

XIV.

BAVLI YEBAMOT CHAPTER FOURTEEN

FOLIOS 112B-114B

14:1

- A. A deaf-mute who married a woman of sound senses –
- B. or a man of sound senses who married a deaf-mute –
- C. if he wanted, he puts her away.
- D. And if he wanted, he confirms the marriage.
- E. Just as he marries her by means of sign language, so he puts her away by means of sign language.
- F. A man of sound senses who married a woman of sound senses, and the woman became a deaf-mute –
- G. if he wanted, he puts her away.
- H. And if he wanted, he confirms the marriage.
- I. [If] she became an idiot, he may not put her away.
- J. [If] he was made a deaf-mute or became an idiot, he may never put her away.
- K. Said R. Yohanan b. Nuri, “On what account does a woman who became a deaf-mute go forth, but a man who became a deaf-mute does not put away [his wife by a writ of divorce]?”
- L. They said to him [to Yohanan b. Nuri], “The man who divorces his wife is not equivalent to a woman who receives a divorce.
- M. “For a woman goes forth willingly or unwillingly.
- N. “But a man puts his wife away only willingly.”

14:2

- A. R. Yohanan b. Gudgeda testified concerning a deaf-mute whose father married her off,
- B. that she goes forth with a writ of divorce.
- C. They said to him [to Yohanan b. Nuri], “This, too, follows the same rule.”

14:3

- A. Two deaf-mute brothers married to two deaf-mute sisters –
- B. or two sisters of sound senses –
- C. or two sisters, one a deaf-mute and the other of sound senses –
- D. or two deaf-mute sisters married to two brothers of sound senses –
- E. or to two deaf-mute brothers –
- F. or to two brothers, one a deaf-mute and one of sound senses –
- G. lo, these women are exempt from the rite of removing the shoe and levirate marriage.
- H. But if they were unrelated to one another,
- I. they enter into marriage.
- J. And if they [the men in the several cases] wanted to put them away, they do put them away [M. 14:1E].

14:4

- A. Two brothers –
- B. one deaf-mute and the other of sound senses [M. 14:3F] –
- C. married to two sisters of sound senses –
- D. the deaf-mute, husband of a sister of sound senses, died –
- E. what should the husband of sound senses who is married to the deaf-mute do?
- F. She [the deceased childless brother’s widow] should go forth on the grounds of being the sister of his wife.
- G. [If] the husband of sound senses of a sister of sound senses died,
- H. what should the deaf-mute who is husband of the sister of sound senses do?
- I. He should put away his wife with a writ of divorce, and the wife of his brother is prohibited [for marriage to anybody at all] for all time.

- J. Two brothers of sound senses married to two sisters, one of them a deaf-mute and one of them of sound senses [M. 14:3C] –
- K. the husband of sound senses married to the deaf-mute died –
- L. what should the husband of sound senses married to the wife of sound senses do?
- M. She [the widow] should go forth on grounds of being the sister of his wife.
- N. If the husband of sound senses married to the wife of sound senses should die, what should the husband of sound senses married to the deaf-mute do?
- O. He puts away his wife with a writ of divorce, and the wife of his brother with a rite of removing the shoe.
- P. Two brothers, one of them a deaf-mute and one of sound senses [M. 14:3F], married to two sisters, one of them a deaf-mute and one of sound senses [M. 14:3C] –
- Q. [If] the deaf-mute husband married to the deaf-mute wife should die, what should the husband of sound senses married to the sister of sound senses do?
- R. She [the widow] should go forth because of being the sister of his wife.
- S. [If] the husband of sound senses married to the wife of sound senses should die, what should the deaf-mute husband married to the deaf-mute sister do?
- T. He puts away his wife with a writ of divorce, and the wife of his brother is prohibited [to remarry] for all time.
- U. Two brothers, one a deaf-mute and one of sound senses [M. 14:3F], married to two women, not related to one another, of sound senses [M. 14:3H] –
- V. [if] the deaf-mute husband of the woman of sound senses should die, what should the husband of sound senses married to the woman of sound senses do?
- W. He either performs the rite of removing the shoe or takes the widow in levirate marriage.
- X. If the husband of sound senses of the woman of sound senses should die, what should the deaf-mute husband of the woman of sound senses do?
- Y. He marries [the widow] and does not put her away for all time.

