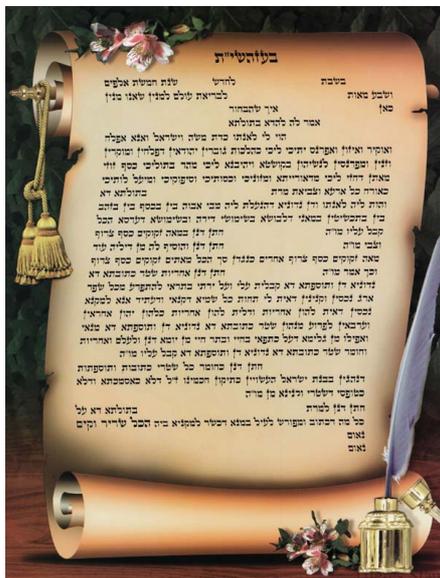


The Soncino Babylonian Talmud



KETHUBOTH

Book I

Folios 2a-28b

CHAPTERS I-II

TRANSLATED INTO ENGLISH WITH NOTES

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INTRODUCTION

Kethuboth,¹ the second Tractate of the Order of Nashim, deals in the main with the laws relating to married life in its various aspects and manifestations, enumerating, discussing and defining the privileges and duties of husband and wife in their mutual relationship from the day of their betrothal. Cognate subjects, such as questions of immoral conduct and infidelity, and the relative rights of a father and husband, and other topics bearing directly or indirectly upon the main theme are introduced as amplifications, illustrations and elucidations or as part of the arguments and discussions.

CHAPTER I, beginning with the institution of marriage, fixes the week-days on which marriages are to be solemnized and determines the form and number of, and the restrictions applicable to, the benedictions ordained for the occasion. The minimum amounts of the *Kethubah* to which virgins, widows, divorcees or other women belonging to the various strata of social and religious life are entitled, and the conditions governing the forfeiture of her *Kethubah* by a wife in the absence of her virginity, are duly indicated. The age at which a child may be admitted as a proselyte and the circumstances in which this is allowed are incidentally introduced. Other subjects dealt with include the questions of the reliability of a woman's testimony concerning the status or the innocence of a man with whom she had had intercourse and the conditions in which a ravished girl is not necessarily debarred from marrying a priest.

CHAPTER II deals with disputes on the amount of a *Kethubah*, arising from a disagreement between husband and wife as to whether the latter was married as a virgin or a widow. This is followed by an enumeration of the conditions under which witnesses to a deed may invalidate their signatures, and a discussion of the following questions: In what circumstances a woman's

word is accepted when she states that she is divorced or that, though she had been a captive, she had remained undefiled; when a man is believed to be a priest on his own evidence, and when a woman imprisoned by heathens is permitted, and when forbidden, to her husband. The principle is laid down that no one may testify concerning oneself, and priests' wives in a town that was taken by troops of siege are forbidden to their husbands unless independent evidence in their favor is forthcoming. An enumeration of cases where grown up persons are believed when testifying to what they had seen in their childhood concludes the chapter.

CHAPTER III lays down the laws of compensation, fines and penalties relating to the violation or seduction of certain classes of women, a distinction being drawn between these and others in whose case some or none of the forms of compensation or fines are applicable, and a discussion is included on the question of the imposition of two penalties for one act involving two offences. How compensation is computed, when a fine is due to the victim herself and when it is to be paid to her father or son are other subjects discussed, and the principle is enunciated that any fines or payments exceeding the actual cost of the damage done need not be paid on one's own evidence.

CHAPTER IV discusses the rights of a father to his young daughter's acquisitions or possessions, such as fines, briefly discussed in the previous chapter, compensation, *Kethubah*, finds and the proceeds of her handiwork; the claims of a husband to some of these rights and the duties he assumes in return; the relative rights of a father and husband; whether a father is legally or morally obliged to maintain his children, and the duties and privileges of brothers when a young sister claims maintenance out of their deceased father's estate; from what date distraint for a *Kethubah* or a deed of sale may be exercised; the penalties of a betrothed proselyte who played the harlot and those of the man who wrongly accused his wife of an immoral act; and the privileges of a wife and

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her children under the statutory rules of the *Kethubah* though the document was not properly drawn up or was never written. A number of the famous enactments of Usha are quoted and discussed.

CHAPTER V proceeds to lay down the rules in relation to additions to, and deductions from, the statutory *Kethubah*, the wife's right in this connection to distraint and its limitations, the different periods allowed to several classes of women for the preparation of their marriage outfits and the times when they are eligible to eat *Terumah* if their intended husbands or levirs are priests. Under what conditions a husband may consecrate a wife's handiwork, the services a wife must perform for her husband, how long she must suckle her child, the times for marital intercourse, the penalties if one of the parties refuses the other his or her conjugal rights, and the minimum of food and clothing a husband must allow his wife if he maintains her through an agent, are among the other subjects discussed and determined.

CHAPTER VI defines a husband's rights to his wife's property, handiwork and acquisitions, and gives the ratio between the additional jointure which he must assign to her in her *Kethubah* and the capital in money or kind which she brings to him on marriage. The amount of the dowry that a daughter may expect from her father or from his estate after his death, and the extent to which she may recover it from assigned property, are duly indicated; and the duty of providing for the marriages of orphans and for the general necessities, and even luxuries, of the poor is discussed in some detail, emphasis being laid on the preservation of the dignity and self-respect of the recipients. Other subjects dealt with include those of a father-in-law who promised a certain amount to his son-in-law and of a father who deposited a sum of money with a trustee for the benefit of his daughter, who wishes it to be handed over to her husband.

CHAPTER VII is concerned with the laws governing the relations between, or

separation of a husband and wife where he, by making a vow, seeks to prevent her from deriving any benefit from him, from eating a particular kind of fruit, from enjoying any particular pleasure or from fulfilling any of her legitimate desires, and enumerates cases of morally or physically defective women who may be divorced without a *Kethubah*, and of men who on account of their objectionable bodily condition or occupation may be compelled to divorce their wives.

CHAPTER VIII deals with the disposal of money, goods, slaves, or landed property inherited by a wife, or a widow awaiting the levirate marriage or *Halizah* (v. Glos.) by her deceased husband's brother, and describes the circumstances in which the inheritance belongs to the woman or the man. The limitations of a husband's claim to the return of expenses incurred in the amelioration of his wife's property are also laid down.

CHAPTER IX contains a variety of subjects: The forms and modes of a husband's renunciation of his rights to his wife's property, and the legal consequences resulting therefrom; the relative claims of a wife, creditor and heirs to the estate of a deceased man; an oath of honest dealing that may be exacted from a wife who trades for, or administers the estate of her husband, and the forms and modes of exemption from it; the oath that may be required from a woman who impaired her *Kethubah* and from one distraining on orphans' property; the laws governing the right to the collection of a *Kethubah* where the woman produced her letter of divorce and her *Kethubah*, one of the documents, two of each or two of the former and one of the latter and *vice versa*. The chapter concludes with a statement on the validity of the *Kethubah* of the wife of a minor, and a proselyte who was converted at the same time as her husband, and with a discussion on the validity in such cases of the additional jointure.

CHAPTER X determines the priority of the claims to the recovery of their *Kethubahs* and to exemption from oath of two or more wives

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who were married to the same husband, the relative rights of their respective heirs, and the legal position in the event of the surrender by one of the women of her claim to distraint on the buyer of her deceased husband's estate. These laws give rise to a discussion on the respective rights of creditors holding bonds that bear different dates.

[CHAPTER XI](#) sets out the rights and duties of a widow in relation to her late husband's orphans; lays down laws affecting the validity or invalidity of the action of a wife who sells her deceased husband's estate, and of Beth Din or agents who sell any estate, at a higher or lower price than the market value. Classes of women not entitled to a *Kethubah*, maintenance or any of the other privileges of a wife and those who are entitled to some of these privileges are enumerated.

[CHAPTER XII](#) circumscribes the extent and limitation of the obligations of a man towards his wife's daughter whom he had undertaken to maintain for a certain number of years, and of heirs towards the widow of their father, and the periods within which a widow's *Kethubah* must be claimed by herself and her heirs respectively.

[CHAPTER XIII](#) records the rulings of two famous Jerusalem Judges on the claim to maintenance by the wife of an absent husband; on the refunding of the expenses of a person who, without any authorization, has supplied her with maintenance; on the priority of sons and daughters respectively where the estate left by their father was large or small; and on the legal demand from her intended husband of a woman whose father failed to pay the sum he had promised him. Incidentally are mentioned other rulings by the same Judges on pleas that cannot be regarded as an admission of part of a claim; the trustworthiness of a witness who signed a deed of sale and then contested the ownership of the holder of the deed; the rights of the man the path to whose field was lost during his absence abroad; the invalidity of a bond of indebtedness where the debtor produced a

later deed showing that the creditor had sold to him a field of his, and the respective claims of two persons who produced bonds of indebtedness against each other. The serious consequences of taking bribes and the meticulous care it is necessary to exercise in order to escape temptation are duly described and illustrated. The currency in which certain *Kethubahs* must be paid is discussed, and Judea, Trans-jordan and Galilee are declared to be distinct countries so that a wife may refuse her husband's wish to leave one of these to settle in another. The superiority of Palestine over all other lands and of Jerusalem over all other towns is proclaimed and illustrated.

The *Aggadic* material of the Tractate includes Midrashic and homiletic interpretations of Scripture and stories and incidents pointing morals.

The work of the righteous is regarded as greater than that of creation; and the manner in which R. Gamaliel set an example of simplicity in burial is related ([Ch. I](#)).

Some wedding songs and a number of feats performed by Rabbis for the entertainment of the bride and bridegroom are recorded, and the opinion is expressed that one can never praise too highly a bride's charm or virtues. The order of precedence in attending on the dead, on a bride and on a king is indicated and it is also laid down when even engagement in the study of the Torah must give way to attendance on the dead or to participation in wedding festivities ([Ch. II](#)).

In the matter of charity one is advised to spend not more than a fifth of his wealth lest by too much liberality he become impoverished and fall a burden upon the public funds. Popular remedies for scorpion bites and the sting of bees are mentioned and some rules are laid down as to the age when a child's education should begin and at what successive ages he may start on Scripture and Mishnah. The Psalmist's praise of him who does righteousness 'at all times' is variously applied to the man who maintains his own children, who brings up orphans in his house

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or who studies the Torah and teaches it to others. ([Ch. IV](#)).

The opinion that a wife should be taken merely for the sake of her beauty, or for the sake of children or merely for the sake of wearing her finery, and the extent of the influence of the diet of an expectant mother on her child is referred to, and the romance of the marriage of the shepherd Akiba with the daughter of Ben Kalba Sabu'a and his subsequent attainment to the highest rank of scholarship and affluence is given at considerable length ([Ch. V](#)).

The story of the daughter of the wealthy Nakdimon b. Gorion, whose marriage settlement amounted to a million gold *Dinarii* and who was eventually reduced to abject poverty is told, the loss of the family's fortune being attributed to Nakdimon's self-glorification when assisting the poor or to his failing to give in accordance with his means ([Ch. VI](#)).

How R. Joshua b. Levi visited Paradise and succeeded for a while in depriving the Angel of Death of his knife is related ([Ch. VII](#)) and the closing scenes of the life of R. Judah I, his last wishes and instructions, and his burial and mourning are graphically described ([Ch. XII](#)).

The circumstances in which *Seder Eliyyahu Rabbah* and *Seder Eliyyahu Zuta* (v. *infra* fol. 106a) came to light, quotations from Ben Sira, the love and adoration of Palestine, the merit and dignity of scholars, the marvelous events and manifestations in the days of the Messiah and other eschatological matters are embodied in the last chapter.

Among medieval commentators on which the notes are based, Rashi takes first place and the Tosafists follow though at a very great distance. Of moderns, L. Goldschmidt, M. Jastrow and J. Levy must be specially mentioned.

Thanks are due to Professor Edward Robertson, D.D., DLitt. for kindly reading the proofs, to my son Judah J. Slotki, M.A.,

who, besides compiling the indices, read through the entire MS. and made a number of valuable suggestions, and to my daughters, Deborah and Shulamith Rose, who prepared the typescript for the press and assisted in the checking of the proofs. I must also express appreciation of the sympathetic interest in my work shown by the librarians of the Manchester University and the John Rylands Libraries by whom most of the books required for this work were generously supplied.

I. W. SLOTKI

1. [H] is the pl. of the noun [H] (rt. [H] 'to write') prob. of the form with *Waw* in place of the *Kubbuz*. If it is regarded as the particip. pass. fem. pl. of [H] the vocalization should be [H]. The noun denotes generally anything that 'is written', but in a technical or legal connotation it is applied to (a) a marriage deed, (b) the statutory sum that is due to a wife in the event of her husband's death or on being divorced, or (c) a wife's jointure or settlement which her husband assigns to her voluntarily or in return for assets that she brings to him on marriage. As the laws and discussions relating to these and cognate subjects constitute its main body the entire Tractate assumed the name of *Kethuboth*.

The indices of this Tractate have been compiled by Judah J. Slotki, M.A.

PREFATORY NOTE BY THE EDITOR

The Editor desires to state that the translation of the several Tractates, and the notes thereon, are the work of the individual contributors and that he has not attempted to secure general uniformity in style or mode of rendering. He has, nevertheless, revised and supplemented, at his own discretion, their interpretation and elucidation of the original text, and has himself added the notes in square brackets containing alternative explanations and matter of historical and geographical interest.

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ISIDORE EPSTEIN

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Kethuboth 2a

CHAPTER I

MISHNAH. A MAIDEN IS MARRIED¹ ON THE FOURTH DAY [OF THE WEEK] AND A WIDOW ON THE FIFTH DAY, FOR TWICE IN THE WEEK THE COURTS OF JUSTICE² SIT IN THE TOWNS, ON THE SECOND DAY [OF THE WEEK] AND ON THE FIFTH DAY, SO THAT IF HE [THE HUSBAND] HAD A CLAIM AS TO THE VIRGINITY [OF THE MAIDEN-BRIDE] HE COULD GO EARLY [ON THE MORNING OF THE FIFTH DAY OF THE WEEK] TO THE COURT OF JUSTICE.

GEMARA. R. Joseph said: Rab Judah said [that] Samuel said: Why did they [the Rabbis] Say. A MAIDEN IS MARRIED ON THE FOURTH DAY? Because we have learned:³ 'If the time [appointed for the marriage] arrived and they⁴ were not married,⁵ they⁴ eat of his [food]⁶ and they eat⁷ of Terumah'⁸ — you might think that if the time arrived on the first day in the week he would have to supply her with food, therefore have we learned, A MAIDEN IS MARRIED ON THE FOURTH DAY.² Said R. Joseph: Lord of Abraham!¹⁰ He [Samuel] attaches a Mishnah which was taught, to a Mishnah which was not taught! Which was taught and which was not taught? This was taught and this was taught! — But [put it this way]: he attaches a Mishnah, the reason of which was explained,¹¹ to a Mishnah, the reason of which was not explained.¹² But if it was said,¹³ it was said thus; Rab Judah said [that] Samuel said: Why did they say, A MAIDEN IS MARRIED ON THE FOURTH DAY? Because IF HE HAD A CLAIM AS TO THE VIRGINITY HE COULD GO EARLY [NEXT MORNING] TO THE COURT OF JUSTICE — well, let her be married on the first day in the week, so that if he had a claim as to virginity he could go early [on the morning of the second day of the week] to the court of justice! [The answer is:] The Sages watched over the interests¹⁴ of the daughters

of Israel so that [the bridegroom] should prepare for the [wedding.] feast three days, [namely] on the first day in the week, the second day in the week, and the third day in the week, and on the fourth day he marries her. And now that we have learned 'shakedu',¹⁵ that [Mishnah] which we have learned: If the time arrived and they were not married, they eat of his [food] and they eat of *Terumah*, [is to be understood as implying that if] the time arrived on the first day in the week, since he cannot marry [her, on the first day of the week, on account of the ordinance], he does not give her food [on the three days, from the first day of the week to the fourth day]. Therefore¹⁶ [R. Joseph concludes], if he became ill or she became ill, or she became menstruous,¹⁷ he does not give her food.

Some [scholars] there are who put this as a question: If he became ill, what is [the law]?¹⁸ [Shall I say:] There.¹⁹ the reason [he need not support her,] is because he is forced,²⁰ and here, he is also forced?²¹ Or shall I say] perhaps, there.²² he is forced²³ by an ordinance which the Rabbis ordained,²⁴ [but] here, [he is] not?²⁵ And if you will say:²⁶ If he became ill he supplies her with food, [then the question would still be:] if she became ill, what is [the law]? Can he say unto her, 'I am here ready to marry you'? Or, perhaps, she can say unto him, 'His field²⁷ has been flooded'²⁸ And if you will say [that] she can say to him [when she falls ill], 'His field has been flooded.' [then the question is,] if she became menstruous, what is [the law]? During her regular time there is no question

1. Lit., 'is taken' as wife.
2. Lit., 'houses of judgment (law, justice)'.
3. V. *infra* 57a.
4. The maiden or the widow.
5. The marriage did not take place through the man's fault.
6. The man has to maintain them.
7. If the man (the bridegroom) is a priest.
8. The priest's share of the crop. v. [Glos.](#)
9. And thus to teach that it is not his fault that he does not marry her on the first day in the week, because the Rabbis ordained that he has to wait with the marriage till the fourth

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- day (in the case of a maiden), or the fifth day (in the case of a widow).
10. An exclamation, like 'O, God!' (v. Rashi ad loc.).
 11. Our Mishnah: So THAT ... HE COULD GO EARLY TO THE COURT OF JUSTICE.
 12. V. *infra* 57a.
 13. The saying of Samuel.
 14. Lit., 'ordinance', 'improvement.
 15. 'They (the Sages) watched', etc. — the principle just stated.
 16. Since ye find that the bride has no claim to maintenance where he is not to blame [or the delay in the marriage.
 17. After the time for the marriage had arrived and the marriage cannot take place through one of these causes.
 18. Lit., 'how is it?'
 19. When the appointed date of the marriage falls on the first day of the week, v. *infra* 57a.
 20. By the ordinance of the scholars, according to which he must wait till the fourth day of the week (H).
 21. By his illness to postpone the marriage.
 22. When the appointed date of the marriage falls on the first day of the week.
 23. To postpone the marriage.
 24. And therefore he need not support her.
 25. I.e., in this case he would have to support her since the postponement of the marriage is due to his illness.
 26. Lit., 'And if you may be able (or, find it possible) to say.'
 27. Another reading is 'thy field'. The sense is, of course, the same.
 28. I.e., it is his bad luck that she became ill, and consequently he must support her.

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that she cannot say to him, 'His field has been flooded'. When is the question asked? [If she became menstruous] not during her regular time, what is [the law]? Since it is not during her regular time, she can say unto him, 'His field has been flooded'? Or, perhaps, since there are women who change their periods. It is as if it was her regular time? R. Ahai explained:¹ [We learnt:] When the time came and they were not married, they eat of his food and they eat of *Terumah*.² It does not state. 'They [the men] did not marry them [the women]' but [it says] 'They [the women] were not married.' In what case? If they prevent,³ why do they eat of his food and eat of the *Terumah*? Hence, you must say [must

you not].⁴ that they were forced as in this case,⁵ and it states 'they eat of his food and they eat of *Terumah*'? — R. Ashi said: Indeed I can say⁶ [that] in the case of an accident⁷ she does not eat [of his].⁸ And [here]⁹ they [the men] prevented.¹⁰ And by right he ought to have stated, 'they [the men] did not marry [the women].'¹¹ But since the first clause¹² speaks of them [the women] the latter clause also speaks of them [the women]?¹³

Raba said: And with regard to divorce¹⁴ it is not so.¹⁵ Accordingly Raba holds [that] accident is no plea in regard to divorce.¹⁶ Whence does Raba get this [rule]? Shall I say, from what we have learned: 'Behold this is thy bill of divorce if I come not [back] from now until twelve months,'¹⁷ and he died within the twelve months, there is no divorce.¹⁸ [And we would conclude from this that only if] he died there is no divorce,¹⁹ but if he became ill²⁰ there is a divorce!²¹ But perhaps indeed I might say [that] if he became ill there would also be no divorce.²² and [the Mishnah]²³ lets us hear just this [rule], that there is no divorce after death.²⁴ [That] there is no divorce after death, a previous Mishnah²⁵ teaches: 'Behold, this is thy bill of divorce if I die,' [or] 'behold, this is thy bill of divorce from this illness,'²⁶ [or] 'behold, this is thy bill of divorce after [my] death,' he has not said anything.²⁷ [But] perhaps [that²⁸ is] to exclude from that²⁹ of our teachers, for it has been taught: Our teachers allowed her to marry again.³⁰ And we said: Who are 'our teachers'? Rab Judah said [that] Samuel said: The court that allowed the oil [of the heathen]:³¹ they³² hold like R. Jose who said, 'the date of the document shows it.'³³ But from the later clause:³⁴ '[This is thy bill of divorce]³⁵ from now if I come not [back] from now [and] until twelve months', and he died within the twelve months, it is a divorce. [And we may deduce] 'if he died', and the same rule applies if he became ill.³⁶ [But] perhaps [the divorce is effective] only when he died, because it was not pleasing to him that she should become subject to³⁷ the Yabam!³⁸ —

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But [the deduction can be made] from this: There was a certain [man]³⁹ who said unto them:⁴⁰ 'If I do not come [back] from now until thirty days it shall be a divorce.'⁴¹ He came [back] at the end of thirty days but the ferry stopped him.⁴² He said unto them,⁴³ 'Look, I have come [back]; look, I have come [back]!'⁴⁴ Said Samuel: This is not regarded as having come back.⁴⁵ But perhaps an accident which is frequent⁴⁶ is different,⁴⁷ for since he ought to have stipulated it⁴⁸ and he did not stipulate it, he injured himself!⁴⁹ — But [we must say] Raba expressed an opinion of his own:⁵⁰ On account of the chaste women and on account of the loose women.⁵¹ On account of the chaste women,⁵² because if you will say that it should not be a divorce.⁵³

1. I.e., 'answered'.
2. Mishnah 57a: v. *supra*.
3. If the women cause the hindrance to the marriage taking place now..
4. Lit., 'but is it not'.
5. Lit., as in this manner', that is, when menstruation appeared outside the regular time.
6. Lit., 'always I say unto thee'.
7. As irregular menstruation (v. n. 10). The accident is a mishap that comes from the woman.
8. Lit., 'every accident, she does not eat.
9. In the Mishnah quoted by R. Ahai.
10. The marriage from taking place now'.
11. And not 'they (the women) Here not married'.
12. Of the Mishnah, quoted by R. Ahai: V. *infra* 57a.
13. I.e., since that Mishnah speaks in the first clause of 'maiden' and 'widow', it uses in the clause that follows the passive 'they were not married' the subjects of which are the 'maiden and the 'widow' to use the active 'they did not marry', referring to the men, would have required more words in that clause.
14. Lit., 'deeds (of divorce).'
15. I.e., an accident, as explained *infra*, does not invalidate a divorce.
16. Lit., 'there is no accident with divorce'.
17. These words the husband says to the wife. 'From now until twelve months' means 'within twelve months'.
18. Lit., 'it is not a Get,' (v. [Glos.](#)) that is, the divorce does not take effect: v. Git. 76b.
19. Because there can be no divorce after death.
20. And he could not come back within the twelve months through his illness.
21. Which proves that we do not admit a plea of force majeure to invalidate a Get.
22. For the plea of accident does apply to divorce.
23. Git. 76b.
24. And no other deduction, e.g. as to illness, is to be made from that Mishnah.
25. Git. 72a. Lit., 'beginning', 'first clause', denoting here a previous Mishnah.
26. This phrase is not clear. V. Rashi here and Git. 72a. The phrase seems to mean, 'If I die from this illness.' v. Tosaf. a.l.
27. I.e., his words have no effect.
28. I.e., the Mishnah of Git. 76b quoted above.
29. I.e., from the view of our teachers. If this is the object of (the first clause of) the Mishnah of Cit. 76b, Raba cannot deduce from this Mishnah that if he (the husband) became ill the divorce took effect: v. *supra*, also note 9.
30. 'Our teachers' regard her as divorced (against the Mishnah) and allow her to marry again without *Halizah*. If she is regarded as a widow and she has no children she requires *Halizah* before she can re-marry. As to *Halizah* v. Deut. XXV. 5-10. and [Glos.](#)
31. V. A.Z. 36a and 37a.
32. I.e., the members of the court of justice.
33. [B.B. 136a: and so here the date inserted for the Get is intended to make it effective from the time of the delivery thereof. For further notes v. Git. (Sonc. ed.) p. 136].
34. I.e., Raba deduces the rule that the plea of accident does not apply to divorce from the second clause of the Mishnah, cf. Git. 76b.
35. v. Git. 76b.
36. And he could not come back on account of his illness.
37. Lit., 'that she should fall before' (the Yabam).
38. The husband's brother, who, if she was regarded as a widow (and not as divorced), would have to marry her or let her perform *Halizah*.
39. A husband.
40. Certain persons who might be witnesses.
41. I.e., the bill of divorce given now shall become effective.
42. The ferry was on the other side of the river and he could not get across, and he was thus prevented (by this accident) from arriving in his town within the thirty days.
43. To persons standing near by.
44. The divorce should therefore not take effect.
45. Lit., 'Its name is not "come back"' — the divorce, therefore, takes effect. This proves that *force majeure* is no plea in regard to Get.
46. I.e., an accident which is likely to occur, as the ferry being on the other side of the river.
47. Does not bar the divorce from becoming effective.
48. That if the ferry should be on the other side of the river and he could not get across and come

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into his town, it should be regarded as if he had arrived in the town and come back within the meaning of his condition, which would thus be regarded as not fulfilled, and the divorce would, consequently, not take effect.

49. He has himself to blame. The attempted deduction from the ferry case is therefore refuted.
50. Since the rule of Raba, that an accident is no bar to the effectiveness of the divorce, cannot be derived from any Mishnah or from the ferry case, it is attributed to himself that is to his own reasoning.
51. By 'loose women' are meant women who would not be particular about marrying again even if the validity of the divorce was not established.
52. The divorce should be effective.
53. That the divorce should not become effective because of the accident.

Kethuboth 3a

sometimes [it may happen] that he was not held back by an accident,¹ and she would think that he was held back by an accident² and she would be tied, and sit.³ And on account of the loose women, because if you will say [that] it should not be a divorce, sometimes [it may happen] that he was held back by an accident⁴ and she would say⁵ that he was not held back by an accident⁶ and she would go and get married, and the result would be⁷ [that] the divorce was invalid⁸ and her children [from the second marriage] would be bastards.⁹ But is it possible¹⁰ that according to the law of the Bible it would not be a divorce¹¹ and on account of 'the chaste women' and on account of the 'loose women' we should allow a married woman¹² to the world?¹³ — Yes, every one who betroths in accordance with the sense of the Rabbis he betroths,¹⁴ and the Rabbis have annulled his betrothal.¹⁵ Said Rabina to R. Ashi: This might be well¹⁶ [if] he betrothed her with money,¹⁷ [but if] he betrothed [her] by act of marriage, what can one say [then]? — The Rabbis have made¹⁸ his act of marriage non-marital.¹⁹

Some, [however,] say²⁰ [as follows]: Raba said: And so [also] with regard to divorce. Accordingly Raba holds [that the plea of]

accident applies to divorce.²¹ An objection was raised: 'Behold this is thy bill of divorce if I come not [back] from now [and] until twelve months,' and he died within the twelve months, there is no divorce. [Now] if he dies there is no divorce, but if he became ill there would be a divorce! — Indeed I might say [unto thee] that if he became ill there would be no divorce either, and [the Mishnah] lets us hear just this [rule]: that there is no divorce after death. [That] there is no divorce after death a previous Mishnah teaches! — Perhaps [that is] to exclude from that of our teachers.

Come and hear:²² From now if I have not come [back] from now [and] until twelve months,' and he died within the twelve months, it is a divorce. Would not the same rule apply if he became ill? No, Only if he died, because it was not pleasing to him that she should become subject to the Yabam.

Come and hear: A certain [man] said unto them: 'If I do not come [back] from now [and] until thirty days it shall be a divorce.' He came [back] at the end of thirty days but the ferry stopped him. And he said unto them, 'Look, I have come [back]; look, I have come [back]!' And Samuel said: This is not regarded as having come back! — An accident which is frequent is different, for since he ought to have stipulated it and he did not stipulate it, he injured himself.

R. Samuel b. Isaac said: They have only taught²³ since the institution of Ezra²⁴ and after, [according to which] the courts of justice sit²⁵ only on the second day and on the fifth day [of the week]. But before the institution of Ezra, when the courts of justice sat every day, a woman²⁶ could be married on any day. Before the institution of Ezra, what there was there was.²⁷ — He means it thus: If there are courts of justice that sit now as before the institution of Ezra,²⁸ a woman may be married on any day. But what of Shakedu?²⁹ [We suppose] that he³⁰ had [already] taken the trouble.³¹

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1. Lit. 'that he was not forced.' The divorce would therefore certainly be effective.
2. And the divorce would, in her view, not take effect (if the rule would have been that an accident is a bar to the divorce becoming effective).
3. Lit., 'and she will be tied'. I.e., she would regard herself as tied to her absent husband and would not marry again. An 'Agunah is a woman tied to an absent husband'. The Rabbis endeavored to prevent the state of 'Agunah; v. Git. 33a.
4. And the divorce would not take effect.
5. The use of 'she would say' here in contradistinction to 'she would think' in the case of the 'chaste women' is no doubt intentional. She (the loose woman) would say this, although she would not think so in her heart.
6. In which case the divorce would become effective.
7. Lit., 'and it is found.'
8. If the divorce should not become effective because of an accident.
9. The children of a married woman and a man who is not her husband are bastards, Mamzerim; v. Yeb. 49a. This would be the case if the divorce would not become effective because of an accident and the first husband should turn up and say that he was held back by an accident. To prevent such evil results Raba established the rule that an accident should not be a bar to the divorce taking effect.
10. Lit., 'and is there anything?'
11. [The Plea of force majeure as recognized in the Bible, v. Deut. XXII, 26.]
12. Lit., 'the wife of a man.'
13. I.e., to marry another man.
14. Lit., 'he sanctifies.' 'he consecrates.' To sanctify, to consecrate a woman to oneself means to marry her. *Kiddushin* 'sanctifications' means 'betrothal,' 'marriage.' I.e., every one who marries a woman marries her on the basis that the marriage is sanctioned by the law of the Rabbis.
15. Lit., 'and the Rabbis have caused the betrothal to be released from him,' that is retrospectively. As the marriage is subject to the sanction of the Rabbis, the Rabbis can, if the necessity arises, annul the marriage. Such a necessity has arisen when an accident would be a bar to the divorce becoming effective.
16. The answer just given might be regarded as satisfactory.
17. V. Kid. 2a.
18. I.e., have declared it to be, or regard it.
19. Lit., 'an intercourse of prostitution.' The Rabbis have in either case the power to annul the marriage. The argument that Raba

arrived at his views through his own reasoning stands.

20. Lit., 'There are some who say.'
21. According to this version. Raba holds that an accident is a bar to the divorce becoming effective.
22. From here till 'he injured himself' the text is practically identical with the corresponding text on Kethuboth 2b. There are only one or two omissions and one or two slight variations. For interpretation, v. notes on the translation of 2b. The difference of the arguments is obvious.
23. That a maiden marries on the fourth day of the week.
24. V. B.K. 82a.
25. Lit., 'are fixed'.
26. Even a maiden.
27. That is past and does not matter!
28. Every day.
29. Lit., 'we require "they watched"'. V. *supra* 2a.
30. The bridegroom.
31. Of preparing for the wedding.

Kethuboth 3b

What is [the reference to] Shakedu? [For] it has been taught: Why did they say that a maiden is married on the fourth day? 'Because if he had a claim as to virginity he could go early [next morning] to the court of justice. But let her be married on the first day in the week and if he had a claim as to virginity he could go early [on the morning of the second day in the week] to the court of justice? — The Sages watched over the interests of the daughters of Israel so that [the man] should prepare for the [wedding-]feast three days, the first day in the week, and the second day in the week, and the third day in the week, and on the fourth day he marries her. And from [the time of] danger and onwards the people made it a custom to marry on the third day and the Sages did not interfere with them. And on the second day [of the week] he shall not marry; and if on account of the constraint¹ it is allowed. And one separates the bridegroom from the bride on the nights of Sabbath at the beginning,² because he makes a wound.³

What [was the] danger? If I say that they⁴ said, 'a maiden that gets married on the fourth day [of the week] shall be killed', [then

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how state] 'they made it a custom'? We should abolish it entirely! — Said Rabbah: [That] they said, 'a maiden that gets married on the fourth day [of the week] shall have the first sexual intercourse with the prefect.'⁵ [You call] this danger? [Surely] this [is a case of] constraint!⁶ — Because there are chaste women who would rather surrender themselves to death and [thus] come to danger. But let one expound to them⁷ that [in a case of] constraint [it] is allowed?⁸ — There are loose women⁹ and there are also priestesses.¹⁰ But [then] let one abolish it?¹¹ A decree¹² is likely to cease, and [therefore] we do not abolish an ordinance of the Rabbis on account of a decree. If so, on the third day he [the prefect] would also come and have intercourse [with the bride]? — Out of doubt he does not move himself.¹³

[It is stated above:] 'And on the second day [of the week] he shall not marry; and if on account of the constraint it is allowed.' What constraint [is referred to]? Shall I say [that it is] that which we have said?¹⁴ There,¹⁵ one calls it 'danger' 'and here, one calls it [mere] 'constraint'! And further, there [it states], 'they made it a custom', [whilst] here, 'it is allowed'!¹⁶ — Said Raba: [it is that] they say 'a general has come to town.'¹⁷ In what case? If he comes and passes by,¹⁸ let it be delayed!¹⁹ — It is not necessary [to state this but] that he came and stayed. Let him, [then], marry on the third day [of the week].²⁰ — His²¹ vanguard arrived on the third day. And if you wish I may say: What is [the meaning of] 'on account of the constraint'? As it has been taught: If his bread was baked and his meat prepared and his wine mixed²² and the father of the bridegroom²³ or the mother of the bride died,²⁴ they bring the dead [person] into a room and the bridegroom and the bride into the bridal chamber,²⁵

1. This will be explained anon.
2. If it is her first marital union.
3. By the first act of intercourse.
4. The Roman authorities.
5. jus primae noctis; v. J.E., VII, p. 395.

6. [And no woman is enjoined to sacrifice her life in resisting this assault: v. *supra* p. 7 n. 1, v. *infra* 51b.]
7. The women.
8. V. n. 6.
9. Who might submit voluntarily.
10. Wives of priests who would be forbidden to their husbands even when submitting under constraint: v. *infra* 51b.
11. Marrying on Wednesday.
12. Of the Romans.
13. To come into town.
14. The fear of the exercise of jus primae noctis.
15. Earlier in the cited Baraitha.
16. [Implying that it was not an established custom.]
17. And he would requisition the food prepared for the wedding-feast.
18. If he only passes through the town.
19. I.e., let the marriage be delayed till the fourth day of the following week.
20. [Instead of the second day of the week and thus give him a longer opportunity for making preparations for the wedding.]
21. The general's.
22. With water, their wine being too strong to be drunk undiluted. I.e., all the preparations for the wedding had been made.
23. [Who had to provide for the wedding-feast.]
24. [Who provided the wife with her trousseau.]
25. Huppah, v. [Glos.](#) First the marriage and then the mourning.

Kethuboth 4a

and he performs the dutiful marital act¹ and [then] separates [himself from her].² And [then] he keeps the seven days of the [wedding-]feast³ and after that he keeps the seven days of mourning.³ And [during] all these days he sleeps among the men and she sleeps among the women.⁴ And they do not withhold ornaments⁵ from the bride all the thirty days.⁶ [But that is] only [if] the father of the bridegroom or the mother of the bride [died], because there is [then] no one who should prepare for them [for the wedding], but not [in case of] the reverse.⁷ Rafram b. Papa said [that] R. Hisda said: They taught [this] only when water had [already] been put on the meat, but if water had not [yet] been put on the meat, it is to be sold. Raba said: And in a city, although water had been put on the meat, it is sold.⁸ R. Papa said: And in a village, although water had not been put on

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the meat, it is not sold.⁹ But where [then] will you find [the rule] of R. Hisda [to apply]? Said R. Ashi: For instance, [in] Matha Mehasia,¹⁰ which is neither a city nor a village.¹¹

It has been taught according to R. Hisda: If his bread was baked and his meat prepared and his wine mixed and water had been put on the meat and the father of the bridegroom or the mother of the bride died, they bring the dead [person] into a room and the bridegroom and the bride into the bridal chamber, and he performs the dutiful marital act and [then] separates [himself from her]. And [then] he keeps the seven days of the [wedding-]feast and after that he keeps the seven days of mourning. And all these days he sleeps among the men and she sleeps among the women. And so [also] if his wife became menstruous does he sleep among the men and she sleeps among the women. And they do not withhold ornaments from the bride all the thirty days. In any case he must not perform the [first] marital act on the eve of Sabbath or in the night following the Sabbath.

The Master said [above]: 'He sleeps among the men and she sleeps among the women.' This supports R. Johanan, for R. Johanan said: Although they said [that] there is no mourning on a festival, yet matters of privacy he keeps.¹² R. Joseph the son of Raba lectured in the name of Raba: They taught¹³ only if he had yet no intercourse [with her],¹⁴ but if he had [already] intercourse, his wife may sleep with him.¹⁵ But here we deal with a case when he had intercourse, and still it teaches [that] he sleeps among the men and she sleeps among the women? — When did he¹⁶ say [it]? With regard to his wife becoming menstruous. But it says. 'And so [also if his wife became menstruous]!'¹⁷ —

1. The first intercourse.
2. [Immediately after which the burial takes place. The death of one of these parents is thus the constraint referred to. Where the death occurred on Monday the marriage is to

take place immediately so as to avoid delay in the funeral.]

3. *V. infra.*
4. So that they have no intercourse.
5. 'Ornaments means both jewelry and toilet requisites.
6. [The thirty days of semi-mourning that follow the death of a near relative.]
7. These rules do not apply.
8. Because it can be sold.
9. Because it cannot be sold.
10. A place near Sura.
11. Lit., 'Which is excluded from a city and excluded from a village'.
12. [I.e., mourning customs that affect domestic relations, and thus involve no outward manifestations of grief, must be observed.]
13. That he sleeps among the men and she sleeps among the women.
14. And he may feel tempted.
15. In one room.
16. Raba
17. And this would seem to show that there is no difference between the time of mourning and the period of menstruation.

Kethuboth 4b

Thus he¹ means to say:² And so [also], if his wife became menstruous and he had not yet had intercourse [with her] he sleeps among the men and she sleeps among the women. Is this [then] to say that he treats mourning more lightly than menstruation?³ Surely. R. Isaac the son of Hanina said that R. Huna said: All kinds of work⁴ which a wife performs for her husband, a menstruant⁵ may perform for her husband, except the mixing of the cup⁶ and the making⁷ of the bed and the washing of his face, his hands and his feet;⁸ while with regard to mourning it has been taught: Although they⁹ said: No man has a right to force his wife¹⁰ to paint [her eyes] or rouge [her face], in truth¹¹ they said: She mixes him the cup¹² and she makes him the bed and she washes his face, his hands and his feet?¹³ — [This is] not difficult; here¹⁴ [it speaks] of his mourning,¹⁵ there¹⁶ [it speaks] of her mourning.¹⁷ But it says:¹⁸ 'The father of the bridegroom or the mother of the bride [died]?'¹⁹ —

This refers to the rest.²⁰ But is there a difference between his mourning and her

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mourning? Surely it has been taught: If a man's father-in-law or mother-in-law died,²¹ he cannot force his wife to paint [her eyes] and to rouge [her face]. but he lowers his bed²² and keeps mourning with her. And so [also] if a woman's father-in-law or mother-in-law died²³ she is not allowed to paint [her eyes] and to rouge [her face], but she lowers her bed and keeps mourning with him!²⁴ — Teach with reference to his mourning 'he sleeps among the men and his wife sleeps among the women'.²⁵ But it says: 'And so [also]'?²⁶ —

This refers to painting and rouging.²⁷ But it says 'with him'! Does this not mean,²⁸ with him in one bed? — No, [it means] with him in one house, and as Rab said to his son Hiyya: In her presence²⁹ keep mourning, in her absence do not keep mourning.³⁰ R. Ashi said: Can you compare this mourning³¹ with ordinary mourning?³² Ordinary mourning is strict and one would not deal lightly³³ with it. [But] this mourning, since the Rabbis were lenient [about it], one might deal lightly with it. What is the leniency? Shall I say, because it says he performs the dutiful act of marriage and separates [himself from her]? That is³⁴ because the mourning has not rested upon him³⁵ yet; [namely] if according to R. Eliezer, [the mourning does not begin] until the body has been taken out of the house,³⁶ and if according to R. Joshua, [the mourning does not begin] until the *golel*³⁷ has been closed!³⁸ — But [the leniency is this,] because it says: He keeps [first] the seven days of the [wedding-]feast and after that he keeps the seven days of mourning.

The Master said: 'In any case he must not perform the [first] marital act on the eve of Sabbath or in the night following the Sabbath. It is right [that he may not perform it] on the eve of Sabbath, because of a wound.³⁹ But in the night following the Sabbath, why not? — Said R. Zera:

1. The Tanna of the cited Baraitha.
2. Lit., 'thus he says.'
3. Lit., 'that mourning is lighter to him (the husband) than menstruation'. The case of

menstruation is limited to where no intercourse had taken place.

4. Lit., 'all works'.
5. I.e., the wife during menstruation.
6. I.e., pouring out of wine: v. *supra* p. 10 n. 6.
7. Lit., 'spreading.'
8. Because the nearness may bring temptation: v. *infra* 61a.
9. The Rabbis.
10. When she is mourning for a parent.
11. Cf. B.M. 60a: wherever an opinion is introduced with the words, 'in truth they said,' it means to say that it is an established legal rule.
12. Cf. *infra* 61a.
13. This would show that he treats mourning less lightly than menstruation!
14. *Supra* 4a: 'he sleeps among the men and she sleeps among the women.'
15. And she might be tempted.
16. Lit., 'here.' In the Baraitha just quoted.
17. And she would resist temptation.
18. Lit., 'it teaches.'
19. This shows that there is no difference between his mourning and her mourning.
20. Lit., 'When it teaches, on the rest. — I.e., this refers to the other points mentioned in the Baraitha on 4a.
21. Lit., 'he whose father-in-law or mother-in-law died.'
22. Placing the mattresses on or near the floor was a sign of mourning.
23. Lit., 'she whose father-in-law or mother-in-law died.'
24. Since it does not state in the latter case that he has to sleep among the men, etc., it shows that there is no difference between his mourning and her mourning.
25. And so there would be a difference between his mourning and her mourning. In his mourning there would be the precaution just stated, while in her mourning that precaution would not be required.
26. This would show that there is no difference between his mourning and her mourning.
27. In either case she does not paint or rouge.
28. Lit., 'what not?'
29. In the presence of Hiyya's wife who was in mourning.
30. I.e., 'with him' (or 'with her') shows that she keeps mourning with him in his presence and he keeps mourning with her in her presence.
31. Lit., 'the mourning of here', namely the mourning immediately before the marriage; v. *supra* 3b (bottom) and 4a.
32. Lit., 'mourning of the world.'
33. Lit., 'and one would not come to disregard it.'
34. Lit., 'there'.
35. Has not begun yet.

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36. Lit., 'until it goes out from the door of the house.'
37. The covering stone of a tomb. 'To close the Golel' means 'to close the tomb with the Golel,' v. *Nazir* (Sonc. ed.) p. 302, n. 5.
38. Cf. M.K. 27a.
39. He makes a wound through the first intercourse.

Kethuboth 5a

Because of accounts.¹ Said Abaye to him: And are accounts of a religious nature forbidden?² Surely R. Hisda and R. Hamnuna both said: Accounts of a religious nature, one is allowed to calculate them on Sabbath; and R. Eleazar said: One may assign charity to the poor on Sabbath; and R. Jacob said [that] R. Johanan said: One may go to synagogues and to schoolhouses to watch over public affairs³ on Sabbath; and R. Jacob the son of Idi said [that] R. Johanan said: One may do any work to save a life⁴ on Sabbath; and R. Samuel the son of Nahmani said [that] R. Jonathan said: One may go to theatres and circuses⁵ to watch over public affairs on Sabbath; and [a scholar] of the school of Menashia taught: One may negotiate about the girls to be betrothed on Sabbath⁶ and about a boy to teach him the book⁷ and to teach him a trade? —

But, said R. Zera, it has been prohibited⁸ lest he might slaughter a fowl.⁹ Said Abaye to him: But if this were so, then the Day of Atonement which fell on the second day of the week should be postponed¹⁰ for fear¹¹ lest he might slaughter a fowl?¹² — There,¹³ that [he has to prepare only] for himself he is not troubled [so much],¹⁴ [but] here,¹⁵ that [he has to prepare] for others,¹⁶ he is troubled.¹⁷ Or: there, he has an interval,¹⁸ [but] here, he has no interval.¹⁹ Now that you have come so far,²⁰ the eve of Sabbath²¹ also is prohibited²² for fear lest he might slaughter a fowl.²³

The question was asked:²⁴ [Does the Mishnah mean:] A maiden is married on the fourth day [of the week], and the intercourse takes place on the fourth day, and we are not afraid that he might be pacified?²⁵ Or

perhaps [the meaning is] a maiden is married on the fourth day [of the week], and the intercourse takes place on the fifth day²⁶ because we are afraid that he might be pacified? — Come and hear: Bar-Kappara taught: A maiden is married on the fourth day [of the week] and the intercourse takes place on the fifth day²⁶ because on it [the fifth day] the blessing for the fishes was pronounced.²⁷ A widow is married on the fifth day [of the week] and the intercourse takes place on the sixth day²⁸ because on it [the sixth day] was pronounced the blessing for man.²⁹ [We thus see that] the reason is on account of the blessing, but as to [his] being pacified we are not afraid. If so,³⁰ [in the case of] a widow also the intercourse should take place on the fifth day [of the week], because on it [the fifth day] was pronounced the blessing for the fishes?³¹ —

The blessing for man is better for him.³² Or on account of 'they have watched,'³³ for it has been taught: Why did they³⁴ say [that] a widow is married on the fifth day [of the week] and the intercourse takes place on the sixth day? Because, if you will say that the intercourse should take place on the fifth day, in the morning³⁵ he will rise and go to his work;³⁶ therefore the Sages watched over the welfare³⁷ of the daughters of Israel that he should rejoice with her³⁸ three days, [namely] on the fifth day of the week,³⁹ on the eve of Sabbath⁴⁰ and [on] Sabbath.⁴¹ What is the difference between 'the blessing' and 'they have watched'?⁴² The difference is this:⁴³ [in the case of] a man of leisure,⁴⁴ or [in the case] when a festival falls on the eve of Sabbath.⁴⁵

Bar-Kappara expounded: The work of the righteous⁴⁶ is greater than the work⁴⁷ of heaven and earth, for in [regard to] the creation of heaven and earth it is written, Yea, My hand hath laid the foundation, of the earth, and My right hand hath spread out the heavens,⁴⁸ while in [regard to] the work of the hands of the righteous it is written, The place which Thou hast made for Thee to dwell in, O Lord, the sanctuary, O Lord, which Thy hands have established.⁴⁹

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Replied⁵⁰ one Babylonian, and R. Hiyya [was] his name: [It is written.] And the dry land his hands formed?⁵¹ — It is [to be] written, 'His hand'.⁵² But it is written, they formed?⁵³ — Said R. Nahman b. Isaac: 'His fingers formed,'⁵⁴ as it is written. When I behold Thy heavens, the work of Thy fingers, the moon and the stars which Thou hast established.⁵⁵

An objection was raised: [It is written,] The heavens declare the glory of God, and the work of His hands the firmament shows?⁵⁶ — Thus he said:⁵⁷ The handiwork⁵⁸ of the righteous, who shows [it]?⁵⁹ The firmament. And what is it? Rain.⁶⁰

Bar-Kappara [also] expounded: What [is the meaning of what] is written. And thou shalt have a peg among thy implements?⁶¹ Do not read,⁶² thy implements,⁶³ but 'upon thy ear';⁶⁴ [this means to say] that if a man hears an unworthy thing⁶⁵

1. If he will consummate the marriage in the night following the Sabbath he will give a dinner in the evening and he will make accounts (in his mind) on Sabbath as to the cost of that festive meal.
2. I.e., is it forbidden to make calculations for a religious purpose on Sabbath?
3. Lit., 'the affairs of many'.
4. Lit., 'one removes a person' from under debris. The meaning is: One may do any work on Sabbath to save a life.
5. Theatres and circuses were also places of general assemblies. in the same way public meetings were also held in synagogues and schoolhouses.
6. I.e., one may negotiate the betrothal of them on Sabbath.
7. I.e., the book, the Bible.
8. Lit., 'a preventive measure'. To have the first intercourse in the night following the Sabbath.
9. Lit., 'the child of a fowl', that is a young fowl. There is also the reading [H] 'on it' i.e., on Sabbath for [H]. He would be so busy thinking of the festive meal on Sabbath night that he might forget that it was Sabbath and slaughter a fowl for the dinner in the evening.
10. For one day; v. Rashi.
11. 'As a preventive measure'.
12. On Sabbath, since he would be busy thinking of the preparations for the meal on Sunday, which would be the eve of the Day of

Atonement. On the eve of the Day of Atonement it is a religious duty to have a festive meal.

