

is already done?¹¹ — Come and hear: They [the Sages] said to R. Tarfon: You have purified the males,¹² but you have not purified the females.¹³ Now, if you say that he means at the very outset, let a mamzereth¹⁴ too be married to a slave?¹⁵ — A slave has no paternity.¹⁶

Come and hear: For R. Simlai's host was a mamzer, and he [R. Simlai] said to him, 'Had I known you earlier,¹⁷ I would have removed the stigma from¹⁸ your sons.' Now, if you say that it [sc. R. Tarfon's device] is at the very outset, it is well: but if you say, only when already done, what is it [that he could advise him]?¹⁹ — He would have advised him by saying to him, 'Go and steal, and then be sold as a Hebrew slave.'²⁰ Were there then Hebrew slaves in R. Simlai's time?²¹ Surely a Master said: [The institution of] a Hebrew slave is practised only when Jubilee is practised?²² Hence it surely follows that R. Tarfon means at the very outset. This proves it. Rab Judah said in Samuel's name: The halachah is as R. Tarfon.

R. ELIEZER SAID: BEHOLD, HE IS A SLAVE, A MAMZER, R. Eleazar said: What is R. Eliezer's reason? Because Scripture saith, [A mamzer . . . even to the tenth generation shall none enter] to him [into the assembly of the Lord]:²³ [this teaches,] follow his ineligibility.²⁴ And the Rabbis?²⁵ — That refers to an Israelite who marries a mamzereth. For I might think, it is written, by their families, by their father's house:²⁶ [therefore] 'to him' comes and excludes it.²⁷ And R. Eliezer?²⁸ — Surely, though it is written: 'by their families, by their father's house,' yet 'to him' comes and excludes it; so here too, though it is written, 'the wife and her children shall be her master's,' yet 'to him' comes and excludes it.²⁹ And the Rabbis? — Every child in the womb of a heathen bondmaid is like the young in an animal's womb.³⁰

CHAPTER I V

MISHNAH. TEN GENEALOGICAL CLASSES WENT UP FROM BABYLON:³¹ PRIESTS, LEVITES, ISRAELITES, HALALIM,³² PROSELYTES, FREEDMEN, MAMZERIM, NETHINIM,³³ SHETHUKI³⁴ AND FOUNDLINGS. PRIESTS, LEVITES AND ISRAELITES MAY INTERMARRY³⁵ WITH EACH OTHER. LEVITES, ISRAELITES, HALALIM, PROSELYTES, AND FREEDMEN MAY INTERMARRY. PROSELYTES AND FREEDMEN, MAMZERIM AND NETHINIM, SHETHUKI AND FOUNDLINGS, ARE ALL PERMITTED TO INTERMARRY. NOW, THESE ARE THEY: SHETHUKI: HE WHO KNOWS HIS MOTHER BUT NOT HIS FATHER; FOUNDLING: HE WHO WAS GATHERED IN FROM THE STREETS AND KNOWS NEITHER HIS FATHER NOR HIS MOTHER, ABBA SAUL USED TO CALL THE SHETKUKI 'BEDUKI'.³⁶

GEMARA. TEN GENEALOGICAL CLASSES WENT UP FROM BABYLON. Why is it particularly taught: WENT UP FROM BABYLON; let him state, migrated to Eretz Yisrael? He thereby tells us something en passant. As it was taught: then shalt thou arise and get thee up unto the place which the lord thy God shall choose:³⁷ this teaches that the Temple is higher than the rest of Eretz Yisrael, and Eretz Yisrael is higher than all [other] countries. As for the Temple being higher than the rest of Eretz Yisrael, it is well: even as it is written,

(1) Lit., 'fulfilled'.

(2) The verse is assumed to be quoted by the Sages.

(3) Thus: only when the wife, i.e., the bondmaid, belongs to the master does the issue belong to him; but if she is free, the children are likewise.

(4) Pl. of mamzer.

(5) From their inferior status, which forbids them and their descendants ever to marry Jews.

(6) 'Marries' denotes a legal union; v. A. Buchler, MGWJ 1934 p. 133. n. 2.

(7) But not mamzer.

(8) Hence, permitted to marry a Jewess.

- (9) And on obtaining his freedom he remains a mamzer.
- (10) That this may be done in order to purify a mamzer.
- (11) Because a mamzer is after all a Jew, and possibly may not marry a bondmaid.
- (12) They can go where they are unknown, claim to be slaves, and marry bondmaids.
- (13) Because a woman does not leave her home and disguise her identity in order to enter upon a forbidden marriage.
- (14) Fem. of mamzer.
- (15) Since none forbid her.
- (16) The issue is not recognised as his, but as hers, and therefore if a mamzereth is married to a slave it will still remain mamzer.
- (17) Before your marriage.
- (18) Lit., 'purified'.
- (19) He would surely not counsel him to do something that is forbidden in the first place!
- (20) To whom a bondmaid is permitted. Of course, the same objection may still be raised: surely he would not advise him to steal! But then one could answer that he would advise him to sell himself, in accordance with the view that then too his master can give him a heathen bondmaid, supra 14b (Rashi).
- (21) Lit., 'years'.
- (22) Which it was not then.
- (23) Deut. XXIII, 3.
- (24) All his issue, no matter how born, share his own unfitness.
- (25) R. Tarfon: how does he explain this?
- (26) Num. IV, 2, and therefore the issue has the status of the father.
- (27) I.e., this issue follows the mother, not the father.
- (28) Does he not admit this?
- (29) That in this case the child is not exclusively the master's, i.e., a slave, but also belongs to his father's rank and is a mamzer.
- (30) Which has no connection with the male at all.
- (31) After the first exile.
- (32) V. Glos. s.v. halal.
- (33) v. Glos. s.v. Nathin.
- (34) Lit., 'the silenced one.' The Mishnah proceeds to define them.
- (35) The language is Biblical: may come in unto each other; cf. Deut. XXIII, 2-4.
- (36) Lit., 'one requiring examination.' The Gemara discusses this.
- (37) Deut. XVII, 8, sc. the Temple.

Talmud - Mas. Kiddushin 69b

[If there arise...] matters of controversy in thy gates: then thou shalt arise and go up.¹ But how do we know that Eretz Yisrael is higher than all [other] countries? — Because it is written: Therefore behold, the days come, saith the Lord, that they shall no more say: As the Lord liveth, which brought up the children of Israel out of the land of Egypt; but, as the Lord liveth, which brought up and which led the seed of the house of Israel out of the north country, and from all the countries whither I had driven them.²

Then why particularly state, WENT UP FROM BABYLON: let him teach, went up to Eretz Yisrael? — This supports R. Eleazar. For R. Eleazar said: Ezra did not go up from Babylon until he made it like pure sifted flour: then he went up.³ Abaye said: We learnt: THEY WENT UP voluntarily; Raba said: We learnt: He [Ezra] brought them up [against their will]. And they differ over R. Eleazar ['s dictum,] viz.: Ezra did not go up from Babylon until he made it like pure sifted flour: then he went up. Abaye rejects it, Raba accepts it.⁴ Alternatively, all accept R. Eleazar's dictum, but they differ in this: One Master [Abaye] holds that he [merely] separated them, whereupon they voluntarily ascended [to Palestine]:⁵ the other Master holds that [even so] he led them up against their will.

Now, on the view that they went up [voluntarily], it is well: thus Rab Judah said in Samuel's name: All countries are as dough in comparison with Palestine,⁶ and Palestine is as dough relative to Babylon.⁷ But on the view that he [forcibly] led them up, they were indeed known?⁸ — Granted that they were known to that generation, they were not known to another generation. On the view that they went up, it is well: hence it is written: And I gathered them together to the river that runneth to Ahava; and there we encamped three days; and I viewed [i. e., scrutinized] the people, and the priests, and found there none of the sons of Levi.⁹ But on the view that he brought them up — surely he was most careful with them!¹⁰ — Granted that he had been careful with the unfit,¹¹ yet he had not been careful with the fit.

PRIESTS, LEVITES, AND ISRAELITES. How do we know that they had come up? — Because it is written, so the priests, and the Levites, and some of the people, and the singers, and the porters, and the Nethinim, dwelt in their cities, and all Israel in their cities.¹²

HALALIM, PROSELYTES AND FREEDMEN. How do we know halalim? For it was taught: R. Jose said: A presumptive right [hazakah] is powerful, as it is said: And of the children of the priests: the children of Habaiah, the children of Hakkoz, the children of Barzillai, which took a wife of the daughters of Barzillai the Gileadite, and was called after their name. These sought their register among those that were reckoned by genealogy, but they were not found: therefore were they deemed polluted and put from the priesthood. And the Tirshatha¹³ said unto them, that they should not eat of the most holy things, till there stood up a priest with Urim and with Thummim.¹⁴ Now he¹⁵ said to them, Behold, ye remain in your presumptive rights: whereof did ye eat in Exile? of the sacred food [eaten] in the country.¹⁶ So now too [ye may partake] of the sacred food [consumed] in the country.¹⁷

But on the view that we promote from terumah to family purity,¹⁸ those who ate terumah, they would come to promote them? — There it was different, because their presumptive status was weakened.¹⁹ Then what is meant by 'Great is a presumptive right?'²⁰ — Because originally they ate Rabbinical terumah, and now they were to eat Biblical terumah.²¹ Alternatively, after all they would now too eat only Rabbinical terumah,²² not Biblical; for when do we promote from terumah to family purity? [Only when it is terumah] by Biblical law, but we do not promote [when it is terumah] by Rabbinical law. If so, why [state], 'Great is a presumptive right?' — Because formerly²³ there was no cause to forbid it on account of Biblical terumah,' but now,²⁴ though it might have been forbidden on account of Biblical terumah,²⁵ they [nevertheless] ate of Rabbinical, but not of Biblical [terumah]. But it is written: 'and the Tirshatha said unto them, that they should not eat of the most holy things': thus, only of the most holy things²⁶ might they not eat, but everything else they might eat? — This is what he said: [They were to eat] neither what is called kodesh [holy], nor what is called kodashim [holies]. 'Neither what is called kodesh', as it is written: There shall no stranger eat kodesh;²⁷ 'nor what is called kodashim,' as it is written: And if a priest's daughter be married unto a stranger, she shall not eat of the heave-offerings of the kodashim,²⁸ and a Master said [explaining this:] the priestly dues²⁹ of sacrifices

(1) Ibid. 8; 'In thy gates' implies anywhere in Palestine, whence one had to 'go up' to the Temple.

(2) Jer. XXIII, 7f.

(3) He intentionally took those of inferior rank so that they should not remain in Babylon, where, owing to the absence of leaders, they might mingle with the rest of the nation. Therefore the Tanna states: WENT UP FROM BABYLON, intimating that in that itself he had a purpose, apart from the rebuilding of Palestine, viz., to purge the Jews in Babylon.

(4) For such purging could only be effected by compulsion.

(5) In order to become mixed up with the others.

(6) Dough is a mixture of flour and water. I.e., the Jews there have not such a pure descent as those in Palestine.

(7) Cf. n. 2. Halevi, Doroth, 1, 3, p. 104 conjectures that this was due to the incessant wars with the Greeks, when many

Jews and Jewesses were taken captive by the enemy, and the general weakening of Jewish observance during the Hellenizing period and later when the Sadducees ruled the country. The Jews in Babylon, however, were free from all this.

(8) In Palestine too, and restrained from intermarrying, so that Palestine remained just as pure as Babylon.

(9) Ezra VIII, 15. He had to scrutinize them, since those of inferior descent voluntarily joined them.

(10) He knew who they were; why scrutinize them?

(11) I.e., those of low descent.

(12) Ibid. II, 70.

(13) According to tradition it was Nehemiah.

(14) Ezra II, 61-63 [So to speak, 'never' since there was no Urim and Thummim in the second Temple. v. Sot. 48a'.]

(15) The Tirshatha.

(16) Gebul. country, is a technical term denoting any part of Palestine outside the Temple and Jerusalem. The reference is to terumah.

(17) But not sacrifices. This shews that 'they were deemed polluted' means that they were accounted halolim, who may not partake of sacrifices.

(18) If a priest is seen eating terumah in his town, where he is known, we assume that he is of pure descent, and permit another priest to marry his daughter.

(19) When it was seen that other priests ate sacrifices and they did not, it would be known that their genealogy was suspect (Rashi). Tosaf.: their status was weakened because they had failed to prove their pure descent.

(20) The phrase implies that it leads to some extraordinary concession. But since there was no reason to fear that continuance in their right would lead to error, R. Jose should simply have stated that a presumptive right in the past gives a claim for the future.

(21) Outside Palestine terumah is required by Rabbinical law only.

(22) Terumah on fruit and vegetables, which even in Palestine is only Rabbinical.

(23) Since outside Palestine there was none available.

(24) Lit., 'at the end'.

(25) On their return to Palestine. If they were permitted to eat Rabbinical, they might come to eat Biblical terumah.

(26) Which implies sacrifices of the higher sanctity; v. p. 264, n. 11.

(27) Lev. XXII, 10; E.V. 'of the holy things,' i.e., terumah, to which the whole passage refers.

(28) Ibid. 12; E.V. holy things.

(29) Lit., 'that which was separated', viz., the breast and shoulder.

Talmud - Mas. Kiddushin 70a

she shall not eat.

PROSELYTES AND FREEDMEN. How do we know it? — Said R. Hisda, Because Scripture saith, and all such as had separated themselves unto them from the filthiness of the heathen of the land.¹

MAMZERIM. How do we know it? — Because it is written: And Sanballat the Horonite, and Tobiah the slave, the Ammonite, heard it:² and it is [also] written, [Moreover in those days the nobles of Judah sent many letters unto Tobiah . . .] For there were many in Judah sworn unto him, because he [Tobiah] was the son-in-law of Shechaniah the son of Arah; and his son Jehohanan had taken the daughter of Meshullam the son of Berchiah to wife.³ Now he [the Tanna of our Mishnah] holds that if a heathen or a slave has intercourse with the daughter of an Israelite, the issue is mamzer.⁴ That is well on the view that the issue is mamzer; but on the view that it is legitimate [kasher], what can be said? Moreover, how do you know that they had sons:⁵ perhaps they did not have sons? Again, how do you know that they were [originally] here [in Babylon] and then migrated; perhaps they were there [in Palestine, from the beginning]? — But [it is learnt] from this: And these were they which went up from Tel-melah, Tel-harsha, Cherub, Addon, and Immer: but they could not shew their fathers' houses, nor their seed, whether they were of Israel.⁶ Now 'Tel-melah'⁷ refers

to those people whose deeds were like those of Sodom, which was turned into a salt heap: 'Tel-harsha,'⁸ to those who cry out 'Father,' and their mothers silence them;⁹ but they could not shew their fathers' houses, nor their seed [i.e., their mothers], whether they were of Israel — this refers to foundlings, gathered in from the streets. 'Cherub, Addon and Immer':¹⁰ R. Abbahu said: The Lord said: 'I said that Israel should be as precious to me as the cherub, whereas they made themselves like the leopard.'¹¹ Others state, R. Abbahu said: The Lord said: 'Though they have made themselves like the leopard, yet they are as precious to me as a cherub.'

Rabbah b. Bar Hanah said: He who takes a wife who is not fitting for him,¹² the Writ stigmatizes him as though he had ploughed the whole world and sown it with salt, as it is said: And these were they which went up front Tel-melah, Tel-harsha.¹³

Rabbah son of R. Adda said in Rab's name: He who takes a wife for the sake of money will have unworthy children, as it is said: They have dealt treacherously against the Lord; for they have borne strange children. And should you think, their money is saved [to them], — therefore it is stated: Now shall the new moon devour them with their portions.¹⁴ And should you say, his portion, but not hers:¹⁵ therefore it is stated: 'their portions'. And should you say [only] after a long time — therefore it is said: 'the new moon'. What does this imply? — Said R. Nahman b. Isaac: A month comes and a month goes and their money is lost.

Rabbah son of R. Adda also said — others state, R. Salla said in R. Hamnuna's name: He who marries a wife who is not fit for him, Elijah binds him and the Holy One, blessed be He, flagellates him. And a Tanna taught: Concerning all these¹⁶ Elijah writes and the Holy One, blessed be He, attests: 'Woe to him who disqualifies his seed, blemishes his family and him who takes to wife one who is not fit for him, Elijah binds and the Holy One, blessed be He, flagellates.'¹⁷ And he who [continually] declares [others] unfit is [himself] unfit and never speaks in praise [of people]. And Samuel said: With his own blemish he stigmatizes [others] as unfit.

A certain man from Nehardea entered a butcher's shop in Pumbeditha and demanded, 'Give me meat!' 'Wait until Rab Judah b. Ezekiel's attendant takes his,' was the reply: 'and then we will serve you.' 'Who is Judah b. Shewiskel,¹⁸ he exclaimed: 'to take precedence over me and be served before me!' When they went and told Rab Judah, he pronounced the ban against him. Said they to him, 'He is wont to call people slaves,' whereupon he had him proclaimed a slave. Thereupon that man went and summoned him to a lawsuit before R. Nahman. When the writ of summons was brought, he [Rab Judah] went before R. Huna [and] asked him, 'Shall I go or not?'¹⁹ 'Actually,' he replied: 'you need not go, being a great man; yet in honour of the Nasi's house,²⁰ arise and go.' On his arrival there he found him making a railing.²¹ Said he to him, Do you not accept R. Huna b. Idi's dictum in Samuel's name, Once a man is appointed head of a community, he may not do [manual] labour in the presence of three?²² — 'I am [merely] making a small portion of a gundritha,²³ he replied. 'Is not ma'akeh,²⁴ as written in the Torah, or mehizah,²⁵ as used by the Rabbis, good enough?'²⁶ he retorted. Said he to him, 'Sit you down on a karpita [seat].' 'Is not safsal, as used by the Rabbis, or iztaba, as commonly used,²⁷ good enough?' he asked. 'Will you partake of ethronga [citron],' he proceeded, 'Thus did Samuel say,' was his reply: 'he who says 'ethronga', is a third [puffed up] with arrogance: either ethrog, as it is called by the Rabbis, or ethroga, as it is popularly called.' 'Will you drink anbaga [cup of wine]?' he asked him. 'Are you then dissatisfied with isharagus, as it is called by the Rabbis, or anpak, as it is popularly pronounced?' he reproved him. 'Let [my daughter] Donag come and serve drink,' he proposed. 'Thus said Samuel,' he replied: 'One must not make use of a woman.' '[But] she is only a child!' — 'Samuel distinctly said: One must make no use at all of a woman, whether adult or child.' 'Will you send a greeting to [my wife] Yaltha,' he suggested. 'Thus said Samuel,' he replied, [To listen to] a woman's voice is indecent.' 'It is possible through a messenger?' 'Thus said Samuel,' he retorted

- (1) Ezra VI, 21.
- (2) Neh. II, 10.
- (3) Ibid. VI, 17f. Shechaniah was a Jew.
- (4) And we have a case of such intercourse in the verses quoted.
- (5) Viz., Tobiah and his own son, by these Jewesses.
- (6) Ibid. VII, 61.
- (7) Lit., 'salthcap'.
- (8) Lit., 'heap of silence'.
- (9) Because they do not know their fathers — there are called shethuki in the Mishnah.
- (10) 'Addon immer', changing 'Immer' to 'Amar', means, 'The Lord (Adon) saith'.
- (11) Which is not particular to copulate with its own mate. So Israel, thereby producing mamzerim. The allusion to the deeds of Sodom is similar.
- (12) I.e., of an unfit stock.
- (13) Deriving harsha fr. harsh, to plough. Because 'they could not shew' etc., i.e., they were ashamed of their unseemly marriages and strove to conceal them, they turned the world into a ploughed heap sown with salt.
- (14) Hos. V. 7. 'Strange' — i.e., from the ways of decency.
- (15) Because she did nothing wrong.
- (16) Priests, Levites, and Israelites who marry a wife that is of unfit stock.
- (17) Wilna Gaon deletes this; according to which render, 'and takes to wife'.
- (18) A wilful and contemptuous mispronunciation of Ezekiel, meaning, the glutton (fr. shewiski, roast meat, i.e., the eater of roast meat).
- (19) His eminent position entitled him to refuse to recognise R. Nahman's jurisdiction over himself.
- (20) R. Nahman was the son-in-law of the Resh Galutha, the official head of Babylonian Jewry. R. Huna refers to the latter as nasi, which strictly speaking was the corresponding title of the head of Palestinian Jewry; cf. Hul. 124a.
- (21) To the roof of his house, in accordance with Deut. XXII, 8.
- (22) To preserve the dignity of his position.
- (23) Balustrade.
- (24) The Heb. for the same.
- (25) Lit., 'barrier', the Rabbinical term.
- (26) Lit., 'is it hateful?' — why such high-flown language?
- (27) Others reverse it.

Talmud - Mas. Kiddushin 70b

'One must not enquire after a woman's welfare.' 'Then by her husband!' 'Thus said Samuel,' said he, 'One must not enquire after a woman's welfare at all.' His wife sent [word] to him, 'Settle his case for him, lest he make you like any ignoramus!' 'What means your traveling hither?' he asked him. 'You sent me a writ of summons,' he replied. 'Seeing that I do not even know your way of speech,' he exclaimed: 'would I send you a writ of summons!' Thereupon he drew out the summons from his bosom and shewed [it] to him: 'Behold the man and behold the summons!' he said. 'Yet since you have come here.' he said: 'let us discuss the matter, that it may not be said that the Rabbis shew favour to each other.' Then he asked him, 'Why did you place that man under the ban?' 'Because he abused the Rabbis' messenger.' 'Then you should have punished him [by stripes], for Rab punished [with stripes] him who abused a messenger of the Rabbis.' — 'I dealt with him more severely.'¹ 'Why did you have it proclaimed that he is a slave?' He answered: 'Because he was wont to call [other] people slaves, and he who declares [others] unfit is [himself] unfit, and never speaks good [of anyone]; and Samuel said: With his own blemish he stigmatizes [others] as unfit.' 'But how did Samuel say this: only that one must suspect; yet did he say that he is to be [thus] proclaimed?' At this stage his opponent said to Rab Judah, 'You call me a slave, — I who am descended from the royal house of the Hasmoneans!' — 'Thus said Samuel,' he retorted: 'Whoever says: "I am descended from the house of the Hasmoneans is a slave."² Said he³ to him, 'Do you not agree with what was said by R. Abba in the name of R. Huna in Rab's name: Every scholar who proceeds to

give a ruling:⁴ if he has stated it before the event, he is heeded; if not, he is not heeded?’⁵ — ‘But there is R. Mattenah who supports me,’ he replied. Now, R. Mattenah had not seen Nehardea for thirteen years, but on that day he visited it. Said he⁶ to him, ‘Do you remember what Samuel said when he stood with one foot on the bank and one foot on the bridge?’⁷ — ‘Thus said Samuel’, he replied: ‘He who claims, "I am descended from the royal house of the Hasmoneans", is a slave, because there remained of them only one maiden who ascended a roof, lifted up her voice and cried out’, "Whoever says I am descended from the house of the Hasmoneans is a slave"; then she fell from the roof and died.’ So he⁸ was proclaimed a slave. On that day many kethuboth were torn up in Nehardea.⁹ When he [Rab Judah] issued, they came out after him to stone him.¹⁰ [But] he threatened them, ‘If you will be silent, be silent; if not, I will disclose against you what Samuel said: There are two families in Nehardea, one called The House of Jonah [dove] and the other, The House of ‘Urbathi [raven-like]; and the sign thereof is, The unclean is unclean and the clean clean.’¹¹ Thereupon they threw away the stones out of their hands, which created a stoppage in the royal canal.¹²

[At that time] Rab Judah announced in Pumbeditha: Adda and Jonathan are slaves; Judah b. Papa is mamzer: Bati b. Tobiah in his arrogance refused to accept a deed of manumission. Raba proclaimed in Mahuza:¹³ The members of Bela, Dena, Tela, Mela and Zega¹⁴ — all these are unfit. Rab Judah said: The members of Guba are Gibeonites; Durnunitha¹⁵ is a village of Nethinim.¹⁶ R. Joseph said: This Be Kubi [in the Vicinity] of Pumbeditha consists entirely of slaves.¹⁷

Rab Judah said in Samuel's name: Pashur son of Immer¹⁸ had four hundred slaves — others say, four thousand slaves — and all became mixed up in the priesthood, and every priest who displays impudence is [descended] from none but them. Said Abaye: And they all dwell in the Wall¹⁹ of Nehardea.²⁰ Now he [Rab Judah] differs from R. Eleazar. For R. Eleazar said: If you see a priest with brazen forehead, have no suspicions of him,²¹ for it is said: Thy people are as the quarrelsome among priests.²²

R. Abin b. R. Adda said in Rab's name: Whoever takes a wife who is not fit for him,²³ when the Holy One, blessed be He, causes His divine Presence to rest [on Israel], He testifies concerning all the tribes [that they are His people],²⁴ but does not testify unto him, for it is said: The tribes of the Lord are a testimony unto Israel:²⁵ when is it ‘a testimony unto Israel’? When the tribes are ‘tribes of the Lord’.²⁶ R. Hama b. R. Hanina said: When the Holy One, blessed be He, causes His divine Presence to rest, it is only upon families of pure birth in Israel, for it is said: At that time, saith the Lord, will I be the God of all the families of Israel²⁷ — not unto all Israel, but unto ‘all the families of Israel’, is said²⁸ — and they shall be my people. Rabbah son of R. Huna said: This is the extra advantage which Israel possesses over proselytes.²⁹ For in respect to Israel it is written, and I will be their God, and they shall be my people;³⁰ whereas of proselytes it is written, for who is he that hath boldness to approach unto me? Saith the Lord. And ye shall be my people’, and I will be your God.³¹

R. Helbo said: Proselytes are as injurious to Israel as a scab, for it is said: And the stranger shall join himself with them, and they shall cleave [we-nispehu] to the house of Jacob.³² Here it is written: ‘wenispehu’; whilst elsewhere it is written. [This is the law for all manner of plague of leprosy . . .] and for a rising, or for a scab [sappahath].³³

R. Hama b. Hanina said: When the Holy One, blessed be He,

(1) Tosaf. in Yeb. 52a suggests that the reason was because he had insulted the Rabbi himself.

