

# I.

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## BAVLI YEBAMOT CHAPTER ONE

### FOLIOS 2B-17A

1:1-2

1:1

- A. [2A] Fifteen women [who are near of kin to their deceased, childless husband's brother] [because they cannot enter into levirate marriage with the deceased childless husband's brother also] exempt their co-wives, and the co-wives, from the rite of removing the shoe [halisah] and from levirate marriage, without limit.
- B. And these are they:
- C. (1) His daughter, and (2) the daughter of his daughter, and (3) the daughter of his son;
- D. (4) the daughter [by a former marriage] of his wife, and (5) the daughter of her son [by a former marriage], and (6) the daughter of her daughter [by a former marriage];
- E. (7) his mother-in-law, and (8) the mother of his mother-in-law, and (9) the mother of his father-in-law [married to his brother by the same father];
- F. (10) his sister by the same mother, and (11) the sister of his mother, and (12) the sister of his wife;
- G. (13) and the wife of his brother by the same mother, and [2B] (14) the wife of his brother who was not [alive] at the same time as he [but who died before he was born, in which case the surviving brother has no claim];
- H. and (15) his [former] daughter-in-law [who then married his brother] —
- I. lo, these exempt their co-wives and the co-wives of their co-wives, from rite of removing the shoe and from levirate marriage, without limit.
- J. And in the case of all of them, if they died [before the husband], or exercised the right of refusal, or were divorced [by the childless husband], or turned out to be barren —
- K. their co-wives are permitted [to enter into levirate marriage, since they are not now deemed co-wives of a forbidden party].

- L. But you cannot rule in the case of his mother-in-law and in the case of the mother of his mother-in-law, or in the case of the mother of his father-in-law [E], who turned out to be barren,” or who exercised the right of refusal.

1:2

- A. How do they exempt their co-wives [from the requirement of rite of removing the shoe and from levirate marriage]?
- B. [If] his daughter or any one of all those forbidden degrees was married to his brother, and he [the brother] had another wife, and he [the brother] died [without children],
- C. just as his daughter is exempt [from levirate marriage or rite of removing the shoe], so her co-wife is exempt.
- D. [If] the co-wife of the daughter went and married another of his brothers [“his second brother”] , and he [the other brother] had another co-wife, and he [the other brother] died,
- E. just as the co-wife of his daughter [C] is exempt, so the co-wife of her cowife is exempt,
- F. even if they are a hundred.
- G. How [do we define a case in which] if their co-wives died, they are permitted?
- H. [If] his daughter or any one of all those forbidden degrees was married to his brother, and he [the brother] had another wife, and his daughter died or was divorced, and afterward his brother died [without children] —
- I. her co-wife [now no longer a co-wife of his daughter] is permitted [to enter levirate marriage with him].
- J. And any [young girl] who can exercise the right of refusal and has not exercised the right of refusal — her co-wife performs the rite of removing the shoe and does not enter into levirate marriage.

- I.1 A. *Since all of the other entries on the list of fifteen classes of women in point of fact derive from the exemption of the wife's sister [from entering into levirate marriage with the deceased childless husband's brother], why not present the classification the sister of the wife, to begin with? And should you propose that the Tannaite authority of the passage has chosen to focus upon the issue of severity [listing the entries in the order of the degree of severity of the penalty that is incurred if one has sexual intercourse with these relatives (Slotki)], and it is formulated in accord with the principle of R. Simeon, who regards the penalty of death through burning as the most severe of the four ways in which the death penalty is inflicted, [and that is the form of the death penalty that is incurred for sexual relations with any of the first eight classes of women listed in our passage (Slotki)], then to begin with the framer of the passage should repeat the case of his mother in law first of all, for the principle of inflicting death through burning is stated by Scripture in connection with his mother in law. And, furthermore, the case of his daughter in law should then be listed next after his mother in law, since, after burning, the next most severe form of the death penalty is stoning [which is the penalty for sexual relations with one's daughter in law].*

- B. *Well, the point is that since the prohibition of having sexual relations with his daughter derives from an exegesis of Scripture, it is given preference by the framer of the passage.*
- C. **[3A]** *But all of the other entries on the last likewise have been derived on the strength of an exegesis of Scripture [in connection with the law governing the case of the wife's sister]!*
- D. *Well, while so far as being exempt from entering into levirate marriage, the law governing these classes of relationships has derived from an exegesis of Scripture, the principle that one may not have sexual relations with them is explicitly set forth by Scripture itself. But in the case of another, the principle that one may not have sexual relations with one's daughter derives only from an exposition of Scripture, for said Raba, "Said to me R. Isaac bar Abedimi, 'The matter derives from the verbal analogy established by the appearance of the word "they" [at Lev. 18:10, which refers to the daughter of his son or his daughter born of a woman he has raped, but not with the daughter herself], and the occurrence of the same word [with reference to the daughter, who is treated as equivalent to the daughter of the son or the daughter of the daughter. Slotki: by this analogy, the inference is arrived at that intercourse even with a daughter from an outraged woman is forbidden.] And, further, the matter derives from the verbal analogy established by the appearance of the word "lewdness" [at Lev. 18:10, the penalty is not mentioned there; but at Lev. 20:14, the penalty of burning with fire is stated. Slotki: thus it is shown that the very foundation of the prohibition of sexual intercourse with a daughter from an outraged woman, as well as the death penalty of burning which the crime involves, are entirely dependent on inferences arrived at by exposition]."*
- E. *Now that you have taken the position that we assign precedence to an entry on the list that is derived from an exposition of Scripture, then the Tannaite framer of the passage should have put at the end of his list the case of **his wife's sister** [Slotki: since the exemption from levirate marriage in respect of all the others is derived by exposition from his wife's sister].*
- F. *Since the Tannaite framer of the passage were dealing with prohibitions that derived from the relationship of sisterhood, he has inserted a reference also to **his wife's sister**.*
- G. *So let him assign to the end of his list the entire passage [that deals with prohibitions that derive from the relationship of sisterhood]?*
- H. *Rather, the Tannaite framer of the whole has followed the order of the sequence of degrees of kinship. Thus: first comes **his daughter and the daughter of his daughter and the daughter of his son**, for these are relations of the man himself. Then since he has presented three generations that descend from him, he goes ahead and lists three generations that descend from her, in descending order. Then, since he has listed three generations of his wife's relatives in descending order, he goes ahead and lists three generations of her relatives in ascending order. And then he inserts the cases of **his sister and his mother's sister**, who are his blood relatives. And once he has dealt with prohibitions that are based on a relationship of brotherhood, he inserts a mention of **his wife's sister**. Now, to be sure, it would have been quite reasonable to give precedence to*

*the classification, **his daughter in law**, before listing, **the wife of his brother who was not his contemporary**, since the operative consideration leading to the prohibition of a relationship is not kinship at all [and the daughter in law should receive priority (Slotki)], but since the Tannaite framer of the passage was dealing with prohibitions that derive from the relationship of brotherhood, he made mention also of **the wife of his brother who was not his contemporary**, and then he inserted, **his daughter in law**.*

- I.2.** A. *How come the Tannaite framer of the passage has used the word **exempt**, rather than the word **prohibit** [that is, “exempt from entering,” rather than, “prohibit from entering”]?*
- B. *Had the Tannaite formulation made use of the word **prohibit**, I might have thought that, while it is prohibited to enter into levirate marriage, it is permitted to undertake the rite of removing the shoe. So we are informed that that is not the case.*
- C. *But why not just say, it is forbidden to undertake the rite of removing the shoe? [So the word-choice, **prohibit**, really is preferable.]*
- D. *[Well, if she enters the rite of removing the shoe,] what difference does that make anyhow?*
- E. *If you say that it is permitted to undertake the rite of removing the shoe, then one might further reach the conclusion that levirate marriage itself might be permitted [so the language “**prohibit**” would produce the possibility of confusion].*
- F. *Since a co-wife is forbidden only where the religious duty of levirate marriage pertains but is permitted where the religious duty does not pertain [that is, if his daughter married one who was not related to him, her co-wife, on the death of her husband, may marry the father], it was necessary to make use of the language, **exempt** [Slotki: “**prohibit**” might have implied that a daughter, always causes her co-wife to be prohibited to her father, whether the precept of the levirate marriage applies or does not apply].*
- I.3.** A. *How come the Tannaite framer of the passage uses the language, **from the rite of removing the shoe [halisah] and from levirate marriage**? Why not just say, **from levirate marriage alone** [for it would go without saying that there also would not have to be a rite of removing the shoe]?*
- B. *If the Tannaite framer had made reference only to exemption from levirate marriage, I might have thought that there might be the rite of removing the shoe, even though there would not be levirate marriage. So we are informed of the fact that whoever enters into levirate marriage may undertake the rite of removing the shoe, and whoever does not to begin with enter into levirate marriage also does not have to undertake the rite of removing the shoe.*
- C. *Well, let the framer of the passage state first of all the exemption concerning levirate marriage, and only then, the rite of removing the shoe, or, alternatively, only make reference to the rite of removing the shoe?*
- D. *The Tannaite authority behind this formulation of the rule is Abba Saul, who has said, “The religious duty of performing the rite of removing the shoe takes precedence over the religious duty of entering into levirate marriage.”*

- I.4.** A. *What classification of persons or relationships is meant to be excluded by the specific enumeration given at the outset of **fifteen** classes of woman and what classification of persons or relationships is meant to be excluded by the specific enumeration given at the end [all these]?*
- B. **[3B]** *They were intended, respectively, to exclude the positions of Rab and of R. Assi [which are specified below].*
- C. *And from the perspective of Rab and R. Assi, what do the enumerations serve to exclude?*
- D. *If they concur with one another, then one enumeration would exclude the classification of co-wife who has undertaken the rite of refusal, and the other serves to exclude the co-wife of a wife whom the husband has remarried after having divorced her. [As to the former, reference is made to a minor who was one of the wives of the deceased childless brother; when she exercises the right of refusal against the levirate brother, she exempts her co-wives from levirate marriage with him, but not from the obligation of performing the rite of removing the shoe. As to the latter, if one of the widows of the deceased brother was divorced and then remarried to him after marrying someone else, she exempts her co-wives from levirate marriage, but the co-wives perform the rite of removing the shoe (Slotki)].*
- E. *If they do not concur with one another, then one enumeration would exclude the position of the other; and the other would excluded either the co-wife of one who exercised the right of refusal, or the case of the co-wife of a wife whom the husband divorced and remarried [after she had been married to a third party].*
- F. *From the perspective of Rab and R. Assi, the subjects of their respective rulings could as well have been enumerated in our Mishnah anyhow! [That is to say, the one speaks of the wife accused of adultery, the other, the barren wife; these, they hold, exempt their co-wives from having to enter levirate marriage or having to perform the rite of removing the shoe (Slotki).]*
- G. *That would not be appropriate, since the rule governing the co-wife of the co-wife [to which our Mishnah-paragraph makes reference] does not apply here [neither the wife accused of adultery nor the barren woman may marry any of the brothers, so the issue of the co-wife of the co-wife does not pertain.]*
- I.5.** A. *What is the scriptural basis of the rule of our Mishnah [that not only the forbidden class of woman, but also co-wives and co-wives of co-wives, also are exempt from having to enter levirate marriage and from having to perform the rite of removing the shoe]?*
- B. *It is in line with that which our rabbis have taught on Tannaite authority:*
- C. *“And you shall not take a woman along with her sister, to be a co-wife to her, to uncover her nakedness, beside her in her lifetime” (Lev. 18:18) —*
- D. *What is the point of the use of the words, “beside her”?*
- E. *Since Scripture states, “Her husband’s brother shall go in beside her” (Deu. 25: 3), I might have supposed that Scripture here makes reference even to any of the forbidden relatives that are listed in the Torah [indicating that levirate marriage may take place, e.g., between a father and a daughter]! The use of the word “beside her” in both passages serves to establish a verbal analogy between the one*

and the other. Just as elsewhere it is only in the case of a religious duty that levirate marriage takes place, so here too it is only in the case of a religious duty in which the levirate marriage takes place. And yet did not the All-Merciful say explicitly, “You shall not take two sisters” (Lev. 18:18)? [The upshot is that levirate marriage is forbidden in the case of consanguineous relationships, just as our Mishnah-passage has indicated].

- F. So we are informed of the law governing the woman herself [who is in a consanguineous relationship]. How do we know the rule governing her co-wife [that the co-wife of such a woman also does not enter into any levirate connection at all]?
- G. It derives from the language, “to be her co-wife” (Lev. 18:18).
- H. Now we have the rule on the co-wife. How about the co-wife’s co-wife?
- I. That derives from the use by Scripture of the language, “to be a co-wife” rather than the language “to oppress” [Slotki: the former covers many co-wives, thus co-wife and the co-wife’s co-wife].
- J. So we have the rule governing the wife’s sister. How do I know the rule governing all other consanguineous relationships?
- K. Say: what distinguishes the case of the sister of the wife is that she stands in a consanguineous relationship, so that if one deliberately has sexual relations with her, he is liable to extirpation, and if it is inadvertent, he is liable to present a sin offering, and she is forbidden to enter into levirate marriage with his brother [should he die childless], so in the case of any woman who is in a consanguineous relationship with him, so that if he should have sexual relations with her deliberately, he is subject to extirpation, and if it was inadvertent, he would have to bring a sin offering, the woman would be forbidden to enter into levirate marriage with a surviving brother of such a man.
- L. Now on the basis of Scripture, thus far, I know only that that is the case of that classification of women. How about their co-wives?
- M. Say: what distinguishes the sister of the wife is that she stands in consanguineous relationship, and he is liable for deliberately having sexual relations with her to extirpation, and if it is inadvertent, to a sin offering, and she is forbidden to the levir and also her co-wife is forbidden to the levir. So any other classification of women who stands in a consanguineous relationship, and on account of which he is liable to extirpation for deliberately having sexual reactions with her, and to a sin offering if the act is inadvertent, and who is forbidden to the levir and whose co-wife is forbidden to the levir.
- N. On the strength of this reasoning, sages have said: **Fifteen women [who are near of kin to their deceased, childless husband’s brother] [because they cannot enter into levirate marriage with the deceased childless husband’s brother also] exempt their co-wives, and the co-wives, from the rite of removing the shoe [halisah] and from levirate marriage, without limit.**
- O. Might I suppose that the co-wives of the further six consanguineous relations [**Six forbidden degrees are subject to a more strict rule than these, for they are validly married only to outsiders, not to one’s paternal brother, and so their co-wives are permitted: (1) his mother, and (2) the wife of his father, and (3)**



**the sister of his father, and (4) his sister from the same father, and (5) the wife of his father's brother, and (6) the wife of his brother from the same father]** of a still more weighty relationship also are forbidden [from entering into marriage with someone whom the forbidden relatives may not marry]?

- P. Say: what distinguishes the sister of the wife is that she stands in consanguineous relationship, and he is liable for deliberately having sexual relations with her to extirpation, and if it is inadvertent, to a sin offering, and she is forbidden to the levir and also her co-wife is forbidden to the levir, so any other classification of women who stands in a consanguineous relationship, and on account of which he is liable to extirpation for deliberately having sexual relations with her, and to a sin offering if the act is inadvertent, and who is forbidden to the levir and whose co-wife is forbidden to the levir. That then excludes the case of the six forbidden relationships subject to a most weighty prohibition. Since these may never marry the other brothers, the co-wives are permitted, for the law of the co-wife applies only to the widows of a brother [Slotki: where one of the widows is a forbidden relative of one of the surviving brothers, and no forbidden relative of the deceased. As the relative is forbidden to marry the brother, her co-wife also is forbidden to him as his brother's wife. Where the relative however is married to a stranger, her co-wife is permitted to those to whom the relative herself is forbidden.]
- Q. So we have derived the admonition in the stated cases. Whence the penalty?
- R. Scripture has said, "For whoever shall do any of these abominations...shall be cut off from among their people" (Lev. 18:19).

**I.6.** A. *The operative consideration, then, is that the All-Merciful has stated explicitly, "beside her." Then it is to be inferred that otherwise, levirate marriage may be contracted with the wife's sister. How come?*

B. *It is because we invoke the rule: let a positive religious duty come and set aside a negative religious duty.*

C. *Well, I could concede that we do say, it is because we invoke the rule: let a positive religious duty come and set aside a negative religious duty in a case in which the latter is merely a prohibition. But do we invoke that principle when the prohibition is one in which the penalty is extirpation? And, furthermore, how do we know the rule governing the negative commandment to begin with that it is superseded at all? [4A] It is because it is written, "You shall not wear mingled stuff" (Deu. 22:11)... "you shall make you twisted cords" (Deu. 22:12), and in that connection said R. Eleazar, "How on the basis of Scripture do we know that the principle of the exegesis of passages based on juxtapositions derives from the Torah itself. As it is written, 'They are joined together forever and ever they are done in truth and uprightness' (Psa. 111: 8)." And R. Sheshet said R. Eleazar b. Azariah, "How on the basis of Scripture do we know that the deceased childless brother's widow who is obligated to enter into levirate marriage with her late husband's surviving brother, in the case in which the latter is suffering with boils, is not to be muzzled [but may dissent from the marriage]? It is written, 'you shall not muzzle the ox in its ploughing' (Deu. 25: 4), and, alongside, 'if brothers dwell together' (Deu. 25: 5)."*

D. *And said R. Joseph, "Even one who does not in general affirm the principle of the exegesis of passages based on juxtapositions, in the case*

*of the book of Deuteronomy, he does interpret verses based on their juxtaposition. For lo, R. Judah in general does not in general affirm the principle of the exegesis of passages based on juxtapositions, but in the case of the book of Deuteronomy, he does interpret verses based on their juxtaposition.”*

- E. *How do we know that he in general does not in general affirm the principle of the exegesis of passages based on juxtapositions? As has been taught on Tannaite authority:*
- F. Ben Azzai says, “It is stated, ‘You shall not suffer a sorceress to live’ (Exo. 22:17), and immediately beyond, ‘Whosoever lies with a beast shall surely be put to death’ (Exo. 22:18).
- G. “The juxtaposition of the two topics is to indicate that, just as one who lies with a beast is put to death through stoning, so a sorceress also is put to death through stoning.”
- H. Said to him R. Judah, “And merely because one matter is juxtaposed to the next, shall we take this person out for execution through stoning?! [There must be better proof.]
- I. “Rather, those who divine by a ghost or by a familiar spirit fall into the classification of of sorcery. Why were they singled out? It was so as to draw an analogy to them, so as to tell you, ‘Just as those who divine by a ghost or by a familiar spirit are put to death through stoning, so a sorceress who is to be executed is put to death through stoning.’”
- J. *How do we know that in the case of the book of Deuteronomy, he does interpret verses based on their juxtaposition? As we have learned in the Mishnah: **A man marries the woman raped by his father or seduced by his father, raped by his son or seduced by his son. R. Judah prohibits in the case of the one raped by his father or seduced by his father [M. Yeb. 11C-D].** And said R. Giddal said Rab, “What is the scriptural basis for the position of R. Judah? As it is written, ‘A man shall not take his father’s wife and shall not uncover his father’s skirt’ (Deu. 23: 1), meaning that he may not uncover a skirt which his father has seen. And how do we know that the text speaks of a woman whom his father has raped? It is written, ‘Then the man that lay with her shall give to the father’ (Deu. 22:29). And juxtaposed is: ‘A man shall not take’ (Deu. 23: 1).” [Simon, *Berakhot*, p. 129, n. 2: This shows that R. Judah derives lessons from juxtaposed texts in Deuteronomy.]”*
- K. *And rabbis? [Slotki: how do they allow marriage of a woman outraged or seduced by one’s father?]*
- L. *If the text really were juxtaposed, matters would be as you have said. But since the verses are not juxtaposed, “A man shall not take his father’s wife” being written between them, the context speaks of a woman awaiting the decision of the levirate brother in law, and in marrying such a woman, a son [of the levir] transgressed two negative religious duties [Slotki: one is that of marrying a woman who is nearly his father’s wife, being subject to the levirate marriage; the other is that of marrying an aunt, the wife of his father’s deceased brother].*