- Z. Two brothers of sound senses married to two women unrelated to one another, one of sound senses and one a deaf-mute [M. 14:3C+H] –
- AA. [If] the husband of sound senses married to the deaf-mute dies, what should the husband of sound senses married to the woman of sound senses do?
- BB. He should marry her, and if he wants to put her away, he puts her away.
- CC. [If] the husband of sound senses married to the woman of sound senses should die, what should the husband of sound senses married to the deaf-mute woman do?
- DD. He either performs the rite of removing the shoe or enters into levirate marriage.
- EE. Two brothers, one a deaf-mute and one of sound senses [M. 14:3F], married to two women unrelated to one another, one a deaf-mute and one of sound senses [M. 14:3C + H] –
- FF. [if] the deaf-mute married to the deaf-mute woman should die, what should the husband of sound senses married to the woman of sound senses do?
- GG. He should marry the widow, but if he wants to put her away, he puts her away.
- HH. If the husband of sound senses married to the woman of sound senses should die, what should the deaf-mute man married to the deaf-mute woman do?
- II. He marries her and does not put her away for all time.

- I.1** A. *Said Rammi bar Hama, “What is the difference between the case of the deaf man or woman and that of an idiot, that for the former rabbis provided a valid marriage, while for the male or female idiot, rabbis did not provide a valid marriage? For it has been taught on Tannaite authority: **An idiot or a minor who married and died – their wives are exempt from the requirement of performing the rite of removing the shoe [T. Yeb. 11:11:K-L]**?”*
- B. *“In the matter of the deaf man or woman, in which an ordinance providing for a valid marriage can endure [even if both husband and wife are deaf], rabbis provided for a valid marriage. But in the case of a male or female idiot, in which case an ordinance providing for a valid marriage cannot*

endure, for a person cannot live in the same basket with a snake, rabbis made no such provision.

- C. *“And what is the difference between the case of a minor male, for whom rabbis did not provide the possibility of a valid marriage, and an adult deaf man, for whom rabbis provided a valid marriage?”*
- D. *“For a deaf man, who otherwise will never reach the category of entering into a valid marriage, rabbis made provision of a valid marriage; for the minor, who in any event will reach the category of a valid marriage, rabbis provided no possibility of a valid marriage.”*
- E. *But there is the case of a minor girl, who in due course will reach the category of a valid marriage, but, nonetheless, rabbis provided for her the possibility even during the minority of a valid marriage!*
- F. *“It is so that people should not treat a minor girl as ownerless property.*
- G. *“And what differentiates a minor girl and a deaf adult woman, that the minor girl may exercise the right of refusal, while the deaf adult woman has no right to exercise the right of refusal?”*
- H. **[113A]** *“For if the latter had such a right, people would refrain from entering into marriage with her.*
- I. *“And what differentiates the minor girl, who has the right if she is the daughter of an Israelite, that she may continue to eat food in the status of heave-offering [if her mother or brothers gave her in marriage], while a deaf adult woman of Israelite caste may not do so? For we have learned in the Mishnah: R. Yohanan b. Gudgeda testified concerning a deaf-mute whose father married her off, that she goes forth with a writ of divorce, and concerning a minor of Israelite cast who was married to a priest that she may eat priestly rations [M. Ed. 7:9A-B], but, on the other hand, a deaf woman in the same situation may not do so?”*
- J. *“It is a precautionary decree, lest a deaf man feed a deaf woman such priestly rations.”*
- K. *Well, let him give her such food, she is comparable to a minor who eats carrion [and there is no penalty on that account]!*
- L. *“It is a precautionary decree, lest the deaf husband might feed it to to a wife of sound senses.”*
- M. *But even a deaf husband may well give his wife of sound senses priestly rations that are separated in accord with the definition only of rabbis [and*

since his marriage is validated by rabbis' decrees, and the priestly rations deemed valid by rabbis' decrees, there would be no objection to that].

