

V

THE STRUCTURE OF BABYLONIAN TALMUD QIDDUSHIN

Whether or not the Talmud of Babylonia is carefully organized in large-scale, recurrent structures and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. The preceding chapters therefore have pointed toward the presentation set forth here.

By “structure” I mean, a clearly-articulated pattern that governs the location of fully-spelled out statements. By “system,” I mean, a well-crafted and coherent set of ideas that explain the social order of the community addressed by the writers of a document, a social philosophy, a theory of the way of life, world view, and character of the social entity formed by a given social group. I see a collective, anonymous, and political document, such as the one before us, as a statement to, and about, the way in which people should organize their lives and govern their actions. At issue then in any document such as the remarkable one before us is simple: does this piece of writing present information or a program, facts to whom it may concern, or a philosophically and aesthetically cogent statement about how things should be?

The connection between structure and system is plain to see. From the way in which people consistently frame their thoughts, we move to the world that, in saying things one way rather than in some other, they wish to imagine the world in which they wish to live, to which they address these thoughts. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, arguments, viewpoints.

Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

I maintain that through the normal procedures of reasoned analysis we may discern in the tractate a well-crafted structure. I hold that the structure made manifest, we may further identify the purpose and perspective, the governing system of thought and argument, of

those who collected and arranged the tractate's composites and put them together in the way in which we now have them. By "structure" I mean, how is a document organized? and by "system," what do the compilers of the document propose to accomplish in producing this complete, organized piece of writing? The answers to both questions derive from a simple outline of the tractate as a whole, underscoring the types of compositions and composites of which it is comprised. Such an outline tells us what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. The purpose of the outline then is to identify the character of each component of the whole, and to specify its purpose or statement. The former information permits us to describe the document's structure, the latter, its system.

While the idea of simply outlining a Talmud-tractate beginning to end may seem obvious, I have never made such an outline before, nor has anyone else.* Yet, as we shall now see, the character of the outline dictates all further analytical initiatives. Specifically, when we follow the layout of the whole, we readily see the principles of organization that govern. These same guidelines on organizing discourse point also to the character of what is organized: complete units of thought, with a beginning, middle, and end, often made up of smaller, equally complete units of thought. The former we know as composites, the latter as compositions.

*I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well.

Identifying and classifying the components of the tractate — the composites, the compositions of which they are made up — we see clearly how the document coheres: the plan and program worked out from beginning to end. When we define that plan and program, we identify the facts of a pattern that permit us to say in a specific and concrete way precisely what the compilers of the tractate intended to accomplish. The structure realizes the system, the program of analysis and thought that takes the form of the presentation we have before us. From what people do, meaning, the way in which they formulate their ideas and organized them into cogent statements, we discern what they proposed to do, meaning, the intellectual goals that they set for themselves.

These goals — the received document they wished to examine, the questions that they brought to that document — realized in the layout and construction of their writing, dictate the points of uniformity and persistence that throughout come to the surface. How people lay out their ideas guides us into what they wished to find out and set forth in their writing, and that constitutes the system that defined the work they set out to accomplish. We move from how people speak to the system that the mode of discourse means to express, in the theory that modes of speech or writing convey modes of thought and inquiry.

We move from the act of thought and its written result backward to the theory of thinking, which is, by definition, an act of social consequence. We therefore turn to the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior system that defines the order. To the contrary, the possibility of forming a coherent outline out of the data we have examined defines the first test of whether or not the document exhibits a structure and realizes a system. So everything depends upon the

possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defined the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captured my attention derived from the deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

The experience of analyzing the document with the question of cogency and coherence in mind therefore yields a simple recognition. Viewed whole, the tractate contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. The tractate organizes these statements as commentary to the Mishnah. But large tracts of the writing do not comment on the Mishnah in the way in which other, still larger tracts do. Then how the former fit together with the latter frames the single most urgent question of structure and system that I can identify.

Since we have already examined enormous composites that find their cogency in an other than exegetical program, alongside composites that hold together by appeal to a common, prior, coherent statement — the Mishnah-sentences at hand — what justifies my insistence that an outline of the document, resting on the premise that we deal with a Mishnah-commentary, govern all further description? To begin with, the very possibility of outlining Babylonian Talmud tractate Qiddushin derives from the simple fact that the framers have given to their document the form of a commentary to the Mishnah. It is in the structure of the Mishnah-tractate that they locate everything together that they wished to compile. We know that is the fact because the Mishnah-tractate defines the order of topics and the sequence of problems.

Relationships to the Mishnah are readily discerned; a paragraph stands at the head of a unit of thought; even without the full citation of the paragraph, we should find our way back to the Mishnah because at the head of numerous compositions, laid out in sequence one to the next, clauses of the Mishnah-paragraph are cited in so many words or alluded to in an unmistakable way. So without printing the entire Mishnah-paragraph at the head, we should know that the received code formed the fundamental structure because so many compositions cite and gloss sentences of the Mishnah-paragraph and are set forth in sequence dictated by the order of sentences of said Mishnah-paragraph. Internal evidence alone suffices, then, to demonstrate that the structure of the tractate rests upon the Mishnah-tractate cited and discussed here. Not only so, but the sentences of the Mishnah-paragraphs of our tractate are discussed in no other place in the entire Talmud of Babylonia in the sequence and systematic exegetical framework in which they are set forth here; elsewhere we may find bits or pieces, but only here, the entirety of the tractate.

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Qiddushin is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general theory to explain the principles of selection ("making connections, drawing conclusions" meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

*This statement requires refinement. I do not know that all available compositions have been reproduced, and that the work of authors of compositions of Mishnah-exegesis intended for a talmud is fully exposed in the document as we have it. That is not only something we cannot demonstrate — we do not have compositions that were not used, only the ones that were — but something that we must regard as unlikely on the face of matters. All we may say is positive: the character of the compositions that address Mishnah-exegesis tells us about the concerns of the writers of those compositions, but we cannot claim to outline all of their concerns, on the one side, or to explain why they chose not to work on other Mishnah-sentences besides the ones treated here. But as to the program of the compositors, that is another matter: from the choices that they made (out of a corpus we cannot begin to imagine or invent for ourselves) we may describe with great accuracy the kinds of materials they wished to include and the shape and structure they set forth out of those materials. We know what they did, and that permits us to investigate why they did what they did. What we cannot know is what they did not do, or why they chose not to do what they did not do. People familiar with the character of speculation and criticism in Talmudic studies will understand why I have to spell out these rather commonplace observations. I lay out an argument based on evidence, not on the silences of evidence, or on the absence of evidence — that alone.

It follows that the same evidence that justifies identifying the Mishnah-tractate as the structure (therefore also the foundation of the system) of the Talmud-tractate before us also presents puzzles for considerable reflection. The exegesis of Mishnah-exegesis is only one of these. Another concerns the purpose of introducing into the document enormous compositions and composites that clearly hold together around a shared topic or proposition, e.g., my appendix on one theme or another, my elaborate footnote providing information that is not required but merely useful, and the like. My earlier characterization of composites as appendices and footnotes signalled the fact that the framers of the document chose a not-entirely satisfactory way of setting out the materials they wished to include here, for large components of the tractate do not contribute to Mishnah-exegesis in any way at all. If these intrusions of other-than-exegetical compositions were proportionately modest, or of topical composites negligible in size, we might dismiss them as appendages, not structural components that bear much of the weight of the edifice as a whole. Indeed, the language that I chose for identifying and defining these composites — footnotes, appendices, and the like — bore the implication that what is not Mishnah-commentary also is extrinsic to the Talmud's structure and system.

But that language served only for the occasion. In fact, the outline before us will show that the compositions are large and ambitious, the composites formidable and defining.

Any description of the tractate's structure that dismisses as mere accretions or intrusions so large a proportion of the whole misleads. Any notion that "footnotes" and "appendices" impede exposition and disrupt thought, contribute extraneous information or form tacked-on appendages — any such notion begs the question: then why fill up so much space with such purposeless information? The right way is to ask whether the document's topical composites play a role in the re-presentation of the Mishnah-tractate by the compilers of the Talmud. We have therefore to test two hypotheses:

1. the topical composites ("appendices," "footnotes") do belong and serve the compilers' purpose,

or

2. the topical composites do not participate in the re-presentation of the Mishnah-tractate by the Talmud and do not belong because they add nothing and change nothing.

The two hypotheses may be tested against the evidence framed in response to a single question: is this topical composite necessary? The answer to that question lies in our asking, what happens to the reading of the Mishnah-tractate in light of the topical composites that would not happen were we to read the same tractate without them? The outline that follows systematically raises that question, with results specified in due course. It suffices here to state the simple result of our reading of the tractate, start to finish: the question of structure, therefore also that of system, rests upon the position we identify for that massive component of the tractate that comprises not Mishnah-commentary but free-standing compositions and composites of compositions formed for a purpose other than Mishnah-commentary.

The principal rubrics are given in small caps. The outline takes as its principal rubrics two large-scale organizing principles.

The first is the divisions of the Mishnah-tractate to which the Talmud-tractate serves as a commentary. That simple fact validates the claim that the tractate exhibits a fully-articulated structure. But the outline must also underscore that the Mishnah-tractate provides both more and less than the paramount outline of the Talmud-tractate. It is more because sentences in the Mishnah-tractate are not analyzed at all. These untreated Mishnah-sentences are given in bold face lower case caps, like the rest of the Mishnah, but then are specified by underlining and enclosure in square brackets.

Second, it is less because the structure of the tractate accommodates large composites that address topics not defined by the Mishnah-tractate. That brings us to the second of the two large-scale modes of holding together both sustained analytical exercises and also large sets of compositions formed into cogent composites. These are treated also as major units and are indicated by Roman numerals, alongside the Mishnah-paragraphs themselves; they are also signified in small caps. But the principal rubrics that do not focus on Mishnah-commentary but on free-standing topics or propositions or problems are not given in boldface type. Consequently, for the purposes of a coherent outline we have to identify as autonomous entries in our outline those important composites that treat themes or topics not contributed by the Mishnah-tractate.

I. Mishnah-Tractate Qiddushin 1:1

A. A WOMAN IS ACQUIRED AS A WIFE IN THREE WAYS, AND ACQUIRES FREEDOM FOR HERSELF TO BE A FREE AGENT IN TWO WAYS:

1. I:1: What differentiates the present passage, in which case the Tannaite formula commences, A woman is acquired as a wife, from the passage to come, in which case the Tannaite formula uses the language, A man effects betrothal lit.: consecrates on his own or through his agent (M. 2:1A)? Why not say, a woman is betrothed, rather than, is acquired?
2. I:2: And how come the Tannaite framer of the passage uses the feminine form of the word three, rather than the masculine form?
 - a. I:3: Secondary development of the foregoing.
 - I. I:4: As above.
3. I:5: What exclusionary purpose – three, no more – is served by specifying the number at the opening clause and at the consequent one?
4. I:6: The exclusionary purpose of specifying the number at the concluding clause serves to eliminate the rite of removing the shoe. For it might have entered your mind to suppose that the possibility of the rite of removing the shoe should derive by an argument a fortiori from the case of the levirate wife. If a levirate wife, who is not freed by a divorce, is freed by the rite of removing the shoe, then this one the levirate wife who is freed by divorce surely should be freed by a rite of removing the shoe. Thus we are informed that that is not the case.

B. SHE IS ACQUIRED THROUGH MONEY:

1. II:1: What is the scriptural source of this rule?
 - a. II:2: But does the verse serve the present purpose? Surely it is required in line with that which is taught on Tannaite authority...
 - I. II:3: And it was necessary to provide a verse of Scripture to indicate that the minor daughter's token of betrothal is assigned to her father, and it also was necessary to find a verse of Scripture to indicate that her wages are assigned to her father...So both proofs were required.
 - II. II:4: Gloss of a detail of II:2.
2. II:5: That she is acquired through money is derived by the following Tannaite authority on a different basis, as has been taught on Tannaite authority: "When a man takes a wife and has sexual relations with her, then it shall be, if she find no favor in his eyes, because he has found some unseemly thing in her" (Deu. 24: 1) – the sense of "take" refers only to acquisition through a payment of money, in line with the verse, "I will give the money for the field; take it from me" (Gen. 23:13). But cannot the same be proven by an argument a fortiori: If a Hebrew slave girl, who cannot be acquired by an act of sexual relations, can be acquired by money, a wife, who may be acquired in marriage by an act of sexual relations, surely can be acquired by money! A levirate wife proves the contrary, since she may be acquired

by sexual relations but not by a money payment. But what distinguishes the levirate wife is that she cannot be acquired by a deed, and can you say the same of an ordinary wife, who can be acquired by a deed? So it is necessary for Scripture to teach, “When a man takes a wife and has sexual relations with her, then it shall be, if she find no favor in his eyes, because he has found some unseemly thing in her” (Deu. 24: 1) – the sense of “take” refers only to acquisition through a payment of money, in line with the verse, “I will give the money for the field; take it from me” (Gen. 23:13) (Sifré Deu. CCLXVIII.I.1).

a. II:6: Continuation of the passage of Sifré Dt. cited above. “...And possesses her has sexual relations with her”: This teaches that a woman is acquired through an act of sexual relations. One might have reasoned as follows: If a deceased childless brother’s widow, who may not be acquired through a money payment, may be acquired through an act of sexual relations, a woman, who may be acquired through a money payment, logically should be available for acquisition through an act of sexual relations. But a Hebrew slave girl will prove the contrary, for she may be acquired through a money payment, but she is not acquired through an act of sexual relations. On that account, you should not find it surprising for an ordinary woman, who, even though she may be acquired through a money payment, may not be acquired through an act of sexual relations (Sifré Deu. CCLXVIII.I.2).

C. A WRIT:

1. III:1: A writ: And how on the basis of Scripture do we know that a woman may be acquired by a deed? It is a matter of logic. If a payment of money, which does not serve to remove a woman from a man’s domain as does a writ of divorce, lo, it has the power of effecting acquisition, a deed namely, a writ of marriage or a marriage contract, which does in the form of a writ of divorce have the power to remove a woman from the domain of a man, surely should have the power of effecting acquisition. No, if you have made that statement concerning the payment of money, which does have the power of effecting acquisition of things that have been designated as Holy and of produce in the status of second tithe there being an exchange of money for such objects, by which the objects become secular and the money becomes consecrated, will you make the same statement concerning a writ, which does not have the power of effecting acquisitions of Holy Things and produce in the status of second tithe, for it is written, “And if he who sanctifies the field will in any manner redeem it, then he shall add the fifth part of the money of your estimation, and it shall be assigned to him” (Lev. 27:19)? Scripture says, “and he writes her a bill of divorcement, hands it to her, and sends her away from his house; she leaves his household and becomes the wife of another man.” Her relationship to the latter is comparable to her leaving the former. Just as her leaving the former is effected through a writ, so her becoming wife to the latter may be effected through a writ (Sifré Deu. CCLXVIII.I.3).

2. III:2: Raba said, “Said Scripture, ‘And he shall write for her’ (Deu. 24: 1) – through what is in writing a woman is divorced, and she is not divorced through a money payment.”

a. III:3: While it is not possible to derive the rule governing one mode of acquisition from another the various arguments having failed, maybe it's possible to infer one from two others so that if we can show that it is possible to effect acquisition through two modes that work elsewhere and also that work in respect to a betrothal, then a third, that works elsewhere, can work in this case too?

b. III:4: Said R. Huna, "The marriage canopy effects acquisition of title to the woman, on the strength of an argument a fortiori: If a money payment, which on its own does not confer the right to eat priestly rations, effects transfer of title to the husband over the woman, the marriage canopy, which does confer the right to eat priestly rations, surely should effect the transfer of title."

I. III:5: As to Huna's statement, said Rabbah, "There are two refutations of what he has said: First, we learn in the Mishnah the language, three, not four; and furthermore, isn't it the simple fact that the marriage canopy completes the relationship only in consequence of an act of betrothal? But can the marriage canopy complete the relationship not in the aftermath of an act of betrothal, so that we may deduce that, when it is not in consequence of an act of betrothal, there is the same result as the marriage canopy following such an act?"

3. III:6: Our rabbis have taught on Tannaite authority: With money, how so? If he gave her money or what is worth money and said to her, "Lo, you are consecrated to me," "Lo, you are betrothed to me," "Lo, you are for me as a wife," lo, this one is consecrated. But if she gave it to him and said to him, "Lo, I am consecrated to you," "Lo, I am betrothed to you," "Lo, I am yours as a wife," she is not consecrated T. Qid. 1:1B-D.

a. III:7: Objected R. Pappa, "So is the operative consideration only that he gave the money and he made the statement? Then if he gave the money and she made the statement, she is not betrothed? Then note what follows: But if she gave it to him and said to him, "Lo, I am consecrated to you," "Lo, I am betrothed to you," "Lo, I am yours as a wife," she is not consecrated! So the operative consideration is that she gave the money and she made the statement. Lo, if he gave the money and she made the statement, there would be a valid betrothal!"

4. III:8: Said Samuel, "In the matter of a betrothal, if he gave her money or what is worth money and said to her, 'Lo, you are sanctified,' 'Lo you are betrothed,' 'Lo, you are a wife to me,' lo, this woman is consecrated. 'Lo, I am your man,' 'Lo, I am your husband,' 'Lo, I am your betrothed,' there is no basis for taking account of the possibility that a betrothal has taken place. And so as to a writ of divorce: If he gave her the document and said to her, 'Lo, you are sent forth,' 'Lo, you are divorced,' 'Lo, you are permitted to any man,' lo, this woman is divorced. 'I am not your man,' 'I am not your husband,' 'I am not your betrothed,' there is no basis for taking account of the possibility that a divorce has taken place."

5. III:9: Our rabbis have taught on Tannaite authority: “Lo, you are my wife,” “Lo, you are my betrothed,” “Lo, you are acquired by me,” she is consecrated. “Lo, you are mine,” “Lo, you are in my domain,” “Lo, you are subject to me,” she is betrothed.

a. III:10: So why not form them all into a single Tannaite statement?

6. III:11: The question was raised: “If he used the language, ‘Singled out for me,’ ‘...designated for me,’ ‘...my helpmate,’ ‘you are suitable for me,’ ‘you are gathered in to me,’ ‘you are my rib,’ ‘you are closed in to me,’ ‘you are my replacement,’ ‘you are seized to me,’ ‘you are taken by me,’ what is the consequence?”

7. III:12: The question was raised, “If he said, ‘You are my betrothed bondmaid,’ what is the law?”

a. III:13: Secondary clarification. With what situation do we deal in the interpretation of the language just now cited as effective? Should I say that it is a situation in which he is not talking with her about business having to do with her writ of divorce or her betrothal? Then how in the world should she know what he is talking about with her?! But rather, it is a case in which he is talking with her about business having to do with her writ of divorce or her betrothal. Then, even if he said nothing at all, but merely gave her money, she is still betrothed, for we have learned in the Mishnah: If he was speaking to his wife about matters relevant to her divorce contract or her bride price and did not make it explicit – R. Yosé says, “It is sufficient for him simply to give her the contract or bride price without a declaration.” R. Judah says, “He must make it explicit” (M. **M.S. 4: 7**). And said R. Huna said Samuel, “The decided law accords with R. Yosé.”

I. III:14: Analysis of a subordinate proof of the foregoing.

A. III:15: Secondary analysis of the foregoing.

B. III:16: Gloss of the matter.

8. III:17: And so as to a writ of divorce: If he gave her the document and said to her, “Lo, you are sent forth,” “Lo, you are divorced,” “Lo, you are permitted to any man,” lo, this woman is divorced. It is obvious that if he gave her her writ of divorce and said to his wife, “Lo, you are a free woman,” he has not said anything effective. If he said to his female slave, “Lo, you are permitted to any man,” he has not said anything effective. If he said to his wife, “Lo, you are your own property,” what is the law? Do we say that he made that statement with respect to work? Or perhaps, he meant it to cover the entirety of the relationship?

9. III:18: Said Rabina to R. Ashi, “If he said to his slave, ‘I have no business in you,’ what is the upshot? Do we say that the sense is, I have no business in you in any way whatsoever? Or perhaps he made that statement with respect to work?”

10. III:19: Said Abbaye, “If someone effects a betrothal with a loan, the woman is not betrothed. If it is with the benefit of a debt, she is betrothed, but this is not to be done, because it constitutes usury accomplished through subterfuge.”

11. III:20: Said Raba, “If someone said, ‘Take this maneh on the stipulation that you return it to me,’ in regard to a purchase, he does not acquire title for example, real estate would not be acquired if the money has to be returned; in the case of a woman, she is not betrothed; in the case of redeeming the firstborn, the firstborn is not redeemed; in the case of priestly rations, he has carried out the duty of handing it over, but it is not permitted to do it that way, since it appears to be the case of a priest who assists in the threshing floor in order to get the priestly rations, and that is not permitted because of the indignity.”

12. III:21: Said Raba, “If a woman said, ‘Give a maneh to Mr. So-and-so and I shall be betrothed to you,’ she is betrothed under the law of surety, namely: Even though a surety does not derive benefit from the loan, he obligates himself to repay it; so this woman too, though she derives no benefit from the money, still obligates and cedes herself as betrothed. If someone said, ‘Here is a maneh, and be betrothed to Mr. So-and-so’ – she is betrothed under the law governing a Canaanite slave, namely: In the case of a Canaanite slave, even though he himself loses nothing when someone else gives his master money to free him, he nonetheless acquires ownership to himself, so even though this man personally loses nothing, he acquires the woman.

13. III:22: Raba raised this question: “‘Here is a maneh and I’ll become betrothed to you’ and the man accepted it saying, ‘Be betrothed to me with it’, what is the law?” Raba raised this question: “‘Here is a maneh and I’ll become betrothed to you’ and the man accepted it saying, ‘Be betrothed to me with it’, what is the law?”

14. III:23: Said Raba, “If a man said, ‘Be betrothed to half of me,’ she is betrothed; ‘half of you be betrothed to me,’ she is not betrothed.”

15. III:24: Raba raised the question, “If one said, ‘Half of you is betrothed with half of this penny, and half of you is betrothed with the other half,’ what is the law? Once he said to her, ‘a half penny,’ he has divided the money and there is no valid betrothal, or maybe what he was doing was just counting out the matter betrothing her for the penny, half for half? If, then, you should maintain that he was just counting the matter out, what if he said, ‘half of you for a penny, and half of you for a penny,’ what is the law? Since he has said, ‘for a penny,’ and ‘for a penny,’ he has divided his statement and it is null, or maybe, if the procedure was on a single day, what he was doing was counting out the matter? And if you say that, if it was on the same day, he was counting out the matter, then what if he said, ‘half of you for a penny today, and the other half of you for a penny tomorrow’? Since he said, ‘tomorrow,’ he has divided it up and the transaction is null, or perhaps this is what he meant: The betrothal starts right away but won’t be finished until tomorrow? And if he said, ‘both halves of you for a penny,’ here he certainly has made the entire proposition all together, or maybe a woman can’t be betrothed by halves?”

16. III:25: Raba raised the question, “What if a man said, ‘Your two daughters are betrothed to my two sons for a penny’? Do we invoke as the operative criterion the one who gives and the one who receives, so there is a valid monetary transaction one person gives and one person receives the penny, there is no

transaction under that sum? Or perhaps we invoke the criterion of the one who betroths and the one who is betrothed, so there is no monetary transaction here?”

17. III:26: R. Pappa raised the question, “What if a man said, ‘Your daughter and your cow are mine for a penny’? Do we interpret the language to mean, ‘your daughter for a half-penny and your cow for a half-penny,’ or perhaps ‘your daughter for a penny,’ and ownership of title to your cow by the act of drawing it?”

18. III:27: R. Ashi raised the question, “What if a man said, ‘Your daughter and your real estate are mine for a penny’? Do we interpret the language to mean, ‘your daughter for a half-penny and your property for a half-penny,’ or perhaps ‘your daughter for a penny, and ownership of title to your property through usucaption’?”

a. III:28: Case. There was a man who betrothed a woman with a token of silk. Said Rabbah, “It is not necessary to perform an act of valuation in advance to inform the woman of its value.” R. Joseph said, “It is necessary to perform an act of valuation in advance to inform the woman of its value.”

I. III:29: Gloss: Said R. Joseph, “How do I know it? Because it has been taught on Tannaite authority....”

19. III:30: Said R. Eleazar, “If the man said, ‘Be betrothed to me for a maneh,’ but he gave her a denar, lo, this woman is betrothed, and he has to make up the full amount that he has promised. Why is that the rule? Since he referred to a maneh but gave her only a denar, it is as though he had said to her, ‘...on the stipulation...,’ and said R. Huna said Rab, ‘Whoever uses the language, “on the stipulation that...,” is as though he says, “...as of now.”’ Thus it is as though he said, “Be betrothed to me immediately for a denar, on condition that I gave you a maneh later.”

a. III:31: Gloss.

b. III:32: Gloss.

20. III:33: Said R. Nahman, “If he said to her, ‘Be betrothed to me with a maneh,’ and he gave her a pledge for it, she is not betrothed. There is no maneh here, there is no pledge here.” She neither received the maneh nor did he actually give her a pledge, since that has to be returned.

a. III:34: Case.

22. III:35: Our rabbis have taught on Tannaite authority: “Be betrothed to me with a maneh,” and she took it and threw it into the sea or fire or anywhere where it is lost – she is not betrothed (T. **Qid. 2:8A-C**).

a. III:36: Gloss.

23. III:37: Our rabbis have taught on Tannaite authority: “Be betrothed to me with this maneh” – “Give it to my father or your father” – she is not betrothed. “...On condition that they accept it for me” – she is betrothed (T. **Qid. 2:8D-E**).

a. III:38: Gloss.

24. III:39: “Be betrothed to me with a maneh” – “Give them to Mr. So-and-so.” She is not betrothed. “...On condition that Mr. So-and-so accept the money for me,” she is betrothed (T. **Qid. 2:8D-G**).

a. III:40: Gloss.

25. III:41: Our rabbis have taught on Tannaite authority: “Be betrothed to me for this maneh” – “Put it on a rock” – she is not betrothed. But if the rock belonged to her, she is betrothed.

a. III:42: R. Bibi raised this question: “If the rock belonged to the two of them, what is the law?”

26. III:43: “Be betrothed for this loaf of bread” – “Give it to a dog” – she is not betrothed. But if the dog belonged to her, she is betrothed.

a. III:44: R. Mari raised this question: “If the dog was running after her, what is the law? In exchange for the benefit that she gets in being saved from the dog, she has determined to assign to him title over herself? Or perhaps she has the power to say, ‘By the law of the Torah, you were obligated to save us?’”

27. III:45: “Be betrothed to me for this loaf of bread” – “Give it to that poor man” – she is not betrothed, even if it was a poor man who depended on her.

a. III:46: How come?

I. III:47: Case.

II. III:48: Case.

III. III:49: Case.

28. III:50: The question was raised: “What if she said, ‘give me,’ ‘let me drink,’ or ‘throw them down’?”

29. III:51: A writ: Our rabbis have taught on Tannaite authority: A writ: How so? If one wrote on a parchment or on a potsherd, even though they themselves were of no intrinsic value, “Lo, your daughter is betrothed to me,” “Your daughter is engaged to me,” “Your daughter is a wife for me” – lo, this woman is betrothed.

30. III:52: Said Raba said R. Nahman, “If one wrote on a piece of paper or a sherd, even though these were not worth a penny, ‘Your daughter is consecrated to me,’ ‘Your daughter is betrothed to me,’ ‘Your daughter is mine as a wife,’ whether this is effected through her father or through herself, she is betrothed by the father’s consent. That is the case if she had not reached maturity. If one wrote for her on a piece of paper or a sherd, even though these were not worth a penny, ‘You are consecrated to me,’ ‘You are betrothed to me,’ ‘You are mine as a wife,’ whether this is effected through her father or through herself, she is betrothed by her own consent.”

31. III:53: R. Simeon b. Laqish raised the question, “As to a deed of betrothal that was not written for the purpose of betrothing this particular woman, what is the law? Do we treat as comparable the formation of a marriage and its dissolution, so that, just as in the case of its dissolution, we require that the writ of divorce be written for the particular purpose of divorcing this woman, so in the case of the

formation of the marriage, we require the writ of betrothal to be written for the particular purpose of betrothing this woman? Or do we treat as comparable the several modes for effecting a betrothal: Just as the betrothal by a monetary token need not be accomplished by a token prepared for her sake in particular, so betrothal by a deed does not have to be through a deed prepared for this particular woman?"

32. III:54: It has been stated: If someone wrote a deed of betrothal in her name but without her knowledge and consent – Rabbah and Rabina say, "She is betrothed." R. Pappa and R. Sherabayya say, "She is not betrothed."

D. OR SEXUAL INTERCOURSE.

1. IV:1: What is the scriptural source of this rule?

2. IV:2: The question was raised: Is it the beginning of the act of intercourse that effects the acquisition of the woman, or the end of the act of sexual relations that does? The practical difference would derive from a case in which he performed the initial stage of sexual relations, then she put out her hand and accepted a token of betrothal from someone else; or the case of whether a high priest may acquire a virgin through an act of sexual relations. What is the rule?

