

## VII.

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### BAVLI YEBAMOT CHAPTER SEVEN

#### FOLIOS 66A-70A

7:1-2

7:1

- A. A widow wed to a high priest,
- B. a divorcée or a woman who has performed the rite of removing the shoe wed to an ordinary priest —
- C. [if] she brought in to him [as part of her dowry] “plucking”-slaves and “iron-flock”-slaves —
- D. the “plucking”-slaves do not eat food in the status of priestly rations [since she is not validly wed to the priest, so slaves to which she retains effective ownership, which are her property, do not gain the rights of slaves of a priest, but slaves to which he gains effective ownership do].
- E. The “iron-flock”-slaves eat.
- F. What are “plucking”-slaves?
- G. [If] they died, the loss is hers, and if they increase in value, the increase is hers.
- H. Even though he [the husband] is liable to maintain them, lo, these do not eat food in the status of priestly rations.
- I. And what are “iron-flock” — slaves?
- J. [If] they die, the loss is his, but if they increase in value, the increase is his.
- K. Since he is responsible to replace them if they are lost, lo, these eat food in the status of priestly rations.

7:2

- A. An Israelite girl who married a priest and brought him slaves [as part of her dowry], whether these are “plucking”-slaves or “iron-flock”-slaves —
- B. lo, [the marriage being entirely valid,] these eat food in the status of priestly rations.
- C. And a priest’s daughter who married an Israelite and brought him [as part of her dowry], either “plucking”- slaves or “iron-flock”-slaves,
- D. lo, these do not eat food in the status of priestly rations.

**I.1** A. the “plucking” — slaves do not eat food in the status of priestly rations: *how come? Let them be classified as possessions acquired by one whom he possesses,*

*[and such a one is permitted to eat food in the status of priestly rations], for it has been taught on Tannaite authority:*

- B. How on the basis of Scripture do we know that a wife whom he married or slaves whom he bought may eat food in the status of priestly rations? “But if a priest buy any soul, the purchase of his money, he may eat of it” (Lev. 22:11).
- C. And how on the basis of Scripture do we know that if a woman [of Israelite origin married to a priest] bought slaves, or his slaves bought slaves, that they may eat food in the status of priestly rations? “But if a priest buy any soul, the purchase of his money, he may eat of it” (Lev. 22:11) — the possession of what he possesses may eat of it.
- D. [Well, that’s not entirely so, for] any who has the right himself to eat priestly rations confers that right on his property, and any that does not eat that food as of right does not confer that right on others.
- E. Well, they don’t, don’t they? But lo, there is the case of an uncircumcised man and unclean people, who themselves may not eat food in the status of priestly rations, but they confer that right!
- F. *There, they are pained in their mouths* [so cannot eat the food for a time but they will be able to, but the priest’s wife to which reference is made here is permanently forbidden by reason of her marital status (Slotki)].
- G. Well, what about a mamzer, who does not eat food in the status of priestly rations, but confers that right [on his grandmother who is married to a priest even after he husband dies, so long as the mamzer, descended from her husband through the daughter, lives; she would have lost that right as a widow at the moment the husband died, if there were no survivors (Slotki)].
- H. Said Rabina, “*The formulation has referred to any possession that is permitted to eat food in the status of priestly rations: the possession of what he possesses that eats food in the status of priestly rations confers the same right, and one that does not eat food in the status of priestly rations does not confer the same right.*”
- I. *And Raba said, “On the basis of the law of the Torah, those named [in our Mishnah-rule] do eat food in the status of priestly rations, but rabbis made a precautionary decree in that regard, so that she will say, ‘I am not permitted to eat food in that status, so my slaves are not allowed to do so, so I’m just a whore so far as he is concerned,’ and he will come to divorce her.*”
- J. R. Ashi said, “It is a precautionary decree, lest she feed them food in that status after the husband dies.” [Slotki: believing that, since she was permitted to feed them food in the status of priestly rations while the husband was alive though they were her property, she may continue to do so after his death; in the case of “iron-flock”-slaves there is no need for such concern, since the slaves are his absolute property until given over to her by the estate.]
- K. Then what about an Israelite woman married to a priest? She too should not be permitted to feed her “plucking”-slaves food in the status of priestly rations, as a precautionary decree, lest she feed them food in that status after the husband dies.”
- L. Rather, said R. Ashi, “The present rule concerns a daughter of a priest who, now widowed, [had married a high priest, and so was profaned by that marriage]. *She might reach the decision: ‘To begin with they ate food in the status of priestly*

*rations at my father's house; when I married this man, they did the same in my husband's house; now they revert to their prior status.' But she wouldn't know that, to begin with, she had not made herself profaned for the priesthood, while now she has done so."*

- M. *Well, that's a fine solution to the case of a widow of priestly caste, but what is to be said concerning an Israelite woman in the same situation?*
- N. *Among widows of various castes rabbis made no such distinctions.*

**I.2.** A. *It has been stated:*

- B. A woman who brought into her husband's domain appraised goods [and he guarantees a specific sum in her marriage-contract, to be recovered if he dies or divorces her] —
- C. [at the time of divorce or settlement of his estate] she says, "I will accept only my own goods" [the ones I brought in],
- D. and he says, "I am willing to pay their value [as appraised in the original marriage-settlement contract] —
- E. with whom does the decision go?
- F. R. Judah said, **[66B]** "The judgment goes with her."
- G. R. Assi said, "The judgment goes with him."
- H. R. Judah said, "The judgment goes with her:" *the increase in the value of her paternal property belongs to her.*
- I. R. Assi said, "The judgment goes with him." since a master has said, **[If] they die, the loss is his, but if they increase in value, the increase is his. Since he is responsible to replace them if they are lost, lo, these eat food in the status of priestly rations,** [they are regarded as his, not hers]."
- J. *Said R. Safra, "Well, does it actually state as part of the Tannaite formulation: And they are regarded as his? All that it says is, Since he is responsible to replace them if they are lost, lo, these eat food in the status of priestly rations. But in point of fact they really are not his."*