(2) Because the dynasty was wiped out by Herod, who, in spite of ascending the throne, was always regarded by the Jew's as an Idumean slave. He, to exalt his children, called them Hasmoneans, v. B.B. 3b.

(3) Probably R. Nahman.

(4) In his teacher's name.

- (5) I.e., when he gives a traditional ruling bearing on his own case, he is believed only if he had stated it before the same arose.
- (6) Rab Judah.
- (7) Or 'on the ferry-boat'.
- (8) Rab Judah's litigant.
- (9) Of women who belonged to that family, and accordingly bore the status of slaves, so that their marriage was invalid.
- (10) For revealing their inferiority.
- (11) The dove is a clean bird (i.e., fit for food); the raven is unclean. The House of Jonah is of pure descent; the other is not. Descendants of the two families were probably widespread in Nehardea, but their origin was forgotten: hence the threat.
- (12) So many were there.
- (13) On the Tigris, not far from Ktesifon; it is discussed at great length in Obermeyer, pp. 161-186.
- (14) These are either places or family names. Probably they are contemptuous nicknames, which may mean, old rags, barrels, patches, stuffings and grape skins.
- (15) The name of a place.
- (16) From which it derives its name, 'dura' _ village, so Rashi, according to cur. ed. 'Nethinim villagers'.
- (17) Who had intermingled with the populace, though they had never been formally manumitted.
- (18) A priestly contemporary of Jeremiah who had him put in the stocks because of his dire prophecies of national disaster; (Jer. XX 1-6).
- (19) Heb. Shura, the large circumvallation. v. next note.
- (20) Var. lec.: in Sura and Nehardea.
- (21) I.e., of an impure family descent.
- (22) Hos. IV, 4.
- (23) I.e., of an unfit stock.
- (24) [Read preferably with MS.M. 'When the Holy One, blessed be He, testifies, He testifies concerning etc.,' omitting 'causes His divine Presence to rest.']
- (25) Ps. CXXII. 4.
- (26) Worthily married and born.
- (27) Jer. XXXI, 1.
- (28) The limitation must exclude those of questionable birth.
- (29) Lit., 'which is between Israel and proselytes.'
- (30) Ezek. XXXVII, 27; i.e., God calls them first, and they accept the call.
- (31) Jer. XXX, 21f; i.e., they must first call upon God, Who willingly accepts them. There is no spirit of exclusiveness in this: God first appeared unto Israel; thereafter, He is ready to accept all who call upon Him.
- (32) Isa. XIV, 1.
- (33) Lev. XIV, 55. We-nispehu is thus connected with sappahath, and the former verse is translated: and they shall be as a scab to the house of Jacob. — Rashi states: because their lax observance of precepts sets a bad example to true born Jews. Tosaf. suggests the reverse: proselytes are more observant, and expose the laxity of other Jews! Cf. infra p. 387.

Talmud - Mas. Kiddushin 71a

purifies the tribes, He will first purify the tribe of Levi, for it is said: And he shall sit as a refiner and purifier of silver, and he shall purify the sons of Levi, and purge them as gold and silver; and they shall offer unto the Lord offerings in righteousness.¹ R. Joshua b. Levi said: Money purifies mamzerim,² for it is said. And he shall sit as a refiner and purifier of silver.³ What is meant by, and they shall offer unto the Lord offerings in righteousness? — Said R. Isaac: The Holy One, blessed be He, shewed charity⁴ to Israel, in that a family once mixed up⁵ remains so.⁶

The [above] text [states]: Rab Judah said in Samuel's name: All countries are as dough in comparison with Palestine, and Palestine is as dough relative to Babylon. In the days of Rabbi⁷ it was desired to render Babylon as dough vis a vis Palestine.⁸ Said he to them, You are putting thorns between my eyes!⁹ If you wish, R. Hanina b. Hama will join [issue] with you. So R. Hanina b. Hama

joined [issue] with them and said to them, 'I have this tradition from R. Ishmael son of R. Jose who stated on his father's authority: All countries are as dough in comparison with Palestine, and Palestine is as dough relative to Babylon.'¹⁰

In the days of R. Phineas it was desired to declare Babylon as dough vis a vis Palestine.¹¹ Said he to his slaves, 'When I have made two statements in the Beth Hamidrash, take me up in my litter and flee.' When he entered he said to them, A fowl does not require slaughter by Biblical law. Whilst they were sitting and meditating thereon, he said to them, All countries are as dough in comparison with Palestine, and Palestine is as dough relative to Babylon. [Thereupon] they [his slaves] took him up in his litter and fled. They ran after, but could not overtake him. Then they sat and examined [their genealogies], until they came to danger;¹² so they refrained.¹³

R. Johanan said: By the Temple! It is in our power;¹⁴ but what shall I do, seeing that the greatest men of our time are mixed up therein. [Thus] he holds with R. Isaac, who said: Once a family becomes mixed up, it remains so.¹⁵ Abaye said: We have learnt likewise: There was a family, Beth ha-Zerifa, in Transjordan, which Ben Zion¹⁶ forcibly expelled.¹⁷ There was another, which Ben Zion forcibly admitted.¹⁸ Such as these, Elijah will come to declare unclean or clean, to expel and admit.¹⁹ [Hence, only] such as these, who are known; but once a family becomes mixed up, it remains so. It was taught: There was yet another, which the Sages declined to reveal, but the Sages confided it to their children and disciples once a septennate — others say, twice a septennate. Said R. Nahman b. Isaac: Reason supports the view that it was once a septennate. Even as it was taught: [If one vows,] 'Behold, I will be a nazir²⁰ if I do not reveal the families [which are impure],' he must be a nazir, and not reveal the families.²¹

Rabbah b. Bar Hanah said in R. Johanan's name: The [pronunciation of the Divine] Name of four letters the Sages confide to their disciples once a septennate — others state, twice a septennate. Said R. Nahman b. Isaac: Reason supports the view that it was once a septennate, for it is written, this is my name for ever [le'olam]²² which is written le'allem.²³ Raba thought to lecture upon it at the public sessions. Said a certain old man to him, It is written, le'allem [to be kept secret].

R. Abina opposed [two verses]: It is written: 'this is my name'; but it is also written: 'and this is my memorial'?'²⁴ — The Holy One, blessed be He, said: I am not called as I am written: I am written with yod he, but I am read, alef daleth.²⁵

Our Rabbis taught: At first [God's] twelve-lettered Name²⁶ used to be entrusted to all people. When unruly men increased,²⁷ it was confided to the pious of the priesthood,²⁸ and these 'swallowed it'²⁹ during the chanting of their brother priests.³⁰ It was taught: R. Tarfon said: 'I once ascended the dais³¹ after my mother's brother, and inclined my ear to the High Priest, and heard him swallowing the Name during the chanting of his brother priests.

Rab Judah said in Rab's name: The forty-two lettered Name³² is entrusted only to him who is pious,³³ meek, middle-aged,³⁴ free from bad temper, sober,³⁵ and not insistent on his rights. And he who knows it, is heedful thereof,³⁶ and observes it in purity, is beloved above and popular below, feared by man,³⁷ and inherits two worlds, this world and the future world.³⁸

Samuel said on the authority of an old man: Babylon stands in the presumption of being fit, until you know wherewith it became unfit;³⁹ other countries are presumed to be unfit, until you know wherewith they are fit.⁴⁰ As for Palestine, he who has the presumption of unfitness is unfit; he who has the presumption of fitness is fit. But this is self contradictory: you say, he who has the presumption of unfitness is unfit — hence, when undetermined,⁴¹ he is fit; then you teach, he who has the presumption of fitness is fit hence, when undetermined, he is unfit? — Said R. Huna b. Tahlifa in Rab's name: There is no difficulty:

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- (1) Mal. III, 3.
- (2) By means of their wealth they intermarry with Israel, and having thus mingled, they will not be separated in the future.
- (3) I.e., those who married by means of their silver, He will purify by retaining them in Israel.
- (4) Heb. zedakah: the same word denotes righteousness and charity, because charity is righteousness.
- (5) With illegitimate elements.
- (6) And no attempt is to be made to excise it.
- (7) C. 135-220 C.E.
- (8) To declare the families of Palestine of purer birth, so that if a Babylonian desired to marry into a Palestine family he would have to prove the purity of his own descent. — It was thought that by now the Palestinian families were pure, and so it was due to the honour of Palestine to make this change; Halevi, *Doroth*, 1, 3, p. 105.
- (9) Rabbi was a descendant of Hillel, a Babylonian, and so this would cast a stigma upon his birth.
- (10) I.e., a mere declaration cannot change an historical fact.
- (11) Since he was a contemporary of Rabbi (R. Judah I), this is probably the same as referred to above.
- (12) They discovered that some powerful families were of impure birth, and it would endanger their own lives to reveal it.
- (13) Lit., 'separated themselves.'
- (14) To reveal the families of impure birth in Palestine.
- (15) V. p. 359, n. 10.
- (16) A person of great importance and power. In 'Ed. VIII, 7 the reading is 'bene Zion,' the citizens of Jerusalem.
- (17) I.e., he declared them unfit, so that other families would not intermarry with them.
- (18) Lit, 'brought near.' He compelled their pure birth to be recognised.
- (19) 'Ed. (Sonc. ed.) p. 50 notes 4-6.
- (20) V. Glos.
- (21) This shews how inadvisable and dangerous such action might be; hence once a septennate would have been enough.
- (22) Ex. III, 15.
- (23) Defectively without a waw, hence to be read le' allem, To be kept secret.
- (24) Ibid. This implies that he gave him two names. One, His real Name, and the other, by which He was to be generally designated.
- (25) The Tetragrammaton is yod he waw he; but it is read adonai _ alef dateth nun yod.
- (26) V. n. 6 [This would suggest that they also hesitated to write or pronounce this latter name in full, but wrote or pronounced it merely Ad or Alef dateth. Lauterbach. J.Z. Proceedings of the Americas Academy for Jewish Research 1930-1931. p. 43.]
- (27) And it was not fit that they should pronounce this.
- (28) [To utter it at the priestly benediction, v. Sot. 38a.]
- (29) I.e., pronounced it indistinctly.
- (30) [I.e., while they were chanting the Tetragrammaton at the benediction.]
- (31) Where the priests stood when they blessed the people.
- (32) Maim. in 'Moreh' I, 62, conjectures that these multiliteral Names, of which no trace is found, were perhaps composed of several other divine names; also that not only the names were communicated, but their real meanings too. [On these names v. further Blau L. *Das altjudische Zauberwesen* pp. 137ff and Bacher. JE XI 264.]
- (33) [**צני** denotes simply a modest man careful to carry out his religious obligations, a pious man, and not a member of a particular sect — an Essene. v. Buchler Types, pp. 59ff.]
- (34) Lit., 'stands in the middle of his days'.
- (35) Lit., 'he does not get angry, does not get drunk'.
- (36) Not to use it lightly.
- (37) Lit., 'his fear lies upon mankind.'
- (38) In general the name of God was regarded more than a mere designation, but represented His nature or character and His relation to His people. It thus came to partake of His essence, His glory and power. This probably explains the mystic awe with which its pronunciation was surrounded, on the one hand, and the powers attributed to the right manipulation thereof on the other. Cf. Sanh. 91a: 'He who pronounces the Divine Name according to its letters loses his

portion in the world to come; also 65b and 67b on the human powers of creation by means of the Sefer Yezirah, which Rashi a.l. explains was effected by combinations of the Divine Name. [On this subject v. Marmorstein *The Old Rabbinic Doctrine of God*, I, p. 17.]

(39) I.e., a Babylonian Jew is presumed to be of pure descent and fit to marry into any Jewish family, unless we definitely know the contrary.

(40) As stated on 76a; the four preceding generations must be examined.

(41) I.e., there is no presumption at all about him.

Talmud - Mas. Kiddushin 71b

here it is to permit him to take a wife; there it is to take the wife from him.¹

R. Joseph said: He whose speech is Babylonian is permitted to take a wife [of superior birth]. But nowadays that there are dissemblers, we fear [them].²

Ze'iri was evading R. Johanan, who was urging him, 'Marry my daughter.'³ One day they were travelling on a road, when they came to a pool of water. Thereupon he placed R. Johanan on his shoulder and carried him across. Said he to him: 'Our learning is fit but our daughters are not? [On] what is your view [based]? Shall we say, because we learned, TEN GENEALOGICAL CLASSES WENT UP FROM BABYLON: PRIESTS, LEVITES [etc.]? Did then all the priests, Levites and Israelites go up? just as some of these were left, so were some of those [the unfit enumerated in the Mishnah] left [in Babylon].'⁴ He [however] overlooked what R. Eleazar said: Ezra did not go up from Babylon until he made it like pure fine flour: then he went up.⁵

'Ulla visited Rab Judah in Pumbeditha. Seeing that R. Isaac, the son of Rab Judah, was grown up, yet unmarried,⁶ he asked him, 'Why have you not taken a wife for your son?' 'Do I then know whence to take one?' he replied.⁷ 'Do we know whence we are descended?' he retorted. 'Perhaps from those of whom it is written: They ravished the women in Zion, the maidens in the cities of Judah.'⁸ And should you answer: If a heathen or slave has intercourse with the daughter of an Israelite, the issue is fit, — then perhaps [we are descended] from those of whom it is written, that lie upon beds of ivory, and stretch themselves [seruhim] upon their couches.⁹ Now, R. Jose son of R. Hanina said: This refers to people who pass water before their beds naked.¹⁰ But R. Abbahu derided this: If so, see what is written: Therefore shall they now go captive the first that go captive¹¹ — because they pass water before their beds naked they shall go captive with the first that go captive! But, said R. Abbahu, this refers to people who eat and drink together, join their couches, exchange their wives and make their couches foul [masrihim] with semen that is not theirs.'¹² 'Then what shall I do?' he asked. 'Go after the peaceful,'¹³ he replied.¹⁴ As the Palestinians¹⁵ make a test: When two quarrel, they see which becomes silent first and say: This one is of superior birth.

Rab said: Silence [peaceableness] in Babylon, is [the mark of]¹⁶ pure birth. But that is not so, for Rab visited the family of Shihla¹⁷ and examined them; surely that means as to their genealogy? — No, by silence. He said thus to them:¹⁸ Examine [them], whether they are silent [peaceable] or not. Rab Judah said in Rab's name: If you see two people continually quarreling, there is a blemish of unfitness in one of them, and they are [providentially] not allowed to cleave to each other.¹⁹

R. Papa the elder said on Rab's authority: Babylon is healthy; Mesene²⁰ is dead; Media is sick, and Elam is dying.²¹ And what is the difference between sick and dying? — Most sick are [destined] for life; most dying are for death.²²

How far does Babylon extend?²³ — Rab said: As far as the river 'Azak;²⁴ Samuel said: as far as the river Wani.²⁵ How far on the upper [reaches of] Tigris? Rab said: as far as Bagda²⁶ and Awana; Samuel said: as far as Moxoene.²⁷ Is then Moxoene itself not included? Surely R. Hiyya b. Abba

said in Samuel's name: Moxoene is as the land of Exile²⁸ in respect to genealogy? — But as far as and including Moxoene. How far on the lower reaches of the Tigris? — Said R. Samuel: As far as lower Apamea.²⁹ There were two Apameas, an upper and a lower; one was fit [in respect to marriage] and the other unfit, and one parasang lies between them; and they [their inhabitants] were particular with each other, and did not even lend fire to each other.³⁰ And the sign whereby [you may recognise] the unfit is the one that speaks [the] Mesene [dialect].

How far [does it extend] on the upper reaches of the Euphrates? — Rab said: To Fort Tulbakene.³¹ Samuel said: To the bridge of Be-pherat;³¹ R. Johanan said: As far as the ford of Gizama.³² Abaye — others state, R. Joseph — cursed Rab's [definition].³³ Only Rab's, but not Samuel's!³⁴ — But he cursed Rab's, and all the more so Samuel's. Alternatively, he cursed [only] Rab's, after all, and not Samuel's, and the bridge of Be-Pherat [originally] lay below;

(1) I.e., to order him to divorce her. When one wishes to marry a woman of proved pure descent, he must prove his own fitness, if he lacks the established presumption. On the other hand, if he is married to such, he is not compelled to divorce her unless his own unfitness is established.

(2) This is not accepted as sufficient proof.

(3) Ze'iri being a Babylonian, whilst R. Johanan was only a Palestinian, he did not wish to marry his daughter, since the former are of purer birth.

(4) So that both are equal.

(5) V. p. 350, n. 2.

(6) On the importance of not leaving marriage too late cf. supra, 29b, 30a.

(7) I do not know who is of pure descent.

(8) Lam. V, 11.

(9) Amos VI, 4.

(10) Are bereft of the sense of modesty.

(11) Ibid. 7.

(12) The children of such are mamzerim.

(13) Lit., 'silence'.

(14) Take someone from a peaceful family — those who are quarrelsome are probably unfit!

(15) Lit., 'children of the West.'

(16) Lit., 'that is'.

(17) The reading is doubtful; cur. odd.: vinegar dealers.

(18) To those who were with him.

(19) I.e., join in marriage.

(20) The island formed by the Euphrates, the Tigris and the Royal Canal.

(21) The Jews of Babylon are of pure descent; in Mesene they are all unfit (mamzerim); in the other two they are mixed.

(22) The majority of Media are pure; the majority of Elam are mamzerim.

(23) In respect of family purity.

(24) On the east of the Tigris.

(25) [Nahrewan, the grand canal east of the Tigris that flows parallel to it. Obermeyer. op. cit. p. 79. Both are given as eastern boundaries of Babylon.]

(26) ['Aruch reads: Okbara and Awana. Both towns now on the western bank of the Tigris, but originally on its eastern bank, constituted the northern boundary of Babylon; loc. cit. p. 82.]

(27) A town west of the upper Tigris sources.

(28) Sc. Babylon. Rashi observes that Pumbeditha is so called in R.H. 23b.

(29) On the right bank of the Tigris; v. Obermeyer p. 86.

(30) To avoid intimacy which might lead to marriage.

(31) V. Obermeyer pp. 94-96; S. Funk, Die Juden in Bob. I, p. 13, n. 2, and infra, n. 8.

(32) Obermeyer p. 97 on the basis of other readings identifies this with Gidama, mentioned in Suk. 18a. Since R. Johanan's definition is not controverted, this must have been higher up than the other two, v. next note.

(33) Obermeyer p. 94 assumes that the Fort Tulbakene was lower than Pumbeditha, where both Abaye and R. Joseph

were heads of the academy. Hence, this excluded Pumbeditha, which aroused their vehement opposition.

(34) Samuel's definition shut out even more, the bridge of Be-Pherat (for which v. Obermeyer p. 97) lying lower than Fort Tulbakene.

Talmud - Mas. Kiddushin 72a

but now the Persians have set it higher.¹

Abaye said to R. Joseph: How far does it extend on this [sc. the west] side of the Euphrates? Said he to him: What is your motive [in asking]: on account of Biram?² The most distinguished [families] of Pumbeditha took [wives] from Biram!

R. Papa said: Just as they differ over family purity, so they differ over divorce.³ But R. Joseph said: They differ only in respect to genealogy, but as for divorce, all agree that it is as far as the second willow clump beyond the bridge.⁴

Rami b. Abba said: Habil Yamma⁵ is the glory⁶ of Babylon.⁷ Shunya⁸ and Gubya⁹ are the glory of Habil Yamma. Rabina said: Zizura¹⁰ too. It was taught likewise: Hanan b. Pinhas said: Habil Yamma is the glory of Babylon: Shunya and Gubya and Zizura are the glory of Habil Yamma. Said R. Papa: But nowadays Cutheans¹¹ have become mixed up with them. That [however] is not so: one [a Cuthean] sought a wife from them, but they did not give him.¹² What is Habil Yamma? — Said R. Papa: The Euphrates land near Borsif.¹³

A certain man said: 'I come from Shot-Mishot.'¹⁴ R. Isaac Nappaha¹⁵ stood up on his feet and declared: Shot-Mishot lies between the rivers.¹⁶ And what if it is situated between the rivers? — Said Abaye in the name of R. Hama b. 'Ukba in the name of R. Jose son of R. Hanina: Between the rivers is as the Exile [sc. Babylon] in respect of genealogy. And where is that situated? — Said R. Johanan: From Ihi de Kira and upwards. But R. Johanan said: [The upper limit of Babylon is] as far as the ford of Gidama?¹⁷ — Said Abaye: A strip issues [beyond that limit].¹⁸

R. Ika b. Abin said in the name of R. Hananel in Rab's name: Halwan and Nahawand are as the Exile in respect to genealogy.¹⁹ Said Abaye to them [his disciples]: Disregard him: a yebamah has fallen to him there.²⁰ Is it then my [dictum]? he replied; it is R. Hananel's! So they went and enquired of R. Hananel, who said to them: Thus did Rab say: Halwan and Nahawand are as the Exile in respect to genealogy. Now, he differs from R. Abba b. Kahana, who said: What is meant by, [and the king of Assyria carried Israel away into Assyria,] and put them in Halah, and in Habor, on the river of Gozan, and in the cities of the Medes?²¹ Halah is Hulwan; Habor is Adiabene;²² the river of Gozan is Ginzak;²³ the cities of the Medes are Hamadan²⁴ and its environs; others state, Nahawand and its environs. What are its environs? — Said Samuel: Karag, Moschi,²⁵ Hidki and Rumki. Said R. Johanan: And all these are unfit.²⁶ Now, it was assumed that Moschi is identical with Moxoene [so the difficulty arises]: Surely R. Hiyya b. Abin said in Samuel's name, Moxoene is as the Exile in respect to genealogy? — Hence Moschi is distinct from Moxoene.