3. IV:3: The question was raised: Do sexual relations effect a consummated marriage or merely a betrothal? The practical difference would pertain to the question of whether he inherits her estate, contracts uncleanness to bury her if he is a priest, and abrogates her vows. If you maintain that sexual relations effect a consummated marriage, then he inherits her estate, contracts uncleanness to bury her if he is a priest, and abrogates her vows. If you maintain that sexual relations effect only betrothal, then he does not inherit her estate, contract uncleanness to bury her if he is a priest, and abrogate her vows. What is the rule?

E. THROUGH MONEY: THE HOUSE OF SHAMMAI SAY, "FOR A DENAR OR WHAT IS WORTH A DENAR."

1. V:1: What is the operative consideration in the mind of the House of Shammai? Said R. Zira, "For a woman is particular about herself and is not going to allow herself to become betrothed for less than a denar."

a. V:2: Gloss of a detail of the foregoing.

2. V:3: R. Simeon b. Laqish says, "The operative consideration behind the ruling of the House of Shammai is in accord with Hezekiah, for said Hezekiah, 'Said Scripture, "then shall he let her be redeemed" (Exo. 21: 8) – this teaches that she deducts from her redemption money and goes out free.' Now if you maintain that the master gives her a denar when he buys her, which would be the counterpart to the token of betrothal, then there is no problem; but if you say it was a mere penny, then what deduction can be made from a penny?"

3. V:4: Raba said, "This is the operative consideration for the position of the House of Shammai: So that Israelite women won't be treated as ownerless property."

F. AND THE HOUSE OF HILLEL SAY, "FOR A PERUTAH OR WHAT IS WORTH A PERUTAH." AND HOW MUCH IS A PERUTAH? ONE EIGHTH OF AN ITALIAN ISSAR.

1. VI:1: R. Joseph considered ruling, “A penny, of any sort however debased.”

a. VI:2: Gloss of a detail of the foregoing.

2. VI:3: Said Samuel, “If one betrothed a woman with a date, even if a kor of dates were at a denar, she is deemed betrothed, for we take account of the possibility that in Media it may be worth a penny.”

a. VI:4: Case.

b. VI:5: Case.

c. VI:6: Case.

d. VI:7: Case.

e. VI:8: Case.

3. VI:9: When R. Assi died, rabbis assembled to collect his traditions. Said one of the rabbis, R. Jacob by name, “This is what R. Assi said R. Mani said, ‘Just as a woman may not be acquired with less than a penny, so real estate cannot be acquired for less than a penny.’”

a. VI:10: Same attributive framework, different ruling: Further, in session they said, “Lo, in regard to what R. Judah said Samuel said, ‘Whoever doesn’t know the essentials of writs of divorce and betrothals should not get involved in them,’ said R. Assi said R. Yohanan, ‘And such folk are more of a problem to the world than the generation of the flood, for it has been stated, “By swearing, lying, killing, stealing, and committing adultery, they spread forth and blood touches blood”’ (Hos. 4: 2).”

b. VI:11: Same attributive framework, different ruling: Further, in session they said, “Lo, in regard to what we have learned in the Mishnah, the woman who brought her sin-offering, and died – let the heirs bring her burnt-offering. If she brought her burnt-offering and died, the heirs do not bring her sin-offering (M. **Qin. 2:50-Q**), and, in which regard, said R. Judah said Samuel, ‘That rule applies to a case in which she had designated the offering while she was yet alive, but not otherwise,’ therefore taking the view that the obligation incurred by a debt is not based on the law of the Torah. Thus, if a man borrows money, we do not say that his property is automatically mortgaged for its repayment, so that in the event of his death, his heirs are liable on the law of the Torah, since they inherit mortgaged property unless the debtor explicitly mortgages his goods in a bond; here too, the woman is under an obligation to God to bring a sacrifice, yet, since she did not designate an animal for it, no obligation lies on the heirs – said R. Assi said R. Yohanan, ‘That rule applies even though she had not designated the offering while she was yet alive, but not otherwise,’ therefore taking the view that the obligation incurred by a debt is based on the law of the Torah – in that context, lo, the dispute was set forth in another connection and hardly required repetition.

G. AND SHE ACQUIRES HERSELF THROUGH A WRIT OF DIVORCE OR THROUGH THE HUSBAND’S DEATH:

1. VII:1: Well, there is no problem identifying the source for the rule concerning divorce, since it is written, “And he shall write for her a writ of divorce” (Deu. 24: 1). But as to the husband’s death, how do we know it?

H. THE DECEASED CHILDLESS BROTHER’S WIDOW IS ACQUIRED THROUGH AN ACT OF SEXUAL RELATIONS.

1. VIII:1: How on the basis of Scripture do we know that she is acquired by an act of sexual relations?

I. AND ACQUIRES FREEDOM FOR HERSELF THROUGH A RITE OF REMOVING THE SHOE:

1. IX:1: How on the basis of Scripture do we know it?

J. ...OR THROUGH THE LEVIR’S DEATH:

1. X:1: How do we know it? It derives from an argument a fortiori: If a married woman, who, if she commits adultery, is put to death through strangulation, is released by the death of the husband, a levirate widow, who is forbidden merely by a negative commandment from marrying someone else all the more so should be freed by the death of the levir!

a. X:2: A married woman also should be freed through the rite of removing the shoe, by reason of an argument a fortiori based on the levirate widow, namely: If a levirate wife, who is not freed by a divorce, is freed by the rite of removing the shoe, then this one the levirate wife who is freed by divorce surely should be freed by a rite of removing the shoe. Thus we are informed that that is not the case. Said Scripture, “Then he shall writ her a writ of divorce” (Deu. 24: 1) – through a writ he divorces her, but he doesn’t divorce her in any other way.

II. Mishnah-Tractate Qiddushin 1:2

A. A HEBREW SLAVE IS ACQUIRED THROUGH MONEY:

1. I:1: How on the basis of Scripture do we know this?

a. I:2: Supplement to the exegetical process of the foregoing.

A. I:3: Complement to the foregoing.

B. I:4: As above.

C. I:5: As above.

D. I:6: As above.

1. I:7: Gloss of the foregoing.

E. I:8: Continuation of the exposition of I:6.

F. I:9: Continuation of I:8’s expansion of the foregoing analysis of exegetical principles.

1. I:10: Gloss of the foregoing.

B. ...AND A WRIT:

1. II:1: How on the basis of Scripture do we know that fact?

C. AND HE ACQUIRES HIMSELF THROUGH THE PASSAGE OF YEARS:

1. III:1: For it is written, “Six years he shall serve, and in the seventh he shall go free for nothing” (Exo. 21: 2).

D. ...BY THE JUBILEE YEAR:

1. IV:1: For it is written, “He shall serve with you into the year of Jubilee” (Lev. 25:40).

E. AND BY DEDUCTION FROM THE PURCHASE PRICE REDEEMING HIMSELF AT THIS OUTSTANDING VALUE (LEV. 25:50-51).

1. V:1: Said Hezekiah, “For said Scripture, ‘Then shall he let her be redeemed’ (Exo. 21: 8) – this teaches that she makes a deduction from her redemption money and goes out free.”

2. V:2: A Tannaite statement: And he acquires title to himself through money or a cash equivalent or through a writ.

F. THE HEBREW SLAVE GIRL HAS AN ADVANTAGE OVER HIM. FOR SHE ACQUIRES HERSELF IN ADDITION THROUGH THE APPEARANCE OF TOKENS OF PUBERTY:

1. VI:1: Said R. Simeon b. Laqish, “A Hebrew slave girl has acquired from the domain of her master possession of herself as a free woman upon the death of her father. That is the result of an argument a fortiori: If the appearance of puberty signs, which do not free her from her father’s authority, free her from the authority of her master, then death, which does free her from her father’s authority the father’s heirs have no claim on her, surely should free her from her master’s authority whose heirs should not inherit her!”

G. TOPICAL APPENDIX CONCERNING SEVERANCE PAY.

a. VI:2: One Tannaite version states, The severance pay the gifts given at the end of six years of a Hebrew slave boy belongs to himself and that of a Hebrew slave girl belongs to herself. Another Tannaite version states, The severance pay the gifts given at the end of six years of a Hebrew slave girl and things that she finds belong to her father, and her master has a claim only to a fee for loss of time taken up by finding the lost object. Is it not the case that the one speaks of a girl who goes forth by reason of the advent of puberty signs in which case the severance pay goes to the father, the other liberated at the death of the father?

b. VI:3: Gloss of a detail of VI:1. And these are the ones that get severance pay: Slaves freed by the passage of six years of service, the Jubilee, the master’s death, and the Hebrew slave girl freed by the advent of puberty signs. But one who runs away or who is freed by deduction from the purchase price don’t get severance pay. R. Meir says, “A runaway doesn’t get severance pay, but he who is freed by deduction from the purchase price does get severance pay.” R. Simeon says, “Four are given severance pay, three in the case of males, three in the case of females. And you cannot say there are four in the case of the male, because puberty signs are not effective in the case of a male, and you cannot say there is boring of the ear in the case of the female.”

I. VI:4: Gloss of a detail of the foregoing.

A. VI:5: As above.

1. VI:6: Our rabbis have taught on Tannaite authority: How much do they give in severance pay? “Five selas worth of each kind mentioned in Scripture Deu. 15:14: ‘Out of your flock and out of your threshing floor and out of your wine press’, that is, fifteen in all,” the words of R. Meir. R. Judah says, “Thirty, as in the thirty paid for a gentile slave” (Exo. 21:32). R. Simeon says, “Fifty, as in the fifty for valuations” (Lev. 27: 3).

a. VI:7: Gloss of the foregoing. What is the scriptural basis for R. Meir’s conclusion?

b. VI:8: As above. What is the scriptural basis for the position of R. Judah?

c. VI:9: As above. What is the scriptural basis for the position of R. Simeon?

I. VI:10: Secondary analysis of the dispute. Well, now, from R. Meir’s perspective, we can understand why Scripture states, “out of your flock and out of your threshing floor and out of your wine press” (Deu. 15:14). But from R. Judah’s and R. Simeon’s viewpoint, why are these items – flock and threshing floor and wine press – required?

II. VI:11: As above.

A. VI:12: Tertiary observation on the composite. And it was necessary for all of these items to be made articulate. For if the All-Merciful had made reference to the flock, I might have thought that the law applies to animate creatures but not to what grows from the soil. So the All-Merciful has written, “threshing floor.” And if the Scripture had made reference only to threshing floor, I might have thought that the gift may be what grows from the soil but not animate creatures. So Scripture wrote, “flock.”

2. VI:13: Our rabbis have taught on Tannaite authority: “Furnishing him, you shall furnish him liberally” (Deu. 15:14): I know only that if the household of the master has been blessed on account of the slave, that one must give a present. How do I know that even if the household of the master was not blessed on account of the slave, a gift must be given? Scripture says, “Furnishing him, you shall furnish him liberally” (Deu. 15:14) – under all circumstances. R. Eleazar b. Azariah says, “If the household has been blessed for the sake of the slave, a present must be given, but if not, then the present need not be made” (Sifré Deu. CXIX:III.1).

3. VI:14: Our rabbis have taught on Tannaite authority: The Hebrew slave boy serves the son but doesn’t serve the daughter. The Hebrew slave girl serves neither the son nor the daughter. The slave whose ear has been bored and the slave that is sold to a gentile serves neither the son nor the daughter.

a. VI:15: What is the source for that ruling?

b. VI:16: As above.

c. VI:17: As above.

I. VI:18: Expansion on a detail introduced in VI:17.

H. REVERSION TO THE EXPOSITION OF THE MISHNAH'S COMPARISON OF THE MALE AND FEMALE SLAVE

1. VI:19: "...A fellow Hebrew, man or woman": Rules pertain to the Hebrew male that do not pertain to the Hebrew female, and rules pertain to the Hebrew female that do not pertain to the Hebrew male: Rules pertain to the Hebrew male: For a Hebrew male goes forth through the passage of years and at the Jubilee and through the deduction of the years yet to be served by the payment of money and through the death of the master, none of which applies to the Hebrew female slave. A Hebrew female slave goes forth when she produces puberty signs, she may not be sold to third parties, she may be redeemed even against her wishes, none of which applies to the Hebrew male slave. Lo, since it is the fact, therefore, that rules pertain to the Hebrew male that do not pertain to the Hebrew female, and rules pertain to the Hebrew female that do not pertain to the Hebrew male, it is necessary to make explicit both the Hebrew man and the Hebrew woman (Sifré Deu. CXVIII:III.2).

a. VI:20: Gloss of the foregoing.

b. VI:21: Gloss of the foregoing.

I. VI:22: Gloss of the gloss.

A. VI:23: Gloss of the gloss of the gloss.

c. VI:24: Continuation of the gloss of VI:19.

I. VI:25: As above: Rabbah bar Abbuha raised this question: "Does designating the slave girl for marriage effect the status of a fully consummated marriage or does it bring about the status of betrothal? The upshot is the familiar issue of whether or not he inherits her estate, contracts uncleanness to bury her if he is a priest and she dies, and abrogates her vows. What is the law?"

II. VI:26: R. Simeon b. Laqish raised this question: "What is the law on designating the slave girl for his minor son? 'His son' (Exo. 21: 9) is what Scripture has said, meaning, his son of any classification? Or perhaps, 'his son' comparable to him, meaning, just as he is an adult, so his son must be an adult?"

A. VI:27: Secondary inquiry pertinent to a detail of the foregoing.

1. VI:28: Tertiary development of a point in the foregoing.

2. VI:29: Continuation of the foregoing.

2. VI:30: Our rabbis have taught on Tannaite authority: How is the religious duty of designating the slave girl carried out? The master says to her in the presence of two valid witnesses, "Lo, you are consecrated to me," "Lo, you are betrothed to me," – even at the end of six years, even near sunset at the end of that time. And he then deals with her in the custom of a matrimonial bond and he does not deal

with her in the custom of servitude. R. Yosé b. R. Judah says, "If there is enough time left on that last day for her to work for him to the value of a penny, she is betrothed, and if not, she is not betrothed." This matter may be compared to one who says to a woman, "Be betrothed to me as from now, after thirty days have gone by," and someone else comes along and betroths her within the thirty days. So far as the law of designation is concerned, she is betrothed to the first party.

a. VI:31: Now whose position is served by this parable? Should we say the parable pertains to the position of R. Yosé b. R. Judah? Lo, if there is enough time left on that last day for her to work for him to the value of a penny, she is betrothed, and if not, she is not betrothed!

3. VI:32: It has further been taught on Tannaite authority: "He who sells his daughter and went and accepted betrothal for her with a second party has treated the master shabbily, and she is betrothed to the second party," the words of R. Yosé b. R. Judah. But sages say, "If he wants to designate her as a wife for himself or for a daughter, he may do so." This matter may be compared to one who says to a woman, "Be betrothed to me after thirty days have gone by," and someone else comes along and betroths her within the thirty days. So far as the law of designation is concerned, she is betrothed to the second party.

a. VI:33: Now whose position is served by this parable? Should we say the parable serves the position of rabbis? Lo, rabbis maintain, "If he wants to designate her as a wife for himself or for a daughter, he may do so."

4. VI:34: It has further been taught on Tannaite authority: "He who sells his daughter and agreed that it was on condition that her master not designate her as a wife for himself or his son, the stipulation is valid," the words of R. Meir. And sages say, "If he wanted to designate her as a wife for himself or his son, he may do so, since he has made a stipulation contrary to what is written in the Torah, and any stipulation in violation of what is written in the Torah is null."

a. VI:35: Well, then, from R. Meir's perspective, is his stipulation valid? And hasn't it been taught on Tannaite authority....

l. VI:36: Secondary development of a subordinate point in the foregoing.

5. VI:37: Our rabbis have taught on Tannaite authority: "If he came in by himself, he shall go out by himself" (Exo. 21: 3) – he comes in with his body whole and undamaged, and he goes out in the same condition. R. Eliezer b. Jacob says, "He comes in single, he goes out single."

a. VI:38: Gloss.

b. VI:39: Gloss.

6. VI:40: Our rabbis have taught on Tannaite authority: If a person was sold as a slave for a maneh and increased in value so that he was then worth two hundred zuz, how do we know that they reckon with his value only at the rate of a maneh? As it is said, "He shall give back the price of his redemption out of the money that he was bought for" (Lev. 25:51). If he was sold for two hundred zuz and lost value and was priced at a maneh, how do we know that we reckon his worth only at a maneh? As it is said, "According to his years shall he give back the price of

his redemption” (Lev. 25:52). Now I know thus far that that is the rule for a Hebrew slave who is sold to an idolator, and who is redeemed by his family, for his hand is on the top. How do I know that the same rule applies to an Israelite who owns a Hebrew slave who is up for redemption? Scripture states, “A hired servant” in two different contexts Lev. 25:40, a slave sold to an Israelite, and Lev. 25:50, a slave sold to an idolator, serving therefore to establish an analogy between them and to invoke for the one the rules that govern the case of the other. The lenient ruling for the slave governs the redemption of the field.

a. VI:41: There is the possibility of interpreting the verses referring to the redemption of the Hebrew slave in a lenient way favoring the redemption and making it easy and in a strict way. Why do you choose to do so in a lenient way? I might propose that they should be interpreted in a strict way.

7. VI:42: R. Huna bar Hinena asked R. Sheshet, “A Hebrew slave sold to a gentile – may he be redeemed by halves or may he not be redeemed by halves? Do we derive the meaning of ‘his redemption’ by analogy to the rule governing redeeming a field of possession, namely, just as a field of possession cannot be redeemed by halves, so he cannot be redeemed by halves? Or maybe we invoke that analogy to produce a lenient rule but not to produce a strict rule?”

8. VI:43: R. Huna bar Hinena asked R. Sheshet, “He who sells a house in a walled city – is the house redeemed by halves or is it not redeemed by halves? Do we derive the meaning of ‘his redemption’ by analogy to the rule governing redeeming a field of possession, namely, just as a field of possession cannot be redeemed by halves, so he cannot be redeemed by halves? Or maybe where Scripture made that point explicit, it stands, but where not, it is not made explicit and so is null?” He said to him, “We derive the answer from the exegesis of R. Simeon that one may borrow and redeem and redeem by halves. For it has been taught on Tannaite authority: “‘And if a man shall sanctify to the Lord part of the field of his possession, and if he that sanctified the field will indeed redeem it” (Lev. 25:52) – this teaches that one may borrow and redeem and redeem by halves. Said R. Simeon, “What is the reason? The reason is that we find in the case of one who sells a field of possession that he enjoys certain advantages. That is, if the Jubilee Year comes and the field has not been redeemed, it automatically reverts to the owner at the Jubilee Year. On the other hand, for that very reason, he suffers the disadvantages that he may not borrow to redeem the field and he may not redeem the field in halves. But the opposite considerations apply to one who sanctifies a field of possession. For, on the one side, he suffers a disadvantage in that, if the Jubilee Year comes and the field has not been redeemed, it automatically goes forth to the ownership of the priests. So, by contrast, he is given an advantage, in that he may borrow in order to redeem the field and he may redeem it in halves.”” Lo, one who sells a house in a walled city, too – since he suffers the disadvantage in that, if a complete year goes by and the field is not redeemed, it is permanently alienated; but he gains the advantage that he can borrow and redeem and redeem by halves.”

a. VI:44: Development of the foregoing analytical argument.

b. VI:45: Another question on the same topic bearing the same attribution.

I. VI:46: Gloss of a subordinated detail of the foregoing.

I. THE SLAVE WHOSE EAR IS PIERCED IS ACQUIRED THROUGH AN ACT OF PIERCING THE EAR (EXO. 21: 5).

1. VII:1: For it is written, “Then his master shall bore his ear through with an awl” (Exo. 21: 6).

J. AND HE ACQUIRES HIMSELF BY THE JUBILEE AND BY THE DEATH OF THE MASTER.

1. VIII:1: For it is written, “and he shall serve him” but not his son or daughter; “forever” – until the “forever” of the Jubilee.

2. VIII:2: Our rabbis have taught on Tannaite authority: “‘An awl’ (Deu. 15:17): I know only that an awl is sufficient for boring the ear of the slave. How do I know that sufficient also would be a prick, thorn, borer, or stylus? Scripture states, ‘Then you shall take’ (Deu. 15:12) – including everything that can be taken in hand,” the words of R. Yosé b. R. Judah. Rabbi says, “Since the verse says, ‘an awl,’ we draw the conclusion that the awl is made only of metal, and so anything that is used must be metal. Another matter: ‘You shall take an awl’ – teaches that a big awl is meant.” Said R. Eleazar, “R. Yudan b. Rabbi would expound as follows: ‘When they pierce the ear, they do it only through the earlobe.’ Sages say, ‘A Hebrew slave of the priestly caste is not subjected to the boring of the ear, because that thereby blemishes him.’”

a. VIII:3: What is at issue here?

b. VIII:4: Further gloss of VIII:2.

c. VIII:5: Said R. Eleazar, “R. Yudan b. Rabbi would expound as follows: ‘When they pierce the ear, they do it only through the earlobe.’ Sages say, ‘A Hebrew slave of the priestly caste is not subjected to the boring of the ear, because that thereby blemishes him’”:

3. VIII:6: The question was raised: “A Hebrew slave who is a priest – what is the law as to his master’s giving him a Canaanite slave girl? Is this an anomaly, in which case there is no distinguishing priests from Israelites? Or perhaps priests are exceptional, since Scripture imposes additional religious duties on them?” Rab said, “It is permitted.” And Samuel said, “It is forbidden.”

K. TOPICAL APPENDIX ON THE MARRIAGE TO THE CAPTIVE WOMAN OF GOODLY FORM

1. VIII:7: Joined for formal reasons, namely, same form, same attributions of disputing opinions. The question was raised: “A priest – what is the law as to his taking ‘a woman of goodly form’ (Deu. 21:11)? Is this an anomaly, in which case there is no distinguishing priests from Israelites? Or perhaps priests are exceptional, since Scripture imposes additional religious duties on them?” Rab said, “It is permitted.” And Samuel said, “It is forbidden.”

2. VIII:8: Our rabbis have taught on Tannaite authority: “When you take the field against your enemies, and the Lord your God delivers them into your power, and you take some of them captive, and you see among the captives a beautiful woman and you desire her and would take her to wife, you shall bring her into your house,

and she shall trim her hair, pare her nails, and discard her captive's garb. She shall spend a month's time in your house lamenting her father and mother. After that you may come to her and possess her, and she shall be your wife. Then, should you no longer want her, you must release her outright. You must not sell her for money; since you had your will of her, you must not enslave her" (Deu. 21:10-14). "...And you see among the captives": At the time of the taking of the captives. "...A beautiful woman": Even a married woman (Sifré Deu. CCXI:II.1-2).

L. REVERSION TO THE EXPOSITION OF THE LAW CONCERNING SLAVE WHO WISHES TO REMAIN WITH HIS MASTER

1. VIII:9: Our rabbis have taught on Tannaite authority: "But should he say to you, 'I do not want to leave you,' for he loves you and your household and is happy with you, you shall take an awl and put it through his ear into the door, and he shall become your slave in perpetuity. Do the same with your female slave. When you do set him free, do not feel aggrieved, for in the six years he has given you double the service of a hired man. Moreover, the Lord your God will bless you in all you do" (Deu. 15:12-17): Is it possible to suppose that this may take place one time only? Scripture says, "But should he say to you, 'I do not want to leave you,'" – unless he says so and repeats it. If he said so during the six years, but did not say so at the end of the six years, lo, this one does not have his ear pierced to the doorpost, for it is said, "I do not want to leave you" – which applies only if said at the time of his leaving. If he said so at the end of the six years, but did not say so during the six years, lo, this one does not have his ear pierced to the doorpost, for it is said, "But if the slave should say to you...", that is, while he is yet a slave (Sifré Deu. CXXI.I.1-3).

a. VIII:10: Gloss of the foregoing.

2. VIII:11: Our rabbis have taught on Tannaite authority: If he has a wife and children, and his master does not have a wife and children, lo, this one does not have his ear pierced to the doorpost, as it is said, "...for he loves you and your household and is happy with you." (Sifré Deu. CXXI:II.2).

a. VIII:12: Gloss.

3. VIII:13: Our rabbis have taught on Tannaite authority: "Because he fares well with you" (Deu. 15:16). He must be with you and at your status in food and in drink, so that you may not eat a piece of fine bread while he eats a piece of coarse bread, you may not drink vintage wine while he drinks new wine, you may not sleep on a soft bed while he sleeps on the ground. On this basis it is said that he who buys a Hebrew slave is like one who buys a master for himself.

4. VIII:14: Our rabbis have taught on Tannaite authority: "Then he shall go out from you, he and his children with him" (Lev. 25:41): Said R. Simeon, "If he was sold, were his sons and daughters sold? But on the basis of this verse, it is the fact that his master is obligated for food for his children."

a. VIII:15: Gloss.

5. VIII:16: Our rabbis have taught on Tannaite authority: If Scripture had said, "...his ear on the door," I might have thought, then let a hole be bored against his ear through the door. So it is only the door, but not his ear. "Not his ear"?! But

it's written, "and his master shall bore his ear through with an awl" (Exo. 21: 6). Rather, I might have said, the ear is bored outside and then placed on the door, and a hole bored through the door opposite his ear. Therefore it is said, "and you shall thrust it through his ear into the door." How? The boring goes on until the door is reached.

6. VIII:17: "The door": May I then infer that that is so whether it is removed from the hinges or not? Scripture states, "unto the door or unto the doorpost" (Exo. 21: 6): Just as the doorpost must be standing in place, so the door must be standing in place.

7. VIII:18: Rabban Yohanan ben Zakkai would expound this verse in the manner of a homer exegesis: "How come the ear was singled out of all the limbs of the body? Said the Holy One, blessed be He, 'The ear, which heard my voice at Mount Sinai at the moment that I said, "For to me the children of Israel are slaves, they are my slaves" (Lev. 25:55), nonetheless went and acquired a master for itself. So let it be pierced.'"

III. Mishnah-Tractate Qiddushin 1:3

A. A CANAANITE SLAVE IS ACQUIRED THROUGH MONEY, THROUGH A WRIT, OR THROUGH USUCAPTION.

1. I:1: How on the basis of Scripture do we know this fact?

2. I:2: A Tannaite statement: Also through barter.

3. I:3: Said Samuel, "A Canaanite slave is acquired also through drawing. How so? If the purchaser grabs the slave and he goes with him, he acquires title to him; if he calls him and he goes to him, he does not acquire title to him."

a. I:4: Gloss of I:3:

4. I:5: Our rabbis have taught on Tannaite authority: How is a slave acquired through an act of usucaption? If the slave fastened the shoe of the man or undid it, or if he carried his clothing after him to the bathhouse, or if he undressed him or washed him or anointed him or scraped him or dressed him or put on his shoes or lifted him up, the man acquires title to the slave. Said R. Simeon, "An act of usucaption of this kind should not be greater than an act of raising up, since raising up an object confers title under all circumstances."

a. I:6: What is the meaning of this statement?

b. I:7: Now that you have said, if the slave lifted up his master, the master acquires title, then what about the following: A Canaanite slave girl should be acquired through an act of sexual relations since in that situation she lifts up the master?

I. I:8: Case.

B. "AND HE ACQUIRES HIMSELF THROUGH MONEY PAID BY OTHERS OR THROUGH A WRIT OF INDEBTEDNESS TAKEN ON BY HIMSELF," THE WORDS OF R. MEIR.

1. II:1: "And he acquires himself through money paid by others or through a writ of indebtedness taken on by himself," the words of R. Meir: Through money paid

by others – but not by money paid by the slave himself? With what situation do we deal? Should we say, without his knowledge and consent? Then note: We have heard that R. Meir holds, it is a disadvantage for the slave to go forth from the possession of his master to freedom, and we have learned as a Tannaite statement in the Mishnah, For they act to the advantage of another person not in his presence, but they act to his disadvantage only in his presence (M. **Git. 1:6F**). So it is obvious that it is with the slave's knowledge and consent, and so we are informed that it may be done through money paid by others – but not by money paid by the slave himself. Then it follows that there is no possibility for a slave to acquire title to anything without his owner's participation. But then note what follows: Through a writ of indebtedness taken on by himself! So if it is taken on by himself, it is a valid medium of emancipation, but if it is taken on by others, it is not! Now if it is with his own knowledge and consent, then why can it not be validly done by third parties? And should you say, what is the meaning of, through a writ of indebtedness taken on by himself? It means, even through a writ of indebtedness taken on by himself, and so we are informed that the advent of his writ of emancipation and his right to form a domain unto himself come about simultaneously, lo, that is not how it has been taught as a Tannaite statement, for lo, it has been taught on Tannaite authority: "...By a writ undertaken on his own account, but not one undertaken by others," the words of R. Meir (T. **Qid. 1:6F**).