13. In the case of the Day of Atonement.
14. And he will not forget that it is Sabbath and he will not slaughter a fowl on Sabbath.
15. In the case of the wedding-feast on Sabbath night.
16. For the guests of the evening.
17. And he might forget that it is Sabbath and he might slaughter a fowl on Sabbath.
18. Sabbath night and Sunday morning. He does not have the important meal before midday or later on the day of the eve of the Atonement Day.
19. The wedding-dinner would take place on Sabbath night as soon as Sabbath is out.
20. To this result, namely that he must not perform the first intercourse in the night following the Sabbath because he might profane the Sabbath by slaughtering a fowl on Sabbath.
21. Friday night.
22. To have the first intercourse.
23. On Friday evening, after Sabbath had already begun.
24. Lit., 'it was asked by them'.
25. Lit., 'cooling off to the (his) mind.' That is, if he has intercourse on Wednesday and he has reason to complain as to virginity, his anger might cool off by Thursday morning and he might not go on Thursday to the court of justice; v. *supra* 2a.
26. I.e., Wednesday evening, which belongs to the fifth day.
27. Lit., said (by God).' Cf. Gen. I, 20-23, especially 22.
28. Thursday evening. v. n. 13.
29. Cf. Gen. I, 26-28, especially 28.
30. If the reason is on account of the blessing.
31. It means this: If the reason is the blessing, why should not intercourse, in the case of a widow, take place on the same day as the marriage, namely on the fifth day? And on the fifth day there was the blessing for the fishes. And if that blessing is good enough for a maiden it should be good enough for a widow.
32. For Bar Kappara. He considered the blessing for man a stronger reason. In the case of a maiden it is different, as, if her intercourse should take place on Friday, we should be afraid that he might be appeased by Monday, the first court-day after Friday. 'Therefore the blessing for the fishes has to suffice in the case of the maiden.
33. Shakedu, v. *supra* pp. 2 and 8. The ordinance that in the case of a widow the intercourse should take place on Friday was made in the interests of the daughters of Israel.
34. The Sages.

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35. The next morning. In case of a widow the marriage festivities last only one day. V. *infra* 7a bottom.
36. Lit., 'he rises unto his trade (work) and goes his way. That is, he walks out of the house and leaves the whole wedding atmosphere behind him. This had to be prevented.
37. Lit., 'ordinance (for the welfare).'
38. With the widow-bride.
39. The day of the marriage.
40. Friday, the day of the intercourse.
41. The religious day of rest.
42. What is the difference between these two reasons?
43. Lit., 'there is between them.'
44. Lit., 'an idle man.' 'They have watched' would not apply to a man of leisure, as he need not go to work next day. But the intercourse would have to take place on Friday if the reason was 'the blessing'.
45. In which case Friday is a religious day of rest, and he would not go to work. But the reason of 'the blessing' would still operate for intercourse on Friday.
46. Pious men.
47. The creation.
48. Isa. XLVIII, 13. There 'My hand' is written.
49. Ex. XV, 17. In regard to the sanctuary, which is the work of the hands of pious men, 'Thy hands' is written.
50. I.e., objected.
51. Ps XCV, 5.
52. [The Kethib in some texts is [H] ('his hand').]
53. [In the plural. so that the subject 'hand' must also be in the plural.]
54. 'Fingers' is implied as subject.
55. Ps. VIII, 4.
56. Ps. XIX, 2. [Thus we have 'hands' written also in connection with creation.]
57. Thus the Psalmist meant.
58. Lit., 'the work of their hands.'
59. Who tells them, announces them?
60. Rain comes because the pious pray for it. The handiwork of the righteous is called the 'work of His hands', because in the rain the work of God and the work of the righteous meet. The rain is the work of God, but it comes as the result of the good deeds of the pious, whose prayers God fulfills.
61. Deut. XXIII, 14.
62. [In the sense of 'render'.]
63. From [H] 'implement, tool'.
64. As if from [H] 'ear'.
65. Lit., 'a thing (or, a word) that is not worthy', not fit to be heard.

Kethuboth 5b

he shall plug his finger¹ into his ears. And this is the same that R. Eleazar said: Why do the fingers of man resemble pegs? Why?² Shall I say because they are divided?³ [Surely] each one has been made for its own purpose!⁴

For a Master said: This one⁵ [Is used for measuring] the span;⁶ this one⁷ [is used for] taking a fistful of the meal-offering,⁸ this one⁹ [is used for defining] the cubit measure,¹⁰ this one¹¹ [is used for taking the measure of] 'a finger',¹² [and] this one¹³ [is used for service with] the thumb!¹⁴ — But [the question is] why¹⁵ [are the fingers] pointed like pegs? [The reason is] that if a man hears an unworthy thing he shall plug his fingers into his ears. [A member] of the school of R. Ishmael taught: Why is the whole ear hard and the ear-lap soft? [So] that if a man hears an unworthy thing he shall bend the ear-lap into it.¹⁶

Our Rabbis taught: A man shall not let his ears hear idle things,¹⁷ because they are burnt first of [all] the organs.¹⁸

The question was asked: Is it allowed¹⁹ to perform the first marital act on Sabbath?²⁰ Is the blood [in the womb] stored up,²¹ or is it the result of a wound?²² And if you will say²³ [that] the blood is stored up [in the womb, then the question arises:] is he concerned about the blood,²⁴ and it is allowed: or is he concerned with the opening,²⁵ and it is forbidden?²⁶ And if you will say [that] he is concerned with the blood and the opening comes of itself, [then the question arises:] Is the *Halachah*²⁷ according to R. Simeon who says: A thing which is not intended²⁸ is allowed; or is the *Halachah* according to R. Judah who says: A thing which is not intended is forbidden?²⁹ And if you will say [that] the *Halachah* is according to R. Judah [then the question arises], does he do damage in regard to the opening, or does he improve in regard to the opening?³⁰

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Some say:³¹ And if you will say that the blood is the result of a wound [then the question arises], is he concerned about the blood and it is forbidden,³² or is he concerned with his own pleasure, and it is allowed? And if you will say [that] he is concerned with his own pleasure and the blood comes out of itself,³³ [then the question arises] is the *Halachah* according to R. Judah or is the *Halachah* according to R. Simeon? And if you will say [that] the *Halachah* is according to R. Judah, [then the question arises,] does he do damage by [making] the wound, or does he improve by [making] the wound? And if you will say [that] he does damage by [making] the wound, [then the question arises,] with regard to one who does damage, is the *Halachah* according to R. Judah,

1. The finger is pointed like a peg.
2. Lit., 'what is the reason?' I.e., what is the meaning of the question? With regard to what are the fingers of man like pegs?
3. I.e., shall I say that the question is: Why are the fingers divided? They might have been joined together.
4. Lit., 'for its thing.'
5. The little finger.
6. I.e., the distance from the little finger to the thumb of a spread hand.
7. The finger next to the little finger.
8. [H] the taking of a fistful of the meal-offering. v. Lev II, 2.
9. The middle finger.
10. The cubit is a measure equal to the distance from the elbow to the tip of the middle finger.
11. The fourth from the little finger.
12. And also for priestly service with the 'finger'; cf. Lev. IV, 6.
13. The fifth from the little finger.
14. V. Lev. VIII, 23, 24; XIV, 14, 17, 25, 28. We thus see that every finger has a definite purpose. They therefore had to be divided and function as separate fingers!
15. Lit., 'what is the reason (that)?'
16. Into the ear. He will thus close the ear and not hear the unworthy thing.
17. Not only unworthy things. but even idle things a man should not hear, e.g. tittle-tattle.
18. Lit., 'of the limbs.' 'Because they are burnt first of (all) the organs' seems to have a figurative meaning. From hearing unworthy or idle things he may proceed to speak unworthy or idle things and then to do unworthy or idle things. The ear is thus the first organ to 'be burnt', to 'catch fire'. c.f.

Prov. VI, 27-28. If the English phrase, 'to burn one's fingers.'

19. Lit., 'How is it?'
20. When the intercourse could not take place before Sabbath, (Tosaf.)
21. And the intercourse would be allowed, since the blood flows out of its own accord, no wound having been made.
22. Lit., 'or is it wounded?' And the intercourse would be forbidden.
23. Lit., 'And if you should be able to say.'
24. Is his aim to release it? Lit., 'is it the blood he requires?' [According to Tosaf.: In order to see whether she is a virgin.]
25. Or is his aim to make an opening?
26. It is forbidden to make an opening on Sabbath. [Such an act comes under the category of 'building'.]
27. 'Adopted opinion', 'rule'.
28. An act which is in itself forbidden but is the unintended though unavoidable result of an act which is permitted. Thus one may, according to R. Simeon, push a couch on the floor, on Sabbath, if one has not the intention to make a rut in the floor, although, as a matter of fact, such a rut is made as the unavoidable result of pushing the couch.
29. R. Judah's view is opposed to that of R. Simeon; v. n. 4.
30. Is the making of the opening considered to be to the advantage or disadvantage of the woman? If it is to her disadvantage it would be allowed even according to R. Judah. [Based on the principle that an act of damage does not constitute labor in regard to Sabbath. V. Shab. 106a.]
31. Lit., 'there are who say', that the questions were with regard to the assumption that the blood is the result of a wound.
32. To have the intercourse on Sabbath.

Kethuboth 6a

or is the law according to R. Simeon?¹ In the school of Rab² they said: Rab allowed³ and Samuel forbade.⁴ In Nehardea⁴ they said: Rab forbade and Samuel allowed. Said R. Nahman b. Isaac: And your [mnemotechnical] sign [is]: These make it lenient for themselves, and these make it lenient for themselves.⁵ But does Rab allow it? Surely R. Shimi b. Hezekiah said in the name of Rab: [As regards] that stopper of the brewing boiler, it is forbidden to squeeze it in⁶ on a festival day!⁷ — In that [case]⁸ even R. Simeon admits [that it is forbidden], for

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Abaye and Raba, both of them say: R. Simeon admits [that it is forbidden] in [a case of] 'Let his head be cut off, and let him not die!'⁹ [But] R. Hiyya the son of Ashi said [that] Rab said: The *Halachah* is according to R. Judah,¹⁰ and R. Hanan the son of Ammi [said that] Samuel said: The *Halachah* is according to R. Simeon.¹¹ And R. Hiyya the son of Abin taught it without [naming the] men:¹² Rab said [that] the *Halachah* is according to R. Judah. and Samuel said [that] the *Halachah* is according to R. Simeon? — Still, Rab holds like R. Judah, [but] according to that version that says, 'the blood is stored up [in the womb],' he does damage in regard to the opening,¹³ [and] according to that version that says, 'the blood is the result of a wound,' he does damage in [making] the wound.¹³

R. Hisda objected: If a girl, whose period¹⁴ to see [blood] had not arrived yet, got married, Beth Shammai¹⁵ say: One gives her four nights,¹⁶ and the disciples of Hillel say: Until the wound is healed up.¹⁷ If her period to see [blood] had arrived¹⁸ and she married, Beth Shammai say: One gives her the first night,¹⁹ and Beth Hillel say: Until the night following the Sabbath [one gives her] four nights.²⁰

1. According to R. Simeon he who does damage by making a wound had to bring a sin-offering; v. Shab. 106a.
2. In Sura. Before the words 'in the school of Rab', some texts have the word 'it has been said (that)'.
3. To have the first intercourse on Sabbath.
4. The place of Samuel.
5. In Sura they said that Rab allowed it, and in Nehardea they said that Samuel allowed it.
6. Into the bottle. The stopper is made of soft material, and, if it is squeezed, the liquid absorbed in the material would come out.
7. This shows that Rab, like R. Judah, holds that a permitted action which results in a prohibited action, though the latter was not intended, is forbidden; v. p. 19, on. 4 and 5.
8. Of the stopper in the brewing bottle.
9. 'Let his head be cut off, and let him not die!' is a dialectic term for an absolutely unavoidable result of an act. V. Jast., s.v. [H]. In such a case R. Simeon admits that the act leading to the forbidden act is prohibited. This applies to

the stopper. Intercourse, however, is different; v. *infra* 6b.

10. V. p. 19. n. 5.
11. V. p. 19. n. 4.
12. I.e., without naming the authorities.
13. V. *supra* p. 19, n. 6.
14. Lit., 'time'.
15. Lit., 'the house', i.e., the school, of Shammai.
16. In which she can have intercourse with her husband.
17. The blood that comes out is attributed to the wound and not to menstruation. Ordinarily, after the first intercourse further intercourse is forbidden until the coming out of blood, i.e., menstruation, is over. But in this case, in which the young bride had never yet had any menstruation, it is assumed that the blood is not due to menstruation but to the wound caused by the intercourse. According to Beth Shammai this assumption holds good for four nights, and according to Beth Hillel it holds good 'until the wound is healed up.' As to the definition of this phrase, v. Nid. 64b. V. also Nid. 65b, where it is finally decided that after the first coition no further intercourse must take place until the flowing of blood has stopped, even in the case of a young bride who had not yet had any menstruation. V. also Eben ha-'Ezer, 63, and Yoreh De'ah, 193.
18. But she had in fact not yet seen blood; that is, she had the maturity for it, but the maturity had not yet manifested itself. A girl has reached the period of maidenhood (puberty) when she is twelve years and one day old. When she is twelve and a half years old she has reached the state of Bogereth, (v. *Glos.*), full maturity, womanhood. V. *infra* 39a.
19. He may repeat the intercourse during the first night.
20. Mishnah in Nid. 64b.

Kethuboth 6b

[Now] does it not¹ mean that if he had [yet] no intercourse [with his wife] he may have intercourse [with her] even on Sabbath?² — Said Raba: No, except Sabbath. Said Abaye to him: But it says, 'until the night following the Sabbath [one gives her] four nights'?³ — Only, said Raba, when he already had intercourse [with her].⁴ If [it were, as you say,] after he already had intercourse, what does he let us hear?⁵ — He lets us hear that it is allowed to have intercourse on Sabbath, as that [statement] of Samuel [teaches], for Samuel said: One may enter into a narrow

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opening on Sabbath,⁶ although⁷ he causes pebbles to break loose.⁸

R. Joseph objected: A bridegroom is free from the reading of *Shema*⁹ in the first night¹⁰ until the night following the Sabbath, if he has not performed [yet] an act.¹¹ Is it not¹² because he is anxious to perform the marital act?¹³ — Said Abaye to him: No; he is anxious because he has not had intercourse.¹⁴ Said Raba to him: And on account of anxiety [only]¹⁵ he is free [from reading *Shema*]? If this were so, then [if] his ship sank in the sea, he would also be free [from the reading of *Shema*]? And should you say [that] it is really so, surely, R. Abba b. Zabda said [that] Rab said: A mourner is bound to observe all the precepts that are stated in the Torah except [that] of the Tefillin¹⁶ because it is said with regard to them an ornament'¹⁷ —

But, said Raba, this¹⁸ is a dispute of Tannaim,¹⁹ for one [Baraitha] teaches: If he²⁰ did not do an act [of coition] in the first [night],²¹ he is free [from reading *Shema*] also in the second [night]; in the second [night],²² he is free [from reading *Shema*] also in the third [night].²³ And another [Baraitha] teaches: [In] the first and second [night] he is free, [but in] the third [night] he is obliged [to read *Shema*].²⁴ And Abaye [holds that] there²⁵ also [they]²⁶ differ with regard to anxiety.²⁷ And these Tannaim [are] like those Tannaim,²⁸ for it has been taught [in a Baraitha]: He who marries a maiden shall not perform the first intercourse²⁹ on Sabbath, and the Sages allow [it]. Who are the Sages? Said Rabbah: It is R. Simeon, who says: A thing which is not intended is allowed.³⁰

Said Abaye to him: But R. Simeon admits (that it is forbidden) in [a case of] 'Let his head be cut off and let him not die!'³¹ Said he to him: Not like those Babylonians who are not skilled in moving aside,³² but there are some who are skilled in moving aside.³³ If so,³⁴ why [give the reason of] 'anxious'?³⁵ — For one who is not skilled. [Then] let them

say: One who is skilled is allowed [to perform the first intercourse on Sabbath], one who is not skilled is forbidden? — Most [people] are skilled.³⁶ Said Raba the son of R. Hanan to Abaye: If this were so, then why [have] groomsmen,³⁷ why [have] a sheet?³⁸ — He [Abaye] said to him: There [the groomsmen and the sheet are necessary] perhaps he will see and destroy [the tokens of her virginity].³⁹

R. Ammi objected:⁴⁰ He who pierces⁴¹ an abscess on Sabbath, if [in order] to make an opening⁴² to it, he is guilty,⁴³ but if [in order] to cause pus to come out of it

1. Lit., 'is it not?' Having quoted the Mishnah from Nid. 64b, R. Hisda proceeds to ask his question, which is based on the last statement of Beth Hillel.
2. The question presumes that 'until the night following the Sabbath (one gives her) four nights' may also mean any one of the four nights, and thus the intercourse may be first consummated on the night of Sabbath, (v. Rashi). This shows that one may have the first intercourse on Sabbath.
3. Sabbath must, therefore, be included!
4. One night before Sabbath. The intercourse on Sabbath was thus not the first.
5. What new law does the Tanna teach us? Why should he (the husband) not be allowed to have intercourse on Sabbath?
6. Lit., 'a narrow opening (or breach). one may enter into it on Sabbath.'
7. Lit., 'and although.'
8. He may have, say the second intercourse on Sabbath, v. Rashi, ad loc.
9. The verses, Deut. VI, 4-9, XI, 13-21; Num. XV, 37-41 which are recited daily, morning and evening.
10. Following the marriage.
11. I.e., the first intercourse. Mishnah Ber. 16.
12. That he is free from the reading of *Shema*, even on Sabbath night.
13. Lit., 'because he is anxious, because he wants to have intercourse.' Being preoccupied with a duty (Mizwah) he is free from another duty (Mizwah).
14. [Before Sabbath, and forbidden to have it on Sabbath.]
15. Mental agitation, worry.
16. Phylacteries, v. [Glos.](#)
17. Cf. Ezek. XXIV, 17. [The reference being there to the Tefillin which Ezekiel was charged not to lay aside despite his mourning for his wife. V. M.K. 15a.] A mourner, though very much troubled, is nevertheless not free

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- from observing the precepts. We thus see that anxiety does not exempt one from fulfilling the various religious commandments. And so in the case of the Mishnah quoted by R. Joseph it cannot be that the bridegroom is free from the reading of *Shema*' only because of his anxiety.
18. With regard to the first intercourse on Sabbath.
 19. Lit., 'this is (of) Tannaim.
 20. The bridegroom.
 21. After the marriage.
 22. If he did not do an act in the second night either.
 23. The third night (after the fourth day in the week) is Sabbath, and he is free from reading *Shema*' as he is allowed to perform the marital act for the first time.
 24. The teacher of this Baraitha holds that he is not allowed to perform it first on Sabbath, and therefore he is obliged to read *Shema*'.
 25. In the Baraithas just quoted.
 26. The Tannaim.
 27. According to the first Baraitha his anxiety caused by the fact that he is not allowed to perform the act on Sabbath frees him from reading *Shema*'. And according to the second Baraitha this anxiety does not free him from reading *Shema*'. According to the first Baraitha the case of the mourner would be different. Since anxiety is no part of the mourning observances (Rashi. a.l.).
 28. I.e., the dispute of the Tannaim just quoted by Raba is the same as the dispute of the Tannaim of the Baraitha to be quoted now.
 29. Lit., 'shall not have intercourse at the beginning.'
 30. V. *supra* p. 19, n. 4.
 31. V. *supra* p. 20, n. 8.
 32. I.e., having intercourse with a virgin without causing a bleeding.
 33. Thus no blood need come out, and 'Let his head be cut off and let him not die!' does not apply.
 34. If the bridegroom is skilled in 'moving sideways'.
 35. He need not be anxious about the intercourse and should not be free from reading *Shema*' on account of such anxiety.
 36. Therefore the principle regarding 'Let his head be cut off and let him not die!' does not, as a rule, apply.
 37. The groomsmen testify in case of need to the virginity of the bride. V. *infra* 12a. If the bridegroom will act in a manner that will cause no bleeding, the groomsmen will not be able to testify on the question of virginity.
 38. To provide evidence of the virginity of the bride. Cf. Deut. XXII, 17.

39. It may happen that he will act in the normal manner and cause bleeding but he will destroy the tokens and maintain that the bride was not a virgin; for this reason the above mentioned provisions are necessary. Where however he moved aside and made a false charge as to her virginity, the bride can plead that she is still a virgin (Rashi).
40. V. 'Ed. (Sonc. ed.) p. 12 nn. 5-6.
41. Lit., 'loosens.' Jast.: 'manipulates.'
42. Lit., 'mouth'.
43. Of Sabbath-breaking.

Kethuboth 7a

he is free from punishment]?¹ — There² it is³ stored up⁴ and is [entirely] loose,⁵ here⁶ it⁷ is stored up⁸ but is not [entirely] loose.⁹ R. Ammi allowed to have first intercourse¹⁰ on Sabbath. Said the Rabbis to him: But her *Kethubah*¹¹ is not written yet! — He said to them: Let her seize movable goods.¹² R. Zebid permitted to have the first intercourse on Sabbath. Some say: R. Zebid himself had the first intercourse on Sabbath. Rab Judah allowed to have the first intercourse on a festival. R. Papi said in the name of Raba: You shall not say [that] on a festival it¹³ is allowed, but [that] on Sabbath it is forbidden. It is just as well allowed on Sabbath; only it happened so.¹⁴ R. Papa said in the name of Raba: On a festival it is allowed, on Sabbath it is forbidden.

Said R. Papi to R. Papa: What is your opinion? Since a wound¹⁵ has been permitted [on a festival] for a necessity. it has been permitted also when there is no necessity? If that were so, it should be permitted to put spices on coals¹⁶ on a festival, for since the kindling of fire has been allowed [on a festival] for a necessity, it should be allowed also when there is no necessity!¹⁷ Said he to him.¹⁸ Concerning this¹⁹ the Biblical verse said, save that which every man must eat,²⁰ [this means] a thing which is useful²¹ for every man.²² R. Aha, the son of Raba, said to R. Ashi: If this were So,²³ then if a deer happened to come to the hands of a person²⁴ on a festival, [shall we say that] since it is not of equal usefulness for every person,²⁵ is it really so that it would be forbidden to kill it?

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Said he²⁶ to him:²⁷ I say, 'a thing that is needful for every person,'²⁸ [and] a deer is needful for every person.²⁹

R. Jacob, the son of Idi, said: R. Johanan gave a decision³⁰ in Zaidan:³¹ It is forbidden to perform the first intercourse on Sabbath. — And is there an instructive decision for a prohibition?³² — Yes, we have learned in a Mishnah:³³ The school of Hillel gave a decision regarding her³⁴ that she³⁵ should be a Nazirite yet another seven years. Or indeed it is as that which has been taught: If the cord of the spinal column is severed in its larger portion [the animal is *Trefah*],³⁶ [this is] the view of Rabbi.³⁷ R. Jacob Says: Even if it³⁸ is [only] perforated [the animal is *Trefah*]. Rabbi gave a decision³⁹ according to R. Jacob.⁴⁰

R. Huna said: The *Halachah* is not as stated by R. Jacob. R. Nahman b. Isaac taught thus: R. Abbahu said: R. Ishmael b. Jacob, from Tyre asked R. Johanan in Zaidan, and I heard [it]: Is it allowed⁴¹ to have the first intercourse on Sabbath? And he⁴² said to him:⁴³ It is forbidden. — And the law is: It is allowed to have the first intercourse on Sabbath.⁴⁴

R. Helbo said [that] R. Huna said [that] R. Abba, the son of Zabda, said [that] Rab said: A maiden as well as a widow requires a benediction.⁴⁵ — But did R. Huna say so? Did not R. Huna say: A widow does not require a benediction? — It is not difficult.⁴⁶ Here⁴⁷ [it speaks] of a young man⁴⁸ who marries a widow, there⁴⁹ of a widower who marries a widow. And when a widower marries a widow [a benediction] is not required? Did not R. Nahman Say: Huna b. Nathan said to me: A Tanna taught: Whence [is it derived that] the benediction of the bridegrooms⁵⁰ [has to be said] in the presence of ten [persons]? Because it is said, And he took ten men of the elders of the city, and said: 'Sit ye down here'. And they sat down.⁵¹ And Boaz was a widower, who married a widow!⁵² —

What is [the meaning of the words] 'she does not require a benediction' which R. Huna said? She does not require a benediction during all the seven days. but on one day⁵³ she requires a benediction. But that which has been taught:⁵⁴ 'The Sages were anxious for the welfare of the daughters of Israel, that he⁵⁵ may rejoice with her⁵⁶ three days' — how is this to be understood?⁵⁷ If [it speaks] of a young man, did you not say — seven;⁵⁸ if of a widower, did you not say — one day?⁵⁹ — If you wish, you may say [that it speaks] of a widower [and in this case] one day is for the benediction and three days are for rejoicing. And if you wish, you may say [that it speaks] of a young man [and in this case] seven [days] are for the benediction and three [days] for rejoicing.

1. And permitted: v. Shab. 107a and 3a. Intercourse should thus be permitted on Sabbath for the first time, even when the aim is the bleeding!
2. In the case of the abscess.
3. The blood.
4. In the abscess.
5. From the flesh.
6. In the case of the virgin-bride.
7. The blood.
8. In the womb.
9. From the walls of the womb. [Read with MS.M. 'It is neither stored up nor loose,' but the result of a wound, hence forbidden.]
10. Lit., 'to perform in the beginning'.
11. The marriage contract; lit., 'a written deed' (v. *Glos.*). Marital union is forbidden before the *Kethubah* is written.
12. And the movable goods will be a pledge in her hand with regard to the *Kethubah* until the marriage contract will be written, when all his real estate is mortgaged with regard to *Kethubah*.
13. The first intercourse.
14. Lit., 'and the event that was thus'. [The question was put to him on a festival and he declared it permissible.]
15. I.e., the making of a wound.
16. To perfume the room after dinner; v. Ber. 43a.
17. The meaning of the question of R. Papi to R. Papa is as follows: If a distinction is to be made, regarding the first intercourse, between Sabbath and a festival and it is to be held, as R. Papa holds in the name of Rab, that it is forbidden in Sabbath and allowed on a festival, then R. Papa must hold that, since

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certain work was allowed on a festival for a necessity, work should be allowed on a festival even when there is no necessity for it. It is, e.g. allowed to make a wound on a festival by slaughtering an animal for the need of food. It would, therefore, according to R. Papa, be allowed to make a wound (v. *supra* 3b, 4b, 5b) by performing the first intercourse on a festival, although there is no necessity for it, since the first intercourse can wait until after the festival. If this view were correct, then it should have been allowed to burn spices on coals on a festival, although spices are not a necessity, since the kindling of fire on a festival is allowed for a necessity. And the accepted view is that it is forbidden to put spices on coals on a festival. Consequently, if the first intercourse is forbidden on Sabbath it should be forbidden also on a festival, since it is not a necessity. R. Papa's view is therefore wrong. Generally speaking, work that is forbidden on Sabbath is forbidden on a festival. There is an exception in the case of work necessary for preparing food. This is already indicated in Ex. XII, 16; v. Meg. 7b.

18. To R. Papi.
19. I.e., to avoid, or anticipate the answer to, your question.
20. Ex. XII, 16. The verse continues, 'that only may be done to you'.
21. Literally, 'equal', 'like', 'worth'; a thing that is of equal worth for every one, namely, to eat, to do, to have.
22. The sense of the answer is this: You cannot compare the first intercourse to spices. Spices are not of equal necessity for every person. As Rashi puts it, only people who are used to luxuries desire spices. But sexual intercourse, even the first act, is a human need, which applies to all people.
23. I.e., if only work for a necessity to all is allowed on a festival.
24. Lit., 'happened to meet him.'
25. Cf. n. 6.
26. R. Ashi.
27. To R. Aha.
28. R. Ashi seems to emphasize the needfulness of the object, though it may nor be of equal necessity to all.
29. Indeed, he answers, a deer is good for every person, and therefore, it may be slaughtered on a festival.
30. [H] means 'to teach', 'to instruct', 'to decide'. [H] denotes a decision based on traditional teaching and (on) one's own learned deductions (One might call it 'an instructive decision.'
31. Sidon; [others: Bethsaida]
32. I.e., does not apply the term [H], or [H] to a prohibitory decision which need not necessarily be based on tradition or powers of dedication (Rashi).
33. *Nazir* 19b.
34. [H].
35. The Queen Helena of Adiabene, mother of King Monabaz. V. *Nazir* (Sonc. ed.) p. 66, n. 4.
36. It is forbidden to use the animal for food if the larger portion of its spinal cord was severed while the animal was alive.
37. Lit., '(these are) words of Rabbi'. Rabbi is Rabbi Judah ha-Nasi.
38. The spinal cord.
39. [H] v. Hul. 45b.
40. Against his own view. The view of R. Jacob was stricter than that of Rabbi.
41. Lit., 'How is it?'
42. R. Johanan.
43. To R. Ishmael.
44. This is the conclusion of the long argument.
45. At the celebration of the marriage. v. P.B. p. 299. Lit., 'laden (with) a blessing.' Cf. 'obliged to', 'bound to.'
46. There is no contradiction between the two traditions.
47. Where R. Huna says that a widow requires a benediction.
48. A young man who was never married before.
49. Where R. Huna says that a widow does not require a benediction.
50. Identical with the benediction mentioned above.
51. Ruth IV, 2.
52. And still the benediction was required. As to Boaz having been a widower, v. B.B. 91a.
53. On the day of marriage.
54. V. *supra* 5a.
55. The bridegroom.
56. The bride.
57. Lit., 'In what?' 'How?'
58. The benediction has to be said all the seven days following the marriage ceremony, and this implies rejoicing. That the benediction has to be said all the seven days in the case of the marriage of a young man, even if the bride is a widow, is inferred from the statement that in the case of the marriage of a widower and a widow it is not required to say the benediction all the seven days (Rashi).
59. Only on one day has the benediction to be said, and this apparently means rejoicing only on one day.

Kethuboth 7b

An objection was raised: [It has been taught:] The benediction is said [at the celebration of the marriage] for a maiden seven [days] and for a widow one day. Is it not [to be

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understood that] even [in the case of] a widow who marries a young man [the benediction is said only on one day]? — No [only when the widow marries] a widower. But [if the widow marries] a young man, what [then]? Seven [days]?¹ If that is so, let it be taught:² The benediction is said for a maiden³ seven [days], and for a widow who marries a young man⁴ seven [days], and for a widow [who marries a widower]⁵ one day? —

It taught a decided thing:⁶ That there is no maiden who has less than seven [days],⁷ and there is no widow who has less than one day.⁸ The [above] text [says]: R. Nahman said: Huna b. Nathan said to me: A Tanna taught: Whence [is it derived that] the benediction of the bridegrooms [has to be said] in the presence of ten [persons]? Because it is said, And he took ten men of the elders of the city, and said: 'Sit ye down here'.⁹ But R. Abbahu said [that it is derived] from here: In assemblies bless ye God, the Lord, from the fountain of Israel.¹⁰ And how does R. Nahman expound this verse of R. Abbahu?¹¹ —

He requires it for the same purpose as has been set out in a Baraitha:¹² R. Meir used to say: Whence [can it be derived] that even embryos in the bowels of their mothers sang¹³ a song¹⁴ by the sea?¹⁵ Because it is said, In assemblies bless ye God, the Lord, from the fountain of Israel.¹⁶ And the other one?¹⁷ — If [that were] so, let the verse say,¹⁸ 'from the womb.'¹⁹ Why [does it say], 'from the fountain'?²⁰ [To show that it is] concerning the affairs of the fountain.²¹ And how does R. Abbahu expound that verse of R. Nahman?²² —

He requires it for expounding: an Ammonite, and not an Ammonitess, a Moabite, and not a Moabites.²³ For if you would think [that the presence of the ten men was required] for [the saying of] the benediction, would it not have been sufficient if they had not been elders?²⁴ And the other one?²⁵ — If you would think [that the verse was to be used] for that exposition, would it not have been

sufficient if there had not been ten [persons]?²⁶ — Yes, to make the matter public²⁷ — and as Samuel said to R. Hanna of Bagdath:²⁸ Go out and bring me ten²⁹ [persons] and I will say unto thee in their presence; If one assigns [property] to an embryo, it acquires it. But the law is: If one assigns [property] to an embryo, it does not acquire it.³⁰

The Rabbis taught: The benediction of the bridegrooms is said³¹ in the house of the bridegroom.³² R. Judah says: Also in the house of the betrothal³³ it is said.³⁴ Abaye said: And in [the province of] Judah they taught [the opinion of R. Judah] because [in the province of Judah] he³⁵ is alone with her.³⁶

Another [Baraitha] teaches: The benediction of the bridegrooms is said in the house of the bridegrooms and the benediction of betrothal in the house of betrothal. [As to] the benediction of betrothal — what does one say?³⁷ — Rabin b. R. Adda and Rabbah son of R. Adda both said in the name of Rab Judah: Blessed art Thou, O Lord our God, King of the Universe, who has sanctified us by his commandments and has commanded us concerning the forbidden relations and has forbidden unto us the betrothed³⁸ and has allowed unto us the wedded³⁹ through [the marriage] canopy⁴⁰ and sanctification.⁴¹ R. Aha 'the son of Raba, concludes it.⁴² in the name of Rab Judah, [with the words]: Blessed art Thou, O Lord, who sanctifies Israel through canopy and sanctification. He who does not seal⁴³ [holds that] it is analogous to the blessing over fruits and to the benediction [said on performing] religious commandments.⁴⁴ And he who seals⁴⁵ [holds that] it is analogous to the kiddush.⁴⁶

Our Rabbis taught: The blessing of the bridegrooms is said in the presence of ten [persons]⁴⁷ all the seven days.⁴⁸ Rab Judah said: And that is only if new guests⁴⁹ come.⁵⁰ What does One say?⁵¹ Rab Judah 'and:

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'Blessed art Thou, O Lord our God, King of the Universe,

1. The benediction has to be said during seven days, just as at the marriage of a young man and a maiden!
2. I.e., it should have been taught.
3. On the occasion of the marriage of a maiden.
4. On the occasion of the marriage of a widow and a young man.
5. On the occasion of the marriage of a widow and a widower.
6. A definite thing.
7. On the occasion of the marriage of every maiden the benediction is said during the seven days following the marriage.
8. On the occasion of the marriage of a widow the benediction must be said at least on one day (the day of the marriage). Usually a widow marries a widower.
9. V. *supra* 7a.
10. Ps. LXVIII, 27. An 'assembly' consists of at least ten persons; v Sanh. 2a. The 'fountain' is regarded by R. Abbahu, Midrashically, as an allusion to the young wife. Cf. Prov. V, 18: Let thy fountain be blessed, and have joy of the wife of thy youth. V. also V, 15' and Isa. LI, 1. The derivation of R. Abbahu from the verse in Psalms is this: When a marriage is celebrated and a new fountain of Israel is to enrich life, a benediction has to be said in the presence of ten persons.
11. I.e. 'to what Midrashic use does R. Nahman put Ps. LXVIII, 27?
12. Lit., 'to what has been taught'.
13. Lit., 'said.'
14. Probably the song (Ex. XV) is meant.
15. The Red Sea.
16. The derivation is: Even those who were still in 'the fountain' of Israel sang a song unto the Lord. In vv. 23 and 26 R. Meir no doubt saw, Midrashically, allusions to the crossing of the Red Sea. Cf. especially v. 26 with Ex. XV. 20, 21.
17. R. Abbahu. How does he derive the idea of R. Meir just expounded, since he uses the verse in Ps. LXVIII for another purpose (benediction at the marriage in the presence of ten persons)?
18. I.e., the verse should have read.
19. 'From the womb' would indicate the presence of 'fruit of the womb', of an embryo. Cf. e.g., Gen. XXX, 2.
20. 'Fountain' does not refer to present pregnancy, to an embryo, but to the source of life in the woman without implying that there is life in it now. Therefore we can also speak of the 'fountain' in the maiden.
21. Marriage is concerned very largely with 'the affairs of the fountain.' R. Abbahu, therefore, prefers to use the verse in Ps. LXVIII for his Midrashic exposition (benediction at the marriage in the presence of ten persons).
22. Ruth IV, 2.
23. In Deut. XXIII, 4, it is said, An Ammonite or a Moabite shall not enter into the assembly of the Lord. The presence of ten elders was required for the interpretation that the prohibition to enter into the assembly of the Lord, that is, to be admitted into the community of Israel, applied only to Ammonite and Moabite men and not to Ammonite or Moabite women. This interpretation made the law clear, and thus Boaz could marry Ruth the Moabitess.
24. That the presence of elders was necessary shows that the interpreting and establishing of a law was required.
25. R. Nahman. How will he get that exposition if he uses the verse for a different purpose?
26. If the presence of the elders was required for establishing a law, then there was no need to have ten elders. A smaller number of elders would also have been sufficient. It is different, according to R. Nahman, if the presence of the ten persons was required for saying the benediction at the marriage of Boaz and Ruth. Ten persons form a congregation; v. *supra*.
27. This is the view of R. Abbahu.
28. Baghdad. v. Rashi, Ber. 54b.
29. So as to make his legal pronouncement public.
30. V. B.B. 142b.
31. Lit., 'they bless the benediction, etc.' The reference is to the benediction at the celebration of the marriage held usually at the house of the bridegroom's parents as distinguished from that recited at the betrothal at the house of the parents of the bride V. *infra*.
32. V. *infra*.
33. On 'betrothal' v. [Glos.](#) s.v. Erusin.
34. V. p. 29, n. 13.
35. The bridegroom.
36. The bride. Bridegroom and bride are, in the province of Judah, closeted alone after the betrothal, (v. *infra* 12a). [This is forbidden without the benediction having been previously recited. V. Kallah, I.]
37. I.e., what are the words constituting the benediction of betrothal?
38. [Betrothal (Erusin) without marriage (Nissu'in) does not permit the bride to the bridegroom.]
39. I.e., the women who are legally married unto their husbands. For the sake of clarity the post-Talmudic versions read: 'those who are wedded unto us.' V. Rashi and the Prayer-Books.

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40. Huppah v. [Glos.](#) and Kid (Sonc. ed.) p. 5, n. 7.
41. [H] [H] together constitute the complete marriage. [Var. lec. (Ittur and others) [H] 'Huppah by means of Kiddushin', a preferable reading since the act *Kiddushin* (betrothal) took place in former days before Huppah.]
42. The benediction; i.e., he adds a concluding portion.
43. I.e., does not add the concluding portion.
44. In those blessings there are no concluding portions. [Because their subject matter is praise and not interrupted by words of supplication or other matter (Rashi). Tosaf.: Because they are short prayers], Cf., e.g., P.B. pp. 289-291, 270.
45. I.e., adds a concluding portion.
46. Kiddush, 'sanctification', is the special term for the benediction said at the beginning of the Sabbath or a festival. And that benediction has a concluding portion, cf. P.B. pp. 124, 230-231, 243. [Because apart from words of praise to God it contains matter in description of the day of rest or the festival (Rashi). Tosaf.: because it is a lengthy prayer.]
47. Lit., 'with ten'.
48. Following the marriage.
49. Lit., 'new faces'.
50. The benediction of the bridegrooms is said, at the meal on every day' of the seven day's if on every succeeding day new guests, that is guests who were not there on the previous day, come to the meal. For a pretty thought as to Sabbath being 'a new guest' v. Tosaf. a.l.
51. I.e., What is the text of the benediction?

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who has¹ created all things² to his glory'. and³ 'the Creator of man', and 'who has created man in his image. In the image of the likeness of his form, and has prepared unto him⁴ out of himself⁵ a building forever.⁶ Blessed art thou, O Lord, Creator of man'.⁷ 'May the barren⁸ greatly rejoice and exult⁹ when her children will be gathered¹⁰ in her midst in joy.¹¹ Blessed art Thou, O Lord, who maketh Zion joyful through¹² her children'¹³ 'Mayest Thou make the loved¹⁴ companions greatly to rejoice, even as of old¹⁵ Thou didst gladden Thy creature¹⁶ in the Garden of Eden. Blessed art Thou, O Lord, who maketh bridegroom and bride to rejoice'.¹⁷ 'Blessed art Thou, O Lord our King, God of the universe, who has created joy and gladness,

bridegroom and bride, rejoicing, song, mirth, and delight,¹⁸ love, and brotherhood, and peace, and friendship.¹⁹ Speedily, O Lord our God, may be heard in the cities of Judah, and in the streets of Jerusalem, the voice of joy and the voice of gladness, the voice of the bridegroom and the voice of the bride, the voice of the singing²⁰ of bridegrooms from their canopies²¹ and of youths from their feasts²² of song. Blessed art Thou, O Lord, who maketh the bridegroom to rejoice with²³ the bride'.²⁴

Levi came²⁵ to the house of Rabbi to²⁶ the wedding-feast of R. Simeon his son [and] said five benedictions.²⁷ R. Assi came²⁵ to the house of R. Ashi to²⁶ the wedding-feast of Mar his son [and] said six benedictions.²⁸ Does it mean to say that they differ in this: that one holds that there was one formation,²⁹ and the other holds that there were two formations?³⁰ — No. All³¹ agree [that] there was [only] one formation, [but they differ in this:] one holds [that] we go according³² to the intention,³³ and the other holds [that] we go according³² to the fact,³⁴ as that [statement] of Rab Judah [who] asked:³⁵ It is written, And God created man in his own image,³⁶ and it is written, Male and female created He them.³⁷ How is this [to be understood]? [In this way:] In the beginning it was the intention³⁸ [of God] to create two [human beings], and in the end [only] one [human being] was created.

R. Ashi came to the house of R. Kahana.³⁹ The first day⁴⁰ he said all the benedictions.⁴¹ From then and further on;⁴² if there were new guests⁴³ he said all the benedictions, but if not [he declared] it to be merely a continuance of the same joy⁴⁴ [in which case] one says [only] the benedictions 'in whose dwelling there is joy'⁴⁵ and 'who has created'.⁴⁶ From the seventh day to the thirtieth day.⁴⁷ whether he⁴⁸ said to them⁴⁹ 'because of the wedding⁵⁰ or whether he did not say to them 'because of the wedding', one says the benediction 'in whose dwelling there is joy'.⁵¹ From then⁵² and further on;⁵³ if he said to them 'because of the wedding' he says

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the benediction 'in whose dwelling there is joy', but not otherwise.⁵⁴ And if he says to them 'because of the wedding', until when [is this benediction said]?⁵⁵ Said R. Papi in the name of Raba: Twelve months [forming] a year.⁵⁶ And at first⁵⁷ from when?⁵⁸ Said R. Papa: From the time that they put barley into the mortar.⁵⁹

But this is not so? Did not R. Papa busy himself for his son Abba Mar⁶⁰ and say the benediction⁶¹ from the time of the betrothal? — It was different [in the case of] A. Papa, because he took the trouble [of preparing everything for the wedding].⁶² Rabina busied himself for his son⁶³ in the house of R. Habiba and said the benediction⁶¹ from the time of the betrothal. He said: I am sure with regard to them that they will not retract [the betrothal].⁶⁴ [But] the matter was not successful⁶⁵ and they did retract. R. Tahlifa, son of the West,⁶⁶ came to Babylon [and] said six long benedictions.⁶⁷ But the law is not according to him. R. Habiba came into the house of a circumcision⁶⁸ [and] said the benediction 'in whose dwelling there is joy.' But the law is not according to him, since they are distressed because the child has pain.

R. Nahman said [that] Rab said: Bridegrooms are of the number, and mourners are not of the number.⁶⁹ An objection was raised: Bridegrooms and mourners are of the number? — You ask [from] a Baraitha against Rab?⁷⁰ Rab is a Tanna and differs!⁷¹ It has been said: R. Isaac said [that] R. Johanan said: Bridegrooms are of the number, and mourners are not of the number. An objection was raised: Bridegrooms and mourners are of the number?⁷² —

1. It is common usage to translate in the Prayer books the perfect verb 'has' in the benediction by 'hast' (created, etc.).
2. Lit., 'all'.
3. I.e., also the benediction of ('the Creator of man'). The words, 'the Creator of man' are preceded by the words, 'Blessed art Thou, O

Lord our God, King of the universe,' as in the first benediction.

4. Unto man.
5. Out of man. P.B. 'out of his very self.'
6. Lit., 'a building even to perpetuity.' By 'a building for ever', Eve is meant. V. Rashi, a.l. and cf. Gen. II. 22. 'A building for ever' contains the idea of 'the mother of all living' (Gen. III, 20). It is woman that carries the human race. P.B. p. 299: — 'a perpetual fabric' — expresses well this idea.
7. These three benedictions are based on Gen. I and II. In the first benediction God is praised for the creation of the world ('the all'). In the second benediction God is praised for the creation of man. 'Man' is used here in the sense of 'human being', cf. Gen. I, 27. In the third benediction God is praised for fashioning man in his image, in the image of the likeness of his form, and for preparing a perpetual building out of man himself. In creating Eve, out of man, god provided for the perpetual renewal of man, of the human being. The divine form of man and the continual re-creation of man, by ever recurring new births, in the divine form, are the subjects of praise in the third benediction while the subject of the second benediction is the creation of man generally. 'The Creator of man', in the concluding portion of the third benediction, has already the further meaning of the creation of man as expressed in the third benediction. In this respect 'The Creator of Man', in the third benediction, differs from 'The Creator of Man' of the second benediction. This might also explain the difficulty which has been felt to exist in the relationship of these two benedictions (v. the Gemara later and Rashi a.l.; v. also Abrahams' Notes, P.B. p. ccxvi).
8. I.e., Zion; cf. Isa. LIV.
9. Cf. Isa. LXI, 10 and LXII, 5.
10. Lit., 'at the gathering of her children.'
11. Cf. Isa. LIV, 1-3.
12. Lit., in 'with'.
13. I.e., by restoring to Zion her children. This benediction seems to have arisen out of Isa. LXII. Cf. especially vv. 4 and 5. And according to Ps. CXXXVII, Jerusalem is to be remembered and set 'above my chiefest joy'; Rashi a.l. (fol. 8a).
14. I.e., the bridegroom and the bride.
15. The word [H] in Gen. II, 8, means 'eastward'. Here it is used in the sense of 'in former times', 'of old'.
16. I.e., Adam, by giving him a wife; cf. Gen. II, 23. Adam and Eve rejoiced at their union. And so may the bridegroom and bride rejoice.
17. The last two benedictions do not begin with 'Blessed art Thou, O Lord our God, King of

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the universe,' because they are in fact prayers. In the first, second and third benedictions God is praised for what he had done. In the fourth as well as in the fifth benediction a prayer is uttered that God may cause something to happen, namely joy to Zion, or to the bridegroom and the bride. For another explanation, v. Rashi and Tosaf. a.l. V., however, Rashi s.v. *הגשמי*. The fifth benediction seems to have resulted from the fourth benediction. V. *supra* n. 4 and cf. Isa. LXII, 5. The two prayers, like the two ideas contained in vv. 4 and 5, were bound up with one another.

18. All these words mean 'joy'. [H] means dancing with joy'.
19. Or, 'fellowship', companionship'.
20. Lit., 'breakings forth into song, shouts of joy'.
21. In the Hebrew text the singular is used. Canopy means here 'a bridal chamber'. Cf. Joel II, 16.
22. In the Hebrew text the singular is used.
23. In this benediction the joy referred to is the joy of the bridegroom with the bride (Rashi).
24. In this benediction God is praised for the creation of joy in its various forms. Bridegroom and bride represent joy. True joy leads to love and friendship. These six benedictions are recited at Jewish weddings up to this day. The benediction over the wine is added to them, and together they are called 'the Seven Benedictions'. The loftiness of tone and the beauty of style of these benedictions are unsurpassed. The blend of Biblical strength and Midrashic sweetness seems to point to an early date.
25. Lit., 'happened to come'.
26. Lit., 'in'. A more correct translation might be, 'during'.
27. Lit., 'blessed five'. Apparently the second benediction was left out (Rashi).
28. I.e., all the six benedictions.
29. For man and woman. Therefore one benediction for the creation of man and woman is sufficient. This would be the third benediction.
30. One of man and one of woman.
31. Lit., 'the whole world.'
32. Lit., 'after'.
33. The intention was to create two human beings: man and woman.
34. Only man was formed, and woman was 'built' out of him; cf. Gen. II, 7 and 22.
35. Lit., 'to throw up a question'.
36. Gen. I, 27.
37. Gen. V, 2: It seems that R. Judah does not ask his question merely from the first five words of Gen. I, 27, and from the first three words of Gen. V, 2, for in that case there would have been no need for him to refer to Gen. V, 2,

since he could have asked the question from the last words of Gen I. 27 'male and female he created them' but his question is from the whole verse 27 in Gen I and from the whole verse 2 in Gen V. The meaning of the question should be this: Gen I, 27 begins by saying that God created man and ends by saying that man was created as male and female. The last words of Gen I, 27 would thus show that there were two creations. Gen V, 2 begins by saying that God created them male and female, and then it says, as He blessed them and called their name Man in the day when they were created. This verse would show that in the end there was only one creation. In short: Gen. I, 27. begins with one creation and ends with two creations, and Gen V, 2, begins with two creations and ends with one creation. This, it seems, is the question of Rab Judah. Rab Judah quoted the verses by quoting the first portions of the verse. He really meant to say 'etc.' — In 'Er. 18a and Ber. 61a the name is R. Abbahu. In 'Er. 18a, in the image of God hath he created man, is quoted from Gen. I, 27. In Ber. 61a, 'for in the image of God made he man' (Gen. IX, 6) is quoted. This quotation apparently stands for that of Gen. I, 27. Both in 'Er. 18a and Ber. 61a 'male and female created He them' is quoted first.

38. Lit., 'it went up in the thought', namely of God. A sense of reverence does not allow Rab Judah to mention 'God' after 'thought'. The meaning of the answer is: At first God intended to create two human beings, man and woman (Gen I. 27). But in the end only man was created by God, and woman was 'built' by God out of man (Gen V, 2)
39. I.e., to the wedding-feast.
40. The first of the seven days of the wedding festivities, which began after the marriage ceremony; v. *supra* 7b.
41. Lit., 'he blessed all of them.'
42. Lit., 'from now'. I.e., from the second day to the end of the seven days.
43. Lit., 'new faces': cf. *supra* 7b.
44. If there were new guests it would be a new occasion for joy.
45. Lit., 'the joy'.
46. The sixth benediction.
47. Lit., 'from seven to thirty.'
48. The host, as a rule the father of the bride.
49. The invited guests.
50. 'I have invited you here to dinner' (Rashi).
51. [H] v. p. 35, n. 1.
52. Lit., 'from now'.
53. I.e., after the thirty days.
54. Lit., 'if not, not'.
55. The benediction 'in whose dwelling there is joy'.