- I.7.** A. *And how come in the case of the book of Deuteronomy, he does interpret verses based on their juxtaposition?*
- B. *If you wish, I shall say that it is because there it is obvious [Slotki: from the proximity of the texts], and if you wish, I shall say, because in that context, there is a redundancy.*
- C. *If you wish, I shall say that it is because there it is obvious: for otherwise, the All-Merciful should have stated the prohibition in the passage in which Scripture deals with consanguineous relationships;*
- D. *and if you wish, I shall say, because in that context, there is a redundancy: for otherwise, the All-Merciful should have written, “A man shall not take his father’s wife” (Deu. 23: 1). Why add: “And shall not uncover his father’s garment”? [4B] That proves that, in that context, there is a redundancy.*

**I.8.** A. *So too in the case of show fringes [in which case one does violate the taboo against mixing species, though otherwise one does not do so], if you wish, I shall say that it is because there it is obvious [Slotki: from the proximity of the texts], and if you wish, I shall say, because in that context, there is a redundancy.*

B. *If you wish, I shall say that it is because there it is obvious: for otherwise, the All-Merciful should have stated the religious duty in the section on show fringes, so what other purpose can there have been to present it here? [So the deduction must have been on the basis of juxtaposition.]*

C. *and if you wish, I shall say, because in that context, there is a redundancy: for Scripture states, “Neither shall there come upon you a garment of two kinds of stuff mingled together” (Lev. 19:19). Why say, “You shall not wear a mingled stuff” (Deu. 22:11)? It must be that the purpose was to provide a redundant text.*

**I.9.** A. *But these verses [Lev. 19:19, Deu. 22:11] surely are required, each for its own purpose. For had Scripture stated only, “Neither shall there come upon you a garment of two kinds of stuff mingled together” (Lev. 19:19), I might have supposed that anything that is put on is forbidden, including clothing that is carried by clothing dealers. So the All-Merciful stated, “You shall not wear a mingled stuff” (Deu. 22:11), showing that “putting on” must be comparable to wearing, that is to say, that there should be an aspect of personal enjoyment [which is not the case for the clothing dealer, who carries the garments only for sale]. And had Scripture stated only, “You shall not wear a mingled stuff” (Deu. 22:11), I might have supposed that it is in particular wearing that is forbidden,*

*since the enjoyment is considerable, but merely putting on is not forbidden, so Scripture said, “Neither shall there come upon you a garment of two kinds of stuff mingled together” (Lev. 19:19).*

- B. *If the verses were required for the stated purpose [and were not redundant], Scripture should have written only, “You shall not wear mingled stuff.” Why add, “wool and linen”? [And if you propose that the purpose was to show that what is forbidden in context is wool and linen], it is written, “Neither shall there come upon you a garment of two kinds of stuff mingled together,” (Lev. 19:19), in which connection a Tannaite authority of the household of R. Ishmael stated, “Since Scripture commonly speaks of garments without further specification, and here Scripture has in one case [Lev. 13:47-8] specified wool and linen, all references must be understood as speaking of wool and linen. Why then specify wool and linen here as well? It must be so as to provide a redundant text.”*

**I.10.** A. *And still, the reference to wool and linen at Deu. 22:11 is required for an other purpose. For it might have entered your mind that the prohibition pertains to a case in which the benefit of the putting on is not all that great, but in regard to wearing the garment, where the benefit is great, any two species of fabrics are forbidden by the All-Merciful. So the All-Merciful has specified only “wool and linen.”*

- B. *If so, Scripture should have left out those items altogether, and we could have drawn a verbal analogy between the references to “mingled stuff” at Deu. 22:11 and Lev. 19:19.*

**I.11.** A. *Now as to the Tannaite authority of the household of R. Ishmael, the operative consideration is that the All-Merciful has made explicit reference to wool and linen. Lo, if it were not for that fact, the use of mixed stuffs in show fringes would have been assumed to have been forbidden by the All-Merciful. And yet it is written, “And they shall make them fringes in the corners of their garments” (Num. 15:38), and a Tannaite authority of the household of R. Ishmael has taught, “Wherever Scripture refers to ‘garment,’ it is one that is made of wool or flax, and yet the All-Merciful has said that ‘purple’ should be inserted into them and purple is wool! And how do we know that purpose is wool? Because linen is flax, purple must be wool. [Slotki: as the garment were either of wool or flax and linen*

flax was specified in the case of one, all the others must have been wool; now since it has been shown that purple is wool, it obviously follows that woolen show fringes are permissible in a garment of flax; what was the need then for a specific text to prove the permissibility of mingling wool and flax in show fringes?]

- B. *The text nonetheless for necessary, for otherwise, one might have assumed that matters are to be read in accord with Raba. for Raba contrasted these verses: "It is written, 'The corner' [Cashdan: which implies that the fringes are to be of] the same kind of material as the corner; but it is also written, 'wool and linen.' How so? Woolen threads along with linen threads carry out the obligation of a garment to have show fringes whether these garments are made of the same material or material of some other kind; other kinds of threads serve to fulfill the requirement of show fringes in a garment of the same material, but not in a garment of some other material."*
  - C. *But lo, the Tannaite authority of the household of R. Ishmael does not concur with Raba [Slotki: for according to that authority, since garment denotes only such as is made of wool and linen, garments made of other materials require no show fringes. What need is there for the expression of wool and linen to differentiate these from other materials?]*
  - D. *The reference to wool and linen nonetheless is required. For otherwise one might have supposed that Raba's interpretation would yield the following: "the corner" implies that the fringes are to be made of the material of the corner, and that the sense of the All-Merciful is this: "Make wool fringes for wool garments, and linen ones for linen. Only when you make wool fringes for wool garments you must dye them, but you should not make wool fringes for linen or linen ones for wool. Hence, the All-Merciful specified wool and linen to show that even wool fringes may be made for linen garments, and linen fringes for wool ones. [Slotki: mingled stuffs are permissible in the performance of the precept of show fringes.]*
- I.12.** A. **[5A]** *That poses no problem to the Tannaite authority of the household of R. Ishmael [Slotki: that deduction from juxtaposed verses is such that a*

positive precept supersedes a negative one; since on the lines of his interpretation of the tet, wool and linen is superfluous, and free for the deduction that is mentioned]. *But as to rabbis [who do not interpret garment to be one of wool and flax], how do they know the same fact?*

- B. *They derive it from the reference to “his head” (Lev. 14: 9), for it has been taught on Tannaite authority:*
- C. **[Sifra 151/Parashat Mesora Perek 2/3:] “His head” (Lev. 14: 9) — why does Scripture say so?**
- D. **Because it is said, “A razor shall not pass across his [the Nazir’s] head” (Num. 6: 5),**
- E. **might I think that this [prohibition] applies even though he is afflicted with plague?**
- F. **Scripture says, “His head” (Lev. 14: 9).**
- G. *And the Tannaite authority at hand takes the position that rounding the whole of the head is classified as rounding. [Slotki: such a rounding is generally forbidden but is permitted in the case of a leper, because Scripture explicitly stated ‘shave all the hair of his head.’ Thus it is proved that the positive precept of the shaving of the leper supersedes the prohibition of rounding off one’s head. Similarly in the case of the levirate marriage, it might have been assumed that the positive precept of marrying the deceased brother’s widow supersedes the prohibition of marrying a wife’s sister; hence the necessity for a special text to prove that it does not.]*
- H. *One may raise this objection: the distinctive trait that explains why the prohibition against rounding the head may be superseded is that it does not apply to everybody [women are not obligated].*
- I. *Rather, the same point derives from the matter of “his beard” (Lev. 14: 9), in line with that which has been taught on Tannaite authority:*
- J. **[Sifra 151/Parashat Mesora Perek 2/4:] “And his beard” (Lev. 14: 9):**
- K. **Why does Scripture say so?**
- L. **Because it is said, “The corner of their beard they [priests] shall not shave” (Lev. 12: 5).**
- M. **Might one think that this is the case even if he is afflicted with plague?**
- N. **Scripture specifies, “His beard”(Lev. 14: 9).**

- O. Now since there is no point in applying it to a prohibition that does not apply to everybody [Slotki: that such a prohibition is superseded by a positive precept, having been deduced earlier from “his head,”] apply it to the matter of a negative commandment that does apply to everybody.
- P. *Nonetheless, the reference to “his beard” still is needed [for a contextual purpose, so is not available for the present exercise at all]. For it might have entered your mind to suppose that rules governing priests are in a special case, since the Scripture has assigned to them a great many additional religious duties that do not pertain to other castes, so even a prohibition that does not apply to all persons would not be superseded in their case. Therefore it was necessary to use the cited language to show that it does supersede.*
- Q. *The besought proposition derives in accord with the following Tannaite authority, as has been taught on Tannaite authority:*
- R. “His head” (Lev. 14: 9) — why does Scripture say so?
- S. Because it is said, “A razor shall not pass across his [the Nazir’s] head” (Num. 6: 5),
- T. might I think that this [prohibition] applies to a Nazirite who is afflicted with plague?
- U. Scripture says, “His head” (Lev. 14: 9). [Slotki: thus it is proved that a positive precept supersedes a prohibition.]
- V. *One may raise this objection: the distinctive trait that explains why the prohibition against rounding the head may be superseded is that the Nazirite is subject to gaining absolution [of a sage, who may release his vow [so he may not have to shave at all]. And if you do not maintain that view, then lo, what about the established principle that an affirmative commandment does not override a negative commandment and an affirmative commandment? Why not prove the contrary from the case of the law governing the Nazirite suffering from the skin ailment? [Slotki: the shaving of a Nazirite’s head is forbidden by the precept that he must grow his hair long, and by the prohibition of allowing a razor to come upon his head]. So the reason that no deduction may be made from the case of the Nazirite is that one may refute it on the basis of the*

*fact that the Nazirite is subject to gaining absolution. Here too, one may raise the objection, the distinctive trait that explains why the prohibition against rounding the head may be superseded is that the Nazirite is subject to gaining absolution.*

- W. *In point of fact [5B] the deduction derives from the original text [the use of mingled stuff in the case of the show-fringes], namely: since Scripture could have used the expression, “you shall make you fringes,” [and not, “twisted cords” (Deu. 22:12)], what need was there for the expression, “twisted cords”? One must conclude that it served the purpose of leaving the matter open for deduction.*
- Y. *But that language serves the purpose of indicating the number of threads that are to be used in the show-fringes, as follows: “Twisted thread” (Deu. 22:12) would involve two, but “Twisted cords” represents four, so one has to twist them into a cord; but from the middle they have to hang down as separate threads.*
- Z. *If that were the intent of the framer of the passage, then Scripture could as well have said, “you shall not wear a mingled stuff, wool and linen” (Deu. 22:11). Why add, “together”? One must conclude that it served the purpose of leaving the matter open for deduction.*
- AA. *But the purpose of the text [“together,” Deu. 22:11] is to indicate that two stitches form a combination [of wool and flax materials] and one stitch does not [following Slotki].*
- BB. *If that were the case, the All-Merciful should have written, “You shall not wear wool and linen together.” Why say “mingled stuff”? One must conclude that it served the purpose of leaving the matter open for deduction.*
- CC. *But still, the cited language is required to make the point that mingled stuff is forbidden only if it was hackled, spun, or twisted.*
- DD. *The fact is that all of these propositions derive from the reference to “mingled stuff.”*

**I.13.** A. *Thus far we have found that a positive commandment will come along and supersede a negative commandment standing on its own. But where do we find that a positive commandment supersedes a negative commandment, the punishment of which is extirpation, so that the language “beside her” should be required to forbid such an action in this special case? [That is, to forbid the marriage of the levir and the widow of the deceased childless brother if she is a*



forbidden relative (Slotki)]? *And should you say that [the prohibition of marriage of the levir and the widow of the deceased childless brother if she is a forbidden relative] should be derived from the matter of circumcision [Slotki: which must be performed on the eighth day of the child's birth, even though that day happens to coincide with the Sabbath, when such work is forbidden, and the penalty of extirpation is imposed], there is a special consideration with regard to circumcision, namely: thirteen covenants were made in connection with circumcision.*

- B. *So why not derive the principle from the case of the Passover lamb [which may be slaughtered even on the Sabbath, thus similar to the matter of circumcision]?*
- C. *There is a special consideration with regard to offering the Passover lamb on the Sabbath, namely: it involves extirpation. [Slotki: so it may also supersede the Sabbath; but it supplies no proof that a positive precept which is not so stringent, such as the marriage with the levir, also supersedes a prohibition involving extirpation.]*
- D. *So why not derive the principle from the case of the daily whole offering [which may be slaughtered even on the Sabbath, thus similar to the matter of circumcision]?*
- E. *There is a special consideration with regard to offering the Passover lamb on the Sabbath, namely: it is regular [and that is why it overrides the Sabbath; the issue at hand is therefore not resolved.]*
- F. *So it cannot be derived from a single case, but let it be derived from two of them!*
- G. *Well, which two? Should it be the cases of circumcision and the Passover? But the distinctive trait in both is that the penalty of extirpation applies [and that is why these supersede the Sabbath]. Should it derive from the Passover and the daily whole offering? But these represent requirements of the Most High. Should it derive from circumcision and the daily whole offering? But these are religious duties that pertained prior to the giving of the Torah, at least in accord with the opinion of him who maintains that the burnt offering that the Israelites offered in the wilderness was the daily whole offering. And, as a matter of fact, all three cannot yield the besought principle, since all of them pertained before the giving of the Torah [but that is not the case for the prohibition at hand].*
- H. *Rather, this is the reason that a special text is required [namely, "beside her," Lev. 18:18, to indicate that the levirate marriage is forbidden if the widow is a forbidden relative of the surviving brother (Slotki)]:*
- I. *[In the absence of Lev. 18:18,] you might otherwise have supposed that [the proposition that a positive religious duty supersedes a negative one that involves extirpation, so that a levir may marry his deceased childless brother's widow even if she is a forbidden relative (Slotki)] derives from the case of the honor that is owing to the father and mother, in line with that which has been taught on Tannaite authority:*
- J. *Might one suppose that the honor owing to father and mother supersedes the Sabbath? It is stated to the contrary, "You will fear, every person his mother and his father, but you shall also keep my Sabbaths" (Lev. 19: 3) — all of them are liable to carry out the honor that is owing to me.*

- K. *So if the father had said to him, “Slaughter an animal for me,” “Cook for me,” [on the Sabbath he must not do so]. Now the operative consideration is that Scripture has said, “You will fear, every person his mother and his father, but you shall also keep my Sabbaths” (Lev. 19: 3). Then if Scripture had not made that statement, the honor owing to the parents would indeed have overridden the restrictions of the Sabbath!*
- L. Not at all. **[6A]** *It is a case of a negative commandment comparable to the case of the ass driver [Slotki: where a father ordered the son to violate the Sabbath by driving an ass; it is a prohibition that does not involve extirpation, unlike the act of slaughter or cooking, which does].*
- M. *But it is an established principle that a positive religious duty does override a negative one. Then would this case not provide the inference that it does not supersede a negative one [even a mere prohibition that does not involve the penalty of extirpation]? And should you say that the prohibitions concerning the Sabbath present a special because, being more strict, the Tannaite authority in the following case speaks of prohibitions in general, and no one objects, as has been taught on Tannaite authority: How do we know that, **if his father said to him, “Contract corpse uncleanness,” or if [under normal circumstances] he said to him, “Don’t return it,” he should not obey him.** one should not obey him? As it is said, “You shall fear every man his mother and his father and keep my Sabbaths: I am the Lord your God” (Lev. 19: 3) — you all are obligated to honor me.*
- N. *Rather, the operative consideration is that one may pose the following objection: the distinguishing trait of these [cases, where the father orders the son to kill an animal or cook on the Sabbath] is that they represent acts that are essential in carrying out the religious duty [of honoring the father]. [Slotki: honoring the parents is entirely depending on its superseding the prohibition, e.g., cooking on the Sabbath. That is why it was necessary to have an explicit text to indicate that, even in such a case, a positive precept does not supersede a prohibition. In the case of the levirate marriage, however, the infringement of the prohibition is not absolutely essential to the fulfillment of the precept, since, instead of the marriage, the rite of removing the show may be arranged, and the question remains: what need is there of the verse “beside her”?]*
- O. *Rather, the reason [that the language “beside her is required] is that it might have entered your mind to suppose that [the proposition that a positive commandment supersedes a negative commandment involving extirpation, so that the levirate marriage might take place even in such a case (Slotki)] the building of the house of the sanctuary could have proven otherwise, as has been taught on Tannaite authority:*
- P. Might one have supposed that the building of the house of the sanctuary should override the precepts of the Sabbath? Scripture states, “You shall keep my Sabbaths and fever my sanctuary” (Lev. 19:30) — all of them are obligated to pay me appropriate honor.
- Q. *Now is it not a case in which one’s father has told the son to build or to destroy, and the reason that that action does not supersede the Sabbath is that the All-Merciful has explicitly stated, “You shall keep my Sabbaths and fever my*

sanctuary” (Lev. 19:30)? *Then if Scripture had not so stated, the action would have superseded the Sabbath* [Slotki: thus it follows that a positive precept does supersede a prohibition even though the latter involves extirpation].