- N. *"It is a precautionary decree that he not do so, lest he come to feed her priestly rations that have been designated as such by the law of the Torah.*
- O. *"And what differentiates the minor girl, who is awarded a marriage settlement, from a deaf adult woman, who is not awarded a marriage settlement?*
- P. *"If the latter had such a right, people would refrain from entering into marriage with her."*

I.2

- A. *How do we know that a minor girl is entitled to a marriage settlement?*
- B. *It is in line with that which we have learned in the Mishnah: (1) A girl who exercised the right of the refusal, (2) a woman in a secondary grade of prohibited relationship [M. Yeb. 2:4], and (3) a sterile woman do not have a claim on a marriage contract [M. Ket. 11:6A-B]. But she who goes forth with a writ of divorce though a minor is entitled to a marriage settlement.*
- C. *How do we know that a deaf woman is not entitled to a marriage settlement?*
- D. *It is in line with that which has been taught on Tannaite authority:*
- E. *A deaf man or an idiot who married women of sound senses, even though the deaf man recovered his hearing or the idiot his senses – the wives have no claim whatsoever on them. If they wanted to keep the marriage going, however, the wives are entitled to a marriage settlement of a maneh [a hundred zuz]. A man of sound senses who married a deaf woman or an idiot woman, even though he wrote for her a marriage settlement of a hundred manehs, her marriage settlement is concerned, since he was prepared to accept the damage to his estate [of such a huge sum]. The operative consideration then is that he wanted to do so, but if he had not consented, she would have received no marriage settlement, since, otherwise, people would refrain from entering into marriage with her.*
- F. *If that is the operative criterion [to encourage marriage to women deemed otherwise undesirable], then for a woman of sound senses married to a deaf man, one should provide a marriage settlement, since, otherwise, people would refrain from entering into marriage with him.*
- G. *More than a man wants to marry, a woman wants to be married.*

I.3 A. *There was a deaf man who was in the neighborhood of R. Malkio. [The rabbi] permitted him to marry a woman and write over to her a marriage settlement of four hundred zuz from his property.*

B. *Commented Raba, “Who is so wise as R. Malkio, who is an eminent authority? He takes the view that, if he had wanted a slave girl to serve him, should we not allow one to be bought for him? All the more so in this case, in which there are two urgent considerations [marriage, housekeeping]!”*

I.4 A. Said R. Hiyya bar Ashi said Samuel, “On account of inadvertent sexual relations with the wife of a deaf man, liability for a suspensive guilt-offering is not incurred [this marriage being invalid under the law of the Torah, but valid only by authority of rabbis, and the suspensive guilt-offering is presented only in a case that is subject to doubt].”

B. *May one propose that the following supports his position: Five [sorts of people] may not separate heave-offering, and if they separated heave-offering, that which they have separated is not [valid] heave-offering: (1) a deaf man [the priestly rations designated by a deaf man are invalid; the incapacity of the deaf man is not subject to doubt; that supports Samuel (Slotki)], (2) an imbecile, (3) a minor, and (4) one who separates heave-offering from [produce] which is not his own. (5) A gentile who separated heave-offering from [the produce of] an Israelite, even with permission – that which he has separated is not [valid] heave-offering [M. Ter. 1:1]?*

C. *[Samuel] concurs with R. Eleazar, for it has been taught on Tannaite authority:*

D. R. Isaac says in the name of R. Eleazar, “Priestly rations designated by a deaf man should not go forth to unconsecrated status, because their status is subject to doubt.”

E. *Well, if Samuel concurs with R. Eleazar, then a suspensive guilt-offering should indeed be required in the case specified at the outset!*

F. *We require the case to run parallel to one in which one has eaten one of two pieces of meat [and does not know which one he has eaten, one being forbidden, the other permitted; what we do not know is whether one ate the one or the other, in which case with the two objects, the status of each of which is definite, a suspensive guilt-offering is required; here if there were intercourse with one of two*

women, in which instance we do not know with which of the women he had sexual relations, a suspensive guilt-offering would be required; but if the doubt concerns the status of a single object, then we do not require a suspensive guilt-offering; in the case of the deaf man's marriage, the doubt concerns the status of the woman, not the identity (Slotki)].

