

# IX.

---

## BAVLI YEBAMOT CHAPTER NINE

### FOLIOS 84A-87B

#### 9:1-3

#### 9:1

- A. There are women permitted to their husbands and prohibited to their levirs,
- B. permitted to their levirs and prohibited to their husbands,
- C. permitted to these and to those,
- D. and prohibited to these and to those.
- E. These are women permitted to their husbands and prohibited to their levirs:
- F. (1) An ordinary priest who married a widow, and who has a brother who is high priest; (2) a man of impaired priestly stock who married a valid woman, and who has a brother who is valid [as a priest]; (3) an Israelite who married an Israelite girl and who has a brother who is a mamzer; (4) a mamzer who married a female mamzer, and who has a brother who is a valid Israelite —
- G. [These] are permitted to their husbands and prohibited to their levirs.

#### 9:2

- A. And these are permitted to their levirs and prohibited to their husbands:
- B. (1) A high priest who betrothed a widow, and who has a brother who is an ordinary priest; (2) a valid [priest] who married a woman of impaired priestly stock and who has a brother of impaired priestly stock; (3) an Israelite who married a female mamzer and who has a brother who is a mamzer [offspring of a union subject to the penalty of extirpation, unable ever legitimately to marry a valid Israelite]; (4) a mamzer who married an Israelite girl and who has a brother who is a valid Israelite —
- C. they are permitted to their levirs and prohibited to their husbands.
- D. Prohibited to these and to those:
- E. (1) A high priest married to a widow [who thus is impaired], who has a brother who is a high priest or [who is] an ordinary priest; (2) a valid [priest] who married a woman of impaired priestly stock, and who has a brother who is a valid priest; (3) an Israelite who married a female mamzer, and who has

a brother who is an Israelite; (4) a mamzer who married an Israelite girl, and who has a brother who is a mamzer —

F these are prohibited to these and to those.

G. And all other women are permitted to their husbands and to their levirs.

### 9:3

A. In what concerns the secondary remove [of forbidden degrees (M. 2: 4)] by reason of scribal rulings:

B. a woman within a secondary remove of kinship to the husband and not in a secondary remove of kinship to the levir is prohibited to her husband and permitted to her levir.

C. [If] she is in a secondary remove of kinship to the levir and not in a secondary remove of kinship to the husband, she is prohibited to the levir and permitted to the husband.

D. [If] she is in a secondary remove of kinship to this one and to that one, she is prohibited to this one and to that one.

E. She has no rights to a marriage contract, or to the usufruct [of her “plucking”-property], or to alimony, or to worn clothes [indemnity, for clothes which have completely worn out] [e.g., for loss on “plucking”-property].

F. But an offspring of such a marriage is valid [for the priesthood].

G. And they force him to put her away.

H. In the case of a widow wed to a high priest, a divorcee or a woman who has performed the rite of removing the shoe to an ordinary priest, a female mamzer or a female Netin [=descendant of the Gibeonites who deceived Joshua (Jos. 9: 3ff), assigned the task of cutting wood and carrying water for the congregation and the altar] to an Israelite, or an Israelite girl to a Netin or a mamzer, she has a right to her marriage-settlement.

**I.1** A. [An ordinary priest who married a widow, and who has a brother who is high priest; a man of impaired priestly stock who married a valid woman, and who has a brother who is valid as a priest; an Israelite who married an Israelite girl and who has a brother who is a mamzer; a mamzer who married a female mamzer, and who has a brother who is a valid Israelite:] *why speak of married, when it would have been entirely in order to frame the Tannaite formulation as betrothed? And should you say that the operative consideration is that he actually married a woman in such a category, because under such conditions there are both a positive and a negative commandment involved, but if he had only betrothed such a woman, then a positive commandment [levirate marriage] overrides the considerations of a negative commandment, well, in point of fact, the entirety of our chapter addresses cases in which there is a positive commandment [levirate marriage] that is in competition with a negative one [e.g., the status of mamzer to an Israelite (Slotki)], and in fact the positive commandment does override the negative one throughout!*

B. *The usage is because the framer of the passage wished to state in the concluding part of the Tannaite formulation, A high priest married to a widow, which*

*specifically pertains only to a case in which he married her, for then he has turned her into a person of impaired priestly seed. But if he had merely betrothed her, she remains permitted to the brother. So, in the opening clause, he used the language **married**, [even though betrothed would have served].*

- C. *Well, then, why permit the formulation to be governed by considerations of the concluding clause, when it could as well be dictated by the usage in the intervening clause, namely, **A high priest who betrothed a widow, and who has a brother who is an ordinary priest** ? Rather, the operative consideration behind the formulation must be the adjacent case. Since the framer wanted to include in the Tannaite formulation, **a man of impaired priestly stock who married a valid woman**, in which case the sole operative consideration is that he has married her and so made her a woman impaired for marriage into the priesthood, while if he had only betrothed her, he would have left her permitted for marriage into the priesthood, on that account he utilized the word-choice, **married**, in the opening clause as well.*
- D. *Then why make reference in particular to a widow [**A high priest married to a widow**]? He could as well have formulated the Tannaite version as a virgin [to make the same point]? [If the virgin becomes a widow after the husband's death is forbidden to a high priest, just as much as is one who was married as a widow (Slotki).] **[84B]** And should you say that this Tannaite authority maintains that it is the initial marriage [of the deceased childless brother] that has subjected the widow to the levirate connection [that, and not merely the fact that he has died, so that if at the time of the marriage she was a virgin, she would not have been regarded as a widow and would have been permitted to marry a priest (Slotki)], *lo*, there is the case of **a man of impaired priestly stock who married a valid woman**, in which instance we do not invoke the principle that it is the initial marriage [of the deceased childless brother] that has subjected the widow to the levirate connection. [Slotki: had this been the case, his brother should have been permitted to marry her, owing to the fact that at the time of her marriage with the deceased, when she became subject to levirate marriage, she was not a woman profaned for marriage into the priesthood.]*
- E. *Reference to the widow not the virgin certainly is on account of the final clause, namely, since the framer of the passage wished to set forth the final clause in this Tannaite formulation, **A high priest married to a widow [who thus is impaired], who has a brother who is a high priest or [who is] an ordinary priest**, in which case the reference must be in particular to a widow, but not to a virgin, who is suitable for marriage to him [her first husband, a high priest, and after he dies, also his brother, an ordinary priest], therefore the language, **a widow**, had to be used here as well.*
- F. *Objected R. Pappa, "If there is validity in that which when R. Dimi came, he said R. Yohanan [said], namely, 'An Egyptian of the second generation who married an Egyptian woman of the first generation — the offspring is of the second generation,' then the framer of the passage also should have formulated matters as: an Egyptian of the second generation who married two Egyptian women, one of the first generation and one of the second, and who had children from the first and from the second [the wives of these sons] if they married in a proper way [if*

