

I.

BAVLI KETUBOT CHAPTER ONE

FOLIOS 2A-15B

1:1

- A. [2A] **A virgin is married on Wednesday, and a widow on Thursday.**
- B. **For twice weekly are the courts in session in the towns, on Monday and on Thursday.**
- C. **So if he [the husband] had a complaint as to virginity, he goes early to court.**

- I.1** A. Said R. Joseph said R. Judah said Samuel, “How come they have said, **A virgin is married on Wednesday?** It is in line with that which we have learned [to repeat as a Tannaite statement]: **If the time came and they were not married, she in any event is supported by him. And she eats food in the status of priestly rations [if he is a priest, and she is not] [M. 5:2D-E].** One might then suppose that if the time came on Sunday [measured from the point of betrothal, as specified below], he would at that point begin to have to provide her food. Therefore we have learned in the Mishnah: **A virgin is married on Wednesday** [and that is the point at which the husband becomes responsible for the wife’s upkeep].”
- B. *Said R. Joseph, “Lord of Abraham! He makes a statement made on Tannaite authority to one that was not made on Tannaite authority!”*
- C. *Which one has been taught on Tannaite authority, and which one has not been taught on Tannaite authority? In point of fact, both this one has been taught on Tannaite authority and that one has been taught on Tannaite authority!*

- D. *Rather, what he does is to make a Tannaite formulation for which a reason is set forth depend upon a Tannaite formulation for which a reason has not been set forth* [that is, M. 1:1 is explicit, **So if he [the husband] had a complaint as to virginity, he goes early to court**, and the intersecting one gives no reason for its rule].
- E. *So if the statement was made, this is what was said:*
- F. Said R. Judah said Samuel, “How come they have said, **A virgin is married on Wednesday?** It is so that **if he [the husband] had a complaint as to virginity, he goes early to court.**”
- G. By that reasoning, let her be married on Sunday, so that if the husband had a claim against her virginity, he could get up early and go to court [Monday]!
- H. Sages watched over the welfare of Israelite women, so that the husband would go to a great deal of trouble preparing the wedding meal for three days prior to the wedding, on Sunday, Monday, and Tuesday. Then on Wednesday he consummates the marriage.
- I. Now that we have learned [as part of the Tannaite formulation], Sages watched over..., then with reference to that which we have learned [as a Tannaite formulation], **If the time came and they were not married, she in any event is supported by him. And she eats food in the status of priestly rations [if he is a priest, and she is not] [M. 5:2D-E]**, [the same consideration applies here as well, namely:] if the time to marry came on Sunday, since he cannot consummate the marriage that day, he also does not provide food for her. Therefore, if he fell ill or she fell ill, or if her menstrual period arrived, he does not have to provide her with food.

I.2 A. *There are those who raise the matter as a question: If he fell ill, what is the law? What is the operative consideration? It is that he is constrained [by sages to wait till Wednesday, hence is under constraint] and here, too, he is subject to constraint [to postpone the marriage, with the same result]? Or perhaps there he is subject to the constraint of the ordinance that sages imposed upon him, but here that is not the case?*

B. *And if you should find grounds to rule, if he fell ill, he nonetheless provides her with support, then if she fell ill, what is the law? Can he simply say to her, “I’m ready, willing, and able to marry you [and will support you when the marriage is consummated]”? Or can she say to*

him, “His field is flooded [and like me, he is a victim of circumstances, but must support me]”?

C. *And if you should find grounds to rule, she may say to him, “His field is flooded [and like me, you are a victim of circumstances, but must support me],” then if she found that her menstrual period had begun [so she cannot consummate the marriage, which therefore has to be postponed], what is the law? That question should not trouble you with respect to the regular time of menstruation, [2B] for she cannot say to him, “His field is flooded.” The question pertains in particular to menstruation not at the time of the regular period. What is the rule? Since this is not at the time of her regular period, she can say to him, “His field is flooded [and like me, you are a victim of circumstances, but must support me].” Or perhaps, since there are women whose periods change from time to time, it is equivalent to her regular period.*

D. R. Ahai solved the problem on the strength of the following: “**If the time came and they were not married, she in any event is supported by him. And she eats food in the status of priestly rations [if he is a priest, and she is not] [M. 5:2D-E].** The language that is used is not, they [the men] did not marry [the women], but rather, **they were not married** – and under what circumstances can this have taken place? If the obstacle to the marriage came from the women, then why is it that **she in any event is supported by him. And she eats food in the status of priestly rations [if he is a priest, and she is not]**? So is it not that the woman was under constraint. And in such a case, it is explicit that **she in any event is supported by him. And she eats food in the status of priestly rations!** [So here, too, she is supported by him, being under constraint.]”

E. Said R. Ashi, “In point of fact I shall say to you, in any case of constraint [preventing the marriage], she does not eat his food. But here, it is the men that have caused the postponement of the marriage. And the formulation of the Tannaite statement before us really ought to have been, the men did not marry the women, but since the opening clause of

the passage speaks of the women, the closing clause is also formulated with them as the subject.”

I.3 A. Said Raba, “But with regard to writs of divorce, that is not the rule.”

B. *Therefore Raba takes the view that we do not take account, in connection with writs of divorce, of the consideration of unavoidable constraint.* [Daiches: Accident is no plea in regard to divorce.]

C. *Whence does Raba derive that conception? I may say it derives from the following, which we have learned in the Mishnah: “Lo, this is your writ of divorce, if I do not come back within twelve months,” and he died within twelve months, it is no writ of divorce [M. Git. 7:8A-C]. So if he actually died, it is no writ of divorce, but if he merely fell sick [and for that reason could not come back], it would have been a valid writ of divorce.*

D. *But perhaps in any case I may say to you that if he fell ill, it also is not a valid writ of divorce. And what the passage itself proposes to tell us is that there is no valid writ of divorce once the husband has died [so there is no other deduction to be drawn (Daiches)].*

E. *The fact that a valid writ of divorce cannot be rendered once the husband has died is set forth in a prior Tannaite formulation in the same context, namely: [If he said,] “This is your writ of divorce if I die,” “This is your writ of divorce if I die from this ailment,” “This is your writ of divorce effective after death,” he has said nothing [M. Git. 7:3A-C].*

F. *But maybe the intent of that formulation is to set aside the position of our rabbis, for it has been taught on Tannaite authority: Our rabbis permitted the woman to remarry under these*

circumstances [e.g., if her husband died childless, she does not have to undergo the rite of removing the shoe]. *And in that context we said, "Who are our rabbis?" Said R. Judah said Samuel, "It is the court that also permitted gentiles' oil. They concur on the principle of R. Yosé, who said, 'The date of the document proves the validity thereof'" [it was inserted to make the document effective from the moment of delivery (Daiches)]. Now furthermore, from the later clause of the same passage [on the strength of which Raba has drawn his deduction], "Lo, this is your writ of divorce, if I do not come back within twelve months," and he died within twelve months, it is no writ of divorce [M. Git. 7:8A-C], if he fell ill, it also is not a valid writ of divorce.*

G. *But maybe the sense is, if he died in particular [but falling sick is not part of the rule], since the husband did not want his wife to fall to the lot of the levir. Rather, the same point [that Raba wishes to make] is to be proven from the following: There was someone who said to [witnesses], "If I don't come back from now until thirty days have passed, it will be a valid writ of divorce" [that is, given now, effective in thirty days]. He came at the end of thirty days, but was held up at the ferry. He said to them, "Look, I'm back! Look, I'm back!" Said Samuel, "That's not classified as coming back."*

H. *But maybe unavoidable constraint that may take place commonly is exceptional, since he should have made a stipulation to cover such a foreseeable accident but did not do so and so caused his own injury [and hence Raba's conclusion is not to be drawn].*

I. *Rather, Raba set forth his own theory, on account of women who are meticulous about their situation as well as those who are careless:*

J. *On account of women who are meticulous about their situation: For if you say that it ought not to be validated as a writ of divorce, [3A] then it may come about that he was not held back under constraint, but she might think he was held back under constraint, and she would then suppose she is to live out her years as an abandoned woman [unable to remarry by reason of the assumption that her husband is still alive, there being no proof of his death].*

K. *...as well as those who are careless: For if you say that it ought not to be validated as a writ of divorce, then it may come about that he was held back under constraint, but she might think he was not held back under constraint, and she would then go and remarry, and the writ of divorce would then turn out to be null, and her offspring in the second marriage mamzerim.*

I.4 A. *Now is it really possible that, on the strength of the law of the Torah, it would not be a valid writ of divorce, but, on account of women who are meticulous about their situation as well as those who are careless, we should permit a married woman to remarry?"*

B. *Yes indeed, for anyone who effects an act of betrothal does so relying upon the authority of rabbis, and in this case, rabbis have withdrawn the betrothal from him.*

C. *Said Rabina to R. Ashi, "Well, that would be no problem if the betrothal were done with a money exchange, but if the*

betrothal were done with an act of sexual relations, what is to be said?"

D. *"Rabbis have treated his act of sexual relations as nothing more than fornication."*

I.5

A. *There are those who say, "Said Raba, 'So, too, with regard to writs of divorce, that is the rule.'*

B. *"Therefore Raba takes the view that we do take account, in connection with writs of divorce, of the consideration of unavoidable constraint."* [Daiches: Accident is no plea in regard to divorce.]

C. *An objection was raised: "Lo, this is your writ of divorce, if I do not come back within twelve months," and he died within twelve months, it is no writ of divorce [M. Git. 7:8A-C]. So if he actually died, it is no writ of divorce, but if he merely fell sick [and for that reason could not come back], it would have been a valid writ of divorce.*

D. *In any event, I may say to you that if he fell ill, it also is not a valid writ of divorce. And what the passage itself proposes to tell us is that there is no valid writ of divorce once the husband has died [so there is no other deduction to be drawn (Daiches)].*

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F. *But maybe the intent of that formulation is to set aside the position of our rabbis, for it has been taught on Tannaite authority: Our rabbis permitted the woman to remarry under these circumstances [e.g., if her husband died childless, she does not have to undergo the rite of removing the shoe].*

G. *Come and take note: "Lo, this is your writ of divorce, effective now, if I do not come back within twelve months," and he died within twelve months, it is no writ of divorce [M. Git. 7:8A-C], and is it not also the law even if he fell ill, it also is not a valid writ of divorce?*

H. *No, the rule is if he died in particular [but falling sick is not part of the rule], since the husband did not want his wife to fall to the lot of the levir.*

I. *Come and take note: There was someone who said to [witnesses], "If I don't come back from now until thirty days have passed, it will be a valid writ of divorce" [that is, given now, effective in thirty days]. He came at the end of thirty days, but was held up at the ferry. He said to them, "Look, I'm back! Look, I'm back!" Said Samuel, "That's not classified as coming back."*

J. *But maybe unavoidable constraint that may take place commonly is exceptional, since he should have made a stipulation to cover such a foreseeable accident but did not do so and so caused his own injury [and hence Raba's conclusion is not to be drawn].*

- I.6** A. Said R. Samuel bar Isaac, "The rule [that the virgin marries on Wednesday] dates only from the time that Ezra made his ordinance onward, by which courts of justice go into session only on Monday and Wednesday. But, before the ordinance of Ezra, when courts went into session every day, a woman could get married any day."
- B. *So what happened before the ordinance of Ezra is just so much water over the dam! [Why make such a trivial observation?]*
- C. *This is the sense of that statement: "If there are courts that meet nowadays as before the time of Ezra's ordinance, then a woman can get married any day of the week."*
- D. *Well, then, what about the consideration that sages watched over [the welfare of Israelite women, so that the husband would go to a great deal of trouble preparing the wedding meal for three days prior to the wedding, on Sunday, Monday, and Tuesday. Then on Wednesday he consummates the marriage]?*
- E. *[We take for granted that the husband] had already gone to that trouble.*

I.7 A. **[3B]** *What is the meaning of this reference to the fact that sages watched over [the welfare of Israelite women, so that the husband would go to a great deal of trouble preparing the wedding meal for three days prior to the wedding, on Sunday, Monday, and Tuesday. Then on Wednesday he consummates the marriage]?*

B. *It is in line with that which has been taught on Tannaite authority:*

C. On what account did they rule, A virgin is married on Wednesday? So that if he had a complaint against her virginity, he goes to court early the next morning, when it is in session.

D. If so, she should just as well be married on Sunday, and if he had a claim as to her virginity, he could go to court early Monday morning?

E. Sages watched over the welfare of Israelite woman, that the man should go to a great deal of trouble preparing the wedding banquet for three days after the Sabbath, that is, Sunday, Monday, and Tuesday; then Wednesday he consummates the marriage.

F. And from the time of danger [Bar Kokhba's War] and afterward, they began the custom of marrying her on Tuesday, and sages did not stop them.

G. But if he wanted to marry her on Monday, they do not listen to him. But if it is on account of constraint, it is allowed.

H. And one separates the bridegroom from the bride [that they might have sexual relations] at the beginning [if she is a virgin], because he makes a wound [in breaking the hymen] [T. **Ket. 1:1A-J**].

I.8 A. *What is the time of danger?*

B. *If I should say that [the Romans] ruled, "If a virgin is married on Wednesday, [and turns out not to be a virgin, as the penalty] she is to be put to death," then rather than conceding merely, they began the custom of marrying her on Tuesday, that practice should be entirely uprooted!*

C. *Said Rabbah, "What the Romans said was, 'If a virgin is married on Wednesday, the local army commander will have the first act of sexual relations with her.'"*

D. *You call this a danger? This is utterly under constraint!*

E. *Well, there are chaste women, who would rather give their lives, and they would be endangered.*

F. *Well, teach them that if it's under constraint, it's allowed.*

G. *On the one side, there are the harlots, on the other, the wives-to-be of priests. [The former will love it, the latter will be unable to marry a priest.]*

H. *Well, then, why not uproot the practice entirely [of having a virgin's marriage on Wednesday]?*

I. *A decree such as the Roman one is likely to be nullified, so we should not abolish an ordinance of rabbis merely on account of such a transient thing as a harsh decree.*

J. *Well, anyhow, why in the world would the Roman commander not come along and have intercourse if the wedding were on a Tuesday?*

K. *If he's not sure when the wedding is, he's not going to go to all that much trouble.*

I.9

A. **But if he wanted to marry her on Monday, they do not listen to him. But if it is on account of constraint, it is allowed:**

B. *What is the definition of **on account of constraint**?*

C. *If I should propose that it is that to which we already have made reference, in point of fact, then was it there called **danger**, but here **constraint**? And furthermore, there what it says is, **they began the custom of marrying her on Tuesday**, while here it is merely **allowed**!*

D. *Said Raba, "[The constraint would be a case in which] they said, 'A general has come to town [and will requisition the banquet food].'"*

E. *Under what circumstances? If he's just passing through, then postpone the event.*

F. *The rule is necessary to cover a case in which he came and stayed.*

G. *So let him have the wedding on Tuesday.*

H. *His vanguard came on Tuesday.*

I. *And if you prefer, I shall say: What is the definition of **on account of constraint**?*

J. *It is in line with that which has been taught on Tannaite authority: Lo, if his bread was baked, meat*

slaughtered, wine mixed, but then the father of the groom [who pays for the feast] or the mother of the bride [who supplies the trousseau (Daiches)] dropped dead, they put the deceased into a room and then bring the groom and bride into the marriage canopy, [4A] where the groom has sexual relations with the bride in fulfillment of the religious duty, but then [the burial of the deceased takes place, and, of course, the groom for the mourning period] separates himself from her. The seven days of banqueting are observed, then the seven days of mourning, and during all those days, he sleeps among the men, and she among the women. But they do not withhold any form of ornament from the bride for all thirty days.

