

Talmud - Mas. Kiddushin 2a

CHAPTER I

MISHNAH. A WOMAN IS ACQUIRED [IN MARRIAGE] IN THREE WAYS AND ACQUIRES HER FREEDOM¹ IN TWO. SHE IS ACQUIRED BY MONEY, BY DEED, OR BY INTERCOURSE. 'BY MONEY': BETH SHAMMAI MAINTAIN, A DENAR² OR THE WORTH OF A DENAR; BETH HILLEL RULE, A PERUTAH OR THE WORTH OF A PERUTAH.³ AND HOW MUCH IS A PERUTAH? AN EIGHTH OF AN ITALIAN ISSAR.⁴ AND SHE ACQUIRES HER FREEDOM BY DIVORCE OR BY HER HUSBAND'S DEATH. A YEBAMAH⁵ IS ACQUIRED BY INTERCOURSE, AND ACQUIRES HER FREEDOM BY HALIZAH⁶ OR BY THE YABAM'S DEATH.⁷

GEMARA. A WOMAN IS ACQUIRED. Why does he [the Tanna] state here, 'A WOMAN IS ACQUIRED,' Whilst elsewhere⁸ he teaches 'A man may betroth' [etc.]?⁹ — Because he wishes to state 'MONEY'; and how do we know that money effects betrothal? By deriving the meaning of 'taking' from the field of Ephron.¹⁰ Here it is written: If any man take a wife;¹¹ whilst there it is written: I will give thee money for the field: take it of me.¹² Moreover, 'taking' is designated acquisition, for it is written, the field which Abraham acquired;¹³

(1) Lit., 'acquires herself.'

(2) V. Glos.

(3) I.e., goods to its value.

(4) V. Glos. The ordinary issar = 1124th of a denar (denarius); the Italian issar = 1116th.

(5) v. Glos.

(6) V. Glos.

(7) v. Glos.

(8) At the beginning of Chapter II, infra 41a.

(9) Thus here too he should have stated: 'A woman is betrothed.' 'Betroth' in this sense, and as it is generally used in the Talmud, is the first stage of marriage. A betrothed woman could not be freed without a divorce, though cohabitation was still forbidden. V. Glos. s.v. erusin. As far as practicable in this translation, 'betrothed' is employed to denote this first stage, and 'marriage' to denote the second (nissu'in), after which the couple may live together.

(10) Lit., 'taking,' 'taking' is deduced from the field of Ephron. This method of exegesis is designated 'gezerah shawah,' whereby the use of the same word in two passages indicates that their laws or connotations are similar.

(11) Deut. XXII, 13.

(12) Gen. XXIII, 13. Just as 'take' in the latter verse refers to money, so in the former too: the wife is 'taken,' i.e., betrothed by money.

(13) Gen. XLIX, 30. The quotation is not exact in the Talmud.

Talmud - Mas. Kiddushin 2b

alternatively, men shall acquire fields for money;¹ therefore, he teaches: A WOMAN IS ACQUIRED. Then let him state there,² 'A man acquires'? — He [the Tanna] first employs Biblical phraseology, but subsequently, the Rabbinical idiom. Now what does the Rabbinical term connote?³ — That he [the husband] interdicts her to all [men] as hekdes.⁴ But, why not teach here, 'A man acquires'?⁵ — Because he desires to teach the second clause, AND ACQUIRES HER FREEDOM, which refers to her [the woman], he therefore teaches the first clause likewise with reference to her. Then let him state, 'A man acquires . . . and makes [her] acquire'?⁶ — Because there is the husband's death where it is not he who frees her, but it is Heaven who confers [her freedom] on her.⁷ Alternatively, were it taught 'he acquires.' I might have thought, even against her will, hence It is stated 'A WOMAN IS ACQUIRED,' implying only with her consent, but not without.⁸ Now, why does he [the Tanna] choose to teach shalosh? Let him teach sheloshah?⁹ — Because he desires to

state derek [way], which is feminine, as it is written, and thou shalt shew them the way wherein [bah] they must walk.¹⁰ 'If so, when we learnt, a zab¹¹ is examined in seven [shiv'ah] ways [derakim.]:¹² let him [the Tanna] employ sheva'¹³ — Because he desires to state derek, which we find designated as masculine, as it is written, they shall come out against thee in one way [be-derek ehad], and flee before thee seven ways [shiv'ah derakim].¹⁴ If so, the verses are contradictory, and the Mishnahs likewise? — The verses are not contradictory: here [the first verse quoted], the reference being to the Torah,¹⁵ which is a feminine noun, as it is written: The law [torah] of the Lord is perfect [temimah], restoring [meshibath] the soul:¹⁶ the feminine form is employed. There, however, the reference is to war, and it is the practice of man to wage war, not of woman — therefore the masculine is employed. The Mishnahs are [likewise] not contradictory: here, since the reference is to a woman, It is couched in the feminine form. There, the reference being to a man, since it is the nature of a man to be examined, but not of a woman, for a woman becomes unclean even through an accident,¹⁷ the masculine form is employed.

Now, why does he employ shalosh? on account of derakim [ways]! Then let him teach debarim [things] and sheloshah?¹⁸ — Because he wishes to mention INTERCOURSE, which is designated 'way', as it is written, and the way of a man with a maid. . . Such is the way of an adulterous woman.¹⁹ Now, that answers for intercourse; but what can you say of MONEY AND DEED? — [They are] on account of INTERCOURSE.²⁰ And are two taught on account of one?²¹ — These too are adjuncts of intercourse.²²

Alternatively I can say: The author of this [Mishnah] is R. Simeon. For it was taught: R. Simeon said: Why did the Torah state, If any man take a wife,²³ and not 'if a woman be taken to a man'? Because it is the way of a man to go in search of a woman, but it is not the way of a woman to go in search of a man. This may be compared to a man who lost an article: who goes in search of whom? The loser goes in search of the lost article.²⁴ Now, as to what we learnt: 'a zab is examined in seven ways': let it state [seven] 'things'?²⁵ — There we are informed this: it is the nature [way] of excessive eating to cause gonorrhoea, and it is the nature [way] of excessive drinking to cause gonorrhoea. Further, as to what we learnt: 'The citron is comparable to a tree in three ways'²⁶ — let him state [in three] things? — Because he wishes to teach the second clause: and to vegetables in one way.²⁷ Then in the second clause too' let him state, [and to vegetables in one] 'thing'?

(1) Jer. XXXII, 44.

(2) Infra 41a.

(3) The Heb. mekaddesh literally means 'consecrates.' Why is this employed by the Rabbis for betrothal?

(4) V. Glos.; hekdesch is forbidden for secular use.

(5) Granted that Biblical usage demands a verb of acquisition, yet just as the Mishnah on 41a states: 'a man betroths,' so here too it should have been, 'a man acquires.'

(6) Both clauses referring to his action.

(7) Hence this could not be referred to as his (voluntary) action.

(8) By referring it to her, the Tanna shews that the validity of acquisition is dependent on her consent.

(9) Shalosh (three) is used with fem. substantives; sheloshah with masc. ones, which is the more usual.

(10) Ex. XVIII, 20: bah is feminine (in her), the masc. being bo.

(11) V. Glos, cf. p. 3, n. 1.

(12) Pl. of derek.

(13) Shiv'ah with masc., sheva' with fem. substantives.

(14) Deut. XXVIII, 27: in both clauses the numerals are masculine.

(15) When Jethro said to Moses, and thou shalt shew them the way wherein they must walk, by 'way' he meant the Torah.

(16) Ps. XIX, 8; both the adjective and the participle are feminine.

(17) A man is unclean as a zab only if the discharge comes of itself, without being caused by external factors (technically called accidents); e.g., the eating of certain foods, physical overstrain, etc.; seven such factors might have caused the

discharge, and consequently he had to be examined in respect of these. But a woman is unclean even then; hence there is no purpose in examining her.

(18) A woman is acquired by three things; *debarim* is masc.

(19) *Prov.* XXX, 19 f.

(20) Since *derek* is required for cohabitation, it is also used for the others.

(21) Surely the idiom should be primarily adapted to the majority?

(22) They are not separate and complete acts, but preliminaries to cohabitation.

(23) *Deut.* XXII, 13.

(24) But the lost article does not seek the loser. Thus, man having lost his rib, he seeks to recover it. — Since R. Simeon says 'It is the way of a man, etc.' he also teaches: 'A WOMAN IS ACQUIRED IN THREE WAYS. 'Derek' (way) is applicable to something that happens in conformity with nature or normal practice.

(25) Because generally speaking the masculine is preferable.

(26) *Viz.*, in respect of 'orlah (q.v. *Glos.*), fourth year fruits, and the year of release. The fruit gathered in the fourth year of a tree's planting was to be eaten in Jerusalem, like the second tithe (v. note 4). Special laws governed the produce of every seventh year (v. *Lev.* XXV, 1-7), but the definitions of 'seventh year' varied. In respect to trees it meant the fruit that grew in the seventh year, even if not harvested until the eighth; while in speaking of vegetables it applies to the time of gathering: the citron is assimilated to trees in this matter.

(27) *Viz.*, in respect of tithing. In the first, second, fourth, and fifth years after the 'year of release', the first and second tithe were separated, the first being given to the Levite and the second eaten by its owners in Jerusalem; in the third and sixth years the first and third tithes were due, the latter being given to the poor. Here too, trees were determined by the time when their fruit grew; vegetables by their gathering; the citron was assimilated to vegetables in this matter.

Talmud - Mas. Kiddushin 3a

— There we are informed this: that the nature [way] of a citron is like that of vegetables. Just as it is the nature of vegetables to grow by means of all waters,¹ and its tithing is determined by the time when it is gathered;² so is it the nature of the citron to grow by means of all waters, and [therefore] its tithing is determined by its gathering.³ Again, when we learnt: A *koy*⁴ is, in some ways, similar to beasts of chase;⁵ and in other ways to cattle; and [again], in some ways to both beasts of chase and cattle, and in other ways to neither beasts of chase nor cattle⁶ — let it be taught, [in some] 'things'? Moreover, when we learnt: This is one of the ways wherein women's divorce deeds are similar to slaves' writs of liberation⁷ — let him state, [this is one of the] 'things' etc.? — But [answer thus]: wherever a distinction is drawn, 'ways' is employed: wherever there is no distinction, 'things' [respects] is taught.⁸ This may be proved too, for the second clause teaches: R. Eliezer maintained: The citron is equal to trees in all things.⁹ This proves it.

What does the number of the first clause exclude, and what does the number of the second exclude?¹⁰ — The number of the first clause excludes *huppah*.¹¹ But according to R. Huna, who maintained: *Huppah* [as an act of betrothal] acquires [a woman], by inferring it a *minori*,¹² what does it exclude? — It excludes barter.¹³ I might have thought, since we learn the meaning of 'taking' from Ephron's field:¹⁴ then just as a field may be acquired by barter, so may a woman too be acquired by barter: hence we are informed [otherwise]. And let us say: That indeed is so? — Barter is possible with less than a *perutah*'s worth;¹⁵ whilst a woman will not cede herself [in marriage] for less than a *perutah*'s worth.¹⁶

(1) I.e., artificial irrigation, which is normally impossible in the case of wheat and the vine.

(2) *V. nn.* 3 and 4.

(3) Thus by employing 'way,' the Tanna teaches the reason of its similarity in tithing, *viz.*, because it is also similar in the nature (way) of its growth.

(4) [Generally taken as a cross between a goat and some species of gazelle; v. Lewysohn, *Zoologie*, p. 115.]

(5) Heb. *hayyah*, beast of chase, opposed to *behemah*, cattle. The Rabbis were uncertain whether the *koy* should be considered of the genus of cattle or a beast of chase.

(6) Its heleb (hindquarter fat) is forbidden like that of cattle, its blood must be covered after slaughter, like that of a beast of chase, it must be ritually killed before it is fit for food, like both, it must not be made to copulate with either. — Since its status is undetermined, we impose the stringencies of both beasts of chase and cattle.

(7) Viz., if one is brought from overseas, the messenger must declare, 'It was written and attested in my presence.'

(8) E.g., in some respects the citron is similar to trees; in others to vegetables: hence a distinction is drawn. The same applies to the other passages quoted. But if one thing is entirely like another, we employ 'things' (dabar).

(9) Thus 'way' is not used here, since no distinction is drawn.

(10) It is unnecessary to state, A WOMAN . . . THREE WAYS . . . TWO, since these are actually enumerated. The explicit statement of the number must therefore emphasize that only three ways are valid, not more.

(11) If a father delivers his daughter to huppah as an act of betrothal (kiddushin), it is not valid as such. (Rashi). [The word **הוּפָה** from the root **הִפֵּה**, denotes the baldachin or canopy wherein the bridegroom received the bride at the nuptials. A good deal of uncertainty exists as to the signification of this ceremony; (v. Shulhan 'Aruk, Eben ha-'Ezer, I, XV, 1). Rashi, it appears, regards huppah as a mere symbol of traditio puellae, a handing over of the maiden by the father to the husband into whose control she now passes, (cf. Keth. 48a), in contradistinction to Maim., (Yad, Ishuth, X, 1), who saw in it a symbol of the marital union, copula carnalis, cf. Neubauer J. pp. 57 and 226ff.]

(12) V. infra 50.

(13) A woman cannot be bartered, i.e., become betrothed in exchange for an article. — On 'barter' v. infra 28a, Mishnah.

(14) V. supra 2a.

(15) V. B.M. 47a.

(16) Because it is derogatory to her dignity.

Talmud - Mas. Kiddushin 3b

The number of the second clause excludes halizah.¹ For I might have thought, this may be inferred a minori from a yebamah: if a yebamah, who is not freed by divorce, is freed by halizah; then this one [a married woman], who is freed by divorce, is surely freed by halizah. Therefore we are informed [otherwise]. And let us say: That indeed is so? — Scripture states, [then he shall write her] a writ of divorcement:² Thus, a 'writ' may divorce her, but nothing else may divorce her.

BY MONEY. Whence do we know this? Moreover, when we learned, A father has a privilege over his daughter [if a minor] in respect of her kiddushin³ by money, deed, or intercourse:⁴ How do we know that she can be acquired by money and that the money belongs to her father? — Said Rab Judah in Rab's name, Because Scripture saith, then she shall go out for nothing, without money:⁵ no money is due to this master [when she leaves his control], but money is due to another master, viz., her father.⁶ Yet perhaps it belongs to her?⁷ — How now! her father receives her kiddushin [on her behalf], for it is written, [and the damsel's father shall say. . .] I gave my daughter unto this man;⁸ shall she take the money? [Surely not!] But perhaps this applies only to a minor [ketannah], who has no power to accept kiddushin; but as for a na'arah,⁹ who is empowered to accept kiddushin — let her betroth herself and take the money!¹⁰ — The Writ saith, in her youth¹¹ in her father's house:¹² teaching, all the profit of youth belongs to her father.

If so, when R. Huna said in Rab's name: Whence do we know that a daughter's labour belongs to her father? — From the verse: And if a man shall sell his daughter to be a maidservant:¹³ just as a maidservant's labour belongs to her master, so does a daughter's labour belong to her father; learn it rather from, 'in her youth, in her father's house'? But [you must answer], that refers to the annulment of vows.¹⁴ So here too, [you must admit] that it is written in reference to annulment of vows!¹⁵ And should you argue, We may learn therefrom¹⁶ — but civil law¹⁷ cannot be deduced from ritual law.¹⁸ And should you say, we may learn it from kenas¹⁹ — but civil law cannot be deduced from kenas?²⁰ And should you say: We may learn it from [the indemnity payable for her] shame and depreciation²¹ — yet shame and depreciation are different, since her father has an interest therein.²² — But [answer thus:] it is logical that when a limitation is made,

-
- (1) V. Glos. The marriage bond cannot be dissolved by halizah.
- (2) Deut. XXIV, 1.
- (3) V. Glos.
- (4) He can accept money or a deed as her kiddushin, the former belonging to him, or deliver her to intercourse, v. Keth. 46b.
- (5) Ex. XXI, 11: this refers to a Hebrew maidservant.
- (6) When she leaves him on marriage. Hence her father has a right to the money given as kiddushin.
- (7) The verse merely implying that no money is payable when she leaves this master, but it is when she leaves another master, viz., her father. But nothing shews that the money belongs to her father, which would follow only if Scripture had written: 'without money to him'.
- (8) Deut. XXII, 16; thus shewing that the privilege rests entirely with him.
- (9) V. Glos.
- (10) A minor cannot enter into a legal contract; hence it is but equitable that her father has full power over her in respect to marriage. But a na'arah can make valid transactions and acquire property; the father therefore should have no rights in respect to her kiddushin. — Though the verse quoted, dealing with the slandering of a woman's honour, explicitly refers to a na'arah — Then shall the father of the na'arah (E.V. damsel) etc., — she may have been betrothed while a minor.
- (11) I.e., when a na'arah, to which the Heb. term bi-ne'ureha corresponds.
- (12) Num. XXX, 17.
- (13) Ex. XXI, 7.
- (14) Teaching that the father can annul his unmarried daughter's vows, if a na'arah; but it has no bearing on her labour.
- (15) Not kiddushin.
- (16) Just as a father can annul his daughter's vows, so has he a title to her betrothal money.
- (17) Lit., 'money'.
- (18) Lit., 'prohibition'. The title to betrothal money is purely a question of civil law, whereas the binding character of vows and their annulment belong to ritual law.
- (19) Lit., 'fine'; v. Glos. If a man seduces, violates, or slanders a na'arah, he must pay a fixed fine to her father: Ex. XXII, 15f; Deut. XXII, 13-19; 28f. Hence in the case of kiddushin too the money belongs to her father.
- (20) This is a general principle. Kenas is not regarded as equitable indemnification for loss sustained, for then the amounts would vary, but as a Biblical decree. As such, it stands in a category by itself, and ordinary civil law cannot be compared with it.
- (21) Besides the fixed kenas, the seducer must pay her father for the shame she sustained and her loss in social standing, which has a monetary value. These are ordinary payments for injury inflicted and therefore provide a basis for analogy.
- (22) For her father could inflict these on her by marrying her to a man suffering from repulsive disfigurement.

Talmud - Mas. Kiddushin 4a

it applies to an analogous going forth.¹ But the one departure is dissimilar to the other: there [sc. a maidservant] she passes from her master's authority completely; whereas here she yet wants being given over for huppah?² — Nevertheless, she passes out of his control in respect of annulment of vows; for we learnt: A betrothed maiden — her father and husband [together] may annul her vows.³

Now, this verse: 'and she shall go out for nothing' — does it come to teach this? Surely it is needed for what was taught, viz., 'And she shall go out for nothing' — this refers to the days of bagruth;⁴ without money — to the days of na'aruth!⁵ — Said Rabina: If so, Scripture should have written, en kesef [without money]; why write, eyn kesef⁶ — [To teach:] no money is due to this master, but money is due to another, viz., her father.⁶ And how do you know that such exegesis is permissible?⁷ — Because it was taught: [If a priest's daughter also be married unto a stranger, she may not eat of an offering of the holy things. But if the priest's daughter be a widow, or divorced,] and have no [eyn] child [. . . she shall eat of her father's meat].⁸ I only know [that] her own child [disqualifies her]; whence do I know [the same of] her child's child?⁹ From the verse: 'and have no [eyn] child', [teaching] examine her [for issue].¹⁰ Again, I only know [that] legitimate seed

[disqualifies her]: whence do I know it of illegitimate [pasul] seed?¹¹ From the verse, and have no [eyn] child: examine her [for any issue whatsoever]. But you have employed this for her child's child? — For her child's child no verse is required, because grand-children are as children;¹² [hence] the verse is required only for her illegitimate seed.

Now, how does the Tanna¹³ himself know that such exegesis is permissible? — I will tell you. It is written: Baalam doth not consent [me'en],¹⁴ and my husband's brother doth not consent [me'en]¹⁵ neither of which contain a yod, whereas here [in the verses under discussion] a yod is written:¹⁶ this proves that it [sc. the yod] comes for exegesis. Now, it is necessary to state that in the case of a na'arah, both her kiddushin and her labour belong to her father.¹⁷ For had Scripture written that her kiddushin belongs to her father, I might have thought, That is because she takes no pains with it; but her labour, for which she toils, I would say is her own. And if we were told about her labour, that is because she lives thereby;¹⁸ but her kiddushin, which comes from elsewhere, I would think is hers: thus both are necessary.

The [above] text [says:] 'And she shall go out for nothing — this refers to the days of bagruth; without money — to the days of na'aruth.' Then Scripture should have written na'aruth, which renders bagruth superfluous?¹⁹ — Said Rabbah: One comes and illumines the other.²⁰ For this may be compared to the case of toshab and sakir,²¹ as was taught: Toshab means one [a Hebrew slave] acquired in perpetuity;²² sakir, one purchased for a period of [six] years.²³ Now, let toshab be stated, but not sakir, and I would reason: if one acquired in perpetuity may not eat, how much more so one purchased only for a period of [six] years?²⁴ Were it so, I would say, toshab is one purchased for a limited period, but one acquired in perpetuity may eat. Therefore sakir comes and illumines [the meaning of] toshab, [teaching] that though he is purchased for ever, he may not eat. Said Abaye to him: How compare! There they are two persons, and even had Scripture [explicitly] written, a toshab whose ear was bored,²⁵ and then added the other, sakir would be something which might be inferred a minori; and a thing which is derived a minori Scripture [often] takes the trouble to write. But here [in the case of a maidservant] she is only one person: having departed in na'aruth, what business has she with him in bagruth? — But, said Abaye, it is necessary only for the majority of a [constitutionally] barren woman:²⁶ I might have thought, she [a Hebrew maidservant] is freed only by na'aruth, but not by bagruth: hence we are informed [otherwise]. Mar, son of R. Ashi, demurred: But does this not follow a minori? If symptoms [of na'aruth], which do not free her from parental authority,²⁷ free her from her master's authority: then bagruth, which liberates from parental authority, surely liberates her from her master's authority! — But, said Mar, son of R. Ashi: This is necessary only in respect of the sale itself of a barren woman:²⁸ I might have thought, with one who will [subsequently] produce evidence of na'aruth, the sale is valid: but with one who will not produce such evidence²⁹ the sale is altogether invalid:

(1) After all, the matter is deduced from 'and she shall go out for nothing' without money, the reasoning being as follows: The verse teaches that only for a maidservant is no payment due for gaining her freedom. Now, if it were due, it would obviously be her master's; hence when we learn that elsewhere, sc. marriage, payment is due, it is likewise due to the master whom she leaves, viz., her father.

(2) Before which her father is still entitled to her labour, and acts as her heir.

(3) But the father no longer enjoys undivided control.

(4) V. Glos.

(5) V. Glos. Thus the verse merely teaches that something else, not money, frees her, but implies no other exclusion.

(6) Rabina assumes that 'without money' could be written, **לֹא** (en); the inserted yod **י** (**לֹאִי** eyn) is superfluous, so expresses a further limitation.

(7) I.e., that the yod (**י**) may be regarded as superfluous?

(8) Lev. XXII, 12f.

(9) Her own being dead.

(10) [**לֹאִי עַל**], a play on the word **לֹאִי** or an interchange of the **ל** with the **ע**, as is frequent in Semitic languages].

See if she has any descendants. This is deduced from the superfluous yod.

(11) 'Illegitimate' not in the modern sense, but e.g., a child born of adultery.

(12) This is deduced in Yeb. 62b.

(13) V. Glos.

(14) Num. XXII, 14.

(15) Deut. XXV, 7.

(16) It is assumed that me'en is derived from en.

(17) These were deduced from two separate verses on 3b.

(18) She must work for her keep, hence her earnings belong to her father, who keeps her. — Tosaf. in Git. 47b s.v.

יִצְלָבִיתָךְ

(19) If she is freed at na'aruth, which is earlier, surely she is freed at bagruth!

(20) The two phrases must refer to two ages, na'aruth and bagruth. But if only one were written — and she shall go out for nothing — I would apply it to bagruth only.

(21) The reference is to Lev. XXII, 10: a toshab (E.V. sojourner) of the priest, or a sakir (E.V. hired servant), shall not eat of the holy thing.

(22) I.e., until Jubilee; v. Ex. XXI, 5f.

(23) V. ibid. 2.

(24) For the former is more of the priest's chattel (v. Lev. XXII, 11) than the latter.

(25) V. Ex. ibid.

(26) She has no symptoms of na'aruth, and attains her majority (bagruth) at the age of twenty.

(27) V. p. 7.

(28) I.e., a minor who shews symptoms of constitutional barrenness.

(29) V. n. 5.

Talmud - Mas. Kiddushin 4b

therefore the verse: 'and she shall go out for nothing etc.', teaches us [otherwise]. Now, according to Mar, son of R. Ashi, who objected, does this not follow a minori, but we have said: Scripture takes pains to write something which could be inferred a minori? — That is only if no other answer is possible; but if it is, we answer.¹

But this Tanna adduces it² from the following. For it was taught: When a man taketh a wife, and hath intercourse with her, then it shall be, if she find no favour in his eyes, because he hath found some unseemly thing in her, etc.;³ 'taking' is only by means of money, and thus it is written: I will give the money for the field: take it of me.⁴ But does this not follow a minori: if a Hebrew maidservant, who cannot be acquired by intercourse, can be acquired by money; this one [a wife], who may be acquired [in marriage] by intercourse, can surely be acquired by money? Let a yebamah prove [the contrary:] she may be acquired by intercourse, yet she is not acquired by money. As for a yebamah, that may be because she cannot be acquired by deed: will you say the same of this one [a wife], who can be acquired by deed? Therefore Scripture teaches: 'when a man taketh, etc.'⁵ But what need of a verse for this: it has been inferred!⁶ — Said R. Ashi: Because one can argue, The deduction is vitiated ab initio:⁷ whence do you adduce it? From a Hebrew maidservant! As for a Hebrew maidservant, that [her acquisition is by money] is because she is freed by money: will you say the same of this one [a wife], who is not freed by money? Therefore Scripture teaches: 'when a man taketh a wife'.

Now, both 'and she shall go out for nothing'⁸ and 'when a man taketh' must be written. For had Scripture written: 'when a man taketh', I would have thought, the kiddushin given to her by the husband is her own: therefore Scripture [also] writes, 'and she shall go out for nothing.' And had Scripture written: 'and she shall go out for nothing,' I would have thought, if she [the wife] gives him [the husband] money and betroths him,⁹ it is valid kiddushin:¹⁰ therefore Scripture wrote, 'when a man taketh', but not, 'when a woman taketh'.¹¹ 'And hath intercourse with her': this teaches that

she may be acquired by intercourse. But does this not follow a minori? If a yebamah, who cannot be acquired by money, is acquired by intercourse; then this one [a wife], who is acquired by money, can surely be acquired by intercourse! — Let a Hebrew maidservant prove [the contrary], for she may be acquired by money, yet she is not acquired by intercourse. As for a Hebrew maidservant, that is because her acquisition is not for conjugal purposes; will you say the same of this one, who is acquired for conjugal purposes? Therefore it is stated: ‘and has intercourse with her’. But what need of a verse: it has been inferred? — Said R. Ashi: Because one can argue, the deduction is vitiated ab initio: whence do you adduce it? From a yebamah! As for a yebamah, that is because she already stands tied;¹² can you say [the same] of this one, who does not stand tied? Therefore it is taught: ‘and hath intercourse with her’.

-
- (1) By making the verse apply to something else.
 - (2) Sc. that kiddushin is effected by money.
 - (3) Deut. XXIV, 1.
 - (4) Gen. XXIII, 13.
 - (5) That ‘taking’ means by money.
 - (6) A minori, the refutation from yebamah being refuted itself.
 - (7) Without referring to a yebamah.
 - (8) V. supra 3b and 4a.
 - (9) Saying to him, ‘I am betrothed unto thee in virtue of the money I give thee.’
 - (10) Since that verse does not shew who must give the money.
 - (11) Hence he must give the money.
 - (12) To the yabam (q.v. Glos.), on account of her deceased husband, hence cohabitation merely completes the bond.

Talmud - Mas. Kiddushin 5a

And whence do we know that [a woman may be acquired] by deed too? But may it not be inferred a minori: if money, which cannot free, effects betrothal;¹ then deed, which frees,² can surely tie? — [No.] As for money, that is because hekdesh and second tithe³ can be redeemed therewith;⁴ can you say likewise of a deed, by which hekdesh and second tithe cannot be redeemed, for it is written, [and if he that sanctified the field will in any wise redeem it,] then he shall add the fifth part of the money of thy estimation, and it shall be assured to him.⁵ Therefore Scripture saith, And when she is departed [out of his house, she may go] and be [another man's wife]:⁶ thus ‘be — coming’ [betrothed] is assimilated to ‘departure’ [divorce]; just as the ‘departure’ is by deed, so is ‘becoming’ too. Then let ‘departure be assimilated to ‘becoming’: just as the ‘becoming’ may be by money, so the ‘departure’ too may be effected by money? — Abaye replied: Then it will be said: Money unites and money sunders:⁷ shall the defender become the prosecutor!⁸ If so, of deed too it will be said: Deed sunders and deed unites: shall the prosecutor become the defender! — The contents⁹ of each deed are distinct.¹⁰ Then here too, [the purpose of] this money is distinct and that of the other is distinct? — Nevertheless, the impress [of the coin] is the same.

Raba said: Scripture saith, then he shall write her [a writ of divorcement]:¹¹ [hence], she can be divorced by writing, not by money. Say rather, she can be divorced by ‘writing’, but not betrothed by writing? — But it is written, and when she is departed, she may go and be, etc., assimilating etc.¹² And why do you choose thus?¹³ — It is logical: when treating of divorce, one excludes [a particular method of] divorce; but when dealing with divorce, shall one exclude [a form of] marriage? [Surely not!]

Now, according to R. Jose the Galilean, who utilises this verse [‘then he shall write, etc.’], for a different purpose,¹⁴ how do we know that she cannot be divorced by money? — The Writ saith, ‘a writ of divorcement’ — a deed can divorce her, but nothing else can divorce her. Now, how do the Rabbis employ this word ‘divorcement’?¹⁵ — They employ it [to shew] that it must be an instrument

which [completely] sunders them from each other. Even as it was taught: [If the husband says,] ‘Behold, here is your divorce, on condition that you drink no wine or do not visit your father's house for ever,’ that is no ‘divorcement’.¹⁶ ‘for thirty days,’ that is a ‘divorcement’.¹⁷ And R. Jose the Galilean?¹⁸ — He deduces it from the use of kerithuth instead of koreth.¹⁹ And the Rabbis?²⁰ — In their opinion, the use of kerithuth instead of koreth has no particular significance.

Now, one could not be inferred from another; yet let one be inferred from two others?²¹ — Which could be inferred: should Scripture omit deed, that it might be inferred from the others? But as for the others, that is because their pleasure is great!²² Should Scripture omit intercourse, that it might be inferred from the others? But as for the others, that is because their powers of acquisition are great!²³ Should Scripture omit money, that it might be inferred from the others? But as for the others, that is because they have compulsory powers!²⁴ And should you argue, money too has compulsory powers over a Hebrew maidservant²⁵ — nevertheless, we do not find this in respect to conjugal relationship.²⁶ R. Huna said: Huppah acquires [a woman], a minori. If money, which does not authorize one to eat terumah,²⁷ effects possession;²⁸ then huppah, which authorizes one to eat terumah, surely effects possession!²⁹ Yet does not money authorize the eating [of terumah]? But ‘Ulla said: By Biblical law, an arusah³⁰ may eat of terumah, for it is said: And if a priest acquire any soul, the purchase of his money, [he shall eat out],³¹ and this one [a betrothed woman] too is the purchase of his money. Why then did they [the Sages] say that she may not eat [thereof]? For fear lest a cup [of wine of terumah] be mixed for her³² in her father's house,³³ and she give it to drink to her brothers and sisters. But argue thus: if money, which does not complete [marriage],³⁴ acquires [in marriage],³⁵ then huppah, which completes [marriage], surely acquires! As for money, [it may be asked,] that is because hekdesoth³⁶ and second tithe are redeemed therewith!³⁷ Let then intercourse prove it.³⁸ As for intercourse, that is because it acquires in the case of a yebamah! Then let money prove it.³⁹ And thus the argument revolves: the distinguishing feature of one is not that of the other, nor is the distinguishing of this one that of the other; the feature common to both is that they acquire elsewhere, and acquire here [in marriage]; so do I adduce huppah, which acquires elsewhere⁴⁰ and acquires here too.⁴¹ [No.]

(1) Lit., ‘brings in’ — a woman, into the bond of matrimony.

(2) I.e., the deed of divorce, which frees a woman from marriage.

(3) v. p. 4, n. 4.

(4) When an article of hekdesh cannot itself be used in the Temple service, it is redeemed, reverts to a secular status, and the redemption money is dedicated to the Temple. Similarly, if the second tithe cannot be carried to Jerusalem, it is redeemed, becomes secular, and the redemption money is consumed in Jerusalem. — Since then money is potent in respect of these, it may also effect marriage.

(5) Lev. XXVII, 19. The text gives only a paraphrase of this, then he shall give the money and it shall be assured to him; v. Tosaf. Shab. 128a s.v. **ונתן** also p. 276, n. 4.

(6) Deut. XXIV, 2.

(7) Lit., ‘money leads in and money leads out.’

(8) It is illogical that the same thing should have two opposing effects.

(9) Lit., ‘words’.

(10) Hence it is not the same instrument in both cases.

(11) Deut. XXIV, 1.

(12) Supra, proving that she can be married by writing.

(13) To exclude money for divorce and include deed for marriage; perhaps one should reverse it?

(14) Git. 21b.

(15) Lit., ‘cutting off.’

(16) Since she remains bound in a particular respect to her husband all her life.

(17) Fur after that she is completely cut off from him.

(18) How does he know this?

(19) He regards the longer form as more emphatic; hence it teaches that the cutting apart must be absolute, as in the

Baraita.

(20) Why state the whole phrase, when the word *keritkuth* itself is sufficient?

(21) It was proved above that no one method of acquisition may be inferred from another a *minori*, hence a verse is necessary for each. Now the Talmud asks, Only two are required then the third follows by analogy: just as the two are methods of acquisition elsewhere, and also in marriage, so is the third. For each effects possession elsewhere, money and deed in ordinary purchases, and cohabitation in the case of a *yebamah*.

(22) Both money and cohabitation confer pleasure upon the recipient, but a deed does not.

(23) Both give a title to land and slaves, which cohabitation does not.

(24) Cohabitation acquires a *yebamah* even against her will, and a deed divorces a woman likewise even against her desire.

(25) A father can sell his daughter, the transaction being effected by money, against her will (Rashi). Tosaf.: Having bought a Hebrew maidservant, her master can declare that the money paid was for betrothal, even against her will and that of her father.

(26) According to Rashi's interpretation, the sense is obvious. Tosaf.: Money has no power of matrimonial compulsion at the outset, for in the first place the money is given for a maidservant, not a wife.

(27) V. Glos. If a priest betroths an Israelite's daughter with money, she may not eat *terumah* until the *huppah*.

(28) Of a woman in marriage, and she becomes an *arusah* (q.v. Glos.).

(29) To make a woman an *arusah*.

(30) V. Glos.

(31) Lev. XXII, 11.

(32) Wine was diluted before drinking.

(33) Cohabitation being forbidden until *huppah*, the *arusah* naturally lived in her father's house until then.

(34) The money makes her an *arusah* only, and her father is still her heir, and entitled to her labour; v. *supra*.

(35) Effecting betrothal, which is marriage in so far as divorce is required to free her.

(36) V. Glos. *hekdesch*, pi. *hekdeshoth*.

(37) V. p. 12, n. 5.

(38) Which acquires a woman though lacking this power.

(39) Which cannot acquire a *yebamah*, yet effects betrothal.

(40) After betrothal.

(41) I.e., it can effect the first stage of marriage, sc. betrothal.

Talmud - Mas. Kiddushin 5b

The feature common to both is that they confer much pleasure!¹ Let deed then prove it.² As for deed, that is because it frees an Israelitish daughter!³ Then let money and cohabitation prove it. And thus the argument revolves: the distinguishing feature of one is not that of another, nor is the distinguishing feature of this one that of the other:⁴ the feature common to all is that they acquire in general and here too; so do I adduce *huppah*, that it acquires in general and here too. [No.] As for the common feature, it is that they have powers of compulsion.⁵ And R. Huna?⁶ — Money at least has no compulsory powers in matrimonial relationships.

Raba said: There are two refutations of the matter:⁷ firstly, we learnt THREE, not 'four'; and secondly, can then *huppah* complete [marriage] but through [prior] *kiddushin*; are we then to deduce *huppah*, when not as a result of *kiddushin*, from the same when preceded by *kiddushin*? — Abaye answered him: As for your objection, we learnt THREE, not 'four': [only] what is explicitly stated [in Scripture] is taught, but not what is not explicitly stated.⁸ And as to your objection; can then *huppah* complete [marriage] but through [prior] *kiddushin* — that indeed is R. Huna's argument: if money_ which cannot complete [marriage] after money,⁹ nevertheless acquires; then *huppah*, which completes [marriage] after money, can surely acquire.¹⁰

Our Rabbis taught: How [is a woman acquired] by money? If a man gives her [a woman] money or its equivalent and declares to her, 'Behold, thou art consecrated unto me,' [or] 'thou art betrothed

unto me', [or] 'Behold, thou art a wife unto me' — then she is betrothed.¹¹ But if she gives him [money or its equivalent] and says 'Behold, I am consecrated unto thee,' 'I am betrothed unto thee,' 'I am a wife unto thee,' she is not betrothed. R. Papa demurred: Thus it is only when he both gives [the money] and makes the declaration [that the betrothal is valid]; but if he gives [it] and she speaks, she is not betrothed. Then consider the second clause: But if she gives [it] to him, and she makes the declaration, the kiddushin is not valid. [Hence,] it is only when she both gives [the money] and speaks, but if he gives the money and she speaks, the kiddushin is valid? — The first clause is exact, while the second is mentioned incidentally.¹² But may a statement be made in the second clause contradictory to the first?¹³ — But this is its meaning: If he gives [the money] and he speaks, the kiddushin is obviously valid; [but] if he gives, and she speaks, it is accounted as though she both gives and speaks, so that the kiddushin is not valid. Alternatively, if he gives and speaks, she is betrothed; if she gives and speaks, she is [certainly] not betrothed; but if he gives and she speaks, it is doubtful, and as a Rabbinical measure we fear [the validity of the kiddushin].¹⁴

Samuel said: In respect to kiddushin, if he gave her money or its equivalent and declares, 'Behold, thou art consecrated,' 'Behold, thou art betrothed,' [or] 'Behold, thou art a wife,' — then she is betrothed. [If he declares,] 'Behold, I am thy husband,' 'Behold, I am thy master,'¹⁵ 'Behold, I am thy arus,'¹⁶ — there are no grounds for fear.¹⁷ The same applies to divorce: If he gives her [the document of divorce] and declares, 'Behold, thou art sent forth,' 'Behold, thou art divorced,'¹⁸ [or] 'Thou art [henceforth] permitted to any man, — then she is divorced. [But if he declares,] 'I am not thy husband,' 'I am not thy master,' 'I am not thy arus,' there are no grounds for fear.¹⁹

R. Papa said to Abaye: Shall we say that in Samuel's opinion inexplicit abbreviations are [valid] abbreviations?²⁰ But we learnt: If one declares, 'I will be,' he becomes a nazir. Now we pondered thereon: but perhaps he meant, 'I will fast'?²¹ And Samuel answer — ed: That is only if a nazir was passing before him.²² Thus, it is only because a nazir was passing before him, but not otherwise.²³ — The circumstances here are that he said 'unto me.' If so, what does he inform us?²⁴ — His teaching is with respect to these

(1) Cf. p. 14, n. 5; no pleasure however, is derived from huppah.

(2) Which gives us pleasure, yet effects betrothal.

(3) I.e., it effects divorce.

(4) Regarding money and cohabitation as one proposition, and deed as another.

(5) V. supra p. 14, nn. 7, 8.

(6) How does he dispose of this?

(7) Sc. R. Huna's statement.

(8) Money and deed, though deduced by exegesis, are regarded as explicit, since they are intimated in Scripture. But huppah is only inferred a minori.

(9) I.e., when betrothal (erusin) is effected by money, the marriage cannot be completed by giving money a second time.

(10) A woman in the first stage of marriage — kiddushin.

(11) Lit., 'consecrated,' i.e., she becomes an arusah.

(12) In contrast to the first, but its implication is not to be stressed.

(13) Even if mentioned incidentally, it must be essentially, and in its implications, correct.

(14) She is neither married nor unmarried, and if another man betroths her she must be divorced by both, since we do not know her rightful husband.

(15) Heb. **בעל** = husband.

(16) V. Glos.

(17) It is definitely not valid betrothal, as below. Consequently, if another betroths her, the second kiddushin is valid.

(18) The Heb. verb **גָּרַשׁ**, garesh, literally means 'to expel', 'drive forth'.

(19) The divorce is definitely invalid.

(20) Lit., 'handles'. In the above, the formulas are abbreviations, since he declares 'Behold, thou art betrothed,' omitting 'unto me. Moreover, their purport is not explicit and beyond doubt, for he may have been speaking and acting on another

man's behalf, yet Samuel rules that since he was the speaker, she is betrothed to him, thus shewing that he holds these to be valid.

(21) Lit., 'I will be in a fast'.

(22) Then it is obvious that he meant, 'I will be like him.'

(23) Which proves that Samuel holds that abbreviations must be beyond doubt.

(24) It is obvious.

Talmud - Mas. Kiddushin 6a

latter expressions.¹ [For] here it is written, when any man taketh [a woman],² but not that he taketh himself [as a husband], and there it is written, and when he send her away,³ but not that he sends himself away.

Our Rabbis taught: [if one declares,] 'Behold, thou art my wife,' 'Behold, thou art my arusah,' 'Behold, thou art acquired to me,' she is betrothed; 'Behold, thou art mine,' 'Behold, thou art under my authority,' 'Thou art tied unto me,' she is betrothed. Then let them all be combined and taught in one clause?⁴ — The tanna⁵ heard each three separately, and memorized them [in that order]. The scholars propounded: [What if one declares,] 'Thou art singled out for me,'⁶ 'Thou art designated unto me,'⁷ 'Thou art my help,'⁸ 'Thou art meet for me,'⁹ 'Thou art gathered in to me,' 'Thou art my rib,'¹⁰ 'Thou art closed in to me,'¹¹ 'Thou art my replacement,'¹² 'Thou art kept [seized] unto me,' [or,] 'Thou art taken by me'? — One at least you may solve. For it was taught: If one declares, 'Thou art taken by me,' she is betrothed, for it is written, when a man taketh a wife.¹³

The Scholars propounded: What of 'Thou art my harufah [betrothed]?¹⁴ — Come and hear: For it was taught: If a man declares, 'Be thou my harufah,' she is betrothed, for in Judea an arusah is called harufah. Is Judea then the greater part of the world?¹⁵ — It is meant thus: If he declares, 'Be thou my harufah,' she is betrothed, for it is said: 'that is a bondmaid, neherefeth [betrothed] to a man'; moreover, in Judea an arusah is called harufah. Is [the practice in] Judea to support Scripture!¹⁶ — But it means thus: If he says in Judea, 'Be thou my harufah,' she is betrothed, because in Judea an arusah is called harufah.

What are the circumstances:¹⁷ shall we say, that he was not speaking to her about her divorce or kiddushin,¹⁸ how does she know what he means?¹⁹ But if he was speaking to her about her divorce or kiddushin, then even if he said nothing at all [but gave her money], she is also [betrothed]. For we learnt: If a man was speaking to a woman on matters concerning her divorce or betrothal, and gave her her divorce or kiddushin, but made no explicit declaration — R. Jose said: It is sufficient; R. Judah maintained: He must make an explicit declaration. Whereon R. Huna said in Samuel's name: The halachah²⁰ agrees with R. Jose! — I will tell you: after all, it refers to a case where he was speaking to her about her divorce or betrothal; now, had he given her [the money or the deed of divorce] and remained silent, that indeed would be so.²¹ But the circumstances here are that he gave [them] to her and made one of these declarations. And this is the problem: did he employ these expressions in the sense of kiddushin, or perhaps he meant them in reference to work?²² The questions stand over.

The [above] text [stated]: 'If a man was speaking to a woman on matters concerning her divorce or betrothal, and gave her her divorce or kiddushin, but made no explicit declaration — R. Jose said: It is sufficient; R. Judah maintained: He must make an explicit declaration'. Said Rab Judah in Samuel's name: Providing that they were engaged on that topic [when the divorce or kiddushin was given]. R. Eliezer said likewise in R. Oshai's name: Providing that they were engaged on that topic.²³

This is disputed by Tannaim; Rabbi said: Providing that they were engaged on that topic; R.

Eleazar son of R. Simeon said: Even if they were not engaged on that topic. But if they were not engaged on that topic, how does she know what he meant? — Abaye answered: [They travelled] from one matter to another in the same topic.²⁴ R. Huna said in Samuel's name: The halachah agrees with R. Jose. R. Yemar asked R. Ashi: Then when Rab Judah said in Samuel's name: He who does not know the peculiar nature of divorce and betrothal²⁵ should have no business with them²⁶ — [does it hold good] even if he is ignorant of this ruling of R. Huna in Samuel's name? — Even so, he replied.

‘The same applies to divorce: If he gives her [the document of divorce,] and declares, "Behold, thou art sent forth," "Behold, thou art divorced," [or] "Thou art permitted to any man," — then she is divorced.’²⁷ Now it is obvious, if he gives a divorce to his wife and says to her, ‘Behold, thou art a free woman,’

-
- (1) Sc. ‘I am thy husband,’ etc., that these are certainly invalid.
- (2) Deut. XXIV, 5.
- (3) Ibid. 2.
- (4) Instead of stating ‘she is betrothed’ twice.
- (5) V. Glos. s.v. (b.).
- (6) Rashi translates: ‘Thou art one with me’; cf. Gen. II, 24: and they shall be one flesh.
- (7) Heb. **מיועדת**. meyu'edeth, cf. Ex. XXI, 8: if she please not her master who hath designated her (ye'adah, E.V. betrothed her) for himself
- (8) Cf. Gen. II, 18; It is not good that man should be alone; I will make him an help meet for (**נגד**, neged) him.
- (9) **נגדתי**, negdathi from neged; preceding note. [Or, ‘my counterpart’ — another possible rendering of neged (against), v. Yeb. 63a.]
- (10) Cf. Gen. II, 21: and he took one of his ribs.
- (11) **ויסגור** Cf. ibid.: . . . and closed up the flesh **סגורתי**.
- (12) **תחתיה**, tahti; cf. ibid.: instead thereof **תחתיה**.
- (13) Deut. XXIV, 1.
- (14) Cf. Lev. XIX, 20: That is a bondmaid, betrothed (**נהרפת** neherefeth=harufah); this really applies to a bondmaid designated for her master.
- (15) Surely local practice cannot settle the law for all places.
- (16) Its validity being derived from Scripture, surely no local practice is required as further proof!
- (17) Of the above expressions, concerning which the scholars were in doubt.
- (18) [‘Divorce’ is mentioned here merely incidentally as part of a current phrase ‘ashggarath lashon’. The text of Tosaf. Ri did not seem to have it.]
- (19) Even if these terms imply kiddushin, she may not know that he intends them in that sense: consequently her consent is lacking.
- (20) V. Glos.
- (21) She would certainly be betrothed or divorced.
- (22) E.g., ‘thou art one with me,’ to cooperate with me in work; similarly the rest.
- (23) But if they had passed on to some other topic, all agree that she is not betrothed or divorced. [Although the woman's consent is not necessary by law in the case of divorce, she must nevertheless be aware of the character of the document that is being given to her, Tosaf. Ri; v. Git.78a.]
- (24) E.g., they were no longer speaking of marriage, but about dowry, means of livelihood, etc.
- (25) I.e., the laws by which they are governed.
- (26) To celebrate a marriage or function as a Rabbi in divorce proceedings.
- (27) Supra 5b; Samuel's dictum.

Talmud - Mas. Kiddushin 6b

his words are null.¹ If he says to his female slave, ‘Thou art permitted to all men,’ his words are [likewise] null.² [But] what if he says to his wife, ‘Behold, thou art for thyself,’ do we say, he meant

it in respect of labour; or perhaps he meant it absolutely?³ — Said Rabina to R. Ashi: Come and hear: For we learnt: The essential part of a deed of manumission is, 'Behold, thou art a free man,' 'Behold, thou art for thyself.' Now if a heathen⁴ slave, whose body belongs to him [his master], yet when he says to him, 'Behold, thou art for thyself,' he means it absolutely; how much more so in the case of a wife, who does not belong bodily to him.

Rabina asked R. Ashi: What if he says to his slave, 'I have no concern with you'? Do we say, he means, 'I have absolutely no concern with you;'⁵ or perhaps he says it to him in reference to work? — R. Nahman observed to R. Ashi-others state, R. Huna of Hoza'ah⁶ to R. Ashi: Come and hear: If one sells his [heathen] slave to a heathen, he is emancipated,⁷ and requires a deed of manumission from his first master.⁸ Said R. Simeon b. R. Gamaliel: When does this hold good? If he [the vendor] did not make out for him an oni;⁹ but if he did, that is his [deed of] emancipation.¹⁰ What is meant by 'oni'? — Said R. Shesheth: If he wrote for him, 'When you escape from him [the heathen buyer], I have no concern with you.'¹¹

Abaye said: If a man betroths [a woman] with a debt,¹² she is not betrothed;¹³ with the benefit of a debt,¹⁴ she is betrothed; yet this may not be done, as it constitutes an evasion of usury.¹⁵ This 'benefit of a debt,' how is it meant? Shall we say, that he fixed [the interest] as a loan, he having said, [I am lending you] four [zuz] for five.¹⁶ — but that is real usury!¹⁷ Moreover, it is, in point of fact, a debt!¹⁸ — This holds good only if he extended the term [for repayment].¹⁹ Raba said: [If he says,] 'Take this maneh²⁰ on condition that you return it to me,' — in respect to purchase, he acquires no title;²¹ in the case of a woman,²² she is not betrothed; in the matter of a redemption of the firstborn,²³ the firstborn is not redeemed: in respect of terumah,²⁴ he fulfils the duty of 'giving', yet it is forbidden to act thus, as it looks like a priest who assists in the threshing floor.²⁵ What is Raba's opinion: if he holds that a gift on condition that it be returned is a valid gift, then even the others too [are valid]; whilst if he holds that it is not a valid gift, then even in the case of terumah it is not [valid]? Furthermore, It was Raba who ruled: A gift on condition that it is returned is valid. For Raba said: [If one says to another,] 'Here you have this citron, on condition that you return it to me,' if [the other] takes and [then] returns it, he fulfils his duty; if not, he does not fulfil [it]!²⁶ — But said R. Ashi: in the case of all it [the conditional gift] is valid, with the exception in that of a woman, because a woman cannot be acquired by barter.²⁷ R. Huna Mar, son of R. Nehemiah, said to R. Ashi: We teach in Raba's name even as you [have stated].

Raba said: [If a woman says,] 'Give a maneh to So-and-so,

(1) Because this expression applies only to liberation from bondage.

(2) Because this applies to divorce.

(3) In the sense of divorce.

(4) Lit., 'Canaanite.'

(5) I.e., you are free.

(6) [Be Hozai, the modern Khusiztan, S.W. of Bagdad. V. Git. (Sonc. ed.) p. 413, n. 1.]

(7) A Gentile slave in a Jewish household was practically a semi-Jew, being obliged to fulfil those precepts which are incumbent on women. The master who sold him to a Gentile, thus freeing him from that obligation, was punished by being forced to buy him back, even at a greatly enhanced price, and the slave then became free.

(8) To be accounted a free man and a Jew — as a slave he was circumcised—that he might marry a free Jewess.

(9) Prob. = Gr. '**.

(10) And nothing else is needed.

(11) This proves that the expression connotes freedom.

(12) Saying, 'Thou art betrothed unto me by the debt you owe me.

(13) Because something must be actually given as kiddushin or betrothal, whereas money formerly lent had already passed into her possession before then.

(14) The meaning of this is discussed below.

(15) Since the lender thereby benefits from the loan.

(16) And he now offers the remission of the fifth zuz for kiddushin.

(17) Not merely an evasion.

(18) [Since she owes him the zuz which he offers to remit as kiddushin.]

(19) Rashi and others: If the creditor extended the period of repayment to the woman, and said to her, 'You might have given money to a third party, or to myself, to persuade me to this extension; hence by this extension I, on my own accord, am saving you this expenditure and thus confer a financial benefit upon you here and now, and by that benefit I betroth you.' Similarly, if he remits the entire debt and says to her, 'I betroth you by the benefit that has now accrued to you by this remission,' his declaration is valid. But when he betroths her with money owing, he is offering a past benefit, hence the betrothal is invalid. R. Tam: If a woman owes money, and a third party gives the creditor a sum of money for an extension, and betroths her with that benefit which he has conferred upon her, for which he has actually given something.

(20) V. Glos.

(21) V. infra 26a; real estate is acquired by money, but not if it is stipulated that the money shall be returned.

(22) If it was offered as kiddushin.

(23) Lit., 'son,' v. Ex. XIII, 13.

(24) V. Glos. If terumah is given to the priest on this condition.

(25) Of an Israelite, in order to receive the terumah. The Rabbis considered this undignified, and enacted that such a priest should not receive terumah. Now, if a priest accepts terumah on this condition, he offers an inducement to the Israelite to give it to him in the future too, and therefore Raba forbade the practice, though valid if done.

(26) The reference is to Lev. XXIII, 40: And ye shall take you on the first day (of the Feast of Tabernacles) the fruit of goodly trees (interpreted by the Rabbis as referring to the citron), branches of palm trees etc. The Rabbis ruled that this 'taking' requires one's own fruit, and to this Raba alludes. If the recipient carries out the stipulation, it was his for the period of 'taking', and so he fulfils his duty; otherwise, it was not his even then, and his duty is not fulfilled. Thus Raba holds a conditional gift valid.

(27) V. infra 28a; the article given as barter was generally returned, and so when money is thus given as kiddushin, it looks like barter.

Talmud - Mas. Kiddushin 7a

and I will become betrothed to thee,'¹ she is betrothed by the law of a surety:² a surety, though he personally derives no benefit [from the loan], yet obligates himself [to repayment]; so this woman too, though she personally derives no benefit [from the money], obligates and cedes herself [in betrothal]. [If a man says,] 'Take this maneh and be betrothed to So-and-so,'³ she is betrothed by the law of a Canaanite slave:⁴ a Canaanite slave, though he himself loses nothing,⁵ yet acquires himself [his freedom]; so this man too though he personally loses nothing, acquires this woman. [If the woman declares,] 'Give a maneh to So-and-so, and I will become betrothed to him,' she is betrothed by the laws of both: a surety, though he personally derives no benefit, obligates himself, so this woman too' though she personally derives no benefit, cedes herself. [And should you object:] How compare: as for a surety, he who acquires a title⁶ loses money,⁷ — but shall this man acquire the woman at no cost to himself? Then let a Canaanite slave prove it, who loses no money⁵ and yet acquires himself. [And if you demur:] How compare: there, he who gives possession⁸ acquires [the money given for the slave's freedom]; but here, shall this woman cede herself though she acquires nothing whatsoever? Then let a surety prove it: though he personally receives no benefit, he obligates himself.

Raba propounded: What [if a woman declares,] 'Here is a maneh and I will become betrothed unto thee?'⁹ Mar Zutra ruled in R. Papa's name: She is betrothed. R. Ashi objected to Mar Zutra: If so, property which ranks as security [real estate] is acquired as an adjunct to property which does not rank as security [movables];¹⁰ whereas we learnt the reverse: Property which does not rank as security may be acquired in conjunction with property which ranks as security by money, deed, or hazakah?¹¹ — Said he to him: Do you think that she said to him, 'Along with'?¹² Here the reference

is to an important personage: in return for the pleasure [she derives] from his accepting a gift from her, she completely cedes herself.¹³ It has been stated likewise in Raba's name: The same applies to monetary matters.¹⁴ Now, both are necessary: had we been informed this of kiddushin [only], that is because a woman is pleased [even] with very little, in accordance with Resh Lakish's dictum, for Resh Lakish said: It is better to dwell in grief with a load¹⁵ than to dwell in widowhood;¹⁶ but as for money, I would say it is not so. And if we were informed this of monetary matters, that is because it is subject to remission;¹⁷ but as for kiddushin, I would say it is not so.¹⁸ Hence both are necessary. Raba said: [If a man declares,] 'Be thou betrothed to half of me,' she is betrothed: 'half of thee be betrothed to me,' she is not betrothed. Abaye demurred before Raba: Why does 'half of thee be betrothed to me' differ, that she is not betrothed? Because Scripture said, [when a man take] a wife,¹⁹ but not half a wife? Then here too Scripture saith, 'a man', but not half a man? — How now! he rejoined. There, a woman is not eligible to two [men]; but is not a man eligible to two [women]? Hence this is what he said to her: 'Should I desire to marry another, I may do so.' Mar Zutra, son of R. Mari, said to Rabina: Yet let the kiddushin spread through the whole of her.²⁰ Has it not been taught: If one declares, 'Let the foot of this [animal] be a burnt-offering,' the whole of it is a burnt-offering? And even on the view that it is not all a burnt-offering, that is only if one dedicates a limb²¹ upon which life is not dependent; but if he dedicates a limb upon which life is dependent [e.g., the heart], it is all a burnt-offering!²² — How compare? There it is an animal, whereas here we have an independent²³ mind.²⁴ This can only be compared with R. Johanan's dictum: An animal belonging to two partners: — if one [of them] dedicates half, and then purchases it [the other half] and dedicates it, it is holy, yet cannot be offered up,²⁵ and it establishes [the sanctity of] a substitute,²⁶ and the substitute is as itself.²⁷ This proves three things:

-
- (1) And he does, and says to her, 'Thou art betrothed unto me by the maneh I gave to So-and-so.'
 - (2) One who stands surety for the repayment of a debt by the debtor.
 - (3) Who had deputed him, but that the agent gave his own money instead of that of the principal.
 - (4) V. infra 22b.
 - (5) When another gives his master money for his freedom.
 - (6) Viz., the creditor, to the obligation of the surety.
 - (7) I.e., he first gives money to the debtor.
 - (8) Sc. the master, who cedes the slave to himself.
 - (9) And the man accepted it, saying: 'Be thou betrothed unto me therewith'.
 - (10) A creditor could collect his debt out of the debtor's real estate, even if sold after the debt was contracted, but not out of movables, if sold; hence the former is termed property which ranks as security, the latter, property which does not rank as security. Human beings are on a par with the former, and R. Ashi assumed that the woman is acquired in conjunction with the maneh.
 - (11) V. infra 26a for explanatory notes.
 - (12) 'Here is this maneh and acquire me along with it.'
 - (13) Though normally the man must give the money (supra 5b), yet if he is eminent his acceptance confers pleasure, which in turn is considered of financial value.
 - (14) If A says to B, 'Give money to C, in return for which my field is sold to you,' the sale is valid, by the law of surety: 'Take a maneh, and let your field be sold to C,' C acquires it by the law of a Canaanite slave; 'Give money to C and let him thereby acquire my field,' he acquires it by the laws of both — all as explained with reference to kiddushin.
 - (15) So Jast.; Rashi, 'two bodies'.
 - (16) I.e., a woman prefers an unhappy married life to a happy single life.
 - (17) The purchase price can be altogether remitted, as in the case of a gift.
 - (18) A woman cannot forego the money of kiddushin. Since it is such a strong obligation, I would think that it must pass from the man who betroths to the woman who is betrothed.
 - (19) Deut. XXIV, 1.
 - (20) When he says: 'half of thee betrothed to me.'
 - (21) Lit., 'thing'.
 - (22) And surely life is dependent on half a woman's body.

(23) Lit., 'another'.

(24) The woman refuses to let the kiddushin spread through the whole of her.

(25) Since it was not fit for offering originally, as the half belonging to the other partner was yet secular. Hence it must now be sold, and an animal purchased with the proceeds and sacrificed. Thus the sanctity of the half does not spread over the whole, since the partner does not wish it.

(26) The reference is to Lev. XXVII, 33: neither shall he change it (sc. a consecrated animal): and if he changed it at all, then both it and the change thereof shall be holy. Thus here too, if one substituted another animal for this one, the substitute also is holy.

(27) It may not be sacrificed, but must be sold, as in n. 7.