**I.3.** A. *Is it the fact that in any case in which the priest is liable to replace them if they are lost, they eat food in the status of priestly rations? And lo, we have learned in the Mishnah: An Israelite who hired a cow from a priest may feed it vetches in the status of heave offering. But a priest who hired a cow from an Israelite, even though he is responsible for feeding it, may not feed it vetches in the status of heave offering [M. Ter 11:9C-F].*

- B. *Do you understand it in that way? Granting that he may be liable if it is stolen or lost, is he liable for accidents, or if it becomes emaciated, or if it loses value? [He is not, and the responsibility is limited and does not confer the right to eat food in the status of priestly rations.]*
- C. *The case before us is parallel only to the concluding clause of the same Mishnah-paragraph: An Israelite who tended the cow of a priest in return for a share in the value of the animal may not feed it vetches in the status of heave offering. But a priest who*

**tended the cow of an Israelite in return for a share in its value may feed it vetches in the status of heave offering [M. Ter. 11:9G-J].** [Slotki: the animal is regarded as the priest's own property in respect to his feeding it food in the status of priestly rations, owing to his responsibility for the return of its full value. It follows that, though an animal is returned in its body, should its value on the day of its return be equal to that of its appraised value, it is nonetheless deemed to be the priest's property so long as it remains in his possession, since he is completely responsible for it; so also in the case of the "iron-block"-slaves, though they would ultimately be returned to the woman in body, they are regarded as the property of the priest, since he bears full responsibility for them, so long as they remain with him.]

- I.4.** A. *Rabbah and R. Joseph were in session at the end of the lesson of R. Nahman, and, in session, they stated: "It has been taught on Tannaite authority in accord with the view of R. Judah, and it has been taught on Tannaite authority in accord with the view of R. Ammi.*
- B. *"It has been taught on Tannaite authority in accord with the view of R. Ammi: "Iron-flock"-slaves go forth to freedom at the loss of a tooth or eye damaged by the husband but not the wife.*
- C. *"It has been taught on Tannaite authority in accord with the view of R. Judah: She who brings into her husband goods the value of which has been appraised — if the husband wanted to sell them, he may not do so. And not only so, but even if he brought in to her goods that had been appraised that belonged to him, he may not sell them if he wanted. If either one of them sold them to raise money for food — there was a case before Rabban Simeon b. Gamaliel who said, 'The husband may retrieve the goods from the purchasers'" [Slotki: if the woman died, the sale being deemed invalid].*
- D. *Said Raba said R. Nahman, "The decided law accords with the position of R. Judah."*
- E. *Said Raba to R. Nahman, "But lo, it has been taught on Tannaite authority in accord with the view of R. Ammi!"*
- F. *Even though it has been taught on Tannaite authority in accord with the view of R. Ammi, the operative consideration of R. Judah makes more sense, namely, the increase in the value of her paternal property belongs to her.*
- I.5.** A. *There was a woman who brought in to her husband under the classification of "iron-flock"-sheep a robe of fine wool, which was appraised and listed in her marriage-settlement. When the man died, the orphans took it and spread it over the corpse. Said Raba, "The deceased has acquired title to it."*

- B. *Said Nanai b. R. Joseph b. Raba to R. Kahana, “But didn’t Raba say, ‘said R. Nahman, “The decided law accords with the position of R. Judah”’?”*
- C. *He said to him, “Doesn’t R. Judah concede that the robe had not yet been collected by the widow, and since it had not yet been collected, it remained in the husband’s domain?”*
- D. *Raba is entirely consistent with views expressed elsewhere, for said Raba,”*“The act of sanctification [of something to the altar that has already been mortgaged], leavened food [held by an Israelite during Passover but pledged to a gentile for a debt], and the freeing of a slave that is mortgage [67A] nullify a mortgage.” [Slotki: similarly here, the immersion of the slave cancels his obligations to the gentile and the Jewish master only represents the gentile and has no greater claim to the slave than the gentile.]

- I.6.** A. *Said R. Judah, “If the wife brought in to him two utensils worth a thousand zuz and they increased in value and were worth two thousand, one she receives in settlement of her marriage contract, and for the other she pays the price and gets it back, for the increase in the value of her paternal property belongs to her.”*
- B. *What does this tell us that we didn’t know? That the increase in the value of her paternal property belongs to her”? This has already been stated by R. Judah!*
  - C. *What might you otherwise have supposed? That is the case when she came to claim the property as part of her marriage-settlement, but not where she wanted to take it in return for paying its value. So we are told that she may pay the price and get it back.*

### 7:3

- A. **“An Israelite daughter who was married to a priest, who died and left her pregnant —**
  - B. **“her slaves do not eat food in the status of priestly rations on account of the portion [of the slaves] that belongs to the foetus.**
  - C. **“For the foetus invalidates [a woman from eating food in the status of priestly rations [Lev. 22:13] but does not validate [her doing so],” the words of R. Yosé.**
  - D. **They said to him, “Since you have given us testimony about the daughter of an Israelite married to a priest,**
  - E. **“then even in the case of the daughter of a priest married to a priest, who died and left her pregnant —**
  - F. **“her slaves should not eat food in the status of priestly rations on account of the portion that belongs to the foetus.”**
- I.1** A. *The question was raised: what is the operative consideration for the rule of R. Yosé [that her “iron-flock”-slaves do not eat food in the status of priestly rations on account of the portion [of the slaves] that belongs to the foetus]? Is it that he*

takes the view that the embryo in the womb of a non-priest is classified as a non-priest? Or perhaps once the offspring is born, it confers the right to eat food in the status of priestly rations, but prior to birth, it does not?

B. *So what difference does it make?*

C. *The foetus in the womb of a woman of priestly caste. So what is the operative consideration?* [This is a woman of priestly caste married to a priest; the first consideration does not pertain, the second does (Slotki).]

D. *Said Rabbah, "This is the operative consideration behind the position of R. Yosé: he takes the view that the embryo in the womb of a non-priest is classified as a non-priest."*

E. R. Joseph said, "It is: once the offspring is born, it confers the right to eat food in the status of priestly rations, but prior to birth, it does not."