- R. *Not at all. It is a case of a negative commandment comparable to the case of the ass driver* [Slotki: where a father ordered the son to violate the Sabbath by driving an ass; it is a prohibition that does not involve extirpation, unlike the act of slaughter or cooking, which does].
- S. *But it is an established principle that a positive religious duty does override a negative one. Then would this case not provide the inference that it does not supersede a negative one [even a mere prohibition that does not involve the penalty of extirpation]? And should you say that the prohibitions concerning the Sabbath present a special because, being more strict, the Tannaite authority in the following case speaks of prohibitions in general, and no one objects, as has been taught on Tannaite authority: How do we know that, if his father said to him, “Contract corpse uncleanness,” or if [under normal circumstances] he said to him, “Don’t return it,” he should not obey him. one should not obey him? As it is said, “You shall fear every man his mother and his father and keep my Sabbaths: I am the Lord your God” (Lev. 19: 3) — you all are obligated to honor me.*
- T. *Rather, the operative consideration is that one may pose the following objection: the distinguishing trait of these [cases, where the father orders the son to kill an animal or cook on the Sabbath] is that they represent acts that are essential in carrying out the religious duty [of honoring the father].* [Slotki: honoring the parents is entirely depending on its superseding the prohibition, e.g., cooking on the Sabbath. That is why it was necessary to have an explicit text to indicate that, even in such a case, a positive precept does not supersede a prohibition. In the case of the levirate marriage, however, the infringement of the prohibition is not absolutely essential to the fulfillment of the precept, since, instead of the marriage, the rite of removing the show may be arranged, and the question remains: what need is there of the verse “beside her”?]
- U. *Rather, the operative consideration is that one may pose the following objection: the distinguishing trait of these [cases, where the father orders the son to kill an animal or cook on the Sabbath] is that they represent acts that are essential in carrying out the religious duty [of honoring the father].* [Slotki: honoring the parents is entirely depending on its superseding the prohibition, e.g., cooking on the Sabbath. That is why it was necessary to have an explicit text to indicate that, even in such a case, a positive precept does not supersede a prohibition. In the case of the levirate marriage, however, the infringement of the prohibition is not absolutely essential to the fulfillment of the precept, since, instead of the marriage, the rite of removing the show may be arranged, and the question remains: what need is there of the verse “beside her”?]
- V. *But the law concerning what is essential to carrying out the religious duty can have derived from the cited text [Lev. 19:30]!*
- W. *True enough. Then what’s the point of, “You shall keep my Sabbaths and have reverence for my sanctuary” (Lev. 19:30)?*
- X. *It is required in line with that which has been taught on Tannaite authority:*

- Y. Might one suppose that one should revere the sanctuary? Scripture says, “You shall keep my Sabbaths and revere my sanctuary” (Lev. 19:30), meaning, “keep” is used in regard to the Sabbath and “revere” in regard to the sanctuary, to yield the comparison that follows: just as keeping is used in respect to the Sabbath [6B], in the sense that one does not revere the Sabbath but the One who commanded the observance of the Sabbath, so in the matter of reverence used in regard to the sanctuary, one is to revere not the sanctuary but the One who gave the commandment concerning the sanctuary.

**I.14.** A. What is the reverence that is owing to the sanctuary?

B. **One should not enter the Temple mount with his walking stick, his overshoes, his money bag, or with dust on his feet. And one should not use [the Temple mount] for a shortcut. And spitting [there likewise is forbidden, as is proven by an argument] a minori ad majus [if you may not use it for a shortcut, you obviously may not spit there] [M. Ber. 9:5H-J].**

C. I know that that is so at the time that the house of the sanctuary is standing. How do I know that that is the case even when the house of the sanctuary is not standing?

D. Scripture states, “You shall keep my Sabbaths and revere my sanctuary” (Lev. 19:30) — just as when “keeping” pertains to the Sabbath, it is for all time, so when reverence refers to the sanctuary, it is for all time.

**I.15.** A. *Rather, the reason [that the language “beside her is required] is that it might have entered your mind to suppose that the proposition might be derived from the prohibition of kindling a fire on the Sabbath.*

B. *For a Tannaite authority of the house of R. Ishmael [said], “You shall not kindle a fire [on the Sabbath]” (Exo. 35: 3). What is the purpose of this statement?”*

C. *What is the purpose of this statement?! [We all know the answer]. If we speak from the viewpoint of R. Yosé, [that one should not kindle a flame] is singled out so as to indicate that [kindling a flame] is simply a negative commandment [violation of which is punished by flogging. Other violations of the Sabbath are punished by execution through stoning.]*

D. *If we speak from the viewpoint of R. Nathan, it is singled out in order to indicate that we treat a singular and punishable act each distinct violation of Sabbath-law [not grouping all of them and penalizing the whole].*

E. *For it has been taught on Tannaite authority:*

F. *“Specification of kindling a flame [as a prohibited act] serves to place such an act in the category of a negative commandment,” the words of R. Yosé.*

G. *R. Nathan says, “It serves to treat as a distinct act [punished by itself] that deed [or any other deed in violation of the Sabbath].”*

H. *Rather, said Raba, “What posed a problem to the Tannaite authority was the word ‘habitations’ [at Exo. 35: 3, not to kindle a flame ‘in all of Israel’s habitations’]. Why is that word included?”*

I. *“[Here is what troubled the Tannaite authority at hand:] Since the Sabbath is an obligation that pertains to the person, and since an obligation pertaining to the*

person applies both in the Land and outside of the Land, why did the All-Merciful include the word 'habitations' [which speaks of the Land of Israel in particular]?"

J. In the name of R. Ishmael a disciple said, "It is because it is written, 'And if a man has committed a sin worthy of death and he be put to death' (Deu. 21:22). I might then take the view that that may be done whether on a weekday or on the Sabbath. In that case how shall I carry out the verse, 'Those who profane [the Sabbath] shall certainly be put to death' (Exo. 31:14)? It would refer to other forms of labor prohibited on the Sabbath, but not carrying out the death penalty imposed by a court. Or perhaps that statement encompasses also the execution of criminals convicted by a court. In that case how shall I interpret 'And he shall be put to death' (Deu. 21:22)? It would speak of weekdays, and not the Sabbath. Or perhaps it means that the execution is carried out even on the Sabbath? Scripture states, 'You shall not kindle a fire throughout your habitations' (Exo. 35: 3), and elsewhere it is written, "And these things shall be for a statute of judgment for you throughout your generations in all your habitations' (Num. 35:29). Just as 'habitations' in that context speaks of matters pertaining to courts, so 'habitations' here speaks of matters pertaining to courts. Now when the All-Merciful has said, 'You shall not kindle a fire in all your habitations' (Exo. 35: 3) [that must encompass not imposing the death penalty for the Sabbath, since one form of the death penalty is through 'burning.' So one cannot inflict the death penalty on the Sabbath, despite the argument a fortiori given above. And it further follows that one may not bury a neglected corpse on the Sabbath either.]"

K. *Now shall we not take for granted this accords with the position of R. Nathan, who maintains that the purpose is to show that even a single violation of the law imposes upon the offender the prescribed penalty, with the operative consideration being that the All-Merciful has written, "You shall kindle no fire" [meaning, not carry out the death penalty of burning on the Sabbath]. Then if Scripture had not made that statement, the upshot would have been that the execution would have superseded the Sabbath [Slotki: though the penalties involved include that of extirpation; thus it follows that a positive precept may supersede even such a prohibition; so also in the case of the levirate marriage it might have been assumed that the precept of marrying one's deceased childless brother's widow supersedes the prohibition of marrying a consanguineous relative, despite the fact that such a transgression involves elsewhere the penalty of extirpation; hence it was necessary for Scripture to add, "beside her" (Lev. 18:18), to indicate that even a levirate marriage in such a case is forbidden].*

L. *Not at all, this may accord with R. Yosé.*

M. *Well, even if it is in accord with R. Yosé, perhaps R. Yosé takes the view that not kindling a fire on the Sabbath is mentioned in its own terms in order to show that it is a mere prohibition of burning ordinarily; but the burning by the court would involve boiling a metal bar for the purpose of inflicting the death penalty, and R. Sheshet said in that connection that there is no real difference between boiling a metal bar and boiling of dyes? [Slotki: the dyes were boiled in connection with construction of the tabernacle made by Moses, and labor that was done there defines the thirty-nine generative categories of labor that are forbidden on the Sabbath and involve extirpation].*

- N. *Said R. Shimi bar Ashi, “The Tannaite authority [Slotki: who deduced from scriptural texts that a judicial death sentence may not be executed on the Sabbath] requires the verses to support his position not because, ordinarily, he takes the view that a positive religious duty supersedes a negative one, but because in the present case, [the assumption that the execution of a judicial death sentence might supersede the Sabbath (Slotki)] might have been proven merely by an argument a fortiori, and this is the gist of his position: How am I to interpret the verse, “Every one that profanes it shall surely be put to death” (Exo. 31:14)? This would pertain to all other types of work, excluding the labor of a court’s inflicting the death penalty. But the execution of the death penalty by a court overrides the restrictions of the Sabbath, on the strength of the following argument a fortiori: [7A] if the act of service in the Temple, which is a most stringent matter and overrides the Sabbath, is itself superseded by a death sentence for murder, “And you shall take him from my altar that he may die” (Exo. 21:14), how much the more so should the Sabbath, which is overridden by the Temple service, also be overridden by an execution for murder on the Sabbath?*
- O. *Well, then, what is the sense of his statement, “Or it might rather...”?*
- P. *This is the sense of his statement: Burial of a neglected corpse might prove the contrary, since it overrides the Temple service but does not supersede the Sabbath.” In that context, he argued, “There is an argument a fortiori that burying a neglected corpse should override the restrictions of the Sabbath. If the Temple service, which overrides the Sabbath, is overridden by the burial of a neglected corpse, by deduction from ‘or for his sister’ (Num. 6: 7), how much the more should the Sabbath, which is overridden by the Temple service, be superseded by the burial of a neglected corpse. That is why it was necessary explicitly to state, “You shall kindle no fire” (Exo. 35: 3).*
- Q. *Now in line with what we have taken for granted to begin with, that an affirmative religious duty comes along and overrides a negative religious duty, what is the sense of “or it might rather be...”?*
- R. *This is the sense of the statement: how am I to interpret the phrase, “Every one that profanes it shall surely be put to death” (Exo. 31:14)? This refers to other acts of labor, except for the court’s inflicting the death penalty. But that would override the prohibitions of the Sabbath, since a positive religious duty [executing the criminal] overrides the negative religious duty. But then he reversed himself and argued, one might suppose that a positive religious duty overrides a negative one when there is a mere negative religious duty standing on its own. But will it supersede a negative religious duty that involves extirpation? And then he concluded, even where a positive religious duty overrides a negative one, the negative one still is surely more weighty than the positive one [since a violation of a negative religious duty involves a flogging, while not doing a religious duty that is an affirmative commandment is not punished]. Nonetheless, the positive religious duty comes along and overrides the negative one. Then why in the world should one distinguish a minor from a major prohibition? Hence it was necessary for Scripture to state, “You shall kindle no fire.”*

**I.16.** A. [Slotki: now that it is concluded that the need of the scriptural text prohibiting the execution of a death sentence on the Sabbath is because otherwise



permissibility thereof might have been argued a minori and not on the ground of the principle that a positive command supersedes a prohibition, there is no proof available for the assumption that a positive precept supersedes a prohibition that involves extirpation, and thus the original question again arises: what need was there for the specific text of Lev. 18:18, “besides her,” to indicate the obvious, that the positive precept of the levirate marriage does not supersede the prohibition of marrying a consanguineous relative?] *Still, it was necessary to invoke a specific text. For otherwise, it might have entered your mind to suppose that this wife of the deceased brother should be classified as something that was covered by an encompassing rule and was singled out from the classification of things covered by the encompassing rule to teach a lesson, and not to teach a lesson concerning that classification itself, but rather, to teach a lesson concerning the encompassing rule in its entirety. For so it has been taught on Tannaite authority:*

- B. In the case of any matter that was covered by an encompassing principle but that was singled out from within that encompassing principle for the specification of a given rule, what is specified pertains to not only that particular item but to the entire class of items of which it is a part. How so? “But the person who eats of the flesh of the sacrifice of the Lord’s peace offerings while an uncleanness is on him — that person shall be cut off from his people” (Lev. 7:20): now were not peace-offerings encompassed within the governing principle of all Holy Things? And why has that class of Holy Things been singled out? It is to draw an analogy from them to all other items of its class, in this manner: just as peace offerings are Holy Things assigned to the altar, and on their account people bear liability to extirpation, so on account of everything that is in the category of Holy Things assigned to the altar, people will bear liability to extirpation. This then excludes that which has been assigned to the upkeep of the Temple house [and not for use on the altar]. [Porusch, to *Keritot* 2B: and here likewise all cases of incestuous relationships ought to be derived from the reference to “his sister”].
- C. *Now here likewise*, the wife of the brother was covered among all of the consanguineous relationships, and why was she singled out? To form a comparison between her and others and to tell you that, just as the brother’s wife is permitted [to marry the levir if the brother dies childless], so all the other consanguineous relations likewise are permitted. [Slotki: a text was consequently needed to intimate that the law is not so.]
- D. *But are they really similar? There, in the case of sanctified objects, the encompassing generalization pertained to what is prohibited, and the particularization thereof likewise pertained to what is prohibited. But here, by contrast, in the case of levirate marriage and the consanguineous relations, the encompassing rule pertains to what is prohibited, but the particularization thereof deals with what is permitted [so the two are not comparable at all]!*
- E. Rather, the comparison is to be drawn to something that was covered by an encompassing rule and then was singled out in order to be made the subject of a fresh rule altogether, in which case you cannot restore it to the governance of the encompassing rule unless Scripture itself explicitly does so. *That is in line with what has been taught on Tannaite authority:*

- F. If a matter was covered by an encompassing rule but then was singled out for some innovative purpose, you have not got the right to restore the matter to the rubric of the encompassing rule unless Scripture itself explicitly does so.
- G. How so?
- H. “And he shall kill the lamb in the place where they kill the sin offering and the burnt offering, in the holy place; for the guilt offering, like the sin offering, belongs to the priest; it is most holy” (Lev. 14:13) —
- I. Now what need does Scripture have to state, “for the guilt offering, like the sin offering”? [Freedman: for if it is to teach that it is slaughtered in the north, that follows from the first half of the verse; if it teaches that sprinkling of the blood and eating the meat follow the rules of the sin offering, that is superfluous, since it is covered by the general regulations on guilt offerings given at Lev. 7: 1-10]. And why does Scripture state, “for the guilt offering, like the sin offering”?
- J. The reason is that the guilt offering presented by the person healed of the skin ailment was singled out for the innovative purpose of indicating the following:
- K. in regard to the thumb of the hand, big toe of the foot, and right ear, you might have thought that the rite does not require the presentation of the blood of the offering and the parts to be burned up on the altar. **[7B]** Scripture therefore states, “for the guilt offering, like the sin offering,” to show that just as the sin offering’s blood and sacrificial parts have to be presented on the altar, so the blood and sacrificial parts of the guilt offering presented by the person healed of the skin ailment have to be presented on the altar.
- L. *Now had Scripture itself not restored it [to line the leper’s guilt offering up with the other guilt offerings (Slotki)], I might have supposed that it was singled out only in regard to what was explicitly specified but not for any other purpose. Here too, in the case of the levirate marriage, I might have supposed that only the brother’s wife, who is explicitly mentioned, is permitted, but not any of the other forbidden relatives. [Slotki: the question consequently rises again: what need was there for “beside her” at Lev. 18:18?]*
- I.17.** A. [The reason that the superfluous text was needed] was that you might have argued that the law of the wife’s sister should derive from what pertains in the case of the brother’s wife: just as a levir may marry the brother’s wife, so he may marry the wife’s sister [and the superfluous text, “beside her” serves to eliminate that possibility].
- B. *But are the cases parallel? There, in the case of the brother’s wife, there is only one grounds for prohibition; here, in the case of the wife’s sister, there are grounds for prohibition on two counts [brother’s wife, and wife’s sister, hence how could the one be deduced from the other (Slotki)]? What might you have said? Since the brother’s wife [who is also the wife’s sister, and whose husband died childless] was permitted in regard to one prohibition [that of marrying the brother’s wife in a levirate marriage], she was also permitted in the case of the other the prohibition of marrying one’s wife’s sister]. [So we are informed that that is not the case, by the superfluous language under discussion.]*

- C. *And on what basis do you maintain that we invoke the principle, since something is permitted in one regard, it is permitted in some other? It derives from that which has been taught on Tannaite authority:*
- D. If the eighth day of the purification period of a person afflicted with the skin ailment [of Leviticus 13-14] coincided with the eve of the Passover, and who had an emission on that day [before offering his sacrifices in completion of the purification rite], and who immersed himself [although he had immersed on the previous day on account of his leprosy, doing so again by reason of his emission] — sages said, “Even though any other person in the status of one who has immersed but awaits sunset for the completion of his purification may not enter the Temple, this one may enter the Temple [for his purification rite]. It is better that fulfilling an affirmative religious duty that bears the penalty of extirpation [the Passover offering, and completing the purification rite allows the man to eat the Passover offering that night, and that is an affirmative religious duty] should come along and set aside an affirmative religious duty that does not carry with it the penalty of extirpation [that is, the one who has immersed and awaits sunset is not to come into the Levitical camp, but if he does so, he does not incur the penalty of extirpation].”
- E. And R. Yohanan said, “Even an affirmative action is not connected with that matter, so far as the law of the Torah is concerned. For it is said, ‘And Jehoshaphat stood in the congregation of Judah and Jerusalem in the house of the Lord before the new court’ (2Ch. 20: 5).”
- F. *And what is the meaning of ‘the new court’?*
- G. Said R. Yohanan, “They innovated there and ruled, ‘A person who has immersed and awaits for sunset to complete his purification must not enter the Levitical camp.’”
- H. And said Ulla, “What is the operative consideration [that the leper was permitted to extend his hands into the sanctuary, while in Ulla’s view, an unclean person cannot project therein even part of his body? (Slotki)] Since he was permitted in regard to his leprosy, he also was permitted in regard to his unclean semen.” [Slotki: thus it is proved that since something was permitted in one respect, the permission remains in force even when another prohibition may be involved in another respect. The same argument might have also applied to a wife’s sister or widow of a deceased brother, hence the need of the next, “beside her.”]
- I. **[8A]** *That comparison serves where the deceased brother married first [a brother’s wife who is also the sister of his wife] and the surviving married his brother’s wife’s sister afterward [thus adding to the one prohibition]. In such a case, since the prohibition of the brother’s wife was removed [through the requirement of entering into levirate marriage], that of the wife’s sister also is removed. But if the surviving brother had married first, and then the deceased brother married later on, the prohibition of the wife’s sister was in force first [Slotki: and could not consequently be removed by the removal of a prohibition that took effect subsequent to it].*
- J. *Furthermore, even if the deceased had married first, the comparison would work in a case in which the deceased had married and died, and then the surviving brother married, so the widow was eligible in the interval [Slotki: between the*

death of her husband and the marriage of her sister by his surviving brother; this case would be analogous to that of the leper who was eligible to bring his sacrifices on the eighth day of his purification during the interval between the beginning of the day and the hour on that day that he contracted the new uncleanness by his discharge.] *But if the deceased had married, and before he died the wife's sister was married by the surviving brother, the widow was never for a moment eligible for his brother. Doesn't Ulla admit that, if the leper observed semen on the night prior to the eighth day of the purification process, he must not poke his hand into the sanctuary on account of the thumb, because, at the time he was eligible to bring the sacrifice [as a leper who had been rendered clear, on the eighth day of the purification], he was not free of uncleanness [Slotki: owing to the discharge of the semen which occurred in the night. As a sacrifice must be brought in the day time only, there was not a single moment during which he was eligible to bring the sacrifices as someone clean in all respects. The prohibition therefore remains in force. So also in the case of a wife's sister as regards the levirate marriage. The question therefore arises again, what need was there for the superfluous text of Lev. 18:18?].*

