarry with one another.'¹⁸ That daughters of priests, however, [may be married to a] Halal was not mentioned.¹⁹ Said R. Huna son of R. Joshua to him: Only cases where the women may marry the men, and the men may marry the women were enumerated;²⁰ the case of the Priest, however,²¹ was not mentioned, because a Halalah, should he even desire to marry one, is forbidden to him.²² When they came before

R. Idi b. Abin he said to them, 'O, school-children! Thus said Rab Judah in the name of Rab: Women of legitimate [priestly] status were not forbidden to be married to men of illegitimate Status'.²³

[IN RESPECT OF] RELATIVES OF THE SECOND GRADE [WHO ARE FORBIDDEN] BY THE ORDINANCES OF THE SCRIBES, etc. The men of Bairi²⁴ enquired of R. Shesheth: Is a woman who is of the second grade of kinship to her husband but not to her levir entitled to claim her *Kethubah* from the levir or not? [Do we say that] since a Master said that her *Kethubah*²⁵ is a charge on the estate of her first husband²⁶ she has no [claim upon the levir];²⁷ or, possibly, since the Rabbis have ordained that wherever she is unable to obtain it from her first husband²⁸ [she may collect it] from the second, she²⁹ is entitled to claim it³⁰ [from the levir]? R. Shesheth replied, 'You have learned this: Her *Kethubah*²⁵ is a charge upon the estate of her first husband, but if she was a relative of the second grade of kinship to her husband she receives nothing even from the levir.

Does [the expression,³¹ however,] imply that some [widows] do receive their³⁰ *Kethubah* from the levir!³² — There is a lacuna, and thus it is the correct reading:³³ Her *Kethubah*²⁵ is a charge upon the estate of her first husband; and if she obtains nothing from the first, the Rabbis have ordained [that she is to receive it] from the second; but if she was a relative of the second grade of kinship to her husband she receives nothing even from the levir.

R. Eleazar enquired of R. Johanan: Is a widow [who was married] to a High Priest, or a divorcee or a *Haluzah* [who was married] to a common priest entitled to maintenance or not? How is this question to be understood? If [it is a case] where she still lives with him,³⁴ would she, when it is his duty to divorce her,³⁵ be entitled to receive maintenance!³⁶ — This question was necessary in the case³⁷ where he went to a country beyond the sea and she borrowed money wherewith to maintain

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herself;³⁸ it being desired to ascertain³⁹ whether, [owing to the fact that] maintenance³⁹ among the conditions of the *Kethubah*, she is entitled to maintenance just as she is entitled to the *Kethubah*, or is she entitled to the *Kethubah* only because she receives it and goes, but not to maintenance which might induce her to remain with him? — The other replied: She is not entitled to maintenance.⁴⁰ But, surely, it was taught: She is entitled to maintenance.⁴¹ — That was taught In respect of [alimony] after [her husband's] death.⁴²

Another reading:⁴³ He said to him, 'It was taught: She is entitled to maintenance'.⁴¹ 'Surely', [the other asked], 'it is his duty to divorce her!'⁴⁴ 'But then', [the first retorted], 'it was taught: She is entitled to maintenance!'⁴¹ — 'That', [the other replied], 'was taught in respect of [alimony] after his death'.⁴²

Our Rabbis taught: A widow [who was married] to a High Priest, or a divorcee or *Haluzah* [who was married] to a common priest is entitled to her *Kethubah*, usufruct,⁴⁵ alimony and worn clothes,⁴⁶ but she becomes thereby unfit, and her child is unfit, and [the husband] is compelled to divorce her. Relatives of the second grade of kinship [who are forbidden] by the ordinances of scribes are entitled neither to *Kethubah*, nor to usufruct,⁴⁵ nor to alimony⁴⁶ nor to worn clothes;⁴⁶ the woman remains fit and her child is fit; but [the husband] is compelled to divorce her. R. Simeon b. Eleazar said, 'Why was it ordained that a widow married to a High Priest is entitled to her *Kethubah*? Because he becomes unfit⁴⁷ and she becomes unfit and wherever he becomes unfit and she becomes unfit⁴⁸

1. For the dead.
2. Having been given to priests only. v. Lev. XXI, 1ff.
3. Ibid. 2.
4. Lit., 'but (if) not so'.
5. Lit., 'not?'
6. Which shows that even a prohibition which is not applicable to all would be assumed to be

applicable to women by deduction from Rab's text!

