משניות

(בששה כרכים)

ג

סדר נשים

המשניות בעברית מנקדת, הקדמות, תרגום אנגלי, פרוש אנגלי,
הוספות, לוחות המפתחות.

מאת

שלום שרגא בלאקמאן

מחבר של "מלון אנגלי־עברי", "שיחון עברי", וגו'.

בהוצאת

משנה פרעס לטד', לונדון

שנת תשי"ג לפ"ק

הוצאה ראשונה, תשי״ג לפ״ק

מדפס בשביל משנה פרעס לטד׳ על ידי
סטעלער אנד יונג לטד׳, לונדון, אנגליה

MISHNAYOTH

(In Six Volumes)

VOLUME III

ORDER NASHIM

POINTED HEBREW TEXT, INTRODUCTIONS, TRANSLATION, NOTES, SUPPLEMENT, APPENDIX, INDEXES.

By

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This third volume, Order NASHIM, is on the whole uniform with the first two published volumes (Orders ZERAIM and MOED), and contains much valuable information on family life, and also treats with matters of practical interest and of social and historical importance.

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אַבָּא שָׁאוּל (בֶּן בָּטְנִית)–כְּתוּבוֹת 7^{6}. נְדָרִים 6^{5}.
גִּיטִּין 5^{4}. קִדּוּשִׁין $4^{2,14}$.

אַדְמוֹן–כְּתוּבוֹת $13^{1,3,4,5,6,7,8,9}$.

אֱלִיעֶזֶר (בֶּן הוּרְקַנּוֹס)–יְבָמוֹת 3^{1}; $6^{3,4}$; $8^{4,6}$; $12^{2,3}$; $13^{3,6,7,11}$; $16^{3,7}$. כְּתוּבוֹת $1^{6,7,8,9}$; $5^{5,6}$; 9^{4}. נְדָרִים 4^{3}; $9^{1,2}$; $10^{5,6,7}$. נָזִיר $3^{3,4,5}$; $6^{7,11}$; 7^{1}. סוֹטָה 1^{1}; 3^{4}; 4^{3}; 6^{1}; 8^{3}; $9^{2,3,4}$. גִּיטִּין 1^{1}; 3^{2}; 4^{7}; $6^{3,4}$; 8^{8}; $9^{1,4}$. קִדּוּשִׁין $1^{4,9}$; 3^{13}; $4^{3,13}$.

אֱלִיעֶזֶר בְּנוֹ שֶׁל רַבִּי יוֹסֵי הַגְּלִילִי–סוֹטָה 5^{3}.

אֱלִיעֶזֶר בֶּן יַעֲקֹב–יְבָמוֹת 13^{3}. נְדָרִים 3^{1}; $5^{1,2}$. סוֹטָה 9^{4}. קִדּוּשִׁין 4^{7}.

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אֱלִיעֶזֶר (or אֶלְעָזָר) בֶּן פְּרַטָּא–גִּיטִּין 3^{4}.

אֱלִיעֶזֶר (or אֶלְעָזָר) בֶּן שַׁמּוּעַ–גִּיטִּין 3^{8}.

אֱלִיעֶזֶר הַגָּדוֹל (אֱלִיעֶזֶר בֶּן הוּרְקַנּוֹס see)

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אֶלְעָזָר בֶּן מַתַּאי–יְבָמוֹת 10^{3}.

אֶלְעָזָר בֶּן עֲזַרְיָה–כְּתוּבוֹת 4^{6}; 5^{1}.

אֶלְעָזָר בֶּן פְּרַטָּא–גִּיטִּין 3^{4}.

אֶלְעָזָר בֶּן שַׁמּוּעַ–גִּיטִּין 3^{8}.

בֵּית הִלֵּל–יְבָמוֹת 1^{4}; $3^{1,5}$; 4^{3}; 6^{6}; 13^{1}; $15^{2,3}$. כְּתוּבוֹת 5^{6}; $8^{1,6}$. נְדָרִים $3^{2,4}$. נָזִיר $2^{1,2}$; $3^{6,7}$; $5^{1,2,3,5}$. סוֹטָה 4^{2}. גִּיטִּין 4^{5}; $8^{4,8,9}$; 9^{10}.

בֵּית שַׁמַּאי–(בֵּית הִלֵּל see).

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PHILIP BLACKMAN.

GENERAL INTRODUCTION

נָשִׁים

NASHIM

The סֵדֶר נָשִׁים, **Order Nashim,** is the *Third Order* of the *Mishnah* (מִשְׁנָה).

The term נָשִׁים means *women* and is the *plural* form of the substantive אִשָּׁה, *woman, wife, female.*

This *Order* deals principally with *betrothal, marriage, divorce,* and the *relations of the woman to man,* and it treats also of such matters as *vows, the faithless wife, the emancipation of slaves* and *intermarriage.*

The *Order* consists of the following *Tractates* or *Treatises*—seven in number:

1. יְבָמוֹת	2. כְּתוּבוֹת	3. נְדָרִים
4. נָזִיר	5. סוֹטָה	6. גִּיטִּין
	7. קִדּוּשִׁין	

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סֵדֶר נָשִׁים

אַבָּא גּוּרְיָא–קִדּוּשִׁין 4^{14}.

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אַבָּא שָׁאוּל (בֶּן בָּטְנִית)–כְּתוּבוֹת 7^{6}. נְדָרִים 6^{6}.
גִּיטִּין 5^{4}. קִדּוּשִׁין $4^{2,14}$.

אַדְמוֹן–כְּתוּבוֹת $13^{1,3,4,5,6,7,8,9}$.

אֱלִיעֶזֶר (בֶּן הוּרְקַנּוֹס)–יְבָמוֹת 3^{1}; $6^{3,4}$; $8^{4,6}$; $12^{2,3}$; $13^{2,6,7,11}$; $16^{2,7}$. כְּתוּבוֹת $1^{6,7,8,9}$; $5^{5,6}$; 9^{4}. נְדָרִים 4^{3}; $9^{1,2}$; $10^{5,6,7}$. נָזִיר $3^{3,4,5}$; $6^{7,11}$; 7^{1}. סוֹטָה 1^{1}; 3^{4}; 4^{3}; 6^{1}; 8^{3}; $9^{2,3,4}$. גִּיטִּין 1^{1}; 3^{2}; 4^{7}; $6^{3,4}$; 8^{3}; $9^{1,4}$. קִדּוּשִׁין $1^{4,9}$; 3^{13}; $4^{3,13}$.

אֱלִיעֶזֶר בְּנוֹ שֶׁל רַבִּי יוֹסֵי הַגְּלִילִי–סוֹטָה 5^{3}.

אֱלִיעֶזֶר בֶּן יַעֲקֹב–יְבָמוֹת 13^{3}. נְדָרִים 3^{1}; $5^{1,2}$. סוֹטָה 9^{4}. קִדּוּשִׁין 4^{7}.

אֱלִיעֶזֶר (or אֶלְעָזָר) בֶּן מַתַּאי–יְבָמוֹת 10^{3}.

אֱלִיעֶזֶר (or אֶלְעָזָר) בֶּן פְּרַטָּא–גִּיטִּין 3^{4}.

אֱלִיעֶזֶר (or אֶלְעָזָר) בֶּן שַׁמּוּעַ–גִּיטִּין 3^{8}.

אֱלִיעֶזֶר הַגָּדוֹל (אֱלִיעֶזֶר בֶּן הוּרְקַנּוֹס see)

אֶלְעָזָר בֶּן דִּינַאי–סוֹטָה 9^{3}.

אֶלְעָזָר בֶּן מַתַּאי–יְבָמוֹת 10^{3}.

אֶלְעָזָר בֶּן עֲזַרְיָה–כְּתוּבוֹת 4^{6}; 5^{1}.

אֶלְעָזָר בֶּן פְּרַטָּא–גִּיטִּין 3^{4}.

אֶלְעָזָר בֶּן שַׁמּוּעַ–גִּיטִּין 3^{8}.

בֵּית הִלֵּל–יְבָמוֹת 1^{4}; $3^{1,5}$; 4^{3}; 6^{6}; 13^{1}; $15^{2,3}$. כְּתוּבוֹת 5^{6}; $8^{1,6}$. נְדָרִים $3^{2,4}$. נָזִיר $2^{1,2}$; $3^{6,7}$; $5^{1,2,3,5}$. סוֹטָה 4^{2}. גִּיטִּין 4^{5}; $8^{4,8,9}$; 9^{10}.

בֵּית שַׁמַּאי–(בֵּית הִלֵּל see).

בֶּן בְּתֵירָא—(שִׁמְעוֹן בֶּן בְּתֵירָא see).

בֶּן דִּינַאי—(אֶלְעָזָר בֶּן דִּינַאי see).

בֶּן זוֹמָא—(שִׁמְעוֹן בֶּן זוֹמָא see).

בֶּן נַנָּס—(שִׁמְעוֹן בֶּן נַנָּס see).

בֶּן עַזַּאי—(שִׁמְעוֹן בֶּן עַזַּאי see).

גּוּרְיָא—(אַבָּא גּוּרְיָא see).

גּוּרְיוֹן—(אַבָּא גּוּרְיוֹן אִישׁ צָדִין see).

גַּמְלִיאֵל—(רַבָּן גַּמְלִיאֵל דְּיַבְנֶה and רַבָּן גַּמְלִיאֵל הַזָּקֵן see).

דּוֹסָא בֶּן הַרְכִּינָס—כְּתוּבוֹת $13^{1,2}$.

הִלֵּל הַזָּקֵן—(בֵּית הִלֵּל see also)—גִּיטִּין 4^{3}.

זְכַרְיָה בֶּן הַקַּצָּב—כְּתוּבוֹת 2^{9}. סוֹטָה 5^{1}.

חֲנִינָא אִישׁ אוֹנוֹ—גִּיטִּין 6^{7}.

חֲנִינָא (or חֲנַנְיָה) בֶּן אַנְטִיגְנוּס—יְבָמוֹת 13^{2}. קִדּוּשִׁין 4^{5}.

חֲנִינָא בֶּן גַּמְלִיאֵל—קִדּוּשִׁין 3^{4}.

חֲנִינָא בֶּן דּוֹסָא—סוֹטָה 9^{15}.

חֲנִינָא בֶּן עֲקַבְיָא (or עֲקִיבָא)—כְּתוּבוֹת 8^{1}.

חָנָן הַמִּצְרִי (בֶּן אֲבִישָׁלוֹם)—כְּתוּבוֹת $13^{1,2}$.

חֲנַנְיָה בֶּן אַנְטִיגְנוּס—(חֲנִינָא בֶּן אַנְטִיגְנוּס see).

טַרְפוֹן—יְבָמוֹת $15^{6,7}$. כְּתוּבוֹת 5^{2}; 7^{6}; $9^{2,3}$. נְדָרִים 6^{6}. נָזִיר 5^{5}; 6^{6}. קִדּוּשִׁין 3^{13}.

יְהוּדָה בֶּן אִלְעַי—יְבָמוֹת 2^{9}; $4^{7,10}$; 6^{5}; 8^{6}; 11^{1}; 12^{6}; $15^{1,5}$; 16^{5}. כְּתוּבוֹת 2^{8}; 3^{2}; $4^{2,4}$; $5^{1,7}$; 6^{6}; $7^{1,2}$; $8^{1,5}$; 9^{1}. נְדָרִים $1^{3,4}$; 2^{4}; 4^{4}; 5^{5}; $6^{3,6,10}$; 7^{3}; 8^{5}; 11^{10}. נָזִיר 1^{7}; $2^{1,2}$; 3^{6}; 4^{3}; $6^{2,7}$. סוֹטָה $1^{3,5}$; $2^{2,3}$; $7^{4,6}$; $8^{3,7}$; 9^{1}. גִּיטִּין 1^{2}; $2^{1,4}$; $3^{2,8}$; $4^{7,8}$; 6^{2}; $7^{4,6}$; 9^{3}. קִדּוּשִׁין 2^{8}; $4^{3,6,8,14}$.

יְהוּדָה בֶּן בָּבָא—יְבָמוֹת $16^{3,5}$.

יְהוּדָה בֶּן בְּתֵירָא—יְבָמוֹת 4^{9}. כְּתוּבוֹת 6^{1}. נְדָרִים 6^{8}. גִּיטִּין 2^{4}.

יְהוּדָה הַנָּשִׂיא, or רַבִּי—כְּתוּבוֹת ^{2}. נְדָרִים ^{3,11}. נָזִיר ^{1}; ^{4}. סוֹטָה ^{3}; ^{5}; ^{1}; ^{15}. גִּיטִּין ^{5}.

יְהוֹשֻׁעַ בֶּן בְּתֵירָא—יְבָמוֹת ^{8}.

יְהוֹשֻׁעַ בֶּן גַּמְלָא—יְבָמוֹת ^{6}.

יְהוֹשֻׁעַ בֶּן הוּרְקַנּוֹס—סוֹטָה ^{5}.

יְהוֹשֻׁעַ בֶּן חֲנַנְיָה—יְבָמוֹת ^{4,13}; ^{8}; ^{13}; ^{16,7}. כְּתוּבוֹת ^{1,6,7,8,9}; ^{2}. נְדָרִים ^{10}. נָזִיר ^{7}; ^{8}. סוֹטָה ^{1}; ^{3}; ^{5,1,2,5}; ^{6}; ^{9,12,15}.

יְהוֹשֻׁעַ בֶּן קָרְחָא—נְדָרִים ^{3,11}.

יוֹחָנָן בֶּן בָּרוֹקָא—יְבָמוֹת ^{6}. כְּתוּבוֹת ^{2}.

יוֹחָנָן בֶּן גּוּדְגַּדָּא (or גּוּדְגֹּדָה)—יְבָמוֹת ^{14}. גִּיטִּין ^{5}.

יוֹחָנָן בֶּן זַכַּאי—כְּתוּבוֹת ^{13,2}. סוֹטָה ^{5,2,5}; ^{9,15}.

יוֹחָנָן בֶּן נוּרִי—יְבָמוֹת ^{14}. כְּתוּבוֹת ^{10}.

יוֹחָנָן הַסַּנְדְּלָר—יְבָמוֹת ^{12}. כְּתוּבוֹת ^{5}.

יוֹסֵי (בֶּן חֲלַפְתָּא)—יְבָמוֹת ^{4,10}; ^{7}; ^{8}; ^{10,4}; ^{16}. כְּתוּבוֹת ^{1,10}; ^{5,7,8}; ^{6}; ^{7}. נְדָרִים ^{3,11}; ^{4}; ^{6,5,10}; ^{8}; ^{11,2}. נָזִיר ^{4}; ^{6}; ^{9,5}. סוֹטָה ^{2}; ^{4}; ^{8}; ^{9,12}. גִּיטִּין ^{5}; ^{6}; ^{7,9}. קִדּוּשִׁין ^{3}; ^{4,7}.

יוֹסֵי בֶּן יְהוּדָה (בֶּן אִלְעַי)—נְדָרִים ^{8}. גִּיטִּין ^{4}.

יוֹסֵי בֶּן יוֹחָנָן—סוֹטָה ^{9}.

יוֹסֵי בֶּן יוֹעֶזֶר—סוֹטָה ^{9}.

יוֹסֵי הַגְּלִילִי—כְּתוּבוֹת ^{3}. סוֹטָה ^{8}. גִּיטִּין ^{2}.

יוֹסֵי קַטְנוּתָא—סוֹטָה ^{9}.

יִשְׁמָעֵאל (בֶּן אֱלִישָׁע)—כְּתוּבוֹת ^{5}. נְדָרִים ^{3,11}; ^{9,10}. נָזִיר ^{6}.

יִשְׁמָעֵאל בֶּן פַּאבִּי—סוֹטָה ^{9}.

מֵאִיר—יְבָמוֹת ^{15}; ^{16}. כְּתוּבוֹת ^{1}; ^{5,1,4}; ^{6}; ^{7,8,10}; ^{8,3,7}; ^{12}. נְדָרִים ^{1}; ^{2,5}; ^{3}; ^{4}; ^{7,2,4,5}; ^{8,2,5,7}; ^{9,3,4,8}; ^{11}. נָזִיר ^{1}; ^{2}; ^{6}; ^{7}; ^{9}. סוֹטָה ^{2}; ^{3}; ^{9}. גִּיטִּין ^{1,2,6}; ^{4}; ^{5}; ^{6}. קִדּוּשִׁין ^{1,3,4}; ^{2}; ^{3,4,9}; ^{4}.

נָחוּם הַמָּדִי—נָזִיר 5^{4}.

נְחֶמְיָה אִישׁ בֵּית דְּלִי—יְבָמוֹת 16^{7}.

עֲקִיבָא (בֶּן יוֹסֵף)—יְבָמוֹת $4^{12,13}$; 8^{4}; $12^{3,5}$; $15^{6,7}$; 16^{7}. כְּתוּבוֹת 3^{3}; 5^{2}; $9^{2,3}$; 11^{4}. נְדָרִים 1^{1}; 7^{1}; $9^{5,6}$; 10^{6}; 11^{4}. נָזִיר 4^{5}; $6^{1,6}$; 7^{4}. סוֹטָה $5^{1,2,3,4}$; 8^{5}; $9^{2,4,15}$. גִּיטִּין 8^{10}; 9^{10}.

צָדוֹק—נְדָרִים 9^{1}.

רַבִּי (יְהוּדָה הַנָּשִׂיא see).

רַבָּן גַּמְלִיאֵל (דְּיַבְנֶה)—יְבָמוֹת 5^{1}; 13^{7}; 16^{7}. כְּתוּבוֹת 1^{1}; $1^{6,7,8,9}$; 12^{4}; $13^{3,4,5}$. סוֹטָה 2^{1}. גִּיטִּין 1^{5}.

רַבָּן גַּמְלִיאֵל (הַזָּקֵן)—יְבָמוֹת 6^{7}. סוֹטָה 9^{15}.

רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל (II)—כְּתוּבוֹת 2^{8}; 5^{5}; 6^{4}; 7^{9}; 8^{5}; $9^{1,9}$; $11^{4,5}$; $13^{10,11}$. נְדָרִים 8^{5}. נָזִיר 6^{8}. סוֹטָה $9^{12,15}$. גִּיטִּין 1^{1}; $4^{4,6}$; $6^{1,6}$; $7^{5,6}$.

שַׁמַּאי (בֵּית שַׁמַּאי see).

שִׁמְעוֹן בֶּן אֱלִיעֶזֶר (or אֶלְעָזָר)—סוֹטָה 9^{13}. קִדּוּשִׁין 4^{14}.

שִׁמְעוֹן בֶּן בְּתֵירָא—גִּיטִּין 5^{7}.

שִׁמְעוֹן בֶּן גַּמְלִיאֵל—(רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל see).

שִׁמְעוֹן בֶּן הַסְּגָן—כְּתוּבוֹת 2^{8}.

(שִׁמְעוֹן) בֶּן זוֹמָא—נָזִיר 8^{1}. סוֹטָה 9^{15}.

שִׁמְעוֹן (בֶּן יוֹחַי or יוֹחַאי)—יְבָמוֹת 2^{2}; $3^{4,9}$; $6^{3,4}$; $8^{3,6}$; $10^{1,7,8,9}$; 12^{5}; 15^{5}. כְּתוּבוֹת 4^{1}; $8^{2,4}$; 9^{8}; 10^{3}; 11^{2}. נָזִיר $2^{4,8}$; 5^{6}; $6^{9,10}$. סוֹטָה $3^{2,5}$. גִּיטִּין 1^{5}; 2^{2}. קִדּוּשִׁין 2^{2}; 4^{12}.

(שִׁמְעוֹן) בֶּן נַנָּס—גִּיטִּין 8^{10}.

(שִׁמְעוֹן) בֶּן עַזַּאי—יְבָמוֹת 4^{13}. סוֹטָה 3^{4}; 9^{15}.

שִׁמְעוֹן (בֶּן) שְׁזוּרִי—גִּיטִּין 6^{5}.

שִׁמְעוֹן הַתֵּימָנִי—יְבָמוֹת 4^{13}.

מַסֶּכֶת

יְבָמוֹת

TRACTATE
YEVAMOTH

[BEING THE FIRST TRACTATE OF THE THIRD ORDER NASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

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INTRODUCTION

יְבָמוֹת is the *First* מַסֶּכֶת, *Tractate* or *Treatise,* of סֵדֶר נָשִׁים, the *Third Order Nashim* of the מִשְׁנָה, *Mishnah.*

Explanation of commonly recurring terms:

יִבֵּם, *marry the widow of a brother who died without issue.*

הִתְיַבְּמָה, נִתְיַבְּמָה (f.), *be married by the* יָבָם, *brother-in-law.*

יָבָם, *widow's brother-in-law* (brother of her dead husband who died without issue) who has to marry her under the law of יִבּוּם.

יְבָמָה, *sister-in-law* (particularly the widow of a brother who died without issue).

יִבּוּם, *levirate marriage.*

יִבֻּמוּת, *marriage of a* יָבָם.

יְבָמוֹת, *legal relationship between* יָבָם and יְבָמָה.

צָרָה, *rival, associate-wife, co-wife, fellow-wife.* If a man has more than one wife each is termed צָרָה in relation to the other wife or wives.

חָלַץ, *take off the shoe* (of the יָבָם by the יְבָמָה).*

חֲלִיצָה, *taking off the shoe* (of the יָבָם by the יְבָמָה).*

חֲלוּצָה, *widow released from leviratical marriage after performing the ceremony of* חֲלִיצָה.

* חֲלִיצָה (or חֲלִצָה) might be rendered *leviratic separation;* חָלַץ, *grant levirate release.*

Levirate marriage was not exclusively an Israelitish custom, and in various forms was practised among primitive peoples even before the Israelite period began.

The custom among Jews survived to post-exilic times for a considerable period; theoretically the law of *levirate marriage* is still presumed to be obligatory, but in actual practice for a variety of reasons חֲלִיצָה is almost entirely the general rule among the great majority of observing Jews.

The first son born of a *levirate marriage* was considered as the son of the deceased brother (*Deuteronomy* **25**, 5). Originally, as evidenced by the narratives of Judah and Tamar (*Genesis* **38**) and of Boaz and Ruth (*Ruth*) it would seem that the obligation devolved not only on the

deceased childless husband's brother but on any agnate, even the father and even a remote kinsman. On the other hand, the surviving brother who was liable could evade the duty by refusing such union, which refusal as practised among the Israelites became a rite termed חֲלִיצָה, and this ceremony was performed by the widow against the defaulting brother-in-law who thereby suffered public insult and disgrace.

The purpose of the custom was to perpetuate or preserve a man's name in Israel, and the first son of a *levirate marriage* was deemed the son not of the natural father but of the deceased brother whose inheritance he succeeded to. The effect of this was twofold: not only was the property conserved within the hands of the family but also the family owning it did not become extinct.

This *Tractate* deals mainly with the laws of יִבּוּם and חֲלִיצָה (basis, *Leviticus* **18,** 6-18; *Deuteronomy* **25,** 5-10) which state that it is an obligation upon a man to marry the widow of his brother who had died childless, or else, if he refuses to take her to wife, to submit to the ceremony of חֲלִיצָה from her by which she is set free to remarry. There are certain restrictions or limitations under which a man is exempt from יִבּוּם or חֲלִיצָה.

Marriage. Polygamy was not forbidden מִן־הַתּוֹרָה (or מִדְּאוֹרַיְתָא), by *the Law,* but was rarely practised among the ordinary classes and monogamy became increasingly the general rule until Rabbenu Gershom in the 11th century C.E. banned polygamy entirely.

In Talmudic times—and to some extent even now—there were two stages preceding wedded life: (1) אֵירוּסִין and (2) נִישׂוּאִין or כְּנִיסָה (*i.e.,* כְּנִיסָה לְחוּפָּה).

אֵירוּסִין was the *betrothal* ceremony and comprised the קִידּוּשִׁין, *sanctification, consecration,* whereby the woman was wife except in regard to sexual intercourse and some pecuniary modifications.

נִישׂוּאִין or כְּנִיסָה [home taking] was the actual marriage, the actual physical union of the man and the wife, and was preceded by the bride receiving the document כְּתוּבָּה, *marriage contract.*

The terms אֵירוּסִין, נִישׂוּאִין and קִידּוּשִׁין are so closely allied that besides קִידּוּשִׁין referring to the *act of betrothal* it also frequently designates *legal, legitimate marriage.*

It became customary, almost universally, in post-Talmudic times to include together the אֵירוּסִין and קִידּוּשִׁין under the חוּפָּה, *canopy,* at the נִישׂוּאִין, *wedding ceremony.*

כְּתוּבָּה (see also כְּתוּבוֹת INTRODUCTION) refers to (1) *marriage contract,* whereby the obligations of a husband towards his wife are laid down; and (2) *marriage settlement,* whereby were laid down in writing the provision for the maintenance of the divorced wife or widow—for the divorced wife payment of alimony (called simply מְזוֹנוֹת) as agreed on and fixed before marriage (the minimum amount was 200 זוּז from a first husband and 100 זוּז from any subsequent husband, and in addition a man might allocate a voluntary sum (known as תּוֹסֶפֶת, *supplementary marriage settlement*); and she was also entitled to the return of any נְדוּנְיָא, *dower* (*dowry*) which she had brought on marriage and for this the obligation also devolved upon the heirs.

This Tractate has גְּמָרָא to it in both the תַּלְמוּד בַּבְלִי, *Babylonian Talmud,* and תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud.*

The *Tractate* contains sixteen Chapters and their titles are:

CHAPTER	1	חֲמֵשׁ עֶשְׂרֵה נָשִׁים	פֶּרֶק א
CHAPTER	2	כֵּיצַד	פֶּרֶק ב
CHAPTER	3	אַרְבָּעָה אַחִין	פֶּרֶק ג
CHAPTER	4	הַחוֹלֵץ לְיִבְמָתוֹ	פֶּרֶק ד
CHAPTER	5	רַבָּן גַּמְלִיאֵל	פֶּרֶק ה
CHAPTER	6	הַבָּא עַל יְבִמְתּוֹ	פֶּרֶק ו
CHAPTER	7	אַלְמָנָה לְכֹהֵן גָּדוֹל	פֶּרֶק ז
CHAPTER	8	הָעֶרֶל	פֶּרֶק ח
CHAPTER	9	יֵשׁ מוּתָּרוֹת	פֶּרֶק ט
CHAPTER	10	הָאִשָּׁה רַבָּה	פֶּרֶק י
CHAPTER	11	נוֹשְׂאִין עַל הָאֲנוּסָה	פֶּרֶק יא
CHAPTER	12	מִצְוַת חֲלִיצָה	פֶּרֶק יב
CHAPTER	13	בֵּית שַׁמַּאי	פֶּרֶק יג
CHAPTER	14	חֵרֵשׁ שֶׁנִּשָּׂא	פֶּרֶק יד
CHAPTER	15	הָאִשָּׁה שָׁלוֹם	פֶּרֶק טו
CHAPTER	16	הָאִשָּׁה בַּתְּרָא	פֶּרֶק טז

The principle subjects of the sixteen Chapters are: 1. Fellow-wives and exemption from *chalitzah;* permissible *levirate* marriage. 2. Exemptions from *leviratic* marriage; betrothals and *chalitzah.* 3 Sisters married to brothers, and *leviratical* mariage; betrothal, divorce, and *leviratical* marriage; non-related women married to brothers, and *chalitzah;* two women wed to two men, or two sisters wedded to two men, or

two women married to two brothers, and confusion in intercourse. 4. Pregnant woman granting *chalitzah;* man performing levirate marriage and then wife found pregnant; woman awaiting *levirate* marriage and her property; more than one brother and *levirate* widow; man, his *levirate* wife, her property; both man's and *levirate* wife's near of kin and marriage; widow awaiting *levirate* marriage; four brothers married four sisters, rules of *levirate* marriage and of *chalitzah;* man remarrying his divorced wife or his חֲלוּצָה; the bastard; widower marrying sister(s) of his deceased wife. 5. Valid repetition of divorce, and of betrothal, but not of *chalitzah;* divorce, and *chalitzah.* 6. Cohabitation with brother's widow and with one of the forbidden degrees of marriage; priest wedding a widow or חֲלָצָה or sterile woman. 7. Priest marrying divorced woman or חֲלוּצָה or non-priestly woman, her property; eating the priest's-due. 8. The uncircumcised, a male with defective, maimed genitals, and the priest's-due; the Ammonite and Moabite not to wed an Israelitess; eunuchs, *chalitzah,* and *leviratic* marriage. 9. Forbidden marriages; priest betrothed or married an Israelitess, priest's daughter wedded to an Israelite, and eating priest's-due. 10. Husband reported dead and returns to find wife married to another, issue of such marriage; wife reported dead returns to find her sister wed to her husband; minor cohabiting with his חֲלוּצָה. 11. Man marrying seduced woman's near of kin; man marrying woman ravaged or seduced by his father or son; proselytess's sons, and *chalitzah,* and *leviratical* marriage; confusion of children, and *chalitzah* and priest's-due; doubtful cases of paternity, and *chalitzah,* and marriage into priestly stock. 12. Manner of performing rite of *chalitzah.* 13. Right of refusal; minors, orphans, *levirate* marriage. 14. Deaf-mute marrying sound woman, sound man marrying deaf-mute, and divorce; imbecility and divorce; variations among double marriages between the sound and deaf-mutes, and divorce and *chalitzah* and *leviratic* marriage. 15. Reported deaths, and remarriages; death testifications. 16. Reported deaths, and *leviratical* remarriages; identification of a corpse; testimony of death; evidence of death.

Leviticus **18.**

(6) אִישׁ אִישׁ אֶל־כָּל־שְׁאֵר בְּשָׂרוֹ לֹא תִקְרְבוּ לְגַלּוֹת עֶרְוָה אֲנִי ה׳

None of you shall approach unto any that is near of kin to him to uncover (their) nakedness: I am the Eternal.

(7) עֶרְוַת אָבִיךָ וְעֶרְוַת אִמְּךָ לֹא תְגַלֵּה אִמְּךָ הִיא לֹא תְגַלֶּה עֶרְוָתָהּ

The nakedness of thy father, and the nakedness of thy mother, shalt thou not uncover; she is thy mother, thou shalt not uncover her nakedness.

(8) עֶרְוַת אֵשֶׁת אָבִיךָ לֹא תְגַלֶּה עֶרְוַת אָבִיךָ הִיא

The nakedness of thy father's wife thou shalt not uncover: it is thy father's nakedness.

(9) עֶרְוַת אֲחוֹתְךָ בַּת אָבִיךָ אוֹ בַת אִמֶּךָ מוֹלֶדֶת בַּיִת אוֹ מוֹלֶדֶת חוּץ לֹא תְגַלֶּה עֶרְוָתָן

The nakedness of thy sister, thy father's daughter or thy mother's daughter, whether born at home or born abroad, thou shalt not uncover their nakedness.

(10) עֶרְוַת בַּת בִּנְךָ אוֹ בַת בִּתְּךָ לֹא תְגַלֶּה עֶרְוָתָן כִּי עֶרְוָתְךָ הֵנָּה

The nakedness of thy son's daughter, or of thy daughter's daughter—their nakedness thou shalt not uncover; for theirs is thine own nakedness.

(11) עֶרְוַת בַּת אֵשֶׁת אָבִיךָ מוֹלֶדֶת אָבִיךָ אֲחוֹתְךָ הִיא לֹא תְגַלֶּה עֶרְוָתָהּ

The nakedness of the daughter of thy father's wife, begotten of thy father, she is thy sister, thou shalt not uncover her nakedness.

(12) עֶרְוַת אֲחוֹת אָבִיךָ לֹא תְגַלֶּה שְׁאֵר אָבִיךָ הִיא

The nakedness of thy father's sister shalt thou not uncover: she is thy father's kinswoman.

(13) עֶרְוַת אֲחוֹת אִמְּךָ לֹא תְגַלֶּה כִּי שְׁאֵר אִמְּךָ הִיא

The nakedness of thy mother's sister thou shalt not uncover, for she is thy mother's near kinswoman.

(14) עֶרְוַת אֲחִי אָבִיךָ לֹא תְגַלֶּה אֶל־אִשְׁתּוֹ לֹא תִקְרָב דֹּדָתְךָ הִיא

The nakedness of thy father's brother thou shalt not uncover, unto his wife thou shalt not approach: she is thine aunt.

(15) עֶרְוַת כַּלָּתְךָ לֹא תְגַלֶּה אֵשֶׁת בִּנְךָ הִיא לֹא תְגַלֶּה עֶרְוָתָהּ

The nakedness of thy daughter-in-law thou shalt not uncover: she is thy son's wife; thou shalt not uncover her nakedness.

(16) עֶרְוַת אֵשֶׁת אָחִיךָ לֹא תְגַלֶּה עֶרְוַת אָחִיךָ הִיא

The nakedness of thy brother's wife thou shalt not uncover: it is thy brother's nakedness.

(17) עֶרְוַת אִשָּׁה וּבִתָּהּ לֹא תְגַלֶּה אֶת־בַּת בְּנָהּ וְאֶת־בַּת בִּתָּהּ לֹא תִקַּח לְגַלּוֹת עֶרְוָתָהּ שְׁאֵרָה הֵנָּה זִמָּה הִיא

The nakedness of a woman and her daughter thou shalt not uncover; her son's daughter or her daughter's daughter thou shalt not take to uncover her nakedness: they are near kinswomen: it is lewdness.

(18) וְאִשָּׁה אֶל־אֲחוֹתָהּ לֹא תִקָּח לִצְרֹר לְגַלּוֹת עֶרְוָתָהּ עָלֶיהָ בְּחַיֶּיהָ

And thou shalt not take a woman together with her sister, to be a rival, to uncover her nakedness, beside the other in her life-time.

Deuteronomy **25.**

(5) כִּי יֵשְׁבוּ אַחִים יַחְדָּו וּמֵת אַחַד מֵהֶם וּבֵן אֵין לוֹ לֹא תִהְיֶה הָאֵשֶׁת הַמֵּת הַחוּצָה לְאִישׁ זָר יִבָּמָהּ יָבֹא עָלֶיהָ וּלְקָחָהּ לוֹ לְאִשָּׁה וְיִבְּמָהּ

If brothers dwell together, and one of them die and he have no child,§ the wife of the dead shall not be married abroad unto one not of his kin; the brother of her husband shall go in unto her and take her to him to wife, and perform the obligation of a husband's brother unto her.

(6) וְהָיָה הַבְּכוֹר אֲשֶׁר תֵּלֵד יָקוּם עַל שֵׁם אָחִיו הַמֵּת וְלֹא יִמָּחֶה שְׁמוֹ מִיִּשְׂרָאֵל

And it shall be, that the firstborn that she beareth shall succeed in the name of his brother that is dead, so that his name be not blotted out in Israel.

(7) וְאִם לֹא יַחְפֹּץ הָאִישׁ לָקַחַת אֶת־יְבִמְתּוֹ וְעָלְתָה יְבִמְתּוֹ הַשַּׁעֲרָה אֶל־הַזְּקֵנִים וְאָמְרָה מֵאֵן יְבָמִי לְהָקִים לְאָחִיו שֵׁם בְּיִשְׂרָאֵל לֹא אָבָה יַבְּמִי

And if the man wish not to take his brother's wife, then his brother's wife shall go up to the gate unto the elders, and say, My husband's brother refuseth to raise up unto his brother a name in Israel; he is unwilling to perform the obligation of a husband's brother unto me.

(8) וְקָרְאוּ לוֹ זִקְנֵי עִירוֹ וְדִבְּרוּ אֵלָיו וְעָמַד וְאָמַר לֹא חָפַצְתִּי לְקַחְתָּהּ

Then shall the elders of the city call him, and speak unto him, and if he stand and say, I desire not to take her.

(9) וְנִגְּשָׁה יְבִמְתּוֹ אֵלָיו לְעֵינֵי הַזְּקֵנִים וְחָלְצָה נַעֲלוֹ מֵעַל רַגְלוֹ וְיָרְקָה בְּפָנָיו וְעָנְתָה וְאָמְרָה כֹּה יֵעָשֶׂה לָאִישׁ אֲשֶׁר לֹא יִבְנֶה אֶת־בֵּית אָחִיו

Then his brother's wife shall draw nigh unto him in the presence of the elders, and loose his shoe from off his foot, and spit before§ his face; and she shall answer and say, So shall it be done to the man who will not build up his brother's house.

(10) וְנִקְרָא שְׁמוֹ בְּיִשְׂרָאֵל בֵּית חֲלוּץ הַנָּעַל

And his name shall be called in Israel *The house of him who had his shoe loosed.*

§ Departure from the literal translation in agreement with the הֲלָכָה.

מַסֶּכֶת

יְבָמוֹת

TRACTATE

YEVAMOTH

CHAPTER 1

פֶּרֶק א

Mishnah 1

מִשְׁנָה א

חֲמֵשׁ עֶשְׂרֵה [1]נָשִׁים פּוֹטְרוֹת צָרוֹתֵיהֶן
וְצָרוֹת צָרוֹתֵיהֶן מִן־[2]הַחֲלִיצָה וּמִן
[3]הַיִּבּוּם עַד סוֹף הָעוֹלָם. וְאֵלּוּ הֵן,
[3]בִּתּוֹ, וּבַת בִּתּוֹ, וּבַת בְּנוֹ, בַּת
אִשְׁתּוֹ, וּבַת בְּנָהּ וּבַת בִּתָּהּ, חֲמוֹתוֹ
וְאֵם חֲמוֹתוֹ, וְאֵם חָמִיו, אֲחוֹתוֹ
[4]מֵאִמּוֹ וַאֲחוֹת אִמּוֹ, [5]וַאֲחוֹת אִשְׁתּוֹ,
וְאֵשֶׁת אָחִיו [6]מֵאִמּוֹ, וְאֵשֶׁת אָחִיו
שֶׁלֹּא הָיָה [7]בְּעוֹלָמוֹ, [8]וְכַלָּתוֹ. הֲרֵי
אֵלּוּ פּוֹטְרוֹת צָרוֹתֵיהֶן וְצָרוֹת
[9]צָרוֹתֵיהֶן מִן־הַחֲלִיצָה וּמִן הַיִּבּוּם
עַד סוֹף הָעוֹלָם. [10]וְכֻלָּן, אִם [11]מֵתוּ
אוֹ [12]מֵיאֲנוּ אוֹ נִתְגָּרְשׁוּ אוֹ שֶׁנִּמְצְאוּ
[13]אֲיָלוֹנִית, צָרוֹתֵיהֶן [14]מוּתָּרוֹת. וְאִי
אַתָּה יָכוֹל לוֹמַר בַּחֲמוֹתוֹ וּבְאֵם
חֲמוֹתוֹ וּבְאֵם חָמִיו שֶׁנִּמְצְאוּ
[15]אֲיָלוֹנִית אוֹ [16]שֶׁמֵּיאֲנוּ.

Fifteen women[1] exempt their fellow-wives and the fellow-wives of their fellow-wives—and so on, without limit—from *chalitzah*[2] and from *levirate marriage*.[2] And they are these: his daughter,[3] (and) his daughter's daughter, (and) his son's daughter, the daughter of his wife, and her son's daughter and her daughter's daughter, his mother-in-law, and the mother of his mother-in-law, (and) the mother of his father-in-law, his sister by his mother[4] and his mother's sister, and his wife's sister,[5] and the wife of his brother by his mother,[6] and the wife of his brother who did not live at the same time as he,[7] and his daughter-in-law.[8] These exempt their fellow-wives and the fellow-wives of their fellow-wives[9]—and so on, without limit—from *chalitzah* and from *levirate marriage*. But in all these cases,[10] if any[11] died or *exercised the prerogative of refusal*[12] or were divorced or were found barren,[13] their fellow-wives are permitted.[14] Nevertheless, thou canst not say regarding one's mother-in-law or regarding the mother of one's mother-in-law or regarding the mother of one's father-in-law that they were found sterile[15] or that they *exercised the prerogative of refusal*.[16]

1 Each of whom is near of kin to the brother of her deceased husband who died without issue. These must not perform the ceremony of חֲלִיצָה or subscribe to יִבּוּם (*Leviticus* **18**, 18; *Deuteronomy* **25**, 5). **2** See INTRODUCTION. חֲלִיצָה, the ceremony of drawing off the shoe from the foot of the יָבָם, *brother-in-law,* who refuses to marry the widow of his dead brother that died childless. **3** *e.g.,* if A married the daughter C of his brother B, and A died childless, C is exempt from יִבּוּם or חֲלִיצָה because she comes under the forbidden degrees in relation to her father B. The general principle is that where יִבּוּם is impossible then חֲלִיצָה is also impossible. (The *Mishnah* here actually refers to the case where B outraged a woman—who was not his wife—and as a result had a daughter and grandchildren from her). (*Leviticus* **18**, 10, 17). **4** *e.g.,* A and B were brothers from one father but from separate mothers respectively, and A had a sister C of the same mother but not from the same father, then B and C were strangers (*i.e.,* not blood-relations) and were married; when B died then A may not take C for wife because she is his sister (coming under the prohibited grades of relationship). **5** For a man may not have two sisters as wives at the same time (*Leviticus* **18**, 10). **6** *i.e.,* brothers of one father but of different mothers. *e.g.,* a woman A married B and they had a son E; B died (or divorced his wife); A married C and they had a son F, thus E and F are brothers of the same mother but of different fathers; then A died, and the widower C married D and they had a son G; thus F and G are brothers of one father but of different mothers, but E and G are not related; E who had married, died (but not childless) and his widow H married G; then G died childless, but F may not take H to wife (under יִבּוּם) because she had been forbidden to him already before (*Leviticus* **18**, 16). **7** *e.g.,* of two brothers A and B, A was married and died childless; then a brother C was born; B took to wife A's widow (as required by יִבּוּם) but he also died childless, then C may not marry the widow because A and C had not been alive together (*Deuteronomy* **25**, 5). **8** *e.g.,* A's son B married D; B died (or divorced his wife) and A's brother C married the widow D; C died childless; then A may not marry D because she is forbidden to him being his daughter-in-law. **9** As is explained in the next *Mishnah.* **10** All the עֲרָיוֹת enumerated at the beginning of this *Mishnah.* **11** While the husbands were still alive. *e.g.,* A's daughter B married C his brother; B died while C was living and had had another wife D (thus B and D were צָרָה, fellow-wife, to one another); then when C died childless A might marry D (under יִבּוּם) because B had died while C was yet alive. **12** A girl, a minor —under 12 years and 1 day of age—after her father's death may be given in marriage by her mother or brother(s); but she may abjure such marriage before witnesses and be thus released without גֵּט. Also if her father gave her in marriage and she was divorced then the father had no more authority

over her, and if she remarried she could still as minor repudiate this marriage also without גֵּט. Thus, A's daughter B a minor married his brother C (who had another wife D, thus D was צָרָה to C) and then repudiated him as her husband; C died childless, then A may marry D (under יִבּוּם). **13** Or *barren, incapable of conception. e.g.,* A and B were brothers; B married A's daughter C who was sterile and B had another wife D (thus D was צָרָה fellow-wife, to C); when B died childless A could marry D (under יִבּוּם) because of C's barrenness. **14** *i.e.,* not exempt from יִבּוּם. **15** This is self-evident, for had they been sterile they could not have attained to these relationships. **16** Evidently so, for they were adults and not minors.

Mishnah 2

מִשְׁנָה ב

In what wise *do they*[1] *render their fellow-wives exempt* (from חֲלִיצָה and יִבּוּם)? If one's daughter, or any other woman from all these forbidden degrees, were married to his brother who had yet another wife and he died,[2] then just as his daughter was exempt so is her fellow-wife also exempt.[3] If the fellow-wife of his daughter went and was married to his second[4] brother and he too had (yet) another wife and[5] died, then just as the fellow-wife of his daughter was exempt[6] so is the fellow-wife of her fellow-wife exempt too—even if there be a hundred.[7] In what manner does it apply that *if they died their fellow-wives are permitted?*[8]—If one's daughter, or any other woman from all these prohibited degrees, were married to his brother who had yet another wife, and his daughter died or was divorced,[9] and afterwards his brother died, then her fellow-wife is permitted.[10] And anyone [within the forbidden degrees] who could have exercised her right of refusal[11] but did not exercise this right of refusal,[12] her fellow-wife[13] must perform the rite of *chalitzah* and must not[14] contract *levirate marriage.*

כֵּיצַד [1]פּוֹטְרוֹת צָרוֹתֵיהֶן? הָיְתָה בִּתּוֹ, אוֹ אַחַת מִכָּל הָעֲרָיוֹת הָאֵלּוּ, נְשׂוּאָה לְאָחִיו וְלוֹ אִשָּׁה אַחֶרֶת [2]וּמֵת, כְּשֵׁם שֶׁבִּתּוֹ פְּטוּרָה כַּךְ צָרָתָהּ [3]פְּטוּרָה. הָלְכָה צָרַת בִּתּוֹ וְנִשֵּׂאת לְאָחִיו [4]הַשֵּׁנִי וְלוֹ אִשָּׁה אַחֶרֶת [5]וּמֵת, כְּשֵׁם שֶׁצָּרַת בִּתּוֹ [6]פְּטוּרָה כַּךְ צָרַת צָרָתָהּ פְּטוּרָה, אֲפִילוּ הֵן [7]מֵאָה. כֵּיצַד אִם מֵתוּ צָרוֹתֵיהֶן [8]מוּתָּרוֹת? הָיְתָה בִּתּוֹ, אוֹ אַחַת מִכָּל הָעֲרָיוֹת הָאֵלּוּ, נְשׂוּאָה לְאָחִיו וְלוֹ אִשָּׁה אַחֶרֶת, מֵתָה בִּתּוֹ אוֹ [9]נִתְגָּרְשָׁה, וְאַחַר כַּךְ מֵת אָחִיו, צָרָתָהּ [10]מוּתֶּרֶת. וְכָל הַיְכוֹלָה [11]לְמָאֵן וְלֹא [12]מֵיאֲנָה, [13]צָרָתָהּ חוֹלֶצֶת וְלֹא [14]מִתְיַבֶּמֶת.

1 The fifteen עֲרָיוֹת mentioned in the preceding *Mishnah.* **2** This brother. **3** *e.g.,* A had a brother B who had a wife D, and B married also A's daughter C; if B died, then just as C is exempt from יִבּוּם and חֲלִיצָה so, too, is D exempt (C and D were צָרוֹת to one another). **4** Surviving. **5** This second brother. (*Deuteronomy* **25**, 10). **6** As just explained in **Note 3**. **7** *i.e.,* any number of brothers: the rule applies in all cases. *e.g.,* A had brothers B and C; B had a wife E and also married A's daughter D; B died, and C married E by יִבּוּם; C had also a wife F (who is צָרָה to E) and he died, then just as E (D's צָרָה) had already been exempt from יִבּוּם to A so is F exempt also to him. **8** To be married under יִבּוּם or to be released by חֲלִיצָה. **9** And certainly so if she had exercised the right of refusal or had been found sterile. **10** *i.e.,* she is not exempt from יִבּוּם or חֲלִיצָה. *e.g.,* A had a daughter C married to his brother B who already had a wife D; if C died or was divorced and afterwards B died, then A may marry D by יִבּוּם. **11** Because the קִדּוּשִׁין of a קְטַנָּה, a minor girl (under 12 years and 1 day of age) is effective only מִדְּרַבָּנָן, by Rabbinical enactment. **12** And her husband died. **13** Her קִדּוּשִׁין is מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה), enjoined by *the Law.* **14** As enjoined מִדְּרַבָּנָן.

Mishnah 3

מִשְׁנָה ג

שֵׁשׁ עֲרָיוֹת חֲמוּרוֹת [1]מֵאֵלּוּ, מִפְּנֵי שֶׁנִּשּׂוֹאוֹת [2]לַאֲחֵרִים, צָרוֹתֵיהֶן [3]מוּתָּרוֹת, [4]אִמּוֹ, וְאֵשֶׁת אָבִיו, וַאֲחוֹת אָבִיו, אֲחוֹתוֹ מֵאָבִיו, וְאֵשֶׁת אַחִי אָבִיו, וְאֵשֶׁת אָחִיו [5]מֵאָבִיו.

Greater stringency than to those[1] applies to six women within the prohibited degrees of marriage, because they may be married only to others,[2] and their fellow-wives are permitted[3]—his mother,[4] (and) the wife of his father, (and) the sister of his father, his sister by the same father, (and) the wife of his father's brother, and the wife of his brother, by the same father.[5]

1 The fifteen already mentioned in *Mishnah* **1**. **2** To strangers, not to the brother. **3** Or מֻתָּרוֹת. To be married by the brother of the deceased husband. **4** Thus, A had a wife D and a son E; A violated B (she is therefore termed אֲנוּסָה) and she gave birth to a son C; thus C and E are brothers of the same father but of different mothers; then E may not marry B (actually the דִּין, *ruling,* is that B may be married to E). **5** The fellow-wife of an עֶרְוָה (a woman who comes within the grades of prohibited marriage) may be married to a man if the status of יִבּוּם does not apply to them.

Mishnah 4

מִשְׁנָה ד

בֵּית שַׁמַּאי [1]מַתִּירִין הַצָּרוֹת לְאַחִים, וּבֵית הִלֵּל [2]אוֹסְרִים. [3]חָלְצוּ, בֵּית

The School of Shammai permit[1] the fellow-wives to the brothers, but the School of Hillel prohibit

שַׁמַּאי פּוֹסְלִין מִן־[4]הַכְּהוּנָּה, וּבֵית הִלֵּל [5]מַכְשִׁירִים; [6]נִתְיַבְּמוּ, בֵּית שַׁמַּאי מַכְשִׁירִים, וּבֵית הִלֵּל [7]פּוֹסְלִין. אַף עַל פִּי שֶׁאֵלּוּ (אוֹסְרִין וְאֵלּוּ מַתִּירִין אֵלּוּ) פּוֹסְלִין וְאֵלּוּ [8]מַכְשִׁירִין, לֹא נִמְנְעוּ [9]בֵּית שַׁמַּאי מִלִּישֵׂא נָשִׁים [10]מִבֵּית הִלֵּל, וְלֹא בֵּית הִלֵּל [11]מִבֵּית שַׁמַּאי. כָּל־[12]הַטְּהָרוֹת [12]וְהַטּוּמְאוֹת שֶׁהָיוּ אֵלּוּ מְטַהֲרִין וְאֵלּוּ מְטַמְּאִין, לֹא נִמְנְעוּ עוֹשִׂין טְהָרוֹת אֵלּוּ עַל גַּבֵּי אֵלּוּ.

it.[2] If they had performed the ceremony of *chalitzah*[3]—the School of Shammai declare them ineligible for the priesthood,[4] but the School of Hillel declare them eligible;[5] if they had been taken in *levirate marriage,*[6] the School of Shammai declare them valid, but the School of Hillel declare them invalid.[7] Nevertheless though one School (prohibit what the other School allow, and one School) declare invalid what the other School declare eligible,[8] yet those of[9] the School of Shammai did not refrain from marrying the women of[10] the School of Hillel, nor those from the School of Hillel from taking in marriage the women from the School of Shammai.[11] In spite of all the disputes regarding cleanness[12] and uncleanness[12] in which one side declare clean what the other side declare unclean, they did not refrain from making use of whatever pertained to the others in matters connected with cleanness.

1 *i.e.,* levirate marriage of the fellow-wives (as enumerated in *Mishnah* **1**) to the surviving brothers. **2** As stated in *Mishnah* **1**. The difference of opinion is only with reference to that one brother to whom it is forbidden because of the prohibited degrees (but the other brother or brothers to whom this prohibition does not apply their argument does not concern and they may either perform יִבּוּם or submit to חֲלִיצָה). **3** The widow. **4** *i.e.,* to be married to a כֹּהֵן, priest (*Leviticus* **21**, *7*) who must not marry a חֲלוּצָה. **5** Because in this case she does not have to perform חֲלִיצָה, so that her חֲלִיצָה having been unnecessary does not invalidate her. **6** And then (after יִבּוּם) the יָבָם died. **7** To be married to a כֹּהֵן to eat of *priest's-due.* Because she had been prohibited from יִבּוּם (and so the יָבָם by marrying her rendered her as a זוֹנָה, harlot, one ineligible to be taken in marriage by a כֹּהֵן). **8** And vice versa. The bracketed portion according to some authorities is redundant. **9** *i.e.,* those of the families of . . . **10** *i.e.,* the women of the families of . . . **11** They were observant on both sides to inform one another regarding the descent of their womenfolk so that they avoided any such unions as would transgress their respective susceptibilities and objections arising from the differences of their opinions. **12** Ritual cleanness and uncleanness.

CHAPTER 2 — פֶּרֶק ב

Mishnah 1 — מִשְׁנָה א

[1]כֵּיצַד אֵשֶׁת אָחִיו שֶׁלֹּא הָיָה [2]בְּעוֹלָמוֹ? שְׁנֵי [3]אַחִים, [4]וּמֵת אֶחָד מֵהֶם, וְנוֹלַד לָהֶם [5]אָח; וְאַחַר כָּךְ יִבֵּם [6]הַשֵּׁנִי אֶת־[7]אֵשֶׁת אָחִיו [8]וּמֵת; [9]הָרִאשׁוֹנָה [10]יוֹצֵאת מִשּׁוּם אֵשֶׁת אָחִיו שֶׁלֹּא הָיָה [11]בְּעוֹלָמוֹ, [12]וְהַשְּׁנִיָּה מִשּׁוּם צָרָתָהּ. [13]עָשָׂה בָהּ [14]מַאֲמָר וּמֵת, [15]הַשְּׁנִיָּה חוֹלֶצֶת וְלֹא [16]מִתְיַבֶּמֶת.

How arises the case[1] of *the wife of his brother who did not live at the same time as himself*?[2]—If there were two brothers,[3] and one of them died,[4] and a brother[5] was born to them; and afterwards the second one[6] took in *levirate marriage* the widow[7] of his brother and then he himself died;[8] the first[9] is exempt[10] because she was *the wife of his brother who did not live at the same time as he himself,*[11] and the second one[12] because she was her fellow-wife. If he[13] had only betrothed* her[14] and then died, the second one[15] must perform *chalitzah* and must not contract *levirate marriage.*[*16]

1 *i.e.*, regarding exemption of the fellow-wife from יִבּוּם and *chalitzah*. **2** See 1[1]. **3** Both married. **4** Without issue. **5** A third brother. **6** Who already had a wife. **7** Literally *wife*. **8** Childless. **9** The widow of the first brother who married the second brother. **10** From יִבּוּם with the third brother. **11** Having been born after the first brother's death. **12** The widow of the second brother (she was צָרָה, fellow-wife, to the ex-widow of the first brother) is also therefore exempt from יִבּוּם. **13** The second brother. He had (by קִדּוּשִׁין) bespoken her before witnesses but had not yet consummated the levirate marriage as enjoined in *Deuteronomy* **25**, 5 (קִדּוּשִׁין is ineffective in the case of a יְבָמָה according to the *Law*, מִדְּאוֹרַיְתָא or מִן־הַתּוֹרָה, though מִדְּרַבָּנָן, as enjoined by the חֲכָמִים, Sages, it partially effects the levirate union, hence the need (מִן־הַתּוֹרָה) for חֲלִיצָה). **14** מִדְּאוֹרַיְתָא a יְבָמָה is acquired as wife by copulation without the need whatever of a preliminary statement of betrothal. **15** *i.e.*, his own first wife. **16** With the third brother. * מַאֲמָר, *betrothal* by יָבָם by word of mouth (in contradistinction to בִּיאָה, *the consummation of marriage*).

Mishnah 2 — מִשְׁנָה ב

שְׁנֵי [1]אַחִים [2]וּמֵת אֶחָד מֵהֶן, וְיִבֵּם הַשֵּׁנִי אֶת [3]אֵשֶׁת אָחִיו, וְאַחַר כָּךְ נוֹלַד לָהֶן [4]אָח [5]וּמֵת, [6]הָרִאשׁוֹנָה [7]יוֹצֵאת

If there were two brothers[1] and one of them died,[2] and the second one took in *levirate marriage* the wife[3] of his brother, and afterwards a brother[4] were born to them, and

מִשּׁוּם אֵשֶׁת אָחִיו שֶׁלֹּא הָיָה
[8]בְּעוֹלָמוֹ, [9]וְהַשְּׁנִיָּה מִשּׁוּם [10]צָרָתָהּ.
[11]עָשָׂה [12]בָּהּ מַאֲמָר [13]וּמֵת, [14]הַשְּׁנִיָּה
חוֹלֶצֶת וְלֹא [15]מִתְיַבֶּמֶת. רַבִּי
[16]שִׁמְעוֹן אוֹמֵר, [17]מְיַבֵּם לְאֵיזוּ מֵהֶן
שֶׁיִּרְצֶה, אוֹ חוֹלֵץ לְאֵיזוּ מֵהֶן
שֶׁיִּרְצֶה.

then he[5] died—the first woman[6] is exempt[7] because *she had been the wife of his brother who did not live at the same time as he himself,*[8] and the second woman[9] because she was her fellow-wife.[10] If he[11] had merely betrothed her[12] and afterwards he[13] died, then the second woman[14] must be released by *chalitzah* and must not contract *levirate marriage.*[15] R. Simon says,[16] He[17] may contract *levirate marriage* with any one of them he desires, or perform *chalitzah* with any one of them he wishes.

1 Both married. **2** Childless. **3** *i.e.*, the widow. **4** *i.e.*, third one. **5** The second one who had performed יִבּוּם died childless. **6** The widow who had been the wife of the first one. **7** From יִבּוּם with the third brother. **8** Having been born after the first brother's death. **9** The other widow of the second brother is also exempt from יִבּוּם with the third brother. **10** Although she had been taken in levirate marriage before his birth. **11** The second brother. **12** The first brother's widow was only bespoken but had not been accepted as wife by יִבּוּם. **13** The second brother. **14** The (first) widow of the second brother. **15** With the third brother. Compare the preceding *Mishnah.* **16** His view that if the widow had already been married by יִבּוּם before the brother-in-law's birth she should now be permitted to him also or be released by חֲלִיצָה is rejected. R. Simon does not refer to the case of עָשָׂה בָּהּ מַאֲמָר. **17** The third brother.

Mishnah 3

מִשְׁנָה ג

כְּלָל אָמְרוּ בִּיבָמָה כָּל־שֶׁהִיא,
[1](אֲסוּרָה) [2]אִיסּוּר עֶרְוָה [3]לֹא חוֹלֶצֶת
[4]וְלֹא מִתְיַבֶּמֶת; [5](אִיסּוּרָהּ) אִיסּוּר
מִצְוָה וְאִיסּוּר [6]קְדוּשָׁה חוֹלֶצֶת וְלֹא
מִתְיַבֶּמֶת; אֲחוֹתָהּ שֶׁהִיא [7]יְבִמְתָּהּ
חוֹלֶצֶת אוֹ מִתְיַבֶּמֶת.

They laid down a general principle about the widow of a childless brother: if she be forbidden[1] because of the prohibited degrees[2] of marriage, she[3] may neither perform *chalitzah* nor may she contract levirate union;[4] if she be prohibited[5] because of an ordinance or because of (the) holiness,[6] she must perform *chalitzah* but may not contract *levirate marriage;* if her sister be also her sister-in-law,[7] she may either be released by *chalitzah* or contract *levirate union.*

1 To be taken by levirate marriage. Some authorities consider אֲסוּרָה redundant. **2** אִיסּוּר or אִסּוּר. **3** And her fellow-wife also. **4** *Deuteronomy* **25**, 5, 6. **5** Some authorities consider אִיסּוּרָהּ or אִסּוּרָהּ superfluous. **6** Of the יָבָם. Also when the יָבָם is נָתִין or מַמְזֵר. These two conditions are explained in the next *Mishnah*. **7** *e.g.*, A, B and C are brothers; A and B married respectively D and E two sisters; then A and B died; thus two sisters are in affinity to C to be married to him by יִבּוּם and they mutually prohibit one another from levirate marriage to him and are also therefore exempt from חֲלִיצָה. But if either D or E be of the forbidden degrees of marriage (עֶרְוָה) —as a mother-in-law or a daughter-in-law—whom C could not marry at all, then the other performs חֲלִיצָה or contracts levirate marriage. Compare 3^{3}.

Mishnah 4

מִשְׁנָה ד

[1]אִיסּוּר [2]מִצְוָה, [3]שְׁנֵיּוֹת מִדִּבְרֵי [4]סוֹפְרִים. אִיסּוּר [5]קְדוּשָׁה, אַלְמָנָה [6]לְכֹהֵן גָּדוֹל, גְּרוּשָׁה וַחֲלוּצָה [7]לְכֹהֵן הֶדְיוֹט, [8]מַמְזֶרֶת [9]וּנְתִינָה [10]לְיִשְׂרָאֵל, [10]וּבַת יִשְׂרָאֵל לְנָתִין [11]וּמַמְזֵר.

Prohibition[1] *by an ordinance*[2]—*the secondary forbidden degrees of kinship*[3] as enjoined by the Scribes.[4] *Prohibition by virtue of* (*the*) *sanctity*[5]—a widow to a High Priest,[6] a divorced woman or one who had performed *chalitzah* to a common priest,[7] a bastard woman[8] or a woman descended from Gibeonites[9] to an Israelite,[10] and the daughter of an Israelite[10] to a descendant of the Gibeonites or a bastard.[11]

1 Or אִסּוּר. **2** Here are explained the references in the preceding *Mishnah*. **3** The גְּמָרָה (21a) of this Tractate gives a list of twenty-one of these *secondary prohibited marriages* (to which five more are added by some authorities). **4** The early Scholars were thus termed up to the period of the Tanaim. **5** Of the יָבָם. **6** *Leviticus* **1**, 29. A widow may not be married to a High Priest—not even a יְבָמָה (the widow of his childless dead brother). **7** *Leviticus* **21**, 7. He submits to חֲלִיצָה from a divorcee or a חֲלוּצָה who had been wrongfully married to his brother a כֹּהֵן who had died childless. **8** See 4^{13}. **9** See 8^{3}. **10** *i.e.*, a non-priest. **11** In all these cases יִבּוּם must not be carried out; חֲלִיצָה is performed.

Mishnah 5

מִשְׁנָה ה

If one have a brother—from whatever source—he[1] may force *levirate marriage*[2] upon the wife of his brother,[3] and he is deemed as his

מִי שֶׁיֵּשׁ־לוֹ אָח, מִכָּל מָקוֹם, [1,2]זוֹקֵק אֶת־אֵשֶׁת [3]אָחִיו לְיִבּוּם, וְאָחִיו הוּא לְכָל [4]דָּבָר, חוּץ מִמִּי שֶׁיֵּשׁ לוֹ מִן־

הַשִּׁפְחָה וּמִן [5]הַכּוּתִית. מִי שֶׁיֵּשׁ לוֹ בֵּן, מִכָּל [6]מָקוֹם, פּוֹטֵר אֵשֶׁת אָבִיו מִן־הַיִּבּוּם, [7]וְחַיָּיב עַל מַכָּתוֹ וְעַל [8]קִלְלָתוֹ, וּבְנוֹ לְכָל [4]דָּבָר חוּץ מִמִּי שֶׁיֵּשׁ־לוֹ מִן־הַשִּׁפְחָה וּמִן [9]הַכּוּתִית.

brother in every respect,[4] with the exception of one who is born of a bondwoman or of a non-Jewess.[5] If one have a son — from whatever origin[6]—such a son exempts his father's wife from *levirate marriage,* and he is culpable[7] if he strike him or if he curse him,[8] and he is reckoned as his son in all wise[4] excepting one who is born of a bondwoman or of a non-Jewess.[9]

1 *i.e.,* this brother, even if he is a bastard or a convert (but see exceptions immediately following). **2** Or else must submit to the ceremony of *chalitzah.* **3** *i.e.,* the widow of his deceased childless brother. **4** He shares with his brother(s) any inheritance, and contracts ritual uncleanness (if he be a priest) because of him (*Leviticus* **21**, 2). **5** In either case he possesses only the status of his mother and is ineligible to take a share in any inheritance or to perform the rite of levirate marriage. (*Leviticus* **21**, 4). (See **Note 9**). **6** Even if he is a bastard or convert or renegade. **7** *i.e.,* חַיָּב מִיתָה, *deserving to be put to death* (*Exodus* **21**, 15, 27; *Deuteronomy* **7**, 4). **8** His father. **9** Literally *the bondwoman, the Samarian* (*Samaritan*).

Mishnah 6 — מִשְׁנָה ו

מִי שֶׁקִּדֵּשׁ אַחַת מִשְּׁתֵּי §[1]אֲחָיוֹת, וְאֵינוֹ יוֹדֵעַ §אֵיזֶה מֵהֶן קִדֵּשׁ, נוֹתֵן גֵּט *לְזוֹ וְגֵט [2]לְזוֹ; מֵת וְלוֹ אָח אֶחָד, [3]חוֹלֵץ לִשְׁתֵּיהֶן; הָיוּ [4]לוֹ שְׁנַיִם, אֶחָד חוֹלֵץ וְאֶחָד [5]מְיַבֵּם; [7,8]קָדְמוּ וְכָנְסוּ אֵין מוֹצִיאִין [8]מִיָּדָם.

If one betrothed one of two sisters,[1] and he does not know which one of them he betrothed, he must give a bill of divorce to each one of them;[2] if he died, and he had only one brother, he[3] must accept *chalitzah* from each one of them; if he[4] had two brothers, one must submit to *chalitzah* and the other may take her in *levirate marriage;*[5] but if they had already[6] consummated the *levirate marriages,*[7] none can force them from them.[8]

1 Or a woman and her daughter. **2** Because the betrothal makes a woman ritually a wife, and if he marries one she may be the one not betrothed and thus he will be contravening the prohibition against having two sisters as wives at the same time (*Leviticus* **18**, 18). **3** This surviving brother. **4** The deceased brother. **5** Or he may submit to *chalitzah.* **6** Before בֵּית דִּין had been consulted. **7** Literally *but if they forestalled and brought home.* קָדְמוּ [*Kal*] or קִדְּמוּ [*Piel*]. **8** *i.e.,* the unions are valid.

* Or לָזוֹ (*f. sing.*). לָזוֹ (*m. & f., sing. & plural*).

§ אֲחִיּוֹת more correct than אֲחָיוֹת; אֵיזֶה incorrectly given for אֵיזוֹ (found in one text).

Mishnah 7

מִשְׁנָה ז

[1]שְׁנַיִם שֶׁקִּדְּשׁוּ שְׁתֵּי אֲחָיוֹת, זֶה אֵינוֹ יוֹדֵעַ אֵיזוּ קִדֵּשׁ וְזֶה אֵינוֹ יוֹדֵעַ אֵיזוּ קִדֵּשׁ, זֶה נוֹתֵן שְׁנֵי [2]גִּטִּין, וְזֶה נוֹתֵן שְׁנֵי [2]גִּטִּין. מֵתוּ, לָזֶה אָח וְלָזֶה אָח, זֶה חוֹלֵץ לְשִׁתֵּיהֶן וְזֶה חוֹלֵץ *לְשִׁתֵּיהֶן. לָזֶה אֶחָד וְלָזֶה שְׁנַיִם, הַיָּחִיד חוֹלֵץ לְשִׁתֵּיהֶן, וְהַשְּׁנַיִם אֶחָד [3]חוֹלֵץ וְאֶחָד [4]מְיַבֵּם, [12]קִדְּמוּ וְכָנְסוּ אֵין [5]מוֹצִיאִין מִיָּדָם. [6]לָזֶה שְׁנַיִם [6]וְלָזֶה שְׁנַיִם, אָחִיו שֶׁל זֶה חוֹלֵץ [5]לְאַחַת וְאָחִיו שֶׁל זֶה חוֹלֵץ [7]לְאַחַת; אָחִיו שֶׁל זֶה מְיַבֵּם חֲלוּצָתוֹ שֶׁל זֶה, וְאָחִיו שֶׁל זֶה מְיַבֵּם חֲלוּצָתוֹ שֶׁל זֶה; [9]קִדְּמוּ [8]שְׁנַיִם וְחָלְצוּ לֹא יְיַבְּמוּ הַשְּׁנַיִם, אֶלָּא אֶחָד [10]חוֹלֵץ וְאֶחָד [11]מְיַבֵּם; [12]קִדְּמוּ וְכָנְסוּ אֵין [5]מוֹצִיאִין מִיָּדָם.

If two men[1] betrothed two sisters, and neither one knew whom he had betrothed nor the other knew whom he had betrothed, then the one must give two bills of divorce,[2] and the other must also give two bills of divorce.[2] If they died, and each one had a brother, then the one must submit to *chalitzah* from the two and the other must also accept *chalitzah* from both.* If one had one brother and the other had two brothers, the one brother must accept *chalitzah* from the two of them, and of the two brothers, one must accept *chalitzah,*[3] and the other brother may then contract *levirate marriage,*[4] but if they had already consummated[12] the *levirate unions,* none can force them from them.[5] If one man[6] had two brothers and the other man[6] had two brothers, a brother of one must accept *chalitzah* from one[3] and a brother of the other must submit to *chalitzah* from the other;[7] then the brother of the first may take in *levirate marriage* the one who had accepted the ceremony of *chalitzah* from the first, and the brother of the second may consummate the *levirate marriage* with her that had rendered *chalitzah* to the second; but if the two brothers[8] had already accepted[9] *chalitzah,* the two other brothers must not both contract *levirate unions,* but the one must submit[10] to *chalitzah* and the other may then contract *levirate union;*[11] but if they had already contracted[12] the *levirate unions,* then none can force them from them.[5]

1 Not brothers. **2** One גֵּט to one widow and the other גֵּט to the other widow because of the prohibition of אֲחוֹת אִשְׁתּוֹ (*Leviticus* **18**, 18). **3** From one widowed sister. **4** With the other widowed sister, or else he must submit to *chalitzah.* **5** Even if they are כֹּהֲנִים, priests, the levirate unions are valid. **6** That died. **7** The other widowed sister. **8** Of the deceased. **9** Literally *had forestalled.* **10** First. **11** If he desires to do so. **12** Literally *but if they had anticipated and taken them home* (compare the preceding *Mishnah,* **Note 7**). * Mutual prohibition.

Mishnah 8

מִשְׁנָה ח

מִצְוָה [1]בַּגָּדוֹל [2]לְיַבֵּם, וְאִם קָדַם [3]הַקָּטָן זָכָה. הַנִּטְעָן עַל הַשִּׁפְחָה וְנִשְׁתַּחְרְרָה אוֹ עַל הַנָּכְרִית וְנִתְגַּיְּרָה, הֲרֵי זֶה לֹא יִכְנוֹס, וְאִם [4]כָּנַס אֵין מוֹצִיאִין [5]מִיָּדוֹ. הַנִּטְעָן עַל אֵשֶׁת [6]אִישׁ, [7,8]וְהוֹצִיאוּהָ מִתַּחַת יָדוֹ, אַף עַל פִּי [10,9]שֶׁכָּנַס יוֹצִיא.

It is a meritorious duty for the eldest[1] to perform *levirate marriage,*[2] but if the youngest one[3] forestalled he has acted validly. If one were suspected of sexual intercourse with a bondwoman who was afterwards freed or with a non-Jewess who was then proselytised, he may not marry her, but if he did marry her,[4] then none can take her from him.[5] If one were suspected of misconduct with the wife of another man,[6] and they[7] divorced her[8] from her husband, then though he had married[9] her[10] he must divorce her.

1 Or בְּגָדוֹל, *for an elder.* See 4[5]. **2** *i.e.,* the religious duty of levirate union devolves upon the eldest or elder surviving brother if there be two or more of them. **3** Or *the younger one.* **4** Or had betrothed her. **5** *i.e.,* the union is valid. **6** *i.e.,* with a married woman whose husband was alive. **7** בֵּית דִּין. **8** In such a case the husband had to divorce her. **9** The co-respondent had married the adulteress. **10** After the divorce (see סוֹטָה 5[1]). But when a man betrays a free woman—one who has no husband or who is not betrothed—it is a מִצְוָה, meritorious duty, for him to marry her. (*Deuteronomy* **22**, 19).

Mishnah 9

מִשְׁנָה ט

הַמֵּבִיא [1]גֵּט [2]מִמְּדִינַת הַיָּם [3]וְאָמַר, [4]בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתַּם, לֹא יִשָּׂא אֶת־[5]אִשְׁתּוֹ. [6]מֵת, הֲרַגְתִּיו, הֲרַגְנוּהוּ, לֹא יִשָּׂא אֶת־ [7]אִשְׁתּוֹ. רַבִּי [8]יְהוּדָה אוֹמֵר, הֲרַגְתִּיו, לֹא תִנָּשֵׂא [9]אִשְׁתּוֹ; הֲרַגְנוּהוּ, [10]תִּנָּשֵׂא אִשְׁתּוֹ.

If one bring a bill of divorce[1] from across the sea[2] and says,[3] *'In*[4] *my presence was it written and in my presence was it signed,'* he must not marry the other's wife.[5] [If he say], 'He is dead,'[6] or 'I slew him,' or 'We killed him'—he must not marry his wife.[7] R. Judah says,[8] [If he say], 'I slew him'—his wife[9] must not remarry; [if he say], 'We killed him'—his wife may remarry.[10]

1 *i.e.,* he brings the document from another man who can not attend but seeks a divorce. **2** *i.e.,* from any place outside the borders of אֶרֶץ יִשְׂרָאֵל or Babylonia. **3** Literally *said.* **4** This is a necessary legal formula. **5** He

(the messenger bringing the bill of divorce) must not marry the divorced woman so as not to be suspect that he had engineered the divorce for his own benefit. **6** *i.e.*, a witness comes before בֵּית דִּין and states of the other man, 'He is dead,' or 'I slew him' or 'We killed him.' **7** The wife of the man concerning whom he made one of these statements. If he were permitted to marry her suspicion would fall on him that he had brought this about for his own advantage. **8** Referring to the preceding statements. His opinion is rejected. **9** Of him reported killed. A murderer's evidence is not accepted, so that his confession may be untrue and her husband may be still alive. **10** Because the messenger's meaning was that though he had witnessed the death he himself had taken no hand in it.

Mishnah 10 מִשְׁנָה י

[1]הֲחָכָם שֶׁאָסַר אֶת־[2]הָאִשָּׁה [3]בְּנֶדֶר עַל בַּעְלָהּ, הֲרֵי [4]זֶה לֹא יִשָּׂאֶנָּה. [5]מֵיאֵנָה אוֹ שֶׁחָלְצָה [6]בְּפָנָיו, [7]יִשָּׂאֶנָּה מִפְּנֵי שֶׁהוּא [8]בֵּית דִּין. [10,9]וְכוּלָּן, שֶׁהָיוּ לָהֶם נָשִׁים [11]וּמֵתוּ, [12]מוּתָּרוֹת לִינָּשֵׂא [13]לָהֶם. [14]וְכוּלָּן שֶׁנִּישְׂאוּ לַאֲחֵרִים [15]וְנִתְגָּרְשׁוּ אוֹ שֶׁנִּתְאַלְמְנוּ מוּתָּרוֹת לִינָּשֵׂא [16]לָהֶן; [17]וְכוּלָּן מוּתָּרוֹת לִבְנֵיהֶם אוֹ [18]לַאֲחֵיהֶן.

If a scholar[1] forbade a wife[2] to her husband because of her vow,[3] he[4] must not marry her. If she exercised the prerogative of refusal[5] or performed *chalitzah* in his[6] presence, he[7] may marry her because he was one of the Court.[8] And in all[9] these cases,[10] if they had wives and they[11] died, they[12] are permitted to be married to them.[13] And in all cases[14] if the women were married to others and had then been divorced[15] or had become widows, they are permitted to be married to them;[16] but in every case[17] they may be married to their sons or to their brothers.[18]

1 Or *sage;* חָכָם is occasionally used to designate one of lower status than a Rabbi. **2** Literally *the wife.* **3** Literally *a vow. i.e.*, a woman who had made a vow not to have any benefit from or intercourse with her husband (who would not release her from the vow—*Numbers* **30**, 8) came to a חָכָם to have this vow annulled; but he would not release her from this vow and the husband had then divorced her. **4** The חָכָם may not marry her, to be free from suspicion that his refusal to disannul her vow was to his advantage. **5** See 1[1]. **6** Before the חָכָם. **7** The חָכָם. **8** Because at מִיאוּן or חֲלִיצָה three members must constitute a בֵּית דִּין (see סַנְהֶדְרִין 1[3]). There is no suspicion in this case that two of the דַּיָּנִים, judges, would wrongfully aid the third דַּיָּן judge to commit a wrong to his benefit. **9** Or וְכֻלָּן. **10** In the case of the חָכָם, the messenger who brought a bill of divorce, and the witness to a man's death, who were precluded from marrying a woman in question. **11**

The wives of these three mentioned. **12** The women who had been divorced or the widows in question. **13** The חָכָם, messenger and witness, having had wives when the decisions were made, cannot, now that their own wives are dead, be suspect of having had any ulterior immoral motives. **14** Or וְכֻלָּן. Of the women. **15** Not through the חָכָם, or messenger or witness. **16** The חָכָם, messenger and witness. **17** Where the חָכָם, messenger, and witness may not marry the women in question. **18** Of the חָכָם, messenger and witness. They are not under suspicion of committing wrongdoing for the profit of others, even though they be their near relatives.

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

If there were four brothers,[1] and two of them married to two sisters,[2] and they who married the sisters died, these[3] must perform *chalitzah* and must not be united in *levirate marriage* [by the brothers]; but if they[4] did so marry them, they must release them.[5] R. Eliezer says, The School of Shammai[6] maintain that they may remain married[7] but that the school of Hillel[8] maintain that they must release them.[5]

[1]אַרְבָּעָה אַחִין שְׁנַיִם מֵהֶן נְשׂוּאִים שְׁתֵּי [2]אֲחָיוֹת, וּמֵתוּ הַנְּשׂוּאִים אֶת־הָאֲחָיוֹת, הֲרֵי [3]אֵלּוּ חוֹלְצוֹת וְלֹא מִתְיַבְּמוֹת; וְאִם [4]קִדְּמוּ וְכָנְסוּ [5]יוֹצִיאוּ. רַבִּי אֱלִיעֶזֶר אוֹמֵר, [6]בֵּית שַׁמַּאי אוֹמְרִים [7]יְקַיְּימוּ [8]וּבֵית הִלֵּל אוֹמְרִים [5]יוֹצִיאוּ.

1 See *Mishnah* **4** of this Chapter for the case of three brothers. **2** Or a woman and her daughter. **3** The two widows, being to each other אֲחוֹת זְקוּקָתוֹ (a sister of his affinity) towards both of the surviving brothers. **4** The surviving two brothers. Literally *but if they forestalled and brought them home.* **5** By גֵּט, bill of divorce. **6** Their opinion is rejected. **7** *i.e.,* they may keep the יְבָמוֹת as valid wives. **8** Their view is accepted.

Mishnah 2

מִשְׁנָה ב

If one of them[1] were prohibited to one[2] because of the prohibited[3] degrees of kinship, he is forbidden to take her[4] but he is permitted[5] to take her sister; but the second one[6] is prohibited from marrying either of the two. Where the prohibition[3]

הָיְתָה אַחַת [1]מֵהֶן אֲסוּרָה עַל [2]הָאֶחָד [3]אִיסּוּר עֶרְוָה אָסוּר [4]בָּהּ [5]וּמוּתָּר בַּאֲחוֹתָהּ; [6]וְהַשֵּׁנִי אָסוּר בִּשְׁתֵּיהֶן. [3]אִיסּוּר [7]מִצְוָה [8]וְאִיסּוּר [9]קְדוּשָּׁה, [10]חוֹלֶצֶת וְלֹא מִתְיַבֶּמֶת.

is because of an ordinance[7] or where the prohibition[8] is by virtue of the sanctity,[9] she must perform *chalitzah*[10] and must not contract *levirate marriage*.

1 The sisters. As mentioned in the preceding *Mishnah*. **2** Of the brothers: Literally *the one*. **3** Or אִסּוּר. **4** In marriage. For instance, A and B are sisters; C married D daughter of B; E, brother of C, married B and E died; C may not marry B by יִבּוּם because she is his mother-in-law, therefore there being no affinity between them he may marry A; and, as immediately here stated his brother E may not marry either A or B.* **5** Or וּמֻתָּר. **6** *i.e.*, his brother. **7** Of the סוֹפְרִים Scribes. **8** Compare 2[4]. **9** Of the יָבָם. **10** Actually both widows.
* Since each being אֲחוֹת זְקוּקָתוֹ (a sister of his affinity) towards one another is equally bound to him.

Mishnah 3

מִשְׁנָה ג

הָיְתָה אַחַת [1]מֵהֶן אֲסוּרָה עַל [2]זֶה [3]אִיסּוּר עֶרְוָה, [4]וְהַשְּׁנִיָּה אֲסוּרָה עַל [5]זֶה [3]אִיסּוּר עֶרְוָה, הָאֲסוּרָה [6]לְזֶה [6]מוּתֶּרֶת [7]לָזֶה, וְהָאֲסוּרָה [7]לְזֶה [6]מוּתֶּרֶת [7]לָזֶה. וְזוּ הִיא [8]שֶׁאָמְרוּ, אֲחוֹתָהּ כְּשֶׁהִיא יְבִמְתָּהּ אוֹ חוֹלֶצֶת אוֹ [9]מִתְיַבֶּמֶת.

If one of them[1] were prohibited to one[2] because of the forbidden[3] degrees of marriage, and the other[4] were forbidden to the other[5] by virtue of the prohibited degrees of marriage, the one forbidden to the first[5] is allowed[6] to the second,[7] and the one prohibited to the second[7] is permitted[6] to the first.[7] And this is the case of which they said,[8] If her sister be also her sister-in-law she may either perform *chalitzah* or contract *levirate marriage*.[9]

1 The sisters. As referred to in the two foregoing *Mishnahs*. **2** Of the brothers. **3** Or אִסּוּר. **4** Sister. **5** Brother. **6** To be married. Or מֻתֶּרֶת. **7** Brother. **8** See 2[3]. **9** Thus: A and B are brothers, C and D are sisters; D is forbidden to A because of אִסּוּר עֶרְוָה*, and C is forbidden to B by virtue of אִסּוּר עֶרְוָה; then D is permitted to B, and C may be married to A, and thus the two sisters are also sisters-in-law. And so, a sister of an עֶרְוָה, a sister-in-law, is admitted to יִבּוּם or performs חֲלִיצָה with the latter's husband when her own has died childless. * עֶרְוָה (*sing.*) or עֲרָיוֹת (*pl.*).

Mishnah 4

מִשְׁנָה ד

שְׁלֹשָׁה אַחִין, שְׁנַיִם מֵהֶן נְשׂוּאִין שְׁתֵּי אֲחָיוֹת, אוֹ אִשָּׁה וּבִתָּהּ, אוֹ אִשָּׁה

If there were three brothers, two of them married to two sisters, or a woman and her daughter, or a

וּבַת בִּתָּהּ, אוֹ אִשָּׁה וּבַת [1]בְּנָהּ, הֲרֵי [2]אֵלּוּ חוֹלְצוֹת וְלֹא מִתְיַבְּמוֹת; וְרַבִּי שִׁמְעוֹן [3]פּוֹטֵר. הָיְתָה אַחַת [4]מֵהֶן אֲסוּרָה [5]עָלָיו אִיסּוּר [6]עֶרְוָה, אָסוּר בָּהּ [7]וּמוּתָּר בַּאֲחוֹתָהּ; [8]אִיסּוּר [9]מִצְוָה אוֹ אִיסּוּר [10]קְדוּשָּׁה, חוֹלְצוֹת וְלֹא [11]מִתְיַבְּמוֹת.

woman and her daughter's daughter, or a woman and her son's daughter,[1] then these[2] must perform *chalitzah* and must not contract *levirate marriage;* but R. Simon exempts.[3] If one of them[4] were prohibited to him[5] by virtue of the forbidden[6] degrees of marriage, he is forbidden to her but is permitted[7] to marry her sister; but if[8] because of an ordinance[9] or by virtue of the sanctity,[10] she must perform *chalitzah* and must not contract *levirate union.*[11]

1 And the two married brothers died. **2** Two sisters, with the surviving brother. **3** His view that neither חֲלִיצָה nor יִבּוּם is required, is rejected. **4** The two widowed sisters. **5** The third surviving brother. **6** Or אִסּוּר. **7** Or וּמֻתָּר. **8** *i.e.,* if he is forbidden. **9** Of the סוֹפְרִים, Scribes (compare 2[3], **Note 6**, 3[2], **Notes 7, 8, 9**). **10** Of the יָבָם, brother-in-law. **11** See 2[4].

Mishnah 5

מִשְׁנָה ה

שְׁלֹשָׁה אַחִין, שְׁנַיִם מֵהֶן נְשׂוּאִים שְׁתֵּי אֲחָיוֹת [1]וְאֶחָד [2]מוּפְנֶה, מֵת אֶחָד [3]מִבַּעֲלֵי אֲחָיוֹת וְעָשָׂה [4]בָּהּ מוּפְנֶה מַאֲמָר, וְאַחַר כָּךְ מֵת אָחִיו הַשֵּׁנִי, בֵּית שַׁמַּאי [5]אוֹמְרִים, [6]אִשְׁתּוֹ עִמּוֹ [7]וַהֲלָה [8]תֵּצֵא מִשּׁוּם אֲחוֹת אִשָּׁה; וּבֵית הִלֵּל [9]אוֹמְרִים, מוֹצִיא אֶת־[10]אִשְׁתּוֹ [11]בְּגֵט [12]וּבַחֲלִיצָה [13]וְאֵשֶׁת אָחִיו בַּחֲלִיצָה. זוּ הִיא שֶׁאָמְרוּ, אוֹי לוֹ [14]עַל אִשְׁתּוֹ, וְאוֹי לוֹ [14]עַל אֵשֶׁת [15]אָחִיו.

If there were three brothers, two of whom married two sisters and one[1] was unmarried,[2] and one of the husbands[3] of the sisters died and the unmarried man betrothed her[4] [by word of mouth], and afterwards his second brother died, the School of Shammai say,[5] His wife[6] remains with him and the other[7] goes free[8] because she is the wife's sister; but the School of Hillel say,[9] He must release his wife[10] by both a bill of divorce[11] and by *chalitzah*[12] and his brother's wife[13] by *chalitzah.* This is the case concerning which they said, Woe to him because of[14] his wife, and woe to him because of[14] his brother's wife![15]

1 The third brother. **2** And the same applies if he had a wife not of near kin to his sisters-in-law. **3** *i.e.,* the married brothers. **4** The widows. מַאֲמָר, see 2[1]. **5** Their view is rejected. **6** This widow he had betrothed. **7**

וְהַלָּוִי in the גְּמָרָא. **8** Without חֲלִיצָה. **9** Their opinion is accepted. קִדּוּשִׁין in the case of a יְבָמָה is not completely efficacious and the advent of the other sister the יְבָמָה prohibits the consummation of יִבּוּם. **10** The one betrothed. **11** קִדּוּשִׁין can only be nullified by גֵּט. **12** Because she is still a יְבָמָה. **13** The other widowed sister must be also set free. **14** The loss of the opportunity to marry the widow and the loss of his wife, through no fault of his own. **15** See יְבָמוֹת 13[7].

Mishnah 6

מִשְׁנָה ו

שְׁלֹשָׁה אַחִין, שְׁנַיִם מֵהֶן נְשׂוּאִים שְׁתֵּי אַחָיוֹת [1]וְאֶחָד נָשׂוּי [2]נָכְרִית, מֵת אֶחָד מִבַּעֲלֵי אַחָיוֹת וְכָנַס נָשׂוּי נָכְרִית אֶת־[3]אִשְׁתּוֹ וּמֵת, [4]הָרִאשׁוֹנָה [5]יוֹצְאָה מִשּׁוּם אֲחוֹת אִשָּׁה [6]וּשְׁנִיָּה מִשּׁוּם צָרָתָהּ. עָשָׂה בָהּ מַאֲמָר וּמֵת, [7]נָכְרִית חוֹלֶצֶת וְלֹא [8]מִתְיַבֶּמֶת. שְׁלֹשָׁה אַחִים שְׁנַיִם מֵהֶם נְשׂוּאִים שְׁתֵּי אַחָיוֹת [9]וְאֶחָד נָשׂוּי [10]נָכְרִית, מֵת הַנָּשׂוּי נָכְרִית וְכָנַס אֶחָד [11]מִבַּעֲלֵי אַחָיוֹת אֶת־ [12]אִשְׁתּוֹ וּמֵת, [13]הָרִאשׁוֹנָה [14]יוֹצְאָה מִשּׁוּם אֲחוֹת אִשָּׁה, [12]וּשְׁנִיָּה מִשּׁוּם צָרָתָהּ. עָשָׂה בָהּ מַאֲמָר וּמֵת, [15]נָכְרִית חוֹלֶצֶת וְלֹא [16]מִתְיַבֶּמֶת.

If there were three brothers, two of them married to two sisters and one[1] wedded to a stranger,[2] and one of the sisters' husbands died and the one wed to the stranger married his wife[3] and he also died, the first[4] goes free[5] because she is a wife's sister, and the other[6] because she is her fellow-wife. If he had merely betrothed her and died, the stranger[7] performs *chalitzah* and must not contract *levirate union.*[8] If two of three brothers married two sisters and one[9] were married to a stranger,[10] and the one married to the stranger died and one of the husbands[11] of the sisters wed his wife[12] and died too, the first one[13] is free,[14] because she is a wife's sister, and the other one[12] because she is her fellow-wife. If he betrothed her and then died, the stranger[15] must perform *chalitzah* and must not be united in *levirate marriage.*[16]

1 The third brother. **2** *i.e.,* not of near kin to the sisters or to the brothers. **3** The brother's widow, one of the sisters. **4** The widowed sister. **5** From חֲלִיצָה and יִבּוּם with the third surviving brother. **6** The נָכְרִית widow. **7** The widow not of near kin. **8** With the surviving third brother. **9** The third brother. **10** Not near of kin to the brothers or sisters. **11** The two brothers. **12** This נָכְרִית widow. **13** The widowed sister. **14** Without חֲלִיצָה or יִבּוּם. **15** *i.e.,* the widow not of near kin. **16** With the surviving brother.

Mishnah 7

מִשְׁנָה ז

שְׁלֹשָׁה אַחִים, שְׁנַיִם מֵהֶן נְשׂוּאִים שְׁתֵּי אֲחָיוֹת [1]וְאֶחָד נָשׂוּי [2]נָכְרִית, מֵת אֶחָד [3]מִבַּעֲלֵי אֲחָיוֹת וְכָנַס נָשׂוּי נָכְרִית אֶת־אִשְׁתּוֹ, וּמֵתָה אִשְׁתּוֹ שֶׁל [5]שֵׁנִי, וְאַחַר כַּךְ מֵת־[6]נָשׂוּי נָכְרִית, הֲרֵי [7]זוֹ אֲסוּרָה [8]עָלָיו עוֹלָמִית הוֹאִיל וְנֶאֱסְרָה [9]עָלָיו [10]שָׁעָה אַחַת. שְׁלֹשָׁה אַחִים שְׁנַיִם מֵהֶם נְשׂוּאִין שְׁתֵּי אֲחָיוֹת [11]וְאֶחָד נָשׂוּי [12]נָכְרִית, גֵּרֵשׁ אֶחָד [13]מִבַּעֲלֵי אֲחָיוֹת אֶת־אִשְׁתּוֹ, וּמֵת נָשׂוּי נָכְרִית, [15]וּכְנָסָהּ [14]הַמְגָרֵשׁ וּמֵת, זוֹ [16]הִיא שֶׁאָמְרוּ, וְכֻלָּן שֶׁמֵּתוּ אוֹ נִתְגָּרְשׁוּ צָרוֹתֵיהֶן [17]מוּתָּרוֹת.

If there were three brothers, two of them married to two sisters and one[1] married to a stranger,[2] and one of the husbands[3] of the sisters died and the one married to the stranger married his wife,[4] and then the wife of the other[5] died, and afterward the one[6] married to the stranger also died, then she[7] is prohibited to him[8] for ever because she had been forbidden to him[9] already during some time.[10] If there were three brothers and two of them were wed to two sisters and one[11] were wedded to a stranger,[12] and one of the husbands[13] of the sisters divorced his wife, and the one married to the stranger died, and he who had divorced[14] married her[15] and also died—this is a case[16] concerning which they said, But in all these cases if any died or were divorced, their fellow-wives are permitted.[17]

1 The third brother. **2** Not of near kin. **3** The two brothers. **4** As the widow of his childless brother. **5** The other sister, wife of the second brother died. **6** The third brother. **7** The surviving sister widowed a second time. **8** The second brother. Thus: three brothers A, B and C; A and B married two sisters, and C married a stranger; A died and C married by levirate union the widow of A; then B's wife died and afterwards C died, thus both widows should come within levirate union to B, but A's wife is forbidden to B since she had already been prohibited to him a short while when A died as B's wife was still alive in the brief interval and* was אֲחוֹת אִשְׁתּוֹ, therefore though B's wife is now dead A's widow is prohibited to B and does not even have to perform חֲלִיצָה. (And according to one view the other wife of C—the stranger—must offer חֲלִיצָה to B but must not contract levirate union with him). **9** The surviving brother. **10** And both widows are exempt from חֲלִיצָה. **11** The third brother. **12** Not of near kin. **13** The two brothers. **14** His wife. **15** The brother's widow. **16** Where the surviving brother may marry by יִבּוּם the נָכְרִית. **17** Or מְתֻּרוֹת. Referring to the עֲרָיוֹת in 1[1]. But if the one who had the stranger as wife died first, and then the other divorced his wife (the sister) and after contracting יִבּוּם with the widow died also, she (the stranger) is not permitted to contract יִבּוּם again with the surviving third brother. * *viz.*, A's widow was אֲחוֹת זְקוּקָתוֹ to B.

Mishnah 8

מִשְׁנָה ח

And in all those cases[1] where their betrothal[2] or divorce was in doubt,[3] those fellow-wives[4] must perform *chalitzah* and must not be joined in *levirate marriage*. How can betrothal be in doubt?—If he threw[5] toward her the betrothal gift, and there were a doubt whether it were nearer to him[6] or closer to her:[7] this is a case of doubtful betrothal. Divorce in doubt?[8] If one wrote it out in his own handwriting but there were no witnesses thereto, or if there were witnesses to it but it had no date, or if there were a date on it but there were only one witness to it: this is a case of doubtful divorce.

[1]וְכוּלָּן שֶׁהָיוּ בָהֶן [2]קִידּוּשִׁין אוֹ גֵירוּשִׁין [3]בְּסָפֵק, הֲרֵי אֵלּוּ [4]צָרוֹת חוֹלְצוֹת וְלֹא מִתְיַבְּמוֹת. כֵּיצַד סָפֵק קִידּוּשִׁין? [5]זָרַק לָהּ קִידּוּשִׁין סָפֵק קָרוֹב [6]לוֹ סָפֵק קָרוֹב [7]לָהּ, זֶהוּ סָפֵק קִידּוּשִׁין. [8]סָפֵק גֵּרוּשִׁין? כָּתַב בְּכְתַב יָדוֹ וְאֵין עָלָיו עֵדִים, יֵשׁ עָלָיו עֵדִים וְאֵין בּוֹ זְמָן, יֵשׁ בּוֹ זְמַן וְאֵין בּוֹ אֶלָּא עֵד אֶחָד, זֶהוּ סָפֵק גֵּרוּשִׁין.

1 Or וְכֻלָּן. Of the fifteen עֲרָיוֹת mentioned in 1[1]. **2** Or קִדּוּשִׁין. **3** By the brother who then died. **4** Of these עֲרָיוֹת. **5** Four cubits or less is the limit to render possession by this method valid (compare *Appendix,* **Note 7**). This also applies in the case of גֵּט, divorce. **6** The קִדּוּשִׁין is invalid. **7** The קִדּוּשִׁין is valid. **8** *i.e.,* how can a divorce be in doubt?

Mishnah 9

מִשְׁנָה ט

If three brothers were married to three strangers,[1] and one of them[2] died and the second one[3] *betrothed* her[4] and also died, then these[5] must perform *chalitzah* and they must not contract *levirate marriage*,[6] as it is said,[7] *And one of them die the brother of her husband shall go in unto her*: thus,* the law[8] applies to her who is bound by only one *levirate* tie but not to her who is bound by two *levirate* ties.[9] R. Simon[10] says, He may contract *levirate union* with whichever one he pleases and undergo *chalitzah* from the other. If two brothers were married to two sisters, and one of them[11] died and

שְׁלֹשָׁה אַחִין נְשׂוּאִין שָׁלֹשׁ [1]נָכְרִיּוֹת וּמֵת אֶחָד [2]מֵהֶן וְעָשָׂה [4]בָּהּ [3]הַשֵּׁנִי מַאֲמָר וּמֵת, הֲרֵי [5]אֵלּוּ חוֹלְצוֹת וְלֹא [6]מִתְיַבְּמוֹת, [7]שֶׁנֶּאֱמַר, וּמֵת אֶחָד מֵהֶם יָבְמָהּ יָבֹא עָלֶיהָ, שֶׁעָלֶיהָ [8]זִיקַת יָבָם אֶחָד וְלֹא שֶׁעָלֶיהָ זִיקַת שְׁנֵי [9]יְבָמִין. רַבִּי [10]שִׁמְעוֹן אוֹמֵר, מְיַבֵּם לְאֵיזוּ שֶׁיִּרְצֶה וְחוֹלֵץ לַשְּׁנִיָּה. שְׁנֵי אַחִין נְשׂוּאִין לִשְׁתֵּי אֲחָיוֹת וּמֵת אֶחָד [11]מֵהֶן וְאַחַר כַּךְ מֵתָה אִשְׁתּוֹ שֶׁל שֵׁנִי, הֲרֵי [12]זוּ אֲסוּרָה עָלָיו עוֹלָמִית הוֹאִיל וְנֶאֱסְרָה עָלָיו שָׁעָה [13]אֶחָת.

afterward the wife of the other also died, then this one[12] is prohibited to him for all time as she had already been forbidden to him *during* some time.[13]

1 All three women were not of near kin. **2** One of the brothers. **3** *i.e.,* one of the two surviving. **4** The widow. **5** The two sisters. **6** With the surviving brother. Thus: three brothers A, B and C married respectively X, Y and Z (not of near kin); one, say A, died and B betrothed X the widow; then B died; the widows X and Y offer חֲלִיצָה to C (for C may not contract levirate union). **7** *Deuteronomy* **25**, 5. See the INTRODUCTION for the full verse. **8** Or levirate relationship, tie. **9** Thus: in the preceding illustration (**Note 6**) if B did not betroth X, then X and Y would have been in levirate tie to C who could have married both leviratically, but if B did wed leviratically X and then (B) died then C could have wed leviratically either X or Y because when B had wed X leviratically he withdrew her affinity to A entirely, and thus she (X) comes from only one יָבָם (B) in leviratical relationship to C, but if B had merely betrothed her (X) then she had not been completely removed from the authority of A (and both A's and B's influences are upon her), and on B's death she stands towards C in levirate relationship as wife of A and betrothed of B at the same time—when יבום is forbidden by the Law and she must offer חֲלִיצָה and in consequence Y must not marry leviratically (as אֲחוֹת חֲלוּצָתוֹ). **10** His opinion is rejected. His argument runs thus: he (R. Simon) maintains that it is doubtful if the betrothal of a יָבָמָה completely severs the affinity from the deceased. Hence C may marry leviratically the widow X, whence it follows that if betrothal does completely disconnect or sever affinity then X is entirely disconnected from A and is therefore only B's יָבָמָה, and if, on the other hand betrothal does not disconnect, then though she (X) came under B's influence she is nevertheless A's יָבָמָה and not B's יָבָמָה, and so B's widow Y offers חֲלִיצָה but must not accept levirate union—חֲלִיצָה in case she whom C had wed leviratically is A's widow, and not יבום lest she whom C had taken in levirate union is B's widow, and two wives from one brother must not contract levirate marriage. **11** The two brothers. **12** The widow of the first one. **13** Since she was his wife's sister, and she (his wife) was yet living. And she does not have to perform חֲלִיצָה. * Alternatively: 'thus the union[8] of only one brother-in-law is obligatory upon her and she is not bound by *levirate tie* to two brothers-in law.'[9]

Mishnah 10 — מִשְׁנָה י

If two men had betrothed two women, and when they entered the bridal chamber[1] they exchanged[2]—the wife of one to the other and the

שְׁנַיִם שֶׁקִּדְּשׁוּ שְׁתֵּי נָשִׁים וּבְשֶׁעַת כְּנִיסָתָן [1]לַחוּפָּה [2]הֶחֱלִיפוּ אֶת־שֶׁל

זֶה לָזֶה וְאֶת־שֶׁל זֶה לָזֶה, הֲרֵי אֵלּוּ
[2]חַיָּבִים מִשּׁוּם [3]אֵשֶׁת אִישׁ; הָיוּ
[4]אַחִין, מִשּׁוּם [5]אֵשֶׁת אָח; וְאִם הָיוּ
[6]אֲחָיוֹת, מִשּׁוּם [7]אִשָּׁה אֶל־אֲחוֹתָהּ;
וְאִם הָיוּ [8]נִדּוֹת, מִשּׁוּם [9]נִדָּה.
[10]וּמַפְרִישִׁין אוֹתָן שְׁלֹשָׁה חֳדָשִׁים
שֶׁמָּא [11]מְעוּבָּרוֹת הֵן. וְאִם הָיוּ
קְטַנּוֹת שֶׁאֵינָן רְאוּיוֹת לֵילֵד מַחֲזִירִין
אוֹתָן [12]מִיָּד. וְאִם הָיוּ [13]כֹּהֲנוֹת
נִפְסְלוּ מִן־[13]הַתְּרוּמָה.

wife of the other to the first—then both are guilty[3] because of *the law of a married woman;*[4] if they were brothers,[5] by virtue of *the law of the wife of a brother;*[6] and if they were sisters,[5] because of *the law of a woman unto her sister;*[7] and if they were menstruants,[5] by virtue of *the law of a menstruant.*[8] And they must be separated[9] for three months lest they be pregnant.[10] And if they were minors and unlikely to bear children they restore them at once.[11] And if they were daughters of priests,[12] they become ineligible to eat of the *priest's-due.*[13]

1 Or לַחֲפָה. **2** Unintentionally, and then had sexual-intercourse. **3** And liable to a קָרְבַּן חַטָּאת, *sin-offering.* **4** *Leviticus* **18**, 20. **5** They are culpable, חַיָּבִין. **6** *Leviticus* **18**, 16. **7** *Leviticus* **18**, 18. **8** *Leviticus* **18**, 19. **9** Literally *and they must separate them,* be kept apart from their husbands so that they do not cohabit. Children born under such confusion would be illegitimate (מַמְזֵרִים, bastards). **10** Or מְעֻבָּרוֹת. **11** To their rightful husbands. **12** Or כוֹהֲנוֹת. **13** Or *heave-offering* (see *Appendix,* **Note 1**); not even after the death of the husbands (not even if the husbands died childless); and they are also prohibited from being remarried to כֹּהֲנִים (*Leviticus* **22**, 12, 13).

CHAPTER 4 — פֶּרֶק ד

Mishnah 1 — מִשְׁנָה א

הַחוֹלֵץ [1]לִיבִמְתּוֹ וְנִמְצֵאת [2]מְעוּבֶּרֶת
וְיָלְדָה, בַּזְּמַן שֶׁהַוְּלַד שֶׁל [3]קַיָּמָא
הוּא [4]מוּתָּר [5]בִּקְרוֹבוֹתֶיהָ וְהִיא
[6]מוּתֶּרֶת [7]בִּקְרוֹבָיו, וְלֹא פְסָלָהּ
מִן־הַכְּהוּנָּה; אֵין הַוְּלַד שֶׁל [8]קַיָּמָא,

If one submitted to *chalitzah* from his sister-in-law,[1] and she were then found pregnant[2] and gave birth, if the child were likely to live,[3] he is allowed[4] to marry her near of kin[5] and she is permitted[6] to be married to his kindred,[7] and he has not

הוּא אָסוּר בִּקְרוֹבוֹתֶיהָ וְהִיא אֲסוּרָה בִּקְרוֹבָיו, וּפְסָלָהּ מִן־הַכְּהוּנָּה.

rendered her ineligible for marriage to a priest; but if the child can not live,[8] he is prohibited from marrying her kindred and she is forbidden to be married to his near of kin, and he has rendered her invalid for marriage with a priest.

1 The widow: his brother, her husband, having died childless. **2** Or מְעֻבֶּרֶת. **3** *i.e.,* neither miscarriage nor fatal birth or the like, but lives for thirty days, then the חֲלִיצָה is void. **4** Or מֻתֶּרֶת. **5** For instance with her mother or sister. **6** Or מֻתֶּרֶת. **7** See *Mishnah* **7** of this *Chapter.* For instance to his father or brother. **8** *i.e.,* through abortion, miscarriage or premature birth and so forth. In this case the חֲלִיצָה is valid.

Mishnah 2 — מִשְׁנָה ב

הַכּוֹנֵס אֶת־[1]יְבִמְתּוֹ וְנִמְצֵאת [2]מְעוּבֶּרֶת וְיָלְדָה, בַּזְּמַן שֶׁהַוְּלַד שֶׁל [3]קַיָּמָא [4]יוֹצִיא וְחַיָּבִין [5]בְּקָרְבָּן; וְאִם אֵין הַוְּלַד שֶׁל קַיָּמָא יְקַיֵּים. סָפֵק בֶּן תִּשְׁעָה [6]לָרִאשׁוֹן סָפֵק בֶּן שִׁבְעָה [7]לָאַחֲרוֹן, [8]יוֹצִיא, וְהַוְּלַד כָּשֵׁר, וְחַיָּבִין [9]בְּאָשָׁם תָּלוּי.

If one married his sister-in-law,[1] and she were already found pregnant[2] and gave birth, if the child were likely to live,[3] he must set her free[4] and they are liable to bring an offering;[5] but if the child can not live, he may continue the marriage. If there be a doubt whether it be a nine months' child of the first one[6] or a seven months' child of the latter,[7] he must release[8] her, and the child is considered legitimate, but they must bring a *suspensive trespass-offering.*[9]

1 He consummated the levirate marriage. **2** Or מְעֻבֶּרֶת. **3** See the preceding *Mishnah.* **4** By גֵּט bill of divorce. **5** Both must offer a קָרְבַּן חַטָּאת, *sin-offering,* because of the prohibited connection in error. See כְּרִיתוֹת, 1[1,2]. **6** The deceased brother. In this case the יבום should not have taken place. **7** The one who had contracted the levirate marriage. If the child was born at the end of seven months after the יבום then it might have been conceived nine months before, in which case it was the deceased brother's child, or it might have been the child of the יָבָם—hence the uncertainty. **8** Divorce. Because of the סָפֵק, uncertainty. **9** To be offered when in doubt whether an act has been wrongly committed that must be atoned for by a קָרְבַּן חַטָּאת *sin-offering* (*Leviticus* **5**, 17ff.; כְּרִיתוֹת 1[1,2]).

Mishnah 3

מִשְׁנָה ג

[1]שׁוֹמֶרֶת יָבָם שֶׁנָּפְלוּ לָהּ [2]נְכָסִים, מוֹדִים בֵּית שַׁמַּאי וּבֵית הִלֵּל [3]שֶׁמּוֹכֶרֶת וְנוֹתֶנֶת [4]וְקַיָּים. מֵתָה, מַה־יַּעֲשׂוּ [5]בִּכְתוּבָּתָהּ וּבַנְּכָסִים הַנִּכְנָסִים וְיוֹצְאִין [6]עִמָּהּ? בֵּית שַׁמַּאי אוֹמְרִים, יַחֲלוֹקוּ יוֹרְשֵׁי [7]הַבַּעַל עִם יוֹרְשֵׁי [8]הָאָב. וּבֵית הִלֵּל אוֹמְרִים, נְכָסִים [9]בְּחֶזְקָתָן, כְּתוּבָּה בְחֶזְקַת יוֹרְשֵׁי [10]הַבַּעַל, נְכָסִים הַנִּכְנָסִים [11]וְיוֹצְאִים עִמָּהּ בְּחֶזְקַת יוֹרְשֵׁי [12]הָאָב.

In the case of a woman awaiting *levirate union*[1] to whom came inherited property:[2] both the School of Shammai and the School of Hillel agree that she may sell[3] it or give it away and the act is valid.[4] If she died, what should be done with her *marriage settlement*[5] and property that come in and go out with her?[6]—The School of Shammai say, The heirs of her hsuband[7] share with her father's heirs.[8] But the School of Hillel say, The property remains as it was:[9] the *marriage settlement* goes to the heirs of the husband,[10] and the property that comes in and goes out[11] with her falls to the heirs of her father.[12]

1 She was waiting for her brother-in-law to grant her יִבּוּם. **2** From her father. כְּתוּבּוֹת 8[6]. **3** In the meantime, before חֲלִיצָה or יִבּוּם. **4** The יָבָם cannot prevent or annul it. **5** See *Appendix,* **Note 8**. **6** This refers to נִכְסֵי מְלוֹג,* *usufruct,* a wife's property which the husband may use and benefit from, without being responsible for any damage, loss or depreciation during his advantage, but if he divorces her or she dies, he loses all interest in it. See 7[1,2]. **7** Who died. See בָּבָא בַּתְרָא 8[1]. **8** This refers to the case where the יָבָם had any right to betroth her. **9** It belongs to those to whom it belonged thus far. נִכְסֵי צֹאן בַּרְזֶל § *mortmain,* a term used to designate a woman's property which, if she is divorced or dies, the husband must restore in full and for which he is responsible for loss, damage or deterioration with all his landed property. **10** Deceased. **11** The נִכְסֵי מְלוֹג. **12** Literally *the father.* * Literally *property of plucking.* § Literally *property of flock of iron.*

Mishnah 4

מִשְׁנָה ד

[1,2]כְּנָסָהּ הֲרֵי הִיא כְּאִשְׁתּוֹ לְכָל דָּבָר וּבִלְבַד שֶׁתְּהֵא כְּתוּבָּתָהּ עַל נִכְסֵי [3]בַּעֲלָהּ הָרִאשׁוֹן.

If he[1] had married her,[2] she is his wife in every respect, except that her *marriage contract* is a charge on the property of her first husband.[3]

1 The יָבָם. This *Mishnah* is in continuation of the preceding *Mishnah*. **2** *i.e., If he had consummated marriage with her* preferable to *If he had sexual intercourse with her* ..... A יָבָם contracted levirate marriage with the widow of his deceased childless brother. See כְּתוּבּוֹת 8[7]. **3** She has no such claim on her second husband. According to some authorities, if she has no such כְּתֻבָּה from her first (deceased) husband the second gives her one upon his property to the value of a מָנֶה (מָנֶה—100 זוּז or 100 דִּינָר כֶּסֶף; see זְרָעִים, INTRODUCTION, *Tables*).

Mishnah 5 — מִשְׁנָה ה

מִצְוָה [1]בַּגָּדוֹל לְיַבֵּם. לֹא [2]רָצָה [3]מְהַלְּכִין עַל כָּל־הָאַחִין. לֹא רָצוּ חוֹזְרִין אֶצֶל גָּדוֹל וְאוֹמְרִים לוֹ, עָלֶיךָ מִצְוָה אוֹ חֲלוֹץ אוֹ יַבֵּם.

The duty to contract *levirate marriage* devolves on the eldest.[1] If he were not willing,[2] they enquire of[3] each of the other brothers. And if they were not willing, they return to the eldest and say to him, The obligation is incumbent on thee, either submit to *chalitzah* or contract *levirate union*.

1 (Or *elder*) Surviving brother. *Deuteronomy* **25**, 6. (See 2[3]). **2** Either to perform יִבּוּם or submit to חֲלִיצָה. **3** Literally *they go to*. In turn, from the eldest to the youngest; if a younger brother offers to perform יִבּוּם he has the preference to an older one who would submit to חֲלִיצָה.

Mishnah 6 — מִשְׁנָה ו

[2,1]תָּלָה בְקָטָן עַד שֶׁיִּגְדַּל, אוֹ בְגָדוֹל עַד שֶׁיָּבֹא [3]מִמְּדִינַת הַיָּם, אוֹ [4]בְּחֵרֵשׁ, אוֹ [5,4]בְּשׁוֹטֶה, אֵין שׁוֹמְעִין לוֹ אֶלָּא אוֹמְרִים לוֹ, [6]עָלֶיךָ מִצְוָה, אוֹ חֲלוֹץ אוֹ יַבֵּם.

If he[1] would leave his decision undecided[2] until a brother a minor should become of age, or until an elder one should return from across the sea,[3] or for a brother a deaf-mute,[4] or for a mentally defective[5] brother,[4] they do not listen to him but they say to him, 'The duty falls on thee,[6] either submit to *chalitzah* or contract *levirate marriage*.'

1 A brother, one of two or more. **2** Or, *If he would withhold his decision, i.e.,* saying that he would perform יִבּוּם or submit to חֲלִיצָה if another did not. **3** Or, outside the borders of אֶרֶץ יִשְׂרָאֵל. **4** To recover so as to be able to contract the levirate union. **5** Or *an imbecile*. **6** The obligation is incumbent upon him as he is the eldest of those immediately available.

Mishnah 7

מִשְׁנָה ז

הַחוֹלֵץ [1]לְיִבְמָתוֹ הֲרֵי הוּא כְּאֶחָד מִן־הָאַחִין [2]לְנַחֲלָה, וְאִם יֵשׁ שָׁם אָב נְכָסִים שֶׁל אָב. הַכּוֹנֵס אֶת־[1]יִבְמָתוֹ זָכָה בִּנְכָסִים שֶׁל אָחִיו. רַבִּי [3]יְהוּדָה אוֹמֵר, בֵּין כָּךְ [4]וּבֵין כָּךְ, אִם יֵשׁ שָׁם אָב נְכָסִים שֶׁל אָב. הַחוֹלֵץ [1]לְיִבְמָתוֹ הוּא אָסוּר [5]בְּקְרוֹבוֹתֶיהָ וְהִיא אֲסוּרָה [6]בְּקְרוֹבָיו הוּא אָסוּר בְּאִמָּהּ, וּבְאֵם אִמָּהּ, וּבְאֵם אָבִיהָ, וּבְבִתָּהּ וּבְבַת בִּתָּהּ, וּבְבַת בְּנָהּ וּבַאֲחוֹתָהּ, בַּזְּמַן [7]שֶׁהִיא קַיֶּמֶת; וְהָאַחִין [8]מוּתָּרִין; וְהִיא אֲסוּרָה בְּאָבִיו, וּבַאֲבִי אָבִיו, [9](וּבַאֲבִי אִמּוֹ) וּבִבְנוֹ, וּבְבֶן בְּנוֹ, בְּאָחִיו, וּבְבֶן אָחִיו. מוּתָּר אָדָם בִּקְרוֹבַת צָרַת [10]חֲלוּצָתוֹ, וְאָסוּר בְּצָרַת קְרוֹבַת [11]חֲלוּצָתוֹ.

If one submit to *chalitzah* from his sister-in-law,[1] then he is as one of the brothers regarding inheritance,[2] but if the father be living, the property falls to the father. If he contract *levirate marriage* with his sister-in-law,[1] he acquires the property of his brother. R. Judah[3] says, In either case,[4] if the father be living, the property falls to the father. If one submit to *chalitzah* from his sister-in-law,[1] he is forbidden[5] to marry her kindred and she is forbidden to be married to his kindred[6]—he is forbidden to marry her mother, or her mother's mother, or her father's mother, or her daughter or her daughter's daughter, or her son's daughter, or her sister, so long as she[7] is living; but the brothers are permitted;[8] and she is forbidden to be married to his father, or to his father's father, (or to his mother's father),[9] or to his son, or to his son's son, to his brother, or to his brother's son. A man is permitted to marry one near of kin to the fellow-wife of the widow from whom he had accepted *chalitzah*,[10] but he is prohibited from marrying the fellow-wife of one of near kin of the widow from whom he had accepted *chalitzah*.[11]

1 The widow of his deceased childless brother. **2** From the deceased brother. Even though one of them was prepared for יִבּוּם but he anticipated and submitted to חֲלִיצָה; and even if he divorced her soon after. **3** His view is rejected. **4** Whether he submits to חֲלִיצָה or contracts יִבּוּם. **5** מִדְּרַבָּנָן as enjoined by the Sages. **6** Also מִדְּרַבָּנָן. **7** The יְבָמָה released by חֲלִיצָה. This last phrase בַּזְּמַן שֶׁהִיא קַיֶּמֶת applies only to the case of וּבַאֲחוֹתָהּ, *or her sister* (and not to the other עֲרָיוֹת aforementioned). **8** Or מֻתָּרִין. To marry any of the עֲרָיוֹת enumerated. **9** וּבַאֲבִי אִמּוֹ is redundant according to some authorities. **10** For instance, A married X and Y; A died; B his brother accepted חֲלִיצָה from X, then the צָרָה is free without חֲלִיצָה; and B may marry from the קְרוֹבוֹת of Y. **11** Thus: A and B were brothers; the

man C is not of their kindred; B married X; C married Y (the sister of X) and also Z; A submitted to חֲלִיצָה from X after B's death; C died; then as A may not marry Y (the sister of his חֲלוּצָה) he may not marry Z (she being צָרַת קְרוֹבַת חֲלוּצָתוֹ).

Mishnah 8

מִשְׁנָה ח

If one accepted *chalitzah* from his sister-in-law,[1] and his brother married her sister and then died, she[2] must perform *chalitzah* and must not contract *levirate marriage*.[3] And likewise, if one divorced his wife, and his brother married her sister and then died, then this one[4] is exempt from performing *chalitzah* and from contracting *levirate marriage*.[5]

הַחוֹלֵץ [1]לְיִבְמָתוֹ, וְנָשָׂא אָחִיו אֶת־אֲחוֹתָהּ וּמֵת, [2]חוֹלֶצֶת וְלֹא [3]מִתְיַבֶּמֶת. וְכֵן, הַמְגָרֵשׁ אֶת־אִשְׁתּוֹ, וְנָשָׂא אָחִיו אֶת־אֲחוֹתָהּ וּמֵת, הֲרֵי [4]זוּ פְּטוּרָה מִן־הַחֲלִיצָה וּמִן [5]הַיִּבּוּם.

1 The widow of his deceased childless brother. **2** This widowed sister. **3** With the first mentioned brother. The case of אֲחוֹת חֲלוּצָה is מִדִּבְרֵי סוֹפְרִים and hence more severe than the following case. **4** The widowed sister. **5** The case of אֲחוֹת גְּרוּשָׁה is מִדִּבְרֵי תוֹרָה. חֲלִיצָה is required to break the bond imposed by Rabbinical enactment.

Mishnah 9

מִשְׁנָה ט

As regards a woman[1] who is awaiting *levirate union* with one[2] whose brother in the meanwhile[3] betrothed[4] her sister:[5] they[6] said in the name of R. Judah[7] (ben Bathyra), They must say to him,[8] 'Wait[9] until thy elder brother[10] shall have settled the matter.'[11] When his brother has submitted to *chalitzah* from her or has married her[12] then he may take his wife.[13] If the woman awaiting the *levirate marriage* died, he may complete the marriage with his wife.[14] If the brother-in-law[15] died, he[16] must release his betrothed[17] by a bill of divorce and submit to *chalitzah* from his brother's wife.[18]

[1]שׁוֹמֶרֶת [2]יָבָם [4]שֶׁקִּידֵּשׁ [3]אָחִיו אֶת־[5]אֲחוֹתָהּ, מִשּׁוּם רַבִּי [7]יְהוּדָה (בֶּן בְּתֵירָא) [6]אָמְרוּ, אוֹמְרִים [8]לוֹ, [9]הַמְתֵּן עַד שֶׁיַּעֲשֶׂה [10]אָחִיךָ הַגָּדוֹל [11]מַעֲשֶׂה. חָלַץ לָהּ אָחִיו אוֹ [12]כְּנָסָהּ יִכְנוֹס אֶת־[13]אִשְׁתּוֹ. מֵתָה הַיְּבָמָה, יִכְנוֹס אֶת־[14]אִשְׁתּוֹ. מֵת [15]יָבָם, [16]יוֹצִיא אֶת־[17]אִשְׁתּוֹ בְּגֵט [18]וְאֵשֶׁת אָחִיו בַּחֲלִיצָה.

1 Widow. **2** To contract levirate marriage. **3** After the death of the brother. **4** Or שֶׁקִּדֵּשׁ. **5** Thus: A, B, C ..... were brothers, X and Y were sisters; A married X; A died; X was waiting for יִבּוּם from B and C betrothed Y. **6** The חֲכָמִים Sages. **7** His view is accepted. Some authorities omit בֶּן בְּתֵירָא. **8** Who had betrothed the sister (C in **Note 5**). **9** *i.e.*, he was not to marry the betrothed. **10** B in **Note 5**. **11** He must either fulfil יִבּוּם or accept חֲלִיצָה. **12** Contracted levirate union. **13** Whom he had betrothed (C and Y in **Note 5**). **14** Whom he had betrothed even if he had taken his widowed sister-in-law. **15** Whom she was waiting for (B in **Note 5**). **16** Who happened to be the only surviving brother and had betrothed her sister. **17** Literally *wife*. Because she is אֲחוֹת זְקוּקָתוֹ. **18** The widow. He must not contract יִבּוּם because she is אֲחוֹת גְּרוּשָׁתוֹ.

Mishnah 10

מִשְׁנָה י

הַיְבָמָה לֹא תַחֲלוֹץ וְלֹא תִתְיַבֵּם עַד שֶׁיֵּשׁ לָהּ שְׁלֹשָׁה [1]חֳדָשִׁים. וְכֵן כָּל־שְׁאָר [2]הַנָּשִׁים לֹא יִתְאָרְסוּ וְלֹא יִנָּשְׂאוּ עַד [3]שֶׁיִּהְיוּ לָהֶן שְׁלֹשָׁה חֳדָשִׁים, אֶחָד בְּתוּלוֹת וְאֶחָד בְּעוּלוֹת, אֶחָד גְּרוּשׁוֹת וְאֶחָד אַלְמָנוֹת, אֶחָד נְשׂוּאוֹת וְאֶחָד אֲרוּסוֹת. רַבִּי יְהוּדָה אוֹמֵר, [4]הַנְּשׂוּאוֹת יִתְאָרְסוּ, וְהָאֲרוּסוֹת [5]יִנָּשְׂאוּ, חוּץ מִן־[2]הָאֲרוּסוֹת שֶׁבִּיהוּדָה, מִפְּנֵי שֶׁלִּבּוֹ נַס [6]בָּהּ. רַבִּי יוֹסֵי אוֹמֵר, כָּל־הַנָּשִׁים [7]יִתְאָרְסוּ חוּץ מִן־הָאַלְמָנָה מִפְּנֵי [8]הָאֵיבּוּל.

The widow of a deceased childless brother must not perform *chalitzah* nor contract *levirate marriage* before three months[1] have passed by. And similarly, also, all other widows[2] may not be betrothed or be taken in marriage until three months have gone by,[3] whether they be virgins or no longer virgins, whether they be divorced or widows, whether they were married or betrothed. R. Judah says, Those who had been married[4] may straightway be betrothed, and the one who had been betrothed may forthwith be taken in marriage[5] save the betrothed woman[2] in Judah since one is intimate with her.[6] R. Jose says, All women may be betrothed[7] except the widow because of the period of mourning.[8]

1 Of her widowhood (basis *Deuteronomy* **25**, *7*). **2** Literally *women*. **3** So as to determine the paternity of any child that may be born. **4** *i.e.*, widows and divorced women. **5** For there is no fear of pregnancy in their case and the question of the determination of fatherhood does not arise in these cases. **6** It used to be a custom there after betrothal to permit intimacy

which might have led to pregnancy. See כְּתוּבוֹת 1[5]. This practice was not favoured by the חֲכָמִים. **7** Directly. **8** Or הָאִבּוּל. The prescribed thirty days of אֲבֵלוּת.

Mishnah 11

מִשְׁנָה יא

If four brothers[1] married four women and died, [and] the eldest of them[2] wished to contract *levirate marriage* with all[3] of them, it is his privilege. If one were married to two women and died, copulation[4] with or *chalitzah* from one of them exempts her fellow-wife.[5] If one of them were eligible[6] and the other ineligible, if he[7] submit to *chalitzah* he must accept *chalitzah* from the ineligible one,[8] and if he contract *levirate union* he should contract it with her who is eligible.[9]

אַרְבָּעָה [1]אַחִין נְשׂוּאִין אַרְבַּע נָשִׁים וּמֵתוּ, אִם רָצָה [2]הַגָּדוֹל שֶׁבָּהֶם לְיַבֵּם אֶת־[3]כּוּלָּן, הָרְשׁוּת בְּיָדוֹ. מִי שֶׁהָיָה נָשׂוּי לִשְׁתֵּי נָשִׁים וּמֵת, [4]בִּיאָתָהּ אוֹ חֲלִיצָתָהּ שֶׁל אַחַת מֵהֶן פּוֹטֶרֶת [5]צָרָתָהּ. הָיְתָה אַחַת [6]כְּשֵׁרָה וְאַחַת פְּסוּלָה, אִם [7]הָיָה חוֹלֵץ חוֹלֵץ [8]לַפְּסוּלָה, וְאִם הָיָה מְיַבֵּם מְיַבֵּם [9]לַכְּשֵׁרָה.

1 Four out of five or more brothers. **2** The oldest of the survivors. See 3[1]. **3** Or כֻּלָּן. **4** *i.e.,* יִבּוּם, levirate union. A man must not contract levirate marriage with both nor accept חֲלִיצָה from both. **5** Who goes free (basis *Deuteronomy* **25**, 9). **6** To be married to a כֹּהֵן, priest. **7** The surviving brother who has to submit to חֲלִיצָה or fulfil יִבּוּם. **8** So as not to render the eligible one a חֲלִיצָה and thus ineligible to be married to a priest. **9** But he may contract יִבּוּם with the other instead.

Mishnah 12

מִשְׁנָה יב

One who remarried his divorced wife,[1] or married her to whom he had submitted to *chalitzah,*[2] or took in marriage the near of kin of her from whom he had accepted *chalitzah,* must set her free[3] and any child that is born[4] is a bastard. This is the view of R. Akiba. But the Sages say, Any child that is born is not a bastard, but they concur[5] that if one married the near of kin of her whom he had divorced that any child born is a bastard.

הַמַּחֲזִיר [1]גְּרוּשָׁתוֹ, וְהַנּוֹשֵׂא חֲלוּצָתוֹ, וְהַנּוֹשֵׂא קְרוֹבַת חֲלוּצָתוֹ, [2]יוֹצִיא [3]וְהַוָּלָד מַמְזֵר. דִּבְרֵי רַבִּי עֲקִיבָא. וַחֲכָמִים אוֹמְרִים, אֵין הַוָּלָד מַמְזֵר, [5]וּמוֹדִים בְּנוֹשֵׂא קְרוֹבַת גְּרוּשָׁתוֹ שֶׁהַוָּלָד מַמְזֵר.

1 *Deuteronomy* **24**, 4. A man may remarry his divorced wife (this act indeed is looked on as a virtuous deed, מִצְוָה) but not if after the divorce she was married to another man who then either died or divorced her. **2** He thereby transgresses the לָאו,* *negative commandment,* לא בָּנָה שוּב לא יִבְנֶה. **3** By גֵּט, bill of divorce. **4** From such union. **5** *i.e.,* they are in agreement with R. Akiba's opinion on this one point; his views on the other cases are rejected. * Traditional reading לַאו.

Mishnah 13

מִשְׁנָה יג

אֵיזֶהוּ [1]מַמְזֵר? כָּל־[2]שֶׁאֵר בָּשָׂר [3]שֶׁהוּא בְּלֹא יָבֹא. דִּבְרֵי רַבִּי עֲקִיבָא. [4]שִׁמְעוֹן הַתֵּימָנִי אוֹמֵר, כָּל־[5]שֶׁחַיָּבִין עָלָיו כָּרֵת [6]בִּידֵי שָׁמַיִם, וְהַלָּכָה כִּדְבָרָיו. רַבִּי יְהוֹשֻׁעַ אוֹמֵר, כָּל־שֶׁחַיָּבִים עָלָיו מִיתַת [7]בֵּית דִּין. אָמַר רַבִּי שִׁמְעוֹן בֶּן עַזַּאי, מָצָאתִי מְגִילַת יוּחֲסִין בִּירוּשָׁלַיִם וְכָתוּב בָּהּ, אִישׁ פְּלוֹנִי מַמְזֵר [8]מֵאֵשֶׁת אִישׁ, לְקַיֵּם דִּבְרֵי רַבִּי יְהוֹשֻׁעַ. אִשְׁתּוֹ שֶׁמֵּתָה [9]מוּתָּר בַּאֲחוֹתָהּ. גֵּרְשָׁהּ וּמֵתָה מוּתָּר בַּאֲחוֹתָהּ. [10]נִשֵּׂאת לְאַחֵר וּמֵתָה מוּתָּר בַּאֲחוֹתָהּ. [11]יְבִמְתּוֹ שֶׁמֵּתָה מוּתָּר בַּאֲחוֹתָהּ. חָלַץ לָהּ וּמֵתָה מוּתָּר בַּאֲחוֹתָהּ. [12](נִשֵּׂאת לְאַחֵר וּמֵתָה מוּתָּר [13]בַּאֲחוֹתָהּ.)

Who is considered a bastard?[1]—In every case of near kin[2] which[3] is prohibited. This is the opinion of R. Akiba. Simon[4] the Temanite says, Any such[5] for which they are liable to extermination at the hands of Heaven,[6] and the law is according to his view. R. Joshua says, Any such for which they are liable to punishment by death by the Court.[7] R. Simon ben Azzai said, 'I found a genealogical scroll in Jerusalem and in it was inscribed, *So-and-so is a bastard through a man's wife,*[8] confirming the statement of R. Joshua.' If one's wife died he is permitted[9] to take her sister. If he divorced her and she then died he is allowed to marry her sister. If she[10] were remarried to another and then died he is permitted to marry her sister. If his widowed sister-in-law[11] died he is allowed to marry her sister. If he submitted to *chalitzah* from her and she then died he is permitted to marry her sister. (If she were afterward married[12] to another and then died he is allowed to marry her sister).[13]

1 Or *illegitimate. Deuteronomy* **23**, 2. **2** Or *blood-relative.* **3** Where marriage is forbidden by the Law the issue is illegitimate. **4** His opinion is the accepted ruling as stated here. **5** *i.e.,* any such offspring is a מַמְזֵר (or מַמְזֶרֶת, *feminine*). **6** כָּרֵת, *Appendix,* **Note 2**. *Leviticus* **18**, 29; קִדּוּשִׁין 3[12]. This is the accepted ruling. An exception is made in the case of a

menstruant. **7** By sentence of the Court. סַנְהֶדְרִין 7[4]. **8** *Leviticus* **18**, 20. *i.e.*, the issue of illegitimate union between a man and the wife of another (living) man. **9** Or מָתָר. **10** Who had been divorced. **11** The widow (of his deceased childless brother) whom he should marry by יִבּוּם or from whom he should accept חֲלִיצָה. **12** After חֲלִיצָה. **13** This last part (bracketed) is omitted in some editions. In every case he is prohibited from marrying anyone of near kin to her.

CHAPTER 5 — פֶּרֶק ה

Mishnah 1 — מִשְׁנָה א

רַבָּן גַּמְלִיאֵל אוֹמֵר, אֵין גֵּט אַחַר [1]גֵּט; וְלֹא מַאֲמָר אַחַר [2]מַאֲמָר; וְלֹא [3]בְּעִילָה אַחַר [4]בְּעִילָה; וְלֹא חֲלִיצָה אַחַר [5]חֲלִיצָה. וַחֲכָמִים אוֹמְרִים, יֵשׁ גֵּט אַחַר גֵּט, וְיֵשׁ מַאֲמָר אַחַר מַאֲמָר, אֲבָל לֹא אַחַר [6]בְּעִילָה וְלֹא אַחַר [7]חֲלִיצָה כְּלוּם.

Rabban Gamaliel says, A bill of divorce is not valid after another bill of divorce;[1] and no statement of betrothal is valid after another statement of betrothal;[2] and no act of copulation[3] has validity after another act of copulation;[4] and no act of *chalitzah* has any force after another act of *chalitzah*.[5] But the Sages say, A bill of divorce is valid after another bill of divorce, and a statement of betrothal has validity after another statement of betrothal, but nothing can follow validly after copulation[6] nor after *chalitzah*.[7]

1 Thus: A and B were two brothers; A died childless leaving two widows X and Y; B gave X a גֵּט and then also granted גֵּט to Y; then Y's גֵּט has no validity (through the גֵּט given to X, the levirate bond is severed and Y thus becomes a complete stranger to B) and B may marry her near of kin. Also thus: A, B and C were brothers; A died childless leaving a widow X; B granted her a גֵּט, and then C also gave her a גֵּט; then the second גֵּט is of no account and C may marry any of near kin to X. **2** Thus: A and B were two brothers; A died childless and left two widows X and Y; B betrothed X and then betrothed Y; then the second קִדּוּשִׁין has no validity. Also thus: A died childless leaving a widow X; one brother B betrothed X; then the other brother C also betrothed her; the קִדּוּשִׁין of C is valueless. **3** Or *coition*. **4** A יָבָם has sexual intercourse with one יְבָמָה and then with the other; the second act has no validity. Or, one brother had sexual connection with his יְבָמָה and then another brother also had sexual connexion with her; the second act is of no account. **5** The second act of חֲלִיצָה does not invalidate a widow from marrying a כֹּהֵן, priest. **6** It* is sufficient if there is only one act of

copulation (but only by one יָבָם with one or the one יְבָמָה). 7§ There can be only one submission to חֲלִיצָה by one brother to one יְבָמָה. * *Copulation effects complete union.* § חֲלִיצָה *effects complete severance.*

Mishnah 2

מִשְׁנָה ב

[1]כֵּיצַד? [2]עָשָׂה מַאֲמָר [3]בִּיבִמְתּוֹ וְנָתַן לָהּ [4]גֵּט, צְרִיכָה הֵימֶנּוּ [5]חֲלִיצָה. עָשָׂה מַאֲמָר [6]וַחֲלִיצָה צְרִיכָה הֵימֶנּוּ [7]גֵּט. עָשָׂה מַאֲמָר [8]וּבָעַל, הֲרֵי זוּ [9]כְּמִצְוָתָהּ.

What is the case?[1]—One[2] made a statement of betrothal to his sister-in-law[3] and then gave her a bill of divorce,[4] she must nevertheless make him submit to *chalitzah.*[5] If he made a statement of betrothal to her and he then submitted to *chalitzah,*[6] she still needs from him a bill of divorce.[7] If he betrothed her and then had sexual connection,[8] this is in accordance with her due.[9]

1 *i.e.,* the דִּין law between a יָבָם and a יְבָמָה. **2** A יָבָם. **3** To the יְבָמָה (the widow of the deceased childless brother). **4** He may not now fulfil יִבּוּם. **5** Once he has started proceedings for divorce he may no longer consummate the act of יִבּוּם. **6** The חֲלִיצָה annuls יִבּוּם but does not disannul קִדּוּשִׁין. **7** This nullifies the קִדּוּשִׁין. **8** *i.e.,* he fulfils יִבּוּם. **9** Her right according to the Law.

Mishnah 3

מִשְׁנָה ג

[1]נָתַן גֵּט וְעָשָׂה מַאֲמָר, צְרִיכָה [2]גֵּט וַחֲלִיצָה. נָתַן [3]גֵּט וּבָעַל, צְרִיכָה [4]גֵּט וַחֲלִיצָה. נָתַן גֵּט וְחָלַץ, אֵין אַחַר [5]חֲלִיצָה כְּלוּם. חָלַץ וְעָשָׂה [6]מַאֲמָר, נָתַן [7]גֵּט [8]וּבָעַל, [9]אוֹ בָּעַל וְעָשָׂה מַאֲמָר, נָתַן גֵּט [10]וְחָלַץ, אֵין אַחַר חֲלִיצָה [11]כְּלוּם; אַחַת [12]יְבָמָה אַחַת לְיָבָם אֶחָד, [13]וְאַחַת שְׁתֵּי [14]יְבָמוֹת לְיָבָם אֶחָד.

If one gave[1] a bill of divorce and then made a statement of betrothal, she must obtain a bill of divorce[2] and must perform *chalitzah.* If one gave a bill of divorce[3] and then had sexual intercourse, she must receive a bill of divorce[4] and also perform *chalitzah.* If one gave a bill of divorce and then submitted to *chalitzah,* nothing else comes licitly after the *chalitzah.*[5] If one submitted to *chalitzah* and then made a statement of betrothal,[6] or he gave her a bill of divorce[7] and then had sexual connexion,[8] or[9] he had sexual connection and then made a statement of betrothal, or he granted a bill of divorce and then accepted *chalitzah,*[10] nothing follows the *chalitzah* validly; (and) it is all one[11] whether there be one sister-in-law[12] to one brother-in-law, or[13] two sisters-in-law[14] to one brother-in-law.

1 To his יְבָמָה. **2** Anew. This גֵּט is to annul the קִדּוּשִׁין and the חֲלִיצָה disannuls the leviratical affinity. **3** After the גֵּט he must not perform יִבּוּם. **4** Because of the illicit act of intercourse. **5** This view of R. Akiba is rejected; the opinion of the Sages—that if he submitted to חֲלִיצָה and then betrothed the יְבָמָה he must grant her גֵּט—is accepted. **6** The קִדּוּשִׁין is invalid. **7** *i.e.*, after חֲלִיצָה. The גֵּט is illicit. **8** This reads better *or had sexual connection, i.e.*, after חֲלִיצָה, then the copulation is an act of זְנוּת. **9** In the case where she did not yet perform חֲלִיצָה. **10** This reads better *or he granted her a bill of divorce* (*i.e.*, after copulation) *or accepted chalitzah* (*i.e.*, after copulation). **11** *i.e.*, if copulation or חֲלִיצָה came first then naught follows validly; if betrothal or divorce came first then aught can validly follow. **12** Widow of deceased childless brother. **13** Literally *and it is all one whether she be.* **14** Widow of deceased childless brother.

Mishnah 4

מִשְׁנָה ד

[1]כֵּיצַד עָשָׂה מַאֲמָר בְּזוּ וּמַאֲמָר [2]בְּזוּ? צְרִיכוֹת שְׁנֵי [3]גִּיטִּין [4]וַחֲלִיצָה. מַאֲמָר בְּזוּ וְגֵט לְזוּ? [5]צְרִיכָה גֵּט [6]וַחֲלִיצָה. מַאֲמָר בְּזוּ וּבָעַל אֶת־זוּ? צְרִיכוֹת שְׁנֵי [7]גִּיטִּין [8]וַחֲלִיצָה. מַאֲמָר בְּזוּ וְחָלַץ לְזוּ? [9]הָרִאשׁוֹנָה צְרִיכָה גֵּט. גֵּט לְזוּ וְגֵט לְזוּ? צְרִיכוֹת הֵימֶנּוּ [10]חֲלִיצָה. גֵּט לְזוּ וּבָעַל אֶת־זוּ? [11]צְרִיכָה גֵּט [12]וַחֲלִיצָה. גֵּט לְזוּ וּמַאֲמָר בְּזוּ? [13]צְרִיכָה גֵּט [14]וַחֲלִיצָה. גֵּט לְזוּ וְחָלַץ לְזוּ? אֵין אַחַר חֲלִיצָה כְּלוּם.

What is the case[1] if one made a statement of betrothal (first) to one and (then) to another?[2]—They must have two bills of divorce[3] and he must submit to *chalitzah*.[4] If he made a statement of betrothal to one and gave a bill of divorce to the other?—She[5] must get a bill of divorce and grant *chalitzah*.[6] If he made a statement of betrothal to one and had sexual intercourse with the other?—They must have two bills of divorce[7] and he must submit to *chalitzah*.[8] If he made a statement of betrothal to one and submitted to *chalitzah* from the other?—The first[9] must have a bill of divorce. If he gave a bill of divorce to one and a bill of divorce to the other?—He must accept *chalitzah*.[10] If he gave a bill of divorce to one and had sexual connection with the other?—The other[11] must have a bill of divorce and he must accept *chalitzah*.[12] If he gave a bill of divorce to one and made a statement of betrothal to the other?—The other[13] must have a bill of divorce and he must submit to *chalitzah*.[14] If he gave a bill of divorce to one and received *chalitzah* from the other?—After *chalitzah* nothing else follows validly.

1 *i.e.*, what is the דִּין between one יָבָם and two יְבָמוֹת? **2** *i.e.*, to two יְבָמוֹת (as indicated at the end of the preceding *Mishnah*). **3** One גֵּט for each (מִדְּרַבָּנָן, according to the Sages, יֵשׁ מַאֲמָר אַחַר מַאֲמָר). **4** From only one of them and this exempts her fellow-wife. **5** The one betrothed. A גֵּט to one invalidates the other. **6** From either, and the fellow-wife is exempted. **7** One גֵּט for each—one to nullify the betrothal and the other because of the act of copulation. **8** From one of them and this releases the other fellow-wife. **9** Who had been betrothed. **10** Literally *from them*, but actually from only one of them, because the fellow-wife is thus exempted. **11** With whom he had cohabited. **12** From either, and the other is then automatically exempt. **13** Who had been bespoken. **14** From one of them, and this exempts the other.

Mishnah 5 — מִשְׁנָה ה

[1]חָלַץ וְחָלַץ, אוֹ חָלַץ וְעָשָׂה מַאֲמָר, נָתַן גֵּט [2]וּבָעַל, אוֹ בָעַל וּבָעַל, אוֹ בָעַל וְעָשָׂה מַאֲמָר, [3]נָתַן גֵּט [4]וְחָלַץ? אֵין אַחַר חֲלִיצָה כְּלוּם, בֵּין יָבָם אֶחָד לִשְׁתֵּי [5]יְבָמוֹת בֵּין שְׁנֵי יְבָמִין [6]לִיבָמָה אֶחָת.

If[1] he submitted to *chalitzah* from one and also submitted to *chalitzah* from the other, or if he submitted to *chalitzah* from one and made a statement of betrothal to the other, (or) if he gave a bill of divorce to one and[2] cohabited with the other, or if he cohabited with one and then cohabited with the other, or if he cohabited with one and made a statement of betrothal to the other, (or)[3] if he granted a bill of divorce to one and submitted to *chalitzah* from the other?[4]—Nothing comes validly after *chalitzah,* whether there was one brother-in-law to two sisters-in-law[5] or whether there were two brothers-in-law to one sister-in-law.[6]

1 Supply כֵּיצַד? *i.e., What is the position if.....* **2** Or, perhaps a better rendering, *or had sexual intercourse with the other* (after having submitted to חֲלִיצָה from the first), then the חֲלִיצָה or מַאֲמָר or גֵּט or בְּעִילָה of the other is of no valid account and he may marry any of the near of kin of this other. **3** Perhaps a preferable rendering, *or if he granted divorce to the other* (after copulation with the first) *or accepted chalitzah from the other following coition with the first,* then the חֲלִיצָה or מַאֲמָר or גֵּט or בְּעִילָה are not valid and he may marry any of the near of kin of the other [see the preceding **Note 2**; and the *Mishnah* should have read thus:

חָלַץ וְחָלַץ, אוֹ חָלַץ וְעָשָׂה מַאֲמָר, נָתַן גֵּט וּבָעַל, אֵין אַחַר חֲלִיצָה כְּלוּם; אוֹ בָעַל וּבָעַל, אוֹ בָעַל וְעָשָׂה מַאֲמָר, נָתַן גֵּט וְחָלָץ, אֵין אַחַר בִּיאָה כְּלוּם.

If he submitted to chalitzah from one and also accepted chalitzah from the other, or if he received chalitzah from one and made a statement of betrothal

to the other, or if he granted a bill of divorce to one and had sexual connection with the other, nought comes licitly after chalitzah; or if he had sexual intercourse with one and then had sexual connexion with the other, or if he copulated with one and made a declaration of betrothal to the other, or if he gave a bill of divorce to one and was granted chalitzah by the other, nothing comes validly after coition. **4** *i.e.,* if he first copulated with one and then acted in any one of the ways mentioned in the three preceding cases towards the other fellow-wife. **5** Widows. **6** Widowed. *i.e.,* whether one יָבָם first accepted חֲלִיצָה and then the other יָבָם also submitted to חֲלִיצָה, or whether one betrothed the יְבָמָה or divorced her or cohabited with her after the other had received חֲלִיצָה, or whether one copulated with her and then the other also did so, or whether one had sexual intercourse with her after the other had betrothed her or divorced her or submitted to חֲלִיצָה from her, the acts of the second are of no validity and he may marry any of her near of kin.

Mishnah 6

מִשְׁנָה ו

חָלַץ וְעָשָׂה [1]מַאֲמָר, נָתַן גֵּט [2]וּבָעַל, אוֹ בָעַל וְעָשָׂה מַאֲמָר, וְנָתַן גֵּט [3]וְחָלַץ, אֵין אַחַר חֲלִיצָה כְּלוּם בֵּין בַּתְּחִילָּה בֵּין בָּאֶמְצַע בֵּין בַּסּוֹף. וְהַבְּעִילָה בַּזְּמַן שֶׁהִיא בַתְּחִלָּה אֵין אַחֲרֶיהָ כְּלוּם, בָּאֶמְצַע וּבַסּוֹף יֵשׁ אַחֲרֶיהָ כְּלוּם. רַבִּי נְחֶמְיָה אוֹמֵר, אַחַת בְּעִילָה וְאַחַת חֲלִיצָה, בֵּין בַּתְּחִלָּה בֵּין בָּאֶמְצַע בֵּין בַּסּוֹף אֵין [4]אַחֲרֶיהָ כְּלוּם.

If one accepted *chalitzah* and then made a statement of betrothal,[1] (or) he granted a bill of divorce and then had sexual intercourse,[2] or he had sexual connexion and then made a declaration of betrothal, or he gave a bill of divorce and accepted *chalitzah,*[3] then nothing validly follows *chalitzah* whether it came at the beginning or in the middle or at the end. And if the copulation came at the beginning then nothing can come validly after it, (but) if it came in the middle or at the end then aught else can licitly follow it. R. Nehemiah says, It is the same with copulation as with *chalitzah,* whether in the beginning or in the middle or at the end there is nought else that can legally follow it.[4]

1 To the same יְבָמָה. Compare *Mishnah* **3** of this *Chapter.* **2** Some read this thus: *or he granted her a bill of divorce* (*i.e.,* after חֲלִיצָה) *or he had sexual intercourse* (*i.e.,* after חֲלִיצָה). **3** This is read thus by some: *or he gave a bill of divorce* (*i.e.,* after cohabitation) *or he accepted chalitzah* (*i.e.,* after cohabiting). Some instances, thus: if one granted גֵּט then accepted חֲלִיצָה and then made מַאֲמָר or consummated בִּיאָה, the מַאֲמָר or בִּיאָה are of no valid account; if one gave גֵּט then made מַאֲמָר or performed בִּיאָה then accepted חֲלִיצָה and followed with מַאֲמָר, the latter מַאֲמָר is invalid; if בִּיאָה came first

then nought can follow licitly; if one had three יְבָמוֹת from one deceased childless brother and he gave one גֵּט, he consummated בְּעִילָה with another, and gave קִדּוּשִׁין to the third, the קִדּוּשִׁין is valid and he may not marry any of her (of the betrothed's) near of kin; if one had two יְבָמוֹת and gave גֵּט to one, then gave the other קִדּוּשִׁין and consummated בִּיאָה also with her, then if he desires to release this other he must accept her חֲלִיצָה. **4** If בִּיאָה came last then only גֵּט (not חֲלִיצָה) is necessary; if the בִּיאָה was invalid, for instance one has בִּיאָה with one יְבָמָה and then has בִּיאָה with the other יְבָמָה, then the second בִּיאָה is זְנוּת and he may marry any of her near of kin.

CHAPTER 6

פֶּרֶק ו

Mishnah 1

מִשְׁנָה א

הַבָּא עַל [1]יְבִמְתּוֹ, בֵּין [2]בְּשׁוֹגֵג בֵּין [3]בְּמֵזִיד, בֵּין [4]בְּאוֹנֶס בֵּין [5]בְּרָצוֹן, [6]אֲפִילוּ הוּא שׁוֹגֵג וְהִיא מְזִידָה, הוּא מֵזִיד וְהִיא שׁוֹגֶגֶת, הוּא אָנוּס וְהִיא לֹא [7]אֲנוּסָה, הִיא אֲנוּסָה וְהוּא לֹא אָנוּס, אֶחָד [8]הַמְּעֻרֶה וְאֶחָד הַגּוֹמֵר, [9]קָנָה; וְלֹא חָלַק בֵּין בִּיאָה [10]לְבִיאָה.

If one copulated with his widowed sister-in-law,[1] whether in error[2] or wantonly,[3] whether under compulsion[4] or willingly,[5] even if[6] he acted in error and she acted wantonly, or he acted in wantonness and she acted in error, or he acted under constraint and she did not act under constraint,[7] or she acted under constraint and he acted not under constraint, whether the sexual connection was incomplete[8] or complete, he has acquired her;[9] and there is no distinction regarding the manner of sexual connection.[10]

1 The widow of his deceased childless brother (*Deuteronomy* **5**, 5). **2** He thought she was someone else. **3** To commit adultery and not with the intention of complying with יִבּוּם. **4** Or *constraint, obligation.* He was obliged to act thus by force against his desire. **5** It was his intention to fulfil יִבּוּם. **6** Or אֲפִלּוּ. **7** But she acted nevertheless wantonly or in error. The same ruling applies if both acted under compulsion. **8** The male sexual organ was only stimulated and excited with external contact and without mutual coition. **9** The יְבָמָה becomes his wife in every respect and he must grant her גֵּט if he wishes to separate from her. **10** Based on the expression מִשְׁכְּבֵי אִשָּׁה (*Leviticus* **20**, 13) where the term מִשְׁכְּבֵי is *plural.* See סַנְהֶדְרִין 54b.

Mishnah 2

מִשְׁנָה ב

וְכֵן [1]הַבָּא עַל אַחַת מִכָּל הָעֲרָיוֹת שֶׁבַּתּוֹרָה, אוֹ [2]פְּסוּלוֹת, [3]כְּגוֹן, אַלְמָנָה לְכֹהֵן גָּדוֹל, גְּרוּשָׁה וַחֲלוּצָה לְכֹהֵן הֶדְיוֹט, מַמְזֶרֶת וּנְתִינָה [4]לְיִשְׂרָאֵל, בַּת יִשְׂרָאֵל לְמַמְזֵר וּלְנָתִין, [5]פְּסָלָהּ. וְלֹא חָלַק בֵּין [6]בִּיאָה לְבִיאָה.

And likewise if one had sexual intercourse[1] with one from all the prohibited degrees of marriage enumerated in the Law, or from those that are disqualified,[2] namely,[3] a widow to a High Priest, a divorced woman or one who had performed *chalitzah* to a common priest, a bastard woman or Gibeonite woman to an Israelite,[4] and an Israelite's daughter to a bastard or a descendant of Gibeonites, he has thereby disqualified her.[5] And there is no distinction regarding the manner of sexual connexion.[6]

1 Under the conditions enumerated in the foregoing *Mishnah*. **2** Or *ineligible*, from marrying him. **3** Compare 2[4]. **4** *i.e.*, non-priest or non-Levite. **5** To be married to a כֹּהֵן or to eat of תְּרוּמָה, priest's due. She may not marry a כֹּהֵן even after her husband's death. And similarly in the case of the wife of an Israelite (non-priest) who had been outraged (under compulsion), although she remains the legal wife to her husband. (*Appendix*, **Note 1**). **6** Compare **Note 10** of the preceding *Mishnah*.

Mishnah 3

מִשְׁנָה ג

אַלְמָנָה לְכֹהֵן גָּדוֹל, גְּרוּשָׁה וַחֲלוּצָה לְכֹהֵן הֶדְיוֹט, מִן־[1]הָאֵירוּסִין, לֹא [2]יֹאכְלוּ [3]בִּתְרוּמָה. רַבִּי אֱלִיעֶזֶר וְרַבִּי שִׁמְעוֹן [4]מַכְשִׁירִין, נִתְאַרְמְלוּ אוֹ נִתְגָּרְשׁוּ מִן־הַנִּשּׂוּאִין פְּסוּלוֹת, [5]מִן־הָאֵירוּסִין כְּשֵׁרוֹת.

If a widow were taken by a High Priest, or a divorced woman or one that had performed *chalitzah* were taken by a common priest, even if after the betrothal,[1] they[2] may not eat of *priest's-due*.[3] R. Eliezer and R. Simon declare them eligible[4]—if they were widowed or were divorced after marriage they are ineligible, but if[5] after betrothal they continue eligible.

1 *i.e.*, even if she had been divorced after betrothal. **2** If they are daughters of priests. **3** Or *heave-offering* in her father's house (*Appendix*, **Note 1**). **4** To eat of תְּרוּמָה if they had been only betrothed. But their opinion is rejected. **5** *i.e.*, if they became widows or were divorced.

Mishnah 4

מִשְׁנָה ד

כֹּהֵן גָּדוֹל לֹא יִשָּׂא אַלְמָנָה בֵּין [2]אַלְמָנָה מִן־הָאֵירוּסִין [1]בֵּין אַלְמָנָה מִן־הַנִּשּׂוּאִין; וְלֹא יִשָּׂא אֶת־הַבּוֹגֶרֶת. רַבִּי אֱלִיעֶזֶר וְרַבִּי [3]שִׁמְעוֹן מַכְשִׁירִין [4]בְּבוֹגֶרֶת. לֹא [5]יִשָּׂא אֶת־[6]מוּכַּת עֵץ. אֵרַס אֶת־הָאַלְמָנָה וְנִתְמַנָּה לִהְיוֹת כֹּהֵן גָּדוֹל יְכַנֵּס. [7]וּמַעֲשֶׂה בִּיהוֹשֻׁעַ בֶּן גַּמְלָא שֶׁקִּדֵּשׁ אֶת־[8]מַרְתָּא בַּת בַּיְתוֹס [9]וּמִינָּהוּ הַמֶּלֶךְ לִהְיוֹת כֹּהֵן גָּדוֹל וּכְנָסָהּ. שׁוֹמֶרֶת [10]יָבָם שֶׁנִּפְלָה לִפְנֵי כֹּהֵן הֶדְיוֹט וְנִתְמַנָּה לִהְיוֹת כֹּהֵן גָּדוֹל, אַף עַל פִּי שֶׁעָשָׂה בָהּ מַאֲמָר הֲרֵי זֶה לֹא יְכַנֵּס. כֹּהֵן גָּדוֹל שֶׁמֵּת [11]אָחִיו חוֹלֵץ וְלֹא [12]מְיַבֵּם.

A High Priest must not marry a widow whether she had become a widow after betrothal or[1] after marriage; and he must not marry a girl who had reached maturity.[2] R. *Eliezer* and R. *Simon*[3] declare eligible one who had attained maturity.[4] He[5] must not marry one who has lost her virginal membrane through accident.[6] If he betrothed a widow and was then appointed High Priest he consummates the marriage. (And) it once happened[7] that Joshua ben Gamla betrothed Martha[8] the daughter of Boëthus and after the king had appointed him[9] High Priest he consummated the marriage. If a widow were awaiting the brother-in-law[10] who happened to be a common priest and he was appointed to be High Priest, even though he had made a statement of betrothal he must not consummate the marriage. In the case of a High Priest whose brother died,[11] he must submit to *chalitzah* and must not contract *levirate union.*[12]

1 She had been widowed. **2** *i.e.,* over 12 years and 6 months of age (capable of child-bearing). She is termed a נַעֲרָה between 12 years and 12½ years of age. **3** Their opinion is rejected. **4** To be married to a High Priest. **5** A High Priest. **6** Or מְכַּת עֵץ, מוּכַּת עֵץ, *injured by a piece of wood* —an expression used to describe a virgin who through accident has injured and lost her hymen. **7** An illustration of the preceding statement. **8** Or *Miriam.* She was a rich widow who lived in Jerusalem when besieged by Titus. Compare גִּיטִּין 56a. **9** Or וּמִנָּהוּ. **10** To fulfil the duty of יִבּוּם. **11** Childless, leaving a widow. **12** See סַנְהֶדְרִין 2[1]. The ceremony in this case is not considered to bring insult and disgrace on the High Priest.

Mishnah 5

מִשְׁנָה ה

כֹּהֵן הֶדְיוֹט לֹא יִשָּׂא [1]אֵילוֹנִית, אֶלָּא אִם כֵּן יֶשׁ־לוֹ אִשָּׁה [2]וּבָנִים. רַבִּי

A common priest must not marry a sterile woman,[1] unless he has already a wife and children.[2] R.

[3]יְהוּדָה אוֹמֵר, אַף עַל פִּי שֶׁיֵּשׁ-לוֹ אִשָּׁה [4]וּבָנִים לֹא יִשָּׂא *אֵילוֹנִית, שֶׁהִיא [5]זוֹנָה הָאֲמוּרָה [6]בַּתּוֹרָה. וַחֲכָמִים אוֹמְרִים, אֵין זוֹנָה אֶלָּא גִּיּוֹרֶת וּמְשׁוּחְרֶרֶת וְשֶׁנִּבְעֲלָה בְּעִילַת [7]זְנוּת.

Judah[3] says, Even though he already has a wife and[4] children he must not marry a sterile* woman, for such is the harlot[5] mentioned in the Law.[6] But the Sages say, An unfit woman refers only to a proselyte, or to a freed bondwoman or to one who submitted to intercourse of the nature of prostitution.[7]

1 A יִשְׂרָאֵל, non-priest, is also forbidden to marry a barren woman. **2** Or *a wife or children.* **3** His view is rejected. **4** Or *or.* **5** זוֹנָה, *a harlot;* but in marriage law *a woman unfit to be married to a priest.* **6** *Leviticus* **21**, 7. **7** Or *fornication.* Where the בּוֹעֵל male is prohibited to her by an אִסּוּר לָאו (a prohibition in the תּוֹרָה expressed by לֹא, *thou shalt not;* no penalty being indicated and so the punishment consists of מַלְקוֹת *thirty-nine lashes or stripes* or is כָּרֵת, *excision* (*Appendix,* **Note 2**). * Or *barren, unfit, impotent, incapable of conception.* Compare כְּתוּבּוֹת 11a; נִדָּה 5[9], 47b. Some render it *unfit woman.*

Mishnah 6

מִשְׁנָה ו

לֹא יְבַטֵּל אָדָם [1]מִפְּרִיָּה וְרִבְיָה אֶלָּא אִם כֵּן יֵשׁ לוֹ בָנִים. בֵּית שַׁמַּאי אוֹמְרִים, שְׁנֵי [2]זְכָרִים; וּבֵית הִלֵּל אוֹמְרִים, זָכָר [3]וּנְקֵבָה, [4]שֶׁנֶּאֱמַר, זָכָר וּנְקֵבָה בְּרָאָם. נָשָׂא אִשָּׁה וְשָׁהָה עִמָּהּ עֶשֶׂר [5]שָׁנִים וְלֹא יָלְדָה, אֵינוֹ רַשַּׁאי [6]לְיַבֵּטֵל. גֵּרְשָׁהּ, [7]מוּתֶּרֶת לִינָּשֵׂא [8]לְאַחֵר, וְרַשַּׁאי הַשֵּׁנִי לִשְׁהוֹת עִמָּהּ עֶשֶׂר [9]שָׁנִים. וְאִם הִפִּילָה [10]מוֹנֶה מִשָּׁעָה שֶׁהִפִּילָה. הָאִישׁ [11]מְצוּוֶה עַל פְּרִיָּה וְרִבְיָה אֲבָל לֹא [12]הָאִשָּׁה. רַבִּי [13]יוֹחָנָן בֶּן בְּרוֹקָא אוֹמֵר, עַל שְׁנֵיהֶם הוּא

A man must not abstain from *fruitfulness and increase*[1] unless he has already children. The School of Shammai say, Two sons;[2] but the School of Hillel say, A son and a daughter,[3] because it says,[4] *Male and female He created them.* If one took a wife and lived with her ten years[5] and she bare no child, he is not permitted to abstain.[6] If he divorced her, she is permitted[7] to be married to another,[8] and the second one is permitted to live with her for ten years.[9] And if she miscarried it[10] is reckoned from the time she suffered miscarriage. It is the man who is commanded[11] regarding the propagation of the human race but not the woman.[12] R. Johanan[13] ben Baroka says, Of

אוֹמֵר, [14]וַיְבָרֶךְ [15]אוֹתָם אֱלֹהִים. וַיֹּאמֶר לָהֶם, פְּרוּ וּרְבוּ.

both it says,[14] *And God blessed them*[15] *and He said to them, Be fruitful and increase.*

1 *The propagation of the human race,* the commandment enjoined in *Genesis* **1**, 28. מִדְּרַבָּנָן a man must take a wife. **2** Literally *males.* They based their opinion on the example of Moses who left his wife after the birth of two sons; but this even is unacceptable as he was directed by God to do so. **3** Literally *male and female.* **4** *Genesis* **5**, 2. **5** Enforced periods of separation (as from illness, absence on a journey, imprisonment) do not count. The classic example is that of Abraham who took Hagar. **6** But he must persist in fulfilling the command of פְּרִיָה וְרִבְיָה by taking another wife. **7** Or מִתֶּרֶת. **8** Because the failure of having had no children may not be due to her. **9** After which period if she has no child she must be divorced and may not marry again as she is considered a confirmed sterile person. **10** The period of ten years. **11** Or מְצֻוָּה. **12** And this is the considered accepted view. **13** His opinion is not accepted. **14** *Genesis* **1**, 28. **15** אֹתָם in the Scriptural text.

CHAPTER 7

פֶּרֶק ז

Mishnah 1

מִשְׁנָה א

If a widow were married to a High Priest, or if a divorced woman or one that had performed *chalitzah* to a common-priest[1] and she brought[2] for him usufruct[3] slaves and mortmain[3] slaves, the usufruct slaves may not eat of *priest's-due*[4] but the mortmain slaves may so eat. And these are usufruct slaves—if they die they die for her,[5] and if their value increase, they increase to her;[6] although he[7] is liable for their maintenance they may not eat of *priest's-due.* And these are mortmain slaves—if they die they die for him,[8] and if their value increase,[9] they increase to him,[10] since he is liable and responsible for them[11] they may eat of *priest's-due.*

אַלְמָנָה לְכֹהֵן גָּדוֹל, גְּרוּשָׁה וַחֲלוּצָה לְכֹהֵן [1]הֶדְיוֹט [2]הִכְנִיסָה לוֹ עַבְדֵי [3]מְלוֹג וְעַבְדֵי [3]צֹאן בַּרְזֶל, עַבְדֵי מְלוֹג לֹא יֹאכְלוּ [4]בִּתְרוּמָה עַבְדֵי צֹאן בַּרְזֶל יֹאכֵלוּ. וְאֵלּוּ הֵן עַבְדֵי מְלוֹג, אִם מֵתוּ מֵתוּ [5]לָהּ, וְאִם הוֹתִירוּ הוֹתִירוּ [6]לָהּ; אַף עַל פִּי [7]שֶׁהוּא חַיָּיב בִּמְזוֹנוֹתָן הֲרֵי אֵלּוּ לֹא יֹאכְלוּ בִּתְרוּמָה. וְאֵלּוּ הֵן עַבְדֵי צֹאן בַּרְזֶל, אִם מֵתוּ [8]לוֹ וְאִם [9]הוֹתִירוּ הוֹתִירוּ [10]לוֹ, הוֹאִיל וְהוּא חַיָּיב [11]בְּאַחֲרָיוּתָן הֲרֵי אֵלּוּ יֹאכְלוּ בִּתְרוּמָה.