the son of the Egyptian of the second generation, thus of the third and permitted to enter the assembly, married the daughter of an Israelite, and the other, in the second generation, married an Egyptian of the second generation, then, if one of the brothers dies childless, the son of the third generation may not marry the Egyptian of the second generation, but the son of the second generation may not marry the daughter of an Israelite (Slotki), are permitted to their husbands but are forbidden to their deceased childless husband's brother, *and, if they married in an improper order* [Slotki: the son of the second generation married the daughter of an Israelite, while the son of the third generation married an Egyptian of the second generation], the wives are permitted to the deceased childless husband's brother but forbidden to their husbands; permitted to this one and to that one are proselyte women; forbidden to this one and to that one are barren women."

- G. *Well, obviously, he encompassed in the Tannaite formulation some cases but then omitted others.*
- H. *Yeah, well, then, if he omitted some, what else did he omit anyhow?*
- I. The matter of a man with damaged testicles [prohibited to the one and the other: if injured and brother is fit, the woman is forbidden to him and permitted to the brother; if fit and the brother injured, she is permitted to him and forbidden to the brother; if both are injured, proselyte women are permitted to both (Slotki)].
- J. *Well, if the only consideration is the man with damaged testicles, that really is not much of an omission, since as a matter of fact that subject to violating the negative commandments as a class already are taken care of [if not this specific case].*
- K. *But weren't a number of specific cases made explicit among those who are penalized for violating a negative commandment? Is it not specifically covered in a Tannaite formulation: **An ordinary priest who married a widow, and who has a brother who is high priest and then again, explicitly, a man of impaired priestly stock who married a valid woman?***
- L. *These specific cases had to be mentioned to let us know that the law is in accord with what R. Judah said Rab said. For said R. Judah said Rab, "Women of sound genealogy are not subjected to an admonition not to marry to men of unsound genealogy." [Slotki: the purpose in giving the law of the man of impaired priestly stock was not to teach the prohibition of the woman to the levir, which is not necessary, but that she is permitted to marry a husband though he is of impaired priestly stock and she is of legitimate status or of pure priestly stock; the prohibition to marry one of impure stock is incumbent upon the man and not upon the woman.]*
- M. *But lo, the Tannaite framer of the passage has taught: **a man of impaired priestly stock who married a valid woman and then again, an Israelite who married an Israelite girl and who has a brother who is a mamzer.** [Thus the framer gave more than a single example of the same type of prohibition (Slotki).]*
- N. *This does not constitute a repetition, for he has so informed us a negative commandment that is not equal to all [but only to priests in the matter of the one of impaired priestly stock] and then he informs us of the rule governing the negative commandment that does apply to all.*

O. *But lo, he has taught as his Tannaite formulation the matter of an Israelite who married a female mamzer, and who has a brother who is an Israelite! So, in sum, does that not prove that the Tannaite framer has set forth some cases but not others?*

P. *Yup.*

**I.2.** A. *Referring to the body of the prior discussion:*

B. Said R. Judah said Rab, “Women of sound genealogy are not subjected to an admonition not to marry to men of unsound genealogy.” [The burden is on the male.]

C. *May we say that the following supports his position: a man of impaired priestly stock who married a valid woman? Is it not with reference to a woman of the priestly caste who is suitable for him, and does not valid mean, valid for marriage into the priesthood [and that would support Rab’s view]?*

D. *Not necessarily, since it can as well refer to an Israelite woman, and the meaning of valid is, valid for marriage into the community [of Israelites].*

E. *If so, the language, a man of impaired priestly stock who married a valid woman, and who has a brother who is valid, would also mean, eligible for entry into the community, and it would follow that he himself is not eligible to enter into the community. So it must speak of a priest, and, since he is a priest, so she’s a priest-woman.*

F. *Oh come off it! This has its meaning, and that has its meaning!*

G. [To the proposition of Rab,] *objected Rabin bar Nahman, “The repeated usage, ‘They shall not take...they shall not take...’ (Lev. 21: 7) teaches that women are indeed subjected to an admonition not to marry to men of unsound genealogy [just as much as the priestly men are].”*

H. *Said Raba, “In any situation in which the man is admonished, the woman is admonished, and in any situation in which the man is not admonished, the woman is not admonished.”* [The woman of impaired priestly stock, whom a valid priest is forbidden to marry, is forbidden to marry a valid priest; the woman of unimpaired priestly stock, whom a priest of impaired priestly stock, is not forbidden to marry, may marry a priest of impaired stock (Slotki)].