And three ribs were in his mouth between his teeth.²⁷ Said R. Johanan: This refers to Hulwan, Adiabene and Nesibin,²⁸ which it [Persia] sometimes swallowed and sometimes spat out.²⁹

And behold another beast, a second, like to a bear:³⁰ R. Joseph recited: This refers to the Persians, who eat and drink like a bear, are fleshy like a bear, overgrown with hair like a bear, and have no rest like a bear. When R. Ammi saw a Persian riding he would say: 'There is a wandering bear!'

Rabbi said to Levi:³¹ 'Shew me the persians.' — 'They are like the armies of the House of David,' he replied. 'Shew me the Guebers.'³² — 'They are like the destroying angels.' 'Shew me the

Ishmaelites.’ — ‘They are like the demons of the privy.’ ‘Shew me the scholars of Babylon.’ — ‘They are like the Ministering Angels.’

When Rabbi was dying he said: ‘There is [a town] Humania³³ in Babylon, which consists entirely of Ammonites; there is Misgaria³⁴ in Babylon, consisting entirely of mamzerim; there is Birka³⁵ in Babylon, which contains two brothers who interchange their wives; there is a Birtha di Satya³⁶ in Babylon: to-day they have turned away from the Almighty: a fishpond overflowed on the Sabbath, and they went and caught the fish on the Sabbath, whereat R. Ahi son of R. Josiah declared the ban against them, and they renounced Judaism.³⁷ There is a Fort Agama³⁸ in Babylon wherein dwells Adda b. Ahabah:

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- (1) Above Fort Tulbakene; hence Abaye and R. Joseph were not opposed to this.
 - (2) Which lay on the west of the Euphrates, some miles N.W. of Pumbeditha.
 - (3) If one brings a divorce from any country except Palestine and Babylon, he must declare that it was written and attested in his presence. R. Papa maintains that the controversies on the boundaries of Babylon apply to this too.
 - (4) Or, to the second boat of the (floating) bridge (Jast.).
 - (5) Lit., ‘district of the sea: the entire region of Babylon which is traversed by river and canals. Obermeyer, pp. 118f.
 - (6) Lit., ‘the adornment in purple.’
 - (7) Rashi: its inhabitants are of the purest birth in Babylon. It may also mean in general that it is the finest and most fertile district, as it actually was.
 - (8) A canal district in the vicinity of Pumbeditha; Obermeyer, pp. 122ff.
 - (9) A region behind Babylonia as one travels eastwards from the Tigris; Obermeyer p. 127.
 - (10) A district not far from the Tigris, the waters of whose canal debouched into the Tigris between Bagdad and Madain, *ibid* p. 125.
 - (11) V. p. 207, n. 9. [According to Obermeyer (p. 120) the reference is to the Christians that emigrated during the third and fourth centuries from Syria and Mesopotamia into Babylon.]
 - (12) Hence the rumour arose. Others explain: he (R. Papa) sought a wife etc., and in his spleen declared them impure! This is not very plausible (Rashi).
 - (13) The region traversed by the right arm of the Euphrates, which flows before Borsif (Babel). *Ibid*. p. 315. V. Sanh. (Sonc. ed.) p. 748, n. 7.
 - (14) He wished to marry a Babylonian woman; Shot-Mishot, or Samosata, is one of the fords of the Euphrates.
 - (15) Or, the smith.
 - (16) Jast. observes: between the Euphrates and the Tigris. Obermeyer. pp. 100-1, thinks this altogether unlikely. ‘Between the rivers’ is the Talmudic idiom for a region of island formation, and here applies to the Euphrates region from Hit (Ihi de Kira) to Anah.
 - (17) Which is below Ihi de Kira.
 - (18) Which includes Shot-Mishot.
 - (19) Though these are in Media, Halwan lay on the great historic route from Babylon to Media, some forty-one parasangs from Bagdad. Nahawand was situated in the middle of Media, about fourteen parasangs from Hamadan in a southerly direction. Its Jewish community may have consisted then of Babylonian colonists, and hence the genealogical purity here ascribed to it. Obermeyer, pp. 106-8.
 - (20) And he asserts their pure birth because he wishes to marry her.
 - (21) II Kings XVIII, 11.
 - (22) A district of Assyria between the rivers Lycus and Caprus (fast.); v. also Obermeyer, p. 10.
 - (23) Rawlinson identifies this with Shiz, near the present-day town of Maragha, south-east of Urmiasee; *ibid*.
 - (24) Ektabana, capital of Media.
 - (25) So Obermeyer, p. 11. who treats this as two names. Jast. translates: the Fort of Moschi.
 - (26) I.e., of impure descent. Thus this identification disagrees with Rab.
 - (27) Dan. VII, 5.
 - (28) Or Nesibis, as it was generally called. A town in Mesopotamia, not included in the ‘Exile’ proper, which possessed an important Jewish community; *ibid*. p. 129.
 - (29) I.e., sometimes it ruled over them, sometimes not; v. *ibid*.

(30) Ibid.

(31) [Levi b. Sisi visited Babylonia, his original home, on his return to Palestine. Rabbi his teacher asked him for some information about the people of that country.]

(32) [The fanatical sect of Persian fireworshippers, v. Git. (Sonc. ed.) p. 63. n. 2.]

(33) On the right bank of the Tigris, below Shekanzib; Obermeyer, p. 192.

(34) Unidentified.

(35) Identified with Baratha by the river al-Melik: v. ibid. p. 73, n. 2.

(36) V. ibid. where it is identified with Baratha, which belongs to Greater Bagdad.

(37) [So Jast. Aliter: 'they were destroyed'.]

(38) Probably in the vicinity of Pumbeditha; ibid. p. 237, n. 3.

Talmud - Mas. Kiddushin 72b

to-day he sits in Abraham's lap;¹ to-day Rab Judah was born in Babylon.' (For a Master said: When R. Akiba died, Rabbi was born; when Rabbi died, Rab Judah was born; when Rab Judah died, Raba was born; when² Raba died, R. Ashi was born.³ This teaches that a righteous man does not depart from the world until [another] righteous man like himself is created, as it is said, the sun riseth and the sun goeth down:⁴ before Eli's sun was extinguished, the sun of Samuel of Ramoth rose, as it is said, and the lamp of God was not yet gone out, and Samuel was laid down [etc.].)⁵

The Lord hath commanded concerning Jacob, that they that are round about him should be his adversaries.⁶ Said Rab Judah: E.g., Humania [in its relation] to Pumbeditha.⁷

And it came to pass, when I prophesied, that Pelatiah the son of Benaiah died. Then fell I down upon my face, and cried with a loud voice, and said: Ah Lord God!⁸ Rab and Samuel — one said: It was in his favour;⁹ the other, that it was in his disfavour. He who said that it was in his favour [explains it] as follows: For the governor¹⁰ of Mesene was Nebuchadnezzar's son-in-law. He sent [word] to him: 'Of all the captivity which you have brought for yourself, you have sent none to stand before us.' He wanted to send him of the Israelites, [but] Pelatiah son of Benaiah said to him, 'We, who are more worthy [of higher rank], let us stand before thee here; and let our slaves go thither.' Thus the prophet cried, 'That he who did good for Israel should die in middle age!' And he who maintained that it was in his disfavour — for it is written, [Moreover the spirit lifted me up,] and brought me unto the east gate of the Lord's house, which looketh eastward: and behold, at the door of the gate five and twenty men; and I saw in the midst of them Joazaniah the son of Azzur, and Pelatiah the son of Benaiah, princes of the people.¹¹ And it is said: And he brought me into the inner court of the Lord's house, and behold, at the door of the Temple of the Lord, between the porch and the altar, were about five and twenty men, with their backs toward the temple of the Lord, and their faces toward the east.¹² Now, from the implication of what is said: 'and their faces toward the east,' do I not know that their backs were toward the west?¹³ Why then is it stated: 'with their backs toward the temple of the Lord'? This teaches that they uncovered themselves and committed a nuisance against the Most High. Therefore the prophet said: 'Shall he who did this evil in Israel die [peacefully] on his bed!'¹⁴

It may be proved that it was Samuel who interpreted it to his discredit. For R. Hiyya b. Abin said in Samuel's name: Moxoene is as the Exile in respect to genealogy. As for Mesene, no fear was entertained for it, either on account of slavery or bastardy,¹⁵ but that the priests who dwelt there were not scrupulous about divorced women!¹⁶ — After all, I may tell you that it was Samuel who explained it in his favour; yet Samuel is consistent with his view: for he said: If one renounces ownership of his slave, he goes out free and does not require a deed of manumission, for it is said, but every man's slave that is bought for money:¹⁷ a man's slave, but not a woman's slave?¹⁸ Hence [it means this]: a slave whose master has authority over him is called a slave; a slave whose master has no authority over him is not called a slave.¹⁹

Rab Judah said in Samuel's name: This²⁰ is R. Meir's view. But the Sages maintain: All countries have the legal status of fitness. Amemar permitted R. Huna b. Nathan to take a wife from Hozae.²¹ Said R. Ashi to him: [On] what [do you base] your ruling? Because Rab Judah said in Samuel's name: This is R. Meir's view. But the Sages maintain: All countries have the legal status of fitness? But the School of R. Kahana did not learn thus,²² and the School of R. Papa did not learn thus, and the School of R. Zebid did not learn thus? Nevertheless he did not accept this [ruling] from him, because he had heard it [sc. his own view] from R. Zebid of Nehardea.

Our Rabbis taught: Mamzerim and Nethinim will become pure in the future: this is R. Jose's view. R. Meir said: They will not become pure. Said R. Jose to him: But was it not already stated: And I will sprinkle clean water upon you, and ye shall be clean?²³ R. Meir replied. When it is added, from all your filthiness and from all your idols,²³ [it implies] but not from bastardy. Said R. Jose to him: When it is [further] said, will I cleanse you,²³ you must say: From bastardy too.

As for R. Meir, it is well: hence it is written, and the bastard shall dwell in Ashdod.²⁴ But according to R. Jose, why 'and the bastard shall dwell in Ashdod'? — As R. Joseph translated it: The house of Israel shall dwell in security in their land, where [formerly] they were as strangers.²⁵

Rab Judah said in Samuel's name: The halachah agrees with R. Jose. R. Joseph said: Had not Rab Judah ruled in Samuel's name that the halachah is as R. Jose, Elijah would have come and sent entire gangs away from us.²⁶ Our Rabbis taught: A proselyte may marry a mamzereth: this is R. Jose's view. R. Judah ruled: A proselyte may not marry a mamzereth. A proselyte, a freed slave, and a halal are permitted to [marry] a priest's daughter. What is R. Jose's reason? — 'Assembly' [kahal] is written five times:²⁷

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- (1) Some say that this is a euphemism for death, in which case R. Adda b. Ahabah, who is frequently mentioned in the Talmud, is not meant, for he lived long after Rabbi's death. Others explain it as referring to circumcision; then it does refer to him.
 - (2) Maim. reads: before.
 - (3) In all cases, on the same day.
 - (4) Ecc. I, 5.
 - (5) I Sam. III, 3. Metaphorically. Eli's sun was not yet extinguished. etc.,
 - (6) Lam. I, 17.
 - (7) As stated above, Humania was entirely a non-Jewish town, while Pum-Nehara had an all-Jewish population. The former was inimical to the latter.
 - (8) Ezek. XI, 13.
 - (9) That the prophet cried out.
 - (10) [Istandar, A high Persian military and administrative rank, v. Funk, Schwarz Festschrift p. 433.]
 - (11) Ezek. XI, 1.
 - (12) Ibid. VIII, 16.
 - (13) The hekal, the Temple proper, was to the west of the Temple court, where they stood.
 - (14) The mention of twenty-five in both places shews that the same group is referred to.
 - (15) It was not feared that slaves or mamzerim had intermarried with the Jews there. — This shews that Samuel did not agree that the slaves of the Israelites were sent thither.
 - (16) Disregarding the injunction of Lev. XXI, 7.
 - (17) Ex. XII, 44.
 - (18) Surely not!
 - (19) Hence, when their masters renounced ownership and sent them to Mesene, they ipso facto ceased to be slaves.
 - (20) Sc. the Mishnah on 69a, which implies that only Babylon enjoys the legal status of unquestioned family purity, as explained by R. Eleazar in the Gemara.
 - (21) [Khuzistan, province S. of Babylon which lay outside the boundaries of Babylon as defined by the Amoraim supra.]

(22) On the contrary, they taught in Samuel's name that all countries are presumed to be unfit; supra 71b.

(23) Ezek. XXXVI. 25.

(24) Zech. IX, 6. I.e., apart from other Jews, because they will remain impure and forbidden to marry.

(25) So he translates mamzer. Joshua counted Ashdod as part of the land of Israel (Josh. XIII, 1-3); but it was not conquered, and so they were as strangers there. Now they should possess it. [V. Targum Pseudo-Jonathan on the Prophets, a.l.; cf. also Geiger, Urschrift p. 52ff who proves from here that, ממוזר is a compound word from מזעם זר 'a strange people', and had originally an ethnical connotation, which was subsequently transferred to denote offspring from forbidden marriages.]

(26) Of mamzerim or their descendants. The lit., translation is: necks and necks (tied together) by chains. According to another reading: necks (tied) by chains and chains.

(27) V. Deut. XXIII, 3f and 9. 'Assembly' in v. 2 is not counted, because it does not deal with unfitness on account of birth.

Talmud - Mas. Kiddushin 73a

one refers to priests, one to Levites, one to Israelites; one to permit a mamzer [to intermarry] with a shethuki;¹ and one to permit a shethuki to [intermarry] with an Israelite.² As for the assembly of proselytes it is not designated 'assembly'.³ But R. Judah argues: Priests and Levites are deduced from one 'assembly';⁴ hence [one] is left in respect of an assembly of proselytes.⁵ Alternatively, it indeed is so that they [sc. Priests and Levites] are two 'assemblies'; [but that] a mamzer [may intermarry] with a shethuki, and a shethuki with an Israelite, is deduced from one 'assembly': A mamzer shall not enter into the assembly of the Lord:⁶ only a certain mamzer may not enter, but a doubtful mamzer may enter; [and again,] only into a certain assembly he may not enter, but he may enter into a doubtful assembly.⁷ Another alternative: These too are two 'assemblies';⁸ but R. Judah's opinion is [derived] from this: For the assembly, there shall be one statute for you, and for the ger [proselyte] that sojourneth with you.⁹ But in R. Jose's view, 'one statute' breaks across the subject.¹⁰

'A proselyte, a freed slave and a halal are permitted to [marry] a priest's daughter.' This supports Rab. For Rab Judah said in Rab's name: Fit women [sc. daughters of priests] were not admonished against being married to the unfit.¹¹

R. Zera lectured in Mahuza: A proselyte may marry a mamzereth. Thereupon everyone pelted him with stones.¹² Said Raba: Is there anyone who lectures thus in a place where proselytes abound! [Now] Raba lectured in Mahuza: A proselyte may marry a priest's daughter, [whereupon] they loaded him with silks. Then he lectured to them again: A proselyte is permitted [to intermarry] with a mamzereth. Said they to him: You have destroyed your first [teaching]. He replied: I have done what is best for you: if one [a proselyte] wishes, he can marry here [sc. a mamzereth]; if he wishes, he can marry there [sc. a priest's daughter]. Now, the law is: A proselyte is permitted to a priest's daughter and he is permitted to a mamzereth. He is permitted to a priest's daughter: fit women were not admonished against being married to the unfit.¹³ And he is permitted to a mamzereth, in accordance with R. Jose.

NOW, THESE ARE THEY: SHETHUKI: HE WHO KNOWS [etc.] Raba said: By Biblical law a shethuki is considered fit. What is the reason? The majority are fit for her [sc. the mother],¹⁴ while only a minority are unfit for her.¹⁵ Now, if they went to her, then he who separates himself [from a mass] separates himself from out of the majority. What will you say: that she went to them? Then it is kabua',¹⁶ and every case of kabua' is as half and half, whilst the Torah said: 'A mamzer shall not enter': only a certain mamzer may not enter, but a doubtful mamzer may enter; only into a certain assembly may he not enter, but he may enter into a doubtful assembly.¹⁷ Then what is the reason that they [the Rabbis] ruled that a shethuki is unfit? — For fear lest he marry his paternal sister. If so, a shethuki should not marry a shethukith,¹⁸ for fear lest he marry his paternal sister? — Do all such go [eternally] a-whoring?¹⁹ Then let him not marry the daughter of a shethukith, lest he marry his

paternal sister? But [you must answer that] it is rare: then here too,²⁰ it is rare!²¹ — But [the reason is:] a higher standard was set up in respect to genealogy.

Raba also said: By Biblical law, a foundling is fit. What is the reason? A married woman ascribes [an illegitimate child] to her husband.²² What [fear] is there?²³ [Because of] a minority of arusoth²⁴ and a minority whose husbands have gone overseas?²⁵ But since there are unmarried [women], and also [children thrown away] on account of poverty,²⁶ it is half and half, and the Torah said: 'A mamzer shall not enter into the assembly of the Lord': only a certain mamzer may not enter, but a doubtful mamzer may; only into a certain assembly may he not enter, but he may enter into a doubtful one. Why then did they [the Rabbis] rule that a foundling is unfit? Lest he marry his paternal sister.²⁷ If so, one foundling should not marry another, lest he marry his sister by his father or and his mother? — Do all these go throwing [their children away]!²⁸ Let him not marry the daughter of a foundling, lest he marry his sister? But [you must answer that] it is rare: then here too²⁹ it is rare!³⁰ — But [the reason is:] a higher standard was set up in respect to genealogy.

Rabbah son of R. Huna said: If he [the foundling] is found circumcised,

(1) Though the former is certainly unfit, while the latter is doubtful.

(2) Though the former is of doubtful fitness while the latter is certainly fit. The last two are deduced by translating as in the text infra.

(3) Since there is no verse left to teach their inclusion, and hence the relevant prohibitions do not apply to them.

(4) Since both are of the tribe of Levi.

(5) That these too are included.

(6) Ibid. 3.

(7) V. n. 3.

(8) As R. Jose says: 'assembly' has to be stated twice for the marriage of a mamzer with a shethuki, and of a shethuki with an Israelite.

(9) Num. XV, 15. Now, 'for the assembly' is superfluous: hence it teaches that ger (proselyte) is included in the term wherever it is found.

(10) Shewing that 'ger' is not included in 'assembly'.

(11) I.e., to those who may not marry into the priesthood. Thus, whereas a priest may not marry the daughter of a halal, freedman or proselyte, the daughter of a priest may marry one of these. — This does not refer to the ordinary unfit, such as mamzerim or Nethinim.

(12) Mahuza contained many proselytes, whom this offended.

(13) V. n. 1.

(14) I.e., who might be the child's father.

(15) Since we know that the mother was unmarried, the only men whose issue is mamzer are mamzerim and consanguineous relations; for a heathen or slave does not produce mamzer. Thus only a minority are unfit in this respect.

(16) V. Glos.

(17) The following example illustrates the principles of 'separation' and kabua' (fixed). If there are ten butcher shops in a street, nine of which supply kosher meat (ritually fit), and one supplies trefa meat (not fit), and a piece of meat is found in that street, it is assumed to be kosher, following the majority. If, however, meat is bought in one of the shops, but it is not known of which, it is accounted as though there were an equal number of each, and on the usual principle in such cases, unfit. For in the first instance the meat was 'separated' from its appointed place, sc. the shop, whereas in the second it remained fixed (kabua') until purchased, when the doubt arose. Here too, all men are jointly looked upon as a mass stationed in one place. If one goes to the mother of this child, he 'separated himself from the majority, hence was probably eligible. But even if she goes to him, so that the minority count as much as the majority, it is still a matter of equal doubt, which in the case of mamzer is not forbidden.

(18) Fem. of shethuki.

(19) Are we to assume that every child of unknown parentage has the same father-surely not!

(20) With respect to a shethuki marrying an ordinary person.

(21) That he should chance upon his paternal sister, and therefore the possibility is disregarded. Hence the question

remains, why is a shethuki forbidden?

(22) And would not cast him away.

(23) That the foundling may be mamzer?

(24) Pl. of arusah.

(25) And the foundling may be theirs.

(26) Lit., 'hunger,' — the child may be legitimately born. — The child of an unmarried woman is not mamzer.

(27) But there is no fear of his maternal sister, for since we know his intended mother-in-law as a virtuous woman, we do not suspect her of adultery and that this may be her son (Rashi). Of course, the same might be urged of his intended father-in-law, but that it is easier for a man to conceal an illegitimate liaison than for a woman (Maharsha).

(28) Are we to assume all foundlings the children of the same mother or father!

(29) With respect to a foundling marrying an ordinary person.

(30) V. p. 374, n. 4.

Talmud - Mas. Kiddushin 73b

he is not [forbidden] on account of [the law of] a foundling.¹ If his limbs are set, he is not [forbidden] as a foundling. If he has been massaged with oil, fully powdered, has beads hung on him, wears a tablet [with an inscription] or an amulet,² he is not considered a foundling. If he is suspended on a palm tree, if a wild beast can reach him, he is [forbidden] as a foundling;³ if not, he is not considered a foundling. [If exposed on] a sorb bush: near a town, he is considered a foundling;⁴ if not, he is not a foundling. [If found in] a synagogue near a town where many congregate, it is not a foundling; otherwise, it is.⁵

Amemar said: [If found in] a pit of date stones,⁶ he is considered a foundling; in the swift current of the river, he is not a foundling;⁷ in shallow water,⁸ he is a foundling: in the side passages off public thoroughfares, he is not a foundling; in a public thoroughfare, he is a foundling.⁹ Said Raba: But in famine years he is not considered a foundling. This [dictum] of Raba, to what [does it refer]? Shall we say, to a public thoroughfare? because it is in famine years one [the mother] is to kill him! Again, if it refers to the side passages off a public thoroughfare, why particularly famine years? [It is so] even without famine years! — But Raba's [dictum] was stated in reference to what Rab Judah said in the name of R. Abba in the name of R. Judah b. Zabdi in Rab's name: As long as he [the exposed child] is in the street, his father and mother are believed concerning him;¹⁰ but if he has been gathered in from the street, they are not believed concerning him. What is the reason? — Said Raba: Because he has already acquired the name of a foundling. Then Raba also said: But in famine years, even if he has been gathered in from the street: his father and mother are believed concerning him.

R. Hisda said: Three are believed there and then,¹¹ and these are they: a foundling, a midwife, and she who frees her companions [from the suspicion of uncleanness]. A foundling, as stated.¹² A midwife, as was taught: A midwife is believed when she states: 'This one issued first and this one issued second.'¹³ When is that? [Only] if she did not go out [from the chamber of confinement] and return; but if she went out and then returned, she is not believed. R. Eliezer said: If she was known to have been at her post, she is believed; if not, she is not believed. Wherein do they differ? — They differ where she turned her face away.¹⁴

What is the reference to her who frees her companions? — For we learnt: If three women were sleeping in one bed, and blood was found under one of them, they are all unclean.¹⁵ If one examined herself and was found to be unclean, she is unclean, while the others are clean. Said R. Hisda: [That means] that she examined herself forthwith.¹⁶

Our Rabbis taught: A midwife is believed when she affirms, 'This one is a priest, this one is a Levite, this one a Nathin, this one a mamzer.'¹⁷ When is that? Only if no protest is raised: but if a

protest is raised, she is not believed. What kind of a protest? Shall we say, a protest by one person? Surely R. Johanan said: A protest is invalid if made by less than two? Hence it means a protest by two. Alternatively, I may say [that] after all that it was a protest by one. Yet when did R. Johanan say: A protest is invalid if made by less than two? Only where we have a presumption of fitness;¹⁸ but if there is no presumption of fitness,¹⁹ even one is believed.