G. *So does R. Eleazar invoke the principle that the issue must involve a piece of meat as between two pieces of meat [for the definition of a matter subject to doubt]? And has it not been taught on Tannaite authority: R. Eliezer says, "As to a koy [a cross between a goat and a gazelle, which may be domesticated, like the goat, or wild, like the gazelle, and if the former, the prohibited fat is subject to penalty, but not if the latter], people are liable on account of eating its forbidden fat to a suspensive guilt-offering" [T. Bik. 2:1]?*

H. *Samuel concurs with R. Eleazar in one matter but differs from him in the other.*

I. *And there are those who say:* Said R. Hiyya bar Ashi said Samuel, "On account of inadvertent sexual relations with the wife of a deaf man, liability for a suspensive guilt-offering is incurred "

J. *An objection was raised:* **Five [sorts of people] may not separate heave-offering, and if they separated heave-offering, that which they have separated is not [valid] heave-offering: (1) a deaf man** [The priestly rations designated by a deaf man is invalid; the incapacity of the deaf man is not subject to doubt; that supports Samuel (Slotki)], **(2) an imbecile, (3) a minor, and (4) one who separates heave-offering from [produce] which is not his own. (5) A gentile who separated heave-offering from [the produce of] an Israelite, even with permission – that which he has separated is not [valid] heave-offering [M. Ter. 1:1]?**

K. *[Samuel] concurs with R. Eleazar, for it has been taught on Tannaite authority:*

L. R. Isaac says in the name of R. Eleazar, "Priestly rations designated by a deaf man should not go forth to unconsecrated status, because their status is subject to doubt."

M. *Well, if Samuel concurs with R. Eleazar, then a suspensive guilt-offering should indeed be required in the case specified at the outset!*

N. *We require the case to run parallel to one in which one has eaten one of two pieces of meat [and does not know which one he has eaten, one being forbidden, the other permitted; what we do not know is whether one ate the one or the other, in which case with the two objects, the status of each of which is definite, a suspensive guilt-offering is required; here if there were intercourse with one of two women, in which instance we do not know with which of the women he had sexual relations, a suspensive guilt-offering would be required; but if the doubt concerns the status of a single object, then we do not require a suspensive guilt-offering; in the case of the deaf man's marriage, the doubt concerns the status of the woman, not the identity (Slotki)].*

O. *So does R. Eleazar invoke the principle that the issue must involve a piece of meat as between two pieces of meat [for the definition of a matter subject to doubt]? And has it not been taught on Tannaite authority: **R. Eliezer says, "As to a koy [a cross between a goat and a gazelle, which may be domesticated, like the goat, or wild, like the gazelle, and if the former, the prohibited fat is subject to penalty, but not if the latter], people are liable on account of eating its forbidden fat to a suspensive guilt-offering"** [T. **Bik. 2:1**]?*

P. *Samuel concurs with R. Eleazar in one matter but differs from him in the other.*

I.5 A. *R. Ashi raised the question, "What is the operative consideration in the mind of R. Eleazar? Is it obvious to him that a deaf man is feeble minded, but then does he wonder whether or not whatever intellect he does have is clear? [113B] Or is his mind in no way clear? Or does he have no doubt that the deaf man is feeble minded, and his intellect is never clear, but he is in doubt on the following count: sometimes the deaf man may be normal, sometimes an imbecile?"*

B. *So what difference can the answer possibly make?!*

C. *Whether or not his wife is to be set free through a writ of divorce. If you say that his mind is always in the same condition, then his writ of divorce would be exactly as valid as his act of betrothal. But if you hold that, sometimes he has normal intelligence and sometimes is an imbecile, he would be able to betroth a woman but not able to issue a writ of divorce. So what's the upshot?*

D. *Who knows?*

II.1 A. **[If] she became an idiot, he may not put her away. [If] he was made a deaf-mute or became an idiot, he may never put her away:**

B. Said R. Isaac, "In accord with the law of the Torah, an idiot woman may be divorced, *since, in a parallel case, a woman of sound senses may be divorced even without her agreement.* So how come it is said that she may never be divorced? So that people should not treat her like ownerless property [and taken advantage of]."