C. AND SAGES SAY, "BY MONEY PAID BY HIMSELF OR BY A WRIT TAKEN ON BY OTHERS:"

1. III:1: If the money is paid by himself, it liberates him, but if it is paid by others, it doesn't? Now why should this be the case? Granting that this is without his knowledge and consent, in any event notice: We know that rabbis take the position that it is to the slave's advantage to leave the master's domain for freedom, and we have learned in the Mishnah, For they act to the advantage of another person not in his presence, but they act to his disadvantage only in his presence (M. **Git. 1:6F**). And should you say, what is the meaning of paid by himself? Also money paid by himself, and so we are informed that here is every possibility for a slave to acquire title to anything without his owner's participation, if so, note what follows: By a writ taken on by others – not undertaken by him himself! And yet it is an established fact for us that the advent of his writ of emancipation and his right to form a domain unto himself come about simultaneously. And should you say, what is the meaning of by a writ taken on by others? Also by a writ taken on by others, and so we are informed that it is to the slave's advantage to leave the master's domain for freedom, if so, then why not blend the whole and repeat the entire matter in a single statement, namely: With money and with a writ, whether taken on by others or taken on by himself?

a. III:2: Rabbah asked, "From the perspective of R. Simeon b. Eleazar, what is the law on a Canaanite slave's appointing a messenger to receive his writ of emancipation from the hand of his master? Since we derive a verbal analogy on the basis of the word 'to her' that appears both in his context and in that of a woman, he is in the status of a woman, or perhaps, as to a woman, since she has the power to receive her writ of divorce, an

agent also can do so, but a slave, who has not got the power to receive his writ of emancipation, also has not got the power to appoint an agent?"

D. "...ON CONDITION THAT THE MONEY BELONGS TO OTHERS:"

1. IV:1: May we then say that this is what is at issue between sages and R. Meir: R. Meir takes the position that the slave has no right of effecting title without his master's participation, and a woman has no right of effecting title without her husband's participation, while rabbis maintain that the slave has the right of effecting title without his master's participation, and a woman has the right of effecting title without her husband's participation?

2. IV:2: A Tannaite statement: A gentile slave goes free through the loss of his eye, tooth, or major limbs that do not grow back in line with Exo. 21:26-27. Now there is no problem understanding why that is so for the eye and tooth, since they are made explicit in Scripture, but on what basis do we know that that is the fact for the loss of the major limbs?

3. IV:3: Our rabbis have taught on Tannaite authority: "In all these cases, a slave goes forth to freedom, but he requires a writ of emancipation from his master," the words of R. Simeon. R. Meir says, "He doesn't require one." R. Eliezer says, "He requires one." R. Tarfon says, "He doesn't require one." R. Aqiba says, "He requires one."

a. IV:4: What is the scriptural basis for the position of R. Simeon? of R. Meir?

4. IV:5: Our rabbis have taught on Tannaite authority: If the master hit the slave on his eye and blinded him, on his ear and deafened him, the slave goes forth by that reason to freedom. If he hit an object that was opposite the slave's eye, and the slave cannot see, or opposite his ear, so that he cannot hear, the slave does not go forth on that account to freedom.

a. IV:6: Said R. Shemen to R. Ashi, "Does that bear the implication that noise is nothing? But didn't R. Ammi bar Ezekiel teach as a Tannaite statement: A chicken that put its head into an empty glass jar and crowed and broke the jar – the owner pays full damages? And said R. Joseph, 'They say in the household of the master: A horse that neighed or an ass that brayed and broke utensils – the owner pays half-damages!'"

5. IV:7: Our rabbis have taught on Tannaite authority: If he hit his eye and impaired his eyesight, his tooth and loosened it, but he still can use them at this time, the slave does not go forth on their account to freedom, but if not, the slave does go forth on their account to freedom. It has further been taught on Tannaite authority: If the slave had poor eyesight but the master totally blinded him, or if his tooth was loose and the master knocked it out, then, if he could use them before-times, the slave goes free on their account, but if not, the slave does not go free on their account.

a. IV:8: And it was necessary to state both rules.

6. IV:9: Our rabbis have taught on Tannaite authority: Lo, if his master was a physician, and the slave told him to paint his eye with an ointment, and the master blinded him, or to drill his tooth and he knocked it out, the slave just grins at his

master and walks out free. Rabban Simeon b. Gamaliel says, "...and he destroy it" (Exo. 21:26) – only if he intends to destroy it."

a. IV:10: So how do rabbis deal with the clause, "...and he destroy it" (Exo. 21:26)?

7. IV:11: Said R. Sheshet, "If the slave's eye was blind and the master removed it, the slave goes forth to freedom on that account. How come? Because he now lacks a limb."

8. IV:12: Said R. Hiyya bar Ashi said Rab, "If the slave had an extra finger and the master cut it off, the slave goes out free."

9. IV:13: A slave whose master castrated him, what is the law on classifying this blemish? Is it tantamount to one that is visible to the eye or is it not?

a. IV:14: Expansion of a detail of the foregoing.

b. IV:15: Expansion of a detail of the foregoing.

IV. Mishnah-Tractate Qiddushin 1:4

A. "LARGE CATTLE ARE ACQUIRED THROUGH DELIVERY, AND SMALL CATTLE THROUGH LIFTING UP," THE WORDS OF R. MEIR AND R. ELEAZAR. AND SAGES SAY, "SMALL CATTLE ARE ACQUIRED THROUGH AN ACT OF DRAWING."

1. I:1: Rab expounded in Qimhunayya, "Large cattle are acquired through drawing the beast."

V. Mishnah-Tractate Qiddushin 1:5

A. PROPERTY FOR WHICH THERE IS SECURITY IS ACQUIRED THROUGH MONEY:

1. I:1: How on the basis of Scripture do we know that fact?

2. I:2: Rab, "This rule was repeated only in reference to a place in which they do not write out a deed, but in a place where they did write out a deed, money by itself does not effect transfer of title."

B. WRIT:

1. II:1: How on the basis of Scripture do we know that fact?

2. II:2: Said Samuel, "This rule was repeated only in reference to a deed of gift, but as to a deed of sale, the transfer of title takes place only when the purchaser gives him the cash."

C. AND USUCAPTION:

1. III:1: How on the basis of Scripture do we know that fact?

D. AND THAT FOR WHICH THERE IS NO SECURITY IS ACQUIRED ONLY BY AN ACT OF DRAWING FROM ONE PLACE TO ANOTHER:

1. IV:1: How on the basis of Scripture do we know that fact?

E. PROPERTY FOR WHICH THERE IS NO SECURITY IS ACQUIRED ALONG WITH PROPERTY FOR WHICH THERE IS SECURITY THROUGH MONEY, WRIT, AND USUCAPTION:

1. V:1: How on the basis of Scripture do we know that fact?
2. V:2: The question was raised: “Do the movables have to be heaped upon the land to be transferred, or is that not the case?”
3. V:3: The question was raised: “Do we require the explicit statement that the movables are acquired by virtue of the acquisition of the land, or do we not require such an explicit statement?”
4. V:4: The question was raised: “What if the field is transferred through sale, but the movables are transferred as a gift?” Are the movables then transferred along with the real estate?
5. V:5: The question was raised: If the field went to one party and the movables to another, what is the rule?
6. V:6: Said Raba, “The rule that movables are acquired along with land applies only if the purchaser had paid money for all of the movables. But if he had not paid money for them all, he acquires only the movables that are covered by his money.”
 - a. V:7: That supports the position of Samuel, for said Samuel, “If one has sold to the other ten fields in ten provinces, so that, once the purchaser has acquired one of them by usucaption, he has acquired all of them.”

F. AND PROPERTY FOR WHICH THERE IS NO SECURITY IMPOSES THE NEED FOR AN OATH ON PROPERTY FOR WHICH THERE IS SECURITY.

1. VI:1: Said Ulla, “How on the basis of the Torah do we derive the rule of the superimposed oath by which, if one is required to take an oath on one count, he may be forced to extend the oath to other counts? As it is said, ‘And the woman shall say, Amen, Amen,’ and we have learned in the Mishnah: To what does she say, Amen, Amen?...’ Amen that I have not gone aside while betrothed, married, awaiting levirate marriage, or wholly taken in Levirate marriage’ (M. **Sot. 2:5A-D**). Now as this reference to her having been betrothed, what can it possibly mean? If we say that he expressed his warning of jealousy to her when she was betrothed, and then she went aside with the alleged lover, and is now made to drink the bitter water while still betrothed, then is a woman who has been merely betrothed required to undergo the ordeal of drinking the bitter water as a woman accused of adultery? Lo, we have learned in the Mishnah: A betrothed girl and a deceased childless brother’s widow awaiting levirate marriage neither undergo the ordeal of drinking the bitter water nor receive a marriage contract, since it is written, ‘When a wife, being subject to her husband, goes astray’ (Num. 5:29) – excluding the betrothed girl and the deceased childless brother’s widow awaiting levirate marriage (M. **Sot. 4:1A-C**). And if it is proposed that she was warned when betrothed, then went aside with the alleged lover, and now has to drink that she has been married, do the waters test her under these conditions? Has it not been taught on Tannaite authority: ‘And the man shall be free from iniquity, and the woman shall bear her iniquity’ (Num. 5:31). The sense of the foregoing verse of Scripture is that when the man is free of transgression, the water puts his wife to the test, and if the man is not free of transgression, the water does not put his wife

to the test? Rather, the oath can be imposed to cover the specified matter only because it is superimposed.”

2. VI:2: Then to what extent is a superimposed oath carried?

VI. Mishnah-Tractate Qiddushin 1:6A-F

A. WHATEVER IS USED AS PAYMENT FOR SOMETHING ELSE – ONCE THIS ONE HAS EFFECTED ACQUISITION THEREOF THE OTHER HAS BECOME LIABLE FOR WHAT IS GIVEN IN EXCHANGE. HOW SO? IF ONE EXCHANGED AN OX FOR A COW, OR AN ASS FOR AN OX, ONCE THIS ONE HAS EFFECTED ACQUISITION, THE OTHER HAS BECOME LIABLE FOR WHAT IS GIVEN IN EXCHANGE.

1. I:1: Whatever is used as payment for something else: What is subject to barter? Money. It is assumed that the language, Whatever is used as payment for something else includes money. Hence the point is: If A exchanges a cow for B's money, the money not being given as payment but as barter, just as an ox might be given, then as soon as A gets the money, B accepts liability for whatever happens to the cow, which is now subject to his title; that is the case even though if the money had been given as payment, the receipt of the money by A would not have transferred title of the cow to B. That then proves money may be treated as an object of barter.

VII. Mishnah-Tractate Qiddushin 1:6G-H

A. THE RIGHT OF THE MOST HIGH IS EFFECTED THROUGH MONEY, AND THE RIGHT OF ORDINARY FOLK THROUGH USCAPTION. ONE'S WORD OF MOUTH DEDICATION OF AN OBJECT TO THE MOST HIGH IS EQUIVALENT TO ONE'S ACT OF DELIVERY TO AN ORDINARY PERSON.

1. I:1: Our rabbis have taught on Tannaite authority: How is the right of the Most High...effected through money? If the Temple treasurer handed over money for a beast, even if the animal is located on the other side of the world, he acquires title to it, but an ordinary person acquires title only by performing the act of drawing the beast. How is it so that one's word of mouth dedication of an object to the Most High is equivalent to one's act of delivery to an ordinary person? He who says, "This ox is a burnt-offering," "This house is sanctified," even if they are at the other side of the world, the sanctuary acquires title. In the case of an ordinary person, he acquires title only by performing an act of drawing or usucaption. If a common person performed the act of drawing when the beast was worth a maneh but did not suffice to redeem the beast, paying the money, until the price rose to two hundred zuz, he must pay the two hundred. How come? Scripture says, "And he will pay the money and depart," meaning, if he has given the money, lo, these belong to him, but if not, they do not belong to him. If he performed the act of drawing when it was worth two hundred zuz but did not suffice to redeem it before the price fell to a maneh, he still has to pay two hundred zuz. How come? So that the rights of a common person should not be stronger than those of the sanctuary. If he redeemed it when it was worth two hundred but did not suffice to draw the beast before the price went down to a maneh, he has to pay the two

hundred zuz. How come? Scripture says, “And he will pay the money and depart.” If he redeems it at a maneh and did not suffice to perform the act of drawing before it went up to two hundred zuz, what he has redeemed is redeemed, and he pays only a maneh (T. **Ar. 4:4A-G**).

VIII. Mishnah-Tractate Qiddushin 1:7

A. FOR EVERY COMMANDMENT CONCERNING THE SON TO WHICH THE FATHER IS SUBJECT – MEN ARE LIABLE, AND WOMEN ARE EXEMPT:

1. I:1: What is the meaning of For every commandment concerning the son to which the father is subject...? Should we say, from every religious duty that the son is required to do for the father, women are exempt? But hasn't it been taught on Tannaite authority: “Every man his mother and his father you shall fear” (Lev. 19:27) – I know only that that applies to the man. How do I know that it applies to the woman? When Scripture says, “his mother and his father you shall fear,” lo, both of them are included?

2. I:2: Thus we learn as a Tannaite statement here that which our rabbis have taught on Tannaite authority: The father is responsible with respect to his son to circumcise him, to redeem him, to teach him Torah, to marry him off to a woman, and to teach him a trade. And there are those who say, also to teach him to swim. R. Judah says, “Anyone who does not teach his son a trade is as though he trains him to be a gangster” (T. **Qid. 1:11F-H**).

a. I:3: Secondary gloss of the foregoing. How on the basis of Scripture do we know that he must do so?

b. I:4: Secondary gloss of the foregoing. How on the basis of Scripture do we know that he must do so?

I. I:5: Our rabbis have taught on Tannaite authority: M. **Bekh. 8:6M-P**: If a man who was firstborn son had a firstborn son and was told that he had not been redeemed so that he is to redeem himself and he is to redeem his son, he comes before his son. R. Judah says, “His son comes before him. For the requirement of redeeming him the father falls upon his father, while the requirement of redeeming his son falls on him.” If he was to be redeemed and his son was to be redeemed, he takes precedence over his son. R. Judah says, “His son takes precedence over him, for the religious duty pertains to his father, and the religious duty involving the son pertains to the father.”

II. I:6: Our rabbis have taught on Tannaite authority: If a man was obligated to redeem his son and to make a pilgrimage for the festival, he first redeems his son and then makes the pilgrimage for the festival. R. Judah says, “He makes the pilgrimage for the festival and then he redeems his son, for the former is a religious duty that will pass with the passage of time, but the other is a religious duty that will not pass with the passage of time” (T. **Bekh. 6:10A-C**).

III. I:7: Our rabbis have taught on Tannaite authority: How do we know that if a man had five firstborn sons by five wives, he is required to redeem all of them? Scripture states, “All the firstborn of your sons shall you redeem” (Exo. 34:20).

c. I:8: Further gloss of I:2. To teach him Torah: How on the basis of Scripture do we know that fact?

I. I:9: Our rabbis have taught on Tannaite authority: If he had to study Torah and his son likewise, he takes precedence over his son. R. Judah says, “If his son was an eager student, gifted and retentive, his son takes precedence over him” (T. **Bekh. 6:10F-H**).

A. I:10: That is in line with the case of R. Jacob b. R. Aha bar Jacob, whose father sent him to Abbayye. When he came home, his father observed that his traditions were not very sharp. He said to him, “I’m better than you are. So you stay here, and I’ll go.”

II. I:11: Our rabbis have taught on Tannaite authority: If someone had to study the Torah and get married, let him study the Torah and then get married. But if he can’t live without a wife, let him get married and then study the Torah (T. **Bekh. 6:10D-E**).

A. I:12: Said R. Judah said Samuel, “The law is: One marries a wife and then studies Torah.”

1. I:13: Secondary discussion of the same issue as I:11.

2. I:14: Secondary discussion of the same issue as I:11.

3. I:15: Secondary discussion of the same issue as I:11.

4. I:16: Secondary discussion of the same issue as I:11.

5. I:17: Secondary discussion of the same issue as I:11.

III. I:18: To what extent is a man obligated to teach his son Torah?

A. I:19: Secondary expansion of the foregoing.

IV. I:20: Said R. Safra said R. Joshua b. Hananiah, “What is the meaning of the verse, ‘and you shall teach them diligently to your children’ (Deu. 6: 7)? Read the letters to yield not ‘repeat’ but rather ‘divide into three,’ so that a person should always divide years into three parts: a third for Scripture, a third for Mishnah, a third for talmud.”

V. I:21: Therefore the early masters were called scribes those who numbered, because they would count up all the letters in the Torah. For they would say, “The W in the word belly (gahon) Lev. 11:42: “whatever goes on the belly” is the midpoint among all of the letters of a scroll of the Torah. The words ‘diligently enquire’ at Lev. 10:16 mark the midpoint among the words; the word ‘he shall be shaven’ (Lev. 13:33) marks half the verses; in the verse, ‘the boar out of the wood does ravage it’ (Psa. 80:14), the ayin of the word for forest marks the midpoint of the Psalms; ‘but he, being

full of compassion, forgives their iniquity' (Psa. 78:38) marks the midpoint of all of the verses of Psalms."

A. I:22: Secondary expansion of the foregoing.

B. I:23: Secondary expansion of the foregoing.

C. I:24: Secondary expansion of the foregoing.

VI. I:25: Our rabbis have taught on Tannaite authority: "And you shall teach them diligently to your children" (Deu. 6: 7): "That is to say, 'Impress them upon your children': The meaning of "impressing," or "repeating," is that the teachings of the Torah should be so sharp in your mouth that when someone asks you something, you should not stammer. But you should give a reply forthwith. So Scripture says, "Say to wisdom, 'you are my sister,' and call understanding your kinswoman" (Pro. 7: 4). "Bind them on your fingers, write them on the table of your heart" (Pro. 7: 3). "Your arrows are sharp" (Psa. 45: 6). "The peoples fall under you, they sink into the heart of the king's enemies" (Psa. 45: 6). "As arrows in the hand of a mighty man, so are the children of one's youth" (Psa. 127: 4). And concerning these children: "Happy is the man who has his quiver full of them, they shall not be put to shame when they speak with their enemies in the gate" (Psa. 127: 5) (Sifré Deu. XXXIV:I.1-2).

VII. I:26: Our rabbis have taught on Tannaite authority: "Therefore impress these my words upon your very heart; bind them as a sign on your hand and let them serve as a symbol on your forehead; and teach them to your children, reciting them when you stay at home and when you are away, when you lie down and when you get up, and inscribe them on the doorposts of your house and on your gates, to the end that you and your children may endure in the land that the Lord swore to your fathers to assign to them, as long as there is a Heaven over the earth" (Deu. 11:18-21): This use of the word impress, which can be read to sound like "medicine, ointment" indicates that words of Torah are compared to a life-giving medicine. The matter may be compared to the case of a king who grew angry with his son and gave him a severe blow, but then put a salve on the wound and said to him, "My son, so long as this bandage is on the wound, eat whatever you like, drink whatever you like, and wash in either warm or cold water, and nothing will do you injury. But if you remove the bandage, the sore will immediately begin to produce ulcers." So the Holy One, blessed be He, said to Israel, "My children, I have created in you an impulse to do evil, than which nothing is more evil. 'Sin crouches at the door and to you is its desire' (Gen. 4: 7). Keep yourselves occupied with teachings of the Torah, and sin will not control you. But if you leave off studying words of the Torah, lo, it will control you, as it is said, 'and to you is its desire' (Gen. 4: 7). And not only

so, but all of its undertakings concern you. But if you want, you will control it, as it is said, ‘But you may rule over it’ (Gen. 4: 7).” And Scripture says, “And if your enemy is hungry, give him bread to eat, and if he is thirsty, give him water to drink, for you will heap coals of fire upon his head” (Pro. 25:21-22) (Sifré Deu. XLVI.1.2).

VIII. I:27: Our rabbis have taught on Tannaite authority: So formidable is the lust to do evil that even its creator has called it evil, as it is written, “For that the desire of man’s heart is evil from his youth” (Gen. 8:21).

IX. I:28: A Tannaite statement of the household of R. Ishmael: “If that vile one meets you, drag it to the house of study. If it is a stone, it will dissolve. If it is iron, it will be pulverized. If it is a stone, it will dissolve,” as it is written, “Lo, everyone who is thirsty, come to water” (Isa. 55: 1). And it is written, “The water wears down stones” (Job. 14:19). “If it is iron, it will be pulverized,” as it is written, “Is not my word like fire, says the Lord, and like a hammer that breaks the rock into pieces” (Jer. 23:29).

d. I:29: Further gloss of I:2. To marry him off to a woman: What is the source in Scripture?

e. I:30: Further gloss of I:2. And to teach him a trade: What is the source in Scripture?

f. I:31: Further gloss of I:2. And there are those who say, also to teach him to swim: How come?

g. I:32: Further gloss of I:2. R. Judah says, “Anyone who does not teach his son a trade trains him to be a gangster”: Can you imagine, to be a gangster?! Rather, is as though he trains him to be a gangster.

B. AND FOR EVERY COMMANDMENT CONCERNING THE FATHER TO WHICH THE SON IS SUBJECT, MEN AND WOMEN ARE EQUALLY LIABLE.

1. II:1: What is the definition of for every commandment concerning the father to which the son is subject? Should we say, for all of the religious duties that a father is obligated to do for his son, women are obligated as well? But hasn’t it been taught on Tannaite authority: The father is responsible with respect to his son to circumcise him, to redeem him – the father, not the mother.

C. MISCELLANY ON THE HONOR OF MOTHER AND FATHER

1. II:2: Our rabbis have taught on Tannaite authority: It is said, “Honor your father and your mother” (Exo. 20:12), and it is further said, “Honor the Lord with your wealth” (Pro. 3: 9). Scripture thereby establishes an analogy between the honor of father and mother and the honor of the Omnipresent. It is said, “He who curses his father or his mother will certainly die” (Pro. 20:20), and it is said, “Any person who curses his God will bear his sin” (Lev. 24:15). Scripture thereby establishes an analogy between cursing father and mother and cursing the Omnipresent. But it is not possible to refer to smiting Heaven in the way in which one is warned not to hit one’s parents. And that is entirely reasonable, for all three of them are partners in a human being (Sifra Qedoshim CXCV:II.3).

2. II:3: Our rabbis have taught on Tannaite authority: Three form a partnership in the creation of a human being, the Holy One, blessed be He, one's father and one's mother. When someone honors father and mother, said the Holy One, blessed be He, "I credit it to them as though I had lived among them and they honored me."

3. II:4: It has been taught on Tannaite authority: Rabbi says, "It is perfectly self-evident to the One who spoke and brought the world into being that the son honors his mother more than his father, because she influences him with kind words. Therefore the Holy One, blessed be He, gave precedence to honoring the father over honoring the mother. But it also is perfectly self-evident before the One who spoke and brought the world into being that the son fears the father more than the mother, because he teaches him Torah. Therefore the Holy One, blessed be He, gave priority to fear of the mother over fear of the father."

4. II:5: A Tannaite authority repeated before R. Nahman: "When someone gives anguish to his father or his mother, said the Holy One, blessed be He, 'I did well in not living among them, for if I lived among them, they would have given me anguish, too.'"

a. II:6: Topical expansion on the anguish of God.

b. II:7: Topical expansion on the anguish of God.

5. II:8: A widow's son asked R. Eliezer, "If father says, 'Give me a glass of water,' and mother says, 'Give me a glass of water,' to which of them do I give precedence?"

6. II:9: Ulla the elder gave this exposition at the gate of the patriarch: "What is the meaning of Scripture, 'All the kings of the earth shall praise you, Lord, for they have heard the words of your mouth' (Psa. 138: 4)? What is stated is not, 'the word of your mouth,' but 'the words of your mouth.' So when the Holy One, blessed be He, said, 'I am the Lord your God' 'you shall have no other Gods before me,' (Exo. 20: 2-3), said the nations of the world, 'All he wants is his own self-aggrandizement.' When he said, 'Honor your father and your mother' (Exo. 20:12), they retracted and confessed to the validity of the first statements as well."

7. II:10: They asked R. Ulla, "To what extent is one obligated to honor father and mother?"

a. II:11: Gloss of a secondary detail of the foregoing.

b. II:12: Further response to the issue of II:10: Illustrative story: When R. Dimi came, he said, "Once Dama was dressed in a gold embroidered silk coat, sitting among the Roman nobles, and his mother came along and tore it from him and hit him on the head and spat in his face, but he did not in any way answer back to her."

c. II:13: Further response to the issue of II:10: A Tannaite statement of Abimi b. R. Abbahu: There is he who feeds his father pheasant to eat but this drives the son from the world, and there is he who binds his father up to the grinding wheel, and this brings the son into the world to come. Someone fed the father pheasants but when the father asked how he could afford them, said, "It's none of your business, chew and eat." By contrast,

someone was grinding on a mill and the father was summoned for the corvée, so the son said to the father, “You grind for me and I’ll go in your place.”

d. II:14: Further response to the issue of II:10: Said R. Abbahu, “For instance, my son Abimi carried out in an exemplary manner the religious duty of honor of parents.”

e. II:15: Further response to the issue of II:10: Said R. Jacob bar Abbuhu to Abbaye, “How about someone like me? For when I come home from the household of the master, father pours a cup for me, and mother mixes – what am I supposed to do?”

f. II:16: Further response to the issue of II:10: R. Tarfon’s mother – whenever she wanted to get into bed, he would bend down and let her climb up on his back, and when she wanted to get out, she would step down on him. He went and praised himself in the schoolhouse. They said to him, “So you still haven’t got to half the honor that is owing: Has she thrown down a money bag in your presence into the sea, without your answering back to her?”

g. II:17: As above. R. Joseph – when he heard the sound of his mother’s steps, he said, “Let me arise before the Presence of God, who approaches.”

8. II:18: Said R. Yohanan, “Happy is he who never knew his parents since it is so hard properly to honor them.”

9. II:19: R. Yohanan – when his mother was carrying him, his father died, and when his mother bore him, she died.

10. II:20: Free-standing story: R. Assi had an aged mother. She said to him, “I want some jewelry.” So he made it for her.

D. REVERSION TO THE EXPOSITION OF THE PROPOSITION OF THE MISHNAH-RULE

1. II:21: Our rabbis have taught on Tannaite authority: The child must honor the parent in life and after death. In life: How so? If one is obeyed somewhere because of his father, he shouldn’t say, “Let me go for my own sake,” “Wish me Godspeed for my own sake,” “Free me for my own sake,” but only, “For my father’s sake.” And after death: How so? If one was saying something he had heard from his father’s own mouth, he should not say, “This is what my father said,” but rather, “This is what my father, my teacher, for whose resting place may I be an atonement, said.”

2. II:22: Our rabbis have taught on Tannaite authority: A sage changes the name of his father and the name of his teacher, but the interpreter doesn’t change the name of his father or the name of his teacher. The sage when using an interpreter to give a teaching he heard from his father does not refer to his father by name but by the formula, “my father and my teacher,” but the interpreter doesn’t do that.

3. II:23: Our rabbis have taught on Tannaite authority: What is the form of reverence that is owing? The son should not sit in his place, speak in his place, contradict him. What is the form of honor that is owing? The son should feed

him, give him drink, dress him, cover him, bring him in and take him out (Sifra CXIX.I.5).

a. II:24: The question was raised: “At whose expense must he feed him and so on?”

b. II:25: Story in illustration of the proposition, Lo, if one’s father was violating the teachings of the Torah, he should not say to him, ‘Father, you have violated the teachings of the Torah.’ Rather, one should say to him, ‘Father, this is what is written in the Torah.’”

4. II:26: Eleazar b. Matthias says, “If father says, ‘Give me a drink of water,’ and I have a religious duty to carry out, I ignore the honor owing to father and I carry out the religious duty, for both father and I are obligated to carry out religious duties.”

5. II:27: Said R. Isaac b. Shila said R. Mattenah said R. Hisda, “If a father renounced the honor that is coming to him, the honor that is coming to him is validly renounced. If the master renounced the honor that is coming to him, the honor that is coming to him is not renounced.”

6. II:28: Said R. Ashi, “Even from the perspective of him who has said, ‘The master who has renounced the honor coming to him – the honor coming to him is renounced,’ nonetheless, the patriarch who has renounced the honor coming to him – the honor coming to him is not renounced.”

7. II:29: Our rabbis have taught on Tannaite authority: “You shall rise up before the hoary head” (Lev. 19:32): Might one suppose that one is obligated to rise up even before a malefactor? Scripture says, “elder.” An “elder” is only a sage, as it is said, “Collect for me seventy men of the elders of Israel” (Num. 11:16). R. Yosé the Galilean says, “An ‘elder’ is only one who has acquired wisdom, as it is said, ‘The Lord created me at the beginning of his way’ (Pro. 8:22).” Might one suppose that one should rise up before him only from a distance? Scripture says, “and honor the face of an elder.” If then it is to “honor the face of an elder,” might one suppose that one should honor him with money? Scripture says, “rise up...and honor...” Just as “rising up” does not involve an expenditure of money, so “honoring” does not involve an expenditure of money. Might one suppose that he has to rise up before him in the toilet or bathhouse? Scripture says, “You shall rise up and you shall honor”: I have commanded you to rise up only in a place in which that confers honor. Might one suppose that if one saw him, one may close his eyes as though he had not seen him? Lo, the matter is handed over to the heart, for it is said, “You shall fear your God, I am the Lord” – in connection with anything that is handed over to the heart, the fear of God is invoked. R. Simeon b. Eleazar says, “How do we know that an elder should not make trouble for others? “Scripture says, ‘an elder and you shall fear your God’” (Sifra CCIV:III.1).

a. II:30: What R. Yosé the Galilean says is the same as what the first Tannaite authority says!

b. II:31: Further gloss of II:29.

c. II:32: Further gloss of II:29.

d. II:33: Further gloss of II:29.