K. That is the case only if it is the father of the groom or the mother of the bride, for there is no one else who will take the trouble to take care of the groom and bride. But if it were the reverse, that is not the case.

I.10 A. Said Rafram bar Pappa said R. Hisda, “That formulation has been repeated only for a situation in which water has already been poured on the meat, but if water was not poured on the meat, it can be sold off.”

B. Said Raba, “But in a city, even though the water has been poured on the meat, it is sold off.”

C. Said R. Pappa, “And in a town, even if the water has not been poured on the meat, it is not sold off.”

D. *So where will there turn up a case in which the rule of R. Hisda pertains?*

E. *Said R. Ashi, “For instance, Mata Mehassaya, which is neither a city nor a village.”*

I.11 A. *It has been taught on Tannaite authority in accord with the position of R. Hisda:*

B. Lo, if his bread was baked, meat slaughtered, wine mixed, and water poured on the meat, but then the father of the groom or the mother of the bride dropped dead, they put the deceased into a room and then bring the groom and bride into the marriage canopy, where the groom has sexual relations with the bride in fulfillment of the religious duty, but then [the burial of the deceased takes place, and, of course, the groom for the mourning period] separates himself from her. The seven days of banqueting are observed, then the seven days of mourning, and during all those days, he sleeps among the men, and she among the women.

C. And so, if his wife had her period, he sleeps among the men and she among the women. But they do not withhold any form of ornament from the bride for all thirty days.

D. One way or the other, he should not have his first act of sexual relations on a Friday or Saturday night.

I.12

A. The master has said, “And during all those days, he sleeps among the men, and she among the women”:

B. *That supports R. Yohanan, for* said R. Yohanan, “Even though they have said, ‘Mourning does not take place on the intermediate days of a festival,’ still, matters that are protected by privacy are to be observed [in which there is no outward manifestations of grief (Daiches)].”

C. *Expounded R. Joseph b. Raba in the name of Raba,* “This rule has been repeated only to cover a case in which he had not yet had sexual relations with the new wife, but if he had had sexual

relations with her, his wife sleeps with him.”

D. *Now here we deal with a case in which he had already had sexual relations, and yet it is taught as the Tannaite formulation:* During all those days, he sleeps among the men, and she among the women!

E. *When that statement was made, it referred to a case in which her period began.*

F. *But it states explicitly:* And so, if his wife had her period, he sleeps among the men and she among the women!

G. **[4B]** *This is the sense of the statement:* And so, if his wife had her period, but he had not yet had sexual relations with her, then he sleeps among the men and she among the women.

I.13 A. *Is that then to say that the rules of mourning are to be treated more lightly than the rules of menstruation [since the rule of menstruation is invoked only where there has been no sexual relations]? And has not R. Isaac bar Hanina said R. Huna said, “Whatever acts of service a wife does for her husband, a menstruating wife does for her husband, except she does not mix the cup [pouring out wine], make the bed, or wash his face, hands, and feet,” while with reference to mourning, it has been taught on Tannaite authority:* Even though

they have said, “A man is permitted to force his wife to paint her eyes or rouge her cheeks [during mourning],” nonetheless they have said, “She does mix the cup [pouring out wine], make the bed, or wash his face, hands, and feet”?”

B. *There is no contradiction whatsoever, the one speaks of his mourning, the other of hers.*

C. *Yes, but explicit reference is made here to the father of the groom or the mother of the bride [so no such distinction is made]!*

D. *When that statement is made, it has reference to the other items on the list.*

E. *So is there a difference between the rites of mourning that apply to the husband and the rites of mourning that apply to the wife? And has it not been taught on Tannaite authority: He who has suffered a bereavement by reason of the death of his father-in-law or mother-in-law, the husband may not compel the wife, who is in mourning, to put on eye shadow or do her hair, and he should overturn his own bed and observe the rites of mourning with her, and when her father-in-law or mother-in-law dies, she should not put on eye shadow or do her hair, and she*

overturns her couch and observes mourning with him?

F. *With regard to his mourning, formulate the Tannaite rule as follows: He sleeps among the men and she among the women.*

G. *But the language is used, and so also....*

H. *When that is stated, it is with reference to painting the eyes and rouging the cheeks.*

I. *But lo, the language is set forth in the Tannaite formulation, with him. Does this not mean, with him in one bed?*

J. *No, it means only, with him in the same house, in line with what Rab said to his son, Hiyya, "When you are in her presence, observe the rules of mourning, but not in her presence, don't observe the rules of mourning."*

K. R. Ashi said, *"But can you really compare the mourning in the present case with mourning in general? In the case of mourning in general, the rules are strict, and people would not treat the rules lightly; but in the case of the mourning in the present case, since rabbis have imposed less strict rules here, people might treat the matter lightly."*

L. *What exactly is the leniency shown by rabbis*

in the present case anyhow? If I should say that it is taught, where the groom has sexual relations with the bride in fulfillment of the religious duty, but then [the burial of the deceased takes place, and, of course, the groom for the mourning period] separates himself from her, well, that is because the requirement of mourning does not apply to him as yet, for, if the rule accords with the position of R. Eliezer, the period of mourning commences when the body has been taken out of the house, and if the law accords with R. Joshua, the period of mourning begins when the rolling stone has been rolled over the grave!

M. Rather, it is in accord with that which the Tannaite formulation states: The seven days of banqueting are observed, then the seven days of mourning.

- I.14** A. The master has said: “One way or the other, he should not have his first act of sexual relations on a Friday or Saturday night”:

B. *Now with reference to Friday night, that is not hard to understand, since the operative consideration is the wound that he will make. But why not have the first act of sexual relations on Saturday night?*

C. Said R. Zira, [5A] “Because of his keeping accounts [on the Sabbath of the cost of the meal that he is going to give as a banquet after the Sabbath in celebration of the act.”

D. *Said to him Abbayye, “But is it forbidden to keep in mind accounts that are connected with doing a religious deed? And lo, R. Hisda and R. Hammuna both say, ‘As to accounts having to do with a religious duty, it is permitted to tote them up [mentally] on the Sabbath.’”*

E. And said R. Eleazar, “They may pledge charity for the poor on the Sabbath.”

F. And said R. Jacob said R. Yohanan, “They may go to synagogues and study houses to supervise public business on the Sabbath.”

G. And said R. Jacob bar Idi said R. Yohanan, “They undertake emergency measures for the saving of life on the Sabbath.”

H. And said R. Samuel bar Nahmani said R. Jonathan, “They may even go to theaters and circuses on the Sabbath to oversee the public business.”

I. *And a Tannaite statement of the household of Menassiah:* “They negotiate about betrothing girls on the Sabbath, or about teaching Scripture to a boy, or teaching him a trade.”

J. Rather, said R. Zira, "In this case, it is a precautionary decree lest he slaughter a chicken." [Thinking about the banquet, he might slaughter a chicken on the Sabbath for the dinner afterward.]

K. *Said to him Abbaye, "Then what about the following: As to a Day of Atonement that coincided with a Monday, it should be postponed, lest along these same lines one slaughter a chicken!"*

L. *In that case, where it is for himself alone, he will not be so troubled; but here, where others are involved, he will be preoccupied. Or, also, in that case he has a spell of time between the end of the Sabbath and the event, but here he has none.*

M. *Now that you have come so far, then even on the eve of the Sabbath it should be prohibited for the same reason, namely, for fear that he might slaughter a chicken.*

- I.15** A. *The question was raised: Does the virgin marry on Wednesday and also engage in sexual relations on Wednesday, so that we do not take account of the possibility that he might cool off [from his anger at finding she is not a virgin]? Or perhaps the virgin marries on Wednesday and engages in sexual relations on Thursday, since we really do take account of the possibility that he might cool off [from his anger at finding she is not a virgin]?*
- B. *Come and take note of what Bar Qappara stated as a Tannaite formulation: The virgin marries on Wednesday and engages in sexual relations on Thursday, since on the fifth day the blessing for fish was pronounced [in the creation of the world, Gen. 1:22, and that is a sign of fertility]. A widow is married on Thursday and has sexual relations on Friday, since on that day, the blessing was said over Adam. So the operative consideration in both cases is the*

blessing appropriate to the day, and not because of concern that the man might cool off!

- C. *If that is so, then a widow also could as well have sexual relations with him for the first time on Thursday, since on that day the blessing for the fish was given.*
- D. *The blessing for Adam is preferable to him; or, also, it is because sages paid close attention to the welfare of Israelite women, for it has been taught on Tannaite authority: How come they have said, “A widow is married on Thursday and has sexual relations on Friday”? For if you say, “Let her have sexual relations on Thursday, too,” the next day, the husband will get up and go to work. Sages have watched over the welfare of Israelite women, so that the husband will be glad with her for three days in succession, Thursday, Friday, and the Sabbath.*
 - E. *What’s the difference between the practical effects of the reasons deriving from either the blessing of the day or the sages’ concern, respectively?*
 - F. *The practical difference involves a man who is at leisure, or a festival that coincides with a Friday.*

Miscellany in the name of Bar Qappara

- I.16 A. Expounded Bar Qappara, “Greater is the making of the righteous than the making of heaven and earth, for with reference to the making of heaven and earth it is written, ‘Yes, my hand has laid the foundation of the earth, and my right hand has spread out the heavens’ (Isa. 48:13), while with reference to the hands used in making the righteous it is written, ‘The place you have made for you to dwell in, O Lord, the sanctuary, O Lord, that your hands have established’ (Exo. 15:17) [thus hands in the plural is used here].”
- B. Replied a certain Babylonia, R. Hiyya by name, “‘And the dry land his hands formed’ (Psa. 95: 5)!”
- C. *But it’s written, “Hand”!*
- D. *But it’s written, “They formed”!*
 - E. Said R. Nahman bar Isaac, “His fingers did the forming: ‘When I behold your heavens, the work of your hands, the moon and the stars that you have established’ (Psa. 8: 4).”
 - F. *An objection was raised: “The heavens declare the glory of God and the work of his hands the firmament shows” (Psa. 19: 2)!*

G. *This is the sense of the statement:* “Who shows the work of the hands of the righteous? The firmament. *And what is it?* Rain.”

I.17 A. And expounded Bar Qappara, “*What is the meaning of the verse in Scripture:* ‘And you shall have a peg among your implements’ (Deu. 23:14)? *Do not read* ‘your implements,’ *but* ‘upon your ear,’ meaning, ‘If someone should hear something that is unworthy, **[5B]** he should stuff his finger into his ears [and not listen].’”

B. *And that is in line with what* R. Eleazar said, “How come human fingers are like pegs?”

C. *How come? If I should say that it is because they are separated from one another, in fact each is for its own purpose. For a master has said,* “This little finger is used for measuring the span, the next for taking the handful, the next for measuring the cubit, the next is the finger proper, and the next is the thumb.” Rather, this is the question: “Why are fingers made pointed, like pegs? It is so that if someone should hear something that is unworthy, he should stuff his finger into his ears [and not listen].”

I.18 A. *A Tannaite statement of the household of R. Ishmael:* How come all of the ear is hard but the earlobe is soft? It is so that if someone should hear something that is unworthy, he should stuff it into his ears [and not listen].

I.19 A. *Our rabbis have taught on Tannaite authority:*

B. A person should not use the ears to hear nonsense, since the ears will be burned first among all the limbs.

Further Exposition of the Cited Mishnah-Paragraph

I.20 A. *The question was raised:* What is the law as to having on the Sabbath the first act of sexual relations with a virgin? *Is the blood in the womb stored up [flowing of its own accord, not by reason of a wound] or is the blood the result of a wound?*

B. *And if you maintain that the blood is stored up, is the man concerned about the blood [aiming at releasing it], so it is allowed, or is he concerned with the opening of the womb, and it is forbidden?* [What is the principal concern in the husband’s mind?]

C. *And if you say he is concerned with the blood, and the opening comes of itself, then is the decided law in accord with the position of* R. Simeon, who has said,

“An unintentional act is permitted,” or is the decided law in accord with R. Judah, who has said, “[Even] an unintentional act is forbidden”?

- D. *And if you say that the decided law is in accord with R. Judah, then does he do damage with respect to the opening, or is he improving the opening [for the woman? If it is to her disadvantage, then even Judah would permit it, since damage does not constitute an act of forbidden labor on the Sabbath (Daiches)]?*
- E. *Some say, “If you maintain that the blood is the result of the wound, then, is the man concerned about the blood, in which case it is forbidden, or perhaps it is for his own advantage, and therefore it is permitted.*
- F. *And if you should say that it is for his own advantage, and the blood comes of its own, then, is the law in accord with R. Judah? Or is it in accord with R. Simeon?*
- G. *And if you say that the decided law is in accord with R. Judah, then does he do damage with respect to the opening, or is he improving the opening?*
- H. *And if you say that he does damage with respect to the opening, then, with regard to one who does damage, is the decided law in accord with R. Judah [6A] or is it in accord with R. Simeon?*

I.21 A. *In the household of Rab they say, “Rab permits and Samuel permits.”*

B. *In Nehardea they say, “Rab prohibits and Samuel permits.”*

C. Said R. Nahman bar Isaac, “And your mnemonic is: These apply to themselves a lenient ruling, and those apply to themselves a lenient ruling.”

I.22 A. But does Rab permit? And did not R. Shimi bar Hezekiah in the name of Rab say, “*It is forbidden to squeeze the stopper of the brewery boiler on a festival day*” [Miller & Simon, *Bekhorot* 25A: for fear of breaking the law against squeezing and wringing on the holy day]? [Daiches: This shows that according to Rab, as Judah, a permitted action that results in a prohibited action, though the latter was not intended, is forbidden.]