II.2 A. *And what is the definition of the idiot treated here? If we say that she knows how to keep her writ of divorce and to take care of herself, will people treat her as ownerless property? Rather, it must be a woman who will not know how to keep her writ of divorce or to take care of herself.*

B. *But if that is the case, then how can it be that, in accord with the rule of the Torah, she may be divorced? Has not the household of R. Yannai stated, "...and gives it into her hand..." (Deu. 24: 1) – one who has the power of accepting her divorce is subject to such a writ, but this one then is excluded, since she is not able to accept the writ of divorce"? And a Tannaite statement of the household of R. Ishmael: "'and sends her out of his house' (Deu. 24: 1) – that applies to one who, sent out, does not come back, excluding this one, who will return if he sends her out!"*

C. *[Isaac's statement] is required to deal with the case of a woman who knows how to keep her writ of divorce but not how to take care of herself. In accord with the law of the Torah, an idiot woman may be divorced, for lo, she knows how to keep her writ of divorce. But rabbis have ruled that she may not be divorced, so that people will not treat her like ownerless property.*

D. *"[That the divorce of an idiot woman is forbidden by rabbis but permitted by the Torah,]" said Abbaye, "may be shown also by a careful reading of the*

*Mishnah language, for it is in her regard that it is stated, [If] she became an idiot, he may not put her away. In respect to the man, it is stated: [If] he was made a deaf-mute or became an idiot, he may never put her away. What differentiates him from her, that in his regard, the word **never** is used, while in her regard, the word **never** is not used? That yields the inference that the one is based on the law of the Torah, the other, on the decree of rabbis."*

- III.1** A. Said R. Yohanan b. Nuri, "On what account does a woman who became a deaf-mute go forth, but a man who became a deaf-mute does not put away [his wife by a writ of divorce]?" They said to him [to Yohanan b. Nuri], "The man who divorces his wife is not equivalent to a woman who receives a divorce. For a woman goes forth willingly or unwillingly. But a man puts his wife away only willingly":
- B. *The question was raised: In the mind of R. Yohanan b. Nuri, was it clear that a deaf man may not divorce his wife, so that his question only concerned the woman, or was he sure of the answer concerning why the woman may be divorced if she is deaf, but he wanted to know the reason behind the rule governing the man?*
- C. *Come and take note: since they replied to him, "The man who divorces his wife is not equivalent to a woman who receives a divorce. For a woman goes forth willingly or unwillingly. But a man puts his wife away only willingly," it must follow that it was about the man that he raised his question.*
- D. *To the contrary, since they said to him, They said to him [to Yohanan b. Nuri], "This, too, follows the same rule," it must follow that he raised the question about the woman!*
- E. *Rather, R. Yohanan b. Nuri made his statement within the framework of their remarks: "From my perspective, just as the deaf man cannot divorce the woman, so the deaf woman cannot receive a divorce. But within your perspective [allowing a deaf woman to be divorced], what's the difference between a man and a woman?"*
- F. *It was to this that they replied to him, "The man who divorces his wife is not equivalent to a woman who receives a divorce. For a woman goes forth willingly or unwillingly. But a man puts his wife away only willingly."*

IV.1 A. R. Yohanan b. Gudgeda testified concerning a deaf-mute whose father married her off, that she goes forth with a writ of divorce. They said to him [to Yohanan b. Nuri], “This, too, follows the same rule”:

- B. Said Raba, “From the testimony of R. Yohanan b. Gudgeda [it follows that, if the husband] said to witnesses, ‘See, this is a writ of divorce that I am handing over,’ and he said to her, ‘Receive this bond of indebtedness,’ lo, this woman is validly divorced. *For has not R. Yohanan b. Gudgeda said that we do not require the woman’s knowledge and consent? So here, too, we do not require her knowledge and consent.*”
- C. *Yeah, so what else is new?*
- D. *What might you otherwise have supposed? Since the man said to her, “See, this is a writ of divorce that I am handing over,” he has nullified the writ of divorce thereby. So we are taught that the writ remains valid, for if he had nullified the writ, he would have made that statement to the witnesses. And since he did not make the statement to the witnesses, he in no way has nullified the writ. The reason he made the statement to her was only to conceal his embarrassment.*

IV.2 A. Once, on the Sabbath, R. Isaac bar Bisna lost the keys of the schoolhouse in the public domain [where he should not have been carrying them]. He came before R. Pedat, who said to him, “Go [114A] bring out some boys and girls to the place and let them walk around there; if they find the keys, they will bring them back.”