Talmud - Mas. Kiddushin 7b

[i] Live animals may be rendered [permanently] rejected;¹ [ii] that which is rejected ab initio is rejected;² [iii] rejection applies to monetary sanctity.³

Raba propounded: What [if one declares,] 'Thy half [be betrothed to me] for half a perutah, and thy [other] half for half a perutah'? Since he says to her, 'for half a perutah,' he divided it;⁴ or perhaps, he was proceeding with his enumeration?⁵ Should you rule, he was proceeding with his enumeration: what [if he declares,] 'Thy half [be betrothed unto me] for a perutah, and thy [other] half for a perutah'? Since he said to her, 'for a perutah' 'and a perutah', he divided his proposal;⁶ or perhaps, providing it was on the same day, he was proceeding with his enumeration? Should you answer: Providing it was on the same day, he was proceeding with his enumeration: What [if he declares,] 'Thy half [be betrothed to me] for a perutah to-day, and thy [other] half for a perutah tomorrow'? Since he said to her, 'To-morrow,' he divided it; or perhaps he meant thus: the kiddushin commence immediately, but shall not be completed until to-morrow? [Further,] what [if he says], 'Thy two halves for a perutah': here he certainly proposed to her in once; or perhaps a woman cannot be betrothed at all by halves? The questions stand over.

Raba propounded: What [if he declares,] 'Thy two daughters [be betrothed] to my two sons for a perutah'? Do we consider the giver and the receiver, so that there is money;⁷ or perhaps, we consider them [who betroth and are betrothed], and there is not? The question stands over.

R. Papa propounded: What [if he declares,] 'Thy daughter and thy cow [be mine] for a perutah'? Do we say [it means,] thy daughter for half a perutah, and thy cow for half a perutah;⁸ or perhaps [he meant,] 'Thy daughter by a perutah, and thy cow by meshika'?'⁹ The question stands over.

R. Ashi propounded: What [if one declares,] 'Thy daughter and thy land [be mine] for a perutah'? Does he mean, 'Thy daughter for half a perutah and thy land for half a perutah'; or perhaps, 'Thy daughter for a perutah, and thy land by hazakah'?'¹⁰ The question stands over.

A certain man betrothed [a woman] with silk.¹¹ Rabbah ruled: No valuation is necessary;¹² R. Joseph maintained: It must be valued. Now, if he declared to her, '[Be thou betrothed to me] for whatever it is worth,' all agree that valuation is unnecessary.¹³ If he declared to her, '[Be thou betrothed to me] for fifty [zuz],' and this [the silk] is not worth fifty: then of course it is not worth it!¹⁴ They differ only if he stipulated fifty and it was worth fifty. Rabbah maintained: [Prior] valuation is unnecessary, since it is worth fifty: R. Joseph said: [Prior] valuation is required: Since the woman has no expert knowledge of its value, she does not rely thereon.¹⁵ Others state: They disagree in the case of 'for whatever it is worth' too. R. Joseph maintained: The equivalent of money must be as money itself: just as the latter is definite,

(1) As here: the animal having been rendered ineligible when dedicated, since half remained secular, it remains so even when the other half too is dedicated. There is an opposing view that only a dead animal can be rendered permanently

ineligible, v. Yoma 64a.

(2) This animal was not eligible to be dedicated by a single partner from the very outset. There is an opposing view that an animal can be rendered unfit only if it was originally rejected permanently.

(3) This animal was sanctified from the very outset only for its value, i.e., that the money which its sale would furnish should be expended for a sacrifice; nevertheless it becomes permanently ineligible for the altar. This excludes the view that might have been held that only an animal that was fit in the first place to be dedicated to the altar can be rendered permanently ineligible.

(4) I.e., he betrothed her as two separate halves, and neither is valid.

(5) He meant that as he was betrothing her entirely for a perutah, he was thereby betrothing each half for half a perutah.

(6) For it is less plausible here to assume that he was proceeding with his enumeration, since he could have betrothed her entirely for the first perutah.

(7) A perutah is given and received by one person; less than a perutah is not money.

(8) And therefore the kiddushin is invalid.

(9) V. Glos. and infra 25b.

(10) V. Glos. and infra 26a.

(11) In accordance with the Mishnah on 2a: 'OR THE WORTH OF A PERUTAH.'

(12) The silk need not be valued beforehand so that the woman might know how much it is worth.

(13) Since they are obviously worth at least a perutah.

(14) And the kiddushin is invalid.

(15) That it is worth so much, unless it is assessed by experts.

Talmud - Mas. Kiddushin 8a

so must the equivalent be definite.¹

R. Joseph said: Whence do I know it? For it was taught: [If there be yet many years, according unto them he shall give back the price of his redemption] out of the money with which he was acquired:² thus he³ may be acquired by money, but not by produce or utensils. Now, what is meant by 'produce or utensils'? Shall we say, that he cannot be acquired through these at all? But Scripture saith, 'he shall return the price of his redemption,' to include the equivalent of money as money?⁴ Whilst if they are worth less than a perutah, why specify 'produce and utensil'? The same applies to money too? Hence it must surely mean that they are worth a perutah, but since they are not definite, they cannot [acquire the slave].⁵ And the other?⁶ — This is its meaning: he can be acquired in virtue of money, but not in virtue of produce or utensils. And what is that? Barter.⁷ But according to R. Nahman, who ruled: produce cannot effect a barter,⁸ what can be said? — But after all it means that they are not worth a perutah: and as to your objection, why specify 'produce and utensils'? The same applies to money? He [the Tanna] proceeds to a climax.⁹ [Thus:] It is unnecessary [to state] that money, only if worth a perutah is it valid,¹⁰ not otherwise. But as for produce and utensils, I might argue, Since the benefit derived is immediate,¹¹ he resolves and lets himself be acquired. Therefore we are informed [otherwise].

R. Joseph said: How do I know it? For it was taught: [If one declares,] 'This calf be for my son's redemption,'¹² 'this garment be for my son's redemption,' his declaration is invalid.¹³ 'This calf, worth five sela's,¹⁴ be for my son's redemption,' or 'this garment, worth five sela's, be for my son's redemption,' — his son is redeemed. Now, how is this redemption meant? Shall we say that it [the calf or the garment] is not worth [five sela's]? does it rest with him!¹⁵ Hence it must surely mean even if it is worth [it]; yet since it was not defined, it is not valid!¹⁶ — No. After all, it means that it was not worth [it], but, we suppose the priest accepted it [for the full value], as in the case of R. Kahana, who accepted a scarf for a son's redemption,¹⁷ observing to him,¹⁸ 'To me it is worth five sela's' R. Ashi said: This holds good only of, e.g., [a man like] R. Kahana, who is a great man and needs a scarf¹⁹ for his head; but not of people in general.²⁰ Thus it happened that Mar, son of R. Ashi, bought a scarf from the mother of Rabbah of Kubi²¹ worth ten for thirteen.

R. Eleazar said: [If a man declares,] ‘Be betrothed to me with a maneh,’ and he gives her a denar, she is betrothed, and he must complete [the amount]. Why? Since he stipulated a maneh but gave her a denar, it is as though he had said to her ‘on condition’ [that I give you a maneh], and R. Huna said in Rab's name: He who says on condition,’ is as though he says ‘from now’.²² An objection is raised: [If a man declares,] ‘Be betrothed to me with a maneh,’ and is proceeding with the counting out [of the money], and either party wishes to retract, even at the last denar he [or she] can do so!²³ — The reference here is to one who declares, ‘With this maneh.’²⁴ But since the second clause refers to ‘this maneh,’ the first treats of an unspecified maneh? For the second clause teaches: If he declares to her, ‘Be thou betrothed unto me by this maneh,’ and it is found to be a maneh short of a denar or containing a copper denar,²⁵ she is not betrothed: [if it contained] a debased denar,²⁶ she is betrothed, but he must change it. — No: the first and the second clauses [both] refer to ‘with this maneh,’ ‘the second [being] explanatory of the first. [Thus:] if either party wishes to retract, even at the last denar, he [or she] can do so. How so? E.g., if he said to her, ‘for this maneh.’ Reason too supports this view, for should you think that the first clause refers to an unspecified maneh: seeing that it is not kiddushin in the case of an unspecified maneh: is it necessary [to teach it] in the case of ‘for this maneh?’ — As for that, it does not prove it: the second clause may be stated in order to illumine the first, that you should not say: The first clause deals with ‘this maneh,’ but in the case of an unspecified maneh it is valid kiddushin: therefore the second clause is taught with reference to ‘this maneh,’ whence it follows that the first refers to an unspecified maneh, yet even so, the kiddushin is null. R. Ashi said:²⁷ If he is proceeding with the counting it is different, because [then we assume] her mind is set on the whole sum.

This ‘copper denar,’ how is it meant? If she knew thereof, then she understood and accepted? — This is only if he gave it to her at night, or she found it among the other zuz. How is this ‘debased denar’ meant? If it has no currency, is it not the same as a copper denar?²⁸ — Said R. Papa, E.g., it circulates with difficulty.²⁹

Raba said in R. Nahman's name: If he says to her, ‘Be thou betrothed to me with a maneh,’ and gives her a pledge on it, she is not betrothed:

-
- (1) Its value must be exactly known.
 - (2) Lev. XXV, 51; this refers to the redemption of a Hebrew slave.
 - (3) The Hebrew slave.
 - (4) ‘He shall return’ implies that a return may be made in any way desired, i.e., by goods of monetary value; obviously then he can be purchased on the same terms.
 - (5) And the same holds good of a woman.
 - (6) Rabbah: How does he refute this proof?
 - (7) Whatever is given for a slave, be it money or property, must be given as money. Produce and utensils too can be given under that designation, but not in the nature of barter, in exchange for the slave: for barter can acquire only movables, whereas human beings rank as real estate.
 - (8) An article must be given, but not produce.
 - (9) Lit., ‘he says, it is unnecessary.’
 - (10) Lit., ‘yes’.
 - (11) They can be put to immediate use, unlike money, which must first be expended.
 - (12) V. infra p. 138.
 - (13) Lit., ‘he has said nothing.’
 - (14) Sela’ — Biblical Shekel.
 - (15) To assign to it an artificial valuation — surely not!
 - (16) For the only possible difference between the two clauses is that in the first it was not formally valued, whereas in the second it was.
 - (17) Although it was certainly not worth five sela's.

(18) The father who redeemed his son.

(19) [A sudarium, which served as a distinctive head-gear for scholars. V. Krauss, T.A., I, 167.] Hence he would be willing to pay an enhanced price for it when necessary.

(20) I.e., a priest cannot place a fictitious price upon an article unless it may conceivably be worth it for him.

(21) Neubauer, *Geographie*, p. 397, is unable to identify this. [MS.M.: Raba b. Kahana.]

(22) Thus here it is as though he said: 'Be betrothed to me immediately for a denar, on condition that I give you a maneh later.'

(23) The kiddushin being invalid until the whole sum is given. This contradicts the view that the first denar immediately effects betrothal.

(24) Therefore the woman desires the whole of that maneh before she consents.

(25) A maneh — a hundred silver denarii.

(26) E.g., underweight.

(27) Answering the objection against R. Eleazer.

(28) Why then is she betrothed?

(29) Only few people accept it.

Talmud - Mas. Kiddushin 8b

here is neither a maneh nor a pledge.¹ Raba raised an objection against R. Nahman: 'If he betroths her with a pledge she is betrothed?' — There the reference is to a pledge belonging to others, and it is in accordance with R. Isaac. For R. Isaac said: How do we know that a creditor has a title to a pledge? Because it is written, [And if the man be poor, thou shalt not sleep with his pledge: thou shalt surely restore to him the pledge when the sun goeth down . . .] and it shall be accounted unto thee a charitable deed:² if he has no title thereto, whence is his charity? This proves that the creditor has a title to the pledge.³

The sons of R. Huna b. Abin bought a female slave for copper coins. Not having them [the coins] at hand, they gave a silver ingot in pledge. Subsequently the slave's value increased,⁴ so they came before R. Ammi. Said he to them: There are neither coins nor an ingot.⁵

Our Rabbis taught: [If a man says to a woman,] 'Be thou betrothed unto me with a maneh,' and she takes and throws it into the sea, the fire, or into anything where it is lost, she is not betrothed. Then if she throws it down before him — it is valid kiddushin? But she [thereby] declares to him, 'Take it: I do not want it!' — He [the Tanna] proceeds to a climax.⁶ [Thus:] It is unnecessary [to state that] if she throws it down before him it is not kiddushin; but if she throws it into the sea or the fire, I might argue, Since she is now liable for it, she has certainly permitted herself to be betrothed: and the reason that she acted thus was because she thought, 'I will test this man, whether he is hot-tempered or not.' Therefore we are informed [otherwise].

Our Rabbis taught: [If a man says to a woman,] 'Be thou betrothed unto me with a maneh,' [and she replies,] 'Give it to my father' or 'thy father,' she is not betrothed; 'on condition that they accept it for me,' she is betrothed. 'My father' is mentioned to shew you how far-reaching is the first clause;⁷ 'your father,' to shew how far-reaching is the second.⁸ [If he says] 'Be thou betrothed unto me with a maneh', [and she replies] 'Give it to So-and-so', she is not betrothed. 'On condition that So-and-so accepts it for me', she is betrothed. And both these cases are necessary. For if we were taught the law with respect to 'my father' and 'thy father', [I might have thought that] only there is she betrothed when she replies, on condition that they accept it for me,' because she relies upon them, thinking, 'They will [certainly] act as agents for me'; but in the case of 'So-and-so,' it is not thus. While if we were taught the case of 'So-and-so', [I might have thought that] only there is the kiddushin invalid when she says: 'Give it to So-and-so,' because she is not sufficiently intimate with him to present it [the maneh] to him as a gift.⁹ But as for 'my father' or 'thy father,' with whom she is intimate, I might think that she was making a gift of it to them. Thus both are necessary.

Our Rabbis taught: [If he says,] ‘Be thou betrothed unto me with a maneh,’ [and she replies,] ‘Place it on a rock’, she is not betrothed; but if the rock was hers, she is betrothed. R. Bibi asked: What if the rock belonged to both of them? The question stands over. [If he says,] ‘Be thou betrothed unto me for a loaf of bread’, [and she replies,] ‘Give it to the dog’, she is not betrothed; but if it was her dog, she is betrothed. R. Mari asked: What if the dog was pursuing her? [Do we say that] in return for the benefit of saving herself from it she resolves and cedes herself to him; or perhaps she can say to him, ‘By Biblical law you were indeed bound to save me’? The question stands over. [If he says,] ‘Be thou betrothed unto me with a loaf,’ [and she replies,] ‘Give it to the poor man’: she is not betrothed, even if he was a poor man who relies on her. Why? — She can say to him, ‘Just as I have a duty towards him, so hast thou a duty to him’.

A man was selling

(1) I.e., she neither received the maneh nor did he actually give her a pledge, since that must be returned. [V. Tosaf.; Asheri: Where there is no liability there can be no pledge, for no man can pledge himself for something which he does not owe. Similarly here, since he does not owe her the maneh, for he may retract if he wishes to do so, the pledge is no pledge.]

(2) Deut. XXIV, 12f.

(3) It is legally his whilst in his possession. Therefore he may validly offer it as kiddushin.

(4) And the vendor wished to withdraw from the bargain.

(5) As on p. 30, n. 6: the coins have not been received, whilst the ingot was not given to effect the purchase. Therefore it can be cancelled.

(6) V. p. 28, n. 7.

(7) Even then, she is not betrothed.

(8) Even then, she is betrothed.

(9) Therefore her reply was a contemptuous rejection of the proposal.

Talmud - Mas. Kiddushin 9a

glass beads, when a woman came and said to him, ‘Give me a string [of these].’ ‘If I give it you,’ he replied: ‘will you become betrothed to me?’ ‘Oh, indeed do give it to me,’ she retorted. Said R. Hama: Every [such expression,] ‘Oh, indeed do give it to me’ means nothing.¹ A man was drinking wine in a tavern, when a woman came and said to him, ‘Give me a cup.’ ‘If I give you,’ he replied: ‘will you become betrothed to me?’ ‘Oh, indeed do let me have a drink,’ she retorted. Said R. Hama: Every [such expression,] ‘Oh, indeed do let me have a drink’ means nothing.

A man was throwing down dates from a palm tree, when a woman came and said to him, ‘Throw me down two’. ‘If I throw them down to you, he replied: ‘will you become betrothed to me?’ ‘Oh, indeed do throw them down,’ she retorted. Said R. Zebid: Every [such expression,] ‘Oh, indeed, do throw them down’ means nothing.

The scholars propounded: What [if she replies,] ‘Give me,’ ‘let me drink,’ or ‘throw them down?’² — Rabina ruled: She is betrothed;³ R. Sammia b. Raktha said: By the royal crown, she is not betrothed. And the law is: She is not betrothed. The law is also: the silk needs no valuation;⁴ and the law agrees with R. Eleazar;⁵ and the law agrees with Raba's dictum in R. Nahman's name.⁶

Our Rabbis taught: By deed: how so? If A writes for B on a paper or a shard, even if not intrinsically worth a perutah, ‘Thy daughter be consecrated unto me,’ ‘thy daughter be betrothed unto me,’ [or] ‘thy daughter be my wife,’ she is betrothed. R. Zera b. Mammel demurred: But this deed is dissimilar from a deed of purchase: there the vendor writes, ‘My field is sold to thee,’ whereas here the husband writes, ‘Thy daughter be consecrated unto me!’⁷ — Raba replied: There

[the form is determined] by Scriptural context, and here [likewise] by Scriptural context. There it is written, and he sell some of his possessions:⁸ thus Scripture made it dependent on the vendor: whereas here it is written, when a man [taketh a woman],⁹ thus making it dependent upon the husband. But there too it is written, men shall buy fields for money?¹⁰ — Read: Men shall transmit [i.e., sell].¹¹ Now, why do you read ‘transmit’? because it is written: ‘and he sell’! Then here too read: If a man be taken, for it is written: I gave my daughter unto this man for wife?¹² — But said Raba: These are traditional laws, which the Rabbis supported by Scriptural verses.¹³ Alternatively, there too it is written, so I took the deed of the purchase.¹⁴

Raba said in R. Nahman's name: If one writes on a paper or shard, even if not intrinsically worth a perutah, ‘Thy daughter be consecrated unto me,’ ‘thy daughter be betrothed unto me,’ [or] ‘thy daughter be my wife,’ whether [she accepts it] through her father or herself, she is betrothed by his [sc. her father's] consent,¹⁵ providing that she has not attained her majority.¹⁶ If he writes on a paper or a shard, even if not intrinsically worth a perutah, ‘Behold, thou art consecrated unto me,’ ‘Behold, thou art my wife,’ ‘Behold, thou art betrothed unto me,’ she is betrothed, whether [it is accepted] by her father or herself, with her consent, providing that she is of age.

R. Simeon b. Lakish propounded: What if a deed of betrothal was not written expressly for her sake?¹⁷ Do we assimilate modes of betrothal¹⁸ to divorce:¹⁹ just as

(1) She merely emphasized her request, but did not consent. In this and the following stories, the answer was expressed by the repetition of the verb, — an expression of impatience.

(2) Without repeating the verb; v. p. 32, n. 2.

(3) These answers denote assent.

(4) V. supra 8b.

(5) Who rules on 8a: If a man says: ‘Be thou betrothed unto me with a maneh’, and gives her a denar, she is betrothed, and he must complete the amount.

(6) Who ruled, here is neither a maneh nor a pledge; v. supra 8a bottom and 8b.

(7) And he is in the position of the vendor; how then do we know that such a deed is valid?

(8) Lev, XXV, 25.

(9) Deut. XXIV, 2.

(10) Jer. XXXII, 44.

(11) This requires a mere change of punctuation, the letters remaining the same.

(12) Deut. XXII, 16.

(13) But they are not actually deduced from them.

(14) Jer. *ibid.* 11; this shews that Jeremiah, the purchaser, received the deed, which must have been drawn up by the vendor.

(15) I.e., if she accepts it herself, she must have had her father's authority.

(16) I.e., she is not yet a bogeth (q.v. Glos.), and so still under her father's control,

(17) It was originally written for another woman. In the case of divorce, such a document is invalid. E.g., if a husband indites a divorce for his wife and does not use it, the same may not be used by another man to divorce his wife, even if all the relevant particulars, viz., names and places and date, coincide.

(18) Lit., ‘becoming’ (a wife).

(19) Lit., ‘goings forth’ (from the married state).

Talmud - Mas. Kiddushin 9b

divorce must be expressly for her sake,¹ So must betrothal be too; or perhaps, different modes of betrothal are assimilated to each other: just as betrothal by money need not be for her sake,² so betrothal by deed need not be for her sake? — After putting the question he, himself, decided it: betrothal is assimilated to divorce, for Scripture writes, and when she is departed [i.e., divorced] . . . she may be [another man's wife].³

It has been stated: If it [the deed of betrothal] is written for her sake, but without her knowledge: Raba and Rabina rule: She is betrothed; R. Papa and R. Sherabia say: She is not betrothed. Said R. Papa: I will explain their reason and I will explain mine. I will explain their reason: Because It is written, and when she is departed. . . she may be [another man's wife], assimilating betrothal to divorce: just as divorce must be [written] for her sake yet without her consent,⁴ so must betrothal be for her sake, yet without her consent. And I will explain my reason: And when she departeth . . . then she shall be [etc.]: this assimilates betrothal to divorce: as in divorce, the giver's knowledge is required,⁵ so in betrothal, the giver's knowledge is required.⁶

An objection is raised: Deeds of erusin and nissu'in⁷ may only be written with the knowledge of both. Surely actual deeds of erusin and nissu'in are meant? — No: [the reference is to] deeds of apportionment,⁸ and it is in accordance with R. Giddal's dictum in Rab's name, viz., How much do you give your son? — So much. How much do you give your daughter? — So much. If they [thereupon] arose and made a betrothal, they acquire a title [to the promised sums], and these are the things which are acquired by a verbal undertaking.⁹

OR BY INTERCOURSE. Whence do we know this? — R. Abbahu said in R. Johanan's name: Because Scripture saith, If a man be found lying with a woman] who had intercourse with a husband,¹⁰ thus teaching that he became her husband through intercourse. R. Zera said to R. Abbahu-others state, Resh Lakish said to R. Johanan: Is this what Rabbi taught unsatisfactory, [viz.,] [When a man taketh a wife] and hath intercourse with her:¹¹ this teaches that she is acquired by intercourse? — If from there, I might have thought: He must first betroth her [e.g., by money] and then cohabit with her:¹² [therefore] we are informed [otherwise]. R. Abba b. Mammel objected: If so,¹³ when Scripture decrees stoning in the case of a betrothed maiden,¹⁴ how is it conceivable? If he [first] betrothed and then cohabited with her, she is a be'ulah;¹⁵ if he betrothed but did not cohabit with her, it is nothing.¹⁶ The Rabbis answered this before Abaye; It is possible if the arus cohabited with her unnaturally.¹⁷ Thereupon Abaye observed to them: Even Rabbi and the Rabbis dispute [this matter] only in reference to a stranger: but as for the husband, all agree that if he cohabits with her unnaturally he renders her a be'ulah! (What is this?¹⁸ For it was taught: If ten men cohabited [unnaturally] with her [sc. a betrothed maiden] and she is still a virgin, all are stoned. Rabbi said: I maintain, the first is stoned, but the rest are strangled.)¹⁹ R. Nahman b. Isaac said: It would be possible if he betrothed her by deed: since it completely sunders,²⁰ it completely unites.²¹

And R. Johanan: How does he utilize this, and hath intercourse with her? — He needs that [to shew]: she [a wife] is acquired by cohabitation, but not a Hebrew bondmaid. For I might have thought, it may be inferred a minori from a yebamah: if a yebamah, who cannot be acquired by money, is acquired by cohabitation; this one [Hebrew bondmaid] who can be acquired by money, may surely be acquired by cohabitation. [No.] As for a yebamah, that is because she is already tied!²² — I might have argued, since it is written: If he take him another [wife],²³ Scripture compared her [the bondmaid] to the 'other' [the wife]: just as the other is acquired by intercourse, so is a Hebrew bondmaid acquired thus; therefore we are informed [otherwise].²⁴

And Rabbi: how does he know this conclusion? — If so,²⁵ Scripture should have written; and hath intercourse: why [state] 'and hath intercourse with her?' Thus both are deduced.²⁶ But according to Raba, who said: Bar Ahina explained it to me: 'When a man taketh a woman and hath intercourse with her': [this teaches:] kiddushin²⁷ that can be followed by²⁸ intercourse is [valid] kiddushin, that which cannot be followed by intercourse is not [valid] kiddushin;²⁹ what can one say?³⁰ — If so,³¹ Scripture should have written, or 'hath intercourse with her': why [state], 'and hath intercourse with her?'³² Thus all are inferred.

And Rabbi: how does he employ this phrase, 'who had intercourse [be'ulath] with a husband?' —

He utilizes it [to teach:] her husband renders her a be'ulah unnaturally,³³ but not a stranger.³⁴ But does Rabbi hold this view? Has it not been taught: If ten men cohabited [unnaturally] with her [sc. a betrothed maiden] and she is still a virgin, all are stoned. Rabbi said: I maintain, the first is stoned, but the rest are strangled.³⁵

-
- (1) Deduced from, then he shall write her a bill of divorcement (Deut. XXIV, 2).
 - (2) I.e., the money is not minted expressly to betroth that woman.
 - (3) Thus, betrothal and divorce are stated in proximity to each other, shewing that they are compared.
 - (4) In ancient Jewish law a wife's consent to divorce was not required. In the Middle Ages this was amended, and her consent became necessary.
 - (5) I.e., the husband's, who gives the woman her freedom.
 - (6) I.e., the woman's, who gives herself in marriage.
 - (7) v. Glos. for both.
 - (8) I.e., the amounts which the parents promise to settle on their son or daughter on marriage,
 - (9) Normally, a promise is binding only if the recipient performs an act of acquisition. i.e., he takes an article, not necessarily the thing promised, from the promisor. Here, however, the promise itself is binding. And the Baraitha quoted teaches that the witnesses may not draw up bonds to that effect unless both parties consent.
 - (10) Deut. XXII, 22.
 - (11) Ibid. XXIV, 1.
 - (12) But that cohabitation alone is not betrothal.
 - (13) That this verse might be interpreted as meaning that both betrothal and cohabitation are necessary, but that without the latter she is not even betrothed.
 - (14) Who commits adultery.
 - (15) I.e., no longer a virgin, whereas stoning is only for a virgin; v. Deut. XXII, 23f.
 - (16) She is not betrothed on this hypothesis.
 - (17) Leaving her a virgin.
 - (18) Concerning which Rabbi and the Rabbis are in dispute.
 - (19) Which is the punishment for committing adultery with a be'ulah. Thus the Rabbis regard her as a virgin all the time, whereas Rabbi maintains that she is a be'ulah after the first. This dispute, however, applies only to strangers.
 - (20) I.e., a deed is the only thing required for divorce.
 - (21) Lit., 'brings in.' Yet it might be that money betrothal must be followed by cohabitation.
 - (22) To the yabam, v. Deut. XXV, 5.
 - (23) Ex. XXI, 10: 'another' i.e., in addition to the Hebrew bondsmaid.
 - (24) By 'and he hath intercourse with her', as above.
 - (25) That the verse teaches only that intercourse is one of the methods of betrothal.
 - (26) (i) that a woman may be acquired by intercourse and (ii) a Hebrew bondsmaid cannot be so acquired.
 - (27) Implied by, when a man taketh.
 - (28) Lit., 'that is given over to.'
 - (29) V. infra 51a.
 - (30) For the verse is needed for this purpose.
 - (31) That the only purpose of the verse is to shew that a bondsmaid cannot be acquired by intercourse.
 - (32) 'And' implies that the taking — i.e., kiddushin — and the cohabitation are interdependent.
 - (33) I.e., by unnatural cohabitation.
 - (34) Because 'be'ulah' is connected with 'a husband': if she had cohabited with her husband, no matter how, she is a be'ulah.
 - (35) V. supra.

Talmud - Mas. Kiddushin 10a

— Said R. Zera: Rabbi admits in respect to the fine, that they must all pay.¹ Wherein does it differ from the death penalty?² — There it is different, because Scripture writes, then the man alone that lay with her shall die.³ And the Rabbis: how do they employ this word 'alone'? — They need it even

as it was taught: [If a man be found lying with a woman married to a husband], then they shall both of them die:⁴ [this implies,] they must both be equal as one:⁵ this is R. Josiah's view. R. Jonathan maintained: 'then the man alone that lay with her shall die'.⁶ And R. Johanan: how does he know this ruling?⁷ — If so,⁸ Scripture should have written, who had intercourse with a man; why [state], 'who had intercourse with a husband'? Hence both are inferred.⁹

The scholars propounded: Does the beginning of intercourse acquire [the woman] or the end of intercourse? The practical difference is, e.g., if he performed the first stage of intercourse, and then she stretched out her hand and accepted kiddushin from another man;¹⁰ or whether a High Priest may acquire a virgin by intercourse.¹¹ What then [is our ruling]? — Said Amemar in Raba's name: The mind of him who has intercourse is set on the completion of intercourse.¹² The scholars propounded: Does intercourse effect nissuin or erusin? The practical difference is in respect of his being her heir, defiling himself on her account and annulling her vows. If you say it effects nissu'in, he [the husband] succeeds her as heir, must¹³ defile himself for her,¹⁴ and can annul her vows.¹⁵ But if you say that it effects only erusin, he does not succeed her as heir, may not defile himself on her account, and cannot annul her vows. What is our ruling? — Said Abaye: Come and hear: A father has a privilege over his daughter [if a minor] in respect of her kiddushin by money, deed or intercourse. And he is entitled to her findings, her labour, and the annulment of her vows; he can accept her divorce;¹⁶ but he does not enjoy usufruct during her lifetime.¹⁷ If she was married,¹⁸ her husband's rights exceeds his,¹⁹ in that he enjoys the usufruct during her lifetime. Now, intercourse is taught, and yet he [the Tanna] also teaches: If she was married!²⁰ — 'If she married' may have been taught in reference to the other [privileges]. Raba said: Come and hear: A maiden aged three years and a day may be betrothed by intercourse, and if the yabam has intercourse with her, he acquires her. The penalty of adultery may be incurred through her: [if a menstruant,] she defiles him who has connections with her,

(1) If a man violates an unbetrothed virgin he must pay a fine of fifty shekels: (Deut. XXII, 28f.) if a number of men violate her unnaturally, leaving her a virgin, they must all pay the same, as for a virgin.

(2) That there Rabbi regards her a be'ulah.

(3) Ibid. 25; now, this is superfluous. since the next verse states: But unto the damsel thou shalt do nothing; hence it teaches that only the first man is stoned, but after he seduces her, even unnaturally, she is a be'ulah, and her ravishers are strangled.

(4) Ibid. 22.

(5) Rashi: both must have attained their majority and be liable to punishment, thus excluding an adult who violates a minor. Tosaf.: they must both be liable to the same death penalty; the reference is to R. Meir's view on this matter, q.v. Sanh. 66b.

(6) I.e., the man stands in a separate category, and need not be equal to the woman.

(7) That only the husband renders her a be'ulah by unnatural intercourse etc.

(8) That the verse teaches only that cohabitation acquires a woman.

(9) The emphasis on 'husband' shews that only he renders her a be'ulah etc.

(10) If the beginning acquires, she belongs to the first; if not, to the second.

(11) A High Priest must marry a virgin; Lev. XXI, 13. Now, if the first stage acquires, he may betroth her by intercourse; but if the last stage, he may not, because immediately after the first stage she ceases to be a virgin, yet does not belong to him.

(12) Hence the last stage is necessary.

(13) Or 'may', v. Sotah, 3a.

(14) Even if he is a priest.

(15) Alone, without her father.

(16) Even without her authority, if she was divorced whilst an arusah, and a na'arah.

(17) If she inherit property through her maternal relations, her father has no claim to its usufruct while she is alive.

(18) Lit., 'became a nesu'ah'.

(19) The husband's rights over his wife after nissu'in are greater than the father's over his daughter before nissu'in.

(20) Subsequent to intercourse; this proves that intercourse only effects erusin.

Talmud - Mas. Kiddushin 10b

so that he in turn defiles that upon which he lies, as a garment which has lain upon [a zab].¹ If she married² a priest, she may partake of terumah;³ if any of the forbidden degrees⁴ interdicted by Scripture cohabited with her, they are executed on her account,⁵ but she is exempt;⁶ if an unfit person⁷ cohabits with her, he disqualifies her from priesthood.⁸ Thus [here too] intercourse is taught,⁹ and also 'if she married'! — This may be its meaning: If this marriage¹⁰ was with a priest, she may partake of terumah.

Come and hear: Johanan b. Bag Bag had already sent [word] to R. Judah b. Bathyra at Nisibis:¹¹ I have heard of you that you maintain, An arusah, the daughter of an Israelite [betrothed to a priest], may eat terumah. He sent back: And do you not rule likewise? I am certain of you that you are well versed in the profundities¹² of the Torah [and able] to infer a minori. Do you not know: if a Gentile bondmaid, whose intercourse does not permit her to eat of terumah,¹³ yet her money¹⁴ permits her to eat of terumah; then this one [an arusah], whose intercourse [with a priest] permits her to eat of terumah, surely her money¹⁵ permits her to eat terumah. But what can I do, seeing that the Sages ruled: An arusah, the daughter of an Israelite, may not eat terumah until she enters huppah?¹⁶ How so? If [the reference is to] intercourse following huppah, and money followed by huppah, in both cases she may certainly eat. But if to intercourse with huppah, and money without huppah: here there are two, while there is only one,¹⁷ Hence it must surely refer to both intercourse and money without huppah. Now, if you say that it [intercourse] effects nissu'in, it is well: hence it is obvious to him that Intercourse is stronger than money.¹⁸ But if you say that it effects only kiddushin [i.e., erusin], why is he certain in the one case and doubtful in the other? — Said R. Nahman b. Isaac: After all, I can tell you that [the reference is to] intercourse with huppah and money without huppah. And as to your objection, here there are two, while there is only one: nevertheless the a minori proposition holds good, and it was thus he sent word to him: If a Gentile bondmaid, whose intercourse does not permit her to eat of terumah even after huppah, yet her money even without huppah authorizes her to eat terumah,' then this one, whose intercourse when accompanied by huppah permits her to eat terumah, Surely her money even without intercourse permits her to eat terumah. But what can I do, seeing that the Sages ruled: An arusah, the daughter of an Israelite, may not partake of terumah until she enters huppah, on account of 'Ulla's statement.¹⁹ And [Johanan] b. Bag Bag?²⁰ — In the case of a Gentile bondmaid he omits nothing of her acquisition;²¹ but here he has left undone part of her acquisition.²² Rabina said: By Biblical law he was quite certain that she may eat, and it was only by Rabbinical law that he [R. Johanan b. Bag Bag] sent word to him [that she is forbidden], and he sent thus to him: I have heard of you that you rule: An arusah, the daughter of an Israelite, may eat of terumah, and you disregard the possibility of nullification.²³ He sent back: And do you not rule likewise? I am certain that you are well versed in the profundities of the Torah, [and able] to infer a minori. Do you not know: if a Gentile bondmaid, whose intercourse does not permit her to eat terumah, yet her money does, and we do not fear the possibility of nullification;²⁴ then this one [sc. an arusah], whose intercourse permits her to eat terumah,²⁵ surely her money does, and we may disregard the possibility of nullification. But what can I do, seeing that the Sages ruled: An arusah, the daughter of an Israelite, may not partake of terumah

(1) A man who has sexual connections with a menstruant woman defiles that upon which he lies, even if he does not actually touch it. But the degree of uncleanness it thereby acquires is not the same as that of the bedding upon which she herself or a zab (v. Glos.) lies. For in the latter case, the bedding in turn defiles any person or utensil with which it comes into contact; whereas in the former, it can only defile foodstuffs and liquids. This is the same degree of uncleanness possessed by a garment which has lain upon or been borne by a zab, v. Nid. 44b.

(2) V. n. 8.

(3) As an Israelite's adult daughter who married a priest. But if she is less than three years old, she is sexually immature,

so that the marriage cannot be consummated, and hence she may not eat terumah.

(4) E.g., her father or brother.

(5) If they are of those forbidden on pain of death.

(6) Being a minor.

(7) E.g., a heathen or bastard.

(8) I.e., she may not marry a priest.

(9) Proving that intercourse only effects erusin.

(10) Sc. the intercourse mentioned in the first clause.

(11) A city in N.E. Mesopotamia; its Jewish population was already of importance during the second Temple. J.E. s.v.; Obermeyer, p. 229.

(12) Lit., 'chambers'.

(13) If a priest cohabits with her without having previously acquired her with money.

(14) I.e., the money given for her by a priest.

(15) Whereby she is acquired as an arusah.

(16) I.e., becomes a nesu'ah.

(17) How can money without huppah be deduced from intercourse and huppah?

(18) And it certainly authorises her to eat terumah, and he proceeds to deduce that money has the same power.

(19) V. supra 5a bottom.

(20) Does he not accept this a minori deduction?

(21) Once he gives the money, she is absolutely his.

(22) After intercourse she still lacks huppah before he ranks as her heir and may defile himself on her account.

(23) Through a bodily defect discovered in the woman, which may invalidate the betrothal. Hence this has no bearing on the question of the status conferred by intercourse, since all admit that even an arusah may, Biblically speaking, eat terumah.

(24) A bodily defect which may entitle the priest to cancel the purchase.

(25) [Since the arus would not have had intercourse with her without first making enquiries concerning her (Tosaf.).]

Talmud - Mas. Kiddushin 11a

until she enters huppah, on account of 'Ulla's statement. And the son of Bag Bag?¹ — He disregards the possibility of nullification in the case of slaves: if there are open bodily defects — then he has seen them.² If on account of concealed bodily defects, what does it matter to him? He needs him for work, and so does not care. If he [the slave] is found to be a thief or a rogue,³ he is his.⁴ What can you say: he was discovered to be an armed robber or proscribed by the State⁵ — these are well known.⁶ Let us see: both agree that she [an arusah] may not eat:⁷ wherein then do they differ? — They differ where he [the husband] accepted [bodily defects],⁸ or he [the father] delivered [her to the husband's messengers to be taken to her husband's home],⁹ or if they [the father's messengers] were on the way with [the husband's messengers to escort the bride to her new home].¹⁰

'BY MONEY: BETH SHAMMAI MAINTAIN, BY A DENAR etc. What is Beth Shammai's reason? — Said R. Zera: Because a woman is particular about herself and will not [permit herself to] become betrothed with less than a denar. Abaye objected to him: If so, then e.g., R. Jannai's daughters, who are particular about themselves and will not become betrothed with less than a tarkabful¹¹ of denarii, if she stretches out her hand and accepts a zuz from a stranger [as kiddushin], is the kiddushin indeed invalid?¹² — He replied: If she stretches out her hand and accepts. I do not say thus: I refer to a case where he betroths her at night,¹³ or if she appoints an agent.¹⁴ R. Joseph said: Beth Shammai's reason is in accordance with Rab Judah's dictum in R. Assi's name, viz., Wherever 'money'¹⁵ is mentioned in Scripture: Tyrian coinage is meant; whereas the Rabbinical usage¹⁶ refers to provincial coinage.¹⁷

It was stated above: Rab Judah said in R. Assi's name: Whenever 'money' is mentioned in Scripture: Tyrian coinage is meant; whereas the Rabbinical usage refers to provincial coinage. Now,

is this a universal rule?

- (1) Does he not admit the force of this argument?
- (2) And the purchaser cannot invalidate the transaction.
- (3) Jast.: a swindler; Tosaf.: a gambler; Rashi: a kidnapper. The last might suit the context here, but not elsewhere.
- (4) The purchaser's: he cannot annul the purchase, because the average slave is one of these.
- (5) I.e., under sentence of death. fast.: levied for royal service.
- (6) And the purchaser would not buy him in ignorance.
- (7) For R. Judah b. Bathyra also admits that she may not eat, in accordance with 'Ulla.
- (8) According to Johanan b. Bag Bag, she may then eat *terumah*, since there is no fear of nullification; in the opinion of R. Judah b. Bathyra she is forbidden, since 'Ulla's reason holds good here.
- (9) 'Ulla's reason no longer holds good since her brothers and sisters are not then with her, but there is still the possibility of nullification.
- (10) V. preceding note, which applies here too.
- (11) Tarkab — two kabs (later = three kabs): 1 kab = 1/6th of a se'ah.
- (12) Surely not!
- (13) And she does not see what is given her.
- (14) To accept *kiddushin* on her behalf, without telling him what is the minimum which he shall accept.
- (15) Lit., 'silver'.
- (16) Lit., 'that — sc. money of their (sc. the Rabbis') words.'
- (17) Viz., current coinage. The latter is an eighth of the former; i.e., a provincial shekel = 1/8th of a Tyrian shekel, a provincial denar = 1/8th of a Tyrian, etc.; v. J.E. IX, 351, and Zuckermann, *Tal. Mun.* pp. 15-33. Tyrian is further to be identified with Jerusalem (coins). Krauss, T.A., 11-405 and n. 639 a.l., v. B.K. (Sonc. ed.) p. 204, n. 11. Now, since *kiddushin* by money is Biblical (*supra* 2a), it cannot be a copper *perutah*, for there were no copper coins in the Tyrian system: hence, the *perutah* being excluded, it is evident that a coin of considerable value is required, and this was fixed at a denar.

Talmud - Mas. Kiddushin 11b

But what of a claim, concerning which it is written: If a man shall deliver unto his neighbour money or utensils to keep etc.¹ yet we learnt: 'The oath taken before judges [is imposed] for a [minimum] claim of two silver [ma'ahs] and an admission of a *perutah*'?² — There it is similar to 'utensils': just as 'utensils' implies [at least] two, so must 'money' refer to two [coins],³ and just as 'money' implies something of worth,⁴ so does 'utensils' mean something of worth.⁵ But [what of the second] tithe, in regard to which it is written, [Then thou shalt turn it into money] and bind up the money in thine hand,⁶ yet we learnt: 'If one changes a sela' of second tithe [copper] coins . . .?'⁷ — 'The money' is an extension,⁸ But what of *hekdesch*,⁹ concerning which it is written, then he shall give the money, and it shall be assured to him,¹⁰ yet Samuel said: If *hekdesch* worth a maneh is redeemed with the equivalent of a *perutah*, it is redeemed?¹¹ — There too, we deduce the meaning of 'money' from tithes.¹²

But what of a woman's *kiddushin*, concerning which it is written: When a man taketh a wife, and marry her,¹³ and we deduce the meaning of 'taking' from the field of Ephron,¹⁴ yet we learnt: BETH HILLEL RULE, BY A PERUTAH OR THE WORTH OF A PERUTAH; shall we say [then] that R. Assi ruled in accordance with Beth Shammai?¹⁵ — But if stated, it was stated thus: Rab Judah said in R. Assi's name: Whenever a fixed sum of money is mentioned in the Torah, Tyrian coinage is meant; whereas the Rabbinical usage refers to provincial currency.¹⁶ Then what does he teach us? We have already learnt it: The five sela's mentioned in connection with a firstborn,¹⁷ the thirty of a slave,¹⁸ the fifty of a ravisher and a seducer,¹⁹ and the hundred of a slanderer²⁰ — all these are [computed] by the holy shekel according to the Tyrian maneh!²¹ — He wishes to state, 'whereas the Rabbinical term refers to provincial currency,' which we did not learn. For we learnt: If one boxes his neighbour's ears,²² he must pay him a sela'. Now, you should not say, what is a sela'? Four

zuz,²³ but what is a sela'? Half a zuz, for it happens that people call half a zuz 'istira'.²⁴

R. Simeon b. Lakish said: Beth Shammai's reason is in accordance with Hezekiah. For Hezekiah said: Scripture saith, then shall he let her be redeemed²⁵ — this teaches that she deducts from her redemption [money] and goes out [free]. Now, if you say that he [the master] gave her a denar,²⁶ it is well: hence she can go on deducting until a perutah. But if you say that he gave her a perutah: what can be deducted from a perutah?²⁷ But perhaps Scripture ordered thus: if he gave her a denar, she can go on deducting until a perutah; [but] if he gave her a perutah, she cannot deduct at all?

(1) Ex. XXII, 6; in B.K. 107a it is deduced from this verse that an oath is imposed upon a defendant only if he admits part of the claim and denies part.

(2) Rashi: This proves that no particular sum is meant by the term 'money,' but that in all cases it was left for the Rabbis to determine. For if a particular sum is meant, granted that a ma'ah is the smallest Tyrian coin, why two? Tosaf. and others: the smallest Tyrian coin is a denar, whereas a ma'ah = 1/6th of a denar. (Though the actual coin is not mentioned in the quotation, ma'ah is assumed, because 'two' is in the fem. form, agreeing with ma'ah, whereas denar is masc.).

(3) So that the claim must be at least for two silver pieces, i.e., ma'ahs.

(4) I.e., two ma'ahs.

(5) So that if a man claimed two needles, one of which was admitted, no oath is imposed, since these are not worth two ma'ahs (Rashi). Tosaf. and others with different reading of the text: just as 'utensils' implies something of value, so does 'money' apply to that likewise, and a ma'ah is a coin of value; whilst 'two' is likewise deduced from the plural, 'utensils'. [Whereas according to Rashi's reading the minimum value required in the case of 'utensils' is determined by the significance attached to the word 'money', according to that of Tosaf., the value of 'utensils' is judged by their own merits, so that even a couple of needles are to be treated as things of worth in view of the use to which they can be put].

(6) Deut. XIV, 25, q.v.

(7) A dispute follows as to how many of the coins should be changed. Now, this shews that in the first place the tithe was redeemed with copper coins, though Scripture mentions 'money' in this connection.

(8) Shewing that even copper coins may be used.

(9) V. Glos.

(10) V. B.M. (Sonc. ed.) p. 321, n. 1.

(11) V. n. 2; the same applies here.

(12) Since in the latter instance the money extends the law to copper coins, these are valid for the redemption of hekdesh too.

(13) Deut. XXIV, 1.

(14) V. p. 1, n. 12. Thus it is as though 'money' were written in this passage.

(15) It is a fixed principle that in all disputes between these two schools the halachah agrees with Beth Hillel.

(16) But no fixed sum is mentioned for kiddushin.

(17) V. Num. XVIII, 15f: Nevertheless the firstborn of man thou shalt surely redeem . . . for the money of five shekels. — 'Shekels' is the Biblical term for sela'.

(18) Ex. XXI, 32: If the ox gore a manservant or a maidservant he (the owner) shall give unto their master thirty shekels of silver.

(19) Deut. XXII, 28f: If a man find a damsel that is a virgin which is not betrothed, and lay hold on her, and lie with her, and they be found; then the man that lay with her shall give unto the damsel's father fifty shekels of silver.

(20) Ibid. 13 et seqq.: If a man take a wife . . . and hate her . . . and bring an evil name upon (i.e., slander) her, and say: I took this woman, and . . . I found not in her tokens of virginity . . . then the elders of that city shall amerce him in a hundred shekels of silver.

(21) 1 Tyrian maneh = 25 holy shekels.

(22) Others: shouts into his neighbour's ear.

(23) I.e., the Tyrian currency.

(24) A silver coin, equal to the provincial sela' = 1/2 zuz.

(25) Ex. XXI, 8; v. infra 14b, 15a for the full reference.

(26) In buying her. The money given for a Hebrew maidservant may also be regarded as kiddushin, since in virtue thereof he can take her to wife; v. Ex. ibid.

(27) Seeing that it is the smallest coin.

Talmud - Mas. Kiddushin 12a

— You cannot think so, [for] it is similar to designation:¹ just as designation, though he [the master] can designate her or not, as he will, yet where he may not designate her, the sale is invalid;² so here too, where he cannot deduct, the sale is invalid.³ And a woman's kiddushin, according to Beth Shammai, is deduced from a Hebrew maidservant: just as a Hebrew maidservant cannot be acquired for a perutah,⁴ so a woman cannot be betrothed by a perutah.⁵ Then say half a denar, or two perutahs? — Since a perutah was excluded, it was fixed at a denar.⁶ Raba said: This is Beth Shammai's reason, [viz.,] that the daughters of Israel should not be treated as hefker.⁷ AND BETH HILLEL RULE, BY A PERUTAH. R. Joseph thought to rule, A perutah, whatever it is.⁸ Said Abaye to him: But thereon we learnt: AND HOW MUCH IS A PERUTAH? AN EIGHTH OF AN ITALIAN ISSAR. And should you answer: That was only in the time of Moses, but nowadays it is as generally estimated — but when R. Dimi came,⁹ he said: R. Simai computed in his time: how much is the perutah? An eighth of an Italian issar.¹⁰ And when Rabin came, he said: R. Dosehai, R. Jannai and R. Oshiah estimated: how much is a perutah? A sixth of an Italian issar! — R. Joseph answered him: If so,¹¹ when we learnt,¹² Go out and estimate: how many perutahs are there in two sela's? More than two thousand. Seeing that there are not even two thousand, can he [the Tanna] call it more than two thousand?¹³ Thereupon a certain old man said to him, I learnt it, close on two thousand. But even so, it is only one-thousand-five-hundred-thirty-six! — Since it passes beyond half [a thousand], it is called close on two thousand.

It was just stated: When R. Dimi came, he said: R. Simai computed in his time, How much is a perutah? An eighth of an Italian issar. And when Rabin came, he said: R. Dosehai, R. Jannai, and R. Oshiah estimated: How much is the perutah? A sixth of an Italian issar. Said Abaye to R. Dimi: Shall we say that you and Rabin differ in the dispute of the following Tannaim? For it was taught: The perutah which the Sages mentioned is an eighth of an Italian issar. [Thus:] one denar = six silver ma'ahs; one ma'ah = two pundion, one pundion = two issars, one issar = two musmis, one musmis = two kuntrunk, one kuntrunk = two perutahs.¹⁴ Hence the perutah is an eighth of an Italian [Roman] issar. R. Simeon b. Gamaliel said: three hadrisin = one ma'ah, two hanzin = one hadris, two shamnin = one hanez, two peutahs = one shamin.¹⁵ hence a perutah equals one sixth of an Italian issar.¹⁶ Shall we say that you agree with the first Tanna, whilst Rabin holds with R. Simeon b. Gamaliel? — He replied: Both Rabin and I agree with the first Tanna, yet there is no difficulty: here the issar bears its full value; there, it had depreciated. Here the issar bears its full value, twenty-four going to the zuz; there it had depreciated, thirty-two going to the zuz.¹⁷

Samuel said: If a man betrothed a woman¹⁸ with a date, even if a kor¹⁹ stood at a denar,²⁰ she is nevertheless betrothed: we fear that it may be worth a perutah in Media.²¹ But we learnt: BETH HILLEL RULE, BY A PERUTAH OR THE WORTH OF A PERUTAH?²² — There is no difficulty: the one refers to certain kiddushin; the other to doubtful kiddushin.²³

A certain man betrothed [a woman] with a bundle of tow cotton. Now, R. Simi b. Hiyya sat before Rab and examined it: if worth a perutah, it is well;²⁴ if not, not. Now, if not worth a perutah, it is not well? But Samuel said: 'We fear [etc.]'! — There is no difficulty: in the former case it is certain kiddushin; in the latter doubtful kiddushin. A certain man betrothed [a woman] with a black marble stone. Now, R. Hisda was sitting and appraising it: if worth a perutah, it is well;²⁵ if not, not. Now, if not worth a perutah, it is not well? But Samuel said: 'We fear [etc.]'! — R. Hisda did not accept Samuel's [view]. Said his mother to him: But on the day he betrothed her it was worth a perutah!²⁶ It does not rest entirely with you, replied he, to render her forbidden to the other man.²⁷

(1) *sugh* or *sughh*, the betrothal of a Hebrew handmaid to her master or his son in virtue of having been bought, no other

than the purchase money being necessary.

(2) I.e., she cannot be sold, e.g., to her brother, since she may not be designated to him.

(3) Since Scripture teaches that a deduction is made, the sale must be capable of one.

(4) As just proved.

(5) V. Glos.

(6) For the exclusion of a perutah shews that a sum of considerable value is required.

(7) V. Glos., which is acquired without much trouble; thus to acquire a woman by merely a perutah would be derogatory to her status.

(8) No matter how it is debased in the course of time, providing that it is called a perutah.

(9) To Babylon. R. Dimi was a fourth century Amora of Palestine, who settled in Babylon on account of Constantine's decree of banishment against the Jewish teachers of Palestine. But even before this scholars regularly travelled to and fro between the Palestine and the Babylonian academies, and R. Dimi and Rabin (i.e., R. Abin) were specially designated for this task, to provide a cultural link between the two. I. Halevy, *Doroth*, II, 467-473.

(10) A woman having been betrothed for a perutah, he stated that it must be equal to an eighth of an Italian issar, and was not satisfied with the mere designation of a perutah.

(11) That the perutah must not be less than this.

(12) In the Sifra, a Midrashic commentary on Leviticus, also called 'The Law of the priests.'

(13) The table is given below.

(14) These are Roman coins, the names being corrupted. Kuntrunk. < quadrans (**), a Roman value equal to three Roman ounces, also called teruncius; musmis or messimis < semissis = 1/2 as; pundion < dupundium = two ases.

(15) Hadris is perhaps a corruption of darosah = 1 3/4 as; hanez < nez (blossom); shamnim < shamin (Heb. hbhna, shemini — an eighth) 1/8 of an Italian issar. [For a full discussion of these terms, v. Krauss, *TA*, pp. 408ff.]

(16) For the issar = 1/2 4th denar; now one denar = six ma'ahs = a hundred and forty-four perutahs, according to his table; therefore one perutah — 1/6th issar.

(17) Thus one denar = a hundred and ninety-two perutahs, in accordance with the first Tanna. The perutah remained stable, but the issar fluctuated. In R. Simai's age the issar was at par, i.e., twenty-four = one denar: therefore one perutah = 1/8th issar. But in the age of R. Dosethai etc., it had slumped to 1/3 2nd of a denar, therefore one perutah = 1/6th of an issar.

(18) Lit., 'her'.

(19) A measure of capacity; v. J.E. XII, 489, Table 3.

(20) So that one date is worth far less than a perutah.

(21) Where dates were very dear. Or perhaps Media is mentioned as an example of elsewhere.

(22) And in Samuel's view anything may be worth a perutah somewhere.

(23) If the article is worth a perutah where it is given, the woman is certainly betrothed, and another man's betrothal is invalid. But if it is not worth a perutah there, she is in a position of doubt: she cannot be free without a divorce, yet should another betroth her before she is divorced, his act may be valid, and she then requires a divorce from both, being in the meantime forbidden to both and to everyone else.

(24) The betrothal is valid.

(25) The kiddushin is valid.

(26) Though by the time you came to value it, it had depreciated.

(27) To whom one had, in the meantime, become betrothed. I.e., your evidence cannot be accepted.

Talmud - Mas. Kiddushin 12b

For is this not comparable to the case of Judith, R. Hiyya's wife, who had severe travail in childbirth.¹ Said she to him: My mother told me: 'Your father accepted kiddushin on your behalf [from another man] when you were a child.'² He replied to her: It does not rest entirely with your mother to forbid you to me. The Rabbis protested to R. Hisda: Why so? But there are³ witnesses In Idith⁴ who know that on that day it was worth a perutah! — Nevertheless, at present they are not before us. Is this not analogous to R. Hanina's dictum, For R. Hanina said: Her witnesses are in the north,⁵ yet she is to be forbidden!⁶ Abaye and Raba, [however], do not agree with this ruling of R. Hisda: if they [the Rabbis] were lenient in respect of a captive woman,⁷ who suffered disgrace under

her captors,⁸ shall we be [equally] lenient in the case of a married woman?⁹ Some of that family remained in Sura,¹⁰ and the Rabbis held aloof from them;¹¹ not because they agreed with Samuel, but because they agreed with Abaye and Raba.¹²

A certain man betrothed [a woman] with a myrtle branch in a market place. Thereupon R. Aha b. Huna sent [a question] to R. Joseph: How is it in such a case? — He sent back: Have him flagellated, in accordance with Rab; and demand a divorce, in accordance with Samuel.¹³ For Rab punished any man who betrothed [a woman] in a market place, or by intercourse,¹⁴ or without [previous] shiddukin,¹⁵ or who annulled a divorce,¹⁶ or who lodged a protest against a divorce,¹⁷ or harassed a messenger of the Rabbis,¹⁸ or per — mitted a ban to remain upon him thirty days,¹⁹ and a son-in-law who dwelt in his mother-in-law's house thirty days.²⁰ Only him who dwelt, but not him who merely passed by [his mother-in-law's house]? But a certain son-in-law passed by his mother-in-law's door, for which R. Shesheth chastised him? — There his mother-in-law was [already] under suspicion through him. The Nehardeans maintained: For all these Rab inflicted no punishment, excepting for betrothing [a woman] by intercourse without shiddukin — others state, even with shiddukin, on account of licentiousness.²¹

A certain man betrothed [a woman] with a mat of myrtle twigs. Said they to him, 'But it is not worth a perutah!'²² 'Then let her be betrothed for the four zuz it contains,' replied he.²³ Having taken it, she remained silent. Said Raba: It is silence after receipt²⁴ of the money, and such silence has no significance.²⁵ Raba said: Whence do I know²⁶ this? For it was taught: If he says to her, 'Take this sela' as a bailment, and then he says to her, 'Be thou betrothed unto me therewith', [if he made the declaration] when giving the money [and she accepted it without protest], she is betrothed; after giving the money: if she consented, she is betrothed; if not, she is not betrothed. What is meant by 'she consented,' 'she did not consent'? Shall we say: 'she consented' means that she said 'yes', and 'she did not consent,' that she said: 'no'? Then it follows that the first clause means

(1) [She used to give birth to twins, v. Yeb. 65b.]

(2) And therefore I am forbidden to you.

(3) So cur. edd. Ri, Bah and Tosaf. read: but people say that there are; v. also Tosaf. a.I. s.v. tv.

(4) So cur. edd. Tosaf. reads: in Arith, i.e., in the west, sc. in Palestine, which lies to the west of Babylon. Levy, Worterbuch, s.v. , 'ארץ', mentions a conjecture that the word may mean 'north', and denotes generally a distant, unknown country.

(5) Heb. Istan, v. B.B. (Sonc. cd.) p. 568, n. 9.

(6) Surely not! for the allusion v. Keth. 23a.

(7) To whom R. Hanina's dictum applied.

(8) [Or, 'who makes herself look repulsive in the presence of her captors' so as to keep them away from her.]

(9) Tosaf. explains thus (on a reading which omits the phrase 'who... captors'): Even if witnesses attest her captivity, a priestly marriage is forbidden her only by Rabbinical law, for fear that she was outraged by her captors; hence we are lenient where the existence of such witnesses is only alleged. But in the case under discussion, should witnesses attest that the stone was worth a perutah when given, she is certainly a married woman and forbidden to others; therefore regard must be paid to the allegation that such witnesses exist elsewhere.

(10) The woman married another, and her descendants were in Sura. — Sura was a town in Southern Babylon between the canals, and seat of the famous academy founded by Rab. V. Obermeyer 283 et seqq.

(11) From contracting a marriage with them.

(12) That the alleged existence of witnesses could not be disregarded; hence these were tainted with the suspicion of bastardy.

(13) For the myrtle branch may be worth a perutah elsewhere.

(14) Notwithstanding the Mishnah.

(15) V. Glos. He regarded these as licentiousness.

(16) After sending it to his wife, but before she received it, in which case it is annulled. But the messenger may not know of this and deliver the divorce, and the wife contract another marriage.

(17) A divorce had to be given of the husband's free will. Even when he was forced (e.g., for refusal of conjugal rights, Keth. V. 6; impotence, Ned. XI, 12), he had to declare that he was giving it voluntarily. Yet he might secretly lodge a protest before witnesses that he was giving it under compulsion, in which case it was invalid.

(18) Sent to summon him to court.

(19) Without seeking its remission by expressing his regret at the offence which had occasioned it and undertaking to amend his ways. Buchler in MGWJ 1934 (Festschrift) p. 129, observes that as far as known the ban, during the days of Jamnia and Usha (first century) was imposed only on scholars, but that in the early amoraic period all were subject to it, as here (v. note 3, a.l.).

(20) Contrary to modern belief, the love between these two was regarded as so strong as to endanger their morals; cf. Pes. 113a.

(21) Tosaf.: this view is relied upon nowadays, in that sons-in-law live with their mothers-in-law.