1 *Leviticus* **22**, 10-13. See 2[4], 9[6,7,8]. **2** As dowry. **3** See 4[3] (**Notes 6, 9**). מְלוֹג from the verb מָלַג, *pluck off, pull off, strip off* (hair, feathers, etc). עַבְדֵי מְלוֹג and נִכְסֵי מְלוֹג so termed because the husband makes use of his wife's property (like one plucks fruit) without responsibility for damage during and after the work; עַבְדֵי צֹאן בַּרְזֶל and נִכְסֵי צֹאן בַּרְזֶל so called from the term צֹאן בַּרְזֶל [flock of iron] *sheep sold on payment of terms* with the stipulation that the lambs are divided until full payment has been made or a flock was assessed and the owner or shepherd was responsible for the payment in full even if all the sheep died.* **4** But only if she is a חֲלָלָה (born as the result of a priest's illegitimate connexion or the wife of a priest illicitly wed to him) because otherwise in such case the usufruct slaves may eat of priest's-due. **5** Literally *died. i.e.,* she suffers the loss if their work is diminished. **6** Literally *were enhanced, were hers. i.e.,* the husband gets only the advantage of their labour. **7** The husband. **8** Literally *died. i.e.,* the loss is the husband's. **9** Literally *were enhanced.* **10** Literally *was his.* **11** He must replace them in full. * Here it refers to the wife's slaves whom the husband must restore at her death.

Mishnah 2

מִשְׁנָה ב

If a daughter of an Israelite[1] were married[2] to a priest and she brought[3] him in slaves, whether usufruct slaves or mortmain slaves, these may eat of *priest's-due;*[4] but if the daughter of a priest were married[2] to an Israelite and she brought[3] him in either usufruct slaves or mortmain slaves, such must not eat of *priest's-due.*[5]

בַּת [1]יִשְׂרָאֵל [2]שֶׁנִּיסֵּת לְכֹהֵן [3]הִכְנִיסָה לוֹ עֲבָדִים, בֵּין עַבְדֵי מְלוֹג בֵּין עַבְדֵי צֹאן בַּרְזֶל, הֲרֵי אֵלּוּ יֹאכְלוּ [4]בִּתְרוּמָה; וּבַת כֹּהֵן [2]שֶׁנִּיסֵּת לְיִשְׂרָאֵל [3]וְהִכְנִיסָה לוֹ בֵּין עַבְדֵי מְלוֹג בֵּין עַבְדֵי צֹאן בַּרְזֶל, הֲרֵי אֵלּוּ לֹא יֹאכְלוּ [5]בִּתְרוּמָה.

1 A non-priest or non-Levite. **2** Or שֶׁנִּוֹסֶת. **3** As dowry. **4** Or *heave-offering.* **5** *Leviticus* **22**, 11 ,12.

Mishnah 3

מִשְׁנָה ג

If the daughter of an Israelite[1] were married to a priest and he died leaving her pregnant,[2] her slaves[3] must not eat of *priest's-due*[4] because of the portion that is vested in the embryo[5] for the embryo can render invalid[6] but can

בַּת [1]יִשְׂרָאֵל שֶׁנִּיסֵּת לְכֹהֵן וּמֵת [2]וְהִנִּיחָהּ מְעוּבֶּרֶת, לֹא יֹאכְלוּ [3]עֲבָדֶיהָ [4]בִּתְרוּמָה מִפְּנֵי חֶלְקוֹ שֶׁל [5]עוּבָּר שֶׁהָעוּבָּר [6]פּוֹסֵל וְאֵינוֹ [7]מַאֲכִיל. דִּבְרֵי רַבִּי [8]יוֹסֵי. [9]אָמְרוּ

לוֹ, מֵאַחַר שֶׁהֶעֱדַדְתָּ לָנוּ עַל בַּת יִשְׂרָאֵל [10]לְכֹהֵן, אַף בַּת כֹּהֵן [10]לְכֹהֵן [11]וּמֵת וְהִנִּיחָהּ מְעוּבֶּרֶת לֹא יֹאכְלוּ עֲבָדֶיהָ בִּתְרוּמָה מִפְּנֵי חֵלְקוֹ שֶׁל עוּבָּר?

not bestow the right to eat.[7] This is the view of R. Jose.[8] They[9] said to him, 'After thou didst affirm to us concerning the daughter of an Israelite to[10] a priest, wouldst thou also affirm this regarding the daughter of a priest to[10] a priest who died[11] and left her pregnant that her slaves must not eat of *priest's-due* by virtue of the share vested in the embryo?'

1 A non-priest or non-Levite. **2** Or וְהִנִּיחָהּ מְעֻבֶּרֶת, literally *and he left her with child*. Even if she already had children with him. **3** The עֲבָדֵי צֹאן בַּרְזֶל. **4** See *Appendix*, **Note 1**. **5** Or עֻבָּר. The yet unborn child. **6** A woman, daughter of a priest, who had married a יִשְׂרָאֵל who died, can not return to her father's house to eat תְּרוּמָה if she is pregnant. (If she has other children she may certainly not return). **7** Of תְּרוּמָה. An embryo does not empower an Israelite's daughter, wife of a deceased priest to eat of תְּרוּמָה, although her children can do so. In the same way her slaves cannot be empowered to eat of תְּרוּמָה. **8** His opinion is rejected. **9** The חֲכָמִים, Sages. **10** Married to. **11** Childless.

Mishnah 4

מִשְׁנָה ד

[1]הָעוּבָּר, [2]וְהַיָּבָם, [3]וְהָאֲרוּסִין, [4]וְהַחֵרֵשׁ, וּבֶן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד [5]פּוֹסְלִין וְלֹא מַאֲכִילִין, סָפֵק שֶׁהוּא בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד סָפֵק [6]שֶׁאֵינוֹ, סָפֵק הֵבִיא שְׁתֵּי [7]שַׂעֲרוֹת סָפֵק לֹא [8]הֵבִיא. נָפַל הַבַּיִת [9]עָלָיו וְעַל [10]בַּת אָחִיו וְאֵין יָדוּעַ אֵי זֶה מֵת [11]רִאשׁוֹן, צָרָתָהּ חוֹלֶצֶת וְלֹא [12]מִתְיַבֶּמֶת.

An embryo,[1] a brother-in-law,[2] betrothal,[3] a deaf-mute,[4] or a boy nine years and one day old can disqualify[5] but can not bestow this right to eat, even if there be a doubt whether he is nine years and one day of age or not,[6] or if there be a doubt whether he has produced two hairs[7] or there be a doubt whether he has not produced [them].[8] If a house collapsed upon a man[9] and upon the daughter[10] of his brother and it be not known which one of them died first,[11] her fellow-wife must perform *chalitzah* and must not be taken in *levirate marriage*.[12]

1 Or הָעֻבָּר. Literally *the embryo*. *i.e.*, unborn child; it disqualifies her if she is a priest's daughter wedded to a יִשְׂרָאֵל and it cannot qualify her if she is the daughter of a יִשְׂרָאֵל married to a priest. **2** Who has to fulfil יִבּוּם. Literally *and the brother-in-law*. **3** Literally *and the betrothal*. **4** Literally

and the deaf-mute. **5** *i.e.,* deprive a woman of the right to eat of תְּרוּמָה. The daughter of a priest, a יְבָמָה to a יִשְׂרָאֵל, is tied to him and must not eat of תְּרוּמָה in her father's house. A man acquires her by קִדּוּשִׁין. Marriage with a deaf-mute is licit. A woman who has sexual intercourse with a nine years and one day old boy is rendered ineligible to be married to a priest. See נִדָּה 5[5]. **6** Literally *even if there be a doubt whether he is not.* **7** As a sign of puberty. See 10[8]. At the time of the קִדּוּשִׁין. In such a case if she is a יְבָמָה she must perform חֲלִיצָה and must not contract levirate union. **8** See סַנְהֶדְרִין 8[1]; נִדָּה 6[11]. **9** Literally *upon him.* **10** She was the wife of the man buried under the ruins. **11** If it were known that he died first then both would be eligible for יִבּוּם and the fellow-wife is exempt because she is the צָרָה of the brother's daughter. But if the daughter died first then the ruling in 1[1] applies. **12** By the brother (the father of the daughter killed).

Mishnah 5

מִשְׁנָה ה

A violator[1] and a seducer[2] and a mentally defective man[3] do not disqualify[4] nor can they[5] bestow this right to eat; but if they be such as are not eligible to enter among Israel[6] then they can so disqualify. How so?[7]—If an Israelite[8] had sexual connection with the daughter[9] of a priest, she may still eat of *priest's-due;*[10] if she became pregnant,[11] she must not eat of *priest's-due;*[12] if the embryo[13] in her bowels were cut away, she may eat.[14] If a priest had sexual intercourse with the daughter of an Israelite, she must not eat of *priest's-due;* if she became pregnant, she must not eat; if she gave birth, she may eat—thus it is established that the power of a child is greater than that of a father.[15] A slave deprives[16] by virtue of copulation[17] but he does not deprive because of offspring. How so?[18]—If the daughter of an Israelite were

[1]הָאוֹנֵס [2]וְהַמְפַתֶּה [3]וְהַשּׁוֹטֶה לֹא
[4]פּוֹסְלִים וְלֹא [5]מַאֲכִילִים; וְאִם
אֵינָם רְאוּיִין לָבֹא [6]בְּיִשְׂרָאֵל הֲרֵי
אֵלּוּ פּוֹסְלִין. [7]כֵּיצַד? [8]יִשְׂרָאֵל
שֶׁבָּא עַל [9]בַּת כֹּהֵן תֹּאכַל
[10]בִּתְרוּמָה; [11]עִיבְּרָה, לֹא תֹּאכַל
[12]בִּתְרוּמָה; נֶחְתַּךְ [13]הָעוּבָּר בְּמֵעֶיהָ
[14]תֹּאכַל. כֹּהֵן שֶׁבָּא עַל בַּת
יִשְׂרָאֵל, לֹא תֹּאכַל בִּתְרוּמָה;
עִיבְּרָה, לֹא תֹּאכַל; יָלְדָה, תֹּאכַל,
נִמְצָא כֹּחוֹ שֶׁל בֵּן גָּדוֹל מִשֶּׁל [15]אָב.
הָעֶבֶד [16]פּוֹסֵל מִשּׁוּם [17]בִּיאָה וְאֵינוֹ
פּוֹסֵל מִשּׁוּם זֶרַע. [18]כֵּיצַד? בַּת
יִשְׂרָאֵל לְכֹהֵן בַּת כֹּהֵן לְיִשְׂרָאֵל,
וְיָלְדָה הֵימֶנּוּ בֵּן, וְהָלַךְ הַבֵּן [19]וְנִכְבַּשׁ
עַל הַשִּׁפְחָה וְיָלְדָה הֵימֶנּוּ בֵּן, הֲרֵי
זֶה עֶבֶד; הָיְתָה אֵם [20]אָבִיו בַּת
יִשְׂרָאֵל לְכֹהֵן, לֹא תֹּאכַל בִּתְרוּמָה,

בַּת כֹּהֵן לְיִשְׂרָאֵל תֹּאכַל בִּתְרוּמָה.
מַמְזֵר פּוֹסֵל וּמַאֲכִיל. [18]כֵּיצַד? בַּת
יִשְׂרָאֵל לְכֹהֵן, וּבַת כֹּהֵן לְיִשְׂרָאֵל,
וְיָלְדָה הֵימֶנּוּ בַת, וְהָלְכָה הַבַּת
[21]וְנִישֵׂאת לְעֶבֶד אוֹ לְכוּתִי וְיָלְדָה
הֵימֶנּוּ בֵן, הֲרֵי זֶה מַמְזֵר; הָיְתָה אֵם
אִמּוֹ בַּת יִשְׂרָאֵל לְכֹהֵן, תֹּאכַל
בִּתְרוּמָה, בַּת כֹּהֵן לְיִשְׂרָאֵל לֹא
תֹּאכַל בִּתְרוּמָה.

married to a priest, or the daughter of a priest were wedded to an Israelite, and she gave birth to a son by him, and this son went and copulated[19] with a bondwoman who bore a son by him, then this child is a slave; if the mother of his father[20] were the daughter of an Israelite wed to a priest, she must not eat of *priest's-due,* but if she were the daughter of a priest wedded to an Israelite, she may eat of *priest's-due.* A bastard may both disqualify and bestow the right to eat. How so?[18]—If the daughter of an Israelite were wed to a priest, or the daughter of a priest were married to an Israelite, and she beget a daughter by him, and this daughter went and (were) married[21] (to) a slave or to a non-Jew and gave birth to a son by him, then this child is a bastard; if the mother of his mother were the daughter of an Israelite wed to a priest, she may eat of *priest's-due,* but if she were the daughter of a priest wedded to an Israelite, she must not eat of *priest's-due.*

1 Literally *the violator. Deuteronomy* **22**, *29.* **2** *Exodus* **22**, 16, 17. Literally *and the seducer.* **3** Even if the mentally deficient had only betrothed her. Literally *and the mentally defective man.* **4** The woman with whom such copulates is not deprived of the right to eat of תְּרוּמָה if she is a priest's daughter. **5** If they are כֹּהֲנִים and she an Israelite's daughter. **6** *Deuteronomy* **23**, *2-9.* **7** *i.e., What are these latter cases?* **8** A non-priest or non-Levite. **9** By compulsion or seduction. **10** Up to forty days, after which she is prohibited for three months in case she is pregnant. **11** Or עִבְּרָה. **12** See the preceding *Mishnah.* **13** Or הָעָבָר. **14** Straightway. The ruling also applies if she gave birth and the child died. **15** He who caused the pregnancy can not endow her with the power to eat of תְּרוּמָה but the child—the result of the copulation—does so. **16** Or *disqualifies;* she must not eat of priest's-due (see **Note 4** above). Literally *the slave.* **17** Or *coition.* **18** *i.e., Where does this hold good?* **19** נִכְבַּשׁ, *he forced himself upon ..... for copulation.* **20** Who had died. **21** Or וְנִשֵּׂאת.

Mishnah 6 — מִשְׁנָה ו

כֹּהֵן גָּדוֹל פְּעָמִים שֶׁהוּא יִפּוֹסֵל.
כֵּיצַד? בַּת כֹּהֵן לְיִשְׂרָאֵל וְיָלְדָה

There are occasions when a High Priest can so disqualify.[1] How so? —If the daughter of a priest were

הֵימֵנוּ בַת וְהָלְכָה הַבַּת [3]וְנִיסֵּת לְכֹהֵן וְיָלְדָה הֵימֵנוּ בֵּן הֲרֵי זֶה רָאוּי לִהְיוֹת כֹּהֵן גָּדוֹל עוֹמֵד מְשַׁמֵּשׁ עַל גַּבֵּי הַמִּזְבֵּחַ מַאֲכִיל אֶת [4]אִמּוֹ [5]וּפוֹסֵל אֶת [6]אֵם אִמּוֹ; [7]וְזֹאת אוֹמֶרֶת לֹא [8]כִּבְנִי כֹּהֵן גָּדוֹל שֶׁהוּא פּוֹסְלֵנִי מִן־[9]הַתְּרוּמָה.

married to an Israelite[2] and she beget by him a daughter, and this daughter went and were wed[3] to a priest and bore him a son, then this son is fit to become a High Priest to stand and minister at the Altar; he empowers his mother to eat[4] but he disqualifies[5] his mother's mother;[6] and she[7] may say, 'May there not be the like of my grandson[8] who disqualifies me from the *priest's-due.*[9]'

1 Deprive a woman of the right of eating of תְּרוּמָה. **2** A non-priest, non-Levite. **3** Or וְנִסֵּת. **4** *i.e.,* he invests her with the right to eat of תְּרוּמָה after the death of his father. **5** After his father's death.* **6** From eating תְּרוּמָה of her father's, because she has issue from a יִשְׂרָאֵל and even if her daughter died she is still deprived by virtue of her grandson's descent (basis *Leviticus* **22**, 13). **7** The maternal grandmother. **8** Literally *son.* **9** See *Appendix,* **Note 1.** * Being descended from a יִשְׂרָאֵל. Were it not for him she would revert after her daughter's death to the privilege of eating of priest's-due.

CHAPTER 8 — פֶּרֶק ח

Mishnah 1 — מִשְׁנָה א

[1]הָעֲרֵל וְכָל הַטְּמֵאִים לֹא יֹאכְלוּ בִתְרוּמָה; נְשֵׁיהֶן וְעַבְדֵיהֶן יֹאכְלוּ בִתְרוּמָה. [2]פְּצוּעַ דַּכָּא וּכְרוּת שָׁפְכָה, הֵן וְעַבְדֵיהֶן [3]יֹאכְלוּ, וּנְשֵׁיהֶן לֹא [4]יֹאכֵלוּ, וְאִם [2]לֹא [5]יְדָעָהּ מִשֶּׁנַּעֲשָׂה [2]פְּצוּעַ דַּכָּא וּכְרוּת שָׁפְכָה הֲרֵי [6,4]אֵלּוּ [3]יֹאכֵלוּ.

The uncircumcised[1] and all such as are unclean must not eat of *priest's-due;* their wives and their slaves may eat of *priest's-due. He that is bruised or maimed in his privy parts,*[2] they and their slaves may eat,[3] but their wives may not eat,[4] but if such a person[2] did not have sexual intercourse with her[5] after he had become crushed or maimed in his privy parts[2] then she[4,6] may eat.[3]

1 כֹּהֵן, priest, who was uncircumcised because two of his brothers had died of the operation of circumcision (based on *Exodus* **12**, 48). **2** Scripture has דַּכָּה and not דַּכָּא.* *Deuteronomy* **23**, 2. See the next *Mishnah.* **3** Of

תְּרוּמָה. **4** Grammatically the *feminine plural* תאכלנה is the correct form. **5** His wife. **6** Literally *then they.* * *Sephardi* texts of the Pentateuch have the variant דַּכָּא.

מִשְׁנָה ב

Mishnah 2

אֵיזֶהוּ [1]פְּצוּעַ דַּכָּא? כָּל־שֶׁנִּפְצְעוּ הַבֵּיצִים שֶׁלּוֹ, וַאֲפִילוּ אַחַת מֵהֶן. [2]וּכְרוּת שָׁפְכָה? כָּל־שֶׁנִּכְרַת [3]הַגִּיד. וְאִם נִשְׁתַּיֵּיר [4]מֵהָעֲטָרָה אֲפִילוּ כְּחוּט [5]הַשַּׂעֲרָה [6]כָּשֵׁר. [7]פְּצוּעַ דַּכָּא וּכְרוּת שָׁפְכָה מוּתָּרִין בִּגְיוֹרֶת וּמְשׁוּחְרֶרֶת, [7]וְאֵינָן אֲסוּרִין אֶלָּא *מִלָּבֹא בַקָּהָל, [8]שֶׁנֶּאֱמַר, לֹא יָבֹא פְּצוּעַ דַּכָּא וּכְרוּת שָׁפְכָה בִּקְהַל ה׳.

Who is considered *crushed*[1] *in his privy parts*?—Anyone whose testicles—or even one of them—are crushed. *And wounded in his privy parts*?[2]—Anyone whose membrum virile[3] is cut off. But if there remain of the crown[4] [even] if as much as a hair's breadth[5] he is eligible.[6] One[7] that is crushed or wounded in his privy parts is permitted to marry a proselyte or a freed bondwoman, only he[7] is prohibited from entering into the assembly,* as it is said,[8] *He that is bruised or maimed in his privy parts shall not come into the assembly of the Eternal.*

1 Or *bruised.* See the foregoing *Mishnah.* **2** Or *and hath his privy member severed.* **3** Or *genitals.* **4** Of the member. **5** Literally *thread of hair.* **6** To eat of תְּרוּמָה. **7** Literally the *subject* is in the *plural;* it may be rendered *and they* (*i.e., such as are bruised and wounded in their privy parts*) *are prohibited from entering into the assembly.* **8** *Deuteronomy* **23,** 2. Taking into consideration the explanation in this *Mishnah* this may be rendered *Anyone whose testicles are crushed* (or *testicle is crushed*) *or whose membrum virile is severed shall not come into the assembly of the Eternal.*
* *i.e.,* may not marry an Israelite woman.

מִשְׁנָה ג

Mishnah 3

עַמּוֹנִי וּמוֹאָבִי [1]אֲסוּרִים, וְאִיסּוּרָן [2]אִיסּוּר עוֹלָם, אֲבָל [3]נְקֵבוֹתֵיהֶם מוּתָּרוֹת מִיָּד. מִצְרִי וֶאֱדוֹמִי אֵינָם אֲסוּרִים אֶלָּא עַד [4]שְׁלֹשָׁה דּוֹרוֹת, אֶחָד זְכָרִים וְאֶחָד נְקֵבוֹת; רַבִּי שִׁמְעוֹן מַתִּיר אֶת־הַנְּקֵבוֹת מִיָּד.

An Ammonite and a Moabite are forbidden[1]—and their prohibition is an eternal prohibition[2]—but their women[3] are permitted straightway. An Egyptian and an Edomite, whether males or females, are forbidden only for three generations;[4] R. Simon declares their

אָמַר רַבִּי [5]שִׁמְעוֹן, קַל וָחֹמֶר הַדְּבָרִים, וּמָה אִם בַּמָּקוֹם שֶׁאָסַר אֶת־הַזְּכָרִים אִיסּוּר עוֹלָם הִתִּיר אֶת־הַנְּקֵבוֹת מִיָּד, מָקוֹם שֶׁלֹּא אָסַר אֶת־הַזְּכָרִים אֶלָּא עַד שְׁלִשָּׁה דּוֹרוֹת אֵינוֹ דִין שֶׁנַּתִּיר אֶת־הַנְּקֵבוֹת מִיָּד! [6]אָמְרוּ לוֹ, אִם הֲלָכָה [7]נְקַבֵּל; וְאִם לְדִין יֵשׁ תְּשׁוּבָה. אָמַר לָהֶם, [8]לֹא כִי הֲלָכָה אֲנִי אוֹמֵר. מַמְזֵרִין [9]וּנְתִינִין אֲסוּרִין, וְאִיסּוּרָן אִיסּוּר עוֹלָם, אֶחָד זְכָרִים וְאֶחָד נְקֵבוֹת.

women permitted forthwith. R. Simon[5] said, The matter is a deduction from minor to major: if where the males are prohibited for all time the females are permitted straightway, how much the more so where the males are forbidden only for three generations the females should be permitted forthwith! They[6] said to him, 'If this be the ruling we accept it;[7] but if it be thine own deduction a counter-deduction may refute it.' He replied to them, 'Not so,[8] I am stating a law. Bastards and Gibeonite[9] descendants are forbidden and their prohibition is an eternal one—whether they are menfolk or womenfolk.'

1 Their males are prohibited from marrying Jewesses. *Deuteronomy* **23**, 4. **2** After the Assyrian conquest when the races and tribes commingled and assimilated, the prohibition regarding the admission (of these and also of Edomites and Egyptians) after proselytisation into the community ceased. **3** After proselytization. Literally *their females*. **4** *Deuteronomy* **23**, 9. **5** His view is rejected. **6** The חֲכָמִים Sages. **7** *i.e.*, they were prepared to accept his statement as valid law if he was certain it was so by tradition from his teacher. **8** *i.e.*, he answered that they could not produce a counter-inference to rebut his statement but that he had received this הֲלָכָה from his teacher. **9** *Joshua* **9**, 3-27. The prohibition to intermarry with them even if they became proselytes remained.

Mishnah 4

מִשְׁנָה ד

אָמַר רַבִּי יְהוֹשֻׁעַ, [1]שָׁמַעְתִּי [2]שֶׁהַסָּרִיס חוֹלֵץ [3]וְחוֹלְצִין לְאִשְׁתּוֹ, וְהַסָּרִיס לֹא חוֹלֵץ וְלֹא חוֹלְצִין לְאִשְׁתּוֹ, וְאֵין לִי [4]לְפָרֵשׁ. אָמַר רַבִּי [5]עֲקִיבָא, אֲנִי אֲפָרֵשׁ, [6]סְרִיס אָדָם [7]חוֹלֵץ וְחוֹלְצִין לְאִשְׁתּוֹ, מִפְּנֵי שֶׁהָיְתָה לוֹ שְׁעַת

R. Joshua said, 'I have heard[1] that a eunuch[2] submits to *chalitzah* and that they[3] submit to *chalitzah* from his wife, and that a eunuch neither accepts *chalitzah* nor do they submit to *chalitzah* from his wife, and I can not explain it.'[4] Said R. Akiba,[5] 'I will explain it, If one became a eunuch[6] he must submit

[8]הַכּוּשֶׁר, [9]סְרִיס חַמָּה לֹא חוֹלֵץ
וְלֹא [10]חוֹלְצִין לְאִשְׁתּוֹ, מִפְּנֵי שֶׁלֹּא
הָיְתָה לוֹ שְׁעַת הַכּוּשֶׁר. רַבִּי
[11]אֱלִיעֶזֶר אוֹמֵר, לֹא כִי, אֶלָּא
סְרִיס חַמָּה חוֹלֵץ וְחוֹלְצִין לְאִשְׁתּוֹ
מִפְּנֵי שֶׁיֵּשׁ-לוֹ רְפוּאָה, סְרִיס אָדָם
לֹא חוֹלֵץ וְלֹא חוֹלְצִין לְאִשְׁתּוֹ מִפְּנֵי
שֶׁאֵין לוֹ רְפוּאָה. הֵעִיד רַבִּי
יְהוֹשֻׁעַ בֶּן בְּתִירָה עַל בֶּן מְגוֹסַת
שֶׁהָיָה בִּירוּשָׁלַיִם סְרִיס אָדָם
[12]וְיִבְּמוּ אֶת־אִשְׁתּוֹ לְקַיֵּם דִּבְרֵי
רַבִּי עֲקִיבָא.

to *chalitzah*[7] and they must submit to *chalitzah* from his wife, because there was a period when he was potent,[8] but a natural eunuch[9] neither submits to *chalitzah* nor do they[10] have to submit to *chalitzah* from his wife, since there never was a time when he was potent.' R. Eliezer[11] says, Not so, but a natural eunuch must accept *chalitzah* and they must submit to *chalitzah* from his wife because he might be healed, but if one became a eunuch he does not submit to *chalitzah* nor do they receive *chalitzah* from his wife since he can not be cured. R. Joshua ben Bathyra testified of ben Megoseth who lived in Jerusalem and who became a eunuch that they[12] contracted *levirate union* with his wife to confirm the opinion of R. Akiba.

1 By tradition, or from his teachers, two seemingly contradictory opinions. **2** Impotent male, emasculated (or castrated) male. **3** His brothers accept חֲלִיצָה from his widow. **4** *i.e.*, reconcile the two apparently inconsistent views. **5** His opinion is accepted. **6** Literally *man-made, i.e.*, he was born a normal healthy male but was by accident or otherwise castrated. **7** But may not perform leviratic marriage. **8** He could have functioned sexually to beget children. **9** Literally *sun-eunuch, i.e.*, one born impotent (emasculated); the characteristics of such are absence of beard, soft hair, smooth skin, the urine does not produce bubbles, the urine is not ejected forward in a long stream, the semen has no consistency but is very thin, the urine does not emit acid odour, the skin does not perspire in the rainy season, and the voice is soft and can not be recognised as of a male or female. **10** The brothers. **11** His view is rejected. **12** His brothers.

Mishnah 5 — מִשְׁנָה ה

[1]הַסָּרִיס לֹא חוֹלֵץ וְלֹא מְיַבֵּם; וְכֵן,
אֵילוֹנִית לֹא חוֹלֶצֶת וְלֹא מִתְיַבֶּמֶת.
הַסָּרִיס שֶׁחָלַץ לְיִבְמָתוֹ לֹא [2]פְּסָלָהּ;
בְּעָלָהּ פְּסָלָהּ מִפְּנֵי שֶׁהִיא [3]בְּעִילַת
זְנוּת; וְכֵן, אֵילוֹנִית שֶׁחָלְצוּ לָהּ

The born eunuch[1] neither submits to *chalitzah* nor contracts *levirate marriage* and likewise, a sterile woman neither performs *chalitzah* nor contracts *levirate marriage*. If a eunuch received *chalitzah* from his sister-in-law, he has not disqualified

אַחִין, לֹא פְּסָלוּהָ, בְּעָלוּהָ פְּסָלוּהָ מִמְּנֵי [4]שֶׁבְּעִילָתָהּ בְּעִילַת זְנוּת.

her;[2] but if he had sexual intercourse with her, he has disqualified her because such sexual connection is of the nature of prostitution;[3] and similarly, also, in the case of a sterile woman from whom the brothers submitted to *chalitzah*, they did not thereby disqualify her, but if they copulated with her they did disqualify her since the sexual connection with her[4] is of the character of prostitution.

1 Though the text has only סָרִיס the meaning is סָרִיס חַמָּה, *a natural eunuch* (see the preceding *Mishnah*). **2** From being married to a כֹּהֵן priest, because the חֲלִיצָה has no validity. **3** Because, being exempt from leviritical union, his act is equivalent to having sexual intercourse with אֵשֶׁת אָח a brother's wife. **4** Literally *her sexual connexion.*

Mishnah 6

מִשְׁנָה ו

If a priest were a born eunuch and he married the daughter of an Israelite,[1] he renders her eligible to eat of *priest's-due.*[2] R. Jose and R. Simon say,[3] If an hermaphrodite[4] priest wed the daughter of an Israelite, he endows her with the right to eat of *priest's-due.* R. Judah[5] says, If one whose sex is indeterminate[6] were operated on[7] and was found to be a male, he must not submit to *chalitzah* because he is considered as a [born] eunuch.[8] An hermaphrodite[9] may marry but he may not be married.[10] R. Eliezer[11] says, An hermaphrodite:[12] one incurs because of him the penalty of stoning[13] as with a male.[14]

סָרִיס חַמָּה כֹּהֵן שֶׁנָּשָׂא בַּת [1]יִשְׂרָאֵל מַאֲכִילָה [2]בִּתְרוּמָה. רַבִּי יוֹסֵי וְרַבִּי שִׁמְעוֹן [3]אוֹמְרִים, [4]אַנְדְּרוֹגִינוֹס כֹּהֵן שֶׁנָּשָׂא בַּת יִשְׂרָאֵל מַאֲכִילָה בִּתְרוּמָה. רַבִּי [5]יְהוּדָה אוֹמֵר, [6]טוּמְטוּם [7]שֶׁנִּקְרַע וְנִמְצָא זָכָר, לֹא יַחֲלוֹץ מִפְּנֵי שֶׁהוּא [8]כְּסָרִיס. [9]אַנְדְּרוֹגִינוֹס נוֹשֵׂא אֲבָל [10]לֹא נִישָׂא. רַבִּי [11]אֱלִיעֶזֶר אוֹמֵר, [12]אַנְדְּרוֹגִינוֹס, חַיָּבִים עָלָיו [13]סְקִילָה [14]כְּזָכָר.

1 A non-priest, non-Levite. **2** Or *heave-offering.* **3** Their opinion is accepted. **4** Androgynous person, man-woman, one who exhibits traces of both male and female sexual organs (see בְּכוֹרִים 4[1-5]). **5** His view is rejected. **6** *i.e.,* it is indeterminable whether the person is male or female. **7** Literally *who was torn asunder.* He is deemed a סָרִיס אָדָם. **8** *i.e.,* not סָרִיס אָדָם (but as סָרִיס חַמָּה). See *Mishnah* 4 of this *Chapter.* **9** An hermaphrodite is accounted a male and may take a wife. **10** Or נִשָּׂא. As a woman to a man. **11** His view is accepted. **12** *i.e.,* if a male copulates with him. **13** But only if the copulation is effected בְּמָקוֹם זַכְרוּת שֶׁלּוֹ where his male genitals are and not בְּנֹקְבוּת שֶׁלּוֹ where his female genitals are. **14** See סַנְהֶדְרִין 7[4].

CHAPTER 9

פֶּרֶק ט

Mishnah 1

מִשְׁנָה א

יֵשׁ [1]מוּתָּרוֹת לְבַעֲלֵיהֶן וַאֲסוּרוֹת לִיבָמֵיהֶן; [1]מוּתָּרוֹת לִיבָמֵיהֶן וַאֲסוּרוֹת לְבַעֲלֵיהֶן; [1]מוּתָּרוֹת [2]לְאֵלּוּ וּלְאֵלּוּ וַאֲסוּרוֹת לְאֵלּוּ וּלְאֵלּוּ. וְאֵלּוּ [1]מוּתָּרוֹת לְבַעֲלֵיהֶן וַאֲסוּרוֹת לִיבָמֵיהֶן, כֹּהֵן הֶדְיוֹט שֶׁנָּשָׂא אֶת־[3]הָאַלְמָנָה וְיֵשׁ־לוֹ אָח כֹּהֵן גָּדוֹל; [4]חָלָל שֶׁנָּשָׂא [5]כְּשֵׁרָה וְיֵשׁ־לוֹ אָח [6]כָּשֵׁר; יִשְׂרָאֵל שֶׁנָּשָׂא בַּת יִשְׂרָאֵל וְיֵשׁ־לוֹ [7]אָח [8]מַמְזֵר; מַמְזֵר שֶׁנָּשָׂא [9]מַמְזֶרֶת וְיֵשׁ־לוֹ אָח [10]יִשְׂרָאֵל; [1]מוּתָּרוֹת לְבַעֲלֵיהֶן וַאֲסוּרוֹת [11]לִיבָמֵיהֶן.

There are women who are allowed[1] in marriage to their husbands and forbidden to their brothers-in-law; some are permitted[1] to their brothers-in-law and prohibited to their husbands; some are permitted[1] to both,[2] and some are prohibited to both. And these are permitted[1] to their husbands and prohibited to their brothers-in-law: a common priest who married a widow[3] and who has a brother that is High Priest; one unfitted for priesthood[4] who married an eligible woman[5] and has a valid[6] brother; an Israelite who married the daughter of an Israelite and he has a brother[7] a bastard;[8] a bastard who married a bastard[9] woman and he has a brother an Israelite;[10] in these cases the women are allowed[1] to their husbands and prohibited to their brothers-in-law.[11]

1 Or מֻתָּרוֹת. **2** Husbands and brothers-in-law. **3** Also a virgin, who are permitted; but if he died childless his brother the High Priest may not take her in levirate marriage. Literally *the widow*. **4** Some prefer the reading כָּשֵׁר שֶׁנָּשָׂא כְּשֵׁרָה וְיֵשׁ לוֹ אָח חָלָל, *one eligible for the priesthood who married an eligible woman and has an ineligible brother.* חָלָל, one of impaired priestly stock by reason of his father's illegitimate marriage (against the laws regulating priestly marriage). *Levticus* **21**, 4, 7, 9, 13, 14, 15; קִדּוּשִׁין 4[16]. Thus: a כֹּהֵן, priest, married a גְּרוּשָׁה, divorced woman; her son by this marriage is termed a חָלָל; if the חָלָל took an אִשָּׁה כְּשֵׁרָה as his wife she is his legitimate wife but on his death she may not contract leviratic union with his brother who is a כֹּהֵן. **5** Eligible to be married to a priest. **6** כָּשֵׁר (opposite to חָלָל), *i.e.*, a proper כֹּהֵן. **7** Non-priest, non-Levite. **8** A מַמְזֵר is forbidden to marry a בַּת יִשְׂרָאֵל. **9** A מַמְזֵר is permitted to marry a מַמְזֶרֶת. **10** Who is prohibited from marrying a מַמְזֶרֶת. **11** The subject is continued in the next *Mishnah*.

Mishnah 2

And these[1] are permitted[2] to their brothers-in-law[3] and prohibited to their husbands: a High Priest who betrothed[4] a widow[5] and he has a brother a common priest;[6] a valid priest who married a woman of impaired priestly stock,[7] and he has a brother of impaired priestly family; an Israelite who married a bastard woman[8] and he has a brother a bastard; a bastard who married a daughter of an Israelite[9] and he has a brother an Israelite—these are allowed[2] to their brothers-in-law and forbidden to their husbands. These are the women* that are prohibited both to the former and to the latter:[10] a High Priest who married a widow[11] and he has a brother a High Priest or a common priest; a priest of unimpaired priestly stock who married a woman of impaired priestly stock and he has a brother of unimpaired priestly stock; an Israelite who married a bastard woman and he has a brother an Israelite; a bastard who married a daughter of an Israelite and he has a brother a bastard—these are forbidden both to the former and to the latter. And all other classes[12] of women are allowed[2] both to their husbands and to their brothers-in-law.

מִשְׁנָה ב

[1]וְאֵלּוּ [2]מוּתָּרוֹת [3]לְיִבָּמֵיהֶן וַאֲסוּרוֹת לְבַעֲלֵיהֶן, כֹּהֵן גָּדוֹל [4]שֶׁקִּידֵּשׁ אֶת־[5]הָאַלְמָנָה וְיֵשׁ־לוֹ אָח כֹּהֵן [6]הֶדְיוֹט; כָּשֵׁר שֶׁנָּשָׂא [7]חֲלָלָה וְיֵשׁ־לוֹ אָח חָלָל; יִשְׂרָאֵל שֶׁנָּשָׂא [8]מַמְזֶרֶת וְיֵשׁ־לוֹ אָח מַמְזֵר; מַמְזֵר שֶׁנָּשָׂא בַּת [9]יִשְׂרָאֵל וְיֵשׁ־לוֹ אָח יִשְׂרָאֵל, [2]מוּתָּרוֹת לְיִבָּמֵיהֶן וַאֲסוּרוֹת לְבַעֲלֵיהֶן. *אֲסוּרוֹת לְאֵלּוּ [10]וּלְאֵלּוּ, כֹּהֵן גָּדוֹל שֶׁנָּשָׂא אֶת־[11]הָאַלְמָנָה וְיֵשׁ לוֹ אָח כֹּהֵן גָּדוֹל אוֹ כֹּהֵן הֶדְיוֹט; כָּשֵׁר שֶׁנָּשָׂא חֲלָלָה וְיֵשׁ־לוֹ אָח כָּשֵׁר; יִשְׂרָאֵל שֶׁנָּשָׂא מַמְזֶרֶת וְיֵשׁ־לוֹ אָח יִשְׂרָאֵל; מַמְזֵר שֶׁנָּשָׂא בַּת יִשְׂרָאֵל וְיֵשׁ־לוֹ אָח מַמְזֵר, אֲסוּרוֹת לְאֵלּוּ וּלְאֵלּוּ. [12]וּשְׁאָר כָּל־הַנָּשִׁים [2]מוּתָּרוֹת לְבַעֲלֵיהֶן וְלִיבָּמֵיהֶן.

1 In continuation of the classes enumerated in the preceding *Mishnah*. **2** Or מְתֻּרוֹת. **3** The leviratical marriage may be contracted. **4** Or שֶׁקִּדֵּשׁ. **5** A כֹּהֵן גָּדוֹל is prohibited from marrying a widow. Literally *the widow*. **6** He may contract levirate marriage with her nevertheless. But if the High Priest had had sexual intercourse with her after marriage then she is as a חֲלָלָה and may not continue as his wife nor contract levirate marriage on his death. **7** Compare חָלָל in the foregoing *Mishnah* (**Note 4**). He was prohibited from marrying her, but if he did and died childless his brother the חָלָל may contract levirate union. **8** Such a union is actually forbidden; still the brother may fulfil יִבּוּם. **9** Such marriage is prohibited actually; none the less the אָח יִשְׂרָאֵל may carry out the יִבּוּם. **10** *i.e.*, to their brothers-in-law

and to their husbands. The levirate marriage must not be contracted. **11** Literally *the widow.* **12** But with one important exception, *viz.*, the fifteen עֲרָיוֹת (see 1[1]) who are allowed to their husbands but not to their brothers-in-law. * *i.e.*, the women in the following cases.

Mishnah 3 מִשְׁנָה ג

שְׁנִיּוֹת מִדִּבְרֵי [1]סוֹפְרִים, שְׁנִיָּה לַבַּעַל וְלֹא שְׁנִיָּה לַיָּבָם, אֲסוּרָה לַבַּעַל [2]וּמוּתֶּרֶת לַיָּבָם; שְׁנִיָּה לַיָּבָם וְלֹא שְׁנִיָּה לַבַּעַל, אֲסוּרָה לַיָּבָם [2]וּמוּתֶּרֶת לַבַּעַל. שְׁנִיָּה לָזֶה [3]וְלָזֶה אֲסוּרָה לָזֶה וְלָזֶה, אֵין לָהּ [4]כְּתוּבָּה, וְלֹא [5]פֵּירוֹת, וְלֹא [6]מְזוֹנוֹת, וְלֹא [7]בְּלָאוֹת; [8]וְהַוָּלָד כָּשֵׁר, [9]וְכוֹפִין אוֹתוֹ [10]לְהוֹצִיא. אַלְמָנָה [11]לְכֹהֵן גָּדוֹל, גְּרוּשָׁה וַחֲלוּצָה לְכֹהֵן הֶדְיוֹט, מַמְזֶרֶת וּנְתִינָה לְיִשְׂרָאֵל, בַּת יִשְׂרָאֵל לְנָתִין וּלְמַמְזֵר, יֵשׁ לָהֶן [12]כְּתוּבָּה.

Regarding the *secondary prohibited degrees of kinship* as enacted by the Scribes:[1] if a woman be within the secondary degree of kinship to the husband but not within the secondary grade of relationship to the brother-in-law, she is prohibited to the husband but permitted[2] to the brother-in-law; if she be within the secondary grade of relationship to the brother-in-law but not within the secondary degree of kinship to the husband, she is forbidden to the brother-in-law but allowed[2] to the husband. If she be within the secondary degree to both the former and the latter,[3] she is forbidden to both, and she has no claim to her *marriage contract,*[4] nor to the produce,[5] nor to any maintenance,[6] nor right to compensation;[7] yet the child[8] is legitimate, but nevertheless he must be compelled[9] to divorce her.[10] A widow to[11] a High Priest, a divorced woman or a woman that had performed *chalitzah* to a common priest, a bastard woman or a Gibeonite woman to an Israelite, the daughter of an Israelite to a Gibeonite or to a bastard—they have claim to *marriage contract.*[12]

1 See 2[4]. These עֲרָיוֹת are מִדִּבְרֵיהֶם, as enjoined by the חֲכָמִים, Sages, but not מִן־הַתּוֹרָה (or מִדְּאוֹרַיְתָא), enacted by the Law, as a mother's mother of the husband but not of the יָבָם (brothers of the same father but not of one mother). **2** Or וּמֻתֶּרֶת. **3** *i.e.*, to both the husband and to the brother-in-law. **4** *i.e.*, the money due to her as stipulated in the כְּתֻבָּה (*Appendix,* **Note 8**). But any תּוֹסֶפֶת, *supplementary allowance,* that he had settled on her she does receive. **5** Of the profits or increase of the נִכְסֵי מְלוֹג (see 4[3]) which the husband made use of. **6** Or *alimony, alimentation;* from the property of the husband on his death. **7** For the wear or damage to things which she brought in on her marriage as her own property. **8** Any child born of such marriage is not a מַמְזֵר or מַמְזֶרֶת. **9** Literally *they compel him.* **10** Literally *and they must compel him to send forth.* **11** *i.e.*, married to.

See 2[4]. **12** Or כְּתֻבָּה. And on the death of the husband they can also lay claim to פֵּירוֹת, *increase,* to מְזוֹנוֹת, *alimony,* and to בְּלָאוֹת, *compensation.*

Mishnah 4

מִשְׁנָה ד

בַּת [1]יִשְׂרָאֵל מְאוֹרֶסֶת לְכֹהֵן, [2]מְעוּבֶּרֶת מִכֹּהֵן, שׁוֹמֶרֶת יָבָם לְכֹהֵן, וְכֵן, [3]בַּת כֹּהֵן לְיִשְׂרָאֵל, לֹא תֹאכַל [4]בִּתְרוּמָה. בַּת יִשְׂרָאֵל מְאוֹרֶסֶת לְלֵוִי, [2]מְעוּבֶּרֶת מִלֵּוִי, שׁוֹמֶרֶת יָבָם לְלֵוִי, וְכֵן [3]בַּת לֵוִי לְיִשְׂרָאֵל, לֹא תֹאכַל [5]בְּמַעֲשֵׂר. בַּת לֵוִי מְאוֹרֶסֶת לְכֹהֵן, [2]מְעוּבֶּרֶת מִכֹּהֵן, שׁוֹמֶרֶת יָבָם לְכֹהֵן, וְכֵן בַּת כֹּהֵן לְלֵוִי, לֹא תֹאכַל לֹא בִתְרוּמָה וְלֹא [6]בְּמַעֲשֵׂר.

If the daughter of an Israelite[1] were betrothed to a priest, or were pregnant[2] by a priest or awaited *levirate union* with a priest—and similarly in the case of the daughter[3] of a priest to an Israelite—she must not eat of *priest's-due.*[4] If the daughter of an Israelite were betrothed to a Levite, or were with child[2] by a Levite, or awaited *levirate marriage* with a Levite—and likewise in the case of the daughter[3] of a Levite to an Israelite—she must not eat of *tithe.*[5] If the daughter of a Levite were betrothed to a priest, or were pregnant[2] by a priest, or awaited *levirate marriage* with a priest—and so, too, in the case of the daughter of a priest to a Levite—she must not eat of *priest's-due* or of *tithe.*[6]

1 *i.e.,* non-priest, non-Levite. **2** Or מְעֻבֶּרֶת. **3** If she was betrothed, or was pregnant or awaited leviratic union. **4** Or *heave-offering.* See 7[3,4]. **5** See *Appendix,* **Note 1**. This is the opinion of R. Meir, but the accepted ruling is otherwise. **6** This view of R. Meir is the accepted ruling .

Mishnah 5

מִשְׁנָה ה

בַּת יִשְׂרָאֵל [1]שֶׁנִּיסֵּת לְכֹהֵן תֹּאכַל [2]בִּתְרוּמָה; מֵת וְלָהּ הֵימֶנּוּ בֵן תֹּאכַל [3]בִּתְרוּמָה. [4]נִיסֵּת לְלֵוִי תֹּאכַל בְּמַעֲשֵׂר; מֵת וְלָהּ הֵימֶנּוּ בֵן תֹּאכַל [5]בְּמַעֲשֵׂר. [6]נִיסֵּת לְיִשְׂרָאֵל, לֹא תֹאכַל לֹא [7]בִּתְרוּמָה וְלֹא [8]בְּמַעֲשֵׂר; מֵת וְלָהּ הֵימֶנּוּ בֵן לֹא תֹאכַל לֹא בִתְרוּמָה וְלֹא [9]בְּמַעֲשֵׂר; מֵת בְּנָהּ

If the daughter of an Israelite were married[1] to a priest she may eat of *priest's-due;*[2] if he died and she had a son by him she may eat of *priest's-due.*[3] If she were wedded[4] to a Levite she may eat of *tithe;* if he died and she had a son by him she may eat of *tithe.*[5] If she were married[6] to an Israelite she may neither eat of *priest's-due*[7] nor of *tithe;*[8] if he died and she had a son by him she may not eat of *priest's-due* or of *tithe;*[9] but if her son by

מִיִּשְׂרָאֵל תֹּאכַל [10]בְּמַעֲשֵׂר; מֵת בְּנָהּ מִלֵּוִי תֹּאכַל [11]בִּתְרוּמָה; מֵת בְּנָהּ מִכֹּהֵן לֹא תֹּאכַל לֹא בִתְרוּמָה וְלֹא [12]בְּמַעֲשֵׂר.

the Israelite died she may eat of *tithe;*[10] if her son by the Levite died she may eat of *priest's-due;*[11] if her son by the priest died she may eat neither of *priest's-due* nor of *tithe.*[12]

1 Or שְׁנוּסַת. **2** Or *heave-offering.* **3** *Leviticus* **22**, 1. **4** Or נִסַּת. This בַּת יִשְׂרָאֵל who was the widow of the כֹּהֵן just spoken of, if after the birth of the child she was remarried to a Levite she may no longer eat of תְּרוּמָה but may eat of מַעֲשֵׂר. **5** But not of תְּרוּמָה. **6** Or נִסַּת. **7** If after the death of the כֹּהֵן her husband she married a יִשְׂרָאֵל the priest's son does not longer confer on her the right to eat of תְּרוּמָה. **8** After the death of her husband the לֵוִי the Levite's son no longer entitles her to eat of מַעֲשֵׂר if she marries יִשְׂרָאֵל. **9** The son of the יִשְׂרָאֵל deprives the widow of the right to eat of such. **10** The privilege is restored. **11** She recovers this right. **12** Her status reverts to that of a יִשְׂרָאֵלִית who may not eat of תְּרוּמָה or of מַעֲשֵׂר, (*Leviticus* **22**, 13).

Mishnah 6 — מִשְׁנָה ו

בַּת כֹּהֵן [1]שֶׁנִּשֵּׂאת לְיִשְׂרָאֵל לֹא תֹּאכַל [2]בִּתְרוּמָה; מֵת וְלָהּ הֵימֶנּוּ בֵּן לֹא תֹּאכַל בִּתְרוּמָה; [4,3]נִישֵׂאת לְלֵוִי תֹּאכַל בְּמַעֲשֵׂר, מֵת וְלָהּ הֵימֶנּוּ בֵּן תֹּאכַל בְּמַעֲשֵׂר; [5,4]נִישֵׂאת לְכֹהֵן תֹּאכַל בִּתְרוּמָה, מֵת וְלָהּ הֵימֶנּוּ בֵּן תֹּאכַל בִּתְרוּמָה, מֵת בְּנָהּ מִכֹּהֵן לֹא תֹּאכַל בִּתְרוּמָה; מֵת בְּנָהּ מִלֵּוִי לֹא תֹּאכַל בְּמַעֲשֵׂר; מֵת בְּנָהּ מִיִּשְׂרָאֵל חוֹזֶרֶת [6]לְבֵית אָבִיהָ; וְעַל זוֹ [7]נֶאֱמַר, וְשָׁבָה אֶל־בֵּית אָבִיהָ כִּנְעוּרֶיהָ מִלֶּחֶם אָבִיהָ תֹּאכֵל.

If the daughter of a priest were wedded[1] to an Israelite she must not eat of *priest's-due;*[2] if he died and she had a son by him she must not eat of *priest's-due;* if she[3] were married[4] to a Levite she may eat of *tithe,* and if he died and she had a son by him she may eat of *tithe;* if she were wed[4,5] to a priest she may eat of *priest's-due,* and if he died and she had a son by him she may eat of *priest's-due,* but if her son by the priest died she must not eat of *priest's-due;* if her son by the Levite died she must not eat of *tithe;* if her son by the Israelite died she may return to her father's house;[6] and of her it is said,[7] *And if she be returned unto the house of her father, as in her youth, she may eat of her father's bread.*

1 Or שְׁנִשֵּׂאת. **2** Or *heave-offering.* **3** The widow. **4** Or נִשֵּׂאת. **5** The third time (after the Levite's death). **6** And the right to eat of תְּרוּמָה is restored to her. **7** *Leviticus* **22**, 13.

CHAPTER 10

פֶּרֶק י

Mishnah 1

מִשְׁנָה א

הָאִשָּׁה שֶׁהָלַךְ בַּעֲלָהּ [1]לִמְדִינַת הַיָּם
[2]וּבָאוּ וְאָמְרוּ לָהּ, מֵת בַּעֲלֵיךְ,
[3]וְנִיסֵּת, [4]אַחַר כַּךְ בָּא בַּעֲלָהּ, תֵּצֵא
מִזֶּה וּמִזֶּה וּצְרִיכָה גֵט מִזֶּה וּמִזֶּה,
וְאֵין לָהּ [5]כְּתוּבָּה, וְלֹא [6]פֵּירוֹת, וְלֹא
[6]מְזוֹנוֹת, וְלֹא [6]בְּלָאוֹת לֹא עַל זֶה
וְלֹא עַל זֶה; אִם נָטְלָה מִזֶּה וּמִזֶּה
תַּחֲזִיר; וְהַוָּלָד מַמְזֵר מִזֶּה וּמִזֶּה;
וְלֹא [7]זֶה וָזֶה [8]מִטַּמְּאִין לָהּ; וְלֹא זֶה
וָזֶה זַכָּאִין לֹא [9]בִּמְצִיאָתָהּ וְלֹא
[10]בְּמַעֲשֵׂה יָדֶיהָ וְלֹא [11]בַּהֲפָרַת
נְדָרֶיהָ. הָיְתָה בַת יִשְׂרָאֵל [12]נִפְסֶלֶת
מִן־הַכְּהוּנָּה, וּבַת לֵוִי מִן־[13]הַמַּעֲשֵׂר,
וּבַת כֹּהֵן מִן־[14]הַתְּרוּמָה; וְאֵין
יוֹרְשִׁים שֶׁל זֶה וְיוֹרְשִׁים שֶׁל זֶה
יוֹרְשִׁים אֶת־כְּתוּבָּתָהּ; וְאִם [15]מֵתוּ,
אֲחִיו שֶׁל זֶה וְאֲחִיו שֶׁל זֶה [16]חוֹלְצִין
וְלֹא מְיַבְּמִין. רַבִּי [17]יוֹסֵי אוֹמֵר,
כְּתוּבָּתָהּ עַל נְכָסֵי בַעֲלָהּ הָרִאשׁוֹן.
רַבִּי [18]אֱלִיעֶזֶר אוֹמֵר, הָרִאשׁוֹן זַכַּאי
בִּמְצִיאָתָהּ וּבְמַעֲשֵׂה יָדֶיהָ וּבַהֲפָרַת
נְדָרֶיהָ. וְרַבִּי [19]שִׁמְעוֹן אוֹמֵר,
[20]בִּיאָתָהּ אוֹ חֲלִיצָתָהּ מֵאֲחִיו שֶׁל
רִאשׁוֹן פּוֹטֶרֶת [21]צָרָתָהּ וְאֵין הַוָּלָד
מַמְזֵר. וְאִם [22]נִיסֵּת שֶׁלֹּא
[23]בִּרְשׁוּת [24]מוּתֶּרֶת לַחֲזוֹר [25]לוֹ.

If a woman's husband had gone beyond the sea[1] and they came[2] and said to her, 'Thy husband is dead,' and she was then remarried,[3] and her husband afterward[4] returned, she must leave both the former and the latter and must obtain a bill of divorce from each one of them, and she has no claim to any *marriage contract,*[5] nor to any produce,[6] nor to any maintenance,[6] nor right to compensation[6] against the one or the other; if she have taken aught from either of them she must restore it; (and) a child by the one or the other is a bastard; and neither of them[7] may contract uncleanness for her;[8] (and) neither of them can lay claim to any finding of hers[9] or to the work of her hands[10] or to the right of the annulment of her vows.[11] If she were the daughter of an Israelite she is disqualified from the priesthood,[12] or if the daughter of a Levite from *tithe,*[13] or if the daughter of a priest from *priest's-due;*[14] and neither the heirs of the former nor the heirs of the latter can inherit her *marriage contract;* and if they died,[15] then the brother of the one and the brother of the other have to submit to *chalitzah*[16] but they must not contract *levirate union.* R. Jose[17] says, Her *marriage contract* is a charge upon the property of her first husband. R. Eliezer[18] says, The first has a claim to any finding of hers and to the work of her hands and to the right of the disannulment of her vows. And R. Simon[19] says, Her copulation with[20]

or granting *chalitzah* to the brother of her first husband exempts her fellow-wife[21] and a child born by him is not a bastard. But if she had been remarried[22] without authority[23] she is permitted[24] to return to him.[25]

1 *i.e.,* outside Palestine or to another country. **2** This refers strictly to the case where only *one witness* brought the story of the presumed death of the husband and even if בֵּית דִּין admitted this evidence to allow her to remarry. **3** Or וְנִסֵּת. Even if this second marriage was not consummated. **4** Or וְאַחַר כָּךְ in some editions. **5** See *Appendix,* **Note 8.** From either of them. **6** Of the נִכְסֵי מְלוֹג (see 4[13] and 9[3]). **7** If a כֹּהֵן. **8** On her death if they were כֹּהֲנִים. *Leviticus* **21,** 1-6. **9** Or *find, something found.* בָּבָא מְצִיעָא 1[5]. **10** Because she is not entitled to alimony or maintenance. **11** *Numbers* **30,** 7-16. **12** *i.e.,* to be married to a כֹּהֵן because she is as an adulteress. **13** *i.e.,* she becomes ineligible to eat of מַעֲשֵׂר, *tithe.* The unmarried daughter of a Levite, if she is guilty of prostitution, does not forfeit the right to eat of tithe. **14** Or *heave-offering. i.e.,* she is deprived of the right to eat of תְּרוּמָה. **15** If the husbands died childless. **16** The brother of the first must accept חֲלִיצָה as מִדְּאוֹרַיְתָא or מִן־הַתּוֹרָה (as laid down in the *Law*) and מִדְּרַבָּנָן (as enjoined by the חֲכָמִים, Sages) he must not perform levirate marriage and the brother of the other accepts חֲלִיצָה (מִדְּרַבָּנָן). **17** His opinion is rejected. **18** His view is not accepted. **19** His view is rejected. **20** *i.e.,* levirate marriage. **21** From levirate union. **22** Or נִסֵּת. **23** *i.e.,* without the consent of בֵּית דִּין. This is the case where *two witnesses* reported the supposed death of the husband; here she does not require to obtain the consent or authorization of the Court to remarry. **24** Or מֻתֶּרֶת. **25** If the witnesses had brought a false report and the husband was alive and came back. In this case she is deemed decidedly an אֲנוּסָה.

Mishnah 2

מִשְׁנָה ב

[1]נִיסֵּת עַל פִּי [2]בֵּית דִּין [3]תֵּצֵא וּפְטוּרָה מִן־[4]הַקָּרְבָּן; לֹא [1]נִיסֵּת עַל פִּי [5]בֵּית דִּין תֵּצֵא וְחַיָּבֶת [6]בְּקָרְבָּן; יָפֶה כֹּחַ בֵּית דִּין שֶׁפּוֹטְרָה מִן־הַקָּרְבָּן. הוֹרוּהָ בֵּית דִּין [7]לִינָּשֵׂא וְהָלְכָה [8]וְקִלְקְלָה חַיָּבֶת [9]בְּקָרְבָּן שֶׁלֹּא הִתִּירוּהָ אֶלָּא [10,1]לִינָּשֵׂא.

If she had remarried[1] by authorization of the Court,[2] she must leave[3] and she is exempt from an offering;[4] but if she remarried[1] not by consent of the Court[5] she must leave and she is also liable to an offering[6]—thus the legal influence of the Court is the greater since it exempts her from the offering. If the Court instructed her that she might be remarried,[7] and she went and committed immoral conduct,[8] she is liable to an offering[9] because they only permitted her to be remarried.[1,10]

1 Or נִפְּתָה. **2** On the testimony of only *one witness* who reported the (presumed) death of her husband. **3** If her first husband returns the second marriage is annulled. **4** קָרְבַּן חַטָּאת, *sin-offering*. Anyone who acted wrongly under authority of בֵּית דִּין is exempt from a חַטָּאת. **5** But did so after the evidence of two witnesses. **6** Her second husband is also liable to a חַטָּאת. **7** Or לְנִשֵּׂא. **8** *i.e.*, she contracted prohibited marriage (or committed prostitution). **9** *Leviticus* **4**, 22; **18**, 6. **10** In accordance with (strict moral) law.

Mishnah 3

מִשְׁנָה ג

הָאִשָּׁה שֶׁהָלַךְ בַּעְלָהּ וּבְנָהּ [1]לִמְדִינַת הַיָּם [2]וּבָאוּ וְאָמְרוּ לָהּ, [3]מֵת בַּעְלֵיךְ וְאַחַר כָּךְ [4]מֵת בְּנֵךְ, וְנִשֵּׂאת וְאַחַר כָּךְ אָמְרוּ לָהּ, [5]חֲלוּף הָיוּ הַדְּבָרִים, [6]תֵּצֵא וְהַיּוֹלֵד רִאשׁוֹן [7]וְאַחֲרוֹן [8]מַמְזֵר. אָמְרוּ לָהּ, [9]מֵת בְּנֵךְ וְאַחַר כָּךְ מֵת בַּעְלֵיךְ, וְנִתְיַבְּמָה, וְאַחַר כָּךְ אָמְרוּ לָהּ, [10]חֲלוּף הָיוּ הַדְּבָרִים, תֵּצֵא וְהַיּוֹלֵד רִאשׁוֹן וְאַחֲרוֹן מַמְזֵר. אָמְרוּ לָהּ, מֵת בַּעְלֵיךְ, [11]וְנִיסֵּת וְאַחַר כָּךְ אָמְרוּ לָהּ, [12]קַיָּם הָיָה וּמֵת, תֵּצֵא וְהַיּוֹלֵד [13]רִאשׁוֹן מַמְזֵר [14]וְהָאַחֲרוֹן אֵינוֹ מַמְזֵר. אָמְרוּ לָהּ, מֵת בַּעְלֵיךְ, וְנִתְקַדְּשָׁה וְאַחַר כָּךְ בָּא בַּעְלָהּ [15]מוּתֶּרֶת לַחֲזוֹר לוֹ. אַף עַל פִּי שֶׁנָּתַן לָהּ [16]אַחֲרוֹן [17]גֵּט לֹא פְסָלָהּ מִן־[18]הַכְּהוּנָּה. אֶת־זוֹ דָּרַשׁ רַבִּי אֱלִיעֶזֶר בֶּן מַתְּיָא, וְאִשָּׁה גְרוּשָׁה [19]מֵאִישָׁהּ וְלֹא מֵאִישׁ שֶׁאֵינוֹ אִישָׁהּ.

If a woman's husband and son had gone away beyond the sea[1] and they came[2] and said to her, 'Thy husband died[3] and afterward thy son also died,'[4] and she was remarried and then they said to her, 'The matter was otherwise,'[5] she must leave[6] and any child born before or after[7] is a bastard.[8] If they said to her, 'Thy son died[9] and then thy husband died too,' and she contracted *levirate union,* and afterward they said to her, 'It was the other way round,'[10] she must leave and any child born before or after is a bastard. If they said to her, 'Thy husband is dead,' and she was remarried[11] and afterward they said to her, 'He was alive then[12] but now he is dead,' she must leave and any child born before[13] is a bastard but if born after[14] it is not a bastard. If they said to her, 'Thy husband has died,' and she were betrothed and after that her husband came back she is permitted[15] to go back to him. Even though the latter[16] gave her a bill of divorce,[17] he has not thereby disqualified her from the priesthood.[18] This did R. Eliezer ben Mattia interpret, *And a woman put away from her husband*[19] *and not from a man who is not her husband.*

1 *i.e.*, outside Palestine or to another country. **2** *i.e.*, witnesses. **3** First. **4** In such a case a woman is not liable to leviratic marriage. **5** *i.e.*, the son had died before the husband's death (the husband thus died childless). **6** The second marriage is void. **7** *i.e.*, before or after the second evidence. **8** This ruling is not accepted. **9** First. **10** The husband died before the son's death (thus he did not die childless). **11** Or וְנִפֵּת. **12** When she was married again. **13** Before the first husband's death. **14** After the death of the first husband. **15** Or מְתֻּרֶת. **16** The one who had betrothed her. **17** She does not require a גֵּט and she does not here come under the category of אֵשֶׁת אִישׁ. **18** *i.e.*, to be married to a כֹּהֵן because the גֵּט was unnecessary. **19** *Leviticus* **21**, *7*. (.....*Neither shall they take a woman put away from her husband*). A כֹּהֵן may not marry a divorced woman.

Mishnah 4

מִשְׁנָה ד

If one's wife had gone beyond the sea[1] and they came[2] and said to him, 'Thy wife is dead,' and he married her sister and then his wife came back, she is permitted[3] to go back to him;[4] he is permitted[5] to marry the near of kin of the second one[6] and this second woman is allowed[2] to be married to his near of kin; and if the first[7] died he is permitted[5] to marry the second.[8] If they said to him, 'Thy wife is dead,' and he married her sister and then they said to him, 'She was alive and then died,'[9] any child born before[10] is a bastard but the one born afterward[11] is not a bastard. R. Jose says, Whoever disqualifies for others also disqualifies for himself,[12] and anyone who does not disqualify for others does not disqualify for himself.

מִי שֶׁהָלְכָה אִשְׁתּוֹ [1]לִמְדִינַת הַיָּם
[2]וּבָאוּ וְאָמְרוּ לוֹ, מֵתָה אִשְׁתְּךָ, וְנָשָׂא
אֶת־אֲחוֹתָהּ וְאַחַר כָּךְ בָּאָה אִשְׁתּוֹ,
[3]מוּתֶּרֶת לַחֲזוֹר [4]לוֹ; הוּא [5]מוּתָּר
בְּקְרוֹבוֹת [6]שְׁנִיָּה וּשְׁנִיָּה [3]מוּתֶּרֶת
בְּקְרוֹבָיו; וְאִם מֵתָה [7]רִאשׁוֹנָה
[5]מוּתָּר [8]בַּשְּׁנִיָּה. אָמְרוּ לוֹ, מֵתָה
אִשְׁתְּךָ, וְנָשָׂא אֶת־אֲחוֹתָהּ וְאַחַר כָּךְ
אָמְרוּ לוֹ, קַיֶּמֶת הָיְתָה [9]וּמֵתָה,
הַוָּלָד [10]רִאשׁוֹן מַמְזֵר [11]וְהָאַחֲרוֹן
אֵינוֹ מַמְזֵר. רַבִּי יוֹסֵי אוֹמֵר, כָּל־
שֶׁפּוֹסֵל עַל יְדֵי אֲחֵרִים פּוֹסֵל עַל
יְדֵי [12]עַצְמוֹ, וְכָל שֶׁאֵין פּוֹסֵל עַל יְדֵי
אֲחֵרִים אֵינוֹ פּוֹסֵל עַל יְדֵי עַצְמוֹ.

1 To another country or outside Palestine. **2** Witnesses (in such case *one* witness would not be valid, and he would not be able to wed her). **3** Or מְתֻּרֶת. **4** The betrothal of the second one is of no account and the improper sexual intercourse with her does not prohibit one his wife. **5** Or מֻתָּר. **6** Of the sister, for instance her daughter (one is permitted to marry the near of kin of a woman he had enticed or outraged or of his concubine or of his

mistress). **7** The first wife. **8** The sister may return to him. **9** *i.e.*, she was alive when he married the sister and she died since. **10** The sister's child born before the first wife died. **11** After the first wife's death. **12** One who disqualifies his wife for marriage with others thereby also disqualifies her for himself. If he does not disqualify the sister to the husband he does not disqualify his own wife (for the sister is not an אֲחוֹת גְּרוּשָׁתוֹ).

Mishnah 5

מִשְׁנָה ה

[1]אָמְרוּ לוֹ מֵתָה אִשְׁתְּךָ, וְנָשָׂא אֲחוֹתָהּ [2]מֵאָבִיהָ; מֵתָה, וְנָשָׂא [3]אֲחוֹתָהּ [4]מֵאִמָּהּ; [5]מֵתָה, וְנָשָׂא [6]אֲחוֹתָהּ מֵאָבִיהָ; מֵתָה, וְנָשָׂה [7]אֲחוֹתָהּ מֵאִמָּהּ; וְנִמְצָאוּ [8]כוּלָּן קַיָּמוֹת, [9]מוּתָּר בָּרִאשׁוֹנָה בַּשְּׁלִישִׁית [10]וּבַחֲמִישִׁית, וּפוֹטְרוֹת [11]צָרוֹתֵיהֶן; [12]וְאָסוּר בַּשְּׁנִיָּה וּבָרְבִיעִית, וְאֵין בִּיאַת אַחַת [13]מֵהֶן פּוֹטֶרֶת [14]צָרָתָהּ. וְאִם בָּא עַל הַשְּׁנִיָּה לְאַחַר מִיתַת [15]הָרִאשׁוֹנָה [16]מוּתָּר בַּשְּׁנִיָּה וּבָרְבִיעִית, וּפוֹטְרוֹת [17]צָרוֹתֵיהֶן, וְאָסוּר בַּשְּׁלִישִׁית וּבַחֲמִישִׁית, וְאֵין [18]בִּיאַת אַחַת מֵהֶן פּוֹטֶרֶת [19]צָרָתָהּ.

If they[1] said to him, 'Thy wife is dead,' and he married her sister by the same father;[2] 'She is dead,'[3] and he married her sister by the same mother;[4] then, 'She is dead,'[5] and he married her sister[6] by the same father; then, 'She is dead,' and he married her sister[7] by the same mother—and it is then discovered that all of them[8] were alive, he is permitted[9] with the first, and with the third and with the fifth,[10] and these exempt their fellow-wives;[11] but he is prohibited with[12] the second and the fourth, and copulation with any one of them[13] does not exempt her fellow-wife.[14] And if he had sexual intercourse with the second after the death of the first[15] he is permitted[16] with the second and with the fourth, and these exempt their fellow-wives,[17] but he is then prohibited with the third and with the fifth, and sexual connection[18] with one of them does not exempt her fellow-wife.[19]

1 The witnesses. **2** They were not of one mother **3** Witnesses reported that the second wife also died. **4** But not of the same father; thus the third was not near of kin to the first wife. **5** Witnesses reported that the third one had died also. **6** The sister of the third one and the first and second are not of near kin to the fourth. **7** The witnesses testified to the death of the fourth wife. The fourth one's sister, and the first, second and third are not of near kin to the fifth. **8** Or כֻּלָּן. **9** To continue in marriage. **10** Because they are unrelated to one another. See 11[1]. **11** From יִבּוּם, levirate marriage, or חֲלִיצָה; if he died childless his brother either submits to חֲלִיצָה or contracts leviratic union with one and the others are exempt. **12** To keep them as wives, because of the kinship of the second with the first and of the

fourth with the third. **13** *i.e.,* if on his death a brother contracted leviratical marriage with either the second or the fourth widow. This applies also to חֲלִיצָה. **14** Since the second and fourth (having been forbidden to him all his lifetime) were not wives. **15** The report concerning the first being true and the rest incorrect, he is forbidden to the third because of the second and to the fifth because of the fourth. **16** Or מִתָּר. **17** If he died childless and his brother contracted levirate union with (or submitted to חֲלִיצָה from) any one of them. **18** *i.e.,* levirate marriage. **19** Since the third and fifth (having been prohibited to him all his life) were not his wives.

Mishnah 6

מִשְׁנָה ו

A boy nine years and one day old[1] disqualifies [his sister-in-law] for his brothers,[2] and his brothers[3] similarly disqualify her for him,[4] except that he can only disqualify[5] at the outset,[6] but the brothers[7] can so disqualify both at the outset and at the end. How so?—A boy nine years and one day old who has copulated with his widowed sister-in-law has disqualified her for the brothers;[2,8] but if the brothers[2,9] copulated with her, or made a declaration of betrothal, or granted her a bill of divorce, or submitted to *chalitzah,* they disqualified her for him.[10]

[1]בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד הוּא פּוֹסֵל
עַל יְדֵי [2]אַחִין [3]וְהָאַחִים פּוֹסְלִין עַל
[4]יָדוֹ, אֶלָּא שֶׁהוּא [5]פּוֹסֵל [6]תְּחִלָּה,
[7]וְאַחִין פּוֹסְלִין תְּחִלָּה וְסוֹף. כֵּיצַד?
בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד שֶׁבָּא עַל
יְבִמְתּוֹ פְּסָלָהּ עַל יְדֵי [2,8]אַחִין; בָּאוּ
עָלֶיהָ [2,9]אַחִין, וְעָשׂוּ בָהּ מַאֲמָר,
נָתְנוּ גֵט, אוֹ חָלְצוּ, פָּסְלוּ עַל [10]יָדוֹ.

1 If he had sexual connection with or divorced or betrothed his יְבָמָה, widow of his childless dead brother (see further). **2** Literally *brothers.* **3** Literally *and the brothers.* **4** If any one of them did so. **5** By מַאֲמָר, a statement of betrothal. **6** The ruling is that the minor disqualifies by a statement of betrothal at the outset only but that he disqualifies by sexual intercourse both at the outset and at the end. **7** Literally *and brothers.* **8** Even if any one of them had already betrothed her. **9** *i.e.,* one of them did so before the minor had been able to have sexual connexion with her; in this case if the minor betrothed her the betrothal is of no account. **10** And he must not live with her as his wife.

Mishnah 7

מִשְׁנָה ז

If a boy nine years and one day old had sexual intercourse with his widowed sister-in-law, and afterward his brother aged nine years and a day had sexual connexion

בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד שֶׁבָּא עַל
יְבִמְתּוֹ, וְאַחַר כַּךְ בָּא עָלֶיהָ אָחִיו
שֶׁהוּא בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד,

with her, he[1] has disqualified her for him.[2] R. Simon[3] says, He has not disqualified her.

[1]פָּסַל עַל [2]יָדוֹ. רַבִּי [3]שִׁמְעוֹן אוֹמֵר, לֹא פָּסַל.

1 The latter. **2** The former. **3** His view is rejected.

Mishnah 8

מִשְׁנָה ח

If a boy nine years and a day old copulated with his widowed sister-in-law,[1] and afterward had sexual intercourse with her fellow-wife, he has disqualified[2] [them] for himself. R. Simon says, He has not disqualified [her].[3] If a boy nine years and one day of age had sexual connection with his widowed sister-in-law[1] and he then died, she must perform *chalitzah* and must not consummate *levirate union.*[4] If he had taken[5] a wife[6] and then died, she is exempt.[7]

בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד שֶׁבָּא עַל [1]יְבִמְתּוֹ וְאַחַר כַּךְ בָּא עַל צָרָתָהּ, [2]פָּסַל עַל יְדֵי עַצְמוֹ. רַבִּי שִׁמְעוֹן אוֹמֵר, לֹא [3]פָּסַל. בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד שֶׁבָּא עַל [1]יְבִמְתּוֹ וּמֵת, חוֹלֶצֶת וְלֹא [4]מִתְיַבֶּמֶת. [5]נָשָׂא [6]אִשָּׁה וּמֵת הֲרֵי זוֹ [7]פְּטוּרָה.

1 The widow of his childless deceased brother. **2** Both these widows. He may marry neither of them. **3** He may keep the first but not the other. His view is rejected. **4** With another brother-in-law. **5** Such a minor. **6** Not a widowed יְבָמָה. **7** From both חֲלִיצָה and יִבּוּם. The קִדּוּשִׁין of a קָטָן, minor, has no validity, even if he consummated the union.

Mishnah 9

מִשְׁנָה ט

If a boy nine years and one day old had sexual connexion with his widowed sister-in-law,[1] and when he came of age he wedded another woman and then died, if he had not copulated with the first one[2] after he had become adult, the first[3] must perform *chalitzah* and must not contract *levirate marriage,* and the second one must either perform *chalitzah* or contract *levirate marriage.* R. Simon[4] says, He* may contract *levirate marriage* with whichever one he desires and must submit to *chalitzah* from the other one. It is all one[5] whether he be nine

בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד שֶׁבָּא עַל [1]יְבִמְתּוֹ וּמִשֶּׁהִגְדִּיל נָשָׂא אִשָּׁה אַחֶרֶת וּמֵת, אִם לֹא יָדַע אֶת־[2]הָרִאשׁוֹנָה מִשֶּׁהִגְדִּיל, [3]הָרִאשׁוֹנָה חוֹלֶצֶת וְלֹא מִתְיַבֶּמֶת, וְהַשְּׁנִיָּה אוֹ חוֹלֶצֶת אוֹ מִתְיַבֶּמֶת. רַבִּי [4]שִׁמְעוֹן אוֹמֵר, מְיַבֵּם לְאֵיזוּ שֶׁיִּרְצֶה וְחוֹלֵץ לַשְּׁנִיָּה. [5]אֶחָד שֶׁהוּא בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד וְאֶחָד שֶׁהוּא בֶּן עֶשְׂרִים שָׁנָה שֶׁלֹּא [6]הֵבִיא שְׁתֵּי שַׂעֲרוֹת.

years and one day of age or whether he be twenty years old and has not grown[6] two hairs.

1 The widow of his childless deceased brother. **2** The widowed יְבָמָה. **3** Upon whom now falls the leviratic affinity of two brothers-in-law (compare 3^9). **4** His opinion is not accepted. **5** *i.e.*, the ruling is the same in both these cases. The latter is considered in this connection as a minor until the age of thirty-five (and one day) if he has still not produced the *two hairs* and the further absence of these stamps him as a סְרִיס חַמָּה, a eunuch from birth (see 8^4 **Note 9**). **6** Literally *brought, produced.* * *viz.*, a surviving brother (יָבָם).

CHAPTER 11

פֶּרֶק יא

Mishnah 1

מִשְׁנָה א

[1]נוֹשְׂאִין [2]עַל הָאֲנוּסָה וְעַל [3]הַמְּפוּתָּה. הָאוֹנֵס וְהַמְּפַתֶּה עַל [4]הַנְּשׂוּאָה [5]חַיָּיב. נוֹשֵׂא אָדָם אֲנוּסַת אָבִיו [6]וּמְפוּתַּת אָבִיו אֲנוּסַת בְּנוֹ [6]וּמְפוּתַּת בְּנוֹ. רַבִּי [7]יְהוּדָה [8]אוֹסֵר בַּאֲנוּסַת אָבִיו [6]וּמְפוּתַּת אָבִיו.

One may wed[1] the near of kin[2] of a woman who was outraged or seduced.[3] One who violates or seduces the near of kin of his wedded wife[4] is culpable.[5] A man may marry one who was outraged by his father, or one who was seduced[6] by his father, or one who was violated by his son, or one who was seduced[6] by his son. R. Judah[7] prohibits[8] any woman who was outraged by his father or one who was seduced[6] by his father.

1 Literally *they may wed.* **2** Her daughter or her mother or her sister. **3** Or הַמְּפֻתָּה. *Leviticus* **20**, 14; **18**, 29. Compare 10^4. **4** Literally *the wedded woman.* **5** The penalty is either כָּרֵת, extirpation (*Appendix,* **Note 2**), or שְׂרֵפָה, death by burning. **6** Or וּמְפֻתַּת. **7** His opinion is rejected. **8** *i.e.*, 'a man to marry . . .'

Mishnah 2

מִשְׁנָה ב

הַגִּיּוֹרֶת שֶׁנִּתְגַּיְּרוּ בָנֶיהָ עִמָּהּ, [1]לֹא חוֹלְצִין וְלֹא מְיַבְּמִין, אֲפִילוּ הוֹרָתוֹ שֶׁל רִאשׁוֹן שֶׁלֹּא [2]בִּקְדוּשָּׁה וְהַשֵּׁנִי הוֹרָתוֹ וְלֵידָתוֹ [3]בִּקְדוּשָּׁה. וְכֵן שִׁפְחָה שֶׁנִּשְׁתַּחְרְרוּ [4]בָנֶיהָ עִמָּהּ.

In the case of a proselyte woman whose sons were proselytized with her, they[1] do not have to submit to *chalitzah* or contract *levirate marriage,* even if the one son were not conceived in sanctity[2] and the other son were both conceived and born in sanctity.[3] And also, similarly, in the case of a bondwoman whose sons[4] were freed with her.

1 If one of these sons died childless leaving a widow none of the brothers has to fulfil the obligations of חֲלִיצָה or יִבּוּם. **2** She was pregnant before the father became a proselyte. **3** The father was proselytized before she was with child. According to דִּין sons of a non-Jew are not considered ritual brothers (he has the status of a newly born child and is thus considered as having no family relationships). **4** These also are not deemed ritual brothers, having been born in bondage.

Mishnah 3

מִשְׁנָה ג

חָמֵשׁ [2]נָשִׁים שֶׁנִּתְעָרְבוּ [1]וְלָדוֹתֵיהֶן הִגְדִּילוּ [3]הַתַּעֲרוּבוֹת, וְנָשְׂאוּ נָשִׁים [4]וּמֵתוּ, [5]אַרְבָּעָה חוֹלְצִין [6]לְאַחַת [7]וְאֶחָד מְיַבֵּם אוֹתָהּ; [8]הוּא וּשְׁלֹשָׁה חוֹלְצִין [9]לַאֲחֶרֶת וְאֶחָד [10]מְיַבֵּם; נִמְצְאוּ אַרְבָּעָה חֲלִיצוֹת וְיִבּוּם לְכָל [11]אַחַת וְאֶחָת.

If the babies[1] of five women[2] were confused together and grew up still confused,[3] and they took wives and died,[4] four[5] must submit to *chalitzah* from one[6] and the one[7] contracts *levirate marriage* with her; then this one[8] and three others must accept *chalitzah* from another[9] and one other performs *levirate union;* thus the result is that each one[11] grants *chalitzah* four times and contracts once *levirate union.*

1 Newly born. **2** Such a case actually occurred with five women who were in hiding during a massacre. **3** It was indeterminable who were the actual natural mothers, and these mothers had each another son (or other sons) that had not been confused. **4** Thus the difficulty arose as to which of the sons the widowed יְבָמוֹת were respectively in affinity with. **5** Of the living known (non-confused) sons. **6** Of the widowed יְבָמוֹת. **7** The fifth one. **8** Who performed leviratic union. **9** Of the widowed יְבָמוֹת. **10** And the procedure is similarly repeated with the remaining widows. **11** Of the יְבָמוֹת, widows.

Mishnah 4

מִשְׁנָה ד

הָאִשָּׁה שֶׁנִּתְעָרֵב וְלָדָהּ [1]בִּוְלַד כַּלָּתָהּ, הִגְדִּילוּ הַתַּעֲרוּבוֹת וְנָשְׂאוּ נָשִׁים וּמֵתוּ, [2]בְּנֵי הַכַּלָּה [3]חוֹלְצִין וְלֹא מְיַבְּמִין שֶׁהוּא סָפֵק [4]אֵשֶׁת אָחִיו סָפֵק אֵשֶׁת אַחֵי אָבִיו; [5]וּבְנֵי הַזְּקֵנָה אוֹ חוֹלְצִין אוֹ [6]מְיַבְּמִין שֶׁהוּא סָפֵק

If a woman's newly-born babe were confused with the newly-born babe[1] of her daughter-in-law, and they grew up confused and took wives and then died, the sons[2] of the daughter-in-law must accept *chalitzah*[3] and must not contract *levirate marriage* as there is a doubt whether she is his brother's

[7,4]אֵשֶׁת אָחִיו וְאֵשֶׁת בֵּן אָחִיו. מֵתוּ [8]הַכְּשֵׁרִים, בְּנֵי הַתַּעֲרוּבוֹת [9]לִבְנֵי הַזְּקֵנָה חוֹלְצִין וְלֹא מְיַבְּמִין, שֶׁהוּא סָפֵק אֵשֶׁת אָחִיו וְאֵשֶׁת אַחִי אָבִיו, [10]וּבְנֵי [11]הַכַּלָּה, [12]אֶחָד [13]חוֹלֵץ וְאֶחָד [14]מְיַבֵּם.

wife[4] or whether she is the wife of his father's brother; but the sons[5] of the grandmother may either submit to *chalitzah* or contract *levirate union*[6] because the only uncertainty is whether she[7] is the wife[4] of his brother or the wife of his brother's son. If the unconfused ones[8] died, the confused sons must accept *chalitzah* from those[9] of the sons of the grandmother but must not contract *levirate marriage,* because it is uncertain whether she is his brother's wife or the wife of his father's brother, and regarding the sons[10] of the daughter-in-law,[11] one[12] must submit to *chalitzah*[13] and the other may contract *levirate marriage.*[14]

1 Both males of course. **2** Who were not confused. **3** From both widowed יְבָמוֹת, since it is indeterminate which was the right יְבָמָה. **4** *i.e.,* widow. **5** Who were unconfused. **6** After the sons of the daughter-in-law had submitted to חֲלִיצָה. **7** The widowed יְבָמָה. **8** Of the mother-in-law and daughter-in-law. The indeterminable sons were living. **9** Widows. **10** Some editions have לִבְנֵי. **11** *i.e.,* with reference to *the widows of* these unconfused sons. **12** Of the two confused sons. **13** From one widow. **14** With the other widow. After the former had submitted to חֲלִיצָה.

Mishnah 5

מִשְׁנָה ה

כֹּהֶנֶת שֶׁנִּתְעָרֵב וְלָדָהּ בְּוֹלַד שִׁפְחָתָהּ, הֲרֵי אֵלּוּ [1]אוֹכְלִים [2]בִּתְרוּמָה [3]וְחוֹלְקִים חֵלֶק אֶחָד *בַּגֹּרֶן; וְאֵינָן [4]מִיטַּמְּאִין [5]לְמֵתִים, [6]וְאֵין נוֹשְׂאִין נָשִׁים בֵּין [7]כְּשֵׁרוֹת בֵּין [8]פְּסוּלוֹת. הִגְדִּילוּ הַתַּעֲרוּבוֹת וְשִׁחְרְרוּ [9]זֶה אֶת־זֶה, נוֹשְׂאִין נָשִׁים רְאוּיוֹת [10]לְכְהוּנָּה, וְאֵינָן [4]מִיטַּמְּאִין [5]לְמֵתִים, וְאִם נִטְמְאוּ אֵינָן סוֹפְגִין אֶת־[11]הָאַרְבָּעִים; וְאֵינָן אוֹכְלִים בִּתְרוּמָה, וְאִם אָכְלוּ אֵינָן [12]מְשַׁלְּמִין קֶרֶן [13]וַחֲוֹמֶשׁ; וְאֵינָן חוֹלְקִין עַל

If the newly-born child of a priest's wife were confused with the newly-born child of her bondwoman, then both may eat[1] of *priest's-due*[2] and they receive[3] their share together at the threshing-floor,* and they must not contract uncleanness[4] for the dead,[5] and they[6] must not marry women whether they are eligible[7] or whether they are ineligible.[8] If they grew up still confused and then freed each other,[9] they wed women eligible for priestly family[10] and they must not contract uncleanness[4] for the dead,[5] but if they did contract uncleanness

הַגּוֹרֶן; וּמוֹכְרִין אֶת־[14]הַתְּרוּמָה
וְהַדְּמִים שֶׁלָּהֶם; וְאֵינָן חוֹלְקִים
[15]בְּקָדְשֵׁי הַמִּקְדָּשׁ; וְאֵין נוֹתְנִין לָהֶם
[16]קָדָשִׁים, וְאֵין מוֹצִיאִים [17]שֶׁלָּהֶם
מִיָּדָם; [18]וּפְטוּרִין מִן־[19]הַזְّרוֹעַ וּמִן
הַלְּחָיַיִם וּמִן [20]הַקֵּיבָה; וּבְכוֹרוֹ יְהֵא
רוֹעֶה עַד [21]שֶׁיִּסְתָּאֵב; וְנוֹתְנִין [23]עָלָיו
חוֹמְרֵי כֹהֲנִים וְחוֹמְרֵי [22]יִשְׂרְאֵלִים.

they do not suffer the penalty of *forty stripes;*[11] and they must not eat of *priest's-due,* but if they did eat they do not have to repay[12] the value and the *added fifth;*[13] and they do not share at the threshing-floor; and they may sell the *priest's-due*[14] and the money is theirs; and they do not share in the *hallowed things*[15] of the Temple; and they must not give them *hallowed things,*[16] but they may not take away from them what they have;[17] and they are exempt from[18] the shoulder[19] and from the two cheeks and from the maw;[20] and any firstling of theirs must be put to pasture until it acquires a blemish;[21] and the strict rulings regarding priests and the strict rulings concerning Israelites[22] apply to each one.[23]

1 An עֶבֶד כֹּהֵן may eat of תְּרוּמָה. **2** Or *heave-offering. Leviticus* **22**, 11. **3** *i.e.,* both as one share. The offspring; since either may be a כֹּהֵן; but if only one came he gets no such share. **4** Or מִטַּמְּאִין [*Hithpael*]. **5** Literally *dead* (not *the dead*). *Leviticus* **21**, 1. But for the father the כֹּהֵן they do. **6** As it is indeterminate which one is priest and which bondman. **7** The women. **8** To be married to כֹּהֲנִים, priests; because of the uncertainty of their status, as an eligible woman may not be married to a bondman, עֶבֶד, and an ineligible woman may not be taken by a כֹּהֵן. **9** For the uncertainty as to their status pertained all the time. **10** *i.e.,* women who are ritually licit to be married to priests. See קִדּוּשִׁין 4[1] ff. **11** מַכּוֹת 3[1] ff. Each one can plead that he is not a כֹּהֵן. **12** Each one can plead that he is a כֹּהֵן. **13** *Leviticus* **22**, 11; בָּבָא מְצִיעָא 4[8]. **14** Because each can demand that proof be produced that he is not a כֹּהֵן. From their own produce to a כֹּהֵן. **15** Or *hallowed things.* Not even hides of offerings. **16** For offering up. **17** For example a firstling born to them can not be taken away (see further on). **18** From giving to the priests. **19** *i.e.,* forelegs. **20** *Deuteronomy* **18**, 3; חוּלִּין 10[1] ff. **21** וּבְכוֹרוֹ literally *and his firstling.* Only priests may consume firstlings; and as it is indeterminable as to who is priest and who is bondman, they may neither consume them nor dispose of them to priests until the firstlings acquire blemish. **22** *i.e.,* non-priests. **23** Of these undetermined offspring. This refers to the קָרְבַּן מִנְחָה, *meal-offering;* if they offer a מִנְחָה a קֹמֶץ, *handful,* of it is removed as for a יִשְׂרָאֵל and burned separately and the rest burned as for a כֹּהֵן. *Leviticus* **2**, 1-3; **6**, 14-17. * They come together to claim their shares of the *priest's-due.*

Mishnah 6

מִשְׁנָה ו

מִי שֶׁלֹּא שָׁהֲתָה אַחַר [1]בַּעֲלָהּ שְׁלֹשָׁה חֳדָשִׁים וְנִשֵּׂאת וְיָלְדָה, וְאֵין יָדוּעַ אִם בֶּן תִּשְׁעָה [2]לָרִאשׁוֹן אִם בֶּן שִׁבְעָה לָאַחֲרוֹן, הָיוּ לָהּ בָּנִים מִן־הָרִאשׁוֹן וּבָנִים מִן־הַשֵּׁנִי חוֹלְצִין וְלֹא [3]מְיַבְּמִין, וְכֵן [4]הוּא [5]לָהֶם חוֹלֵץ וְלֹא מְיַבֵּם. הָיוּ לוֹ אַחִים מִן־הָרִאשׁוֹן וְאַחִים מִן־הַשֵּׁנִי, שֶׁלֹּא מֵאוֹתָהּ הָאֵם, הוּא חוֹלֵץ [6]וּמְיַבֵּם, [7]וְהֵם אֶחָד חוֹלֵץ וְאֶחָד [8]מְיַבֵּם.

If a woman did not delay after her husband[1] for three months and had been remarried and gave birth, and it be not known whether it was a nine months' child by the first[2] or whether it was a seven months' child by the latter, then if she had sons by the former and sons by the second these must submit to *chalitzah* and they must not contract *levirate marriage,*[3] and likewise also he[4] in their case[5] must accept *chalitzah* and must not contract *levirate union.* If he had brothers by the first* and brothers by the second,* but not by the same mother, then he must submit to *chalitzah* or contract *levirate union,*[6] but as for them[7] one accepts *chalitzah* and another one contracts *levirate marriage.*[8]

1 Who died or who had divorced her. See 4[10]. **2** The former husband. **3** If the indeterminate son in question had died childless leaving a widow. One of the sons of the first husband accepts חֲלִיצָה in case the deceased was a son of their father but they must not perform levirate union lest he was a son of the second husband and he was then with them of the same mother but not of the same father and so his widow is prohibited to them under the penalty of כָּרֵת (see *Appendix,* **Note 2**), and similarly this applies to the sons of the second husband, and likewise he must submit to חֲלִיצָה from these wives and must not perform levirate marriage. **4** The son of indeterminable fatherhood. **5** If any of them die childless leaving widows. **6** If any of them die without issue and leave widows. **7** If the indeterminable son dies without issue and leaves a widow. **8** Either a son of the first husband accepts חֲלִיצָה and a son of the second husband may then perform levirate marriage or a son of the first husband may perform levirate union after a son of the second husband has submitted to חֲלִיצָה. * *viz.*, husband of his brother.

Mishnah 7

מִשְׁנָה ז

הָיָה אֶחָד [1]יִשְׂרְאֵל [2]וְאֶחָד כֹּהֵן [3]נוֹשֵׂא אִשָּׁה [4]רְאוּיָה לְכֹהֵן; וְאֵינוֹ [5]מִיטַּמֵּא [6]לְמֵתִים, וְאִם נִטְמָא אֵינוֹ סוֹפֵג אֶת־הָאַרְבָּעִים; וְאֵינוֹ אוֹכֵל

If one were an Israelite[1] and the other a priest,[2] he[3] must marry a woman who is eligible[4] for a priest; and he must not contract uncleanness[5] for the dead,[6] and if he did so contract uncleanness, he does not

[7]בִּתְרוּמָה, וְאִם אָכַל אֵינוֹ מְשַׁלֵּם
קֶרֶן [8]וָחֹמֶשׁ; וְאֵינוֹ חוֹלֵק עַל [9]הַגֹּרֶן;
וּמוֹכֵר [10]הַתְּרוּמָה וְהַדָּמִים שֶׁלּוֹ;
וְאֵינוֹ חוֹלֵק [11]בְּקָדְשֵׁי הַמִּקְדָּשׁ; וְאֵין
נוֹתְנִין לוֹ אֶת־[12]הַקָּדָשִׁים, וְאֵין
מוֹצִיאִין אֶת־שֶׁלּוֹ מִיָּדוֹ; [13]וּפָטוּר
מִן־הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּיבָה;
וּבְכוֹרוֹ יְהֵא רוֹעֶה עַד שֶׁיִּסְתָּאֵב;
וְנוֹתְנִין [14]עָלָיו חוּמְרֵי כֹהֲנִים וְחוּמְרֵי
יִשְׂרְאֵלִים. הָיוּ [15]שְׁנֵיהֶם כֹּהֲנִים,
הוּא אוֹנֵן [16]עֲלֵיהֶם וְהֵם אוֹנְנִים
[17]עָלָיו; הוּא אֵינוֹ [18]מִיטַּמֵּא [19]לָהֶם
וְהֵם אֵינָן מִיטַּמְּאִין [20]לוֹ, הוּא אֵינוֹ
יוֹרֵשׁ [21]אוֹתָן, אֲבָל הֵם יוֹרְשִׁין
[22]אוֹתוֹ; [23]וּפָטוּר עַל מַכָּתוֹ וְעַל
קִלְלָתוֹ שֶׁל [24]זֶה וְשֶׁל זֶה; וְעוֹלֶה
בְּמִשְׁמָרוֹ שֶׁל [25]זֶה וְשֶׁל זֶה, וְאֵינוֹ
[26]חוֹלֵק; אִם הָיוּ שְׁנֵיהֶם בְּמִשְׁמָר
אֶחָד נוֹטֵל חֵלֶק אֶחָד.

incur the *forty stripes;* and he must not eat of *priest's-due,*[7] and if he did so eat, he does not have to repay the worth and the *added fifth;*[8] and he does not share at the threshing-floor;[9] and he may sell the *priest's-due*[10] and the money belongs to him; and he does not share in the *hallowed things*[11] of the Temple; and they must not give him (the) *hallowed things,*[12] but they must not take away from him what he has; and he is exempt from[13] the shoulder and the two cheeks and the maw; and any first-ling of his must be left to pasture till it suffers a blemish; and the stringent rulings regarding priests and the stringent rulings concerning Israelites apply to him.[14] If both of them[15] were priests, he must perform mourning for them[16] and they must observe mourning for him;[17] but he must not contract uncleanness[18] for them[19] and they must not contract uncleanness for him;[20] he does not inherit from them[21] but they may inherit from him;[22] and he is exempt[23] if he smite or curse either of them;[24] and he may join the *weekly service* of either of them,[25] but he does not share;[26] nevertheless if the two of them work together in the same *weekly service* he may receive a single portion.

1 One 'father' was a non-priest. **2** The other 'father' was a priest. This refers to the case of the husbands mentioned at the beginning of the foregoing *Mishnah* when a woman remarried within three months after her husband's death or after being divorced. **3** When there is a doubt as to who is the father and it is therefore indeterminate whether the son is a כֹּהֵן or a יִשְׂרְאֵל. **4** *i.e.,* eligible to be married to a priest. **5** Or מִטַּמֵּא [*Hithpael*]. **6** Literally *for dead persons.* **7** Or *heave-offering.* **8** *Leviticus* **22**, 11. בָּבָא מְצִיעָא 4[8]. **9** Compare 11[5]. **10** From his own produce. **11** Or *hallowed things, offerings.* **12** For offering up. **13** From giving up to the priests. **14** Compare the preceding *Mishnah.* **15** The husbands. **16** On their death in case he may have been his father and on the day of the death

he must **not** eat of קָדָשִׁים. **17** If he died in their lifetime. And on the day of the death both are prohibited to eat of קָדָשִׁים. **18** See **Note 5** above. **19** At their death. **20** Or מִתְטַמְּאִין or מִשַּׁמְּאִין. At his death. **21** For the heirs of one parent push him on to the heirs of the other parent. **22** See בָּבָא בַּתְּרָא 8[2]. **23** He is not culpable. **24** *Exodus* **21**, 15, 17. He can argue that the one so offended was not his father. **25** See מַעֲמָד and מִשְׁמָר, *Appendix*, **Note 17**; תַּצְנִית 2[6]. **26** *i.e.*, he has no share with them in the offerings, for the מִשְׁמָר can argue that he should not be with them.

CHAPTER 12 — פֶּרֶק יב

Mishnah 1 — מִשְׁנָה א

The obligation of the rite of *chalitzah* must be carried out before three judges,[1] even though[2] the three of them are laymen. If she performed *chalitzah* with a shoe her *chalitzah* is valid, but if with a felt shoe[3] her *chalitzah* is invalid; if with a sandal that has a heel it is licit, but with one that has no heel it is not licit; if from the knee downward[4] her *chalitzah* is valid, but if from the knee upward[5] her *chalitzah* is disqualified.

מִצְוַת חֲלִיצָה בִּשְׁלֹשָׁה [1]דַּיָּנִין, [2]וַאֲפִילוּ שְׁלָשְׁתָּן הֲדִיוֹטוֹת. חָלְצָה בְּמַנְעָל חֲלִיצָתָהּ כְּשֵׁרָה, [3]בְּאַנְפִּילִין חֲלִיצָתָהּ פְּסוּלָה; בְּסַנְדָּל שֶׁיֵּשׁ־לוֹ עָקֵב כָּשֵׁר, וְשֶׁאֵין לוֹ עָקֵב פָּסוּל; מִן־הָאַרְכּוּבָה [4]וּלְמַטָּה, חֲלִיצָתָהּ כְּשֵׁרָה, מִן־הָאַרְכּוּבָה [5]וּלְמַעְלָה חֲלִיצָתָהּ פְּסוּלָה.

1 The three must be capable of reading the appropriate verses. סַנְהֶדְרִין 1[3]. Actually there should be five judges to give the event more publicity (and the additional two judges may even be illiterate men). None of them may be related to either party. **2** Or וַאֲפִלּוּ. **3** Or *felt sock*. **4** *i.e.*, if the straps of the sandal were tied below the knee. **5** *i.e.*, if the straps were fastened above the knee.

Mishnah 2 — מִשְׁנָה ב

If she performed *chalitzah* with a sandal[1] that was not his[2] or with a sandal made of wood,[3] or with one from the left foot worn on the right foot, her *chalitzah* is licit; if she performed *chalitzah* with one[4] which was too large but he could

חָלְצָה [1]בְּסַנְדָּל שֶׁאֵין [2]שֶׁלּוֹ אוֹ בְּסַנְדָּל שֶׁל [3]עֵץ, אוֹ בְּשֶׁל שְׂמֹאל בִּימִין, חֲלִיצָתָהּ כְּשֵׁרָה; חָלְצָה [4]בְּגָדוֹל שֶׁהוּא יָכוֹל לַהֲלוֹךְ בּוֹ, אוֹ בְּקָטָן שֶׁהוּא חוֹפֶה אֶת־רוֹב רַגְלוֹ,

חֲלִיצָתָהּ כְּשֵׁרָה; חָלְצָה בַּלַּיְלָה, חֲלִיצָתָהּ כְּשֵׁרָה, וְרַבִּי [5]אֱלִיעֶזֶר פּוֹסֵל. [6]בִּשְׂמֹאל, חֲלִיצָתָהּ פְּסוּלָה, וְרַבִּי [7]אֱלִיעֶזֶר מַכְשִׁיר.

notwithstanding walk with it, or with one which was too small but nevertheless could cover the greater part of his foot, her *chalitzah* is valid; if she carried out the *chalitzah* by night, her *chalitzah* is valid, but R. Eliezer[5] declares it disqualified. If with the left foot,[6] her *chalitzah* is invalid, but R. Eliezer[7] declares it licit.

1 Or *shoe.* **2** *i.e.,* did not belong to the יָבָם brother-in-law. **3** Covered with skin or leather. **4** A shoe or sandal. **5** His view on this point is accepted. **6** *i.e.,* if she performed חֲלִיצָה on his left foot. **7** His opinion regarding this is rejected.

Mishnah 3 — מִשְׁנָה ג

[1]חָלְצָה וְרָקְקָה אֲבָל לֹא [2]קָרְאָה חֲלִיצָתָהּ כְּשֵׁרָה. קָרְאָה וְרָקְקָה אֲבָל לֹא חָלְצָה חֲלִיצָתָהּ פְּסוּלָה. חָלְצָה וְקָרְאָה אֲבָל לֹא רָקְקָה, רַבִּי אֱלִיעֶזֶר אוֹמֵר חֲלִיצָתָהּ פְּסוּלָה, רַבִּי עֲקִיבָא אוֹמֵר חֲלִיצָתָהּ כְּשֵׁרָה. [3]אָמַר רַבִּי אֱלִיעֶזֶר, כָּכָה יֵעָשֶׂה, כָּל־דָּבָר שֶׁהוּא מַעֲשֶׂה [4]מְעַכֵּב. אָמַר לוֹ רַבִּי עֲקִיבָא, מִשָּׁם [5]רַאֲיָה, כָּכָה יֵעָשֶׂה לָאִישׁ, כָּל־דָּבָר שֶׁהוּא מַעֲשֶׂה [6]בָּאִישׁ.

If she drew off the shoe[1] and spat but did not recite,[2] her *chalitzah* is valid. If she recited and spat but did not remove the shoe, her *chalitzah* is invalid. If she drew off the shoe and recited but did not spit, R. Eliezer says her *chalitzah* is illicit, but R. Akiba says her *chalitzah* is licit. R. Eliezer said,[3] *Thus shall it be done . . .*, whatever is an act impairs.[4] R. Akiba said to him, From there is a proof![5]—*Thus shall it be done 'to the man' . . .*, aught that is a deed that requires to be done *to the man.*[6]

1 Or *sandal;* from the foot of the יָבָם. **2** The prescribed words. *Deuteronomy* **25**, 9. **3** *i.e.,* he quoted *Deuteronomy* **25**, 9, in support of his view. **4** *i.e.,* he stated that anything that is a deed—which had to be performed—and is not performed disqualifies the validity of the rite. **5** *i.e.,* he said that from that very same source he brought the proof in support of his opinion. **6** *i.e.,* therefore he concluded that the validity of the rite that has to be carried out depends on the act that must be performed to the man, thus the removal of the shoe is an act performed to the man and its absence invalidates the *chalitzah,* but 'spitting' is not at the man therefore this omission does not render the חֲלִיצָה invalid (וְרָקְקָה בְּפָנָיו *and she shall spit 'before' his face, i.e.,* upon the ground and not on to his face. See 12[6]).

Mishnah 4

מִשְׁנָה ד

If a male deaf-mute[1] submitted to *chalitzah*,[2] or if a female deaf-mute performed *chalitzah*, or if a woman performed *chalitzah* on a minor,[3] her *chalitzah* is invalid. If a girl minor[4] performed *chalitzah* she must again perform *chalitzah* when she will have grown up,[5] and if she did not again perform *chalitzah* her first *chalitzah* is invalid.

[1]הַחֵרֵשׁ שֶׁנֶּחֱלַץ, וְהַחֵרֶשֶׁת [2]שֶׁחָלְצָה, וְהַחוֹלֶצֶת [2]לְקָטָן, חֲלִיצָתָהּ פְּסוּלָה. [4]קְטַנָּה שֶׁחָלְצָה תַּחֲלוֹץ [5]מִשֶּׁתַּגְדִּיל, וְאִם לֹא חָלְצָה חֲלִיצָתָהּ פְּסוּלָה.

1 He can not exempt her if he had a normal brother, otherwise he must perform levirate union. **2** She has no other course than to contract leviratic marriage (after which she may be divorced). **3** For valid חֲלִיצָה a יְבָם must not be less than thirteen years and one day old and must show signs of puberty (production of 'two hairs.' Compare 10[9] **Note 5**). **4** A יְבָמָה must have reached the age of twelve years and one day (and have produced 'two hairs' as a sign of puberty) to render her חֲלִיצָה licit. **5** Becomes adult (twelve years and one day).

Mishnah 5

מִשְׁנָה ה

If a woman performed *chalitzah* before two (judges) only,[1] or before three (judges) one of whom was found to be of near kin or ineligible,[2] her *chalitzah* is invalid; R. Simon and R. Johanan the Sandal-Maker declare it[3] licit. And it once happened in the case of a man who submitted to *chalitzah* between himself and between her[4] in prison, and when the case[5] came before R. Akiba he declared it valid.[6]

חָלְצָה [1]בִּשְׁנַיִם, אוֹ בִשְׁלֹשָׁה וְנִמְצָא אֶחָד מֵהֶן קָרוֹב אוֹ [2]פָּסוּל, חֲלִיצָתָהּ פְּסוּלָה; רַבִּי שִׁמְעוֹן וְרַבִּי יוֹחָנָן הַסַּנְדְּלָר [3]מַכְשִׁירִין. וּמַעֲשֶׂה בְּאֶחָד שֶׁחָלַץ בֵּינוֹ [4]לְבֵינָהּ בְּבֵית הָאֲסוּרִים, וּבָא [5]מַעֲשֶׂה לִפְנֵי רַבִּי עֲקִיבָא [6]וְהִכְשִׁיר.

1 Both qualified to act in the case. **2** To act as judge in the case. Here the disqualified judge leaves only two valid judges. There must be three licit judges as stated in *Mishnah* **1** of this *Chapter*. **3** Their opinion is rejected. **4** *i.e.*, no one else beside themselves were present at the ceremony. **5** Literally *a case*. **6** But as already shown above it is invalid actually.

Mishnah 6

מִשְׁנָה ו

The prescribed ritual[1] of *chalitzah* is as follows: He and his widowed sister-in-law come to the Court[2]

[1]מִצְוַת חֲלִיצָה, בָּא הוּא וְיִבְמָתוֹ לְבֵית [2]דִּין [3]וְהֵן [4]מַשִּׂיאִין לוֹ עֵצָה

הַהוֹגֶנֶת [5]לוֹ [6]שֶׁנֶּאֱמַר, וְקָרְאוּ לוֹ זִקְנֵי
עִירוֹ וְדִבְּרוּ אֵלָיו. [7]וְהִיא אוֹמֶרֶת,
מֵאֵן יְבָמִי לְהָקִים לְאָחִיו שֵׁם
בְּיִשְׂרָאֵל, לֹא אָבָה [8]יַבְּמִי. [9]וְהוּא
אוֹמֵר, [10]לֹא חָפַצְתִּי לְקַחְתָּהּ.
[11]וּבְלָשׁוֹן הַקֹּדֶשׁ הָיוּ אוֹמְרִים.
וְנִגְּשָׁה יְבִמְתּוֹ אֵלָיו לְעֵינֵי הַזְּקֵנִים,
וְחָלְצָה נַעֲלוֹ מֵעַל רַגְלוֹ וְיָרְקָה
[13,12]בְּפָנָיו, רוֹק הַנִּרְאֶה לַדַּיָּנִים,
וְעָנְתָה וְאָמְרָה, [14]כָּכָה יֵעָשֶׂה לָאִישׁ
אֲשֶׁר לֹא יִבְנֶה אֶת־בֵּית אָחִיו. עַד
כָּאן הָיוּ [15]מַקְרִין. וּכְשֶׁהִקְרָא רַבִּי
הוּרְקַנּוֹס תַּחַת [16]הָאֵלָה בִּכְפַר עֵיטָם
וְגָמַר אֶת־כָּל־ [17]הַפָּרָשָׁה, הוּחֲזְקוּ
לִהְיוֹת גּוֹמְרִים כָּל־ [18]הַפָּרָשָׁה.
וְנִקְרָא שְׁמוֹ בְּיִשְׂרָאֵל בֵּית חֲלוּץ
הַנָּעַל מִצְוָה [19]בַּדַּיָּנִין וְלֹא מִצְוָה
[20]בַּתַּלְמִידִים. רַבִּי [21]יְהוּדָה אוֹמֵר,
מִצְוָה עַל כָּל־[22]הָעוֹמְדִים שָׁם
לוֹמַר, חֲלוּץ הַנָּעַל! חֲלוּץ הַנָּעַל!
חֲלוּץ [23]הַנָּעַל!

and they[3] offer[4] him such advice as befits him,[5] as it is said,[6] *And then the elders of his city shall call him and speak unto him.* And she shall say,[7] *My brother-in-law* refuseth *to raise up unto his brother a name in Israel, he refuseth to contract levirate union with me.*[8] And he shall say,[9] *I do not desire to take her.*[10] And they used to say this in the Holy Language.[11] *And then shall his widowed sister-in-law draw nigh unto him in the presence of the elders, and loose his shoe from off his foot and spit before*[12] *his face*[13]—spittle that is visible to the judges—*and she shall answer and say, Thus shall it be done unto the man who will not build up his brother's house.*[14] Thus far they used to quote.[15] But when R. Hircanos under the terebinth[16] in Kfar Etam quoted and completed the whole section,[17] they established the rule that they should complete the whole section.[18] *And his name shall be called in Israel 'The house of him who had his shoe loosed'* was an obligation that devolved upon the judges[19] and was not a duty that fell upon the disciples.[20] R. Judah[21] says, It was a duty that devolved upon all the bystanders[22] (there) to say, *The man who had his shoe loosed! The man who had his shoe loosed! The man who had his shoe loosed!*[23]

1 Or *ordained rite. Deuteronomy* **25**, 7-10 (see INTRODUCTION). **2** Or the Court may come to them. **3** The judges. **4** Or מִשִּׁיאִין. **5** For instance if the יָבָם is a child and the יְבָמָה an old woman, or if the יָבָם is an old man and the יְבָמָה a young woman, they (both) are advised to go through the ceremony of חֲלִיצָה in order to marry partners more their equal in age. **6** *Deuteronomy* **25**, 8. **7** Literally *And she says.* **8** *Deuteronomy* **25**, 7. **9** Literally *And he says.* **10** *Deuteronomy* **25**, 8. Literally *I did not desire to take her.* **11** *i.e.*, Hebrew. See סוֹטָה 7[4]. **12** Not

into or *at* or *upon* or *in* (see 12[3] **Note 6**). **13** *Deuteronomy* **25**, 9. **14** *Deuteronomy* **25**, 9. **15** The prescribed formula from the verses in *Deuteronomy*. **16** Or *turpentine-tree*. **17** *Deuteronomy* **25**, 10, also, as mentioned below. **18** And recite also . . . **19** They had to recite this verse. **20** Who were in the presence of their superiors (teachers). **21** His opinion is accepted. **22** *i.e.*, all those present whether standing or sitting. **23** He was considered as a rebel against the תּוֹרָה and was almost ostracised under a ban and contumely.

CHAPTER 13

פֶּרֶק יג

Mishnah 1

מִשְׁנָה א

The School of Shammai say, Only those who are betrothed can exercise the prerogative of refusal;[1] but the School of Hillel say, Both betrothed and married.[2] The School of Shammai say,[3] Against a husband and not against a brother-in-law; but the School of Hillel say, Both against a husband[4] and against a brother-in-law. The School of Shammai say,[5] In his presence; but the School of Hillel say, Whether in his presence or not in his presence. The School of Shammai say;[5] Before the Court; but the School of Hillel say, Before the Court or not before the Court.[6] The School of Hillel said to the School of Shammai, So long as she is a minor she may exercise the prerogative of refusal even[7] four or five times. The School of Shammai replied to them, The daughters of Israel are not public property![8]—but she can exercise the prerogative of refusal[9] and wait until she grows up, or she may exercise the prerogative of refusal[10] and be married.[11]

בֵּית שַׁמַּאי אוֹמְרִים, אֵין יִמְאַנִּין אֶלָּא אֲרוּסוֹת; וּבֵית הִלֵּל אוֹמְרִים, אֲרוּסוֹת [2]וּנְשׂוּאוֹת. בֵּית שַׁמַּאי [3]אוֹמְרִים, בְּבַעַל וְלֹא בְיָבָם; וּבֵית הִלֵּל אוֹמְרִים, [4]בְּבַעַל וּבְיָבָם. בֵּית שַׁמַּאי [5]אוֹמְרִים, בְּפָנָיו; וּבֵית הִלֵּל אוֹמְרִים, בְּפָנָיו וְשֶׁלֹּא בְפָנָיו. בֵּית שַׁמַּאי [5]אוֹמְרִים, בְּבֵית דִּין; וּבֵית הִלֵּל אוֹמְרִים, בְּבֵית דִּין וְשֶׁלֹּא [6]בְּבֵית דִּין. אָמְרוּ לָהֶן בֵּית הִלֵּל לְבֵית שַׁמַּאי, מְמָאֶנֶת וְהִיא קְטַנָּה [7]אֲפִילוּ אַרְבָּעָה וַחֲמִשָּׁה פְּעָמִים. אָמְרוּ לָהֶן בֵּית שַׁמַּאי, אֵין בְּנוֹת יִשְׂרָאֵל [8]הֶפְקֵר, אֶלָּא [9]מְמָאֶנֶת וּמַמְתֶּנֶת עַד שֶׁתַּגְדִּיל, [10]וּתְמָאֵן [11]וְתִנָּשֵׂא.

1 If a minor, after her father's death, has been given in marriage by her mother or brother(s), she has the right to repudiate this contract (of betrothal) before two witnesses and be freed without גֵּט, a bill of divorce. **2** Whether a minor is betrothed or married she may exercise the right of refusal. **3** regarding the privilege of refusal. **4** But if the בַּעַל, husband, died before she effected refusal and there was a יָבָם she can not now do so but must wait until she becomes an adult and then offers חֲלִיצָה. **5** *i.e.,* 'The rite in connection with the right of refusal must be performed . . .' **6** Of expert judges. Here two witnesses are sufficient. **7** Or אֲפִלּוּ. **8** Or *common, ownerless.* **9** Once for all. **10** On one occasion. **11** To another, after which she can not again exercise the right of refusal.

Mishnah 2

מִשְׁנָה ב

אֵיזוֹ הִיא קְטַנָּה שֶׁצְּרִיכָה [1]לְמָאֵן? כָּל־ שֶׁהִשִּׂיאוּהָ אִמָּהּ וְאַחֶיהָ לְדַעְתָּהּ. הִשִּׂיאוּהָ שֶׁלֹּא לְדַעְתָּהּ אֵינָהּ צְרִיכָה לְמָאֵן. רַבִּי [2]חֲנִינָא בֶּן אַנְטִיגְנוֹס אוֹמֵר, כָּל־תִּינוֹקֶת שֶׁאֵינָהּ [3]יְכוֹלָה לִשְׁמוֹר [4]קִדּוּשֶׁיהָ אֵינָהּ צְרִיכָה לְמָאֵן. רַבִּי [5]אֱלִיעֶזֶר אוֹמֵר, אֵין מַעֲשֵׂה קְטַנָּה [6]כְּלוּם, אֶלָּא [7]כְּמְפוּתָּה; בַּת [8]יִשְׂרָאֵל לְכֹהֵן לֹא תֹאכַל [9]בִּתְרוּמָה; בַּת כֹּהֵן לְיִשְׂרָאֵל תֹּאכַל [10]בִּתְרוּמָה.

Who is the minor that must exercise the prerogative of refusal?[1]—Any whose mother or brothers have married her off with her consent. If they gave her in marriage without her consent, she does not need to exercise the prerogative of refusal. R. Chanina[2] ben Antigonus says, Any child who is not able[3] to preserve her betrothal token[4] need not exercise her prerogative of refusal. R. Eliezer[5] says, The act of a minor is as naught[6]—she is as one that was seduced;[7] if she were the daughter of an Israelite[8] married to a priest, she must not eat of *priest's-due;*[9] if she were the daughter of a priest wedded to an Israelite, she may eat of *priest's-due.*[10]

1 If she wants to repudiate the arrangement she needs only to state *I do not want my husband* or *I do not want the betrothal* as the case may be. This privilege ceases when she attains to the age of twelve years and one day. **2** His opinion is accepted. **3** Or יָכֹלֶת. **4** קִדּוּשִׁין 2[1] ff. This status subsists up to the age of six years, and beyond this up to the age of ten years enquiry is necessary to maintain this status. **5** His view is rejected. **6** *i.e.,* has no validity. **7** Or כְּמִפְתָּה. She does not have to exercise the rite of the right of rejection but is free automatically. **8** *i.e.,* non-priest. **9** Or *heave-offering.* See *Appendix,* **Note 1.** **10** *Leviticus* **22**, 12.

Mishnah 3

מִשְׁנָה ג

R. Eliezer ben Jacob says, All hindrance[1] that emanated from the husband[2] renders her as though[3] she were his wife;[4] but if any hindrance did not arise from the husband,[5] it is deemed as if[3] she were not his wife.

רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר, כָּל־ [1]עַכָּבָה [2]שֶׁהִיא מִן־הָאִישׁ [3]כְּאִילוּ הִיא [4]אִשְׁתּוֹ; וְכָל עַכָּבָה שֶׁאֵינָהּ מִן־[5]הָאִישׁ [3]כְּאִילוּ אֵינָהּ אִשְׁתּוֹ.

1 In the marriage. **2** For instance, she did not exercise the right of refusal, and if he divorced her. **3** Or כְּאִלּוּ. **4** According to law, in all respects (see the next *Mishnah*). **5** Thus, she exercised the prerogative of refusal.

Mishnah 4

מִשְׁנָה ד

One who[1] exercises the prerogative of refusal against a man: he is allowed[2] to marry her near of kin, and she is permitted[3] to be wed to his near of kin; and he has not thereby disqualified her from the priesthood.[4] If he gave her a bill of divorce, he is forbidden to marry her near of kin and she is prohibited from being wedded by his near of kin; and he has thereby disqualified her from the priesthood.[4] If he gave her a bill of divorce and afterward took her back, or if she exercised the prerogative of refusal against him and was wedded to another and afterward became a widow or was divorced, she is permitted[3] to return to him.[5] If she exercised the prerogative of refusal against him and he then took her back, or if he gave her a bill of divorce and she were wed to another and then were widowed or were divorced, she is prohibited from returning to him. This is the general principle: if a bill of divorce come after the exercising of the prerogative of refusal, she is forbidden to return to him;[6] but if the exercising of the prerogative of refusal follow the bill of divorce, she is permitted[3] to go back to him.[6]

[1]הַמְמָאֶנֶת בְּאִישׁ, הוּא [2]מוּתָּר בִּקְרוֹבוֹתֶיהָ, וְהִיא [3]מוּתֶּרֶת בִּקְרוֹבָיו; וְלֹא פְסָלָהּ מִן־ [4]הַכְּהוּנָּה. נָתַן לָהּ גֵּט, הוּא אָסוּר בִּקְרוֹבוֹתֶיהָ וְהִיא אֲסוּרָה בִּקְרוֹבָיו; וּפְסָלָהּ מִן־[4]הַכְּהוּנָּה. נָתַן לָהּ גֵּט וְהֶחֱזִירָהּ, מֵאֲנָה בוֹ וְנִשֵּׂאת לְאַחֵר וְנִתְאַרְמְלָה, אוֹ נִתְגָּרְשָׁה, [3]מוּתֶּרֶת לַחֲזוֹר [5]לוֹ. מֵאֲנָה בוֹ וְהֶחֱזִירָהּ, נָתַן לָהּ גֵּט וְנִשֵּׂאת לְאַחֵר וְנִתְאַרְמְלָה אוֹ נִתְגָּרְשָׁה, אֲסוּרָה לַחֲזוֹר לוֹ. זֶה הַכְּלָל, גֵּט אַחַר מֵיאוּן אֲסוּרָה לַחֲזוֹר לוֹ; מֵיאוּן אַחַר גֵּט [3]מוּתֶּרֶת לַחֲזוֹר [6]לוֹ.

1 A girl minor. **2** Or מִתֵּר. **3** Or מִתֶּרֶת. **4** *i.e.*, to be married to a כֹּהֵן, priest. **5** Having been a קְטַנָּה, minor, when with him she does not in this case come within the category of מַחֲזִיר גְּרוּשָׁתוֹ (compare 4[12] **Note 1**). **6** Even more than once, *i.e.*, if he divorced her and he took her back and she refused him, if she had been married to another after divorce she may not return to him, but if after exercising 'right of refusal' she may return irrespective of the number of times she exercised this right.

Mishnah 5 — מִשְׁנָה ה

[1]הַמְּמָאֶנֶת בְּאִישׁ וְנִשֵּׂאת לְאַחֵר וְגֵרְשָׁהּ, [2]לְאַחֵר וּמֵיאֲנָה בוֹ, [3]לְאַחֵר וְגֵרְשָׁהּ ([4]לְאַחֵר וּמֵיאֲנָה בוֹ), כָּל־שֶׁיָּצְאָתָה הֵימֶנּוּ בְּגֵט אֲסוּרָה לַחֲזוֹר לוֹ, בְּמֵיאוּן [5]מוּתֶּרֶת לַחֲזוֹר [6]לוֹ.

One who[1] exercises the prerogative of refusal against a man and she was married to another and he divorced her, then[2] to another and she exercised the prerogative of refusal against him, and then to another[3] and he divorced her (and afterward to another[4] and she exercised the prerogative of refusal against him), from whatever man she had been separated by a bill of divorce she is prohibited from returning to him, but if by exercising the prerogative of refusal, she is permitted[5] to go back to him.[6]

1 A girl minor. **2** She was then married. **3** She was married to a third man. **4** She was wedded to a fourth man. This part bracketed is redundant according to some authorities. **5** Or מִתֶּרֶת. **6** From whatever man she had been thus separated by מֵיאוּן.

Mishnah 6 — מִשְׁנָה ו

[1]הַמְגָרֵשׁ אֶת־הָאִשָּׁה וְהֶחֱזִירָהּ [5]מוּתֶּרֶת [2]לַיָּבָם; וְרַבִּי [3]אֱלִיעֶזֶר אוֹסֵר. וְכֵן הַמְגָרֵשׁ אֶת־[4]הַיְתוֹמָה וְהֶחֱזִירָהּ, [5]מוּתֶּרֶת [2]לְיָבָם; וְרַבִּי [6]אֱלִיעֶזֶר אוֹסֵר. קְטַנָּה שֶׁהִשִּׂיאָהּ אָבִיהָ וְנִתְגָּרְשָׁה כְּיִתוֹמָה בְּחַיֵּי [7]הָאָב. [8]הֶחֱזִירָהּ, דִּבְרֵי הַכֹּל אֲסוּרָה [9,2]לַיָּבָם.

If one divorced[1] his wife and took her back she is permitted[5] to contract *levirate marriage;*[2] but R. Eliezer[3] prohibits it. And likewise also if one divorced an orphan[4] and took her back, she is permitted[5] to contract *levirate union;*[2] but R. Eliezer[6] forbids it. A minor whom her father had given in marriage and was then divorced is considered as an orphan during her father's lifetime.[7] If he took her back,[8] all are of opinion that she is prohibited from contracting *levirate marriage.*[2,9]

1 Literally *divorces*. See 4[12], **Note 1**. **2** With the husband's brother if the husband died childless. Literally לְיָבָם *to the brother-in-law*. **3** His view is rejected. **4** His wife is an orphan minor whose betrothal is מִדִּבְרֵי סוֹפְרִים. **5** Or מְמֻתֶּרֶת. **6** His opinion is not accepted. **7** Though the father is living he can no longer exercise the right of giving her in marriage although she is still a minor. **8** He who had divorced her remarried her. **9** If she is still a minor, her status is that of a גְּרוּשָׁה, divorced woman, at her husband's death (her father cannot now effect קִדּוּשִׁין for her, no longer having authority over her, and she herself as a minor cannot accept קִדּוּשִׁין, and thus she is termed a גְּרוּשָׁה—and one may not marry his brother's גְּרוּשָׁה).

Mishnah 7

מִשְׁנָה ז

שְׁנֵי אַחִין נְשׂוּאִין לִשְׁתֵּי אֲחָיוֹת יְתוֹמוֹת קְטַנּוֹת, וּמֵת בַּעֲלָהּ שֶׁל אַחַת מֵהֶן, [1]תֵּצֵא מִשּׁוּם [2]אֲחוֹת אִשָּׁה; וְכֵן [3]שְׁתֵּי [4]חֵרְשׁוֹת. [5]גְּדוֹלָה וּקְטַנָּה, מֵת בַּעֲלָהּ שֶׁל קְטַנָּה, תֵּצֵא הַקְּטַנָּה מִשּׁוּם אֲחוֹת אִשָּׁה; מֵת בַּעֲלָהּ שֶׁל גְּדוֹלָה, רַבִּי [6]אֱלִיעֶזֶר אוֹמֵר, מְלַמְּדִין אֶת־הַקְּטַנָּה שֶׁתְּמָאֵן [7]בּוֹ; רַבָּן גַּמְלִיאֵל אוֹמֵר, אִם מֵיאֲנָה מֵיאֲנָה, [8]וְאִם לָאו תַּמְתִּין עַד [9]שֶׁתַּגְדִּיל [10]וְתֵצֵא הַלָּזוּ מִשּׁוּם אֲחוֹת אִשָּׁה. רַבִּי יְהוֹשֻׁעַ אוֹמֵר, אִי לוֹ עַל [11]אִשְׁתּוֹ וְאִי לוֹ עַל [12]אֵשֶׁת אָחִיו מוֹצִיא אֶת־אִשְׁתּוֹ בְּגֵט וְאֵשֶׁת אָחִיו [13]בַּחֲלִיצָה.

If two brothers were married to two sisters who were orphans and minors, and the husband of one of them died, she must go free[1] because she is *the wife's sister;*[2] and similarly also in the case of two[3] deaf-mutes.[4] If one[5] were an adult and the other a minor, and the husband of the minor died, the minor must go free by virtue of *the wife's sister;* if the husband of the adult one died, R. Eliezer[6] says, They instruct the minor that she should exercise the prerogative of refusal against him;[7] but Rabban Gamaliel says, If she exercise the prerogative of refusal it is valid, and if not[8] she may wait until she grows up[9] and then the other goes free[10] because she is *the wife's sister.* R. Joshua says, Woe to him because of his own wife[11] and woe to him because of his brother's wife![12] He must set his wife free by a bill of divorce and his brother's wife by *chalitzah.*

1 *i.e.*, she is exempt from חֲלִיצָה and יִבּוּם. **2** *Leviticus* **18**, 18. **3** Two sisters. **4** Because their marriage is only מִדִּבְרֵי סוֹפְרִים and not מִדְּאוֹרַיְיתָא (or מִן־הַתּוֹרָה). **5** Of two sisters. **6** His opinion is accepted. He is רַבִּי אֱלִיעֶזֶר בֶּן הוּרְקָנוֹס (compare *Mishnah* **11**, **Note 5** of this *Chapter*). **7** Her husband, so that he can contract leviratic marriage with the adult widow.

8 She does not exercise the right of refusal. **9** *i.e.*, becomes adult, of age, and if he takes her the קִדּוּשִׁין is מְדֹאוֹרַיְיתָא. **10** *i.e.*, the elder sister is exempt from levirate union and חֲלִיצָה. **11** Whom he loses. **12** Whom he may not marry. Compare 3[5]. **13** But R. Eliezer's view is upheld.

Mishnah 8

מִשְׁנָה ח

מִי שֶׁהָיָה נָשׂוּי לִשְׁתֵּי [1]יְתוֹמוֹת קְטַנּוֹת וּמֵת, בִּיאָתָהּ אוֹ [2]חֲלִיצָתָהּ שֶׁל אַחַת מֵהֶן פּוֹטֶרֶת צָרָתָהּ. וְכֵן שְׁתֵּי [3]חֵרְשׁוֹת. קְטַנָּה וְחֵרֶשֶׁת, אֵין בִּיאַת אַחַת מֵהֶן פּוֹטֶרֶת צָרָתָהּ. פִּקֵּחַת וְחֵרֶשֶׁת, [4]בִּיאַת הַפִּקֵּחַת פּוֹטֶרֶת הַחֵרֶשֶׁת, וְאֵין בִּיאַת הַחֵרֶשֶׁת פּוֹטֶרֶת אֶת־[5]הַפִּקֵּחַת. [6]גְּדוֹלָה וּקְטַנָּה, בִּיאַת הַגְּדוֹלָה פּוֹטֶרֶת אֶת־הַקְּטַנָּה, וְאֵין בִּיאַת הַקְּטַנָּה פּוֹטֶרֶת אֶת־[5]הַגְּדוֹלָה.

If one were married to two orphan girls[1] minors and died, sexual connection with or submission to *chalitzah*[2] from one of them exempts her fellow-wife. And likewise also with two deaf-mute women.[3] If one were a minor and the other a deaf-mute, copulation with one of them does not exempt her fellow-wife. If one were sound of hearing and the other a deaf-mute, sexual intercourse with[4] the one sound of hearing exempts the deaf-mute, but sexual connexion with the deaf-mute does not exempt the one sound of hearing.[5] If one were grown up[6] and the other a minor, sexual connection with the grown up exempts the minor, but sexual connexion with the minor does not exempt the grown up.[5]

1 Not related to each other. **2** After she has become of age. **3** The widows of a deceased childless brother. Although חֲלִיצָה is not valid from deaf-mute women, but the marriage was only rabbinically valid. **4** Or also submission to חֲלִיצָה from. **5** Sexual intercourse with a woman whose marriage is מִדִּבְרֵי סוֹפְרִים can not exempt a woman whose marriage is מִדְּאוֹרַיְיתָא (or מִן־הַתּוֹרָה). **6** Adult, of age.

Mishnah 9

מִשְׁנָה ט

מִי שֶׁהָיָה נָשׂוּי לִשְׁתֵּי יְתוֹמוֹת קְטַנּוֹת וּמֵת, בָּא יָבָם עַל הָרִאשׁוֹנָה וְחָזַר וּבָא עַל הַשְּׁנִיָּה, אוֹ שֶׁבָּא אָחִיו עַל הַשְּׁנִיָּה, לֹא פָסְלָאת־[1]הָרִאשׁוֹנָה. וְכֵן שְׁתֵּי [2]חֵרְשׁוֹת. קְטַנָּה וְחֵרֶשֶׁת,

If one were married to two orphan girls minors and died, if the brother-in-law copulated with the first and then again copulated with the second, or if his brother had sexual intercourse with the second, he has not thereby disqualified the

בָּא יָבָם עַל הַקְּטַנָּה וְחָזַר וּבָא עַל הַחֵרֶשֶׁת, אוֹ שֶׁבָּא אָחִיו עַל הַחֵרֶשֶׁת, לֹא פָסַל אֶת־[3]הַקְּטַנָּה. בָּא יָבָם עַל הַחֵרֶשֶׁת וְחָזַר וּבָא עַל הַקְּטַנָּה, אוֹ שֶׁבָּא אָחִיו עַל הַקְּטַנָּה, פָּסַל אֶת־[4]הַחֵרֶשֶׁת.

first one.[1] And similarly too with two deaf-mute women.[2] If one were a minor and the other a deaf-mute, and the brother-in-law had sexual intercourse with the minor and then again had sexual connection with the deaf-mute, or if his brother copulated with the deaf-mute, he has not thereby disqualified the minor.[3] If the brother-in-law had sexual connexion with the deaf-mute and then again had sexual connection with the minor, or if his brother copulated with the minor, he has thereby disqualified the deaf-mute.[4]

1 She still remains his wife by leviratic union. **2** The same ruling holds. **3** The leviratic marriage is valid. **4** The levirate marriage is invalid.

Mishnah 10

מִשְׁנָה י

פִּקֵּחַת [1]וְחֵרֶשֶׁת בָּא יָבָם עַל הַפִּקֵּחַת וְחָזַר וּבָא עַל הַחֵרֶשֶׁת, אוֹ שֶׁבָּא אָחִיו עַל הַחֵרֶשֶׁת, לֹא פָסַל אֶת־[2]הַפִּקֵּחַת. בָּא יָבָם עַל הַחֵרֶשֶׁת וְחָזַר וּבָא עַל הַפִּקֵּחַת, אוֹ שֶׁבָּא אָחִיו עַל הַפִּקֵּחַת, פָּסַל אֶת־[3]הַחֵרֶשֶׁת.

If one were of sound hearing and the other a deaf-mute[1] and the brother-in-law had sexual intercourse with the one of sound hearing and then again had sexual intercourse with the deaf-mute, or if his brother had sexual connection with the deaf-mute, he has not thereby disqualified the one of sound hearing.[2] If the brother-in-law had sexual connexion with the deaf-mute and then again had sexual connection with the one of sound hearing, or if his brother had sexual intercourse with the one of sound hearing, he has thereby disqualified the deaf-mute.[3]

1 Two widows of a deceased childless husband. **2** The levirate union is licit. **3** The levirate marriage is not valid.

Mishnah 11

מִשְׁנָה יא

[1]גְּדוֹלָה [2]וּקְטַנָּה, בָּא יָבָם עַל הַגְּדוֹלָה וְחָזַר וּבָא עַל הַקְּטַנָּה, אוֹ שֶׁבָּא אָחִיו עַל הַקְּטַנָּה, לֹא פָסַל אֶת־[3]הַגְּדוֹלָה. בָּא יָבָם עַל הַקְּטַנָּה וְחָזַר וּבָא עַל הַגְּדוֹלָה, אוֹ שֶׁבָּא

If one were grown up[1] and the other a minor,[2] and the brother-in-law copulated with the grown-up and then again copulated with the minor, or if his brother had copulated with the minor, he has not thereby disqualified the grown up.[3]

אָחִיו עַל הַגְּדוֹלָה, פָּסַל אֶת־
[4]הַקְּטַנָּה. רַבִּי [5]אֶלְעָזָר אוֹמֵר,
מְלַמְּדִין הַקְּטַנָּה שֶׁתְּמָאֵן [6]בּוֹ.

If the brother-in-law had sexual intercourse with the minor and then again had sexual intercourse with the grown up, or if his brother had sexual connection with the grown up, he has thereby disqualified the minor.[4] R. Elazar[5] says, They instruct the minor that she should exercise the prerogative of refusal against him.[6]

1 Adult, of age. **2** Both widows of a deceased childless husband. **3** The levirate union is valid. **4** The levirate marriage is invalid. **5** His opinion is accepted. He is רַבִּי אֶלְעָזָר בֶּן שַׁמּוּעַ הַכֹּהֵן. Compare *Mishnah* **7, Note 6**, of this *Chapter*. **6** And the grown up continues in levirate marriage.

Mishnah 12

מִשְׁנָה יב

יָבָם קָטָן שֶׁבָּא עַל [1]יְבָמָה קְטַנָּה
[2]יִגְּדְלוּ זֶה עִם זֶה. [3]בָּא עַל [4]יְבָמָה
גְּדוֹלָה, [5]תִּגַּדְּלֶנּוּ. הַיְּבָמָה שֶׁאָמְרָה
בְּתוֹךְ [6]שְׁלֹשִׁים יוֹם, לֹא [7]נִבְעַלְתִּי,
כּוֹפִין אוֹתוֹ שֶׁיְּחַלּוֹץ לָהּ; לְאַחַר
[8]שְׁלֹשִׁים יוֹם, מְבַקְּשִׁים [9]הֵימֶנּוּ
שֶׁיְּחַלּוֹץ לָהּ; וּבִזְמַן שֶׁהוּא [10]מוֹדֶה,
[11]אֲפִילוּ לְאַחַר שְׁנֵים עָשָׂר חֹדֶשׁ,
כּוֹפִין אוֹתוֹ שֶׁיְּחַלּוֹץ לָהּ.

If a brother-in-law a minor copulated with his sister-in-law[1] a minor, they must both wait till they are of age.[2] If he[3] copulated with an adult sister-in-law,[4] she must wait until he is of age.[5] If during thirty days[6] a sister-in-law said, 'I have not been copulated with,'[7] they oblige him to submit to *chalitzah* from her; but if after thirty days,[8] they may only request of him[9] that he should accept *chalitzah* from her; but if he admit,[10] even though[11] it be after twelve months, they compel him to submit to *chalitzah* from her.

1 The widow of his deceased childless brother. **2** Then he may divorce her if he wishes to be separated. A divorce by a minor is not valid. **3** The minor. **4** Who was awaiting levirate marriage. **5** Then she may be granted a divorce. **6** After the death of her childless husband. **7** *i.e.*, the leviratic union was not consummated. His denial is not accepted because it is assumed that a man might refrain from sexual connection for thirty days. **8** Her plea is not entertained, and he is believed when he states that he had consummated levirate union by sexual intercourse, it being assumed that a man would not refrain from copulation beyond thirty days. **9** Or הֵימֶנּוּ. *i.e.*, there can be no compulsion in this case. **10** In the latter case, at any time after the thirty days' period, that he had not performed leviratical union. **11** Or אֲפִלּוּ.

Mishnah 13

מִשְׁנָה יג

הַנּוֹדֶרֶת הֲנָאָה [1]מִיְּבָמָהּ בְּחַיֵּי בַעְלָהּ, כּוֹפִין אוֹתוֹ שֶׁיְּחַלּוֹץ [2]לָהּ; לְאַחַר מִיתַת [3]בַּעְלָהּ, מְבַקְּשִׁין הֵימֶנּוּ שֶׁיְּחַלּוֹץ [4]לָהּ. וְאִם נִתְכַּוְּנָה [5]לְכָךְ, [6]אֲפִילוּ בְחַיֵּי בַעְלָהּ, מְבַקְּשִׁין הֵימֶנּוּ שֶׁיְּחַלּוֹץ [7]לָהּ.

If in the lifetime of her husband a woman vow to receive no benefit from her brother-in-law,[1] they compel him to submit to *chalitzah* from her;[2] but if after the death of her husband,[3] they may only request him to submit to *chalitzah* from her.[4] But if she intended only just this,[5] even[6] during her husband's lifetime, they may only request him to submit to *chalitzah* from her.[7]

1 *i.e.,* her husband's brother. **2** If her husband died childless. **3** Her vow was made after his death. **4** And he may give her her כְּתוּבָּה, marriage settlement. **5** *i.e.,* her vow was for one purpose only—to evade having to contract levirate union with her brother-in-law. **6** Or אֲפִילוּ. **7** The ruling is that he can nevertheless be forced to accept *chalitzah* if she is prepared to forgo her כְּתוּבָּה.

CHAPTER 14

פֶּרֶק יד

Mishnah 1

מִשְׁנָה א

חֵרֵשׁ שֶׁנָּשָׂא [*]פִּקֵּחַת וּפִקֵּחַ שֶׁנָּשָׂא חֵרֶשֶׁת, אִם רָצָה [1]יוֹצִיא וְאִם רָאָה [2]יְקַיֵּם. כְּשֵׁם שֶׁהוּא כּוֹנֵס בִּרְמִיזָה כָּךְ הוּא מוֹצִיא [3]בִּרְמִיזָה. פִּקֵּחַ שֶׁנָּשָׂא פִּקֵּחַת וְנִתְחָרְשָׁה, (אִם [4]רָצָה [5]יוֹצִיא וְאִם) רָצָה [6]יְקַיֵּם. נִשְׁתַּטֵּית לֹא [7]יוֹצִיא. נִתְחָרֵשׁ הוּא אוֹ [8]נִשְׁתַּטָּה אֵינוֹ מוֹצִיא [8]עוֹלָמִית. אָמַר רַבִּי יוֹחָנָן בֶּן נוּרִי, מִפְּנֵי מָה הָאִשָּׁה שֶׁנִּתְחָרְשָׁה [9]יוֹצֵאת, וְהָאִישׁ שֶׁנִּתְחָרֵשׁ אֵינוֹ [10]מוֹצִיא? אָמְרוּ לוֹ, אֵינוֹ

If a deaf-mute married a woman sound of hearing,* or if a man of sound hearing married a deaf-mute, if he desire he may send her away[1] or if he wish he may continue.[2] Just as he marries by gesture so he may divorce by gesture.[3] If one sound of hearing wed a woman of sound hearing and she then became a deaf-mute, (if[4] he wish he may set her free[5] and) if he wish he may continue.[6] If she became insane he must not divorce her.[7] If he became a deaf-mute or if he went out of his mind he may never set her free.[8] R. Jochanan ben Nuri said, What

דּוֹמֶה הָאִישׁ הַמְגָרֵשׁ לְאִשָּׁה הַמִּתְגָּרֶשֶׁת, שֶׁהָאִשָּׁה [11]יוֹצֵאָה לִרְצוֹנָהּ וְשֶׁלֹּא [12]לִרְצוֹנָהּ, וְהָאִישׁ אֵינוֹ מוֹצִיא אֶלָּא [13]לִרְצוֹנוֹ.

is the reason why if the woman became a deaf-mute she may go free,[9] yet if the man became a deaf-mute he can not divorce her?[10] They replied to him, The man who divorces is not like to the woman who is divorced, because the woman goes forth[11] with her consent or against her will,[12] whereas the man divorces her only with his own free-will.[13]

1 *i.e.,* divorces her. **2** The marriage. In such cases the marriage is מִדִּבְרֵי סוֹפְרִים and not מִדְּאוֹרַיְיתָא (or מִן־הַתּוֹרָה). This *second sentence* וְאִם רָצָה יַקִּים seems redundant. רָצָה, literally *desired, wished.* **3** Or *sign, deaf-and-dumb language.* Compare גִּטִּין 5[7]. **4** Literally רָצָה, *wished, desired.* The bracketed part is redundant according to some authorities. **5** By גֵּט, divorce. **6** To live with her. **7** Even though she understands to preserve the גֵּט and may be divorced מִן־הַתּוֹרָה, in accordance with the *injunction of* the Law, the Sages forbid divorce in such a case so that she is not in consequence rendered destitute and helpless. **8** Defective divorce cannot disannul valid betrothal. **9** By גֵּט divorce. **10** The חֲכָמִים, Sages. **11** Or יוֹצֵאת. *i.e.,* is divorced. **12** *i.e.,* if she does not willingly agree to be divorced she can be divorced nevertheless. **13** *i.e.,* if he does not consent to divorce his wife he can *not* be compelled to do so.

* Or *of sound senses.*

Mishnah 2 — מִשְׁנָה ב

הֵעִיד רַבִּי יוֹחָנָן בֶּן [1]גּוּדְגָּדָה עַל הַחֵרֶשֶׁת [2]שֶׁהִשִּׁיאָהּ אָבִיהָ שֶׁהִיא [3]יוֹצֵאָה בְגֵט. [4]אָמְרוּ לוֹ, אַף [5]זוּ כַּיּוֹצֵא בָהּ.

R. Jochanah ben Gudgadah[1] testified of a deaf-mute whom her father had given in marriage[2] that she may go free[3] by a bill of divorce. They[4] said to him, Even in such case[5] the same ruling holds good.

1 Or גּוּדְגָּדָא, *Gudgada.* **2** Evidently she was a minor, קְטַנָּה, and the קִדּוּשִׁין betrothal, was quite valid even though she was a deaf-mute because as a minor she was betrothed by her father's consent and not by hers; she therefore goes free by גֵּט even when she has become adult. **3** Or יוֹצֵאת בְּגֵט. **4** The חֲכָמִים, Sages. **5** As for instance where a woman of sound hearing became deaf-mute she is set free by גֵּט.

Mishnah 3

מִשְׁנָה ג

שְׁנֵי אַחִים חֵרְשִׁים נְשׂוּאִים לִשְׁתֵּי אֲחָיוֹת פִּקְחוֹת, אוֹ לִשְׁתֵּי אֲחָיוֹת חֵרְשׁוֹת, אוֹ לִשְׁתֵּי אֲחָיוֹת אַחַת חֵרֶשֶׁת וְאַחַת פִּקֶּחַת, אוֹ שְׁתֵּי אֲחָיוֹת חֵרְשׁוֹת נְשׂוּאוֹת לִשְׁנֵי אַחִים פִּקְחִים, אוֹ לִשְׁנֵי אַחִים חֵרְשִׁין, אוֹ לִשְׁנֵי אַחִין אֶחָד חֵרֵשׁ וְאֶחָד פִּקֶּחַ, הֲרֵי אֵלּוּ [1]פְּטוּרוֹת מִן־הַחֲלִיצָה וּמִן הַיִּבּוּם. וְאִם הָיוּ [2]נָכְרִיּוֹת [1,3]יִכְּנְסוּ, וְאִם [4]רָצוּ לְהוֹצִיא יוֹצִיאוּ.

If two brothers deaf-mutes were married to two sisters of sound hearing, or to two sisters deaf-mutes, or to two sisters one a deaf-mute and the other sound of hearing, or if two deaf-mute sisters were wedded to two brothers of sound hearing, or to two deaf-mute brothers, or to two brothers one a deaf-mute and the other of sound hearing, then such women are exempt[1] from *chalitzah* and from *levirate union*. But if they were strangers[2] they[4] must marry [them],[3] and if they[4] then desire to divorce them they may divorce them.

1 On the death of their childless husbands. **2** *i.e.*, if these women in question were not of near kin. **3** By leviratic marriage. But *chalitzah* must not be effected because deaf-mutes may neither submit to nor grant *chalitzah*.* יִכְּנְסוּ *m.pl.*, literally *they* [the brothers] *must marry* [them] (the reading יִכָּנְסוּ, *m.pl., Niphal,* as *they* [the women] *must be married* seems inadmissible because (a) grammatically the term should then be תִּכָּנַסְנָה or תִּכָּנְסָנָה, *f. pl. Niphal,* and (b) both רָצוּ and יוֹצִיאוּ are *m. pl.* forms). **4** *sc.*, the brothers-in-law. * Because they cannot recite the formula.

Mishnah 4

מִשְׁנָה ד

[1]שְׁנֵי אַחִים אֶחָד חֵרֵשׁ וְאֶחָד פִּקֶּחַ נְשׂוּאִים לִשְׁתֵּי אֲחָיוֹת פִּקְחוֹת, מֵת חֵרֵשׁ בַּעַל הַפִּקֶּחַת, מַה־יַּעֲשֶׂה פִּקֶּחַ בַּעַל הַפִּקֶּחַת? [2]תֵּצֵא מִשּׁוּם [3]אֲחוֹת אִשָּׁה. מֵת פִּקֶּחַ בַּעַל הַפִּקֶּחַת, מַה־יַּעֲשֶׂה חֵרֵשׁ בַּעַל פִּקֶּחַת? מוֹצִיא אִשְׁתּוֹ *בְּגֵט [4]וְאֵשֶׁת אָחִיו אֲסוּרָה לְעוֹלָם.

If[1] two brothers, one a deaf-mute and the other of sound hearing, were wedded to two sisters of sound hearing, and the deaf-mute, husband of her of sound hearing, died, what shall the one of sound hearing the husband of the other of sound hearing do?—She goes free[2] because she is *the wife's sister.*[3] If he of sound hearing, the husband of her of sound hearing, died, what shall the deaf-mute husband of her of sound hearing do?—He must release his own wife by a bill of divorce* and his brother's wife[4] is prohibited for all time.

1 In some editions from here to the end of the Chapter is given as *Mishnah* **4**. **2** The widow is exempt from חֲלִיצָה and from levirate union. **3** *Leviticus* **18**, 18. **4** The widow is forbidden to be married to him, since deaf-mutes can neither grant חֲלִיצָה nor contract levirate marriage. He cannot marry her, as אֲחוֹת גְּרוּשָׁתוֹ, or submit to חֲלִיצָה as he is deaf, hence she is not free to marry. * The levirate bond with his sister-in-law disallows him to live with his wife (אֲחוֹת זְקוּקָתוֹ), marriage with whom was only מִדְּרַבָּנָן.

Mishnah 5

מִשְׁנָה ה

If two brothers sound of hearing were married to two sisters one a deaf-mute and the other sound of hearing, and the one of sound hearing, the husband of the deaf-mute, died, what shall the other of sound hearing, the husband of her of sound hearing, do?—She goes free[1] since she is *the wife's sister*.[2] If he of sound hearing, the husband of her of sound hearing, died, what shall the other sound of hearing, the husband of the deaf-mute, do?—He must put away his own wife by a bill of divorce* and free his brother's wife[3] by submitting to *chalitzah*.

שְׁנֵי אַחִים פִּקְחִים נְשׂוּאִים לִשְׁתֵּי אֲחָיוֹת אַחַת חֵרֶשֶׁת וְאַחַת פִּקֶּחֶת, מֵת פִּקֵּחַ בַּעַל חֵרֶשֶׁת, מַה־יַּעֲשֶׂה פִּקֵּחַ בַּעַל פִּקֶּחֶת? [1]תֵּצֵא מִשּׁוּם [2]אֲחוֹת אִשָּׁה. מֵת פִּקֵּחַ בַּעַל פִּקֶּחֶת, מַה־יַּעֲשֶׂה פִּקֵּחַ בַּעַל הַחֵרֶשֶׁת? מוֹצִיא אֶת־אִשְׁתּוֹ *בְּגֵט וְאֶת [3]אֵשֶׁת אָחִיו בַּחֲלִיצָה.

1 The widow of the deceased childless husband is exempt from levirate union and from חֲלִיצָה. **2** *Leviticus* **18**, 18. **3** The widow whose husband died childless. * Compare **Note 4** in the foregoing *Mishnah*.

Mishnah 6

מִשְׁנָה ו

If two brothers, one a deaf-mute and the other sound of hearing, were wedded[1] to two sisters one a deaf-mute and the other of sound hearing, and the deaf-mute, husband of the deaf-mute, died,[2] what shall the other of sound hearing, husband of the other of sound hearing, do?—She goes free[3] by virtue of being *the wife's sister*.[4] If the one of sound hearing, husband of her of sound hearing, died,[5]

שְׁנֵי אַחִים, אֶחָד חֵרֵשׁ וְאֶחָד פִּקֵּחַ, [1]נְשׂוּאִים לִשְׁתֵּי אֲחָיוֹת אַחַת חֵרֶשֶׁת וְאַחַת פִּקֶּחֶת, [2]מֵת חֵרֵשׁ בַּעַל חֵרֶשֶׁת, מַה־יַּעֲשֶׂה פִּקֵּחַ בַּעַל פִּקֶּחֶת? [3]תֵּצֵא מִשּׁוּם [4]אֲחוֹת אִשָּׁה. [5]מֵת פִּקֵּחַ בַּעַל פִּקֶּחֶת, מַה־יַּעֲשֶׂה חֵרֵשׁ בַּעַל חֵרֶשֶׁת? מוֹצִיא אִשְׁתּוֹ *בְּגֵט, [6]וְאֵשֶׁת אָחִיו [7]אֲסוּרָה לְעוֹלָם.

what shall the deaf-mute husband of the deaf-mute do?—He must set his wife free by a bill of divorce,* and his brother's wife[6] is prohibited[7] for all time.

1 *i.e.*, respectively. **2** Childless. **3** She is exempt from חֲלִיצָה and from leviratical union. **4** *Leviticus* **18**, 18. **5** Without issue. **6** The widow. **7** From being married to him by leviratic marriage. * Compare **Note 4** in 14[4].

מִשְׁנָה ז

Mishnah 7

שְׁנֵי אַחִים, אֶחָד חֵרֵשׁ וְאֶחָד פִּקֵּחַ, נְשׂוּאִים לִשְׁתֵּי [1]נָכְרִיּוֹת פִּקֵּחוֹת, [2]מֵת חֵרֵשׁ בַּעַל פִּקֵּחַת, מַה־יַּעֲשֶׂה פִּקֵּחַ בַּעַל פִּקֵּחַת? אוֹ חוֹלֵץ אוֹ מְיַבֵּם. [3]מֵת פִּקֵּחַ בַּעַל פִּקֵּחַת, מַה־יַּעֲשֶׂה חֵרֵשׁ בַּעַל פִּקֵּחַת? כּוֹנֵס וְאֵינוֹ מוֹצִיא [4]לְעוֹלָם.

If two brothers, one a deaf-mute and the other sound of hearing, were married to two women strangers[1] of sound hearing, and the deaf-mute, husband of the one of sound hearing, died,[2] what shall the other of sound hearing, the husband of the other of sound hearing, do?—He either submits to *chalitzah* or contracts *levirate union*. If the one of sound hearing, the husband of her of sound hearing, died,[3] what shall the deaf-mute, husband of her of sound hearing, do?—He must take her in marriage and he can never send her forth.[4]

1 *i.e.*, not of near kin. **2** Without issue. **3** Childless. **4** *i.e.*, he may never divorce her, because a deaf-mute may neither contract levirate marriage nor submit to ***chalitzah***.

מִשְׁנָה ח

Mishnah 8

שְׁנֵי אַחִים פִּקֵּחִים נְשׂוּאִים לִשְׁתֵּי [1]נָכְרִיּוֹת אַחַת פִּקֵּחַת וְאַחַת חֵרֶשֶׁת, [2]מֵת פִּקֵּחַ בַּעַל חֵרֶשֶׁת, מַה־יַּעֲשֶׂה פִּקֵּחַ בַּעַל פִּקֵּחַת? כּוֹנֵס, וְאִם [3]רָצָה לְהוֹצִיא [4]יוֹצִיא. [5]מֵת פִּקֵּחַ בַּעַל הַפִּקֵּחַת, מַה־יַּעֲשֶׂה פִּקֵּחַ בַּעַל חֵרֶשֶׁת? אוֹ חוֹלֵץ אוֹ מְיַבֵּם.

If two brothers sound of hearing were wedded to two strangers[1] one of sound hearing and the other a deaf-mute, and the one of sound hearing, husband of the deaf-mute, died,[2] what shall he of sound hearing, husband of her of sound hearing, do?—He must take her in marriage, and if he wish[3] to put her away he may put her away.[4] If he of sound hearing, husband of her of sound hearing, died,[5] what shall the other of sound hearing, husband of the deaf-mute, do?—He either submits to *chalitzah* or contracts ***levirate marriage***.

i.e., not near of kin. **2** Childless. **3** Literally *wished*. **4** *i.e.*, by גֵּט. **5** Without issue.

Mishnah 9

מִשְׁנָה ט

שְׁנֵי אַחִים אֶחָד חֵרֵשׁ וְאֶחָד פִּקֵּחַ
[1]נְשׂוּאִים לִשְׁתֵּי [2]נָכְרִיּוֹת אַחַת חֵרֶשֶׁת
וְאַחַת פִּקֵּחַת, [3]מֵת חֵרֵשׁ בַּעַל
חֵרֶשֶׁת, מַה-יַּעֲשֶׂה פִּקֵּחַ בַּעַל פִּקֵּחַת?
כּוֹנֵס וְאִם [4]רָצָה לְהוֹצִיא [5]יוֹצִיא.
[6]מֵת פִּקֵּחַ בַּעַל פִּקֵּחַת, מַה-יַּעֲשֶׂה
חֵרֵשׁ בַּעַל חֵרֶשֶׁת? כּוֹנֵס וְאֵינוֹ
מוֹצִיא לְעוֹלָם.

If two brothers one a deaf-mute and the other of sound hearing were married[1] to two strangers[2] one a deaf-mute and the other of sound hearing, and the deaf-mute, husband of the deaf-mute, died,[3] what shall the one of sound hearing, husband of her of sound hearing, do?—He must take her in marriage and if he desire[4] to send her forth he may send her forth.[5] If the one of sound hearing, the husband of the one of sound hearing, died,[6] what shall the deaf-mute, the husband of the deaf-mute, do?—He must take her in marriage and he may never divorce her.

1 *i.e.,* respectively. **2** Not of near kin. **3** Childless. **4** Literally *desired.* **5** *i.e.,* by גֵּט. **6** Without issue.

CHAPTER 15

פֶּרֶק טו

Mishnah 1

מִשְׁנָה א

הָאִשָּׁה שֶׁהָלְכָה הִיא וּבַעְלָהּ
[1]לִמְדִינַת הַיָּם שָׁלוֹם בֵּינוֹ לְבֵינָהּ
וְשָׁלוֹם בָּעוֹלָם, וּבָאתָה וְאָמְרָה, מֵת
בַּעְלִי, [2]תִּנָּשֵׂא. [3]מֵת בַּעְלִי, תִּתְיַבֵּם.
שָׁלוֹם בֵּינוֹ לְבֵינָהּ [4]וּמִלְחָמָה בָּעוֹלָם,
קְטָטָה בֵּינוֹ לְבֵינָהּ וְשָׁלוֹם בָּעוֹלָם,
וּבָאתָה וְאָמְרָה, מֵת בַּעְלִי, אֵינָהּ
[5]נֶאֱמֶנֶת. רַבִּי [6]יְהוּדָה אוֹמֵר,
לְעוֹלָם אֵינָהּ נֶאֱמֶנֶת אֶלָּא אִם כֵּן
בָּאתָה בוֹכָה וּבִגְדֵיהָ קְרוּעִין.
[7]אָמְרוּ לוֹ, אַחַת זוּ וְאַחַת זוּ תִּנָּשֵׂא.

If a woman went with her husband to a country beyond the sea,[1] and there were peace between him and her and peace in the world, and she came back and said, 'My husband is dead,' she may be married again.[2] 'My husband died,'[3]—she may contract *levirate union.* If there were peace between him and her but war[4] in the world, or if there were strife between him and her but peace in the world, and she came back and said, 'My husband is dead,' she is not to be believed.[5] R. Judah[6] says, She must never be believed except when she returns weeping and with her garments rent. They[7] replied to him, It is all one in both cases and she may be remarried.

1 *i.e.,* to a foreign land, outside Palestine. **2** Because there appears to be no motive for her to concoct the story of his death. **3** *i.e.,* if her statement was that he had died childless. **4** Or even *unrest, disturbances* and the like. **5** Because she is suspect of ulterior improper motives trying to use unsettled conditions perhaps as a cloak to cover her purpose. **6** His view is rejected. **7** The חֲכָמִים, Sages. Their view is accepted (an imbecile woman however must not remarry).

Mishnah 2

מִשְׁנָה ב

בֵּית הִלֵּל אוֹמְרִים, לֹא [1]שָׁמַעְנוּ אֶלָּא בְּבָאָה מִן־[2]הַקָּצִיר וּבְאוֹתָהּ מְדִינָה וּכְמַעֲשֶׂה [3]שֶׁהָיָה. אָמְרוּ לָהֶן בֵּית שַׁמַּאי, אַחַת הַבָּאָה מִן־הַקָּצִיר וְאַחַת הַבָּאָה מִן־הַזֵּיתִים וְאַחַת הַבָּאָה מִן־הַבָּצִיר וְאַחַת הַבָּאָה מִמְּדִינָה לִמְדִינָה, לֹא דִּבְּרוּ חֲכָמִים בַּקָּצִיר אֶלָּא [4]בְּהוֹוָה. [5]חָזְרוּ בֵית הִלֵּל לְהוֹרוֹת כְּבֵית שַׁמַּאי.

The School of Hillel say, We have not heard so[1] except in the case of a woman that came back from the harvest[2] and within the same country and of an instance which actually happened.[3] The School of Shammai made answer to them, It is all one whether she came back from the harvest or if she came back from the olive-picking or if she came back from the vintage or if she returned from one province to another—the Sages spoke of the harvest merely because of an incident which actually occurred.[4] The School of Hillel retracted[5] to teach according to the view of the School of Shammai.

1 *i.e.,* they had no such tradition that a woman (as mentioned in the preceding *Mishnah*) may remarry. **2** During this period it not unfrequently happened that harvesters were bitten to death by snakes or died from heat-stroke. **3** The occurrence was as follows: a harvester died from snake bite and his wife made a report to בֵּית דִּין who sent to investigate, and when it was found to be correct the חֲכָמִים ruled that in future in any similar case the wife was to be believed without the need for verification if the incident took place near by but not in a foreign land. **4** Or הוֹוָה. **5** *i.e.,* they changed their opinion and withdrew their opposition on this matter.

Mishnah 3

מִשְׁנָה ג

בֵּית שַׁמַּאי אוֹמְרִים, תִּנָּשֵׂא וְתִטּוֹל [1]כְּתוּבָּתָהּ, בֵּית הִלֵּל אוֹמְרִים, תִּנָּשֵׂא וְלֹא תִטּוֹל כְּתוּבָּתָהּ. אָמְרוּ לָהֶן בֵּית שַׁמַּאי, הִתַּרְתֶּם עֶרְוָה

The School of Shammai say, She may be remarried and claim her *marriage contract,*[1] but the School of Hillel say, She may be married again but she can not claim her *marriage contract.* The School of

[2]חֲמוּרָה לֹא [3]תַּתִּירוּ אֶת־הַמָּמוֹן הַקַּל? אָמְרוּ לָהֶן בֵּית הִלֵּל, מָצִינוּ שֶׁאֵין [4]הָאַחִים נִכְנָסִים לְנַחֲלָה עַל [5]פִּיהָ. אָמְרוּ לָהֶם בֵּית שַׁמַּאי, וַהֲלֹא [6]מִסֵּפֶר כְּתוּבָּתָהּ גִּלְמוּד שֶׁהוּא כוֹתֵב לָהּ שֶׁאִם תִּנָּשְׂאִי לְאַחֵר תִּטְּלִי מַה־שֶּׁכָּתוּב לַיִּכִי? וְחָזְרוּ בֵית הִלֵּל לְהוֹרוֹת כְּדִבְרֵי בֵית שַׁמַּאי.

Shammai said to them, 'Seeing that you have declared permissible the stringent matter of [what might be] prohibited intercourse[2] should you not declare allowable[3] the more lenient matter of property?' The School of Hillel replied to them, 'We have found that brothers[4] can not enter into possession of an inheritance on her testimony.'[5] The School of Shammai answered them, 'Do we not learn from her *marriage-contract-scroll*[6] that he prescribes for her: *If thou shalt be remarried to another thou shalt take what is prescribed for thee*?' And the School of Hillel retracted to teach in accordance with the opinion of the School of Shammai.

1 Or כְּתֻבָּתָהּ. *Appendix*, **Note 8**. **2** Referring to אֵשֶׁת אִישׁ. *Leviticus* **18**, 20. **3** According to some authorities the reading should be וְלֹא נַתִּיר אֶת־הַמָּמוֹן הַקַּל, *and should we not declare allowable the more lenient matter of property*? **4** The sons of the father her husband. **5** *i.e.*, the evidence of one witness permits her only to remarry but not to inherit (as two witnesses to a death are required). *Deuteronomy* **19**, 15. **6** *i.e.*, the text inscribed in the כְּתוּבָּה now quoted immediately following entitles her to the possession of what is therein entered for her.