7. Lev. XXI, 7, from which it has been deduced (*supra* 84b, end) that women are subject to the same prohibitions as men even where the prohibitions are not applicable to all. Hence the necessity for the text of Lev. XXI, 1, which excludes women. From Num. v, 6, however, it may still be maintained, deduction could be made only in respect of a prohibition that is applicable to all.
8. Although the equality of men and women in respect of prohibitions could be deduced from the text cited by Rab Judah in the name of Rab.
9. Lit., 'taking was necessary for him', with reference to the verse, 'They shall not take'.
10. The prohibition of the marriage of the Halalah to a Halal.
11. Which, as has just been shown, applies only to men and not to women.
12. In the case of marriage by the text of Lev. XXI, 7.
13. Or 'Shekanzebu' (BaH). The reading 'Shekanzib' (cf. *supra* 37b) is quoted by Golds., a.l., and rejected in favor of the reading in our text.
14. In the days of Ezra.
15. Pl. of Halal, profaned priests. V. [Glos.](#)
16. Pl. of *Nathin*, v. [Glos.](#)
17. For notes v. *supra* 37a.
18. Kid. 69a.
19. The answer to their question is, therefore, in the affirmative.
20. Lit., 'wherever these take from those and those take from these he taught'.
21. Though, were he a Halal, he would not have been forbidden to marry a priest's daughter.
22. So that the Mishnah of Kid. is not conclusive.
23. V. *supra* 84b.
24. V. *supra* p. 561, n. 10. [Here probably Be Bari, south of Sura (v. Obermeyer, p. 308)].
25. Of a widow subject to the levirate marriage.
26. *Supra* 381, Keth. 80b.
27. Though in this particular case she can have no claim upon the estate of her husband.
28. If, for instance, he is without means.
29. Since here also she receives nothing from the estate of her first husband.
30. Lit., 'there is to her'.
31. 'She receives nothing even from the levir'.
32. Which is contrary to the ruling *supra* that the *Kethubah* remains a charge upon the estate of the first husband.
33. Lit., 'and thus he taught'.
34. Lit., 'sits under him', her forbidden husband.
35. Lit., 'He stands under (the charge) to get up and make her go out'.

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36. Obviously not. What need, then, was there to ask a question the answer to which is so obvious?
37. Lit., 'it is not required (but)'.
38. Lit., 'and she ate'.
39. Lit., 'what'.
40. Lit., 'there is not to her'.
41. Lit., 'there is to her'.
42. If her husband died before she was divorced. Since in such a case there is no cause to apprehend that she will be induced to remain with him, she is entitled to alimony.
43. Lit., 'there is one who says'.
44. Cf. *supra* p. 574 n. 11. How, then, could he be expected to maintain her?
45. Consumed by the husband from her *Melog* (v. *Glos.*) property.
46. Cf. nn. on our Mishnah.
47. He is not permitted to perform the Temple service as long as he refuses to part with her. V. Bek. 45b and Git. 35b.
48. [Tosaf.: 'Wherever he becomes unfit or she becomes unfit'. The resulting unfitness of either of them is sufficient to act as a deterrent to the woman in view of the effect it has on the child's fitness. R. *Tam*, on the other hand, whilst agreeing with this rendering, takes 'he' as referring to the child].

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[the Rabbis] have penalized him [by ordering him to pay her] *Kethubah*.¹ And why was it ordained that relatives of the second grade of kinship, [who are forbidden] by the ordinances of the Rabbis, are not to receive their *Kethubah*? Because the man remains fit and the woman remains fit, and wherever he as well as she remains fit [the Rabbis] have penalized her [by depriving her of her] *Kethubah*.² Rabbi said, 'The former³ are prohibitions⁴ of the Torah, and prohibitions of the Torah require no reinforcement;⁵ while the latter⁶ are prohibitions of the scribes, and the prohibitions of the scribes require reinforcement.⁷ Another reason⁸ is: In the former case the man induces the woman⁹ [into the marriage];¹⁰ in the latter case she induces him.¹¹ Who stated the 'other reason'? One opinion asserts¹² that it was R. Simeon b. Eleazar who stated it; and he gave an answer¹³ [to the question] 'what is the reason'. 'What is the reason', [he said in effect,] 'why it was ordained that when the man is unfit and

the woman is unfit the man is penalized by having to pay the *Kethubah*? Because he induces the woman into the marriage.¹⁴ And what is the reason why when he remains fit and she remains fit she is penalized by losing her *Kethubah*? Because she induces him, [into the marriage].¹⁵ Another opinion asserts¹² that it was Rabbi¹⁶ who stated it, because the case of the *Haluzah* presented to him the following difficulty: A *Haluzah*, surely, is only Rabbinically [forbidden to be married to a common priest]¹⁷ and yet she receives her *Kethubah*.¹⁸ Thereupon he stated: Since the man disqualifies her by Rabbinical law¹⁹ it is he, [who in the former case], induces²⁰ her [into marriage]²¹ but in the latter case it is she that induces him [into marriage].²²