(22) Matting must have been extremely cheap. Tosaf. Ri, however, translates: a bundle of myrtle twigs.

(23) The money was wrapped up in the mat or bundle.

(24) Lit., 'the giving'.

(25) Though normally silence gives consent. For when she took the matting, she knew that it was not worth a perutah, and therefore it was unnecessary for her to reject the proposal. Her subsequent silence makes no difference.

(26) Lit., 'say'.

Talmud - Mas. Kiddushin 13a

that even if she said 'no,' it is [valid] kiddushin. But why, seeing that she said 'no'? Hence surely, 'she consented' means that she said 'yes', whilst 'she did not consent, that she kept silence; thus proving that silence after receipt of money has no significance. A difficulty was raised thereon at Pum Nehara¹ in the name of R. Huna, son of R. Joshua. How compare? There it was given her as a deposit: [therefore] she thought, 'If I throw it away and it is broken, I am liable for it.' But here he gave it to her as kiddushin: if she did not want it [as such], she should have thrown it away! — R. Ahai retorted: Do then all women know the law? Here too she might have thought, 'If I throw it away and it is broken, I will be held responsible for it.' R. Aha b. Rab sent [an inquiry]² to Rabina: What is the ruling in such a case? He sent back: We have not heard this [objection] of R. Huna, son of R. Joshua;³ but you, who have heard it,⁴ must have regard to it.⁵ A certain woman was selling silk skeins,⁶ when a man came and snatched one away from her. 'Give it back to me,' she exclaimed. 'If I give it to you,' he queried, 'will you become betrothed to me?' She took it and was silent. Thereupon R. Nahman ruled: She can say: 'Indeed, I took it, and 'twas my own I took'.⁷ Raba objected before R. Nahman: If he betroths her with [an article] of robbery, violence, or theft,⁸ or if he snatches a sela' from her hand and betroths her, she is [validly] betrothed? — There it means that he had discussed the preliminaries [of marriage].⁹ And how do you know that we draw a distinction between one who discussed the preliminaries and one who did not? — Because it was taught: If one says to a woman,¹⁰ 'Take this sela' which I owe thee,' and then he says: 'Be thou betrothed unto me therewith': [if he said this] when giving the money and she consented, she is betrothed; if she did not consent, she is not betrothed; after giving the money, even if she consented, she is not betrothed. Now, what is the meaning of 'she consented,' 'she did not consent'? Shall we say: 'she consented' means that she said 'yes', 'she did not consent', that she said 'no': but if she remained silent, the kiddushin is valid? Then it should simply have been taught: 'she is betrothed', just as there.¹¹ But [we must say,] 'she consented' means that she said 'yes,' whilst 'she did not consent,' that she was silent, and it was taught that she is not betrothed. What is the reason? Because she can say: 'Indeed, I took it, and 'twas mine I took.' But in that case, this [Baraita], 'If he betroths her with robbery, violence, or theft, or if he snatches a sela' from her hand and betroths her, she is betrothed,' presents a difficulty. Hence it must surely be inferred that in the one case he had discussed the preliminaries,¹² whereas in the other he had not.

When R. Assi died, the Rabbis went up to assemble his legal traditions. Said one of the Rabbis, R. Jacob by name, to them: Thus did R. Assi say in R. Mani's name: Just as a woman cannot be

acquired by less than a perutah's worth, so can real estate not be acquired with less than a perutah's worth. But, they protested to him, it was taught: Although a woman cannot be acquired for less than a perutah's worth, land can be acquired for less than a perutah's worth? — That was taught only in respect to barter, he answered them. For it was taught: Acquisition can be effected through an article, even if it is not worth a perutah.¹³ Again they sat and related: In reference to Rab Judah's statement in Rab's name, [that] one who does not know the peculiar nature of divorce and betrothal should have no business with them,¹⁴ R. Assi said in R. Johanan's name: And they¹⁵ are more harmful to the world than the generation of the flood, for it is written: By swearing, and lying, and killing, and stealing, and committing adultery, they spread forth, and blood toucheth blood.¹⁶ How does this imply [it]? — As R. Joseph translated:¹⁷ They beget children by their neighbour's wives,¹⁸ thus piling evil upon evil.¹⁹ And it is written: Therefore shall the land mourn and everyone that dwelleth therein shall languish, with the beasts of the field and the fowls of heaven: yea, the fishes of the sea also shall be taken away.²⁰ Whereas in the case of the generation of the flood nought was decreed against the fish of the sea, for it is written, of all that was in the dry land, died:²¹ [implying] but not the fish in the sea, whilst here even the fish of the sea [are to be destroyed]. But perhaps that is only when all these are perpetrated?²² — You cannot think so, for it is written, for because of swearing the land mourneth.²³ Yet perhaps swearing stands alone, and these others [combined] alone?

-
- (1) A town lying, as its name signifies, at the mouth of a canal (Nehar Sura = 'the Sura canal'), where it debouches into another, not far from Humanya on the Tigris. It had an all-Jewish population. Obermeyer, pp. 194 et seqq.
- (2) MS.M. reads: Such an occurrence happened, (and) R. Ahab. Rab sent etc.
- (3) Rashi: we have heard it neither from him nor from anyone else in his name — which is not very satisfactory, seeing that they were evidently aware of it, whoever their informant was. Kaplan, Redaction of the Talmud, p. 138 translates: We have not found the view of R. Huna the son of R. Joshua as logically correct.
- (4) I.e., agree with the force of the objection; v. preceding note.
- (5) Therefore the kiddushin has at least doubtful validity (v. p. 47, n.10); Tosaf. Ri the Elder. — Kaplan. loc. cit., assumes that R. Aha b. Rab, Rabina and R. Ahai, otherwise known as the Sabora R. Ahai of Hatim, appear here as contemporaries. On the strength of this he identifies Rabina with Rabina b. R. Huna, the last president of Sura, and not Rabina, the colleague of R. Ashi. Actually however, there is nothing here to indicate that they were contemporaries, the reply of R. Ahai possibly having been made at a later date.
- (6) Others: beads, silk fillets.
- (7) Hence she is not betrothed.
- (8) v. p. 263, n. 3.
- (9) Then her silence is consent.
- (10) Lit., 'her'.
- (11) Sc. in the Baraitha quoted at the bottom of 12b.
- (12) Then she is betrothed.
- (13) Barter (Heb. halifin) is a system of symbolic exchange, the article with which it is effected symbolically representing the larger article or the money which is actually the purchase price: consequently it may be worth less than a perutah. But when acquisition is effected through money itself, or an article valued as money, what is not worth a perutah does not rank as such.
- (14) V. supra 6a for notes.
- (15) Who take part in these matters without sufficient knowledge.
- (16) Hos. IV, 2.
- (17) So Targum, Pseudo.Jonathan, v. B.K. (Sonc. ed.) p. 9, n. 9.
- (18) Understanding 'spread forth' in that sense; cf. Ex. I, 12: But the more they afflicted them, the more they multiplied and spread forth.
- (19) So interpreting 'blood toucheth blood.' — Men of insufficient knowledge who take part in the solemnising of marriage and divorce likewise cause this, married women often being declared free illegally.
- (20) Ibid. 3.
- (21) Gen. VII, 22.
- (22) Viz., those enumerated in the first verse quoted, but not for adultery alone.

(23) Jer. XXIII, 10. This shews that a single crime is sufficient.

Talmud - Mas. Kiddushin 13b

— Is it then written ‘and they spread forth’:¹ ‘they spread forth is written.’²

Again they sat and related: In reference to what we learnt: If a woman brought her sin-offering [after childbirth] and then died, her heirs must bring her burnt-offering,³ Rab Judah said in Samuel's name: Providing that she had separated it⁴ during her lifetime, but not otherwise; thus proving that in his opinion the hypothecary obligation⁵ is not Biblical.⁶ [But] R. Assi said in R. Johanan's name: Even if she did not separate it during her lifetime, thus proving that he holds that hypothecary obligation is Biblical.⁷ But they have already disputed this matter once. For Rab and Samuel both maintained: A debt [contracted] by word of mouth cannot be collected from heirs or purchasers;⁸ while R. Johanan and Resh Lakish both rule: A debt [contracted] by word of mouth can be collected both from heirs and purchasers? — Both are necessary. For if it were stated in the latter case [alone]: Only there [I would say] did Samuel rule [thus] because it is not a debt decreed in Scripture; but in the former instance I might say that he agrees with R. Johanan and Resh Lakish.⁹ And if we were taught this [dispute] in the former instance: only there, [I would say,] did R. Johanan rule [thus], because a debt decreed in Scripture is as one indited in a bond; but in the latter case, I might say that he agrees with Samuel. Hence both are necessary.

R. Papa said: The law is: A debt [contracted] by word of mouth can be collected from heirs, but not from purchasers. It can be collected from heirs: because the hypothecary obligation involved is Biblical. And it cannot be collected from the purchasers: because it [the debt] is not generally known.¹⁰

AND SHE ACQUIRES HER FREEDOM BY DIVORCE OR HER HUSBAND'S DEATH. As for divorce, It is well, since it is written, then he shall write her a bill of divorcement;¹¹ but whence do we know [that she is freed by] her husband's death? — It is logic: he [the husband] bound her; hence he frees her. But what of consanguineous relations, whom he binds, and nevertheless does not free?¹² — But since Scripture decreed that a yebamah without children is forbidden [to the outside world], it follows that if she has children she is permitted. Yet perhaps, if she has no children she is forbidden to the world but permitted to the yabam, whereas if she has children she is forbidden to all? — But since Scripture states that a widow is forbidden to a High Priest,¹³ it follows that she is permitted to an ordinary priest.¹⁴ Yet perhaps [she is forbidden] to a High Priest by a negative injunction, and to all others by an affirmative precept?¹⁵ — What business has this [alleged] affirmative precept? If her husband's death has effect, let her be entirely free; and if not, let her remain in her original status!¹⁶ Why not? It [sc. her husband's death] withdraws her from [the penalty of] death and places her under [the interdict of] an affirmative precept. For this may be analogous to consecrated animals rendered unfit [for sacrifice], which originally [before they became unfit] involved a trespass-offering¹⁷ and might not be sheared or worked with; yet when they are redeemed, they no longer involve a trespass-offering, but may still not be sheared or worked with?¹⁸ — But [it is known] since Scripture said, [And what man is there . . . his house,] lest he die in the battle and another man take her.¹⁹ To this R. Shisha son of R. Idi demurred: Perhaps who is meant by ‘another man: the yabam?’²⁰ — Said R. Ashi, There are two answers to this: firstly, the yabam is not designated ‘another man’: and furthermore, it is written. And if the latter husband hate her, and write her a bill of divorcement . . . or if the latter husband die:²¹ thus death is compared to divorce: just as divorce completely frees²² her, so does death completely free her.

A YEBAMAH IS ACQUIRED BY INTERCOURSE. Whence do we know [that she is acquired] by intercourse? — Scripture saith,

- (1) The conjunction would denote that they must be combined.
- (2) Without a conjunction, shewing that that itself merits the punishment stated in the following verse.
- (3) These two sacrifices were due after childbirth; v. Lev. XII, 8.
- (4) Sc. an animal, for a burnt-offering.
- (5) Involved by debt.
- (6) E.g., if a man borrows money, we do not say that his property is automatically mortgaged for its repayment, so that in the event of his death his heirs are Biblically liable, since they inherit mortgaged property, unless the debtor explicitly mortgages his goods in a bond, v. B.B. 175b. For here too, the woman is under an obligation to God to bring a sacrifice, yet since she did not separate an animal for it, no obligation lies on the heirs.
- (7) I.e., every debt carries with it a pledge of the debtor's property in favour of the creditor.
- (8) If the debtor's land was sold, the property not having been mortgaged for repayment, the creditor cannot collect from the vendees.
- (9) The sacrifice being a Scriptural precept, the liability is stronger than that of an ordinary debt.
- (10) Lit., 'has no voice.' Therefore to safe-guard the vendee's interests, the Rabbis deprived the creditor of his rights.
- (11) Deut. XXIV, 1.
- (12) A woman may not marry her father-in-law even after her husband's death; thus the interdict which he imposed on her by marriage remains even when he dies.
- (13) Lev. XXI, 14.
- (14) And by the same reasoning, to all other men.
- (15) Lev. XXI, 24 is in the form of a negative injunction, the violation of which is punished by flagellation (malkoth), whereas that of an affirmative precept goes unpunished by Biblical law. Tosaf.: the affirmative precept may be the verse: Therefore shall a man . . . cleave to his wife (Gen. II, 24). implying, but not to his neighbour's wife (cf. Sanh. 58a). — An interdict implied by an affirmative precept is itself regarded as such, and not as a negative command.
- (16) As a married woman she is forbidden to others by a negative precept under pain of death (Lev. XVIII, 20: XX, 10; Deut. XXII, 22); there are no grounds for supposing that her husband's death leaves the interdict but changes its nature.
- (17) For secular use, e.g., ploughing with them.
- (18) V. Bek. 15a. This proves that a certain fact may leave the interdict but change its penalty, and the same may apply to the husband's death.
- (19) Deut. XX, 7.
- (20) But not others.
- (21) Ibid. XXIV, 3.
- (22) Lit., 'permits.'

Talmud - Mas. Kiddushin 14a

Her husband's brother shall go in unto her, and take her to him to wife.¹ Then perhaps she is like a wife in all respects?² — You may not think so. For it was taught: I might think that money or deed can complete her acquisition, just as intercourse does; therefore it is written, and perform the duty of an husband's brother unto her:³ teaching, intercourse alone completes the acquisition of her, but money or deed does not complete the acquisition of her. Yet perhaps what is the purpose of 'and perform the duty of an husband's brother unto her'? It is that he can take her by force?⁴ — If so, Scripture should have stated: 'and perform the duty of a husband's brother',⁵ why [add] 'unto her'? Hence both are learnt from it.⁶

[AND ACQUIRES HER FREEDOM] BY HALIZAH. Whence do we know it?⁷ — From the verse: And his name shall be called in Israel, The house of him that hath his shoe loosed:⁸ once there has been the loosening of the shoe in her case, she is permitted to all Israel. Does then this [word] 'Israel' come to teach this? But it is necessary for what R. Samuel b. Judah learnt: [Halizah must be performed] at a Beth din of [naturally born] Israelites, but not at a Beth din of proselytes. — 'In Israel' is written twice.⁹ Yet it is still required for what was taught: R. Judah said: We were once sitting before R. Tarfon, when a woman came to perform halizah. Thereupon he instructed us, Do all of you respond and say: 'He that hath his shoe loosed, he that hath his shoe loosed'¹⁰ — That is

derived from, and his name shall be called.¹¹

OR THE YABAM'S DEATH. How do we know it? — A fortiori: if a married woman, who is [forbidden to others] on pain of strangulation, is freed¹² by her husband's death; then a yebamah, who is [forbidden only] by a negative precept,¹³ is surely [freed by the yabam's death]. As for a married woman, [it may be asked] that is because she is freed¹⁴ by divorce! Will you say [the same] of this one a yebamah, who is not freed [from the Levirate tie] by divorce? — She too is freed by halizah.¹⁵ But [refute it thus]: as for a married woman, that is because he who binds her frees her!¹⁶ — Said R. Ashi: In her case too, he who binds her frees her: the yabam binds her, the yabam frees her.¹⁷

Now, let a married woman be freed by halizah, a minori: if a yebamah, who is not freed by divorce, is freed by halizah; then this one [a married woman], who is freed by divorce, is certainly freed by halizah! — Scripture saith, [then he shall write her] a deed of divorcement,¹⁸ thus, a deed may divorce her, but nothing else can divorce her. Now, let a yebamah be freed by divorce, a minori: if a married woman, who is not freed by halizah, is freed by divorce: then this one [a yebamah], who is freed by halizah, is surely freed by divorce! — Scripture states: Thus [shall it be done, etc.]¹⁹ and 'thus' intimates indispensableness.²⁰ Now, wherever there is an intimation of indispensableness, do we not infer a minori? But what of the Day of Atonement, where 'lot' and 'statute' are written,²¹ yet it was taught: [And Aaron shall present the goat upon which the lot fell for the Lord,] and offer him for a sin-offering:²² the lot renders it a sin-offering, but designation does not render it a sin-offering.²³ For I might have thought, Does not [the reverse] follow a minori: if designation sanctifies where lot does not,²⁴ how much the more would designation satisfy where lot does! Therefore it is said: 'and offer him for a sin-offering,' teaching, the lot renders it a sin-offering, but designation does not render it a sin-offering. Thus, it is only because Scripture excluded it [designation]; but otherwise we would infer a minori, notwithstanding that statute is written!²⁵ — Scripture saith, [then he shall write] her [a deed of divorcement]: for 'her', but not for a yebamah. Yet perhaps 'her' teaches that it must be for her sake?²⁶ — 'Her' is written twice.²⁷ Yet even so they are needed: one 'her' [intimating that it must be] for her sake; and the other 'her' teaching, but not for her and her companion?²⁸ — But Scripture saith, '[the house of him that hath a] shoe [loosed]:' only a shoe [can set her free], but nothing else can.²⁹ Does 'shoe' come to teach this? But it is necessary for what was taught: 'And she shall loose his shoe:³⁰ I know only [that she must loosen] his shoe; whence do I know [that it may be] any man's shoe?³¹ From the verse: '[the house of him that hath] the shoe [loosed]:' 'shoe' is an extension.³² 'If so, who state, 'his shoe'? — 'His shoe' [intimates that it must fit him, [thus] excluding one [too] large, in which he cannot walk, and one [too] small, which does not cover the greater part of his foot, excluding

(1) Ibid. XXV, 5.

(2) To be acquired by money or deed too?

(3) I.e., have intercourse with her. Ibid. This is really a repetition of the first part of the verse, and therefore emphasizes intercourse.

(4) That being taught by the repetition.

(5) This would have sufficed to emphasize intercourse alone as a means of acquisition.

(6) 'unto her' implying even against her will.

(7) The passage a.I. does not state that halizah frees her, but merely that it must be performed if the yabam refuses her.

(8) Ibid. 10.

(9) In Deut. XXV, 7 and 10.

(10) Heb. haluz ha-na'al, haluz ha-na'al — i.e., those present must actually say these words as part of the ceremony.

(11) Leaving 'in Israel' free for another purpose.

(12) Lit., 'permitted'.

(13) Ibid. 5: the wife of the dead shall not marry without unto a stranger.

(14) Lit., 'goes out'.

- (15) Thus another means of freedom being found for each, the a fortiori argument holds good.
- (16) But a yebamah is forbidden to others on account of her dead husband, whereas it is to be proved that the yabam's death frees her.
- (17) But for the existence of the yabam, her husband's death would have freed her. Hence it is really he who is responsible.
- (18) Deut XXIV, 1.
- (19) Ibid. XXV, 9.
- (20) The emphatic 'thus' indicates that the ceremony prescribed is indispensable. and that nothing else can achieve the same result.
- (21) And it is a principle that 'statute' likewise indicates indispensableness.
- (22) Lev. XVI, 9.
- (23) If he merely designates it a sin-offering, without having previously chosen it by lot, it is invalid.
- (24) Sc. in the case of the two pigeons, one a sin-offering and the other a burnt-offering, brought for the offences enumerated in Lev. V, 1-4. If he designates each for a particular sacrifice, the designation stands and cannot be revoked. But if he casts lots, it is of no avail, and he can then sacrifice each as he wishes.
- (25) And this shall be a statute for ever unto you; Lev. XVI, 29.
- (26) V. p. 34. n. 8.
- (27) In Deut. XXIV. 1 and 3.
- (28) If a man has two wives of the same name, he cannot divorce both with the same document, even though it is expressly written for them, v. Git.87a.
- (29) Rashi: because 'shoe' is superfluous, as the verse could have read: 'the house of him that was loosed'.
- (30) Deut. XXV, 9.
- (31) Which the yabam is wearing.
- (32) Shewing that any person's may be used. The E.V. has 'his shoe' here too, but 'his' is not in the original.

Talmud - Mas. Kiddushin 14b

a sandal consisting of a mere sole, which has no heel! — If so,¹ Scripture should have written 'shoe'; why 'the shoe'? That both may be inferred therefrom.²

MISHNAH. A HEBREW SLAVE IS ACQUIRED BY MONEY AND BY DEED; AND ACQUIRES HIMSELF BY YEARS,³ BY JUBILEE,⁴ AND BY DEDUCTION FROM THE PURCHASE PRICE.⁵ A HEBREW MAIDSERVANT IS MORE [PRIVILEGED] IN THAT SHE ACQUIRES HERSELF BY 'SIGNS'.⁶ HE WHOSE EAR IS BORED⁷ IS ACQUIRED BY BORING, AND ACQUIRES HIMSELF BY JUBILEE OR HIS MASTER'S DEATH.

GEMARA. A HEBREW SLAVE IS ACQUIRED BY MONEY. How do we know this? — Scripture states, [he shall give back the price of his redemption] out of the money that he was bought for:⁸ this teaches that he was acquired by money. We have [thus] learnt⁹ it in the case of a Hebrew slave sold to a heathen, since his sole method of acquisition is by money:¹⁰ how do we know it of one sold to an Israelite?¹¹ — Scripture states: Then shall he let her be redeemed:¹² this teaches that she deducts [part] of her redemption money and goes out [free].¹³ We have thus learned it in the case of a Hebrew bondmaid: since she is betrothed with money,¹⁴ she is acquired with money; how do we know it of a Hebrew Slave? — The Writ saith, If thy brother, an Hebrew man, or an Hebrew woman be sold unto thee, and serve thee six years:¹⁵ thus a Hebrew manservant is assimilated to a Hebrew maidservant. We have now learnt it of one sold by Beth din,¹⁶ since he was sold against his will;¹⁷ how do we know it of one who sells himself? — We learn [identity of law from] the repeated use of 'sakir'.¹⁸ Now, that is well according to him who accepts the deduction of the repeated use of 'sakir';¹⁹ but according to him who does not, what can be said? — Scripture states, and if a stranger or sojourner with thee be waxen rich,²⁰ thus continuing²¹ the preceding section,²² so that [the subject] above may be deduced from [that] below.²³

And which Tanna does not admit the deduction from the repeated use of sakir? — The following Tanna. For it was taught: He who sells himself may be sold for six years or more than six years; if sold by Beth din, he may be sold for six years only. He who sells himself may not be bored;²⁴ if sold by Beth din, he may be bored. He who sells himself, has no gift made to him;²⁵ if sold by Beth din, a gift is made to him.²⁶ To him who sells himself, his master cannot give a Canaanite bondmaid;²⁷ if sold by Beth din, his master can give him a Canaanite bondmaid. R. Eleazar²⁸ said: Neither may be sold for more than six years; both may be bored; to both a gift is made; and to both the master may give a Canaanite bondmaid. Surely they differ on this point: the first Tanna does not admit the deduction of the repeated use of sakir, while R. Eleazar does?²⁹ Said R. Tabyomi in Abaye's name: All admit the deduction of the repeated use of sakir, but here they differ on the following: What is the reason of the first Tanna, who maintained, He who sells himself may be sold for six years or more than six years? [Because] Scripture expressed a limitation in connection with one sold by Beth din: and he shall serve thee six years:³⁰ 'he,' but not one who sells himself. And the other?³¹ — 'And he shall serve thee' [intimates] 'thee', but not thine heir.³² And the other?³³ — Another 'served thee' is written.³⁴ And the other?³⁵ — That comes [to teach] that the master must be willing [to make a gift].³⁶

What is the reason of the first Tanna who maintained that one who sells himself is not bored? Because Scripture expressed a limitation in connection with one sold by Beth din: and his master shall bore his ear through with an awl,³⁷ [implying] his ear, but not the ear of him who sold himself.³⁸

-
- (1) That its only purpose is to shew that any persons shoe may be used.
 - (2) The def. art. shews that a shoe is the means of freeing her, and nothing else can.
 - (3) I.e., when he has served six years. Ex. XXI, 2.
 - (4) If this intervened before he had completed his six years of servitude.
 - (5) At any time by a pro rata repayment, taking into account the time he still has to serve.
 - (6) Of puberty.
 - (7) I.e., a slave who refuses his freedom at the expiration of six years; v. Ex. XXI, 5f.
 - (8) Lev. XXV, 51.
 - (9) Lit., 'found'.
 - (10) It is stated infra 26a, that movables are acquired by meshikah (v. Glos.); this, however, holds good only of a Jewish purchaser, not a Gentile, who can acquire them only by giving the money.
 - (11) The whole discussion turns on the question which act formally consummates the transaction. Though a purchase is naturally effected by money, in the case of some property the delivery of money does not consummate the transaction, and both sides may retract. On the other hand, meshikah (q.v. Glos.) in the case of movables completes the transaction even before the delivery of the purchase price, which ranks as an ordinary loan. Hence the question here: how do we know that the delivery of money consummates the purchase of a Hebrew slave?
 - (12) Ex. XXI, 8.
 - (13) [R. Tam: Just as she acquires herself by money so is she acquired by money.] Rashi: Since Scripture writes, 'then shall he let (or cause) her to be redeemed', not, then shall she be redeemed, it shews that the master must help her redemption by accepting less than he paid for her, on a pro rata basis, as explained on p. 59, n. 6; hence she must have been bought with money — otherwise, from what is a deduction to be made? Of course, as pointed out on p. 59, n. 12, it is understood that money was paid. But the point is this: This exegesis shews that immediately on repaying the money she becomes free and no other formality is necessary. But if the purchase itself required some form of acquisition apart from the payment of the purchase price, e.g., deed, she would require the same on buying herself back (Maharam).
 - (14) Which is also a form of acquisition.
 - (15) Deut. XV, 12.
 - (16) For 'if thy brother be sold' implies by someone else, viz., Beth din, for theft: v. Ex. XXII, 2.
 - (17) Therefore, a strong form of acquisition, e.g., the symbolical act of hazakah (v. infra 26a and Glos.) is unnecessary, and the delivery of money suffices.
 - (18) Hired servant; this word is used in connection with both. One who sells himself, Lev. XXV, 39f: And if thy brother

. . . sell himself unto thee . . . as an hired servant (sakir) he shall be with thee. One sold by Beth din, Deut. XV, 12-18: If thy brother . . . be sold unto thee . . . it shall not seem hard unto thee, when thou lettest him go free from thee; for to the double of the hire of a hired servant (sakir, E.V. 'hireling') hath he served thee six years. The use of 'sakir' in both cases teaches that the same method of purchase holds good in both cases.

(19) Lit., 'who infers 'sakir' from 'sakir'.

(20) Lev. XXV, 47.

(21) Lit., 'adding to'.

(22) Lit., 'subject'.

(23) It is an exegetical principle that when a passage commences with 'and', this conjunction links it to the previous portion, and a law stated in one applies to the other too. Thus this 'and' links vv. 39-46, dealing with a Hebrew slave who sells himself to a Jew, with vv.47-55, treating of one who sells himself to a non-Jew. Just as the purchase of the latter is consummated by money, so is that of the former too.

(24) He must accept his freedom at the end of six years, and the provisions of Ex. XXI, 5f (q.v.) do not apply to him.

(25) By his master, on attaining his freedom.

(26) Deut. XV, 13f: And when thou lettest him go free from thee, . . . thou shalt furnish him liberally out of thy flock etc.

(27) To beget slaves for him.

(28) This is the reading of most editions: Tosaf. (15a s.v.Ishtu) gives another reading, R. Eliezer, which will refer to R. Eliezer b. Hyrcanus. There were several Tannaim of the first name, and the halachah may agree with them; but if Tosaf.'s reading is correct, the halachah is definitely not so, for it is a principle that the halachah never agrees with R. Eliezer b. Hyrcanus when he is in dispute with others (v. B.M. 59b, (Sonc. ed.) pp. 352f, for reason).

(29) Hence they are alike in all respects.

(30) Deut. XV, 12: this refers to a person sold by Beth din; v. p. 60, n. 4.

(31) R. Eleazar: does he not admit the force of this limitation?

(32) Other than a son; v. infra 17b.

(33) The first Tanna: does he not admit that the word is required for the latter purpose.

(34) Ibid. 18, quoted p. 60, n. 6; in Heb. the same word is used here for both tenses, the difference being indicated by the so-called waw conversive; v. Davidson, Heb. Grammar, ** 23, 3.

(35) R. Eleazar: how does he utilize the second 'served thee?'

(36) 'Served thee' in v. 18 is written in connection with this.

(37) Ex. XXI, 6; the whole passage a.l. refers to one sold by Beth din; v. pp. 64ff.

(38) Rashi: Because 'his ear' is superfluous, as it is written in Deut. XV,17: then thou shalt take on owl, and thrust it through his ear unto the door.

Talmud - Mas. Kiddushin 15a

And the other?¹ — That comes for the purpose of a gezerah shawah.² For it was taught: R. Eliezer said: How do we know that the boring must be through the right ear? Here is said: 'ear': and elsewhere is said, [and the priest shall take some of the blood . . . and put it upon the tip of the right] ear etc.,³ just as there the right is meant, so here too, the right is meant. And the other?⁴ — If so,⁵ Scripture should have written 'ear'; why 'his ear'?⁶ And the other?⁷ — That is needed: 'his ear', but not her ear.⁸ And the other? — He deduces that from, but if the bondsman shall plainly say:⁹ the bondsman, but not the bondmaid. And the other? — He needs that [to teach]: he must say it while yet a slave.¹⁰ And the other? — That is derived from 'the bondsman' [instead of] bondsman.¹¹ — And the other? — [The difference between] the bondsman and bondsman affords no basis for exegesis.

What is the reason of the first Tanna who maintained, He who sells himself, no gift is made to him? — Scripture expressed a limitation in connection with one sold by Beth din: thou shalt furnish him liberally;¹² 'him', but not one who sells himself. And the other?¹³ — He needs that: 'him', but not his heirs.¹⁴ ('His heirs': why not? The All-Merciful designated him a hired servant [sakir]: just as the wages of a hired servant belong to his heirs,¹⁵ So here too, his wages¹⁶ belong to his heirs? — But [say thus:] 'him', but not his creditor.¹⁷ [This is necessary,] because elsewhere we agree with R.

Nathan, as it was taught: R. Nathan said: How do we know that if a man claims from another and then one claims [the same amount] from a third, that we collect from the last named and give it to the first [creditor]? From the verse, and he shall give it unto him to whom he is indebted.¹⁸ Therefore 'him' comes to exclude that [from the case of a slave]. And the other? — Elsewhere we do in fact disagree with R. Nathan.¹⁹

What is the reason of the first Tanna who maintained, To him who sells himself, his master cannot give a Canaanite bondsmaid? Scripture expressed a limitation in connection with one sold by Beth din: If his master give him a wife,²⁰ [implying], him, but not one who sells himself. And the other? — 'Him' [intimates] even against his will. And the other?²¹ — That is deduced from, for to the double of the hire of a hired servant [hath he served thee].²² For it was taught: 'For to the double of the hire of a hired servant hath he served thee:' a hired servant works by day only, whereas a Hebrew slave works by day and night. Yet can you really imagine that a Hebrew slave works by day and night: is it not written, because he is well with thee,²³ [teaching] that he must be [on a par] with thee in food and drink? and R. Isaac answered thus: From this follows that his master can give him a Canaanite bondmaid.²⁴ And the other?²⁵ — If from there, I might have said: That is only with his consent, but not against his will; therefore we are told [otherwise].

Then which Tanna does not accept the deduction from the repetition of 'sakir'? — It is this Tanna. For it was taught: And if thy brother sell himself unto thee . . . he shall serve thee unto the years of jubilee. And then . . . he shall returns unto his family, etc.:²⁶ R. Eliezer b. Jacob said: Of whom does Scripture speak? If of him who sells himself — then it was already stated.²⁷ If of him whose ear was bored — that too was already stated.²⁸ Hence Scripture refers [here] only to him whom Beth din sold two or three years before jubilee, [thus teaching] that jubilee liberates him. Now, should you think that he [R. Eliezer b. Jacob] accepts the deduction of the repeated use of 'sakir', why is it [the verse cited] necessary; let him make the aforementioned deduction?²⁹ — Said R. Nahman b. Isaac: After all, he does make this deduction; nevertheless it [the verse quoted] is necessary. I might have thought, only he who sells himself,³⁰ because he committed no offence; but as for one sold by Beth din, who committed an offence, I might say: Let him be punished; therefore we are informed [that it is not so].

The Master said: 'If of him whose ear was bored — that too was already stated.' What is this?³¹ — For it was taught: [It shall be a jubilee unto you;] and ye shall return every man unto his possession, and ye shall return every man unto his family.³² To what does Scripture refer? If to one who sells himself — it was already stated;³³ if to one sold by Beth din — that [too] was already stated.³⁴ Hence the Writ can only refer to one whose ear was bored two or three years before jubilee, [teaching] that jubilee liberates him. How is this implied?³⁵ — Said Raba b. Shila: Scripture saith, [and ye shall return every] man: now, what thing is practised in the case of a man but not of a woman? Say: boring. Now, [both cases,] one sold by Beth din, and one who was bored,³⁶ must be written. For had we been informed [this] of him whom Beth din sold, [I might say] that is because his term had not expired;³⁷ but as for him whose ear was bored, seeing that his term had already expired, I might have said: let him be punished!³⁸ And if we were informed [this] of him whose ear was bored, [I might say] that is because he had already served six years; but as for him who has been sold by Beth din, who had not yet served six years, I might have argued: he is not [liberated]. Thus both are necessary.

Now, both 'and ye shall return' and '[and he shall serve him] for ever'³⁹ must be written.⁴⁰ For had the All-Merciful written 'for ever' [only], I would have thought, literally for ever; therefore the All-Merciful wrote 'and ye shall return'. And had the All-Merciful written 'and ye shall return' [only], I would have thought: when is that?⁴¹ If he had not served six years [after being bored]; but if he had already served six years, his last phase should not be more stringent than his first: just as his first phase⁴² was for six years, so should his last be for six years [only]; hence 'for ever' teaches us,

for the eternity of jubilee.⁴³

Then [the question again arises,] which Tanna does not accept the deduction of 'sakir', 'sakir'? — It is Rabbi. For it was taught:

- (1) R. Eleazar: What does 'his ear' teach, on his view?
- (2) V. Glos.
- (3) Lev. XIV, 25, also in v. 28. This refers to a poor leper, and the whole section on the sprinkling etc., is superfluous, since is stated in vv. 14ff., in connection with a leper of means: hence it is for the purpose of exegesis (Rashi).
- (4) The first Tanna: whence does he know this?
- (5) That its only purpose is the gezerah shawah.
- (6) Surely to intimate the limitation stated above.
- (7) R. Eleazar: why state, 'his'?
- (8) Teaching that a Hebrew bondsmaid cannot be bored.
- (9) Ex. XXI, 5f., q.v.
- (10) I.e., before the expiration of his six years.
- (11) The def. art. emphasizes that he must still be a slave when he refuses his freedom. Hence the substantive itself excludes a bondsmaid.
- (12) Deut. XV, 14.
- (13) R. Eleazar: how does he utilize 'him'?
- (14) If the slave dies before his master makes him the gift.
- (15) If he dies before receiving them.
- (16) Of which this gift is part.
- (17) If the slave owes money, the gift is not to be given to his creditor. — The Wilna Gaon substitutes the following for the bracketed passage: And the other? (The first Tanna: whence does he exclude the heirs?) — 'Him' is written twice, (of that wherewith the Lord thy God hath blessed thee thou shalt give unto him). And the other? — That is needed: 'him', but not his creditor.
- (18) Num. V, 7: translating, and he (the last debtor) shall give it unto him (the first creditor), to whom he (the second creditor) is indebted. By analogy, the master ought to deliver the gift direct to the slave's creditor.
- (19) Hence no particular verse is needed for a slave.
- (20) Ex. XXI, 4.
- (21) The first Tanna: how does he know this?
- (22) Deut. XV, 18.
- (23) Ibid. 16.
- (24) This must be the night service referred to.
- (25) Why deduce it from 'him'?
- (26) Lev. XXV, 39f: the word translated 'sell himself may also mean 'be sold.'
- (27) 'He shall serve thee unto the year of Jubilee', when he obviously returns to his family.
- (28) The Talmud asks below, where?
- (29) From which the same follows.
- (30) Is thus prematurely liberated by jubilee.
- (31) I.e., where was it stated?
- (32) Lev. XXV, 10.
- (33) As mentioned in the passage above. — It should be observed that the Talmud refers to a law as 'already stated,' even when it occurs further on in the chapter or book, as here; thus it is the equivalent of 'stated elsewhere.'
- (34) Then he shall return unto his family (Ibid. 41), interpreted above as referring to this case.
- (35) In the verse.
- (36) Each two or three years before jubilee.
- (37) Lit., 'his time (for freedom) had not come,' and it was his good fortune that the jubilee supervened.
- (38) For voluntarily choosing servitude when he might have been free. — This hypothetical reasoning may appear curious: but it arises out of the Jewish insistence on the fundamental freedom of man.
- (39) Ex. XXI, 6.

(40) Both refer to one whose ear was bored: the first, by inference; the second, explicitly (vv. 5, 6). On the surface, they are contradictory.

(41) That he must wait for jubilee.

(42) I.e., when first sold.

(43) I.e., he is a slave until then, no matter how long.

Talmud - Mas. Kiddushin 15b

And if he be not redeemed by these, etc.:¹ Rabbi said: He may be redeemed by these, but not by Six [years].² For I might have argued, Does it not follow a minori: if he³ who cannot be redeemed by these⁴ is redeemed by six [years], then this one, who may be redeemed by these, is surely redeemed by six years? Therefore it is written: 'by these': teaching, he may be redeemed by these, but not by six years. Now, should you think that he [Rabbi] accepts the deduction from 'sakir', used twice, why does he say, 'if he who cannot be redeemed by these': let us deduce [similarity of law from] the repetition of sakir?⁵ — Said R. Nahman b. Isaac: After all, he does accept the deduction of 'sakir', 'sakir'; yet here it is different, because Scripture saith, [one of his brethren] shall redeem him.⁶ [implying] him, but not another.⁷

And what Tanna disagrees with Rabbi? — R. Jose the Galilean and R. Akiba. For it was taught: 'And if he be not redeemed by these' — R. Jose the Galilean said: If 'by these', it is for freedom, if by strangers,⁸ it is for servitude.⁹ R. Akiba said: If 'by these', it is for servitude: if by strangers, it is for freedom. What is the reason of R. Jose the Galilean? — Scripture saith, 'And if he be not redeemed by these' — but by a stranger — 'then he shall go out in the year of jubilee'.¹⁰ While R. Akiba interprets: 'And if he be not redeemed by any but these, then he shall go out in the year of jubilee'. And R. Jose the Galilean?¹¹ — Is it then written: 'by any but these'?¹² But they differ in respect of the following verse: Or his uncle, or his uncle's son may redeem him:¹³ this is redemption by relations; or if he be waxen rich:¹³ this is self redemption: and he shall be redeemed:¹³ this is redemption by strangers. Now, R. Jose the Galilean holds: a verse is interpreted with what precedes it. [Hence] link¹⁴ redemption by relations with self-redemption: just as self-redemption is for freedom, so is that by relatives. While R. Akiba maintains: a verse is interpreted with what follows: [hence] link redemption by strangers with self redemption: just as the latter is for freedom, so is the former. If so, why state 'by these'?¹⁵ — But for 'by these', I would have said: the verse is interpreted with what precedes and what follows it, so that [the redemption of] all is for freedom. If so, the difficulty remains in¹⁶ its place?¹⁷ — But they differ on a matter of logic. R. Jose the Galilean holds: It is logical that redemption by strangers is for servitude; for should you say it is for freedom, they will refrain from redeeming him. While R. Akiba holds: It is logical that redemption by kinsmen is for servitude: for should you say that it is for freedom, he will go every day and sell himself!¹⁸ R. Hiyya b. Abba said: These are the views of R. Jose the Galilean and R. Akiba: but the Sages maintain, [The redemption of] all is for freedom. Who are the Sages? — Rabbi, who employs this 'by these' for a different exegesis,¹⁹ while the verse is interpreted with both what precedes and what follows it.²⁰

And Rabbi, how does he utilize this [verse] 'then he shall go out in the year of jubilee'? — He needs it for what was taught: 'Then he shall go out in the year of jubilee':

(1) Lev. XXV, 54: the section deals with the Hebrew slave of a Gentile, and 'these' refers to his relatives, mentioned in vv. 48f.

(2) I.e., he is not set free after six years of service.

(3) Sc. a Hebrew slave sold to a Jew.

(4) Redemption by relatives is not mentioned in his case.

(5) V. p. 60, n. 6.

(6) Ibid. 48.

- (7) Sc. a slave sold to a Jew.
- (8) Lit., 'the rest of people.'
- (9) If a relation redeems him, he goes free; if a stranger, he becomes his slave.
- (10) And until then he is the stranger's slave.
- (11) How does he refute R. Akiba?
- (12) Surely not! This is the reading in the curr. edd. Other versions, more plausibly: And R. Akiba: is it then written, etc.? This is both more logical and in keeping with what follows.
- (13) Lev. XXV, 49.
- (14) Lit., 'cast.'
- (15) Which implies: if he is not redeemed by these, but by relatives, then he shall go out etc.; this contradicts R. Akiba.
- (16) Lit., 'reverts to.'
- (17) Since this verse may mean that he is free no matter who redeems him, how can R. Akiba interpret v. 54 as meaning that if redeemed by relatives it is for servitude?
- (18) And it is unfair to saddle his relations with the duty of redeeming him.
- (19) As stated supra.
- (20) Hence contrari-wise, R. Jose the Galilean and R. Akiba reject Rabbi's deduction.

Talmud - Mas. Kiddushin 16a

this refers to a heathen who is under your rule.¹ Yet perhaps it is not so, the reference being to a heathen who is not under your rule? — You can answer; [if so,] what can be done to him?² Hence Scripture speaks only of a heathen who is under your rule.

AND BY DEED. Whence do we know it? — Said 'Ulla, Scripture saith, If he take him another [wife]:³ thus the Writ assimilated her [the Hebrew bondmaid] to another [wife]: just as the other [sc. the wife] is acquired by deed, so is a Hebrew maidservant acquired by deed. Now, that is well on the view that the deed of a Hebrew bondmaid is written by her master;⁴ but on the view that her father writes it, what can be said? For it has been stated: As to the deed of a Hebrew bondmaid, who writes it? R. Huna maintained: The master writes it; R. Hisda said: Her father writes it. [Hence] it is well according to R. Huna; but on R. Hisda's view, what can be said? — R. Aha b. Jacob answered: Scripture saith, she shall not go out as the menservants do:⁵ [implying,] but she may be acquired as [heathen] menservants are;⁶ and what is that? By deed. Then say: but she may be acquired as [heathen] menservants are, and what is that? Hazakah!⁷ — Scripture saith, And ye shall make them [the heathen slaves] an inheritance for your children after you:⁸ only they [are acquired] by hazakah, but not another.⁹ Then say: Only they [are acquired] by deed, but not another? — But it is written, she shall not go out as menservants do.¹⁰ And why do you prefer it so?¹¹ — It is logical that 'deed' is included [as a means of acquisition], since it divorces an Israelite daughter.¹² On the contrary, one should rather include hazakah, since it acquires the property of a proselyte?¹³ — Still we do not find it in marriage relationship.¹⁴ Alternatively, if 'he take another' serves that very purpose.¹⁵ And R. Huna: how does he expound this [verse,] She shall not go out as the menservants do?¹⁶ — He employs that as intimating that she does not go out [free] through [the loss of her] outstanding limbs, as a [heathen] slave.¹⁷ And R. Hisda?¹⁸ — If so, Scripture should have written: 'she shall not go out as menservants'; why, as the going out of menservants?¹⁹ That both may be inferred.²⁰

AND ACQUIRES HIMSELF BY YEARS. For it is written, six years he shall serve: and in the seventh he shall go out free for nothing.²¹ AND BY JUBILEE. For it is written, he shall serve with thee unto the year of jubilee.²²

AND BY DEDUCTION FROM THE PURCHASE PRICE. Hezekiah said: Because Scripture saith, Then shall he let her be redeemed:²³ this teaches that she makes a deduction from her redemption money and goes out [free].²⁴

A Tanna taught: And he may acquire himself by money, its equivalent, and by deed. Now, as for money, 'tis well, for it is written, [he shall give back the price of his redemption] out of the money he was bought for.²⁵ As for its equivalent too — Scripture wrote, 'he shall give back the price of his redemption,' to include the equivalent of money as being equal to money.²⁶ But this deed, how is it meant? Shall we say that he [the slave] indites a bond for the [redemption] money? Then it is money! But if it is [a deed of] manumission, why is a deed necessary? Let him say to him in the presence of two, or in the presence of a Beth din, 'Go'? — Said Raba: This proves that a Hebrew slave belongs bodily [to his master]:²⁷ hence if the master remits his deduction,²⁸ the deduction is not remitted.²⁹

A HEBREW MAIDSERVANT IS MORE [PRIVILEGED] THAN HE. Resh Lakish said: A Hebrew bondmaid is freed³⁰ from her master's authority by her father's death, a minori: if signs,³¹ which do not free her from her father's authority, free her from the authority of her master;³² then how much the more death, which frees her from her father's authority, should free³³ her from her master's authority! R. Hoshea raised an objection: A HEBREW MAIDSERVANT IS MORE [PRIVILEGED] THAN HE, IN THAT SHE ACQUIRES HERSELF BY 'SIGNS'; but if this [Resh Lakish's dictum] be so, let her father's death also be stated? — He [the Tanna] teaches [some ways,] and omits³⁴ [others]. But what else does he omit, that he omits this?³⁵ — He omits her master's death.³⁶ If it is on account of her master's death³⁷ — that is no omission; since that applies to a male [slave] too, it is not taught. Then let it be taught!³⁸ — That which may be fixed is taught,³⁹ that which can not be fixed is not taught. But 'SIGNS', which are not fixed,⁴⁰ are nevertheless taught? — Said R. Safra: They are not fixed above, yet are fixed

(1) Lit., 'hand.' Even then, the Jew must remain his slave until jubilee.

(2) How can he be forced to provide facilities for redemption?

(3) Ex. XXI, 10; i.e., in addition to the Hebrew bondmaid.

(4) I.e., he who acquires her, just as the husband writes the deed to acquire his wife.

(5) Ibid. 7; the comparison is with heathen slaves, who go free if their master blinds them or knocks out their teeth (vv. 26f). Hebrew slaves, however, are not freed, but merely compensated.

(6) Lit., 'as the acquisition of menservants.'

(7) Glos. and V. infra 22b.

(8) Lev. XXV, 46.

(9) Sc. Hebrew slaves. The Heb. **והתנהלתם** we-hithnahaltem, is really applicable to land, and intimates that heathen slaves are transmitted and acquired like land, viz., by hazakah.

(10) From which it was deduced that she can be acquired by deed.

(11) Lit., 'what (reason) do you see' (for interpreting it thus)? Perhaps Lev. XXV, 46 teaches, only they are acquired by deed, but not another, while Ex. XXI, 7 intimates, she shall not go out . . . but may be acquired as menservants, viz., by hazakah?

(12) Hence, just as it is effective in one instance, so also in another, viz., the acquisition of a slave. — Tosaf.: he could also have said: Because it brings a Jewish daughter into the married state, which is more appropriate, both then referring to acquisition, but a 'deed' is explicitly stated in connection with divorce. A proselyte who dies without Jewish issue has no legal heirs and his property after death falls to the first occupier by means of hazakah.

(13) And since it can acquire in one case, it can do so in another.

(14) And the purchase of a Hebrew bondmaid is also this: v. p. 45, nn. 7, 9.

(15) To shew that 'she shall not go out etc.', teaches that she may be acquired by deed, as is implied by the analogy of 'another'.

(16) Since on his view, 'if he take another' is sufficient to shew that she is acquired by deed.

(17) V. p. 68, n. 4, which is extended to outstanding limbs.

(18) Surely that is the purpose of the verse!

(19) Lit., translation.

(20) The law itself, as stated by R. Huna; while the emphasis on going out' shews that she may, however, come in, i.e., be acquired as they are.

(21) Ex. XXI, 2.

- (22) Lev. XXV, 40.
 (23) Ex. XXI, 8.
 (24) V. p. 60, n. 1, and the same applies to a bondman.
 (25) Lev. XXV, 51.
 (26) He shall return implies that a return may be made in any way desired.
 (27) [In so far as the master could assign to him a Canaanite maidservant for procreation. Nahmanides, quoted by S. Adreth, Kiddushin, a.l.]
 (28) I.e., the sum due for the remainder of the term of bondage.
 (29) And the master can reclaim him whenever he wishes. Therefore it is insufficient merely to dismiss him, but he must give him a deed.
 (30) Lit., 'acquires herself.'
 (31) I.e., evidence of puberty.
 (32) As stated in the Mishnah, 14b.
 (33) In that he does not transmit his rights to her earnings to his heirs.
 (34) Lit., 'leaves over.'
 (35) It is reasonable that several items are omitted, but not just one.
 (36) For his heirs do not inherit her; infra 17b.
 (37) That you say the Tanna also omits her father's death.
 (38) That the maid is freed by her father's death, since nothing else is omitted.
 (39) The term of six years and the proportionate repayment of the purchase price and the Jubilee are all fixed and ascertainable.
 (40) Not all women receive the evidences of puberty at the same age.

Talmud - Mas. Kiddushin 16b

below.¹ For ii was taught: If a male, aged nine years, grew two hairs,² it is a mole;³ from nine years and a day until twelve years and a day, remaining in him,⁴ they are a mole. R. Jose son of R. Judah said: They are a 'sign'.⁵ At thirteen years and one day, all admit that they are a 'sign'.⁶

R. Shesheth objected: R. Simeon said: Four are presented with gifts [on becoming free], three in the case of a man, and three in the case of a woman. And you cannot say four in the case of either, because 'signs' do not apply to a man, nor boring to a woman.⁷ Now if this⁸ be correct, the father's death should also be taught? And if you answer: Here too he teaches [some] and omits [others] — but he states 'four'?⁹ And if you answer: He teaches [only] that which is fixed, but not that which is not fixed — but what of 'signs', which are not fixed and which he nevertheless teaches? And if you reply: Here too it is as R. Safra — but there is the master's death, which is likewise not fixed, and yet taught? — The master's death too is not taught. Then what are the four? — [i] Years, [ii] jubilee,¹⁰ [iii] jubilee for him whose ear was bored, and [iv] a Hebrew bondmaid [freed] by 'signs'. Reason too supports this view. For the second part teaches: 'And you cannot say four in the case of either, because "signs" do not apply to a man, nor boring to a woman. Now if it be so,¹¹ then in the case of a woman at least four may be found.¹² This proves it.

R. Amram objected: Now, the following are furnished with gifts: He who is freed by [six] years, by jubilee, and by his master's death, and a Hebrew bondmaid [freed] by 'signs'. But if this be correct, the father's death too should be taught. And should you answer: He teaches and leaves over-but he states 'the following'?¹³ And should you reply: He teaches that which is fixed, but not that which is not fixed — but what of 'signs', which are not fixed, and which he nevertheless teaches? And should you answer: Here too, it is as R. Safra — but there is the master's death! This refutation of Resh Lakish is indeed a refutation. But Resh Lakish reasoned a minori! — It is an a minori which can be refuted. For one can refute it [thus]: as for 'signs', that is because there is a physical change [in her];¹⁴ will you say [the same] of her father's death, seeing that there is no physical change?¹⁵

One [Baraita] taught: The outfit of a Hebrew male slave¹⁶ belongs to himself, and that of a Hebrew female slave to herself. While another [Baraita] taught: the outfit of a Hebrew female slave, and her findings, belong to her father, and the master can claim only for loss of time.¹⁷ Now surely one [Baraita] refers to where she was liberated by 'signs',¹⁸ while the other means that she was liberated by her father's death?¹⁹ — No: both [Baraitas] refer to liberation by 'signs', yet there is no difficulty. In the one case she has a father, in the other she has not.

Now, as for [teaching,] 'The outfit of a female slave belongs to herself,' that is well, [for] it is to exclude her brothers,²⁰ For it was taught: And ye shall make them [the heathen slaves] an inheritance for your sons after you²¹ — 'them' for your sons, but not your daughters for your sons. Hence we learn that one cannot transmit his rights in his daughters to his sons. But as for 'the outfit of a male slave belongs to himself — that is obvious! to whom else should it belong? — Said R. Joseph: I see here a yod [turned into a] town.²² Abaye said: Thus did R. Shesheth say: Who is the authority for this? Totai. For it was taught: Totai said: [Thou shalt furnish] him [liberally]²³ — him, but not his creditor.²⁴

[To turn to] the main text [above:] 'Now, the following are furnished with gifts: — He who is freed by years, jubilee, and his master's death, and a Hebrew bondmaid [freed] by "signs". But no gift is made to a runaway, or him who is freed by a deduction from his purchase price. R. Meir said: No gift is made to a runaway; but he who is freed by a deduction from the purchase price is furnished with a gift. R. Simeon said: Four are presented with gifts, three in the case of a man, and three in the case of a woman. And you cannot say four in the case of either, because "signs" do not apply to a man, nor boring to a woman'. How do we know this? — For our Rabbis taught: I might think that only he who is freed by six [years] is furnished with a gift; how do I know to include one who is freed by jubilee or by his master's death, and a Hebrew bondmaid [freed] by signs? From the verses, thou shalt let hint go free from thee. And when thou lettest him go free from thee.²⁵ [Again] I might think that I include a runaway and one who goes out through a deduction from the purchase price — therefore it is stated: 'and when thou lettest hint go free from thee,' teaching, only he whose dismissal is from thee,²⁶ thus excluding a runaway and one who is freed by deduction from the purchase price, whose dismissal is not from thee.²⁷ R. Meir said: A runaway is not furnished with a gift, since his dismissal is not from thee: but one who is freed by deduction from the purchase price, whose dismissal is from thee,²⁸ [is presented with a gift]. A runaway? But he must complete [his term]?²⁹ For it was taught: How do we know that a runaway is bound to complete [his term]? From the verse, six years he shall serve.³⁰

(1) [They serve as evidence whenever they appear after a certain age, but not if they appear before.]

(2) The normal evidence of puberty.

(3) But not signs of puberty; hair grows out of a mole.

(4) All the time, and not falling out.

(5) Of puberty. But had they fallen out, he too admits that it is only a mole.

(6) Even if they subsequently fall out.

(7) R. Shesheth assumes that the four are: (i) one who is freed on the expiration of six years; (ii) by jubilee; (iii) he whose ear was bored, freed by his master's death; and (iv) a Hebrew bondmaid freed by 'signs.'

(8) Resh Lakish's ruling.

(9) Which shews that the number is exact.

(10) If it comes before the end of six years.

(11) That the master's death is taught, as originally assumed.

(12) (i) Her master's death; (ii) six years; (iii) jubilee, and (iv) 'signs.'

(13) Which indicates only those.

(14) Having attained puberty, she is not really the same person who was sold.

(15) Surely not.

- (16) I.e., the gifts with which he is sent away at the end of six years.
- (17) Involved in her finding.
- (18) Her father still being alive — then the gift belongs to her father.
- (19) Which supports Resh Lakish.
- (20) Though it would have belonged to her father, had he lived, he does not transmit it as a legacy to his sons, her brothers.
- (21) Lev. XXV, 46.
- (22) 'A mountain out of a molehill': the yod, being only a small letter, has grown into a whole town! The Tanna has swelled his Baraitha by the inclusion of superfluous matter.
- (23) Deut. XV, 14.
- (24) The gift must not be passed on to the slave's creditor, and that is the Baraitha's teaching.
- (25) Ibid. 12, 13 ; the repetition teaches that whatever the cause of his freedom, he must be furnished with a gift.
- (26) I.e., with the master's good will.
- (27) Since the master is bound to accept a refund, even against his will.
- (28) So he regards it.
- (29) After which he should certainly receive a present.
- (30) Ex. XXI, 2; he must complete the period.

Talmud - Mas. Kiddushin 17a

I might think, even if he fell sick,¹ therefore, it is stated, and in the 'seventh he shall go outfree'! — R. Shesheth answered: The reference here is to one who escaped, and then jubilee supervened:² I might have thought, since jubilee would have emancipated him, we apply to him, 'his dismissal is from thee,' and do not punish but furnish him with a gift. Therefore we are informed [that it is not so].

The Master said: 'I might think, even if he fell sick, therefore it is stated: "and in the seventh he shall go out free ". 'Even if he was sick the whole of the six [years]? But it was taught: If he was sick three years and served three years, he is not bound to complete [his term]; but if he was ill the whole of the six years, he is bound to make it up! — R. Shesheth replied: This means that he was able to perform needle-work.³

This is self-contradictory. You say: 'If he was sick three years and served three years, he is not bound to complete [his term]': which implies, if four years he must complete [it]. Then consider the second clause: 'but if he was ill the whole of the six years, he is bound to make it up' — implying, if [only] four, he is not? — This is its meaning:⁴ if he was four years ill, it is accounted as though he were indisposed the whole of the six years, and he must make it up.

Our Rabbis taught: With how much is he [the freed slave] presented? With five sela's [worth] of each kind,⁵ which is fifteen sela's in all: this is R. Meir's view. R. Judah maintained: Thirty, as the thirty [paid] for a [heathen] slave.⁶ R. Simeon said: Fifty, as the fifty of 'arakin.⁷

The master said: 'With five sela's [worth] of each kind, which is fifteen sela's: this is R. Meir's view.' Does then R. Meir come to teach us arithmetic? — He tells us this: He may not indeed diminish his total, but if he gives him less of one kind and more of another, we have no objection. What is R. Meir's reason? — He learns the meaning of 'empty' from a firstborn:⁸ just as there, five sela's is meant, so here too five sela's is meant. Then perhaps five sela's in all? — Were 'empty' written at the end [of the verse],⁹ [it would be] as you say. Now, however, that 'empty' is written at the beginning,¹⁰ apply [the word] 'empty' to 'flock', 'threshing-floor,' and 'wine-press' individually. But let us learn the meaning of 'empty' from the pilgrimage burnt-offering?¹¹ — Scripture saith, as the Lord thy God hath blessed thee [thou shalt give unto him].¹²

'R. Judah maintained: Thirty, as the thirty [paid] for a [heathen] slave.' What is R. Judah's reason? — He learns the meaning of 'giving' from a slave:¹³ just as there, thirty is meant, so here too, thirty is meant. But let us learn the meaning of 'giving', from 'arakin:¹⁴ just as there, fifty, so here too, fifty? — Firstly, because if you seize much, you cannot hold; if you seize little, you can hold,¹⁵ moreover, one should rather deduce slave from slave. 'R. Simeon said: Fifty, as the fifty of 'arakin.' What is R. Simeon's reason? — He learns the meaning of 'giving' from 'arakin: just as there, fifty, so here too, fifty. But perhaps [the comparison is] with the least [sum] of 'arakin?¹⁶ — It is written, as the Lord thy God hath blessed thee.¹⁷ But let us learn the meaning of 'giving' from a slave: just as there, thirty, so here too thirty: [for] firstly, if you seize much, you cannot hold; if you seize little, you can hold; and moreover, one should rather deduce slave from slave? — R. Simeon deduces 'poverty' from 'poverty'.¹⁸

Now, as for R. Meir, it is well: for that reason¹⁹ 'flocks, threshing floor' and 'wine.press' are [specifically] stated. But on the views of R. Judah and R. Simeon, why are these necessary?²⁰ — They are necessary, even as it was taught: I might think that the gift can be made only of flocks, the threshing-floor, and the wine-press: how do I know that all things are included? From the verse: 'as [i.e., with whatever] the Lord thy God hath blessed thee thou shalt give unto him'. If so, why state 'flocks, threshing-floor, and wine-press'? To inform you: just as these are distinguished in that they

fall within the scope of 'blessing', so must everything [given to the slave] fall within the scope of 'blessing', thus excluding cash money:²¹ this is R. Simeon's view. R. Eliezer b. Jacob said: excluding mules.²² And R. Simeon?²³ — Mules are themselves capable of improvement. And R. Eliezer b. Jacob?²⁴ — One can engage in business with money.²⁵ Now, they are [all] necessary. For had Scripture mentioned 'flocks', I would have thought, only livestock [may be given], but not agricultural produce: [therefore] Scripture wrote 'threshing-floor'. And had it written 'threshing-floor', I would have said, only agricultural produce; [therefore] Scripture wrote 'threshing-floor'. And had it written 'threshing-floor', I would have said, only agricultural produce, but not livestock: hence Scripture wrote 'flocks'. Why do I need 'wine-press'?