A vendor²⁰ is believed when he says: 'To this one I sold [it] and to this one I did not sell.' When is that? Only if his ware is in his hand; but if his ware is no longer in his hand, he is not believed.

- (1) If he were not fit, his parents would not trouble to circumcise him.
- (2) The last three are for identification.
- (3) Were he legitimate, his parents would have taken greater care of him.
- (4) Sorb bushes near a town were held to be haunted by demons.
- (5) Synagogues far from town and when infrequented were likewise thought to be haunted.
- (6) Where these are deposited as fodder.
- (7) Parents would not trouble to place him in the middle of the river, where ships abound, if he were not fit.
- (8) Formed by melting snow which affords no passage to ships.
- (9) For it is dangerous to leave a child there.
- (10) In their claim that he is their child.
- (11) When the doubt first arises, but not afterwards.
- (12) The parents' claim is admitted only while he is in the street, but not after.
- (13) When twins are born.
- (14) According to the first Tanna she is believed, but not in R. Eliezer's opinion, for by turning her back on the mother she left her post.
- (15) In sleep they do not keep to the same spot all the time, and any one might have discharged the blood.
- (16) שיעור וסת, v. Nid. 14b.
- (17) If several women of different genealogical status are confined together.
- (18) Which the protest seems to overthrow.
- (19) As here, when the identity of the babes is in question.
- (20) Lit., 'the owner of the ware'.

Talmud - Mas. Kiddushin 74a

Then let us see whose money he holds? — This arises only when he holds [money] from both, and states: 'one [paid me] with my consent, and the other against my will,' and it is not known¹ which was with his consent and which against his will.

A judge is believed when he says: 'I have ruled in favour of this one; I have ruled against that one.' When is that? Only if the litigants are [yet] standing before him; but if they are no longer standing before him, he is not believed. Then let us see who holds the judgment writ in favour?² — This arises only if their judgment writ was torn. Then let us rejudge them? — [It is a case of] the judges' discretion.³

R. Nahman said: Three are believed with respect to a first-born. These are they: The midwife, the father and the mother. The midwife, [only] immediately. The mother, the first seven days;⁴ the father, for all time. As it was taught: He shall acknowledge [the firstborn]:⁵ [i.e.,] he shall acknowledge him before others. Hence R. Judah said: A man is believed when he says: 'This son is my first — born. And just as he is believed when he says: 'This son is my firstborn,' so is he believed when he says: 'This is the son of a divorced woman', 'this is the son of a haluzah'.⁶ But the Sages say: He is not believed.⁷

ABBA SAUL USED TO CALL THE SHETHUKI 'BEDUKI'. What is [implied by] BEDUKI?⁸

Shall we say that we examine his mother, and if she maintains, 'I cohabited with a fit person,' she is believed? Then with whom [does this agree]? with R. Gamaliel! But we learnt it once. For we learnt: If she [an unmarried woman] is pregnant and is asked: 'What is the nature of this child?' and she replies, 'He is from So-and-so, who is a priest': R. Gamaliel and R. Eliezer said: She is believed; R. Joshua said: We do not live by her words.⁹ Now, Rab Judah said in Samuel's name: The halachah agrees with R. Gamaliel!¹⁰ — One is to declare her [the mother] fit; the other is to declare her daughter fit.¹¹ Now, that is well on the view that he who declares her [the mother] fit, declares the daughter unfit.¹² But on the view that he who declares her fit declares her daughter fit [too], what does Abba Saul come to teach us? — Abba Saul's [ruling] is more remarkable than R. Gamaliel's. For if from there,¹³ I might argue, [It is only] there, where most [men] are fit for her;¹⁴ but here, that most [men] are unfit for her,¹⁵ I might say, [she is] not [believed].¹⁶ Hence it is necessary. Said Raba: The halachah agrees with Abba Saul.

MISHNAH. ALL WHO ARE FORBIDDEN TO ENTER INTO THE ASSEMBLY¹⁷ MAY INTERMARRY WITH EACH OTHER; R. JUDAH FORBIDS IT. R. ELEAZAR SAID: CERTAIN [UNFITS] ARE PERMITTED [TO INTERMARRY] WITH CERTAIN [UNFITS].¹⁸ CERTAIN [UNFITS] WITH DOUBTFUL [UNFITS], DOUBTFUL WITH CERTAIN, OR DOUBTFUL WITH DOUBTFUL, ARE FORBIDDEN. NOW, THESE ARE THE DOUBTFUL: SHETHUKI, FOUNDLINGS AND CUTHEANS.¹⁹

GEMARA. What is meant by 'ALL WHO ARE FORBIDDEN TO ENTER INTO THE ASSEMBLY'? Shall we say: Mamzerim and Nethinim, Shethuki and Foundlings? Surely that is taught in the first clause.²⁰ Mamzerim and Nethinim, Shethuki and Foundlings, are permitted to intermarry! Again, [when it states] 'R. JUDAH FORBIDS IT', to what does this refer? Shall we say, to certain with doubtful — but since the last clause states: R. ELEAZAR SAID: CERTAIN [UNFITS] ARE PERMITTED [TO INTERMARRY] WITH CERTAIN [UNFITS]; DOUBTFUL WITH CERTAIN, OR DOUBTFUL WITH DOUBTFUL, ARE FORBIDDEN, this proves that R. Judah does not hold thus. And should you answer: R. JUDAH FORBIDS IT refers to [the marriage of] a proselyte and a mamzereth, is it then taught, a proselyte with a mamzereth: ALL ARE FORBIDDEN TO ENTER INTO THE ASSEMBLY is taught!²¹ — Said Rab Judah,

(1) [Var. lec. 'he does not know', i.e., the seller does not recollect the matter; v. Tosaf.]

(2) The court issued a written verdict to each litigant.

(3) Where the verdict cannot be determined by reference to any law, the judge must use his own discretion, v. Keth. 85b. In such a case we cannot be certain that a re-trial will give the same verdict.

(4) On the eighth day the child is circumcised, and from then the right of recognition rests with the father.

(5) Deut. XXI, 57.

(6) Where the father is a priest, and thus declares the son a halal.

(7) This refers only to the son of a divorced woman etc. (Rashi) [V. however B.B. (Sonc. ed.) p. 530. n. 8.]

(8) Lit., 'examined.'

(9) I.e., she is disbelieved.

(10) Then why repeat it?

(11) R. Gamaliel refers to the woman herself, who has a presumptive status of fitness. Yet if she bare a daughter, a doubt is entertained, and the daughter may not marry a priest since there is no such presumption in her favour. But Abba Saul rules that the daughter too is fit.

(12) V. Keth. 13b. Hence Abba Saul goes beyond R. Gamaliel.

(13) Sc. the Mishnah of R. Gamaliel.

(14) E.g., if she is unbetrothed.

(15) E.g., if she is an arusah, so that all except the arus are unfit, in that a child by them is mamzer.

(16) When she asserts that the child is by the arus.

(17) I.e., to marry a legitimately born Jew: the language is Biblical, Deut. XXIII, 2-4.

(18) E.g., a mamzer with a Nathin.

(19) V. Glos. In Talmudic times their status fluctuated and the Rabbis seem to have been undecided how to regard them. As this Mishnah shews, they were still regarded as Jews, though falling within the category of 'doubtful' in respect of genealogy. In later times they were declared non-Jews absolutely.

(20) The Mishnah on 69a.

(21) V. supra 72a. And this does not include a proselyte.

Talmud - Mas. Kiddushin 74b

This is its meaning: ALL WHO ARE FORBIDDEN TO ENTER INTO THE ASSEMBLY of priesthood — namely,¹ A female proselyte less than three years and one day, this disagreeing with R. Simeon b. Yohai² — MAY INTERMARRY WITH EACH OTHER.³ Then let us relate it to one aged three years and a day, so agreeing even with R. Simeon b. Yohai? — If so, its refutation is at its side. [For we would then argue thus:] It is only because she is three years and a day; but if less than three years and one day, since she may enter into the assembly of priests, she is forbidden [to intermarry] with the others?⁴ But what of [the case of her] who is less than three years and a day, according to R. Simeon b. Yohai, who, though she may enter into the assembly of priests, may yet intermarry with the others!⁵

[But] is it a general principle that all who are forbidden to enter into the assembly of priesthood may intermarry with each other? But what of a widow, a divorced woman, a halalah and a zonah,⁶ who are forbidden to enter into the assembly of priesthood,⁷ and yet may not intermarry with these others? Furthermore, [the principle implies,] but one who is permitted [to marry into the priesthood] is forbidden [to intermarry with these]; but a proselyte is permitted to a priest's daughter, yet also permitted to a mamzereth!⁸ — But, said R. Nathan b. Hoshai: This is what [the Mishnah] means: One whose daughter a priest may not marry — and who is that? a proselyte married to a proselyte, this agreeing with R. Eliezer b. Jacob⁹ — may intermarry with these others.¹⁰ Now, is it a general principle that one whose daughter a priest may not marry may intermarry with these? But what of [the case of] a halal who marries an Israelite's daughter, though a priest may not marry his daughter, yet he may not intermarry with these others?¹⁰ — That is no difficulty: [our Tanna teaches] according to R. Doseithai b. Judah.¹¹ But what of a halal who marries a halalah, though a priest may not marry his daughter, yet he may intermarry with these others.¹⁰ Furthermore, [the principle implies,] but one whose [daughter] is permitted [to marry a priest] is forbidden [to intermarry with these]; but what of a proselyte who marries an Israelite's daughter, though a priest may marry his daughter, yet he may intermarry with these others!¹² — But, said R. Nahman in Rabbah b. Abbuha's name: Here they differ with respect to a mamzer from a sister and a mamzer from a married woman. The first Tanna holds that even a mamzer from a sister is mamzer; while R. Judah holds: from a married woman it is mamzer, but not from a sister.¹³ Then what does he [the Tanna of our Mishnah] inform us? We have [already] learnt it: Who is mamzer? All who are subject to 'he shall not enter'.¹⁴ this is R. Akiba's view. Simeon the Temanite said: Whoever involves the penalty of kareth at the hands of Heaven;¹⁵ and the halachah is as his ruling. R. Joshua said: Whoever involves the penalty of death by the Court!¹⁶ — But, said Raba, they differ in reference to an Ammonite and a Moabite convert, and this is its meaning: ALL WHO ARE FORBIDDEN TO ENTER INTO THE ASSEMBLY, — and who are they? an Ammonite and a Moabite proselyte — MAY INTERMARRY WITH EACH OTHER. If so, what is meant by R. JUDAH FORBIDS IT?¹⁷ — This is its meaning: Though R. JUDAH FORBIDS a proselyte [to intermarry] with a mamzereth, that is only a proselyte who is eligible to enter into the assembly, but not Ammonite and Moabite proselytes, who are not eligible to enter into the assembly.

Our Rabbis taught: A male aged nine years and a day,¹⁸ [whether he be] an Ammonite, Moabite, Egyptian or Edomite convert, or a Cuthean, Nathin, halal or mamzer, who has intercourse with the daughter of a priest, a Levite or an Israelite, he disqualifies her.¹⁹ R. Jose said: He whose seed [i.e., issue] is unfit [for the priesthood] disqualifies,²⁰ but he whose issue is not unfit does not disqualify.

R. Simeon b. Gamaliel said:

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- (1) Lit., 'who is it?'
 - (2) 'ASSEMBLY,' according to this, refers to the priesthood, and this Tanna holds that even if a child less than three years and a day becomes a proselyte she is forbidden to a priest, thus disagreeing with R. Simeon b. Yohai, infra 78a.
 - (3) And R. Judah's statement can thus refer to the marriage of a proselyte and mamzereth.
 - (4) Sc. mamzer, etc.
 - (5) For since she may marry a mamzer, it follows that the assembly of proselytes is not designated 'assembly' (v. supra a); hence the same holds good if she becomes a proselyte before that age.
 - (6) Lev. XXI, 7: 'harlot'. For the definition, v. Yeb. 61b.
 - (7) A widow may not marry a High Priest; the others are interdicted to all priests.
 - (8) As in n. 3.
 - (9) Infra 77a.
 - (10) Sc. mamzer, etc.
 - (11) Ibid. and supra 64a.
 - (12) Sc. mamzer, etc.
 - (13) The Mishnah does not refer to a proselyte at all, but to the question whether these two illegitimate children may intermarry. A sister is interdicted on pain of kareth, q.v. Glos; adultery with a married woman is punishable by death. The first Tanna treats the issue of both as mamzer, and he states, those who are forbidden to enter the assembly as mamzerim may intermarry. But R. Judah maintains that only the latter, forbidden on pain of death, is mamzer, but not the former; hence they may not intermarry.
 - (14) I.e., even the issue of a union interdicted by a mere negative precept.
 - (15) The child of such a union so forbidden.
 - (16) Thus this dispute is taught elsewhere (Yeb. 49a); why repeat it here?
 - (17) Surely these may marry a mamzer, since these do not come under the category of 'assembly'.
 - (18) Before that he cannot engender.
 - (19) The first, to eat terumah; the other two, to marry a priest.
 - (20) The woman with whom he cohabits.

Talmud - Mas. Kiddushin 75a

One whose daughter you [i.e., a priest] may marry, you may marry his widow; but one whose daughter you may not marry, you may not marry his widow.

Wherein do the first Tanna and R. Jose differ? — Said R. Johanan: They differ in respect to a [converted] Egyptian of the second [generation],¹ and both learn it from none but a High Priest with a widow. The first Tanna holds, it is like a High Priest with a widow: just as a High Priest with a widow, since his intercourse is sinful, he disqualifies her;² so all whose intercourse is sinful disqualify. While R. Jose holds, It is like a High Priest with a widow: just as a High Priest with a widow, his issue is unfit,³ [and] he disqualifies [the widow]; so all whose issue is unfit disqualify, thus excluding an Egyptian of the second generation, whose issue is not unfit, for the Writ saith, The children of the third generation that are born unto them shall enter into the assembly of the Lord.⁴

'R. Simeon b. Gamaliel said: He whose daughter you, [i.e., a priest] may marry, you may marry his widow; but he whose daughter you may not marry, you may not marry his widow.' Wherein do R. Jose and R. Simeon b. Gamaliel differ? — Said 'Ulla: They differ in respect to an Ammonite and a Moabite proselyte;⁵ and both learn it from none but a High Priest with a widow. For R. Jose maintains, It is like a High Priest with a widow: just as a High Priest with a widow, his issue is disqualified, and he disqualifies [the widow]; so all whose issue is disqualified, disqualify. While R. Simeon b. Gamaliel maintains, It is like a High Priest with a widow; just as a High Priest with a widow, all his issue is disqualified,⁶ so everyone, all whose, issue, even the females, are disqualified [disqualifies his wife], thus excluding Ammonite and Moabite proselytes, whose females are eligible

to enter into the assembly; for a Master said: An Ammonite [. . . shall not enter, etc.], but not an Ammonitess; a Moabite [shall not enter, etc.],⁷ but not a Moabitess.

R. Hisda said: All agree that the widow of a member of a suspected family⁸ is unfit for the priesthood. [For] who is the most lenient of these Tannaim? R. Simeon b. Gamaliel. Yet he says: He whose daughter you may marry, you may marry his widow; but he whose daughter you may not marry, you may not marry his widow. What does this exclude? It excludes the widow of a suspected family, [teaching] that she is unfit for the priesthood.⁹ This conflicts with the following Tannaim: For we learnt: R. Joshua and R. Judah b. Bathyra testified¹⁰ concerning the widow of a member of a suspected family, that she is fit for the priesthood. What is the reason? Because it is a double doubt,¹¹ and a double doubt [inclines] to a lenient ruling.¹²

CERTAIN [UNFITS] ARE PERMITTED [TO INTERMARRY] WITH CERTAIN [UNFITS]. Rab Judah said in Rab's name: The halachah is as R. Eleazar. When I stated it before Samuel, he observed to me, Hillel taught: Ten genealogical classes went up from Babylon and all are permitted to intermarry;¹³ yet you say that the halachah is as R. Eleazar! Now, both Rab and Samuel are self-contradictory. For it was stated: If an arusah becomes pregnant:¹⁴ Rab maintained: The child is mamzer;¹⁵ while Samuel ruled: The child is shethuki and forbidden to a mamzereth! — Reverse it: Rab maintained: The child is shethuki; and Samuel ruled: The child is mamzer. What is the need of two?¹⁶ — It is necessary. For if it were stated in this case [of our Mishnah, I would say, only] here does Rab rule thus, because the majority are eligible to her;¹⁷ but there, that the majority are unfit for her,¹⁸ I might argue that he agrees with Samuel. Again, If it were stated in the latter case, [only] there does Rab rule thus, because he [the issue] may be imputed to the arus; but in this [the former], I would say that he agrees with Samuel. Hence both are necessary.

Alternatively, you need not reverse it after all, and what does Rab mean by mamzer? Not that he may marry a mamzereth, but that he is forbidden to a daughter of Israel.¹⁹ Now, when Samuel rules: The child is shethuki [it means] that he is forbidden to a daughter of Israel? If so, that is Rab's view! — But what is meant by shethuki? That he is 'silenced' from the rights of priesthood.²⁰ Surely that is obvious? If he is 'silenced' from the rights of an Israelite,²¹ need it [be said] from the rights of priesthood! — But what is meant by shethuki? He is 'silenced' from his father's estate.²² Surely that is obvious; do we then know who his father is? — This arises only where he has taken possession.²³ Alternatively, what is meant by shethuki? Beduki [examined]. That is [to say] we examine his mother, and if she maintains, 'I cohabited with a fit person,' she is believed.²⁴ With whom does this agree? — With R. Gamaliel? But Samuel has already stated it once! For we learnt: If she [an unmarried woman] was pregnant, and was asked: 'What is the nature of this child?' And she replied: 'He is by So-and-so, who is a priest': R. Gamaliel and R. Eliezer said: She is believed; R. Joshua said: We do not live by her words.²⁵ And Rab Judah said in Samuel's name: The halachah agrees with R. Gamaliel? — It is necessary. For if [I were to deduce] from there, I would argue, 'There, most men are fit for her;²⁶ but here, most men are unfit for her,²⁷ I would say [she is] not [believed]. Hence both are necessary.

It was taught: And thus did R. Eleazar say: A Cuthean may not marry a Cuthean. What is the reason? — Said R. Joseph: He was treated as a proselyte after ten generations. For it was taught: A proselyte, until ten generations, may marry a mamzereth; thereafter he is forbidden [to marry] a mamzereth. Others state: [He is permitted] until the name of heathenism has completely fallen away from him. Said Abaye to him: How compare! There it is a proselyte of ancient [stock] and a recent mamzereth, so it will be said: He is an Israelite marrying a mamzereth,' whereas here they are both alike? — But when R. Dimi came,²⁸ he said: R. Eleazar agrees with R. Ishmael,

(1) V. Deut. XXIII, 8f. The first Tanna holds that he disqualifies her; but R. Jose holds that he does not, since his issue, being of the third generation, is not unfit.

- (2) As in n. 1.
- (3) I.e., halal.
- (4) Ibid.
- (5) A male proselyte of these peoples may never intermarry with a Jew; a female, however, is permitted. R. Jose holds that his intercourse renders the woman unfit; R. Simeon b. Gamaliel, that it does not.
- (6) Including females.
- (7) Deut. XXIII, 4.
- (8) עֵיסָה , 'mixed dough'. I.e., a family in which a forbidden element is suspected to have entered; v. 'Ed. (Sonc. ed.) p. 48, n. 2 and Keth. 14a and b.
- (9) For her husband might be a halal, in which case his daughter must not marry a priest; hence his widow too is forbidden.
- (10) V. 'Ed. VIII, 3.
- (11) Lit., 'the doubt of a doubt.' Thus, the unfitness even of her husband is only doubtful; and since her unfitness is through him, we regard it as a still weaker doubt, i.e., a double doubt.
- (12) We always give a lenient ruling in such a case.
- (13) Rashi: 'all' means the forbidden classes; Tosaf. explains: each category is permitted to marry within itself; on both views 'doubtful' may intermarry with 'doubtful,' thus disagreeing with R. Eleazar. — On 'Hillel taught' both Rashi and Tosaf. Ri observe: in the Baraita based on this Mishnah of 'TEN GENEALOGICAL CLASSES'. Weiss. Dor. I, p. 175 (1924 ed.) conjectures that this might have been taught when Herod destroyed the ancient Book of genealogical records, of which this may be an extract. (The verb shanah employed here generally refers to a Mishnah, not a Baraita.)
- (14) And it is unknown whether by her arus or a stranger.
- (15) Since the majority of men are forbidden to her, we regard it as certain that the child was born in adultery, and so it is a certain mamzer. Thus Rab treats a doubt as a certainty, which agrees with the first Tanna on 74a, that doubt and certainty may intermarry, and not with R. Eleazar.
- (16) Why teach this conflict of Rab and Samuel twice?
- (17) The Mishnah treats of a shethuki born of an unmarried woman; since most men are fit for her, it is unlikely that the issue is mamzer, and therefore must not intermarry with mamzer.
- (18) Since she is an arusah.
- (19) I.e., any Jewess. Thus this corresponds to Rab's ruling that the halachah is as R. Eleazar.
- (20) If the arus is a priest, this child does not enjoy the privileges of priesthood, e.g., of eating terumah.
- (21) He cannot marry a daughter of an Israelite.
- (22) He does not inherit the estate of the arus.
- (23) Claiming that the arus was his father. We might think that he retains it unless the contrary is proved. Hence Samuel teaches otherwise.
- (24) Cf. supra 74a.
- (25) I.e., she is disbelieved.
- (26) Since she is unmarried.
- (27) Since she is betrothed.
- (28) V. p. 46, n. 6.

Talmud - Mas. Kiddushin 75b

and R. Ishmael agrees with R. Akiba. [Thus:] R. Eleazar agrees with R. Ishmael, who maintained: Cutheans are proselytes [through fear] of lions.¹ And R. Ishmael agrees with R. Akiba, who said: If a heathen or a slave has intercourse with the daughter of an Israelite, the issue is mamzer.² But does R. Ishmael hold with R. Akiba? Surely R. Johanan said on R. Ishmael's authority: How do we know that a heathen or a slave who has intercourse with the daughter of a priest, a Levite, or an Israelite, disqualifies her?³ Because it is said: But if a priest's daughter be a widow, or divorced, [and have no child. . . she shall eat of her father's bread,]⁴ [this holds good only of] one who comes within the ambit of widowhood. and divorce; thus excluding a heathen or a slave, who does not come within the ambit of widowhood and divorce.⁵ Now should you think that he holds with R. Akiba — if he [the issue] is mamzer, is it necessary [to deduce] that he [the heathen] disqualifies by his

intercourse!⁶ But R. Eleazar agrees with R. Ishmael who maintained that Cutheans are proselytes [through fear] of lions, and he also agrees with R. Akiba, who said: If a heathen or a slave has intercourse with a Jewess, the issue is mamzer.

Yet does R. Eleazar hold with R. Akiba? But R. Eleazar said: Though Beth Shammai and Beth Hillel differ with respect to co-wives,⁷ they agree that mamzer is only from one who is forbidden on the score of consanguinity on pain of kareth!⁸ — But when Rabin came,⁹ he said in the name of R. Hiyya in R. Johanan's name — others state, in the name of R. Abba b. Zabda in R. Hanina's name — others state, in the name of R. Jacob b. Idi in R. Joshua b. Levi's name: There are three opposing views in this matter: — [i] R. Ishmael holds: Cutheans are proselytes [through fear] of lions, and the priests who became mixed up in them were unfit priests, as it is said, and they made unto them from among themselves [mikezotham] priests of the high places,¹⁰ whereon Rabbah b. Bar Hanah commented: from the most unworthy¹¹ of the people [sc. priests], and on that account they were disqualified. [ii] R. Akiba holds: Cutheans are true proselytes, and the priests who became mixed up in them were fit priests, as it is said: 'and they made unto them from among themselves priests of the high places,' which Rabbah b. Bar Hanah interpreted:¹² from the choicest¹³ of the people. Yet why did they interdict them? — Because they subjected arusoth to yibum,¹⁴

(1) Cf. II Kings, XVII, 25. Therefore they are to be regarded as heathens.