I. II:34: Topical extension of the foregoing.

e. II:35: Further gloss of II:29.

f. II:36: Further gloss of II:29.

E. TOPICAL COMPOSITE ON RISING BEFORE ONE'S MASTER

1. II:37: Said R. Aibu said R. Yannai, "A disciple of a sage is allowed to stand up before his master only morning and night, so that the honor accruing to the master is no more than the honor owing to Heaven."

2. II:38: Said R. Eleazar, "Any disciple who does not arise before his master is called wicked and will not live a long time, and his learning will be forbidden: 'But it shall not be well with the wicked, neither shall he prolong his days which are as a shadow, because he doesn't fear God' (Qoh. 8:13). Now I don't know the meaning of this 'fear,' but when Scripture says, 'you shall rise up before the hoary head...and fear your God' (Lev. 19:32), then 'fear' means 'rising.'"

3. II:39: The question was raised: If his son was also his master, what is the law about his standing before his father?

4. II:40: The question was raised: What if his son was his master, should his father stand before him?

5. II:41: The question was raised: Is riding equivalent to walking so the disciples stand when the master rides by, or is that not the case?

6. II:42: The question was raised: What is the law about rising before a scroll of the Torah?

7. II:43: "And when Moses went into the tent, all the people rose up and stood and looked after Moses until he was gone into the tent" (Exo. 33: 8): R. Ammi and R. Isaac Nappaha – One said, "It was derogatory." The other said, "It was a compliment."

F. FOR EVERY POSITIVE COMMANDMENT DEPENDENT UPON THE TIME OF YEAR, MEN ARE LIABLE, AND WOMEN ARE EXEMPT.

1. III:1: Our rabbis have taught on Tannaite authority: What is the definition of a positive commandment dependent upon the time of day or year? Building a tabernacle at the festival of Tabernacles, carrying the palm branch on that festival, sounding the ram's horn, wearing shoe fringes, putting on phylacteries. And what is the definition of a positive commandment not dependent upon time? The fixing of an amulet to the doorpost, the erection of a parapet (Deu. 22: 8), returning lost property, sending forth the dam from the nest (T. **Qid. 1:10A-C**).

a. III:2: Is this an encompassing generalization here? But what about unleavened bread, rejoicing on the festivals, and assembly on the Festival of Sukkot in the Seventh Year (Deu. 31:12) which include women, but which depend on a particular time, and for which women are obligated! And furthermore: What about study of the Torah, procreation, and the redemption of the firstborn, which are not religious duties that depend on a particular time, and yet women are exempt from these?

3. III:3: For every positive commandment dependent upon the time of year, men are liable, and women are exempt: How do we know this rule?
4. III:4: What about the building of the tabernacle, which is a positive commandment dependent upon the time of year?
5. III:5: But what about the pilgrimage, which is a positive commandment dependent upon the time of year?

G. AND FOR EVERY POSITIVE COMMANDMENT NOT DEPENDENT UPON THE TIME, MEN AND WOMEN ARE EQUALLY LIABLE. FOR EVERY NEGATIVE COMMANDMENT, WHETHER DEPENDENT UPON THE TIME OR NOT DEPENDENT UPON THE TIME, MEN AND WOMEN ARE EQUALLY LIABLE:

1. IV:1: What is the scriptural basis for this rule?

H. ...EXCEPT FOR NOT MARRING THE CORNERS OF THE BEARD, NOT ROUNDING THE CORNERS OF THE HEAD (LEV. 19:27), AND NOT BECOMING UNCLEAN BECAUSE OF THE DEAD (LEV. 21: 1).

1. V:1: There is no problem understanding the exception of defiling oneself to bury a corpse, since it is explicitly written that this applies only to males: “Speak to the priests, the sons of Aaron: No one shall defile himself for the dead among his people” (Lev. 21: 1) – the sons of Aaron, not the daughters of Aaron. But how on the basis of Scripture do we know that the same pertains to not marring the corners of the beard, not rounding the corners of the head?
2. V:2: Isi taught as a Tannaite statement: “So, too, are women exempt from the prohibition of baldness” (Lev. 21: 5).

IX. Mishnah-Tractate Qiddushin 1:8

A. THE CULTIC RITES OF LAYING ON OF HANDS:

1. I:1: For it is written, “Speak to the sons of Israel...and he shall lay his hand upon the head of the burnt-offering” (Lev. 7:29-30) – The sons of Israel, not the daughters of Israel do it.

B. WAVING:

1. II:1: For it is written, “Speak to the sons of Israel...the fat...may be waved” (Lev. 6: 7). The sons of Israel, not the daughters of Israel do it.

C. DRAWING NEAR:

1. III:1: For it is written, “And this is the law of the meal-offering: The sons of Aaron shall offer it – The sons of Aaron, not the daughters of Aaron do it.

D. TAKING THE HANDFUL:

1. IV:1: For it is written, “And he shall bring it to Aaron’s sons, the priests, and he shall take out of it his handful of the fine flour” (Lev. 2: 2) – The sons of Aaron, not the daughters of Aaron do it.

E. BURNING THE FAT:

1. V:1: For it is written, “And Aaron’s sons shall burn it” (Lev. 2: 2). The sons of Aaron, not the daughters of Aaron do it.

F. BREAKING THE NECK OF A BIRD:

1. VI:1: For it is written, “And he shall wring off his head and burn it on the altar” – Treating as comparable wringing the neck and burning the fat.

G. AND RECEIVING THE BLOOD APPLY TO MEN AND NOT TO WOMEN:

1. VII:1: For it is written, “And the priests, the sons of Aaron,” and a master has said, “‘And they shall bring’ refers to receiving the blood.”

H. SPRINKLING:

1. VIII:1: Sprinkling what? If it is the blood of the red cow, “Eleazar” the priest is written in that connection. And if it is the blood that is sprinkled in the inner sanctum of the Temple for example, on the veil and golden altar, then the anointed priest is required for that, for example, Lev. 4: 5.

I. ...EXCEPT IN THE CASE OF A MEAL-OFFERING OF AN ACCUSED WIFE AND OF A NAZIRITE GIRL, WHICH THEY WAVE.

1. IX:1: Said R. Eleazar to R. Josiah, his contemporary, “You may not take your seat until you explain the following matter: How do we know that the meal-offering of the accused wife had to be waved?” He replied, “How do we know indeed! It is written, ‘And he shall wave’ (Num. 5:25)!”

X. Mishnah-Tractate Qiddushin 1:9

A. EVERY COMMANDMENT WHICH IS DEPENDENT UPON THE LAND APPLIES ONLY IN THE LAND, AND WHICH DOES NOT DEPEND UPON THE LAND APPLIES BOTH IN THE LAND AND OUTSIDE THE LAND:

1. I:1: What is the meaning of, which is dependent upon, and what is the meaning of, which does not depend upon? If I say that the sense of which is dependent upon pertains where the language, “entering the Land” is used, and the sense of which does not depend upon pertains where the language, “entering the Land” is not used, then what about the matters of phylacteries and the disposition of the firstling of an ass, which pertain both in the Land of Israel and abroad, even though the language “entering the Land” is used in their connection?

2. I:2: What is the scriptural basis for that rule?

B. ...EXCEPT FOR ORLAH PRODUCE OF A FRUIT TREE IN THE FIRST THREE YEARS OF ITS GROWTH AND MIXED SEEDS. R. ELIEZER SAYS, “ALSO: EXCEPT FOR THE PROHIBITION AGAINST EATING NEW PRODUCE BEFORE THE OMER IS WAVED ON THE SIXTEENTH OF NISAN.”

1. II:1: The question was raised: Is the dissenting opinion of R. Eliezer meant to yield a lenient ruling or a strict ruling? It is meant to yield a strict ruling, and this is the sense of the passage: The initial authority says, except for orlah and mixed seeds, these deriving from a traditional law; that is so, even though one might argue, to the contrary, these represent an obligation that is connected with the soil, but the consideration of the use of new produce only after the waving of the barley sheaf is practiced only in the Land but not overseas. How come? “Dwelling” means, after taking possession and settling down Lev. 23:14: It shall be a statute throughout your generations in all your dwellings,” and that might mean, even

outside of the Land; but even in the Land this rule came into force only after the Israelites had settled down, not while they were fighting for and dividing up the country. And then R. Eliezer comes along to say: Also the consideration of the use of new produce only after the waving of the barley sheaf is practiced in the Land but not overseas. How come? “Dwelling” means, anywhere where you dwell.

a. II:2: Secondary development of the result of the foregoing.

I. II:3: Now that you have taken the position, Every religious duty that is an obligation of the person applies whether in the Land or abroad, but if it is an obligation that is incumbent upon the soil, it applies only in the land, then what is the point of “dwelling” that the All-Merciful spelled out in connection with the Sabbath?

II. II:4: And what is the point of “dwelling” that the All-Merciful spelled out in connection with the forbidden fat and blood at Lev. 3:17?

III. II:5: And what is the point of “dwelling” that the All-Merciful spelled out in connection with unleavened bread and bitter herbs for Passover at Exo. 12:20?

IV. II:6: And what is the point of “dwelling” that the All-Merciful spelled out in connection with the phylacteries and the firstling of an ass which are not limited to the Land of Israel?

V. II:7: Now from the viewpoint that “dwelling” means, wherever you live, there are no problems; that is in line with the statement, “And they ate of the new produce of the land on the day after the Passover” (Jos. 5:11). They ate on the day after Passover, but not before, and that proves that the sheaf of first barley was offered and then they ate. But from the perspective of him who maintains that “dwelling” means, after the inheritance and settling down on the Land, why did they not eat the new produce forthwith?

A. II:8: It has further been taught on Tannaite authority: “And the children of Israel ate the manna forty years, until they came to a land inhabited; they ate the manna until they came to the borders of the land of Canaan” (Exo. 16:35): Well, did they really eat it for forty years? Didn’t they eat it for forty years less thirty days?

B. II:9: It has further been taught on Tannaite authority: “On the seventh of Adar, Moses died, and on the seventh of Adar, he was born. How do we know that on the seventh of Adar, Moses died? “So Moses the servant of the Lord died there” (Deu. 34: 5); “And the children of Israel wept for Moses in the plains of Moab thirty days” (Deu. 34: 8); “Moses my servant is dead, now therefore arise, go over this Jordan” (Jos. 1: 2); “Pass through the midst of the camp and command the people saying, Prepare you food for

within three days you are to pass over this Jordan” (Jos. 1:11); “And the people came up out of the Jordan on the tenth day of the first month Nisan.” Deduct from the tenth of Nisan the prior thirty-three days, and you learn that on the seventh of Adar, Moses died.

4. II:10: It has been taught on Tannaite authority: R. Simeon b. Yohai says, “Three religious duties were assigned to Israel when they entered the Land, and they apply both to the Land and abroad: And it is logical that they should apply: If the consideration of new grain to be eaten only after the waving of the sheaf of barley on the fifteenth of Nisan, which is not forbidden forever but only until that rite, and from which it is not forbidden to derive any kind of benefit whatsoever, and from which the prohibition can be raised through the rite, applies both in the Land of Israel and abroad, then the prohibition of mixed seeds, the prohibition of which is permanent, and the prohibition of which extends to deriving any sort of benefit from the crop, and from which it is not possible to raise the prohibition, surely should apply both in the Land and abroad; and the same logic on two grounds applies also to orlah fruit.”

5. II:11: R. Eleazar b. R. Simeon says, “Every commandment for which the Israelites became liable before they entered the Land applies in the Land and abroad, and every commandment for which the Israelites became liable only after they came into the Land applies only in the Land, except for the forgiveness of debts, the redemption of fields that have been sold, and the sending forth free of the Hebrew slave in the Seventh Year. For even though they became liable to them only after they had come into the Land, they do apply in the Land and abroad” (T. **Qid. 1:12A-C**).

a. II:12: Except for the forgiveness of debts: But that’s a personal duty and applies even before entry into the Land!

b. II:13: The sending forth free of the Hebrew slave in the Seventh Year: But that’s a personal duty and applies even before entry into the Land!

6. II:14: We have learned in the Mishnah: Consumption in any locale of new produce, that is, that on behalf of which the omer has not yet been offered, is forbidden by Scripture. And the prohibition against eating produce which is orlah that is, deriving from fruit trees in the first three years of their growth applies outside of the Land of Israel by law. And the prohibition against planting together diverse kinds in a vineyard applies outside of the Land of Israel by authority of the scribes (M. **Orl. 3:9Kff.**). With reference to the clause, and the prohibition against eating produce which is orlah applies outside of the Land of Israel by law, what is the meaning of by law? Said R. Judah said Samuel, “It means, a law practiced in the province as matter of local custom.” Ulla said R. Yohanan said, “It is a law given to Moses at Sinai.”

a. II:15: Said Levi to Samuel, “Your eminence, provide me with produce that may or may not be orlah fruit and I’ll eat it.”

b. II:16: Said R. Assi said R. Yohanan, “The prohibition of orlah produce abroad derives from a law revealed to Moses at Sinai.”

c. II:17: Said R. Assi said R. Yohanan, “By the ruling of the Torah, violators of the prohibition of mixed seeds in the exile are flogged.”

I. II:18: Case.

II. II:19: Case.

XI. Mishnah-Tractate Qiddushin 1:10A-D

A. WHOEVER DOES A SINGLE COMMANDMENT – THEY DO WELL FOR HIM AND LENGTHEN HIS DAYS. AND HE INHERITS THE LAND. AND WHOEVER DOES NOT DO A SINGLE COMMANDMENT – THEY DO NOT DO WELL FOR HIM AND DO NOT LENGTHEN HIS DAYS. AND HE DOES NOT INHERIT THE LAND.

1. I:1: By way of contradiction: These are things the benefit of which a person enjoys in this world, while the principal remains for him in the world to come: Deeds in honor of father and mother, performance of righteous deeds, and acts which bring peace between a man and his fellow. But the study of Torah is as important as all of them together (M. **Peah 1:1C-E**). Thus only for these is one reward in this world, while the Mishnah says that that is so of any precept.

a. I:2: Secondary analysis of the solution to the foregoing problem.

I. I:3: Illustrative story.

2. I:4: R. Tobi bar R. Qisna contrasted for Raba the following rules: “We have learned in the Mishnah, whoever does a single commandment – they do well for him. So if he does it, that is so, but if not, not, and by contrast: If one sits and does not transgress, they give him a reward like that going to one who does a religious duty!” He said to him, “The latter speaks of a case in which an opportunity to sin comes to hand and he is saved from it.”

a. I:5: Story.

b. I:6: Story.

3. I:7: Raba pointed out to R. Nahman the following contrast: “We have learned in the Mishnah: These are things the benefit of which a person enjoys in this world, while the principal remains for him in the world to come: Deeds in honor of father and mother, performance of righteous deeds, and acts which bring peace between a man and his fellow. But the study of Torah is as important as all of them together (M. **Pe. 1:1C-E**). And with respect to honor of parents, it is written, ‘that your days may be long and that it may go well with you’ (Deu. 5:16); of performance of righteous deeds: ‘He who pursues righteousness and loving kindness finds life, righteousness, and honor’ (Pro. 21:21). As to bringing peace, it is said, ‘seek peace and pursue it’ (Psa. 34:15), and said R. Abbahu, ‘We learn by verbal analogy the meaning of pursuing in two distinct passages; here, ‘seek peace and pursue it,’ and elsewhere, ‘he who pursues after righteousness and loving kindness’ (Pro. 21:21). As to study of the Torah: ‘For that is your life and the length of your days’ (Deu. 30:20). But as to sending forth the dam from the nest it is written, ‘that it may be well with you and that you may prolong your days’ (Deu. 22: 7). So why not add this item to the list?”

4. I:8: Merit has both principal and interest: “Say you of the righteous when he is good that they shall eat the fruit of their doings” (Isa. 3:10). Wickedness has principal but no interest: “Woe to the wicked man who is evil, for the reward of his hands shall be given to him” (Isa. 3:11).

5. I:9: Good intention joins with deeds: “Then they that feared the Lord spoke with one another, and the Lord listened and heard and a book of remembrance was written before him for those who feared the Lord and who thought about his name” (Mal. 3:16).

6. I:10: Said R. Abbahu in the name of R. Hanina, “It is better for someone to transgress in private but not profane the Name of Heaven in public: ‘As for you, house of Israel, thus says the Lord God: Go, serve every one his idols, and hereafter also, if you will not obey me; but my holy name you shall not profane’ (Eze. 20:39).”

7. I:11: We have learned in the Mishnah there: They do not allow credit in connection with profaning the name of God, whether it was done unwittingly or intentionally.

8. I:12: Our rabbis have taught on Tannaite authority: One should always see himself as if he is half meritorious and half guilty. If he did a single commandment, happy is he, for he has inclined the balance for himself to the side of merit. If he committed a single transgression, woe is he, for he has inclined the balance to the side of guilt. Concerning this one it is said, “One sinner destroys much good” (Qoh. 9:18), for on account of a single sin that he commits, much good is lost to him. R. Eleazar b. R. Simeon says, “For the world is judged by the conduct of the majority in it, and an individual is judged by the majority of the deeds that he has done; if he did a single commandment, happy is he, for he has inclined the balance for himself and for the world as well to the side of merit. If he committed a single transgression, woe is he, for he has inclined the balance to the side of guilt for himself and for the world, for it is said, ‘One sinner destroys much good’ (Qoh. 9:18) – for on account of a single sin that he commits, much good is lost to him and to the whole world.” R. Simeon b. Yohai says, “If a man was righteous his entire life but at the end he rebelled, he loses the whole, for it is said, ‘The righteousness of the righteous shall not deliver him in the day of his transgression’ (Eze. 33:12). And even if one is completely wicked all his life but repents at the end, he is not reproached with his wickedness, for it is said, ‘And as for the wickedness of the wicked, he shall not fall thereby in the day that he turns from his wickedness’ (Eze. 33:12)” (T. [Qid. 1:13-15](#)).

XII. Mishnah-Tractate Qiddushin 1:10E-G

A. WHOEVER HAS LEARNING IN SCRIPTURE, MISHNAH, AND RIGHT CONDUCT WILL NOT QUICKLY SIN, SINCE IT IS SAID, “AND A THREEFOLD CORD IS NOT QUICKLY BROKEN” (QOH. 4:12).

1. I:1: Said R. Eliezer bar Sadoq, “To what are the righteous compared in this world? To a tree that is standing in a clean place, with its foliage extending from it to an unclean place. What do people say? ‘Cut off the foliage from the tree so

that the whole of it may be clean, as is its character.’ Thus the Holy One, blessed be He, brings suffering upon the righteous in this world so that they will inherit the world to come: ‘And though your beginning is small, yet the latter end shall greatly increase’ (Job. 8: 7). To what are the wicked compared in this world? To a tree that is standing in an unclean place, with its foliage extending from it to a clean place. What do people say? ‘Cut off the foliage from the tree, so that the whole of it may be unclean, as is its character’ (Abot deR. Nathan XXXIX.X.1).

2. I:2: Once R. Tarfon and the elders were reclining at a banquet in the upper room of the house of Niseh in Lud. This question was raised for them: “Is study greater or is action greater?”

3. I:3: It has been taught on Tannaite authority: R. Yosé says, “Great is study, for it preceded the commandment to separate dough-offering by forty years, the commandments governing priestly rations and tithes by fifty-four years, the commandments covering remission of debts by sixty-one years, the commandment concerning the Jubilee Year by one hundred and three years.” The Torah was given to Israel two months after the Exodus from Egypt, but liability to dough-offering came into force forty years later, and so throughout.

B. AND WHOEVER DOES NOT HAVE LEARNING IN SCRIPTURE, MISHNAH, AND RIGHT CONDUCT HAS NO SHARE IN SOCIETY.

1. II:1: Said R. Yohanan, “And he is invalid to give testimony.”

2. II:2: Our rabbis have taught on Tannaite authority: He who eats out in the marketplace – lo, he is like a dog. And there are those who say, “He is invalid to give testimony.”

3. II:3: Expounded Bar Qappara, “A temperamental person gets nothing but his anger. To a good man they feed the good taste of the fruit of his deeds. And whoever does not have learning in Scripture, Mishnah, and right conduct – forbid yourself by a vow from having any good from him: ‘Nor sits in the seat of the scorners’ (Pro. 1: 1) – such a person is the very seat of the scorners.”

XIII. Mishnah-Tractate Qiddushin 2:1A-C

A. A MAN EFFECTS BETROTHAL ON HIS OWN OR THROUGH HIS AGENT. A WOMAN BECOMES BETROTHED ON HER OWN OR THROUGH HER AGENT:

1. I:1: A man effects betrothal on his own or through his agent: If it is clearly stated that a man effects betrothal through his agent, can there be any question that a man effects betrothal on his own?

2. I:2: It has been stated: A woman may accept a token of betrothal either on her own part or through an agent. If it is clearly stated that A woman may accept a token of betrothal through an agent, can there be any question that it may be done on her own?

B. A MAN BETROTHS HIS DAUGHTER WHEN SHE IS A GIRL ON HIS OWN OR THROUGH HIS AGENT.

1. II:1: May then he do so when she is prepubescent but not when she is a minor? Then that supports the position of Rab. For said R. Judah said Rab, and some say,

R. Eleazar, “It is forbidden for a man to betroth his daughter when she is a minor; he may do so only when she grows up and says, ‘I want So-and-so.’”

2. II:2: As to the fact that an agent may participate, how on the basis of Scripture do we know that fact? So we have found the principle of agency in the matter of divorce. How on the basis of Scripture do we find that same principle when it comes to a betrothal?

a. II:3: Secondary development of the foregoing. And what about that which we have learned in the Mishnah: One who says to his agent, “Go and separate heave-offering for me” – he the agent separates heave-offering in accordance with the disposition of the householder. And if he does not know the disposition of the householder, he separates the average amount, one-fiftieth. If the agent unintentionally separated one-tenth less or more than the percentage he needed to separate – that which he separates still is valid heave-offering (M. **Ter. 4:4A-G**)? Now how do we know this? Should you say, derive the principle from the rule governing writs of divorce, the two processes are to be differentiated, for it is the definitive trait of a writ of divorce that it is a secular issue.

I. II:4: Expansion of a detail of the foregoing.

II. II:5: Continuation of II:4.

b. II:6: Now when we learned in the Mishnah, He who causes a fire to break out through the action of a deaf-mute, idiot, or minor, is exempt from punishment under the laws of man, but liable to punishment under the laws of heaven. If he did so through the action of a person of sound senses, the person of sound senses is liable (M. **B.Q. 6:4A-B**). But why should this be the case? Why not say, a man’s agent is equivalent to the man himself so the sender is liable?

c. II:7: And as to that which has been taught on Tannaite authority: If the agent did not carry out his errand in committing an act of sacrilege, the agent is responsible and inadvertently has committed the act of sacrilege (M. **Me. 6:1C-D**) – when the person carried out the commission of the householder, then in any event the householder has performed an act of sacrilege. But why not say, an agent cannot be appointed to carry out a violation of the law?

I. II:8: Secondary expansion of the foregoing: Now that we have found that that rule applies to the case of sacrifices slaughtered outside of the tabernacle. How do we know that the same rule applies throughout the Torah that an agent who violates the law of the Torah is culpable, not the one who sent him?

A. II:9: Exegetical issues contained in the foregoing are now worked out.

d. II:10: And as to that which is stated as a Tannaite rule: He who says to his agent, “Go kill So-and-so” – the agent is liable if he does so, and the one who sends him is exempt. Shammai the Elder says in the name of the

prophet Haggai, “The one who sends him is liable as well: ‘You have slain him with the sword of the children of Ammon’ (2Sa. 12: 9).”

3. II:11: It has been stated: Rab said, “An agent may serve as a witness.” The household of R. Shila say, “An agent may not serve as a witness.”

4. II:12: Said Raba said R. Nahman, “If one said to two persons, ‘Go and betroth that woman for me,’ those who serve as his agents also serve as his witnesses, and so is the law with regard to a writ of divorce, and so is the law with regard to property cases.”

a. II:13: And it was necessary to make mention of all three classes of action.

b. II:14: And what is R. Nahman’s view? If he takes the view, He who lends money to his fellow before witnesses has to collect the money before witnesses as well, still, these are interested parties, for if they should say, “we didn’t pay him back,” the debtor can say to them, “Then pay me” for he may have entrusted them the money before witnesses, which is the same as lending it to them; they are personally concerned and as such are inadmissible as witnesses. So it must follow that he takes the position, He who lends money to his fellow before witnesses doesn’t have to collect the money before witnesses, for, since they can claim, “We paid it back to the debtor,” they also can testify, “We paid it back to the creditor.”

5. II:15: A man betroths his daughter when she is a girl on his own or through his agent: There we have learned in the Mishnah: A betrothed girl – she and her father receive her writ of divorce. Said R. Judah, “Two hands together do not make acquisition simultaneously. But her father receives her writ of divorce alone. And any girl who is not able to keep watch over her writ of divorce cannot be divorced” (M. **Git. 6:2G-K**). Said R. Simeon b. Laqish, “As is the dispute with respect to writs of divorced, so there is a dispute with respect to betrothals.” And R. Yohanan said, “There is a dispute as to writs of divorce, but as to betrothals, all parties concur that the father may do so, but she may not.”

a. II:16: And said R. Yosé bar Hanina, “What is the operative consideration behind R. Yohanan’s account of the position of rabbis? In the matter of the writ of divorce, she reverts thereby to the domain of her father, so either she or her father may receive the writ; but as to a betrothal, in which case she removes herself from the domain of her father, her father but not she receives the token of divorce.”

b. II:17: Reason supports the response of R. Yohanan the declaration made against her will, since the language is used, which is not the case with respect to tokens of betrothal which only the father can receive. But may one say that that represents a refutation of the position of R. Simeon b. Laqish “As is the dispute with respect to writs of divorced, so there is a dispute with respect to betrothals”?

I. II:18: Secondary gloss on the dispute.

6. II:19: Raba asked this question of R. Nahman: “Can a prepubescent girl appoint an agent to accept a writ of divorce from her husband? Is she comparable to her

father's hand or her father's courtyard? "Is she comparable to her father's hand: Just as her father may appoint an agent, so she, too, has the power to appoint an agent. Or perhaps she is comparable to her father's courtyard: Until the writ of divorce actually reaches her hand, she is not divorced."

7. II:20: It has been stated: A minor who was betrothed without her father's knowledge and consent said Samuel, "She nonetheless requires a writ of divorce and also the exercise of the right of refusal."

a. II:21: Said R. Nahman, "But that is the case that she requires a writ of divorce only if they negotiated the betrothal afterward with the father." Ulla said, "Even the right of refusal is not required."

8. II:22: It has been stated: If the man who betrothed a minor without her father's knowledge and consent died, and she fell to the lot of the surviving brothers for levirate marriage – Said R. Huna said Rab, "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. How does this work out? If the levir performed the act of bespeaking, she requires a writ of divorce and also has to go through the rite of removing the shoe and also has to exercise the right of refusal. She requires a writ of divorce: perhaps her father was reconciled to the betrothal of the second party the levir; And also has to go through the rite of removing the shoe: Perhaps her father was reconciled to the betrothal of the first party the now deceased brother; And also has to exercise the right of refusal: Perhaps her father was reconciled to the betrothal of neither the second party nor the first, and people may say, the betrothal with her sister is null."

a. II:23: Case: Two men were drinking wine under the willows in Babylonia. One of them took a cup of wine, gave it to the other, and said, "Let your daughter be betrothed to my son."

b. II:24: Case. There was a man who in the marketplace betrothed a minor with a bunch of vegetables. Said Rabina, "Even in the view of him who said, 'we take account of the possibility that the father was reconciled,' that is the case only if the act was done in a respectful way and not in a disgraceful way."

c. II:25: Case. There was someone who said, "She should marry one of my relatives." She said, "She should marry one of my relatives." While they were eating and drinking at the betrothal party, his relative went up to a loft and betrothed her.

9. II:26: If the daughter of an Israelite became betrothed with her father's knowledge and consent to a priest, and her father went overseas and the girl went and got married consummating the marriage – said Rab, "She may continue to eat food in the status of priestly rations which marriage to the priest confers upon her until her father comes home and protests against the consummation of the marriage." R. Assi said, "She may not eat food in the status of priestly rations, lest her father come and protest the consummation of the marriage, and it will retroactively come about that a non-priest is eating priestly rations."

10. II:27: If she became betrothed with her father's knowledge and consent and she consummated the marriage without, and her father is here at hand – R. Huna said, "She may not eat food in the status of priestly rations." R. Jeremiah bar Abba said, "She may eat food in the status of priestly rations."