מִשְׁנָה ד

Mishnah 4

הַכֹּל נֶאֱמָנִים [1]לְהַעִידָהּ חוּץ [2]מֵחֲמוֹתָהּ, [3]וּבַת חֲמוֹתָהּ, וְצָרָתָהּ, [5]וִיבִמְתָּהּ, [6]וּבַת בַּעְלָהּ. מַה־בֵּין גֵּט לְמִיתָה? שֶׁהַכְּתָב [7]מוֹכִיחַ. עֵד אוֹמֵר, מֵת [8]וְנִשֵּׂאת וּבָא אַחֵר וְאָמַר, לֹא מֵת, הֲרֵי זוּ לֹא [9]תֵצֵא. עֵד אוֹמֵר, מֵת, [10]וּשְׁנַיִם אוֹמְרִים, לֹא מֵת, אַף עַל פִּי [11]שֶׁנִּשֵּׂאת [12]תֵּצֵא. שְׁנַיִם אוֹמְרִים, מֵת, וְעֵד אוֹמֵר, לֹא מֵת, אַף עַל פִּי שֶׁלֹּא נִשֵּׂאת [13]תִּנָּשֵׂא.

All are considered trustworthy to testify on her behalf[1] save her mother-in-law,[2] and the daughter[3] of her mother-in-law,[4] and her fellow-wife, and her sister-in-law,[5] and her husband's daughter.[6] Where is the distinction between *divorce* and *death*?—The written document is proof.[7] If one witness say, 'He is dead,' and she married again[8] and then another came and said, 'He is not dead'—she does not have to be set free.[9] If one witness say, 'He is dead,' and then two[10] say, 'He is not dead'—even though she had been remarried[11] she must leave.[12] If two said, 'He is dead,' and then one says, 'He is not dead'—even though she had not been remarried she may still be married again.[13]

1 That her husband is dead. **2** She might want to get rid of her daughter-in-law. **3** She might desire to get rid of her sister-in-law. **4** The same ruling applies in the case of her father-in-law's daughter. **5** The wife of her *husband's* brother. **6** She might want to be rid of her stepmother so that on the return of her father he would have to divorce the wife on account of her illegal marriage (see גִּטִּין 2[7]). **7** Literally *proves*. *i.e.*, in a case of a reported death a woman may or may not be believed, but the bill of divorce is irrefutable documentary evidence. **8** By permission of בֵּית דִּין. **9** *i.e.*, the permission of בֵּית דִּין for her to remarry still holds good. **10** In this case even if the two witnesses are not valid. **11** Even before the two witnesses have testified. **12** The second husband must not keep her as wife. The evidence of the majority is accepted. **13** The testimony of the majority is accepted even if the two witnesses were women.

Mishnah 5

מִשְׁנָה ה

One says, 'He is dead,' and the other says, 'He is not dead,'[1] then she who says he is dead may be remarried and claim her *marriage contract*,[2] but she that states he is not dead can neither be rewed nor claim her *marriage contract*. If one say, 'He is dead,' and the other say, 'He has been killed'—R. Meir[3] says, Since they contradict each other neither may remarry,[4] but R. Judah and R. Simon[5] say, As both admit that he is not alive they may both be remarried. If one witness[6] say, 'He is dead,' and another witness[6] say, 'He is not dead,' and one woman say, 'He is dead,' and another woman say, 'He is not dead' —she must not be married again.

אַחַת אוֹמֶרֶת, מֵת, וְאַחַת אוֹמֶרֶת, [1]לֹא מֵת, זוּ שֶׁאוֹמֶרֶת מֵת תִּנָּשֵׂא וְתִטּוֹל [2]כְּתוּבָּתָהּ, וְזוּ שֶׁאוֹמֶרֶת לֹא מֵת לֹא תִנָּשֵׂא וְלֹא תִטּוֹל כְּתוּבָּתָהּ. אַחַת אוֹמֶרֶת, מֵת, וְאַחַת אוֹמֶרֶת, נֶהֱרַג, רַבִּי [3]מֵאִיר אוֹמֵר, הוֹאִיל וּמַכְחִישׁוֹת זוּ אֶת־זוּ הֲרֵי אֵלּוּ [4]לֹא יִנָּשְׂאוּ. רַבִּי יְהוּדָה וְרַבִּי [5]שִׁמְעוֹן אוֹמְרִים, הוֹאִיל וְזוּ וְזוּ מוֹדוֹת שֶׁאֵין קַיָּם יִנָּשְׂאוּ. [6]עֵד אוֹמֵר, מֵת, וְעֵד אוֹמֵר, לֹא מֵת, אִשָּׁה אוֹמֶרֶת, מֵת, וְאִשָּׁה אוֹמֶרֶת, לֹא מֵת, הֲרֵי זוּ לֹא תִנָּשֵׂא.

1 *i.e.*, if two wives (*viz.*, fellow-wives) of the same husband said . . . Evidently this refers to the case where שֶׁבָּאוּ מִמְּדִינַת הַיָּם. **2** *Appendix*, **Note 8**. **3** His view is rejected. **4** יִנָּשְׂאוּ is grammatically *m.pl.*, and the form תִּנָּשֵׂאנָה, *f.pl.*, would seem to be the correct one here. **5** Their opinion is accepted. **6** A man.

Mishnah 6

מִשְׁנָה ו

הָאִשָּׁה שֶׁהָלְכָה הִיא וּבַעְלָהּ לִמְדִינַת הַיָּם[1] וּבָאָה וְאָמְרָה, מֵת בַּעְלִי, תִּנָּשֵׂא וְתִטּוֹל[2] כְּתוּבָּתָהּ, וְצָרָתָהּ[3] אֲסוּרָה. [4]הָיְתָה בַת[5] יִשְׂרָאֵל לְכֹהֵן תֹּאכַל[6] בִּתְרוּמָה; דִּבְרֵי רַבִּי טַרְפוֹן;[7] רַבִּי עֲקִיבָא אוֹמֵר, אֵין זוֹ דֶּרֶךְ מוֹצִיאָתָהּ מִידֵי עֲבֵירָה, עַד שֶׁתְּהֵא אֲסוּרָה[8] לִינָּשֵׂא וַאֲסוּרָה מִלֶּאֱכוֹל[9] בִּתְרוּמָה.

If a woman went with her husband to a country beyond the sea[1] and she came back and said, 'My husband is dead'—she may be married again and claim her *marriage contract,*[2] but her fellow-wife is prohibited.[3] If she[4] were the daughter of an Israelite[5] married to a priest she may eat of *priest's-due;*[6] this is the view of R. Tarfon;[7] but R. Akiba says, This is not the method to place her beyond the reach of transgression, but preferably she ought to be prohibited from being remarried[8] and forbidden to eat of *priest's-due.*[9]

1 *i.e.,* to a foreign land, outside Palestine. **2** *Appendix,* **Note 8**. **3** From marrying again, and from claiming her כְּתוּבָּה. **4** The צָרָה, fellow-wife. **5** Non-priest. **6** Or *heave-offering,* in virtue of the possibility of her husband being alive and she does not have to fear the evidence of her fellow-wife who can not invalidate her right. **7** His opinion is accepted. **8** In case her husband is alive. **9** In case her husband is dead.

Mishnah 7

מִשְׁנָה ז

אָמְרָה, מֵת בַּעְלִי וְאַחַר כַּךְ מֵת חָמִי, תִּנָּשֵׂא וְתִטּוֹל[1] כְּתוּבָּתָהּ; וַחֲמוֹתָהּ[2] אֲסוּרָה. הָיְתָה בַת [3]יִשְׂרָאֵל לְכֹהֵן תֹּאכַל[4] בִּתְרוּמָה; דִּבְרֵי רַבִּי טַרְפוֹן;[5] רַבִּי עֲקִיבָא אוֹמֵר, אֵין זוֹ דֶּרֶךְ מוֹצִיאָתָהּ מִידֵי עֲבֵירָה, עַד שֶׁתְּהֵא אֲסוּרָה לִינָּשֵׂא וַאֲסוּרָה לֶאֱכוֹל בִּתְרוּמָה.[6] קִידֵּשׁ[8] אַחַת מֵחָמֵשׁ נָשִׁים וְאֵינוֹ יוֹדֵעַ אֵיזוּ [8]קִידֵּשׁ, כָּל־אַחַת אוֹמֶרֶת, אוֹתִי קִידֵּשׁ, נוֹתֵן גֵּט לְכָל אַחַת וְאַחַת [9]וּמַנִּיחַ [10]כְּתוּבָּה בֵּינֵיהֶן וּמִסְתַּלֵּק;

If she said, 'My husband is dead and afterward my father-in-law died also,' she may be married again and claim her *marriage-contract;*[1] but her mother-in-law is forbidden.[2] If she were the daughter of an Israelite[3] wedded to a priest, she may eat of *priest's-due;*[4] this is the opinion of R. Tarfon;[5] R. Akiba[6] says, This is not the manner to put her beyond the reach of transgression, but rather she should be forbidden to be wed again and be prohibited from eating of *priest's-due.*[7] If a man betrothed[8] one of five women and he does not know which one of them

דִּבְרֵי רַבִּי [11]טַרְפוֹן; רַבִּי [12]עֲקִיבָא אוֹמֵר, אֵין זוּ דֶּרֶךְ מוֹצִיאָתוֹ מִידֵי עֲבֵירָה, עַד שֶׁיִּתֵּן גֵּט [10]וּכְתוּבָּה לְכָל אַחַת וְאֶחָת. גָּזַל אֶחָד [13]מֵהֶם, וְאֵין יוֹדֵעַ מֵאֵיזֶה גָּזַל, כָּל־אֶחָד אוֹמֵר, אוֹתִי גָּזַל, [14]מַנִּיחַ [15]גְּזֵילָה בֵּינֵיהֶן [16]וּמִסְתַּלֵּק; דִּבְרֵי רַבִּי [11]טַרְפוֹן; רַבִּי [12]עֲקִיבָא אוֹמֵר, אֵין זוּ דֶּרֶךְ מוֹצִיאָתוֹ מִידֵי עֲבֵירָה, עַד שֶׁיְּשַׁלֵּם גְּזֵילָה לְכָל אֶחָד וְאֶחָד.

he had betrothed,[8] and each one says, 'He betrothed me,' he must give a bill of divorce to every one of them and leave[9] the *marriage contract*[10] among them and go away; this is the view of R. Tarfon;[11] R. Akiba[12] says, This is not the method to place himself outside the reach of transgression, but he should rather give both a bill of divorce and the *marriage contract*[10] to each one. If a man robbed one of some people,[13] and he does not know from which one he had robbed, and each one says, 'He has robbed me,' he must place[14] the amount robbed[15] among them and go away;[16] this is the opinion of R. Tarfon;[11] R. Akiba[12] says, This is not the procedure to put himself out of reach of transgression, but he should rather repay the full value of the robbery to each one.

1 Or כְּתֻבָּה. *Appendix,* **Note 8.** **2** To be wedded again, because the daughter-in-law's testimony is not admissible. **3** Non-priest. **4** Or *heave-offering,* in virtue of the possibility of her husband being alive, *Appendix,* **Note 1.** **5** His view is accepted. **6** His opinion is not accepted. **7** Compare the foregoing *Mishnah.* **8** Or קִדֵּשׁ. **9** Or וּמַנִּיחַ. **10** *i.e.,* the amount prescribed therein. **11** His opinion is rejected. **12** His opinion is accepted. **13** Literally מֵהֶם, *from them.* **14** Or מַנִּיחַ. **15** Or גְּזֵלָה, *robbery, robbed object, articles robbed.* **16** In actual practice the amount must be deposited before בֵּית דִּין and the matter there decided.

Mishnah 8

מִשְׁנָה ח

הָאִשָּׁה שֶׁהָלְכָה הִיא וּבַעֲלָהּ לְמְדִינַת הַיָּם, וּבְנָהּ עִמָּהֶם, וּבָאָה וְאָמְרָה, מֵת בַּעְלִי וְאַחַר כַּךְ מֵת בְּנִי, נֶאֱמֶנֶת. מֵת בְּנִי וְאַחַר כַּךְ מֵת [2]בַּעְלִי, אֵינָהּ [3]נֶאֱמֶנֶת; וְחוֹשְׁשִׁים, [4]לְדִבְרֶיהָ וְחוֹלֶצֶת וְלֹא מִתְיַבֶּמֶת.

If a woman went with her husband to a land beyond the sea,[1] and their son were with them, and she came back and said, 'My husband died and afterwards my son died'—she is believed. 'My son died and then my husband died also'[2]—she is not to be believed;[3] nevertheless they have regard to her statement[4] and she must perform *chalitzah* but she must not contract *levirate marriage.*

1 *i.e.,* to a foreign country, outside Palestine. **2** If she made this statement. **3** Since for personal advantage (to contract leviratic union) she might have been lying. **4** *i.e.,* she receives part benefit of the doubt so that her future actions may be legalised.

Mishnah 9

מִשְׁנָה ט

'A son was born[1] to me in the country beyond the sea,'[2] and then she said, 'My son died and afterward my husband died'[2]—she may be believed.[3] 'My husband died and then my son died'—she is not to be believed;[4] notwithstanding they have regard to her report,[5] and she must perform *chalitzah* but she may not contract *levirate union.*

[1]נִיתַּן לִי בֵּן [2]בִּמְדִינַת הַיָּם, וְאָמְרָה, מֵת בְּנִי, וְאַחַר כָּךְ, [2]מֵת בַּעֲלִי, [3]נֶאֱמָנֶת. מֵת בַּעֲלִי וְאַחַר כָּךְ מֵת בְּנִי, אֵינָהּ [4]נֶאֱמָנֶת; וְחוֹשְׁשִׁים [5]לִדְבָרֶיהָ, וְחוֹלֶצֶת וְלֹא מִתְיַבֶּמֶת.

1 Or נִתַּן. Literally *was given.* **2** *i.e.,* if a woman and her husband had gone abroad and on her return she made this or the succeeding statement. **3** And she is eligible to contract leviratical marriage. **4** She must not be enabled to remarry before she performs *chalitzah.* **5** Compare the foregoing *Mishnah,* **Note 4**.

Mishnah 10

מִשְׁנָה י

'A brother-in-law was born[1] to me while I was in the land beyond the sea,' and she then said, 'My husband died and afterward my brother-in-law died,' or, 'My brother-in-law died and my husband [died] afterwards'—she is to be believed. If she went with her husband and her brother-in-law to a country beyond the sea and she said, 'My husband died and afterward my brother-in-law died,' or, 'My brother-in-law [died] and my husband [died] afterward'—she is not to be believed, because no woman may be believed when she says, 'My brother-in-law is dead,' so that she may be married again; nor,[2] 'My sister is dead,' so that she may enter his house;[3] and neither

[1]נִיתַּן לִי יָבָם בִּמְדִינַת הַיָּם, אָמְרָה, מֵת בַּעֲלִי וְאַחַר כָּךְ מֵת יָבָמִי, יָבָמִי וְאַחַר כָּךְ בַּעֲלִי, נֶאֱמָנֶת. הָלְכָה הִיא וּבַעֲלָהּ וְיָבָמָהּ לִמְדִינַת הַיָּם, אָמְרָה, מֵת בַּעֲלִי וְאַחַר כָּךְ מֵת יָבָמִי, יָבָמִי וְאַחַר כָּךְ בַּעֲלִי, אֵינָהּ נֶאֱמָנֶת, שֶׁאֵין הָאִשָּׁה נֶאֱמֶנֶת לוֹמַר, מֵת יָבָמִי, שֶׁתִּנָּשֵׂא; [2]וְלֹא, מֵתָה אֲחוֹתִי, שֶׁתִּכָּנֵס [3]לְבֵיתוֹ; וְאֵין הָאִישׁ נֶאֱמָן לוֹמַר, מֵת אָחִי, שֶׁיְּיַבֵּם [4]אִשְׁתּוֹ, וְלֹא, מֵתָה אִשְׁתִּי, שֶׁיִּשָּׂא [5]אֲחוֹתָהּ.

may a man be believed when he says, 'My brother is dead,' in order that he may contract *levirate union* with his wife,[4] nor, 'My wife is dead,' so that he may wed her sister.[5]

1 Or נִתַּן. Literally *was given.* See 15[8], **Note 1.** **2** *i.e.,* 'neither may she be believed when she says, . . .' **3** *i.e.,* in order that she could marry her brother-in-law widower. **4** *i.e.,* he is suspected of having concocted the report of the death so that he might marry the widow. **5** He is suspect for a similar reason just stated.

CHAPTER 16 — פֶּרֶק טז

Mishnah 1 — מִשְׁנָה א

If a woman's husband with her fellow-wife went to a country beyond the sea,[1] and people came and said to her, 'Thy husband is dead' —she must neither be married again[2] nor may she contract *levirate marriage*[3] until she knows whether her fellow-wife is pregnant.[4] If she had a mother-in-law[5] she need not trouble about it,[6] but if she[7] went away already pregnant[8] she must pay heed to it.[9] R. Joshua[10] says, She does not have to pay regard to it.

הָאִשָּׁה שֶׁהָלַךְ בַּעֲלָהּ וְצָרָתָהּ [1]לִמְדִינַת הַיָּם, וּבָאוּ וְאָמְרוּ לָהּ, מֵת בַּעֲלֵיךְ, לֹא [2]תִנָּשֵׂא וְלֹא [3]תִתְיַבֵּם עַד שֶׁתֵּדַע שֶׁמָּא [4]מְעוּבֶּרֶת הִיא צָרָתָהּ. הָיְתָה לָהּ [5]חָמוֹת אֵינָהּ [6]חוֹשֶׁשֶׁת, [7]יָצְאָה [8]מְלֵאָה [9]חוֹשֶׁשֶׁת. רַבִּי [10]יְהוֹשֻׁעַ אוֹמֵר, אֵינָהּ חוֹשֶׁשֶׁת.

1 *i.e., in a foreign land, abroad, outside Palestine.* **2** The husband was childless when they had left. **3** Nor perform חֲלִיצָה. **3** Or מְעֻבֶּרֶת. **4** She is exempt from leviratic union if her fellow-wife is with child but it must be first born and live. **5** Who was also abroad. **6** She pays no regard to the possibility of the mother-in-law having given birth to a son who would tie her to the obligation of leviratical marriage. **7** The mother-in-law. **8** Literally *full.* **9** In case a יָבָם was born. **10** His opinion is rejected.

Mishnah 2 — מִשְׁנָה ב

If there be two sisters-in-law,[1] and one said, 'My husband is dead,' and the other says, 'My husband is dead,' the former is forbidden[2] because of the husband of the other, and the latter is prohibited because

שְׁתֵּי [1]יְבָמוֹת, זוּ אוֹמֶרֶת, מֵת בַּעֲלִי, וְזוּ אוֹמֶרֶת, מֵת בַּעֲלִי, זוּ [2]אֲסוּרָה מִפְּנֵי בַעֲלָהּ שֶׁל זוּ, וְזוּ אֲסוּרָה מִפְּנֵי בַעֲלָהּ שֶׁל [3]זוּ. לְזוּ [4]עֵדִים וּלְזוּ אֵין

עֵדִים, אֶת־שֶׁיֵּשׁ לָהּ עֵדִים [5]אֲסוּרָה, וְאֶת שֶׁאֵין לָהּ עֵדִים [6]מוּתֶּרֶת. לְזוּ בָנִים וּלְזוּ אֵין [7]בָּנִים, אֶת־שֶׁיֵּשׁ לָהּ בָּנִים [8]מוּתֶּרֶת, וְאֶת שֶׁאֵין לָהּ בָּנִים [9]אֲסוּרָה. [10]נִתְיַבְּמוּ [11]וּמֵתוּ הַיְבָמִין, אֲסוּרוֹת [12]לְהִנָּשֵׂא. רַבִּי [13]אֱלִיעֶזֶר אוֹמֵר, הוֹאִיל [14]וְהוּתְּרוּ לַיְבָמִין [15]הוּתְּרוּ לְכָל אָדָם.

of the husband of the first.[3] If one have witnesses[4] but the other have no witnesses, she who has witnesses is prohibited,[5] but the one that has no witnesses is permitted.[6] If one have children and the other have no children,[7] she who has children is allowed,[8] but she that has no children is prohibited.[9] If they had contracted *levirate union*[10] and these brothers-in-law then died,[11] they are prohibited from being remarried.[12] R. Eliezer[13] says, Seeing that they were allowed[14] to their brothers-in-law they should be permitted[15] to any man.

1 Whose husbands were brothers. **2** To marry again. **3** One of the husbands might be living and he would be under the obligation to carry out the duty of levirate union. **4** According to the רמב״ם one witness in this case is sufficient. **5** From being married again lest the other's husband is living and would have to take her by leviratic marriage. **6** Or מֻתֶּרֶת. She may marry again, because she is to be believed when she says that her husband is dead, and she is free from leviratical marriage because the death of her sister's husband is confirmed by witnesses. **7** And there are no witnesses of the deaths. **8** Or מֻתֶּרֶת. She may wed again. **9** Lest the brother-in-law is living and is under leviratic obligation to her. **10** Respectively with two brothers of the brother husbands that died childless. **11** Childless. **12** Lest their first husbands are yet living; because יְבָמוֹת are only believed concerning the presumed deaths of their own husbands but are not to be believed concerning their reports of one another's brothers-in-law's deaths for suspicion of ulterior improper motives. **13** His view is rejected. **14** Or וְהֻתְּרוּ. *i.e.*, to be married. **15** Or הֻתְּרוּ; literally *should have been permitted. i.e.*, to be wed again on the assumption that their first husbands are dead.

Mishnah 3 — מִשְׁנָה ג

אֵין מְעִידִין אֶלָּא עַל פַּרְצוּף פָּנִים עִם [1]הַחוֹטֶם, אַף עַל פִּי שֶׁיֵּשׁ [2]סִימָנִין בְּגוּפוֹ [3]וּבְכֵלָיו. אֵין מְעִידִין אֶלָּא עַד שֶׁתֵּצֵא נַפְשׁוֹ, [4]וַאֲפִילוּ רְאוּהוּ [5]מְגוּיָּד [6]וְצָלוּב וְהַחַיָּה

They must not give evidence except from the face together with the nose,[1] even though there be marks[2] on its body or on its clothing.[3] Testimony must be given only when his soul has gone forth, (and) even if[4] they saw him being cut to

אוֹכֶלֶת [7]בּוֹ. [8]אֵין מְעִידִין אֶלָּא עַד [9]שְׁלֹשָׁה יָמִים; רַבִּי [10]יְהוּדָה בֶּן בָּבָא אוֹמֵר, לֹא [11]כָּל־הָאָדָם, וְלֹא [12]כָּל־הַמָּקוֹם, וְלֹא כָּל־הַשָּׁעוֹת [13]שָׁוִין.

pieces[5] or crucified[6] or a wild beast devouring him.[7] They may give evidence[8] only during the first three days;[9] but R. Judah[10] ben Baba says, Not all men,[11] nor all places,[12] nor all times are alike.[13]

1 The evidence of the identification of a corpse—produced to a dead man's wife—must be proof conclusive afforded by the face and nose. **2** Or סְמָנִים. **3** These are not to be taken as conclusive proof of identity; but an undoubted established sign such as a deformity may be adduced as evidence of identification. **4** Or וַאֲפִלּוּ. **5** Or *hanged*. **6** Or מְגֻיָּד. **7** *i.e.*, the evidence is only valid after certified death. **8** Of the identity of a corpse. **9** After death. Decay makes identification impossible or uncertain. **10** His opinion is rejected. **11** Some corpses decompose and change quicker than others. Literally *every man*. **12** In some climates corpses do not decompose and change so soon. Literally *every place*. **13** Decay and change set in more slowly in cool weather.

Mishnah 4

מִשְׁנָה ד

נָפַל [1]לְמַיִם, בֵּין שֶׁיֵּשׁ־לָהֶם [2]סוֹף בֵּין שֶׁאֵין לָהֶן [3]סוֹף, אִשְׁתּוֹ [4]אֲסוּרָה. אָמַר רַבִּי מֵאִיר, מַעֲשֶׂה בְּאֶחָד שֶׁנָּפַל *לַבּוֹר הַגָּדוֹל וְעָלָה לְאַחַר שְׁלֹשָׁה יָמִים. אָמַר רַבִּי יוֹסֵי, מַעֲשֶׂה בְּסוּמָא שֶׁיָּרַד לִטְבּוֹל בְּמְעָרָה וְיָרַד מוֹשְׁכוֹ אַחֲרָיו; [5]וְשָׁהוּ כְּדֵי [6]שֶׁתֵּצֵא נַפְשָׁם, וְהִשִּׂיאוּ נְשׁוֹתֵיהֶם. וְשׁוּב מַעֲשֶׂה [7]בְּעַסְיָא בְּאֶחָד [8]שֶׁשִּׁלְּשׁוּהוּ לַיָּם וְלֹא [9]עָלָה בְיָדָם אֶלָּא רַגְלוֹ. אָמְרוּ [10]חֲכָמִים, מִן־הָאַרְכּוּבָה [11]וּלְמַעְלָה, [12]תִּנָּשֵׂא, מִן־הָאַרְכּוּבָה [13]וּלְמַטָּה, לֹא תִנָּשֵׂא.

If a man fell into the water,[1] whether it had a shore all round[2] or whether it had no shore all round,[3] his wife is prohibited.[4] R. Meir said, It once happened that a man fell into a large well* and came up after three days. R. Jose said, It once occurred that a blind man went down into a cave to immerse himself and his guide went down behind him; and they delayed[5] as long as their soul could go forth,[6] and they then permitted their wives to be married again. And again it once happened in Asya[7] that they let a man down[8] into the sea and only his leg came up.[9] The Sages said,[10] If from the knee and upward,[11] she may be married again;[12] but if from the knee downward,[13] she must not be remarried.

1 Literally *into water.* **2** *i.e.,* the whole sheet of water can be seen. **3** The water can not be seen as one whole extent. **4** She must not be married again lest he swam out at some remote unobserved place or was rescued and is living unknown elsewhere. **5** They did not come up out of the water. About three hours. **6** *i.e.,* time enough for their life to become extinct, after which they were presumed to have been drowned. **7** Perhaps *Callirhoe* on the left (east) bank of the River Jordan near the Dead (or Salt) Sea. **8** By chain or rope. **9** Literally *came up into their hand.* **10** Referring to this last incident. **11** If the leg above the knee was recovered then the man must have died. **12** After twelve months. **13** *i.e.,* the lower part only of the leg came up; the man need not have died and he might have somehow escaped and be living unknown elsewhere. * Literally *the large well*—perhaps a particular well is here referred to.

Mishnah 5

מִשְׁנָה ה

Even if[1] someone heard women saying,[2] 'So-and-so is dead,' it suffices.[3] R. Judah says, Even if[1] one heard children saying, 'We are going to bewail and to bury so-and-so':[4] whether he intends or whether he does not intend.[5] R. Judah ben Baba says, If he were a Jew,[6] even if[7] he did intend,[8] but if he were a non-Jew[9] and he had the intention, his evidence is no evidence.[10]

[1]אֲפִילוּ שָׁמַע מִן־הַנָּשִׁים [2]אוֹמְרוֹת, מֵת אִישׁ פְּלוֹנִי, [3]דַּיּוֹ. רַבִּי יְהוּדָה אוֹמֵר, [1]אֲפִילוּ שָׁמַע מִן־הַתִּינוֹקוֹת אוֹמְרִים, הֲרֵי אָנוּ הוֹלְכִין לִסְפּוֹד וְלִקְבּוֹר אֶת־אִישׁ [4]פְּלוֹנִי, בֵּין שֶׁהוּא מִתְכַּוֵּן. וּבֵין שֶׁאֵינוֹ [5]מִתְכַּוֵּן. רַבִּי יְהוּדָה בֶּן בָּבָא אוֹמֵר, [6]בְּיִשְׂרָאֵל, [7]עַד [8]שֶׁיְּהֵא מִתְכַּוֵּן, [9]וּבְעוֹבֵד כּוֹכָבִים אִם הָיָה מִתְכַּוֵּן אֵין עֵדוּתוֹ [10]עֵדוּת.

1 Or אֲפִילוּ. **2** Even if they did not intend their talk to be taken as evidence. **3** As evidence of death to permit the widow to remarry. **4** It suffices as evidence of death. In the גְּמָרָא it is stated that they should say 'We are come from the bewailing and the burial' to suffice as evidence of death. **5** *i.e.,* whether his intention was to testify thereof or not it suffices as good evidence of death by merely relating what he had heard. **6** Literally *Israelite.* **7** Some authorities prefer אַף עַל פִּי שֶׁהוּא instead of עַד שֶׁיְּהֵא. **8** *i.e.,* if his intention was to give testimony his evidence would be legal to permit the woman remarrying. **9** Literally *an idolater.* **10** If his intention was to free the woman to remarry his testimony is invalid, but if he related the story merely as an item of news his evidence is licit to permit her to marry again.

Mishnah 6

מִשְׁנָה ו

מְעִידִין לְאוֹר הַנֵּר וּלְאוֹר הַלְּבָנָה, וּמַשִּׂיאִין עַל פִּי בַת קוֹל. מַעֲשֶׂה בְּאֶחָד שֶׁעָמַד עַל רֹאשׁ הָהָר וְאָמַר, אִישׁ פְּלוֹנִי בֶּן פְּלוֹנִי מִמָּקוֹם פְּלוֹנִי מֵת; הָלְכוּ וְלֹא מָצְאוּ שָׁם אָדָם, וְהִשִּׂיאוּ אֶת־אִשְׁתּוֹ. וְשׁוּב מַעֲשֶׂה בְּצַלְמוֹן בְּאֶחָד שֶׁאָמַר, אֲנִי אִישׁ פְּלוֹנִי בֶּן אִישׁ פְּלוֹנִי נְשָׁכַנִי נָחָשׁ וַהֲרֵי אֲנִי מֵת; וְהָלְכוּ וְלֹא הִכִּירוּהוּ, וְהִשִּׂיאוּ אֶת־אִשְׁתּוֹ.

They may give evidence by the light of a lamp or by the light of the moon,[1] and they may enable a woman to be remarried by an echo.[2] It once happened that a man stood on the top of a hill and called out, 'So-and-so the son of so-and-so from such-and-such a place is dead': they went but found no man there, and yet they permitted his wife to be remarried. And again it once occurred in Zalmon[3] that a certain man called out, 'I am so-and-so the son of so-and-so, a snake has bitten me, and I am about to die': and they went but they did not recognise him, nevertheless they allowed his wife to be wed again.

1 *i.e.*, one may testify to a death even if he had seen a corpse by candle-light or moon-light provided that he recognised it distinctly and indisputably. 2 *i.e.*, on evidence solely afforded on an echo or a voice (from an unseen person) announcing a death. 3 Name of a hill and locality near Shechem.

Mishnah 7

מִשְׁנָה ז

אָמַר רַבִּי עֲקִיבָא, כְּשֶׁיָּרַדְתִּי לְנַהַרְדָּעָא לְעַבֵּר הַשָּׁנָה מְצָאתִי נְחֶמְיָה אִישׁ בֵּית דְּלִי אָמַר לִי, שָׁמַעְתִּי שֶׁאֵין מַשִּׂיאִין אֶת־הָאִשָּׁה בְּאֶרֶץ יִשְׂרָאֵל עַל פִּי עֵד אֶחָד, אֶלָּא רַבִּי יְהוּדָה בֶּן בָּבָא, וְנוֹמֵיתִי לוֹ, כֵּן הַדְּבָרִים. אָמַר לִי, אֱמוֹר לָהֶם מִשְּׁמִי, אַתֶּם יוֹדְעִים שֶׁהַמְּדִינָה מְשׁוּבֶּשֶׁת בְּגַיְיסוֹת; מְקוּבְּלַנִי מֵרַבָּן גַּמְלִיאֵל הַזָּקֵן שֶׁמַּשִּׂיאִין אֶת־הָאִשָּׁה עַל פִּי עֵד אֶחָד. וּכְשֶׁבָּאתִי

R. Akiba said, 'When I went down to Nehardea[1] to declare a leap year I met[2] Nehemiah of Beth Deli and he said to me, "I have heard that in the Land of Israel they do not permit a woman to be wed again on the testimony of one witness —save R. Judah[3] ben Baba"—and I replied to him, "This is so." He said to me,[4] "Tell them in my name —You know that the country is overrun[5] with invaders;[6]—I have received a tradition from Rabban Gamaliel the Elder that they may permit a woman to be remarried

on the evidence of one witness." And[7] when I came and related the matter before Rabban Gamaliel[8] he rejoiced at my words and said, "We have found an associate[9] (for him) for R. Judah ben Baba".' Arising out of this talk Rabban Gamaliel recollected that some men were killed at Tel Arza[10] and Rabban Gamaliel (the Elder[11]) suffered their wives to be wed again on the testimony of one witness (and they established the rule to allow remarriage on the evidence of one witness).[12] And they established the rule to permit to wed again on the testimony of one witness from another witness,[13] or from a slave,[14] or from a woman, or from a bondwoman. R. Eliezer and R. Joshua[15] say, They must not allow a woman to be remarried on the evidence of a single witness. R. Akiba says, Neither on the testimony of a woman (nor of a slave nor of a bondwoman[16]) nor of relatives.[17] They[18] said to him, It once happened that the Benei Levi[19] went to Zoar,[20] the City of Date Palms, and one of them became ill on the way and they brought him to an inn, and on their return they said to the woman innkeeper,[21] 'Where is our companion?' She replied to them, 'He died and I buried him,' and they permitted his wife to be wed again. They answered him,[18] 'And should not an Israelite woman be considered as trustworthy as a gentile mistress of an inn?'[22] He made answer to them, 'She will be deemed trustworthy [when she gives such evidence] as the woman innkeeper!'[23] The woman innkeeper had brought out to them[24] his staff and his bag and a Scroll of the Law that he had had with him.[25]

וְהִרְצֵיתִי הַדְּבָרִים לִפְנֵי רַבָּן
[8]גַּמְלִיאֵל שָׂמַח לִדְבָרַי וְאָמַר, מְצָאנוּ
[9]חָבֵר (לוֹ) לְרַבִּי יְהוּדָה בֶּן בָּבָא.
מִתּוֹךְ הַדְּבָרִים נִזְכַּר רַבָּן גַּמְלִיאֵל
שֶׁנֶּהֱרְגוּ הָרוּגִים [10]בְּתֵל אַרְזָא וְהִשִּׂיא
רַבָּן גַּמְלִיאֵל ([11]הַזָּקֵן) נְשׁוֹתֵיהֶם עַל
פִּי עֵד אֶחָד ([12]וְהוּחְזְקוּ לְהִיוֹת
מַשִּׂיאִין עַל פִּי עֵד אֶחָד). וְהוּחְזְקוּ
לִהְיוֹת מַשִּׂיאִין עֵד מִפִּי [13]עֵד, מִפִּי
[14]עֶבֶד, מִפִּי אִשָּׁה, מִפִּי שִׁפְחָה. רַבִּי
אֱלִיעֶזֶר וְרַבִּי [15]יְהוֹשֻׁעַ אוֹמְרִים, אֵין
מַשִּׂיאִין אֶת־הָאִשָּׁה עַל פִּי עֵד אֶחָד.
רַבִּי עֲקִיבָא אוֹמֵר, לֹא עַל פִּי אִשָּׁה
[16]וְלֹא עַל פִּי עֶבֶד וְלֹא עַל פִּי
שִׁפְחָה) וְלֹא עַל פִּי [17]קְרוֹבִים.
[18]אָמְרוּ לוֹ, מַעֲשֶׂה [19]בִּבְנֵי לֵוִי
שֶׁהָלְכוּ [20]לְצוֹעַר, עִיר הַתְּמָרִים,
וְחָלָה אֶחָד מֵהֶם בַּדֶּרֶךְ וְהֵבִיאוּהוּ
בְּפוּנְדָּק, וּבַחֲזָרָתָם אָמְרוּ
[21]לְפוּנְדָּקִית, אַיֵּה חֲבֵרֵנוּ? אָמְרָה
לָהֶם, מֵת וּקְבַרְתִּיו, וְהִשִּׂיאוּ אֶת־
אִשְׁתּוֹ. אָמְרוּ [18]לוֹ, וְלֹא תְּהֵא
כֹּהֶנֶת [22]כְּפוּנְדָּקִית? אָמַר לָהֶם,
לְכְשֶׁתְּהֵא פוּנְדָּקִית [23]נֶאֱמָנֶת!
הַפּוּנְדָּקִית הוֹצִיאָה [24]לָהֶם מַקְלוֹ
וְתַרְמִילוֹ וְסֵפֶר תּוֹרָה שֶׁהָיָה
[25]בְּיָדוֹ.

1 A Babylonian town where Samuel founded a famous academy. **2** Some authorities prefer מְצָאוּנִי, *i.e.*, 'Nehemiah of Beth Deli met me.' **3** *i.e.*, he is the only one of the חֲכָמִים, Sages, who would allow this. **4** R. Akiba proceeds with the story. **5** Or מְשֻׁבֶּשֶׁת. **6** Or *ravaging soldiers*. Therefore he, Nehemiah, hinted to them that he was in consequence unable to meet the other Sages. **7** Here R. Akiba speaks again for himself. **8** The grandson of Rabban Gamaliel the Elder. **9** *i.e.*, a fellow disciple. עֵירוּבִין 2[5]. **10** ['Cedar Hill'] In Palestine, the scene of massacres during the war of Bar Kochba. **11** Some authorities consider הַזָּקֵן redundant. **12** The part in brackets is omitted in some editions. **13** *i.e.*, on the evidence of someone who heard it from somebody else. **14** This ruling is accepted. **15** Their view is rejected. **16** This bracketed part is omitted in some texts. **17** The ruling is to admit the evidence of relatives. **18** The חֲכָמִים, Sages, to R. Akiba. **19** Or *certain Levites*. **20** Near the east coast of the Salt (Dead) Sea. **21** A non-Jewess. **22** Literally *And should not a woman of priestly family be as a woman inkeeper?* **23** *i.e.*, if the mistress of an inn could be deemed trustworthy then an Israelite woman would undoubtedly be counted trustworthy! **24** In proof of the truth of her statement. **25** Literally *that was in his hand*. **26** Or וְשִׁלְמָה מַסֶּכֶת יְבָמוֹת, TRACTATE YEVAMOTH CONCLUDED.

סְלִיק מַסֶּכֶת יְבָמוֹת[26]

CONCLUSION OF TRACTATE YEVAMOTH.

מַסֶּכֶת

כְּתוּבוֹת

TRACTATE

KETHUBOTH

[BEING THE SECOND TRACTATE OF THE THIRD ORDER NASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

PHILIP BLACKMAN, F.C.S.

MS. of this Tractate revised by

RABBI S. MESTEL, M.A.

INTRODUCTION

כְּתוּבוֹת is the *Second* מַסֶּכֶת, *Tractate* or *Treatise,* of סֵדֶר נָשִׁים, the *Third Order Nashim* of the מִשְׁנָה, *Mishnah.*

The term כְּתוּבוֹת is the *plural* form of the substantive כְּתוּבָּה (a derivative from the verb כָּתַב, *write, assign*) which literally means a *writ,* a *deed.*

In this *Tractate* כְּתוּבָּה (or כְּתֻבָּה) refers to:

(1) *marriage contract,* whereby the obligations of a husband towards his wife are laid down; and

(2) *marriage settlement,* whereby were laid down in writing the provision for the maintenance of the divorced wife or widow—for the divorced wife payment of alimony (called simply כְּתוּבָּה) as agreed on and fixed before marriage (the minimum amount was 200 *zuz** for a virgin, and 100 *zuz* for a married woman from a first husband and 100 *zuz* from any subsequent husband), and in addition a man might allocate a voluntary sum (known as תּוֹסֶפֶת, *supplementary marriage settlement* entered in the כְּתוּבָּה or in a separate special deed); and she was also entitled to the return of any נֵדֶן § or נְדוּנְיָא†, *dower, dowry,* which she had brought on marriage, and for this the obligation devolved too upon the heirs after the death of the husband.

Simon ben Shetach introduced the כְּתוּבָּה (during the first century B.C.E.) as a safeguard and protection to married women.

This *Tractate* deals largely with regulations regarding betrothals, marriage contracts and marriage settlements, and dowers (or dowries), and it treats also generally of the civil rights of woman and her duties and obligations.

There is גְּמָרָא to it in both the תַּלְמוּד בַּבְלִי, *Babylonian Talmud,* and the תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud.*

* Volume I, Page 18f. § Modern term. † Talmudic term.

A literal rendering of the Hebrew כְּתוּבָּה runs as follows:

On ..... the ..... day of the month ..... in the year ..... since the Creation of the Universe, the era according to which we are wont to reckon, here in the town of ....., how ..... son of ..... said to this virgin ..... daughter of .....,'Be thou my wife in accordance with the law of Moses and Israel, and I will labour for thee, honour, maintain and support thee according to the custom of Jewish husbands who toil for their wives, honour, maintain and support them in integrity. And I will set aside for thee ..... in lieu of thy virginity—which are thine in accordance with the law of Moses—and thy sustenance, clothing and necessities and live with thee in conjugal relationship in accordance with universal custom.' And this virgin concurred and became his wife. The dower which she brought from her father's home, in silver, gold, valuables, raiment, and bed-clothes, amounts to ..... and ..... the bridegroom agreed to enlarge this amount from his own possessions with the sum of ....., making a total of ..... And thus said ..... the bridegroom, 'I undertake, and my heirs too after me, the responsibility of this marriage contract, of the dower, and of the supplementary sum, so that all this shall be a charge upon the best of my property, real and personal, that I now possess or may acquire in the future. All my possessions, even the cloak on my back, shall be pledged for the security of this contract and of the dower and of the supplementary sum assigned thereto' ..... the bridegroom has undertaken the responsibility for all the obligations of this marriage contract, as is the usage with other marriage contracts made on the behalf of the daughters of Israel in accordance with the establishments of our Sages, whose memory be for a blessing. It must not be considered as a fictitious obligation or as just a form of deed. We have fulfilled the legal rite of symbolical delivery between ..... the bridegroom ..... son of ..... and ..... the virgin ..... daughter of ....., and have employed a means legally suited for the object to fortify everything that is stated here above, and all is licit and confirmed.

..... *Bridegroom* .....

..... *Witnesses*

This *Tractate* contains thirteen פְּרָקִים, Chapters, and their titles are:

CHAPTER 1	פֶּרֶק א בְּתוּלָה נִשֵּׂאת
CHAPTER 2	פֶּרֶק ב הָאִשָּׁה שֶׁנִּתְאַרְמְלָה
CHAPTER 3	פֶּרֶק ג אֵלּוּ נְעָרוֹת
CHAPTER 4	פֶּרֶק ד נַעֲרָה שֶׁנִּתְפַּתְּתָה
CHAPTER 5	פֶּרֶק ה אַף עַל פִּי
CHAPTER 6	פֶּרֶק ו מְצִיאַתוְהָאִשָּׁה
CHAPTER 7	פֶּרֶק ז הַמַּדִּיר
CHAPTER 8	פֶּרֶק ח הָאִשָּׁה שֶׁנָּפְלוּ
CHAPTER 9	פֶּרֶק ט הַכּוֹתֵב לְאִשְׁתּוֹ
CHAPTER 10	פֶּרֶק י מִי שֶׁהָיָה נָשׂוּי
CHAPTER 11	פֶּרֶק יא אַלְמָנָה נִיזּוֹנֶת
CHAPTER 12	פֶּרֶקבִּיב הַנּוֹשֵׂאתאֶת־הָאִשָּׁה
CHAPTER 13	פֶּרֶק יג שְׁנֵי דַיָּנֵי

The following is a synopsis of the main contents of the thirteen Chapters: 1. Wedding days for virgins and widows; the amount of the כְּתוּבָּה; loss of virginity; paternity. 2. Evidence for claim of כְּתוּבָּה; credibility of witnesses. 3. Penalty for seduction, outrage. 4. Claim to fine; female proselyte; obligations of husband, father; variations in כְּתוּבָּה. 5. Supplement to the כְּתוּבָּה; wedding preparations; husband's authority over wife's earnings; conjugal obligations. 6. Husband's rights to wife's moneys; dowries. 7. Grounds for the annulment of marriage. 8. Woman's property before and after marriage, and husband's rights over it; husband's rights over wife's property after *levirate* marriage. 9. Husband's surrender of rights to wife's possessions; widow's rights to deceased husband's property; claim to כְּתוּבָּה. 10. Laws relating to cases where deceased leaves two or more wives. 11. Widow's rights to heirs' property and to dispose of her כְּתוּבָּה; what woman has no claim to her כְּתוּבָּה. 12. Adopted daughter's rights; widow's rights to home and support; lapsing of כְּתוּבָּה. 13. Views and maxims of Admon and Chanan; when a wife is obliged to go abroad with her husband; superiority of the Holy Land over other lands; superiority of Jerusalem over other Israel cities.

מַסֶּכֶת

כְּתוּבּוֹת

TRACTATE

KETHUBOTH

CHAPTER 1 — פֶּרֶק א

Mishnah 1 — מִשְׁנָה א

[1]בְּתוּלָה נִשֵּׂאת *לַיּוֹם הָרְבִיעִי
וְאַלְמָנָה [2]לַיּוֹם †הַחֲמִישִׁי, שֶׁפַּעֲמַיִם
בְּשַׁבָּת בָּתֵּי דִינִין יוֹשְׁבִין בָּעֲיָרוֹת
בַּיּוֹם הַשֵּׁנִי [3]וּבַיּוֹם הַחֲמִישִׁי, שֶׁאִם
[4]הָיָה לוֹ טַעֲנַת [5]בְּתוּלִים הָיָה
[6]מַשְׁכִּים לְבֵית דִּין.

A virgin[1] should be wed on a Wednesday and a widow on a Thursday,[2] because the Courts sit in the towns twice a week on Mondays and on Thursdays,[3] so that if he[4] would lodge a suit concerning her virginity[5] he may straightway go to Court in the morning.[6]

1 בְּתוּלָה, *virgin*—legally a girl between twelve and twelve-and-a-half years of age, her status being termed נַעֲרוּת (after that the status is called בַּגְרוּת, and before from the age of three it is known as יַלְדוּת). **2** So that they leave three clear days for celebrating.§ **3** Compare מְגִילָה 1[1]. The bi-weekly reading of the Law was instituted for the Morning Services of these two market days. **4** A newly married husband. **5** *Deuteronomy* **22**, 14. **6** The morning following the wedding, so that there be no prolonged time to appease his anger and so drop the case.§ Nowadays weddings may be celebrated generally on any weekday as בֵּית דִּין meet on all such days. In the case of a virgin the festivities should be carried out during seven days following the marriage, three days in the case of a widow, and only one day when the marriage is between a widower and a widow. * בַּיּוֹם in some texts.
§ See ADDENDA at the end of this *Tractate*. † Or הַחֲמִשִׁי.

Mishnah 2 — מִשְׁנָה ב

בְּתוּלָה, כְּתוּבָּתָהּ [1]מָאתַיִם; וְאַלְמָנָה,
[2]מָנֶה; בְּתוּלָה אַלְמָנָה וּגְרוּשָׁה
[3]וְחֲלוּצָה מִן־[4]הָאֵירוּסִין, [5,6]כְּתוּבָּתָן

A virgin—her *marriage settlement* is two hundred;[1] and a widow—one *maneh*;[2] a virgin who became a widow or was divorced or had

מָאתַיִם, וְיֵשׁ [7,5]לָהֶן טַעֲנַת בְּתוּלִים.
הַגִּיּוֹרֶת, וְהַשְּׁבוּיָה, וְהַשִּׁפְחָה
[8]שֶׁנִּפְדּוּ, [8]וְשֶׁנִּתְגַּיְּרוּ [8]וְשֶׁנִּשְׁתַּחְרְרוּ,
פְּחוּתוֹת מִבְּנוֹת שָׁלֹשׁ שָׁנִים וְיוֹם
אֶחָד, [9]כְּתוּבָּתָן מָאתַיִם, וְיֵשׁ
[10,7,5]לָהֶן טַעֲנַת בְּתוּלִים.

performed *chalitzah*[3] after betrothal[4]—her[5] *marriage settlement*[6] is two hundred, and a suit concerning her[5] virginity may be instituted against her.[7] A proselyte, or a captive, or a bondwoman who was[8] redeemed, or who was[8] proselytized, or who was[8] freed, at less than three years and one day of age—their *marriage settlement*[9] is two hundred, and proceedings regarding her[5] virginity may be lodged against her.[7,10]

1 200 זוּז (see זְרָעִים, INTRODUCTION). **2** מָנֶה = 100 זוּז. **3** See יְבָמוֹת, INTRODUCTION. **4** After קִדּוּשִׁין but before חוּפָּה. **5** Literally *their*. **6** When she remarries. **7** Literally *them*. **8** Literally *were*. **9** When they marry on reaching adult age. **10** She forfeits her כְּתוּבָּה if he wins his case, and he is forbidden to wed her.

Mishnah 3 — מִשְׁנָה ג

הַגָּדוֹל שֶׁבָּא עַל [1]הַקְּטַנָּה, [2]וְקָטָן
שֶׁבָּא עַל [3,1]הַגְּדוֹלָה [4]וּמוּכַּת עֵץ,
[6,5]כְּתוּבָּתָן מָאתַיִם. דִּבְרֵי רַבִּי
[7]מֵאִיר. [8]וַחֲכָמִים אוֹמְרִים, מוּכַּת
עֵץ כְּתוּבָּתָהּ מָנֶה.

If an adult copulated with a girl a minor,[1] or if a boy[2] a minor had sexual intercourse with an adult[1,3] or with one that had accidentally lost her virginity,[4] her[5] *marriage settlement*[6] is two hundred [*zuz*]. This is the view of R. Meir.[7] But the Sages[8] say, One that had accidentally lost her virginity—her *marriage settlement* is one *maneh*.

1 The sexual intercourse is not considered as such in their case here. קָטָן, a boy under thirteen years of age (according to some authorities קָטָן here refers to one not older than nine years and one day). קְטַנָּה, a girl under twelve (here it refers to a girl not more than three years and one day old). **2** וְהַקָּטָן in some editions. **3** The hymen was not injured. **4** מוּכַּת עֵץ *wounded by a piece of wood*—a term used to describe a virgin who had lost her hymen through an accident. **5** Literally *their*. **6** When she is married. **7** His opinion is rejected. **8** Their ruling that she cannot be considered here as a virgin is accepted.

Mishnah 4 — מִשְׁנָה ד

בְּתוּלָה אַלְמָנָה גְּרוּשָׁה וַחֲלוּצָה מִן־
[1]הַנִּשּׂוּאִין, [3,2]כְּתוּבָּתָן מָנֶה, [4]וְאֵין

לָהֶם טַעֲנַת בְּתוּלִים. הַגִּיּוֹרֶת,
וְהַשְּׁבוּיָה, וְהַשִּׁפְחָה, [5]שֶׁנִּפְדּוּ
[1]וְשֶׁנִּתְגַּיְּרוּ וְשֶׁנִּשְׁתַּחְרְרוּ, [6]יְתֵירוֹת
עַל בְּנוֹת שָׁלֹשׁ שָׁנִים וְיוֹם אֶחָד,
[2]כְּתוּבָּתָן מָנֶה [8]וְאֵין לָהֶן טַעֲנַת
[3]בְּתוּלִין.

1 But she had not consummated her marriage. 2 Literally *their*. 3 When she remarries. She can no longer be considered a virgin. 4 Literally *and they* [*i.e.*, the husbands] *have not* [לָהֶם *masculine plural*]. 5 Literally *were*. 6 יְתֵרוֹת in some editions. 7 בְּתוּלִים in some texts. 8 She does not forfeit her כְּתוּבָּה. Literally *them* [לָהֶן *feminine plural*].

Mishah 5 — מִשְׁנָה ה

[1]הָאוֹכֵל אֵצֶל חָמָיו בִּיהוּדָה שֶׁלֹּא
בְעֵדִים אֵינוֹ יָכוֹל לִטְעוֹן טַעֲנַת
בְּתוּלִים מִפְּנֵי שֶׁמִּתְיַחֵד [2]עִמָּהּ.
אַחַת אַלְמָנַת [3]יִשְׂרָאֵל וְאַחַת אַלְמָנַת
כֹּהֵן, כְּתוּבָּתָהּ מָנֶה. בֵּית דִּין שֶׁל
כֹּהֲנִים הָיוּ גוֹבִין [4]לִבְתוּלָה אַרְבַּע
מֵאוֹת זוּז, וְלֹא מִיחוּ [5]בְּיָדָם חֲכָמִים.

If in Judaea a man[1] boarded with his father-in-law but had no witnesses, he can not institute virginity proceedings against her, because he had already been alone with her.[2] It is all one whether she be the widow of an Israelite[3] or the widow of a priest—her *marriage settlement* is one *maneh*. The Court of the Priests used to levy for a virgin[4] four hundred *zuz*, and the Sages did not try to prevent them.[5]

1 One engaged to be married.* 2 See יְבָמוֹת 4[10]. They might have had sexual intercourse before wedlock, for in Judah they encouraged intimacy after אֵירוּסִין, betrothal. 3 A non-priest. 4 The daughter of a כֹּהֵן. 5 *i.e.*, they enacted no law to forbid the fixing of the כְּתוּבָּה at 400 *zuz* instead of 200 *zuz*. (Compare כְּתוּבוֹת 13[1], **Note 5**). * See ADDENDA at the end of this *Tractate*.

Mishnah 6

מִשְׁנָה ו

If one married a woman and found not in her tokens of virginity,[1] and she pleads,[2] 'After thou hadst betrothed me I was outraged and thy field was inundated'[3]; and he pleads,[2] 'Not so, but it occurred before I had bespoken thee and my bargain[4] was a bargain concluded in error'[5]—Rabban Gamaliel and R. Eliezer say,[6] She is believed;[7] but R. Joshua[8] says, We do not rely on her word,[9] but she must be presumed to have been copulated with before she had been betrothed and to have deceived him, unless she can produce proof for her statement.

הַנּוֹשֵׂא אֶת־הָאִשָּׁה וְלֹא מָצָא לָהּ
בְּתוּלִים, הִיא [2]אוֹמֶרֶת, מִשֶּׁאֵרַסְתַּנִי
נֶאֱנַסְתִּי וְנִסְתַּחֲפָה [3]שָׂדֶךָ; וְהַלָּה
אוֹמֵר, לֹא כִי, אֶלָּא עַד שֶׁלֹּא
אֵרַסְתִּיךְ וְהָיָה [4]מִקְחִי מֶקַח [5]טָעוּת,
רַבָּן גַּמְלִיאֵל וְרַבִּי אֱלִיעֶזֶר
אוֹמְרִים, [6]נֶאֱמָנֶת; רַבִּי [8]יְהוֹשֻׁעַ
אוֹמֵר, לֹא [9]מִפִּיהָ אָנוּ חַיִּין, אֶלָּא
הֲרֵי זוּ בְּחֶזְקַת בְּעוּלָה עַד שֶׁלֹּא
תִּתְאָרֵס וְהִטְעָתוֹ עַד שֶׁתָּבִיא רְאָיָה
לִדְבָרֶיהָ.

1 *Deuteronomy* **22**, 14, וְלֹא מָצָאתִי לָהּ בְּתוּלִים, *and I found not in her the tokens of virginity.* 2 Literally *says.* 3 Or *laid waste, ruined, i.e.,* she pleads that it was fated to be so. 4 *i.e.,* the קִדּוּשִׁין. 5 And so she should have no claim to her כְּתוּבָּה. 6 Their opinion is accepted. 7 She is first put on oath. She claims her כְּתוּבָּה. But if her plea is that he had found her a virgin after wedlock she is not believed. 8 His view is rejected. 9 Literally *We do not live from her mouth.*

Mishnah 7

מִשְׁנָה ז

If she plead,[1] 'I lost my virginity by accident,'[2] and he says, 'Not so, but thou hast been deflowered* by a man,'[3] Rabban Gamaliel and R. Eliezer say,[4] She is to be believed;[5] but R. Joshua[6] says, We do not depend on her word, but it must be assumed that she did commit adultery unless she produces evidence for her words.

הִיא [1]אוֹמֶרֶת, [2]מוּכַּת עֵץ אָנִי, וְהוּא
אוֹמֵר, לֹא כִי, אֶלָּא [3]דְּרוּסַת אִישׁ
אָתְּ, רַבָּן גַּמְלִיאֵל וְרַבִּי אֱלִיעֶזֶר
אוֹמְרִים, [4]נֶאֱמָנֶת; וְרַבִּי [6]יְהוֹשֻׁעַ
אוֹמֵר, לֹא מִפִּיהָ אָנוּ חַיִּין אֶלָּא הֲרֵי
זוּ בְּחֶזְקַת דְּרוּסַת אִישׁ עַד שֶׁתָּבִיא
רְאָיָה לִדְבָרֶיהָ.

1 Literally *say.* This subject is in continuation of the preceding *Mishnah.* 2 See 1[3], **Note 4.** 3 Literally *thou art a woman trampled on by a man.* 4 Their ruling is accepted. 5 She claims her כְּתוּבָּה. 6 His opinion is rejected. * Or *defloured.*

Mishnah 8

מִשְׁנָה ח

If they saw her conversing[1] with some man in the street and they said to her, 'What kind of man is this?'[2]—'He is so-and-so and he is a priest;'[3] Rabban Gamaliel and R. Eliezer say,[4] She may be believed,[5] but R. Joshua[6] says, We can not trust her word,[7] but she must be taken for granted to have had sexual connection with a Gibeonite[8] or with a bastard unless* she adduces proof for her statement.[9]

רְאוּהָ [1]מְדַבֶּרֶת עִם אֶחָד בַּשּׁוּק אָמְרוּ לָהּ, מַה-טִּיבוֹ שֶׁל [2]זֶה? [3]אִישׁ פְּלוֹנִי וְכֹהֵן הוּא; רַבָּן גַּמְלִיאֵל וְרַבִּי אֱלִיעֶזֶר [4]אוֹמְרִים, [5]נֶאֱמֶנֶת, וְרַבִּי [6]יְהוֹשֻׁעַ אוֹמֵר, לֹא [7]מִפִּיהָ אָנוּ חַיִּין, אֶלָּא הֲרֵי זוּ בְּחֶזְקַת בְּעוּלָה [8]לְנָתִין וּלְמַמְזֵר [*]עַד שֶׁתָּבִיא רְאָיָה [9]לִדְבָרֶיהָ.

1 *i.e.,* being sexually intimate. **2** *i.e., Who and what is he?* **3** This is her reply. **4** The ruling is in accordance with their opinion. **5** And she is not disqualified from marrying into priestly stock or from eating of תְּרוּמָה. **6** His view is rejected. **7** For her chastity is suspect. **8** Marriage between Israelites and descendants of the Gibeonites was forbidden. **9** That the man she had had sexual association with was a priest or of worthy stock.
* See ADDENDA at the end of this *Tractate.*

Mishnah 9

מִשְׁנָה ט

If she were pregnant[1] and they said to her 'What kind of embryo[2] is this?'[3]—'It is by so-and-so and he is a priest;'[4] Rabban Gamaliel and R. Eliezer say,[5] She can be believed; but R. Joshua[6] says, We must not rely on her statement, but it must be presumed that she is with child by a Gibeonite or by a bastard unless she can bring proof for her words.

הָיְתָה [1]מְעוּבֶּרֶת וְאָמְרוּ לָהּ, [3]מַה-טִּיבוֹ שֶׁל [2]עוּבָּר זֶה? [4]מֵאִישׁ פְּלוֹנִי וְכֹהֵן הוּא; רַבָּן גַּמְלִיאֵל וְרַבִּי אֱלִיעֶזֶר [5]אוֹמְרִים, נֶאֱמֶנֶת; רַבִּי [6]יְהוֹשֻׁעַ אוֹמֵר, לֹא מִפִּיהָ אָנוּ חַיִּין, אֶלָּא הֲרֵי זוּ בְּחֶזְקַת מְעוּבֶּרֶת לְנָתִין וּלְמַמְזֵר עַד שֶׁתָּבִיא רְאָיָה לִדְבָרֶיהָ.

1 Or מְעֻבָּר. **2** Or עֻבָּר. **3** *i.e., Who and what is the father of the unborn child?* **4** This is her answer. **5** The ruling is in accordance with their view. She and her daughter are eligible to be married into the priestly stock. **6** His opinion is not accepted.

Mishnah 10

מִשְׁנָה י

R. Jose said, It once happened that a girl went down to draw water from a spring[1] and she was violated. R. Jochanan[2] ben Nuri said, If the majority of the men of the town were eligible to marry[3] into the priesthood[4] then she may also be married into the priesthood.[5]

אָמַר רַבִּי יוֹסִי, מַעֲשֶׂה בְתִינוֹקֶת שֶׁיָּרְדָה לְמַלְאוֹת מַיִם מִן־[1]הָעַיִן וְנֶאֱנְסָה. אָמַר רַבִּי [2]יוֹחָנָן בֶּן נוּרִי, אִם רוֹב אַנְשֵׁי הָעִיר [3]מַשִּׂיאִין [4]לִכְהוּנָּה הֲרֵי זוֹ תִינָּשֵׂא [5]לִכְהוּנָּה.

1 Literally *the spring*. **2** His view is accepted. **3** *i.e.*, to marry their daughters. **4** *i.e.*, to priests. **5** *i.e.*, to a כֹּהֵן.

CHAPTER 2

פֶּרֶק ב

Mishnah 1

מִשְׁנָה א

If a woman became a widow[1] or were divorced[2] and says, 'Thou hast wed me as a virgin,' and he[3] says, 'Not so, but I wedded thee when thou wast a widow,' if there be witnesses that she had gone forth[4] in the virginal bridal litter[5] and with the hair of her head loose,[6] her *marriage settlement* is two hundred.[7] R. Jochanan ben Baroka says, The distribution of parched corn[8] is also proof.

הָאִשָּׁה [1]שֶׁנִּתְאַרְמְלָה אוֹ [2]שֶׁנִּתְגָּרְשָׁה הִיא אוֹמֶרֶת, בְּתוּלָה נְשָׂאתָנִי, [3]וְהוּא אוֹמֵר, לֹא כִי, אֶלָּא אַלְמָנָה נְשָׂאתִיךָ, אִם יֵשׁ עֵדִים [4]שֶׁיָּצְאָה [5]בְּהֵינוּמָא וְרֹאשָׁהּ [6]פָּרוּעַ כְּתוּבָּתָהּ [7]מָאתַיִם. רַבִּי יוֹחָנָן בֶּן בְּרוֹקָא אוֹמֵר, אַף חִלּוּק [8]קְלָיוֹת רַאֲיָה.

1 And demands her כְּתוּבָּה (value 200 זוז) from the heirs. **2** And claims her כְּתוּבָּה from the husband. **3** Who divorced her. **4** To her marriage. **5** A virgin bride used to be carried in a special curtained litter in procession. Some authorities say הֵינוּמָא was a special virginal bridal veil. **6** Literally *and her head disordered* (*dishevelled*). Virgins at their marriage had their hair down over their shoulders and uncovered during the procession from their homes to the place of the marriage ceremony. **7** *zuz*. Otherwise in the absence of any evidence in her favour the amount is one *maneh*. **8** קְלִי, *burnt*, *parched* or *roasted ears of corn*. Where R. Jochanan ben Baroka lived they used to distribute roasted ears of corn at the weddings of virgins.

Mishnah 2

מִשְׁנָה ב

But R. Joshua admits[1] when one says to his fellow, 'This field belonged to thy father and I purchased it from him,' that he may be believed, as the mouth that prohibited is the mouth that permitted;[2] but if there be witnesses[3] that it did belong to that man's father and he says, 'I bought it from him,' he is not believed.

יוֹמוֹדֶה רַבִּי יְהוֹשֻׁעַ בְּאוֹמֵר לַחֲבֵירוֹ, שָׂדֶה זוּ שֶׁל אָבִיךָ הָיְתָה וּלְקַחְתִּיהָ הֵימֶנּוּ, שֶׁהוּא נֶאֱמָן, שֶׁהַפֶּה שֶׁאָסַר הוּא הַפֶּה [2]שֶׁהִתִּיר; וְאִם יֵשׁ-[3]עֵדִים שֶׁהִיא שֶׁל אָבִיו וְהוּא אוֹמֵר, לְקַחְתִּיהָ הֵימֶנּוּ, אֵינוֹ נֶאֱמָן.

1 In his argument with Rabban Gamaliel; compare 1[6,7,8]. **2** Literally *the* [*same*] *mouth that binds also unbinds.* Since, had his intention been to possess it illegally, he would not have admitted that it had been [the property] of his fellow's father. **3** Brought forward by the son to whose father the field belonged.

Mishnah 3

מִשְׁנָה ג

If witnesses said, 'This is indeed our signature but we acted under compulsion,'[1] or,[2] 'We were minors,' or,[2] 'We were ineligible for evidence,'[3] they can be believed; but if there be witnesses[4] that it is their signature or can be identified otherwise [than by their own declaration] from some other extant source[5] [that is, a legal document with] their verified signature, they are not to be believed.[6]

הָעֵדִים שֶׁאָמְרוּ, כְּתַב יָדֵינוּ הוּא זֶה אֲבָל [1]אֲנוּסִים הָיִינוּ, [2]קְטַנִּים הָיִינוּ, [2]פְּסוּלֵי [3]עֵדוּת הָיִינוּ, הֲרֵי אֵלּוּ נֶאֱמָנִים; וְאִם יֵשׁ [4]עֵדִים שֶׁהוּא כְּתַב יָדָם אוֹ שֶׁהָיָה כְּתַב יָדָם יוֹצֵא [5]מִמָּקוֹם אַחֵר, אֵינָן [6]נֶאֱמָנִים.

1 *i.e.,* their signatures were obtained under threat of death. **2** *i.e., or if they said . . .* **3** For example, relatives would not be eligible witnesses in such a case. **4** To testify. **5** *i.e.,* the signature resembled their signature from some other legitimate source elsewhere. **6** נֶאֱמָנִין in some texts When they plead that they are minors or ineligible witnesses.

Mishnah 4

מִשְׁנָה ד

If one say, 'This is my handwriting and that is the handwriting of my fellow,'[1] and the other one says,

זֶה אוֹמֵר, זֶה כְּתַב יָדִי וְזֶה כְּתַב יָדוֹ שֶׁל [1]חֲבֵירִי, וְזֶה אוֹמֵר, זֶה כְּתַב יָדִי

וְזֶה כְּתַב יָדוֹ שֶׁל [1]חֲבֵירִי, הֲרֵי אֵלּוּ [2]נֶאֱמָנִין. זֶה אוֹמֵר, זֶה [3]כְּתַב יָדִי, וְזֶה אוֹמֵר, זֶה [4]כְּתַב יָדִי, צְרִיכִים לְצָרֵף עִמָּהֶם [5]אַחֵר; דִּבְרֵי [6]רַבִּי; [7]וַחֲכָמִים אוֹמְרִים, [8]אֵינָן צְרִיכִין לְצָרֵף עִמָּהֶם אַחֵר אֶלָּא נֶאֱמָן אָדָם לוֹמַר, זֶה כְּתַב יָדִי.

'This is my handwriting and that is my fellow's[1] handwriting,' they may be believed.[2] If one say, 'This is my handwriting,'[3] and the other one says, 'This is my handwriting,'[4] they must add to themselves one other;[5] this is the view of Rabbi;[6] but the Sages[7] say, They do not need[8] to add to themselves another but a man is not to be believed when he says, 'This is my handwriting.'

1 חֲבֵרִי in some editions. **2** Because there are thus two witnesses to each signature. **3** But he does not testify that the other man's signature is genuine. **4** And he also does not confirm the genuineness of the other's signature. **5** To testify that their signatures are genuine and not forgeries. **6** His opinion is rejected. **7** And their ruling is accepted.* **8** אֵינָם צְרִיכִים in some texts. * See ADDENDA at the end of this *Tractate*.

Mishnah 5 — מִשְׁנָה ה

הָאִשָּׁה שֶׁאָמְרָה, [1]אֵשֶׁת אִישׁ הָיִיתִי וּגְרוּשָׁה אֲנִי, נֶאֱמֶנֶת שֶׁהַפֶּה [2]שֶׁאָסַר הוּא הַפֶּה [3]שֶׁהִתִּיר. וְאִם יֵשׁ-עֵדִים שֶׁהָיְתָה אֵשֶׁת אִישׁ וְהִיא אוֹמֶרֶת, גְּרוּשָׁה אֲנִי, אֵינָהּ נֶאֱמֶנֶת. אָמְרָה, [4]נִשְׁבֵּיתִי [5]וּטְהוֹרָה אֲנִי, [6]נֶאֱמֶנֶת שֶׁהַפֶּה שֶׁאָסַר הוּא הַפֶּה [7]שֶׁהִתִּיר; וְאִם יֵשׁ עֵדִים שֶׁנִּשְׁבֵּית וְהִיא אוֹמֶרֶת, [8]טְהוֹרָה אֲנִי, אֵינָהּ [9]נֶאֱמֶנֶת. וְאִם [11]מִשֶּׁנִּשֵּׂאת בָּאוּ [10]עֵדִים הֲרֵי זוֹ לֹא [12]תֵצֵא.

If a woman said, 'I was a married woman[1] and I was divorced,' she may be believed for the mouth that prohibited[2] is the mouth which permitted.[3] But if there be witnesses that she was married and she says, 'I have been divorced,' she is not to be believed. If she said, 'I was taken captive[4] nevertheless I am clean,'[5] she can be believed[6] as the mouth that forbade is the mouth that permitted;[7] but if there be witnesses that she had been made captive and she says, 'I am clean,'[8] she may not be believed.[9] But if there came such witnesses[10] after she was wed,[11] she is not to be put away.[12]

1 Literally *the wife of a man.* **2** By the statement that she was אֵשֶׁת אִישׁ. **3** By the statement that he was divorced. For if she had been dishonest she would have denied having been married. She is consequently free to marry again. **4** נִשְׁבֵּתִי in some editions. **5** *i.e.*, not ravaged. **6** And may be

wedded into the priestly stock even. **7** She might have concealed the fact that she had been captive had she been violated. Literally 'the mouth that bound is the mouth that unbound.' **8** *i.e.,* not outraged. **9** She must not be married to a priest. **10** That she had been a captive. But if they testify that she had committed adultery she must be separated even if she already had children by her husband. **11** Or even after she had been permitted to wed. **12** *i.e.,* be divorced. See ADDENDA.

Mishnah 6

מִשְׁנָה ו

If two women had been taken captive[1] [by heathens] and one says, 'I was taken captive[2] but I am clean,'[3] and the other says, 'I was taken captive but I am undefiled,'[3] they can not be believed; but when they thus testify[4] of one another they may be believed.[5]

שְׁתֵּי נָשִׁים [1]שֶׁנִּשְׁבּוּ זֹאת אוֹמֶרֶת, [2]נִשְׁבֵּיתִי [3]וּטְהוֹרָה אֲנִי, וְזֹאת אוֹמֶרֶת, [2]נִשְׁבֵּיתִי [3]וּטְהוֹרָה אֲנִי, אֵינָן נֶאֱמָנוֹת; וּבִזְמַן שֶׁהֵן [4]מְעִידוֹת זוֹ אֶת־זוֹ הֲרֵי אֵלּוּ [5]נֶאֱמָנוֹת.

1 *i.e.,* there are witnesses that they had been in captivity. **2** נִשְׁבֵּתִי in some editions. **3** *i.e.,* not ravaged. **4** That they had not been violated even if each testifying in favour of the other says naught on her own behalf. **5** That they had not been **outraged.**

Mishnah 7

מִשְׁנָה ז

And likewise also in the case of two men, if one say, 'I am a priest,' and the other says, 'I am a priest,' they are not to be believed;[1] but when they testify thus of each other[2] they can be believed.

וְכֵן שְׁנֵי אֲנָשִׁים, זֶה אוֹמֵר, כֹּהֵן אֲנִי, וְזֶה אוֹמֵר, כֹּהֵן אֲנִי, אֵינָן [1]נֶאֱמָנִין; וּבַזְמַן שֶׁהֵן מְעִידִין [2]זֶה אֶת־זֶה הֲרֵי אֵלּוּ נֶאֱמָנִין.

1 And תְּרוּמָה (see *Appendix,* **Note 1**) must not be given to them. **2** And each for himself also. Nowadays when תְּרוּמָה is not observed any man is to be believed when he says he is a כֹּהֵן and may be called up as such to the reading of the Law and may take part in the rite of דּוּכָן and at a פִּדְיוֹן הַבֵּן.

Mishnah 8

מִשְׁנָה ח

R. Judah says, They must not admit anyone to the status of a priest[1] on the evidence of one witness. R. Elazar said, When is this so? Where there are protesters,[2] but

רַבִּי יְהוּדָה אוֹמֵר, אֵין מַעֲלִין [1]לַכְּהוּנָּה עַל פִּי עֵד אֶחָד. אָמַר רַבִּי אֶלְעָזָר, אֵימָתַי? בְּמָקוֹם שֶׁיֵּשׁ

[8]עוֹרְרִין, אֲבָל בְּמָקוֹם שֶׁאֵין עוֹרְרִין מַעֲלִין לַכְּהוּנָּה עַל פִּי עֵד אֶחָד. רַבָּן [9]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר מִשּׁוּם רַבִּי שִׁמְעוֹן בֶּן [4]הַסָּגָן, מַעֲלִין לַכְּהוּנָּה עַל פִּי עֵד אֶחָד.

where none protest they may admit anybody to the status of a priest on the evidence of one witness. Rabban Simon[3] ben Gamaliel says in the name of R. Simon ben Sagan,[4] They do admit anyone to the status of a priest on the evidence of one witness.

1 See קִדּוּשִׁין 4[1,5]. R. Judah's opinion is rejected. **2** Some of whom say he is unfit and some say he is a fit priest. **3** His view is accepted. **4** Or *son of the Prefect of the Priests*. See סוֹטָה 7[7]. Or הַסֵּגֶן.

מִשְׁנָה ט

Mishnah 9

הָאִשָּׁה שֶׁנִּחְבְּשָׁה בִּידֵי עוֹבְדֵי כּוֹכָבִים עַל יְדֵי [1]מָמוֹן [2]מוּתֶּרֶת [3]לְבַעְלָהּ; עַל יְדֵי [4]נְפָשׁוֹת אֲסוּרָה [5]לְבַעְלָהּ. עִיר שֶׁכְּבָשׁוּהָ כַּרְכּוֹם, כָּל כֹּהֲנוֹת שֶׁנִּמְצְאוּ בְתוֹכָהּ [6]פְּסוּלוֹת, וְאִם יֵשׁ לָהֶן [7]עֵדִים, אֲפִילוּ [8]עֶבֶד, אֲפִילוּ שִׁפְחָה, הֲרֵי אֵלּוּ [9]נֶאֱמָנִין. [10]וְאֵין נֶאֱמָן אָדָם עַל יְדֵי [11]עַצְמוֹ. אָמַר רַבִּי זְכַרְיָה בֶּן [12]הַקַּצָּב, [13]הַמָּעוֹן הַזֶּה! לֹא זָזָה יָדָהּ מִתּוֹךְ יָדִי מִשָּׁעָה שֶׁנִּכְנְסוּ עוֹבְדֵי כּוֹכָבִים לִירוּשָׁלַיִם וְעַד שֶׁיָּצְאוּ. [14]אָמְרוּ לוֹ, אֵין אָדָם מֵעִיד עַל יְדֵי [11]עַצְמוֹ.

If a woman were imprisoned by non-Jews concerning money affairs,[1] she is permitted[2] to her husband;[3] but if for some capital offence,[4] she is forbidden to her husband.[5] If a town were overcome by besieging troops, all women of priestly stock found in it are ineligible,[6] but if they had witnesses,[7] even a slave,[8] or even a bondwoman, these may be believed.[9] But no man may be believed[10] for himself.[11] R. Zechariah ben Hakatsab[12] said, 'By this Temple![13]—her hand did not stir from my hand from the time the non-Jews entered Jerusalem until they went out.' They[14] said to him, No man may give evidence of himself.[11]

1 She is held as a pledge against the husband for repayment of his or her debt. **2** Or מְתֻּרֶת. **3** Even if he is a כֹּהֵן. When she is released. Her captors would not outrage her for fear of losing the husband's repayment. **4** She was liable to be or was sentenced to death for a crime. In this case she might feel indifferent to anything that might happen to her.* **5** If she is pardoned and released. **6** To be married to priests or to remain married

to priests. **7** That they had not been violated. **8** Or *bondman.* **9** If their evidence is to the fact that the women in question had not been defiled. **10** וְאֵין אָדָם נֶאֱמָן in some editions. **11** *i.e.,* if he testifies of himself, on his own behalf. **12** Or *son of the Butcher.* He was a כֹּהֵן. **13** *i.e.,* a form of oath to stress the truth of his statement regarding his wife's chastity during the siege. **14** The חֲכָמִים, *Sages.* * From the immoral practices of the heathens it was presumed that they abused her person and that she consented to save her life.

Mishnah 10

מִשְׁנָה י

And these when they grow up[1] are believed when they testify of what they had seen while they were young.[2] — 'This is my father's handwriting,'[3] or, 'This is my teacher's handwriting,' or, 'This is my brother's handwriting,' (or,) 'I remember[4] of so-and-so when she went out in the virginal bridal litter[5] with her hair down,' or, 'So-and-so[6] went out from the school to immerse himself to eat of *priest's-due,*'[7] or, 'He used to share with us at the threshing-floor,'[8] or, 'This place[9] is an unclean field,'[10] or, 'Thus far we used to come on the Sabbath.'[11] But no man is to be believed when he says, 'So-and-so had a right of way in this place,' or, 'So-and-so had a stopping-spot[12] and a mourning spot[13] in this place.'[14]

וְאֵלּוּ נֶאֱמָנִין לְהַעִיד בְּגוֹדְלָן מַה־
שֶּׁרָאוּ [2]בְּקוֹטְנָן. זֶה כְּתַב יָדוֹ שֶׁל
[3]אַבָּא, וְזֶה כְּתַב יָדוֹ שֶׁל רַבִּי, וְזֶה
כְּתַב יָדוֹ שֶׁל אָחִי, [4]זָכוֹר הָיִיתִי
בִּפְלוֹנִית שֶׁיָּצְתָה [5]בְּהֵינוּמָא וְרֹאשָׁהּ
פָּרוּעַ, וְשֶׁהָיָה [6]אִישׁ פְּלוֹנִי יוֹצֵא
מִבֵּית הַסֵּפֶר לִטְבּוֹל לֶאֱכוֹל
[7]בִּתְרוּמָה, וְשֶׁהָיָה חוֹלֵק עִמָּנוּ עַל
[8]הַגֹּרֶן, [9]וְהַמָּקוֹם הַזֶּה [10]בֵּית הַפְּרָס,
וְעַד כָּאן הָיִינוּ בָאִין [11]בְּשַׁבָּת. אֲבָל
אֵין אָדָם נֶאֱמָן לוֹמַר, דֶּרֶךְ הָיָה
לְפְלוֹנִי בַּמָּקוֹם הַזֶּה, [12]מַעֲמָד
[13]וּמִסְפֵּד הָיָה לְפְלוֹנִי [14]בַּמָּקוֹם,
הַזֶּה.

1 *i.e.,* become of age. **2** *i.e.,* minors. (נֶאֱמָן אָדָם לוֹמַר) *a man is believed when he says* is added here in some editions. **3** Relatives are licit witnesses regarding contracts. **4** Literally *I remembered, I recollected.* Some texts give זָכוֹר אֲנִי, *I remember, I recollect,* instead of זָכוֹר הָיִיתִי. **5** To testify she was a virgin. See 2[1], **Notes 5, 6.** **6** Children's teacher. **7** To testify that he was a כֹּהֵן. Or *heave-offering* (see *Appendix,* **Note 1**). **8** To testify that he was a priest. See יְבָמוֹת 11[5]. **9** Some editions have וְשֶׁהַמָּקוֹם. **10** בֵּית פְּרָס, a burial place that has been ploughed up and made usable and the

vicinage of which, in a circumference of 100 cubits remains unclean because it is assumed that bones are carried by the plough over that area. **11** See צְרוּבִין 5[5]. **12** For a funeral procession. Some texts have מַעֲמָד וּמוֹשָׁב וּמִסְפֵּד, *a stopping-spot and a seat and a mourning spot.** **13** For a funeral oration. **14** See מְגִילָה 4[3]. * See ADDENDA at the end of this *Tractate.*

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

אֵלּוּ [1]נְעָרוֹת שֶׁיֵּשׁ לָהֶן [2]קְנָס, הַבָּא עַל הַמַּמְזֶרֶת, וְעַל [3]הַנְּתִינָה, וְעַל [4]הַכּוּתִית, הַבָּא עַל הַגִּיּוֹרֶת, וְעַל הַשְּׁבוּיָה וְעַל הַשִּׁפְחָה [5]שֶׁנִּפְדּוּ וְשֶׁנִּתְגַּיְּרוּ [6]וְשֶׁנִּשְׁתַּחְרְרוּ פְּחוּתוֹת מִבְּנוֹת שָׁלֹשׁ שָׁנִים וְיוֹם אֶחָד, הַבָּא עַל אֲחוֹתוֹ, וְעַל אֲחוֹת אָבִיו, וְעַל אַחוֹת אִמּוֹ, וְעַל אֲחוֹת אִשְׁתּוֹ, וְעַל אֵשֶׁת [7]אָחִיו, וְעַל אֵשֶׁת אָחִי אָבִיו, וְעַל הַנִּדָּה, יֵשׁ לָהֶן [2]קְנָס. אַף עַל פִּי [8]שֶׁהֵן [9]בְּהִכָּרֵת אֵין בָּהֶן מִיתַת [10]בֵּית דִּין.

These are girls[1] who are entitled to compensation:[2] if a man copulate with a bastard, or with a Gibeonite,[3] or with a Samarian,[4] [likewise] if a man have sexual intercourse with a proselyte, or with a captive or bondwoman that was[5] redeemed or proselytized or freed[6] [respectively] before they were three years and one day of age, [also] if a man have sexual connection with his sister, or with his father's sister, or with his mother's sister, or with his wife's sister, or with his brother's[7] wife, or with his father's brother's wife, or with a menstruant, [these women] are entitled to the fine [imposed on the ravishers].[2] For though they[8] are under the denunciation of excision[9] they are not liable to any death penalty imposed by the Court.[10]

1 *i.e., the girls.* נַעֲרָה a girl between twelve years and twelve and a half years of age (compare 1[1], **Note 1**).* **2** *i.e.,* compensation for seduction, קְנָס, *fine,* of 50 שֶׁקֶל. *Deuteronomy* **22**, 29. **3** See יְבָמוֹת 8[3]. **4** Or *Samaritan.* Intermarriages with Gibeonites and with Samaritans were prohibited though the prohibition fell ultimately into abeyance. **5** Literally *were.* **6** See 2[2].* **7** From his mother. **8** These men mentioned above who thus transgress. כָּרֵת does not exempt one from fine. **9** See *Appendix,* **Note 2**. *Leviticus* **18**, 29. **10** Liability to כָּרֵת, *extermination,* for wanton transgression does not exempt from payment of a fine. * See ADDENDA at the end of this *Tractate.*

Mishnah 2

מִשְׁנָה ב

And the following[1] are not subjected to [the] fine:[2] if a man copulate with a proselyte, or with a captive§ or with a bondwoman who was[3] redeemed, or who was proselytised, or who was manumitted, after the age of three years and one day. R. Judah[4] says, A captive that was redeemed is still considered a virgin[5] even if she were grown up;[6] if a man have sexual intercourse with his daughter, his daughter's daughter, his son's daughter, his wife's daughter, her son's daughter, or her daughter's daughter—they are not subjected to a fine[2] since each[7] one of these forfeits his life, and his death penalty[8] is carried out through [the sentence] of the Court, and anyone who forfeits his life does not pay [a fine] in money,[9] as it is said,[10] *But if no*[11] *harm ensue he shall surely be fined.*

[1]וְאֵלּוּ שֶׁאֵין לָהֶם [2]קְנָס, הַבָּא עַל הַגִּיּוֹרֶת, וְעַל §הַשְּׁבוּיָה וְעַל הַשִּׁפְחָה [3]שֶׁנִּפְדּוּ, וְשֶׁנִּתְגַּיְּרוּ, וְשֶׁנִּשְׁתַּחְרְרוּ, יְתֵרוֹת עַל בְּנוֹת שָׁלֹשׁ שָׁנִים וְיוֹם אֶחָד. רַבִּי [4]יְהוּדָה אוֹמֵר, שְׁבוּיָה שֶׁנִּפְדֵּית הֲרֵי הִיא [5]בְּקִדּוּשָׁתָהּ אַף עַל פִּי [6]שֶׁגְּדוֹלָה; הַבָּא עַל בִּתּוֹ, עַל בַּת בִּתּוֹ, עַל בַּת בְּנוֹ, עַל בַּת אִשְׁתּוֹ, עַל בַּת בְּנָהּ, עַל בַּת בִּתָּהּ, אֵין לָהֶם [2]קְנָס, מִפְּנֵי [7]שֶׁמִּתְחַיֵּיב בְּנַפְשׁוֹ [8]שֶׁמִּיתָתוֹ בְּיָדֵי בֵּית דִּין, וְכָל הַמִּתְחַיֵּיב בְּנַפְשׁוֹ אֵין מְשַׁלֵּם [9]מָמוֹן, [10]שֶׁנֶּאֱמַר, [11]וְלֹא יִהְיֶה אָסוֹן עָנוֹשׁ יֵעָנֵשׁ.

1 נְעָרוֹת, *girls.* **2** *i.e.,* compensation for having been seduced. **3** Literally *were.* **4** His opinion is rejected. **5** Literally *she is still in her sanctity.* **6** *i.e.,* adult, of age. **7** The transgressor. **8** By שְׂרֵפָה, *burning.* מִיתַת בֵּית דִּין, condemned to death by the Court. **9** קְנָס, *fine.* Compare the preceding *Mishnah,* **Note 10**. **10** *Exodus* **21**, 22. **11** Some editions give אִם לֹא instead of the correct Scriptural וְלֹא. § שְׁבוּיָה, in the *Mishnah,* is one carried off or kidnapped by heathens.

Mishnah 3

מִשְׁנָה ג

If a girl were betrothed and then divorced,[1] R. Jose[2] the Galilean says, She has no claim to compensation;[3] R. Akiba[4] says, She is entitled to compensation,[3] and her compensation belongs to her.[5]

נַעֲרָה שֶׁנִּתְאָרְסָה וְנִתְגָּרְשָׁה, רַבִּי [2]יוֹסֵי הַגְּלִילִי אוֹמֵר, אֵין לָהּ [3]קְנָס; רַבִּי [4]עֲקִיבָא אוֹמֵר, יֵשׁ לָהּ [3]קְנָס, וּקְנָסָהּ [5]לְעַצְמָהּ.

1 And afterwards she was seduced or violated. **2** His view is rejected. **3** For seduction. **4** His opinion is accepted. **5** *i.e.,* the fine paid by the seducer is wholly hers.

Mishnah 4

מִשְׁנָה ד

הַמְפַתֶּה [1]נוֹתֵן שְׁלֹשָׁה דְבָרִים
וְהָאוֹנֵס אַרְבָּעָה. הַמְפַתֶּה נוֹתֵן
בּוֹשֶׁת וּפְגָם [2]וּקְנָס; מוֹסִיף עָלָיו
אוֹנֵס שֶׁנּוֹתֵן אֶת־הַצַּעַר. מַה־בֵּין
אוֹנֵס לְמְפַתֶּה? הָאוֹנֵס נוֹתֵן אֶת־
הַצַּעַר וְהַמְפַתֶּה אֵינוֹ נוֹתֵן אֶת־
[3]הַצַּעַר, הָאוֹנֵס נוֹתֵן מִיָּד וְהַמְפַתֶּה
לְכְשֶׁיּוֹצִיא, הָאוֹנֵס שׁוֹתֶה [5]בַּעֲצִיצוֹ
וְהַמְפַתֶּה אִם [6]רָצָה לְהוֹצִיא מוֹצִיא.

The seducer has to pay[1] on three counts and the violator[2] on four counts. The seducer pays for disgrace and deterioration [in value] and a fine;[3] the violator adds thereto by having to pay for the bodily pain. What distinction is there between violator and seducer?—The violator must pay for the bodily pain, but the seducer does not have to pay for the bodily pain,[4] the violator must pay straighway but the seducer only when he puts her away, the violator must drink out of his refuse pot,[5] but the seducer if he desire[6] to put her away may put her away.

1 Literally *gives*. Fine, compensation, indemnity. **2** Or *ravisher*. **3** Compensation for seduction. **4** Even when צַעַר was caused. **5** עָצִיץ, *common clay pot, i.e.,* he must put up with the result of his ugly deed, *viz.,* the ravaged woman must remain with him as his wife (see next *Mishnah*). **6** Literally *he desired*.

Mishnah 5

מִשְׁנָה ה

כֵּיצַד שׁוֹתֶה [1]בַּעֲצִיצוֹ? [2]אֲפִילוּ הִיא
חִגֶּרֶת, אֲפִילוּ הִיא סוּמָא, וַאֲפִילוּ
הָיְתָה מוּכַּת שְׁחִין. נִמְצָא בָהּ [3]דְּבַר
עֶרְוָה אוֹ שֶׁאֵינָהּ רְאוּיָה לָבֹא
[4]בְּיִשְׂרָאֵל [4]אֵינוֹ רַשַּׁאי [5]לְקַיְּמָהּ,
[6]שֶׁנֶּאֱמַר, וְלוֹ תִהְיֶה לְאִשָּׁה, אִשָּׁה
הָרְאוּיָה לוֹ.

How [is it to be understood] 'he must drink from his refuse pot'?[1] —Even[2] if she were lame, even if she were blind, and even if she were afflicted with leprosy. But if there be found in her any unchastity,[3] or if she were not qualified to enter the congregation of Israel,* he[4] is not permitted to keep her,[5] as it is said,[6] *And she shall be to him for a wife,* a wife who is fit for him.

1 See the preceding *Mishnah,* **Note 5.** **2** He must take her for wife whatever her condition. **3** If she committed adultery after marriage. **4** Who had ravaged her. **5** In wedlock. **6** *Deuteronomy* **22**, 29. * *i.e.,* to marry an Israelite.

Mishnah 6

מִשְׁנָה ו

If an orphan[1] were betrothed and then divorced,[2] R. Elazar[3] says, He that seduces her is exempt[4] but he who ravages her is culpable.[5]

יתוֹמָה שֶׁנִּתְאָרְסָה וְנִתְגָּרְשָׁה, רַבִּי אֱלִעָזָר אוֹמֵר, הַמְּפַתֶּה פָּטוּר וְהָאוֹנֵס חַיָּיב.

1 Whose father was dead. **2** She was still נַעֲרָה בְּתוּלָה, a virgin girl. **3** אֲלִישֶׁזֶר in some texts. **4** *From* קְנָס, compensation. **5** And this is an accepted ruling. Compare 3[3,4]. See ADDENDA at the end of this *Tractate*.

Mishnah 7

מִשְׁנָה ז

What is the indemnity for disgrace?—It all depends on the status of him who inflicts the indignity and on the status of her who suffers the disgrace. For deterioration in value?[1]— They appraise her as if she were a bondwoman about to be sold, [and thus it is ascertained] what was her value before and what she is now worth.[2] The fine is the same for every man.[3] And wherever a fixed amount is enjoined in the Law it is the same for all.[4]

אֵיזֶהוּ בּוֹשֶׁת? הַכֹּל לְפִי הַמְּבַיֵּישׁ וְהַמִּתְבַּיֵּישׁ. פְּגָם? רוֹאִין אוֹתָהּ כְּאִילוּ הִיא שִׁפְחָה נִמְכֶּרֶת, כַּמָּה הָיְתָה יָפָה וְכַמָּה הִיא יָפָה. קְנָס שָׁוֶה בְּכָל אָדָם. וְכָל שֶׁיֵּשׁ לוֹ קִצְבָּה מִן־הַתּוֹרָה שָׁוֶה בְּכָל אָדָם.

1 *i.e.,* What is the compensation for the injury caused to the girl? **2** See בָּבָא קַמָּא 8[1]. **3** *viz.,* 50 שֶׁקֶל without distinction. *Deuteronomy* **22**, 29. **4** *i.e.,* there is no differentiation between rich and poor.

Mishnah 8

מִשְׁנָה ח

Wherever there is right of sale[1] no fine [can be inflicted],[2] and where there is [the right to inflict] a fine[3] there is no right of sale. A minor is subject to right of sale and she is not entitled to recover a fine;[4] but a girl[5] is entitled to recover a fine and right of sale does not apply to her. If she be an adult,[6] she is neither subject to right of sale nor can she claim a fine.

כָּל־מָקוֹם שֶׁיֵּשׁ מֶכֶר אֵין קְנָס, וְכָל מָקוֹם שֶׁיֵּשׁ קְנָס אֵין מֶכֶר. קְטַנָּה יֵשׁ לָהּ מֶכֶר וְאֵין לָהּ קְנָס; נַעֲרָה יֵשׁ לָהּ קְנָס וְאֵין לָהּ מֶכֶר. הַבּוֹגֶרֶת אֵין לָהּ לֹא מֶכֶר וְלֹא קְנָס.

1 A father can dispose of his daughter קְטַנָּה, *minor,* of age less than twelve years and one day (as a slave). **2** A man who copulates with her does not pay the 50 שֶׁקֶל fine.* **3** As for instance where a man has sexual connexion with a girl (נַעֲרָה). **4** From her seducer (or ravager, violator). **5** A נַעֲרָה who is twelve years and one day or more of age. **6** בּוֹגֶרֶת, a girl whose age is twelve and a half years and over. * See ADDENDA at the end of this *Tractate.*

Mishnah 9

מִשְׁנָה ט

If one say, 'I have seduced[1] the daughter of so-and-so,' he must pay indemnity for disgrace and deterioration on his own admission but he does not pay the fine.[2] If one say, 'I have stolen,' (or, 'I have killed,' or, 'I have sold'),[3] he repays the value on his own admission but he does not make double restitution[4] or fourfold or fivefold restitution. 'My ox has killed so-and-so,' or 'The ox of so-and-so,'[5] then he repays on his own admission. 'My ox has slain the slave of so-and-so,'[6] he does not repay on his own admission. This is the general principle: whoever must repay more than the value of the damage[7] caused does not repay on his own admission.[8]

הָאוֹמֵר, פִּתִּיתִי אֶת־בִּתּוֹ שֶׁל פְּלוֹנִי, [1]מְשַׁלֵּם בּוֹשֶׁת וּפְגָם עַל פִּי עַצְמוֹ וְאֵינוֹ מְשַׁלֵּם [2]קְנָס. הָאוֹמֵר, גָּנַבְתִּי [3](וְטָבַחְתִּי, וּמָכַרְתִּי) מְשַׁלֵּם אֶת־הַקֶּרֶן עַל פִּי עַצְמוֹ וְאֵינוֹ מְשַׁלֵּם תַּשְׁלוּמֵי [4]כֶּפֶל וְתַשְׁלוּמֵי אַרְבָּעָה וַחֲמִשָּׁה. הַמִּית שׁוֹרִי אֶת־פְּלוֹנִי, אוֹ שׁוֹרוֹ שֶׁל [5]פְּלוֹנִי, הֲרֵי זֶה מְשַׁלֵּם עַל פִּי עַצְמוֹ. הֵמִית שׁוֹרִי עַבְדּוֹ שֶׁל [6]פְּלוֹנִי, אֵינוֹ מְשַׁלֵּם עַל פִּי עַצְמוֹ. זֶה הַכְּלָל, כָּל־הַמְשַׁלֵּם יֶתֶר עַל מַה־[7]שֶּׁהִזִּיק אֵינוֹ מְשַׁלֵּם עַל פִּי [8]עַצְמוֹ.

1 'I have outraged, (violated, ravaged, raped).'* **2** One who confesses does not pay קְנָס, *fine,* the 50 שֶׁקֶל as prescribed in *Deuteronomy* **22**, 29. **3** This part in brackets is omitted in some texts. Compare בָּבָא קַמָּא 7[1]. **4** *Exodus* **22**, 1, 4. **5** *i.e.,* if he said, 'My ox has slain so-and-so,' or if he said, 'My ox has killed the ox of so-and-so,'..... **6** *i.e.,* if he said, 'My ox.....' **7** In which case the repayment is equivalent to קְנָס, a *fine.* **8** But he does on the evidence of witnesses. * The *Mishnah* had no need to mention the case where he says אָנַסְתִּי, *I have forced her,* that he would have to pay בּוֹשֶׁת וּפְגָם and even צַעַר because it is self-understood.

CHAPTER 4

Mishnah 1

If a girl[1] were seduced, [the compensation for] her[2] disgrace and her[2] deterioration and the fine[2] belong to her father, and also [the compensation] for bodily pain if she had been ravaged.[3] If she gained her case[4] [at court] before her father died the fines[5] fall to her father, if the father were dead they[6] then belong to her brothers,[7] but if she did not gain her suit before her father died§ then they[8] fall to her. If she won her case before she became adult[9] they fall to the father, if the father died[10] they fall to the brothers, but if she became adult before she won her case they belong to her. R. Simon[11] says, If she did not manage to collect the fines before her father died,[12] they fall to her. But the work of her hands[13] or whatever was found by her,[14] even though she had not collected the dues and her father died, these belong to the brothers.

פֶּרֶק ד

מִשְׁנָה א

[1]נַעֲרָה שֶׁנִּתְפַּתְּתָה, [2]בּוֹשְׁתָּהּ [2]וּפִגְמָהּ
[2]וּקְנָסָהּ שֶׁל אָבִיהָ, וְהַצַּעַר
[3]בִּתְפוּסָה. [4]עָמְדָה בַדִּין עַד שֶׁלֹּא
מֵת הָאָב [5]הֲרֵי הֵן שֶׁל אָב, מֵת הָאָב
[6]הֲרֵי הֵן שֶׁל [7]אַחִין, §לֹא הִסְפִּיקָה
לַעֲמוֹד בַּדִּין עַד שֶׁמֵּת הָאָב [8]הֲרֵי
הֵן שֶׁל עַצְמָהּ. עָמְדָה בַדִּין עַד
שֶׁלֹּא [9]בָּגְרָה הֲרֵי הֵן שֶׁל אָב, [10]מֵת
הָאָב הֲרֵי הֵן שֶׁל אַחִין, לֹא הִסְפִּיקָה
לַעֲמוֹד בַּדִּין עַד שֶׁבָּגְרָה הֲרֵי הֵן
שֶׁל עַצְמָהּ. רַבִּי [11]שִׁמְעוֹן אוֹמֵר,
אִם לֹא הִסְפִּיקָה לִגְבּוֹת עַד [12]שֶׁמֵּת
הָאָב הֲרֵי הֵן שֶׁל עַצְמָהּ. מַעֲשֵׂה
[13]יָדֶיהָ [14]וּמְצִיאָתָהּ, אַף עַל פִּי שֶׁלֹּא
גָבְתָה מֵת הָאָב, הֲרֵי הֵן שֶׁל אַחִין.

1 Age between twelve years and one day and twelve years and a half. This applies all the more so if she was violated. **2** *i.e.,* her indemnity for disgrace and her indemnity for injury and her (indemnity as) compensation for seduction..... **3** תְּפוּסָה, outraged (ravaged, ravished, violated) woman (opposite to מְפוּתָּה, seduced woman). *i.e.,* compensation for צַעַר to a girl also falls to her father (see 3[4]). **4** Or even before payment of fine.* **5** Awarded to her for בּוֹשֶׁת, פֶּגָם and קְנָס. **6** The fines. **7** As the heirs to their father. **8** The indemnities awarded to her. **9** After twelve and a half years of age. **10** Even before the fines were paid. **11** His view is rejected. **12** Some authorities prefer עַד שֶׁבָּגְרָה, *before she became adult,* instead of עַד שֶׁמֵּת הָאָב. **13** Her earnings during her father's lifetime. **14** See בָּבָא מְצִיעָא 1[5]. * Or 'If her case came [to the court] before.....' § Or 'but the case could not be brought [before the court] previous to her father's death.'

Mishnah 2

מִשְׁנָה ב

If one betrothed his daughter[1] and she were divorced,[2] then he gave her in betrothal and she became a widow, her *marriage settlement*[3] falls to him. If he[4] gave her in marriage and she were divorced, then he gave her in marriage and she became a widow, her *marriage settlement*[5] belongs to her.[6] R. Judah[7] says, The first[8] falls to the father; but they[9] said to him, After her father has given her in marriage he has no authority over her.[10]

הַמְאָרֵס אֶת־[1]בִּתּוֹ [2]וְגֵרְשָׁהּ, אֵרְסָהּ וְנִתְאַרְמְלָה, [3]כְּתוּבָּתָהּ שֶׁלּוֹ. [4]הִשִּׂיאָהּ וְגֵרְשָׁהּ, הִשִּׂיאָהּ וְנִתְאַרְמְלָה [5]כְּתוּבָּתָהּ [6]שֶׁלָּהּ. רַבִּי יְהוּדָה אוֹמֵר, [8]הָרִאשׁוֹנָה שֶׁל אָב; [9]אָמְרוּ לוֹ, מִשֶּׁהִשִּׂיאָהּ אֵין לְאָבִיהָ רְשׁוּת [10]בָּהּ.

1 Literally *betroth*. This refers to a נַעֲרָה under the age of twelve years and a half or to a קְטַנָּה, minor. **2** Literally *and he* [who had bespoken her] *divorced her*. **3** From both betrothals one after the other. **4** Her father. **5** The first as well as the second. **6** Because her marriages put an end to her father's authority over her. **7** His opinion is rejected. **8** *i.e.*, the first כְּתוּבָּה drawn up under the father's authority at the first marriage. **9** The חֲכָמִים. Their ruling is accepted. **10** *i.e.*, he has no claim to her כְּתוּבוֹת nor to her dowry.

Mishnah 3

מִשְׁנָה ג

In the case of a proselyte whose daughter[1] was proselytised with her, if the latter[2] committed adultery she is liable to strangling;[3] to her does not apply either [to be brought to] *the door of the house of her father*[4] or *a hundred sela*.[5] If she were conceived [when her mother yet was] in unholiness[6] but her birth was in holiness,[7] then she is liable to stoning; to her does not apply either [to be brought out to] *the door of the house of her father* or *a hundred sela*. If both her conception and her birth were in sanctity,[8] then she is as a daughter of

הַגִּיּוֹרֶת שֶׁנִּתְגַּיְּרָה [1]בִּתָּהּ עִמָּהּ, [2]וְזָנְתָה הֲרֵי זוֹ [3]בְּחֶנֶק; אֵין לָהּ לֹא פֶּתַח בֵּית [4]הָאָב וְלֹא מֵאָה [5]סֶלַע. הָיְתָה הוֹרָתָהּ שֶׁלֹּא [6]בִּקְדוּשָׁה וְלֵידָתָהּ [7]בִּקְדוּשָׁה, הֲרֵי זוֹ בְּסִקִּילָה, אֵין לָהּ לֹא פֶּתַח בֵּית הָאָב וְלֹא מֵאָה סֶלַע. הָיְתָה הוֹרָתָהּ וְלֵידָתָהּ [8]בִּקְדוּשָׁה, הֲרֵי הִיא כְּבַת יִשְׂרָאֵל לְכָל דָּבָר. יֵשׁ [9]לָהּ אָב וְאֵין [10]לָהּ פֶּתַח בֵּית הָאָב, יֵשׁ לָהּ פֶּתַח בֵּית הָאָב וְאֵין לָהּ [11]אָב, הֲרֵי זוֹ בְּסִקִּילָה,

לֹא נֶאֱמַר פֶּתַח בֵּית אָבִיהָ אֶלָּא לְמִצְוָה.[12]

Israel in every respect. If she[9] have *a father* but *the door of the house of her father* does not apply to her,[10] or if *the door of the house of her father* apply to her but she has *no father,*[11] she is nevertheless liable to stoning—it is not said *the door of the house of her father* except as a religious ordinance.[12]

1 Even if the proselytisation of the daughter took place when she was less than three years and one day in which case she should have all the tokens of virginity when she is a נַעֲרָה. **2** While still a נַעֲרָה under twelve and a half years of age she became betrothed. **3** A born Israelitess was liable to death by סְקִילָה, stoning. *Deuteronomy* **22**, 21. Strangling ,סַנְהֶדְרִין $7^{1,3,9}$, $9^{3,6}$, $11^{1,6}$. Stoning ,סַנְהֶדְרִין 6^{1-5}, $7^{1,4,7,0,10}$, 9^{3}, 10^{4}. **4** *Deuteronomy* **22**, 21. אֶל פֶּתַח בֵּית אָבִיהָ, *unto the door of the house of her father,* where she suffers the death penalty. **5** *Deuteronomy* **22**, 19. מֵאָה כֶסֶף, *a hundred selas* (actually שֶׁקֶל = half of a סֶלַע; see זְרָעִים, Page 18f.) compensation to a girl wrongfully accused. **6** *i.e.,* while her mother was yet a non-Jewess. **7** After her mother was proselytised. **8** After her mother was proselytised. **9** A נַעֲרָה an Israelitess who committed fornication after betrothal. **10** *i.e.,* the father has no house. **11** He is dead or cannot be reached. **12** *i.e.,* the punishment by סְקִילָה must be carried out even if there is neither father nor father's house. This might be rendered 'except as a [but not indispensable] condition wherein the ordinance is to be carried out.'

Mishnah 4 — מִשְׁנָה ד

הָאָב [1]זַכַּאי [2]בְּבִתּוֹ [3]בְּקִדּוּשֶׁיהָ [4]בְּכֶסֶף [5]בְּשְׁטַר וּבְבִיאָה, [6]וְזַכַּאי בִּמְצִיאָתָהּ וּבְמַעֲשֵׂה יָדֶיהָ וּבַהֲפָרַת [8]נְדָרֶיהָ, וּמְקַבֵּל אֶת־[9]גִּיטָהּ; וְאֵינוֹ אוֹכֵל פֵּירוֹת [10]בְּחַיֶּיהָ. נִשֵּׂאת יָתֵר [11]עָלָיו הַבַּעַל שֶׁאוֹכֵל פֵּירוֹת בְּחַיֶּיהָ; [12]וְחַיָּיב בְּמְזוֹנוֹתֶיהָ [13]וּבְפִרְקוֹנָהּ וּבִקְבוּרָתָהּ. רַבִּי יְהוּדָה אוֹמֵר, אֲפִילוּ עָנִי שֶׁבְּיִשְׂרָאֵל לֹא יִפְחוֹת מִשְּׁנֵי [14]חֲלִילִים [15]וּמְקוֹנֶנֶת.

The father has authority[1] over his daughter[2] regarding her betrothal[3] whether effected by money[4] or by document[5] or by sexual connection, and he has control over[6] whatever she finds and over the produce of her hands[7] and over the annulment of her vows,[8] and he receives her bill of divorce;[9] but he does not eat of her produce during her lifetime.[10] If she were wed, the husband has an advantage over him[11] in that he may eat of her produce during her lifetime; but then he[12] is liable for her support and for her ransom[13] and for her burial. R. Judah says, Even the poorest in Israel must not furnish less than two flutes[14] and one woman wailer[15] [at the funeral of his wife].

1 Or *control.* **2** A נַעֲרָה § under twelve and a half years of age. **3** קִדּוּשִׁין 1[1].* **4** כֶּסֶף קִדּוּשִׁין belongs to him. **5** The father takes charge of it. **6** Or right of possession of.* **7** *Exodus* **21**, 7. **8** *Numbers* **30**, 5, 16. **9** Or גִּטָּה. *Deuteronomy* **24**, 2. If she is divorced while a betrothed נַעֲרָה. **10** *i.e.*, he can not make use of her property such as she may have inherited from her mother's father for example. **11** Her father. **12** The husband. **13** If she was captured and was to be redeemed. **14** *i.e.*, flute players. **15** It used to be a custom to play dirges and intone mournful songs at funerals. * See ADDENDA at the end of this *Tractate.* § Or a קְטַנָּה.

Mishnah 5

מִשְׁנָה ה

לְעוֹלָם הִיא [1]בִּרְשׁוּת הָאָב עַד שֶׁתִּכָּנֵס לִרְשׁוּת הַבַּעַל [2]לְנִשּׂוּאִין. מָסַר הָאָב [3]לְשְׁלוּחֵי הַבַּעַל, הֲרֵי הִיא בִּרְשׁוּת הַבַּעַל. הָלַךְ הָאָב עִם שְׁלוּחֵי הַבַּעַל אוֹ שֶׁהָלְכוּ שְׁלוּחֵי הָאָב עִם שְׁלוּחֵי הַבַּעַל, הֲרֵי הִיא בִּרְשׁוּת [4]הָאָב. מָסְרוּ שְׁלוּחֵי הָאָב לִשְׁלוּחֵי הַבַּעַל, הֲרֵי הִיא בִּרְשׁוּת הַבַּעַל.

She continues under the authority[1] of the father till she enters into the control of the husband at wedlock.[2] If the father passed her on to the agents[3] of the husband, she is under the authority of the husband. If the father went with the agents of the husband or if the agents of the father went with the agents of the husband, she is considered within the control of the father.[4] If the agents of the father handed her over to the agents of the husband, she is accounted within the authority of the husband.

1 Or *control.* For instance, if she is the daughter of a יִשְׂרָאֵל, non-priest, she must not eat of תְּרוּמָה (*Appendix,* **Note 1**) before her marriage with a כֹּהֵן. **2** Some texts have לְחוּפָּה,* *at the bridal canopy,* instead of לִרְשׁוּת הַבַּעַל לְנִשּׂוּאִין. **3** Who were to take her to her husband. **4** But if the father was with the husband when he delivered up his daughter the control is vested in the husband. * See ADDENDA at the end of this *Tractate.*

Mishnah 6

מִשְׁנָה ו

הָאָב אֵינוֹ חַיָּב [1]בְּמְזוֹנוֹת בִּתּוֹ. זֶה מִדְרָשׁ [2]דָּרַשׁ רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה לִפְנֵי חֲכָמִים [3]בַּכֶּרֶם [4]בְּיַבְנֶה,

The father is not liable for the maintenance[1] of his daughter. This explanation did R. Elazar ben Azariah expound[2] before the Sages in the College[3] in Jabneh,[4] The

הַבָּנִים יִירְשׁוּ וְהַבָּנוֹת יְזוֹנוּ, מָה הַבָּנִים אֵינָם יוֹרְשִׁין אֶלָּא לְאַחַר מִיתַת [5]הָאָב אַף הַבָּנוֹת אֵינָן נְזוֹנוֹת אֶלָּא לְאַחַר מִיתַת אֲבִיהֶן.

sons inherit and the daughters receive support: just as the sons do not inherit save only after the death of their father[5] so the daughters do not receive support except only after the death of their father.

1 Clothing, feeding, burial. **2** כְּתוּבּוֹת 13[3]; בָּבָא בַּתְרָא 9[1]. **3** *Or Academy.* Literally *vineyard,* so called because the disciples sat in rows like vines in a vineyard. **4** Or *Jamina,* N.W. of Jerusalem and seat of the סַנְהֶדְרִין after the fall of Jerusalem. כֶּרֶם יַבְנֶה was the College of R. Jochanan ben Zaccai. **5** Literally הָאָב, *the father.* Some editions have אֲבִיהֶן, *their father.*

Mishnah 7

מִשְׁנָה ז

[1]לֹא כָתַב [2]לָהּ כְּתוּבָּה, בְּתוּלָה גוֹבָה [3]מָאתַיִם, וְאַלְמָנָה [4]מָנֶה, מִפְּנֵי שֶׁהוּא תְּנַאי בֵּית דִּין. כָּתַב לָהּ שָׂדֶה שָׁוֶה מָנֶה תַּחַת מָאתַיִם [4]זוּז וְלֹא כָתַב לָהּ, כָּל־נְכָסִים דְּאִית לִי אַחֲרָאִין לִכְתוּבָּתֵיךְ, [5]חַיָּיב, שֶׁהוּא תְּנַאי בֵּית דִּין.

If one[1] had not written out a *marriage settlement* for her[2] — if she be a virgin she may claim two hundred,* or if she be a widow one *maneh,*[3] for that is a condition established by the Court. If he assigned to her in writing a field of value one *maneh* instead of two hundred *zuz*[4] but did not write for her, 'All the goods that I possess are surety for thy *marriage settlement,*' he is liable[5] since that is a condition instituted by the Court.

1 *i.e.,* a husband. **2** *i.e.,* his wife. If he divorced her or died. **3** See 1[2]. **4** 100 *zuz* = 1 *maneh.* **5** For the payment of 200 *zuz.* * *zuz.*

Mishnah 8

מִשְׁנָה ח

[1]לֹא [2]כָתַב [2]לָהּ, אִם [3]תִּשְׁתַּבָּאִי, אַפְרִיקִינֵךְ [§]וְאוֹתְבִינֵךְ לִי לְאִינְתּוּ, [4]וּבְכֹהֶנֶת, אַהַדְרִינֵךְ לְמִדִינָתֵךְ, [5]חַיָּיב, שֶׁהוּא תְּנַאי בֵּית דִּין.

If he[1] had not written[2] for her,[3] 'If thou art taken captive* I will ransom thee and I will take thee back§ as my wife,' or, if she were a priest's wife,[4] 'I will restore thee to thine own town,' he is liable[5] because that is a condition enjoined by the Court.

1 The husband. **2** In the כְּתוּבָּה, *marriage settlement*. **3** His wife. **4** A כֹּהֵן, priest, may not take back his wife who had been a captive as she is suspect of having been outraged, and in his כְּתוּבָּה to her he should have stated that he would in such case redeem her, give her a bill of divorce, restore her *marriage settlement* and return her to her former city. **5** He must give her her *marriage settlement*. * Or תִּשְׁתַּבְּאִי. The תַּלְמוּד יְרוּשַׁלְמִי has the proper Aramaic form תִּשְׁתַּבְּיִן. § Or וַאֲתִיבִינָךְ.

Mishnah 9

מִשְׁנָה ט

If she were taken captive, he must ransom her; and if he said, 'Here is her bill of divorce and her *marriage settlement,* let her redeem herself,' he has no such power.[1] If she came to harm,[2] he must heal her.[3] If he said, 'Here is her bill of divorce and her *marriage settlement,* let her cure herself,' he is entitled to do so.[4]

נִשְׁבֵּית חַיָּיב לִפְדּוֹתָהּ; וְאִם אָמַר, הֲרֵי גִיטָהּ וּכְתוּבָּתָהּ, תִּפְדֶּה אֶת־עַצְמָהּ, [1]אֵינוֹ רַשָּׁאי. [2]לְקָתָה חַיָּיב [3]לְרַפְּאוֹתָהּ. אָמַר, הֲרֵי גִיטָהּ וּכְתוּבָּתָהּ, תְּרַפֵּא אֶת־עַצְמָהּ, [4]רַשָּׁאי.

1 He cannot do so. **2** Or *fell ill, received injury*. **3** רְפוּאָה כְּמְזוֹנוֹת, *healing is as maintenance*. He must provide proper medical treatment. **4** There is no liability to support a divorced wife.

Mishnah 10

מִשְׁנָה י

If he had not assigned in writing for her, 'Male children that thou shalt have by me shall inherit the money of thy *marriage settlement* above the share which they are to receive with their brethren,' he is liable,[1] as this is a condition laid down by the Court.

לֹא כָתַב לָהּ, בְּנִין דִּכְרִין דְּיֶהֱוֵי לִיכִי מִנָּאִי אִינּוּן יֵרְתּוּן כֶּסֶף כְּתוּבָּתִיךְ יָתֵר עַל חוֹלְקֵיהוֹן דְּעִם אֲחוּהוֹן, [1]חַיָּיב, שֶׁהוּא תְּנַאי בֵּית דִּין.

1 For instance, a man marries X with a dowry worth x and she dies leaving sons A, B, ...; he inherits the sum x. He then weds Y with a dowry valued y and she also dies leaving sons P, Q, ...; he inherits the amount y. Now he dies. If he left money worth x + y + z (*i.e.*, more than the total of the original dowries) then A, B, ... take their full share x, P, Q, ... take their full portion y, and all of them then share out the remainder

z equally. But if the money left is exactly equal to x + y or is less, then all the sons share this out equally among themselves. (Note: z may be any quantity, even one *denar*.) Such a clause is no longer entered in כְּתוּבּוֹת.

Mishnah 11

מִשְׁנָה יא

בְּנָן נוֹקְבִין דִּיהֲוֻיִן לִיכִי מִנָּאִי יֶהֱוֻיִן יָתְבָן בְּבֵיתִי וּמִתְזְנָן מִנְּכְסַי עַד דְּתִנַּסְבָן [1]לְגוּבְרִין, [2]חַיָּיב, שֶׁהוּא תְּנַאי בֵּית דִּין.

'Female children that thou shalt have by me shall stay in my house and be maintained from my possessions until they are wed to husbands,'[1] he is liable,[2] since this is a condition instituted by the Court.

1 *i.e.*, if this clause had not been inserted in the כְּתוּבָּה. 2 Nevertheless its omission does not free the husband (father) from this obligation to support his unmarried daughters.

Mishnah 12

מִשְׁנָה יב

אַתְּ תְּהֵא יָתְבָא בְּבֵיתִי וּמִיתַּזְּנָא מִנְּכְסַי כָּל־יְמֵי [1]מֵיגַּד אַלְמְנוּתֵיךְ בְּבֵיתִי, [2]חַיָּיב, שֶׁהוּא תְּנַאי בֵּית דִּין. כַּךְ הָיוּ אַנְשֵׁי יְרוּשָׁלַיִם כּוֹתְבִין; [3]אַנְשֵׁי גָלִיל הָיוּ כוֹתְבִין כְּאַנְשֵׁי יְרוּשָׁלַיִם; אַנְשֵׁי יְהוּדָה הָיוּ כוֹתְבִין, עַד שֶׁיִּרְצוּ הַיּוֹרְשִׁין לִיתֵּן לִיךְ [4]כְּתוּבָּתִיךְ, לְפִיכָךְ אִם רָצוּ [5]הַיּוֹרְשִׁין נוֹתְנִין לָהּ כְּתוּבָּתָהּ וּפוֹטְרִין אוֹתָהּ.

'Thou shalt dwell in my house and thou shalt be supported from my goods as long as thou stayest[1] a widow in my house,' he is liable,[2] for this is a condition established by the Court. In this wise used the people of Jerusalem to write; the people[3] of Galilee used to write as did the people of Jerusalem; but the people of Judaea used to write, '..... until the heirs are willing to give to thee thy *marriage settlement*,'[4] therefore if the heirs[5] were so minded they would give her her *marriage settlement* and send her away.

1 מֵיגַּד, *continuest, remainest;* some editions have מֵיגַר, *livest, dwellest.* 2 This condition must none the less be carried out even if this clause had been omitted from the כְּתוּבָּה. 3 Some texts give וְאַנְשֵׁי, *and the people of.* 4 *i.e.*, אַתְּ תְּהֵא יָתְבָא בְּבֵיתִי וּמִיתַּזְּנָא מִנְּכְסַי עַד שֶׁיִּרְצוּ הַיּוֹרְשִׁין לִיתֵּן לִיךְ כְּתוּבָּתִיךְ, 'Thou shalt stay in my house and be maintained from my possessions until the heirs are willing to grant to thee thy *marriage settlement*.' 5 Some editions have יוֹרְשֵׁי.

CHAPTER 5

Mishnah 1

Though they[1] said that a virgin claims[2] two hundred* and a widow one *maneh,* if one be minded to add to it, even a hundred *manehs,* he may add thereto. If she became a widow or were divorced, whether after betrothal or after marriage, she receives the whole.[3] R. Elazar[4] ben Azariah says, If after marriage, she receives the whole, but if after betrothal a virgin receives two hundred* and a widow one *maneh* because he assigned[5] to her only on the stipulation that he wed her. R. Judah says, If a man so desired, he may write out a bond for two hundred* for a virgin and she may write, 'I have received from thee one *maneh,*'[6] for a widow[7] one *maneh* and she may write, 'I have received from thee fifty *zuz.*'[8] R. Meir[9] says, Anyone who assigns less than two hundred* to a virgin or one *maneh* to a widow is as if he committed fornication.

פֶּרֶק ה

מִשְׁנָה א

אַף עַל פִּי [1]שֶׁאָמְרוּ בְּתוּלָה [2]גּוֹבָה
*מָאתַיִם וְאַלְמָנָה מָנֶה, אִם רָצָה
לְהוֹסִיף, אֲפִילוּ מֵאָה מָנֶה, יוֹסִיף.
נִתְאַרְמְלָה אוֹ נִתְגָּרְשָׁה, בֵּין מִן־
הָאֵירוּסִין בֵּין מִן־הַנִּשּׂוּאִין, גּוֹבָה
[3]אֶת־הַכֹּל. רַבִּי [4]אֱלִעָזָר בֶּן עֲזַרְיָה
אוֹמֵר, מִן־הַנִּשּׂוּאִין גּוֹבָה אֶת־הַכֹּל,
מִן־הָאֵירוּסִין בְּתוּלָה גּוֹבָה *מָאתַיִם
וְאַלְמָנָה מָנֶה שֶׁלֹּא [5]כָתַב לָהּ אֶלָּא
עַל מְנָת לְכוּנְסָהּ. רַבִּי יְהוּדָה
אוֹמֵר, אִם רָצָה כּוֹתֵב לִבְתוּלָה
שְׁטַר שֶׁל *מָאתַיִם וְהִיא כוֹתֶבֶת,
הִתְקַבַּלְתִּי מִמְּךָ [6]מָנֶה, [7]לְאַלְמָנָה
מָנֶה וְהִיא כוֹתֶבֶת, הִתְקַבַּלְתִּי מִמְּךָ
חֲמִשִּׁים [8]זוּז. רַבִּי [9]מֵאִיר אוֹמֵר,
כָּל־הַפּוֹחֵת לִבְתוּלָה *מִמָּאתַיִם
וּלְאַלְמָנָה מִמָּנֶה הֲרֵי זֶה בְּעִילַת
זְנוּת.

* *zuz.*

1 The חֲכָמִים, Sages. See 1[2]. **2** In her כְּתוּבָּה. **3** The additional sum also, as entered in the כְּתוּבָּה. **4** His opinion is accepted. **5** The supplementary sum. **6** *i.e.,* she forfeits thereby half of the amount entered in the כְּתוּבָּה. **7** Some editions have וּלְאַלְמָנָה, *and for a widow.* **8** Thus forfeiting half of the sum really due to her in her כְּתוּבָּה. **9** His view is accepted.

Mishnah 2

They grant a virgin twelve months, after her betrothal,[1] to provide herself [with an outfit];[2] and just as they grant to a woman so they grant[3] the man to provide himself [with an outfit]. And to a widow,

מִשְׁנָה ב

נוֹתְנִין לִבְתוּלָה שְׁנֵים עָשָׂר חֹדֶשׁ,
[1]מִשֶּׁתְּבָעָהּ הַבַּעַל, לְפַרְנֵס אֶת־
[2]עַצְמָהּ; וּכְשֵׁם שֶׁנּוֹתְנִין לְאִשָּׁה כַּךְ
[3]נוֹתְנִין לְאִישׁ לְפַרְנֵס אֶת־עַצְמוֹ.

וּלְאַלְמָנָה, [4]שְׁלֹשִׁים יוֹם. הִגִּיעַ [5]זְמַן, [6]וְלֹא נִשְּׂאוּ, *אוֹכְלוֹת מִשֶּׁלּוֹ וְאוֹכְלוֹת [7]בִּתְרוּמָה. רַבִּי טַרְפוֹן אוֹמֵר, נוֹתְנִין לָהּ הַכֹּל [8]תְּרוּמָה. רַבִּי עֲקִיבָא אוֹמֵר, מֶחֱצָה [9]חוּלִין וּמֶחֱצָה תְּרוּמָה.

thirty days.[4] If the time have arrived,[5] and they were not taken into marriage,[6] she is to be maintained* out of his property and she may eat of *priest's-due.*[7] R. Tarfon says, They may give her all of *priest's-due.*[8] R. Akiba says, One half non-holy[9] food and one half *priest's-due.*

1 *i.e.,* from the time (after being bespoken) her intended husband claims her.§ Literally *after the husband has demanded her.* **2** *i.e.,* to prepare her outfit for the wedding. **3** The same time (as given to the woman). **4** Period granted for preparation. **5** *i.e.,* the period for provision has ended and the marriage should take place. **6** [*Niphal*] וְלֹא נִשְּׂאוּ, *and they were not married.* The bridegroom has not yet been able to make provision for the wedding. **7** Or *heave-offering* (see *Appendix,* **Note 1**); if the חָתָן is a כֹּהֵן. He has to support her and if she is a יִשְׂרְאֵלִית she must not eat of the תְּרוּמָה in her father's (a יִשְׂרָאֵל) house. **8** If the חָתָן is agreeable; and if she becomes a menstruant she may sell all her תְּרוּמָה and purchase חוּלִין with the proceeds of the sale. **9** חוּלִין. See *Appendix,* **Note 1**. * אוֹכֶלֶת in some texts; likewise וְאוֹכֶלֶת. § See ADDENDA at the end of this *Tractate.*

Mishnah 3

מִשְׁנָה ג

[1]הַיָּבָם אֵינוֹ מַאֲכִיל [2]בִּתְרוּמָה. עָשְׂתָה שִׁשָּׁה חֳדָשִׁים בִּפְנֵי הַבַּעַל וְשִׁשָּׁה חֳדָשִׁים בִּפְנֵי הַיָּבָם, וַאֲפִילוּ [3]כּוּלָּן בִּפְנֵי הַבַּעַל חָסֵר יוֹם אֶחָד בִּפְנֵי הַיָּבָם, אוֹ כֻּלָּן בִּפְנֵי הַיָּבָם חָסֵר יוֹם אֶחָד בִּפְנֵי הַבַּעַל, אֵינָהּ אוֹכֶלֶת [4]בִּתְרוּמָה. זוֹ מִשְׁנָה [5]רִאשׁוֹנָה. בֵּית דִּין שֶׁל אַחֲרֵיהֶן אָמְרוּ, אֵין הָאִשָּׁה אוֹכֶלֶת בִּתְרוּמָה עַד שֶׁתִּתְכַּנֵּס [6]לַחוּפָּה.

A *yabam*[1] does not qualify [his sister-in-law who expects to be married to him] to eat of *priest's-due.*[2] If [out of her twelve preparatory months allowed her] she has passed six months [during the lifetime] of her [intended] husband, and six months before the *yabam,* or even the whole twelve months[3] before [the death of] her [intended] husband less one day before the *yabam,* or the whole [twelve months] before the *yabam* less one day before her [intended] husband's [death], she is not [entitled] to eat of *priest's-due.*[4] Such was the first [eldest] *Mishnah.*[5] But a subsequent Court decided, In no case is the woman [entitled if she be

betrothed to a priest] to eat of *priest's-due* until she has entered the bridal chamber.[6]

1 Upon whom devolves the duty of taking in *levirate marriage* the widow of his deceased childless brother. (see יְבָמוֹת, INTRODUCTION). **2** If he is a כֹּהֵן. *Appendix,* **Note 1.** To his widowed יְבָמָה, sister-in-law, before he marries her. **3** *i.e., or if she had lived all the twelve months.* **4** Until she has been married to him. **5** Literally *first, former.* Compare נָזִיר 6[1]; גִּטִּין 5[6]; סַנְהֶדְרִין 3[4]; עֵדוּיוֹת 7[2]. **6** *i.e.,* not before marriage.

Mishnah 4

מִשְׁנָה ד

If one consecrated [by vow] the handwork[1] of his wife,[2] she has a right to work and subsist on her earnings. If the surplus,[3] R. Meir[4] says, It is dedicated; but R. Jochanan Hasandlar[5] says, It is non-holy.

הַמַּקְדִּישׁ [1]מַעֲשֵׂה יְדֵי [2]אִשְׁתּוֹ, הֲרֵי זוֹ עוֹשָׂה וְאוֹכֶלֶת. [3]הַמּוֹתָר, רַבִּי [4]מֵאִיר אוֹמֵר, הֶקְדֵּשׁ; רַבִּי יוֹחָנָן [5]הַסַּנְדְּלָר אוֹמֵר, חוּלִּין.

1 Her earnings. **2** Compare *Mishnah* **9** of this *Chapter.* **3** If he consecrated the surplus after deducting the cost of her maintenance. **4** His opinion is rejected. **5** Literally *The Shoemaker.* His view is accepted. The matter here raised refers to the dedication of a surplus which the husband inherits at her death, and such dedication has no validity for none can dedicate what is not yet in actual existence.

Mishnah 5

מִשְׁנָה ה

These are the tasks that a wife[1] must carry out for her husband: she must grind corn,[2] and bake and do washing, cooking, and suckle her[3] child, make[4] his bed (for him),[5] and work in wool. If she brought him one bondwoman,[6] she need not grind nor bake nor wash; if two,[7] she does not have to cook, nor give suck to her child; if three, she is not required to make his bed (for him),[5] nor work in wool; if four, she may sit on a raised seat.[8] R. Eliezer[9] says, Even if[10] she brought him a hundred bondwomen, he can

אֵלּוּ מְלָאכוֹת [1]שֶׁהָאִשָּׁה עוֹשָׂה לְבַעְלָהּ, [2]טוֹחֶנֶת, וְאוֹפָה, וּמְכַבֶּסֶת, מְבַשֶּׁלֶת, וּמְנִיקָה אֶת־[3]בְּנָהּ, [4]מַצַּעַת [5](לוֹ) הַמִּטָּה, וְעוֹשָׂה בְצֶמֶר. הִכְנִיסָה לוֹ [6]שִׁפְחָה אַחַת לֹא טוֹחֶנֶת וְלֹא אוֹפָה וְלֹא מְכַבֶּסֶת; [7]שְׁתַּיִם, אֵינָהּ מְבַשֶּׁלֶת, וְאֵינָהּ מְנִיקָה אֶת־בְּנָהּ; שָׁלֹשׁ, אֵינָהּ מַצַּעַת [5](לוֹ) הַמִּטָּה, וְאֵינָהּ עוֹשָׂה בְצֶמֶר; אַרְבָּעָה, יוֹשֶׁבֶת [8]בְּקַתֶּדְרָא. רַבִּי [9]אֱלִיעֶזֶר אוֹמֵר, [10]אֲפִילוּ הִכְנִיסָה לוֹ מֵאָה

שְׁפָחוֹת כּוֹפֶה לַעֲשׂוֹת [11]בְּצֶמֶר, שֶׁהַבַּטָּלָה מְבִיאָה לִידֵי זִמָּה. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, אַף הַמַּדִּיר אֶת־אִשְׁתּוֹ מִלַּעֲשׂוֹת [12]מְלָאכָה יוֹצִיא וְיִתֵּן [13]כְּתוּבָּתָהּ, שֶׁהַבַּטָּלָה מְבִיאָתָה לִידֵי [14]שִׁעֲמוּם.

compel her to work in wool,[11] since idleness leads to lewdness. Rabban Simon ben Gamaliel says, Even though one place his wife under a vow not to perform any task,[12] he should divorce her and give her her *marriage settlement,*[13] as idleness leads to lightmindedness.[14]

1 Literally *the wife.* A poor woman. **2** But only in a handmill. **3** *i.e.,* her own child but not that of another wife of his. **4** וּמַצַּעַת, *and make,* in some editions. **5** לוֹ is redundant in the opinion of some authorities. **6** Or if she had money of her own (dowry) to engage one, or if her husband could afford to employ one. **7** *i.e.,* if she brought him two bondwomen. **8** If she brought four bondwomen. *i.e.,* she is not obliged to perform any task except* hand him drink, tidy over his bed and aid in washing him. **9** His view is accepted. **10** Or אֲפִלּוּ. **11** The proceeds belong to the husband. **12** *i.e.,* he placed her under a vow not to copulate with him if she did any handwork. **13** If the vow lasted seven days. כְּתוּבָּה in some texts. **14** Or *mental derangement.* * See ADDENDA at the end of this *Tractate.*

Mishnah 6 — מִשְׁנָה ו

הַמַּדִּיר אֶת־אִשְׁתּוֹ מִתַּשְׁמִישׁ הַמִּטָּה, בֵּית שַׁמַּאי אוֹמְרִים, שְׁתֵּי [1]שַׁבָּתוֹת; בֵּית הִלֵּל אוֹמְרִים, שַׁבָּת [2]אֶחָת. [3]הַתַּלְמִידִים יוֹצְאִין לְתַלְמוּד תּוֹרָה שֶׁלֹּא בִרְשׁוּת [4]שְׁלֹשִׁים יוֹם; הַפּוֹעֲלִים [5]שַׁבָּת אֶחָת. הָעוֹנָה הָאֲמוּרָה [6]בַּתּוֹרָה, [7]הַטַּיָּלִין בְּכָל יוֹם, הַפּוֹעֲלִים שְׁתַּיִם בְּשַׁבָּת, הַחַמָּרִים אַחַת בְּשַׁבָּת, הַגַּמָּלִים אַחַת לִשְׁלֹשִׁים יוֹם, הַסַּפָּנִים אַחַת לִשְׁשָׁה חֳדָשִׁים. דִּבְרֵי רַבִּי [8]אֱלִיעֶזֶר.

If one put his wife under a vow to have no connubial intercourse, the School of Shammai say, for two weeks;[1] but the School of Hillel say, For one week only.[2] Disciples[3] may go forth to the study of the Law without permission for thirty days;[4] labourers for one week.[5] The times for marital duties enjoined in the Law are:[6] for men of independent means[7] every day, for workmen twice weekly, for ass-drivers once a week, for camel-drivers once every thirty days, for sailors once every six months. This is the opinion of R. Eliezer.[8]

1 *i.e.,* if the restriction was for two weeks she must wait for that period, but if the vow was to cover a longer period she is to be divorced and her כְּתוּבָּה allowed to her. But he has always in the meantime the privilege of having

his vow annulled. **2** *i.e.*, according to this view the vow to extend beyond one week would entail divorce and granting her the כְּתוּבָּה. **3** Of the חֲכָמִים. Literally *the disciples*. **4** *i.e.*, they may for this purpose be absent against the will of their wives for this period—and even up to three years.* **5** *i.e.*, workmen may be away from their wives for seven days. Or they may abstain from sexual intercourse for seven days even if they lodge at home. **6** *Exodus* **21**, 10. **7** Or *for unoccupied men, for men of leisure*. **8** His view is accepted. * According to the Sages.

Mishnah 7

מִשְׁנָה ז

If a woman be refractory against her husband,[1] he[2] may reduce her *marriage settlement* by seven *denars* every week. R. Judah says, Seven *half-denars*. How long is the reduction to be continued? Until it reaches the full amount of her *marriage settlement*.[3] R. Jose says, He may continue to diminish it, in case[4] an inheritance may fall to her from some source and he can then claim from her.[5] And likewise also if one rebel against his wife,[6] they may add to her *marriage settlement* three *denars*[7] a week; R. Judah says, Three *half-denars*.

הַמּוֹרֶדֶת עַל [1]בַּעֲלָהּ, [2]פּוֹחֵתִין לָהּ מִכְּתוּבָּתָהּ שִׁבְעָה דִינָרִין בְּשַׁבָּת. רַבִּי יְהוּדָה אוֹמֵר, שִׁבְעָה טַרְפְּעִיקִין. עַד מָתַי הוּא פּוֹחֵת? עַד כְּנֶגֶד [3]כְּתוּבָּתָהּ. רַבִּי יוֹסֵי אוֹמֵר, לְעוֹלָם הוּא פּוֹחֵת וְהוֹלֵךְ, [4]שֶׁמָּא תִּפּוֹל לָהּ יְרוּשָׁה מִמָּקוֹם אַחֵר גּוֹבֶה [5]הִימֶנָּה. וְכֵן הַמּוֹרֵד עַל [6]אִשְׁתּוֹ, מוֹסִיפִין לָהּ עַל כְּתוּבָּתָהּ שְׁלֹשָׁה [7]דִינָרִין בְּשַׁבָּת; רַבִּי יְהוּדָה אוֹמֵר, שְׁלֹשָׁה טַרְפְּעִיקִין.

1 *i.e.*, she refuses to copulate. בֵּית דִּין has to warn her that her attitude will be made public if she persists in it, and if this is of no avail her conduct is publicly proclaimed in the synagogues and in the colleges on four weekly occasions. **2** Literally *they*. **3** After which she is divorced. **4** עַד שֶׁאִם according to some authorities. **5** Or הִימֶנָּה. **6** *i.e.*, he refrains from sexual intercourse with her. If she is agreeable to be divorced he divorces her at once and he does not have to add to her כְּתוּבָּה. **7** Because abstention from sexual connexion is less painful for the female than for the male. For דִּנָּר see TABLES, זֻרְעִים, INTRODUCTION.

Mishnah 8

מִשְׁנָה ח

If one supported his wife through a third person,[1] he must not give her less than two *kab* of wheat or

הַמַּשְׁרֶה אֶת־אִשְׁתּוֹ עַל יְדֵי [1]שָׁלִישׁ, לֹא יִפְחוֹת לָהּ מִשְׁנֵי קַבִּין חִטִּין אוֹ

מֵאַרְבָּעָה קַבִּין [2]שְׂעוֹרִים. אָמַר רַבִּי יוֹסֵי, לֹא פָּסַק לָהּ שְׂעוֹרִים אֶלָּא רַבִּי יִשְׁמָעֵאל שֶׁהָיָה סָמוּךְ יְלֶאֱדוֹם. וְנוֹתֵן לָהּ חֲצִי קַב [4]קִטְנִית וַחֲצִי [5]לוֹג שֶׁמֶן וְקַב גְּרוֹגְרוֹת אוֹ מָנֶה דְּבֵילָה; וְאִם אֵין לוֹ פּוֹסֵק לְעוּמָּתָן פֵּירוֹת [6]מִמָּקוֹם אַחֵר. וְנוֹתֵן לָהּ [7]מִטָּה, [8]מֶפֶץ, [9]וּמַחְצֶלֶת. וְנוֹתֵן לָהּ כִּפָּה לְרֹאשָׁהּ וְחָגוֹר לְמָתְנֶיהָ, וּמִנְעָלִים [10]מִמּוֹעֵד לְמוֹעֵד, וְכֵלִים שֶׁל חֲמִשִּׁים זוּז מִשָּׁנָה לְשָׁנָה. וְאֵין נוֹתְנִין לָהּ לֹא חֲדָשִׁים בִּימוֹת הַחַמָּה וְלֹא שְׁחָקִים בִּימוֹת הַגְּשָׁמִים; אֶלָּא נוֹתֵן לָהּ כֵּלִים שֶׁל חֲמִשִּׁים זוּז בִּימוֹת הַגְּשָׁמִים, וְהִיא מִתְכַּסָּה בִּבְלָאוֹתֵיהֶן בִּימוֹת הַחַמָּה וְהַשְּׁחָקִים שֶׁלָּהּ.

four *kab* of barley.[2] R. Jose said, Only R. Ishmael who lived close to Edom[3] granted her [this double allowance of] barley. And he must give her also half a *kab* of peas[4] and half a *log*[5] of oil and a *kab* of dried figs or a *maneh* of fig-cake; and if he have none such, he must supply her in their stead with other produce.[6] And he must give her a bed,[7] a mat,[8] and cover.[9] And he must give her a cap for her head and a girdle for her loins, and shoes at every Holyday,[10] and clothing worth fifty *zuz* every year. And they may not give her new garments for summer nor threadbare clothes for winter; but he must give her clothing worth fifty *zuz* for winter, and she may cover herself with the worn-out ones in summer and the threadbare ones belong to her.

1 A husband while away from home leaves the provision for his wife's maintenance in the charge of a trustee and she agrees to this method of support. **2** Every week. קַב = 2200 c.cm. = $\frac{1}{6}$ סְאָה. See TABLES, זְרָעִים, INTRODUCTION. **3** Where the barley was of inferior quality. R. Ishmael ordered the quantity of barley be double to make up for this inferiority. See ADDENDA at the end of this *Tractate*. **4** Or *beans, pulse, small fruit*. **5** לוֹג = 550 c.cm. = $\frac{1}{4}$ קַב. **6** Literally *with produce from elsewhere*. **7** *i.e.*, bedstead. **8** מֶפֶץ an inferior kind of mat (of reeds, bark, *etc.*). **9** Literally *matting*. Some render מֶפֶץ וּמַחְצֶלֶת, *mattress and blanket*.* **10** Or *Festival*: פֶּסַח, *Passover*, שָׁבוּעוֹת or עֲצֶרֶת, *Pentecost* or *Festival of Weeks*, סֻכּוֹת or חַג, *Feast of Tabernacles* (the so-called שָׁלֹשׁ רְגָלִים, *Three Festivals of Pilgrimage*).
* See ADDENDA at the end of this *Tractate*.

Mishnah 9

מִשְׁנָה ט

נוֹתֵן לָהּ [1]מָעָה כֶסֶף [2]לְצוֹרְכָהּ, וְאוֹכֶלֶת עִמּוֹ מְלֵילֵי שַׁבָּת לְלֵילֵי

He must give her a silver *maah*[1] for her requirements,[2] and she should take her meal with him

שַׁבָּת. וְאִם אֵין נוֹתֵן לָהּ מָעָה כֶּסֶף
[1]לְצוֹרְכָהּ, מַעֲשֵׂה יָדֶיהָ [2]שֶׁלָּהּ. וּמָה
הִיא עוֹשָׂה לוֹ? מִשְׁקַל [3]חָמֵשׁ
[5]סְלָעִים [4]שְׁתִי בִיהוּדָה, שֶׁהֵן עֶשֶׂר
סְלָעִים בַּגָּלִיל, אוֹ מִשְׁקַל עֶשֶׂר
סְלָעִים [7]עֵרֶב בִּיהוּדָה, שֶׁהֵן עֶשְׂרִים
סְלָעִים בַּגָּלִיל. וְאִם הָיְתָה [8]מְגַיֶּקֶת,
[9]פּוֹחֶתִים לָהּ מִמַּעֲשֵׂה יָדֶיהָ וּמוֹסִיפִין
לָהּ עַל מְזוֹנוֹתֶיהָ. §בַּמֶּה דְבָרִים
אֲמוּרִים? בְּעָנִי שֶׁבְּיִשְׂרָאֵל; אֲבָל
[10]בְּמְכוּבָּד הַכֹּל לְפִי [11]כְּבוֹדוֹ.

1 6 מָעָה = 1 דִּינָר (see TABLES, זְרָעִים, INTRODUCTION). Weekly. **2** *i.e.,* petty expenses. Literally *her requirement;* some editions have לְצָרְכֶּיהָ, *for her needs.* **3** Literally *need.* See **Note 2.** **4** Or *spin.* **5** סֶלַע, 14.3 grams or 222.4 grains. מָעָה or גֵּרָה = $\frac{1}{24}$ סֶלַע. **6** The thread running lengthwise in a loom. **7** The warp is twice as difficult to produce as the woof. *Woof* or *weft* are threads that cross the warp in weaving fabric. **8** *i.e.,* she had to suckle a child. **9** פּוֹחֲתִין in some texts. **10** Or בִּמְכֻבָּד. **11** And also in accordance with local custom. * That is, after deducting the cost of her maintenance, the surplus of her earnings belongs to her. § *viz.,* all the above stipulations.

every Sabbath night. And if he do not give her a silver *maah* for her needs,[3] then the earnings of her own hands are hers.* And how much does she have to work for him?—She must weave[4] five *selas'*[5] weight of warp[6] in Judaea, which are equivalent to ten *selas* in Galilee, or ten *selas'* weight of woof[7] in Judaea, which are equal to twenty *selas in Galilee.* And if she were suckling,[8] the quantity of her labour is to be diminished[9] and that of her maintenance increased. When does this apply?§ — In the case of a poor man in Israel; but in the case of a man of the better class[10] all should be in accordance with his respectability.[11]

CHAPTER 6 — פֶּרֶק ו

Mishnah 1 — מִשְׁנָה א

מְצִיאַת [1]הָאִשָּׁה וּמַעֲשֵׂה יָדֶיהָ
לְבַעְלָהּ, וִירוּשָׁתָהּ הוּא אוֹכֵל פֵּירוֹת
[2]בְּחַיֶּיהָ. בּוֹשְׁתָּהּ וּפְגָמָהּ [3]שֶׁלָּהּ. רַבִּי
[4]יְהוּדָה בֶּן בְּתֵירָא אוֹמֵר, בִּזְמַן

The finds of a woman[1] and the work of her hands belong to her husband, and he enjoys the usufruct of whatever she inherits during her lifetime.[2] Compensation for indignity or damages for injury to her belongs to her.[3] R. Judah[4]

[5]שֶׁבְּסֵתֶר, לָהּ שְׁנֵי חֲלָקִים [6]וְלוֹ אֶחָד; וּבִזְמַן שֶׁבַּגָּלוּי, לוֹ שְׁנֵי חֲלָקִים וְלָהּ אֶחָד. [7]שֶׁלּוֹ יִנָּתֵן מִיָּד; [8]שֶׁלָּהּ יִלָּקַח בָּהֶן קַרְקַע וְהוּא אוֹכֵל [9]פֵּירוֹת.

ben Bathyra says, When in an unexposed part,[5] two parts go to her and one part falls to him;[6] but when in an exposed part, two parts are his and one part is hers. His[7] must be given straightway; but with hers[8] land must be purchased and he enjoys the usufruct thereof.[9]

1 *i.e.,* whatever a wife finds. **2** Literally *and her inheritance—he eats of the fruits* [thereof] *during her life time.* But the principle belongs to her, and he comes into full possession only at her death. See ADDENDA. **3** See 4[1]. **4** His view is accepted. **5** *i.e.,* when an injury caused to her is not outwardly visible. **6** *i.e.,* he receives one-third and she retains two-thirds of the damages. **7** *i.e.,* his share of the compensation must be paid over to him forthwith. **8** וְשֶׁלָּהּ in some editions. **9** Literally *and he eats the fruit.* The principle is still hers even if she is divorced; but if she dies he inherits it.

Mishnah 2 — מִשְׁנָה ב

[1]הַפּוֹסֵק מָעוֹת [1]לַחֲתָנוֹ [2]וּמֵת חֲתָנוֹ, אָמְרוּ חֲכָמִים, יָכוֹל הוּא שֶׁיֹּאמַר, לְאָחִיךָ הָיִיתִי רוֹצֶה לִיתֵּן וּלְךָ אֵינִי אֶפְשִׁי [3]לִיתֵּן.

If one agree[1] to give money to his intended son-in-law[1] and this son-in-law died,[2] the Sages said, He can say, 'To thy brother I did wish to give but to thee I am not minded to give.'[3]

1 Or *stipulate.* **2** And the brother of the deceased had to carry out the duty of leviratic union or חֲלִיצָה towards the betrothed woman (see יְבָמוֹת, INTRODUCTION). **3** *i.e.,* the father conveys the intention not to give the יָבָם any such dowry leaving him to perform the obligation of leviratical marriage or to submit to חֲלִיצָה.

Mishnah 3 — מִשְׁנָה ג

[1]פְּסָקָה לְהַכְנִיס לוֹ אֶלֶף [2]דִּינָר, הוּא [3]פּוֹסֵק כְּנֶגְדָּן חֲמִשָּׁה עָשָׂר [4]מָנֶה, וּכְנֶגֶד [5]הַשּׁוּם הוּא [3]פּוֹסֵק פָּחוֹת חֻמֵּשׁ. שּׁוּם [6]בְּמָנֶה וְשָׁוֶה מָנֶה, אֵין *לָהּ אֶלָּא מָנֶה. שּׁוּם

If she agreed[1] to bring in to him one thousand *denar,*[2] he must settle[3] over against this fifteen *maneh,*[4] but over against articles[5] [subject to appraisement] he assigns[3] at one fifth less. If the estimated value were one *maneh*[6] and it was actually worth a *maneh,* she*

[7]בְּמָנֶה, הִיא [8]נוֹתֶנֶת שְׁלֹשִׁים וְאֶחָד סֶלַע [9]וְדִינָר; וּבְאַרְבַּע [7]מֵאוֹת, הִיא נוֹתֶנֶת [10]חֲמֵשׁ מֵאוֹת. מַה־שֶּׁהָתָן [11]פּוֹסֵק הוּא פּוֹסֵק פָּחוֹת חֹמֶשׁ.

may claim one *maneh* only. Goods valued at one *maneh*[7]: she must provide[8] thirty-one *sela* and one *denar;*[9] and goods valued at four hundred[7]: she must contribute five hundred.[10] Whatever the bridegroom assigns[11] he assigns at one fifth less.

1 The wife to the husband. **2** 1 מָנֶה = 100 זוּז or 100 דִּינָר (see TABLES, זְרָעִים, INTRODUCTION). **3** Assign in the כְּתוּבָּה. **4** 1500 דִּינָר—50 per cent. higher as he has her money to make use of for profit. Some editions have חֲמֵשׁ עֶשְׂרֵה מָנֶה. **5** Clothes, jewellery, ornaments.§ **6** The worth of her goods. **7** If this statement was to be inscribed in the כְּתֻבָּה. **8** *i.e.*, bring him goods worth ..... **9** 1 סֶלַע = 4 דִּינָר. **10** Goods of this value. **11** In writing in the כְּתוּבָּה for the estimated rate. § Because it is assumed that to gain favour with the bridegroom the amount of her dowry has been swelled, and the articles composing the same rated beyond the real value. * See ADDENDA at the end of this *Tractate*.

Mishnah 4 — מִשְׁנָה ד

פָּסְקָה לְהַכְנִיס לוֹ [1]כְּסָפִים, סֶלַע כֶּסֶף נַעֲשָׂה שִׁשָּׁה [2]דִּינָרִים. הֶחָתָן מְקַבֵּל עָלָיו עֲשָׂרָה דִינָרִין [3]לַקּוּפָּה לְכָל [4]מָנֶה וּמָנֶה. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, [5]הַכֹּל כְּמִנְהַג הַמְּדִינָה.

If she consented to bring him in money,[1] a silver *sela* shall be counted as six *denars*.[2] The bridegroom must undertake to provide ten *denars* for the basket[3] for every *maneh*.[4] Rabban Simon ben Gamaliel says, The local custom should be followed in all things.[5]

1 Or סְלָעִים, *selas*, according to some authorities. **2** Actually 4 דִּנָּרִים = 1 סֶלַע (see TABLES, זְרָעִים, INTRODUCTION). **3** *i.e.*, as pin-money for oil and perfumes. **4** Which she brings in. **5** Regarding this matter local usage should be considered.

Mishnah 5 — מִשְׁנָה ה

הַמַּשִׂיא אֶת־בִּתּוֹ *סְתָם, [1]לֹא יִפְחוֹת לָהּ מֵחֲמִשִּׁים [2]זוּז. פָּסַק [3]לְהַכְנִיסָהּ [4]עֲרוּמָה, לֹא יֹאמַר [5]הַבַּעַל, *כְּשֶׁאַכְנִיסֶנָּה לְבֵיתִי אֲכַסֶּנָּה בִּכְסוּתִי,

If one give his daughter in marriage without defined conditions,* he must not assign[1] to her less than fifty *zuz*.[2] If he arranged that he[3] should take her in unprovided,[4] the bridegroom[5] must not say,

אֶלָּא מְכַסֶּה וְעוֹדָהּ בְּבֵית אָבִיהָ. וְכֵן הַמַּשִּׂיא אֶת־הַיְתוֹמָה [8,7]לֹא יִפְחוֹת לָהּ מֵחֲמִשִּׁים זוּז; אִם יֵשׁ בַּכִּיס מְפַרְנְסִין [9]אוֹתָהּ לְפִי כְבוֹדָהּ.

'When I shall take her[6] into my house I will clothe her with my clothes,' but he must clothe her while she is still in her father's house. And similarly also if one give in marriage an orphan girl, he[7] must not assign[8] to her less than fifty *zuz;* if there be any money in the poor-funds they must provide for her[9] in accordance with the respect due to her. * Popular traditional pronunciation סְתַם.

1 Or לא יִפְחֲתוּ, *they must not assign,* in some editions. **2** 100 זוּז = 1 מָנֶה (see TABLES, זְרָעִים, INTRODUCTION). **3** The bridegroom. **4** Literally *naked.* **5** Literally *the husband.* **6** כְּשֶׁתָּבֹא, *when she will come,* in some texts. **7** The treasurer of the poor-fund. **8** Or לא יִפְחֲתוּ, *they* [*i.e.,* the treasurers] *must not assign less.* **9** With clothes and wedding expenses.

Mishnah 6

מִשְׁנָה ו

יְתוֹמָה, [1]שֶׁהִשִּׂיאַתָּהּ אִמָּהּ אוֹ אָחִיהָ מִדַּעְתָּהּ, [2]וְכָתְבוּ לָהּ בְּמֵאָה אוֹ בַחֲמִשִּׁים זוּז, יְכוֹלָה הִיא [3]מִשְּׁתַגְדִּיל לְהוֹצִיא [4]מִיָּדָן מַה־שֶּׁרָאוּי לְהִנָּתֵן [5]לָהּ. רַבִּי יְהוּדָה אוֹמֵר, אִם [6]הִשִּׂיא אֶת־הַבַּת הָרִאשׁוֹנָה יִנָּתֵן [7]לַשְּׁנִיָּה כְּדֶרֶךְ שֶׁנִּתַּן לָרִאשׁוֹנָה. וַחֲכָמִים אוֹמְרִים, פְּעָמִים שֶׁאָדָם [8]עָנִי [9]וְהֶעֱשִׁיר, אוֹ עָשִׁיר [10]וְהֶעֱנִי; אֶלָּא שָׁמִין אֶת־[10]הַנְּכָסִים וְנוֹתְנִין לָהּ.

An orphan, whom her mother or her brother had given in marriage[1] with her consent and they assigned to her in writing[2] a hundred or fifty *zuz,* can when she grows up[3] demand at their hand[4] what should rightfully be given to her.[5] R. Judah says, If one[6] had given his first daughter in marriage there should be given to the second one[7] on the same scale as he gave to the first one. But the Sages say, Sometimes a man is poor[8] and then becomes rich,[9] or he is rich and then becomes poor;* but rather they should assess the value of the property[10] and they give her accordingly.

1 שֶׁהִשִּׂיאוּהָ in some texts. **2** In her כְּתֻבָּה. **3** *i.e.,* comes of age. **4** *i.e.,* exact from them. **5** A tenth of the estate left by the father. **6** The father when he was living. **7** Who is now an orphan. **8** When the first daughter is married and she gets a small dowry. **9** And the second daughter might then have received a comparatively larger dower. **10** The goods left by the deceased father. * See ADDENDA at the end of this *Tractate.*

Mishnah 7.

If one deposit[1] money for his daughter[2] and she says, 'I trust my husband,'[3] the trustee[4] must still do with it that for which it was deposited with him.[5] This is the opinion of R. Meir.[6] R. Jose says, But if it be only a field[7] and she desires to sell it, it must be considered as sold from that moment.[8] When is this the case?—It applies to a woman who is of age; but in the case of a minor, the act of a minor is of no account.[9]

מִשְׁנָה ז

[1]הַמַּשְׁלִישׁ מָעוֹת [2]לְבִתּוֹ וְהִיא אוֹמֶרֶת, נֶאֱמָן [3]בַּעֲלִי עָלַי, יַעֲשֶׂה [4]הַשָּׁלִישׁ מַה־שֶּׁהוּשְׁלַשׁ [5]בְּיָדוֹ. דִּבְרֵי רַבִּי [6]מֵאִיר. רַבִּי יוֹסֵי אוֹמֵר, וְכִי אֵינָהּ אֶלָּא [7]שָׂדֶה וְהִיא רוֹצָה לְמוֹכְרָהּ, הֲרֵי הִיא מְכוּרָה [8]מֵעַכְשָׁיו. בַּמֶּה דְבָרִים אֲמוּרִים? בְּגְדוֹלָה; אֲבָל בְּקְטַנָּה, אֵין מַעֲשֵׂה קְטַנָּה [9]כְּלוּם.

1 With a third party. **2** On her marriage. **3** She desires that the money be given to him. **4** Literally *third person*. **5** It is obligatory to fulfil a dead man's last injunction. **6** His view is accepted. **7** *i.e.*, the original money had been used for purchasing land. **8** *i.e.*, just as she can sell a field which is under her own control, so any money in existence must be at her own disposal. **9** And her wishes are not to be complied with.

CHAPTER 7

פֶּרֶק ז

Mishnah 1

If one placed his wife under a vow not to derive any benefit from him, he must appoint a guardian[1] up to thirty days; if for a longer period, he must divorce her and give her her *marriage settlement*. R. Judah[2] says, In the case of an Israelite,[3] if for one month,[4] he may continue to keep her as wife, but if for two months, he must divorce her and grant her her *marriage settlement;* and in the case of the wife of a priest,[5] if for two months,[6] he may continue to keep her as his wife, but if for three months, he must divorce her and give her her *marriage settlement*.

מִשְׁנָה א

הַמַּדִּיר אֶת־אִשְׁתּוֹ מִלֵּיהָנוֹת לוֹ, עַד שְׁלֹשִׁים יוֹם יַעֲמִיד [1]פַּרְנָס; יָתֵר מִכֵּן יוֹצִיא וְיִתֵּן כְּתוּבָּה. רַבִּי [2]יְהוּדָה אוֹמֵר, [3]בְּיִשְׂרָאֵל, [4]חֹדֶשׁ אֶחָד, יַקִּיִּים, וּשְׁנַיִם, יוֹצִיא וְיִתֵּן כְּתוּבָּה; [5]וּבְכֹהֶנֶת, [6]שְׁנַיִם, יַקִּיִּים, וּשְׁלֹשָׁה, יוֹצִיא וְיִתֵּן כְּתוּבָּה.

1 To see that she receives proper maintenance.* **2** His opinion is rejected. **3** A non-priest. **4** Should the vow extend to one month. **5** *Leviticus* **21**, *7*. A priest must not remarry his divorced wife. **6** Should the vow extend to two months. * See ADDENDA at the end of this *Tractate*.

Mishnah 2

מִשְׁנָה ב

If one accepted[1] the vow of his wife that[2] she would not taste some kind of fruit, he must divorce her and give her her *marriage settlement*. R. Judah[3] says, In the case of an Israelite,[4] if for one day[5] he may continue to keep her as his wife, but if for two days[6] he must divorce her and give her her *marriage settlement;* and in the case of a priest's wife, if for two days he[7] may keep her, but if for three days[8] he must divorce her and grant her her *marriage settlement*.

[1]הַמַּדִּיר אֶת־אִשְׁתּוֹ [2]שֶׁלֹּא תִּטְעוֹם אֶחָד מִכָּל הַפֵּרוֹת, יוֹצִיא וְיִתֵּן כְּתוּבָּה. רַבִּי [3]יְהוּדָה אוֹמֵר, [4]בְּיִשְׂרָאֵל, [5]יוֹם אֶחָד יְקַיֵּם, [6]שְׁנַיִם יוֹצִיא וְיִתֵּן כְּתוּבָּה; וּבְכֹהֶנֶת, [7]שְׁנַיִם יְקַיֵּם, [8]שְׁלֹשָׁה יוֹצִיא וְיִתֵּן כְּתוּבָּה.

1 He tacitly confirms the vow of his wife, *i.e.*, he did not annul her vow. **2** *i.e., that for example* ..... **3** His view is not accepted. **4** A non-priest. **5** The vow was to last only one day. **6** The vow was to last two days. **7** The vow was to last two days. **8** The vow was to last three days.

Mishnah 3

מִשְׁנָה ג

If one accepted the vow of his wife that she would not put on some kind of adornment,[1] he must divorce her and give her her *marriage settlement*. R. Jose[2] says, In the case of poor women if he set no fixed period,[3] and in the case of well-to-do women thirty days.[4]

הַמַּדִּיר אֶת־אִשְׁתּוֹ שֶׁלֹּא תִתְקַשֵּׁט בְּאֶחָד מִכָּל [1]הַמִּינִין, יוֹצִיא וְיִתֵּן כְּתוּבָּה. רַבִּי [2]יוֹסֵי אוֹמֵר, בָּעֲנִיּוֹת שֶׁלֹּא נָתַן [3]קִצְבָּה, וּבָעֲשִׁירוֹת שְׁלֹשִׁים [4]יוֹם.

1 Literally *that she would not bedeck herself with even one of all the sorts* [of ornaments]. **2** His view is accepted. **3** If he enjoined no set time he must give her גֵּט and her כְּתוּבָּה ; but if he fixed a set time (not more than one year) this period must be allowed to pass after which he grants גֵּט and the כְּתֻבָּה. **4** After which she must receive גֵּט and her כְּתוּבָּה.

Mishnah 4

מִשְׁנָה ד

הַמַּדִּיר אֶת־[1]אִשְׁתּוֹ שֶׁלֹּא תֵלֵךְ לְבֵית אָבִיהָ, בִּזְמַן שֶׁהוּא עִמָּהּ בָּעִיר חֹדֶשׁ אֶחָד יְקַיֵּם, שְׁנַיִם יוֹצִיא וְיִתֵּן [2]כְּתוּבָּה; וּבִזְמַן שֶׁהוּא בְּעִיר אַחֶרֶת [3]רֶגֶל אֶחָד יְקַיֵּם, [4]שְׁלֹשָׁה יוֹצִיא וְיִתֵּן [5]כְּתוּבָּה.

If one placed a vow upon his wife[1] that she was not to go to her father's house, if he lived with her in the same town and the vow was for one month, he may continue to keep her as his wife, but if for two months, he must divorce her and give her her *marriage settlement;*[2] but if he lived in another town, and the vow was for one Holyday,[3] he must continue to keep her as his wife, but if for three[4] he must divorce her and grant her her *marriage settlement.*[5]

1 See ADDENDA at the end of this *Tractate.* **2** כְּתוּבָּתָהּ in some editions. And likewise if he set no time at all. **3** Or *Festival* (the Pilgrimage Festival). Until the following פֶּסַח, *Passover,* or שָׁבוּעוֹת or עֲצֶרֶת, *Pentecost* or *Feast of Weeks,* or סֻכּוֹת or חַג, *Feast of Tabernacles.** **4** Festivals. **5** The views —distinction between a יִשְׂרָאֵל who keeps her after one רֶגֶל and divorces her (giving her her כְּתוּבָּה) after two רְגָלִים, and in the case of a כֹּהֵן he keeps her after two רְגָלִים and divorces her (granting her her כְּתֻבָּה) after three רְגָלִים—are not accepted. * See ADDENDA at the end of this *Tractate.*

Mishnah 5

מִשְׁנָה ה

הַמַּדִּיר אֶת־אִשְׁתּוֹ שֶׁלֹּא תֵלֵךְ [1]לְבֵית הָאֵבֶל אוֹ [2]לְבֵית הַמִּשְׁתֶּה, יוֹצִיא וְיִתֵּן כְּתוּבָּה, מִפְּנֵי שֶׁנּוֹעֵל [3]בְּפָנֶיהָ. וְאִם הָיָה טוֹעֵן, מִשּׁוּם דָּבָר [4]אַחֵר, [5]רַשָּׁאי. אָמַר [6]לָהּ, עַל מְנָת שֶׁתֹּאמְרִי לְפִלּוֹנִי מַה־שֶּׁאָמַרְתְּ לִי, אוֹ, מַה־שֶּׁאָמַרְתִּי לָךְ, אוֹ, שֶׁתְּהֵא מְמַלְּאָה וּמְעָרָה לְאַשְׁפָּה, יוֹצִיא וְיִתֵּן [7]כְּתוּבָּה.