B. *Therefore he takes the view that a minor may eat carrion, the court is not commanded to stop him.*

C. *May one maintain that the following supports that supposition: An adult may not say to a child, “Bring me the key, bring me the seal,” but he may permit him to pick or to throw [such objects on his own accord; he may not be ordered to violate the law, but he is allowed to violate it without interference (Slotki)]?*

D. *Said Abbaye, “The picking may involve a pot that has no hold, the throwing may involve the edges of the public domain, both of which are designated as forbidden by the authority only of rabbis.”*

E. *Come and take note: A gentile who came to put out a fire – they do not say to him, “Put it out,” or “Do not put it out,” for they are not responsible for his Sabbath rest. But a minor [Israelite child] who came to put out a fire – they do not hearken to him [and let*

him do so], because his Sabbath rest is their responsibility [M. **Shab. 16:6A-F**].

F. Said R. Yohanan, “That is the case only when the child is in a situation of acting with his father’s knowledge and consent” [which appears to be approval and encouragement, but if the child’s father is not there, the rule does not apply (Slotki)].

G. *Along these same lines, in the case of a gentile, the rule is the same where he acts with the knowledge and consent of an Israelite.*

H. *But is this permitted?*

I. *A gentile acts on his own account.*

J. *Come and take note: The child of a person meticulous about eating his food in the condition of cultic cleanness and separating all of the required tithes who went to the home of his maternal grandfather who is not meticulous in that matter – the father does not worry lest the grandfather feed the grandson food that has not been properly tithed. And if produce is found in his possession, it is not necessary to take the produce from him [cf. T. **Dem. 2:15**].* [Slotki: The child may eat it, even though it comes from a person not likely to have separated all the required tithes, so one does not have to keep a child from violating the law.]

K. Said R. Yohanan, “In the case of doubtfully tithed produce, a lenient rule is imposed.”

L. *So the operative consideration is that it was doubtfully tithed produce, but lo, if it had been certainly untithed produce, he would have had to tithe it. But has not R. Yohanan said, “That is the case only when the child is in a situation of acting with his father’s knowledge and consent”?*

M. *In point of fact, R. Yohanan was in doubt about the matter. So when he dealt with one item, he dealt with the matter, and when he dealt with the other, he did the same [but did not take up a firm position one way or the other].*

N. *Come and take note: The child of a person meticulous about eating his food in the condition of cultic cleanness who went to the home of his maternal grandfather who is a priest but not meticulous about cultic cleanness – the father does not worry lest the grandfather feed the grandson priestly rations that are*

unclean. And if produce is found in his possession, it is not necessary to take the produce from him [T. Dem. 2:15]. [Slotki: The child may eat it, even though it comes from a person not likely to have separated all the required tithes, so one does not have to keep a child from violating the law.]

O. *This refers to priestly rations that are so classified only by the authority of rabbis.*

P. *Come and take note:* An Israelite child may continue to breast-feed from a gentile or an unclean beast, and we do not make a precautionary decree in regard to his sucking from an abomination; but he may not be fed with carrion, terefah food, abominations, or dead creeping things. But from these he may suck, even on the Sabbath, though an adult may not do so. Abba Saul says, “We had the practice of sucking from a clean beast on the festival.” *Now, in any event, it is set forth as a Tannaite rule:* We do not make a precautionary decree in regard to his sucking from an abomination.

Q. That is because of the danger to the child’s life [since he might otherwise starve to death].

R. *If so, then surely the same consideration applies to an adult!*

S. *As to an adult, such a decision requires an assessment of the situation.*

T. *So as to a minor also, such a decision should require an assessment of the situation.*

U. Said R. Huna b. R. Joshua, “Under ordinary conditions an infant is regarded as endangered with respect to a lack of milk.”

IV.3 A. “Abba Saul says, ‘We had the practice of sucking from a clean beast on the festival’”:

B. *How can we imagine the situation? If there is danger to life, then even on the Sabbath such a thing should have been permitted, but if there was no danger to life, then even on the festival day such a thing should have been forbidden!*

C. *The rule was necessary to cover the case in which there was some pain, and Abba Saul takes the position that sucking the milk is an act of indirect detaching. On the Sabbath such a thing is prohibited on pain of stoning, so rabbis made a precautionary decree against doing so; but as to the festival, in*

which case the prohibition is merely a negative commandment, rabbis made no such precautionary decree.