-
- (1) During the period, he is bound to make up for it after the six years.
 - (2) Immediately — say, a day after.
 - (3) I.e., light work — then he is not bound to complete his term. — Krauss, T.A. 1, 159 translates: Schneiderhandwerk, hand tailoring.
 - (4) Of the second clause.
 - (5) Viz., 'out of thy flock, and out of thy threshing floor (i.e., grain), and out of thy winepress' — Deut. XV, 14.
 - (6) Killed by an ox, v. Ex. XXI, 32.
 - (7) V. Glos. If one vows his own worth to the Temple. he must pay according to a fixed scale, which in the case of an adult man is fifty sela's; Lev. XXVII, 3.
 - (8) Here: thou shalt not let him go empty — Deut. XV, 13 ; firstborn; All the firstborn of thy sons thou shalt redeem. And none shall appear before me empty — Ex. XXXIV, 20. A firstborn is redeemed with five shekels — Num. XVIII, 16.
 - (9) 'Thou shalt furnish . . . thy wine-press; and thou shalt not let him go empty.
 - (10) Before the enumeration of the three kinds.
 - (11) Lit., 'the burnt offering of appearing' cf. Ex. XXIII, 14, 15: Three times thou shalt keep a feast unto me in the year . . . and none shall appear before me empty. This is interpreted in Hag. 2a and 6a that a burnt-offering must be brought, the minimum value of which must be either two silver ma'ahs or one silver ma'ah according to Beth Shammai and Beth Hillel respectively. Why then not assume the same here?
 - (12) Deut. XV, 14; hence the deduction of the larger sum from the firstborn.
 - (13) Here: thou shalt give unto him; slave: If the ox gore a manservant or a maidservant, he shall give unto that master thirty shekels of silver — Ex. XXI, 32.
 - (14) Actually, 'giving' is not mentioned in the whole passage on 'arakin (Lev. XXVII, 1-8). It is probable, however, that the Talmud here relies on a Baraitha in Hul. 139a, which states that the verse, then he shall give thine estimation in that day, as a holy thing unto the Lord (v. 23) refers to the valuation of man, notwithstanding that the section as a whole (vv. 22f) deals with the sanctification of fields (S. Strashun).
 - (15) I.e., given a choice of two deductions, select that which gives the smaller number.
 - (16) Five shekels, Lev. XXVII, 6.
 - (17) V. p. 75, n. 5.
 - (18) [Or, 'he learnt on tradition (from his teacher; the deduction of) 'arakin 'poverty" (from) 'poverty" 'it being the rule that no one may draw a conclusion from a qezerah shawah on one's own authority, v. Pes. 66a and Rashi.] Not 'giving' from 'giving'. — Slave: and if thy brother be waxen poor with thee, and sell himself unto thee — Lev. XXV, 39: 'arakin: but if he be poorer than thy estimation etc., — ibid. XXVII, 8. Hence the two passages illumine each other, and shew that a slave's gift is fifty sela's.
 - (19) Sc. the deduction of 'empty' should be applied to each kind separately.
 - (20) Since the sum is learnt from elsewhere, while the gift need not be of these three in particular, as stated in the following Baraitha.
 - (21) These may be blessed by God in respect of natural increase. But money has no natural increase.
 - (22) Which were considered unproductive; cf. Meg. 13 b, Gen. Rab.41 ; the mule was held to be a hybrid. cf. Pes. 54a: Adam took two animals (of different kinds) . . . and from them 'came forth a mule': v. Lewysohn, Zoologie, p. 144.
 - (23) Why does he not exclude mules?
 - (24) Why does he not exclude money?
 - (25) And it is thus capable of a blessing.

Talmud - Mas. Kiddushin 17b

— According to one Master, to exclude money; according to the other, to exclude mules.

Our Rabbis taught : ‘As the Lord thy God hath blessed thee’: I might think, if the house was blessed on his account ‘a gift is made to him; but if the house was not blessed on his account, no gift is made to him; therefore Scripture states, thou shalt surely furnish him [etc.], teaching, in all cases.¹ If so, what is intimated by ‘as [the Lord thy God] hath blessed thee’? Give him according to thy blessing.² R. Eleazar b. Azariah said: The matter is as it is written: if the house was blessed on his account, a gift is made to him; if the house was not blessed on his account, no gift is made to him. If so, what is intimated by ‘thou shalt surely furnish him’? The Torah employed human idiom.³

Our Rabbis taught: A Hebrew male slave serves [his master's] son, but does not serve [his] daughter;⁴ a Hebrew female slave serves neither son nor daughter; one who was bored, or is sold to a heathen, serves neither son nor daughter. The Master said: ‘A Hebrew male slave serves [his master's] son, but not [his] daughter.’ How do we know this? — For our Rabbis taught: [If thy brother . . . be sold unto thee,] he shall serve thee six years⁵ — thee, but not thine heir’.⁶ You say: ‘thee, but not thine heir’: yet perhaps it is not so, but ‘thee, but not thy son’? When it is said, six years he shall serve,⁷ the son is included;⁸ then how am I to interpret,⁹ he shall serve thee six years? Thee, but not thine heir. Why do you choose¹⁰ to include the son and exclude the brother? I include the son, because he arises in his father's place to designate her,¹¹ and in respect of an ancestral field.¹² On the contrary, I should include the brother, since he takes his brother's place for yibum?¹³ Is there yibum excepting in the absence of a son? but if there is a son, there is no yibum. Now it is only because there is this refutation; but otherwise, the brother would be preferable? Yet it [the reverse] may be inferred from the fact that here [in the case of a son] there are two [points in his favour], whereas there, only one? — [The preference for a son in respect of] an ancestral field is likewise inferred from this same refutation: is there yibum excepting in the absence of a son?¹⁴

‘A Hebrew female slave serves neither son nor daughter.’ Whence do we know this? — Said R. Papa, Because Scripture writes, [And . . . if he say unto thee, I will not go out from thee . . . then thou shalt take an awl, and thrust it through his ear . . .] and also unto thy bondwoman thou shalt do likewise:¹⁵ thus Scripture assimilated her to one who is bored. Just as the latter serves neither son nor daughter, so the former too serves neither son nor daughter. Now this [verse,] ‘and also unto thy bondwoman thou shalt do likewise’ — does it come to teach this? But it is required for what was taught: And also unto thy bondwoman thou shalt do likewise — i.e., furnish [her with] a gift. You say, furnish a gift; yet perhaps it is not so, but in respect to boring? When it is stated: But if the manservant shall plainly say,¹⁶ boring is already dealt with:¹⁷ how then do I interpret¹⁸ and also unto thy bondwoman thou shalt do likewise? In respect of a gift! If so,¹⁹ Scripture should write, ‘and also unto thy bondwoman likewise;²⁰ why state, ‘thou shalt do’? [Hence] both may be inferred.

‘One who was bored, or is sold to a heathen, serves neither son nor daughter.’ One who was bored, for it is written, and his master shall bore his ear through with an awl: and he shall serve him for ever,²¹ — but neither son nor daughter. Whence do we know it of one who is sold to a heathen? — Said Hezekiah, because Scripture writes, And he shall reckon with his purchaser²² — but not with his purchaser's heirs. Raba said: By Biblical law, a heathen is his father's heir, for it is said: ‘and he shall reckon with his purchaser’, [implying,] but not with his purchaser's heirs, whence it follows that he has heirs. [But the succession of] a proselyte [to the estate of] a heathen is not in accordance with Biblical law but by the law of the Soferim.²³ For we learnt: If a proselyte and a heathen succeed their father, a heathen: the proselyte may say to the heathen, ‘You take the idols, I [will take] money’; ‘you take the wine of libation²⁴ and I will take fruit.’ But once they²⁵ have come into the proselyte's possession, this [exchange] is forbidden.²⁶ Now, should you think that [the proselyte

succeeds] by Biblical law, even if they have not yet come into his possession, when he takes [the money or the produce], he takes something in exchange for an idol!²⁷ Hence it [his succession] is [only] by Rabbinical law, the Rabbis having enacted a preventive measure, lest he return to his evil ways.²⁸ It has been taught likewise: When was this said? If they inherited [the property]. But if they went into partnership,²⁹ it is forbidden.³⁰ A heathen [succeeds] a proselyte, or a proselyte [succeeds] a proselyte, neither by Biblical law nor by the law of the Soferim. For we learnt:³¹ If a man borrows money from a proselyte whose children were converted together with him, he must not return it to his children,³² and if he does, the spirit of the Sages is not pleased with him. But it was taught:³³ The spirit of the Sages is pleased with him? — There is no difficulty. The former refers to where his [sc. the child's] conception and birth were not In sanctity:³⁴

-
- (1) Expressed by the emphasis in the doubling of the verb (translated here, 'surely'; E.V. 'liberally').
- (2) Rashi: the amounts stated above are the minimum, but should be increased proportionately to the blessing received.
- (3) Where this repetition of the verb is quite common, and has no particular significance, v. B.M. 31b.
- (4) If the master died within the six years, leaving one of these as his heir.
- (5) Deut. XV, 12.
- (6) Other than the son.
- (7) Ex. XXI, 2.
- (8) Lit., 'stated,' since 'thee' is not mentioned.
- (9) Lit., 'fulfil'.
- (10) Lit., 'see'.
- (11) Sc. a female slave, as his wife; v. p. 45, n. 9.
- (12) If one sanctifies an ancestral field, he can redeem it at a fixed rate, proportionate to its area, after which it belongs to him for good. If he does not redeem it, the Temple treasurer sells it, and it belongs to the purchaser until jubilee, when it becomes the property of the priests. But if the sanctifier's son redeems it, it is as though he himself does so, and it remains his for good.
- (13) V. Glos.
- (14) But it is not explicitly stated. For fuller notes, v. B.B. (Sonc. ed.) pp. 449ff.
- (15) Deut. XV, 16f.
- (16) Ex. XXI, 5.
- (17) I.e., manservant excludes maidservant.
- (18) Lit., 'fulfil'.
- (19) That the only purpose of the verse is as stated before.
- (20) Which would suffice for the analogy.
- (21) Ex. XXI, 6.
- (22) Lev. XXV, 50; the verse treats of redeeming a Jewish slave from a heathen owner.
- (23) Lit., 'scribes,' the designation of the early body of teachers beginning with Ezra and ending with Simeon the Just, though sometimes it would appear to apply to later Talmudists too; e.g., in R.H. 19a. The Rabbis derive the word from *safar*, to count: hence the body who counted the letters of the Torah or grouped subjects by number; e.g., four chief causes of damage, thirty-nine principal modes of labour forbidden on the Sabbath (infra 30a; Sanh. 106b). Weiss, Dor, I, 50, maintains that they were so called on account of their skilled calligraphy; and also, because they taught from a scroll (*sefer*). This body has been identified with the Men of the Great Synagogue (Z. Frankel, *Darke ha-Mishnah*, p. 8; N. Krochmal, *More Nebuke ha-Zeman*, ch. X, 186). Weiss op. cit. p. 58 maintains that they were separate bodies, though their objects were alike. The Soferim were the theoretical scholars who interpreted the law; the Men of the Great Synagogue were the practical legislators.
- (24) Wine handled by a Gentile, so called as he might have dedicated the wine for a libation to a heathen deity.
- (25) Sc. the idols or the wine.
- (26) Because one may not benefit from these in any way.
- (27) For if he inherits by Biblical law, he automatically has a half-share in everything, whether he has taken possession or not.
- (28) For the sake of the estate. — The reason that he cannot succeed by Biblical law is that 'a proselyte is as a new-born babe,' who has no kinship whatsoever with any of his pre-conversion relations.

(29) In a business, or in property, among which were idols and forbidden wine.

(30) Which proves that he does not inherit by Biblical law, for in that case it would be partnership.

(31) [This is no Mishnah, hence Var. lec. 'it has been taught'.]

(32) Because they are not his heirs.

(33) [This is a Mishnah, Sheb. X, 9, hence Var. lec., 'we learnt'.]

(34) I.e., before the father's conversion. If the debtor returns the money to his child, he ipso facto recognises him as heir against the desire of the Rabbis, who held that there is absolutely no relationship between them.

Talmud - Mas. Kiddushin 18a

the latter to where his conception was not In sanctity, but his birth was.¹ R. Hiyya b. Abin said in R. Johanan's name: A heathen succeeds his father by Biblical law, since it is written, because I have given Mount Seir unto Esau for an inheritance.² Yet perhaps an apostate Israelite is different?³ — But [it follows] from this: Because I have given Are unto the children of Lot as a heritage.⁴ Now, R. Hiyya b. Abin, why does he not agree with Raba? — Is it then written: 'And he shall reckon with his purchaser' but not with his purchaser's heirs! And Raba, why does he not agree with R. Hiyya b. Abin? — There it is different, [it being] on account of Abraham's honour.⁵

Our Rabbis taught: A Hebrew bondman has features which a Hebrew bondwoman lacks, and there are features in a Hebrew bondwoman which a Hebrew bondman lacks. A Hebrew bondman has [these] features, viz.: he goes out [free] through [the passage of six] years, by jubilee, and by his master's death, which is not so in the case of a Hebrew bondwoman. And a Hebrew bondwoman has [these] features, viz.: a Hebrew bondwoman goes out by 'signs', she cannot be sold and re-sold, and is redeemed against her will, which is not so in the case of a Hebrew bondman.

The Master said: 'A Hebrew bondman has features which a Hebrew bondwoman lacks.' But the following contradicts this: A HEBREW MAIDSERVANT IS MORE [PRIVILEGED] THAN HE, IN THAT SHE ACQUIRES HERSELF BY 'SIGNS'!⁶ — Said R. Shesheth: E.g., if he designated her [as his wife].⁷ 'He designated her?' But that is obvious: she needs a divorce! — I might have thought, The regulations⁸ are not annulled in her case. Hence we are informed otherwise. If so, why does she go out free by 'signs'? — This is its meaning: If he [her master] did not designate her, she goes out free by 'signs' too.

'And she cannot be sold and re-sold.' Hence it follows that a Hebrew male slave may be sold and re-sold. But it was taught: [If he have nothing, then he shall be sold] for his theft,⁹ but not for his double repayment;¹⁰ 'for his theft,' but not for his refuted testimony;¹¹ for his theft': having been sold once, he may not be sold again! — Said Raba: There is no difficulty: the latter refers to one theft, the former to two thefts. Abaye demurred: 'for his theft' may imply even many thefts!¹² But, said Abaye, there is no difficulty; the latter refers to one man, the former to two men.¹³

Our Rabbis taught: If his theft was thousand [zuz], and he was [only] worth five hundred, he is sold and then sold again.¹⁴ If his theft was five hundred, whereas he is worth thousand, he is not sold at all. R. Eliezer said: If his theft corresponded to his purchase price,¹⁵ he is sold; if not, he is not sold. Raba said: In this matter R. Eliezer triumphed over the Rabbis. For why is it different if his theft was five hundred and he was worth thousand, that he is not sold: because Scripture said: 'then he shall be sold' — all of him, but not half? Then here too,¹⁶ Scripture ordered, 'he shall be sold for his theft,' but not for half his theft.

'And is redeemed against his will.' Raba thought to interpret: against the master's will. Said Abaye to him: How so — that a bond is drawn up for him for her value? But why:¹⁷ he holds a pearl in his hand — shall we give him a shard?¹⁸ But, said Abaye, against her father's will,¹⁹ on account of the family disgrace. If so, in the case of a Hebrew bondman too, let the members of his family [be forced

to redeem him] on account of the family disgrace? — Then he will go and sell himself again. Then here too, he [the father] will go and sell her again? — Was it not taught: She cannot be sold and then sold again? And this agrees with R. Simeon. For it was taught: A man may sell his daughter for marital relationship, and then repeat it;²⁰ for servitude, and then repeat it,²¹ for marriage after servitude,²² but not for servitude after marriage. R. Simeon said: Just as a man cannot sell his daughter for servitude after marriage, so a man cannot sell his daughter for servitude after servitude. Now this enters into the dispute of the following Tannaim. For it was taught: [To sell her unto a strange people he shall have no power], seeing he hath dealt deceitfully with her [be-bigedo bah]:²³

(1) Then the Rabbis are pleased that he returns it (Rashi).

(2) Deut. II, 5.

(3) Esau having been such. — Though all people, including Abraham and his descendants, were accounted as Noachides until the Revelation, and thus not subject to Jewish law (cf. Sanh. p. 384, n. 6), it would appear that this was not held to apply to inheritance, probably because Palestine itself was given to the Jews as a heritage from Abraham.

(4) Deut. II, 9.

(5) For that reason the descendants of Lot, Abraham's nephew, were given the privilege of inheritance.

(6) 'More privileged' implies that 'signs' are additional.

(7) Then she is not freed by these.

(8) Relating to a Hebrew bondwoman.

(9) Ex. XXII, 2.

(10) A convicted thief had to repay double; *ibid.* 3.

(11) Lit., 'his scheming.' If one preferred a false charge, he was punished with the same penalty that he had sought to impose; v. Deut. XIX, 19. But if he falsely testified to theft, though he thereby sought to have the accused sold as a slave, if he could not make restitution, he is nevertheless not sold himself.

(12) 'Theft' being understood generically.

(13) If he robs one man, even twice, and is charged with both thefts simultaneously, he can only be sold once. But if he robs two men, each of whom sues him at court at different times, he may be sold twice. Tosaf. reverses it.

(14) This is the reading of *curr. edd.* The Wilna Gaon and Maim. read: he is sold but not sold again. This is preferable, and agrees with the previous statements.

(15) Being neither more nor less.

(16) If his theft was thousand and he is worth five hundred.

(17) Must he accept it?

(18) With a double meaning: he holds something of value, must he accept something valueless; also, must he accept the shard on which such a bond may be written?

(19) If he can afford it, he is forced to redeem her (Rashi). Tosaf.: the family is compelled to redeem her against her father's desire, who may not wish to have her back at home and to keep her.

(20) One may accept *kiddushin* on behalf of his daughter, a minor: and if she is widowed or divorced while an *arusah* (q.v. *Glos.*) he can do so again, on each occasion the money of *kiddushin* belonging to himself.

(21) If she became free through six years, jubilee, or her master's death, and is still a minor (*ketannah*).

(22) Having been freed from servitude, she can then be given in marriage.

(23) Ex. XXI, 8.

Talmud - Mas. Kiddushin 18b

once he spread his cloak over her,¹ he can no longer sell her: this is R. Akiba's view.² R. Eliezer said: seeing he hath dealt deceitfully with her — having dealt deceitfully with her,³ he may not sell her [again]. Wherein do they differ? R. Eliezer maintains: the traditional text [i.e., letters without vowels] is authoritative;⁴ R. Akiba maintains: the text as read is authoritative; whereas R. Simeon holds: both the traditional text and the vocalization are authoritative.⁵

Rabbah b. Abbuha propounded: Does designation⁶ effect *nissu'in* or *erusin*? The difference is in respect of inheriting her property, defiling himself on her account, and annulling her vows.⁷ What is

the law? — Come and hear: ‘Seeing that he hath dealt deceitfully with her [be-bigedo bah]: once he spread his cloak over her, he can no longer sell her’. Thus, he merely may not sell her, yet may indeed designate her.⁸ But if you say, it effects nissu'in, once she was married,⁹ her father has no more authority over her. Hence we may surely infer that it effects erusin. R. Nahman b. Isaac said: The reference here is to kiddushin in general,¹⁰ and this is its meaning: Once her father delivers her to one who becomes responsible for ‘her food, raiment and conjugal rights,’¹¹ he may no longer sell her.

Come and hear: He [the father] may not sell her to relations.¹² On the authority of R. Eliezer it was said: He may sell her to relations. And both agree that he may sell her, if a widow, to a High Priest, and if divorced, or a haluzah,¹³ to a common priest.¹⁴ Now [as to] this widow, how is it meant? Shall we say, that she accepted kiddushin for herself: can she be called a widow!¹⁵ Then It means that her father betrothed her — but a man cannot sell his daughter for servitude after marriage! And thereon R. Amram said in R. Isaac's name: The reference here is to the kiddushin of designation,¹⁶ and [was taught] according to R. Jose son of R. Judah, who maintained: The original money was not given as kiddushin.¹⁷ But if you say: It effects nissu'in: once she is married, her father no longer has any authority over her! — What then: it effects erusin? [Then how say,] ‘and both agree’ etc.; surely a man cannot sell his daughter to servitude after marriage! Then what can you answer: her own erusin differs from her father's?¹⁸ Then even if you say that it effects nissu'in: her own nissu'in differs from her father's. How now? As for erusin differing from erusin, that is well;¹⁹ but can nissu'in differ from nissu'in?²⁰

(1) I.e., given her in marriage; for this idiom cf. Ruth III, 9: spread therefore thy skirt over thy handmaid (i.e., take me in marriage).

(2) Deriving be-bigedo fr. beged, a garment.

(3) I.e., disgracefully, by selling her into slavery.

(4) V. Sanh. (Sonc. ed.) p. 4, n. 4.

(5) The traditional text is be-bagedo, seeing that he hath deceived, i.e., sold her; it is vocalised be-bigedo, with his garment, i.e., having married her.

(6) V. p. 45, n. 9.

(7) The heir of an arusah is her father; of a nesu'ah, her husband. A priest must (or may, v. Sotah 3a) defile himself on account of his deceased wife, if a nesu'ah, but not if an arusah. The vows of an arusah, if a na'arah (q.v. Glos.) can only be annulled by her husband and father jointly; those of a nesu'ah, by her husband alone.

(8) I.e., give her in marriage.

(9) I.e., with nissu'in.

(10) I.e., not a bondmaid's designation by her master.

(11) The phrasing is Biblical; cf. Ex. XXI, 10. I.e., once he accepted kiddushin on her behalf.

(12) Who cannot designate her on account of consanguinity.

(13) V. Glos.

(14) Though these too may not designate her: v. Lev. XXI, 7 (this was extended to a haluzah too) and 14. The betrothal of consanguineous relations is forbidden, and if performed, invalid; that of a High Priest to a widow, or a common priest to a divorced woman or a haluzah, is likewise forbidden, but if performed, valid. Hence the difference.

(15) Surely not, since her actions have no validity. — The reference in the whole passage is necessarily to a minor, for only then can he sell her.

(16) I.e., her father sold her, then her master designated her and died, leaving her a widow.

(17) When one buys a bondmaid, the money he pays is not for the purpose of betrothal; and when he designates her, it is by the labour she owes him, not by the money he has given. Therefore her father can resell her after her master's death, and it is not regarded as servitude after betrothal, since he himself did not accept the original money as kiddushin.

(18) When her father receives kiddushin on her behalf, he loses his authority to sell her subsequently. But when she herself receives it (as explained p. 84, n. 10, that she is betrothed in virtue of the labour she owes her master), and thus receive the kiddushin — viz., the renunciation of her labour — herself, her father retains the right to sell her.

(19) For she does not altogether pass out of her father's control after erusin, e.g., in respect of inheritance and annulment

of vows (p. 83, n. 1). Therefore it may be said that he loses the right to sell her only after he himself accepts kiddushin, but not after she does so by means of designation.

(20) Since nissu'in completely frees her from her father's authority, it does not matter at whose instance it is effected.

Talmud - Mas. Kiddushin 19a

Now, according to R. Nahman b. Isaac, who maintained: Even on the view of R. Jose son of R. Judah, the original money was given for kiddushin,¹ how can he explain it? — He explains it as agreeing with R. Eliezer, who held: It is only for servitude after servitude that he may not sell her, but he can sell her to servitude after marriage.

Resh Lakish propounded: Can a man designate [his bondmaid] for his son, a minor? The All-Merciful said, his son,² — his son, whatever his state; or perhaps, 'his son' must be similar to himself: just as he is an adult, so must his son be an adult?³ — Said R. Zera, Come and hear: [And a man that committeth adultery with another man's wife]:⁴ 'a man' excludes a minor; 'that committeth adultery with another man's wife' excludes the wife of a minor. But if you say that he can designate, if so, we find matrimonial relationship in the case of a minor.⁵ What then: he cannot designate? Why does Scripture exclude it?⁶ [Then on the contrary] solve [the problem] from this that he can designate!⁷ — Said R. Ashi: The reference here is to a yabam, aged nine years and a day, who had intercourse with his yebamah, who is tied⁸ to him by Scriptural law.⁹ I might have thought, since she is tied to him by Biblical law and his intercourse is intercourse,¹⁰ he who has intercourse with her incurs the penalty for [adultery with] a married woman: hence we are informed [that it is not so].

What is our decision on the matter? — Come and hear: For R. Aibu said in R. Jannai's name: Designation can be performed only by an adult; designation is only by consent.¹¹ [Are these] two [statements]?¹² — He states the reason: What is the reason that designation can be performed only by an adult? Because designation is only by consent. Alternatively, what is the meaning of, 'by consent'? 'By her consent.' For Abaye son of R. Abbahu¹³ recited: [If she please not her master,] who hath not espoused her [ye'adah]: this teaches that he must inform her [that he intends to designate her].¹⁴ He recited it and he explained it: This refers to betrothal by designation, and is in accordance with R. Jose son of R. Judah, who maintained, The original money was not given as kiddushin.¹⁵ R. Nahman b. Isaac said: Even if you say that it was given as kiddushin,¹⁶ here it is different, because Scripture expressed [betrothal by the word] ye'adah.¹⁷

What is the reference to R. Jose son of R. Judah? — For it was taught: '[If she please not her master,] who hath espoused her to himself,¹⁸ then he shall let her be redeemed': [this teaches,] there must be sufficient time [left] of the day to necessitate redemption.¹⁹ Hence R. Jose son of R. Judah ruled: If there is sufficient time in that day for her to do work to the value of a perutah, she is betrothed. This proves that in his opinion the original money was not given as kiddushin.²⁰ R. Nahman b. Isaac said: You may even say that it was given as kiddushin, yet here it is different, since Scripture said: 'then he shall let her be redeemed.'²¹

Raba said in R. Nahman's name: A man can say to his daughter, a minor, 'Go forth and receive thy kiddushin.' [This follows] from R. Jose son of R. Judah['s dictum]. Did he not say: The original money was not given as kiddushin? Yet when he [the master] leaves her a perutah's worth [of her labour] it is kiddushin;²² [hence] here too It is not different.

Raba also said in R. Nahman's name, If a man betroths [a woman] with a debt upon which there is a pledge,²³ she is betrothed. [This follows] from R. Jose son of R. Judah['s dictum]: did he not say: The original money was not given as kiddushin? [Hence] this [her labour] is a loan,²⁴ and she herself is a pledge,

- (1) So that when her master designates her, her father is deemed to have received the kiddushin.
- (2) And if he espouse her unto his son — Ex. XXI, 9.
- (3) I.e., thirteen years and a day.
- (4) Lev. XX, 10.
- (5) Why then should the penalty for adultery — execution — not apply?
- (6) Since a minor cannot have a wife.
- (7) For that is the only way in which it is conceivable that a minor shall be married.
- (8) Lit., 'fit'.
- (9) And therefore he acquires her by intercourse, though normally a minor's action has no force. Nine years and a day is the minimum age at which a male's intercourse counts, i.e., can engender.
- (10) V. preceding note.
- (11) Of the man; the first half solves Resh Lakish's problem.
- (12) Actually, it is only one law: since the man's consent is necessary, it follows that he must be an adult, for a minor's consent is not recognised in law.
- (13) [The name occurs nowhere else. MS.M. has 'Abimi' in the place of 'Abaye'].
- (14) Connecting ye'adah with de'ah, knowledge, information. [MS.M. reads: לידעה instead of ליעדה cf. cur. edd.]
- (15) V. p. 84, n. 10; consequently, her father's consent is absent, and therefore he must inform her to obtain her consent (Rashi).
- (16) So that the father's consent is automatically given when he sells her; nevertheless she too must be informed, and her consent obtained.
- (17) Which has an affinity. with de'ah; v. n. 5.
- (18) The written text is lo tk, 'not'; but it is also read lo uk, 'to himself.'
- (19) If her master wishes to designate her on the very last day of her servitude, her labour still owing must be worth at least a perutah, so that she could be redeemed therefrom. Otherwise he cannot designate her.
- (20) For if it were, he could betroth her at any time within the six years.
- (21) Which shews that espousal and redemption are interdependent.
- (22) Thus, it is she, a minor, who actually receives the kiddushin, and it is valid because in the first place her father, by selling her, authorized her ipso facto to receive it.
- (23) And he betroths her by her pleasure at his remission of the debt, even if he does not actually return the pledge. The pledge referred to is one voluntarily given when the debt was contracted (Tosaf.). [Asheri: He betroths her with the debt itself (cf. supra p. 21, n. 9) and nevertheless where it is secured by a pledge it is not regarded as spent, and the betrothal is valid.]
- (24) I.e., she owes it to her master, as any other debt.

Talmud - Mas. Kiddushin 19b

yet when he [the master] leaves her a perutah's worth [of her labour] and designates [her therewith], it is kiddushin; so here too, It is not different.

Our Rabbis taught: How is the law of designation [carried out]? He [her master] declares to her in the presence of two people, 'Behold, thou art designated unto me,'¹ [or] 'Behold, thou art betrothed unto me,' [or] 'Behold, thou art become an arusah unto me: even at the end of the six [years],² even just before sunset. He must then treat her as a wife, not as a bondmaid. R. Jose son of R. Judah said: If there is sufficient time In that day for her to do work to the value of a perutah, she is betrothed; if not, she is not betrothed. This may be compared to a man who says to a woman, 'Be thou betrothed unto me from now and after thirty days,'³ and then another man comes and betroths her within the thirty days: [the law of designation teaches] that she is betrothed to the first. On whose view is this analogous? Shall we say, on R. Jose son of R. Judah's? But [he maintained:] If there is sufficient time in that day for her to do work to the value of a perutah, she is betrothed; if not, she is not betrothed!⁴ — Said R. Aha the son of Raba: It is analogous on the view of the Rabbis.⁵ But that is obvious?⁶ — I might have thought, But he [her master] did not say 'from now';⁷ hence we are informed [that it is not so].⁸

Another [Baraita] taught: If a man sells his daughter and then goes and betroths her to another man, her master is powerless,⁹ and she is betrothed to the second: this is R. Jose son of R. Judah's view. But the Sages maintain: If he wishes to designate her, he can do so. This may be compared to a man who declares to a woman, 'Behold, thou art betrothed unto me after thirty days,' and another man comes and betroths her within the thirty days, then she is betrothed to the second.¹⁰ On whose view is this analogous? Shall we say, on the Rabbis'? But they maintain: If he wishes to designate her, he can do so! — But, said R. Aha the son of Raba, it is analogous on the view of R. Jose son of R. Judah.¹¹ But that is obvious? — I might have argued, But he did not say to her, 'After thirty days';¹² hence we are informed otherwise.¹³

Another [Baraita] taught: If a man sells his daughter and stipulates, 'on condition that he [her master] shall not designate [her],' the condition is binding:¹⁴ this is R. Meir's opinion. But the Sages maintain: If he wishes to designate her, he can do so, because he [her father] has stipulated contrary to what is written in the Torah, and he who makes a stipulation contrary to what is decreed in the Torah, his stipulation is null. Does then R. Meir hold that this stipulation is valid? But it was taught: If a man says to a woman, 'Behold, thou art betrothed unto me on condition that thou hast no claims upon me of sustenance, raiment, and conjugal rights' — she is betrothed, but the condition is null: this is R. Meir's view. R. Judah said: In respect of financial matters,¹⁵ his condition is binding. — Said Hezekiah: Here it is different, because the Writ saith, [and if a man sell his daughter] to be a bondwoman:¹⁶ sometimes he can sell her to be only a bondwoman.¹⁷ And the Rabbis? How do they utilize this, 'to be a bondwoman'? — They employ it, even as was taught: 'To be a bondwoman': this teaches that he can sell her to unfit persons.¹⁸ But does this not follow a fortiori: if he can betroth her to unfit persons,¹⁹ shall he not sell her to unfit persons?²⁰ — As for betrothing her to unfit persons, that may be because a man can betroth his daughter as a na'arah: shall he then sell her to unfit persons, seeing that a man cannot sell his daughter as a na'arah?²¹ Therefore Scripture states: 'to be a bondmaid', teaching that he can sell her to unfit persons. R. Eliezer said: If it is to teach that he can sell her to unfit persons — behold, it was already said: 'if she displease her master [so that he hath not espoused her],' which means, she was displeasing in respect of marriage.²² What then is taught by, 'to be a bondwoman'? It teaches that he may sell her

(1) So Bah.

(2) On the very last day, but before she actually completes it.

(3) I.e., kiddushin begin at this moment, but are not completed until thirty days, as though it were a long ceremony requiring all this time.

(4) Which proves that kiddushin do not commence at the beginning of her servitude, but only at the last moment. Hence here too, kiddushin commence at the end of the thirty days, and therefore if another man betroths her in the meantime, she is betrothed to the second.

(5) Since they maintain that the designation takes effect even when she can no longer do a perutah's worth of work, it must have commenced as soon as she was sold: otherwise, what effects her betrothal now? Hence the same applies to this.

(6) That this analogy may be drawn, the cases being so alike.

(7) Therefore in the analogous case, even if he says: 'Thou art betrothed unto me after thirty days,' and another man betroths her within the thirty days, she is betrothed to the first.

(8) The above explanation follows Rashi. Tosaf. explains it quite differently: This may be compared etc. Hence here too, if another man betroths her before her master designates her, she is not betrothed to the second, and the subsequent designation of her master takes effect, because the original money was given for kiddushin. 'On whose . . . she is not betrothed': which proves that he must actually give her something (sc. her labour, which is worth a perutah) at the end, when he designates her; therefore another man's intervention is valid, and she is betrothed to the second. 'Said R. Aha . . . the Rabbis:' just as there, so here too, and the intervention of another man before the master's designation is not valid. The rest is similar to Rashi's explanation.

(9) Lit., 'he has laughed at the master.'

(10) Rashi and Tosaf. differ here as in the preceding passage.

(11) Rashi: just as her betrothal to the second is valid because her master did not designate her from the time he bought her, so here too. Tosaf. reverses the premise and the conclusion.

(12) Rashi: Her master did not state that he would designate her after a certain period, therefore the second man's betrothal is valid. But if one says: 'Be betrothed to me after thirty days,' I might have thought that she is betrothed to him, and the second man's betrothal is invalid. Tosaf.: her master did not state that he would designate her only after a certain period, and therefore I would have thought that the designation commences immediately, and the second man's betrothal is invalid.

(13) Rashi: Since Scripture empowered him to designate her as a result of the purchase, it is as though he had said that he would subsequently designate her; therefore the cases are entirely analogous. Tosaf.: Since he did not explicitly state, 'from now,' the designation commences only later; hence she is betrothed to the second.

(14) Lit., 'fulfilled'.

(15) Viz., sustenance and raiment.

(16) Ex. XXI, 7.

(17) Hence the stipulation is not contrary to Scripture.

(18) I.e., who are forbidden to intermarry with Jews of unblemished birth, e.g.. a bastard, to whom he can sell her only for servitude and not designation.

(19) I.e., if he betroths her to a bastard, though it is forbidden, the betrothal is valid.

(20) Surely he can; then why deduce it from Scripture? It might be argued that whereas such betrothal is valid only if performed, we desire to prove now that one may at the very outset sell his daughter to an unfit person, and this vitiates the argument. But this rebuttal is fallacious: it is logical to distinguish in marriage between what is permitted at the very outset and what is valid only if done in defiance of the law; but there are no grounds for drawing this distinction in respect to a sale, and if the sale is valid when done, there is no reason for saying that it is not permitted in the first place (Maharsha). S. Strashun explains it differently.

(21) But only as a ketannah (q.v. Glos.). Hence his power of betrothal is greater than that of sale.

(22) I.e., forbidden to her master.

Talmud - Mas. Kiddushin 20a

to [consanguineous] relations.¹ But does this not follow a fortiori: If he can sell her to unfit persons,² shall he not sell her to relations?³ As for selling her to unfit persons, that may be because if he⁴ wishes to designate her [in spite of the interdict] he can do so;⁵ shall he then sell her to [consanguineous] relations, seeing that if he wishes to designate her, he cannot? Therefore the Writ saith, 'to be a bondwoman,' teaching that he can sell her to relations. And R. Meir?⁶ — [That he can sell her] to unfit persons he deduces from the same verse from which R. Eliezer deduces it; and in the matter of relations he agrees with the Rabbis, who maintain: He may not sell her to relations.

One [Baraita] taught: He may sell her to his father, but may not sell her to his son. Another [Baraita] taught: He may sell her neither to his father nor to his son. As for saying: 'He may sell her neither to his father nor to his son,' that is well, agreeing with the Rabbis. But 'he may sell her to his father but may not sell her to his son' — with whom does this agree; neither with the Rabbis nor with R. Eliezer? — After all, it agrees with the Rabbis: they admit [that he can sell her] where there is a possibility⁷ of designation.⁸

Our Rabbis taught: If he come in by himself [be-gapo], he shall go out by himself [be-gappo]⁹ — he comes in with his [whole] body [be-gufo] and goes out with his [whole] body.¹⁰ R. Eliezer b. Jacob said: Having come in single, he goes out single. What is meant by 'he comes in with his [whole] body and goes out with his [whole] body'? — Said Raba: It means that he is not freed through [the loss of his] outstanding limbs, as a [heathen] slave. Abaye protested: But that is deduced from, 'she shall not go out as the bondmen do'?¹¹ — If from there, I would have thought, He must pay for his eye, and then he goes free;¹² hence we are informed [otherwise]. 'R. Eliezer b. Jacob said: Having come in single, he goes out single.' What is meant by 'he goes out single'? —

Said R. Nahman b. Isaac: This is meant: If he has a wife and children [when entering service], his master may give him a heathen¹³ bondmaid;¹⁴ if he has no wife and children, his master may not give him a heathen bondmaid.

Our Rabbis taught: If he was sold for a maneh, and appreciated [in value] and stood at two hundred [zuz], how do we know that he is assessed only at a maneh?¹⁵ — Because it is written, [He shall give back the price of his redemption] out of the money that he was bought for.¹⁶ If he was sold for two hundred and depreciated and stood at a maneh, how do we know that he is assessed only at a maneh? — Because it is written, according unto his years [shall he give back the price of his redemption].¹⁷ Now, I know this only of a slave sold to a heathen: since he may be redeemed by his kinsmen, his [the master's] hand is nethermost.¹⁸ How do we know it of one who is sold to a Israelite! — Because sakir [an hired servant] is stated twice, for the purpose of a gezerah shawah.¹⁹

Abaye said: Behold I am like Ben 'Azzai in the streets of Tiberias.²⁰ One of the scholars said to Abaye: Consider: these verses may be interpreted leniently and stringently: why do you choose to interpret them leniently [to the slave's advantage]; let us interpret them stringently?²¹ — You cannot think so, since the All-Merciful favoured²² him. For it was taught: Because he is well with thee:²³ he must be with [i.e., equal to] thee in food and drink, that thou shouldst not eat white bread and he black bread, thou drink old wine and he new wine, thou sleep on a feather bed and he on straw. Hence it was said: Whoever buys a Hebrew slave is like buying a master for himself. Yet perhaps that is only in respect to food and drink, that he should not be grieved, but in the matter of redemption, let us be stringent with him, [as follows] from R. Jose son of R. Hanina. For R. Jose son of R. Hanina said: Come and see how hard are the results²⁴ of [violating the provisions of] the seventh year. A man who trades in seventh year produce must eventually sell his movables, for it is said: In this year of jubilee ye shall return every man unto his possession,²⁵ and in juxtaposition thereto, and if thou sell aught 'into thy neighbour, or buy of thy neighbour's hand,²⁶ [which refers to] what is acquired from hand to hand.²⁷ If he disregards this,²⁸ he eventually sells his estates, for it is said: If thy brother be waxen poor, and sell some of his possession.²⁹ He has no opportunity [of amending his ways]³⁰ until he sells his house, for it is said: And if a man sell a dwelling house in a walled city.³¹ (Why state there 'if he disregards this,' but here, 'He has no opportunity'? — In accordance with R. Huna. For R. Huna said: Once a man has committed a transgression and repeated it, it is permitted to him. 'Permitted to him!' — can you think so? But say, it becomes to him as permitted.)³² It is not brought home to him³³ until he sells his daughter, for it is said, and if a man sell his daughter to be a bondwoman,³⁴ (and though [the sale of] his daughter is not mentioned in this section, yet he teaches us that one should [even] sell his daughter and not borrow on usury. What is the reason? — His daughter makes a deduction and goes free,³⁵ whereas this [his debt] waxes ever larger.)³⁶ it is not brought home to him until he borrows on interest, as it is written, and if thy brother be waxen poor, and his hand fail with thee,³⁷ in proximity to which [is stated,] Take thou no usury of him or increase.³⁸ It is not brought home to him until he sells himself, as it is said, and if thy brother be waxen poor with thee and sells himself unto thee.³⁹ And not even to thee, but to a proselyte, as it is said [and sell him — self] unto the proselyte.⁴⁰ And not even to a righteous proselyte,⁴¹ but to a resident alien,⁴² as it is said, or to the resident alien.⁴³ The family of a proselyte⁴⁴ means a heathen. When it is said: To the stock,⁴⁵

(1) Though designation is altogether impossible, for even if performed it is invalid.

(2) I.e., who are forbidden to all.

(3) Who are interdicted only to her.

(4) The master.

(5) I.e., his designation is valid.

(6) Since he utilizes 'to be a bondmaid' otherwise, how does he know these rulings?

(7) Lit., 'side'.

(8) His father can designate her for his son, her uncle. But his son can neither betroth her himself nor designate her for

his son.

(9) Ex. XXI, 3.

(10) Explained below.

(11) Ibid. 7, the same applying to the Hebrew bondman.

(12) Whereas a heathen slave is freed but not compensated.

(13) Lit., 'Canaanitish'.

(14) To beget slaves for him.

(15) For the purpose of redemption.

(16) Lev. XXV, 51.

(17) Ibid. 52; this implies, he must repay the value of the unexpired term, i.e., his depreciated worth.

(18) I.e., he is at a disadvantage, the lower value always being the basis for redemption.

(19) A slave sold to a Jew: as an hired servant (sakir) . . . he shall be with thee — ibid. 40; a slave sold to a heathen: according to the time of an hired servant (sakir) he shall be with him — Ibid. 50. The same word used in both sections denotes that the same law applies to both.

(20) Said humorously 'I am ready to face all comers!' Ben 'Azzai was the keen scholar, able to answer all questions; cf. Bek. 28a.

(21) Applying v. 51 to a case of depreciation, and v. 52 to appreciation, so that the slave is always assessed on his higher value.

(22) Lit., 'was lenient to'.

(23) Deut. XV, 16.

(24) Lit., 'dust'.

(25) Lev. XXV, 13: this concludes the sections on the seventh year and jubilee.

(26) Ibid. 14.

(27) I.e., movables, implying that the one is a punishment for transgressing the other.

(28) Lit., 'if he does not perceive' — that the enforced sale is a punishment.

(29) Ibid. 25; 'possession,' Heb. **פְּרִיָּה**, applies to land.

(30) Lit., 'it does not come to his hand.'

(31) Ibid. 29.

(32) Repetition of sin blunts the finer perception of right and wrong. — This is perhaps sin's greatest punishment; cf. Ab. (Sonc. ed.) p. 44: the punishment of transgression is transgression. Having violated the law of the seventh year so often, he ceases to regard it as an offence, and hence has no opportunity of amendment.

(33) Lit., 'it does not come to his hand.'

(34) Ex. XXI, 7.

(35) The more time elapses the less the obligation.

(36) Hence, since the chapter speaks about borrowing money, it is assumed that he had already sold his daughter.

(37) Lev. XXV, 35.

(38) Ibid. 36.

(39) Ibid. 39.

(40) Lev. XXV, 47.

(41) I.e., one who accepts all the laws of Judaism.

(42) One who accepts some laws of Judaism for the sake of certain rights.

(43) E.V.: sojourner.

(44) Ibid.

(45) Ibid.

Talmud - Mas. Kiddushin 20b

it refers to one who sells himself to the service of the idol itself!¹ — Said he to him: But there the Writ led him back.² For the School of R. Ishmael taught: Since this man went and became an acolyte in the service of idolatry, I might have said: Let us cast a stone after the fallen, therefore it is said, after that he is sold he shall be redeemed,' one of his brethren shall redeem him.³ Yet perhaps 'he shall be redeemed' so as not to be absorbed by the heathens, but in respect to redemption we should

be stringent with him, in accordance with R. Jose son of R. Haninah? — Said R. Nahman b. Isaac: Two verses are written: [i] if there be yet increases in the years;⁴ [ii] and if there remains but little in the years:⁵ are there then increased [i.e., prolonged] years and decreased [i.e., shortened] years?⁶ But [the meaning is:] if his value increases, [then his redemption shall be] out of the money that he was bought for; if his value decreases, [the basis of redemption is] according unto his years [yet remaining]. But perhaps the meaning is this: If he served two [years], four remaining, he must repay him for four years ‘out of the money that he was bought for’; while if he served four [years], two remaining, he must repay him for two, ‘according unto his years’?⁷ — If so, Scripture should write, If there be yet many years [shanim] . . . If there remain but few years [shanim]: why ‘in years’ [ba-shanim]? [To teach:] if his value increased in [these] years, [his redemption is] ‘out of the money that he was bought for’; if his value decreased in [these] years, [he is redeemed] ‘according unto his years’. Said R. Joseph: R. Nahman⁸ interpreted these verses as Sinai.⁹ (Mnemonic: Slave, House, Half, Slave, Relations.)¹⁰ R. Huna b. Hinena asked R. Shesheth: Can a Hebrew slave sold to a heathen be half redeemed, or can he not be half redeemed?¹¹ Do we learn the meaning of ‘his redemption’, from a field of possession:¹² just as a field of possession cannot be half redeemed,¹³ so he too cannot be half redeemed; or perhaps, we may interpret it in his favour,¹⁴ but not to his disadvantage?¹⁵ — He answered him: Did you not say there,¹⁶ he shall be sold entirely, but not half; hence here too, he shall be redeemed,¹⁷ entirely.

Abaye said: Should you rule that he can be half redeemed, it will be found [both] to his advantage and disadvantage. ‘To his advantage’: If he [the heathen] bought him for a hundred [zuz], and he [the slave] then refunded him fifty, half of his Value,¹⁸ then he appreciated and stood at two hundred: if you say that he can be half redeemed, he pays him [an additional] hundred¹⁹ and goes out [free]; but if you say, he cannot be half redeemed, he must pay him a hundred and fifty, and [then] go out.²⁰ But you said: ‘if his value increased, [his redemption is] out of the money that he was bought for’! — Suppose he was dear [when bought], then slumped, then rose again.²¹ ‘It will be found to his disadvantage’: If he bought him for two hundred [zuz], he [the slave] refunded a hundred, half of his value, and then slumped to a hundred. If you say, he can be half redeemed, he must pay him fifty and go out; but if you say that he cannot be half redeemed, then this hundred was a bailment in his [the master's] charge:²² hence he [the slave] gives it to him and goes out [free].

R. Huna b. Hinena asked R. Shesheth: If a man sells a house in a walled city,²³ can he half redeem it or not? Do we learn the meaning of ‘his redemption’ from a ‘field of possession’:²⁴ just as ‘a field of possession’ cannot be half redeemed, so this too cannot be half redeemed; or perhaps, where [Scripture] revealed it,²⁵ it revealed it; where not, it did not? — He answered him: From the exegesis of R. Simeon we learn that he can borrow and redeem, and redeem half. For it was taught: [And if a man shall sanctify unto the Lord part of the field of his possession.] And if he [that sanctified the field] will indeed redeem it:²⁶ this teaches that he can borrow and redeem, and redeem half.²⁷ Said R. Simeon: What is the reason? Because we find in the case of him who sells ‘a field of possession’, that [since] he has a great privilege, in that if jubilee comes and it has not been redeemed, it reverts to its owners, his rights are weakened in [so far] that he cannot borrow and redeem, and redeem half; hence he who sanctifies [‘a field of possession’] whose rights are impaired in that if jubilee comes and it has not been redeemed, it goes out to the priests at jubilee, [therefore] his privilege is strengthened in [so far] that he may borrow and redeem, and redeem half. Hence this one too, who sells a house in a walled city, since his rights are impaired so that if a complete year elapsed and it is not redeemed, it is absolutely [sold], therefore his privilege is strengthened in that he can borrow and redeem, and redeem half.

He raised an objection: ‘And if he will indeed redeem it’: this teaches that he may borrow and redeem, and redeem half. For I might have thought, does it [the reverse] not follow a minori: if he who sells ‘a field of possession’, whose privilege is great in that if jubilee comes and it has not been redeemed it reverts to its original owner, yet his power is impaired in that he cannot borrow and

redeem, and redeem half; then he who sanctifies, whose rights are impaired in that if jubilee comes and it has not been redeemed it goes out to the priests at jubilee, it surely follows that his rights are [also] impaired so that he cannot borrow and redeem, and redeem half. As for one who sells 'a field of possession', that is because his privilege is weak in that he [cannot] redeem it immediately;²⁸ will you say [the same] of one who sanctifies, whose privilege is strong, that he can redeem it immediately? Let one who sells a house in a walled city prove it, whose privilege is strong to redeem it immediately, and yet he cannot borrow and redeem, and redeem half!²⁹ — There is no difficulty:

-
- (1) E.g., to cut wood for its altar, etc., though not accepting it as a god. — Now, reverting to the original question: since he had to sell himself as a punishment for trading in seventh year produce, why should we not interpret the verse stringently, to his disadvantage?
- (2) To the compassion of his brethren.
- (3) Ibid. 48 — a lesson in tolerance.
- (4) Ibid. 51.
- (5) Ibid. 52. The translations here would seem to indicate the meanings of the verses as understood by R. Nahman.
- (6) The length of years does not vary!
- (7) The verse may not refer to a rise or fall in values, but be meant literally, as the E.V.
- (8) Cur. ed.: b. Isaac, but Rashal deletes it: in this case, it must be deleted in the previous passage. (Rashal points out that b. Isaac is omitted in some editions, but apart from that, his reason for deletion is not very cogent).
- (9) Very profoundly, as though he were present when they were first promulgated as Sinai.
- (10) A mnemonic is a group of letters or words, each being an abbreviation or the key word of a series of subjects, to facilitate their remembering.
- (11) Can he repay half his redemption money and serve only half the remainder of his term?
- (12) An ancestral field. Here: he shall give back the price of his redemption-Lev. XXV, 52, 'field of possession': and find sufficient for his redemption — ibid. 26.
- (13) And he find sufficient to redeem it, written in reference to an ancestral field, implies that the whole must be redeemed.
- (14) Lit., 'leniently'.
- (15) Lit., 'stringently'.
- (16) Supra 18a, q.v.
- (17) Ibid. 48.
- (18) Not yet having served at all.
- (19) Since he owes him his servitude for only half the time.
- (20) Since he owes him his service for the whole period, the fifty paid being in the nature of a deposit.
- (21) He was bought for two hundred, and then slumped to a hundred, whereupon the slave refunded fifty for half redemption, not yet having served at all, and then his value rose again to two hundred.
- (22) But actually belonging to the slave.
- (23) V. Lev. XXV, 29-33.
- (24) An inherited field: v. p. 95, n. 5; a house in a walled city, ibid. 29: for a full year shall be his redemption (E.V. shall he have the right of redemption).
- (25) That the whole must be redeemed.
- (26) Ibid. XXVII, 16, 19. 'Indeed' is expressed by the doubling of the verb.
- (27) Intimated by the emphasis on 'redeem'.
- (28) But must leave it at least two years with the vendees.
- (29) This last sentence contradicts R. Shesheth.

Talmud - Mas. Kiddushin 21a

the one agrees with the Rabbis, the other with R. Simeon.¹ One [Baraita] taught: He [who sells a house in a walled city] may borrow and redeem, and redeem half. Another taught: He may not borrow and redeem, nor redeem half. There is no difficulty: the latter agrees with the Rabbis, the former with R. Simeon.

(Mnemonic; Harash, Habash, Zeman.)² R. Aha, son of Raba, said to R. Ashi: It³ can be refuted: as for one who sells a house in a walled city, that⁴ is because his privilege is impaired, that he can never redeem it [any longer];⁵ will you say the same of him who sanctifies, whose privilege is great, that he can redeem it for ever?⁶ — R. Aha Saba [the Elder] remarked to R. Ashi: Because one can say: Let the argument revolve, and infer it by what is common [to both. Thus!] Let him who sells ‘a field of possession’ prove it, whose privilege is great, that he can redeem it for ever, and yet he may not borrow and redeem, or redeem half. As for him who sells ‘a field of possession’, that is because his rights are impaired, in that he [cannot] redeem it immediately. Then let one who sells a house in a walled city prove it.⁷ And thus the argument revolves: the feature of one is not that of the other. What is common to both [cases] is that they⁸ may be redeemed, and he [the vendor] cannot borrow and redeem, nor redeem half. So may I also adduce the case of one who sanctifies [an inherited field]: it may be redeemed, and he cannot borrow and redeem, nor redeem half. Mar Zutra son of R. Mari said to Rabina: This may be refuted. What is their common feature? That their privileges are impaired. for they [cannot] redeem it in the second year;⁹ will you say [the same] of him who sanctifies, seeing that his privilege is strong to redeem in the second year? — Rabina answered him: Because one may reply. Let a Hebrew slave sold to a heathen prove it: his rights are unimpaired. for he may be redeemed in the second year, and yet he cannot borrow and redeem, nor redeem by half.¹⁰

R. Huna b. Hinena propounded of R. Shesheth: If one sells a house in a walled city, can [the house] be redeemed by relations or not? Do we learn the meaning of ‘his redemption’ from ‘a field of possession’:¹¹ just as ‘a field of possession’ cannot be half redeemed, yet can be redeemed by relations,¹² so this too cannot be half redeemed, yet can be redeemed by relations; or perhaps, ‘redemption’ is written only in reference to half,¹³ but not in reference to relations? — It cannot be redeemed [by relations], answered he. He objected before him: And in all [the land of your possession] ye shall effect a redemption for the land:¹⁴ this is to include houses and Hebrew slaves.¹⁵ Surely that means houses in a walled city? — No. It means houses in villages. But of houses in villages it is explicitly stated, they shall be reckoned with the fields of the country?¹⁶ — That is to make an obligation,¹⁷ and is in accordance with R. Eliezer. For it was taught: [If thy brother be waxen poor, and sell some of his possessions, then shall his kinsman that is next unto him come,] and shall redeem that which his brother hath sold:¹⁸ that is an option.¹⁹ You say, an option: yet perhaps it is not so, but an obligation? Hence it is taught: And if a man have no kinsman.²⁰ But is there a man in Israel who has no kinsman?²¹ Hence it must refer to him who has [a kinsman,] who [however] refuses to repurchase it, [thus shewing] that he has [merely] an option. R. Eliezer said: ‘and he shall redeem that which his brother hath sold’ [implies] an obligation. You say, an obligation; yet perhaps it is not so, but an option? — Hence it is taught: and in all . . . ye shall effect a redemption.²² The Rabbis said to R. Ashi, or as others state, Rabina said to R. Ashi: On the view that it includes houses in walled cities, it is well,²³ but on the view that it includes houses in villages, why ‘in all’?²⁴ This is indeed a difficulty.

Abaye raised an objection before him: Why is ‘he shall redeem him,’ ‘he shall redeem him,’ ‘he shall redeem him,’ stated three times?²⁵ To include all cases of redemption, that they are to be redeemed in this order.²⁶ Surely that refers to houses in walled cities and Hebrew slaves? — No: to houses in villages and ‘fields of possession’. ‘Houses in villages and fields of possession!’ these are explicitly provided for, ‘they shall be reckoned with the fields of the country’? — It is as R. Nahman b. Isaac said [elsewhere], to teach that the nearer the relation, the greater his precedence; so here too, it is to shew that the nearer the relation, the greater is his precedence.²⁷ Whereon was R. Nahman’s dictum stated? — On what was propounded: Can a Hebrew slave sold to an Israelite be redeemed by kinsmen or not? On Rabbi’s view, that is no question, since he said: He who cannot be redeemed by these [sc. relations] can be redeemed by [the passage of] years,²⁸ thus proving that he cannot be redeemed. Our question is on the opinion of the Rabbis. What is the law? Do we infer ‘sakir’, ‘sakir’²⁹ and do not interpret [the emphasis of, one of his brethren] may redeem him;³⁰ or perhaps,

‘may redeem him’ implies him, but not another?³¹ — Come and hear:’ ‘In all . . . ye shall effect a redemption’: this is to include houses and Hebrew slaves. Surely that means houses in a walled city, and Hebrew slaves sold to Israelites? No; it means Hebrew slaves sold to heathens. But of a Hebrew slave sold to a heathen it is explicitly stated, or his uncle, or his uncle’s son, may redeem him?³² —

(1) R. Shesheth’s answer having been deduced from R. Simeon’s dictum. — R. Simeon holds that the reason of a Scriptural law must be sought, and when found it may modify it and provide a basis for other laws; but the Rabbis disagree. Hence R. Simeon argues that one’s very disabilities require compensating privileges, and finds this embodied in the laws of the sanctification of ‘a field of possession’, from which the same principles are applied to analogous cases. Whereas the Rabbis argue that when Scripture impairs one’s privileges in one direction they are weakened in all, a *minori*, the sanctification of an inherited field being explicitly excepted by Scripture.

(2) Harash — R.AHa son of Raba to R. Ashi; Habash = R.AHa Saba said to R. ASHi; Zeman = Mar Zutra son of R. Mari said to Rabina.

(3) The argument in the Baraita cited above that would derive the case of one who sanctifies from the sale of a house in a walled city.

(4) Sc. his inability to borrow and redeem, and redeem half.

(5) After the first year; Lev. XXV, 30.

(6) I.e., until jubilee, if the Temple Treasurer has not sold it in the meanwhile.

(7) He can redeem it immediately, and yet cannot borrow etc.

(8) The properties.

(9) One who sells an inherited field cannot redeem it before the third year; and the vendor of a house in a walled city cannot redeem it after the first year.

(10) As supra 20b.

(11) For the quotations v. p. 96, n. 3.

(12) Lev. XXV, 25.

(13) And find sufficient for his redemption (Lev. XXV, 26); ‘sufficient’ shews that the whole must be redeemed.

(14) Ibid. 24.

(15) That they can be redeemed by relations.

(16) Ibid. 31; i.e., the same law applies to them as to ‘a field of possession.

(17) Not only have the relations the right, but also the duty of redemption.

(18) Ibid. 25.

(19) Lit., ‘a permitted thing’.

(20) Ibid. 26.

(21) Every Jew must have relatives, if he goes back far enough.

(22) This emphasis — since it is already stated elsewhere — proves that redemption is a duty.

(23) Since redemption by relations is not mentioned there.

(24) Which implies even in those cases where it is not explicitly provided for.

(25) In reference to the redemption of a Jewish slave from a heathen master: Ibid. 48, 49.

(26) This is assumed to mean that in all cases where redemption is stated it may be by relatives.

(27) I.e., in the same order of priority as the kinsmen enumerated in Lev. XXV, 48, 49.

(28) Supra, 15b, q.v.

(29) V. p. 92, n. 5; hence he can be redeemed by kinsmen.

(30) Ibid. 48, referring to a Hebrew slave sold to a heathen.

(31) Sc. a Hebrew slave sold to an Israelite.

(32) Ibid. 49.