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56. I.e., the whole of the first year. The phrase 'in whose dwelling there is joy' occurs here for the first time. Commenting on this phrase Rashi says 'at the beginning of the summons (to say Grace).' The words 'in whose dwelling there is joy' are indeed used in the introduction to the Grace after meals at weddings; v. P.B. p. 300. Cf. also Abrahams' Notes, p. ccxviii, and Baer, Seder Abodoth Israel, p. 563. But the question arises: was [H] said before the Grace after meals in Talmudic times? In our text there is no indication that this was so. Another question is: did the whole benediction consist of the words [H]? Or were they the initial words of a longer benediction? The benediction [H] 'who has created' mentioned together with it is the sixth benediction, the longest of the six benedictions. One is thus very much tempted to think that [H] were words of a longer benediction probably introduced by the formula 'Blessed art Thou, O Lord our God, King of the Universe' and said as a substitute for the first five benedictions. The key note of the first five benedictions is joy. Joy speaks out of every benediction; there was joy in the creation of the universe, in the creation of man, in the formation of man and woman. There is joy in the fourth and fifth benedictions. The joy in the first three benedictions is the joy of God. The joy in the fourth and fifth benedictions is also divine joy. The sixth benediction speaks of the joy created by God for man, 'Blessed art Thou, O Lord our God, King of the Universe, who has created joy and gladness.', etc. The joy of the first five benedictions is summarized by the words, 'in whose dwelling there is joy.' There is joy on high, there is joy with God. This joy is spoken of in the first five benedictions. And this joy is also expressed briefly in the words 'in whose dwelling there is joy'. The human joy, created by God, is expressed in the sixth benediction [H], while [H] stands for the benediction which was a substitute for the first five benedictions. On the first day of the wedding the six benedictions were said. After the first day, if there were no new guests, two benedictions were said. After the seventh day only one benediction was said. And that benediction was 'in whose dwelling there is joy.' Man's joy began to diminish. So only God's joy was now mentioned. In the time after the Talmud [H] was given a place in the introduction to the Grace after meals at weddings, instead of being said as a full benediction after Grace, because the full text of this benediction was not mentioned in the Talmud. It may be that the tradition that the full benediction (with 'Blessed art Thou,', etc.) was said, was lost. It was felt that [H] was left hanging in the air and it was incorporated in the summons to say Grace; v. P.B., p. 300. That the word [H] was chosen to denote the dwelling of God may be due to the fact that it is mentioned in Hag. 12b as the heavenly region in which the angels sing; v. Abrahams and Baer, *loc. cit.* [H] is there spoken of as the fifth of the seven firmaments. Might there not be in it an allusion to the five benedictions, for which the benediction of [H] is a substitute?
57. Or, 'originally.' i.e., 'before the wedding.'
58. Does one say 'In whose dwelling there is joy'.
59. Or trough (for brewing beer), or pot (for planting barley for the wedding ceremony). The meaning of this phrase is: from the time that they begin making preparations for the wedding (v. Rashi).
60. I.e., R. Papa had his son engaged to be married.
61. In whose dwelling there is joy'.
62. As all preparations for the wedding and the wedding-feast were made, R. Papa felt that he could say the benediction.
63. I.e., Rabina had his son engaged (Rashi).
64. And therefore he said the benedictions.
65. Lit., 'the matter was not supported (by divine help).
66. I.e., son of Palestine, Palestinian. It may be that [H] ('West') was the name of the father of R. Tahlifa; v. Levy, s.v. But the mention of Babylon seems to support the rendering 'son of the West', 'Palestinian'.
67. He extended the first two benedictions by making additions to them (Rashi). It is possible that 'by long' is meant the full benedictions as they are given on fol. 8a, in contradistinction to the short blessing [H].
68. I.e., a house in which a circumcision took place, followed by a festive meal.
69. There must be ten male persons for the recital of the six (or seven) 'benedictions of the bridegrooms', v. *supra* 7a and 7b. The benediction of the mourners is also said in the presence of ten male persons, v. *infra* 8b. R. Nahman says in the name of Rab that bridegrooms may be of the ten, but mourners may not be of the ten. There must be ten without the mourners.
70. Lit., 'You throw a Baraitha against Rab.'
71. I.e., Rab's authority is as great as that of a Tanna and he has therefore the right to differ with other Tannaim, Teachers of Mishnah or Baraitha.
72. The same question is asked against R. Johanan as was asked against Rab. But the answer which was effective in the case of Rab could not be given with regard to R. Johanan. Therefore different answers are attempted, v. *infra* 8b.

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Kethuboth 8b

With regard to what was that taught?¹ With regard to Grace after meals;² [and] with regard to what did R. Johanan say [this ruling]?³ With regard to the line [of comforters].⁴ But [then] what of the dictum⁵ of which R. Isaac said [that] R. Johanan said: 'One says the benediction⁶ of the bridegrooms in the presence of ten [male persons] and the bridegrooms are of the number, and [one says] the benediction of the mourners⁷ in the presence of ten [male persons] and the mourners are not of the number' — is there a benediction [said] in the line [of comforters]?⁸ —

But [the answer is]: With regard to what did R. Johanan say [this ruling]?³ with regard to the [benediction recited in the] open space.⁹ But [then] what of the dictum which R. Isaac said [that] R. Johanan said: 'One says the benediction of the bridegrooms in the presence of ten [male persons] all the seven [days]¹⁰ and the bridegrooms are of the number, and [one says] the benediction of the mourners in the presence of ten [male persons] all the seven [days]¹¹ and the mourners are not of the number — is the benediction [recited in] the open space said all the seven days?¹² —

It is possible in the presence of new friends¹³ — as in the case of¹⁴ R. Hiyya, the son of Abba, [who was] the Bible teacher of the son¹⁵ of Resh Lakish, or, as some say,¹⁶ the Mishnah teacher of the son of Resh Lakish. [It happened as follows:] A child [of R. Hiyya, the son of Abba] died,¹⁷ The first day¹⁸ he [Resh Lakish] did not go to him. The next day¹⁹ he [Resh Lakish] took with him²⁰ Judah the son of Nahmani,²¹ his meturgeman.²² [and] said to him: Rise [and] say something²³ with regard to²⁴ [the death of] the child. He spoke²⁵ and said: [It is written.] And the Lord saw and spurned, because of the provoking of His sons and His daughters.²⁶ [This means, in] a generation [in which the fathers spurn the Holy One, blessed be He, He is angry with their sons

and their daughters and they die when they are young.²⁷ And some say [that] he [the child of R. Hiyya, the son of Abba, that died] was a young man²⁸ and that he [Judah the son of Nahmani] said thus to him:²⁹ Therefore the Lord shall have no joy in their young men, neither shall He have compassion on their fatherless and widows; for every one is profane and an evil-doer, and every mouth speaketh folly. For all this His anger is not turned away, but His hand is stretched out still.³⁰ (What is the meaning³¹ of 'but His hand is stretched out still'?)

Said R. Hanan, the son of Rab:³² All know for what purpose³³ a bride is brought into the bridal chamber, but whoever disgraces his mouth and utters³⁴ a word of folly—even if a [divine] decree³⁵ of seventy years of happiness³⁶ were sealed [and granted] unto him,³⁷ it is turned for him into evil.) — He came to comfort, [and] he grieved him? This he said to him: Thou art important enough to be held responsible³⁸ for [the shortcomings of] the generation.³⁹ He⁴⁰ [then] said to him:⁴¹ Rise [and] say something with regard to the praise of the Holy One, blessed be He, He spoke and said: The God,⁴² who is great in the abundance of His greatness, mighty and strong in the multitude of awe-inspiring deeds, who reviveth the dead with his word,⁴³ who does great things that are unsearchable⁴⁴ and wondrous works without number.⁴⁵ Blessed art thou, O Lord, who revivest the dead.⁴⁶ He⁴⁷ then 'said to him:⁴⁸ Rise [and] say something with regard to the mourners. He spoke and said: Our brethren, who are worn out, who are crushed by this bereavement,⁴⁹ set your heart to consider⁵⁰ this: This it is [that] stands for ever,⁵¹ it is a path from the six days of creation.⁵² Many have drunk, many will drink,⁵³ as the drinking of the first ones, so will be that of the last ones. Our brethren, the Lord of consolation comfort you. Blessed be He who comforteth the mourners.

(Said Abaye: 'Many have drunk' he should have said, 'many will drink' one should not have said, 'the drinking of the first ones', he

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should have said, 'the drinking of the last ones' one should not have said, for R. Simeon, the son of Lakish,⁵⁴ said, and so one has taught in the name of R. Jose: Man should never open his mouth to Satan.⁵⁵ Said R. Joseph: What text [shows this]? We should have been as Sodom, we should have been like unto Gomorrah.⁵⁶ What did He⁵⁷ reply unto him?⁵⁸ Hear the word of the Lord, ye rulers of Sodom, etc.⁵⁹)

He⁶⁰ [then] said to him:⁶¹ Rise [and] say something with regard to the comforters of the mourners.⁶² He spoke and said: Our brethren, bestowers of loving-kindnesses, sons of bestowers of lovingkindnesses, who hold fast to the covenant of Abraham our father⁶³ [for it is said, For I have known him, to the end that he may command his children, etc.],⁶⁴ our brethren, may the Lord of recompense pay you your reward. Blessed art Thou who payest the recompense. He⁶⁵ [then] said unto him:⁶⁶ Rise [and] say something with regard to the whole of Israel. He spoke and said: Master of the worlds, redeem and save, deliver [and] help Thy people Israel from pestilence,⁶⁷ and from the sword, and from plundering,⁶⁸ and from the blast, and from the mildew, and from all kinds of calamities that [may] break forth and come into⁶⁹ the world. Before we call, mayest Thou answer,⁷⁰ Blessed art Thou who stayest the plague.⁷¹

'Ulla said, and some say [that] it was taught in a Baraitha: Ten cups [of wine] the scholars have instituted [to be drunk] in the house of the mourner: Three before the meal in order to open the small bowels, three during the meal in order to dissolve the food in the bowels, and four after the meal: one corresponding to 'who feedeth',⁷² one corresponding to the blessing of 'the land',⁷² one corresponding to 'who rebuildeth Jerusalem',⁷² and one corresponding to 'who is good and doeth good'.⁷² They [then] added unto them [another] four [cups]: one in honor of the officers of the town, and one in honor of the leaders of the town, and one in honor of the Temple. and one in honor of

Rabban Gamaliel. [When] they began to drink [too much] and to become intoxicated, they restored the matter to its original state.⁷³ What [about] Rabban Gamaliel? — As it has been taught: At first the carrying out of the dead⁷⁴ was harder for his relatives⁷⁵ than his death,⁷⁶ so that they left him⁷⁷ and ran away, until Rabban Gamaliel⁷⁸ came and adopted a simple style and they carried him out⁷⁹ in garments of linen, and [then] all the people followed his example and carried out [the dead]⁸⁰ in garments of linen. Said R. Papa: And now it is the general practice [to carry out the dead] even in rough cloth worth [only] a *Zuz*.⁸¹

R. Eleazar said:

1. Lit., 'When was that taught'. In the Baraitha (that mourners ate also of the number)
2. Lit., 'the benediction of food'.
3. That mourners are not of the number.
4. The line of comforters which was formed to offer consolation to the mourners after a burial, v. Sanh. 19a.
5. Lit., 'But as to this that'.
6. 'The blessing, or benediction, of the bridegrooms' has a collective sense. The six (or seven) benedictions are meant.
7. Has also a collective sense; v. *infra*.
8. Does one say benedictions in the line that is formed, after the burial of the dead, so that the friends may comfort the mourners? There only words of comfort are said, but no benedictions. In Sanh.. 19a one word of comfort is mentioned: [H], 'be comforted'.
9. The benedictions of the mourners were said in the open space, v. *infra*.
10. Of the wedding festivities.
11. Of mourning.
12. Lit., 'Is there a benediction of the open space all the seven days?'
13. Lit., 'Thou wilt find it in (the case of) new faces'. When new friends come to visit the mourners for the first time during the seven days, the benediction of mourners is said in the free space.
14. Lit., 'as that of.'
15. So MS.M.; cur. edd. 'sons'.
16. Lit., 'and some say.'
17. It was R. Hiyya's child that died and not Resh Lakish's. Resh Lakish went to comfort R. Hiyya and took his (Resh Lakish's) Methurgeman (v. *infra*) with him. Some scholars go wrong in the rendering of this passage. V., for instance, Levy p. 303. Bacher

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- rightly speaks of the death of the young child of R. Hiyya.
18. I.e., the first day of R. Hiyya's mourning.
 19. Lit., 'on the morrow.'
 20. Lit., 'led him.'
 21. Judah the son of Nahmani, is mentioned several times as the Methurgeman of Resh Lakish; v. e.g. Sot. 37b, Cit. 60b, (also Tem. 14b), and Sanh. 7b.
 22. 'Interpreter'. As to his function v. J.E., vol. VIII, p. 521. and vol. I, p. 527, n. I. One sentence may be quoted from the last-named article. 'In a limited sense it ('the interpreter' Amora, or Methurgeman) signifies the officer who stood at the side of the lecturer or presiding teacher in the academy and in meetings for public instruction, and announced loudly, and explained to the large assembly in an oratorical manner, what the teacher had just expressed briefly and in a low voice.' The Methurgeman was, therefore, a sort of assistant lecturer. Judah the son of Nahmani, was assistant lecturer to Resh Lakish. He was also a good preacher who expounded well Biblical verses homiletically (cf. e.g., Sanh. 7b). He could also recite benedictions by heart. Cf. Cit. 60b and Tem. 14b. For these reasons apparently Resh Lakish took with him Judah the son of Nahmani, when he paid a visit of condolence to R. Hiyya. the son of Abba. Judah spoke on behalf of Resh Lakish.
 23. Lit., 'a word', 'a thing.'
 24. Lit., 'corresponding to', 'vis-à-vis'.
 25. Lit., 'he opened.' This probably means: he opened his mouth (and said), cf. Job III, 1. It may also mean: he opened his discourse; v. the Dictionaries of Levy and Jastrow, s.v. Here the first meaning seems to be more likely.
 26. Deut. XXXII, 19.
 27. Lit., 'small'.
 28. I.e., a grown-up son, not a small child
 29. To R. Hiyya. the son of Abba
 30. Isa. IX. 16.
 31. Lit., 'What?' 'Why?'
 32. In Shab. 33a: b. Raba.
 33. Lit., 'for what.'
 34. Lit., 'brings forth from his mouth.'
 35. Lit., a decree of His judgment.'
 36. Lit., 'for good.'
 37. I.e., even if it was decreed in heaven that he should have seventy' years of happiness. Cf. R.H. 16b.
 38. Lit., 'to be seized'.
 39. Cf. Shab. 33b: 'the righteous men are seized for (the shortcomings of) the generation.' V. Rashi a.l.
 40. Resh Lakish
 41. Judah the son of Nahmani.
 42. According to Rashi the words 'Blessed art Thou, O Lord our God, King of the Universe,' are to be supplemented before 'The God,' etc.
 43. This phrase occurs also in the abbreviated Amidah prayer said on Friday' night. v. P.B. p. 120.
 44. Lit., 'until there is no searching.' Cf. Ps CXLV. 3.
 45. Lit., 'until there is no number.' Cf. Ps. CXLVII, 5. The whole phrase occurs also in the evening service prayer v. P.B. p. 99.
 46. This benediction is, in its main ideas, reminiscent of the first three benedictions of the Amidah.
 47. Resh Lakish
 48. Judah the son of Nahmani.
 49. Lit., 'by this mourning.'
 50. Cf. I Chron. XXII, 25.
 51. Rashi adds: that all die, and you should not weep too much.
 52. Lit., 'in the beginning'.
 53. From the cup of sorrow.
 54. I.e., Resh Lakish.
 55. That is, one should never utter ominous words and thus invite misfortune.
 56. Isa. I, 9.
 57. God.
 58. Unto Isaiah.
 59. Isa. I, 20. Because Isaiah compared the people to Sodom and Gomorrah, God addressed them as 'rulers of Sodom,' 'people of Gomorrah.' This is to illustrate how ominous words can have an evil effect.
 60. Resh Lakish.
 61. Judah the son of Nahmani.
 62. The friends who came to comfort the mourners.
 63. Rashi adds: who bestowed lovingkindnesses. The meaning is: who are carrying out the trust with which Abraham was charged, also for future generations; v. next note.
 64. The passage is bracketed also in the original. The verse continues: and his household after him, that they may keep the way of the Lord, to do righteousness and Justice: to the end that the Lord may bring upon Abraham that which He has spoken of him; Gen. XVIII, 19.
 65. Resh Lakish.
 66. Judah the son of Nahmani.
 67. Lit., 'the pestilence.'
 68. Lit., 'the spoil', 'the plunder'.
 69. Lit., 'to'.
 70. Lit., 'and thou wilt answer'.
 71. Cf. Num. XVII, 13, 15; XXV, 8; II Sam. XXIV, 21, 25; Ps. CVI, 30. It is now time to deal with one or two points arising out of what we are told on this page (Kethuboth 8b) about the visit of Resh Lakish and his Methurgeman, Judah the son of Nahmani, to R. Hiyya the son of Abba, on the occasion of

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the death of R. Hiyya's child. The story of this visit was introduced in order to show that there is [H] during all the seven days of mourning if new friends are present on each occasion. Now, what is [H]? This question has not been answered yet. In the time of the Geonim the tradition concerning it had faded already. In *Shittah Mekubbezeth* on Keth. 8b three different views are quoted. The view mentioned in Nachmanides' *Toroth ha-Adam* ed. Venice, p. 50a, is again different. The explanation attempted by Krauss in the *Jahrbuch der jud.-lit. Gesellschaft*, vol. XVII [1926], pp. 238-239 (v. also Krauss, *Jahresbericht XXXVII-XXXIX Isr.-Theol. Lehranstalt* in Wien, p. 60f) is unsatisfactory. [H] in *Kethuboth* 8b is not inaccurate (v. *Jahrbuch*, p. 238). The emendation suggested by Krauss (*Jahresbericht*, p. 60) for [H]. (Meg. 23b) is unacceptable. In Tractate *Soferim* ch. XIX [H] is not mentioned. The quotation from Hai and Sherira in *Shittah Mekubbezeth* concludes with the words: 'As much as we have heard, we never heard that the [H] was in vogue in Babylon'. The following explanation may however be briefly submitted: — [H] in this connection has nothing to do with [H] public place. It is, rather, the open space behind the house (of the mourner). V. Er. 24a-b and Krauss, T.A. vol. I, p. 48, and p. 361, n. 633. [H] would thus mean the blessing of the mourners said in the open space behind the house of the mourner. When ten or more friends came to comfort the mourner there was, at any rate in many cases, no room in the house for all the visitors, and the mourners sat in the open space behind the house and the guests assembled there, and the benedictions [H] were recited before the assembly in the open space. [H] was therefore almost identical with the [H]. Therefore, when it is said in Meg. 23b [H] this statement is entirely correct. [H] can only mean that he (Resh Lakish) did not go to him (to the mourner). The next day he did go to him, namely, to his house, or to the open space behind the house. What Krauss, *Jahrbuch*, p. 239, says on [H] cannot be accepted.) The story on this page (*Kethuboth* 8b) confirms this interpretation. Resh Lakish and his *Methurgeman* went to R. Hiyya, that is, they went to his house, or to the open space near his house. Judah, the son of Nahmani, delivered there a homily and recited four benedictions. And these benedictions are called [H] and [H]. That is: The [H], which was recited in the [H] was also called [H] and required the presence of ten new guests. Whether this [H] required a cup of benediction is difficult to say. In *Toroth ha-*

Adam p. 45b it says: Some say that [H] requires a cup: cf. however *ibid.* 49a, where the view of R. Paltai seems to be that it had no 'cup' attached to it. In the story on this page (*Kethuboth* 8b) no 'cup' is mentioned. It might have been implied. It may be that the [H] (the meal given by friends to the mourners after the funeral) also took place in this [H]. Cf. M.K. 25a. The [H] fell, apparently, early into disuse, so that in post-Talmudic times its real character was not known any more. It is difficult to see why these benedictions disappeared from use. They are beautiful in thought and language, especially benedictions 1 and 2. These two benedictions deserve to be reinstated. Another point that should be noted is this: Judah the son of Nahmani, did not give his own sayings. The homily which he delivered was not his own. The benedictions which he recited had long been fixed. Cf. Rashi, *ad loc.* [H]. It is strange that Graetz thinks that Judah the son of Nahmani improvised these beautiful prayers and that these prayers show that Judah was a fine Hebrew stylist. Judah the son of Nahmani was a *Methurgeman*, and a *Methurgeman* was not expected to say original things. He knew by heart the homilies of others and the fixed benedictions, and he delivered the homilies well and he recited the benedictions well. It is interesting to note that [H] was said to the *Methurgeman*, although the [H] was not his. Cf. also *Shittah Mekubbezeth*: [H]

72. 'Who feedeth' is the first benediction of Grace after meals, the blessing of 'the land' is the second, 'who rebuildeth Jerusalem' is the third, and 'who is good and doeth good' is the fourth. V. P.B., pp. 280-283; cf. Ber. 48b.
73. Lit., 'to its old state.' Cf. Sem. ch. XIV, where the text is somewhat different and the order of the 'cups' varies.
74. I.e., the funeral.
75. The relatives of the dead.
76. Because of the great expense. They buried the dead in costly' garments (Rashi).
77. The dead.
78. I.e., Rabban Gamaliel II, also called Rabban Gamaliel of Jabneh.
79. For variant, cf. M.K. 27b.
80. For burial
81. A silver coin, one fourth of a *Shekel*.

Kethuboth 9a

He who says. I have found an 'open opening'¹ is trusted to make her forbidden for him.² Why?³ It is a double doubt:⁴ It is a doubt

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[whether she had the intercourse with the other man while] under him,⁵ or,⁶ [while] not under him.⁷ And if you say⁸ that [she had that intercourse while] under him, [there is] the [other] doubt [whether she had that intercourse] by violence or² by [her free] will! —

It was necessary¹⁰ [to state this rule] in the case of the wife of a priest.¹¹ And if you wish, you may say [that it speaks of] the wife of an Israelite,¹² and for instance when her father received the betrothal for her [when] she was less than three years and one day old.¹³ What does he¹⁴ let us hear by [this since] we have already learnt [it]:¹⁵ 'If a man says¹⁶ to a woman, "I have betrothed thee [to myself]", and she says, "Thou hast not betrothed me [to thyself]," she is allowed [to marry] his relatives, but he is forbidden [to marry] her relatives.'¹⁷ —

What you might have supposed is that there¹⁸ [he causes a prohibition to himself] because it is certain to him,¹⁹ but here it is not quite certain to him.²⁰ [Therefore] he²¹ lets us hear [this rule].²² But did R. Eleazar say so? Did not R. Eleazar say: The wife does not become forbidden for her husband save in the case of²³ warning²⁴ and seclusion,²⁵ and as [we find in] the occurrence that happened?²⁶ But how can you [in any case] understand it?²⁷ Was the occurrence that happened accompanied by warning and seclusion? And again, did they²⁸ declare her²⁹ forbidden?³⁰ —

This is no difficulty, [for] thus he³¹ means to say:³² The wife does not become forbidden for her husband save in the case of warning and seclusion, [and this we learn] from the occurrence that happened, because [there] there was no warning and seclusion and [therefore] she³³ was not forbidden.³⁴ But [the former question] is nevertheless difficult. In the [case of] warning and seclusion but not [in the case of] 'an open opening'!³⁵ —

But according to your argument³⁶ [the question could be asked]: [in the case of] warning and seclusion, yes, [and in the case

of] witnesses,³⁷ no! Hence he³⁸ means to say thus: The wife does not become forbidden for her husband through one witness³⁹ but through two witnesses;⁴⁰ but in the case of warning and seclusion:⁴¹ even through one witness,⁴² and 'an open opening' is like two witnesses.⁴³ And if you will say: [In the case of] the occurrence that happened, why did they not declare her forbidden?⁴⁴ [The answer is:] There it was compulsion.⁴⁵ And if you wish you can say as R. Samuel the son of Nahmani said⁴⁶ [that] R. Jonathan said:

1. 'An open opening' is a euphemistic expression for 'absence of virginity'. The husband, after the first intercourse with his young wife, claims that he found no virginity.
2. V. *infra*.
3. Lit., 'And why?' — The question is: Why should his wife become forbidden for him by what he said regarding the absence of her virginity?
4. Lit., the doubt of a doubt'.
5. Under her husband, that is, since the betrothal (Erusin); in which case she is regarded as an adulteress who is forbidden to live with her husband. V. Sanh. 51a.
6. Lit., 'A doubt'.
7. Before her betrothal.
8. Lit., 'If thou wilt be found (consequently) to say.'
9. If a betrothed (or married) woman is violated by another man she does not become forbidden for her husband. V. *infra* 51b, v. also Deut. XXII, 25-27.
10. Lit., not necessary', i.e., it would not have been necessary but for the case of the wife of a priest. The meaning is: the rule applies in the case of the wife of a priest.
11. If the wife of a priest was violated she was forbidden for her husband. V. *infra* 51b, and Yeb. 56b.
12. I.e., an ordinary Jew, not a priest.
13. In this case there is only one doubt: whether she was violated, or submitted by her free will. The other doubt ('under him' or 'not under him') does not arise since in the latter case her virginity would not be affected. V. Ned. 44b.
14. R. Eleazar (an Amora).
15. That a man may, by his own evidence, prohibit for himself a thing or a person otherwise permitted to him.
16. Lit., 'he who says'.
17. The forbidden degrees of relatives by marriage; v. Kid. 65a.
18. Kid. 65a.

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19. Lit., 'it is certainly established to him.'
20. His grievance may' be imaginary.
21. R. Eleazar.
22. That he is believed.
23. Lit., 'over the affairs of'.
24. Given to the wife by the suspecting husband.
25. Of the wife with the suspected man. V. Num. V, 11ff; cf. Sol. 2a and 2b.
26. Lit., 'according to the deed that was'. I.e., of David and Bathsheba, cf. II Sam. XI. This contradicts the dictum of R. Eleazar that the woman becomes forbidden on a mere charge by her husband of an 'open opening'.
27. This latter dictum of R. Eleazar.
28. The authorities.
29. Bath-sheba.
30. [For Judah. The fact that she was allowed to marry David shows that she was not forbidden to Uriah, for it is a general rule that an adulteress is forbidden to continue with her husband as well as her paramour. Sot. 27b.]
31. R. Eleazar.
32. Lit., 'he says'.
33. Bath-sheba.
34. For Uriah. V. p. 44, n. 20.
35. Lit., 'warning ... yes; an open ... no.' I.e., the words of R. Eleazar imply that the wife would be forbidden for her husband only in case of warning and seclusion, but not in the case of 'an open opening', which contradicts his former ruling.
36. If you are to argue from the implications of R. Eleazar's words as they stand.
37. Why should the evidence of witnesses that the wife was unfaithful be weaker than warning and seclusion? Surely this cannot be!
38. R. Eleazar.
39. By the evidence of one witness that the wife was unfaithful; v. Rashi ad loc.
40. By the evidence of two witnesses.
41. Where there are two witnesses to the warning and seclusion.
42. If even only one witness testified to the adultery that followed she is forbidden to her husband. V. Sot. 2b.
43. I.e., the charge of an 'open opening' by her husband is on a par with the evidence of two witnesses.
44. For David, seeing that many people knew of the occurrence, and thus there were witnesses.
45. Bath-sheba could not resist the demand of the king. [And since she was thus not forbidden to Uriah, she was permitted also to David. (V. *supra* p. 44, n. 20)].
46. Lit., 'as that which R. Samuel the son of Nahmani said'.

Kethuboth 9b

Everyone who goes out into the war of the House of David writes for his wife a deed of divorce,¹ for it is written, And to thy brethren shalt thou bring greetings, and take their pledge.² What [is the meaning of], 'and take their pledge'? R. Joseph learnt: Things which are pledged between him and her.³

Abaye said: We have also learned⁴ [this]:⁵ A MAIDEN IS MARRIED ON THE FOURTH DAY OF THE WEEK. [This implies] only on the fourth day, but not the fifth day.⁶ What is the reason? [Presumably] on account of the cooling of the temper.⁷ Now in which respect [could the cooling of the mind have a bad result]? If with regard to giving her the *Kethubah*,⁸ let him give it to her.⁹ Consequently¹⁰ [we must say only] with regard to making her forbidden for him;¹¹ and [it is a case where] he puts forward a claim.¹² Is it not that he puts forward the claim of 'an open opening'?¹³ — No, [it is a case where] he puts forward the claim of blood.¹⁴

Rab Judah said [that] Samuel said: If any one says. 'I have found an open opening', he is trusted to cause her to lose her *Kethubah*. Said R. Joseph: What does he¹⁵ let us hear? We have [already] learned [this]:¹⁶ He who eats¹⁷ at his father-in-law's [between the time of betrothal and the time of marriage] in Judaea,¹⁸ without witnesses, cannot [after the marriage] raise the claim of [the loss of] virginity, because he is alone with her.¹⁹ In Judea he cannot raise this claim, but in Galilee²⁰ he can raise it. Now in which respect? If to make her forbidden for him, why [should he] not [be able to raise this claim] in Judaea?²¹ Consequently²² [we must say it is] to cause her to lose her *Kethubah*;²³ and [it is in a case] when he raises a claim. Is it not that he raises the claim of 'an open opening'? — No, when he raises the claim of blood.²⁴

1. [So that in case he falls in battle his wife should be free to marry without the necessity

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of *Halizah*. The Get would in that case take effect retrospectively from the date of its writing (Rashi). Tosaf.: He writes a Get without any conditions to take effect immediately]

2. I Sam. XVII, 15.
3. I.e., the betrothals, these thou shalt take from them by a deed of divorce (Rashi).
4. We have been taught in a Mishnah; v. *supra* 2a.
5. That the claim of 'an open opening' makes the wife forbidden for the husband.
6. Lit., 'on the fourth day, yes, on the fifth day, no.'
7. The husband might be appeased by the following Monday, cf. *supra* 2a and 5a.
8. V. [Glos.](#)
9. No harm is done by this. There is no sin involved in the payment of the marriage settlement to the wife, even if, in law, she forfeited it through her conduct.
10. Lit., 'but'.
11. If her conduct makes her forbidden for the husband for marital intercourse then the disregard of this prohibition would involve a sin. And therefore a maiden marries on the fourth day of the week so that there should be no 'cooling of the mind'.
12. I.e., the husband must have put forward a serious claim.
13. As evidencing unfaithfulness, This proves that the charge of an 'open opening' by the husband renders his wife forbidden to him.
14. I.e., he claims that there was no bleeding. And this is a more manifest sign of the absence of virginity, evidencing unfaithfulness, than 'an open opening'.
15. Rab Judah.
16. In a Mishnah; cf. *infra* 22a.
17. I.e., he who frequently visits the house of the father of his betrothed bride.
18. This was customary in Judea.
19. And might have had intimate relations with the bride.
20. In Galilee that custom (v. p. 46, n. 16) did not prevail.
21. If he is sure that he has not been intimate with her during the time of betrothal and he charges her with unfaithfulness, he renders her, by the mere charge, forbidden to him?
22. Lit., 'but'.
23. In Judea he cannot make her lose the *Kethubah*, because he might have been intimate with her during the period of betrothal.
24. And therefore Samuel's statement is necessary.

It was stated: Rab Nahman said [that] Samuel said in the name of R. Simeon b. Eleazar: The scholars ordained for the daughters of Israel [as follows]: for a maiden two hundred [Zuz¹] and for a widow a *Maneh*² [one hundred Zuz].³ And they trusted him, so that when he said, 'I have found an open opening', he is believed.⁴ If so, what have the Sages accomplished with their ordinance?⁵ —

Said Raba: The presumption is [that] no one will take the trouble of preparing a [wedding-]feast and will then spoil it.⁶ One has taught: Since it⁷ is a fine [instituted] by the sages she⁸ shall collect only from the worst land⁹ [of the husband's estate]. [You say] a fine! Why a fine?¹⁰ — Say then: since it is an ordinance of the sages,¹¹ she shall collect only from the worst land [of the husband's estate]. Rabban Simeon b. Gamaliel says: The *Kethubah* of a wife is from the Torah.¹² But did Rabban Simeon b. Gamaliel say so? Surely it has been taught: [It is written in the Torah] He shall pay money according to the dowry of virgins,¹³ [this teaches us that] this¹⁴ is [as much] as the dowry of the virgins¹⁵ and the dowry of the virgins is [as much] as this.¹⁶ But,¹⁷ the Sages found a support for [the rule that] the *Kethubah* of a wife is from the Torah. Rabban Simeon b. Gamaliel Says: The *Kethubah* of a wife is not from the words of the Bible, but from the words of the *Soferim*!¹⁸ — Reverse it.¹⁹ And why does it appear to you right to reverse²⁰ the latter [teaching]? Reverse the former [teaching]!²¹ —

We have [already] heard that R. Simeon the son of Gamaliel said that the *Kethubah* is from the Bible, for we learnt: Rabban Simeon b. Gamaliel says: He²² gives her²³ [the *Kethubah*] in Cappadocian coins.²⁴ And if you wish, you may say: The whole of it²⁵ is [according to] Rabban Simeon b. Gamaliel. only²⁶ it is defective²⁷ and it teaches thus:²⁸ Here the Sages found a support for [the rule that] the *Kethubah* of a wife is from the Torah. The *Kethubah* of a widow [however] is not from the words of the Torah but from the

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words of the *Soferim*, for Rabban Simeon b. Gamaliel Says: The *Kethubah* of a widow is not from the words of the Torah but from the words of the *Soferim*.²⁹

Someone came before R. Nahman [and] said to him: I have found an open opening.³⁰ R. Nahman answered:³¹ Lash him with palm-switches; harlots³² lie prostrate before him.³³ But it is R. Nahman who said that he [the husband] is believed!³⁴ — He is believed, but [at the same time] one lashes him with palm-switches. R. Ahai answered: Here³⁵ [it speaks] of a young man,³⁶ there [it speaks] of one who was married before.³⁷

Some one came before Rabban Gamaliel [and] said to him, I have found an 'open opening'. He [Rabban Gamaliel] answered him: Perhaps you moved aside.³⁸ I will give you an illustration: To what is this like? To a man who was walking in the deep darkness of the night³⁹ [and came to his house and found the door locked];⁴⁰ if he moves aside [the bolt⁴¹ of the door] he finds it open, if he does not move aside [the bolt of the door] he finds it locked. Some say [that] he [R. Gamaliel] answered him thus: Perhaps you moved aside wilfully⁴² and you tore away the door and the bar.⁴³ I will give you an illustration: To what is this like? To a man who was walking in the deep darkness of the night [and came to his house and found the door locked]; if he moves aside [the bolt of the door] wilfully⁴⁴ he finds it open, if he does not move aside [the bolt of the door] willfully he finds it locked.

Some one came before Rabban Gamaliel the son of Rabbi [and] said to him, 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.' She [the wife] said to him, 'My master, I was a virgin.' He said to them: Bring me that cloth.⁴⁵ They brought him the cloth, and he soaked it in water and he washed it and he found on it a good many drops of blood.⁴⁶ [Thereupon] he [Rabban Gamaliel] said to him [the husband]: Go, be happy with thy bargain.⁴⁷ Huna Mar the son of Raba of

Parazika,⁴⁸ said to R. Ashi: Shall we also do it?⁴⁹ He answered him:

1. V. Glos.
2. V. Glos.
3. As her *Kethubah*. V. *infra* 10b.
4. And she loses the *Kethubah*.
5. If he can make her lose the *Kethubah* by the claim of an 'open opening'.
6. No one will go to the trouble and expense of a wedding and then waste it all by an invented claim. If he makes such a charge, he is, no doubt, telling the truth.
7. The *Kethubah*.
8. The wife.
9. Cf. also B.K. 7b and 8a.
10. Why do you call it a fine? And why should it be a fine?
11. I.e., a Rabbinical, and not a Biblical, ordinance.
12. I.e., an ordinance of the Bible.
13. Ex. XXII, 16.
14. The payment for the enticement of the virgin.
15. I.e., fifty pieces of silver, the fine inflicted for violating a virgin, v. Deut. XXII, 27.
16. The 'silver pieces' referred to are *Shekels*, not *Ma'ahs*, v. *infra* 38a.
17. Lit., 'from here', i.e., from the phrase 'dowry of virgins'.
18. The *Soferim*, or scribes, were the learned men who succeeded Ezra during a period of about two hundred years. Rabban Simeon b. Gamaliel therefore holds that the *Kethubah* was a Rabbinical, and not a Biblical, ordinance.
19. The answer is: Reverse the reading and say that Rabban Simeon b. Gamaliel said that in the Scriptural verse mentioned is to be found a support for the rule that the *Kethubah* of a wife is from the Bible, and that the first Tanna said that it was not Biblical but 'from the words of the *Soferim*'.
20. Lit., 'And why do you see that you should reverse.'
21. Where it says that Rabban Simeon b. Gamaliel holds that the *Kethubah* of a wife is from the Torah.
22. The husband.
23. The wife.
24. They were more variable than the Palestinian coins. The husband has to pay in Cappadocian coins because the *Kethubah* is from the Bible; v. *infra* 110b.
25. Of the teaching of the Baraita mentioned before.
26. Lit., 'and'.
27. A clause is missing.
28. I.e., the Baraita should be read thus.

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29. According to this version of the Baraitha, R. Simeon b. Gamaliel holds that the *Kethubah* of the maiden-wife is Biblical and that the *Kethubah* of the widow-wife is rabbinical.
30. He (the husband) raised this complaint about his newly wedded wife.
31. Lit., 'said to him', i.e., concerning him.
32. V. Levy, Vol. III, p. 2. Rashi: 'the harlots of Mabrakta'. [Mabrakta was a place in the neighborhood of Mahoza. v. Obermeyer, p. 177.]
33. I.e., such a man ought to be punished. for if he is such an expert in these matters he must have led an immoral life.
34. If the husband says that he has not found virginity in his wife. Why should he then be lashed for having complained to R. Nahman about his wife?
35. Where R. Nahman ordered punishment.'
36. Who was not married before. He should not have known if he had not had intercourse with harlots before his marriage. There R. Nahman ordered lashing.
37. And therefore he could know without having led an immoral life. He is therefore believed and receives no lashing (Rashi). It is also possible that according to R. Ahai both are believed R. Ahai only explains that it is the young man who gets the birch.
38. And thus performed the coition without tearing the hymen. V. Jast. p. 595.
39. Lit., 'in the blackness of night and darkness'; cf. Prov. VII, 9.
40. Some such words as these must be inserted.
41. 'He moved aside', and 'he did not move aside' refer apparently to the bolt of the door and not to the door itself. The simile is obvious: the bolt is compared to the membrum virile. He moved the membrum virile aside and therefore found 'an open opening'.
42. Intentionally.
43. The 'door', 'door-way', 'entrance', apparently refers to the vagina, or the entrance into the vagina, and 'the bar' to the hymen. He intentionally moved so forcibly that he tore open the entrance and swept away the hymen without feeling it.
44. The action must be intentional. The chief point of this version seems to be the willful intention. The bolt of a door cannot, as a rule, be moved aside accidentally. There must be intention in the action.
45. Upon which they spent the night.
46. The blood was covered by semen.
47. Lit., 'take possession of' a phrase in which there is also an element of joy. 'Be happy with' expresses well the spirit of the decision. Rabban Gamaliel himself was happy that he could keep together and strengthen the bond of marriage between husband and wife.

48. Faransag, near Baghdad.

49. I.e., apply in such cases the test applied by Rabban Gamaliel to the cloth.

Kethuboth 10b

Our¹ laundry work² is like their³ washing.⁴ And if you will say let us do laundry work,⁵ [my answer is] the smoothing stone will remove it.⁶ Someone came before Rabban Gamaliel the son of Rabbi [and] said to him, 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.' She [the wife] said to him, 'My master, I am still a virgin.' He [then] said to them: Bring me two handmaids, one [who is] a virgin and one who had intercourse with a man. They brought to him [two such handmaids], and he placed them upon a cask of wine. [In the case of] the one who was no more a virgin its smell⁷ went through,⁸ [in the case of] the virgin the smell did not go through.⁹ He [then] placed this one [the young wife] also [on a cask of wine]. and its smell¹⁰ did not go through. He¹¹ [then] said to him:¹² Go, be happy with thy bargain.¹³ — But he should have examined her from the very beginning!¹⁴ — He had heard a tradition,¹⁵ but he had not seen it done in practice.¹⁶ and he thought. The matter might not be certain¹⁷ and it would not be proper¹⁸ to deal lightly with daughters of Israel.¹⁹

Someone came before Rabban Gamaliel the elder [and] said to him, 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood. She [the wife] said to him, 'My master, I am of the family of Dorkati, [the women of] which have neither blood of menstruation nor blood of virginity.' Rabban Gamaliel investigated among her women relatives and he found [the facts to be] in accordance with her words. He [then] said to him: Go, be happy with thy bargain. Happy art thou that thou hast been privileged [to marry a woman] of the family of Dorkati. What is [the meaning of] Dorkati? — A cut-off generation.²⁰ —

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R. Hanina said: Vain consolation Rabban Gamaliel offered²¹ to that man, for R. Hiyya taught: As the leaven is wholesome for the dough, so is blood wholesome for a woman. And one has [also] taught in the name of R. Meir: Every woman who has abundant blood has many children. It has been said: R. Jeremiah b. Abba said: He [Rabban Gamaliel] said to him [the husband]: Be happy with thy bargain. But R. Jose b. Abin said: He said to him: thou hast been punished with thy bargain.²² We quite understand the one who says 'Thou hast been punished' with thy bargain — this is [according to the view] of R. Hanina. But according to him who says 'Be happy' [with thy bargain], what is the advantage [of such a marriage]? — He [the husband] does not come to any doubt regarding menstruation.

Someone came to Rabbi [and] said, 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.' She said, 'My master, I was [and am] still a virgin, and it was [a period of] years of dearth.' Rabbi saw that their faces were black,²³ [and] he commanded concerning them, and they²⁴ brought them²⁵ to a bath and gave them to eat and to drink and brought them to the bridal chamber, and he had intercourse with her and found blood. He²⁶ [then] said to him: Go, be happy with thy bargain. Rabbi applied to them the verse:²⁷ *Their skin is shriveled upon their bodies, it is withered, it is become like a stick.*²⁸

MISHNAH. A MAIDEN — HER KETHUBAH IS TWO HUNDRED [ZUZ],²⁹ AND A WIDOW — A MANEH.³⁰ A MAIDEN, WHO IS A WIDOW, [OR] DIVORCED, OR A HALUZA³¹ FROM BETROTHAL³² — HER KETHUBAH³³ IS TWO HUNDRED [ZUZ], AND THERE LIES AGAINST THEM THE CHARGE OF NON-VIRGINITY.³⁴

GEMARA. Why [is a widow called] 'Almanah'? R. Hana of Baghdad said: because of the *Maneh*.³⁵ But what can be said with regard to a widow from the betrothal?³⁶ — Because that one is called 'almanah'³⁷ this one is also called 'almanah'.³⁸ What can be

said with regard to [the word] 'Almanah', that is written in the Bible?³⁹ — [The woman] for whom the Rabbis will in future institute [the *Kethubah* of] a *Maneh*. But does the Bible speak of a thing which will be in the future?⁴⁰ — Yes, for it is written: And the name of the third river is Hiddekel, that is it which goeth towards the east of Ashur,⁴¹ and R. Joseph learnt: Ashur, that is Seleucia. But was [Seleucia] already then in existence? But [it is mentioned] because it will exist in the future. Here also 'Almanah' is mentioned in the Bible] because it [the *Kethubah* of *Maneh*] will exist in the future.

R. Hana of Baghdad also said: The rain waters, saturates and manures [the earth] and refreshes⁴² and enlarges⁴³ [the fruits]. Raba the son of R. Ishmael, and some say R. Yemar the son of Shelemiah, said: Which is the verse?⁴⁴ [It is this:] Thou waterest the ridges abundantly, thou settlest the furrows thereof, thou makest it soft with showers, thou blessest the springing thereof.⁴⁵

R. Eleazar said: The altar removes and feeds, makes beloved, atones.⁴⁶ Have not 'atones' and 'removes' the same meaning?⁴⁷ It removes [evil decrees]⁴⁸ and atones for sins. R. Hana of Baghdad also said: Dates warm, satisfy, act as a laxative,⁴⁹ strengthen⁵⁰ and do not make [one] delicate.

Rab said: If one has eaten dates, he should not give a legal decision. An objection was raised. Dates are wholesome morning and evening, in the afternoon they are bad, at noon they are incomparable.⁵¹ and they remove three things: evil thought, stress of the bowels, and abdominal troubles! — Do we say that they are no good? They are indeed good. only for the moment [they cause] unsteadiness. It is analogous to wine, for the Master said:⁵² He who has drunk⁵³ one-fourth [of a *log*]⁵⁴ of wine shall not give a legal decision.⁵⁵ And if you wish you may say: There is no difficulty: This is before a meal and that is after a meal,⁵⁶ for Abaye said: Mother⁵⁷ told me: Dates before a meal are as an axe to the palmtree,⁵⁸ after a meal as a bar

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to the door.⁵⁹ Dasha [door], Raba explained:⁶⁰ Derek Sham⁶¹ ['the way there'].⁶² Darga [stairs, ladder]. Raba explained:⁶³ Derek Gag [the way of the roof].⁶⁴ Puria [bed], R. Papa explained: Sheparin We-rabin 'Aleha [because one is fruitful and multiplies on it]. R. Nahman b. Isaac said:

1. Babylonian.
2. [H] is fine laundry' work.
3. Palestinian.
4. [H] is plain washing. In Palestine the plain washing was better than in Babylonia, because the water in Palestine was better or because they had in Palestine better ingredients (Rashi). In order to get the same results they would have to do fine laundry work in Babylonia, and that would include smoothing the cloth with a stone, according to Rashi, with a gloss-stone.
5. Let us apply [H] to the cloth on which the bride and bridegroom slept.
6. The blood. In the process of [H] the stone with which the cloth would be smoothed would cause the drops of blood, which would be seen after plain washing, to disappear. The test of Rabban Gamaliel could therefore not be employed in Babylonia.
7. I.e., the smell of the wine.
8. One could smell the wine from the mouth (Rashi).
9. One could not smell the wine from the mouth.
10. I.e., the smell of the wine.
11. Rabban Gamaliel.
12. To the husband.
13. The test showed that the wife was a virgin.
14. Why did he first have to experiment with the two handmaids.
15. That this was a reliable test.
16. Lit., 'The practice he had not seen.'
17. Lit., 'perhaps it is not certain that the matter is good,' that is, that the test would be effective.
18. Lit., 'The way of the land,' that is, the custom.
19. Therefore he carried out the test first with handmaids.
20. Heb. Dor. Katu'a.
21. Lit., 'consoled him.'
22. Lit., 'Be punished with thy bargain,' that is, the marriage stands, although it is not to thy advantage.
23. From hunger.
24. Those who carried out Rabbi's commands.
25. The young couple.
26. Rabbi.
27. Lit., 'read concerning them.'
28. Lam. IV, 8.

29. V. [Glos.](#)
30. One hundred Zuz.
31. A woman released from a leviratical marriage, by *Halizah*; v. Deut. XXV, 5-10.
32. She was only betrothed (Arusah, v. [Glos.](#)) but not married, and became a widow or was divorced, or released by *Halizah* from marrying her deceased fiancé's brother.
33. Lit., 'their *Kethubah*'. The *Kethubah* of either the widow', or the divorcee, or the *Halizah*.
34. The husband who marries one of these women has a right to complain if he does not find signs of virginity. As they were only betrothed but not married they are expected to be virgins.
35. The value of the *Kethubah* of a woman who married when she was a widow. This is no attempt at proper etymology.
36. The value of the *Kethubah* of such a widow is two hundred Zuz, and still she is called 'Almanah'.
37. This is no attempt at proper etymology.
38. Lit., 'One calls her.'
39. The *Kethubah* was not biblically ordained for the widow; v. *supra* 10a.
40. Lit., 'And was the verse written for the future?'
41. Gen. II, 14.
42. Or 'softens.'
43. Lit., 'causes to extend.'
44. That can be referred to in support of R. Hana's saying regarding the rain.
45. Ps. LXV, 11.
46. A play on the word [H] (altar).
47. 'Removes' apparently also refers to sins!
48. The answer is that 'removes' refers to evil decrees.
49. Lit., 'loosen', (the bowels).
50. The body.
51. I.e., very good. — Dates are good, or very good, after the meals in the morning, noon and evening. They are not good in the afternoon after a rest (Rashi).
52. The reference is to Samuel, in whose name this saying is quoted in 'Er. 64a.
53. Lit., he who drinks.
54. *Log* is a liquid measure equal to the contents of six eggs.
55. And one-fourth of a *log* of wine is certainly wholesome. But for the moment it may make one unsteady, and therefore unfit to give legal decisions.
56. Lit., 'bread'. If one eats dates before a meal, the effect is bad and one must not give legal decisions. The passage which declares them bad speaks of a case where one eats dates after a meal. The statement itself bears this out; v. *supra* p. 53, n. 6.
57. V. Kid. (Sonc. ed.) p. 153.
58. That is, injurious.

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59. This apparently means good. It is difficult to see the meaning of the comparison. Rashi explains: They sustain the body as the bar supports a door.
60. Lit., 'said'.
61. A play on the word.
62. Or, the way is there; or, through there.
63. Lit., 'said.'
64. Or, the way to the roof; or, the way through the roof.