11. II:28: If she accepted tokens of betrothal without her father's knowledge and consent and consummated the marriage without her father's knowledge and consent, and her father is here at hand – R. Huna said, "She may eat food in the status of priestly rations." R. Jeremiah bar Abba said, "She may not eat food in the status of priestly rations."

12. II:29: It has been stated: A minor who accepted tokens of betrothal without her father's knowledge and consent – said Rab, "Either she or her father has the power to repudiate the betrothal." And R. Assi said, "Her father can but she can't."

13. II:30:

XIV. Mishnah-Tractate Qiddushin 2:1D-I

A. HE WHO SAYS TO A WOMAN, "BE BETROTHED TO ME FOR THIS DATE, BE BETROTHED TO ME WITH THIS," IF EITHER ONE OF THEM IS OF THE VALUE OF A PENNY, SHE IS BETROTHED, AND IF NOT, SHE IS NOT BETROTHED.

1. I:1: Who is the Tannaite authority behind the repeated formula, "Be betrothed to me for this date, be betrothed to me with this"?

B. IF HE SAID TO HER, "BY THIS, AND BY THIS, AND BY THIS" – IF ALL OF THEM TOGETHER ARE WORTH A PENNY, SHE IS BETROTHED, AND IF NOT, SHE IS NOT BETROTHED. IF SHE WAS EATING THEM ONE BY ONE, SHE IS NOT BETROTHED, UNLESS ONE OF THEM IS WORTH A PENNY.

1. II:1: To which clause does this statement pertain? Shall we say it is to the first? Then why specify that she was eating them? Even if she put them down, the rule is the same, since he says, "Be betrothed to me for this date"? So it must refer to the concluding clause, and that is so, even if there was a penny's worth in the first date only? But then it is a debt and a betrothal cannot be accomplished through remission of a debt! If he says, be betrothed to me with this one and this one, and she eats them one by one, his statement is considered as a whole; as soon as she eats one, she cannot be betrothed by it, since his statement was as yet incomplete, and it becomes a debt.

2. II:2: It has been stated: He who betroths his sister – Rab said, "The money is returned since the brother has not got the legal right to betroth his sister." Samuel said, "The money is considered a gift."

3. II:3: "By this, and by this, and by this" – if all of them together are worth a penny, she is betrothed, and if not, she is not betrothed. If she was eating them one by one, she is not betrothed, unless one of them is worth a penny: said Raba, "That rule applies only if he made the statement to her, By this, and by this, and by this, but if he said to her, 'By these,' then even if she is then eating them one by one, she is nonetheless betrothed, for what she eats belongs to her."

a. II:4: Gloss of a secondary statement in the foregoing.

4. II:5: With reference to the phrase in the Mishnah paragraph, unless one of them is worth a penny: That poses no problem to the position of him who said that that language refers to the second clause, and what is the meaning of the language, unless one of them is worth a penny? It means, Unless the last of them is worth a penny. Here, too, then, the sense is, Unless the last of them is worth a penny. But from the perspective of Rab and Samuel, both of whom maintain that it pertains to the opening clause of the Mishnah, being required to state the rule governing eating, then what we have here is comprehensive statements taken into account without detailed enumerations! How do they explain “unless one of them is worthy a penny,” for the clause, “with this and this and this” is a comprehensive statement, insofar as it is taught that if they are all together worth that much and so on; there is no clause in the passage cited just now that is equivalent to the first clause in the Mishnah; now according to Ammi, there is no problem, since in the Mishnah too, “if she eats” refers to the second clause, that is, to his comprehensive statement; but according to Rab and Samuel, it must refer to a detailed enumeration, for example, “by this by this” but there is no such clause in the cited Tannaite statement.

5. II:6: Said Rab, “He who betroths a woman with a loan remitting a loan she has already received from him – she is not betrothed, for a loan is handed over to be spent” this money that he gives becomes her own and he is not giving her anything at all.

a. II:7: Secondary development of a subordinate issue.

I. II:8: Extension of the foregoing.

XV. Mishnah-Tractate Qiddushin 2:2

A. “BE BETROTHED TO ME FOR THIS CUP OF WINE,” AND IT TURNS OUT TO BE HONEY – “...OF HONEY” – AND IT TURNS OUT TO BE OF WINE, “...WITH THIS SILVER DENAR” – AND IT TURNS OUT TO BE GOLD, “...WITH THIS GOLD ONE” – AND IT TURNS OUT TO BE SILVER – “...ON CONDITION THAT I AM RICH” – AND HE TURNS OUT TO BE POOR, “...ON CONDITION THAT I AM POOR” – AND HE TURNS OUT TO BE RICH – SHE IS NOT BETROTHED.

1. I:1: Our rabbis have taught on Tannaite authority: “Be betrothed to me with this cup” – One Tannaite formulation: “With it and its contents” is his meaning, and if they are worth a penny in all, the betrothal is valid. And it has further been taught on Tannaite authority: With it, but not what is in it. And it has further been taught on Tannaite authority: with what is in it but not with it itself (T. Qid. 2:3C-F).

B. R. SIMEON SAYS, “IF HE DECEIVED HER TO HER ADVANTAGE, SHE IS BETROTHED.”

1. II:1: But doesn’t R. Simeon accept the following: Wine, and it turned out to be vinegar; vinegar, and it turned out to be wine – both parties have the power to retract (M. **B.B. 5:6K-L**)? Therefore, there are people who are perfectly happy with wine, others with vinegar; so here, too, some are happy with silver and not with gold at all.

a. II:2: Said Abbaye, “R. Simeon, Rabban Simeon b. Gamaliel, and R. Eleazar all take the view that, in a case such as this, in giving these instructions, all he was doing was giving him good advice on how to proceed ‘showing him the place’.”

2. II:3: Said Ulla, “The Mishnah’s controversy concerns only a monetary advantage, but as to a genealogical advantage, all parties concur that she is not betrothed. How come? ‘I really don’t want a shoe that is bigger than my foot.’”

3. II:4: Our rabbis have taught on Tannaite authority: “On condition that I am able to read the Torah in the synagogue” – once he has read three verses in the synagogue, lo, this woman is betrothed. R. Judah says, “Only if he both reads and interprets.”

a. II:5: Gloss of the foregoing.

I. II:6: Gloss of the foregoing.

4. II:7: “On condition that I can repeat Mishnah” – Hezekiah said, “This means, laws.” R. Yohanan said, “This means, the Torah.”

a. II:8: Gloss.

5. II:9: If he said, “On condition that I am a disciple,” they do not say, “A disciple like Simeon b. Azzai or Simeon b. Zoma,” but in the case of anyone whom they ask a question concerning any passage in his studies which he can answer, even in tractate Kallah, that would meet the criterion. If he said, “On condition that I am a sage,” they do not say, “like the sages of Yavneh, like R. Aqiba and his colleagues,” but in the case of anyone whom they ask a question of wisdom in any context and he says the answer that would meet the criterion. If he said, “On condition that I am strong,” they do not say, “Like Abner b. Ner or Joab b. Zeruiah,” but so long as he is held in awe by his friends because of his strength that would meet the criterion. If he said, “On condition that I am rich,” they do not say, “Like R. Eleazar b. Harsom or R. Eleazar b. Azariah,” but so long as he is honored by his townsfolk because of his wealth, that would meet the criterion. If he said, “On condition that I am righteous,” even if he is completely wicked, she is betrothed, for he may have repented in his heart. If he said, “On condition that I am wicked,” even if he is completely righteous, she is betrothed, for he may have considered in his heart the worship of idols.

6. II:10: Ten qabs of wisdom came down into the world, nine were taken by the Land of Israel, and one by the rest of the entire world. Ten qabs of beauty came down into the world, nine were taken by Jerusalem, and one by the rest of the entire world. Ten qabs of wealth came down into the world, nine were taken by the earliest Romans, and one by the rest of the entire world. Ten qabs of poverty came down into the world, nine were taken by Babylonia, and one by the rest of the entire world. Ten qabs of arrogance came down into the world, nine were taken by Elam, and one by the rest of the entire world.

XVI. Mishnah-Tractate Qiddushin 2:3

A. “...ON CONDITION THAT I AM A PRIEST,” AND HE TURNS OUT TO BE A LEVITE, “...ON CONDITION THAT I AM A LEVITE,” AND HE TURNS OUT TO BE A PRIEST, “...A NETIN,” AND HE TURNS OUT TO BE A MAMZER, “...A MAMZER,” AND HE TURNS OUT TO BE A NETIN, “...A TOWN DWELLER,” AND HE TURNS OUT TO BE A VILLAGER, “...A VILLAGER,” AND HE TURNS OUT TO BE A TOWN DWELLER, “...ON CONDITION THAT MY HOUSE IS NEAR THE BATH,” AND IT TURNS OUT TO BE FAR AWAY, “...FAR,” AND IT TURNS OUT TO BE NEAR: “...ON CONDITION THAT I HAVE A DAUGHTER OR A SLAVE GIRL WHO IS A HAIRDRESSER” AND HE HAS NONE, “...ON CONDITION THAT I HAVE NONE,” AND HE HAS ONE; “...ON CONDITION THAT I HAVE NO CHILDREN,” AND HE HAS; “...ON CONDITION THAT HE HAS,” AND HE HAS NONE – IN THE CASE OF ALL OF THEM, EVEN THOUGH SHE SAYS, “IN MY HEART I WANTED TO BECOME BETROTHED TO HIM DESPITE THAT FACT,” SHE IS NOT BETROTHED. AND SO IS THE RULE IF SHE DECEIVED HIM.

1. I:1: There was someone who sold off his property intending to emigrate to the Land of Israel, but when he made the sale, he said nothing whatsoever. Said Raba, “This is a mental stipulation, and a mental stipulation is null.”

2. I:2: There was someone who sold off his property intending to emigrate to the Land of Israel, emigrated, but then couldn’t settle down. Said Raba, “Whoever emigrates, it is with the intention of settling down, and this man hasn’t done it so the sale is null, since it is a prevailing stipulation.”

3. I:3: There was someone who sold off his property intending to emigrate to the Land of Israel, but in the end didn’t emigrate. Said R. Ashi, “He could have gone if he’d wanted to.”

XVII. Mishnah-Tractate Qiddushin 2:4

A. HE WHO SAYS TO HIS MESSENGER, “GO AND BETROTH MISS SO-AND-SO FOR ME, IN SUCH-AND-SUCH A PLACE,” AND HE WENT AND BETROTHED HER FOR HIM IN SOME OTHER PLACE, SHE IS NOT BETROTHED. IF HE SAID, “...LO, SHE IS IN SUCH-AND-SUCH A PLACE,” AND HE BETROTHED HER IN SOME OTHER PLACE, LO, SHE IS BETROTHED.

1. I:1: We have learned in the Mishnah precisely the same rule with reference to writs of divorce: He who says, “Give this writ of divorce to my wife in such-and-such a place,” and he the messenger delivered it to her in some other place – it is invalid. If he said, “Lo, she is in such-and-such a place,” and he gave it to her in some other place, it is valid (M. [Git. 6:3G-J](#)).

XVIII. Mishnah-Tractate Qiddushin 2:5

A. HE WHO BETROTHS A WOMAN ON CONDITION THAT SHE IS NOT ENCUMBERED BY VOWS, AND SHE TURNS OUT TO BE ENCUMBERED BY VOWS – SHE IS NOT BETROTHED. IF HE MARRIED HER WITHOUT SPECIFYING AND SHE TURNED OUT TO BE ENCUMBERED BY VOWS, SHE GOES FORTH WITHOUT COLLECTING HER

MARRIAGE CONTRACT. ...ON CONDITION THAT THERE ARE NO BLEMISHES ON HER, AND SHE TURNS OUT TO HAVE BLEMISHES, SHE IS NOT BETROTHED. IF HE MARRIED HER WITHOUT SPECIFYING AND SHE TURNED OUT TO HAVE BLEMISHES, SHE GOES FORTH WITHOUT COLLECTING HER MARRIAGE CONTRACT. ALL BLEMISHES WHICH INVALIDATE PRIESTS FROM SERVING IN THE TEMPLE INVALIDATE WOMEN.

1. I:1: We have learned this rule in the Mishnah with respect to marriage contracts!

XIX. Mishnah-Tractate Qiddushin 2:6

A. HE WHO BETROTHS TWO WOMEN WITH SOMETHING WORTH A PENNY, OR ONE WOMAN WITH SOMETHING WORTH LESS THAN A PENNY, EVEN THOUGH HE SENT ALONG ADDITIONAL PRESENTS AFTERWARD, SHE IS NOT BETROTHED, SINCE HE SENT THE PRESENTS LATER ON ONLY BECAUSE OF THE ORIGINAL ACT OF BETROTHAL WHICH WAS NULL. AND SO IN THE CASE OF A MINOR WHO BETROTHED A WOMAN.

1. I:1: He who betroths two women with something worth a penny, or one woman with something worth less than a penny.... And so in the case of a minor who betrothed a woman: It was necessary to state all three cases. For had we been informed only of the rule concerning a penny's worth for two women, I might have thought that, since the money has gone forth from him, he may err thinking that the betrothal was valid; but with regard to use of less than a penny's worth, I might suppose that he obviously knows that the betrothal with less than a penny's worth is null, so when he sends gifts, it is as part of the token of betrothal. And if these two were covered, it is because one may not be clear on the rule governing a penny's worth or less, but when a minor betroths, everyone knows that the betrothal is null, so, when he sends gifts, I might suppose that these are sent as tokens of betrothal. So we are informed to the contrary.

2. I:2: It has been stated: R. Huna said, "We take account of the provision of gifts" so if a marriage is arranged and the husband to be sends gifts before witnesses, we take account of the possibility that these may be meant as tokens of a betrothal, so she is subject to the doubt as to her status; if someone else should betroth her, both have to divorce her. And so said Rabbah, "We take account of the provision of gifts."

a. I:3: Gloss.

3. I:4: R. Aha bar R. Huna asked this question of Raba: "If a deed covering the marriage settlement was assumed in the marketplace to be valid though people don't know whether the couple was betrothed, but later on she accepted tokens of betrothal from a third party, what is the law?"

XX. Mishnah-Tractate Qiddushin 2:7

A. HE WHO BETROTHS A WOMAN AND HER DAUGHTER, OR A WOMAN AND HER SISTER, SIMULTANEOUSLY – THEY ARE NOT BETROTHED.

1. I:1: What is the scriptural source of this rule?

- a. I:2: Gloss of a subordinate detail of the foregoing.
- 2. I:3: Reversion to I:1's exegesis of the Mishnah-rule.
- 3. I:4: It has been stated: An act of betrothal that cannot lead to sexual intercourse – Abbaye said, "It is a valid act of betrothal." Raba said, "It is not a valid act of betrothal."
- a. I:5: Said Raba, "Bar Ahina explained to me, "When a man takes a woman and has sexual relations with her" (Deu. 24: 1) – a betrothal that can be followed by sexual relations is valid, but a betrothal that cannot be followed by sexual relations is not valid."

B. THERE WAS A CASE INVOLVING FIVE WOMEN, INCLUDING TWO SISTERS, AND ONE GATHERED FIGS, AND THEY WERE THEIRS, BUT IT WAS SEVENTH YEAR PRODUCE. AND SOMEONE SAID, "LO, ALL OF YOU ARE BETROTHED TO ME IN VIRTUE OF THIS BASKET OF FRUIT," AND ONE OF THEM ACCEPTED THE PROPOSAL IN BEHALF OF ALL OF THEM – AND SAGES RULED, "THE SISTERS IN THE GROUP OF FIVE ARE NOT BETROTHED."

1. II:1: Said Rab, "Our Mishnah paragraph yields four conclusions," but he had in hand only three of them. Our Mishnah paragraph yields the conclusion that he who betroths with produce of the Seventh Year – the betrothal is valid. Our Mishnah paragraph yields the conclusion that he who betrothed a woman with stolen property – she is not betrothed. And even if the stolen property belonged to her – how so? Since the formulation goes on, and they were theirs, but it was Seventh Year produce. So the operative consideration is that it was produce of the Seventh Year, which is ownerless; lo, if it were of the other years of the seven-year cycle, that would not be the case. Our Mishnah paragraph yields the conclusion that a woman may serve as an agent for another woman, and even in a situation in which she thereby becomes her co-wife.

a. II:2: When R. Zira came up, he repeated this tradition before R. Yohanan, who said to him, "Well, now did Rab make any such statement?"

I. II:3: Case illustrating a position of Raba along the lines of II:1. A certain woman was washing her feet in a bowl of water. Someone came along, grabbed a zuz from his neighbor, threw it to her and said, "Lo, you are betrothed to me." That man came before Raba, who said to him, "No one accepts R. Simeon's statement: Robbery in general involves the owner's despair of getting the property back so that if we don't know whether the owner despairs of getting the article back, we assume he does; that ruling is null, the betrothal is invalid."

II. II:4: Case illustrating a position of Raba along the lines of II:1. That man came before Raba, who said to him, "Who renounced ownership of which the landlord owns half in your favor?"

III. II:5: Case illustrating a position of Raba along the lines of II:1. A certain contractor for brewing the dates of others betrothed a woman with a measure of beer that he had brewed with someone else's dates, of which he gets a share. The owner of the beer came

and found him. He said to him, “Why didn’t you give her this beer, which is stronger?” He came before Raba, who said to him, “The consideration of ‘you should have gone and taken better ones’ is valid only with regard to the case of heave-offering, because the owner of the field is happy to carry out his religious duty in such a manner. So he may have meant what he said. But in this case, it is merely a matter of courtesy and does not bear the sense of consent for what the agent has done.”

XXI. Mishnah-Tractate Qiddushin 2:8

A. HE WHO WAS A PRIEST WHO BETROTHS A WOMAN WITH HIS SHARE OF THE PRIESTLY GIFTS, WHETHER THEY WERE MOST HOLY THINGS OR LESSER HOLY THINGS – SHE IS NOT BETROTHED.

1. I:1: May we say that our Mishnah paragraph does not accord with the position of R. Yosé the Galilean? For it has been taught on Tannaite authority: “‘If a soul sin and commit an act of sacrilege against the Lord and lie to his neighbor’ (Lev. 5:21) – this extends the law to Lesser Holy Things, which are classified as the property of the neighbor,” the words of R. Yosé the Galilean.

2. I:2: Our rabbis have taught on Tannaite authority: After R. Meir’s death, R. Judah said to his disciples, “Don’t let the disciples of R. Meir in here, because they are contentious and don’t come to study the Torah but to throw up against me a barrage of trivial laws.” Nonetheless Sumkhos forced his way in. He said to them, “This is what R. Meir repeated as a Mishnah teacher: He who was a priest who betroths a woman with his share of the priestly gifts, whether they were Most Holy Things or Lesser Holy Things – she is not betrothed.” R. Judah became angry with them and said to them, “Didn’t I tell you, ‘Don’t let the disciples of R. Meir in here, because they are contentious and don’t come to study the Torah but to throw up against me a barrage of trivial laws’? So how in the world would a woman end up in the Temple courtyard anyhow? That is the only place where she could receive sacrifices of Most Holy Things!” Said R. Yosé, “Should people say, ‘Meir lies in his grave, Judah is outraged, and Yosé kept his silence’? Then what will come of the teachings of the Torah? Can’t a man routinely receive tokens of betrothal for his daughter in the Temple courtyard? And can’t a woman routinely appoint a messenger to accept tokens of betrothal for her in the Temple courtyard? And, anyhow, what if she pushes herself in one way or the other?”

a. I:3: It has been taught on Tannaite authority: R. Judah says, “She is betrothed.” R. Yosé says, “She is not betrothed.”

3. I:4: Continuation of I:2: Said R. Yohanan, “They took a vote and decided: He who was a priest who betroths a woman with his share of the priestly gifts, whether they were Most Holy Things or Lesser Holy Things – she is not betrothed.” And Rab said, “The dispute continues even now.”

a. I:5: Gloss of the foregoing.

B. IF ONE DID SO WITH FOOD IN THE STATUS OF SECOND TITHE, “WHETHER INADVERTENTLY OR DELIBERATELY, HE HAS NOT EFFECTED BETROTHAL,” THE

WORDS OF R. MEIR. R. JUDAH SAYS, “IF HE DID SO INADVERTENTLY, HE HAS NOT EFFECTED BETROTHAL. IF HE DID SO DELIBERATELY, HE HAS EFFECTED BETROTHAL.”

1. II:1: What is the scriptural basis for this ruling?

C. AND IN THE CASE OF THAT WHICH HAS BEEN DEDICATED: IF HE DID SO DELIBERATELY, HE HAS EFFECTED BETROTHAL, AND IF HE DID SO INADVERTENTLY, HE HAS NOT EFFECTED BETROTHAL,” THE WORDS OF R. MEIR. R. JUDAH SAYS, “IF HE DID SO INADVERTENTLY, HE HAS EFFECTED BETROTHAL. IF HE DID SO DELIBERATELY, HE HAS NOT EFFECTED BETROTHAL.”

1. III:1: Said R. Jacob, “I heard from R. Yohanan two considerations in connection with the inadvertent use of tithe, in the framework of the view of R. Judah, and the inadvertent use of what has been consecrated, in the framework of the view of R. Meir, explaining why, in each case, respectively, a woman is not betrothed therewith. First, because the woman doesn’t approve; if she knew what it was, she would not have accepted it as a token of betrothal, so it is a betrothal done in error; second, because neither party approves. But I don’t know which of the two belongs to which of the named authorities.”

2. III:2: As to money that belongs to the sanctuary, from Meir’s perspective, Raba asked R. Hisda, “Granted that the woman is not betrothed. Does the money that is consecrated revert to the status of what is unconsecrated?”

3. III:3: R. Hiyya bar Abin asked R. Hisda, “As to a purchase made with the money, what is the law?” As to money that belongs to the sanctuary, from Meir’s perspective, what if one unwittingly buys something with that money?

a. III:4: Gloss of III:1.

4. III:5: Said Ulla in the name of Bar Peda, “R. Meir would say, ‘What has been consecrated that is deliberately used has been made secular, if inadvertently used has not been made secular. But it is only with regard to an offering that they have said, if it is used inadvertently, it is secularized.’”

5. III:6: Said R. Nahman said R. Ada bar Ahbah, “The decided law accords with R. Meir in the matter of tithe, since a Tannaite authority has given without attribution the rule in line with his views, and the decided law accords with R. Judah in regard to what has been consecrated, since a Tannaite authority has given without attribution the rule in line with his views.” And the decided law accords with R. Judah in regard to what has been consecrated, since a Tannaite authority has given without attribution the rule in line with his views.

6. III:7: We have learned in the Mishnah elsewhere: Cattle found between Jerusalem and Migdal Eder – and in an equivalent range on all sides of the city – if male, they are deemed to be burnt-offerings; if female, they are deemed to be peace-offerings. R. Judah says, “That which is suitable for Passover-offerings are Passover-offerings if they are found thirty days before that festival” (M. [Sheq. 7: 4](#)). So can the males be used only for burnt-offerings and not peace-offerings? They certainly can be used for either purpose. So how can they be sacrificed only as burnt-offerings, if they may have been originally consecrated for peace-offerings?

a. III:8: Gloss of the foregoing.

b. III:9: As above.

7. III:10: Our rabbis have taught on Tannaite authority: With coins in the status of second tithe having been traded for produce in the status in second tithe, then brought to Jerusalem for the purchase of food, they do not purchase a beast. If one has done so, if this was inadvertently done, the money reverts to its original status to the owner, who made a mistake, since he'd rather take the money to Jerusalem than drive the beast up there; if this was done deliberately, the beast must be brought up to Jerusalem and eaten up there. R. Judah says, "Under what circumstances? If one deliberately bought it to begin with for the sake of using the beast for peace-offerings. But if he bought it for the purpose of turning the money in the status of second tithe into unconsecrated coins, whether he did so inadvertently or deliberately, the money must be returned to its original status, to the owner" (T. **M.S. 1:15A-C**). Now, lo, we have learned in the Mishnah: R. Judah says, "If he did so inadvertently, he has not effected betrothal. If he did so deliberately, he has effected betrothal." This shows that we do not take account of the possibility that the woman may spend the money outside of Jerusalem; otherwise what he did would be null; so why do we take account of that possibility in the case of a sale?

a. III:11: Gloss of the foregoing.

XXII. Mishnah-Tractate Qiddushin 2:9

A. HE WHO BETROTHED A WOMAN WITH (1) ORLAH FRUIT:

1. I:1: What is the source in Scripture for this rule?

B. (2) WITH FRUIT WHICH WAS SUBJECT TO THE PROHIBITION AGAINST MIXED SEEDS IN A VINEYARD:

1. II:1: What is the source in Scripture for this rule?

C. (3) WITH AN OX WHICH WAS TO BE STONED:

1. III:1: What is the source in Scripture for this rule?

a. III:2: Gloss of the foregoing proof.

l. III:3: Secondary development of the foregoing.

D. (4) WITH A HEIFER THE NECK OF WHICH WAS TO BE BROKEN:

1. IV:1: What is the source in Scripture for this rule?

E. (5) WITH BIRDS SET ASIDE FOR THE OFFERING OF A PERSON AFFLICTED WITH THE SKIN AILMENT LEV. 13-14:

1. V:1: What is the source in Scripture for this rule?

2. V:2: It has been stated: As to the bird-offering of a person healed of the skin ailment, from what point are the birds forbidden for any sort of benefit? R. Yohanan said, "From the moment at which they are slaughtered." R. Simeon b. Laqish said, "From the moment at which they are taken and designated for that purpose."

F. REVERSION TO IV:1 IN THE SETTING OF THE BIRDS OF THE PERSON HEALED OF THE SKIN AILMENT

1. V:3: With reference to the heifer the neck of which is to be broken itself, from what point is the beast forbidden as to any sort of secular benefit?

a. V:4: Gloss of the foregoing.

2. V:5: A Tannaite authority of the household of R. Ishmael stated, “‘And he shall let go the living bird into the open field’ (Lev. 14: 7) – it is comparable to the field. Just as the field is permitted, so this, too, is permitted.

F. (6) WITH THE HAIR OF A NAZIR:

1. VI:1: What is the source in Scripture for this rule?

G. (7) WITH THE FIRSTBORN OF AN ASS:

1. VII:1: Shall we say that our Mishnah paragraph is not in accord with R. Simeon? For it has been taught on Tannaite authority: “It is forbidden to derive benefit from the firstborn of an ass,” the words of R. Judah. R. Simeon declares it permitted.

H. (8) WITH MEAT MIXED WITH MILK:

1. VIII:1: What is the source in Scripture for this rule?

2. VIII:2: Our Mishnah paragraph does not accord with the following Tannaite authority, for it has been taught on Tannaite authority: R. Simeon b. Judah says in the name of R. Simeon, “Meat cooked in milk may not be eaten, but one may derive benefit from it for example, by selling it to gentiles to eat, as it is said, ‘For you are a holy people to the Lord your God’ (Deu. 14:21), which is followed by the prohibition of cooking a kid in its mother’s milk, bearing the sense that you may not eat it but you may give it to others to eat. And further, ‘And you shall be holy to me’ (Exo. 22:30) in regard to terefah-meat. Just as in that latter case, the food may not be eaten but one may derive benefit from it, so here, too, the food may not be eaten but one may derive benefit from it.”

I. (9) WITH UNCONSECRATED ANIMALS MEAT WHICH HAD BEEN SLAUGHTERED IN THE COURTYARD OF THE TEMPLE – SHE IS NOT BETROTHED.

1. IX:1: What is the source in Scripture for this rule?

2. IX:2: Mar Judah came across R. Joseph and R. Samuel b. Rabbah bar bar Hannah, who were standing at the gate of the household of Rabbah. He said to them, “It has been taught on Tannaite authority: He who betroths a woman with the firstling of an ass, meat cooked in milk, or unconsecrated beasts killed in the Temple court – R. Simeon says, ‘She is betrothed.’ And sages say, ‘She is not betrothed.’ Therefore in R. Simeon’s opinion, unconsecrated beasts that are killed in the Temple courtyard are not prohibited by the law of the Torah. In Simeon’s view, if the slaughter does not qualify the animal for food, because it is otherwise forbidden, it is not slaughter at all, and no interdict which would normally result from the killing takes effect; therefore one may benefit therefrom and it is valid for betrothal. But by way of contradiction: R. Simeon says, ‘Unconsecrated animals that are slaughtered in the Temple courtyard – the meat is sent off to be burned.

And so a wild beast that was slaughtered in the Temple courtyard is treated the same way.””

J. IF HE SOLD THEM OFF AND BETROTHED A WOMAN WITH THE MONEY RECEIVED IN EXCHANGE FOR THEM, SHE IS BETROTHED.

1. X:1: What is the source in Scripture for this rule?

a. X:2: Secondary development of the exegetical argument.

XXIII. Mishnah-Tractate Qiddushin 2:10

A. HE WHO CONSECRATED A WOMAN WITH FOOD IN THE STATUS OF HEAVE-OFFERING, TITHE, OR GIFTS TO BE GIVEN TO THE PRIEST, PURIFICATION WATER, PURIFICATION ASH – LO, THIS WOMAN IS BETROTHED, AND EVEN IF SHE IS AN ISRAELITE.