B. *To that ruling even R. Simeon would concur, for both Abbayye and Raba said, “R. Simeon concurs that if it is a case of ‘let his head be cut off but let him not die,’ it is forbidden.”*

[Miller & Simon: This is a term denoting the unavoidable result of an act; here since he closes the boiler with the stopper, it is inevitable that there should be squeezing, and therefore even Simeon, who elsewhere holds that an unintentional forbidden act is not prohibited, admits in such an instance that it is prohibited].

C. *But lo, said R. Hiyya bar Ashi in the name of Rab, "The decided law accords with R. Judah." And R. Hanan bar Ammi said Samuel said, "The decided law is in accord with R. Simeon." And R. Hiyya bar Abin repeated the Tannaite version without naming an authority: "The decided law accords with R. Judah, and Samuel said, 'The decided law accords with R. Simeon.'"*

D. *To be sure, Rab concurs with the reasoning of R. Judah, but it is in accord with the version that maintains the blood is stored up in the womb, [and] the husband does damage in respect to the opening, [and] the blood results from the wound, so he does damage in making the wound.*

E. *Objected R. Hisda, "A girl whose time for seeing [blood] [age of menstruation] had not yet come and who was married – the House of Shammai say, 'They give her four nights [during which all blood is classified as hymeneal; after that point, blood is classified as menstrual].' And the House of Hillel say, 'Until the wound will heal.' [If] her time for seeing [blood] came and she was married – the House of Shammai say, 'They give her the first night.' And the House of Hillel say, 'Until the end of the Sabbath day, [which is to say,] four nights' [M. Nid. 10:1A-G]. [6B] Now does this not mean that if he has not yet had sexual relations with his wife, he may do so even on the Sabbath?"*

F. *Said Raba, "No, the sense is, 'except for the Sabbath.'"*

G. *Said to him Abbaye, "But lo, the language of the Tannaite formulation is, Until the end of the Sabbath day, [which is to say,] four nights!"*

H. *Rather, said Raba, "It deals with a case in which the husband has already had sexual relations with her."*

I. *Then if it deals with a case in which the husband has already had sexual relations with her, what does the passage tell us [that we did not already know]?*

J. *What he tells us is that it is allowed to have sexual relations on the Sabbath, in line with Samuel's statement, for said Samuel, "Even into a narrow opening, one may enter on the Sabbath, even though he may cause some 'pebbles' to break off" [Daiches: so he may have the second act of sexual relations on the Sabbath].*

K. *Objected R. Joseph: "A bridegroom is exempt from the recitation of the Shema on the first night [after the wedding] until after the Sabbath [following the wedding], if he did not yet consummate the marriage [M. Ber. 2:4A-B]! Is this not because he is preoccupied because he is interested in having sexual relations?"*

L. *Said Abbaye, "No, it is because he is preoccupied on account of not having had sexual relations."*

M. *Said to him Raba, "So on account of mere preoccupation is he going to be exempted from having to recite the Shema? If that were the case, then, if his ship were to have sunk in the ocean, would he also be exempt from having to recite the Shema? And if you should say that that is true, did not R. Abba bar Zabeda say Rab said, 'A mourner is obligated to carry out all of the religious duties enjoined in the Torah except for putting on prayer boxes containing scriptural verses, because about them it is said "an ornament"' (Eze. 24:17)?"*

N. *Rather, said Raba, "It is a conflict among Tannaite formulations, for one Tannaite statement is: If he has not had sexual relations on the first night, he is exempt from reciting the Shema also on the second night; if he has not done so on the second night, he is exempt also on the third night. And another Tannaite statement has it that: If he has not had sexual relations on the first and on the second nights, he is exempt; if he did not do it on the third, he is liable to recite the Shema."*

O. *And Abbaye?*

P. *In those passages what is at issue is the matter of preoccupation, and these Tannaite formulations run parallel to the following ones, as has been taught on Tannaite authority: He who has married a virgin should not have sexual relations for the first time on the Sabbath, but sages permit.*”

Q. *Who are these sages?*

R. *Said Rabbah, “It is R. Simeon, who has said, ‘An unintentional act is permitted.’”*

S. *Said to him Abbaye, “But lo, R. Simeon concurs that if it is a case of ‘let his head be cut off but let him not die,’ it is forbidden.”* [Miller & Simon: This is a term denoting the unavoidable result of an act; here since he closes the boiler with the stopper, it is inevitable that there should be squeezing, and therefore even Simeon, who elsewhere holds that an unintentional forbidden act is not prohibited, admits in such an instance that it is prohibited].

T. He said to him, “I refer not to those Babylonians who in having sexual relations with a virgin are not skilled in moving aside the hymen so that there is no bleeding, but rather, to the ones who are skilled at doing so.”

U. If the groom is so good at it, then why he is preoccupied?

V. The law concerns those who are not so good at it.

W. *Then formulate it in these terms:* One who is skilled is permitted to have the first act of sexual relations on the Sabbath, but one who is not skilled is forbidden.

X. Most men are pretty good at it.

Y. *Said Raba b. R. Hanan to Abbaye, “If so, then what do you need the groomsmen for, and what do you need the sheet for!?”*

Z. *Objected R. Ammi: “ He who cuts open an abscess on the Sabbath – if it is to make an opening for it, he is liable. But if it is to draw out the pus from it, [7A] he is exempt [M. Ed. 2:5B-D]!”* [Daiches: Intercourse

should thus be permitted on the Sabbath for the first time, even when the aim is the blood.]

AA. *In that case, the blood is stored up and wholly loose, here it is stored up but not wholly loose.*

I.23 A. R. Ammi permitted having sexual relations on the Sabbath for the first time.

B. Said rabbis to him, "But lo, the marriage contract has not yet been written out."

C. He said to them, "She can always seize some movables [and hold onto them as a pledge until the document is written]."

I.24 A. R. Zebid permitted having sexual relations on the Sabbath for the first time.

B. There are those who say, "R. Zebid himself had sexual relations on the Sabbath with a virgin for the first time."

I.25 A. R. Judah permitted having sexual relations on the festival for the first time.

B. Said R. Pappi in the name of Raba, "Do not say that it is in particular on the festival day that it is permitted, while on the Sabbath it is forbidden, for the same rule applies even to the Sabbath as well. But the specific case under discussion involved that detail [that it was a festival day, but there was no intent to exclude the Sabbath]."

C. R. Pappa in the name of Raba said, "On the festival day it is permitted, on the Sabbath it is forbidden."

D. *Said R. Pappi to R. Pappa, "What's your view? That since making an injury is permitted for a legitimate purpose on the festival, it is permitted also when it is not necessary? If that were the rule, then it should be allowed to put spice on coal on the festival, since it is permitted to light a fire on the festival to serve a legitimate purpose, in which case, it should also be permitted when there is no legitimate purpose to be served [but that is not the case]!"*

E. He said to him, "In regard to this claim of yours, Scripture has said, '...except what everyone must eat' (Exo. 12:16), meaning, something that is applies equally to everyone alike." [Daiches: You cannot compare the first act of sexual relations to spices; spices are not of equal necessity for every person, but only for people who are used to luxuries; but sexual intercourse in this context would be uniformly permitted.]

F. *Said R. Aha b. Raba to R. Ashi, "Then what about the following: If a deer fell into someone's hand on the festival, since the opportunity does not apply to everyone equally, here, too, should he be forbidden to slaughter it?"*

G. *He said to him, "I'm talking to you about something that is equally a necessity for every human being, and a deer is necessary for feeding every human being."*

I.26 A. Said R. Jacob bar Idi, “R. Yohanan gave instructions in Sidon that it is forbidden on the Sabbath to have the first act of sexual relations [with a virgin].”

B. *And is there an instruction that can impose a prohibition?*

C. *Well, yes, there is, for we have learned in the Mishnah: Helene the Queen – her son went off to war, and she said, “If my son comes home from war whole and in one piece, I shall be a Nazir for seven years.” Indeed her son did come home from war, and she was a Nazir for seven years. Then at the end of the seven years she went up to the Land. The House of Hillel instructed her that she should be a Nazir for another seven years. [M. Naz. 3:6D]. And further, as has been taught on Tannaite authority: “If the cord of the spinal column was cut in its larger portion, [the animal is unacceptable,]” the words of Rabbi. R. Jacob says, “Even if it is merely perforated.” Rabbi gave instructions in accord with the position of R. Jacob.*

D. Said R. Huna, “The decided law is not in accord with R. Jacob.”

E. *R. Jacob bar Nahman bar Isaac repeated the matter as a Tannaite formulation as follows: “Thus did R. Abbahu say, ‘R. Ishmael b. Jacob of Sidon asked R. Yohanan in Sidon, and so I heard myself: “Is it permitted to*

have the first act of sexual relations on the Sabbath?" And he said to him, "It is forbidden."""

F. *And the decided law is*, it is permitted to have the first act of sexual relations on the Sabbath.

- I.27** A. Said R. Helbo said R. Huna said R. Abba bar Zabeda said Rab, "All the same are the virgin and widow: they require the correct benediction [at the marriage rite, and there is no distinction as to what is recited]."
- B. *But did R. Huna say this? And has not* R. Huna said, "A widow does not require a benediction at the marriage rite"?
- C. *That is not really a contradiction*, the one refers to a youngster who married a widow, the other, a widower who married a widower.
- D. But then if a widower married a widow, is that not required? And did not R. Nahman say, "Huna bar Nathan said to me, '*A Tannaite statement*: "How on the basis of Scripture do we know that the blessing said for the marital pair must be recited in a quorum of ten? 'And he took ten men of the elders of the city and said, Sit down here, and they sat down' (Ruth 4: 2).'"'"' *Now he was a widower marrying a widow.*
- E. *What is the meaning of the statement that it is not required? It is in line with what* R. Huna said, "Such a marriage does not require a blessing on all seven days of the wedding celebration, but on one day, such a wedding does require it."
- F. *Then as to that which has been taught on Tannaite authority*, Sages have watched over the welfare of Israelite women, so that the husband will be glad with her for three days in succession, Thursday, Friday, and the Sabbath, *with reference to what situation does that statement speak? If it speaks of a youngster, have you not said that it is for seven days? And if it speaks of a widower, have you not said it is for one day only?*
- G. *If you wish, I shall say it speaks of a widower.* One day is for the recitation of the blessing, and three for the celebration.
- H. *If you wish, I shall say it speaks of a youngster.* Seven days for the blessing, three for the celebration.

I. **[7B]** *An objection was raised:* They recite the blessing at the celebration of the marriage of a virgin for seven days, and of a widow, one day. *Now does this not mean, even in the case of a widow's marrying a youngster? No, it means a widower, but if it is a youngster, what is the rule? It is to be said all seven days.*

J. *If that were so, then the formulation should be:* They recite a blessing in the case of the marriage of a virgin for seven days, and in the case of a widow married to a youngster, for seven days, but in the case of a widow and a widower, for one day.

K. *The formulation is so set forth as to give a final decision [on this matter:] There is no such thing as a virgin who is assigned less than seven days of a blessing, and there is no widow who is assigned less than one day.*

I.28 A. *Reverting to the body of the foregoing:* And did not R. Nahman say, "Huna bar Nathan said to me, 'A Tannaite statement: "How on the basis of Scripture do we know that the blessing said for the marital pair must be recited in a quorum of ten? 'And he took ten men of the elders of the city and said, Sit down here, and they sat down' (Rut. 4: 2).'"'"

B. *But R. Abbahu said, "It derives from the following: 'In assemblies bless God, the Lord, from the fountain of Israel' (Psa. 68:27)."*

C. *And how does R. Abbahu expound this verse that is set forth by R. Abbahu?*

D. *He requires it in line with that which has been said on Tannaite authority:* R. Meir would say, "How do we know that even the babes in the bellies of their mothers sang a song at the shore of the sea? As it is said, 'Bless you the Lord in full assemblies, even the Lord, you that are from the fountain of Israel' (Psa. 68:27)."

E. *And the other party?*

F. *If that were the purpose, then the verse should say, "From the womb." Why "from the fountain"? To show that it concerns matters of the fountain [marriage].*

G. *And how does R. Abbahu interpret the verse cited by R. Nahman?*

H. *He requires that verse to expound as follows: An Ammonite male, not a female, a Moabite male, not a female (Deu. 23: 4). [Daiches: The presence of ten elders was required for the interpretation that the prohibition to enter into the assembly of the Lord applied only to the males, not the females, so Boaz could marry Ruth, a female of Moab.] For if it should enter your mind that ten men were required for reciting the benediction, then would it not have been sufficient even if they had not been elders?*

I. *And the other party?*

J. If you should suppose that the verse was required for that purpose, then would it not have been enough if there had been fewer than ten elders present for Boaz's purpose?

K. *Well, it would not have been sufficient, since that number was required adequately to publicize the facts of the matter, in line with what Samuel said to R. Hana of Baghdad, "Go, assemble ten men for me, and I shall state to you in their presence: 'He who assigns title to an embryo – the latter has acquired title.'" But the decided law is, he who assigns title to an embryo – the latter has not acquired title.*

I.29 A. *Our rabbis have taught on Tannaite authority:*

B. They recite the blessing for the marriage couple in the house of the marriage couple, and the blessing for the betrothed couple in the house of betrothal.

C. R. Judah says, "They recite it also in the house of the betrothal."

D. Said Abbaye, "In Judah they repeat the rule: 'Because the bridegroom is left alone with her [there.]'"

I.30 A. *It has further been taught on Tannaite authority:*

B. They recite the blessing for the marriage couple in the house of the marriage couple, and the blessing for the betrothed couple in the house of betrothal.

I.31 A. *What is the definition of the blessing for the betrothed couple?*

B. *Rabin bar R. Ada and Rabbah bar R. Ada both in the name of R. Judah say, "'Blessed are You, Lord, our God, king of the world, who has sanctified us with His commandments, and commanded us concerning consanguineous marriages, forbidding us those who are*

betrothed, permitting us to be married through the canopy by means of sanctification.”

C. R. Aha b. Raba completes in the name of R. Judah, ““Blessed are You, who sanctifies Israel through the marriage canopy by means of sanctification.””

D. The one who does not recite this concluding seal compares the matter to the blessing recited over produce and to the blessing recited on carrying out religious requirements, but the one who concludes with this concluding seal compares the matter to the recitation of the prayer of Sanctification for the Sabbath or Festival.

I.32 A. *Our rabbis have taught on Tannaite authority:*

B. They recite the blessing for the marriage couple in a quorum of ten, and they do so on all seven days of the wedding celebration.

C. Said R. Judah, “But that is only if new people come.”

I.33 A. *What is the blessing that one says?*

B. Said R. Judah, ““Praised are You, O Lord our God, King of the universe, [8A] Creator of the fruit of the vine.

C. ““Praised are You, O Lord our God, King of the universe, who created all things for Your glory.

D. ““Praised are You, O Lord our God, King of the universe, Creator of Adam. Praised are You, O Lord our God, King of the universe, who created man and woman in His image, fashioning woman from man as his mate, that together they might perpetuate life. Praised are You, O Lord, Creator of man.