I. *But does this derive from the cited verse of Scripture? Lo, it derives from a verse of Scripture that R. Judah said Rab said, and so too did the Tannaite authority of the household of R. Ishmael state: “‘When a man or a woman shall commit any sin that men commit’ (Num. 5: 6) — in this way Scripture has treated women as equal to men in regard to all penalties that are in the Torah”!*

J. *If from that proof alone the matter had derived, I might have supposed that that referred only to a prohibition that is equally applicable to all [persons, not just to the priesthood], but not to one that is not equally applicable to all. [The priesthood’s prohibitions do not apply to all Israelites, so we need Lev. 21: 7 to cover them.]*

K. **[85A]** *But lo, there is the matter of the prohibition against contracting corpse uncleanness, which does not apply to all Israel but only to priests],*

*and the reason that it does not apply to women is that the All-Merciful has said, “the sons of Aaron” (Lev. 21: 1) and not the daughters of Aaron. But if no verse of the sort had been in hand, one might have assumed that the women are also subject to the same obligation not to contract corpse-uncleanness. So why are they not? It is obviously because of what R. Judah said Rab said [which shows that even a prohibition not applicable to all would be assumed applicable to women by deduction from Rab’s text (Slotki)].*

- L. *Not at all, it might have been derived from “they shall not take” (Lev. 21: 7) [Slotki: from which it has been deduced that women are subject to the same prohibitions as men even where the prohibitions are not applicable to all; hence the necessity for Lev. 21: 1, which excludes women; Num. 5: 6 may yield the deduction only regard to a prohibition applicable to all.]*
- M. *There are those who say, “It was necessary to make explicit the prohibition in connection with marriage, based on the verse, ‘They shall not take,’ for it might have entered your mind to maintain that prohibiting marriage of a woman of impaired stock to a priest of impaired stock should derive from the matter of uncleanness [which applies only to men and not to women]. So we are informed [that women really are subject to the same prohibition as men].”*

**I.3.** A. R. Pappa and R. Huna b. R. Joshua visited Hinsebu, the hometown of R. Idi bar Abin. They were asked: “Are woman of suitable genealogy admonished against marriage with men of impaired genealogy or is that not the case?”

- B. *Said to them R. Pappa, “You have learned in the Mishnah: **Ten castes came up from Babylonia: (1) priests, (2) Levites, (3) Israelites, (4) impaired priests, (5) converts, and (6) freed slaves, (7) mamzers, (8) Netins, (9) “silenced ones” [shetuqi], and (10) foundlings. Priests, Levites, and Israelites are permitted to marry among one another. Levites, Israelites, impaired priests, converts, and freed slaves are permitted to marry among one another. Converts, freed slaves, mamzers, Netins, “silenced ones,” and foundlings are permitted to marry among one another [M. Qid. 4:1].*** Now we note that there is no reference to daughters of priests in regard to marriage to men of impaired priestly genealogy [so they may do so].”
- C. *Said to him R. Huna b. R. Joshua, “What the Tannaite framer of the passage has toted up are only cases in which the women may marry the men and the men the women; but the case of a priest is not mentioned [even though if he were of impaired genealogy, he would not be forbidden to marry a woman of priestly caste], because a woman of impaired genealogy, even if he wanted to marry one, would be forbidden to him [so the cited passage does not settle the question].”*

- D. *They came before R. Idi bar Abin. He said to them, 'Rank children! This is what R. Judah said Rab said: 'Women of sound genealogy are not subjected to an admonition not to marry to men of unsound genealogy.'"*

**II.1** A. In what concerns the secondary remove [of forbidden degrees (M. 2: 4)] by reason of scribal rulings: a woman within a secondary remove of kinship to the husband and not in a secondary remove of kinship to the levir is prohibited to her husband and permitted to her levir. [If] she is in a secondary remove of kinship to the levir and not in a secondary remove of kinship to the husband, she is prohibited to the levir and permitted to the husband. [If] she is in a secondary remove of kinship to this one and to that one, she is prohibited to this one and to that one. She has no rights to a marriage contract, or to the usufruct [of her "plucking"-property], or to alimony, or to worn clothes [indemnity, for clothes which have completely worn out] [for loss on "plucking"-property]. But an offspring of such a marriage is valid [for the priesthood]. And they force him to put her away:

- B. *The men of Biri asked R. Sheshet, "As to a woman who is in a secondary remove of kinship to the husband but not to the levir, does she have the right of collecting a marriage-settlement from the levir or not? Since a master has said, '[The charge of] her marriage contract [falls] onto the property of her first husband [M. Yeb. 4:4B], she has no such claim; or perhaps, since the rabbis have made the ordinance that in any case in which she cannot collect a marriage settlement from the first husband, she has the right to claim it from the second, here she may claim it from the levir?'"*
- C. *Said to them R. Sheshet, "You have learned in the Mishnah: [The charge of] her marriage contract [falls] onto the property of her first husband [M. Yeb. 4:4B], but if she was in a second remove of relationship to the husband, then even from the levir she gets nothing."*
- D. *Does that language [then even from the levir she gets nothing] then imply that there are widows who do collect the marriage settlement from the levir [not from the estate of the first husband]?!*
- E. *The passage contains a flaw, and this is the sense of the matter: [The charge of] her marriage contract [falls] onto the property of her first husband [M. Yeb. 4:4B], but if she does not get from the first husband, rabbis have provided her with a marriage-settlement from the second, But if she was in a second remove of relationship to the husband, then even from the levir she gets nothing."*

- II.2.** A. *R. Eleazar asked R. Yohanan, "In the case of a widow married to a high priest, a divorcée or a woman who has undergone the rite of removing the shoe married to an ordinary priest, do they have a claim for maintenance or not?"*
- B. *In what context is the question raised? If I should say that she was still living with him, then he is under the obligation to go and divorce her, and can there be any question of her also getting maintenance from him under such circumstances?!*
- C. *"Not at all, the question deals with a case in which he went overseas, and she borrowed money to support herself, and at issue is whether, since providing for*