What practical difference is there between [the reason given by] Rabbi and [that given by] R. Simeon b. Eleazar? — R. Hisda replied: The practical difference between them is the case of a bastard or a Nethinah [who was married] to an Israelite. According to him who gave the reason²³ that [the prohibitions were] Pentateuchal, then this case²⁴ also is Pentateuchal;²⁵ but according to him who gave as the reason,²³ that the man induces the woman²⁶ then here, it is she that induces him [into the marriage].²⁷ According to R. Eliezer, however, who²⁸ stated, 'Behold he²⁹ is both a slave and a bastard',³⁰ the woman, surely, would not induce the man at all!³¹ — Rather, said R. Joseph, the practical difference between them³² is the case of the man who remarried his divorced wife after she had been married.³³ According to him who gave the reason³⁴ that [the prohibitions were] Pentateuchal, then this case³⁵ also is Pentateuchal;³⁶ but according to him who gave as the reason³⁴ that the man induces the woman³⁷ then here, surely, she induces him.³⁸

But according to R. Akiba who stated that the offspring of a union forbidden under the penalty of a negative precept is deemed to be a bastard,³⁹ she,⁴⁰ surely, would not induce the man at all!⁴¹

Rather, said R. Papai the practical difference between them⁴² is the case of a be'ulah⁴³ [who

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was married] to a High Priest.⁴⁴ According to him who gave as the reason⁴⁴ that [the prohibitions were] Pentateuchal, then this case also is Pentateuchal;⁴⁵ but according to him who gave as the reason³⁴ that the man induces the woman,³⁷ then here, surely, it is she that induces him.⁴⁶

According to R. Eliezer b. Jacob, however, who stated that the offspring of a union that is forbidden under a positive precept is deemed a Halal,⁴⁷ she,⁴⁸ surely, would not at all induce him!⁴⁹ Rather, said R. Ashi, the practical difference between them⁴² is the case of the man who cohabits again with his doubtful sotah.⁵⁰ According to him who stated that the reason³⁴ is that [the prohibition is] Pentateuchal, then this case also is Pentateucha⁴⁶ but according to him who stated that the reason³⁴ is that the man induces the woman³⁷ here it is she that induces him.⁴⁶

And according to R. Mathia b. Heresh who stated that even a woman whose husband, while going to arrange for her drinking [of the water of bitterness]⁵¹ cohabited with her on the way, is rendered a harlot, she,⁵² surely, would not at all induce him [to such a marriage]!⁵³ Rather, said Mar b. R. Ashi, the practical difference between them⁵⁴ is the case of a confirmed sotah.⁵⁵

MISHNAH. THE DAUGHTER OF AN ISRAELITE WHO WAS BETROTHED TO A PRIEST, WAS PREGNANT FROM A PRIEST, OR WAS AWAITING THE DECISION OF A LEVIR WHO WAS A PRIEST; AND, SIMILARLY, THE DAUGHTER OF A PRIEST [WHO STOOD IN SUCH RELATIONSHIP] TO AN ISRAELITE, MAY NOT EAT *TERUMAH*.⁵⁶ THE DAUGHTER OF AN ISRAELITE WHO WAS BETROTHED TO A LEVITE, WAS PREGNANT FROM A LEVITE, OR WAS AWAITING THE DECISION OF A LEVIR WHO WAS A LEVITE; AND, SIMILARLY, THE DAUGHTER OF A LEVITE [WHO STOOD IN SUCH RELATIONSHIP] TO AN ISRAELITE MAY NOT EAT TITHE.⁵⁷ THE DAUGHTER OF A LEVITE WHO WAS BETROTHED TO A PRIEST, WAS PREGNANT FROM A PRIEST,

OR WAS AWAITING THE DECISION OF A LEVIR WHO WAS A PRIEST; AND, SIMILARLY, THE DAUGHTER OF A PRIEST [WHO STOOD IN SUCH RELATIONSHIP TO A LEVITE, MAY EAT NEITHER *TERUMAH* NOR TITHE.