(2) Thus the Cuthean (male) may be the issue of a Cuthean and a Jewess, hence mamzer; while the female may be born of two Cutheans, hence a heathen. Now a mamzer is a Jew, though debarred from a legitimately-born Jewess, and may not marry a heathen.

(3) If she is a priest's daughter, from eating terumah: the other two, from marrying a priest. Or, if she had been formerly married to a priest, who had died and left her with a son, who would otherwise entitle her to eat terumah, she is now forbidden.

(4) I.e., terumah, Lev. XXII, 13.

(5) I.e., only when she cohabits with one whose death leaves her a widow, or who can divorce her, does she remain fit to eat terumah. But not when she cohabits with a heathen or slave, for since these cannot legally marry her, they cannot give her the status of widowhood or divorce. — Where a woman is disqualified from eating terumah, she is certainly ineligible to marry a priest.

(6) Surely not, since the former involves even a greater degree of unfitness.

(7) V. Yeb. 13a.

(8) And a heathen or slave is not thus forbidden.

(9) V. p. 46, n. 6.

(10) II Kings XVII, 32.

(11) Lit., 'thorns', Heb. kozim: i.e., the unfit priests.

(12) On R. Akiba's view.

(13) Var. lec.: 'nobles', Heb. kezanim, which shews the connection with kezotham.

(14) V. Glos.

Talmud - Mas. Kiddushin 76a

but exempted married women.¹ What was their interpretation?² — The wife of the dead shall not marry without [ha-huzah] unto a stranger:³ she who sat 'without' shall not marry a stranger; but she who did not sit 'without' may marry a stranger.⁴ And R. Akiba follows his view, for he maintained, There is mamzer from those who are subject [only] to negative injunctions.⁵ [iii] Some state, because they are not thoroughly versed in the [minute] details of precepts. Who is meant by 'some state?' — Said R. Idi b. Abin: It is R. Eliezer. For it was taught: The unleavened bread of a Cuthean is permitted,⁶ and one fulfils his obligation therewith on Passover;⁷ but R. Eliezer forbids it,⁸ because they are not thoroughly versed in the [minute] details of precepts. R. Simeon b. Gamaliel said: Every precept which Cutheans have adopted, they observe it with minute care, [even] more than the Israelites. But here [in respect to marriage], wherein are they not well-versed? — Because they are

not well-versed in the law of betrothal and divorce.⁹

R. Nahman said in Rabbah b. Abbuha's name: A mamzer by a sister and a mamzer by a brother's wife became mixed up among them [the Cutheans].¹⁰ What does he inform us? — That there is mamzer from those who are liable to kareth.¹¹ Then let one [only] be taught?¹² — The actual event happened thus. Raba said: A [heathen] slave and a bondmaid were mixed up in them. Now, on whose account is the interdict? On account of the bondmaid!¹³ Then let one [only] be taught! — The actual event happened thus.

MISHNAH. HE WHO MARRIES A PRIEST'S DAUGHTER¹⁴ MUST INVESTIGATE HER DESCENT¹⁵ UP TO FOUR MOTHERS, WHICH ARE EIGHT. [VIZ.,] HER MOTHER AND HER MOTHER'S MOTHER, HER MOTHER'S PATERNAL GRANDMOTHER¹⁶ AND HER MOTHER, HER FATHER'S MOTHER AND THIS ONE'S MOTHER, HER FATHER'S PATERNAL GRANDMOTHER AND HER MOTHER.¹⁷ [IN THE CASE OF] THE DAUGHTER OF A LEVITE OR AN ISRAELITE, ONE MORE IS ADDED.¹⁸ WE MAKE NO INVESTIGATION FROM THE ALTAR AND UPWARDS, FROM THE DUKAN [DAIS] AND UPWARDS, NOR FROM THE SANHEDRIN AND UPWARDS.¹⁹ AND ALL WHOSE PARENTS WERE ESTABLISHED TO HAVE BEEN AMONG THE PUBLIC OFFICERS²⁰ OR CHARITY OVERSEERS ARE PERMITTED TO MARRY INTO THE PRIESTHOOD, AND THEIR DESCENT IS NOT INVESTIGATED. R. JOSE SAID: ALSO WHOEVER WAS SIGNED AS A WITNESS IN THE OLD COURT²¹ OF SEPPHORIS.²² R. HANINA B. ANTIGONUS SAID: ALSO ONE WHO WAS RECORDED IN THE KING'S LIST OF OFFICERS.²³

GEMARA. Why are the women investigated but not the men? — When women quarrel among themselves, they quarrel [only] about immorality,²⁴ so that if there is anything,²⁵ it is not generally known.²⁶ But when men quarrel among themselves, they quarrel over birth;²⁷ if there is anything, it is generally known.

Now, let her too investigate his [forbears]? — This supports Rab. For Rab Judah said in Rab's name: Fit women were not admonished not to marry the unfit.²⁸

R. Adda b. Ahabah recited: Four mothers, which are twelve.²⁹ In a Baraita it was taught: Four mothers, which are sixteen.³⁰ Now, as for R. Adda b. Ahabah, it is well;

(1) Altogether, even from halizah.

(2) That led them to this ruling.

(3) Deut. XXV, 5. On this translation, hahuzah is a locative adverb governed by 'marry'.

(4) Taking ha-huzah as an adjective qualifying wife: the dead man's wife who is without, shall not marry a stranger. A 'wife who is without' is an arusah, who may not live with her husband until nissu'in. [V. Samaritan version of the Bible, a.l. and Montgomery, *The Samaritans*, p. 185.]

(5) For actually we reject that interpretation, translating as the E.V., and so even a nesu'ah is interdicted by a negative injunction, and the issue is mamzer. Hence though R. Akiba holds that the Cutheans are true proselytes, yet they contain mamzerim, which precludes intermarriage with them. Hence the interdiction of marriage with them, as explained anon.

(6) To be eaten on Passover.

(7) One had to eat at least the size of an olive of unleavened bread of flour specially guarded and prepared for the fulfilment of the precept, 'on the fourteenth day of the month at even, ye shall eat unleavened bread' (Ex. XII, 18). This Tanna holds that Cutheans know and are particular about this.

(8) I.e., one does not fulfil his obligation therewith.

(9) Thus, a woman may have been validly betrothed, yet they thought it invalid and permitted her to marry another, the issue by whom is mamzer. Another Cuthean, however, may be quite legitimate; therefore R. Eleazar forbids Cutheans to marry each other.

(10) Therefore one Cuthean may not marry another.

(11) By specifying a mamzer from an incestuous union with a sister, his intention is to teach that the issue of such, though forbidden only on pain of kareth, is mamzer, in opposition to the view (Yeb. 49a) that only when the union involves death by the court is the issue mamzer (v. Rashi).

(12) E.g., that a mamzer by a sister was mixed up among them.

(13) For, as shewn on 75b, R. Eleazar holds that the issue of a slave and a Jewess is legitimate; hence he must have declared the prohibition because of the bondmaid, whose issue has the status of a slave (supra 66b), and is forbidden to a Jew or Jewess.

(14) Lit., 'a priestly woman'.

(15) Lit., 'after her.'

(16) Lit., 'and her father's mother'.

(17) Thus the four are: her mother, her mother's paternal grandmother, her father's mother, and her father's paternal grandmother. Further, the mother of each of these is added, which gives eight. All these are examined, to see that none are unfit for a pure marriage.

(18) I.e., one generation further removed on the maternal side in both lines: to her mother and her mother's mother we add her mother's maternal grandmother, and to her father's grandmother, we add one mother more.

(19) If a priest, one of her forbears, was known to have served at the altar, or a Levite to have sung on the dais in the Temple, which was part of the Temple service, or if one was a member of the Sanhedrin, it is unnecessary to trace her descent any further.

(20) I.e., judges in ordinary courts, apart from the Sanhedrin (v. Gemara).

(21) ערכי הישנה, v. next note.

(22) Rashi's text appears to omit 'witness' in which case it means whoever stood on the list of judges. On both versions, the reason is that they were particular that these should be only men of proved purity of descent. [The meaning of the phrase ערכי הישנה is doubtful. Schurer II. 1. p. 138 (Eng. ed.) renders it 'the ancient government', **, the reference being to the old government in Sepphoris, the members of which were all Israelites, in contradistinction to the later government set up by the Romans, in his view, in the days of Hadrian, which was of a mixed or heathen composition (Buchler JQR, XVI, p. 160 dates the change in the composition of the government to the days of Agrippa II). Render accordingly 'whoever was recognised as a member of the old government'. Another possible meaning is 'old archives' or 'old family registers'. v. Buchler Priester & Cultus, pp. 198ff.]

(23) Heb. isteratya; the Gemara discusses this.

(24) One accuses the other of immorality, but not of a blemished descent.

(25) Objectionable in their pedigree.

(26) Lit., 'it has no voice.'

(27) Each throwing up the other's blemished descent.

(28) V. supra p. 373, n. 1. — Hence it is unnecessary for her to investigate his ancestors.

(29) Adding one mother to each. V. p. 388, nn. 9 and 10.

(30) Adding one more mother and the grandmother to each.

Talmud - Mas. Kiddushin 76b

he may relate it [his teaching] to the daughter of a Levite or an Israelite.¹ But must we say that the Baraita disagrees [with the Mishnah]? — No: What is meant by ONE MORE? one more pair.²

Rab Judah said in Rab's name: This [sc. the Mishnah] is R. Meir's view. But the Sages maintain: All families stand in the presumption of fitness.³ But that is not so, for R. Hama b. Guria said in Rab's name: Our Mishnah refers to where it⁴ is contested!⁵ — The one who recited the former [in Rab's name] did not recite the latter.⁶ Others state, Rab Judah said in Rab's name: This is R. Meir's view. But the Sages maintain: All families stand in the presumption of fitness. R. Hama b. Guria said in Rab's name: If it is contested, he must investigate her descent.⁷

WE MAKE NO INVESTIGATION FROM THE ALTAR AND UPWARDS. What is the reason? — Had she⁸ not been examined, he would not have been promoted [to that dignity].

NOR FROM THE DAIS AND UPWARDS. What is the reason? — Because a Master said: For there sat those who certified the genealogy of the priestly and the Levitical families.⁹ NOR FROM THE SANHEDRIN AND UPWARDS. What is the reason? — For R. Joseph learnt: Just as the court must be pure in righteousness, so must it be pure from any [genealogical] blemish.¹⁰ Said Meremar: What verse teaches this?¹¹ Thou art all fair, my love; and there is no blemish in thee.¹² Perhaps a literal blemish [is meant]? — Said R. Aha b. Jacob: Scripture saith, that they may stand there with thee:¹³ ‘with thee’ [implies,] like unto thee.¹⁴ Yet perhaps that was on account of the Shechinah?¹⁵ But¹⁶ said R. Nahman: Scripture saith, so shall it be easier for thyself, and they shall bear the burden with thee:¹⁷ ‘with thee’ [implies,] like unto thee.

ALL WHOSE PARENTS WERE NOT ESTABLISHED TO HAVE BEEN AMONG THE PUBLIC OFFICERS. Are we to say that [judges] were not appointed of [genealogically] unfit persons? But the following contradicts it: All are fit to adjudicate in civil matters, but not all are eligible to judge capital cases. Now, we pondered thereon: What does ‘all’ include? And Rab Judah said: It includes mamzer. — Said Abaye: In Jerusalem.¹⁸ And so did R. Simeon b. Zera recite in Kiddushin of the School of Levi:¹⁹ In Jerusalem.

OR CHARITY OVERSEERS, ARE PERMITTED TO MARRY [INTO THE PRIESTHOOD]. What is the reason? — Since they quarrel with people, for a Master said: Pledges are taken for charity, even on Sabbath eve,²⁰ if there were [a blemish in his family], it would be known.

R. Adda b. Ahabah's host was a proselyte, and he and R. Bibi were at variance, each claiming, I must carry on the administration of the town. So they went before R. Joseph. Said he to them, We learn it: One from among thy brethren shalt thou set king over thee:²¹ all appointments²² which thou makest must be only from the midst of thy brethren. Said R. Adda b. Ahabah to him: Even if his mother is a Jewess? — If his mother is a Jewess, he replied, we apply to²³ him, ‘from the midst of thy brethren’. Therefore let R. Bibi, who is a great man, give his attention to Heavenly matters,²⁴ and do you, Sir, pay attention to affairs of the town.²⁵ Said Abaye: Therefore, when one provides a scholar with residence in his boarding house, let him provide it for one like R. Adda b. Ahabah, who is able²⁶ to argue²⁷ in his favour.

R. Zera took trouble over them [sc. proselytes]; Rabbah b. Abbuhah took trouble over them. In the west [Palestine] not even an Inspector of Measures²⁸ was appointed of them. In Nehardea, not even an irrigation superintendent was appointed of them.

R. JOSE SAID: EVEN ONE WHO WAS etc. What is the reason? They [first] investigated, and then allowed them to attest.

R. HANINA B. ANTIGONUS etc. Rab Judah said in Samuel's name: [This refers to the officers] in the armies of the House of David. Said R. Joseph: What verse teaches this?²⁹ And they who were reckoned by genealogy for service in war.³⁰ And what is the reason?³¹ — Said Rab Judah in Rab's name: In order that their own merit and the merit of their fathers might aid them. But there was Zelek the Ammonite;³² surely that means that he was descended from Ammon? — No: that he dwelt in Ammon. But there was Uriah the Hittite;³³ surely that means that he was descended from Heth? — No: that he dwelt among the Hittites. But there was Ittai the Gittite.³⁴ And should you answer, here too it means that he dwelt in Gath, — but R. Nahman said: Ittai the Gittite came and destroyed it.³⁵ Moreover, Rab Judah said in Rab's name, David had four hundred children, all the offsprings of ‘beautiful women,’³⁶ all with hair trimmed in front³⁷ and locks growing long,³⁸ and all sat in golden chariots and went at the head of armies, and they were the strong men³⁹ of the House of David! — They merely went to terrorise [the opposing armies].⁴⁰

(1) As stated in the Mishnah.

- (2) A mother and grandmother, which gives sixteen.
- (3) Without investigation.
- (4) The bride's pedigree.
- (5) Two witnesses testify that it is rumoured that her descent is blemished, in which even the Rabbis would agree that investigation is required; why then does Rab ascribe the Mishnah only to R. Meir?
- (6) If the Mishnah is assumed to reflect R. Meir's view, it means even if her purity is uncontested; if it is assumed to mean only where it is contested, it agrees even with the Rabbis.
- (7) Even in the view of the Rabbis.
- (8) The mother of the priest who served at the altar.
- (9) And priests or Levites of impure descent were not permitted to sing in the Temple service or pronounce the priestly blessing. — Rashi states that this took place in the Hall of Hewn Stones, and the examiners were the Sanhedrin. Weiss, Dor p. 175, n. 2. inclines to the view that a special priestly court was set up for this purpose (Cf. 'the priestly court' mentioned in Keth. 12a), which sat in a place behind the veil. Wilna Gaon takes an intermediate position: this special court made the investigations, but the actual verdict was pronounced by the Sanhedrin.
- (10) This refers to the larger or smaller Sanhedrin (v. Sanh. 2a), but not to an ordinary court.
- (11) Lit., 'what is its verse?'
- (12) Cant. IV, 7.
- (13) Num. XI, 16: this refers to the seventy elders, who, together with Moses, were traditionally regarded as the first great Sanhedrin of seventy one.
- (14) Of pure descent.
- (15) The Divine Presence. For these were endowed with the power of prophecy (v. 25); yet subsequent Sanhedrins may not require unstained birth?
- (16) So the reading in Sanh. 36b, and as required here.
- (17) Ex. XVIII, 22. This likewise refers to the setting up of courts, and no mention is made of prophecy.
- (18) Our Mishnah refers to Jerusalem, where only men of unsullied birth were permitted to be judges.
- (19) I.e., in Levi's Baraita on the Tractate Kiddushin. Z. Frankel, Darke ha'Mishnah, p. 313, and Weiss, Dor, II. 191-2 maintain that this was in opposition to Rabbi's Mishnah; Halevi, Doroth, II. 119-121 proves that it was not opposed but explanatory of and complementary to Rabbi's compilation.
- (20) Charity was compulsory, and if one failed to pay his quota a pledge was forcibly taken from him; this naturally led to quarrels with the overseer.
- (21) Deut. XVII, 55.
- (22) Lit., 'settings.'
- (23) Lit., 'read of.'
- (24) Rashi: the charity collections and distribution, synagogue administration.
- (25) E.g., taxation etc.
- (26) Lit., 'knows'.
- (27) Lit., 'turn (things) about.'
- (28) Kori fr. kor, a measure.
- (29) Lit., 'what is its verse?'
- (30) I Chron. VII, 40.
- (31) Why insist on pure birth?
- (32) II Sam. XXIII, 37.
- (33) II Sam. XXIII, 39.
- (34) Ibid. XV, 19.
- (35) Sc. Milcom, the idol of the Ammonites, and the whole point of R. Nahman's dictum is that he did this as a heathen. V. 'A. Z. 44a.
- (36) Captured in war; v. Deut. XXI, 10-14.
- (37) In Roman fashion, with a fringe on the forehead and curls hanging down on the temples.
- (38) [Belurith (etym. obscure) a heathen fashion of growing locks from the crown of the head, hanging down in plaits at the back, v. Krauss, T.A. I 645.]
- (39) Lit., men of fists.'
- (40) But did not actually fight.

Talmud - Mas. Kiddushin 77a

MISHNAH. THE DAUGHTER OF A MALE HALAL IS UNFIT FOR THE PRIESTHOOD FOR ALL TIME.¹ IF AN ISRAELITE MARRIES A HALALAH, HIS DAUGHTER IS FIT FOR THE PRIESTHOOD. IF A HALAL MARRIES THE DAUGHTER OF AN ISRAELITE, HIS DAUGHTER IS UNFIT FOR THE PRIESTHOOD.² R. JUDAH SAID: THE DAUGHTER OF A MALE PROSELYTE IS AS THE DAUGHTER OF A MALE HALAL. R. ELIEZER B. JACOB SAID: IF AN ISRAELITE MARRIES A FEMALE PROSELYTE, HIS DAUGHTER IS FIT FOR THE PRIESTHOOD, AND IF A [MALE] PROSELYTE MARRIES THE DAUGHTER OF AN ISRAELITE, HIS DAUGHTER IS FIT FOR THE PRIESTHOOD. BUT IF A MALE PROSELYTE MARRIES A FEMALE PROSELYTE, HIS DAUGHTER IS UNFIT FOR THE PRIESTHOOD. [THE SAME LAW APPLIES TO] A PROSELYTE AS TO FREED SLAVES, EVEN UNTO TEN GENERATIONS, [HIS DAUGHTER IS UNFIT] UNLESS HIS MOTHER IS OF ISRAELITE STOCK.³ R. JOSE SAID: ALSO IF A MALE PROSELYTE MARRIES A FEMALE PROSELYTE, HIS DAUGHTER IS FIT FOR THE PRIESTHOOD.

GEMARA. Why [state], FOR ALL TIME? — I might think, It is analogous to an Egyptian and an Edomite: just as there, after three generations [the interdict is lifted], so here too after three generations [the daughter is fit for the priesthood]. Therefore we are informed [otherwise].

IF AN ISRAELITE MARRIES A HALAL. How do we know it? — Said R. Johanan on the authority of R. Ishmael:⁴ Here it is stated, and he shall not profane his seed among his people;⁵ and there it is stated, he shall not defile himself, being a chief man among his people:⁶ just as there, males but not females,⁷ so here too, males but not females.⁸ If so, let a High Priest's daughter [from a widow] be permitted [to marry a priest]? — Is it then written: '[and he shall not profane] his son'? 'His seed' is written, viz., he shall not profane his seed among his people.⁹ Then let the daughter of his son be permitted? — It is written, he shall not profane his seed: [hence] his seed is assimilated to himself: just as his own daughter is unfit, so is his son's daughter unfit — Then let his daughter's daughter [too] be interdicted?¹⁰ — If so, what is effected by the gezerah shawah?

IF A HALAL MARRIES THE DAUGHTER OF AN ISRAELITE, HIS DAUGHTER IS UNFIT. But that is stated in the first clause: THE DAUGHTER OF A MALE HALAL IS UNFIT FOR THE PRIESTHOOD FOR ALL TIME? — Because the former clause teaches: IF AN ISRAELITE MARRIES A HALALAH, the latter clause also states: IF A HALAL MARRIES THE DAUGHTER OF AN ISRAELITE.¹¹ Our Mishnah does not agree with R. Dosethai b. Judah. For it was taught: R. Dosethai b. Judah said: Just as the sons of Israel are a mikweh of purification for [female] halaloth, so are the daughters of Israel a mikweh of purification for [male] halalim.¹² What is R. Dosethai b. R. Judah's reason? — Scripture saith, 'he shall not profane his seed among his people': he profanes [his seed] among one people, but not among two peoples.¹³

Our Rabbis taught 'He shall not profane his seed:' I know [it] only [of] his seed; how do I know it of herself?¹⁴ — Say, a minori: if his seed, that committed no sin, is profaned, she, who commits sin, how much the more so that she is profaned! Let him himself refute it: he commits sin, yet he is not profaned!¹⁵ As for himself, that is because he is not profaned in all other cases;¹⁶ will you say [the same] of her, seeing that she is profaned in all other cases?¹⁷ And should you desire to object, [then one can answer,] Scripture saith, 'he shall not profane his seed,' [which means,] This one shall not become profaned, who was [originally] fit and is [now] profaned.¹⁸ What is meant by, 'and should you desire to object?' — [This:] and should you say, one can refute [it thus]: as for his seed, that is because he is conceived¹⁹ in sin; [therefore] Scripture saith, 'he shall not profane his seed:' this one shall not become profaned, who was [originally] fit and is [now] profaned.

Our Rabbis taught: What is a halalah? One who was born of unfit persons. What is meant by unfit

persons? Shall we say, unfit for him?²⁰ But what of him who takes back his divorced wife,²¹ though she is unfit for him, yet her children are fit, as it is written, she is an abomination:²² 'she is an abomination but her children are no abomination! — Said Rab Judah This is its meaning: What is a halalah? — One who was born of a priestly disqualification.²³ Only one who was born [of such a forbidden union], but not one who was not born [thus]? But what of a widow, a divorced woman or a zonah,²⁴ who were not born [thus], and yet [each] is a halalah.²⁵ — Said Rabbah, This is its meaning: Who is the halalah mentioned, that never enjoyed a period of eligibility? She who was born of a priestly disqualification. What is the meaning of 'mentioned?' — Said R. Isaac b. Abin: This is its meaning: Who is the halalah primarily [disqualified] by the words of the Torah, and who needs no Rabbinical definition?²⁶ One who was born of a priestly disqualification.

Our Rabbis taught [If a High Priest has intercourse with] a widow, a widow, a widow,²⁷ he incurs only one penalty.²⁸ [If a priest has intercourse with] a divorced woman, a divorced woman, a divorced woman, he incurs only one penalty. [If he has intercourse with] a widow, a divorced and profane woman, and a harlot [zonah],²⁹ if they [these disqualifications] are in this order,³⁰ he [the High Priest] is liable [for each intercourse]. But if she [first] committed harlotry,³¹ was then profaned,³² subsequently divorced, and finally widowed, he incurs only one penalty. The Master said: '[If a High Priest has intercourse with] a widow, a widow, a widow, he incurs only one penalty.' How is this widow meant? Shall we say that he has intercourse with Reuben's widow, with Simeon's widow, and with Levi's widow, why does he incur only one penalty?