*her is a condition of the marriage-settlement, she is entitled to maintenance just as she is entitled to the protection of the marriage settlement, or if she entitled only to the marriage-settlement because when she leaves him, she gets it, but not to the maintenance that would otherwise persuade her to stick with him?"*

- D. *He said to him, "She has no such claim."*
- E. *"But has it not been taught on Tannaite authority: She has such a claim?!"*
- F. *"When that Tannaite formulation was set forth, it concerned alimony after the husband died [before she was divorced, and this is no inducement for her to stick with him, so she collects]."*
- G. *There is one who states, "He said to him, 'It has been taught on Tannaite authority: She has such a claim.'"*
- H. *"But lo, he is subject to the obligation of divorcing her!"*
- I. *"When that Tannaite formulation was set forth, it concerned alimony after the husband died."*

**II.3.** A. *Our rabbis have taught on Tannaite authority:*

- B. **A widow married to a high priest, a divorcée of a woman who has undergone the rite of removing the shoe married to an ordinary priest [lo, these are deemed legal wives in every respect]. They have a right to a marriage contract, to the disposition of the return on their property, to support, to indemnity [replacement of worn out clothing]. But she becomes unfit and her offspring is unfit, and the husband is compelled to divorce her.**
- C. **Relatives in the second remove of kinship forbidden by ordinances of scribes are entitled neither to the marriage-settlement nor to the disposition of the return on their property, to support, to indemnity [replacement of worn out clothing]. But she remains fit and her offspring is fit; but the husband is forced to divorce her.**
- D. **Said R. Simeon b. Eleazar, "On what account did they rule that a widow married to a high priest is entitled to her marriage-settlement? Because he becomes unfit [to work in the Temple] and she becomes unfit, and in every case in which the male is invalid and the female is invalid, [85B] sages have imposed an extrajudicial penalty on him, requiring him to pay her marriage-settlement.**
- E. **"And on what account did they rule that those women prohibited to a man because of a secondary remove of a consanguineous relationship do not receive the marriage-settlement? Because he is valid to marry her, and she is valid to marry him. Sages have imposed an extrajudicial penalty on her, denying her a marriage-settlement, so that it will be easy for him to divorce her."**
- F. **Rabbi says, "This rule is a restricting deriving from the teachings of the Torah itself, and the teachings of the Torah do not require a backup; but the other rule is prohibited by reason of the teachings of scribes, and teachings of scribes most certainly do require a backup.**
- G. **"Another matter: this one has responsibility for getting the woman ready to marry him [Slotki: "he induces her"], but this woman has responsibility for getting herself ready to marry him" [T. [Yeb. 2:4A-O](#)].**



## **II.4. A. Who stated this Another matter?**

- B. *There are those who say, “R. Simeon b. Eleazar formulated it, and his intent was to say, ‘What is the operative consideration?’ Namely, What is the operative consideration that it is the ruling that when he is invalid and she is invalid, they have imposed upon him the extrajudicial penalty of paying off the marriage-settlement? It is because he is the one who bears responsibility for getting the woman ready to marry him. And what is the operative consideration that, when he is valid and she is valid, they sages have imposed upon her the extrajudicial penalty that she loses any marriage settlement? It is because she is the one who has induced him.” [Slotki: as the marriage subjects neither the woman nor her children to any disability, it is assumed that she as the woman is more anxious than the man to marry.]*
- C. *There are those who say, “Rabbi formulated it, because the case of the woman who had performed the rite of removing the shoe posed a problem to him, namely: the prohibition of a woman who has performed the rite of removing the shoe to marry an ordinary priest derives only from the authority of rabbis, and yet she receives her marriage settlement. So, he said, ‘Since he is the one who by rabbinical authority renders her invalid, he is the one who has persuaded her to marry him, but in the latter case, she is the one who inveigled him to marry her.’”*
- D. *So what’s the upshot of the difference in the reasons given by Rabbi and R. Simeon b. Eleazar?*
- E. *Said R. Hisda, “At issue between them is the case of a mamzer-girl or a Netinah-girl married to an Israelite. According to him who maintained that the operative consideration is that the prohibitions derive from the Torah [and that explains why the woman gets her marriage settlement], then here is a case also in which the prohibition derives from the law of the Torah. According to him who says that the operative consideration is that it is the man who induces the woman into the marriage, then here is a case in which she induces him into the marriage” [and she is forbidden to marry an Israelite, loses nothing by the marriage, and therefore is denied her marriage settlement (Slotki)].*
- F. *And from the perspective of R. Eliezer, who [in the context of the dispute, M. Qid. 3:13, in which R. Tarfon says, “Mamzerim can be purified [from the taint of bastardy]. How so? A mamzer who married a slave girl — the offspring is a slave girl. [If] he then freed him, the son turns out to be a free man,”] says, “Lo, this is a slave who also is in the status of a mamzer,” it is surely not the woman who would have gone to inveigle the man into marriage at all [so why should she lose her marriage-settlement]?!*
- G. *Rather, said R. Joseph, “At issue between them is the case in which one has remarried a woman he has divorced after she married a third party. The one who maintains that the prohibitions derive from the authority of the Torah will concur, since here is another case in which the prohibition derives from the Torah; but in the view of him who says that it is the consideration of the man’s inducing the women, here is a case in which she has induced him.”*