E. ““May Zion rejoice as her children are restored to her in joy. Praised are You, O Lord, who causes Zion to rejoice at her children’s return.

F. ““Grant perfect joy to these loving companions, as You did to the first man and woman in the Garden of Eden. Praised are You, O Lord, who grants the joy of bride and groom.

G. ““Praised are You, O Lord our God, King of the universe, who created joy and gladness, bride and groom, mirth, song, delight and rejoicing, love and harmony, peace and companionship. O Lord our God, may there ever be heard in the cities of Judah and in the streets of

Jerusalem voices of joy and gladness, voices of bride and groom, the jubilant voices of those joined in marriage under the bridal canopy, the voices of young people feasting and singing. Praised are You, O Lord, who causes the groom to rejoice with his bride.”

I.34 A. *Levi came to the household of Rabbi for the celebration of the marriage of R. Simeon, his son, and recited five blessings.*

B. *R. Assi came to the household of R. Ashi for the celebration of the marriage of Mar, his son, and recited six blessings [at the marriage rite].*

C. *May we say that at issue between them is that one authority maintains that there was one act of creation [of man and woman, and therefore a single blessing covers the creation of both], and the other authority takes the view that there were two acts of creation, one for each?*

D. *Not at all. All parties concur that there was one act of creation for both Adam and Eve. But one authority takes the view that the operative criterion is the formation of intentionality [and God intended to create two humans, Adam and Eve], and the other authority maintains that the operative criterion is the actual deed [and only Adam was actually created as an autonomous being, Eve being formed out of his already created body].*

E. *This is in line with what R. Judah [said], in contrasting verses of Scripture: “It is written, ‘And God created Adam in His image’ (Gen. 1:27), and further, ‘Male and female He created them’ (Gen. 5: 2). How are the two to be reconciled? To begin with, God contemplated forming them as two, but in the end one [person] was created.”*

I.35 A. *R. Ashi came to the household of R. Kahana. On the first day he recited all of the blessings. From that point on, if new people came, he recited all of them. But if not, then [in his view it was] a continuation of the blessing in general, in which*

instance he said the blessings, “Grant perfect joy to these loving companions, as You did to the first man and woman in the Garden of Eden. Praised are You, O Lord, who grants the joy of bride and groom,” and “Praised are You, O Lord our God, King of the universe, who created joy and gladness, bride and groom, mirth, song, delight and rejoicing, love and harmony, peace and companionship. O Lord our God, may there ever be heard in the cities of Judah and in the streets of Jerusalem voices of joy and gladness, voices of bride and groom, the jubilant voices of those joined in marriage under the bridal canopy, the voices of young people feasting and singing. Praised are You, O Lord, who causes the groom to rejoice with his bride.”

B. From the seventh to the thirtieth day [of the celebration], whether he recited the blessings for them on account of the celebration or the wedding or otherwise, he said the blessing, “Grant perfect joy to these loving companions, as You did to the first man and woman in the Garden of Eden. Praised are You, O Lord, who grants the joy of bride and groom.”

C. From that point onward, if he said the blessings on account of the celebration, he would recite the blessing, “Grant perfect joy to these loving companions, as You did to the first man and woman in the Garden of Eden. Praised are You, O Lord, who grants the joy of bride and groom,” and if he did not do so on that account, he did not.

D. And as to saying the blessings on account of the celebration, for how long is that a consideration?

E. Said R. Pappi in the name of Raba, “For twelve months, a full year.”

F. And from what point [at the preparation for the marriage does the recitation commence]?

G. Said R. Pappa, “From the moment at which the barley is put into the tub [for the making of beer].”

H. But is that so? And lo, R. Pappa was occupied with the wedding of his son, Abba Mar, and he recited the benedictions from the time of the betrothal.

I. *The case of R. Pappa is exceptional, because he undertook the trouble [of all details of the wedding].*

J. *Rabina was occupied with the wedding of his son at the household of R. Habiba and recited the blessings from the moment of betrothal. He explained, "I am confident that they will not retract from the engagement." But the matter did not work out that way, and they retracted.*

K. *R. Tahalipa, the Westerner [from the Land of Israel] came to Babylonia. He recited six benedictions in long form.*

L. *But the decided law is not in accord with him.*

M. *R. Habiba came to the household in which a celebration of circumcision was being held. He recited the blessing, "...in whose dwelling there is joy...."*

N. *But the decided law is not in accord with him, because people then are upset that the infant is in pain.*

I.36 A. Said R. Nahman said Rab, "Grooms are counted in the quorum, but mourners are not counted in the quorum."

B. *An objection was raised:* Grooms and mourners are counted in the quorum.

C. *Do you cite a Tannaite statement in contradiction to Rab? Rab himself enjoys the authority of a Tannaite master and therefore may stand in disagreement with another statement on Tannaite authority.*

I.37 A. *It has been stated:*

B. Said R. Isaac said R. Yohanan, "Grooms are counted in the quorum, but mourners are not counted in the quorum."

C. *An objection was raised:* Grooms and mourners are counted in the quorum.

D. **[8B]** *When that Tannaite formulation was set forth, it concerned the recitation of Grace after Meals. In what context did R. Yohanan make his statement? It concerned the line of mourners.*

- E. *Well, then, what about what R. Isaac said R. Yohanan said, “They recite the blessing over the bridal couple in a quorum of ten, and the grooms are counted in such quorums, and the blessing for mourners in a quorum of ten, but the mourners are not counted” – is there then a blessing recited in the line of comforters at all?*
- F. *Rather, when R. Yohanan made that statement, it was with respect to a blessing that is recited out in the open.*
- G. *Well, then, what about what R. Isaac said R. Yohanan said, “They recite the blessing over the bridal couple in a quorum of ten all seven days, and the grooms are counted in such quorums, and the blessing for mourners in a quorum of ten all seven days of mourning, but the mourners are not counted” – and the blessing that is recited in the open is that recited in the open all seven days?*
- H. *Yes, that is quite possible, when new people come.*
- I. *That would be, for instance, in line with what happened with R. Hiyya bar Abba, the Scripture teacher of the son, or R. Simeon b. Laqish, or some say, the Mishnah teacher of the son of R. Simeon b. Laqish. A child of his died. On the first day, R. Simeon b. Laqish did not go to him. The next day, R. Simeon b. Laqish took with him Judah b. Nahmani, his public speaker, and said to him, “Get up and say something on the death of a child.”*
- J. *He commenced by citing this verse: “And the Lord saw and spurned, because of the provoking of his sons and his daughters’ (Deu.†32:19) – in a generation in which the fathers spurn the Holy One, blessed be He, He is angry with their sons and daughters and they die young.”*
- K. *And there are those who say, the deceased was a young man, and he said, “Therefore the Lord shall have no joy in their young men, neither shall He have compassion on their fatherless and widows, for every one is profane and an evil doer, and every mouth speaks folly; for all this His anger is not turned away, but His hand is stretched out still’ (Isa. 9:16).”*
- L. *What is the meaning of “but His hand is stretched out still”?*
- M. *Said R. Hanan bar Rab, “Everybody knows why a bride comes into the bridal chamber, but whoever*

cheapens his speech and expresses something vile with his mother, even though in his regard a decree has been sealed for seventy years of goodness, it will be changed for him to evil.”

N. *So he came to bring comfort but in the end he added to the grief!*

O. *This is what he said to him, “You are sufficiently important to be blamed for the entire generation.”*

P. *[Simeon b. Laqish] then said to him, “Get up and say something on the glory of the Holy One, blessed be He.”*

Q. He commenced by saying, “God, great in the abundance of His greatness, powerful and mighty in the abundance of His fearful deeds, resurrecting the dead by His word, doing great deeds beyond understanding and wonders beyond number – blessed are You, who resurrects the dead.”

R. *[Simeon b. Laqish] then said to him, “Get up and say something on the mourners.”*

S. He commenced by saying, “Brethren, worn out and depressed in this sorrow, place your heart on this: This [death] is what stands forever, the path [trod] from the six days of creation, many have drunk, many will drink, as is the cup of those that went before, so will be the cup of those that come afterward. Brethren, may the Master of consolation console you. Blessed is the one who consoles the mourners.”

T. *Said Abbaye, “It’s o.k. to say, ‘Many have drunk,’ but it’s not o.k. to say, ‘Many will drink.’ It’s o.k. to say, ‘As is the cup of those that went before,’ but it’s not o.k. to say, ‘So will be the cup of those that come afterward.’”*

U. *For said R. Simeon b. Laqish and so, too, did a Tannaite statement in the name of R. Yosé [state], “A person should never open an entry for Satan.”*

V. *And R. Joseph said, “What is the proof-text for that proposition? As it is said, ‘We were almost like Sodom’ (Isa. 1: 9). What then does the prophet reply to them? Hear the word of the Lord, you rulers of Sodom’ (Isa. 1:10).”*

W. *[Simeon b. Laqish] then said to him, “Get up and say something on the ones who comfort mourners.”*

X. He commenced by saying, “Brethren who bestow loving kindness, children of those who bestow loving kindness, who stand firm in the covenant of our father Abraham – ‘For I have known him, to the end that he may command his children’ (Gen. 18:19) – brethren, may the Master of loving kindness give you recompense for your act of loving kindness. Blessed are you, who gives recompense for acts of loving kindness.”

Y. *[Simeon b. Laqish] then said to him, “Get up and say something on all Israel.”*

Z. He commenced by saying, “Lord of the ages, redeem, save, help, deliver your people Israel from pestilence, the sword, plundering, blast, mildew, and every sort of calamity that may descend upon the world. Before we even ask, answer us. Blessed are You, who stops disaster.”

- I.38** A. Said Ulla, *and some say it was taught in a Tannaite statement*, “Ten cups of wine drunk in consolation in the house of a mourner did sages ordain: three before the meal, to open the passages; three during the meal, to help digest the food; four after the meal, one corresponding to the blessing in the Grace after Meals, ‘who feeds,’ one ‘for the land,’ one for ‘who rebuilds Jerusalem, and one for ‘who is good and does good.’
- B. “They added to these four more: one in honor of the officers of the town, one for the ones who manage the town, one for the house of the sanctuary, and one for Rabban Gamaliel.
- C. “But when they began to drink and get drunk, they returned to the prior rule.”

I.39 A. *What’s the reference to Rabban Gamaliel?*

B. *It is as has been taught on Tannaite authority:*

C. **At first the expense of taking out the dead fell harder on the relatives than did the death itself, so the kin fled from the corpse, until in the end Rabban Gamaliel came forward and, ignoring the honor owing to him, he came out for burial in clothing made of flax, and so afterward everybody followed suit and was buried in linen [T. Nid. 9:16-17].**

D. Said R. Pappa, “Nowadays everybody comes out even in a cheap shroud that costs a mere penny.”

- II.1** A. [So if he [the husband] had a complaint as to virginity, he goes early to court:] Said R. Eleazar, **[9A]** “He who says, ‘I have found an open door, [so she is no virgin,]’ is believed so as to prohibit the wife from remaining with him.”
- B. *But why should this be the case? It is a situation in which there is a doubt concerning what is already subject to doubt, namely, it is subject to doubt whether the intercourse that she had with someone else was when she was already subject to him [as a betrothed woman] or whether she was not yet subject to him, and if you should find reason to claim that it took place when she was subject to him, then it is still a matter of doubt whether this was under constraint or willingly!*
- C. The rule is required to cover the case of a woman married to a priest [when, because of the rules governing the priestly caste, the answers to these questions will not matter anyhow]; or if you prefer, I shall say, it pertains even to the wife of an Israelite, for instance, if the father accepted a betrothal in her behalf when she was younger than three years and a day [Daiches: the only pertinent doubt here being whether she had sexual relations willingly or under constraint, the issue of whether or not she was subject to the husband’s domain does not matter, since sexual relations prior to the age of three years do not affect virginity].
- D. *Well, in that case, what are we supposed to learn from the case, since we have already in hand as a Tannaite statement: **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 [M. Qid. 3:10A-C].*** [This shows that someone may prohibit by what he says someone who would otherwise be permitted to him (Daiches).]
- E. *What might you otherwise have supposed? In that case, the man prohibits the woman since so far as he is concerned, the facts are certainly as he has stated them, but here, he is not certain of matters. So, to let us know that even here the same rule applies, we are informed of the present matter.*

II.2 A. *But did R. Eleazar make any such statement? And did not R. Eleazar say, “A woman becomes forbidden to her husband only in the event that he has given her warning [not to go into private with some other man] or in the end that she actually does go into private with some other man – and that follows the facts of an actual case [that is, with David and Bath Sheba, 2 Sam. 11]”?*

B. *But do you really maintain that the actual case involved a warning [not to go into private with some other man] or her actually going into private with some other man? And furthermore, did sages actually forbid her?*

C. *That is no problem. This is the sense of the statement that he made: “A woman becomes forbidden to her husband only in the event that he has given her warning [not to go into private with some other man] or in the end that she actually does go into private with some other man – and this we learn from the facts of an actual case [that is, with David and Bath Sheba, 2 Sam. 11] – because in that case, as a matter of fact, there was no warning, no act of seclusion, and, as a matter of fact, no prohibition.”*

D. *Nonetheless, there is still a problem, since a woman would be prohibited on the considerations of a warning or an act of seclusion, but she clearly would not in his mind be prohibited in the case of the husband’s finding an open door!*

E. *Well, from your reasoning, one could still ask, if there were a warning and an act of seclusion, she would be prohibited, but if there were actual witnesses to what she had done, there would be no prohibition [which is absurd]! Rather, this is the sense of what he said: “A woman is prohibited from living with her husband not by the testimony of one witness but by the testimony of two witnesses; in the case of a warning and an act of seclusion, she would be prohibited even if only a single witness to the facts of the matter were at hand; and as to his finding an open door, that is tantamount to the testimony of two witnesses.”*

F. *And if you should ask, as to the event to which reference has been made, how come sages did not forbid her from marrying her? In that case, it was a matter of constraint.*

G. *And if you prefer, I shall say, it was in line with what R. Samuel bar Nahmani said R. Jonathan said, [9B] “Whoever went out to do battle for the house of David provides a writ of divorce for his wife in advance [to make sure she is free to remarry if he is lost in battle, his body not being recovered], in line with this verse: ‘And to your brothers you shall bring greetings and take your pledge’ (1Sa. 17:18).”*

H. *What is the meaning of “and take your pledge”?*

I. *Said R. Joseph as a Tannaite response, “That refers to things that are pledged between him and her.” [Daiches: These you shall take from them by a writ of divorce.]*

II.3 A. *Said Abbaye, “We, too, have learned as a Tannaite formulation [that if the husband claims the wife was not a virgin, he cannot live with her]: A virgin is married on Wednesday, and a widow on Thursday. For twice weekly are the courts in session in the towns, on Monday and on Thursday. So if he [the husband] had a complaint as to virginity, he goes early to court. So she may be married on Wednesday but not on Thursday. Now why should that be the case? If it is lest he cool off [and stay wed, when he should not do so]. But what can that matter? If it has to do with paying off her marriage contract, let him pay it off [and there’s no sin]. So it must have to do with forbidding her for marriage to him, and it can only be a case in which he makes such a claim. So is it not that his claim is, ‘I found an open door’?”*

B. *No, what he claims concerns the absence of bleeding [and this is a much weightier claim that she was not a virgin than the one about an open door].*

II.4 A. *Said R. Judah said Samuel, “He who says, ‘I found an open door,’ is believed so as to deprive the woman of the payment of her marriage settlement.”*

B. *Said R. Joseph, “What are we supposed to learn from the case, since we have already in hand as a Tannaite statement: He who lives [“eats”] with his father-in-law in Judah, not with witnesses, cannot lodge a claim against the girl’s virginity, for he has been alone with her [M. 1:5A-D]. So it is in Judah in particular that he cannot lay such a claim, but in Galilee he can. And for what purpose can it be? If it is to forbid her from remaining wed to him, then in Judah why should this not be the case? So is it not to deprive her of the payment of her marriage settlement? And what sort of claim can he make? Is it not, ‘I found an open door’?”*

C. *No, what he claims concerns the absence of bleeding [and this is a much weightier claim that she was not a virgin than the one about an open door].*

II.5 A. **[10A]** *It has been stated:*

B. *Said R. Nahman said Samuel in the name of R. Simeon b. Eleazar, “Sages have ordained for Israelite women – for a virgin, two hundred zuz, for a widow, a*

maneh [a hundred zuz]. And they also have accorded to the husband credence, so that if he should say, 'I found an open door,' he is believed."