GEMARA. And granted that she⁵⁸ is [no more than] an ordinary woman,⁵⁹ is not any ordinary woman permitted to eat tithe?⁶⁰ R. Nahman replied in the name of Samuel: This ruling represents the view of R. Meir⁶¹ who stated: The first tithe is forbidden to common people.⁶² For it was taught:

1. The woman is already penalized by a marriage which taints both herself and her husband and which is naturally followed by an unhappy family life. In such circumstances the woman would either not consent to marriage or would be anxious to have such a union severed at the earliest possible moment. The penalty was, therefore, imposed upon the husband.
2. In order that she might, in consequence, be deterred from contracting such a marriage or, if contracted, be anxious to have it severed.
3. Lit., 'those', the marriage of a widow to a High Priest and that of a divorcee or *Haluzah* to a common priest.
4. Lit., 'words'.
5. Hence there was no need to deprive the woman of her *Kethubah*. Cf. *supra* n. 1.
6. Marriages with relatives of the second grade of kinship.
7. Cf. *supra* n. 1.
8. Why in the former case the man is to pay the *Kethubah* while in the latter the woman loses her *Kethubah*.
9. Lit., '(in) this he leads her'. [H] denom. of [H] 'foot' (cf. Jast.). Colds. (a.l.) renders 'befleckt er sie'.
10. The woman is reluctant to contract a marriage which taints her and her children.
11. As the marriage subjects neither the woman nor her children to any disability, it is assumed that she, as a woman, is more anxious than the man to marry.
12. Lit., 'there is (one) who said'.
13. Lit., 'he said'.
14. V. *supra* notes 8 and 9.
15. V. *supra* note 10.
16. Who had previously explained that the reason why the woman was deprived of her *Kethubah* was because prohibitions of the scribes require reinforcement.
17. Cf. Kid. 78a.

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18. If Rabbinical prohibitions require reinforcement the *Haluzah* should not have been entitled to her *Kethubah*. (Cf. *supra* p. 576, n. 2).
19. [(a) According to Rashi: from eating *Terumah*; (b) MS.M. reads: 'he disqualifies her seed by rabbinic law'. Cf. also *Me'iri*].
20. V. *supra* p. 576, n. 8.
21. The woman is reluctant to contract such a union.
22. V. *supra* p. 576, n. 10.
23. Why in the former case, *supra*, the woman is entitled to her *Kethubah*.
24. Of the bastard or the Nethinah.
25. And the woman is, therefore, entitled to her *Kethubah*.
26. Into the marriage.
27. She, being in any case forbidden to marry an Israelite, has nothing to lose by her marriage which, under certain conditions, may even be advantageous to her, since according to R. Tarfon (cf. Kid. 69a, *supra* 78a), it may enable her descendants to become proper Israelites. The woman, therefore, loses her *Kethubah*.
28. Disagreeing with the view of R. Tarfon. (Cf. *supra* n. 11).
29. The son of a union between a bastard and a slave.
30. And can never become a legitimate Israelite. Cf. Kid. 69a.
31. Why then should she lose her *Kethubah*?
32. Rabbi and R. Simeon b Eleazar.
33. After she had been married to another man. V. Rashi and cf. BaH a.l. Cur. edd. read, 'a divorced woman after she had been married'.
34. V. *supra* p. 57, n. 7.
35. The remarriage of one's divorcee.
36. It is Pentateuchally forbidden to marry such a woman. (V. Deut. XXIV, 4). Cf. *supra* p. 57, n. 9.
37. Into the marriage.
38. Since the prohibition was addressed to the man; and neither the woman nor her children are subject to any disability in consequence of such a marriage.
39. V. *supra* 49a.
40. The divorced woman who has been married to another man and whose remarriage with her first husband is forbidden by a negative precept.
41. She would not be anxious to contract a union the issue from which would be bastards.
42. Rabbi and R. Simeon b. Eleazar.
43. A woman who has lost her virginity. v. [Glos.](#)
44. Such a union is forbidden under the positive precept. A virgin ... shall he take (Lev. XXI, 14), and not by a negative one. A negative precept derived from a positive has only the force of a positive. The offspring therefore, would be no bastard even according to R. Akiba.
45. Cf. *supra* n. 11 and *supra* p. 57, n. 9.
46. V. *supra* note 5.
47. V. *supra* 600.
48. A Be'ulah.
49. Since such a marriage would render her child a Halal.
50. V. [Glos.](#) Such a woman is Pentateuchally forbidden to her husband though the offspring of the union is not regarded as a bastard. V. *supra* 49b.
51. V. Num. V, 18f.
52. The doubtful Sotah.
53. Which would render her a harlot and her children bastards.
54. Rabbi and R. Eleazar b. Simeon.
55. Who is Pentateuchally forbidden to her husband though their offspring is not deemed to be a bastard. As she herself is in any case forbidden to marry a priest she has nothing to lose by cohabiting with her husband, and she would consequently persuade him to live with her again. Hence the ordinance that in such a case she loses the rights to her *Kethubah*.
56. As explained *supra* 67b.
57. Which is the due of the Levites. V. Num. XVIII, 24.
58. The daughter of the Israelite or the Levite who was betrothed, etc. to a Levite and an Israelite respectively.
59. [H] (masc. [H]), lit., 'a stranger', not of priestly, or Levitical stock.
60. Of course she is. Why, then, does our Mishnah forbid it?
61. Lit., 'this, who is it? It is R. Meir'.
62. *Supra* 74a. Cf. *supra* note 1 and p. 579, n. 7.