Kethuboth 11a

We will also say:¹ Ailonith [the barren woman that is] a man-like² woman, who does not bear children.³

MISHNAH. A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD — THEIR *KETHUBAH* IS TWO HUNDRED [ZUZ]. AND THERE IS WITH REGARD TO THEM THE CLAIM OF [NON-VIRGINITY].⁴

GEMARA. R. Huna said: A minor proselyte⁵ is immersed⁶ by the direction⁷ of the court.⁸ What does he let us know? That it is an advantage⁹ to him and one may act for a person in his absence¹⁰ to his advantage? [Surely] we have learned [this already]: One may act for a person in his absence to his advantage. but one cannot act for a person in his absence to his disadvantage! ... What you might have supposed is that an idolator¹¹ prefers a life without restraint¹² because it is established for us that a slave certainly prefers a dissolute life,¹³ therefore, he¹⁴ lets us know that this is said¹⁵ [only in the case] of a grown-up person who has already tasted sin,¹⁶ but [in the case of] a minor, it is an advantage to him.¹⁷ May we say that [this Mishnah] supports him:¹⁸ A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD [etc.]? Is it not that they immersed them¹⁹ by

the direction of the Court?²⁰ No, here we treat of the case of a proselyte whose sons and daughters were converted with him, so that they are satisfied with what their father does.²¹

R. Joseph said: When they²² have become of age they can protest [against their conversion].²³

Abaye asked:²⁴ A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD — THEIR *KETHUBAH* IS TWO HUNDRED [ZUZ]. Now if you indeed mean to say [that] when they have become of age they can protest [against their conversion],²⁵ would we give her the *Kethubah* that she may go and eat [it] in her heathen state? — When she has become of age.²⁶ [But] when she has become of age, too, she can protest and go out!²⁷ — As soon as she was of age one hour, and did not protest, she cannot protest any more.²⁸

Raba raised an objection: These maidens receive the fine:²⁹ if a man has intercourse with³⁰ a bastard,³¹ a Nethinah,³² a Cuthean,³³ a proselyte, a captive. or a slave, who have been redeemed, converted, or freed [when they were] less than three years and one day old-they have to be paid the fine.³⁴ Now if you say [that] when they have become of age they can protest, would we give her³⁵ the fine that she may go and eat it in her heathen state? — When she has become of age.³⁶ When she has become of age too she can protest and go out!³⁷ — As soon as she was of age one hour and did not protest she cannot protest any more.³⁸ Abaye did not say as Raba [said]³⁹ [because] there⁴⁰ [where it speaks of fines we can say]: This is the reason:⁴¹ that the sinner should not have any benefit.⁴² Raba did not say as Abaye [said]⁴³ because in the case of the *Kethubah* [we can say that] this is the reason:⁴⁴ that it⁴⁵ should not be a light matter in his eyes to send her away.⁴⁶

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MISHNAH. WHEN A GROWN-UP MAN⁴⁷ HAS HAD SEXUAL INTERCOURSE WITH⁴⁸ A LITTLE GIRL,⁴⁹ OR WHEN A SMALL BOY⁵⁰ HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR [WHEN A GIRL WAS ACCIDENTALLY] INJURED BY A PIECE OF WOOD⁵¹ — [IN ALL THESE CASES] THEIR *KETHUBAH* IS TWO HUNDRED [ZUZ]; SO ACCORDING TO⁵² R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD — HER *KETHUBAH* IS A *MANEH*. A VIRGIN, WHO WAS A WIDOW, A DIVORCEE, OR A *HALUZAH* FROM MARRIAGE⁵³ — HER⁵⁴ *KETHUBAH* IS A *MANEH*.⁵⁵

1. We will make a similar etymological exposition.
2. Or ram-like. [H] 'a woman who cannot bear children,' is connected with [H] (ram).
3. I.e., who is incapable of bearing children.
4. If they had sexual intercourse before they were three years and one day old the hymen would grow again, and they would be virgins. V. 9a and 11b and cf. Nid. 44b and 45a.
5. I.e., a minor who wants to become a proselyte, that is, be converted to Judaism. Prior to and for the purpose of that conversion the would-be proselyte has to undergo circumcision and immersion in water. V. Yeb. 46aff. The immersion is to signify his purification. If the would-be proselyte is a minor (under thirteen years of age) and has no father to act for him, the Court can authorize his ritual immersion.
6. Lit., 'they immerse him'.
7. Lit., 'by the knowledge'.
8. Lit., 'house of judgment'. Three members constitute the court.
9. To be received into the Jewish Faith.
10. Lit., 'not in his presence'. — As the proselyte is a minor he is not, legally speaking, present.
11. Lit., 'one who worships the stars and planets.'
12. Lit., 'lawlessness, unbridled lust.' — It would therefore be a disadvantage to the minor would-be proselyte to become a Jew.
13. Cf. Git. 13a. — This confirms the former supposition.
14. R. Huna.
15. Lit., 'these words.'
16. Lit., 'who has tasted the taste of what is forbidden'.
17. To become a Jew.
18. R. Huna.
19. The women proselytes.
20. Because they were less than three years and one day old, consequently minors.
21. The immersion of the minor proselytes therefore took place by the direction of their father and not of the Court. — This Mishnah is therefore no support for R. Huna.
22. The minor proselytes.
23. And leave the Jewish faith and go back to their former state without being liable to a penalty by the Jewish Court.
24. Lit., 'he raised against this a point of contradiction from a higher authority.'
25. V. note 2.
26. Only then one gives her the *Kethubah*.
27. Of Judaism; why then give her the *Kethubah*?
28. The *Kethubah* would be given to her after 'one hour'.
29. Lit., 'These maidens to whom there is a fine'. — The fine is that for seducing a girl; v. Deut. XXII, 29.
30. Lit., 'He who came on.'
31. V. Yeb. 49a.
32. A descendant of the Gibeonites. V. Joshua IX, 22, 23, 27 and cf. Yeb. 78b.
33. A Samaritan.
34. V. *infra* 29a.
35. The proselyte.
36. And adhered to Jewish practice, only then she is paid the fine, v. Tosaf.
37. Of Judaism.
38. The fine would be given to her after 'one hour'.
39. Did not ask the question of Raba.
40. In the Mishnah, *infra* 29a.
41. Why the fine should be paid to the seduced proselyte girl.
42. Therefore he should pay the fine in any case. But the case of the *Kethubah* (in our Mishnah) is different. Therefore, Abaye asked from our Mishnah.
43. He did not ask the same question as Abaye.
44. Why the *Kethubah* is paid to the woman proselyte.
45. Lit., 'she'.
46. Lit., 'to bring her out (of his house)', that is, to divorce her. Therefore he should pay the *Kethubah* in any case. But the case of the fine is different. Therefore Raba asks from the Mishnah *infra* 29a.
47. A man who was of age.
48. Lit., 'who came on'.
49. Less than three years old.
50. Less than nine years of age.
51. Lit., 'One who was injured by wood', as a result of which she injured the hymen.
52. Lit., 'the words of'.
53. A maiden was married, and immediately after the marriage, became a widow or divorced, or a *Haluzah*; v. *supra* 10b.
54. Lit., 'their', that is, the *Kethubah* of each of them.

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55. Since the marriage had taken place she is regarded as a married woman and it is assumed that she is no more a virgin.

Kethuboth 11b

AND THERE IS WITH REGARD TO THEM NO CHARGE OF NONVIRGINITY. A WOMAN PROSELYTE, A WOMAN CAPTIVE AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] MORE THAN THREE YEARS AND ONE DAY OLD — THEIR *KETHUBAH* IS A *MANEH*, AND THERE IS WITH REGARD TO THEM NO CHARGE OF NON-VIRGINITY.

GEMARA. Rab Judah said that Rab said: A small boy who has intercourse with a grown-up woman makes her [as though she were] injured by a piece of wood.¹ When I said it before Samuel he said: 'Injured by a piece of wood' does not apply to² flesh. Some teach this teaching by itself:³ [As to] a small boy who has intercourse with a grown-up woman. Rab said, he makes her [as though she were] injured by a piece of wood; whereas Samuel said: 'Injured by a piece of wood' does not apply to flesh.

R. Oshaia objected: WHEN A GROWN-UP MAN HAS HAD INTERCOURSE WITH A LITTLE GIRL, OR WHEN A SMALL BOY HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR WHEN A GIRL WAS ACCIDENTALLY INJURED BY A PIECE OF WOOD — [IN ALL THESE CASES] THEIR *KETHUBAH* IS TWO HUNDRED [ZUZ]; SO ACCORDING TO R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD — HER *KETHUBAH* IS A *MANEH*!⁴ Raba said, It means⁵ this: When a grown-up man has intercourse with a little girl it is nothing, for when the girl is less than this,⁶ it is as if one puts the finger into the eye;⁷ but when a small boy has intercourse with a grown-up woman he makes her as 'a girl who is injured by a piece of wood,' and [with regard to the case of] 'a girl injured by

a piece of wood,' itself, there is the difference of opinion between R. Meir and the Sages.

Rami b. Hama said: The difference of opinion⁸ is [only] when he⁹ knew her,¹⁰ for R. Meir compares her¹¹ to a mature girl,¹² and the Sages compare her to a woman who had intercourse with a man.¹³ But if he did not know her,¹⁴ all agree¹⁵ that she has nothing.¹⁶ And why does R. Meir compare her to a mature girl? Let him compare her to a woman who had intercourse with a man! — [In the case of] a woman who had intercourse with a man, a deed had been done to her by a man,¹⁷ but in her case¹⁸ — no deed has been done to her by a man. — And why do the Rabbis compare¹⁹ her to a woman who had intercourse with a man? Let them compare her to a mature girl! [In the case of] a mature girl no deed whatsoever has been done to her,²⁰ but in her case — a deed has been done to her.²¹

'But if he did not know her, all agree that she gets nothing'.²² R. Nahman objected: If she says. 'I was injured by a piece of wood,' and he says. 'No, but thou hadst intercourse with a man', Rabban Gamaliel and R. Eliezer say [that] she is believed!²³ But, said Raba, whether he knew her²⁴ and whether he did not know her,²⁵ according to R. Meir [her *Kethubah* is] two hundred [Zuz];²⁶ [whereas] according to the Rabbis, if he knew her [her *Kethubah* is] a *Maneh*, [if] he did not know her, she gets nothing.²⁷

Raba however changed his opinion,²⁸ for it has been taught: How [does] the bringing out of an evil name²⁹ [take place]? He³⁰ comes to court and says, 'I, So-and-so,³¹ have not found in thy daughter the tokens of virginity.' If there are witnesses that she has been unchaste under him,³² she gets a³³ *Kethubah* of a *Maneh*.³⁴ [But surely] if there are witnesses that she has been unchaste under him, she is to be stoned!³⁵ — It means this: If there are witnesses that she has been unchaste under him, she has to be stoned; if she was unchaste before [the betrothal], she gets a *Kethubah* of a *Maneh*. Now R. Hiyya b.

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Abin said [that] R. Shesheth said: This teaches:³⁶ If he married her in the presumption that she is a virgin and she was found to have had intercourse with a man,³⁷ she gets a *Kethubah* of a *Maneh*.

Whereupon R. Nahman objected: 'If one marries a woman and does not find in her virginity, [and] she says, "After thou hadst betrothed me [to thyself] I was forced³⁸ and [thus] thy³⁹ field has been inundated," and he says, "No, but before I betrothed thee [unto me] [thou hadst intercourse with a man], my bargain is [thus] a mistaken one." [etc.]'⁴⁰ and [this assuredly means] she is to get nothing!⁴¹ And R. Hiyya b. Abin said to them: Is it possible! R. Amram and all the great ones of the age sat⁴² when R. Shesheth said that teaching and they found it difficult⁴³ and he⁴⁴ answered: In which respect is it indeed a mistaken bargain? In respect of two hundred [Zuz:], but a *Maneh* she gets [as a *Kethubah*]. And you⁴⁵ say [that it means] she gets nothing! Whereupon Raba said: He who asked [this question]⁴⁶ has asked well, for a mistaken bargain' means entirely.⁴⁷ But [then] that [other teaching] presents a difficulty.⁴⁸ Put [it] right⁴⁹ and say thus: If there are witnesses that she was unchaste under him⁵⁰ she has to be stoned, if she was unchaste before [the betrothal], she gets nothing, if she was found to be injured by a piece of wood, she has a *Kethubah* of a *Maneh*. But Surely it was Raba who said [above that], according to the Rabbis, if he did not know her, she gets nothing!⁵¹ Hence you must conclude⁵² from this⁵³ that Raba retracted from that [opinion].⁵⁴

Our Rabbis taught: If the first [husband] took her [the bride] to his home for the purpose of marriage. and she has witnesses that she was not alone [with him],⁵⁵ or even if she was alone [with him]. but she did not stay [with him] as much time as is needed for intercourse, the second [husband]⁵⁶ cannot raise any complaint with regard to her virginity, for the first [husband] had taken her to his home [for the purpose of marriage].⁵⁷

1. Although the intercourse of a small boy is not regarded as a sexual act, nevertheless the woman is injured by it as by a piece of wood.
2. Lit., 'is not in'.
3. I.e., the difference of opinion between Rab and Samuel with regard to that question was recorded without any reference to R. Judah.
4. The Sages differ only with regard to a girl injured by a piece of wood, but not with regard to a small boy who has intercourse with a grown-up woman. This shows that the latter case cannot be compared with the former case. The Mishnah would consequently be against Rab and for Samuel.
5. Lit., 'says'.
6. Lit., 'here', that is, less than three years old.
7. I.e., tears come to the eye again and again, so does virginity come back to the little girl under three years. Cf. [Nid. 45a](#).
8. Between R. Meir and the Sages.
9. The husband.
10. I.e., he knew, when he married her, that the bride was thus injured.
11. The one who was thus injured.
12. A Bogereth (v. [Glos.](#)), a girl of full maturity, may sometimes not have signs of virginity, (v. Yeb. 59a), and her *Kethubah* is nevertheless two hundred Zuz.
13. And had no virginity. Therefore her *Kethubah* is only a *Maneh*, as that of a widow.
14. Did not know of the injury and thus thought that she was in her full virginity.
15. Lit., 'the words of all.'
16. Lit., 'it is nothing'. — As he was kept in ignorance of what happened to her, she does not get even a *Maneh* (Rashi).
17. Lit., 'by the hands of man'.
18. Lit., 'this'.
19. Lit., 'instead of comparing'.
20. Her signs of virginity vanished through her maturity.
21. Through the piece of wood.
22. This is the concluding part of the statement.
23. V. *infra* 23a. This shows that she gets the *Kethubah* even if he did not know that she had been thus injured.
24. I.e., knew, when he married her, that she had been injured.
25. Did not know that she was thus injured.
26. [And the author of the Mishnah which states that she is believed, will be R. Meir, and she receives two hundred Zuz].
27. V. n. 4. [And our Mishnah which states that she gets only a *Maneh* will represent the view of the Sages in the case where he knew her].
28. Lit., 'and Raba went back on himself.'
29. Cf. Deut. XXII, 13, 14.
30. The husband.
31. Lit., 'such and such a person', — the, husband is addressing the father of his young wife.

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32. I.e., that she had intercourse with a man after their betrothal.
33. Lit., 'there is unto her'.
34. V. *infra* 46a.
35. Lit., 'a daughter of stoning' — (Cf. Deut. XXII, 20, 21). [How then can she have a claim to a *Kethubah*?]
36. Lit., 'this says'.
37. Before the betrothal.
38. By a man to have intercourse with him.
39. Lit., 'his field'.
40. V. Mishnah, *infra* 12b.
41. [I.e., the words 'my bargain is a mistaken one' imply that the husband in making this charge denies her the right to receive anything at all. This refutes R. Shesheth's view that she is entitled in such a case to one *Maneh*.]
42. I.e., were present.
43. Lit., 'and it was difficult unto them'. I.e., they felt the difficulty presented by the cited Mishnah.
44. R. Shesheth.
45. R. Nahman.
46. I.e., R. Nahman, by asking the question from the cited Mishnah.
47. I.e., entirely a mistaken bargain and she gets nothing. The question of R. Nahman was therefore a good question.
48. Lit., 'That is difficult'. The Baraitha of *Kethuboth* 46a, which says that if she was unchaste before the betrothal she gets a *Kethubah* of a *Maneh*.
49. I.e., answer.
50. I.e., that she had intercourse with a man after their betrothal.
51. And this is in contradiction with what Raba said just now, namely, that if the young wife was found to be injured by a piece of wood, she has a *Kethubah* of a *Maneh*.
52. Lit., 'hear from this'.
53. From Raba's statement that one injured thus gets a *Kethubah* of a *Maneh*.
54. Expressed by Raba previously that, according to the Rabbis, if the husband did not know before the betrothal that the bride was injured, she gets no *Kethubah* at all.
55. Lit., 'that she was not hidden.'
56. The woman married again after the death of, or divorce by the first husband.
57. As she was married before, the second husband must reckon with the possibility of her having had intercourse with the first husband, in spite of the evidence which she can bring to show that the marriage was not consummated.

Kethuboth 12a

Rabbah said: This teaches that if he married her in the presumption that she was a virgin and she was found to have had intercourse she gets a *Kethubah* of a *Maneh*.¹ R. Ashi said: [No.] generally I can tell you, she receives indeed nothing; but it is different here, because the first one had married her.² But let us apprehend that perhaps she was unchaste under him!³ — Said R. Sherabia: [We] suppose he betrothed her to himself and had immediately intercourse with her.⁴

Some⁵ there are who refer this⁶ to our Mishnah: A VIRGIN, WHO IS A WIDOW, A DIVORCEE OR A HALUZAH FROM MARRIAGE, — HER KETHUBAH⁷ IS A MANEH AND THERE IS NO CLAIM OF VIRGINITY WITH REGARD TO THEM. A VIRGIN FROM MARRIAGE' — how is it possible? — When she was brought into the bridal chamber and no intercourse took Place. Rabbah said: This teaches that if he married her in the presumption that she was a virgin and she was found to have had intercourse she gets a *Kethubah* of a *Maneh*.⁸ R. Ashi said: [No.] indeed, I can tell you, generally she gets nothing; but it is different here, because she was brought into the bridal chamber.⁹ But let us apprehend that perhaps she was unchaste under him!¹⁰ — Said R. Sherabia: When he betrothed her to himself and had immediately intercourse with her.¹¹ He who refers this¹² to the Baraitha,¹³ how much more [would this apply] to our Mishnah.¹⁴ But he who refers this to our Mishnah would not apply it to the Baraitha, because he could say unto her, 'I have relied upon the witnesses.'¹⁵

MISHNAH. HE WHO EATS WITH HIS FATHER-IN-LAW IN JUDAEA WITHOUT THE PRESENCE OF WITNESSES CANNOT RAISE A COMPLAINT REGARDING THE VIRGINITY. BECAUSE HE HAS BEEN ALONE WITH HER.¹⁶

GEMARA. Since it says¹⁷ in the Mishnah HE WHO EATS,¹⁸ It follows that there are

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places also in Judea where one does not eat.¹⁹ Abaye said: Conclude from this that in Judea, too, the places differ in their custom, as it was taught: R. Judah said: In Judea they used formerly to leave the bridegroom and the bride alone one hour before their entry into the bridal chamber, so that he may become intimate with her,²⁰ but in Galilee they did not do so. In Judea they used formerly to put up two best men,²¹ one for him and one for her, in order to examine the bridegroom and the bride when they enter the bridal chamber,²² and in Galilee they did not do so. In Judea formerly the best men used to sleep in the house in which the bridegroom and the bride slept, and in Galilee they did not do so. And he who did not act according to this custom could not raise the charge of non-virginity.²³ To which [does this²⁴ refer]? Shall I say [that it refers] to the first clause?²⁵ [If so,] It ought to read, 'He who acted²⁶ [according to this custom]!' Again²⁷ [if you will say that it refers] to the last clause,²⁸ it ought to read, 'He who was not examined!'²⁹ —

Abaye said: Indeed [it refers] to the first clause, so read.³⁰ 'He who acted [according to this custom].' Said Raba to him: But it reads,³¹ 'He who did not act!' But, said Raba, it means thus: He who did not act according to the custom of Galilee in Galilee but [acted] according to the custom of Judea in Galilee cannot raise the claim of virginity. R. Ashi said: Indeed [it refers] to the last clause,³² and we should read,³³ 'He who was not examined.'³⁴

MISHNAH. IT IS ALL ONE WHETHER [THE WOMAN IS] AN ISRAELITISH WIDOW OR A PRIESTLY WIDOW³⁵ — HER *KETHUBAH* IS A *MANEH*. THE COURT OF THE PRIESTS³⁶ COLLECTED FOR A MAIDEN³⁷ FOUR HUNDRED *ZUZ*, AND THE SAGES DID NOT PROHIBIT [IT] TO THEM.³⁸

GEMARA. A Tanna taught: And the priestly widow-her *Kethubah* is two hundred [*Zuz*]. But we have taught in our Mishnah: AN ISRAELITISH WIDOW AS WELL AS A

PRIESTLY WIDOW — HER *KETHUBAH* IS A *MANEH*! — Said R. Ashi: There were two ordinances. At first they³⁹ ordained for a maiden four hundred *Zuz* and for a widow a *Maneh*.

1. [For evidently he relied on the evidence that the first marriage was not consummated, and thus married her on the presumption that she was a virgin. and still it is said that he cannot bring a charge against her to make her forfeit the *Kethubah* of a *Maneh* to which she is entitled as a widow.]
2. And there may have been intercourse and this militates against the presumption that she was a virgin on the second marriage.
3. After the betrothal to the second husband. [Why then should he not be able to bring a charge against her so as to give witnesses an opportunity to testify as to the true facts?]
4. So that unchastity was impossible.
5. Lit., 'and some'.
6. I.e., the observations of Rabbah, R. Ashi and R. Sherabia.
7. I.e., the *Kethubah* of each of them.
8. V. *supra* p. 60, n. 11.
9. [So that it is to be assumed that the marriage was consummated, v. *supra* p. 60, n. 12.]
10. After the betrothal to the second husband.
11. So that unchastity was impossible.
12. I.e., the observations of Rabbah, R. Ashi and R. Sherabia.
13. Fol. I 11b, bottom. In the case of the Baraitha there were witnesses that there was no intercourse.
14. In the Mishnah there were no witnesses that no intercourse took place.
15. And in view of the testimony of the witnesses the presumption that she was a virgin is a strong one, so that R. Ashi's reply to Rabbah would not hold good. True, 'the first one married her,' but there are witnesses who say that no intercourse took place. Rabbah's deduction from the Baraitha would therefore be justified.
16. And he may have had intimate intercourse with his bride.
17. Lit., 'reaches'.
18. In the house of the father-in-law.
19. V. note 3.
20. Lit., 'that his heart may become bold,' towards her, that is that he may become used to her. V. Krauss, T.A II, p. 461. n. 341.
21. Heb. Shoshebin, groomsman, v. B.B. (Sonc ed.) p. 615, n. 10.
22. So that they should not deceive one another regarding the tokens of virginity (Rashi). [That would be in such localities in Judea where the young affianced people were not

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allowed to be alone before the entry into the bridal chamber. This shows that customs differed in Judea itself.]

23. Cf. Tosef. Keth. I.
24. The last sentence from 'and' till 'virginity'.
25. In which it said that in Judea they used to leave the bridegroom and the bride alone.
26. If he did not act according to this custom he ought to be able to raise the charge of non-virginity'.
27. Lit., 'but'.
28. With regard to the examination by the best men.
29. I.e., he over whom there was no supervision by the best man, v. Rashi
30. Lit., 'and teach'
31. Lit., 'teaches'.
32. With regard to the examination by the best men.
33. Lit., 'and teach'.
34. I.e., over, whom there was no supervision by the best man.
35. An Israelitish widow is the widow of an ordinary Israelite who was also the daughter of an ordinary Israelite. A priestly widow is a widow who was the daughter of a priest; v. Rashi.
36. [(a) A court of twenty-three judges holding sessions in priestly communities (Shittah Mekubbezeth. a.l.); (b) A Sanhedrin dominated by Sadducean or High-priestly elements. (V. Geiger Urschrift, pp. 114ff: and Buchler, Swartz Festshrift).]
37. For the virgin-maiden that was the daughter of a priest; v. Rashi.
38. Lit., 'did not strike at their hand', 'protest [(a) Although the same was recorded as part of the *Kethubah* proper and not as the extra addition. v. *infra* 54b, the payment thereof would be enforced; (b) or. although not recorded at all, the woman could collect it by virtue of the prevalent custom, v. Tosaf.]
39. The Court of the priests.

Kethuboth 12b

When they saw that they¹ treated them² lightly,³ they ordained for them⁴ two hundred [Zuz]. When they saw [again] that they⁵ kept away from them,⁶ for they⁷ said, 'Instead of marrying a priestly widow, we shall rather marry⁸ the virgin-daughter of an Israelite,⁹ they restored their [former] ordinance.¹⁰

THE COURT OF OUR PRIESTS, etc. R. Judah said [that] Samuel said: They¹¹ did not

say it only [regarding] the court of the priests.¹² but even the noble families¹³ in Israel, if they want to do as¹⁴ the priests do,¹⁵ may do [so]. An objection was raised: If one wants to do as¹⁴ the priests do,¹⁵ for instance [if] the daughter of an Israelite [gets] married to a priest. or the daughter of a priest [gets married] to an Israelite, one may do [so]. [We would infer from this that only if] the daughter of an Israelite [gets married] to a priest, or the daughter of a priest [gets married] to an Israelite, [it is allowed to do as the priests do], because there is [then] one side of priesthood.¹⁶ but if the daughter of an Israelite [gets married] to an Israelite, it is not [allowed to do as the priests do].¹⁷ — The Mishnah states here a case of 'not only'; not only [is it allowed¹⁸ in the case of] the daughter of an Israelite [getting married] to an Israelite, who cannot say to her 'I raise thee' [to a higher position];¹⁹ but [in the case of] the daughter of an Israelite [getting married] to a priest. who can say to her, 'I raise thee [to a higher position].'²⁰ I might think that it is not allowed,²¹ [hence] he lets us hear [that this is not so].²²

MISHNAH. IF A MAN²³ MARRIES A WOMAN AND DOES NOT FIND²⁴ IN HER VIRGINITY [AND] SHE SAYS, AFTER THOU HADST BETROTHED ME [UNTO THEE]²⁴ WAS FORCED AND [SO] THY FIELD HAS BEEN INUNDATED²⁵ AND HE SAYS, 'NO, BUT [IT OCCURRED] BEFORE I BETROTHED THEE [TO ME] AND MY BARGAIN WAS A MISTAKEN BARGAIN' — RABBAN GAMALIEL AND R. ELIEZER SAY [THAT] SHE IS BELIEVED. [BUT] R. JOSHUA SAYS: WE DO NOT LIVE FROM HER MOUTH,²⁶ BUT SHE IS IN THE PRESUMPTION OF HAVING HAD INTERCOURSE²⁷ BEFORE SHE WAS BETROTHED AND HAVING DECEIVED HIM, UNTIL SHE BRINGS PROOF FOR HER STATEMENT.²⁸

GEMARA. It was stated: [If one person says to another person]. 'I have a *Maneh* in your hand,'²⁹ and the latter³⁰ says. 'I do not know³¹ — Rab Judah and R. Huna Say: [He is] bound [to pay].³² and R. Nahman and R.

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Johanah Say: [he is] free [from the obligation to pay].³³ R. Huna and R. Judah say: [he is] bound [to pay]. [because they hold that] in the case of 'sure', and 'perhaps', 'sure' has it.³⁴ R. Nahman and R. Johanah say: [he is] free [from the obligation to pay] [because they hold the view]: leave³⁵ the money in the possession of its present owner.³⁶

Abaye said to R. Joseph: The opinion³⁷ of R. Huna and Rab Judah corresponds with the view of Samuel,³⁸ for we have learned: [If] she³⁹ was pregnant, and they said to her, 'What is the nature of this embryo?'⁴⁰ [and she answered]. 'It is from the man So-and-So, and he is a priest.' Rabban Gamaliel and R. Eliezer say [that] she is believed. And Rab Judah said [that] Samuel said [that] the *Halachah* is according to Rabban Gamaliel. And R. Samuel b. Judah said to Rab Judah: Sharp-witted one!⁴¹ You said to us in the name of Samuel [that] the *Halachah* is according to Rabban Gamaliel also in the first⁴² [Mishnah]. [Now what means]: 'also in the first [Mishnah]?' [Assuredly it must mean]. although one could say⁴³ 'leave the money in the possession of its [present] owner.' [still] Rabban Gamaliel said: 'sure' has it.⁴⁴ Is it [then] to say that R. Judah and R. Huna follow the opinion of Rabban Gamaliel, and R. Nahman and R. Johanah follow the opinion of R. Joshua? —

R. Nahman can answer you:⁴⁵ I even follow the opinion of⁴⁶ Rabban Gamaliel; only Rabban Gamaliel says it there⁴⁷ because there is *Miggo*.⁴⁸ but what *Miggo* is there here?⁴⁹ Or [again]: Rabban Gamaliel says it only there, because we Say: leave her in her presumptive state,⁵⁰ but here what presumptive state has he got?⁵¹ It is also evident that [it is right] as we have answered, that R. Nahman follows the opinion of⁵² Rabban Gamaliel,

1. The husbands who married widows of priestly stock.
2. The wives.
3. And easily divorced them, because the amount of their *Kethubah* was not high (Rashi).
4. The wives.

5. The would-be husbands.
6. The widows of priestly stock.
7. The would-be husbands.
8. Lit., 'we shall go and marry'.
9. Lit., 'a virgin, a daughter of an (ordinary) Israelite', seeing that both receive the same *Kethubah*.
10. Lit., 'they restored their words'.
11. The scholars.
12. That the *Kethubah* of the virgin-daughter of a priest could be increased to four hundred *Zuz*.
13. I.e., families of distinguished birth.
14. Lit., 'according to the way', 'manner'.
15. And increase the *Kethubah* to four hundred *Zuz*.
16. I.e., one of them, either the bridegroom or the bride, is of the priestly family.
17. And increase the *Kethubah* to four hundred *Zuz*.
18. To increase the *Kethubah* to four hundred *Zuz*.
19. As they are both of ordinary Israelite families.
20. To the privileged position of the wife of a priest.
21. To increase the *Kethubah* to four hundred *Zuz*.
22. That it is allowed to increase the *Kethubah* to four hundred *Zuz*.
23. Lit., 'he who marries'.
24. Lit., 'and he did not find'.
25. I.e., 'it is thy loss.
26. I.e., we do not go by what she says and we do not believe her.
27. With another man.
28. Lit., 'for her words'.
29. I.e., you owe me a *Maneh*.
30. Lit., 'this one'.
31. The person from whom the money is claimed neither denies nor admits the claim.
32. The person against whom the claim is made must pay' the *Maneh* to the claimant.
33. The person against whom the claim is made need not pay anything.
34. Lit., 'better', 'preferable'. — When one litigant asserts a certainty and the other litigant puts forward the plea of 'I do not know,' judgment is given for the one who asserts a certainty.
35. Or, let stand.
36. Lit., 'in the presumption of its owner'. The phrase here signifies: leave the money in the possession of its present holder, because, as he is the holder of the money', he is in the presumption of being its rightful owner.
37. Lit., 'This'.
38. Lit., 'it is of Samuel'.
39. An unmarried woman.
40. i.e., who is the father of this expected child,'
41. Heb. Shinena. V. B.K. (Sonc. ed.) p. 60 n. 2.

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42. I.e., in our Mishnah, which is the first of the three Mishnahs in which Rabban Gamaliel and R. Eliezer say that she is believed. The first Mishnah will also include the following Mishnah, where, as in our Mishnah, the *Kethubah* is the point at issue.
43. Lit., 'there is to say'.
44. [Since he accepts the woman's plea which is 'sure' in preference to the husband's which is 'doubtful'. Which shows that R. Huna and Rab Judah in their ruling follow the view of Samuel that the *Halachah* follows Rabban Gamaliel.]
45. Lit., 'R. Nahman says unto thee'.
46. Lit., 'I who say ever.
47. Lit., 'until now Rabban Gamaliel does not say there'.
48. *Miggo*, means since,' 'because,' and 'in consequence of,' and is used here as a legal term, denoting 'a legal rule according to which a deponent's statement is accepted as true on the ground that, if he had intended to tell a lie, he might have invented one more advantageous to his case,' v. Jast. s. v'. The *Miggo* here is this: Instead of saying that she was forced to have intercourse, she could have said that she was injured by a piece of wood. [This would be a more advantageous plea since it does not disqualify her from marrying a priest as does the plea that she had been forced. And similarly in the case of the next Mishnah she might have maintained that her accident happened after she had become betrothed to him, and thus is entitled to a *Kethubah* of two hundred *Zuz* instead of pleading that it occurred before, reducing thereby her claim to a *Maneh*. V. Rashi.]
49. In the case of the money claim, what *Miggo* is there which we could apply to the claimant? Therefore, we say, 'leave the money in the possession of its (present) owner.'
50. The presumption is that the maiden is a virgin. This presumption holds good until she had been found not to be a virgin, and this has been found only after her betrothal. Therefore she was, at the time of her betrothal, in the presumptive state of a virgin.
51. There is no presumption in favor of the claimant. The presumption is in favor of the person from whom the money is claimed, since he holds the money.
52. Lit., 'says'.

Kethuboth 13a

for if it were [not] so, there would be a difficulty between one law and another law, for it is established for us [that] in civil

matters the law is according to R. Nahman, whereas in this [case]¹ R. Judah [said] that Samuel said [that] the *Halachah* is according to Rabban Gamaliel,² Is it not then to be concluded from this [that it is] as we have answered?³ Conclude [so] from this.

MISHNAH. [IF] SHE⁴ SAYS, 'I WAS INJURED BY A PIECE OF WOOD', AND HE SAYS, 'NO, THOU HAST HAD INTERCOURSE WITH A MAN⁵ — RABBAN GAMALIEL AND R. ELIEZER SAY: SHE IS BELIEVED, AND R. JOSHUA SAYS: WE DO NOT LIVE FROM HER MONTH,⁶ BUT SHE IS IN THE PRESUMPTION OF HAVING HAD INTERCOURSE WITH A MAN,⁷ UNTIL SHE BRINGS PROOF FOR HER STATEMENT.⁸

GEMARA. With regard to what are their claims?⁹ — R. Johanan Says: With regard to two hundred¹⁰ [*Zuz*] and a *Maneh*.¹¹ R. Eleazar says: with regard to a *Maneh* and nothing.¹² R. Johanan says: With regard to two hundred [*Zuz*] and a *Maneh*, [because] he¹³ shares the opinion of R. Meir who says [that] whether he knew of her or did not know of her¹⁴ [she gets as her *Kethubah*] two hundred [*Zuz*]. And R. Eleazar says: With regard to a *Maneh* or nothing, [because] he shares the view of the Rabbis who say [that] whether he knew of her or did not know of her,¹⁴ [she gets as her *Kethubah*] a *Maneh*. It is quite right that R. Eleazar does not say as R. Johanan [says]. because he establishes it¹⁵ according to the Rabbis.¹⁶ But why does not R. Johanan say as R. Eleazar [says]? —

He holds [that when] he¹⁷ married her in the presumption of [her being] a virgin and she is found to have had intercourse, she has a *Kethubah* of a *Maneh*.¹⁸ [According to this view] here¹⁹ he would say. 'a *Maneh*,'²⁰ and she would say. 'a *Maneh*,'²¹ [and] what difference would there be between his claim and her claim?²² [Now] it is quite right according to R. Eleazar²³ that we have stated²⁴ two cases,²⁵ one²⁶ it to exclude the opinion of Rami b. Hama,²⁷ and one²⁸ to exclude the opinion of R. Hiyya b. Abin in the name of R. Shesheth.²⁹ But according to R.

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Johanan why are two cases necessary?³⁰ — One to show you the strength³¹ of Rabban Gamaliel, and one to show you the strength of R. Joshua. The first case to show you the strength of R. Joshua, that, although one could say [there] *Miggo*,³² she is not believed. The second case to show you the strength of Rabban Gamaliel, that, although one cannot say [there]³³ *Miggo*, she is believed.

MISHNAH. [IF] THEY³⁴ SAW HER³⁵ TALKING WITH SOMEONE,³⁶ AND THEY SAID TO HER, 'WHAT SORT OF A MAN IS HE?'³⁷ [AND SHE ANSWERED, 'HE IS] THE MAN SO-AND-SO AND HE IS A PRIEST — RABBAN GAMALIEL AND R. ELIEZER SAY: SHE IS BELIEVED,³⁸ AND R. JOSHUA SAYS: WE DO NOT LIVE FROM HER MOUTH,³⁹ BUT SHE IS IN THE PRESUMPTION OF HAVING HAD INTERCOURSE WITH A NATHIN⁴⁰ OR A MAMZER,⁴¹⁻⁴² — UNTIL SHE BRINGS PROOF FOR HER STATEMENT. [IF] SHE⁴³ WAS PREGNANT AND THEY⁴⁴ SAID UNTO HER, 'WHAT IS THE NATURE OF THIS FOETUS.'⁴⁵ [AND SHE ANSWERED, 'IT IS] FROM THE MAN SO-AND-SO AND HE IS A PRIEST — RABBAN GAMALIEL AND R. ELIEZER SAY: SHE IS BELIEVED,⁴⁶ AND R. JOSHUA SAYS: WE DO NOT LIVE FROM HER MOUTH,⁴⁷ BUT SHE IS IN THE PRESUMPTION OF BEING PREGNANT FROM A NATHIN OR A MAMZER,⁴⁸ UNTIL SHE BRINGS EVIDENCE FOR HER STATEMENT.

GEMARA. What is the meaning of 'TALKING'? Ze'iri said: She was hidden.⁴⁹ R. Assi said: She had intercourse.⁵⁰ It is quite right according to Ze'iri that it Says⁵¹ 'TALKING',⁵² But according to R. Assi why [does it say] 'TALKING?' — [It is] a more appropriate⁵³ expression, as it is written:⁵⁴ 'She eateth,⁵⁵ and wipeth her mouth,⁵⁶ and saith, 'I have done no wickedness.'⁵⁷ It is quite right according to Ze'iri that he teaches [in the Mishnah] two [cases]: 'TALKING' and 'PREGNANT',⁵⁸ But according to R. Assi, why [does the Mishnah teach] two [cases]? — One case⁵⁹ to declare her fit⁶⁰ and one case⁶¹ to declare her daughter⁶² fit.⁶³ That is quite right according to him who says

[that] he who declares her fit declares [also] her daughter fit.⁶⁴ But according to him who says [that] he who declares her fit declares her daughter unfit,⁶⁵ what is there to say? — R. Assi holds the view of him⁶⁶ who says [that] he who declares her fit declares [also] her daughter fit.

R. Pappa said to Abaye: According to Ze'iri who said: What Is TALKING?' She was hidden, and R. Joshua said [that] she is not believed — did not Rab say: We punish with lashes for the privacy⁶⁷ but we do not prohibit⁶⁸ on account of the privacy? Is it to say that it is not according to R. Joshua?⁶⁹ — You may even say [that it is according to] R. Joshua. [for] they set a higher standard in matters of priestly descent.⁷⁰

An objection was raised: [If] they⁷¹ saw her go in⁷² with someone⁷³ Into a secret [place]

1. I.e., the case of our Mishnah.
2. That she is believed, and consequently she gets a *Kethubah* of two hundred *Zuz*.
3. That even R. Nahman will follow the opinion of Rabban Gamaliel in the case of our Mishnah, that she is believed and gets a *Kethubah* of two hundred in.
4. The woman whose husband complains about the absence of virginity.
5. Lit., 'thou art one (that has been) trodden by a man'.
6. I.e., We do not go by her statement.
7. Since she has no virginity.
8. Lit., 'for her words'.
9. I.e., what is the claim of the husband and what is the claim of the wife?
10. She says that she was injured and claims a *Kethubah* of two hundred *Zuz*, on the view of R. Meir, *supra* 11a.
11. He says that she had intercourse with another man, in which case she gets only a *Maneh*; v. the statement of R. Hiyya b. Abin, *supra* 11b and Rabbah's statement, *supra* 12a.
12. She claims a *Maneh* as one who was thus injured and according to the Sages, (v. *supra* 11a) gets a *Maneh*. He says that she had intercourse with a man and therefore gets no *Kethubah* at all, on the view advanced by R. Ashi, *supra* 12a.
13. [I.e., The Tanna of this Mishnah shares, in the view of R. Johanan, the opinion of R. Meir, It cannot refer to R. Johanan as he would not be likely to accept the ruling of R. Meir in

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- preference to that of the majority of the Sages (Rashi).]
14. That she was thus injured, v. *supra* 11b.
 15. Our Mishnah.
 16. Who are the majority and according to whom the law is decided,
 17. The husband.
 18. V. *supra*, p. 68, n. 14.
 19. In our Mishnah,
 20. I.e., That she is entitled only to a *Maneh* because he believed her on marriage to be a virgin and found it was not so.
 21. If R. Johanan would say as R. Eleazar says that she could only claim a *Maneh* owing to her accident.
 22. Hence R. Johanan has had to explain the Mishnah as representing the view of R. Meir.
 23. Who says that if she had intercourse with a man, she gets no *Kethubah* at all.
 24. Lit., 'he teaches',
 25. The case of our Mishnah and that of the previous Mishnah.
 26. The case of our Mishnah.
 27. Who says (*supra* 11b) that if the husband did not know' that she had an accident she gets no *Kethubah* at all.
 28. The case of the previous Mishnah, where the husband says 'my bargain is a mistaken one, taken to mean that the woman is entitled to no *Kethubah* at all,
 29. Who says that, even if she had intercourse with another man, she gets a *Kethubah* of a *Maneh*, v. *supra* 11b.
 30. [Only the case of the second Mishnah should have been stated as illustrating the difference of opinion between R. Gamaliel and R. Joshua in regard to the pleas of 'sure' and 'perhaps', and thus incidentally excluding the opinion of Rama b. Hama, whereas the case of the first Mishnah could' be inferred from the second one.]
 31. I.e., how strong his view is.
 32. V. *supra*, p. 67. n. 8.
 33. [Since on the view of R. Johanan she gets in any case two hundred *Zuz*, even if the husband was unaware of the accident that happened before the betrothal, v. *supra*. p. 69.
 34. People.
 35. An unmarried woman.
 36. A man.
 37. Lit., 'what is the nature (or character) of this man'?
 38. And she may marry a priest
 39. I.e., we do not go by her statement.
 40. V. [Glos.](#)
 41. 'Mamzer' is usually translated by 'bastard'. Marriage with a 'Momzer' and a 'Nathin' was forbidden; v. Yeb. 78b. As to what constitutes a 'Mamzer' v. Yeb. 49a.
 42. And the intercourse with a 'Nathin' or a 'Mamzer' makes her unfit to marry a priest.
 43. An unmarried woman.
 44. People.
 45. V. *supra* p. 66 n. 17.
 46. And she and her child are fit for priestly marriage.
 47. I.e., we do not go by her statement.
 48. And neither she nor her child is fit for priestly marriage.
 49. 'TALKING' means: 'she was hidden' with a man, and she may have had with him intercourse.
 50. 'TALKING' means: 'she had intercourse' with the man.
 51. In the Mishnah. Lit., 'that he teaches'.
 52. Secret talking. Talking in hiding is also 'talking'.
 53. I.e., euphemistic.
 54. Proverbs XXX, 20.
 55. Also euphemistic expressions.
 56. Also euphemistic expressions.
 57. The first part of the verse reads: 'So is the way of all adulterous woman.
 58. One case of suspicion and one case of certainty. V. also Rashi.
 59. The case of 'TALKING'.
 60. To marry a priest, according to R. Gamaliel.
 61. The case of 'pregnant'.
 62. If the child that was born was a daughter.
 63. To marry a priest, according to R. Gamaliel.
 64. V. *infra* 13b.
 65. [Whereas the mother has had a presumption of fitness, this cannot be said of her daughter who was born under suspicion, v. *infra* 13b.]
 66. Lit., 'holds Its',
 67. I.e., the being alone of a man with a married woman. V. Levy and Jast. s.v. [H].
 68. The married woman to her husband. In spite of the fact that the woman was alone with another man we do not assume that misconduct took place.
 69. According to R. Joshua we would not believe her and we would say that misconduct took place. Consequently, she ought to be forbidden to her husband.
 70. In order to ensure the purity of the priestly families, he made the law stringent in our Mishnah. But ordinarily R. Joshua would not forbid a wife to her husband on account of her having been alone with another man.
 71. People.
 72. Lit., 'that she went in'.
 73. I.e., with a man.

Kethuboth 13b

or into a ruin,¹ and they said to her, 'What sort of a man is he?' [and she answered]. 'he

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is a priest and he is the son of the brother of my father' — Rabban Gamaliel and R. Eliezer say: She is believed. R. Joshua says: We do not live from her mouth, but she is in the presumption of having had Intercourse with a Nathin or a Mamzer, until she brings proof for her statement. Now it is quite right according to Ze'iri,² that he teaches³ two [cases]: into a secret [place] or into a ruin.⁴ But according to R. Assi who said: She had intercourse,⁵ why does it teach⁶ two cases?⁷ — It teaches [only] one [case]: into the secret [place] of the ruin.⁸ But it teaches: into a secret [place] or into a ruin! —

[But say] one [expression stands] for a ruin of a town and one [expression stands] for a ruin of a field. And they are [both]⁹ necessary. for if it¹⁰ had told us [only] concerning a ruin of a town [one might have said that] in this [case] Rabban Gamaliel declares her fit because most¹¹ [of the men] of the town are fit with regard to her,¹² but in [the case of] a ruin of a field, when most [of the men]¹³ are unfit with regard to her.¹⁴ I might say that he agrees with R. Joshua.¹⁵ And if it¹⁶ had told us [only] this [case]¹⁷ [I might have said that only] in this case¹⁸ did R. Joshua say [that she is not believed], but in that [case]¹⁹ I might say [that] he agrees with Rabban Gamaliel;²⁰ [therefore] it was necessary [to state both cases].

An objection was raised:²¹ This²² is a testimony with regard to which the woman is fit.²³ But R. Joshua Says: She is not believed. Said R. Joshua to them:²⁴ Do you not agree that in the case of a woman²⁵ who was captured, and there are witnesses that she was captured, and she says. 'I am pure.'²⁶ she is not believed? They said to him, 'Yes: but what a difference there is between this case and that case.'²⁷ In this case²⁸ there are witnesses,²⁹ and in that case³⁰ there are no witnesses.³¹ He said to them: In that case too³² there are also witnesses, for her stomach reaches up to her teeth.³³ They said to him, 'Most of the idolaters are unrestrained in sexual matters.' He said to them: 'There is no guardian against

unchastity.'³⁴ This applies³⁵ only in the case of the testimony of the woman with regard to herself.³⁶ but in the case of the testimony of the woman with regard to her daughter. all agree that the child is a Shethuki.'³⁷ —

[Now] what did he³⁸ say unto them³⁹ and what did they answer him? This they said unto him: 'You have answered us with regard to the pregnant woman,⁴⁰ what will you answer us with regard to the woman [whom they saw] talking [to a man]?'⁴¹ — He said to them: The woman [whom they saw] talking [to a man] is the same as the captive woman.⁴² They said to him, 'The captive woman is different, for most of the idolaters are unrestrained in sexual matters.'⁴³ He said to them: Here also,⁴⁴ since she hid herself,⁴⁵ there is no guardian against unchastity.⁴⁶ [Now] at all events he teaches two [cases]: The woman [whom they saw] talking [to a man] and the pregnant woman!⁴⁷ [This is] a refutation of R. Assi,⁴⁸ [This is indeed] a refutation,⁴⁹ — But let this difference weigh with him⁵⁰ There⁵¹ most of the men are unfit with regard to her, but here⁵² most of the men are fit with regard to her! — This⁵³ supports the opinion of R. Joshua b. Levi, for R. Joshua b. Levi said: He who declares her fit⁵⁴ declares her fit even when most of the men are unfit,⁵⁵ and he who declares her unfit declares her unfit even when most of the men are fit.⁵⁶

R. Johanan said: He who declares her fit declares also her daughter fit, [and] he who declares her unfit declares also her daughter unfit. And R. Eleazar said: [Even] he who declares her fit declares her daughter unfit. Rabba said: What is the reason of R. Eleazar? [This:] It is quite right [with regard to her], she has the presumption of fitness,⁵⁷ [but] her daughter has no presumption of fitness.⁵⁸ R. Eleazar objected to [the ruling of] R. Johanan: This only applies to the testimony of the woman with regard to herself, but in the case of the testimony of the woman with regard to her daughter, all agree that the child is a Shethuki.⁵⁹ Does this not [mean] a Shethuki and unfit? — No, a

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Shethuki and fit. But is there a Shethuki [who is] fit? —

Yes, according to Samuel, for Samuel said: [If] ten priests are standing together and one of them goes away⁶⁰ and has intercourse [with a woman], the child is a Shethuki. Now what [means here] a Shethuki? Is it to say that he is 'silenced' from the property of his father?⁶¹ This is evident! Do we know who his father is? — It means one silences him from the rights of priesthood,⁶² for it is written: 'And it shall be unto him and to his seed after him the covenant of an everlasting priesthood.'⁶³ [that is, only] one whose seed is legitimately descending from him, excluding this one,⁶⁴ whose seed is not legitimately descending from him.⁶⁵

A bridal couple⁶⁶ once came before R. Joseph. She said, 'It⁶⁷ is from him'.⁶⁸ and he said,

1. A deserted building.
2. According to whom 'talking secretly'. or being with a man in a secret place, gives grounds for suspicion, though it does not necessarily imply intercourse.
3. In the Baraitha just quoted.
4. 'Into a secret place' does not imply misconduct, but 'into a ruin' does imply misconduct.
5. Talking secretly, or being with a man in a secret place. affords no grounds for suspicion unless there has been some evidence of misconduct.
6. In the Baraitha just quoted.
7. Since the reference here is to a case where misconduct was seen to have taken place, what matters it whether it occurred in a secret place or a ruin?
8. The Baraitha is to be understood as if the reading was 'into the secret (place) of the ruin,' and thus only one case is mentioned.
9. Both expressions.
10. In the Baraitha just quoted.
11. Lit., 'the majority'.
12. Most of the inhabitants of the town are Jews, and the intercourse with a Jew does not make her unfit to marry a priest.
13. All kinds of men resort from all parts to a ruin in the field (Rashi).
14. She might have had intercourse with a man who makes her unfit to marry a priest.
15. That she is not believed.

16. The Baraitha just quoted.
17. A ruin of a field.
18. A ruin of a field.
19. A ruin in the town.
20. That she is believed.
21. Cf. Tosef. Keth. I. This is a continuation of a passage in the Tosef, which is identical with the first part of the second case of our Mishnah: 'She was pregnant (and they said unto her, "What is the nature of this embryo" (and she answered, "It is) from the man So-and-so (and) he is a priest"' — Rabban Gamaliel and R. Eliezer say: She is believed.
22. For variants v. Tosef. *loc. cit.*
23. I.e., the woman is legally fit to give that testimony and she is believed.
24. R. Gamaliel and R. Eleazar, v. n, 20.
25. Lit., 'a woman captive'.
26. I.e., no man had intercourse with me during my captivity.
27. Lit., 'between this (woman) and this (woman)'.
28. Lit., 'to this woman'.
29. In the case of the captive woman there ate witnesses that she was captured.
30. Lit., 'and to this (woman)'.
31. In the case of the pregnant woman (the case of the Tosefta and our Mishnah) there are no witnesses that she had intercourse with one who makes her unfit for marrying a priest. It is clear, especially from the wording in the Tosefta, that this whole sentence, from 'yes,' until 'witness, is spoken by Rabban Gamaliel and R. Eliezer. V. Rashi.
32. Of the pregnant woman.
33. A figurative expression for 'she is visibly pregnant
34. No one is immune from the possibility of having forbidden sexual intercourse. And the pregnant woman may have had intercourse with one forbidden to her and may thus have become unfit for a priestly marriage. The whole passage is explained soon.
35. Lit., 'with regard to what are these words said'? When do Rabban Gamaliel and R. Eliezer hold that she is believed?
36. Her testimony with regard to herself is believed.
37. A Shethuki (lit., 'silenced') is defined in Kid. 69a as one who knows his mother but does not know who his father is. Therefore, the woman herself may marry a priest, but if she gave birth to a daughter, that daughter may not marry a priest. The corresponding sentence in the Tosefta is much shorter; viz 'This applies only to the testimony with regard to herself, but with regard to the child all agree that it is a Shethuki'.
38. R. Joshua.
39. R. Samuel and R. Eliezer.