1. I:1: Said Ulla, “The good will accruing for the gift of priestly donations to the priesthood is regarded as having no monetary value.”

2. I:2: R. Hiyya bar Abin addressed this question to R. Huna: “Is the good will accruing for the gift of priestly donations to the priesthood regarded as having monetary value or is it regarded as not having monetary value?”

a. I:3: May we say that the issue at hand is subject to a conflict of Tannaite versions?

3. I:4: We have learned in the Mishnah: He who consecrated a woman with food in the status of heave-offering, tithe, or gifts to be given to the priest, purification water, purification ash – lo, this woman is betrothed, and even if she is an Israelite. And by way of contradiction: He who takes payment for judging – his judgments are null. He who takes payment for testifying – his testimony is null. He who takes payment to sprinkle purification water on one made unclean by a corpse and to mix ash of a red cow with water for the purpose of making purification water – his water is cave water, and his ash is hearth ash null and useless (M. Bekh. 4:6A-F).

XXIV. Mishnah-Tractate Qiddushin 3:1

A. HE WHO SAYS TO HIS FELLOW, “GO AND BETROTH MISS SO-AND-SO FOR ME,” AND HE WENT AND BETROTHED HER FOR HIMSELF – SHE IS BETROTHED.

1. I:1: A Tannaite statement: What he has done is done, but he has treated the other deceitfully.

2. I:2: What differentiates the present case, in which the language is used, He who says to his fellow, from the parallel, He who says to his messenger, “Go and betroth Miss So-and-so for me, in such-and-such a place,” and he went and betrothed her for him in some other place, she is not betrothed, in which the language, He who says to his messenger, is used?

a. I:3: Case. Rabin the Pious went to betroth a woman for his son. He betrothed her for himself.

b. I:4: Case. Rabbah bar bar Hannah gave money to Rab. He said, “Buy for me that plot of land.” He went and bought it for himself.

c. I:5: Case. R. Giddal was involved with buying a certain field. R. Abba went and bought it. R. Giddal went and complained about him to R. Zira. R. Zira went and complained about him to R. Isaac Nappaha. He said to him, “Wait until he comes up to us for the festival.”

B. AND SO: HE WHO SAYS TO A WOMAN, “LO, YOU ARE BETROTHED TO ME AFTER THIRTY DAYS HAVE PASSED,” AND SOMEONE ELSE CAME ALONG AND BETROTHED HER DURING THE THIRTY DAYS –

1. II:1: If someone else didn’t come along and betroth her during the thirty days, what is the law? Both Rab and Samuel said, “She is betrothed, and that is the case even if the money that was given has already been used up.”

2. II:2: If no one else came along to betroth her, but she retracted her agreement in the interim, what is the law? R. Yohanan said, “She may retract: Words can come and wipe out words.” R. Simeon b. Laqish said, “She may not retract: Words can’t come and wipe out words.”

a. II:3: Another version of the foregoing dispute.

I. II:4: The decided law accords with the position of R. Yohanan, and that is so even in respect to the first of the two disputes, for even though we may invoke the argument, “Handing money into the woman’s hand is tantamount to an action,” even so, words can come and wipe out words.

C. SHE IS BETROTHED TO THE SECOND PARTY. IF IT IS AN ISRAELITE GIRL BETROTHED TO A PRIEST, SHE MAY EAT HEAVE-OFFERING. IF HE SAID, “...AS OF NOW AND AFTER THIRTY DAYS,” AND SOMEONE ELSE CAME ALONG AND BETROTHED HER DURING THE THIRTY DAYS, SHE IS BETROTHED AND NOT BETROTHED. IF IT IS EITHER AN ISRAELITE GIRL BETROTHED TO A PRIEST, OR A PRIEST GIRL BETROTHED TO AN ISRAELITE, SHE SHOULD NOT EAT HEAVE-OFFERING.

1. III:1: Said Rab, “She is permanently betrothed to the second party.” And Samuel said, “She is betrothed to the second party only for thirty days. After thirty days have passed, the betrothal of the second party is dissolved, and the betrothal of the first party takes effect.”

a. III:2: In session R. Hisda raised this difficulty: “But how has the act of betrothal of the second party been removed?”

I. III:3: What is at issue is what is subject to dispute between the following Tannaite authority,

A. III:4: Said Abbaye, “Within the theory of Rab, if somebody came along and said to her, ‘Behold, you are betrothed to me from now and after thirty days,’ and then someone else came along and said to her, ‘Behold, you are betrothed to me from now and after twenty days,’ and then someone else came along and said to her, ‘Behold, you are betrothed to me from now and after ten days,’

from the first and third parties she requires a writ of divorce, but from the second party she does not require a writ of divorce. For which way do you want to go? If it was a stipulation, then that of the first is a valid act of betrothal, but not the acts of the second and the third; if it is a withdrawal, then the state of the final party is a valid act of betrothal, but not of the first or the second parties.”

2. III:5: Ulla said R. Yohanan said, “Even the betrothals of a hundred men may take effect on her.” And so said R. Assi said R. Yohanan, “Even the betrothals of a hundred men may take effect on her.”

XXV. Mishnah-Tractate Qiddushin 3:2

A. HE WHO SAYS TO A WOMAN, “BEHOLD, YOU ARE BETROTHED TO ME, ON CONDITION THAT I PAY YOU TWO HUNDRED ZUZ” – LO, THIS WOMAN IS BETROTHED, AND HE MUST PAY HER WHAT HE HAS PROMISED.

1. I:1: It has been stated: R. Huna said, “And she will give the money to him.” R. Judah said, “When she gives the money to him.”

a. I:2: Expansion on a detail of the foregoing.

B. “...ON CONDITION THAT I PAY YOU WITHIN THE NEXT THIRTY DAYS,” AND HE PAID HER DURING THE THIRTY DAYS, SHE IS BETROTHED. AND IF NOT, SHE IS NOT BETROTHED.

1. II:1: Yeah, big deal, so what else is new?

C. “...ON CONDITION THAT I HAVE TWO HUNDRED ZUZ,” LO, THIS WOMAN IS BETROTHED, AND IF HE HAS THAT SUM.

1. III:1: But shouldn’t we take account of the possibility that he really does have the money, and, furthermore, it is taught on Tannaite authority: We take account of the possibility that he has the money?

D. “...ON CONDITION THAT I SHALL SHOW YOU TWO HUNDRED ZUZ,” LO, THIS WOMAN IS BETROTHED, AND IF HE WILL SHOW HER THAT SUM.

1. IV:1: A Tannaite statement: She intended only to see money that was his.

E. BUT IF HE SHOWED HER THE MONEY ON THE TABLE OF A MONEY CHANGER, SHE IS NOT BETROTHED.

1. V:1: Yeah, big deal, so what else is new?

XXVI. Mishnah-Tractate Qiddushin 3:3

A. “...ON CONDITION THAT I HAVE A KOR’S SPACE OF LAND,” LO, THIS WOMAN IS BETROTHED, AND IF HE HAS IT.

1. I:1: “...On condition that I have a kor’s space of land,” lo, this woman is betrothed, and if he has it: But shouldn’t we take account of the possibility that he really does have the money, and, furthermore, it is taught on Tannaite authority: We take account of the possibility that he has the money?

a. I:2: Why do I have to be given a Tannaite statement with respect both to real estate and ready cash?

B. “...ON CONDITION THAT I HAVE THAT LAND IN SUCH-AND-SUCH A PLACE,” IF HE HAS IT IN THAT PLACE, SHE IS BETROTHED, AND IF NOT, SHE IS NOT BETROTHED.

1. II:1: Well, that’s pretty obvious!

C. “...ON CONDITION THAT I SHOW YOU A KOR’S SPACE OF LAND,” LO, THIS WOMAN IS BETROTHED, AND IF HE WILL SHOW IT TO HER.

1. III:1: A Tannaite statement: This woman had the intention only of seeing what belongs to him.

D. BUT IF HE SHOWED HER LAND IN A PLAIN WHICH WAS NOT HIS, SHE IS NOT BETROTHED.

1. IV:1: Obviously.

2. IV:2: In respect to consecrated property, we have learned in the Mishnah: He who sanctifies his field at the time of the Jubilee’s being in effect pays the fifty sheqels of silver for every part of a field that suffices for the sowing of a homer of barley. If there were there crevices ten handbreadths deep or rocks ten handbreadths high, they are not measured with it. If they were in height less than this, they are measured with it (M. **Ar. 7:1E-H**). And in that connection we reflected: Granted that they are not sanctified along with the field, at any rate let them be considered as sanctified as autonomous areas of the field, since they are not regarded as part of the arable field for purposes of redemption, and let them be redeemed on their own. And if you wish to propose that, since they do not take a kor of seed, they are not subject to consecration, has it now been taught to the contrary: “A field...” (Lev. 27:16). Why does Scripture say, “A field”? Since it is said, “Fifty sheqels of silver for every part of a field that suffices for the sowing of a homer of barley” (Lev. 27:16), I know only that the law applies to a case such as is specified in Scripture, that is, to a field of the specified size. How do I know that the law encompasses a field suitable for sowing only a letekh of seed or a half-letekh, a seah of seed or a tirqab or a half-tirqab? Scripture says, “A field” – of any dimensions.

3. IV:3: With respect to a sale we have learned in the Mishnah: He who says to his fellow, “I am selling you a kor’s area of arable land – if there were there crevices ten handbreadths deep, or rocks ten handbreadths high, they are not measured with the area. If they were less than the stated measurements, they are measured with the area (M. **B.B. 7:1A-D**), and said Mar Uqba bar Hama, “That is so even if the crevices are not filled with water.”

a. IV:4: So what’s the rule here? Do we invoke the analogy of what has been consecrated or what has been sold?

XXVII. Mishnah-Tractate Qiddushin 3:4

A. R. MEIR SAYS, “ANY CONDITION WHICH IS NOT STATED AS IS THE CONDITION OF THE SONS OF GAD AND THE SONS OF REUBEN THAT IS, IN BOTH NEGATIVE AND POSITIVE FORMULATIONS, IS NO CONDITION, SINCE IT SAYS, ‘AND MOSES SAID TO

THEM, “IF THE CHILDREN OF GAD AND THE CHILDREN OF REUBEN WILL PASS OVER” (NUM. 32:29). AND IT IS WRITTEN, “AND IF THEY WILL NOT PASS OVER ARMED” (NUM. 32:20).” R. HANANIAH B. GAMALIEL SAYS, “THE MATTER HAD TO BE STATED IN JUST THAT WAY, FOR IF NOT, IT WOULD HAVE BEEN IMPLIED THAT EVEN IN THE LAND OF CANAAN THEY WOULD NOT INHERIT LAND.”

1. I:1: So did R. Hananiah b. Gamaliel give a good reply to R. Meir?

2. I:2: It has been taught on Tannaite authority: Said R. Hanina b. Gamaliel, “A parable: To what is the matter comparable? To the case of a man who was dividing up his estate among his sons. He said, ‘So-and-so, my son, will inherit such-and-such a field, and So-and-so, my son, will inherit such-and-such a field, and So-and-so, my son, will pay two hundred zuz and inherit such-and-such a field, but if he doesn’t pay, he will inherit a share with his other brothers in the rest of my estate.’ Now what causes him to inherit a share with the brothers in the rest of the estate? The father’s doubling of the stipulation effects it for him.” But for the second statement, it might be said that if he doesn’t give the two hundred zuz, he can claim a share only in the third field but receives nothing from the other two fields assigned to his brothers; similarly, in the verses under discussion, but for the second statement, it would be assumed that the Gaddites and Reubenites in the case of their not carrying out of the condition would share with the rest of the tribes the district of Gilead, while forfeiting all claim to the land of Canaan.

a. I:3: Secondary discussion of the exegetical problem.

b. I:4: Secondary discussion of the exegetical problem.

c. I:5: Secondary discussion of the exegetical problem.

d. I:6: Secondary discussion of the exegetical problem.

I. I:7: Gloss of the foregoing.

e. I:8: Secondary discussion of the exegetical problem.

f. I:9: Secondary discussion of the exegetical problem.

g. I:10: Secondary discussion of the exegetical problem.

I. I:11: Gloss of the foregoing.

II. I:12: As above.

XXVIII. Mishnah-Tractate Qiddushin 3:5

A. HE WHO BETROTHS A WOMAN AND SAID, “I WAS THINKING THAT SHE IS A PRIEST, AND LO, SHE IS A LEVITE,” “...A LEVITE, AND LO, SHE IS A PRIEST,” “A POOR GIRL, AND LO, SHE IS A RICH GIRL,” “A RICH GIRL, AND LO, SHE IS A POOR GIRL,” LO, SHE IS BETROTHED, FOR SHE HAS NOT DECEIVED HIM. HE WHO SAYS TO A WOMAN, “LO, YOU ARE BETROTHED TO ME AFTER I CONVERT TO JUDAISM,” OR “AFTER YOU CONVERT,” “...AFTER I AM FREED” OR “AFTER YOU ARE FREED,” “...AFTER YOUR HUSBAND DIED,” OR “...AFTER YOUR SISTER DIES,” “AFTER YOUR LEVIR WILL HAVE PERFORMED THE RITE OF REMOVING THE SHOE WITH YOU” – SHE IS NOT BETROTHED. AND SO HE WHO SAYS TO HIS FELLOW, “IF YOUR WIFE GIVES BIRTH TO A GIRL-CHILD, LO, THE BABY IS BETROTHED TO ME” – SHE IS NOT

BETROTHED. IF THE WIFE OF HIS FELLOW INDEED WAS PREGNANT AND THE FOETUS WAS DISCERNIBLE, HIS STATEMENT IS CONFIRMED, AND IF SHE PRODUCED A GIRL-CHILD, THE BABY IS BETROTHED.

1. I:1: There we have learned in the Mishnah: They do not separate heave-offering from that which is picked for that which is not picked; and not from that which is not picked for that which is picked. And if they separated heave-offering, that which they have separated is not valid heave-offering (M. **Ter. 1: 5**). R. Assi asked R. Yohanan, “If one said, ‘The produce of this furrow that is detached be heave-offering for the produce of that furrow that is attached to the ground or the produce of that furrow that is attached to the ground be heave-offering for the produce of this furrow when it is detached, when it is plucked’ – and then it is plucked?” He said to him, “Anything that is in one’s power to carry out is not classified as an act that is as yet incomplete since the farmer has the power to harvest the produce, it is regarded as already harvested, so his declaration in this case is valid.” An objection was raised: He who says to a woman, “Lo, you are betrothed to me after I convert to Judaism,” or “after you convert,” “...after I am freed” or “after you are freed,” “...after your husband died,” or “...after your sister dies,” “after your levir will have performed the rite of removing the shoe with you” – she is not betrothed. Now there is no problem in the most of these items, since it is not in his power to fulfil the stated condition, but surely it is in his power to convert!

a. I:2: Secondary development of the foregoing.

b. I:3: It has been taught on Tannaite authority in accord with the position of R. Yohanan.

I. I:4: Said Abbaye, “R. Eliezer b. Jacob, Rabbi, and R. Meir all concur in the theory that one may transfer title to a being that has not yet come into the world. R. Eliezer b. Jacob: as we have just now said....”

XXIX. Mishnah-Tractate Qiddushin 3:6A-C

A. HE WHO SAYS TO A WOMAN, “LO, YOU ARE BETROTHED TO ME, ON CONDITION THAT I SPEAK IN YOUR BEHALF TO THE GOVERNMENT” OR, “THAT I WORK FOR YOU AS A LABORER,” IF HE SPOKE IN HER BEHALF TO THE GOVERNMENT OR WORKED FOR HER AS A LABORER, SHE IS BETROTHED. AND IF NOT, SHE IS NOT BETROTHED.

1. I:1: Said R. Simeon b. Laqish, “But that is the case only if he gave her something worth at least a penny.”

XXX. Mishnah-Tractate Qiddushin 3:6D-G

A. “...ON CONDITION THAT FATHER WILL CONCUR,” IF FATHER CONCURRED, SHE IS BETROTHED. AND IF NOT, SHE IS NOT BETROTHED. IF THE FATHER DIED, LO, THIS WOMAN IS BETROTHED. IF THE SON DIED, THEY INSTRUCT THE FATHER TO STATE THAT HE DOES NOT CONCUR.

1. I:1: What is the sense of, “...on condition that father will concur”? Should I say, on the condition that father explicitly said, “Yes”? Then note the middle clause: If the father died, lo, this woman is betroth. And lo, the father never said yes! So it must mean, “on condition that father keeps silent.” But then notice the concluding clause, If the son died, they instruct the father to state that he does not concur! So why would that matter, since he had kept silence! So it must mean, “on condition that father does not object in so many words.” But in that case, the opening clause presupposes one theory, the middle and concluding clauses, another theory!

XXXI. Mishnah-Tractate Qiddushin 3:7

A. “I HAVE BETROTHED MY DAUGHTER, BUT I DON’T KNOW TO WHOM I HAVE BETROTHED HER,” AND SOMEONE CAME ALONG AND SAID, “I HAVE BETROTHED HER,” HE IS BELIEVED. IF THIS ONE SAID, “I BETROTHED HER,” AND AT THE SAME TIME, THAT ONE SAID, “I BETROTHED HER,” BOTH OF THEM GIVE HER A WRIT OF DIVORCE. BUT IF THEY WANTED, ONE OF THEM GIVES HER A WRIT OF DIVORCE AND ONE OF THEM CONSUMMATES THE MARRIAGE.

1. I:1: Said Rab, “He is believed – so as to give her a divorce, but he is not believed so as to consummate the marriage. He is believed – so as to give her a divorce: Nobody sins for nothing. But he is not believed so as to consummate the marriage: One might say, his lust is what motivates him.” R. Assi said, “He is also believed so as to consummate the marriage.”

2. I:2: It has been taught on Tannaite authority in accord with the position of R. Assi: “I have betrothed my daughter and I don’t know to whom I have betrothed her,” and someone came along and said, “I have betrothed her” – he is even believed to consummate the marriage. If he consummated the marriage and someone else came along and said, “I betrothed her,” he does not have the power to forbid her to the first husband. The woman who said, “I have been betrothed and I don’t know to whom I have been betrothed,” and someone came along and said, “I betrothed her,” he is not believed to consummate the marriage, because she will cover for him being eager to marry just anyone at all (T. [Qid. 4:10](#)).

3. I:3: The question was raised: “What is the law on stoning her should she commit adultery on the strength of his statement that is, the father’s, that he betrothed her, without producing witnesses to that effect?” Is she then a married woman, so that, if she commits adultery, she is stoned to death? Rab said, “They do not stone her under such circumstances.” R. Assi said, “They do stone her under such circumstances.”

XXXII. Mishnah-Tractate Qiddushin 3:8A-G

A. IF THE FATHER SAID, “I HAVE BETROTHED MY DAUGHTER,” “...I HAVE BETROTHED HER AND I HAVE ACCEPTED HER WRIT OF DIVORCE WHEN SHE WAS A MINOR” – AND LO, SHE IS YET A MINOR – HE IS BELIEVED. “I BETROTHED HER AND I ACCEPTED HER WRIT OF DIVORCE WHEN SHE WAS A MINOR,” AND LO, SHE IS NOW AN ADULT – HE IS NOT BELIEVED. “SHE WAS TAKEN CAPTIVE AND I REDEEMED

HER,” WHETHER SHE IS A MINOR OR WHETHER SHE IS AN ADULT, HE IS NOT BELIEVED.

1. I:1: So what’s the difference between the first and the second cases?

XXXIII. Mishnah-Tractate Qiddushin 3:8H-I

A. HE WHO SAID AT THE MOMENT OF HIS DEATH, “I HAVE CHILDREN,” IS BELIEVED. IF HE SAID, “I HAVE BROTHERS,” HE IS NOT BELIEVED.

1. I:1: It follows that he is accorded credence when the result of his action is to release the wife from the levirate bond, but he is not believed to impose upon her the levirate connection. So may we say that the Mishnah rule does not accord with the position of R. Nathan?

XXXIV. Mishnah-Tractate Qiddushin 3:8J, 3:9

A. HE WHO BETROTHS HIS DAUGHTER WITHOUT SPECIFICATION – THE ONE PAST GIRLHOOD IS NOT TAKEN INTO ACCOUNT.

1. I:1: Since the minors are included in this statement of his, it follows that an act of betrothal that cannot lead to sexual intercourse is a valid act of betrothal.

B. HE WHO HAS TWO GROUPS OF DAUGHTERS BY TWO WIVES IN SUCCESSION, AND WHO SAID, “I HAVE BETROTHED MY OLDEST DAUGHTER, BUT I DO NOT KNOW WHETHER IT IS THE OLDEST OF THE OLDER GROUP OR THE OLDEST OF THE YOUNGER GROUP, OR THE YOUNGEST OF THE OLDER GROUP, WHO IS ALSO OLDER THAN THE OLDEST OF THE YOUNGER GROUP” – “ALL OF THEM ARE PROHIBITED TO MARRY WITHOUT A WRIT OF DIVORCE, EXCEPT FOR THE YOUNGEST OF THE YOUNGER GROUP,” THE WORDS OF R. MEIR. R. YOSÉ SAYS, “THEY ARE ALL PERMITTED, EXCEPT FOR THE OLDEST OF THE OLDER GROUP.” “I BETROTHED MY YOUNGEST DAUGHTER, BUT I DO NOT KNOW WHETHER IT WAS THE YOUNGEST OF THE YOUNGER GROUP, OR THE YOUNGEST OF THE OLDER GROUP, OR THE OLDEST OF THE YOUNGER GROUP, WHO IS YOUNGER THAN THE YOUNGEST OF THE OLDER GROUP” – “LL OF THEM ARE PROHIBITED EXCEPT FOR THE OLDEST OF THE OLDER GROUP,” THE WORDS OF R. MEIR. R. YOSÉ SAYS, “ALL OF THEM ARE PERMITTED, EXCEPT FOR THE YOUNGEST OF THE YOUNGER GROUP.”

1. II:1: It was necessary for both cases to be set forth, for had we been informed only of the first of the two, I might have supposed that it is in that case in particular that R. Meir took the position that he did, for, since there is still a younger daughter than this one, he might call this one “older,” but in the latter clause, I might suppose that he concurs with R. Yosé that he calls only the youngest of them all “young.” And if the latter clause alone were stated, I would have imagined that it is only in that instance does R. Yosé take the position that he does, but in the former, he will concur with R. Meir. So both had to be set forth in full.

a. II:2: Does this dispute bear the implication that R. Meir takes the view that a person will place himself in situation of doubt, while R. Yosé

maintains that a person will not place himself in a situation of doubt? But we have a tradition of their opinions that reverses matters.

b. II:3: Said Abbayye, “The dispute concerns a case in which there are two groups of daughters. But in the case in which there is only a single set of daughters, all parties concur that ‘elder’ and ‘younger’ are meant literally the oldest, the youngest daughter, respectively, and the one in the middle will be referred to by name.”

XXXV. Mishnah-Tractate Qiddushin 3:10-11

A. HE WHO SAYS TO A WOMAN, “I HAVE BETROTHED YOU,” AND SHE SAYS, “YOU DID NOT BETROTH ME” – HE IS PROHIBITED TO MARRY HER RELATIVES, BUT SHE IS PERMITTED TO MARRY HIS RELATIVES. IF SHE SAYS, “YOU BETROTHED ME,” AND HE SAYS, “I DID NOT BETROTH YOU” – HE IS PERMITTED TO MARRY HER RELATIVES, AND SHE IS PROHIBITED FROM MARRYING HIS RELATIVES.

1. I:1: It was necessary to list all of these situations. For had we been informed of the rule with respect to his statement that if he said, I betrothed you, his relatives are not forbidden to her, since to a man such a situation makes no difference, so that is how he talks; but as to her, I might suppose, if she were not sure of herself, she would not have made such a statement, so her relatives would be forbidden to him. So we are informed that that is not the case.

B. “I BETROTHED YOU,” AND SHE SAYS, “YOU BETROTHED ONLY MY DAUGHTER,” HE IS PROHIBITED FROM MARRYING THE RELATIVES OF THE OLDER WOMAN, AND THE OLDER WOMAN IS PERMITTED TO MARRY HIS RELATIVES. HE IS PERMITTED TO MARRY THE RELATIVES OF THE YOUNG GIRL, AND THE YOUNG GIRL IS PERMITTED TO MARRY HIS RELATIVES.

1. II:1: So what do I need more of the same for?

C. “I HAVE BETROTHED YOUR DAUGHTER,” AND SHE SAYS, “YOU BETROTHED ONLY ME,” HE IS PROHIBITED TO MARRY THE RELATIVES OF THE GIRL, AND THE GIRL IS PERMITTED TO MARRY HIS RELATIVES. HE IS PERMITTED TO MARRY THE RELATIVES OF THE OLDER WOMAN, BUT THE OLDER WOMAN IS PROHIBITED FROM MARRYING HIS RELATIVES.

1. III:1: So what do I need more of the same for?

2. III:2: It has been stated: Rab said, “We force him to issue a writ of divorce.” And Samuel said, “We induce him to do so.”

a. III:3: To which of the foregoing cases does this dispute make reference? Should I say that it refers to the opening case? But then there is an issue neither of compulsion nor inducement. If it is to the middle clause “You have betrothed me”, then, as to inducement, there is no problem, but as to compulsion, on what basis? He can object, “But I don’t want to be forbidden to marry her relatives as the relatives of a woman he has divorced!”

3. III:4: Said R. Judah, “He who betroths a woman in the presence of only a single witness – they do not take account of the possibility that his act of betrothal is valid.”

4. III:5: It has been stated: said R. Nahman said Samuel, “He who betroths a woman in the presence of only a single witness – they do not take account of the possibility that his act of betrothal is valid, and that is the case even if both parties concur.”

5. III:6: Said R. Isaac bar Samuel bar Marta in the name of Rab, “He who betroths a woman in the presence of only a single witness – they do not take account of the possibility that his act of betrothal is valid, and that is the case even if both parties concur.”

6. III:7: Said Rabbah bar R. Huna, “He who betroths a woman in the presence of only a single witness – the high court rules, ‘they do not take account of the possibility that his act of betrothal is valid.’”

a. III:8: Illustrative case.

7. III:9: Said Abbaye, “If a single witness said to someone, ‘You ate forbidden fat,’ and the other remains silent, the witness is believed.”

8. III:10: And said Abbaye, “If a single witness said to someone, ‘Your foods requiring preparation in conditions of cleanness have been made unclean,’ and he remains silent, the witness is believed.”

9. III:11: And said Abbaye, “If a single witness said to someone, ‘Your ox has been subjected to an act of bestiality,’ and the other party remains silent, the witness is believed.”

a. III:12: And it was necessary to give the opinions in all three items.

10. III:13: The question was raised: If on the testimony of a single witness it was said that one’s wife had committed adultery, and he remained silent, what is the law? Abbaye said, “The single witness is believed and the husband has to divorce the wife.” Raba said, “The single witness is not believed, since this is a matter having to do with illicit sex, and a matter involving illicit sex cannot be established with less than two witnesses.”

a. III:14: Secondary gloss of a detail of the foregoing.

b. III:15: Secondary gloss of a detail of the foregoing.

XXXVI. Mishnah-Tractate Qiddushin 3:12

A. IN ANY SITUATION IN WHICH THERE IS A VALID BETROTHAL AND NO COMMISSION OF A TRANSGRESSION, THE OFFSPRING FOLLOWS THE STATUS OF THE MALE, WHAT IS SUCH A SITUATION? IT IS IN PARTICULAR THE SITUATION IN WHICH A PRIEST GIRL, A LEVITE GIRL, OR AN ISRAELITE GIRL WAS MARRIED TO A PRIEST, A LEVITE, OR AN ISRAELITE. AND ANY SITUATION IN WHICH THERE IS A VALID BETROTHAL, BUT THERE ALSO IS THE COMMISSION OF A TRANSGRESSION, THE OFFSPRING FOLLOWS THE STATUS OF THE IMPAIRED INFERIOR PARTY. AND WHAT IS SUCH A SITUATION? IT IS A WIDOW MARRIED TO A HIGH PRIEST, A

DIVORCÉE OR WOMAN WHO HAS UNDERGONE THE RITE OF OF REMOVING THE SHOE MARRIED TO AN ORDINARY PRIEST, A MAMZER GIRL, OR A NETIN GIRL MARRIED TO AN ISRAELITE, AN ISRAELITE GIRL MARRIED TO A MAMZER OR A NETIN.

1. I:1: In any situation in which there is a valid betrothal and no commission of a transgression, the offspring follows the status of the male: Said R. Simeon b. Laqish to R. Yohanan, “Is it then a governing principle that in any situation in which there is a valid betrothal and no commission of a transgression, the offspring follows the status of the male? Lo, there is the case of proselyte who marries a mamzer girl, in which case there is a valid act of betrothal and no transgression, but the offspring follows the status of the inferior partner. For it has been taught on Tannaite authority: ‘A proselyte who married a mamzer girl – the offspring is a mamzer,’ the words of R. Yosé (T. **Qid. 5:2A**).”

a. I:2: Now if you say that our Mishnah paragraph follows the position of R. Judah, then it must follow, the language, in any situation, used in the opening clause is meant to extend the law to the case of an Israelite who married a woman of profaned priestly status, and the case of Rabbah bar Hannah, and the language, It is in particular the situation, serves to eliminate the case of what R. Dimi and Rabin said. Moreover, the language, in any situation, used in the second clause serves to extend the law to a proselyte who marries a mamzer girl. But if you maintain that the Mishnah paragraph follows the position of R. Yosé, then while the language in any situation, used in the opening clause is for the purpose that we have said, and likewise, in any situation is as we have said, but as to the language, in any situation used in the later clause, what case is it meant to encompass?