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Terumah to the priest and the first tithe to the Levite;¹ so R. Meir. R. Eleazar b. Azariah permits it to the priest,² 'Permits it!'³ Does this then imply that some authority forbids it?⁴ Read, therefore, 'He may give it to the priest also'. What is R. Meir's reason? R. Aha son of Rabbah replied on the authority of a traditional statement:⁵ For the tithe of the children of Israel, which they set apart as *Terumah* unto the Lord,⁶ as *Terumah* is forbidden to common people so is the first tithe forbidden to common people. May it be assumed that⁷ as in the case of *Terumah* the penalties of death and of a fifth⁸ are incurred, so are the penalties of death and of a fifth incurred in the case of tithe? — Scripture

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stated, And die therein if they profane it² ... then he shall put the fifth part thereof unto it;¹⁰ 'therein',¹¹ but not in the tithe; 'Into it'¹² but not unto tithe. And the Rabbis?¹³ — As *Terumah* is a cause of *Tebel*¹⁴ so is the first tithe a cause of *Tebel*;¹⁵ and this is in agreement with what was taught: R. Jose said, It might have been presumed that guilt is incurred only for *Tebel* from which nothing whatsoever¹⁶ had been set apart; whence is it deduced [that guilt is also incurred when] *Terumah Gedolah*¹⁷ had been set apart but not the first tithe,¹⁸ first tithe but not the second tithe¹⁹ or even if the poor man's tithe²⁰ [only had not been set apart]? Scripture stated, Thou mayest not eat within thy gates²¹ and further on it was stated, That they may eat within thy gates, and be satisfied;²² as 'Thy gates' which was stated below²² refers to the poor man's tithe,²³ so 'Thy gates' which was stated here²¹ refers to the poor man's tithe, and [concerning it] the All Merciful has said, Thou mayest not.²⁴ And if the deduction had been made from that text²⁵ only²⁶ it might have been assumed [to imply the penalty] of a negative precept²⁷ but not [the penalty of] death; hence we were taught [the earlier text²⁸ also].²⁹

Another reading: That the first tithe is a cause of *Tebel*³⁰ may surely be deduced from the text cited by R. Jose!³¹ — If [deduction had been made] from that text²⁵ only³² it might have been assumed [to imply the penalty] of a negative precept²⁷ but not the penalty of death; hence we were taught [the earlier text²⁸ also].²⁹

How did you explain it?³³ In accordance with the view of R. Meir! Explain, then, the final clause: **THE DAUGHTER OF A LEVITE WHO WAS BETROTHED TO A PRIEST and THE DAUGHTER OF A PRIEST ... TO A LEVITE MAY EAT NEITHER TERUMAH NOR TITHE**; what [bearing has the question of] non-priestly stock in this case?³⁴ — R. Shesheth replied: The meaning of³⁵ the expression,³⁶ **SHE MAY NOT EAT** is that she may not give permission to one to set apart³⁷ the tithe.³⁸ Does this³⁹ then imply that

a married woman may give such permission? — Yes; and so it was taught: And ye may eat it in every place, ye and your household⁴⁰ teaches that a married daughter of an Israelite⁴¹ may give permission for *Terumah*⁴² to be set apart.⁴³ You say: Permission for *Terumah*⁴³ to be set apart; perhaps it is not so, but to eat it?⁴⁴ It can be replied: If she⁴⁵ may eat *Terumah* which is subject to greater restrictions, how much more may she⁴⁶ eat tithe which is subject to lesser restrictions.⁴⁷ The text⁴⁸ must consequently⁴⁹ have taught that a married daughter of an Israelite may give permission for *Terumah*⁴² to be set apart.⁴³