F. *An objection was raised: "Since you have given us testimony about the daughter of an Israelite married to a priest, then even in the case of the daughter of a priest married to a priest, who died and left her pregnant — what is the law? He said to them, "This I have heard, for that I have not heard the rule." Now if you maintain that the operative consideration is the conception that the embryo in the womb of a non-priest is classified as a non-priest, then that is in line with the statement, "This I have heard, for that I have not heard the rule." But if you hold that the operative consideration is that once the offspring is born, it confers the right to eat food in the status of priestly rations, but prior to birth, it does not, what is the meaning of This I have heard, for that I have not heard the rule?*

G. *Well, that's a problem.*

**I.2.** A. Said R. Judah said Samuel, "This represents the view of R. Yosé, but sages say, 'If the deceased priest has children [other than the embryo], the 'iron-flock'-slaves eat food in the status of priestly rations on account of the other children, if he has no other children, they do so on account of his brothers, and if he has no brothers, they do so on account of the entire family' [some one of whom must be his heir, and so long as the embryo is unborn, the heir, owning the slaves, confers that right upon them (Slotki)].

B. *When he states, "This represents the view...", the implication is that he does not take that view. But lo, said Samuel to R. Hana of Baghdad, "Go out and bring me ten men, so that I may instruct you in their presence: 'he who assigns ownership to an unborn embryo — the embryo has acquired the right of ownership.'*

C. *The fact is, when he states, "This represents the view...", the implication is that he does take that view.*

D. *Then what does he wish to tell us? That rabbis differ from R. Yosé? But do they actually disagree at all? For said R. Zakkai, "This testimony did R. Yosé present on the authority of Shemayyah and Abtalion, and they concurred with him."*

E. *Said R. Ashi, "Does the passage say, they accepted it from him? What is stated as the Tannaite formulation is, they concurred with him! That means only, his view is logical [but not accepted]."*

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

- B. [If the husband died and left her childless, the “plucking”-slaves do not eat food in the status of priestly rations, just as she does not do so; ‘the iron-flock’-slaves do do so, because they are in the possession of the husband’s heirs until they are returned to her.] If he left her children, these and those classifications of slaves do continue to eat food in the status of priestly rations. If he left her pregnant, these and those types of slaves do not do so. If he left her with children and he left her pregnant, the “plucking”-slaves do eat food in the status of priestly rations, just as she does. But the “iron-flock”-slaves do not eat food in the status of priestly rations, on account of the share of the foetus, for the foetus prior to birth renders one invalid but do not confer the right to eat food in the status of priestly rations,” the words of R. Yosé.
- C. R. Ishmael b. R. Yosé says in the name of his father, “A daughter validates eating food in the status of priestly rations, a son may not.”
- D. R. Simeon b. Yohai says, “If all of the heirs are males, all of the slaves may eat food in the status of heave offering. If they all are female heirs, they do not do so, lest the foetus be male, and where there is a son, the daughter inherits nothing” [T. **Yeb. 9:1/O-X**].
- E. *[Why adduce as the reason for the rule that slaves may not eat food in the status of priestly rations in the latter case, that] the embryo may be male? Present as the reason that even when the embryo is female, they lose that right [Slotki: since the female when born would be entitled to a share among the other daughters and now therefore deprives the slave of the right]?]*
- F. *The sense is, for this reason and a further one: there is this reason, namely, the female also will invalidate the right to eat priestly rations enjoyed by the slaves, and, furthermore, lest the foetus be male, and where there is a son, the daughter inherits nothing.*

**I.4.** A. **If all of the heirs are males, all of the slaves may eat food in the status of heave offering:**

- B. *But lo, there is the embryo [which owns a share in the slaves and should deprive them of the privilege]!*
- C. *He takes the view [67B] that we do not take account of the minority of cases. [Slotki: we do not take account of the possibility that the embryo might be a viable male; there is the equal possibility that it may be female; there is the further possibility of miscarriage; so the possibility of a male birth is in the mathematical minority]. Or, if you prefer, I shall say that he really does maintain that we take account of the minority of cases, but here there is an extra-judicial arrangement in accord with what R. Nahman said Samuel said. For said R. Nahman said Samuel, “When orphans come to divide up their father’s estate, the court appoints a guardian for them who selects for them the best share. When they grow up, they have the right to reject his choice [and demand a new division, so the guardian’s power pertains only to the yield of the estate up to the time of the protest].” In his own account, R. Nahman says, “When they grow*



up, they do not have the power to reject the guardian's choice in their behalf, for otherwise, what is the value of the court's power anyhow?"

**I.5.** A. *May we say that R. Nahman's position reflects a conflict of Tannaite formulations?* [Simeon permits the slave to eat, in the case of sons, because he adopts the proposed arrangement, and accords with Nahman; Yosé, who forbids the slaves to eat food in the status of priestly rations, says the arrangement is null and rejects Nahman's position (Slotki).]

B. *Not at all. all parties concur in R. Nahman's position, but at issue here is whether or not we take account of the minority of cases.*

**I.6.** A. **R. Ishmael b. R. Yosé says in the name of his father, "A daughter validates eating food in the status of priestly rations, a son may not:"**

B. *What's the difference? For if the son does not confer the right of eating food in the status of priestly rations, it is on account of the share of the embryo, so a daughter also should not confer that right on account of the share of the embryo!*

C. *Said Abbaye, "Here we deal with a small estate [which is assigned to the maintenance of the daughters, the sons' getting nothing], and a case in which there is a son [who should inherit by the law of the Torah] and also a daughter [so the slaves may eat food in the status of priestly rations] without regard to the gender of the embryo. Now, if the embryo is male, then he is not in a better situation than one who is already born [who cannot inherit], and if it is a daughter, then on what basis does a daughter eat such food at all? Surely it is on account of rabbis' ordinance [since on the basis of the law of the Torah, when there is a son to inherit, she has no claim]. But so long as she has not been born, rabbis have ordained no provision for her." [Slotki: the embryo cannot possibly have a share in the slaves, who may eat food in the status of priestly rations by virtue of the rights of the living children; if there were only a daughter but no son, they would not have been able to do so, because of the embryo, which, if female, would have had an equal share in the slaves along with her sister.]*