If one set a vow upon his wife that she was not to go to a house of mourning[1] or to a house of feasting,[2] he must divorce her and grant her her *marriage settlement,* because he closes all [doors] against her.[3] But if he would urge, 'Because of some other matter,'[4] it is permitted.[5] If he said to her,[6] 'On condition that thou shalt say to so-and-so what thou hast said to me,' or, 'What I said to thee,' or, 'That thou draw water and empty it away on a dunghill,' he must divorce her and give her her *marriage settlement.*[7]

1 Literally *the house of mourning.** **2** Or *rejoicing;* generally meant *wedding festivity.* Literally *the house of feasting.* **3** *i.e.,* she has no opportunity for necessary relaxation and community.§ **4** As for instance he did not want her to be in the company of certain disreputable people. **5** He is permitted to keep her. **6** On her request to be released from the vow.§ **7** *i.e.,* if she refuses to carry out any derogatory and degrading conditions that he would place her under her vow must stand. * Compare the preceding *Mishnah,* **Note 1** [ADDENDA]. § See ADDENDA at the end of this *Tractate.*

Mishnah 6

מִשְׁנָה ו

וְאֵלּוּ יוֹצְאוֹת שֶׁלֹּא בִכְתוּבָּה, הָעוֹבֶרֶת עַל דַּת מֹשֶׁה וִיהוּדִית. וְאֵיזוּ הִיא דַּת מֹשֶׁה? [2]מַאֲכִילַתּוֹ שֶׁאֵינוֹ [3]מְעוּשָׂר, וּמְשַׁמַּשְׁתּוֹ [4]נִדָּה, וְלֹא קוֹצָה לָהּ [5]חַלָּה, וְנוֹדֶרֶת וְאֵינָהּ מְקַיֶּמֶת. [6]וְאֵיזוּהִי דַת יְהוּדִית? [7]יוֹצְאָה וְרֹאשָׁהּ פָּרוּעַ, וְטוֹוָה [8]בַּשּׁוּק, [9]וּמְדַבֶּרֶת עִם כָּל־אָדָם. אַבָּא שָׁאוּל אוֹמֵר, אַף הַמְקַלֶּלֶת [10]יוֹלְדָיו [11]בְּפָנָיו. רַבִּי טַרְפוֹן אוֹמֵר אַף הַקּוֹלָנִית. [12]אֵיזוּ הִיא קוֹלָנִית? לְכְשֶׁהִיא מְדַבֶּרֶת בְּתוֹךְ [13]בֵּיתָהּ וּשְׁכֵנֶיהָ שׁוֹמְעִין קוֹלָהּ.

And these are they that are divorced without their *marriage settlement*:[1] she who transgresses the Law of Moses and Jewish custom. And what is here meant by the Law of Moses?—If she give him[2] food that had not been tithed,[3] or if she have sexual intercourse with him when she is a menstruant,[4] or if she do not separate the *priest's-share of the dough,*[5] or if she make a vow and does not fulfil it. And what is here meant by[6] Jewish custom?—If she go forth[7] with her hair loose, or if she spin in the street,[8] or if she hold converse[9] with all men. Abba Saul says, Also if she curse his parents[10] to his face.[11] R. Tarfon says, Also if she be a loud-voiced woman. What is here meant by[12] a loud-voiced woman?—Such a one who speaks in her house[13] so that her neighbours hear her voice.

1 But there must in all these cases be witnesses and evidence that warning had been given for non-repetition of misconduct. Any addition made in the כְּתוּבָּה is also forfeited and the divorced women can only claim the clothes they have on. **2** Her husband. **3** Or מְעֻשָּׂר. *Numbers* **18,** 21 ff. *Appendix,* **Note 1.** **4** *Leviticus* **18,** 19. She does not disclose her condition. **5** *Numbers* **15,** 18 ff. *Appendix,* **Note 3.** **6** וְאֵיזוּ הִיא in some texts. **7** Into the public place. **8** With her arms exposed. **9** *i.e.,* loose talk. Or

if she flirt. Some texts have כָּל־בְּנֵי אָדָם. **10** His father or grandfather; but not his mother because a woman and her daughter-in-law are often enemies. **11** Or *in his presence,* or in the presence of his father or grandfather. **12** וְאֵיזוֹ in some editions. **13** She unashamedly demands in loud tones sexual intercourse with her husband or disputes with him over intimate sexual matters so that others may overhear their talk. According to some authorities in all such cases she must first have been admonished not to repeat such conduct before she can be made to forfeit her כְּתוּבָּה.

Mishnah 7 — מִשְׁנָה ז

If one betrothed[1] a woman on condition that she was under no vows,[2] and it was found that she was under vows,[3] then she is not betrothed.[4] If he wed her without conditions† and she were found under vows, she is divorced without her *marriage settlement.*§ On condition[5] that there were no defects[6] in her and defects were found in her, then she is not betrothed. If he married her[7] unconditionally and defects were found in her, she is divorced without her *marriage settlement.* All defects that disqualify priests[8] also disqualify women. † See 6[5], **Note** *.

[1]הַמְקַדֵּשׁ אֶת־הָאִשָּׁה עַל מְנָת שֶׁאֵין עָלֶיהָ [2]נְדָרִים וְנִמְצְאוּ עָלֶיהָ [3]נְדָרִים, אֵינָהּ [4]מְקוּדֶשֶׁת. *כִּנְּסָהּ †סְתָם וְנִמְצְאוּ עָלֶיהָ נְדָרִים, §תֵּצֵא שֶׁלֹּא בִּכְתוּבָּה. [5]עַל מְנָת שֶׁאֵין בָּהּ [6]מוּמִין וְנִמְצְאוּ בָהּ מוּמִין, אֵינָהּ מְקוּדֶשֶׁת. [7]כִּנְּסָהּ סְתָם וְנִמְצְאוּ בָהּ מוּמִין, תֵּצֵא שֶׁלֹּא בִּכְתוּבָּה. כָּל־הַמּוּמִין הַפּוֹסְלִין [8]בְּכֹהֲנִים פּוֹסְלִין בְּנָשִׁים.

* כִּנְּסָהּ [*Piel*] or כִּנְסָהּ [*Kal*]. § See ADDENDA at the end of this *Tractate.*

1 Literally *betroth.* קִדּוּשִׁין 2[5]. **2** *i.e.,* no vows to abstain from meat or wine or fine clothes.* **3** *i.e.,* or a vow. **4** The betrothal is invalid. She needs no גֵּט. **5** *i.e., If he married her on condition* ..... **6** *i.e.,* physical complaints. **7** Also even if he betrothed her without condition. **8** From officiating at the עֲבוֹדָה, Temple Service. *Leviticus* **21**, 17 ff; בְּכוֹרוֹת 7[1] ff. To these are added, in the case of women, unpleasant perspiration, obnoxious breath, unbearable odour, ugly unusual hair, horrid voice, unsightly scar, ungainly breasts. * See ADDENDA at the end of this *Tractate.*

Mishnah 8 — מִשְׁנָה ח

If there were defects[1] in her while she was still in her father's house,[2] the father must produce proof that

הָיוּ בָהּ [1]מוּמִין וְעוֹדָהּ [2]בְּבֵית אָבִיהָ, הָאָב צָרִיךְ לְהָבִיא רְאָיָה

שֶׁמִּשֶּׁנִּתְאָרְסָה [3]הָיוּ בָהּ מוּמִין הַלָּלוּ
[1]וְנִסְתָּחֲפָה שָׂדֶהוּ. נִכְנְסָה לִרְשׁוּת
[5]הַבַּעַל, הַבַּעַל צָרִיךְ לְהָבִיא רְאָיָה
שֶׁעַד שֶׁלֹּא נִתְאָרְסָה הָיוּ בָהּ מוּמִין
אֵלּוּ וְהָיָה [6]מִקְחוֹ מִקָּח טָעוּת. דִּבְרֵי
רַבִּי מֵאִיר. וַחֲכָמִים אוֹמְרִים, בַּמֶּה
דְּבָרִים אֲמוּרִים? בְּמוּמִין [7]שֶׁבַּסֵּתֶר,
אֲבָל בְּמוּמִין שֶׁבְּגָלוּי אֵינוֹ יָכוֹל
לִטְעוֹן. וְאִם יֵשׁ [8]מֶרְחָץ בְּאוֹתָהּ
הָעִיר, אַף מוּמִין שֶׁבְּסֵתֶר אֵינוֹ יָכוֹל
לִטְעוֹן מִפְּנֵי שֶׁהוּא בּוֹדְקָה
[9]בְּקְרוֹבוֹתָיו.

these defects came upon her[3] after she had been betrothed and that his field was inundated.[4] If she have already entered into the control of the husband,[5] the husband must bring proof that the defects were in her before she had been betrothed and that his acquisition[6] was an acquisition made in error. This is the opinion of R. Meir. But the Sages say, When is this the case?—When the defects are in hidden parts,[7] but in the case of defects that were obvious he can not make complaint. And if there were a bath-house[8] in that same town, then even in the case of defects that were not manifest he can not lodge any complaint since he could have enquired about her through his women relatives.[9]

1 Physical defects. **2** And the חָתָן pleads that she had these deformities or complaints before the betrothal and had not acquired any of them since, hence he had been deceived and should be allowed to divorce her without her כְּתוּבָּה. **3** Some editions have נוֹלְדוּ בָהּ. **4** Or *laid waste, ruined, i.e.,* that it was fated to be so (compare 1[6]). In the absence of the father's proof the husband is to be believed. **5** *i.e.,* if she has already been married to him when he made the charge against her. **6** Literally *his purchase.* **7** *i.e.,* they were only discovered after wedlock. **8** Or *public baths.* **9** Because we assume that before marriage he examined her through his female relatives, *i.e.,* the husband was therefore fully cognizant of those defects before he married her and did not object then, *viz.,* he was reconciled to them, therefore he cannot object now, and he would have to pay the כְּתוּבָּה if he divorces her.

Mishnah 9 — מִשְׁנָה ט

הָאִישׁ [1]שֶׁנּוֹלְדוּ בוֹ מוּמִין אֵין כּוֹפִין
אוֹתוֹ [2]לְהוֹצִיא. אָמַר רַבָּן [3]שִׁמְעוֹן
בֶּן גַּמְלִיאֵל, בַּמֶּה דְּבָרִים אֲמוּרִים?
בַּמּוּמִין הַקְּטַנִּים, אֲבָל בַּמּוּמִין
[4]הַגְּדוֹלִים כּוֹפִין אוֹתוֹ [5]לְהוֹצִיא.

[The court] may not compel [the husband] in whom defects were formed[1] to divorce.[2] R. Simon[3] ben Gamaliel said, When is this the case?—In small defects, but for big defects[4] [the court] compel him to divorce.[5]

1 After marriage. Literally הָאִישׁ, *the man.* **2** His wife if she seeks a גֵּט. **3** His view is rejected. **4** Major serious injuries, such as a fractured arm or leg, or blindness in one eye. Literally *In the small defects, but for the big defects* ..... **5** According to some authorities if he fractured both arms or both legs or lost the sight of both eyes he can be forced to grant גֵּט.

Mishnah 10

מִשְׁנָה י

And these are they[1] for which they force him* to give divorce:[2] one afflicted[3] with a skin-disease,[4] or one who has a polypus,[5] or one that collects,[6] or one who mines copper-ore,[7] or a tanner, whether these[8] were in them before they were wed[9] or whether[10] they were formed after they were married. And regarding all[11] of them R. Meir[12] said, Even though he made it a condition with her,[13] she can say, 'I thought that I would be able to endure it but now I can not bear it.' But the Sages[14] say, She must put up with it in spite of herself, except in the case of him afflicted with a skin-disease§ because she weakens him.[15] It once happened in Zidon[16] that a certain tanner died[17] and he had a brother[18] a tanner; the Sages said, She can say, 'Thy brother I could bear but thee I can not endure.'[19]

[1]וְאֵלּוּ שֶׁכּוֹפִין *אוֹתוֹ [2]לְהוֹצִיא,
[3]מוּכֶּה [4]שְׁחִין, וּבַעַל [5]כּוֹלִיפּוֹס,
[6]וְהַמְקַמֵּץ, [7]וְהַמְצָרֵף נְחוֹשֶׁת,
וְהַבּוֹרְסִי, בֵּין [8]שֶׁהָיוּ בָם עַד שֶׁלֹּא
[9]נִישְׂאוּ [10]בֵּין *מִשֶּׁנִּישְׂאוּ נוֹלְדוּ. וְעַל
[11]כּוּלָּן אָמַר רַבִּי [12]מֵאִיר, אַף עַל
פִּי שֶׁהִתְנָה [13]עִמָּהּ, יְכוֹלָה הִיא
שֶׁתֹּאמַר, סְבוּרָה הָיִיתִי שֶׁאֲנִי יְכוֹלָה
לְקַבֵּל וְעַכְשָׁיו אֵינִי יְכוֹלָה לְקַבֵּל.
[14]וַחֲכָמִים אוֹמְרִים, מְקַבֶּלֶת הִיא
עַל כָּרְחָהּ, חוּץ מִמּוּכֶּה §שְׁחִין מִפְּנֵי
[15]שֶׁמְּמַקְּתוֹ. מַעֲשֶׂה [16]בְּצִידוֹן בְּבוֹרְסִי
אֶחָד [17]שֶׁמֵּת וְהָיָה לוֹ [18]אָח בּוֹרְסִי;
אָמְרוּ חֲכָמִים, יְכוֹלָה הִיא שֶׁתֹּאמַר,
לְאָחִיךָ הָיִיתִי יְכוֹלָה לְקַבֵּל וּלְךָ
אֵינִי יְכוֹלָה [19]לְקַבֵּל.

1 *i.e.,* the defects.* **2** And give her her כְּתוּבָּה. **3** Or מְכֻּה. **4** Or *leprosy, boils.* **5** Or *polyp, polype,* a pedunculated tumour or morbid growth in the mucous membrane of the nostrils (and of the uterus). **6** Excrement of dogs [*Rambam*: for tanning leather]. **7** Or *copper-smelter, copper-refiner,* whose skin exudes an objectionable offensive odour. **8** Defects. **9** Or נִשְׂאוּ.* **10** וּבֵין in some editions. **11** Or כֻּלָּן. **12** His opinion is rejected. **13** *i.e.,* he had told her of these defects before marriage and she had agreed to be his wife. **14** Their ruling is accepted. **15** Sexual intercourse aggravates the complaint and enervates him, even endangering his life. Where the male cannot perform the natural function of copulation then after

ten years of married life he is compelled to divorce his wife even if she is willing to continue in wedlock with him; nowadays this rule does not hold. **16** Or *Sidon* in Phoenicia. **17** Childless. **18** On whom devolved the obligation of יִבּוּם, *levirate marriage* (see יְבָמוֹת, INTRODUCTION). **19** And the יָבָם, brother-in-law, must submit to חֲלִיצָה. * See ADDENDA at the end of this *Tractate*. § *viz.*, leprosy.

CHAPTER 8

פֶּרֶק ה

Mishnah 1

מִשְׁנָה א

[Of] a woman[1] to whom property[3] fell [whether by inheritance,[2] find or gift] before she was betrothed,[4] the School of Shammai and the School of Hillel agree that she may sell it or give it away and that her act is valid. If she inherited it after she was betrothed, the School of Shammai say, She may sell it;[5] but the School of Hillel say, She may not sell it.[6] But they both admit that if she did sell or give it away her act is valid. R. Judah said, [The Sages] argued before Rabban Gamaliel that since one has come into the possession of the woman does it not follow that he should come into the possession of her property[7] too? — He replied to them, We feel ashamed at the [rights conceded to the husband on her] new [property],[8] and ye wish to impose on us [the task of conceding similar rights on] her old [property]?[9] If she inherited property after she was wedded,[10] both concur that if she sold it or gave it away the husband may take it away from the hands of the purchasers. If before she wed[11] and then married,[12] Rabban Gamaliel says, If

[1]הָאִשָּׁה [2]שֶׁנָּפְלוּ לָהּ [3]נְכָסִים עַד שֶׁלֹּא
[4]תִּתְאָרֵס, מוֹדִים בֵּית שַׁמַּאי וּבֵית
הִלֵּל שֶׁמּוֹכֶרֶת וְנוֹתֶנֶת וְקַיָּים. נָפְלוּ
לָהּ מִשֶּׁנִּתְאָרְסָה, בֵּית שַׁמַּאי
אוֹמְרִים, [5]תִּמְכּוֹר; וּבֵית הִלֵּל
אוֹמְרִים, [6]לֹא תִמְכּוֹר. אֶלָּא [7]וְאֶלָּא
מוֹדִים שֶׁאִם מָכְרָה וְנָתְנָה קַיָּים.
אָמַר רַבִּי יְהוּדָה, אָמְרוּ לִפְנֵי רַבָּן
גַּמְלִיאֵל הוֹאִיל וְזָכָה בָאִשָּׁה לֹא
יִזְכֶּה [7]בַּנְּכָסִים? אָמַר לָהֶן, עַל
הַחֲדָשִׁים אָנוּ [8]בוֹשִׁין, אֶלָּא שֶׁאַתֶּם
מְגַלְגְּלִין עָלֵינוּ אֶת־[9]הַיְּשָׁנִים? נָפְלוּ
לָהּ [10]מִשֶּׁנִּישֵּׂאת, אֶלָּא [9]וְאֶלָּא מוֹדִים
שֶׁאִם מָכְרָה וְנָתְנָה שֶׁהַבַּעַל מוֹצִיא
מִיַּד הַלְּקוּחוֹת. עַד שֶׁלֹּא [11]נִישֵּׂאת
[11]וְנִישֵּׂאת, רַבָּן גַּמְלִיאֵל אוֹמֵר, אִם
מָכְרָה וְנָתְנָה [13]קַיָּים. אָמַר רַבִּי
חֲנִינָא בֶּן עֲקַבְיָא, אָמְרוּ לִפְנֵי רַבָּן
גַּמְלִיאֵל, הוֹאִיל וְזָכָה [14]בָּאִשָּׁה לֹא
יִזְכֶּה [7]בַּנְּכָסִים? אָמַר [15]לָהֶן, עַל
הַחֲדָשִׁים אָנוּ בוֹשִׁין אֶלָּא שֶׁאַתֶּם
מְגַלְגְּלִים עָלֵינוּ אֶת־הַיְּשָׁנִים!

she sold it or gave it away her act is valid.[13] R. Chanina ben Akabia said, They inquired before Rabban Gamaliel, Since he has acquired the woman[14] should he not acquire also her property?[7]—He made reply to them,[15] We are confounded regarding the new, and you would also burden us with the old! * Or וְאֵלּוּ.

1 Literally *the woman.* **2** Also if she was presented with or found any property. **3** Or *goods.* In this case it is treated as נִכְסֵי מְלוֹג, *usufruct* (see יְבָמוֹת 4[3]). **4** And she was then bespoken after she came into the inheritance. **5** While she was still betrothed but not after wedlock. **6** Before marriage.* **7** Literally *the property.** **8** Which came into her possession on or after marriage. **9** *i.e.,* 'Seeing that we can find no reason to allow him to acquire her new property, you would also impose upon us to invest him with the right to acquire her old property!' (*old property* here refers to what she had possessed before marriage). **10** Or מִשֶּׁנִּשֵּׂאת. **11** Or נִשֵּׂאת. *i.e.,* if she inherited property before she married. **12** Or וְנִשֵּׂאת. **13** And certainly so if before betrothal and then married. **14** By marriage. **15** לָהֶם in some editions. * See ADDENDA at the end of this *Tractate.*

Mishnah 2 — מִשְׁנָה ב

R. Simon[1] makes a distinction[2] between one kind of property and another: property which is known to the husband[3] she must not sell,[4] and if she did sell or gave away her act is void; property which is not known* to the husband she should not sell, but if she did sell or gave away[5] her act is valid.[6]

רַבִּי שִׁמְעוֹן [1]חוֹלֵק בֵּין נְכָסִים לִנְכָסִים, נְכָסִים *הַיְדוּעִים [3]לַבַּעַל לֹא [4]תִמְכּוֹר, וְאִם מָכְרָה וְנָתְנָה בָּטֵל; *שֶׁאֵינָן יְדוּעִים לַבַּעַל לֹא תִמְכּוֹר, וְאִם מָכְרָה [5]וְנָתְנָה [6]קַיָּים.

1 His opinion is accepted. **2** Regarding the right of the husband to recover sold property from the buyers. **3** He knew that she had come into possession of it. **4** After marriage even if she inherited it before betrothal. **5** Before he knew of it. **6** Even if she inherited it, unknown to him, after wedlock. * See ADDENDA at the end of this *Tractate.*

Mishnah 3 — מִשְׁנָה ג

If she inherited money, land should be bought with it and he has the benefit thereof.[1] Produce[2] that had

נָפְלוּ לָהּ כְּסָפִים, יִלָּקַח בָּהֶן קַרְקַע וְהוּא אוֹכֵל [1]פֵּרוֹת. [2]פֵּרוֹת

הַתְּלוּשִׁין מִן־הַקַּרְקַע, יִלָּקַח בָּהֶן קַרְקַע וְהוּא אוֹכֵל פֵּירוֹת; [2]וְהַמְּחוּבָּרִין [3]בַּקַּרְקַע, אָמַר רַבִּי [5]מֵאִיר, שֶׁמִּין [6]אוֹתָן כַּמָּה הֵן יָפִין בְּפֵירוֹת וְכַמָּה הֵן יָפִין בְּלֹא פֵּירוֹת, וְהַמּוֹתָר יִלָּקַח בָּהֶן קַרְקַע וְהוּא אוֹכֵל פֵּירוֹת. [7]וַחֲכָמִים אוֹמְרִים, [8]הַמְּחוּבָּרִין לַקַּרְקַע שֶׁלּוֹ, וְהַתְּלוּשִׁין מִן־הַקַּרְקַע שֶׁלָּהּ, וְיִלָּקַח בָּהֶן קַרְקַע וְהוּא אוֹכֵל פֵּירוֹת.

been separated from the soil, land should be purchased therewith and he has the benefit of it; and if attached[3] to the soil,[4] R. Meir[5] said, They assess them[6] how much they were worth with the produce and how much they were valued without the produce, and with the difference land should be purchased and he makes use thereof. But the Sages[7] say, What is still attached[8] to the soil belongs to him, and what is separated from the soil is hers, and land is purchased therewith and he has the use of it.

1 Literally *and he* [the husband] *eats* [the] *produce, i.e.,* he has the right to enjoy the usufruct. **2** *i.e., if she inherited produce* ..... **3** Or וְהַמְּחֻבָּרִין. **4** *i.e.,* the produce had not yet been harvested. **5** His opinion is rejected. **6** The fields. The גְּמָרָא has שֶׁמִּין אוֹתָהּ כַּמָּה הִיא יָפָה, *they evaluate it how much it is worth.* **7** Their view is accepted. **8** Or הַמְּחֻבָּרִין. Even if it did not grow in his right.

Mishnah 4 — מִשְׁנָה ד

רַבִּי [1]שִׁמְעוֹן אוֹמֵר, מָקוֹם שֶׁיָּפֶה כֹּחוֹ [2]בְּכְנִיסָתָהּ [3]הוֹרַע כֹּחוֹ [4]בִּיצִיאָתָהּ; מָקוֹם [5]שֶׁהוֹרַע כֹּחוֹ בְּכְנִיסָתָהּ יָפֶה כֹּחוֹ בִּיצִיאָתָהּ. [6]פֵּירוֹת [7]הַמְּחוּבָּרִין לַקַّרְקַע בְּכְנִיסָתָהּ [8]שֶׁלּוֹ, וּבִיצִיאָתָהּ שֶׁלָּהּ; וְהַתְּלוּשִׁין מִן־הַקַּרְקַע, בְּכְנִיסָתָהּ שֶׁלָּהּ וּבִיצִיאָתָהּ [9]שֶׁלּוֹ.

R. Simon[1] says, Whereinsoever he derives benefit when he weds her[2] he therein undergoes disadvantage[3] when he divorces her;[4] whereinsoever he suffers disability[5] at her coming in there he derives advantage at her going forth. Produce[6] attached[7] to the soil on her coming in belongs to him,[8] and on her going forth is hers; and produce separated from the soil, it is hers on her coming in and on her going out is his.[9]

1 His view is accepted. **2** Literally *at her coming in.* **3** Or הוֹרַע. **4** Literally *at her going forth.* **5** Or שֶׁהוֹרַע. **6** Here follows the illustration of the case just mentioned. **7** Or הַמְּחֻבָּרִין. **8** See 8[3], **Note 7.** **9** Compare 9[3].

Mishnah 5

מִשְׁנָה ה

נָפְלוּ לָהּ עֲבָדִים וּשְׁפָחוֹת זְקֵנִים, [1]יִמָּכְרוּ וְיִלָּקַח [2]בָּהֶן קַרְקַע, [3]וְהוּא [4]אוֹכֵל פֵּירוֹת. רַבָּן [4]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, [5]לֹא תִמְכּוֹר, מִפְּנֵי שֶׁהֵן שְׁבַח בֵּית אָבִיהָ. נָפְלוּ לָהּ זֵיתִים וּגְפָנִים זְקֵנִים, יִמָּכְרוּ לְעֵצִים וְיִלָּקַח [2]בָּהֶן קַרְקַע וְהוּא אוֹכֵל פֵּירוֹת. רַבִּי [6]יְהוּדָה אוֹמֵר, לֹא תִמְכּוֹר, מִפְּנֵי שֶׁהֵן שְׁבַח בֵּית אָבִיהָ. הַמּוֹצִיא הוֹצָאוֹת עַל [7]נִכְסֵי אִשְׁתּוֹ, הוֹצִיא הַרְבֵּה וְאָכַל [8]קִימְעָא [8]קִימְעָא וְאָכַל הַרְבֵּה, מַה־שֶּׁהוֹצִיא הוֹצִיא מַה־שֶּׁאָכַל אָכַל; הוֹצִיא [9]וְלֹא אָכַל, יְשַׁבֵּעַ כַּמָּה הוֹצִיא [10]וְיִטּוֹל.

If she inherited old slaves and bondwomen, they should be sold[1] *and land bought with it,*[2] *and he*[3] *has the use of it.** Rabban Simon[4] ben Gamaliel says, She should not sell,[5] because they are the pride of the house of her father. If she inherited old olives or vines, they should be sold as wood and land be purchased with it[2] and he makes use thereof. R. Judah[6] says, She should not sell, because they are the pride of her father's house. If one made expenses upon the property[7] of his wife, whether he expended much and gained little[8] or spent little[8] and profited much, what he laid out he laid out and what he profited he profited; but if he spent and made no gain,[9] he must take an oath how much he expended and recoup[10] himself.

1 If either the husband or wife want the sale and neither can hinder the other according to some authorities. **2** Literally *with them, i.e.,* with the money realised. **3** The husband. **4** His opinion is accepted. **5** She can prevent the sale. **6** His view is accepted. **7** Which he had the right to make use of as usufruct נִכְסֵי מְלוֹג (יְבָמוֹת 4[3], **Note 6**). **8** Or קִמְעָה, קִמְעָא. **9** Literally *and did not eat.* **10** He recovers his outlay as compensation from the property. * אוֹכֵל פֵּירוֹת, *eats produce,* is a technical term for *enjoying the usufruct.*

Mishnah 6

מִשְׁנָה ו

[1]שׁוֹמֶרֶת יָבָם [2]שֶׁנָּפְלוּ לָהּ נְכָסִים, מוֹדִים בֵּית שַׁמַּאי וּבֵית הִלֵּל שֶׁמּוֹכֶרֶת וְנוֹתֶנֶת וְקַיָּים. מֵתָה מַה־[3]יַּעֲשׂוּ [4]בִּכְתוּבָּתָהּ וּבַנְּכָסִים הַנִּכְנָסִין וְהַיּוֹצְאִין [5]עִמָּהּ? בֵּית שַׁמַּאי אוֹמְרִים,

If a woman awaiting levirate union[1] *inherited*[2] *property, the School of Shammai and the School of Hillel concur that she may sell and give away and the act is valid. If she died what should they do*[3] *with her marriage settlement*[4] *and with the*

יַחֲלוֹקוּ יוֹרְשֵׁי [6]הַבַּעַל עִם יוֹרְשֵׁי [7]הָאָב; וּבֵית הִלֵּל אוֹמְרִים, [8]נְכָסִים [9]בְּחֶזְקָתָן, כְּתוּבָּה בְּחֶזְקַת יוֹרְשֵׁי הַבַּעַל, נְכָסִים הַנִּכְנָסִים וְהַיּוֹצְאִים עִמָּהּ בְּחֶזְקַת [10]יוֹרְשֵׁי הָאָב.

property that comes in and goes out with her?[5] — The School of Shammai say, The heirs of the husband[6] share with the heirs of the father;[7] but the School of Hillel say, The property[8] remains as it was,[9] the *marriage settlement*[4] goes to the husband's heirs, and the property that comes in and goes out with her falls to the father's heirs.[10]

1 יְבָמוֹת 4[9]. **2** From her father. **3** Or יַעֲשֶׂה, *should be done*, in some texts. **4** The *maneh* or 200 זוּז, the voluntary addition, and the dower. **5** The נִכְסֵי מְלוֹג, *usufruct* (יְבָמוֹת 4[3]). **6** Deceased. **7** *i.e.*, her father. **8** נִכְסֵי צֹאן בַּרְזֶל, *mortmain*. See יְבָמוֹת 4[3], **Note 9**. **9** Goes to both parties. **10** See יְבָמוֹת 4[3].

Mishnah 7

מִשְׁנָה ז

If his brother[1] left[2] money, land is purchased therewith and he makes use of it.[3] If produce[4] separated[5] from the soil, land is bought with it and he has the use thereof; if attached[6] to the soil, R. Meir[7] said, They value it how much it was worth with the produce and what was its worth without the produce and with the difference land should be bought and he has the use thereof. But the Sages[8] say, Produce attached[9] to the soil belongs to him; and [the produce] separated[10] from the soil belongs to whosoever first obtains possession of it;[11] if [the *yabam*] takes first possession thereof[12] it belongs to him, and if [the widow] takes first possession thereof [it belongs to her], and land should be bought with it and he gets the use of it. If he took her in,[13] then she is deemed

[1]הִנִּיחַ [1]אָחִיו מָעוֹת, יִלָּקַח בָּהֶן קַרְקַע וְהוּא [3]אוֹכֵל פֵּירוֹת. [4]פֵּירוֹת [5]הַתְּלוּשִׁין מִן־הַקַּרְקַע, יִלָּקַח בָּהֶן קַרְקַע וְהוּא אוֹכֵל פֵּירוֹת; [6]הַמְּחוּבָּרִין בַּקַּרְקַע, אָמַר רַבִּי [7]מֵאִיר, שָׁמִין אוֹתָן כַּמָּה הֵן יָפִין בַּפֵּירוֹת וְכַמָּה הֵן יָפִין בְּלֹא פֵּירוֹת וְהַמּוֹתָר יִלָּקַח בָּהֶן קַרְקַע וְהוּא אוֹכֵל פֵּירוֹת. [8]וַחֲכָמִים אוֹמְרִים, פֵּירוֹת [9]הַמְּחוּבָּרִים בַּקַּרְקַע שֶׁלּוֹ; [10]וְהַתְּלוּשִׁין מִן־הַקַّרְקַע [11]כָּל־הַקּוֹדֵם זוֹכֶה בָּהֶן, קָדַם הוּא [12]זָכָה, קָדְמָה הִיא יִלָּקַח בָּהֶן קַרְקַע וְהוּא אוֹכֵל פֵּירוֹת.

[13]כְּנָסָהּ, הֲרֵי הִיא כְּאִשְׁתּוֹ לְכָל
[14]דָּבָר וּבִלְבַד שֶׁתְּהֵא כְּתוּבָּתָהּ עַל
נִכְסֵי בַּעֲלָהּ הָרִאשׁוֹן.

as his wife in every respect[14] except that her *marriage settlement* is a charge upon the property of her first husband.

1 The married brother who died childless leaving his widow to be married by יבום. **2** Or הנייתם. **3** Literally *and he* [the יָבָם, brother-in-law, who wed her by יבום] *eats the produce.* **4** *i.e.*, if the deceased left produce ..... **5** *i.e.*, reaped, etc. **6** Or המחברין. *i.e.*, produce not yet reaped, etc. **7** His view is rejected. **8** Their opinion is the accepted ruling. **9** המחברין in some editions. **10** התלושין in some texts. **11** כל־הקודם בהן זכה, *the one who comes first obtains possession thereof* in some editions. **12** Or זָכָה, *he has come into possession.* **13** If the יָבָם consummated the levirate marriage. See יְבָמוֹת 4[9]. **14** As regarding גֵּט and remarrying her subsequently.

Mishnah 8

מִשְׁנָה ח

לֹא יֹאמַר יְלָהּ, הֲרֵי כְתוּבָּתֵיךְ
[2]מוּנַחַת עַל [3]הַשֻּׁלְחָן. אֶלָּא כָּל־
יְנָכְסָיו אַחֲרָאִין §[6]לִכְתוּבָּתָהּ. (וְכֵן
לֹא יֹאמַר אָדָם לְאִשְׁתּוֹ, הֲרֵי
§כְתוּבָּתֵיךְ [2]מוּנַחַת עַל הַשֻּׁלְחָן.
אֶלָּא כָּל־[6]נְכָסָיו אַחֲרָאִין
§[7]לִכְתוּבָּתָהּ.) [8]גֵּירְשָׁהּ, אֵין לָהּ אֶלָּא
§כְתוּבָּתָהּ; הֶחֱזִירָהּ, הֲרֵי הִיא כְּכָל
[9]הַנָּשִׁים וְאֵין לָהּ אֶלָּא §כְתוּבָּתָהּ
[10]בִּלְבַד.

He can not* say to her,[1] 'Here lies[2] thy *marriage settlement* upon the table.[3] But all his property[4] is surety for her *marriage settlement.*[5] (Likewise also a man can not* say to his wife, 'Here is thy *marriage settlement* lying[2] on the table.' But all his property[6] is surety for her *marriage settlement.*[7]) If he divorced her,[8] she has no claim except her *marriage settlement;* if he took her back, then she is [married] like all other women[9] and she has naught save her *marriage settlement* only.[10]

1 The יָבָם to the יְבָמָה (with reference to leviratic union. יְבָמוֹת INTRODUCTION). **2** Or מְנֻחַת. **3** With the intent to hint that he would sell what he had inherited from the deceased brother. **4** The deceased husband's. **5** If the יָבָם died or divorced her she claims the first כְּתֻבָּה from her first husband's possessions. **6** The husband's. **7** This part in brackets is redundant according to the opinion of some authorities. **8** After contracting leviratical marriage. **9** Even if he had not given her yet the כְּתוּבָּה. **10** The value of the first כְּתֻבָּה. Compare 9[9]. * *can not* and not *must not.* § The דָּגֵשׁ is retained in these forms using כְּתוּבָּה as an unalterable technical term.

CHAPTER 9

פֶּרֶק ט

Mishnah 1

מִשְׁנָה א

[1]הַכּוֹתֵב [2]לְאִשְׁתּוֹ, [3]דִּין וּדְבָרִים אֵין לִי [4]בִּנְכָסֶיךָ, הֲרֵי זֶה [5]אוֹכֵל פֵּירוֹת בְּחַיֶּיהָ וְאִם מֵתָה יוֹרְשָׁהּ. אִם כֵּן, [6]לָמָּה כָּתַב לָהּ, דִּין וּדְבָרִים אֵין לִי בִּנְכָסֶיךָ, שֶׁאִם מָכְרָה וְנָתְנָה קַיָּים? כָּתַב לָהּ, דִּין וּדְבָרִים אֵין לִי בִּנְכָסֶיךָ [7]וּבְפֵירוֹתֵיהֶן, הֲרֵי זֶה אֵינוֹ אוֹכֵל פֵּירוֹת בְּחַיֶּיהָ וְאִם מֵתָה יוֹרְשָׁהּ. רַבִּי [8]יְהוּדָה אוֹמֵר, [9]לְעוֹלָם אוֹכֵל פֵּרֵי [10]פֵּירוֹת עַד שֶׁיִּכְתּוֹב לָהּ, דִּין וּדְבָרִים אֵין בְּנִכְסֶיךָ לָהּ, דִּין וּדְבָרִים אֵין לִי בִּנְכָסֶיךָ וּבְפֵירוֹתֵיהֶן [11]וּבְפֵרֵי פֵּירוֹתֵיהֶן עַד עוֹלָם. כָּתַב לָהּ, דִּין וּדְבָרִים אֵין לִי בִּנְכָסֶיךָ וּבְפֵירוֹתֵיהֶן (וּבְפֵרֵי [12]פֵּירוֹתֵיהֶן) בְּחַיֶּיךָ וּבְמוֹתֶיךָ, אֵינוֹ אוֹכֵל פֵּירוֹת בְּחַיֶּיהָ וְאִם מֵתָה אֵינוֹ יוֹרְשָׁהּ. רַבָּן [13]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, אִם מֵתָה יִרְשֶׁנָּה מִפְּנֵי שֶׁהִתְנָה עַל מַה־שֶּׁכָּתוּב [14]בַּתּוֹרָה וְכָל הַמַּתְנֶה עַל מַה־שֶּׁכָּתוּב בַּתּוֹרָה תְּנָאוֹ [15]בָּטֵל.

If one write[1] to his wife,[2] 'Right and title have I none[3] to thy property,'[4] then he enjoys the usufruct of it[5] during her lifetime and inherits it if she die. If this be so, why[6] did he state to her in writing, 'I will have no claim whatever to thy property,' so that if she sold it or gave it away her act should be valid? If he declared to her in writing, 'I will make no claim whatsoever to thy property or to the profits[7] therefrom,' he may not have the use of it during her lifetime, but if she die he inherits it. R. Judah[8] says, At all events[9] he has the usufruct of the proceeds of her property[10] unless he put to her in writing, 'I will not lay any claim to thy property or to the produce therefrom or to the produce of[11] the produce thereof and so on indefinitely.' If he made a written declaration to her, 'I will institute no claim whatever to thy property or to the produce thereof (or to the produce of the produce therefrom[12]) during thy lifetime or at thy death,' he does not enjoy the usufruct during her lifetime and he may not inherit it if she die. Rabban Simon[13] ben Gamaliel says, If she die, he does inherit of her because he made a condition contrary to what is written in the Law,[14] and if anyone make a condition contrary to what is written in the Law his condition is void.[15]

1 *i.e.*, declares in writing.* **2** Before marriage during betrothal. **3** Literally דִּין וּדְבָרִים, *suit and dispute*. **4** After marriage. **5** Literally *he eats the produce*. **6** Or לָמָּה. **7** *i.e.*, use and gain thereof. **8** His view is

accepted. **9** In any case, even if he did put in writing דין ודברים אין לי בְּגוּכְסִיךָ **10** *i.e.,* if the produce be sold and the money thus realised is used to buy other land to produce new produce. **11** וּבְפֵירֵי in some editions. **12** This phrase in brackets is omitted in some texts. **13** His opinion is the ruling. **14** *Numbers* **27**, 11. **15** בָּבָא מְצִיעָא 7[11]; בָּבָא בַּתְרָא 8[5]. * Or makes an undertaking verbally.

Mishnah 2

מִשְׁנָה ב

If one died and left a wife,[1] and a creditor and heirs, and had property in trust or on loan in the hand of others, R. Tarfon says, It[2] should be given to the party that is at greatest disadvantage.[3] R. Akiba says, They must not show compassion in a legal case but it[2] must be given to the heirs, for all the others[4] must be put on oath whereas the heirs do not have to swear.[5]

מִי שֶׁמֵּת וְהִנִּיחַ [1]אִשָּׁה, וּבַעַל חוֹב וְיוֹרְשִׁין, וְהָיָה לוֹ פִּקָּדוֹן אוֹ מִלְוָה בְּיַד אֲחֵרִים, רַבִּי טַרְפוֹן אוֹמֵר, [2]יִנָּתְנוּ [3]לַכּוֹשֵׁל שֶׁבָּהֶן. רַבִּי עֲקִיבָא אוֹמֵר, אֵין מְרַחֲמִין §בַּדִּין אֶלָּא [2]יִנָּתְנוּ לַיּוֹרְשִׁין, [4]שֶׁכּוּלָּן צְרִיכִין שְׁבוּעָה וְאֵין הַיּוֹרְשִׁין צְרִיכִין [5]שְׁבוּעָה.

1 A widow. **2** Literally *they.* **3** Legally. Some authorities take this to refer to the widow for her כְּתוּבָּה; others maintain it speaks of the party that has the most recent documentary evidence of claim.* **4** Or שֶׁכֻּלָּן. All who make claim against orphans. **5** To their claim. * See ADDENDA at the end of this *Tractate.* § Or the *indefinite* form בְּדִין.

Mishnah 3

מִשְׁנָה ג

If one left[1] produce separated[2] from the soil, whichever [of the parties concerned] first obtains possession[3] thereof is entitled thereto. If a wife[4] gained possession of more than her *marriage settlement,* or a creditor more than his debt amounted to, the excess, R. Tarfon says, should be given[5] to the party among them at greatest disadvantage.[6] R. Akiba says, They must not show pity in a legal case, but it should be given[5] to the

[1]הִנִּיחַ פֵּירוֹת [2]תְּלוּשִׁין מִן־הַקַּרְקַע, כָּל־הַקּוֹדֵם [3]זָכָה בָּהֶן. זָכְתָה [4]אִשָּׁה יוֹתֵר מִכְּתוּבָּתָהּ, וּבַעַל חוֹב יוֹתֵר עַל חוֹבוֹ, הַמּוֹתָר, רַבִּי טַרְפוֹן אוֹמֵר, [5]יִנָּתְנוּ [6]לַכּוֹשֵׁל שֶׁבָּהֶן. רַבִּי עֲקִיבָא אוֹמֵר, אֵין מְרַחֲמִין *בַּדִּין, אֶלָּא [5]יִנָּתְנוּ לַיּוֹרְשִׁים, [7]שֶׁכּוּלָּם

[8]צְרִיכִין שְׁבוּעָה וְאֵין הַיּוֹרְשִׁים [9]צְרִיכִין שְׁבוּעָה.

heirs, for all the others[7] have[8] to swear on oath whereas the heirs do not require[8] to take an oath.

1 The vowellisation הַנִּיחַ is objected to by some grammarians. **2** Literally *plucked*. Produce not separated from the soil comes under the same legal status as the soil. **3** Or זָכָה, *got possession*. **4** *i.e.*, a widow. **5** Literally *they should be given*. **6** Compare the foregoing *Mishnah*, **Note 3**. To the possessor of the כְּתֻבָּה or to the owner of the bond. **7** Or שֶׁכֻּלָּם. **8** צְרִיכִים in some editions. * Or the *indefinite* form בְּדִין.

Mishnah 4

מִשְׁנָה ד

הַמּוֹשִׁיב אֶת־אִשְׁתּוֹ חֲנְוָנִית אוֹ [1]שֶׁמִּינָּהּ [2]אַפּוֹטְרוֹפָּא הֲרֵי זֶה [3]מַשְׁבִּיעָהּ כָּל־זְמַן [4]שֶׁיִּרְצֶה. רַבִּי [5]אֱלִיעֶזֶר אוֹמֵר, [6]אֲפִילוּ עַל [7]פִּלְכָּהּ וְעַל [8]עִיסָּתָהּ.

If one set up his wife as shopkeeper or appointed her[1] a directrix[2] then he may put her on oath[3] whenever he desires.[4] R. Eliezer[5] says, Even[6] concerning her distaff[7] and on her dough.[8]

1 Or שֶׁמִּנָּהּ. **2** Or אֶפִּיטְרוֹפָּא, *guardian, directress, administratrix*. To manage his business. **3** If he suspects her of dishonest dealing. **4** See שְׁבוּעוֹת 7[8]. **5** His opinion is rejected. **6** Or אֲפִלּוּ. **7** Or *spindle*. **8** *i.e.*, he may even administer to her an oath on what she spins or weaves or on her dough that she had not been guilty of misappropriation.

Mishnah 5

מִשְׁנָה ה

כְּתַב לָהּ, נֶדֶר וּשְׁבוּעָה אֵין לִי עָלַיִךְ, אֵין יָכוֹל לְהַשְׁבִּיעָהּ אֲבָל מַשְׁבִּיעַ הוּא אֶת־יוֹרְשֶׁיהָ וְאֶת־הַבָּאִים [2]בִּרְשׁוּתָהּ. [3]נֶדֶר וּשְׁבוּעָה אֵין לִי עָלַיִךְ וְעַל יוֹרְשַׁיִךְ וְעַל הַבָּאִים בִּרְשׁוּתֵיךְ, אֵינוֹ יָכוֹל לְהַשְׁבִּיעָהּ *לֹא הִיא וְלֹא יוֹרְשֶׁיהָ וְלֹא אֶת־הַבָּאִים בִּרְשׁוּתָהּ אֲבָל [4]יוֹרְשָׁיו מַשְׁבִּיעִין אוֹתָהּ וְאֶת [5]יוֹרְשֶׁיהָ וְאֶת הַבָּאִים בִּרְשׁוּתָהּ.

If he put to her in writing [or by word of mouth], 'I will not impose on thee a vow or oath, he can not require of her an oath, but he may demand an oath of her heirs[1] or of those that succeed by her authorization.[2] 'I[3] will demand neither vow nor oath of thee nor of thy heirs nor of those that come by thy authority,' he can not put her on oath nor her heirs nor her authorized representatives but his heirs[4] may exact an oath of her or of her heirs[5] or of her legal successors.

[5]נֶדֶר וּשְׁבוּעָה אֵין לִי וְלֹא לְיוֹרְשַׁי
וְלֹא לַבָּאִים בִּרְשׁוּתִי עָלַיִךְ וְעַל
יוֹרְשַׁיִךְ וְעַל הַבָּאִים בִּרְשׁוּתֵיךְ,
אֵינוֹ יָכוֹל [7]לְהַשְׁבִּיעָה לֹא הוּא
וְלֹא יוֹרְשָׁיו וְלֹא הַבָּאִים בִּרְשׁוּתוֹ
לֹא אוֹתָהּ וְלֹא יוֹרְשֶׁיהָ וְלֹא הַבָּאִין
בִּרְשׁוּתָהּ.

'Neither I[6] nor my heirs nor those that come by my authorization shall exact a vow or an oath of thee or of thy heirs or of those who come by thy authorization.' neither he nor his heirs nor those who come by his authority can require an oath[7] of her or of her heirs or of her authorized representatives.

1 After her death or divorce if they demand her כְּתוּבָּה. **2** If she sold the כְּתוּבָּה to others and she was divorced or died, and the heirs or purchasers or creditors demand her כְּתוּבָּה they cannot be put on oath. **3** *i.e.*, if he wrote thus. **4** The widow claims her כְּתוּבָּה. If she also died and her heirs claim her כְּתוּבָּה from his heirs. Or her legal successors claim her כְּתוּבָּה from his heirs. **5** If she died during his lifetime. **6** *i.e.*, if he wrote thus. **7** For all these are included in his written statement not to exact an oath.

* לֹא אוֹתָהּ as given in some texts is the right object of לְהַשְׁבִּיעָה.

Mishnah 6 — מִשְׁנָה ו

[1]הָלְכָה מִקֶּבֶר בַּעְלָהּ [2]לְבֵית אָבִיהָ,
אוֹ שֶׁחָזְרָה לְבֵית חָמִיהָ וְלֹא נַעֲשֵׂית
[3]אַפּוֹטְרוֹפָּא, אֵין [4]הַיּוֹרְשִׁין מַשְׁבִּיעִין
[5]אוֹתָהּ; וְאִם נַעֲשֵׂית [6]אַפּוֹטְרוֹפָּא
[7](הַיּוֹרְשִׁין) מַשְׁבִּיעִין אוֹתָהּ עַל
[8]הֶעָתִיד לָבֹא וְאֵין מַשְׁבִּיעִין אוֹתָהּ
עַל מַה-[9]שֶּׁעָבַר.

If she went[1] from her husband's grave to her father's home,[2] or if she returned to the house of her father-in-law and she had not been made a guardian,[3] the heirs[4] can not require an oath of her;[5] but if she had been made a guardian,[6] the heirs[7] may demand an oath of her regarding the future[8] but they can not exact an oath of her concerning the past.[9]

1 See the preceding *Mishnah*. Referring to the widow whom her husband had exempted from an oath. **2** She did not return to her dead husband's home. **3** Or *directrix, directress, administratrix*. **4** הַיּוֹרְשִׁים in some texts. **5** Even if she had occupied herself with the property affairs between the husband's death and burial. **6** After the husband's burial and she had occupied herself with the property matters. **7** Or *they* (some texts omit הַיּוֹרְשִׁין, *the heirs*). **8** The conduct of the business affairs after the husband's burial. **9** The state of the business affairs preceding the husband's death.

Mishnah 7

If a woman impair her *marriage settlement,*[1] she may not be paid the rest unless she takes an oath;[2] if one witness testify of her that she had been fully paid, she is not paid unless she swears on oath;[3] she is not to receive payment, unless she takes an oath, from the property of orphans or from mortgaged property[4] or from property of [the husband] in his absence.

מִשְׁנָה ז

הַפּוֹגֶמֶת [1]כְּתוּבָּתָהּ, לֹא תִפָּרַע אֶלָּא [2]בִּשְׁבוּעָה; עֵד אֶחָד מְעִידָהּ שֶׁהִיא פְּרוּעָה, לֹא תִפָּרַע אֶלָּא [3]בִּשְׁבוּעָה; מִנְּכְסֵי יְתוֹמִים [4]וּמִנְּכָסִים מְשׁוּעְבָּדִין וְשֶׁלֹּא בְּפָנָיו לֹא תִפָּרַע אֶלָּא בִּשְׁבוּעָה.

1 *i.e.,* she decreases the amount by drawing on it. שְׁבוּעוֹת 7[7]. **2** That she is entitled to the remainder; she must first take the oath even if the husband does not demand it.* **3** To refute the witness's testimony. **4** Or *assigned property,* property purchased from a debtor whose debt may be collected from his land whoever holds it. * See ADDENDA at the end of this *Tractate.*

Mishnah 8

If a woman impair[1] her *marriage settlement,* how [can she do so]?—If her *marriage settlement* were a thousand *zuz* and he[2] said to her, 'Thou hast already received[3] thy *marriage settlement,*' and she says, 'I have received only one *maneh,*' she may not be paid unless she swears an oath. If one witness testify that she had been paid in full, how is this meant?—If her *marriage settlement* were a thousand *zuz* and he[2] said to her, 'Thou didst receive all thy *marriage settlement,*' and she says, 'I did not receive it,' and one witness testify of her that she had been paid in full, she is not to be paid unless she takes an oath. Out of mortgaged property—how is this to be understood?[4]—

מִשְׁנָה ח

[1]הַפּוֹגֶמֶת כְּתוּבָּתָהּ, כֵּיצַד? הָיְתָה כְּתוּבָּתָהּ אֶלֶף זוּז [2]וְאָמַר לָהּ, [3]הִתְקַבַּלְתְּ כְּתוּבָּתֵךְ, וְהִיא אוֹמֶרֶת, לֹא הִתְקַבַּלְתִּי אֶלָּא מָנֶה, לֹא תִפָּרַע אֶלָּא בִּשְׁבוּעָה. עֵד אֶחָד מְעִידָהּ שֶׁהִיא פְּרוּעָה, כֵּיצַד? הָיְתָה כְּתוּבָּתָהּ אֶלֶף זוּז [2]וְאָמַר לָהּ, הִתְקַבַּלְתְּ כְּתוּבָּתֵךְ, וְהִיא אוֹמֶרֶת, לֹא הִתְקַבַּלְתִּי, וְעֵד אֶחָד מְעִידָהּ שֶׁהִיא פְּרוּעָה, לֹא תִפָּרַע אֶלָּא בִּשְׁבוּעָה. [4]מִנְּכָסִים מְשׁוּעְבָּדִים כֵּיצַד? מָכַר נְכָסָיו לַאֲחֵרִים וְהִיא נִפְרַעַת מִן־הַלְּקוּחוֹת, לֹא תִפָּרַע אֶלָּא בִּשְׁבוּעָה. מִנְּכְסֵי יְתוֹמִים, כֵּיצַד? מֵת [5]וְהִנִּיחַ נְכָסָיו לַיְתוֹמִים

וְהִיא נִפְרַעַת מִן־הַיְתוֹמִים, לֹא תִפְרַע אֶלָּא בִשְׁבוּעָה. וְשֶׁלֹּא בְּפָנָיו כֵּיצַד? הָלַךְ לוֹ [9]לְמְדִינַת הַיָּם וְהִיא נִפְרַעַת שֶׁלֹּא בְּפָנָיו, אֵינָהּ נִפְרַעַת אֶלָּא בִשְׁבוּעָה. רַבִּי [7]שִׁמְעוֹן אוֹמֵר, כָּל־זְמַן שֶׁהִיא תוֹבַעַת כְּתוּבָּתָהּ הַיּוֹרְשִׁין [8]מַשְׁבִּיעִין אוֹתָהּ, וְאִם אֵינָהּ תוֹבַעַת כְּתוּבָּתָהּ אֵין הַיּוֹרְשִׁין מַשְׁבִּיעִין אוֹתָהּ.

If he sold his property to others and she seeks payment from the vendees, she can not collect payment except she takes an oath. Out of orphans' property: how is this to be understood? —If he died and left[5] his property to the orphans and she seeks payment from the orphans, she can not receive payment save she swears an oath. If the husband be absent: how is this to be understood?—If he went to a country across the sea[6] and she claims payment when he is absent, she must not be paid unless she swears on oath. R. Simon[7] says, Whenever she makes claim to her *marriage settlement* the heirs may put her on oath,[8] but if she do not claim her *marriage settlement* the heirs can not demand an oath of her.

1 *i.e.,* she draws out some of the money. **2** The husband. **3** In full. **4** Compare the preceding *Mishnah,* **Note 4.** **5** See 9[8], **Note 1.** **6** *i.e.,* to a foreign land, abroad, outside Palestine. **7** His view is rejected. **8** Even if the husband had exempted her from being put on oath by the heirs.

Mishnah 9

מִשְׁנָה ט

הוֹצִיאָה גֵט וְאֵין עִמָּהּ [1]כְּתוּבָּה *גוֹבָה כְּתוּבָּתָהּ; [2]כְּתוּבָּה וְאֵין עִמָּהּ גֵּט, הִיא אוֹמֶרֶת, אָבַד גִּטִּי, [3]וְהוּא אוֹמֵר, [4]אָבַד שׁוֹבְרִי, וְכֵן בַּעַל חוֹב שֶׁהוֹצִיא [5]שְׁטַר חוֹב וְאֵין עִמּוֹ [6]פְּרוֹזְבּוּל, הֲרֵי אֵלּוּ לֹא יִפָּרְעוּ. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, מִן־הַסַּכָּנָה [7]וְאֵילֵךְ אִשָּׁה גוֹבָה כְּתוּבָּתָהּ שֶׁלֹּא בְגֵט וּבַעַל חוֹב גוֹבֶה שֶׁלֹּא בִפְרוֹזְבּוּל. שְׁנֵי גִטִּין וּשְׁתֵּי [8]כְּתוּבוֹת, גוֹבָה שְׁתֵּי כְתוּבוֹת. שְׁתֵּי כְתוּבוֹת [9]וְגֵט אֶחָד, אוֹ כְתוּבָּה וּשְׁנֵי

If a woman produced a bill of divorce but did not have the *marriage settlement*[1] with her, she must receive her *marriage settlement;** but if[2] her *marriage settlement* and she did not have with her a bill of divorce, and she says, 'My bill of divorce is lost,' and he[3] says, 'My receipt is lost,'[4] and similarly also if a creditor brought forth a bond[5] but had no *prozbol*[6] with him, then such as these may not be paid. Rabban Simon ben Gamaliel says, Since the period of danger and onward[7] a woman is entitled to her *marriage settlement* without a bill

גִּטִּין, אוֹ כְּתוּבָּה וְגֵט [10]וּמִיתָה, אֵינָהּ גּוֹבָה אֶלָּא כְּתוּבָּה אַחַת, שֶׁהַמְגָרֵשׁ אֶת־אִשְׁתּוֹ וְהֶחֱזִירָהּ עַל מְנַת [11]כְּתוּבָּה הָרִאשׁוֹנָה מַחֲזִירָהּ. קָטָן שֶׁהִשִּׂיאוֹ אָבִיו, [13,12]כְּתוּבָּתָהּ קַיֶּמֶת שֶׁעַל [14]מְנָת כֵּן קִיְּמָהּ. גֵּר שֶׁנִּתְגַּיֵּר וְאִשְׁתּוֹ עִמּוֹ, [15]כְּתוּבָּתָהּ קַיֶּמֶת שֶׁעַל מְנָת כֵּן קִיְּמָהּ.

of divorce and a creditor is entitled to his claim without a *prozbol.* Two bills of divorce and two *marriage settlements,*[8] she is entitled to two *marriage settlements.* Two *marriage settlements* and one bill of divorce,[9] or one *marriage settlement* and two bills of divorce, or a *marriage settlement* and a bill of divorce and proof of death,[10] she (may) claim only one *marriage settlement,* for if one divorce his wife and then reinstates her, he takes her back only on the terms of the first *marriage settlemnt.*[11] In the case of a minor whom his father gave in marriage, her[12] *marriage settlement*[13] remains valid because he kept her on [as his wife when he reached majority] on this condition.[14] If one became a proselyte and his wife with him, her *marriage settlement*[15] remains valid for he kept her on these terms.

1 The document (see *Appendix,* **Note 8**; INTRODUCTION to this *Tractate*). In some places it was not customary to make a written כְּתוּבָּה and reliance was placed on the conditions laid down by בֵּית דִּין.*§ Or there are witnesses that it had been destroyed by fire. **2** *i.e.,* if she brought forward ..... **3** The husband. **4** *i.e.,* he pleads that he had paid her in full and that she had given him a quittance. **5** Note of indebtedness. **6** *Appendix,* **Note 6**. **7** During the oppression it was forbidden among other restrictions to issue גֵּט and פְּרוֹזְבּוֹל and these documents for fear used to be burnt after being drawn up (compare מַעֲשֵׂר שֵׁנִי 4[11]). **8** *i.e.,* if a woman produced these four documents. The husband had divorced her, remarried her, and again divorced her. **9** *i.e.,* if a woman brought forth these three documents. **10** Of the husband. (Here it refers to the case of a man who died after he remarried his divorced wife but did not write her a כְּתוּבָּה on the second marriage.) **11** Or כְּתוּבָּתָהּ הָרִאשׁוֹנָה, *her first marriage contract* in some editions. **12** The minor's wife. **13** כְּתוּבָּה, [the] *marriage contract,* in some texts. **14** Though she was no longer a בְּתוּלָה, virgin, when he reached adult age, the sum settled on her must remain so as stated in the כְּתוּבָּה when she was a בְּתוּלָה. **15** Drawn up before they were proselytised.

* See ADDENDA at the end of this *Tractate.* § She may not have had a כְּתוּבָּה at all.

CHAPTER 10 — פֶּרֶק י

Mishnah 1 — מִשְׁנָה א

מִי שֶׁהָיָה נָשׂוּי שְׁתֵּי נָשִׁים וּמֵת, הָרִאשׁוֹנָה [1]קוֹדֶמֶת לַשְׁנִיָּה, וְיוֹרְשֵׁי הָרִאשׁוֹנָה קוֹדְמִין לְיוֹרְשֵׁי [2]שְׁנִיָּה. נָשָׂא אֶת־[3]הָרִאשׁוֹנָה וּמֵתָה, נָשָׂא [4]שְׁנִיָּה וּמֵת הוּא, [4]שְׁנִיָּה וְיוֹרְשֶׁיהָ קוֹדְמִין לְיוֹרְשֵׁי [5]הָרִאשׁוֹנָה.

If one were wed to two wives and died, the first has prior claim[1] to the second, and the heirs of the first come before the heirs of the second.[2] If one wedded a first wife[3] and she died, and he married a second wife[4] and then he died, the second[4] and her heirs precede in their claim the heirs of the first.[5]

1 To the payment of her כְּתוּבָּה. **2** When claiming the כְּתוּבּוֹת. **3** Literally *the first.* **4** Literally *a second.* **5** A חוֹב, *debt,* must be paid before יְרוּשָׁה, *inheritance.* This applies when the second took the oath regarding her כְּתֻבָּה (then she or her heirs takes her כְּתֻבָּה) but if she died after her husband's death without having made her claim on oath then her heirs receive nothing from her כְּתֻבָּה and the heirs of the first receive their mother's כְּתֻבָּה.

Mishnah 2 — מִשְׁנָה ב

מִי שֶׁהָיָה נָשׂוּי שְׁתֵּי נָשִׁים וּמֵתוּ וְאַחַר כָּךְ מֵת הוּא, וְיָתוֹמִים מְבַקְּשִׁים כְּתוּבַּת [1]אִמָּן, וְאֵין שָׁם [2]אֶלָּא שְׁתֵּי [3]כְּתוּבּוֹת, חוֹלְקִין [4]בְּשָׁוֶה. הָיָה שָׁם [5]מוֹתַר דִּינָר, אֵלּוּ נוֹטְלִין כְּתוּבַּת אִמָּן וְאֵלּוּ נוֹטְלִין כְּתוּבַּת [6]אִמָּן. אִם אָמְרוּ [7]יְתוֹמִים, אֲנַחְנוּ מַעֲלִין עַל נִכְסֵי אָבִינוּ יֶתֶר [8]דִּינָר, כְּדֵי שֶׁיִּטְּלוּ [9]כְּתוּבַּת אִמָּן, אֵין שׁוֹמְעִין לָהֶן, אֶלָּא שָׁמִין אֶת־הַנְּכָסִים בְּבֵית דִּין.

If one were wedded to two wives and they died, and then he himself died, and the orphans demand the *marriage settlement* of their mother,[1] and there is only sufficient[2] for the two *marriage settlements,*[3] they share equally.[4] If there were one *denar* over,[5] one party takes the value of the *marriage settlement* of their mother and the other party takes the worth of the *marriage settlement* of their mother.[6] If the orphans[7] said, 'We will raise the value of the property of our father by a surplus of one *denar,*'[8] in order that they may take their mother's *marriage settlement,*[9] they must not listen to them, but they must assess the value of the property before the Court.

1 *i.e.,* the children of both mothers make claim; for instance the כְּתוּבּוֹת differ in value, or the two parties of orphans are not of equal number. He may have stated in writing in each כְּתוּבָּה that if she died and he remarried

(or had children from a former marriage) and then he died too, that the orphans of both wives should get the amount of the marriage contract of their respective mothers and the voluntary additional sum and the dowry, and that the excess should then be divided equally. **2** אֶלָּא כְּדֵי in some editions. **3** *i.e.,* the money left is only enough to cover the two sums stated in the כְּתוּבּוֹת. § **4** And not in accordance with the allocated sums stated in the כְּתוּבּוֹת. **5** But not less than one *denar.* **6** And the excess is shared equally by all the heirs. **7** Literally *If orphans .....** **8** *i.e.,* the amount left was less than the value of the two sums stated in the כְּתוּבּוֹת, and one party of the heirs wishes to obtain their share by subterfuge. **9** In full. § Of unequal amounts. * See ADDENDA at the end of this *Tractate.*

Mishnah 3

מִשְׁנָה ג

If there were property in expectancy,[1] it is not considered as property in possession. R. Simon[2] says, Even if there be there movable[3] property, it is of no account until there be also there immovable[4] property of one *denar's* value above the total amount of the two *marriage settlements.*[5]

הָיוּ שָׁם [1]נְכָסִים בָּרָאוּי אֵינָן כִּבְמוּחָזָק. רַבִּי [2]שִׁמְעוֹן אוֹמֵר, אֲפִילוּ יֵשׁ שָׁם נְכָסִים שֶׁאֵין לָהֶם [3]אַחֲרָיוּת אֵינוֹ כְלוּם עַד שֶׁיִּהְיוּ שָׁם נְכָסִים שֶׁיֵּשׁ לָהֶן [4]אַחֲרָיוּת יוֹתֵר עַל שְׁתֵּי [5]הַכְּתוּבּוֹת דִּינָר.

1 Outstanding accounts not in possession, such as debts, loans, profits, interest, dividends, moneys from their paternal grandfather, and so on.* **2** His opinion is accepted. **3** Literally *which does not have surety, i.e.,* property which cannot be resorted to (movable property) for payment of debt. **4** Literally *which does have surety, i.e., property* (real estate—land, houses) from which debts may be collected eventually. **5** In which case each party takes the sum in the כְּתוּבָּה and they divide the surplus. Nowadays the sums stated in the כְּתוּבָּה are drawn from movable property. * See ADDENDA at the end of this *Tractate.*

Mishnah 4

מִשְׁנָה ד

If one were wed to three wives and died, and the *marriage settlement* of one were a *maneh,*[1] and that of the other two hundred,[2] and that of the third three hundred,[2] but there was only there one *maneh,* they share this equally.* If there were there two hundred,[2,3] she whose

מִי שֶׁהָיָה נָשׂוּי שָׁלֹשׁ נָשִׁים וּמֵת, כְּתוּבָּתָהּ שֶׁל זוֹ [1]מָנֶה, וְשֶׁל זוֹ [2]מָאתַיִם, וְשֶׁל זוֹ [2]שְׁלֹשׁ מֵאוֹת, וְאֵין שָׁם אֶלָּא מָנֶה, *חוֹלְקוֹת בְּשָׁוֶה. הָיוּ שָׁם [2,3]מָאתַיִם, שֶׁל מָנֶה נוֹטֶלֶת [4]חֲמִשִּׁים, שֶׁל [2]מָאתַיִם וְשֶׁל [2]שְׁלֹשׁ

מֵאוֹת שְׁלֹשָׁה שְׁלֹשָׁה שֶׁל [5]זָהָב. הָיוּ שָׁם [2]שְׁלֹשׁ מֵאוֹת, שֶׁל מָנֶה נוֹטֶלֶת [3]חֲמִשִּׁים, וְשֶׁל מָאתַיִם מָנֶה, וְשֶׁל שְׁלֹשׁ מֵאוֹת שִׁשָּׁה שֶׁל [6]זָהָב. וְכֵן שְׁלֹשָׁה, שֶׁהִטִּילוּ לְכִיס, פִּיחֲתוּ אוֹ הוֹתִירוּ, [7]כָּךְ הֵן חוֹלְקִין.

marriage settlement was a *maneh* takes fifty,[4] and they who were to get two hundred[2] and three hundred[2] respectively take each three gold *denars*.[5] If there were three hundred,[2] she whose *marriage settlement* was one *maneh* takes fifty,[2] and she who claimed two hundred gets a *maneh,* and she entitled to three hundred receives six gold *denars*.[6] And similarly also three persons, who contributed to a fund, whether they suffered a loss or made a profit, share in the same manner.[7]

1 מָנֶה = 100 זוּז or 100 דִּינָר (see TABLES, זְרָעִים, Page 18 f.). **2** זוּז or דִּינָר. **3** In a straightforward case the first 100 זוּז could be shared equally. But the case here quoted refers to her (of 200 כְּתוּבָּה) who promised the other (of 100 כְּתֻבָּה) that her share should not be lessened but that she would divide 100 זוּז with the other (of 300), so the one of 100 זוּז gets 50 זוּז of the first 100 זוּז, and so the others (of 200 and 300 respectively) divide equally the 150 זוּז left. **4** *zuz.* **5** דִּינָר זָהָב = 25 זוּז or דִּינָר כֶּסֶף. **6** This is a case where the one with the 300 כְּתוּבָּה promised the two others not to reduce their share in the first 100 זוּז but to let them each have 50 זוּז, and the second 100 זוּז is divided equally between them of the 200 כְּתוּבָּה and 300 כְּתוּבָּה respectively, and she of the 300 כְּתוּבָּה takes the whole of the third remaining 100 זוּז. **7** *i.e.,* in the ratio or proportion of their contributions. * See ADDENDA at the end of this *Tractate.*

Mishnah 5 — מִשְׁנָה ה

מִי שֶׁהָיָה נָשׂוּי אַרְבַּע נָשִׁים וּמֵת, הָרִאשׁוֹנָה [1]קוֹדֶמֶת לַשְׁנִיָּה, וּשְׁנִיָּה לַשְׁלִישִׁית, וּשְׁלִישִׁית לָרְבִיעִית. [2]הָרִאשׁוֹנָה נִשְׁבַּעַת לַשְׁנִיָּה, וּשְׁנִיָּה לַשְׁלִישִׁית, וּשְׁלִישִׁית לָרְבִיעִית, וְהָרְבִיעִית נִפְרַעַת שֶׁלֹּא בִשְׁבוּעָה. בֶּן נַנָּס אוֹמֵר, וְכִי מִפְּנֵי שֶׁהִיא אַחֲרוֹנָה נִשְׁכֶּרֶת? אַף הִיא לֹא תִפָּרַע אֶלָּא [3]בִּשְׁבוּעָה. הָיוּ יוֹצְאוֹת [4]כּוּלָּן בְּיוֹם אֶחָד, כָּל־הַקּוֹדֶמֶת

If one were married to four wives and died, the first has priority[1] to the second, and the second to the third, and the third to the fourth. The first[2] must take an oath to the second, and the second to the third, and the third to the fourth, and the fourth is paid without an oath. Ben Nanos says, And should she reap the benefit because she is the last? She also should not receive payment save on oath.[3] If they were all issued[4] on the same day, whichever one preceded another[5] by one

[5]לַחֲבֵרְתָּהּ אֲפִילוּ שָׁעָה אַחַת [6]זָכְתָה. וְכָךְ הָיוּ כוֹתְבִין בִּירוּשָׁלַיִם [7]שָׁעוֹת. הָיוּ כוּלָּן [8]יוֹצְאוֹת בְּשָׁעָה אַחַת וְאֵין שָׁם אֶלָּא [9]מָנֶה, חוֹלְקוֹת בְּשָׁוֶה.

hour even has acquired first right.[6] And thus in Jerusalem they used to state in writing the hour.[7] If they were all drawn up[8] in the same hour, and there was there only one *maneh*,[9] the women divide equally.

1 To payment for her כְּתוּבָּה. **2** That she had not received payment of any part of her כְּתוּבָּה from her husband during his lifetime, and so on with the others. **3** This view of ben Nanos is not accepted. **4** Or קָלָן. The כְּתוּבוֹת were drawn up. **5** Literally *her fellow*. **6** To claim precedence for payment. **7** Literally *hours*. The hour when a contract was made was entered in writing on every document. **8** *i.e.*, the כְּתוּבוֹת were written out. Literally *came forth, issued*. **9** The value of the property left.* * See ADDENDA at the end of this *Tractate*.

Mishnah 6 — מִשְׁנָה ו

[1]מִי שֶׁהָיָה נָשׂוּי שְׁתֵּי נָשִׁים וּמָכַר אֶת־יְשָׂדֶהוּ, וְכָתְבָה רִאשׁוֹנָה לַלּוֹקֵחַ, [2]דִּין וּדְבָרִים אֵין לִי עִמָּךְ, הַשְּׁנִיָּה [3]מוֹצִיאָה מֵהַלּוֹקֵחַ, וְהָרִאשׁוֹנָה מִן־הַשְּׁנִיָּה, וְהַלּוֹקֵחַ מִן־הָרִאשׁוֹנָה, וְחוֹזְרוֹת חֲלִילָה עַד שֶׁיַּעֲשׂוּ פְשָׁרָה בֵּינֵיהֶם. וְכֵן [4]בַּעַל חוֹב, וְכֵן אִשָּׁה [5]בַּעֲלַת חוֹב.

If one were wed to two wives and then sold his field,[1] and the first one wrote to the purchaser, 'I have no claim whatever[2] against thee,' the second one may recover[3] from the buyer, and the first from the second, and the buyer from the first, and so they keep on repeating until they make a compromise among them. And likewise also with a creditor,[4] and similarly too in the case of a woman who is a creditor.[5]

1 Which was security for the כְּתוּבוֹת of both wives. **2** Literally *neither suit nor dispute*. **3** *i.e.*, may take what is due to her. **4** For instance, A sold two fields (the value of which covered his debt) to X and Y, and A's creditor declared to Y that he had no claim against him, then the creditor reimburses himself from the field of X, who in his turn recovers from Y, Y next demands reimbursement from the creditor, and so on, until they come to some compromise. **5** For her כְּתוּבָּה. If the husband sold two fields (whose value covered the כְּתוּבָּה) to R and S, and she had renounced in writing to S any claim whatever against him, she can not take away the field from S, but she can take the other field from R, then R seizes the field from S, S reimburses himself from the woman, next R from S, and so on until they make some compromise.

CHAPTER 11 — פֶּרֶק יא

Mishnah 1 — מִשְׁנָה א

אַלְמָנָה [1]נִזּוֹנִית [2]מִנִּכְסֵי יְתוֹמִים; [*]מַעֲשֵׂה יָדֶיהָ שֶׁלָּהֶן; וְאֵין [3]חַיָּבִין [4]בִּקְבוּרָתָהּ. יוֹרְשֶׁיהָ, יוֹרְשֵׁי כְתוּבָּתָהּ, חַיָּבִין בִּקְבוּרָתָהּ.

A widow receives maintenance[1] from the property[2] of the orphans; the work* of her hands belongs to them; but they are not liable for[3] her burial.[4] Her heirs—the heirs of her *marriage settlement* — are liable for her burial.

1 So long as she does not claim her כְּתוּבָּה. **2** Whether real estate (land, buildings) or movable property. **3** For the expenses of. **4** Even if she had not received her כְּתוּבָּה. * Some texts have (perhaps better) וּמַעֲשֵׂה, *viz.*, *'and' the work of.*

Mishnah 2 — מִשְׁנָה ב

אַלְמָנָה, [1]בֵּין מִן־[2]הָאֵירוּסִין בֵּין מִן־[3]הַנִּשּׂוּאִין, [4]מוֹכֶרֶת שֶׁלֹּא [5]בְּבֵית דִּין. רַבִּי [6]שִׁמְעוֹן אוֹמֵר, מִן־הַנִּשּׂוּאִין מוֹכֶרֶת שֶׁלֹּא [7]בְּבֵית דִּין, מִן־הָאֵירוּסִין לֹא תִמְכּוֹר אֶלָּא בְּבֵית דִּין מִפְּנֵי שֶׁאֵין לָהּ מְזוֹנוֹת וְכָל שֶׁאֵין לָהּ מְזוֹנוֹת לֹא תִמְכּוֹר אֶלָּא בְּבֵית דִּין.

A widow, whether[1] after betrothal[2] or after marriage,[3] may sell[4] without the authority of the Court.[5] R. Simon[6] says, After marriage she may sell without the consent of the Court,[7] but after betrothal she may not sell except with the authorization of the Court because she has no claim to support, and all such that have no right to maintenance may not sell save with the concurrence of the Court.

1 *i.e., whether she became a widow.* **2** When she is entitled to her כְּתוּבָּה but not to maintenance. **3** When she claims both כְּתוּבָּה and maintenance. **4** Property left by her husband as security for her כְּתוּבָּה. But there must be three assessors to value the property to be sold. **5** But three experts must be consulted before selling real estate. **6** His view is rejected. **7** See ADDENDA at the end of this *Tractate*.

Mishnah 3 — מִשְׁנָה ג

[1]מָכְרָה כְּתוּבָּתָהּ אוֹ מִקְצָתָהּ, מִשְׁכְּנָה כְּתוּבָּתָהּ אוֹ מִקְצָתָהּ, נָתְנָה

If she[1] sold her *marriage settlement* or a portion of it, or if she pledged her *marriage settlement* or a part

כְּתוּבָּתָהּ לְאַחֵר אוֹ מִקְצָתָהּ, לֹא
תִמְכּוֹר אֶת הַשְּׁאָר אֶלָּא בְּבֵית דִּין.
[2]וַחֲכָמִים אוֹמְרִים, מוֹכֶרֶת הִיא,
[3]אֲפִילוּ אַרְבָּעָה [4]וַחֲמִשָּׁה [5]פְּעָמִים,
וּמוֹכֶרֶת לִמְזוֹנוֹת שֶׁלֹּא בְּבֵית דִּין
[6]וְכוֹתֶבֶת, לִמְזוֹנוֹת מָכַרְתִּי. וּגְרוּשָׁה
[7]לֹא תִמְכּוֹר אֶלָּא [8]בְּבֵית דִּין.

of it, or if she gave away her *marriage settlement* or a portion of it to someone else she must not sell [the property of the husband to obtain the value of] the remainder [of her כְּתוּבָּה] except with the consent of the Court. But the Sages[2] say, She may sell it, even[3] four or five[4] times,[5] and she may sell it for maintenance without the authorisation of the Court and state in writing,[6] 'I have sold for maintenance.' And a divorced woman may not sell[7] save with the authority of the Court.[8]

1 A widow. **2** This opinion of the Sages is accepted against the view of R. Simon in the first part of this *Mishnah*. **3** Piecemeal.* **4** Or נַחֲמִישָׁה. **5** אַרְבַּע וְחָמֵשׁ פְּעָמִים would be grammatically more correct. **6** On the bill of sale. **7** After her husband's death. **8** Because she is entitled to her כְּתוּבָּה but not to support. * By different sales to realise the amount of her כְּתוּבָּה.

Mishnah 4

מִשְׁנָה ד

אַלְמָנָה, שֶׁהָיְתָה כְּתוּבָּתָהּ [1]מָאתַיִם,
[2]וּמָכְרָה שָׁוֶה מָנֶה [1]בְּמָאתַיִם, אוֹ
שָׁוֶה [1]מָאתַיִם בְּמָנֶה, [3]נִתְקַבְּלָה
[4]כְּתוּבָּתָהּ. הָיְתָה כְּתוּבָּתָהּ מָנֶה
וּמָכְרָה שָׁוֶה מָנֶה וְדִינָר בְּמָנֶה,
מִכְרָהּ [5]בָּטֵל. [6]אֲפִילוּ הִיא אוֹמֶרֶת,
אַחֲזִיר דִּינָר לַיּוֹרְשִׁין, מִכְרָהּ *בָּטֵל.
רַבָּן [7]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר,
לְעוֹלָם מִכְרָהּ קַיָּם עַד [8]שֶׁתְּהֵא שָׁם
[9]כְּדֵי שֶׁתְּשַׁיֵּר בְּשָׂדֶה בַּת תִּשְׁעָה
[10]קַבִּים, וּבְגִינָה בַּת חֲצִי [11]קַב,
וּכְדִבְרֵי רַבִּי עֲקִיבָא, בֵּית [12]רוֹבַע.
הָיְתָה כְּתוּבָּתָהּ אַרְבַּע מֵאוֹת זוּז
[13]וּמָכְרָה לָזֶה בְּמָנֶה [14]וְלָזֶה [15]בְּמָנֶה

If a widow, whose *marriage settlement* was two hundred,[1] sold[2] what was valued at a *maneh* for two hundred,[1] or what was worth two hundred[1] for one *maneh,* she has received[3] her *marriage settlement.*[4] If her *marriage settlement* were worth one *maneh* and she sold what was valued at one *maneh* and a *dinar* for one *maneh,* her sale is void.[5] Even if[6] she say, 'I will restore a *dinar* to the heirs,' her sale is void. Rabban Simon[7] ben Gamaliel says, Her sale is always valid so long as there is[8] enough[9] there to leave over from a field nine *kab*[10] in area, or from a garden a space of half of a *kab,*[11] or, according to the view of R. Akiba, an area

[16]וּלְאַחֲרוֹן יָפֶה מָנֶה וְדִינָר בְּמָנֶה, [17]שֶׁל אַחֲרוֹן [18]בָּטֵל, וְשֶׁל כּוּלָּן מִכְרָן [19]קַיָּים.

of a *quarter-kab.*[12] If her *marriage settlement* were four hundred *zuz* and she sold[13] to one person for one *maneh* and to another[14] for one *maneh*[15] and to a final purchaser[16] what was worth a *maneh* and one *dinar* for one *maneh,* that[17] of the last one is void,[18] but those of all the others are valid.[19]

1 זוּז or דִּינָר. מָנֶה = 100 זוּז (see TABLES, זָרְעִים, INTRODUCTION). **2** From her husband's property. **3** Thereby, in full. **4** And the sale is valid.§ **5** But the sale is legal if the proceeds are equal to the value. **6** Or אֲפִלּוּ. **7** His opinion is rejected. **8** שֶׁיְּהֵא in some texts. **9** Property. **10** בֵּית קַב = 416⅔ square cubits. **11** This is the accepted size for a garden (50 cubits by 4 cubits and 1 handbreadth). **12** בֵּית רוּבַע = 106⅓ square cubits. **13** Part of the land that covered the value of her כְּתֻבָּה. **14** See **Note 13**. **15** *And then to a third vendee part of the land for one maneh.* **16** Literally *to the last one.* **17** The sale. **18** *i.e.,* this last sale is void. **19** *i.e.,* the purchases of the preceding vendees are legal. Literally *is valid.* * Because she sold what was not her own. § See the ADDENDA at the end of this *Tractate.*

Mishnah 5 מִשְׁנָה ה

[1]שׁוּם הַדַּיָּנִין שֶׁפִּיחֲתוּ [2]שְׁתוּת אוֹ [3]הוֹסִיפוּ שְׁתוּת, [4]מִכְרָן בָּטֵל. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, מִכְרָן קַיָּים, [5]אִם כֵּן מַה־כֹּחַ בֵּית דִּין יָפֶה? אֲבָל אִם [6]עָשׂוּ יְאִגֶּרֶת בִּקּוֹרֶת אֲפִילוּ מָכְרוּ שָׁוֶה מָנֶה [8]בְּמָאתַיִם אוֹ שָׁוֶה [8]מָאתַיִם בְּמָנֶה מִכְרָן קַיָּים.

If the valuation[1] by the judges were one-sixth[2] too small or one-sixth too great,[3] their sale is void.[4] Rabban Simon ben Gamaliel says, Their sale remains licit, else[5] where is the power of the Court? But if they[6] drew up a bill of scrutiny,[7] then even if they sold what was worth one *maneh* for two hundred[8] or what was worth two hundred[8] for one *maneh* their sale is valid.

1 The assessment of the property made by the judges to pay a widow's כְּתוּבָּה. **2** Traditional pronunciation שְׁתוּת. **3** *i.e.,* that was the margin of error. **4** But if the error is less than one-sixth the sale is legal. **5** *i.e.,* 'otherwise,' 'if this be not so.' **6** The בֵּית דִּין. **7** אִגֶּרֶת בִּיקּוֹרֶת, an announcement of a public sale, a notice or proclamation permitting the public to inspect the property assessed before the sale. **8** זוּז.

Mishnah 6

מִשְׁנָה ו

[1]הַמְּמָאֵנֶת, [2]הַשְּׁנִיָּה, וְהָאֵילוֹנִית, אֵין
[3]לָהֶם כְּתוּבָּה, וְלֹא [4]פֵּירוֹת, וְלֹא
[5]מְזוֹנוֹת, וְלֹא [6]בְּלָאוֹת; וְאִם מִתְּחִלָּה
[7]נְשָׂאָהּ לְשֵׁם אֵילוֹנִית יֵשׁ לָהּ
[8]כְּתוּבָּה. [9]אַלְמָנָה לְכֹהֵן גָּדוֹל,
גְּרוּשָׁה [10]וַחֲלוּצָה לְכֹהֵן הֶדְיוֹט,
מַמְזֶרֶת וּנְתִינָה [11]לְיִשְׂרָאֵל, בַּת
יִשְׂרָאֵל לְנָתִין וּלְמַמְזֵר, יֵשׁ־לָהּ
[12]כְּתוּבָּה.

If one[1] exercised the prerogative of refusal, or were within the secondary degree,[2] or were barren, she[3] has no claim to the *marriage settlement,* nor to the compensation for the usufruct,[4] nor to maintenance,[5] nor to worn-out clothing;[6] but if at the outset she had been wed,[7] he knowing that she was sterile, she may claim her *marriage settlement.*[8] If a widow[9] were married to a High Priest, or a divorced woman or one who had performed *chalitzah*[10] were wedded to a common priest, or a bastard or a Gibeonite descendant were married to an Israelite,[11] or the daughter of an Israelite were wed to a Gibeonite descendant or to a bastard, such a one can claim her *marriage settlement.*[12]

1 An orphan girl, a minor. See יְבָמוֹת 13[1]. **2** Of secondary degree of consanguinity, and whose marriage is forbidden מִדְּרַבָּנָן (by the חֲכָמִים, Sages). See יְבָמוֹת 2[4]. **3** Literally *they*. Some texts give לָהּ, *to her*, instead of לָהֶם *to them* (which grammatically should be לָהֵן *f.pl.*) **4** On her property which her husband made use of. **5** Or *alimony*. **6** *i.e.*, she receives no indemnity or compensation for any such [wear and tear]. **7** נִשֵּׂאת in some editions. **8** And all the conditions stated in that document. **9** יְבָמוֹת 2[4]. **10** See INTRODUCTION, יְבָמוֹת. **11** A non-priest. **12** And whatever else is mentioned therein.

CHAPTER 12

פֶּרֶק יב

Mishnah 1

מִשְׁנָה א

הַנּוֹשֵׂא אֶת־[1]הָאִשָּׁה וּפָסְקָה [2]עִמּוֹ
כְּדֵי שֶׁיְּזוֹן אֶת־[3]בִּתָּהּ חָמֵשׁ שָׁנִים,
חַיָּיב לְזוֹנָהּ חָמֵשׁ שָׁנִים. [4]נִשֵּׂאת
[5]לְאַחֵר וּפָסְקָה עִמּוֹ כְּדֵי שֶׁיְּזוֹן
אֶת־בִּתָּהּ חָמֵשׁ שָׁנִים, חַיָּיב [6]לְזוֹנָהּ

If a man wed a woman,[1] and she made it a condition with him[2] that he should support her daughter[3] for five years, he is bound to support her for five years. If she were wedded[4] to another,[5] and she stipulated with him that he was to maintain her daughter for five years, he is bound to maintain her[6] for

גַּמְלִיאֵל. וַחֲכָמִים אוֹמְרִים, כָּל־
זְמַן שֶׁהִיא בְּבֵית בַּעְלָהּ גּוֹבָה
כְּתוּבָּתָהּ לְעוֹלָם; כָּל־זְמַן שֶׁהִיא
בְּבֵית אָבִיהָ גּוֹבָה כְּתוּבָּתָהּ עַד
[8]עֶשְׂרִים וְחָמֵשׁ שָׁנִים. מֵתָה יוֹרְשֶׁיהָ
[7]מַזְכִּירִין [8]כְּתוּבָּתָהּ [9]עַד עֶשְׂרִים
וְחָמֵשׁ שָׁנִים.

the Sages say, While she continues in her husband's house she may at any time claim her *marriage settlement;* so long as she is in her father's home she can demand her *marriage settlement* up to twenty-five years.[6] If she died, her heirs must lay claim[7] to her *marriage settlement*[8] within twenty-five years.[9]

1 And she received maintenance from the heirs. **2** After his death. **3** Beyond this period she forfeits her right to her כְּתֻבָּה. **4** The profits that have accrued from her dealings with the husband's property in that period may well be worth the amount in the כְּתוּבָּה.* **5** This view is not accepted. **6** Beyond that period it is taken for granted that she abandons all claims. This is the accepted ruling. **7** Some texts have מוֹכְרִין, *must sell.* **8** But their claim is not valid if she had not sworn an oath before her death regarding her כְּתוּבָּה. **9** Beyond this time limit they forfeit their claim.
* See ADDENDA at the end of this *Tractate.*

CHAPTER 13

פֶּרֶק יג

Mishnah 1

מִשְׁנָה א

שְׁנֵי [1]דַּיָּנֵי גְזֵירוֹת הָיוּ בִירוּשָׁלַיִם,
אַדְמוֹן וְחָנָן בֶּן אֲבִישָׁלוֹם. חָנָן
אוֹמֵר שְׁנֵי דְבָרִים, אַדְמוֹן אוֹמֵר
שִׁבְעָה. מִי שֶׁהָלַךְ [2]לִמְדִינַת הַיָּם,
וְאִשְׁתּוֹ תּוֹבַעַת מְזוֹנוֹת, חָנָן אוֹמֵר,
תִּשָּׁבַע [3]בַּסּוֹף וְלֹא תִּשָּׁבַע [4]בַּתְּחִלָּה.
נֶחֱלְקוּ עָלָיו [5]בְּנֵי כֹהֲנִים גְּדוֹלִים
וְאָמְרוּ, תִּשָּׁבַע בַּתְּחִלָּה וּבַסּוֹף.
אָמַר רַבִּי דוֹסָא בֶּן הָרְכִּינַס
כְּדִבְרֵיהֶם. אָמַר רַבִּי [6]יוֹחָנָן בֶּן
זַכַּאי, יָפֶה אָמַר חָנָן לֹא תִּשָּׁבַע
אֶלָּא בַּסּוֹף.

There were two judges of civil law[1] in Jerusalem, Admon and Chanan ben Abishalom. Chanan states two decisions, Admon states seven. Whosoever went to a country beyond the seas,[2] and his wife claims maintenance, Chanan says, She should swear at the end[3] but let her not take an oath at the beginning.[4] The sons of the High Priests[5] argued against him and said, Let her swear both at the beginning and at the end. R. Dosa ben Harkinas decided in accordance with their view. R. Jochanan[6] ben Zakkai said, Chanan said well that she should take an oath only at the end.

Mishnah 6

מִשְׁנָה ו

[1]הַמְמָאֵנֶת, [2]הַשְּׁנִיָּה, וְהָאֵילוֹנִית, אֵין
[3]לָהֶם כְּתוּבָּה, וְלֹא [4]פֵּירוֹת, וְלֹא
[5]מְזוֹנוֹת, וְלֹא [6]בְּלָאוֹת; וְאִם מִתְּחִלָּה
[7]נְשָׂאָהּ לְשֵׁם אֵילוֹנִית יֵשׁ לָהּ
[8]כְּתוּבָּה. [9]אַלְמָנָה לְכֹהֵן גָּדוֹל,
גְּרוּשָׁה [10]וַחֲלוּצָה לְכֹהֵן הֶדְיוֹט,
מַמְזֶרֶת וּנְתִינָה [11]לְיִשְׂרָאֵל, בַּת
יִשְׂרָאֵל לְנָתִין וּלְמַמְזֵר, יֵשׁ־לָהּ
[12]כְּתוּבָּה.

If one[1] exercised the prerogative of refusal, or were within the secondary degree,[2] or were barren, she[3] has no claim to the *marriage settlement,* nor to the compensation for the usufruct,[4] nor to maintenance,[5] nor to worn-out clothing;[6] but if at the outset she had been wed,[7] he knowing that she was sterile, she may claim her *marriage settlement.*[8] If a widow[9] were married to a High Priest, or a divorced woman or one who had performed *chalitzah*[10] were wedded to a common priest, or a bastard or a Gibeonite descendant were married to an Israelite,[11] or the daughter of an Israelite were wed to a Gibeonite descendant or to a bastard, such a one can claim her *marriage settlement.*[12]

1 An orphan girl, a minor. See יְבָמוֹת 13[1]. **2** Of secondary degree of consanguinity, and whose marriage is forbidden מִדְּרַבָּנָן (by the חֲכָמִים, Sages). See יְבָמוֹת 2[4]. **3** Literally *they.* Some texts give לָהּ, *to her*, instead of לָהֶם *to them* (which grammatically should be לָהֶן *f.pl.*) **4** On her property which her husband made use of. **5** Or *alimony.* **6** *i.e.,* she receives no indemnity or compensation for any such [wear and tear]. **7** נִשֵּׂאת in some editions. **8** And all the conditions stated in that document. **9** יְבָמוֹת 2[4]. **10** See INTRODUCTION, יְבָמוֹת. **11** A non-priest. **12** And whatever else is mentioned therein.

CHAPTER 12

פֶּרֶק יב

Mishnah 1

מִשְׁנָה א

הַנּוֹשֵׂא אֶת־[1]הָאִשָּׁה וּפָסְקָה [2]עִמּוֹ
כְּדֵי שֶׁיְּזוֹן אֶת־[3]בִּתָּהּ חָמֵשׁ שָׁנִים,
חַיָּיב לְזוֹנָהּ חָמֵשׁ שָׁנִים. [4]נִשֵּׂאת
[5]לְאַחֵר וּפָסְקָה עִמּוֹ כְּדֵי שֶׁיְּזוֹן
אֶת־בִּתָּהּ חָמֵשׁ שָׁנִים, חַיָּיב [6]לְזוֹנָהּ

If a man wed a woman,[1] and she made it a condition with him[2] that he should support her daughter[3] for five years, he is bound to support her for five years. If she were wedded[4] to another,[5] and she stipulated with him that he was to maintain her daughter for five years, he is bound to maintain her[6] for

חָמֵשׁ שָׁנִים. לֹא יֹאמַר [1]הָרִאשׁוֹן, [2]לְכְשֶׁתָּבֹא אֶצְלִי [3]אֲזוּנָהּ, אֶלָּא [10]מוֹלִיךְ [9]לָהּ מְזוֹנוֹתֶיהָ [11]לִמְקוֹם אִמָּהּ. וְכֵן לֹא יֹאמְרוּ [12]שְׁנֵיהֶם, הֲרֵי אָנוּ זָנִין אוֹתָהּ כְּאֶחָד, אֶלָּא אֶחָד [13]זָנָהּ וְאֶחָד נוֹתֵן לָהּ דְּמֵי [14]מְזוֹנוֹת.

five years. The first one[7] may not say, 'If she[8] were to come to my house I would maintain her,'[9] but he must take[10] to her[9] her maintenance wherever her mother is.[11] And similarly also the two of them[12] may not say, 'We will support her jointly,' but one must maintain her[13] and the other must give her the cost of her support.[14]

1 Literally *the woman.* **2** At the marriage, or if he gave her later a written promise to this effect. **3** By a former husband. **4** Or נִשֹּׂאָה. **5** After the one just referred to had divorced her. **6** Irrespective of the obligation of his predecessor. **7** Who had divorced her. **8** Referring to the mother and meaning 'If I had kept her mother I would have supported her daughter.' **9** The daughter. **10** Or *send.* **11** Some editions give לִמְקוֹם שֶׁהָיְתָה אִמָּהּ, *wherever her mother was.* **12** The divorced husband and the present one. **13** Supply her with food and clothing. **14** Literally *of support.* But she can not demand that both should give her the cost (*i.e.,* money) of her maintenance.

Mishnah 2

מִשְׁנָה ב

When she is married[1] the husband[2] must give her maintenance and they[3] give her the cost of [her] support; if they[3] died, their daughters are maintained from [the] free property[4] and she is supported[5] [even] from mortgaged property[6] because she is as a creditor.[7] The prudent used to state in writing, 'On condition that I support thy daughter for five years so long as thou art with me.'[8]

[1]נִישֵׂאת [2]הַבַּעַל נוֹתֵן לָהּ מְזוֹנוֹת [3]וְהֵן יוֹתְנִין לָהּ דְּמֵי מְזוֹנוֹת; [3]מֵתוּ, בְּנוֹתֵיהֶן נִזּוֹנוֹת [4]מִנְּכָסִים בְּנֵי חוֹרִין וְהִיא [5]נִזּוֹנֶת [6]מִנְּכָסִים מְשׁוּעְבָּדִים, מִפְּנֵי שֶׁהִיא [7]כְּבַעֲלַת חוֹב. הַפִּקְחִים הָיוּ כוֹתְבִים, עַל מְנָת שֶׁאָזוּן אֶת־בִּתֵּךְ חָמֵשׁ שָׁנִים כָּל־זְמַן שֶׁאַתְּ [8]עִמִּי.

1 Or נִישֵׂאת, נִשֹּׂאָה. The daughter in question as set forth in the foregoing *Mishnah.* **2** The daughter's husband. **3** The divorced and present husbands of her mother (see the preceding *Mishnah*). Even if she is ill they must still give full allowance. **4** Or *unmortgaged property,* property not held by a creditor. **5** נִיזּוֹנֶת in some texts. **6** Held by a creditor. **7** Because of the stipulation to receive maintenance. **8** *i.e.,* that the obligation was to cease on divorce or at his death or at her death.

Mishnah 3

מִשְׁנָה ג

If a widow[1] said, 'I do not want to depart[2] from my husband's house,' the heirs can not say to her, 'Go to thy father's home and we will maintain thee,' but they must maintain her in her husband's house and must give her a home in accordance with her status.[3]* If she said, 'I do not desire to leave my father's home,' the heirs may say to her, 'If thou art with us[4] thou wilt receive maintenance but if thou art not with us thou wilt not have maintenance.' If she were to plead that[5] she was only young§ and they were mere children,[6] then they must support her while she is in her father's home.

[1]אַלְמָנָה שֶׁאָמְרָה, אִי אֶפְשִׁי [2]לָזוּז מִבֵּית בַּעֲלִי, אֵין הַיּוֹרְשִׁין יְכוֹלִין לוֹמַר לָהּ, לְכִי לְבֵית אָבִיךְ וְאָנוּ זָנִין אוֹתָךְ, אֶלָּא זָנִין אוֹתָהּ בְּבֵית בַּעֲלָהּ וְנוֹתְנִין לָהּ מָדוֹר [3]לְפִי כְּבוֹדָהּ. אָמְרָה, אִי אֶפְשִׁי לָזוּז מִבֵּית אַבָּא, יְכוֹלִים הַיּוֹרְשִׁים לוֹמַר לָהּ, אִם אַתְּ [4]אֶצְלֵנוּ יֵשׁ לִיךְ מְזוֹנוֹת, וְאִם אֵין אַתְּ אֶצְלֵנוּ אֵין לִיךְ מְזוֹנוֹת. אִם הָיְתָה טוֹעֶנֶת [5]מִפְּנֵי שֶׁהִיא יַלְדָּה וְהֵן [6]יְלָדִים זָנִין אוֹתָהּ וְהִיא בְּבֵית אָבִיהָ.

1 Who had to be supported by the heirs. **2** Literally *stir*. **3** Even if the house was in ruins or she had no home they must provide her with the rent for a home, but they do not have to rebuild the house for her even if she is willing to have it done at her own expense. **4** *i.e.*, 'If thou wilt dwell with us in our home.' **5** Literally *because, i.e.*, the reason of her attitude was that ..... **6** *i.e.*, she felt diffident about staying with young people because of her own youthfulness. * See ADDENDA at the end of this *Tractate*. § Literally *a child*.

Mishnah 4

מִשְׁנָה ד

Such time as she continues in her father's home[1] she may always claim her *marriage settlement;* so long as she is in her husband's home[2] she may claim her *marriage settlement* up to twenty-five years,[3] for in twenty-five years she may get a good return for her *marriage settlement*.[4] This is the opinion[5] of R. Meir who spoke in the name of Rabban Simon ben Gamaliel. But

כָּל־זְמַן שֶׁהִיא [1]בְּבֵית אָבִיהָ גּוֹבָה כְּתוּבָּתָהּ לְעוֹלָם; כָּל־זְמַן שֶׁהִיא [2]בְּבֵית בַּעֲלָהּ גּוֹבָה כְּתוּבָּתָהּ עַד [3]עֶשְׂרִים וְחָמֵשׁ שָׁנִים, שֶׁיֵּשׁ בְּעֶשְׂרִים וְחָמֵשׁ שָׁנִים שֶׁתַּעֲשֶׂה טוֹבָה כְּנֶגֶד [4]כְּתוּבָּתָהּ. [5]דִּבְרֵי רַבִּי מֵאִיר שֶׁאָמַר מִשּׁוּם רַבָּן שִׁמְעוֹן בֶּן

גַּמְלִיאֵל. וַחֲכָמִים אוֹמְרִים, כָּל־
זְמַן שֶׁהִיא בְּבֵית בַּעֲלָהּ גּוֹבָה
כְּתוּבָּתָהּ לְעוֹלָם; כָּל־זְמַן שֶׁהִיא
בְּבֵית אָבִיהָ גּוֹבָה כְּתוּבָּתָהּ עַד
[9]עֶשְׂרִים וְחָמֵשׁ שָׁנִים. מֵתָה יוֹרְשֶׁיהָ
[7]מַזְכִּירִין [8]כְּתוּבָּתָהּ [9]עַד עֶשְׂרִים
וְחָמֵשׁ שָׁנִים.

the Sages say, While she continues in her husband's house she may at any time claim her *marriage settlement;* so long as she is in her father's home she can demand her *marriage settlement* up to twenty-five years.[6] If she died, her heirs must lay claim[7] to her *marriage settlement*[8] within twenty-five years.[9]

1 And she received maintenance from the heirs. **2** After his death. **3** Beyond this period she forfeits her right to her כְּתֻבָּה. **4** The profits that have accrued from her dealings with the husband's property in that period may well be worth the amount in the כְּתוּבָּה. * **5** This view is not accepted. **6** Beyond that period it is taken for granted that she abandons all claims. This is the accepted ruling. **7** Some texts have מוֹכְרִין, *must sell.* **8** But their claim is not valid if she had not sworn an oath before her death regarding her כְּתוּבָּה. **9** Beyond this time limit they forfeit their claim.
* See ADDENDA at the end of this *Tractate.*

CHAPTER 13

פֶּרֶק יג

Mishnah 1

מִשְׁנָה א

שְׁנֵי [1]דַּיָּנֵי גְזֵירוֹת הָיוּ בִירוּשָׁלַיִם,
אַדְמוֹן וְחָנָן בֶּן אֲבִישָׁלוֹם. חָנָן
אוֹמֵר שְׁנֵי דְבָרִים, אַדְמוֹן אוֹמֵר
שִׁבְעָה. מִי שֶׁהָלַךְ [2]לִמְדִינַת הַיָּם,
וְאִשְׁתּוֹ תּוֹבַעַת מְזוֹנוֹת, חָנָן אוֹמֵר,
תִּשָּׁבַע [3]בַּסּוֹף וְלֹא תִּשָּׁבַע [4]בַּתְּחִלָּה.
נֶחֱלְקוּ עָלָיו [5]בְּנֵי כֹהֲנִים גְּדוֹלִים
וְאָמְרוּ, תִּשָּׁבַע בַּתְּחִלָּה וּבַסּוֹף.
אָמַר רַבִּי דוֹסָא בֶּן הַרְכִּינַס
כְּדִבְרֵיהֶם. אָמַר רַבִּי [6]יוֹחָנָן בֶּן
זַכַּאי, יָפֶה אָמַר חָנָן לֹא תִּשָּׁבַע
אֶלָּא בַּסּוֹף.

There were two judges of civil law[1] in Jerusalem, Admon and Chanan ben Abishalom. Chanan states two decisions, Admon states seven. Whosoever went to a country beyond the seas,[2] and his wife claims maintenance, Chanan says, She should swear at the end[3] but let her not take an oath at the beginning.[4] The sons of the High Priests[5] argued against him and said, Let her swear both at the beginning and at the end. R. Dosa ben Harkinas decided in accordance with their view. R. Jochanan[6] ben Zakkai said, Chanan said well that she should take an oath only at the end.

1 Some texts have דַּיָּנֵי גְּזֵילוֹת, *judges of criminal law.** **2** *i.e.,* to a foreign land, abroad, outside Palestine.* **3** When news comes of her husband's death she swears that she has not yet received her כְּתוּבָּה.* **4** When she claims support, and she receives maintenance without taking an oath. **5** See אָהֳלוֹת 17[5]; כְּתוּבוֹת 1[5]. They were probably Sadducees of sufficient influence to dominate the Sanhedrin against the school of thought represented by the Pharisaic followers of Hillel. **6** His opinion accepted. Only* after three months following a husband's departure can his wife make claim for maintenance. * See ADDENDA at the end of this *Tractate.*

Mishnah 2

מִשְׁנָה ב

מִי שֶׁהָלַךְ [1]לִמְדִינַת הַיָּם וְעָמַד [2]אֶחָד וּפִרְנֵס אֶת־אִשְׁתּוֹ, חָנָן [3]אוֹמֵר, [4]אִיבֵּד [5]מָעוֹתָיו. נֶחֱלְקוּ עָלָיו בְּנֵי כֹהֲנִים גְּדוֹלִים וְאָמְרוּ, יְשַׁבֵּעַ כַּמָּה הוֹצִיא וְיִטּוֹל. אָמַר רַבִּי דוֹסָא בֶּן הַרְכִּינָס כְּדִבְרֵיהֶם. אָמַר רַבִּי יוֹחָנָן בֶּן זַכַּאי, יָפֶה אָמַר [6]חָנָן [7]הִנִּיחַ מָעוֹתָיו עַל קֶרֶן [8]הַצְּבִי.

Whosoever went to a land across the seas[1] and someone[2] arose and supported his wife, Chanon says,[3] He has lost[4] his money.[5] The sons of the High Priests disputed against him and said, Let him take an oath how much he laid out and let him recover it. R. Dosa ben Harkinas decided in agreement with their opinion. R. Jochanan ben Zakkai said, Chanan[6] said well that the man placed[7] his money on the horn of a deer.[8]

1 See 13[1], **Note 2.** **2** Even her father. **3** אָמַר, *said,* in some editions. **4** Or אֲבַד. **5** Which he expended in maintenance for the woman.* **6** His view is accepted. **7** See 9[3], **Note 1.** **8** Or *gazelle. i.e.,* the money is lost.* * See ADDENDA at the end of this *Tractate.*

Mishnah 3

מִשְׁנָה ג

אַדְמוֹן אוֹמֵר [1]שִׁבְעָה. מִי [2]שֶׁמֵּת [3]וְהִנִּיחַ בָּנִים וּבָנוֹת, בְּזְמַן שֶׁהַנְּכָסִים מְרוּבִּין הַבָּנִים [4]יוֹרְשִׁים וְהַבָּנוֹת [5]נְזוֹנוֹת, וּבְנְכָסִים מוּעָטִים הַבָּנוֹת יְזוֹנוּ וְהַבָּנִים [6]יַחְזְרוּ עַל הַפְּתָחִים. אַדְמוֹן [7]אוֹמֵר, בִּשְׁבִיל שֶׁאֲנִי זָכָר הִפְסַדְתִּי? אָמַר רַבָּן גַּמְלִיאֵל, רוֹאֶה אֲנִי אֶת־דִּבְרֵי [8]אַדְמוֹן.

Admon states seven.[1] If a man died[2] and left[3] sons and daughters, when the property is large the sons inherit[4] and the daughters receive maintenance,[5] but when the property is small the daughters must receive support and the sons may go begging.[6] Admon says,[7] 'Have I to suffer because I am a male?' Rabban Gamaliel said, 'I approve the view of Admon.'[8]

1 Seven decisions (see *Mishnah* **1**). **2** See בָּבָא בַּתְרָא 9[1]. **3** See 9[3], **Note 1.** **4** יוֹרְשִׁין in some editions. **5** See כְּתוּבּוֹת 4[6]. They receive maintenance until they become of adult age or are betrothed and what they earn belongs to them. **6** *i.e.*, they are not entitled to aught if there is less than enough or only sufficient to support the daughters. **7** *i.e.*, Admon says, *A son an heir may say, 'Have I .....?'*. Literally הִפְסַדְתִּי, 'Had I to suffer loss because I am a male [and forfeit every right to share in the little my father left? Not so!].' **8** His view is rejected.

Mishnah 4

מִשְׁנָה ד

If one claimed[1] from his fellow jars of oil and the other admitted to the jars,[2] Admon says, Since he admitted part of the claim he must be put on oath.[3] But the Sages say, This[4] is not an admission pertaining to the claim.[5] Rabban Gamaliel said, 'I approve the opinion of Admon.'[6]

[1]הַטּוֹעֵן אֶת־חֲבֵרוֹ כַּדֵּי שֶׁמֶן וְהוֹדָה
[2]בְּקַנְקַנִּים, אַדְמוֹן אוֹמֵר, הוֹאִיל
וְהוֹדָה בְּמִקְצַת הַטַּעֲנָה [3]יִשָּׁבַע.
וַחֲכָמִים אוֹמְרִים, אֵין [4]זוּ הוֹדָאָה
מִמִּין [5]הַטַּעֲנָה. אָמַר רַבָּן גַּמְלִיאֵל,
רוֹאֶה אֲנִי אֶת־דִּבְרֵי [6]אַדְמוֹן.

1 Literally *claims*. See שְׁבוּעוֹת 6[3]. **2** *i.e.*, but not to the oil. **3** In denial of the rest of the claim. **4** זוּ is omitted in some editions. **5** *i.e.*, their view is that the meaning of the claim refers to a demand for return of the oil, whereas the admission refers to something else, *viz.*, jars, and so he should not have to take an oath. **6** His view is accepted.

Mishnah 5

מִשְׁנָה ה

If one stipulated[1] to give money to his son-in-law and he then refused to pay him,[2] she may sit until the hair of her head grows white.[3] Admon says, She can say,[4] 'If[5] I myself had made the stipulation I would sit until the hair of my head grows white, but since now[6] it was my father that made the stipulation on my behalf what am I able to do? Either wed me or release me!' Rabban Gamaliel said, 'I concur with the statement of Admon.'[7]

[1]הַפּוֹסֵק מָעוֹת לַחֲתָנוֹ [2]וּפָשַׁט לוֹ
אֶת־הָרֶגֶל, תֵּשֵׁב עַד [3]שֶׁיַּלְבִּין
רֹאשָׁהּ. אַדְמוֹן אוֹמֵר, יְכוֹלָה הִיא
[4]שֶׁתֹּאמַר, [5]אִילוּ אֲנִי פָּסַקְתִּי לְעַצְמִי
אֵשֵׁב עַד שֶׁיַּלְבִּין רֹאשִׁי, [6]עַכְשָׁיו
שֶׁאַבָּא פָּסַק עָלַי מָה אֲנִי יְכוֹלָה
לַעֲשׂוֹת? אוֹ כְּנוֹס אוֹ פְּטוֹר. אָמַר
רַבָּן גַּמְלִיאֵל, רוֹאֶה אֲנִי אֶת־דִּבְרֵי
[7]אַדְמוֹן.

1 Before the wedding. **2** Literally *and stretched out his leg to him,* or *and became bankrupt towards him* (לוֹ).* **3** *i.e.,* the prospective son-in-law can not be forced to marry her nor to divorce her. Some editions have שֶׁתַּלְבִּין. **4** *i.e., plead.* **5** Or אֶלוּ. **6** Or עַכְשָׁו. **7** His humane view is accepted. * See ADDENDA at the end of this *Tractate.*

Mishnah 6

מִשְׁנָה ו

If one contested the ownership of a field,[1] but he himself had signed[2] as a witness, Admon says, He can say, 'The second was amenable to me and the first was too powerful for me.[3] But the Sages say, He has lost[4] his right thereto. If he[5] made it as a boundary for another, he has lost[4,6] his title thereto.[7]

הָעוֹרֵר עַל [1]הַשָּׂדֶה, וְהוּא [2]חָתוּם עָלֶיהָ בְּעֵד, אַדְמוֹן אוֹמֵר, יָכוֹל הוּא שֶׁיֹּאמַר, הַשֵּׁנִי נוֹחַ לִי וְהָרִאשׁוֹן קָשֶׁה [3]הֵימֶנּוּ. וַחֲכָמִים אוֹמְרִים, [4]אִיבֵּד אֶת־זְכוּתוֹ. [5]עֲשָׂאָהּ סִימָן לְאַחֵר, [4,6]אִיבֵּד אֶת־[7]זְכוּתוֹ.

1 He pleaded that the man in possession had come by it fraudulently or had bought it from another who had stolen it or had wrongfully appropriated it. **2** The deed of sale. **3** Or הֵימֶנּוּ. He thereby conveyed the idea that he had signed assuming that it would be less difficult to recover his property from the new possessor than from the dishonest seller. Thus: A disputes regarding a field in the possession of B, saying that this field had been fraudulently acquired by C from himself; A is a witness by signature on the bill of sale for the field from C to B; Admon says that A pleads that he desires the field to pass out of C's authority because B is less harsh to deal with for recovery but that B is difficult to negotiate with.* **4** Or אִבֵּד. **5** The claimant to the return of his field from a dishonest possessor. **6** אָבַד in some texts. **7** He had signed a contract of sale of land which was actually his own but was defined as bounded by a piece of land termed as the property of the fraudulent owner.* * See ADDENDA at the end of this *Tractate.*

Mishnah 7

מִשְׁנָה ז

Whosoever went to a land beyond the sea[1] and the path to his field was lost:[2] Admon[3] says, He may go by the shortest way,[4] but the Sages[5] say, He must purchase for himself a path for a hundred *manehs*[6] or fly through the air.[7]

מִי שֶׁהָלַךְ [1]לִמְדִינַת הַיָּם [2]וְאָבְדָה דַּרְכּוֹ שָׂדֶהוּ, [3]אַדְמוֹן אוֹמֵר, יֵלֵךְ [4]בִּקְצָרָה, [5]וַחֲכָמִים אוֹמְרִים, יִקְנֶה לוֹ דֶּרֶךְ [6]בְּמֵאָה מָנֶה אוֹ יִפְרַח [7]בָּאֲוִיר.

1 *i.e.,* outside Palestine, abroad, to a foreign country.* **2** One or more of the owners adjoining this path had annexed it fraudulently and it is not known who did so. **3** His view is rejected. **4** To reach his own field. **5** Their opinion is accepted. **6** *i.e.,* even though it may cost 100 *manehs.* **7** Or בָּאוּר, בָּאוּיר, בָּאוּיר. * See ADDENDA at the end of this *Tractate.*

Mishnah 8

מִשְׁנָה ח

If one produced a note of a debt against his fellow, and the latter[1] brought[2] forward[3] that he[4] had sold him a field,[5] Admon[6] says, He[7] can plead, 'If[8] I had been in debt to thee thou shouldst have recovered thy due when thou didst sell to me the field.'[9] But the Sages[10] say, The former was astute in having sold him the field because [then] he might be able to seize it in pledge.[11]

הַמּוֹצִיא שְׁטַר חוֹב עַל חֲבֵרוֹ [1]וְהָלָה
[2,3]הוֹצִיא [4]שֶׁמָּכַר לוֹ אֶת־[5]הַשָּׂדֶה,
[6]אַדְמוֹן אוֹמֵר, יָכוֹל [7]הוּא שֶׁיֹּאמַר,
[8]אִילוּ הָיִיתִי חַיָּיב לְךָ הָיָה לְךָ
לְהַפְרַע אֶת־שֶׁלְּךָ כְּשֶׁמָּכַרְתָּ לִי
אֶת־[9]הַשָּׂדֶה. [10]וַחֲכָמִים אוֹמְרִים,
זֶה הָיָה פִּקֵּחַ שֶׁמָּכַר לוֹ אֶת־הַקַּרְקַע
מִפְּנֵי שֶׁהוּא יָכוֹל [11]לְמַשְׁכְּנוֹ.

1 The debtor. Traditional pronunciation וְהָלָה. **2** מוֹצִיא, *brings,* in some editions. **3** A bill of sale (postdated to the bond of indebtedness). **4** The former. **5** Literally *the field.* **6** His view is rejected. **7** The latter, the borrower. **8** Or אִלּוּ in some texts. **9** *i.e.,* intending to prove that the bond of debt was fraudulent. **10** Their opinion is accepted. **11** For his debt. See ADDENDA at the end of this *Tractate.*

Mishnah 9

מִשְׁנָה ט

If two brought forward notes of debt one against the other, Admon[1] says,[2] 'If[3] I were[4] in debt to thee how was it that thou didst borrow from me?' But the Sages[5] say, The former recovers payment for his note of debt and the latter exacts payment for his bond of debt.

שְׁנַיִם שֶׁהוֹצִיאוּ שְׁטַר חוֹב זֶה עַל זֶה,
[1]אַדְמוֹן [2]אוֹמֵר, [3]אִילוּ [4]הָיִיתִי חַיָּיב
לְךָ כֵּיצַד אַתָּה לוֶה מִמֶּנִּי? וַחֲכָמִים
[5]אוֹמְרִים, זֶה גּוֹבֶה שְׁטַר חוֹבוֹ וְזֶה
גּוֹבֶה שְׁטַר חוֹבוֹ.

1 His opinion is rejected. **2** Some editions have אַדְמוֹן אוֹמֵר יָכוֹל שֶׁיֹּאמַר, *Admon says that he could plead,* ..... **3** Or אִלּוּ. **4** *i.e., One,* [whose bond bore the later date] *can plead, 'If I were* .....' **5** Their view is accepted that each is entitled to recover [the amount of] the bond which he holds.

Mishnah 10

מִשְׁנָה י

With respect to marriages the following three provinces[1] are considered as distinct countries: Judaea, and beyond the Jordan, and Galilee. They can not take forth[2] from one town to another town[3] nor from one city[4] to another city;[3] but in the same country they may take forth[5] from one town to another town, or from one city to another city, but not from a town to a city or from a city to a town. They can take forth from a bad dwelling to a good dwelling,[6] but not from a good dwelling to a bad dwelling.[7] Rabban[8] Simon[9] ben Gamaliel says, Not[10] even[11] from a bad dwelling to a good dwelling, since the good dwelling may be trying.[12]

שָׁלֹשׁ [1]אֲרָצוֹת לִנְשׂוּאִין, יְהוּדָה וְעֵבֶר הַיַּרְדֵּן, וְהַגָּלִיל. [2]אֵין מוֹצִיאִין מֵעִיר [3]לְעִיר [4]וּמִכְּרָךְ לִכְרָךְ; אֲבָל בְּאוֹתָהּ הָאָרֶץ [5]מוֹצִיאִין מֵעִיר לְעִיר וּמִכְּרָךְ לִכְרָךְ, אֲבָל לֹא מֵעִיר לִכְרָךְ וְלֹא מִכְּרָךְ לְעִיר. מוֹצִיאִין מִנָּוֶה הָרָעָה [6]לְנָוֶה הַיָּפָה, אֲבָל לֹא מִנָּוֶה הַיָּפָה [7]לְנָוֶה הָרָעָה. [8]רַבָּן [9]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, [11]אַף [10]לֹא מִנָּוֶה רָעָה לְנָוֶה יָפָה, מִפְּנֵי שֶׁהַנָּוֶה הַיָּפָה [12]בּוֹדֵק.

1 In Palestine, where the laws regarding marriage vary— if one married a woman from one of these he could not force her to go with him to live elsewhere. **2** Their wives against their will. **3** In another province. **4** כְּרָךְ, *city, capital, fortified town.* כְּרָךְ is larger than עִיר. **5** Even against the will of their wives. **6** But not against a woman's will. **7** A man may not compel his wife to move with him from a good dwelling to an inferior one or to one with a worse style of living. **8** וְרַבָּן, *But Rabban,* in some editions. **9** His view is accepted. **10** לֹא is omitted in some texts. **11** She can not be forced against her will. **12** *i.e.,* injurious to the woman's health because of the change and the new environment. בּוֹדֶקֶת [*f.*] would grammatically be the correct form in agreement with נָוֶה [*f.*] (but the phrase could be pointed שֶׁהַנָּוֶה הַיָּפָה בּוֹדֵק as there is a corresponding form נָוֶה which is *m.*).

Mishnah 11

מִשְׁנָה יא

All can be compelled to move to the Land of Israel[1] but no one may be compelled to move out.[2] All may be forced to go up to Jerusalem but none can be made to leave, whether they be men or women.[3] If

הַכֹּל מַעֲלִין [1]לְאֶרֶץ יִשְׂרָאֵל וְאֵין הַכֹּל [2]מוֹצִיאִין. הַכֹּל מַעֲלִין לִירוּשָׁלַיִם וְאֵין הַכֹּל מוֹצִיאִין, אֶחָד הָאֲנָשִׁים וְאֶחָד [3]הַנָּשִׁים. נָשָׂא אִשָּׁה

one wedded a woman in the Land of Israel, and divorced her in the Land of Israel he may give[4] her[5] in the coinage of the Land of Israel. If one wed a woman in the Land of Israel and divorced her in Cappadocia,[6] he must give her in the coinage of the Land of Israel. If one married a woman in Cappadocia and divorced[7] her in the Land of Israel, he must give her in the coinage of the Land of Israel. Rabban Simon[8] ben Gamaliel says, He gives her in the coinage of Cappadocia.[9] If one married a woman in Cappadocia and divorced her in Cappadocia, he gives her in the coinage of Cappadocia.

בְּאֶרֶץ יִשְׂרָאֵל וְגֵרְשָׁהּ בְּאֶרֶץ יִשְׂרָאֵל, [4]נוֹתֵן [5]לָהּ מִמָּעוֹת אֶרֶץ יִשְׂרָאֵל. נָשָׂא אִשָּׁה בְּאֶרֶץ יִשְׂרָאֵל וְגֵרְשָׁהּ [6]בְּקַפּוּטְקִיָּא, נוֹתֵן לָהּ מִמָּעוֹת אֶרֶץ יִשְׂרָאֵל. נָשָׂא אִשָּׁה בְּקַפּוּטְקִיָּא [7]וְגֵרְשָׁהּ בְּאֶרֶץ יִשְׂרָאֵל, נוֹתֵן לָהּ מִמָּעוֹת אֶרֶץ יִשְׂרָאֵל. רַבָּן [8]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, נוֹתֵן לָהּ מִמָּעוֹת [9]קַפּוּטְקִיָּא. נָשָׂא אִשָּׁה בְּקַפּוּטְקִיָּא וְגֵרְשָׁהּ בְּקַפּוּטְקִיָּא נוֹתֵן לָהּ מִמָּעוֹת קַפּוּטְקִיָּא.

1 *i.e.*, a man may compel his wife, children and Canaanite slaves to go to אֶרֶץ יִשְׂרָאֵל. **2** From אֶרֶץ יִשְׂרָאֵל. **3** Literally *the men or the women.* Some texts have אֶחָד אֲנָשִׁים וְאֶחָד נָשִׁים, others have הַנָּשִׁים, *the women,* and others עֲבָדִים, *slaves, bondmen.* The woman can insist on the husband doing so (if he refuses he must give her her כְּתוּבָּה and גֵּט), and if he demands and she declines she is to be divorced and forfeits her כְּתוּבָּה. **4** *i.e., pay.* **5** When settling up her כְּתוּבָּה. **6** Or קַפּוּדַקִיָּא, a district in Asia Minor near Palestine. This particular locality is cited here as an instance for all such cases. **7** וְגֵרְשָׁהּ in some editions. **8** His opinion is rejected. **9** The coins of Cappadocia were larger and worth more than the corresponding coins in אֶרֶץ יִשְׂרָאֵל. **10** Some editions have וְשַׁלְמָה מַסֶּכֶת כְּתוּבּוֹת.

[10]סְלִיק מַסֶּכֶת כְּתוּבּוֹת

TRACTATE KETHUBOTH CONCLUDED.

ADDENDA.

[Additional **Notes** to the *Tractate*]

1^1, **Note 2.** This was also in order that the bridal couple should have at least three full days for keeping company together and not have to repair to work. (Thursday:) should the bridegroom have to complain of non-virginity he presents himself early the next morning before the Beth-Din.

1^1, **Note 6.** In the case of a virgin the גְּמָרָא has it that he is debarred from espousing her on a Sunday, although he could lodge his non-virginity complaint on the Sunday morning, because it is an enactment of the Rabbis (מִדְּרַבָּנָן) that three clear days be given to Jewish girls for wedding preparations which is impossible if the wedding is taking place on a Sunday on account of the Sabbath preceding. In the time of the *Mishnah* the betrothal (קִדּוּשִׁין) took place long before the wedding (חוּפָּה); in case of misconduct after the betrothal he would be forbidden to espouse her irrespective of his consent; hence the fear if he be given time for appeasement he might refrain from lodging the complaint and thus live with her in sin.

1^5, **Note 1.** Maimonides and Bertinoro say that in Judæa the custom was for the father-in-law to make a repast at the time of betrothal, during which bride and bridegroom were left alone. This was done to accustom them to each other's society; but the law assumes that he abused the opportunity, and therefore has no right to complain. In this light the translation might be: 'He who in Judæa has partaken [of the betrothal] at his father-in-law's without witnesses [present] can not prefer an accusation of non-virginity, because he was alone with her .....'

1^9, **Note 8.** Cohabitation with one of these disqualifies her from marrying a priest, because this makes her a זוֹנָה (harlot).

2^4, **Note 8.** Rabbi is of opinion that the verification of the *signatures* requires two witnesses. The Sages on the other hand say that only the *contents* of the documents must be testified by two witnesses and since each witness is believed when he says 'This is my handwriting' then the document is proved genuine.

2^5, **Note 12.** In case she has not married yet that permission to marry cannot be invalidated and לֹא תֵצֵא in the text means she does not emerge from her declared status.

2^{10}, **Note 12.** מַעֲמָד וּמוֹשָׁב, *standing up and sitting down,* halt of the funeral escort on returning from burial for lamentation or consolation. They are not believed to testify when they grew up that so and so had the right of keeping מַעֲמָד וּמוֹשָׁב or a funeral oration in this place, because this entails property ownership and this requires the testimony of proper witnesses.

3^{1}, **Note 1.** These girls, although they belong to those women an Israelite was forbidden to marry, nevertheless have the right to recover the fine when violated.

3^{1}, **Note 6.** Incidental to the fact that these three women were in the power of heathens they are presumed to have been defloured by them, nevertheless since they were freed from them at age of under three years, the token of virginity would have been restored, therefore if they were violated by an Israelite after that time they are entitled to the fine imposed on him by the Law.

3^{6}, **Note 5.** The principle is laid down here that wherever the fine or the compensation belongs to herself and not to the father that a seducer would not have to pay it, because it is assumed that by consenting to prostitute her person she renounced her right to legal compensation but she could renounce her father's right.

3^{8}, **Note 2.** No fine can be inflicted, *i.e.,* he does not pay קְנָס but he has to pay בּוֹשֶׁת וּפְגָם, and if he ravaged her also צַעַר.

4^{4}, **Note 3.** The father had the right to effect the betrothal of his daughter. If he accepted the קִדּוּשִׁין from her bridegroom whether by money or the document in which the latter wrote 'I am herewith betrothing your daughter' or if the father handed over his daughter for copulation [for a consideration] for betrothal she becomes betrothed.

4^{4}, **Note 6.** 'He is moreover entitled to what she finds, to her earnings, and to annul her vows'—alternative rendering.

4^{4}, **Note 9.** If he accepts the גֵּט from his son-in-law his daughter becomes divorced.

4^{4}, **Note 10.** But he does not enjoy usufruct (of her maternal property).

4^{6}, **Note 2.** Commentators are divided in opinion as to what is here understood by the חוּפָּה. According to Rambam, it denotes a bower of roses

and myrtles into which the bridegroom conducts his bride [after she has been surrendered to him by the father], *and where they are left alone.* According to Rabbenu Nissim, however, it is not necessary that they should be alone, but the wife becomes subject to the husband's authority as soon as she enters his abode to be there married to him.

5², **Note 1.** Both כְּלוֹת, whether a בְּתוּלָה (virgin) or an אַלְמָנָה (widow). 'After her betrothal'—from the time the husband proposed marriage to her, this may happen even ten years after betrothal [Maimonides].

5⁶, **Note 8.** This is not obligatory. The Sages suggest it to her to do so as a kindly advice in order to promote amity between her and her husband.

5⁸, **Note 3.** Wheat is always superior to barley. She would have always to receive more barley than wheat but not as much as double. Only of Idumean barley she would secure double.

5⁸, **Note 9.** Some texts have the reading מֶפֶץ וְאִם אֵין לוֹ מֶפֶץ מַחְצֶלֶת. From this it would appear that both מֶפֶץ and מַחְצֶלֶת were *matting* and that the latter was the inferior sort.

6¹, **Note 2.** If he dies or divorces her she comes into full possession of whatever she inherits.

6¹, **Note 6.** Some would read אֵין לָהּ שָׁוֶה מָנֶה as אֵין לוֹ שָׁוֶה מָנֶה, *viz.*, if the stipulation was that he writes in the כְּתוּבָּה that she brought שׁוּם for a *maneh* and it is *actually* worth a *maneh* the *husband* receives no more than a *maneh.* But generally if she wishes that the husband writes in the כְּתוּבָּה that she brought שׁוּם for a *maneh* then she must give him a *maneh.*

7¹, **Note 1.** He is to furnish her with necessaries beyond the produce of her own labour. The husband must not specially appoint this guardian since a man's representative is like himself; a special appointment would, therefore, be an infringement on his vow, but he declares "Whosoever provides for her shall not be a loser."

7⁴, **Note 1.** He who tacitly confirms the vow of his wife that she will not enter her father's house, *i.e.*, under a penalty, that if she does she would forego all connubial intercourse with him.

7^4, **Note 3.** According to the גְּמָרָא the text here requires the following emendation: 'But if the vow extend to two Festivals he must divorce her and pay the כְּתוּבָּה; but in the case of a priestess, should the vow extend to two Festivals, he may keep her, but if to three .....' etc. ..... and the author of this *Mishnah* would of course be R. Judah.

7^5, **Note 3.** Further, he excludes her from the opportunity of others offering their sympathy to her in times of her sorrow and from consolation that might alleviate her suffering.

7^5, **Note 6.** According to some commentators, this means that she is to prevent conception after coition. The conditions here mentioned are such, that in the one case she is required to violate the rules of decency and of self-respect, and in the other to appear in the eyes of the world as a mentally defective person or be guilty of an impious act.

7^7, תְּנָא שֶׁלֹּא בְּכְתוּבָּה: according to one authority it should mean that should he have espoused her without investigation (as to the condition he stipulated) and then discovers that she is subject to vows, he may divorce her without paying her כְּתוּבָּה.

7^7, **Note 2.** It is taken to mean that she must not be bound to abstain from such or such things which constitute עִנּוּי נֶפֶשׁ (self-affliction) against which any right-minded husband would object. Or if he said or stipulated she must not be bound by any vow whatsoever, and it is discovered that she is subject to one vow whatever, then she needs no גֵּט.

7^{10}, **Note 1.** Some texts have אוֹתָן or אוֹתָם instead of אוֹתוֹ, and in this case the rendering is: 'The following are they whom [the Beth Din] compel to divorce their wives [if the latter demand גֵּט] except in the case of a leper, even if she were willing to live with him he is compelled to divorce her because marital relation is injurious to the leprous person.'

8^1, **Note 6.** The dispute is about selling before marriage, and only in that case do the School of Hillel agree that her sale is valid but not if she sold after marriage.

8^1, **Note 7.** As by the act of betrothing, the husband acquires an absolute and exclusive right to possess and enjoy the wife's person, it follows that by the same act he acquires an equal right to her property, which in fact is but an appendage to her person. Why then should the sale of it on her part be valid?

8², **Notes 3, 5, 6.** [הַיְדוּעִים] Real property to which he knows before marriage that she must succeed, and which knowledge may have influenced him in forming the alliance. [שֶׁאֵינָן יְדוּעִים] Property which, before marriage, he did not know she would inherit, and the expectation of which cannot have influenced him in forming the matrimonial alliance.

8⁶, **Note 4.** All these belonged to the husband till he died according to some authorities (but not *Rashi* and *Rambam*).

8⁶, **Note 5.** נְכָסֵי מְלוֹג is the wife's property whose usufruct belongs to the husband. But he is not responsible for loss or deterioration, whereas נְכָסֵי צֹאן בַּרְזֶל is the dowry which the wife brings on her marriage which in every respect becomes the husband's property.

8⁶, **Note 8.** We deem the properties to be in the continued ownership of their erstwhile holders.

8⁶, **Note 9.** It is according to *Rashi* who holds that נְכָסֵי צֹאן בַּרְזֶל is to be divided between the father's heirs and the husband's heirs because he considers them to be in some respects also hers; some hold that the נְכָסֵי צֹאן בַּרְזֶל is definitely the husband's and the יָבָם stands now in full rights of the husband and the נְכָסֵי צֹאן בַּרְזֶל is his.

9², **Note 3.** Whose title in law is the weakest as he has no claim on the property which his debtor has alienated prior to that date.

9⁷, **Note 2.** If she admits payment of part of her כְּתוּבָּה she destroys the integrity of her כְּתוּבָּה.

9⁹, **Note 1.*** She is entitled to her כְּתוּבָּה, that is to say, if the גֵּט be not torn or cancelled, as this is invariably done by the בֵּית דִּין at the time when the כְּתוּבָּה is paid.

10³, **Note 1.** So as to be included in the estimate of actual property, and by that means produce a surplus beyond the amount of the two כְּתוּבּוֹת mentioned in the preceding *Mishnah.*

10⁴, *they share this equally*—In this and in subsequent cases the supposition is that the כְּתוּבּוֹת are all dated the same day and hour, or the property to be divided consists of movables only which are not subject to the right of priority.

10[5], **Note 9**. Should A hold a mortgage on B's land consisting of two plots of ground one of which B sells to C and subsequently sells the second plot to D. Should A renounce his mortgage rights in favour of D, he may nevertheless come upon C who, as the first purchaser, has a right to come upon D, who, by virtue of the renunciation, has a right to come upon A who again comes upon C and so on till some arrangement is made.

11[2], **Note 7**. Because she is entitled by the clause in her כְּתוּבָּה to be maintained out of the property of her husband; she is entitled to raise the money for it out of the husband's property without applying to the בֵּית דִּין in order that she may not suffer want by having to wait for the execution by בֵּית דִּין.

11[4], **Note 4**. She does not enjoy the profit arising from her sale although she must bear the loss arising therefrom.

12[3], **Note 3**. This comprises the use of the furniture and utensils which she had been in the habit of using during the lifetime of her husband, and also the services of the male and female domestics to whose attendance she is accustomed.

12[4], **Note 4**. According to *Rashi, Tosefoth Yom Tov, Bartenoro* and *Tifereth Yisrael* this means that she will have done good to the poor or that she will have treated her neighbours and visitors to an amount equal to her כְּתוּבָּה out of the husband's property.

13[1], **Note 1**. According to Z. Frankel in his דרכי המשנה, page 63, this office corresponded to our 'Police Magistrate.'

13[1], **Note 2**. (a) Which the Sages did not approve of, but of which some obtained the force of law. (b) מְדִינַת הַיָּם: all countries outside Palestine are thus called, but it relates more especially to those beyond its Mediterranean sea-coast.

13[1], **Note 3**. [Rambam] Or not until the husband returns and pleads 'I left thee sufficient means for thy maintenance' when she must be sworn that he did not do so.

13[1], **Note 6**. Because it is assumed that he would not have left his wife without any means of subsistence. But should he have left her after a quarrel, then she is maintained out of his property at once if she so claims.

13[2], **Note 5.** As the husband on his return may say, "I did not request or authorise thee to advance money for such a purpose and therefore have not undertaken to repay it." If, however, the advance was made on the woman's request and under a promise that it would be repaid, the man may sue her, and she may summon her husband who in that case is bound to repay it unless he can swear that he left her sufficient means for her support.

13[2], **Note 8.** A figurative expression signifying that risking his money in such an advance is placing it in jeopardy as great as if he had put it on the antlers of a stag which runs away with it without his being able to overtake it.

13[4], **Note 5.** The Sages assume that the demand made is for oil only, for had the plaintiff considered the jars as a distinct portion of his claim, he would have sued defendant for 'certain jars containing oil,' and as the demand is for oil only, while the admission is restricted to jars which form no part of the plaintiff's demand, they argue that Admon's decision is wrong. R. Gamaliel, however, agrees with Admon, that 'jars of oil' means 'both jars and oil.'

13[5], **Note 2.** 'Holds his foot to him'—a gesture of contempt, as if he said, "Take thy dowry out of the dust on my shoe." *Rambam* explains 'if after the wedding the father runs away to a distant country': according to this exposition, the phrase of the text would run 'gives him leg bail.'

13[8], **Note 1.** Or thus: 'If one disputed the title of a field [of which he declares the vendor had forcibly dispossessed him] and was himself a subscribing witness [to the deed of sale, by which the alleged usurper conveys this very field to the purchaser whose title he disputes].'

13[8], **Note 3.** Some commentators explain his plea in the following manner: 'The man who dispossed me forcibly was so powerful and influential that I preferred to submit and even tacitly to sanction his usurpation rather than involve myself in a ruinous contest, and I attested the deed of sale because I wished the field to get into the hands of a man of my own standing against whom I could enforce my rights.'

13[8], **Note 7.** The position may be stated thus: if, when selling another field, he has in the conveyance described the disputed field—bordering on the one which he sells—as belonging to the alleged forcible holder, by which description he acknowledges his title.

13[7], **Note 1**. Admon and the Sages agree that should the fields adjoining his own belong to different proprietors, he must purchase a right of way, as every one of the neighbours will say "Prove that it is I, and no one else, who has seized on thy property." They also agree that if all the adjoining fields belong to one proprietor the man has a right to cut a path, as in that case there can be no doubt that the great proprietor must have seized on his property. The dispute arises from the circumstance that the adjoining fields, though originally the property of different persons, have eventually become the property of one man. [The expression 'fly through the air' is used to denote the legal impossibility of getting to his field, and if he crosses it he commits trespass on his neighbour's grounds].

13[8], **Note 11**. Assuming that as the debtor possessed no immovable or other tangible property, the plaintiff got him to buy land, by which means he gained a security for his demand.

מַסֶּכֶת

נְדָרִים

TRACTATE
NEDARIM

[BEING THE THIRD TRACTATE OF THE THIRD ORDER NASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

PHILIP BLACKMAN, F.C.S.

MS. of this Tractate revised by

REV. S. SEGAL, M.A.

INTRODUCTION.

נְדָרִים, **Nedarim,** is the *Third* מַסֶּכֶת, *Tractate* or *Treatise,* of סֵדֶר נָשִׁים, the *Third Order Nashim* of the מִשְׁנָה, *Mishnah.*

The term נֶדֶר (*plural* נְדָרִים, and a derivative of the *verb* נָדַר) according to Scripture is a *solemn vow* or *promise,* made voluntarily (*i.e.,* not under compulsion) to dedicate or consecrate aught in the service or honour of the Eternal, or to serve as an expression of gratitude to Him, or to take the place of prayer beseeching His aid.

The profanation or non-fulfilment of a vow was considered rightly so great and heinous an enormity that the making of vows was deprecated and discouraged, and stress was laid on the need for the exercise of self-control and utmost urge to do right without the recourse to the incentive of vows, promises and oaths. Rashness and lack of self-discipline, restraint and self-government often lead the individual to form vows which turn out to be impossible or immoral of fulfilment with the result that relief has to be sought, which relief or annulment can only be granted by properly constituted authority, and it may even be impossible in certain circumstances to disannul a vow however much it may be spiritually or physically or materially injurious or unpleasant to the vower or others concerned.

This *Tractate* deals with the various forms which a person imposes upon himself to abstain from anything, and it also treats of the disannulment of, or exemption or dispensation from, such vows, the latter particularly applying to those of a married woman which may be nullified by the husband or of a maiden that may be annulled by the father.

The *Tractate* is based on *Numbers* **30,** 3-16, and *Deuteronomy* **23,** 22-24.

Numbers **30:**

(3) אִישׁ כִּי יִדֹּר נֶדֶר לַה׳ אוֹ הִשָּׁבַע שְׁבֻעָה לֶאְסֹר אִסָּר עַל נַפְשׁוֹ לֹא יַחֵל דְּבָרוֹ כְּכָל הַיֹּצֵא מִפִּיו יַעֲשֶׂה

When a man voweth a vow unto the Eternal, or sweareth an oath to bind his soul with a bond, he shall not profane his word; he shall do in accordance with all that proceedeth out of his mouth.

(4) וְאִשָּׁה כִּי תִדֹּר נֶדֶר לַה׳ וְאָסְרָה אִסָּר בְּבֵית אָבִיהָ בִּנְעֻרֶיהָ

Also when a woman voweth a vow unto the Eternal, and bindeth herself by a bond, being in her father's home, in her youth,

(5) וְשָׁמַע אָבִיהָ אֶת־נִדְרָהּ וֶאֱסָרָהּ אֲשֶׁר אָסְרָה עַל נַפְשָׁהּ וְהֶחֱרִישׁ לָהּ אָבִיהָ וְקָמוּ כָּל־נְדָרֶיהָ וְכָל אִסָּר אֲשֶׁר אָסְרָה עַל נַפְשָׁהּ יָקוּם

And her father heareth her vow, or her bond whereby she hath bound her soul, and her father maintaineth silence at her, then all her vows shall stand, and every bond wherewith she hath bound her soul shall be valid.

(6) וְאִם הֵנִיא אָבִיהָ אֹתָהּ בְּיוֹם שָׁמְעוֹ כָּל־נְדָרֶיהָ וֶאֱסָרֶיהָ אֲשֶׁר אָסְרָה עַל נַפְשָׁהּ לֹא יָקוּם וַה׳ יִסְלַח לָהּ כִּי הֵנִיא אָבִיהָ אוֹתָהּ

But if her father negative her in the day that he heareth, none of her vows, or of her bonds whereby she hath bound her soul, shall stand; and the Eternal will pardon her, because her father disallowed her.

(7) וְאִם הָיוֹ תִהְיֶה לְאִישׁ וּנְדָרֶיהָ עָלֶיהָ אוֹ מִבְטָא שְׂפָתֶיהָ אֲשֶׁר אָסְרָה עַל נַפְשָׁהּ

And if she be wedded to a husband, while her vows are upon her, or the rash utterance of her lips, whereby she hath bound her soul:

(8) וְשָׁמַע אִישָׁהּ בְּיוֹם שָׁמְעוֹ וְהֶחֱרִישׁ לָהּ וְקָמוּ נְדָרֶיהָ וֶאֱסָרֶיהָ אֲשֶׁר אָסְרָה עַל נַפְשָׁהּ יָקוּמוּ

And her husband hear it, whatever day it be that he heareth it, and maintain silence at her, then her vows shall be licit, and her bonds wherewith she hath bound her soul shall stand.

(9) וְאִם בְּיוֹם שָׁמְעַ אִישָׁהּ יָנִיא אוֹתָהּ וְהֵפֵר אֶת־נִדְרָהּ אֲשֶׁר עָלֶיהָ וְאֵת מִבְטָא שְׂפָתֶיהָ אֲשֶׁר אָסְרָה עַל נַפְשָׁהּ וַה׳ יִסְלַח

But if her husband refute her in the day that he heareth it, then he shall annul her vow which is upon her, and the rash expression of her lips, whereby she hath bound her soul; and the Eternal will pardon her.

(10) וְנֶדֶר אַלְמָנָה וּגְרוּשָׁה כֹּל אֲשֶׁר אָסְרָה עַל נַפְשָׁהּ יָקוּם עָלֶיהָ

But the vow of a widow, or of one that is divorced, even every thing whereby she hath bound her soul, must stand against her.

(11) וְאִם בֵּית אִישָׁהּ נָדָרָה אוֹ אָסְרָה אִסָּר עַל נַפְשָׁהּ בִּשְׁבֻעָה

And if a woman made a vow in her husband's house, or bound her soul by a bond with an oath,

(12) וְשָׁמַע אִישָׁהּ וְהֶחֱרִשׁ לָהּ לֹא הֵנִיא אֹתָהּ וְקָמוּ כָּל־נְדָרֶיהָ וְכָל אִסָּר אֲשֶׁר אָסְרָה עַל נַפְשָׁהּ יָקוּם

And her husband heard it, and he held his peace at her, and disallowed her not, then all her vows must stand, and every bond whereby she bound her soul must stand.

(13) וְאִם הָפֵר יָפֵר אִתָּם בְּיוֹם שָׁמְעוֹ כָּל־מוֹצָא שְׂפָתֶיהָ לִנְדָרֶיהָ וּלְאֵסַר נַפְשָׁהּ לֹא יָקוּם אִישָׁהּ הֵפֵרָם וַה׳ יִסְלַח־לָהּ

But if her husband do disannul them in the day that he heareth them, then whatsoever proceeded out of her lips, whether her vows, or the bond of her soul, shall not be licit: her husband hath cancelled them; and the Eternal will forgive her.

(14) כָּל־נֶדֶר וְכָל שְׁבֻעַת אִסָּר לְעַנֹּת נָפֶשׁ אִישָׁהּ יְקִימֶנּוּ וְאִישָׁהּ יְפֵרֶנּוּ

Every vow, and every binding oath to afflict the soul, her husband may let it stand, or her husband may annul it.

(15) וְאִם הַחֲרֵשׁ יַחֲרִישׁ לָהּ אִישָׁהּ מִיּוֹם אֶל־יוֹם וְהֵקִים אֶת־כָּל־נְדָרֶיהָ אוֹ אֶת־כָּל־אֱסָרֶיהָ אֲשֶׁר עָלֶיהָ הֵקִים אֹתָם כִּי הֶחֱרִשׁ לָהּ בְּיוֹם שָׁמְעוֹ

But if her husband do hold his peace at her from day to day, then he causeth all her vows to be valid, or all her bonds, which are upon her; he hath made them licit, because he kept silent at her in the day that he heard them.

(16) וְאִם הָפֵר יָפֵר אֹתָם אַחֲרֵי שָׁמְעוֹ וְנָשָׂא אֶת־עֲוֹנָהּ

But if he shall surely render them null and void after he hath heard them, then shall he bear her iniquity.

Deuteronomy **23:**

(22) כִּי תִדֹּר נֶדֶר לַה׳ אֱלֹהֶיךָ לֹא תְאַחֵר לְשַׁלְּמוֹ כִּי דָרֹשׁ יִדְרְשֶׁנּוּ ה׳ אֱלֹהֶיךָ מֵעִמָּךְ וְהָיָה בְךָ חֵטְא

When thou shalt vow a vow unto the Eternal thy God, thou shalt not delay to pay it; for the Eternal thy God will surely require it of thee; and it would be sin in thee.

(23) וְכִי תֶחְדַּל לִנְדֹּר לֹא יִהְיֶה בְךָ חֵטְא

But if thou shalt refrain from vowing it shall be no sin in thee.

(24) מוֹצָא שְׂפָתֶיךָ תִּשְׁמֹר וְעָשִׂיתָ כַּאֲשֶׁר נָדַרְתָּ לַה׳ אֱלֹהֶיךָ נְדָבָה אֲשֶׁר דִּבַּרְתָּ בְּפִיךָ

That which proceedeth from thy lips thou shalt observe and do; according as thou hast vowed even a freewill offering unto the Eternal thy God, which thou hast promised with thy mouth.

This *Tractate* has גְּמָרָא to it in both the תַּלְמוּד בַּבְלִי, *Babylonian Talmud,* and תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud.*

There are eleven Chapters and their titles are:

CHAPTER 1	כָּל־כִּנּוּיֵי	א	פֶּרֶק
CHAPTER 2	וְאֵלּוּ מוּתָּרִין	ב	פֶּרֶק
CHAPTER 3	אַרְבָּעָה נְדָרִים	ג	פֶּרֶק
CHAPTER 4	אֵין בֵּין הַמּוֹדֵר	ד	פֶּרֶק
CHAPTER 5	הַשּׁוּתָּפִין	ה	פֶּרֶק
CHAPTER 6	הַנּוֹדֵר מִן־הַמְּבוּשָׁל	ו	פֶּרֶק
CHAPTER 7	הַנּוֹדֵר מִן־הַיָּרָק	ז	פֶּרֶק
CHAPTER 8	קוֹנָם יַיִן	ח	פֶּרֶק
CHAPTER 9	רַבִּי אֱלִיעֶזֶר	ט	פֶּרֶק
CHAPTER 10	נַעֲרָה הַמְּאוֹרָסָה	י	פֶּרֶק
CHAPTER 11	וְאֵלּוּ נְדָרִים	יא	פֶּרֶק

The main subjects treated of in the eleven Chapters are: 1. Substitute terms for vows, oaths, and bans; sacrifices and parts deemed as vows; expressions considered as vows. 2. Expressions disregarded as vows; distinction between vows and oaths; difference between Judaeans and Galileans regarding חֵרֶם; evasions that invalidate vows. 3. Invalid vows; false oath; the circumcised, the uncircumcised, circumcision. 4. Relationships between vower and one vowed against. 5. Questions of use of common property between vower and one vowed against. 6. What is forbidden to a vower who vows to abstain from certain foods and drinks. 7. Continuation of Chapter 6 and extension to clothes, bed, house, city; conditional renunciation of vows for a definite period. 8. More particulars of the final part of Chapter 7, and the cancellation of such vows. 9. Dispensation of vows. 10. Cancellation of vows of wife, daughter, *levirate* sister-in-law. 11. Which vows of wife, daughter, may be disannulled; invalidity of erroneous or partial annulment; virgins whose vows may not be cancelled; invalidness of wife's vow to force husband to divorce her.

מַסֶּכֶת

נְדָרִים

TRACTATE

NEDARIM

CHAPTER 1

פֶּרֶק א

Mishnah 1

מִשְׁנָה א

כָּל־[1]כִּנּוּיֵי [2]נְדָרִים [3]כִּנְדָרִים, וַחֲרָמִים כַּחֲרָמִים, וּשְׁבוּעוֹת כִּשְׁבוּעוֹת, [4]וּנְזִירוֹת כִּנְזִירוֹת. הָאוֹמֵר לַחֲבֵירוֹ, [5]מוּדָרַנִי מִמָּךְ, [6]מוּפְרָשְׁנִי מִמָּךְ, [7]מְרוּחָקְנִי מִמָּךְ, [8]שֶׁאֵינִי אוֹכֵל לָךְ, [9]שֶׁאֵינִי טוֹעֵם לָךְ, [10]אָסוּר. [12,11]מְנוּדֶה אֲנִי לָךְ, רַבִּי עֲקִיבָא הָיָה חוֹכֵךְ בָּזֶה [13]לְהַחְמִיר. [14]כִּנְדָרֵי רְשָׁעִים, [18]נֶדֶר בְּנָזִיר, וּבְקָרְבָּן, [15]וּבִשְׁבוּעָה. [16]כִּנְדָרֵי כְשֵׁרִים, לֹא אָמַר כְּלוּם. [17]כִּנְדָבוֹתָם [18]נֶדֶר בְּנָזִיר [19]וּבְקָרְבָּן.

All substitute words[1] for vows[2] are[3] as the vows, and for bans are as the bans, and for oaths are as the oaths, and for a nazarite's* vow[4] are as the nazarite's vow. If one say to his fellow, 'May I be forbidden from thee by a vow,'[5] or, 'May I be maintained separated from thee,'[6] or, 'May I be removed far from thee,'[7] for I will eat nothing of thine,'[8] or, 'If I taste anything of thine,'[9] then he[10] is prohibited to him. 'May I[11] be as one excommunicated[12] to thee,' R. Akiba was hesitant to decide in favour of greater severity for this.[13] 'As the vows of the wicked,'[14] the vow is binding[18] regarding the nazarite's vow, and the offering, and the oaths.[15] 'As the vows of the pious,'[16] his statement is of no account. 'As their freewill-offerings,'[17] the vow is binding[18] concerning the nazarite's vow and the offering.[19]

* *nazarite, nazirite.*

1 כִּנּוּי, *substitute word* (a term used as a substitute for another term). (See the next *Mishnah*). **2** The distinction between נֶדֶר, *vow*, and שְׁבוּעָה, *oath*: נֶדֶר indicates that a certain *object* or *thing* is prohibited to be used whereas שְׁבוּעָה implies that a certain *action* is forbidden to be carried out (though in both cases they are perfectly allowable otherwise). אִסּוּר is the 'opposite'

(antonym) or 'negative' of נֶדֶר, in both these cases the act being of an absolutely voluntary, self-imposed nature, the אִסּוּר referring to *abstention* from carrying out an action or deriving any benefit or advantage from such or from something, which is otherwise permissible. **3** *i.e., are binding.* **4** נְזִירוּת, *f.s.* (*pl.* נְזִירִיּוֹת) or נְזִירוֹת *f.pl.* (*f.s.* נְזִירָה), *abstinence, vow of a nazirite, nazariteship, naziritism* (see נָזִיר INTRODUCTION). **5** מוּדְרָנִי מִמְּךָ, 'I place a vow upon myself against thee,' 'I am subjected to the influence of a vow [not to derive any benefit, favour or advantage] from thee,' 'I am as if under a vow of thine [prohibiting me from any favour, advantage or benefit accruing from thee],' *e.g.*, 'May I be forbidden from thee by vow if I eat or drink or taste aught of thine'—the prohibition being as that of an offering [implied]. **6** מוּפְרָשְׁנִי מִמְּךָ, 'I vow to separate myself from thee [to have no dealings with thee],' 'I am [as if] separated by a vow from thee [not to accept or receive or derive any advantage, favour or benefit from thee],' *e.g.*, 'May I be maintained separated from thee if I eat or drink or taste aught of thine'—the prohibition being as that of an offering [implied]. **7** מְרוּחָקָנִי מִמְּךָ, 'I place myself under a vow far from thee,' 'I vow to be distant from thee [not to accept or receive or derive from thee any advantage, benefit or favour],' *e.g.*, 'May I be removed from thee if I eat or drink or taste anything of thine'—the prohibition being as that of an [implied] offering. **8** Or 'If I eat anything of thine.' **9** Even though no statement was made to the effect that the abstention should be equal to the prohibition of a קָרְבָּן, *offering.* **10** His fellow. **11** *i.e., If one said to his fellow,* 'May I be .....' **12** מְנוּדֶּה אֲנִי לְךָ, 'I vow to be excommunicated from thee,' 'I am [as if] excommunicated towards thee by a vow [not to accept or receive or derive from thee any advantage, favour or benefit],' *e.g.*, 'I vow to be banned from thee if I eat or drink or taste anything of thine'—the prohibition being as that of an [implied] offering. **13** *i.e.*, for the expression מְנֻדֶּה, *banned, banished, excommunicated.* He was reluctant to rule that such a vow was binding, but he nevertheless felt obliged to decide that the vower was deprived of receiving any advantage, favour or benefit from his fellow because of the implication כְּקָרְבָּן, *as an offering.* **14** *i.e., If one said,* 'As the .....' **15** *i.e.*, if he did not fulfil his vow he had to be a נָזִיר for thirty days and to offer a קָרְבַּן עוֹלָה, *burnt-offering,* and suffer the penalty of מַלְקוֹת, *stripes* (for the oath). **16** *i.e., If one said,* 'As the .....' Because כְּשֵׁרִים, *pious people,* are most careful not to make vows or pronounce oaths. **17** *i.e., If one said,* 'As their .....' Because כְּשֵׁרִים, *pious persons,* may give *freewill-offerings* and may practise נְזִירוּת as a preventive against transgression. **18** נְדָבָה, *freewill-offering, donation.* Or נָדַר, *he has made a valid vow.* **19** The non-fulfilment of the vow entails the carrying out of the status of נָזִיר for thirty days and the subsequent קָרְבָּן, *offering.*

Mishnah 2

If one introduce a vow to his fellow with the terms קוֹנָם, קוֹנָח or קוֹנָס,[1] these are substitute words for קָרְבָּן [*offering*]. חֶרֶק, חֶרֶד or חֶרֶף,[2] these are substitute words for חֵרֶם [*devoted*]. נָזִיק, נָזִיחַ or פָּזִיחַ,[3] these are substitute expressions for נְזִירוּת [*nazarite's vow*].[4] שְׁבוּתָה, or שְׁקוּקָה, or if he vowed using the term מוֹתָא,[5] these are substitutions for שְׁבוּעָה [*oath*].

מִשְׁנָה ב

[1]הָאוֹמֵר לַחֲבֵירוֹ קוֹנָם, קוֹנָח, קוֹנָס, הֲרֵי אֵלּוּ כִּנּוּיִין לְקָרְבָּן. חֶרֶק, חֶרֶד, [2]חֶרֶף הֲרֵי אֵלּוּ כִּנּוּיִין לְחֵרֶם. נָזִיק, נָזִיחַ, [3]פָּזִיחַ, הֲרֵי אֵלּוּ כִּנּוּיִין [4]לִנְזִירוּת. שְׁבוּתָה, שְׁקוּקָה, נָדַר [5]בְּמוֹתָא, הֲרֵי אֵלּוּ כִּנּוּיִין לִשְׁבוּעָה.

1 קוֹנָם [*vowing* נְזִירוּת, *abstinence*], קוֹנָח [*cleansing*], קוֹנָס [*punishing*], substitute words for קָרְבָּן, *offering,* and used for *vows of abstinence and consecration.* [**Note.** All these terms begin with the letter ק]. קָרְבָּן is forbidden for common use being a Temple offering. **2** *i.e.,* 'If one preface a vow to his fellow with the terms חֶרֶק, חֶרֶד or חֶרֶף.' חֶרֶק [*cleft*], חֶרֶד [*burn*], חֶרֶף [*shame*], substitutes for חֵרֶם, *ban, banishment, excommunication, doomed to destruction, property set apart for Temple or priestly use, devoted thing* (*Leviticus* **27**, 28; צָרְכִין 8[6]). [**Note.** The initial letters of each of those four terms are חר]. **3** *i.e.,* 'If one begin a vow to his fellow with the terms נָזִיק, נָזִיחַ or פָּזִיחַ.' נָזִיק [*injurious*], נָזִיחַ [*unsteady*], פָּזִיחַ (*tottering*) are substitute words for נָזִיר, *nazarite.* [**Note.** Each of these four terms has ז for the second letter]. **4** See 1[1], **Note 4.** **5** *i.e.,* 'If one commence a vow to his fellow with the substitute expressions שְׁבוּתָה, or שְׁקוּקָה .....' שְׁבוּתָה [*rest*], שְׁקוּקָה [*quiet*], מוֹתָא or מָמוֹתָא (*oath*), substitute words for שְׁבוּעָה, *oath.* [**Note.** Three of the terms begin with the letter ש].

Mishnah 3

If one say,[1] 'May it be *not chullin*[2] what I eat of thine,'[3] or,[1] 'May it be not valid, to be eaten,'[4] or, 'May it not be permitted,'[5] or, 'Not clean,'[5] or, 'Unclean,'[5] or, 'Remnant,'[5] or, 'Rejected,'[5,6] it is prohibited to him.[7] 'As the lamb,'[1,8] or, 'As the sheds,'[9] or, 'As the wood,'[10] or, 'As the fire-offerings,'[11] or, 'As the Altar,'[12] or, 'As the Sanctuary,'[13] or, 'As Jerusalem;'[14] or if one vowed

מִשְׁנָה ג

[1]הָאוֹמֵר, לֹא [2]חוּלִין לֹא אוֹכֵל [3]לָךְ, [1]לֹא [4]כָּשֵׁר, וְלֹא [5]דְּכֵי, [5]טָהוֹר, [5]וְטָמֵא, [5]נוֹתָר, [5,6]וּפְגוּל [7]אָסוּר. [1,8]כְּאִימְרָא, [9]כְּדִירִים, [10]כְּעֵצִים, [11]כְּאִשִּׁים, [12]כַּמִּזְבֵּחַ, [13]כַּהֵיכָל, [14]כִּירוּשָׁלַיִם; נָדַר בְּאֶחָד מִכָּל [15]מְשַׁמְּשֵׁי הַמִּזְבֵּחַ, אַף עַל פִּי שֶׁלֹּא הִזְכִּיר קָרְבָּן, הֲרֵי זֶה נָדַר בְּקָרְבָּן.

רַבִּי [16]יְהוּדָה אוֹמֵר, הָאוֹמֵר, [17]יְרוּשָׁלַיִם, לֹא אָמַר [18]כְּלוּם.

by any one of all the utensils[15] of the Altar, though he did not mention the word קָרְבָּן [*offering*], this is a vow as if he had uttered the word קָרְבָּן [*offering*]. R. Judah[16] says, If one say, 'Jerusalem,'[17] his statement is of no account.[18]

1 *i.e., If one introduce a vow to his fellow saying* ..... **2** חוּלִין (see *Appendix,* **Note 1**), *common, profane,* as opposed to קֹדֶשׁ, *holy;* therefore לֹא חוּלִין is equivalent to קֹדֶשׁ, *something hallowed.* **3** לְחוּלִין שֶׁאוֹכֵל לְךָ according to some authorities. **4** *i.e.,* 'May it be פָּסוּל, *invalid as food.'* Concluded with [understood] 'what I eat of thine.' **5** Concluded with [understood], 'what I eat of thine.' **6** See *Appendix,* **Note 18**. **7** To eat aught of his fellow's if he used any of these expressions or formulae. **8** Or *sheep* of a קָרְבָּן, *offering. Numbers* **28**, 1-8. **9** כְּדִירִין in some editions. Where the *lambs* for קָרְבָּנוֹת were kept or where the firewood for the Altar was stored. **10** The wood-pile on the Altar. **11** *Leviticus* **21**, 6. **12** *i.e.,* 'As the קָרְבָּנוֹת, *sacrifices,* upon the מִזְבֵּחַ, *Altar.'* **13** *i.e.,* 'As the קָרְבָּנוֹת, *offerings,* in the הֵיכָל, *Sanctuary'* (הֵיכָל, the compartment containing the *Holy of Holies*). **14** *i.e.,* 'As the קָרְבָּנוֹת in Jerusalem' (according to another opinion, 'As the *walls* of Jerusalem'). **15** *Exodus* **27**, 3. **16** His view is rejected. **17** In some texts כִּירוּשָׁלַיִם, *As Jerusalem.* **18** Literally, *he has not said anything, i.e.,* his vow is not binding.

Mishnah 4

מִשְׁנָה ד

[1]הָאוֹמֵר, קָרְבָּן, עוֹלָה, מִנְחָה, חַטָּאת, תּוֹדָה, שְׁלָמִים, שֶׁאֵינִי אוֹכֵל לְךָ, [2]אָסוּר. רַבִּי יְהוּדָה מַתִּיר. [3]הַקָּרְבָּן, כְּקָרְבָּן, קָרְבָּן שֶׁאוֹכֵל לְךָ, [2]אָסוּר. [3]לְקָרְבָּן לֹא אוֹכֵל [4]לְךָ, רַבִּי [5]מֵאִיר אוֹסֵר. הָאוֹמֵר [2]לַחֲבֵירוֹ, [6]קוֹנָם פִּי [7]הַמְדַבֵּר עִמָּךְ, יָדִי עוֹשָׂה עִמָּךְ, רַגְלַי מְהַלְּכוֹת עִמָּךְ, [8]אָסוּר.

If one say,[1] 'May be an *offering,'* or, 'A *burnt-offering,'* or, 'A *meal-offering,'* or, 'A *sin-offering,'* or, 'A *thank-offering,'* or, 'A *peace-offering,* whatever I eat of thine,' it is prohibited to him.[2] But R. Judah permits this. 'May[3] be *'the' offering,'* or, *'As an offering,'* or, *'An offering,* whatever I eat of thine,' it is prohibited to him.[2] 'For[3] an *offering* be it, I will not eat of thine,'[4] R. Meir[5] declares it prohibited. If one say to his fellow,[2] 'May be קוֹנָם[6] my mouth that speaks[7] with thee,' or, 'My hand that works with thee,' or, 'My feet that walk with thee,' it is forbidden.[8]

1 *i.e., If one introduce a vow to his fellow saying,* 'May whatever I eat of thine be an offering,' ..... **2** He must not eat of his fellow's. **3** *i.e., If one formulate a vow to his fellow saying,* '..... **4** *i.e.,* 'Thy food as far as concerns me be equivalent to a קָרְבָּן and therefore I .....' **5** His opinion is rejected and this vow is binding. **6** *i.e.,* 'as קָרְבָּן' (see 1[2]). **7** מְדַבֵּר in some texts. **8** It is prohibited to break the vow. *i.e.,* the vow is binding and none of these acts may he carry out with or towards his fellow.