Mar the son of Rabana⁵⁰ stated: This⁵¹ teaches that she is not given a share in the tithe in the threshing- floors.⁵² This is a satisfactory explanation according to him who holds that this⁵³ is due to considerations of privacy governing the sexes;⁵⁴ according to him, however, who holds that this⁵³ is due to [possible abuse by] a divorced woman,⁵⁵ may not a divorced woman who is the daughter of a Levite⁵⁶ eat tithe?⁵⁷ — And according to your argument, may not a divorced woman who is the daughter of a priest eat *Terumah*?⁵⁸ But [the fact is that the ordinance⁵⁹ is] a preventive measure against [abuse by] a divorced woman who was the daughter of an Israelite.⁶⁰ If so,⁶¹ what was the point in mentioning **BETROTHED**? [The same rule should be applied] even to one who was married! — As in the first clause **BETROTHED** was taught,⁶² **BETROTHED** was also taught in the final clause.⁶³

Our Rabbis taught: *Terumah Gedolah*⁶⁴ belongs to the priest, and the first tithe belongs to the Levite; so R. Akiba. R. Eleazar b. Azariah said:

1. As the *Terumah* must be given to the priest and may be eaten by priests only and not by common people so must the first tithe also be given to Levites and be eaten by Levites only and not by common people (v. Rashi).
2. Keth. 26a.
3. The eating of tithe by a priest.

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4. Which is absurd. A priest, surely, is not included among the 'common' people to whom tithe should be forbidden!
5. Attributed to R. Meir himself.
6. Num. XVIII, 24; *Terumah* (E.V. gift) and tithe having been mentioned in juxtaposition.
7. Lit., 'if'.
8. Cf. Lev. XXII. 14.
9. Ibid. 9.
10. Ibid. 14.
11. Shall the penalty of death be incurred.
12. Shall a fifth be added.
13. How do they explain the comparison between the *Terumah* and tithe to which Scripture points?
14. [H] v. [Glos.](#) The penalty for eating *Tebel* is death.
15. V. *supra* n. 18, though for the eating of the tithe itself no death penalty is incurred.
16. Neither the priestly, nor the Levitical dues.
17. V. [Glos.](#)
18. Which is not so sacred as *Terumah*, being permitted to Levites.
19. Which even common people are permitted to eat. Cf. Deut. XIV, 22-27.
20. Which is not even sacred, it being regarded as mere alms.
21. Deut. XII, 17, speaking of tithe.
22. Ibid. XXVI, 12, speaking of the tithe of the poor man.
23. The text speaking of the third year, (ibid.). The third and the sixth year of the Septennial cycle are the years in which the poor man's, instead of the second tithe is given to all who are in need of it.
24. Eat, (ibid. XII, 17), before it is set apart from the produce.
25. Deut. XII, 17, speaking of tithe.
26. Lit., 'and if from there'.
27. For the eating of the tithe, since the prohibition only was stated, but no death penalty was mentioned.
28. Num. XVIII, 24.
29. From which a comparison is made between the tithe and *Terumah*. Cf. *supra* p. 580. n. 10.
30. V. [Glos.](#)
31. In the Baraita just discussed. What need, then, was there for the comparison deduced from Num. XVIII, 24?
32. Lit., 'if from that'.
33. The reference to tithe in the case of THE DAUGHTER OF AN ISRAELITE WHO WAS BETROTHED TO A LEVITE, and THE DAUGHTER OF A LEVITE ... TO AN ISRAELITE.
34. Lit., 'what strangeness is there here'; neither the daughter of a priest nor the daughters of a Levite are 'strangers' or 'common' women to whom tithe is forbidden.
35. Lit., 'what'.
36. Lit., 'that was taught'.
37. From the produce of her betrothed, or of the levir whose decision she is awaiting.
38. And the *Terumah* of this tithe (cf. Num. XVIII, 26) so that she might be enabled to eat of the tithe. The reason for the prohibition is not because the tithe is forbidden to her, but because she is not entitled to appoint an agent for the setting apart of *Terumah* without the owner's knowledge.
39. Since BETROTHED was mentioned.
40. Num. XVIII, 31. The husband (ye) was compared to his wife (household; [H] term for 'wife').
41. I.e., one married to a Levite.
42. From her husband's produce.
43. Cf. *supra* note 5.
44. The tithe.
45. The wife of a priest, because she is entitled to the same rights as her husband.
46. The wife of a Levite who also, like the wife of the priest, is entitled to her husband's rights.
47. As this law is so obvious there was no need to have a Scriptural text from which to deduce it.
48. V. *supra* n. 7.
49. Lit., 'but'. Since it is available for a comparison between husband and wife.
50. Or 'Rabina' (v. Rashi).
51. The final clause in our Mishnah, THE DAUGHTER OF A LEVITE TO A PRIEST and THE DAUGHTER OF A PRIEST TO A LEVITE.
52. If she comes unaccompanied by her husband. The first clause will, however, refer to eating and is in accordance with R. Meir's view.
53. The prohibition to give a share in the *Terumah* or tithe to a woman when she comes alone to the threshing-floor.
54. [H] v. [Glos.](#) s.v. *Yihud* and cf. *infra* 100a.
55. Who might continue to collect tithe at the threshing- floors even after her divorce from her husband when she returns to her former status of an ordinary woman and forbidden to share in the priestly dues and, according to R. Meir, also in the Levitical tithe.
56. Another reading, 'May not the daughter of a priest eat *Terumah*? — And according to your argument may not a divorced woman who is the daughter of a Levite eat tithe?' Cur. edd. enclose the reading of our text in parenthesis.
57. Of course she may. Why, then, should she be refused a share in the tithe even in the absence of her husband!
58. She undoubtedly may. Why then is the wife of a priest refused a share in *Terumah* in the absence of her husband (cf. *infra* 100a) irrespective of whether she is the daughter of a priest or of an Israelite?
59. V. p. 582, n. 20.