- H. *And from the perspective of R. Aqiba, who has said that the offspring of a union that violates a negative commandment is a mamzer, lo, here is a case in which she would not have induced the man in any way at all [since why should she want to produce mamzerim]?*
- I. *Rather, said R. Pappa, "At issue between them is a woman who has had sexual relations and is not a virgin married to a high priest. According to him who explained that the consideration is based on the law of the Torah, here too is a case based on the law of the Torah [at Lev. 21:14], but according to him whose operative consideration is that the man has inveigled the woman into marriage, here it is the case that she is the one who inveigles him."*
- J. *And from the perspective of R. Eliezer b. Jacob, who has said that from a union that is forbidden by a positive commandment, the offspring is deemed profaned [for marriage into the priesthood], there is no basis on which she would have induced him into marriage!*
- K. *Rather, said R. Ashi, "At issue between them is the case of a man who returns to a woman who is subject to doubt as to whether or not she is accused of infidelity. In accord with him who maintains that the cited consideration is that the prohibition derives from the law of the Torah, here is a case that derives from the law of the Torah [and the offspring would be mamzerim], but according to him who maintains that the operative consideration is that the man is the one who inveigles the woman into marriage [that is Rabbi and Eleazar b. Simeon], here is a case in which the woman is the one who inveigles the man into marriage."*
- L. *And from the perspective of R. Matia b. Heresh, who has stated that even if her husband went along to administer the bitter water ordeal to her but on the way had sexual relations with her, he has made her a whore, lo, in such a case, she is obviously not going to be the one to inveigle him into marriage!*
- M. *Rather, said Mar b. R. Ashi, "At issue between them is the case of a woman who is confirmed as an accused wife" [and by the law of the Torah may not marry the husband, although the offspring are not mamzerim; she may not marry a priest so has nothing to lose by having sexual relations with the husband and so would inveigle him to live with her again; hence the ordinance that in such a case, she loses the right to a marriage settlement (Slotki)].*

## 9:4

- A. **An Israelite girl betrothed to a priest, pregnant by a priest, awaiting levirate marriage with a priest,**
- B. **and so too: a priestly girl married to an Israelite —**
- C. **does not eat food in the status of priestly rations [see M. 7:4].**
- D. **An Israelite girl betrothed to a Levite, pregnant by a Levite, awaiting levirate marriage with a Levite,**
- E. **and so too: a Levite girl married to an Israelite —**
- F. **do not eat tithe.**

- G. A Levite girl betrothed to a priest, pregnant by a priest, awaiting levirate marriage with a priest,
- H. and so too, a priestly girl married to a Levite,
- I. eat neither food in the status of priestly rations nor tithe.

- I.1 A. [A Levite girl betrothed to a priest, pregnant by a priest, awaiting levirate marriage with a priest:] *while, to be sure, she is no more than a commoner, is not a commoner permitted to eat tithe?*
- B. *Said R. Nahman said Samuel, "Lo, who is the authority behind this rule? It is R. Meir, who has said, 'It is forbidden for commoners to eat first tithe.'"*
- C. *For it has been taught on Tannaite authority: [86A] "Just as food designated as priestly rations must be given to the priest, so first tithe must be given to the Levite [and may not be eaten by common Israelites]," the words of R. Meir.*
- D. R. Eleazar b. Azariah permits it to the priest.
  - E. ...permits it to the priest... — *then it would appear there is an authority who forbids it to the priest! Rather, say, "one may give it also to a priest."*
- F. *What is the scriptural basis for the position of R. Meir?*
- G. *Said R. Aha b. Rabbah on the strength of a received tradition of his [Meir's] view, "'For the tithe of the children of Israel, which they set apart as heave offering [=priestly rations] for the Lord' (Num. 18:24) — just as priestly rations are forbidden to commoners, so first tithe is forbidden to commoners."*
- H. *"Then may one say, just as priestly rations bring the penalty of death plus the recompense of an added fifth, so for violating the sanctity of tithe are people liable to the death penalty and the added fifth? To the contrary, Scripture states, 'And die therein if they profane it...' (Lev. 22: 9). 'Then he shall put the fifth part thereof into it' (Lev. 22:14). 'Into it,' but not in the tithe; 'into it,' but not into the tithe."*
- I. *And rabbis?*
- J. *Just as failing to designate priestly rations imparts to produce from which rations are due the status of untithed but obligated produce [for which the penalty is death if one eats it deliberately], likewise failure to designate first tithe imparts to produce from which rations are due the status of untithed but obligated produce. That is in accord with what has been taught on Tannaite authority: R. Yosé says, "Might one suppose that one is liable [to a flogging] only on the count of eating produce liable to tithing from which tithes had not been removed at all, but in a case in which the great heave offering [2% for the priest] has been taken up but not the first tithe, first tithe but not second tithe, or even the tithe for the poor, [that would not be the case? How on the basis of Scripture do we know that that in fact is the case [so one is flogged for eating produce liable to tithing in a case in which the great heave offering [2% for the priest] has been taken up but not the first tithe, first tithe but not second tithe, or even the tithe for the poor]? Scripture states, 'You may not eat within your gates the tithe of your grain, wine, or oil' (Deu. 12:17), and, further, 'that they [the poor]*

may eat within your gates and be satisfied' (Deu. 26:12, 13). Just as the latter speaks of tithe for the poor, so the former encompasses tithe for the poor, and the All-Merciful has said, 'You may not eat within your gates the tithe of your grain, wine, or oil' (Deu. 12:17)." *Now, were proof to have derived from that verse only [Deu. 12:17, on tithe], I might have supposed that the penalty concerned only violating a negative commandment but not the death penalty. So we have to derive the rule as well from Num. 18:24..*

K. *Another version:*

L. *That failure to designate first tithe imparts to produce from which rations are due the status of untithed but obligated produce derives from the proof of R. Yosé [so what do I need with Num. 18:24]?*

M. *Had I derived the rule from there alone, I might have supposed that the penalty for violating a negative commandment is incurred, but not the death penalty; so we are taught the other as well.*