I. I:3: Gloss of a detail of the foregoing.

A. I:4: Gloss of the gloss.

B. AND IN ANY SITUATION IN WHICH A WOMAN HAS NO RIGHT TO ENTER BETROTHAL WITH THIS MAN BUT HAS THE RIGHT TO ENTER INTO BETROTHAL WITH OTHERS, THE OFFSPRING IS A MAMZER. WHAT IS SUCH A SITUATION? THIS IS A MAN WHO HAD SEXUAL RELATIONS WITH ANY OF THOSE WOMEN PROHIBITED TO HIM BY THE TORAH.

1. II:1: How on the basis of Scripture do we know this fact?

a. II:2: Same result achieved through an argument a fortiori.

C. BUT ANY SITUATION IN WHICH A WOMAN HAS NO RIGHT TO ENTER INTO BETROTHAL WITH THIS MAN OR WITH ANY OTHER MAN – THE OFFSPRING IS IN HER STATUS. AND WHAT IS SUCH A SITUATION? IT IS THE OFFSPRING OF A SLAVE GIRL OR A GENTILE GIRL.

1. III:1: How on the basis of Scripture do we know that that is the case with a Canaanite slave girl that betrothal with her is null?

a. III:2: Gloss of a detail of the foregoing.

I. III:3: Gloss of the gloss.

XXXVII. Mishnah-Tractate Qiddushin 3:13

A. R. TARFON SAYS, “MAMZERIM CAN BE PURIFIED FROM THE TAIN 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:”

1. I:1: The question was raised: Does R. Tarfon take the position that he does before the fact, or merely after the fact?

B. R. ELIEZER SAYS, “LO, THIS IS A SLAVE WHO ALSO IS IN THE STATUS OF A MAMZER.”

1. II:1: Said R. Eleazar, “What’s the scriptural foundation for the ruling of R. Eliezer? Said Scripture, ‘A mamzer even to the tenth generation shall none enter to him into the assembly of the lord’ (Deu. 23: 3).”

XXXVIII. Mishnah-Tractate Qiddushin 4:1-2

A. TEN CASTES CAME UP FROM BABYLONIA:

1. I:1: Ten castes came up from Babylonia: How come the Tannaite formulation prefers the language, came up from Babylonia, rather than saying, came to the Land of Israel?

2. I:2: How come the Tannaite formulation prefers the language, came up from Babylonia, rather than saying, came up to the Land of Israel?

3. I:3: It has been stated: Abbayye said, “We have learned in formulation of the Mishnah, they came up of their own volition.” And Raba said, “We have learned in formulation of the Mishnah, he brought them up willy-nilly.”

B. (1) PRIESTS, (2) LEVITES, (3) ISRAELITES:

1. II:1: How on the basis of Scripture do we know that they went up?

C. (4) IMPAIRED PRIESTS,

1. III:1: How on the basis of Scripture do we know that fact of the impaired priests?

D. (5) CONVERTS, AND (6) FREED SLAVES:

1. IV:1: How on the basis of Scripture do we know that fact?

E. (7) MAMZERS:

(8) NETINS, (9) “SILENCED ONES” SHETUQL, 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.

1. V:1: How on the basis of Scripture do we know that fact?

F. TOPICAL APPENDIX ON THE MAMZER AND THE RESULT OF OTHER INAPPROPRIATE UNIONS

1. V:2: Said Rabbah bar bar Hannah, “Whoever marries a woman who is not genealogically suitable to him – Scripture regards him as though he had ploughed the whole world and sown it with salt: ‘And these are the ones who went up from Tel-melah, Tel-harsha.’”

2. V:3: Said Rabbah bar R. Adda said Rab, “Whoever marries a woman for money will have children who are unworthy: ‘They have dealt treacherously against the Lord, for they have produced strange children’ (Hos. 6: 7). And lest you think, at least the money is there, Scripture states, ‘Now shall the new moon devour them with their portions’ (Hos. 5: 7). And lest you think, his, not hers, the language that is used refers to both: ‘Their portions.’ And lest you think that that is only after a long period, Scripture is explicit: ‘The new moon.’”

3. V:4: And said Rabbah bar R. Adda said Rab, and some say, said R. Sela said R. Hamnuna, “Whoever marries a woman who is not genealogically suitable to him – Elijah binds him to the stock and the Holy One, blessed be He, administers the flogging.”

4. V:5: Long story on Mamzerut.

5. V:6: Said R. Judah said Samuel, “Four hundred slaves” – some say, “four thousand slaves” – did Pashur son of Immer have, and they all became mixed up with the priesthood, so every priest who shows arrogance derives only from them.”

6. V:7: Said R. Abin bar R. Adda said Rab, “Whoever marries a woman who is not genealogically suitable to him – when the Holy One, blessed be He, brings his divine presence to rest on Israel, he will testify concerning all of the tribes, but he will not testify concerning him: ‘The tribes of the Lord are a testimony to Israel’ (Psa. 122: 4). So when are the tribes ‘a testimony to Israel’? When the tribes really are ‘tribes of the Lord.’”

7. V:8: Said R. Hama b. R. Hanina, “When the Holy One, blessed be He, brings his divine presence to rest on Israel, he will bring it to rest only on families of proper genealogy in Israel: ‘At that time says the Lord will I be the God of all the families of Israel’ (Jer. 31: 1) – not to ‘all Israel,’ but to ‘all the families of Israel,’ ‘and they shall be my people.’”

a. V:9: Gloss of a detail of the foregoing.

8. V:10: Said R. Hama bar Hanina, “When the Holy One, blessed be He, purifies the tribes, he will purify the tribe of Levi first: ‘And he shall sit as a refiner and purifier of silver, and he shall purify the sons of Levi and purge them as gold and silver, and they shall offer to the Lord offerings in righteousness’ (Mal. 3: 3).”

a. V:11: Gloss of the foregoing.

b. V:12: Gloss of the foregoing.

9. V:13: Reversion to I:3: Reverting to the body of the foregoing I:3:R. Judah said Samuel said, “All other countries are like gross dough not fine flour in comparison to the Land of Israel, and the Land of Israel is like gross dough by comparison to

Babylonia” – In the time of Rabbi, they wanted to declare Babylonia as dough in comparison with the Land of Israel. Since his ancestor, Hillel, had come from Babylonia, he said to them, “You’re throwing thorns between my eyes. If you like, R. Hanina bar Hama will deal with you.”

10. V:14: In the time of R. Phineas, they wanted to declare Babylonia as dough in comparison with the Land of Israel. He said to his staff, “When I make two statements in the house of study, pick me up in my litter and run like hell.” When he came in, he said to them, “On the basis of the law of the Torah, there is no requirement that fowl be slaughtered.” So while they were looking into that statement, he said to them, “All other countries are like gross dough not fine flour in comparison to the Land of Israel, and the Land of Israel is like gross dough by comparison to Babylonia.” They picked him up in his litter and ran like hell. They ran after him but couldn’t catch up. So they went into session and they did thorough genealogical research until they got to some danger spots, and they desisted.

a. V:15: Gloss.

b. V:16: Gloss.

I. V:17: Gloss of the gloss.

A. V:18: Expansion of the foregoing.

B. V:19: As above.

C. V:20: As above.

11. V:21: Said Samuel in the name of an elder, “Any family in Babylonia stands in the presumption of genealogical purity until you have sound evidence concerning how it has been invalidated. Families in all other countries stand in the presumption of being invalid, until you have sound evidence in favor of their validity. In the Land of Israel, a family that is assumed to be invalid genealogically remains so, one that is assumed to be valid genealogically remains so.”

a. V:22: Gloss.

12. V:23: Said R. Joseph, “To someone with a Babylonia accent they marry off a woman of sound genealogy. But nowadays, when there are people who can imitate the accent, we take precautions.”

a. V:24: Story.

b. V:25: Story.

c. V:26: As above.

13. V:27: Said Rab, “Irenic conduct in Babylonia is a sign of good genealogy.”

14. V:28: Said R. Judah said Rab, “If you see two men quarreling with one another, that is a sign that there is some blemish of genealogical unfitness in one of them, and on that account, they are not allowed to form an alliance with one another.”

15. V:29: Said R. Pappa the Elder in the name of Rab, “Babylonia is genealogically healthy, Mesene is utterly dead, Media is sick, Elam is dying. What’s the

difference between the sick and the dying? most of the sick get well, most of the dying die.”

a. V:30: What are the geographical limits of the genealogical province of Babylonia?

I. V:31: Gloss of a detail of the foregoing.

b. V:32: What are the geographical limits of the genealogical province of the upper Euphrates?

I. V:33: Gloss of the foregoing.

c. V:34: Said Abbaye to R. Joseph, “On this side of the Euphrates, how far does it go?”

16. V:35: Said R. Pappa, “As is the dispute concerning genealogy, so is the dispute as to the delivery of writs of divorce whether or not one has to declare that before him the document was written and signed; the issue of boundaries concerns that matter as well.”

17. V:36: Said R. Ammi bar Abba, “In respect to genealogy, Habil Yamma is the crown jewel of Babylonia, Shunya and Gubya are the crown jewel of Habil Yamma.”

a. V:37: Story.

18. V:38: R. Iqa bar Abin said R. Hananel said Rab said, “Halwan and Nehawend – lo, these locales in the status of the Exile, so far as genealogy is concerned.”

G. TOPICAL APPENDIX ON THE STATUS OF VARIOUS TERRITORIES IN THE IRANIAN EMPIRE

1. V:39: “And three ribs were in his mouth between his teeth” (Dan. 7: 5): Said R. Yohanan, “This refers to Halwan, Adiabene, and Nisibis, which Persia sometimes swallowed but sometimes spit out.”

2. V:40: “And behold another beast, a second, like a bear” (Dan. 7: 5): R. Joseph repeated as a Tannaite formulation, “This refers to the Persians, who eat and drink like a bear, are obese like a bear, are shaggy like a bear, and are restless like a bear.”

3. V:41: said Rabbi to Levi, “Tell me about the Persians.” He said to him, “They look like the hosts of the house of David.” “Tell me about the Magi.” They are like the angels of destruction.”

H. REVERSION TO THE PRIOR PROBLEM

1. V:42: When Rabbi was dying, he said, “There is the town of Humanayya in Babylonia, the whole of the population of which is made up of Ammonites; there is the town of Misqarayya in Babylonia, the whole population of which is made up of mamzers; there is the town of Birqa in Babylonia: Two brothers swap wives there; there is the town of Birta diSatayya in Babylonia, only today they have apostatized from following the Omnipresent, for a fish pond overflowed on the Sabbath, so they went and caught the fish on the Sabbath, on account of which R. Ahi b. R. Josiah excommunicated them, and they have apostatized. There is the town of Fort Agama in Babylonia. Adda bar Ahbah is located there. Today he is sitting in

the bosom of Abraham being circumcised. Today Rab Judah was born in Babylonia.”

a. V:43: Gloss.

2. V:44: “The Lord has commanded concerning Jacob that they that are round about him should be his adversaries” (Lam. 1:17): R. Judah said, “For instance, gentile Humanayya in relationship to Jewish Pum Nehara.”

3. V:45: And it came to pass, when I prophesied, that Pelatiah son of Benaiah died. Then I fell down upon my face and cried with a loud voice and said, ‘Ah Lord God’” (Eze. 11:13): Rab and Samuel – one said, “This was for good in praise of Pelatiah.” and the other said, “This was for bad.”

4. V:46: Ten castes came up from Babylonia, in line with the interpretation of R. Eleazar, “Ezra did not go up from Babylonia until he had made it pure as sifted flour; then he went up” taking those of inferior genealogy, so that they should not remain in Babylonia): Said R. Judah said Samuel, “This represents the statement of R. Meir, but sages say, ‘Israelite residents of all countries are assumed to be valid.’”

a. V:47: Case.

5. V:48: Our rabbis have taught on Tannaite authority: “Netins and Mamzers will be genealogically purified in the world to come,” the words of R. Yosé. R. Meir says, “They will not be clean.” Said to him R. Yosé, “But hasn’t it been said, ‘I will sprinkle clean water upon you, and you shall be clean’ (Eze. 36:25)?” Said to him R. Meir, “When Scripture says, ‘And you shall be clean from all your uncleannesses and from all your idols I will cleanse you’ (Eze. 36:25) – it means, but not from the status of mamzer.” Said to him R. Yosé, “When Scripture says, ‘I will cleanse you’ it means, also from the status of mamzer” (T. **Qid. 5:4A-E**).

a. V:49: Now from the perspective of R. Meir, there is no problem, for that’s in line with the verse, “And the mamzer will dwell in Ashdod” (Zec. 9: 6), apart from all other Jews, because they will remain forbidden to marry. But from the perspective of R. Yosé, how are we to understand the verse, “And the mamzer will dwell in Ashdod” (Zec. 9: 6)?

b. V:50: Said R. Judah said Samuel, “The decided law is in accord with R. Yosé.”

6. V:51: Our rabbis have taught on Tannaite authority: “A proselyte may marry a mamzer girl,” the words of R. Yosé. R. Judah says, “A proselyte should not marry a mamzer girl” (T. **Qid. 5:2B**). “All the same are a proselyte, a freed slave, and a priest of impaired genealogy: They are permitted to marry a priest girl.”

a. V:52: What is the scriptural basis for the position of R. Yosé?

b. V:53: “All the same are a proselyte, a freed slave, and a priest of impaired genealogy: They are permitted to marry a priest girl”: This supports the position of Rab, for said R. Judah said Rab, “Genealogically fit women were not warned against marrying unfit men that is, fit priest girls are not admonished not to marry those who may not marry into the priesthood.” While a priest may not marry the daughter of a priest of

impaired genealogy, freed man or proselyte, the daughter of a priest may marry one of these.

c. V:54: R. Zira expounded in Mehoza where there were many proselytes, “A proselyte may marry a mamzer girl.”

I. AND WHAT ARE “SILENCED ONES”? ANY WHO KNOWS THE IDENTITY OF HIS MOTHER BUT DOES NOT KNOW THE IDENTITY OF HIS FATHER. AND FOUNDLINGS? ANY WHO WAS DISCOVERED IN THE MARKET AND KNOWS NEITHER HIS FATHER NOR HIS MOTHER.

1. VI:1: Said Raba, “By the law of the Torah, a silenced one is fit. How come? The majority of men are fit to marry the mother, and only a minority would be unfit to marry her, since we know that the mother was unmarried, the only men whose offspring would be a mamzer are themselves mamzers or consanguineous relations, for a gentile or slave doesn’t produce a mamzer; only a minority would be unfit in this regard. So if they went to her, then he who separates himself in such a way separates himself from the majority.”

2. VI:2: And said Raba, “By the law of the Torah, a foundling is fit. How come? A married woman ascribes an illegitimate child to her husband and wouldn’t throw the child out as a foundling.”

3. VI:3: Said Raba bar R. Huna, “If a foundling was found circumcised, he is not subject to the classification of foundling at all. If his limbs are set, he is not subject to the classification of foundling at all. If he has been massaged with oil, fully powdered, has beads hung on him, wears a tablet or an amulet, he is not subject to the classification of foundling at all. If he was hung from a palm tree or located where a wild beast can reach him, he is subject to the classification of foundling, and if not, he is not subject to the classification of foundling at all. If he was left exposed on a sorb bush, if it is near a town, he is subject to the classification of foundling; and if not, he is not subject to the classification of foundling at all. If he is found near a synagogue near a town, where large numbers gather, he is not subject to the classification of foundling at all. And if not, he is subject to the classification of foundling.”

4. VI:4: Said R. Hisda, “Three are believed if they give their testimony on the spot, and these are they: Those who state the status of a foundling, a midwife, and one who lifts from her companions. the suspicion of having been raped”

5. VI:5: Our rabbis have taught on Tannaite authority: A midwife is believed to testify, “This one is a priest, this one is a Levite, this one is a Netin, this one is a mamzer.” Under what circumstances? In a case in which there is no sort of objection. But if someone raises an objection, she is not believed.

a. VI:6: Gloss.

6. VI:7: A vendor is believed to testify, “To this one I sold it, and to that one I didn’t sell it.” Under what circumstances? When the object is still in his possession. But if the object is no longer in his possession, he is not believed (T. **B.M. 1:11**).

a. VI:8: But why not find out which party’s money he has in hand?

7. VI:9: A judge is believed to testify, “This party I declared free of obligation, that party I have declared guilty.” Under what circumstances? When the litigants are standing before him. But if the litigants are not standing before him, he is not believed (T. **B.M. 1:12**).

a. VI:10: Well, why not just find out who holds the written verdict in his favor?

8. VI:11: Said R. Nahman, “Three are believed in regard to a firstborn, and these are they: The midwife, the father, and the mother. The midwife is believed if she gives testimony on the spot; the mother, all seven days after birth; and the father, permanently.”

J. ABBA SAUL DID CALL A “SILENCED ONE” SHETUQI “ONE WHO IS TO BE EXAMINED” BEDUQI.

1. VII:1: What’s the meaning of “one who is to be examined”? Should we say, they examine his mother, and if she says, “I had sexual relations with a valid person,” she is believed? Then in accord with what authority is this unattributed ruling? It is in accord with Rabban Gamaliel, in which case we have already learned this elsewhere in the Mishnah and it does not have to be repeated, for we have learned in the Mishnah: If she was pregnant, and they said to her, “What is the character of this foetus?” and she said, “It is by Mr. So-and-so, and he is a priest” – Rabban Gamaliel and R. Eliezer say, “She is believed.” And R. Joshua says, “We do not depend on her testimony. But lo, she remains in the assumption of having been made pregnant by a Netin or a mamzer, until she brings evidence to back up her claim” (M. **Ket. 1: 9**)! And said R. Judah said Samuel, “The decided law accords with Rabban Gamaliel.”

XXXIX. Mishnah-Tractate Qiddushin 4:3

A. ALL THOSE WHO ARE FORBIDDEN FROM ENTERING INTO THE CONGREGATION ARE PERMITTED TO MARRY ONE ANOTHER. R. JUDAH PROHIBITS THEIR MARRYING ONE ANOTHER.

1. I:1: What is the meaning of, all those who are forbidden from entering into the congregation? Should I say this refers to Mamzers, Netins, silenced ones, and foundlings? Lo, the opening clause states explicitly: Converts, freed slaves, mamzers, Netins, “silenced ones,” and foundlings are permitted to marry among one another. And furthermore, with reference to the statement, R. Judah prohibits their marrying one another, to which clause does R. Judah’s statement pertain? Should I say, it refers to the marriage of persons whose status is certain and persons whose status is subject to doubt? Now, since the concluding clause states, R. Eliezer says, “Those who are of certain status are permitted to intermarry with others who are of certain status. Those who are of certain status and those who are of doubtful status, those who are of doubtful status and those who are of certain status, those who are of doubtful status and those who are of doubtful status – intermarriage among persons in such classifications is prohibited,” it must follow that R. Judah does not take that position. And should you say R. Judah forbids pertains to the marriage of a proselyte and a mamzer girl, then does the

language at hand state, a proselyte with a mamzer girl? What it states is, All those who are forbidden from entering into the congregation!

2. I:2: And is it an encompassing generalization that all those who are forbidden from entering into the congregation are permitted to marry one another? What about a widow, a divorcée, a woman of impaired priestly genealogy, and a whore Lev. 21: 7, all of whom are prohibited from entering into the congregation of the priesthood, but who also are forbidden to marry with these others? Furthermore, then is one who is permitted to marry into the priesthood forbidden to marry with these? But what about a proselyte, who is permitted to marry a priest's daughter but also is permitted to marry a mamzer girl?

3. I:3: Our rabbis have taught on Tannaite authority: An Ammonite, Moabite, Egyptian, Idumaeen proselyte, Samaritan, Netin, person of profaned priestly genealogy, mamzer, who was nine years and a day old, who had sexual relations with the daughter of a priest, Levite, or Israelite, disqualifies a woman so that, if of Levitical or Israelite caste, she may not marry a priest, and if of priestly caste, may not marry a priest nor eat food in the status of priestly rations. R. Yosé says, "Any whose offspring is unfit – she is rendered unfit; but any whose offspring is fit – she is not disqualified." Rabban Simeon b. Gamaliel says, "Any whose daughter you may marry, his widow you may marry, but if you may not marry his daughter, you may not marry his widow" (T. **Nid. 6:1A-C**).

a. I:4: What is the issue between the initial Tannaite authority and R. Yosé?

b. I:5: Further gloss of I:3.

I. I:6: Further gloss of I:3, developing the results of I:5.

B. R. ELIEZER SAYS, "THOSE WHO ARE OF CERTAIN STATUS ARE PERMITTED TO INTERMARRY WITH OTHERS WHO ARE OF CERTAIN STATUS. THOSE WHO ARE OF CERTAIN STATUS AND THOSE WHO ARE OF DOUBTFUL STATUS, THOSE WHO ARE OF DOUBTFUL STATUS AND THOSE WHO ARE OF CERTAIN STATUS, THOSE WHO ARE OF DOUBTFUL STATUS AND THOSE WHO ARE OF DOUBTFUL STATUS – INTERMARRIAGE AMONG PERSONS IN SUCH CLASSIFICATIONS IS PROHIBITED." AND WHO ARE THOSE WHO ARE OF DOUBTFUL STATUS? THE "SILENCED ONE," THE FOUNDLING, AND THE SAMARITAN.

1. II:1: And said R. Judah said Rab, "The decided law accords with R. Eliezer. But when I made that statement before Samuel, he said to me, 'Hillel repeated as a Tannaite statement: 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 (M. Qid. 4:1A) and all of these castes may intermarry,' and you say that the decided law accords with the position of R. Eliezer?!"

2. II:2: There is a contradiction between two statements of Rab, and there is a contradiction between two statements of Samuel. For it has been stated: A betrothed girl who got pregnant – Rab said, "The offspring is a mamzer." And Samuel said, "The offspring is in the status of one who is silenced when he asks who his father was."

3. II:3: It has been taught on Tannaite authority: And so R. Eleazar says, “A Samaritan man should not marry a Samaritan woman” (T. **Qid. 5:1G**).

a. II:4: What’s the operative consideration?

I. II:5: Gloss of the foregoing.

4. II:6: Said R. Nahman said Rabbah bar Abbuha, “A mamzer by a sister and a mamzer by a brother’s wife became mixed up among the Samaritans” and that explains why they may not marry one another.

XL. Mishnah-Tractate Qiddushin 4:4-5

A. HE WHO MARRIES A PRIEST GIRL HAS TO INVESTIGATE HER GENEALOGY FOR FOUR GENERATIONS, VIA THE MOTHERS, WHO ARE EIGHT: (1) HER MOTHER, AND (2) THE MOTHER OF HER MOTHER, AND (3) THE MOTHER OF THE FATHER OF HER MOTHER, AND (4) HER MOTHER, AND (5) THE MOTHER OF HER FATHER, AND (6) HER MOTHER, AND (7) THE MOTHER OF THE FATHER OF HER FATHER, AND (8) HER MOTHER. AND IN THE CASE OF A LEVITE GIRL AND AN ISRAELITE GIRL, THEY ADD ON TO THEM YET ANOTHER GENERATION FOR GENEALOGICAL INQUIRY.

1. I:1: How come the ancestry of women is investigated but not that of men?

2. I:2: R. Adda bar Ahbah repeated as the Tannaite formulation, “Four mothers, which are twelve.” In an external Tannaite formulation it is repeated, “Four mothers, which are sixteen.”

3. I:3: Said R. Judah said Rab, “This represents the opinion of R. Meir, but sages say, “All families are assumed to be valid.”

B. THEY DO NOT CARRY A GENEALOGICAL INQUIRY BACKWARD FROM PROOF THAT ONE’S PRIESTLY ANCESTOR HAS SERVED AT THE ALTAR:

1. II:1: How come?

C. NOR FROM PROOF THAT ONE’S LEVITICAL ANCESTOR HAS SERVED ON THE PLATFORM:

1. III:1: How come?

D. AND FROM PROOF THAT ONE’S LEARNED ANCESTOR HAS SERVED IN THE SANHEDRIN. IT IS TAKEN FOR GRANTED THAT AT THE TIME OF THE APPOINTMENT, A FULL INQUIRY WAS UNDERTAKEN.

1. IV:1: How come?

E. AND ALL THOSE WHOSE FATHERS ARE KNOWN TO HAVE HELD OFFICE AS PUBLIC OFFICIALS OR AS CHARITY COLLECTORS – THEY MARRY THEM INTO THE PRIESTHOOD, AND IT IS NOT NECESSARY TO CONDUCT AN INQUIRY.

1. V:1: Does that bear the implication, then, that we do not appoint judges who derive from genealogically unfit families? But by way of contradiction: All are valid to engage in the judgment of property cases, but all are not valid to engage in the judgment of capital cases, except for priests, Levites, and Israelites who are suitable to marry into the priesthood (M. **San. 4:2A-C**), and in reflecting on that matter, someone asked, what is the word all meant to encompass? And said R. Judah, “It is meant to encompass a mamzer.”

2. V:2: How come?

a. V:3: Case.

b. V:4: R. Zira would deal with them and provide honor for them. Rabbah bar Abbuha would deal with them honorably. But in the West, even an inspector of measures were not appointed of them. In Nehardea, even the superintendent of irrigation was not appointed of them.

F. R. YOSÉ SAYS, “ALSO: HE WHO WAS SIGNED AS A WITNESS IN THE ANCIENT ARCHIVES IN SEPPHORIS.”

1. VI:1: How come?

G. R. HANINAH B. ANTIGONOS SAYS, “ALSO: WHOEVER WAS RECORDED IN THE KING’S ARMY.”

1. VII:1: Said R. Judah said Samuel, “This speaks of those who served in the armies of the house of David.”

XLI. Mishnah-Tractate Qiddushin 4:6-7

A. THE DAUGHTER OF A MALE OF IMPAIRED PRIESTLY STOCK IS INVALID FOR MARRIAGE INTO THE PRIESTHOOD FOR ALL TIME.

1. I:1: What is the meaning of for all time?

B. AN ISRAELITE WHO MARRIED A WOMAN OF IMPAIRED PRIESTLY STOCK – HIS DAUGHTER IS VALID FOR MARRIAGE INTO THE PRIESTHOOD.

1. II:1: What is the source of this rule?

C. A MAN OF IMPAIRED PRIESTLY STOCK WHO MARRIED AN ISRAELITE GIRL – HIS DAUGHTER IS INVALID FOR MARRIAGE INTO THE PRIESTHOOD.

1. III:1: But that is spelled out in the opening clause: The daughter of a male of impaired priestly stock is invalid for marriage into the priesthood for all time!

2. III:2: Our Mishnah rule does not accord with the position of R. Dosetai b. Judah.

3. III:3: Our rabbis have taught on Tannaite authority: “That he may not profane his children among his people”: I know only that through such a marriage his children are profaned. How do I know that the woman herself is profaned as to her status within the priesthood? It is a matter of logic: If the children, who have not transgressed, lo, are profaned, she, who has transgressed, surely should be profaned! But he presents an anomaly, for he has transgressed but is not profaned! No, if you invoke the case of a male priest, who is not profaned under any circumstances, will you say the same of a woman, who is profaned under a variety of circumstances for if she has sexual relations with various invalid persons, she is profaned and may no longer be held to be within the priestly caste, for example, as to the right to eat priestly rations is concerned? If you prefer, Scripture itself states, “He will not profane”: “He will not profane” even someone who was valid but is then made invalid which is to say, the woman (Sifra Parashat Emor Pereq 2:CCXIV:I.7).

a. III:4: What is the purpose of adding the materials from If you prefer?

4. III:5: Our rabbis have taught on Tannaite authority: What is the definition of one who has been defiled? It is any woman who has been born to any invalid priestly marriage (Sifra Parashat Emor Pereq 2:CCXIV:I.2).

a. III:6: What is the definition of any invalid priestly marriage? Shall we say, a marriage of persons unfit for him? Then lo, there is the case of one who remarries a woman he has divorced, who is invalid for him, but her offspring with him are valid, since it is written, “She is an abomination” (Deu. 24: 4) – She is an abomination – but her children are not an abomination!

5. III:7: Our rabbis have taught on Tannaite authority: If a high priest had sexual relations with a widow, a widow, a widow, he is liable on only a single count; a divorcée, a divorcée, a divorcée, he is liable on only a single count. If a high priest had sexual relations with a widow, a divorcée, a woman of impaired priestly stock, and a whore, if it is in respect to the same woman who has entered these very conditions by actions taken in that exact order, he is liable on each count. If the same woman first of all committed an act of whoredom, then was profaned from priestly stock, then was divorced, and then was widowed, he is liable on only a single count.

a. III:8: Gloss of a detail of the foregoing.

b. III:9: As above.