- K. *Rather, [the reason that the superfluous text was needed] was to deal with a case in which the deceased brother married first and then died, and the surviving brother married the widow's sister thereafter [Slotki: so that there was an interval during which he was permitted to marry the widow].*
- L. *Or, if you prefer, I shall say, it might have been deduced by means of the analogy of R. Jonah. For R. Jonah — others say, R. Huna b. R. Joshua — said, "Said Scripture, 'For whosoever shall do any of these abominations shall be cut off' (Lev. 18:29) — all forbidden relatives thus are treated as comparable to the wife of the brother [and form a single group]." Here too, as a brother's wife is permitted [to the levir], so all the other forbidden relatives are permitted. Scripture thus had to say 'besides her' (Lev. 18:18) [to intimate they are not permitted (Slotki)].*
- I.18.** A. *Said R. Aha of Difti to Rabina, "Well, now, since all of the other forbidden consanguineous relationships may be compared to the generative analogy of the wife of the brother, or may also be compared to the generative analogy of the sister of the wife, how come you seize upon the analogy of the sister of the wife. Rather, invoke the analogy of the wife of the brother" [Slotki: and levirate marriage with all of them would thus be permitted].*
- B. *"If you wish, I shall say that when one may draw an analogy that will yield a lenient ruling and a strict ruling, then one invokes the analogy that yields strict rules, and if you prefer, I shall say, in the former cases [in that of the wife's sister, and all the other forbidden relatives other than the brother's wife] we deal with two prohibitions, and there we deal with two as well [forbidden relatives and brother's wife], and two prohibitions may be inferred from two others; in the latter case, on the other hand, [if the brother's wife is not a consanguineous relative] there is only a single basis for prohibiting the marriage [that is, the brother's life], and a double prohibition may not be derived from the analogy of a single one."*
- I.19.** A. *Raba said, "The prohibition of the levir's marrying a consanguineous relative does not require scriptural proof anyhow, since an affirmative commandment*

*[that the levir marry the widow of the deceased childless brother] does not override a negative commandment, violation of which is penalized by extirpation. Where there is a requirement of scriptural proof, it concerns it is to prohibit the levir from marrying the co-wife."*

- B. *But is it the fact that there is no need for a proof on the basis of Scripture that the woman standing in consanguineous relationship to the levir may not marry the widow? But lo, it has been taught on Tannaite authority: ["And you shall not take a woman along with her sister, to be a co-wife to her, to uncover her nakedness, beside her in her lifetime" (Lev. 18:18) — what is the point of the use of the words, "beside her"? Since Scripture states, "Her husband's brother shall go in beside her" (Deu. 25: 3), I might have supposed that Scripture here makes reference even to any of the forbidden relatives that are listed in the Torah [indicating that levirate marriage may take place, e.g., between a father and a daughter]! The use of the word "beside her" in both passages serves to establish a verbal analogy between the one and the other. Just as elsewhere it is only in the case of a religious duty that levirate marriage takes place, so here too it is only in the case of a religious duty in which the levirate marriage takes place. And yet did not the All-Merciful say explicitly, "You shall not take two sisters" (Lev. 18:18)? (The upshot is that levirate marriage is forbidden in the case of consanguineous relationships, just as our Mishnah-passage has indicated)]. So we are informed of the law governing the woman herself...*
- C. *That proof was required to cover the case of the co-wives [and the proof covering the woman herself was merely a prologue to the main event].*
- D. *But lo, it is explicitly set forth as the Tannaite formulation: So we are informed of the law governing the woman herself [who is in a consanguineous relationship]. How do we know the rule governing her co-wife [that the co-wife of such a woman also does not enter into any levirate connection at all]?*
- E. *That is on account of their co-wives [and the whole antecedent discussion was simply to prepare the way for the discussion of proof on the basis of Scripture for the rule governing the co-wives of the co-wives].*
- F. *Come and take note: Rabbi says, "Instead of saying, 'and take...', Scripture states, 'and take her,' so too, instead of saying 'and perform the duty of a husband's brother,' Scripture states, 'and perform the duty of a husband's brother unto her' (Deu. 25: 5). The purpose of these formulations is to prohibit levirate marriage with forbidden relatives and their co-wives." [Slotki: this shows that a scriptural text is required even in the case of forbidden relatives themselves, to prove that levirate marriage is prohibited.]*
- G. *Read: to prohibit the levitical marriage of co-wives of forbidden consanguineous relatives.*
- H. *But lo, two references to Scripture have been given [covering two, not one, category]! Is that not to provide one for the consanguineous relation and the other for the co-wife of that relation?*
- I. *No. Both this and that refer to the co-wife, and one serves to prohibit the co-wife when there is a religious duty involved, the other to permit the co-wife when there is no religious duty involved [Slotki: as in the instance of a co-wife of a forbidden relative who married a stranger].*

- J. *Then what is the scriptural foundation for the stated conception?*
- K. *"Instead of saying, 'and take...', Scripture states, 'and take her,' meaning, only where levirate marriage may take place is the co-wife forbidden, but where there is no consideration of levirate marriage, the co-wife is permitted [Slotki: to be married by the man to whom the relative herself is forbidden]."*
- L. *Said R. Ashi, "A close reading of our Mishnah-paragraph yields the same result: **Fifteen women exempt their co-wives, and the co-wives, from the rite of removing the shoe [halisah] and from levirate marriage, without limit.** But it is not stated, both are exempt and also exempt their co-wives."*
- M. *That is decisive proof.*

**I.20.** A. *And what explains the difference between the consanguineous relative, who requires no proof-text for the stated proposition, and the other class of wife? It is because an affirmative commandment [that the levir marry the widow of the deceased childless brother] does not override a negative commandment, violation of which is penalized by extirpation.*

B. *But then the case of the co-wife also should require no proof from Scripture, since the same principle applies, namely, an affirmative commandment [that the levir marry the widow of the deceased childless brother] does not override a negative commandment, violation of which is penalized by extirpation.*

C. *Said R. Aha bar Bibi Mar to Rabina, "This is what has been said in the name of Raba: 'The case of the co-wife also requires no proof from Scripture. Where a verse of Scripture is required, [8B] it is to permit the co-wife in a case in which the religious requirement of levirate marriage does not pertain at all.'"*

D. *And what is the scriptural proof for that proposition?*

E. *Scripture states, "besides her," to indicate, only in a case in which "unto her" pertains is she forbidden, but where the other may not enter levirate marriage, she is permitted.*

**I.21.** A. *Said Rammi bar Hama to Raba, "Might I not say that the consanguineous relative herself [that is, the wife's sister] would be permitted to marry the levir in a case in which the religious duty of levirate marriage is not applicable?"*

B. *But is not that proposition contrary to the result of an argument a fortiori, namely: if she is forbidden to marry in a case in which the religious duty of levirate marriage does apply, is she going to be permitted in a case in which the religious duty does not apply?*

C. *He said to him, "To the contrary, the case of the co-wife will prove the contrary, for in a case in which there is the religious duty of levirate marriage she is forbidden to marry the levir, but in a situation in which there is no such religious duty, she is permitted [as we have already established]!"*

D. *He said to him, "That is because Scripture has said, 'besides her in her lifetime' (Lev. 18:18), meaning, so long as she lives." [So long as the wife is alive, her sister may not marry the husband, and the other relations derive from the case of the wife's sister.]"*

E. *But is not the language, "besides her in her lifetime" (Lev. 18:18), required to eliminate the prohibition of marriage after the wife has died? [That is, the wife's*



sister may not be married by the levir only when the wife herself is still alive; once she has died, the levir may take the wife's sister as his levirate wife.]

- F. *That derives from the text, "And a woman to her sister" (Lev. 18:18).*
- G. *If that rule actually derives only from the text, "And a woman to her sister" (Lev. 18:18), one might have supposed that, if the wife were divorced, the sister would be permitted to the levir; so it is said in so many words, "in her lifetime," meaning, so long as she is alive, even though divorced, the sister must not marry the levir.*
- H. *Rather, said R. Huna bar Tahalipa in the name of Raba, "There are two verses of Scripture: 'you shall not take a woman to her sister to be a co-wife to her' (Lev. 18:18) [implying that both the wife's sister and her co-wife are forbidden to marry the levir]; an, further, 'to uncover her nakedness' (Lev. 18:18), which speaks of only a single relationship when it refers to 'her, not their.' How so? Where the religious duty of levirate marriage pertains, both are forbidden, but where it does not pertain, while the forbidden relative is forbidden, her co-wife would be permitted."*
- I. *To the contrary! Where the religious duty of levirate marriage pertains, while the forbidden relative may not marry the levir, the co-wife may do so, but where it does not pertain, both would be forbidden!*
- J. *If so, Scripture should not have said, "beside her."*

**I.22.** A. *Said R. Ashi to R. Kahana, "How come this expression, 'beside her,' bears the implication of prohibition? Maybe it bears the sense of 'permission,' and this is what the All-Merciful had in mind: 'You shall not take a woman to her sister to be a co-wife to her' (Lev. 18:18) — neither herself nor her co-wife where 'to her' does not apply [Slotki: where the law of levirate marriage does not apply], but where 'unto her' does apply [that is, when there is a levirate marriage], both would be permitted."*

- B. *"If so, when how would we find a case in which the reference 'uncovering the nakedness' would pertain to only one and not two [Lev. 18:18 speaks of the prohibition of a single class of relationship, as we have already said], since, if it were a case in which the religious duty of levirate marriage pertained, both by this reasoning would be permitted, and if not, then both would be forbidden."*

**I.23.** A. *Reverting to a detail of the foregoing: Rabbi says, "Instead of saying, 'and take....,' Scripture states, 'and take her,' so too, instead of saying 'and perform the duty of a husband's brother,' Scripture states, 'and perform the duty of a husband's brother unto her' (Deu. 25: 5). The purpose of these formulations is to prohibit levirate marriage with forbidden relatives and their co-wives." But is there any reference here at all to co-wives? And furthermore, the law governing co-wives derives from the language, "to be her co-wife" (Lev. 18:18). [Slotki: how then could it be said to be derived from a difference verse?]*

- B. *Rabbi makes use of the language "to be her co-wife" in the setting of R. Simeon's deduction [to be given below, folio 28B].*

C. *And where do we find reference to the co-wife [at Deu. 25: 5, which is the verse to which Rabbi makes reference]?*

- D. This is the sense of his statement: “If so, Scripture should have said, ‘and take.’ Why say, ‘and he shall take her’? *In any case in which there is the possibility of two marriages, if he has a choice in the matter, he may marry whichever one he prefers and both are permitted; but if not, then both are forbidden.* ‘And perform the duty of a husband’s brother to her’ *then shows that where there is the requirement of levirate marriage, the co-wife is forbidden, but where there is no requirement of levirate marriage, the co-wife is permitted.*”
- E. *And what about rabbis [who reject Rabbi’s choice of a proof-text]? How do they read the verse, “And he shall take her”?*
- F. *They require it in line with the position of R. Yosé bar Hanina, for said R. Yosé bar Hanina, “...and he shall take her...” teaches that the levir may divorce her with a writ of divorce [after marrying her, and not go through the rite of removing the shoe] and then may remarry her. ‘And he shall perform the duty of a husband’s brother to her’ even over her protest.” [Slotki: ‘and he takes her to him to wife’ means, as soon as he has taken her, she is regarded henceforth in all respects as his wife, as if she had never been forbidden to him as a brother’s wife].*
- G. And Rabbi?
- H. *He derives the proposition of R. Yosé bar Hanina from the language, “to a wife,” and that the levirate marriage may take place even over her protest from, “her husband’s brother shall go in unto her” (Deu. 25: 5).*
- I. *And how does Rabbi interpret the language, “beside her”?*
- J. *He requires it in line with that which we have learned in the Mishnah: **The court is liable only if they will give an erroneous decision in a matter, the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering, and so in the case of the anointed [high priest], [9A] and [they are] not [liable] in the case of idolatry, except in the case in which they gave instruction in a matter the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering [M. Hor. 2:3D-F]. And we have further learned in the Mishnah: In the case of all the commandments in the Torah, on account of which they are liable for deliberate violation to extirpation, and on account of inadvertent violation to a sin offering, an individual brings a female lamb or a female goat [Lev. 4:28, 32], a ruler brings a male goat [Lev. 4:23], and an anointed [high priest] and a court bring a bullock [M. 1:5, 2:1]. But in the case of idolatry, the individual, ruler, and anointed [high priest] bring a female goat [Num. 15:27]. And the court brings a bullock and a goat [M. 1:5], a bullock for a whole offering and a goat for a sin offering [M. Hor. 2:6]. Now what is the scriptural basis for these rulings? It is in line with that which our rabbis have taught on Tannaite authority: “When the sin wherein they have sinned is known” (Lev. 4:14) — Rabbi says, “Here [in the context of a court’s erroneous ruling] we find a reference to beside the***

other', and in the context of the marriage to two sisters, we find the same usage. Just as, in that other case, if the sin is done deliberately, the penalty is extirpation, and if it is done unwittingly, a sin-offering, so here too, if the sin was done deliberately, extirpation is involved, but if it was unwitting, then a sin offering."

- K. *So we have found the scriptural source for the rule governing the community. Whence the rule for the anointed priest?*
- L. In the case of the anointed priest, it is written, "So as to bring guilt upon the people" (Lev. 4: 3) — lo, the anointed priest is in the same classification as the community.
- M. The rule governing the individual and the ruler derives from the verbal analogy formed by the occurrence of the word "things" in both contexts [Lev. 4:22, Lev. 4:13].
- N. **and [they are] not [liable] in the case of idolatry, except in the case in which they gave instruction in a matter the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering:** with respect to the congregation in the matter of idolatry, the rule derives from the analogy formed by the common appearance of the language, "from the sight" (Lev. 4:13). The rule pertaining to the individual, the ruler, and the anointed priest, from "and if one soul..." (Num. 15:27), implying that there is no distinguishing between an individual, a ruler, and an anointed high priest; and the use of the conjunctive, "and" joins them to the prior subject, so the the case of the individual, ruler, and high priest may be deduced from the case of the congregation.
- O. *And how do rabbis drive this same inference [ **[they are not liable ...except in the case in which they gave instruction in a matter the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering]**?*
- P. *They derive it on the basis of the way in which R. Joshua b. Levi interpreted Scripture to his son: "'You shall have one torah for him who does anything in error, but the soul that does anything deliberately...' (Num. 15:29-30) — the entirety of the Torah in this way is treated as analogous to the prohibition of idolatry. Just as, in respect to idolatry, [they are] not [liable] in the case of idolatry, except in the case in which they gave instruction in a matter the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering, so in the case of all other transgressions, the same rule applies, namely, it must be a matter the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering."*
- Q. So we have found proof for the rule governing the individual, the ruler, and the anointed high priest, in respect to idolatry and also all other commandments. How do we know that the same rule applies to the congregation in the case of idolatry?

- R. Said Scripture, "And if one soul" (Num. 15:27) — and what has been said already then imposes its meaning on what occurs now, with the result that what applies to the congregation applies to the individual.
- S. And what about the congregation in the case of all other commandments?
- T. It derives from the verbal analogy imposed by the use, in both contexts, of "from the eyes."
- U. *And how does Rabbi interpret the verse, "You shall have one torah for him who does anything in error, but the soul that does anything deliberately..." (Num. 15:29-30)?*
- V. *He requires it in line with that which has been taught on Tannaite authority:* Since we find that Scripture has distinguished individuals from the group [in the case of the inhabitants of a town condemned for idolatry, Deu. 13:13ff.], subjecting individuals to death through stoning but sparing their property, while the group is put to death by the sword and their property destroyed, we might also assume that such a distinction should be made between the sacrifices of the one and those of the other. But, to the contrary, Scripture instructs us, "You shall have one torah for him who does anything in error, but the soul that does anything deliberately..." (Num. 15:29-30).
- W. *Objected R. Hilqiah of Hagronayya, "Is then the operative consideration that Scripture has stated, 'You shall have one torah for him who does anything in error, but the soul that does anything deliberately'? If it were not for that fact, should I have supposed that such a distinction, among the sacrifices brought by each party, should be drawn? Then what could they present as their offering? Should they present a bullock? The congregation [a majority of the tribes] presents a bullock for the transgression of any one of all the other commandments [and what distinction would there be between the sin offerings of the condemned city and those of the congregation? (Slotki)]. Should they bring a lamb? But an individual presents a lamb if he transgresses any of the other commandments. Should it be a he-goat? A ruler brings one in the cases of violating any of the other commandments. Should it be a bullock for a burnt offering and a goat for a sin offering? These are presented by the congregation in the case of idolatry? Should it be a she goat? This is the sin offering of the private party. [So no distinction among the sacrifices could be made, and what need is there for the cited text, Num. 15:29 (Slotki)?]"*
- X. *The cited verse really is required. For it might have entered your mind to suppose that, since the congregation in the case of an erroneous ruling presents a bullock for a burnt offering and a he-goat for a sin offering, these should present the same, but in reverse order [Slotki: a bullock for a sin offering and a he goat for a burnt offering]. Or perhaps it might have been necessary for the people of the condemned city to bring a special sin offering but there might be none for their particular situation. So it was necessary to tell us explicitly that the sacrifices are the same throughout.*

- I.24. A. [Fifteen women exempt their co-wives, and the co-wives, from the rite of removing the shoe and from levirate marriage, without limit:]** *said Levi to Rabbi, "How come the Tannaite formulation refers to **fifteen**, when it should speak of sixteen!"*
- B. He said to me, "It looks to me as though that idiot hasn't got a brain in his head! *What could you be thinking? That the sixteenth should be 'the mother, who had been raped by the father' [Slotki: the Mishnah should have included as the sixteenth forbidden relative the man's mother who was not the lawful wife of his father, and who, having been married by his paternal brother who died childless, now is subject to the levirate marriage or the rite of removing the shoe of her own son, the brother of the second husband]? The case of 'the mother, who had been raped by the father' is subject to dispute between R. Judah and rabbis, and the Tannaite framer of our passage does not get involved in matters that are subject to dispute [in composing his list]."*
- C. *"Well he doesn't, doesn't he? Then what about the matter of a prohibition that derives from a religious duty and the prohibition deriving from the sanctity of the levir, concerning which R. Aqiba and rabbis differ, and these are mentioned here!"*
- D. *"We mean, in our chapter in particular."*
- E. *"And lo, there is the dispute that is included here, namely, **The House of Shammai declare the co-wives permitted [to enter into levirate marriage with] the brothers. And the House of Hillel declare [them] prohibited [M. 1:4A-B]!**"*
- F. *"When the House of Shammai expresses an opinion in the setting of the House of Hillel, it makes no difference."*
- G. *"Well, lo, there is the case of **the wife of his brother who was not [alive] at the same time as he [but who died before he was born, in which case the surviving brother has no claim], [9B]** in which there is a dispute between R. Simeon and rabbis [below, folio 18B], and which nonetheless is included in our list!"*
- H. *"There is no dispute on the part of R. Simeon in a case in which the third brother was born, and the levirate marriage between the second brother and the widow of the deceased, first brother took place only afterward" [in which instance Simeon concurs that the third brother is not to marry the widow, because when he was born, the widow was forbidden to him as the wife of a brother who was not his contemporary; the disagreement is limited to the case where the first brother died childless, the widow married the second brother, and then the third brother was born; if the second brother died childless, Simeon has the levirate marriage take place between the widow and the third brother, because when the third brother was born, the widow was already wife of the second brother, and the levirate marriage has nothing to do with the first brother, whose widow was a married woman when he was born, but the second brother, whose contemporary he is (Slotki)].*
- I. *"But didn't R. Oshaia say, 'R. Simeon disputed in that matter too?'"*
- J. *"And wasn't R. Oshaia refuted?"*