D. *Then how have you explained the passage? With respect to a case of a small estate? Then I point to the next clause: **lest the foetus be male, and where there is a son, the daughter inherits nothing!** But to the contrary, if this really were a small estate, then the whole of it would belong to the daughters!*

E. *The final clause speaks of a sizable estate.*

F. *But does a small estate go to the daughters? Did not R. Assi say R. Yohanan said, "If the male heirs went ahead and sold off a small estate, when they have sold is permanently sold"? Rather, what what is the meaning of "daughter"? It is "mother." [The mother of the offspring may feed her "plucking"-slaves food in the status of priestly rations, because she herself may eat that food because of her living sons, who are priests (Slotki).]*

G. *If so, that's just what R. Yosé has said!*



H. *The entire statement is to be attributed to R. Ishmael b. R. Yosé.*

## 7:4

- A. **The foetus, the levir, betrothal, a deaf-mute, a boy nine years and one day old**
- B. **invalidate [a woman from eating food in the status of priestly rations] but do not validate [her to do so].**
- C. **[That is the case even if] it is a matter of doubt whether or not the boy is nine years and one day old,**
- D. **[or if] it is a matter of doubt whether or not he has produced two pubic hairs.**
- E. **[if] a house collapsed on him and on the daughter of his brother [his wife] and it is not known which of them died first,**
- F. **her co-wife performs removing the shoe and does not enter into levirate marriage.**

### I.1 A. The foetus:

- B. if the mother is the daughter of a priest married to an Israelite, he invalidates her: “as in her youth” (Lev. 22:13) — excluding a pregnant woman.
- C. If she is the daughter of an Israelite married to a priest, the embryo does not bestow the right of eating food in the status of priestly rations, since the child once born confers that right, but not the offspring prior to birth.

### II.1 A. the levir:

- B. if the deceased childless brother’s widow is the daughter of a priest married to an Israelite, the levir invalidates her: “and is returned to her father’s house” (Lev. 22:13) — excluding the deceased childless brother’s widow awaiting the decision of the levir.
- C. If she is an Israelite married to a priest, then he does not confer that right: “the purchase of his money” (Lev. 22:11) is what Scripture has said, and she is the purchase of not him but his deceased brother.

### III.1 A. betrothal:

- B. if the mother is the daughter of a priest married to an Israelite, betrothal deprives her of the right, [68A] for lo, he acquires title to her by betrothal.
- C. If she is an Israelite married to a priest, then betrothal does not confer that right; *in line with what Ulla has said [concerning a precautionary measure, lest she share the food with a brother or sister].*

### IV.1 A. a deaf-mute:

- B. if the mother is the daughter of a priest married to an Israelite, he invalidates her, *since [the Israelite deaf-mute] has acquired title to her by virtue of the authority of rabbis.*
- C. If she is an Israelite married to a priest, then he does not confer that right: “the purchase of his money” (Lev. 22:11) *is what Scripture has said, and he is not capable of effecting such a purchase.*

### V.1 A. a boy nine years and one day old:

- B. *In the assumption that this refers to a deceased childless brother’s widow awaiting the levirate connection with a boy nine years and one day old, in what regard does the age of the boy matter anyhow? If it is in regard to invalidating*

her from eating food in the status of priestly rations, then a younger boy would have the same affect upon that right, and if it was in regard to bestowing the right to eat food in the status of priestly rations, an adult levir could not bestow that right!

- C. Said Abbaye, “Here we deal with a levir who is nine years and a day old, and with one that has had sexual relations with the levirate widow. For on the basis of the law of the Torah he has acquired possession of her. Now it would have entered your mind to suppose that, since on the strength of the law of the Torah, he has acquired possession of her, and his act of sexual relations is regarded as effective, I might have thought that he then confers the right for her to eat food in the status of priestly rations. So we are informed that the sages have treated the act of sexual relations of a boy nine years and a day old as equivalent to an act of bespeaking on the part of an adult.”
- D. Said to him Raba, “If so, then when at the concluding clause the Tannaite formulation proceeds, **[That is the case even if] it is a matter of doubt whether or not the boy is nine years and one day old, [or if] it is a matter of doubt whether or not he has produced two pubic hairs, [that is odd. For] if a boy nine years does not confer the right to eat priestly rations, is there any doubt at all about the rule governing one whose age is subject to doubt?**”
- E. Rather, said Raba, “The passage refers to a boy nine years and a day old who belongs to one of those classifications of persons who are disqualified, so that, by their act of sexual relations, they deprive a woman [who is the daughter of a priest] from eating food in the status of heave offering, for it has been 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] [T. Nid. 6:1].**”
- F. But if the Tannaite formulation at the end states, **But if they are not suitable to enter [into the congregation of] Israel (Deu. 22: 2-4), lo, they do invalidate her from eating food in the status of priestly rations.[M. 7:5C],** does it not follow that the opening clause does not deal with disqualified persons of that kind?
- G. The prior clause refers to those who cannot enter the assembly, the subsequent one, those who cannot marry the daughter of a priest.

**V.2.** A. Reverting to the body of the prior discussion:

- B. **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].**
- C. R. Yosé says, “Any whose offspring is unfit — she is rendered unfit; but any whose offspring is fit — she is not disqualified.”