6. III:10: A Tannaite authority repeated the following allegation as to the state of the rule before R. Sheshet, “Any classification of woman who is encompassed under ‘a virgin of his own people shall he take to wife’ (Lev. 21:14) is encompassed under the language, ‘a widow...he shall not take,’ but whoever is not encompassed under ‘...shall he take...,’ is not encompassed under ‘...he shall not take.’ The high priest transgresses the latter only on account of a woman who would be permitted to him if she were a virgin. This then excludes a high priest who marries his widowed sister being liable not on the count of her widowhood but only on the count of her being his sister.”

7. III:11: Said R. Pappa to Abbaye, “An Israelite who had sexual relations with his sister certainly places her in the classification of a whore; but does he place her in the classification of one impaired for marriage into the priesthood or is that not the case is a priest who has sexual relations with her flogged separately on each count? Do we maintain it as an argument a fortiori: If she becomes one impaired for marriage into the priesthood by reason of sexual relations with those forbidden to her merely by negative commandments, how much the more so if the six is those forbidden on the penalty of extirpation? Or maybe, impairment for marriage into the priesthood derives only from sexual relations with one forbidden to her by reason of being a priest?”

a. III:12: Said R. Ashi, “Therefore a priest who had sexual relations with his sister has made her a whore but hasn’t made her a woman of impaired priestly status. If then he went had had sexual relations with her again, he has made her into a woman of impaired priestly status” since as a result of the first act of sexual relations, she becomes forbidden to him also as a whore of the type forbidden only to priests.

b. III:13: Said Abbaye, “When a high priest or an ordinary priest betroths a woman he is forbidden to marry, he is flogged; when he has sexual relations, he is flogged on that count too. When a high priest or an ordinary priest betroths a woman he is forbidden to marry, he is flogged: on the count of ‘he shall not take.’ When he has sexual relations, he is flogged on that count too: On the count of ‘he shall not profane.’” Raba said, “If he had sexual relations, he is flogged; if he didn’t have sexual relations, he is not flogged. For it is written, ‘He shall not take in marriage’ (Lev. 21:14) so that ‘he shall not profane his seed’ (Lev. 21:15). The prohibition in the former instance is on account of the latter consideration, which yields the conclusion that one is not liable until he shall actually have had sexual relations.”

D. R. JUDAH SAYS, “THE DAUGHTER OF A MALE PROSELYTE IS EQUIVALENT TO THE DAUGHTER OF A MALE OF IMPAIRED PRIESTLY STOCK.”

1. IV:1: It has been taught on Tannaite authority: “Among his people”: This serves to encompass under the law the daughter of a male priest who has been profaned, indicating that she is invalid for marriage into the priesthood. R. Judah says, “The daughter of a male proselyte is in the status of the daughter of a male priest who has been profaned” (Sifra Parashat Emor Pereq 2:CCXIV:I.8).

E. R. ELIEZER B. JACOB SAYS, “AN ISRAELITE WHO MARRIED A FEMALE PROSELYTE – HIS DAUGHTER IS SUITABLE FOR MARRIAGE INTO THE PRIESTHOOD. AND A PROSELYTE WHO MARRIED AN ISRAELITE GIRL – HIS DAUGHTER IS VALID FOR MARRIAGE INTO THE PRIESTHOOD. BUT A MALE PROSELYTE WHO MARRIED A FEMALE PROSELYTE – HIS DAUGHTER IS INVALID FOR MARRIAGE INTO THE PRIESTHOOD. ALL THE SAME ARE PROSELYTES AND FREED SLAVES, EVEN DOWN TO TEN GENERATIONS – THE DAUGHTERS CANNOT MARRY INTO THE PRIESTHOOD UNLESS THE MOTHER IS AN ISRAELITE.”

1. V:1: It has been taught on Tannaite authority: R. Simeon b. Yohai says, “A convert who converted at the age of less than three years and a day may marry into the priesthood, as it is said, ‘But all the female children who have not known man by lying with him keep alive for yourselves’ (Num. 31:18), and Phineas a priest was certainly among them.”

a. V:2: And all parties to the dispute of the Mishnah paragraph interpret the same verse of Scripture, namely: “Neither shall they take for their wives a widow nor her that is put away but they shall take virgins of the seed of the house of Israel” (Eze. 44:22).

1. V:3: Said R. Nahman to Raba, “But as to this verse, does the first part refer to a high priest and the second to an ordinary priest” for the first part prohibits marriage to a widow, and the second half “and a widow that is a widow of a priest they shall take” permits it.

2. V:4: “And a widow that is the widow of a priest they shall take” (Exo. 44:22): only of a priest, not of an Israelite? This is the sense of the statement: “...Of a priest they shall take” – as to those of other priests may take such a woman.

F. R. YOSÉ SAYS, “ALSO: A PROSELYTE WHO MARRIED A FEMALE PROSELYTE: HIS DAUGHTER IS VALID FOR MARRIAGE INTO THE PRIESTHOOD.”

1. VI:1: Said R. Hammuna in the name of Ulla, “The decided law accords with the position of R. Yosé.” And so said Rabbah bar bar Hannah, “The decided law accords with the position of R. Yosé.

XLII. Mishnah-Tractate Qiddushin 4:8

A. HE WHO SAYS, “THIS SON OF MINE IS A MAMZER” IS NOT BELIEVED. AND EVEN IF BOTH PARTIES SAY CONCERNING THE FOETUS IN THE MOTHER’S WOMB, “IT IS A MAMZER” – THEY ARE NOT BELIEVED.

1. I:1: What is the meaning of the clause, even if both parties...?

B. R. JUDAH SAYS, “THEY ARE BELIEVED.”

1. II:1: That is in accord with what has been taught on Tannaite authority: “He shall acknowledge the firstborn” (Deu. 21:17) – even to others letting the know who is firstborn. In this connection said R. Judah, “A man is believed to state, ‘This son of mine is firstborn.’ And just as he is believed to state, ‘This son of mine is firstborn,’ so he is believed to state, ‘This son of mine is the son of a divorcée or the son of a woman who has performed the rite of removing the shoe.’” And sages say, “He is not believed.”

a. II:2: Said R. Nahman bar Isaac to Raba, “Well, there is no problem in explaining the position of R. Judah, since that is in line with the verse of Scripture, ‘He shall acknowledge the firstborn.’ But as to rabbis, what need to I have for that clause, He shall acknowledge the firstborn?”

XLIII. Mishnah-Tractate Qiddushin 4:9

A. HE WHO GAVE THE POWER TO HIS AGENT TO ACCEPT TOKENS OF BETROTHAL FOR HIS DAUGHTER, BUT THEN HE HIMSELF BETROTHED HER – IF HIS CAME FIRST, HIS ACT OF BETROTHAL IS VALID. AND IF THOSE OF HIS AGENT CAME FIRST, HIS ACT OF BETROTHAL IS VALID. AND IF IT IS NOT KNOWN WHICH CAME FIRST, BOTH PARTIES GIVE A WRIT OF DIVORCE. BUT IF THEY WANTED, ONE OF THEM GIVES A WRIT OF DIVORCE, AND ONE CONSUMMATES THE MARRIAGE. AND SO: A WOMAN WHO GAVE THE POWER TO HER AGENT TO ACCEPT TOKENS OF BETROTHAL IN HER BEHALF, AND THEN SHE HERSELF WENT AND ACCEPTED TOKENS OF BETROTHAL IN HER OWN BEHALF – IF HERS CAME FIRST, HER ACT OF BETROTHAL IS VALID. AND IF THOSE OF HER AGENT CAME FIRST, HIS ACT OF BETROTHAL IS VALID. AND IF IT IS NOT KNOWN WHICH OF THEM CAME FIRST, BOTH PARTIES GIVE A WRIT OF DIVORCE. BUT IF THEY WANTED, ONE OF THEM GIVES A WRIT OF DIVORCE AND ONE OF THEM CONSUMMATES THE MARRIAGE.

1. I:1: Both cases given in the Mishnah paragraph are required. For if we had been informed of the rule in respect to the father, that might have been because a man is solid in his knowledge of genealogy, but as to a woman, who is not solid in her knowledge of genealogy, I might say that that her act of betrothal is invalid. And if we were told that that is the case of the woman, it is because before a woman

accepts a betrothal, she carefully investigates the situation, but as for the father, I might have supposed he doesn't really care about pure genealogy, in which case he didn't cancel the agent's authority but made a provisional act of betrothal on his own. So both formulations are required.

2. I:2: It has been stated: If her father betrothed her on the road, and in town she betrothed herself to someone else, and now on the very same day she has become pubescent so her father no longer has authority over her – Rab said, “Lo, she is pubescent right in our very presence and her act of betrothal is certainly valid.” And Samuel said, “We take account of the possibility that the acts of betrothal of both parties may be valid.”

a. I:3: Gloss.

b. I:4: As above.

c. I:5: As above.

d. I:6: As above.

I. I:7: The decided law.

XLIV. Mishnah-Tractate Qiddushin 4:10-4:11

A. HE WHO WENT ALONG WITH HIS WIFE OVERSEAS, AND HE AND HIS WIFE AND CHILDREN CAME HOME, AND HE SAID, “THE WOMAN WHO WENT ABROAD WITH ME, LO, THIS IS SHE, AND THESE ARE HER CHILDREN” – HE DOES NOT HAVE TO BRING PROOF CONCERNING THE WOMAN OR THE CHILDREN. IF HE SAID, “SHE DIED, AND THESE ARE HER CHILDREN,” HE DOES BRING PROOF ABOUT THE CHILDREN, BUT HE DOES NOT BRING PROOF ABOUT THE WOMAN. IF HE SAID, “I MARRIED A WOMAN OVERSEAS. LO, THIS IS SHE, AND THESE ARE HER CHILDREN” – HE BRINGS PROOF CONCERNING THE WOMAN, BUT HE DOES NOT HAVE TO BRING PROOF CONCERNING THE CHILDREN. “...SHE DIED, AND THESE ARE HER CHILDREN,” HE HAS TO BRING PROOF CONCERNING THE WOMAN AND THE CHILDREN.

1. I:1: Said Rabbah bar R. Huna, “And all cases address a situation in which the children are minors and clinging to the woman who need not prove her motherhood in any more plausible manner than that.”

2. I:2: Our rabbis have taught on Tannaite authority: “A woman did I marry overseas” – he brings proof concerning the woman, but he does not have to bring proof concerning the children. He brings proof concerning the adults, but he does not have to bring proof concerning the minors. Under what circumstances? In the case of one wife. But in the case of two wives, he has to bring proof concerning both the woman and her children, whether adults or minors.

a. I:3: Said R. Simeon b. Laqish, “This evidentiary standard applies only in regard to the children's eating Holy Things separated in the provinces so the priest's children are confirmed if the woman cling to the mother, and they may eat priestly rations produced in the provinces, but not in respect to genealogy.” And R. Yohanan said, “It pertains even to the matter of genealogy.”

I. I:4: Now R. Yohanan is consistent with opinion expressed elsewhere

II. I:5: It has been taught on Tannaite authority in accord with the view of R. Yohanan.

XLV. Mishnah-Tractate Qiddushin 4:12

A. A MAN SHOULD NOT REMAIN ALONE WITH TWO WOMEN:

1. I:1: What is the operative consideration here? The Tannaite authority of the household of Elijah explained: Because women are lightheaded.

2. I:2: A man should not remain alone with two women, but a woman may remain alone with two men: What is the scriptural authority for that view? Said R. Yohanan said R. Ishmael, “How on the basis of the Torah do we find an indication that there is a decree against being alone with an Israelite woman? ‘If your brother, son of your mother...entice you’ (Deu. 13: 7). But can there be the son of a mother who is not of the son of the father who is subject to the consideration of enticement by a relative? The meaning is, a son may be alone with his mother, but no one else may be alone with any woman with whom the Torah prohibits him to marry.”

a. I:3: Gloss.

3. I:4: A man should not remain alone with two women: May we say that our Mishnah passage is not in accord with the position of Abba Saul,

B. BUT A WOMAN MAY REMAIN ALONE WITH TWO MEN. R. SIMEON SAYS, “ALSO: ONE MAY STAY ALONE WITH TWO WOMEN, WHEN HIS WIFE IS WITH HIM. AND HE SLEEPS WITH THEM IN THE SAME INN, BECAUSE HIS WIFE KEEPS WATCH OVER HIM.”

1. II:1: Said R. Judah said Rab, “This rule applies only to upright persons, but in the case of immoral ones, then even if it were ten, it is not permitted. There was a case in which ten men took out a loose woman on a bier.”

2. II:2: Said R. Judah said Rab, “The statement that a woman may be alone with two men pertains only to a town. But as to a trip, there must be three. Perhaps one of them will have to attend to his natural needs, and it will turn out that one of the men the remaining one will be left alone with a woman forbidden to have sexual relations with him.”

a. II:3: Story.

3. II:4: Said Rab, “A flogging is administered on account of her doing into seclusion with another man, but she is not prohibited from her husband on account of seclusion.” Said R. Ashi, “That statement concerns only being alone with a free agent, but not with a married woman, so that people won’t suspect the parentage over her children.”

4. II:5: Said Rab, “A flogging is administered on account of ‘it is no good report’ (1Sa. 2:24), as it is said, ‘No, my sons, for it is no good report that I hear.’”

5. II:6: Said Rabbah, “If her husband was in town, we do not take precautions on the count of being alone with a man.”

a. II:7: Story.

6. II:8: Said R. Kahana, “If men are outside and women are inside, we do not take precautions on the count of being alone with a man. If men are inside and women are outside, we do take precautions on the count of being alone with a man.”

a. II:9: Said Abbaye, “The year’s sorest spot is the festival of Tabernacles.”

1. II:10: R. Meir would ridicule sinners. One day Satan appeared to him on the opposite side of a canal in the form of a woman. There being no ferry, he grabbed a rope and got across. As he had reached half way down the rope, temptation released him, saying, “If they had not accounted in Heaven, ‘Watch out for R. Meir and his Torah learning,’ I would not have valued your life for two maahs.”

2. II:11: R. Aqiba would ridicule sinners. One day Satan appeared to him on the top of a palm tree in the form of a woman. He was climbing up, till he got half way up the palm tree, when temptation released him, saying, “If they had not accounted in Heaven, ‘Watch out for R. Aqiba and his Torah learning,’ I would not have valued your life for two maahs.”

3. II:12: Every day Pelimo would be accustomed to say, “An arrow in the eyes of Satan.” One day, the eve of the Day of Atonement, Satan appeared to him in the guise of a poor man. He came and called at the door. They brought food out to him. He said to him, “On a day such as this, when everybody is inside, should I be outside?”

4. II:13: R. Hiyya bar Ashi was accustomed, whenever he prostrated himself to his face, to say, “May the All-Merciful save us from the Evil Impulse.”

5. II:14: So it has been taught on Tannaite authority: “Her husband has made them void and the Lord shall forgive her” (Num. 30:13) – Of whom does Scripture speak? It speaks of a woman who took a vow to be a Nazirite, and her husband annulled the vow for her, but she did not know that her husband had annulled it for her and nonetheless continued to go around drinking wine and contracting corpse uncleanness (M. **Naz. 4:3C**).

a. II:15: When R. Aqiba would come to this verse, he wept, saying, “If someone intended to eat ham and really had in hand veal, yet the Torah has said that he requires atonement and forgiveness, one who intends to eat ham and really had in hand ham – all the more so!”

D. A MAN MAY STAY ALONE WITH HIS MOTHER OR WITH HIS DAUGHTER. AND HE SLEEPS WITH THEM WITH FLESH TOUCHING.

1. III:1: Said R. Judah said R. Assi, “A man may be alone with his sister and lie with his mother and daughter alone.”

a. III:2: Gloss of a detail of the foregoing.

2. III:3: Said Raba, “A man may be alone with two levirate widows, or with two co-wives, or with a woman and her mother-in-law, or with a woman and her husband’s daughter, or with a woman and a child who knows what sexual

relations are all about but will not have sexual relations herself so she can well talk about what she's seen."

E. BUT IF THEY THE SON WHO IS WITH THE MOTHER, THE DAUGHTER WITH THE FATHER GREW UP, THIS ONE SLEEPS IN HER GARMENT, AND THAT ONE SLEEPS IN HIS GARMENT.

1. IV:1: What is the definition of growing up?

2. IV:2: Said Rafram bar Pappa said R. Hisda, "That rule applies only to a girl who is not embarrassed to stand naked before him, but if she is embarrassed to stand naked before him, it is forbidden."

a. IV:3: Illustrative story.

XLVI. Mishnah-Tractate Qiddushin 4:13, 4:14A-C

A. AN UNMARRIED MAN MAY NOT TEACH SCRIBES. NOR MAY A WOMAN TEACH SCRIBES.

1. I:1: An unmarried man may not teach scribes: How come? Should we say that it is on account of pederasty? But hasn't it been taught on Tannaite authority: They said to R. Judah, "Israelites are not suspect of sodomy or bestiality." It is unthinkable and so need not be taken into consideration.

B. R. ELIEZER SAYS, "ALSO: HE WHO HAS NO WIFE MAY NOT TEACH ELEMENTARY SCHOOL."

1. II:1: The question was raised: Someone who has no wife at all, or someone whose wife is not living with him?

C. R. JUDAH SAYS, "AN UNMARRIED MAN MAY NOT HERD CATTLE. AND TWO UNMARRIED MEN MAY NOT SLEEP IN THE SAME CLOAK." AND SAGES PERMIT IT.

1. III:1: It has been taught on Tannaite authority: They said to R. Judah, "Israelites are not suspect of sodomy or bestiality." It is unthinkable and so need not be taken into consideration.

XLVII. Mishnah-Tractate Qiddushin 4:14D-T

A. WHOEVER HAS BUSINESS WITH WOMEN SHOULD NOT BE ALONE WITH WOMEN. AND A MAN SHOULD NOT TEACH HIS SON A TRADE WHICH HE HAS TO PRACTICE AMONG WOMEN. R. MEIR SAYS, "A MAN SHOULD ALWAYS TEACH HIS SON A CLEAN AND EASY TRADE. AND LET HIM PRAY TO HIM TO WHOM BELONG RICHES AND POSSESSIONS. FOR THERE IS NO TRADE WHICH DOES NOT INVOLVE POVERTY OR WEALTH. FOR POVERTY DOES NOT COME FROM ONE'S TRADE, NOR DOES WEALTH COME FROM ONE'S TRADE. BUT ALL IS IN ACCORD WITH A MAN'S MERIT."

1. I:1: Our rabbis have taught on Tannaite authority: Anyone whose business is mainly with woman has a bad character, for instance, gold refiners, carders, handmill cleaners, peddlers, wool-dressers, hairdressers, laundrymen, blood letters, bathhouse attendants, and tanners. From such as these they do not appoint either a king or a high priest (T. [Qid. 5:14A](#)).

a. I:2: Our rabbis have taught on Tannaite authority: Anyone whose business is mainly with woman has a bad character, for instance, gold refiners, carders, handmill cleaners, peddlers, wool-dressers, hairdressers, laundrymen, blood letters, bathhouse attendants, and tanners. From such as these they do not appoint either a king or a high priest (T. **Qid. 5:14A**).

b. I:3: Bar Qappara expounded, “A person should always try to teach his son a clean and easy trade.”

2. I:4: It has been taught on Tannaite authority: Rabbi says, “You have no trade that passes out of the world. Happy is him who sees his parents in an honored profession, woe is he who sees his parents in a mean profession. It is not possible to have a world without either a spice dealer or a tanner. But happy is the one who makes his living as a spice dealer, and woe is the one who makes his living as a tanner. It is not possible to have a world without either males or females, but happy is the one whose children are males, and woe for him whose children are females” (T. **Qid. 5:14C-D**).

3. I:5: It has been taught on Tannaite authority: R. Meir says, “A man should always teach his son a clean and easy trade. And let him pray to him to whom belong riches and possessions. For there is no trade which does not involve poverty or wealth. For poverty does not come from one’s trade, nor does wealth come from one’s trade. But it is all from the one to whom wealth and fortunate belong: ‘Mine is the silver, mine is the gold, says the Lord of hosts’ (Hag. 3: 8) (T. **Qid. 5:15**).”

B. R. SIMEON B. ELEAZAR SAYS, “HAVE YOU EVER SEEN A WILD BEAST OR A BIRD WHO HAS A TRADE? YET THEY GET ALONG WITHOUT DIFFICULTY. AND WERE THEY NOT CREATED ONLY TO SERVE ME? AND I WAS CREATED TO SERVE MY MASTER. SO IS IT NOT LOGICAL THAT I SHOULD GET ALONG WITHOUT DIFFICULTY? BUT I HAVE DONE EVIL AND RUINED MY LIVING.” ABBA GURION OF SIDON SAYS IN THE NAME OF ABBA GURYA, “A MAN SHOULD NOT TEACH HIS SON TO BE AN ASS DRIVER, A CAMEL DRIVER, A BARBER, A SAILOR, A HERDSMAN, OR A SHOPKEEPER. FOR THEIR TRADE IS THE TRADE OF THIEVES.” R. JUDAH SAYS IN HIS NAME, “MOST ASS DRIVERS ARE EVIL, MOST CAMEL DRIVERS ARE DECENT, MOST SAILORS ARE SAINTLY, THE BEST AMONG PHYSICIANS IS GOING TO GEHENNA, AND THE BEST OF BUTCHERS IS A PARTNER OF AMALEK.”

1. II:1: It has been taught on Tannaite authority: R. Simeon b. Eleazar says, “In my whole life I have never seen a deer collecting produce, a lion carrying a load, a fox keeping shop; yet all of them are supported without a whole lot of work, and yet they were created only for serve me, and I have been treated to serve my Creator: If these, who were created only to serve me are supported without a whole lot of trouble, and I am created only to serve my Creator – isn’t it logical that I should be supported without a whole lot of trouble! But I acted evilly and so spoiled my living: ‘Your iniquities have turned away these things’ (Jer. 5:25)” (T. **Qid. 5:15Eff**).

C. R. NEHORAI SAYS, “I SHOULD LAY ASIDE EVERY TRADE IN THE WORLD AND TEACH MY SON ONLY TORAH. FOR A MAN EATS ITS FRUITS IN THIS WORLD, AND THE PRINCIPAL REMAINS FOR THE WORLD TO COME. BUT OTHER TRADES ARE NOT

THAT WAY. WHEN A MAN GETS SICK OR OLD OR HAS PAINS AND CANNOT DO HIS JOB, LO, HE DIES OF STARVATION. BUT WITH TORAH IT IS NOT THAT WAY. BUT IT KEEPS HIM FROM ALL EVIL WHEN HE IS YOUNG, AND IT GIVES HIM A FUTURE AND A HOPE WHEN HE IS OLD. CONCERNING HIS YOUTH, WHAT DOES IT SAY? THEY WHO WAIT UPON THE LORD SHALL RENEW THEIR STRENGTH (ISA. 40:31). AND CONCERNING HIS OLD AGE WHAT DOES IT SAY? ‘THEY SHALL BRING FORTH IN OLD AGE’ (PSA. 92:14). AND SO IT SAYS WITH REGARD TO THE PATRIARCH ABRAHAM, MAY HE REST IN PEACE, ‘AND ABRAHAM WAS OLD AND WELL ALONG IN YEARS, AND THE LORD BLESSED ABRAHAM IN ALL THINGS’ (GEN. 24: 1). WE FIND THAT THE PATRIARCH ABRAHAM KEPT THE ENTIRE TORAH EVEN BEFORE IT WAS REVEALED, SINCE IT SAYS, ‘SINCE ABRAHAM OBEYED MY VOICE AND KEPT MY CHARGE, MY COMMANDMENTS, MY STATUTES, AND MY LAWS’ (GEN. 26: 5).”

1. III:1: It has been taught on Tannaite authority: R. Nehorai says, “I should lay aside every trade in the world and teach my son only Torah. For every trade in the world stands by a man only in his youth, but in his old age, lo, he is left in famine. But the Torah is not that way. It stands by a man in his youth and gives him a future and a hope in his old age. In the time of youth what does it say? ‘Those who hope in the Lord shall renew their strength, they shall mount up with wings as eagles’ (Isa. 40:31). And of his old age? ‘They shall still bring forth fruit in old age, they shall be full of sap and vigor’ (Psa. 92:15)” (T. **Qid. 5:16**).

Points of Structure

1. DOES BABYLONIAN TALMUD-TRACTATE QIDDUSHIN FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?

As this outline shows time and again, the Mishnah enjoys the privileged, indeed, the sole paramount position, dictating the flow of discussion, the order, the issues, the entire problematic.

2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?

Once the Mishnah-passage is discussed — if such discussion of the Mishnah takes place at all — we turn to the Tosefta's or other Tannaite formulations of rules on the subject the Mishnah has introduced. Then other, subordinate issues will come under analysis. Few sizable composites diverge from the Mishnah's primary program or from the Tosefta's secondary one. The sequence and program of the Talmud originate in the Mishnah.

3. WHAT IS THE RATIONALITY OF THE STRUCTURE?

What holds the whole together is solely the common point of reference and source of context and coherence, which is, the Mishnah, pure and simple.

4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?

These are catalogued below.

Points of System

1. DOES THE BABYLONIAN TALMUD-TRACTATE QIDDUSHIN SERVE ONLY AS A REPRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?

The tractate attends to nearly every line of the Mishnah, and, by indirection, to every word thereof. No other document contributes a comparable proportion of the document, though passages of the Tosefta and of Sifra that occur in the Talmud are given talmuds of their own, as is indicated in this outline.

2. HOW DO THE TOPICAL COMPOSITES FIT INTO THE TALMUD-TRACTATE AND WHAT DO THEY CONTRIBUTE THAT THE MISHNAH-TRACTATE OF THE SAME NAME WOULD LACK WITHOUT THEM?

I present the account in three sections. On the left hand margin are important propositional composites that do not address the Mishnah's propositions but do affect them. At the right are the composites that complement the Mishnah's statements with topically relevant amplifications or that carry forward the Mishnah's principle to new data. Finally, I underline and also position in the center column large composites that strike me as entirely out of phase with the Mishnah, lacking all point of contact, whether topical or in principle or even theme, broadly construed. Identifying these items and distinguishing them from those on the right hand margin involve a measure of subjectivity, and for that reason, I have tried to impose the most rigorous and narrowest possible definition of what is both free-standing and also affective of the rest. In the center I give those utterly anomalous composites that ignore the principle of propositional or at least topical cogency altogether.

II.G: Topical Appendix
Concerning Severance Pay

II.K: Topical Appendix on the Marriage
to the Captive Woman of Goodly Form

VIII.C: Miscellany on
the Honor of Mother and Father

VIII.E: Topical Composite
on Rising before One's Master

XXXVIII.F: Topical Appendix on the Mamzer
and the Result of Other Inappropriate Unions

XXXVIII.G: Topical Appendix on the
Status of Various Territories in the Iranian Empire

XLV.C: Topical Appendix on Ridiculing Sinners,
Attached to Supplement a Detail in the Foregoing

All the sizable composites that serve a purpose other than that of Mishnah-amplification are appended because they contain substantial supplements on topics introduced in the process of Mishnah-amplification or secondary development thereof. From the perspective of the compilers of the document, none of these items is miscellaneous, and all

would find a place in a well-crafted book that promised information of a supplementary character, that is, in any standard and complete work of scholarship.

3. CAN WE STATE WHAT THE COMPILERS OF THIS DOCUMENT PROPOSE TO ACCOMPLISH IN PRODUCING THIS COMPLETE, ORGANIZED PIECE OF WRITING?

Since this volume appears at the conclusion of the academic commentary on the Bavli, we may now set forth definitive answers to the questions addressed in these thirty-seven studies and outlined at the head of this chapter. The Talmud of Babylonia is carefully organized in large-scale, recurrent structures and guided by a program that we may call systematic. This piece of writing presents not ad hoc or random information but a program, a philosophically and aesthetically cogent statement about how things should be. The document exhibits structure and sets forth a system, it is accessible to questions of rationality. Structure and systematic inquiry yield both propositions, arguments, viewpoints and an encompassing thesis on the character and message of the Mishnah overall as well as on the contents — the law — initially set forth in the Mishnah.

Enough has been said in these thirty-seven tractates to define the structure made manifest and to identify the purpose and perspective, the governing system of thought and argument, of those who collected and arranged the tractate's composites and put them together in the way in which we now have them. We now know, in complete detail, precisely what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. Viewed whole, this Talmud contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. As to those composites that do not undertake Mishnah-commentary or further analysis of the law of the Mishnah, these appendices or footnotes do belong and serve the compilers' purpose. Now, as the Preface has already indicated, the whole having been systematically and completely analyzed as to its components, the logical next question arises: what of the origin of those components? How are we to investigate the formation of the smallest whole units of thought that the authors of compositions utilized in the formation of those compositions? Starting from the end product, we find ourselves now back at the beginning. But what, in fact, was in the beginning of that massive piece of writing that, in the end, is this Talmud of ours?