**I.2.** A. *How then have you explained the rule [that **An Israelite girl betrothed to a Levite, pregnant by a Levite, awaiting levirate marriage with a Levite, and so too: a Levite girl married to an Israelite — do not eat tithe**]?* *In accord with the position of R. Meir? Then how do you deal with what follows: **A Levite girl betrothed to a priest, pregnant by a priest, awaiting levirate marriage with a priest, and so too, a priestly girl married to a Levite, eat neither food in the status of priestly rations nor tithe**?* *Now what relevance does the issue of whether one is or is not a priest have in this case [since neither the daughter of a priest nor daughters of a Levite are outsiders in this context]!*

B. *Said R. Sheshet, "What is the meaning of the Tannaite language, **eat neither food in the status of priestly rations nor tithe**?* *She may not give permission to set apart tithe [from produce of her betrothed or of the levir, so that she as a woman of the priestly caste might be able to eat the tithe]."* [Slotki: the reason for the prohibition is not that the tithe is forbidden to her, but that she is not entitled to appoint an agent to set apart the heave offering without the owner's knowledge.]

C. *Is that to say, then, that a married woman does have the power to give permission for such a purpose?*

D. *Yessiree, for it has been taught on Tannaite authority: "And you may eat it in every place, you and your household" (Num. 18:31) — this teaches that a married woman who is of Israelite caste may give permission to set apart heave offering [from her husband's produce].*

- E. You say that the meaning is, to give permission to set apart heave offering. But maybe it means, to eat it.
- F. Say: if she may eat heave offering, which is subject to stringent protection, she surely should eat tithe, which is subject to lenient protection. Accordingly, the purpose of the verse is to indicate that a married woman of Israelite caste gives permission to separate heave offering.

- I.3.** A. **[A Levite girl betrothed to a priest, pregnant by a priest, awaiting levirate marriage with a priest, and so too, a priestly girl married to a Levite, eat neither food in the status of priestly rations nor tithe:]** Mar b. Rabbana said, “This indicates that they give her [unaccompanied by her husband] no share of tithe at the threshing floor.”
- B. *That poses no problem to him who has said that the operative consideration is because a woman should not go alone among men, but from the perspective of him who has said that the rule is to avoid giving it to a divorced woman [who might continue to collect the priestly due at the threshing floor even after she is divorced], if a woman is divorced and is the daughter of a Levite, may she not eat tithe? [Yes, she may, so why shouldn't she get her share if the husband is absent? (Slotki)]*
  - C. *Rather, it is a precautionary decree on account of the possible violation by a divorced woman who is the daughter of an Israelite [and would apply to the daughter of a Levite in regard to tithe as it does to the daughter of a priest in regard to food in the status of priestly rations].*
  - D. *If so, then why speak only of a **betrothed woman**, when the same rule would apply also to one who was married?*
  - E. *Since the opening clause spoke of a **betrothed woman**, the concluding one likewise talked of a **betrothed woman**.*

### **Topical Appendix on the Disposition of the Tithes**

- I.4.** A. *Our rabbis have taught on Tannaite authority:*
- B. “The great heave offering goes to the priest, first tithe to the Levite,” the words of R. Aqiba.
  - C. R. Eleazar b. Azariah says, **[86B]** “The first tithe too goes to the priest.”
  - D. To the priest, not to the Levite?
  - E. *Read:* also to the priest.
- I.5.** A. *What is the scriptural basis behind the position of R. Aqiba?*
- B. “Moreover, you shall speak to the Levites and say to them” (Num. 18:26, re tithe). *This speaks in particular of the Levites.*
  - C. *And the other?*
  - D. *He accords with R. Joshua b. Levi, for said R. Joshua b. Levi, “In twenty-four passages priests are called Levites, and this is one of them: ‘But the priests the Levites sons of Zadok’ (Eze. 44:15). [So priests are called Levites, and when the word Levites occurs, it covers priests as well.]*
  - E. *And R. Aqiba?*

F. *Here you cannot make that claim, for it is written, “And you may eat it in every place” (Num. 18:31), meaning, it is given only to someone who may eat it in every place; but a priest cannot eat it in every place, since he cannot eat it in a cemetery.”*

G. *And the other?*

H. *The sense is, “anywhere he wants: for it does not have to be eaten within the wall of Jerusalem, and someone is not flogged for eating it when cultically unclean.*

**I.6.** A. *There was a garden from which R. Eleazar b. Azariah would collect first tithe. R. Aqiba went after him and moved the gate so that it faced a graveyard. He said, “Aqiba with his beggar’s gab, but I’ll live somehow!”*

**I.7.** A. *It has been stated:*

B. *How come the Levites were subjected to a penalty in regard to tithe [which is given not to the Levites, as the Torah says, but to the priests]?*

C. *There was a difference of opinion between R. Jonathan and Sabayya.*

D. *One said, “Because they did not go up to the Land of Israel in the time of Ezra.”*

E. *And the other said, “So that the priests may rely on it when they are unclean.”*

F. *Now from the perspective of him who has said that the reason is, “Because they did not go up to the Land of Israel in the time of Ezra,” that is why an extrajudicial penalty was imposed on them. But from the perspective of him who says, “So that the priests may rely on it when they are unclean,” on account of the need of the priesthood is an extrajudicial penalty imposed on the Levites?*

G. *Rather, all parties agree that it is an extrajudicial penalty because they did not go up to the Land of Israel in the time of Ezra. But here, this is what is at issue: on the one authority holds that the extrajudicial penalty is assigned to the advantage of the poor, and the other, that it is assigned to the advantage of the priests, for, when they are unclean, they are regarded as poor.*

H. *So why in the world did R. Aqiba move the gate so it faced the cemetery?*

I. *This is what he said to him, “If you come to claim it under the law governing an extrajudicial fine, you have a right to it, but if you come to claim it under the law governing the division of the gifts, you have no share to it.”*