D. **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**].**

**V.3.** A. *What is the source of these rulings in Scripture?*

- B. Said R. Judah said Rab, “Said Scripture, ‘And if a priest’s daughter be married to a non-priest’ (Lev. 22:12) — once she has had sexual relations with him, he has disqualified her.”
- C. *But lo, this verse is required for a different purpose, specifically, in this statement before us the All-Merciful has said that the daughter of a priest who married a non-priest may not eat food in the status of priestly rations!*
- D. *Not at all, that point derives from the statement, “And she is returned to her father’s house as in her youth, she may eat of her father’s bread” (Lev. 22:13). Now since the All-Merciful has said, “And she is returned to her father’s house as in her youth, she may eat of her father’s bread,” it follows that, to begin with, she is not permitted to do so.*
- E. *If the rule derived from that statement, I might have supposed that since it is a negative commandment deriving from a positive one, it is classed as merely a positive commandment [not subject to extirpation, so where in the Torah do we know that the penalty is extirpation]. So the All-Merciful has set forth the other verse [at Lev. 22:12] to show that it is a negative commandment.*
- F. *But that it is a negative commandment can be shown on the basis of the verse, “No non-priest shall eat of the holy things” (Lev. 22:10).*
- G. **[68B]** *But that verse is required to make its own point. [Slotki: what proof then is there that a priest’s daughter who married such a man is also subject to the same law?]*
- H. The statement, “no non-priest...” is made twice [Lev. 22:10, Lev. 22:13, the former speaks of any non-priest, the latter, the daughter of a priest who returns to her father’s house, and the language, “no non-priest...,” then refers to a priest’s daughter married to such a man].
- I. *Still, the second statement [Lev. 22:12] is required in line with what R. Yosé bar Hanina said, for said R. Yosé bar Hanina, “‘...no non-priest...’ I spoke to you concerning non-priests, but not concerning a priest who is in the status of one who has suffered a bereavement but not yet buried his dead.”*
- J. *The rule set forth by R. Yosé b. R. Hanina can have derived from the reference to the non-priest. The addition of the word “no” serves for the present purpose.*
- K. *Still, is not the cited passage [Lev. 22:12] not required in line with that which has been taught on Tannaite authority: When the priest’s daughter goes home, she reverts to the right of eating food in the status of priestly rations, but she does not revert to the right to eat the meat of the breast and shoulder [that is given to the priests in line with Exo. 29:27, Lev. 7:34, 10:14). And said R. Hisda said Rabina bar R. Shila, “What verse of Scripture makes that point? As it is written: ‘But if a priest’s daughter be*

married to a non-priest, she shall not eat of the heave offering of holy things' (Lev. 22:12), meaning, she shall not eat that which is taken up from holy things."

- L. *If that were the point, Scripture should have framed the rule in the language: "she shall not eat of Holy Things." Why say, "of that which is raised up of Holy Things"? It is to yield two points.*

**V.4.** A. *We now have found the proof governing the woman of priestly caste. How do we know the same for the woman of Levitical or Israelite caste?*

- B. *It is in accord with what R. Abba said Rab said, "Scripture says, 'but a daughter' but could have said only 'daughter.'" Here too, Scripture could have said "daughter" but said "and a daughter." [The "and" extends the law to these other classifications of women.]*

- C. *In accord with whose exegetical principles is this statement made? It accords with the view of R. Aqiba, who expounds meaning even in the use of what appears to be a superfluous "and."*

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

**V.5.** A. *Now we have found the rule that in the appropriate case, the woman may no longer eat food in the status of priestly rations. But how about the prohibition against marrying a priest [if a woman has had sexual relations with a person who disqualifies her]?*

- B. *But have we now encompassed under the rule the woman of Levitical or Israelite caste in regard to the priestly marriage? For, in respect to eating food in the status of priestly rations, neither class of women is ever eligible to eat it! [Slotki: since they are never eligible to eat food in the status of priestly rations, there is no need for proof that they are now forbidden to do so].*

- C. *But are they never eligible to eat food in the status of priestly rations? Surely they would be eligible when the mother of Levitical or Israelite caste eats food in the status of priestly rations by virtue of the rights of her son [surviving his father]! [Slotki: a scriptural text might be required to forbid a woman in such circumstances from eating food in the status of priestly rations if she had sexual relations with a disqualified person.]*

- D. *The case of the mother who eats food in the status of priestly rations by reason of the right of her son derives from an argument a fortiori, namely: if the priest's daughter, who eats food in the status of priestly rations because of her own position of sanctification, is disqualified through such sexual relations, how much the more so will the woman of Levitical or Israelite caste, who eats that food only because of the right of her son, be disqualified on that same count!*

- E. *But the fact that the priest's daughter herself is sanctified in her person is the operative consideration that she alone should be disqualified through sexual relations with an inappropriate person, namely: the woman of*

*priestly caste, who herself is sanctified should be disqualified, but this woman, whose own person is not sanctified might not be disqualified!*

- F. Rather, the prohibition [applying to the woman of priestly caste who has had sexual relations with an inappropriate male] to marry a priest may derive from the case of a divorced woman on the basis of an argument a fortiori: if a divorcée, who may eat food in the status of priestly ration, is forbidden to marry a priest, then a woman of this sort, who cannot any longer eat food in the status of priestly ration, surely should be disqualified from marrying a priest [and no verse of Scripture is required to prove that point].
- G. But do we derive from logical argument alone the admonition against doing such a thing?
- H. *What we have before us is merely a clarification of the facts* [Slotki: but the actual prohibition is based on the fact that she is forbidden to eat food in the status of priestly rations; as she is forbidden to eat it because of her loss of sanctity, so she is forbidden to marry a priest].

**V.6.** A. *But might I not say that the language, if she had sexual relations with an inappropriate person, pertains to persons with whom such sexual relations are penalized by extirpation [e.g., a brother, but not a Samaritan or a netin or a mamzer, in which case the penalty is a mere flogging, and in which case betrothal is valid? Why should sexual relations with these classes of males disqualify her from marriage into the priesthood?]*

- B. *What the All-Merciful has said is, “If...be married...,” (Lev. 22:12), meaning, only those with whom marriage is possible, but with those with whom marriage is penalized by extirpation, marriage is not possible at all.*
- C. *In that case, a gentile or a slave should not invalidate her from marriage into the priesthood [but a slave does do so]!*
- D. *These disqualify her in line with what R. Ishmael said, for said R. Yohanan in the name of R. Ishmael, “‘How do we know that if an idolator or a slave had sexual relations with a priest-girl or a Levite-girl or an Israelite-girl, he has rendered her invalid [to remain in the caste in which she belongs]? As it is said, ‘But if a priest’s daughter is widowed or divorced’ (Lev. 22:13) — [69A] thus referring to a woman who is subject to the status of widow or divorcee. Then the idolator and the slave are excluded, for in such cases the status of widowhood or divorcee does not apply.”*

**V.7.** A. *Thus we have found the basis for the law governing the woman of priestly caste [that sexual relations with a slave or gentile disqualifies her]. What is the source of the same law governing the [marriage of a] woman of Levitical or Israelite caste [into the priesthood after sexual relations with a man of the same classification]?*

- B. *It is in accord with what R. Abba said Rab said, “Scripture says, ‘but a daughter’ but could have said only ‘daughter.’” Here too, Scripture could*

have said “daughter” but said “and a daughter.” [The “and” extends the law to these other classifications of women.]