CHAPTER 2 — פֶּרֶק ב

Mishnah 1 — מִשְׁנָה א

And these are permitted:[1] 'May[2] whatever I eat of thine be *chullin*,'[3] or, 'As the flesh of the swine,'[4] or, 'As an idol,'[5] or, 'As hides pierced against the heart,'[6] or, 'As carrion,'[7] or, 'As torn flesh,'[8] or, 'Forbidden beasts,'[9] or, 'As creeping things,'[10] or, 'As the *dough-offering*[11] and the *priest's-due*[12] of Aaron,' it is allowable.[13] If one say to his wife, 'Behold! be thou to me as my mother,' they open for him a door from another quarter,[14] that he should not treat such a matter with levity. 'קוֹנָם![15] I will not sleep,' or, 'I will not speak,' or, 'I will not walk,' or if he say (to his wife),[16] 'קוֹנָם! I will not copulate with thee,' then to him applies, *He shall not break his word.*[17] 'I take[18] an oath that I will not sleep,' or, 'That I will not speak,' or, 'That I will not walk,' then he is forbidden.[19]

וְאֵלּוּ [1]מוּתָּרִין, [2,3]חוּלִּין שֶׁאוֹכֵל לָךְ, כִּבְשַׂר [4]חֲזִיר, [5]כַּעֲבוֹדַת גִּלּוּלִים, [6]כְּעוֹרוֹת לְבוּבִין, [7]כִּנְבֵלוֹת, [8]כִּטְרֵפוֹת, [9]כִּשְׁקָצִים, [10]כִּרְמָשִׂים, [11]כְּחַלַּת אַהֲרֹן [12]וְכִתְרוּמָתוֹ, [13]מוּתָּר. הָאוֹמֵר לְאִשְׁתּוֹ, הֲרֵי אַתְּ עָלַי כְּאִמָּא, פּוֹתְחִין לוֹ פֶּתַח [14]מִמָּקוֹם אַחֵר שֶׁלֹּא יֵקַל רֹאשׁוֹ לְכָךְ. [15]קוֹנָם שֶׁאֵינִי יָשֵׁן, שֶׁאֵינִי מְדַבֵּר, שֶׁאֵינִי מְהַלֵּךְ, הָאוֹמֵר [16](לְאִשְׁתּוֹ), קוֹנָם שֶׁאֵינִי מְשַׁמְּשָׁךְ, הֲרֵי זֶה [17]בְּלֹא יַחֵל דְּבָרוֹ. [18]שְׁבוּעָה שֶׁאֵינִי יָשֵׁן, שֶׁאֵינִי מְדַבֵּר, שֶׁאֵינִי מְהַלֵּךְ, [19]אָסוּר.

1 Or מָתָּרִין. *i.e.,* these vows are not binding. The objects about to be cited are prohibited מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה) and so cannot be used for purposes of vows (no man having the power to abstain from them or not). **2** *i.e., If one introduce a vow to his fellow saying, 'May .....'* **3** See 1[3]. **4** *Leviticus* **11**, 7. **5** *Deuteronomy* **7**, 25. Literally *As the worship of idols.* Some editions have כַּעֲבוֹדַת זָרָה. **6** עֲבוֹדָה זָרָה 2[3]. *i.e.,* 'As the hide cut away

over the heart of a beast to remove the heart for an offering to an idol.' **7** *Deuteronomy* **14**, 21. **8** *Exodus* **22**, 31. Some texts prefer וּטְרֵפוֹת. טְרֵפָה, *the flesh of an animal torn by a beast of prey, an animal with a fatal organic disease, the flesh of an animal having a fatal organic disease.* **9** *Leviticus* **11**, 11; **20**, 25. Or, *unclean beasts.* **10** The גְּמָרָא has וּרְמָשִׂים. See *Leviticus* **11**, 29. **11** *Numbers* **15**, 20. *Appendix*, **Note 3**. **12** Or *heave-offering. Numbers* **18**, 8. *Appendix*, **Note 1**. **13** Or מֻתָּר. *i.e.*, such a vow is not binding and the vower may eat of his fellow's. **14** *i.e.*, to penitence or repentance. In this case regret at having made such a vow is not accepted for its annulment but some other cause for declaring it void must be produced. Compare 9[1]. **15** *i.e., If one make a vow saying,* 'קוֹנָם! .....' **16** לְאִשְׁתּוֹ is omitted in some texts. **17** *Numbers* **30**, 2. שְׁבוּעוֹת 3[8]. **18** *i.e., If he say, 'I take .....'* **19** He must not break his oath (but it is invalid if it is made for too long a period when it cannot be carried out; one may not swear an oath to a matter than cannot be performed).

Mishnah 2

'קָרְבָּן![1] I will not eat of thine,' or, 'קָרְבָּן![2] if I eat of thine,' or, 'No קָרְבָּן![3] if I do not eat of thine,' then it is permitted.[4] 'An oath![5] I will not eat of thine,' or, 'An oath! if I eat of thine,' or, 'No oath![6] I will not eat of thine,' then he is prohibited.[7] This is where greater strictness[8] applies to oaths than to vows.[9] But greater stringency may apply to vows than to oaths. How so?[10] If one said, 'קוֹנָם![11] be the *hut* that I construct,' or, 'the *palm-branch*[12] which I carry,' or, 'the *phylacteries*[13] that I put on,' with vows such is prohibited,[14] but with oaths it is permitted,[15] since none may take an oath to transgress commandments.[16]

מִשְׁנָה ב

[1]קָרְבָּן לֹא אוֹכֵל לָךְ, [2]קָרְבָּן שֶׁאוֹכֵל לָךְ, [3]לֹא קָרְבָּן לֹא אוֹכֵל לָךְ, [4]מוּתָּר. [5]שְׁבוּעָה לֹא אוֹכֵל לָךְ, שְׁבוּעָה שֶׁאוֹכֵל לָךְ, [6]לֹא שְׁבוּעָה לֹא אוֹכֵל לָךְ, [7]אָסוּר. זֶה [8]חָמוּר בִּשְׁבוּעוֹת [9]מִבְּנְדָרִים. וְחָמוּר בְּנְדָרִים מִבִּשְׁבוּעוֹת. [10]כֵּיצַד? אָמַר, [11]קוֹנָם סוּכָּה שֶׁאֲנִי עוֹשֶׂה, [12]לוּלָב שֶׁאֲנִי נוֹטֵל, [13]תְּפִילִין שֶׁאֲנִי מֵנִיחַ, בְּנְדָרִים [14]אָסוּר, בִּשְׁבוּעוֹת [15]מוּתָּר, שֶׁאֵין נִשְׁבָּעִין לַעֲבוֹר עַל [16]הַמִּצְוֹת.

1 *i.e., If one said, 'I swear by 'offering' if I eat not aught of thine.'* **2** *i.e., 'I swear by 'offering' if I do eat of thine.'* **3** *i.e., 'It should not be an oath by 'offering' if I do not eat of thine, but if I do eat then the oath by 'offering' shall be valid.'* **4** Or מֻתָּר; *he is allowed to break his oath. i.e.*, he is not bound by the oath, and he may eat of his fellow's, because it is as if he had

made the oath בְּחַיֵּי הַקָּרְבָּן, *by the life of the offering*, which is not licit. **5** *i.e., If one said, 'I take an oath not to eat of thine.'* **6** *i.e., 'Let the oath be naught if I do not eat of thine, but let the oath be valid if I do eat of thine.'* **7** He must not break his oath, *i.e.*, he is bound by his oath. **8** Or חֹמֶר. **9** Thus a *vow* not to sleep or not to speak or not to walk is not binding, but an *oath* in these cases is binding. **10** *i.e., Thus*, or *For instance.* **11** *i.e., 'The* סוּכָּה *that I build be prohibited to me as* קָרְבָּן, *an offering* [סֻכָּה, the *hut* for the Festival of סֻכּוֹת]. **12** *i.e., 'The* לוּלָב *that I must carry, be prohibited to me as* קָרְבָּן, *an offering'* [לוּלָב, the *palm-branch* used in the ritual service on the Festival of סוּכּוֹת]. **13** Or מַנִּיחַ. *i.e., 'The phylacteries that I have to put on be forbidden to me as* קָרְבָּן, *an offering.'* **14** The vow must not be broken, *i.e.*, the vow is binding because in such cases the מִצְוֹת can be carried out with another סֻכָּה or לוּלָב or other תְּפִלִּין. **15** It is allowed to break the vows, *i.e.*, the מִצְוֹת are nevertheless to be carried out, and the oaths are therefore not binding. **16** Or *religious acts, ritual precepts, ordained rites, prescribed ritual.*

Mishnah 3

מִשְׁנָה ג

There may be a vow within[1] a vow but there can not be an oath within[1] an oath. How so? If one said, 'May I be a nazirite[2] if I eat, may I be a nazirite if I eat,' and he did eat, he must fulfil each one.[3] 'An[4] oath, I will not eat, an oath, I will not eat,' and he ate, he is liable[5] for only one count.

יֵשׁ נֶדֶר [1]בְּתוֹךְ נֶדֶר וְאֵין שְׁבוּעָה [1]בְּתוֹךְ שְׁבוּעָה. כֵּיצַד? אָמַר, הֲרֵינִי [2]נָזִיר אִם אוֹכֵל, הֲרֵינִי נָזִיר אִם אוֹכֵל, וְאָכַל, חַיָּיב עַל כָּל־[3]אַחַת וְאַחַת. [4]שְׁבוּעָה שֶׁלֹּא אוֹכֵל, שְׁבוּעָה שֶׁלֹּא אוֹכֵל, וְאָכַל, אֵינוֹ [5]חַיָּיב אֶלָּא אַחַת.

1 *i.e., following on.* **2** נְזִירוּת is also included under the term נֶדֶר. **3** He must carry out each נֶדֶר, *vow*, and be a nazarite twice without a break by performing the requisite duties for thirty days and bringing קָרְבָּנוֹת, and repeating these duties once more. (And likewise if he repeats the vow more than twice he must be a nazarite for a corresponding number of successive times.) **4** *i.e., If one said, 'I swear I .....'* **5** To the penalty of מַלְקוֹת, *lashes* or *stripes*, if the oath is broken wantonly, but a קָרְבָּן, *offering*, if the oath is broken unwittingly.

Mishnah 4

מִשְׁנָה ד

The more severe ruling applies to indefinite[1] vows, and the more lenient ruling applies to those that are

[1]סְתַם נְדָרִים לְהַחְמִיר, וּפֵירוּשָׁם לְהָקֵל. כֵּיצַד? אָמַר, הֲרֵי עָלַי

כִּבְשַׂר מְלִיחַ, כְּיַיִן נֶסֶךְ, אִם שֶׁל
[2]שָׁמַיִם נֶדֶר, [3]אָסוּר; אִם שֶׁל
[4]עֲבוֹדַת כּוֹכָבִים, נֶדֶר [5]מוּתָּר; וְאִם
[6]סְתָם, [7]אָסוּר. [8]הֲרֵי עָלַי [9]כְּחֶרֶם,
אִם כְּחֶרֶם שֶׁל שָׁמַיִם [10]אָסוּר, וְאִם
כְּחֶרֶם שֶׁל כֹּהֲנִים, [11]מוּתָּר; אִם
סְתָם [10]אָסוּר. [12]הֲרֵי עָלַי [13]כְּמַעֲשֵׂר,
אִם [15]כְּמַעֲשַׂר בְּהֵמָה [14]נֶדֶר [16]אָסוּר;
וְאִם שֶׁל גֹּרֶן [17]מוּתָּר; וְאִם סְתָם,
[16]אָסוּר. [18]הֲרֵי עָלַי [19]כִּתְרוּמָה, אִם
כִּתְרוּמַת [20]הַלִּשְׁכָּה, נֶדֶר [16]אָסוּר;
וְאִם שֶׁל גֹּרֶן, [21]מוּתָּר; וְאִם סְתָם,
[16]אָסוּר. דִּבְרֵי רַבִּי [22]מֵאִיר. רַבִּי
[23]יְהוּדָה אוֹמֵר, סְתָם תְּרוּמָה,
בִּיהוּדָה [16]אֲסוּרָה, בְּגָלִיל [24]מוּתֶּרֶת
שֶׁאֵין אַנְשֵׁי גָלִיל מַכִּירִין אֶת־תְּרוּמַת
הַלִּשְׁכָּה. [26,25]סְתָם חֲרָמִים, בִּיהוּדָה
[27]מוּתָּרִין, וּבְגָלִיל [28]אֲסוּרִין שֶׁאֵין
אַנְשֵׁי [29]גָלִיל מַכִּירִין אֶת־חַרְמֵי
הַכֹּהֲנִים.

clearly defined. How so? If one said, 'May it be to me as salted flesh,' or, '..... as wine for libation,' and his vow referred to heavenly things,[2] it is forbidden;[3] if [his vow referred] to idolatrous things,[4] the vow is allowed;[5] but if unqualified,[6] it is prohibited.[7] 'May[8] it be to me as a consecrated[9] thing,' if meant as something heavenly devoted, it is forbidden;[10] and if, '.....as something devoted to the priests,' it is permitted;[11] but if not clearly expressed, it is prohibited.[10] 'May[12] it be to me as *tithe*,'[13] if the vow[14] referred to *tithe of cattle*,[15] it is binding;[16] and if referring to the threshing floor, it is permitted;[17] but if not clearly stated, it is binding.[16] 'May[18] it be to me as *priest's-due*,'[19] if the vow referred to the *priest's-due* of the Temple-chamber,[20] it is binding;[16] and if it referred to that of the threshing-floor, it is not binding;[21] but if not definitely defined, it is binding.[16] This is the view of R. Meir.[22] But R. Judah[23] says, If referring to unqualified *priest's-due*, in Judaea it is binding,[16] but in Galilee it is not binding[24] because the people of Galilee do not know of the *priest's-due* of the Temple-chamber. If referring[25] to unqualified devoted[26] things, in Judaea it is not binding,[27] and in Galilee it is binding[28] because the people of Galilee[29] know nothing of the things devoted to the priests.

1 סְתָם (traditional pronunciation סְתַם), *not clearly defined, unqualified.* If one makes a vow without expressly defining it—leaving room for uncertainty—then all possible cases coming under such a vow are binding on him. **2** In the גְּמָרָא the alternative שְׁלָמִים, *peace-offerings,* is suggested. *i.e.,* he stated expressly that he referred to the salted flesh offered on the Altar (that is אִשֶּׁה) or to the wine poured on to the Altar. *Leviticus* **2**, 13; *Numbers* **15**, 5. **3** It is forbidden to break the vow, *i.e.,* his vow is binding. **4** עֲבוֹדָה זָרָה in

some editions. **5** Or מֻתָּר. He is allowed to break the vow, *i.e.*, the vow is not binding. **6** *i.e.*, if the vow was not expressly defined. **7** It is prohibited to break the vow, *i.e.*, the vow is binding. **8** *i.e., If he said, 'May .....'* **9** Or *devoted. Leviticus* **27**, 28. **10** It is forbidden to break the vow, *i.e.*, the vow is binding. **11** It is permitted to break the vow, *i.e.*, the vow is not binding. **12** *i.e., If one said, 'May .....* **13** *Appendix,* **Note 1.** **14** *i.e.*, expressly stated. **15** *Leviticus* **27**, 32. **16** Literally *forbidden.* **17** It is permitted to break the vow, *i.e.*, the vow is not binding. **18** *i.e., If one said, 'May .....'* **19** Or *heave-offering. Appendix,* **Note 1.** **20** Where the מַחְצִית הַשֶּׁקֶל chest was kept. שְׁקָלִים 3[1]. **21** Literally *allowed.* **22** His view is not accepted. **23** His opinion is accepted. **24** Or מֻתֶּרֶת, literally *permitted.* **25** *i.e., If the vow refer to .....* **26** Or *consecrated.* **27** Or מֻתָּרִין, literally *allowed.* **28** Literally *prohibited.* **29** There were no priests there.

Mishnah 5

מִשְׁנָה ה

If one made a vow using the term חֶרֶם,[1] and said, 'I only vowed by the *net*[2] of the sea,'[3] or,[4] using the word קָרְבָּן he said, 'I only vowed by the *gifts* of[5] kings,'[6] or,[7] 'Behold I צִצְמִי am as an *offering*,'[8] and then said, 'I only vowed by the *bone* that I set[9] before me to vow thereby,'[10] or,[11] 'קוֹנָם! I will have no benefit[12] from my wife,' and then said, 'I only made the vow against my first wife whom I divorced,' regarding all these[13] they do not have to enquire,[14] but if any do inquire,[15] they are to be punished and the more rigorous ruling is imposed on them.[16] This is the opinion of R. Meir.[17] But the Sages[18] say, They open for them a door from some other source,[19] and they instruct them that they should not conduct themselves lightly regarding vows.[20]

נָדַר [1]בְּחֶרֶם, וְאָמַר, לֹא נָדַרְתִּי אֶלָּא [2]בְּחֶרְמוֹ שֶׁל [3]יָם, [4]בְּקָרְבָּן וְאָמַר, לֹא נָדַרְתִּי אֶלָּא [5]בְּקָרְבְּנוֹת שֶׁל [6]מְלָכִים, [7]הֲרֵי צִצְמִי [8]קָרְבָּן, וְאָמַר, לֹא נָדַרְתִּי אֶלָּא בְּעֶצֶם [9]שֶׁהִנַּחְתִּי לִי לְהִיוֹת נוֹדֵר [10]בּוֹ, [11]קוֹנָם אִשְׁתִּי [12]נֶהֱנֵית לִי, וְאָמַר, לֹא נָדַרְתִּי אֶלָּא בְּאִשְׁתִּי הָרִאשׁוֹנָה שֶׁגֵּרַשְׁתִּי, עַל כּוּלָּן [14]אֵין נִשְׁאָלִין [13]לָהֶן, וְאִם [15]נִשְׁאֲלוּ עוֹנְשִׁין אוֹתָן וּמַחְמִירִין [16]עֲלֵיהֶן. דִּבְרֵי רַבִּי [17]מֵאִיר. [18]וַחֲכָמִים אוֹמְרִים, פּוֹתְחִין לָהֶם פֶּתַח [19]מִמָּקוֹם אַחֵר, וּמְלַמְּדִים אוֹתָן כְּדֵי שֶׁלֹּא יְנַהֲגוּ קַלּוּת רֹאשׁ [20]בִּנְדָרִים.

1 See 2[1]. **2** Or *fishery.* **3** *i.e.*, using the term חֶרֶם to mean *net*, or *fishery*, or *a place where fish are caught in nets*, and not *devoted thing*, or

property set apart consecrated for priestly or Temple service. **4** *i.e., or if one made a vow using* ..... **5** *i.e.,* brought to, presented to. **6** *i.e.,* meaning that the term קָרְבָּן referred to *gift, present,* and not to *offering.* **7** *i.e., or if he vowed saying,* '.....' **8** Towards his fellow. **9** Or שֶׁהִנַּחְתִּי. **10** *i.e.,* meaning that עַצְמִי meant *my bone* and not *myself.* **11** *i.e., or when making his vow he said,* '.....' **12** נְהֵנֵת in some editions. **13** Or כָּלָן. Some editions give לָהֶם instead of לָהֵן. **14** *i.e.,* such vows are not binding and therefore there is no need to seek absolution or release from them. **15** Thinking that they have contracted valid binding vows. **16** They are compelled to observe the vows. **17** But his view is rejected. **18** Their ruling is accepted. **19** *i.e.,* some suggestion is made to the vowers whereby they may obtain annulment of such vows, but they are not to be punished in any manner. **20** But a transgressor is not to be punished or severely dealt with.

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

Four kinds of vows have the Sages permitted to be annulled:[1] *vows of urging,*[2] (and) *vows of exaggeration,*[3] *vows made in error,* and *vows made under duress.*[4] What are *vows of urging?*[5]—If one were selling an article and said, 'קוֹנָם! that I do not sell to thee[6] for less than a *sela,*'[7] and the other[8] says, 'קוֹנָם! that I do not give thee[6] more than a *shekel,*'[9] and both agree on three *denar.*[10] R. Eliezer ben Jacob says, Also as in the case when one wishes to put his fellow under a vow that he should eat with him he may say,[11] 'Every vow that I may vow hereafter be annulled,'[12] provided that at the time of forming the vow he is cognizant[13] of this.

אַרְבָּעָה נְדָרִים [1]הִתִּירוּ חֲכָמִים, [2]נִדְרֵי זֵרוּזִין, [3]וְנִדְרֵי הֲבַאי, נִדְרֵי שְׁגָגוֹת, [4]וְנִדְרֵי אוֹנְסִים. [5]נִדְרֵי זֵרוּזִין כֵּיצַד? הָיָה מוֹכֵר חֵפֶץ וְאָמַר, קוֹנָם שֶׁאֵינִי פּוֹחֵת [6]לְךָ מִן־הַסֶּלַע, [7]וְהָלָה אוֹמֵר, קוֹנָם שֶׁאֵינִי מוֹסִיף [6]לְךָ עַל [9]הַשֶּׁקֶל, שְׁנֵיהֶן רוֹצִין בִּשְׁלֹשָׁה [10]דִּינָרִין. רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר, אַף הָרוֹצֶה לְהַדִּיר אֶת־חֲבֵירוֹ שֶׁיֹּאכַל אֶצְלוֹ [11]אוֹמֵר, כָּל־נֶדֶר שֶׁאֲנִי עָתִיד לִידּוֹר הוּא [12]בָּטֵל, וּבִלְבַד שֶׁיְּהֵא [13]זָכוּר בִּשְׁעַת הַנֶּדֶר.

1 *i.e.,* they have declared them to be not binding and without the need to have them absolved by competent authority. **2** Or *incitement, encourage-*

ment, (to purchase or sell or while bargaining). **3** Or *impossibility.* נִדְרֵי הֶבְאֵי, vows made dependent on impossible conditions, vows impossible of fulfilment. **4** Or *duresse, coercion, compulsion, constraint.* **5** The first case is now illustrated; the two next are explained in the following *Mishnah,* and the fourth is dealt with in the third *Mishnah.* **6** Or לְךָ. **7** *i.e., 'May such-and-such be forbidden to me if I take less than a sela from thee.'* (סֶלַע = 2 שְׁקָל = 4 דִּינָר. See זְרָעִים, INTRODUCTION, *Tables of Weights and Measures*). **8** The *buyer.* The traditional pronunciation is הֲלָה. הֲלָה, *the person concerned,* is used generally in legal proceedings. **9** *i.e., 'May such-and-such be prohibited to me if I give thee more than a shekel.'* **10** They agree to compromise half-way. The position here is that they did not actually intend to stand out by vow for their own terms but had from the first intended mentally upon three *denar* being the sum to be paid over. **11** The גְּמָרָא has יֹאמַר לוֹ, *he shall say to him.* **12** *i.e.,* not binding. **13** For instance A makes a vow that B should not derive any benefit from him if he refuses to eat from his, A's intention being to induce B to fall in with his wish and did not actually mean the vow to be binding. Anyone desiring to guard himself against such inconvenient and unintentional vows makes this additional statement כָּל־נֶדֶר שֶׁאֲנִי עָתִיד לִידּוֹר הוּא בָּטֵל and keeps this qualification in mind when formulating a vow.

Mishnah 2

Vows of exaggeration:[1] if one said, קוֹנָם![2] if I did not see on this road as many as came forth from Egypt!,' or, '.....if I saw not a snake as big as the rafter[3] of an olive-press house!'[4] Vows made in error:[5] '..... if I have eaten!', or, '..... if I have drunk![6], and he recollected that he had eaten or had drunk; or, '..... if I eat!', or, '..... if I drink![7] — and he then forgot and did eat or did drink; or, 'קוֹנָם! if my wife derive any benefit from me for she has stolen my purse!', or, '..... for she has struck my son!', and it became known that she had not struck him or it was ascertained that she had not stolen it. If one saw some

מִשְׁנָה ב

[1]נִדְרֵי הֶבְאֵי. אָמַר, [2]קוֹנָם! אִם לֹא רָאִיתִי בַדֶּרֶךְ הַזֶּה כְּיוֹצְאֵי מִצְרַיִם!, אִם לֹא רָאִיתִי נָחָשׁ [3]כְּקוֹרַת [4]בֵּית הַבַּד! [5]נִדְרֵי שְׁגָגוֹת. אִם אָכַלְתִּי, וְאִם [6]שָׁתִיתִי! וְנִזְכַּר שֶׁאָכַל וְשָׁתָה; [7]שֶׁאֲנִי אוֹכֵל, וְשֶׁאֲנִי שׁוֹתֶה! וְשָׁכַח וְאָכַל וְשָׁתָה; אָמַר, קוֹנָם! אִשְׁתִּי נֶהֱנֵית לִי שֶׁגָּנְבָה אֶת־כִּיסִי! וְשֶׁהִכְּתָה אֶת־בְּנִי! וְנוֹדַע שֶׁלֹּא הִכַּתּוּ וְנוֹדַע שֶׁלֹּא גְנָבַתּוּ. רָאָה [8]אוֹתָן אוֹכְלִים תְּאֵנִים וְאָמַר, [9]הֲרֵי [10]עֲלֵיכֶם קָרְבָּן! וְנִמְצְאוּ אָבִיו *וְאֶחָיו וְהָיוּ עִמָּהֶן אֲחֵרִים, בֵּית שַׁמַּאי אוֹמְרִים, הֵן [11]מוּתָּרִין, וּמַה־[12]שֶּׁעִמָּהֶן אֲסוּרִין.

וּבֵית הִלֵּל אוֹמְרִים, אֵלּוּ וְאֵלּוּ מוּתָּרִין.[13]

people[8] eating figs and said, 'May they be[9] [קָרְבָּן] *offering* to you!'[10] —and they were found to be his father and his brothers* and (there were) others with them, the School of Shammai say, They are absolved,[11] but those who are with them[12] are bound. But the School of Hillel say, Both the former and the latter are absolved.[13]

1 Here are two illustrations of such, the first an exaggeration of number and the second of quantity. **2** Some texts have קוֹנָם קוֹנָם. **3** Or *beam, joist.* **4** בֵּית הַבַּד, the building containing olive-presses and all the requisite vessels and appliances. **5** Here are some illustrations of such vows. **6** *i.e., 'May such-and-such be forbidden to me if I have eaten,'* or, '..... *if I have drunk,'* and he reminded himself that he had eaten or had drunk. **7** Some authorities prefer the reading שֶׁאֵינִי אוֹכֵל וְשֶׁאֵינִי שׁוֹתֶה, '..... *if I do not eat,' or,* '..... *if I do not drink.'* **8** Literally אוֹתָן, *them.* **9** Some texts have הֲרֵי הֵן. **10** *i.e.,* '..... be as prohibited as קָרְבָּן .....' **11** Or מֻתָּרִין. The father and brothers are not bound by the vow. **12** שֶׁעִמָּהֶם in some editions. **13** Or מֻתָּרִין. They do not have to conform to the vows thus made. As stated in 9[8] a vow is altogether invalid if part is not valid. * He did not intend to prohibit the figs to his father or brothers but only to strangers.

Mishnah 3 — מִשְׁנָה ג

נְדָרֵי אוֹנְסִים הִדִּירוֹ חֲבֵירוֹ שֶׁיֹּאכַל אֶצְלוֹ וְחָלָה הוּא אוֹ שֶׁחָלָה בְנוֹ אוֹ שֶׁעָכְבוֹ נָהָר הֲרֵי אֵלּוּ נְדָרֵי אוֹנְסִין.

Vows made *under duress*:[1] if one made a vow against his fellow[2] that he should eat with him, and he[3] fell ill,[4] or his son became sick,[5] or a river held him up,[6] such are vows of *duress*.[7]

1 Or *coercion, compulsion.* These are illustrations of such vows. **2** He vowed that his fellow should derive no benefit from him if he did not eat with him but he never had the intent that the vow should be conformed to if any hindrance should arise. **3** The latter, the 'fellow.' **4** And he could not therefore come. **5** And he required his father's attention. **6** For instance there were no means of crossing, or flood hindered him. **7** Because under such conditions one cannot fulfil such vows and these are therefore not binding.

Mishnah 4

מִשְׁנָה ד

[1]נוֹדְרִין [2]לְהָרְגִין, [3]וְלַחֲרָמִין, [4]וּלְמוֹכְסִין [5]שֶׁהִיא [6]תְּרוּמָה אַף עַל פִּי שֶׁאֵינוֹ תְּרוּמָה, [5]שֶׁהֵן שֶׁל בֵּית הַמֶּלֶךְ אַף עַל פִּי שֶׁאֵינָן שֶׁל בֵּית הַמֶּלֶךְ. [7]בֵּית שַׁמַּאי אוֹמְרִים, בְּכֹל נוֹדְרִין חוּץ מִבִּשְׁבוּעָה; [8]וּבֵית הִלֵּל אוֹמְרִים, אַף בִּשְׁבוּעָה. בֵּית שַׁמַּאי אוֹמְרִים, לֹא יִפְתַּח לוֹ [9]בְּנֶדֶר; וּבֵית הִלֵּל אוֹמְרִים, אַף יִפְתַּח לוֹ. בֵּית שַׁמַּאי אוֹמְרִים, בַּמֶּה שֶׁהוּא [10]מַדִּירוֹ; וּבֵית הִלֵּל אוֹמְרִים, אַף בַּמֶּה שֶׁאֵינוֹ מַדִּירוֹ. כֵּיצַד? אָמְרוּ לוֹ, אֱמוֹר קוֹנָם! אִשְׁתִּי [11]נֶהֱנֵית [12]לִי, [13]וְאָמַר, קוֹנָם! אִשְׁתִּי וּבָנַי נֶהֱנִין לִי, בֵּית שַׁמַּאי אוֹמְרִים, אִשְׁתּוֹ [14]מוּתֶּרֶת וּבָנָיו אֲסוּרִין; וּבֵית הִלֵּל אוֹמְרִים, אֵלּוּ וָאֵלּוּ [15]מוּתָּרִין.

People may vow[1] to murderers,[2] and to robbers,[3] and to tax-collectors[4] that it[5] is *priest's-due*[6] even though it is not *priest's-due,* or that they[5] belong to the king's household even though they do not belong to the king's household. The School of Shammai[7] say, They may use any formula when thus vowing except in the form of an oath; but the School of Hillel[8] say, Even in the formula of an oath. The School of Shammai say, One must not be first with a vow;[9] but the School of Hillel say, He may even be so first. The School of Shammai say, By whatever expression he makes him vow;[10] but the School of Hillel say, Even by any form that he does not make him vow. How so? If they said to him, 'Say "קוֹנָם! if my wife benefit[11] from me"'[12] and he said,[13] 'קוֹנָם! if my wife and my children have any benefit from me!'—the School of Shammai say, His wife is permitted[14] but his children are prohibited; but the School of Hillel say, Both the former and the latter are allowed.[15]

1 To save one's life. **2** Or *assassins, highwaymen.* **3** חָרָם, *confiscator, official oppressor.* **4** If these are not authorized or if they overtax. **5** What they have or take along. **6** Or *heave-offering* (see *Appendix,* **Note 1**), which even thieves would refrain from stealing. **7** Their opinions in this *Mishnah* are rejected. **8** Their views in this *Mishnah* are accepted. **9** *i.e.,* he should not make a vow if the murderer does not demand it of him under compulsion. **10** *i.e.,* he must use only the form of words for the vow that the assailant forces him to use.* **11** נֶהֱנֵת in some editions. **12** The meaning is, 'I vow that my wife shall have no benefit from me if this is not *priest's-due.*' **13** *i.e.,* he used instead the expression 'קוֹנָם! if .....!' **14** Or מְתֻּרֶת. **15** Or מְתֻּרִין, are cancelled, *i.e.,* the vow is not binding at all. * Or his vow should refer only to the object mentioned by his assailant.

Mishnah 5

מִשְׁנָה ה

[1]הֲרֵי נְטִיעוֹת הָאֵלּוּ קָרְבָּן אִם אֵינָן נִקְצָצוֹת, [2]טַלִּית זוּ קָרְבָּן אִם אֵינָהּ נִשְׂרֶפֶת, יֵשׁ [3]לָהֶן פִּדְיוֹן. הֲרֵי נְטִיעוֹת הָאֵלּוּ קָרְבָּן עַד [4]שֶׁיִּקָּצְצוּ, טַלִּית זוּ קָרְבָּן עַד [5]שֶׁתִּשָּׂרֵף, אֵין [6]לָהֶם פִּדְיוֹן.

'Let[1] these plants be קָרְבָּן [*offering*] if they are not broken down!' or, 'Let[2] this cloak be קָרְבָּן [*offering*] if it be not burnt up!'—redemption applies to them.[3] 'Let these plants be קָרְבָּן [*offering*] until they shall be cut down!'[4] or, 'Let this cloak be קָרְבָּן [*offering*] until it shall be consumed!'[5] redeeming does not apply to them.[6]

1 An owner makes such a vow on the occasion of a violent destructive storm. **2** One makes such a vow at a conflagration. **3** These must be redeemed with money with which he purchases קָרְבָּנוֹת before secular use. Such cases are not to be considered as נִדְרֵי זְרִיזִין, *vows of urging*. **4** שֶׁיִּקָּצְצוּ [*Piel*], literally *they shall cut* [*them*] *down*. **5** Or *burned up*. **6** They can not be redeemed. The sanctity of the vows in such cases stands good and these objects remain holy, and if one attempts to redeem them with money then not only do the objects retain their sanctity but the redemption money also becomes hallowed.

Mishnah 6

מִשְׁנָה ו

הַנּוֹדֵר [1]מִיּוֹרְדֵי הַיָּם [2]מוּתָּר בְּיוֹשְׁבֵי הַיַּבָּשָׁה; מִיּוֹשְׁבֵי הַיַּבָּשָׁה אָסוּר [3]בְּיוֹרְדֵי הַיָּם, שֶׁיּוֹרְדֵי הַיָּם בִּכְלַל יוֹשְׁבֵי הַיַּבָּשָׁה, לֹא *כְּאֵלּוּ שֶׁהוֹלְכִין מֵעַכּוֹ [4]לְיָפוֹ אֶלָּא בְּמִי שֶׁדַּרְכּוֹ [5]לִפְרֹשׁ.

One who makes a vow against sea-farers[1] is permitted[2] from land-dwellers; against land-dwellers is forbidden from sea-farers,[3] since sea-farers are included in land-dwellers—not such as* travel from Acco to Jappo,[4] but as one that is wont to sail[5] afar.

1 *i.e.*, not to derive any benefit from them. **2** Or מֻתָּר, he is permitted to derive advantage. **3** *i.e.*, if one makes a vow not to derive any benefit from land-dwellers he is prohibited also from having any benefit from sea-farers. **4** *i.e.*, such are considered as land-dwellers. Some authorities render this thus: *Not only such as journey from Acco to Jappo* [are considered as sea-farers] *but such as sail far away*. עַכּוֹ *Acco, Accho, Acre*, a Phoenician sea-port; יָפוֹ, *Jappo, Japho, Joppa, Jaffa*, the port of Jerusalem. **5** לִפְרֹשׁ [*Kal*] or לְפָרֵשׁ [*Piel*]. * Or the *definite* כְּאֵלּוּ, *like those who*.

Mishnah 7

מִשְׁנָה ז

One who makes a vow *against those who see the sun*[1] is prohibited[2] also from the blind, because he meant[3] *those whom the sun sees.*

הַנּוֹדֵר [1]מֵרוֹאֵי הַחַמָּה [2]אָסוּר אַף בְּסוּמִין, שֶׁלֹּא נִתְכַּוֵּן זֶה אֶלָּא [3]לְמִי שֶׁהַחַמָּה רוֹאָה אוֹתוֹ.

1 To derive no benefit from non-blind people. **2** He is prohibited from having any benefit. **3** *i.e.,* the phrase מֵרוֹאֵי הַחַמָּה means not *against* (or *from*) *those who see the sun* (in which sense מֵרוֹאִין אֶת־הַחַמָּה would have been the correct grammatical expression) but *against* (or *from*) *them whom the sun sees.* This second, corrected, rendering would therefore prohibit the vower from any land creatures (but not under-water creatures that do not come directly under the sunlight).

Mishnah 8

מִשְׁנָה ח

One who makes a vow against the black-haired[1] is forbidden[2] from the bald-headed and the gray-haired,[3] but is permitted[4] from women and from children,[5] for[6] only men are called black-haired.

הַנּוֹדֵר [1]מִשְּׁחוֹרֵי הָרֹאשׁ [2]אָסוּר בְּקֵרְחִין וּבַעֲלֵי [3]שֵׂיבוֹת, [4]וּמוּתָּר בְּנָשִׁים [5]וּבְקְטַנִּים, [6]שֶׁאֵין נִקְרָאִין שְׁחוֹרֵי הָרֹאשׁ אֶלָּא אֲנָשִׁים.

1 Literally *dark-headed.* One vows to have no benefit from such whose head-hair is black, which might refer to young men.* **2** He is forbidden also to have any benefit from ..... **3** שֵׂיבוֹת, *f.pl.* of שֵׂיבָה, *grey-hair,* or שִׂיבוּת (סִיבוּת), *gray-hair.* **4** Or וּמֻתָּר, but is permitted to enjoy any benefit ..... **5** Literally *little ones.** **6** Literally *for they are not called black-haired but men are.* * See ADDENDA at the end of this *Tractate.*

Mishnah 9

מִשְׁנָה ט

One who vows against[1] those that are born[2] is permitted[3] from those that will be born; (against[4] those that are to be born he is prohibited[5] from those that are born[2,6]), but R. Meir permits also from those that are born,[7] and the Sages say, The meaning given to this[8] applies only to such as give birth by nature.[9]

הַנּוֹדֵר [1]מִן־[2]הַיְלוּדִים [3]מוּתָּר בַּנּוֹלָדִים; ([4]מִן־הַנּוֹלָדִים [5]אָסוּר [6,2]בַּיְלוּדִים), רַבִּי מֵאִיר מַתִּיר אַף [7]בַּיְלוּדִים, וַחֲכָמִים אוֹמְרִים, לֹא נִתְכַּוֵּן [8]זֶה אֶלָּא בְּמִי [9]שֶׁדַּרְכּוֹ לְהוֹלִיד.

1 *i.e., One who vows to have no benefit from* ..... **2** Or הַיְלוּדִים. Or *have been born.* **3** Or מֻתָּר, is permitted to derive benefit ..... **4** *i.e.,* if one vows to derive no benefit from ..... **5** *i.e.,* he is prohibited to have any benefit ..... **6** Some editions omit this part in brackets. **7** Or בַּיְלוּדִים. If the vow is to derive no benefit from those that will be born. **8** This term יְלוּדִים or the term גּוֹלָדִים. **9** *i.e.,* creatures such as mammals that bear their young alive (thus excluding fishes and birds).

Mishnah 10

מִשְׁנָה י

One who vows against[1] those who rest on the Sabbath is prohibited[2] from an Israelite[3] and is prohibited from Samaritans;[4] from[5] those that eat garlic,[6] he is forbidden[2] from an Israelite and is forbidden from Samaritans;[7] from[5] the pilgrims to Jerusalem, he is prohibited[2] from an Israelite but he is permitted[8] from Samaritans.

הַנּוֹדֵר [1]מִשּׁוֹבְתֵי שַׁבָּת, [2]אָסוּר [3]בְּיִשְׂרָאֵל וְאָסוּר [4]בְּכוּתִים; [5]מֵאוֹכְלֵי שׁוּם, [6]אָסוּר בְּיִשְׂרָאֵל וְאָסוּר בְּכוּתִים; [7]מֵעוֹלֵי יְרוּשָׁלַיִם, [2]אָסוּר בְּיִשְׂרָאֵל [8]וּמוּתָּר בְּכוּתִים.

1 *i.e.,* one forswears to derive no benefit from ..... **2** *i.e.,* he is forbidden to have any benefit from ..... **3** Or *Jew.* **4** See כְּתוּבוֹת 3[1]. **5** *i.e.,* if one makes a vow to receive no benefit from ..... **6** Ezra is said to have instituted the custom of eating garlic on עֶרֶב שַׁבָּת to activate and promote seminal generative discharge. **7** Some editions have the reading וּמוּתָּר בְּכוּתִים, *but is permitted* [to have benefit] *from Samaritans.* The Samaritans were believed to refrain from sexual intercourse on the Sabbath including the restriction under that of refraining from having fire on the Sabbath. **8** Or וּמֻתָּר, *i.e.,* he is permitted to accept benefits .....

Mishnah 11

מִשְׁנָה יא

'קוֹנָם! that I do not derive any benefit from a non-Jew!'[1]—he is permitted[2] from Israelites[3] but is prohibited from idolaters.[4] '..... that[5] I do not have any benefit from the seed of Abraham!', he is forbidden[6] from any Israelite[7] but is permitted from idolaters.[8] '..... that[5] I do not benefit from an Israelite!'—he must buy for more

קוֹנָם! שֶׁאֵינִי נֶהֱנֶה [1]לִבְנֵי נֹחַ, [2]מוּתָּר [3]בְּיִשְׂרָאֵל וְאָסוּר [4]בְּעוֹבְדֵי כּוֹכָבִים. [5]שֶׁאֵינִי נֶהֱנֶה לְזֶרַע אַבְרָהָם, [6]אָסוּר [7]בְּיִשְׂרָאֵל וּמוּתָּר [8]בְּעוֹבְדֵי כּוֹכָבִים. [5]שֶׁאֵינִי נֶהֱנֶה לְיִשְׂרָאֵל, לוֹקֵחַ בְּיוֹתֵר וּמוֹכֵר [9]בְּפָחוֹת. [10]שֶׁיִּשְׂרָאֵל נֶהֱנִין לִי, לוֹקֵחַ בְּפָחוֹת וּמוֹכֵר [9]בְּיוֹתֵר

[11]אִם שׁוֹמְעִין [12]לוֹ. [13]שֶׁאֵינִי נֶהֱנֶה
לָהֶן וְהֵן לִי, [14]יֵהָנֶה [15]לְעוֹבְדֵי
כּוֹכָבִים. קוֹנָם! שֶׁאֵינִי נֶהֱנֶה
[16]לָעֲרֵלִים, [17]מוּתָּר בְּעַרְלֵי [18]יִשְׂרָאֵל
וְאָסוּר בְּמוּלֵי עוֹבְדֵי כּוֹכָבִים.
קוֹנָם! שֶׁאֵינִי נֶהֱנֶה [19]לַמּוּלִים,
[17]אָסוּר בְּעַרְלֵי יִשְׂרָאֵל וּמוּתָּר
בְּמוּלֵי [20]עוֹבְדֵי כּוֹכָבִים, [21]שֶׁלֹּא
הָיְתָה הֶעָרְלָה קְרוּיָה אֶלָּא [22]לְשֶׁמָּם,
[23]שֶׁנֶּאֱמַר, כִּי כָל־הַגּוֹיִם עֲרֵלִים,
וְכָל־בֵּית יִשְׂרָאֵל עֲרֵלֵי לֵב;
[24]וְאוֹמֵר, וְהָיָה הַפְּלִשְׁתִּי הֶעָרֵל
הַזֶּה, [25]וְאוֹמֵר, פֶּן־תִּשְׂמַחְנָה בְּנוֹת
פְּלִשְׁתִּים, פֶּן־תַּעֲלֹזְנָה בְּנוֹת
הָעֲרֵלִים. רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה
אוֹמֵר, [26]מְאוּסָה [27]עָרְלָה שֶׁנִּתְגַּנּוּ בָּהּ
[28]עוֹבְדֵי כּוֹכָבִים, [29]שֶׁנֶּאֱמַר, כִּי
כָל־הַגּוֹיִם עֲרֵלִים. רַבִּי יִשְׁמָעֵאל
אוֹמֵר, [31]גְּדוֹלָה מִילָה שֶׁנִּכְרְתוּ
עָלֶיהָ [30]שְׁלֹשׁ עֶשְׂרֵי בְּרִיתוֹת. רַבִּי
יוֹסֵי אוֹמֵר, [31]גְּדוֹלָה מִילָה שֶׁדּוֹחָה
אֶת־[32]הַשַּׁבָּת הַחֲמוּרָה. רַבִּי יְהוֹשֻׁעַ
בֶּן קַרְחָה אוֹמֵר, [31]גְּדוֹלָה מִילָה
שֶׁלֹּא [33]נִיתְּלָה לוֹ לְמֹשֶׁה הַצַּדִּיק
עָלֶיהָ [34]מִלֹּא שָׁעָה. רַבִּי נְחֶמְיָה
אוֹמֵר, [31]גְּדוֹלָה מִילָה [35]שֶׁדּוֹחָה
אֶת־[36]הַנְּגָעִים. רַבִּי אוֹמֵר, [31]גְּדוֹלָה
מִילָה שֶׁכָּל הַמִּצְוֹת שֶׁעָשָׂה אַבְרָהָם
אָבִינוּ לֹא נִקְרָא שָׁלֵם עַד שֶׁמָּל,
[37]שֶׁנֶּאֱמַר, הִתְהַלֵּךְ לְפָנַי וְהְיֵה תָמִים.
דָּבָר אַחֵר גְּדוֹלָה מִילָה, שֶׁאִלְמָלֶא

than the value and sell for less than the worth.[9] '..... that[10] an Israelite derive any benefit from me!'—he must purchase for less than the worth and dispose of for more than the value[9] if[11] people have any regard for him.[12] '..... that[13] I do not benefit from them nor they from me!'—he may benefit from[14] idolaters.[15] קוֹנָם! that I derive no benefit from the uncircumcised!'[16]—he is permitted[17] from the uncircumcised of Israel[18] and is forbidden from the circumcised of idolaters. קוֹנָם! that I do not have any benefit from the circumcised!'[19]—he is prohibited[17] from the uncircumcised of Israel and is allowed from the circumcised of idolaters,[20] because[21] the term *foreskin* is applied only to designate them,[22] as it is said,[23] *For all the nations are uncircumcised, but all the house of Israel are uncircumcised in heart;* and it says,[24] *And this uncircumcised Philistine shall be,* and it says,[25] *Lest the daughters of the Philistines rejoice, lest the daughters of the uncircumcised triumph.* R. Elazar ben Azariah says, Repulsive[26] is the uncircumcised state[27] whereby the idolaters[28] are held up to disgrace, as it is said,[29] *For all the nations are uncircumcised.* R. Ishmael says, Great[31] is circumcision whereby the covenant was established thirteen times.[30] R. Jose says, Great[31] is circumcision since it overrides the stringent Sabbath.[32] R. Joshua ben Karcha says, Great[31] is circumcision since it was not suspen-

היא לא בָּרָא הַקָּדוֹשׁ בָּרוּךְ הוּא
אֶת־עוֹלָמוֹ, [38]שֶׁנֶּאֱמַר, כֹּה אָמַר ה׳
אִם־לֹא בְרִיתִי [39]יוֹמָם וָלַיְלָה
[40]חוּקוֹת שָׁמַיִם וָאָרֶץ לֹא שָׂמְתִּי.

ded[33] for Moses the righteous for so long as an hour.[34] R. Nehemiah says, Great[31] is circumcision which supersedes[35] the laws of leprosy.[36] Rabbi says, Great[31] is circumcision for in spite of all the virtues that Abraham our father fulfilled he was not called *perfect* until he was circumcised, as it is said,[37] *Walk before me and be thou perfect.* Another illustration of the supreme importance of circumcision: were it not for it the Holy One Blessed Be He would not have created His universe, as it is said,[38] *Thus saith the Eternal, If My covenant be not day and night*[39] *I had not appointed the ordinances*[40] *of heaven and earth.*

1 בֶּן נֹחַ, literally *son of Noah. i.e., If one said, 'May such-and-such be* קָרְבָּן *[offering] if I have any benefit from a non-Jew.'* **2** Or מֻתָּר, he is permitted to benefit ..... **3** Literally *an Israelite, i.e.,* Jews and proselytes. **4** *i.e.,* the vow is binding and he may have no benefit from non-Jews. Some editions have בְּאוּמּוֹת, *from non-Jews,* instead of בְּעוֹבְדֵי כּוֹכָבִים. **5** *i.e., If one vowed,* 'קוֹנָם! *that* .....!' **6** He must not derive any benefit ..... **7** Or from any proselyte. **8** *i.e.,* non-Jews. Some texts have בְּאוּמּוֹת, *from non-Jews,* instead of בְּעוֹבְדֵי כּוֹכָבִים. **9*** When dealing with a Jew, so as to fulfil the condition of the vow. **10** *i.e., If he said,* 'קוֹנָם! that an .....!' **11** The גְּמָרָא has וְאֵין instead of אִם. **12** *i.e.,* if others will trouble to help him carry out his vow (at loss to themselves under such a condition). **13** *i.e.,* If he vowed, 'קוֹנָם! that I .....!' **14** *i.e.,* deal with. **15** *i.e.,* non-Jews. Or לְאוּמּוֹת in some editions. **16** Or לְעֲרֵלִים, *from uncircumcised persons. i.e., If one said, 'May such-and-such be* קָרְבָּן *[offering] if I benefit from the uncircumcised!'* **17** He is prohibited to have any benefit ..... **18** Jews not circumcised because of the death of brothers who died as a result of circumcision. **19** Or לְמוּלִים, *from uncircumcised persons. i.e., If one said, 'May such-and-such be* קָרְבָּן *[offering] if I have any benefit from the uncircumcised!'* **20** אוּמּוֹת הָעוֹלָם, *non-Jews,* in some texts in place of עוֹבְדֵי כּוֹכָבִים. **21** Some editions have שֶׁאֵין הָעָרְלָה קְרוּיָה אֶלָּא לְשֵׁם עוֹבְדֵי כּוֹכָבִים instead of שֶׁלֹּא הָיְתָה הָעָרְלָה קְרוּיָה אֶלָּא לְשֵׁם. **22** The non-Jews. **23** *Jeremiah* **9**, 25. **24** *I Samuel* **17**, 36. **25** *II Samuel* **1**, 20. **26** Before God. **27** Or הָעָרְלָה in some editions. Literally *prepuce.* **28** Or הָרְשָׁעִים, *the wicked,* in some editions. **29** *Jeremiah* **9**, 25. **30** Literally *thirteen covenants were made. Genesis* **17**, 2 ff. **31** *i.e.,* most important. **32** שַׁבָּת 19[1]. *Leviticus* **12**, 3. The term הַחֲמוּרָה is used to indicate that מִילָה must be performed even on שַׁבָּת if it be יוֹם כִּפּוּר, the Day of Atonement. **33** *i.e.,* delayed, postponed. **34** Literally *the fulness of an hour, a full hour. Exodus*

4, 24. **35** Or *overrules*. **36** נְגָעִים 7[5]. *Deuteronomy* **24**, 8, הִשָּׁמֵר בְּנֶגַע הַצָּרַעַת, *take heed in the plague of leprosy*: if there is a נֶגַע on the עָרְלָה the נֶגַע and עָרְלָה must be removed together at circumcision. **37** *Genesis* **17**, 1. Or *whole-hearted*. **38** *Jeremiah* **33**, 25. **39** The sign (מִילָה) of the precept is present at all times. **40** The Scriptural text gives חִקּוֹת. * Or בְּסָחוּת.

CHAPTER 4

פֶּרֶק ד

Mishnah 1

מִשְׁנָה א

אֵין בֵּין [1]הַמּוּדָּר הֲנָאָה מֵחֲבֵירוֹ [1]לַמּוּדָּר [2]הֵימֶנּוּ מַאֲכָל אֶלָּא [3]דְּרִיסַת הָרֶגֶל וְכֵלִים שֶׁאֵין עוֹשִׂין בָּהֶם [4]אוֹכֶל נֶפֶשׁ. הַמּוּדָּר מַאֲכָל מֵחֲבֵירוֹ, לֹא [5,6]יַשְׁאִילֶנּוּ נָפָה, וּכְבָרָה, וְרֵחַיִם, [7]וְתַנּוּר, אֲבָל מַשְׁאִיל [6]לוֹ חָלוּק, וְטַבַּעַת, וְטַלִּית, [8]וּנְזָמִים, וְכָל דָּבָר שֶׁאֵין עוֹשִׂין בּוֹ אוֹכֶל נֶפֶשׁ; מָקוֹם שֶׁמַּשְׂכִּירִין [9]כַּיּוֹצֵא בָּהֶן [10]אָסוּר.

There is no difference between one who is forbidden by a vow[1] to have any benefit from his fellow and one who is prohibited by a vow[1] from taking any food from him[2] except only regarding the *treading of the foot*[3] and the use of utensils not required for preparing necessary food.[4] If one be subjected to the influence of a vow not to eat of his fellow's, he[5] may not lend him[6] a fine sieve, nor a coarse sieve, nor a mill-stone, nor an oven,[7] but he may lend him[6] a shirt, or a ring, or a mantle, or earrings,[8] or any article with which they do not prepare food; where such articles[9] can be hired out it is prohibited.[10]

1 Or הַמּוּדָּר [*Hophal participle*], *one who is subjected to the influence of a vow;* or הַמּוּדָּר הֲנָאָה מֵחֲבֵירוֹ, *who is prohibited by his neighbour's vow to derive any advantage* ..... **2** Or הֵימֶנּוּ. **3** Referring to the passage through the other's domain—his house or grounds (fields). The vow prohibits him from this. **4** He must not borrow vessels from his fellow even if these are not such as are used in the preparation of food. **5** The other, 'the fellow,' must not lend. **6** To the vower. **7** Or saucepan or other vessel, because these are utensils used for the preparation of foods. **8** Or *nose-rings*. **9** כַּיּוֹצֵא בָּהֶן, *like that which passes with them, as that in the same class as those, similar ones*. **10** *i.e.*, it is forbidden to lend them free of charge, because with the money thus saved the vower could buy foodstuffs and thus indirectly derive benefit from his fellow.

Mishnah 2

מִשְׁנָה ב

[1]הַמּוּדָר הֲנָאָה מֵחֲבֵירוֹ, [2]שׁוֹקֵל [3](לוֹ) אֶת־שִׁקְלוֹ, וּפוֹרֵעַ אֶת־[4]חוֹבוֹ, וּמַחֲזִיר לוֹ אֶת־אֲבֵדָתוֹ; מָקוֹם שֶׁנּוֹטְלִין [5]עָלֶיהָ שָׂכָר, תִּפּוֹל [6]הֲנָאָה לְהֶקְדֵּשׁ.

If[1] one be prohibited by a vow to derive any benefit from his fellow, he[2] may pay (for him)[3] his *shekel*-due, and repay him his debt,[4] and restore to him his lost property; where payment is taken for it,[5] the advantage[6] falls to the Temple property.

1 See the preceding *Mishnah*, **Note 1**. **2** The vower. **3** לוֹ is given in the גְּמָרָא. The מַחֲצִית הַשֶּׁקֶל, *half-shekel*, which every Jew each year had to pay in to the Temple treasury for *offerings*. *Exodus* **30**, 13 ff. שְׁקָלִים 1[6]. **4** Even if he had a pledge for it. **5** The restored property.* **6** Or *benefit, i.e.*, the payment. So that neither finder nor owner has any benefit under the terms of the vow (when both are subjected mutually to the influence of a vow). * If for instance he lost work through returning the article.

Mishnah 3

מִשְׁנָה ג

[1]וְתוֹרֵם אֶת־[2]תְּרוּמָתוֹ [2]וּמַעֲשְׂרוֹתָיו לְדַעְתּוֹ, וּמַקְרִיב [3]עָלָיו קִנֵּי [4]זָבִין, קִנֵּי [6]זָבוֹת, קִנֵּי [6]יוֹלְדוֹת, חַטָּאוֹת וַאֲשָׁמוֹת, וּמְלַמְּדוֹ מִדְרָשׁ הֲלָכוֹת [7]וְהַגָּדוֹת, אֲבָל לֹא יְלַמְּדֶנּוּ מִקְרָא, אֲבָל מְלַמֵּד הוּא אֶת־בָּנָיו וְאֶת־[8]בְּנוֹתָיו [9]מִקְרָא, וְזָן אֶת־אִשְׁתּוֹ וְאֶת־בָּנָיו אַף עַל פִּי [10]שֶׁהוּא חַיָּיב [11]בְּמְזוֹנוֹתֵיהֶם. וְלֹא יָזוֹן אֶת־[12]בְּהֶמְתּוֹ, בֵּין טְמֵאָה בֵּין [13]טְהוֹרָה. רַבִּי אֱלִיעֶזֶר אוֹמֵר, זָן אֶת־הַטְּמֵאָה וְאֵינוֹ זָן אֶת־הַטְּהוֹרָה. אָמְרוּ [14]לוֹ, מַה־בֵּין טְמֵאָה לִטְהוֹרָה? אָמַר לָהֶן, שֶׁהַטְּהוֹרָה נַפְשָׁהּ לַשָּׁמַיִם וְגוּפָהּ [15]שֶׁלּוֹ, וּטְמֵאָה נַפְשָׁהּ וְגוּפָהּ [16]לַשָּׁמַיִם. אָמְרוּ לוֹ, אַף הַטְּמֵאָה

And he[1] may separate for him his *priest's-due*[2] and his *tithes*[2] with his consent, and he may offer for him[3] the *bird-sacrifices* of men afflicted with gonorrhoea,[4] or the *bird-sacrifices* of women suffering with a flux,[5] or the *bird-sacrifices* of women after childbirth,[6] *sin-offerings* and *guilt-offerings*, and he may teach him *Midrash* and *Halachoth* and *Haggadoth*,[7] but he may not teach him *Scripture*, yet he may teach his sons and his daughters[8] *Scripture*,[9] and he may maintain the other's wife and his children even though he[10] is responsible for their support.[11] But he may not feed his cattle,[12] whether the unclean or the clean.[13] R. Eliezer says, He may feed the unclean beast but he may not feed the clean beast. They said to him,[14]

נַפְשָׁהּ לַשָּׁמַיִם, וְגוּפָהּ שֶׁלּוֹ, שֶׁאִם יִרְצֶה הֲרֵי הוּא מוֹכְרָהּ [17]לְעוֹבְדֵי כוֹכָבִים אוֹ [19]מַאֲכִילָהּ [18]לְכְלָבִים.

What is the distinction between the unclean and the clean? He replied to them that the life of the clean animal belongs to heaven and only its body in his,[15] but in the case of the unclean animal both its life and its body belong to heaven.[16] They answered him, The life of the unclean animal also belongs to heaven, but the body is his, since, if he so desire, he may sell it to non-Jews[17] or feed dogs[18] with it.[19]

1 The other, חֲבֵרוֹ, *his fellow.* **2** *Appendix,* **Note 1.** **3** On his behalf. If a יִשְׂרָאֵל made a vow that a כֹּהֵן was to have no benefit from him yet the latter may offer the קָרְבָּנוֹת for the יִשְׂרָאֵל because he does so not for his benefit but because the תּוֹרָה ordered him to do so. **4** Or *flux, issue, discharge.* **5** *Leviticus* **15**, 14, 29. **26** *Leviticus* **12**, 6, 8. Two turtle-doves or two young pigeons. **7** Or וְהַגָּדוֹת—this term is omitted in some texts. מִדְרָשׁ, *textual interpretation,* of Scripture (תָּנַ"ךְ or תּוֹרָה־נְבִיאִים־כְּתוּבִים) inferring ideas and rules therefrom and also serving as a commentary thereto. הֲלָכָה, *accepted opinion, practice, rule*—legal Rabbinic decision in the *Mishnah.* הַגָּדָה (or הַגָּדָה), *legend, narration*—homiletical interpretations in the *Mishnah* and *Talmud.* **8** וְאֶת בְּנוֹתָיו is omitted in some editions. **9** Because this is a מִצְוָה. **10** The other. **11** בְּמִזּוֹנוֹתָן in some editions. **12** The other's. **13** Because he benefits him thereby. **14** The חֲכָמִים, Sages, to R. Eliezer. **15** *i.e.,* the carcase belongs to the owner who may eat its flesh. Thus he benefits his fellow by maintaining his beast. **16** He should derive no benefit from its carcass. **17** Literally *idolaters.* **18** Or לַכְּלָבִים, (*to*) *the dogs.* **19** And so by feeding it and fattening it he will ultimately increase its value and thus benefit his fellow.

Mishnah 4

מִשְׁנָה ד

הַמּוּדָר הֲנָאָה מֵחֲבֵירוֹ [1]וְנִכְנַס [2]לְבַקְּרוֹ, [3]עוֹמֵד אֲבָל לֹא יוֹשֵׁב; [4]וּמְרַפְּאֵהוּ רְפוּאַת נֶפֶשׁ, אֲבָל לֹא [5]רְפוּאַת מָמוֹן; וְרוֹחֵץ. עִמּוֹ [6]בְּאַמְבַּטִּי גְּדוֹלָה אֲבָל לֹא [7]בְּקְטַנָּה; וְיָשֵׁן עִמּוֹ [8]בַּמִּטָּה. רַבִּי [9]יְהוּדָה אוֹמֵר, בִּימוֹת הַחַמָּה, אֲבָל לֹא [10]בִּימוֹת הַגְּשָׁמִים מִפְּנֵי שֶׁהוּא מְהַנֶּהוּ. וּמֵיסַב עִמּוֹ עַל הַמִּטָּה וְאוֹכֵל עִמּוֹ עַל [11]הַשֻּׁלְחָן אֲבָל לֹא

If one be prohibited by a vow from deriving any benefit from his fellow, and he[1] went in to visit him,[2] he may stand[3] but must not sit down; and he may assist in his bodily healing,[4] but not aid in the cure of his belongings;[5] and he may bathe with him in a large bath[6] but not in a small one;[7] and he may sleep with him in the same bed.[8] R. Judah[9] says, In the hot weather, but not in the rainy season[10] because he thereby benefits him.

מִן־[12]הַתַּמְחוּי, אֲבָל אוֹכֵל הוּא עִמּוֹ
מִן־הַתַּמְחוּי [13]הַחוֹזֵר; לֹא יֹאכַל
עִמּוֹ מִן־[14]הָאֲבוּס שֶׁלִּפְנֵי הַפּוֹעֲלִים;
וְלֹא יַעֲשֶׂה עִמּוֹ [15]בְּאוּמָן. דִּבְרֵי
רַבִּי [16]מֵאִיר, [17]וַחֲכָמִים אוֹמְרִים,
עוֹשֶׂה הוּא בְּרָחוֹק מִמֶּנּוּ.

And he may sit at meal with him on one couch and eat with him at the same table[11] but not from the same dish,[12] but he may eat with him from the same dish that is passed round;[13] he may not eat with him out of the same feeding-bowl[14] that is before the workmen; and he may not work with him in the same border-bed.[15] This is the view of R. Meir,[16] but the Sages[17] say, He may work in the same border-bed but at a good distance away from him.

1 His fellow. (See 4[2], **Note 1**). **2** He was ill. But the visit must not be prolonged, as it may lead to beneficial alleviation (as for instance relieving a paid nurse). **3** But not for long. **4** And if it is customary to pay for such treatment he must not treat gratis. **5** *i.e., beasts.* עֲבוֹדָה זָרָה 2[2]. **6** Or *tub.* **7** Because by raising the surface of the water he benefits the other, and he also warms up the water by bodily heat more quickly than in a large tub of water. **8** Or בְּמִטָּה, *in one bed.* **9** His view is accepted regarding sleeping in one bed. **10** Because it is cold and the other derives the benefit from his body heat. **11** Without fear lest they help one another. **12** Lest one eats more thus benefiting at the expense of the other. **13** *i.e.,* after it had first been passed on to at least one intermediary, so that he might not benefit directly if the other purposely took less to leave him a bigger portion. **14** Used by labourers. **15** Or בְּאוּמָן, *in one border-bed* or *furrow.* Lest his work benefits the other. **16** His opinion on this last point is rejected. **17** And their view is the accepted ruling.

Mishnah 5 — מִשְׁנָה ה

[1]הַמּוּדָר הֲנָאָה מֵחֲבֵירוֹ, לִפְנֵי
[2]שְׁבִיעִית, לֹא יוֹרֵד לְתוֹךְ שָׂדֵהוּ
וְאֵינוֹ אוֹכֵל מִן־[3]הַנּוֹטוֹת; [4]וּבַשְּׁבִיעִית,
אֵינוֹ יוֹרֵד לְתוֹךְ שָׂדֵהוּ אֲבָל אוֹכֵל
הוּא מִן־[5](הַנְּטִיעוֹת) הַנּוֹטוֹת. נָדַר
[6]הֵימֶנּוּ מַאֲכָל, לִפְנֵי שְׁבִיעִית יוֹרֵד
לְתוֹךְ שָׂדֵהוּ וְאֵינוֹ אוֹכֵל מִן־
הַפֵּירוֹת, [7]וּבַשְּׁבִיעִית יוֹרֵד וְאוֹכֵל.

If[1] one be prohibited by vow to have no benefit from his fellow, and it was *before* the *Sabbatical Year,*[2] he may not go down into his field nor eat from the outhanging produce;[3] and if it were[4] *during* the *Sabbatical Year,* he may not go down into his field but he may eat from the produce[5] that hangs outward. If he took a vow not to eat of his[6] food, if it were *before* the

Sabbatical Year he may go down into his field but he may not eat of the produce, but if it were[7] *during* the *Sabbaticāl Year* he may go down and eat as well.

1 See 4[1], **Note 1.** **2** See שְׁבִיעִית, INTRODUCTION. **3** Produce that hangs outside the property into another domain. Although during שְׁבִיעִית growth is הֶפְקֵר, *ownerless.** **4** When the vow was made. **5** Some texts omit הַנְּטִיעוֹת (נְטִיעָה *plant*).* **6** Or הֵימֶנּוּ. **7** *i.e.,* if he made the vow.
* See ADDENDA at the end of this *Tractate.*

Mishnah 6

מִשְׁנָה ו

If[1] one be forbidden by a vow from having any benefit from his fellow, he must neither lend to him[2] nor borrow from him, nor loan to him[3] or loan from him, nor sell to him or purchase from him. If he said to him,[4] 'Lend me thy cow,' and the other replied, 'It is not available,'[5] and he[6] said,[7] 'קוֹנָם! if I ever again plough[8] my field with it!'[9]—then if he himself were wont to plough, he himself is prohibited[10] but all others[11] are permitted,[12] but if he himself were not wont to plough, then both he and all others are forbidden.

[1]הַמּוּדָר הֲנָאָה מֵחֲבֵירוֹ, לֹא
[2]יַשְׁאִילֶנּוּ וְלֹא יִשְׁאַל מִמֶּנּוּ, לֹא
[3]יְלַוֶּנּוּ וְלֹא יִלְוֶה מִמֶּנּוּ, וְלֹא יִמְכֹּר
לוֹ וְלֹא יִקַּח מִמֶּנּוּ. אָמַר [4]לוֹ,
הַשְׁאִילֵנִי פָּרָתְךָ, אָמַר לוֹ, אֵינָהּ
[5]פְּנוּיָה, [7,6]אָמַר, קוֹנָם! שֶׁדַּי [8]שֶׁאֲנִי
חוֹרֵשׁ [9]בָּהּ לְעוֹלָם, אִם הָיָה דַּרְכּוֹ
לַחֲרוֹשׁ הוּא [10]אָסוּר [11]וְכָל אָדָם
[12]מוּתָּרִין, אִם אֵין דַּרְכּוֹ לַחֲרוֹשׁ
הוּא וְכָל אָדָם אֲסוּרִין.

1 See 4[1], **Note 1.** **2** Because it might lead to his borrowing in turn. **3** Lest it leads him to borrowing from the other in turn. **4** To his fellow. **5** *i.e.,* it is being used. **6** The vower. **7** In disappointment. **8** Some authorities prefer the reading..... שֶׁאֵינִי חוֹרֵשׁ, *that I do not ever again plough.* **9** *i.e.,* because the other had refused to lend him the animal he vowed that if he ever used the other's cow then his field be forever forbidden to himself. **10** *i.e.,* the vow is binding and he must not plough with the cow. **11** Who plough for him. **12** Or מֻתָּרִין.

Mishnah 7

מִשְׁנָה ז

If[1] one be prohibited by vow from deriving any benefit from his fellow, and he has naught to eat, he[2]

[1]הַמּוּדָר הֲנָאָה מֵחֲבֵירוֹ וְאֵין לוֹ מַה־
[2]יֹּאכַל, [2]הוֹלֵךְ אֶצֶל הַחֲנָוָנִי וְאוֹמֵר,

אִישׁ פְּלוֹנִי מוּדָּר מִמֶּנִּי הַנָּאָה וְאֵינִי יוֹדֵעַ מָה אֶעֱשֶׂה, [3]וְהוּא נוֹתֵן [4]לוֹ [5]וּבָא וְנוֹטֵל [2,10]מִזֶּה. [4]הָיָה בֵיתוֹ לִבְנוֹת, [7]גִּדְרוֹ [6]לִגְדּוֹר, שָׂדֶהוּ לִקְצוֹר, [2]הוֹלֵךְ אֶצֶל הַפּוֹעֲלִים וְאוֹמֵר, אִישׁ פְּלוֹנִי מוּדָּר מִמֶּנִּי הַנָּאָה וְאֵינִי יוֹדֵעַ מָה אֶעֱשֶׂה, הֵם [8]עוֹשִׂין [4]עִמּוֹ [9]וּבָאִין וְנוֹטְלִין שָׂכָר [10]מִזֶּה.

1 See 4[1], **Note 1**. **2** His fellow. **3** The shopkeeper. Literally *and he.* **4** The vower. Literally *to him.* **5** Literally *and comes and takes.* **6** In a field. **7** Or *fence, partition.* **8** עוֹשִׂים in some editions. **9** Literally *and they come and take.* **10** Literally *from this one.*

Mishnah 8

מִשְׁנָה ח

If they[1] were travelling together and he[2] had naught to eat, the second[3] may give[4] to some other person as a[5] gift and the first[2,6] is permitted.[7] If there were not some other person with them, he may place[8] upon a rock or on a wall[9] and say, 'Behold this is[10] ownerless for anyone that wishes,' and the other may take and eat. But R. Jose[11] forbids this.

[1]הָיוּ מְהַלְּכִין בַּדֶּרֶךְ וְאֵין [2]לוֹ מַה־[3]יֹּאכַל [4,3]נוֹתֵן לְאַחֵר [5]לְשׁוּם מַתָּנָה [6,2]וְהָלָה [7]מוּתָּר בָּהּ. אִם אֵין עִמָּהֶם אַחֵר, [8]מַנִּיחַ עַל הַסֶּלַע אוֹ עַל [9]הַגֶּדֶר וְאוֹמֵר, הֲרֵי [10]הֵן מוּפְקָרִים לְכָל מִי שֶׁיַּחְפּוֹץ, וְהָלָה נוֹטֵל וְאוֹכֵל. וְרַבִּי [11]יוֹסֵי אוֹסֵר.

1 The vower and his fellow against whom a vow was made. **2** The vower. **3** His fellow. **4** Some food. **5** לְשֵׁם in some editions. **6** Or וַהֲלָה (see 3[1], **Note 8**). **7** Or מֻתָּר. Literally *permitted,* בָּהּ, *therein, i.e.,* permitted to eat. **8** The food. Or מַנִּיחַ. **9** Or *fence, partition.* Literally *upon the rock or on the wall.* **10** Literally *they are.* **11** His opinion is rejected. His view is that as there is no one else present, making it ownerless is tantamount to making it a present to the other.

CHAPTER 5

פֶּרֶק ה

Mishnah 1

מִשְׁנָה א

Jointowners[1] who had vowed to derive no benefit the one from the other are forbidden to enter the courtyard.[2] R. Eliezer ben Jacob says, Each one may go into the part that is his,[3] but both of them are forbidden to set there a millstone or an oven or to rear fowls. If only one of them were prohibited by a vow to derive any benefit from his fellow, he may not enter the courtyard. R. Eliezer ben Jacob says, He[4] may say to the other, 'I will go into my part but I will not enter thine,' and they compel the one who vowed to sell his part.[5]

[1]הַשּׁוּתָּפִין שֶׁנָּדְרוּ הֲנָאָה זֶה מִזֶּה אֲסוּרִין לִכָּנֵס [2]לֶחָצֵר. רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר, זֶה נִכְנָס לְתוֹךְ שֶׁלּוֹ וְזֶה נִכְנָס לְתוֹךְ [3]שֶׁלּוֹ, וּשְׁנֵיהֶם אֲסוּרִים לְהַעֲמִיד שָׁם רֵחַיִם וְתַנּוּר וּלְגַדֵּל תַּרְנְגוֹלִים. הָיָה אֶחָד מֵהֶם מוּדָּר הֲנָאָה מֵחֲבֵירוֹ, לֹא יִכָּנֵס לֶחָצֵר. רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר, יָכוֹל [4]הוּא לוֹמַר לוֹ לְתוֹךְ שֶׁלִּי אֲנִי נִכְנָס וְאֵינִי נִכְנָס לְתוֹךְ שֶׁלְּךָ, וְכוֹפִין אֶת־הַנּוֹדֵר לִמְכּוֹר אֶת־[5]חֶלְקוֹ.

1 Or הַשֻּׁתָּפִין, literally *the joint-owners, the joint-holders, the partners.* Two householders who shared the ownership of the same courtyard. **2** If it is not large enough to be divided between them. בָּבָא בַּתְרָא 1[6]. **3** Literally *this one may enter into his and that one may go into his.* **4** The one who vows. **5** But the other who had not made any such vow cannot be obliged to sell his portion.

Mishnah 2

מִשְׁנָה ב

If someone from the street were forbidden by vow to have any benefit from one of them,[1] he may not go into the courtyard.[2] R. Eliezer[3] ben Jacob says, He[4] may say to him, 'I will enter the part that belongs to thy fellow but I will not go into[5] thine.'

הָיָה אֶחָד מִן־הַשּׁוּק מוּדָּר מֵאֶחָד [1]מֵהֶם הֲנָאָה, לֹא יִכָּנֵס [2]לֶחָצֵר. רַבִּי [3]אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר, [4]יָכוֹל לוֹמַר לוֹ, לְתוֹךְ שֶׁל חֲבֵרְךָ אֲנִי נִכְנָס וְאֵינִי נִכְנָס [5]לְתוֹךְ שֶׁלְּךָ.

1 The jointholders mentioned in the preceding *Mishnah.* **2** Not even if he has need to see the other jointholder. **3** His opinion is accepted. **4** Some editions have יָכוֹל הוּא לוֹמַר לוֹ. **5** בְּתוֹךְ in some texts.

Mishnah 3

מִשְׁנָה ג

If one were prohibited by vow[1] to derive any benefit from his fellow, and the latter had a bath-house or an olive-press-building[2] hired[3] in the city, then if he still had rights in it[4] he is forbidden,[5] but if he have no rights in it he is permitted.[6] If one said to his fellow, 'קוֹנָם ! if I enter[7] thy house,' or, '..... if I buy[8] thy field,'[9] and the latter died or sold it[10] to another,[11] he is permitted.[12] 'קוֹנָם ![13] if I enter[14] this house,'[15] or, '..... if I do purchase[16] this field,' and he[17] died or sold it[18] to another, he is prohibited.[19]

[1]הַמּוּדָּר הֲנָאָה מֵחֲבֵירוֹ, וְיֵשׁ־לוֹ
מֶרְחָץ [2]וּבֵית הַבַּד [3]מוּשְׂכָּרִים בָּעִיר,
אִם יֵשׁ לוֹ בָּהֶן [4]תְּפִיסַת יָד [5]אָסוּר,
אֵין לוֹ בָּהֶן תְּפִיסַת יָד [6]מוּתָּר.
הָאוֹמֵר לַחֲבֵירוֹ, קוֹנָם לְבֵיתְךָ
[7]שֶׁאֲנִי נִכְנַס, וְשָׂדֶךָ [8]שֶׁאֲנִי [9]לוֹקֵחַ,
מֵת אוֹ [10]שֶׁמְּכָרוֹ [11]לְאַחֵר, [12]מוּתָּר.
[13]קוֹנָם [15]לַבַּיִת זֶה [14]שֶׁאֲנִי נִכְנַס,
שָׂדֶה זוּ [16]שֶׁאֲנִי לוֹקֵחַ, [17]מֵת אוֹ
[18]שֶׁמְּכָרוֹ לְאַחֵר, [19]אָסוּר.

1 See 4[1], **Note 1.** **2** Containing the press(es), tank(s), and all the necessary implements. **3** To others before the vow. **4** Literally *in them. i.e.,* he only partly hired such away and still retains an interest therein. **5** *i.e.,* the one who made the vow may not use such. **6** Or מֻתָּר. **7** Instead שֶׁאֲנִי נִכְנַס some authorities prefer the reading שֶׁאֵינִי נִכְנַס, *that I do not enter.* **8** Some authorities prefer the reading שֶׁאֵינִי לוֹקֵחַ, *that I do not buy.* **9** *i.e., 'May such-and-such be* קָרְבָּן *[offering] if I enter thy house,* or, '..... *if I buy thy field.'* **10** שֶׁמְּכָרָן, *or sold them,* in some texts. **11** This ruling holds good also in the case of a מַתָּנָה, gift. **12** And the vow is not binding since neither is now his fellow's property. **13** *i.e., If one said to his fellow,* ..... **14** שֶׁאֵינִי נִכְנַס, *that I do not enter,* instead of שֶׁאֲנִי נִכְנַס according to some authorities. **15** Perhaps better לְבֵית זֶה. **16** Some authorities prefer the reading שֶׁאֵינִי לוֹקֵחַ, *that I do not buy,* to שֶׁאֲנִי לוֹקֵחַ. **17** The other, his fellow. **18** שֶׁמְּכָרָן in some editions. **19** The oath is binding.

Mishnah 4

מִשְׁנָה ד

'May[1] I be to thee[2] as something banned!'—he against whom the vow is pronounced is prohibited.[3] 'Be[1] thou to me as something banned!'—he who makes the vow is forbidden.[4] 'May[5] I be to thee and thou to me!'—both of them are prohibited;[6] yet both are allowed

[1]הֲרֵינִי [2]עָלֶיךָ חֵרֶם, הַמּוּדָּר [3]אָסוּר.
[1]הֲרֵי אַתְּ עָלַי חֵרֶם, הַנּוֹדֵר [4]אָסוּר.
[5]הֲרֵינִי [2]עָלֶיךָ וְאַתְּ עָלַי, שְׁנֵיהֶם
[6]אֲסוּרִין; וּשְׁנֵיהֶם מוּתָּרִין [7]בְּדָבָר
שֶׁל עוֹלֵי בָבֶל, וַאֲסוּרִין [8]בְּדָבָר שֶׁל
אוֹתָהּ [9]הָעִיר.

any thing[7] that belongs* to the pilgrims from Babylon, but are prohibited any thing[8] that belongs to that town.[9]

1 *i.e., If someone said to his fellow, '.....'* חֵרֶם, *property devoted to Temple or priestly use.* This refers to Galilee. See 2[4]. **2** Perhaps better עָלֶיךָ in grammatical agreement with וְאַתָּה. **3** He against whom the vow is directed is prohibited from deriving any benefit and the vow is binding. **4** To derive any benefit from his fellow. **5** *i.e., If one said to his fellow, 'May I be to thee as a thing banned and be thou to me as a thing banned.'* **6** To derive any benefit from each other. אֲסוּרִים in some editions. **7** Generally rendered *the things.* For example, the wells sunk for them on the roads and which were considered הֶפְקֵר, *ownerless.* שְׁבִיעִית 6[1]. The pilgrims used to come to Jerusalem for the שָׁלֹשׁ רְגָלִים (פֶּסַח, *Passover,* שָׁבוּעוֹת or עֲצֶרֶת, *Feast of Weeks* or *Pentecost,* סֻכּוֹת or חַג, *Festival of Tabernacles*). See the next *Mishnah.* **8** Often translated *the things.* **9** Because both of them have, as it were, share in such. * Perhaps preferable *pertains* or *appertains.*

Mishnah 5

מִשְׁנָה ה

And which are the things that belong[1] to the pilgrims from Babylon?[2]—For instance, the Temple Mount, and the Courts,[3] and the wells along the route.[4] And what sort of thing would belong to the town?—For example, the public square,[5] and the bath-house,[6] and the synagogue, and the book-case,[7] and the books.[7] And each one may assign in writing his share to the president.[8] R. Judah says, It is all one whether anyone assigns to the president or assigns to an ordinary person.[9] What difference is there between one who assigns to a president and him who assigns to an ordinary person?—One who assigns to the president does not have to grant him title[10] (but he who assigns to an ordinary person needs to grant him title);[11] but the Sages[12] say, It is all one in the former case and in the latter case,

[1]וְאֵיזֶהוּ דָּבָר שֶׁל עוֹלֵי [2]בָבֶל? כְּגוֹן, הַר הַבַּיִת, [3]וְהָעֲזָרוֹת, וְהַבּוֹר שֶׁבְּאֶמְצַע [4]הַדֶּרֶךְ. וְאֵיזֶהוּ דָּבָר שֶׁל אוֹתָהּ הָעִיר? כְּגוֹן, [5]הָרְחָבָה, [6]וְהַמֶּרְחָץ, וּבֵית הַכְּנֶסֶת, [7]וְהַתֵּיבָה, [7]וְהַסְּפָרִים. וְהַכּוֹתֵב חֶלְקוֹ [8]לַנָּשִׂיא. רַבִּי יְהוּדָה אוֹמֵר, אֶחָד כּוֹתֵב לַנָּשִׂיא וְאֶחָד כּוֹתֵב [9]לְהֶדְיוֹט. מַה־בֵּין כּוֹתֵב לַנָּשִׂיא לְכוֹתֵב לְהֶדְיוֹט? שֶׁהַכּוֹתֵב לְנָשִׂיא אֵין צָרִיךְ [10]לְזַכּוֹת (וְהַכּוֹתֵב לְהֶדְיוֹט צָרִיךְ לְזַכּוֹת);[11] וַחֲכָמִים אוֹמְרִים, אֶחָד זֶה וְאֶחָד [12]זֶה, צְרִיכִין לְזַכּוֹת, לֹא דִּבְּרוּ בַּנָּשִׂיא אֶלָּא [13]בְּהוֹוֶה. רַבִּי יְהוּדָה אוֹמֵר, אֵין אַנְשֵׁי גָלִיל צְרִיכִין [14]לִכְתּוֹב, שֶׁכְּבָר כָּתְבוּ אֲבוֹתֵיהֶם [15]עַל יְדֵיהֶם.

they have to grant title; they did not speak of the president except only as the ordinary custom.[13] R. Judah says, The people of Galilee do not need to assign[14] in writing, for their fathers had already long since so assigned on their behalf.[15]

1 Literally *And which is any thing that belongs* ..... **2** See the preceding *Mishnah*. **3** The Courts of the Temple. And the Temple itself. **4** Literally *and the well that is in the middle of the road*. **5** Or *market-place*. **6** Or *public-baths*. **7** In a synagogue or house of study or library. **8** Of the Court, *i.e.*, if those who vowed to derive no benefit from one another surrender their shares in the public utilities to the head of the community, and so they may then make use of such public facilities as they now receive the benefit from the town head. **9** Or *private individual*. **10** Or *to transfer the right through an intermediary*. **11** The part in brackets is omitted in some editions. **12** Their view is accepted. **13** And not to the exclusion of other people. People generally apply to the president for such purposes. **14** Their share. **15** Because these Galileans were disputatious and given to make vows to deprive their fellows of public amenities.

Mishnah 6

מִשְׁנָה ו

If[1] one be prohibited by a vow from deriving any benefit from his fellow[2] and he have naught to eat, he[3] may give it[4] to another as[5] a gift and the former[6] is permitted[7] to have it. It once happened that a certain man in Beth Horon, whose father was forbidden by a vow to have any benefit from him,[8] was giving his son in marriage and he said to his fellow, 'The courtyard and banquet are given to thee as a gift, and they are not really thine but only so that my father may come and eat with us at the banquet.' He[9] said to him, 'If they are mine then they are dedicated[10] to heaven.' He[11] replied to him, 'I did not[12] give thee what is mine that thou shouldst dedicate it[13] to heaven.' He[14] said to him, 'Thou didst not give to me what is thine except

[1]הַמּוּדָּר הֲנָאָה [2]מֵחֲבֵירוֹ וְאֵין לוֹ מַה־
[3]יֹּאכַל, [4,3]נוֹתְנוֹ לְאַחֵר [5]לְשׁוּם מַתָּנָה
[6]וְהָלָה [7]מוּתָּר בָּהּ. מַעֲשֶׂה בְּאֶחָד
בְּבֵית חוֹרוֹן, שֶׁהָיָה אָבִיו מוּדָּר
[8]הֵימֶנּוּ הֲנָאָה, וְהָיָה מַשִּׂיא אֶת־בְּנוֹ
וְאָמַר לַחֲבֵירוֹ, חָצֵר וּסְעוּדָה
נְתוּנִים לְךָ בְּמַתָּנָה וְאֵינָן לְפָנֶיךָ
אֶלָּא כְּדֵי שֶׁיָּבֹא אַבָּא וְיֹאכַל עִמָּנוּ
בַּסְּעוּדָה. [9]אָמַר לוֹ, אִם שֶׁלִּי הֵם
הֲרֵי הֵם [10]מוּקְדָּשִׁין לַשָּׁמַיִם. [11]אָמַר
לוֹ, [12]לֹא נָתַתִּי לְךָ אֶת־שֶׁלִּי
[13]שֶׁתַּקְדִּישֵׁם לַשָּׁמַיִם. [14]אָמַר לוֹ,
לֹא נָתַתָּ לִי אֶת־שֶׁלְּךָ אֶלָּא שֶׁתְּהֵא
אַתָּה וְאָבִיךָ אוֹכְלִים [15]וְשׁוֹתִים
וּמִתְרַצִּים זֶה לָזֶה וִיהֵא עָוֹן תָּלוּי
[16]בְּרֹאשׁוֹ. [17](וּכְשֶׁבָּא דָּבָר לִפְנֵי

חֲכָמִים אָמְרוּ,) כָּל־מַתָּנָה [18]שֶׁאֵינָהּ, שֶׁאִם הִקְדִּישָׁהּ, אֵינָהּ [19]מְקוּדֶּשֶׁת אֵינָהּ [20]מַתָּנָה.

that thou and thy father might eat and drink[15] and be reconciled with one another and that the sin should rest on his head."[16] (And[17] when the matter came before the Sages they said,) Any gift which is not one,[18] if one dedicated such, is not considered dedicated[19] nor is it a gift.[20]

1 See 4[1], **Note 1.** **2** Compare 4[7]. **3** His fellow. **4** Food. נוֹתֵן in some editions. **5** לְשֵׁם in some texts. **6** Or וַהֲלָה (compare 3[1], **Note 8**). **7** Or מְתָּר. **8** Or הִימֶנּוּ. **9** His fellow. **10** מוּקְדָּשִׁים in some texts. **11** The former. **12** According to some authorities לֹא is redundant, *viz.*, the reading should be נָתַתִּי לְךָ *'I gave thee .....'* **13** Literally *them.* **14** His fellow. **15** וְשׁוֹתִין in some editions. **16** Meaning *my head, i.e.,* the blame for the transgression of breaking the vow should rest with his fellow. **17** The phrase in parentheses is redundant in the view of some authorities. **18** It is only a pretence. **19** Or מְקֻדֶּשֶׁת. **20** And must not be made use of by his fellow involved in the vow.

CHAPTER 6 — פֶּרֶק ו

Mishnah 1 — מִשְׁנָה א

הַנּוֹדֵר מִן־הַמְּבוּשָׁל מוּתָּר [1]בְּצָלִי [2]וּבְשָׁלוּק. אָמַר, קוֹנָם תַּבְשִׁיל שֶׁאֵינִי טוֹעֵם, אָסוּר בְּמַעֲשֵׂה קְדֵירָה [3]רַךְ וּמוּתָּר [4]בְּעָבֶה, וּמוּתָּר [5]בְּבֵיצַת טַרְמִיטָא [6]וּבְדְלַעַת הָרְמוּצָה.

One who vows to abstain from cooked food is permitted roast[1] and what is strongly boiled.[2] If one said, 'קוֹנָם! that I do not taste cooked food!'—he is forbidden what is cooked thinly[3] in a pot but is allowed whatsoever is cooked thickly,[4] and he is permitted a soft-boiled egg[5] or a gourd[6] cooked in hot ashes.

1 Or *roasted meat.* **2** *i.e.,* more thoroughly boiled than usual (according to some authorities, just the opposite, *viz.,* not sufficiently boiled). שָׁלוּק, *boiled preserves.* **3** To be eaten with bread. Such as soup. **4** To be eaten without bread. **5** Boiled lightly in hot water and not allowed to coagulate used medicinally (or an egg boiled down to a small quantity and swallowed whole by a patient to pass through the body carrying matter to serve a physician for diagnosis). **6** Or *cucumber, pumpkin.* דְּלַעַת רְמוּצָה is a special kind of gourd that is rendered edible by baking in hot ashes.

Mishnah 2

מִשְׁנָה ב

One who vows to abstain from whatsoever is prepared in a pot is only prohibited from a cooked dish.[1] If he said, 'קוֹנָם! that I do not taste whatsoever enters the pot!'—he is prohibited whatever is cooked in a pot.[2]

הַנּוֹדֵר מִמַּעֲשֵׂה קְדֵירָה אֵין אָסוּר אֶלָּא מִמַּעֲשֵׂה [1]רְתִחְתָּה. אָמַר, קוֹנָם הַיּוֹרֵד לַקְּדֵירָה שֶׁאֵינִי טוֹעֵם אָסוּר בְּכָל הַמִּתְבַּשְּׁלִין [2]בְּקְדֵירָה.

1 Food made by pouring flour into hot water that requires boiling in a רְתִחְתָּה, *boiling pot.* According to one opinion מַעֲשֵׂה רְתִחְתָּה refers to stew or soup made from such foods as require protracted boiling. **2** The rule כָּל־סָפֵק נְדָרִים לְהַחֲמִיר, *where there is a doubt concerning vows the stringent ruling applies,* is enjoined here.

Mishnah 3

מִשְׁנָה ג

'From whatsoever is preserved!'[1]—he is[2] forbidden preserved vegetables[3] only. 'That I do not taste what is preserved!'[4]—he is prohibited from all preserved foods. 'From whatever is seethed!'[5]—he is prohibited only from seethed flesh. 'That I do not taste seethed food![6]—he is forbidden all seethed foods.[7] 'From roast!'[8]—he is forbidden from roasted flesh only. This is the opinion of R. Judah. 'That I do not taste what is roasted![9]—he is forbidden all roasted dishes.[10] 'From what is salted!'[11]—he is[12] prohibited from salted fish only. 'That I do not taste anything salted!'[13]—he is prohibited from all salted foods.

מִן־[1]הַכָּבוּשׁ [2]אֵין אָסוּר אֶלָּא מִן־[3]הַכָּבוּשׁ שֶׁל יָרָק. [4]כָּבוּשׁ שֶׁאֵינִי טוֹעֵם, אָסוּר בְּכָל הַכְּבוּשִׁים. מִן־[5]הַשָּׁלוּק, אֵינוֹ אָסוּר אֶלָּא מִן־הַשָּׁלוּק שֶׁל בָּשָׂר. [6]שָׁלוּק שֶׁאֵינִי טוֹעֵם, אָסוּר בְּכָל [7]הַשְּׁלָקִים. מִן־[8]הַצָּלִי, אֵין אָסוּר אֶלָּא מִן־הַצָּלִי שֶׁל בָּשָׂר. דִּבְרֵי רַבִּי יְהוּדָה. [9]צָלִי שֶׁאֵינִי טוֹעֵם, אָסוּר בְּכָל [10]הַצְּלוּיִים. מִן־[11]הַמְּלִיחַ, [12]אֵין אָסוּר אֶלָּא מִן־הַמְּלִיחַ שֶׁל דָּג. [13]מְלִיחַ שֶׁאֵינִי טוֹעֵם, אָסוּר בְּכָל הַמְּלוּחִים.

1 *i.e.,* if one vows to abstain from whatever is preserved (or pickled). **2** אֵינוֹ in some editions. **3** Or יָרָק. Or *greens, herbs.* **4** *i.e.,* if one makes this vow. **5** *i.e.,* if one makes a vow to abstain ..... Note the ה־, *the,* in הַשָּׁלוּק. (Compare 6[1], **Note 2**). **6** Here שָׁלוּק and not הַשָּׁלוּק.* **7** שֶׁלֶק, *overboiled, overdone matter.* **8** *i.e.,* he vows abstention from whatever is roasted. Note הַצָּלִי with the ה־, *the.* **9** Here the term used is צָלִי (and not

הַצָּלִי). **10** הַצְּלוּיִין in some editions. **11** *i.e.*, one vows abstention from הַמְּלוּחַ (note the ה־, *the*). מְלוּחַ, *food pickled* (or *preserved*) *in salt, salted dessert or relish.* **12** אֵינוֹ in some texts. **13** Note here מְלוּחַ (and not הַמְּלוּחַ). * Which infers that he has in hand the most common form of preserve, *viz.*, vegetables.

Mishnah 4

מִשְׁנָה ד

'That[1] I do not taste of fish[2] or fishes!'[3]—he is forbidden them, whether they are large or small, whether salted or plain,[4] whether raw or cooked, but he is allowed hashed pickled fish[5] and fish-brine.[6] If one vow to abstain from fish[7] pickled in brine, he is prohibited from hashed pickled fish, but he is permitted fish-brine[8] and brine[9] containing fish. If one vow abstention from hashed pickled fish, he is forbidden[10] fish-brine and brine containing fish.

[1,2]דָּג [3]דָּגִים שֶׁאֵינִי טוֹעֵם, אָסוּר
בָּהֶן, בֵּין גְּדוֹלִים בֵּין קְטַנִּים, בֵּין
מְלוּחִין בֵּין [4]תְּפֵלִין, בֵּין חַיִּין בֵּין
מְבוּשָׁלִין, וּמוּתָּר [5]בְּטָרִית טְרוּפָה
[6]וּבְצִיר. הַנּוֹדֵר מִן־[7]הַצַּחֲנָה אָסוּר
בְּטָרִית טְרוּפָה, וּמוּתָּר [8]בְּצִיר
[9]וּבְמוּרְיָיס. הַנּוֹדֵר מִטָּרִית טְרוּפָה
[10]אָסוּר בְּצִיר וּבְמוּרְיָיס.

1 *i.e.*, if one makes this vow. **2** דָּג in the *singular* refers here perhaps to a large sized fish. **3** *i.e.*, whether sold singly or in quantity. דָּגִים in the *plural* perhaps refers here to a quantity of small fish. **4** Or תְּפִילִין. *i.e.*, not salted. תָּפֵל, *insipid, tasteless, unsalted.* **5** Or *hashed salted fish, brine containing preserved fish.* Some render טָרִית *sardine.* **6** Or *fish-juice.* **7** צַחֲנָה, a mud-fish resembling טָרִית; according to another view, *hashed mixed fish.* **8** צִיר generally *brine, juice.* **9** מוּרְיָיס, *brine* or *pickle-juice* (*containing fish-hash* with or without the addition of wine). **10** Some editions have מוּתָּר (or מֻתָּר), *is permitted.*

Mishnah 5

מִשְׁנָה ה

If one vow to abstain from milk,[1] he is permitted[2] whey;[3] but R. Jose prohibits it. From whey,[4] he is allowed milk. Abba Saul[5] says, One who vows abstention from cheese[6] is forbidden it whether it is salted or plain.[7]

הַנּוֹדֵר מִן־[1]הֶחָלָב [2]מוּתָּר [3]בְּקוֹם;
וְרַבִּי יוֹסֵי אוֹסֵר. [4]מִן־הַקּוֹם, מוּתָּר
בְּחָלָב. אַבָּא [5]שָׁאוּל אוֹמֵר, הַנּוֹדֵר
מִן־[6]הַגְּבִינָה אָסוּר בָּהּ בֵּין מְלוּחָה
בֵּין [7]תְּפִילָה.

1 Or מֻתָּר. **2** Literally *the milk.* **3** Or *curd, curdled milk.* **4** *i.e.,* if one vows to abstain from *whey.* **5** His view is accepted. **6** Literally the *cheese.* **7** Or *not salted;* literally *insipid, tasteless.* Some editions give טְפֵילָה.

Mishnah 6

מִשְׁנָה ו

One who vows to abstain from flesh is permitted[1] broth[2] and meat-jelly;[3] but R. Judah[4] forbids it. R. Judah said, 'It once happened that R. Tarfon forbade me[5] eggs that were boiled therewith.'[6] They[7] replied to him, It was really so, but when is this indeed so when one says, 'May this flesh be prohibited to me!'—for if one vow abstention from something, and it be mixed with something else and there be sufficient to give it flavour, then it[8] is prohibited.

הַנּוֹדֵר מִן־הַבָּשָׂר [1]מוּתָּר [2]בְּרוֹטֶב [3]וּבְקִיפֶּה; וְרַבִּי [4]יְהוּדָה אוֹסֵר. אָמַר רַבִּי יְהוּדָה, מַעֲשֶׂה וְאָסַר [5]עָלַי רַבִּי טַרְפוֹן בֵּיצִים שֶׁנִּתְבַּשְּׁלוּ [6]עִמּוֹ. [7]אָמְרוּ לוֹ, וְכֵן הַדָּבָר, אֵימָתַי בִּזְמַן שֶׁ[1]אָמַר, בָּשָׂר זֶה עָלַי, שֶׁהַנּוֹדֵר מִן־הַדָּבָר וְנִתְעָרֵב בְּאַחֵר אִם יֵשׁ בּוֹ בְּנוֹתֵן טַעַם [8]אָסוּר.

1 Or מֻתָּר. **2** Or *meat juice, meat extract, jelly.* **3** Or *boiled meat sediment, jelly.* **4** His opinion is rejected. According to הר"ן it should be רַבִּי יוֹסֵי and not רַבִּי יְהוּדָא. **5** According to some authorities it should be עָלֵינוּ, *us.* **6** *i.e.,* the eggs had been cooked with the meat. **7** The חֲכָמִים, *Sages.* Their view is accepted. **8** The other also. But when one vows in an unqualified form, 'That I eat not meat,' then he is forbidden only meat but not what has acquired the taste or flavour of meat.

Mishnah 7

מִשְׁנָה ז

If one vow to abstain from wine, he is allowed[1] a cooked dish that has in it the taste of wine. If he said, 'קוֹנָם! that I do not taste this wine!'—and it dropped into a cooked dish, if there were enough therein to impart its flavour then it is forbidden.[2] One who vows abstention from grapes is permitted[1]

הַנּוֹדֵר מִן־הַיַּיִן [1]מוּתָּר בְּתַבְשִׁיל שֶׁיֵּשׁ בּוֹ טַעַם יַיִן. אָמַר, קוֹנָם יַיִן זֶה שֶׁאֵינִי טוֹעֵם, וְנָפַל לְתַבְשִׁיל, אִם יֵשׁ בּוֹ בְּנוֹתֵן טַעַם הֲרֵי זֶה [2]אָסוּר. הַנּוֹדֵר מִן־הָעֲנָבִים [1]מוּתָּר בְּיַיִן,

מִן־הַזֵּיתִים [1]מוּתָּר [3]בְּשֶׁמֶן. אָמַר, קוֹנָם זֵיתִים וַעֲנָבִים אֵלּוּ שֶׁאֵינִי טוֹעֵם, אָסוּר בָּהֶן [4]וּבִיוֹצֵא מֵהֶן.

wine, from olives is permitted[1] oil.[3] If he said, 'קוֹנָם! that I do not taste of these olives or grapes!'—he is forbidden them and what[4] comes from them.

1 Or מֻתָּר. **2** He may not eat of the dish. **3** *i.e.*, olive oil, for any other oil would not come under this category. **4** Any product.

Mishnah 8

מִשְׁנָה ח

הַנּוֹדֵר מִן־הַתְּמָרִים [1]מוּתָּר בִּדְבַשׁ תְּמָרִים, [2]מִסִּתְוָנִיּוֹת [1]מוּתָּר בְּחֹמֶץ סִתְוָנִיּוֹת. רַבִּי [3]יְהוּדָה בֶּן בְּתֵירָה אוֹמֵר, כָּל־שֶׁשֵּׁם [4]תּוֹלַדְתּוֹ קְרוּיָה עָלָיו וְנוֹדֵר [5]הֵימֶנּוּ אָסוּר אַף בְּיוֹצֵא הֵימֶנּוּ. [6]וַחֲכָמִים [7]מַתִּירִין.

One who vows abstention from dates is allowed[1] date-honey, from winter-grapes[2] he is permitted[1] the vinegar from winter-grapes. R. Judah[3] ben Bathyra says, Whatever is termed with the name of its origin[4] and from that[5] one vows to abstain, he is also prohibited what comes therefrom. But the Sages[6] permit it.[7]

1 Or מֻתָּר. **2** *i.e.*, one who vows to abstain from winter-grapes. סִתְוָנִית, (a) *inferior grapes* left on the vines for the winter season for making into vinegar; (b) *winter-fruit* left on the trees to be removed in the winter season. **3** His view is rejected. **4** For instance, wine from grapes called *grape*-wine, wine from raisins called *raisin*-wine, oil from olives called *olive*-oil, honey from dates called *date*-honey. **5** The source or origin. **6** Their opinion is accepted, as in the instance quoted at the head of the *Mishnah*. **7** מַתִּירִים in some texts.

Mishnah 9

מִשְׁנָה ט

הַנּוֹדֵר מִן־הַיַּיִן [1]מוּתָּר בְּיֵין תַּפּוּחִים; מִן־[2]הַשֶּׁמֶן, [1]מוּתָּר בְּשֶׁמֶן שׁוּמְשְׁמִין; מִן־[2]הַדְּבַשׁ, [1]מוּתָּר בִּדְבַשׁ תְּמָרִים; מִן־[2]הַחֹמֶץ, [1]מוּתָּר בְּחוֹמֶץ סִתְוָנִיּוֹת; מִן־[3]הַכָּרִישִׁין, [1]מוּתָּר [4]בְּקַפְּלוּטוֹת; מִן־[5]הַיָּרָק, [1]מוּתָּר בִּירָקוֹת [6]הַשָּׂדֶה מִפְּנֵי שֶׁהוּא [7]שֵׁם לְוָוִי.

If one vow to abstain from wine, he is permitted[1] apple-wine; from oil,[2] he is allowed[1] sesame-oil; from honey,[2] he is permitted date-honey; from vinegar,[2] he is allowed[1] winter-grape-vinegar; from leeks,[3] he is permitted[1] scallions;[4] from greens,[5] he is permitted[1] wild greens[6] for this is a distinguishing epithet.[7]

1 Or מָתָר. 2 *i.e.*, if one vows abstention from oil, etc. Literally *the wine, the oil, the honey, the vinegar.* 3 Or *cress.* Literally *the leeks.* 4 Or בְּקַפְלְטָאוֹת. Or *shallots, shalots.* 5 Literally *the green.* Or *vegetables, herbs.* 6 Which are not considered real greens. 7 *i.e.*, שָׂדֶה is a differentiating qualifying term. נְגָעִים 14[6].

Mishnah 10

מִשְׁנָה י

מִן־[1]הַכְּרוּב, אָסוּר [2]בְּאִיסְפַּרְגּוֹס;
מִן־[3]הָאִיסְפַּרְגּוֹס, [15]מוּתָּר בְּכְרוּב;
מִן־[4]הַגְּרִיסִין, אָסוּר [5]בְּמִקְפֶּה, וְרַבִּי
[6]יוֹסֵי מַתִּיר; מִן־[7]הַמִּקְפֶּה, מוּתָּר
בְּגְרִיסִין; מִן־*הַמִּקְפֶּה, אָסוּר
בְּשׁוּם; וְרַבִּי [6]יוֹסֵי מַתִּיר; מִן־הַשּׁוּם,
מוּתָּר בְּמִקְפֶּה; מִן־[8]הָעֲדָשִׁים,
אָסוּר [9]בַּאֲשִׁישִׁין, וְרַבִּי [6]יוֹסֵי מַתִּיר;
מִן־[10]הָאֲשִׁישִׁים, מוּתָּר בַּעֲדָשִׁים.
[11]חִטָּה חִטִּים שֶׁאֵינִי טוֹעֵם, אָסוּר
בָּהֶן, בֵּין קָמַח בֵּין פַּת. [12]גְּרִיס
גְּרִיסִין שֶׁאֵינִי טוֹעֵם, אָסוּר בָּהֶן, בֵּין
חַיִּין בֵּין [13]מְבוּשָׁלִים. רַבִּי יְהוּדָה
אוֹמֵר, [14]קוֹנָם גְּרִיס אוֹ חִטָּה שֶׁאֵינִי
טוֹעֵם, [15]מוּתָּר לָכוֹס חַיִּין.

From cabbage,[1] he is forbidden asparagus;[2] from asparagus,[3] he is allowed[15] cabbage; from grits,[4] he is forbidden thick grist[5]—but R. Jose[6] permits it; from grist pottage,[7] he is allowed grist; from thick grist, he is also prohibited garlic—but R. Jose[6] allows it; from garlic, he is permitted thick grist; from lentils,[8] he is forbidden lentil-cakes[9]—but R. Jose[6] allows them; from lentil-cakes,[10] he is permitted lentils. 'That[11] I do not taste wheaten-bread or wheat!'—he is forbidden them, whether as flour or bread. 'That[12] I do not taste grits in any form!'—he is prohibited them, whether raw or cooked.[13] R. Judah says, 'קוֹנָם![14] that I do not taste grits nor wheat!'—he is allowed[15] to chew them raw.

1 Literally *the cabbage.* *i.e.*, if one vows to abstain from cabbage. Some editions have הַנּוֹדֵר מִן־הַכְּרוּב, *If one vow abstention from (the) cabbage.* 2 Or *asparagus-like cabbage-shoots, young cabbage-shoots.* 3 Literally *the asparagus.* 4 Literally *the grits.* Or *groats, pounded beans, dish of pounded beans.* 5 מִקְפֶּה, מִקְפֶּה, *thick mass of grist* prepared from groats (or grits), oil and onions (or garlic). Some texts have מִן־הַמִּקְפֶּה.§ 6 His opinion is rejected.§ 7 Literally *the grist-pottage.* 8 Literally *the lentils.* 9 בַּאֲשִׁישִׁים in some editions. 10 אֲשִׁישִׁין, (*a*) *inferior kind of lentils,* (*b*) *boiled lentil-cakes soaked with honey.* 10 Literally *the lentil-cakes.* 11 *i.e.*, if one vows not to taste wheat in any form. 12 *i.e.*, if one takes a vow not to taste grits or groats. 13 Or מְבֻשָּׁלִים. 14 *i.e.*, if one vows saying, 'קוֹנָם! that .....'. 15 Or מָתָר. § See ADDENDA at the end of this *Tractate.*

* As every מִקְפֶּה contains garlic it is prohibited.

CHAPTER 7

פֶּרֶק ז

Mishnah 1

מִשְׁנָה א

One who vows to abstain from greens[1] is permitted gourds;[2] but R. Akiba[3] forbids them. They[4] said to R. Akiba, If a man say to his agent, 'Buy for me greens,' and he[5] replies, 'I have found none but gourds.' He answered them,[6] That is so,* but§ perhaps might he[5] not say to him, 'I have found naught but pulse'?[7]—except that gourds[8] are included under vegetables but pulse is not[9] classed as a vegetable. And further he is prohibited[10] fresh Egyptian beans but is allowed[11] when they are dried.

הַנּוֹדֵר מִן־הַיֶּרֶק מוּתָּר [2]בְּדְלוּעִין;
וְרַבִּי [3]עֲקִיבָא אוֹסֵר. [4]אָמְרוּ לוֹ
לְרַבִּי עֲקִיבָא, וְהָלָא אוֹמֵר אָדָם
לִשְׁלוּחוֹ, קַח לִי יֶרֶק, [5]וְהוּא אוֹמֵר,
לֹא מָצָאתִי אֶלָּא דְּלוּעִין. אָמַר
[6]לָהֶם, *כֵּן הַדָּבָר, §אוֹ שֶׁמָּא אוֹמֵר
[5]הוּא לוֹ, לֹא מָצָאתִי אֶלָּא [7]קִטְנִית,
אֶלָּא [8]שֶׁהַדְּלוּעִים בִּכְלַל יֶרֶק
וְקִטְנִית [9]אֵינָן בִּכְלַל יֶרֶק. [10]וְאָסוּר
בְּפוּל הַמִּצְרִי לַח [11]וּמוּתָּר בְּיָבֵשׁ.

1 Or *vegetables, herbs.* Literally *the greens.* **2** Or *pumpkins, cucumbers.* **3** His view is rejected. **4** The חֲכָמִים, *Sages,* whose opinion is accepted. **5** The agent on his return.§ **6** *i.e.,* R. Akiba replied to the Sages. **7** The edible seeds of beans, peas, lentils and other leguminous plants. **8** Literally *the gourds.* **9** Literally *are not.* **10** If one vows abstention from יֶרֶק. **11** Or וּמֻתָּר. He is permitted to eat dried Egyptian beans. * *viz.,* 'That is exactly my point.' § Or (*but perhaps*) *does he say to him.*

Mishnah 2

מִשְׁנָה ב

If one vow abstention from corn, he is prohibited dried Egyptian beans. This is the view of R. Meir.[1] But the Sages say, He is prohibited only the *five species.*[2] R. Meir says, One who vows to abstain from produce[3] is forbidden the *five*[4] *species* only, but if he vow to abstain from corn, he is forbidden all[5] but he is allowed[6] fruits of the trees[7] and vegetables.[8]

הַנּוֹדֵר מִן־הַדָּגָן אָסוּר בְּפוּל הַמִּצְרִי
יָבֵשׁ. דִּבְרֵי רַבִּי [1]מֵאִיר. וַחֲכָמִים
אוֹמְרִים, אֵינוֹ אָסוּר אֶלָּא [2]בַּחֲמִשֶּׁת
הַמִּינִין. רַבִּי מֵאִיר אוֹמֵר, הַנּוֹדֵר
מִן־[3]הַתְּבוּאָה אֵינוֹ אָסוּר אֶלָּא
[4]בַּחֲמִשֶּׁת הַמִּינִין, אֲבָל הַנּוֹדֵר מִן־
הַדָּגָן אָסוּר [5]בַּכֹּל [6]וּמוּתָּר בְּפֵרוֹת
[7]הָאִילָן [8]וּבְיָרָק.

1 His opinions here are rejected. **2** Wheat, barley, rye, oats, spelt (or German wheat). See חִלָּה 1[2], פְּסָחִים 2[5]. **3** Such as is grown in the field. **4**

מְחַמֶּשֶׁת in some editions. **5** Such like produce. **6** Or וּמִתָּר. **7** Or הָאִלָּן. **8** Or *greens, herbs.*

Mishnah 3

מִשְׁנָה ג

One who vows to abstain from clothing is permitted[1] sack-cloth,[2] curtains,[3] or blanket.[4] If he said, 'קוֹנָם ! if wool[5] come upon me!'—he is allowed[1] to cover himself with wool-shearings. 'If[6] flax come upon me!'—he is permitted[1] to cover himself with fully-prepared flax stalks.[7] R. Judah[8] says, 'It all depends according to him who vows:[9] if he were heavily laden[10] and perspiring and its odour was oppressive, and he said, 'קוֹנָם ! if wool or flax come upon me!'—he is permitted[1] to cover himself[11] but he is prohibited from folding them up as a load upon his back.[12]

הַנּוֹדֵר מִן־הַכְּסוּת [1]מוּתָּר [2]בְּשַׂק, [3]בִּירִיעָה, [1]וּבַחֲמִילָה. אָמַר, קוֹנָם [5]צֶמֶר עוֹלֶה עָלַי, [1]מוּתָּר לְהִתְכַּסּוֹת בְּגִיזֵי צֶמֶר. [6]פִּשְׁתָּן עוֹלֶה עָלַי, [1]מוּתָּר לְהִתְכַּסּוֹת [7]בַּאֲגִיצֵי פִשְׁתָּן. רַבִּי [8]יְהוּדָה אוֹמֵר, הַכֹּל לְפִי [9]הַנּוֹדֵר, [10]טָעַן וְהִזִּיעַ, וְהָיָה רֵיחוֹ קָשֶׁה, אָמַר, קוֹנָם צֶמֶר וּפִשְׁתִּים עוֹלֶה עָלַי, [1]מוּתָּר [11]לְהִתְכַּסּוֹת וְאָסוּר לְהַפְשִׁיל [12]לַאֲחוֹרָיו.

1 Or מֻתָּר. **2** Goat's-hair fabric. **3** Literally *curtain.* Material not ordinarily fit for making into garments. וּבִירִיעָה in some texts. **4** Made of thick coarse material, not generally suitable for making clothing. **5** Meaning *woollen cloth.* **6** *i.e.,* if he vows, 'קוֹנָם ! *if* .....' **7** אֲגִיצֵי פִשְׁתָּן, flax stalks after being soaked, beaten and dried. **8** His view is accepted. **9** *i.e.,* according to his physical condition when vowing. **10** With wool or flax, or woollen or linen material. **11** With wool or flax. **12** And all the more so not to carry it in front of him because of the odour that is injurious to him.

Mishnah 4

מִשְׁנָה ד

If one vow [not to enter] the house, he is permitted[1] the upper part.[2] This is the opinion of R. Meir. But the Sages say, The upper part is included in the designation *house.*[3] One who vows [not to enter] the upper part is allowed[1] the house.[4]

הַנּוֹדֵר מִן־הַבַּיִת [1]מוּתָּר [2]בָּעֲלִיָּה. דִּבְרֵי רַבִּי מֵאִיר. וַחֲכָמִים אוֹמְרִים, עֲלִיָּה בִּכְלַל [3]הַבַּיִת. הַנּוֹדֵר מִן־הָעֲלִיָּה [1]מוּתָּר [4]בַּבַּיִת.

1 Or מֻתָּר. To enter. **2** Room(s) or loft. **3** And so the restriction applies to the עֲלִיָּה also. **4** To enter any other part of the house.

Mishnah 5

מִשְׁנָה ה

הַנּוֹדֵר מִן־[1]הַמִּטָּה [2]מוּתָּר [3]בְּדַרְגָּשׁ. דִּבְרֵי רַבִּי מֵאִיר. וַחֲכָמִים אוֹמְרִים, דַּרְגָּשׁ בִּכְלַל מִטָּה. הַנּוֹדֵר מִן־[4]הַדַּרְגָּשׁ [2]מוּתָּר בְּמִטָּה. הַנּוֹדֵר מִן־[5]הָעִיר [2]מוּתָּר לִיכָּנֵס [6]לִתְחוּמָהּ שֶׁל עִיר, וְאָסוּר לִיכָּנֵס [7]לְעִיבּוּרָהּ. אֲבָל הַנּוֹדֵר מִן־הַבַּיִת, אָסוּר מִן־[8]הָאַסְּוָף וְלִפְנִים.

One who vows abstention from a bed[1] is allowed[2] a couch.[3] This is the view of R. Meir. But the Sages say, A couch is included in the description *bed*. If one vow to abstain from a couch,[4] he is permitted[2] a bed. One who vows to abstain from a city[5] is allowed[2] to enter within the *Sabbath limit*[6] of the city, but he is prohibited from entering its outskirts.[7] But if one vow not to enter a house, he is prohibited from entering beyond the door-frame[8] inwards.

1 Literally *the bed.* **2** Or מִתָּר. **3** Or *settee.* **4** Literally *the couch.* **5** Literally *the city, the town.* **6** *Appendix,* **Note 4.** עִירוּבִין INTRODUCTION. **7** Or *confines, city limits extension.* (70⅔ cubits-width additional zone in connection with תְּחוּם שַׁבָּת. עִירוּבִין 5[7]). **8** Or *jamb, door-step.* פְּסָחִים 7[12].

Mishnah 6

מִשְׁנָה ו

קוֹנָם פֵּירוֹת הָאֵלּוּ עָלַי, קוֹנָם הֵן עַל פִּי, [1](קוֹנָם הֵן לְפִי,) אָסוּר בְּחִלּוּפֵיהֶן וּבְגִדּוּלֵיהֶן. [2]שֶׁאֲנִי אוֹכֵל וְשֶׁאֲנִי טוֹעֵם, [3]מוּתָּר בְּחִלּוּפֵיהֶן וּבְגִדּוּלֵיהֶן. [4]בְּדָבָר שֶׁזַּרְעוֹ כָּלָה, אֲבָל [5]בְּדָבָר שֶׁאֵין זַרְעוֹ כָּלָה אֲפִילוּ גִּדּוּלֵי גִּדּוּלִין אֲסוּרִין.

'קוֹנָם be these fruits to me!' or, 'קוֹנָם be they *for* my mouth!' (or,[1] 'קוֹנָם be they *to* my mouth!')—he is forbidden whatever he may exchange them for or whatever may grow from them. '.....That[2] I do not eat or taste!'—he is permitted[3] whatever he may exchange them for or whatever may grow from them. This refers to such produce[4] whose seed dies off, but in the case of any produce[5] whose seed does not perish, then even what grows again from what has grown therefrom is prohibited.

1 *i.e.,* if one made a vow in any one of these forms to abstain from eating the fruit. קוֹנָם הֵן לְפִי in parentheses is omitted in the תַּלְמוּד יְרוּשַׁלְמִי, *Palestinian* (or *Jerusalem*) *Talmud.* **2** *i.e.,* if one vows abstention saying 'קוֹנָם! *that I do not eat or taste of them.*' **3** Or מִתָּר. **4** Such as beans, peas. **5** *e.g.,* onions, biennials, perennials.

Mishnah 7

מִשְׁנָה ז

If one say to his wife, 'קוֹנָם be the work of thy hands to me!' or, 'קוֹנָם be it[1] *for* my mouth!' or, 'קוֹנָם be it *to* my mouth!'—he is prohibited whatever he may exchange it[1] for or whatever may grow from it.[1,2] 'That[3] I do not eat or that I do not taste!'—he is permitted[4] whatever he may exchange it[1] for or whatever may grow from it.[1] This applies to such produce[5] whose seed dies away, but in the case of produce[6] whose seed does not perish, then even what regrows from whatsoever has grown therefrom is forbidden.

הָאוֹמֵר לְאִשְׁתּוֹ, קוֹנָם מַעֲשֵׂה יָדַיִךְ עָלַי, קוֹנָם [1]הֵן עַל פִּי, קוֹנָם [1]הֵן לְפִי, אָסוּר בְּחִילּוּפֵיהֶן [2]וּבְגִידּוּלֵיהֶן. [3]שֶׁאֲנִי אוֹכֵל שֶׁאֲנִי טוֹעֵם, [4]מוּתָּר בְּחִילּוּפֵיהֶן וּבְגִידּוּלֵיהֶן. [5]בְּדָבָר שֶׁזַּרְעוֹ כָּלָה, אֲבָל [6]בְּדָבָר שֶׁאֵין זַרְעוֹ כָּלָה אֲפִילּוּ גִּדּוּלֵי גִדּוּלִין אֲסוּרִים.

1 Literally *they.* **2** He is forbidden whatever she makes or prepares for him or plants or sows. **3** *i.e.,* if one vows saying, 'קוֹנָם! *that I* .....!' Literally *'That I eat or that I drink!'* **4** Or מֻתָּר. **5** See the foregoing *Mishnah,* **Note 4.** **6** See the preceding *Mishnah,* **Note 5.**

Mishnah 8

מִשְׁנָה ח

'I will not eat whatsoever thou makest till Passover!' or, 'Whatever thou makest I will not cover myself[2] therewith until[1] Passover!'[3] —if she made before Passover, he is permitted[4] to eat[5] or to cover himself[6] after Passover. 'What thou makest before Passover I will not eat!' or, 'What thou makest before Passover I will not cover myself therewith!'—if she did make before Passover, he is prohibited[7] from eating or covering himself[6] after Passover.

שֶׁאַתְּ עוֹשָׂה אֵינִי אוֹכֵל [1]עַד הַפֶּסַח, שֶׁאַתְּ עוֹשָׂה [2]אֵינִי מִתְכַּסֶּה [1]עַד [3]הַפֶּסַח, עָשִׂתָה לִפְנֵי הַפֶּסַח [4]מוּתָּר [5]לֶאֱכוֹל [6]וּלְהִתְכַּסּוֹת אַחַר הַפֶּסַח. שֶׁאַתְּ עוֹשָׂה עַד הַפֶּסַח אֵינִי אוֹכֵל, וְשֶׁאַתְּ עוֹשָׂה עַד הַפֶּסַח אֵינִי מִתְכַּסֶּה, עָשִׂתָה לִפְנֵי הַפֶּסַח [7]אָסוּר [5]לֶאֱכוֹל [6]וּלְהִתְכַּסּוֹת אַחַר הַפֶּסַח.

1 *i.e.,* before. **2** Or *I will not wear, I will not put on.* **3** *i.e.,* if one makes a vow before his wife in these ways. **4** Or מֻתָּר. **5** Of her preparations. **6** With her products. **7** For all time.

Mishnah 9

מִשְׁנָה ט

[1]שֶׁאַתְּ נֶהֱנֵית לִי עַד הַפֶּסַח אִם תֵּלְכִי לְבֵית אָבִיךָ עַד [2]הֶחָג, הָלְכָה לִפְנֵי הַפֶּסַח אֲסוּרָה בַּהֲנָאָתוֹ עַד הַפֶּסַח; [3]אַחַר הַפֶּסַח, [4]בְּלֹא יַחֵל דְּבָרוֹ. שֶׁאַתְּ נֶהֱנֵית לִי עַד הֶחָג אִם תֵּלְכִי לְבֵית אָבִיךָ עַד הַפֶּסַח, וְהָלְכָה לִפְנֵי הַפֶּסַח אֲסוּרָה בַּהֲנָאָתוֹ עַד הֶחָג, [5]וּמוּתֶּרֶת לֵילֵךְ אַחַר הַפֶּסַח.

'That[1] thou derivest any benefit from me before Passover if thou go to thy father's house before the Festival of Tabernacles!'[2]—if she went before Passover, she is prohibited from having any benefit from him until Passover; but if after[3] Passover, the law *he shall not break his word*[4] applies. 'That thou hast any benefit from me before the Festival of Tabernacles if thou go to thy father's home before Passover!'—if she went before Passover, she is forbidden to derive any benefit from him before the Festival of Tabernacles, but she is allowed[5] to go after Passover.

1 If one makes a vow before his wife saying, 'קוֹנָם! *that thou* .....' **2** חַג or סֻכּוֹת. **3** *i.e., but if she went after* ..... **4** *Numbers* **30**, 3. If she had had benefit from him before Passover. **5** Or וּמֻתֶּרֶת.

CHAPTER 8

פֶּרֶק ח

Mishnah 1

מִשְׁנָה א

[1]קוֹנָם יַיִן שֶׁאֲנִי טוֹעֵם הַיּוֹם, אֵינוֹ אָסוּר אֶלָּא עַד שֶׁתֶּחְשַׁךְ; [2]שַׁבָּת זוּ, אָסוּר בְּכָל הַשַּׁבָּת [3]וְשַׁבָּת שֶׁעָבְרָה; [4]חֹדֶשׁ זֶה, אָסוּר בְּכָל הַחֹדֶשׁ [6]וְרֹאשׁ חֹדֶשׁ לְהַבָּא; [7]שָׁנָה זוּ, אָסוּר בְּכָל הַשָּׁנָה [8]וְרֹאשׁ הַשָּׁנָה לֶעָתִיד לָבֹא; [9]שְׁבוּעַ זֶה, אָסוּר בְּכָל הַשְּׁבוּעַ וּשְׁבִיעִית [10]שֶׁעָבְרָה. וְאִם אָמַר, יוֹם אֶחָד, שַׁבָּת אַחַת, חֹדֶשׁ אֶחָד, שָׁנָה אַחַת, שְׁבוּעַ אֶחָד, אָסוּר מִיּוֹם [11]לְיוֹם.

'קוֹנָם! [1] if I taste wine to-day!'—he is prohibited only until nightfall; or, '..... this[2] week!'—he is forbidden all that week and the Sabbath of that past[3] week;[4] '..... this[5] month!'—he is prohibited for the whole month and up to[6] the first day of the coming month; '..... this[7] year!'—he is forbidden throughout that year and up to the coming New Year;[8] '..... this[9] *Sabbatical cycle*!'—he is forbidden the whole of that Sabbatical period and also the seventh year of the period that will have passed.[10] But if he said, '..... one day!' or, '.....

one week!' or, '..... one month!' or, '..... one year!' or, '..... one *Sabbatical cycle*!'—he is prohibited from that defined time until the following defined time.[11]

1 *i.e.,* if one vows saying, 'קוֹנָם ! *if* .....!' יַיִן, *wine,* is quoted here as an example of all such cases. The תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud,* has קוֹנָם יַיִן שֶׁאֵינִי טוֹעֵם הַיּוֹם, 'קוֹנָם ! *that I do not taste wine today!'* **2** *i.e.,* if he vows, 'קוֹנָם ! *that I do not taste wine this week!'* **3** לְשָׁבָר? in some editions. **4** *i.e.,* until מוֹצָאֵי שַׁבָּת, the conclusion of the Sabbath.* **5** *i.e.,* if he vows, 'קוֹנָם ! *that I do not drink wine this month!'* **6** But not including, *i.e.,* he may already drink then. **7*** *i.e.,* if he vows, 'קוֹנָם ! *that I do not drink wine this year!'* **8** When he may already drink. **9** שְׁמִיטָה or שְׁבִיעִית. *i.e.,* if he vows, 'קוֹנָם! *that I do not drink wine throughout the years of this Sabbatical period!'* **10** לְשָׁבָר? in some editions. *i.e.,* he is prohibited during the last or seventh year too. **11** *i.e.,* in the case of *day,* the prohibition lasts from that particular *hour* to the corresponding *hour* of the *next day;* in the case of *week,* from that moment to the similar time of the seventh day following; in the case of *month,* from the qualified time of the stated day of the month to that like time of the same day of the coming month; in the case of *year,* from the stated day and month to the corresponding day and month of the succeeding year; in the case of *Sabbatical Year,* from the stated day and month of that cycle to the corresponding day and month of the next *Sabbatical cycle of years.* * As the Sabbath completes the past week. * Or שָׁנָה זוֹ (see Volume II, Page 12).

Mishnah 2

מִשְׁנָה ב

'..... Until[1] Passover!'—he is forbidden until it[2] is come; '..... till[3] it is!'[4] he is prohibited until it is over; '..... till[5] before Passover!' —R. Meir[6] says, He is forbidden until it is come; but R. Jose[7] says, He is prohibited until it is over.

[1]עַד הַפֶּסַח, אָסוּר עַד [2]שֶׁיַּגִּיעַ; [3]עַד שֶׁיְּהֵא, אָסוּר עַד שֶׁיֵּצֵא; [5]עַד לִפְנֵי הַפֶּסַח, רַבִּי [6]מֵאִיר אוֹמֵר, אָסוּר עַד שֶׁיַּגִּיעַ; רַבִּי [7]יוֹסֵי אוֹמֵר, אָסוּר עַד שֶׁיֵּצֵא.

1 *i.e.,* if one vows, 'קוֹנָם ! *that I do not drink wine until Passover.'* **2** Passover. To the evening. **3** *i.e.,* if one vows, 'קוֹנָם ! *that I do not drink wine till it is!'* **4** *i.e.,* taking עַד שֶׁיְּהֵא to mean *as long as it* [Passover] *lasts.* **5** *i.e.,* if one vows, 'קוֹנָם ! *that I do not drink wine till before Passover!'** **6** His view is rejected.* **7** His opinion is accepted. * See ADDENDA at the end of this *Tractate.*

Mishnah 3

'..... Until[1] the harvest!'[2] or, '..... until[1] the vintage!' or, '..... until[1] the olive-picking!'[3]—he is prohibited[4] only till such time is come. This is the general principle: whatever has a fixed duration[5] and one said, '..... till[6] it shall come!' he is forbidden until that season shall have come. If one said, '..... till[6] it shall be!' he is forbidden until that time is gone by. And whatever has no definite duration,[7] whether one said, '..... until[8] it shall be!' or, '..... until[8] it shall come!'—he is prohibited only till the time is come.

מִשְׁנָה ג

[1]עַד [2]הַקָּצִיר, [1]עַד הַבָּצִיר, [1]עַד
[3]הַמְּסִיק, אֵינוֹ [4]אָסוּר אֶלָּא עַד
שֶׁיַּגִּיעַ. זֶה הַכְּלָל, כָּל־שֶׁזְּמַנּוֹ
[5]קָבוּעַ וְאָמַר, [6]עַד שֶׁיַּגִּיעַ, אָסוּר עַד
שֶׁיַּגִּיעַ. אָמַר, [6]עַד [5]שֶׁיְּהֵא, אָסוּר
עַד שֶׁיֵּצֵא. וְכָל שֶׁאֵין זְמַנּוֹ [7]קָבוּעַ,
בֵּין אָמַר, [8]עַד שֶׁיְּהֵא, בֵּין אָמַר,
[8]עַד שֶׁיַּגִּיעַ, אֵינוֹ אָסוּר אֶלָּא עַד
שֶׁיַּגִּיעַ.

1 *i.e.*, if one vows saying, 'קוֹנָם! *that I do not ..... until the .....!'* **2** Wheat or barley harvest. **3** Or *olive-harvest.* **4** The vow is binding. **5** פֶּסַח, *Passover,* or סֻכּוֹת (or חַג), *Festival of Tabernacles.* **6** *i.e.*, if one vows, 'קוֹנָם! till .....!' **7** As קָצִיר, בָּצִיר, מָסִיק.* **8** *i.e.*, if one vows, 'קוֹנָם! *until* .....!' * See ADDENDA at the end of this *Tractate.*

Mishnah 4

'..... Until[1] the summer!' or, '..... until[1] it is summer!'—until[2] the people bring in in the baskets.[3] '..... Until[1] the summer shall be gone by!'—until[2] the time when they fold up[4] the matting.[5] '..... Until[1] the harvest!'[6]—until[2] the people begin to gather in the wheat-harvest but not the barley-harvest.[7] It all depends on the place where one has made his vow: if he were in the highland,[8] according to the highland,[8] and if he were in the valley,[9] according to the valley.[9,10]

מִשְׁנָה ד

[1]עַד הַקַּיִץ [1]עַד שֶׁיְּהֵא הַקַּיִץ, [2]עַד
שֶׁיַּתְחִילוּ הָעָם לְהַכְנִיס [3]בַּכַּלְכָּלוֹת.
[1]עַד שֶׁיַּעֲבוֹר הַקַּיִץ, [2]עַד [4]שֶׁיִּקְפְּלוּ
[5]הַמִּקְצוֹעוֹת. עַד [6]הַקָּצִיר, [2]עַד
שֶׁיַּתְחִילוּ הָעָם לִקְצוֹר קָצִיר חִטִּין
אֲבָל לֹא קָצִיר [7]שְׂעוֹרִים. הַכֹּל
לְפִי מְקוֹם נִדְרוֹ, אִם הָיָה [8]בְּהָר
[8]בָּהָר, וְאִם הָיָה [9]בַּבִּקְעָה
[10,9]בַּבִּקְעָה.

1 *i.e.*, if one makes a vow saying, 'קוֹנָם ! *that I do not* ..... *until* .....!' **2** *i.e.*, he is אָסוּר, *forbidden* [the vow is binding] *until* ..... **3** *i.e.*, bring in the fruits in the fruit-baskets. **4** שֶׁיִּקְפְּלוּ [*Kal*] or שֶׁיְּקַפְּלוּ [*Piel*]. **5** Or, *until the time when they lay the figs in layers*, or, *until the time when they fold up the knives for storing.* [מַקְצוּעָה, (a) *stored fruits* (particularly *stored fig-cakes*), (b) special *knife* or *saw* for cutting fig-cakes, (c) *matting* for drying fig-cakes.] **6** Although קָצִיר refers to both *wheat-harvest* and *barley-harvest.* **7** The wheat-harvest is later than the barley-harvest. **8** Or בְּהַר, *on a hill, in hill-country.* **9** Or בְּבִקְעָה, *in a valley, in lowland.* **10** *i.e.*, if at the time of vowing he was in the hill-country the duration of the vow is according to the harvest time in the hill-country, and if he was in the lowland it is decided according to the harvest time in the lowland.

Mishnah 5

מִשְׁנָה ה

'..... Until[1] the rains!' or, '..... until[1] the rains will be!'—until[2] the second autumn-rainfall[3] will fall. Rabban Simon[4] ben Gamaliel says, Until[5] the time[6] or the rainfall shall come. '..... Until[1] the rains will cease!'—until[5] the whole[7] of Nisan is over. This is the opinion of R. Meir.[8] But R. Judah[9] says, Until Passover is gone by. 'קוֹנָם! that[10] I do not taste wine this year!'—and the year was declared leap-year,[11] he is prohibited[12] therein[13] and during its leap-month. '..... Until[14] the beginning of Adar!'—until[15] the beginning of the First Month Adar. '..... Till[14] the end of Adar!'—till[15] the end of the First Month Adar.[16] R. Judah says, 'קוֹנָם! that[10] I do not taste wine until it is Passover!'—he is prohibited only until Passover night,[17] because he only intended to signify the time when it is the custom of people to drink wine.[18]

[1]עַד הַגְּשָׁמִים, [1]עַד שֶׁיִּהְיוּ הַגְּשָׁמִים,
[2]עַד שֶׁתֵּרֵד [3]רְבִיעָה שְׁנִיָּה. רַבָּן
[4]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, [5]עַד
שֶׁיַּגִּיעַ [6]זְמַנָּהּ שֶׁל רְבִיעָה. [1]עַד
שֶׁיִּפְסְקוּ גְּשָׁמִים, [5]עַד שֶׁיֵּצֵא נִיסָן
[7]כּוּלּוֹ דִּבְרֵי רַבִּי [8]מֵאִיר. רַבִּי
[9]יְהוּדָה אוֹמֵר, עַד שֶׁיַּעֲבוֹר הַפֶּסַח.
[10]קוֹנָם יַיִן שֶׁאֵינִי טוֹעֵם הַשָּׁנָה,
[11]נִתְעַבְּרָה הַשָּׁנָה, [12]אָסוּר [13]בָּהּ
וּבְעִיבּוּרָהּ. [14]עַד רֹאשׁ אֲדָר עַד
רֹאשׁ אֲדָר הָרִאשׁוֹן. [14]עַד סוֹף
אֲדָר, [15]עַד סוֹף [16]אֲדָר הָרִאשׁוֹן.
רַבִּי יְהוּדָה אוֹמֵר, [10]קוֹנָם יַיִן שֶׁאֵינִי
טוֹעֵם עַד שֶׁיָּהֵא הַפֶּסַח, אֵינוֹ אָסוּר
אֶלָּא עַד [17]לֵיל הַפֶּסַח, שֶׁלֹּא
נִתְכַּוֵּן זֶה אֶלָּא עַד שָׁעָה שֶׁדַּרְכּוֹ בְּנֵי
אָדָם לִשְׁתּוֹת [18]יַיִן.

1 If one vows saying, 'קוֹנָם! *that I* ..... *until* .....!' **2** *i.e.*, the vow is binding until the second shower has fallen. **3** In Palestine from the 17th

חֶשְׁבָּן. רְבִיעָה, *Appendix,* **Note 11**; שְׁבִיעִית 9[8]. **4** His view is rejected. **5** *i.e., the vow is binding until* ..... **6** 17th כִּסְלִיו. **7** Or כָּלוּ. **8** His opinion is rejected. **9** His view is accepted. **10** *i.e.,* if one vows saying, 'קוֹנָם! *that* .....!' **11** A second month (אֲדָר שֵׁנִי) was added. **12** The vow is binding. **13** During that year. **14** *i.e.,* if one vows saying, 'קוֹנָם! *until* .....!' **15** *i.e.,* it is forbidden him, or the vow is binding until ..... **16** But in a leap-year to the end of the Second Month Adar is the ruling. **17** The first night. Some editions have לֵילֵי הַפֶּסַח, *Passover Nights.* **18** The אַרְבַּע כּוֹסוֹת (*four cups of wine* at the סֵדֶר Service) which he would also desire to observe.

Mishnah 6

מִשְׁנָה ו

[1]אָמַר, קוֹנָם בָּשָׂר שֶׁאֵינִי טוֹעֵם עַד שֶׁיְּהֵא [2]הַצּוֹם, אֵינוֹ [3]אָסוּר אֶלָּא עַד לֵילֵי [4]צוֹם, שֶׁלֹּא נִתְכַּוֵּן זֶה אֶלָּא עַד שָׁעָה שֶׁדֶּרֶךְ בְּנֵי אָדָם לֶאֱכֹל בָּשָׂר. רַבִּי [5]יוֹסֵי בְּנוֹ [6]אוֹמֵר, קוֹנָם שׁוּם שֶׁאֵינִי טוֹעֵם עַד שֶׁתְּהֵא שַׁבָּת אֵינוֹ אָסוּר אֶלָּא עַד [7]לֵיל [8]שַׁבָּת, שֶׁלֹּא נִתְכַּוֵּן זֶה אֶלָּא עַד שָׁעָה שֶׁדֶּרֶךְ בְּנֵי אָדָם לֶאֱכֹל שׁוּם.

If one said,[1] 'קוֹנָם! that I do not taste flesh until it is the Fast!'[2]—he is only prohibited[3] until the night of the Fast,[4] for his intention was only to signify the time when it is the custom of people to eat flesh. R. Jose[5] his son says,[6] 'קוֹנָם! that I do not taste garlic till it is the evening of[7] the Sabbath!'[8]—he is forbidden up to the night of the Sabbath since he intended only the time when it is the wont of men to eat garlic.

1 When making a vow. **2** יוֹם כִּפּוּר, the Day of Atonement. **3** *i.e.,* the vow is binding. **4** At the meal before the Fast, when he may eat flesh. **5** His view is rejected. **6** *i.e.,* if one makes a vow saying, 'קוֹנָם! *that* .....!' Some editions have ..... קוֹנָם, אָמַר, רַבִּי יוֹסֵי בְּנוֹ אוֹמֵר, *R. Jose his son says, If he said* 'קוֹנָם! .....!' **7** Some editions have לֵילֵי. **8** Ezra, after the return of the Jews from the Exile instituted the eating of garlic for men on עֶרֶב שַׁבָּת to stimulate and activate seminal discharge. The ruling as stated in *Mishnah* **2** of this *Chapter* holds good.

Mishnah 7

מִשְׁנָה ז

[1]הָאוֹמֵר לַחֲבֵירוֹ, קוֹנָם שֶׁאֲנִי נֶהֱנֶה [2]לְךָ אִם אֵין אַתָּה בָּא וְנוֹטֵל [3]לְבִנְךָ [4]כּוֹר אֶחָד שֶׁל חִטִּין וּשְׁתֵּי [5]חָבִיּוֹת

If one say[1] to his fellow, 'קוֹנָם! that I derive no benefit from thee[2] if thou do not come and take for thy son[3] a *kor*[4] of wheat and two barrels[5] of wine!'—then such a

person can annul his vow without recourse to a sage, and he[6] can say to him, 'Thou didst not speak thus except in my honour: this is my honour.'[7] And likewise, also, if one say to his fellow, 'קוֹנָם! that thou hast any benefit from me if thou come not and give to my son a *kor* of wheat and two casks of wine!'—R. Meir says, He is forbidden[8] until he gives. But the Sages say, Even in this case one may disannul his vow without resorting to a sage, and he can say to him,[9] 'Behold, it is as if[10] I had already received.' If they pressed[11] a man to wed[12] his sister's daughter and he said, 'קוֹנָם! that she ever derives any benefit from me!' and similarly, too, if one divorced his wife and said, 'קוֹנָם! if my wife ever derive any benefit from me!'—then these are permitted[13] to have benefit from him because his intention was only regarding marital state. If one importuned his fellow that he should eat with him and he[14] said, 'קוֹנָם! that I do not enter into thy house!' or, '..... that[15] I taste not a drop of cold water of thine!'[2]—he is permitted[16] to enter into his house and to drink cold water of his, for he intended to refer only to[17] eating and drinking.[18]

שֶׁל יַיִן, הֲרֵי זֶה יָכוֹל לְהָפֵר אֶת־
נִדְרוֹ שֶׁלֹּא עַל פִּי חָכָם, [9]וְיֹאמַר לוֹ,
כְּלוּם אָמַרְתָּ אֶלָּא מִפְּנֵי כְבוֹדִי: זֶהוּ
[7]כְּבוֹדִי. וְכֵן הָאוֹמֵר לַחֲבֵירוֹ,
קוֹנָם שֶׁאַתָּה נֶהֱנֶה לִי אִם אֵין אַתָּה
בָּא וְנוֹתֵן לִבְנִי כּוֹר אֶחָד שֶׁל חִטִּין
וּשְׁתֵּי חָבִיּוֹת שֶׁל יַיִן, רַבִּי מֵאִיר
אוֹמֵר, [8]אָסוּר עַד שֶׁיִּתֵּן. וַחֲכָמִים
אוֹמְרִים, אַף זֶה יָכוֹל לְהָפֵר אֶת־
נִדְרוֹ שֶׁלֹּא עַל פִּי חָכָם, וְיֹאמַר [9]לוֹ,
הֲרֵי, אֲנִי [10]כְּאִילוּ הִתְקַבַּלְתִּי. הָיוּ
[11]מְסָרְבִין בּוֹ [12]לִשֵּׂאת בַּת אֲחוֹתוֹ
וְאָמַר, קוֹנָם שֶׁהִיא נֶהֱנֵית לִי לְעוֹלָם,
וְכֵן הַמְגָרֵשׁ אֶת־אִשְׁתּוֹ וְאָמַר, קוֹנָם
אִשְׁתִּי נֶהֱנֵית לִי לְעוֹלָם, הֲרֵי אֵלּוּ
[13]מוּתָּרוֹת לֵהָנוֹת לוֹ שֶׁלֹּא נִתְכַּוֵּין זֶה
אֶלָּא לְשׁוּם אִישׁוּת. הָיָה מְסָרֵב
בַּחֲבֵירוֹ שֶׁיֹּאכַל אֶצְלוֹ [14]אָמַר, קוֹנָם
לְבֵיתְךָ שֶׁאֵינִי נִכְנָס, [15]טִיפַּת צוֹנֶן
שֶׁאֵינִי טוֹעֵם [2]לָךְ, [16]מוּתָּר לִיכָּנֵס
לְבֵיתוֹ וְלִשְׁתּוֹת מִמֶּנּוּ, צוֹנֶן שֶׁלֹּא
נִתְכַּוֵּין זֶה אֶלָּא [17]לְשׁוּם אֲכִילָה
[18]וּשְׁתִיָּה.

1 When forming a vow. **2** Or לְךָ. **3** Some texts have לְבָנֶיךָ, *for thy sons, for thy children.* **4** כּוֹר or חֹמֶר = 300 סְאָה. See TABLES, זְרָעִים, Page 18 f. **5** Or *jars, casks.* **6** His fellow. **7** *i.e.,* 'To find my own sustenance and not to accept any gift.' **8** *i.e.,* the vow is binding. **9** His fellow. **10** Or כְּאִילוּ. **11** Or *urged, importuned.* **12** Some texts give לִישֹׂא. **13** Or מֻתָּרוֹת. **14** The latter. **15** *i.e.,* 'קוֹנָם! *that* .....!' **16** Or מֻתָּר. **17** לְשֵׁם in some editions. **18** Or טִפַּת. But actually eating and

drinking are also allowed because he had not expressly referred to them in his statement (based on *Numbers* **30**, 3: כְּכָל הַיּוֹצֵא מִפִּיו יַעֲשֶׂה—see INTRODUCTION).

CHAPTER 9

פֶּרֶק ט

Mishnah 1

מִשְׁנָה א

R. Eliezer says,[1] They may open for a man with the honour due to his father and his mother. But the Sages prohibit[2] it.[3] R. Zadok said, Instead of finding a way out[4] for him by reason of the honour owing to his father and his mother, let them open a way for him because of the honour due to God.[5] If this be so there could be no vows.[6] But the Sages concede to R. Eliezer that in a matter[7] between one and his father and his mother that they may find a way out for him[8] by reason of the honour due to his father and his mother.

רַבִּי אֱלִיעֶזֶר [1]אוֹמֵר, פּוֹתְחִין לְאָדָם בִּכְבוֹד אָבִיו וְאִמּוֹ. וַחֲכָמִים [2,3]אוֹסְרִין. אָמַר רַבִּי צָדוֹק, עַד [4]שֶׁפּוֹתְחִין לוֹ בִּכְבוֹד אָבִיו וְאִמּוֹ, יִפְתְּחוּ לוֹ בִּכְבוֹד [5]הַמָּקוֹם. אִם כֵּן [6]אֵין נְדָרִים. וּמוֹדִים חֲכָמִים לְרַבִּי אֱלִיעֶזֶר [7]בְּדָבָר שֶׁבֵּינוֹ לְבֵין אָבִיו וְאִמּוֹ שֶׁפּוֹתְחִין [8]לוֹ בִּכְבוֹד אָבִיו וְאִמּוֹ.

1 With reference to the disannulment of a vow, and the finding of a reason for such absolution. **2** אוֹסְרִים in some editions. *i.e.*, they suggest a reason for repentance of his vow by saying, 'If thou hadst known how much the honour and respect due to thy parents had been ruined by the disrepute of having brought up a son to be so lightminded in the observance of vows, wouldst thou then have made thy vow?'—And if he replies, 'No,' then the sage would annul his vow. **3** For fear that the vower might answer untruthfully, 'No,' out of respect for, or for feeling ashamed before, the sage, not in his heart paying any regard at all for his parents' honour and desiring all the time that his vow be binding. **4** Literally *until* (or *before*) *they open*. **5** By saying to him, 'If thou hadst known that God does not desire thee to make a vow and that thou art evil in His sight for doing so, wouldest thou have made a vow?' **6** This statement is attributed to the חֲכָמִים, *Sages*, and this opinion is accepted. **7** For example, to withhold their livelihood from them. **8** To nullify his vow.

Mishnah 2

And R. Eliezer said further, They may open a way[1] because of some unexpected circumstance. But the Sages prohibit it.[2] How so?[3]—If one said, 'קוֹנָם ! that I do not have any benefit from so-and-so!'—and he[4] became a scribe[5] or was shortly[6] to give his son in marriage,[7] and he[8] said, 'If[9] I had known that he would become a scribe .....,' or, '..... he was soon to give[10] his son in marriage, I would not have made a vow.' 'קוֹנָם![11] that I do not enter this house!'—and it was made into a synagogue and he said,[12] 'If[13] I had known that it was going to be made into a synagogue I would not have made a vow.' R. Eliezer permits it,[14] but the Sages forbid it.[15]

מִשְׁנָה ב

וְעוֹד אָמַר רַבִּי אֱלִיעֶזֶר, [1]פּוֹתְחִין בְּנוֹלָד. וַחֲכָמִים [2]אוֹסְרִים. [3]כֵּיצַד? אָמַר, קוֹנָם שֶׁאֵינִי נֶהֱנֶה לְאִישׁ פְּלוֹנִי, [4]וְנַעֲשָׂה [5]סוֹפֵר אוֹ שֶׁהָיָה [6]מַשִּׂיא אֶת־בְּנוֹ [7]בְּקָרוֹב, [8]וְאָמַר, [9]אִילוּ הָיִיתִי יוֹדֵעַ שֶׁהוּא נַעֲשָׂה סוֹפֵר, אוֹ [10]שֶׁהָיָה מַשִּׂיא אֶת־בְּנוֹ בְּקָרוֹב, לֹא הָיִיתִי נוֹדֵר. [11]קוֹנָם לַבַּיִת זֶה שֶׁאֵינִי נִכְנָס, וְנַעֲשָׂה בֵּית הַכְּנֶסֶת [12]וְאָמַר, [13]אִילוּ הָיִיתִי יוֹדֵעַ שֶׁהוּא נַעֲשָׂה בֵּית הַכְּנֶסֶת לֹא הָיִיתִי נוֹדֵר. רַבִּי אֱלִיעֶזֶר [14]מַתִּיר, וַחֲכָמִים [15]אוֹסְרִין.

1 נוֹלָד in votive law refers to some novel circumstance that alters the aspects of a vow and ultimately cancels it, and the court seeking to disannul a vow introduces the subject by indicating an incident which had since occurred. **2** אוֹסְרִין in some editions. There must be genuine regret for disannulment of a vow. **3** *i.e., For example.* **4** The latter against whom the vow was made. **5** And the vower needed his assistance. **6** Some authorities consider בְּקָרוֹב redundant. **7** And the vower had to attend the wedding. **8** Who made the vow. **9** Or אִלּוּ. *i.e., 'If I had known that he would become a scribe I would not have made a vow.'* **10** שֶׁיִּהְיֶה in some editions. *i.e., 'If I had known that he .....'* **11** Here is another illustrative example. **12** אָמַר in some texts. **13** Or אִלּוּ. **14** *viz.,* that he is absolved from his vow under these exceptional unforeseen circumstances. **15** The vow is binding and is not to be annulled. Their view is accepted.

Mishnah 3

R. Meir says, There are matters that appear such as happen unexpectedly[1] but nevertheless are not such as happen unexpectedly;[2] but

מִשְׁנָה ג

רַבִּי מֵאִיר אוֹמֵר, יֵשׁ דְּבָרִים שֶׁהֵן [1]כְּנוֹלָד וְאֵינָן [2]כְּנוֹלָד; וְאֵין חֲכָמִים מוֹדִים [3]לוֹ. כֵּיצַד? אָמַר, קוֹנָם

שֶׁאֵינִי נוֹשֵׂא אֶת־פְּלוֹנִית שֶׁאָבִיהָ רָע, אָמְרוּ לוֹ מֵת אוֹ שֶׁעָשָׂה תְּשׁוּבָה. [5]קוֹנָם לַבַּיִת שֶׁאֵינִי נִכְנָס שֶׁהַכֶּלֶב רַע בְּתוֹכוֹ, אוֹ [6]שֶׁהַנָּחָשׁ בְּתוֹכוֹ, אָמְרוּ לוֹ מֵת הַכֶּלֶב, אוֹ שֶׁנֶּהֱרַג הַנָּחָשׁ, הֲרֵי הֵן כְּנוֹלָד וְאֵינָן כְּנוֹלָד; [7]וְאֵין חֲכָמִים מוֹדִים לוֹ.

the Sages do not agree with him.[3] How so?— If one said, 'קוֹנָם! that I do not marry so-and-so whose father is an evil man!'—and they told him that he was dead or that he had repented. 'קוֹנָם![4] that I do not enter the house[5] because a vicious dog is in it!' or, '..... for[6] there is a snake in it!'—and they said to him that the dog was dead, or, that the snake had been killed, these are things that seem such as occur unexpectedly but none-the-less are not such as occur unexpectedly; but[7] the Sages do not concur with him.

1 See 9[2], **Note 1**. **2** *i.e.*, there are incidents which a vower may have anticipated. **3** Some texts have וַחֲכָמִים מוֹדִים לוֹ, *and the Sages agree with him.* **4** *i.e., If one said,* 'קוֹנָם! .....!' Here is another illustration. **5** Some texts have לַבַּיִת זֶה, *this house.* **6** *viz.,* 'קוֹנָם! *that I do not enter* [*this*] *house for* .....!' **7** Some editions have וַחֲכָמִים מוֹדִים לוֹ, *and the Sages concur with him.* There is no general final agreement on the points raised in this *Mishnah.*

Mishnah 4 — מִשְׁנָה ד

וְעוֹד אָמַר רַבִּי מֵאִיר, [1]פּוֹתְחִין לוֹ מִן־הַכָּתוּב שֶׁבַּתּוֹרָה, וְאוֹמְרִים לוֹ, [2]אִילוּ הָיִיתָ יוֹדֵעַ שֶׁאַתָּה עוֹבֵר [3]עַל [4]לֹא תִקּוֹם וְעַל [4]לֹא תִטּוֹר, [3]וְעַל [5]לֹא תִשְׂנָא אֶת־אָחִיךָ בִּלְבָבֶךָ, [6]וְאָהַבְתָּ לְרֵעֲךָ כָּמוֹךָ, [7]יִחֲיֶה אָחִיךָ עִמָּךְ? שֶׁמָּא יֶעְנִי וְאֵין אַתָּה יָכוֹל [8]לְפַרְנְסוֹ? אָמַר, אִילוּ הָיִיתִי יוֹדֵעַ שֶׁהוּא כֵּן לֹא הָיִיתִי נוֹדֵר, הֲרֵי זֶה [9]מוּתָּר.

And moreover R. Meir said, They may find a way out[1] for him on the ground of what is written in the Law, and they say to him, 'If[2] thou hadst known that thou wouldst transgress regarding[3] *Thou*[4] *shalt not take vengeance,* or, *Thou*[4] *shalt not bear any grudge,* or regarding[3] *Thou*[5] *shalt not hate thy brother in thy heart,* or, *But*[6] *thou shalt love thy neighbour as thyself,* or, *That*[7] *thy brother may live with thee?*— perhaps he may become impoverished and then thou wilt not be able to sustain him?'[8] [And] he said, 'If[2] I had known that this was so I would not have made the vow'—then he may be absolved.[9]

1 פּוֹתְחִים in some editions. **2** Or אִלּוּ. **3** *viz.*, with regard to the commandment. **4** *Leviticus* **19**, 18. The actual Scriptural text is לֹא תִקֹּם וְלֹא תִטֹּר.

5 *Leviticus* **19**, 17. **6** *Leviticus* **19**, 18. **7** *Leviticus* **25**, 36. Conclude with, *'Then wouldst thou have made the vow?'* **8** *viz., 'Because of your vow, wouldst thou then have made your vow?'* **9** Or מַתָּר. The annulment must be effected in the presence of his fellow against whom the vow was made.

Mishnah 5

מִשְׁנָה ה

פּוֹתְחִין [1]לוֹ לְאָדָם [2]בִּכְתוּבַּת אִשְׁתּוֹ. וּמַעֲשֶׂה בְּאֶחָד שֶׁנָּדַר מֵאִשְׁתּוֹ הֲנָאָה וְהָיְתָה [3]כְּתוּבָּתָהּ [4]אַרְבַּע מֵאוֹת [5]דִּינָרִים, וּבָא לִפְנֵי רַבִּי עֲקִיבָא וְחִיְּבוֹ [6]לִיתֵּן לָהּ [7]כְּתוּבָּתָהּ. אָמַר [8]לוֹ, רַבִּי, שְׁמֹנֶה מֵאוֹת דִּינָרִין [9]הֵנִּיחַ אַבָּא, וְנָטַל אָחִי אַרְבַּע מֵאוֹת וַאֲנִי אַרְבַּע מֵאוֹת; לֹא דַיָּהּ שֶׁתִּטּוֹל הִיא מָאתַיִם וַאֲנִי [10]מָאתַיִם? אָמַר לוֹ רַבִּי עֲקִיבָא, [11]אֲפִילוּ אַתָּה מוֹכֵר שְׂעַר [12]רֹאשְׁךָ אַתָּה נוֹתֵן לָהּ [7]כְּתוּבָּתָהּ. [8]אָמַר לוֹ [13]אִילוּ הָיִיתִי יוֹדֵעַ שֶׁהוּא כֵּן לֹא הָיִיתִי נוֹדֵר, [14]וְהִתִּירָהּ רַבִּי עֲקִיבָא.

They may find a way out for a man[1] on grounds of his wife's *marriage-settlement.*[2] And it once happened that a man vowed to derive no benefit from his wife whose *marriage-settlement*[3] was four[4] hundred *denars,*[5] and he came before R. Akiba who declared him liable to give her[6] her *marriage-settlement.*[7] He said to him,[8] 'Rabbi, my father left[9] eight hundred *denars,* and my brother took four hundred and I four hundred;[10] should it not suffice for her to take two hundred and that I take two hundred?' R. Akiba said to him, 'Even if[11] thou have to sell the hair of thy head[12] thou must give her her *marriage-settlement.*[7]' He said to him, 'If[13] I had known that this was so I would not have made the vow,' and R. Akiba absolved him.[14]

1 Some editions omit לוֹ. **2** Or בִּכְתֻבַּת. *Appendix,* **Note 8.** כְּתוּבוֹת, INTRODUCTION. **3** Or כְּתֻבָּתָהּ. **4** Or ד׳ in some texts. **5** דִּינָר = ½ שֶׁקֶל. See זֻזִים, INTODUCTION, TABLES. **6** *i.e.,* pay her. **7** Or כְּתֻבָּתָהּ. **8** *viz.,* the husband to R. Akiba. **9** Or הִנִּיחַ. **10** From real estate. **11** Or אֲפִלּוּ. **12** *i.e.,* to sell all the real estate and naught is left over for himself. **13** Or אִלּוּ. **14** *i.e.,* he released him from his vow. וְהִתִּירָהּ literally *and he absolved her;* perhaps in agreement with the text וְהִתִּירָהּ might be rendered *and he declared her permitted* [to her husband], *viz.,* he declared that she was now free from her husband's vow meaning that the vow was null and void; some editions give וְהִתִּירוֹ, *and absolved him.*

Mishnah 6

מִשְׁנָה ו

They may open a way[1] by reason of Festivals and Sabbaths.[2] Aforetime they used to say, On these days they are absolved[3] but on all other days they are bound.[4] Then R. Akiba came and taught[5] that the vow which is nullified in part[6] is annulled altogether.[7]

[1]פּוֹתְחִין בְּיָמִים טוֹבִים [2]וּבְשַׁבָּתוֹת. בָּרִאשׁוֹנָה הָיוּ אוֹמְרִים, אוֹתָן הַיָּמִים [3]מוּתָּרִין וּשְׁאָר כָּל־הַיָּמִים [4]אֲסוּרִין. עַד שֶׁבָּא רַבִּי עֲקִיבָא [5]וְלִימֵּד שֶׁהַנֶּדֶר שֶׁהוּתַּר [6]מִקְצָתוֹ הוּתַּר [7]כּוּלוֹ.

1 For anyone who wishes to have a vow disannulled. **2** For instance, if one vowed to fast for a period or to abstain from eating flesh for such time and made no allowance for the fact that Sabbath(s) or Holyday(s) came within that period when fasting or abstention from eating flesh was not permitted. **3** Or מֻתָּרִים. Some editions give מוּתָּרִים. **4** אֲסוּרִים in some editions. They must observe their vows. **5** Or וְלִמֵּד. **6** There must be sincere contrition. **7** Or כָּלוּ. The vow is not binding automatically. But there is no absolute agreement on this subject.

Mishnah 7

מִשְׁנָה ז

How so?[1]—If one said, 'קוֹנָם ! that I have no benefit from all of you!'[2] —if one of them were absolved then all[3] of them are released. 'That[4] I do not derive any benefit from this one and that one .....!' —if the first were released then all of them[3] are released; if the last be released then the last one only is released,[5] but all the others are prohibited; if one in between[6] be released, those from him to the last[7] are absolved,[8] but from him to the first[9] they are forbidden.[10] 'That[11] I do not derive[12] any benefit from this one as from a קָרְבָּן [*offering*] or from that one as from a קָרְבָּן [*offering*] !'—they must find a way out for him[13] for each case separately.[14]

[1]כֵּיצַד? אָמַר, קוֹנָם שֶׁאֵינִי נֶהֱנֶה [2]לְכוּלְּכֶם, הוּתַּר אֶחָד מֵהֶן הוּתְּרוּ [3]כוּלָּן. [4]שֶׁאֵינִי נֶהֱנֶה לָזֶה וְלָזֶה, הוּתַּר רִאשׁוֹן הוּתְּרוּ [3]כוּלָּן; הוּתַּר הָאַחֲרוֹן הָאַחֲרוֹן [5]מוּתָּר וְכוּלָּן אֲסוּרִין; הוּתַּר [6]הָאֶמְצָעִי, הֵימֶנּוּ וּלְמַטָּה [8]מוּתָּר, הֵימֶנּוּ [9]וּלְמַעְלָה [10]אָסוּר [11]שֶׁאֵינִי [12]נֶהֱנֶה לָזֶה קָרְבָּן וְלָזֶה קָרְבָּן, צְרִיכִין [13]פֶּתַח [14]לְכָל אֶחָד וְאֶחָד.

1 *viz.*, here is an illustration to the foregoing *Mishnah*. **2** Or לְכֻלְּכֶם. **3** Or כֻּלָּן. **4** *i.e.*, if one vowed, 'קוֹנָם ! that I .....!' **5** Or *permitted*. Or מֻתָּר. **6** Literally *the middle one, the one midway, i.e.*, someone between

the first pronounced against and the last pronounced against. **7** Literally *downwards.* **8** Or מֻתָּר. Literally *is absolved* or *is permitted.* **9** Literally *upwards.* **10** Literally *is forbidden.* **11** *viz.,* if one made this vow. **12** The גְּמָרָא gives the reading שֶׁאֲנִי נֶהֱנֶה, *if I derive any benefit.* **13** If he wants to repent of his vow and to be released therefrom. **14** Even though he included them all in one vow.

Mishnah 8

מִשְׁנָה ח

[1]קוֹנָם יַיִן שֶׁאֵינִי טוֹעֵם שֶׁהַיַּיִן רַע לְמֵעַיִם ! אָמְרוּ [2]לוֹ, וַהֲלֹא [3]הַמְיוּשָׁן יָפֶה לְמֵעַיִם? הוּתַּר בִּמְיוּשָׁן. וְלֹא בִּמְיוּשָׁן בִּלְבַד הוּתַּר אֶלָּא בְּכָל [4]הַיַּיִן. [1]קוֹנָם בָּצֵל שֶׁאֵינִי טוֹעֵם שֶׁהַבָּצֵל רַע לַלֵּב, אָמְרוּ [2]לוֹ, הֲלֹא [5]הַכּוּפְרִי יָפֶה לַלֵּב? הוּתַּר בְּכוּפְרִי, וְלֹא בְכוּפְרִי בִּלְבַד הוּתַּר אֶלָּא בְּכָל הַבְּצָלִים. מַעֲשֶׂה הָיָה [6]וְהִתִּירוֹ רַבִּי מֵאִיר בְּכָל הַבְּצָלִים.

'קוֹנָם! [1] that I do not taste wine because wine is bad for the bowels!'—and they said to him,[2] 'But is not old wine[3] good for the bowels?' Then he is permitted old wine, and in consequence not only is he permitted old wine but also all wine.[4] 'קוֹנָם! [1] that I do not taste any onion for onion is bad for the heart!'—and they said to him,[2] 'But is not the Cyprus variety[5] good for the heart?'—Then he is permitted Cyprus onions, and consequently not only is he permitted Cyprus onions but also all onions. It once so happened and R. Akiba permitted him[6] all onions.

1 *i.e.,* if one vowed, 'קוֹנָם! *that* .....!' **2** When seeking absolution from the vow. **3** מְיוּשָׁן, מְאֻשָּׁן, *stored up and improved with age.* **4** But only if he pleaded thus, 'Had I known that this was so I would not have made the vow at all or I would have vowed to be permitted old wine and be prohibited from new wine.' But if he pleaded, 'If I had known I would have vowed that all wine be forbidden to me except old wine,' then in this case he is allowed old wine only, and any other kind is forbidden to him. **5** כּוּפְרִי in some editions. **6** One who had made a vow to this effect.