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60. Such a preventive measure is, of course, applicable to the daughter of a Levite in respect of tithes in the same way as to the daughter of a priest in respect of *Terumah*.
61. That the prohibition is merely a preventive measure.
62. In the first clauses the expression BETROTHED was essential, since the object of the Mishnah was to state that betrothal alone does not confer upon the daughter of an Israelite the right of eating *Terumah* and tithes, and upon the daughter of a Levite the right to *Terumah*, if the former was betrothed to a priest or a Levite and the latter to a priest; and that even betrothal, and not only marriage, deprives the daughter of a priest and the daughter of a Levite of the right of eating *Terumah* and tithes respectively if the man was in the former case an Israelite or a Levite and in the latter case an Israelite.
63. Where the reference is to the woman's eligibility to call for a share in the tithes; though in this case the woman, whether betrothed or married, is subject to the same restriction.
64. V. [Glos.](#)

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To the priest.¹ 'To the priest', but not to the Levite!² — Read: To the priest also.

What is R. Akiba's reason? — Because it is written, Moreover thou shalt speak unto the Levites, and say unto them;³ Scripture thus refers specifically to the Levites. And the other?⁴ — His view follows that of R. Joshua b. Levi. For R. Joshua b. Levi stated: In twenty-four passages were the priests described as Levites, and the following is one of them: But the priests the Levites, the sons of Zadok.⁵ And R. Akiba? You cannot say so⁶ here; for it is written, And ye may eat it in every place,⁷ [it is to be given to him only] who 'may eat it in every place'; a priest, however, is excluded since he may not eat it in a graveyard.⁸ And the other? — [The meaning⁹ is] wherever he wishes: Neither is it required [to eat it within the] wall¹⁰ nor is a man subject to flogging for eating it while his body is Levitically unclean.

There was a certain garden from which R. Eleazar b. Azariah¹¹ used to receive the first tithe. R. Akiba went and transferred its gate so that it faced a graveyard.¹² 'Akiba with his

bag',¹³ the other remarked, 'and I have to live'!

It was stated: Why were the Levites penalized [by being deprived of the] tithes?¹⁴ — R. Jonathan and Sabia [are in dispute on the matter]. One holds: Because they did not go up¹⁵ in the days of Ezra;¹⁶ and the other holds: In order that the priests might depend upon it¹⁷ during the days of their uncleanness.¹⁸

According to him who holds [that the Levites were deprived of the tithes] because 'they did not go up', one can well understand why they were penalized. According to him, however, who gave as the reason, 'In order that the priests may depend upon it during the days of their uncleanness', were the Levites penalized for the sake of the priests! Rather, all agree¹⁹ that the penalization was due to their not going up in the days of Ezra; they differ, however, on the following point: One is of the opinion that their forfeit belonged to the poor, while the other is of the opinion that priests, during the days of their uncleanness, are also regarded as poor.

Why, then,²⁰ did R. Akiba²¹ transfer the gate so that it faced a graveyard?²² — It was this that he²³ said to him:²⁴ If you come [to claim it] as a forfeit, you are entitled to it; but if you come [to demand it] as your share, you have no [claim upon it].