Talmud - Mas. Kiddushin 21b

That is to make it an obligation, and even on R. Joshua’s view.¹ Come and hear: Why is ‘he shall redeem him,’ ‘he shall redeem him,’ ‘he shall redeent him,’ stated three times? To include all cases of redemption, that they must be redeemed in this order. Surely that refers to houses in walled cities, and Hebrew slaves sold to Israelites? — No: to houses in villages and fields of possession. ‘Houses

in villages'! but there it is explicitly stated: 'they shall be reckoned with the fields of the country'? — Said R. Nahman b. Isaac: It is to teach, the nearer the kinsman, the greater his precedence. HE WHOSE EAR IS BORED IS ACQUIRED BY BORING. For it is written, then his master shall bore his ear through with an awl, etc.²

AND ACQUIRES HIMSELF BY JUBILEE OR BY HIS MASTER'S DEATH. For it is written: 'and he shall serve'² him — but not his son or daughter; for ever' — until the eternity of jubilee.³

Our Rabbis taught: '[With] an awl': I only know [that he can be bored with] an awl. Whence do I know to extend [the law to] a prick,⁴ thorn, needle, borer, or stylus? From the verse, then thou shalt take,⁵ which includes everything that may be taken by hand: this is the opinion of R. Jose son of R. Judah. Rabbi said: Just as an awl is specified, as being of metal, so must everything [used for this purpose] be of metal. Alternatively, [thou shalt take] the awl⁶ is to teach⁷ [that] the great awl [is meant].⁸ R. Eleazar said: Judan Berabbi⁹ used to expound: When it [his ear] was bored, only the lobe was bored. But the Sages maintained: A Hebrew slave, [who is] a priest, cannot be bored, as he is thereby blemished;¹⁰ and should you say that the lobe is bored, how is he thereby blemished?¹¹ Hence he was bored through the upper part of his ear. Wherein do they differ? — Rabbi interprets [by the method of] general propositions and particularizations.¹² [Thus:] 'Then thou shalt take' — this is a generalization;¹³ 'an awl' — this is a specification: 'through his ear unto the door' is again a generalization. Now [in a sequence of] generalization, specification and generalization, you can include¹⁴ only what is similar to the specification: just as the specification is explicit as of metal, so must everything [used for this purpose] be of metal. R. Jose interprets [by the method of] amplification and limitation.¹⁵ [Thus:] Then thou shalt take — this is an amplification;¹⁶ an awl — this is a limitation; . . . through his ear unto the door is again an amplification. [A sequence of] amplification, limitation and amplification extends [the law to] everything. What is included? All things. And what is excluded? Chemicals.¹⁷

The Master said: "'The awl" is to teach that the great awl [is meant].' How is this implied? — As Raba said: [Therefore the children of Israel eat not the sinew of the hip which is upon the hollow of] the thigh¹⁸ implies the right thigh;¹⁹ so here too, 'the awl' implies the most distinguished of awls.

'R. Eleazar said: Judan Berabbi used to expound: When it [his ear] was bored, only the lobe was bored. But the Sages maintained: A Hebrew slave [who is] a priest, cannot be bored, because he is thereby blemished.' Then let him be blemished! — Rabbah son of R. Shila said: Scripture saith, and he shall return unto his own family:²⁰ i.e., to the established rights of his family.²¹

The Scholars propounded: A Hebrew slave [who is] a priest — can his master give him a heathen bondwoman?²² Is it an anomaly,²³ and so there is no difference between priests and Israelites; or perhaps, priests are different, since the Writ imposes additional precepts upon them?²⁴ — Rab said: It is permitted; Samuel ruled: It is forbidden. R. Nahman said to R. 'Anan: When you were at Mar Samuel's academy you wasted your time in chess.²⁵ Why did you not refute him with this: 'But the Sages maintained: A Hebrew slave, a priest. cannot be bored, as he is thereby blemished.' Now if you say that his master cannot give him a heathen bondmaid, it²⁶ follows because we require [that he should say]. I love my master, my wife. and my children,²⁷ which is absent. Nothing more is possible.²⁸

The scholars propounded: May a priest take a 'a woman of goodly form'?²⁹ Is it an anomaly.³⁰ and so there is no difference between priests and Israelites: or perhaps. priests are different, since the Writ imposes additional precepts upon them? — Rab said: He is permitted; while Samuel maintained, He is forbidden. With respect to the first intercourse there is universal agreement that it is permitted, since the Torah only provided³¹ for man's evil passions;³² their dispute refers to the second intercourse. Rab ruled: It is permitted; and Samuel ruled, it is forbidden. Rab ruled: It is

permitted: since it was [once] allowed, it remains so. But Samuel said, it is forbidden; because she is a proselyte, and so ineligible to [marry] a priest. Others state, with respect to the second intercourse it is generally agreed that it is forbidden, since she is a proselyte. Their dispute refers to the first intercourse: Rab maintained, It is permitted, since the Torah only provided for man's evil passions. Whilst Samuel ruled: that it is forbidden: where one can read, then thou shalt bring her home to thine house,³³ we also read, and seest among the captives. [etc.];³⁴ but where we cannot read: 'Then thou shalt bring her home to thine house,' we do not read: 'and seest among the captives [etc.]'

Our Rabbis taught: 'And thou seest among the captives' — when taking her captive,³⁵ a woman — even married; 'of beautiful countenance' — the Torah only provided for human passions: it is better for Israel to eat flesh of

(1) Who maintained that the redemption of an inherited field by relations is merely a privilege.

(2) Ex. XXI, 6.

(3) V. supra 17b.

(4) I.e., a sharpened piece of wood.

(5) Deut. XV, 17, likewise referring to the boring of a slave.

(6) Lit., translation; E.V. disregards the def. art. of the text.

(7) Lit., 'bring'.

(8) This is explained below.

(9) Berobbi, Beribbi, a contraction of Be Rabbi, was a title of scholars, generally applied to disciples of R. Judah ha-Nasi (Rabbi par excellence) and his contemporaries, but also to some of his predecessors, and occasionally to the first Amoraim (Jast. s.v.); v. Nazir (Sonc. ed.) p. 64. n. 1.

(10) And unfit for service in the Temple.

(11) A hole in the lobe is not a blemish.

(12) In all cases such as the one under discussion Rabbi regards the verse as consisting of a generalization followed by a specification and then again by a generalization. In that case we say that the generalization includes only what is similar to the specification, as explained in the text.

(13) I.e., it implies anything that may be taken, as above.

(14) Lit., 'judge'.

(15) I.e., the general term is an amplification, extending the law to all things; the limitation that follows limits the law to such things as are similar to itself; hence these two alone are sufficient to arrive at the result deduced by Rabbi. Consequently, if a further amplification is added, it includes even dissimilar things, while the limitation can only exclude one or two things which are entirely unlike, v. Shebu. (Sonc. ed.) p. 12, n. 3.

(16) Extending the law to anything that may be taken.

(17) A chemical, e.g., an acid, may not be placed on the ear to burn it through.

(18) Gen. XXXII, 33.

(19) The def. art. implies the well-known, the most important, hence the right, which is the stronger side.

(20) Lev. XXV, 41.

(21) But if he is bored, he loses his established rights of officiating in the Temple.

(22) To produce slaves.

(23) That a heathen bondwoman may be given to any Hebrew slave.

(24) Hence they have a higher degree of sanctity.

(25) Lit., 'you played in chess'; Iskumdre (the 'Aruk reads: iskundre) Pers. iskodar, **; v. Perles, Etymologische Studien, p. 113. R. Han. translates: dog-racing. Krauss, T.A. III, 113 regards it as the dice (Wurfel) in various games of chance.

(26) The law that a Hebrew slave who is a priest is not bored.

(27) Ex. XXI, 5.

(28) This refutation is absolute.

(29) V. Deut. XXI, 11. A priest may not marry a proselyte: how is it here?

(30) Lit., 'a new,' unexpected law.

(31) Lit., 'spoke'.

(32) The permission to take a beautiful captive is a concession to human failings, which priests share equally with Israelites.

(33) Deut. XXI, 12, i.e., take her permanently.

(34) Ibid. 11; i.e., permission to satisfy one's lust.

(35) Permission is granted only if the woman was originally taken for lust, but not if she was taken for enslavement.

Talmud - Mas. Kiddushin 22a

[animals] about to die, yet [ritually] slaughtered, than flesh of dying animals which have perished;¹ 'and thou hast a desire' — even if she is not beautiful; 'unto her' — but not her and her companion;² 'and thou shalt take' — thou hast marriage rights³ over her;⁴ 'to thee to wife,' [teaching] that he must not take two women, one for himself and another for his father, or one for himself and another for his son: 'then thou shalt bring her home [to thine house].' teaching that he must not molest her on the [field of] battle.⁵

Our Rabbis taught: But if the servant shall plainly say,⁶ he must say and reiterate [it]. If he declares [thus] at the beginning of the sixth year. but not at the end, he is not bored, for it says. 'I will not go out free': [hence] he must say it when about to depart. If he says it at the end of the six[th year], but not at the beginning, he is not bored, for it is said: 'But If the slave shall plainly say': he must say it while still a slave.

The Master said: 'If he declared [thus] at the beginning of the six[th year] but not at the end, he is not bored, for it is said: I will not go out free; [hence] he must say it when about to depart.' Why choose [to learn this] from 'I will not go out free': deduce it because we require [that he shall say]. 'I love my master, my wife, and my children,' which is absent.⁷ Furthermore, 'if he says it at the end of the six[th year], but not at the beginning, he is not bored, for it is said . . . "the slave": is he then not a slave at the end of the sixth year?⁸ — Said Raba: [It means,] At the beginning of the last perutah['s worth of service], and at the end thereof.⁹

Our Rabbis taught: If he has a wife and children, but his master has no wife and children, he may not be bored, for it is said, because he loveth thee and thine house.¹⁰ If his master has a wife and children, but he has no wife and children, he may not be bored, for it is said: 'I love my master, my wife, and my children'. If he loves his master but his master does not love him, he may not be bored, for it is said: 'because he is well with thee.'¹¹ If his master loves him but he does not love his master,¹² he may not be bored, for it is said: 'because he loveth thee'. If he is an invalid but his master is no invalid, he may not be bored, for it is said, because he is well with thee.¹³ If his master is an invalid but he is no invalid, he may not be bored, for it is said, with thee.¹⁴

R. Bibi b. Abaye propounded: What if both are invalids? Do we require, 'with thee' [to be applicable], and it is; or perhaps we require, 'because he is well with thee,' which is absent? The question stands.

Our Rabbis taught: 'Because he is well with thee': he must be with [i.e., equal to] thee in food and drink, that thou shouldst not eat white bread and he black bread, thou drink old wine and he new wine, thou sleep on a feather bed and he on straw. Hence it was said: Whoever buys a Hebrew slave is like buying a master for himself.

Our Rabbis taught: Then he shall go out from thee, he and his children with him:¹⁵ R. Simeon said: if he is sold, are then his sons and daughters¹⁶ sold?¹⁷ Hence [we learn] that the master is liable for his children's keep.¹⁸ Similarly you read: If he is married, then his wife shall go out with him:¹⁹ R. Simeon said: If he is sold, is then his wife sold? Hence we learn that the master is responsible for his wife's keep. Now, both are necessary. For if we were informed [this] of his children, [I would

say] that is because they cannot work for a living;²⁰ but as for his wife, who can work for a living, I would say: Let her earn her keep. While if we were informed [this] of his wife, that is because it is not meet for her to go begging; but as for his children, for whom it may be seemly to go begging,²¹ I might say: It is not so. Hence both are necessary.

Our Rabbis taught:

-
- (1) Without ritual slaughter. The first too is repulsive, but sanctioned.
 - (2) The warrior must not take two.
 - (3) Lit., 'taking'.
 - (4) Though she is a heathen, and does not voluntarily accept conversion. — Also, she can only be taken as a legal wife.
 - (5) Nevertheless one is able to bridle his desire in the knowledge that he will be able to satisfy it at home. Rashi. — War cannot be humanized, nor primitive passions subdued. Yet the Rabbis endeavoured to curb them as far as possible and minimize their evil effects: the captive was to be kindly treated, given the full legal status of a wife, and unmolested in actual battle, — possibly because in cool blood he would altogether recoil from his intentions.
 - (6) Ex. XXI, 5: 'plainly' is expressed in Hebrew by the doubling of the verb.
 - (7) The passage is now assumed to mean: if he declares thus at the beginning of the six years.
 - (8) I.e., on the last day of his term.
 - (9) When there is no longer left for him a perutah's worth of labour to perform, he is no longer regarded as slave.
 - (10) Deut. XV, 26; 'thine house' = household, i.e., a wife and children.
 - (11) Ibid.
 - (12) Yet he desires to remain on account of his wife and children.
 - (13) 'Well' understood in the sense of healthy.
 - (14) I.e., just as thou art.
 - (15) Lev. XXV, 41.
 - (16) 'And daughters' is absent in the 'Aruk and in Rashi's commentary on the Pentateuch, where this is quoted.
 - (17) Why state that they go out?
 - (18) And at Jubilee they 'go out', i.e., his liability ceases.
 - (19) Ex. XXI, 3.
 - (20) Lit., 'work and eat' — the reference is to minors.
 - (21) Being minors, they suffer no disgrace thereby. — The existence of house-to-house begging in Talmudic times follows from certain passages: Pe'ah, VIII, 7; Shab. 2a, 151b; Sifre, Deut. 116 and elsewhere. But women did not beg, and in consequence it was held more meritorious to support a needy woman than a man (Hor. III, 7; J.D. 251, 8).

Talmud - Mas. Kiddushin 22b

If it were stated, ['Then thou shalt take an awl,] and place his ear unto the door,'¹ I would think, Let a hole be bored against his ear through the door; [hence,] only the door, but not his ear. 'Not his ear!' is it not written: 'and his master shall bore his ear through with an awl':² — But I would say, the ear is to be bored outside and then placed on the door and a hole bored through the door opposite the ear:³ therefore it is stated, ['and thou shalt thrust it] through his ear unto the door'. How so? He continues boring until the door is reached.

'The door': I understand [from this,] whether it is removed [from its hinges] or not: therefore it is stated, ['unto the door, or unto] the doorpost';⁴ just as the doorpost must be standing,⁵ so must the door be standing.

Rabban Johanan b. Zakkai used to expound this verse as precious stone.⁶ Why was the ear singled out⁷ from all the other limbs of the body? The Holy One, blessed be He, said: This ear, which heard my Voice on Mount Sinai when I proclaimed, For unto me the children of Israel are servants, they are my servants,⁸ and not servants of servants, and yet this [man] went and acquired a master for himself⁹ — let it be bored! R. Simeon b. Rabbi too expounded this verse as a precious stone. Why

were the door and doorpost singled out from all other parts¹⁰ of the house? The Holy One, blessed be He, said: The door and the doorpost, which were witnesses in Egypt when I passed over the lintel and the doorposts and proclaimed, For unto me the children of Israel are servants, they are my servants,¹¹ and not servants of servants, and so I brought them forth from bondage to freedom, yet this [man] went and acquired a master for himself — let him be bored in their presence!

MISHNAH. A HEATHEN SLAVE IS ACQUIRED BY MONEY, DEED, OR BY HAZAKAH,¹² AND REACQUIRES HIMSELF BY MONEY THROUGH THE AGENCY OF OTHERS,¹³ AND BY DEED, THROUGH HIS OWN AGENCY.¹⁴ THIS IS R. MEIR'S VIEW. THE SAGES MAINTAIN: BY MONEY, THROUGH HIS OWN AGENCY, AND BY DEED, THROUGH THE AGENCY OF OTHERS;¹⁵ PROVIDING THAT THE MONEY IS FURNISHED BY OTHERS.¹⁶ GEMARA. How do we know this? — Because it is written: And ye shall make them [the heathen slaves] an inheritance for your children after you, to possess as an inheritance;¹⁷ just as a 'field of possession' is acquired by hazakah,¹⁸ so is a heathen slave acquired by money, deed, or hazakah. If so, just as 'a field of possession' reverts to its [original] owner at jubilee, so should a heathen slave revert to his [former] owner at jubilee? Therefore it is stated, of them shall ye take your bondmen for ever.¹⁹

A Tanna taught: [He may be acquired] by halifin²⁰ too. And our Tanna?²¹ — What is absent in the case of movables he teaches; what is present in the case of movables he does not teach.²²

Samuel said: A heathen slave may be acquired by meshikah.²³ How so? If he [the purchaser] seizes him [the slave] and he goes to him, he acquires him; if he [merely] calls him and he goes to him, he does not acquire him. As for our Tanna, it [the omission of meshikah] is well: what is absent in the case of movables he teaches; what is present in the case of movables he does not teach.²⁴ But according to the outside Tanna,²⁵ let meshikah be taught?²⁶ — He teaches only what applies to both land and movables, but meshikah, which is possible in the case of movables but not of land, he does not teach. 'How so? If he seizes him and he goes to him he acquires him; if he [merely] calls him and he goes to him, he does not acquire him.' But it was taught: How [is an animal acquired] by mesirah?²⁷ If he seizes it by its hoof, hair, the saddle which is upon it, the saddle-bag upon it, the halter in its mouth, or the bell round its neck, he acquires it. How [does one acquire] by meshikah? He calls it and it comes, or he strikes it with a stick and it runs before him, immediately it lifts a foreleg and a hindleg, he acquires it. R. Assi-others state, R. Aha — said: It must walk its full length before him!²⁸ — I will tell you: an animal walks by its master's volition; a slave, by his own.²⁹ R. Ashi said: A slave who is a minor is as an animal.³⁰

Our Rabbis taught: How [is a heathen slave acquired] by hazakah? If he unlooses his shoes for him [the purchaser], or carries his baggage after him to the baths; if he undresses, washes him, anoints,³¹ scrapes,³² dresses him, puts on his shoes, or lifts him, he acquires him. R. Simeon said: Let hazakah not be greater than lifting, for lifting acquires everywhere. What does he mean? — Said R. Ashi: [The first Tanna implies,] if he [the slave] lifts his master, he acquires him; if his master lifts him, he does not acquire him. Thereupon R. Simeon observed: Hazakah should not be greater³³ than lifting, seeing that lifting acquires everywhere.³⁴

Now that you say that if he lifts his master he acquires him — if so, a heathen bondmaid should be acquired by intercourse?³⁵ — When do we say this, when one derives pleasure and the other pain,³⁶ but here both derive pleasure. Then what can be said of unnatural intercourse?³⁷ Said R. Ahaiy b. Adda of Aha:³⁸ Who is to tell us that both do not derive pleasure? Moreover, it is written, [Thou shalt not lie with mankind] with the lyings of a woman:³⁹ thus the Writ compared unnatural to natural intercourse.

R. Judah the Indian was a proselyte who had no heirs. He fell sick and Mar Zutra went and paid

him a sick visit.⁴⁰ Seeing him in extremis⁴¹ he said to his [R. Judah's] slave, 'Remove me my shoes and take them to my house'.⁴² Some maintain, He [the slave] was an adult:⁴³

(1) Deut. XV, 17: that is the translation if the preposition **ב** and the conjunction **קרשו** removed from **באזנו** and **ובדלת** respectively.

(2) Ex. XXI, 6.

(3) I.e., from the other side of the door (Rashi).

(4) Ibid.

(5) Otherwise it is not a doorpost.

(6) [The phrase apart from the older interpretation 'pearl' has been also taken to denote (a) according to the method of the Dorshe Hamuroth (v. Sot. Sonc. ed. p. 80, n. 7.); (b) a 'changed' or 'figurative' meaning. V. Lauterbach J.Z. J.Q.A. (N.S.) I. pp. 503ff.] I.e., he deduced from it an important ethical principle — man's freedom.

(7) Lit., 'different'.

(8) Lev. XXV, 55.

(9) When he might have been free.

(10) Lit., 'vessels'.

(11) Though this was not said then, it does in fact summarize the purpose of Israel's liberation from Egyptian bondage.

(12) V. Glos. The latter two even if the money has not been paid; then the purchase price is an ordinary debt, which does not affect the validity of the transaction.

(13) They must give the money to his master to purchase his freedom. But if they give it to him even with the stipulation that his master shall have no rights therein, it is the master's, because R. Meir holds that a heathen slave cannot legally acquire anything without passing it on to his master.

(14) He himself must receive the deed of emancipation.

(15) Who receive the deed for him.

(16) The money is given to him specifically for that purpose, and he gives it to his master. But if the slave finds money, or has it given him, it belongs to his master.

(17) Lev. XXV, 46.

(18) Like all other landed property.

(19) Ibid.

(20) V. Glos.

(21) Why does he omit halifin?

(22) The three methods of acquisitions taught are all ineffective for ordinary movables, whereas halifin can acquire these too.

(23) V. Glos.

(24) Meshikah gives a title to movables.

(25) I.e., the Tanna of the Baraitha, which was not included in Rabbi's compilation of the Mishnah, but taught 'without'.

(26) If Samuel is right, just as halifin is taught.

(27) V. Glos.

(28) Thus, when an animal comes in answer to a call it is acquired; why not a slave?

(29) Even when he obeys a call, he does so by his own desire, unless the master forcibly seizes him.

(30) He has no volition of his own and therefore may be acquired by a summons.

(31) Massaging with oil was an essential part of the bath. It was and is common in the Orient, and amongst the Romans and Greeks, and had its cause in the hot climate, which causes all living bodies to emit an unpleasant odour; v. Krauss, T.A., I, 229 and 233.

(32) With a kind of brush to tone up the circulation.

(33) More effective.

(34) Lifting is one of the methods of acquiring movables: there, of course, the purchaser lifts the article to be acquired. Hence here too, if the master lifts the slave, i.e., the article to be acquired, he gains a title to him.

(35) Which is also a form of lifting.

(36) I.e., the slave does an act of servitude from which he personally derives no pleasure.

(37) Where only the male derives pleasure.

(38) [A village near Mount Hermon, Horowitz. I. S. Palestine. s.v.]

(39) Lev. XVIII, 22: lit., translation; 'lyings' is understood to refer to two forms of coition, natural and unnatural.

(40) Lit., 'to enquire concerning him'.

(41) Lit., 'he saw that the world weighed very heavily upon him.'

(42) He wished the slave to be in his service when his master died, so as to acquire him by hazakah.

(43) And Mar Zutra wished that he should not be without a master for a single moment at his master's death, as he would thereby become free.

Talmud - Mas. Kiddushin 23a

one [R. Judah] departed to death, and the other [the slave] departed [from his former master] to life.¹ Others maintain, He was a minor, and this was not in accordance with Abba Saul. For it was taught: If a proselyte dies [without heirs] and Israelites take possession of his property, which includes slaves, whether adults or minors, they gain their liberty.² Abba Saul said: Adults acquire their freedom, but as for minors, whoever takes possession of them [even afterwards] gains a title to them.³

AND REACQUIRES HIMSELF BY MONEY etc. . . . BY MONEY ONLY THROUGH THE AGENCY OF OTHERS, but not through his own. What are the circumstances? Shall we say, without his [the slave's] knowledge? Then consider: we know that R. Meir maintains, It is to a slave's disadvantage to leave his master for freedom;⁴ and we learned: One may obtain a privilege for a person in his absence, but cannot so act to his disadvantage.⁵ Hence it obviously means with his knowledge [consent], and we are informed this: only through the agency of others [can he be emancipated thus,] but not through his own, thus proving that a slave has no rights of acquisition apart from his master.⁶ If so, cite the second clause: BY DEED THROUGH HIS OWN AGENCY: only through his own agency, but not through that of others. But if with his consent, why not through the agency of others? And should you answer, what is meant by THROUGH HIS OWN AGENCY? Through his own agency too, and we are thus informed that his deed [of emancipation] and his hand [i.e., the right to acquire for himself] come simultaneously⁷ — But it was not taught so? For it was taught: By deed through his own agency, but not that of others: this is R. Meir's view? — Said Abaye: After all, [it means] without his knowledge. Yet money is different: since he [the master] may acquire him [the slave] against his will, he can liberate him⁸ against his will. If so, the same applies to deed? — This deed is separate and that deed is separate.⁹ But here too, this money is separate and that money is separate?¹⁰ — The impress is nevertheless the same.¹¹ Raba said: In the case of money, its receipt by the master effects it [his liberation]: but as for deed, its receipt by others effects it.¹²

THE SAGES MAINTAIN: BY MONEY THROUGH HIS OWN AGENCY. Only through his own agency, but not through the agency of others? Why? Granted that it is without his knowledge, yet consider: we know that the Rabbis hold that it is to his advantage to go out from his master's authority to liberty, and we learnt: You may obtain a privilege for a person in his absence, but can act to his disadvantage only in his presence. And should you answer, what is meant by THROUGH HIS OWN AGENCY? Through his own agency too, and we are thus informed that a slave has rights of acquisition independently of his master. — If so, cite the second clause: BY DEED, THROUGH THE AGENCY OF OTHERS, [implying] but not through his own: but it is an established law that his deed and hand come simultaneously?¹³ And should you answer, what is the meaning of, THROUGH THE AGENCY OF OTHERS? Through the agency of others too, and we are thus informed that it is to the slave's advantage to leave his master for freedom: if so, they should be combined and taught together: By money and by deed through the agency of others or his own? — But [it means this:] By money, both through the agency of others and his own; by deed, through the agency of others but not his own, and it agrees with R. Simeon b. Eleazar. For it was taught: R. Simeon b. Eleazar said: By deed too only through the agency of others, but not his own.¹⁴ Thus there are three differing opinions in the matter.¹⁵

Rabbah said: What is R. Simeon b. Eleazar's reason? — He learns the meaning of 'lah' [to her] here from a [married] woman:¹⁶ just as a woman [is not freed] until she withdraws the divorce into a domain that is not his [her husband's],¹⁷ so a slave too [is not freed] until he withdraws his deed [of emancipation] into a domain that is not his [the master's].

Rabbah propounded:

- (1) I.e., with the death of R. Judah he automatically passed into Mar Zutra's possession.
- (2) Having been for a moment without a master, they remain permanently free.
- (3) Hence Mar Zutra's care that they should be in his service at the actual moment of death does not agree with Abba Saul's view. So Rashi, on the basis of the reading in current edition. Alfasi, Asheri, and R. Tam read: and this was (even) in accordance with Abba Saul. Though they could not gain their liberty, he put them into his service lest another take possession of them.
- (4) For as the slave of a priest he may eat terumah, which is now forbidden him. Again, as a slave he is permitted to live with a heathen bondmaid: this too will now be forbidden. — These are the reasons given in Git. 11b.
- (5) Such an action being invalid.
- (6) As explained in the note on the Mishnah, q.v.
- (7) In the very moment of taking the deed he is free, and hence can accept it on his own behalf. Otherwise, his acceptance would be just as though his master held it, and he would not be free.
- (8) Lit., 'give him possession' — of himself.
- (9) The wording of the two deeds, purchase and manumission, are different: consequently the same reasoning does not apply.
- (10) Being given for different purposes.
- (11) There is nothing in the coins themselves to shew their different purposes.
- (12) In the case of money the master accepts it on his own behalf, not on that of the slave's; therefore the latter's consent is unnecessary. But deed is accepted by others on the slave's behalf; therefore his consent is required.
- (13) V. p. 111, n. 1.
- (14) He does not hold that the deed and his rights of acquisition come simultaneously.
- (15) (i) R. Meir: By money, through the agency of others, even without his knowledge, but not through his own; and by deed through his own agency but not of others. (ii) R. Simeon b. Eleazar: Both by money and deed, through the agency of others but not his own. (iii) The Rabbis in our Mishnah: Both by money and deed, through the agency of others and his own. Hence both are not combined because the second clause is not the Rabbis' statement but R. Simeon b. Eleazar's.
- (16) Here: a bondmaid . . . whose freedom was not given (to) her (lah) — Lev. XIX, 20; a married woman; then he shall write (to) her (lah) a bill of divorcement; Deut. XXIV, 1.
- (17) As it is written, and give it in her hand (ibid.), and she does not belong bodily to her husband.

Talmud - Mas. Kiddushin 23b

According to R. Simeon b. Eleazar,¹ can a heathen slave appoint an agent to receive his deed of emancipation from his master:² since he deduces 'lah', 'lah', from a [married] woman, he [the slave] is as a married woman:³ or perhaps, a woman, who can accept the divorce herself, can also appoint an agent; whereas a slave, who cannot accept his deed of emancipation himself, cannot⁴ appoint an agent either! After propounding, he solved it himself: We deduce 'lah', 'lah', from a [married] woman, [hence] he is as a married woman. If so, when R. Huna son of R. Joshua said: These priests are agents of the All-Merciful One, for should you think they are ours, is there aught which we ourselves may not do while they may do [it on our behalf]?⁵ — is there not? What of a slave, who cannot accept his deed of manumission himself, can yet appoint an agent? — But that [analogy] is fallacious: an Israelite has no connection with the laws of sacrifices at all;⁶ whereas a slave has a connection with deeds of manumission. For it was taught: It appears correct that a slave can accept his companion's deed from his companion's master, but not from his own.⁷

PROVIDING THAT THE MONEY IS FURNISHED BY OTHERS. Shall we say that they differ in this: R. Meir holds, A slave has no powers of acquisition distinct from his master, nor a wife distinct from her husband; whereas the Rabbis maintain, A slave can acquire independently of his master and a wife of her husband? — Said Rabbah in R. Shesheth's name: All hold that a slave cannot acquire independently of his master, nor a wife of her husband. But the circumstances are here that a stranger gave him⁸ a maneh, saying, 'On condition that your master has no right to it.' R. Meir maintains, When he says to him, 'Acquire [it,]' the slave acquires it and [ipso facto] his master; and when he says to him, 'on condition [etc.],' he says nothing.⁹ Whereas the Rabbis hold, Since he stipulates, 'on condition,' the stipulation is effective.¹⁰ But R. Eleazar said: In such a case all agree that the slave acquires it and [ipso facto] his master. But the circumstances are here that a stranger gave him a maneh, saying: 'On condition that you obtain your freedom therewith.' R. Meir holds that when he says to him, 'Acquire [it,]' the slave acquires it and [ipso facto] his master; when he says: 'on condition,' he says nothing. Whereas the Rabbis maintain, He did not give possession of it [even] to him [the slave], since he said to him, 'Only on condition that you gain your freedom therewith.'

Now, R. Meir is self contradictory, and the Rabbis likewise. For it was taught:

-
- (1) Who maintains that a slave cannot receive his own deed.
 - (2) Tosaf. gives two interpretations: (i) Obviously, as stated above, another person must accept it on his behalf. This, however, may be only if the slave does not explicitly appoint him his agent, but if he does, he becomes legally as himself, and just as he himself cannot accept the deed, his agent cannot either. (ii) When another person accepts it on his behalf, must he be his agent, just as the person who accepts a woman's divorce on her behalf must be distinctly appointed by her for that purpose? If so, on the view that it is to the slave's advantage to be freed, the agency is tacitly assumed: while if we hold that it is to his disadvantage, he must be expressly appointed. Or possibly, he does not act in the character of an agent at all, since the slave himself could not have accepted it. In that case, not only is an express appointment unnecessary, but even if the slave actually protests against it, his protest is unavailing.
 - (3) And just as she can appoint an agent, so can he (or, so must he — v. preceding note).
 - (4) Or, need not.
 - (5) V. Ned. 35b. The question is: When a priest offers a sacrifice on behalf of an Israelite, does he act as his agent or as God's? The practical difference is where an Israelite vows to derive no benefit from a certain priest: on the first alternative, the priest may not offer his sacrifices for him; on the second, he may.
 - (6) He cannot offer a sacrifice for himself or for another Israelite.
 - (7) In the first case the deed leaves the master's possession, but not in the second.
 - (8) Lit., 'caused him to acquire'.
 - (9) I.e., the stipulation is invalid.
 - (10) Hence he can be liberated by money through his own agency.

Talmud - Mas. Kiddushin 24a

A woman cannot redeem second tithe without [adding] a fifth. R. Simeon b. Eleazar said on R. Meir's authority: A woman can redeem second tithe without [adding] a fifth.¹ Now, how is this meant? Shall we say, [she redeems it] with her husband's money, the second tithe also being her husband's — then she merely acts as her husband's agent.² But if with her money³ and his tithe, the Divine Law said, [And if] a man [will redeem aught of his tithe, then he shall add there to the fifth part thereof],⁴ but not his wife?⁵ Hence it surely refers to such a case, viz., that a stranger gave her a maneh, and said, 'On condition that you redeem the tithe therewith,' and thus we learn that they hold contrary opinions.⁶ — Said Abaye: Then reverse it.⁷ Raba said: After all, you need not reverse it, but here the reference is to tithe which came [to her] from her father's estate,⁸ R. Meir following his opinion that tithe is sacred property,⁹ so that her husband does not acquire it.¹⁰ The Rabbis too are in accord with their view that tithe is secular property, [the usufruct of which] her husband acquires. Therefore she is [merely] deputising for her husband.

A Tanna taught: He [the heathen slave] goes out [free] through [the loss of] his eye, tooth, and projecting limbs which do not return.¹¹ Now, as for [the loss of] his tooth or eye, it is well: these are written.¹² But how do we know [the loss of] the projecting limbs? — By analogy with tooth and eye: just as these are patent blemishes, and do not return, so [is he freed for the loss of] all [limbs which are] patent blemishes and do not return. But let us say that ‘tooth’ and ‘eye’ are two laws¹³ which come as one,¹⁴ and whenever two verses come as one, they do not illumine [other cases].¹⁵ — Both are necessary. For had the All-Merciful mentioned ‘tooth’ [only], I would have argued, [It refers] even

(1) Second tithe produce was eaten in Jerusalem, or it was redeemed and the money expended in Jerusalem. When one redeemed his own, he added a fifth of its value, but not when he redeemed second tithe belonging to another, unless the owner deputed him. It is assumed that this Baraita refers to the crops of her husband's field.

(2) And must certainly add a fifth.

(3) Money, the principal of which by the terms of the marriage settlement belonged to her, while her husband enjoyed its usufruct. This money, and all other property held by a wife on the same terms, are designated ‘property of plucking’ (v. Glos. s.v. mulug).

(4) Lev. XXVII, 31.

(5) I.e., his wife ranks as a stranger.

(6) To those they hold on the question of a slave's freedom. — The rights of a slave and a woman are similar: either they can both acquire independently or both can not.

(7) The first Tanna rules that she does not add a fifth; R. Meir holds that she must add a fifth.

(8) Lit., ‘the house of the wife’. I.e., she inherited it as her father's heir. Property acquired by a woman after marriage is likewise ‘property of plucking’.

(9) Lit., ‘money’.

(10) V. infra 52b and 54b. Since it really belongs to God, the Rabbis did not enact that the husband should enjoy its usufruct; hence it is entirely her own, and when she redeems it with her husband's money, no fifth is necessary. (For redeeming one's own tithe with money belonging to another is the same in law as redeeming another Person's tithe with one's own money.)

(11) Lit., ‘tips of limbs’. Once lost, just as the eyes and teeth.

(12) Ex. XXI, 26f.

(13) Lit., ‘verses’.

(14) I.e., to teach the same thing. For this analogy could be drawn only if one were mentioned.

(15) For otherwise, only ‘eye’ or ‘tooth’ should have been mentioned, and by analogy the other, as well as all limbs the loss of which has the same result, would be included.

Talmud - Mas. Kiddushin 24b

to a milk tooth;¹ therefore the All-Merciful wrote ‘eye’.² And had the All-Merciful written ‘eye’, I would have thought, just as the eye is created with him, so must all [for whose loss he is emancipated] be created with him [i.e., at birth], but not a tooth. Thus both are necessary.³ But let us say, [And] if [a man] smite⁴ — that is a general proposition;⁵ ‘the tooth . . . the eye’ — that is a specification; and in a general proposition followed by a specification the former includes only that contained in the latter: hence, only ‘tooth’ and ‘eye’ but nothing else! — ‘He shall let him go free’ is another general proposition. And in a sequence of generalization, specification and generalization, you can only include⁶ what is similar to the specification: just as the specification is explicit as a patent blemish and does not return, so for all [limbs whose loss are] patent blemishes and do not return [the slave is freed]. If so, [say] just as the specification is explicit as a patent blemish, ceases to do its work,⁷ and does not return, so for all [limbs whose loss are] patent blemishes, cease to function, and do not return [the slave is freed]! Why [then] was it taught: If he [the master] plucked out his [the slave's] beard and thereby loosened his [jaw.] bone,⁸ the slave is liberated on their account?⁹ — ‘He shall let him go free’ is an amplification.¹⁰ But if it is an amplification, even if he

struck his hand and it withered, but it will ultimately heal,¹¹ he should also [be freed]? Why was it taught: If he struck his hand and it withered, but it will ultimately heal, the slave is not freed on its account? — If so,¹² of what use are ‘tooth’ and ‘eye’?¹³

Our Rabbis taught: On account of all these¹⁴ a slave gains his freedom, yet he needs a deed of emancipation:¹⁵ this is R. Simeon's opinion. R. Meir said: He does not need one. R. Eleazar said: He does need one; R. Tarfon said: He does not need one. R. Akiba said: He needs one. Those who sought to make a compromise before the Sages said: R. Tarfon's view is preferable in respect of tooth and eye, seeing that the Torah conferred the privilege [of freedom] upon him [as compensation];¹⁶ and R. Akiba's view in respect of other limbs, since it is a punishment of the Sages [that the slave is freed]. ‘A punishment’? Surely [Scriptural] verses are [here] expounded!¹⁷ — But [say thus:] since it is an exposition of the Sages.¹⁸

What is R. Simeon's reason? — He learns the meaning of ‘sending’ here from a [married] woman:¹⁹ just as a woman [is sent forth] by deed, so is a slave too [sent forth] by deed. And R. Meir?²⁰ — Were ‘to freedom’ written at the end [of the verse, it would be] as you say;²¹ since, however, it is written: ‘to freedom shall he send him away’, it implies that he is free at the very outset.²²

Our Rabbis taught: If he smites his eye and blinds it, [or] his ear, and deafens it, the slave goes out [to freedom] on their account; near²³ his eye, so that he cannot see, [or] near his ear, and he can not hear,²⁴ the slave does not go out [free] on their account. R. Shaman said to R. Ashi: Are we to assume that sound is nothing?²⁵ But Rami b. Ezekiel learnt: If a cock stretches its head into the cavity of a glass vessel, crows there and breaks it, he [its owner] must pay for it in full. Also, R. Joseph said: The scholars of Rab²⁶ said: If a horse neighs or an ass brays and breaks utensils in a house, he [their owner] must pay for half the damage!²⁷ — Man is different, he replied; since he is an intelligent being, he frightens himself.²⁸ As it was taught: If one frightens his neighbour,²⁹ he is exempt by the law of man, yet liable by the law of Heaven.³⁰ E.g., if he blows into his ear and deafens him, he is exempt; but if he seizes him, blows into his ear, and deafens him, he is liable.

Our Rabbis taught: If he strikes his eye and dims it,³¹ [or] his tooth, and loosens it: if he can [nevertheless] still use them, the slave does not go out free on their account; if not, the slave goes out free on their account. Another [Baraitha] taught: If his eye [sight] was dim, and he [altogether] blinds him,³² or his tooth was loose, and he knocks it out: if he could use them before, the slave goes out free on their account; if not, the slave does not go free on their account. Now, both are necessary. For if we were taught the first [only], [I would say] that is because his eyesight was originally sound and now it is weak; but here [in the second Baraitha], seeing that his eyesight was impaired before too, I would say [that he does] not [go free]. And if we were taught the second: that is because he completely blinds him; but there [in the first Baraitha] that he does not completely blind him, I would say [that he does] not [go free]. Hence both are necessary. Our Rabbis taught: If his master is a doctor and he asks him to paint his eye [with an ointment], and he blinds him,³³ [or] to drill his tooth, and he knocks it out, he laughs at his master and goes out free. R. Simeon b. Gamaliel said: and he destroy it³⁴ [implies], only when he intends to destroy. And the Rabbis: how do they employ ‘and he destroy it’? — They need it for what was taught: R. Eleazar said: If he inserts his hand in his bondmaid's womb³⁵ and blinds the child within her, he is free [from punishment].³⁶ What is the reason? — Because Scripture said: ‘and he destroy it’, [implying], only when he intends to destroy it. And the other?³⁷ — He deduces this from ‘and he destroy it’, [instead of] ‘and he destroy’.³⁸ And the other? — He does not interpret ‘he destroy’, [and] ‘he destroy it’.³⁹

R. Shesheth said: If he has a blind eye and he [the master] removes it, the slave is freed on its account. And a Tanna supports this: Perfection⁴⁰ and male sex are required in animals⁴¹ but not in birds. I might think, [even] if its wing is palsied, its foot cut off, or its eye picked out [the bird is still

fit]: therefore it is said: And if [the burnt sacrifice be . . .] of fowls,⁴² but not all fowls.⁴³

R. Hiyya b. Ashi said in Rab's name: If he had

- (1) Which does return; e.g., if the slave was a minor.
- (2) Just as an eye does not return, so must the tooth also be one which does not return.
- (3) And therefore they are not two verses with the same purpose.
- (4) Ex. XXI, 26f.
- (5) Implying that the slave is freed for the destruction of any limb.
- (6) Lit., 'judge'.
- (7) The eye is blinded and the tooth cannot masticate.
- (8) This appears to be the meaning of the phrase, and is so understood in J.D. 267, 30, where, 'from the jaw' is added. Jast. s.v. **שֵׁטֶט** translates: he loosened a tooth in the slave's jaw. But there seems no sufficient reason for translating **שֵׁטֶט** here as tooth.
- (9) Though the bone still functions.
- (10) Not merely a generalization, and therefore it teaches the inclusion of bodily hurts which are not completely similar to the loss of an eye or tooth.
- (11) Lit., 'return' — to its normal state.
- (12) That nothing at all is excluded.
- (13) Hence it must be to exclude injuries which are not permanent.
- (14) Viz., the twenty-four projecting limbs.
- (15) To legalise his marriage with a free Jewess.
- (16) Therefore no deed is required.
- (17) To prove the inclusion of other limbs too. Hence they too have Scriptural force.
- (18) I.e., the law is derived by Rabbinical exegesis. — The requirement of a deed is only a Rabbinical measure, lest his former master reclaim him as his slave. Hence it is unnecessary in the case of his tooth and eye, for all know that Scripture gave him his freedom. But not all are aware of the Rabbinical exegesis which extended the law to other limbs too; hence the slave needs a document to prove his freedom. — R. Tam. V. also below for another explanation.
- (19) Here: To freedom shall he send him away (yeshallehenu); a married woman: then he shall write her a bill of divorce. and send her (we-shillehah, the same verb as yeshallehenu) out of his house — Deut. XXIV, 1.
- (20) Does he not accept this exegesis?
- (21) For then one might argue: he shall send him — in the manner that a woman is sent away, viz., by deed — and only then is he free.
- (22) I.e., as soon as he is assaulted he automatically becomes free, and hence no deed is required. — Now, this can apply only to the loss of his eye or tooth, which are distinctly stated in that verse. But the other limbs are included only because 'he shall send him away' is an extension (v. supra); hence in respect of those, R. Simeon's exegesis, assimilating the freedom of a slave to that of a woman, may still hold good. Therefore those who compromised ruled that a deed is unnecessary when he loses his eye or tooth, but is necessary in all other cases (Riba in Tosaf.).
- (23) Lit., 'against'.
- (24) I.e., he forcibly strikes a wall or any other object near his ear, and the shock or noise paralyses his optical or aural nerves, rendering him blind or deaf.
- (25) Because he was blinded by sound he is not freed.
- (26) Be Rab may either mean the students of Rab's college, which he founded and which continued to flourish several centuries after his death, or, scholars in general.
- (27) V. B.K. 18b. Thus second is a positive action, for which liability is incurred.
- (28) He should be able to control his nerves.
- (29) Thereby causing damage.
- (30) I.e., legally, he is exempt; morally, he is liable. This proves that in law he is not regarded as having caused the damage.
- (31) Seriously impairing his eyesight, but not blinding him.
- (32) Lit., 'it'.
- (33) Accidentally.

(34) Ex. XXI, 26.

(35) Lit., 'bowels' — in order to deliver her of child.

(36) The child, on birth, is not emancipated. There he does not intend doing anything to its eye at all, but here he does.

(37) R. Simeon b. Gamaliel: does he not admit that the word is needed for such a case?

(38) 'And he destroy' implies that he must intend to destroy: 'and he destroy it' implies that even if he is doing something to it, his intention must be destructive.

(39) I.e., 'it' has no particular significance.

(40) I.e., freedom from blemish.

(41) For burnt-offerings.

(42) Lev. I, 14 'of is partitive, excluding some fowls.

(43) Thus, though blindness does not disqualify, the loss of a blind eye does. A similar principle operates in the case of a slave.

Talmud - Mas. Kiddushin 25a

an additional [freak] finger and he [his master] cut it off, the slave goes out free. Said R. Huna: Provided that it is counted upon the hand.¹

[Some] scholars of Nizuni² absented themselves from R. Hisda's session.³ Thereupon he instructed R. Hamnuna, 'Go put them under the ban.'⁴ He went and said to them, 'Why did you⁵ not attend the session?' 'Why should we attend?' replied they, 'when we ask him questions which he cannot answer?' 'Have you ever asked me anything,' he retorted: 'which I could not solve?' [Thereupon] they asked him: What if a slave's stones are castrated by his master, is it an open blemish or not? As he was unable to answer it,⁶ they said to him, 'What is your name?' 'Hamnuna,' he replied. 'You are not Hamnuna, but Karnuna,' jeered they.⁷ When he came before R. Hisda, he said to him: They asked you a Mishnah. For we learnt: As to the twenty-four tips of limbs of a man, none of these become unclean on account of raw flesh.⁸ And these are they: the tips of the fingers of the hands and [the toes of] the feet, the tips of the ears, the tip of the nose, the tip of the membrum, and the nipples of a woman;⁹ R. Judah said: Also those of a man. Now, it was taught thereon: For [the loss of] all these a slave obtains his freedom. Rabbi said: For castration too; Ben 'Azzai said: [For] the [loss of the] tongue too.¹⁰

The master said: 'Rabbi said: For castration too.' Castration of what: shall we say: Castration of the membrum? But that is identical with the [loss of the] membrum. Hence it surely means castration of the stones.¹¹

'Rabbi said: Castration too'. And Rabbi, [does he] not [include] the tongue? But the following contradicts it. If he [a priest] is sprinkling,¹² and the sprinkling[-water] spurts on to his [the unclean man's] mouth, — Rabbi said: He has [validly] besprinkled him;¹³ but the Sages maintain: He has not [validly] besprinkled him. Surely that means upon his tongue?¹⁴ — No: upon his lips. 'Upon his lips!' but that is obvious? — I might have thought, sometimes his lips are tightly pressed together.¹⁵ Hence we are informed [that they are still regarded as exposed]. But it was taught: on his tongue? Moreover, it was taught: and if the greater length of the tongue was removed;¹⁶ Rabbi said: [even] the greater length of the speaking part of the tongue!¹⁷ — But [answer thus:] Rabbi said: Castration too,¹⁸ and the tongue goes without saying. Ben 'Azzai said: [The loss of the] tongue, but not castration. Then to what does 'too' refer?¹⁹ — To the first clause.²⁰ If so, Ben 'Azzai's statement should have been given priority? — The Tanna [first] heard Rabbi's view and inserted it²¹ [in the teaching]; then he learnt Ben 'Azzai's view and inserted it, while the teaching remained unchanged.²²

'Ulla said: All agree in the matter of uncleanness that the tongue is [considered] exposed as far as reptiles are concerned. What is the reason? The Divine Law said: And whomsoever [he that hath the issue] toucheth,²³ and this too can be touched. With respect to tebilah²⁴ it is as hidden.²⁵ What is

the reason? Scripture saith, then he shall bathe his flesh in water:²⁶ just as the flesh is exposed, so must all [which requires contact with the water] be exposed. They differ in respect to sprinkling: Rabbi compares it to uncleanness, whereas the Rabbis compare it to tebillah. And both differ on this verse: And the clean person shall sprinkle upon the unclean [etc.].²⁷ Rabbi holds, [the verse reads thus:] And the clean person shall sprinkle upon the unclean on the third day, and on the seventh day and purify him.²⁸ Whereas the Rabbis maintain, [the verse is read thus:] and on the seventh day he shall purify him, and he shall wash his clothes and bathe himself in water.²⁹ And the Rabbis too: let it be compared with uncleanness? — purification should be learned from purification.³⁰ And Rabbi: let it be compared to tebillah? — ‘And he shall wash his clothes’ disconnects the subject.³¹

Now, does Rabbi hold that it [the tongue] is as concealed in respect of tebillah? But Rabin said in the name of R. Adda in R. Isaac's name: It once happened that a bondmaid of Rabbi's household performed tebillah, ascended [from the water], and a bone was found between her teeth, whereupon Rabbi ordered her [to perform] a second tebillah.³² — Granted that we do not require the water to enter, we insist that there shall be room for it to enter.³³ And it is in accordance with R. Zera, who said: Whatever is fit for [perfect] mixing, the mixing is not indispensable; whatever is not fit for [perfect] mixing, the mixing is indispensable.³⁴ [

(1) I.e., it is on a level with the other fingers and in the same row.

(2) A town lying close to Sura. Obermeyer, *op. cit.*, p. 298.

(3) [Who became head of the School of Sura after the death of Rab Judah.]

(4) Lit., ‘cause them to withdraw’ and live in retirement — a mild form of excommunication. Presumably he knew that their absence was due to dissatisfaction with his teaching methods.

(5) Lit., ‘the Rabbis’.

(6) Lit., ‘he did not have it in his hand’.

(7) Rashi connects Karnuna with karona, the market: ‘you have frittered your time away in the market place, gossiping, otherwise you could have answered us.’ Tosaf. Ham-nuna = a hot fish; Kar-nuna = a cold fish. ‘you are a cold fish, not hot’ — your knowledge is lifeless.

(8) V. Lev. XIII, 10: ‘and there be quick raw flesh in the rising’.

(9) Each being counted separately, we have twenty-four, apart from the woman's addition,

(10) Because it is seen when one peaks; hence its loss is a patent blemish.

(11) That is the conclusion of R. Hisda's reply.

(12) V. Num. XIX, 17, 19.

(13) I.e., he is clean, though the sprinkling must be upon the revealed parts of his body.

(14) Shewing that Rabbi regards the tongue as an exposed limb, and thus contradicting his exclusion of the tongue in the case of a slave.

(15) And they ceased to be exposed. — At this stage, that may be assumed as the reason of the Sages.

(16) In the case of a firstling, that is a blemish, which permits the animal to be eaten as hullin (q.v. Glos).

(17) There too, exposed blemishes are required, and we see that Rabbi regards the loss of the tongue as such.

(18) Though the testicles are always hidden.

(19) Ben ‘Azzai said: ‘The loss of the tongue too’; this appears an addition to Rabbi's ruling, but it is now obvious that it cannot be.

(20) I.e., the enumeration preceding Rabbi's statement.

(21) Lit., ‘fixed it’.

(22) Lit., ‘it did not move from its place’, i.e., it was not altered so as to give Ben ‘Azzai's statement the precedence it logically requires.

(23) Lev. XV, 11; though this refers to a zab (v. Glos.), the same holds good of defilement by a reptile, and this verse shews that it must touch an exposed part of the person.

(24) V. Glos.

(25) In tebillah, the whole of the exposed part of a person must come into contact with the water; but not the tongue, for it is regarded as concealed.

(26) Ibid.13.

(27) Num. XIX, 29.

(28) By linking 'the unclean' with 'purify him', he deduces that whatever part can become unclean may be validly sprinkled; hence the tongue is included.

(29) They connect 'shall purify' i.e., sprinkle, with 'bathe himself, i.e., tebillah. Hence sprinkling must be on the same part which needs tebillah, thus excluding the tongue.

(30) . I.e., the two phrases bearing on cleanliness must be coupled.

(31) Therefore 'shall purify' cannot be linked with 'bathe himself.'

(32) Which shews that the water must enter the mouth.

(33) I.e., though the water need not pass through the crevices between the teeth, yet it must be possible, whereas the bone rendered it impossible.

(34) In Men. 103b it is stated: A meal offering of more than sixty 'esronim ('isaron pl. 'esronim = one tenth of an ephah) cannot be offered in one utensil, because it cannot be perfectly mixed with the oil. Hence if sixty-one 'esronim are vowed, sixty are brought in one vessel, and one in another. Now the Talmud objects, But we learnt that the offering is valid even if not mixed at all? R. Zera's dictum is the answer, and the same principle applies here.

Talmud - Mas. Kiddushin 25b

This¹ is disputed by Tannaim. And that which is bruised, or crushed, or broken, or cut [ye shall not offer unto the Lord]² — all these refer to the stones: that is R. Judah's opinion. To the stones and not to the membrum!³ But all these refer to the stones too: that is R. Judah's opinion. R. Eliezer b. Jacob said: They all refer to the membrum.⁴ R. Jose said: 'Bruised and crushed' refer to the stones too,⁵ whereas 'broken or cut' refer only to the membrum but not to the stones.⁶

MISHNAH. LARGE CATTLE⁷ ARE ACQUIRED BY MESIRAH⁸ SMALL CATTLE⁹ BY LIFTING: THIS IS THE OPINION OF R. MEIR AND R. ELIEZER.¹⁰ BUT THE SAGES RULE: SMALL CATTLE ARE ACQUIRED BY MESHICAH.

GEMARA. Rab lectured in Kimhunia:¹¹ Large cattle are acquired by meshikah. Samuel, meeting Rab's disciples, said to them, Did Rab rule that large cattle are acquired by meshikah? But we learnt: BY MESIRAH, and Rab too [previously] ruled, by mesirah! Did he then retract from that [view]? — He ruled in accordance with this Tanna. For it was taught: But the Sages maintain, Both [large cattle and small] are acquired by meshikah. R. Simeon said: Both by lifting. R. Joseph demurred: If so, how can an elephant be acquired, according to R. Simeon? — Said Abaye to him: By halifin, or by renting its place.¹² R. Zera said: He [the purchaser] brings four utensils and places them under its feet.¹³ Then you may infer from this that when the purchaser's utensils are in the vendor's domain [and a bought commodity is placed in them] the purchaser obtains a title.¹⁴ — The reference here is to an alley.¹⁵

(1) The question whether castration of testicles is a patent blemish and so frees the slave.

(2) Lev. XXII, 24.

(3) Surely if the membrum is cut or broken it is a patent blemish!

(4) But not to the testicles, which in his view are concealed and do not disqualify the animal.

(5) As then they are more noticeable.

(6) For these are less noticeable. — A slave is freed when his master blemishes him in such a way that an animal would thereby be unfit for a sacrifice, and thus the question of his stones is disputed by these Tannaim.

(7) Of the bovine race — cows, oxen, etc.

(8) Delivery, the vendor gives it over to the purchaser.

(9) Sheep, goats etc.

(10) So the reading in cur. edd. S. Strashun and Alfasi read Eleazar, the reference being to R. Eleazar h. Shammua', a contemporary of R. Meir.

(11) Neubauer, Geographie, p. 397 identifies Kimhunia with Gamach, a town in upper Armenia; Obermeyer, op. cir. p.

296, (v. also n. 4. a.l.) rejects this identification and places it in the vicinity of Sura.

(12) It then becomes his temporarily, and the elephant too; v. Mishnah on 26a.

(13) I.e., causes the elephant to step upon them; he is then regarded as having placed it in his utensils, so acquiring it.

(14) For presumably the elephant was standing in the vendor's grounds. But this question is disputed in B.B. 85a.

(15) Adjoining a public thoroughfare: this is a 'no man's land'.

Talmud - Mas. Kiddushin 26a

Alternatively, [this refers] to bundles of faggots.¹

MISHNAH. PROPERTY WHICH OFFERS SECURITY² IS ACQUIRED BY MONEY, BY DEED OR BY HAZAKAH. [PROPERTY] WHICH DOES NOT OFFER SECURITY³ CAN BE ACQUIRED ONLY BY MESHICAH. PROPERTY WHICH DOES NOT OFFER SECURITY MAY BE ACQUIRED IN CONJUNCTION WITH PROPERTY WHICH PROVIDES SECURITY BY MONEY, DEED, OR HAZAKAH;⁴ AND IT OBLIGATES THE PROPERTY WHICH PROVIDES SECURITY, TO TAKE AN OATH CONCERNING THEM.⁵

GEMARA. BY MONEY: Whence do we know it? — Said Hezekiah: Scripture saith, men shall acquire fields with money.⁶ Yet perhaps [the purchase is invalid] unless there is a deed [too], since it continues, and subscribe the deeds, and attest them? — Were 'acquire' written at the end, it would be as you say; now, however, that 'acquire' is written at the beginning,⁷ money gives a title, while the deed is merely evidence.⁸

Rab said: This was taught only of a place where a deed is not indited; but where it is, money alone gives no title. Yet if he [the vendee] distinctly stipulates,⁹ it is so.¹⁰ E.g., when R. Idi b. Abin bought land he used to say: 'If I wish, I acquire it by money; if I wish, I acquire it by deed.' [Thus:] 'If I wish, I acquire it by money,' so that should you desire to retract [after I have paid], you cannot. 'And if I wish, I acquire it by deed,' so that should I desire to withdraw,¹¹ I can.

AND BY DEED. How do we know it? Shall we say, because it is written, and subscribe the deeds, and attest them, and call witnesses¹² — but you have said that the deed is merely evidence? — But from this verse, so I took the deed of purchase.¹³

Samuel said: This was taught only of a deed of gift. But in the case of sale, no title is obtained until the money is paid.¹⁴ R. Hamnuna objected: By deed: E.g., if he [the vendor] writes for him [the vendee] on paper or a shard,¹⁵ even if worth less than a perutah. 'My field is sold unto you,' 'my field is given unto you,' it is sold and gifted!¹⁶ — He raised the objection. and he answered it: This refers to one who sells his field because of its poor quality.¹⁷ R. Ashi said: He really wished to present it to him as a gift; why then did he indite it with the phraseology of purchase? In order to strengthen his rights therein.¹⁸

AND BY HAZAKAH. How do we know it? — Said Hezekiah: Scripture saith, and dwell in the cities that ye have taken:¹⁹ how did ye take it? By dwelling therein.²⁰ The School of R. Ishmael taught: And ye shall possess it, and dwell therein:²¹ whereby shall ye possess it? By dwelling therein.

PROPERTY WHICH DOES NOT PROVIDE SECURITY CAN BE ACQUIRED ONLY BY MESHICAH. Whence do we know it? — Because it is written, and if thou sell aught unto thy neighbour, or buy of thy neighbour's hand,²² [intimating] that an article is acquired [by passing] from hand to hand.²³ But according to R. Johanan, who maintained, By Biblical law, money gives a title,²⁴ what can be said? — The Tanna teaches the Rabbinical enactment.²⁵

PROPERTY WHICH DOES NOT PROVIDE SECURITY [etc.]. How do we know it? — Said Hezekiah, Because Scripture saith, And their father gave them gifts . . . with fenced cities in Judah.²⁶ The scholars propounded: Need they [the movables] be heaped up [upon the land] or not?²⁷ — Said R. Joseph, Come and hear: R. Akiba said: Land, whatever its size, is liable to pe'ah²⁸ and first fruits,²⁹

- (1) Not less than three handbreadths high. When he causes the elephant to step upon them, he is regarded as having lifted it.
- (2) Real estate which may be mortgaged for debts, and remain liable to seizure even if subsequently sold.
- (3) I.e., movables, because the creditor cannot distrain upon them if sold.
- (4) If one sells land and movables, as soon as the purchaser acquires the land by one of these three methods, the movables automatically become his. — Hazakah, lit., 'taking possession,' e.g., if the vendee performs some small labour therein, such as digging, threshing, closing or making a gap in its fences.
- (5) In litigation over real estate, no oath is administered; whereas for movables it is. In a dispute concerning both, since an oath is taken for the latter, it is taken for the former too.
- (6) Jer. XXXII, 44.
- (7) I.e., before the mention of deeds,
- (8) Of the sale.
- (9) That either money or deed shall suffice. [Tosaf. Ri: either the vendor or buyer, whoever makes the terms, is at an advantage.]
- (10) Lit., 'he has stipulated'.
- (11) After paying, but before the deed is drawn up.
- (12) Jer. XXXII, 44.
- (13) Ibid. 11; this shews that the deed itself consummates the purchase.
- (14) Unless otherwise stipulated (Rashi).
- (15) Shards were used for this purpose in very ancient times: v. Krauss, T.A. 111, 147f, and n. 113a, 1.
- (16) Thus the deed suffices even for a sale. — The meaning is assumed to be, it is sold or gifted.
- (17) Being anxious to get rid of it, he is desirous that the deed itself shall consummate the transaction, so that the vendee may not withdraw.
- (18) Should the donor's creditors seize it for debt, the recipient would be able to claim its value, as stated in the deed, from him. Hence it is literally meant: it is both sold and gifted.
- (19) Jer. XL, 10.
- (20) I.e., by hazakah, possession.
- (21) Deut. XI, 31.
- (22) Lev. XXV, 14.
- (23) I.e., by meshikah.
- (24) In the case of movables.
- (25) That only meshikah gives a title. The reason of the enactment was this: should money itself transfer the purchase to the vendee, even before he takes possession, and a fire break out on the vendor's premises where the goods lie, he will not trouble to save them. V. B.M. 47b.
- (26) II Chron. XXI, 3; thus, they acquired the gifts, which were movables, in conjunction with the fenced cities, sc. real estate.
- (27) When they are to be acquired along with it.
- (28) V. Glos.
- (29) V. Deut. XXVI, 2.