- C. *In accord with whose exegetical principles is this statement made? It accords with the view of R. Aqiba, who expounds meaning even in the use of what appears to be a superfluous “and.”*
- D. *You may even say that the exegesis just now presented accords with the view of rabbis [who do not interpret superfluous ands], for the entire statement, “and a daughter” [not only the and] is superfluous.*

**V.8.** A. *Might I then say that in the case of a man in relation to whom there is a possibility of widowhood or divorce [that is, a legitimate Israelite or Levite (Slotki)], the woman may eat food in the status of priestly rations if she has no children, and may not if she does; but in the case of sexual relations with a man in relationship to whom there is no possibility of widowhood or divorce, she may eat food in the status of priestly rations even if she has children?*

- B. *If so, what was the point of the extension of the law to the women of Levitical and Israelite castes?*

**V.9.** A. *And from the perspective of R. Aqiba, who has said, “Betrothal does not take effect in the cast of those whose union violates a negative commandment,” and, further, what is the meaning of “if...be married to a non-priest” means, “if she has sexual relations” [there being no legal marriage with men of that classification], what is the point of referring to “widow or divorced” [and to exclude the the gentile or slave on grounds that widowhood or divorce is not possible, since they too are among persons with whom there is no possibility of betrothal or marriage anyhow]?*

- B. *The inclusion of the widow is to impose a strict rule [Slotki: a priest’s daughter who was the widow of an Israelite may not eat food in the status of heave offering if she has children, even after the death of her husband; had no scriptural text indicated this law, it might have been assumed that she may eat food in the status of priestly rations even if she had children from the Israelite], and the divorcée to impose a lenient rule [Slotki: to allow her to eat food in the status of priestly rations where she has no issue from the Israelite. Had not Scripture indicated this law, it might have been assumed that, as the divorcée was forbidden to marry a priest, so she was forbidden to eat such food even if her union with the Israelite produced no children].*

- C. *And it was necessary to deal with both matters, for had we been given the rule governing the widow, I might have supposed that it is the widow in particular, when she has no offspring, that eats that food, since she is worthy for marriage into the priesthood, but a divorcée, who is not worthy for marriage into the priesthood, I might say, even though she has no children, she still should not eat that food. And had we been given the rule governing the divorcée, I might have supposed that it is the divorcée in particular, who,*



*when she has children, is not to eat that food, because, in any event, she is not worthy of marrying into the priesthood, but a widow, who is worthy of marrying into the priesthood, I might have thought, even though she has children, she still may eat that food. So both cases had to be made explicit.*

- V.10.** A. *And might I say that the language, “if she had sexual relations with a person who is invalid for her,” pertains even to one who remarried a woman whom he had divorced [and who had married someone else in the interim]?*
- B. *“To a non-priest” is what Scripture has said, [and the use for “non-priest” of the word “stranger” indicates] only to one who was formerly a stranger to her [never having been permitted to marry her at all]. That serves to exclude her former husband, since to begin with he was not a stranger to her.*
- C. *If so, then one who is profaned to the priesthood, who is not a stranger to her, should not disqualify her!*
- D. *Said Scripture, “He shall not profane his seed among his people” (Lev. 21:15) — thus forming an analogy between “his seed” and “himself:” just as he disqualifies, so his offspring disqualify.*
- E. *And might I say that the disqualification applies from the moment of betrothal?*
- F. *It is comparable to the high priest in relationship to a widow: just as the high priest’s relationship to the widow is completed only through sexual relations, so this too is a relationship completed only through sexual relations.*
- G. *And might I say that the disqualification pertains only where there is both betrothal as well as sexual relations?*
- H. *It is comparable to the high priest in relationship to a widow: just as the high priest’s relationship to the widow is completed only through sexual relations alone, so this too is a relationship completed only through sexual relations alone.*

**V.11. A. R. Yosé says, “Any whose offspring is unfit — she is rendered unfit; but any whose offspring is fit — she is not disqualified:”**

- B. *On what point do the initial Tannaite authority and R. Yosé differ?*
- C. *Said R. Yohanan, “At issue between them is the Egyptian convert in the second generation and the Idumaeen convert of the second generation [who cannot marry into the congregation, Deu. 23: 8, but their children, of the third generation, may do so; the first Tannaite authority has the second generation disqualify the woman he marries; Yosé does not, since his offspring are not disqualified (Slotki)]. And both of them derive the case only from the analogy of the high priest married to a widow. The initial Tannaite authority maintains: just as the high priest in regard to the widow, in which instance his act of sexual relations represents a transgression, invalidates [the offspring], so in this case, the offspring are invalid; and R. Yosé maintains, just as the high priest, whose offspring are*



invalid, invalidates the woman, so anyone else can invalidate the woman only if his offspring is invalid: *that excludes the Egyptian proselyte of the second generation, since his children are not invalid*: ‘The children of the third generation that are born unto them may enter into the assembly of the Lord’ (Deu. 23: 9).”