- C. So what good did sages do with their ordinance in behalf of the women [if the husband's word is taken]?
- D. Said Raba, "It is taken for granted that a man will not go to the trouble of preparing a wedding banquet and then ruin it [with a false claim on the wife's virginity]."

- II.6** A. *A Tannaite statement:* Since the payment of a marriage contract represents an extrajudicial imposition, the wife should collect payment only from land of the poorest quality.
- B. *An extrajudicial imposition! In what way is it an extrajudicial imposition? Rather, say:* Since the payment of a marriage contract represents an ordinance of sages, the wife should collect payment only from land of the poorest quality.
 - C. Rabban Simeon b. Gamaliel says, "The provision of a marriage contract for a woman derives from the Torah."

D. *But did Rabban Simeon b. Gamaliel say any such thing? And has it not been taught on Tannaite authority:* "He shall pay money according to the dowry of virgins" (Exo. 22:16) – this [penalty for seducing a virgin] is as much as the dowry of virgins, and the dowry of virgins is as much as this. On the strength of this statement, sages found support in the Torah for the provision of a marriage contract for a woman. Rabban Simeon b. Gamaliel says, "The provision of a marriage contract for a woman derives from not the teachings of the Torah but the teachings of scribes"!

E. *Reverse the attributions.*

F. *So why do you prefer to reverse the attributions in the latter formulation, rather, reverse them in the former one [which has Simeon assign the origin of the marriage settlement to the Torah]?*

G. *Lo, we already have in hand a tradition for Rabban Simeon b. Gamaliel that he has said that the provision of a marriage contract for a woman derives from the Torah, for we have learned in the Mishnah: Rabban Simeon b. Gamaliel says, "He pays her off in the coinage of Cappadocia" [M. Ket. 13:11G].* [These are of higher value and would have to be paid only if the settlement derives from the Torah.]

H. *And if you prefer, I shall say, the entire matter derives from Rabban Simeon b. Gamaliel, but there is a flaw in the formulation,*

and this is the correct Tannaite formulation: On the strength of this statement, sages found support in the Torah for the provision of a marriage contract for a woman. A marriage settlement paid to a widow does not derive from the teachings of the Torah but from the teachings of scribes, for Rabban Simeon b. Gamaliel says, “The provision of a marriage contract for a woman derives from not the teachings of the Torah but the teachings of scribes.”

- II.7** A. *There was a groom who came before R. Nahman. He said to him, “I found an open door.”*
B. *Said to him R. Nahman, “Flog him with palm switches, whores spread out under him [for otherwise how would he know about such things]!”*
C. *But it’s R. Nahman who said, “He is believed”!*
D. *Sure, he’s believed, and he’s flogged with palm switches.*
E. *R. Ahai repeats the matter: “Here we speak of a youngster, there a married man.”*

- II.8** A. *There was a groom who came before Rabban Gamaliel. He said to him, “I found an open door.”*
B. *He said to him, “Maybe you pushed in to the side [and missed the hymen]. I’ll give you a parable, to what is the matter comparable? To the case of someone who was walking in the dark of the night, and came to his house and found the door locked. If he moves the bolt aside, he will open it, if he doesn’t move the bolt aside, he will find it locked.”*
C. *There are those who say that this is what he said to him, “Maybe you deliberately pushed it aside and tore away the door and the bar. I’ll give you a parable, to what is the matter comparable? To the case of someone who was walking in the dark of the night, and came to his house and found the door locked. If he moves the bolt aside deliberately, he will open it, if he doesn’t move the bolt aside deliberately, he will find it locked.”*

- II.9** A. *There was a groom who came before Rabban Gamaliel the son of Rabbi. He said to him, “My lord, I had sexual relations and found no blood.”*

- B. *She said to him, "My lord, I was a virgin."*
- C. He said to them, "Bring me the sheet."
- D. They brought him the sheet, and they soaked it in water and laundered it and found quite a bit of blood. He said to him, "Go, acquire what you have purchased."

II.10 A. *Said Huna Mar b. Raba of Paraziqa to R. Ashi, "So should we do that, too?"*

B. *He said to him, [10B] "Our laundry work is like their washing. And if you say, so let's do laundry work, the upshot is that the stone you use to smooth the fabric will remove any blood."*

II.11 A. *There was someone who came before Rabban Gamaliel son of Rabbi and said to him, "My lord, I have had sexual relations and found no blood."*

B. *She said to him, "My lord, I am still a virgin."*

C. He said to them, "Bring me two slave girls, one a virgin, one not."

D. They produced them, and he had them sit on the mouth of a wine cask. In the case of the non-virgin, the odor of the wine passed through, in the case of the virgin, it didn't. He put the wife on the cask, and the smell didn't pass through. He said to him, "Go, acquire what you have purchased."

II.12 A. *Why not examine [in such a manner] to begin with?*

B. *He'd heard a tradition about it, but he'd never seen it done in practice, and he thought, "Maybe it wouldn't work out right, and it would not be proper to treat Israelite women in such a disrespectful way."*

II.13 A. *There was someone who came before Rabban Gamaliel the Elder and said to him, "My lord, I have had sexual relations and found no blood."*

B. *She said to him, "My lord, I am of the family of Dorqati, and women of our family don't produce menstrual blood or hymeneal blood."*

C. *Rabban Gamaliel looked into the matter among her female relatives and found that what she said was so. He said to him,*

“Go, acquire what you have purchased. Fortunate are you that you have had the advantage of marrying into that family.”

II.14 A. *What is the meaning of the name Dorqati?*

B. *A generation [dor] that is cut off [qatua].*

II.15 A. Said R. Hanina, “Rabban Gamaliel accorded that man empty consolation, *for it has been taught as a Tannaite statement by R. Hiyya, ‘Just as leaven is good for dough, so blood is good for a woman.’ And it has been taught on Tannaite authority in the name of R. Meir, ‘Any woman who has a substantial menstrual flow has a large number of children.’*”

B. *It has been stated:*

C. R. Jeremiah bar Abba said, “‘Acquire what you have purchased’ is what he said to him.”

D. And R. Yosé bar Abin said, “‘You are penalized by what you have bought.’”

E. *Now there is no problem for the one who says that he said to him, “You are penalized by what you have bought,” for that is in line with what R. Hanina has said. But from the perspective of him who says that what he said is, “Acquire what you have purchased,” what advantage is there to be acquired with such a marriage?*

F. *He will never have any doubts in respect to ascertaining the exact time of menstruation.*

II.16 A. *There was someone who came before Rabbi and said to him, “My lord, I have had sexual relations and found no blood.”*

B. She said to him, “My lord, I am still a virgin, and it was a time of famine.”

C. Rabbi looked into their faces and saw that they were black with hunger. He gave instructions concerning them, and then brought them into the bath and gave them food and drink and put them into a private room. He had sexual relations and found blood.

- D. He said to him, “Go, acquire what you have purchased.”
- E. Rabbi recited in their regard this verse: “Their skin is shriveled upon their bones, it is withered, it has become like a stick” (Lam.†4: 8).

1:2A-F

- A. A virgin – her marriage contract is two hundred [zuz].
- B. And a widow, a maneh [one hundred zuz].
- C. A virgin, widow, divorcée, and one who has severed the levirate connection through a rite of removing the shoe
- D. at the stage of betrothal –
- E. their marriage contract is two hundred [zuz].
- F. And they are subject to the claim against their virginity.

I.1

- A. *What is the meaning of the Hebrew word for widow [almanah]?*
- B. Said R. Hana of Baghdad, “She is called *almanah* because of the maneh [of her marriage contract].”
- C. *As to the widow at the stage of the betrothal, what is to be said?*
- D. *Since the one is called almanah, so is the other.*
- E. *As to the widow to which the Torah makes reference, what is to be said?*
- F. *It is because rabbis were then destined to provide a maneh for her.*
- G. *But does the Scripture write concerning the future?*
- H. *Yes, indeed, for it is written, “And the name of the third river is Hiddekel, that is it which goes toward the east of Ashur” (Gen. 2:14), and R. Joseph made a Tannaite statement: “Ashur is the same as Seleucia,” but was Seleucia then in existence? [Of course not.] But rather, it was destined to come into being, and here, too, it was destined to come into existence.*

I.2

- A. And said R. Hana of Baghdad, “Rain waters, fructifies, and manures the earth and it refreshes and enlarges produce.”
- B. *Said Raba bar R. Ishmael, and some say, R. Yemar bar Shelamayya, “What verse of Scripture indicates it? ‘You water the*

ridges abundantly, you settle the furrows thereof, you make it soft with showers, you bless the springing thereof" (Psa. 65:11)."

I.3 A. Said R. Eleazar, "The altar removes and sustains, endears and atones."

B. Don't remove and atone mean the same thing?

C. It removes harsh decrees and atones for sin.

I.4 A. And said R. Hana of Baghdad, "Dates warm, satisfy, purge, strengthen, and do not make one delicate."

I.5 A. Said Rab, "One who has eaten dates should not give instruction."

B. *An objection was raised:* Dates morning and night are good, in the afternoon, bad, at noon, there is nothing like them. They remove three things: bad thought, bad bowels, and intestinal problems.

C. *So have we said that they are not good? They are very good, but for a moment they [Daiches:] cause unsteadiness. That is like wine, for a master has said, "One who has drunk a quarter-log of wine should not give instruction.*

D. *If you prefer, I shall say, "There is no contradiction. The one statement speaks of eating dates prior to a meal, the other afterward." For said Abbaye, "Mother said to me, 'Dates before a meal are like an ax on a palm tree, dates after a meal are like a bolt to the door.'*"

I.6 A. *As to the word for door, dasha, said Raba, "It means, 'There is a way there.'"*

B. *As to the word for ladder [darga], said Raba, "It means, 'the way to the roof [derekh gag].'"*

C. *As to the word for bed [puria], R. Pappa said, "It is because people are fruitful and multiply upon it."*

D. Said R. Nahman bar Isaac, **[11A]** "Also we say, the word for barren woman is formed out of words that bear the sense, a man like woman, who does not bear children" [following Daiches].

1:2G-I

- G. **A convert, a woman taken captive, and a slave girl who were redeemed or who converted or who were freed at an age of less than three years and one day –**
- H. **their marriage contract is two hundred [zuz].**
- I. **And they are subject to the claim against their virginity.**

I.1 A. Said R. Huna, “A minor proselyte – [for purposes of conversion] they immerse him for conversion on the instruction of a court.”

B. *So what is he proposing to tell us? That since it is an advantage to him, they do so without consulting him, because people acquire an advantage for someone not in his presence? That we have learned as a Tannaite formulation: An advantage may be gotten for someone in the person's absence, but an obligation cannot be acquired in someone's behalf not in his presence!*

C. *Well, what might you otherwise have supposed? A gentile likes a life lacking in all rules, for lo, we have it as an established fact that a slave most certainly prefers a life without rules. So we are informed that that is the rule for an adult, who has already tasted the flavor of doing what is prohibited, but as to a minor, it is to his advantage [to adopt Judaism and its prohibitions].*

D. *May we say that the following supports [Huna's] view: A convert, a woman taken captive, and a slave girl who were redeemed or who converted or who were freed at an age of less than three years and one day – their marriage contract is two hundred [zuz]. And they are subject to the claim against their virginity? Is it not the fact that they immersed them upon the instructions of the court [as Huna says must be the case]?*

E. *Not at all, here with what sort of a case do we deal? It is a convert whose sons and daughters converted with him. They want what their father has done.*

F. Said R. Joseph, “Once they have reached maturity, in any event, they can object [to what has been done to them, and leave Judaism].”

G. *Objected Abbayye*, “A convert, a woman taken captive, and a slave girl who were redeemed or who converted or who were freed at an age of less than three years and one day – their marriage contract is two hundred [zuz]. *Now if you imagine that, when they grow up, they can object, then are we going to pay off a marriage contract for her, so she can then go and consume it as a gentile?*”

H. *“This would be paid only when she has come of age.”*

I. *“But even when she has come of age, she still can exercise her right of protest and get out.”*

J. *“Once she has come of age for even a single moment, she no longer has the right to protest and get out.”*

K. *Objected Raba*, “These are the girls [invalid for marriage to an Israelite] who [nonetheless] receive a fine [from the man who seduces them]: He who has sexual relations with (1) a mamzer girl, (2) a netin girl, or (3) a Samaritan girl; he who has sexual relations with (4) a convert girl, and with (5) a girl taken captive, and (6) a slave girl who were redeemed, who converted, or who were freed [respectively] when they were at an age of less than three years and one day [and who remain in the status of virgins] – they receive a fine [from the man who seduces them] [M. 3:1]. *Now if you imagine that, when they grow up, they can object, then are we going to pay off a fine for her, so she can then go and consume it as a gentile?*”

L. *“This would be paid only when she has come of age.”*

M. *“But even when she has come of age, she still can exercise her right of protest and get out.”*

N. *“Once she has come of age for even a single moment, she no longer has the right to protest and get out.”*

O. *Abbayye did not frame his statement as Raba did, because in the case of the fine, there is a contrary consideration, namely, that a sinner should not get a reward for sinning.*

P. *Raba did not frame his statement as Abbayye did, because in the case of the marriage contract, there is a contrary consideration, namely, that it should not be a light thing in his view to divorce her.*

1:3

- A. An adult male who had sexual relations with a minor female,
- B. and a minor male who had sexual relations with an adult female,
- C. “and a girl injured by a blow [so that her signs of virginity are destroyed] –
- D. “their marriage contract is two hundred zuz,” the words of R. Meir.
- E. And sages say, “The girl injured by a blow – her marriage contract is a maneh.”