- K. *But didn't R. Judah say Rab said, and so too did R. Hiyya repeat as a Tannaite formulation: "In all [fifteen] cases, I maintain that one who is forbidden to one brother may be permitted to another, and one who is forbidden to another brother may be permitted to the one, and her sister who is her sister-in-law may be required to either carry out the rite or removing the shoe or enter into levirate marriage." And R. Judah interpreted that statement of Rab to speak of the items on the list from **the mother-in-law** onwards, but not to the first six items on the list! How come? Because in the case of the daughter, this [statement of Rab] applies only with one born from a woman who had been raped, but not one born from a legal marriage [for the latter would be forbidden to all the brothers], [and the author of our Mishnah] addresses only the cases of legal marriages and not those of women who have been raped [Slotki: who would be forbidden to all the brothers]. But Abbaye interpreted the statement of Rab to refer also to the daughter from a woman who had been raped by the father, because, since the application of Rab's statement is possible in her case, it makes no difference whether she was born from a woman who was legally married or from one who had been raped; but not to the wife of a brother who was not his contemporary. How come? Because the application of Rab's statement here is possible in accord only with the position of R. Simeon and not of rabbis, and the author of our Mishnah-paragraph does not deal with any matter that is subject to dispute. And R. Safra interprets Rab's statement to speak also of the case of the wife of a brother who was not his contemporary, and in his view, Rab's statement can encompass the case of six brothers, in accord with the view of R. Simeon. **[10A]** And the mnemonic for the whole is: died, born, and performed levirate marriage; died, born and performed levirate marriage.*
- L. *Rabbi does not accept these encompassing rules [of Rab and Hiyya, and our Mishnah-paragraph deals only with the case in which Simeon and rabbis concur (Slotki)].*
- M. *R. Adda Qarhina before R. Kahana said in the name of Raba, "In point of fact, Rabbi does affirm these rules, and this is the sense of his statement [to Levi]: the application of the statements of Rab and R. Hiyya to a woman raped by one's father is possible only in one, but not to both of its elements. For if Jacob raped two sisters, the power of the statement pertaining to 'her sister who is her sister in law' applies [Slotki: for should A and B die childless, their wives, who are sisters and sisters in law as well, come under the law of levirate marriage in relationship to C and D, brothers of A and B], but not that of 'she who is forbidden to one brother may be permitted to the other' [Slotki: both being forbidden to C as well as to D; the mother of C is forbidden to C as mother and to D as mother's sister, and the mother of D is forbidden to D and C on the same grounds]. But if he raped two unrelated women, it is possible to apply the statement, 'she who is forbidden to one brother may be permitted to the other,' but not that concerning 'her sister who is her sister in law' [Slotki: since the women are strangers, and the restrictions do not apply]."*
- N. *R. Ashi said, "In point of fact Rabbi does not affirm the stated encompassing rules. And the framer of the Mishnah does indeed deal with matters that are subject to dispute. And what is the sense of Rabbi's statement, It looks to me as*



though that idiot hasn't got a brain in his head? *This is the sense of that statement: How come you didn't make a close reading of our Mishnah-paragraph? For our Mishnah-paragraph stands for the position of R. Judah, who forbids someone to marry a woman raped by his father* [Slotki: hence it is impossible for a mother, whether legally married or raped, ever to come into levirate relationship with her son]. *For it has been taught: Six forbidden degrees are subject to a more strict rule than these [the fifteen women referred to in M. 1:1], for they are [validly] married [only] to outsiders, [not to one's paternal brother], [and so] their co-wives are permitted: (1) his mother, and (2) the wife of his father, and (3) the sister of his father... [M. 1:3A-C]. Now what can be the meaning of his mother? If we say that it refers to those married by his father, then that would fall into the category of the wife of his father! So does this not refer to a woman whom his father has raped, and it is specified in the Tannaite formulation, for they are [validly] married [only] to outsiders, meaning, to outsiders but not to his brothers! Now of whom have you heard who holds this theory of matters? It is R. Judah, who prohibits marriage to a woman whom his father has raped. And that is why [since Judah takes that position and the Mishnah speaks for him in particular] that item is not listed [yielding fifteen, not sixteen]."*

- O. *Said Rabina to R. Ashi, "In R. Judah's opinion too, a levirate relationship [with one's brother's wife, whose legitimate or illegitimate son he is] is possible, in a case in which one had violated the law and married [a woman whom his father had raped, and who is the mother of his brother]."*
- P. *"The framer of this passage is not involved with a case of 'if.'"*
- Q. *Said R. Ashi to R. Kahana, "Even without reference to such a supposititious possibility, you still would find such a case, namely: Jacob raped his daughter in law, who gave birth to a son from him, and Reuben [her husband, Jacob's son] died childless, so she fell to the lot of her own son as levirate bride. Now, since she is forbidden to him, so too her co-wife is forbidden to him."*
- R. *He said to him, "Well, we are dealing with brotherhood that is based on a legal relationship, not with brotherhood that comes about through an illegal action."*

**I.25.** A. *Nonetheless, Levi inserted the matter in the Mishnah-version and Levi repeated as his Tannaite statement, "As to his mother: there are situations in which she will exempt her co-wife and situations in which she will not exempt her co-wife. How so? If his mother was legally married to his father, and she then [illegally] married his brother by his father, who died childless, such a mother does not exempt her co-wife [the marriage was invalid, she never was the brother's legal wife]. [10B] But if his mother had been raped by his father, but then married his brother by his father, who died childless, she would exempt the co-wife [Slotki: since her marriage with the deceased brother was not unlawful, her co-wife is subject to the same laws as any other co-wife in the case of the fifteen relatives listed in our Mishnah-paragraph].*

- B. *And even though sages repeat as the formulation of our Mishnah-paragraph, **fifteen**, we have in fact to added a sixteenth item of the present type.*



- C. *Said R. Simeon b. Laqish to R. Yohanan, "From the perspective of Levi, who thus has said that the framer of a supposititious possibility would be covered by our Mishnah-paragraph [Slotki: from Judah's perspective, though Judah prohibits the marriage of a woman raped by one's father, he still includes that case in our Mishnah-paragraph], the Mishnah's formulation could as well include a case of a levir who performed the rite of removing the shoe with his sister in law and then betrothed her and died childless. [Such a marriage is forbidden, but does not involve the penalty of extirpation, so the act of betrothal is valid (Slotki)]. Since the widow of such a one is forbidden to the brothers of the deceased, who performed with her the rite of removing the shoe, her co-wives also are forbidden [to the brothers]."*
- C. He said to him, "The reason it is not included is that to this case the law covering the co-wife of the co-wife does not pertain." [Slotki: her co-wife as well as herself are forbidden to all the other brothers, as brother's wife or as the one who has performed the rite of removing the shoe with one of the brothers; they can never have as co-wives any of the wives of the brothers. In the case of the forbidden relatives in our Mishnah, they are forbidden to one of the brothers only, hence they or their co-wives are not otherwise precluded from marrying one of the other brothers.]
- D. *But why did [Yohanan] not say to him that the brothers are subject only to the penalties of violating a negative religious duty, and those who are subject to the penalties of violating a negative religious duty are under the obligations of either the rite of removing the shoe or levirate marriage? [Slotki: though marriage with them is forbidden by a negative commandment, they remain under the obligations of the levirate relationship and must undergo the rite of removing the shoe. Why did Yohanan not give Simeon b. Laqish this reply, which would account for omitting this item in our Mishnah-paragraph?]*
- E. *[Yohanan] answered [Simeon b. Laqish] in accord with his own view, thus: "From my perspective, the brothers are only liable by reason of violating a negative commandment, and those who are liable for merely violating a negative commandment in this situation must perform the rite of removing the shoe or enter into levirate marriage. But from your perspective, which holds that they are liable to extirpation, the case still could not have been included because the law covering the co-wife of the co-wife does not pertain."*

**I.26.** A. *It has been stated:*

- B. He who permits the rite of refusal with his deceased childless brother's wife and then betrothed her —
- C. said R. Simeon b. Laqish, "[For having sexual relations with her,] he is not liable on account of the woman with whom he has performed the rite of refusal to the

penalty of extirpation [the betrothal being valid], but the other brothers are subject to extirpation for having sexual relations with the woman who has performed the rite of removing the shoe [that is, if they should betroth her, the betrothal is invalid]. In the case of a co-wife of such a woman [who has been exempted from the requirements of either the rite of removing the shoe or levirate marriage because the woman has performed the rite of removing the shoe], both he [the levir, with whom the rite of removing the shoe was done] and the other brothers are subject to extirpation should they betroth a co-wife [and have sexual relations with her].”

- D. R. Yohanan said, “Neither he nor the brothers are liable either on account of the woman who has performed the rite of removing the shoe, in regard to extirpation, or on account of the co-wife, in regard to extirpation.”
- E. *What is the scriptural foundation for the position of R. Simeon b. Laqish?*
- F. Scripture has said, “That does not build” (Deu. 25: 9), and since he has not chosen to build, he never again has the right to build. *By his undergoing the rite of removing the shoe, he is thus stands under the prohibition of building in the future, but the brothers remain just as they ere before* [Slotki: under the prohibition not to marry a brother’s wife, which involves the penalty of extirpation]. *And, moreover, the prohibition not to build any more applies only to the woman herself; but her co-wife stands under the prevailing prohibition [that is, the brother’s wife, subject to extirpation].*
- G. And R. Yohanan?
- H. *Can there really be a situation in which, to begin with, the rite of removing the shoe may be carried on by any one of the brothers, and, further, with any of the widows of the deceased childless brother, but in which now one or the other of these persons is involved in the penalty of extirpation? In fact, the brother who performed the rite of removing the shoe served as an agent for the other brothers, and the widow for her part serves as the agent for her co-wife.*
- I. Objected R. Yohanan to R. Simeon b. Laqish: “He who performs the rite of removing the shoe with his sister in law and then betrothed her and then died childless — the widow requires the rite of removing the shoe from one of the surviving brothers.’ *Now from my perspective, which maintains that they are subject to the liability of a negative commandment only, we can well make sense of why she has to undergo the rite of removing the shoe with the other brothers* [Slotki: since the negative precept which bars them from the levirate marriage does not supersede the requirement of the rite of removing the shoe]. *But from your perspective, why should the rite of removing the shoe be necessary?* [After all, marriage with them would involve the penalty of extirpation, and when that penalty pertains, the requirement of the rite of removing the shoe is suspended (Slotki)]. *So how do you make sense of why she has to undergo the rite of removing the shoe with the other brothers?”*
- J. “Well, I invoke the concluding clause: if one of the brothers went and betrothed her, she has no claim upon him at all. *But if all that were involved was liability for violating a negative commandment, then why is it the case that she has no claim upon him at all?* [That is, it is not a valid action, so she has no marriage-contract and no writ of divorce is issued; then if there were a marriage, the penalty would

be extirpation, as Simeon b. Laqish holds; if it were merely a negative commandment that was violated, the betrothal would have been valid (Slotki)].”

K. *Said R. Sheshet, “The concluding clause follows the position of R. Aqiba, who has said, ‘A valid betrothal does not take effect in a situation in which there is a violation of a negative commandment.’”*

L. *Then formulate matters in this way: “From the perspective of R. Aqiba, she has no claim upon him at all.”*

M. **[11A]** *Well, so that’s a problem.*

**I.27.** A. *R. Ashi concurs with the position of R. Simeon b. Laqish* [Slotki: that any brother, other than the one who has performed the rite of removing the shoe, who married the widow after she had performed the rite of removing the shoe is subject to the penalty of extirpation], *and explains [the first clause of the statement above] in accord with the position of R. Simeon* [Slotki: who maintains that a brother born after the levirate marriage of his elder brother is not subject, in relation to the deceased brother, to the restrict restriction of a brother who was not his contemporary. The first clause, then, which requires the rite of removing the shoe, may refer to brothers born after both the rite of removing the shoe and the betrothal took place. The widow of the levir not being forbidden to them on account of her first deceased husband is subject to the rite of removing the shoe on account of the second.]

B. *Rabina takes the position of R. Yohanan [the brother who performed the rite of removal as well as the other brothers are forbidden to marry the widow after the rite of removing the shoe, not under the penalty of extirpation but by reason of violating a negative commandment; that explains the ruling in the opening clause that the rite of removing the shoe is required], and does so in accord with the position of rabbis* [Slotki: who hold that even a brother born after the levirate marriage is subject to the restrictions of a brother who was not his contemporary; the final clause may refer to such brothers to whom the widow is forbidden for this reason, not because the rite of removing the shoe has been performed, and the marriage or betrothal is consequently invalid].

C. *R. Ashi concurs with the position of R. Simeon b. Laqish* [Slotki: that any brother, other than the one who has performed the rite of removing the shoe, who married the widow after she had performed the rite of removing the shoe is subject to the penalty of extirpation], *and explains [the first clause of the statement above] in accord with the position of R. Simeon:* he who performs the rite of removing the shoe with his deceased childless brother’s widow and then goes and betroths her [and dies childless] — she has to undergo the rite of removing the shoe with the brothers. Which brothers? The ones born later on. *In accord with whom? With R. Simeon.* If then one of the brothers born later on went and betrothed her, she has no claim whatsoever upon him. *In accord with whom? With R. Simeon b. Laqish.* [Slotki: since according to Simeon b. Laqish the performance of the rite of removing the shoe by one of the brothers had caused the

prohibition of the widow to apply to all other contemporary brothers, under the penalty of extirpation, so such a betrothal is invalid.]

- D. *Rabina takes the position of R. Yohanan [the brother who performed the rite of removal as well as the other brothers are forbidden to marry the widow after the rite of removing the shoe, not under the penalty of extirpation but by reason of violating a negative commandment; that explains the ruling in the opening clause that the rite of removing the shoe is required], and does so in accord with the position of rabbis: he who performs the rite of removing the shoe with his deceased childless brother's widow and then went and betrothed her [and died childless] — she has to undergo the rite of removing the shoe with one of the brothers. Which of the brothers? Brothers born prior to the act of removing the shoe originally performed. According to whom? According to R. Yohanan. If one of the brothers who was born later on went and betrothed her, she has no claim upon him. According to whom? According to rabbis.*

**I.28.** A. *It has been stated:*

- B. If the levir had intercourse with the widow of the deceased childless brother, and one of the other brothers had sexual relations with her co-wife [that is, another such widow] —
- C. *there is a dispute in this matter between R. Aha and Rabina —*
- D. One said, "He is subject to the penalty of extirpation."
- E. And the other said, "He has violated an affirmative religious duty" [Slotki: the precept is to perform one levirate marriage, not more than one, a transgression to which no penalty is attached].
- F. He who said, "He is subject to the penalty of extirpation," accords with R. Simeon b. Laqish, and he who said, "He has violated an affirmative religious duty," accords with the position of R. Yohanan [Slotki: in whose view the levir who marries or participates in the rite of removing the shoe with the widow does not act as the agent of the other brothers; hence despite the fact that in the levir's own case the prohibition to marry the co-wife is regarded as having the force of a positive precept, in that of the other brothers the original prohibition to marry a brother's wife remains in force and marriage with her involves the penalty of extirpation].

**I.29.** A. Said R. Judah said Rab, "The co-wife of a woman accused of adultery is forbidden [to the levir]. How come? 'Uncleanness' is written concerning her, just as in the case of the forbidden consanguineous relations [Num. 5:13, Lev. 18:24, respectively]."

- B. ***Objected R. Hisda, "[If a woman married a second husband having heard that her first husband died overseas, and it was discovered that the first husband is alive, she is divorced by both; if both died childless before then, she requires the rite of removing the shoe from the surviving brother of each but rabbis say she may not marry either one of them.] R. Simeon says, 'Having sexual relations with her or performing a rite of removing the shoe with her on the part of the brother of the first husband exempts her co-wife [from levirate connection].'*** [Slotki: her second marriage was through an innocent

error, so there is no penalty because of her relationship with the levir from the first marriage, hence, either marriage or the rite of removal is permitted.] **And offspring from him is not a mamzer**” [M. 10:1R]. [Slotki: from this it follows that the co-wife of a married woman who had intercourse with another husband is permitted to the levir, according to both Simeon and rabbis; why then did Rab state that the co-wife of the woman accused of adultery is forbidden?]

- C. *Rab will say to you, “I shall explain to you: the rule governing the wife accused of adultery derives from the Torah, but you’re talking to me [in the case of the woman who remarried on the basis of false information] about a woman accused of adultery only by reason of the authority of rabbis!”*
- D. *Now as to the person who formed this objection to begin with, what could have possibly have been thinking?*
- E. *He supposed that any ordinance that rabbis made is tantamount to a ruling on the basis of the Torah.*
- F. *Objected R. Ashi, “ [If he stated to her before two witnesses, “Do not speak with Mr. So-and-so,” and she indeed spoke with him, she is still permitted to have sexual relations with her husband and is permitted to eat heave offering. If] she went with him to some private place and remained with him sufficient time to become unclean, she is prohibited from having sexual relations with her husband and is prohibited from eating heave offering. And if he [her husband] should die, she performs the rite of removing the shoe [11B] but is not taken into levirate marriage [M. Sot. 1:2B-F].” [Slotki: if the accused woman herself must go through the ceremony of removing the shoe, much more so her co-wife; how then could Rab state that the co-wife of a woman accused of adultery or the woman herself is exempt from the rite of removing the shoe?]*
- G. *Rab may say to you, “I am talking to you about a woman who is confirmed as an adulteress, and you are talking to me about a woman who may or may not be an adulteress?”*
- H. *And what differentiates the woman who is confirmed as an adulteress from the other? It is because in her regard the language “uncleanness” is used.*
- I. *Well, is not the language “uncleanness” used also in regard to a woman who may or may not be an adulteress? For it has been taught on Tannaite authority: R. Yosé b. Kipper says in the name of R. Eleazar, “He who remarries a woman whom he has divorced after she married someone else, who died or divorced her, — she is forbidden if this was at the stage of a fully consummated marriage but permitted if this was at the stage of mere betrothal [if the man died childless], because Scripture says, ‘after that she is defiled’ (Deu. 24: 4) [which refers to a divorced woman who had married a second husband].” Sages say, “One way or the other she is forbidden, and the language, ‘after that she is defiled’ included a woman accused of adultery who secluded herself with a man” [and this proves that the language at hand refers to a case of doubt, not only certainty].*
- J. *What is the meaning of “secluded herself”? It means, in fact, have sexual relations [and there is no doubt about the matter]. And why say “secluded herself”? This is a mere euphemism.*

- K. *But in regard to sexual relations, “uncleanness” is stated in so many words in Scripture: “She being defiled secretly” (Num. 5:13) [Slotki: what need then for the implication of Deu. 24: 4?]*
- L. *The purpose is to assign to her the violation of a negative commandment.*
- M. *And how about R. Yosé b. Kipper?*
- N. *He does not take the view that a negative commandment pertains to the woman accused of adultery, even where she had actually committed adultery. How come? Because Scripture uses with regard to the remarriage of a divorced wife the same expression, “becoming,” that refers to matrimony [at Deu. 24: 2].*

- I.30.** A. *R. Judah raised this question of R. Sheshet: “The co-wife of a woman whom her former husband remarried after her second marriage and who died without children — what is the law? [Is the co-wife subject to the requirement of levirate marriage or the rite of removing the shoe]?”*
- B. *In the framework of the position of R. Yosé b. Kipper, the question should not trouble you, since R. Yosé b. Kipper has said that the language of uncleanness is written with respect to one who remarries a woman whom he has divorced and who in the interim married someone else. In that case, the co-wife is subject to the same restrictions. And if someone should raise the clause, “She is an abomination” (Deu. 24: 4) [Slotki: which might be taken to imply that the designation and the restrictions refer to the woman only but not to the co-wife], the meaning of that particularization, “she is...,” is, “She is an abomination” but her children are not an abomination, but lo, her co-wife is an abomination. But in the framework of the position of rabbis, the question has to be raised, namely: even though rabbis have stated that when Scripture refers to “uncleanness” it pertains in particular to the woman accused of adultery, is it the fact that Scripture also bears its direct sense [Slotki: referring then to the woman remarried, with whose case the text in its direct sense is concerned, consequently her co-wife also]? Or perhaps, once the verse is removed from its direct sense, in all respect it is removed from that sense? [Slotki: since it was removed from its context and applied to the woman accused of adultery, it can never be reapplied to its original case; hence a co-wife would not come under the same restrictions as the woman accused of adultery herself].*
  - C. *Others state matters as follows: “From the perspective of rabbis, there is no question to be asked, for once the verse is removed from its direct sense, in all respect it is removed from that sense. But when the question arises, it is in regard to the view of R. Yosé b. Kipper. Is it the case that, even though R. Yosé b. Kipper has said, ‘The language of uncleanness is written with respect to one who remarries a woman whom he has divorced and who in the interim married someone else,’ in its usage, Scripture has used exclusionary language, thus ‘she is an abomination, and her co-wife is not an abomination,’ or perhaps, ‘she is an abomination, and children are not an abomination’ — so lo, her co-wife is an abomination?”*
  - D. *He said to him, “You have learned: [If] one of them was valid and one of them was invalid [for marriage into the priesthood], if he then performs the rite of removing the shoe, let him perform the rite of removing the shoe with the one invalid [for marriage into the priesthood]. And if he was going to enter into*



**levirate marriage, let him enter into levirate marriage with the one who is valid [for marriage into the priesthood] [M. 4:11E-F].** Now in this context, what is the meaning of **valid** or **invalid**? If we should say that ‘valid’ means, ‘valid in general,’ and ‘invalid,’ invalid in general,’ then since in any event she is suitable for him [as an ordinary Israelite] what difference does it make to him? So ‘valid’ must mean, ‘valid for him,’ and ‘invalid,’ must mean, ‘invalid to him,’ and yet, this may occur where the deceased brother has remarried his divorced wife — and yet the language is used, **And if he was going to enter into levirate marriage, let him enter into levirate marriage with the one who is valid [for marriage into the priesthood]!**” [Slotki: this clearly shoes that the co-wife of a woman remarried by her former husband is subject to the levirate marriage.]