**V.12. A. 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:”**

B. *What is at issue between R. Yosé and Rabban Simeon b. Gamaliel?*

C. Said Ulla, “The Ammonite and Moabite proselyte are at issue between them. [Yosé has such a proselyte disqualify, Simeon does not]. And both of them derive the case only from the analogy of the high priest married to a widow. R. Yosé maintains that just as in the matter of the high priest and the widow, his seed is invalid and invalidates [a woman from the priesthood], so any other person invalidates only when his seed is invalid. Rabban Simeon b. Gamaliel takes the position that, just as in regard to the high priest in respect to a widow, anyone whose seed is entirely invalid also invalidates, so anyone all of whose offspring is invalid invalidates. *An Ammonite and a Moabite are excepted, since not all of their offspring are invalid, for a master has said, ‘An Ammonite’? (Deu. 23:40, and note a female Ammonite, ‘a Moabite’ and not a female Moabite.’*”

**7:5-6**

**7:5**

- A. The rapist and the seducer and the idiot
- B. do not invalidate [women with whom they have sexual relations] from eating food in the status of priestly rations and do not validate [them for eating food in the status of priestly rations].
- C. But if they are not suitable to enter [into the congregation of] Israel (Deu. 22: 2-4), lo, they do invalidate her from eating food in the status of priestly rations.
- D. How so [A-B]?
- E. An Israelite who had sexual relations with a priest’s daughter — she [continues to] eat food in the status of priestly rations.
- F. [69B] [If] she turned out to be pregnant, she does not eat food in the status of priestly rations.
- G. [If] the foetus was removed from her womb, she eats food in the status of priestly rations.
- H. A priest who had sexual relations with an Israelite girl —
- I. she does not eat food in the status of priestly rations.
- J. [If] she turned out to be pregnant, she [still] does not eat food in the status of priestly rations [M. 7:3C].
- K. If she gave birth [to a viable offspring], she does eat food in the status of priestly rations.

- L. It turns out that the power of the child is greater than that of the father [since the child validates or invalidates the mother for eating food in the status of priestly rations, which his father could not accomplish].
- M. A slave invalidates by reason of having sexual relations but not by reason of offspring.
- N. How so?
- O. An Israelite girl married to a priest, or a priestly girl married to an Israelite,
- P. and she gave birth to a son with him,
- Q. and the son went and trifled with a slave girl, and she produced a son from him —
- R. lo, this boy is a slave.
- S. [If] the mother of his [the slave's] father was an Israelite girl married to a priest, [if the father and son die] she does not eat food in the status of priestly rations [by reason of the grandson]. [If] she was a priest's daughter married to an Israelite, [despite the grandson] she does eat food in the status of priestly rations.
- T. A mamzer invalidates and validates for eating.
- U. How so?
- V. An Israelite girl married to a priest, a priestly girl married to an Israelite —
- W. and she produced a daughter with him,
- X. and the daughter went and married a slave or a gentile and produced a son from him —
- Y. lo, this son is a mamzer
- Z. [If] the mother of his mother was an Israelite girl married to a priest, [because of the mamzer grandson, the grandmother] eats food in the status of priestly rations.
- AA. [If she was] the daughter of a priest married to an Israelite, [because of the grandson, the grandmother] should not eat food in the status of priestly rations.

## 7:6

- A. A high priest —
- B. sometimes he invalidates [a woman from eating food in the status of priestly rations].
- C. How so?
- D. A priestly girl married to an Israelite, and she produced a daughter by him, and the daughter went and married a priest and produced a son by him —
- E. lo, this [son] is worthy to be high priest standing and serving at the altar,
- F. and he validates his mother for eating food in the status of priestly rations, and [if his mother died] he invalidates his mother's mother.
- G. This lady then says, “[Let there] not [be many] like my [grand]son, the high priest, who [because he is yet alive] invalidates me from eating food in the status of priestly rations.”

**I.1** A. *We have learned on Tannaite authority [concerning the betrothal of an imbecile, which neither confers nor invalidates the right of eating food in the status of priestly rations, so clarifying that his act of acquisition is null] that which our rabbis have taught on Tannaite authority:*

B. **An idiot or a minor who married and died — their wives are exempt from the requirement of performing the rite of removing the shoe [T. Yeb. 11:11:K-L].**

**II.1** A. **How so? An Israelite who had sexual relations with a priest's daughter — she [continues to] eat food in the status of priestly rations. [If] she turned out to be pregnant, she does not eat food in the status of priestly rations:**

B. *Since if she is pregnant, she may not eat such food, we have to take a precaution lest she might be pregnant. [So how may we say, **she continues to eat food in the status of priestly rations?**] Have we not learned in the Mishnah: **And they set them apart for three months, lest they be pregnant?***

C. Said Rabbah bar R. Huna, "In regard to genealogy [the legitimacy of the child] they take precautionary measures of that kind, but for the consideration of food in the status of heave offering, they do not."

D. But in regard to the consideration of food in the status of heave offering, do they not? *And has it not been taught on Tannaite authority:* "Lo, here is your writ of divorce, to take effect one hour before I die," — the wife is forbidden to eat priestly rations forthwith [since we do not know when the husband will die]?

E. Rather, said Rabbah bar R. Huna, "As to marriage, they took precautionary measures, but as to the possibility of fornication, they did not take precautionary measures."

F. But as to marriage, is it true that they took precautionary measures? *And has it not been taught on Tannaite authority:* A priest's daughter married to an Israelite, and the husband died — she may immerse and eat food in the status of priestly rations that same night. [We do not assume she might have been pregnant and therefore forbidden to eat that food.]

G. Said R. Hisda, "She immerses, but may eat food in the status of priestly rations only for the next forty days. *For if she is found not to be pregnant, then she never was; and if she was pregnant, until the fortieth day, the semen is mere water and null.*"

H. *Said to him Abbaye, "If so, then note what follows: if the embryo in her womb may be distinguished, she is assumed to have been in disarray retroactively."*

I. *"What is the meaning of in disarray retroactively? It is that she is assumed to have been in disarray retroactively to the fortieth day [if she had eaten such food at any time after that date]."*