Talmud - Mas. Kiddushin 26b

[is fit] for a prosbul¹ to be written thereon, and that property which does not provide security [movables] shall be acquired along with it. But if you say: They must be heaped thereon, for what is a very small piece of land fit? — R. Samuel b. Bisna explained it in R. Joseph's presence: E.g., if he sticks a needle therein.² Said R. Joseph to him. You annoy us:³ has the Tanna troubled to teach us

about a needle! — Said R. Ashi: who tells us that he did not suspend a pearl on it, worth a thousand zuz?

Come and hear: R. Eleazar said: It once happened that a certain Meronite⁴ in Jerusalem had a large quantity of movables, which he desired to give away. He was thereupon informed that he had no other means but to transfer them along with land. What did he do? He went and bought beth sela'⁵ near Jerusalem and declared: 'The north of this belongs to So-and-so, and together with it go a hundred sheep and a hundred barrels';⁶ on his death his directions were carried out. But if you say: They [the movables] must be heaped up thereon, for what is beth sela' fit? — Do you think that by beth sela' literally a sela' [coin] is meant? What is sela'? A large area; and why was it called sela'? Because it was as hard as a rock.⁷

Come and hear: For Rab Judah said in Rab's name: It once happened that a certain man who fell ill in Jerusalem (that is in accordance with R. Eleazar's view) — others state, he was in good health, which agrees with the Rabbis⁸ — had a large quantity of movables, which he desired to dispose of as a gift. Thereupon he was told that he had no other option but to transfer it along with land. What did he do? He went and purchased [a field] a quarter [kab's sowing] in area⁹ and declared: 'Let a square handbreadth¹⁰ belong to So-and-so, and with it go a hundred sheep and a hundred barrels':¹¹ on his death, the Sages confirmed his testimony. Now, if you say that they [the movables] must be heaped up thereon, for what is a square handbreadth fit? — The reference here is to money.¹² Reason too supports this. For should you think that a hundred sheep and a hundred barrels are meant literally, he should have transferred them by barter!¹³ What then: money? Then he could have transferred it to him by meshikah? But [it must mean] that the recipient is absent; then here too,¹⁴ it means that the recipient is absent. Then he should have transferred it to him by another?¹⁵ — He could not rely thereon, fearing that the other would steal and consume it. Then what is meant by 'he had no other option'? — It means this: in view [of the fact] that he has no confidence [in a stranger], there is no other course but to transfer it in virtue of real estate.

Come and hear: Rabban Gamaliel and some elders were once travelling in a ship. Said Rabban Gamaliel to the elders, 'Let the tenth which I am to measure out

(1) V. Glos. The prosbul was a deed whereby a creditor transferred his debts to the Beth din, which were then regarded as though already collected from the debtor, so that the seventh year did not cancel them. This was done only if the debtor possessed land. — This measure was instituted by Hillel, who saw that people refused to lend money when the seventh year was approaching, with consequent hardships for the poor; v. Git. 36a.

(2) Which is acquired along with the land.

(3) Or, insolent man!

(4) A townsman of Meron in Galilee, south of Giscala. The reading here and in the MS. F of B.B. 156b is **מדוני**.

(5) This may have several meanings: (i) a piece of land the size of a sela', the coin; (ii) a piece of land comprising just one rock, upon which it would be impossible to place anything; and (iii) a piece of rocky soil. The first or second is assumed to be meant.

(6) In B.B. 156b it continues: and the south part to So-and-so, etc.

(7) So that it could be bought very cheaply.

(8) R. Eleazar maintains that a gift, even if made by a very sick person on point of death, is not validly transferred by mere words, but the recipient must perform an act of acquisition. Hence the following story can refer even to a sick person. But the Rabbis hold this unnecessary in the case of a sick person, whose verbal testimony suffices; hence what is related must have happened to a man in good health.

(9) On the basis that two sela'im (twelve kabs) of seed are required for 5,000 sq. cubits; 'Er. 23b.

(10) A handbreadth one sixth of a cubit.

(11) And the recipient acquired the land by one of the recognised methods.

(12) He gave them money worth all that, and money could actually be placed thereon.

(13) Halifin v. Glos. Coin cannot be so acquired (B.M. 46a).

(14) I.e., even if sheep and barrels are meant literally.

(15) Who would accept it on his behalf.

Talmud - Mas. Kiddushin 27a

be given to Joshua,¹ and its place [where it is lying] be rented to him; and the other tenth which I am to measure out be given to Akiba b. Joseph, that he shall acquire it on behalf of the poor,² and its place be rented to him'.³ This proves that they must be heaped up thereon.⁴ — [No:] there it was different, for he did not wish to give them trouble.⁵ Come and hear: For Raba b. Isaac said in Rab's name: There are two [different kinds of] deeds. [Thus: If a man declares,] 'Acquire a title to this field on behalf of So-and-so, and indite a deed for him,'⁶ he can retract from the deed⁷ but not from the field. [But if he stipulates,] 'on condition that you indite a deed for him,' he can retract from both the deed and the field.⁸ R. Hiyya b. Abin said in R. Huna's name: There are three [kinds of] deeds. Two, as just stated. The third: If the vendor anticipates [payment] and indites a deed for him [the vendee], in accordance with what we learnt: A deed may be written for the vendor⁹ even though the vendee is not with him,¹⁰ then as soon as he takes possession of the land, the deed is vested [in the vendee] wherever it is.¹¹ This proves that they need not be heaped up thereon!¹² — A deed is different, as it is the bit of the land.¹³ But thereon it was taught: This is [an example of] what we learnt, PROPERTY WHICH DOES NOT PROVIDE SECURITY MAY BE ACQUIRED IN CONJUNCTION WITH PROPERTY WHICH PROVIDES SECURITY BY MONEY, BY DEED OR BY HAZAKAH. This proves that they need not be heaped up thereon! This proves it.

The scholars propounded: Is 'by dint' [thereof] necessary or not?¹⁴ — Come and hear: For all these [cases] are taught,¹⁵ and yet 'by dint of is not mentioned. And on your view; is 'Let him acquire it' taught?¹⁶ But it must mean, only when he says: 'Acquire it'; then here too, [it may mean] only when he says: 'By dint of.'¹⁷ Now, the law is: they need not be heaped thereon, whereas 'Acquire it,' and 'By dint of are essential.

The scholars propounded: What if the field is sold and the movables are gifted?¹⁸ — Come and hear: 'The tenth which I am to measure out to be given to Joshua and its place be rented to him.' This proves it.¹⁹

The scholars propounded: What if the field [is transferred] to one person, and the movables to another?²⁰ — Come and hear: 'A tenth which I am to measure out be given to Akiba b. Joseph, that he shall acquire it on behalf of the poor, and its place be rented to him.'²¹ [This does not solve it:] What is meant by 'rented'? Rented for the tithes.²² Alternatively, R. Akiba was different, for he was the hand of the poor.²³

Raba said: This was taught²⁴ only if he [the purchaser] had paid the money for them all. But if he had not paid the money for them all, he acquires only to the extent of his money. It was taught in agreement with Raba. The power of money is superior to that of a deed, and the power of a deed is superior to that of money. The power of money is superior [etc.], in that hekdes²⁵ and the second tithes²⁶ are redeemed therewith, which is not so in the case of deed.²⁷ And the power of a deed is superior, for a deed can free an Israelite daughter,²⁸ which does not hold good of money. And the power of both is superior to that of hazakah, and the power of hazakah is superior to that of both. The power of both is superior [etc.], in that both give a title to a Hebrew slave, which is not so in the case of hazakah. And the power of hazakah is superior to that of both: For with hazakah, if A sells B ten fields [situate] in ten countries, as soon as B takes possession²⁹ of one, he acquires all.

(1) I.e., R. Joshua b. Hanania, who was a Levite.

(2) It was either the third or the sixth year after the year of release (shemittah), when a tithe must be given to the poor. R. Akiba was the charity overseer.

(3) And they were to obtain a title in virtue of the place. — Rashi states: R. Gamaliel had forgotten to separate the tithes before leaving home, nor had he authorized his household to do so, and he was afraid that they might eat thereof before his return. Tosaf.: It was the time when all tithes had to be given up (likewise at the end of the third and the sixth years: though the tithes were separated before, they might be kept in the house of the Israelite until then), and R. Gamaliel chose this way of giving it. In that case it would appear that the tithes had already been separated, but the phrase, ‘which I am to measure out’ suggests otherwise; v. Rashal and Maharsha. v. B.M. (Sonc. ed.) p. 62 and notes.

(4) Otherwise, why specify the particular spot where they lie?

(5) The place being rented to them, they could remove the tithes at their convenience. But had he rented some other place to them, he might have wanted the spot where they were lying.

(6) As evidence of ownership.

(7) Should he say: ‘I do not wish him to have proof that the field is his.’

(8) For they are interdependent.

(9) Viz., my field is sold to X.

(10) Either where the vendee has already formally obtained a title thereto, or, according to Abaye, even without it, the mere attesting of such a deed causing the transfer.

(11) Though not actually on the land.

(12) For fuller notes v. B.B. (Sonc. ed.) p. 309.

(13) Like the bit used for leading a horse. I.e., the deed is valueless in itself, but a part of the land transaction, of which it is evidence. But other movables, valuable in themselves, possibly need not be heaped up on the land.

(14) **כִּי** i.e., must the vendor or donor state that the movables are to be acquired in virtue of the land?

(15) On 26b: a hundred sheep etc.

(16) Though it is certain that that must be said.

(17) And they are omitted because they are taken for granted.

(18) Can the latter be acquired through the former?

(19) For the tithe was gifted, whereas the place was rented, which is a temporary sale.

(20) Can one say: ‘Acquire the field, and in virtue thereof let So-and-so acquire the movables’?

(21) Thus the tenth was for the poor, while the place was rented to R. Akiba.

(22) And no other purpose. Hence it was really rented to the poor.

(23) I.e., he was their representative.

(24) That movables are acquired along with land.

(25) The plural hekdashoth, sacred objects, viz., animals dedicated to the altar which had subsequently received a blemish, or any object consecrated for Temple use.

(26) V. p. 4, n. 4.

(27) The writing of a deed obligating the owner with their redemption value does not redeem them.

(28) From the marriage bond, viz., divorce.

(29) By means of hazakah, which is the meaning of hehezik.

Talmud - Mas. Kiddushin 27b

When is this? If he has paid him for all; but if he has not paid the money for all, he gains a title only to the extent of his money. This supports Samuel. For Samuel said: If A sells B ten fields [situate] in ten countries, as soon as B takes possession of one, he then acquires all. Said R. Aha, son of R. Ika: The proof is: if he delivered him ten cows [tied] by one cord,¹ and said to him, ‘Acquire them’: would he not acquire then, [all]?² — How compare? he objected. There the tie is in his hand,³ whereas here the tie is not in his hand. Others state, R. Aha, son of R. Ika, said: The proof that he does not acquire [them all]⁴ is: if he delivered him ten cows [tied] by one cord and said to him, ‘Acquire this one: would he acquire them all?’⁵ — How compare: there they are separate entities; but here, The earth is one block.⁶

AND THEY OBLIGATE THE PROPERTY etc. ‘Ulla said: How do we derive [the law of] the superimposed oath⁷ from the Torah? — Because it is said: And the woman shall say: Amen, Amen.⁸ And we learnt: To what does she say: Amen? Amen to the curse,⁹ Amen to the oath,¹⁰ Amen that

[she was] not [unfaithful] by this man,¹¹ Amen that [she was] not [unfaithful] by any other man.¹² Amen that I did not go aside as an arusah, a nesu'ah, when waiting for the yabam,¹³ or as a kenusah.¹⁴ Now, how is this arusah meant? Shall we say that he [the arus] warned her¹⁵ when an arusah and makes her drink [the bitter waters]¹⁶ likewise as an arusah, — but we learnt: An arusah and one who waits for the yabam neither drink nor receive their kethubah:¹⁷ why? Because the Divine Law said, [and if thou hast not gone aside to uncleanness,] being under thy husband,¹⁸ which [condition] is absent!¹⁹ But if it means that he warned her as an arusah, she privily closeted herself [with the man against whom she was warned] likewise when an arusah, and he makes her drink when a nesu'ah²⁰ — then can the water test her? Surely Scripture said: And the man shall be free from iniquity,²¹ [which means,] when the husband himself is free from sin, water tests his wife; if the husband himself is not free from sin, water cannot test his wife!²² Hence [it is possible only] by means of superimposition.²³

Now, we have found this [a superimposed oath] in the case of sotah,²⁴ which belongs to ecclesiastical law.²⁵ How do we know it of civil law? — The School of R. Ishmael taught: A minori: if we superimpose [an oath] in the case of a sotah,

(1) Lit., 'bit'.

(2) E.g., if he seized one of them by its hair (Tosaf.). [Or by taking hold of the cord, on the view (supra 25b), that large cattle are acquired by Mesirah (Tosaf. Ri)].

(3) The animals are all tied together.

(4) In contradiction to Samuel.

(5) Surely not.

(6) All land is regarded as ultimately connected.

(7) I.e., an oath which would not be taken by itself, except in conjunction with another which must be taken in any case?

(8) Num. V, 22; this refers to the priest's adjuration concerning the charge of adultery.

(9) Ibid. 21.

(10) Ibid. 19.

(11) With whom she was now accused of having committed adultery.

(12) I.e., that she was not unfaithful in general.

(13) In the period between her husband's death and either her marriage, (yibum) or her emancipation (halizah) from the yabam.

(14) Lit., 'gathered in,' the designation of a yebamah after her marriage to the yabam.

(15) Lit., 'was jealous of her'; v. ibid.14; i.e., he formally expressed his jealousy in the presence of two witnesses and forbade her to closet herself privily with the object of his suspicions.

(16) V. Num. V, 24.

(17) I.e., they are divorced or given halizah, but forfeit their marriage settlements.

(18) Ibid. 19.

(19) For neither may live with her husband (viz., the arus or yabam) until the marriage ceremony is completed.

(20) I.e., after his warning was ignored, he completed and consummated the marriage, and then subjected her to the water ordeal. — If a woman disregards her husband's warning he must not live with her; hence he himself sinned in consummating the marriage.

(21) Ibid. 31.

(22) This interpretation is put upon the sentence because in its literary sense it is unnecessary; why would we have thought that the husband bears blame?

(23) I.e., it is impossible that an oath shall be taken by itself for misconduct whilst an arusah. She can swear in the first place only because she is charged with adultery when a nesu'ah, and upon this another oath is superimposed, viz., that she was not unfaithful as an arusah too.

(24) A wife charged with adultery, v. Glos.

(25) אִיסוּרָא , lit., 'prohibition,' is used in contradistinction to tbunn money, i.e., civil law dealing with financial questions only.

Talmud - Mas. Kiddushin 28a

though it [the oath] cannot be demanded of her on the evidence of one witness [only];¹ then in the case of a monetary claim, where a demand [for an oath] can be made on the evidence of one witness,² it surely follows that we superimpose [an oath]. Now, we have thus learnt this of a positive claim; how do we know it of a case of doubt?³ — It was taught: R. Simeon b. Yohai said: An oath was ordered without [the Temple Court],⁴ and an oath was ordered within [the Temple Court]: just as in the oath decreed within, doubt was made equal to certainty;⁵ so also in the oath decreed without, doubt was made equal to certainty.

How far does the superimposed oath [go]? — Said Rab Judah in Rab's name: Even if he demands of him, 'Swear to me that you are not my slave.'⁶ But he indeed is placed under the ban! For it was taught: If one calls his neighbour 'slave',⁷ let him be placed under the ban; 'mamzer',⁸ . . . he receives forty [lashes]; 'wicked', [rasha'] he may strive⁹ against his very livelihood!¹⁰ — But, said Raba: [He may demand of him:] 'Swear to me that you were not sold to me as a Hebrew slave'. But that is a proper claim? he owes him money!¹¹ — Raba follows his general view. For Raba said: A Hebrew slave belongs bodily [to his master].¹² If so, it is the equivalent of land?¹³ — I might have thought, Only land is it usual for people to sell secretly: had he sold it, it would not be generally known; but as for this,¹⁴ had he sold himself, it would have been known.¹⁵ Therefore we are informed [that it is not so].

MISHNAH. WHATEVER CAN BE USED AS PAYMENT FOR ANOTHER OBJECT, AS SOON AS ONE PARTY TAKES POSSESSION THEREOF, THE OTHER ASSUMES LIABILITY FOR WHAT IS GIVEN IN EXCHANGE.¹⁶ HOW SO? IF ONE BARTERS AN OX FOR A COW, OR AN ASS FOR AN OX, AS SOON AS ONE PARTY TAKES POSSESSION, THE OTHER BECOMES LIABLE FOR WHAT IS GIVEN IN EXCHANGE.¹⁷

GEMARA. What is the barter? Money!¹⁸ Then this proves that coin can become [an object of] barter.¹⁹ — Said Rab Judah: This is its meaning: Whatever is assessed as the value of another object,²⁰

(1) At least two witnesses must testify to her closeting herself (v. Sotah 2a).

(2) If A claims money from B and produces one witness to support his claim, B must swear that it is false; Sheb. 40a.

(3) E.g., A and B are partners in a business; when they come to dissolve partnership, A cannot demand that B shall swear that he did not purloin anything from the business, in order to satisfy his doubts. If, however, B is bound to swear on account of another matter, he must swear on this too. Now, it cannot be argued that this too follows a fortiori from sotah, where the charge of adultery is likewise only doubtful. For the principal oath in connection with sotah is entirely due to doubt; hence the superimposed oath is likewise. But in money matters the principal oath is imposed for a positive claim only.

(4) All oaths provided for in Scripture were taken without the Temple Court, except the oath of a sotah.

(5) In respect of swearing a superimposed oath.

(6) And if he must in any case swear on another matter, he must swear on this too.

(7) Probably as a result of his liaison with a heathen bondmaid.

(8) Bastard; v. Glos.

(9) Lit., 'descend'.

(10) So Rashi, V. also MGWJ. Festschrift, 1934, p. 127, n. 1; also the whole art. a.l. Buchler, Familienreinheit u. Sittlichkeit im zweiten Jahrhundert, which discusses this Baraita at considerable length.

(11) I.e., he is really claiming his service, which is an ordinary monetary claim, and there is nothing remarkable in the defendant's having to take a superimposed oath. Hence this is not a fitting answer to the question, 'How far does a superimposed oath go?'

(12) V. supra, p. 70, n. 2. Hence it is not an ordinary claim of money.

(13) For a heathen slave, belonging bodily to his master, ranks as real estate (v. supra 22b) and the same will apply to a

Hebrew slave according to Raba's dictum. But then it is already stated in the Mishnah.

(14) The claim under discussion.

(15) Lit., 'It has a sound.' Hence the claim is prima facie false, and no superimposed oath is taken, for this too requires some verisimilitude (Tosaf.).

(16) I.e., for the halipin, or barter thereof.

(17) Even before it actually reaches his hands.

(18) For it is assumed that **WHATEVER CAN BE USED AS PAYMENT** refers to, or at least includes, money. Hence the Mishnah teaches: If A exchanges a cow for B's money, the money not being given as payment but as barter, just as an ox might have been given, immediately A receives the money, B accepts the risks of anything that may happen to the cow, which is now in his possession. That is so, notwithstanding that had the money been given as payment, A's receipt thereof would not have transferred ownership of the cow to B.

(19) This is disputed by Amoraim in B.M. 46a, hence the Mishnah refutes the opposing view.

(20) I.e., anything but money, which needs no assessment.

Talmud - Mas. Kiddushin 28b

as soon as one party takes possession, the other assumes liability for what is given in exchange. This follows too from the statement, **HOW SO? IF ONE BARTERS AN OX FOR A COW, OR AN ASS FOR AN OX**. This proves it. Now, on the original hypothesis, that coin can effect a barter, what is meant by **HOW SO?**¹ — It means this: And produce too can effect a barter. **HOW SO? IF ONE BARTERS AN OX FOR A COW, OR AN ASS FOR AN OX**, as soon as one party takes possession, the other assumes liability for what is given in exchange. Now, this agrees with R. Shesheth, who maintained: Produce can effect a barter. But on R. Nahman's view, viz., that produce cannot effect a barter, what can be said? — It means this: Money sometimes ranks as [an object of] barter. **HOW SO? IF ONE BARTERS THE MONEY OF AN OX FOR A COW, OR THE MONEY OF AN ASS FOR AN OX.**² What is the reason? — He agrees with R. Johanan, who said: Biblically speaking, money effects a title. Why then was it decreed that only meshikah gives possession? As a precautionary measure, lest he say to him, 'Your wheat was burnt in the loft.'³ Now, the Rabbis enacted a preventive measure only for a usual occurrence, but not for an unusual occurrence.⁴ Now, according to Resh Lakish, who maintains that meshikah is explicitly required by Biblical law: it is well if he agrees with R. Shesheth, who rules [that] produce can effect a barter; then he can explain it as R. Shesheth. But if he holds with R. Nahman, that produce cannot effect a barter, whilst money does not effect a title [at all], how can he explain it?⁵ — You are forced to say that he agrees with R. Shesheth.⁶

MISHNAH. THE SANCTUARY'S⁷ TITLE TO PROPERTY [IS ACQUIRED] BY MONEY; THE TITLE OF A COMMON MAN TO PROPERTY BY HAZAKAH.⁸ DEDICATION TO THE SANCTUARY IS EQUAL TO DELIVERY TO A COMMON PERSON. GEMARA. Our Rabbis taught: How is the Sanctuary's title [acquired] by money? If the [Temple] treasurer pays money for an animal, even if the animal is at the world's end, he acquires it; whereas a common person gains no title until he performs meshikah. How is dedication to the Sanctuary equal to delivery to a common person? If one declares, 'This ox be a burnt-offering,' 'This house be hekdesch,' even if they are at the world's end, it [hekdesch] acquires them; whereas a common person gains no title⁹

(1) I.e., why is an instance given which does not illustrate the use of money as barter?

(2) E.g., A sells an ox to B for a certain sum of money, and B takes possession, thereby becoming indebted to A for the purchase price. Then B says: 'I will give you a cow for the purchase price of the ox,' to which A agrees. Now, though this is theoretically a fresh transaction, viz., B sells a cow to A, the money owing by B for the ox being regarded as though delivered to him by A for the cow, and it is a principle that the delivery of money alone does not consummate a purchase, it does so here, and neither can retract, i.e., it is barter, not payment.

(3) V. p. 126, n. 7.

(4) Such a transaction as described in note 2; consequently, the Biblical law operates.

- (5) For, as we have seen, on the original hypothesis either of these is involved.
- (6) The whole passage occurs again in B.M. 46a-b.
- (7) Lit., 'the Highest'.
- (8) This is explained in the Gemara.
- (9) In similar circumstances.

Talmud - Mas. Kiddushin 29a

until he performs meshikah or hazakah. If one [a common person] performs meshikah with it when it is worth a maneh,¹ but has no time to redeem it [pay the money] until it rises to two hundred [zuz,] he must pay two hundred.² What is the reason? — [Scripture saith,] Then he shall pay the money, and it shall be assured to him.³ If he performs meshikah when it is worth two hundred and has no time to redeem it until it falls to a maneh, he must pay two hundred. What is the reason? — That the rights of a layman should not be stronger⁴ than those of hekdesch.⁵ If he redeems it when it is worth two hundred, and has no time to perform meshikah before it falls to a maneh, he must pay two hundred.⁶ What is the reason? — [Scripture saith,] 'Then he shall pay the money, and it shall be assured to him.' If he redeems it at a maneh, and has no time to perform meshikah before it rises to two hundred, what he has redeemed is redeemed, and he pays only a maneh. Why? here too, let us say: The rights of a layman should not be stronger than those of hekdesch?⁷ — Must not a common person submit [to the curse,] 'He who punished [etc.]?'⁸ MISHNAH. ALL OBLIGATIONS OF THE SON UPON THE FATHER,⁹ MEN ARE BOUND, BUT WOMEN ARE EXEMPT. BUT ALL OBLIGATIONS OF THE FATHER UPON THE SON, BOTH MEN AND WOMEN ARE BOUND. ALL AFFIRMATIVE PRECEPTS LIMITED TO TIME,¹⁰ MEN ARE LIABLE AND WOMEN ARE EXEMPT. BUT ALL AFFIRMATIVE PRECEPTS NOT LIMITED TO TIME ARE BINDING UPON BOTH MEN AND WOMEN. AND ALL NEGATIVE PRECEPTS, WHETHER LIMITED TO TIME OR NOT LIMITED TO TIME, ARE BINDING UPON BOTH MEN AND WOMEN; EXCEPTING, YE SHALL NOT ROUND [THE CORNERS OF YOUR HEADS],¹¹ NEITHER SHALT THOU MAR [THE CORNER OF THY BEARD],¹² AND, HE SHALL NOT DEFILE HIMSELF¹³ TO THE DEAD.¹⁴

GEMARA. What is the meaning of ALL OBLIGATIONS OF THE SON UPON THE FATHER? Shall we say, all which the son is bound to perform for his father? Are then women [i.e., daughters] exempt? But it was taught: [Every man, his mother and his father ye shall fear:]¹⁵ 'every man:' I know this only of a man; whence do I know it of a woman? When it is said: 'Every man, his mother and his father ye shall fear' — behold, two are [mentioned] here.¹⁶ — Said Rab Judah: This is the meaning: ALL OBLIGATIONS OF THE SON, [WHICH LIE] UPON THE FATHER to do to his son, MEN ARE BOUND, BUT WOMEN [MOTHERS] ARE EXEMPT. We thus learnt [here] what our Rabbis taught: The father is bound in respect of his son, to circumcise, redeem,¹⁷ teach him Torah, take a wife for him, and teach him a craft. Some say, to teach him to swim too, R. Judah said: He who does not teach his son a craft, teaches him brigandage, 'Brigandage'! can you really think so! — But it is as though he taught him brigandage.¹⁸

'To circumcise him.' How do we know it? — Because it is written: And Abraham circumcised his son Isaac.¹⁹ And if his father did not circumcise him, Beth din²⁰ is bound to circumcise him, for it is written: Every male among you shall be circumcised.²¹ And if Beth din did not circumcise him, he is bound to circumcise himself, for it is written: And the uncircumcised male who will not circumcise the flesh of his foreskin, that soul shall be cut off.²²

How do we know that she [the mother] has no such obligation? — Because it is written, ['And Abraham circumcised his son . . .] as God had commanded him': 'him,' but not 'her' [the mother]. Now, we find this so at that time,²³ how do we know it for all times?²⁴ — The School of R. Ishmael taught: whenever 'command' is stated,²⁵ its only purpose is to denote exhortation for then and all

time.²⁶ Exhortation, as it is written. But charge Joshua, and encourage him, and strengthen him.²⁷ Then and for all time, as it is written, from the day that the Lord gave commandment, and onward throughout your generations.²⁸

‘To redeem him.’ How do we know it? — Because it is written, and all the firstborn of man among thy sons shalt thou redeem.²⁹ And if his father did not redeem him, he is bound to redeem himself, for it is written, [nevertheless the firstborn of man] thou shalt surely redeem.³⁰ And how do we know that she [his mother] is not obliged [to redeem him]? — Because it is written, thou shalt redeem [tifdeh] [which may also be read] thou shalt redeem thyself [tippadeh]: one who is charged with redeeming oneself is charged to redeem others; whereas one who is not charged to redeem oneself is not charged to redeem others. And how do we know that she is not bound to redeem herself?³¹ — Because it is written, thou shalt redeem [tifdeh], [which may be read] thou shalt redeem thyself the one whom others are commanded to redeem, is commanded to redeem oneself: the one whom others are not commanded to redeem is not commanded to redeem oneself. And how do we know that others are not commanded to redeem her? — Because the Writ saith, ‘and all the firstborn of man among thy sons shalt thou redeem’:³² ‘thy sons’, but not thy daughters.

Our Rabbis taught: If there is himself to redeem³³ and his son to redeem, he takes precedence over his son. R. Judah said: His son precedes him, for the precept in respect to the latter lies [primarily] upon his father, whereas that concerning his son lies [primarily] upon himself. Said R. Jeremiah: All agree,

(1) A hundred zuz.

(2) This refers to an article sold by hekdesch. A common person has to perform meshikah, as for an ordinary secular article; nevertheless he gains no title if it advances in price before he pays.

(3) But not before. Actually there is no such verse; but v. B.M. (Sonc. ed.) p. 321, n. 1: the deduction will likewise be from ‘shekel’, i.e., the shekel alone (viz., money) gives the title. But in Shab. 128a s.v. i, bu Tosaf. states that the deduction is from Lev. XXVII, 19: then he shall add the fifth part of the money of thy estimation unto it, and it shall be assured to him,

(4) Lit., ‘stricter’.

(5) For meshikah of secular property immediately vests the title in the purchaser, rendering him liable for its full value as at the time of meshikah.

(6) I.e., he cannot claim a rebate.

(7) And in a private transaction the vendor can retract if the article appreciates after the money is paid but before meshikah.

(8) V. B.M. 44a; though the vendor may withdraw, a curse is pronounced: ‘He who punished the generation of the flood . . . will punish him who does not stand by his word.’

(9) The meaning of this is discussed in the Gemara.

(10) Literally, caused by the time. Which are performed at particular times or seasons.

(11) Lev. XIX, 27.

(12) Ibid.

(13) Ibid. XXI, 1.

(14) In the Mishnaic language these are turned into substantives by the use of bal (not) joined to the second pers. impf. of the relevant verb. — These ordinances are binding upon men only.

(15) Lev. XIX, 3.

(16) I.e., the Plural ‘ye’.

(17) If the son is a firstborn.

(18) Having no occupation, he must take to theft.

(19) Gen. XXI, 4.

(20) V. Glos.

(21) Gen. XVII. 10; this is command in general terms, not particularly to the father, and hence is applied to Beth din.

(22) Ibid. 14.

(23) That Abraham, not Sarah, was commanded.

(24) Lit., 'for generations'.

(25) As here: as God had commanded him.

(26) Lit., 'for immediately and for generations'. [Rashi renders: to denote exhortation, to be zealous in the fulfilment of the command, that it comes into force immediately, and that it is binding for all generations.]

(27) Deut. III, 28.

(28) Num. XV, 23.

(29) Ex. XIII, 13.

(30) Num. XVIII, 15. The deduction is from the emphatic 'surely', expressed in Hebrew by the doubling of the verb.

(31) Though 'among thy sons' is explicitly stated, the verse may imply that a father is bound to redeem his son only, but the daughter must redeem herself when she grows up.

(32) Ex. XXXIV, 20.

(33) His father not having done so.

Talmud - Mas. Kiddushin 29b

if only five sela's are available, he takes precedence over his son. What is the reason? A precept affecting his own person is more important. They differ when there are five sela's [worth of property] sold¹ and five sela's free. R. Judah holds: A debt decreed in Scripture is as one indited in a bond:² hence, with these five sela's [that are free] he redeems his son, while the priest goes and seizes the five sela's [worth] that is sold on account of himself [the father]. But the Rabbis maintain, A debt decreed in Scripture is not as one indited in a bond; therefore a precept touching his own person is more important.³

Our Rabbis taught: If one has his son to redeem and the duty of making the festival pilgrimage,⁴ he must [first] redeem his son and then make the Festival pilgrimage. R. Judah said: He must first make the Festival pilgrimage and then redeem his son, for the one is a passing precept⁵ whereas the other is not a passing precept. As for R. Judah, it is well, the reason being as he states. But what is the reason of the Rabbis? — Because Scripture states: All the firstborn of thy sons thou shalt redeem,⁶ and only then is it stated, and none shall appear before me empty.⁷

Our Rabbis taught: How do we know that if one has five [firstborn] sons by five wives, he is bound to redeem them all? From the verse: 'All the firstborn of thy sons thou shalt redeem.' But that is obvious, [since] the Divine Law made it dependent upon the opening of the womb?⁸ — I might have argued, Let us learn the meaning of 'firstborn' here from inheritance.⁹ Just as there, the beginning of his strength [is meant], so here too;¹⁰ therefore we are informed [that it is not so].

'To teach him Torah.' How do we know it? — Because it is written. And ye shall teach them your sons.¹¹ And if his father did not teach him, he must teach himself, for it is written, and ye shall study.¹² How do we know that she [the mother] has no duty [to teach her children]? — Because it is written, we-limaddetem [and ye shall teach], [which also reads] u-lemadetem [and ye shall study]:¹³ [hence] whoever is commanded to study, is commanded to teach; whoever is not commanded to study, is not commanded to teach. And how do we know that she is not bound to teach herself? — Because it is written, we-limaddetem [and ye shall teach] — u-lemma — detem [and ye shall learn]: the one whom others are commanded to teach is commanded to teach oneself; and the one whom others are not commanded to teach, is not commanded to teach oneself. How then do we know that others are not commanded to teach her? — Because it is written: 'And ye shall teach them your sons' — but not your daughters.¹⁴

Our Rabbis taught: If he has himself to teach and his son to teach, he takes precedence over his son. R. Judah said: If his son is industrious, bright,¹⁵ and retentive,¹⁶ his son takes precedence over him. Thus R. Jacob, son of R. Aha b. Jacob, was once sent by his father [to study] under Abaye. On

his return he [his father] saw that his learning was dull. 'I am better than you,' said he to him; 'do you [now] remain here, so that I can go'. Abaye heard that he was coming. Now, a certain demon haunted Abaye's schoolhouse, so that when [only] two entered, even by day, they were injured. He [Abaye] ordered, 'Let no man afford him hospitality;¹⁷ perhaps a miracle will happen [in his merit].' So he [R. Aha b. Jacob] entered and spent the night in that schoolhouse, during which it [the demon] appeared to him in the guise of a seven-headed dragon. Every time he [the Rabbi] fell on his knees [in prayer] one head fell off. The next day he reproached them: 'Had not a miracle occurred, you would have endangered my life.'

Our Rabbis taught: If one has to study Torah and to marry a wife, he should first study and then marry. But if he cannot [live] without a wife, he should first marry and then study. Rab Judah said in Samuel's name: The halachah is, [A man] first marries and then studies. R. Johanan said: [With] a millstone around the neck, shall one study Torah! Yet they do not differ: the one refers to ourselves [Babylonians]; the other to them [Palestinians].¹⁸

R. Hisda praised R. Hamnuna before R. Huna as a great man. Said he to him, 'When he visits you, bring him to me. When he arrived, he saw that he wore no [head-]covering.¹⁹ 'Why have you no head-dress?' asked he. 'Because I am not married,' was the reply. Thereupon he [R. Huna] turned his face away from him. 'See to it that you do not appear before me [again] before you are married,' said he. R. Huna was thus in accordance with his views. For he said: He who is twenty years of age and is not married spends all his days in sin. 'In sin' — can you really think so? — But say, spends all his days in sinful thoughts.

Raba said, and the School of R. Ishmael taught likewise: Until the age of twenty, the Holy One, blessed be He, sits and waits. When will he take a wife? As soon as one attains twenty and has not married, He exclaims, 'Blasted be his bones!'²⁰

R. Hisda said: The reason that I am superior to my colleagues is that I married at sixteen.²¹ And had I married at fourteen,

(1) [Before the birth of his son, v. Tosaf.]

(2) Hence the five sela's he owes for his own redemption is like a written liability, contracted before he sold the land, and therefore his creditor, i.e., the priest to whom the redemption money is due, can distraint upon this property.

(3) For a creditor can distraint upon mortgaged property that is sold only if he holds a note against the debt.

(4) On Passover, Pentecost, and Tabernacles every male was to visit the Temple at Jerusalem: Deut. XVI, 16.

(5) When the Festival is gone it cannot be carried out.

(6) Ex. XXXIV, 20.

(7) Ibid. With reference to the Festival pilgrimage.

(8) Ibid. 19.

(9) Here, as stated; inheritance: Deut. XXI, 17: Bur he shall acknowledge . . . the firstborn, by giving him a double portion of all that he hath; for he is the beginning of his strength.

(10) I.e., his own firstborn.

(11) Deut. XI, 19.

(12) Deut. V, 1. The education of children in olden times was in their parents' hands, organized teaching being for adults only. The defects of this system were obvious, and schools were established in Jerusalem and later in the provinces for children from the ages of six or seven and upwards. These reforms are variously ascribed to R. Simeon b. Shetah and the High Priest Joshua b. Gamala; v. Halevy, *Doroth I*, 111, p. 466 and note a.l.

(13) [So Rashi. The derivation may however be based on the analogy of Deut. XI, 9 and V, 1.]

(14) Differing opinions were held on the desirability of educating women. R. Eliezer's strong opposition is well-known (Sot. III, 4), though the probability is that he referred to advanced Talmudic education only. The laws referring to women's obligation to certain prayers imply that they must have been instructed in the elements of Judaism at least; and it is noteworthy that in the ideal state ascribed to Hezekiah's reign, women were fully educated (Sanh. 94b).

(15) Var. lec. filled (with a desire to learn).

(16) Lit., 'his learning endures in his hand.'

(17) Lit., 'lodging place', so that he might be compelled to spend the night in the academy.

(18) Rashi: The Babylonian scholars used to travel to Palestine, the home of the Mishnah; hence they were free of household worries, and so might marry before study. But the Palestinians, studying at home and bearing family responsibilities, could make no progress if married, and so they were bound to study first. Tosaf. reverses the interpretation.

(19) A sudarium with which married men used to cover their heads. V. supra p. 29, n. 5.

(20) [MS.M. תִּיפֵה נִפְשׁוּ , 'May he be blasted'.]

(21) So that my mind was entirely free for study.

Talmud - Mas. Kiddushin 30a

I would have said to Satan, An arrow in your eye.¹ Raba said to R. Nathan b. Ammi: Whilst your hand is yet upon your son's neck,² [marry him], viz., between sixteen and twenty-two. Others state, Between eighteen and twenty-four. This is disputed by Tannaim. Train up a youth in the way he should go:³ R. Judah and R. Nehemiah [differ thereon]. One maintains, ['Youth' means] between sixteen and twenty-two; the other affirms, Between eighteen and twenty-four.

To what extent is a man obliged to teach his son Torah? — Said Rab Judah in Samuel's name: E.g., Zebulun, the son of Dan, whom his grandfather taught Mikra [Scripture], Mishnah, Talmud,⁴ halachoth and aggadoth.⁵ An objection is raised: If he [his father] taught him Mikra, he need not teach him Mishnah; whereon Raba said: Mikra means Torah?⁶ — Like Zebulun b. Dan, yet not altogether so. Like Zebulun b. Dan, whom his grandfather taught: yet not altogether so, for whereas there [he was taught] Mikra, Mishnah, Talmud, halachoth and aggadoth, here [i.e., as a general rule] Mikra alone [suffices].

Now, is the grandfather under this obligation? Surely it was taught: And ye shall teach them your sons,⁷ but not your sons' sons. How then do I interpret⁸ [the verse], and thou shalt make them known unto thy sons, and thy sons' sons?⁹ As shewing that to him who teaches his son Torah, the Writ ascribes merit as though he had taught him, his son and his son's son until the end of all time!¹⁰ — He agrees with the following Tanna. For it was taught: 'And ye shall teach them your sons': hence I only know, your sons. How do I know your sons' sons? From the verse: 'and thou shalt make them known unto thy sons and thy sons' sons'. If so, why state, 'thy sons'? — To teach: 'thy sons, but not thy daughters.

R. Joshua b. Levi said: He who teaches his grandson Torah, the Writ regards him as though he had received it [direct] from Mount Sinai, for it is said; 'and thou shalt make them known unto your sons and your sons' sons', which is followed by, that is the day that thou stoodest before the Lord thy God in Horeb.¹¹ R. Hiyya b. Abba found R. Joshua b. Levi wearing a plain cloth upon his head¹² and taking a child to the synagogue [for study].¹³ 'What is the meaning of all this?' he demanded.¹⁴ 'Is it then a small thing,' he replied: 'that it is written: 'and thou shalt make them known to your sons and your sons' sons'; which is followed by, that is the day that thou stoodest before the Lord thy God in Horeb'? From then onwards R. Hiyya b. Abba did not taste meat¹⁵ before revising [the previous day's lesson] with the child and adding [another verse]. Rabbah son of R. Huna did not taste meat until he took the child to school.

R. Safra said on the authority of R. Joshua b. Hanania: What is meant by, and thou shalt teach them diligently [we-shinnantem] unto thy children?¹⁶ Read not we-shinnantem, but we-shillashtem: [you shall divide into three]: one should always divide his years into three: [devoting] a third to Mikra, a third to Mishnah, and a third to Talmud. Does one then know how long he will live? — This refers only to days.¹⁷

The early [scholars] were called soferim¹⁸ because they used to count all the letters of the Torah.¹⁹ Thus, they said, the waw in gahon²⁰ marks half the letters of the Torah; darosh darash,²¹ half the words; we-hithggalah,²² half the verses. The boar out of the wood [mi-ya'ar] doth ravage it:²³ the 'ayin of ya'ar²⁴ marks half of the Psalms.²⁵ But he, being full of compassion, forgiveth their iniquity,²⁶ half of the verses.

R. Joseph propounded: Does the waw of gahon belong to the first half or the second? Said they [the scholars] to him, Let a Scroll of the Torah be brought and we will count them! Did not Rabbah b. Bar Hanah say,²⁷ They did not stir from there until a Scroll of the Torah was brought and they counted them? — They were thoroughly versed in the defective and full readings,²⁸ but we are not.

R. Joseph propounded: Does wehithgalah belong to the first half or the second? Said Abaye to him, For the verses, at least, we can bring [a Scroll] and count them! — In the verses too we are not certain. For when R. Aha b. Adda came,²⁹ he said: In the West [Palestine] the following verse is divided into three: And the Lord said unto Moses, Lo, I come unto thee in a thick cloud [etc.].³⁰

Our Rabbis taught: There are five thousand, eight hundred and eighty-eight verses in the Torah,³¹ the Psalms exceed this by eight;³² while Chronicles³³ are less by eight.

Our Rabbis taught: And thou shalt teach them diligently³⁴ [means] that the words of the Torah shall be clear-cut in your mouth, so that if anyone asks you something, you should not shew doubt and then answer him, but [be able to] answer him immediately, for it is said,

(1) I defy you! being absolutely free from impure thoughts. In the Bible, Satan has the general connotation of adversary (v. I Kings V, 18; I Sam. XXIX, 4; Ps. CIX, 4), and at first he is not regarded as a distinct being. In Job, however, he does appear so, viz., as the celestial prosecutor; but even then, he cannot act independently, but requires God's permission. It is only later that he appears as an independent agent (I Chron. XXI, 2). The early portions of the Talmud mention him very rarely. but gradually belief in him spread. the popular concepts possibly forcing their way upwards from the lower classes. V. J.E. art. Satan.

(2) While you have yet power and influence over him.

(3) Prov. XXII, 6; i.e., marry him.

(4) The discussion of the Mishnah.

(5) V. Glos.

(6) The Pentateuch. In the earliest terminology we find Torah and Mikra opposed, the former referring to the Pentateuch and the latter to the other Books of the Bible (v. J.E., 'Bible, Canon', III, 142); here they are identified.

(7) Deut. XI, 19.

(8) Lit., 'fulfil'.

(9) Ibid. IV, 9.

(10) Lit., 'generations'.

(11) Ibid. 10.

(12) But not a sudarium, V. supra p. 142, n. 2.

(13) In Talmudic times the teaching took place in the synagogue.

(14) Why was he so hasty to go out as not to don Proper headgear?

(15) [שנין, a piece of grilled meat usually taken at breakfast].

(16) Deut. VI, 7.

(17) Rashi: two days in the week to Mikra, two to Mishnah, and two to Talmud. Tosaf., more plausibly: each day itself should be divided into three. — Actually, scholars have always confined themselves to Talmud: but as the Babylonian Talmud is an amalgam of the three, this dictum is held to be fulfilled; v. Sanh. 24a. Furthermore, the early part of the morning liturgy contains passages from all three.

(18) Rashi quotes, and the families of scribes — Soferim — which dwelt at Jabez; I Chron. II, 55. The term is generally applied to the band of Scholars from the Babylonian exile, who propagated the knowledge of the Torah and interpreted

it.

(19) To safeguard the correctness of the text. Soferim is taken in the original sense of its root safar, 'to count'.

(20) Whatsoever goeth upon the belly (iujd) — Lev. XI, 42.

(21) Lev. X, 16: And Moses diligently enquired after — darosh darash — the goat of the sin-offering.

(22) Lev. XIII, 33: we-hithggalah, then he shall be shaven. [In M.T. the words 'he placed on him' (Lev. VIII, 8) is given as the middle verse.]

(23) Ps. LXXX, 14.

(24) יע' .

(25) It is not stated whether letters or words are meant: S. Strashun observes that he counted the words, and found that the first half exceeds the second by nearly 2,000; hence the reference is to letters, and there is such a reading too.

(26) Ps. LXXVIII, 38.

(27) On another occasion.

(28) E.g., the long i and long o are sometimes indicated by a yod and waw respectively; then the reading is called 'full'; sometimes they are omitted; then it is called defective.

(29) From Palestine to Babylon.

(30) Ex. XIX, 9.

(31) I.e., the Pentateuch. In M.T. we have 5,845. [The difference is explained by the fact that the Palestinian had more verses than the Babylonian. v. Ned. (Sonc. ed.) p. 118. n. 7. and Graetz MGWJ XXXIV. pp. 97ff.]

(32) Tosaf. observes that even if the Psalms are divided into verses of three words, there are still more in the Pentateuch. [The M.T. has 2,527, and the difference could be accounted as in the case of the Pentateuch. The difficulty however remains in regard to Chronicles where M.T. has only 1,765.]

(33) Wilna Gaon emends: Daniel and Chronicles.

(34) Weshinnantam < shannen, to be keen.

Talmud - Mas. Kiddushin 30b

say unto wisdom, Thou art my sister;¹ and it is also said, Bind them upon thy fingers; write them upon the table of thine heart;² and it is also said: As arrows are in the hand of a mighty man, so are the children of thy youth;³ and it is also said, sharp arrows of the mighty;⁴ and it is also said: Thine arrows are sharp; the peoples fall under thee;⁵ and it is also said: Happy is the man that hath his quiver full of them; They shall not be ashamed, when they speak with their enemies in the gate.⁶ What is meant by 'with their enemies in the gate'? — Said R. Hiyya b. Abba, Even father and son, master and disciple, who study Torah at the same gate⁷ become enemies of each other; yet they do not stir from there until they come to love each other, for it is written, [Wherefore it is said it, the book of the wars of the Lord,] love⁸ is be-sufah;⁹ read not 'be-sufah' but 'be-sofah'.¹⁰

Our Rabbis taught: We-samtem¹¹ [reads] sam tam [a perfect remedy]. This may be compared to a man who struck his son a strong blow, and then put a plaster on his wound, saying to him, 'My son! As long as this plaster is on your wound you can eat and drink at will, and bathe in hot or cold water, without fear. But if you remove it, it will break out into sores.' Even so did the Holy One, blessed be He, speak unto Israel: 'My children! I created the Evil Desire,¹² but I [also] created the Torah, as its antidote; if you occupy yourselves with the Torah, you will not be delivered into his hand, for it is said: If thou doest well,¹³ shalt thou not be exalted?¹⁴ But if ye do not occupy yourselves with the Torah, ye shall be delivered into his hand, for it is written, sin coucheth at the door.¹⁵ Moreover, he is altogether preoccupied with thee [to make thee sin], for it is said, and unto thee shall be his desire.¹⁶ Yet if thou wilt, thou canst rule over him, for it is said, and thou shalt rule over him.¹⁶

Our Rabbis taught: The Evil Desire is hard [to bear], since even his Creator called him evil, as it is written, for that the desire of man's heart is evil from his youth.¹⁷ R. Isaac said: Man's Evil Desire renews itself daily against him, as it is said, [every imagination of the thoughts of his heart] was only evil every day.¹⁸ And R. Simeon b. Levi¹⁹ said: Man's Evil Desire gathers strength against him daily and seeks to slay him, for it is said: The wicked watcheth the righteous, and seeketh to slay him;²⁰

and were not the Holy One, blessed be He, to help him [man], he would not be able to prevail against him, for it is said: The Lord will not leave him in his hand.²¹

The School of R. Ishmael taught: My son, if this repulsive [wretch]²² assail thee, lead him to the schoolhouse: if he is of stone, he will dissolve; if iron, he will shiver [into fragments], for it is said: Is not my word like as fire? saith the Lord,' and like a hammer that breaketh the rock in pieces?²³ If he is of stone, he will dissolve, for it is written: Ho, everyone that thirsteth, come ye to the waters;²⁴ and it is said: The waters wear the stones.²⁵

'To take a wife for him.' How do we know it? — Because it is written: Take ye wives, and beget sons and daughters; and take wives for your sons, and give your daughters to husbands.²⁶ As for [marrying] his son, it is well, for it rests with him;²⁷ but with respect to his daughter, does it then rest with him?²⁸ — This is his meaning: Let her be dowered, clothed and adorned, that men should eagerly desire her.²⁹ 'To teach him a craft.' Whence do we know it? — Said Hezekiah: Scripture saith, See to a livelihood with the wife whom thou lovest.³⁰ If 'wife' is literal, [this teaches,] just as he [the father] is bound to take a wife for him, so is he bound to teach him a craft [for a livelihood]; if it is [a metaphor for] Torah, then just as he is bound to teach him Torah, so is he bound to teach him a craft.

'And some say, [He must teach him] to swim in water too. What is the reason? — His life may depend on it.

'R. Judah said: He who does not teach him a craft teaches him brigandage. "Brigandage"! can you think so? — But it is like teaching him brigandage'. Wherein do they differ? — They differ where he teaches him business.³¹

BUT ALL OBLIGATIONS OF THE FATHER UPON THE SON etc., What is meant by 'ALL OBLIGATIONS OF THE FATHER UPON THE SON? Shall we say, all precepts which the father is bound to perform for his son — are then women bound thereby? But it was taught: 'The father is obliged in respect of his son, to circumcise and redeem him': only the father, but not the mother? — Said Rab Judah, This is its meaning: All precepts concerning a father, which are incumbent upon a son to perform for his father, both men and women are bound thereby. We have [thus] learnt here what our Rabbis taught: [Ye shall fear every man his father, and his mother]:³² 'man,' I know it only of man; how do I know it of woman?³³ When it is said: 'Ye shall fear,' two are mentioned. If so, why state man? A man possesses the means to fulfil this, but a woman has no means of fulfilling this, because she is under the authority of others.³⁴ R. Idi b. Abin said in Rab's name: If she is divorced, both are equal.³⁵ Our Rabbis taught: It is said: Honour thy father and thy mother;³⁶ and it is also said: Honour the Lord with thy substance:³⁷ thus the Writ assimilates the honour due to parents to that of the Omnipresent. It is said: 'Ye shall fear every man his father, and his mother'; and it is also said: The Lord thy God thou shalt fear, and him thou shalt serve;³⁸ thus the Writ assimilates the fear of parents to the fear of God. It is said: And he that curseth his father, or his mother, shall surely be put to death;³⁹ and it is also said: Whosoever curseth his God shall bear his sin:⁴⁰ thus the Writ assimilates the blessing⁴¹ of parents to that of the Omnipresent. But in respect of striking, it is certainly impossible.⁴² And that is but logical,⁴³ since the three⁴⁴ are partners in him [the son].

Our Rabbis taught: There are three partners in man, the Holy One, blessed be He, the father, and the mother. When a man honours his father and his mother, the Holy One, blessed be He, says: 'I ascribe [merit] to them as though I had dwelt among them and they had honoured Me.'

It was taught: Rabbi said: It is revealed and known to Him Who decreed, and the world came into existence,⁴⁵ that a son honours his mother more than his father,

-
- (1) Prov. VII, 4; be as clear in your wisdom — i.e., learning — as in the knowledge that your sister is interdicted to you. Or possibly the deduction is from the second half of the verse: and call understanding thy familiar friend — i.e., be fully versed and familiar therein.
- (2) Prov. VII, 3.
- (3) The disciples, Ps. CXXXVII, 4.
- (4) The scholars, Ibid. CXX, 4.
- (5) Ps. XLV, 6.
- (6) PS. CXXXVII, 5.
- (7) I.e., at the same academy. Alternatively, in the same subject.
- (8) **וְהָב**, connected by a play on words with **אָהַב**, to love.
- (9) Num. XXI, 24.
- (10) 'At the end thereof.' 'The book of the wars of the Lord' — i.e., disputations on Biblical interpretation — eventually leads to love.
- (11) Deut. XI, 18: Therefore shall ye lay up (we-samtem) these my words etc.
- (12) Thus Cain defended himself for murdering Abel by arguing that God himself had implanted the evil desire in him (Tan., Bereshit, 25, ed. Buber, p. 10). It is generally understood as man's evil impulses. Occasionally it is personified, as here, and identified with Satan (B.B. 16a); on the other hand, in Ber. 16b it is clearly distinguished as a separate entity.
- (13) I.e., engagemt in the study of the Torah.
- (14) Gen. IV, 7; sc. above the Evil Desire.
- (15) Gen. IV, 7; so the E.V. Possibly the Talmud translates: at the door of sin-i.e., when one yields to the Evil Desire — one lies lost — i.e., becomes its slave.
- (16) Ibid.
- (17) Gen. VIII, 21.
- (18) Ibid. VI, 5.
- (19) In Suk. 52a the reading is: R. Simeon b. Lakish.
- (20) Ps. XXXVII, 32.
- (21) Ibid. 33.
- (22) The Evil Desire.
- (23) Jer. XXIII, 29.
- (24) Isa. LV, 1; i.e., the Torah.
- (25) Job XIV, 19.
- (26) Jer. XXIX, 6.
- (27) Lit., 'it is in his hand'- one can always find a bride for his son.
- (28) One cannot easily obtain a husband for his daughter. How then does Jeremiah say, and give your daughters to husbands?
- (29) Lit., 'spring upon her'.
- (30) Ecc. IX, 9.
- (31) The first Tanna, though mentioning a craft, merely desires a means of livelihood, and includes business too. But R. Judah's emphasis on a craft shews that he does not consider business sufficient. — In a country living by agriculture and industry R. Judah thought commerce too precarious. V. Krauss, T.A. 250-252 on trade. He makes the interesting point (p. 252) that whilst reference is frequently made to a po'el batel **פּוֹעֵל בַּטֵּל**, an unemployed landworker, one never hears of an unemployed artisan.
- (32) Lev. XIX, 3.
- (33) That a daughter too must fear her parents.
- (34) Viz., her husband, who may render it impossible for her to shew due reverence to her parents.
- (35) The duty rests upon her just as much as upon her brother.
- (36) Ex. XX, 12.
- (37) Prov. III, 9.
- (38) Deut. VI, 13.
- (39) Ex. XXI, 17.
- (40) Lev. XXIV, 15.

- (41) A euphemism for cursing.
- (42) To assimilate them, for the Almighty cannot be struck.
- (43) That parents should be likened to the Almighty.
- (44) God, father and mother.
- (45) Viz., God: this phrase is liturgical.

Talmud - Mas. Kiddushin 31a

because she sways him by words; therefore the Holy One, blessed be He, placed the honour of the father before that of the mother. It is revealed and known to Him Who decreed, and the world came into existence, that a son reverences his father more than his mother, because he teaches him Torah, therefore the Holy One, blessed be He, put the fear [reverence] of the mother before that of the father.

A tanna¹ recited before R. Nahman: When a man vexes his father and his mother, the Holy One, blessed be He, says: 'I did right in not dwelling among them, for had I dwelt among them, they would have vexed Me.'

R. Isaac said: He who transgresses in secret is as though he pressed the feet of the Shechinah for it is written: Thus saith the Lord, The heaven is my throne, and the earth is my footstool.² R. Joshua b. Levi said: One may not walk four cubits with haughty mien,³ for it is said, the whole earth is full of His glory.⁴ R. Huna son of R. Joshua would not walk four cubits bareheaded, saying: The Shechinah is above my head.

A widow's son asked R. Eliezer: If my father orders, 'Give me a drink of water,' and my mother does likewise, which takes precedence? 'Leave your mother's honour and fulfil the honour due to your father,' he replied: 'for both you and your mother are bound to honour your father.'⁵ Then he went before R. Joshua, who answered him the same. 'Rabbi,' said he to him, 'what if she is divorced?' — 'From your eyelids it is obvious that you are a widow's son,'⁶ he retorted: 'pour some water for them into a basin, and screech for them like fowls!'⁷

'Ulla Rabbah⁸ lectured at the entrance to the Nasi's house:⁹ What is meant by, All the kings of the earth shall make admission unto Thee, O Lord, For they have heard the words of Thy mouth?¹⁰ Not the word of Thy mouth, but 'the words of Thy mouth' is said. When the Holy One, blessed be He, proclaimed, I am [the Lord thy God] and Thou shalt have none [other Gods before me],¹¹ the nations of the world said: He teaches merely for His own honour. As soon as He declared: Honour thy father and thy mother,¹² they recanted and admitted [the justice of] the first command [too]. Raba said, [This may be deduced] from the following: The beginning of Thy word is true:¹³ 'the beginning of Thy word,' but not the end!¹⁴ But from the latter portion of Thy declaration it may be seen that the first portion is true.¹⁵ It was propounded of R. 'Ulla: How far does the honour of parents [extend]? — He replied: Go forth and see what a certain heathen, Dama son of Nethinah by name, did in Askelon. The Sages once desired merchandise from him, in which there was six-hundred-thousand [gold denarii] profit, but the key was lying under his father, and so he did not trouble him.¹⁶ Rab Judah said in Samuel's name: R. Eliezer was asked: How far does the honour of parents [extend]? — Said he, Go forth and see what a certain heathen, Dama son of Nethinah by name, did in Askelon. The Sages sought jewels for the ephod, at a profit of six-hundred-thousand [gold denarii] — R. Kahana taught: at a profit of eight-hundred-thousand — but as the key was lying under his father's pillow, he did not trouble him. The following year the Holy One, blessed be He, gave him his reward. A red heifer was born to him in his herd.¹⁷ When the Sages of Israel went to him [to buy it], he said to them, 'I know you, that [even] if I asked you for all the money in the world you would pay me. But I ask of you only the money which I lost through my father's honour.' Now, R. Hanina observed thereon, If one who is not commanded [to honour his parents], yet does so, is thus

[rewarded], how much more so one who is commanded and does so! For R. Hanina said: He who is commanded and fulfils [the command], is greater than he who fulfils it though not commanded.¹⁸

R. Joseph¹⁹ said: Originally, I thought, that if anyone would tell me that the halachah agrees with R. Judah, that a blind person is exempt from the precepts, I would make a banquet²⁰ for the Rabbis, seeing that I am not obliged, yet fulfil them. Now, however, that I have heard R. Hanina's dictum that he who is commanded and fulfils [the command] is greater than he who fulfils it though not commanded; on the contrary, if anyone should tell me that the halachah does not agree with R. Judah, I would make a banquet for the Rabbis.

When R. Dimi came,²¹ he said: He [Dama son of Nethinah] was once wearing a gold embroidered silken cloak and sitting among Roman nobles, when his mother came, tore it off from him, struck him on the head, and spat in his face, yet he did not shame her.

Abimi, son of R. Abbahu recited: One may give his father pheasants as food, yet [this] drives him from the world; whereas another may make him grind in a mill

(1) V. Glos. s.v. (b).

(2) Isa. LXVI, 1. By transgressing secretly he avers that God's presence is not there, and thus would confine the feet of the Shechinah into a narrower place than what they occupy, viz., the whole earth.

(3) Lit., 'upright stature.

(4) Ibid. VI, 3.

(5) This does not imply that the husband need not honour his wife (v. B.M., Sonc. ed., p. 352, n. 4) but that the wife must obey her husband, just as a son his father.

(6) The eyelids having fallen out with weeping — probably not to be taken literally, but he sensed that the question was merely theoretical.

(7) A sarcastic answer.

(8) Or, the Great 'Ulla.

(9) It would seem to have been a public place where popular lectures were given.

(10) Ps. CXXXVIII, 4.

(11) Ex. XX, 2f.

(12) Ibid. 12.

(13) Ps. CXIX, 160.

(14) Surely not!

(15) I.e., just.

(16) To wake him to take the key. The Jerusalem adds that his father's feet were lying on the chest containing the merchandise and so he could not break it.

(17) V. Num. XIX.

(18) V. A.Z. (Sonc. ed.) p. 6, n. 1.

(19) He was blind.

(20) Lit., 'a festival'.

(21) V. p. 46, n. 6.