- E. *Not at all. In point of fact the sense of “valid” is “valid in general,” and “invalid,” “invalid in general,” And as to your question, “since in any event she is suitable for him [as an ordinary Israelite] what difference does it make to him?” the answer is in accord with what R. Joseph stated. For said R. Joseph, “A man should not pour water out of his cistern while others need the water” [Slotki: a man should not destroy anything that may be of use to others, though it is of no use to him; in the case under discussion, the levir submits to the rite of removing the shoe done by the forbidden woman, and thus liberates the permitted one to marry even a priest, to whom she would have been forbidden had the rite been done by her].*
- F. *Come and take note: He who remarries a woman whom she has divorced after she has been married to someone else [and then dies childless] — the woman and her co-wife perform the rite of removing the shoe.*
- G. *Do you really imagine that the rule is the woman and her co-wife ! Rather, you should say, the woman or her co-wife...[and that answers Judah’s question to Sheshet.]*
- H. *But didn’t you just now iron matters out! You could as well read it this way: she performs the rite of removing the shoe, and her co-wife may either perform the rite of removing the shoe or enter into levirate marriage.*
- I.31.** A. *Said R. Hiyya bar Abba, “R. Yohanan raised this question: ‘He who remarries a woman whom he has divorced after she had married someone else — what is the law as to her co-wife?’”*
- B. *Said to him R. Ammi, “Well, why not ask about the woman herself!”*
- C. *“Well, I don’t really have a question to ask about the woman herself, for her own case is settled by an argument a fortiori: if she is forbidden to her first husband, to whom she was originally permitted [before her remarriage after the divorce], how much the more so will she be forbidden to the man [the levir] to whom to begin with she was forbidden anyhow! But the question stands concerning the co-wife: is the inference of an argument a fortiori sufficiently strong to exclude the co-wife from levirate marriage or not?”*
- D. *Here is the version of the matter set forth by R. Nahman bar Isaac: “Said R. Hiyya bar Abba, ‘R. Yohanan raised this question: ‘He who remarries a woman whom he has divorced after she had married someone else — what is the law?’”*
- E. *Said to him R. Ammi, “Well, why not ask about the co-wife?”*



- F. *“Well, I don’t really have a question to ask about the co-wife, for the inference of an argument a fortiori is not sufficiently strong to exclude the co-wife from levirate marriage or not. What I want to know is the rule concerning the woman herself, namely: is an argument a fortiori effective in a case in which there is a religious duty to be done [namely, the levirate marriage], or is that not the case?”*
- G. **[12A]** *He said to him, “You have learned the following Tannaite rule: “You have learned: [If] one of them was valid and one of them was invalid [for marriage into the priesthood], if he then performs the rite of removing the shoe, let him perform the rite of removing the shoe with the one invalid [for marriage into the priesthood]. And if he was going to enter into levirate marriage, let him enter into levirate marriage with the one who is valid [for marriage into the priesthood] [M. 4:11E-F]. Now in this context, what is the meaning of valid or invalid? If we should say that ‘valid’ means, ‘valid in general,’ and ‘invalid,’ invalid in general,’ then since in any event she is suitable for him [as an ordinary Israelite] what difference does it make to him? So ‘valid’ must mean, ‘valid for him,’ and ‘invalid,’ must mean, ‘invalid to him,’ and yet, this may occur where the deceased brother has remarried his divorced wife — and yet the language is used, And if he was going to enter into levirate marriage, let him enter into levirate marriage with the one who is valid [for marriage into the priesthood].”*
- H. *Not at all. In point of fact the sense of “valid” is “valid in general,” and “invalid,” “invalid in general,” And as to your question, “since in any event she is suitable for him [as an ordinary Israelite] what difference does it make to him?” the answer is in accord with what R. Joseph stated. For said R. Joseph, “A man should not pour water out of his cistern while others need the water” [Slotki: a man should not destroy anything that may be of use to others, though it is of no use to him; in the case under discussion, the levir submits to the rite of removing the shoe done by the forbidden woman, and thus liberates the permitted one to marry even a priest, to whom she would have been forbidden had the rite been done by her].*
- I. *Come and take note: He who remarries a woman whom she has divorced after she has been married to someone else [and then dies childless] — the woman and her co-wife perform the rite of removing the shoe.*
- J. *Do you really imagine that the rule is the woman and her co-wife ! Rather, you should say, the woman or her co-wife...[and that answers Judah’s question to Sheshet.]*
- K. *But didn’t you just now iron matters out! You could as well read it this way: she performs the rite of removing the shoe, and her co-wife may either perform the rite of removing the shoe or enter into levirate marriage.*
- I.32.** A. Said R. Lili bar Mammel said Mar Uqba said Samuel, “The co-wife of a girl who has exercised the rite of refusal is forbidden.”
- B. *To whom is she forbidden? If we say that it is to the brothers, now, if the girl herself is permitted to them — for said Samuel, “If a girl has exercised the rite of refusal in the case of one brother, she is permitted to marry another of them” — how can there be any problem with respect to her co-wife? So the meaning must*

*be, to the levir whom the minor had refused himself.* [Slotki: the refusal removes the religious duty of levirate marriage, and in respect of the co-wife the prohibition of marrying a brother's wife comes again into force.]

- C. *So what would differentiate the girl who has exercised the right of refusal, who is permitted to marry the brothers? It is because she has never taken an action in regard to them [but only to the particular brother with whom she declined to remain married]. But her co-wife also has taken no action in respect to the other brothers either!*
- D. This represents a precautionary decree on account of the co-wife of one's daughter who exercised the right of refusal [the daughter of course is a forbidden relative, and her co-wife is forbidden].
- E. *But if the co-wife of one's daughter who has exercised the right of refusal forbidden? Have we not learned in the Mishnah: **And in the case of all of them, if they died [before the husband], or exercised the right of refusal, or were divorced [by the childless husband], or turned out to be barren — their co-wives are permitted [to enter into levirate marriage, since they are not now deemed co-wives of a forbidden party]**? And against whom was the right of refusal exercised? Should we say that she has exercised the right of refusal against the husband? Then that is no different from the case of one who has been divorced. So is it not that she has exercised the right of refusal against the levirate brother?*
- F. *Not at all. In point of fact it was against the husband. And there are two kinds of divorce [one by writ of divorce, the other through the exercise of the right of refusal, which is classified as a divorce].*
- G. *And how does the exercise of the right of refusal against the husband differ from the exercise of the right of refusal against the levir? In the one case, she annuls the original marriage, and in the other, she also has annulled the original marriage!*
- H. *It is in line with that which Rammi bar Ezekiel taught as a Tannaite statement, for Rammi bar Ezekiel taught as a Tannaite statement, "If she exercised the right of refusal against her husband, she is permitted to marry his father; if it was against her levirate brother in law, she cannot marry his father." Therefore, from the moment at which she became subject to levirate marriage, she is regarded as the father's daughter-in-law; here too, from the moment that she became subject to levirate marriage, she is regarded as the co-wife of his daughter.*

**I.33.** A. Said R. Assi, "The co-wife of a barren woman is forbidden [to the levir] [Slotki: if one of the widows of the brother who died without issue is barren, the other co-wife also is forbidden]. For it is said, 'And it shall be that the firstborn that she bears' (Deu. 25: 6) — excluding the case of a barren woman, who is not going to give birth."

- B. *Objected R. Sheshet, "Three brothers married to three unrelated women, and one of them died, and the second brother bespoke the widow of the childless deceased brother [indicating that he planned to undertake the levirate responsibility], and then died — behold the widows of the two deceased brothers must perform the rite of removing the shoe but may not enter into levirate marriage with the surviving brother, for it is said, 'And one of them die...her husband's brother shall*

go in unto her' (Deu. 25: 5) — only she who is tied to one levir, but not she who is tied to two.' And concerning this rule it was set forth as a Tannaite statement: said R. Joseph, 'This is the co-wife of the paternal brother's wife, the prohibition of the levirate marriage of whom is due to her being subject to levirate marriage to more than a single brother [the third brother is her levir because of her partial connection with each of the two dead brothers (Slotki)], this is a case the like of which, as a matter of fact, is not found anywhere in the Torah' [Slotki: the widow not being one of the relatives forbidden by the Torah, the prohibition of the levirate marriage in her case is only rabbinical, and the biblical text is a mere support]. Now as to this language, '*this is a case the like of which, as a matter of fact, is not found anywhere in the Torah,*' *what is excluded? Is it not to exclude the case of the barren woman's co-wife — who then is permitted to wed the levir?*'

- C. *No, it is meant to exclude the co-wife of the barren woman, who is forbidden to marry the levir. And what is the sense of "this is a case"? "This is the case, in which the requirement of the levirate connection is what has caused the prohibition, so that her co-wife requires the rite of removing the shoe; but in the case of a barren woman, even the rite of removing the shoe is not required. How come? The prohibition of the barren woman is on the strength of the law of the Torah, the prohibition of the other is only on the strength of the decree of rabbis.*
- D. *We have learned in the Mishnah: **And in the case of all of them, if they died [before the husband], or exercised the right of refusal, or were divorced [by the childless husband], or turned out to be barren — their co-wives are permitted [to enter into levirate marriage, since they are not now deemed co-wives of a forbidden party].***
- E. *That poses no challenge. The one [to whom Assi has referred] speaks of a case in which the deceased husband knew of the defect when he married the barren woman [so it is a valid marriage], in the other case [to which our Mishnah-paragraph refers], the husband did not know that she was barren. A close reading of the Mishnah-paragraph will substantiate this reading: **or turned out to be barren**, rather than, were barren.*
- F. *That proves it.*

**I.34.** A. Said Raba, **[12B]** "The decided law is that the co-wife of a barren women is permitted [to marry the levir], even though the deceased knew her defect before marriage; and even the co-wife of one's own daughter who was barren is permitted." [Slotki: the co-wife of a forbidden relative is forbidden only where the latter would have been subject to the duty of levirate marriage if she had been no relative; in the case of a wife incapable of giving birth, since she is not subject to the levirate marriage even where she is no relative at all, her co-wife even where the wife is a forbidden relative is regarded as the co-wife of one in relation to whom the duty of the levirate marriage simply does not apply.]

- B. *Well, then, what about the formulation of our Mishnah-paragraph, **or turned out to be barren?***
- C. *Read simply, were barren.*

**I.35.** A. When Rabin came, he said R. Yohanan [said], "All the same are the co-wife of a girl who has exercised the right of refusal, the co-wife of a barren woman, and the

co-wife of a divorced woman who was remarried [after an intervening marriage] to the original husband — all of them are permitted [to enter into levirate marriage].”

- B. *R. Bibi recited as a Tannaite rule before R. Nahman: “**Three classes of women have intercourse with an absorbent contraceptive device: a girl under age, a pregnant woman, and a nursing mother. A girl under age — lest she become pregnant and die. What is a girl under age? From eleven years and one day until twelve years and one day. One younger than that or older than that — one has intercourse in the normal way. Therefore one has intercourse in the normal way and does not scruple,**” the words of R. Meir. And sages say, ‘In all cases, one has intercourse in the normal way, and the Omnipresent will look out for him, as it is said, “the Lord guards the innocent” (Psa. 116: 6)’ [T. Nid. 2:6A-E]. Now, since it has been stated, lest she become pregnant and die, it follows that there may be a minor who can get pregnant and not die. But if that is the case, then one could imagine a situation in which a mother-in-law would be in a position to exercise the right of refusal, but we have learned in the Mishnah: **But you cannot rule in the case of his mother-in-law and in the case of the mother of his mother-in-law, or in the case of the mother of his father-in-law [E], who turned out to be barren,**” or who exercised the right of refusal [M. 1:1L].”*
- C. *Read: because she might become pregnant and die.*
- D. For said Rabbah bar Livai, “There is an age-limitation that applies to a minor. Before the span of age from eleven years and a day to twelve years and a die, she cannot conceive at all; during that span of time, she will die and the embryo will die; after that period, both she and the embryo will survive.”
- E. *Is that so? And lo, Rabbah bar Samuel taught as a Tannaite ruling: “You cannot say of someone’s mother-in-law, the mother of his mother-in-law, or the mother of his father-in-law that they turned out to be barren, or that they exercised the right of refusal, since all of these have already given birth to children” [Slotki: he does not say “since they already grew up” but “gave birth,” which proves that even a minor is capable of bearing living children].*
- F. *Rather, read: because she might become pregnant and because she might die.*
- G. *Then the problem set forth just now stands! [Slotki: from here it appears that a minor can bear children, while from the Mishnah-paragraph it follows that she cannot.]*
- H. Said R. Safra, “Having a child is equivalent to a mark of having reached puberty.”
- I. *Others say, “Having children are still more conclusive marks of having reached puberty than any puberty-sign.”*
- J. *So what’s the difference?*
- K. It is that, even in accord with R. Judah, who has said, “A girl may exercise the right of refusal until the black pubic hair predominates” concedes that if the girl has children, she has reached the age of puberty.
- L. **[13A]** And R. Zebid said, “Children are not going to come prior to the advent of the puberty-signs.”
- M. *Well, let’s take a look at the evidence!*
- N. *We have to take account of the possibility that the marks came and disappeared.*

- O. *That poses no problem to the position of him who has said that we take account of that possibility, but from the perspective of him who has said that we do not take account of that possibility, what is to be said?*
- P. *Even from the perspective of him who has said that we do not take account of that possibility, on account of the birth pangs, we do take account of that possibility [since the childbirth may have caused the hair-loss].*

**II.1 A. How do they exempt their co-wives [from the requirement of rite of removing the shoe and from levirate marriage]:**

- B. *What is the scriptural basis of this rule?*
- C. Said R. Judah, “Said Scripture, ‘..to be co-wife...’ (Lev. 18:18), in which case Scripture has extended the law to many co-wives.”
- D. R. Ashi said, “It is a matter of reasoning: how come the co-wife is forbidden? It is because she takes the place of the forbidden relative. So the co-wife of one’s co-wife also takes the place of the forbidden relative.”

**III.1 A. How [do we define a case in which] if their co-wives died, they are permitted? [If] his daughter or any one of all those forbidden degrees was married to his brother, and he [the brother] had another wife, and his daughter died or was divorced, and afterward his brother died [without children] — her co-wife [now no longer a co-wife of his daughter] is permitted [to enter levirate marriage with him]:**

- B. Is that so even if the deceased brother married the co-wife and then divorced the first wife [the forbidden one]. [Slotki: in such a case, is the co-wife, though the two were co-wives prior to the divorce, permitted to the levir wherever the forbidden relative was dead or divorce at the time the husband died and the question of the levirate marriage arose?] *Then an objection may be raised: Three brothers — two of them married to two sisters, and one of them married to an unrelated woman — one of the husbands of the sisters divorced his wife — and the brother married to the unrelated woman died — and the one who divorced his wife married her [the unrelated woman], and he too died — this is the sort of case concerning which they have stated, “And in the case of all of them who died or were divorced, their co-wives are permitted [for the unrelated woman taken in levirate marriage never was the co-wife of the sister of the wife of the surviving brother. The sister had been divorced before the levirate marriage to the unrelated man ever took place] [M. 3:71-L]. So the operative consideration that the co-wife is permitted] is that he divorced and then married. But if he had married and then divorced, that would not be the case. [Slotki: the co-wife would not have been permitted; how then could this be reconciled with our Mishnah-paragraph, from which it has been inferred that even if he married first and then divorced, the rival is permitted?]*
- C. Said R. Jeremiah, “Split it up: the person who repeated the one formulation did not repeat the other formulation. The one Tannaite authority [behind our Mishnah’s rule] takes the position that death is what imposes upon the widow the levirate connection, and the other Tannaite authority maintains that it is the original marriage that subjects her to the possibility of the levirate connection.”