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40. Her pregnancy is evidence against her.
41. Why should she not be believed?
42. The one case is similar to the other case. In both cases there is a strong possibility of intercourse.
43. It is not only a question of sexual intercourse, but it is also a question who it was with whom the woman had intercourse. In the case of the captive woman, she is made unfit for priestly marriage, because the men among whom she finds herself are mostly unfit for her. But not so in the case of the woman who was talking to a man, where most men are fit for her, v. *supra*.
44. In the case of the woman who was talking to another man.
45. She was talking to the man secretly.
46. And she may have had intercourse with a man who makes her unfit for a priestly marriage.
47. The 'talking woman' and the pregnant woman are, at all events, two different
48. According to whom the case of the 'talking woman' is also a case of certain sexual intercourse.
49. I.e., R. Assi stands refuted.
50. Or, let it be a difference to him (R. Joshua). Lit., 'let it go out to him' — 'let it be different to him'.
51. In the ease of the captive woman.
52. In the case of the 'talking woman,
53. The fact that R. Joshua disregards this difference.
54. Lit., 'according to the words of him who declares her fit'.
55. With regard to her, as in the case of the captive woman.
56. With regard to her, as in the case of the 'talking woman'.
57. Legal fitness. She is of legitimate birth and she is fit to marry a priest. The doubt as to the nature of the man with whom she had intercourse does not destroy the presumption of her fitness.
58. Because suspicion attaches to her very birth. If the man who is the father is unfit, then she is unfit and must not marry a priest. The doubt is sufficient to make her unfit, since there is no presumption of fitness to remove.
59. V. p. 73, n. 10 and p. 74. n. 4.
60. Lit., 'separated himself'.
61. I.e., he does not inherit the property of his (alleged) father.
62. He has no share in the rights and privileges of priesthood.
63. Num, XXV, 13.
64. The unknown father of the Shethuki.
65. [He cannot transmit the rights of priesthood to his seed, v. Yeb. 100b, but as regards marriage with one of priestly stock, this

Shethuki is permitted. This shows that one may be a Shethuki and yet fit.]

66. Lit., 'that betrothed (man) and his betrothed (woman)'.
67. The child with which she was pregnant.
68. From her fiancé.

Kethuboth 14a

'Yes. [it is] from me.' R. Joseph said: Why should we be afraid? First,¹ he admits, and moreover, Rab Judah said [that] Samuel said: The *Halachah* is according to Rabban Gamaliel.² Abaye said to him: And in this [case]. if he did not admit, would Rabban Gamaliel declare her as fit? Did not Samuel say to Rab Judah: 'Sharp-witted one! The *Halachah* is according to Rabban Gamaliel, but you should not act upon it,³ unless most men are fit for her,' whereas here most men are unfit for her!⁴ — And according to your reasoning is not this [statement] in itself difficult? [First he says] 'The *Halachah* [is., etc.]' [and then] 'do not act in practice [on it]!'⁵ Hence you must say: The one ruling applies before⁶ the other after it was done,⁷ and in this case also it is like 'after it was done.'⁸

Abaye asked⁹ Raba: Did R. Joshua Say: She is not believed? This would be in contradiction with the following: R. Joshua and R. Judah b. Bathyra testified concerning the widow¹⁰ [of one who was] of a mixed family¹¹ that she is fit to marry a priest!¹² — He said to him: Now is this so?¹³ There¹⁴ the woman marries, and [in that case] she examines¹⁵ and [then] marries; but here¹⁶ the woman misconducts herself; does she first examine and then misconduct herself?¹⁷

Raba said: Is the contradiction [only] between [one statement of] R. Joshua and [the other Statement of] R. Joshua. [but] not¹⁸ between [one Statement of] Rabban Gamaliel and [another Statement of] Rabban Gamaliel?¹⁹ Surely the concluding clause²⁰ teaches: Rabban Gamaliel said to them: We accept your testimony,²¹ but what can we do, since Rabban Johanan b. Zakkai decreed that no court be set up for this purpose.²²

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because the priests will obey you to remove²³ but not to bring near?²⁴ —

But, said Raba; there is no contradiction between [the statement of] Rabban Gamaliel and [the other statement of] Rabban Gamaliel, [because] there²⁵ it is sure²⁶ [and] here²⁷ it is 'perhaps.'²⁸ Neither is there a contradiction between [the one statement of] R. Joshua and [the other statement of] R. Joshua, [because] there²⁹ there is one doubt³⁰ [and] here³¹ there is a double doubt.³² Therefore, according to Rabban Gamaliel the 'sure' is [so] strong³³ [a plea] that even where [there is only] one doubt³⁴ he declares [her] fit,³⁵ and the 'perhaps' is [so] weak [a plea]³⁶ that even where there is a double doubt³⁷ he declares [her] unfit.³⁸ [And] according to R. Joshua one doubt³⁹ is [so] strong that even in the case where [she pleads] 'sure' he declares [her] unfit,⁴⁰ and a double doubt⁴¹ is [so] light⁴² that even in the case where [she pleads] 'perhaps' he declares [her] fit.⁴³

Our Rabbis taught: Which is the widow⁴⁴ [of one] of a mixed family? When there is with regard to it⁴⁵ [no doubt] on account of Mamzeruth,⁴⁶ Nathinuth⁴⁷ and on account of slaves of the kings.⁴⁸ R. Meir said:

1. Lit., 'one'.
2. That she is believed, v. *supra* 12b.
3. Lit., 'thou shalt not do a deed'.
4. As she is betrothed, the only man fit for her is her fiancé. To all other men she is prohibited.
5. This seems self-contradictory!
6. [If a priest comes to seek guidance in regard to such a marriage we declare it not permissible unless he was held fit for the woman.]
7. [If he did marry her without consulting the authorities he may retain her.]
8. [Since she is already betrothed we do not force the bridegroom to put her aside.]
9. Lit., 'raised (a contradiction) to'.
10. V. p. 78, n. 9.
11. [H] means 'dough' and is also a designation for a mixed community or a mixed family, that is a community or a family with an admixture of illegitimate persons or persons of doubtful legitimacy, v. Kid. 69b.
12. [This shows that we place her on her erstwhile presumption of fitness and refuse to disqualify her for the sake of a doubt.]
13. I.e., what a comparison!

14. In the case of 'Ed.
15. The purity of the family.
16. In the case of our Mishnah.
17. Therefore she is not believed.
18. Lit., 'is there no contradiction'.
19. And one must endeavor to explain R. Gamaliel also.
20. Of the Mishnah in 'Ed.
21. I.e., we approve of what you say.
22. [Of declaring the legitimacy of such a doubtful case.]
23. I.e., not to allow persons of doubtful legitimacy to join their families.
24. They will not obey the court if permission is given for persons of doubtful legitimacy to enter their families. V. 'Ed. (Sonc. ed.) p. 48, nn. 2-7.
25. In the case of our Mishnah.
26. She says that she is sure that she had intercourse with a legitimate person.
27. In the Mishnah in 'Ed.
28. As it is a case of [H] the woman herself cannot say that she is sure that the family is free from illegitimate admixtures.
29. In the case of our Mishnah.
30. Whether the man with whom she had intercourse was fit or unfit (regarding the priesthood).
31. In the Mishnah in 'Ed.
32. Indeed, in the case of a widow of a member of a mixed family there are many doubts of illegitimacy.
33. I.e., important.
34. Against her.
35. For the priesthood.
36. Unimportant.
37. V. p. 77, n. 20.
38. For the priesthood.
39. In the case of our Mishnah
40. For the priesthood.
41. In the Mishnah in 'Ed.
42. Unimportant.
43. For the priesthood. In short, with Rabban Gamaliel the 'sure' outweighs one doubt, and with R. Joshua one doubt outweighs the 'sure'.
44. Who has been held to be fit for marrying a priest: Tosaf. omits 'widow'. And indeed in Tosef., kid. V the word is left out. The reference will be to a girl of a mixed family and not to a widow of a member of a mixed family. v. Tosaf. [On the whole subject of [H] v., Rosenthal F. *MGWJ* 1881, also pp. 38ff and Freund L. Schwartz-Festschrift p. 163ff and Graetz *op. cit.* 1879, pp. 99ff].
45. The family.
46. Mamzer-ship.
47. Nathin-ship. For Nathin and Mamzer v. [Glos.](#)
48. Cf. Neh. VII, 57, and Yeb. 17b. [According to Rashi the reference is to the Herodian

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dynasty.] When there is no suspicion, with regard to that family, of intermarriage with Mamzerim, Nethinim and royal slaves.

Kethuboth 14b

I have heard that when there is none of these [defects] in the family one permits [its members] to marry into the priesthood. R. Simeon b. Eleazar said in the name of R. Meir. and R. Simeon the son of Menasia also said it:¹ Which is the widow [of one] of a mixed family? When a doubtful Halal² was mixed up³ in it, [for] the Israelites know the Mamzerim who are among them, but they do not know the Halalim who are among them.⁴

The Master said: 'Which is the widow [of one] of a mixed family? When there is with regard to it [no doubt] on account of Mamzeruth, Nethinuth and on account of slaves of the kings'. [This would show that if there is a doubt on account of] a Halal [in the family] it is fit.⁵ Why should these⁶ be different? [Because] these are Biblical? A Halal is also Biblical!⁷ And further:⁸ 'R. Meir said: I have heard that when there is none of these [defects] in the family one permits [its members] to marry into the priesthood'. This is the same [as that which] the first Tanna⁹ [taught]!

And further:¹⁰ 'R. Simeon b. Eleazar said in the name of R. Meir, and R. Simeon b. Menasia also said it: Which is the widow [of one] of a mixed family? When a Halal was mixed up in it, [for] the Israelites know the Mamzerim who are among them, but they do not know the Halalim who are among them.' Surely it says in the first clause [that if there is a doubt regarding] a Halal [in the family, the family is] fit [to marry into the priesthood]! R. Johanan said: There is a difference between them [concerning a person who when he is called] Mamzer protests and [when he is called] Halal is silent. The first Tanna holds [that] every person who when called 'unfit' is silent is [considered] unfit, and thus the first Tanna said: Which is the widow [of one] of a mixed

family? When there is in it no one who is silent if he is called Mamzer or Nathin, or slave of the king, or Halal.

Whereupon R. Meir said to him: This applies only to [each of] these cases¹¹ since [he who calls him thus is liable to] render him unfit [to enter] into [the congregation,] but he who is called a Halal and is silent,¹² is fit, and the reason he is silent is that it does not trouble him.¹³ Whereupon R. Simeon b. Eleazar said to the first Tanna¹⁴ of R. Meir: If you have heard that R. Meir declares the person fit in the case of silence, this is not when he is called Halal and is silent, but when he is called Mamzer and is silent, for the reason he is silent is because he says to himself; 'a Mamzer is well-known'.¹⁵ But [if he is called] Mamzer and he protests. or [he is called] Halal and is silent he is unfit,¹⁶ for the reason he is silent is because he thinks, 'it is enough if he is not excluded from the congregation'.¹⁷

One Baraitha taught: R. Jose says: [if he is called] Mamzer and is silent, he is fit, and if he is called Halal and is silent, he is unfit. And another Baraitha taught: [if he is called] Halal and is silent he is fit, [but if he is called] Mamzer and is silent, he is unfit. There is no difficulty,¹⁸ the one¹⁹ is according to the first Tanna in the sense of R. Meir, and the other one is according to R. Simeon b. Eleazar in the sense of R. Meir.

MISHNAH. R. JOSE SAID: IT HAPPENED THAT A GIRL WENT DOWN TO DRAW²⁰ WATER FROM A SPRING AND SHE WAS RAVISHED. R. JOHANAN B. NURI SAID: IF MOST OF THE INHABITANTS²¹ OF THE TOWN MARRY [THEIR DAUGHTERS] INTO THE PRIESTHOOD,²² THIS [GIRL] MAY [ALSO] MARRY INTO THE PRIESTHOOD.²³

GEMARA. Raba said to R. Nahman: According to whom did R. Johanan b. Nuri say [this in the Mishnah?]. If according to Rabban Gamaliel, [surely] he declares as fit even when there is a majority of unfit!²⁴ [And] if it is according to R. Joshua, [surely] he declares as unfit even when there is a

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majority of fit!²⁵ — He said to him: Rah Judah said [that] Rab said:

1. Lit., 'according to his words'.
2. Halal is one who is profaned, unfit for priesthood on account of his father's illegitimate connection. Cf. Lev. XXI, 15 and v. Kid. 77a and 77b. A doubtful Halal is a person about whom there is a doubt whether he is a Halal or not.
3. [H] means 'to he mixed up beyond recognition'. V. Jast.
4. Therefore one has to be careful with regard to doubtful Halalim.
5. [The widow would not be disqualified where there was a doubtful admixture of a Halal in her dead husband's family.]
6. [The marriage to any one of those enumerated in the Baraitha is Biblically forbidden and consequently renders the woman who marries the offspring of such an union unfit for a subsequent marriage to a priest, v. Yeb. 68a.]
7. Cf. Lev. XXI, 15, and Yeb. 68a.
8. Another difficulty.
9. The first statement of the Baraitha and R. Meir's are practically identical.
10. Another difficulty.
11. Mamzer, Nathin and royal slave.
12. [And does not protest against the stigma attached to his descent.]
13. Since he is not excluded from the congregation.
14. That is, the teacher who transmitted the words of R. Meir and said in his name 'I have heard, etc.' and not the first Tanna of the cited Baraitha.
15. Lit., a Mamzer has a voice — And since he is not regarded generally as a Mamzer he does not think it worth while to protest against the assertion of one man.
16. For the priesthood.
17. As he is not excluded from the congregation, he does not desire any investigations into his origin (Rashi).
18. There is no contradiction between these two Baraithas.
19. The second Baraitha.
20. Lit., 'to fill'.
21. Lit., 'men',
22. Are entitled to marry their daughters to priests. This shows that they are 'fit'.
23. Because the man with whom she had intercourse is taken to be one of the majority, and the majority consists of 'fit' men,
24. Because he places the woman on the presumption of fitness, v. *supra* 13b.
25. V. *supra* 13b.

The incident¹ happened at the springs² of Zepphoris, and the ruling followed R. Ammi, for R. Ammi said: and that is when a company of unfit men passed by there,³ and also R. Jannai. for R. Jannai said: if she had intercourse at the springs she is fit for the priesthood. — Do you really mean to say at the springs? — But rather [say]: If she had intercourse at the time of [the people visiting] the springs she is fit for the priesthood. But if someone went⁴ from Zepphoris and had intercourse [with her], the child is a Shethuki.⁵

This is according to the following: When R. Dimi came⁶ he said that Ze'iri said [in the name of] R. Hanina, and some say: Ze'iri said [in the name of] R. Hanina:⁷ One goes after the majority of [the inhabitants of] the town and one does not go after the majority of the [passing] company. — Just the reverse! These⁸ move about and those⁹ are stationary!¹⁰ — But [say thus]: One goes after the majority of the [inhabitants of the] town, but only when there is [also] the majority of the [passing] company with it, but one does not go after the majority of the [inhabitants of the] town alone, nor after the majority of the [passing] company alone.¹¹ — What is the reason?¹² — It is prohibited¹³ [to go after] the majority of the [passing] company in order to prevent¹⁴ [going after] the majority of [the inhabitants of] the town. But even [in the case of] the majority of [the inhabitants of] the town, if he, went¹⁵ to her, [let us say that] he who separates himself separates himself from the majority?¹⁶ —

It speaks of a case¹⁷ when she went to him.¹⁸ so that he was stationary,¹⁹ and R. Zera said: All that is stationary is considered as half to half.²⁰ But do we require two majorities? Has it not been taught: if nine [meat] shops.²¹ all of them, sell ritually killed meat. and one [shop sells] meat not ritually slaughtered and he bought in²² one of them and he does not know in which of them he bought. it is prohibited because of the doubt;²³ but if [meat] was found,²⁴ one goes after the majority?²⁵ And if you will say that [it speaks

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of a case] when the gates of the city are not closed,²⁶ so that a majority²⁷ came [also] from outside,²⁸ did not R. Zera say: even when²⁹ the gates of the city are closed? — Where purity of descent is concerned they³⁰ put up a higher standard.³¹

The text says: 'R. Zera said: All that is stationary is considered as half to half.' [This apparently means] whether it is for leniency or for strictness.³² Whence does R. Zera take it? Shall I say from [the Baraita which teaches that] if nine [meat] shops, all of them, sell ritually killed meat and one [shop sells] meat not ritually slaughtered and he bought in one of them³³ and he does not know in which of them he bought, it is prohibited because of the doubt; but if [meat] was found, one goes after the majority? There it is for strictness!³⁴ But [he derives it] from [the following]: If there were [in a certain place] nine frogs and one reptile³⁵ and he touches one of them and he does not know which of them he touched he is unclean because of the doubt? — There also it is for strictness!³⁶ — But [rather] from [the following]: If there were [in a certain place] nine reptiles and one frog and he touches one of them and he does not know which of them he touched, [if this happened] on private ground he is unclean because of the doubt, [but] if this happened in a public place,³⁷ he is clean because of the doubt.³⁸

And how do we know this³⁹ from the Bible? — The verse says: And if he lie in wait for him and rise up against him,⁴⁰ [that is to say that he is not guilty of murder] until he intended [to kill] him. And the Rabbis? — They said in the school of R. Jannai: This excludes one who throws a stone into [a group of people]. What case do you mean? Do you mean a case when there are nine idolaters and one Israelite? Let it be sufficient for him⁴¹ that the majority are idolaters, [and] even if [you will say that it is considered as] half to half, [the rule is that] when there is a doubt in capital cases one takes a lenient view! — It speaks of a case when there are nine Israelites and one

idolater, so that the idolater is stationary, and whatever is stationary is considered as half to half.⁴²

It was stated: R. Hiyya b. Ashi [said that] Rab said [that] the law is according to R. Jose.⁴³ And R. Hanan b. Raba [said that] Rab said [that] it was [only] a decision for the hour.⁴⁴ R. Jeremiah argued: And for pure descent we do not require two majorities? Have we not learned:

1. Related in our Mishnah.
2. [H] *var. lec.* ([H]) 'spring', so Levy. V. also Krauss, TA. I 212. Jast.: 'Caravan', 'Station'.
3. [So that there were two majorities of fit persons — the majority of local inhabitants and the majority of visitors from outside].
4. Lit., 'separated himself'.
5. V. *supra* 13b and [Glos.](#)
6. To Palestine.]
7. Leaving out R. Dimi.
8. The people of the passing company.
9. The inhabitants of the town.
10. Lit., 'and these are fixed and stand'. — As to the point of the question, v. *infra*.
11. I.e., there must be two majorities.
12. That we do not go after the majority of the (passing) company.
13. Lit., 'a prohibition'
14. Lit., 'on account of'.
15. Lit., 'if they went', that is to say one of the inhabitants of the town.
16. I.e., he who comes away from a crowd, or a community is regarded as having come away from those who constitute the majority of the crowd or community. And if the majority of the town consists of fit people, we ought to assume that the man who had intercourse with the woman was one of the majority and did not disqualify her from marrying a priest, and that no blemish attaches to the child.
17. Lit., 'no, necessarily'.
18. Lit., 'to them'.
19. I.e., fixed in one place.
20. The rule of majority does not apply, v. *infra*.
21. Out of the ten meat-shops that are in the market
22. Lit., 'from'.
23. Lit., 'its doubt is prohibited'. [Because the prohibited minority is in a fixed, settled place (Kabu'a), v. *infra*.]
24. In the market-place, in which the ten shops are situated.
25. And the majority of the shops sell ritually killed meat. Thus we see that one single majority is sufficient.
26. [And meat is admitted from the outside.]

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27. Of butchers selling ritually killed meal.
28. Lit., 'from the world'. [So that there are two majorities — the majority of local Jewish butchers and the majority of Jewish butchers from outside.]
29. Lit., 'although'.
30. The Sages.
31. And therefore two majorities are required, cf. *supra* 13a.
32. I.e., whether the result of this rule is lenient or strict, that is, to allow or to prohibit (whichever it may be).
33. This illustrates the principle of *Kabu'a*, a fixed, stationary prohibition.
34. And you cannot derive from this for leniency.
35. Dead reptiles make ritually unclean, but not frogs, v. Lev, XI, 29.
36. And you cannot derive from this for leniency.
37. [On the principle that a doubtful ease of uncleanness is clean if it arises in a public place but unclean if in private ground v. Sot. p. 140.]
38. From this Baraita you can derive both for strictness and for leniency.
39. The rule: what is stationary is considered half to half.
40. V. Deut. XIX, 11.
41. Lit., 'let it be deduced by him'.
42. For full notes on this passage v. Sanh. (Sonc. ed.) p. 531, n. 4 and B.K. (Sonc. ed.) p. 253.
43. In our Mishnah.
44. A special decision for the occasion, regard having been had to certain circumstances, which is not to be taken as a precedent, for elsewhere two majorities are required.

Kethuboth 15b

[If] one found in it¹ an abandoned² child — if the majority [of the inhabitants of the town consist of] non-Israelites [the child is] a non-Israelite, if the majority [of the inhabitants of the town consist of] Israelites [the child is] an Israelite, [and if the inhabitants of the town are] half to half, [the child is] an Israelite.³ And Rab said: They have taught this only with regard to sustaining it,⁴ but not with regard to pure descent. And Samuel said: [They have taught this only] with regard to removing debris⁵ for its sake?⁶ — That which Rab Judah said in the name of Rab⁷ [namely, that] the incident happened at the springs of Zepphoris,⁸ escaped his² attention.¹⁰ But according to R. Hanan b. Raba who said [that] it was a decision for the

hour,¹¹ it is difficult!¹² He who taught this¹³ did not teach that.¹⁴

The [above] text [says]: '[If] one found in it an abandoned child — if the majority [of the inhabitants of the town consist of] non-Israelites [the child is] a non-Israelite. if the majority [of the inhabitants of the town consist of] Israelites [the child is] an Israelite, [and if the inhabitants of the town are] half to half [the child is] an Israelite. Rab said: They have taught this only with regard to sustaining it, but not with regard to pure descent. But Samuel said: [They have taught this only] with regard to removing debris for its sake.' But did Samuel say so? Did not R. Joseph say that R. Judah said in the name of Samuel: We do not go with regard to saving life after the majority?¹⁵ —

But the saying of Samuel referred¹⁶ to the first clause: 'If the majority [of the inhabitants of the town consist of] non-Israelites [the child is] a non-Israelite.' [Upon this] Samuel said: And with regard to removing debris it is not so,¹⁷ 'If the majority [of the inhabitants of the town consist of] non-Israelites [the child is] a non-Israelite' — for what practical purpose [is this taught]? — R. Papa said: To allow him to eat [meat of] animals not ritually slaughtered. — 'If the majority [of the inhabitants of the town consists of] Israelites [the child is] an Israelite,' — for what practical purpose [is this taught]? — R. Papa said: That one returns to him a lost object.¹⁸ If [the inhabitants of the town are] half to half [the child is] an Israelite' — for what practical purpose [is this taught]? Resh Lakish said: With regard to damages.¹⁹ How shall we imagine this case? Shall we say that an ox of ours²⁰ gored²¹ an ox of his?²² [In this case] let him²³ say to him.²⁴ 'Bring evidence that you are an Israelite — and take!²⁵ It speaks of a case when an ox of his²⁶ gored an ox of ours²⁷ — one half he²⁸ pays, and with regard to the other half he says to them,²⁹ 'Bring evidence that I am not an Israelite and I will pay³⁰ you.³¹

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CHAPTER II

MISHNAH. IF A WOMAN BECAME A WIDOW OR WAS DIVORCED³² [AND] SHE SAYS, 'THOU DIDST MARRY ME [AS] A VIRGIN,'³³ AND HE SAYS, 'NOT SO, BUT I MARRIED THEE [AS] A WIDOW,'³⁴⁻³⁵ — IF THERE ARE WITNESSES THAT SHE WENT OUT³⁶ WITH A HINUMA³⁷ AND HER HEAD UNCOVERED,³⁸ HER KETHUBAH IS TWO HUNDRED [ZUZ].³⁹ R. JOHANAN THE SON OF BEROKA SAYS: ALSO THE DISTRIBUTION OF ROASTED EARS OF CORN IS EVIDENCE.⁴⁰ AND R. JOSHUA ADMITS THAT, IF ONE SAYS⁴¹ TO HIS FELLOW,⁴² THIS FIELD BELONGED TO YOUR FATHER AND I BOUGHT IT FROM HIM. HE IS BELIEVED,

1. In a town in which Israelites and non-Israelites live.
2. Lit., 'thrown away'.
3. Mak. VII, 2.
4. [Jews are in duty bound to support their own poor.]
5. On Sabbath.
6. It would appear from this text with regard to pure descent that one majority' is not sufficient.
7. Lit., '(that) Rab said'.
8. So that there were two majorities, v. *supra* p. 81, n. 3.
9. R. Jeremiah.
10. Had R. Jeremiah not overlooked this he would not have asked his question, for indeed two majorities were required for pure descent.
11. It is now being assumed that R. Hanan also accepted the explanation that it occurred at the springs of Zepphoris, so that there were two majorities and he regards this ruling of R. Johanan b. Nuri only as a special decision, but elsewhere, two majorities are not required.
12. Why does Rab say in the case of the abandoned child 'but not with regard to pure descent', which would show that Rab requires two majorities also in other cases?
13. That Rab said here 'but not with regard to pure descent'.
14. That R. Judah said in the name of Rab that the incident happened at the springs of Zepphoris. Indeed there was only one majority there, and therefore R. Hanan said, 'it was a decision for the hour', v. *supra*, p 83, n. 10 In all other cases two majorities are required.

15. Where it is a question of saving life the minority had to be equally taken into considerations.
16. Lit., but when that of Samuel was said, it was said with regard'.
17. One must remove the debris from the child in any case.
18. V. B.M. (Sonc. ed.) p. 149, n. 6.
19. V. B.K. (Sonc. ed.) p. 211, n. 6.
20. Belonging to Israelites.
21. Cf. Ex. XXI, 35, 36.
22. Belonging to the erstwhile abandoned child.
23. The Israelite,
24. To him who was an abandoned child.
25. The damages due to you.
26. Belonging to the erstwhile abandoned child.
27. Belonging to Israelites.
28. The erstwhile abandoned child.
29. To the Israelites.
30. Lit., 'give.'
31. The other half as well, that is full damages, v. B.K. *loc. cit.*
32. Lit., 'the woman who became a widow or was divorced.'
33. And the *Kethubah* is two hundred *Zuz*.
34. And the *Kethubah* is one hundred sins.
35. If the woman became a widow the dispute is between her and the heir (or heirs) of the husband.
36. On her wedding day, from the house of her father to the house of her husband.
37. For the meaning of this word v. *infra* p. 95.
38. That is, her hair loosened; for the meaning of [H] cf. Num. V, 18.
39. Because only virgin-brides went out on their wedding day with a *Hinuma* and with the hair of the head loosened.
40. That she was a virgin. They used to distribute roasted ears of corn to little children at the weddings of maidens, but not of widows or divorcees.
41. Lit., 'in (the case of) one (who) says.'
42. I.e., to another man.

Kethuboth 16a

FOR THE MOUTH THAT BOUND IS THE MOUTH THAT LOOSENS.¹ BUT IF THERE ARE WITNESSES THAT IT² BELONGED TO HIS FATHER AND HE SAYS, 'I BOUGHT IT FROM HIM.' HE IS NOT BELIEVED.

GEMARA. The reason³ is that there are witnesses,⁴ but if there are no witnesses the husband is believed. Is it to say that the anonymous and undisputed decision⁵ recorded in our Mishnah is not according to

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Rabban Gamaliel? For if it were according to Rabban Gamaliel, did not he say that she is believed?⁶ — You may even say [that it is according to] Rabban Gamaliel; [for] Rabban Gamaliel says [it]⁷ only there in [a case of] 'sure' and 'perhaps'.⁸ but here⁹ where they are both¹⁰ sure¹¹ [in their statements] he¹² did not say [it]¹³ — But he who raised the question, how could he raise it at all?¹⁴ Surely this is a case where they are both 'sure' [in their statements]! — Since most women get married as virgins [you might say that] it¹⁵ is like 'sure and perhaps'.¹⁶

This¹⁷ may also be proved by the following reasoning, since it is stated: AND R. JOSHUA ADMITS [etc.]¹⁸ It is well if you say [that] Rabban Gamaliel admits.¹⁹ But if you say [that] Rabban Gamaliel does not admit.²⁰ to whom does [then] R. Joshua admit?²¹ Do you think [that] R. Joshua refers to this chapter?²² He refers to *Miggo*²³ in the first chapter.²⁴ To which?²⁵ Is it to say [that he refers] to this: If she was pregnant, and they said to her. 'What is the nature of this embryo'. [and she answered, 'it is] from man So-and-so and he is a priest'. Rabban Gamaliel and R. Eliezer say: She is believed, [and] R. Joshua says: We do not live from her mouth?²⁶ What *Miggo* is there in that case?²⁷ Behold, her stomach reaches up to her teeth!²⁸ Again [should it refer] to this: They saw her talking with someone and they said to her: 'what is the character of this man?' [and she answered, 'it is] man So-and-so and he is a priest'. Rabban Gamaliel and R. Eliezer say: She is believed [and] R. Joshua says: We do not live from her mouth?²⁹ [There too.] what *Miggo* is there?

True, there is according to Ze'iri, Who says [that] 'she was talking' means 'she was hiding herself' [with a man]. [in which case she has] a *Miggo*, for if she wished she could say. 'I had no intercourse,' and [still] she said, 'I had intercourse,' [therefore] she is believed. But according to R. Assi, who says [that] 'she was talking' means 'she had intercourse, what *Miggo* is there?³⁰ Or again [should he refer]

to this: She says. 'I was injured by [a piece of] wood,' and he says. 'Not so, but thou wast trodden by a man.' Rabban Gamaliel and R. Eliezer say: She is believed, and R. Joshua says: We do not live from her mouth?³¹ [There too] what *Miggo* is there? True, there is according to R. Eliezer, who says that [the dispute between the husband and the wife is] with regard to a *Maneh* and nothing.³² [In which case she has] a *Miggo*, for if she wished she could say. 'I was injured by a piece of wood under thee,'³³ and she would get two hundred [Zuz.],³⁴ and [still] she said [that she was injured] earlier,³⁵ [therefore] she is believed. But according to R. Johanan who says that [the dispute between the husband and the wife is] with regard to two hundred [Zuz] and a *Maneh*,³⁶ what *Miggo* is there?³⁷ —

But [he refers] to this: If one has married a woman and has not found in her virginity [and] she says. 'After thou hadst betrothed me [to thyself] I was violated and thy field has been inundated,' and he says, 'Not so, but [it happened] before I betrothed thee [to myself]'. Rabban Gamaliel and R. Eliezer say: She is believed, and R. Joshua says: We do not live from her mouth,³⁸ For [here there is] a *Miggo*, because if she wished she could say. 'I was injured by a piece of wood under thee,' and [by saying this] she would not make herself unfit for the priesthood. and [still] she said, 'I have been violated', and [by saying this] she made herself unfit for the priesthood; therefore Rabban Gamaliel said that she is believed. And R. Joshua said to Rabban Gamaliel: With regard to this *Miggo* here,³⁹ I agree with you, but with regard to that *Miggo* there,⁴⁰ I differ from you. Now, this is a *Miggo* and that is a *Miggo*, what difference is there between this *Miggo* and that *Miggo*? Here⁴¹ there is no slaughtered ox before you, there⁴² there is a slaughtered ox before you.⁴³

But since most women get married as virgins,⁴⁴ [even] if no witnesses came,⁴⁵ what of it?⁴⁶ — Rabina said: Because one can say:⁴⁷ most women marry as maidens and a

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minority as widows. And whenever a maiden gets married, it is spoken about,⁴⁸

1. I.e., if that person had been silent the other man would not have known that the field ever belonged to his father. We have, therefore, to believe both his statements.
2. The field.
3. Of the decision given in our Mishnah that the *Kethubah* of the woman is two hundred *Zuz*.
4. That she went out on her wedding day with the *Hinuma* and uncovered head.
5. Lit., 'we have learnt without definition.'
6. V. *supra* 12b.
7. That she is believed.
8. There (in the Mishnah 22b) the husband cannot be 'sure' with regard to his statement, while the wife can be sure. V. Rashi.
9. In our Mishnah.
10. The husband and the wife.
11. Lit., 'in sure and sure'.
12. Rabban Gamaliel.
13. That the wife is believed. The wife is not believed more than the husband.
14. The answer is so obvious.
15. The case in our Mishnah.
16. The statement of the wife is more 'sure' than that of her husband. And therefore you might say that she is believed even when there are no witnesses that she went out with a *Hinuma* and her head uncovered. And as this is, apparently, not the view of our Mishnah, the questioner raised his question.
17. That Rabban Gamaliel would admit that, if there were no witnesses that she went out with a *Hinuma* and her head uncovered, the husband would be believed (Rashi).
18. V. second clause of our Mishnah.
19. Lit., 'Rabban Gamaliel treats of "he admits".' I.e., It is well, if it is assumed that Rabban Gamaliel admits that, in the absence of witnesses, (v. n. 13) the husband is believed, since it is a case of 'sure' and 'sure'; in which case the author of the first clause of the Mishnah is Rabban Gamaliel, who while differing from R. Joshua in a case of 'sure' and 'perhaps' (as in the Mishnah on 12b), agrees here with R. Joshua, since it is a case of 'sure' and 'sure'. And, therefore, it is said in the second clause of the Mishnah 'AND R. JOSHUA ADMITS,' namely In the first clause of the Mishnah Rabban Gamaliel admits to R. Joshua. and in the second clause R. Joshua admits to Rabban Gamaliel (Rashi).
20. V. n. 15.
21. To what do the words 'AND R. JOSHUA ADMITS' refer, seeing that no mention is made previously in the Mishnah of any dispute.
22. I.e., to the first clause in the first Mishnah of this Chapter.
23. I.e., the controversy regarding *Miggo v. supra* p. 67. n. 8.
24. Lit., 'he refers to *Miggo* and he refers to the first chapter'.
25. I. e., to which ease does he refer?
26. V. *supra* 13a, second Mishnah, second clause.
27. Lit., 'there'.
28. She could not say that she had no intercourse! What other statement could she have made which would have been more to her advantage?
29. V. *supra* 13a. second Mishnah, first clause.
30. She could not say that she had no intercourse since there is evidence to the contrary! What other statement could she have made which would have been more to her advantage?
31. V. *infra* 13a, first Mishnah.
32. v. *Supra* 13a.
33. Since our betrothal. In which ease she is entitled to two hundred *Zuz*.
34. V. *supra* p. 69.
35. That is, before the betrothal and thus claims only a *Maneh*.
36. V. *supra* p. 68. And she would get two hundred (*Zuz*) if she was injured by a piece of wood, whether she was injured before or after the betrothal.
37. V. preceding note.
38. V. *supra* 12b.
39. The second clause of our Mishnah. The man could have been silent, therefore we believe also his second statement.
40. In the Mishnah 22b.
41. In the second clause of our Mishnah.
42. In the Mishnah 12b.
43. The phrase 'there is a slaughtered ox before you' means, there is a fact which cannot be wiped out or denied. This applies to the Mishnah 12b. The virginity is not there. This fact remains. According to R. Joshua in such a case a *Miggo* is of no avail. But in our Mishnah the other person would not have known that the field once belonged to his father if the present holder had not told him so. This is meant by the phrase, 'There is no slaughtered ox before you.' There is no fact here if the holder of the field had not stated it. In such a case a *Miggo* is applied, because we assume that the holder of the field would not have said it if he had not bought the field from the other man's father.
44. Reverting to the argument at the beginning of this folio.
45. That she went out with a *Hinuma* and uncovered head.

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46. She should be regarded as having belonged to the majority and therefore having been a virgin at her marriage, so that her *Kethubah* would be two hundred (*Zuz*).
47. Lit., 'there is to say'.
48. Lit., 'she has a voice.' A girl's marriage is much more spoken about than a widow's marriage. A girl's marriage is also much more festive and much more public.

Kethuboth 16b

and since this one was not spoken about,¹ [the presumption that she belonged to] the majority has become shaken. — But if [you maintain that] whenever a maiden gets married it is spoken about, [then even] when witnesses come,² what of it?³ They are false witnesses!⁴ — But, said Rabina: most marriages of maidens are spoken about,⁵ and [in the case of] this one, since it was not spoken about, [the presumption that she — the bride — belonged to] the majority has been shaken.⁶

IF THERE ARE WITNESSES THAT SHE WENT OUT WITH A HINUMA, etc. Should we not be afraid that perhaps she might produce witnesses before this court and get [her *Kethubah*] paid and [later] she might produce the written document [of the *Kethubah*] before another court and get [her *Kethubah*] paid [a second time] by that [document]? — R. Abbahu said: This teaches [that] one writes a quittance.⁷ R. Papa said:⁸ It speaks of a place in which one does not write a *Kethubah* document.⁹

Some refer¹⁰ this¹¹ to the [following] Baraitha: If she lost her *Kethubah* document, or she hid it, or it was burnt, [then the matter is as follows:] if they danced before her, played before her, passed before her the cup of [glad] tidings,¹² or the cloth of virginity¹³ [and] if she has witnesses with regard to one of these [things],¹⁴ her *Kethubah* is two hundred [*Zuz*]. Now should we not be afraid that perhaps she might produce witnesses before this court and get [her *Kethubah*] paid and [later] she might produce the written document before another court and get [her

Kethubah] paid [a second time] by that document? — R. Abbahu said: This teaches [that] one writes a quittance. R. Papa said: It speaks of a place in which one does not write a *Kethubah* document. But does it not say '[if] she lost her *Kethubah* document'?¹⁵ — [It so happened] that he wrote her [one]. But may she not after all produce it and get [her *Kethubah*] paid [a second time] with it! The meaning of 'she lost [it]' is 'she lost [it] in fire.'¹⁶ If so, it is the same as 'it was burnt!' And then, what can you say with regard to 'she hid [it]?'¹⁷ And furthermore, why [mention] 'she lost [it]?'¹⁸ — But [this is what the Baraitha means]: if she lost it, it is as if she had hidden it before us, and we do not give her [the *Kethubah* money] until witnesses say [that] her *Kethubah* document has been burnt.¹⁹ He who refers this²⁰ to the Baraitha, all the more [does he refer it] to the Mishnah. But he who refers this to our Mishnah [does] not [refer it] to the Baraitha, because of the difficulty.²¹

IF THERE ARE WITNESSES, etc. Should we not be afraid that perhaps she might produce witnesses of Hinuma before this court and get [her *Kethubah*] paid and [later] she might produce [other] witnesses of Hinuma before another court and get [her *Kethubah*] paid [a second time]? — Where it is not possible otherwise,²² we certainly write a quittance. [It is said above in the Baraitha]: '[If] they passed before her the cup of [glad] tidings.'²³ What is the cup of [glad] tidings? R. Adda the son of Ahaba said: One passes before her a cup of wine of *Terumah*,²⁴ as if to say. 'This one is worthy of eating *Terumah*.'²⁵ R. Papa demurred to this: Does not a widow eat *Terumah*?²⁶ But, said R. Papa [as if to say] 'This one is "first"²⁷ as *Terumah* is "first".'²⁸ It has been taught: R. Judah says: One passes before her a cask of wine. R. Adda the son of Ahaba said: [If she was] a virgin one passes before her a closed one, [and if] she has had intercourse with a man one passes before her an open one. Why? Let us pass [a cask of wine] before a virgin and let us not pass [a cask of wine] at all before one who had intercourse? — [It may happen]

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some times that she has seized²⁹ two hundred [so] and [then] says. 'I was a virgin and they did not pass [a cask of wine] before me because they were prevented by an accident.'³⁰ Our Rabbis taught: How does one dance³¹ before the bride? Beth Shammai say:

1. If this had been known as a maiden's marriage it would have been made public and there would have been people to come forward and give evidence that she went out with a Hinuma and her head uncovered.
2. And say that she went out with a Hinuma and uncovered head.
3. Since this marriage was not spoken about, one should say that she was not married as a maiden.
4. Since other people knew nothing about it.
5. Not 'all marriages of maidens'.
6. Therefore, the presence or absence of witnesses makes all the difference.
7. [And the husband produces a quittance that he paid her the *Kethubah*, cf. B.B. 171b.]
8. [He holds that no quittance may be written for fear of putting the lender at a disadvantage in case he loses it. What they do on payment is to tear up the bond without which the creditor cannot claim his debt.]
9. [And the woman collects her dues in the court since it is a condition enjoined by the court, v. *infra* 51a.]
10. Lit., 'teach'.
11. The controversy of R. Abbahu and R. Papa.
12. [H], v. *infra*.
13. On the day of her marriage.
14. Which are only done at the marriage of a virgin.
15. And this shows that a *Kethubah* document was written.
16. And she cannot produce it any more.
17. If she hid it, she can produce it.
18. As 'she lost (it)' is mentioned separately, it cannot mean 'in fire'.
19. This means that if 'she lost' it or 'she hid' it, she does not get the *Kethubah* money unless she finds the document and produces it. If she says 'it was burnt,' she must produce witnesses that it was burnt. This answer is indeed unsatisfactory.
20. The controversy of R. Abbahu and R. Papa.
21. V. *supra* note 10.
22. [In a place where no *Kethubah* is written, and the woman collects her dues at the court by means of witnesses, and there is the possibility for her to produce two sets of witnesses before two different courts and collect her *Kethubah* twice.]

23. [H] v. Krauss T.A. II, p. 459. In J. Keth II, 1, [H] 'a barrel of glad tidings' is mentioned.
24. V. *Glos*.
25. That is, she is unblemished and fit to marry a priest.
26. A widow may also marry a priest.
27. I. e., she is a virgin and for the first time dedicated to married life.
28. *Terumah* is called 'first', cf. Num. XV, 20, 21; Deut. XVIII, 4.
29. If she is in possession of the two hundred *Zuz* the onus probandi is on the other party.
30. Rashi says: They were intoxicated from the wine which they drank at the wedding, and the other party could not bring evidence to disprove her statements. But now that a cask of wine has to be passed also before one who was not a virgin, witnesses will be available to testify that in the latter case an open cask was passed before her.
31. What does one sing or recite?

Kethuboth 17a

The bride as she is.¹ And Beth Hillel say: 'Beautiful and graceful bride!'² Beth Shammai said to Beth Hillel: If she was lame or blind, does one say of her: 'Beautiful and graceful bride'? Whereas the Torah³ said, 'Keep thee far from a false matter.'⁴ Said Beth Hillel to Beth Shammai: According to your words,⁵ if one has made a bad purchase in the market, should one praise it⁶ in his eyes or depreciate it?⁷ Surely,⁸ one should praise it in his eyes. Therefore,⁹ the Sages said: Always should the disposition of man be pleasant with people. — When R. Dimi came,¹⁰ he said: Thus they sing before the bride in the West:¹¹ no powder¹² and no paint¹³ and no waving¹⁴ [of the hair], and still a graceful gazelle.

When the Rabbis ordained R. Zera they sang before him thus: No powder and no paint and no waving [of the hair], and still a graceful gazelle. When the Rabbis ordained R. Ammi and R. Assi they sang before them thus: Such as these, such as these ordain unto us, [but] do not ordain unto us of the perverters¹⁵ or babblers,¹⁶ and some say: of the half-scholars¹⁷ or one-third-scholars.¹⁸ — When R. Abbahu came from the Academy to the court of the Emperor,¹⁹ hand-maids²⁰ from the

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Imperial house went out towards him and sang before him thus, 'Prince of his people, leader of his nation, shining light,²¹ blessed be thy coming in peace!'

They tell of R. Judah b. Ila'i that he used to take a myrtle twig and dance before the bride and say: 'Beautiful and graceful bride.' R. Samuel the son of R. Isaac danced with three [twigs].²² R. Zera said: The old man is putting us to shame.²³ When he²⁴ died,²⁵ a pillar of fire came between him and the whole [of the rest of the] world. And there is a tradition that a pillar of fire has made such a separation²⁶ only either for one in a generation or for two in a generation only.²⁷ R. Zera said: His twig²⁸ [benefited] the old man, and some say: His habit²⁹ [benefited] the old man, and some say: his folly³⁰ [benefited] the old man. — R. Aha took³¹ her³² on his shoulder and danced [with her]. The Rabbis said to him: May we [also] do it? He said to them: If they³³ are on you³⁴ like a beam,³⁵ [then it is] all right. and if not, [you may] not.

R. Samuel b. Nahmani said [that] R. Jonathan said: it is allowed to look intently at the face of the bride all the seven [days]³⁶ in order to make her beloved to her husband.³⁷ But the law is not according to him.

Our Rabbis taught: One causes a funeral procession³⁸ to make way³⁹ for a bridal procession,⁴⁰ and both of them⁴¹ for the King of Israel. One tells of King Agrippa that he made way for a bride, and the Sages praised him. — They praised him — from this it would seem that he did well. Did not R. Ashi say: Even according to him, who says [that] if a king forgoes his honor, his honor is forgone, if a king forgoes his honor, his honor is not forgone. for a Master said:⁴² 'Thou shalt set a king over thee,⁴³ [this means] that his awe shall be over thee?⁴⁴ — It was [at] a cross-road.⁴⁵

Our Rabbis taught: One interrupts⁴⁶ the study of the Torah for the sake of a funeral procession⁴⁷ and the leading⁴⁸ of the bride

[under the bridal canopy]. They tell of R. Judah b. Ila'i that he interrupted the study of the Torah for the sake of a funeral procession⁴⁹ and the leading⁵⁰ of the bride [under the bridal canopy]. This applies only⁵¹ when there are not sufficient people at the funeral procession,⁵² but if there are sufficient people one does not interrupt [the study of the Torah].⁵³ And how many are sufficient? R. Samuel the son of Ini said in the name of Rab: Twelve thousand men and six thousand trumpets.⁵⁴ And some say: Twelve thousand⁵⁵ men and among them six thousand trumpets.⁵⁶ 'Ulla said: For instance when people form a line from the city-gate to the burial place. R. Shesheth, and some say R. Johanan said: Its taking away⁵⁷ is like its giving.⁵⁸ As its giving was in [the presence of] sixty myriads⁵⁹ [of people], so [has] its taking away [to be] in [the presence of] sixty myriads [of people]. And this is the case only⁶⁰ with regard to one who read [the Bible] and studied [the Mishnah.]

1. One does not exaggerate in praising the bride. If she is not beautiful one does not say that she is.
2. Every bride has to be regarded and praised as beautiful and graceful.
3. I.e., the Pentateuch.
4. Ex XXIII. 7.
5. I.e., according to the view you have just expressed.
6. The thing purchased.
7. In the text 'in his eyes' is repeated here.
8. Lit., 'you] must say'.
9. Lit., 'from here'.
10. To Babylonia.
11. I. e., Palestine.
12. [H]. A powder used for painting the eye-lids. stibium.
13. [H] A paint for the face.
14. [H] means 'making the hair beautiful' either by dyeing it or by dressing it. It may also denote making the hair into locks. V. Levy and Jast. 'Waving' is perhaps the best translation. It may also refer to painting the face. Cf. Shah. 34a and Jast. s.v. [H] I. One painting refers to the eyes, one to the cheeks, and one, perhaps, to the lips.
15. I.e., Immature scholars who pervert the reasons of the law (Rashi). V. Sank. ag.
16. I.e., men who cannot substantiate their decisions who cannot argue properly (Rashi).
17. V, Levy

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18. V. Levy. On these terms v. also Sank. (Son. ed) p. 65 notes.
19. At Ag where he had his academy.
20. In Sank. 14a. 'the matrons'.
21. Lit., 'lamp of light'.
22. [He used to throw up three twigs one after the other and catch them in turn (Rash).]
23. Through his myrtle dance before the bride.
24. R. Samuel the son of R. Isaac.
25. Lit., 'when his soul was at rest'.
26. I.e., that such an apparition was seen.
27. I.e., for one man or two men in a generation. Only for very great and pious men such a phenomenon occurs.
28. With which he danced at weddings before the bride. This good deed was the cause of the apparition.
29. Of dancing before the bride.
30. Of dancing with three twigs before the bride (Rashi). The words in the text for 'twig', 'habit' and 'folly' are almost alike.
31. Lit., 'caused her to ride'.
32. The bride.
33. The brides.
34. I.e., on your shoulders.
35. I.e., awaking no sensual desire.
36. Of the wedding week.
37. When he (the husband) sees that all look at her intently (admiring her beauty), her beauty enters his heart (Rashi).
38. Lit., 'the dead'.
39. Lit., 'to pass by'.
40. Lit., 'before a bride'.
41. Lit., 'and this and this'.
42. In Kid. 32b it says [H], 'for it is said'. Here [H] is used referring apparently to R. Ashi.
43. Deut. XVII. 15.
44. That thou shalt respect him, v, Sot. (Sonc. ed.) p. 204.
45. Where Agrippa made way for a bride. and people might have thought that he had to go in the other direction.
46. Lit., 'one abolishes', 'suspends'.
47. Lit., 'for the bringing out of the dead'.
48. Lit., 'for the bringing in'.
49. Lit., 'for the bringing out of the dead'.
50. Lit., 'for the bringing in'.
51. Lit., 'in what (case) are these words said'?
52. Lit., 'when there is not with him all his requirement'.
53. This limitation only applies to the funeral procession. but not to the leading of the bride to the canopy
54. I.e., trumpeters.
55. So the correct reading in Meg. 29a. Our text 'thirteen thousand'.
56. I.e., trumpeters.
57. I.e., the taking away of the Torah. When a scholar dies the Torah which he knew and

studied is taken away, as far as his knowledge and his study are concerned.