D. *Come and take note:* “These you shall not eat, for they are a detestable thing” (Lev. 11:42) – you shall not feed them to others, thus serving to admonish adults concerning minors. *Does this not bear the implication that one must say to minors, “Don’t eat them”?*

E. *No, what it means is, Don’t give children such things with your own hands.*

F. *Come and take note:* “No soul of you shall eat blood” (Lev. 17:12) – serving to admonish adults concerning minors. *Does this not bear the implication that one must say to minors, “Don’t eat them”?*

G. *No, what it means is, Don’t give children such things with your own hands.*

H. *Come and take note:* “Speak...and say...” (Lev. 21: 1) – serving to admonish adults concerning minors. *Does this not bear the implication that one must say to minors, “Do not contract uncleanness”?*

I. *No, what it means is, Don’t make children unclean with your own hands.*

J. *And all these distinct proofs were required, for if we had learned only the rule governing abominations, [114B] that might have been because the prohibition affecting them pertains even to the most minute volume, but as to blood, for which one bears liability only if there is at least as much as a quarter-log, I might have said that that is not the case. And if we had learned the rule governing blood, that might have been seen as caused by the fact that the penalty for eating blood is extirpation, but as to creeping things, I might have thought that the same rule does not pertain. And if we had learned the rule governing both of these, we might have supposed that the operative consideration is that the prohibition of these applies to all classes of persons, but as to uncleanness, which pertains only to*

the priesthood, I might have thought that that is not the case. And if we had learned the rule only governing uncleanness, then I would have supposed that the priesthood is exceptional, because there are a great many religious duties that are additional for them and do not apply to others, but as to these others, the rule is not the same. Accordingly, all the proofs are necessary.

K. Come and take note: Two brothers – one deaf-mute and the other of sound senses married to two sisters of sound senses – the deaf-mute, husband of a sister of sound senses, died – what should the husband of sound senses who is married to the deaf-mute do? She [the deceased childless brother's widow] should go forth on the grounds of being the sister of his wife. [If] the husband of sound senses of a sister of sound senses died, what should the deaf-mute who is husband of the sister of sound senses do? He should put away his wife with a writ of divorce, and the wife of his brother is prohibited [for marriage to anybody at all] for all time. Now why should he put away his wife with a writ of divorce? Let her stay with him, by comparison to the case of a minor who eats carrion. [The deaf-mute is no more responsible for his actions than a minor.]

L. The consideration is the prohibition that really does apply to her [she is punished on her own account if she stays with him].

M. Come and take note: Two brothers of sound senses married to two sisters, one of them a deaf-mute and one of them of sound senses [M. 14:3C] – the husband of sound senses married to the deaf-mute died – what should the husband of sound senses married to the wife of sound senses do? She [the widow] should go forth on grounds of being the sister of his wife. If the husband of sound senses married to the wife of sound senses should die, what should the husband of sound senses married to the deaf-mute do? He puts away his wife with a writ of divorce, and the wife of his brother with a rite of removing the shoe. Now why

should he put away his wife with a writ of divorce? Let her stay with him, by comparison to the case of a minor who eats carrion. [The deaf-mute is no more responsible for his actions than a minor.]

N. *The consideration is the prohibition that really does apply to him [she is punished on her own account if she stays with him].*

O. *Said Raba, "Come and take note: Two brothers, one of them a deaf-mute and one of sound senses, married to two sisters, one of them a deaf-mute and one of sound senses – [If] the deaf-mute husband married to the deaf-mute wife should die, what should the husband of sound senses married to the sister of sound senses do? She [the widow] should go forth because of being the sister of his wife. [If] the husband of sound senses married to the wife of sound senses should die, what should the deaf-mute husband married to the deaf-mute sister do? He puts away his wife with a writ of divorce, and the wife of his brother is prohibited [to remarry] for all time. Now here there is no prohibition that pertains either to him or to her, and yet it is stated, He puts away his wife with a writ of divorce!"*

P. *Said R. Shemayyah, "It is a precautionary decree against the possibility of allowing a levirate widow to marry an outsider."* [Slotki: If the deaf man and deaf woman are allowed to continue living together, those who are unacquainted with the law that deaf-mutes are no more responsible for their actions than minors might assume that the marriage is valid, and that the sister-in-law, as the deaf levir's wife's sister, is exempt from levirate marriage or the rite of removing the shoe and may marry again without either.]