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- (1) I.e., the daughter of a halal, or of the son or grandson of a halal, and of his male descendants for all generations, cannot marry a priest.
- (2) This is implicit in the first statement.
- (3) Lit., 'from Israel.'
- (4) So the text as amended; cur. ed. Simeon.
- (5) Lev. XXI, 15.
- (6) Ibid. 4.
- (7) Only males are forbidden to defile themselves through the dead.
- (8) I.e., only the males are disqualified by a forbidden priestly marriage, but not the females; hence the daughters of the former are unfit for the priesthood, but not of the latter.
- (9) Hence the gezerah shawah merely shews that the female offsprings of his female descendants are permitted, but not his own daughters.
- (10) By the same reasoning.
- (11) For the sake of parallelism.
- (12) That their issue is eligible for the priesthood, v. supra p. 321. n. 3.
- (13) I.e., only when he and his wife are of 'one people,' i.e., both halalim (profaned) is his seed halel too: but if his wife is of a different people, i.e., not a halalah, his seed is not halal either.
- (14) That she is forbidden to a priest, after his death.
- (15) [A priest who marries a woman forbidden to him is not disqualified from the priesthood, v. Bek. 45b and Git. 36b.]
- (16) Even if he cohabits with a bondmaid or a harlot, he is not degraded from the priesthood.
- (17) If a woman cohabits with a Cuthean, halal, etc., she is disqualified from the priesthood; supra 74b.
- (18) Rashi: 'he shall not profane' is primarily applicable to the profaning of a person who was hitherto fit, viz., his wife. But, his seed is born profaned; hence, though the seed is mentioned in the verse too, the verb nevertheless relates to his wife.
- (19) Lit., 'formed'.
- (20) I.e., even if an Israelite marries a woman interdicted to him particularly (excluding a mamzereth, who is forbidden to all), the issue is halal.
- (21) After she married another.
- (22) Deut. XXIV, 4.
- (23) I.e., of a person disqualified to marry a priest.
- (24) V. Glos.

- (25) When she marries a priest, or in the case of a widow, when she marries a High Priest.
- (26) Lit., 'by the words of the soferim': v. p. 79, n. 7. — I.e., when Scripture says: They shall not take a woman that is profaned (halalah). (Lev. XXI, 7), it presupposes a recognised definition of halalah, even before the Rabbis extended its scope by their exegesis.
- (27) To be explained anon.
- (28) Viz., flagellation, the penalty for transgressing a negative injunction.
- (29) The verse is quoted direct from Lev. XXI, 14, and the translation is accordingly that of the E.V.
- (30) Thus: a widow remarried and was divorced; then she married a priest, whereby she was profaned; after this, e.g., she committed incest, thus becoming a zonah.
- (31) Becoming a zonah.
- (32) By marrying a priest.

Talmud - Mas. Kiddushin 77b

Behold, they are separate persons and separate names! Again, if he has intercourse three times with the same widow, what are the circumstances? If he was not warned, it is obvious that he incurs only one penalty.¹ But if he was warned for each, why does he incur only one penalty? Did we not learn: If a nazir² drinks wine all day, he incurs only one penalty; if he is admonished, 'Do not drink,' 'do not drink,'³ and he drinks, he is liable for each! — This arises only if he has intercourse with Reuben's widow, who was Simeon's widow who had been Levi's widow: I might think, Behold, they are separate names! We are therefore told that we require separate persons,⁴ which is absent.

[If he has intercourse with] a widow, a divorced and profane woman, and a harlot. What is this Tanna's opinion? If he holds, one prohibition can fall on another,⁵ then it is the reverse too.⁶ Whilst if he holds, one prohibition cannot fall on another, it is not so even in this order!⁷ — Said Raba: This Tanna does not hold that one prohibition can fall upon another, but he does accept [the validity of] a prohibition of wider scope.⁸ [Thus:] a widow is interdicted to a High Priest, but permitted to an ordinary priest; when she becomes divorced, since a prohibition is added in respect of an ordinary priest, it is added in respect of a High Priest; yet she is still permitted to partake of terumah. When she becomes profane, since a prohibition of eating terumah is added, a prohibition is added in respect of a High Priest. But what wider prohibition is there on account of zonah?⁹ — Said R. Hama son of R. Kattina: Because the designation of harlotry [zenuth] disqualifies in the case of an Israelite.¹⁰

A Tanna recited before R. Shesheth: Whoever is included in [a virgin of his own people] shall he take [to wife],¹¹ is included in '[a widow, etc.,] he shall not take'; but whoever is not included in, 'shall he take,' is not included in, 'he shall not take':¹² this excludes a High Priest who marries his sister, a widow.¹³ Said he to him: He who told you this, on whose authority is it? R. Simeon's, who maintains that one prohibition cannot fall upon another. For it was taught if one eats nebelah¹⁴ on the Day of Atonement, he is exempt.¹⁵ For if according to the Rabbis, — surely they maintain that one prohibition falls upon another. [He replied:] You may even say [that it agrees with] the Rabbis: When do the Rabbis maintain that one prohibition can fall upon another? Only a stringent prohibition upon a lighter one,¹⁶ but a light prohibition cannot fall upon a more stringent one.¹⁷

Others state: This agrees with the Rabbis, who maintain, One prohibition can fall upon another; but when do they rule thus? Only that a more stringent prohibition [can fall] upon a lighter one; but a light one cannot fall upon a more stringent one. For if it is R. Simeon: seeing that a stringent prohibition cannot fall upon a light one, need a light prohibition upon a more stringent be stated? — I might think that a prohibition in connection with priesthood is different;¹⁸ hence we are informed [that it is not so].¹⁹

R. Papa said to Abaye: When an Israelite has intercourse with his sister, he [certainly] renders her a zonah,' [but] does he render her a halalah [too] or not?²⁰ Do We says [it follows] a minori: if one

becomes a halalah by those who are forbidden to her by [only] negative injunctions, how much more so by those who are forbidden on pain of kareth. Or perhaps, a halalah results from a priestly interdict only? — He answered: A halalah results from a priestly interdict only.

Rab said: How do we know this ruling²¹ stated by the Rabbis [that] a halalah is only from a priestly interdict? Because it was taught: Let a divorced woman not be stated in reference to a High Priest, and it could be inferred a minori from an ordinary priest; for I would argue, If she is forbidden to an ordinary priest, can there be a question of²² a High Priest? Why then is it stated? [To teach,] Just as a divorced woman is distinct from zonah and halalah in respect of an ordinary priest,²³ so is she distinct in reference to a High Priest. [But] that is obvious: is it [the sanctity of a High Priest] in any way diminished?²⁴ But [it is rather to teach] just as a divorced woman is distinct from zonah and a halalah in respect of an ordinary priest,²³ so is a widow distinct from a divorced woman, a halalah and a zonah in respect of a High Priest.²⁵ Why is halalah stated?²⁶ [To shew that] halalah results from a priestly interdict only.²⁷ Why is zonah stated?²⁶ — Zonah is stated here,²⁸ and it is also stated there:²⁹ just as here, his seed is profaned,³⁰ so there too, his seed is profaned.

Said R. Ashi: Therefore if a priest has intercourse with his sister,

(1) A penalty was not imposed unless the transgression was preceded by a warning as to implications of the offence. 'Not warned' means not warned for each intercourse separately.

(2) V. Glos.

(3) Before each time he drinks.

(4) For separate punishments.

(5) A thing, being forbidden on one score, can also be forbidden on another, so that two prohibitions are violated. Thus here, though she is forbidden as a divorced woman, the interdict of a harlot is also operative, if she becomes one after her divorce.

(6) Even if this order is not followed; v. 396 n. 9.

(7) No separate penalty is incurred for each.

(8) **אִיסוּר מוֹסִיף**. I.e., which applies to more people. Then it can fall upon another prohibition even in respect of the person to whom the first also applies. For a fuller discussion of the various types of prohibitions, v. Shebu. (Sonc. ed.) p. 127. n. 1.

(9) What is now prohibited which was not before?

(10) If the wife of an Israelite commits adultery, he may not live with her. Thus, though in the case under discussion the prohibition of a zonah adds nothing, an extra penalty is incurred because harlotry in general is a wider prohibition.

(11) Lev. XXI, 14.

(12) I.e., the High Priest transgresses the latter only on account of a woman who would be permitted to him if she were a virgin.

(13) He is not liable because she is a widow, but because she is a sister.

(14) V. Glos.

(15) From kareth, the penalty for eating on the Day of Atonement. For nebelah is already forbidden by a negative injunction, and so the interdict of the Day of Atonement remains inoperative.

(16) E.g., the prohibition of eating on the Day of Atonement is more stringent than that of eating nebelah.

(17) The interdict against one's sister is graver than that of widow to a High Priest.

(18) Because Scripture imposed many additional injunctions upon priests from which others are free.

(19) Consequently the author may be R. Simeon, after all.

(20) So that the priest who has intercourse with her is flagellated separately on each score.

(21) Lit., 'thing'.

(22) Lit., 'is it necessary for?'

(23) If a divorced woman is also a zonah, the priest is doubly punished.

(24) Surely it is not less than that of an ordinary priest!

(25) If a widow is also one or all of these, he is punished on each score.

(26) In reference to a High Priest, seeing that she is prohibited to the ordinary priest.

(27) Because 'halalah' is superfluous. Rashi observes: this may be deduced from the Scriptural order, which places 'halalah' after 'divorced woman' and 'widow' who are forbidden to priests only, but not after zonah, a type of prohibition forbidden also to an Israelite, v. supra p. 398, n. 2, which shews that halalah results from an interdict confined to priests.

(28) Viz., in respect of a High Priest.

(29) In respect of an ordinary priest.

(30) As it is written, he shall not profane his seed.

Talmud - Mas. Kiddushin 78a

he renders her zonah, not halalah. But if he again has intercourse with her, he renders her halalah.¹

Rab Judah said: If a High Priest [has intercourse] with a widow, he is flagellated twice, once on account of, he shall not take,² and again on account of, he shall not profane.³ Then let him be flagellated on account of, 'he shall not profane his seed'? — This means, if he does not consummate the intercourse.⁴ Raba raised an objection: [If a High Priest has intercourse with] a widow and divorced woman,⁵ he is flagellated on account of two injunctions.⁶ Surely that means, two injunctions and no more? — No: two injunctions for the one, and two for the other.⁷ If so, consider the second clause: [For] a divorced woman and haluzah⁸ he is liable only on account of one? — This is its meaning: he is liable only on account of one [designation], yet after all, for two injunctions. Now, is a haluzah [forbidden only] by Rabbinical law?⁹ Surely it was taught: [They shall not take a woman that is a harlot. . . and a woman] that is divorced.¹⁰ I know it only of a divorced woman: how do I know it of a haluzah? Because it is said: 'and a woman'.¹¹ — It is Rabbinical, and the verse is a mere support.¹²

Abaye said: When he¹³ betroths,¹⁴ he is flagellated; [and] when he cohabits, he is flagellated. When he betroths he is flagellated on account of, 'he shall not take';¹⁵ when he cohabits he is flagellated on account of, 'he shall not profane'.¹⁶ Raba said: if he cohabits, he is flagellated;¹⁷ if he does not cohabit, he is not flagellated [at all], because it is written, he shall not take . . . and he shall not profane: why must he not take? In order that he shall not profane.¹⁸ And Abaye admits in the case of one who remarries his divorced wife,¹⁹ that if he betroths but does not cohabit, he is not flagellated: the Divine Law saith, [he may not] take her again to be his wife,²⁰ which is absent here. And Raba admits in respect to a High Priest with a widow, that if he cohabits without betrothing, he is flagellated: the Divine Law saith, 'and he shall not profane his seed among his people', whereas he has profaned [it]. And both admit in the case of one who takes back his divorced wife, that if he cohabits without betrothal, he is not flagellated: The Torah forbade it by way of marriage.²¹

R. JUDAH SAID: THE DAUGHTER OF A MALE PROSELYTE IS LIKE THE DAUGHTER OF A HALAL. It was taught: R. Judah said: The daughter of a male proselyte is like the daughter of a male halal. And logic proves²² it. If a halal, who [though he] comes from a fit origin,²³ [yet] his daughter is unfit;²⁴ then a proselyte, who comes from an unfit origin, his daughter is surely unfit! As for a halal, [it may be argued,] that is because his own formation is in sin!²⁵ Then let [the union of] a High Priest with a widow prove it, for his formation was not in sin, yet his daughter is unfit.²⁶ As for a High Priest and a widow, that is because his cohabitation was in sin! Then let a halal prove it.²⁷ And so the argument revolves: the distinguishing feature of one is not that of the other; the feature common to both is that they are not as the majority of the community; so also do I adduce the proselyte, who is not as the majority of the community, and his daughter is unfit! [No:] what is the feature common to both? That they have an element²⁸ of sin!²⁹ — Do not say, let [the union of] a High Priest with a widow prove it, but say: let a [converted] Egyptian of the first generation prove it.³⁰ As for a [converted] Egyptian of the first generation, that is because he is ineligible to enter into the assembly [at all]! Then let a halal prove it. And so the argument revolves, the distinguishing feature of one not being that of the other. The feature common to both is that they are not as the

majority of the congregation and their daughter is unfit. So do I also adduce a proselyte, who is not as the majority of the community, and his daughter is unfit! [No:] As for the feature common to both, it is that they disqualify³¹ by their intercourse. And R. Judah?³² — A proselyte too disqualifies by his intercourse, and he deduces it by analogy from this very argument.³³

R. ELIEZER B. JACOB SAID: A PROSELYTE [etc.]. It was taught: R. Simeon b. Yohai said: A female proselyte less than three years and a day is eligible to the priesthood, as it is said: But all the women children . . . keep alive for yourselves;³⁴ now, was not Phinehas among them?³⁵ But the Rabbis [interpret]: 'keep them alive for yourselves' as bondmen and bondwomen.

Now, all deduce from the same verse: Neither shall they take for their wives a widow, nor her that is put away [i.e., divorced] but they shall take virgins of the seed of the house of Israel.³⁶ R. Judah holds: all the seed must be from Israel.³⁷ R. Eliezer b. Jacob holds: 'of the seed' [implies] even part of the seed.³⁸ R. Jose holds: whoever was conceived³⁹ in Israel.⁴⁰ R. Simeon b. Yohai holds: [It means] one whose virginity matured⁴¹ in Israel.⁴²

R. Nahman said to Raba:

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- (1) [Since as a result of the first intercourse she becomes forbidden to him also as zonah of the type which is interdicted only to priests.]
 - (2) Lev. XXI, 14.
 - (3) As explained on p. 395, n. 7, this refers primarily to the interdicted woman; hence he is punished for profaning her in violation of the negative injunction.
 - (4) So that there is no issue.
 - (5) The same woman being both.
 - (6) Lit., 'designations' (of negative precepts). Although one woman, she is forbidden by two separate injunctions, and he is punished for each.
 - (7) He is punished twice, as stated above, on account of her widowhood, and twice because she is divorced.
 - (8) Who is the same person.
 - (9) Since you say that he is flagellated only on account of one, viz., a divorced woman.
 - (10) Ibid. 7.
 - (11) 'And a woman' is superfluous, and its purpose is to include a haluzah. This shews that the interdict of her is Scriptural.
 - (12) But not the actual source of the law.
 - (13) A High Priest or an ordinary priest.
 - (14) An interdicted woman.
 - (15) 'To take' implies formal betrothal.
 - (16) V. p. 400, n. 5.
 - (17) Twice, as Abaye.
 - (18) Hence the first is dependent upon the second.
 - (19) After she married another. This does not refer particularly to a priest.
 - (20) Deut. XXIV, 4; i.e., 'not take' (sc. betrothal) is transgressed only when the marriage is consummated and she becomes his wife.
 - (21) Lit., 'taking'. [MS.M. adds: And both agree in the case of him who takes his haluzah (v. Glos.) that if he betroths and has no intercourse, he is not flagellated, for the Torah has prohibited it by way of, 'building up of a house', referring to Deut. XXV, 9.]
 - (22) Lit., 'gives'.
 - (23) I.e., his father is a Jew.
 - (24) For the priesthood.
 - (25) Being the issue of a forbidden union.
 - (26) As supra, 77a.
 - (27) When he marries and cohabits with the daughter of a Levite or an Israelite, there is no sin, and yet the halal's

daughter is unfit.

(28) Lit., 'side'.

(29) The union of a High Priest and a widow, and the birth of a halal, are all attended by sin. But that is not true of a proselyte.

(30) There is no element of sin, yet his daughter is unfit, for only the third generation may marry with Jews.

(31) A Jewess from the priesthood; supra 74b.

(32) How does he answer this?

(33) If the daughter of a halal who comes from a fit origin is unfit, how much more should the daughter of a proselyte who is of an unfit origin be unfit?

(34) Num. XXXI, 18; it refers to the war captives.

(35) And though he was a priest, these children were permitted in marriage.

(36) Ezek. XLIV, 22. The reference is to priests.

(37) Which excludes the daughter of a proselyte.

(38) Even if one side only is of Jewish birth, the daughter is fit.

(39) Lit., 'sown'.

(40) Therefore even if both father and mother are converts, the daughter is fit, since she was conceived in Israel.

(41) Lit., was sown'.

(42) I.e., who becomes converted before three years and a day. At that day her virginity is mature, in that if destroyed it does not return.

Talmud - Mas. Kiddushin 78b

This verse, the first part refers to a High Priest and the second to an ordinary priest?¹ — Yes, he replied. And is a verse thus written? — Even so, he replied, for it is written, and the lamp of God was not yet gone out, and Samuel was laid down [to sleep] in the Temple of the Lord.² But sitting was [permitted] in the Temple only to the Kings of the Davidic dynasty?³ Hence [it must mean:] and the lamp of God was not yet gone out in the Temple of the Lord, and Samuel was laid down in his place.⁴

And a widow that is the widow of a priest they shall take.⁵ Only of a priest, but not of an Israelite? — This is the meaning of 'of a priest they shall take:' those of the other priests⁶ may take. It was taught likewise: . . . of a priest they shall take': [i.e.,] those of the other priests may take. R. Judah interpreted: of those who can give [their daughters] in marriage to the priesthood they may take.⁷ R. Judah is in harmony with his view, for he said: THE DAUGHTER OF A MALE PROSELYTE IS AS THE DAUGHTER OF A MALE HALAL: when you may marry his daughter, you may marry his widow; and when you may not marry his daughter, you may not marry his widow.⁸ R. JOSE SAID: ALSO IF A MALE PROSELYTE MARRIES A FEMALE PROSELYTE. R. Hamnuna said on 'Ulla's authority: The halachah is as R. Jose. And Rabbah b. Bar Hanah said likewise: The halachah is as R. Jose; but since the day that the Temple was destroyed, the priests have insisted on⁹ a superior status, in accordance with R. Eliezer b. Jacob.¹⁰ R. Nahman said: Huna told me: If he [a priest] comes to take counsel, we give him a ruling in accordance with R. Eliezer b. Jacob; but if he marries,¹¹ we do not compel him to divorce her,¹² in accordance with R. Jose.

MISHNAH. IF A MAN DECLARES, 'THIS SON OF MINE IS A MAMZER,' HE IS DISBELIEVED. AND EVEN IF BOTH [THE HUSBAND AND WIFE] ADMIT THAT THE CHILD WITHIN HER IS MAMZER,¹³ THEY ARE DISBELIEVED. R. JUDAH SAID: THEY ARE BELIEVED.

GEMARA. Why [state], EVEN IF BOTH [etc.]?¹⁴ — He leads to a climax.¹⁵ It goes without saying that he [the father], who cannot be certain thereof¹⁶ [is disbelieved]; but even she [the mother], who is certain, is [also] disbelieved. And it goes without saying that they are disbelieved where he [the child] enjoys the presumption of fitness; but even [in the case of] an embryo, who does

not enjoy the presumption of fitness, they are [still] disbelieved.

R. JUDAH SAID: THEY ARE BELIEVED. As it was taught: He shall acknowledge [the firstborn]:¹⁷ [i.e.,] he shall acknowledge him before others. Hence R. Judah said: A man is believed when he says: 'This son is my first born.' And just as he is believed when he says: 'This son is my firstborn,' so is he also believed when he says, 'This is the son of a divorced woman'; 'this is the son of a haluzah.' But the Sages say: He is not believed.¹⁸

R. Nahman b. Isaac asked Raba: As for R. Judah, it is well: for that reason it is written: 'he shall acknowledge'. But on the view of the Rabbis, what is the purpose of, 'he shall acknowledge'? — Where acknowledgment is necessary.¹⁹ In respect of what [is he believed]? to give him a double portion?²⁰ That is obvious, and what is the need of a verse; for if he desired to make him a gift, could he not do so? — This refers to property which he [the father] inherits [only] subsequently.²¹ But according to R. Meir, who maintained: One can transmit property that is non-existent, what is the purpose of 'he shall acknowledge'? — Where he inherits it while he was dying.²²

MISHNAH. IF A MAN AUTHORIZES HIS AGENT TO GIVE HIS DAUGHTER IN BETROTHAL,²³ AND THEN HE HIMSELF GOES AND GIVES HER IN BETROTHAL TO ANOTHER, IF THE [BETROTHAL] BY HIM WAS FIRST, HIS BETROTHAL IS VALID; IF THE AGENT'S WAS FIRST, THE LATTER'S BETROTHAL IS VALID. BUT IF IT IS UNKNOWN,

(1) For the first half prohibits marriage to a widow, while the second half 'and a widow that is a widow of a priest they shall take' permits it.

(2) I Sam. III, 3.

(3) And the same applies. of course, to lying.

(4) The sense of the verse is to be divided though the text itself does not indicate this.

(5) Ezek. XLIV, 22.

(6) I.e., but not a High Priest, of whom the first half of the verse speaks. Thus of (n) is understood as a partitive preposition.

(7) I.e., they may take the widow of a man whose daughter was fit for the priesthood, thus excluding the widow of a proselyte.

(8) V. supra 75a.

(9) Lit., 'practised'.

(10) Perhaps because the fall of the Temple robbed them of their higher dignity in respect to the sacrificial service, they found it necessary to safeguard it in other ways.

(11) The daughter of proselytes.

(12) Lit., 'we do not withdraw her from his hand.'

(13) That it was conceived in adultery.

(14) This appears to add nothing to the first clause.

(15) Lit., 'he states: "it is unnecessary (to teach this)'.¹⁸

(16) The child's paternity.

(17) Deut. XXI, 17.

(18) V. supra 74a.

(19) E.g., if the son was overseas and his status unknown.

(20) Deut. XXI, 17,

(21) Lit., 'which falls to him afterwards', i.e., after declaring that this is his firstborn. — Now, when he declares thus, he cannot gift this legacy, which, as far as he is concerned, is non-existent; and yet he is believed in respect of a double portion for the son recognised by him as his firstborn.

(22) Though he could not make a gift just then, his previous recognition is valid. Tosaf. observes that a dying man's gift is valid, but that he is physically unable to make one. For fuller notes v. B.B. (Sonc. ed.) pp. 530ff

(23) I.e., accept kiddushin on her behalf.