58. I.e., as the giving of the Torah on Sinai.

59. I.e., 600,000.

60. Lit., 'and these words (have been said)'.

Kethuboth 17b

But for one who taught [others] there is no limit.¹

AND IF THERE ARE WITNESSES THAT SHE WENT OUT WITH A HINUMA, etc. What is Hinuma.? — Surhab b. Papa said in the name of Ze'iri: A myrtle-canopy.² R. Johanan said: A veil under which the bride [sometimes] slumbers.³

R. JOHANAN THE SON OF BEROKA SAYS, etc. It was taught: This was [regarded as] a proof in Judea; what is [the proof in] Babylonia? — Rab said: The dripping of oil on the heads⁴ of the scholars.⁵ R. Papa said to Abaye: Did the master speak of oil [used] for cleaning [the head]?⁶ — He said to him:⁷ Orphan,⁸ did not your mother do the dripping of the oil on the heads of the scholars at the time⁹ of the event?¹⁰ As that [case when] one of the scholars was occupied with [the wedding of] his son in the house Of Rabbah b. 'Ulla — and some say, Rabbah b. 'Ulla was occupied with [the wedding of] his son in the house of one of the scholars — and he dripped oil on the heads of the scholars at the time of the event.¹¹ — What [sign is there at the wedding of] a widow? — R. Joseph taught: A widow has no roasted ears of corn [distributed at her wedding].¹²

AND R. JOSHUA ADMITS THAT IF ONE SAYS TO HIS FELLOW, etc. But let him¹³ teach: R. Joshua admits that in [the case when] one says to his fellow, 'this field belonged to you¹⁴ and I have bought it of you' [he is believed]? — Because he would have to teach [in] the last clause: If there are witnesses that it was his and he says. 'I have bought it of you'. he is not believed.¹⁵ [And] how shall we imagine this case? If he ate [the fruits of] it [during the] years of *Hazakah*¹⁶ why should he not be believed? And if he did

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not eat [the fruits of] it [during the] years of *Hazakah* it is self-evident that he is not believed!¹⁷ — If so, with regard to his father¹⁸ also [one could argue]: If he¹⁹ ate [the fruits of] it [during the] years of *Hazakah*, why should he not be believed?²⁰ And if he did not eat [the fruits of] it [during the] years of *Hazakah*, it is self-evident that he is not believed! We grant you with regard to his father, [because] there may be a case, as, for instance, when he ate [the fruits of] it two [years] during the life of the father and one [year] during the life of his son.²¹ And [this would be] according to R. Huna, for R. Huna said: One does not acquire the ownership of the property of a minor by the undisturbed possession of it during the prescribed period. even if [he continued in the possession after] the minor had become of age.²² But R. Huna comes to let us hear [what is already taught In] our Mishnah!²³ — If you wish. you may say. R. Huna says. 'what is to be derived from our Mishnah by implication.'²⁴ And if you wish, you may say, 'he lets us hear, even if he had become of age'.²⁵

But let him²⁶ [after all] teach with regard to himself²⁷ and put the case when he²⁸ ate [the fruits of] it two [years] in his presence²⁹ and one [year] in his absence,³⁰ and, for instance, when he³¹ fled? — Because of what did he flee? If he fled because of [danger to his] life,³² it is self-evident that he³³ is not believed. since he cannot protest!³⁴ And if he fled because of money [matters],³⁵ he ought to have protested.³⁶ because it is established for³⁷ [that] a protest in his absence³⁸ is a [valid] protest!³⁹ For we have learned: There are three countries with regard to *Hazakah*: Judea, Trans-Jordan and Galilee.⁴⁰ [If] he⁴¹ was in Judea and someone took possession [of his land] in Galilee, [or he' was] in Galilee and Someone took possession [of his land] in Judea, it is no *Hazakah*⁴² until he is with him in the [same] province.⁴³ And we asked⁴⁴ concerning it,⁴⁵ What opinion does he⁴⁶ hold? If he holds that a protest in his absence⁴⁷ is a [valid] protest,⁴⁸ this should apply also to Judea and Galilee.⁴⁹ And if he holds [that] a

protest in his absence is not a [valid] protest. it should not be [a valid protest] even if they are both in Judaea?⁵⁰ [And] R. Abba the son of Memel said: Indeed, he holds [that] a protest in his absence is a [valid] protest, but our Mishnah speaks⁵¹ of a time of lawlessness.⁵² — And why does he just speak of Judea and Galilee?⁵³ '

1. Of the number of people attending his funeral.
2. So Rashi. V. next note.
3. So Rashi. Cf. however, Levy and Jast. s. vv. Cf. also Krauss, TA., II, p. 457. note 311, and p. 458. note 316.
4. Lit., 'head'.
5. Rashi.' Young scholars who were present at the wedding. This was a sign that the bride was a virgin.
6. Surely the scholars do not require such oil (Rashi) cf. also Krauss, T.A. I. p. 683. n. 187.
7. Abaye.
8. I.e., one who is ignorant of this custom (Rashi).
9. Lit., 'hour'.
10. I.e., at your wedding.
11. Of the wedding.
12. And the absence of the ears of corn is the sign that she is a widow (Rashi).
13. The teacher of our Mishnah.
14. Instead of 'to your father'. [Since the reason for R. Joshua's ruling is that it is a case where there is no slaughtered ox before you, he could have illustrated it in this way (Rashi). Tosaf.: this would be a stronger case seeing that both parties are 'sure' in their plea]
15. And this is not the case. for the reasons to be stated immediately.
16. 'To eat' the field meant 'to use and take' the fruits of the field. 'To eat' the field without anyone complaining about this meant undisturbed possession of the field. And if this undisturbed possession lasted three years without interruption it established ownership. V. B.B. 28ff. Both the holding of the land and the right accruing from it giving the title of ownership are called *Hazakah*. 'Years of *Hazakah*'; the term means both 'the years of holding' and 'the years of holding that give the right and title of ownership.' 'To eat' is similar to *usus*' in the Twelve Tables (VI. 3)' In the sense of 'holding' *Hazakah* is also similar to *usus*'. In the sense of 'acquisition (of ownership) by holding for a certain period fixed by law', it is similar to *usucapio* in Roman Law. Ulpian says. '*Usucapio est adjectio dominii per continuationem possessionis temporis lege definita.*' '*Usucapio*

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- is the acquisition of ownership by possession for the length of time required by law.' The full time for 'usucapio' of lands and houses was in Roman Law (till Justinian) two years. In Talmudic Law it was three years. For the Roman Law of 'usucapio' see, Hunter, Roman Law, 4th ed., p. 205ff, Muirhead, Law of Rome, 3rd ed., p. 132f., p. 241 and p. 380. and Moyle. Justiniani Institutiones, 3th ed. p. 225ff. As to *iusta causa* and *iustus titulus*, v. Moyle. *op. cit.* p. 226, n. 3; in Talmudic Law cf. Baba Bathra, fol. 41a, Mishnah. [H] would correspond to usucapio. 'The taking by using' (usucapio) would after the prescribed time become 'taking (altogether). that is acquiring by use.' In Talmudic Law- 'capio' was the more dominating term. It seems that the full meaning of 'auctoritas' in 'usus auctoritas fundi' (in 'the Twelve Tables, v. Muirhead, *op. cit.* p. 132) was lost in the course of time. 'Auctoritas' seems to mean the authority, the right of ownership acquired by the use of the soil (real property). 'Usucapio' is not so good as 'usus auctoritas'. 'Usucapio' has, after all, in Roman Law two meanings, as *Hazakah* in Talmudic Law. It is worthy of note that Ulpian. who came from Syria, was a contemporary of the Tannaim of the second half of the second century. Gaius also lived in the second century. אילן is not translated by 'he had the usufruct of it', because 'usufruct' is the right of using and taking the fruits of property not one's own. (Justinian's Institutes, II. 4) v. Moyle, Engl. Translation of Justinian's Institutes, 4th ed., p. 47. v. also Hunter, *op. cit.*, p. 396.
17. And since he had to teach in the last clause the case where the field belonged to 'his father', he also taught in the first clause 'this field belonged to your father.'
 18. I.e., the father of the other man.
 19. The claimant, i.e., the man who says. 'This field belonged to your father and I bought it of him.'
 20. In the last clause of the Mishnah.
 21. [And the Mishnah teaches us although he did occupy for three years he is nevertheless not believed.]
 22. V. B.M. 39b. For certain business transactions, the minor became of age, in Talmudic Law, when he reached the age of twenty; v. B.B. 155a.
 23. According to the answer just given the rule stated by R. Huna is implied in the teaching of the Mishnah.
 24. What R. Huna states is not said explicitly in the Mishnah. It is to be derived by implication. And R. Huna derives it and states it as a rule.
 25. The rule as stated by B. Huna has an additional point, namely. 'even if he had become of age'. This cannot be derived from the Mishnah by implication. This additional point is the reason why R. Huna states the rule.
 26. The teacher of our Mishnah.
 27. The other man, and not the other man's father.
 28. The present possessor.
 29. In the presence of the other man.
 30. This year in his absence does not count, as he could not protest.
 31. The other man. [And thus teach us that, although he did occupy it for three years. the year he had it in the other's absence does not count, and he is not believed.]
 32. He was in danger of his life in the place in which he lived. He would be afraid to protest (against the man holding his land) in his place of refuge, because he would be afraid of being pursued by those who sought his life. The fact that he did not protest during the third year would, therefore, not make the possession of the field by the present holder an undisturbed possession for the period required by the law.
 33. The present possessor.
 34. Cf. n. 11.
 35. To avoid unpleasantness because of money-matters.
 36. Wherever he is, as no personal harm would be done to him even if his place of refuge became known.
 37. I.e., it is an established rule.
 38. I.e., in the absence of the present holder.
 39. Because the protest goes from person to person until it reaches the present holder. V. B.B. 38b.
 40. I.e.. the three provinces of Palestine mentioned in the Mishnah are regarded as three different countries in respect of *Hazakah*.
 41. The owner of the land.
 42. The undisturbed holding of the land for the period required by law does not acquire ownership.
 43. Mishnah, B.B. 38a: 'in one province. only when both, owner and holder, are in the same province, that is in Judea or in Galilee, v. B.B. 38a.
 44. By way of discussion,
 45. Cf. B.B. 38a-b.
 46. The teacher of the Mishnah.
 47. I.e., in the absence of the present holder.
 48. Because the protest goes from person to person until it reaches the present holder, v. B.B. 38b.
 49. I.e., if the one is in Judea and the other is in Galilee in due course the protest made by the

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owner in one province will reach the holder in the other province.

50. Lit., 'even Judea and Judea also not'. Even if they are in the same province, but in different places. The protest is still In his absence.
51. Lit., 'and the Mishnah they taught'.
52. In the text: [H] 'Lawlessness'. A lawlessness brought about by war or by other causes. Through the lawlessness there is no communication between the two provinces, so that the protest cannot reach the holder of the land. And if the protest cannot reach the holder of the land, the protest, if made, would have no force. And as the protest would have no force, the possession of the holder does not become an undisturbed possession. Cf. Rashbam, B.B. 38a.
53. Lit., 'and why are Judea and Galilee different that he takes (them)'? The meaning of the question is: 'Lawlessness may also occur between towns in the same province.'

Kethuboth 18a

Because [the condition of the relations between] Judea and Galilee is usually as in time of lawlessness.¹ But let him teach: R. Joshua admits [that] when one says to his fellow, 'I borrowed from you a *Maneh* and paid it [back] to you.' he is believed!² — Because he would have [in that case] to teach [in] the last clause: 'If there are witnesses that he borrowed from him [a *Maneh*] and he says. "I have paid it [back]" he is not believed', but it is established for us³ [that] if one lends [money] to his fellow before⁴ witnesses, he need not pay it [back] to him before witnesses.⁵ — But let him [then] teach: R. Joshua admits [that] if one says to his fellow, 'I owed to your father a *Maneh*⁶ and I returned to him half'⁷ he is believed!⁸ —

According to whose opinion?² If according to the opinion of the Rabbis. surely they say [that he is regarded as] one who returns a lost thing;¹⁰ [and] if according to R. Eliezer b. Jacob. surely he says that he must take an oath!¹¹ For it has been taught:¹² R. Eliezer b. Jacob says: Sometimes [it may happen] that a man has to take an oath because of his own statement. How [is it]? [If one says to his fellow]. 'I owed to your father a *Maneh* and I

returned to him half,' he must take an oath.¹³ And this is [a case] where one takes an oath because of one's statement.¹⁴ But the Sages say: He is [regarded] only as one who returns a lost thing and he is free. And does not R. Eliezer b. Jacob hold [that] one who returns a lost thing is free?¹⁵ — Rab said: [It speaks here of a case] when a minor claimed from him.¹⁶ But did not a Master say: One does not take an oath because of a claim by a deaf-mute, an imbecile, or a minor?¹⁷ —

What is [meant by] 'minor'? A grown-up person, and why does he call him 'minor'? Because with regard to the affairs of his father he is [regarded as] a minor. If so, [how can you say] 'his own statement?' It is a claim [made] by others! — It is a claim [made] by others and [also] his own admission. But all claims [consist of] a claim [made] by others and one's own admission!¹⁸ — They differ here with regard to [an opinion of] Rabbah, for Rabbah said: Why did the Torah say [that] he who admits a part of the claim must take an oath? [Because] it is a presumption [that] no man is insolent in the face of his creditor. He would [indeed] like to deny the whole [debt]. but he does not do it¹⁹ because no one is [so] insolent.

1. Cf. B. B. 28a for variants.
2. [The Mishnah could have illustrated the ruling of R. Joshua in a case 'where there is no ox slaughtered before you'. in this way instead of by one dealing with real property and with 'your father.']
3. I.e., it is an established rule; cf. B.B. 170a, Shebu. 41b.
4. Lit., 'with'.
5. I.e., he is believed if he says he repaid it to him in the absence of witnesses. so the Mishnah could not teach that he is not believed.
6. Lit., 'a *Maneh* to thy father in my hand', that is, thy father had a *Maneh* in my hand.
7. Lit., 'and made him eat half (or a portion)'. it may be that he paid him the half in kind, perhaps in goods.
8. [Since it is made entirely on his own initiative. This would be a strong point. having regard to the law that elsewhere he who admits half a claim is not believed without an oath, v. *infra*.]
9. Would that statement be.
10. Even if the admission is not made on his own initiative but made on the claim of the son, he

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is free from paying the other half, and from taking an oath. V. Shebu 42a, also 38b.

11. As to the other half.
12. Shebu. 42b.
13. As to the other half.
14. If he would not have made the statement no one would have known of his debt.
15. From taking an oath. [Surely this is against the well-established principle that he is exempt. v. Git. 48b.]
16. His statement was therefore not entirely 'his own statement'.
17. V. Shebu. 38b. [How then could R. Eliezer in such a case impose an oath?]
18. [All cases for which an oath is imposed are such as where the one against whom a claim is made makes a partial admission.
19. Lit., 'and this one that he does not deny it'.

Kethuboth 18b

[Indeed] he would like to admit the whole of it,¹ only he does not do it in order to slip away from him [for the present].² and he thinks, 'as soon as I will have money I will pay it'.³ And [therefore] the Divine Law⁴ said: Impose an oath on him, so that he should admit the whole of it.⁵ [Now] R. Eliezer b. Jacob holds [that] he is not insolent against him nor against his son, and therefore he is not [regarded as] one who returns a lost thing. And the Rabbis hold [that] against him he is not insolent, but against his son he might be insolent, and since he is not insolent,⁶ he is [regarded as] one who returns a lost thing.⁷

MISHNAH. IF WITNESSES SAID, 'THIS⁸ IS OUR HANDWRITING, BUT WE WERE FORCED,⁹ WE WERE MINORS, WE WERE DISQUALIFIED WITNESSES,¹⁰ THEY ARE BELIEVED.¹¹ BUT IF THERE ARE WITNESSES THAT IT IS THEIR HANDWRITING, OR THEIR HANDWRITING COMES OUT FROM ANOTHER PLACE,¹² THEY ARE NOT BELIEVED.¹³

GEMARA. Rami b. Hama said: They taught¹⁴ this¹⁵ only when they¹⁶ said: We were forced [by threats] with regard to money.¹⁷ but [if they said]. we were forced [by threats] with regard to [our] life, they are believed. Raba said to him: Is it so? After he has once

testified. he cannot again testify!¹⁸ And if you will say [that] this applies only to an oral testimony but not to testimony In a document — did not Resh Lakish say: If witnesses are signed on a document it is as if their testimony had been examined in court?¹⁹ No; if it has been said,²⁰ it has been said with regard to the first clause, [where it is stated:] **THEY ARE BELIEVED.** Whereupon Rami b. Hama said: They taught this²¹ only when they²² said, 'We were forced [by threats] with regard to [our] life.' but if they said, 'we were forced [by threats] with regard to money. they are not believed. because no one makes himself [out to be] a wicked man.²³

Our Rabbis taught: They²⁴ are not believed to disqualify²⁵ it.²⁶ This is the view of R. Meir; but the Sages say [that] they are believed. This is right according to the Rabbis,²⁷ who follow²⁸ their principle²⁹ 'the mouth that bound is the mouth that loosened,'³⁰ but what is the reason of R. Meir?³¹ I grant you [with regard to] 'DISQUALIFIED WITNESSES.'³² [because] the creditor himself examines well [the witnesses] beforehand and [then] lets [them] sign.³³ [With regard to] 'MINORS' also [it can be explained] according to R. Simeon b. Lakish. for Resh Lakish³⁴ said:

1. The whole debt.
2. I.e., to postpone the matter.
3. The whole debt.
4. Lit., 'the All-Merciful'.
5. Now.
6. And admits a part of the debt.
7. And he is believed without an oath. For further notes on the whole passage v. Sheb. (Sonc. ed.) pp. 25ff'.
8. The handwriting of the signatures on a document.
9. To sign.
10. Lit., 'Unfit with regard to testimony'. They may have been unfit either through kinship or through their conduct (Rashi). Cf. Sanh. 27b and 24b.
11. [Since it is they who at the first instance confirm their signatures. they are also believed in the attendant reservation made by them in regard thereto.]
12. As when their handwriting has been confirmed on another document.

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13. [Since the validity of their signatures does not depend on their present attestation the reservation Is not accepted.]
14. In our Mishnah.
15. That if their handwriting is confirmed through another document they are not believed to disqualify their signature on the present document.
16. The witnesses.
17. Money threats should not have made them sign a falsehood. And they are not believed to say that they signed a falsehood, v. note 12.
18. Retracting what he testified before — By their signatures they declared the document valid, and they cannot now declare it to be invalid.
19. Therefore, what applies to oral testimony applies also to testimony in a document.
20. I.e., if Rami b. Hama made any statement similar to the one mentioned above.
21. That they are believed to disqualify their signature.
22. The witnesses.
23. I.e., a man's testimony against himself has no legal effect. And by saying now that money threats made them sign a false testimony, the witnesses would make themselves out to be wicked men. V. n. 6.
24. The witnesses who signed the document.
25. In the manner stated in the first clause of the Mishnah.
26. The document.
27. I.e., 'the Sages'.
28. Lit., 'as'.
29. Lit., 'their reason'.
30. I.e., the same persons who made the document valid have the power to make the document invalid. cf. Mishnah 14b.
31. Lit., 'but according to R. Meir, what is the reason'?
32. I.e., if they say 'we were unfit to bear testimony;' v. *supra* p. 101, n. 13.
33. They must therefore have been fit witnesses, and they cannot now say that they were unfit.
34. Abbreviated from R. Simeon h. Lakish.

Kethuboth 19a

It is a presumption that the witnesses do not sign a document unless [everything] was done by adults.¹ But what is the reason with regard to 'FORCED'?² — R. Hisda said: R. Meir holds that if one said to witnesses, 'sign a falsehood and you will not be killed,' they should rather be killed and not sign a falsehood.³ Raba said to him: Now, if they would come to us to ask [our] advice, we would say unto them: Go [and] sign and do

not be killed, for a Master said: 'There is nothing that comes before the saving of life except idolatry, incest and bloodshed only.'⁴ Now that they have signed, can we say to them: why have you signed?⁵ But the reason of R. Meir is in accordance with what R. Huna [said in the name of] Rab: for R. Huna said [that] Rab said: If he⁶ admits that he has written the bond,⁷ there is no need⁸ to confirm it.⁹

[To revert to] the main text:¹⁰ R. Huna said [that] Rab said: If he¹¹ admits that he has written the bond, there is no need to confirm it. R. Nahman said to him: Why do you go round about?¹² If you hold with R. Meir, say: the *Halachah* is according to R. Meir.¹³ He¹⁴ [then] said to him:¹⁵ And how do you Sir, hold?¹⁶ He¹⁷ said to him:¹⁸ When they come¹⁹ before us in court,²⁰ we say to them: go [and] confirm your documents²¹ and [then] come to court.²²

Rab Judah said [that] Rab said: If one said: This is a [loan-] deed of trust,²³ he is not believed. Who said [it]? If the debtor said it, it is plain; why should he be believed? If the creditor said [it], may a blessing come upon him!²⁴ And if the witnesses said [it], — [then] if their handwriting comes out from another place, it is plain that they are not believed,²⁵ and if their handwriting does not come out from another place, why should they not be believed?²⁶

(Mnemonic: *BASH*)²⁷

Raba said: Indeed, the debtor said [it], and [it is] according to R. Huna, for R. Huna said [that] Rab said: If he²⁸ admits that he has written the document, there is no need to confirm it.²⁹ Abaye said: Indeed, the creditor said [it], and it is a case where he would injure others.³⁰ And [this is] according to R. Nathan, for it has been taught:³¹ R. Nathan says: Whence [do we learn that], if one has a claim of a *Maneh* against his fellow and that fellow against another fellow,³² we³³ take out [the sun, of a *Maneh*] from this one and give it to that one?³⁴ The Writ says³⁵ And he shall

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give [it] to whom he owes [it].³⁶ R. Ashi said: Indeed, the witnesses said [it], and [it is in a case] where their handwriting does not come out from another place; and as to your question,³⁷ Why should they not be believed, [the answer is] as stated by R. Kahana, for R. Kahana said: It is forbidden for a man to keep³⁸ a [loan-] deed of trust in his house, because it is said: Let³⁹ not unrighteousness dwell in thy tents.⁴⁰

1. That is, all the parties, including the witnesses, must have been grown-up persons and not minors. Therefore. R. Meir holds that the witnesses are not allowed to say now that they were minors when they signed the document.
2. Why does R. Meir hold that, if the witnesses said 'we were forced to sign the document. they are not believed'?
3. So that even if they say that they were forced us sign a falsehood by threats with regard to their life, they make themselves out to be wicked, and this no one can do; v. p. 102, n. 12.
4. This means: everything, every religious law must yield to the preservation of life. If one is told: Transgress this or that law, otherwise you will be killed, he should transgress the law and not be killed. Only in respect of idolatry, incest and bloodshed this rule does not apply. One should rather lose one's life than commit these transgressions; v. Sanh. 74a.
5. In the case of signing a document, one should sign a falsehood and not lose one's life. The witnesses should, therefore, be believed if they said. 'we were forced to sign a falsehood by threats to our life'.
6. The debtor.
7. And that the witnesses signed it by his direction.
8. For the creditor.
9. By the witnesses; and the debtor cannot plead that he has discharged the debt as long as the creditor holds the bond. The statement of the witnesses is not necessary now. Therefore, they cannot disqualify the bond, according to R. Meir.
10. From which the above quotation has been taken.
11. The debtor.
12. Lit., 'O thou cunning man, what is the use of thy going round about?' (Jast.).
13. [Instead of making it an independent statement, thus conveying the impression that it is a ruling on which there is no disagreement among Tannaim.]
14. R. Huna.

15. R. Nahman.
16. I.e., what is your opinion?
17. R. Nahman.
18. R. Huna.
19. Creditors.
20. Lit., 'to law'.
21. Rashi: 'Go and seek (and bring) your witnesses and confirm it (the document)'. [As a precaution. In case the debtor, though admitting that he wrote the bond, will plead that he had discharged the debt.
22. Lit., 'and go down to law'.
23. I.e., a bill of indebtedness signed on trust, in expectation that the loan, which is stated in the bill as having been advanced, will be advanced at some future date. The debtor trusts the creditor. The document is therefore called *שטר אמנה*, a document, or deed of trust'.
24. For being so honest.
25. V. our Mishnah.
26. It is their testimony upon which the validity of the document depends.
27. A stands for Raba, A for Abaye, and SH for R. Ashi, the names of the three Amoraim who follow now.
28. The debtor.
29. [And the debtor cannot now invalidate the document by saying that it is a deed of trust even in the absence of attesting witnesses.]
30. If the creditor is believed that the document is a deed of trust, he will injure others, who are his creditors, if he has no other assets. Therefore, he is not believed.
31. In a Baraita.
32. I.e., A owes a *Maneh* to B, and B owes a *Maneh* to C.
33. The court.
34. The court takes a *Maneh* from A and gives it to C. since B who is the creditor of A is the debtor of C.
35. [H], lit., 'There is a teaching in the Scriptural text to intimate (this)', v. Jast. p. 1672.
36. Num. V, 7. E. V. 'and give it unto him to whom he is 'guilty'. The teaching derived from these scriptural words by R. Nathan is: restitution has to be made to him to whom restitution is due. If A owes a *Maneh* to B and B owes a *Maneh* to C, the debt of A to B is paid, or may be paid. to C.
37. Lit., 'what you say'.
38. Lit., 'to cause to stay'.
39. M.T. 'And let not'.
40. Job XI, 14.

Kethuboth 19b

And R. Shesheth, the son of R. Idi, said: From [the words of] R. Kahana can be inferred¹ [that] if witnesses said, 'Our words

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were [regarding a matter of] trust,² they are not believed, for this reason:³ Since it is 'unrighteousness' [we say that] they must not sign on [what is] unrighteousness.⁴

R. Joshua b. Levi. said: It is forbidden for a man to keep a paid bill of indebtedness in his house, because it is said: 'Let not unrighteousness dwell in thy tents'.⁵ In the West⁶ they said in the name of Rab: [It is said]: If iniquity be in thy hand, put it far away.⁷ This is a [loan-] deed of trust and a deed of good-will;⁸ [and it is said]: 'And let not unrighteousness dwell in thy tents'. This is a paid bill of indebtedness. He who says [that it⁹ applies to] a paid bill of indebtedness, how much more [does it apply to] a [loan-] deed of trust.¹⁰ [And] he, who says [that it applies to] a [loan-] deed of trust, [would hold that it does not apply to] a paid bill of indebtedness,¹¹ because sometimes they keep it on account of the scribe's fees.¹²

It has been stated: A book¹³ that is not corrected¹⁴ — R. Ami said: Until thirty days one is allowed to keep it, from then and further on, it is forbidden to keep it, because it is said: 'Let not unrighteousness dwell in thy tents'.¹⁵

R. Nahman said: If witnesses said, 'Our words were [regarding a matter of] trust.'¹⁶ they are not believed; [if they said]. 'Our words were [attended by] declaration,'¹⁷ they are [also] not believed.¹⁸ Mar. the son of R. Ashi. said: [if witnesses said]. 'Our words were [regarding a matter of] trust,' they are not believed; [but if they said], 'Our words were [attended by] declaration,' they are believed, for this reason:¹⁹ this one²⁰ was allowed to be written²¹ and that one²² was not allowed to be written.²³

Raba asked of R. Nahman: How is it [if witnesses say], 'Our words were [subject to] a condition'?²⁴ [Are they not believed in the case of] 'declaration' and 'trust' because²⁵ they invalidate²⁶ the document, and [in] this [case of 'condition'] they also invalidate the document? Or is perhaps 'condition' a

different thing?²⁷ — He²⁸ said to him:²⁹ When they³⁰ come before us in court, we say to them: go [and] fulfill your conditions and [then] come to court.

If one witness says [that there was] a condition,³¹ and one witness says [that there was] no condition R. Papa said: they both testify to a valid document and only one says [that there was] a condition, and the words of one [witness] have no value where there are two witnesses.³² R. Huna the son of R. Joshua demurred to this: If so,³³ even if they both say [that there was a condition] [their words should] also [have no value]!³⁴ But we say [that] they come to uproot their testimony,³⁵ and this one also comes to uproot his testimony.³⁶ And the law is according to R. Huna, the son of R. Joshua.

Our Rabbis taught: If two [witnesses] were signed on a document and died, and two [witnesses] came from the street and said, 'We know that it is their handwriting, but they were forced, they were minors, they were disqualified witnesses, they³⁷ are believed. But if there are [other] witnesses that this is their handwriting. or their handwriting comes out from another place, [namely] from a document, the validity of which was challenged,³⁸ and which was confirmed³⁹ in Court,⁴⁰ they are not believed. — And we collect⁴¹ with it as with a valid document? Why? They are two and two!⁴² — Said R. Shesheth: This teaches [that] contradiction⁴³ is the beginning of rebuttal,⁴⁴

1. Lit., 'understand from this'.
2. I.e. they say that the document they signed as witnesses was a loan-deed of trust.
3. Lit., 'what is the reason?'
4. And as they had signed, they are not believed when they say that it was a deed of trust, because they cannot make out themselves to be wicked; as *supra* p. 102, n. 12.
5. Job XI, 14.
6. Palestine.
7. Job XI. 14.
8. [H] Jast.: 'a deed of sale for accommodation' [Rashb. B.B. 154b explains it as a deed of feigned sale arranged for the purpose of making people believe that the person in whose favor it is made out is wealthy. 'Aruch

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takes it as a variant of [H], [G], 'trust'. (v. J. Keth. II, 3) and simply the Greek equivalent of [H]].

9. The prohibition to keep the document.
10. There was fraud even in its origin.
11. Lit., 'but a paid bill of indebtedness, no.'
12. Lit., 'the small coins of the scribe' — the creditor paid the scribe's fee, which the debtor has to pay. The creditor, therefore, keeps back the paid bill of indebtedness until he has collected from the debtor the scribe's fee. There is a lawful ground for keeping back the documents.
13. Of the Bible.
14. I.e., the mistakes in the manuscript had not been corrected.
15. And it is 'unrighteousness' to keep a book of the Bible with mistakes uncorrected.
16. I.e., they say that the document they signed as witnesses was a loan-deed of trust.
17. Of protest. The witnesses say that the seller protested that he was forced to sell and did not recognize the sale, and that they signed the deed in cognizance of the protest.
18. They cannot invalidate a written document.
19. Lit., 'what is the reason'.
20. The latter.
21. In order to get out the seller from his predicament.
22. The former.
23. On account of 'unrighteousness'.
24. The witnesses say, 'we signed the deed of sale, but the sale was made dependent upon a condition, which has not been fulfilled'.
25. Lit., 'this is the reason'.
26. Lit., 'uproot'.
27. [The condition in itself does not affect the validity of the document, only the non-fulfillment thereof.]
28. R. Nahman.
29. Raba.
30. The purchasers in a transaction, the witnesses to which declare, that it was subject to a condition.
31. Attached to the transaction.
32. Lit., 'in the place of two'.
33. [Since the confirmation of the signature by the witness to the transaction is treated as a formal attestation of the document, which bats the admission of any qualifying declaration subsequent thereto.]
34. [Having once testified to the validity of the document, they cannot subsequently retract by saying that it was subject to a condition. Why then did R. Nahman, in the case of two witnesses, insist on the purchasers fulfilling the condition?]
35. [The mere confirmation of their signatures by the witnesses does not complete their attestation of the document. This is completed

in their subsequent statement that it was subject to a condition. This latter statement, however, taken in itself, is but a qualification of their former statement confirming their signatures without any direct bearing as to the validity of the document, which really depends upon the fulfillment or non-fulfillment of this condition. In this it is different from the case where the subsequent statement declares the document to have been written under protest, attacking the validity of the document itself.]

36. So that there is only one witness on the document.
37. The two witnesses from the street.
38. Lit., 'against which one called a protest'.
39. Lit., 'strengthened'.
40. As valid.
41. Lit., 'we cause to be collected (the debt)'.
42. The two witnesses who are signed on the document and who are now dead, and the two witnesses from the street, who testify to the unfitness of the witnesses who had signed on the document. Even if their handwriting is otherwise confirmed, their testimony is counterbalanced by the testimony of the two witnesses from the street.
43. [H] is a denial of the subject-matter of the evidence, for which however, no retaliatory punishment is imposed, as Deut. XIX, 19 does not refer to witnesses who were contradicted so the subject-matter of their evidence, but against whom the accusation (in a sense) of an 'alibi' was proved. [The term 'alibi' is used *bete* for convenience sake, as it deals there with the presence or absence of the witnesses of the alleged crime at the time when it was committed, rather than with the presence or the absence of the accused, as the term is generally understood.]
44. [H]. I.e., the proving of an 'alibi', a rebuttal of evidence, whereby the witnesses are proved to be *Zomemim*, (v. [Glos.](#)). The proving of the subject-matter of the evidence to be false is a first step in a subsequent proof of an 'alibi', both being but one continued process of law, v. B K. 73b.

Kethuboth 20a

and as witnesses can be rebutted only in their presence,¹ so can they be contradicted only in their presence.² R. Nahman said to him: If they³ had been before us and [the other two witnesses] had contradicted them, it⁴ would have been a contradiction,⁵ and we would not have paid any attention to them,⁶ because it⁷ is a contradicted testimony. Now that

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they⁸ are not here⁹ — [when it could be maintained] that if they had been before us, they¹⁰ might [even] perhaps have admitted to them¹¹ — should they be believed? No, said R. Nahman; set the two [witnesses]¹² against the two [witnesses]¹³ and leave the property¹⁴ in the possession of its master.¹⁵ It is analogous to the [case of the] property of a [certain] madman. A [certain] madman sold property. Two [witnesses] came [and] said [that] he sold [the property] when he was insane, and two [witnesses] came and said [that] he sold [the property] when he was sane.¹⁶ [And] R. Ashi said: Set the two [witnesses]¹⁷ against the two [witnesses]¹⁸ and leave the property¹⁴ in the possession of the madman. And we say [this] only when he has the ownership-right of his forefathers,¹⁹ but if he has not the ownership-right of his forefathers, we say that he bought [the property] when he was insane and that he sold [It] when he was insane.²⁰ — R. Abbahu said: One rebuts²¹ witnesses only in, their presence, but one contradicts them also in their absence. And a rebuttal in their absence — granted that it is not an [effective] rebuttal,²² but it is a contradiction.²³

The Master said [above]: 'If there are witnesses that this is their handwriting, or their handwriting came out from another place. [namely] from a document which was contested and was confirmed in court, they are not believed'. [This is only] if it was contested, but not, if it was not contested.²⁴ This is a support²⁵ for R. Assi, for R. Assi said: A document²⁶ is confirmed only from a document, which was contested and was confirmed in Court. The Nehardeans²⁷ said: A document is confirmed only from two *Kethuboth* or from two fields,²⁸ and [only] when their owners²⁹ used³⁰ them for three years, and [that] in comfort.³¹ R. Shimi b. Ashi said: And [only] when it is produced by another person,³² but not [if it is produced] by himself.³³ — Why not [if from] under his own hand? Because he may have forged [the signatures of the witnesses].³⁴ [If so]. even when produced by another person also,

perhaps he went³⁵ and saw³⁶ and forged?³⁷ — So clearly³⁸ he cannot fix [it in his mind].³⁹

Our Rabbis taught: A person⁴⁰ may write [down] his testimony in⁴¹ a document⁴² and may, through it,⁴³ give evidence even after many years. R. Huna said: Only when he remembers it⁴⁴ by⁴⁵ himself. R. Johanan said: Even if he does not remember it by himself.⁴⁶ Rabbah said: You may infer from [the words of] R. Johanan [that] if two [persons] know evidence⁴⁷ and one of them has forgotten [it], the other one may remind him⁴⁸ [of it]. They asked: [In the case of] himself⁴⁹ — what is [the law]?⁵⁰ — R. Habina said: Even he himself [may do so]. Mar b. R. Ashi, said: He himself [may] not. And the law is: he himself [may] not.

1. In view of the retaliatory punishment which it involves, the accusation of an 'alibi' can be made only in the presence of the witnesses concerned.
2. [No evidence is accepted refuting the subject-matter of the evidence in the absence of the witnesses, and since in the case of the document they are dead, the evidence of the second set of witnesses is not accepted. The evidence disqualifying the witnesses as having been forced or minors is considered [H].]
3. The witnesses who signed the document.
4. The testimony of the new witnesses.
5. Of the testimony of the witnesses who signed the document.
6. The witnesses who signed the document.
7. The testimony of the witnesses of the document.
8. The witnesses who signed the document.
9. They died.
10. The witnesses who signed the document.
11. To the other witnesses. I.e., there is an additional reason for disregarding the testimony of the document. The witnesses who signed the document might even have admitted that what the other witnesses said was true.
12. On the one side.
13. On the other side.
14. Lit., 'money'.
15. I.e., of him who happens to have it now. [E.g., in the case of a note of indebtedness, either the debtor, or the creditor should the latter have happened to distrain on the debtor's goods. And when the Baraita rules that they are not believed, it means only in so far that the document is not destroyed.]

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16. Lit., 'well'.
17. On the one side.
18. On the other side.
19. The ownership-right came to him from his forefathers by inheritance.
20. And the property passes to the purchaser.
21. V. *supra* p. 108 nn. 9 and 10
22. And they do not incur the retaliatory penalty for *Zomemim* witnesses.
23. I.e., the evidence stands contradicted.
24. Lit., 'If it is contested, yes. if it was not contested, no'. If the document was contested and confirmed in court as valid, the new witnesses are not believed; but if the document was not contested and confirmed, the new witnesses are believed.
25. Lit., 'supports'.
26. I.e., the signatures of a document. If the confirmation is made by comparing it with the signatures attached to another document.
27. The Scholars of Nehardea.
28. From signatures of the same witnesses attached to two marriage settlements it deeds of sale of fields.
29. I.e., the occupants who claim to be owners.
30. Lit., 'ate'.
31. Without anyone protesting against their holding of the fields.
32. Lit., 'it comes out from under the hands of'. I.e., when the two documents, with which the contested document is compared, were in the possession of other persons and they produced them.
33. Lit., 'from under his own hand'. I.e., if they were in the possession of the person whose document is contested.
34. In the contested document.
35. To the other persons.
36. The other documents.
37. The signatures of the witnesses on the contested document.
38. Lit., 'all that'.
39. He cannot hope to imitate the handwriting of the witnesses in the other documents, since the documents are not in front of him. By seeing the documents once or twice in the hands of others, he cannot forge the signatures.
40. Who is going to be a witness in a legal dispute.
41. Lit., 'on'.
42. We would say 'on paper'.
43. [H] 'through it', 'by it', 'by means of it'. There is apparently a legal nicety in the word. Not [H], 'from it'. If his evidence is only from it, that is if he does not recollect the evidence even when looking at the paper, his evidence would not be valid. The written testimony should be an aid to his memory. But if it does not recall anything to him, it is valueless.
44. Part of the evidence (Rashi).
45. Lit., 'of, or from himself'. And the written testimony brings it all back to his mind.
46. Only after looking at the document, in which he had written his testimony at the time, he reminds himself of the facts of the case. But if he cannot now recollect anything, the written testimony has no value (Rashi). The same rule obtains in the English Law of Evidence. V. Cockle, *Cases and Statutes on the Law of Evidence*, third edition, pp. 266-7: 'A witness may refresh his memory by referring to any writing or document made by himself, at or so soon after the transaction in question that the judge considers it was fresh in his memory at the time. But it is not necessary that the witness should have any independent recollection of the fact recorded, if he is prepared to swear to it on seeing the writing or document.' V. also Powell's *Principles and Practice of the Law of Evidence*, ninth edition, pp. 269-172. On p. 169: 'A witness may refresh his memory by looking at any memorandum — [1] Which revives in his mind a recollection of the fact to which it refers.' Paragraphs [2] and [3] on p. 170 are also very interesting. [3] is 'an extreme case,' and it is difficult to say whether R. Johanan would have gone as far as that.
47. Knew facts of a case to which they could testify.
48. Lit., 'one reminds his fellow'.
49. I.e., the litigant.
50. Lit., 'how is it'? I.e., may the litigant remind the witness of the evidence?

Kethuboth 20b

But if he¹ is a scholar,² even he himself³ [may remind the witness].⁴ As that case of R. Ashi: He knew evidence for R. Kahana, [and] he⁵ said to him:⁶ Does the master remember that evidence?⁷ And he⁸ said to him:⁹ No. But was it not so and so?¹⁰ He¹¹ replied: I do not know. In the end, R. Ashi reminded himself, and he gave evidence for him.¹² He¹¹ saw that R. Kahana was surprised,¹³ [so] he¹¹ said to him:¹⁴ Do you think [that] I relied upon you? I threw it upon my mind¹⁵ and I remembered it.¹⁶

We learnt elsewhere:¹⁷ Mounds which are near a town or a road, whether they are new or old, are unclean,¹⁸ those [mounds] which are distant — if they are new,¹⁹ they are clean,²⁰ and if they are old,²¹ they are

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unclean.²² What is near? Fifty cubits.²³ And what is old? Sixty years.²⁴ [This is] the view²⁵ of R. Meir. R. Judah says: 'near', [denotes] when there is none nearer; 'old', when one remembers it.²⁶ [Now] what is [meant by] a town and what is [meant by] a road? Shall I say: [by] a town is [meant] an ordinary town, [and by] a road is [meant] an ordinary road? Do we presume uncleanness out of doubt? Did not Resh Lakish say: They²⁷ found some pretext²⁸ and declared the land of Israel unclean?²⁹ —

Said R. Zera: [By] a town is [meant] a town which is near a burial place, and [by] a road is [meant] a road [leading] to a burial place. I grant you [in the case of] a road [leading] to a burial place,³⁰ because sometimes it might happen [that a funeral took place] at twilight, and it chanced that they buried it³¹ in the mound.³² But [in the case of] a town which is near a burial place — all go to the burial place!³³ — Said R. Hanina: Because women bring there³⁴ their abortions and lepers³⁵ [bring there]³⁶ their arms.³⁷ [And it is assumed that] till fifty cubits she³⁸ goes alone,³⁹ but for a longer distance⁴⁰ she takes a man with her and [then] she goes to the burial place.⁴¹ Therefore, we do not presume uncleanness in Eretz Israel.⁴² R. Hisda said: You may infer from [the words of] R. Meir⁴³ [that] one remembers⁴⁴ evidence till sixty years, for a longer⁴⁵ [period than sixty years] one does not remember. But it is not so, [for] there⁴⁶ [he does not remember the evidence after sixty years] because it⁴⁷ is not his concern,⁴⁸ but here,⁴⁹ since it is his concern, even for a longer [period⁵⁰ he] also [remembers the evidence].

MISHNAH. [IF] ONE⁵¹ WITNESS SAYS, 'THIS IS MY HANDWRITING AND THAT IS THE HANDWRITING OF MY FELLOW, AND THE OTHER [WITNESS] SAYS, 'THIS IS MY HANDWRITING AND THAT IS THE HANDWRITING OF MY FELLOW,' THEY ARE BELIEVED. [IF] ONE SAYS, 'THIS IS MY HANDWRITING,' AND THE OTHER SAYS, 'THIS IS MY HANDWRITING,' THEY MUST JOIN TO THEMSELVES ANOTHER

[PERSON].⁵² [THIS IS] THE VIEW⁵³ OF RABBI. BUT THE SAGES SAY: THEY NEED NOT JOIN TO THEMSELVES ANOTHER [PERSON], BUT A PERSON IS BELIEVED TO SAY, 'THIS IS MY HANDWRITING'.⁵⁴

GEMARA. If you should find [that] according to the view of Rabbi

1. The witness.
2. If the witness is a scholar he will know whether the reminding of the facts recalls the facts, or some of the facts, to his memory. If his memory is not aided, he will not give evidence.
3. The litigant.
4. Of the facts.
5. R. Kahana.
6. To R. Ashi.
7. I.e., do you remember those facts?
8. R. Ashi.
9. R. Kahana.
10. R. Kahana asked R. Ashi.
11. R. Ashi.
12. For R. Kahana.
13. R. Kahana was surprised that R. Ashi gave evidence after he had said twice that he did not remember it.
14. To R. Kahana.
15. Lit., 'upon my soul'. — The meaning of these words is: I tried hard to recall the facts to my mind.
16. His own mental efforts were successful. — This story shows that a scholar may be reminded of the evidence by the litigant himself.
17. Oh. XVI, 2.
18. We assume that there are graves in those mounds.
19. Lit., 'new ones'.
20. If a dead body had been buried there, it would have been known.
21. Lit., 'old ones'.
22. They might have been used as burial places.
23. Or less.
24. Or more.
25. Lit., 'the words'.
26. When it originated.
27. The scholars.
28. V. *Nazir* (Sonc. ed.) p. 247, n. 7.
29. Why should we then presume uncleanness out of a doubt?
30. That it is regarded as unclean.
31. The dead body.
32. As the funeral took place on the eve of Sabbath at twilight they might not have had time to reach the burial place before the commencement of Sabbath, and therefore

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- they buried the dead body in the mound. Therefore, the mound is unclean.
33. Since the burial place is near, why should the town, then, be unclean?
 34. In the mounds.
 35. Lit., 'those who are afflicted with boils (leprosy)'.
 36. In the mounds.
 37. Or other limbs, which have been amputated or have fallen off through the disease of leprosy.
 38. The woman.
 39. And in that case she would bury the abortion in the mound.
 40. Lit., 'more'.
 41. As she takes a man to accompany her she does not mind going to the burial place and burying the abortion there.
 42. Lit., 'the land of Israel'.
 43. Who says, 'What is old? Sixty years.'
 44. Lit., 'this evidence is remembered'.
 45. Lit., 'more'.
 46. In the case of the mound.
 47. I.e., the matter of the origin of the mound.
 48. Lit., 'not thrown upon him'. I.e., there is no reason why he should remember how the mound originated more than sixty years back.
 49. In the case of a legal dispute, he is interested in the facts of which he was a witness, and, therefore, he remembers the evidence even after sixty years.
 50. Than sixty years.
 51. Lit., 'this'.
 52. So that there should be two witnesses for each handwriting (signature).
 53. Lit., 'the words'.
 54. And the two witnesses thus confirm the document which they signed.

Kethuboth 21a

they¹ give evidence with regard to their handwriting,² according to the Sages they³ give evidence with regard to the *Maneh*⁴ in the deed.⁵ This is self-evident! — You might have said that Rabbi was in doubt whether they³ testified to their signature or to the *Maneh* in the deed.⁶ And the difference⁷ would be when one of them died. [Here] we need two witnesses⁸ from the street to testify regarding it,⁹ because otherwise,¹⁰ the whole of the money less a quarter would go out¹¹ by the mouth¹² of one witness, and both here and there the stricter rule would prevail.¹³ Therefore, he teaches that it is clear to Rabbi,¹⁴ whether the result is lenient¹⁵ or

strict.¹⁶ For Rab Judah said [that] Rab said: If two [witnesses] are signed on a document and one of them died, two [persons] from the street are required to give evidence with regard to him.¹⁷ In this¹⁸ it would be lenient¹⁹ according to Rabbi and it is strict²⁰ according to the Rabbis. And if there are not two, but there is only one,²¹ what [then]? —

Said Abaye: He²² shall write his signature on a piece of clay²³ and place it before the court, and the court confirms it,²⁴ and he need not testify to his own signature,²⁵ and he [then] goes with that one²⁶ and they [together] testify to [the signature of] the other [witness].²⁷ And only on a piece of clay²⁸ but not a scroll,²⁹ lest a bad³⁰ man may find it and write on it whatever he likes,³¹ and We have learned: If one person produces the handwriting³² of another person³³ that he owes him [money], he collects [the debt] from unmortgaged³⁴ property.³⁵ Rab Judah said [that] Samuel said. The *Halachah* is according to the Sages³⁶ This is obvious! [When there is a dispute between] one [authority] and many [authorities] the law is according to the many (authorities)! You might have said: since the *Halachah* is according to Rabbi as against one of his fellow-scholars, it is also against many of his fellow-scholars,³⁷ so be lets us hear³⁸ [otherwise].

(Mnemonic: *NaH, NaD, HaD.*)³⁹

R. Hinena b. Hiyya said to R. Judah, and some say (that) R. Huna b. Judah [said] to Rab Judah, and some say [that] R. Hiyya b. Judah [said] to Rab Judah: And did Samuel say so? Surely once a deed came out⁴⁰ from the court of Mar Samuel and there was written in it, 'Whereas R. 'Anan b. Hiyya came and testified to his own signature and to that of his fellow-witness,⁴¹ namely,⁴² R. Hanan b. Rabbah, and whereas R. Hanan b. Rabbah came and testified to his own signature and to that of his fellow-witness, namely R. 'Anan b. Hiyya,' we have verified⁴³ it, and we have confirmed it,⁴³ as it is proper!⁴⁴ — He said to him: That deed

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belonged to orphans, and Samuel was afraid of an erring court.⁴⁵ Samuel thought: There might be someone who held that the *Halachah* is [generally] according to Rabbi as against one fellow-scholar, and not as against many of his fellow-scholars, but [that] in this⁴⁶ [the *Halachah* is according to Rabbi] even as against many of his fellow-scholars,⁴⁷ I will make relief,⁴⁸ so that the orphans should not suffer any loss.

Rab Judah said [that] Samuel said: Witness and judge are joined together.⁴⁹ Rami b. Hama said: How excellent is this tradition! Said Raba: What is the excellence? What the witness testifies to the judge does not testify to, and what the judge testifies to the witness does not testify to?⁵⁰ And indeed, when Rami b. Ezekiel came he said: Do not heed those rules which my brother Judah⁵¹ laid down in the name of Samuel.