Mishnah 9

מִשְׁנָה ט

פּוֹתְחִין לְאָדָם [1]בִּכְבוֹד עַצְמוֹ וּבִכְבוֹד [2]בָּנָיו. אוֹמְרִים לוֹ, [3]אֵילוּ הָיִיתָ יוֹדֵעַ שֶׁלְּמָחָר [5,4]אוֹמְרִין

They may find a way out for a man by reason of his own honour[1] and of the honour of his children.[2] They say to him, 'Supposing[3] thou hadst known that to-morrow they[4]

עָלֶיךָ, כָּךְ הִיא וֶוסְתוֹ שֶׁל פְּלוֹנִי מְגָרֵשׁ אֶת־נָשָׁיו! וְעַל בְּנוֹתֶיךָ יִהְיוּ אוֹמְרִין, [6]בְּנוֹת גְּרוּשׁוֹת הֵן; מָה רָאָתָה אִמָּן שֶׁל אֵלּוּ [7]לְהִתְגָּרֵשׁ? וְאָמַר, [8]אִילוּ הָיִיתִי יוֹדֵעַ שֶׁכֵּן לֹא הָיִיתִי נוֹדֵר, הֲרֵי זֶה [8]מוּתָּר.

would say[5] of thee, "Such is the character of so-and-so who divorces his wives!" and of thy daughters they will say, "They are daughters of a divorced woman;[6] what did he see in their mother that[7] she had to be divorced"?[7] And he said, 'If[8] I had known that this would be so I would not have made the vow,' then he is absolved.[8]

1 A man may suffer more if his respectability is injured than if he suffers physical harm. See 9[1], **Note 1**. **2** Without fear that he would speak untruthfully. **3** Or אֵלּוּ. **4** *viz.*, people. **5** Or יִהְיוּ אוֹמְרִין, *they will be saying*. **6** Literally בְּנוֹת גְּרוּשׁוֹת, *daughters of divorced women*. Some texts give בְּנוֹת גְּרוּשָׁה, *daughters of a divorced woman*. **7** Literally *'What did their mother see* [that she acted thus] *that she had to be divorced?'* Evidently then he must have discovered that she was guilty of unchastity. **8** Or מֻתָּר; literally *permitted*. The vow is annulled. According to some he nevertheless must have recourse to a sage to be released from his vow.

Mishnah 10

מִשְׁנָה י

[1]קוֹנָם שֶׁאֵינִי נוֹשֵׂא אֶת־פְּלוֹנִית כְּעוּרָה, וַהֲרֵי הִיא נָאָה; [2]שְׁחוֹרָה, וַהֲרֵי הִיא לְבָנָה; [3]קְצֵרָה, וַהֲרֵי הִיא [4]אֲרוּכָה, [4]מוּתָּר בָּהּ, לֹא מִפְּנֵי שֶׁהִיא כְּעוּרָה וְנַעֲשֵׂית נָאָה, שְׁחוֹרָה וְנַעֲשֵׂית לְבָנָה, קְצֵרָה וְנַעֲשֵׂית [2]אֲרוּכָה, אֶלָּא שֶׁהַנֶּדֶר [5]טָעוּת. וּמַעֲשֶׂה בְּאֶחָד שֶׁנָּדַר [6]מִבַּת אֲחוֹתוֹ הַנָּיָה, וְהִכְנִיסוּהָ לְבֵית רַבִּי יִשְׁמָעֵאל וְיִפּוּהָ. אָמַר לוֹ רַבִּי [7]יִשְׁמָעֵאל, בְּנִי, לְזוּ נָדַרְתָּ? אָמַר לוֹ, לָאו. [8]וְהִתִּירוּ רַבִּי יִשְׁמָעֵאל.

'קוֹנָם! [1] that I do not wed so-and-so for she is ugly!'—yet she was in reality beautiful; or,[2] '..... she is dark!'—although she was indeed fair; or,[2] '..... she is short!'—though indeed she was tall:[3] he is permitted[4] to take her, not because she was ugly and became beautiful, or dark and became fair, or short and became tall,[2] but because the vow was made in error.[5] (And) It once happened that a man vowed to derive no benefit from[6] his sister's daughter, and they brought her to R. Ishmael's house and they made her beautiful. R. Ishmael[7] said to him, 'My son, didst thou vow against this woman?' He replied to him, 'No!' And R. Ishmael

בְּאוֹתָהּ שָׁעָה [9]בָּכָה רַבִּי יִשְׁמָעֵאל וְאָמַר, בְּנוֹת יִשְׂרָאֵל נָאוֹת הֵן אֶלָּא שֶׁהָעֲנִיּוּת מְנַוֵּלְתָּן. וּכְשֶׁמֵּת רַבִּי יִשְׁמָעֵאל הָיוּ בְּנוֹת יִשְׂרָאֵל נוֹשְׂאוֹת [10]קִינָה וְאוֹמְרוֹת, בְּנוֹת יִשְׂרָאֵל, אֶל רַבִּי יִשְׁמָעֵאל בְּכֶיָנָה. וְכֵן הוּא אוֹמֵר בְּשָׁאוּל, [11]בְּנוֹת יִשְׂרָאֵל אֶל שָׁאוּל בְּכֶיָנָה.

absolved him.[8] In that same hour R. Ishmael wept[9] and said, 'The daughters of Israel are beautiful but it is poverty that renders them uncomely.' (And) When R. Ishmael died the daughters of Israel raised lamentation[10] and said, 'Ye daughters of Israel, weep over R. Ishmael!' And likewise also it is said of Saul, *Ye*[11] *daughters of Israel, weep over Saul!*

1 *i.e., If one vow saying,* 'קוֹנָם ! *that I* .....!' **2** *viz., or if one vow saying,* 'קוֹנָם ! *that I do not wed so and so for* .....!' **3** Or אֲרֻכָּה. **4** Or מֻתָּר. **5** Hence the vow is not binding and is automatically annulled.* **6** Or *vowed refusal to have any benefit* (or *favour* or *advantage*) from ..... **7** His opinion that the vow is automatically cancelled is rejected. In such case the vow can only be disannulled by a sage. **8** He could then take her in marriage, the implication being that she was so changed that he did not recognise her as the same woman. **9** He deplored their poverty and not their appearance. **10** Or קִנָּה. **11** *II Samuel* **1**, 24. * See ADDENDA at the end of this *Tractate*.

CHAPTER 10 — פֶּרֶק י

Mishnah 1 — מִשְׁנָה א

[1]נַעֲרָה הַמְּאוֹרָסָה, אָבִיהָ [2]וּבַעְלָהּ [3]מֵפִירִין נִדְרֶיהָ. הֵפֵר הָאָב וְלֹא הֵפֵר הַבַּעַל, הֵפֵר הַבַּעַל וְלֹא הֵפֵר הָאָב, אֵינוֹ [4]מוּפָר; וְאֵין צָרִיךְ [5]לוֹמַר [6]שֶׁקַּיֵּם אֶחָד מֵהֶן.

If a girl[1] be betrothed, her father and her husband[2] render her vows void.[3] If the father annulled but the husband did not annul, or if the husband nullified but the father did not nullify, it is not revoked;[4] and there is no need to state[5] that this is so if one of them confirmed it.[6]

1 נַעֲרָה, *girl, lass, maid,* between twelve years and one day and twelve and a half years of age. **2** *viz.,* her betrothed. **3** *Numbers* **30**, 3-16. Both together. **4** And the vow is still binding. **5** In the *Mishnah.* **6** *i.e.,* if one stated expressly that he desired the vow to be binding, for it was already sufficient to render it binding if only one sought to disannul it.

Mishnah 2

מִשְׁנָה ב

If the father died the right[1] does not pass on to the husband,[2] but if the husband died the right is vested in the father.[3] In this respect the father's power surpasses the husband's power. In another matter the husband's power exceeds the father's power in that the husband can nullify[4] in the case of a girl[5] who has reached the age of majority,[6] whereas the father can not annul after she[7] has reached the age of majority.

מֵת הָאָב לֹא נִתְרוֹקְנָה [1]רְשׁוּת [2]לַבַּעַל, מֵת הַבַּעַל נִתְרוֹקְנָה רְשׁוּת [3]לָאָב. בָּזֶה יָפֶה כֹּחַ הָאָב מִכֹּחַ הַבַּעַל. בְּדָבָר אַחֵר יָפֶה כֹּחַ הַבַּעַל מִכֹּחַ הָאָב, שֶׁהַבַּעַל [4]מֵפֵר בְּבַגָּר וְהָאָב אֵינוֹ מֵפֵר [7]בְּבַגָּר. [6,5]

1 To absolve the vow. **2** *viz.*, the betrothed. Only after marriage can a husband revoke his wife's vow. **3** Who may now release her from her vows until she attains the age of a בּוֹגֶרֶת (twelve and a half years). **4** By himself after the marriage but not during betrothal. **5** *sc.*, his wife. **6** *i.e.*, after twelve and a half years of age. בַּגָּר (*f.*), *a woman of age.* **7** His daughter.

Mishnah 3

מִשְׁנָה ג

If she made a vow while she was betrothed, and was divorced on the same day[1] and again betrothed on the same day, even[2] a hundred times, her father and her last husband[3] can cancel her vows.[4] This is the general principle: if any such have not entered upon her own status of independence,[5] even for one hour, her father and her last husband can annul her vows.

נָדְרָה וְהִיא אֲרוּסָה, נִתְגָּרְשָׁה [1]בּוֹ בַּיּוֹם נִתְאָרְסָה בּוֹ בַּיּוֹם, [2]אֲפִילוּ לְמֵאָה, אָבִיהָ וּבַעְלָהּ [3]הָאַחֲרוֹן מְפִירִין [4]נִדְרֶיהָ. זֶה הַכְּלָל, כָּל־שֶׁלֹּא יָצְאַת [5]לִרְשׁוּת עַצְמָהּ, שָׁעָה אַחַת, אָבִיהָ וּבַעְלָהּ הָאַחֲרוֹן מְפִירִין נִדְרֶיהָ.

1 If that day had gone by her father cannot revoke her vows. **2** Or אֲפִלּוּ. **3** *i.e.*, her betrothed together with her father. **4** Vows made before her first betrothal. **5** If she has not yet passed her girlhood (age twelve years and one day) or before marriage.

Mishnah 4

מִשְׁנָה ד

It was a custom among the disciples of the Sages, before the daughter of any one of them had

דֶּרֶךְ תַּלְמִידֵי חֲכָמִים, עַד שֶׁלֹּא הָיְתָה בְּתוֹ יוֹצְאָה [1]מֵאֶצְלוֹ, אוֹמֵר

לָהּ, כָּל־נְדָרִים שֶׁנָּדַרְתְּ בְּתוֹךְ בֵּיתִי הֲרֵי הֵן מוּפָרִין. וְכֵן, [2]הַבַּעַל, עַד שֶׁלֹּא תִּכָּנֵס [3]לִרְשׁוּתוֹ, אוֹמֵר לָהּ, כָּל־נְדָרִים שֶׁנָּדַרְתְּ עַד שֶׁלֹּא תִּכָּנְסִי לִרְשׁוּתִי הֲרֵי הֵן מוּפָרִין. [4]שֶׁמִּשֶּׁתִּכָּנֵס לִרְשׁוּתוֹ אֵינוֹ יָכוֹל [5]לְהָפֵר.

passed out of his control,[1] to say to her, 'All the vows which thou hast vowed in my home are absolved.' And similarly, also, the husband,[2] before she passed under his control,[3] would say to her, 'All vows that thou hast vowed before thou enterest into my control are revoked.' Once she has come into his control[4] he can not nullify.[5]

1 Into the control of the husband on marriage. **2** *i.e.*, the betrothed. **3** At marriage. **4** *viz.*, after marriage. **5** Any vows she has made before wedlock.

Mishnah 5

מִשְׁנָה ה

[1]בּוֹגֶרֶת שֶׁשָּׁהֲתָה [2]שְׁנֵים עָשָׂר חֹדֶשׁ, וְאַלְמָנָה שְׁלֹשִׁים יוֹם, רַבִּי [3]אֱלִיעֶזֶר אוֹמֵר, הוֹאִיל וּבַעֲלָהּ חַיָּיב בִּמְזוֹנוֹתֶיהָ [4]יָפֵר. [5]וַחֲכָמִים אוֹמְרִים, אֵין הַבַּעַל מֵיפֵר עַד שֶׁתִּכָּנֵס [6]לִרְשׁוּתוֹ.

One who had reached the status of womanhood[1] and had waited twelve months,[2] or a widow thirty days:[2] R. Eliezer[3] says, Since her husband is liable for her support he can absolve.[4] But the Sages[5] say, The husband can not annul until she passes under his control.[6]

1 At the age of twelve and a half years, when her father can no longer revoke her vows. **2** For her betrothed to marry her, beyond which period he is liable for her maintenance. כְּתֻבּוֹת 5[2]. **3** His view is rejected. **4** Disannul her vows. **5** Their opinion is accepted. **6** At marriage.

Mishnah 6

מִשְׁנָה ו

[1]שׁוֹמֶרֶת יָבָם, בֵּין לְיָבָם אֶחָד בֵּין [2]לִשְׁנֵי יְבָמִין, רַבִּי [3]אֱלִיעֶזֶר אוֹמֵר, [4]יָפֵר. רַבִּי [5]יְהוֹשֻׁעַ אוֹמֵר, לְאֶחָד אֲבָל לֹא לִשְׁנַיִם. רַבִּי [6]עֲקִיבָא אוֹמֵר, לֹא לְאֶחָד וְלֹא לִשְׁנַיִם. אָמַר רַבִּי אֱלִיעֶזֶר, מָה! אִם אִשָּׁה [7]שֶׁקָּנָה הוּא לְעַצְמוֹ הֲרֵי הוּא מֵפֵר [8]נְדָרֶיהָ, אִשָּׁה שֶׁהִקְנוּ לוֹ [9]מִן־הַשָּׁמַיִם אֵינוֹ

A woman awaiting *levirate marriage,*[1] whether there is one brother-in-law or there are two brothers-in-law,[2] R. Eliezer[3] says, He[4] can nullify.[5] But R. Joshua[5] says, If there be one but not two. R. Akiba[6] says, Neither if there be one nor if there be two. R. Eliezer said, 'What! If one have acquired[7] a wife for himself can absolve her vows,[8] how much more so should

דִּין [8]שֶׁיָּפֵר נִדְרֶיהָ! אָמַר לוֹ רַבִּי עֲקִיבָא, לֹא! אִם אָמַרְתָּ בְּאִשָּׁה שֶׁקָּנָה הוּא לְעַצְמוֹ שֶׁאֵין לַאֲחֵרִים בָּהּ רְשׁוּת, תֹּאמַר בְּאִשָּׁה שֶׁהֻקְנוּ לוֹ מִן־הַשָּׁמַיִם שֶׁיֵּשׁ־לַאֲחֵרִים בָּהּ [10]רְשׁוּת? אָמַר לוֹ רַבִּי יְהוֹשֻׁעַ, עֲקִיבָא, דְּבָרֶיךָ בִּשְׁנֵי יְבָמִין; מָה אַתָּה מֵשִׁיב עַל יָבָם אֶחָד? אָמַר [11]לוֹ, אֵין הַיְבָמָה גְּמוּרָה [12]לְיָבָם כְּשֵׁם שֶׁהָאֲרוּסָה גְּמוּרָה [13]לְאִישָׁהּ.

he be able to annul her vows[8] in the case of a wife who has been acquired for him by Heaven!'[9] R. Akiba said to him, 'No! If thou wouldst argue of the case of a woman whom he has acquired for himself and over whom others have no authority, wouldst thou also contend of the case of a woman who had been acquired for him by Heaven and over whom others have authority?'[10] R. Joshua replied to him, 'Akiba, thy words apply to the case of two brothers-in-law; but what dost thou answer when there is one brother-in-law?' He made reply to him,[11] 'The *leviratic sister-in-law* is not so completely bound to the brother-in-law[12] as is the betrothed woman wholly bound to her husband.'[13]

1 Literally *a woman awaiting her leviratical brother-in-law. Deuteronomy* **25**, 5-10. יְבָמוֹת 4[3] and INTRODUCTION. **2** One of whom had bespoken her. **3** His view is rejected. **4** The one who had bespoken her. **5** Her vows. **6** His opinion is accepted that in neither case can the יָבָם revoke her vows. Some editions have וְלֹא לִשְׁנַיִם instead of אֲבָל לֹא לִשְׁנַיִם. **7** By betrothal. **8** Jointly with her father. **9** *i.e.*, as ordained by the Law. **10** If there are two or more יְבָמִים all are included in the levirate obligation. **11** R. Akiba to R. Joshua. **12** *Deuteronomy* **25**, 5. Any other who has sexual connexion with a יְבָמָה is guilty of transgressing a לָאו, *negative command*. **13** *Deuteronomy* **22**, 24. Any other having sexual intercourse with an אֲרוּסָה, betrothed woman, is liable to the penalty of סְקִילָה, death by stoning.

מִשְׁנָה ז

Mishnah 7

הָאוֹמֵר [1]לְאִשְׁתּוֹ, כָּל־הַנְּדָרִים שֶׁתִּדּוֹרִי מִכָּאן עַד שֶׁאָבֹא מִמָּקוֹם פְּלוֹנִי הֲרֵי הֵן [2]קַיָּמִין, [3]לֹא אָמַר כְּלוּם. [4]הֲרֵי הֵן מוּפָרִין, רַבִּי אֱלִיעֶזֶר אוֹמֵר, [5]מוּפָר; וַחֲכָמִים אוֹמְרִים, [6]אֵינוֹ מוּפָר. אָמַר רַבִּי

If one said to his wife,[1] 'All the vows that thou wilt vow from now until I return from such-and-such a place shall be binding!'[2]—his statement is of no value.[3] '..... shall[4] be revoked!'—R. Eliezer says, They are[5] annulled; but the Sages say, They are not[6] nullified. R. Eliezer said, If one can absolve

אֱלִיעֶזֶר, אִם הֵפֵר נְדָרִים שֶׁבָּאוּ
[7]לְכְלַל אִיסּוּר לֹא יָפֵר נְדָרִים שֶׁלֹּא
בָּאוּ לְכְלַל אִיסּוּר? אָמְרוּ [8]לוֹ, הֲרֵי
הוּא [9]אוֹמֵר, אִישָׁהּ יְקִימֶנּוּ וְאִישָׁהּ
יְפִרֶנּוּ, אֶת־שֶׁבָּא לִכְלַל הָקֵם בָּא
לִכְלַל [10]הָפֵר; לֹא בָא לִכְלַל הָקֵם
לֹא בָא [11]לִכְלַל הָפֵר.

vows that have already become prohibited,[7] should he not be able to cancel vows that have not yet reached the category of a prohibition? They replied to him,[8] Behold it says,[9] *Her husband may let it stand or her husband may make it void*: such as he can confirm such he can absolve;[10] such as he can not confirm such he can not disannul.[11]

1 The same ruling applies if a father said thus to his daughter. **2** Literally *established*. **3** Literally *he has not said anything*. **4** *i.e., If he said, 'All the vows that thou wilt vow from now until I return from such-and-such a place shall be revoked!'* **5** Literally *it is*. His view is rejected. **6** Literally *it is not*. Their opinion is accepted. **7** *viz.*, vows which his wife had already made and had become binding on her for some time before he made them void. **8** The חֲכָמִים, Sages, to R. Eliezer. **9** *Numbers* **30**, 14. **10** לִכְלַל, *under the influence of* הָקֵם, *privilege of confirming a vow, confirmation*. הָפֵר, *invalidation, the right of a father or husband to declare null and void the vow made by his daughter or wife respectively.* Literally *such as can come into the confirmed status such can come into the status of revocation.* **11** Literally *such as can not come into the confirmed status such can not come to the status for revocation.*

Mishnah 8

מִשְׁנָה ח

[1]הֲפָרַת נְדָרִים [2]כָּל־הַיּוֹם. יֵשׁ
בַּדָּבָר [3]לְהָקֵל [4]וּלְהַחֲמִיר. כֵּיצַד?
נְדָרָהּ [5]בְּלֵילֵי שַׁבָּת, יָפֵר בְּלֵילֵי
שַׁבָּת וּבְיוֹם הַשַּׁבָּת [6]עַד שֶׁתֶּחְשַׁךְ;
נְדָרָהּ [7]עִם חֲשֵׁכָה, מֵפֵר עַד שֶׁלֹּא
תֶּחְשַׁךְ, שֶׁאִם חֲשֵׁכָה וְלֹא הֵפֵר אֵינוֹ
יָכוֹל לְהָפֵר.

The annulment of vows[1] is legal all that day.[2] Regarding this matter, sometimes a more strict ruling applies,[3] and sometimes a more lenient ruling applies.[4] How so?—If a woman made a vow on the night of the Sabbath,[5] he can nullify it during that Sabbath night or on the Sabbath day before darkness sets in;[6] if she vowed at dusk,[7] he can disannul it before nightfall, for if it become dark and he had not absolved it, he can no longer absolve

1 Of a woman's vows. By her father or her husband. **2** When she made any vow before nightfall. *Numbers* **30**, 5, 7, 8. **3** There is less time allowed

for annulment. **4** There is some time for revoking. **5** And likewise on any other night. **6** *i.e.,* מֵעֵת לְעֵת, during the following twenty-four hours before מוֹצָאֵי שַׁבָּת, the conclusion of the Sabbath. The case of שַׁבָּת is quoted here to point out that הֲפָרַת נְדָרִים may be effected also on that day; but annulment of vows on שַׁבָּת is not encouraged except in case of Sabbath requirement. **7** Or חֲשֵׁיכָה. Or *at nightfall.* Before מוֹצָאֵי שַׁבָּת

CHAPTER 11 — פֶּרֶק יא

Mishnah 1 — מִשְׁנָה א

And these are vows[1] which he may cancel:[2] *conditions that involve self-affliction,*[3] '..... if[4] I wash!' or, '..... if[5] I do not wash!' or, '..... if[6] I adorn myself!' or, '..... if[7] I do not adorn myself!' R. Jose[8] said, These are not *vows of self-affliction.*

וְאֵלּוּ [1]נְדָרִים שֶׁהוּא [2]מֵפֵר, דְּבָרִים שֶׁיֵּשׁ־בָּהֶן [3]עִנּוּי נֶפֶשׁ, [4]אִם אֶרְחַץ וְאִם לֹא אֶרְחַץ, [6]אִם אֶתְקַשֵּׁט [7]וְאִם לֹא אֶתְקַשֵּׁט. אָמַר רַבִּי [8]יוֹסֵי, אֵין אֵלּוּ נִדְרֵי עִנּוּי נֶפֶשׁ.

1 Including שְׁבוּעוֹת, *oaths.* **2** *viz.,* a woman's vows which her husband or father may revoke. **3** *Numbers* **30**, 13. **4** *i.e.,* if she vows, saying, 'קוֹנָם! *if I wash myself to-day I forswear the benefit of washing for ever!'* **5** *i.e.,* 'קוֹנָם! *that I never wash myself ever more if I do not wash this day!'* **6** *i.e.,* 'קוֹנָם! *if I adorn myself this day I abjure adornment for ever!'* **7** *i.e.,* 'קוֹנָם! *that I do not adorn myself ever again if I do not adorn myself to-day!'* **8** His view is rejected.

Mishnah 2 — מִשְׁנָה ב

And these are *vows of self-affliction:*[1] if she said, 'קוֹנָם! be the fruits of the world to me!'[2] this one he can annul. '..... be[3] the fruits of this country[4] to me!'—he may bring[5] for her from another country. '..... be[3] the fruits of this shopkeeper to me!'—he can not absolve;[6] but if he had no source except (from) this one,[7] he may revoke, according to the opinion of R. Jose.[8]

וְאֵלּוּ הֵם נִדְרֵי [1]עִנּוּי נֶפֶשׁ, אָמְרָה, קוֹנָם פֵּירוֹת הָעוֹלָם [2]עָלַי, הֲרֵי זֶה יָכוֹל לְהָפֵר. [3]פֵּירוֹת [4]מְדִינָה עָלַי, [5]יָבִיא לָהּ מִמְּדִינָה אַחֶרֶת. [3]פֵּירוֹת חֲנוָנִי זֶה עָלַי, אֵינוֹ יָכוֹל [6]לְהָפֵר; וְאִם לֹא הָיְתָה כַּרְנָסָתוֹ אֶלָּא [7]מִמֶּנּוּ הֲרֵי זֶה יָפֵר, דִּבְרֵי רַבִּי [8]יוֹסֵי.

1 *Numbers* **30**, 13. **2** *i.e., for to-day;* for if she meant it *for always* this vow would be futile and is self-revoked. **3** *i.e.,* if she said, 'קוֹנָם ! be the .....!' **4** Some texts have מְדִינָה זוּ or מְדִינָה זוֹ. **5** Fruits. Hence this vow he cannot nullify. **6** For he can get for her fruits from another source. **7** *viz.,* if this was the only shopkeeper who would trust him to repay later on. **8** His view is not accepted. The ruling is that a man can disannul his wife's *vows of self-affliction* whatever their nature.

Mishnah 3

מִשְׁנָה ג

[1]קוֹנָם שֶׁאֵינִי נֶהֱנֶה [2]לַבְּרִיּוֹת, אֵינוֹ יָכוֹל [3]לְהָפֵר, וְיכוֹלָה הִיא לֵיהָנוֹת [4]בְּלֶקֶט, וּבְשִׁכְחָה, וּבְפֵאָה. [5]קוֹנָם כֹּהֲנִים וּלְוִיִּם נֶהֱנִים לִי, [6]יִטְּלוּ עַל כָּרְחוֹ. [7]כֹּהֲנִים אֵלּוּ וּלְוִיִּם אֵלּוּ נֶהֱנִים לִי, [9]יִטְּלוּ [8]אֲחֵרִים.

'קוֹנָם !' that I do not derive any benefit from man!'[2]—he can not annul,[3] but she can still have the benefit of *gleanings,*[4] the *forgotten sheaf,* and the *field-corner.* 'קוֹנָם !'[5] if priests and Levites derive any benefit from me!'—they may take[6] in spite of him. '..... if[7] these priests and these Levites have any benefit from me!'—others[8] shall take[9] from him.

1 If a wife vows, saying, 'קוֹנָם ! .....!' **2** Literally *men.* בְּרִיָּה, *human being.* **3** This is R. Jose's view, which is however rejected, because her husband is not classed under the term בְּרִיָּה. **4** See *Appendix,* **Note 1**; פֵּאָה, INTRODUCTION; *Leviticus* **19**, 9; *Deuteronomy* **24**, 19. All these are הֶפְקֵר, *common property, ownerless property.* **5** This refers to a vow made by a man. **6** The כֹּהֵן takes תְּרוּמָה גְּדוֹלָה and the לֵוִי takes מַעֲשֵׂר רִאשׁוֹן. See *Appendix,* **Note 1.** **7** If one vows, saying, 'קוֹנָם ! .....!' **8** Other priests and Levites. **9** The dues (see **Note 6**).

Mishnah 4

מִשְׁנָה ד

[1]קוֹנָם שֶׁאֵינִי עוֹשֶׂה [2]עַל פִּי אַבָּא, וְעַל פִּי אָבִיךָ, וְעַל פִּי אָחִי, וְעַל פִּי אָחִיךָ, [3]אֵינוֹ יָכוֹל לְהָפֵר. [4]שֶׁאֵינִי עוֹשֶׂה עַל פִּיךָ, אֵינוֹ צָרִיךְ [5]לְהָפֵר. רַבִּי עֲקִיבָא אוֹמֵר, יָפֵר שֶׁמָּא תַּעֲדִיף עָלָיו [6]יוֹתֵר מִן־הָרָאוּי לוֹ.

'קוֹנָם !'[1] that I do not work for the benefit of my father!'[2] or, '..... of thy father!' or, '..... of my brother!' or, '..... of thy brother!' —he[3] can not annul. '..... that[4] I do not work for thy benefit!'—he does not need to nullify it.[5] R. Akiba says, He ought to revoke it lest she produce more than[6] is due from him. R. Jochanan[7] ben Nuri

רַבִּי יוֹחָנָן בֶּן נוּרִי אוֹמֵר, יָפֵר שֶׁמָּא יְגָרְשֶׁנָּה וּתְהֵא [8]אֲסוּרָה עָלָיו.

says, He must absolve lest he divorce her and she will then be forbidden to him.[8]

1 If a woman vows, 'קוֹנָם! *if* .....!' *i.e.*, 'Let all that I produce be הֶקְדֵּשׁ, *dedicated,* so that they do not benefit!' **2** Literally עַל פִּי, *for the mouth of.* **3** Her husband. **4** If a wife vows, 'קוֹנָם! *that I* .....!'—*viz.*, she declares הֶקְדֵּשׁ, *consecrated,* anything that she produces to prevent her husband making use of it. **5** It is automatically absolved. **6** More than the מְזוֹנוֹת, sustenance, due to her from him, and the excess which he cannot claim she can prohibit to him. **7** His view is accepted. **8** אֲסוּרָה לַחֲזוֹר לוֹ, *forbidden to return to him,* in some editions. He will not be able to remarry her by reason of the validity of her vow..

Mishnah 5

מִשְׁנָה ה

נָדְרָה אִשְׁתּוֹ וְסָבוּר שֶׁנָּדְרָה [1]בִּתּוֹ, נָדְרָה בִּתּוֹ וְסָבוּר שֶׁנָּדְרָה [2]אִשְׁתּוֹ, נָדְרָה [3]בְּנָזִיר וְסָבוּר שֶׁנָּדְרָה בְּקָרְבָּן, נָדְרָה בְּקָרְבָּן, וְסָבוּר שֶׁנָּדְרָה בְּנָזִיר, נָדְרָה [4]מִן־הַתְּאֵנִים וְסָבוּר שֶׁנָּדְרָה מִן־הָעֲנָבִים, נָדְרָה מִן־הָעֲנָבִים וְסָבוּר שֶׁנָּדְרָה מִן־הַתְּאֵנִים, הֲרֵי זֶה יַחֲזוֹר [5]וְיָפֵר.

If his wife vowed and he thought that his daughter had vowed,[1] or if his daughter vowed and he thought that his wife had vowed,[2] or if she made a *nazirite*[3] vow and he thought that she had vowed by קָרְבָּן [*offering*], or if she vowed by קָרְבָּן [*offering*] and he thought that she had made a *nazirite* vow, or if she vowed to abstain from figs[4] and he thought she had vowed to abstain from grapes, or if she vowed to abstain from grapes and he thought that she had vowed to abstain from figs, then he must cancel anew.[5]

1 And in error he therefore revoked for the latter. **2** And so he erroneously disannulled for the wife. **3** See נָזִיר, INTRODUCTION. **4** The גְּמָרָא gives בַּתְּאֵנִים. **5** For the first absolution was in error and not valid. Any annulment or ratification made in error is not licit.

Mishnah 6

מִשְׁנָה ו

אָמְרָה, קוֹנָם תְּאֵנִים וַעֲנָבִים [1]אֵלּוּ שֶׁאֵינִי טוֹעֶמֶת, [2]קִיֵּם לַתְּאֵנִים [3]כּוּלּוֹ קַיָּם; הֵפֵר לַתְּאֵנִים אֵינוֹ מוּפָר עַד

If she said, 'קוֹנָם! that I do not taste these[1] figs and grapes!'—if he[2] confirmed the vow regarding the figs, the whole[3] vow is established;[4] if he nullified the vow concerning the figs, it is not nullified

שֶׁיָּפֵר אַף [5]לָעֲנָבִים. אָמְרָה, קוֹנָם תְּאֵנִים שֶׁאֵינִי טוֹעֶמֶת וַעֲנָבִים שֶׁאֵינִי טוֹעֶמֶת, הֲרֵי אֵלּוּ [6]שְׁנֵי נְדָרִים.

until he nullifies it also as regards the grapes.[5] If she said, 'קוֹנָם! that I do not taste figs and that I do not taste grapes!'—then these are two distinct vows.[6]

1 Whether she said, אֵלּוּ, *these,* or כָּל־הַמִּין, *every species.* **2** The husband. **3** Or כֻּלּוֹ. **4** Regarding the grapes also. Literally *he established the whole of it.* **5** But the Sages maintain that the part he revokes is so revoked and the rest remains as a restriction, and their opinion is accepted against the views (attributed to R. Simon) as expressed in this *Mishnah.* **6** And the husband may revoke either or both.

Mishnah 7

מִשְׁנָה ז

יוֹדֵעַ אֲנִי שֶׁיֵּשׁ נְדָרִים [1]אֲבָל אֵינִי יוֹדֵעַ שֶׁיֵּשׁ מְפִירִין, [2]יָפֵר. יוֹדֵעַ אֲנִי שֶׁיֵּשׁ מְפִירִין אֲבָל אֵינִי יוֹדֵעַ שֶׁזֶּה [3]נֶדֶר, רַבִּי [4]מֵאִיר אוֹמֵר, לֹא יָפֵר, [5]וַחֲכָמִים אוֹמְרִים, [6]יָפֵר.

'I know that there are vows but[1] I do not know that they can be absolved,' he may absolve.[2] 'I know that vows can be nullified but I do not know that this was a vow,'[3] R. Meir[4] says, He can not annul it; but the Sages[5] say, He can annul it.[6]

1 A husband or a father says, 'I know that the Law treats of vows made by a wife or daughter but .....' **2** On the day that he has learned that he may absolve. **3** Or נֶדֶר. Which could be nullified. **4** His opinion is rejected.* **5** Their view is accepted. **6** On the same day when he learns he may do so. * See ADDENDA at the end of this *Tractate.*

Mishnah 8

מִשְׁנָה ח

[1]הַמּוּדָר [2]הֲנָאָה *מֵחֲתָנוֹ [3]וְהוּא רוֹצֶה לָתֵת [4]לִבְתּוֹ מָעוֹת, אוֹמֵר לָהּ, הֲרֵי הַמָּעוֹת הָאֵלּוּ נְתוּנִים לָךְ בְּמַתָּנָה וּבִלְבַד שֶׁלֹּא יְהֵא לְבַעְלֵיךְ רְשׁוּת בָּהֶן אֶלָּא מַה־שֶּׁאַתְּ נוֹשֵׂאת וְנוֹתֶנֶת [5]בְּפִיךְ.

*Pointed מֵחָתְנוֹ by some.

If one were prohibited by vow[1] from allowing his son-in-law to derive any benefit from him,[2] and he[3] desires to give money to his daughter,[4] he may say to her, 'Lo! this money is given to thee as a gift provided that thy husband shall have no control over it, and that thou alone shalt deal and do with it according to thy will.'[5]

1 הַמּוּדָר, see 4[1], **Note 1.** **2** Or *If his son-in-law vowed that he was to derive no benefit from him,* or, *If he be prohibited by his son-in-law's vow to receive any benefit from him.* **3** The father-in-law. **4** If the money is for her maintenance he may give it to her without the succeeding condition. **5** And the terms of this condition enable her to accept her father's gift.

Mishnah 9

מִשְׁנָה ט

But the vow of a widow, or of her that is divorced ..... shall stand against her.[1] How so? If she said, 'I will be a nazirite after thirty days'—although she was remarried within those thirty days he[2] can not absolve.[3] If she made a vow while she was under the control of her husband, he may annul it. How so? If she said, 'I will be a nazirite after thirty days'—though she became a widow or was divorced during those thirty days[4] this vow is nullified. If she made a vow one day,[5] and she was divorced on that day, and he took her back on that same day,[6] he can not revoke the vow.[7] This is the general principle: if any woman had entered for even one hour into her own independence, he can not cancel her vow.[8]

[1]וְנֵדֶר אַלְמָנָה, וּגְרוּשָׁה, יָקוּם עָלֶיהָ.
כֵּיצַד? אָמְרָה, הֲרֵינִי נְזִירָה לְאַחַר
שְׁלֹשִׁים יוֹם, אַף עַל פִּי שֶׁנִּשֵּׂאת
בְּתוֹךְ שְׁלֹשִׁים יוֹם [2]אֵינוֹ יָכוֹל
[3]לְהָפֵר. נָדְרָה וְהִיא בִּרְשׁוּת הַבַּעַל
מֵפֵר לָהּ. כֵּיצַד? אָמְרָה, הֲרֵינִי
נְזִירָה לְאַחַר שְׁלֹשִׁים יוֹם, אַף עַל פִּי
שֶׁנִּתְאַרְמְלָה אוֹ נִתְגָּרְשָׁה בְּתוֹךְ
[4]שְׁלֹשִׁים הֲרֵי זֶה מוּפָר. נָדְרָה [5]בּוֹ
בַּיּוֹם, נִתְגָּרְשָׁה בּוֹ בַּיּוֹם, הֶחֱזִירָהּ
[6]בּוֹ בַּיּוֹם, אֵינוֹ יָכוֹל [7]לְהָפֵר. זֶה
הַכְּלָל, כָּל־שֶׁיָּצְאַת לִרְשׁוּת עַצְמָהּ
שָׁעָה אַחַת אֵינוֹ יָכוֹל [8]לְהָפֵר.

1 *Numbers* **30**, 10. **2** Her husband. **3** Although during the period of the betrothal he could have disannulled her vow, but he cannot in this case as the vow was made before the betrothal. **4** In which period the husband had revoked her vow. **5** The day of marriage. **6** And he then learned of her vow. **7** The husband can not absolve retrospectively. **8** Made previously.

Mishnah 10

מִשְׁנָה ח

There are nine women[1] whose vows stand:[2] one that was an adult[3] and as it were an orphan;[4] one that was still a maiden, then became adult[5]

[1]תֵּשַׁע [1]נְעָרוֹת נִדְרֵיהֶן [2]קַיָּמִין,
[3]בּוֹגֶרֶת וְהִיא [4]יְתוֹמָה, נַעֲרָה
[5]וּבָגְרָה וְהִיא [6]יְתוֹמָה, נַעֲרָה שֶׁלֹּא

[7]בָּגְרָה וְהִיא [8]יְתוֹמָה, [9]בּוֹגֶרֶת [10]וּמֵת אָבִיהָ, [11]נַעֲרָה בּוֹגֶרֶת וּמֵת אָבִיהָ, [11]נַעֲרָה שֶׁלֹּא בָגְרָה וּמֵת אָבִיהָ, [11]נַעֲרָה שֶׁמֵּת אָבִיהָ וּמִשֶּׁמֵּת אָבִיהָ בָּגְרָה, [11]בּוֹגֶרֶת וְאָבִיהָ קַיָּים, (נַעֲרָה בּוֹגֶרֶת וְאָבִיהָ קַיָּים). רַבִּי יְהוּדָה אוֹמֵר, אַף הַמַּשִּׂיא בִּתּוֹ הַקְּטַנָּה וְנִתְאַלְמְנָה, אוֹ נִתְגָּרְשָׁה וְחָזְרָה [14]אֶצְלוֹ, וַעֲדַיִן הִיא [15]נַעֲרָה.

and as it were also an orphan;[6] a maiden who has not yet become adult[7] and she was as it were an orphan;[8] one who had passed her girlhood[9] and her father was dead;[10] one that was a maiden[11] and she became adult and her father died; one who was a maiden[11] and she had not become adult when her father died; one that was a maiden[11] whose father died, and after her father's death she became adult; one that was adult[11] and her father was living; (one[12] who was a maiden[11] and had become adult and her father was still alive). R. Judah says, Also if one gave in marriage his daughter who was a minor[13] and she became a widow, or she was divorced and returned to him,[14] and she was still a maiden.[15]

1 Literally נְעָרוֹת, *maidens,* under twelve and a half years of age when they were betrothed. **2** *viz.,* remain binding. **3** *i.e.,* past her maidenhood. (See יְבָמוֹת 13[6]). **4** Her husband died while she was still a נַעֲרָה, under twelve and a half years of age; her father has now no control over her and she is termed a יְתוֹמָה *orphan;* if she became בּוֹגֶרֶת, *adult,* her vows are binding, her father having no longer any right to annul her vows. **5** בּוֹגֶרֶת according to some authorities. **6** She was still a נַעֲרָה, less than twelve and a half years of age, when her husband died, and she made a vow before becoming בּוֹגֶרֶת, *adult;* here too her father cannot nullify her vow. **7** When she made a vow. **8** During her father's lifetime, as explained before. **9** When she made a vow. **10** In this case she was a real orphan. **11** When she formed a vow. **12** Some consider this part in parentheses redundant. **13** Under the age of twelve years and one day. **14** *i.e.,* the husband remarried her. **15** She is no longer under her father's control and he cannot absolve her from any vow.

מִשְׁנָה יא

Mishnah 11

[1]קוֹנָם שֶׁאֵינִי נֶהֱנֵית לְאַבָּא וּלְאָבִיךָ אִם עוֹשָׂה אֲנִי עַל [2]פִּיךָ, [3]שֶׁאֵינִי נֶהֱנֵית לְךָ אִם עוֹשָׂה אֲנִי עַל פִּי אַבָּא וְעַל פִּי אָבִיךָ, הֲרֵי זֶה יָפֵר.

'קוֹנָם! [1] that I do not have any benefit from my father or from thy father or if I work for thy advantage!'[2] or,[3] '..... that I derive no benefit from thee if I work for the advantage of my father or for the advantage of thy father!'—then such a vow he may annul.

1 If a woman made such a vow. **2** Alternatively these cases might refer to three separate vows. **3** *i.e.,* if she vowed thus, 'קוֹנָם ! *that I* .....!'

Mishnah 12

מִשְׁנָה יב

בְּרִאשׁוֹנָה [1]הָיוּ אוֹמְרִים, שָׁלֹשׁ נָשִׁים יוֹצְאוֹת וְנוֹטְלוֹת [2]כְּתוּבָּה, הָאוֹמֶרֶת, טְמֵאָה אֲנִי [3]לְךָ, שָׁמַיִם בֵּינִי [4]לְבֵינְךָ, [5]נְטוּלָה אֲנִי מִן־הַיְּהוּדִים. חָזְרוּ לוֹמַר שֶׁלֹּא תְהֵא אִשָּׁה נוֹתֶנֶת עֵינֶיהָ בְּאַחֵר [6]וּמְקַלְקֶלֶת עַל בַּעְלָהּ; אֶלָּא הָאוֹמֶרֶת, טְמֵאָה אֲנִי [7]לְךָ, תָּבִיא רְאָיָה לִדְבָרֶיהָ; שָׁמַיִם בֵּינִי [8]לְבֵינְךָ, [9]יַעֲשׂוּ דֶּרֶךְ בַּקָּשָׁה; נְטוּלָה אֲנִי מִן־הַיְּהוּדִים, [10]יָפֵר [11]חֶלְקוֹ וּתְהֵא מְשַׁמַּשְׁתּוֹ וּתְהֵא נְטוּלָה [12]מִן־הַיְּהוּדִים.

Aforetime they[1] used to say, There are three women who must be divorced and yet they take their *marriage settlement*:[2] one who says, 'I am unclean to thee!'[3] or, 'Heaven is between me and thee!'[4] or, 'I am removed[5] from Jews!' Then they retracted this teaching so that a wife should not set her eyes upon another man and behave immorally[6] towards her husband; but if she say, 'I am unclean to thee!'[7]—she must bring proof for her words; or, 'Heaven is between me and thee!'[8]—let them offer up prayers;[9] 'I am removed from Jews!'—he[10] should nullify his share[11] so that she may continue in marital relationship with him, but she may remove herself from Jews.[12]

1 The חֲכָמִים, Sages. **2** See *Appendix,* **Note 8**. **3** Or לָךְ. Her husband was a כֹּהֵן, *priest,* and she had been outraged. See כְּתוּבוֹת 2[9]; סוֹטָה 1[3]. **4** Or לְבֵינָךְ. She alleges that her husband is impotent sexually and that she is desirous of rearing a family. **5** *i.e.,* she is forced to abstain from sexual intercourse because of physical weakness. **6** *viz.,* she will concoct an immoral report against herself to force him to divorce her and give her her כְּתֻבָּה. **7** Or לָךְ. **8** Or לְבֵינָךְ. **9** *i.e.,* let them pray that she may rear children by her husband. Some render this *let them prepare a feast to placate her,* and others *let them appease her so that she no longer seeks this course.* **10** Her husband. **11** *viz.,* that part in her vow that concerns him. **12** From all other Jews, if she is divorced or after her husband's death. **13** In some editions נִשְׁלְמָה מַסֶּכֶת נְדָרִים, TRACTATE NEDARIM CONCLUDED.

[13]סְלִיק מַסֶּכֶת נְדָרִים

CONCLUSION OF TRACTATE NEDARIM.

NEDARIM

ADDENDA

[Additional **Notes** to the *Tractate*]

3^8, **Note 1.** As he did not say 'from those who have hair' he must imply those who have had black hair, and therefore bald-headed and grey haired are prohibited as they too probably had black hair.

3^8, **Note 5.** Men sometimes covered their heads and sometimes uncovered their heads. Women had their heads always covered whilst children had their heads always uncovered, and therefore if he had meant in his vow women he would have said 'those with covered heads,' and had he meant children he would have said 'those with uncovered heads'; hence by the formula used he meant only men.

4^5, **Note 3.** But as the vow was made before the *Sabbatical Year* when he was the owner he prohibits it to him even during the *Sabbatical Year.*

4^5, **Note 5.** Although during the *Sabbatical Year* his produce become הֶפְקֵר, *ownerless,* this does not apply to the land.

6^{10}, **Note 5.** As this thick mass contains grits it is prohibited.

6^{10}, **Note 6.** As he maintains that his view was against grits and this is a thick mass containing grits as one of the ingredients.

8^2, **Note 5.** Some authorities have עַד פְּנֵי הַפֶּסַח instead of עַד לִפְנֵי הַפֶּסַח which may then mean: (a) until the 'face' (advent) of the first days of Passover and therefore the vow is binding only until Passover; (b) until the 'face' (advent) of the last days of Passover and therefore the vow is binding until the seventh day; (c) until the 'face' of Passover, that is until Passover inclusive and therefore the vow is binding until the end of Passover.

8^2, **Note 6.** He maintains that when one makes a vow it applies only to the interpretation which can be given to his words with certainty.

8^3, **Note 7.** He holds the view that when one makes a vow his intention is that it should be binding even according to the most severe interpretation of it.

9^{10}, **Note 5.** The גְּמָרָא points out that this should read: 'but because the vow was made in error, but R. Ishmael holds the view that even if the vow were not made in error, but she appeared ugly but was made beautiful even then the vow is automatically annulled, and it once happened .....'

11^7, **Note 4.** He maintains that even if he did not know that it was a vow he should have annulled it in case it was, and as he did not his acquiescence confirmed the vow.

מַסֶּכֶת

נָזִיר

TRACTATE
NAZIR

[BEING THE FOURTH TRACTATE OF THE THIRD ORDER NASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

PHILIP BLACKMAN, F.C.S.

MS. of this Tractate revised by

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S

נָזִיר, **Nazir,** is the fourth מַסֶּכֶת, *Tractate* or *Treatise,* of סֵדֶר נָשִׁים, the *Third Order Nashim* of the מִשְׁנָה, *Mishnah.*

This *Tractate* deals with the subject of self-consecration as a נָזִיר by abstinence, and treats also of the specific expressions that are obligatory, of the duration of the obligation, of the procedure and method of annulment of the vow and what a נָזִיר must abstain from; and the self-consecration of women and of slaves is also discussed.

The terms נָזִיר, *abstinent, abstainer, nazarite,* **nazirite,** and נְזִירוּת (or נְזִירָה), *abstinence, abstinency, naziriteship, naziritism,* **the vow of a nazirite,** are derivatives of the verb נָזַר, *encircle, surround, keep away, refrain, set apart,* **vow to be a nazirite, dedicate oneself to the status of a nazirite** (נָזַר, *abstain from, refrain from, renounce,* **dedicate oneself;** הִזִּיר, *abstain, refrain,* **impose the vow of abstinence**).

The **nazarite,** or more correctly **nazirite,** is a devotee of either sex who not only observes what is obligatory but also vows to practise certain forms of self-dedication; but among Jewish authorities there are two distinct views regarding the meaning of the nazirite vow, some assuming it to be the manifestation of the working of the divine nature symbolically in the human being, and others—the majority—considering it as the expression of austerity and stoicism in the cultivation of self-denial, of the power of the will over the baser human tendencies.

The nazirite vow demands the austere observance of three duties:

(a) the hair of the head must not be shorn during the duration of the vow;

(b) the abstinence from grapes and every production therefrom and from all intoxicants; and

(c) the avoidance of contact with and defilement from a dead body.

No time limit was specifically fixed for a nazirite vow, and the minimum period of thirty days was instituted by the Sages; but there are records of the vow lasting for consecutive multiples of thirty days and for cycles of seven years; Samson and Samuel furnish classical Scriptural examples of life-long nazirite vows though the former was the only one actually termed a nazirite.

The practice, which was always strenuously discouraged by the Sages, ceased completely with the fall of the Second Temple. (Nazirites are referred to in *I Maccabees* **3**, 49).

At the conclusion of the period of the vow the devotee had to appear at the Tabernacle or Temple and offer a he-lamb for an עוֹלָה, *burnt-offering,* a ewe-lamb for a חַטָּאת, *sin-offering,* and a ram for שְׁלָמִים, a *peace-offering,* with the usual accompanying materials as set out in *Leviticus* **7**, 12, 13, *Exodus* **29**, 2, and *Numbers* **6**, 15, and the requisite מִנְחָה, *meal-offering,* and נֶסֶךְ, *libation* or *drink-offering;* the unshorn hair of the head had to be cut off and placed for burning under the שְׁלָמִים sacrifice upon the Altar.

If the nazirite incurred defilement from a dead body, or transgressed the vow in any other manner, he (or she) had to be cleansed or purified ritually and the full period of the consecration had to be observed anew.

This *Tractate* is based on *Numbers* **6**, 1-21.

(1) וַיְדַבֵּר ה׳ אֶל־מֹשֶׁה לֵּאמֹר

And the Eternal spoke unto Moses saying:

(2) דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵיהֶם אִישׁ אוֹ אִשָּׁה כִּי יַפְלִא לִנְדֹּר נֶדֶר נָזִיר לְהַזִּיר לַה׳

Speak unto the children of Israel, and say unto them, When either man or woman shall clearly utter a vow, the vow of a nazirite, to consecrate himself unto the Eternal,

(3) מִיַּיִן וְשֵׁכָר יַזִּיר חֹמֶץ יַיִן וְחֹמֶץ שֵׁכָר לֹא יִשְׁתֶּה וְכָל מִשְׁרַת עֲנָבִים לֹא יִשְׁתֶּה וַעֲנָבִים לַחִים וִיבֵשִׁים לֹא יֹאכֵל

From wine and strong drink shall he abstain; no vinegar of wine, or vinegar of strong drink, shall he drink, neither any liquor of grapes shall he drink, nor fresh grapes or dried shall he eat.

(4) כֹּל יְמֵי נִזְרוֹ מִכֹּל אֲשֶׁר יֵעָשֶׂה מִגֶּפֶן הַיַּיִן מֵחַרְצַנִּים וְעַד זָג לֹא יֹאכֵל

All the days of his naziriteship naught that is made of the grape-vine, from the pressed grapes even to the grape-stone, shall he eat.

(5) כָּל־יְמֵי נֶדֶר נִזְרוֹ תַּעַר לֹא יַעֲבֹר עַל רֹאשׁוֹ עַד מְלֹאת הַיָּמִים אֲשֶׁר יַזִּיר לַה׳ קָדֹשׁ יִהְיֶה גַּדֵּל פֶּרַע שְׂעַר רֹאשׁוֹ

All the days of his vow of nazaritism no razor shall come upon his head; until the days be fulfilled, in which he consecrated himself unto the Eternal, he shall be holy, he shall let the locks of the hair of his head grow long.

(6) כָּל־יְמֵי הַזִּירוֹ לַה׳ עַל נֶפֶשׁ מֵת לֹא יָבֹא

All the days that he consecrateth himself unto the Eternal he shall not come near to a dead body.

(7) לְאָבִיו וּלְאִמּוֹ לְאָחִיו וּלְאַחֹתוֹ לֹא יִטַּמָּא לָהֶם בְּמֹתָם כִּי נֵזֶר אֱלֹהָיו עַל רֹאשׁוֹ

For his father, or for his mother, for his brother, or for his sister—he shall not make himself unclean for them when they die; because his consecration unto God is upon his head.

(8) כֹּל יְמֵי נִזְרוֹ קָדֹשׁ הוּא לַה׳

All the days of his naziriteship is he holy unto the Eternal.

(9) וְכִי יָמוּת מֵת עָלָיו בְּפֶתַע פִּתְאֹם וְטִמֵּא רֹאשׁ נִזְרוֹ וְגִלַּח רֹאשׁוֹ בְּיוֹם טָהֳרָתוֹ בַּיּוֹם הַשְּׁבִיעִי יְגַלְּחֶנּוּ

And if any man die very suddenly beside him, and he defile his consecrated head, then he shall shave his head in the day of his purification, on the seventh day shall he shave it.

(10) וּבַיּוֹם הַשְּׁמִינִי יָבִא שְׁתֵּי תֹרִים אוֹ שְׁנֵי בְּנֵי יוֹנָה אֶל־הַכֹּהֵן אֶל־פֶּתַח אֹהֶל מוֹעֵד

And on the eighth day he shall bring two turtle-doves, or two young pigeons, unto the priest, unto the door of the tent of meeting.

(11) וְעָשָׂה הַכֹּהֵן אֶחָד לְחַטָּאת וְאֶחָד לְעֹלָה וְכִפֶּר עָלָיו מֵאֲשֶׁר חָטָא עַל הַנָּפֶשׁ וְקִדַּשׁ אֶת־רֹאשׁוֹ בַּיּוֹם הַהוּא

And the priest shall prepare one for a sin-offering, and the other for a burnt-offering, and make atonement for him, for that he hath sinned because of the dead; and he shall hallow his head that same day.

(12) וְהִזִּיר לַה׳ אֶת־יְמֵי נִזְרוֹ וְהֵבִיא כֶּבֶשׂ בֶּן שְׁנָתוֹ לְאָשָׁם וְהַיָּמִים הָרִאשֹׁנִים יִפְּלוּ כִּי טָמֵא נִזְרוֹ

And he shall consecrate unto the Eternal the days of his naziritism, and shall bring a he-lamb of the first year for a guilt-offering; but the former days shall be of no account because his nazariteship was unclean.

(13) וְזֹאת תּוֹרַת הַנָּזִיר בְּיוֹם מְלֹאת יְמֵי נִזְרוֹ יָבִיא אֹתוֹ אֶל־פֶּתַח אֹהֶל מוֹעֵד

And this is the law of the nazirite when the days of his consecration are fulfilled: he shall *bring it** unto the door of the tent of meeting (* i.e., *come with the consecrated hair of his head unshorn*).

(14) וְהִקְרִיב אֶת־קָרְבָּנוֹ לַה׳ כֶּבֶשׂ בֶּן שְׁנָתוֹ תָמִים אֶחָד לְעֹלָה וְכַבְשָׂה אַחַת בַּת שְׁנָתָהּ תְּמִימָה לְחַטָּאת וְאַיִל אֶחָד תָּמִים לְשְׁלָמִים

And he shall present his offering unto the Eternal, one he-lamb of the first year without blemish for a burnt-offering, and one ewe-lamb of the first year without blemish for a sin offering, and one ram without blemish for peace-offerings.

(15) וסל מצות סלת חלת בלולות בשמן ורקיקי מצות משחים בשמן ומנחתם ונסכיהם

And a basket of unleavened bread, cakes of fine flour mingled with oil, and unleavened wafers spread with oil, and their meal-offering, and their drink-offerings.

(16) והקריב הכהן לפני ה׳ ועשה את־חטאתו ואת־עלתו

And the priest shall bring them before the Eternal, and shall offer his sin-offering, and his burnt-offering.

(17) ואת־האיל יעשה זבח שלמים לה׳ על סל המצות ועשה הכהן את־מנחתו ואת־נסכו

And the ram shall he offer for a sacrifice of peace-offerings unto the Eternal, with the basket of unleavened bread; the priest shall offer also the meal-offering thereof, and the drink-offering thereof.

(18) וגלח הנזיר פתח אהל מועד את־ראש נזרו ולקח את־שער ראש נזרו ונתן על האש אשר תחת זבח השלמים

And the nazirite shall shave his consecrated head at the door of the tent of meeting, and shall take the hair of his consecrated head, and put it on the fire which is beneath the sacrifice of peace-offerings.

(19) ולקח הכהן את־הזרע בשלה מן־האיל וחלת מצה אחת מן־הסל ורקיק מצה אחד ונתן על כפי הנזיר אחר התגלחו את־נזרו

And the priest shall take the shoulder of the ram when it is sodden, and one unleavened cake from the basket, and one unleavened wafer, and shall put them upon the hands of the nazirite, after he hath shaven his consecrated head.

(20) והניף אותם הכהן תנופה לפני ה׳ קדש הוא לכהן על חזה התנופה ועל שוק התרומה ואחר ישתה הנזיר יין

And the priest shall wave them for a wave-offering before the Eternal; this is holy for the priest, together with the breast of waving and the thigh of heaving; and then the nazirite may drink wine.

(21) זאת תורת הנזיר אשר ידר קרבנו לה׳ על נזרו מלבד אשר תשיג ידו כפי נדרו אשר ידר כן יעשה על תורת נזרו

This is the law of the nazirite who voweth, and of his offering unto the Eternal for his naziriteship, beside that for which his means suffice; according to his vow which he voweth, so he must do after the law of his naziritism.

Both the תַּלְמוּד בַּבְלִי, *Babylonian Talmud,* and the תַּלְמוּד יְרוּשַׁלְמִי, *Palestinian* (or *Jerusalem*) *Talmud,* have גְּמָרָא to the *Mishnah.*

There are nine Chapters and their titles are:

CHAPTER 1	כָּל־כִּנּוּיֵי נְזִירוּת	א	פֶּרֶק
CHAPTER 2	הֲרֵינִי נָזִיר	ב	פֶּרֶק
CHAPTER 3	מִי שֶׁאָמַר	ג	פֶּרֶק
CHAPTER 4	מִי שֶׁאָמַר	ד	פֶּרֶק
CHAPTER 5	בֵּית שַׁמַּאי	ה	פֶּרֶק
CHAPTER 6	שְׁלֹשָׁה מִינִין	ו	פֶּרֶק
CHAPTER 7	כֹּהֵן גָּדוֹל	ז	פֶּרֶק
CHAPTER 8	שְׁנֵי נְזִירִים	ח	פֶּרֶק
CHAPTER 9	הַכּוּתִים אֵין לָהֶם	ט	פֶּרֶק

Briefly, the main points of the nine Chapters are: 1. Vows involving enforced naziritism; lifelong naziriteship; period of naziriteship; peculiar expressions used with the nazirite vow. 2. Validness of peculiar indefinite vow expressions; vows and incompatibility; combination of two naziriteships; conditional vows. 3. Naziritism and cutting of hair; naziritism and uncleanness; naziritism outside the Holy Land. 4. Uttering a nazirite vow and inclusive response; disannulment of wife's nazirite vow; father formulating nazirite vow for minor son; son's succession to father's naziriteship. 5. Erroneous dedication or vowing of something; conditional nazirite vows. 6. Things prohibited to the nazirite; sacrifices, cutting and burning of the hair, of the nazirite. 7. The nazirite, and the High Priest, and corpse defilement; the nazirite and other defilement. 8. The nazirite and doubtful uncleanness. 9. Gentiles, women slaves, and nazirite vows; nazirite's cutting off of the hair, and uncleanness; finding a corpse; leprosy signs, discharge, and uncleanness; manslaughter; Prophet Samuel's naziritism.

מַסֶּכֶת

נָזִיר

TRACTATE

NAZIR

CHAPTER 1

פֶּרֶק א

Mishnah 1

מִשְׁנָה א

All substitute words[1] for a nazirite vow are as the nazirite vow.[2] If one say, 'I will be!'[3]—then he becomes a nazirite; or, 'I will be becoming!'[4]—he becomes a nazirite; or, 'נָזִיק!'—or, 'נָזִיס!'— or, 'פָּזִיס!'[5] —then he becomes a nazirite. 'I will be as this one!'[6] or, 'I will curl!'[7] or, 'I will grow a crown of hair!'[8,9] or, 'I undertake to let my hair grow long and unkempt!'[9]—then he becomes a nazirite. 'I pledge to bring birds!'[10]—R. Meir[11] says, He is a nazirite; but the Sages[12] say, He is not a nazirite.[13]

כָּל־[1]כִּנּוּיֵי נְזִירוּת [2]כִּנְזִירוּת. הָאוֹמֵר, [3]אֲהָא, הֲרֵי זֶה נָזִיר; אוֹ, אֲהָא [4]נָוֶה, נָזִיר; נָזִיק, נָזִיס, [5]פָּזִיס, הֲרֵי זֶה נָזִיר. הֲרִינִי [6]כָּזֶה, הֲרִינִי [7]מְסַלְסֵל, הֲרִינִי [8,9]מְכַלְכֵּל, הֲרֵי עָלַי [9]לְשַׁלֵּחַ פֶּרַע, הֲרֵי זֶה נָזִיר. הֲרֵי עָלַי [10]צִפּוֹרִים, רַבִּי [11]מֵאִיר אוֹמֵר, נָזִיר; [12]וַחֲכָמִים אוֹמְרִים, אֵינוֹ [13]נָזִיר.

1 כִּנּוּי, *substitute word, substitute.* נָזִיק, נָזִיס and פָּזִיס are substitutes for נָזִיר; the two first vowels of all these four terms are identical; the initial letter נ occurs in three of these; and the second and third letters זי come in all of them. נָזִיק and נָזִיס may be respectively derivatives of נָזַק (used in הִנָּזֵק, *suffer harm;* הִזֵּק, *cause damage;* הוּזַק, הוּזָק, הִתְנַזֵּק, *undergo injury*) and נָזַח, *shift;* פָּזִיס may be a corruption of נָזִיס. Some consider these terms to be of foreign origin used in this connection because of their similarity in form and sound to נָזִיר. **2** *i.e.,* as binding as if the vow had been uttered in correct form. Compare נְדָרִים 1[1]. **3** Meaning, 'I will be a nazirite!'—when he beholds a nazarite. **4** Meaning, 'I will be comely as the nazirite!' —when he sees one, and actually lays hold of the nazarite's hair. נָוֶה, *beautiful, handsome, comely, becoming.* **5** *i.e.,* if one utters any of these substitute terms, with the intention of being a nazarite. **6** And indicating a *nazarite.*

7 Or *plait, i.e.,* the hair of the head as does a nazarite. **8** Literally מְכַלְכֵּל, *sustain, support, tend.** **9** Intending mentally to be a nazarite. The vow holds good only if he grasps the hair of the nazarite when making utterance. **10** צִפֳּרִים in some editions. *Numbers* **6**, 10. The two turtle doves or two young pigeons as offerings by a nazarite for having become unclean. **11** His view is rejected. **12** Their opinion is accepted. **13** But the birds must nevertheless be offered up as a freewill-offering. * See ADDENDA at the end of this *Tractate*.

Mishnah 2

מִשְׁנָה ב

הֲרֵינִי [1]נָזִיר מִן־הַחַרְצַנִּים [2]וּמִן [3]הַזַּגִּים [2]וּמִן הַתְּגַלְּחַת, [2]וּמִן הַטּוּמְאָה הֲרֵי זֶה [4]נָזִיר, וְכָל דִּקְדּוּקֵי [5]נְזִירוּת עָלָיו. הֲרֵינִי כְּשִׁמְשׁוֹן, כְּבֶן מָנוֹחַ, כְּבַעַל דְּלִילָה, [6]כְּמִי שֶׁעָקַר דַּלְתוֹת עַזָּה, [6]כְּמִי [7]שֶׁנְּקָרוּ פְּלִשְׁתִּים אֶת־עֵינָיו, הֲרֵי זֶה [8]נָזִיר שִׁמְשׁוֹן. [9]מַה־בֵּין נָזִיר עוֹלָם לְנָזִיר שִׁמְשׁוֹן? נָזִיר עוֹלָם הִכְבִּיד שַׂעֲרוֹ [10]מֵיקֵל [11]בְּתַעַר, וּמֵבִיא שָׁלֹשׁ [12]בְּהֵמוֹת וְאִם נִטְמָא מֵבִיא קָרְבַּן [13]טוּמְאָה; נָזִיר שִׁמְשׁוֹן, [14]הִכְבִּיד שַׂעֲרוֹ אֵינוֹ מֵיקֵל, וְאִם [15]נִטְמָא אֵינוֹ מֵבִיא קָרְבַּן [16]טוּמְאָה.

'I will be a nazirite[1] from grape-stones and[2] from grape-skins,[3] and[2] from cutting off the hair, and[2] from uncleanness!'—then he becomes a nazirite,[4] and all the detailed laws of naziriteship[5] apply to him. 'I will be like Samson!' or, '..... like[6] the son of Manoah!' or, '..... like the husband of Delilah!' or, '..... like him who tore out the gates of Gaza!' or, '..... like him whose eyes the Philistines gouged out!'[7]—then he becomes a nazirite like Samson.[8] What[9] is the difference between a lifelong nazirite and a nazirite like Samson? If a lifelong nazirite find his hair too heavy, he may lighten it[10] with a razor[11] and must then bring the three cattle,[12] and if he become unclean, he must bring the offering of uncleanness;[13] but a nazirite like Samson, if his hair become too heavy,[14] must not lighten it, and if he become unclean,[15] he does not have to bring the offering of uncleanness.[16]

1 *i.e.,* abstainer. **2** Or *or.* **3** Compare 6[2]. **4** If he mentioned any one of these as if he had said simply, 'I will be a nazarite!' **5** Or נְזִירוּת. **6** כְּמִי literally *as he* [*him*] *who.* In some editions כְּמוֹ, *as him who.* **7** Or שֶׁנְּקָרוּ. **8** Whether he vowed by using the whole formula as set out or by uttering any one only of the whole series. (*Judges* **13**, 5). Samson did not himself take the vow of naziritism but his mother was bid by the messenger of God to bring him up as a nazarite. **9** This should be prefaced by וְאִם

נָדַר לִהְיוֹת נָזִיר עוֹלָם הֲרֵי זֶה נָזִיר עוֹלָם, *If one vowed to be a lifelong nazarite then he is a lifelong nazirite.* **10** *Samuel II,* **14**, 26. **11** At the end of twelve months. But not a perfect haircut. **12** *Numbers* **6**, 14: חַטָּאת, a *sin-offering,* עוֹלָה, a *burnt-offering,* and שְׁלָמִים, a *peace-offering.* **13** *Numbers* **6**, 10: two turtle-doves or two young pigeons, one as עוֹלָה and one as חַטָּאת, and a he-lamb as offering as for a woman. **14** Literally *if he let his hair grow heavy.* **15** He may contract uncleanness on behalf of the dead. **16** Compare *Judges* **14**, 9.

Mishnah 3

מִשְׁנָה ג

A nazirite[1] vow without a time limit[2] must be observed for thirty days.[3] If one said, 'I will be a nazirite for one long term!' or, 'I will be a nazirite for one short period!' or even,[4] '..... from[5] now until the end of the world!'—he must be a nazirite for thirty days. 'I[6] will be a nazirite and for one day longer!' or, 'I will be a nazirite and for one hour more!' or, 'I will be a nazirite for one period and a half!'—he must be a nazirite for two terms.[7] 'I will be a nazirite for thirty days and one hour more!'—he must be a nazirite for thirty-one days,[8] because they do not fix the length of the period of naziriteship by hours.[9]

[2]סְתַם [1]נְזִירוּת [3]שְׁלֹשִׁים יוֹם. אָמַר, הֲרֵינִי נָזִיר אַחַת גְּדוֹלָה, הֲרֵינִי נָזִיר אַחַת קְטַנָּה, [4]אֲפִילוּ, [5]מִכָּאן וְעַד סוֹף הָעוֹלָם, נָזִיר שְׁלֹשִׁים יוֹם. [6]הֲרֵינִי נָזִיר וְיוֹם אֶחָד, הֲרֵינִי נָזִיר וְשָׁעָה אֶחָת, הֲרֵינִי נָזִיר אַחַת וּמֶחֱצָה, הֲרֵי זֶה נָזִיר [7]שְׁתַּיִם. הֲרֵינִי נָזִיר שְׁלֹשִׁים יוֹם וְשָׁעָה אֶחָת, נָזִיר שְׁלֹשִׁים וְאֶחָד [8]יוֹם, שֶׁאֵין נוֹזְרִים [9]לְשָׁעוֹת.

1 Or נְזִירוֹת. **2** Traditional pronunciation סִתַּם. Literally *indefinite, unqualified* [state of or period of] *naziritism.* **3** This is הֲלָכָה לְמֹשֶׁה מִסִּינַי, 'a usage or law from Moses as delivered from Sinai,' *i.e., a traditional* (*interpretation of a written*) *law,* accepted as binding without dispute or question. **4** Or אֲסִלּוּ.§ **5** *i.e.,* 'I will be a nazirite from .....!'* **6** *i.e.,* If one say, 'I will .....!'. **7** *i.e.,* for 60 days—30 days for the expression הֲרֵינִי נָזִיר and the second 30 days for the spell in the second half of the expression. At the conclusion of the first spell he cuts off his hair and brings the necessary offerings, and then immediately begins observing the second spell at the end of which he again shaves off his hair and brings the required offerings. **8** Because of the explicit mention of *thirty* days. **9** Because of the expression יְמֵי נִזְרוֹ, *the days of his naziriteship* (*Numbers* **6**, 8). * Popular pointing מִכֹּאן (מִכֵּן). § See ADDENDA at the end of this *Tractate.*

Mishnah 4

מִשְׁנָה ד

[1]הֲרֵינִי נָזִיר *כְּשַׂעַר רֹאשִׁי, וְכַעֲפַר הָאָרֶץ, וּכְחוֹל הַיָּם, הֲרֵי זֶה נָזִיר עוֹלָם, וּמְגַלֵּחַ אַחַת לְשְׁלֹשִׁים יוֹם. [2]רַבִּי אוֹמֵר, אֵין זֶה מְגַלֵּחַ [3]אַחַת לְשְׁלֹשִׁים יוֹם; וְאֵיזֶהוּ שֶׁמְּגַלֵּחַ אַחַת לְשְׁלֹשִׁים יוֹם? [4]הָאוֹמֵר, הֲרֵי עָלַי נְזִירוֹת *כְּשַׂעַר רֹאשִׁי, וְכַעֲפַר הָאָרֶץ, וּכְחוֹל הַיָּם.

'I[1] will be a nazirite as the hair of my head!' or, '..... as the dust of the earth!' or, '..... as the sand of the sea!'—then he becomes a lifelong nazirite, and he must cut his hair off every thirty days. Rabbi[2] says, Such a one must not cut off his hair once every thirty days;[3] but who is the one that cuts his hair off once in thirty days?—One[4] who says, 'I undertake to observe as many vows of naziriteship as the hairs* of my head!' or, '..... as the specks of dust of the earth!' or, '..... as the grains of sand of the sea!'

1 *i.e., If one vowed, 'I will be .....!'* **2** His opinion is rejected. **3** But only once in each year. **4** Rabbi continues. * Or כְּשַׂעַר.

Mishnah 5

מִשְׁנָה ה

[1]הֲרֵינִי נָזִיר מְלֹא הַבַּיִת; אוֹ, מְלֹא הַקּוּפָּה, בּוֹדְקִין אוֹתוֹ; אִם אָמַר, אַחַת גְּדוֹלָה [2]נָזַרְתִּי, נָזִיר שְׁלֹשִׁים יוֹם; וְאִם אָמַר, [3]סְתָם [2]נָזַרְתִּי רוֹאִין אֶת־[4]הַקּוּפָּה [5]כְּאִילוּ הִיא מְלֵאָה חַרְדָּל וְנָזִיר [6]כָּל־יָמָיו.

'I[1] will be a nazarite a houseful!' or, '..... a basketful!'—they must enquire of him searchingly; if he said, 'I made a vow to abstain[2] for one long term!'—he becomes a nazirite for thirty days; but if he said, 'I vowed unspecified[3] to abstain!'[2]—they look upon the basket[4] as if[5] it were filled with mustard seed and he must be a nazirite all the days of his life.[6]

1 *i.e., If one say, 'I will be .....!'* The רמב"ם prefers the reading מְלֹא חָבִית *a barrelful.* **2** Or, *'I dedicated myself to naziritism'* or *'I vowed to be a nazarite.'* **3** Traditional pronunciation סְתָם. **4** אוֹתָהּ קוּפָּה, *that basket,* in some editions. **5** Or כְּאִילוּ. **6** And he cuts his hair once every twelve months.

Mishnah 6

מִשְׁנָה ו

[1]הֲרֵינִי נָזִיר מִכָּאן עַד מָקוֹם פְּלוֹנִי, אוֹמְדִין כַּמָּה יָמִים מִכָּאן עַד

'I[1] will be a nazirite from here to such-and-such a place!' — they must calculate how many days'

מָקוֹם פְּלוֹנִי, §אִם פָּחוֹת מִשְּׁלֹשִׁים יוֹם נָזִיר שְׁלֹשִׁים יוֹם, וְאִם [2]לָאו, נָזִיר כְּמִנְיַן [3]הַיָּמִים.

journey it is from this place to the other place: if it be less than thirty days, he becomes a nazirite for thirty days, and if not,[2] he becomes a nazirite for as long as the number of days.[3]

1 *i.e., If one said, 'I will be .....!'* **2*** *viz.,* if the number of days exceeds thirty. **3** Calculated to make the journey between the two places. These rules apply only if he actually made the attempt to travel the distance; otherwise he observes the vow for only thirty days whether the journey might take more or less. * Popular pronunciation לַאו. § Popular pronunciation פָּחוֹת.

Mishnah 7

מִשְׁנָה ז

[1]הֲרֵינִי נָזִיר כְּמִנְיַן יְמוֹת הַחַמָּה, מוֹנֶה [2]נְזִירוּת כְּמִנְיַן יְמוֹת [3]הַחַמָּה. אָמַר רַבִּי יְהוּדָה, מַעֲשֶׂה הָיָה, [4]כֵּינָן [5]שֶׁהִשְׁלִים [6]מֵת.

'I[1] will be a nazirite as the number of days of the solar year!' — he must count periods of naziriteship[2] as the number of days in a solar year.[3] R. Judah said, Such a case did actually happen, and when[4] he completed[5] he died.[6]

1 *i.e., If one said, 'I will .....!'* **2** Or גְּזִירוֹת. **3** *i.e.,* he must observe 365 spells of 30 days each (a total of 30 years). **4** כֵּינָן* is followed by שֶׁ־, כֵּינָן precedes דְּ־. **5** The observing of all these periods. **6** R. Judah quoted this case to show that Rabbi's opinion—that in such a case one becomes a lifelong nazarite—is not accepted. In the case of a נָזִיר עוֹלָם, *lifelong nazarite,* the question of הַשְׁלָמָה, completion of the full period of nazaritism, does not arise. * Some punctuate it כֵּנָן.

CHAPTER 2

פֶּרֶק ב

Mishnah 1

מִשְׁנָה א

[1]הֲרֵינִי [2]נָזִיר מִן־הַגְּרוֹגְרוֹת וּמִן [3]הַדְּבֵילָה, [4]בֵּית שַׁמַּאי אוֹמְרִים, נָזִיר; [5]וּבֵית הִלֵּל אוֹמְרִים, אֵינוֹ נָזִיר. אָמַר רַבִּי יְהוּדָה, אַף כְּשֶׁאָמְרוּ

'I[1] will be a nazirite[2] from dried figs and from fig-cake!'[3] — the School of Shammai[4] say, He becomes a nazirite; but the School of Hillel[5] say, He does not become a nazirite. R. Judah said, Although the School of Shammai made the

בֵּית שַׁמַּאי לֹא אָמְרוּ אֶלָּא בְּאוֹמֵר, הֲרֵי הֵן עָלַי ⁶קָרְבָּן.

statement in this form it was meant to refer to one who expressed, 'Let them be to me as קָרְבָּן!'[6]

1 *i.e., If one said, 'I will .....!'* **2** *i.e.,* abstainer (*viz.,* not an abstainer from wine but from dried figs and fig-cake). **3** Made from figs pressed together into a round mass. **4** They argue that a person does not make random remarks. **5** They maintain that a person might make a worthless expression. **6** קָרְבָּן, *offering.* See נְדָרִים I[4]. *i.e.,* the expression being equivalent to a נֶדֶר, an *ordinary vow,* and not to a *vow of* נְזִירוּת *naziritism.*

Mishnah 2

מִשְׁנָה ב

אָמַר, אָמְרָה פָּרָה זוּ, ¹הֲרֵינִי נְזִירָה אִם עוֹמֶדֶת ²אֲנִי, אָמַר הֶדֶלֶת הַזֶּה, ³הֲרֵינִי נָזִיר אִם נִפְתַּח ²אֲנִי, ⁴בֵּית שַׁמַּאי אוֹמְרִים, נָזִיר; וּבֵית ⁴הִלֵּל אוֹמְרִים, אֵינוֹ נָזִיר. אָמַר רַבִּי יְהוּדָה, אַף כְּשֶׁאָמְרוּ בֵּית שַׁמַּאי לֹא אָמְרוּ אֶלָּא בְּאוֹמֵר, הֲרֵי פָּרָה זוּ עָלַי ⁵קָרְבָּן אִם עוֹמֶדֶת ⁶הִיא.

If one said, 'This cow said, I[1] will be a nazirite if I[1] stand up!' or, 'This door said, I[2] will be a nazirite if I[2] be opened!'[3]—the School of Shammai say, He becomes a nazirite; but the School of Hillel[4] say, He does not become a nazirite. R. Judah said, Though the School of Shammai made this form of statement it was intended to refer to one who meant, 'Let this cow be קָרְבָּן[5] to me if it stand up![6]

1 *i.e., I* refers to the animal speaking of itself. **2** *viz., I* refers to the door talking to itself. **3** Thus conveying the intention that he (who utters such formulae) desires to become a nazirite if the cow did not rise through his act or the door would not open through any act of his. **4** The reason of the School of Hillel is the same as in the preceding *Mishnah.* **5** קָרְבָּן, *offering.* **6** *i.e.,* that such an expression was an ordinary נֶדֶר, vow, and not a vow of נְזִירוּת, naziriteship.

Mishnah 3

מִשְׁנָה ג

מָזְגוּ ¹לוֹ אֶת־הַכּוֹס וְאָמַר, הֲרֵינִי ²נָזִיר מִמֶּנּוּ, הֲרֵי זֶה ³נָזִיר. מַעֲשֶׂה בְּאִשָּׁה אַחַת שֶׁהָיְתָה שִׁכּוֹרָה וּמָזְגוּ לָהּ אֶת־הַכּוֹס, וְאָמְרָה, הֲרֵינִי ⁴נְזִירָה מִמֶּנּוּ. אָמְרוּ חֲכָמִים לֹא ⁵נִתְכַּוְּנָה אֶלָּא לוֹמַר, הֲרֵי הוּא עָלַי ⁶קָרְבָּן.

If they filled a cup for one[1] and he said, 'I will be a nazirite[2] from it!'—then he becomes a nazirite.[3] It once happened that a certain woman was intoxicated and they filled the cup for her, but she said, 'I will be a nazirite[4] from it!'—The Sages said, She only intended[5] to say, 'Let it be to me as קָרְבָּן!'[6]

1 A cup of wine. Literally לוֹ, *for him.* **2** *i.e.,* an abstainer. See 1[2]. **3** But if he were drunk then it is assumed he meant to abstain from excessive drinking, and he is not then a nazarite. **4** *i.e.,* an abstainer. **5** לא נִתְכַּוְּנָה זוּ in some editions. **6** קָרְבָּן, *offering.* *i.e.,* the expression was meant as a remark to avoid becoming more drunk. Anyone who is helplessly drunk is not held responsible for any such utterance.

Mishnah 4

מִשְׁנָה ד

'I[1] will be a nazirite on condition that I may drink wine and [that I should be allowed to] become unclean[2] because of the dead!'[3]—then he becomes a nazirite and is prohibited all of them.[4] 'I knew[5] that there are vows of naziriteship but I did not know[6] that a nazirite was forbidden wine!'[7] — then he becomes a nazirite;[8] but R. Simon[9] permits it. 'I knew[4] that the nazirite was forbidden wine, but I thought that the Sages permit it to me because I can not live without wine!' or, '..... because I have to bury the dead!'[10]—then in such a case he is permitted;[11] but R. Simon[12] prohibits it.

[1]הֲרֵינִי נָזִיר עַל מְנָת שֶׁאֶהָא שׁוֹתֶה
יַיִן [2]וּמִיטַּמֵּא [3]לְמֵתִים, הֲרֵי זֶה נָזִיר
וְאָסוּר [4]בְּכוּלָּן. [5]יוֹדֵעַ אֲנִי שֶׁיֵּשׁ נְזִירוֹת
אֲבָל [6]אֵינִי יוֹדֵעַ שֶׁהַנָּזִיר אָסוּר [7]בְּיַיִן,
הֲרֵי זֶה [8]אָסוּר; וְרַבִּי [9]שִׁמְעוֹן מַתִּיר.
[4]יוֹדֵעַ אֲנִי שֶׁהַנָּזִיר אָסוּר בְּיַיִן, אֲבָל
סָבוּר הָיִיתִי שֶׁחֲכָמִים מַתִּירִים לִי
מִפְּנֵי שֶׁאֵין אֲנִי יָכוֹל לִחְיוֹת אֶלָּא
בְּיַיִן, אוֹ מִפְּנֵי שֶׁאֲנִי [10]קוֹבֵר אֶת־
הַמֵּתִים, הֲרֵי זֶה [11]מוּתָּר וְרַבִּי
[12]שִׁמְעוֹן אוֹסֵר.

1 *i.e., One says, 'I will be .....!'* **2** Or '..... *that I may drink wine or become unclean .....!'* **3** The same ruling applies if he said '..... *on condition that I may cut my hair!'* לְמֵתִים literally *for dead people,* or more definitely לַמֵּתִים, *for the dead.* **4** Because if anyone makes any condition against a precept in the Law such condition is of no effect but the restrictions accompanying remain in force. Or בְּכֻלָּם. **5** Literally *I know.* **6** Literally *but I do not know.* **7** *i.e., If one say, 'I know .....!'* **8** Literally *he is bound.* See 1[2]. **9** His view is not accepted. **10** *i.e., If one say, 'I knew that it is forbidden for a nazirite to become defiled because of the dead, but I thought that the Sages permit it in such a case because I am a grave-digger and my living depends on this work!'* Or also if he is the only grave-digger. **11** Or מֻתָּר. *viz.,* to drink wine or to carry on the work as grave-digger without having recourse to a חָכָם for disannulment. **12** His opinion is rejected.

Mishnah 5

מִשְׁנָה ה

[1]הֲרֵינִי נָזִיר וְעָלַי לְגַלֵּחַ נָזִיר, [2]וְשָׁמַע חֲבֵירוֹ [3]וְאָמַר, וַאֲנִי וְעָלַי לְגַלֵּחַ [2]נָזִיר, אִם [4]הָיוּ פִּקְחִים [5]מְגַלְּחִים זֶה אֶת־זֶה, וְאִם לָאו, מְגַלְּחִים [6]נְזִירִים אֲחֵרִים.

'I[1] will be a nazirite and I undertake to bring the offerings of another nazirite!'[2]—and his fellow heard him and said, 'And I also,[3] and I pledge myself to bring the offerings of another nazirite!'[2]—if they be[4] shrewd, they bring one another's offerings,[5] but if not, they must bring the offerings of other nazirites.[6]

1 *i.e., If one said, 'I will be .....!'* **2** When the latter cuts off the hair from his head. **3** *i.e., 'And I also will be a nazirite.'* **4** Literally *were.* **5** And so do not suffer unnecessary loss. **6** Not particularly the person concerned at the moment. When the latter cut off the hair from their heads! And they must also of course bring their own offerings.

Mishnah 6

מִשְׁנָה ו

[1]הֲרֵי עָלַי לְגַלֵּחַ חֲצִי [2]נָזִיר, וְשָׁמַע חֲבֵירוֹ וְאָמַר, וַאֲנִי עָלַי לְגַלֵּחַ חֲצִי [2]נָזִיר, זֶה מְגַלֵּחַ [2]נָזִיר שָׁלֵם וְזֶה מְגַלֵּחַ [2]נָזִיר שָׁלֵם. דִּבְרֵי רַבִּי [3]מֵאִיר. [4]וַחֲכָמִים אוֹמְרִים, זֶה מְגַלֵּחַ חֲצִי [2]נָזִיר וְזֶה מְגַלֵּחַ חֲצִי [2]נָזִיר.

'I[1] undertake to bring half of the offerings of another nazirite!'[2]—and his fellow heard him and said, 'And I too, I pledge myself to bring half of the offerings of another nazirite!'[2]—the former must bring the whole offerings of a nazirite[2] and the latter must bring the whole offerings of a nazirite.[2] This is the view of R. Meir.[3] But the Sages[4] say, The former brings half of the offerings of a nazirite[2] and the latter brings half of the offerings of a nazirite.[2]

1 *i.e., If one said, 'I undertake .....!'* **2** When the latter cuts off the hair from his head. **3** His opinion is rejected. **4** Their view is accepted.

Mishnah 7

מִשְׁנָה ז

[1]הֲרֵינִי נָזִיר לִכְשֶׁיִּהְיֶה לִי בֵּן, וְנוֹלַד לוֹ בֵּן, הֲרֵי זֶה נָזִיר; נוֹלַד לוֹ בַּת,

'I[1] will be a nazirite when a son shall be born to me!'—and a son is born to him, he becomes a nazirite; if a daughter were born to him, or

one of indeterminate sex, or an hermaphrodite,[2] he does not become a nazirite. If he said, 'When I shall see that I shall have a child!'[3]—even[4] if a daughter be born to him, or one of indeterminable sex, or one of dual sex, he becomes a nazirite.

טוּמְטוּם, [2]וְאַנְדְּרוֹגִינוֹס, אֵינוֹ נָזִיר.
אִם אָמַר, כְּשֶׁאֶרְאֶה כְּשֶׁיִּהְיֶה לִי
[3]וָלָד, [4]אֲפִילוּ נוֹלַד לוֹ בַת, טוּמְטוּם,
וְאַנְדְּרוֹגִינוֹס, הֲרֵי זֶה נָזִיר.

1 *i.e., If one say, 'I will be .....!'* **2** Or *androgynous, man-woman.* סִיבְּכוּר 1[1,2]. **3** *i.e., '..... a child, then I will be a nazarite!'* בֵּן refers to a *male* child; וָלָד refers to a child of *either sex.* Or וְלַד. **4** Or אֲפִלּוּ.

Mishnah 8

מִשְׁנָה ח

If his wife aborted,[1] he does not become a nazirite.[2] R. Simon says, He should say, 'If* it were[3] a child[4] likely to live I will be a nazirite by obligation,[5] but if not, I will be a voluntary nazirite!'[6] If she afterward[7] gave birth to a child, he becomes a nazirite. R. Simon[8] says, He should say, 'If the first were a viable child[4] my first nazirite vow be obligatory[9] and this one be voluntary, but if not, the first be of free choice and this by obligation!'

[1]הִפִּילָה אִשְׁתּוֹ אֵינוֹ [2]נָזִיר. רַבִּי
שִׁמְעוֹן אוֹמֵר, יֹאמַר *אִם [3]הָיָה [4]בֵּן
קַיָּמָא הֲרֵי אֲנִי נָזִיר [5]חוֹבָה, וְאִם
לָאו, הֲרֵי אֲנִי נָזִיר [6]נְדָבָה. [7]חָזְרָה
וְיָלְדָה, הֲרֵי זֶה נָזִיר. רַבִּי [8]שִׁמְעוֹן
אוֹמֵר, יֹאמַר אִם הָרִאשׁוֹן [4]בֵּן
קַיָּמָא הָרִאשׁוֹן [9]חוֹבָה וְזוּ נְדָבָה,
וְאִם לָאו, הָרִאשׁוֹן נְדָבָה וְזוּ חוֹבָה.

1 Or *miscarried.* After vowing, as set out in the preceding *Mishnah.* **2** This is according to the teaching of R. Judah. **3** Literally *were* [was]. **4** Literally *son.* **5** *i.e.,* the vow must be fulfilled because we assume that he meant that at the outset. **6** *i.e.,* of free choice, not in duty bound, without a conditional vow. **7** After the miscarriage or abortion. **8** His views here are not accepted. **9** *i.e.,* be in duty bound. * See ADDENDA at the end of this *Tractate.*

Mishnah 9

מִשְׁנָה ט

'I[1] will be a nazirite and again a nazirite when I shall have a son!'—if he had begun[2] to count his

[1]הֲרֵינִי נָזִיר וְנָזִיר כְּשֶׁיִּהְיֶה לִי בֵּן,
[2]הִתְחִיל מוֹנֶה אֶת־[3]שֶׁלּוֹ וְאַחַר כַּךְ

נוֹלַד לוֹ בֵּן, [4]מַשְׁלִים אֶת־שֶׁלּוֹ
וְאַחַר כַּךְ מוֹנֶה אֶת־שֶׁל בְּנוֹ. הֲרֵינִי
נָזִיר כְּשֶׁיִּהְיֶה לִי בֵּן [5]וְנָזִיר, הִתְחִיל
מוֹנֶה אֶת־[6]שֶׁלּוֹ וְאַחַר כַּךְ נוֹלַד [7]לוֹ
בֵּן, [8]מַנִּיחַ אֶת־[9]שֶׁלּוֹ וּמוֹנֶה אֶת־שֶׁל
[10]בְּנוֹ, וְאַחַר כַּךְ [11]מַשְׁלִים אֶת־
[12]שֶׁלּוֹ.

own[3] and then a son was born to him, he completes his own[4] and then counts that of his son. 'I will be a nazirite when a son shall be born to me and again a nazirite!'[5] —if he began to count for his own[6] and a son was then born to him,[7] he sets aside[8] his own,[9] and he counts that of his son,[10] and he then completes[11] that of his own vow.[12]

1 *i.e., If one say, 'I will be .....!'* **2** His spell of naziriteship. **3** *i.e.,* to count the thirty days of his first vow. **4** *viz.,* the number of days for the first vow. He must cut his hair and bring the offerings. **5** *i.e.,* he takes a vow to be a nazirite once more. **6** Voluntary or unconditional vow of naziritism. **7** Before he had completed the spell of thirty days. **8** Or מֵנִיחַ. **9** He discontinues for the time being the observance of the period of his own vow of free choice. **10** He fulfils the thirty days of the naziriteship for him. **11** The outstanding number of days of the first interrupted term. **12** And he cuts his hair and brings *two* sets of offerings for himself and his son.

Mishnah 10

מִשְׁנָה י

[1]הֲרֵינִי נָזִיר [2]לִכְשֶׁיְּהֵא לִי בֵּן [3]וְנָזִיר
מֵאָה יוֹם, [4]נוֹלַד בֵּן, [5]עַד שִׁבְעִים,
לֹא הִפְסִיד [6]כְּלוּם, לְאַחַר שִׁבְעִים,
סוֹתֵר [7]שִׁבְעִים, שֶׁאֵין [8]תִּגְלַחַת פָּחוּת
מִשְּׁלֹשִׁים יוֹם.

'I[1] will be a nazirite when I shall have[2] a son and yet again a nazirite[3] for a hundred days!'—and a son was born:[4] if[5] before seventy days, he has thereby suffered no loss,[6] but if after seventy days, he is allowed only seventy[7] days, for the hair[8] may not be cut off within less than thirty days.

1 *i.e., If one said, 'I will be .....!'* **2** כְּשֶׁיְּהֵא in the תַּלְמוּד יְרוּשַׁלְמִי. **3** Of free choice, voluntarily, unconditionally. **4** The גְּמָרָא has נוֹלַד לוֹ, [*and one*] *was born to him.* **5** *i.e.,* if the son was born. **6** He interrupts observing his own spell (as in the foregoing *Mishnah*), observes the thirty days' period for his son, and then completes his own term. **7** He must break off his own term, observe the thirty days' spell for his son, and then complete his own period by observing thirty more days. **8** Of a nazirite. תִּגְלַחַת, תִּגְלֹחַת, *shearing, hair-cutting.*

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

If one said, 'I will be a nazirite!'[1] —he cuts his hair off on the thirty-first day, but if he cut it off on the thirtieth day,[2] he has fulfilled his obligation. 'I[3] will be a nazirite for thirty days!'—if he cut his hair off on the thirtieth day, he has not carried out his obligation.[4]

מִי שֶׁאָמַר, הֲרֵינִי [1]נָזִיר, מְגַלֵּחַ יוֹם שְׁלֹשִׁים וְאֶחָד, וְאִם גִּלַּח [2]לְיוֹם שְׁלֹשִׁים יָצָא. [3]הֲרֵינִי נָזִיר שְׁלֹשִׁים יוֹם, אִם גִּלַּח לְיוֹם שְׁלֹשִׁים [4]לֹא יָצָא.

1 Without stipulating any period. **2** When the time is undefined part of a day is reckoned as a whole day. **3** *i.e., If one said, 'I will be .....!'* **4** When the time is explicit part of a day is not considered as a completed day.

Mishnah 2

מִשְׁנָה ב

One who made two nazirite vows[1] must cut off his hair for the first period on the thirty-first day[2] and for the second one on the sixty-first day; but if he cut off his hair for the first term on the thirtieth day,[3] he has to cut off his hair for the second one on the sixtieth day, and if he cut off his hair on the fifty-ninth day,[4] he has fulfilled his duty. And R. Papias testified to this effect[5] regarding one who made two nazirite vows that if he cut off his hair for the first spell on the thirtieth day, he should cut his hair off for the second one on the sixtieth day, and that if he cut if off on the fifty-ninth[4] day, he has carried out his obligation because the thirtieth day may be counted for him among the number.[6]

מִי שֶׁנָּזַר שְׁתֵּי [1]נְזִירוֹת מְגַלֵּחַ אֶת־הָרִאשׁוֹנָה יוֹם [2]שְׁלֹשִׁים וְאֶחָד וְאֶת הַשְּׁנִיָּה יוֹם שִׁשִּׁים וְאֶחָד; וְאִם גִּלַּח אֶת־הָרִאשׁוֹנָה [3]יוֹם שְׁלֹשִׁים מְגַלֵּחַ אֶת־הַשְּׁנִיָּה יוֹם שִׁשִּׁים, וְאִם גִּלַּח [4]יוֹם שִׁשִּׁים חָסֵר אֶחָד יָצָא. [5]וְזוּ עֵדוּת הֵעִיד רַבִּי פַּפְּיָס עַל מִי שֶׁנָּזַר שְׁתֵּי נְזִירוֹת שֶׁאִם גִּלַּח אֶת־הָרִאשׁוֹנָה שְׁלֹשִׁים יוֹם מְגַלֵּחַ אֶת־הַשְּׁנִיָּה יוֹם שִׁשִּׁים, וְאִם גִּלַּח לְיוֹם [4]שִׁשִּׁים חָסֵר אֶחָד יָצָא שֶׁיּוֹם שְׁלֹשִׁים עוֹלֶה לוֹ מִן־[6]הַמִּנְיָן.

1 *i.e., If one said, 'I will be a nazirite for two spells!'* Or, *If one said, 'I will be a nazirite! I will be a nazirite!'* But if he said, *'I will be a nazirite for thirty days and for thirty days'* and he cut off his hair on the thirtieth day

he has not fulfilled his obligation (see 3[1]). **2** Though this day belongs to the second spell. **3** שְׁלֹשִׁים יוֹם in some texts. **4** Literally *the sixtieth day less one.* **5** עֵדוּיוֹת 7[5]. Literally *And this testimony* (or *evidence*) *R. Papias testified.* **6** Of the days of the second spell.

Mishnah 3

מִשְׁנָה ג

If one who said, 'I will be a nazirite!' became unclean, he forfeits the whole.[1] R. Eliezer[2] says, He foregoes only seven days. 'I will be a nazirite for thirty days!'[3]—and he became unclean on the thirtieth day, he renders the whole spell of no effect.

מִי שֶׁאָמַר, הֲרֵינִי נָזִיר, נִטְמָא יוֹם שְׁלֹשִׁים, סוֹתֵר אֶת־[1]הַכֹּל. רַבִּי [2]אֱלִיעֶזֶר אוֹמֵר, אֵינוֹ סוֹתֵר אֶלָּא שִׁבְעָה. הֲרֵינִי נָזִיר [3]שְׁלֹשִׁים יוֹם, נִטְמָא יוֹם שְׁלֹשִׁים, סוֹתֵר אֶת־הַכֹּל.

1 *i.e.,* the days observed are of no effect and he must observe anew in cleanness the whole thirty days. **2** His view is rejected. **3** *i.e.,* If one said, 'I will be .....!' Compare 3[1].

Mishnah 4

מִשְׁנָה ד

'I[1] will be a nazirite for a hundred days!'—and he became unclean on the hundredth day, he renders the whole period of no effect. R. Eliezer says, He forfeits only thirty days. If he became unclean on the one hundred and first day, he foregoes thirty days.[2] R. Eliezer[3] says, He forfeits only seven days.

[1]הֲרֵינִי נָזִיר מֵאָה יוֹם, נִטְמָא יוֹם מֵאָה סוֹתֵר אֶת־הַכֹּל. רַבִּי אֱלִיעֶזֶר אוֹמֵר, אֵינוֹ סוֹתֵר אֶלָּא שְׁלֹשִׁים. נִטְמָא יוֹם מֵאָה וְאֶחָד, סוֹתֵר [2]שְׁלֹשִׁים יוֹם. רַבִּי [3]אֱלִיעֶזֶר אוֹמֵר, אֵינוֹ סוֹתֵר אֶלָּא שִׁבְעָה.

1 *i.e., If one said, 'I will be .....!'* **2** And he must observe anew a spell of thirty days in cleanness. **3** His opinion is not accepted.

Mishnah 5

מִשְׁנָה ה

One who made the nazirite vow while he was in a cemetery,[1] even[2] if he were there thirty days, has not reckoned to him these among the number,[3] and he does not have

מִי שֶׁנָּזַר וְהוּא בְּבֵית הַקְּבָרוֹת, [2]אֲפִילוּ הָיָה שָׁם שְׁלֹשִׁים יוֹם, אֵין עוֹלִין לוֹ מִן־[3]הַמִּנְיָן, וְאֵינוֹ מֵבִיא

קָרְבַּן [4]טוּמְאָה. [5]יָצָא וְנִכְנַס, עוֹלִין
לוֹ מִן־[6]הַמִּנְיָן וּמֵבִיא קָרְבַּן טוּמְאָה.
רַבִּי [7]אֱלִיעֶזֶר אוֹמֵר, לֹא [8]בוֹ בַּיּוֹם,
שֶׁנֶּאֱמַר, [9]וְהַיָּמִים [10]הָרִאשׁוֹנִים יִפְּלוּ,
עַד שֶׁיִּהְיוּ לוֹ [11]יָמִים רִאשׁוֹנִים.

to bring the offering for uncleanness.[4] But if he went out[5] and came in again, they do reckon to him among the number[6] and he must bring the offering for uncleanness.* R. Eliezer[7] says, Not if on the same day,[8] as it is said,[9] *but the former*[10] *days shall be void,* but only when there are former days[11] to him.

1 The same ruling applies if he became טָמֵא, ritually unclean, and made a vow. **2** Or אַפִּלּוּ. **3** These thirty days are not credited towards the spell of naziriteship. **4** Since he was not a nazarite during this period. **5** And the water of the *red-heifer* was sprinkled over him and he had the ritual bath to be cleansed. **6** The number of days observed count towards the remaining days to be observed for the total. **7** His view is accepted. **8** If he became unclean on the first day of his naziritism or on the first day when he had the ritual immersion and again contracted uncleanness, he does not forfeit that day but it is added to the rest. **9** *Numbers* **6**, 12. **10** The Scriptural reading is רִאשֹׁנִים. **11** *Plural, i.e.,* not *one day* but at least *two days* may be added in. * *viz.,* if he became unclean by coming in contact with anything that interrupts nazariteship.

Mishnah 6 — מִשְׁנָה ו

מִי שֶׁנָּזַר [1]נְזִירוּת הַרְבֵּה וְהִשְׁלִים
אֶת־[2]נְזִירָתוֹ וְאַחַר כָּךְ בָּא [3]לָאָרֶץ,
בֵּית שַׁמַּאי אוֹמְרִים, נָזִיר [4]שְׁלֹשִׁים
יוֹם; וּבֵית הִלֵּל אוֹמְרִים, נָזִיר
[5]בַּתְּחִלָּה. מַעֲשֶׂה [6]בְּהֵילֶנִי הַמַּלְכָּה,
שֶׁהָלַךְ בְּנָהּ לַמִּלְחָמָה, וְאָמְרָה, אִם
יָבֹא בְנִי מִן־הַמִּלְחָמָה בְּשָׁלוֹם אֲהָא
נְזִירָה שֶׁבַע שָׁנִים, וּבָא בְנָהּ [7]מִן־
הַמִּלְחָמָה וְהָיְתָה נְזִירָה שֶׁבַע שָׁנִים;
וּבְסוֹף שֶׁבַע שָׁנִים עָלְתָה לָאָרֶץ,
[8]וְהוֹרוּהָ בֵּית הִלֵּל שֶׁתְּהֵא נְזִירָה

One who made a vow for a prolonged period[1] and completed his nazirite spell[2] and afterwards came to the Land,[3] the School of Shammai say, He must continue as nazirite for thirty days;[4] but the School of Hillel say, He must be a nazirite all over again.[5] It once happened that queen Helene,[6] whose son went to war, said, 'If my son return safely from the war, I will be a nazirite for seven years!' —and her son came back from the war,[7] and she was a nazirite for seven years; and at the conclusion of the seven years she came up to the Land, and the School of Hillel

עוֹד שֶׁבַע שָׁנִים אַחֵרוֹת; וּבְסוֹף שֶׁבַע שָׁנִים נִטְמֵאת, וְנִמְצֵאת נְזִירָה [9]עֶשְׂרִים וְאַחַת שָׁנָה. אָמַר רַבִּי יְהוּדָה, לֹא הָיְתָה נְזִירָה אֶלָּא [10]אַרְבַּע עֶשְׂרֵה שָׁנָה.

instructed her[8] that she had to be a nazirite again for seven years more; but at the end of the seven years she became unclean, and she found herself a nazirite for twenty-one years.[9] R. Judah said, She should not have been a nazirite for more than fourteen years.[10]

1 Literally *many spells of naziritism.* נְזִירוּת מְרֻבָּה, *a protracted naziriteship,* in some editions. More than thirty days. עֵדוּיוֹת 4[11]. **2** נְזִירוּת in some texts. **3** אֶרֶץ יִשְׂרָאֵל. **4** Because נְזִירוּת cannot be observed outside Palestine, חוּץ לָאָרֶץ being considered as *ritually unclean.* **5** בַּתְּחִילָּה in some editions. Literally *as from the beginning, i.e.,* the whole spell must be observed anew. **6** Or *Helena,* of Adiabene and mother of king Mumbaz a proselyte. See יוֹמָא 3[10]. **7** In some editions מִן־הַמִּלְחָמָה בְּשָׁלוֹם, *from the war safely.* **8** וְהוֹרוּ, *and* ..... *instructed,* in some editions. **9** *i.e.,* for a third period of seven years. **10** And thirty days extra for the third spell because she became unclean on the last day of the fourteenth year.

Mishnah 7

מִשְׁנָה ז

[1]מִי שֶׁהָיוּ שְׁתֵּי כִתֵּי עֵדִים [2]מְעִידִים [3]אוֹתוֹ, אֶלּוּ מְעִידִים שֶׁנָּזַר שְׁתַּיִם וְאֵלּוּ מְעִידִים שֶׁנָּזַר [4]חָמֵשׁ, בֵּית שַׁמַּאי אוֹמְרִים, [5]נֶחְלְקָה הָעֵדוּת, וְאֵין כָּאן [6]נְזִירוֹת; וּבֵית הִלֵּל אוֹמְרִים, יֵשׁ בִּכְלַל חָמֵשׁ שְׁתַּיִם שֶׁיְּהֵא נָזִיר [7]שְׁתַּיִם.

If there were[1] two pairs of witnesses testifying[2] against someone,[3] one testifying that he had made two nazirite vows and the other that he had formed five nazirite vows,[4] the School of Shammai say, The evidence is at variance,[5] and the nazirite vows[6] are of no effect; but the School of Hillel say, With the five the two are included and so he must be a nazirite for the two periods.[7]

1 Some texts have מִי שֶׁהָיָה. **2** מְעִידוֹת in some editions. **3** עֵדוּיוֹת 4[11]. **4** And he refutes it or is in doubt or keeps silent altogether; and both sets of witnesses give evidence for the same occasion. **5** And being invalid the man is free from the imputed vows. יְבָמוֹת 15[5]. Some texts give נֶחֱלֶקֶת. **6** Or נְזִירוּת. **7** Compare סַנְהֶדְרִין 31a, בָּבָא בַּתְרָא 41b.

CHAPTER 4 — פֶּרֶק ד

Mishnah 1 — מִשְׁנָה א

מִי שֶׁאָמַר, הֲרֵינִי נָזִיר, וְשָׁמַע [1]חֲבֵירוֹ וְאָמַר, וַאֲנִי, [2]וַאֲנִי, כֻּלָּם נְזִירִין. הוּתַּר הָרִאשׁוֹן [4]הוּתְּרוּ [3]כֻּלָּן; הוּתַּר הָאַחֲרוֹן, הָאַחֲרוֹן [5]מוּתָּר, וְכֻלָּם [6]אֲסוּרִין. אָמַר, הֲרֵינִי נָזִיר, וְשָׁמַע [1]חֲבֵירוֹ וְאָמַר, פִּי כְפִיו, וּשְׂעָרִי כִשְׂעָרוֹ, הֲרֵי זֶה נָזִיר. [7]הֲרֵינִי נָזִיר, וְשָׁמְעָה אִשְׁתּוֹ וְאָמְרָה, וַאֲנִי, [8]מֵפֵר אֶת־שֶׁלָּהּ וְשֶׁלּוֹ קַיָּם. [9]הֲרֵינִי נְזִירָה, וְשָׁמַע בַּעֲלָהּ וְאָמַר, וַאֲנִי, אֵינוֹ יָכוֹל [10]לְהָפֵר.

If one said, 'I will be a nazirite!'—and his fellow[1] heard and said, 'And I, too!'—....., 'And[2] I, also!'—all of them become nazirites. If the first one were absolved they are all[3] absolved;[4] if the last one were released, the last one is released[5] but all the others are prohibited.[6] If one said, 'I will be a nazirite!'—and his fellow[1] heard and said, 'My mouth be as his mouth!' or, 'My hair be as his hair!'—then he becomes a nazirite. 'I[7] will be a nazirite!'—and his wife heard it and said, 'And I, also!'—he may annul[8] her vow, but his own is binding. 'I[9] will be a nazirite!'—and her husband heard it and said, 'And I, too!'—he can not nullify.[10]

1 Or חֲבֵרוֹ. **2** *i.e., And another one heard as well and said, 'And I, also!'* **3** כּוּלָּן in some texts. **4** From their vows. **5** Or מֻתָּר. **6** וְכוּלָּם אֲסוּרִים in some editions. From breaking their vows. Compare נְדָרִים 9[7]. **7** *i.e., If one said, 'I will .....!'* **8** Or מֵפֵר. **9** *i.e.,* a married woman makes this vow. **10** Her vow. And of course his vow remains binding also.

Mishnah 2 — מִשְׁנָה ב

[1]הֲרֵינִי נָזִיר, וְאַתְּ? [2]וְאָמְרָה, [3]אָמֵן, [4]מֵפֵר אֶת־שֶׁלָּהּ וְשֶׁלּוֹ קַיָּם. [5]הֲרֵינִי נְזִירָה, וְאַתָּה? וְאָמַר, [6]אָמֵן, אֵינוֹ יָכוֹל [7]לְהָפֵר.

'I[1] will be a nazirite, and wilt thou?!'—and she[2] said, 'Amen!'[3]—he may revoke[4] her vow but his own he must fulfil. 'I[5] will be a nazirite, and wilt thou?!'—and he said, 'Amen!'[6] he can not cancel.[7]

1 *i.e., If a man said, 'I will .....!'* **2** *viz.,* his wife. **3** Or, *'So be it!'* A man cannot compel his wife to take a vow of naziritism though he can disannul it under certain circumstances. **4** Or מֻפָּר. **5** *i.e., If a woman vowed, 'I will .....!'* **6** Or, *'Let it be so!'* *i.e.,* her husband acquiesced. **7** He can not nullify her vow. And of course he must fulfil his own vow.

Mishnah 3

מִשְׁנָה ג

If a woman vowed to become a nazirite, and she then drank wine or became unclean[1] because of the dead,[2] she must receive the *forty stripes.*[3] If her husband absolved her, but she did not know that her husband had absolved her, and she drank wine or became defiled[4] because of the dead,[2] she does not suffer the *forty stripes.* R. Judah says, If she do not incur the *forty stripes,* she must receive the *punishment for rebellion.*[5]

הָאִשָּׁה שֶׁנָּדְרָה בְנָזִיר, וְהָיְתָה שׁוֹתָה בְּיַיִן [1]וּמִיטַּמְּאָה [2]לְמֵתִים, הֲרֵי זוּ סוֹפֶגֶת אֶת־[3]הָאַרְבָּעִים. הֵפֵר לָהּ בַּעְלָהּ, וְהִיא לֹא יָדְעָה שֶׁהֵפֵר לָהּ בַּעְלָהּ, וְהָיְתָה שׁוֹתָה בְּיַיִן [1,4]וּמִיטַּמְּאָה [2]לְמֵתִים, אֵינָהּ סוֹפֶגֶת אֶת־הָאַרְבָּעִים. רַבִּי יְהוּדָה אוֹמֵר, אִם אֵינָהּ סוֹפֶגֶת אֶת־הָאַרְבָּעִים תִּסְפּוֹג [5]מַכּוֹת מַרְדּוּת.

1 וּמִיטַּמֵּאת in some editions. **2** לְמֵתִים, literally *for dead persons;* perhaps לַמֵּתִים, *for the dead,* more definitely. **3** Even if he revoked her vow afterwards. מַכּוֹת 3[7]. **4** After drinking the wine.* **5** Or *rebelliousness, disobedience.* מַכַּת מַרְדּוּת, *stripes* instituted by the רַבָּנָן (or סוֹפְרִים according to some authorities) and left to the discretion of בֵּית דִּין (according to some opinions only *thirteen* lashes—a *third* of the prescribed *forty less one*—were administered in this case, because, although her husband had invalidated her vow, she was nevertheless in a minor degree guilty in having without this knowledge violated her vow). * She drank wine or defiled herself after the husband disannulled her vow but she did not know it.

Mishnah 4

מִשְׁנָה ד

If a woman vowed to become a nazarite and had set aside her beast,[1] and then her husband absolved her, if her beast[2] were his it must go forth and pasture with the herd,[3] but if her beast[4] were hers[5] the *sin-offering* must be kept until it dies,[6] and the *burnt-offering*[7] must be offered as a *burnt-offering,* and the *peace-offering*[8] must be offered[9] as a *peace-offering;* and they must be eaten up on the same day[10] but they do not require[11] the

הָאִשָּׁה שֶׁנָּדְרָה בְנָזִיר וְהִפְרִישָׁה אֶת־[1]בְּהֶמְתָּהּ וְאַחַר כַּךְ הֵפֵר לָהּ בַּעְלָהּ, אִם שֶׁלּוֹ הָיְתָה [2]בְּהֶמְתָּהּ תֵּצֵא וְתִרְעֶה [3]בָּעֵדֶר, וְאִם [4]שֶׁלָּהּ הָיְתָה [4]בְּהֶמְתָּהּ הַחַטָּאת [6]תָּמוּת, [7]וְהָעוֹלָה תִּקָּרֵב עוֹלָה, [8]וְהַשְּׁלָמִים [9]תִּקָּרֵב שְׁלָמִים; וְנֶאֱכָלִין [10]לְיוֹם אֶחָד [11]וְאֵינָן טְעוּנִין [12]לֶחֶם. הָיוּ לָהּ [13]מָעוֹת סְתוּמִים יִפְּלוּ [14]לִנְדָבָה; מָעוֹת [15]מְפוֹרָשִׁים, דְּמֵי חַטָּאת יֵלְכוּ [16]לְיַם

הַמֶּלַח, לֹא נֶהֱנִים וְלֹא [17]מוֹעֲלִים
[18]בָּהֶן; דְּמֵי עוֹלָה יָבִיאוּ עוֹלָה,
[19]וּמוֹעֲלִים [18]בָּהֶן; דְּמֵי שְׁלָמִים
יָבִיאוּ שְׁלָמִים; [20]וְנֶאֱכָלִין לְיוֹם אֶחָד
וְאֵינָן טְעוּנִין [12]לֶחֶם.

bread-offering.[12] If she had unspecified money,[13] it must fall as a *free-will offering;*[14] if the money were specified,[15] the money for the *sin-offering* shall be thrown into the Salt Sea,[16] none may derive any benefit therefrom but none is liable to the *law of sacrilege*[17] because of it;[18] with the money intended for a *burnt-offering* they must bring a *burnt-offering,* and they are liable to the *law of sacrilege*[19] for it;[18] and with the money meant for a *peace-offering* they must bring a *peace-offering;* and they must be eaten up[20] on the same day, but they do not require the *bread-offering.*[12]

1 Literally *cattle.* For an offering for נְזִירוּת. *Numbers* **6**, 14. **2** בְּהֵמָה, [*the*] *beast,* in some editions. **3** Or בְּעֵדֶר, *with a flock.* **4** Some texts have בְּהֵמָה, [*the*] *beast.* **5** The husband had given it to her renouncing the right to it himself, or another had given it to her on condition that her husband had no claim to it. This animal put apart as her קָרְבַּן חַטָּאת must be left until it dies naturally. **6** See זְבָחִים 8[1], תְּמוּרָה 4[1]. **7** The he-lamb she had set aside for עוֹלָה. **8** The ram she had intended for שְׁלָמִים. **9** יִקְרְבוּ in some editions. **10** *Leviticus* **7**, 15. **11** The שְׁלָמִים. **12** Forty loaves. *Numbers* **6**, 15. In ordinary cases the שַׁלְמֵי נָזִיר (*nazirite's peace-offering*) requires the bread-offering. **13** Put aside for offerings not yet assigned to חַטָּאת or עוֹלָה or שְׁלָמִים. **14** To the Temple treasury for the purchase of עוֹלוֹת, *burnt-offerings.* **15** Or *designated.* Literally *separated.* **16** Or *Dead Sea.* **17** מוֹעֲלִין in some editions. מְעִילָה,* the law concerning the inappropriate use of sacred property. **18** If unlawful use was made of such sacred money a קָרְבַּן מְעִילָה must be offered. **19** וּמוֹעֲלִין in some editions. **20** וְנֶאֱכָלִים in some editions. * See מְעִילָה INTRODUCTION.

Mishnah 5 — מִשְׁנָה ה

[1]נִזְרַק עָלֶיהָ אֶחָד מִן־הַדָּמִים, אֵינוֹ
יָכוֹל [2]לְהָפֵר. רַבִּי [3]עֲקִיבָא אוֹמֵר,
[4]אֲפִילוּ נִשְׁחַט עָלֶיהָ אַחַת מִכָּל
הַבְּהֵמוֹת אֵינוֹ יָכוֹל [5]לְהָפֵר. [6]בַּמֶּה
דְּבָרִים אֲמוּרִים? בְּתַגְלַחַת [7]הַטָּהֲרָה,
אֲבָל בְּתַגְלַחַת [8]הַטּוּמְאָה יָפֵר,

If the blood of any one of the offerings were sprinkled[1] for her, he may not annul.[2] R. Akiba[3] says, Even if[4] one of all the beasts were slaughtered for her, he can not cancel.[5] When is this the case?[6]—Concerning the cutting off the hair in cleanness,[7] but concerning the cutting off the hair in uncleanness[8] he

שֶׁהוּא יָכוֹל לוֹמַר, אִי אֶפְשִׁי בְאִשָּׁה
[9]מְנוּוָלֶת. [10]רַבִּי אוֹמֵר, אַף בְּתִגְלַחַת
הַטָּהֲרָה יָפֵר, שֶׁהוּא יָכוֹל לוֹמַר, אִי
אֶפְשִׁי בְאִשָּׁה [11]מְגֻלַּחַת.

may nullify, because he may say, 'I have no pleasure in an untidy[9] woman.' Rabbi[10] says, He may absolve even in the case concerning the cutting off the hair in cleanness, since he may say, 'I have no delight in a shorn[11] woman.'

1 *i.e.,* tossed against the Altar. **2** *i.e.,* revoke her vow, because the tossing of the blood automatically permits her to drink wine and contract uncleanness because of the dead. **3** His opinion is not accepted. **4** Or אֶפְלוּ. **5** There must be no waste of קָדָשִׁים, *holy-sacrifices.* **6** That he cannot disannul her vow after a slaughtering. **7** *i.e.,* the spell of the vow had been fulfilled in cleanness. **8** Because of which the term of the vow had to be fulfilled again. **9** Or מְגוֹלֶלֶת. Or *ugly, squalid.* **10** The גְּמָרָא has רַבִּי מֵאִיר. This view is rejected. **11** מְגוּלַחַת in some texts.

Mishnah 6

מִשְׁנָה ו

הָאִישׁ מַדִּיר אֶת־[1]בְּנוֹ [2]בְּנָזִיר, וְאֵין
הָאִשָּׁה [3]מַדִּירָה אֶת־בְּנָהּ בְּנָזִיר.
[4]כֵּיצַד גִּלַּח אוֹ שֶׁגִּלְּחוּהוּ קְרוֹבָיו,
[5]מִיחָה אוֹ שֶׁמִּיחוּ קְרוֹבָיו? הָיְתָה
[5]לוֹ בְהֵמָה [6]מוּפְרֶשֶׁת, הַחַטָּאת
תָּמוּת, וְהָעוֹלָה תִּקָּרֵב עוֹלָה,
וְהַשְּׁלָמִים יִקָּרְבוּ שְׁלָמִים; וְנֶאֱכָלִין
[7]לְיוֹם אֶחָד וְאֵין טְעוּנִין לֶחֶם. הָיוּ
לוֹ [8]מָעוֹת סְתוּמִין יִפְּלוּ [9]לִנְדָבָה;
מָעוֹת מְפוֹרָשִׁין, דְּמֵי חַטָּאת יֵלְכוּ
[10]לְיַם הַמֶּלַח, לֹא נֶהֱנִין וְלֹא
[11]מוֹעֲלִין; דְּמֵי עוֹלָה יָבִיאוּ עוֹלָה,
וּמוֹעֲלִין בָּהֶן; דְּמֵי שְׁלָמִים יָבִיאוּ
שְׁלָמִים; וְנֶאֱכָלִין לְיוֹם אֶחָד וְאֵינָן
טְעוּנִין [12]לֶחֶם.

A man may place his son[1] under the nazirite vow,[2] but a woman may not impose[3] the nazirite vow upon her son. What is the position[4] if he cut his hair off or if his kindred cut his hair off, or if he objected or if his relatives protested for him? If he[5] had cattle set apart,[6] the *sin-offering* must be kept till it dies, and the *burnt-offering* must be offered as a *burnt-offering,* and the *peace-offering* must be offered as a *peace-offering;* and they must be eaten up on the same day[7] but they do not require the *bread-offering.* If he had any unassigned money,[8] it must fall as a *freewill-offering;*[9] if the money were specified, the money for the *sin-offering* must be thrown into the Salt Sea,[10] none may derive any advantage therefrom but none is liable to the *law of sacrilege*[11] because of it; with the money intended for a *burnt-offering*

they must bring a *burnt-offering,* and they are liable to the *law of sacrilege* for it; and with the money designated for a *peace-offering* they must bring a *peace-offering;* and they must be eaten up on the same day, but they do not require the *bread-offering.*[12]

1 While he is still a קָטָן, *minor* (up to the age of thirteen years and one day) and has not produced signs of puberty. Though the son has to observe the vow and the father has to bring the necessary offerings at the conclusion of the spell of naziriteship. **2** Provided that the son offers no objection nor do the relations object to the vow. **3** מַדֶּרֶת in some editions. **4** What shall the father do with the offerings if the son cut his hair and refused to observe the vow of naziritism, or if the relations cut his hair and objected to the vow? But if the protest was not raised immediately and the father imposed the vow then the vow must be fulfilled. **5** The father. **6** *i.e.,* designated for the offerings. From here to the end of this *Mishnah* compare *Mishnah* **4** of this *Chapter.* **7** As in the case of other שַׁלְמֵי נָזִיר, *peace-offerings of a nazirite,* and not like שְׁלָמִים, *peace-offerings,* that must be eaten during two days and one night. **8** He had not designated whether for חַטָּאת, a *sin-offering,* or עוֹלָה, a *burnt-offering,* or שְׁלָמִים, a *peace-offering.* **9** Into the special boxes in the עֲזָרָה, *forecourt,* from which the moneys were used for supplying *freewill-offerings,* when the Altar was not occupied. **10** Or *Dead Sea.* **11** Compare 4[4], **Notes 17-18.** **12** See 4[4], **Note 12.**

Mishnah 7

מִשְׁנָה ז

A man[1] may cut off* his hair[2] for his father's nazirite vow,[3] but a woman[4] may not cut off her hair for her father's nazirite vow.[3,5] How so?—If one's father were a nazirite and had put by money yet unspecified[6] for his nazirite vow, and he[7] died, and he[8] said, 'I will be a nazirite on condition that I may cut off my hair and bring the offerings from my father's money!' —R. Jose[9] said, This[10] must fall for *freewill-offerings* and this man may not[11] cut off his hair and bring the offerings[12] for the nazirite vow of his father. Who then[13] may cut off his hair and bring the offerings for his father's nazirite vow?[3]—In

[1]הָאִישׁ [2]*מְגַלֵּחַ עַל [3]נְזִירוּת אָבִיו
וְאֵין [4]הָאִשָּׁה מְגַלֶּחֶת עַל [5,3]נְזִירוּת
אָבִיהָ. כֵּיצַד? מִי שֶׁהָיָה אָבִיו נָזִיר
וְהִפְרִישׁ מָעוֹת [6]סְתוּמִים עַל נְזִירָתוֹ,
[7]וּמֵת, [8]וְאָמַר, הֲרֵינִי נָזִיר עַל מְנָת
שֶׁאֶגַּלַּח עַל מְעוֹתַי אַבָּא, אָמַר רַבִּי
[9]יוֹסֵי, הֲרֵי [10]אֵלּוּ יִפְּלוּ לִנְדָבָה, אֵין
[11]זֶה [12]מְגַלֵּחַ עַל [3]נְזִירוּת אָבִיו.
[13]אֵיזֶהוּ שֶׁמְּגַלֵּחַ עַל [3]נְזִירוּת אָבִיו?
מִי שֶׁהָיָה הוּא וְאָבִיו נְזִירִים
וְהִפְרִישׁ אָבִיו מָעוֹת סְתוּמִים
[14]לִנְזִירָתוֹ וּמֵת, [15]זֶה הוּא שֶׁמְּגַלֵּחַ
עַל [3]נְזִירוּת אָבִיו.

the case where both the man and his father were nazirites, and his father had set aside unassigned money for his nazirite vow[14] and then died, that one[15] may cut off his hair and bring the offerings for the nazirite vow[3] of his father.

1 Literally *the man.* **2** Or, *bring the hair offering.* **3** Or נְזִירוּת. Or *naziriteship, naziritism.* **4** Literally *the woman.* **5** This ruling was traditional and holds good whether the son was also a נָזִיר or not at the same time as the father. **6** Not expressly assigned for each of the three offerings: חַטָּאת, *sin-offering,* עוֹלָה, *burnt-offering,* שְׁלָמִים, *peace-offering.* **7** The father. **8** The son. **9** His opinion is rejected. **10** This money. Literally *these* (*plural* in grammatical agreement with מָעוֹת). **11** שֶׁאֵין זֶה in some editions. **12** Such offerings he may bring only from money for some other vow. **13** וְאֵיזֶה, *And who then*, in some editions. **14** לִנְזִירוּתוֹ in some texts. **15** Some authorities prefer the reading זֶה בֵּן, *that is the son.* * See ADDENDA at the end of this *Tractate.*

CHAPTER 5 — פֶּרֶק ה

Mishnah 1 — מִשְׁנָה א

The School of Shammai say,[1] Whatever is dedicated in error remains so dedicated; but the School of Hillel say, It is not dedicated. How so?—If one said, 'The black ox that first comes forth from my house shall be dedicated!' —and a white one[2] came out: The School of Shammai say, It is dedicated; but the School of Hillel say, It is not dedicated.

בֵּית שַׁמַּאי [1]אוֹמְרִים, הֶקְדֵּשׁ טָעוּת הֶקְדֵּשׁ; וּבֵית הִלֵּל אוֹמְרִים, אֵינוֹ הֶקְדֵּשׁ. כֵּיצַד? אָמַר, שׁוֹר שָׁחוֹר שֶׁיֵּצֵא מִבֵּיתִי רִאשׁוֹן הֲרֵי הוּא הֶקְדֵּשׁ, וְיָצָא [2]לָבָן, בֵּית שַׁמַּאי אוֹמְרִים, הֶקְדֵּשׁ; וּבֵית הִלֵּל אוֹמְרִים, אֵינוֹ הֶקְדֵּשׁ.

1 Basing their view on *Leviticus* **27**, 10, וְהָיָה הוּא וּתְמוּרָתוֹ יִהְיֶה קֹדֶשׁ ....., ... *then both it and its exchange shall be holy.* **2** Was the first.

Mishnah 2 — מִשְׁנָה ב

The[1] *gold denar*[2] that first comes into my hand shall be dedicated!' —and a *silver denar* came to hand,

[1]דִּינַר [2]זָהָב שֶׁיַּעֲלֶה בְיָדִי רִאשׁוֹן רֵי הוּא הֶקְדֵּשׁ וְעָלָה שֶׁל כֶּסֶף,

בֵּית שַׁמַּאי אוֹמְרִים, הֻקְדַּשׁ; וּבֵית הִלֵּל אוֹמְרִים, אֵינוֹ הֻקְדַּשׁ. [5]חָבִית שֶׁל יַיִן שֶׁתַּעֲלֶה בְיָדִי רִאשׁוֹנָה הֲרֵי הִיא הֻקְדַּשׁ, וְעָלְתָה שֶׁל שֶׁמֶן, בֵּית שַׁמַּאי אוֹמְרִים, הֻקְדַּשׁ; וּבֵית הִלֵּל אוֹמְרִים, אֵינוֹ הֻקְדַּשׁ.

the School of Shammai say, It is dedicated; but the School of Hillel say, It is not dedicated. 'The cask[3] of wine which first comes to my hand shall be dedicated!'—and one of oil came to hand, the School of Shammai say, It is dedicated; but the School of Hillel say, It is not dedicated.

1 *i.e., If one said, 'The gold .....!'* Two more illustrations of the argument in the preceding *Mishnah.* **2** דִּינַר זָהָב = 25 דִּינַר כֶּסֶף. See *Tables,* זְרָעִים, INTRODUCTION. **3** Or *jar, barrel. i.e., If one said, 'The cask .....!'*

Mishnah 3

מִשְׁנָה ג

מִי [1]שֶׁנָּדַר [2]בְּנָזִיר [3]וְנִשְׁאַל לְחָכָם וַאֲסָרוֹ, מוֹנֶה מִשָּׁעָה שֶׁנָּדַר. נִשְׁאַל לְחָכָם וְהִתִּירוֹ, [4]הָיְתָה לוֹ בְהֵמָה [5]מוּפְרֶשֶׁת, [6]תֵּצֵא וְתִרְעֶה [7]בָּעֵדֶר. אָמְרוּ בֵית הִלֵּל לְבֵית שַׁמַּאי, אִי אַתֶּם מוֹדִים בָּזֶה שֶׁהוּא הֻקְדַּשׁ טָעוּת שֶׁתֵּצֵא וְתִרְעֶה [7]בָּעֵדֶר? אָמְרוּ לָהֶן בֵּית שַׁמַּאי, אִי אַתֶּם מוֹדִים בְּמִי שֶׁטָּעָה וְקָרָא לַתְּשִׁיעִי עֲשִׂירִי, וְלָעֲשִׂירִי תְּשִׁיעִי, וּלְאַחַד עָשָׂר עֲשִׂירִי, שֶׁהוּא [8]מְקוּדָּשׁ? אָמְרוּ לָהֶם בֵּית הִלֵּל, לֹא הַשֵּׁבֶט קִדְּשׁוֹ; וּמָה [9]אִילוּ טָעָה [10]וְהֵנִיחַ אֶת־הַשֵּׁבֶט עַל שְׁמִינִי וְעַל שְׁנֵים עָשָׂר, [11]שֶׁמָּא עָשָׂה [12]כְּלוּם?! אֶלָּא כָּתוּב שֶׁקִּדֵּשׁ [13]הָעֲשִׂירִי הוּא [16]קִדֵּשׁ [14]הַתְּשִׁיעִי וְאֶת [15]אַחַד עָשָׂר.

If one vowed[1] to be a nazirite,[2] and inquired[3] of a sage who declared the vow binding, he must count from the hour when he vowed. If he enquired of a sage who released him, and he had[4] a beast designated,[5] it may go forth[6] and pasture with the herd.[7] The School of Hillel said to the School of Shammai, 'Do you not admit in this case that what had been dedicated in error must go forth and pasture with the herd?'[7] The School of Shammai replied to them, 'Do you not admit that if one erred and called the ninth the tenth, or the tenth the ninth, or the eleventh the tenth, that it is sanctified?'[8] The School of Hillel made answer to them, The staff did not hallow it; and what if[9] he did err and laid[10] the staff upon the eighth or the twelfth, would he perhaps[11] have effected aught?![12]—but the Law which proclaimed the tenth[13] hallowed has also declared the ninth[14] and the eleventh[15] holy.[16]

1 Some texts have שֶׁנָּזַר. **2** With a seemingly doubtful formula. **3** After having tasted wine. **4** וְתִיתָה in some editions. **5** For the offering. **6** *i.e.*, it loses its sanctity and becomes חוּלִּין, *non-holy*. **7** Or בְּעֵדֶר, *with a herd*. **8** Or מִקְדָּשׁ. In the case of מַעֲשַׂר בְּהֵמָה. *Leviticus* **27**, 32; בְּכוֹרוֹת 9[7]. **9** Or אֵלּוּ. **10** Or וְהִנִּיחַ. **11** Some editions have שֶׁלֹּא instead of שֶׁמָּא. **12** The ruling is that sanctification in error is of no account. **13** אֶת־הַצְּשִׁירִי in some editions. **14** אֶת־הַתְּשִׁיעִי in some editions. **15** הָאַחַד עָשָׂר in some editions. **16** This is a decree enjoined by the Law and the inference is not to be made therefrom.

Mishnah 4

מִשְׁנָה ד

If one vowed to be a nazirite,[1] and he went to bring his cattle[2] and found that they had been stolen,[3] if he had made the nazirite vow before his cattle[2] were stolen, then he is a nazirite;[4] but if he had vowed to be a nazirite after his cattle[2] had been stolen, he is not a nazirite.[5] And such was an error which Nahum the Mede made when the nazirites[6] came up from the Exile[7] and found the Temple destroyed.[8] Nahum the Mede said to them, 'If you had known that the Temple[9] was destroyed would you have vowed to be nazirites!' They replied to him, 'No!' And Nahum the Mede released them. And when the matter came before the Sages they[10] said to him, Anyone who made the nazirite vow before the Temple was destroyed is a nazirite,[11] but if after the Temple was destroyed he is not a nazirite.

מִי שֶׁנָּדַר [1]בְּנָזִיר, וְהָלַךְ לְהָבִיא אֶת־
[2]בְּהֶמְתּוֹ וּמְצָאָהּ [3]שֶׁנִּגְנְבָה, אִם עַד
שֶׁלֹּא נִגְנְבָה [2]בְּהֶמְתּוֹ נָזַר הֲרֵי זֶה
[4]נָזִיר; וְאִם מִשֶּׁנִּגְנְבָה [2]בְּהֶמְתּוֹ נָזַר
אֵינוֹ [4]נָזִיר. וְזוּ טָעוּת טָעָה נָחוּם
הַמָּדִי כְּשֶׁעָלוּ [6]נְזִירִים מִן־הַגּוֹלָה
וּמָצְאוּ בֵּית הַמִּקְדָּשׁ [8]חָרֵב. אָמַר
לָהֶם נָחוּם הַמָּדִי, אִלּוּ הֱיִיתֶם
יוֹדְעִים [9]שֶׁבֵּית הַמִּקְדָּשׁ חָרֵב הֱיִיתֶם
נוֹזְרִים? אָמְרוּ לוֹ, לֹא. וְהִתִּירָן
נָחוּם הַמָּדִי. וּכְשֶׁבָּא הַדָּבָר אֶצֶל
חֲכָמִים [10]אָמְרוּ לוֹ, כָּל־שֶׁנָּזַר עַד
שֶׁלֹּא חָרַב בֵּית הַמִּקְדָּשׁ [11]נָזִיר,
וּמִשֶּׁחָרַב בֵּית הַמִּקְדָּשׁ אֵינוֹ נָזִיר.

1 And had it in mind to bring the offerings from his cattle. **2** Or *his beast*. **3** Or if one of them had been stolen, and he therefore in consequence regretted having made the vow. **4** And must purchase the necessary beasts for the offerings. The court in trying to absolve him cannot open the questions by indicating the emergence of a new circumstance. **5** If he declares that had he known of the theft he would not have made the nazarite vow. **6** נְזִירִין in some editions. **7** To Jerusalem. גּוֹלָה, *Exile, Diaspora, Babylonia*. **8** When of course it was impossible to offer up any sacrifices. **9**

Some texts have שֶׁבֵּית הַמִּקְדָּשׁ עָתִיד לִיחָרֵב, '..... that the Temple was to be destroyed.....' **10** Their ruling is accepted. **11** See **Note 3.** Such an event—as the destruction of the Temple—is a circumstance of rare occurrence and cannot be used by the court for revocation.

Mishnah 5*

*מִשְׁנָה ה

[1]הָיוּ מְהַלְּכִין בַּדֶּרֶךְ וְאֶחָד בָּא כְּנֶגְדָּן, אָמַר אֶחָד מֵהֶן, הֲרֵינִי נָזִיר שֶׁזֶּה [2]פְּלוֹנִי, וְאֶחָד אָמַר, הֲרֵינִי נָזִיר שֶׁאֵין זֶה [3]פְּלוֹנִי, [4]הֲרֵינִי נָזִיר שֶׁאֶחָד מִכֶּם נָזִיר, [5]שֶׁאֵין אֶחָד מִכֶּם נָזִיר, [6]שֶׁשְּׁנֵיכֶם נְזִירִים, [7]שֶׁכּוּלְּכֶם [8]נְזִירִים, בֵּית שַׁמַּאי אוֹמְרִים, [9]כּוּלָּם [10]נְזִירִים, וּבֵית הִלֵּל אוֹמְרִים, אֵינוֹ נָזִיר אֶלָּא מִי [11]שֶׁלֹּא נִתְקַיְּמוּ דְבָרָיו. וְרַבִּי [12]טַרְפוֹן אוֹמֵר, אֵין אֶחָד מֵהֶם נָזִיר.

If people[1] were on a journey and another came towards them, and one of them said, 'I will be a nazirite if this man be so-and-so!'[2]—and another one said, 'I will be a nazirite if this be not so-and-so!'[3]—'I[4] will be a nazirite if one of you be a nazirite!'— '..... that[5] one of you be not a nazirite!'— '..... if[6] the two of you be nazirites!'— '..... if all of you[7] be nazirites!'[8]—the School of Shammai say, They are all[9] nazirites,[10] but the School of Hillel say, No one is a nazirite save he whose words are *not*[11] confirmed. But R. Tarfon[12] says, Not one of them is a nazirite.

1 A company of six is used as an illustration here. **2** And he mentions the name of the man who might be him. **3** Referring to the name announced by the previous man. **4** A vow now made by a third man of the party. **5** *i.e., 'I will be a nazirite if one of you be not a nazirite!'* A vow made by a fourth man of the group. **6** *i.e., 'I will be a nazirite if the two of you be nazirites!'* A vow made by a fifth man of the company. **7** Or כֻּלְּכֶם. **8** *i.e.,* if the sixth man vowed, *'I will be a nazirite if all of you be nazirites!'* **9** Or כֻּלָּם. **10** נְזִירִין in some editions. **11** The *Mishnah* text contains the word שֶׁלֹּא, which has caused most intricate and involved discussion and dispute in the גְּמָרָא whether it should not be omitted and the reading אֶלָּא מִי שֶׁנִּתְקַיְּמוּ דְבָרָיו, *but he who words are confirmed,* be accepted instead. **12** His opinion is rejected. * See ADDENDA at the end of this *Tractate.*

Mishnah 6

מִשְׁנָה ו

[1]הִרְתִּיעַ לַאֲחוֹרָיו, [2]אֵינוֹ נָזִיר. §רַבִּי [3]שִׁמְעוֹן אוֹמֵר, יֹאמַר, אִם הָיָה

If he retired,[1] none[2] is a nazirite. R.§ Simon[3] says, Each one should say, 'If it were in accordance with

my words,[4] I will become a nazirite in duty bound, but if not, I will be a nazirite of freewill!'

[4]כִּדְבָרַי הֲרֵינִי נָזִיר חוֹבָה, וְאִם לָאו* הֲרֵינִי נָזִיר נְדָבָה.

* Popular pronunciation לָאו. § See ADDENDA at the end of this *Tractate*.

1 *i.e.*, if the man who came towards then [see the preceding *Mishnah*] turned back before they could see who he was. **2** Of that party. **3** His view is rejected. **4** Or כִּדְבָרַי, ... *in accordance with my utterance* (or *statement*).....

Mishnah 7

מִשְׁנָה ז

If one[1] saw a bearded antelope[2] and said, 'I will be a nazirite if this be a wild animal!'—'I[3] will be a nazirite if this be not a wild animal!'[4]—'I[5] will be a nazirite if this be a domesticated beast!'—'I[6] will be a nazirite if this be not a domesticated beast!'—'I[7] will be a nazirite if this be both a wild animal and a domesticated beast!'—'I[8] will be a nazirite if this be neither a wild animal nor a domesticated beast!'—'I[9] will be a nazirite if one of you be a nazirite!'—'I[10] will be a nazirite if not one of you be a nazirite!'—'I[11] will be a nazirite if all of you[12] be nazirites!'—then all of them[13] are nazirites.

[1]רָאָה אֶת־[2]הַכּוּי וְאָמַר, הֲרֵינִי נָזִיר שֶׁזֶּה חַיָּה, [3]הֲרֵינִי נָזִיר שֶׁזֶּה אֵינוֹ חַיָּה, [5]הֲרֵינִי נָזִיר שֶׁזֶּה בְּהֵמָה, [6]הֲרֵינִי נָזִיר שֶׁאֵין זֶה בְּהֵמָה, [7]הֲרֵינִי נָזִיר שֶׁזֶּה חַיָּה וּבְהֵמָה, [8]הֲרֵינִי נָזִיר שֶׁאֵין זֶה לֹא חַיָּה וְלֹא בְהֵמָה, [9]הֲרֵינִי נָזִיר שֶׁאֶחָד מִכֶּם נָזִיר, [10]הֲרֵינִי נָזִיר שֶׁאֵין אֶחָד מִכֶּם נָזִיר, [11]הֲרֵינִי נָזִיר [12]שֶׁכּוּלְּכֶם נְזִירִין, הֲרֵי [13]כּוּלָּם נְזִירִים.

1 One of a party: see the two foregoing *Mishnahs*. Here nine individuals composing the company are used as an illustration. **2** Or *buffalo, deer, gazelle*. The Rabbis found it impossible to decide whether the כּוּי* belonged to the genus of חַיָּה, *wild* or *undomesticated animals*, or בְּהֵמָה, *cattle* or *domesticated beasts*. See בְּכוֹרִים 2[8]. **3** *i.e., If another said, 'I .....!'* **4** שֶׁאֵין זֶה חַיָּה in some editions. **5** The vow made by a third man. **6** A fourth man's vow. **7** The vow formed by a fifth man. **8** Pronounced by a sixth man. **9** The vow of a seventh man (belonging to another group, together with the two men following). **10** An eighth man's vow. **11** A ninth man's vow. **12** Or שֶׁכֻּלְּכֶם נְזִירִים. **13** Or כֻּלָּם. * Some pronounce it כָּוִי.

CHAPTER 6

פֶּרֶק ו

Mishnah 1

מִשְׁנָה א

Three things are forbidden to a nazirite: defilement,[1] cutting off the hair, and whatsoever[2] comes from the vine—and all products that come from the vine may be included together[3]—and one is not culpable until he eats what comes from the grapes a quantity equal to that of an olive's bulk, but the *First Mishnah*[4] ..... until he drinks a *quarter-log*[5] of wine. R. Akiba[6] says, Even if[7] he soaked his bread in wine, and there be sufficient of it[8] to make up an olive's bulk, he becomes culpable.

שְׁלֹשָׁה מִינִין אֲסוּרִין בְּנָזִיר, [1]הַטּוּמְאָה, וְהַתִּגְלַחַת, [2]וְהַיּוֹצֵא מִן־הַגֶּפֶן, וְכָל הַיּוֹצֵא מִן־הַגֶּפֶן מִצְטָרְפִין [3]זֶה עִם זֶה, וְאֵינוֹ חַיָּב עַד שֶׁיֹּאכַל מִן־הָעֲנָבִים כְּזַיִת, [4]מִשְׁנָה רִאשׁוֹנָה עַד שֶׁיִּשְׁתֶּה [5]רְבִיעִית יַיִן. רַבִּי [6]עֲקִיבָא אוֹמֵר, [7]אֲפִילוּ שָׁרָה פִּתּוֹ בְּיַיִן וְיֵשׁ [8]בָּהּ כְּדֵי לְצָרֵף כְּזַיִת חַיָּב.

1 Ritual uncleanness contracted because of the dead. *Numbers,* **6**, 6, 7, 9. **2** Such as grapes, raisins, grape-seeds (pips), grape-skins. *Numbers* **6**, 1-5. **3** If the total quantity of such is equivalent to an olive's bulk a nazarite becomes liable to מַלְקוֹת, *lashes* or *stripes,* if he eats it. **4** Or *a Mishnah of the earliest compilation.* Compare כְּתוּבוֹת 5[4], גִּיטִּין 5[6], סַנְהֶדְרִין 3[4], עֵדוּיוֹת 7[2]. *i.e., ... the First Mishnah taught that .....* The term *First Mishnah* is not exactly clear, some taking it to refer to some complete traditional compilation and others assuming it to mean *an earlier teaching* or *accepted ruling* on the point in question. **5** לג or לוג = 4 רְבִיעִית = 275.5 c.cm. (see *Tables,* וְרָעִים, INTRODUCTION). **6** His opinion is rejected.* **7** Or אֲפִלּוּ. **8** בּוֹ in some editions. * See ADDENDA at the end of this *Tractate.*

Mishnah 2

מִשְׁנָה ב

And one becomes culpable because of wine by itself, or by reason of grapes by themselves, or of grape-seeds by themselves, or because of grape-skins* by themselves. R. Elazar[1] ben Azariah says, One is not[2] culpable until he eats two grape-seeds and the skins. These

וְחַיָּב עַל הַיַּיִן בִּפְנֵי עַצְמוֹ, וְעַל הָעֲנָבִים בִּפְנֵי עַצְמָן, וְעַל הַחַרְצַנִּים בִּפְנֵי עַצְמָן, וְעַל *הַזַּגִּים בִּפְנֵי עַצְמָן. רַבִּי [1]אֶלְעָזָר בֶּן עֲזַרְיָה אוֹמֵר, [2]אֵין חַיָּב עַד שֶׁיֹּאכַל שְׁנֵי

חַרְצַנִּים וְזַגִּין. אֵלּוּ הֵן [3]חַרְצַנִּים אֵלּוּ הֵן [4]זַגִּין, [5]חַרְצַנִּים אֵלּוּ חִיצוֹנִים, *הַזַּגִּים אֵלּוּ הַפְּנִימִים, דִּבְרֵי רַבִּי [6]יְהוּדָה; רַבִּי יוֹסֵי אוֹמֵר, שֶׁלֹּא תִטְעֶה, כְּזוּג שֶׁל בְּהֵמָה, הַחִיצוֹן [7]זוּג וְהַפְּנִימִי [8]עִינְבָּל.

are what is meant by חַרְצַנִּים[3] and these are what is meant by זַגִּין[4]: חַרְצַנִּים, these are *outside*,[5] זַגִּים, these are *inside*, according to the opinion of R. Judah;[6] but R. Jose says, That thou dost not err, it is as the זוג *bell* of cattle, the *outside* is the זוג *body of the bell*[7] and the *inside* is the *tongue*.[8]

1 His view is not accepted. **2** אינו in some editions. **3** הַחַרְצַנִּים in some editions. חַרְצָן, *a pulp (or pomace) of grape shells (or grape kernels).* **4** הַזַּגִּים in some texts. זַג, *a pomace (or pulp) of grapes, kernels and husks and fish.* **5** הַחַרְצַנִּים אֵלּוּ הַחִצוֹנִים in some editions. **6** His explanation is rejected. **7** Hence זָג is the *husk, skin.* **8** Or *clapper.* Therefore חַרְצָן must be taken to refer to the *seeds* or *pips* within. R. Jose's opinion is accepted. * Some prefer the pointing הַזָּגִים, זָגִים in the *plural.*

Mishnah 3

מִשְׁנָה ג

[2]סְתַם [1]נְזִירוּת [3]שְׁלֹשִׁים יוֹם. גִּלַּח אוֹ שֶׁגִּלְּחוּהוּ לְסָטִים, סוֹתֵר [4]שְׁלֹשִׁים יוֹם. [5]נָזִיר שֶׁגִּלַּח, בֵּין [6]בְּזוּג בֵּין בְּתַעַר אוֹ שֶׁסִּיפְסֵף, [7]כָּל־שֶׁהוּא, [8]חַיָּיב. נָזִיר חוֹכֵּף וּמְפַסְפֵּס אֲבָל לֹא סוֹרֵק. רַבִּי [9]יִשְׁמָעֵאל אוֹמֵר, לֹא יָחוֹף [10]בַּאֲדָמָה מִפְּנֵי שֶׁמַּשֶּׁרֶת אֶת־הַשֵּׂעָר.

A nazirite vow[1] without a specified time-limit[2] is binding for thirty days.[3] If he himself cut off his hair, or if robbers cut it off, he foregoes thirty days.[4] If a nazirite[5] cut off his hair, whether with shears[6] or with a razor or plucked out any hair, however little,[7] he is culpable.[8] A nazirite may rub or scratch his hair but not comb it. R. Ishmael[9] says, He may not rub it with mineral[10] because it causes the hair to fall out.

1 Or נְזִירוּת. **2** Traditional pronunciation סְתָם (construct סְתָם). **3** See 1[3]. **4** According to תּוֹסְפוֹת if he has thirty days to the end of his nazariteship he does not forego even one day.* **5** *viz.,* while still a nazirite. **6** Or *scissors.* **7** Even one hair wantonly. **8** And liable to the punishment of מַלְקוֹת, the forty stripes or lashes. **9** His opinion is accepted. **10** Literally *with earth.* A kind of clay used for treating the hair. * See further ADDENDA at the end of this *Tractate.*

Mishnah 4

מִשְׁנָה ד

If a nazirite drank wine for one whole day he is guilty on one count only.[1] If they said to him, 'Do not drink! Do not drink!'[2]—and still he drank, he is culpable[3] on every count. If he cut off his hair throughout the day, he is culpable[3] only on one count. If they said[4] to him, 'Do not cut it off! Do not cut it off!'—but he none the less did cut it off, he is liable[3] on each count. If he became defiled because of the dead[5] the whole day long, he is guilty[3] on one count only. If they said[6] to him, 'Do[7] not become unclean! Do not become unclean!' —but he nevertheless became defiled, he is culpable[3] on every count.

נָזִיר שֶׁהָיָה שׁוֹתֶה יַיִן כָּל־הַיּוֹם אֵינוֹ
חַיָּיב אֶלָּא [1]אֶחָת. אָמְרוּ לוֹ, אַל
תִּשְׁתֶּה, [2]אַל תִּשְׁתֶּה, וְהוּא שׁוֹתֶה,
[3]חַיָּיב עַל כָּל־אַחַת וְאֶחָת. הָיָה
מְגַלֵּחַ כָּל־הַיּוֹם, אֵינוֹ [3]חַיָּיב אֶלָּא
אֶחָת. [4]אָמְרוּ לוֹ, אַל תְּגַלַּח, אַל
תְּגַלַּח, וְהוּא מְגַלֵּחַ, [3]חַיָּיב עַל כָּל־
אַחַת וְאֶחָת. הָיָה מִטַּמֵּא [5]לַמֵּתִים
כָּל־הַיּוֹם, אֵינוֹ [3]חַיָּיב אֶלָּא אֶחָת.
[6]אָמְרוּ לוֹ, [7]אַל תִּטַּמֵּא, אַל תִּטַּמֵּא,
וְהוּא מִטַּמֵּא, [3]חַיָּיב עַל כָּל־אַחַת
וְאֶחָת.

1 If he was warned only once. מַכּוֹת 3[7]. He receives מַלְקוֹת, the penalty of stripes or lashes. **2** This warning. Not thus twice at once, but at intervals (on separate occasions) when seen drinking. **3** And receives מַלְקוֹת. **4** Repeatedly, at intervals. **5** Or לְמֵתִים, *because of dead people*. **6** At intervals, more than once. **7** Or, '*Do not defile thyself! Do not defile thyself*'!

Mishnah 5

מִשְׁנָה ה

Three things are prohibited to a nazirite: defilement, and cutting off the hair, and whatsoever comes from the vine.[1] Greater strictness applies to defilement and cutting off the hair than to what comes from the vine, as defilement and cutting off the hair entail forfeiture,[2] but what comes from the vine does not entail forfeiture.[3] Greater severity applies to what

שְׁלֹשָׁה מִינִין אֲסוּרִין בְּנָזִיר,
הַטּוּמְאָה, וְתִגְלַחַת, וְהַיּוֹצֵא מִן־
[1]הַגֶּפֶן. חוֹמֶר בְּטוּמְאָה וְתִגְלַחַת
מִבְּיוֹצֵא מִן־הַגֶּפֶן, שֶׁהַטּוּמְאָה
וְהַתִּגְלַחַת [2]סוֹתְרִין, וְהַיּוֹצֵא מִן־
הַגֶּפֶן אֵינוֹ [3]סוֹתֵר. חוֹמֶר בְּיוֹצֵא
מִן־הַגֶּפֶן מִבְּטוּמְאָה וּבְתִגְלַחַת,
שֶׁהַיּוֹצֵא מִן־[5]הַגֶּפֶן [4]לֹא הוּתַּר

מִכְּלָלוֹ, וְטוּמְאָה וְתִגְלַחַת [6]הוּתְּרוּ מִכְּלָלָן, בְּתִגְלַחַת [7]מְצֹרָע וּבְמֵת [8]מִצְוָה. וְחוֹמֶר בְּטוּמְאָה מִבְּתִגְלַחַת, שֶׁהַטּוּמְאָה סוֹתֶרֶת אֶת־[9]הַכֹּל וְחַיָּבִין עָלֶיהָ [10]קָרְבָּן, וְתִגְלַחַת אֵינָהּ [11]סוֹתֶרֶת אֶלָּא שְׁלֹשִׁים יוֹם וְאֵין חַיָּבִין עָלֶיהָ קָרְבָּן.

comes from the vine than to defilement and cutting off the hair, as *no exception is allowed*[4] for whatever comes from the vine[5] but exceptions are permitted[6] for defilement and cutting off the hair, as when cutting off the hair is enjoined by the Law[7] or when occupying oneself with a dead body is demanded by the Law.[8] And greater stringency exists in the case of defilement than in the cutting off of the hair, since defilement renders the whole[9] forfeit and he is liable because of it to an offering,[10] but cutting off the hair causes only thirty days forfeited[11] and he is not on account of it liable to an offering.

1 Compare 6[1]. **2** Of the days of naziriteship already fulfilled, and the spell must be begun all over again. **3** And the period of naziriteship goes on. **4** Or הֻתַּר. **5** Even if an oath was made to drink wine it is prohibited to drink it. **6** Or הֻתְּרוּ. **7** If a nazarite was a מְצוֹרָע, *leper,* he had to cut off his hair. See 8[2]; *Leviticus* **14**, 9. **8** *Leviticus* **21**, 1. See 7[1]. **9** Of the period fulfilled. An offering has to be brought and one complete term of nazaritism must be repeated. **10** *Numbers* **6**, 9, 10. חַיָּבִים in some editions. **11** He must be a nazirite for thirty days longer after the day of cutting off the hair.

Mishnah 6 — מִשְׁנָה ו

תִּגְלַחַת הַטּוּמְאָה כֵּיצַד? הָיָה [1]מְזֶה בַּשְּׁלִישִׁי וּבַשְּׁבִיעִי, וּמְגַלֵּחַ בַּשְּׁבִיעִי, וּמֵבִיא [2]קָרְבְּנוֹתָיו [3]בַּשְּׁמִינִי; וְאִם גִּילַח [4]בַּשְּׁמִינִי, מֵבִיא קָרְבְּנוֹתָיו בּוֹ בַּיּוֹם; דִּבְרֵי רַבִּי [5]עֲקִיבָא. אָמַר לוֹ רַבִּי [6]טַרְפוֹן, מַה־בֵּין זֶה [7]לַמְּצוֹרָע? אָמַר לוֹ, [8]זֶה [9]טָהֳרָתוֹ תְּלוּיָה [10]בִּימָיו, וּמְצוֹרָע [11]טָהֳרָתוֹ תְּלוּיָה בְּתִגְלַחְתּוֹ וְאֵינוֹ מֵבִיא [12]קָרְבָּן אֶלָּא אִם כֵּן הָיָה [13]מְעוּרָב שֶׁמֶשׁ.

What was the ritual procedure for cutting off the hair after defilement?—He was sprinkled[1] on the third day and on the seventh day, and he cut his hair off on the seventh day, and brought his offerings[2] on the eighth day;[3] but if he cut his hair off on the eighth day[4] he brought his offerings on that same day; this is the opinion of R. Akiba.[5] R. Tarfon[6] said to him, What difference is there between the case of this man and that of the leper?[7]—He replied to him, In the case of this one[8] his purification[9] is made dependent on* the days prescribed for him,[10] whereas the cleansing[11] of a leper is made dependent

upon* the cutting off of his hair and he must not bring the offering[12] before the sun has set.[13]

1 With the water of the פָּרָה אֲדֻמָּה. *Numbers* **19**, 11 ff. **2** *Numbers* **6**, 10 ff. **3** Two turtle-doves or two young pigeons, one for חַטָּאת, a *sin-offering*, and the other for עוֹלָה, a *burnt-offering*, and a he-lamb one year old for אָשָׁם, a *guilt-offering*. **4** *Numbers* **6**, 9. After he had already had the ritual bath on the seventh day. **5** His view is accepted.§ **6** His opinion is rejected. **7** *Leviticus* **14**, 10. Or לִמְצוֹרָע, *and that of a leper*. **8** The nazarite who had contracted uncleanness. **9** The ritual bath. **10** *i.e.*, only until the period prescribed for him had gone by. **11** By the ritual bath. **12** Literally *an offering*. Or קָרְבְּנוֹתָיו, *his offerings*, in some editions. **13** At the end of the eighth day, thus the קָרְבָּן is to be offered on the ninth day after the ritual bath. *Leviticus* **11**, 39 ff. * Some render this *is suspended till*. § See ADDENDA at the end of this *Tractate*.

Mishnah 7

מִשְׁנָה ז

What was the ritual procedure[1] for cutting off the hair in cleanness? —He brought three[2] beasts: a *sin-offering*,[3] a *burnt-offering*,[4] and a *peace-offering*;[5] and he slaughtered the peace-offering and followed that by cutting off his hair. This is the view of R. Judah.[6] R. Elazar[7] says, He had to cut off his hair only following[8] the *sin-offering*, because the *sin-offering* precedes on every occasion;[9] but if he cut his hair off after[8] any one of the three of them, he has carried out his obligation.

תִּגְלַחַת הַטָּהֲרָה [1]כֵּיצַד? הָיָה [2]מֵבִיא
[3]שְׁלֹשָׁה בְהֵמוֹת, [3]חַטָּאת, [4]עוֹלָה
[5]וּשְׁלָמִים; וְשׁוֹחֵט אֶת־הַשְּׁלָמִים
וּמְגַלֵּחַ עֲלֵיהֶם. דִּבְרֵי רַבִּי [6]יְהוּדָה.
רַבִּי [7]אֶלְעָזָר אוֹמֵר, לֹא הָיָה מְגַלֵּחַ
אֶלָּא [8]עַל הַחַטָּאת, שֶׁהַחַטָּאת
קוֹדֶמֶת [9]בְּכָל מָקוֹם; וְאִם גִּילַּח [8]עַל
אֶחָד מִשְּׁלָשְׁתָּן יָצָא.

1 After the fulfilment of the spell of naziriteship. **2** More correct grammatically, שָׁלֹשׁ in some texts. **3** A she-lamb one year old. **4** A he-lamb one year old. **5** *Numbers* **6**, 14. A ram two years old. **6** His view is accepted. **7** Some authorities prefer the reading אֱלִיעֶזֶר. His opinion is rejected. **8** The slaughtering of. **9** *Leviticus* **5**, 8.

Mishnah 8

מִשְׁנָה ח

Rabban Simon ben Gamaliel says, If one brought three beasts but did not designate,[1] what is suitable for

רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, הֵבִיא
שָׁלֹשׁ בְּהֵמוֹת וְלֹא [1]פֵּרֵשׁ, הָרְאוּיָה

[1]לְחַטָּאת תִּקְרַב חַטָּאת, [2,3]לְעוֹלָה
תִּקְרַב עוֹלָה, [4]לְשְׁלָמִים תִּקְרַב
שְׁלָמִים. הָיָה נוֹטֵל שְׂעַר רֹאשׁ
[5]נִזְרוֹ וּמְשַׁלֵּחַ תַּחַת [6]הַדּוּד. וְאִם
גִּילַח [7]בַּמְּדִינָה [8]לֹא הָיָה מְשַׁלֵּחַ
תַּחַת הַדּוּד. [9]בַּמֶּה דְּבָרִים
אֲמוּרִים? בְּתַגְלַחַת [10]הַטָּהֳרָה, אֲבָל
בְּתַגְלַחַת הַטּוּמְאָה לֹא הָיָה מְשַׁלֵּחַ
תַּחַת הַדּוּד. רַבִּי מֵאִיר אוֹמֵר,
הַכֹּל [11]מְשַׁלְּחִין תַּחַת הַדּוּד, חוּץ
מִן־הַטָּמֵא [12]שֶׁבַּמְּדִינָה בִּלְבָד.

a *sin-offering*[2] shall be offered as a *sin-offering,* for[3] a *burnt-offering*[4] shall be offered as a *burnt-offering,* for a *peace-offering*[5] shall be offered as a *peace-offering.* Then he took the hair he had cut off[6] and cast it beneath the cauldron.[7] But if he cut his hair off in the Capital,[8] he did *not*[9] place it under the cauldron. When is this the case?[10]—When the cutting off of the hair is performed in cleanness,[11] but he did not cast the hair cut off in uncleanness under the cauldron. R. Meir says, All cast it[12] underneath the cauldron, save him only that was unclean and in the Capital.[13]

1 *i.e.,* did not assign explicitly each one for the expressed offering. **2** A female sheep (כַּבְשָׂה). **3** *i.e.,* what is fit for. **4** A male sheep (כֶּבֶשׂ). **5** A ram (אַיִל). **6** Literally *the hair of the head of his separation* (*Numbers* 6, 18). **7** In which the שְׁלָמִים, *peace-offering,* was being boiled. If he cast it under the cauldron in which was the חַטָּאת, *sin-offering,* it is licit. **8** See תְּמוּרָה 7[4]. In the City of Jerusalem; not in the עֲזָרָה, *Forecourt* of the Temple. **9** Some texts omit לֹא, *not,* thus giving the sense *he still placed it under the cauldron.* **10** That the hair cut off in the עֲזֶרֶת נָשִׁים, *Women's Forecourt* of the Temple, must be put under the cauldron. **11** *viz.,* the spell was completed without a break. **12** The final decision is that only a clean nazirite who had shorn off his hair at the entrance of the Sanctuary—in the Forecourt—as enjoined casts his hair beneath the cauldron containing the שְׁלָמִים, *peace-offering* (but if underneath that of the חַטָּאת he has fulfilled his obligation). **13** And had cut off his hair not in the Forecourt but outside it in the City.

Mishnah 9 — מִשְׁנָה ט

[1]הָיָה מְבַשֵּׁל אֶת־הַשְּׁלָמִים, אוֹ
[2]שִׁלְקָן, הַכֹּהֵן נוֹטֵל אֶת־הַזְּרוֹעַ
[3]בְּשֵׁלָה מִן־[4]הָאַיִל וְחַלַּת מַצָּה אַחַת
מִן־הַסַּל וּרְקִיק [5]מַצָּה אֶחָד וְנוֹתֵן

When he had cooked the *peace-offering,* or had seethed it,[1] the priest took the cooked shoulder[2] of the ram[3] and one loaf of unleavened-bread from the basket and one wafer of unleavened-bread[4]

עַל כַּפֵּי הַנָּזִיר [5]וּמְנִיפָן. וְאַחַר כָּךְ
[6]הוּתַּר הַנָּזִיר לִשְׁתּוֹת יַיִן וּלְהִטַּמֵּא
[7]לַמֵּתִים. רַבִּי [8]שִׁמְעוֹן אוֹמֵר, כֵּיוָן
שֶׁנִּזְרַק עָלָיו אֶחָד מִן־הַדָּמִים
[6]הוּתַּר הַנָּזִיר לִשְׁתּוֹת בְּיַיִן וּלְהִטַּמֵּא
[7]לַמֵּתִים.

and placed them upon the palms of the nazirite and waved them.[5] And after that the nazirite is permitted[6] to drink wine and to become unclean because of the dead.[7] R. Simon[8] says, As soon as the blood of any one offering had been sprinkled for him the nazirite is allowed[6] to drink wine and to become defiled because of the dead.[7]

1 Excessively. שְׁלָקָן [*Kal Past*]; in some editions שׁוֹלְקָן [*i.e.*, הָיָה שׁוֹלְקָן, *Kal Active Participle*]. **2** Literally *the sodden arm* (from the knee to the shoulder of the right forearm). **3** Except the breast and shank (as in the case of other שְׁלָמִים, *peace-offerings*) which he presents before cooking. **4** The nazarite had to bring twenty, each made of one-third of an עִשָּׂרוֹן of flour, ten being like loaves and ten like thin wafers, and all were anointed with a רְבִיעִית of oil (see *Tables*, זְרָעִים, INTRODUCTION). מִנְחוֹת 7[8]. **5** *Numbers* **6**, 19. The *waving* was *to and fro* and *up and down*. מִנְחוֹת 6[2]. **6** Or הֻתַּר. **7** Or לְמֵתִים, *because of dead people*. **8** His view is accepted.

Mishnah 10

מִשְׁנָה י

גִּלַּח עַל הַזֶּבַח וְנִמְצָא [1]פָּסוּל,
תִּגְלַחְתּוֹ פְּסוּלָה [2]וּזְבָחָיו לֹא עָלוּ לוֹ.
גִּלַּח עַל הַחַטָּאת שֶׁלֹּא [3]לִשְׁמָהּ וְאַחַר
כָּךְ הֵבִיא קָרְבְּנוֹתָיו לִשְׁמָן, תִּגְלַחְתּוֹ
פְּסוּלָה וּזְבָחָיו לֹא [4]עָלוּ לוֹ. גִּלַּח
עַל הָעוֹלָה [5]אוֹ עַל הַשְּׁלָמִים שֶׁלֹּא
לִשְׁמָן, וְאַחַר כָּךְ הֵבִיא קָרְבְּנוֹתָיו
לִשְׁמָן, תִּגְלַחְתּוֹ פְּסוּלָה וּזְבָחָיו לֹא
[4]עָלוּ לוֹ. רַבִּי [6]שִׁמְעוֹן אוֹמֵר, אוֹתוֹ
הַזֶּבַח לֹא עָלָה לוֹ אֲבָל שְׁאָר זְבָחִים
עָלוּ לוֹ. וְאִם גִּלַּח עַל [7]שֶׁלִּשְׁתָּן
וְנִמְצָא [8]אֶחָד מֵהֵן כָּשֵׁר, תִּגְלַחְתּוֹ
כְּשֵׁרָה, וְיָבִיא שְׁאָר [9]הַזְּבָחִים.