Whence is it deduced that they²⁵ did not go up in the days of Ezra? — It is written, And I gathered them together to the river that runneth to Ahava; and there we encamped three days,' and I viewed the people and the priests, and found there none of the sons of Levi.²⁶

R. Hisda stated: At first, officers were appointed from the Levites only, for it is said, And the officers of the Levites before you;²⁷ but now, officers are appointed from the Israelites only, for it is said, 'And officers over you shall come from the majority'.²⁸

MISHNAH. THE DAUGHTER OF AN ISRAELITE WHO WAS MARRIED TO A

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PRIEST MAY EAT *TERUMAH*. IF HE DIED AND SHE HAS A SON BY HIM SHE MAY CONTINUE TO EAT *TERUMAH*. IF SHE WAS [SUBSEQUENTLY]²⁹ MARRIED TO A LEVITE, SHE MAY EAT OF THE TITHE.³⁰ IF THE LATTER DIED AND SHE HAD A SON BY HIM, SHE MAY CONTINUE TO EAT OF THE TITHE. IF SHE WAS [SUBSEQUENTLY] MARRIED TO AN ISRAELITE SHE MAY EAT NEITHER *TERUMAH* NOR TITHE. IF THE LATTER DIED AND SHE HAS A SON BY HIM, SHE MAY EAT NEITHER *TERUMAH* NOR TITHE. IF HER SON BY THE ISRAELITE DIED, SHE MAY AGAIN EAT OF THE TITHE. IF HER SON BY THE LEVITE DIED SHE MAY AGAIN EAT *TERUMAH*. IF HER SON BY THE PRIEST DIED, SHE MAY EAT NEITHER *TERUMAH* NOR TITHE.

1. Belongs the first tithe. B.B. 81b, Keth. 261, Hul. 13 lb.
2. Scripture, surely, assigned the tithe to the Levite!
3. Num. XVIII, 26, referring to tithe.
4. R. Eleazar b. Azariah. How could he include the priests?
5. Ezek. XLIV, 15.
6. That by Levites the priests also were meant.
7. Num. XVIII, 31.
8. Which he may not enter owing to the prohibition of defiling himself for the dead. Cf. Lev. XXI, 1ff.
9. Of In every place (Num. XVIII, 31).
10. Of Jerusalem, outside of which the eating of certain consecrated foodstuffs was forbidden.
11. Who was a priest, cf. Ber. 27b.
12. So that R. Eleazar b. Azariah (v. *supra* n. 9) was prevented from entering it (cf. *supra* n. 6).
13. Reference to the shepherd's wallet. R. Akiba was a herdsman in his early life (cf. Keth. 62b). [Me'iri: Though R. Akiba may have to return to his shepherd's wallet, I can manage to live without his tithe].
14. A provision was made at some time (v. *infra*) that tithe shall not be given to the Levites in accordance with the Pentateuchal law but to the priests (cf. Sot. 47b, Hul. 131b).
15. To Judea.
16. Who led some forty thousand exiles from Babylon to Jerusalem. [On the Levites' deprivation of their right to tithe v. Tchernowitz. H. Jewish Studies in Memory of George Alexander Kohut (Hebrew section) p. 47].
17. The tithe.
18. When *Terumah* is forbidden to them.
19. Lit., 'all the world', R. Jonathan and Sabia.
20. According to the opinion which maintains that the tithe was allotted to the priests in the days of Ezra.
21. Who lived after Ezra.
22. R. Eleazar b. Azariah as a priest was surely then entitled to it. Cur. edd. contain in parenthesis, 'According to him who said that the forfeit belonged to the poor, it can well be understood why R. Akiba transferred the entrance so that it faced a graveyard; according to him, however, who stated that it belonged to the priests, why did he transfer the entrance so that it faced a graveyard'. The reading adopted is given in the margin of cur. edd.
23. R. Akiba.
24. R. Eleazar b. Azariah.
25. The Levites.
26. Ezra VIII, 15. [This is apparently contradicted by the many verses in Ezra and Nehemiah which mention the Levites side by side with the priests, and as Tosaf. already points out (s.v. [H]) is against the Mishnah in Kid. 69a which includes the Levites among the ten family stocks that came up from Babylon, unless it is to be assumed that the penalty was inflicted on the Levites because they were not among the first to join Ezra].
27. II Chron. XIX, 11.
28. Such a text cannot be traced in our Bible and may represent a verse from a lost apocryphal text. Some commentators regard it as a quotation from memory, based on Deut. I, 13, 15; but the respective dates of Ezra and Deut. would create chronological difficulties. (v. Golds.).
29. After having had a child from the priest.
30. But not of *Terumah*. Her priestly status is lost.