1. The witnesses.
2. Therefore the handwriting of each witness has to be confirmed by two witnesses.
3. The witnesses.
4. *Maneh* is only mentioned as an illustration. It is the transaction recorded in the deed to which they testify. This transaction might have been the loan of a *Maneh*.
5. And the two witnesses testify to the transaction by each of them confirming his signature, hence the ruling of the Sages.
6. [And being in doubt, he took the more stringent view, and required that both witnesses testify to each other's signature.]
7. Whether Rabbi was sure or doubtful in his view.
8. Because of Rabbi's doubt whether the witnesses testified to their signature or to the *Maneh* in the deed.
9. The signature of the dead witness.
10. Lit., 'if so'. I.e., if we should say that one witness from the street would be sufficient.
11. I.e., would be given to the claimant.
12. I.e., the evidence.
13. If Rabbi was in doubt we should require two other witnesses to give evidence regarding the signature of the dead witness. One other witness, added to the surviving witness, would not do, because the evidence of the witnesses may be (since Rabbi is in doubt) with regard to the *Maneh* in the deed, and not to the signatures, in which case half of the evidence regarding the transaction would be given when the surviving witness confirms his own

signature. His own confirmation of his signature is sufficient, as far as his evidence is concerned, if the object of the evidence is the transaction recorded in the deed. half of the sum mentioned in the deed would then go to the claimant by his confirmation of his signature, in other words, by his evidence. And when he testifies, with the other new witness, regarding the signature of the dead witness, half of the other half of the sum is testified to by him, so that altogether three-quarters of the sum mentioned in the deed would go to the claimant through the evidence of one, the surviving witness, and this is not according to the law, which demands that no more than one half should 'go out' by the evidence of one single witness. (V. Git. (Sonc. ed.) p. 57, n. 9.) Therefore, through Rabbi's doubt, we should require two other witnesses when one witness died. And when both witnesses who signed the deed are alive, each signature must be testified to by both witnesses, because there would be Rabbi's doubt that the evidence may be regarding the signatures. The result would be that in both cases, whether both witnesses are alive or one witness is dead, each signature would have to be testified to by two witnesses.

14. That the evidence is regarding the signatures.
15. As in the case of the death of one witness. Being certain in his view that the evidence is with regard to the signatures, and not with regard to the *Maneh* in the deed, Rabbi would hold that one witness from the street, added to the surviving witness, is sufficient. The surviving witness and the new witness would both testify to both signatures. There would be no question of three-quarters of the sum mentioned going out by the mouth of one witness, because in Rabbi's certain view, the evidence is with regard to the signatures and not with regard to the *Maneh* in the deed.
16. In the case when both the witnesses are alive. They must testify to both signatures.
17. This is according to the Sages.
18. I.e., in this case.
19. V. n. 2.
20. As the Rabbis (the Sages) hold the view that the evidence is regarding the *Maneh* in the deed, two new witnesses are required to testify to the signature of the dead witness. If there would be only one new witness and he would be added to the surviving witness, three-fourths of the sum mentioned in the deed would go out by the mouth of one witness, v. p. 114, n. 14.
21. Person from the street who recognizes the handwriting of the dead witness.
22. The surviving witness.

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23. [H] 'clay', or 'a piece of clay' is reminiscent of the Babylonian clay-tablets.
24. By comparing the signature on the piece of clay with the signature in the deed.
25. In the deed.
26. The person from the street.
27. Of the dead witness.
28. Shall he (the surviving witness) write his signature.
29. We would say 'but not on a sheet of paper'. It is interesting to note the use of 'piece of clay', together with the use of 'scroll'. It may be that [H] was also used, later, in the sense of 'a small piece of paper'.
30. Dishonest.
31. He may write over the signature that the signatory borrowed a certain sum of money from him.
32. A note of indebtedness signed by the other person.
33. Lit., 'he produced against him his handwriting.'
34. Lit., 'free'.
35. V. B.B. 175b. The surviving witness must, therefore, be careful and write his signature only on a piece of clay, or on a small piece of papers on which there is room only for his signature.
36. In our Mishnah.
37. Lit., his fellow and even from his fellows'.
38. That the *Halachah* is according to scholars.
39. Nah stands for Hinenah b. Hiyya; Nad for Hunah b. Judah; Had for Hiyya b. Judah. the names of the Amoraim that follow.
40. Declared as valid.
41. Lit., 'and to the one of (the person) with him'.
42. Lit., 'and who is it?'
43. The deed.
44. We thus see that Samuel acted according to the opinion of Rabbi.
45. Of judges who might mistakenly think that in this matter the law is according to Rabbi.
46. In the matter of confirming witnesses' signatures.
47. And he will not accept the confirmation.
48. I.e., I will do more than is necessary.
49. For the purpose of confirming the validity of the document, the witness testifies to his signature, and the judge to his signature endorsing the document which had been presented to court for confirmation. V. *infra*.
50. The witness testifies to the transaction (to the *Maneh* in the deed according to the Sages), and the judge testifies to his own signature.
51. Rab Judah was a brother of Rami.

Kethuboth 21b

Rabbanai, the brother of R. Hiyya b. Abba, came to buy sesame and he said: Thus Samuel said: Witness and judge are joined together. Amemar said: How excellent is this tradition! Said R. Ashi to Amemar: Because the father of your mother¹ praised it, you also praise it! Raba has already refuted it.

R. Safra said [that] R. Abba said [that] R. Isaac b. Samuel b. Martha said [that] R. Huna said, and some say [that] R. Huna said [that] Rab said: If three² sit together to confirm a deed, and two [of them] know³ the signatures of the witnesses and one does not know,⁴ before they sign,⁵ they may testify⁶ before him,⁷ and he⁸ [then] signs⁹ [with them]; after they have signed, they may not testify before him and he may not sign. But do we write [the attestation]?¹⁰ Did not R. Papi say in the name of Raba: The judge's attestation which is written before the witnesses give evidence as to their signatures is invalid, because it looks like a lie? [And] here also it looks like a lie! —

But say: Before they have written [the attestation] they may testify before him and he [then] signs [with them]; after they have written [the attestation], they may not testify before him and he may not sign. We may infer from this three things.¹¹ We may infer that a witness may be¹² a judge;¹³ we may [also] infer that, if the judges know the signatures of the witnesses, there is no need to testify¹⁴ before them;¹⁵ and [again] we may infer that, if the judges do not know the signatures of the witnesses, it is necessary to give evidence before every one.¹⁶

R. Ashi demurred to this: Agreed¹⁷ that we may infer from it that a witness may be a judge, but [how can we infer from it that], if the judges know the signatures of the witnesses, there is no need to testify before them? Perhaps, indeed, I can say to you [that] this is necessary, but it is different here, because the telling¹⁸ has been fulfilled before one.¹⁹ And [further, how can we infer

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from It that], if the judges do not know the signatures of the witnesses, it is necessary to give evidence before every one?²⁰ Perhaps, indeed, I can say to you [that] this is not necessary, but it is different here, because the telling²¹ would not have been fulfilled at all.²²

R. Abba sat and reported²³ this law, that a witness may be a judge. R. Safra [then] objected to R. Abba: If three²⁴ saw it²⁵ and they are [of] the court, two²⁶ shall stand up and set [two] of their fellows²⁷ beside the one, and they²⁸ shall testify before them,²⁹ and [then] they say: Hallowed is the new moon, hallowed; for one person is not believed by himself. Now, if you assume that a witness may be a judge, what do we want all this for? Let them sit in their places³⁰ and proclaim³¹ [the new moon] is hallowed! — He said to him: That was also difficult to me, and I asked R. Isaac b. Samuel b. Martha. and R. Isaac [asked] R. Huna, and R. Huna [asked] Hiyya b. Rab, and Hiyya b. Rab [asked] Rab, and he said to them: Leave alone the testimony as to the new moon, [for it is] Biblical, and the confirmation of documents is Rabbinic.³²

R. Abba said [that] R. Huna said [that] Rab said: If three sit to confirm a document and an objection is raised³³ against one of them,³⁴ they³⁵ may, before they have signed [the attestation], give evidence regarding him,³⁶ and he may [then] sign; after they have signed, they may not give evidence regarding him³⁷ and he may not sign. On what ground was that objection raised? If the objection was on the ground of robbery,³⁸

1. Rami b. Hama.
2. Three laymen may constitute themselves into a court.
3. Lit., 'recognize'.
4. The signatures.
5. A declaration that the signatures of the witnesses have been confirmed.
6. To the signatures of the witnesses.
7. Before the third judge.
8. The third judge.
9. The attestation confirming the signatures. As to the form of the attestation, v. Rashi.

10. Before the signatures of the witnesses have been testified to by the signatories or by other witnesses.
11. Lit., 'heat from this three'.
12. Lit., 'be made'.
13. [The two who first testify to the signatures of the witnesses may then act as judges, endorsing the document.]
14. To the signatures.
15. Before the judges, since no provision is made for any testimony being made before the two judges who know the signatures.
16. Of the judges, since in this case the two judges have to testify before the third judge.
17. Lit., 'it is all tight'.
18. The giving of evidence.
19. Before the third judge.
20. Of the judges.
21. The giving of evidence.
22. If the two judges had not testified before the third judge.
23. Lit., 'said'.
24. Of the Sanhedrin.
25. The new moon.
26. Of them.
27. Of the Sanhedrin.
28. The two.
29. The three who form the court.
30. After they have given evidence as to the new moon.
31. Together with the third person.
32. [Whereas in a Biblical matter a witness cannot act as judge, in a Rabbinic measure, e.g., the attestation of documents, no such stringency applies.]
33. Lit., 'and one calls a protest'. [This protest was made by two, v. *infra* 26a.]
34. It is said that he is unfit to act as judge.
35. The other two persons.
36. That he is a fit person.
37. As they are then interested parties, it being to their discredit to have acted as judges with an unfit person.
38. On account of a robbery which he is alleged to have committed.

Kethuboth 22a

they are two and two.¹ [And] if it is a protest regarding family blemish,² [then all that is required is] merely a revealing of the matter.³ — Indeed, I will tell you, it is a protest regarding robbery, and these say: We know of him that he has repented.⁴

R. Zera said: This thing I have heard from R. Abba, and if not for R. Abba of Acco, I would

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have forgotten it: If three sit to confirm a document and one of them dies,⁵ they must write, 'We were In a session of three, and one is no more.'⁶ R. Nahman b. Isaac said: And if it is written in it: This document has been produced⁷ before us [as] a court of law, more is not necessary.⁸ But perhaps it was an arrogant court, and [that is] according to Samuel, for Samuel said: If two have judged,⁹ their judgment is a judgment,¹⁰ only they are called an arrogant court?¹¹ — When it is written in it, [e.g.] 'The court of our Master Ashi.'¹² But perhaps the scholars of the school of R. Ashi hold with Samuel? — When it is written in it, 'And our Master Ashi told us.'¹³

MISHNAH. IF A WOMAN SAYS. 'I WAS MARRIED¹⁴ AND I AM DIVORCED', SHE IS BELIEVED, FOR THE MOUTH THAT FORBADE IS THE MOUTH THAT PERMITS. BUT IF THERE ARE WITNESSES THAT SHE WAS MARRIED, AND SHE SAYS. 'I AM DIVORCED', SHE IS NOT BELIEVED. IF SHE SAYS. 'I WAS TAKEN CAPTIVE BUT I HAVE REMAINED CLEAN.'¹⁵ SHE IS BELIEVED, FOR THE MOUTH THAT FORBADE IS THE MOUTH THAT PERMITS. BUT IF THERE ARE WITNESSES THAT SHE WAS TAKEN CAPTIVE AND SHE SAYS, 'I HAVE REMAINED CLEAN,' SHE IS NOT BELIEVED. BUT IF THE WITNESSES CAME AFTER SHE HAD MARRIED, SHE SHALL NOT GO OUT.¹⁶

GEMARA. R. Assi said: Whence [do we know] from the Torah [the principle of] 'the mouth that forbade is the mouth that permits'? Because it is said: 'My daughter I gave to this man as a wife.'¹⁷ [By saying] 'to man', he made her forbidden,¹⁸ [by saying] 'this', he made her permitted.¹⁹ Why is a Scriptural verse necessary? It stands to reason: he made her forbidden, and he made her permitted! — The Scriptural verse is required according to what R. Huna [said that] Rab said, for R. Huna said [that] Rab said: Whence [do we know] from the Bible that the father is believed to make his daughter forbidden?²⁰ Because it is said: 'My daughter I gave to [this] man as his wife.'²¹

Why [is it said] 'this'?²² — It is required for what R. Jonah taught, for R. Jonah taught: 'My daughter I gave to this man': '[To] this [man]', and not to the brother-in-law.²³ Our Rabbis taught: If a woman says, 'I am married', and then she says,²⁴ 'I am unmarried', she is believed. But she made herself forbidden!²⁵ —

Said Raba the son of R. Huna: When she has given a plausible reason for her words.²⁶ We have also a Baraitha to the same effect. If she says, 'I am married', and then she says, 'I am unmarried', she is not believed, but if she gives a plausible reason for her words, she is believed. And so it once happened with a great woman, who was great in beauty, and men were eager²⁷ to betroth her, and she said to them, 'I am betrothed'. After a time she became betrothed.²⁸ The Sages said to her: Why have you chosen²⁹ to do this?³⁰ She answered them,³¹ 'At first, when unworthy men came to me, I said, "I am betrothed"; now that worthy men come to me, I became betrothed'. And this law R. Aha, the prince of the castle, brought before the Sages³² in Usha, and they said: If she gives a plausible reason for her words she is believed.

Samuel asked Rab: If [a woman] says,³³ 'I am unclean',³⁴ and then she says. 'I am clean',³⁵ what is [the law]?³⁶ He³⁷ answered him:³⁸ Also in this case if she gives

1. Two give evidence against him (v. n. 4), and these other two for him, and he is still inadmissible, even if the other two give evidence regarding his fitness before they signed.
2. He is said to be descended from slaves and thus unfit to act as judge.
3. A search in his genealogy can reveal whether there is any ground for the objection of the two witnesses or not, independent of the evidence of the other two. Why then should the other member of the court, after having signed, be debarred from testifying in his favor?
4. Lit., 'that he has done repentance'. Repentance implies giving back the thing robbed to its owner. [Since they do not contradict the evidence of the first set of witnesses, their testimony as to his fitness is

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- accepted, provided it is given before they signed.]
5. Before they signed it.
 6. So that it should be known that the document was confirmed in the presence of three judges.
 7. Lit., 'has gone out'. This term also implies that the document has been found valid.
 8. It is then evident that they were three, as a court of law cannot consist of less than three judges.
 9. Sat as a court and pronounced judgment.
 10. Their decision is valid.
 11. I.e., such practices should be discouraged.
 12. Under R. Ashi a court would certainly consist of three. R. Ashi's court is mentioned as a mere illustration, R. Ashi being a contemporary of R. Nahman b. Isaac, and head of the most renowned Academy and court at Mehasia.
 13. To act as a court. And then the court would certainly consist of three.
 14. Lit., 'the wife of a man'.
 15. No one has had intercourse with me, and I am still fit to marry into the priesthood.
 16. Lit., 'behold, this (one) shall not go out'. I.e., out of the house of her husband. Her second marriage is valid and she is not to be sent away.
 17. Deut. XXII, 16.
 18. As he does not say to which man, he made her forbidden to all men.
 19. To this man.
 20. To all men except the one man to whom he says he gave her in marriage.
 21. Deut. XXII, 16. He can give her as wife to this man and thus make her forbidden to all other men.
 22. It is obvious that he means that man, who is putting up a claim against his newly wedded wife.
 23. The law of Deut. XXII, 13ff does not apply to the husband's brother who marries the widow of his brother (cf. Deut. XXV, 5ff) and brings against her a charge of defamation. He is not subject to the fine. V. *infra* 46a.
 24. Lit., 'and she turned (retracted) and she said'.
 25. Lit., 'a piece of prohibition'. By Saying 'I am married', she declared herself to be forbidden to other men, how then can she raise this prohibition by a mere retraction?
 26. Why she said, 'I am married'.
 27. Lit., 'and men jumped at her'.
 28. Lit., 'she stood up and betrothed herself (to a man)'.
 29. Lit., 'why bast thou seen'.
 30. To say that you were betrothed.
 31. Lit., 'she said to them'.
 32. For consideration.
 33. To her husband.
 34. I.e., 'I am in the period of menstruation'.

35. Lit., 'I had no menstruation'.
36. Lit., 'How is it'. May her husband believe bet second statement and have intercourse with her?
37. Rab.
38. Samuel.

Kethuboth 22b

a plausible reason for her words she is believed. He learned it from him forty times, and still Samuel did not act accordingly with regard to himself.

Our Rabbis taught: When two [witnesses] say [that the husband of the woman] has died, and two [witnesses] say [that] he has not died, or two [witnesses] say [that] she has been divorced, and two [witnesses] say [that] she has not been divorced, she shall not marry [again], but if she has married [again], she shall not go out. R. Menahem b. Jose says: She shall go out. R. Menahem b. Jose said: When do I say [that] she shall go out? — When witnesses¹ came and then she married, but if she married and then came witnesses,¹ she shall not go out. Now, they are two and two,² [and] he who has intercourse with her³ is liable to a doubtful guilt-offering!⁴ Said R. Shesheth: When she married one of her witnesses.⁵ Then she herself should bring a doubtful guilt. offering! — When she says. 'I am sure'.⁶

R. Johanan said: When two [witnesses] say [that the husband of the woman] has died, and two [witnesses] say [that] he has not died, she shall not marry [again], but if she has married [again], she shall not go out. When two [witnesses] say [that] she has been divorced, and two [witnesses] say [that] she has not been divorced, she shall not marry [again]. and if she has married, she shall go out. What is the difference between the first case and the second case? —

Abaye said: Explain it⁷ [that it speaks] of one witness.⁸ When one witness says [that] he has died, the Rabbis believe him as two [witnesses].⁹ And [this is] according to 'Ulla, for 'Ulla said: Wherever the Torah makes

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one witness credible. [it is as if] there are two, whereas he who said that he has not died is one, and the words of one have no validity against two.¹⁰ If so, [she should be allowed to marry again] from the beginning? — Because of that [saying] of R. Assi, for R. Assi said: 'Put away from thee a froward mouth, and perverse lips put far from thee'.¹¹ In the second case [however] one witness says [that] she has been divorced, and one witness says [that] she has not been divorced, they [therefore] both testify to a married woman, and he who says [that] she has been divorced is one, and the words of one have no validity against two.

Raba said: Indeed, they are two and two, and R. Johanan regards [as right] the words of R. Menahem b. Jose¹² in [the case of] divorce, but not in [the case of] death. Why? — In the case of death, she cannot contradict him,¹³ [but] in the case of divorce, she can contradict him.¹⁴ But would she be as impudent as all that?¹⁵ Did not R. Hamnuna say: If a woman says to her husband, 'thou hast divorced me,' she is believed, [for] the presumption is [that] a woman is not insolent before her husband?¹⁶ — This is the case only when there are no witnesses who support her; but when there are witnesses who support her, she is indeed insolent. R. Assi says: When the witnesses say, 'he has died just now, he has divorced her just now.' Death one cannot prove,¹⁷ divorce one can prove, for we say to her, 'if it is so, show us thy document of divorce'.¹⁸

Our Rabbis taught: If two [witnesses] say that she has been betrothed, and two [witnesses] say [that] she has not been betrothed, she shall not marry, and if she has married, she shall not go out. If two [witnesses] say [that] she has been divorced, and two [witnesses] say [that] she has not been divorced, she shall not marry, and if she has married, she shall go out.

1. The second set of witnesses.
2. There are two witnesses against two witnesses, and the matter, that is the death of the first

husband, remains in doubt. This cannot refer to the case of divorce, v. *infra*.

3. The man who marries bet now'.
4. A guilt-offering to be brought when one is in doubt whether the act committed was sinful or not.
5. And he is sure that the first husband died.
6. [She has a feeling of certitude that her first husband is dead, as otherwise he would have come back to bet (Rashi).]
7. The statement of R. Johanan.
8. Not two sets of witnesses testified, but one single witness in each case.
9. [The Rabbis have laid down the principle that the evidence of one witness testifying to the husband's death is sufficient; v. Yeb. 88a.]
10. Lit., 'and the words of one are not in the place of two'. [The evidence of the former witness, who said that he was dead, is treated as that of two witnesses, whereas that of the latter only, as that of one.]
11. Prov. IV. 24 — One should try to avoid evil talk, although there is no objection to the marriage from the point of view of strict law'. [R. Assi was wont to quote this verse from Prov.]
12. That she should go out.
13. If her first husband comes back she cannot say to him, 'thou art dead!' Therefore, she would not say that he is dead unless she was sure that it is so, and we believe her.
14. If the first husband comes and says that he has not divorced her, she will contradict him and say that he has divorced her. If we should believe her she would rely on the denial she could give him and would marry again, although she was still the wife of the first husband.
15. To contradict her husband in the case of divorce, even if it was not true.
16. And so we ought to believe her also in the case of divorce!
17. Therefore she need not go out if she has married again, provided it was to one of the witnesses.
18. She cannot have lost it in such a short time. And if she cannot show her document of divorce she must not marry again, and if she has married, she must go out.

Kethuboth 23a

What is the difference between the first case and the second case? — Abaye said: Explain it¹ [that it speaks] of one witness.² When one witness says [that] she has been betrothed and one witness says [that] she has not been betrothed, they both testify to an unmarried

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woman, and he who says [that] she has been betrothed is one, and the words of one have no validity against two. In the second case [where] one witness says [that] she has been divorced and one witness says [that] she has not been divorced, they both testify to a married woman, and he who says that she has been divorced is one, and the words of one have no validity against two.

R. Ashi said: Indeed, they are two and two, and reverse it.³ When two say, 'we have seen⁴ that she has been betrothed', and two say, 'we have not seen that she has been betrothed, she shall not marry [another man], and if she has married she goes out.' [But] this is obvious! 'We have not seen' is no evidence! — It is not [so obvious], as it is needed for the case when they dwelt in one courtyard; one might say, 'if she had been betrothed it would have been known,⁵ so he lets us hear that there are people who get betrothed quietly. In the second case, when two say, 'we have seen that she has been divorced,' and two say, 'we have not seen that she has been divorced, she shall not marry again, and if she has married she shall not go out,' what does he let us hear [by this case]?⁶ Although they live in the same courtyard! [But then] this is the same!⁷ — One might say that with regard to betrothal it happens that people get betrothed quietly. But with regard to divorce if she had been divorced, it would have been known, so he lets us hear that there are people who get betrothed and get divorced quietly.

AND IF WITNESSES COME AFTER SHE GOT MARRIED. SHE SHALL NOT GO OUT. R. Oshaia refers it⁸ to the first clause.² Rabbah b. Abin refers it to the second clause.¹⁰ He who refers it to the first clause, how much more [does he refer it] to the second clause, for in the case of a captive woman they have made it lenient.¹¹ But he who refers it to the second clause does not refer it to the first clause.¹² Is it to say that they differ concerning the view of R. Hamnuna: that he who refers it to the first clause holds the view of R. Hamnuna,¹³ and

he who refers it [only] to the second clause does not hold the View of R. Hamnuna? — No, all hold the view of R. Hamnuna. and here they differ in this: one argues: When was that of R. Hamnuna said?¹⁴ In his presence,¹⁵ but in his absence she is impudent,¹⁶ and one holds [that] in his absence also she is not impudent.¹⁷

AND IF WITNESSES CAME AFTER SHE GOT MARRIED, etc. The father of Samuel said: 'SHE GOT MARRIED', does not mean, 'she actually got married'. but 'as soon as they¹⁸ allowed her to get married', even if she did not get married yet. But it says: SHE SHALL NOT GO OUT!¹⁹ — [This means] she shall not go out from her first permission.²⁰

Our Rabbis taught: When she says. 'I was taken captive. and I am pure, and I have witnesses that I am pure. they¹⁸ do not say: We will wait until the witnesses come, but they¹⁸ allow her at once [to marry]. If they¹⁸ allowed her to marry and then the witnesses came and said, 'we do not know',²¹ then she shall not go out. But if witnesses of defilement²² came, even if she has many children she shall go out.²³

Certain women captives came once to Nehardea. The father of Samuel²⁴ placed watchmen with them.²⁵ Said Samuel to him: And who watched them till now? Said he to him: 'If they had been thy daughters wouldst thou also have spoken of them so lightly?' It was 'as an error which proceedeth from before the ruler,²⁶ and the daughters of Mar Samuel were taken captive. And they were brought²⁷ to the Land of Israel. They let their captors stand outside and they went in into the school of R. Hanina. This One²⁸ said, 'I was taken captive and I am pure,' and that one said. 'I was taken captive and I am pure. [So] they¹⁸ allowed them.²⁹ Then the captors entered. R. Hanina [thereupon] said: They are the children of a Scholar.³⁰ It [then] became known³¹ that they were the daughters of Mar Samuel.

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R. Hanina [thereupon] said to R. Shaman b. Abba: Go and take care of thy relatives.³² Said he to R. Hanina: But there are witnesses in the country beyond the sea!³³ — Now, however, they are not before us. Witnesses are in the North,³⁴ and [therefore] she shall be forbidden [to marry]? [Now] the reason³⁵ is because no witnesses came,³⁶ but if witnesses came she³⁷ is forbidden! But did not the father of Samuel say: As soon as they allowed her to get married, even if she did not get married?³⁸ R. Ashi said: It was stated: Witnesses of defilement.³⁹

1. The Baraitha just quoted.
2. For each evidence.
3. In the first case she has to go out, and in the second case she need not go out.
4. This, too, is a new element.
5. Lit., 'there is a voice in the matter'.
6. 'We have not seen' is no evidence!
7. As in the first case.
8. The sentence just quoted.
9. Of our Mishnah, referring to the claim of the woman that she was divorced.
10. Referring to her claim that she remained chaste in captivity.
11. Since it is only presumed that she may have been cohabited with.
12. Lit., 'but to the first clause, no'.
13. V. *supra* 22b.
14. I.e., with regard to what case did R. Hammuna express that view.
15. In the presence of the husband.
16. [And therefore she would have to go out if witnesses came after she married and said that she was a married woman.]
17. And therefore she need not go out.
18. The Court.
19. This would imply that she did get married.
20. I.e., from the permission given her by the Court to get married. That permission stands.
21. Whether she is pure or not.
22. I.e., witnesses who say that she was defiled while in captivity.
23. If the husband is a priest.
24. Abba the son of Abba.
25. To guard them until they had been redeemed.
26. V. Eccl. X, 5. The words that escaped the lips of Samuel had bad results.
27. Lit., and they (the captors) brought them'.
28. One of the daughters of Samuel.
29. To marry even a priest.
30. Since they left the captors outside they were their own witnesses, and the principle of 'the mouth that forbids is the mouth that permits' applied.

31. Lit., 'the matter was revealed'.
32. I.e., marry one of them. [R. Shaman was a priest and relative of Samuel (Rashi).]
33. I.e., 'There are witnesses in a far country, and they may come and testify to the daughters of Samuel having been in captivity. [And defiled; (v. Tosaf.).]
34. [H]. Assyrian, istan, 'north', v. Kid. 12b.
35. Why she is allowed to marry.
36. To testify. cf. n. 2.
37. I.e., each one of the daughters.
38. And if witnesses came afterwards, she may get married.
39. Only to witnesses who testify that the woman was actually defiled during her captivity, would annul the permission given for her to get married but witnesses who testify only to her having been in captivity would not affect that permission. There is then no conflict between R. Hanina and the father of Samuel.

Kethuboth 23b

MISHNAH. IF TWO WOMEN WERE TAKEN CAPTIVE, [AND NOW] ONE SAYS, 'I WAS TAKEN CAPTIVE AND I AM PURE, AND THE OTHER ONE SAYS, I WAS TAKEN CAPTIVE AND I AM PURE.' THEY ARE NOT BELIEVED. BUT WHEN THEY TESTIFY TO ONE ANOTHER, THEY ARE BELIEVED.

GEMARA. Our Rabbis taught: [If she says]. 'I am impure and my friend is pure,' she is believed; 'I am pure and my friend is impure,' she is not believed; 'I and my friend are impure,' she is believed as to herself and she is not believed as to her friend; 'I and my friend are pure'; she is believed as to her friend and she is not believed as to herself.

The Master said: '[If she says]. "I am pure and my friend is impure", she is not believed'. How shall we imagine this case? If there are no witnesses,¹ why is she not believed as to herself? She says, 'I was taken captive and I am pure!'² Hence it is plain that there are witnesses. [Now] read the middle clause: "'I and my friend are impure"; she is believed as to herself and she is not believed as to her friend'. But if there are witnesses, why is she not believed?³ Hence it is plain that there are no witnesses. [Now] read the last clause: "'I and my friend

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are pure"; she is believed as to her friend and she is not believed as to herself'. But if there are no witnesses, why is she not believed as to herself? Hence it is plain that there are witnesses. The first clause and the last clause when there are witnesses, [and] the middle clause when there are no witnesses? —

Abaye said: Yes, the first clause and the last clause when there are witnesses, [and] the middle clause when there are no witnesses. R. Papa said: The whole of it [speaks] of where there are witnesses, but there is one witness who reverses.⁴ [If] she says, 'I am impure and my friend is pure', and the one witness says to her, 'thou art pure and thy friend is impure', she has declared herself forbidden,⁵ [and] her friend becomes permitted through her testimony.⁶ If [she says] 'I am pure and my friend is impure', and the one witness says to her, 'Thou art impure and thy friend is pure', since there are witnesses,⁷ she is not believed⁸ [as to herself], [and] her friend becomes permitted through the testimony² of the [one] witness. [If she says], 'I and my friend are impure.' and the one witness says to her, 'thou and thy friend are pure,' she has declared herself forbidden, [and] her friend becomes permitted through the testimony of the [one] witness. What need is there again for this?¹⁰ It is [the same as in] the first part!¹¹ —

You might have said [that] they are both pure and the reason why she says so¹² is that she acts [in accordance with the saying:] 'Let me die with the Philistines',¹³ so he lets us hear.¹⁴ [If she says] 'I and my friend are pure', and the one witness says to her, 'Thou and thy friend are impure', since there are witnesses,¹⁵ she is not believed,' [and] her friend becomes permitted through her testimony.¹⁶ What need is there again for this? It is [the same as in] the very first clause!¹⁷ — You might have said [that] she is believed¹⁸ only when she declares herself as unfit,¹⁹ but when she declares herself as fit²⁰ I might say that she is not believed,²¹ so he lets us hear²² [that this is not so].

MISHNAH. AND LIKEWISE TWO MEN, [IF] ONE SAYS, 'I AM A PRIEST',²³ AND THE OTHER SAYS, 'I AM A PRIEST', THEY ARE NOT BELIEVED.²⁴ BUT WHEN THEY TESTIFY TO ONE ANOTHER, THEY ARE BELIEVED. R. JUDAH SAID: ONE DOES NOT RAISE [A PERSON] TO THE PRIESTHOOD THROUGH THE TESTIMONY²⁵ OF ONE WITNESS. R. ELEAZAR SAID: ONLY THEN, WHEN THERE ARE PEOPLE WHO OBJECT;²⁶ BUT WHEN THERE ARE NO PEOPLE WHO OBJECT. ONE RAISES [A PERSON] TO THE PRIESTHOOD THROUGH THE TESTIMONY OF ONE WITNESS. R. SIMEON B. GAMALIEL SAYS IN THE NAME OF R. SIMEON: THE SON OF THE CHIEF OF THE PRIESTS;²⁷ ONE RAISES [A PERSON] TO THE PRIESTHOOD THROUGH THE TESTIMONY OF ONE WITNESS.

GEMARA. What need is there for all these [cases]?²⁸ They are needed. For if he had stated [only the case of] 'R. Joshua admits'²⁹ [I might have said that only in that case is that principle applied]. because there is a possible loss of money.³⁰ but [in the case of] 'If witnesses say this is our handwriting'³¹ where there is no possible loss of money.³² I would not say so.³³ And if he had stated [the case of] 'If witnesses say this is our handwriting'. [I might have said that Only in that case does that principle apply] because [their statement concerns] other people.³⁴ but where it concerns himself³⁵

1. That she and her friend were taken captive.
2. And in accordance with the principle in the Mishnah, *supra* 22a, she should be believed.
3. As to her friend.
4. Her testimony.
5. V. *supra* p. 121. n. 9.
6. Lit., 'through her mouth'. [For in regard to a captive woman, the evidence of one in favor of her chastity is sufficient, v. *infra* 27a.]
7. That she and her friend were taken captive.
8. Lit., 'all is not as if from her', i.e., as if dependent on her, (Jast.). The fact that she was taken captive is known from the evidence of the witnesses and not only from her testimony.
9. Lit., 'mouth'.
10. The last statement.

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11. [From the two cases in the first part we learn the two principles that her own evidence as to her having become impure must stand, and that the evidence of the witness in favor of chastity is sufficient.]
12. Lit., 'and this that she says so', — that they ate both impure.
13. Judg., XVI, 30. She applies to herself and to her friend the well-known Saying of Samson, that is, though she is pure she says that she is impure, so that she should be believed as to her friend, of whom she says that she is impure.
14. That she is believed as to herself but not as to her friend.
15. That she and her friend were taken captive.
16. Lit., 'through her mouth'.
17. From here we learn that one witness is believed to attest the purity of the captive woman, even if there is another one contradicting him.
18. As to her friend.
19. Impure.
20. Pure.
21. As to her friend.
22. Also the last case.
23. Of priestly stock.
24. To be given *Terumah*; (v. [Glos.](#)).
25. Lit., 'mouth'.
26. Lit., 'when? In the place in which there are objectors'. — The objectors say that he is not of priestly descent or legitimate origin.
27. Segan, v. Sanh. (Sonc. ed.) p. 97, n. 1.
28. In the preceding Mishnahs from the beginning of this chapter (*supra* 15b) to this last Mishnah. All these have been cases taught in illustration of the same principle of 'the mouth that forbids is the mouth that permits'.
29. *Supra* 15b.
30. [His first statement that 'This field belonged to thy father', carries with it a possible loss of money. and it must therefore be taken in conjunction with the subsequent statement, 'But I bought it of him'.]
31. *Supra* 18b.
32. [There the witnesses themselves stand to lose nothing by this statement.]
33. Lit., 'I would say, no'. I.e., I would not apply here the principle of 'the mouth that forbids is the mouth that permits', and their second statement that they acted under constraint, etc. is not accepted.
34. Lit., 'because for the world' — The statement of the witnesses does not concern themselves but others.
35. As in the case of 'R. Joshua admits'.

Kethuboth 24a

I would not say so. And if he would let us hear these two [cases. I might have said] because [both cases deal with] money matters but [in the case of] 'a married woman',¹ which is a matter of [sexual] prohibition.² I would not say so.³

What need is there for [the case of] 'I was taken captive and I am pure'?⁴ — Because he wants to teach 'But if witnesses came after she got married, she shall not go out'.⁵ — That is quite right according to him who refers this to the second clause, but according to him who refers this to the first clause,⁶ what is there to say? Because he wants to teach [the case of] 'If two women were taken captive'.⁷ — And what need is there for [the case of] 'If two women were taken captive'? — You might have said [that] we may be afraid that they favor one another,⁸ so he lets us hear [that we do not say so].⁹ What need is there for [the case of] 'AND LIKEWISE TWO MEN'?¹⁰ Because he wants to teach the difference of opinion between R. Judah and the Rabbis.¹¹

Our Rabbis taught: [If one says:] I am a priest and my friend is a priest. he is believed to the extent of allowing him to eat *Terumah*,¹² but he is not believed to the extent of allowing him to marry a woman¹³ until there are three, [and] two testify to one and two testify to the other. R. Judah says: He is not believed even with regard to allowing him to eat *Terumah* until there are three, [and] two testify to one and two testify to the other. Is this to say that R. Judah is afraid that they might favor one another,¹⁴ and the Rabbis are not afraid that they might favor one another? Surely [from the following Mishnah] we understand just the reverse! For we have learned: When ass-drivers¹⁵ come to a town and one of them says, 'Mine¹⁶ is new¹⁷ and my friend's is old mine is not prepared¹⁸ and my friends is prepared'; he is not believed;¹⁹ R. Judah says: He is believed!²⁰ —

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Said R. Adda b. Ahaba, in the name of Rab: The statement must be reversed.²¹ Abaye said: Indeed, there is no need to reverse It;²² in [the case of] *demai*,²³ they²⁴ have made it lenient, for most of the 'Amme Ha-'arez²⁵ separate the tithes. Raba said: Is the question [only] of R. Judah against R. Judah? Is there no question [also] Of the Rabbis against the Rabbis?²⁶ No, [they answer]: there is no question of R. Judah against R. Judah. as we have [just] explained,²⁷ [and] there is no question of the Rabbis against the Rabbis, for [the case²⁸ is similar to that with regard to which] R. Hama b. 'Ukba said that [it speaks of] when he has his trade-tools in his hand;

1. *Supra* 22a.
2. Matters of sexual prohibition are treated with greater strictness than money matters.
3. Therefore, the case regarding a married woman is also taught in illustration of the principle.
4. Mishnah, 22a second clause.
5. *Ibid* concluding clause of Mishnah.
6. V. *supra* 23a.
7. Mishnah, *supra* 23b.
8. And the two women shield one another.
9. That when the two women testify to one another's purity, they are believed.
10. The case of out Mishnah.
11. The first Tanna and R. Eliezer.
12. V. [Glos.](#)
13. Of unblemished descent.
14. By false mutual recommendations.
15. Who bring corn to a place to sell.
16. My corn.
17. New=fresh, old=not fresh. Fresh corn is not so good as corn that is not fresh. [He Simply says this in depreciation of his own ware and in praise of that of his fellow.] It may also be that 'new' and 'old' are used in the sense of Lev. XXIII, 10ff., the 'new' being forbidden before the offering of the 'Omer'; v. [Glos.](#)
18. I.e., the priestly dues have not been given.
19. [According to the first interpretation (n. 10) the reference is to the tithes only, and according to the second also to the prohibition of 'new' corn.]
20. This would show that the Rabbis are afraid of people favoring one another, and that R. Judah is not afraid.
21. I.e., read.' R. Judah says: they are not believed, and the Rabbis Say: They are believed.
22. Lit., 'do not reverse'.

23. *Demai* is produce about which there is a doubt whether the tithes therefrom have been properly taken or not; v. [Glos.](#)
24. The Sages.
25. V. [Glos.](#) They did not observe, or were under the Suspicion of not observing certain religious customs regarding tithes, Levitical cleanness, etc. In Spite of this suspicion it was assumed that most of them did give tithes.
26. If you do not reverse, why should the Rabbis hold that the ass-drivers are not believed, seeing that they do not suspect mutual favoritism.
27. Lit., answered'. They have made it lenient with regard to *Demai*.
28. Of the ass-drivers.

Kethuboth 24b

so here also¹ [we deal with] when he² has his trade-tools³ in his hand.⁴ And with regard to what⁵ was that of R. Hama. b. 'Ukba said?⁶ With regard to what we have learned: If a potter left his pots⁷ and went down to drink [water from the river,]⁸ the inner ones are pure and the outer ones are impure.⁹ But it has been taught¹⁰ that these and those are impure? — Said R. Hama b. 'Ukba: [it speaks of a case]¹¹ when he had his trade-tools in his hand,¹² so that¹³ the hand of all touches them.¹⁴ But it has been taught:¹⁵ These and those are pure? — Said R. Hama b. 'Ukba: When his trade-tools are not in his hand.¹⁶ But [then] the case that we have learnt:¹⁷ 'The inner ones are pure and the outer ones are impure' — how is that possible?¹⁸ — When they¹⁹ are near the public road and [they are impure] because of border stones of the public road.²⁰ And if you wish you may say: R. Judah and the Rabbis differ as to whether one raises [a person] from *Terumah* to the status of a priest.²¹

The question was asked: What is [the law]? Does one raise²² [a person] from documents²³ to the full status of a priest?²⁴ — How shall we imagine this case? If we say that it is written in it: 'I, So-and-so, a priest. have signed as witness' — who testifies to him?²⁵ — No, [but] it must be when it is written in it: I, So-and-so, a priest, have borrowed a *Maneh* from so-and-so, and witnesses have

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signed [the document]. What [then] is [the law]? Do they²⁶ testify [only] to the *Maneh* [mentioned] in the document, or do they testify to the whole matter?²⁷ — R. Huna and R. Hisda [give opposing answers]: One says: One raises,²⁸ and one says: One does not raise.²⁸

The question was asked.²⁹ What is [the law]? Does one raise [a person] from the lifting up of the hands³⁰ to the status of a priest?³¹ This is asked according to him who says [that] one raises [a person] from *Terumah* to the status of a priest³² and this is asked according to him who says [that] one does not raise [a person] from *Terumah* to the status of a priest].³³ It is asked according to him who says [that] one raises: When is this said?³⁴ [In the case of] *Terumah*, which [if eaten by one who is not a priest] is a sin punishable with death;³⁵ but [in the case of] 'lifting up the hands', which [if one who is not a priest performs the pronouncing of the priestly blessing] is [only transgressing the] prohibition of a positive command,³⁶ [I would say] no.³⁷ Or perhaps there is no difference,³⁸ [and] it is asked according to him who says [that] one does not raise: When is this said? [In the case of] *Terumah*, which is eaten in privacy;³⁹ but [in the case of] 'lifting up the hands,' which [is done] in public [I might say that] if he were not a priest he would not have the impudence⁴⁰ [to act as a priest]. Or perhaps there is no difference?⁴¹ — R. Hisda and R. Abina [give opposing answers to this question]: One says: One raises,⁴² and One Says: One does not raise.

R. Nahman b. Isaac said to Raba: What is [the law]? Does one raise [a person] from 'lifting up the hands' to the full status of a priest? Said he to him: [With regard to this] there is a difference of opinion between R. Hisda and R. Abina. What is the [adopted] law? Said he to him: I know a Baraitha: For it has been taught: R. Jose said: Great⁴³ is presumption.⁴⁴ for it is said: And the children of the priests: the children of Habaiah, the children of Hakkoz, the children of Barzillai, who took a wife of the daughters of Barzillai

the Gileadite, and was called after their name. These sought their register. of those that were reckoned by genealogy, and they were not found,' therefore were they deemed polluted and put from the priesthood. And the Tirshatha⁴⁵ said unto them, that they should not eat of the most holy things, till there stood up a priest with Urim and Thummin.⁴⁶ He⁴⁷ [thus] said to them: You remain⁴⁸ in your presumptive state; what have you eaten in exile?⁴⁹ The holy things of the country.⁵⁰ So here also [you shall eat] the sacred things of the country.⁵¹ Now if we were to assume [that] one raises [a person] from 'lifting up the hands' to the state of a priest, since these spread out their hands,⁵² one might raise them?'⁵³ —

It is different here,⁵⁴ for their presumption has been impaired⁵⁵ For if you will not say so.⁵⁶ [then] according to him who says [that] one raises [a person] from *Terumah*, since they eat *Terumah*. one might raise them to the status of priests! Hence, [you must say it is]⁵⁷ because their presumption has been impaired.⁵⁸

1. In the case of the ass-drivers.
2. Each ass-driver.
3. As the measure and leveler.
4. This shows that the ass-drivers mean to sell their corn. Therefore the Rabbis suspect them of mutual favoritism. If one praises his friend's produce in one place, the friend will praise the other one's produce in another place. And therefore the Rabbis hold that they are not believed.
5. Lit., 'where'.
6. I.e., did he give that explanation.
7. I.e., put down his pots in the street and left them unobserved.
8. These words, bracketed in the text, are missing in the Mishnah Toh. VII, 1. whence this is quoted.
9. As they may have been touched by persons who do not observe the laws of purity.
10. In a Baraitha.
11. In the Baraitha.
12. And thus indicates that the Pots ate for sale.
13. Lit., 'because'.
14. Would-be buyers handle the pots and examine them as to their quality. Therefore, in the Baraitha. both the inner and the outer pots are impure.
15. In another Baraitha.

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16. There is no indication that the pots ate for sale and no one touches them.
17. In the Mishnah.
18. Neither explanation of R. Hama b. 'Ukba seems to apply. since some of the pots are pure and some are impure.
19. The outer pots.
20. [H], Lit., 'the rubbings' (Rashi), or 'border' (Jast.). According to Rashi, big stones or pegs set up at the sides of the public toad, to prevent trespassing on private property. and against which passers-by press. The outer pots ate impure. because passers-by. who do not observe the laws of purity, may touch them with their garments. The inner pots the passers-by cannot reach, and therefore they ate pure.
21. [H]., 'genealogical records', 'traced genealogy'; (Jast. s.v.). The word [H] 'those that were reckoned by genealogy'. Ezra II, 62, refers to 'the children of the priests'. (v. 61). [H] means therefore primarily 'genealogical priestly records', 'traced priestly genealogy'. In out text the phrase can be tendered by 'as being of a priestly family'. or as 'having the status of a priest', or 'briefly, 'to the full status of a priest'. and the dispute between R. Judah and the Rabbis is. if a person is seen eating *Terumah*, whether he is to be regarded as a priest also in family matters and be allowed to marry a woman of unblemished descent; (v. Kid. 69b). R. Judah says 'yes', and he is therefore strict even with regard to *Terumah*, and does not accept the evidence of one witness, but the Rabbis would say 'no'. and are therefore lenient with regard to *Terumah* (v. 24a). This, then, is the point at issue, and not whether we suspect mutual favoritism, which, in point of fact, all agree that we do not. [According to the Rabbis, however, we must still adopt the answer given before, that the Mishnah of *Demai* deals with a case when the 'ass-driver had his trade-tools in his hand' (Tosaf.)]
22. Lit., 'how is it to raise', etc.
23. In which a person is designated as a priest.
24. V. note 4.
25. Who testifies that he is in fact a priest?
26. The witnesses.
27. I.e., to the whole contents of the document and so also to the priestly status of the borrower.
28. A person from documents to the status of a priest.
29. By the members of the academy.
30. The priests lifted up their bands in pronouncing the priestly blessing. The pronouncing of the priestly blessing (v. Num. VI, 22. 27) is therefore called 'Lifting up the bands'. Cf. Ta'an 26, Bet. 34a.
31. Should one regard him, whom he sees pronouncing the priestly blessing. as a priest in every way?
32. That is, according to R. Judah.
33. That is, according to the Rabbis.
34. Lit., '(when are) these words (said)'.
35. It is therefore to be assumed that he who eats *Terumah* is a priest. as it is not presumed that a person would commit such a grave sin.
36. Lit., 'do'. The commandment of pronouncing the blessing is given only to Aaron and his sons (and descendants) — Num. VI, 23. If non-Aaronides perform this commandment, they commit a transgression. because to them this is forbidden by Implication. Only priests may bless, not non-priests. The transgression of a commandment, forbidden by implication from a positive command, is treated like a positive command, and is not punishable. This transgression will therefore be sooner committed by a non-Aaronide than the sin of eating *Terumah*.
37. I.e., one does not raise a person from 'lifting up the hands' to the full status of priest hood.
38. Between *Terumah* and lifting up the bands.
39. And the person does not mind committing a wrong act privately.
40. Lit., 'a man would not be as impudent (or, act as impudently) as all that'.
41. Between *Terumah* and lifting up the hands.
42. A person from lifting up of the bands to the status of priest.
43. I.e., important.
44. [H]; the word used here in the sense of 'presumptive continuance of a state, or condition, until evidence is produced rebutting the presumption'. V. Jast. s.v.
45. [The governor; identified with Nehemiah (Rashi).]
46. Ezra II, 61-62.
47. The Tirshatha.
48. Lit., 'behold you are'.
49. In Babylonia.
50. 'Limit,' 'boundary.' has here the technical meaning of 'country,' as distinguished from 'sanctuary and Jerusalem'. 'Sacred things of the country' ate the holy things that may be consumed outside the Temple and Jerusalem, such as *Terumah*, as distinct from sacrificial offerings, that must be consumed within the precincts of the Temple courtyard.
51. The Tirshatha only forbade them to eat 'the most holy things', as sacrifices. It is therefore implied that as he allowed them to eat 'the sacred things of the country.' as *Terumah*, in presumptive continuance of their former state, they would be allowed, in the same way, to perform the lifting up of the hands, which was also done in 'the country'.

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52. And pronounced the priestly blessing; v. preceding note.
53. To the full status of priests, that is, as being of a priestly family, v. p. 133 n. 4.
54. In the case Of Ezra II, 61-63.
55. Since they must not eat 'the most holy things' and the rightful priests do eat them. One would therefore not raise them to the status of priests from lifting up their hands. But in other cases one might do so.
56. That no mistake can be made because their presumption has been impaired.
57. Lit., 'but is it not'?
58. And therefore no mistake can be made, and the same applies to the 'lifting up of hands'.

Kethuboth 25a

If so,¹ what [do the words of R. Jose mean] 'Great is the presumption'?² — Till now³ they ate [only] Rabbinical *Terumah*.⁴ [and] now they ate Biblical *Terumah*.⁵ And if you wish, you may say: now also they ate Rabbinical *Terumah*⁶ [and] did not eat Biblical *Terumah*,⁷ and when does one raise [a person] from *Terumah* to the status of a priest. In the case of Biblical *Terumah*, but in the case of Rabbinical *Terumah* one does not raise. If so,⁸ what [is the meaning of the words] 'Great is the presumption'?⁹ — Although one might have forbidden [Rabbinical *Terumah*] because of Biblical *Terumah*,¹⁰ this has not been forbidden. But did they not eat Biblical *Terumah*? Surely it is written: 'that they should not eat of the most holy things', [implying] 'the most holy things' they did not eat, but Biblical *Terumah* they did eat! — [No]. He means thus: Neither [may they eat] anything that is called 'holy thing's¹¹ as it is written: 'And no stranger shall eat of the holy thing', nor anything which is called 'holy thing'. for it is written: 'And if a priest's daughter be married into a stranger. she shall not eat of the peace-offering of the holy things'¹² — and a Master said: [that this means] that which has been set aside from the holy things she shall not eat.¹³

Come and hear: A presumption for the priesthood is constituted by the 'lifting up of the hands' in Babylonia, and the eating of the

*Hallah*¹⁴ in Syria, and taking a share in [the priestly] gifts¹⁵ in large cities.¹⁶ In any case he mentions [here] the 'lifting up of the hands'; is it not with regard to the full status of the priest?¹⁷ — No, with regard to *Terumah*.¹⁸ But he teaches [the ruling regarding *Terumah*] as analogous to the eating of *Hallah*, just as the eating of *Hallah* [entitles a person] to the full status of a priest, so does the lifting up of the hands [entitle a person] to the full status of a priest? — No. the eating of the *Hallah* itself merely [serves as evidence] regarding *Terumah*, [for] he holds that *Hallah* in our days¹⁹ is Rabbinical and *Terumah* is Biblical and one raises [a person] from Rabbinical *Hallah* to Biblical *Terumah*.²⁰ and [it is] as R. Huna. the son of R. Joshua. reversed [the words of] the Rabbis.²¹

Come and hear: A presumption for the priesthood is [constituted by] the 'lifting up of the hands' and taking a share [at the distribution of the [priestly gifts] at the threshing floors²² in the Land of Israel,²³ in Syria and in all places to which the messengers of the new moon come²⁴ the 'lifting up of the hands' is evidence, but not taking a share at the threshing floors.²⁵ Babylonia is like Syria. R. Simeon b. Gamaliel, says: Also Alexandria in Egypt formerly. because there was there a permanent court of law.²⁶ In any case he teaches [here] the 'lifting up of the hands'; is it not with regard to the full status of the priest? —

No, with regard to *Hallah*. But he teaches [the rule regarding the lifting up of the hands] as analogous to taking a share at the threshing floors: just as taking a share at the threshing floors [serves as evidence] in respect of the status of a priest, so does the 'lifting up of the hands' [serve] in respect of the status of a priest! — No, taking a share at the threshing floors itself [serves as evidence only as] to *Hallah*, for he holds that *Terumah* in our days is Rabbinical and *Hallah* is Biblical and one raises [a person] from Rabbinical *Terumah* to Biblical *Hallah*, even

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as the Rabbis. whom R. Huna the son of R. Joshua found [in discourse]. For R. Huna, the son of R. Joshua, found the Rabbis in the School of Rab sitting²⁷ and saying: Even according to him who says that *Terumah* in these days is Rabbinical. *Hallah* is Biblical, for during the seven [years] that they²⁸ conquered [the Land] and during the seven [years] that they distributed [it]²⁹ there was a duty upon them [to separate] *Hallah*, but there was no duty upon them [to separate] *Terumah*. And I said to them: On the contrary, even according to him who says [that] *Terumah* in these days is Biblical, *Hallah* is Rabbinical, for it has been taught: [It is written:] 'In your coming'.³⁰ If 'in your coming'³¹ you might think as soon as two or three spies had entered it? [Therefore] it is said in your coming'.³² I have spoken of the coming of all and not of the coming of a portion of you. Now when Ezra brought them up³³

1. Lit., 'and but'.
2. How far does the presumption improve their position? Why does R. Jose lay such emphasis on it?
3. Lit., 'at first'. In Babylonia.
4. *Terumah* outside Palestine is only Rabbinically ordained; v. Kid. 36b.
5. *Terumah* in Palestine is commanded by the law of the Bible, and the eating of such *Terumah* by them was due to the importance attached to 'presumption'.
6. I.e., *Terumah* on vegetables and fruits.
7. On corn, wine and oil.
8. Lit., 'and but'.
9. V. *supra* p. 135' n. 4.
10. Since on their entering the land there would be plenty of Biblical *Terumah* available side by side with the Rabbinical *Terumah*, through being permitted to eat the latter, they might be led to eat also of the former.]
11. Lev. XXII, 10. The reference is to *Terumah*. v. Yeb. 74b.
12. Lev. XXII, 12. The reference is to those portions of sacrifices, the breast and shoulder of peace-offerings. (v. Lev. VII, 34). that could be partaken of by the wives of priests and their slaves; v. next note.
13. Cf. preceding note. And in Ezra II, 63. both words are used, corresponding to the two words just quoted from Lev. XXII, 10 and 12; v. Kid. 69b and Yeb. 68b and 87a.