If one cut off his hair after the offering and it were found invalid,[1] the cutting off of the hair is invalid too and his offerings[2] are not counted to his credit. If one cut his hair off following a *sin-offering* which had not been thus designated,[3] and then he brought his other offerings correctly assigned, the cutting off of his hair is disqualified and his offerings are not reckoned to his credit.[4] If one cut off his hair following a *burnt-offering* or after[5] a *peace-offering* that were not assigned for that purpose, and after that he brought his offerings for their expressed purpose, the cutting off of his hair is not licit and his offerings do not count to his credit.[4] R. Simon[6] says, That particular offering does not count to his credit but the rest of the offerings

are reckoned to his credit. But if one cut off his hair following the three of them,[7] and one[8] of them was found valid, the cutting off of his hair is licit, but he must bring anew the rest of the offerings.[9]

1 The blood of the offering was spilt or it became unclean. **2** Those offered *after* the hair-cutting are invalid because they are considered as if having been offered *before* the hair-cutting since he has to wait another spell of thirty days to cut the hair anew and bring fresh offerings. **3** And therefore becomes invalid. **4** He has to observe anew the thirty days' period of naziritism and bring the required offerings afresh. **5** Some texts give וְעַל instead of אוֹ עַל. **6** His opinion is rejected. **7** The three offerings were slaughtered before the hair-offering. **8** *i.e., only* one. **9** Those found invalid.

Mishnah 11

מִשְׁנָה יא

If one had the blood of one of the offerings sprinkled for him,[1] and he then became unclean, R. Eliezer says, This causes the whole[2] to become forfeit. But the Sages say, He needs to bring only the rest of his offerings when he has become clean.[3] They[4] said to him,[5] It happened to Miriam[6] of Tarmod[7] that the blood of one of the offerings was sprinkled for her, and some people came and said to her that her daughter was in danger,[8] and she went and found that she was dead,[9] and the Sages said, 'Let her bring the remainder of her offerings when she has become cleansed."[10]

מִי שֶׁנִּזְרַק [1]עָלָיו אֶחָד מִן־הַדָּמִים וְנִטְמָא, רַבִּי אֱלִיעֶזֶר אוֹמֵר, סוֹתֵר אֶת־[2]הַכֹּל. וַחֲכָמִים אוֹמְרִים, יָבִיא שְׁאָר קָרְבְּנוֹתָיו [3]וְיִטָּהֵר. [4]אָמְרוּ [5]לוֹ, מַעֲשֶׂה [6]בְּמִרְיָם [7]הַתַּרְמוּדִית שֶׁנִּזְרַק עָלֶיהָ אֶחָד מִן־הַדָּמִים, וּבָאוּ וְאָמְרוּ לָהּ עַל בִּתָּהּ שֶׁהָיְתָה [8]מְסוּכֶּנֶת, וְהָלְכָה וּמָצְאָה [9]שֶׁמֵּתָה, וְאָמְרוּ חֲכָמִים, תָּבִיא שְׁאָר קָרְבְּנוֹתֶיהָ [10]וְתִטָּהֵר.

1 After the conclusion of the spell of nazariteship. **2** All the offerings. **3** וְיִטָּהֵר [*Niphal*] or וְיִטְהָר [*Kal*]. **4** The ruling of the Sages is accepted. **5** To R. Eliezer. His view is rejected. **6** She was a nazarite. **7** Or הַתַּדְמוּדִית. תַּדְמוֹד or תַּרְמוֹד or תַּדְמוֹר, *Tadmod, Tarmod* or *Tadmor, Palmyra* (in an oasis in the Syrian Desert). **8** Or מְסֻכֶּנֶת. **9** And Miriam contracted ritual uncleanness. **10** וְתִטָּהֵר [*Niphal*] or וְתִטְהָר [*Kal*].

CHAPTER 7 — פֶּרֶק ז

Mishnah 1 — מִשְׁנָה א

[1]כֹּהֵן גָּדוֹל [2]וְנָזִיר אֵינָן מִטַּמְּאִין [3]לִקְרוֹבֵיהֶן, אֲבָל מִטַּמְּאִין [4]לְמֵת [5]מִצְוָה. [6]הָיוּ מְהַלְּכִין בַּדֶּרֶךְ וּמָצְאוּ מֵת מִצְוָה, רַבִּי אֱלִיעֶזֶר אוֹמֵר, יִטַּמֵּא כֹּהֵן גָּדוֹל [7]וְאַל יִטַּמֵּא נָזִיר; וַחֲכָמִים אוֹמְרִים, יִטַּמֵּא נָזִיר, וְאַל יִטַּמֵּא כֹּהֵן גָּדוֹל. אָמַר לָהֶם רַבִּי אֱלִיעֶזֶר, יִטַּמֵּא כֹּהֵן שֶׁאֵינוֹ מֵבִיא קָרְבָּן עַל טוּמְאָתוֹ, וְאַל יִטַּמֵּא נָזִיר שֶׁהוּא מֵבִיא קָרְבָּן עַל [8]טוּמְאָתוֹ. אָמְרוּ לוֹ, יִטַּמֵּא נָזִיר שֶׁאֵין [9]קְדוּשָּׁתוֹ קְדוּשַּׁת עוֹלָם, וְאַל יִטַּמֵּא כֹּהֵן [10]שֶׁקְּדוּשָּׁתוֹ קְדוּשַּׁת עוֹלָם.

A High Priest[1] and a nazirite[2] may not become unclean because of their kindred,[3] but they may contract uncleanness because of a dead body[4] as commanded by the Law.[5] If they were[6] on a journey and found a dead body to be dealt with as commanded by the Law, R. Eliezer says, The High Priest may become defiled but a nazirite may not[7] contract defilement; but the Sages say, A nazirite may contract uncleanness, but a High Priest may not become unclean. R. Eliezer said to them, Let the priest contract defilement for he does not have to bring an offering because of his defilement, but let not a nazirite become defiled since he has to bring an offering on account of his defilement.[8] They made reply to him, Let a nazirite become unclean as his sanctity is not an everlasting sanctity,[9] but let not a priest contract uncleanness for his sanctity is a perpetual sanctity.[10]

1 This subject applies also to an ordinary priest. *Leviticus* **21**, 11. **2** *Numbers* **6**, 6. **3** Their dead kindred: father, mother, brother, sister, wife, son, daughter. **4** Found abandoned, and there is no one else to see to burial. **5** Compare 6[5]. *Leviticus* **21**, 1. **6** מְהַלְּכִים in some editions. Literally *were going*. **7** וְלֹא in some editions. **8** *Numbers* **6**, 9 ff. **9** Or קְדֻשָּׁתוֹ קְדֻשַּׁת. *i.e.*, not lifelong; the obligation lasts for thirty days; and even a נָזִיר עוֹלָם, *lifelong nazirite*, is not a nazirite from birth* (a parent might dedicate a child from birth as a nazirite but this does not take effect before the child has reached a reasonable age. Compare 9[5]). **10** Or שֶׁקְּדֻשָּׁתוֹ קְדֻשַּׁת.
* There is always הַפְּרַת נְדָרִים also if the family objects.

Mishnah 2 — מִשְׁנָה ב

עַל אֵלּוּ [1]טוּמְאוֹת הַנָּזִיר מְגַלֵּחַ, עַל [2]הַמֵּת, וְעַל [3]כְּזִית מִן־הַמֵּת, וְעַל

The nazirite must cut off his hair because of these defilements:[1] because of a corpse,[2] or because of

כְּזַיִת [4]נֶצֶל, וְעַל מְלֹא [5]תַּרְוָד [6]רָקָב, עַל הַשִּׁדְרָה, וְעַל [8]הַגּוּלְגֹּלֶת, וְעַל [9]אֵבֶר מִן־הַמֵּת, וְעַל [10]אֵבֶר מִן־הַחַי שֶׁיֵּשׁ עָלָיו בָּשָׂר כָּרָאוּי, וְעַל חֲצִי [11]קַב עֲצָמוֹת, וְעַל חֲצִי [12]לוֹג דָּם, [13]עַל מַגָּעָן וְעַל מַשָּׂאָן וְעַל אֹהֶלָן, [14]וְעַל עֶצֶם כִּשְׁעוֹרָה עַל מַגָּעוֹ וְעַל מַשָּׂאוֹ. עַל אֵלּוּ הַנָּזִיר מְגַלֵּחַ [15]וּמֶזֶּה בַּשְּׁלִישִׁי וּבַשְּׁבִיעִי, וְסוֹתֵר אֶת־[16]הַקּוֹדְמִין וְאֵינוֹ מַתְחִיל [17]לִמְנוֹת אֶלָּא עַד [18]שֶׁיִּטְּהַר וּמֵבִיא אֶת־קָרְבְּנוֹתָיו.

an olive's bulk[3] of a corpse, or because of an olive's bulk of matter exuding from a corpse,[4] or because of a ladleful[5] of the mould of a decayed corpse,[6] or because of the spinal column,[7] or because of the skull,[8] or because of any limb[9] of a corpse, or because of a limb[10] of a living person which still has on it its proper flesh, or because of half a *kab*[11] of bones, or because of half a *log*[12] of blood, whether[13] from actual contact with them or whether from carrying them or whether from being present in the same room with them, or[14] because of a barleycorn's bulk of bone whether by touching it or whether by carrying it. Because of these must the nazirite cut off his hair and be sprinkled[15] on the third day and on the seventh day, and he forfeits the foregoing days[16] and must not begin to count again[17] until he becomes clean[18] and brings his offerings.

1 Compare אָהֳלוֹת 2[1]. **2** By actual contact or presence in the same confined space. **3** Of the flesh. **4** נֶצֶל, *rotted, decayed matter,* particularly in ritual levitical law *fluid coagulated part(s) of a human body.* **5** Two handfuls. **6** רָקָב, *decay, rottenness,* especially in levitical ritual law *soil from a grave containing portion(s) of a decayed corpse.* **7** Bare of flesh. Or שִׁדְרָה. **8** Denuded of flesh. Or הַגֻּלְגֹּלֶת. **9** Or *member, organ.* **10** Severed. **11** This is הֲלָכָה לְמֹשֶׁה מִסִּינַי, *a ruling from Moses form Sinai* accepted without dispute. קַב = 2200 c.cm. (dry measure) (see *Tables,* זְרָעִים, INTRODUCTION). **12** לוֹג = 275 c.cm. (liquid measure). **13** *viz.,* whether the defilement is contracted. **14** Continuing the list of causes of contraction of uncleanness. **15** With the water of the ashes of the פָּרָה אֲדֻמָּה, *red heifer.* (*Numbers* **19**, 11 ff. Compare 6[6]). **16** Of his nazirite spell. **17** The correct period of the naziriteship. **18** After טְבִילָה, the *ritual bath.* שֶׁיִּטָּהֵר [*Niphal*] or שֶׁיִּטְהַר [*Kal*].

Mishnah 3 — מִשְׁנָה ג

אֲבָל [1]הַסְּכָכוֹת, [2]וְהַפְּרָעוֹת, [3]וּבֵית הַפְּרָס, [4]וְאֶרֶץ הָעַמִּים, [5]וְהַגּוֹלֵל,

But because of overhanging boughs,[1] or protruding stones,[2] or a grave-space,[3] or a country of the

[1]וְהַדּוֹפֵק, וּרְבִיעִית דָּם, [2]וְאֹהֶל,
וְרוֹבַע [3]עֲצָמוֹת, וְכֵלִים הַנּוֹגְעִים
בְּמֵת, וִימֵי [10]סְפִרוֹ*, וִימֵי [11]נָגְעוֹ,
עַל [12]אֵלּוּ אֵין הַנָּזִיר מְגַלֵּחַ, [13]וּמִזֶּה
בַּשְּׁלִישִׁי וּבַשְּׁבִיעִי וְאֵינוֹ סוֹתֵר
אֶת־[14]הַקּוֹדְמִים, וּמַתְחִיל [15]וּמוֹנֶה
מִיָּד [16]וְקָרְבָּן אֵין לוֹ. [17]בְּאֱמֶת,
[18]יְמֵי [19]הַזָּב [19]וְהַזָּבָה וִימֵי [20]הֶסְגֵּרוֹ
שֶׁל מְצוֹרָע, הֲרֵי אֵלּוּ עוֹלִין [21]לוֹ.

non-Jews,[4] or the top stone-covering of a tomb,[5] or the supporting tomb-stone,[6] or a *quarter-log* of blood,[7] or a tent,[8] or a *quarter-kab* of bones,[9] or utensils that have touched a corpse, or the days of his counting,[10] or the days during which he is a certified leper[11]—in all these cases[12] the nazirite does not have to cut his hair off, but he must be sprinkled[13] on the third day and on the seventh day and he does not forfeit the preceding days,[14] and he begins to count[15] straightway and he has not to bring the offering.[16] In fact,[17] the days of[18] a man afflicted with an issue[19] or a woman suffering with an issue[19] and the days of the shutting up[20] of a leper—these are counted to his credit.[21]

* Or [*infinitive noun*] סָפְרוֹ.

1 Or *protruding branches, intertwined foliage, interlaced boughs,* under which some part of a corpse is lying causing uncleanness. In some editions this *Mishnah* forms part of the preceding *Mishnah.* **2** Or *protruding foliage,*§ or *projecting branches on one of which is an uncleanness.* See אָהֳלוֹת 8[2]. **3** בֵּית פְּרָס, an area of 10000 square cubits declared unclean on account of the bones of a corpse carried over it when the ground was ploughed up. See אָהֳלוֹת 17[1]. **4** *i.e.,* חוּץ לָאָרֶץ, outside Palestine, which the חֲכָמִים, Sages, declare to be unclean. **5** Or *coffin, burial cave.* **6** The frame buttressing up the movable stone of a tomb. **7** Even if a nazirite touched or carried it he does not have to cut off his hair. **8** *Numbers* **19,** 14 ff. **9** But if a nazarite touches or carries them he must cut off his hair. **10** The seven days of cleanness following the purification from leprosy. **11** *Leviticus* **13,** 3, 8, 11. **12** If a nazirite came into contact with such. **13** With the water of the ashes of the פָּרָה אֲדוּמָה, *red heifer. Numbers* **19,** 11 ff. **14** הַקּוֹדְמִין in some editions. **15** The number of days that are still due. **16** Literally *one offering. Numbers* **6,** 10. **17** Some editions have בְּאֱמֶת אָמְרוּ, *In fact, they said that* ..... *i.e.,* a formula used to introduce an established legal rule not deduced nor derivable from the Written Law. **18** The days of the uncleanness of ..... **19** Or *discharge, flux, gonorrhoea. Leviticus* **15,** 2 ff, 19 ff. **20** *Quarantine,* or, *isolation. Leviticus* **13,** 4, 5. **21** This is הֲלָכָה לְמֹשֶׁה מִסִּינַי, *an injunction from Moses from Sinai,* accepted without question. § Or *stones or thorns used as a fence from which some parts are jutting out.*

Mishnah 4

מִשְׁנָה ד

R. Eliezer said in the name of R. Joshua, For whatever defilement from a corpse that a nazirite[1] must cut his hair off,[2] for such also people are liable[3] if they enter the Temple;[4] but for any uncleanness from a corpse that a nazirite does not have to cut off his hair,[5] for such* persons are not culpable for entering the Temple. R. Meir said, Would this not be more lenient than from a creeping thing![6] R. Akiba said, 'I disputed before R. Eliezer: Seeing that[7] by reason of a bone[8] of the size of a barleycorn, which does not defile a man by overshadowing,[9] a nazirite must cut off his hair if he touch it or carry it, then how much more in the case of a *quarter-log* of blood which does render a man unclean[10] by overshadowing[11] ought the nazirite to cut his hair off because of the contact with it or because of carrying it![12] He made reply to me; What is this, Akiba!? We can not here[13] make an inference from minor to major! And when I came and related these statements before R. Joshua he said to me, Well hast thou spoken, but thus have they enjoined as the ruling.'[14]

אָמַר רַבִּי אֱלִיעֶזֶר מִשּׁוּם רַבִּי יְהוֹשֻׁעַ, כָּל־טוּמְאָה מִן־הַמֵּת [1]שֶׁנָּזִיר [2]מְגַלֵּחַ עָלֶיהָ, [3]חַיָּבִין עָלֶיהָ עַל בִּיאַת [4]מִקְדָּשׁ; וְכָל טוּמְאָה מִן־הַמֵּת שֶׁאֵין הַנָּזִיר [5]מְגַלֵּחַ עָלֶיהָ, אֵין חַיָּבִין *עָלֶיהָ עַל בִּיאַת מִקְדָּשׁ. אָמַר רַבִּי מֵאִיר, לֹא תְהֵא זוֹ קַלָּה מִן־[6]הַשֶּׁרֶץ! אָמַר רַבִּי עֲקִיבָא, דָּנְתִּי לִפְנֵי רַבִּי אֱלִיעֶזֶר, [7]מָה אִם [8]עֶצֶם כְּשְׂעוֹרָה, שֶׁאֵינוֹ מְטַמֵּא אָדָם [9]בְּאֹהֶל, הַנָּזִיר מְגַלֵּחַ עַל מַגָּעוֹ וְעַל מַשָּׂאוֹ, רְבִיעִית דָּם [10]שֶׁמְּטַמֵּא אָדָם [11]בְּאֹהֶל אֵינוֹ דִּין שֶׁיְּהֵא הַנָּזִיר מְגַלֵּחַ עַל מַגָּעָהּ וְעַל [12]מַשָּׂאָהּ! אָמַר לִי, מַה־זֶּה עֲקִיבָא!? אֵין דָּנִין [13]כְּאַן מִקַּל וָחוֹמֶר! וּכְשֶׁבָּאתִי וְהִרְצֵיתִי דְבָרִים לִפְנֵי רַבִּי יְהוֹשֻׁעַ, אָמַר לִי, יָפֶה אָמַרְתָּ אֶלָּא כֵּן אָמְרוּ [14]הֲלָכָה.

1 שֶׁהַנָּזִיר, *that the nazirite,* in some texts. **2** Or if he ate of קָדָשִׁים before purification from uncleanness he is liable to כָּרֵת, *excision,* if his act is wanton and to a קָרְבַּן עוֹלָה וְיוֹרֵד *an offering according to one's means,* if it was done unwittingly. Compare 7[2]. In some editions this *Mishnah* is *Mishnah* **3**. **3** If they become unclean. **4** Or eat of any offering. If one transgresses wantonly he is liable to כָּרֵת, and if unwittingly he must bring a קָרְבַּן עוֹלָה וְיוֹרֵד. **5** See the preceding *Mishnah.* **6** *i.e., Would there not in this case be less strictness than when defilement is caused by a creeping thing!* (*Leviticus* **5**, 2; *Numbers* **19**, 20). **7** וּמָה in some texts. **8** See 7[2]. **9** Being in the same confined space as a corpse. See אָהֳלוֹת 2[3]. **10** שֶׁהוּא מְטַמֵּא in some texts. **11** Even if the blood had not been touched. **12**

עַל מַגָּעוֹ וְעַל מַשָּׂאוֹ in some editions. **13** In the case of an accepted ruling. **14** *i.e.*, the חֲכָמִים, Sages, stated that a barleycorn's bulk of the bone of a corpse causes uncleanness and is הֲלָכָה לְמֹשֶׁה מִסִּינַי, *a ruling from Moses from Sinai*, admitting of no argument. * *i.e.*, for such uncleanness.

CHAPTER 8

פֶּרֶק ח

Mishnah 1

מִשְׁנָה א

If there be two nazirites to whom some man said, 'I saw that one of you had become unclean but I know not which one of you'[1]—they must cut their hair off[2] and bring[3] one offering[4] for uncleanness and one offering[5] in cleanness, and one says,[6] 'If I be the one unclean, let the offering for uncleanness be mine and thine be the offering in cleanness, but if I be the one clean, may mine be the offering in cleanness and let the offering for uncleanness be thine'—and they must count[7] thirty days and bring[8] one offering in cleanness, and one says,[6,9] 'If I be the one unclean, let the offering for uncleanness be mine and the offering in cleanness be thine and this offering in cleanness be mine, but if I be the one clean, let the offering in cleanness be mine and may the offering for uncleanness be thine and this offering in cleanness be thine.' If one of them died, R. Joshua said, Let him* seek the one from the public place[10] to vow to become a nazirite in the other's stead[11] and let him say, 'If it were I that was unclean, then be thou straightway a nazirite, but if I were the one clean,

שְׁנֵי נְזִירִים שֶׁאָמַר לָהֶן אֶחָד, רָאִיתִי[1]
אֶחָד מִכֶּם שֶׁנִּטְמָא וְאֵינִי יוֹדֵעַ אֵיזֶה
מִכֶּם, [2]מְגַלְּחִין [3]וּמְבִיאִין [4]קָרְבַּן
טוּמְאָה [5]וְקָרְבַּן טָהֳרָה, [6]וְאוֹמֵר, אִם
אֲנִי הוּא הַטָּמֵא קָרְבַּן טוּמְאָה שֶׁלִּי
וְקָרְבַּן טַהֲרָה שֶׁלָּךְ, וְאִם אֲנִי הוּא
הַטָּהוֹר קָרְבַּן טָהֳרָה שֶׁלִּי וְקָרְבַּן
טוּמְאָה שֶׁלָּךְ, [7]וְסוֹפְרִין שְׁלֹשִׁים יוֹם
[8]וּמְבִיאִין קָרְבַּן טַהֲרָה, [6,9]וְאוֹמֵר,
אִם אֲנִי הוּא הַטָּמֵא קָרְבַּן טוּמְאָה
שֶׁלִּי וְקָרְבַּן טָהֳרָה שֶׁלָּךְ וְזֶה קָרְבַּן
טָהֳרָתִי, וְאִם אֲנִי הוּא הַטָּהוֹר קָרְבַּן
טַהֲרָה שֶׁלִּי וְקָרְבַּן טוּמְאָה שֶׁלָּךְ
וְזֶה קָרְבַּן טָהֳרָתֵךְ. מֵת אֶחָד מֵהֶן,
אָמַר רַבִּי יְהוֹשֻׁעַ, *יְבַקֵּשׁ אֶחָד מִן־
[10]הַשּׁוּק שֶׁיִּדּוֹר [11]כְּנֶגְדּוֹ בְּנָזִיר
וְאוֹמֵר, אִם טָמֵא הָיִיתִי הֲרֵי אַתָּה
נָזִיר מִיָּד, וְאִם טָהוֹר הָיִיתִי הֲרֵי
אַתָּה נָזִיר אַחַר שְׁלֹשִׁים יוֹם,
וְסוֹפְרִין שְׁלֹשִׁים יוֹם [12]וּמְבִיאִין
[13]קָרְבַּן טוּמְאָה [14]וְקָרְבַּן טָהֳרָה,
וְאוֹמֵר, אִם אֲנִי הוּא הַטָּמֵא, קָרְבַּן
טוּמְאָה שֶׁלִּי וְקָרְבַּן טַהֲרָה שֶׁלָּךְ,
וְאִם אֲנִי הוּא הַטָּהוֹר קָרְבַּן טָהֳרָה

שֶׁלִּי וְקָרְבַּן טוּמְאָה [15]בְּסָפֵק
[16]וְסוֹפְרִין שְׁלֹשִׁים יוֹם, וּמְבִיאִין
קָרְבַּן טַהֲרָה, וְאוֹמֵר, אִם אֲנִי
הַטָּמֵא [17]קָרְבַּן טוּמְאָה שֶׁלִּי [17]וְקָרְבַּן
טָהֲרָה שֶׁלָּךְ וְזֶה קָרְבַּן טָהֲרָתִי, וְאִם
אֲנִי הוּא הַטָּהוֹר קָרְבַּן טַהֲרָה שֶׁלִּי
וְקָרְבַּן טוּמְאָה בְּסָפֵק וְזֶהוּ קָרְבַּן
טָהֲרָתֵךְ. אָמַר לוֹ בֶּן [18]זוֹמָא, וּמִי
שׁוֹמֵעַ לוֹ שֶׁיִּדּוֹר כְּנֶגְדּוֹ בְּנָזִיר!? אֶלָּא
[19]מֵבִיא חַטָּאת [20]הָעוֹף [21]וְעוֹלַת
בְּהֵמָה וְאוֹמֵר, אִם טָמֵא הָיִיתִי
הַחַטָּאת מְחוּבָתִי וְהָעוֹלָה נְדָבָה;
[22]אִם טָהוֹר הָיִיתִי, הָעוֹלָה מְחוּבָתִי
וְהַחַטָּאת בְּסָפֵק, וְסוֹפֵר שְׁלֹשִׁים יוֹם
וּמֵבִיא קָרְבַּן [5]טָהֲרָה וְאוֹמֵר, אִם
טָמֵא הָיִיתִי הָעוֹלָה הָרִאשׁוֹנָה נְדָבָה
וְזוּ חוֹבָה, וְאִם טָהוֹר הָיִיתִי הָעוֹלָה
הָרִאשׁוֹנָה חוֹבָה וְזוּ נְדָבָה, וְזֶה שְׁאָר
[23]קָרְבָּנִי. אָמַר רַבִּי יְהוֹשֻׁעַ, נִמְצָא
זֶה מֵבִיא קָרְבְּנוֹתָיו לַחֲצָאִים! אֲבָל
הוֹדוּ לוֹ חֲכָמִים לְבֶן זוֹמָא.

then be thou a nazirite after thirty days'—and they count thirty days and bring[12] an offering[13] for uncleanness and an offering[14] in cleanness, and he says, 'If I were the one that became unclean, may the offering for uncleanness be mine and the offering in cleanness be thine, but if I were he who was clean, let the offering in cleanness be mine and the offering[15] for uncleanness be in doubt,' and they count[16] thirty days and bring an offering in cleanness, and he says, 'If I were the unclean one, may the offering[17] for uncleanness be mine and the offering[17] in cleanness be thine and let this be my offering in cleanness, but if I were the one clean, let the offering in cleanness be mine and the offering for uncleanness be in doubt and thine let be the offering in cleanness.' Ben Zoma[18] said to him, But who would hearken to him to take the vow to become a nazirite in the other's place!? But let him bring[19] a bird[20] as a *sin-offering* and a beast as a *burnt-offering*,[21] and he says, 'If I were unclean, the *sin-offering* be in duty bound and the *burnt-offering* be a voluntary one; if[22] I were clean, let the *burnt-offering* be in duty bound and the *sin-offering* by reason of the uncertainty'—and he then counts thirty days and brings an offering in cleanness,[5] and he says, 'If I were unclean, the first *burnt-offering* be of free choice and this one in duty bound, but if I were clean, let the first *burnt-offering* be in duty bound and this one be of free choice, and this is the rest of my offering.'[23] R. Joshua said, It would be found then that this man would be bringing his offerings piecemeal! But the Sages agreed with ben Zoma.

1 And they do not refute the statement. **2** Both nazarites. **3** Together in partnership. **4** Two birds and a lamb. **5** *Numbers* **6**, 10, 14 ff. Three

beasts. Compare 6[6,7]. **6** One nazarite says to the other one. **7** Compare 2[9]. **8** *i.e.*, in partnership. **9** וְאוֹמְרִים, *and they say* [to each other], in some editions. **10** Or *market, street.* **11** *viz.*, to take the duty of nazariteship for the deceased. **12** In partnership. **13** A bird as חַטָּאת, *sin-offering,* but it is not eaten. **14** Three beasts. Compare 6[6,7]. **15** See **Note 13.** *i.e.*, for the uncertainty. **16** Once again. **17** Which had already been brought up. **18** His opinion is accepted. **19** After the completion of the spell of nazaritism. **20** Pigeon or dove. Because of the uncertainty of the spell of naziriteship. **21** In order to cut his hair over one of the beasts. **22** וְאִם, *but if,* in some editions. **23** The חַטָּאת, *sin-offering,* and שְׁלָמִים, *peace-offering,* prescribed. * His fellow.

Mishnah 2

מִשְׁנָה ב

יְנָזִיר שֶׁהָיָה [2]טָמֵא בְּסָפֵק [3,4]וּמוּחְלָט בְּסָפֵק, אוֹכֵל בְּקָדָשִׁים אַחַר שִׁשִּׁים יוֹם, וְשׁוֹתֶה יַיִן וּמִטַּמֵּא [5]לְמֵתִים אַחַר מֵאָה וְעֶשְׂרִים [6]יוֹם, שֶׁתִּגְלַחַת הַנֶּגַע דּוֹחָה תִּגְלַחַת הַנָּזִיר בַּזְּמַן שֶׁהוּא יוַדַּאי, אֲבָל בַּזְּמַן שֶׁהוּא סָפֵק [8]אֵינוֹ דּוֹחֶה.

If there be a doubt whether a nazirite[1] were unclean,[2] and there be a doubt whether he were a declared[3] leper,[4] he may eat of sacrifices after sixty days, and he may drink wine and become defiled because of the dead[5] after one hundred and twenty days,[6] because the cutting off of the hair for leprosy overrides the cutting off of the hair for the nazirite vow so long as it is certain,[7] but when there is a doubt it must not supersede it.[8]

1 For thirty days. **2** *i.e.*, one made the nazirite vow and there was a doubt whether he was defiled by contact with a corpse. **3** Also at the same time. **4** And when he is recovered from his uncleanness he must be sprinkled with the ash-water of the פָּרָה אֲדֻמָּה, *red-heifer,* on the third and seventh days, and then must await thirty days for the cutting off of the hair, bring offerings of two pigeons as a מְצוֹרָע מוּחְלָט, *certified leper,* a pigeon for a חַטָּאת, *sin-offering,* for a מְצוֹרָע טָמֵא, *unclean leper,* and a beast for עוֹלָה, *a burnt-offering,* as a נָזִיר טָהוֹר, *clean nazirite.* A מְצוֹרָע מוּחְלָט has to cut off his hair twice, once when he recovers and again seven days later, and has to observe thirty days more and again cut off his hair, and brings the offerings as a נָזִיר טָהוֹר and on the following day the offerings of a מְצוֹרָע (and may then eat of קָדָשִׁים). **5** Or לְמֵתִים. **6** Because he must wait for sixty days more in case he had been a מְצוֹרָע מוּחְלָט and the cutting off of the hair of a מְצוֹרָע is not credit to a נָזִיר, hence he waits first for thirty days and cuts off his hair in case he is a נָזִיר טָמֵא thus making ninety days so far—and again thirty

days longer for the נְזִירוּת בְּטַהֲרָה, the spell of naziritism in cleanness, so making a grand total of one hundred and twenty days. **7** *i.e.*, there is no doubt that he is a מְצוֹרָע, leper, in which case he may eat of קָדָשִׁים after seven days since he may cut off his hair and be sprinkled with the ash-water of the פָּרָה אֲדוּמָה on the third and seventh days, and again cut his hair off on the eighth day and eat of קָדָשִׁים. **8** Therefore after the first hair-cutting he must delay for thirty days the second hair-cutting, and again wait for thirty days before eating of קָדָשִׁים. צִינָה דוֹחָה would be grammatically the correct expression in agreement with the *feminine substantive* תּוֹגֶלֶת.

CHAPTER 9

פֶּרֶק ט

Mishnah 1

מִשְׁנָה א

The nazirite vow[1] does not apply to[2] non-Jews.[3] Women and slaves[4] may take the nazirite vow. Greater strictness applies to women than to slaves, for one may force his slave[5] but he can not compel his wife.[6] Greater severity applies to slaves than to women, because one can disannul the vows of his wife[7] but he can not nullify the vows of his slave.[8] If one cancelled his wife's vow, he has cancelled it absolutely,[9] but if he absolved his slave's vow who was then set free, he[10] must complete[11] his nazirite vow. If he escaped from him,[12] R. Meir says, He may not drink,[13] but R. Jose says, He may drink.[14]

הָעוֹבְדֵי כּוֹכָבִים אֵין לָהֶם[1] נְזִירוּת. נָשִׁים וַעֲבָדִים יֵשׁ לָהֶם נְזִירוּת. חוֹמֶר בְּנָשִׁים מִבַּעֲבָדִים, שֶׁהוּא כּוֹפֶה אֶת־עַבְדּוֹ וְאֵינוֹ כּוֹפֶה אֶת־אִשְׁתּוֹ. חוֹמֶר בַּעֲבָדִים מִבְּנָשִׁים, שֶׁהוּא מֵפֵר נִדְרֵי אִשְׁתּוֹ וְאֵינוֹ מֵפֵר נִדְרֵי עַבְדּוֹ. הֵפֵר לְאִשְׁתּוֹ הֵפֵר עוֹלָמִית, הֵפֵר לְעַבְדּוֹ יָצָא לְחֵירוּת מְשַׁלִּים נְזִירָתוֹ. עָבַר מִכְּנֶגֶד פָּנָיו, רַבִּי מֵאִיר אוֹמֵר, לֹא יִשְׁתֶּה; וְרַבִּי יוֹסֵי אוֹמֵר, יִשְׁתֶּה.

1 Or נְזִירוּת. **2** לָהֶן in some editions. **3** Although non-Jews form vows and practice asceticism the rules of naziritism as set out in the תּוֹרָה do not apply to them at all. **4** Canaanite slaves. **5** To annul the nazarite vow by compelling him to drink wine and to become defiled by the dead. **6** When she is a נְזִירָה he can not force her to abandon her vow by making her drink wine or contracting uncleanness by contact with the dead. **7** נְדָרִים 11[12]. If he revokes his wife's vow and then changes his mind and is willing to let her fulfil the vow she is exempt from keeping it if she does not want to

do so. **8** If he obliged his slave to break his vow and he then wanted him to observe it, he must do so. **9** For all time. **10** The freed slave. **11** וּמַשְׁלִים according to some authorities. **12** If the slave ran away from his master after he had made the nazarite vow. **13** Abstention from wine will compel him to return to his master who will force him to break his vow. **14** For health's sake, for his owner will certainly seek to bring him back.

Mishnah 2

מִשְׁנָה ב

If a nazirite cut off his hair, and it became known to him[1] that he had become unclean, if it were a known uncleanness, it renders forfeit,[2] but if it were an uncleanness from a hidden source,[3] it does not render forfeit; if[4] before he cut off his hair, then in either case[5] it renders forfeit. How so?—If one descended into a cave[6] to immerse himself,[7] and a corpse was found floating[8] at the mouth of the cave,[9] he becomes unclean; if it were found sunk[10] in the floor[11] of the cave, and he had only gone down to cool himself, he is clean, but if to cleanse himself[12] from the uncleanness because of a corpse, then he is unclean,[13] for he that was unclean is presumed to be still unclean and one who was clean is assumed to be still clean, for there is evidence in support of this matter.[14]

נָזִיר שֶׁגִּלַּח וְנוֹדַע [1]לוֹ שֶׁהוּא טָמֵא, אִם טוּמְאָה יְדוּעָה [2]סוֹתֵר, וְאִם טוּמְאַת [3]הַתְּהוֹם אֵינוֹ סוֹתֵר; אִם [4]עַד שֶׁלֹּא גִלַּח, [5]בֵּין כָּךְ וּבֵין כָּךְ סוֹתֵר. כֵּיצַד? יָרַד [7]לִטְבּוֹל [6]בִּמְעָרָה, וְנִמְצָא מֵת [8]צָף עַל פִּי [9]הַמְּעָרָה, טָמֵא; נִמְצָא [10]מְשׁוּקָע [11]בְּקַרְקַע הַמְּעָרָה יָרַד לְהָקֵר, טָהוֹר, [12]לִיטָּהֵר מִטּוּמְאַת מֵת [13]טָמֵא, שֶׁחֶזְקַת טָמֵא טָמֵא וְחֶזְקַת טָהוֹר טָהוֹר, שֶׁרְגָלִים [14]לַדָּבָר.

1 Before he brought his offerings. **2** All the days of his vow are void, and he must commence again the spell. **3** Literally *deep*. The uncleanness was then revealed or discovered. **4** If he became aware of his uncleanness. **5** In the cases of טוּמְאָה יְדוּעָה, *a known uncleanness*, and טוּמְאַת הַתְּהוֹם, *an uncleanness from a hidden source*. **6** Or *cavern*. **7** If he contracted uncleanness from any source other than a corpse, whether during the period of naziritism or before, he must immerse in the ritual bath. **8** Or if even lying partly in the water. **9** And he was uncertain whether he had touched the corpse. **10** Or מְשֻׁקָּע. **11** Literally *soil, ground*. **12** By immersion in the water of the cave, and he had completed the spell of the nazirite vow. **13** And the days observed are foregone. **14** Since he was unclean because of contact with a corpse he remains unclean.

Mishnah 3

מִשְׁנָה ג

If one find a corpse on a spot for the first time[1] lying in its ordinary manner,[2] he may remove it together with the soil about it.[3] If one found two, he may remove them and the soil about them.[4] If one found three—if there be between one and the other[5] a space of four cubits to eight cubits,[6] then this must be considered as a graveyard,[7] and he must examine the ground thence[8] and onward[9] for a space of twenty cubits; if he found a corpse[10] twenty cubits away,[11] he must search from it[8] and around[9] for a space of twenty cubits[12] for there is evidence in support of this subject,[13] even though[14] if one find it[15] on a spot for the first time,[16] he may remove it and the soil about it.[17]

הַמּוֹצֵא מֵת [1]בַּתְּחִלָּה מוּשְׁכָּב [2]כְּדַרְכּוֹ נוֹטְלוֹ וְאֶת [3]תְּבוּסָתוֹ. מָצָא שְׁנַיִם, נוֹטְלָן וְאֶת [4]תְּבוּסָתָן. מָצָא שְׁלֹשָׁה, אִם יֵשׁ בֵּין זֶה [5]לָזֶה מֵאַרְבַּע אַמּוֹת וְעַד [6]שְׁמוֹנֶה הֲרֵי זֶה [7]שְׁכוּנַת קְבָרוֹת, בּוֹדֵק [8]הֵימֶנּוּ [9]וּלְהַלָּן עֶשְׂרִים אַמָּה; מָצָא [10]אֶחָד בְּסוֹף עֶשְׂרִים [11]אַמָּה בּוֹדֵק [8]הֵימֶנּוּ [9]וּלְהַלָּן [12]עֶשְׂרִים אַמָּה [13]שֶׁרְגָלִים לַדָּבָר, [14]שֶׁאִילוּ [16]מִתְּחִלָּה [15]מְצָאוֹ נוֹטְלוֹ וְאֶת [17]תְּבוּסָתוֹ.

1 *i.e.*, if no corpse had ever before been found there. **2** See אָהֳלוֹת 16[3]. *i.e.*, dead through natural causes and not because of violence, and lying down (not sitting up as was the custom among certain heathens to place their dead). **3** תְּפוּסָתוֹ in the גְּמָרָא and *Palestinian Talmud.* To bury the corpse elsewhere. The soil about the corpse must be taken up and also some of the hard earth round about must be dug up to a depth of three *fingers* (אֶצְבַּע = 0.93 inches or 2.33 cm.—see *Tables*, זְרָעִים, INTRODUCTION—) to be buried along with the corpse. **4** תְּפוּסָתָן in the גְּמָרָא and *Jerusalem Talmud.* For burial as just mentioned. **5** From the first to the third. **6** אַמָּה = 22.1 inches or 56.1 cm. **7** Or *cemetery;* literally *a quarter* (or *neighbourhood*) *of graves.* From which a corpse must not be removed. **8** Or הֵימֶנּוּ. **9** Or וּלְהַלָּן. **10** *i.e.*, another corpse. **11** And this corpse must not be removed. **12** And if another corpse is found the process must be repeated. **13** Or *there is a reason* (or *basis*) *for the subject.* That such an area is to be accounted as a graveyard. **14** Or שֶׁאִילוּ. **15** A corpse. **16** מִתְּחִילָה in some editions. **17** As already stated at the beginning of this *Mishnah.*

Mishnah 4

מִשְׁנָה ד

Every condition of doubt[1] at the outset[2] concerning leprosy symptoms is considered clean before it

כָּל־[1]סָפֵק נְגָעִים [2]בַּתְּחִלָּה טָהוֹר עַד שֶׁלֹּא נִזְקַק לְטוּמְאָה; מִשֶּׁנִּזְקַק

לְטוּמְאָה, סְפֵיקוֹ טָמֵא. [3]בְּשִׁבְעָה דְרָכִים בּוֹדְקִין אֶת־[4]הַזָּב עַד שֶׁלֹּא נִזְקַק [5]לְזִיבָה, [6]בְּמַאֲכָל, [7]וּבְמִשְׁתֶּה, [8]בְּמַשָּׂא, [9]וּבְקַפְּיָצָה, [10]וּבְחוֹלִי, [11]וּבְמַרְאֶה, [12]וּבְהִרְהוּר. מִשֶּׁנִּזְקַק [13]לְזִיבָה אֵין בּוֹדְקִין [14]אוֹתוֹ; אוֹנְסוֹ וּסְפֵקוֹ, [15]וְשִׁכְבַת זַרְעוֹ, טְמֵאִין, שֶׁרַגְלַיִם לַדָּבָר. הַמַּכֶּה אֶת־חֲבֵירוֹ, וְאָמְדוּהוּ לְמִיתָה, וְהֵקֵל מִמַּה־שֶּׁהָיָה לְאַחַר מִכָּאן הִכְבִּיד וּמֵת, [16]חַיָּיב. רַבִּי נְחֶמְיָה אוֹמֵר, [17]פָּטוּר שֶׁרַגְלַיִם לַדָּבָר.

has been declared within the status of uncleanness; but when it has already been placed in the category of uncleanness, despite any doubt concerning it, it remains unclean. Under seven headings[3] do they examine one afflicted with an issue[4] before he has been pronounced within the status of uncleanness[5] as one suffering from an issue: regarding what he had eaten,[6] and concerning what he had drunk,[7] concerning any load,[8] and regarding jumping,[9] and concerning any illness,[10] and with regard to any scene,[11] and concerning any impure thoughts.[12] After one has been declared to be within the status as one afflicted with an issue[13] they do not examine him;[14] if one's affliction with an issue be through a mishap or is in doubt, or in the case of a discharge of seminal fluid[15]—such are deemed as unclean, since there is evidence in support of the matter. If one struck his fellow, and they considered that he would die, but he then improved and afterwards became worse and died, he[16] is guilty. R. Nehemiah says, He is exempt[17] as there is proof in support of the matter.

1 נְגָעִים 5[4]. **2** בַּתְּחִילָה in some texts. **3** זָבִים 2[2]. **4** Or *discharge, flux, gonorrhoea.* **5** זִיבָה, *gonorrhoea, prolonged menstruation.* Some texts have לְטוּמְאָה and others לְזִיבָה. Some editions have נִזְקַק לְטוּמְאָה and others merely נִזְקַק. **6** Literally *food.* Such food as may induce a discharge. **7** Literally *drink.* Referring to excess. **8** Which he may have carried. Referring to a heavy load. **9** Whether he had jumped with both feet together. **10** From which he had perhaps suffered. **11** Referring to a woman whom he might have beheld. **12** With reference to sexual intercourse. **13** לְטוּמְאָה, *with an uncleanness,* according to some. **14** Regarding the cause or source. **15** Or *semen;* followed by gonorrhoeal discharge. **16** Who had struck him is culpable and deserving of the death penalty. **17** From capital punishment. In the opinion of R. Nehemiah the improvement shows that the hurt was not the cause of death but that the cause of the death must be looked for elsewhere. But his view is rejected.

Mishnah 5

מִשְׁנָה ה

Samuel was a nazirite—according to the opinion of[1] R. Nehorai[2]—as it is said,[3] *and there shall no razor come upon his head*. It is said of Samson,[4] *and ..... razor*[5] and it is said of Samuel *and ..... razor*:[5] just as the *razor* spoken of in the case of Samson means that he was to be a nazirite so the *razor* spoken of regarding Samuel shows that he was to be a nazirite. R. Jose said, But does מוֹרָה[6] refer to one of flesh and blood?[7]—R. Nehorai replied to him, But has it not already been said,[8] *And Samuel said, How can I go? If Saul hear it he will slay me,* thus already had there come upon him the authority[9] of flesh and blood.[10]

נָזִיר הָיָה שְׁמוּאֵל, [1]כְּדִבְרֵי רַבִּי [2]נְהוֹרָאִי, [3]שֶׁנֶּאֱמַר, וּמוֹרָה לֹא יַעֲלֶה עַל רֹאשׁוֹ. נֶאֱמַר [4]בְּשִׁמְשׁוֹן, [5]וּמוֹרָה, וְנֶאֱמַר בְּשְׁמוּאֵל וּמוֹרָה; מַה מוֹרָה הָאֲמוּרָה בְּשִׁמְשׁוֹן נָזִיר אַף מוֹרָה הָאֲמוּרָה בִּשְׁמוּאֵל נָזִיר. אָמַר רַבִּי יוֹסֵי, וַהֲלֹא אֵין [6]מוֹרָה אֶלָּא [7]שֶׁל בָּשָׂר וָדָם? אָמַר לוֹ רַבִּי נְהוֹרָאִי, וַהֲלֹא כְּבָר [8]נֶאֱמַר, וַיֹּאמֶר שְׁמוּאֵל, אֵיךְ אֵלֵךְ? וְשָׁמַע שָׁאוּל וַהֲרָגַנִי, שֶׁכְּבָר הָיָה עָלָיו [9]מוֹרָה שֶׁל בָּשָׂר [10]וָדָם.

1 לְדִבְרֵי in some editions. **2** His view is accepted that if one vows, *'I shall be as Samuel,'* or, *'..... as the son of Elkanah,'* or, *'..... as he who hewed Agag in pieces'* becomes a נָזִיר עוֹלָם, *a lifelong nazarite.* **3** *Samuel I,* **1**, 11. Compare 1[2]. **4** *Judges* **13**, 5, וּמוֹרָה לֹא יַעֲלֶה עַל רֹאשׁוֹ, and the תַּרְגּוּם renders this וּמַסְפַּר לָא יֶעְבַּר עַל רֵישֵׁיהּ. **5** Or מוֹרָה in some editions. **6** מוֹרָה means (a) *overlordship, i.e.,* absence of fear from human beings, (b) *razor.* **7** בְּבָשָׂר וָדָם in some editions. **8** *Samuel I* **16**, *2.* **9** מוֹרָא, *awe, fear* according to some authorities. **10** Hence the term מוֹרָה *in Samuel I* **1**, 11 can refer only to *razor* and not to *awe, fear,* therefore intimating that he was to be a nazarite. It is absolutely inconceivable that Hannah could have intended the expression וּמוֹרָה לֹא יַעֲלֶה עַל רֹאשׁוֹ, *and there shall no razor come upon his head,* to convey the meaning given in the תַּרְגּוּם by the rendering וּמַרְעִית אֱנָשׁ לָא תְהֵי עֲלוֹהִי, *and the dominion of man shall not be upon him,* for she could not possibly have guaranteed that the child to be born would grow up to have no fear of or would not be wrongly influenced by any man's overlordship. **11** In some editions נִשְׁלְמָה מַסֶּכֶת נָזִיר, TRACTATE NAZIR CONCLUDED.

[11]סְלִיק מַסֶּכֶת נָזִיר

CONCLUSION OF TRACTATE NAZIR.

ADDENDA.

[Additional **Notes** to this *Tractate*]

1[1], **Note 8.** The רמבם says כִּלְכּוּל שֵׂעָר = גִּדּוּל שֵׂעָר, therefore הֲרֵינִי מְכַלְכֵּל = *I shall let my hair grow.* כִּלְכּוּל, *the first stage of the growth of the hair.* פֶּרֶע, *let the hair grow long.*

1[2], **Note 5.** These sentences are taken to mean that he said that he vows to be a nazirite for the traditional time (*sc.*, thirty days) though it may be easy or difficult for him or even it were as hard for him as if it lasted from now to the end of the world.

2[8], **Note 3.** The תַּנָּא קַמָּא says from the outset he meant only a child that will live; at abortion when he did not know what it was he is not liable to נְזִירוּת because he did not vow on such condition. R. Simon says he must keep נְזִירוּת in such a case but it is conditional, *i.e.*, if the נֵפֶל was viable when it involves נְזִירוּת חוֹבָה, if not it entails נְזִירוּת נְדָבָה, *but he must observe* נְזִירוּת.

2[8], **Note 8.** The case is this: R. Simon is of opinion that he must keep his naziriteship in the case of abortion, because he does not know whether the נֵפֶל was viable or not, therefore he should say, 'If the נֵפֶל was a בֵּן קַיָּמָא then I observe the נְזִירוּת as a חוֹב, if not then it will be a נְדָבָה', but in any case he must fulfil נְזִירוּת by virtue of his vow though he does not know whether the events cover the vow or not. The תַּנָּא קַמָּא says that he need not keep נְזִירוּת at all because he did not vow to have to keep נְזִירוּת when the event of birth will not be a certainty.

4[7], **Note 2.** The point actually is not the cutting of the hair but whether he can use the sacrifices that the father set for those he himself would have to get out of his own belongings. Therefore all these phrases include the understanding 'the offerings that go with the cutting of the hair.'

5[5] (The whole of *Mishnah* **5**). Maimonides gives an excellent interpretation of this as follows: —

The School of Shammai say, If one say, 'I shall be a nazirite if this person be so-and-so,' then whether that person is the person he thought him to be or not he is a nazirite like any סָפֵק הֶקְדֵּשׁ [aught concerning which there is a doubt whether it is hallowed]. *The School of Hillel say, No; only if the condition which should free him from being a nazirite*

has not been fulfilled then he is a nazirite, that is, in this case if he said, 'I am a nazirite if he be so-and-so,' and he happened to be *'so-and-so,' then he is a nazirite, because the condition which should exempt him from being a nazirite is not there. R. Tarfon on the other hand says, He never became a nazirite because he was not explicit enough when he made the vow.*

5[6], **Note** §. This can be paraphrased clearly thus:—*R. Simon says, He must be a nazirite because of his vow; he need only say, when he observed his naziriteship, 'If it be as I said, then the naziriteship I am observing is an obligation* [חוֹב], *but if not then I am observing it as a freewill-offering* [נְדָבָה].

6[1], **Note 6**. R. Akiba maintains: (1) that even if he drinks wine the quantity by which he becomes culpable is equal to the bulk of an olive, and (2) that the bread which is soaked in wine is counted in the quantity to make up the required bulk.

6[3], **Note 4**. תּוֹסְפוֹת interprets that if he vowed a nazariteship of 60 days and he lost his hair after the 30th day, since he has another 30 days to go he lost nothing; but if he lost it after the 30th day then he has to count another spell of 30 days. Rambam however says if he lost it at the (30 + x)th day, he must observe another spell of 30 days and a further period of (60 — x) days to complete the full 60 days.

6[6], **Note 5**. His argument is as follows:—*In the case of* טוּמְאָה [uncleanness, defilement] *the* טְבִילָה [ritual bath] *depends on the days. After he counted seven days, i.e., on the seventh day, he has* טְבִילָה, *therefore if he cut his hair on the eighth day he can bring his offerings on the same day because he had his* הַעֲרֵב שֶׁמֶשׁ [the awaiting of sunset at the end of the seventh day] *after the* טְבִילָה. *Not so in the case of a* מְצוֹרָע [leper] *—his* טְבִילָה *must take place after he has cut his hair, therefore if he cut his hair on the eighth day after which the* טְבִילָה *follows he must bring his offerings on the ninth day because he must first have* הַעֲרֵב שֶׁמֶשׁ *after the* טְבִילָה *on the eighth day.*

מַסֶּכֶת

סוֹטָה

TRACTATE

SOTAH

[BEING THE FIFTH TRACTATE OF THE THIRD ORDER NASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

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MS. of this Tractate revised by

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INTRODUCTION

סוֹטָה, **Sotah,** is the *fifth* מַסֶּכֶת, *Tractate* or *Treatise,* of סֵדֶר נָשִׁים, *Order Nashim,* of the מִשְׁנָה, *Mishnah.*

The term סוֹטָה, **wife suspected of adultery,** *faithless wife,* is a derivative of the Aramaic verb סְטִי or פְּטֵה (allied to שׂוּט, סוּט and שָׂטָה), *deviate from righteousness, stray from the path of duty, be maritally faithless, be suspect of marital infidelity.*

The Tractate treats of the laws concerning the wife under suspicion of marital unfaithfulness to her marriage vows and of the procedure of her trial by the Great Sanhedrin and the administration and effects of the *bitter water.* The duties and functions of the *war chaplain* are also dealt with, and the subject of the *breaking the neck of the calf* (*Deuteronomy* **21,** 1-9) are discussed. Various matters relating to the liturgy, degrees of holiness and piety, and the sombre portents preceding the advent of the Messianic period are among other matters also treated.

The ordinance whose procedure is set out in the *Pentateuch* is the only explicit example of *trial by ordeal,* and its institution was intended to uphold marital faithfulness but also to protect the guiltless wife from unjustified and irrational enmity and jealousy.

Jochanan ben Zaccai, soon after the Destruction of the (Second) Temple, abolished this method, and the quiet and ready remedy of divorce alone was then had recourse to for separating the proved adulteress from her husband. The fact that a similar *trial by ordeal* was not formulated against the faithless husband may perhaps be explained by the fact that the *Law* did not prohibit polygamy and thus it would be hardly possible to lay such a charge against the male of committing such offence with a woman not his licit wife.

This *Tractate* is based on *Numbers* **5,** 11-31:

וַיְדַבֵּר ה׳ אֶל־מֹשֶׁה לֵּאמֹר

And the Eternal spake unto Moses saying:

(11) דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵיהֶם אִישׁ אִישׁ כִּי תִשָּׂטֶה אִשְׁתּוֹ וּמָעֲלָה בוֹ מָעַל

Speak unto the children of Israel, and say unto them, If any man's wife go aside, and act unfaithfully against him,

(12) וְשָׁכַב אִישׁ אֹתָהּ שִׁכְבַת זָרַע וְנֶעְלַם מֵעֵינֵי אִישָׁהּ וְנִסְתְּרָה וְהִיא נִטְמָאָה וְעֵד אַיִן בָּהּ
(13) וְהִוא לֹא נִתְפָּשָׂה

And a man lie with her carnally, and it be concealed from the eyes of her husband and she was aside secretly and she being defiled, and there be no witness against her, neither she be caught in the act;

(14) וְעָבַר עָלָיו רוּחַ קִנְאָה וְקִנֵּא אֶת־אִשְׁתּוֹ וְהִוא נִטְמָאָה אוֹ עָבַר עָלָיו רוּחַ קִנְאָה וְקִנֵּא אֶת־אִשְׁתּוֹ וְהִיא לֹא נִטְמָאָה

And the spirit of jealousy come upon him, and he be jealous of his wife, and she be defiled; or if the spirit of jealousy come upon him, and he be jealous of his wife, and she be not defiled;

(15) וְהֵבִיא הָאִישׁ אֶת־אִשְׁתּוֹ אֶל־הַכֹּהֵן וְהֵבִיא אֶת־קָרְבָּנָהּ עָלֶיהָ עֲשִׂירִת הָאֵיפָה קֶמַח שְׂעֹרִים לֹא יִצֹּק עָלָיו שֶׁמֶן וְלֹא יִתֵּן עָלָיו לְבֹנָה כִּי מִנְחַת קְנָאוֹת הוּא מִנְחַת זִכָּרוֹן מַזְכֶּרֶת עָוֹן

Then shall the man bring his wife unto the priest, and he shall bring her offering for her, the tenth part of an ephah of barley meal; he shall pour no oil thereon, nor put frankincense upon it; for it is a meal-offering of jealousy, a meal-offering* of memorial, bringing iniquity to remembrance.

(16) וְהִקְרִיב אֹתָהּ הַכֹּהֵן וְהֶעֱמִדָהּ לִפְנֵי ה׳

And the priest shall bring her near, and set her before the Eternal.

(17) וְלָקַח הַכֹּהֵן מַיִם קְדֹשִׁים בִּכְלִי חָרֶשׂ וּמִן־הֶעָפָר אֲשֶׁר יִהְיֶה בְּקַרְקַע הַמִּשְׁכָּן יִקַּח הַכֹּהֵן וְנָתַן אֶל־הַמָּיִם

And the priest shall take holy water in an earthen vessel; and of the dust that is on the floor of the tabernacle shall the priest take, and put it into the water.

(18) וְהֶעֱמִיד הַכֹּהֵן אֶת־הָאִשָּׁה לִפְנֵי ה׳ וּפָרַע אֶת־רֹאשׁ הָאִשָּׁה וְנָתַן עַל כַּפֶּיהָ אֵת מִנְחַת הַזִּכָּרוֹן מִנְחַת קְנָאֹת הִוא וּבְיַד הַכֹּהֵן יִהְיוּ מֵי הַמָּרִים הַמְאָרְרִים

And the priest shall set the woman before the Eternal, and let the hair of the woman's head be dishevelled, and put the meal-offering of memorial in her hands, the meal-offering* of jealousy; and the priest shall have in his hand the water of bitterness that induceth the curse.

(19) וְהִשְׁבִּיעַ אֹתָהּ הַכֹּהֵן וְאָמַר אֶל־הָאִשָּׁה אִם לֹא שָׁכַב אִישׁ אֹתָךְ וְאִם לֹא שָׂטִית טֻמְאָה תַּחַת אִישֵׁךְ הִנָּקִי מִמֵּי הַמָּרִים הַמְאָרְרִים הָאֵלֶּה

And the priest shall adjure her and shall say unto the woman, If no man have lain with thee, and if thou hast not gone aside to uncleanness, instead of to thy husband, be thou free from this water of bitterness that causeth the curse;

(20) וְאַתְּ כִּי שָׂטִית תַּחַת אִישֵׁךְ וְכִי נִטְמֵאת וַיִּתֵּן אִישׁ בָּךְ אֶת־שְׁכָבְתּוֹ מִבַּלְעֲדֵי אִישֵׁךְ

But if thou hast gone aside, instead of to thy husband, and if thou be defiled, and some man have lain with thee besides thy husband,

(21) וְהִשְׁבִּיעַ הַכֹּהֵן אֶת־הָאִשָּׁה בִּשְׁבֻעַת הָאָלָה וְאָמַר הַכֹּהֵן לָאִשָּׁה יִתֵּן ה׳ אוֹתְךְ לְאָלָה וְלִשְׁבֻעָה בְּתוֹךְ עַמֵּךְ בְּתֵת ה׳ אֶת־יְרֵכֵךְ נֹפֶלֶת וְאֶת־בִּטְנֵךְ צָבָה

Then the priest shall cause the woman to swear with the oath of execration, and the priest shall say unto the woman, the Eternal make thee a curse and an oath among thy people, when the Eternal doth make thy thigh to fall away and thy belly to swell;

(22) וּבָאוּ הַמַּיִם הַמְּאָרְרִים הָאֵלֶּה בְּמֵעַיִךְ לִצְבוֹת בֶּטֶן וְלַנְפִּל יָרֵךְ וְאָמְרָה הָאִשָּׁה אָמֵן אָמֵן

And this water that induceth the curse shall go into thy bowels to make thy belly to swell, and thy thigh to waste away; and the woman shall say, Amen, Amen.

(23) וְכָתַב אֶת־הָאָלֹת הָאֵלֶּה הַכֹּהֵן בַּסֵּפֶר וּמָחָה אֶל־מֵי הַמָּרִים

And the priest shall write these anathemas in a scroll, and he shall blot them out into the water of bitterness.

(24) וְהִשְׁקָה אֶת־הָאִשָּׁה אֶת־מֵי הַמָּרִים הַמְּאָרְרִים וּבָאוּ בָהּ הַמַּיִם הַמְּאָרְרִים לְמָרִים

And he shall make the woman drink the water of bitterness that causeth the curse; and the water that causeth the curse shall enter into her to become bitter.

(25) וְלָקַח הַכֹּהֵן מִיַּד הָאִשָּׁה אֵת מִנְחַת הַקְּנָאֹת וְהֵנִיף אֶת־הַמִּנְחָה לִפְנֵי ה׳ וְהִקְרִיב אֹתָהּ אֶל הַמִּזְבֵּחַ

And the priest shall take the meal-offering of jealousy out of the hand of the woman, and shall wave the meal-offering* before the Eternal, and bring it unto the altar.

(26) וְקָמַץ הַכֹּהֵן מִן־הַמִּנְחָה אֶת־אַזְכָּרָתָהּ וְהִקְטִיר הַמִּזְבֵּחָה וְאַחַר יַשְׁקֶה אֶת־הָאִשָּׁה אֶת־הַמָּיִם

And the priest shall take a handful of the meal-offering,* as the memorial-part thereof, and make it ascend in smoke upon the altar, and afterwards shall cause the woman to drink the water.

(27) וְהִשְׁקָהּ אֶת־הַמַּיִם וְהָיְתָה אִם נִטְמְאָה וַתִּמְעֹל מַעַל בְּאִישָׁהּ וּבָאוּ בָהּ הַמַּיִם הַמְּאָרְרִים לְמָרִים וְצָבְתָה בִטְנָהּ וְנָפְלָה יְרֵכָהּ וְהָיְתָה הָאִשָּׁה לְאָלָה בְּקֶרֶב עַמָּהּ

And when he hath caused her to drink the water then it shall come to pass, if she be defiled, and have acted unfaithfully against her husband, that the water that causeth the curse shall enter into her and be bitter, and her belly shall swell, and her thigh shall fall away; and the woman shall be an execration among her people.

(28) וְאִם לֹא נִטְמְאָה הָאִשָּׁה וּטְהֹרָה הִוא וְנִקְּתָה וְנִזְרְעָה זָרַע

And if the woman be not defiled, but be clean; then she shall be acquitted, and shall conceive seed.

(29) זֹאת תּוֹרַת הַקְּנָאֹת אֲשֶׁר תִּשְׂטֶה אִשָּׁה תַּחַת אִישָׁהּ וְנִטְמֵאָה

This is the law of jealousy, when a wife goeth aside instead of to her husband, and is defiled;

(30) אוֹ אִישׁ אֲשֶׁר תַּעֲבֹר עָלָיו רוּחַ קִנְאָה וְקִנֵּא אֶת־אִשְׁתּוֹ וְהֶעֱמִיד אֶת־הָאִשָּׁה לִפְנֵי ה׳ וְעָשָׂה לָהּ הַכֹּהֵן אֵת כָּל־הַתּוֹרָה הַזֹּאת

Or when the spirit of jealousy cometh upon a man, and he be jealous over his wife; then shall he present the woman before the Eternal, and the priest shall execute upon her all this law.

(31) וְנִקָּה הָאִישׁ מֵעָוֹן וְהָאִשָּׁה הַהִוא תִּשָּׂא אֶת־עֲוֹנָהּ

And the man shall be guiltless from iniquity, and that woman shall bear her iniquity.

* Or *oblation.*

This *Tractate* has גְּמָרָא to it in both the תַּלְמוּד בַּבְלִי, *Babylonian Talmud,* and the תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud.*

It contains nine Chapters whose titles are:

CHAPTER 1	הַמְּקַנֵּא	א	פֶּרֶק
CHAPTER 2	הָיָה מֵבִיא	ב	פֶּרֶק
CHAPTER 3	הָיָה נוֹטֵל	ג	פֶּרֶק
CHAPTER 4	אֲרוּסָה	ד	פֶּרֶק
CHAPTER 5	כְּשֵׁם שֶׁהַמַּיִם	ה	פֶּרֶק
CHAPTER 6	מִי שֶׁקִּנֵּא	ו	פֶּרֶק
CHAPTER 7	אֵלּוּ נֶאֱמָרִין	ז	פֶּרֶק
CHAPTER 8	מִשּׁוּם מִלְחָמָה	ח	פֶּרֶק
CHAPTER 9	עֶגְלָה עֲרוּפָה	ט	פֶּרֶק

The following is a brief summary of the contents of the nine Chapters. 1. Husband's manner of warning his wife; consequences of her disregard; how she is brought before the Sanhedrin, how exhorted to confess, how admonished. 2. Preparing the offering and bitter water.

3. Bringing the offering; when she may refuse to drink the bitter water. 4. Women who are not given the bitter water. 5. Effects of the bitter water. 6. What testimony excludes drinking the bitter water; what testification deprives her of her כְּתוּבָּה. 7. Praying in Hebrew and in foreign tongues; *chalitzah* and the woman's recital of the formulas. 8. Priest's address to army before battle; exemption from military service and from war. 9. The 'breaking of the heifer's neck'; abolition of this custom and of drinking of the bitter water; the discontinuation of certain customs and virtues; gloomy portents and omens of the Messianic period; different degrees of holiness and piety.

מַסֶּכֶת

סוֹטָה

TRACTATE

SOTAH

CHAPTER 1

פֶּרֶק א

Mishnah 1

מִשְׁנָה א

[1]הַמְּקַנֵּא לְאִשְׁתּוֹ, רַבִּי [2]אֱלִיעֶזֶר אוֹמֵר, מְקַנֵּא לָהּ עַל פִּי שְׁנַיִם, [3]וּמַשְׁקֶה עַל פִּי עֵד אֶחָד אוֹ עַל פִּי עַצְמוֹ. רַבִּי [4]יְהוֹשֻׁעַ אוֹמֵר, מְקַנֵּא לָהּ עַל פִּי שְׁנַיִם וּמַשְׁקֶה [5]לָהּ עַל פִּי שְׁנַיִם.

When a husband gives expression to his jealousy or suspicion of his wife's fidelity by warning her of unbecoming conduct,[1] R. Eliezer[2] says, He must [to be of legal force] so warn her before two witnesses, and he must [before marital relations between them be permitted] cause her to drink[3] even on the evidence of one witness or on his own evidence [that she disregarded his warning]. R. Joshua[4] says, He must so warn her before two witnesses and make her[5] drink on the testimony of two witnesses [that she disregarded his warning].

1 The term קִנֵּא in the *Tractate* has the following meanings: (a) *suspect one's wife of adulterous conduct;* (b) *accuse one's wife of adultery;* (c) *warn one's wife against acting as an adulteress;* (d) *take proceedings against one's wife for adultery.** **2** His view is rejected. **3** The מֵי הַמָּרִים, *water of bitterness,* or מַיִם הַמְּאָרְרִים, *the water that causeth the curse.* **4** His opinion is accepted. **5** In some editions לָהּ, *(to) her,* is omitted. * See ADDENDA at the end of this *Tractate.*

Mishnah 2

מִשְׁנָה ב

כֵּיצַד מְקַנֵּא לָהּ? אָמַר לָהּ בִּפְנֵי שְׁנַיִם, אַל תְּדַבְּרִי עִם אִישׁ פְּלוֹנִי, וְדִבְּרָה עִמּוֹ, [1]עֲדַיִן הִיא [2]מוּתֶּרֶת [3]לְבַעְלָהּ [4]וּמוּתֶּרֶת לֶאֱכֹל [6]בִּתְרוּמָה. [3]

How must he warn her?—If he said to her before two witnesses, 'Do not speak with so-and-so,' and she did speak with him, she is still[1] permitted[2] to her husband[3] and is allowed[4] to eat of *priest's-due.*[6] If

נִכְנְסָה עִמּוֹ לְבֵית [6]הַסֵּתֶר וְשָׁהֲתָה עִמּוֹ כְּדֵי [7]טוּמְאָה, אֲסוּרָה לְבֵיתָהּ וַאֲסוּרָה לֶאֱכֹל [8]בִּתְרוּמָה וְאִם [9]מֵת, [9]חוֹלֶצֶת וְלֹא [10]מִתְיַבֶּמֶת.

she entered with him into a secret[6] place and delayed with him long enough to become defiled,[7] she is prohibited to her husband and she is forbidden to eat of *priest's-due.** And if he died,[8] she must grant *chalitzah*[9] and may not contract *levirate marriage.*[10]

1 Or עֲדָיִן. **2** Or מְתֻּרֶת. **3** For marital relationship. **4** Or וּמְתֻּרֶת. **5** Or *heave-offering;* see *Appendix,* **Note 1**. If her husband is a כֹּהֵן, priest; *Leviticus* **22**, 11. **6** Or *closeted.* **7** Through copulation. **8** If her husband died childless before he brought her to justice to make her drink. **9** Or *leviratic separation.* **10** See יְבָמוֹת, INTRODUCTION. * See ADDENDA at the end of this *Tractate.*

Mishnah 3

מִשְׁנָה ג

[1]וְאֵלּוּ אֲסוּרוֹת מִלֶּאֱכוֹל [2]בִּתְרוּמָה, הָאוֹמֶרֶת טְמֵאָה אֲנִי לָךְ, וְשֶׁבָּאוּ [3]עֵדִים שֶׁהִיא טְמֵאָה, וְהָאוֹמֶרֶת, אֵינִי שׁוֹתָה, וְשֶׁבַּעֲלָהּ אֵינוֹ רוֹצֶה לְהַשְׁקוֹתָהּ, וְשֶׁבַּעֲלָהּ בָּא עָלֶיהָ בַּדֶּרֶךְ. [4]כֵּיצַד עוֹשֶׂה לָהּ? מוֹלִיכָהּ לְבֵית דִּין שֶׁבְּאוֹתוֹ [5]מָקוֹם וּמוֹסְרִין לוֹ שְׁנֵי [6]תַּלְמִידֵי חֲכָמִים שֶׁמָּא יָבֹא עָלֶיהָ בַּדֶּרֶךְ. רַבִּי [7]יְהוּדָה אוֹמֵר, בַּעֲלָהּ [8]נֶאֱמָן עָלֶיהָ.

And these[1] are forbidden to eat of *priest's-due*[2]: she who says, 'I am unclean to thee'; and one who, witnesses[3] reported, was unclean; and she who says, 'I will not drink!' and she whose husband does not wish to make her drink, and one whose husband had sexual intercourse with her on the way.[4] How must he act towards her?—He takes her to the Court that is in that locality[5] and they give him as escort two disciples[6] lest he have sexual connection with her while on the road. R. Judah[7] says, Her husband should be trusted[8] regarding her.

1 Whose husbands are כֹּהֲנִים, priests. **2** For all time, even if she is the daughter of a כֹּהֵן. Compare נְדָרִים 11[12]; כְּתוּבוֹת 2[9]. **3** Even if they gave evidence after she had drunk the מַיִם הַמְּאָרְרִים and had not suffered from it. **4** To Jerusalem. **5** Where they lived. **6** Literally *two disciples of the Sages.* To prevent him copulating with her. מַכּוֹת 2[5]. **7** His view is rejected. **8** Not to cohabit with her.

Mishnah 4

מִשְׁנָה ד

They brought[1] her up to the Great Court[2] that was in Jerusalem, and they used to admonish[3] her in the manner that they used to admonish witnesses in capital cases,[4] and they used to say to her, 'My daughter, much wine causes,[5] much levity causes, much childishness causes, much evil neighbours cause, do thou[6] for the sake of his Great Name, that is written in holiness,[7] that it be not obliterated through the water.' And they relate before her matters[8] which neither she nor the family of her father's house[9] is deserving[10] to hear.

[1]הָיוּ מַעֲלִין אוֹתָהּ [2]לְבֵית דִּין הַגָּדוֹל שֶׁבִּירוּשָׁלַיִם, [3]וּמְאַיְּמִין עָלֶיהָ כְּדֶרֶךְ שֶׁמְּאַיְּמִין עַל עֵדֵי [4]נְפָשׁוֹת, וְאוֹמְרִים לָהּ, בִּתִּי, הַרְבֵּה יַיִן [5]עוֹשֶׂה, הַרְבֵּה שְׂחוֹק עוֹשֶׂה, הַרְבֵּה יַלְדוּת עוֹשָׂה, הַרְבֵּה שְׁכֵנִים הָרָעִים עוֹשִׂים, [6]עֲשִׂי לִשְׁמוֹ הַגָּדוֹל, שֶׁנִּכְתָּב [7]בִּקְדֻשָּׁה, שֶׁלֹּא יִמָּחֶה עַל הַמַּיִם. וְאוֹמְרִים לְפָנֶיהָ [8]דְּבָרִים שֶׁאֵינָהּ [10]כְּדַאי לְשׁוֹמְעָן הִיא וְכָל מִשְׁפַּחַת [9]בֵּית אָבִיהָ.

1 Literally *used to bring.* **2** Of seventy-one members. סַנְהֶדְרִין 11[2]. **3** To make confession so as to avoid having to drink of the מֵי הַמָּרִים or מַיִם הַמְּאָרְרִים.* **4** סַנְהֶדְרִין 4[5]. **5** *i.e., causes sin.* **6** *i.e., 'do thou confess.'** **7** *Numbers* **5**, 23. **8** Incidents similar to her case which many righteous men had confessed to, such as those of Judah and Tamar (*Genesis* **38**, 26) and Reuben and Bilhah (*Genesis* **35**, 22). **9** If they were present, for they were probably no better than she was.* **10** כְּדַאי in some texts. * See ADDENDA at the end of this *Tractate.*

Mishnah 5

מִשְׁנָה ה

If she said, 'I am defiled,' then she forfeits[1] her *marriage contract*[2] and goes forth.[3] But if she said, 'I am clean,' they take her up[4] to the Eastern Gate[5] that is opposite the entrance of the Nicanor[5,6] Gate where they used to give the wives suspected of adultery to drink and used to purify the women after childbirth[7] and used to cleanse the lepers.[8] And a priest takes hold of her garments[9]—if they be torn they be torn, if they be rent to tatters

אִם אָמְרָה, טְמֵאָה אֲנִי, [1]שׁוֹבֶרֶת [2]כְּתוּבָּתָהּ [3]וְיוֹצֵאת. וְאִם אָמְרָה, טְהוֹרָה אֲנִי, [4]מַעֲלִין אוֹתָהּ [5]לְשַׁעַר הַמִּזְרָח שֶׁעַל פֶּתַח שַׁעַר [6,5]נִקָּנוֹר שֶׁשָּׁם מַשְׁקִין אֶת־הַסּוֹטוֹת וּמְטַהֲרִין אֶת־[7]הַיּוֹלְדוֹת וּמְטַהֲרִין אֶת־[8]הַמְּצוֹרָעִים. וְכֹהֵן אוֹחֵז [9]בִּבְגָדֶיהָ, אִם נִקְרְעוּ נִקְרָעוּ, אִם נִפְרְמוּ נִפְרְמוּ, עַד שֶׁהוּא מְעַלֶּה אֶת־לִבָּהּ,

וְסוֹתֵר אֶת־שְׂעָרָהּ. רַבִּי [10]יְהוּדָה אוֹמֵר, אִם הָיָה לִבָּהּ נָאֶה לֹא הָיָה מְגַלֶּהוּ; אִם הָיָה שְׂעָרָהּ נָאֶה לֹא הָיָה סוֹתְרוֹ.

they be rent to tatters—so that he bares her bosom, and he loosens her hair. R. Judah[10] says, If her bosom were beautiful he did not uncover it; if her hair were comely he did not dishevel it.[11]

1 Literally *gives a receipt for payment of.* Where no כְּתוּבָּה exists she puts in writing the statement זָנִיתִי וְאִבַּדְתִּי כְּתוּבָּתִי, *'I have been unfaithful and I have forgone my marriage contract.'* If there is a written כְּתֻבָּה all that is necessary is to destroy it by tearing it up. **2** See כְּתוּבּוֹת, INTRODUCTION. **3** *i.e.,* is separated from her husband by divorce. **4** To tire her out and so induce her to confess. **5** מִדּוֹת 1[3], 2[3]; יוֹמָא 3[10]; שְׁקָלִים 6[3]. The Eastern Gate was the outer gate opening on to the Temple Mount towards the Nicanor Gate between the Court of Israel and the Women's Court. **6** Or ניקָנוֹר. **7** *Leviticus* **12**, 1 ff. **8** *Leviticus* **14**, 11. **9** From the neck, pulling it roughly downwards without any regard. **10** His opinion is rejected. **11** Lest, if she is proved blameless, the younger priests should lust for her.

Mishnah 6

מִשְׁנָה ו

הָיְתָה מִתְכַּסָּה בִּלְבָנִים [1]מְכַסָּה בִּשְׁחוֹרִים. הָיוּ עָלֶיהָ כְּלֵי זָהָב [2]וְקַטְלִיאוֹת, [3]נְזָמִים וְטַבָּעוֹת, מַעֲבִירִים מִמֶּנָּה כְּדֵי לְנַוְּלָהּ; וְאַחַר כָּךְ מֵבִיא [4]חֶבֶל מִצְרִי וְקוֹשְׁרוֹ לְמַעְלָה [5]מִדַּדֶּיהָ. וְכָל הָרוֹצֶה לִרְאוֹת בָּא לִרְאוֹת, חוּץ מֵעֲבָדֶיהָ וְשִׁפְחוֹתֶיהָ, מִפְּנֵי שֶׁלְּבָהּ גַּס [6]בָּהֶן. וְכָל [7]הַנָּשִׁים [8]מוּתָּרוֹת לִרְאוֹתָהּ, [9]שֶׁנֶּאֱמַר, וְנִוַּסְּרוּ כָּל־הַנָּשִׁים וְלֹא תַעֲשֶׂינָה כְּזִמָּתְכֶנָה.

If she were clothed in white garments she is dressed in black.[1] If she had upon her ornaments of gold necklaces,[2] earrings[3] and finger-rings, they take them from her in order to disgrace her; and after that he brings a common rope[4] and ties it above her breasts.[5] And everyone who wishes to behold comes to behold, save her bondmen and her bondwomen, because she is familiar towards them.[6] And all women[7] are permitted[8] to behold her, as it is said,[9] *And that all women may be taught not to do after your lewdness.*

1 Literally *he covered her in black garments.* If black clothes made her look comely she must be clothed in ugly garments. **2** Or *chains.* **3** Or *nose-rings.* **4** Literally *Egyptian rope,* made of rushes or palm-leaves, etc., used as a badge of shame worn by the suspected adulteress wife. **5** To prevent the garments slipping down. **6** And their presence would arouse her contempt and resentment and would have a restraining influence to prevent her

confessing.* Compare גִּיטִּין 7[4], 8[9]; אָבוֹת 4[7]. **7** This is really obligatory upon women, whereas it is only voluntary from men. **8** Or מְקָרוֹת. **9** יְחֻזְקֵל **23**, 48. * See ADDENDA at the end of this *Tractate*.

Mishnah 7

מִשְׁנָה ז

[6]בַּמִּדָּה שֶׁאָדָם מוֹדֵד בָּהּ מוֹדְדִין
לוֹ, הִיא קִשְּׁטָה אֶת־עַצְמָהּ
לַעֲבֵירָה, הַמָּקוֹם †[1]נִוְּלָהּ; הִיא
[2]גִּלְּתָה אֶת־עַצְמָהּ לַעֲבֵירָה,
הַמָּקוֹם [3]גִּלָּה עָלֶיהָ; בַּיָּרֵךְ הִתְחִילָה
[4]בַּעֲבֵירָה תְּחִלָּה, וְאַחַר כַּךְ הַבֶּטֶן,
לְפִיכָךְ ‡ תִּלָּקֶה הַיָּרֵךְ תְּחִלָּה וְאַחַר
כַּךְ הַבֶּטֶן; וּשְׁאָר כָּל־הַגּוּף לֹא
[5]פָּלַט.

With the kind of measure* that a man measures they shall mete to him: she adorned herself for transgression, the Almighty reduced her to shame;[1]† she exposed herself[2] for transgression, the Almighty laid her bare;[3] with her thigh did she first begin transgression,[4] and then with the belly, therefore shall the thigh be stricken‡ first and afterward the belly; and the rest of all the body shall not escape.[5] ‡Or תִּלָּקֶה [Niphal] †נִיְּלָהּ in some texts.

1 Compare 1[6] above. The כֹּהֵן, priest, uncovers her bosom and loosens her hair and tears her garment.§ **2** To entice and excite the paramour to commit adultery.§ **3** The priest stands her at the Nicanor Gate to be exposed to public contempt. **4** The means she adopts to entice by degrees. **5**§ *i.e.*, every part of the body shall subsequently suffer punishment, though not expressly mentioned in the Scripture. * 'With the very measure' is possibly a better rendering. § See ADDENDA at the end of this *Tractate*.

Mishnah 8

מִשְׁנָה ח

[1]שִׁמְשׁוֹן הָלַךְ אַחַר [2]עֵינָיו, לְפִיכָךְ
[3]נִקְּרוּ פְלִשְׁתִּים אֶת־עֵינָיו, [4]שֶׁנֶּאֱמַר,
וַיֹּאחֲזוּהוּ פְלִשְׁתִּים וַיְנַקְּרוּ אֶת־עֵינָיו.
אַבְשָׁלוֹם נִתְגָּאָה [5]בִּשְׂעָרוֹ, לְפִיכָךְ
נִתְלָה בִשְׂעָרוֹ; וּלְפִי שֶׁבָּא עַל עֶשֶׂר
[6]פִּילַגְשֵׁי אָבִיו, לְפִיכָךְ נָתְנוּ בוֹ עֶשֶׂר
[7]לוֹנְבִיּוֹת, [8]שֶׁנֶּאֱמַר, וַיָּסוּבּוּ עֲשָׂרָה
[9]אֲנָשִׁים נוֹשְׂאֵי כְלִי יוֹאָב [10]וַיַּכּוּ
אֶת־אַבְשָׁלוֹם וַיְמִיתוּהוּ; וּלְפִי
שֶׁגָּנַב שָׁלֹשׁ [11]לְבָבוֹת, לֵב [12]אָבִיו

Samson[1] went after his eyes,[2] therefor the Philistines gouged out[3] his eyes, as it is said,[4] *And the Philistines laid hold on him, and put out his eyes.* Absalom gloried in his hair,[5] hence he was suspended by his hair; and because he copulated with the ten concubines[6] of his father, therefore they thrust ten javelins[7] into him, as it is said,[8] *And ten young men*[9] *that bore Joab's armour compassed about* [*and smote Absalom and slew him*];[10] and since he stole three

וְלֵב בֵּית דִּין וְלֵב יִשְׂרָאֵל ([13]שֶׁנֶּאֱמַר, [14]וַיִּגְנֹב אַבְשָׁלוֹם אֶת־לֵב אַנְשֵׁי יִשְׂרָאֵל), לְפִיכָךְ נִתְקְעוּ בוֹ שְׁלֹשָׁה שְׁבָטִים, [15]שֶׁנֶּאֱמַר, וַיִּקַּח שְׁלֹשָׁה שְׁבָטִים בְּכַפּוֹ וַיִּתְקָעֵם בְּלֵב אַבְשָׁלוֹם.

hearts[11]—the heart of his father[12] and the heart of the Court and the heart of Israel, (as it is said,[13] *and so Absalom stole the hearts of the men of Israel,*[14]) therefore three darts were thrust into him, as it is said,[15] *And he took three darts in his hand, and thrust them through the heart of Absalom.*

1 Here are some Scriptural illustrations of the introductory remark made in the preceding *Mishnah.* **2** *i.e.,* the desire of his eyes (in pursuit of the Philistine women). **3** נָקְרוּ [*Kal*] or נִקְרוּ [*Piel*]. **4** *Judges* **16**, 21. **5** *Samuel II,* **14**, 26. **6** *Samuel II,* **18**, 9. פְּלִגְשֵׁי in some editions. **7** More correctly לוֹנְכִיאוֹת, לוֹנְכִיּוֹת. Or *lances, darts, spears.* **8** *Samuel II,* **18**, 15. **9** The Scriptural reading is נְעָרִים נֹשְׂאֵי and not אֲנָשִׁים נוֹשְׂאֵי. **10** The part bracketed is omitted in some texts. The correct Scriptural reading is וַיְמִתֻהוּ. **11** *viz.,* he deceived his father, etc. **12** Absalom obtained written authority from David to choose two notable followers and he used the authorization to gather around him hundreds of distinguished adherents. **13** *Samuel II,* **15**, 16. **14** This passage in parentheses is omitted in some editions. **15** *Samuel II,* **18**, 14.

Mishnah 9 — מִשְׁנָה ט

וְכֵן לְעִנְיַן הַטּוֹבָה. מִרְיָם הִמְתִּינָה לְמֹשֶׁה שָׁעָה אַחַת, [2]שֶׁנֶּאֱמַר, וַתֵּתַצַּב [3]אֲחוֹתוֹ מֵרָחוֹק, לְפִיכָךְ נִתְעַכְּבוּ לָהּ יִשְׂרָאֵל שִׁבְעָה יָמִים בַּמִּדְבָּר, [4]שֶׁנֶּאֱמַר, וְהָעָם לֹא נָסַע עַד־הֵאָסֵף מִרְיָם. יוֹסֵף זָכָה לִקְבּוֹר אֶת־אָבִיו, וְאֵין בְּאֶחָיו גָּדוֹל [5]מִמֶּנּוּ, [5,6]שֶׁנֶּאֱמַר, [6]וַיַּעַל יוֹסֵף לִקְבּוֹר אֶת־אָבִיו, [7]וַיַּעַל עִמּוֹ גַּם־רֶכֶב גַּם־פָּרָשִׁים. מִי לָנוּ גָּדוֹל מִיּוֹסֵף, שֶׁלֹּא נִתְעַסֵּק בּוֹ אֶלָּא מֹשֶׁה, מֹשֶׁה [8]זָכָה בְּעַצְמוֹת יוֹסֵף וְאֵין

And thus also in the matter of a good deed.[1] Miriam tarried patiently over Moses one hour, as it is said,[2] *And his sister*[3] *stood afar off,* therefore Israel were detained for her seven days in the wilderness, as it is said,[4] *And the people journeyed not until Miriam was brought back.* Joseph was privileged to bury his father, and none of his brothers was greater than he,[5] as it is said,[5,6] *And Joseph went up to bury his father,*[5] *And there went up with him both chariots and horsemen.*[7] Whom have we greater than Joseph, since none but Moses occupied himself with him: Moses was privileged[8] with

בְּיִשְׂרָאֵל גָּדוֹל מִמֶּנּוּ, [9]שֶׁנֶּאֱמַר, וַיִּקַּח מֹשֶׁה אֶת־עַצְמוֹת יוֹסֵף עִמּוֹ. מִי גָדוֹל מִמֹּשֶׁה, שֶׁלֹּא נִתְעַסֵּק [10]בּוֹ אֶלָּא הַמָּקוֹם, [11]שֶׁנֶּאֱמַר, וַיִּקְבּוֹר [12]אוֹתוֹ בַּגַּיְא. וְלֹא עַל מֹשֶׁה בִּלְבַד אָמְרוּ אֶלָּא עַל כָּל־הַצַּדִּיקִים, שֶׁנֶּאֱמַר, [13]וְהָלַךְ לְפָנֶיךָ צִדְקֶךָ כְּבוֹד ה׳ יַאַסְפֶךָ.

the bones of Joseph and there is no one in Israel greater than he, as it is said,[9] *And Moses took the bones of Joseph with him.* Who is greater than Moses, seeing that none save the Almighty occupied himself with him,[10] as it is said,[11] *And he buried him in the valley.*[12] And not only of Moses have they spoken in this wise but also of all the righteous, as it is said, *And*[13] *thy righteousness shall go before thee, the glory of the Eternal shall gather thee.*

1 Here, too, are instances from the Scripture illustrating how God metes out מִדָּה כְּנֶגֶד מִדָּה, but whereas in the two previous *Mishnahs* the instances cited were in illustration of punishments for evil doing the examples quoted in this *Mishnah* are in illustration of rewards for good deeds. **2** *Exodus* **2**, 4. **3** The Scriptural reading is אֲחֹתוֹ. **4** *Numbers* **12**, 15. **5** For he was as a *viceroy* or *premier*. **6** *Genesis* **50**, 7. Some editions add וגו׳ *etc.*, after אָבִיו. **7** *Genesis* **50**, 9. **8** To take away. **9** *Exodus* **13**, 19. **10** He disposed of the body. **11** *Deuteronomy* **34**, 6. **12** The Scriptural reading is אֹתוֹ בְּגַי. **13** *Isaiah* **58**, 8.

CHAPTER 2 — פֶּרֶק ב

Mishnah 1 — מִשְׁנָה א

[1]הָיָה מֵבִיא אֶת־מִנְחָתָהּ בְּתוֹךְ [2]כְּפִיפָה מִצְרִית וְנוֹתְנָהּ עַל יָדֶיהָ כְּדֵי [3]לְיַגְּעָהּ. [4]כָּל־הַמִּנְחוֹת, [5]תְּחִלָּתָן [6]וְסוֹפָן, [7]בִּכְלֵי שָׁרֵת, וְזוּ [8]תְּחִלָּתָהּ בִּכְפִיפָה מִצְרִית וְסוֹפָהּ בִּכְלֵי שָׁרֵת.. כָּל־הַמִּנְחוֹת טְעוּנוֹת שֶׁמֶן [9]וּלְבוֹנָה, וְזוּ אֵינָהּ טְעוּנָה לֹא שֶׁמֶן וְלֹא לְבוֹנָה. כָּל־הַמִּנְחוֹת [10]בָּאוֹת מִן־הַחִטִּין, וְזוּ [11]בָּאָה מִן־

He[1] brought her *meal-offering* in a palm-leaves basket[2] and placed it upon her hands in order to tire her.[3] All[4] *meal-offerings*, from beginning[5] to end,[6] were in utensils of ministry,[7] but in this case at the outset[8] it was in a palm-leaves basket and at the conclusion in vessels of ministry. All other *meal-offerings* required oil and frankincense,[9] but this one required neither oil nor frankincense. All other *meal-offerings* were of[10] wheat, but this

[11]הַשְּׂעוֹרִים. מִנְחַת [13]הָעוֹמֶר, אַף עַל פִּי שֶׁבָּאָה מִן־[12]הַשְּׂעוֹרִים, הִיא הָיְתָה בָּאָה גֶּרֶשׁ, וְזוּ בָּאָה [14]קֶמַח. רַבָּן גַּמְלִיאֵל אוֹמֵר, כְּשֵׁם שְׁמַעֲשֶׂיהָ מַעֲשֵׂה [15]בְהֵמָה, כַּךְ קָרְבָּנָהּ מַאֲכַל בְּהֵמָה.

was composed of[11] barley.[12] The *meal-offering* of the *omer,*[13] although it was of barley,[12] was composed of sifted flour, but this was of meal.[14] Rabban Gamaliel says, Just as her deeds were as the action of a beast,[15] so was her offering of the food of a beast.

1 Her husband. Literally *he used to bring.* **2** Or *Egyptian basket, basket of rushes.* The procedure of the trial of the סוֹטָה, the *suspected adulterous wife,* was as follows following closely the details set out in the תּוֹרָה and not as given in the מִשְׁנָה: the husband brings her to the *Chamber of Gazith* (the seat of the Great Sanhedrin) and from there she is taken down to the *East Gate* and then up to the *Nikanor Gate*: the husband brings the מִנְחָה, *meal-offering,* and the priest fetches an earthen vessel and puts in it half a לוֹג, *log,* of the water from the *Laver* and the ashes; the woman stands within the *Nikanor Gate,* the priest grasps her dress against her throat and tears it away to disclose her bosom, unloosens her hair, ties a חֶבֶל מִצְרִי (common rope) above her breasts, places the מִנְחָה upon her hands, puts some wormwood into the מַיִם הַמָּרִים, *bitter water,* and addresses her as set out in *Numbers* **5**, 19-22 and she has to respond with אָמֵן אָמֵן; then the priest writes out the formula, blots it out in the *water of bitterness* and gives her the water to drink (*Numbers* **19**, 23-24); and finally he takes the מִנְחָה from the *basket of rushes* in her hands, places it in a ministering vessel, waves it and brings it to the south-west corner of the Altar, and removes a handful from it and offers it up upon the Altar (*Numbers* **19**, 25-26). **3** To force her to confess. **4** *i.e.,* in all other cases. **5** תְּחִילָתָן in some texts. **6** Literally *from their outset to their conclusion* of their preparation and offering. **7** These were vessels of silver or of gold and might then be dedicated to the Temple service. **8** תְּחִילָתָהּ in some texts. **9** *Leviticus* **2**, 1. **10** Literally *come from.* Compare *Exodus* **29**, 2. **11** Literally *comes from.* **12** הַשְּׂעוֹרִין in some texts. **13** *Leviticus* **23**, 10. The עֹמֶר was the sheaf of first ripe barley whose *flour* was offered as a מִנְחָה in the Temple after which the new produce of the harvest could be made use of. **14** Mingled with the ground husks. **15** Which copulates indiscriminately with any other beast of its kind.

Mishnah 2 *

מִשְׁנָה ב

[1]הָיָה מֵבִיא [2]פְּיָלִי שֶׁל חֶרֶשׂ חֲדָשָׁה וְנוֹתֵן לְתוֹכָהּ חֲצִי [3]לוֹג [4]מַיִם מִן־[5]הַכִּיּוֹר. רַבִּי [6]יְהוּדָה אוֹמֵר,

He[1] brought a new earthenware dish[2] and put into it a half *log*[3] of water[4] from the laver.[5] R. Judah[6] says, A *quarter-log;* just as the

רְבִיעִית; כְּשֵׁם שֶׁמְּמַעֵט בַּכְּתָב כַּךְ מְמַעֵט בַּמַּיִם. יִנְכְּנַס לְהֵיכָל וּפָנָה לִימִינוֹ, וּמָקוֹם הָיָה שָׁם, אַמָּה עַל אַמָּה, וְטַבְלָה שֶׁל שַׁיִשׁ וְטַבַּעַת הָיְתָה קְבוּעָה בָּהּ, וּכְשֶׁהוּא מַגְבִּיהָהּ נוֹטֵל עָפָר מִתַּחְתֶּיהָ וְנוֹתֵן. כְּדֵי שֶׁיֵּרָאֶה עַל הַמַּיִם, שֶׁנֶּאֱמַר, וּמִן הֶעָפָר אֲשֶׁר יִהְיֶה בְּקַרְקַע הַמִּשְׁכָּן יִקַּח הַכֹּהֵן וְנָתַן אֶל הַמָּיִם.

writing is reduced so is the water reduced. He[7] went into the Sanctuary and turned to his right, and there was a place there, one cubit by one cubit,[8] with a flagstone of marble into which a ring[9] was fixed, and when he raised it he took dust from beneath it and put in[10] enough to be visible[11] on the water,[12] as it is said,[13] *And of the dust which is on the floor of the Tabernacle shall the priest take and put into the water.*

1 The priest. Literally *he used to bring.* **2** A kind of broad shallow basin or bowl. **3** לוג about 275 c.cm. or 17 c. inches. See *Tables,* וְרָעִים, INTRODUCTION. **4** This was הֲלָכָה לְמֹשֶׁה מִסִּינַי, *a ruling by Moses from Sinai* accepted without question. **5** A basin used by the priest in the Temple Court. *Exodus* **30**, 18 ff.; מִדּוֹת 3[6]. **6** His view is rejected. **7** The priest. מִדּוֹת 4[1]. **8** *i.e.,* one cubit square. אַמָּה = 22.1 inches or 56.1 cm. **9** To lift by. כְּשֶׁהוּא, *when he* in some editions. **10** Into the laver.* **11** Based on the phrase אֶל־הַמַּיִם and not עַל הַמַּיִם here immediately quoted. **12** עַל פְּנֵי הַמַּיִם in some editions. **13** *Numbers* **5**, 17. * פִּיְּלִי, פִּיְּלָא, *a broad flat bowl or basin.*

Mishnah 3

מִשְׁנָה ג

בָּא לוֹ לִכְתּוֹב אֶת־הַמְּגִילָה, מֵאֵיזֶה מָקוֹם הוּא כּוֹתֵב? מֵאִם לֹא שָׁכַב אִישׁ וְגוֹ', וְאַתְּ כִּי שָׂטִית, תַּחַת אִישֵׁךְ, וְאֵינוֹ כּוֹתֵב, וְהִשְׁבִּיעַ הַכֹּהֵן אֶת־הָאִשָּׁה, וְכוֹתֵב, יִתֵּן ה' אוֹתְךְ לְאָלָה וְלִשְׁבוּעָה, וּבָאוּ הַמַּיִם הַמְּאָרְרִים הָאֵלֶּה בְּמֵעַיִךְ, לַצְבּוֹת בֶּטֶן וְלַנְפִּיל יָרֵךְ. וְאֵינוֹ כּוֹתֵב, וְאָמְרָה הָאִשָּׁה, אָמֵן, אָמֵן! רַבִּי יוֹסֵי אוֹמֵר, לֹא הָיָה מַפְסִיק. רַבִּי יְהוּדָה אוֹמֵר, כָּל־עַצְמוֹ אֵינוֹ כּוֹתֵב

When he came to write the scroll,[1] from what place did he write?[2]—From *If*[3] *no man have lain* ... etc., *but*[4] *if thou hast gone aside, instead of to thy husband,* ... but he did not write,[4] *Then*[5] *the priest shall cause the woman to swear* ...; and he writes *the*[6] *Eternal make thee an execration and an oath* ..., *and*[7] *this water that induceth the curse shall go into thy bowels, to make thy belly to swell and thy thigh to waste away.** But he did[8] not write, *and*[9] *the woman shall say, Amen, Amen*! R. Jose said, He made no omission.* R. Judah says, He did

אֶלָּא, יִתֵּן ה׳ אוֹתְךָ לְאָלָה וְלִשְׁבוּעָה וְגו׳, וּבָאוּ הַמַּיִם הַמְאָרְרִים הָאֵלֶּה בְּמֵעַיִךְ וְגו׳, וְאֵינוֹ כוֹתֵב, וְאָמְרָה הָאִשָּׁה, אָמֵן, אָמֵן! וְלַנְפֵל* in Scripture

not write [of the whole passage] except *the Eternal make thee a curse and an oath* ... etc., *and this water that causeth the curse shall go into thy bowels* ... etc., and he did not write, *and the woman shall say, Amen, Amen!*

1 Or הַמְּגִלָּה. The priest had to make her swear *before* the inscription. **2** Literally *does he write?* **3** *Numbers* **5**, 19. See INTRODUCTION. **4** *Numbers* **5**, 20. Literally *does not write.* **5** *Numbers* **5**, 21. *i.e.,* the portions in the Scripture that are injunctions to the priest are omitted. **6** *Numbers* **5**, 21. **7** *Numbers* **5**, 22. **8** Literally *does.* **9** *Numbers* **5**, 22. * *sc.,* he did not interrupt or cut short the passage by omission.

Mishnah 4 — מִשְׁנָה ד

[1]אֵינוֹ כוֹתֵב לֹא עַל [2]הַלּוּחַ וְלֹא עַל [3]הַנְּיָר וְלֹא עַל [4]הַדִּפְתְּרָא אֶלָּא עַל [5]הַמְּגִילָה, [6]שֶׁנֶּאֱמַר, [7]בַּסֵּפֶר. [8]וְאֵינוֹ כוֹתֵב לֹא בְקוּמוֹס וְלֹא [9]בְּקַנְקַנְתּוֹם וְלֹא בְכָל דָּבָר [10]שֶׁרוֹשֵׁם אֶלָּא [11]בְּדִיו, [12]שֶׁנֶּאֱמַר, וּמָחָה, כְּתָב שֶׁיָּכוֹל [13]לְהִמָּחֵק.

He did not write[1] on a tablet[2] nor on paper[3] nor on prepared writing hide[4] but only on scroll parchment,[5] as it is said,[6] *in a book.*[7] And he was not to write[8] with gum-prepared ink nor with copperas[9] nor with anything that makes a permanent mark[10] but with ink[11] only, as it is said,[12] *And he shall blot them out*: writing that can be blotted out.[13]

1 Literally *does not write.* **2** Of wood. **3** Or *papyrus.* **4** Or דִּיפְתְּרָא. Inferior to parchment (not treated with gallnut). **5** Or הַמְּגִלָּה. Perfect writing parchment. **6** *Numbers* **5**, 23. **7** Literally *in the book. i.e.,* a *scroll* made of proper parchment such as was used in those days. **8** Literally *And he must not write.* **9** Or קַנְקַנְתּוֹס, קַלְקַנְתּוֹס, an ingredient of ink. **10** Which will not be immediately obliterated with water. **11** Prepared from the carbon from the smoke of burning oil (see מְגִילָה 2[2]). **12** *Numbers* **5**, 23. **13** שֶׁיָּכוֹל לִמָּחוֹת, *which one can blot out,* in the גְּמָרָא. Some texts emend לִמָּחוֹת? [*Kal*] to the *Niphal* לְהִמָּחוֹת.

Mishnah 5 — מִשְׁנָה ה

עַל מָה הִיא אוֹמֶרֶת, אָמֵן, אָמֵן? אָמֵן עַל הָאָלָה אָמֵן עַל הַשְּׁבוּעָה;

To what does she have to respond, '*Amen, Amen!*'?—*Amen* to the word *curse* and *Amen* to the word

אָמֵן *[1]מֵאִישׁ זֶה, אָמֵן [2]מֵאִישׁ אַחֵר;
§אָמֵן שֶׁלֹּא שָׁטִיתִי אֲרוּסָה וּנְשׂוּאָה
[3]וְשׁוֹמֶרֶת יָבָם וּכְנוּסָה, אָמֵן שֶׁלֹּא
נִטְמֵאתִי; וְאִם נִטְמֵאתִי [4]יָבֹאוּ בִי.
רַבִּי [5]מֵאִיר אוֹמֵר, אָמֵן שֶׁלֹּא
נִטְמֵאתִי, אָמֵן שֶׁלֹּא אֶטְמָא.

oath; Amen because of this man,[1]* *Amen* because of any other man;[2] *Amen,*§ 'that I have not gone astray in adultery when betrothed or when married or while awaiting *levirate marriage*[3] or after *leviratic union, Amen* that I have not become defiled; and if I have become defiled may they[4] come upon me!' R. Meir[5] says, *Amen,* 'that I have not been defiled, and *Amen,* 'that I shall not be defiled!'

1 With whom she is accused of having committed adultery. **2** A paramour. **3** See יְבָמוֹת INTRODUCTION. The הֲלָכָה is that a שׁוֹמֶרֶת יָבָם who committed adultery is not treated as a סוֹטָה. **4** The curses. **5** His view is rejected. *§ See ADDENDA at the end of this *Tractate*.

Mishnah 6

מִשְׁנָה ו

הַכֹּל שָׁוִין שֶׁאֵין [1]מַתְנֶה עִמָּהּ לֹא עַל
קוֹדֶם שֶׁתִּתְאָרֵס וְלֹא עַל [2]מֵאַחַר
[3]שֶׁתִּתְגָּרֵשׁ. [4]נִסְתְּרָה לְאַחַר וְנִטְמֵאת,
וְאַחַר כָּךְ [5]הֶחֱזִירָהּ, לֹא הָיָה מַתְנֶה
עִמָּהּ. זֶה הַכְּלָל, כָּל־שֶׁתִּבָּעֵל
[6]וְלֹא הָיְתָה אֲסוּרָה [7]לוֹ, לֹא [8]הָיָה
מַתְנֶה עִמָּהּ.

All are of equal opinion that he[1] may not take into consideration concerning her actions before she was betrothed or after[2] she had been divorced.[3] If she went astray in adultery[4] with another man and was defiled, and he[5] afterward took her back, he may not take account of her regarding these matters. This is the general principle: in the case of any woman who had sexual connection and was not[6] thereby rendered forbidden to him,[7] he[8] was not to take account of her with reference to this.

1 The כֹּהֵן, priest, when applying the terms in *Numbers* **5**, 19. **2** אַחַר in some editions. **3** She must not on such counts be treated as a סוֹטָה. A divorced wife who had sexual connexion may be remarried to her husband (but not if she had been betrothed or married to another—even if she had not had sexual intercourse—after her divorce). **4** After being divorced.* **5** The husband who had divorced her. **6** וְלֹא תְהֵא in some editions. **7** To her husband. **8** The priest. * She was in private (secluded herself) with another man [*i.e.*, after the husband divorced her].

CHAPTER 3 — פֶּרֶק ג

Mishnah 1 — מִשְׁנָה א

He[1] took[2] her *meal-offering* from the palm-leaves basket[3] and put it into a vessel of ministry and placed it upon her hand; and the priest laid[4] his hand underneath hers and waved it.[5]

[2,1]הָיָה נוֹטֵל אֶת־מִנְחָתָהּ מִתּוֹךְ [3]כִּפִּיפָה מִצְרִית וְנוֹתְנָהּ לְתוֹךְ כְּלִי שָׁרֵת וְנוֹתְנָהּ עַל יָדָהּ; וְכֹהֵן [4]מַנִּיחַ יָדוֹ מִתַּחְתֶּיהָ [5]וּמֵנִיפָהּ.

1 The husband (the priest, according to some authorities). **2** Literally *used to take.* **3** See 2[1]. Literally *a palm-leaves basket.* After she had drunk of the מֵי הַמָּרִים or מַיִם הַמְּאָרְרִים. **4** Or מַנִּיחַ.* **5** Or וּמַנִּיפָהּ.* The priest moved the *meal-offering* to and fro and up and down. * These forms are not favoured by some here.

Mishnah 2 — מִשְׁנָה ב

He[1] waved and brought it near;[2] he removed a handful and burned it;[3] and the rest was eaten by the priests; he made[4] her drink[5] and then offered her *meal-offering.* R. Simon[6] says, He offered her *meal-offering* and afterward made her drink, as it is said,[7] *And afterward shall he make the woman drink the water.*[8] If he made her drink and afterward offered her *meal-offering,* it is licit.

[1]הֵנִיף [2]וְהִגִּישׁ; קָמַץ [3]וְהִקְטִיר; וְהַשְּׁאָר נֶאֱכָל לַכֹּהֲנִים; [4]הָיָה [5]מַשְׁקֶה וְאַחַר כַּךְ מַקְרִיב אֶת־מִנְחָתָהּ. רַבִּי [6]שִׁמְעוֹן אוֹמֵר, מַקְרִיב אֶת־מִנְחָתָהּ וְאַחַר כַּךְ הָיָה מַשְׁקֶה, [7]שֶׁנֶּאֱמַר, וְאַחַר יַשְׁקֶה אֶת־הָאִשָּׁה אֶת־[8]הַמָּיִם. אִם הִשְׁקָהּ וְאַחַר כַּךְ הִקְרִיב אֶת־מִנְחָתָהּ, כְּשֵׁרָה.

1 The priest. **2** To the south-west corner of the Altar. **3** In the Altar fire. **4** Literally *used to make.* **5** Of the מַיִם הַמְּאָרְרִים (or מֵי הַמָּרִים). **6** His opinion is not accepted. **7** *Numbers* **5**, 26. **8** She was forcibly made to drink if she refused (see next *Mishnah*).

Mishnah 3 — מִשְׁנָה ג

If before the scroll writing was blotted out she said, 'I will not drink,' her scroll[1] must be hidden away[2] and her *meal-offering* strewn upon the ashes;[3] and her scroll is

עַד שֶׁלֹּא נִמְחֲקָה הַמְּגִילָה אָמְרָה, אֵינִי שׁוֹתָה, [1]מְגִילָתָהּ [2]נִגְנֶזֶת וּמִנְחָתָהּ מִתְפַּזֶּרֶת עַל [3]הַדֶּשֶׁן; וְאֵין מְגִילָתָהּ

כְּשֵׁרָה לְהַשְׁקוֹת בָּהּ סוֹטָה אַחֶרֶת. נִמְחֲקָה הַמְּגִילָה וְאָמְרָה, טְמֵאָה אֲנִי, [2]הַמַּיִם נִשְׁפָּכִין וּמִנְחָתָהּ מִתְפַּזֶּרֶת עַל הַדֶּשֶׁן. נִמְחֲקָה הַמְּגִילָה וְאָמְרָה, אֵינִי שׁוֹתָה, [3]מְעַרְעֲרִים אוֹתָהּ וּמַשְׁקִין אוֹתָהּ בְּעַל [5]כָּרְחָהּ.

not valid to make another wife suspected of adultery drink. If the scroll writing had been blotted out and she said, 'I am defiled,' the water [of bitterness] is poured away* and her *meal-offering* is strewed§ on the ashes. If the scroll writing had been blotted out and she said, 'I will not drink,' they must urge her on[4] and oblige her to drink against her will.[5]

1 With the writing intact. **2** On the side of the Sanctuary. Holy script must not be treated disrespectfully. **3** In the עַזָּרָה, Temple Court; and is burned there as are all other invalidated sacrifices. **4** She might have refused because of confusion and fear and not rebelliously. Some render this thus: *they must force her mouth open.* **5** Or כּוֹרְחָהּ, כָּרְחָהּ. * See ADDENDA at the end of this *Tractate.* § Or *strewn.*

Mishnah 4

מִשְׁנָה ד

She has hardly finished to drink when her face turns yellow[1] and her eyes protrude and she is covered with[2] swollen veins.[3] And they say, ('Take her out,)[4] take her out, that she does not defile the Temple Court!'[5] If she had any merit,[6] this held her punishment in suspense. There is merit that holds punishment in suspense for one year; there is merit that withholds punishment for two years; there is merit that holds back punishment for three years; from this ben Azzai infers, It is a man's duty to teach his daughter Law so that if she must drink[7] she should know that the merit will hold her punishment in suspense. R. Eliezer says, If any man teach his daughter Law it is as though he taught her[8] lewdness.[9] R. Joshua says, A woman

אֵינָהּ מַסְפֶּקֶת לִשְׁתּוֹת עַד שֶׁפָּנֶיהָ [1]מוֹרִיקוֹת וְעֵינֶיהָ בּוֹלְטוֹת וְהִיא [2]מִתְמַלֵּאת [3]גִּידִין. וְהֵם אוֹמְרִים, [4](הוֹצִיאוּהָ) הוֹצִיאוּהָ, שֶׁלֹּא תְטַמֵּא [5]הָעֲזָרָה! אִם יֵשׁ לָהּ [6]זְכוּת, הָיְתָה תּוֹלָה לָהּ. יֵשׁ־זְכוּת תּוֹלָה שָׁנָה אַחַת; יֵשׁ־זְכוּת תּוֹלָה שְׁתֵּי שָׁנִים; יֵשׁ זְכוּת תּוֹלָה שָׁלֹשׁ שָׁנִים; מִכָּאן אוֹמֵר בֶּן עַזַּאי, חַיָּב אָדָם לְלַמֵּד אֶת־בִּתּוֹ תּוֹרָה שֶׁאִם [7]תִּשְׁתֶּה תֵּדַע שֶׁהַזְּכוּת תּוֹלָה לָהּ. רַבִּי אֱלִיעֶזֶר אוֹמֵר, כָּל־הַמְּלַמֵּד בִּתּוֹ תּוֹרָה כְּאִילוּ [8]לִמְּדָהּ [9]תִּפְלוּת. רַבִּי יְהוֹשֻׁעַ אוֹמֵר, רוֹצָה אִשָּׁה בְּקַב וְתִפְלוּת מִתִּשְׁעָה קַבִּין [10]וּפְרִישׁוּת. [11]הוּא הָיָה אוֹמֵר, חָסִיד [12]שׁוֹטֶה

וְרָשָׁע [13]עָרוּם וְאִשָּׁה פְרוּשָׁה וּמַכּוֹת פְּרוּשִׁין, הֲרֵי [14]אֵלּוּ מְבַלֵּי עוֹלָם.

prefers one *kab* with lewdness to nine *kab* with chastity.[10] He[11] used to say, A foolish pious man[12] and a cunning wicked man[13] and a sanctimonious woman and the self-inflicted wounds of the Pharisees—these[14] ruin the world.

1 This was R. Simon's belief, but according to the view of others this happened after the offering. **2** Literally *she is full of*. **3** Or *arteries*. The swollen body appeared to be so affected. **4** Some texts omit this הוֹצִיאוּהָ in parentheses. **5** אֶת־הָצִנָּרָה in some texts. The tremendous strain and fear brought about menstrual discharge and a menstruous woman was not allowed anywhere on the Temple Mount. **6** In her favour. Credit for encouraging her husband and children's religious studies. **7** If suspected to be a סוֹטָה. **8** כְּאִלּוּ מְלַמְּדָהּ, *it is as though he teaches her*, in some editions. **9** Or *lechery, lubricity*. **10** Or *self-restraint*. קַב (see *Tables*, זְרָעִים, INTRODUCTION). *i.e.*, a woman prefers little and poverty but life with her husband to plenty and riches and separation from her husband. **11** R. Joshua. **12** Who out of false modesty and stupid piety would not rescue a naked woman from drowning. **13** Who by artful plausible arguments attempts to mislead a judge. **14** Such false hypocritical people.

Mishnah 5

מִשְׁנָה ה

רַבִּי שִׁמְעוֹן אוֹמֵר, אֵין זְכוּת תּוֹלָה בַּמַּיִם הַמָּרִים, וְאִם אַתָּה אוֹמֵר הַזְּכוּת תּוֹלָה בַּמַּיִם הַמְּאָרְרִים מַדְהֶה אַתָּה אֶת־הַמַּיִם בִּפְנֵי כָל־הַנָּשִׁים [1]הַשּׁוֹתוֹת וּמוֹצִיא אַתָּה שֵׁם רַע עַל הַטְּהוֹרוֹת שֶׁשָּׁתוּ, שֶׁאוֹמְרִים טְמֵאוֹת הֵן אֶלָּא שֶׁתָּלִתָה לָהֶן זְכוּת. [2]רַבִּי אוֹמֵר, הַזְּכוּת תּוֹלָה בַּמַּיִם הַמְּאָרְרִים, וְאֵינָהּ יוֹלֶדֶת וְאֵינָהּ מְשַׁבַּחַת, אֶלָּא מִתְנַוְּנָה וְהוֹלֶכֶת לְסוֹף הִיא מֵתָה בְּאוֹתָהּ [3]מִיתָה.

R. Simon says, Merit does not hold punishment of the bitter water in suspense, for if thou sayest that merit does hold in suspense the punishment of the water that causeth the curse, thou wilt render the water ineffective for all the women who drink[1] and thou wilt [also] bring an evil reputation upon all the undefiled women who have drunk, for people will say they are really defiled but merit has held punishment in suspense for them. Rabbi[2] says, Merit does hold in suspense the punishment of the water that induceth the curse, yet she will not bear children nor will she continue in good health, but she will gradually waste away and she will finally die of the selfsame death.[3]

1 *i.e.,* even those defiled will not fear to drink relying on some merit to mitigate punishment.* **2** R. Judah the Patriarch. See 9[5]. **3** Of which all guilty סוֹטוֹת die. * See ADDENDA at the end of this *Tractate.*

Mishnah 6

מִשְׁנָה ו

נִטְמֵאת מִנְחָתָהּ עַד שֶׁלֹּא קִדְּשָׁהּ בַּכְּלִי, חֲרֵי הִיא [1]כְּכָל [2]הַמְּנָחוֹת [3]וְתִפָּדֶה; וְאִם מִשֶּׁקִּדְּשָׁהּ בַּכְּלִי, חֲרֵי הִיא [1]כְּכָל הַמְּנָחוֹת [4]וְתִשָּׂרֵף. וְאֵלּוּ שֶׁמִּנְחוֹתֵיהֶן נִשְׂרָפוֹת, הָאוֹמֶרֶת, טְמֵאָה אֲנִי לָךְ, וְשֶׁבָּאוּ לָהּ עֵדִים שֶׁהִיא טְמֵאָה, וְהָאוֹמֶרֶת, אֵינִי שׁוֹתָה, וְשֶׁבַּעֲלָהּ אֵינוֹ רוֹצֶה לְהַשְׁקוֹתָהּ, וְשֶׁבַּעֲלָהּ בָּא עָלֶיהָ [5]בַּדֶּרֶךְ, [6]וְכָל הַנְּשׂוּאוֹת לְכֹהֲנִים מִנְחוֹתֵיהֶן [7]נִשְׂרָפוֹת.

If her *meal-offering* became unclean before it was hallowed in the vessel, then it is as all[1] *meal-offerings*[2] and must be redeemed;[3] but if after it was sanctified in the vessel, it is like all[1] *meal-offerings* and must be burned.[4] And these are the cases where their meal-offerings must be burned: the woman who says, 'I am defiled to thee,' or the woman against whom witnesses came that she was defiled, or the woman that says, 'I will not drink,' or the woman whose husband does not desire to make her drink, or the woman whose husband copulated with her on the way;[5] and the *meal-offerings* of all[6] wedded to priests must be burned.[7]

1 *i.e., all other.* **2** Which become unclean before they can be sanctified in the vessel of ministry. **3** The redemption money is used to buy another meal-offering. The defiled meal-offering becomes non-holy. **4** מְנָחוֹת 12[1]. Compare 1[3]. **5** To Jerusalem for the ordeal. **6** סוֹטוֹת. **7** *Leviticus* **6,** 22. Even if the handful had been correctly offered in cleanness; the residue must be burnt upon the ashes and not consumed by the priests.

Mishnah 7

מִשְׁנָה ז

בַּת [1]יִשְׂרָאֵל שֶׁנִּשֵּׂאת לְכֹהֵן, מִנְחָתָהּ [2]נִשְׂרֶפֶת; [3]וְכֹהֶנֶת שֶׁנִּשֵּׂאת לְיִשְׂרָאֵל, מִנְחָתָהּ [4]נֶאֱכֶלֶת. מַה־בֵּין כֹּהֵן [5]לְכֹהֶנֶת? מִנְחַת כֹּהֶנֶת [6]נֶאֱכֶלֶת, [7]מִנְחַת כֹּהֵן אֵינָהּ נֶאֱכֶלֶת; כֹּהֶנֶת [8]מִתְחַלֶּלֶת, [9]וְכֹהֵן אֵין מִתְחַלֵּל;

If she were the daughter of an Israelite[1] wed to a priest, her *meal-offering* must be burned;[2] and if she[3] were the daughter of a priest married to an Israelite, her *meal-offering* is eaten.[4] In what manner does a priest differ from a priestly woman?[5]—The *meal-offering* of a

כֹּהֶנֶת מִטַּמְּאָה [10]לְמֵתִים, וְאֵין כֹּהֵן מִטַּמֵּא [11]לְמֵתִים; כֹּהֵן אוֹכֵל [12]בְּקָדְשֵׁי קָדָשִׁים, וְאֵין כֹּהֶנֶת אוֹכֶלֶת בְּקָדְשֵׁי קָדָשִׁים.

priestly woman is consumed,[6] the *meal-offering*[7] of a priest must not be consumed; a priestly woman may forfeit her priestly rights,[8] but a priest[9] does not lose his priestly rights; a priestly woman may become defiled because of the dead,[10] but a priest must not contract defilement because of the dead;[11] a priest may eat of the most holy sacrifices,[12] but a priestly woman may not eat of the most holy sacrifices.

1 *i.e.*, a non-priest. **2** בְּבֵית הַדֶּשֶׁן, in the Chamber for the Ashes. **3** An adult and no longer under her father's authority.* **4** By the priests. **5** A priest's daughter. **6** By the priests. **7** וּמִנְחַת, *but the meal-offering of,* in some editions. **8** She foregoes her rights to eat of תְּרוּמָה, *priest's-due* (see *Appendix,* **Note 1**), or to be married to a כֹּהֵן if she has sexual connection with one unqualified for the priesthood, forever. **9** וְאֵין כֹּהֵן מִתְחַלֵּל in some editions. If he marries a woman disqualified to be married into the priesthood—a harlot, a divorced woman, a disqualified priest's daughter—he must put her away before resuming priestly duties. **10** Literally *for dead persons.* **11** *Leviticus* **21**, 1-4. **12** For instance חַטָּאת, *sin-offering,* אָשָׁם, *guilt-offering.* * See ADDENDA at the end of this *Tractate.*

Mishnah 8 — מִשְׁנָה ח

מַה־[1]בֵּין אִישׁ לְאִשָּׁה? הָאִישׁ פּוֹרֵעַ [2]וּפוֹרֵם, וְאֵין הָאִשָּׁה פּוֹרַעַת וּפוֹרֶמֶת; הָאִישׁ מַדִּיר אֶת־בְּנוֹ [3]בְּנָזִיר, וְאֵין הָאִשָּׁה מַדֶּרֶת אֶת־[4]בְּנָהּ בְּנָזִיר; הָאִישׁ מְגַלֵּחַ עַל [5]נְזִירוּת אָבִיו, וְאֵין הָאִשָּׁה מְגַלֶּחֶת עַל [5]נְזִירוּת [6]אָבִיהָ; הָאִישׁ מוֹכֵר אֶת־[7]בִּתּוֹ, וְאֵין הָאִשָּׁה מוֹכֶרֶת אֶת־בִּתָּהּ; הָאִישׁ [8]מְקַדֵּשׁ אֶת־בִּתּוֹ, וְאֵין הָאִשָּׁה מְקַדֶּשֶׁת אֶת־[9]בִּתָּהּ; הָאִישׁ נִסְקָל [10]עָרוֹם, וְאֵין הָאִשָּׁה נִסְקֶלֶת [11]עֲרוּמָה; הָאִישׁ [12]נִתְלֶה, וְאֵין

Wherein[1] does a man differ from a woman?—The man must have his hair loosened and his garments rent,[2] but the woman does not have her hair unbound and her raiment rent; the man may place his son under the nazirite vow,[3] but the woman may not impose the nazirite vow upon her son;[4] the man may cut off his hair for his father's vow of naziriteship,[5] but the woman may not cut off her hair for the vow of naziritism[5] of her father;[6] the man may sell his daughter,[7] but the woman may not sell her daughter; the man may betroth[8] his daughter, but the woman may not betroth her daughter;[9] the man is stoned naked,[10] but the

הָאִשָּׁה [13]נִתְלֵית; הָאִישׁ נִמְכָּר בִּגְנֵבָתוֹ, וְאֵין הָאִשָּׁה נִמְכֶּרֶת [14]בִּגְנֵיבָתָהּ.

woman may not be stoned naked;[11] the man is hanged,[12] but the woman is not hanged;[13] the man may be sold for his theft, but the woman is not sold for what she has stolen.[14]

1 Regarding matters not connected with the priestly service direct. **2** When suffering with (suspected) leprosy. *Leviticus* **13**, 45. **3** A man may place his son, a minor, under the nazarite vow. If a man was a nazarite and had put by money for his offerings but died, his son if also a nazarite could use this money for his offerings. **4** נָזִיר 4[6]. **5** Or נְזִירוּת. **6** נָזִיר 4[7]. **7** If she was a נַעֲרָה (a girl between the ages of twelve and twelve and a half years) or קְטַנָּה (a girl under twelve years of age). Sold as an אָמָה, *handmaid* (not שִׁפְחָה, *bondwoman, slave*). *Exodus* **21**, 7. כְּתוּבּוֹת 3[8]. **8** *i.e.*, give in betrothal a נַעֲרָה or a קְטַנָּה. **9** כְּתוּבּוֹת 4[4].* **10** Or עָרֹם. **11** Or עֲרָמָה. To avoid indecent exposure. *Leviticus* **24**, 16. *Deuteronomy* **17**, 5. סַנְהֶדְרִין 6[3]. **12** Men stoned were then hanged. **13** *Deuteronomy* **21**, 22. סַנְהֶדְרִין 6[4]. **14** *Exodus* **22**, 3.

CHAPTER 4 — פֶּרֶק ד

Mishnah 1 — מִשְׁנָה א

אֲרוּסָה [1]וְשׁוֹמֶרֶת יָבָם לֹא [2]שׁוֹתוֹת וְלֹא [3]נוֹטְלוֹת כְּתוּבָּה, [4]שֶׁנֶּאֱמַר, אֲשֶׁר תִּשְׁטֶה אִשָּׁה תַּחַת אִישָׁהּ, פְּרַט לַאֲרוּסָה וְשׁוֹמֶרֶת יָבָם. [5]אַלְמָנָה לְכֹהֵן גָּדוֹל, גְּרוּשָׁה [6]וַחֲלוּצָה לְכֹהֵן הֶדְיוֹט, מַמְזֶרֶת [7]וּנְתִינָה לְיִשְׂרָאֵל, וּבַת יִשְׂרָאֵל לְמַמְזֵר וּלְנָתִין, לֹא שׁוֹתוֹת וְלֹא נוֹטְלוֹת [8]כְּתוּבָּה.

A betrothed woman or one that awaits *levirate union*[1] does not drink[2] or receive her *marriage-settlement*,[3] for it is said,[4] *When a wife goeth aside instead of to her husband*, thus excepting her that is betrothed and her that awaits *leviratic marriage*. A[5] widow wed to a High Priest, or a divorced woman or she that had granted *chalitzah*[6] wed to an ordinary priest, or a bastard woman or a woman descended from the Gibeonites[7] married to an Israelite, or the daughter of an Israelite wedded to a bastard or to a descendant of Gibeonites, may neither drink nor receive her *marriage-settlement*.[8]

1 *Deuteronomy* **25**, 5. יְבָמוֹת INTRODUCTION. Though she had been admonished by the יָבָם against committing an act of unbecoming conduct. **2** Literally [plural] *do not drink nor* [plural] *receive*. The מֵי הַמָּרִים or מַיִם הַמְּאָרְרִים. **3** *Appendix*, **Note 8**. כְּתוּבּוֹת, INTRODUCTION. **4**

Numbers **5**, 29.* **5** Compare יְבָמוֹת 2[4]. **6** יְבָמוֹת INTRODUCTION. **7** Who were prohibited intermarriage with Israelites (*Joshua* **9**, 3-27). **8** They are merely granted גֵּט, divorce. * See ADDENDA at the end of this *Tractate*.

Mishnah 2

מִשְׁנָה ב

And[1] these women may not drink[2] or receive their *marriage-settlement*:[3] she who says, 'I am defiled';[4] and the one against whom witnesses gave evidence that she was defiled; and the one that says, 'I will not drink.'[5] [But] if her husband said, 'I do not wish her to drink,'[6] or if her husband copulated with her while on the way,[7] she receives her *marriage-settlement* and does not drink.[8] If, before they drank, their husbands died, the School of Shammai say, They receive their *marriage-settlement* and do not drink, but the School of Hillel say, They do not drink and they do not receive their *marriage-settlement*.

[1]וְאֵלּוּ לֹא [2]שׁוֹתוֹת וְלֹא נוֹטְלוֹת
[3]כְּתוּבָּה, הָאוֹמֶרֶת, [4]טְמֵאָה אֲנִי;
וְשֶׁבָּאוּ לָהּ עֵדִים שֶׁהִיא טְמֵאָה;
וְהָאוֹמֶרֶת, [5]אֵינִי שׁוֹתָה. [6]אָמַר
בַּעְלָהּ, [6]אֵינִי מַשְׁקֶה, וְשֶׁבַּעְלָהּ בָּא
עָלֶיהָ [7]בַּדֶּרֶךְ, נוֹטֶלֶת כְּתוּבָּתָהּ
[8]וְלֹא שׁוֹתָה. מֵתוּ בַּעֲלֵיהֶן עַד שֶׁלֹּא
שָׁתוּ, בֵּית שַׁמַּאי אוֹמְרִים, נוֹטְלוֹת
כְּתוּבָּה וְלֹא שׁוֹתוֹת, וּבֵית הִלֵּל
אוֹמְרִים, לֹא שׁוֹתוֹת וְלֹא נוֹטְלוֹת
כְּתוּבָּה.

1 Compare 4[6]. **2** The מַיִם הַמְּאָרְרִים (or מֵי הַמָּרִים). **3** *See Appendix,* **Note 8**; כְּתוּבוֹת INTRODUCTION.* **4** Some texts have טְמֵאָה אֲנִי לָךְ, *'I am defiled to thee.'* **5** Compare 3[3]. Before the scroll was steeped. **6** In some editions וְשֶׁבַּעְלָהּ אֵינוֹ רוֹצֶה לְהַשְׁקוֹתָהּ, *But if her husband do not wish to make her drink.* **7** To Jerusalem for the trial by ordeal. **8** *. * See ADDENDA at the end of this *Tractate*.

Mishnah 3

מִשְׁנָה ג

If a woman were pregnant[1] with a previous husband or were giving suck to a child by a previous husband,[2] she does not drink or receive her *marriage-settlement*.[3] This is the view of R. Meir.[4] But the Sages say, He should separate

[1]מְעוּבֶּרֶת חֲבֵרוֹ וּמֵינֶקֶת [2]חֲבֵרוֹ, לֹא
שׁוֹתוֹת וְלֹא נוֹטְלוֹת [3]כְּתוּבָּה. דִּבְרֵי
רַבִּי [4]מֵאִיר. וַחֲכָמִים אוֹמְרִים,
יָכוֹל הוּא [5]לְהַפְרִישָׁהּ וּלְהַחֲזִירָהּ

לְאַחַר [6]זְמַן. [7]אֵילוֹנִית, וּזְקֵנָה, [8]וְשֶׁאֵינָהּ רְאוּיָה לֵילֵד לֹא שׁוֹתוֹת וְלֹא נוֹטְלוֹת [9]כְּתוּבָּה. רַבִּי [10]אֱלִיעֶזֶר אוֹמֵר, יָכוֹל הוּא לִישָׂא אִשָּׁה אַחֶרֶת וְלִפְרוֹת [11]וְלִרְבּוֹת [12]הֵימֶנָּה. וּשְׁאָר כָּל־הַנָּשִׁים אוֹ שׁוֹתוֹת אוֹ לֹא נוֹטְלוֹת כְּתוּבָּה.

her[5] and take her back after the set period.[6] A sterile woman,[7] or an aged woman, or one that is incapable[8] of bearing children does not drink and does not receive her *marriage-settlement.*[9] R. Eliezer[10] says, He is justified in marrying another woman and to procreate and to multiply[11] by her.[12] And all other women either drink or forfeit their *marriage-settlement.*

1 Or מְעֻבֶּרֶת. **2** For instance, a man died or divorced his wife and she was left pregnant or suckling a child, she was forbidden מִדְּרַבָּנָן [by ruling of the חֲכָמִים] to marry again until the child reaches the age of 24 months; nevertheless, she did marry as the argument assumes here. **3** Literally *they do not drink nor receive their marriage-settlement;* some editions give לֹא שׁוֹתָה וְלֹא נוֹטֶלֶת כְּתוּבָּה (*viz.*, as given in the translation). **4** His opinion is rejected.* **5** He should not live with her for 24 months.* **6** The prescribed term of 24 months' separation. **7** Or אֵילוֹנִית, *barren, impotent, incapable of conception, sterile, unproductive, unfruitful.* **8** Through taking preventive medicines or resorting to contraceptives. A man who has no children must divorce his wife if she takes any preventative medicaments.* **9** Because they are already prohibited to their husbands. **10** His view is not accepted. **11** *Genesis* **1**, 28.* **12** Or הֵימֶנָּה.* * See ADDENDA at the end of this *Tractate.*

Mishnah 4 — מִשְׁנָה ד

אֵשֶׁת כֹּהֵן שׁוֹתָה [1]וּמוּתֶּרֶת לְבַעְלָהּ. אֵשֶׁת [2]סָרִיס שׁוֹתָה. עַל יְדֵי כָּל־עֲרָיוֹת [3]מְקַנְּאִים [4]חוּץ מִן־[5]הַקָּטָן וּמִמִּי [6]שֶׁאֵינוֹ אִישׁ.

The wife of a priest drinks and is permitted[1] to her husband. The wife of a eunuch[2] drinks. They may warn[3] a wife against unbecoming conduct with those who come under the category of the forbidden degrees of marriage except[4] with a minor[5] only or with what is not human.[6]

1 Or וּמְתֻּרֶת. If proved guiltless. **2** According to some authorities this refers only to a סָרִיס חַמָּה, *one born sterile.* **3** מְקַנְּאִין in some texts. **4** In which two cases she does not have to drink of the מֵי הַמָּרִים or מַיִם הַמְּאָרְרִים. **5** Less than 9 years and 1 day old according to Maimonides. Other authorities take it to apply to one less than 13 years and 1 day of age. **6** *i.e.*, an animal.

Mishnah 5

מִשְׁנָה ה

And these are they to whom the Court give warning:[1] a woman whose husband has become a deaf-mute or has become mentally deficient or has been confined[2] in a prison. They did not state this to make her drink[3] but to disqualify her from receiving her *marriage-settlement*. R. Jose says, Even to make her drink, so that when her husband comes out of prison[4] he may make her drink.

וְאֵלּוּ שֶׁבֵּית דִּין [1]מְקַנְּאִין לָהֶן, מִי שֶׁנִּתְחָרֵשׁ בַּעֲלָהּ אוֹ נִשְׁתַּטָּה אוֹ שֶׁהָיָה [2]חָבוּשׁ בְּבֵית הָאֲסוּרִין. לֹא [3]לְהַשְׁקוֹתָהּ אָמְרוּ אֶלָּא לְפוֹסְלָהּ מִכְּתוּבָּתָהּ. רַבִּי יוֹסֵי אוֹמֵר, אַף לְהַשְׁקוֹתָהּ, לְכְשֶׁיֵּצֵא בַּעֲלָהּ מִבֵּית [4]אֲסוּרִין יַשְׁקֶנָּה.

1 מְקַנִּין in some editions.* **2** Literally *bound*. **3** Of the מַיִם הַמְּאָרְרִים or מֵי הַמָּרִים. A סוֹטָה does not drink also in these cases: if the husband is blind, if she is lame, if she has a hand or fingers cut off or if the fingers are stumped, if the husband is lame or dumb or has a hand or fingers cut off or stumped fingers. **4** הָאֲסוּרִין in some texts. * See ADDENDA at the end of this *Tractate*.

CHAPTER 5

פֶּרֶק ה

Mishnah 1

מִשְׁנָה א

Just as the water[1] tries her[2] so does it put him[3] to the proof, as it is said, *and ..... shall go,*[4] *and ..... shall enter.*[5] Just as she is prohibited to the husband so is she forbidden to the adulterer, as it is said, *she being defiled,*[6] and, *she be defiled;*[7] this is the opinion of R. Akiba. R. Joshua said, Zechariah ben Hakatzav used to expound it in this manner. Rabbi says, Since it is said twice in this Scriptural portion, *she being defiled,*[6] *she be defiled,*[7] one refers to the husband and the other points to the adulterer.

כְּשֵׁם [1]שֶׁהַמַּיִם בּוֹדְקִין [2]אוֹתָהּ כָּךְ הַמַּיִם בּוֹדְקִין [3]אוֹתוֹ, שֶׁנֶּאֱמַר, [4]וּבָאוּ, [5]וּבָאוּ. כְּשֵׁם שֶׁאֲסוּרָה לַבַּעַל כָּךְ אֲסוּרָה לַבּוֹעֵל, שֶׁנֶּאֱמַר, [6]נִטְמָאָה, [7]וְנִטְמָאָה; דִּבְרֵי רַבִּי עֲקִיבָא. אָמַר רַבִּי יְהוֹשֻׁעַ, כָּךְ הָיָה דּוֹרֵשׁ זְכַרְיָה בֶּן הַקַּצָּב. רַבִּי אוֹמֵר, שְׁנֵי פְּעָמִים הָאֲמוּרִים בַּפָּרָשָׁה, אִם [8]נִטְמָאָה, נִטְמָאָה, אֶחָד לַבַּעַל וְאֶחָד לַבּוֹעֵל.

1 The מֵי הַמָּרִים or מַיִם הַמְּאָרְרִים. **2** The סוֹטָה. **3** The adulterer, paramour, corespondent.* **4** *Numbers* **5**, 22. **5** *Numbers* **5**, 24. *i.e.*, the term וּבָאוּ occurs twice—once in each of these two verses **6** *Numbers* **5**, 13. **7** *Numbers* **5**, 14. *i.e.*, the term וְטָמְאָה occurs twice—once in each of these two verses. * See ADDENDA at the end of this *Tractate*.

Mishnah 2

מִשְׁנָה ב

[1]בּוֹ בַּיּוֹם דָּרַשׁ רַבִּי עֲקִיבָא, [2]וְכֹלִי חֶרֶשׂ אֲשֶׁר יִפּוֹל מֵהֶם אֶל־תּוֹכוֹ כֹּל אֲשֶׁר בְּתוֹכוֹ יִטְמָא, אֵינוֹ אוֹמֵר טָמֵא אֶלָּא [3]יִטְמָא, לְטַמֵּא אֲחֵרִים. לִימֵּד עַל כְּכָר שֵׁנִי שֶׁמְּטַמֵּא אֶת־[4]הַשְּׁלִישִׁי. אָמַר רַבִּי יְהוֹשֻׁעַ, [5]מִי יְגַלֶּה עָפָר מֵעֵינֶיךָ, רַבָּן יוֹחָנָן בֶּן זַכַּאי! שֶׁהָיִיתָ אוֹמֵר עָתִיד דּוֹר אַחֵר [6]לְטַהֵר כִּכָּר שְׁלִישִׁי, שֶׁאֵין לוֹ מִקְרָא מִן־הַתּוֹרָה שֶׁהוּא טָמֵא; וַהֲלֹא עֲקִיבָא תַּלְמִידְךָ מֵבִיא לוֹ מִקְרָא מִן־הַתּוֹרָה שֶׁהוּא טָמֵא, [7]שֶׁנֶּאֱמַר, כֹּל אֲשֶׁר בְּתוֹכוֹ יִטְמָא![8]

On that same day[1] R. Akiba expounded, *And*[2] *every earthen vessel, whereinto any of them falleth, whatsoever is therein shall be unclean*—it does not say טָמֵא *is unclean* but יְטַמֵּא *shall convey uncleanness*[3] to other things. This teaches that a loaf within the second degree of uncleanness renders something else unclean in the third degree.[4] R. Joshua said, 'Who[5] will remove the dust from thine eyes, O Rabban Jochanan ben Zakkai! For thou wast wont to say that a future generation would declare the loaf suffering the third grade of uncleanness clean,[6] since there is no verse in the Law regarding it that it is unclean; and does not now Akiba thy disciple quote a verse in his support from the Law that it is unclean, as it is said,[7] *whatever is in it shall cause uncleanness!*'[8]

1 When the discussion of the preceding *Mishnah* took place; or when Eliezer ben Azariah was elected נָשִׂיא, President. **2** *Leviticus* **11**, 33. The Scriptural text is וְכָל־כְּלִי and not וּכְלִי. **3** He applies a homiletic interpretation, reading the *Masoratic* יִטְמָא [*Kal*] as יְטַמֵּא [*Piel*]. **4** *i.e.*, third grade of טוּמְאָה, uncleanness. Thus a שֶׁרֶץ (creeping thing) is a primary source of טוּמְאָה, and if it touches an oven or a vessel this becomes a first grade of טוּמְאָה, and a loaf touching this acquires the secondary grade of טוּמְאָה (and this loaf can then render something else the third grade of טוּמְאָה, according to the view of R. Akiba whose opinion is however rejected, as anything of the second degree of uncleanness can not render חוּלִין but only תְּרוּמָה [see *Appendix*, **Note 1**] the third degree of uncleanness). **5** Or *'O that someone would remove .....'* or *'O would that someone removed .....'* **6** Or *would declare the third loaf*

[in the discussion here] *clean.* **7** *Leviticus* **11**, 33. **8** He also follows R. Akiba's homiletical expounding, reading יִטְמָא as יִטַּמֵּא. The opinion of R. Akiba is rejected and שְׁלִישִׁי, a *third grade,* is only illicit with regard to תְּרוּמָה.

Mishnah 3

מִשְׁנָה ג

בּוֹ בַּיּוֹם דָּרַשׁ רַבִּי עֲקִיבָא, [1,2]וּמַדּוֹתֶם מִחוּץ לָעִיר אֶת־פְּאַת קֵדְמָה אַלְפַּיִם בָּאַמָּה, וְנוֹמַר, וּמִקְרָא אַחֵר אוֹמֵר, [3]מִקִּיר הָעִיר וָחוּצָה אֶלֶף אַמָּה סָבִיב. אִי אֶפְשָׁר לוֹמַר אֶלֶף אַמָּה שֶׁכְּבָר נֶאֱמַר אַלְפַּיִם אַמָּה; וְאִי אֶפְשָׁר לוֹמַר אַלְפַּיִם אַמָּה שֶׁכְּבָר נֶאֱמַר אֶלֶף אַמָּה. הָא כֵּיצַד? אֶלֶף אַמָּה [4]מִגְּרָשׁ וְאַלְפַּיִם אַמָּה [5]תְּחוּם שַׁבָּת. רַבִּי [6]אֱלִיעֶזֶר בְּנוֹ שֶׁל רַבִּי יוֹסֵי הַגְּלִילִי אוֹמֵר, אֶלֶף אַמָּה מִגְּרָשׁ וְאַלְפַּיִם אַמָּה שָׂדוֹת וּכְרָמִים.

On that same day R. Akiba expounded, *And*[1] *ye shall measure*[2] *outside the city for the east side two thousand cubits,* etc., and another verse says, *From*[3] *the wall of the city and outside a thousand cubits round about.* It is impossible to say *a thousand cubits* because it is also stated *two thousand cubits;* and it is not possible to say *two thousand cubits* for it is also stated *a thousand cubits.* How can we reconcile this?—The *one thousand cubits* are the open outskirts[4] and the *two thousand cubits* are the Sabbath limit.[5] R. Eliezer[6] ben Jose the Galilean says, The *one thousand cubits* are the open outskirts and the *two thousand cubits* are the fields and vineyards.

1 *Numbers* **35**, 5. **2** The Scriptural reading is וּמַדִּתֶם. **3** *Numbers* **35**, 4. **4** Uncultivated and maintained for the amenities of a town. **5** See *Appendix,* **Note 4**; עֵרוּבִין INTRODUCTION. **6** His view is accepted.

Mishnah 4

מִשְׁנָה ד

בּוֹ בַּיּוֹם דָּרַשׁ רַבִּי עֲקִיבָא, [1]אָז יָשִׁיר מֹשֶׁה וּבְנֵי יִשְׂרָאֵל אֶת־הַשִּׁירָה הַזֹּאת לַה׳ וַיֹּאמְרוּ לֵאמֹר. שֶׁאֵין תַּלְמוּד לוֹמַר לֵאמֹר! *וּמַה־תַּלְמוּד לוֹמַר לֵאמֹר? מְלַמֵּד שֶׁהָיוּ יִשְׂרָאֵל עוֹנִין אַחֲרָיו שֶׁל [2]מֹשֶׁה עַל כָּל־דָּבָר וְדָבָר, כְּקוֹרִין אֶת־[3]הַהַלֵּל [4](לְכָךְ נֶאֱמַר לֵאמֹר). רַבִּי נְחֶמְיָה

On that same day R. Akiba expounded, *Then*[1] *sang Moses and the children of Israel this song unto the Eternal and spoke saying.* It was not necessary to say *saying*! Then what does it mean by *saying*?* This teaches that Israel responded to every verse after Moses,[2] just as when they recite the הַלֵּל[3] (therefore it says *saying*).[4]

אוֹמֵר, כְּקוֹרִין אֶת־[5]שְׁמַע וְלֹא כְּקוֹרִין אֶת־הַהַלֵּל.

R. Nehemiah says, Just as when they recite the שְׁמַע[5] and not as when they recite the הַלֵּל.

1 *Exodus* **15**, 1. **2** *i.e.*, with the response *'I shall sing unto the Eternal'* (*Exodus* **15**, 1). **3** *Psalms* **113-118**. **4** This is redundant in the opinion of some authorities. **5** *Deuteronomy* **6**, 4-9; **11**, 13-21; and *Numbers* **15**, 37-41. *i.e.*, the reader or leader in prayer begins the opening verse and the congregation then reads the whole שְׁמַע (all three paragraphs). * See ADDENDA at the end of this *Tractate*.

מִשְׁנָה ה

Mishnah 5

בּוֹ בַּיּוֹם דָּרַשׁ רַבִּי יְהוֹשֻׁעַ בֶּן הוּרְקַנּוֹס, לֹא עָבַד אִיּוֹב אֶת־הַקָּדוֹשׁ בָּרוּךְ הוּא אֶלָּא מֵאַהֲבָה, שֶׁנֶּאֱמַר, [1]הֵן יִקְטְלֵנִי, [3]לוֹ [2]אֲיַחֵל. וְעַדַּיִן הַדָּבָר שָׁקוּל [4]לוֹ אֲנִי מְצַפֶּה, אוֹ, אֵינִי מְצַפֶּה; [5]תַּלְמוּד לוֹמַר, עַד אֶגְוָע לֹא אָסִיר [6]תֻּמָּתִי מִמֶּנִּי, מְלַמֵּד שֶׁמֵּאַהֲבָה עָשָׂה. אָמַר רַבִּי יְהוֹשֻׁעַ, [7]מִי יְגַלֶּה עָפָר מֵעֵינֶיךָ, רַבָּן יוֹחָנָן בֶּן זַכַּאי, שֶׁהָיִיתָ דּוֹרֵשׁ כָּל־יָמֶיךָ שֶׁלֹּא עָבַד אִיּוֹב אֶת־הַמָּקוֹם אֶלָּא מִיִּרְאָה, שֶׁנֶּאֱמַר, [8]אִישׁ תָּם וְיָשָׁר יְרֵא אֱלֹהִים וְסוּר מֵרָע; וַהֲלֹא יְהוֹשֻׁעַ, תַּלְמִיד [9]תַּלְמִידְךָ, לְמֵד שֶׁמֵּאַהֲבָה עָשָׂה?

On that same day Joshua ben Hyrkanos expounded, Job served the Holy One Blessed Be He only from love, as it is said, *Though,*[1] *he slay me, yet will I trust*[2] *in Him.*[3] But still the matter is in doubt regarding the term לוֹ[4]—*I trust in Him* or *I do not trust;* but another verse teaches,[5] *Till I die I will not put away my integrity*[6] *from me,* teaching that he acted out of love. R. Joshua said, 'Who[7] will uncover the dust from thine eyes, O Rabban Jochanan ben Zakkai, for thou didst use to expound all thy days that Job served the Almighty only from fear, as it is said, *The*[8] *man was whole-hearted and upright and one that feared God and shunned evil;* and did not Joshua, the disciple of thy disciple,[9] teach that he acted from love?'

1 *Job* **13**, 15. **2** Or *put my hopes.* **3** The Scriptural reading is לא *not* and the corrigendum is לוֹ *in Him* (לא אֲיַחֵל would mean *I will not trust* or *I will not hope*). **4** Whether to take it as לוֹ [כְּתִיב, *written—textual*] *in Him* or as לא [קְרִי, *to be read so—erratum*] *not.* **5** *i.e.*, it helps to arrive at the correct meaning. *Job* **27**, 5. **6** תֻּמָּתִי is the Scriptural reading. **7** Compare 5[2], **Note 5**. **8** *Job* **1**, 1. The correct Scriptural reading is הָאִישׁ הַהוּא תָּם וְיָשָׁר וִירֵא אֱלֹהִים וְסָר מֵרָע. Some editions give the correct Scriptural reading וְסָר. **9** R. Akiba. R. Joshua ben Hyrkanos was a disciple of R. Akiba.

CHAPTER 6

פֶּרֶק ו

Mishnah 1

מִשְׁנָה א

מִי [1]שֶׁקִּינֵּא לְאִשְׁתּוֹ, וְנִסְתְּרָה, [2]אֲפִילוּ שָׁמַע [3]מֵעוֹף הַפּוֹרֵחַ, יוֹצִיא וְיִתֵּן [4]כְּתוּבָּה. דִּבְרֵי רַבִּי [5]אֱלִיעֶזֶר. רַבִּי [6]יְהוֹשֻׁעַ אוֹמֵר, עַד [8]שֶׁיִּשְׁאוּ וְיִתְּנוּ [9]בָּהּ מוֹזְרוֹת [7]בַּלְּבָנָה.

If one had warned[1] his wife, yet she went away in secret, even[2] if he became aware of it from the slightest source,[3] he must divorce her and give her her *marriage-settlement*.[4] This is the opinion of R. Eliezer.[5] R. Joshua[6] says, Until the women spinning yarn by moonlight[7] talk[8] about her.[9]

1 Compare 1[1]. **2** Or אֲפִלּוּ. **3** Literally *if he heard of it from a flying bird even*. **4** If he does not want to make her drink from the מַיִם הַמְּאָרְרִים (or מֵי הַמָּרִים). **5** His view is rejected. **6** His opinion is accepted. **7** Or *moonshine*. **8** Literally *deal, argue*. **9** *i.e.*, accuse her of harlotry. Then he must divorce her and give her the *marriage-settlement* (he cannot put her to the test of the מַיִם הַמְּאָרְרִים because in these circumstances they are ineffective).

Mishnah 2

מִשְׁנָה ב

*אָמַר עֵד אֶחָד, אֲנִי רְאִיתִיהָ שֶׁנִּטְמֵאת, לֹא הָיְתָה [1]שׁוֹתָה; וְלֹא עוֹד אֶלָּא [2]אֲפִילוּ [3]עֶבֶד, [2]אֲפִילוּ [3]שִׁפְחָה, הֲרֵי אֵלּוּ נֶאֱמָנִין אַף לְפוֹסְלָהּ מִכְּתוּבָּתָהּ. חֲמוֹתָהּ, וּבַת חֲמוֹתָהּ, [4]וְצָרָתָהּ, [5]וְיִבְמְתָהּ, [6]וּבַת בַּעְלָהּ, הֲרֵי אֵלּוּ [7]נֶאֱמָנוֹת, וְלֹא [8]לְפָסְלָהּ [9]מִכְּתוּבָּתָהּ, אֶלָּא שֶׁלֹּא [10]תִּשְׁתֶּה.

If one witness said,* 'I saw her that she had become defiled,' she did not have to drink;[1] and not only so but even[2] if a bondman,[3] even[2] if a bondwoman,[3] they are accounted reliable even to disqualify her from obtaining her *marriage-settlement*. Her mother-in-law, and her mother-in-law's daughter, and her fellow-wife,[4] and her sister-in-law,[5] and her husband's daughter:[6] these are considered trustworthy,[7] not, however, to disqualify her[8] from getting her *marriage-settlement*,[9] but that she should not have to drink.[10]

1 She could no longer be put to the test of drinking the מֵי הַמָּרִים. **2** Or אֲפִלּוּ. **3** Gave such evidence. **4** Or וּיְבִמְתָהּ. **5** The wife of her husband's brother. **6** By another wife. Compare יְבָמוֹת 15[4]. **7** Though they may be unfriendly to her. **8** לְפוֹסְלָהּ in some editions. **9** Because they are hostile towards her. **10** Of the מַיִם הַמְּאָרְרִים (or מֵי הַמָּרִים) to prove (her guilt). * See ADDENDA at the end of this *Tractate*.

Mishnah 3

מִשְׁנָה ג

שֶׁהָיָה [1]בַּדִּין, וּמָה אִם עֵדוּת
[2]רִאשׁוֹנָה שֶׁאֵין אוֹסַרְתָּהּ [3]אִיסּוּר
עוֹלָם אֵינָהּ מִתְקַיֶּמֶת § בְּפָחוֹת
[4]מִשְּׁנַיִם, עֵדוּת [5]אַחֲרוֹנָה שֶׁאוֹסַרְתָּהּ
[6]אִיסּוּר עוֹלָם אֵינוֹ דִּין שֶׁלֹּא תִתְקַיֵּים
§ בְּפָחוֹת מִשְּׁנַיִם! [7]תַּלְמוּד לוֹמַר,
[8]וְעֵד אֵין בָּהּ, כָּל־עֵדוּת שֶׁיֵּשׁ בָּהּ.
[9]קַל וָחוֹמֶר לְעֵדוּת הָרִאשׁוֹנָה
מֵעַתָּה, וּמָה אִם עֵדוּת אַחֲרוֹנָה
שֶׁאוֹסַרְתָּהּ [6]אִיסּוּר עוֹלָם הֲרֵי הִיא
מִתְקַיֶּמֶת בְּעֵד אֶחָד, עֵדוּת
הָרִאשׁוֹנָה שֶׁאֵין אוֹסַרְתָּהּ [6]אִיסּוּר
עוֹלָם אֵינוֹ דִּין שֶׁתִּתְקַיֵּים בְּעֵד
אֶחָד! [10]תַּלְמוּד לוֹמַר, [11]כִּי מָצָא
בָהּ עֶרְוַת דָּבָר, וּלְהָלָן הוּא אוֹמֵר,
[12]עַל פִּי שְׁנַיִם עֵדִים יָקוּם דָּבָר,
[13]מַה־לְּהַלָּן עַל פִּי שְׁנַיִם עֵדִים, אַף,
[14]כָּאן, עַל פִּי שְׁנַיִם עֵדִים.

Surely the deduction[1] should have been thus!—Seeing that the first evidence[2] which does not prohibit her for all time[3] can not be upheld by less than two witnesses,[4] should not the inference therefore be that the latter testimony[5] which renders her forbidden for ever[6] can not be sustained by fewer than two witnesses! But there is intimation [in Scripture] by saying,[7] *And*[8] *there be no witness against her*—whatever testimony there be against her. From this to the preceding evidence is a deduction from minor to major:[9] Now, if the latter evidence which makes her forbidden for all time[6] can be sustained by one witness, should not the inference be that the former testimony which does not render her forbidden for ever[6] can also be upheld by one witness! But [Scripture] intimates by saying,[10] *Because*[11] *he hath found some unseemly thing in her,* and in another verse it says, *At*[12] *the mouth of two witnesses ..... shall a matter be established;* just[13] as there it must be at the mouth of two witnesses, so here,[14] too, it must be at the mouth of two witnesses.

1 Or *The inference should have been as follows.* Concerning the preceding *Mishnah,* that one witness's evidence should be rejected. **2** That she had gone astray in secret. **3** Or אִסּוּר. *i.e.,* it does not render her forbidden to her husband but only till she has been put to the test by drinking of the מֵי הַמָּרִים (or מַיִם הַמְּאָרְרִים). **4** Compare 5[1]. **5** That she had committed adultery. **6** Or אִסּוּר.* **7** *i.e.,* Scripture teaches. **8** *Numbers* **5**, 13. **9** קַל וָחוֹמֶר, *an inference or conclusion a minori ad majus.* **10** By aid of Scripture. **11** *Deuteronomy* **24**, 1. **12** *Deuteronomy* **19**, 15.* The Scriptural text is עַל פִּי שְׁנֵי עֵדִים אוֹ עַל פִּי שְׁלֹשָׁה עֵדִים יָקוּם דָּבָר. **13** In some editions, מַה־דָּבָר הָאָמוּר לְהָלָן (or לְהַלָּן); it is inferred by גְּזֵרָה שָׁוָה. **14** In the case of a סוֹטָה of *Deuteronomy* **24**, 1. * See ADDENDA at the end of this *Tractate.* § Or בְּפָחוּת.

Mishnah 4

מִשְׁנָה ד

One witness says, 'She has become defiled,' and one[1] witness says, 'She was not defiled,' or, one woman says, 'She was defiled,' and one[1] woman says, 'She has not been defiled,' she has to drink.[2] One says, 'She has been defiled,' and two say, 'She has not become defiled,' she had to drink.[2] Two say, 'She is defiled,' and one says, 'She is not defiled,' she did not have to drink.[3]

עֵד אוֹמֵר, נִטְמֵאת, [1]וְעֵד אוֹמֵר, לֹא נִטְמֵאת, אִשָּׁה אוֹמֶרֶת, נִטְמֵאת, [1]וְאִשָּׁה אוֹמֶרֶת, לֹא נִטְמֵאת, הָיְתָה [2]שׁוֹתָה. אֶחָד אוֹמֵר, נִטְמֵאת, וּשְׁנַיִם אוֹמְרִים, לֹא נִטְמֵאת, הָיְתָה [2]שׁוֹתָה. שְׁנַיִם אוֹמְרִים, נִטְמֵאת, וְאֶחָד אוֹמֵר, לֹא נִטְמֵאת, לֹא הָיְתָה [3]שׁוֹתָה.

1 *i.e.*, another. **2** Of the מַיִם הַמְּאָרְרִים (or מֵי הַמָּרִים), because of the undecisive evidence and doubt. But this holds good if both give evidence at the same time, but if there was an interval between the witnesses' evidence the testimony of the second is not admitted. **3** Since her guilt is established by the evidence of two witnesses against that of one witness she could no longer be put to the test of drinking the מַיִם הַמָּרִים.

CHAPTER 7

פֶּרֶק ז

Mishnah 1

מִשְׁנָה א

These may be recited in any language:[1] the portion[2] of the *Suspected Adulterous Wife,*[3] the *Avowal*[4] *of the Tithe,*[5] the Recital of the שְׁמַע,[6] and the *Eighteen Benedictions,*[7] and the *Grace After Meals,* and the *Oath of Evidence,*[8] and the *Oath Concerning A Deposit.*[9]

אֵלּוּ נֶאֱמָרִין [1]בְּכָל לָשׁוֹן, [2]פָּרָשַׁת [3]סוֹטָה, [4]וִידּוּי [5]מַעֲשֵׂר, [6]קְרִיאַת שְׁמַע, [7]וּתְפִלָּה, וּבִרְכַּת הַמָּזוֹן, [8]וּשְׁבוּעוֹת הָעֵדוּת, [9]וּשְׁבוּעוֹת הַפִּקָּדוֹן.

1 In any language that one understands. Compare בְּרָכוֹת 1-7. **2** The traditional pronunciation is פִּרְשַׁת. **3** *Numbers* **5**, 19-22. **4** Or וִדּוּי. **5** *Deuteronomy* **26**, 13-15. מַעֲשֵׂר שֵׁנִי 5[6,10] ff. **6** *Deuteronomy* **6**, 4-9; **11**, 13-21; and *Numbers* **15**, 37-41. בְּרָכוֹת 1, 2, 3. **7** שְׁמֹנֶה עֶשְׂרֵה or עֲמִידָה; בְּרָכוֹת 4, 5. But only with a congregation, but when one recites the עֲמִידָה alone he must do so in the Hebrew tongue. **8** See שְׁבוּעוֹת 4[1] ff., בְּרָכוֹת 7. **9** See שְׁבוּעוֹת 5[1] ff.

Mishnah 2

מִשְׁנָה ב

And these must be recited in the Holy Tongue:[1] the *Scriptural Paragraph of the First-fruits,*[2] and the *Chalitzah,*[3] the *Blessings and the Curses,*[4] the *Benediction of the Priests,*[5] and the *Benediction of the High Priest,*[6] and the *Portion of the King,*[7] the *Portion at the Breaking of the Heifer's Neck,*[8] and the *Anointed for Battle*[9] in the hour when he speaks to the people.

וְאֵלּוּ נֶאֱמָרִין [1]בְּלְשׁוֹן הַקּוֹדֶשׁ,
[2]מִקְרָא בְּכּוּרִים, [3]וַחֲלִיצָה, [4]בְּרָכוֹת
וּקְלָלוֹת, [5]בִּרְכַּת כֹּהֲנִים, [6]וּבִרְכַּת
כֹּהֵן גָּדוֹל, [7]וּפָרָשַׁת הַמֶּלֶךְ, [8]וּפָרָשַׁת
עֶגְלָה עֲרוּפָה, [9]וּמְשׁוּחַ מִלְחָמָה
בַּשָּׁעָה שֶׁהוּא מְדַבֵּר אֶל־הָעָם.

1 Hebrew. **2** *Deuteronomy* **26**, 5-10. בְּכוּרִים 3[6]. **3** *i.e.*, the words of the חֲלִיצָה. *Deuteronomy* **25**, 7, 9. יְבָמוֹת 12[6]. **4** *Deuteronomy* **27**, 15-26; (**28**, 2-68). Compare *Joshua* **8**, 34. See this *Chapter, Mishnah* **5**. **5** *Numbers* **6**, 24-26. **6** יוֹמָא 7[1]. The Blessings recited by the High Priest on the Day of Atonement (see *Mishnah* **7** of this *Chapter*) after the עֲבוֹדָה. **7** *Deuteronomy* **17**, 14-20. See this *Chapter, Mishnah* **8**. **8** *Deuteronomy* **21**, 7 ff. See 9[1] ff. **9** *i.e.*, the Verses relating to the *Anointed for Battle. Deuteronomy* **20**, 2-7. See 8[1] ff.

Mishnah 3

מִשְׁנָה ג

Whence do we derive the law[1] to the *Scriptural Paragraph of the First-fruits?*[2] — *And*[3] *thou shalt answer and say before the Eternal thy God,* and there it says, *And*[4] *the Levites shall respond and say*: as the response mentioned there must be in the Holy Tongue so here also the responding has to be in the Holy Tongue.

[1]מִקְרָא בְּכּוּרִים [1]כֵּיצַד? [3]וְעָנִיתָ
וְאָמַרְתָּ לִפְנֵי ה׳ אֱלֹהֶיךָ, וּלְהַלָּן
הוּא אוֹמֵר, [4]וְעָנוּ הַלְוִיִּם וְאָמְרוּ, מָה
עֲנִיָּה הָאֲמוּרָה לְהַלָּן בִּלְשׁוֹן הַקּוֹדֶשׁ
אַף כָּאן בִּלְשׁוֹן הַקּוֹדֶשׁ.

1 That the recital must be in Hebrew. See the foregoing *Mishnah.* **2** *Deuteronomy* **26**, 3, 5-10. בְּכוּרִים 3[6]. **3** *Deuteronomy* **26**, 5. **4** *Deuteronomy* **27**, 14.

Mishnah 4

מִשְׁנָה ד

How do we derive the application of this law[1] to *Chalitzah?—And*[2] *she shall respond and say,* and

חֲלִיצָה [1]כֵּיצַד? [2]וְעָנְתָה וְאָמְרָה,
וּלְהַלָּן הוּא אוֹמֵר, [3]וְעָנוּ הַלְוִיִּם

וְאָמְרוּ; מָה עֲנִיָּה הָאֲמוּרָה לְהָלָן בְּלָשׁוֹן הַקּוֹדֶשׁ אַף כָּאַן בְּלָשׁוֹן הַקּוֹדֶשׁ. רַבִּי יְהוּדָה אוֹמֵר, יוְעָנְתָה וְאָמְרָה כָּכָה, עַד שֶׁתֹּאמַר בַּלָּשׁוֹן הַזֶּה.

there it says, *And*[3] *the Levites shall respond and say*: as the responding there was to be in the Holy Tongue so also here the response must be in the Holy Tongue. R. Judah says, *And*[4] *she shall respond and say thus,* until she recites in this Tongue.[5]

1 That the recital must be in Hebrew. See the preceding *Mishnah.* **2** *Deuteronomy* **25**, 9. **3** *Deuteronomy* **27**, 14. **4** He joins כָּכָה on to the clause ending וְאָמְרָה and not to the clause following it. **5** *viz.*, it is only valid therefore if she recites in Hebrew.