**I.8.** A. *And how on the basis of Scripture do we now that the Levites did not go up in the time of Ezra?*

B. *“And I gathered them together to the river that runs to Ahava, and there we encamped three days, and I viewed the people and priests, but found there no sons of Levi” (Ezr. 8:15).*

C. *Said R. Hisda, “To begin with they would appoint officers only from the Levites: ‘and the officers of the Levites before you’ (2Ch. 19:11). Now, they appoint officers only from Israelites: ‘And officers over you shall come from the majority’ (cf. Deu. 1:13, 15).”*



## 9:5-6

### 9:5

- A. An Israelite girl who married a priest eats food in the status of priestly rations.
- B. [If] he died and she had a child from him, she eats food in the status of priestly rations.
- C. [If] she married a Levite, she eats tithe.
- D. [If] he died and she had a child from him, she eats tithe.
- E. [If] she married an Israelite, she eats neither food in the status of priestly rations nor tithe.
- F. [If] he died, and she had a child from him, she eats neither food in the status of priestly rations nor tithe.
- G. [If] her son by an Israelite died, she eats tithe.
- H. [If] her son by a Levite died, she eats food in the status of priestly rations.
- I. [If] her son by a priest died, she eats neither food in the status of priestly rations nor tithe.

### 9:6

- A. [87A] A priest's daughter who married an Israelite does not eat food in the status of priestly rations.
  - B. [If] he died and she had a child from him, she does not eat food in the status of priestly rations.
  - C. [If] she married a Levite, she eats tithe.
  - D. [If] he died and she had a child from him, she eats tithe.
  - E. [If] she married a priest, she eats food in the status of priestly rations.
  - F. [If] he died and she had a child from him, she eats food in the status of priestly rations.
  - G. [If] her child from the priest died, she does not eat food in the status of priestly rations,
  - H. [If] her child from the Levite died, she does not eat tithe.
  - I. [If] her child from the Israelite died, she goes back to her father's house.
  - J. Concerning such a one is it said, "And she shall return to her father's house, as in her girlhood. The food of her father she will eat" (Lev. 22:13).
- I.1** A. [If] her son by a Levite died, she eats food in the status of priestly rations, *since she reverts to the status of being permitted to eat it on account of her son. What is the scriptural source of that fact?*
- B. *It is in accord with what R. Abba said Rab said, "Scripture says, 'but a daughter' but could have said only 'daughter.'" Here too, Scripture could have said "daughter" but said "and a daughter." [The "and" extends the law to these other classifications of women.]*
  - C. *In accord with whose exegetical principles is this statement made? It accords with the view of R. Aqiba, who expounds meaning even in the use of what appears to be a superfluous "and."*

- D. *You may even say that the exegesis just now presented accords with the view of rabbis [who do not interpret superfluous ands], for the entire statement, “and a daughter” [not only the and] is superfluous.*

**I.2.** A. *Our rabbis have taught on Tannaite authority:*

- B. When the priest's daughter goes home, she reverts to the right of eating food in the status of priestly rations, but she does not revert to the right to eat the meat of the breast and shoulder [that is given to the priests in line with Exo. 29:27, Lev. 7:34, 10:14).

**I.3.** A. *And said R. Hisda said Rabina bar R. Shila, “What verse of Scripture makes that point? As it is written: ‘But if a priest's daughter be married to a non-priest, she shall not eat of the heave offering of holy things’ (Lev. 22:12), meaning, she shall not eat that which is taken up from holy things.”*

- B. R. Nahman said Rabbah bar Abbuha said, “‘...of her father's bread’ (Lev. 22:13) — but not all of her father's bread, excluding the breast and thigh.”

- C. *Objected Rammi bar Hama, “But might I say that what is excluded is his right to remit her vows?”*

- D. *Said Raba, “A Tannaite authority of the household of R. Ishmael has already settled that question, for a Tannaite authority of the household of R. Ishmael [stated], “But the vow of a widow or of her that is divorced shall stand against her” (Num. 30:10) — what is the point of Scripture's statement? Has she not been removed from the governance of her father and also from that of her husband [so obviously her vows will stand, there being no male to remit them]! Rather, lo, if the father had handed her over to the agents of the husband or the agents of the husband had handed her over to the agents of the husband, and en route she was widowed or divorced, then whether she is ‘of the house of her father’ or ‘of the house of her husband’ is not entirely clear [so her vows cannot be invalidated by the father]. So a verse of Scripture is required to tell you that as soon as she left the domain of the father, for even only a moment, he cannot again remit her vows.”*

- E. [To C,] R. Safra said, “It derives from ‘she may eat of her father's bread’ (Lev. 22:13) — bread, not meat.”

- F. R. Pappa said, “‘she may eat of her father's bread’ (Lev. 22:13) — bread that is wholly in the father's domain, excluding the breast and thigh, *which priests derive from the table of the Most High.*’

- G. And Raba said, “‘And the breast of the waving and the thigh of heaving shall you eat, you and your daughters with you’ (Lev. 10:14) — when they are with you.”

- H. Said R. Ada bar Ahbah, “A Tannaite statement: ‘When she returns to the house of her father, she returns to the right to eat priestly rations, but she does not return to the right to eat the breast and thigh. If she reverts by reason of her offspring, she reverts also to the privilege of eating the breast and thigh.’”