**II.2.** A. *It has been stated:*

B. He who had sexual relations with his betrothed when in the house of his father-in-law to be —

C. Rab said, "The offspring is a mamzer."

D. And Samuel said, "The offspring is in the status of one who is silenced [when he asks who his father was]."

- E. *Said Raba, "The opinion of Rab stands to reason where the betrothed woman was suspect in general, but if she was not suspect in general, the child is assigned to the prospective son-in-law."*
- F. *Said Raba, "How do I know it? Because it is stated, **A priest who had sexual relations with an Israelite girl — she does not eat food in the status of priestly rations. [If] she turned out to be pregnant, she [still] does not eat food in the status of priestly rations [M. 7:3C]. If she gave birth [to a viable offspring], she does eat food in the status of priestly rations.** Now how shall we interpret this case? If we say that in general she is suspect, then if she gave birth, why should she be able to eat that food [in the assumption that it is the priest's child]? Rather, it speaks of a woman who is suspect in respect to him but not in general. Now if in this case, in which she is forbidden to the one as well as to the other [the rapist, the seducer, as well as anybody else, since she is not betrothed], the child is assigned to him, how much the more so should the child be assigned to the betrothed husband in a case in which the sexual relations were with the fiancé, since she is forbidden to everybody else but permitted to him."*
- G. *Said to him Abbayye, "Well, in any event I may say to you that in any case in which she is suspect of fornication with the fiancé, even though she is not suspect of fornication with anybody else, in Rab's opinion, the child is held to be a mamzer. How come? We say that just as she made herself ability to the fiancé, so she made herself available to other people. But our Mishnah-paragraph [assigning the offspring to the rapist or seducer] deals with a case in which the two of them were locked up in the same jail [and she could have had sexual relations with no one else]."*
- H. *There are those who say: he who has sexual relations with her — all parties concur that the child is regarded as his. But here the rule has been stated in the following terms:*
- I. *A betrothed girl who got pregnant —*
- J. *Rab said, "The offspring is a mamzer."*
- K. *And Samuel said, "The offspring is in the status of one who is silenced [when he asks who his father was]."*
- L. *Said Raba, "The opinion of Rab stands to reason where the betrothed woman was not suspect in regard to him but was suspect in general. [70A] But if she was suspect of sexual relations with him the child is assigned to the prospective son-in-law, even if she is suspect of sexual relations with others."*
- M. *Said Raba, "How do I know it? Because it is stated, **A priest who had sexual relations with an Israelite girl — she does not eat food in the status of priestly rations. [If] she turned out to be pregnant, she [still] does not eat food in the status of priestly rations [M. 7:3C]. If she gave birth [to a viable offspring], she does eat food in the status of priestly rations.** Now how shall we interpret this case? If we say that she was suspect of fornicating with him but was not suspect in general, then is it necessary to say that she should eat food in the status of priestly rations? Rather, is it not a case in which she was suspect also in general? Now if in*

*this case, in which she is forbidden to the one as well as to the other [the rapist, the seducer, as well as anybody else, since she is not betrothed], the child is assigned to him, how much the more so should the child be assigned to the betrothed husband in a case in which the sexual relations were with the fiancé, since she is forbidden to everybody else but permitted to him.”*

- N. *Said to him Abbaye, “Well, in any event I may say to you that in any case in which she is suspect of fornication in general, even though she was suspect of fornicating with him, Rab has said, the offspring is a mamzer, and our Mishnah-paragraph deals with a case in which she was not suspect at all.”*

**III.1 A. A slave invalidates by reason of having sexual relations but not by reason of offspring. How so? An Israelite girl married to a priest, or a priestly girl married to an Israelite, and she gave birth to a son with him, and the son went and trifled with a slave girl, and she produced a son from him — lo, this boy is a slave. [If] the mother of his [the slave’s] father was an Israelite girl married to a priest, [if the father and son die] she does not eat food in the status of priestly rations [by reason of the grandson]. [If] she was a priest’s daughter married to an Israelite, [despite the grandson] she does eat food in the status of priestly rations:**

- B. *What is the scriptural basis for this rule?*  
 C. “The wife and her children shall be her master’s” (Exo. 21: 4) [Slotki: they are regarded as slaves and as the offspring of the bondwoman, not the priest].

**IV.1 A. A mamzer invalidates and validates for eating. How so? An Israelite girl married to a priest, a priestly girl married to an Israelite — and she produced a daughter with him, and the daughter went and married a slave or a gentile and produced a son from him — lo, this son is a mamzer [If] the mother of his mother was an Israelite girl married to a priest, [because of the mamzer grandson, the grandmother] eats food in the status of priestly rations. [If she was] the daughter of a priest married to an Israelite, [because of the grandson, the grandmother] should not eat food in the status of priestly rations:**

- B. *Our rabbis have taught on Tannaite authority:*  
 C. “And have no children” (Lev. 22:13) — I know only that that pertains to her own child, what about her grandchild? Scripture says, “And have no child,” meaning, any child whatsoever.  
 D. So far I know that that is the case only of a valid offspring, what about an invalid one?  
 E. Scripture says, “And have no child,” meaning, “hold an inquiry concerning her.”  
 F. *But lo, that clause has yielded the deduction concerning the grandchild!*  
 G. *In point of fact it is not necessary to present a verse of Scripture to prove that grandchildren are in the status of children. Where a verse of Scripture is required is to deal with invalid offspring.*

**IV.2. A. Said R. Simeon b. Laqish to R. Yohanan, “In accord with whose opinion [is it the rule that the offspring of a marriage between an Israelite woman and a gentile**

or slave, forbidden by a negative commandment but not under penalty of extirpation, is a mamzer]? It is in accord with R. Abia, who has said, a mamzer may derive from a union prohibited merely on penalty of violating a negative commandment.”

- B. *You may even maintain that this represents the opinion of rabbis, since, so far as a gentile or a slave, they concur. For when R. Dimi came, he said R. Isaac bar Abodimi [said] in the name of Our Rabbi, “ If a gentile or a slave had sexual relations with an Israelite woman, the offspring is in the category of a mamzer.”*

**V.1 A. A high priest — sometimes he invalidates [a woman from eating food in the status of priestly rations]. How so? A priestly girl married to an Israelite, and she produced a daughter by him, and the daughter went and married a priest and produced a son by him — lo, this [son] is worthy to be high priest standing and serving at the altar, and he validates his mother for eating food in the status of priestly rations, and [if his mother died] he invalidates his mother’s mother. This lady then says, “[Let there] not [be many] like my [grand]son, the high priest, who [because he is yet alive] invalidates me from eating food in the status of priestly rations:”**

- B. *Our rabbis have taught on Tannaite authority:*

- C. [The grandmother may say,] “Lo, I shall be an atonement for my grandson, the little fellow, who bestows on me the right to eat food in the status of priestly rations, but I would not serve as atonement for my grandson, the big fellow, who deprives me of that right.”