1:4

- A. A virgin, a widow, a divorcée, or one who has severed the levirate connection through a rite of removing the shoe –
- B. at the stage of consummation of the marriage –
- C. their marriage contract is a maneh.
- D. [11B] And they are not subject to a claim against their virginity.
- E. A convert, a girl taken captive, or a slave girl who were redeemed, or who converted, or who were freed at an age older than three years and one day –
- F. their marriage contract is a maneh.
- G. And they are not subject to a claim against their virginity.

I.1

- A. Said R. Judah said Rab, “[The result of] the sexual relations between a minor boy and an adult woman is merely the equivalent of her being injured by a piece of wood [and has no effect upon her virginity].”

- B. *[R. Judah continues,] “When I said this before Samuel, he said, ‘The category of “injury by a piece of wood” does not apply to sexual relations carried out in the flesh.’”*
- C. *There are those who set forth this tradition on its own: A minor who had sexual relations with an adult woman –*
- D. Rab said, “[The result of] the sexual relations between a minor boy and an adult woman is merely the equivalent of her being injured by a piece of wood [and has no effect upon her virginity].”
- E. And Samuel said, “The category of ‘injury by a piece of wood’ does not apply to sexual relations carried out in the flesh.”
- F. *Objected R. Oshayya, “ ‘An adult male who had sexual relations with a minor female, and a minor male who had sexual relations with an adult female, and a girl injured by a blow [so that her signs of virginity are destroyed] – their marriage contract is two hundred zuz,’ the words of R. Meir. And sages say, ‘The girl injured by a blow – her marriage contract is a maneh.’”* [Daiches: The difference concerns only a girl injured by a piece of wood, not a boy who has intercourse with an adult woman, so the latter case is not comparable to the former, and the passage supports Samuel’s position.]
- G. Said Raba, “This is the sense of the passage: **An adult male who had sexual relations with a minor female** – that is nothing, *for in the case of a girl less than the specified age, it is merely like putting a finger in the eye.* **And a minor male who had sexual relations with an adult female** – he puts her into the category of **a girl injured by a blow**. And as to **a girl injured by a blow herself**, *there is a dispute between R. Meir and sages.*”

I.2 A. Said Rammi bar Hama, “The dispute deals with a case in which the husband was informed, when he married her, that the wife had suffered such an injury. *For R. Meir compares her to a mature girl [who may or may not have virginity signs, but who nonetheless gets two hundred zuz], and sages compare her to a woman who has had sexual relations with a man [who gets a maneh, a hundred zuz, as a widow].* But if the husband was not informed, when he married her, that the wife had suffered such an injury, all parties concur that she has no claim [since no one informed the husband of the facts of the case].”

B. *R. Meir then compares her to a mature girl [who may or may not have virginity signs, but who nonetheless gets two hundred zuz] – why*

not compare her to a woman who has had sexual relations with a man?

C. In the case of a woman who has had sexual relations with a man, something was actually done to her by a man, with this one, by contrast, nothing was done to her by a man.

D. Then sages compare her to a woman who has had sexual relations with a man [who gets a maneh, a hundred zuz, as a widow] – why not compare her to a mature girl?

E. To a mature girl nothing whatsoever has ever been done, but to this one something has been done.

I.3 A. But if the husband was not informed, when he married her, that the wife had suffered such an injury, all parties concur that she has no claim [since no one informed the husband of the facts of the case]:

B. *Objected R. Nahman, “She says, ‘I was injured by a piece of wood,’ and he says, ‘Not so, but you have been laid by a man’ – Rabban Gamaliel and R. Eliezer say, ‘She is believed’ [M. 1:7A-C].”*

C. Rather, said Raba, “Whether he knew her condition or did not know her condition, in the view of R. Meir she gets two hundred zuz, and in the view of rabbis, if he knew her condition, she gets a maneh, and if he did not know her condition, she gets nothing.”

D. *But Raba retracted, for it has been taught on Tannaite authority:*

E. How does slander take place? The aggrieved husband comes to court and says, “I, Mr. So-and-so, have not found in your daughter the marks of virginity.” If there are witnesses that she has fornicated while subject to him, she gets a marriage settlement of a maneh.

F. But lo, if there are witnesses that she has fornicated while subject to him, she is stoned!

G. *This is the sense of the statement:* If there are witnesses that she has fornicated while subject to him, she is stoned. If [there are witnesses that] she was

unchaste while subject to him prior to betrothal, she gets a marriage settlement of a maneh. And said R. Hiyya bar Abin said R. Sheshet, “That is to say, if he married her in the assumption that she was a virgin and she turned out to have had sexual relations, she collects a marriage contract of a maneh.”

H. *Objected R. Nahman, “He who marries a woman and did not find tokens of virginity – she says, ‘After you betrothed me, I was raped, and your field has been flooded,’ and he says, ‘Not so, but it was before I betrothed you, and my purchase was a bargain made in error’ – Rabban Gamaliel and R. Eliezer say, ‘She is believed.’ R. Joshua says, ‘We do not depend on her testimony. But lo, she remains in the assumption of having had sexual relations before she was betrothed and of having deceived him, until she brings evidence to back up her [contrary] claim’ [M. 1:6].”* [So if it is a purchase made in error, the husband says] *she gets nothing*, [and that refutes Sheshet’s view that she gets a maneh (Daiches).]

I. *And said R. Hiyya bar Abin to them, “Is it really possible that R. Amram and all the preeminent authorities of the generation were in session when R. Sheshet made his statement and they recognized the contradiction in the cited Mishnah, and [Sheshet] replied, ‘What is the meaning of “a purchase made in error”?’ It is that she doesn’t get two hundred zuz, but she does get a maneh,’ and you [Nahman] should say she gets nothing at all?!”*

J. *And said Raba, “He who put this question put a good one, for ‘a purchase made in error’ means that no payment at all is required. But then the other cited Tannaite statement [If there are witnesses that she was unchaste while subject to him prior to betrothal, she gets a marriage settlement of a maneh] presents a difficulty. Work matters out by saying the following: If there are witnesses that she has fornicated while subject to him,*

she is stoned. If [there are witnesses that] she was unchaste before she was betrothed, she gets nothing. If she was found injured by a piece of wood, she gets a marriage settlement of a maneh.”

K. *[Now, reverting to the original proposition that Raba retracted,] now, since Raba is the one who said that, from the viewpoint of rabbis, if he knew her condition, she gets a maneh, and if he did not know her condition, she gets nothing. [But just now he said if she was injured by a piece of wood, she gets a maneh.] Therefore it must follow that Raba retracted his prior ruling.”*

- I.4** A. *Our rabbis have taught on Tannaite authority:*
- B. **If the first husband brought her home for the sake of marriage, but she has witnesses that she was never alone with him, *or also*, if she was alone with him but did not remain alone with him for sufficient time to have sexual relations, the second husband may not raise the claim that she was not a virgin, for lo, the first husband has taken her home [T. Ket. 1:4F-J].**
- C. **[12A]** Said Rabbah, “That is to say, if the husband married her in the assumption that she was a virgin and she turns out to have had sexual relations, she still has a marriage settlement of a maneh.”
- D. *R. Ashi said, “In general, I should ordinarily say to you that she has no claim on a marriage settlement at all, but this case is exceptional, for lo, the first husband has married her.”*
- E. *But why not take into account the possibility that she has fornicated while subject to him?*
- F. Said R. Sherabayya, “It would involve a case in which he betrothed her and had sexual relations forthwith.”
- G. *There are those who set forth this Tannaite discourse with respect to our Mishnah paragraph, namely: A virgin, a widow, a divorcée, or one who has severed the levirate connection through a rite of removing the shoe – at the stage of consummation of the marriage – their marriage contract is a maneh. And they are not subject to a claim against their virginity. Now how would you find a case in which this was at the stage of consummation of the*

marriage? It would involve a case in which she entered the bridal canopy but did not have sexual relations.

H. Said Rabbah, "That is to say, if the husband married her in the assumption that she was a virgin and she turns out to have had sexual relations, she still has a marriage settlement of a maneh."

I. *R. Ashi said, "In general, I should ordinarily say to you that she has no claim on a marriage settlement at all, but this case is exceptional, for lo, the first husband has married her."*

J. *But why not take into account the possibility that she has fornicated while subject to him?*

K. Said R. Sherabayya, "It would involve a case in which he betrothed her and had sexual relations forthwith."

L. *One who repeats the matter with respect to the cited Tannaite statement – all the more so would apply the discussion to our Mishnah paragraph [there being no witnesses that intercourse has not taken place]. But one who refers the discussion to our Mishnah paragraph would not refer it to the cited Tannaite statement, because the husband could say to her, "I depended on the witnesses" [in assuming you were a virgin, so Ashi's reply to Rabbah would not be valid (Daiches)].*

1:5A-D

- A. He who lives ["eats"] with his father-in-law in Judah,**
- B. not with witnesses,**
- C. cannot lodge a claim against the girl's virginity,**
- D. for he has been alone with her.**

I.1 A. *Since the language is used, He who lives ["eats"] with his father-in-law in Judah, it must follow that there are places in Judah where one does not eat with the father-in-law.*

B. *Said Abbayye, "One may well conclude that in Judah, too, there are places and there are places."*

C. *For it has been taught on Tannaite authority: Said R. Judah, "In Judah in olden times they would put the bride and groom off by themselves for an hour before the wedding celebration, so that he should feel confident with her. But in Galilee they did not have*

that custom. In olden times in Judah they would put up two best men, one for him, one for her, to examine the bridegroom and bride when they enter the bridal chamber. In Galilee they did not do so. In olden times in Judah the best men would sleep in the place in which the bride and groom were sleeping, but in Galilee they did not have that custom. **Anyone who did not follow this custom has no claim against the virginity of the girl**” [T. Ket. 1:4A-E]. *Now to which custom does this refer? Shall I say that it is to the first clause [leaving the couple alone before the wedding]? Then the language that should be used is, Anyone who did follow this custom has no claim against the virginity of the girl! Then does it refer to the concluding clause [In olden times in Judah they would put up two best men, one for him, one for her, to examine the bridegroom and bride when they enter the bridal chamber]? If so, the required language is, whoever was not examined.”*

D. *Said Abbayye, “In point of fact it refers to the opening clause, and the proper Tannaite formulation is, Anyone who did follow this custom has no claim against the virginity of the girl.”*

E. *Said to him Raba, “But lo, the language that is used is, Anyone who did not follow this custom has no claim against the virginity of the girl!”*

F. *Rather, said Raba, “This is the sense of the statement: Whoever did not follow in Galilee the custom of Galilee but rather the custom of Judah in Galilee has no claim against the virginity of the girl.”*

G. *R. Ashi said, “In point of fact it does refer to the concluding clause, and the proper Tannaite formulation is: whoever was not examined [there being no best man].”*

1:5E-H

- E. All the same are the widow of an Israelite and the widow of a priest –
- F. their marriage contract is a maneh [a hundred zuz].
- G. The priests’ court would collect four hundred zuz for a virgin.
- H. And sages did not stop them.

- I.1** A. *A Tannaite statement: And as to a widow of the priestly caste, her marriage settlement is two hundred zuz.*

- B. *But lo, we have learned in our Mishnah paragraph: All the same are the widow of an Israelite and the widow of a priest – their marriage contract is a maneh [a hundred zuz]!*
- C. *Said R. Ashi, “There were two ordinances. To begin with, they ordained four hundred zuz for a virgin and a maneh for a widow. [12B] When they saw that they treated the wives lightly, they ordained two hundred. But when they saw that they avoided marrying the [widows of the priesthood], saying, rather than marry a widow of the priesthood, we’ll marry a virgin of the Israelite caste [for the same money], they restored the prior rule.”*

II.1 A. The priests’ court would collect four hundred zuz for a virgin. And sages did not stop them:

- B. *Said R. Judah said Samuel, “They spoke not only of the court of the priests, but even the genealogically prestigious families of the Israelite caste, if they want to carry out matters in the manner in which the priestly caste does, they may do so.”*
- C. *An objection was raised: He who wishes to act in the way in which the priests do, for example, an Israelite daughter marrying a priest, or a priest’s daughter marrying an Israelite, they may do so. Now from this one may infer the following: An Israelite daughter marrying a priest, or a priest’s daughter marrying an Israelite, are cases in which one may do so, for in both instances, there is an aspect of the priesthood involved. But if it is an Israelite woman marrying an Israelite, one may not conduct the transaction in the manner in which the priests do.*
- D. *No, what we have at hand is, it goes without saying, namely: One need not say only that, when an Israelite woman marries an Israelite man, in which instance he cannot say to her, “I am raising you to a higher position,” that such a procedure is allowed. But even in the case of an Israelite woman marrying a priest, who can say to her, “I am raising you to a higher status,” in which I might suppose that such a practice is not allowed, in fact, it is allowed, and that is what the comment [at B] is meant to tell us.*

1:6

- A. **He who marries a woman and did not find tokens of virginity –**
- B. **she says, “After you betrothed me, I was raped, and your field has been flooded,”**

- C. and he says, “Not so, but it was before I betrothed you, and my purchase was a bargain made in error” –
- D. Rabban Gamaliel and R. Eliezer say, “She is believed.”
- E. R. Joshua says, “We do not depend on her testimony. But lo, she remains in the assumption of having had sexual relations before she was betrothed and of having deceived him,
- F. “until she brings evidence to back up her [contrary] claim.”

I.1

- A. *It has been stated:*
- B. If someone says to another, “You have a maneh of mine in your possession,” and the other says, “I don’t know” –
- C. R. Huna and R. Judah say, “He is liable.”
- D. R. Nahman and R. Yohanan say, “He is exempt from liability.”
 - E. R. Huna and R. Judah say, “He is liable”: where we have one claim based on certainty, the other on doubt, the claim based on certainty wins out.
 - F. R. Nahman and R. Yohanan say, “He is exempt from liability”: *we leave money where it is [absent compelling proof to the contrary]*.