Talmud - Mas. Kiddushin 31b

and [this] brings him to the world to come!¹

R. Abbahu said: E.g., my son Abimi has fulfilled the precept of honour. Abimi had five ordained sons² in his father's lifetime, yet when R. Abbahu came and called out at the door, he himself speedily went and opened it for him, crying, 'Yes, yes,'³ until he reached it. One day he asked him, 'Give me a drink of water.' By the time he brought it he had fallen asleep. Thereupon he bent and stood over him until he awoke. It so happened that Abimi succeeded in interpreting, A song of

Asaph.⁴

R. Jacob b. Abbahu asked Abaye: 'I, for instance, for whom my father pours out a cup [of wine] and my mother mixes it⁵ on my returning from the school, what am I to do?'⁶ — 'Accept it from your mother,' he replied: 'but not from your father; for since he is a scholar, he may feel affronted.'⁷

R. Tarfon had a mother for whom, whenever she wished to mount into bed, he would bend down to let her ascend;⁸ (and when she wished to descend, she stepped down upon him).⁹ He went and boasted thereof in the school. Said they to him, 'You have not yet reached half the honour [due]: has she then thrown a purse before you into the sea without your shaming her?'

When R. Joseph heard his mother's footsteps he would say: 'I will arise before the approaching Shechinah.'

R. Johanan said: Happy is he who has not seen them.¹⁰ R. Johanan's father died when his mother conceived him, and his mother died when she bore him. And Abaye was likewise. But that is not so, for Abaye said, my Mother told me. . ! — That was his foster-mother. R. Assi had an aged mother. Said she to him, 'I want ornaments.' So he made them for her. 'I want a husband.' — 'I will look out for you. 'I want a husband as handsome as you.' Thereupon he left her and went to Palestine. On hearing that she was following him he went to R. Johanan and asked him, 'May I leave Palestine¹¹ for abroad?'¹² 'It is forbidden,' he replied. 'But what if it is to meet my mother?' 'I do not know', said he. He waited a short time and went before him again. 'Assi', said he, 'you have determined to go; [may] the Omnipresent bring you back in peace.' Then he went before R. Eleazar and said to him, 'Perhaps, God forbid, he was angry?' 'What [then] did he say to you?' enquired he. 'The Omnipresent bring you back in peace', was the answer. 'Had he been angry', he rejoined, 'he would not have blessed you'. In the meanwhile he learnt that her coffin was coming.¹³ 'Had I known', he exclaimed: 'I would not have gone out.'

Our Rabbis taught: He must honour him in life and must honour him in death. 'In life', e.g., one who is heeded in a place on account of his father should not say: 'Let me go, for my own sake', 'Speed me, for my own sake', or 'Free me, for my own sake', but all 'for my father's sake.' 'In death', e.g., if one is reporting something heard from his mouth, he should not say: 'Thus did my father say', but, 'Thus said my father, my teacher, for whose resting place may I be an atonement.'¹⁴ But that is only within twelve months [of his death].¹⁵ Thereafter he must say: 'His memory be for a blessing, for the life of the World to come.'

Our Rabbis taught: A Sage must change his father's name and his teacher's name, but the interpreter does not change his father's name and his teacher's name.¹⁶ Whose father? Shall we say, the father of the interpreter?¹⁷ — Is then the interpreter not obliged [to honour his parents]? — But, said Raba, [it means] the name of the Sage's father or the name of the Sage's teacher. As when Mar, son of R. Ashi, lectured at the college sessions; he said [to the interpreter]: My father, my teacher [said thus], whereas his interpreter said: Thus did R. Ashi say.¹⁸

Our Rabbis taught: What is 'fear' and what is 'honour'?¹⁹ 'Fear' means that he [the son] must neither stand in his [the father's] place nor sit in his place, nor contradict his words, nor tip the scales against him.²⁰ 'Honour' means that he must give him food and drink, clothe and cover him, lead him in and out. The Scholars propounded:

(1) The Jerusalem Talmud amplifies this. A man once fed his father on pheasants (which were very expensive). On his father's asking him how he could afford them, he answered: 'What business is it of yours, old man; grind (i.e., chew) and eat!' On another occasion it happened that a man was engaged in grinding in a mill, when his father was summoned for royal service. Said his son to him, 'Do you grind for me, and I will go in your stead, the royal service being very hard.'

(2) Ordination (Heb. semichah, lit., 'laying of the hands') was the conferment of authority to exercise Rabbinical functions.

(3) I.e., I am coming to open it.

(4) Ps. LXXIX, 1. The whole psalm is a lament for the defilement of the Temple and a series of national disasters. Hence the question arises, surely the superscription should have been, 'A dirge of Asaph'? By divine inspiration Abimi explained it that Asaph uttered song because the Almighty had allowed His wrath to be appeased by the defilement and other indignities which the Temple had suffered. Otherwise, only the total destruction of His people would have sufficed. So Rashi, quoting some anonymous commentators. Tosaf., quoting the Midrash, explains it otherwise.

(5) Their wines were diluted, being too strong to be drunk neat.

(6) Am I to permit it, or do I fail in the honour due to them?

(7) Though he loves you and does it willingly, he may feel that his son should not permit a scholar to perform these services for him.

(8) By stepping upon him.

(9) The passage between brackets is omitted in Asheri and Alfasi.

(10) His parents, because it is so difficult to honour them adequately. — Of course, he is not to be understood literally. Also, it was a form of self comfort for not having known his parents.

(11) Lit., 'the land,' par excellence, the familiar designation of Palestine.

(12) Lit., 'outside the land'.

(13) She died on the way.

(14) [May I make atonement for all the punishment in the Hereafter that may have to come upon him. (Rashi).]

(15) [It is held that punishment in the Hereafter does not extend beyond the first twelve months after death.]

(16) When scholars lectured, they did not speak directly to their audiences, but through the medium of interpreters, to whom they whispered their statements and who in turn spoke them aloud to the assembled congregations frequently with embellishments of their own. Now, the Sage, when whispering to the interpreter a teaching he heard from his father, must not refer to his father by name but by the formula 'my father and teacher'; but the interpreter need not do so.

(17) If the Sage cites a dictum of the interpreter's father.

(18) But not: Thus said the Sage's father.

(19) Referring to Lev. XIX, 2: Ye shall fear every man his mother, and his father; and Ex. XX, 12: Honour thy father, etc.

(20) Should his father be in dispute with another scholar, his son must not side with his opponent (Rashi). In J.D. 240, 2, it is translated: he must not make a decision in deference to his view, i.e., if his father differs from another scholar, he must not even say: I agree with my father. — These last two, however, hold good only in the father's presence, but otherwise he may state his view freely; yet even then, it is preferable that he should avoid mentioning his father's name when refuting his view, if possible.

Talmud - Mas. Kiddushin 32a

At whose expense?¹ Rab Judah said: The son's. R. Nahman b. Oshaia said: The father's. The Rabbis gave a ruling to R. Jeremiah — others state, to R. Jeremiah's son — in accordance with the view that it must be at the father's expense. An objection is raised: It is said: Honour thy father and thy mother;² and it is also said: Honour the Lord with thy substance:³ just as the latter means at personal cost,⁴ so the former too. But if you say: At the father's [expense], how does it affect him?⁵ — Through loss of time.⁶

Come and hear: Two brothers, two partners, a father and son, a master and disciple, may redeem second tithe for each other,⁷ and may feed each other with the poor tithe.⁸ But if you say, at the son's expense, he is thus found to fulfil his obligations with what belongs to the poor? — This refers only to an extra quantity.⁹ If so, could it be taught thereon, R. Judah said: A curse may alight upon him who feeds his father with poor tithe! But if the reference is to an extra quantity, what does it matter?¹⁰ — Even so, the matter is humiliating [to the father].

Come and hear: R. Eliezer was asked: How far does the honour of parents [extend]? — Said he: That he should take a purse, throw it in his presence into the sea, and not shame him.¹¹ But if you say, at the father's expense,¹² what does it matter to him? — It refers to a potential heir. As in the case of Rabbah son of R. Huna: R. Huna tore up silk in the presence of his son Rabbah, saying: 'I will go and see whether he flies into a temper or not. But perhaps he would get angry,¹³ and then he [R. Huna] would violate, Thou shalt not put a stumbling-block before the blind?'¹⁴ — He renounced his honour for him.¹⁵ But he [R. Huna] violated, Thou shalt not destroy [the trees thereof. . .]?¹⁶ — He did it in the seam.¹⁷ Then perhaps that was why he displayed no temper? — He did it when he was [already] in a temper.¹⁸

R. Ezekiel taught his son Rami: If criminals condemned to be burnt [become mixed up] with others sentenced to be stoned, R. Simeon said: They are executed¹⁹ by stoning, because burning is severer. Thereupon Rab Judah his son said to him: Father, teach it not thus. For, why state the reason because burning is severer? This follows from the fact that the majority are for stoning.²⁰ But teach it thus: If [criminals condemned] to be stoned are mixed up with [others sentenced] to burning. Said he to him, If so, consider the second clause: But the Sages say: They are executed by burning, because stoning is severer. But why particularly because stoning is severer: deduce it from the fact that the majority are to be burnt? — There, he answered him, the Rabbis oppose²¹ R. Simeon: As to what you say that burning is severer, that is not so, stoning being severer. Said Samuel to Rab Judah: Keen scholar!²² speak not thus to your father. For it was taught: If one's father is [unwittingly] transgressing a precept of the Torah, he must not say to him, 'Father, thou transgressest a Biblical precept', but, 'Father, it is thus written in the Torah.' 'It is thus written in the Torah' — but he surely grieves him?²³ But he must say to him, 'Father, such and such a verse Is written in the Torah.'²⁴

Eleazar b. Mathia said: If my father orders me, 'Give me a drink of water', while I have a precept to perform, I disregard²⁵ my father's honour and perform the precept, since both my father and I are bound to fulfil the precepts. Issi b. Judah maintained: If the precept can be performed by others, it should be performed by others, while he should bestir himself for his father's honour. Said R. Mattana: The halachah agrees with Issi b. Judah.

R. Isaac b. Shila said in R. Mattana's name in the name of R. Hisda: If a father renounces the honour due to him, it is renounced; but if a Rabbi renounces his honour, it is not renounced. R. Joseph ruled: Even if a Rabbi renounces his honour, it is renounced, for it is said: And the Lord went before them by day.²⁶ Said Raba: How compare! There, with respect to the Holy One, blessed be He, the world is His and the Torah is His; [hence] He can forego His honour.

- (1) Lit., 'from whose' — must he feed him, etc.
- (2) Ex. XX, 12.
- (3) Prov. III, 9.
- (4) Lit., 'defect in the purse'.
- (5) His pocket — i.e., what personal loss is there?
- (6) Lit., 'work'.
- (7) With their own money, and need not add a fifth, as is the case when one redeems his own second tithe (v. Lev. XXVII, 31). Now, though these are closely attached, they are nevertheless separate persons, and so e.g., when the master redeems for his disciple, he is not regarded as redeeming his own.
- (8) E.g., if the father is poor, the son may give him poor tithe.
- (9) The son must furnish him with an average quantity of food, if his father needs more, he may give him poor tithe.
- (10) Surely there is no objection to it!
- (11) Supra 31a. There a different answer is quoted; v. 31b, in the story of R. Tarfon.
- (12) So that the purse referred to is his father's.
- (13) And in his anger affront his father (Rashi).
- (14) Lev. XIX, 14. By causing him to fail in the honour due to him, R. Huna would violate this injunction, which is interpreted as meaning that one must not lead another into sin.
- (15) So that even if his son affronted him, he would not transgress.
- (16) Deut. XX, 19; this is a general prohibition against causing unnecessary damage.
- (17) As it could be easily resewn, there was no real damage.
- (18) When he could not have noticed this, and yet he did not affront his father.
- (19) Lit., 'judged'.
- (20) For, 'if criminals condemned to be burnt become mixed up with others sentenced to be stoned,' implies that the latter are in the majority, as the smaller number is lost (i.e., mixed up) in the larger.
- (21) Lit., 'say to'.
- (22) Others translate: man of long teeth, v. B.K. (Sonc. ed.) p. 60, n. 1.
- (23) For it is the same as telling him that he is transgressing.
- (24) Not directly stating the law, but leaving it for his father to understand. This does not shame him.
- (25) Lit., 'lay aside'.
- (26) Ex. XIII, 21. Thus the Almighty renounced His honour and constituted Himself their Guide.

Talmud - Mas. Kiddushin 32b

But here, is then the Torah his [the Rabbi's]?¹ Subsequently Raba said: Indeed, the Torah is his [the scholar's], for it is written, and in his law doth he meditate day and night.²

But that is not so. For Raba was serving drink at his son's wedding, and when he offered a cup to R. Papa and R. Huna son of R. Joshua, they stood up before him; but [when he offered] R. Mari and R. Phineas son³ of R. Hisda, they did not stand up before him. Thereupon he was offended and exclaimed: 'Are these Rabbis and the others not!'⁴ It also happened that R. Papa was serving drink at the wedding of Abba Mar, his son; when he offered a cup to R. Isaac son of Rab Judah, he did not rise before him, whereupon he was offended!⁵ — Even so, they should have shewn him respect.

R. Ashi said: Even on the view that if a Rabbi renounces his honour it is renounced, yet if a Nasi⁶ renounces his honour, his renunciation is invalid. An objection is raised: It once happened that R. Eliezar, R. Joshua and R. Zadok were reclining⁷ at a banquet of Rabban Gamaliel's son,⁸ while Rabban Gamaliel was standing over them and serving drink. On his offering a cup to R. Eliezer, he did not accept it; but when he offered it to R. Joshua, he did. Said R. Eliezer to him, 'What is this, Joshua: we are sitting, while Rabban Gamaliel is standing over us and serving drink!' 'We find that even a greater than he acted as servitor', he replied: 'Abraham was the greatest man of his age,⁹ yet it is written of him, and he stood over them.'¹⁰ And should you say that they appeared to him as Ministering Angels — they appeared to him only as Arabs.¹¹ Then shall not R. Gamaliel Berabbi¹²

stand over us and offer drink! Said R. Zadok unto them: 'How long will you disregard the honour of the Omnipresent and occupy yourselves with the honour of men! The Holy One, blessed be He, causeth the winds to blow,¹³ the vapours to ascend, the rain to fall, the earth to yield, and sets a table before every one; and we — shall not R. Gamaliel Berabbi stand over us and offer drink!' — But if stated, it was thus stated: R. Ashi said: Even on the view that if a Nasi renounces his honour it is valid, yet if a king renounces his honour it is not, for it is said, thou shalt surely set a king over thee,¹⁴ teaching that his authority¹⁵ shall be over thee.¹⁶

Our Rabbis taught: Thou shalt rise up before the hoary head;¹⁷ I might think, even before an aged sinner; therefore it is said, and honour the face of a zaken,¹⁸ and 'zaken' can only refer to a Sage,¹⁹ for it is said: Gather unto me seventy men of the elders of Israel.²⁰ R. Jose the Galilean said: 'Zaken' [means] only he who has acquired wisdom,²¹ for it is said: The Lord possessed me [sc. wisdom personified] as the beginning of his way.²² I might think that one might stand up before him [even] at a great distance: therefore it is written, . . . thou shalt rise up, and thou shalt honour,²³ [implying], I ordered one to rise up only where it confers honour.²⁴ I might think that one must honour him with money,²⁵ therefore it is written: 'thou shalt rise up and thou shalt honour': just as rising up involves no monetary loss, so does honouring also mean without monetary loss. I might think that one must rise up before him out of a privy or a bathhouse, therefore it is written 'thou shalt rise up and thou shalt honour', [implying] I ordered to rise up only in a place where it confers honour. I might think that one may shut his eyes as though he has not seen him: therefore it is taught, . . . thou shalt rise up, and thou shalt fear thy God:²⁶ of what is known to the heart only it is said, and thou shalt fear thy God.²⁷ R. Simeon b. Eleazar said: How do we know that the Sage must not trouble [the people]?²⁸ From the verse, . . . old man and thou shalt fear.²⁹ Issi b. Judah said: Thou shalt rise up before the hoary head implies even any hoary head,³⁰ But is not R. Jose the Galilean identical with the first Tanna? — They differ in respect to a young sage: the first Tanna holds that a young sage is not [included in the precept], whereas R. Jose the Galilean holds that he is. What is R. Jose the Galilean's reason? — He can tell you: should you think as the first Tanna asserts, if so, the All-Merciful should have written: 'Thou shalt rise up before the hoary headed zaken and honour [him]'; why did the All-Merciful divide them? To teach that the one [hoary head] is not identical with the other [zaken], and vice versa. This proves that even a young sage [is included]. And the first Tanna?³¹ — That is because it is desired to place 'old man' in proximity to 'and thou shalt fear'.³² Now, what is the first Tanna's reason? — Should you think as R. Jose the Galilean maintains, if so, the All-Merciful should have written,

(1) Surely not. A Rabbi is honoured on account of his learning, which comes from the Almighty; hence he cannot renounce his honour.

(2) Ps. I, 2; Raba makes his refer to the student of the Law, Thus: at first, 'But his delight is in the law of the Lord'; having studied it, he acquires it for himself and it becomes his law.

(3) Var. lec., 'sons', making it refer to R. Mari too.

(4) 'You consider yourselves too great to rise: are then the others not Rabbis too?'

(5) But if a scholar can renounce his honour, these had in fact done so by serving the drink at all; why then did they resent it that honour was not shewn them?

(6) V. Glos.

(7) People were reclining in ancient days at meals.

(8) Rabban Gamaliel was the Nasi.

(9) Lit., 'generation'.

(10) Gen. XVIII, 8; referring to the three angels who appeared to him by the oaks of Mamre.

(11) According to Talmudic tradition, when he bade them wash their feet (ibid. v. 4) it was because he suspected them of being Arabs, who worship the dust of their feet.

(12) Supra p. 101, n. 8.

(13) This phrase is now liturgical, but that 'wind' is used instead of 'winds'.

(14) Deut. XVII, 15.

- (15) Lit., 'fear',
- (16) Hence he cannot renounce the honour and reverence due to him.
- (17) Lev. XIX, 32.
- (18) Ibid. E.V. old man.
- (19) To the Rabbis one was not a Sage unless he was also upright (cf. Prov. IX, 10: The fear of the Lord is the beginning of wisdom).
- (20) Num. XI, 16.
- (21) Reading zaken as an abbreviation, Zeh kanah hokemah, this one has acquired wisdom.
- (22) Prov. VIII, 22.
- (23) Lev. XIX, 32. The words 'thou shalt rise' are made to apply to zaken.
- (24) But no sense of being honoured is experienced when a person rises at a distance.
- (25) I.e., by giving him money.
- (26) Ibid.
- (27) Ibid. 14. Man cannot know whether he sees or not, but God does. V. B.M. (Sonc. ed.) p. 348, nn. 4, 5.
- (28) He must not intentionally pass by the masses, in order that they should rise, if he has an alternative route.
- (29) By disregarding the accents, this is read as a prohibition to the Sage.
- (30) Not particularly that of a scholar.
- (31) How does he explain the dividing up of the verse?
- (32) In accordance with the teaching of R. Simeon b. Eleazar.

Talmud - Mas. Kiddushin 33a

'Thou shalt rise up before and honour the hoary head; thou shalt rise up before and honour the old man.đ And since It is not written thus, it follows that they are identical.¹

The Master said: 'I might think that one must honour him with money, therefore it is written: "thou shalt rise up and thou shalt honourđ: just as rising up involves no monetary loss, so does honouring also mean without monetary loss.' But is there no monetary loss involved in rising? Does it not refer [even] to him who is piercing pearls,² and whilst he rises up before him he is disturbed from his work?³ — But rising is compared to honouring: just as honouring involves no cessation of work,⁴ so rising too means such as involves no cessation of work. And honouring is compared to rising too: just as rising involves no monetary loss,⁵ so honouring means such as involves no monetary loss. Hence it was said: Artisans may not rise⁶ before scholars whilst engaged in their work. Must they not? But we learnt: All artisans rise before them, give them greeting,⁷ and exclaim to them, 'Our brethren, men of such and such a place, enter in peace.'⁸ — Said R. Johanan: Before them they must stand up, yet before scholars they may not.

R. Jose b. Abin said: Come and see how beloved a precept is in its time;⁹ for behold, they rose up before them, yet not before scholars. But perhaps it is different there, for otherwise you may cause them to offend in the future!¹⁰

The Master said: 'I might think that one must rise up before him out of a privy or a bath-house.' Is it then not so? But R. Hiyya was sitting in a bath-house, when R. Simeon son of Rabbi passed by, but he did not rise before him, whereat he was offended and went and complained to his father, 'I taught him two-fifths of the Book of Psalms,¹¹ yet he did not rise up before me!' It also happened that Bar Kappara — others state, R. Ishmael son of R. Jose — was sitting in a bath-house, when R. Simeon b. Rabbi entered and passed by, yet he did not rise before him. Thereat he was offended and went and complained to his father. 'I taught him two-thirds of a third of "The Law of Priests".'¹² Said he to him, 'perhaps he was sitting and meditating thereon'.¹³ Thus, it is only because he might have been sitting and meditating thereon; but otherwise, it would not be [excusable]? — There is no difficulty: the one refers to the inner chambers, the other to the outer chambers.¹⁴ That is logical too. For Rabbah b. Bar Hanah said: One may meditate [on learning] everywhere except at the baths and in a

privy.¹⁵ [That however does not follow:] maybe it is different when [done] involuntarily.¹⁶

‘I might think one may shut his eyes as though he has not seen him.’ Are we then dealing with the wicked! — But [say thus:] I might think that one may shut his eyes before the obligation arises,¹⁷ so that when it does, he will not see him that he should stand up before him; therefore it is stated: ‘thou shalt rise up and thou shalt fear’.

A Tanna taught: Which rising up shews honour? Say, that is four cubits.¹⁸ Said Abaye: That was said only of one who is not his distinguished teacher;¹⁹ but as for his teacher par excellence,²⁰ as far as his eyes reach.²¹ Abaye used to rise as soon as he saw the ear of R. Joseph's ass approaching. Abaye was riding an ass, making his way on the bank of the River Sagya.²² Now, R. Mesharsheya and other scholars were sitting on the opposite bank, and they did not rise before him. Thereupon he expostulated with them: ‘Am I not your teacher par excellence!’ ‘It was thoughtlessness on our part, replied they to him.

‘R. Simeon b. Eleazar said: How do we know that the Sage must not trouble [the people]? From the verse: "old man and thou shalt fear".’ Abaye said: We have it [on tradition] that if he [the Sage] takes a circuitous route,²³ he will live [long]. Abaye took a circuitous route. R. Zera did likewise. Rabina was sitting before R. Jeremiah of Difti²⁴ when a certain man passed by without covering his head.²⁵ How impudent is that man! he exclaimed. Said he to him: Perhaps he is from the town of Mehasia,²⁶ where scholars are very common.²⁷

‘Issi b. Judah said: "Thou shalt rise up before the hoary head" implies even any hoary head.’ R. Johanan said: The halachah is as Issi b. Judah. R. Johanan used to rise before the heathen²⁸ aged, saying: ‘How many troubles have passed over these!’ Raba would not rise up, yet he shewed them respect.²⁹ Abaye used to give his hand to the aged. Raba sent his messengers.³⁰ R. Nahman sent his guardsmen, [for] he said: ‘But for the Torah, how many Nahman b. Abba³¹ are there in the market place!’³²

R. Aibu said in R. Jannai's name:

-
- (1) Hence one must actually be old in addition to learned.
 - (2) For stringing together.
 - (3) And piercing pearls (or perhaps diamond cutting) being highly paid work, this involves a monetary loss.
 - (4) Honouring implies to shew respect, speak with reverence, but not to cease from work.
 - (5) Since it does not, as just stated, involve cessation of work.
 - (6) This refers either to employees, in which case they may not rise up, since their time is not their own; or to men engaged on their own work, so that the passage must be translated, . . . need not (Tosaf.).
 - (7) Lit., ‘enquire after their welfare’.
 - (8) This refers to those who brought their first fruits to the Temple, who were thus greeted by the workers in Jerusalem, v. Bik. III, 3.
 - (9) I.e., when it is being performed.
 - (10) If they are not shewn honour they may resent it, saying: ‘They hold us of no account’, and so not come again.
 - (11) So Rashi. Tosaf.: Two books of the five into which it may be divided, viz., Chs. I-XLI, XLII-LXXII, LXXIII-LXXXIX, XC-CVI, CVII-CL. Each of these divisions end with ‘amen,’ except the last, which marks the end of the book as a whole.
 - (12) **תורת כהנים**. The Midrashic exposition of Leviticus, so called because many of its laws refer to priests. It was presumably divided into three sections, and he had taught him two-thirds of one of these. — The work is also known as the Sifra. [Albeck, Untersuchungen uber die halakischen Midraschim, p. 89, n. 1, however, questions this identification, but regards the **תורת כהנים** as denoting the book of Leviticus itself.]
 - (13) And failed to notice you.
 - (14) In the inner chambers men are nude, and so exempt: in the outer they are clothed, and must pay their usual respects.

- (15) Since the Rabbi suggested that they might have been meditating on their studies, they must have been in the outer chamber,
- (16) They may have been in the inner chamber, yet involuntarily their thoughts wandered to their studies — not an unlikely supposition of men to whom the study of the Torah was one of the most vital objects in life.
- (17) I.e., if he knows that the Sage is coming his way, but he has not arrived yet.
- (18) When the Sage comes within four cubits of him he must rise, for then it is evident that he is rising in his honour.
- (19) I.e., either a greater scholar than himself, even if he has never studied under him, or one of his own rank from whom he has learnt something, but not the greater part of his knowledge. Tosaf. Ri.
- (20) His principal teacher.
- (21) As soon as he comes into sight he must rise.
- (22) Obermeyer, p. 225 suggests that סניא is a corruption for סניא , or more correctly שניא or שוניא , an important canal passing Pumbeditha and joining the Euphrates with the Tigris.
- (23) So as to avoid the assembly and save them the trouble of rising.
- (24) Obermeyer, p. 197 conjectures that this is identical with Dibtha, in the neighbourhood of Wasit, north of Harpania.
- (25) As a sign of respect; on headcovering v. supra 29b.
- (26) A town near Sura on the Euphrates.
- (27) There are so many, and they are met with so frequently, that the inhabitants fail to shew them proper respect. [Rashi's text reads: who are familiar with the Rabbis.]
- (28) Lit., 'Aramean'.
- (29) In speech.
- (30) To help up the aged.
- (31) [Read with MS.M., כִּי אָנֹכִי , 'like me', instead of בְּרַ אֲבָא , 'b. Abba'.]
- (32) I.e., his pre-eminence was due solely to his learning, and therefore it was not meet that he himself should help up the aged.

Talmud - Mas. Kiddushin 33b

A scholar may rise before his master only morning and evening, that his glory may not exceed the glory of Heaven.¹ An objection is raised: R. Simeon b. Eleazar said: How do we know that a Sage must not trouble [the people]? From the verse: 'old man and thou shalt fear'. But if you say, morning and evening only, why should he not trouble [them]; It is an obligation! Hence it surely follows [that one must rise] all day? — No. After all, morning and evening only, yet even so, as far as possible, one should not trouble [the people].

R. Eleazar said: Every scholar who does not rise before his master is stigmatized as wicked, will not live long, and forget his learning, as it is said, but it shall not be well with the wicked, neither shall he prolong his days which are as a shadow, because he feareth not before God.² Now, I do not know what this fear is, but when it is said, [Thou shalt rise up before the hoary head . . .] and fear thy God,³ then lo! fear means rising. But perhaps it means the fear of usury and [false] weights!⁴ — R. Eleazar infers [his dictum] from the use of pene ['before'] in both cases.⁵

The scholars propounded: What if his son is his teacher? Must he rise before his father? — Come and hear: For Samuel said to Rab Judah: Keen scholar!⁶ rise before your father!⁷ — R. Ezekiel was different, because he had [many] good deeds to his credit, for even Mar Samuel⁸ too stood up before him. Then what did he tell him?⁹ — He said thus to him: Sometimes he may come behind me;¹⁰ then do you stand up before him,¹¹ and do not fear for my honour.

The scholars propounded: What if his son is his teacher; must his father stand up before him? — Come and hear: For R. Joshua h. Levi said: As for me, it is not meet that I should stand up before my son, but that the honour of the Nasi's house [demands it].¹² Thus the reason is that I am his teacher:¹³ but if he were my teacher, I would rise before him.¹⁴ — [No]. He meant thus: As for me, it is not meet that I should stand up before my son, even if he were my teacher, seeing that I am his father,

but that the honour of the Nasi's house [demands it].

The scholars propounded: Is riding the same as walking,¹⁵ or not? — Said Abaye: Come and hear: If the unclean person sits under a tree and the clean person stands, he is defiled; if the unclean person stands under the tree and the clean person sits, he remains clean; but if the unclean person sat down, the clean one is defiled. And the same applies to a leprous stone.¹⁶ Now, R. Nahman b. Cohen said: This proves that riding is the same as walking.¹⁷ This proves it.¹⁸

The scholars propounded: Must one rise before a Scroll of the Law? — R. Hilkiyah, R. Simon and R. Eleazar say: It follows a fortiori: if we rise before those who study it, how much more before that itself! R. Elai and R. Jacob b. Zabdi were sitting when R. Simeon b. Abba passed by, whereupon they rose before him. Said he to them: [You should not have risen;] firstly, because you are Sages, whereas I am but a haber.¹⁹ moreover, shall then the Torah rise before its students!²⁰ Now, he held with R. Eleazar, who said: A scholar must not stand up before his teacher when he [the disciple] is engaged in studying. Abaye condemned²¹ this [teaching].

[And . . . when Moses went out unto the Tent . . . all the people rose up and stood . . .] and looked after Moses, until he was gone into the tent.²² R. Ammi and R. Isaac, the Smith — one maintained: [It was] in a derogatory fashion; the other said: In a complimentary way. He who explained it in a derogatory fashion, as is known.²³ But he who interpreted it in a complimentary manner — said Hezekiah: R. Hanina son of R. Abbahu told me in R. Abbahu's name in the name of R. Abdimi of Haifa: When the Hakam [Sage]²⁴ passes, one must rise before him [at a distance of] four cubits, and when he has gone four cubits beyond [him], he sits down; when an Ab Beth-din²⁵ passes, one must stand up before him as soon as he comes in sight,²⁶ and immediately he passes four cubits beyond he may sit down; but when the Nasi passes, one must rise as he comes in sight and may not sit down until he takes his seat, for It is written, [and all the people stood . . .] and looked after Moses, until he was gone into the tent.

ALL AFFIRMATIVE PRECEPTS LIMITED TO TIME etc. Our Rabbis taught: Which are affirmative precepts limited to time? Sukkah,²⁷ lulab,²⁸ shofar,²⁹ fringes,³⁰

(1) One rises only twice a day, morning and evening, in God's honour.

(2) Ecc. VIII, 13.

(3) Lev. XIX, 32.

(4) For there too fear of God is mentioned: Take thou no usury of him nor increase, but fear thy God (Lev. XXV, 36). In respect to false weights Rashi quotes, Thou shalt have a perfect and just weight (Deut. XXV, 15), but Tosaf. observes that fear of God is not mentioned there, and mentions the reading miksholoth , מַכְשׁוּלוֹת , stumbling-blocks: the reference then is to Lev. XIX, 14: thou shalt not put a stumbling-block before the blind, but fear thy God. But S. Strashun explains that there is a misprint in Rashi, and the text to be quoted is, Just balances, just weights . . . shall ye have: I am the Lord your God. (Lev. XIX, 36). 'I am the Lord your God' implies fear; cf. B.M. 61b.

(5) But is not written In connection with usury. Though it is used in connection with the stumbling-block, yet shewing fear before God has more in common with rising before a Sage than refraining from putting a stumbling-block before the blind (Tosaf.).

(6) V. supra p. 156, n. 12.

(7) Though Rab Judah was his father's teacher, v. supra 32a.

(8) Samuel himself who was Rab Judah's teacher.

(9) Surely Rab Judah should have understood it himself, seeing that even his teacher rose before him.

(10) [MS.M.: Sometimes I may come behind him.]

(11) Though you have already risen once for me.

(12) His son had married into the Nasi's family.

(13) So it is assumed.

(14) Even apart from his high marriage connections. [The reference is probably to his son R. Joseph; cf. B.B. 10b.]

(15) So that disciples must rise before their teacher when he rides past.

(16) The reference is to a leper, who defiles a clean person when both are under the same covering overhead, but only if the leper is sitting. The boughs of a tree form such a covering. The same applies to a leprous stone. (Stones too could be leprous; v. Lev. XIV, 33-48.) If a man, bearing a leprous stone, sits under a tree, he defiles a clean man standing there; but if he stands with the stone, the other remains clean.

(17) For the stone itself is always, as it were, seated on its bearer, yet it defiles only if its bearer sits down, but not if standing. This proves that the bearer only is regarded. Hence if a leper is sitting on an animal which is standing or walking, he does not cause defilement, since the bearer (sc. the animal) is not sitting.

(18) The same applying to the problem under discussion.

(19) [A title of a non-ordained scholar in contradistinction to a Sage (**הַכֹּהֵן**), an ordained scholar. R. Simeon (Shaman) b. Abba, through one cause or another, did not succeed in obtaining his Ordination, v. Sanh. 24a.]

(20) They were actually studying just then, so he referred to them as the Torah itself.

(21) Lit., 'cursed'.

(22) Ex. XXXIII, 8.

(23) Lit., 'as it exists'. It being a disparagement of Moses, the Talmud does not wish to elaborate thereon, but merely remarks that its meaning is known. It is explained in Shek. V, 13 and elsewhere: They said: 'See how thick his legs are, how fat his neck — all acquired out of our wealth!'

(24) V. Hor. (Sonc. ed.) p. 101, n. 8.

(25) Lit., 'father of Beth din,' v. loc. cit., n. 6.

(26) Lit., 'as far as his eyes see.'

(27) Lev. XXIII, 42: Ye shall dwell in booths (sukkoth) seven days.

(28) The taking of the palm-branch (lulab) together with three other species on the Festival of booths; v. ibid. 40.

(29) The ram's horn, to be blown on New Year; v. ibid. 24; Num. XXIX, 1.

(30) V. Num. XV, 38; this is limited to time, because fringes are unnecessary on night garments.

Talmud - Mas. Kiddushin 34a

and phylacteries.¹ And what are affirmative precepts not limited to time? Mezuzah,² 'battlement',³ [returning] lost property,⁴ and the 'dismissal of the nest.'⁵

Now, is this a general principle? But unleavened bread⁶, rejoicing [on Festivals],⁷ and 'assembling',⁸ are affirmative precepts limited to time, and yet incumbent upon women.⁹ Furthermore, study of the Torah, procreation, and the redemption of the son, are not affirmative precepts limited to time, and yet women are exempt [therefrom]?¹⁰ — R. Johanan answered: We cannot learn from general principles, even where exceptions are stated. For we learnt: An 'erub¹¹ and a partnership,¹² may be made with all comestibles, excepting water and salt. Are there no more [exceptions]: lo, there are mushrooms and truffles! But [we must answer that] we cannot learn from general principles, even where exceptions are stated.

AND AFFIRMATIVE PRECEPTS LIMITED TO TIME, WOMEN ARE EXEMPT. Whence do we know it? — It is learned from phylacteries: just as women are exempt from phylacteries, so are they exempt from all affirmative precepts limited to time. Phylacteries [themselves] are derived from the study of the Torah: just as women are exempt from the study of the Torah, so are they exempt from phylacteries. But let us [rather] compare phylacteries to mezuzah?¹³ — phylacteries are assimilated to the study of the Torah in both the first section and the second;¹⁴ whereas they are not assimilated to mezuzah in the second section.¹⁵ Then let mezuzah be assimilated to the study of the Torah?¹⁶ — You cannot think so, because it is written, [And thou shalt write them upon the mezuzah of thine house . . .] That your days may be multiplied:¹⁷ do then men only need life, and not women! But what of sukkah, which is an affirmative precept limited to time, as it is written, ye shall dwell in booths seven days,¹⁸ yet the reason [of woman's exemption] is that Scripture wrote ha-ezrah,¹⁹ to exclude women,²⁰ but otherwise women would be liable? — Said Abaye, It is necessary: I would have thought, since it is written: 'ye shall dwell in booths seven days', 'ye shall dwell' [meaning]

even as ye [normally] dwell [in a house]: just as [normal] dwelling [implies] a husband and wife [together], so must the sukkah be [inhabited by] husband and wife!²¹ — But Raba said,

- (1) V. Deut. VI, 8; the reason is the same as that of fringes.
- (2) V. *ibid.* 9. Mezuzah, doorpost, and then by transference, the receptacle containing ‘these words’ affixed to the doorpost.
- (3) Deut. XXII, 8.
- (4) Ex. XXIII, 4; Deut. XXII, 1-3.
- (5) V. Deut. XXII, 6f.
- (6) To eat which on the first evening of Passover is a positive command: Ex. XII, 18.
- (7) Deut. XVI, 14.
- (8) On the Festival of Tabernacles in the seventh year; v. Deut. XXXI, 12.
- (9) The latter two explicitly include women; unleavened bread is deduced in Pes. 43b.
- (10) Procreation is deduced in Yeb,65b; the others are deduced supra 29b.
- (11) V. Glos.
- (12) All the inhabitants of the same side street provided some foodstuff, e.g., flour, of which one large dish was prepared and placed in a court-yard of one of the houses. This turned all the court-yards into a single domain, and carrying from one into the other on the Sabbath was then permitted. That dish was called the ‘erub (of court-yards). ‘Erub means something which joins, combines, Fr. ‘arab, to commingle. Similarly, several side streets could be combined.
- (13) Which is obligatory upon women.
- (14) The first section is Deut. VI, 4-9; the second: XI, 13-21; so-called because these are the first two of the four Pentateuchal passages contained in the phylacteries, and the only two written in the mezuzah. In the first section, Deut. VI, 7f: And thou shalt teach them diligently unto thy children . . . and thou shalt bind them for a sign upon thine hand. In the second section, XI. 18f: and ye shall bind them . . . and ye shall teach them etc.
- (15) Phylacteries are mentioned in v. 18, and mezuzah in v. 20, so that v. 19, which treats of study, breaks the connection.
- (16) Just as women are exempt from the latter, so from the former too. — Study and mezuzah are stated consecutively, viz., in vv. 19 and 20.
- (17) *Ibid.*, 21.
- (18) Lev. XXIII, 42.
- (19) R.V. ‘homeborn’.
- (20) Suk. 28a.
- (21) Hence ha-ezrah teaches otherwise.

Talmud - Mas. Kiddushin 34b

It¹ is necessary [for another reason]: I might have thought, we derive [identity of law from the employment of] ‘fifteen’ here and in connection with the Feast of unleavened bread:² just as there, women are liable, so here too. Hence it is necessary.

But what of pilgrimage,³ which is an affirmative command limited to time, yet the reason [of woman's exemption] is that Scripture wrote, [Three times in the year all] thy males [shall appear before the Lord thy God],⁴ thus excluding women; but otherwise women would be liable? — It is necessary: I would have thought, we learn the meaning of ‘appearance’ from ‘assembling’.⁵

Now, instead of deriving an exemption from phylacteries, let us deduce an obligation from [the precept of] rejoicing?⁶ Said Abaye: As for a woman, her husband must make her rejoice.⁷ Then what can be said of a widow?⁸ It refers to her host.⁹ Now, let us learn [liability] from [the precept of] ‘assembling’?¹⁰ Because unleavened bread and ‘assembling’ are two verses [i.e., precepts] with the same purpose,¹¹ and wherever two verses have the same purpose, they cannot throw light [upon other precepts].¹² If so, phylacteries and pilgrimage are also two verses with one purpose,¹³ and cannot illumine [other precepts]? — They are both necessary: for had the Divine Law stated

phylacteries but not pilgrimage, I would have thought, let us deduce the meaning of ‘appearance’ from ‘assembling’.¹⁴ While had the Divine Law written pilgrimage but not phylacteries, I would have reasoned, Let phylacteries be assimilated to mezuzah.¹⁵ Thus both are necessary.¹⁶ If so, unleavened bread and ‘assembling’ are also necessary? — For what are they necessary? Now, if the Divine Law stated ‘assembling’ but not unleavened bread, it were well:¹⁷ for I would argue, let us deduce ‘fifteen’, ‘fifteen’, from the feast of Tabernacles.¹⁸ But let the Divine Law write unleavened bread, and ‘assembling’ is unnecessary, for I can reason, If it is incumbent upon children,¹⁹ how much more so upon women! Hence it is a case of two verses with the same purpose, and they cannot throw light [upon other precepts].

Now, that is well on the view that they do not illumine [other cases]. But on the view that they do, what may be said?²⁰ Furthermore, [that] affirmative precepts not limited to time are binding upon women; how do we know it? Because we learn from fear:²¹ just as fear is binding upon women, so are all affirmative precepts not limited to time incumbent upon women. But let us [rather] learn from the study of the Torah?²² — Because the study of the Torah and procreation²³ are two verses which teach the same thing,²⁴ and wherever two verses teach the same thing, they do not illumine [others].

(1) The deduction from ha-ezrah.

(2) Here, Lev. XXIII, 39: on the fifteenth day of the seventh month; Passover, *ibid.* 6: and on the fifteenth day of the same month is the feast of unleavened bread unto the Lord.

(3) Lit., ‘appearance’ — before the Lord on Passover, Pentecost and Tabernacles.

(4) Ex. XXIII, 17.

(5) ‘Appearance’ is mentioned in both cases. Pilgrimage, as quoted in last note; assembling, Deut. XXXI, 11f: when all Israel is come to appear before the Lord thy God. . . assemble the people, men and women, etc.

(6) That too is occasioned by the Season, yet is obligatory upon women; v. Deut. XVI, 14.

(7) I.e., the duty lies not on the woman herself, but on her husband, to make her rejoice.

(8) Who is explicitly mentioned in the same verse, q.v.

(9) Lit., ‘the one with whom she dwells’. I.e., the master of the house where she lives must make her rejoice.

(10) Just as that is an affirmative precept limited to time and yet incumbent upon women, so are all etc.

(11) Lit., ‘that come as one,’ i.e., both are affirmative precepts occasioned by the season, and in both it is stated that they include woman.

(12) V. note 7.

(13) Both teaching that women are exempt.

(14) Just as the ‘assembling’ includes women, so does pilgrimage.

(15) Since they are written together, and so women are liable to the former as to the latter.

(16) The reason why two verses which teach the same thing cannot illumine other precepts is that if they were meant to do so one only would be sufficient, for the second could be deduced; and similarly all other precepts. But this obviously does not hold good when each is necessary in itself; in that case, therefore, both together throw light upon other cases.

(17) I.e., the latter would be unnecessary.

(18) Thus shewing that women are exempt from eating unleavened bread; v. *supra*.

(19) V. Deut. XXXI, 12, ‘and the children’.

(20) Let us deduce liability of women in regard to all affirmative precepts limited to time.

(21) I.e., the precept to fear one's parents, Lev. XIX, 3, which, as deduced *supra* 29a, applies to both sexes.

(22) Which is occasioned by time and yet not obligatory upon women.

(23) Likewise not limited in time and not incumbent upon women.

(24) Viz., that women are exempt.

Talmud - Mas. Kiddushin 35a

But according to R. Johanan b. Beroka, who maintained, Concerning both [Adam and Eve] it is said: And God blessed them: and God said unto them, Be fruitful and multiply,¹ what can be said? — Because the study of the Torah and redemption of the firstborn are two verses with one purpose, and

such do not illumine [others]. But according to R. Johanan b. Beroka too, let procreation and fear be regarded as two verses with one purpose,² which do not illumine [other cases]?³ — Both are necessary. For if the Divine Law wrote fear and not procreation, I would argue, The Divine Law stated, [Be fruitful, and multiply, and replenish the earth,] and conquer it: only a man, whose nature it is to conquer, but not a woman, as it is not her nature to conquer.⁴ And if Scripture wrote procreation and not fear, I would reason: A man, who has the means to do this [sc. to shew fear to his parents] is referred to, but not a woman, seeing that she lacks the means to fulfil this;⁵ and that being so, she has no obligation at all.⁶ Thus both are necessary. Now, that is well on the view that two verses with the same teaching do not illumine [others]: but on the view that they do, what can be said?⁷ — Said Raba, The Papians⁸ know the reason of this thing, and who is it? R. Aha b. Jacob. Scripture saith, And it shall be for a sign unto thee upon thine hand, and for a memorial between thine eyes, that the Torah of the Lord may be in thy mouth:⁹ hence the whole Torah is compared to phylacteries: just as phylacteries are an affirmative command limited to time, and women are exempt, so are they exempt from all positive commands limited to time.¹⁰ And since women are exempt from affirmative precepts limited to time, it follows that they are subject to those not limited to time.¹¹ Now, that is well on the view that phylacteries are a positive command limited to time; but what can be said on the view that they are not?¹² — Whom do you know to maintain that phylacteries are an affirmative precept not limited to time? R. Meir. But he holds that there are two verses with the same teaching, and such do not illumine [others].¹³ But according to R. Judah, who maintains that two verses with the same teaching illumine [others], and [also] that phylacteries are a positive command limited to time, what can be said? — Because unleavened bread, rejoicing [on Festivals], and ‘assembling’ are three verses with the same teaching,¹⁴ and such do not illumine [others].¹⁵

AND ALL NEGATIVE PRECEPTS etc. Whence do we know it? — Said Rab Judah in Rab's name, and the School of R. Ishmael taught likewise, Scripture saith, When a man or a woman shall commit any sin that men commit [. . . then that soul shall be guilty]:¹⁶ thus the Writ equalised woman and man in respect of all penalties [decreed] in the Torah.¹⁷ The School of R. Eliezer taught: Scripture saith, [Now these are the judgments] which thou shalt set before them:¹⁸ The Writ equalised woman and man in respect of all civil laws in Scripture.¹⁹ The School of Hezekiah taught: Scripture saith, [but if the ox were wont to gore . . .] and he kill a man or woman [the ox shall be stoned, and his owner also shall be put to death];²⁰ the Writ placed woman on a par with man in respect of all death sentences [decreed] in Scripture. Now, it is necessary [that all three should be intimated]. For if the first [only] were stated, [I would say] that the All-Merciful had compassion upon her [woman], for the sake of atonement;²¹ but as for civil law, I might argue that it applies only to man, who engages in commerce, but not to woman, who does not. While if the second [alone] were intimated, that is because one's livelihood depends thereon;²² but as for ransom,²³ I might argue,

(1) Gen. I, 28; this is the command of procreation.

(2) Viz., both are affirmative precepts not occasioned by time and both are incumbent upon women.

(3) So that on the contrary only these are obligatory, but not others.

(4) And as this is stated together with procreation, the same ruling governs both.

(5) V. p. 148. n. 5.

(6) Even when she can fulfil it. e.g., if she is unmarried.

(7) This is the conclusion of the objection introduced by ‘furthermore’, supra 34b.

(8) I.e., scholars of Papias, between Bagdad and Pumbeditha, possibly on the River Papias, whence the name; Obermeyer, p. 242.

(9) Ex. XIII, 9. The ‘sign’ and ‘memorial’ refer to the phylacteries.

(10) Now, a direct comparison of this nature, in which the ‘Torah of the Lord’ is practically identified with the ‘sign’ and the ‘memorial,’ is stronger than a mere analogy of the type hitherto discussed, and so outweighs any opposite conclusions arrived at by analogy.

- (11) For otherwise, this comparison should be written in connection with the latter, e.g., study of the Torah, whence I would deduce that woman are exempt from all such precepts (and from precepts limited to time too, a fortiori).
- (12) This question is disputed in Shab. 61a.
- (13) I.e., he does not employ the comparison, but deduces by analogy from pilgrimage, as above. Unleavened bread and 'assembling' do not furnish any opposite conclusion, for they are two verses with the same teaching.
- (14) These are three positive commands limited to time and binding upon women.
- (15) This is admitted by all. According to this, Abaye's contention that the precept of rejoicing relates to a woman's husband or her host (supra 34b) is rejected.
- (16) Num. V, 6.
- (17) Negative precepts involve flagellation.
- (18) Ex. XXI, 1.
- (19) This is not adduced as a source of the Mishnah, since it deals with a different subject, but as a parallel to the last statement.
- (20) Ibid. 29.
- (21) The first refers to sacrifice for sin, and the woman is given the same opportunity of atoning as man.
- (22) Viz., on the protection afforded by civil law.
- (23) The last law quoted treats of the ransom paid by the owner of the ox; vv.29H

Talmud - Mas. Kiddushin 35b

it applies only to man, who is subject to precepts, but not to woman, who is not subject to them.¹ And if the last [alone] were intimated, — since there is loss of life, the All-Merciful had compassion upon her;² but in the first two I might say that it is not so.³ Thus they are [all] necessary.

EXCEPTING, YE SHALL NOT ROUND [THE CORNER OF YOUR HEADS] NEITHER SHALT THOU MAR, etc. As for defiling oneself to the dead, that is well, because it is written: Speak unto the priests the sons of Aaron: [There shall none defile himself for the dead among his people]:⁴ [hence], the sons of Aaron, but not the daughters of Aaron. But how do we know [that she is exempt from] the injunction against rounding [etc.] and marring [etc.]? — Because It is written, ye shall not round the corner of your heads, neither shalt thou mar the corners of thy beard:⁵ whoever is included in [the prohibition of] marring is included in [that of] rounding; but women, since they are not subject to [the prohibition of] marring, are not subject to [that of] rounding. And how do we know that they are not subject to [the injunction against] marring? — Either by common sense, for they have no beard. Or, alternatively, [from] Scripture. For Scripture saith, ye shall not round the corner of your heads, neither shalt thou mar the corner of thy beard; since Scripture varies its speech,⁶ for otherwise the Divine Law should write, 'the corner of your beards'; why, 'thy beard'? [To intimate], 'thy beard,' but not thy wife's beard. Is it then not?⁷ But it was taught: The beard of a woman and that of a saris⁸ who grew hair, are like a [man's] beard in all matters. Surely that means in respect to marring? — Said Abaye: You cannot say that it is in respect to marring, for we learn 'corner' 'corner' from the sons of Aaron:⁹ just as there, women are exempt; so here too, women are exempt. But if we hold that 'the sons of Aaron' is written with reference to the whole section,¹⁰ let the Writ refrain¹¹ from it,¹² and it¹³ follows a fortiori. For I can argue, If [of] priests, upon whom Scripture imposes additional precepts, [we say] 'the sons of Aaron' but not the daughters of Aaron, how much more so of Israelites! — But for the gezerah shawah I would reason that the connection is broken.¹⁴ Then now too let us say that the connection is broken; and as for the gezerah shawah,¹⁵ — that is required for what was taught: 'They shall not shave': I might think that if he shaves it with scissors,¹⁶ he is liable [for violating the injunction]: therefore it is stated, thou shalt not mar.¹⁷ I might think that if he plucks it [his hair] out with pincers or a remover, he is liable:¹⁸ therefore it is stated: 'they shall not shave'.¹⁹ How then is it meant? Shaving which involves marring, viz., with a razor.²⁰ If so,²¹ let Scripture write, ['ye shall not round the corner of your heads, neither shalt thou mar] that of thy beard'? why [repeat] 'the corner of thy beard'? Hence both are inferred.²²

Then when it was taught: 'The beard of a woman and that of a saris who grew hair, are like a [man's] beard in all respects': to what law [does it refer]? — Said Mar Zutra: To the uncleanness of leprosy.²³ 'The uncleanness of leprosy!' But that is explicitly stated: If a man or a woman have a plague upon the head or the beard?²⁴ — But, said Mar Zutra, [it is] in respect of purification from leprosy.²⁵ But purification from leprosy too is obvious; since she is liable to uncleanness [through her beard], she needs [the same] purification! — It is necessary:²⁶ I might have assumed, it is written with separate subjects:²⁷ [thus:] 'If a man or a woman have a plague upon the head'; while 'or the beard' reverts to the man [alone]; therefore we are informed [otherwise].

Issi taught: Women are exempt from the injunction against baldness too.²⁸ What is Issi's reason? — Because he interprets thus: Ye are sons of the Lord your God: ye shall not cut yourselves, nor make any baldness between your eyes for the dead. For thou art an holy people unto the Lord thy God:²⁹ [the implied limitation] 'sons' but not daughters [is] in respect of baldness. You say, in respect of baldness; yet perhaps it is not so, but rather in respect of cutting? When it is said: 'For thou art an holy people unto the Lord thy God,' cutting is referred to;³⁰ hence, how can I interpret [the implication] 'sons' but not daughters? In respect to baldness. And why do you prefer³¹ to include cutting and exclude baldness? I include cutting which is possible both where there is hair and where there is no hair, and I exclude baldness which is possible only in the place of hair.³² Yet perhaps 'sons' but not daughters applies to both baldness and cutting, while 'For thou art an holy people unto the Lord thy God' relates to incision!³³ — Issi holds that incision [seritah] and cutting [gedidah]

(1) Actually, of course, she is subject to certain precepts, as stated on 29a, but not liable to as many as man (Tosaf.).

(2) And imposed upon the owner the payment of ransom for the death of a woman as for that of a man.

(3) Sc. that woman is the same as man.

(4) Lev. XXI, 1.

(5) Lev. XIX, 27.

(6) Using the plural in the one case and the singular in the other.

(7) Is not a woman's beard subject to this prohibition?

(8) V. Glos.

(9) With reference to Israelites in general: nor shalt thou mar the corner of thy beard; in the section relating to priests: neither shall they shave off the corner of their beard (Lev. XXI, 5), it being assumed that the phrase 'sons of Aaron' of v. I applies to the whole section. The employment of 'corner' in both cases teaches similarity of law.

(10) V. n. 5.

(11) Lit., 'keep silent'.

(12) Sc. the gezerah shawah of 'corner'.

(13) Sc. that 'thou shalt not mar' does not apply to women.

(14) Viz., that 'the sons of Aaron' in v. I does not refer to 'they shall not shave the corner of their beards' in v. 5.

(15) Which appears to intimate that it is not.

(16) I.e., clipped the hair very close.

(17) Lev. XIX, 27: thus the first verse quoted, Lev. XXI, 5, in reference to Priests, is illumined by the second in reference to Israelites. 'Mar' can only refer to the action of a razor, which removes the hair completely.

(18) In respect of 'thou shalt not mar'.

(19) In reference to priests, and this illumines the injunction 'thou shalt not mar'. Plucking hairs one by one is not shaving.

(20) Now since the gezerah shawah is wanted for this, I may still say 'the sons of Aaron' in Lev. XXI, 1, does not refer to 'and they shall not shave the corner of their beards' in v. 5, the connection being broken.

(21) That the gezerah shawah merely defines 'shaving' and 'marring', but does not shew to whom they apply.

(22) Viz., definition and scope.

(23) The symptoms of leprosy of the skin differ from those of the hair; cf. Lev. XIII, 1-17 with vv. 29-37. The Baraita teaches that if a woman or a saris grows a beard, though normally their chins are free from hair, the test of leprosy are the symptoms of the latter, not of the former,

(24) Lev. XIII, 29. Why should the Baraitha state it?

(25) When a woman becomes clean from leprosy of the beard, she must undergo the same ritual as a man, viz., the beard must be shaved off (v. 33) — S. Strashun.

(26) The Baraitha refers to the uncleanness of leprosy, as first stated, yet it is necessary.

(27) Lit., 'on (different) sides'.

(28) V. Lev. XXI, 5.

(29) Deut. XIV, 1f.

(30) For 'people' includes men and women; since this is the reason of the previous injunctions, one at least must apply to women too.

(31) Lit., 'what (reason) do you see?'

(32) Since the prohibition of baldness is necessarily more limited, it is logical that the exclusion of daughters shall relate thereto.

(33) Lev, XXI, 5: and they (sc. the priests) shall not make any incision (Heb. saratheth, E.V. cuttings) in their flesh. It is now assumed that making incisions (seritah) is not identical with cutting (gedidah), one being by hand and the other with a knife.

Talmud - Mas. Kiddushin 36a

are identical.¹

Abaye said: This is Issi's reason, viz., he learns 'baldness', 'baldness', from the sons of Aaron:² just as there, women are exempt, so here too, women are exempt. But if we hold that the phrase ['the sons of Aaron'] relates to the whole section, let Scripture refrain from it,³ and it [woman's exemption] follows a fortiori. For I may argue, If [of] priests, upon whom the Writ imposes additional precepts, [we say] 'the sons of Aaron' but not the daughters of Aaron, how much more so of Israelites! — But for the gezerah shawah I would think the connection is broken.⁴ Then now too, let us say that the connection is broken; and as for the gezerah shawah, that is required for what was taught: They shall not make a baldness:⁵ I might think that even if one makes four or five bald patches he is liable for only one [transgression]; therefore it is stated, karhah [a baldness],⁶ intimating liability for each separate act. What is taught by, 'upon their head'? Because it is said: 'Ye shall not cut yourselves, nor make any baldness between your eyes for the dead': I might think that one is liable only for between the eyes. Whence do I know to include the whole head? Therefore it is stated: 'upon their head,' to teach liability for the [whole] head as for between the eyes. Now, I know this only of priests,⁷ upon whom Scripture imposes additional precepts; whence do we know it of Israelites? — Karhah [baldness] is stated here, and karhah is also stated below; just as there, one is liable for every act of making baldness, and for the [whole] head as for between the eyes, so here too, one is liable for every act of baldness and in respect of the whole head as for between the eyes. And just as below, [baldness] for the dead [is meant], so here too it is for the dead!⁸ If so,⁹ let Scripture write kerah [baldness]:¹⁰ why karhah? That both may be inferred.

Raba said: This is Issi's reason, viz., he learns [the applicability of] 'between your eyes' from phylacteries:¹¹ just as there, women are exempt, so here too, women are exempt.

Now, why does Raba not say as Abaye? — [The distinction between] kerah and karhah is not acceptable to him. And why does Abaye reject Raba's reason? — He can tell you. Phylacteries themselves are learnt from this: just as there, ['between the eyes' means] the place where a baldness can be made [viz.,] on the upper part of the head,¹² so here too' the place for wearing [phylacteries] is the upper part of the head.¹³ Now, according to both Abaye and Raba, how do they interpret this [verse], 'Ye are sons [etc.]'?¹⁴ — That is wanted for what was taught: 'Ye are sons of the Lord your God'; when you behave as sons¹⁵ you are designated sons; if you do not behave as sons, you are not designated sons: this is R. Judah's view. R. Meir said: In both cases you are called sons, for it is said, they are sottish children;¹⁶ and it is also said: They are children in whom is no faith;¹⁷ and it is also

said, a seed of evil-doers, sons that deal corruptly;¹⁸ and it is said, and it shall come to pass that, in the place where it was said unto them, Ye are not my people, it shall be said unto them, Ye are the sons of the living God.¹⁹ Why give these additional quotations?²⁰ For should you reply, only when foolish are they designated sons, but not when they lack faith — then come and hear: And it is said: ‘They are sons in whom is no faith’. And should you say, when they have no faith they are called sons, but when they serve idols they are not called sons — then come and hear: And it is said: ‘a seed of evil-doers, sons that deal corruptly.’ And should you say, they are indeed called sons that act corruptly, but not good sons — then come and hear: And it is said, and it shall come to pass that, in the place where it was said unto them, Ye are not my people, it shall be said unto them, Ye are the sons of the living God.²¹

MISHNAH. THE [RITES OF] LAYING HANDS, WAVING, BRINGING NEAR [THE MEAL-OFFERING], TAKING THE HANDFUL, BURNING [THE FAT], WRINGING [THE NECK OF BIRD SACRIFICES], RECEIVING AND SPRINKLING [THE BLOOD], ARE PERFORMED²² BY MEN BUT NOT BY WOMEN, EXCEPTING THE MEAL-OFFERING OF A SOTAH²³ AND A NEZIRAH,²⁴ WHERE THEY [THEMSELVES] DO PERFORM WAVING.

GEMARA. THE [RITES OF] LAYING [HANDS], because it is written: Speak unto the sons of Israel. . . and he shall lay [his hand upon the head of the burnt-offering]:²⁵ thus the sons of Israel lay [hands], but not the daughters of Israel.

WAVING: Speak unto the sons of Israel . . . ‘ [the fat with the breast, it shall he bring, that the breast] may be waved [etc.]:²⁶ hence, the sons of Israel wave, but not the daughters of Israel.

BRINGING NEAR [THE MEAL-OFFERING]: For it is written: And this is the law of the meal-offering: the sons of Aaron shall offer it:²⁷ the sons of Aaron, but not the daughters of Aaron.