Talmud - Mas. Kiddushin 79a

BOTH MUST GIVE HER A DIVORCE;¹ BUT IF THEY WISH, ONE GIVES A DIVORCE, AND THE OTHER MARRIES HER. LIKEWISE, IF A WOMAN AUTHORIZES HER AGENT TO GIVE HER IN BETROTHAL, AND SHE GOES AND BETROTHS HERSELF [TO ANOTHER]: IF HER OWN PRECEDED, HER BETROTHAL IS VALID; IF HER AGENT'S PRECEDED, HIS BETROTHAL IS VALID. AND IF THEY DO NOT KNOW, BOTH MUST GIVE HER A DIVORCE; BUT IF THEY WISH, ONE GIVES A DIVORCE AND THE OTHER MARRIES HER. GEMARA. And [both] are necessary. For if we were told [this] of him [the father], that is because a man is well-informed in matters of genealogy;² but as for a woman, who is not well-informed in matters of genealogy, I would say that her kiddushin is invalid.³ And if we were told this of her, that is because a woman carefully investigates and [then] marries; but as for him [her father], I might argue that he does not care.⁴ Thus they are necessary.

It was stated: If her father gives her in betrothal on the road, and she betroths herself in the town [to another], and she is now a bogereth,⁵ Rab said: Behold, she stands⁶ a bogereth before us!⁷ Samuel said: We regard⁸ the kiddushin by both.⁹ When [did the betrothals take place]? Shall we say, within the six [months],¹⁰ — can Rab say in this case, 'Behold, she stands a bogereth before us' — surely she has only now become a bogereth!¹¹ But if after six months, — can Samuel say in this case, 'We regard the kiddushin by both' — surely Samuel said: Between the states of na'arah and bogereth there is only six months! This arises only if the betrothal took place on the day that completed the six [months]: Rab said: 'Behold she stands a boger'eth before us' — since she is now a bogereth, [we assume] she was a bogereth in the morning too. But Samuel maintains, she may have brought the 'evidences' [of bogereth]¹² only just now.

Now, according to Samuel, wherein does it differ from mikweh?¹³ For we learnt: If a mikweh is measured and found to be deficient:¹⁴ all acts of purification which have heretofore been effected through it, whether in private or in public ground, are unclean!¹⁵ — There it is different, because we can argue, Let the unclean person [or thing] stand in his presumptive status,¹⁶ and say that he did not perform tebillah.¹⁷ On the contrary, let the mikweh stand in its presumptive status,¹⁸ and say that it was not deficient?¹⁹ — But it is deficient before you! Then here too, she stands a bogereth before you! — She has [only] just now matured. Then there too, [let us say, only] just now has it become deficient? — There, there are two unfavourable conditions;²⁰ here, there is [only] one.²¹

Again, according to Samuel, wherein does it differ from 'barrel'? For it was taught: If one was wont to examine a barrel [of wine]²² in order continually to separate [terumah for other barrels] in reliance thereon,²³ and then it was found to be acid:²⁴ for full three days it is certain; there after it is doubtful.²⁵ Now, we opposed 'barrel' to 'mikweh': why is the latter certain and the former doubtful?²⁶ And R. Hanina of Sura answered: Who is the authority of [the Baraita about the] 'barrel'? R. Simeon, who also in the case of the mikweh makes it doubtful. For it was taught: All acts of purification which have been heretofore effected through it, whether in private or in public ground, are unclean. R. Simeon ruled: In public ground, they are clean; in private ground, they are in suspense.²⁷ But in the view of the Rabbis it is retrospectively tebel!²⁸ — There it is different, because one can say: 'Let the tebel stand in its presumptive status and say that it was not made fit.' On the contrary, let the wine stand in its presumptive status and say that it had not turned acid? — But lo! it is acid before you. Then here too, she stands a bogereth before you? — She has [only] just now become a bogereth. Then here too [let us say,] 'It has [only] just now turned acid'? — There, there are two unfavourable conditions;²⁹ but here there is only one.³⁰

Shall we say: It is a dispute of Tannaim?

- (1) If she desires to marry a third.
- (2) Therefore when he gives her in betrothal, he is sure of his son-in-law's lineage and cancels his agent's authority.
- (3) For when she accepts betrothal for herself she may feel uncertain of the man's birth, and therefore tacitly implies that if her agent betroths her to one of purer descent her own act shall be null.
- (4) He is not so anxious for a pure match. Hence he did not cancel his agent's authority, but gave her in betrothal himself provisionally, in case his agent would not succeed in securing her betrothal.
- (5) She is found on the same day to be a bogereth, over whom her father has no authority.
- (6) Lit., 'is'.
- (7) Hence the kiddushin by her is certainly invalid.
- (8) Lit., 'fear'.
- (9) V. p. 47, n. 10.
- (10) That generally elapse between the state of a na'arah and that of a bogereth.
- (11) But she must have been a na'arah when the betrothals took place.
- (12) V. Nid. 47a.
- (13) V. Glos.
- (14) In water; a mikweh, to be ritually fit, must contain not less than forty se'ahs.
- (15) If a doubt of uncleanness arises in private ground, the object in doubt is declared unclean; in public ground, it is clean, v. Sot. 28b. Here, wherever it is, the objects are unclean. This proves that we do not regard it as a matter of doubt, but assume that since the mikweh is deficient now, it was so before too. Then, by analogy, why not assume that since the woman is a bogereth now, she was one from the beginning of the day?
- (16) Of uncleanness.
- (17) Being in doubt, we have recourse to the status quo.
- (18) Which is that it contains the full quantity.
- (19) When immersion was performed.
- (20) The person's presumptive uncleanness and the present deficiency of the mikweh.
- (21) Viz., her present maturity. But on this day, which completes the six months between the na'arah and the bogereth states, she has no presumptive status for either, since it is the day of change.
- (22) Every now and then, to see whether it had turned acid.
- (23) By declaring, 'Let a certain quantity of wine in this barrel be terumah for another.'
- (24) This Tanna regards wine and acid as two different commodities, and one cannot be terumah for the other.
- (25) The meaning is disputed in B.B. 96a, two views being stated, (i) For the first three days after the last examination before the present one it was certainly wine, and any separation made then is valid. Afterwards it is doubtful; hence on the one hand, another separation must be made; on the other, what was already separated is forbidden to a lay Israelite, as it may still have been wine, (ii) For three days before this present examination it was certainly acid, and any separation made then is invalid. But before that it is doubtful, as explained in (i); for fuller notes v. B.B. (Sonc. ed.) p. 399.
- (26) The mikweh is held to have been certainly deficient (v. p. 407, n. 1) hitherto, but we recognise a period of doubt for the barrel, as explained in the preceding note.
- (27) I.e., doubtful.
- (28) V. Glos. sc. the wine for which terumah was separated from this barrel hitherto. This contradicts Samuel, as before.
- (29) (i) The presumptive status of the tebel; and (ii) its present acidity.
- (30) V. p. 407, n. 7.

Talmud - Mas. Kiddushin 79b

[For it was taught:] Who can collect from whom? He can collect from them without proof, but they cannot collect from him without proof: this is R. Jacob's view. R. Nathan said: If he is well, he must produce proof that he was sick; and if he is sick, they must produce proof that he was well.¹ Shall we say that Rab rules in accordance with R. Nathan;² while Samuel agrees with R. Jacob?³ — Rab can tell you: I agree⁴ even with R. Jacob. R. Jacob rules thus only there, since one can say: 'Let the money stand in its presumptive owner — ship'; but here, can we say: 'Let the body stand in its presumptive state'?⁵ And Samuel can say: I agree even with R. Nathan: R. Nathan rules thus only

there, since people in general are presumed to be well; [hence] he who withdraws himself from the generality must bring proof. But here, does she then withdraw herself from a previous presumptive status?⁶

Shall we say that it is a dispute of these Tannaim: [For it was taught:] If her father gives her in betrothal on the road, while she betroths herself in the town, and she is a bogereth:⁷ one [Baraita] taught: Behold, she stands a bogereth before us; and another taught: We fear [the validity of] the kiddushin of both. Surely one agrees with Rab, and the other with Samuel? — No. Both agree with Samuel: here she repudiates him [her father];⁸ there she does not.⁹ Then let us say, since the Baraitas do not differ, the amoraim too do not differ?¹⁰ — Now, is that reasonable; surely R. Joseph son of R. Menasia of Dabil¹¹ gave a practical ruling in accordance with Rab, whereupon Samuel was offended and exclaimed: ‘For everyone [wisdom] is meted out in a small measure, but for this scholar it was meted out in a large measure!’¹² Now, should you think that they do not differ, why was he offended? — Perhaps he gave his ruling where she repudiated him [her father].

Mar Zutra said to R. Ashi: Thus did Amemar say: The law is as Samuel; but R. Ashi said: The law agrees with Rab. And [the final ruling is:] The law is as Rab.

MISHNAH. IF A MAN EMIGRATED OVERSEAS TOGETHER WITH HIS WIFE, AND THEN HE, HIS WIFE, AND HIS CHILDREN RETURNED,¹³ AND HE DECLARED, ‘BEHOLD, THIS IS THE WOMAN WHO EMIGRATED WITH ME OVERSEAS, AND THESE ARE HER CHILDREN’, HE NEED NOT BRING PROOF IN RESPECT OF THE WOMAN OR OF THE CHILDREN.¹⁴ [IF HE DECLARES.] SHE DIED [ABROAD] AND THESE ARE HER CHILDREN,’ HE MUST BRING PROOF OF THE CHILDREN, BUT NOT OF THE WOMAN.¹⁵ [IF HE SAID,] ‘I MARRIED A WOMAN OVERSEAS, AND BEHOLD, THIS IS SHE, AND THESE ARE HER CHILDREN: HE MUST BRING PROOF OF THE WOMAN,¹⁶ BUT NOT OF THE CHILDREN.¹⁷ [IF HE SAID,] ‘SHE DIED, AND THESE ARE HER CHILDREN: HE MUST BRING PROOF OF THE WOMAN AND OF THE CHILDREN.

GEMARA. Rabbah son of R. Huna said: And in all cases it means that they cling to her.¹⁸

Our Rabbis taught: [If a man declares,] ‘I married a woman overseas, he must bring proof about the woman, but not about the children; he must bring proof about the adults, but not about the minors.¹⁹ Now, when is this said? In the case of one wife. But in the case of two wives,²⁰ he must bring proof about the woman and about the children whether adults or minors.²¹

Resh Lakish said:

(1) If a man dangerously ill writes off all his property, without leaving anything for himself, it is an implied condition that the gift shall be valid only if he dies; should he recover, the deed is null, though no stipulation was made. If a man in good health indites such a conveyance, it is valid. The dispute here refers to a case where a man, now well, pleads that the deed was written when he was sick, while the beneficiaries deny it; v. B.B. 153b.

(2) That the present state is also assumed to be the former state, unless the contrary is proved.

(3) That the present does not prove the past.

(4) Lit., ‘say’.

(5) The body has none, since it is liable to natural change.

(6) Surely not, since it is natural for her to change on that day.

(7) As on p. 407, n. 7.

(8) Maintaining that she was a bogereth when he accepted kiddushin on her behalf; then only her own betrothal is valid.

(9) Then the kiddushin of both is regarded.

(10) Rab referring to the former case, Samuel to the latter.

(11) There is a Dabil in Armenia, with which this may be identical. On Jews in Armenia v. Obermeyer, p. 296. n. 4.

- (12) He is so sure of his superior knowledge that he disregards betrothal by her father, though it may have been valid.
- (13) He was childless when he emigrated.
- (14) That the former is of pure birth, since her pedigree was already investigated when he married her, as supra 76a, or that the latter are her children (Rashi). Tosaf.: He need not prove that the children are both his and hers.
- (15) Rashi: he must prove that the children are of that woman, but not that she was of good birth.
- (16) That she is of good birth.
- (17) That they are from this woman.
- (18) The children are minors, who cling to this woman. Then her motherhood does not require proof.
- (19) Who cling to her.
- (20) He affirms that he married two wives, of whom one died, while these are the children of the survivor.
- (21) The clinging of the young children does not prove her parentage, since she may be their foster-mother.

Talmud - Mas. Kiddushin 80a

This was taught only in respect of Sanctities of the border,¹ but not in respect of genealogy.² But R. Johanan maintained: Even in respect of genealogy. Now, R. Johanan is in accord with his view [elsewhere]. For R. Hiyya b. Abba said in R. Johanan's name: We flagellate on the strength of presumption, we stone and burn on the strength of presumption, but we do not burn terumah on the strength of presumption. We flagellate on the strength of presumption, as Rab Judah. For Rab Judah said: If a woman was presumed a niddah by her neighbours, her husband is flagellated on her account as a niddah.³ We stone and burn on the strength of presumption, as Rabbah son of R. Huna. For Rabbah son of R. Huna said: If a man, woman, boy and girl lived⁴ in a house [together],⁵ they are stoned and burnt on each other's account.⁶ R. Simeon b. Pazzi said in R. Joshua b. Levi's name on Bar Kappara's authority: It once happened that a woman came to Jerusalem carrying an infant on her back; she brought him up and he had intercourse with her, whereupon they were brought before Beth din and stoned. Not because he was definitely her son, but because he clung to her.

But we do not burn terumah on the strength of presumption. For R. Simeon b. Lakish said: We burn [terumah] on the strength of presumption; whereas R. Johanan maintained, we do not. Now, they are in accord with their opinions. For we learnt: If a child is found at the side of a dough, and there is dough in his hand, R. Meir declares it clean; the Sages declare it unclean, because it is a child's nature to dabble.⁷ Now, we pondered thereon: What is R. Meir's reason? [And the answer was:] He holds, most children dabble, yet there is a minority who do not, while the dough stands in the presumption of cleanness:⁸ hence combine the minority with the presumption, and the majority is weakened. But the Rabbis [argue]: the minority is as non-existent:⁹ [now, where there are] a majority and a presumption [opposed to each other], the majority is stronger.¹⁰ Said Resh Lakish on R. Oshaia's authority: That is the presumption¹¹ on the strength of which terumah is burnt:¹² R. Johanan maintained: This is not the presumption on the strength of which terumah is burnt.¹³

Then on account of which presumption is terumah burnt, in R. Johanan's opinion?¹⁴ — As it was taught: If there is a dough in a house wherein reptiles and frogs breed,¹⁵ and pieces are found in the dough:¹⁶ if they are mostly reptiles, it is unclean; if mostly frogs, it is clean.¹⁷

It was taught in accordance with R. Johanan: Two things lack the intelligence to be questioned, yet the Sages accounted them as though they possess it:¹⁸ a child, and another. A child, as stated.¹⁹ And another: what is it? — If there is dough in a house which contains fowls and unclean fluid, and holes are found

(1) 'Border' (gebul) is the technical term for Palestine outside Jerusalem. 'Sanctities of the border' are terumah, i.e., sacred food which may be consumed outside the Temple and Jerusalem. — If the man is a priest, we rely upon the fact that the children cling to this woman, who is known to be of good birth, and they may eat terumah.

(2) His daughters may not marry into the priesthood unless he proves that they are of this woman.

- (3) V. Glos. If he cohabits with her, though there are no actual witnesses of her menstruation.
- (4) Lit., 'were brought up'.
- (5) As husband and wife, son and daughter.
- (6) If the son cohabits with his mother, they are stoned; if the daughter with her father, they are burnt. Now, there is no actual proof of their relationship, save the general presumption.
- (7) Rashi: the child certainly took the piece from the dough, and since it is his nature to dabble among refuse and unclean things. he is probably unclean (which is regarded as a certainty) and so defiles the dough. Tosaf.: the child is certainly unclean (because women, even when menstruating, fondle children; Tosaf. Toh. III) and the only question is whether he took the dough himself or it was given him. The Rabbis declare the large dough unclean, because it is a child's nature to dabble with food, and so he probably took it himself.
- (8) As long as we do not know that it was defiled.
- (9) I.e., it is completely disregarded.
- (10) The majority argument favours the uncleanness of the dough. whereas its presumptive status is that it is clean.
- (11) Sc. that it is a child's nature to dabble.
- (12) If the dough is terumah it is burnt.
- (13) And when the Sages declare it unclean they mean it must be kept in suspense without burning it. Thus we have here stated the opinions of R. Johanan and Resh Lakish mentioned supra.
- (14) The words 'This is not the presumption etc.' implies that there is a presumption on account of which terumah is burnt.
- (15) Dead reptiles are unclean and defile food; frogs are clean, cf. Lev. XI, 29ff.
- (16) Evidently caused by these.
- (17) And because of the presumption which is based on a majority of a definite number before us, i.e., the greater number of reptiles, this dough, if terumah is burnt, whereas in the case of the child we have no majority immediately available to go by. v. Hul. 11a.
- (18) As stated, on p. 407. n. I, when a doubt of uncleanness arises in private ground, the object in doubt is unclean. That is only if that which causes the defilement has the intelligence to be questioned about it; if not, the object is clean, v. Sot. 28b.
- (19) Legally a child lacks understanding; yet since the dough is declared unclean, the child is evidently considered to possess intelligence.

Talmud - Mas. Kiddushin 80b

all over the dough,¹ the matter is in suspense: it may neither be eaten [as clean] nor burnt [as unclean].²

R. Joshua b. Levi said: We learnt this only of white [i.e., colourless] liquid; but as for red liquid, had it [the fowl] picked at the dough,³ it would certainly be known. Yet perhaps the dough absorbed it? — Said R. Johanan: Beribbi⁴ heard this thing, but not its explanation [which is this]: We learned this only of clear fluid in which a child's reflection may be seen but not of turbid fluid.⁵

MISHNAH. A MAN MAY NOT BE ALONE WITH TWO WOMEN, BUT ONE WOMAN MAY BE ALONE WITH TWO MEN. R. SIMEON SAID: EVEN ONE MAN MAY BE ALONE WITH TWO WOMEN, IF HIS WIFE IS WITH HIM,⁶ AND HE MAY SLEEP WITH THEM IN AN INN, BECAUSE HIS WIFE WATCHES HIM. A MAN MAY BE ALONE WITH HIS MOTHER AND HIS DAUGHTER, AND HE MAY SLEEP WITH THEM IN IMMEDIATE BODILY CONTACT;⁷ BUT WHEN THEY GROW UP, SHE MUST SLEEP IN HER GARMENT AND HE IN HIS.

GEMARA. What is the reason? — Tanna debe Eliyah⁸ [states]: Because women are temperamentally light-headed.⁹

How do we know it?¹⁰ Said R. Johanan on the authority of R. Ishmael, Where do we find an

allusion to yihud¹¹ in the Torah? — For it is written: If thy brother, the son of thy mother, entice thee [etc.]:¹² does then only a mother's son entice, and not a father's son? But it is to tell you: a son may be alone with his mother, but not with any other woman interdicted in the Torah. To what does the plain meaning of the verse refer?¹³ — Said Abaye, It [Scripture] proceeds to a climax.¹⁴ Thus: It goes without saying [that one should disregard] his father's son, for he may hate him¹⁵ and give him evil counsel. But as for his mother's son, who does not hate him,¹⁶ I might say, let him obey him. Therefore we are told [that it is not so].

Our Mishnah does not agree with Abba Saul. For it was taught: Within the first thirty days [of a child's birth] it may be carried out [for burial] in one's bosom,¹⁷ and buried by one woman and two men,¹⁸ but not by one man and two women. Abba Saul said: Even by one man and two women! — You may even say [that it agrees with] Abba Saul: in the time of grief one's passions are subdued.¹⁹ But the Rabbis hold with R. Isaac, who said: Wherefore doth a living man mourn, a man that is in his sins?²⁰ even in a man's grief, his lusts prevail against him.²¹ And Abba Saul?²² — That is written with reference to one who complains of His [God's] measures, and this is its meaning: Why should he complain of His dispensation; has he then prevailed over his sin?²³ The life which I gave him is sufficient for him.²⁴ And the Rabbis?²⁵ — Even as the story of a certain woman: It once happened that she took him out.²⁶ BUT ONE WOMAN. Rab Judah said in Rab's name: We learnt this only of respectable persons; but as for profligates, [she may not be alone] even with ten. It once happened that ten men carried her [a married woman] out on a bier.²⁷ R. Joseph said: The proof is that ten people assemble and steal a joist, yet are not ashamed of each other.

Shall we say that the following supports him: Two scholars were sent with him,²⁸ lest he has intercourse with her on the way.²⁹ Thus, Only scholars, but not men in general?³⁰ — Scholars are different, because they know

(1) Made by the fowls' beaks.

(2) If it is terumah. This suspense is because the fowls may have drunk the fluid, and then picked at the dough with the liquid still dripping on their beaks. Since this and the case of the child are bracketed together, it follows that there too the matter is in suspense, which agrees with R. Johanan.

(3) With a dripping beak.

(4) V. p. 101, n. 8. Here referring to R. Joshua b. Levi.

(5) Both refer to coloured liquid. If clear, it soaks in easily, and the dough is therefore unclean. Turbid liquid, however, must leave some traces; hence it is clean.

(6) [Var. lec.: 'Even one man may be alone with two women; and if his wife is with him he may sleep with them in an inn etc.']

(7) I.e., a young boy with his mother and a young girl with her father.

(8) This is the name of a Midrash, consisting of two parts, called Seder Eliyahu Rabbah (large) and Seder Eliyahu Zuta (small) respectively.

(9) And even two may yield to temptation.

(10) The interdict against being alone with women.

(11) I.e., the prohibition of being alone with a woman.

(12) Deut. XIII, 6.

(13) R. Johanan's exegesis is obviously not intended to be the plain rendering of the text and does not really dispose of the difficulty.

(14) Lit., 'it says, it is unnecessary (to state the one).'

(15) Because he reduces his patrimony.

(16) Neither affects the other's heritage.

(17) I.e., without a special form of coffin.

(18) Not more than three are necessary in all.

(19) Lit., 'broken'.

(20) Lam. III, 39.

- (21) Translating the verse: Of what avail is grief (to subdue lust)? As long as man lives, he must strive to conquer his desire for sin.
- (22) How does he translate the verse?
- (23) Lit., 'above'.
- (24) Even if he suffers. — This is similar to the E.V.
- (25) Assuming this interpretation to be correct — and it is certainly nearer to the text — what is their reason?
- (26) Rashi: a woman carried out a live child, pretending that he was dead, so that she might satisfy her lust unsuspected. R. Han. explains it otherwise.
- (27) As dead: but she was alive, and committed adultery with all.
- (28) Lit., were given over to him.'
- (29) This refers to a woman charged with adultery, who was tried by the water of bitterness (Num. V, 11-31). Until pronounced innocent she was interdicted to her husband too, and when he took her to Jerusalem for the ordeal two scholars accompanied him.
- (30) Which proves that we fear adultery with them.

Talmud - Mas. Kiddushin 81a

to warn him.¹

Rab Judah said in Rab's name: We learnt this² only in town; but on a road, three are necessary, lest one has a call of nature, and so the other is left alone with a forbidden woman. Shall we say that the following supports him: Two scholars were sent with him, lest he has intercourse with her on the way. Two, and he [the husband] himself — that is three? — There it is in order that they may be witnesses against him.³

Rab and Rab Judah were walking on a road, and a woman was walking in front of them. Said Rab to Rab Judah, 'Lift your feet before Gehenna.'⁴ 'But you yourself said that in the case of respectable people it is well,' he protested. 'Who says that respectable people mean such as you and I?' he retorted. 'Then such as who?' — E.g., R. Hanina b. Pappi and his companions.'⁵

Rab said: We flagellate on account of privacy, but do not interdict on account of same.⁶ R. Ashi said: This was said only of privacy with an unmarried woman, but not with a married woman, lest a stigma be cast upon her children.⁷ Mar Zutra punished and proclaimed.⁸ R. Nahman of Parahetia⁹ said to R. Ashi: You too should punish and proclaim! — Some may hear of the one but not of the other.

Rab said: We flagellate on account of an evil rumour,¹⁰ because it is said. Nay [al], my sons; for it is no good report that I hear.¹¹ Mar Zutra laid a cord about his shoulders¹² and recited to him, 'Nay, my sons'.