I.2

A. *Said Abbaye to R. Joseph, “That which R. Huna and R. Judah maintain represents the position of Samuel, 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. 1:9A-D]. And R. Judah said Samuel said, ‘The decided law accords with Rabban Gamaliel.’ And said R. Samuel bar Judah to R. Judah, ‘Sharpie! You have said to us in the name of Samuel, “The decided law accords with Rabban Gamaliel” also in regard to the first Mishnah paragraph.’ Now what is the meaning of, ‘also in regard to the first Mishnah paragraph’? It must mean, ‘even though one could invoke the principle, we leave money where it is [absent compelling proof to the contrary],’ nonetheless,*

Rabban Gamaliel says that the claim based on certainty wins out. So may one propose that R. Judah and R. Huna concur with Rabban Gamaliel, and R. Nahman and R. Yohanan concur with R. Joshua?"

B. R. Nahman may say to you, "I myself rule even in accord with Rabban Gamaliel. Rabban Gamaliel takes the position that he does here because there is the possibility of invoking the consideration, 'since, if he wanted to lie, he could have made up a more advantageous one, but he offered a less advantageous one, he is believed,' but here, there is no such more advantageous argument to have been invented, so we cannot invoke that principle. Or, also, Rabban Gamaliel took the position that he did there only because we confirm the prevailing assumption [that she is a virgin, which held until she was found not a virgin, after betrothal]. But here, what presumptive status does the claimant have?"

C. And what we have said stands to reason, that R. Nahman is the one who rules in accord with the thinking of Rabban Gamaliel, [13A] for if that were not the case, then there would be a contradiction between one decided law and another, for it is an established fact for us that, in matters of civil law, the decided law accords with the position of R. Nahman, while, in this case, R. Judah said Samuel said, "The decided law is in accord with Rabban Gamaliel." So does it not follow that matters are as we have said?

D. Yup.

1:7

- A. She says, "I was injured by a piece of wood,"**
- B. and he says, "Not so, but you have been laid by a man" –**
- C. Rabban Gamaliel and R. Eliezer say, "She is believed."**
- D. And R. Joshua says, "We do not depend on her testimony. But lo, she remains in the assumption of having been laid by a man, until she brings evidence to back up her claim."**

I.1 A. *For what, precisely, are the respective claims?*

- B. R. Yohanan said, "It is for two hundred zuz or a maneh." [She wants two hundred zuz, having been injured by a board, and he says it was with another man, so she gets only a maneh.]
- C. R. Eleazar said, "It is for a maneh or for nothing."
- D. R. Yohanan said, "It is for two hundred zuz or a maneh": *he concurs with R. Meir, who has said, "Whether or not he knew about her condition, she gets two hundred zuz."*
- E. R. Eleazar said, "It is for a maneh or for nothing": *he concurs with rabbis, who have said, "Whether or not he knew about her condition, she gets a maneh."*
- F. *Now there is no difficulty in understanding why R. Eleazar did not rule as did R. Yohanan, because he reads our Mishnah in accord with the ruling of rabbis, but how come R. Yohanan did not accord with the view of R. Eleazar [who after all is reading our Mishnah in accord with the majority view]?*
- G. He takes the view that, if he married her in the assumption that she was a virgin, and she turns out to have had sexual relations, she still gets a marriage settlement of a maneh. *So here he would claim, "A maneh" [is what she has a claim to, because he thought she was a virgin and found she wasn't,] and she would say, "A maneh," so what difference is there between what he wants and what she wants?*
- H. *Now there is no problem understanding why two cases are presented [at M. 1:6 and M. 1:7] within the position of R. Eleazar, one serving to eliminate the position of Rammi bar Hama, the other to eliminate the position of R. Hiyya bar Abin stated in the name of R. Sheshet. [M. 1:6 eliminates the claim, "It was a purchase made in error," so that the wife has no marriage settlement; M. 1:7 eliminates the claim that if she had had sexual relations with someone else, she gets a marriage settlement of a maneh.] But from the perspective of R. Yohanan, what need do I have for the two cases anyhow?*
- I. *One is to tell you to what extent Rabban Gamaliel is prepared to go, the other, to tell you to what extent R. Joshua is prepared to go. The first case shows you to what extent R. Joshua is prepared to go, that, even though there is the*

possibility of claiming that since a stronger argument is possible, one should believe her, still, she is not believed; the second to show you to what extent Rabban Gamaliel is prepared to go, that even though there is no possibility of claiming that, since a stronger argument is possible, one should believe her, still, she is to be believed.

1:8

- A. [If] they saw her “conversing” with a man in the market,
- B. [and] they said to her, “What is the character of this one?”
- C. [and she said,] “It is Mr. So-and-so, and he is a priest” –
- D. Rabban Gamaliel and R. Eliezer say, “She is believed.”
- E. And R. Joshua says, “We do not depend on her testimony. But lo, she remains in the assumption of having had sexual relations with a netin or a mamzer, until she brings evidence to back up her claim.”

1:9

- A. [If] she was pregnant, and they said to her, “What is the character of this foetus?”
- B. [and she said,] “It is by Mr. So-and-so, and he is a priest” –
- C. Rabban Gamaliel and R. Eliezer say, “She is believed.”
- D. 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.”

I.1 A. [If they saw her “conversing” with a man in the market:] *what is the meaning of conversing?*

B. Zeiri said, “She was secluded with him.”

C. R. Assi said, “She had sexual relations with him.”

D. *Now from the perspective of Zeiri, we can well understand the use of **conversing**. But from the perspective of R. Assi, why say **conversing**?*

E. *It is euphemistic, in line with this verse: “She eats, she wipes her mouth, she says, ‘I have done no wickedness’” (Pro. 30:20).*

F. *Now from the perspective of Zeiri, we can well understand why two distinct cases are introduced – **conversing, she was pregnant**. But from the perspective of R. Assi, why do I need two cases?*

G. One case [**conversing**] serves to declare that she is fit [to marry a priest in Gamaliel's opinion], the other [**she was pregnant**] is to declare the daughter fit to do the same.

H. Well, that explanation poses no problem to the opinion of him who says, "In the opinion of one who declares fit in her case, he declares fit also in the case of her daughter." But from the perspective of him who says that she is fit, but her daughter is unfit, what is to be said?

I. R. Assi concurs with him who has said that one who declares fit in her case declares fit also in the case of her daughter as well.

I.2 A. Said R. Pappa to Abbaye, "From the perspective of Zeiri, who has said, 'What is the meaning of **conversing**? It means, she was secluded with him,' and R. Joshua said she is not believed, [this question must be raised:] has not Rab said, 'A flogging is administered on account of her going into seclusion with another man, but she is not prohibited from her husband on account of seclusion'? Then must we say that that [what Rab has said] is not according to R. Joshua?" [He says she is not believed; so something did happen; therefore she should be forbidden to her husband (Daiches).]

B. You may even maintain that it is in accord with R. Joshua, but a higher standard must be met when it comes to genealogy [involving the priesthood].

C. An objection was raised: If they saw her going into seclusion with someone [13B] or into a ruin and they said to her, "What is the character of this man?" "He is a priest, and he is the son of my father's brother" – Rabban Gamaliel and R. Eliezer say, "She is believed." 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." Now from the perspective of Zeiri, that explains why it was necessary to set forth two cases, one covering the secret place, the other, the ruin [in the former, nothing happened, in the latter, something did]. But from the perspective of R. Assi, who has said that "talking" stands for having sexual relations, what need is there to differentiate the two situations?

D. *In point of fact, the formulation refers to only one case: a secret place, being a ruin.*

E. *But lo, the language that is used is very explicit that we deal with two places: into seclusion...or into a ruin!*

F. *The one speaks of a ruin in town, the other, a ruin in a field. And both are required. For if we had been informed of the rule covering the ruin in town, it would be in that situation in particular that Rabban Gamaliel declares her fit, because most of the men of the town would be fit in her regard. But in the case of a ruin in a field, in which instance most of the men who would be out there would be unfit for her, I might say that he concurs with R. Joshua. And if we had been told only the case of the ruin in the field, I might have supposed that only in this case did R. Joshua take the position that she is not believed, but in the case of the town, I might say that for the same reason as before he would concur with Rabban Gamaliel. So both cases are required.*

I.3 A. *An objection was raised:*

B. **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. For this is the sort of testimony that a woman is valid to give.”**

C. **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.”**

D. **Said to them R. Joshua, “Do you not concede in the case of a girl taken captive by gentiles, who is subject to testimony that she was taken captive, and who says, ‘I am pure,’ that she is not believed?”**

E. **They said to him, “True enough. But what a difference there is between this case and that case! If you have stated that rule in connection with a woman taken captive, who is subject to witnesses as**

to her having been taken captive, will you say so of this one, who is not subject to witnesses at all?”

F. He said to them, “And what greater evidence is there than this – that her belly is up there between her teeth?”

G. They said to him, “But gentiles are deemed unscrupulous as to prohibited sexual relations, and Israelites are not so deemed.”

H. He said to them, “There is no one appointed as a watchman over prohibited sexual relations even for Israelites.”

I. Under what circumstances do sages accept her testimony? In the case of testimony that pertains to her own person. But as to the offspring, all concede [to Joshua] that it is held to be of unknown fatherhood [T. Ket. 1:6A-K].

J. *Now what is it that [Joshua] said to them, and what is the sense of what they replied to him?*

K. *This is what they said to him:* “So you have answered us with respect to a pregnant woman, but what will you say to us in regard to a woman whom people saw talking to a man? [Why should she not be believed?]

L. *This is what he said to them:* “The woman who is seen talking to a man is no different from the woman taken captive.”

M. *They said to him, “The woman taken captive is subject to an exceptional situation, since most gentiles are deemed unscrupulous as to prohibited sexual relations, and Israelites are not so deemed.”*

N. *He said to him, “In this case, too, since she has gone into seclusion with him, no one is appointed as a watchman over prohibited sexual relations even for Israelites.”*

O. *In any event, the passage goes over the ground of two cases, one, the woman whom they saw talking, the*

other, the pregnant woman, and does this not refute the position of R. Assi?

P. *Yup.*

Q. *But why not except the case on grounds that in that case [the captive woman] most men she is likely to have sexual relations with are unfit for her, but in this case [talking] most men she is likely to have had sexual relations with are fit for her?*

R. *The fact that R. Joshua ignores that point of differentiation supports the position of R. Joshua b. Levi, who has said, "He who declares her fit declares her fit even when most of the men she is likely to have had sexual relations with are unfit [as in the case of the captive woman], and he who declares her unfit holds that position even when most of the men she is likely to have had sexual relations with are fit [e.g., when she 'talked' with someone]."*

I.4 A. R. Yohanan said, "He who declares her fit also declares her daughter fit, and he who declares her unfit also declares her daughter unfit."

B. R. Eleazar says, "Even he who declares her fit declares her daughter unfit."

C. *Said Rabbah, "What is the operative consideration behind the position of R. Eleazar? Well, with respect to her, she is subject to the presumption that she is fit, but her daughter is not subject to any presumption!"*

D. R. Eleazar objected to the view of R. Yohanan, "**Under what circumstances do sages accept her testimony? In the case of testimony that pertains to her own person. But as to the offspring, all concede [to Joshua] that it is held to be of unknown fatherhood. So does this not mean that it is**

held to be of unknown fatherhood, and therefore invalid?”

E. *“No, it means, the child is held to be of unknown fatherhood, but nonetheless valid.”*

F. *But is there a case in which there is a child held to be of unknown fatherhood, but nonetheless valid?*

G. *Yup, Samuel thinks so, for* said Samuel, “Ten priests who were standing together, and one of them wandered off and had sexual relations with someone – the offspring is in the status of a silenced one.”

H. *What is the meaning of “a silenced one”? Should I say that they silence him from laying any claim to the property of his father? That’s obvious, do we really know who his father is?*

I. *But, rather, they silence him from any claim of rights to the priesthood. How come?* Scripture says, “And it shall be unto him and to his seed after him” (Num. 23:13). We require that the seed be validly assigned to his fatherhood after him, and that condition is not met here.

- I.5** A. *There was a betrothed couple that came to R. Joseph. She said, “It comes from him.”*
- B. *And he said, [14A] “Yes, it’s mine.”*
- C. *Said R. Joseph, “Of what contrary possibility should we take account? First of all, he concurs, and, furthermore, said R. Judah said Samuel, ‘The decided law accords with Rabban Gamaliel.’”*
- D. *Said to him Abbayye, “And in such a case, if he did not concur, would Rabban Gamaliel declare her fit? Did not Samuel say to R. Judah, ‘Sharpie! While the law accords with Rabban Gamaliel, do not act on it unless it is a case in which most men are fit for her.’ But here, most men aren’t.”*
- E. *“But according to your reasoning, the statement itself is a problem. First he says the law accords with Rabban Gamaliel. But then he says, ‘Do not act on it unless it is a case in which most men are fit for her.’ So what is to be said?*

The one ruling applies before there has been any action, the latter, after the fact [if he married her without asking, he can stay married], and this case is after the fact [she is already betrothed, so we leave things be].”

I.6 A. Abbaye presented a contradiction to Raba: “Does R. Judah really say, ‘She is not believed’? But by contrast: **Testified R. Joshua and R. Judah b. Beterah concerning a widow of an Israelite family suspected of contamination with unfit genealogical stock, that she is valid for marriage into the priesthood. For a woman deriving from an Israelite family suspect of contamination with unfit genealogical stock is herself valid for being declared unclean or clean, being put out and being brought near [M. Ed. 8:3A-B]!**”

B. *He said to him, “How are the cases parallel? In that case [the one in tractate Eduyyot], the woman marries, but first she looks into the matter, and then she gets married. Here, by contrast, the woman fornicates – does she look into the matter and only then fornicate?!”*

C. *Said Raba, “Nonetheless, is there a contradiction between two statements of R. Joshua, while there is no contradiction between two statements of Rabban Gamaliel? Lo, note what is taught in the concluding clause of the same passage: **Said Rabban (Simeon b.) Gamaliel, ‘We should accept your testimony. But what shall we do? For Rabban Yohanan b. Zakkai decreed against calling courts into session for such a matter. For the priests pay attention to you when it comes to putting someone out but not when it comes to drawing someone near’ [M. Ed. 8:3C-E]!**”*

D. *Rather, said Raba, “There is no contradiction between two statements of Rabban Gamaliel. In that case [where she says she has had sexual relations with a legitimate man], it is a matter of certainty; here, in the passage drawn from Mishnah-tractate Eduyyot, it is merely a matter of possibility. Nor is there a contradiction between two statements of R. Joshua. There [in the passage before us], there is only one matter of doubt [whether the man with whom she had sexual relations renders her unfit for marriage into the priesthood], while here, in the passage drawn from Mishnah-tractate Eduyyot, there is a matter of doubt concerning something that is itself subject to doubt [Daiches: in the case of a widow of a member of a mixed family there are many doubts of illegitimacy]. Therefore, from the viewpoint of*

Rabban Gamaliel, a matter of certainty is so strong a plea that, even where there is one doubt, he declares the woman fit for marriage into the priesthood, and a mere possibility is so weak a plea that, even where there is a matter of doubt concerning what is already subject to doubt, he declares her unfit. From R. Joshua's perspective, where there is a single matter of doubt, it is sufficient to override a claim that she is certain and so he declares her unfit, and where there is a doubt concerning what is subject to doubt, the matter is so trivial, that even where she pleads a mere possibility, he declares her fit." [Daiches: for the priesthood. In short, with Rabban Gamaliel the sure outweighs one doubt, and with Joshua, one doubt outweighs the certainty].