14. The priest's share of the dough; v. Num. XV, 20.
15. V. Deut. XVIII, 3.
16. [Though these Portions are permissible to non-priests, it is assumed that no one but a priest would venture to accept these publicly.]
17. I.e., in family matters; (v. *supra* p. 133, n. 4) which solves R. Nahman b. Isaac's question.
18. [He who is seen to avail himself of any of these privileges as defined may be given *Terumah*, but it cannot be used as evidence regarding marriage.]
19. Lit., 'in this time', i.e., after the destruction of the Second Temple.
20. When one is seen being given *Hallah*, we assume he is a priest, and he may be given *Terumah*.
21. V. *infra*.
22. I.e., sharing in the *Terumah*.
23. [Where *Terumah* was Biblical and would not be given to a person of doubtful descent, and similarly in regard to the 'lifting of hands', the presence of the Sanhedrin, who would investigate claims to priesthood. would be sufficient bar to a non-priest.]
24. [V. R.H. 18a; informing the people the day on which the Sanhedrin had proclaimed the new moon of Nisan so that they might observe the festival of Passover on the proper day. These places had to be within fifteen days' walking distance from Jerusalem.]
25. Being outside Palestine proper *Terumah* there is only of Rabbinic origin.
26. Who would investigate claims to priest hood, cf. *supra* p. 137, n. 12.
27. Rashi renders [H] 'house of learning'. school', 'college'.
28. The Israelites.
29. Under Joshua. V. B.M. 89a.
30. [H] so literally Num. XV, 18. E.V. 'When you come'.
31. The emphasis would seem to be on 'come'.
32. The emphasis is thus laid on 'your'. 'Your' means '(the coming of) all of you'.
33. To the Land of Israel.

Kethuboth 25b

not all of them went up.¹

Come and hear: A presumption for the priesthood [is constituted by] the 'lifting up of the hands' and taking a share at the threshing floors and testimony.² Now is testimony a presumption?³ Hence he means thus: The 'lifting up of the hands is like a testimony'; as a testimony [raises one] to the

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status of a priest, so the 'lifting up of the hands' [raises one] to the status of a priest!⁴ — No. [what it means is] a testimony that comes on the strength of a presumption⁵ is like a presumption. as when a man came once before R. Ammi [and] said to him: I am convinced that he⁶ is a priest. So he said to him: What have you seen? And he answered him: He read first in the Synagogue.⁷ — As⁸ priest or as prominent man?⁹ — After him a Levite read.¹⁰ And R. Ammi raised him to the priesthood on the strength of his testimony.¹¹

Someone came before R. Joshua b. Levi, [and] said to him: am convinced that he¹² is a Levite. He said to him: What have you seen? He answered him: He read second in the Synagogue. As Levite or as a prominent man? — A priest read before him.¹³ And R. Joshua b. Levi raised him to the status of Levite¹⁴ on the strength of his testimony.

Someone came once before Resh Lakish [and] said to him: I am convinced that he¹⁵ is a priest. He 'said to him: What have you seen? [He answered him:] He read first in the Synagogue. He¹⁶ asked him: Have you seen him take a share at the threshing floors?¹⁷ — Said R. Eleazar to him. And does the priesthood cease if there is no threshing floor there?¹⁸ — Once they sat before R. Johanan [and] there came such a case before them. Resh Lakish asked him:¹⁹ Have you seen him take a share at the threshing floor? So R. Johanan said to him: And does the priesthood cease if there is no threshing floor there? — He²⁰ turned round, looked at R. Eleazar with displeasure²¹ and said: You have heard something from the smith's son²² and you did not say it to us in his name.²³

Rabbi and R. Hiyya, one raised a son to the priesthood on the testimony of his father, and one raised a brother to the state of Levite on the testimony of his brother. It can be proved that it was Rabbi who raised the son to the priesthood on the testimony of his father, for it has been taught: If one comes and says: 'This is my son and he is a priest,' he is believed with regard to allowing him to eat

Terumah, but he is not believed with regard to allowing him to marry a woman.²⁴ This is the opinion²⁵ of Rabbi. Said R. Hiyya to him: If you believe him so as to allow him to eat *Terumah*, believe him [also] so as to allow him to marry a woman, and if you do not believe him so as to allow him to marry a woman, do not believe him also as to allow him to eat *Terumah*. He answered him: I believed him so as to allow him to eat *Terumah* because it is in his hands to let him eat *Terumah*,²⁶ but I do not believe him so as to allow him to marry a woman because it is not in his hands to let him marry a woman.²⁷ It' is proved.²⁸ And since it was Rabbi who raised the son to the priesthood on the testimony of his father, [it follows that] it was R. Hiyya who raised the brother to the status of Levite on the testimony of his brother, But [according to] R. Hiyya, why is the son different that [he is] not [raised]?²⁹ Because he is related to his father. A brother, too, is related to his brother?³⁰ —

1. And therefore *Hallah* in these days is Rabbinical.
2. Witnesses testify that he is a priest.
3. Surely you cannot call a Testimony a presumption!
4. Which answers the question of R. Nahman b. Isaac.
5. The testimony is to a fact that postulates a presumption.
6. A certain person. Lit., 'this (man)'.
7. When called up to the Law. V. Git. 59b.
8. Lit., 'in the presumption of'.
9. V. Git. 59b.
10. This would show that he was a priest; v. Git. 59b.
11. Lit., 'by his mouth'.
12. A certain person. Lit., 'this (man)'.
13. [So he must have been a Levite, v. Git. 59b.]
14. To give him the first tithe.
15. A certain person. Lit., 'this (man)'.
16. Resh Lakish.
17. The first answer apparently did not satisfy Resh Lakish.
18. R. Eleazar apparently regarded the first answer as sufficient.
19. The witness.
20. Resh Lakish.
21. Rashi: with an evil eye.
22. R. Johanan. V. Sanh. (Sonc. ed.) p. 647. n. 8.
23. He understood that R. Eleazar had heard the phrase he had cited from R. Johanan. and

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therefore reproved him for this lack of scholarly courtesy in not mentioning his source.

24. Of unblemished descent.
25. Lit., 'the words'.
26. He can give him of his *Terumah*.
27. Marriage is not in the hand of the father.
28. That it was Rabbi who promoted the son to priesthood on the testimony of his father.
29. On the testimony of his father.
30. Why should he be raised on the evidence of his brother?

Kethuboth 26a

When he was talking in his simplicity.¹ As that [story which] Rab Judah related in the name of Samuel: It happened that a man was talking in his simplicity and said: 'I remember when I was a child and rode on my father's shoulder, they brought me out from school and stripped me of my shirt and immersed me² so that I could eat *Terumah* in the evening.'³ And R. Hiyya added:⁴ 'And my friends held aloof from me and called me "Johanan the halloth-eater".'⁵ And Rabbi raised him to the priesthood on his testimony.

It has been taught: R. Simeon b. Eleazar, says: Just as *Terumah* is a presumption for the priesthood, so is the first tithe a presumption for the priesthood,⁶ but he who takes a share [at the threshing floors] through the court — [this] is not a presumption.⁷ The first tithe belongs to the Levite?⁸ — [This is] according to R. Eleazar, the son of Azariah, for it has been taught: *Terumah* belongs to the priest, the first tithe to the Levite—this is the view of R. Akiba, R. Eleazar, the son of Azariah, says: The first tithe belongs also to the priest. [But] R. Eleazar, the son of Azariah, says: 'also to the priest'; does he say: to the priest and not to the Levite? — Yes. after Ezra had punished them.⁹ But perhaps it happened that they gave it to him?¹⁰ —

Said R. Hisda: Here we treat of a case where we know that the father of that [per. son] is a priest and a rumour¹¹ came out concerning him that he is the son of a divorced woman¹² or a *Haluzah*¹³ and [yet] they gave him tithe

at the threshing floor. [He could not be regarded as] a Levite, because he was not a Levite.¹⁴ What then could you say? That he was the son of a divorced woman or the son of a *Haluzah*? [But as to this] there is no question that according to him who says [that] the first tithe is forbidden to strangers,¹⁵ they would not have given [it] to him. For even according to him who says: The first tithe is permitted to strangers.¹⁶ it is only to sustain them¹⁷ but as a distribution [due to him as of right] they do not give it to him.¹⁸

'But he who takes a share [at the threshing floors] through the court [this] is not a presumption.' If it is not a presumption through the court, when is it a presumption? — Said R. Shesheth: he means thus: If one shares the *Terumah* in the property of his father¹⁹ through the court, it is not a presumption. — This is obvious!²⁰ — You might have said [that] just as those²¹ [get their share of *Terumah*] for eating. this one also [gets his share of *Terumah*] for eating, so he lets us hear [that] those [get the *Terumah*] for eating and this one for selling.²²

R. Judah says: ONE DOES NOT RAISE [A PERSON] TO THE PRIESTHOOD ON THE TESTIMONY OF ONE WITNESS, etc. R. Simeon b. Gamaliel says the same as R. Eliezer?²³ And if you will say [that] they differ with regard to an objection raised by one person. [in] that R. Eliezer holds that an objection [may be admitted if cooling from;] one [person] and R. Simeon b. Gamaliel holds that an objection [must come from at least] two [persons] did not R. Johanan say' All agree that an objection [must come from] at least two persons? — But we treat here of a case where the father of this [person] is a priest and a rumour²⁴ came out concerning him that he is the son of a divorced woman or the son of a *Haluzah* and they put him down,²⁵ and one witness came and said, 'I know that he is a priest.'²⁶

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1. The brother, on whose statement the promotion was made, did not intend to give evidence.
2. *Terumah* had to be eaten in ritual purity.
3. [Because children ate apt to rummage about in places that are not clean, and thus contract defilement.]
4. Completing the man's narrative.
5. Plur. of *Hallah*, v. [Glos.](#)
6. If a man is seen eating first tithe, it is presumed that he is a priest.
7. This is explained *infra*.
8. V. Num. xviii, 24.
9. The Levites, not to be given any tithes, v. Yeb. 86b.
10. To the Levite; how' then car first tithe constitute a presumption for priesthood?
11. Lit., 'voice'.
12. He is the offspring of a union of a priest with a divorced woman, therefore a Halal, ('profaned'). v. Lev. XXI, 7.
13. V. [Glos.](#)
14. His father is a priest.
15. Persons who ate neither priests nor Levites.
16. Cf. Yeb. 74a, 85b. and 86a.
17. If they ate poor.
18. And Since they gave him tithe at the threshing floors it show's that he is an unblemished priest.
19. After the father's death.
20. Even a Halal inherits his father.
21. The brothers.
22. He inherits the *Terumah* and may sell it to rightful priests but he may not eat it, although the division took place under the direction of the court
23. In out Mishnah.
24. Lit., 'voice'.
25. From the status of priesthood.
26. A rightful, unblemished priest.

Kethuboth 26b

and they raised him [again] and [then] came two [other witnesses] and said [that] he is the son of a divorced woman or the son of a *Haluzah*. and they put him, down [again]. and [then] came one witness and said, 'I know that he is a priest'. [Now] all agree¹ that they² are joined into one testimony, and they differ as to whether we are afraid of bringing contempt on the court.³ The first Tanna⁴ holds: Since we put him, down we do not raise him, [again]. because we are afraid of bringing contempt on the court.⁵ Whereas R. Simeon b. Gamaliel, holds: we have put

him down and we can raise him, [again].⁶ and we are not afraid of bringing contempt on the court. R. Ashi asked against this: If so, even [when there are] two and two⁷ also?⁸ But, said R. Ashi, they differ as to whether they² are joined into one testimony. And they have the same difference of opinion as these Tannaim,¹⁰ for it has been taught: Their testimonies are not joined together unless they have both seen¹¹ at the same time;¹² R. Joshua b. Korha. says: Even when [they have seen] one after another. Their testimonies are not established¹³ in court until they both give evidence at the same time; R. Nathan says: We hear the evidence of one to-day. and when the other one comes to-morrow we hear his evidence.¹⁴

MISHNAH. IF A WOMAN WAS IMPRISONED BY HEATHENS, IF FOR THE SAKE OF MONEY, SHE IS PERMITTED TO HER HUSBAND, AND IF FOR THE PURPOSE OF [TAKING HER] LIFE,¹⁵ SHE IS FORBIDDEN TO HER HUSBAND.

GEMARA. R. Samuel b. Isaac said [that] Rab said: They have taught [this] only when the hand of Israel is strong over the heathens.¹⁶ but when the hand of the heathens is strong over themselves,¹⁷ even if for the sake of money, she is forbidden to her husband. Raba raised an objection: R. Jose the priest and R. Zechariah b. ha-Kazzab¹⁸ testified regarding an Israelitish woman, who was pledged¹⁹ in Ashkelon and her family²⁰ put her away.²¹ and her witnesses²² testified [concerning her] that she did not hide herself [with a man] and that she was not defiled [by a man]. [that] the Sages said to them: If you believe [the witnesses] that she was pledged believe [them also] that she did not hide herself and that she was not defiled, and if you do not believe [them] that she did not hide herself and that she was not defiled, do not believe [them] that she was pledged.²³ Now Ashkelon [was a town in which] the hand of the heathens was strong over themselves and he teaches

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1. R. Eliezer and R. Simeon b. Gamaliel.
2. The testimony of the first witness and that of the last witness so that there ate two witnesses against two witnesses.
3. If he is re-instated now, having been put down by the court twice.
4. R. Eliezer.
5. [Should he be reinstated after having been degraded twice, the court would be brought into contempt; and thus R. Eliezer says that where there have been objectors, there is renewed promotion by the evidence of one witness, namely the last.]
6. [To the priesthood In continuance of the presumptive state which he had originally enjoyed.]
7. If two witnesses who speak in his favor come at the same time.
8. He should be not raised again in the view of R. Eliezer for feat of bringing contempt on the court.
9. The testimony of the first witness and that of the last witness, so that there ate two witnesses against two witnesses.
10. The Rabbis and R. Nathan of the Baraitha that follows.
11. What they testify to.
12. At the same time and in the presence of one another.
13. Accepted as evidence.
14. Their testimonies are joined together and the two single witnesses are regarded as a pair of witnesses. R. Eliezer agrees with the Rabbis, R. Simeon b. Gamaliel with R. Nathan.
15. And she was saved afterwards.
16. [In which case they were afraid to force the woman, lest they should forfeit their money claim.]
17. I.e., when the heathens are independent. [or a euphemism 'themselves', standing for Israelites.]
18. 'Son of the Butcher'.
19. For a debt.
20. Who were priests.
21. Disqualified her from marrying a priest for fear she might have been violated.
22. Who testified to her having been pledged.
23. V. 'Ed. VIII, 2.

Kethuboth 27a

'when she was pledged' but not 'when she was imprisoned'?¹ — [No] the same applies also to [the case if] she had been imprisoned. only it happened so.²

Some say. Raba said: We have also learned [in a Mishnah] to the same effect: R. Jose the

priest and R. Zechariah b. ha-Kazzab testified regarding an Israelitish woman. who was pledged in Ashkelon and her family put her away and her witnesses testified concerning her that she did not hide herself [with a man] and that she was not defiled [by a man]. [that] the Sages said: If you believe [the witnesses] that she was pledged believe [them also] that she did not hide herself and that she was not defiled, and if you do not believe [them] that she did not hide herself and was not defiled, do not believe [them] that she was pledged. In Ashkelon [it happened] for the sake of money, and [yet] the reason [why the Sages permitted her to her husband was] because witnesses testified concerning her, but if witnesses did not testify concerning her [she would] not [have been permitted]; and is it not [also to be supposed] that there is no difference whether she was pledged or imprisoned?³ — No, when she was pledged it is different.⁴

Some put [this argument] in the form of a contradiction. We have learned: **IF FOR THE SAKE OF MONEY SHE IS PERMITTED TO HER HUSBAND.** But here is a contradiction: 'R. Jose testified, etc.' [Now] in Ashkelon [it happened] for the sake of money and [yet] the reason [why she is permitted to her husband] is because witnesses testify concerning her, but if no witnesses testify concerning her, [she would] not [have been permitted]. And it is answered: R. Samuel b. Isaac said: It is no contradiction; here⁵ [it speaks] when the hand of Israel is strong over the heathens, [and] there⁶ when the hand of the heathens is strong over themselves.

IF FOR THE PURPOSE OF [TAKING HER] LIFE SHE IS FORBIDDEN [TO HER HUSBAND]. Rab said: As, for instance, the wives of thieves.⁷ Levi said: As, for instance, the wife of Ben Dunai.⁸ Hezekiah said: This is only² when they have [already] been sentenced to death — R. Johanan says: Even if they have not yet been sentenced to death.

KESUVOS – 2a-28b

MISHNAH. IF TROOPS OF SIEGE HAVE TAKEN A TOWN. ALL THE PRIESTS' WIVES¹⁰ WHO ARE IN IT ARE UNFIT.¹¹ IF THEY HAVE WITNESSES,¹² EVEN A SLAVE.¹³ EVEN A HANDMAID,¹⁴ THEY ARE BELIEVED. NO ONE IS BELIEVED AS TO HIMSELF.

GEMARA. There is a contradiction against this: If a reconnoitering troop comes to a town in time of peace the open casks [of wine] are forbidden¹⁵ and the closed ones are permitted.¹⁶ In times of war both are permitted, because they have no time to offer libations.¹⁷ — R. Mari answered: To have intercourse they have time.¹⁸ To offer libations they have no time. R. Isaac b. Eleazar said in the name of Hezekiah: There¹⁹ [it speaks] of a besieging troop of the same kingdom.²⁰ here²¹ [it speaks] of a besieging troop of another kingdom.²² [Even in the case of a besieging troop] of the same kingdom it is not possible that one of them does not run away²³ [from the rest of the troop]!²⁴ —

Rab Judah answered in the name of Samuel: When the guards²⁵ see one another.²⁶ [But] it is not possible that one does not sleep a little!²⁷ — R. Levi answered: When they placed round the town chains, dogs, trunks of trees and geese.²⁸ R. Abba, b. Zabda said: With regard to this R. Judah Nesi'ah²⁹ and the Rabbis differ: one said [that] there³⁰ [it speaks] of a besieging troop of the same kingdom, and here³¹ of a besieging troop of another kingdom, and he found no difficulties, whereas one³² raised all those questions³³ and answered [them by saying] when they placed round the town chains, dogs, trunks of trees, and geese.

R. Idi b. Abin said in the name of R. Isaac b. Ashian: If there is there one hiding place, it protects all priests' wives.³⁴ R. Jeremiah asked [a question]: What is [the law] if it holds only one? Do we say of each one:³⁵ This is the one³⁶ or not? — But why should it be different from [the following case]? There were two paths, one was clean³⁷ and one was

unclean, and someone walked in one of them and [then] prepared clean things.³⁸ and another person came and walked in the second path and [then] prepared clean things. R. Judah says: If each one comes to ask³⁹ separately,⁴⁰ they are [declared] clean;⁴¹ [but] if they both come together, they are [declared] unclean;⁴² R. Jose says: In either case⁴³ they are [declared] unclean.⁴⁴ [Whereon] Raba, and some say R. Johanan said: [if they come to ask] at the same time, all agree that they are [declared] unclean, if they come one after another, all agree that they are [declared] clean; they differ only when one comes to ask for himself and for the other one; one⁴⁵ regards this as⁴⁶ [if it were] at the same time, and the other⁴⁷ regards this as [if it were] one after another. Now here⁴⁸ also, since all [women] [are declared] permitted, it is like [the case where they came] at the same time?⁴⁹ — How is this so?⁵⁰ There⁵¹ there is certainly an impurity,⁵² [but] here⁵³ who says that any one⁵⁴ has been defiled?⁵⁵

R. Ashi asked: If she⁵⁶ says, 'I have not hidden myself and I have not been defiled', what is [the law]? Do we say

1. The case of 'pledged' would be worse than that of 'imprisoned'. for once the tithe for redemption had expired, the pledge remains the absolute possession of the creditor (Rashi).
2. That she had been pledged.
3. This Supports R. Samuel b. R. Isaac.
4. V. p. 144 n. 9.
5. In our Mishnah.
6. 'Ed. V. 2.
7. Their property and their wives were apparently confiscated (Rashi).
8. Or Dinai, a notorious bandit, v. Sot. (Sonc. ed.) p. 249. n. 2.
9. Lit., 'and that is'.
10. Priestesses.
11. I.e., forbidden to their husbands, as they might have been defiled by the troops.
12. That they have not been defiled.
13. A male slave.
14. A female slave.
15. Because they may have offered libations to idols.
16. It is assumed that the troops do not touch the closed casks since they have open casks of wine.

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17. V. A.Z. 70b. And in our Mishnah it is assumed that the troops have time to violate the women of the town.
18. They are driven by their passion.
19. In A.Z. 70b.
20. [Sent to suppress a rebellion. The troop is therefore self-restrained]
21. In our Mishnah.
22. An enemy troop behaves in a hostile manner, and the women of the town may have been violated.
23. *Var. lec.* 'remove his foot'.
24. And has violated a woman.
25. Appointed for the protection of the population.
26. And they can call to one another to arrest any wrongdoer. Fear of the guards would prevent assaults on women.
27. I.e., the guards may fall asleep for a little while.
28. So that any one who would attempt to run away (or slip away) would be caught.
29. The Prince. R. Judah II
30. In A.Z. 70b.
31. In our Mishnah.
32. The other disputing party.
33. Raised here in the Gemara.
34. It is to be assumed of each one that she hid herself there.
35. Of the priests' wives.
36. Who hid herself there.
37. Ritually. In one of the two paths were dead bodies buried, but it is not known in which.
38. Lit., 'did purities'. I.e., touched things which were ritually pure (Rashi). If he is ritually impure he makes them ritually impure.
39. They come to ask a scholar for a decision as to the things which they touched.
40. Lit., 'this one for himself and this one for himself'.
41. I.e., the things are pure, because the two men ate regarded as pure. Since they came to ask separately I say of each of them that he walked in the clean path.
42. The things are unclean, because the decision given to the men cannot be: 'you are clean', since one of the two present must have walked in the unclean path. As it is not known which it was they ate both regarded as unclean and the things which they touched are unclean.
43. Lit., 'Whether So-and-so'. Whether they come separately or together.
44. V. Toh. V, 5.
45. R. Jose.
46. Lit., 'compares it to'.
47. R. Judah.
48. In the case of the priests' wives.
49. And therefore all of them should be forbidden on the view of R. Jose to their husbands, if there is a hiding place in which only one can

hide herself, Since, when R. Judah and R. Jose differ, the law is according to R. Jose (Rashi) and since it is ruled that all the women are permitted, it is as if they all had come at one and the same time to ask for a decision.

50. I.e., is this analogy correct? How can you compare these two cases?
51. In the case of the two paths.
52. One path was unclean.
53. In the case of the priests' wives.
54. Of the priests' wives.
55. It may be that there was no defilement at all.
56. One of the priests' wives.

Kethuboth 27b

'why should she lie,'¹ or do we not say it? But why should this be different from the following case? Once someone hired out an ass to a person, and he said to him, 'Do not go the way of Nehar Pekod. where there is water,² go the way of Naresh, where there is no water. But he³ went the way of Nehar Pekod and the ass died.⁴ He³ [then] came before Raba⁵ and said to him. 'Indeed, I went the way of Nehar Pekod, but there was no water. Said Raba: 'Why should he lie?' If he wished he could say 'I went the way of Naresh.' And Abaye said to him: we do not say 'Why should he lie?' where there are witnesses.⁶ — Now is this so? There were witnesses that there certainly was water on the way of Nehar Pekod. but here has she certainly been defiled? It is [only] a fear,⁷ and in the case of a fear we say ['why should he lie?']

IF THERE ARE WITNESSES, EVEN A SLAVE, EVEN A HAND' MAID, THEY ARE BELIEVED. And even her own handmaid is believed. But there is a contradiction against this:⁸ She⁹ must not be alone with him¹⁰ unless there are witnesses, even a slave, even a handmaid¹¹ except her own handmaid,¹² because she¹³ is familiar with her own handmaid!¹⁴ — R. Papi said: In [the case of] a woman captive¹⁵ they¹⁶ have made it lenient. R. Papa said: In the one case¹⁷ [it speaks of] her handmaid, in the other case¹⁸ [it speaks of] his handmaid. But her handmaid is not believed? Does he not teach [that] no one may testify as to himself?

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[This would imply that] her handmaid is believed!¹⁹ Her handmaid is like herself.²⁰ R. Ashi said: In both cases [it speaks of] her handmaid, but [what we maintain is that] the handmaid sees and is silent.²¹ [Consequently] there,²² where her silence makes her permitted.²³ she is not believed, but here,²⁴ where her silence makes her forbidden.²⁵ she is believed. Now also, she may come and tell a falsehood?²⁶

Two [things] she would not do²⁷ as in the case of Mari b. Isak [or as some say of Hana b. Isak]: To him there came a brother from Be-Hozae and said to him: Give me a share in the property of our father. He answered him: I do not know you. He²⁸ [then] came to R. Hisda, and he²⁹ said to him: I he³⁰ answered you well, for it is written:³¹ 'And Joseph knew his brethren, and they knew not him.' This teaches that he went away before he had grown a beard and he came back after growing a beard.³² [Then] he²⁹ said to him: I Go and bring witnesses that you are his brother. He²⁸ answered him:²⁹ I have witnesses, but they are afraid of him,³³ because he is a powerful man. He²⁹ [then] said to the other man: Go you and bring witnesses that he²⁸ is not thy brother. He³⁰ answered him:²⁹ Is this the law? [Surely] he who claims must produce evidence!³⁴ He²⁹ said to him.³⁰ So I rule for you and all who are powerful like you!³⁵ But they³⁶ may also come and lie?³⁷ Two things they³⁶ will not do.³⁸

May we say that this difference³⁹ is like that between [these] Tannaim? [For it was taught in a Baraitha:] This testimony⁴⁰ a man and a woman, a boy and a girl, her father and her mother, her brother and her sister [may give], but not her son and her daughter, nor her slave and her handmaid. And [in] another [Baraitha] it was taught. All are believed to testify [for her] except herself and her husband.⁴¹ Now the views of R. Papa and R. Ashi are [certainly] according to the difference of the Tannaim.⁴² But is the view of R. Papa according to the Tannaim?⁴³ R. Papa can answer you: That Baraitha⁴⁴

[speaks of a case] when she⁴⁵ talked in her simplicity.⁴⁶ As that which R. Dimi said when he came: R. Hanan of Carthagene told a story: A case came before R. Joshua b. Levi (or as some say R. Joshua b. Levi told a Story: A case came before Rabbi): Someone was talking in his simplicity and said: I and my mother were taken captives among heathens. When I went out to draw my water, my mind was on my mother.⁴⁷ [When I was out] to gather wood, my mind was on my mother. And Rabbi allowed her to marry⁴⁸ a priest⁴⁹ by [the words of] his mouth.⁵⁰

MISHNAH. R. ZECHARIAH B. HA-KAZZAB⁵¹ SAID: BY THIS TEMPLE⁵² HER HAND⁵³ DID NOT MOVE OUT OF MY HAND⁵⁴ FROM THE TIME THAT THE HEATHENS ENTERED JERUSALEM UNTIL THEY DEPARTED. THEY⁵⁵ ANSWERED HIM: NO ONE MAY TESTIFY CONCERNING HIMSELF.⁵⁶

GEMARA. It has been taught: And notwithstanding this⁵⁷ he appointed for her a dwelling place⁵⁸ in his court-yard. and when she was out, she went out at the head of her children,⁵⁹ and when she came in, she came in at the head other children.⁶⁰ Abaye asked: May one do so with regard to one's' divorced wife?⁶¹ [Do I say:] There⁶² it was allowed because in [the case of] a captive woman⁶³ they⁶⁴ made it lenient, but not here.⁶⁵ or is there no difference? — Come and hear: It has been taught: If someone has divorced his wife, she shall not get married [and live] in his neighborhood.⁶⁶

1. Lit.. 'Why should I lie?' Do we apply here the principle of 'Why should I lie?' If she had wished to tell a falsehood she could have said that she hid herself. She does not gain any advantage by her present statement. Therefore we should believe her entire statement.
2. Which, apparently, the ass-driver would have to cross.
3. The man who hired the ass.
4. Apparently through the fatigue of crossing the water.
5. Before whom the parties, the owner and hirer of the ass, brought their dispute.

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6. It is common knowledge that there is water on the way to Nehar, Pekod, v. however, B.M. (Sonc. ed.) p. 468 and notes.
7. One is merely afraid that she may have been defiled.
8. V. Git. 73a.
9. The wife of a husband who gave her a divorce on condition that he dies, v. Git. 73a.
10. With her husband between the delivery of the divorce and his death.
11. Even if a slave or a handmaid is present when husband and wife are in one room.
12. The wife's own handmaid.
13. The wife.
14. We thus see that her own handmaid cannot be a witness. This is the contradiction. For further notes v. Git. (Sonc. ed.) p. 348.
15. E.g., the priests' wives in the Mishnah.
16. The Rabbis.
17. In Git. 73a.
18. In our Mishnah.
19. Anyone but herself.
20. Therefore her own handmaid cannot be a witness.
21. I.e., all the handmaid does is: She sees what her mistress does and keeps quiet.
22. In Git. 73a.
23. There (in Git. 73a), if the handmaid says nothing as to any intimacy between husband and wife after the conditional divorce, she is in her permitted state. And as her handmaid is suspected of Seeing a wrong done and saying nothing her silent testimony is not accepted.
24. In our Mishnah.
25. A captive woman is presumed to have been violated unless there is evidence to the contrary. consequently in order to make her mistress permitted to her husband the handmaid would have to speak. She would have to say that her mistress was not defiled. And we do not assume that she would say an untruth. She may be guilty of a silent falsehood, but not of a spoken falsehood. Therefore when she says that her mistress has remained pure she is believed.
26. In spite of what has just been said by R. Ashi, it is possible that out of attachment to her mistress, or for fear of her, the handmaid may come and actually tell a falsehood. Why should she then be believed?
27. To be silent about her mistress's defilement and to say that she was not defiled, that she would do both these things we do not assume.
28. The claimant.
29. R. Hisda.
30. Mari, or Hana.
31. Gen. XLII, 8.
32. It is therefore possible and even natural that your brother does not recognize you.
33. Of his brother.
34. This is the accepted rule!
35. I.e., I am the interpreter and exponent of the law. I apply the rules according to circumstances. Now that I have to deal with a man like you, Mari, I modify the rule! And he bowed to the ruling of R. Hisda; v. B.M. 39b. where the story is told more fully.
36. The witnesses.
37. Cf. B.M. 39b.
38. To be silent as to the truth and to tell a falsehood
39. Whether her handmaid is believed or not.
40. Regarding a captive woman.
41. Her handmaid is therefore believed.
42. R. Papa and R. Ashi would hold like the second Baraitha.
43. The view of R. Papa does not seem to agree with either Baraitha, since he makes a distinction between his handmaid and her handmaid. According to the first Baraitha no handmaid is believed, whether his or hers, and according to the second Baraitha either handmaid is believed, even hers.
44. The second Baraitha.
45. The handmaid.
46. She related her story quite innocently, without intending to give evidence. In such a case R. Papa would also hold that her handmaid is believed. Therefore R. Papa's view would also be according to the second Baraitha.
47. Apparently he had his eyes on her so that no one assaulted her.
48. She was a widow.
49. Lit., 'into priesthood'.
50. Relying upon the story told innocently by the Son.
51. 'The Butcher'. He was a priest in Jerusalem at the time of the Roman conquest.
52. He swore by the Temple.
53. The hand of his wife.
54. I.e., she was always with him, and he knew that she remained pure.
55. The Sages.
56. As it concerns himself his testimony cannot be accepted.
57. That they did not accept this testimony. and consequently she was forbidden to him (Rashi).
58. Lit., 'a house'.
59. So that she should not be alone with her husband.
60. So that she should not be alone with her husband, v. Tosef. Keth. V. for variants.
61. May she live in the same court-yard in which her former husband lives?
62. In the case of R. Zechariah.
63. During the siege she was regarded as a captive woman.
64. The scholars.

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65. In the case about which Abaye asks.
66. [H] 'a group of three houses', v. A.Z. 21a. Former friendship may lead to renewed intimacy.

Kethuboth 28a

and if he¹ was a priest she must not live with him in the [same] alley.² If it was a small village³ — such a case happened, and they said: A small village is considered⁴ a neighborhood.⁵

Who must give way before whom? — Come and hear' It has been taught: She must give way before him, and not he before her, but if the court-yard⁶ belonged to her, he must give way before her.

The question was asked: If the court-yard belonged to both, what is [the law]? Come and hear: 'She must give way before him.' In what case?⁷ If the court-yard belongs to him it is obvious; and if the court-yard belongs to her, has it not been taught: 'If the court-yard belongs to her, he gives way before her'? Hence [it must be] in a such case!⁸ — [No.] Perhaps [it deals with a case] when they rented [the court-yard]. How is it then?⁹ — Come and hear: [It is written:] The Lord will hurl thee away violently as a man,¹⁰ and Rab said:¹¹ moving about¹² is harder for a man than for a woman.¹³

Our Rabbis taught: If he¹⁴ borrowed¹⁵ from the property of her father,¹⁶ she collects the payment only through another person.¹⁷ R. Shesheth said: And if they [both] come before us to Court, we do not deal with¹⁸ them.¹⁹ R. Papa said: We excommunicate them. R. Huna, the son of R. Joshua. said: We even order them to be lashed. R. Nahman said: It is taught in Ebel Rabbathi:²⁰ This is said only²¹ when she was divorced after²² marriage, but if she was divorced after betrothal, she may collect the payments herself, because he is not [so] familiar with her.

Once a betrothed and his [former] fiancée came before Raba, and R. Adda b. Mattena, sat before him. Raba placed a messenger²³ between them.²⁴ R. Adda b. Mattena said to him: Did not R. Nahman say: 'It is taught in Ebel Rabbathi, etc.'?²⁵ — He answered him: We see²⁶ that they are familiar with one another.²⁷ Some say: Raba did not place a messenger between them. R. Adda b. Mattena said to him: Let the Master place a messenger between them. He answered him:²⁸ Did not R. Nahman say: 'It is taught in Ebel Rabbathi, etc.'? He²⁹ said to him:²⁸ This only when they are not familiar with one another, but [as to] these — I see that they are familiar with one another.²⁷

MISHNAH. THE FOLLOWING³⁰ ARE BELIEVED ON TESTIFYING WHEN THEY ARE GROWN-UP³¹ TO WHAT THEY HAVE SEEN WHEN THEY WERE SMALL:³² — A PERSON IS BELIEVED ON SAYING 'THIS IS THE HANDWRITING OF MY FATHER.'³³ 'THIS IS THE HANDWRITING OF MY TEACHER. 'THIS IS THE HANDWRITING OF MY BROTHER.'³⁴ REMEMBER THAT THAT WOMAN WENT OUT WITH A HINUMA AND UNCOVERED HEAD,³⁵ 'THAT THAT MAN USED TO GO OUT FROM SCHOOL³⁶ TO IMMERSE³⁷ IN ORDER TO EAT TERUMAH'.³⁸ 'THAT HE USED TO TAKE A SHARE WITH US AT THE THRESHING FLOOR, THAT THIS PLACE WAS A BETH HA-PERAS.'³⁹ THAT UP TO HERE WE USED TO GO ON SABBATH.⁴⁰ BUT A MAN IS NOT BELIEVED WHEN HE SAYS: SO-AND — SO HAD A WAY⁴¹ IN THIS PLACE, THAT MAN HAD A PLACE OF STANDING UP AND LAMENTATION⁴² IN THIS PLACE.

GEMARA. R. Huna b. Joshua said: [This is] only⁴³ when a grown up person is with him.⁴⁴ And it is necessary,⁴⁵ for if he had taught us⁴⁶ [with regard to] his father, [I might say]⁴⁷ that is because he⁴⁸ was always⁴⁹ with him,⁵⁰ but [with regard to] his teacher. [he would] not [be believed]. And if he had taught us [with regard to] his teacher, [I might say]⁵¹ that is because he had reverence⁵² for his teacher.⁵³ And if he had taught us these two

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[cases],⁵⁴ [I might say⁵⁵ with regard to] his father, that is because he was always with him, and [with regard to] his teacher, because he had reverence for him, but [with regard to] his brother, in regard to whom there is neither this nor that ground.⁵⁶ I might say [that he is] not [believed]; so he teaches us⁵⁷ [that] since the confirmation of documents⁵⁸ is [only] ordained by the Rabbis,⁵⁹ so the Rabbis have believed him regarding what the Rabbis [themselves] have ordained.

I REMEMBER THAT THAT WOMAN WENT OUT WITH A HINUMA AND UNCOVERED HEAD. What is the reason?⁶⁰ — Because most women get married as virgins, so this⁶¹ is only a declaration.⁶²

THAT THAT MAN USED TO GO OUT FROM SCHOOL TO IMMERSE IN ORDER TO EAT *TERUMAH*. But perhaps he was the slave of a priest?⁶³ — This supports R. Joshua b. Levi; for R. Joshua b. Levi said: A man is forbidden to teach his slave⁶⁴ the Torah. But is it indeed not [permitted]? Has it not been taught: If his master has borrowed from him⁶⁵ or his master made him

1. The husband.
2. Even if she has not remarried, since a priest's divorced wife is forbidden to a priest.
3. I.e., the place in which they lived.
4. Lit., 'judged'.
5. And she must not marry and live there.
6. With the buildings in it.
7. Lit., 'of what case do we treat'?
8. Lit., 'manner'. When the court belonged to both.
9. What is the answer to the question? Lit., 'what is with regard to it'.
10. Isa. XXII. 17.
11. Referring to this verse.
12. Lit., 'hurlings about'.
13. Hence, if the court-yard belonged to both, she must give way before him. By moving from place to place, a man loses the sphere of his livelihood, while a woman can assure hers by marriage.
14. The husband who was a priest.
15. While they were married.
16. I.e., property that she brought from her father's house or that she inherited from her

father after her marriage. (V. [Glos.](#) s.v. *mulug*).

17. So as to avoid personal contact between them, which may lead to familiarity.
18. Lit., 'we do not attach ourselves to them'.
19. She must send someone to represent her.
20. Name of a small Treatise joined to the Babylonian Talmud which deals with laws of mourning. It is also called euphemistically Semahoth ('Joys').
21. Lit., 'in what (case) are these words said', i.e., when must they not meet together after divorce. R. Nahman applied the rule stated there to collecting payments or appearing in court together. For variants v. *loc. cit.*
22. Lit., 'from'.
23. Apparently a messenger of the court, an usher.
24. Between the betrothed and his former fiancée.
25. That the law does not apply to a betrothed couple that had been divorced.
26. From our own observations now.
27. Therefore the rule stated in Ebel Rabbathi cannot hold good in this case.
28. Raba.
29. R. Adda.
30. Lit., 'and those'.
31. Lit., 'in their greatness', in their majority.
32. Lit., 'in their smallness', in their minority.
33. And the signature which was appended when he was still a minor is confirmed in court on the strength of this testimony made in his majority.
34. To the marriage-ceremony.
35. Signs that she was a virgin-bride: V. *supra* 15b and 17b.
36. When we were pupils together.
37. I.e., to bathe for purification so as to be ritually fit to eat *Terumah*.
38. Which shows that he is a priest. cf. *supra* 24a-26a.
39. A field in which a grave has been plowed becomes a Beth Ha-peras, and renders unclean through contact for a distance of half a furrow of one hundred cubits in each direction. Peras = half (v. Jast.). Rashi connects it with meaning 'to break' (an area of bone splinters); Maim. with 'to extend' (an area of extension); Tosaf. Nid. 57b with 'to tread' (an area from which people tread aside).
40. On Sabbath it is not permitted to walk 2000 cubits beyond the outer boundary of the town,
41. I.e., a right of way.
42. *Var. lec.*, SITTING DOWN. At funerals. The funeral escort, on returning from a burial, halted on the way seven times at certain places, where they stood up and sat down on the ground to offer comfort to the mourners

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- or to lament for the departed. v. B.B. (Sonc. ed.) p. 420. n. 4.
43. Lit., 'and that is' — Only then he is believed on testifying to what he saw as a child.
 44. And we are informed that he is permitted to join the other witness in the evidence which requires the minimum of two witnesses.
 45. To teach the three cases regarding the handwriting.
 46. Lit., 'let us hear'.
 47. That he is believed.
 48. The son.
 49. Lit., 'frequent'.
 50. With his father; he therefore knew' his handwriting well.
 51. That he is believed.
 52. Lit., 'fear, awe'.
 53. He therefore knew his handwriting well.
 54. Of his father and his teacher.
 55. That he is believed.
 56. He is neither always with him nor does he revere him.
 57. Lit., 'he lets us hear' — by stating all the three cases.
 58. I.e., the attestation of signatures on documents in court.
 59. V. *supra* 21b.
 60. That he is believed.
 61. His testimony.
 62. No formal testimony of witnesses is required; a general declaration is sufficient.
 63. Who is also entitled to eat *Terumah*.
 64. And this person was in a school, (lit., 'the house of the book') where he learned the Torah (The Book _ the Bible _ the Torah). Therefore he could not be a slave.
 65. From his slave.

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a guardian or he put on Tefillin¹ in the presence of his master or he read three verses² in the Synagogue, he does not become free!³ — There⁴ it happened that he did it with his consent;⁵ [for what case] do we state [our rule]?⁶ When he treats him as a child.⁷

TO IMMERSE IN ORDER TO EAT *TERUMAH*. [Only] with regard to Rabbinical *Terumah*.⁸ THAT HE WAS TAKING A SHARE WITH US AT THE THRESHING FLOOR. But perhaps he was the slave of a priest? — We have learned [this] according to him who says: One does not distribute *Terumah* to a slave unless his master is with him,⁹ for it has been taught:

One does not distribute *Terumah* to a slave unless his master is with him. This is the view of R. Judah. R. Jose says: He can say: 'If I am a priest, give me for my sake, and if I am the slave of a priest, give me for the sake of my master'. In the place of R. Judah they used to raise from *Terumah* to the status of a priest; in the place of R. Jose they would not raise from *Terumah* to the status of a priest.¹⁰

It is taught:¹¹ R. Eleazar, the son of R. Jose,¹² said: I have never given testimony. Once I gave testimony and they raised a slave to the priesthood through my evidence.¹³ [You say] they raised! Do you indeed mean to say this? Now, if the Holy One, blessed be He, does not bring a stumbling¹⁴ through the animals of the pious men,¹⁵ how much less through the pious men themselves?¹⁶ — But,¹⁷ they wanted to raise a slave to the priesthood through my evidence. He saw it¹⁸ in the place of R. Jose,¹⁹ and he went and testified in the place of R. Judah.²⁰

THAT THIS PLACE WAS A BETH HA-PERAS Why?²¹ — Because [the law of] Beth Ha-peras is Rabbinical, for Rab Judah said in the name of Rab: One blows away [the dust from]²² the Beth Ha-peras, and goes [there]. Rab Judah b. Ammi said in the name of Rab Judah: A Beth ha-peras which has been trodden out is clean. What is the reason?²³ It is impossible that a bone [of the size] of a barleycorn was not trodden down by the foot.²⁴

UP TO HERE HE USED TO GO ON SABBATH. He holds that the [Sabbath] limits²⁵ are Rabbinical.

A MAN IS NOT BELIEVED WHEN HE SAYS: THAT MAN HAD A WAY IN THIS PLACE, SO-AND-SO HAD A PLACE OF STANDING UP AND LAMENTATION IN THIS PLACE. What is the reason? Money we do not extract.²⁶

Our Rabbis taught:²⁷ A boy is believed when he says, 'Thus my father told me: this family is clean. this family is unclean. — [You say,]

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'clean and unclean'! Do you indeed mean to say this?²⁸ But [say]: 'this family is fit²⁹ and this family is unfit', 'That we have eaten at the Kezazah³⁰ [on the occasion of the marriage] of the daughter of So-and-so to So-and-so', 'that we used to bring *Hallah* and [priestly] gifts³¹ to the priest So-and-so'. But only through himself,³² and not through someone else. In all these cases, if he was an heathen and he became a proselyte, a slave and he was set free, he is not believed.³³ [But] he is not believed when he says 'that man had a way in this place, that man had a place of standing up and lamentation in this place'. R'. Johanan b. Beroka, said. He is believed. To which [clause] does R. Johanan b. Beroka, refer? Shall I say, to the last clause? This is extracting money?³⁴ — But [it refers] to the first clause. In all these cases, if he was a heathen and he became a proselyte, a slave and he was set free, he is not believed. R. Johanan b. Beroka says: He is believed. In what [principle] do they differ? — The first Tanna holds: Since he was a heathen he would not pay special attention to it,³⁵ and R. Johanan b. Beroka, holds: Since he had it in his mind to become a proselyte he would pay special attention to it.

What is KEZAZAH? — The Rabbis taught: In what manner does Kezazah take place? If one of the brothers has married a woman who is unworthy of him, the members³⁶ of the family come together, bring a cask full of fruit, break it in the middle of the open place³⁷ and say. Brethren of the house of Israel, hear. Our brother So-and-so has married a woman who is not worthy of him, and we are afraid lest his descendants³⁸ will be united with our descendants. Come and take for yourselves a sign³⁹ for future generations, that his descendants shall not be united with our descendants'. This is Kezazah with regard to which a child is believed when he testifies.

1. The Phylacteries.
2. From the Bible.
3. Lit., 'he does not go out to freedom', v. Git. 70a. This shows that a slave does learn the Torah.

4. In the case just quoted.
5. It may sometimes happen that a slave is taught the Torah.
6. That it is forbidden to teach a slave the Torah.
7. And teaches him as he would teach his own children. This is forbidden. Therefore the person in the Mishnah could not be a slave.
8. Cf. *supra* 25a. Only with regard to Rabbinical *Terumah* is such testimony sufficient.
9. As he was alone and took a share at the threshing floor, it shows that he was a priest.
10. V. *supra* 26a-27b. And therefore they would not give a slave *Terumah* in the absence of his master, lest this should be used as evidence in regard to marriage.
11. In a Baraita.
12. V. Yeb. 99b.
13. Lit., 'through my mouth'.
14. A sin, an offence.
15. V. Git. 7a.
16. And how could such an offence have been caused through R. Eleazar.
17. The case was as follows.
18. That they gave *Terumah* to a person who in fact was a slave in the absence of his master.
19. Where they did not raise from *Terumah* to the state of a priest. There was therefore no harm in distributing *Terumah* to a slave at the threshing floor.
20. Where they raised from *Terumah* to the state of a priest. They therefore thought that this man was a priest. The mistake was apparently found out in time and he was not raised. No offence was brought about through a pious man.
21. Why was this testimony sufficient?
22. To see whether there are any bones there.
23. Why is it regarded as clean?
24. And by being reduced to a smaller size is no longer liable to communicate defilement.
25. I.e., the ordinance regarding the Sabbath limits for walking is Rabbinical; therefore this testimony is sufficient.
26. On the strength of that statement. In civil matters such testimony is not sufficient.
27. Cf. Tosef. Keth. III for variants.
28. 'Clean' and 'unclean' are not applicable to families.
29. Unblemished and fit to marry into priestly families.
30. 'Cutting off', 'severing family connections'; a ceremony attending the sale of an heirloom to an outsider, and the marriage of a man beneath his social rank. It is the marriage-Kezazah that is spoken of here, v. *infra*.
31. V. Deut. XVIII, 3.
32. The boy himself must have been the messenger.
33. As to what he saw when he was a heathen or a slave.

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34. V. note 5.
35. To the various matters about which he testified.
36. Lit., 'the sons'.
37. [H]. *supra* p. 41, n. 5. Here, too, it can mean the open space before the house.
38. Lit., 'seed'.
39. As a token. They should remember what happened and tell their children, so that everyone will know to distinguish between the descendants of this brother and those of the rest of the family.