Rabbah said: If her husband is in town we have no fear on account of privacy. R. Joseph said: If the door opens to the street, we have no fear on account of privacy. R. Bibi visited R. Joseph. Having dined,¹³ he said to them [the servants], 'Remove the ladder from under Bibi.'¹⁴ But Rabbah said: If her husband is in town, we have no fear on account of privacy? — R. Bibi was different, because she was his best friend,¹⁵ and intimate with him.

R. Kahana said: If there are men without [i.e., in the outer chamber] and women within, we have no fear of privacy.¹⁶ If there are men in the inner chamber and women in the outer, we have fear of privacy.¹⁷ In a Baraitha the reverse was taught.¹⁸ Said Abaye: Now that R. Kahana ruled thus, while the Baraitha taught the reverse, let us¹⁹ act stringently. Abaye made a partition of jugs;²⁰ Raba made a partition of canes.

Abir²¹ said: The sorest spot of the year²² is the festival.²³ Certain [redeemed] captive women came to Nehardea. They were taken to the house of R. Amram the pious, and the ladder was removed from under them.²⁴ As one passed by,²⁵ a light fell on the sky lights;²⁶ [thereupon] R. Amram seized the ladder, which ten men could not raise, and he alone set it up and proceeded to ascend. When he had gone half way up the ladder, he stayed his feet and cried out, 'A fire at R. Amram's!' The Rabbis came and reproved him, 'We have shamed you!'²⁷ Said he to them: 'Better that you shame Amram in this world than that you be ashamed of him in the next.' He then adjured it [the Tempter] to go forth from him, and it issued from him in the shape of a fiery column. Said he to it: 'See, you are fire and I am flesh, yet I am stronger²⁸ than you.'²⁹

R. Meir used to scoff at transgressors.³⁰ One day Satan appeared to him in the guise of a woman on the opposite bank of the river. As there was no ferry, he seized the rope³¹ and proceeded across. When he had reached half way along the rope, he [Satan] let him go³² saying: 'Had they not proclaimed in Heaven, "Take heed of R. Meir and his learning," I would have valued your life³³ at two ma'ahs.'³⁴

R. Akiba used to scoff at transgressors. One day Satan appeared to him as a woman on the top of a palm tree. Grasping the tree, he went climbing up: but when he reached half-way up the tree he [Satan] let him go, saying: 'Had they not proclaimed in Heaven, "Take heed of R. Akiba and his learning," I would have valued your life at two ma'ahs.'

Pelimo used to say every day, 'An arrow in Satan's eyes!'³⁵ One day — it was the eve of the Day of Atonement — he disguised himself as a poor man and went and called out at his door; so bread was taken out to him. 'On such a day,' he pleaded, 'when everyone is within, shall I be without?' Thereupon he was taken in and bread was offered him. 'On a day like this,' he urged, 'when everyone sits at table,³⁶ shall I sit alone!' He was led and sat down at the table. As he sat, his body was covered with suppurating sores, and he was behaving repulsively.³⁷ 'Sit properly,' he rebuked him.

(1) But not because we fear adultery with others; v. Sot. 7a.

(2) That a woman may be alone with two men.

(3) If he cohabits, in which case she does not submit to the ordeal, v. loc. cit.

(4) Speed on ahead of her, lest we be tempted.

(5) V. supra 39b bottom.

(6) Rashi: one is flagellated for being alone with an unmarried woman, but she is not forbidden to her husband on that account. Tosaf.: an unmarried woman is not interdicted to a priest as a zonah (q.v. Glos.) for being alone with a man.

(7) Who may be suspected of bastardy.

(8) He punished privacy with a married woman, yet had it proclaimed that she had not committed adultery.

(9) [Not identified. MS.M.: Parazika, (Farausag) near Bagdad.]

(10) If one is rumoured to be doing wrong, he is flagellated.

(11) I Sam. II, 24. Al (סס) introduces a negative injunction, and Rab translates: there is a negative injunction, my sons, in respect of a report that is not good.

(12) [I.e., inflicted punishment on the one who was subject to an evil report. The punishment for the offence mentioned here has no basis in the Bible, but belongs to the category of makkath marduth 'a beating for rebellion' instituted by the Rabbis for the enforcement of discipline, and which was not hedged about by the regulations which governed the infliction of the 'forty stripes' prescribed in the Bible]

(13) [Lit., 'wrapt the bread', with allusion to the custom of placing salt or vegetables between slices of bread.]

(14) They were in an upper chamber, and then R. Joseph and his wife descended, leaving R. Bibi above. Before R. Joseph left the house he gave this order, so that R. Bibi should not go down and be alone with his wife.

(15) The ancient equivalent of 'best man' — here 'best woman' — at marriage, v. B.B. 144b.

(16) The men can have no plausible excuse for going to the women, since their natural way leads to the street.

(17) The men's path lies through the women's chamber, and as stated before, one man may not be alone with a number of

women.

(18) When men are in the outer chamber, we fear that one may pass into the inner chamber without the others noticing it. But if men are in the inner chamber, we are not afraid that a woman from the outer chamber will enter, because in any case one woman may be alone with two men; nor do we fear that a man may enter the women's chamber, since others will follow him, as that is their natural exit.

(19) This is the reading in the Asheri; cur. edd. 'I shall'.

(20) Where men and women assembled together, e.g.. for a sermon or at a wedding (Rashi).

(21) The Aruch reads: Abaye.

(22) When immorality is most to be feared.

(23) Because various people congregate then.

(24) They were lodged in an upper chamber; cf. story of R. Bibi and R. Joseph supra.

(25) The skylight which divided the upper from the lower storey.

(26) Which revealed her beauty to R. 'Amram below.

(27) You have made us put you to shame by revealing your burning passion.

(28) Lit., 'better'.

(29) On Satan as an independent being v. p. 142, n. 5.

(30) He maintained that they could easily subdue their evil desires if they wished.

(31) Rashi: a rope stretched from bank to bank over a plank bridge.

(32) By resuming his normal shape he freed him from temptation.

(33) Lit., 'blood'.

(34) A small coin, v. supra 12a. — i.e., I would have destroyed you as a worthless thing.

(35) Cf. supra 30a top.

(36) Lit., 'at the tray'.

(37) Wriggling, or perhaps scratching himself.

Talmud - Mas. Kiddushin 81b

Said he, 'Give me a glass [of liquor],' and one was given him. He coughed and spat his phlegm into it. They scolded him, [whereupon] he swooned and died.¹ Then they [the household] heard people crying out, 'Pelimo has killed a man, Pelimo has killed a man!'² Fleeing, he hid in a privy; he [Satan] followed him, and he [Pelimo] fell before him. Seeing how he was suffering, he disclosed his identity and said to him, why have you [always] spoken thus?³ Then how am I to speak?⁴ You should say: 'The Merciful rebuke Satan.'⁵

Every time R. Hiyya b. Abba fell upon his face⁶ he used to say, 'The Merciful save us from the Tempter.' One day his wife heard him. 'Let us see,' she reflected, 'it is so many years that he has held aloof from me: why then should he pray thus?'⁷ One day, while he was studying in his garden, she adorned herself and repeatedly walked up and down before him. 'Who are you?' he demanded. 'I am Harutha,⁸ and have returned to-day,' she replied. He desired her. Said she to him, 'Bring me that pomegranate from the uppermost bough.' He jumped up, went, and brought it to her. When he re-entered his house, his wife was firing the oven, whereupon he ascended and sat in it. 'What means this?' she demanded. He told her what had befallen. 'It was I,' she assured him; but he paid no heed to her until she gave him proof.⁹ 'Nevertheless,' said he, 'my intention was evil.'¹⁰

That righteous man [R. Hiyya b. Ashi] fasted all his life, until he died thereof. Even as it was taught: Her husband hath made then, void, and the Lord shall forgive her:¹¹ of whom does the Writ speak?¹² Of a woman who made a nazirite vow and her husband heard of it and annulled it; but though she was unaware that her husband had annulled it, she drank wine and defiled herself through the dead.¹³ When R. Akiba came to this verse, he wept. If of him who intended to eat swine's flesh but chanced upon sheep's flesh, yet the Torah decreed that he requires atonement; how much more so of him who intended to eat swine's flesh and actually ate swine's flesh!¹⁴ Similarly, you read: Though he knew it not, yet he is guilty, and shall bear his iniquity.¹⁵ When R. Akiba came

to this verse, he wept. If of him who intended to eat shuman¹⁶ but chanced upon heleb,¹⁷ yet the Torah said: 'though he knew it not, yet he is guilty, and shall bear his iniquity': how much more so of him who intended to eat heleb and actually ate heleb! Issi b. Judah said: 'Though he knew it not, yet he is guilty, and shall bear his iniquity' — for this thing¹⁸ all grief-stricken must grieve.

A MAN MAY BE ALONE WITH HIS MOTHER. Rab Judah said in R. Assi's name: A man may be alone with his sister, and dwell with his mother and daughter [alone]. When he stated it in Samuel's presence, he said: One may not be alone with any person interdicted in the Torah, [and] even with an animal. We learnt: A MAN MAY BE ALONE WITH HIS MOTHER AND HIS DAUGHTER, AND HE MAY SLEEP WITH THEM IN IMMEDIATE BODILY CONTACT, — this refutes Samuel? — Samuel can answer you: And on your view, [how explain] what was taught: '[As regards] a sister, a mother-in-law, and all other forbidden relations of the Torah, one may be alone with them only when there are witnesses', thus, only in the presence of witnesses, but not otherwise? But [you must say] it is [a controversy of] Tannaim. For it was taught: R. Meir said: Guard me from my daughter; R. Tarfon said: Guard me from my daughter-in-law. But a certain disciple scoffed at him. Said R. Abbahu on the authority of R. Hanina b. Gamaliel, 'It did not take long¹⁹ before that disciple offended through his mother-in-law.'

'Even with an animal.' Abaye cleared them from the whole field.²⁰ R. Shesheth had them put on the other side of the bridge. R. Hanan of Nehardea visited R. Kahana at Pum Nehara.²¹ Seeing him sitting and studying while an animal stood before him, he said to him, 'Do you not agree, "even with an animal"?' 'I was thoughtless,' he replied.²²

Raba said: A man may be alone with two yebamoth,²³ two co-wives, a woman and her mother-in-law, a woman and her mother-in-law's daughter, a woman and her husband's daughter,²⁴ and with a woman and a child who knows the meaning of intercourse but will not yield herself thereto.²⁵

WHEN THEY GROW UP, SHE MUST SLEEP IN HER GARMENT, etc. What is the age?²⁶ Said R. Ada son of R. 'Azza in R. Assi's name: For a girl, nine years and a day; for a boy, twelve years and a day. Others state: for a girl, twelve years and a day; for a boy, thirteen years and a day.²⁷ And in both cases they must be, 'breasts fashioned and thine hair was grown.'²⁸ Rafram b. Papa said in R. Hisda's name: This was taught only of one [a girl] who is not shy of standing nude before him [her father]; but if she is shy of standing nude before him, it is forbidden [for them to sleep in bodily contact]. What is the reason? Temptation stirs²⁹ her.³⁰

R. Aha b. Abba³¹ visited R. Hisda, his son-in-law, and took his granddaughter and sat her on his lap. Said he to him, 'Do you not know that she is betrothed?' 'Then you have violated Rab's [dictum].' For Raba Judah said in Rab's name-others state, R. Eleazar [said] — One may not betroth his daughter while she is a minor, [but must wait] until she grows up and says: 'I want So-and-so.' 'But you too have transgressed Samuel's [ruling], for Samuel said: One must not handle³² a woman. 'I agree with Samuel's other [dictum],' he retorted. For Samuel said,

(1) Feigned death.

(2) It was a ventriloquial trick of Satan.

(3) Cursing me.

(4) To drive you from me?

(5) Cf. Zech. III, 2: The Lord rebuke thee, o Satan.

(6) In Talmudic times after the 'Eighteen Benedictions' each person prayed privately for whatever he desired; these prayers are called 'supplications' (tahanunim), and one fell on his face when saying them. V. Elbogen, *Der Jüdische Gottesdienst*, pp. 73 ff.

(7) Surely he can restrain his passions.

- (8) A well known prostitute of that town.
- (9) The pomegranate.
- (10) Lit., 'for a forbidden thing'.
- (11) Num. XXX, 13. This refers to the annulment of vows.
- (12) How can forgiveness be necessary for breaking a vow when it has ceased to be binding?
- (13) Both of which a nazir may not do.
- (14) Lit., 'it came up in his hand to eat, etc.'
- (15) Lev. V, 17.
- (16) Permitted fat.
- (17) Forbidden fat.
- (18) That one bears iniquity for sinning unintentionally.
- (19) Lit., 'there were not a few days'.
- (20) When he had to pass through it, or when he was studying there.
- (21) V. p. 51, n. 1.
- (22) Tosaf. observes that these are cases of superstringency, but actually Jews are not suspected of pederasty or bestiality, v. infra.
- (23) Pl. of yebamah, q. v. Glos.
- (24) All these are held to dislike each other, and so each will be afraid.
- (25) The child is old enough to talk about it, but not old enough to experience desire.
- (26) When they must not sleep in bodily contact?
- (27) At these ages they attain their religious majority too.
- (28) Ezek. XVI, 7 — desire is not awakened before then.
- (29) Lit., 'clothes'.
- (30) Her shyness proves that she is sex conscious.
- (31) Var. lec.: Hanan b. Raba.
- (32) Lit., 'make use of'.

Talmud - Mas. Kiddushin 82a

All [is to be done] for the sake of Heaven.¹

MISHNAH. AN UNMARRIED MAN MUST NOT BE AN ELEMENTARY TEACHER,² NOR MAY A WOMAN BE AN ELEMENTARY TEACHER. R. ELEAZAR SAID: ONE ALSO WHO HAS NO WIFE MUST NOT BE AN ELEMENTARY TEACHER.³ R. JUDAH SAID: AN UNMARRIED MAN MUST NOT TEND CATTLE, NOR MAY TWO UNMARRIED MEN SLEEP TOGETHER UNDER THE SAME COVER,⁴ BUT THE SAGES PERMIT IT.

GEMARA. What is the reason? Shall we say, on account of the children?⁵ surely it was taught: Said they to R. Judah, Israel are not suspected of either pederasty or bestiality? — But an unmarried man [is forbidden] on account of the children's mothers, and a woman on account of their fathers.⁶

R. ELEAZAR SAID: ONE ALSO WHO HAS NO WIFE. The scholars propounded: [Does it mean,] one who has no wife at all,⁷ or whose wife does not live with him? — Come and hear: Also one who has a wife but she does not live with him may not be an elementary teacher.

R. JUDAH SAID: AN UNMARRIED MAN MUST NOT TEND etc. It was taught: They said to R. Judah: Israel is suspected of neither pederasty nor bestiality.

MISHNAH. ONE WHOSE BUSINESS IS WITH WOMEN MUST NOT BE ALONE WITH WOMEN;⁸ AND ONE SHOULD NOT TEACH HIS SON A WOMAN'S TRADE.⁹ R. MEIR SAID: ONE SHOULD ALWAYS TEACH HIS SON A CLEAN AND EASY CRAFT, AND PRAY TO HIM TO WHOM [ALL] WEALTH AND PROPERTY BELONG. FOR NO CRAFT DOES NOT

CONTAIN [THE POTENTIALITIES OF] POVERTY AND WEALTH, FOR NEITHER POVERTY NOR WEALTH IS DUE TO THE CRAFT, BUT ALL DEPENDS ON ONES MERIT. R. SIMEON B. ELEAZAR SAID: HAVE YOU EVER SEEN A WILD BEAST OR A BIRD WITH A CRAFT? YET THEY ARE SUSTAINED WITHOUT ANXIETY. NOW, THEY WERE CREATED ONLY TO SERVE ME, WHILE I WAS CREATED TO SERVE MY MASTER: SURELY THEN I SHOULD MAKE A LIVING WITHOUT ANXIETY! BUT BECAUSE I HAVE ACTED EVILLY AND DESTROYED MY LIVELIHOOD.¹⁰ ABBA GURION OF ZADIAN¹¹ SAID ON THE AUTHORITY OF ABBA GURIA: ONE SHOULD NOT TEACH HIS SON [TO BE] AN ASS-DRIVER, CAMEL-DRIVER, WAGGONER,¹² SAILOR, SHEPHERD, OR SHOPKEEPER, BECAUSE THEIR PROFESSION IS THE PROFESSION OF ROBBERS.¹³ R. JUDAH SAID IN HIS NAME:¹⁴ MOST ASS-DRIVERS ARE WICKED,¹⁵ WHILE MOST CAMEL-DRIVERS ARE WORTHY MEN;¹⁶ AND MOST SAILORS ARE PIOUS.¹⁷ THE BEST OF DOCTORS ARE DESTINED FOR GEHENNA,¹⁸ AND THE WORTHIEST OF BUTCHERS IS AMALEK'S PARTNER.¹⁹

R. NEHORAI SAID: I ABANDON EVERY TRADE IN THE WORLD AND TEACH MY SON TORAH ONLY, FOR MAN ENJOYS THE REWARD THEREOF IN THIS WORLD WHILE THE PRINCIPAL REMAINS TO HIM FOR THE WORLD TO COME. BUT ALL OTHER PROFESSIONS ARE NOT SO; FOR WHEN A MAN COMES TO SICKNESS OR OLD AGE OR SUFFERING AND CANNOT ENGAGE IN HIS CRAFT, HE MUST DIE OF STARVATION, WHEREAS THE TORAH IS NOT SO, FOR IT GUARDS HIM FROM ALL EVIL IN HIS YOUTH AND GIVES HIM A FUTURE AND HOPE IN HIS OLD AGE. OF HIS YOUTH WHAT IS SAID? BUT THEY THAT WAIT UPON THE LORD SHALL RENEW THEIR STRENGTH;²⁰ OF HIS OLD AGE WHAT IS SAID? THEY SHALL STILL BRING FORTH FRUIT IN OLD AGE.²¹ AND THUS IT IS SAID OF OUR FATHER ABRAHAM, AND ABRAHAM WAS OLD . . . AND THE LORD BLESSED ABRAHAM WITH EVERYTHING.²² WE FIND THAT OUR FATHER ABRAHAM OBSERVED THE WHOLE TORAH BEFORE IT WAS GIVEN, FOR IT IS SAID, BECAUSE THAT ABRAHAM OBEYED MY VOICE, AND KEPT MY CHARGE, MY COMMANDMENTS, MY STATUTES, AND MY LAWS.²³

GEMARA. Our Rabbis taught: He whose business is with women has a bad character. E.g., goldsmiths,²⁴ carders,²⁵ [handmill] cleaners,²⁶ pedlars, wool-dressers, barbers,²⁷ launderers, bloodletters,²⁸ bath attendants and tanners. Of these neither a king nor a High Priest may be appointed. What is the reason? Not because they are unfit, but because their profession is mean.

Our Rabbis taught: Ten things were said of a blood-letter. He walks on his side,²⁹ has a conceited spirit, and leans back³⁰ when sitting, has a grudging eye and an evil eye;³¹ he eats much and excretes little;³² and he is suspected of adultery, robbery³³ and bloodshed.³⁴

Bar Kappara taught: One should always teach his son a clean and easy craft. What is it? — Said Rab Judah:

(1) To show my affection for my daughter's little girl.

(2) [The text is difficult. Rashi takes it as an elliptical phrase 'An unmarried man shall not train himself to be a teacher of children; Krauss, T.A. p. 217, suggests: An unmarried man shall not teach as assistant to the Bible teacher; v. also Low, L. Gesammelte Schriften III. p. 17, n. 1.]

(3) This is discussed in the Gemara.

(4) Lit., 'cloak'.

(5) Whom they teach — is it feared that they will commit pederasty with them?

(6) The children were brought to school by their parents.

(7) I.e., a widower.

(8) Even many, because he is intimate with them.

(9) I.e., a trade in women's requirements.

(10) Much of man's troubles are of his own making. — 'I have acted evilly' states this general truth, and is not to be confused with the doctrine of Original Sin, which is foreign to Judaism.

(11) [Identified with Bethsaida in Galilee, v. Klein, MGWJ. 1915, p. 167.]

(12) [In the separate editions of the Mishnah: a barber.]

(13) They lend themselves to fraud. — Drivers, because when sent on long journeys they hire themselves to others in time that is not their own; shepherds, because they lead their flocks into others' fields; shopkeepers, because it is easy to supply adulterated goods. — This probably reflects the actual state of the times.

(14) Abba Guria's.

(15) As explained in the previous note.

(16) Their way lies through the desert, the awe of which leads to humility and a Godfearing spirit.

(17) The dangers of the sea turn their thoughts to God.

(18) Rashi: being unafraid of sickness they are haughty before the Almighty. Again, their treatment is sometimes fatal; while on the other hand, by refusing treatment to the poor they may indirectly cause their death; or it is probable that it is not directed against healing as such, but against the 'advanced' views held by physicians in those days, (v. Jewish Chronicle, 1-3-35.)

(19) When they have animals of doubtful fitness for food they grudge their loss and sell them as fit.

(20) Isa. XL, 31.

(21) Ps. XCII, 15.

(22) Gen. XXIV, 1.

(23) Ibid. XXVI, 5.

(24) Who make trinkets for women.

(25) Who comb wool for women's garments.

(26) Used by housewives.

(27) Women take their children to them.

(28) Lit., 'a scraper', one who makes incisions in the skin to draw off blood.

(29) I.e., haughtily, putting on 'side'.

(30) Lit., 'suspends himself.

(31) He is miserly, and casts an evil eye upon people, so that they should need his services.

(32) [Because he joins his patients at the meals which follow the operation, and which must be the best food.]

(33) [His women patients rob their husbands in order to pay him for his services.]

(34) [By drawing off too much blood.]

Talmud - Mas. Kiddushin 82b

Quilting.¹

It was taught: Rabbi said: No craft can disappear from the world — happy is he who sees his parents in a superior craft, and woe to him who sees his parents in a mean craft. The world cannot exist without a perfume-maker and without a tanner-happy is he whose craft is that of a perfume-maker, and woe to him who is a tanner by trade. The world cannot exist without males and without females-happy is he whose children are males, and woe to him whose children are females.²

R. Meir said: One should always teach his son a clean and easy craft, and earnestly pray to Him to Whom [all] wealth and property belong, for neither poverty nor wealth comes from one's calling, but from³ Him to whom wealth and property belong, as it is said: The silver is mine, and the gold is mine, saith the Lord of hosts.⁴

R. SIMEON B. ELEAZAR SAID, HAVE YOU EVER SEEN [etc.]. It was taught: R. Simeon b. Eleazar said: In my whole lifetime I have not seen a deer engaged in gathering fruits, a lion carrying burdens, or a fox as a shopkeeper, yet they are sustained without trouble, though they were created only to serve me, whereas I was created to serve my Maker. Now, if these, who were created only to

serve me are sustained without trouble, how much more so should I be sustained without trouble, I who was created to serve my Maker! But it is because I have acted evilly and destroyed my livelihood, as it is said, your iniquities have turned away these things.⁵

R. NEHORAI SAID: I ABANDON EVERY TRADE etc. It was taught: R. Nehorai said: I abandon all trades in the world and teach my son only Torah, for every trade in the world stands a man in stead only in his youth, but in his old age he is exposed to hunger. But the Torah is not so: it stands by him in his youth and gives him a future and hope in his old age. Of the time of his youth what Is said? But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles.⁶ Of his old age what is said? They shall still bring forth fruit in old age; they shall be full of sap and green.⁷

(1) Stitching in furrows; cf. supra 17a on needlework being easy.

(2) Probably not prejudice against the female sex, but because daughters were a greater anxiety — a dowry had to be found for them, and they easily got into mischief; cf. Sanh. 100b, the quotation from the Book of Ben Sira.

(3) Lit., 'to'.

(4) Hag. II, 8.

(5) Jer. V, 25.

(6) Isa. XL, 31.

(7) Ps. XCII, 15.