- D. *Raba said, "In point of fact we deal with a single Tannaite authority, and the sense of this is the sort of case is, this, and there is no need to say, that too."*

**IV.1 A. And any [young girl] who can exercise the right of refusal and has not exercised the right of refusal — her co-wife performs the rite of removing the shoe and does not enter into levirate marriage:**

- B. *So let her exercise the right of refusal now, and allow her co-wife to marry the levir! [If the marriage were annulled, the co-wife would not be the co-wife of a forbidden relative any longer (Slotki).] May we then say that this supports the position of R. Oshaia? For said R. Oshaia, "The minor girl may exercise the right of refusal against the statement of the levir that he plans to enter into levirate marriage, but she may not exercise the right of refusal so as to sever the levirate bond itself." [Slotki: she has no power to annul the original marriage in order to exempt herself from the rite of removing the shoe; here too the declaration of the minor has no force to annul the original marriage and so to enable the co-wife to marry the levir.]*
- C. Not at all. The co-wife of a girl who stands in a consanguineous relationship to the levir is in a different situation, for Rammi bar Ezekiel repeated as a Tannaite formulation: *for Rammi bar Ezekiel taught as a Tannaite statement, "If she exercised the right of refusal against her husband, she is permitted to marry his father; if it was against her levirate brother in law, she cannot marry his father." Therefore, from the moment at which she became subject to levirate marriage, she is regarded as the father's daughter-in-law; here too, from the moment that she became subject to levirate marriage, she is regarded as the co-wife of his daughter.*

**1:3-4**

**1:3**

- A. **Six forbidden degrees are subject to a more strict rule than these [the fifteen women referred to in M. 1:1],**
- B. **for they are [validly] married [only] to outsiders, [not to one's paternal brother], [and so] their co-wives are permitted:**
- C. **(1) his mother, and (2) the wife of his father, and (3) the sister of his father, and (4) his sister from the same father, and (5) the wife of his father's brother, and (6) the wife of his brother from the same father.**

**1:4**

- A. **The House of Shammai declare the co-wives permitted [to enter into levirate marriage with] the other brothers.**
- B. **And the House of Hillel declare [them] prohibited.**
- C. **[13B] [If] they have performed the rite of removing the shoe,**
- D. **the House of Shammai declare [them] invalid [for marriage with] the priesthood.**
- E. **And the House of Hillel declare [them] valid.**
- F. **[If] they have entered into levirate marriage,**
- G. **the House of Shammai declare them valid [for marriage with the priesthood].**
- H. **And the House of Hillel declare them invalid.**



- I. Even though these declare prohibited and those permit, these declare invalid and those declare valid, the House of Shammai did not refrain from taking wives from the women of the House of Hillel, nor [did] the House of Hillel [refrain from taking wives from the women] of the House of Shammai.
  - J. [And despite] all those decisions regarding matters of cleanness or uncleanness in which these did declare clean and those unclean,
  - K. they did not refrain from preparing things requiring preparation in a state of cleanness in dependence on one another.
- I.1** A. [The House of Shammai declare the co-wives permitted [to enter into levirate marriage with] the brothers:] said R. Simeon b. Pazzi, “What is the scriptural basis for the position of the House of Shammai [permitted the co-wives to marry the other brothers]? Since it is said, ‘The outside [unrelated] wife of the deceased shall not be married to one not of his kin’ (Deu. 25: 5) — ‘outside’ means there is one who is ‘internal’ [related to the levir]. Now the All-Merciful has said, ‘She shall not marry one who is not of his kin’ [but only one of the deceased’s other brothers, so Deu. 25:5].”
- B. And the House of Hillel?
  - C. They require that verse in line with what R. Judah said Rab said, for said R. Judah said Rab, “How on the basis of Scripture do we know that a rite of betrothal [by an outsider] is null in the case of a deceased childless brother’s widow [who must marry the levir]? Scripture states, ‘The wife of the dead shall not be married to an outsider, to one not of his kin (Deu. 25: 5). That is to say, there will be no valid marital arrangement to her with an outsider.”
  - D. And the House of Shammai?
  - E. Is it written, “to an outsider”? What is written is, “outside.”
  - F. And the House of Hillel?
  - G. Since it is written “outside,” it is as though it were written, “to an outsider.”
  - H. For it has been taught on Tannaite authority: R. Nehemiah says, “Any word that would require a ‘to’ at the beginning [Slotki: to indicate direction] may be given an H at the end [for the same purpose of indicating direction].”
  - I. And the Tannaite authority of the household of R. Ishmael [gave these examples]: “For instance, *Elim*, *Elimah*, *Mahanayim*, *Mahanayimah*, *Mizrayim*, *Mizraimah*, *Dibelathaimah*; *Yerushalaimah*; *Midbarah* [Exo. 15:27, 2Sa. 17:24, Gen. 12:10, Num. 33:47, Eze. 8: 3, 1Ch. 5: 9].”
  - J. Then how do the House of Shammai derive the rule set forth by R. Judah in the name of Rab?
  - K. They derive that fact from the statement, “To one not of his kin” (Deu. 25: 5).
  - L. Now should not the House of Hillel also derive that fact from the same proof-text?
  - M. Quite true, so they do.
  - N. Then what need for the formulation, “outside”?
  - O. It serves to encompass even one who was only betrothed [and she too is subject to the levirate connection].



- P. *And the other party?*
- Q. *They derive it from the use of “to the outside,” where “outside” would have sufficed.*
- R. *And the other party?*
- S. *They derive no lesson from the use of “to the outside,” where “outside” would have sufficed.*

- I.2. A. *Raba said, “The operative consideration behind the position of the House of Shammai is that a prohibition cannot take effect where another prohibition is already in effect.” [Slotki: Prohibiting marrying a brother’s wife cannot take effect on another prohibition, namely, that of marrying a forbidden relative; since the latter prohibition takes no effect in such a case, the forbidden relative, whom the levirate bond does not consequently affect, may be regarded as non-existent, so far as her levirate obligations are concerned; her rivals therefore come under the category of complete strangers and are consequently permitted to the brothers.]*
- B. *Well, that explanation poses no problems in a case in which the deceased married first, and then the surviving brother married [a sister of his brother’s wife] later on, so the prohibition against marrying a wife’s sister could not come and take effect over the prohibition of marrying a brother’s wife. [Slotki: the widow is only his brother’s wife but not his wife’s sister, her rivals thus may be regarded as strangers who are permitted.] But if the surviving brother married first, and then the deceased had married [the sister of his brother], the prohibition of “the wife’s sister” surely came first [Slotki: and consequently had taken effect; why then are her rivals permitted?]*
- C. *Since the prohibition affecting the brother’s wife cannot come and take effect on the prohibition of the wife’s sister, any of the other widows is the rival of a forbidden relative, to whom the precept of the levirate marriage does not apply; and the marriage is therefore permitted.*

**II.1 A. [If] they have performed the rite of removing the shoe, the House of Shammai declare [them] invalid [for marriage with] the priesthood. And the House of Hillel declare [them] valid:**

- B. *So what else is new!*
- C. *Stating the rule serves to eliminate the position of R. Yohanan b. Nuri, who has said, “Come and let us ordain for the co-wives that they perform the rite of removing the shoe but do not marry the levir.” [Slotki: since they were subject to performing the rite of removing the shoe, it might have been assumed that they are ineligible to marry into the priesthood.] So we are informed that the House of Hillel declare them valid to marry into the priesthood.*

**III.1 A. [If] they have entered into levirate marriage, the House of Shammai declare them valid [for marriage with the priesthood]. And the House of Hillel declare them invalid:**

- B. *Once again, what need do I have for making this position explicit?*
- C. *Since the Tannaite formulation encompassed the matter, [If] they have performed the rite of removing the shoe, he went on to deal with the complementary matter, [If] they have entered into levirate marriage.*

- IV.1** A. [Even though these declare prohibited and those permit, these declare invalid and those declare valid, the House of Shammai did not refrain from taking wives from the women of the House of Hillel, nor did the House of Hillel [refrain from taking wives from the women] of the House of Shammai. And despite all those decisions regarding matters of cleanness or uncleanness in which these did declare clean and those unclean, they did not refrain from preparing things requiring preparation in a state of cleanness in dependence on one another:] *There we have learned in the Mishnah: The Scroll [of Esther] is read on the eleventh, twelfth, thirteenth, fourteenth, [or] fifteenth [of Adar], no earlier, no later [M. Meg. 1:1A-B]. Said R. Simeon b. Laqish to R. Yohanan, “In this connection, recite the verse, ‘You shall not break up into separate sects’ (Deu. 14: 1) — you shall indulge in sectarianism.”*
- B. *But is that verse not required to make its own point [which is, “You shall not cut yourselves”]? For said the All-Merciful, “You shall not make a bruise on account of the deceased.”*
- C. *If so, Scripture could have framed the matter in a simpler way, but having used a complex form of the verb, the object was for the present purpose as well.*
- D. *Well, might I then suppose that the entire purpose is just this one [and not the other at all]?*
- E. *If so, again, Scripture could have framed the matter in a simpler way, but having used a complex form of the verb, the object was twofold.*
- F. *[Yohanan] said to him, “Have you not repeated as a Mishnah-teaching: **Where they are accustomed to do work on the eve of Passover up to noon, they do so. Where they are accustomed not to do so, they do not do so [M. Pes. 4:1A-B]**? [That is, it is customary to allow for local practice.]”*
- G. *He said to him, “I am talking to you about what is prohibited, for said R. Shemen bar Abba said R. Yohanan, ““To confirm these days of Purim in their appointed times” (Est. 9:31), sages have ordained for them many different times,’ — and yet you speak to me of a custom [of working prior to Passover]!”*
- H. *But is there no prohibition involved [in working on the eve of Passover]? Have we not learned in the Mishnah: **And as to the night [before the fourteenth of Nisan], the House of Shammai prohibit [doing work at that time]. And the House of Hillel permit — up to sunrise [M. Pes. 4:5F-G]**?*
- I. *He said to him, “In that case, he who saw someone not working would suppose that he has no work [so the issue is not the division of the community into sects].”*
- J. *But lo, **The House of Shammai declare the co-wives permitted [to enter into levirate marriage with] the other brothers. And the House of Hillel declare [them] prohibited.***
- K. **[14A]** *Do you think that the House of Shammai actually acted in accord with their position. The House of Shammai never really acted in accord with their position.*
- L. *R. Yohanan said, “They most certainly did act in accord with their position!”*
- IV.2.** A. *At issue between them is [what is at stake in] the dispute of Rab and Samuel. For:*
- B. *Rab says, “The House of Shammai never really acted in accord with their position.”*

- C. And Samuel said, "They most certainly did act in accord with their position!"
- D. *Now to what period of time does the dispute refer? If we say that this is to the time prior to the advent of the echo [announcing that the decided law accords with the position of the House of Hillel], then what can possibly stand behind the position of him who has said that they did not in fact act in accord with their position? But if it is to the time after the advent of the echo, then what can possibly stand behind the position of him who has said that they did in fact act in accord with their position?*
- E. *If you wish, I shall say that it was prior to the advent of the heavenly echo, and if you wish, I shall say that it was afterward.*
- F. *If you wish, I shall say that it was prior to the advent of the heavenly echo: at a time, for example, that the House of Hillel formed the majority. Then, in the view of him who maintains that they did not act in a concrete way in accord with their view, it was because the House of Hillel formed the majority; in accord with the view that they did act in accord with their position, the reason is that a majority is followed only the two parties are pretty much equivalent, but in this case, the House of Shammai excelled [in intellect].*
- G. *And if you wish, I shall say that it was afterward: he who maintains that they did not act in a concrete way in accord with their view points out that, after all, the echo had indeed come forth, and he who maintains that they did act in a concrete way in accord with their view is R. Joshua, who has said, "People do not pay attention to what a heavenly echo says."*
- H. *And should not the party who holds that they did act in accord with their position invoke the verse, "You shall not form separate sects" (Deu. 14:10)?*
- I. *Said Abbaye, "When we invoke the verse, "You shall not form separate sects" (Deu. 14:10), that would be in a case in which there are two courts in the same town. One of them give decisions in accord with the opinion of the House of Shammai, the other gives decisions in accord with the opinion of the House of Hillel. But if there are two courts in two different towns, then there would be no objection at all."*
- J. *Said to him Raba, "Lo, the House of Shammai and the House of Hillel were tantamount to two courts in one town."*
- K. *Rather, said Raba, "When we invoke the verse, "You shall not form separate sects" (Deu. 14:10), that would be in a case in which there is a single court in town, half of which gives decisions in accord with the position of the House of Shammai, and half of which gives decisions in accord with the position of the House of Hillel. But if there are two courts in the same town, there would be no objection at all."*
- L. *Come and take note: In the locale of R. Eliezer on the Sabbath they would cut wood to heat charcoal to forge iron [to make a circumcision knife, since in his view it was permitted to do everything that was required in connection with the rite]. In the*

locale of R. Yosé the Galilean, they would eat chicken meat with milk. *Now that was so in the locale of R. Eliezer, but not in the locale of R. Aqiba, for we have learned in the Mishnah: An operative principle did R. Aqiba state, “Any sort of labor [in connection with circumcision] which it is possible to do on the eve of the Sabbath does not override [the restrictions of] the Sabbath, and that which it is not possible to do on the eve of the Sabbath does override [the prohibitions of] the Sabbath” [M. Shab. 19:1D].* [Slotki: in view of the undesirability of creating different sects, why were all these varied practices allowed?]

- M. *What kind of an objection is this? Where we deal with diverse locations, the case is different.*
- N. *Then what can possibly have been in the mind of him who posed the objection to begin with?*
- O. *He had in mind that, because of the strict character of rules governing the Sabbath, diverse localities are regarded as a single locale, so it was necessary to indicate that that is not the case.*

**IV.3.** A. *Come and take note: when R. Abbahu came to the locale of R. Joshua b. Levi, he would carry a candle [on the Sabbath, since Joshua thought it was all right to do so under certain circumstances], and when he came to the locale of R. Yohanan, he didn't care a candle.*

- B. *So what's the problem anyhow? Don't we say that the rule governing diverse localities is different?*
- C. *This is what we meant to say: how could R. Abbahu have acted in such a way in one place, and how could he then have acted in the opposite way in another place?*
- D. *R. Abbahu in fact concurred with R. Joshua b. Levi. But when he came to the place of R. Yohanan, he didn't carry a candle on the Sabbath, because of the respect that was owing to R. Yohanan.*
- E. *So his errand-boy was there [who could have done it]?*
- F. *He informed his errand-boy of what to do.*

**IV.4.** A. *Come and take note: Even though these declare prohibited and those permit, these declare invalid and those declare valid, the House of Shammai did not refrain from taking wives from the women of the House of Hillel, nor did the House of Hillel [refrain from taking wives from the women] of the House of Shammai. Now, if you take the view that they did not act in accord with their views, that is why they did not refrain from taking wives; but if you hold that they did act in accord with their views, then why in the world did they not refrain. Further, there is no problem in understanding why the House of Shammai did not refrain from taking wives from the House*

of Hillel, for the descendants of marriages with outsiders contracted by co-wives who, in the view of the House of Hillel, had not performed the rite of removing the shoe, would be the children of persons guilty merely of violating a negative commandment [but they are not mamzerim]. But how in the world could the House of Hillel not have refrained from taking wives from the House of Shammai? The descendants of such marriages are children of persons liable to extirpation and hence are mamzerim! And should you propose that the House of Hillel take the view that the child of a couple that is liable to extirpation is not classified as a mamzer, is it not the fact that **said R. Eleazar, “Even though the House of Shammai disputed with the House of Hillel regarding the co-wives, they concur that the offspring of such a union is not a mamzer, for the status of mamzer is imposed only on the offspring of a woman who has entered into a marriage prohibited on account of licentiousness [in Leviticus Chapter Eighteen] and on account of which those who enter such a marriage are liable to the penalty of extirpation” [T. Yeb. 1:10G-H]**? So does this not prove that they did not act in accord with their own position?

- B. *Not at all. They in fact acted in accord with their view, but the House of Shammai kept the House of Hillel informed of any cases, and in those cases the House of Hillel refrained from intermarriage.*
- C. *That fact stands to reason, moreover, because of what is said in the concluding clause of the same Mishnah-paragraph: **And despite all those decisions regarding matters of cleanness or uncleanness in which these did declare clean and those unclean, they did not refrain from preparing things.... [14B]** Now if you maintain that the House of Shammai kept the House of Hillel informed, that explains why they did not refrain. But if you maintain that they did not keep them informed, then, while the House of Shammai would not have refrained from eating food requiring preparation in conditions of cleanness of the House of Hillel, for from the perspective of the House of Shammai they were in any event in a state of cultic cleanness, how could the House of Hillel have not refrained from partaking of that of the House of Shammai, since, from the perspective of the House of Hillel, those things would have been in a state of cultic uncleanness? So would this not prove that the House of Shammai kept the House of Hillel informed.*

D. *Yes, that constitutes decisive proof.*

**IV.5.** A. *And how is the one demonstration [on uncleanness] stronger than the other [marriage]?*

B. *What might you have supposed? The case of the co-wife would be widely known. So it was necessary to present the proof from the second clause of the Mishnah-paragraph as well.*

**IV.6.** A. *Reverting to the body of the prior discussion: said R. Eleazar, “Even though the House of Shammai disputed with the House of Hillel regarding the co-wives, they concur that the offspring of such a union is not a mamzer, for the status of mamzer is imposed only on the offspring of a woman who has entered into a marriage prohibited on account of licentiousness [in Leviticus Chapter Eighteen] and on account of which those who enter such a marriage are liable to the penalty of extirpation” [T. Yeb. 1:10G-H].*

B. *Who conceded to whom? If we should say that it was the House of Shammai to the House of Hillel, it is obvious, for the children of those who have violated a negative commandment are entirely valid. So it must be that the House of Hillel conceded to the House of Shammai. But that case itself is subject to extirpation!*

C. *In point of fact, it was the House of Shammai to the House of Hillel, and the point of the matter is to eliminate from consideration the position of R. Aqiba, who has said, “A mamzer is the offspring of a couple that has in marrying violated a negative commandment.” So we are informed that the offspring of a couple that has in marrying violated a negative commandment is not a mamzer.*

**IV.7.** A. *Come and take note: Even though the House of Shammai disputed with the House of Hillel regarding co-wives, sisters, the marriage woman, a superannuated writ of divorce, one who betroths a woman with something of the value of a penny, and one who divorces his wife and spends a night with her in a motel, the House of Shammai did not refrain from taking wives among the women of the House of Hillel, and the House of Hillel from the House of Shammai. This is to show you that the displayed love and affection for one another, so realizing the verse, “Love truth and peace” (Zec. 8:19). [T. Yeb. 1:10I]. R. Simeon says, “They did not refrain from collaboration concerning something that was subject to doubt, but they most certainly did refrain from collaboration concerning something that was not subject to*



**doubt” [T. Yeb. 1:12A-B].** *Now if you maintain that they acted in accord with their views, that explains why they refrained. But if you hold the view that they did not act in accord with their views, why should they have refrained?*

- B. *Is that is what you think? Granting that they did act in accord with their own opinion, one can make sense of why the House of Hillel refrained from marrying into the House of Shammai, since in the opinion of the House of Hillel the House of Shammai was involved in violating the law that produced the penalty of extirpation, with the result that their offspring were mamzerim. But why in the world should have the House of Shammai refrained from marrying with the House of Hillel, when in the view of the House of Shammai all the House of Hillel were guilty of was violating a negative commandment, with the result that the offspring were entirely legitimate anyhow?*
- C. *The answer accords with what R. Nahman bar Isaac said, “The statement was necessary only to refer to the case of the co-wife herself.” Here too, the statement pertains only to the case of the co-wife herself [Slotki: whom the House of Shammai would not marry before she performed the rite of removing the shoe].*
- D. *And how come a case that is subject to doubt is different from one that involves certainty? The latter, obviously, is forbidden. But then is a case subject to doubt also not forbidden?*
- E. *Do not read a case subject to doubt, but rather, a case that about which there was no information at all. When they were informed, they did refrain [Slotki: so long as no report had been received, the unknown case was assumed to belong to pure families].*
- F. *And what does he tell us then, merely **This is to show you that the displayed love and affection for one another?** But in point of fact, that is the same as the opening clause [and why repeat it]?*
- G. *What he teaches us is that the formulation of the whole of the Mishnah-paragraph accords with the position of R. Simeon.*