- I. *R. Mordecai stated this tradition before R. Ashi, who said to him, “Whence does this derive [that the woman who derives her right to eat priestly rations from her son is among those who may do so]?”*

*It is ‘but a daughter’ (Lev. 22:13). Then she she be more important than the daughter who derives the right to eat priestly rations from her father?”*

- J. *“There [in the case of the daughter who derives her right from her father], exclusionary verse of Scripture are set forth, but here [the woman who derives her right from her son] there are no exclusionary texts [and that explains her superior situation].”*

**II.1 A.** A priest’s daughter who married an Israelite does not eat food in the status of priestly rations. [If] he died and she had a child from him, she does not eat food in the status of priestly rations. [If] she married a Levite, she eats tithe. [If] he died and she had a child from him, she eats tithe. [If] she married a priest, she eats food in the status of priestly rations. [If] he died and she had a child from him, she eats food in the status of priestly rations. [If] her child from the priest died, she does not eat food in the status of priestly rations, [If] her child from the Levite died, she does not eat tithe. [If] her child from the Israelite died, she goes back to her father’s house:

- B. *Our rabbis have taught on Tannaite authority:*
- C. [“If a priest’s daughter is married to an outsider, she shall not eat of the offering of the holy things. But if a priest’s daughter is a widow or divorced and has no child] and returns to her father’s house, [as in her youth, she may eat of her father’s food; yet no outsider shall eat of it:”]
- D. this excludes a woman who is awaiting marriage to her levirate husband.
- E. “as in her youth.”
- F. this excludes a widow who is pregnant.
- G. Is that proposition [that a pregnant woman may not return to her father’s house and eat priestly rations] not logical?
- H. if in a case in which the law has not treated the offspring of the first husband as tantamount to an offspring from the most recent husband [who has died without issue], so as to free the widow from having to enter into levirate marriage, the law has treated the foetus [a pregnancy caused by the now deceased husband] as equivalent to a fully-born child [so as to free the woman from the levirate connection],
- I. here, where the law has treated the offspring of the first husband as tantamount to an offspring from the most recent husband [since if the woman has any issue, without regard to the husband involved,] she no longer may eat priestly rations,
- J. should we not treat the foetus as equivalent to a fully-born child [so as to prevent the woman from eating priestly rations]?
- K. Not at all.
- L. For after all, the reason that the law has treated the foetus as tantamount to a fully-born child is to free the widow from the levirate connection, for the law has treated the deceased offspring in that case as equivalent to living offspring [since if the deceased husband had children who died after he did but before the levirate marriage, the widow does not enter into levirate marriage as though the deceased children were still alive].

**M.** But in the present case, should we treat the foetus as equivalent to an offspring to invalidate the widow from reverting to her father's house and eating priestly rations, for in this case the law has not treated deceased as equivalent to living offspring [since if she had a child with an Israelite, and the child died, the offspring is not treated as if it were alive so as to prevent her from eating priestly rations; she reverts to her father's house and status, for, in line with Scripture, at this moment "she has no child"]?

**N.** Accordingly, Scripture [settles the question when it] says, "as in her youth:"

**O.** this excludes a widow who is pregnant [Sifra CCXXII:1.1].

**II.2.** A. *And it was necessary for Scripture to make reference to "as in her youth" (Lev. 22:13) excluding a pregnant woman, and also "and have no child" (Lev. 22:13) to exclude one who has borne a child.*

**B.** *For had Scripture made reference only to "and have no child" (Lev. 22:13) to exclude one who has borne a child, I might have supposed that only a woman who has never borne a child is forbidden to eat food in the status of priestly rations, because to begin with there was one body and now there are two; but a pregnant woman, who to begin with was one body and now is still one body, may eat. So the other verse was required.*

**C.** *And if Scripture had made reference only to "as in her youth" (Lev. 22:13) excluding a pregnant woman, I might have supposed that the prohibition applies only to one who is to begin with had an empty body and now has a full body, but not a woman whose child was already borne, whose body was empty to begin with and empty now. So the verse was required.*

**II.3.** A. Said R. Judah of Disqarta to Raba, "When it comes to the levirate marriage, we should not assign to the dead the same status as the living, on the strength of an argument a fortiori: if in a case in which an offspring by the first husband is treated as the same as the offspring of the second husband, so far as disqualifying the woman from eating food in the status of priestly rations, we do not treat the dead as having the same status as the living, then we surely should not give the dead the same status as the living [and therefore not exempt the mother from levirate bond] where the child of the first husband is not regarded as the offspring of the second, in regard to exempting the woman from levirate marriage. So Scripture has to say, 'her ways are ways of pleasantness and all her paths are peace' (Pro. 3:17)." [Slotki: if a woman whose child died after the father be subjected to the obligations of the levirate marriage, the family life would be disrupted if the woman married after the death of the husband and only then the first husband's offspring died.]

**B.** Then we should assign the dead the same status as the living in regard to the matter of the right to eat food in the status of priestly rations, by an argument a fortiori, namely: if in a case in which the child of the first husband is not regarded as the child of the second so as to exempt the woman from levirate marriage, the dead were given the same status as the living, how much the more so should the dead be given the same status as the living, where a child of the first husband is treated as the son of the second, in regard to disqualifying the woman from the right to eat food in the status of priestly rations. So Scripture says, "And she have no child" (Lev. 22:13), and this one has none.

- C. And should the child of the first husband be regarded as the child of the second husband in regard to levirate marriage, by an argument a fortiori: if where the dead is not given the same status as the living, in regard to food in the status of priestly rations, the child of the first husband is regarded as the child of the second, how much the more so should the child of the first husband be regarded as the child of the second [and so exempt the mother from levirate marriage] where the dead is given the status of the living in respect to levirate marriage! So Scripture says, “And he have no child” (Deu. 25: 5), and this one has none.
- D. And let the child of the first husband not be regarded as the child of the second husband in regard to food in the status of priestly rations, by an argument a fortiori: if where the dead is given the status of the living, in respect of exempting her from levirate marriage, the child of the first husband is not regarded as the child of the second, how much less should the child of the first husband be regarded as the child of the second where the dead were not regarded as the living in regard to eating food in the status of priestly rations! So Scripture has to say, “And she have none” (Lev. 22:13), and she has one.