- I.7** A. *Our rabbis have taught on Tannaite authority:*
B. **What is the definition of a widow of one of mixed family [of proselytes or people of impaired priestly stock, which produces a girl suitable for marriage to an Israelite, but invalid for marriage into the priesthood? It is any in which there is no trace of ancestry of a netin, a mamzer, or royal slaves.**
C. Said R. Meir, **[14B]** "I have heard that any girl in whose ancestry there is no trace of ancestry of a netin, a mamzer, or royal slaves may marry right up into the priesthood."
D. R. Simeon b. Eleazar says in the name of R. Meir, and so did R. Simeon b. Menassia say on his own account, "On what account did they declare a mixture to be invalid for marriage into the priesthood? Because of the possibility of impaired priestly ancestry mixed in her genealogy. They are able to discern Israelites, netins, or mamzers who may be among her ancestors, but they are not able to discern the ancestors of impaired priestly stock among them" [T. Yeb. 5:2D-I].

- I.8** A. The master has said: **What is the definition of a widow of one of mixed family [of proselytes or people of impaired priestly stock, which produces a girl suitable for marriage to an Israelite, but invalid for marriage into the priesthood? It is any in which**

there is no trace of ancestry of a netin, a mamzer, or royal slaves.

B. Lo, if there is one of profaned priestly stock, the family is then fit. Now why should these other classes of ancestors be exceptional? Is it because they derive from the Torah? The consideration of impaired priestly stock likewise derives from the Torah.

C. Furthermore, said R. Meir, “I have heard that any girl in whose ancestry there is no trace of ancestry of a netin, a mamzer, or royal slaves may marry right up into the priesthood” – that is just what the initial Tannaite statement says!

D. Furthermore, R. Simeon b. Eleazar says in the name of R. Meir, and so did R. Simeon b. Menassia say on his own account, “On what account did they declare a mixture to be invalid for marriage into the priesthood? Because of the possibility of impaired priestly ancestry mixed in her genealogy. They are able to discern Israelites, netins, or mamzers who may be among her ancestors, but they are not able to discern the ancestors of impaired priestly stock among them” – surely in the opening clause you have said that the person of impaired priestly ancestry is valid!

E. Said R. Yohanan, “At issue between them is a person who when called a mamzer protests, and a person who when called one of impaired priestly stock remains silent. The initial Tannaite statement takes the view that whoever, when called unfit, remains silent, is unfit, and this is the sense of the statement of the initial Tannaite authority: What is the definition of a widow of one of mixed family [of proselytes or people of impaired priestly stock, which produces a girl suitable for marriage to an Israelite, but invalid for marriage into the priesthood? It is any in which there is no

trace of ancestry of one who remains silent when called **a netin**, one who remains silent when called **a mamzer**, or one who remains silent when called **royal slaves**, or one who remains silent when called of impaired priestly stock. *Then said to him R. Meir, 'That rule pertains to the first three matters [mamzer, netin, royal slave], for if he is called by any of these names, his silence leaves him unfit to enter the congregation. But he who is silent when called of impaired priestly stock remains fit for that purpose, and why does he remain silent? Because it doesn't make any difference to him.'* And then said R. Simeon b. Eleazar to the first Tannaite figure who stated the position of R. Meir [*'I have heard...*']: *'If you have heard that R. Meir declares fit a person who keeps silence, that is not in the case of one who keeps silent when called of impaired priestly stock, but it is one who keeps silent when called a mamzer; the reason he keeps silent is that he says to himself, "The fact that someone is a mamzer is well known." But if he is called a mamzer and objects, or of impaired priestly stock and is silent, he is unfit, since, in this case, he keeps his silence because he reasons, "It's enough if I'm not excluded from the community."'*

I.9 A. *One Tannaite formulation:* R. Yosé says, "One who is silent when called a mamzer is fit, and one who is silent when called of profaned priestly stock is unfit."

B. *Another Tannaite formulation:* One who is silent when called of impaired priestly stock is fit, and one who is silent when called a mamzer is unfit.

C. *There is no contradiction, the one sets forth the position of the*

first Tannaite formulation of the position of R. Meir, and the second sets forth matters as they are seen by R. Simeon b. Eleazar's account of the position of R. Meir.

1:10

- A. Said R. Yosé, "There was the case of a girl who went down to draw water from the well and was raped.
- B. "Ruled R. Yohanan b. Nuri, 'If most of the men of the town marry off their daughters to the priesthood, lo, she may be married into the priesthood.'"

- I.1**
- A. Said Raba to R. Nahman, "In accord with which authority did R. Yohanan b. Nuri make his ruling? It could not be Rabban Gamaliel, since he declares the offspring fit even when the majority of men she is likely to have had sexual relations with are unfit, and it could not be R. Joshua, since he declares the offspring unfit even where the majority were likely to have been fit?"
 - B. He said to him, "This is what R. Judah said Rab said, [15A] 'The incident took place at the springs of Sepphoris, and it was in accord with what R. Ammi said, for said R. Ammi, "And that is the case when a gang of genealogically suitable rapists passed by." And also it accords with R. Yannai, for said R. Yannai, "If she had sexual relations at the springs, she is fit for the priesthood.'"
 - C. At the springs do you say?
 - D. Rather, "...if she had sexual relations at the time people came to the springs, she is fit for the priesthood. But if somebody came from Sepphoris and had sexual relations with her, the child is a silenced one."
 - E. That is in accord with what R. Dimi said when he came, Zeiri said R. Hanina said, and some say, Zeiri said in the name of R. Hanina, "We are guided by the criterion of the character of the majority of the inhabitants of the town, and we are not guided by the character of the majority of the bypassers."
 - F. To the contrary, the bypassers move about and the townsfolk are stationary. Rather, we are guided by the character of the majority of the population of the town, but that is only when there is also the majority of the passing

company along with it, but we are not guided by the character of the majority of the townsfolk alone, or by the character of the majority of the passing company by itself. How come? It is a precautionary decree concerning the character of the larger part of the passing company on account of the issue of the larger part of the people of the town.

- G. *But even with respect to the consideration of the character of the majority of the people of the town, if one of them went to her, we have to invoke the principle that one who separates himself separates himself from the majority [and is of the character of the majority]!*
- H. *Not at all, the matter is required to cover a case in which she went to him, so that he was in place, and R. Zira said, “In the case of a mass that is stationary, it is regarded as half and half [the rule of the character of the majority governing the whole not applying in such a case].”*
- I. *But do we require that two valid majorities be in hand [in order to rule that the character of the majority governs the unknown case]? And has it not been taught on Tannaite authority: If there were nine stores, all of them selling properly slaughtered meat, and one of them selling carrion meat, and one purchased meat from one of them and does not know from which of them he has made the purchase – his doubt is resolved in favor of a prohibition. But if the meat should turn up, then one follows the status of the majority [of the stores, and it is permitted]? And if you say that the rule speaks of a situation in which the city gates are not closed, so that a majority can have come also from outside of town, did not R. Zira say, “That is the case even if the gates of the city are not closed”?*
- J. A higher standard of certainty is required in the case of genealogy.

I.2 A. *Reverting to the body of the foregoing:*

B. R. Zira said, “In the case of a mass that is stationary, it is regarded as half and half [the rule of the character of the majority governing the whole not applying in such a case] – *whether that yields a lenient decision or a strict decision.*”

C. *Now just how does R. Zira know that?! Should I say it is from the following:* If there were nine stores, all of them selling properly slaughtered meat, and one of them selling carrion meat, and one purchased meat from one of them and does not know from which of them he has made the purchase – his doubt is resolved in favor of a prohibition. But if the meat should turn up, then one follows the status

of the majority [of the stores, and it is permitted]? *That yields only the strict rule [but no lenient one].*

D. *Rather, do you think that it derives from this case: **Nine frogs and one creeping thing, and one touched one of them but it is not known which of them he touched – a matter of doubt concerning him is deemed unclean. If one of them separated to private domain, a matter of doubt concerning him is deemed unclean. If it went into public domain, the matter of doubt is deemed clean. And in the case of that which is found, they follow the status of the majority [T. Toh. 6:2J-Q]**? But that yields only a strict rule [but no lenient one].*

E. *Rather, it comes from the following: **Nine frogs and one creeping thing, and one touched one of them but it is not known which of them he touched – if one of them separated to private domain, a matter of doubt concerning him is deemed unclean. If it went into public domain, the matter of doubt is deemed clean.***

I.3 A. *And how on the basis of the Torah do we know the same fact?*

B. Scripture says, “And lie in wait for him and rise up against him” (Deu. 19:11) – liability is incurred only if he intended to kill the particular person who was killed.

C. *And rabbis – how do they deal with the language, “And lie in wait for him”?*

D. Scripture has said, “[But if any man hates his neighbor] and lies in wait for him and rises up against him” (Deu. 19:11), meaning that [one is liable only if the killer] has hostile intentions against him in particular.

E. And rabbis’ [view of the language “for him” and “against him”?]

F. Members of the household of R. Yannai say, “[The language ‘for him’ or ‘against him’ serves] to exclude one who throws a stone into the midst [of Israelites and gentiles].”

G. *Now what sort of case is at hand? Should we say that there were nine Canaanites and only one Israelite among them? Then you should conclude that the majority of those [among whom he threw the stone] were Canaanites.*

H. *Or again, if half were of one group and half of the other group, you have a case of doubt, and in a case of doubt as to capital crimes, one must impose the more lenient ruling.*

I. *The matter is made pressing by the case in which there were one Canaanite and nine Israelites, in which case the Canaanite is a settled fact [as one of those present], and where there is a settled fact, it counts as one half of the facts at hand [where there is a case of doubt], and in a case of doubt as to capital crimes, one must impose the more lenient ruling. [The verse at hand applies to this case and tells us that in such a case, one is not liable; in the other possible cases, it is self-evident that he is not liable, and no proof-text is required].*

- I.4** A. *It has been stated:*
- B. R. Hiyya bar Ashi said Rab [said], “The decided law is in accord with R. Yosé.”
- C. And R. Hanan bar Raba said Rab [said], “It was instruction for the occasion.”
- D. *Objected R. Jeremiah, “And for the consideration of genealogy, don’t we require that there be two valid majorities [out of which the father whose genealogy is unknown can have been drawn]? And have we not learned in the Mishnah: [15B] [If] one found in it an abandoned child, if the majority is gentile, it is deemed a gentile. And if the majority is Israelite, it is deemed an Israelite. Half and half – it is deemed an Israelite. R. Judah says, “They follow the status of the majority of those who abandon babies” [M. Makh. 2:7]? And said Rab, ‘This rule only has to do with providing for the food and care of the child, but as to genealogy, that is not the case.’ But Samuel said, ‘It has to do only with removing debris for its sake [to dig it out of a ruin].’” [So two valid majorities would have been required, not just one.]*
- E. *What R. Judah said Rab said somehow escaped [Jeremiah’s attention], namely, “The incident took place at the springs of Sepphoris [so there were two valid majorities of pure descent in hand].”*
- F. But for R. Hanan b. Raba, who said, “It was instruction for the occasion,” *this presents a problem!* [Daiches: Why does Rab say in the case of the abandoned child, “But not with regard to genealogy,” which would show that Rab requires two majorities also in other cases?]
- G. *He who formulated that Tannaite statement did not formulate this one.* [Daiches: The one who said Rab said the ruling is not with regard to genealogy]

is not the same as the one who said that the incident happened at the springs of Sepphoris; there was only one majority there, and therefore Hanan said that it was a provisional decision; in all other cases two valid majorities are required.]

I.5 A. *Reverting to the body of the foregoing:*

B. **[If] one found in it an abandoned child, if the majority is gentile, it is deemed a gentile. And if the majority is Israelite, it is deemed an Israelite. Half and half – it is deemed an Israelite. R. Judah says, “They follow the status of the majority of those who abandon babies” [M. Makh. 2:7]** And said Rab, “This rule only has to do with providing for the food and care of the child, but as to genealogy, that is not the case.” But Samuel said, “It has to do only with removing debris [on the Sabbath] for its sake [to dig it out of a ruin].”

C. *Now did Samuel make any such statement? Did not R. Joseph say R. Judah said Samuel said, “When it comes to saving life, we do not bother with the criterion of the character of the majority [but we equally take account the minority]”? [So in any event whether the majority was Israelite or gentile, even on the Sabbath they would clear away a ruin to save the life.]*

D. *When Samuel’s statement was made, it pertained to the opening clause, namely: **If the majority is gentile, it is deemed a gentile.*** Samuel said, “When it has to do with removing debris [on the Sabbath] for its sake [to dig it out of a ruin], that is not the case. [Whatever the majority, we dig the child out on the Sabbath.]”

I.6 A. **[If the majority is gentile, it is deemed a gentile:]** *For what practical purpose is the foregoing set forth?*

B. Said R. Pappa, “It has to do with whether or not to feed him carrion meat.”

C. **[And if the majority is Israelite, it is deemed an Israelite:]** *For what practical purpose is the foregoing set forth?*

D. Said R. Pappa, “It has to do with whether or not it is required to return to him something out of the lost and found.”

E. **[Half and half – it is deemed an Israelite:]** *For what practical purpose is the foregoing set forth?*

F. Said R. Simeon b. Laqish, "In regard to a case of damages."

G. *What sort of a case can be in mind? If I should say that one of our oxen has gored one of his oxen, then just tell him, "Bring evidence that you're an Israelite and collect what is coming to you"!*

H. *Not at all, the rule is required to cover a case in which an ox of his gored an ox of ours. Half he pays, and with respect to the other half, he says to the Israelite claimant, "Bring proof that I'm not an Israelite and I'll pay you."*