**IV.8.** A. *Come and take note: said R. Yohanan b. Nuri, “Come and observe how this version of the law is prevalent among the Israelites: are we to act in deed according to the opinion of the House of Shammai [so entering into levirate marriage]? Then the offspring is a mamzer in accord with the opinion of the House of Hillel. Shall we act in accord with the position of the House of Hillel? Then the offspring is blemished in the opinion of the House of Shammai. So come and let us impose the ordinance [15A] that the co-wives should perform the rite of removing the shoe and should not enter into levirate marriage.” But they did not have a moment in which to complete the matter before the times prevented it. Said Rabban Simeon b. Gamaliel, “What shall we do for the former co-wives?” [T. Yeb. 1:9A-G, 1:10A]. Now if you take the view that they did indeed act in accord with their views, that is in line with the statement, “What shall we do for the former co-wives?” But if you maintain that they did not so act, then what is the point of the statement, “What shall we do for the former co-wives?”*

- B. *Said R. Nahman bar Isaac said, “The statement was necessary only to refer to the case of the co-wife herself.” And this is the sense of the statement, “What shall*



**we do for the former co-wives?"** *In accord with the position of the House of Shammai, what shall we do with the co-wives who married in accord with the position of the House of Hillel? If they are asked to perform the rite of removing the shoe, their husbands will have contempt for them, and if you say, "So let them be subject to contempt," "Her ways are ways of pleasantness and all her paths are peace" (Pro. 3:17).*

**IV.9.** A. *Come and take note: said R. Tarfon, "I crave that the co-wife of the daughter should come my way, and I should so rule as to marry her [into the priesthood] since she would not have to perform the rite of removing the shoe, which would classify her as a divorcée, ineligible to the priesthood]" [T. Yeb. 1:10F].*

B. *Read: so that I could make her marry.*

C. *But he said, "Would...."*

D. *That was meant to reject the position of R. Yohanan b. Nuri.*

**IV.10.** A. *Come and take note: there was the case of the daughter of Rabban Gamaliel, who was married to Abba, his brother; the husband died childless, and Rabban Gamaliel entered into levirate marriage with her co-wife. [This surely proves that the House of Shammai acted in accord with their theory of the law.]*

B. *So do you really think that Rabban Gamaliel was among the disciples of the House of Shammai! But the case of the daughter of Rabban Gamaliel was exceptional, because she was barren.*

C. *But the Tannaite formulation of the conclusion of the same passage proceeds: Others say, "The daughter of Rabban Gamaliel was barren," which then shows that the initial authority in the composition takes the view that she was not barren!*

D. *At issue was whether or not the defect was recognized or not.*

E. *And if you prefer, I shall say, at issue between them was a case in which [Abba] married the co-wife first and then divorced [the daughter of Gamaliel]. [Slotki: the first Tannaite authority is of the opinion that the rival was permitted to Rabban Gamaliel because at the time his brother died she was no more his daughter's co-wife. "Others" maintain that so long as the two were co-wives for any length of time, the prohibition holds.]*

F. *And if you prefer, I shall say, at issue between them is whether or not a stipulation [that the woman is without blemish] is valid in the case of betrothal carried out through an act of intercourse.*

**IV.11.** A. *Objected R. Mesharshayya, "There was the case in which R. Aqiba picked an etrog on the first of Shebat [the new year for the trees in accord with the view of the House of Shammai, hence liable for treatment as part of the coming year's crop], and he took two tithes out of it [second tithe, for the second year of the seven year cycle, and poor man's tithe, for the third year], the one in accord with the House of Shammai, the other in accord with the House of Hillel. That proves that they did act in accord with their rulings."*

B. *R. Aqiba was in doubt about what he had learned, specifically, did the House of Hillel say that the first of Shebat or the fifteenth of Shebat marked the new year for produce of orchards.*

**IV.12.** A. *Objected Mar Zutra*, “There was the case of Shammai the Elder’s daughter-in-law gave birth, and he broke away some of the plaster and covered the hole with sukkah roofing over her bed, on account of the infant [M. Suk. 2:8C]. That proves that they did act in accord with their theoretical positions.”

B. *In that case, someone who saw what he did would say, “He did it to bring in fresh air.”* [Slotki: the action in no way demonstrated a disregard for the ruling of the House of Hillel.]

**IV.13.** A. *Objected Mar Zutra*, “There was the case of the trough of Jehu was in Jerusalem, and it was perforated with a hole as large as the spout of a water-skin. And everything which required preparation in conditions of cleanness in Jerusalem was prepared depending upon it [for immersion]. And the House of Shammai sent and broke it down. For the House of Shammai say, ‘Until the greater part of it will be broken down, [it is still regarded as a utensil]’ [M. Miq. 4:5P-T]. But we have also learned in the Mishnah: The intermingling of immersion pools is through a hole the size of the spout of a water-skin, in the thickness and capacity- two fingers turned around in full. [If there is doubt whether it is the size of the spout of a water-skin or not the size of the spout of a water-skin, it is unfit, because it derives from the Torah [M. Miq. 6:5A-D]. Does this not prove that they acted in accord with their opinion?”

B. *In that case, [15B] someone who say what they did would say, “the extension was made to improve the water-flow.*

**IV.14.** A. *Come and take note:* said R. Eleazar bar Sadoq, “When I was studying the Torah with R. Yohanan the Hauranite, I saw that, in years of famine, he would eat a dry piece of bread with salt on it. I came and told father. He said to me, ‘Bring him olives.’ I brought them to him. When he saw that they were damp [and so susceptible to uncleanness], he said to me, ‘I don’t eat olives.’ I came and told father. He said to me, ‘Go, tell him, the jar had a hole in it [so the water that was on the olives was not wanted and therefore does not render them susceptible to uncleanness], which the lees have stopped up. And we have learned in the Mishnah: A jar of pickled olives — The House of Shammai say, ‘One need not pierce it.’ And the House of Hillel say, ‘One needs to pierce it.’ But they agree that if it had been pierced and the lees blocked up the breach, it is not susceptible to uncleanness’ [M. Ed. 4:6A-D]. Now even though he was a disciple of Shammai, everything he did was done only in accord with the opinion of the House of Hillel.” Now, if you hold that, in point of fact, they did in accord with what they said, then that is the point that was noteworthy in this story. But if you hold that they did not act as they said, then why should this conduct have been so remarkable?

**IV.15.** A. *Come and take note:* they asked R. Joshua, “What is the law governing the co-wife of the daughter?” He said to them, “It is subject to dispute between the House of Shammai and the House of Hillel.”

B. And in accord with which party is the law?

- C. He said to them, “How come you’re poking my head between two high mountains, between two great parties, between the House of Shammai and the House of Hillel! I’m afraid they’ll crush my skull.
- D. “But I hereby give testimony concerning the family of the House of Alubai of Bet Sebam and concerning the family of the house of Qipai of Bet Meqoshesh, that they are children of co-wives, and from them have been chosen high priests, and they offered up sacrifices at the Temple altar” [T. Yeb. 1:10:B-E].
- E. *Now if you maintain that they acted in accord with their views, that explains why he said to them, I’m afraid they’ll crush my skull. But if you hold that they did not act in accord with their views, then why did he say to them I’m afraid they’ll crush my skull? And even if they did act in accord with their views, why should he have said, I’m afraid...? Lo, said R. Joshua, “A mamzer derives from the union only of a couple that by marrying is liable to the death penalty inflicted by the earthly court.” [So no one would have been degraded to the level of a mamzer had he made such a decision in favor of the House of Hillel (Slotki).]*
- G. *Granted that such a person would not have been a mamzer, he still would have been blemished, since that would be the result of an argument a fortiori from the case of the widow: if the son of a widow [born out of a marriage to a high priest], who is not subject to a prohibition, still is blemished, how much the more so would the son of a co-wife, who is forbidden to all [not only priests but also Israelites]!*
- H. *Anyhow, they addressed him a question concerning co-wives, and he has answered the question by appeal to the children of co-wives!*
- I. *In fact they addressed two questions to him: “What is the rule governing co-wives? And if you say that the rule governing co-wives is in accord with the House of Hillel, then, as to the children of co-wives produced in accord with the position of the House of Hillel, what is the rule that governs their status from the perspective of the House of Shammai?”*
- J. *What difference would it make anyhow [since the law accords with the House of Hillel anyhow]?*
- K. *It is so as to solve the problem, within the perspective of the House of Hillel, to the question of the daughter of a man who remarried his divorced wife after she had wed a third party. Do we invoke the argument a fortiori just now given, namely: if the son of a widow [born out of a marriage to a high priest], who is not subject to a prohibition that applies to call casts, still is blemished, how much the more so would the child of a co-wife, who is forbidden to all [not only priests but also Israelites] [be regarded as blemished]! Or may one refute that argument on these grounds: the operative consideration affecting the widow is that she herself has been profaned [vis à vis the priesthood]. And he said to him, “I’m afraid with regard to the co-wives, [16A] I am giving testimony with respect to the children of the co-wives.”*

**IV.16.** A. *Come and take note: in the time of R. Dosa b. Harkinas, the co-wife of the daughter was permitted to marry the brothers [of the father of that daughter]. That proves that they acted in accord with their opinion.*

B. *Indeed it does.*

- IV.17.** *A. Reverting to the body of the foregoing:* in the time of R. Dosa b. Harkinas, the co-wife of the daughter was permitted to marry the brothers [of the father of that daughter]:
- B. The matter troubled sages, because [Dosa] was a great scholar, and since his sight was poor, he could not come to the house of study. They said, "So who will go and inform him. Said to them R. Joshua, "I shall go."
- C. And after him who?
- D. R. Eleazar b. Azariah.
- E. And after him who?
- F. R. Aqiba.
- G. They went and stood at the door of his house. His maid went in and said to him, "My lord, the sages of Israel have come to you."
- H. He said to her, "Let them come in," and they came in.
- I. He took hold of R. Joshua and seated him on a golden couch. [Joshua] said to him, "My lord, tell your other disciple to sit down."
- J. He said to him, "Who might this be?"
- K. He said to him, "Rabbi Eleazar b. Azariah."
- L. "And does our friend Azariah really have a son?" In his regard he recited this verse: "I have been young and now I am old, and I have not seen the righteous forsaken or his seed begging bread" (Psa. 37:25). He took him and seated him on a golden couch.
- M. He said to him, "My lord, tell your other disciple to sit down."
- N. He said to him, "Who might this be?"
- O. He said to him, "Aqiba b. Joseph."
- P. He said to him, "So you're this Aqiba b. Joseph, whose name is bruited about from one end of the world to the other. Take a seat, my son, take a seat. May people like you become many in Israel."
- Q. They began to surround him with all kinds of questions on laws, until they came to the matter of the co-wife of the daughter. They said to him, "As to the co-wife of the daughter, what is the law?"
- R. He said to them, "There is a dispute between the House of Shammai and the House of Hillel."
- S. "And in accord with which party is the law?"
- T. He said to them, "The decided law accords with the position of the House of Hillel."
- U. They said to him, "But is it not the fact that in your name, people have said, 'The decided law accords with the position of the House of Shammai'?"
- V. He said to them, "Did you hear the name 'Dosa,' or 'Ben Harkinas'?"
- W. They said to him, "By the life of my lord! We have heard it without further articulation [that is, no name of a son]."
- X. He said to them, "I have a little brother, the first-born of satan, and his name is Jonathan, and he is among the disciples of Shammai. Be careful that he not challenge you with questions of law, because he has in hand three hundred

arguments to prove that the co-wife of the daughter is permitted. But I call to witness against me heaven and earth that on this mortar sat Haggai the prophet, and he stated these three laws: [1] the co-wife of the daughter is forbidden [to the brothers]; [2] **Israelites in the lands of Ammon and Moab separate as tithe poor man's tithe during the Sabbatical Year [when in the land of Israel no tithes are designated] [M. Yad. 4:3];** and [3] they accept converts from people who live in Cordyene and Tadmor."

**IV.18.** A. *A Tannaite statement:* when they came in, they came in through one door. When they went out, they went out through three doors.

B. *[The brother] met R. Aqiba and raised his questions and put him in his place.*

C. He said to him, "So you're this Aqiba b. Joseph, whose name is bruited about from one end of the world to the other. You're one lucky fellow, for you have already gotten a name for yourself, and you're still not really up to herding cattle."

D. Said to him R. Aqiba, "Not even shepherds."

**IV.19.** A. **Israelites in the lands of Ammon and Moab separate as tithe poor man's tithe during the Sabbatical Year [when in the land of Israel no tithes are designated] [M. Yad. 4:3]:**

B. For a master has said, "Many towns did those who came up from Egypt conquer, which those who came up from Babylonia did not conquer, and the initial act of consecration of the land [effected by these conquests] served only temporarily but not eternally. So they let them cultivate those fields so that the poor would have something on which to rely in the Sabbatical Year.

**IV.20.** A. And they accept converts from people who live in Cordyene and Tadmor:

B. *Is that so? And lo Rammi bar Ezekiel repeated as a Tannaite rule, "They do not accept converts from people who live in Cordyene and Tadmor"!*

C. *Said R. Ashi, "The statement was made concerning Kartuenians, as people say, 'invalid Kartuenians.'"*

D. *There are those who say, "Rammi bar Ezekiel repeated as a Tannaite rule, 'They do not accept converts from people who live in Kartuenians.'"*

E. *But aren't Kartuenians the same as Cordyenians?*

F. *Said R. Ashi, "Not at all. Kartuenians are one group, Cordyenians are another, as people say, 'invalid Kartuenians.'"*

**IV.21.** A. R. Yohanan and Sabya both say, "They do not accept proselytes from Tarmud."

B. *Did R. Yohanan made such a statement? And have we not learned in the Mishnah: All the bloodstains which come from Reqem are clean. R. Judah declares unclean, because they are converts and err. Those which come from among the gentiles are clean [M. Nid. 7:3A-C]? And we reflected on this matter: [16B] since the passage states, Those which come from among the gentiles — and even those from Tarmod. And said R. Yohanan, "That indicates that they do accept proselytes from Tarmud." And should*

*you say that while he made that statement, that is not in fact the position that he takes, lo, said R. Yohanan, "The decided law is in accord with the anonymous statement given in the Mishnah."*

- C. *What we have is a conflict among Amoraic versions of R. Yohanan's position.*

**IV.22.** A. *And as to not accepting proselytes from Tarmud, what is the reason?*

- B. There was a dispute on this matter between R. Yohanan and Sabya. One said, "Because of Solomon's slaves [who married Jewish women]," and the other says, "On account of the daughters of Jerusalem."
- C. *Now with reference to him who has said, "Because of Solomon's slaves [who married Jewish women]," there is no problem, since he holds the view that if a gentile or a slave had sexual relations with an Israelite woman, the offspring is in the category of a mamzer. But from the perspective of him who said, "On account of the daughters of Jerusalem," what is the point?*
- D. *There was a dispute in this regard between R. Joseph and rabbis, both of them speaking in the name of Rabbah bar bar Hannah.*
- E. *One said, "There were twelve thousand footmen and six thousand archers."*
- F. *The other said, "There were twelve thousand men, among them, six hundred archers."*
- G. When the gentiles broke into the sanctuary, everyone went for gold and silver, but they went after the daughters of Jerusalem: "They have ravished the women in Zion, the maidens in the cities of Judah" (Lam. 5:11).

**IV.23.** A. Said R. Samuel bar Nahmani said R. Jonathan, "This verse was stated by the prince of the world: 'I have been young and now I am old, and I have not seen the righteous forsaken or his seed begging bread' (Psa. 37:25). *Now who could have said that verse? Not the Holy One, blessed be he, since, after all, old age would not apply. Not David, since he was never so old. So it must have been said by the prince of the world.*"

**IV.24.** A. And said R. Samuel bar Nahmani said R. Jonathan, "What is the meaning of the verse, 'The adversary has spread out his hand upon all her treasures' (Lam. 1:10)? This refers to Ammon and Moab.

- B. "When the gentiles entered the sanctuaries, everyone else went after silver and gold, but they went after the scroll of the Torah, saying, 'That in which it is written "An Ammonite or a Moabite shall not enter the assembly of the Lord" (Deu. 23: 4) should be burned in fire.'"



**IV.25.** A. “The Lord has commanded concerning Jacob that they that are round about him should be his adversaries” (Lam. 1:17):

B. Said Rab, “For example, Humanayya in regard to Pum Nahara.”

**IV.26.** A. Said R. Judah said R. Assi, “A gentile who betrothed an Israelite woman at this time — they take account of the possibility of the validity of the betrothal, since he might derive from the Ten Tribes.”

B. *But lo, whatever falls from a mixed lot is assumed to have fallen from the majority thereof!*

C. *The statement speaks of places in which the ten tribes took up residence, for* said R. Abba bar Kahana, “And he put them in Halah and in Habor, on the river of Gozan, and the cities of the Medes’ (2Ki. 18:11) — ‘Halah’ — this is Halwan; ‘Habor’ — this is Adiabene; ‘the river of Gozan’ — this is in Ginzaq; ‘the cities of the Medes’ — these are Hamdan and the neighboring towns.” Others say, “Nihar and its neighboring towns.”

D. *What are the neighboring towns?*

E. Samuel said, “Karak, Moshki, Hidqi, and Dumqia.”

F. Said R. Yohanan, “All of these places that have been listed are listed so as to invalidate betrothals between their residents and Israelite women. *But when I stated this before Samuel, he said to me, ““Your son”* Deu. 7: 4) who comes from an Israelite woman is called your son, but your son who is descended from a gentile woman is classified as not your son but her son.”

G. *But lo, there are daughters too! And said Rabina, “From this one may infer that the son of your daughter by a gentile is regarded as your son.”*

H. *There is a tradition that the women of that generation were rendered barren.*

I. *There are those who say: “When I stated this before Samuel, he said to me, ‘They did not leave that place until they declared them to be entirely gentiles: “They have dealt treacherously against the Lord, for they have begotten strange children”* (Hos. 5: 7).”

**IV.27.** A. R. Joseph was in session sitting behind R. Kahana, and R. Kahana was in session before R. Judah, and, in session, he made this statement: “Israel will celebrate a holiday when Tarmud is destroyed.”

B. *But lo, it has been destroyed!*

C. *That was Tammud.*

- D. *R. Ashi said, "Tarmud and Tammud are the same thing, but the city was rebuilt; when it was destroyed on one side, it was resettled on another, and vice versa."*

**IV.28.** A. *R. Hamnuna was in session before Ulla, and under consideration was a traditional statement. He said, "What a man! And how much more important a figure he would have been, if he were not born in Harpania!"*

- B. *He was humiliated.*

- C. *He said to him, "So where do you pay out your poll tax?"*

- D. *He said to him, "To Pum Nahara."*

- E. *He said to him, "Then you come from Pum Nahara."*

**IV.29.** A. *What is the etymology of Harpania?*

- B. *Said R. Zira, "A mountain to which everybody turns." [The words just now given are built of the consonants of the name, Harpania.]*

- C. *In a Tannaite formulation it has been stated: Anyone who did not know which family he derived from or which tribe would turn there.*

- D. *Said Raba, "And it is deeper than Sheol: 'I shall ransom them from the power of the nether world, I shall redeem them from death' (Hos. 13:14) — but as to these, that which renders them invalid is beyond all remedy.*

- E. *"The invalidity of Harpania is on account of that of Meshan, that of Meshan on account of that of Tarmod, that of Tarmod on account of the slaves of Solomon.*

- F. *"That is in line with what people say: The little qab-measure and the big one roll down to Sheol, and from Sheol to Tarmud, and from Tarmud to Meshan, and from Meshan to Harpania."*