TAKING THE HANDFUL. For it is written: And he shall bring it to Aaron's sons the priests: and he shall take thereout his handful [of the fine flour thereof].²⁸ the sons of Aaron, but not the daughters of Aaron.

BURNING [THE FAT]. Because it is written: And Aaron's sons shall burn it:²⁹ the sons of Aaron, but not the daughters of Aaron.

WRINGING [THE NECK OF BIRD SACRIFICES]. Because it is written, and he shall wring [off his head,] and burn it [on the altar]: thus wringing is assimilated to burning.³⁰

RECEIVING [THE BLOOD]. Because it is written, and the priests, Aaron's sons, shall bring [the blood]:³¹ and a Master said,

(1) Both are either by hand or with an instrument.

(2) I.e., baldness is mentioned in Deut. XIV. If., in connection with Israelites, and in Lev. XXI, 5, in reference to the priests. Here too it is assumed that ‘the sons of Aaron’ in v. 1. applies to the whole section,

(3) This gezerah shawah.

(4) V. p. 174, n. 4.

(5) Lev. XXI, 5. Heb. lo yikrehu.

(6) The verb is followed by its cognate object, though this is unnecessary.

(7) ‘Upon their head’ referring to them.

(8) I.e., Lev, XXI, 5 refers to such a case.

(9) That the gezerah shawah does not also exclude women.

(10) A shorter form.

(11) Deut. XI, 18: and they shall be for frontlets between your eyes.

- (12) I.e., where the hair grows.
- (13) But not on the forehead above the nose, as 'between your eyes' would seem to imply.
- (14) Since they derive Issi's dictum from another source.
- (15) Obediently and lovingly.
- (16) Jer. IV, 22.
- (17) Deut. XXXII, 20.
- (18) Isa. I, 4.
- (19) Hos. II, 1.
- (20) Lit., 'why 'and it is said'?'
- (21) This whole passage expresses the firm belief that Israel can never be entirely rejected by God for all time. That in turn is based on the conviction that the Jew will never sin so completely as to render a return to God impossible, and the final verse quoted refers to such a religious regeneration.
- (22) The meaning of these is made clear in the texts quoted in the Gemara.
- (23) V. Glos.
- (24) V. Glos,
- (25) Lev. I, 2, 4.
- (26) Ibid. VII, 29f.
- (27) Ibid. VI, 7. ['Offer it', i.e., 'bring it near' the altar, v. Sotah 14b.]
- (28) Ibid. II, 2.
- (29) Sc. the fat, etc., mentioned in the preceding verses. — Ibid. III, 5.
- (30) Hence it may not be done by women.
- (31) Ibid. I, 5.

Talmud - Mas. Kiddushin 36b

'and they shall bring' refers to the receiving of the blood.

AND SPRINKLING. The sprinkling of what?¹ If that of the [red] cow — Eleazar is written in connection therewith?² If [that sprinkled] on the inner precincts [of the Temple],³ is but the anointed priest is stated in connection therewith!⁴ — But it refers to the sprinkling of a bird's [blood], which is inferred a minori from an animal:⁵ if an animal, for the slaughtering of which a priest was not specified,⁶ yet a priest was specified for its sprinkling; then a fowl, for the wringing of whose neck a priest was appointed,⁷ it surely follows that one [a priest] is specified for its sprinkling!⁸

EXCEPTING THE MEAL-OFFERING OF A SOTAH AND A NEZIRAH. R. Eleazar said to R. Josiah his contemporary:⁹ Do not sit down on your haunches¹⁰ until you have told me this law: How do we know that the meal-offering of a sotah requires waving? [You ask,] 'How do we know!' it is written in the very section, and he shall wave the offering [before the Lord].¹¹ But [the question is,] how do we know that the waving must be by the owner?¹² — The meaning of 'hand' is deduced from a peace-offering. Here is written: Then the priest shall take [the jealousy-offering] out of the woman's hand:¹¹ while there [in reference to peace-offerings] it is written, his hands [sc. the owner's] shall bring [the offerings of the Lord made by fire]:¹³ just as here the priest [is stated], so there too the priest [is meant]; and just as there the owner [is specified], so here too the owner [is required]. How so? The priest inserts his hand under the owner's and waves. We have found [this in the case of] sotah; how do we know [it of] a nezirah? — The meaning of 'palm' [kaf] is derived from sotah.¹⁴

MISHNAH. EVERY PRECEPT WHICH IS DEPENDENT ON THE LAND IS PRACTISED ONLY IN THE LAND [PALESTINE]; AND THAT WHICH IS NOT DEPENDENT ON THE LAND IS PRACTISED BOTH WITHIN AND WITHOUT THE LAND [IN THE DIASPORA],¹⁵

(1) Lit., 'of where'.

(2) Num. XIX, 4: and Eleazar shall . . . sprinkle of her blood. Eleazar was the vice High Priest, and this shews that even

all other male priests are excluded; surely it is superfluous to state that women are debarred!

(3) The sprinkling on the veil and on the golden altar, mentioned in particular cases.

(4) Lev. IV, 5f: And the priest that is anointed shall take of the bullock's blood. . . and sprinkled of the blood . . . before the veil of the sanctuary. The difficulty is as explained in the previous note.

(5) Lit., 'a young of the herd'.

(6) An Israelite too may slaughter it, for it is written: And he shall kill the bullock before the Lord: and the priests . . . shall bring (i.e., receive) the blood — Lev. I, 5. Hence priests are required only from the reception of the blood and onward, but not for the actual slaughtering.

(7) Ibid. I, 15. Wringing the neck of a fowl is the equivalent of slaughtering an animal.

(8) And then the analogy between wringing and burning (supra 36a bottom) is extended to sprinkling. — Actually, the Gemara could state that it refers to the sprinkling of animals' blood, but it goes further and teaches it even of bird sacrifices, though there it is not explicitly mentioned. Moreover, if the Mishnah referred to animals' blood, zerikoth should have been employed, not hazza'oth (the verb zarak being generally used in the Bible for the sprinkling of the blood of animals). Maharsha.

(9) R. Eleazar was an Amora of the third century. There was a Tanna of the second century named R. Josiah, and Rashi assumes that he was still living when R. Eleazar made the following remark; hence the Talmud observes that R. Josiah referred to here was the Amora, his contemporary, not the Tanna.

(10) I.e., do not sit down at all (Tosaf. Naz.24b, s.v. אָזַר) v. Nazir (Sonc. ed.) p. 87, n. 9.

(11) Num. V, 25; the reference is to sotah.

(12) I.e., by the woman herself.

(13) Lev. VII, 30.

(14) Sotah, Num. V, 18: and he (the priest) shall put the offering of memorial in her palms (E.V. hands); nazir, (and the same applies to a nezirah), ib. VI, 19: and he (the priest) shall put them upon the palms (E.V. hands) of the Nazirite. The employment of 'palm' in both cases teaches that their provisions are identical.

(15) The Gemara explains the meaning of 'DEPENDENT' and 'NOT DEPENDENT'.

Talmud - Mas. Kiddushin 37a

EXCEPT 'ORLAH¹ AND KILAYIM.² R. ELEAZAR SAID: HADASH³ TOO.⁴

GEMARA. What is the meaning of 'DEPENDENT' and 'NOT DEPENDENT'? Shall we say: 'DEPENDENT' refers to those [precepts] where 'coming' is written, and 'NOT DEPENDENT' to those where 'coming' is not stated?⁵ But phylacteries and the [redemption of] the firstling of an ass are practised both within and without the land, though 'coming' is written in connection with them?⁶ — Said Rab Judah: This is its meaning: every precept which is a personal obligation⁷ is practised both within and without the Land; but what is an obligation of the soil⁸ has force only within the Land.

How do we know these things? — For our Rabbis taught: These are the statutes⁹ — this refers to the [Rabbinic] interpretations;¹⁰ and the judgments — to civil law; which ye shall observe — to [the study of the] Mishnah; to do — to actual practice; in the land: I might think that all precepts are binding in the Land only — therefore it is stated, all the days that ye live upon the earth. If 'all the days', I might think that [all precepts] must be practised both within and without the Land — therefore it is taught: 'in the land'. Now, since the Writ extends and limits [the duration of the precepts], go forth and learn from what is stated in that passage: Ye shall utterly destroy all the places, wherein the nations served their God:¹¹ just as [the destruction of] idolatry is singled out as being a personal duty, and is obligatory both within and without the land,¹² so everything which is a personal duty is incumbent both within and without the land.

EXCEPTING ORLAH AND KIL'AYIM [etc.]. The scholars propounded: Does R. Eleazar disagree in the direction of leniency or [greater] stringency? 'In the direction of stringency,' the first Tanna stating thus: EXCEPTING 'ORLAH AND KIL' AYIM, concerning which there is a

traditional law, though one might argue that it is a duty connected with the soil, but hadash is practised only in the Land, but not without. What is the reason? ‘Dwelling’ implies after taking possession and settling down.¹³ Whereon R. Eleazar comes to say that hadash too applies both within and without the Land: What is the reason? ‘Dwelling’ implies wherever you may be living.¹⁴ Or perhaps, he differs in the direction of leniency, the first Tanna stating thus: EXCEPTING ‘ORLAH AND KIL'AYIM, concerning which there is a traditional law,¹⁵ and all the more so hadash, for ‘dwelling’ implies wherever you are living.¹⁶ Whereon R. Eleazar comes to say that hadash is practised only in the land, for ‘dwelling’ implies after taking possession and settling down. While to what does TOO refer? To the first [clause].¹⁷

Come and hear: For Abaye said: which Tanna disagrees with R. Eleazar [in our Mishnah]? R. Ishmael. For it was taught: This is to teach you that wherever ‘dwelling’ is stated, it means only after taking possession and settling down.¹⁸ this is R. Ishmael's opinion. Said R. Akiba to him: But the Sabbath, in connection with which ‘dwellings’ is stated,¹⁹ is yet binding both within and without the land?²⁰ The Sabbath, replied he to him, is inferred a minori: if light precepts must be practised both within and without the land, surely the Sabbath, which is more stringent! Since Abaye said: ‘Which Tanna disagrees with R. Eleazar? R. Ishmael,’ it follows that R. Eleazar differs in the direction of [greater] stringency.²¹ This proves it.

Now consider: to what does R. Ishmael refer? To libations. But in the case of libations

(1) V. Glos.

(2) V. Glos. Though dependent on the land, these are binding in the diaspora too.

(3) V. Glos.

(4) It may not be eaten before the bringing of the ‘omer (q.v. Glos); v. Lev. XXIII, 10-14.

(5) I.e., ‘dependent’ means that Scripture made the performance of the particular precept conditional upon entering Palestine; e.g., Lev. XIX, 23: And when ye shall come into the land, and shall have planted etc.

(6) Ex. XIII, 11ff.: And . . . when the Lord shall bring thee (in Heb. ‘bring’ is the causative form of ‘come’ — ‘make thee come’) into the land . . . then every firstling of an ass thou shalt redeem with a lamb . . . and it shall be for a sign upon thine hand, and for frontlets between thine eyes (i.e., phylacteries).

(7) I.e., which throws no obligation upon the soil or its produce, but on the person himself.

(8) Arising out of land produce, e.g., tithes.

(9) Deut. XII, 1.

(10) I.e., laws not explicitly stated in the Bible but derived by Rabbinic exegesis.

(11) Ibid. 2.

(12) Since ‘all the days etc.’ immediately precedes this,

(13) The section on hadash is concluded with the passage: it shall be a statute for ever throughout your generations in all your dwellings (Lev. XXIII, 14). Now, it might be held that ‘in all your dwellings’ implies that hadash is binding even without Palestine. This Tanna, however, on the present hypothesis, maintains that on the contrary it teaches that even in Palestine it came into force only after the Israelites had conquered the land and settled down in dwellings, but not while they were fighting and dividing up the country.

(14) V. preceding note.

(15) But no Biblical intimation.

(16) So that its exception is intimated in the Bible,

(17) I.e., R. Eleazar said that hadash too is included in the general principle that all precepts dependent etc.

(18) The reference is to Num. XV, 2ff.: When ye come into the land of your dwellings, which I give unto you (lakem, plural), and will make an offering burnt by fire unto the Lord . . . then shall he that offereth . . . offer a meal-offering . . . and wine for the drink-offering (libations). Before the erection of the Temple, sacrifices might be offered at either private or public bamoth (high places), one of which was at Gilgal. Now, R. Ishmael deduces from the phrase ‘unto you’, which is in the plural, that the reference is to a public bamah (sing. of bamoth), and only there were libations required. Consequently, ‘dwellings’ cannot mean wherever you dwell, since the public bamah was in one place only, but as stated in the text, and it teaches that though there was a public bamah at Gilgal during the fourteen years of conquest and

division, libations were to be brought only after that, when all had settled down in dwellings.

(19) Rashi: Ye shall kindle no fire throughout your habitations on the Sabbath day — Ex. XXXV, 3. Tosaf.: it is the Sabbath of the Lord in all your dwellings. — Lev. XXIII, 3. (Heb. moshaboth is variously translated dwellings or habitations in the E.V.)

(20) Hence dwellings implies extension, in all places. The same holds good of libations, which are accordingly to be offered at private bamoth too. Hence the passage is thus interpreted: Now that you are in the wilderness and have a tabernacle, private bamoth are altogether forbidden. But when ye come unto the land of your habitations, before a tabernacle is erected (as it was subsequently at Shiloh), private bamoth for sacrifice will be permitted, and there too libations will be required.

(21) For the first suggested meaning of the Mishnah must be the correct one.

Talmud - Mas. Kiddushin 37b

both 'coming' and 'dwelling' are written!¹ — It means thus: This is to teach that wherever 'coming' and 'dwelling' are stated, it means only after taking possession and settling down: that is R. Ishmael's opinion. If so, [when the Baraita proceeds:] Said R. Akiba to him, 'But the Sabbath, in connection with which dwellings is stated' [etc.], and he answered him, 'The Sabbath is inferred a minori', he should have answered him, 'I spoke of "coming" and "dwelling"?' — He gives him a twofold answer.² Firstly, I refer to 'coming' and 'dwelling'. Moreover, as to what you say: 'Behold the Sabbath, in connection with which "dwellings" is stated' — the Sabbath is inferred a minori.

Wherein do they differ? — In whether they offered libations in the wilderness: R. Ishmael maintains that they did not offer libations in the wilderness, whereas R. Akiba holds that they did offer libations in the wilderness.³

Abaye said: This Tanna of the School of Ishmael contradicts⁴ another Tanna of the School of Ishmael. For the School of Ishmael taught: Since unspecified 'comings' are stated in the Torah, whilst the Writ explained in the case of one [that it means] after possession — sion and settling down,⁵ so all mean after possession and settling down.⁶ And the other?⁷ — Because [the appointment of a] king and [the offering of] first-fruits are two verses with the same teaching,⁸ and any two verses with the same teaching do not illumine [others]. And the other?⁹ — Both are necessary. For if the Divine Law wrote the case of a king but not first-fruits, I would argue, Since there is enjoyment [of crops] in the case of first-fruits, [the obligation comes] immediately.¹⁰ And if the case of first-fruits were stated but not that of a king, I would reason, Since it is a king's way to conquer, [he must be appointed] immediately [on entering the land]. And the other? — Let the Divine Law state the case of a king, and then first-fruits become unnecessary, for I would reason: If a king, who is for conquest, [is appointed only] after possession and settling down, how much more so are first-fruits [obligatory only then]! And the other? — If it were thus written: I would say: It [first-fruits] is analogous to hallah;¹¹ hence we are informed [that it is not so].

Now that you say that a personal duty must be practised both within the Land and without the Land, what is the purpose of 'dwelling,' which the Divine Law wrote in connection with the Sabbath?¹² — It is necessary. I would say: Since it is written in the chapter on Festivals, it requires sanctification, like the Festivals;¹³ hence we are informed¹⁴ [that it is not so]. What is the purpose of 'dwelling' written by the Divine Law in connection with forbidden fat and blood?¹⁵ — It is necessary. I might say: Since it is written in the section on sacrifices, as long as sacrifices are practised, heleb¹⁶ and blood are forbidden, but not when they are no longer practised. Hence we are informed [otherwise].

What is the purpose of 'dwelling' written by the Divine Law in connection with unleavened bread and bitter herbs?¹⁷ — It is necessary. I might have thought, since it is written: They shall eat it [the Paschal lamb] with unleavened bread and bitter herbs:¹⁸ it holds good only when the Passover

sacrifice is [offered], but not otherwise. Hence we are informed [that it is not so].

What is the purpose of 'coming' which the Divine Law wrote in connection with phylacteries and the firstling of an ass?¹⁹ — That is needed for what the School of Ishmael taught: Perform this precept, for thou shalt enter the land on its account.

Now, on the view that 'dwelling' implies wherever you live,²⁰ it is well: hence it is written, and they did eat of the [new] produce of the land on the morrow after the passover:²¹ they ate on the morrow after the Passover, but not before, which shews

(1) How then can he infer as above? Possibly 'dwelling' alone denotes extension, in all places, yet here it implies limitation, because 'coming' too is mentioned.

(2) Lit., 'He says to him, 'One thing, and furthermore','

(3) Thus: (explaining R. Akiba first:) since libations were offered in the wilderness (naturally at the public bamah, for private bamoth were at that time forbidden), the verse under discussion cannot teach that libations would be required at the public bamoth when they entered Palestine, for they were already obligatory before them. Hence it can refer only to the private bamoth during the fourteen years of conquest and allotment (for thereafter private bamoth were illegal); and so dwelling must be an extension, implying wherever you dwell. According to R. Ishmael, however, the verse can teach that libations would be incumbent at the public bamoth, for hitherto, in the wilderness, they had been forbidden (and the fact that public bamoth are now referred to follows from the plural 'you', as stated on p. 182, n. 4); consequently 'dwelling' can only mean after settling down.

(4) Lit., 'excludes that of.

(5) In reference to the appointment of a king, Deut. XVII, 14: When thou art come unto the land which the Lord thy God giveth thee, and shalt possess it, and shalt dwell therein.

(6) Thus in his view 'coming' itself implies this, without the addition of dwelling.

(7) The first Tanna: why does he insist on both?

(8) The fuller definition is also stated with respect to first-fruits, *ibid*, XXVI, 1: And it shall be, when thou art come in unto the land which the Lord thy God giveth thee for an inheritance, and possessest it, and dwellest therein.

(9) Does he not admit this?

(10) For what does it matter whether one is settled or not? If one enjoys a harvest, the first to ripen should be an offering!

(11) V. Glos. All admit that this became incumbent immediately they entered the land, cf. Num. XV, 18 and Sifre a.l.

(12) V. Ex. XXXV, 3.

(13) V. Lev. XXIII. The Festivals were dependent on the sanctification of the month in which they fell, which could be done only by the Sanhedrin in Judah.

(14) By the word 'dwellings', which applies to all places.

(15) Lev. III, 17: It shall be a perpetual statute throughout your generations in all your dwellings, that ye shall eat neither fat nor blood.

(16) I.e., the forbidden fat.

(17) Ex. XII, 20: In all your habitations shall ye eat unleavened bread. — Bitter herbs are mentioned because they generally go together with unleavened bread, but actually 'dwelling' is not found in connection therewith, and in fact the obligation nowadays (i.e., after the destruction of the Temple) to eat them is only Rabbinical; in Rashi's text 'bitter herbs' seem to have been absent (S. Strashun).

(18) Num. IX, 11.

(19) Since these are independent of Palestine.

(20) So that dwelling written in connection with hadash (Lev. XXIII, 14) does not teach that this holds good only after settling down.

(21) Josh. V, 11. E.V. translates 'old corn'; 'old' is not in the text, and the Gemara assumes that the reference is to the new corn, for otherwise, on the morrow after the passover is pointless.

Talmud - Mas. Kiddushin 38a

that the 'omer¹ was first offered and then they ate. But on the view that ['dwelling' implies] after possession and settling,² they could have eaten immediately? — They did not need to, for it is written, and the children of Israel did eat the manna forty years, until they came to a land inhabited; they did eat the manna, until they came unto the borders of the land of Canaan.³ Now, it is impossible to say [literally], 'until they came unto the land inhabited,' since it is also said: '[until they came] unto the borders of the land of Canaan';⁴ conversely, 'unto the borders of the land of Canaan' cannot be understood [literally], since it is also said: 'until they came unto a land inhabited!' How then [are these to be reconciled]? Moses died on the seventh of Adar and the manna ceased to descend, but they used the manna which was in their vessels until the sixteenth of Nisan.⁵

Another [Baraita] taught: 'And the children of Israel did eat the manna forty years'. Did they then eat [it] forty years: surely they ate it but forty years less thirty days?⁶ But it is to teach you that they experienced the taste of manna in the cakes which they brought forth from Egypt.

Another [Baraita] taught: On the seventh of Adar Moses died, and on the seventh of Adar he was born. How do we know that he died on the seventh of Adar? For it is written: [i] So Moses the servant of the Lord died there;⁷ [ii] And the children of Israel wept for Moses in the plains of Moab thirty days;⁸ [iii] Moses thy servant is dead; now therefore arise, go over [this Jordan];⁹ [iv] Pass through the midst of the camp, and command the people, saying: Prepare you victuals; for within three days ye are to pass over this Jordan;¹⁰ and [v] and the people came up out of Jordan on the tenth day of the first month;¹¹ deduct¹² the preceding thirty three days,¹³ thus you learn that Moses died on the seventh of Adar.¹⁴

And how do we know that he was born on the seventh of Adar? — For it is said: And he [Moses] said unto them, I am an hundred and twenty years old this day; I can no more go out and come in.¹⁵ Now, 'this day' need not be stated;¹⁶ why then is it stated? It teaches that the Holy One, blessed be He, sits and completes the years of the righteous [exactly] from day to day and month to month, as it is said, the number of thy days I will fulfil.¹⁷

It was taught: R. Simeon b. Yohai said: The Israelites were given three precepts¹⁸ on their entry into the Land,¹⁹ yet they are practised both within and without the Land, and it is logical that they shall be thus binding. If hadash, which is not permanently forbidden,²⁰ nor is [all] benefit thereof prohibited,²¹ and its interdict can be raised,²² is [nevertheless] operative both within and without the Land;²³ then kil'ayim, which are permanently forbidden,²⁴ of which [all] benefit is prohibited,²⁵ and the interdict of which cannot be raised, it surely follows that it has force both within and without the land; and the same logic applies to 'orlah on two [grounds].²⁶ R. Eleazar son of R. Simeon said:

(1) V. Glos,

(2) So that the law of hadash was inoperative when they first entered Palestine.

(3) Ex. XVI, 35. 'Land inhabited' refers to cis-Jordania, not Gilead on the east of the Jordan, though two and a half tribes did settle there.

(4) But not Canaan itself.

(5) Hence 'until they came to a land inhabited' refers to the actual period of eating it, while it descended only 'until they came to the borders etc.', where Moses died.

(6) For they came to the wilderness of Sin on the fifteenth of the second month (Ex. XVI, 1), complained of the lack of food (ibid. 2f.), and received the manna on the following day (ibid. 6f, 13). As they ate it until the sixteenth of the first month forty years later, these forty years were short by one month.

(7) Deut. XXXIV, 5.

(8) Ibid. 8.

(9) Josh. I, 2.

(10) Ibid, 11. The month of Nisan.

(11) Ibid. IV, 19.

- (12) From the 10th Nisan.
- (13) N. ii and iv.
- (14) From Adar 7th to Nisan 10th are 33 days.
- (15) Deut. XXXI, 2.
- (16) Obviously he gave his age as on that day.
- (17) Ex. XXIII, 26. Hence he was then exactly a hundred and twenty years old, which was the day of his death; consequently he was born on that day too.
- (18) Hadash, 'orlah and kil'ayim.
- (19) Since there was no sowing, planting, or harvesting in the wilderness.
- (20) But only up to and including the sixteenth of Nisan, the day on which the 'omer is offered.
- (21) Though it may not be used for human consumption, it may be given to animals.
- (22) Lit., 'permitted'. Even on the sixteenth itself, by the offering of the 'omer.
- (23) Interpreting dwelling in Lev. XXIII, 14, 'wherever you live'.
- (24) If diverse seeds are sown, their produce is forbidden for all time.
- (25) Not only consumption.
- (26) The third does not apply, 'orlah not being permanently forbidden.

Talmud - Mas. Kiddushin 38b

All precepts which the Israelites were commanded [to practise] before their entry into the Land¹ are operative both within and without the Land; after their entry into the Land, are operative only within the Land, except release of money [debts] and liberation of slaves:² though they were commanded concerning these after their entry into the Land, is they are practised both within and without the Land. But the release of debts is a personal duty?³ — It is necessary [to state it] Only because of what was taught. Rabbi said: And this is the manner of release: release [thou] [every creditor, etc.]⁴ the Writ speaks of two releases, the release of soil and the release of debt.⁵ At the time when you release soil, you release debts; and at the time when you do not release soil, you do not release debts.⁶ But perhaps it means thus: in the place that you must release soil [sc. Palestine], you must release debts; but in the place where you do not release soil [sc. in the Diaspora], you do not release debts?⁷ Therefore it is stated, because the Lord's release hath been proclaimed,⁸ teaching, under all circumstances.⁹

[Again], liberation of slaves is a personal obligation? — I might have thought, since it is written, and ye shall proclaim liberty throughout the land,¹⁰ it holds good only in the Land, but not without; therefore it is stated, it is a jubilee,¹¹ implying, under all circumstances. If so, what is taught by 'the land'? — When liberation [of slaves] is in force in the Land, it is in force without; when it is not in force in the Land,¹² it is not in force without.

We learnt elsewhere: Hadash is forbidden by Scriptural law everywhere; [the prohibition of] 'orlah [without palestine] is a halachah, and [that of] kil'ayim is from the words of the Scribes.¹³ What is meant by halachah? — Rab Judah said in Samuel's name: It is a law of the country.¹⁴ 'Ulla said in R. Johanan's name: It is a halachah of Moses from Sinai.¹⁵ Said 'Ulla to Rab Judah: On my view that it is a halachah of Moses from Sinai,¹⁶ it is well; therefore we distinguish between doubtful 'orlah and doubtful kil'ayim. For we learnt: Doubtful 'orlah¹⁷ is forbidden in the Land, permitted in Syria,¹⁸ whilst outside the Land one may enter [a Gentile's field] and make a purchase,¹⁹ providing, however, that he does not see him [the Gentile] gather ['orlah].²⁰ Whereas in respect to kil'ayim we learnt: If a vineyard is planted with vegetables,²¹ and vegetables are sold outside it:²² in the Land they are forbidden; in Syria, permitted; in the Diaspora he [the Gentile owner of the vineyard] may enter and gather them,²³ providing, however, that he [the Jew] does not personally²⁴ gather [them]²⁵ But on your view,

(1) I.e., which rank as personal duties.

- (2) The first in the seventh (Deut. XV, 1f) and the second in the jubilee year (Lev. XXV, 10). (15) This is questioned by the Gemara below.
- (3) And therefore in force before they entered Palestine (Rashi).
- (4) Deut. XV, 2.
- (5) Deduced from the repetition of the word 'release'.
- (6) By 'release of soil' is meant the return of land at jubilee (Lev. XXV, 10, 23, 28). Obviously this did not operate in the wilderness, when they had no land, and therefore debt release was inoperative too, though it is a personal obligation.
- (7) Even in Temple times.
- (8) Ibid.
- (9) This follows from the emphasis suggested by the quotation.
- (10) Lev. XXV, 10,
- (11) Ibid,
- (12) I.e., when there is no Temple.
- (13) V. p. 79, n. 7. Biblically the law applies only to Palestine.
- (14) It is practised voluntarily in the Diaspora.
- (15) It is a compulsory prohibition going back to Moses, handed down by tradition, though not stated in the Bible.
- (16) And so has the force of Biblical Law, v. infra p. 190, n. 11.
- (17) Fruit of which it is not known whether it is of the first three years of planting or not.
- (18) Syria was not originally part of Palestine but conquered by David (I Chron. XIX, 18f); and it is disputed whether David's conquest (technically called the conquest of an individual) conferred the full sanctity of Palestine upon it. This Tanna holds that it did not; consequently the law of 'orlah is not so stringent there, and so doubtful 'orlah is permitted. Yet one may not procure it in the first place, since Syria is not absolutely distinct from Palestine in sanctity.
- (19) Of fruit, even if he knows that the Gentile sells 'orlah.
- (20) [Of fruit which may be doubtful 'orlah.]
- (21) Between the vines, which renders both forbidden as kil 'ayim of the vineyard.
- (22) And there is a reasonable fear that they may be from the vineyard.
- (23) And sell to a Jew.
- (24) Lit., 'with his hand'.
- (25) Comparing these two, we see that 'orlah is treated more stringently than kil 'ayim.

Talmud - Mas. Kiddushin 39a

let it be taught in both cases either that he [the Jew] may enter and make a purchase, or that he [the Gentile] may enter and gather [them]?¹ — Samuel did indeed say to R. 'Anan, Read in both cases either that he [the Jew] may enter and make a purchase, or that he [the Gentile] may enter and gather [them]. Mar son of Rabbana recited it in the direction of leniency: In both cases he [the Gentile] may enter and gather them, provided that he [the Jew] does not personally gather.

Levi said to Samuel: Arioeh,² Supply me with doubtful ['orlah] and I will eat [thereof].³ R. Awia and Rabbah son of R. Hanan supplied each other with doubtful ['orlah].⁴ The keen scholars of Pumbeditha⁵ said. There is no 'orlah in the Diaspora. When Rab Judah sent [this ruling] to R. Johanan, he sent back: Conceal⁶ [the law of] doubtful ['orlah],⁷ destroy certain ['orlah], and proclaim that these fruits must be hidden,⁸ and whoever maintains that there is no 'orlah in the Diaspora, he will have no offspring nor posterity 'that shall cast the line by lot in the congregation of the Lord'.⁹ But with whom do they [the 'keen scholars'] hold? — With what was taught: R. Eleazar son of R. Jose said on the authority of R. Jose b. Durmaskah, who stated it on the authority of R. Jose the Galilean, who said it on the authority of R. Johanan b. Nuri, who said it on the authority of R. Eleazar the Great: There is no 'orlah in the Diaspora. Is there not? But we learnt: R. ELEAZAR SAID, HADASH TOO?¹⁰ — Read, HADASH.¹¹

R. Assi said in R. Johanan's name: [The prohibition of] 'orlah in the Diaspora is a halachah of Moses from Sinai.¹² Said R. Zera to R. Assi: But we learnt: Doubtful 'orlah is forbidden in the Land

but permitted in Syria.¹³ He was momentarily non — plussed;¹⁴ [then] he answered him,¹⁵ Perhaps it [the Mosaic halachah] was thus given: Doubtful [‘orlah] is permitted [in the Diaspora], certain [‘orlah] is forbidden.

R. Assi said in R. Johanan's name: One is flagellated for [violating the prohibition of] kil'ayim [in the Diaspora] by Biblical law. But we learnt,¹⁶ kil 'ayim [is forbidden] by the words of the Soferim?¹⁷ — There is no difficulty: the one refers to kil'ayim of the vineyard, and the other to the grafting of [heterogeneous] tree[s].¹⁸ That agrees with Samuel. For Samuel said: My statutes ye shall keep:¹⁹ [that implies] the statutes which I decreed for you in former times.²⁰ Thou shalt not let thy cattle gender with a diverse kind: thou shalt not sow thy field with two kinds of seeds.²¹ just as [the prohibition of] ‘thy cattle’ [means] by copulation, so is [that of] ‘thy field’ by grafting;²² and just as [the law in regard to] ‘thy cattle’ is in force both within and without the Land, so is [that concerning] ‘thy field’ in force alike within and without the Land. But still, ‘thy field’ is written!²³ — That is to exclude [diverse] seeds in the Diaspora.²⁴

R. Hanan and R. ‘Anan were walking along a path, when they saw a man sowing [diverse] seeds together. Said one to the other, ‘Come, Master, let us ban him.’²⁵ ‘You are not clear [on this law],’ he replied. Again they saw another man sowing wheat and barley among vines. Said one to the other, ‘Come, Master, let us ban him.’ ‘You are not thoroughly versed [in this law],’ he rejoined. ‘Do we not fully accept R. Josiah's dictum, that [he is not guilty] unless he sows wheat, barley, and grape-stone in the [same] hand-throw?’²⁶ R. Joseph mixed seeds and sowed [them].²⁷ Thereupon Abaye protested: But we learnt: Kil'ayim is forbidden [in the] Diaspora by the words of the Scribes! — There is no difficulty, answered he. That [the Mishnah quoted] refers to kil'ayim of the vineyard; this [my action] is with kil'ayim of seeds. Kil'ayim of the vineyard, of which in the Land [all] benefit is forbidden, are also Rabbinically prohibited outside the Land; kil'ayim of seeds, however, of which [even] in palestine benefit is not forbidden,²⁸ are not prohibited by the Rabbis in the Diaspora. Subsequently R. Joseph said: My former statement was incorrect,²⁹ for Rab sowed the scholars' garden³⁰ in separate beds.³¹ What is the reason? Surely in order [to avoid] the mixture of kil'ayim?³² Said Abaye to him: Now that were indeed well if we were informed

(1) Since ‘orlah and kil'ayim are alike, neither having Biblical force.

(2) A playful nickname, v. Gen. XIV, 9, Arioch king of Ellasar; by a pun, Ellasar was read al assur, and the phrase applied to Samuel: he was king, but not in ritual law. When Rab and Samuel differ in respect to civil law, the halachah agrees with Samuel; in ritual law, with Rab. V. Shab. 53a Marginal glosses. [S. Funk, *Die Juden in Babylonian*, I. p. 42, n. 2. takes the term to denote ‘the Tall’, and as a variant of Arika, a cognomen by which Rab was known, on account of his extraordinary stature.]

(3) I.e., gather fruit in my absence, so that I do not know whether it is ‘orlah; Others (mentioned in Tosaf. Ri) translate: supply me (with certain ‘orlah), Levi holding that the prohibition of ‘orlah is inoperative in the Diaspora.

(4) [By exchanging fruit cut by one in the absence of the other.]

(5) A great academy town in Babylon. The term ‘keen scholars’ denotes Eyfa and Abimi, the son of Rahaba (Sanh. 17b).

(6) Lit., ‘shut’.

(7) It is permitted, but since there is already a tendency to treat ‘orlah lightly, do not teach this publicly.

(8) I.e., not eaten.

(9) Micah II, 5.

(10) Since he adds hadash, he evidently agrees with the first Tanna that ‘orlah is forbidden.

(11) I.e., only hadash, but not ‘orlah.

(12) Various views are held as to the exact meaning of this phrase. Some take it in its literal sense as indicating that the law in question was actually handed down from Moses. Others understand it more figuratively in the sense of a traditional law, whilst its alleged Mosaic origin is not to be taken literally’. V. Weiss, *Dor.*, I. [For a full discussion of this phrase as well as of all the passages where it occurs, v. Bacher, *W.*, *Kohler-Festschrift* pp. 56ff.]

(13) But if certain ‘orlah is forbidden in the Diaspora by Mosaic law, how can we be lenient in doubtful ‘orlah? (It is a general principle that when in doubt, we are stringent if the law is Biblical or Mosaic, lenient if it is only Rabbinical).

- (14) [Lit., 'was appalled for a who', quoted from Dan. IV, 26.]
- (15) Or possibly, the questioner himself suggested it.
- (16) Cur. ed. read: R. Eleazar b. R. Jose said to him, But we learnt. This is obviously incorrect, since R. Eleazar b. R. Jose was a Tanna of an earlier generation, and so the Wilna Gaon deletes it. But Asheri reads: R. Eleazar said to R. Assi, which will refer to R. Eleazar b. Pedath, his contemporary.
- (17) V. p. 79, n. 7.
- (18) In the latter case diverse growths are actually grafted on each other: that is Biblically forbidden. But in kil'ayim of the vineyard diverse seeds are grown near each other, and though their roots may even intertwine, there is no actual grafting; that is forbidden by Rabbinic law only.
- (19) Lev. XIX, 19.
- (20) I.e., to the children of Noah. This follows because Scripture does not state, ye shall keep my statutes (E.V., which does translate thus, disregards the order of the Hebrew) but gives precedence to 'my statutes,' implying that they were already long in existence.
- (21) Ibid.
- (22) I.e., in both cases the actual fusion of diverse species is forbidden.
- (23) Implying specifically thine, viz., Palestine.
- (24) I.e., the planting of diverse seeds in a vineyard is not Biblically forbidden outside Palestine. That follows because the verb 'to sow' is more applicable to the sowing of seeds, and with that 'thy field' is linked. Nevertheless the analogy, which intimates that grafting is referred to, which is possible only in the case of trees, also shews that grafting is forbidden in the Diaspora too.
- (25) For violating Rabbinic law.
- (26) I.e., he must have two species of grain and the seed of the vine in his hand and cast them simultaneously into the soil.
- (27) Not in a vineyard.
- (28) Though diverse seeds may not be sown in Palestine, yet if sown one may benefit from (though not consume) the produce.
- (29) Lit., 'was nothing'.
- (30) A vegetable garden for the benefit of his disciples.
- (31) For different species.
- (32) And this was outside Palestine.

Talmud - Mas. Kiddushin 39b

[that he sowed] four [species] on the four sides of the bed and one [species] in the middle.¹ Here, however,² he did so on account of beauty, or [to save] the attendant trouble.³

MISHNAH. HE WHO PERFORMS ONE PRECEPT IS WELL REWARDED,⁴ HIS DAYS ARE PROLONGED, AND HE INHERITS THE LAND,⁵ BUT HE WHO DOES NOT PERFORM ONE PRECEPT, GOOD IS NOT DONE TO HIM, HIS DAYS ARE NOT PROLONGED, AND HE DOES NOT INHERIT THE LAND.⁶

GEMARA. But a contradiction is shewn: These are the things the fruit of which man eats in this world,⁷ while the principal remains for him for the future world. Viz., honouring one's parents, the practice of loving deeds, hospitality to wayfarers,⁸ and making peace between man and his neighbour; and the study of the Torah surpasses them all.⁹ — Said Rab Judah: This is its meaning: HE WHO PERFORMS ONE PRECEPT in addition to his [equally balanced] merits¹⁰ IS WELL REWARDED, and he is as though he had fulfilled the whole Torah. Hence it follows that for these others [one is rewarded] even for a single one!¹¹ — Said R. Shemaiah: That teaches that if there is an equal balance, it tips the scale.¹²

Yet is it a fact that he who performs one precept in addition to his [equally balanced] merits is rewarded? But the following contradicts it: He whose good deeds outnumber his iniquities is

punished,¹³ and is as though he had burnt the whole Torah, not leaving even a single letter;¹⁴ while he whose iniquities outnumber his good deeds is rewarded,¹⁵ and is as though he had fulfilled the whole Torah, not omitting even a single letter! — Said Abaye: Our Mishnah means that a festive day and an evil day are prepared for him,¹⁶ Raba said: This latter agrees with R. Jacob, who said: There is no reward for precepts in this world.¹⁷ For it was taught: R. Jacob said: There is not a single precept in the Torah whose reward is [stated] at its side which is not dependent on the resurrection of the dead.¹⁸ [Thus:] in connection with honouring parents it is written, that thy days may be prolonged, and that it may go well with thee.¹⁹ In reference to the dismissal of the nest²⁰ it is written, that it may be well with thee, and that thou mayest prolong thy days.²¹ Now, if one's father said to him, 'Ascend to the loft and bring me young birds,' and he ascends to the loft, dismisses the dam and takes the young, and on his return falls and is killed — where is this man's happiness²² and where is this man's prolonging of days? But 'in order that it may be well with thee', means on the day that is wholly good; and 'in order that thy days may be long', on the day that is wholly long.²³

Yet perhaps there was no such happening?²⁴ — R. Jacob saw an actual occurrence. Then perhaps he²⁵ was meditating upon a transgression? — The Holy One, blessed be He, does not combine an evil thought with an [evil] act.²⁶ Yet perhaps he was meditating idolatry, and it is written, that I may take the house of Israel in their own heart?²⁷ — That too was precisely his point: should you think that precepts are rewarded in this world, why did the [fulfilment of these] precepts not shield him from being led to [such] meditation?²⁸

Yet R. Eleazar said: Those who are engaged²⁹ on a precept are never harmed?³⁰ — There, when they are going [to fulfil the precept], it is different.³¹ But R. Eleazar said: Those who are engaged on a precept are never harmed, either when going or returning? — It was a rickety ladder, so that injury was likely,³² and where injury is likely one must not rely on a miracle, for it is written, and Samuel said: How can I go? if Saul hear it, he will kill me.³³

R. Joseph said: Had Aher³⁴ interpreted this verse³⁵ as R. Jacob, his daughter's son, he would not have sinned.³⁶ Now, what happened with Aher? Some say, he saw something of this nature.³⁷ Others say, he saw the tongue of Huzpith the Interpreter dragged along by a swine.³⁸ 'The mouth that uttered pearls licks the dust!' he exclaimed. [Thereupon] he went forth and sinned.³⁹

R. Tobi son of R. Kisna pointed out a contradiction to Raba: We learnt: HE WHO PERFORMS ONE PRECEPT IS WELL REWARDED; hence, only if he [actively] performs it, but not otherwise. But the following contradicts this: If he sits and commits no transgression he is rewarded as though he has fulfilled a precept! — Said he to him: There it means, e.g., that he was tempted⁴⁰ and successfully resisted.⁴¹ As in the case of R. Hanina b. Pappi, whom a certain matron urged [to immorality]. He pronounced a certain [magical] formula, whereupon his body was covered with boils and scabs;⁴² but she did something and he was healed. So he fled and hid himself in a bath-house in which when [even] two entered, even in daytime, they would suffer harm.⁴³ The next morning the Rabbis asked him, 'Who guarded you?' Said he to them, 'Two

(1) I.e., sowing different species in the same bed, yet taking care according to the regulation to leave sufficient space between each for their roots not to intertwine; v. Shab. 84b. The only possible reason would then be that kil'ayim are forbidden outside Palestine.

(2) Since he did not observe this regulation.

(3) In fetching vegetables, he would know the place of each species.

(4) Lit., 'good is done to him'.

(5) I.e., the future world.

(6) The Mishnah is explained in the Gemara.

(7) I.e., he is rewarded for them in this world.

(8) [This does not occur in the Mishnah, Pe'ah I, whence the passage is quoted, and is omitted in MS.M.]

- (9) Thus, only for these is one rewarded in this world, whereas the Mishnah states this of any precept. To the Rabbis study was not only a means to religious observance (cf. *infra* 40b: study is great, as it leads to action), but a religious act in itself, — indeed, one of the most important, as is shewn by this and numerous other passages in the Talmud. Nevertheless, they were far from believing that religious sincerity might be replaced by mere intellectualism; v. M. Joseph, *Judaism as Creed and Life*, p. 360.
- (10) I.e., his good deeds and bad are exactly balanced, and then he performs a precept, thus tipping the scale.
- (11) Even if he has no other good deeds to his credit — surely not!
- (12) If one's good deeds and bad are exactly equal, yet among the good deeds is one of those enumerated above, it causes the former to preponderate.
- (13) Lit., 'evil is done to him'.
- (14) Thus he is purged of his sins in this world, that he may wholly enjoy the next.
- (15) For his good deeds in this world, that he may wholly suffer punishment in the next.
- (16) By 'good is done to him' the Mishnah means that he is punished in this world; this punishment is regarded as a festive day for him, since he thereby wholly enjoys the next. Conversely the second half of the Mishnah.
- (17) But our Mishnah disagrees, and is literally meant, referring to this world.
- (18) Which shews that the reward spoken of is in the next world. R. Jacob appears to identify the next world with resurrection; v. *Sanh.* (Sonc. ed.) p. 601, n. 3.
- (19) *Deut.* V, 16.
- (20) V. *Ibid.* XXII, 6f; that precept is always technically so named.
- (21) *Ibid.*
- (22) Lit., 'the goodness of his days'.
- (23) I.e., both refer to the next world, not to this, and thereby emphasize that regard comes only then, but not in this world.
- (24) R. Jacob bases his deduction on a hypothetical event which may never have happened.
- (25) The one who was involved in this occurrence.
- (26) For punishment. — I.e., one is not punished for mere intention.
- (27) *Ezek.* XIV, 5: 'heart' implies intention; the reference is to idolatry; v. preceding verse, and thus we see that even the intention of idolatry is punished.
- (28) Cf. *Aboth* IV, 2: 'the reward of a precept is a precept, and the punishment of transgression is transgression, for precept draws precept and transgression draws transgression'.
- (29) Lit., 'sent'.
- (30) How then could this have happened?
- (31) But he was returning, having taken the bird etc.
- (32) Lit., 'established'.
- (33) *1 Sam.* XVI, 2; he did not rely upon the fact that his mission was by God's command.
- (34) Elisha b. Abuyah, a great scholar and R. Meir's teacher, who turned against the Torah, whereupon he was dubbed Aher, a different man, a stranger.
- (35) The promise of reward and long life.
- (36) He interpreted it literally, as referring to this world, and seeing that the promise was not fulfilled turned unbeliever.
- (37) Stated above.
- (38) Lit., 'a different thing' — a euphemism for swine, the unmentionable. — Huzpith was one of the martyrs slain in the Hadrianic persecution, after the fall of Bethar; v. *Dor.* II, 119. The Interpreter was a functionary who interpreted the public readings of the Torah to the people.
- (39) According to this, it was the eternal question, why do the righteous suffer, which is even put into the mouth of Moses (*Ber.* 7a), which led him to religious apostasy. For other conjectures v. J.E. s.v. Elishah ben Abuyah.
- (40) Lit., 'a matter of transgression came to his hand.'
- (41) Lit., 'he was saved from it.'
- (42) Belief in magic was very widespread in ancient times, and was even entertained by scholars. On the whole the Talmud was strongly opposed to it, as 'impairing the Divine Agencies' (*Sanh.* 67b; cf. *Tosef. Sotah*, XIV, 3; *Sotah*, IX, 3), and being bound up with idolatry. Nevertheless, in case of need it was resorted to and permitted, so long as pagan means were not employed. Thus healing by means of an amulet was permitted and its use regulated by law (*Shab.* 61a-b). Here, on the other hand, a Rabbi uses magic to cover himself with boils in order to resist immoral demands, and

it is obviously permitted. The most potent means was an incantation, as here, particularly one which employed the name of God. V. Blau, *Das altjüdische Zauberwesen*, pp. 117-146.

(43) From demons; yet he stayed there the night alone, and was unhurt.

Talmud - Mas. Kiddushin 40a

Imperial [armour] bearers¹ guarded me all night.² Said they to him, 'Perhaps you were tempted with immorality and successfully resisted?' For it was taught: He who is tempted with immorality and successfully resists, a miracle is performed for him.

[Bless ye the Lord, ye messenger's of his:] Ye mighty in strength, that fulfil his word, hearkening unto the voice of his word.³ E.g., R. Zadok and his companions. R. Zadok was summoned by a certain matron [to immorality]. Said he to her, 'My heart is faint and I am unable; is there aught to eat?' She answered him, 'There is unclean food.' 'What am I to deduce from this?'⁴ he retorted: 'that he who commits this [immorality] may eat this.'⁵ She then fired the oven and was placing it [the forbidden meat] therein, when he ascended and sat in it. Said she to him, 'What is the meaning of this?' 'He who commits the one [immorality] falls into the other [the fire — of Gehenna]', was his reply. 'Had I known that it is so heinous,' said she, 'I would not have tormented you'.

R. Kahana was selling [work-] baskets, when a certain matron made [immoral] demands upon him. Said he to her, 'I will first adorn myself.' He [thereupon] ascended and hurled himself⁶ from the roof towards earth, but Elijah came and caught him.⁷ 'You have troubled me [to come] four hundred parasangs', he reproved him. 'What caused me [to do it],'⁸ he retorted; 'is it not poverty?'⁹ so he gave him a shifa¹⁰ [full] of denarii.¹¹

Raba pointed out a contradiction to R. Nahman. We learnt: These are the things the fruit of which man enjoys in this world, while the principal remains for him for the future world: Viz., honouring one's parents, the practice of loving deeds, and making peace between man and his neighbour, while the study of the Torah surpasses them all. Now, in reference to honouring one's parents it is written, that thy days may be long, and that it may go well with thee.¹² Of the practice of loving deeds it is written: He that pursueth after righteousness and loving kindness findeth life, righteousness and honour.¹³ Of peacemaking it is said: Seek peace and pursue it;¹⁴ and R. Abbahu said: We learn 'pursuing' from 'pursuing'. Here it is written: 'Seek peace and pursue it'; and elsewhere it is written: He that pursueth after righteousness and loving kindness.¹⁵ Of the study of the Law it is written, for that is thy life, and the length of thy days.¹⁶ But with respect to the dismissal of the nest¹⁷ it is also written, that it may be well with thee, and that thou mayest prolong thy days:¹⁸ then let this too be taught? — He teaches [some] and omits [others]. [What!] the Tanna states: 'These are the things,'¹⁹ yet you say that he teaches [some] and omits [others]! — Said Raba, R. Idi explained it to me: Say ye of the righteous, when he is good, that they shall eat the fruit of their doings:²⁰ is there then a righteous man who is good and a righteous man who is not good? But he who is good to Heaven and good to man, he is a righteous man who is good; good to Heaven but not good to man, that is a righteous man who is not good.²¹ Similarly you read: Woe unto the wicked [man] [that is] evil; for the reward of his hands shall be given unto him:²² is there then a wicked man that is evil and one that is not evil? But he that is evil to Heaven and evil to man, he is a wicked man that is evil; he who is evil to Heaven but not evil to man, he is a wicked man that is not evil.

Merit has both stock and fruit, for it is said: Say ye of the righteous, when he is good etc.²³ Transgression has stock but not fruit,²⁴ for it is said: Woe unto the wicked when he is evil etc.²⁵ Then how do I interpret,²⁶ Therefore shall they [sc. the wicked] eat of the fruit of their own way, and be filled with their own devices?²⁷ Transgression which bears fruit²⁸ has fruit; that which does not bear fruit has no fruit.²⁹ Good intention is combined with deed,³⁰ for it is said: Then they that feared the Lord spoke one with another: and the Lord hearkened, and heard, and a book of remembrance

was written before him, for them that feared the Lord, and that thought upon his name.³¹ Now, what is the meaning of 'that thought upon his name'? — Said R. Assi: Even if one [merely] thinks of performing a precept but is forcibly prevented the Writ ascribes it to him as though he has performed it. Evil intention is not combined with deed,³² for it is said: If I regarded iniquity in my heart, The Lord would not hear.³³ Then how do I interpret, behold, I will bring evil upon this people, even the fruit of their thoughts?³⁴ Intention which bears fruit³⁵ the Holy One, blessed be He, combines with deed;³⁶ Intention which does not bear fruit the Holy One, blessed be He, does not combine with deed. Then what of the verse, that I may take the house of Israel in their own heart?³⁷ — Said R. Aha b. Jacob: That refers to idolatry, for a Master said: Idolatry is so heinous that he who rejects it is as though he admits [the truth of] the whole Torah.³⁸ 'Ulla said: [This is to be explained] as R. Huna. For R. Huna said: Once a man does wrong and repeats it, it is permitted him. 'It is permitted him!' can you really think so? — But it becomes to him as something permitted.³⁹

R. Abbahu said on R. Hanina's authority: Better had a man secretly transgress than publicly profane God's⁴⁰ name, for it is said: As for you, O house of Israel, thus saith the Lord God: Go ye, serve every one his idols, and hereafter also, if ye will not hearken unto me: but my holy name shall ye not profane.⁴¹

R. Il'ai the Elder said: If a man sees that his [evil] desire is conquering him, let him go to a place where he is unknown, don black and cover himself with black,⁴² and do as his heart desires,⁴³ but let him not publicly profane God's name.⁴⁴ But that is not so, for we learnt: He who is careless⁴⁵ of his Master's honour, it were well for him that he had not come Into the world. Now, to what does this refer? — Rabbah said: To one who gazes at the [rain]bow.⁴⁶ R. Joseph said: To one who secretly transgresses!⁴⁷ — There is no difficulty: the one means where he can subdue his evil desires; the other, where he cannot.

We learnt elsewhere: Credit is not allowed⁴⁸ for the profanation of the [Divine] Name, whether It is unwitting or intentional.⁴⁹ What is meant by 'credit is not allowed?' — Said Mar Zutra: They [sc. Heaven] do not act like a shopkeeper.⁵⁰ Mar the son of Rabina said: This is to teach that if it [sc. one's account of sin and merit] is equally balanced, [the profanation of God's name] tips the scale.⁵¹

Our Rabbis taught: A man should always

-
- (1) Var. lec.: Imperial Ethiopian (guards).
 - (2) Probably meaning, 'a special Providence watched over me'.
 - (3) Ps. CIII, 20.
 - (4) [From the fact that there is only unclean food available (Rashi). Others: 'What does it matter?']
 - (5) The former is as heinous as the latter.
 - (6) Lit., 'fell'.
 - (7) V. note 5.
 - (8) Lit., 'caused it for me'.
 - (9) Which forces me to go hawking baskets among women.
 - (10) Jast. name of a measure, xestes. Rashi: name of a utensil.
 - (11) Elijah was supposed to appear among men very frequently, particularly to pious men, who were privileged to know his identity. Cf. Git. 70a, Sanh. 113a, Yoma 19b, et passim.
 - (12) Deut. V, 16.
 - (13) Prov. XXI, 21: 'life' is understood to refer to the next world, 'righteousness and honour' to the rewards in this.
 - (14) Ps. XXXIV, 25.
 - (15) Hence, just as the latter is rewarded in both worlds (v. n. 8), so is the former.
 - (16) Deut. XXX, 20: 'thy life' refers to this world, 'length of thy days', to the next.
 - (17) V. Deut. XXII, 6-7.
 - (18) Ibid.

- (19) Which implies only these.
- (20) Isa. III, 10.
- (21) Hence the verse refers to the first, in connection with whom 'they shall eat the fruit of their doings', i.e., be rewarded in this world. But dismissing the dam is 'good to Heaven' only, i.e., it is obedience to God's will, but of no benefit to man.
- (22) Ibid. 11.
- (23) 'The fruit of his doings' implies reward over and above his merits.
- (24) I.e., one is punished only according to his desserts.
- (25) Only 'the reward of his hands' is mentioned, but not more.
- (26) Lit., 'fulfil'.
- (27) Prov. I, 31.
- (28) E.g., when a great man sins he sets an evil example which is copied by others.
- (29) In both, the principle of 'measure for measure' operates.
- (30) And both are rewarded.
- (31) Mal. III, 16.
- (32) There is no punishment for mere intention.
- (33) Ps. LXVI, 18; i.e., when it remained a mere intention 'in my heart', it was overlooked.
- (34) Jer. VI, 19.
- (35) I.e., which is followed by action.
- (36) Punishing both.
- (37) Ezek. XIV, 5. This shows that there is punishment for mere thought.
- (38) Hence mere intention is punished.
- (39) The blunting of man's finer perceptions which make him unable to distinguish between right and wrong is in itself sin's punishment. Cf. Yoma 39a: Sin dulls the heart of man; also Aboth: the punishment of sin is sin. — Hence, when the Writ intimates that evil intention is punished, it refers to a wrong twice committed: the intention to commit it a third time is then punished, even if not carried out. For by then it is not regarded as evil, and its non-performance is not due to repentance but because there was no need for it.
- (40) Lit., 'Heaven's'.
- (41) Ezek. XX, 39.
- (42) His sombre garments may subdue his lust.
- (43) If he is still unable to resist.
- (44) By sinning where he is known.
- (45) Lit., 'has no compassion'.
- (46) Which was regarded as the manifestation of God's glory, and to gaze upon it was disrespectful (cf. Ex. XXIV, 9-11).
- (47) Because he thereby shews that he fears man more than God.
- (48) **אֵין מְקַיֵּיִן**, v. also n. 6.
- (49) Cf. Mishnah, Aboth, IV, 5.
- (50) Who gives long credit and then demands payment for many items; but every profanation is punished immediately.
- (51) If his wrongdoings included this. God does not wait — i.e., 'give credit' — until another sin is committed, for that itself tips the scale. — Maharsha. [Rashi's explanation **מְקַיֵּיִן** is here understood in the sense of comparing, balancing the sins against the good deeds.]

Talmud - Mas. Kiddushin 40b

regard himself as though he were half guilty and half meritorious: if he performs one precept, happy is he for weighting himself down in the scale of merit; if he commits one transgression, woe to him for weighting himself down in the scale of guilt, for it is said, but one sinner destroyeth much good:¹ [i.e.,] on account of a single sin which he commits much good is lost to him.² R. Eleazar son of R. Simeon said: Because the world is judged by its majority, and an individual [too] is judged by his majority [of deeds, good or bad], if he performs one good deed, happy is he for turning the scale both for³ himself and for the whole world on the side of merit; if he commits one transgression, woe to

him for weighting himself and the whole world in the scale of guilt, for it is said: 'but one sinner, etc.' — on account of the single sin which this man commits he and the whole world lose much good.

R. Simeon b. Yohai said: Even if he is perfectly righteous all his life but rebels at the end, he destroys his former [good deeds], for it is said: The righteousness of the righteous shall not deliver him in the day of his transgression.⁴ And even if one is completely wicked all his life but repents⁵ at the end, he is not reproached with his wickedness,⁶ for it is said, and as for the wickedness of the wicked, he shall not fall thereby in the day that he turneth from his wickedness.⁷ Yet let it be regarded⁸ as half transgressions and half meritorious deeds! — Said Resh Lakish: It means that he regretted his former deeds.⁹

MISHNAH. HE WHO IS VERSED IN BIBLE, MISHNAH, AND SECULAR PURSUITS¹⁰ WILL NOT EASILY¹¹ SIN, FOR IT IS SAID, AND A THREEFOLD CORD IS NOT QUICKLY BROKEN.¹² BUT HE WHO LACKS BIBLE, MISHNAH AND SECULAR PURSUITS DOES NOT BELONG TO CIVILISATION.

GEMARA. R. Eleazar son of R. Zadok said: To what are the righteous compared in this world? To a tree standing wholly in a place of cleanness, but its bough overhangs to a place of uncleanness; when the bough is lopped off, it stands entirely in a place of cleanness. Thus the Holy One, blessed be He, brings suffering upon the righteous in this world,¹³ in order that they may inherit the future world, as it is said, and though thy beginning is small, yet thy latter end shall greatly increase.¹⁴ And to what are the wicked compared in this world? To a tree standing wholly in a place of uncleanness, but a branch thereof overhangs a place of cleanness: when the bough is lopped off, it stands entirely in a place of uncleanness. Thus the Holy One, blessed be He, makes them prosper¹⁵ in this world,¹⁶ in order to destroy and consign them to the nethermost rung, for it is said: There is a way which seemeth right unto man, But at the end thereof are the ways of death.¹⁷

R. Tarfon and the Elders were once reclining in the upper storey of Nithza's house, in Lydda,¹⁸ when this question was raised before them: Is study greater, or practice? R. Tarfon answered, saying: Practice is greater. R. Akiba answered, saying: Study is greater, for it leads to practice. Then they all answered and said:¹⁹ Study is greater, for it leads to action.²⁰

It was taught: R. Jose said: Great is learning, since it preceded hallah²¹ by forty years, terumoth²¹ and tithes by fifty-four years, shemittin²² by sixty-one, and jubilees by one hundred and three.²³ A hundred and three? but it was a hundred and four!²⁴ — He maintains that jubilee effects a release²⁵ at the beginning thereof. And just as learning preceded practice, so does the judgment thereof [in the next world] take precedence over that of practice,²⁶ in accordance with R. Hammuna. For R. Hammuna said: The beginning of man's judgment is in respect of study²⁷ alone, for it is said: The rejection²⁸ of water²⁹ is the beginning of judgment.³⁰ And just as the judgment thereof takes precedence over that of practice, so does the reward thereof, for it is said: And he gave them the lands and nations; and they took the labour of the people in possession: that they might keep [yishmeru] his statutes, and observe his laws.³¹

BUT HE WHO LACKS BIBLE, MISHNAH [etc.]. R. Johanan said: And he is unfit to testify.³²

Our Rabbis taught: He who eats in the market-place is like a dog; and some say that he is unfit to testify.³³ R. Idi b. Abin said: The halachah agrees with the latter.³⁴

Bar Kappara lectured: A bad tempered man

(1) Ecc, IX, 18.