Mishnah 5

מִשְׁנָה ה

Whence do we infer the application[1] to the *Blessings and the Curses*? — When Israel crossed the Jordan and came unto Mount Gerizim[2] and unto Mount Ebal[3] in Samaria,[4] close by Shechem, by the terebinths[5] of Moreh,[8] as it is said, *Are*[6] *they not beyond the Jordan, etc.,* and elsewhere it says, *And*[7] *Abram passed through the land unto the place of Shechem unto the terebinth of Moreh;* just as the terebinth of Moreh[8] spoken of in the latter is at Shechem so here the terebinth of Moreh spoken of is at Shechem. Six tribes went up to the summit of Mount Gerizim and six tribes went up to the top of Mount Ebal. And the priests[9] and the Levites and the Ark stood below between.[10] And the priests encircled the Ark and the Levites the priests, and all Israel were on this side and on that, as it is said, *And*[11] *all Israel, and their elders and their officers,*[12] *and their judges,*[13] *stood*[14] *on this*

בְּרָכוֹת וּקְלָלוֹת [1]כֵּיצַד? כֵּיוָן שֶׁעָבְרוּ יִשְׂרָאֵל אֶת־הַיַּרְדֵּן וּבָאוּ אֶל־הַר [2]גְּרִיזִים וְאֶל הַר [3]עֵיבָל [4]שֶׁבְּשֹׁמְרוֹן, שֶׁבְּצַד שְׁכֶם, שֶׁבְּאֵצֶל [5]אֵלוֹנֵי [8]מוֹרֶה, שֶׁנֶּאֱמַר, [6]הֲלֹא הֵמָּה בְּעֵבֶר הַיַּרְדֵּן וְגוֹ׳, וּלְהַלָּן הוּא אוֹמֵר, [7]וַיַּעֲבֹר אַבְרָם בָּאָרֶץ עַד מְקוֹם שְׁכֶם עַד אֵלוֹן מוֹרֶה; מָה אֵלוֹן [8]מוֹרֶה הָאָמוּר לְהָלָן שְׁכֶם אַף אֵלוֹן מוֹרֶה הָאָמוּר כָּאַן שְׁכֶם. שִׁשָּׁה שְׁבָטִים עָלוּ לְרֹאשׁ הַר גְּרִיזִים וְשִׁשָּׁה שְׁבָטִים עָלוּ לְרֹאשׁ הַר עֵיבָל. [9]וְהַכֹּהֲנִים וְהַלְּוִיִּם וְהָאָרוֹן עוֹמְדִים לְמַטָּה [10]בָּאֶמְצָע. וְהַכֹּהֲנִים מַקִּיפִין אֶת־הָאָרוֹן וְהַלְּוִיִּם אֶת־הַכֹּהֲנִים, וְכָל יִשְׂרָאֵל מִכָּאן וּמִכָּאן, שֶׁנֶּאֱמַר, [11]וְכָל יִשְׂרָאֵל, וּזְקֵנָיו [12]וְשׁוֹטְרָיו, [13]וְשֹׁפְטָיו [14]עוֹמְדִים מִזֶּה וּמִזֶּה לָאָרוֹן וְגוֹ׳. [15]הָפְכוּ פְנֵיהֶם כְּלַפֵּי הַר גְּרִיזִים וּפָתְחוּ [16]בִּבְרָכָה,

בָּרוּךְ הָאִישׁ אֲשֶׁר לֹא יַעֲשֶׂה פֶסֶל וּמַסֵּכָה; וְאֵלּוּ [17]וְאֵלּוּ [18]עוֹנִין, אָמֵן. הָפְכוּ פְּנֵיהֶם כְּלַפֵּי הַר עֵיבָל וּפָתְחוּ בִּקְלָלָה, [19]אָרוּר הָאִישׁ אֲשֶׁר יַעֲשֶׂה פֶסֶל וּמַסֵּכָה, [20]וְאֵלּוּ וְאֵלּוּ [18]עוֹנִין, אָמֵן, עַד שֶׁגּוֹמְרִין בְּרָכוֹת וּקְלָלוֹת. וְאַחַר כָּךְ הֵבִיאוּ אֶת־הָאֲבָנִים וּבָנוּ אֶת־הַמִּזְבֵּחַ [21]וְסָדְוּהוּ בְּסִיד. וְכָתְבוּ [22]עָלָיו אֶת־כָּל־דִּבְרֵי הַתּוֹרָה בְּשִׁבְעִים לָשׁוֹן [23]שֶׁנֶּאֱמַר, בַּאֵר הֵיטֵב. וְנָטְלוּ אֶת־[24]הָאֲבָנִים וּבָאוּ וְלָנוּ [25]בְּמְקוֹמָן.

side of the Ark and on that side, etc. They[15] turned their faces towards Mount Gerizim and opened with the Blessing,[16] *Blessed be the man who maketh not a graven image or a molten image;* and both these and those[17] responded,[18] *Amen*! They turned their faces towards Mount Ebal and opened with a Curse, *Cursed*[19] *be the man who maketh a graven image or a molten image,* and both these[20] and those responded,[18] *Amen*!—until they concluded the Blessings and the Curses. And afterward they brought the stones and built the Altar and whitewashed it[21] with lime. And they wrote thereon[22] all the words of the Law in seventy tongues, as it is said,[23] *very plainly.* And they took the stones[24] and came and lodged in their place.[25]

1 That their recital must be in Hebrew (see this *Chapter, Mishnah* **2**). **2** About 3 miles south of Shechem. **3** About 2 miles north-east of Shechem. **4** The district embracing the country and the city of Samaria west of Shechem and eastward to the Jordan. **5** Or *oaks.* **6** *Deuteronomy* **11**, 30. **7** *Genesis* **12**, 6. **8** Not to be confused with the (Hill of) Moreh some 5 miles south of Mount Tabor. **9** הַכֹּהֲנִים, *The priests,* in some editions. **10** Literally *in the midst.* **11** *Joshua* **8**, 33. **12** The Scripture gives וְשֹׁטְרִים, *and officers.* **13** The Scriptural reading is וְשִׁפְטָיו. **14** עֹמְדִים is the Scriptural reading. **15** The Levites. **16** See **Note 19**. **17** On the two mountain tops. **18** Literally *respond.* **19** *Deuteronomy* **27**, 15.* **20** אֵלּוּ, *both these,* in some editions. **21** Or *covered it* (or *plastered it*) *with plaster.* **22** עֲלֵיהֶם, *upon them,* in some editions. **23** *Deuteronomy* **27**, 8. **24** After they had offered the עוֹלוֹת, *burnt-offerings,* and שְׁלָמִים, *peace-offerings.* **25** In Gilgal where they erected the stones. * See ADDENDA at the end of this *Tractate.*

Mishnah 6

מִשְׁנָה ו

בִּרְכַּת כֹּהֲנִים כֵּיצַד? בַּמְּדִינָה [1]אוֹמְרִים אוֹתָהּ [2]שָׁלֹשׁ בְּרָכוֹת, וּבַמִּקְדָּשׁ בְּרָכָה אֶחָת; בַּמִּקְדָּשׁ

How did they pronounce the *Blessing of the Priests*?—In the provinces they recited[1] it as *Three Blessings,*[2] but in the Temple as a

him in the Temple Court[6] a platform of wood and he sat[7] thereon, as it is said, *At*[8] *the end of seven years at the appointed time,*[9] *etc.*

שֶׁנֶּאֱמַר, בְּמִקְצֵה שֶׁבַע שָׁנִים בְּמוֹעֵד, וְגוֹמֵר. [10]חַזַּן הַכְּנֶסֶת [11]נוֹטֵל סֵפֶר תּוֹרָה [12]וְנוֹתְנָהּ לְרֹאשׁ הַכְּנֶסֶת, וְרֹאשׁ

[3]אוֹמֵר אֶת־הַשֵּׁם [4]כִּכְתָבוֹ, וּבַמְּדִינָה
[5]בְּכִנּוּיוֹ; בַּמְּדִינָה כֹּהֲנִים [6]נוֹשְׂאִים

Single Blessing; in the Temple they pronounced[3] the Name as it was written,[4] but in the provinces

הַכְּנֶסֶת [9]נוֹתְנָהּ לַסָּגָן, וְהַסָּגָן [12]נוֹתְנָהּ
*לַכֹּהֵן גָּדוֹל, וְכֹהֵן גָּדוֹל [12]נוֹתְנָהּ
לַמֶּלֶךְ, וְהַמֶּלֶךְ עוֹמֵד וּמְקַבֵּל
וְקוֹרֵא [13]וְיוֹשֵׁב. [14]אַגְרִיפַּס הַמֶּלֶךְ
עָמַד וְקִבֵּל וְקָרָא עוֹמֵד, וְשִׁבְּחוּהוּ
חֲכָמִים. וּכְשֶׁהִגִּיעַ [15]לְלֹא תוּכַל
לָתֵת עָלֶיךָ אִישׁ נֻכְרִי זָלְגוּ עֵינָיו
[16]דְּמָעוֹת. אָמְרוּ לוֹ, [17]אַל תִּירָא,
אַגְרִיפַּס, אָחִינוּ אַתָּה, אָחִינוּ אַתָּה,
אָחִינוּ אַתָּה. וְקוֹרֵא [18]מִתְּחִלַּת
[19]אֵלֶּה הַדְּבָרִים עַד [20]שְׁמַע, [21]וּשְׁמַע
[22]וְהָיָה אִם שָׁמֹעַ, [23]עַשֵּׂר תְּעַשֵּׂר,
[24]כִּי תְכַלֶּה לַעְשֵׂר, [25]וּפָרָשַׁת
הַמֶּלֶךְ, [26]וּבְרָכוֹת וּקְלָלוֹת, עַד
[27]שֶׁגּוֹמֵר כָּל־הַפָּרָשָׁה. [28]בְּרָכוֹת
שֶׁכֹּהֵן גָּדוֹל [29]מְבָרֵךְ אוֹתָן הַמֶּלֶךְ
[29]מְבָרֵךְ אוֹתָן, אֶלָּא [30]שֶׁשִּׁנּוּתֵן [31]שֶׁל
רְגָלִים [31]תַּחַת [32]מְחִילַת הָעָוֹן.

The minister[10] of the Synagogue took[11] a Scroll of the Law and gave it[12] to the president of the Synagogue, and the president of the Synagogue gave it[12] to the Prefect of the priests, and the Prefect of the priests gave it[12] to the High Priest,* and the High Priest gave it[12] to the king, and the king stood and received it and read it sitting.[13] King Agrippas[14] stood when he received it and read it standing, and the Sages praised him for this. And when he reached *Thou[15] mayest not put a foreigner over thee,* his eyes streamed with tears.[16] They said to him, 'Fear not,[17] Agrippas! thou are our brother! thou art our brother! thou art our brother!' And he read from the beginning[18] of *These[19] are the words* up to *Hear[20]* ....., and *Hear[21]* ..... and *It[22] shall come to pass* ....., *Thou[23] shalt surely tithe* ....., *When[24] thou hast made an end of tithing,* and the *Portion of the King,[25]* and the *Blessings and Curses,[26]* until he concluded[27] the whole Portion. The Benedictions[28] with which the High Priest blessed[29] them the king blessed[29] them, save that he substituted[30] that[31] for the Festivals for that[31] for the Pardon of Sin.[32] * Perhaps לְכֹהֵן.

1 See 7[2], **Note 7.** **2** The night. **3** חַג or סֻכּוֹת. **4** The beginning of the eighth year of שְׁמִיטָה or שְׁבִיעִית, the *Sabbatical Year* period. **5** Literally *prepare.* **6** In the middle of the עֶזְרַת נָשִׁים, the *Women's Forecourt.* **7** Literally *sits.* **8** *Deuteronomy* **31**, 10. **9** The Scripture gives בְּמֹעֵד. **10** Compare 7[7], **Note 6.** **11** Literally *takes.* **12** Literally *gives it.* **13** Literally *stands and receives it and reads it sitting.* **14** The last but one of the Herodian Kings of Judaea (Julius Agrippa I or Herod Agrippa I, circa 10 B.C.E.—44 C.E.); he was of Edomite descent, son of Aristobulus and grandson of Herod. **15** *Deuteronomy* **17**, 15. **16** He was really פָּסוּל, racially unfit, to be king as only his mother was of Jewish descent. **17** אַל תִּתְיָרֵא in some editions. **18** מִתְּחִילַת in some texts. **19** *Deuteronomy* **1**, 1. **20** *Deuteronomy* **6**, 4, up to ..... יִשְׂרָאֵל. **21** The whole paragraph. *Deuteronomy*

בָּרוּךְ הָאִישׁ אֲשֶׁר לֹא יַעֲשֶׂה פֶסֶל
וּמַסֵּכָה; וְאֵלּוּ [17]וְאֵלּוּ [18]עוֹנִין, אָמֵן.
הָפְכוּ פְּנֵיהֶם כְּלַפֵּי הַר עֵיבָל
וּפָתְחוּ בְּקְלָלָה, [19]אָרוּר הָאִישׁ
אֲשֶׁר יַעֲשֶׂה פֶסֶל וּמַסֵּכָה, [20]וְאֵלּוּ
וְאֵלּוּ [18]עוֹנִין, אָמֵן, עַד שֶׁגּוֹמְרִין
בְּרָכוֹת וּקְלָלוֹת. וְאַחַר כָּךְ הֵבִיאוּ
אֶת־הָאֲבָנִים וּבָנוּ אֶת־הַמִּזְבֵּחַ
[21]וְסָדוּהוּ בְּסִיד. וְכָתְבוּ [22]עָלָיו
אֶת־כָּל־דִּבְרֵי הַתּוֹרָה בְּשִׁבְעִים
לָשׁוֹן [23]שֶׁנֶּאֱמַר, בַּאֵר הֵיטֵב. וְנָטְלוּ
אֶת־[24]הָאֲבָנִים וּבָאוּ וְלָנוּ [25]בִּמְקוֹמָן.

side of the Ark and on that side, etc. They[15] turned their faces towards Mount Gerizim and opened with the Blessing,[16] *Blessed be the man who maketh not a graven image or a molten image;* and both these and those[17] responded,[18] *Amen*! They turned their faces towards Mount Ebal and opened with a Curse, *Cursed*[19] *be the man who maketh a graven image or a molten image,* and both these[20] and those responded,[18] *Amen!*—until they concluded the Blessings and the Curses. And afterward they brought the stones and built the Altar and whitewashed it[21] with lime. And they wrote thereon[22] all the words of the Law in seventy tongues, as it is said,[23] *very plainly.* And they took the stones[24] and came and lodged in their place.[25]

1 That their recital must be in Hebrew (see this *Chapter, Mishnah* **2**). **2** About 3 miles south of Shechem. **3** About 2 miles north-east of Shechem. **4** The district embracing the country and the city of Samaria west of Shechem and eastward to the Jordan. **5** Or *oaks.* **6** *Deuteronomy* **11**, 30. **7** *Genesis* **12**, 6. **8** Not to be confused with the (Hill of) Moreh some 5 miles south of Mount Tabor. **9** הַכֹּהֲנִים, *The priests,* in some editions. **10** Literally *in the midst.* **11** *Joshua* **8**, 33. **12** The Scripture gives וְשׁוֹטְרִים, *and officers.* **13** The Scriptural reading is וְשֹׁפְטָיו. **14** עֹמְדִים is the Scriptural reading. **15** The Levites. **16** See **Note 19**. **17** On the two mountain tops. **18** Literally *respond.* **19** *Deuteronomy* **27**, 15.* **20** אֵלּוּ, *both these,* in some editions. **21** Or *covered it* (or *plastered it*) *with plaster.* **22** עֲלֵיהֶם, *upon them,* in some editions. **23** *Deuteronomy* **27**, 8. **24** After they had offered the עוֹלוֹת, *burnt-offerings,* and שְׁלָמִים, *peace-offerings.* **25** In Gilgal where they erected the stones. * See ADDENDA at the end of this *Tractate.*

Mishnah 6 — מִשְׁנָה ו

בִּרְכַּת כֹּהֲנִים כֵּיצַד? בַּמְּדִינָה
[1]אוֹמְרִים אוֹתָהּ [2]שָׁלֹשׁ בְּרָכוֹת,
וּבַמִּקְדָּשׁ בְּרָכָה אֶחָת; בַּמִּקְדָּשׁ

How did they pronounce the *Blessing of the Priests*?—In the provinces they recited[1] it as *Three Blessings,*[2] but in the Temple as a

[3]אוֹמֵר אֶת־הַשֵּׁם [4]כִּכְתָבוֹ, וּבַמְּדִינָה
[5]בְּכִנּוּיוֹ; בַּמְּדִינָה כֹּהֲנִים [6]נוֹשְׂאִים
אֶת־יְדֵיהֶן כְּנֶגֶד כִּתְפֵיהֶן, וּבַמִּקְדָּשׁ
עַל גַּבֵּי רָאשֵׁיהֶן, חוּץ מִכֹּהֵן גָּדוֹל
שֶׁאֵינוֹ מַגְבִּיהַּ אֶת־יָדָיו לְמַעְלָה
מִן־הַצִּיץ. רַבִּי [8]יְהוּדָה אוֹמֵר, אַף
כֹּהֵן גָּדוֹל [9]מַגְבִּיהַּ [10]יָדָיו לְמַעְלָה
מִן־הַצִּיץ, שֶׁנֶּאֱמַר, [11]וַיִּשָּׂא אַהֲרֹן
אֶת־[12]יָדָיו אֶל־הָעָם וַיְבָרְכֵם.

Single Blessing; in the Temple they pronounced[3] the Name as it was written,[4] but in the provinces by its substitute word;[5] in the provinces the priests raised[6] their hands on a level with their shoulders, but in the Temple above their heads, save the High Priest who did not raise his hands above the front-plate.[7] R. Judah[8] says, The High Priest also raised[9] his hands[10] above the front-plate, as it is said, *And*[11] *Aaron lifted up his hands*[12] *toward the people and blessed them.*

1 Literally *recite.* **2** *Numbers* **6**, 24-26. The assembly responding אָמֵן after יְשָׁמְרֶךָ ....., אָמֵן after וִיחֻנֶּךָּ ....., and אָמֵן after שָׁלוֹם ..... **3** Literally *he pronounces.** **4** Compare יוֹמָא 3[2]. And every time it was uttered the congregation recited בָּרוּךְ שֵׁם כְּבוֹד מַלְכוּתוֹ לְעוֹלָם וָעֶד. **5** אֱלֹהִים or אֲדוֹנָי. **6** Literally *raise.* **7** Upon the High Priest's forehead. *Exodus* **28**, 36. Because the Name was written upon it. **8** His opinion is rejected. **9** Literally *raises.* **10** אֶת־יָדָיו in some editions. **11** *Leviticus* **9**, 22. **12** יָדָיו is the corrigendum for the Scriptural reading יָדוֹ. * See the ADDENDA at the end of this *Tractate.*

מִשְׁנָה ז

Mishnah 7

[1]בִּרְכוֹת כֹּהֵן גָּדוֹל כֵּיצַד? [2]חַזָּן
הַכְּנֶסֶת [3]נוֹטֵל סֵפֶר תּוֹרָה [4]וְנוֹתְנָהּ
[5]לְרֹאשׁ הַכְּנֶסֶת, וְרֹאשׁ הַכְּנֶסֶת
[4]נוֹתְנָהּ [6]לַסָּגָן, וְהַסָּגָן [4]נוֹתְנָהּ לְכֹהֵן
גָּדוֹל, וְכֹהֵן גָּדוֹל עוֹמֵד וּמְקַבֵּל,
וְקוֹרֵא [7]עוֹמֵד. [8]וְקוֹרֵא, [9]אַחֲרֵי מוֹת
[10]וְאַךְ בֶּעָשׂוֹר. [11]וְגוֹלֵל אֶת־הַתּוֹרָה
[12]וּמֵנִיחָהּ בְּחֵיקוֹ [13]וְאוֹמֵר, יוֹתֵר
מִמַּה־שֶּׁקָּרִיתִי לִפְנֵיכֶם כָּתוּב כָּאן.
[14]וּבֶעָשׂוֹר [15]שֶׁבַּחֹדֶשׁ הַפְּקוּדִים
[16]קוֹרֵא עַל פֶּה, [17]וּמְבָרֵךְ עָלֶיהָ
שְׁמֹנֶה בְּרָכוֹת, [18]עַל הַתּוֹרָה, [19]וְעַל

What was the manner of the Blessings of the High Priest?[1]—The minister[2] of the Synagogue took[3] a Scroll of the Law and gave it[4] to the president[5] of the Synagogue, and the president of the Synagogue gave it[4] to the Prefect[6] of the priests, and the Prefect of the priests gave it[4] to the High Priest, and the High Priest stood when he received it, and read it standing.[7] And he read,[8] *After*[9] *the death of* ..... and *Howbeit*[10] *on the tenth day* ..... And he rolled up[11] the Scroll of the Law and placed it[12] on his lap and said,[13] 'More than

what I have read before you is written herein.' *And*[14] *on the tenth* ..... that is in the *Book of Numbers*[15] he read[16] by heart, and he recited,[17] following it, Eight Blessings: for the Law,[18] and for the Temple Service,[19] and for the Thanksgiving,[20] and for the Pardon of Sin,[21] and for the Temple,[22] and for the Israelites,[23] and for the Priests,[24] and one for the rest of the Prayer.[25]

הָעֲבוֹדָה, [20]וְעַל הַהוֹדָיָה, [21]וְעַל מְחִילַת הֶעָוֹן, [22]וְעַל הַמִּקְדָּשׁ, [23]וְעַל יִשְׂרָאֵל, [24]וְעַל הַכֹּהֲנִים, [25]וְעַל שְׁאָר הַתְּפִלָּה.

1 On יוֹם כִּפּוּר, the Day of Atonement, after the dispatch of the scapegoat. **2** See *Mishnah* **2** of this *Chapter*. יוֹמָא 7[1]. The חַזָּן was like a superviser at the services giving out the signals for the responses, etc. **3** Literally *takes*. **4** Literally *gives it*. **5** He decided the arrangements during the services as to who should read, who be מַפְטִיר etc. **6** סָגָן, סְגָן. He was second to the High Priest. **7** Literally *stands and receives and reads standing*. **8** Literally *reads*. **9** *Leviticus* **16**, 1 ff. **10** *Leviticus* **23**, 26 ff. **11** Literally *rolls up*. **12** Or וּמַנִּיחָהּ.* Literally *places it*. **13** Literally *says*. **14** *Numbers* **29**, 7-11. **15** Traditional pronunciation חוּמָשׁ for חֻמָּשׁ. **16** Literally *reads*. **17** Literally *recites*. **18** The Benediction *after* the reading from the Law. **19** ..... רְצֵה ה׳ אֱלֹהֵינוּ. **20** ..... מוֹדִים אֲנַחְנוּ לָךְ to ..... נָאֶה לְהוֹדוֹת **21** ..... אַתָּה בְּחַרְתָּנוּ (or ..... סְלַח לָנוּ according to some authorities) concluding with מֶלֶךְ מוֹחֵל וְסוֹלֵחַ ..... **22** Concluding with בָּרוּךְ אַתָּה ה׳ שׁוֹכֵן בְּצִיּוֹן. **23** A Benediction for the welfare of the nation concluding with בָּרוּךְ אַתָּה ה׳ הַבּוֹחֵר בְּיִשְׂרָאֵל. **24** A Benediction for the acceptance of the offerings and concluding מְקַדֵּשׁ הַכֹּהֲנִים ..... (some texts add here וְעַל יְרוּשָׁלַיִם, *and for Jerusalem*). **25** A prayer for help for Israel from their enemies and concluding עַמְּךָ יִשְׂרָאֵל צְרִיכִים יְשׁוּעָה בָּרוּךְ אַתָּה ה׳ שׁוֹמֵעַ תְּפִלָּה ..... Some prefer the formula עַל הַכֹּהֲנִים וְעַל יִשְׂרָאֵל וְעַל שְׁאָר הַתְּפִלָּה.....

* Compare 3[1], **Note 4**.

Mishnah 8 — מִשְׁנָה ח

What was the manner of the *Portion of the King*?[1]—At the conclusion of[2] the first Holyday day of the Festival of Tabernacles,[3] in the eighth year,[4] after the close of the seventh year,[4] they prepared[5] for him in the Temple Court[6] a platform of wood and he sat[7] thereon, as it is said, *At*[8] *the end of seven years at the appointed time,*[9] *etc.*

[1]פָּרָשַׁת הַמֶּלֶךְ כֵּיצַד? [2]מוֹצָאֵי יוֹם טוֹב הָרִאשׁוֹן שֶׁל [3]חַג, [4]בַּשְּׁמִינִי, בְּמוֹצָאֵי שְׁבִיעִית, [5]עוֹשִׂין לוֹ בִּימָה שֶׁל עֵץ [6]בְּעֲזָרָה וְהוּא [7]יוֹשֵׁב עָלֶיהָ, שֶׁנֶּאֱמַר, [8]מִקֵּץ שֶׁבַע שָׁנִים [9]בְּמוֹעֵד, וְגוֹמֵר. [10]חַזַּן הַכְּנֶסֶת [11]נוֹטֵל סֵפֶר תּוֹרָה [12]וְנוֹתְנָהּ לְרֹאשׁ הַכְּנֶסֶת, וְרֹאשׁ

הַכְּנֶסֶת [10]נוֹתְנָה לַסָּגָן, וְהַסָּגָן [12]נוֹתְנָה
*לַכֹּהֵן גָּדוֹל, וְכֹהֵן גָּדוֹל [12]נוֹתְנָה
לַמֶּלֶךְ, וְהַמֶּלֶךְ עוֹמֵד וּמְקַבֵּל
וְקוֹרֵא [13]וְיוֹשֵׁב. [14]אַגְרִיפַּס הַמֶּלֶךְ
עָמַד וְקִבֵּל וְקָרָא עוֹמֵד, וְשִׁבְּחוּהוּ
חֲכָמִים. וּכְשֶׁהִגִּיעַ [15]לְלֹא תוּכַל
לָתֵת עָלֶיךָ אִישׁ נָכְרִי זָלְגוּ עֵינָיו
[16]דְּמָעוֹת. אָמְרוּ לוֹ, [17]אַל תִּירָא,
אַגְרִיפַּס, אַחֵינוּ אַתָּה, אַחֵינוּ אַתָּה,
אַחֵינוּ אַתָּה. וְקוֹרֵא [18]מִתְּחִלַּת
[19]אֵלֶּה הַדְּבָרִים עַד [20]שְׁמַע, [21]וּשְׁמַע
[22]וְהָיָה אִם שָׁמֹעַ, [23]עַשֵּׂר תְּעַשֵּׂר,
[24]כִּי תְכַלֶּה לַעְשֵׂר, [25]וּפָרָשַׁת
הַמֶּלֶךְ, [26]וּבְרָכוֹת וּקְלָלוֹת, עַד
[27]שֶׁגּוֹמֵר כָּל־הַפָּרָשָׁה. [28]בְּרָכוֹת
שֶׁכֹּהֵן גָּדוֹל [29]מְבָרֵךְ אוֹתָן הַמֶּלֶךְ
[29]מְבָרֵךְ אוֹתָן, אֶלָּא [30]שֶׁנּוֹתֵן [31]שֶׁל
רְגָלִים [31]תַּחַת [32]מְחִילַת הָעָוֹן.

The minister[10] of the Synagogue took[11] a Scroll of the Law and gave it[12] to the president of the Synagogue, and the president of the Synagogue gave it[12] to the Prefect of the priests, and the Prefect of the priests gave it[12] to the High Priest,* and the High Priest gave it[12] to the king, and the king stood and received it and read it sitting.[13] King Agrippas[14] stood when he received it and read it standing, and the Sages praised him for this. And when he reached *Thou*[15] *mayest not put a foreigner over thee,* his eyes streamed with tears.[16] They said to him, 'Fear not,[17] Agrippas! thou are our brother! thou art our brother! thou art our brother!' And he read from the beginning[18] of *These*[19] *are the words* up to *Hear*[20] ....., and *Hear*[21] ..... and *It*[22] *shall come to pass* ....., *Thou*[23] *shalt surely tithe* ....., *When*[24] *thou hast made an end of tithing,* and the *Portion of the King,*[25] and the *Blessings and Curses,*[26] until he concluded[27] the whole Portion. The Benedictions[28] with which the High Priest blessed[29] them the king blessed[29] them, save that he substituted[30] that[31] for the Festivals for that[31] for the Pardon of Sin.[32] * Perhaps לְכֹהֵן.

1 See 7[2], **Note 7**. **2** The night. **3** חַג or סֻכּוֹת. **4** The beginning of the eighth year of שְׁמִיטָה or שְׁבִיעִית, the *Sabbatical Year* period. **5** Literally *prepare*. **6** In the middle of the עֶזְרַת נָשִׁים, the *Women's Forecourt*. **7** Literally *sits*. **8** *Deuteronomy* **31**, 10. **9** The Scripture gives בְּמֹעֵד. **10** Compare 7[7], **Note 6**. **11** Literally *takes*. **12** Literally *gives it*. **13** Literally *stands and receives it and reads it sitting*. **14** The last but one of the Herodian Kings of Judaea (Julius Agrippa I or Herod Agrippa I, circa 10 B.C.E.—44 C.E.); he was of Edomite descent, son of Aristobulus and grandson of Herod. **15** *Deuteronomy* **17**, 15. **16** He was really פָּסוּל, racially unfit, to be king as only his mother was of Jewish descent. **17** אַל תִּתְיָרֵא in some editions. **18** מִתְּחִילַת in some texts. **19** *Deuteronomy* **1**, 1. **20** *Deuteronomy* **6**, 4, up to ..... יִשְׂרָאֵל. **21** The whole paragraph. *Deuteronomy*

6, 5-9. **22** *Deuteronomy* **11**, 13-21. **23** *Deuteronomy* **14**, 22-28. **24** *Deuteronomy* **26**, 12-15. **25** *Deuteronomy* **17**, 14-20. **26** *Deuteronomy* **27**, 15-26. **27** Literally *concludes*. **28** The *Eight Blessings*. **29** Literally *blesses*. **30** Literally *substitutes*. **31** Blessing. **32** See 7[1], **Note 21**.

CHAPTER 8

Mishnah 1

When[1] the *Anointed for Battle*[2] spoke[3] unto the people[4] he used to speak in the Holy Tongue, as it is said, *And*[5] *it shall be, when ye draw nigh unto the battle, that the priest shall approach*—that is the *priest anointed for the battle — and*[6] *speak unto the people*—in the Holy Tongue—*and*[7] *shall say unto them, Hear, O Israel, etc., against*[7] *your enemies*—and not against your brethren, not Judah against Simeon, and not Simeon against Benjamin,[8] for if you fall into their hand they will have mercy upon you, as it is said,[9] *And the men who have been mentioned by name rose up,*[10] *and took the captives, and with the spoil clothed all that were naked among them,*[11] *and arrayed them,*[12] *and shod*[13] *them, and gave them to eat*[14] *and to drink, and anointed them, and carried all the feeble of them upon asses,*[15] *and brought them to Jericho, the city of palm-trees, unto their brethren; then they returned to Samaria.*[16] *Against your enemies* are ye going, for should you fall into their hand they will have no mercy upon you. *Let*[17] *not your heart faint; fear not, nor be alarmed, etc.* ....*Let*

פֶּרֶק ח

מִשְׁנָה א

[2]מְשׁוּחַ מִלְחָמָה [1]בַּשָּׁעָה [3]שֶׁמְּדַבֵּר
אֶל־[4]הָעָם בִּלְשׁוֹן הַקּוֹדֶשׁ הָיָה
מְדַבֵּר, שֶׁנֶּאֱמַר, [5]וְהָיָה כְּקָרְבְּכֶם
אֶל־הַמִּלְחָמָה וְנִגַּשׁ הַכֹּהֵן, זֶה כֹּהֵן
מְשׁוּחַ מִלְחָמָה, [6]וְדִבֶּר אֶל־הָעָם,
בִּלְשׁוֹן הַקּוֹדֶשׁ, [7]וְאָמַר אֲלֵיהֶם,
שְׁמַע יִשְׂרָאֵל, וְגוֹמֵר, [8]עַל אוֹיְבֵיכֶם,
וְלֹא עַל אֲחֵיכֶם, לֹא יְהוּדָה עַל
שִׁמְעוֹן, וְלֹא שִׁמְעוֹן עַל [8]בִּנְיָמִין,
שֶׁאִם תִּפְּלוּ בְיָדָם יְרַחֲמוּ עֲלֵיכֶם,
כְּמָה [9]שֶׁנֶּאֱמַר, [10]וַיָּקוּמוּ הָאֲנָשִׁים
אֲשֶׁר נֻקְּבוּ בְשֵׁמוֹת, וַיַּחֲזִיקוּ בַּשְּׁבִיָּה,
וְכָל [11]מַעֲרוֹמֵיהֶם הִלְבִּישׁוּ מִן־
הַשָּׁלָל, [12]וַיַּלְבִּישׁוּם, [13]וַיַּנְעִילוּם,
[14]וַיַּאַכִילוּם וַיַּשְׁקוּם, וַיָּסְכוּם,
וַיְנַהֲלוּם [15]בַּחֲמוֹרִים לְכָל כּוֹשֵׁל,
וַיְבִיאוּם יְרִיחוֹ, עִיר הַתְּמָרִים, אֶצֶל
אֲחֵיהֶם, וַיָּשׁוּבוּ [16]שׁוֹמְרוֹן. עַל
אוֹיְבֵיכֶם אַתֶּם הוֹלְכִים, שֶׁאִם תִּפְּלוּ
בְיָדָם אֵין מְרַחֲמִין עֲלֵיכֶם. [17]אַל
יֵרַךְ לְבַבְכֶם, אַל תִּירְאוּ, וְאַל
תֵּחָפְזוּ, וְגוֹמֵר, אַל יֵרַךְ לְבַבְכֶם,
מִפְּנֵי [18]צְהֲלַת סוּסִים וְצִחְצוּחַ

חֲרָבוֹת. אַל תִּירְאוּ, מִפְּנֵי הַנֶּפֶת [19]תְּרִיסִין וְשִׁפְעַת [20]הַקַּלְגָּסִין. אַל תַּחְפְּזוּ, מִקּוֹל קְרָנוֹת. אַל תַּעַרְצוּ, מִפְּנֵי קוֹל [21]צְוָוחוֹת, [22]כִּי ה' אֱלֹהֵיכֶם [23]הַהוֹלֵךְ עִמָּכֶם. הֵן בָּאִין בִּנְצְחוֹנוֹ שֶׁל בָּשָׂר וָדָם, וְאַתֶּם בָּאִים בִּנְצְחוֹנוֹ שֶׁל מָקוֹם. פְּלִשְׁתִּים בָּאוּ בִּנְצְחוֹנוֹ שֶׁל [24]גָּלְיָת. מֶה הָיָה סוֹפוֹ? לְסוֹף נָפַל בַּחֶרֶב [25]וְנָפְלוּ עִמּוֹ. בְּנֵי עַמּוֹן בָּאוּ בִּנְצְחוֹנוֹ שֶׁל [26]שׁוֹבָךְ. מֶה הָיָה סוֹפוֹ? לְסוֹף נָפַל בַּחֶרֶב [25]וְנָפְלוּ עִמּוֹ. [27]וְאַתֶּם, אִי אַתֶּם כֵּן! [22]כִּי ה' אֱלֹהֵיכֶם הַהוֹלֵךְ עִמָּכֶם לְהִלָּחֵם לָכֶם, וְגוֹמֵר, זֶה מַחֲנֵה [28]הָאָרוֹן.

not your heart faint — because of the neighing[18] of horses and the flashing of swords. *Fear not*—because of the clashing of shields[19] and the noise of the tramping shoes.[20] *Nor be alarmed* — at the sound of horns. *Neither be ye affrighted*—because of the noise of shouts[21]—*for*[22] *the Eternal your God is He that goeth*[23] *with you.* They come in the strength of flesh and blood, but ye come in the might of the Almighty. The Philistines came in the strength of Goliath.[24] What was his end? In the end he fell by the sword and they fell[25] with him. The children of Ammon came in the strength of Shobach.[26] What was his end? In the end he fell by the sword and they fell[25] with him. But ye,[27] ye are not so! *For*[22] *the Eternal your God is He that goeth with you to fight for you ....., etc.* This is the camp of the Ark.[28]

1 Or בְּשָׁעָה.* **2** See 7[2], **Note 9**. **3** Literally *speaks*. **4** The army before battle. **5** *Deuteronomy* **20**, 2 ff. This is coupled with מֹשֶׁה יְדַבֵּר in *Exodus* **19**, 19. And so, just as Moses spoke in the Holy Tongue (*viz.*, Hebrew) so here too the recital must be in the Holy Tongue. **6** *Deuteronomy* **20**, 2. **7** *Deuteronomy* **20**, 3. **8** *i.e.*, it was not a civil or fratricidal war between two kingdoms or provinces. **9** *II Chronicles* **28**, 15. **10** The Scriptural reading is וַיָּקֻמוּ. **11** מַעֲרָמֵיהֶם is the Scripture reading. **12** The Scripture gives וַיַּלְבִּשׁוּם. **13** וַיַּנְעֲלוּם is the Scriptural reading. **14** The Scripture reads וַיַּאֲכִלוּם. **15** The Scriptural reading is בַּחֲמֹרִים. **16** שִׁמְרוֹן is given in the Scripture. **17** *Deuteronomy* **20**, 3 (and also the quotations following on). **18** Or צַהֲלַת. **19** Or *cuirasses*. **20** According to another rendering, *and the striking of staves against the stones*. **21** Or *groanings*. Of the wounded and dying. **22** *Deuteronomy* **20**, 4. **23** The Scriptural reading is הַהֹלֵךְ. **24** *I Samuel* **17**, 4. **25** וְהֵם נָפְלוּ in some editions. **26** *II Samuel* **10**, 16. **27** אֲבָל אַתֶּם in some editions. **28** The army of the Israelites had brought with them the Ark (*Jerusalem Talmud* שְׁקָלִים Chapter 6, *Babylonian Talmud* בְּרָכוֹת Page 8a). Thus far the מְשִׁיחַ מִלְּחָמָה spoke and other priests passed on his message to the army; then his further message was passed on to the hosts by an officer. * See ADDENDA at the end of this *Tractate*.

Mishnah 2

מִשְׁנָה ב

And[1] *the officers*[2] *shall speak unto the people saying, What man is there that hath built a new house, and hath not dedicated it?*[3] *Let him go and return*[4] *to his house* ....., *etc.* It is all one whether he builds a house for straw, a house for cattle, a house for wood, a house for stores;[5] it is all one whether he builds or purchases or inherits, and it is all one whether it is given[6] to him as a gift. *And*[7] *what man is there that hath planted a vineyard and hath not used* ....., *etc.* It is all one whether he has planted a vineyard or whether he has planted five[8] fruit-trees, and even[9] if they be of five kinds. It is all one whether he plants or sinks[10] or grafts;[11] and it is all one whether he buys or whether he inherits or whether it is given to him as a gift.[12] *And*[13] *what man is there that hath betrothed a wife* ....., *etc.* It is all one whether he betrothes a virgin or whether he betrothed a widow, even[14] a woman that awaits *levirate union;*[15] and even[9] whether he[16] hears that his brother had died in battle,[17] let him turn back and go home. All these hearken to the words of the priest regarding the ordinances[18] of battle; and they return and provide water and food and repair the roads.[19]

[1]וְדִבְּרוּ [2]הַשֹּׁטְרִים אֶל־הָעָם,
לֵאמֹר, מִי הָאִישׁ אֲשֶׁר בָּנָה בַיִת
חָדָשׁ, וְלֹא [3]חֲנָכוֹ? יֵלֵךְ [4]וְיָשׁוּב
לְבֵיתוֹ, וְגוֹמֵר. אֶחָד הַבּוֹנֶה בֵּית
הַתֶּבֶן בֵּית הַבָּקָר, בֵּית הָעֵצִים,
בֵּית [5]הָאוֹצָרוֹת; אֶחָד הַבּוֹנֶה וְאֶחָד
הַלּוֹקֵחַ וְאֶחָד הַיּוֹרֵשׁ, וְאֶחָד [6]שֶׁנִּיתַּן
לוֹ מַתָּנָה. [7]וּמִי הָאִישׁ אֲשֶׁר נָטַע
כֶּרֶם וְלֹא חִלְּלוֹ, וְגוֹמֵר. אֶחָד
הַנּוֹטֵעַ כֶּרֶם וְאֶחָד הַנּוֹטֵעַ [8]חֲמִשָּׁה
אִילָנֵי מַאֲכָל, [9]וַאֲפִילוּ מֵחֲמִשֶּׁת
מִינִין. אֶחָד הַנּוֹטֵעַ וְאֶחָד [10]הַמַּבְרִיךְ
וְאֶחָד [11]הַמַּרְכִּיב; וְאֶחָד הַלּוֹקֵחַ
וְאֶחָד הַיּוֹרֵשׁ וְאֶחָד שֶׁנִּיתַּן לוֹ
[12]מַתָּנָה. [13]וּמִי הָאִישׁ אֲשֶׁר אֵרַשׂ
אִשָּׁה, וְגוֹמֵר. אֶחָד הַמְאָרֵס אֶת־
הַבְּתוּלָה וְאֶחָד הַמְאָרֵס אֶת־
הָאַלְמָנָה, [14]וַאֲפִילוּ שׁוֹמֶרֶת [15]יָבָם;
[9]וַאֲפִילוּ [16]שָׁמַע שֶׁמֵּת אָחִיו
[17]בַּמִּלְחָמָה, חוֹזֵר וּבָא לוֹ. כָּל־
אֵלּוּ שׁוֹמְעִין דִּבְרֵי כֹהֵן [18]מַעַרְכֵי
מִלְחָמָה; וְחוֹזְרִין וּמְסַפְּקִין מַיִם
וּמָזוֹן וּמְתַקְּנִין אֶת־[19]הַדְּרָכִים.

1 *Deuteronomy* **20**, 5. 2 The Scripture gives הַשֹּׁטְרִים. 3 And lived in it. 4 The Scriptural reading is וְיָשַׁב. 5 Wine, oil, *etc.* 6 Or שֶׁנִּיתַּן. 7 *Deuteronomy* **20**, 6. 8 Or חֲמִשָּׁה. Literally *trees of food.* 9 Or וַאֲפִילוּ. 10 הַבְּרֵךְ, to bend down a vine branch and sink it *in* the earth to make it grow as an independent plant. 11 All the three methods refer to vine growing. 12 With reference to a vineyard. 13 *Deuteronomy* **20**, 7. 14 Or אֲפִילוּ. 15 יָבָמוֹת INTRODUCTION. 16 Even if he is in the army at

war. **17** בַּמִּלְחָמָה, *in the battle,* or בְּמִלְחָמָה, *in a battle.* **18** *i.e.,* the regulations concerning the excuses for exemption from service to be announced before battle. **19** For army purposes.

Mishnah 3

מִשְׁנָה ג

And these are they who may not go back:[1] one that builds a gate-house,[2] a porch,[3] or balcony;[4] one who plants four fruit trees or five[5] non-fruit-bearing trees; one who takes back his divorced wife; a[6] High Priest who weds a widow, or a common priest who marries a divorced woman or one that had performed *chalitzah,*[7] an Israelite[8] that weds a bastard or a descendant of the Gibeonites, a bastard or a Gibeonite descendant that marries the daughter of an Israelite—these[9] must not return. R. Judah says, Also he who rebuilds his house[10] as it originally was[11] must not return. R. Eliezer says, Also he that builds a house of bricks in Sharon[12] may not go back.

וְאֵלּוּ שֶׁאֵינָן [1]חוֹזְרִין, הַבּוֹנֶה [2]בֵּית שַׁעַר, [3]אַכְסַדְרָה, [4]וּמַרְפֶּסֶת; הַנּוֹטֵעַ אַרְבָּעָה אִילָנֵי מַאֲכָל [5]וַחֲמִשָּׁה אִילָנֵי סָרָק; הַמַּחֲזִיר אֶת־גְּרוּשָׁתוֹ; [6]אַלְמָנָה לְכֹהֵן גָּדוֹל, גְּרוּשָׁה [7]וַחֲלוּצָה לְכֹהֵן הֶדְיוֹט, מַמְזֶרֶת וּנְתִינָה [8]לְיִשְׂרָאֵל, בַּת יִשְׂרָאֵל לְמַמְזֵר וּלְנָתִין, לֹא [9]יָהֲוָה חוֹזֵר. רַבִּי יְהוּדָה אוֹמֵר, אַף הַבּוֹנֶה [10]בַּיִת עַל [11]מְכוֹנוֹ לֹא הָיָה חוֹזֵר. רַבִּי אֱלִיעֶזֶר אוֹמֵר, אַף הַבּוֹנֶה בַּיִת לְבֵנִים [12]בְּשָׁרוֹן לֹא הָיָה חוֹזֵר.

1 To return home before battle. **2** A lodge for a watchman. **3** Or *portico, peristyle.* **4** Or *gallery,* whereby people can descend to the ground. **5** Or וַחֲמִישָׁה. **6** יְבָמוֹת 2[4]. **7** יְבָמוֹת INTRODUCTION. **8** Non-priest. **9** Literally *he.* **10** Literally *a house.* **11** *i.e.,* on its old position and plan and style. **12** The coast plain from Carmel to Japho. The bricks were of poor quality and lasted on for some three years or so.

Mishnah 4

מִשְׁנָה ד

And these are they that do not stir from their place:[1] one who built a house and dedicated it;[2] one who planted a vineyard and redeemed it;[3] one who wed his betrothed; one who wedded his levirate sister-in-law,[4] as it is said, *He*[5] *shall be*

וְאֵלּוּ שֶׁאֵין זָזִין [1]מִמְּקוֹמָן, בָּנָה בַּיִת [2]וְחֲנָכוֹ; נָטַע כֶּרֶם [3]וְחִלְּלוֹ; הַנּוֹשֵׂא אֶת־אֲרוּסָתוֹ; הַכּוֹנֵס אֶת־[4]יְבִמְתּוֹ, שֶׁנֶּאֱמַר, [5]נָקִי יִהְיֶה לְבֵיתוֹ שָׁנָה

אֶחָת, [5]לְבֵיתוֹ, זֶה בֵּיתוֹ; [5]יִהְיֶה, זֶה כַּרְמוֹ; [5]וְשִׂמַּח אֶת־אִשְׁתּוֹ, זוֹ אִשְׁתּוֹ; [5]אֲשֶׁר לָקַח, לְהָבִיא אֶת־[4]יְבִמְתּוֹ. אֵינָן מַסְפִּיקִין מַיִם וּמָזוֹן, וְאֵינָן מְתַקְּנִין אֶת־הַדְּרָכִים.

free for his house for one year—for his house,[5] this means his house; *he shall be,*[5] this applies to his vineyard; *and*[5] *shall cheer his wife,* this refers to his own wife; *whom*[5] *he hath taken,* to include his levirate sister-in-law.[4] These do not have to provide water and food and they do not have to repair the roads.

1 They do not have to leave their home town. **2** וַחֲנָכוֹ [*Kal*] or וְחִנְּכוֹ [*Piel*]. And had not yet lived in it a full year. **3** In the fourth year which had not yet ended. בִּכּוּרִים INTRODUCTION. **4** Or יְבָמוֹת. INTRODUCTION. **5** *Deuteronomy* **24**, 5.

Mishnah 5

מִשְׁנָה ה

[1]וְיָסְפוּ [2]הַשּׁוֹטְרִים לְדַבֵּר אֶל־הָעָם, וְגוֹמֵר. רַבִּי עֲקִיבָא אוֹמֵר, [1]הַיָּרֵא וְרַךְ הַלֵּבָב כְּמַשְׁמָעוֹ, שֶׁאֵינוֹ יָכוֹל לַעֲמוֹד בְּקִשְׁרֵי הַמִּלְחָמָה וְלִרְאוֹת חֶרֶב שְׁלוּפָה. רַבִּי [3]יוֹסֵי הַגְּלִילִי אוֹמֵר, [1]הַיָּרֵא וְרַךְ הַלֵּבָב, זֶהוּ הַמִּתְיָרֵא מִן־הָעֲבֵירוֹת שֶׁבְּיָדוֹ, לְפִיכָךְ [4]תָּלְתָה לוֹ הַתּוֹרָה [5]אֶת־כָּל־אֵלּוּ שֶׁיַּחֲזוֹר [6]בִּגְלָלָן. רַבִּי יוֹסֵי אוֹמֵר, אַלְמָנָה לְכֹהֵן גָּדוֹל, גְּרוּשָׁה וַחֲלוּצָה לְכֹהֵן הֶדְיוֹט, מַמְזֶרֶת וּנְתִינָה לְיִשְׂרָאֵל, בַּת יִשְׂרָאֵל לְמַמְזֵר וּלְנָתִין, הֲרֵי הוּא [1]הַיָּרֵא וְרַךְ הַלֵּבָב.

And[1] *the officers*[2] *shall speak further unto the people .....,* *etc.* R. Akiba says, *that*[1] *is fearful and faint-hearted* is to be taken literally, one who is unable to endure when battle is joined or to behold a drawn sword. R. Jose[3] the Galilean says, *that*[1] *is fearful and faint-hearted,* this refers to one who is afraid because of the transgressions he is guilty of, therefore has the Law accounted[4] to him all these[5] that he may return because of them.[6] R. Jose says, If a woman were wed to a High Priest, or if a divorced woman or a woman that had performed *chalitzah* were married to a common priest, or if a bastard or a woman of Gibeonite descent were wedded to an Israelite, or if the daughter of an Israelite were wed to a bastard or to a Gibeonite descendant, then such a one is *that*[1] *is fearful and faint-hearted.*

1 *Deuteronomy* **20**, 8. **2** הַשֹּׁטְרִים is the Scriptural reading. **3** He does not give a literal rendering. **4** Literally *suspended*. **5** Building a house, planting a vineyard, consummating marriage, *etc.* **6** His transgressions. So that none may know the real, cowardly, shameful reason for his return.

Mishnah 6

מִשְׁנָה ו

And[1] *it shall be, when the officers have made an end of*[2] *speaking unto the people, that captains of hosts shall be appointed at the head of the people*—and at the rear of the people; they placed[3] guards in front of them and others behind them,[4] and they had axes of iron in their hands, and if anyone sought to retreat he[5] had authority to strike* at his legs, for the commencement of flight is defeat, as it is said, *Israel*[6] *is fled before the Philistines, and there hath also been a great slaughter among the people.* And further on[7] it says, *And*[8] *the men of Israel fled*[9] *from before the Philistines and fell down slain ....., etc.*

[1]וְהָיָה [2]כְּכַלּוֹת הַשּׁוֹטְרִים לְדַבֵּר אֶל־הָעָם, וּפָקְדוּ שָׂרֵי צְבָאוֹת בְּרֹאשׁ הָעָם, וּבַעֲקֹבוֹ שֶׁל עָם; [3]מַעֲמִידִין זְקִיפִין לִפְנֵיהֶם וַאֲחֵרִים [4]מֵאַחוֹרֵיהֶם, וְכַשִּׁילִין שֶׁל בַּרְזֶל בִּידֵיהֶן, וְכָל הַמְבַקֵּשׁ לַחֲזוֹר הָרְשׁוּת [5]בְּיָדוֹ לְקַפֵּחַ אֶת־שׁוֹקָיו, שֶׁתְּחִלַּת נִיסָּה נְפִילָה, שֶׁנֶּאֱמַר, [6]נָס יִשְׂרָאֵל לִפְנֵי פְלִשְׁתִּים, וְגַם מַגֵּפָה גְדוֹלָה הָיְתָה בָעָם. [7]וּלְהַלָּן הוּא אוֹמֵר, [8,9]וַיָּנוּסוּ אַנְשֵׁי יִשְׂרָאֵל מִפְּנֵי פְלִשְׁתִּים וַיִּפְּלוּ חֲלָלִים, וְגוֹמֵר.

1 *Deuteronomy* **20**, 9. **2** The Scriptural text is כְּכַלּוֹת הַשֹּׁטְרִים. **3** Literally *place*. **4** So that they might be prevented from deserting. **5** *viz.*, any armed guard. **6** *I Samuel* **4**, 17. **7** Or וּלְהַלָּן. **8** *I Samuel* **31**, 1. **9** וַיָּנֻסוּ is the Scripture reading. * Perhaps preferably *wound*.

Mishnah 7

מִשְׁנָה ז

When is this the case?[1]—In the case of a political battle;[2] but in a battle for religious causes all must go forth, even[3] a bridegroom from his chamber and a bride[4] out of her bridal chamber. R. Judah[5] said, When is this the case?[1]—In the case for a battle for religious causes, but in a battle of duty[6] all

[1]בַּמֶּה דְבָרִים אֲמוּרִים? [2]בְּמִלְחֶמֶת הָרְשׁוּת; אֲבָל בְּמִלְחֶמֶת מִצְוָה הַכֹּל יוֹצְאִים, [3]אֲפִילוּ חָתָן מֵחַדְרוֹ [4]וְכַלָּה מֵחוּפָּתָהּ. אָמַר רַבִּי [5]יְהוּדָה, [1]בַּמֶּה דְבָרִים אֲמוּרִים? בְּמִלְחֶמֶת מִצְוָה, אֲבָל [6]בְּמִלְחֶמֶת חוֹבָה הַכֹּל יוֹצְאִין,

have to go forth, even[3] the bridegroom from his chamber and the bride[4] out of her bridal chamber.

[3]אֲפִילוּ חָתָן מֵחַדְרוֹ [4]וְכַלָּה מֵחוּפָּתָהּ.

1 *i.e.*, that under certain conditions men were to return from the battle front or stay behind at home. **2** Or *war, for conquest or booty*. **3** Or אֲפִלּוּ. **4** Not in the fighting line but to help in provisioning and road repairs for the army. **5** His view is rejected. **6** For national defence. The conquest of Canaan and the wars against the Amalekites (as enjoined by God) were considered as מִלְחֲמוֹת חוֹבָה, *wars (battles) of duty and obligatory (compulsory)*, in which all without exception had to participate according to the first opinion (see ADDENDA at the end of this *Tractate*); but R. Judah preferred to call them מִלְחֲמוֹת מִצְוָה. The wars waged by King David to widen his boundaries and to impose taxes on his beaten foes were considered by all to have been מִלְחֲמוֹת רְשׁוּת.

CHAPTER 9

פֶּרֶק ט

Mishnah 1

מִשְׁנָה א

The Portion at the Breaking of the Heifer's Neck must be recited in the Holy Tongue,[1] as it is said, *If[2] one be found slain in the land ..... then[3] thy elders and thy judges shall come forth.* Three from the Great Court in Jerusalem used to come forth.[4] R. Judah says, Five,[5] as it is said, *thy[3] elders*: that is two,[6] *and[3] thy judges*: which is two,[6] and since the Court must not be made up of an even number[7] they add to them one more.[8]

עֶגְלָה עֲרוּפָה [1]בִּלְשׁוֹן הַקֹּדֶשׁ, שֶׁנֶּאֱמַר, [2]כִּי יִמָּצֵא חָלָל בָּאֲדָמָה, [3]וְיָצְאוּ זְקֵנֶיךָ וְשׁוֹפְטֶיךָ. שְׁלֹשָׁה מִבֵּית דִּין הַגָּדוֹל שֶׁבִּירוּשָׁלַיִם הָיוּ [4]יוֹצְאִין. רַבִּי יְהוּדָה אוֹמֵר, [5]חֲמִשָּׁה, שֶׁנֶּאֱמַר, [3]זְקֵנֶיךָ [6]שְׁנַיִם, [3]וְשׁוֹפְטֶיךָ [6]שְׁנַיִם, וְאֵין בֵּית דִּין [7]שָׁקוּל מוֹסִיפִין עֲלֵיהֶן [8]עוֹד אֶחָד.

1 Compare 7[2]. **2** *Deuteronomy* **21**, 1. **3** *Deuteronomy* **21**, 2. **4** סַנְהֶדְרִין 1[3], 11[2]. To measure from the corpse to determine which was the nearest town. **5** Or חֲמִישָׁה. **6** *i.e.*, the *plural* form cannot signify less than two. **7** Of judges. An even number could divide into two equal opposition groups in a law case and thus render a decision impossible. **8** So that whichever way the judges divide into two groups one group must be with a majority of one at least.

Mishnah 2

If it[1] were found concealed in a mound [of rubble][2] or hung on a tree or floating on the water they did not break the heifer's neck,[3] as it is said, *on*[4] *the land,* and not hidden in a mound; *lying,*[4] and not hung on a tree; *in the field,*[4] and not floating upon the water. If it were found near to a frontier,[5] or to a town the majority[6] of whose people are non-Jews,[7] or to a town wherein there was no Court, they did not break the heifer's neck.[8] They measured only from a town wherein there was a Court. If it were found just midway between two towns, the two had to bring two heifers.[9] This is the opinion of R. Eliezer.[10] But Jerusalem[11] did not have to bring the heifer whose neck was to be broken.[11]

מִשְׁנָה ב

[1]נִמְצָא טָמוּן [2]בְּגַל אוֹ תָּלוּי בְּאִילָן
אוֹ צָף עַל פְּנֵי הַמַּיִם לֹא הָיוּ
[3]עוֹרְפִין, שֶׁנֶּאֱמַר, [4]בָּאֲדָמָה, וְלֹא
טָמוּן בְּגַל; [4]נוֹפֵל וְלֹא תָלוּי בְּאִילָן;
[4]בַּשָּׂדֶה, וְלֹא צָף עַל פְּנֵי הַמַּיִם.
נִמְצָא סָמוּךְ [5]לִסְפָר, אוֹ לְעִיר
[6]שֶׁרוּבָּהּ [7]עוֹבְדֵי כוֹכָבִים, אוֹ לְעִיר
שֶׁאֵין בָּהּ בֵּית דִּין, [8]לֹא הָיוּ עוֹרְפִין.
אֵין מוֹדְדִין אֶלָּא מֵעִיר שֶׁיֵּשׁ בָּהּ
בֵּית דִּין. נִמְצָא מְכֻוָּן בֵּין שְׁתֵּי
עֲיָרוֹת, שְׁתֵּיהֶן מְבִיאוֹת שְׁתֵּי
[9]עֲגָלוֹת. דִּבְרֵי רַבִּי [10]אֱלִיעֶזֶר. וְאֵין
[11]יְרוּשָׁלַיִם מְבִיאָה עֶגְלָה עֲרוּפָה.

1 The corpse. **2** Or any high ground.§ **3** Or מוֹדְדִין according to some authorities. **4** *Deuteronomy* **21**, 1.* **5** Or *border, boundary* between Jewish and non-Jewish districts. **6** Or שֶׁרֻבָּהּ. **7** Literally *idolaters* (star-worshippers). Some editions have עוֹבְדֵי אֱלִילִים, *idol-worshippers.* **8** לֹא הָיוּ מוֹדְדִין, *they did not measure,* in some texts.§ **9** *i.e.,* each town had to bring a heifer. **10** His view is rejected. The ruling is that both cities bring jointly one heifer. **11** Based on *Deuteronomy* **21**, 1: *in the land which the Eternal thy God giveth thee to possess it,* thus excluding Jerusalem which was not divided among the tribes. * בָּאֲדָמָה, *in the land;* according to the Rabbis *on the land* [or *ground*]. § See the ADDENDA at the end of this *Tractate.*

Mishnah 3

If the head[1] were found in one place (and its body in another place)[2] they bring the head to the body; this is the view of R. Eliezer.[3] R. Akiba[4] says, The body to the head.[5]

מִשְׁנָה ג

נִמְצָא [1]רֹאשׁוֹ בְּמָקוֹם אֶחָד [2](וְגוּפוֹ
בְּמָקוֹם אַחֵר) מוֹלִיכִין הָרֹאשׁ אֶצֶל
הַגּוּף; דִּבְרֵי רַבִּי [3]אֱלִיעֶזֶר. רַבִּי
[4]עֲקִיבָא אוֹמֵר, הַגּוּף אֶצֶל [5]הָרֹאשׁ.

1 Of the corpse.* **2** This bracketed phrase is omitted in some editions. **3** His opinion is rejected. **4** His view is accepted. **5** The body is taken to the head and both are buried where the head was found. * See ADDENDA at the end of this *Tractate.*

מִשְׁנָה ד

Mishnah 4

מֵאַיִן הָיוּ [1]מוֹדְדִין? רַבִּי [2]אֱלִיעֶזֶר אוֹמֵר, [3]מִטִּיבּוּרוֹ. רַבִּי [4]עֲקִיבָא אוֹמֵר, מֵחוֹטְמוֹ. רַבִּי [5]אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר, מִמָּקוֹם שֶׁנַּעֲשָׂה חָלָל, [6]מִצַּוָּארוֹ.

Whence did they measure?[1]—R. Eliezer[2] says, From its navel.[3] R. Akiba[4] says, From its nose. R. Eliezer[5] ben Jacob says, From the place where he was slain—from his throat.[6]

1 From the corpse to the nearest town. See 9[2]. **2** His view is rejected. **3** Or מִטִּבּוּרוֹ. **4** His opinion is accepted. **5** His view is not accepted. **6** Or *neck.* From the special place on his body where if a mortal wound is inflicted he is called a חָלָל.

מִשְׁנָה ה

Mishnah 5

נִפְטְרוּ זְקֵנֵי יְרוּשָׁלַיִם [1]וְהָלְכוּ לָהֶן, זְקֵנֵי אוֹתָהּ הָעִיר [2]מְבִיאִין [3]עֶגְלַת בָּקָר [4](אֲשֶׁר לֹא עָבַד בָּהּ) אֲשֶׁר לֹא מָשְׁכָה בְּעוֹל, וְאֵין הַמּוּם פּוֹסֵל בָּהּ, וּמוֹרִידִין אוֹתָהּ [5]לְנַחַל אֵיתָן, [6]וְאֵיתָן כְּמַשְׁמָעוֹ קָשֶׁה, אַף עַל פִּי שֶׁאֵינוֹ אֵיתָן כָּשֵׁר. [7]וְעוֹרְפִין אוֹתָהּ [8]בְּקוֹפִיץ מֵאַחוֹרֶיהָ. [9]וּמְקוֹמָהּ [11,10]אָסוּר מִלִּזְרוֹעַ [12]וּמִלַּעֲבוֹד, [10]וּמוּתָּר [13]לִסְרוֹק שָׁם פִּשְׁתָּן [14]וּלְנַקֵּר שָׁם אֲבָנִים.

Then the elders of Jerusalem took leave and departed;[1] *the elders of that town* brought[2] *a heifer*[3] *from the herd* (*which hath not been wrought with and*)[4] *which hath not drawn in the yoke*—and a blemish does not render it disqualified—and they brought it down *unto a rough valley*[5]—and אֵיתָן[6] is to be rendered literally *rough*—and even though it be not *rough* it is licit. And they broke[7] its neck from behind it with a hatchet.[8] And that place[9] was[10] forbidden[11] for sowing and cultivation,[12] but it was[10] allowed to hatchel[13] flax there and to quarry[14] stones there.

1 After they had completed the measurements. **2** Literally *bring.* **3** *Deuteronomy* **21**, 3. **4** The part in parenthesis is omitted in some editions. **5** *Deuteronomy* **21**, 4. Variant translations: *a valley with running water, a rugged valley, a valley with virgin soil.* (*i.e.,* had never been tilled or ploughed up). **6** There is actually a river of that name. **7** Literally *break.* **8** A

bill or *chopper* for breaking bones. **9** The ground where it was killed. **10** Literally *is*. **11** For all time. **12** Or וּמְלַעְבֵד [*Niphal*] (וּמְלַעְבוֹד [*Kal*]). **13** Or *hackle*. **14** Or *to shape and polish*.

Mishnah 6

מִשְׁנָה ו

The elders of that town washed[1] their hands in water at the place where the neck of the heifer was broken,[2] and they said,[3] *Our*[4] *hands have not shed this blood neither have our eyes seen it*. But could it have entered our minds that the elders of a Court were shedders of blood?—But,[5] 'He came not into our hands that we should have dismissed him[6] without sustenance,[7] and we did not see him and leave him without escort!' And the priests say, *Forgive*[8] *O Eternal, thy people Israel, whom Thou hast redeemed, and suffer not innocent blood to remain in the midst of Thy people Israel*. They did not need[10] to say, *And*[8] *the blood shall be forgiven them;*[9] but the Holy Spirit announced[11] to them, Whensoever ye shall do thus the blood shall be forgiven them.

זְקֵנֵי אוֹתָהּ הָעִיר יִרְחֲצוּ אֶת־
יְדֵיהֶן בְּמַיִם בִּמְקוֹם [2]עֲרִיפָה שֶׁל
עֶגְלָה, [3]וְאוֹמְרִים, [4]יָדֵינוּ לֹא שָׁפְכָה
אֶת־הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ. וְכִי
עַל דַּעְתֵּינוּ עָלְתָה שֶׁזְּקֵנֵי בֵית דִּין
שׁוֹפְכֵי דָמִים הֵן? [5]אֶלָּא, שֶׁלֹּא בָא
לְיָדֵינוּ [6]וּפְטַרְנוּהוּ בְּלֹא [7]מָזוֹן וְלֹא
רְאִינוּהוּ וְהִנַּחְנוּהוּ בְּלֹא לְוָיָה.
וְהַכֹּהֲנִים אוֹמְרִים, [8]כַּפֵּר לְעַמְּךָ
יִשְׂרָאֵל, אֲשֶׁר פָּדִיתָ [9]ה׳, וְאַל תִּתֵּן
דָּם נָקִי בְּקֶרֶב עַמְּךָ יִשְׂרָאֵל. לֹא
הָיוּ [10]צְרִיכִים לוֹמַר, [8]וְנִכַּפֵּר לָהֶם
הַדָּם; אֶלָּא רוּחַ הַקֹּדֶשׁ [11]מְבַשַּׂרְתָּן,
אֵימָתַי שֶׁתַּעֲשׂוּ כָּכָה הַדָּם מִתְכַּפֵּר
לָהֶם.

1 Literally *wash*. **2** עֲרִיפָתָהּ in some editions. **3** Literally *say*. **4** *Deuteronomy* **21**, 7. **5** *i.e.*, This is the meaning of these words of theirs. **6** In consequence of which he was forced to commit violence and so met his death. **7** Some editions omit בְּלֹא מָזוֹן. **8** *Deuteronomy* **21**, 8. **9** The Scriptural term represented by ה׳, *O Eternal*, is omitted in some texts. **10** צְרִיכִין in some texts. This refers to the כֹּהֲנִים, priests. **11** Literally *announces*.

Mishnah 7

מִשְׁנָה ז

If the slayer were found[1] before the heifer's neck was broken, it went forth[2] and pastured with the flock;[3] but if after the heifer's neck had

[1]נִמְצָא הַהוֹרֵג עַד שֶׁלֹּא נֶעֱרְפָה
הָעֶגְלָה [2]תֵּצֵא וְתִרְעֶה [3]בָּעֵדֶר;
מִשֶּׁנִּתְעָרְפָה הָעֶגְלָה [4]תִּקָּבֵר

[5]בִּמְקוֹמָהּ; שֶׁעַל *סָפֵק §בָּאָתָה
[6]מִתְּחִלָּתָהּ, [7]כִּיפְּרָה סְפֵיקָה [8]וְהָלְכָה
לָהּ. נֶעֱרְפָה הָעֶגְלָה וְאַחַר כַּךְ
נִמְצָא הַהוֹרֵג הֲרֵי זֶה [9]יֵהָרֵג.

been broken it had to be buried[4] in that place;[5] for it came§ in the beginning[6] for what was in doubt,* and having made atonement[7] for the matter of doubt its purpose was fulfilled.[8] If the heifer's neck were broken, and afterward the slayer was found, then shall he be slain.[9]

1 Compare כְּרִיתוֹת **6**, 8. **2** Literally *shall go forth and pasture.* **3** Or בְּעֵדֶר, *with a flock.* As any other חוּלִּין, non-holy animal. **4** Literally *it must be buried.* **5** Literally *in its place.* **6** מִתְּחִילָּתָהּ in some texts. **7** כִּפְּרָה in some editions. **8** Literally *and it went away.* **9** Based on *Deuteronomy* **21**, 9: *So shalt thou put away the innocent blood from the midst of thee.* § בָּאָה in some texts. * Popular pronunciation סָפֵק.

Mishnah 8

מִשְׁנָה ח

עֵד אֶחָד [1]אוֹמֵר, רָאִיתִי אֶת־
הַהוֹרֵג, וְעֵד אֶחָד [1]אוֹמֵר, לֹא
רָאִיתָ; אִשָּׁה [1]אוֹמֶרֶת, רָאִיתִי,
וְאִשָּׁה [1]אוֹמֶרֶת, לֹא רָאִית, הָיוּ
[2]עוֹרְפִין. עֵד אֶחָד [1]אוֹמֵר, רָאִיתִי,
וּשְׁנַיִם [3]אוֹמְרִים, לֹא רָאִיתָ, הָיוּ
עוֹרְפִין. שְׁנַיִם [3]אוֹמְרִים, רָאִינוּ,
וְאֶחָד [1]אוֹמֵר לָהֶם, לֹא רְאִיתֶם, לֹא
הָיוּ [4]עוֹרְפִין.

If one witness said,[1] 'I saw the slayer,' and another witness said,[1] 'Thou didst not see'; if a woman said,[1] 'I saw,' and another woman said,[1] 'Thou didst not see,' they had to break the heifer's neck.[2] If one witness said,[1] 'I saw,' and two said,[3] 'Thou didst not see,' they had to break its neck. If two said,[3] 'We saw,' and one said[1] to them, 'You did not see,' they did not have to break its neck.[4]

1 Literally *says.* **2** This applies if both the informer and the one who refutes were giving evidence together; but if the one who refutes came after an interval the evidence of the first is accepted and the heifer is not used. **3** Literally *say.* **4** Compare 6[4].

Mishnah 9

מִשְׁנָה ט

מִשֶּׁרָבוּ הָרַצְחָנִים בָּטְלָה עֶגְלָה
עֲרוּפָה. מִשֶּׁבָּא [1]אֶלְעָזָר בֶּן דִּינַאי,
[2]וּתְחִינָה בֶּן פְּרִישָׁה [3](בֶּן פְּרִישָׁה)
הָיָה נִקְרָא, חָזְרוּ לִקְרוֹתוֹ [3]בֶּן

When murderers increased in number the rite of breaking the heifer's neck was abolished. When Eliezer[1] ben Dinai—and he was also called Techinah[2] ben Perishah (or[3] simply ben Perishah)—came they began to

הָרַצְחָן. מִשֶּׁרָבוּ הַמְּנָאֲפִים פָּסְקוּ הַמַּיִם הַמָּרִים; וְרַבִּי יוֹחָנָן בֶּן זַכַּאי הִפְסִיקָן, שֶׁנֶּאֱמַר, [5]לֹא אֶפְקֹד עַל בְּנוֹתֵיכֶם כִּי תִזְנֶינָה וְעַל כַּלּוֹתֵיכֶם כִּי תְנָאַפְנָה, כִּי הֵם, וְגוֹמֵר. מִשֶּׁמֵּת יוֹסֵי בֶן יוֹעֶזֶר אִישׁ צְרֵידָה [6]וְיוֹסֵי בֶּן יוֹחָנָן אִישׁ יְרוּשָׁלַיִם בָּטְלוּ [7]הָאֲשְׁכּוֹלוֹת שֶׁנֶּאֱמַר, [8]אֵין אֶשְׁכּוֹל לֶאֱכוֹל, [9]בִּכּוּרָה אִוְּתָה נַפְשִׁי.

call him *ben Haratschan.*[4] When adulterers increased in number, the application of the waters of jealousy ceased; and R. Jochanan ben Zakkai abolished them, as it is said, *I*[5] *will not punish your daughters when they commit harlotry nor your daughters-in-law when they commit adultery; for they themselves ....., etc.* When Jose ben Joezer of Zeredah and Jose[6] ben Jochanan of Jerusalem died the renowned scholars[7] ceased, as it is said, *There*[8] *is no cluster to eat, nor first-ripe fig*[9] *which my soul desireth.*

1 A notorious assassin. **2** Compare כֵּלִים 5[10]. **3** The phrase in parenthesis is omitted in some editions. **4** Literally *The Son of the Murderer.* This explanation has been suggested: he was nicknamed בֶּן דַּיָּנִי, *The Litigant,* for his frequent litigations over even small matters; then he began to quarrel and dispute without taking legal proceedings, hence his nickname בֶּן פְּרִישָׁה, *The Separatist;* finally he took to settling his complaints by assassination, hence his nickname בֶּן הָרַצְחָן, *The Murderer.* **5** *Hosea,* **4**, 14. **6** The גְּמָרָא has יְהוּדָה, *Judah.* **7** Literally *bunches, clusters.* A metaphorical expression for the scholars of the early Maccabaean era. Some authorities take אֶשְׁכּוֹלוֹת to be an abbreviation of the phrase אִישׁ שֶׁהַכּוֹל בּוֹ בְּמַעֲלוֹת וְחָכְמָה וְיִרְאַת שָׁמַיִם, *a man possessed of all the degrees* (or *virtues*) *of wisdom and the fear of Heaven.* **8** *Micha* **7**, 1. **9** Or *early fig.*

Mishnah 10 מִשְׁנָה י

[1]יוֹחָנָן כֹּהֵן גָּדוֹל הֶעֱבִיר [2]הוֹדָיַת הַמַּעֲשֵׂר. אַף הוּא בִּטֵּל אֶת־[3]הַמְּעוֹרְרִין וְאֶת [4]הַנּוֹקְפִין. עַד יָמָיו הָיָה [5]פַּטִּישׁ מַכֶּה בִּירוּשָׁלַיִם. וּבְיָמָיו אֵין אָדָם צָרִיךְ לִשְׁאוֹל עַל [6]הַדְּמַאי.

Jochanan the High Priest[1] abolished the *Avowal of the Tithe.*[2] He also did away with the *awakeners*[3] and the *stunners.*[4] Until his days the *hammer*[5] used to beat in Jerusalem. And in his days no man had any need to inquire regarding *doubtfully-tithed produce.*[6]

1 John Hyrcanus 135-105 B.C.E. Compare מַעֲשַׂר שֵׁנִי 5[15], פֵּרָה 3[5], יָדַיִם 4[6]. **2** מַעֲשַׂר שֵׁנִי, *second tithe.* **3** The Levites used daily to recite from the דּוּכָן, *priests' platform* ..... עוּרָה לָמָּה תִישַׁן ה׳, *Awake, why dost Thou sleep, O Eternal* ....., and he made an end of this seemingly irreverent, blasphemous,

public recital. **4** They used to strike the calf, an offering, between its horns to cause the blood to flood its sight and so render it easy to be slaughtered; and he discontinued this practice, that the calf should not seem with a blemish, and had rings fixed to the floor to fix the animal's neck by. **5** Smiths used to be permitted to complete most urgent work on חוֹל הַמּוֹעֵד (the Intermediate Days of פֶּסַח, Passover, and of סֻכּוֹת, the Festival of Tabernacles), and he prohibited the practice. **6** See *Appendix*, **Note 1.** He ordered that תְּרוּמַת מַעֲשֵׂר (or תְּרוּמָה קְטַנָּה) and מַעֲשֵׂר שֵׁנִי only were to be separated from דְּמַאי.

Mishnah 11 — מִשְׁנָה יא

When the Sanhedrin ceased to exist singing[1] was discontinued[2] at the wedding feasts, as it is said, *They*[3] *drink not wine with a song*[4] ....., *etc.*

מִשֶּׁבָּטְלָה סַנְהֶדְרִין [2]בָּטְלָה [1]הַשִּׁיר מִבֵּית הַמִּשְׁתָּאוֹת, שֶׁנֶּאֱמַר, [4,3]בַּשִּׁיר לֹא יִשְׁתּוּ יָיִן, וְגוֹמֵר.

1 Literally *the singing.* Exchange of laudatory remarks between the assembled guests. **2** בָּטֵל in the תַּלְמוּד יְרוּשַׁלְמִי *Jerusalem* (or *Palestinian*) *Talmud.* **3** *Isaiah* **24**, 9. (Compare *Lamentations* **5**, 14). **4** Literally *with the song.*

Mishnah 12 — מִשְׁנָה יב

When the *First Prophets*[1] died the *Urim and Thummim*[2] ceased to exist. When the Temple was destroyed the *shamir*[3] and the *honeycomb of Tsophim*[4] ceased to exist; and men of trustworthiness[5] ceased to exist, as it is said, *Help,*[6] *O Eternal, for the goodly man ceaseth* ....., *etc.* Rabban Simon ben Gamaliel says in the name of R. Joshua, From the day when the Temple was destroyed there has been no day wherein there was no curse, and the dew has not come down in blessing and the flavour of fruit has been taken away. R. Jose says, The fatness of the fruits[7] has also been taken away.

מִשֶּׁמֵּתוּ [1]נְבִיאִים הָרִאשׁוֹנִים בָּטְלוּ [2]אוּרִים וְתוּמִים. מִשֶּׁחָרַב בֵּית הַמִּקְדָּשׁ בָּטַל [3]הַשָּׁמִיר [4]וְנוֹפֶת צוּפִים; וּפָסְקוּ אַנְשֵׁי [5]אֱמוּנָה, שֶׁנֶּאֱמַר, [6]הוֹשִׁיעָה ה׳ כִּי גָמַר חָסִיד וְגוֹמֵר. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר מִשּׁוּם רַבִּי יְהוֹשֻׁעַ, מִיּוֹם שֶׁחָרַב בֵּית הַמִּקְדָּשׁ אֵין יוֹם שֶׁאֵין בּוֹ קְלָלָה, וְלֹא יָרַד הַטַּל לִבְרָכָה וְנִיטַּל טַעַם הַפֵּירוֹת. רַבִּי יוֹסֵי אוֹמֵר, אַף נִיטַּל [7]שׁוּמַן הַפֵּירוֹת.

1 All the Prophets except חַגַּי, זְכַרְיָה and מַלְאָכִי are here so referred to. Compare יוֹמָא 5[2], תַּעֲנִית 4[2], יָדַיִם 4[3]. **2** *Exodus* **28**, 30. הָאוּרִים וְהַתֻּמִּים, literally

the lights and the perfections, the perfect lights. There is a diversity of opinions regarding them and they have always remained one of the most obscure subjects, and it seems unlikely that any final and satisfactory explanation will ever be found as to their construction* and made of use. Some authorities believe them to be identical with the breastplate and its twelve jewels, others think that they were distinct from it, and still others maintain that they were composed of two elements with the Proper Name of he Eternal (שֵׁם הַמְּפוֹרָשׁ or שֵׁם הַמְיֻחָד—the *Tetragrammaton*) engraved on it and carried on the breastplate, and were used to consult and ascertain the Divine Intention for information and guidance regarding matters of national import in times of doubt and stress and danger. There is also no concensus of opinion as to the mode of enquiry, some maintaining that the answer to an oracle was given by the illumination —successive or simultaneous—of the requisite letters from the names of the Tribes of Israel engraved on the twelve precious stones of the breastplate, and others suggesting that the response to an enquiry put by the High Priest clothed by the ephod and breastplate was communicated simply and directly by the word of the Almighty. The *Urim and Thummim* disappeared with the destruction of the First Temple. In יוֹמָא *73ab* is given an account purporting to be the manner they were consulted and the qualifications of the consultant. **3** Compare אָבוֹת 5[6]. The שָׁמִיר was a legendary worm by whose glance stones were cut; Solomon used it for cutting the Temple stones; and it was used for engraving the names of the Tribes of Israel on the twelve precious stones of the אֵפוֹד, *Ephod,* and חוֹשֶׁן, *Breastplate.* The שָׁמִיר was of extraordinary hardness, and not larger than a barleycorn. It was created at twilight on the sixth day of Creation. **4** Literally *Outlook,* a height at the north of Jerusalem. It was also called צִיפְיָא or צִיפְיָה. The honey from this place was famed for its quality. **5** *i.e.,* men faithful to God. **6** *Psalms* **12**, 2. **7** *i.e.,* the power of the nourishment of the fruits. * See ADDENDA.

Mishnah 13

מִשְׁנָה יג

R. Simon ben Eleazar says, The purity[1] took away the (savour and the)[2] fragrance.[3] The tithes[4] took away the fatness of the corn; and the Sages say,[5] Lubricity[6] and sorceries brought them all[7] to an end.

רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר, [1]הַטָּהֳרָה נָטְלָה אֶת־[2](הַטַּעַם וְאֶת) [3]הָרֵיחַ. [4]הַמַּעֲשְׂרוֹת נָטְלוּ אֶת־שׁוּמַן הַדָּגָן; [5]וַחֲכָמִים אוֹמְרִים, [6]הַזְּנוּת וְהַכְּשָׁפִים כִּילּוּ [7]אֶת־הַכֹּל.

1 *i.e., When purity ceased to exist it* ..... **2** This bracketed part is omitted in some editions and in the *Palestinian Talmud.* **3** Of fruits. **4** *sc., When tithes ceased to exist they* ..... **5** The *Palestinian Talmud* omits וַחֲכָמִים אוֹמְרִים. **6** Or *lechery, fornication.* **7** See סוֹטָה *4b,* חוּלִּין *7b.*

Mishnah 14

מִשְׁנָה יד

[1]בַּפּוּלְמוֹס שֶׁל אִסְפַּסְיָנוֹס גָּזְרוּ עַל
[2]עַטְרוֹת חֲתָנִים וְעַל [3]הָאֵירוּס.
בַּפּוּלְמוֹס שֶׁל [4]טִיטוּס גָּזְרוּ עַל
[5]עַטְרוֹת כַּלּוֹת, וְשֶׁלֹּא יְלַמֵּד אָדָם
אֶת־בְּנוֹ [6]יְוָנִית. [7]בַּפּוּלְמוֹס הָאַחֲרוֹן
גָּזְרוּ שֶׁלֹּא תֵצֵא הַכַּלָּה [8]בְּאַפִּרְיוֹן
בְּתוֹךְ הָעִיר; [9]וְרַבּוֹתֵינוּ הִתִּירוּ
שֶׁתֵּצֵא הַכַּלָּה בְּאַפִּרְיוֹן בְּתוֹךְ
[10]הָעִיר.

During the Vespasian[1] war they decreed against the crowns[2] of bridegrooms and against the tambourine.[3] During the war of Titus[4] they decreed against the diadems[5] of brides and that no man should teach his son Greek.[6] In the last war[7] they decreed that a bride was not to go forth in a palanquin[8] inside the city; but the Rabbis[9] permitted the bride to go forth in a palanquin in the city.[10]

1 Vespasian, Roman Emperor, C.E. 69-79. **2** According to some authorities the crowns were made of glittering basalt painted over with sulphur, but in the opinion of others they were made of myrtle and roses. Only crowns made of reeds and rushes were permitted by the Rabbis. **3** Or *tambour, tambourin.* A kind of drum made like a sieve with a skin stretched over it and beaten with a thin stick. **4** He was Vespasian's son and destroyed Jerusalem. **5** Made of gold. **6** *i.e.,* Greek sophistry. **7** The revolt of Bar Kochba, C.E. 132-135. According to some authorities this refers to the end of the war on the destruction of Jerusalem. **8** Or בְּאַפִּרְיָן. A special bridal litter made of hangings and materials of a golden colour. **9** Their ruling was accepted. According to some authorities רַבּוֹתֵינוּ refers to רַבֵּינוּ הַקָּדוֹשׁ (or רַבֵּנוּ), a title of רַבִּי יְהוּדָה הַנָּשִׂיא. **10** Compare פְּסָחִים 6[1].

Mishnah 15

מִשְׁנָה טו

מִשֶּׁמֵּת רַבִּי מֵאִיר בָּטְלוּ [1]מוֹשְׁלֵי
מְשָׁלִים. מִשֶּׁמֵּת [2]בֶּן עַזַּאי בָּטְלוּ
הַשַּׁקְדָּנִים. מִשֶּׁמֵּת בֶּן זוֹמָא בָּטְלוּ
[3]הַדַּרְשָׁנִים. מִשֶּׁמֵּת רַבִּי יְהוֹשֻׁעַ
פָּסְקָה טוֹבָה מִן־הָעוֹלָם. מִשֶּׁמֵּת
רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל בָּא [4]גוֹבָאי
וְרָבוּ צָרוֹת. מִשֶּׁמֵּת רַבִּי [5]אֶלְעָזָר
בֶּן עֲזַרְיָה פָּסַק הָעֹשֶׁר מִן־
[6]הַחֲכָמִים. מִשֶּׁמֵּת רַבִּי עֲקִיבָא
[7]בָּטַל כְּבוֹד הַתּוֹרָה. מִשֶּׁמֵּת רַבִּי

When R. Meir died the *composers of parables* were no more.[1] When ben Azzai[2] died there were no more industrious scholars. When ben Zoma died there were no more *interpreters.*[3] When R. Joshua died goodness ceased to exist in the world. When Rabban Simon ben Gamaliel died the locusts[4] came and troubles multiplied. When R. Elazar[5] ben Azariah died wealth departed from the Sages.[6] When R. Akiba died the glory of the Law

חֲנִינָא בֶּן דּוֹסָא בָּטְלוּ [8]אַנְשֵׁי מַעֲשֶׂה. מִשֶּׁמֵּת רַבִּי [9]יוֹסֵי קַטְנוּתָא פָּסְקוּ חֲסִידִים. וְלָמָּה נִקְרָא שְׁמוֹ קַטְנוּתָא? שֶׁהָיָה קַטְנוּתָן שֶׁל חֲסִידִים. מִשֶּׁמֵּת רַבָּן [10]יוֹחָנָן בֶּן זַכַּאי בָּטַל זִיו [11]הַחָכְמָה. מִשֶּׁמֵּת רַבָּן גַּמְלִיאֵל הַזָּקֵן בָּטַל כְּבוֹד הַתּוֹרָה וּמִתָּה טָהֳרָה [12]וּפְרִישׁוּת. מִשֶּׁמֵּת רַבִּי יִשְׁמָעֵאל בֶּן [13]פָּאבִי בָּטַל זִיו הַכְּהוּנָּה. מִשֶּׁמֵּת רַבִּי [14]בָּטְלָה עֲנָוָה וְיִרְאַת חֵטְא. [15]רַבִּי פִּנְחָס בֶּן יָאִיר אוֹמֵר, מִשֶּׁחָרַב בֵּית הַמִּקְדָּשׁ בּוֹשׁוּ [16]חֲבֵרִים [17]וּבְנֵי חוֹרִין וְהָפוּ רֹאשָׁם, [18]וְגַדַּלְדְּלוּ אַנְשֵׁי מַעֲשֶׂה; וְגָבְרוּ [19]בַּעֲלֵי זְרוֹעַ וּבַעֲלֵי לָשׁוֹן; וְאֵין [20]דּוֹרֵשׁ וְאֵין [21]מְבַקֵּשׁ וְאֵין [22]שׁוֹאֵל. עַל מִי לָנוּ לְהִשָּׁעֵן? עַל אָבִינוּ שֶׁבַּשָּׁמַיִם. רַבִּי אֱלִיעֶזֶר [23]הַגָּדוֹל אוֹמֵר, מִיּוֹם שֶׁחָרַב בֵּית הַמִּקְדָּשׁ שָׁרוּ חַכִּימֵי לְמִהְוֵי [24]כְּסַפְרַיָּא, וְסַפְרַיָּא [25]כְּחַזָּנָא, וְחַזָּנָא [26]כְּעַמָּא דְּאַרְעָא, וְעַמָּא דְּאַרְעָא [27]אַזְלָא וְדַלְדְּלָה, [28]וְאֵין מְבַקֵּשׁ. עַל מִי יֵשׁ לְהִשָּׁעֵן? עַל אָבִינוּ שֶׁבַּשָּׁמַיִם. [29]בְּעִקְּבוֹת [30]מְשִׁיחָא חוּצְפָּה יִסְגֵּא וְיִוֹקַר יַאֲמִיר; הַגֶּפֶן תִּתֵּן פִּרְיָהּ וְהַיַּיִן [31]בְּיִוֹקֶר; [32]וְהָעוֹבְדֵי גִלּוּלִים תֵּהָפֵךְ לְמִינוּת [33]וְאֵין תּוֹכָחָה. [34]בֵּית וַעַד יִהְיֶה לִזְנוּת. [35]וְהַגָּלִיל יֵחָרֵב [36]וְהַגַּבְלָן [37]יִשּׁוֹם; וְאַנְשֵׁי [38]הַגְּבוּל [39]יְסוֹבְבוּ מֵעִיר לְעִיר וְלֹא יְחוֹנְנוּ.

came to an end.[7] When R. Chaninah ben Dosa died men of great deeds[8] ceased to exist. When R. Jose Katnutha[9] died the pious ceased to exist. And why was his name called Katnutha?—Because he was the very least of the saintly. When Rabban Jochanan[10] ben Zaccai died the glory of wisdom[11] ceased. When Rabban Gamaliel the Elder died the glory of the Law ceased and purity and restraint[12] died. When R. Ishmael ben Pabi[13] died the splendour of the priesthood ceased. When Rabbi died humility and the fear of sin ceased.[14] R.[15] Phineas ben Jair says, When the Temple was destroyed the Fellows[16] and freemen[17] were put to shame and went about with lowered head, and men of great deeds were enfeebled;[18] but men of violence and men of glibness[19] waxed strong; and there is none that expoundeth[20] and there is none that seeketh[21] and there is none that enquireth.[22] On whom must we lean?—On our Father in heaven. R. Eliezer the Great[23] says, Since the day when the Temple was destroyed the Sages began to act like school-teachers,[24] and school-teachers like synagogue-attendants,[25] and synagogue-attendants like the people of the land,[26] and the people of the land waxed feebler and feebler,[27] and there is none that seeketh.[28] On whom should we lean?—On our Father in heaven. With the advent of[29] the Messiah[30] presumptuousness shall wax great and produce shall soar

וְחָכְמַת סוֹפְרִים [40]תִּסָּרַח, וְיִרְאֵי חֵטְא יִמָּאֲסוּ; וְהָאֱמֶת תִּהֵא נֶעֱדֶרֶת. נְעָרִים פְּנֵי זְקֵנִים יַלְבִּינוּ, זְקֵנִים יַעַמְדוּ מִפְּנֵי קְטַנִּים, [41]בֵּן [42]מְנוּוֹל אָב, בַּת קָמָה בְּאִמָּהּ, כַּלָּה [43]בַּחֲמוֹתָהּ; [44]אוֹיְבֵי אִישׁ אַנְשֵׁי בֵיתוֹ. פְּנֵי הַדּוֹר כִּפְנֵי [45]הַכֶּלֶב, הַבֵּן אֵינוֹ מִתְבַּיֵּשׁ מֵאָבִיו. וְעַל מִי יֵשׁ־לָנוּ לְהִשָּׁעֵן? עַל אָבִינוּ שֶׁבַּשָּׁמַיִם. [46]רַבִּי פִּנְחָס בֶּן יָאִיר אוֹמֵר, [47]זְרִיזוּת מְבִיאָה לִידֵי [48]נְקִיּוּת, וּנְקִיּוּת מְבִיאָה לִידֵי טָהֲרָה, וְטָהֲרָה מְבִיאָה לִידֵי [49]פְּרִישׁוּת, וּפְרִישׁוּת מְבִיאָה לִידֵי קְדוּשָׁה, וּקְדוּשָׁה מְבִיאָה לִידֵי [50]עֲנָוָה, וַעֲנָוָה מְבִיאָה לִידֵי [51]יִרְאַת חֵטְא, וְיִרְאַת חֵטְא מְבִיאָה לִידֵי [52]חֲסִידוּת, וַחֲסִידוּת מְבִיאָה לִידֵי [53]רוּחַ הַקֹּדֶשׁ, וְרוּחַ הַקֹּדֶשׁ מְבִיאָה לִידֵי תְּחִיַּת הַמֵּתִים, וּתְחִיַּת הַמֵּתִים [54]בָּא עַל יְדֵי אֵלִיָּהוּ [55]זָכוּר לְטוֹב. [56]אָמֵן.

in costliness; the vine shall yield its fruit but the wine will be costly;[31] and the heathens[32] shall be converted to heresy and there shall be no rebuke.[33] The house of meeting[34] shall become one for adultery. And Galilee[35] shall be devastated and Gablan[36] shall become desolate;[37] and the people of the border[38] shall wander[39] from town to town and none will show them compassion. And the wisdom of the Scribes shall be decadent[40] and those who fear sin shall be loathsome; and truth shall be absent. The young shall put the elders to shame, and elders shall rise up before little ones—..... *the*[41] *son dishonoureth*[42] *the father, the daughter riseth up against her mother, the daughter-in-law against her mother-in-law;*[43] *a man's enemies*[44] *are the men of his own house.* The face of the generation is like the face of a dog,[45] and the son will not be shamed before his father. And on whom are we to lean?—On our Father in heaven. R.[46] Phineas ben Jair says, Zeal[47] leads to cleanliness,[48] and cleanliness leads to purity, and purity leads to self-restraint,[49] and self-restraint leads to sanctity, and sanctity leads to humility,[50] and humility leads to the fear of sin,[51] and the fear of sin leads to piety,[52] and piety leads to divine intuition,[53] and divine intuition leads to the resurrection of the dead, and the resurrection of the dead shall come[54] through Elijah of blessed memory.[55] Amen.[56]

1 R. Meir himself was the most famous and assiduous of them. **2** He was one of the most assiduous scholars. **3** Expounders of the Law. ben Zoma was one of the greatest expounders. **4** Or גוּבַאי, a species of edible locust. They were very destructive to all vegetation. **5** He was renowned for his wisdom and scholarship and great wealth. **6** Compare שַׁבָּת 54 b. **7** Compare כְּתוּבוֹת 63a. **8** Some render this as *men for whom miracles*

were performed, and others as *saints* and also as *men of might.* Compare בְּרָכוֹת 5[5], סוֹכָה 5[4]. **9** He was a very pious man. **10** He was well versed in secular subjects. **11** The splendour of learning. סוֹכָה 28a. **12** Or *abstinence, modesty, piety.* **13** Or פִּיאָבִי, *Piabi,* the mother of R. Ishmael. Compare פָּרָה 3[5], פְּסָחִים 57a. **14** Compare כְּתוּבוֹת 103b, שַׁבָּת 118b. **15** Some authorities maintain that from here to the end the text forms no valid part of the *Mishnah.* **16** See *Appendix,* **Note 12.** **17** *i.e.,* צַדִּיקִים, righteous men. **18** Because their efforts to improve the people were of little avail. **19** *i.e.,* volubility and insincere talk. **20** The Law to Israel. **21** Salvation and mercy for the good of the people. **22** By prayer to God for peace and well-being. **23** Or simply R. Eliezer. He was also termed ben Hurcanus and was a disciple of Jochanan ben Zaccai. **24** Children's teachers. **25** Or *beadles, servants.* **26** *i.e.,* like the peasants or ignorant folk. **27** Or *became more and more impoverished.* **28** וְאֵין שׁוֹאֵל וְאֵין מְבַקֵּשׁ, *and there is none that inquireth and there is none that seeketh,* in some texts. **29** Literally *on the heels of.* **30** Or *When Messiah shall come.* **31** Yet drunkenness will be on the increase because of bitterness of soul. **32** Or *idolaters,* who will rule the land. Some editions have וְהַמַּלְכוּת instead of וְהָעוֹבְדֵי גִלּוּלִים. **33** *i.e.,* none to reprove the evil-doers, and none who will listen to reproof. **34** The council house of the Sages, *i.e.,* the houses of learning. They will be neglected and turned into houses of ill-fame. **35** See פְּסָחִים 55a, צִירוּבִין 53a. **36** Or *Gabalena,** a district south-east of Palestine. **37** Some render this *and the frontiers* [גְּבוּלִין] *shall be laid waste,* and take it to refer to the leaders of the people who will be powerless to keep them from decadence and transgression. **38** The leaders. **39** Like beggars. **40** Because there will be no fear of sin. **41** *Micah* 7, 6. **42** The Scripture gives כִּי בֵן מְנַבֵּל. **43** The Scriptural reading is בַּחֲמֹתָה. **44** אֹיְבֵי is given in the Scripture. **45** Literally *the dog.* The people shall treat their great men with contempt. **46** The rest of the text from this point is a בָּרַיְיתָא. **47** To perform good deeds. **48** Cleanliness from sin. **49** Or *separation* from evil. **50** The saintly man despises worldliness and rejects haughtiness. **51** Not because of punishment but becouse of awe and love of the Almighty. **52** For its own sake and not from ulterior motives and thoughts of reward. **53** Or *the Holy Spirit.* רוּחַ הַקֹּדֶשׁ is a grade below נְבוּאָה, *prophecy.* **54** Literally *comes.* More correct grammatically בָּאָה in some editions. **55** Literally *remembered for good, remembered for blessing.* **56** See the תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud,* שְׁקָלִים 3. **57** In some editions, נִשְׁלְמָה מַסֶּכֶת סוֹטָה, TRACTATE SOTAH CONCLUDED. * See ADDENDA.

[57]סְלִיק מַסֶּכֶת סוֹטָה

CONCLUSION OF TRACTATE SOTAH.

ADDENDA.

[Additional **Notes** to this *Tractate*]

1[1], **Note 1**. This rendering is in accordance with the *Rambam's* meaning given to קִנֵּא, *viz., give expression to jealousy or suspicion of the wife by the husband.* Less satisfactory is the rendering *If one would warn his wife against committing adultery.*

1[2], בִּתְרוּמָה. Unless she is proved innocent by the ordeal of drinking *the bitter waters.* See *Appendix,* **Note 1**.

1[4], **Note 3**. *admonish, i.e., impress* with awe. The witnesses too were thus impressed with the awful responsibility in as much as the life and death of a person involved depended on their evidence.

1[4], **Note 6**. To obliterate the Name of God unnecessarily was considered a heinous sin, and it was therefore likely that by mentioning to her this fact she might be filled with religious awe and confess.

1[6], **Note 6**. [According to *Rashi* and *Rambam*]: 'Because she is familiar with them and the sight of familiar faces would have the effect of encouraging her not to confess.'

1[7], **Note 1** 'she adorned herself ..... by the very same things [*i.e.*, by removing them] God reduced her to shame.'

1[7], **Note 2** 'she exposed [*i.e.*, uncovered] herself [certain parts of her body] for sin, from the very same parts of the body God revealed her sin.

1[7], **Note 5**. The *Mishnah* means to say that the curse commenced with those parts of the body, and if she proved to be guilty it is these parts of the body which proclaimed her guilt.

2[3]; * 'Amen! If I became defiled through this man or any other paramour'; § 'Amen! That I have not gone astray being under this husband or any other husband'; *Tifereth Yisroel* understands the oath to be 'Amen! If I have become defiled by this man or by any other man.'

3[1], הַמַּיִם נִשְׁפָּכִין: because she is made to drink מֵי הַמָּרִים, *the water of bitterness,* to remove the doubt as to her innocence, but if she confesses her guilt the need for making her drink falls away.

3[5], **Note 1**. According to the *Rambam,* הַנָּשִׁים ..... מְרַהָּה, *thou wilt ..... the women*: 'thou obscurest the purpose of the rite of the waters of bitterness in the eyes of all the women,' *i.e.*, the bitter waters will neither prove a deterrent against sin by possible סוֹטוֹת nor as an effective ordeal to prove the innocence of the suspected woman of adultery.

3^{7}, **Note 3.** The same applies if an unmarried adult daughter of a priest brings a *meal-offering*.

3^{8}, **Note 4.** By receiving or accepting the tokens of betrothal for her.

4^{1}, **Note 3.** Because of her unbecoming conduct in secluding herself in private with the man after being warned by her betrothed or יָבָם against doing so.

4^{1}, **Note 4.** This verse implies that she is actually living with her husband and not merely awaiting marriage.

4^{1}, **Note 8.** Although according to כְּתוּבוֹת 11^{6} there are entitled to כְּתוּבָה when divorced, they lose this right when they become סוֹטוֹת.

4^{2}, **Note 3.** The *Palestinian Talmud* here differs from the *Babylonian Talmud.*

4^{2}, **Note 8.** Because in these two cases it is through the husband's action or unwillingness that they cannot prove her innocence by passing through the ordeal of the מַיִם הַמָּרִים.

4^{3}, **Note 5.** Such a marriage—in each of the two cases cited—is not regarded as absolutely forbidden, for although in the present state she is forbidden to marry yet she could become his legal wife after 24 months' separation; therefore she is even now (*i.e.*, when she became a סוֹטָה before the expiration of 24 months) subject to the ordeal of מַיִם הַמָּרִים and is also entitled to the כְּתוּבָה.

4^{3}, **Note 8.** If she rendered herself incapable of bearing children, because this is regarded illicit connubial life.

4^{3}, **Notes 11, 12.** The marital relations with these women enumerated are not illicit because he can in addition marry another woman. NOTE: Monogammy was the rule, but when necessity demanded it was not forbidden to have more than one wife at the same time.

4^{5}, **Note 1.** The בֵּית דִּין is in duty bound to give warning against unbecoming conduct.

5^{1}, **Note 3.** The *Rambam* says he is proved by the fact that he dies like the woman with whom he had intercourse after she drank the מַיִם הַמָּרִים.

5^{4}, וּמַה־תַּלְמוּד לוֹמַר לֵאמֹר ?: *What purpose does it serve therefore to use* [literally *say*] [the word] לֵאמֹר? NOTE: In all other Scriptural passages where it is used this word is intended to enjoin the duty of communicating an order to others. In this passage however the word לֵאמֹר does not lend itself to such interpretation. Hence the question.

6², אָמַר צַד אֶחָד: after the conditions described in the foregoing *Mishnah.*

6³, **Note 6.** She can lo longer prove her innocence by drinking the מַיִם הַמָּרִים.

6⁸, **Note 12.** We infer [by the rule גְּזֵרָה שָׁוָה, *inference from a similarity of phrases*] just as there the דָּבָר, *matter,* is established only so the דָּבָר, *matter,* here [of *Deuteronomy* **24,** 1] only the evidence at the mouth of two witnesses is upheld.

7⁵, **Note 19.** Each of the paragraphs beginning with the expression אָרוּר they first recited in a form beginning with ..... בָּרוּךְ, *Blessed be* .....

7⁶, **Note 3.** Because no אָמֵן was responded in the Temple and therefore the continuity of the Benediction was not broken.

8¹, **Note 1.** Paraphrase: *The priest specially appointed to exhort the people before battle when he spoke to the people* **he had** *to speak in the Holy Tongue* .....

8⁷, **Note 6.** The difference of opinion between the תַּנָּא קַמָּא and רַבִּי יְהוּדָה is this: in the case of a *preventative war,* where the Israelites forestalled an attack on themselves before their potential enemy could attack them, such a war רַבִּי יְהוּדָה calls מִלְחֶמֶת חוֹבָה and the תַּנָּא קַמָּא calls it מִלְחֶמֶת רְשׁוּת.

9², **Note 2.** The point is *not* the height of the ground but rather that the corpse should not be hidden in the ground but exposed.

9², **Note 8.** Although the corpse was found near a town, if this town had no court they measured from the nearest town that had a court though a long distance away, whereas the town nearest to the corpse was freed from the onus of bringing an עֶגְלָה עֲרוּפָה because it had no בֵּית דִּין. לאוהיו מוֹדְדִין: the reason for this ruling is the fact that these places were considered dangerous, therefore he should not have visited them alone to court danger, and he alone was responsible for his own death.

9³, **Note 1.** This *Mishnah* is an application of the law that it is the duty of the finder of a corpse whose relatives cannot be identified to bury it on the spot where it is found.

9¹², **Note 2.** According to one view, the *Urim and Thummim* were fashioned by a craftsman from silver and gold. Another opinion is that they were made of some (unknown) material placed in the fold of the *breastplate,* and that Moses himself inscribed the Ineffable Divine Name on it but he kept the method of its making a secret.

9¹⁵, **Note 36.** גַּבְלָן [*Highland*], district of *Gabalena* or *Gablan* (see סוֹטָה 49b); perhaps the same as גְּבַל, גַּבְלָא [*Highland*], *Gabalena, Gabla,* a town and district south or south-west of Jerusalem inhabited by the Edomites; perhaps identifiable with גְּבוּל [*Highland*], *Gebul* (see סַנְהֶדְרִין 97a).

מַסֶּכֶת

גִּיטִּין

TRACTATE

GITTIN

[BEING THE SIXTH TRACTATE OF THE THIRD ORDER NASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

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INTRODUCTION

גִּטִּין is the *Sixth* מַסֶּכֶת, *Tractate* or *Treatise,* of סֵדֶר נָשִׁים, the (*Third*) *Order Nashim* of the מִשְׁנָה, *Mishnah.*

גֵּט, גִּיט [plural גִּטִּין, גִּיטִּין], literally *a writ, a legal document,* has in this *Tractate* the meaning also of **bill of divorce** or **letter of divorce** (or *divorcement*). The exact etymology of this Aramaic term is not known.

The *Tractate* deals mainly with the disannulment of marriages by divorce. Incidentally reference is also made therein to other documents and to the manumission or emancipation of slaves.

גֵּט is the only means in Jewish law of separating husband and wife. The document, which must be handed to the wife, contains the formula *This is thy 'letter of divorce' and thou art separated and permitted to whomsoever thou desirest.*

A man can divorce his wife but a woman cannot divorce her husband, except in the case of an orphan minor who had been given in marriage by her mother or brother(s) and she may on attaining puberty repudiate her marriage. A woman has nevertheless the right to seek the aid of the Court to induce or compel her husband to grant her a divorce under certain conditions (as for instance refusal by the husband to grant her connubial rights, his apostasy, if he is impotent, if he suffers from a loathsome disease, for his unfaithfulness, if he refuses to maintain her, for cruelty towards her).

A man had no power to issue a divorce against his wife (1) if he wrongly accused her of immorality during the period of אֵירוּסִין, betrothal (*Deuteronomy* **22**, 13-19) or (2) if he had seduced her before marriage (*Deuteronomy* **22**, 28-29).

The *Mishnah* also enjoined that a wife cannot be divorced (1) if she is mentally defective (יְבָמוֹת 14[1]), (2) if she is in captivity (כְּתוּבּוֹת 4[9]), or (3) if she is a minor incapable of comprehending or taking care of the *letter of divorce* (כְּתוּבּוֹת 4[9]).

The Court had no authority to issue a *letter of divorce*: this had to come from the husband. In the 11th Century C.E. it was decreed that no *bill of divorce* by a husband was to be issued without the wife's consent, thus restricting the ancient, absolute, unrestricted right of a man to divorce his wife at will.

This Tractate is based on *Deuteronomy* **24**, 1-4:

(1) כִּי יִקַּח אִישׁ אִשָּׁה וּבְעָלָהּ וְהָיָה אִם לֹא תִמְצָא חֵן בְּעֵינָיו כִּי מָצָא בָהּ עֶרְוַת דָּבָר וְכָתַב לָהּ סֵפֶר כְּרִיתֻת וְנָתַן בְּיָדָהּ וְשִׁלְּחָהּ מִבֵּיתוֹ

When a man taketh a wife, and marrieth her, and it cometh to pass, if she find no favour in his eyes, because he hath found some unseemly thing in her, that he writeth her a bill of divorcement, and giveth it in her hand, and sendeth her away out of his house,

(2) וְיָצְאָה מִבֵּיתוֹ וְהָלְכָה וְהָיְתָה לְאִישׁ אַחֵר

And she departeth out of his house, and she goeth and becometh another man's wife,

(3) וּשְׂנֵאָהּ הָאִישׁ הָאַחֲרוֹן וְכָתַב לָהּ סֵפֶר כְּרִיתֻת וְנָתַן בְּיָדָהּ וְשִׁלְּחָהּ מִבֵּיתוֹ אוֹ כִי יָמוּת הָאִישׁ הָאַחֲרוֹן אֲשֶׁר לְקָחָהּ לוֹ לְאִשָּׁה

And the latter husband hateth her, and writeth her a bill of divorcement, and giveth it in her hand, and sendeth her away out of his house; or if the latter husband die, that took her to be his wife;

(4) לֹא יוּכַל בַּעְלָהּ הָרִאשׁוֹן אֲשֶׁר שִׁלְּחָהּ לָשׁוּב לְקַחְתָּהּ לִהְיוֹת לוֹ לְאִשָּׁה אַחֲרֵי אֲשֶׁר הֻטַּמָּאָה כִּי תוֹעֵבָה הִוא לִפְנֵי ה׳ וְלֹא תַחֲטִיא אֶת־הָאָרֶץ אֲשֶׁר ה׳ אֱלֹהֶיךָ נֹתֵן לְךָ נַחֲלָה

Her former husband, who sent her away, may not take her again to be his wife, after that she was defiled; for that is abomination before the Eternal; and thou shalt not cause the land to sin, which the Eternal thy God giveth thee for an inheritance.

This *Tractate* has גְּמָרָא to it in both the תַּלְמוּד בַּבְלִי, *Babylonian Talmud*, and תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud*.

It contains nine Chapters whose titles are:

CHAPTER 1	הַמַּבִּיא גֵּט	א	פֶּרֶק
CHAPTER 2	הַמַּבִּיא גֵּט	ב	פֶּרֶק
CHAPTER 3	כָּל־הַגֵּט	ג	פֶּרֶק
CHAPTER 4	הַשּׁוֹלֵחַ	ד	פֶּרֶק
CHAPTER 5	הַנִּזְקִין	ה	פֶּרֶק
CHAPTER 6	הָאוֹמֵר	ו	פֶּרֶק
CHAPTER 7	מִי שֶׁאֲחָזוֹ	ז	פֶּרֶק
CHAPTER 8	הַזּוֹרֵק	ח	פֶּרֶק
CHAPTER 9	הַמְגָרֵשׁ	ט	פֶּרֶק

The principle matters dealt with in these nine Chapters are here summarised. 1. Credentials of the גֵּט and of witnesses; nullifying a non-delivered גֵּט. 2. Authentication by witnesses; גֵּט must be written and signed in one day; qualified authorised writers, valid materials, reliable authorized itermediaries. 3. גֵּט must be specifically drawn up for the woman concerned; authorised bearer or substitute. 4. Cancellation of a גֵּט before delivery; widow's dowry and support; captive's, and slave's, status. 5. Regulations concerning alimony, damages, debt, dowry, usurper's use of produce, confiscated property, transactions with minors or the deaf and dumb. 6. Husband's right to disannul the גֵּט before its delivery; divorcing a minor. 7. A demented man's order to have a גֵּט drawn up is void; procedure in writing a גֵּט if he is stricken dumb; other similar conditions and validity; גֵּט and questions of conditions. 8. Validness of a גֵּט and relative positions, on presentation, of man and wife; invalidation of a גֵּט with mis-stated names or if mis-dated. 9. Any infraction of the essential pronouncement 'Thou art free to marry any man' of the גֵּט* when presented renders it of no effect.

* Popular traditional pronunciation גֵּט.

מַסֶּכֶת

גִּיטִּין

TRACTATE

GITTIN

CHAPTER 1

Mishnah 1

If one bring a *letter of divorce*[1] from a country beyond the sea,[2] he must state, *In my presence was it written and in my presence was it signed.* Rabban Gamaliel says, Even if[3] one bring it from *Rekem*[4] or from *Chagar.*[5] R. Eliezer says, Even[3] from *Kefar Ludim*[6] to *Lod.*[7] But the Sages say, It is not necessary from him to say, *In my presence was it written and in my presence was it signed,* but only if he bring it from a country beyond the sea; and if he bear it[8] and bring it from one province to another province in a country beyond the sea, he needs to say, *In my presence was it written and in my presence was it signed.* Rabban Simon ben Gamaliel says, Even from one jurisdiction to another jurisdiction.[9]

פֶּרֶק א

מִשְׁנָה א

הַמֵּבִיא [1]גֵּט [2]מִמְּדִינַת הַיָּם צָרִיךְ שֶׁיֹּאמַר, בְּפָנַי נִכְתָּב וּבְפָנַי נֶחְתָּם. רַבָּן גַּמְלִיאֵל אוֹמֵר, [3]אַף הַמֵּבִיא מִן־[4]הָרֶקֶם וּמִן [5]הֶחָגָר. רַבִּי אֱלִיעֶזֶר אוֹמֵר, [3]אֲפִילוּ [6]מִכְּפַר לוּדִים [7]לְלוֹד. וַחֲכָמִים אוֹמְרִים, אֵינוֹ צָרִיךְ שֶׁיֹּאמַר, בְּפָנַי נִכְתָּב וּבְפָנַי נֶחְתָּם, אֶלָּא הַמֵּבִיא מִמְּדִינַת הַיָּם; [8]וְהַמּוֹלִיךְ וְהַמֵּבִיא מִמְּדִינָה לִמְדִינָה בִּמְדִינַת הַיָּם צָרִיךְ שֶׁיֹּאמַר, בְּפָנַי נִכְתָּב וּבְפָנַי נֶחְתָּם. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, [9]אֲפִילוּ מֵהֶגְמוֹנְיָא [9]לְהֶגְמוֹנְיָא.

1 To his wife living in אֶרֶץ יִשְׂרָאֵל (or in בָּבֶל). **2** מְדִינַת הַיָּם refers to all countries outside אֶרֶץ יִשְׂרָאֵל (and בָּבֶל). **3** Or אֲפִילוּ. **4** רֶקֶם or רַקֶּם, in the province of *Benjamin;* some identify it with *Kadesh* in *Naphthali;* others claim it to be identical with *Arekem.* **5** חָגָר, or *Hagar, Hagra;* some identify it with a town in the *Desert of Shur,* some with *Petra,* and others with *Bered.* וּמֵרָקֶם וּמֵחָגָר in some editions. **6** Literally the *Village of Ludim* or *Country Town of Ludim,* a place just outside the boundary of אֶרֶץ יִשְׂרָאֵל. **7** Or *Lydda,* in southern Palestine; also known as *Diospolis* by the Romans; and

just inside the border of אֶרֶץ יִשְׂרָאֵל and not far from Kfar Ludim. **8** From Palestine to another country. **9** Or *from one administrative district to another administrative district.* Where there are two opposition authorities in the same town the formula בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתָּם must be pronounced.

Mishnah 2

מִשְׁנָה ב

רַבִּי יְהוּדָה [1]אוֹמֵר, מֵרֶקֶם [2]לְמִזְרָח [3]וְרֶקֶם [4]כַּמִּזְרָח, [5]מֵאַשְׁקְלוֹן [6]לְדָרוֹם [7]וְאַשְׁקְלוֹן [4,7]כַּדָּרוֹם, [8]מֵעַכּוֹ [9]לְצָפוֹן [4,10]וְעַכּוֹ כַּצָּפוֹן. רַבִּי מֵאִיר אוֹמֵר, עַכּוֹ כְּאֶרֶץ יִשְׂרָאֵל לְגִיטִין.

R. Judah says,[1] From *Rekem* eastward[2] and *Rekem*[3] are as the east,[4] from *Ashkelon*[5] southward[6] and *Ashkelon*[5] are as the south[4,7] from *Acco*[8] northward[9] and *Acco*[8] are as the north[4,10]. R. Meir says, *Acco* is considered within the Land of Israel regarding *letters of divorce.*

1 Concerning the formula בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתָּם. **2** Or לְמִזְרָח, *to the east.* **3** Included. **4** And to be deemed outside אֶרֶץ יִשְׂרָאֵל. Or כְּמִזְרָח, *as eastward.* **5** A Philistian town. **6** Or לְדָרוֹם, *to the south.* **7** Or כְּדָרוֹם, *as southward.* **8** Or *Accho, Ptolemais,* a sea-port on the Phoenician coast. **9** Or לְצָפוֹן, *to the north.* **10** Or כְּצָפוֹן, *as northward.* But the west is not considered, as the sea-coast border of Palestine is there.

Mishnah 3

מִשְׁנָה ג

הַמֵּבִיא גֵּט [1]בְּאֶרֶץ יִשְׂרָאֵל אֵינוֹ צָרִיךְ שֶׁיֹּאמַר, בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתָּם. אִם יֵשׁ עָלָיו [2]עוֹרְרִים, יִתְקַיֵּם בְּחוֹתְמָיו. הַמֵּבִיא גֵּט מִמְּדִינַת הַיָּם וְאֵינוֹ יָכוֹל [3]לוֹמַר, בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתָּם, אִם [4]יֵשׁ עָלָיו עֵדִים יִתְקַיֵּם בְּחוֹתְמָיו.

If one bring a *letter of divorce* within the Land of Israel,[1] he does not have to say, *In my presence was it written and in my presence was it signed.* If there be any who dispute it,[2] it must be confirmed by its signatories. If one bring a *letter of divorce* from a country beyond the sea, and he can not say,[3] *In my presence was it written and in my presence was it signed,* if there be[4] witnesses to it, then it must be confirmed by its signatories.

1 Anywhere within it from one part to another. **2** Assuming that the גֵּט is false. The practice now is (whether in Palestine or elsewhere) to hand the גֵּט to the wife before two witnesses and to say, בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתָּם, but this formula is unnecessary if the signatures on the document are beyond

dispute. **3** See 1[1], **Note 2**. For instance, he lost his voice. This ruling also applies in the case where he had not seen the drawing up and the signatories or signatures. **4** Or יֵשׁ־עָלָיו.

Mishnah 4

מִשְׁנָה ד

אֶחָד גִּיטֵּי נָשִׁים וְאֶחָד שִׁחְרוּרֵי [1]עֲבָדִים, [2]שָׁוֹו לְמוֹלִיךְ [3]וּלְמַבִּיא. וְזוּ אֶחָד מִן־הַדְּרָכִים שֶׁשָּׁווּ גִּיטֵּי נָשִׁים לְשִׁחְרוּרֵי עֲבָדִים.

Whether in the case of *letters of divorce* or in the case of *writs of emancipation* of bondmen,[1] the rite is the same[2] for one who bears and brings them.[3] And this is one of the matters wherein *letters of divorce* and *writs of emancipation* of bondmen are alike.

1 Canaanite bondmen. **2** שָׁוִין in some editions. **3** The declaration בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתָּם must be made in both cases.

Mishnah 5

מִשְׁנָה ה

כָּל־[1]גֵּט שֶׁיֵּשׁ עָלָיו [2]עֵד [3]כּוּתִי פָּסוּל חוּץ מִגִּיטֵּי נָשִׁים [4]וְשִׁחְרוּרֵי עֲבָדִים. מַעֲשֶׂה שֶׁהֵבִיאוּ לִפְנֵי רַבָּן גַּמְלִיאֵל [5]לְכַפַּר עַוְתָּנַי גֵּט אִשָּׁה, וְהָיוּ עֵדָיו עֵדֵי כוּתִים, [6]וְהִכְשִׁיר. כָּל־הַשְּׁטָרוֹת הָעוֹלִים [7]בְּעַרְכָּאוֹת שֶׁל [8]עוֹבְדֵי גִלּוּלִים, אַף עַל פִּי שֶׁחוֹתְמֵיהֶם [8]עוֹבְדֵי גִלּוּלִים, כְּשֵׁרִים, חוּץ מִגִּיטֵּי נָשִׁים וְשִׁחְרוּרֵי עֲבָדִים. רַבִּי [9]שִׁמְעוֹן אוֹמֵר, אַף אֵלּוּ כְּשֵׁרִין, לֹא הוּזְכְּרוּ אֶלָּא [10]בִּזְמַן שֶׁנַּעֲשׂוּ [11]בְּהֶדְיוֹט.

Any legal document[1] which has a Samaritan[2] as witness[3] to it is invalid, save *writs of divorce* and *writs of manumission* of bondmen.[4] It once happened that they brought a *letter of divorce* before Rabban Gamaliel at *Kefar Avthanai,*[5] and its witnesses were Samaritans, and he declared it legal.[6] All legal documents entered in the records-offices[7] of non-Jews,[8] even if their signatories be non-Jews,[8] are valid, except *letters of divorce* and *writs of manumission* of bondmen. R. Simon[9] says, Even these latter are licit—they are mentioned only if[10] they be drawn up by laymen.[11]

1 גֵּט means also *document*. **2** The Samaritans (Samarians) were always considered unreliable in their statements. **3** By signature. **4** Canaanite bondmen. If of the two witnesses one was a Samaritan and the other a Jew (it being assumed that the Jew would not have signed if he suspected the trustworthiness of the other). But if both signatories were Samaritans the signatures are of no effect. **5** Or *Othonai,* on the borders of Samaria

and Galilee. Compare 7[7]. **6** But now the signature of even one Samaritan renders a writ invalid. **7** Or *registries*. **8** עוֹבְדֵי כּוֹכָבִים in some editions. **9** His opinion is rejected. **10** *Only if* or *when*. Or בִּזְמַן. **11** *i.e.*, unauthorized judges. Literally *by a layman*.

Mishnah 6

מִשְׁנָה ו

If one say, 'Give this *letter of divorce* to my wife,' or, '..... this *writ of liberation* to my bondman,'[1] and he wished to retract in either case, he may retract.[2] This is the opinion of R. Meir.[3] But the Sages[4] say, In the case of *letters of divorce*[5] but not in the case of *writs of liberation* of bondmen, because they may act to a man's benefit in his absence but they may not act to his disadvantage excepting in his presence;[6] for if a man do not wish to maintain his bondman, he is privileged to do so, but if not to support his wife, he has no right to do so. He[7] said to them, And does he[8] not thus disqualify his bondman from *priest's-due*[9] just as he disqualifies his wife? They made answer to him, Because he[10] is his chattel. If one say, 'Give this *letter of divorce* to my wife,' or, '..... this *writ of liberation* to my bondman,' and he died, they must not deliver it after the death;[11] 'Give[12] this *maneh*[13] to so-and-so,' and he died, they must deliver it after [the] death.[14]

הָאוֹמֵר, תֵּן גֵּט זֶה לְאִשְׁתִּי, וּשְׁטַר שִׁחְרוּר זֶה [1]לְעַבְדִּי, אִם רָצָה לַחֲזוֹר בִּשְׁנֵיהֶן, [2]יַחֲזוֹר. דִּבְרֵי רַבִּי [3]מֵאִיר. [4]וַחֲכָמִים אוֹמְרִים, [5]בְּגִיטֵּי נָשִׁים אֲבָל לֹא בְשִׁחְרוּרֵי עֲבָדִים, [6]לְפִי שֶׁזָּכִין לְאָדָם שֶׁלֹּא בְפָנָיו וְאֵין חָבִין לוֹ אֶלָּא בְּפָנָיו; שֶׁאִם יִרְצֶה שֶׁלֹּא לָזוּן אֶת־עַבְדּוֹ רַשַּׁאי, וְשֶׁלֹּא לָזוּן אֶת־אִשְׁתּוֹ אֵינוֹ רַשָּׁאי. [7]אָמַר לָהֶם, וַהֲרֵי [8]הוּא פּוֹסֵל אֶת־עַבְדּוֹ מִן־[9]הַתְּרוּמָה כְּשֵׁם שֶׁהוּא פּוֹסֵל אֶת־אִשְׁתּוֹ? אָמְרוּ לוֹ, מִפְּנֵי [10]שֶׁהוּא קִנְיָנוֹ. הָאוֹמֵר, תְּנוּ גֵט זֶה לְאִשְׁתִּי, וּשְׁטַר שִׁחְרוּר זֶה לְעַבְדִּי, וּמֵת, לֹא יִתְּנוּ לְאַחַר [11]מִיתָה; [12]תְּנוּ [13]מָנֶה לְאִישׁ פְּלוֹנִי, וּמֵת, יִתְּנוּ לְאַחַר [14]מִיתָה.

1 Canaanite bondman. **2** But before delivery to the wife or bondman. **3** His view is rejected. **4** Their opinion is accepted. **5** He may retract. **6** Or *they* [*one*] *may obtain a privilege on a person's behalf in his absence but they* [*one*] *must not act on his behalf to his hurt save in his presence.* Compare צִירוּבִין 7[11]. **7** R. Meir. **8** If he is a כֹּהֵן, priest. **9** Or *heave-offering*. See *Appendix*, **Note 1**; *Leviticus* **22**, 11. **10** The עֶבֶד, *bondman*. **11** There can be no legal divorce or emancipation after death. **12** *i.e., if one say, 'Give .....'* **13** See *Tables*, זְרָעִים, INTRODUCTION. מָנֶה =

100 זוז. **14** For this is equivalent to fulfilling a dead man's will and testament.

CHAPTER 2

פֶּרֶק ב

Mishnah 1

מִשְׁנָה א

הַמֵּבִיא גֵּט [1]מִמְּדִינַת הַיָּם וְאָמַר, בְּפָנַי נִכְתַּב אֲבָל לֹא בְּפָנַי נֶחְתַּם, בְּפָנַי נֶחְתַּם אֲבָל לֹא בְּפָנַי נִכְתַּב, בְּפָנַי נִכְתַּב [2]כּוּלוֹ וּבְפָנַי נֶחְתַּם [3]חֶצְיוֹ, בְּפָנַי נִכְתַּב [4]חֶצְיוֹ וּבְפָנַי נֶחְתַּם [2]כּוּלוֹ פָּסוּל. אֶחָד אוֹמֵר, בְּפָנַי נִכְתַּב, וְאֶחָד אוֹמֵר, בְּפָנַי נֶחְתַּם, [5]פָּסוּל. שְׁנַיִם אוֹמְרִים, בְּפָנֵינוּ נִכְתַּב, וְאֶחָד אוֹמֵר, בְּפָנַי נֶחְתַּם, [6]פָּסוּל. וְרַבִּי [7]יְהוּדָה מַכְשִׁיר. אֶחָד אוֹמֵר, בְּפָנַי נִכְתַּב, וּשְׁנַיִם אוֹמְרִים, בְּפָנֵינוּ נֶחְתַּם, כָּשֵׁר.

If one bring a *letter of divorce* from a country beyond the sea[1] and said, 'In my presence was it written but not in my presence was it signed,' or, 'In my presence was it signed but not in my presence was it written,' or, 'In my presence was the whole of it[2] written and in my presence was half of it signed,'[3] or, 'In my presence was half of it[4] written and in my presence the whole of it[2] was signed,' it is invalid. If one say, 'In my presence was it written,' and another say, 'In my presence was it signed,' it is not licit.[5] If two say, 'In our presence was it written,' and another say, 'In my presence was it signed,' it is not valid.[6] But R. Judah[7] makes it legal. If one say, 'In my presence was it written,' and two say, 'In our presence was it signed,' it is valid.

1 Foreign land, *abroad, outside Palestine.* **2** Or כְּלוֹ. **3** *i.e.,* he saw only one of the two witnesses sign it.* **4** This refers to the latter half of the גֵּט where the names of the husband and wife and the date do not appear. **5** This refers to the case when the first is the שָׁלִיחַ, messenger, and the second not a שָׁלִיחַ, but when both are שְׁלִיחִים then the גֵּט is valid. **6** If only one is the שָׁלִיחַ; but the גֵּט is valid if both are שְׁלִיחִים. **7** Referring to the last case. His view is rejected.§ * *The vital section of the* גֵּט was not written in his presence. § Because two witnesses testified to the writing of the גֵּט.

Mishnah 2

מִשְׁנָה ב

[1]נִכְתַּב בַּיּוֹם וְנֶחְתַּם [2]בַּיּוֹם, [3]בַּלַּיְלָה וְנֶחְתַּם [4]בַּלַּיְלָה, [5]בַּלַּיְלָה וְנֶחְתַּם

If it[1] were written by day and signed by day,[2] or by night[3] and signed by night,[4] or by night[5] and

signed by day,[6] it is legal. By day[7] and signed by night, it is invalid.[8] R. Simon[9] declares it legal; for R. Simon used to say, All legal documents written by day and signed by night are not valid save *letters of divorce*.

[2]בַּיּוֹם, כָּשֵׁר. [3]בַּיּוֹם וְנֶחְתָּם בַּלַּיְלָה, [4]פָּסוּל. רַבִּי [5]שִׁמְעוֹן מַכְשִׁיר; שֶׁהָיָה רַבִּי שִׁמְעוֹן אוֹמֵר, כָּל־הַגִּיטִין שֶׁנִּכְתְּבוּ בַיּוֹם וְנֶחְתְּמוּ בַלַּיְלָה פְּסוּלִין חוּץ מִגִּיטֵי נָשִׁים.

1 A גִּ״ט. **2** On the same day. **3** *i.e., or written by night.* **4** The same night. **5** *viz.,* or *written by night.* **6** The day following the night. **7** *i.e., if it were written by day.* **8** Because that night belongs to another—the next—day and not to the day preceding when the גִּ״ט was written. **9** His opinion is rejected.

Mishnah 3

מִשְׁנָה ג

It[1] may be written[2] with anything: with ink, with orpiment, with fuchsine,[3] with gum ink, or with copperas, or with anything that is permanent.[4] It may not be written[5] with liquors,[6] nor with fruit juices, nor with aught that is not lasting.[7] It may be written[2] on anything: on an olive leaf,[8] or on a cow's horn—but he must give her the cow[9]—or on the hand of a bondman—but he must give her the bondman. R. Jose[10] the Galilean says, It must not be written[5] on anything that is alive nor on foodstuffs.[11]

בַּכֹּל [1,2]כּוֹתְבִין, בְּדְיוֹ, בְּסַם, [3]בְּסִיקְרָא, וּבְקוּמוֹס, וּבְקַנְקַנְתּוֹם, וּבְכָל דָּבָר שֶׁהוּא שֶׁל [4]קַיָּימָא. [5]אֵין כּוֹתְבִין לֹא [6]בְּמַשְׁקִים, וְלֹא בְּמֵי פֵּירוֹת, וְלֹא בְּכָל דָּבָר [7]שֶׁאֵינוֹ מִתְקַיֵּים. עַל הַכֹּל [2]כּוֹתְבִין, עַל [8]הֶעָלֶה שֶׁל זַיִת, וְעַל הַקֶּרֶן שֶׁל פָּרָה וְנוֹתֵן לָהּ אֶת־[9]הַפָּרָה, עַל יַד שֶׁל עֶבֶד וְנוֹתֵן לָהּ אֶת־הָעֶבֶד. רַבִּי [10]יוֹסֵי הַגְּלִילִי אוֹמֵר, [5]אֵין כּוֹתְבִין לֹא עַל דָּבָר שֶׁיֵּשׁ־בּוֹ רוּחַ חַיִּים וְלֹא עַל [11]הָאוֹכְלִין.

1 A גִּ״ט. **2** Literally *they may write.* Compare מְגִילָה 2[2]. **3** Or *fucus* extract, giving a deep red dye. **4** Or רוֹשֶׁם, *mark, trace* (*i.e.,* leaves a mark) according to some authorities. **5** Literally *they may not write.* **6** בְּמַשְׁקִין in some editions. **7** שֶׁאֵינוֹ שֶׁל קַיָּימָא in some editions. **8** Or on any other kind of suitable leaf which must be first plucked from the branch (but leaves that cannot last very long, as of greens) are not valid. **9** If the גִּ״ט is written on the horn while still attached to the animal, and is then cut off before being delivered to the wife, the גִּ״ט is invalid. Compare עֵירוּבִין 1[7]. **10** His view is rejected. He insists that the גִּ״ט should be written on such material that one would write a book on. **11** Such as a leaf.

Mishnah 4

מִשְׁנָה ד

[1]אֵין כּוֹתְבִין [2]בַּמְּחוּבָּר לַקַּרְקַע. כָּתְבוּ [2]בַּמְּחוּבָּר [3]תָּלְשׁוּ [4]וְחָתְמוּ וְנָתְנוּ לָהּ, כָּשֵׁר. רַבִּי יְהוּדָה פּוֹסֵל עַד שֶׁתְּהֵא כְּתִיבָתוֹ וַחֲתִימָתוֹ בַּתָּלוּשׁ. רַבִּי [5]יְהוּדָה בֶּן בְּתֵירָא אוֹמֵר, [1]אֵין כּוֹתְבִין לֹא עַל הַגְּיָיר הַמָּחוּק וְלֹא עַל [6]הַדִּיפְתְּרָא, מִפְּנֵי שֶׁהוּא יָכוֹל לְהִזְדַּיֵּף. וַחֲכָמִים [7]מַכְשִׁירִין.

It must not be written[1] on anything attached[2] to the ground. If one wrote on anything so attached,[2] and then detached[3] it and signed[4] it and gave it to her, it is licit. R. Judah declares it invalid unless the inscription thereon and the signatures thereon had been effected after detachment. R. Judah[5] ben Bathyra says, It must not be written[1] upon paper from which other writing had been erased nor on half-prepared skin,[6] because such could be falsified. But the Sages declare these licit.[7]

1 Literally *they must not write.* **2** Or בַּמְּחֻבָּר. **3** By cutting or by any other means. **4** By witnesses. Literally, ... *they wrote* ..... (*they*) *detached* ..... (*they*) *signed* ..... (*they*) *gave* ..... **5** His opinion is rejected.* **6** Not completely prepared parchment (skin or hide worked up with salt and flour but not with gall-nut). **7** This ruling is accepted.
* See ADDENDA at the end of this *Tractate.*

Mishnah 5

מִשְׁנָה ה

הַכֹּל כְּשֵׁרִין לִכְתּוֹב אֶת־*הַגֵּט, [1]אֲפִילוּ חֵרֵשׁ, שׁוֹטֶה, [2]וְקָטָן. [3]הָאִשָּׁה כּוֹתֶבֶת אֶת־גִּיטָהּ [3]וְהָאִישׁ כּוֹתֵב אֶת־[4]שׁוֹבְרוֹ, שֶׁאֵין קִיּוּם הַגֵּט אֶלָּא בְּחוֹתְמָיו. הַכֹּל כְּשֵׁרִין לְהָבִיא אֶת־הַגֵּט, חוּץ [5]מֵחֵרֵשׁ, [5]שׁוֹטֶה, [5]וְקָטָן, [6]וְסוּמָא, [7]וְעוֹבֵד כּוֹכָבִים.

All are qualified to write out a *letter of divorce,** even[1] a deaf-mute, a mentally defective person, or a minor.[2] A[3] woman may write out her *letter of divorce* and a[3] man may write out his quittance,[4] because the validness of a *letter of divorce* is established by its signatories. All are qualified to bring a *letter of divorce,* save a deaf-mute,[5] a mentally deficient person,[5] (and) a minor,[5] (and) a blind person,[6] and a non-Jew.[7]

1 Or אֲפִלּוּ. **2** A boy under thirteen years of age. **3** Literally *the.* On her husband's instruction. **4** The receipt which the divorced wife signs on receipt of her כְּתוּבָּה, *marriage settlement* (see *Appendix,* **Note 8**). **5** Because their mental faculties are subnormal. **6** Because he can not say truthfully

בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתַּם if he brings a גֵּט from חוּץ לָאָרֶץ to אֶרֶץ יִשְׂרָאֵל, but in אֶרֶץ יִשְׂרָאֵל itself he is qualified because there the recital of the formula is unnecessary. **7** Because he does not come under these regulations of messengers. * Only the טוֹפֵס, *blank form.*

Mishnah 6

מִשְׁנָה ו

קִבֵּל [1]הַקָּטָן [2]וְהִגְדִּיל, חֵרֵשׁ [3]וְנִתְפַּקֵּחַ, סוּמָא [3]וְנִתְפַּתֵּחַ, שׁוֹטֶה [3]וְנִשְׁתַּפֶּה, עוֹבֵד כּוֹכָבִים [3]וְנִתְגַּיֵּר, [5,4]פָּסוּל. אֲבָל [6]פִּקֵּחַ וְנִתְחָרֵשׁ וְחָזַר [7]וְנִתְפַּקֵּחַ, פָּתוּחַ [6]וְנִסְתַּמָּא וְחָזַר [7]וְנִתְפַּתֵּחַ, שָׁפוּי [8]וְנִשְׁתַּטָּה וְחָזַר [7]וְנִשְׁתַּפֶּה, כָּשֵׁר. זֶה הַכְּלָל, כָּל־ [10]שֶׁתְּחִלָּתוֹ וְסוֹפוֹ בְּדַעַת כָּשֵׁר.

If a minor[1] received it and then became of age,[2] or a deaf-mute who[3] recovered his senses, or a blind man who regained his sight, or a mentally-deficient person who[3] became sane, or a non-Jew who[3] was proselytised, it[4] is invalid.[5] But in the case of one[6] of sound senses who became a deaf-mute and then recovered[7] his senses, or one with sight who[6] turned blind and then regained[7] his sight, or one who[6] was mentally normal[8] and became an imbecile[9] and then recovered[7] his mental health, it is valid. This is the general principle: If at the beginning[10] and at the conclusion an act is performed with full intelligence, it is licit.

1 A boy not yet thirteen years of age. **2** *i.e.,* a husband handed the גֵּט to a minor who then became adult before he gave it to the wife. **3** Before delivering the גֵּט to the woman. **4** The גֵּט. **5** Because in all these cases they cannot be relied on to state truthfully the formula בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתַּם. **6** Who took up the גֵּט on behalf of the husband. **7** Before delivering the גֵּט to the woman.* **8** Or *sane.* **9** Or *went out of his mind, became insane.* **10** Or שֶׁתְּחִילָּתוֹ. * Even if he did not regain his sight the גֵּט would be valid.

Mishnah 7

מִשְׁנָה ז

אַף הַנָּשִׁים שֶׁאֵינָן נֶאֱמָנוֹת לוֹמַר, [1]מֵת בַּעְלָהּ, נֶאֱמָנוֹת לְהָבִיא אֶת־גִּטָּהּ, חֲמוֹתָהּ, וּבַת חֲמוֹתָהּ, [2]וְצָרָתָהּ, [3]וְיִבְמְתָהּ, [4]וּבַת בַּעְלָהּ. מַה [5]בֵּין גֵּט לִמִּיתָה? [6]שֶׁהַכְּתָב מוֹכִיחַ. [7]הָאִשָּׁה עַצְמָהּ מְבִיאָה

Even those women who are not considered trustworthy and they say, 'Her husband is dead,'[1] are accounted reliable when they bring her *letter of divorce*—her mother-in-law, and the daughter of her mother-in-law, and her fellow-wife,[2] and the wife of her husband's brother,[3] and the daughter

אֶת־גִּטָּהּ, [8]וּבִלְבַד שֶׁהִיא צְרִיכָה לוֹמַר, בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתַּם.

of her husband.[4] How does a *letter of divorce* differ from[5] a death? —The written document[6] is proof. The woman herself[7] may bring her own *letter of divorce,* only provided that[8] she says, *'In my presence was it written and in my presence was it signed.'*

1 Because they might be hostile towards her. יְבָמוֹת 15[4]; סוֹטָה 6[2]. **2** See יְבָמוֹת INTRODUCTION and 1[1] ff. **3** Or וּבְמִתָּה.* **4** From another wife. **5** *i.e.,* from evidence of. **6** The גֵּט. **7** Who is to be divorced. **8** On instruction from the husband when he delivers the גֵּט to her that she does so and also before any particular Court he may indicate, and the בֵּית דִּין receive it from her and give it to an appointed שָׁלִיחַ to hand it to her.
* Some favour the vowelisation וּבְמִתָּה.

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

A *letter of divorce* which is not written expressly for[1] a woman is not licit. How so? If one were passing through the market-place[2] and heard the voice of scribes dictating,[3] 'The man so-and-so is divorcing the woman so-and-so from the place so-and-so,' and he said, 'That is my name and that is the name of my wife,' it is invalid for divorcing therewith. Further,[4] if one drew up[5] (wherewith)[6] to divorce his wife but changed his mind and a townsman of his[7] found him and said to him, 'My name is like thy name and the name of my wife is like the name of thy wife,' it is illegal[8] to divorce thereby. Besides,[4] if one had two wives and their names were alike,[9] and he drew up[10] to divorce therewith the elder,[11] he may not divorce therewith the

כָּל־גֵּט שֶׁנִּכְתָּב שֶׁלֹּא [1]לְשׁוּם אִשָּׁה פָּסוּל. כֵּיצַד? הָיָה עוֹבֵר [2]בַּשּׁוּק וְשָׁמַע קוֹל סוֹפְרִים [3]מַקְרִין, אִישׁ פְּלוֹנִי מְגָרֵשׁ אֶת־פְּלוֹנִית מִמְּקוֹם פְּלוֹנִי, וְאָמַר, זֶה שְׁמִי וְזֶה שֵׁם אִשְׁתִּי, פָּסוּל לְגָרֵשׁ בּוֹ. יֶתֶר [4]מִכָּן, [5]כָּתַב לְגָרֵשׁ [6](בּוֹ) אֶת־אִשְׁתּוֹ וְנִמְלַךְ מִצָּאוֹ [7]בֶּן עִירוֹ וְאָמַר לוֹ, שְׁמִי כִשְׁמֶךָ וְשֵׁם אִשְׁתִּי כְשֵׁם אִשְׁתְּךָ, [8]פָּסוּל לְגָרֵשׁ בּוֹ. יֶתֶר [4]מִכָּן, הָיוּ לוֹ שְׁתֵּי נָשִׁים וּשְׁמוֹתֵיהֶן [9]שָׁווֹת, [10]כָּתַב לְגָרֵשׁ בּוֹ אֶת־[11]הַגְּדוֹלָה, לֹא יְגָרֵשׁ בּוֹ אֶת־[11]הַקְּטַנָּה. יֶתֶר [4]מִכָּן, אָמַר לַלַּבְלָר, כְּתוֹב לְאֵיזֶה שֶׁאֶרְצֶה אֲגָרֵשׁ, פָּסוּל לְגָרֵשׁ [12]בּוֹ.

younger.[11] Moreover,[4] if he said to the scribe, 'Write out so that I may divorce therewith whichever I will,' it is invalid to divorce therewith.[12]

1 לְשֵׁם in some editions. **2** Or בְּשׁוּק, *through a market-place.* **3** To their pupils as an exercise. **4** Or מִכָּאן.* **5** A *letter of divorce.* **6** בּוֹ is omitted in some texts. **7** Literally *a son of his city.* **8** For this man. **9** שָׁרִין in some editions. **10** A גֵּט. **11** Or, *actually, vice versa.* **12** It must be clear at the outset for whom the גֵּט is written. * See ADDENDA at the end of this *Tractate.*

Mishnah 2

מִשְׁנָה ב

He who writes out blank forms of *letters of divorce* must leave[1] space for the man,[2] and space for the wife,[3] and space for the date;[4] in notes[5] of indebtedness he must leave[1] a space for the lender,[6] a space for the borrower,[7] a space for the amount,[8] and a space[9] for the date; in notes[10] of sale he must leave[1] a space for the buyer,[11] and a space for the vendor,[12] and a space for the sum,[13] and a space for the field,[14] and a space for the date —for the sake of the public benefit.[15] R. Judah[16] declares all of them[17] invalid. R. Eliezer[18] declares them all[17] valid, save *letters of divorce,* as it is said, *that*[19] *he writeth her*—explicitly for her.

הַכּוֹתֵב טוֹפְסֵי גִיטִין צָרִיךְ [1]שֶׁיַּנִּיחַ מָקוֹם [2]הָאִישׁ, וּמָקוֹם [3]הָאִשָּׁה, וּמָקוֹם [4]הַזְּמַן; [5]שְׁטָרֵי מַלְוֶה צָרִיךְ [1]שֶׁיַּנִּיחַ מָקוֹם [6]הַמַּלְוֶה, מָקוֹם [7]הַלּוֶה, מָקוֹם [8]הַמָּעוֹת, [9]וּמָקוֹם הַזְּמַן; [10]שְׁטָרֵי *מִקָּח צָרִיךְ [1]שֶׁיַּנִּיחַ מָקוֹם [11]הַלּוֹקֵחַ, וּמָקוֹם [12]הַמּוֹכֵר, וּמָקוֹם [13]הַמָּעוֹת, וּמָקוֹם [14]הַשָּׂדֶה, וּמָקוֹם הַזְּמַן, מִפְּנֵי [15]הַתַּקָּנָה. רַבִּי [16]יְהוּדָה פּוֹסֵל [17]בְּכוּלָּן. רַבִּי [18]אֱלִיעֶזֶר מַכְשִׁיר [17]בְּכוּלָּן, חוּץ מִגִּיטֵי נָשִׁים, שֶׁנֶּאֱמַר, [19]וְכָתַב לָהּ לִשְׁמָהּ.

1 Or שֶׁיַּנִּיחַ. **2** *i.e.,* the man's name. **3** *i.e.,* the woman's name. **4** The גְּמָרָא adds that a space must also be left for the formula הֲרֵי אַתְּ מוּתֶּרֶת לְכָל אָדָם, *thou art permitted* [to be wed] *to any man* which is the essence of the גֵּט. **5** Or *bonds;* or *I.O.U.s.* **6** *i.e.,* the lender's name. **7** *i.e.,* the borrower's name. **8** Of the debt. **9** מָקוֹם in some texts. **10** Or *deeds.* **11** *i.e.,* the buyer's name. **12** Or *vendee. i.e.,* the seller's name. **13** The amount of money involved. **14** Its exact locality. **15** *i.e.,* it is advantageous to have ready-made copies for immediate use to save the scribe's time. **16** His view is rejected. **17** Or בְּכֻלָּן.§ **18** His opinion is accepted.§ **19** *Deuteronomy* **24**, 1. (See INTRODUCTION). * Or מִקָּח. § See ADDENDA at the end of this *Tractate.*

Mishnah 3

מִשְׁנָה ג

If one were bringing a *letter of divorce*, and he lost it,[1] but he forthwith[2] found it again, it is valid, but if not,[3] it is invalid. If he found it in a valise[4] or in a case,[5] and he recognised[6] it, it remains licit. If one[7] were bringing a *letter of divorce,* and had left him[8] aged or ill, he must give it to her on the presumption that he is still living.[9] If the daughter of an Israelite[10] were wed to a priest, and her husband went to a country beyond the sea,[11] she may eat of *priest's-due*[12] with the supposition that he is still alive. If one sent[13] his *sin-offering* from a land beyond the sea,[11] it is offered up[14] on the assumption that he is still living.

הַמֵּבִיא גֵּט וְאָבַד [1]הֵימֶנּוּ, מְצָאוֹ
[2]לְאַלְתַּר, כָּשֵׁר, וְאִם [3]לָאו פָּסוּל.
מְצָאוֹ [4]בַּחֲפִיסָה אוֹ [5]בְּדִלּוּסְקְמָא
אִם [6]מַכִּירוֹ, כָּשֵׁר. [7]הַמֵּבִיא גֵּט
[8]וְהִנִּיחוֹ זָקֵן אוֹ חוֹלֶה נוֹתְנוֹ לָהּ
בְּחֶזְקַת שֶׁהוּא [9]קַיָּם. בַּת [10]יִשְׂרָאֵל
הַנְּשׂוּאָה לְכֹהֵן וְהָלַךְ בַּעֲלָהּ
[11]לְמְדִינַת הַיָּם, אוֹכֶלֶת [12]בִּתְרוּמָה
בְּחֶזְקַת שֶׁהוּא קַיָּם. [13]הַשּׁוֹלֵחַ
חַטָּאתוֹ [11]מִמְּדִינַת הַיָּם [14]מַקְרִיבִין
אוֹתָהּ בְּחֶזְקַת שֶׁהוּא קַיָּם.

1 Or הֵימֶנּוּ. In a spot where much traffic passes along. **2** Straightway even after some prolonged interval if it is certain that no one had passed that way. **3** If he did not recover it straightway. If it were lost in an unfrequented place, it remains valid even if found after a protracted interval. Similarly it remains valid if recovered some time later if witnesses testify to its genuineness unmistakably. **4** Or *small leather satchel or bag* for documents. **5** דִּלּוּסְקְמָא or גְּלוּסְקְמָא, a *chest* or *case* for keeping documents. **6** Literally *recognize.* **7** A שָׁלִיחַ. **8** The husband seeking a divorce. Or וְהִנִּיחוֹ. **9** But if it became known before the גֵּט was delivered to the woman that the husband had died then the גֵּט is invalid. **10** A non-priest or non-Levite. **11** *i.e.,* outside אֶרֶץ יִשְׂרָאֵל. **12** Or *heave-offering.* See *Appendix,* **Note 1**; *Leviticus* **22**, 10 ff. **13** Literally *send.* **14** Literally *they offer it up.*

Mishnah 4

מִשְׁנָה ד

Three statements did R. Elazar[1] ben Perata make before the Sages and they confirmed his words: concerning a town during a siege,[2] and regarding a ship that is storm-tossed at sea,[3] and referring to a man who is gone forth to be tried[4]

שְׁלֹשָׁה דְבָרִים אָמַר רַבִּי [1]אֶלְעָזָר
בֶּן פְּרָטָא לִפְנֵי חֲכָמִים וְקִיְּימוּ
אֶת־דְּבָרָיו, עַל עִיר שֶׁהִקִּיפוּהָ
[2]כַּרְכּוֹם, וְעַל הַסְּפִינָה הַמִּיטַּרְפֶּת

[3]בַּיָּם, וְעַל הַיּוֹצֵא [4]לִידוֹן, שֶׁהֵן בְּחֶזְקַת קַיָּמִין; אֲבָל עִיר שֶׁכְּבָשׁוּהָ כַּרְכּוֹם, וּסְפִינָה שֶׁאָבְדָה בַּיָּם, וְהַיּוֹצֵא לֵיהָרֵג, נוֹתְנִין עֲלֵיהֶן חוֹמְרֵי חַיִּים וְחוֹמְרֵי מֵתִים; בַּת [5]יִשְׂרָאֵל [6]לְכֹהֵן וּבַת כֹּהֵן [7,5]לְיִשְׂרָאֵל לֹא תֹאכַל [8]בִּתְרוּמָה.

—these are to be presumed to be living still; but with reference to a town that besiegers had taken, or a ship that was lost at sea, or one who had been sentenced to death, to them apply the stricter rulings for the living and the more stringent rulings for the dead; the daughter of an Israelite[5] wedded to a priest[6] and the daughter of a priest wed to an Israelite[5,7] must not eat of *priest's-due.*[8]

1 אֱלִיעֶזֶר, *Eliezer,* in some editions. **2** Some prefer קִרְקוֹם. Literally *with reference to a town which besiegers have encircled. i.e.,* concerning a husband living in a town that is besieged (and he is legally presumed to be living). **3** *i.e.,* regarding a husband who is on board a ship storm-tossed at sea. **4** On a capital charge. This ruling also applies to lawsuits regarding pedigrees and deeds of sale. **5** A non-priest or a non-Levite. **6** The severer rulings for the dead. **7** The severer rulings for the living. **8** See 3[3], **Note 12.**

מִשְׁנָה ה

Mishnah 5

[3,1]הַמֵּבִיא גֵּט [2]בְּאֶרֶץ יִשְׂרָאֵל וְחָלָה הָרֵי [4]זֶה מְשַׁלְּחוֹ בְּיַד אַחֵר; וְאִם אָמַר [5]לוֹ, טול לִי [6]הֵימֶנָּה חֵפֶץ פְּלוֹנִי, לֹא [8,7]יְשַׁלְּחֶנּוּ בְּיַד אַחֵר, שֶׁאֵין [9]רְצוֹנוֹ שֶׁיְּהֵא פִקְדּוֹנוֹ בְּיַד אַחֵר.

If one[1] within the Land of Israel[2] brought[3] a *letter of divorce* and became ill, then this man[4] must send it by the hand of another; but if he had said to him,[5] 'Take for me from her[6] such-and-such an article,' he[7] must not send it[8] on by the hand of another, since it was not his wish[9] that his pledge should be in the hand of another.

1 A שָׁלִיחַ, *messenger.* **2** And he does not have to pronounce the formula בְּפָנַי נִכְתַּב וּבְפָנַי נֶחְתָּם. **3** Literally *bring.* **4** He does not require the sanction of בֵּית דִּין to do this. **5** *i.e.,* the husband to the שָׁלִיחַ. **6** Before presenting the גֵּט. Or הֵימֶנָּה. **7** The שָׁלִיחַ. **8** The גֵּט. **9** *i.e.,* the husband's will.

מִשְׁנָה ו

Mishnah 6

[1]הַמֵּבִיא גֵּט [2]מִמְּדִינַת הַיָּם וְחָלָה, עוֹשֶׂה בֵּית דִּין [3]וּמְשַׁלְּחוֹ, וְאוֹמֵר

If one[1] were bringing a *letter of divorce* from a land beyond the sea[2] and fell ill, he calls together a

לְפָנֵיהֶם, בְּפָנַי נִכְתָּב וּבְפָנַי נֶחְתָּם,
וְאֵין שָׁלִיחַ אַחֵרוֹן צָרִיךְ שֶׁיֹּאמַר,
בְּפָנַי נִכְתָּב וּבְפָנַי נֶחְתָּם, אֶלָּא
אוֹמֵר, שְׁלִיחַ בֵּית דִּין אָנִי.

Court and sends on another,[3] but he must declare before them,[4] *In my presence was it written and in my presence was it signed,* but the other messenger does not have to say,[5] *In my presence was it written and in my presence was it signed,* but he states, 'I am the messenger from the Court.'

1 A שָׁלִיחַ. **2** *i.e.,* outside אֶרֶץ יִשְׂרָאֵל. In this case he must make the declaration בְּפָנַי נִכְתָּב וּבְפָנַי נֶחְתָּם. **3** An alternative rendering, *the Court appoints another and sends him on.* Or שָׁלִיחַ, *a messenger,* in the גְּמָרָא, *i.e., the Court appoints a messenger.* **4** *i.e.,* the first (sick) שָׁלִיחַ declares to the second שָׁלִיחַ his substitute before the דַּיָּנִים. This procedure declaring that he is the שָׁלִיחַ of the court is repeated if there are any number of substitute messengers one after another. **5** When he presents the גֵּט to the woman.

Mishnah 7

מִשְׁנָה ז

הַמַּלְוֶה מָעוֹת אֶת־הַכֹּהֵן וְאֶת־
הַלֵּוִי וְאֶת־הָעָנִי לִהְיוֹת מַפְרִישׁ
עֲלֵיהֶן מֵחֶלְקָן, מַפְרִישׁ עֲלֵיהֶן
בְּחֶזְקַת שֶׁהֵן קַיָּמִין, וְאֵינוֹ חוֹשֵׁשׁ
שֶׁמָּא מֵת הַכֹּהֵן אוֹ הַלֵּוִי אוֹ הֶעֱשִׁיר
הָעָנִי. מֵתוּ צָרִיךְ לִיטּוֹל רְשׁוּת
מִן־הַיּוֹרְשִׁין; אִם הִלְוָן בְּפְנֵי
בֵּית דִּין אֵינוֹ צָרִיךְ לִיטּוֹל רְשׁוּת
מִן־הַיּוֹרְשִׁין.

If one lent[1] money to a priest or to a Levite or to a poor man so that he may separate therefrom what would be their lot,[2] he may so separate on the presumption that they are still living, and he need not fear lest the priest or the Levite may have died or that the poor man may have become rich. If they did die, he needs to obtain authorization from the heirs;[3] if he loaned[4] to them in the presence of the Court, he does not need to obtain permission from the heirs.

1 Literally *lend.* **2** That is, (a) in the case of the priest, an amount equivalent to the value of the תְּרוּמָה due to be set aside and reserved towards the repayment of the loan, (b) in the case of the Levite, a sum equivalent to the worth of the מַעֲשֵׂר רִאשׁוֹן to be put away for repayment of the debt, and (c) the equivalent value of the מַעֲשַׂר עָנִי, in the case of the poor man, to be separated for reducing the loan (see *Appendix,* **Note 1**). **3** As to whether they desire to repay the debt or to submit to the process as above stated. **4** On the above mentioned terms.

Mishnah 8

מִשְׁנָה ח

If one put aside[1] produce so that he might separate therefrom *priest's-due* and *tithes,*[2] or money so that he might use it for the separation of *second tithe,* he may separate[3] by virtue thereof[4] on the assumption that they[4] are still there. If they[4] were lost, then he must assume[5] that this[6] was so for the past twenty-four hours. This is the opinion of R. Elazar[7] ben Shammua. R. Judah[8] says, At three seasons[9] must they examine wine[10]—during the east wind following the conclusion of the Festival of Tabernacles, and in budding time,[11] and when the sap[12] enters into the half-ripe grapes.[13]

[1]הַמַּנִּיחַ פֵּירוֹת לִהְיוֹת מַפְרִישׁ
עֲלֵיהֶן תְּרוּמָה [2]וּמַעֲשְׂרוֹת, מָעוֹת
לִהְיוֹת מַפְרִישׁ עֲלֵיהֶן מַעֲשֵׂר שֵׁנִי,
[3]מַפְרִישׁ [4]עֲלֵיהֶן בְּחֶזְקַת [4]שֶׁהֵן
קַיָּמִין. אִם [4]אָבְדוּ, הֲרֵי זֶה [5]חוֹשֵׁשׁ
[6]מֵעֵת לְעֵת. דִּבְרֵי רַבִּי [7]אֶלְעָזָר בֶּן
שַׁמּוּעַ. רַבִּי [8]יְהוּדָה אוֹמֵר, בְּשָׁלֹשָׁה
[9]פְּרָקִים בּוֹדְקִין אֶת־[10]הַיַּיִן, בְּקָדִים
שֶׁל מוֹצָאֵי חָג, [11]וּבְהוֹצָאַת סְמָדַר,
וּבְשָׁעַת כְּנִיסַת [12]הַמַּיִם [13]בַּבּוֹסֶר.

1 Or הַמַּנִּיחַ. **2** By virtue of which he could use other produce straightway (see *Appendix,* **Note 1**). **3** *i.e.,* make use of the other produce. **4** What had thus been set apart for purpose of תְּרוּמָה and מַעֲשְׂרוֹת. **5** Literally *fear.* **6** This loss.* **7** אֱלִיעֶזֶר in some editions. **8** His view is accepted. **9** *i.e.,* periods in the year. **10** Put aside to be תְּרוּמָה or מַעֲשֵׂר for other wine. Lest it had turned sour. **11** On the first appearance of the vine berries. **12** Or *juice.* Literally *water, moisture.* **13** Some take this to mean *when they pour water over crushed unripe grapes to produce vinegar.* During these three times of the year wine is liable to turn sour. * And the various dues must be separated again upon the remaining produce including that of the last twenty-four hours.

CHAPTER 4

פֶּרֶק ד

Mishnah 1

מִשְׁנָה א

If one sent[1] a *letter of divorce* to his wife, and he overtook[2] the messenger or despatched another messenger after him, and said to him, 'The *letter of divorce* that I gave

[1]הַשּׁוֹלֵחַ גֵּט לְאִשְׁתּוֹ, [2]וְהִגִּיעַ בַּשָּׁלִיחַ
אוֹ שֶׁשָּׁלַח אַחֲרָיו שָׁלִיחַ, וְאָמַר לוֹ,
גֵּט שֶׁנָּתַתִּי לְךָ בָּטֵל הוּא, הֲרֵי [3]זֶה

בָּטֵל. [4]קִדֵּם אֶצֶל אִשְׁתּוֹ, אוֹ שֶׁשָּׁלַח אֶצְלָהּ שָׁלִיחַ, [5]וְאָמַר לָהּ, גֵּט שֶׁשָּׁלַחְתִּי לִיךְ בָּטֵל הוּא, הֲרֵי [3]זֶה בָּטֵל; [6]אִם מִשֶּׁהִגִּיעַ גֵּט לְיָדָהּ שׁוּב אֵינוֹ יָכוֹל לְבַטְּלוֹ.

to thee is cancelled,' then it[3] is annulled. If he reached[4] his wife first, or if he sent another messenger to her, and he[5] said to her, 'The *letter of divorce* which I sent thee is void,' then it[3] is nullified; but if[6] after the *letter of divorce* came into her hand, he can no longer render it null.

1 Literally *send*. **2** Whether intentionally or by accident. **3** Literally *this*. **4** קִדֵּם הוּא in some editions. קִדֵּם [*Piel*] or קָדַם [*Kal*]. **5** The husband or the other messenger as the case may be. **6** If the husband or the other messenger reached her.

Mishnah 2

מִשְׁנָה ב

בָּרִאשׁוֹנָה הָיָה עוֹשֶׂה [1]בֵּית דִּין [2]בְּמָקוֹם אַחֵר [3]וּמְבַטְּלוֹ. הִתְקִין רַבָּן גַּמְלִיאֵל הַזָּקֵן [4]שֶׁלֹּא יְהוּ עוֹשִׂין כֵּן מִפְּנֵי [5]תִּקּוּן הָעוֹלָם. בָּרִאשׁוֹנָה הָיָה מְשַׁנֶּה שְׁמוֹ וּשְׁמָהּ, שֵׁם עִירוֹ וְשֵׁם [6]עִירָהּ. הִתְקִין רַבָּן גַּמְלִיאֵל הַזָּקֵן שֶׁיְּהֵא [7]כּוֹתֵב, [8]אִישׁ פְּלוֹנִי, וְכָל שֵׁם [9]שֶׁיֵּשׁ־לוֹ, אִשָּׁה פְּלוֹנִית, וְכָל שֵׁם שֶׁיֵּשׁ לָהּ, מִפְּנֵי [10]תִּקּוּן הָעוֹלָם.

Aforetime a man used to constitute a Court[1] somewhere else[2] and cancel it.[3] Rabban Gamaliel the Elder enacted that they should not[4] do so for the sake of the public weal.[5] Beforetime a man used to change his name and her name, the name of his town and the name of her town.[6] Rabban Gamaliel the Elder established that there should be inscribed,[7] 'So-and-so,'[8] and every other name that he had,[9] and, 'The woman so-and-so,' and any other name that she had, for the good of the social order.[10]

1 Of three judges, to nullify the גֵּט. **2** Where the wife or messenger was not present. **3** The גֵּט. **4** שֶׁלֹּא יִהְיוּ in some editions. **5** The woman might be unaware that the גֵּט had been disannulled, and might make use of the גֵּט handed to her by the messenger for remarrying. **6** It happened in some cases that both husband and wife were known by different names in two different places, and the names they were known by in the particular place where they were divorced were entered in the גֵּט. And also the actual towns whence they came were not named, but the name of the town where they were separated was inscribed in the גֵּט. **7** In the גֵּט. **8** The personal name or names. **9** Surname(s). **10** So that no uncertainty is

attached to the identity of the parties named in the גֵּט, and that no ill-repute is attached to the children of her next marriage.

Mishnah 3

מִשְׁנָה ג

A widow must not receive payment[1] from the property of the orphans save on oath.[2] When they[3] abstained from putting her on oath, Rabban Gamaliel the Elder ordained that she should vow[4] to the orphans to whatever they would§ and she receives her *marriage-settlement*.[5] The Witnesses sign[6] the *letter of divorce* for the sake of the public good.[7] Hillel enacted the *prozbul*[8] for the sake of the general weal.[9]

אֵין אַלְמָנָה [1]נִפְרַעַת מִנִּכְסֵי יְתוֹמִים אֶלָּא [2]בִּשְׁבוּעָה. [3]נִמְנְעוּ מִלְּהַשְׁבִּיעָהּ, הִתְקִין רַבָּן גַּמְלִיאֵל הַזָּקֵן שֶׁתְּהֵא [4]נוֹדֶרֶת לַיְּתוֹמִים כָּל־מַה־§שֶּׁיִּרְצוּ וְנוֹטֶלֶת [5]כְּתוּבָּתָהּ. הָעֵדִים [6]חוֹתְמִים עַל הַגֵּט מִפְּנֵי [7]תִּקּוּן הָעוֹלָם. הִלֵּל הִתְקִין [8]פְּרוֹזְבּוֹל מִפְּנֵי [9]תִּקּוּן הָעוֹלָם.

1 Of her *marriage-settlement*. See *Appendix*, **Note 8**; כְּתוּבּוֹת INTRODUCTION. **2** Compare כְּתֻבּוֹת 9[8]. She must take an oath that she had not yet been repaid. **3** בָּתֵּי דִינִין, the Courts. **4** *i.e.*, make a vow to the genuineness of her claim. **5** Or כִּחְבָּתָהּ. *i.e.*, the amount due to her. **6** חוֹתְמִין in some editions. **7** To establish the validity of the גֵּט by the testimony of such who recognise the genuineness of the signatures should the signatories be dead or far away.* **8** See *Appendix*, **Note 6**. **9** That people should not refrain from lending to the needy. * See ADDENDA. § *e.g.*, קָרְבָּן be produce (פֵּרוֹת) to me if I have received my כְּתוּבָּה.

Mishnah 4

מִשְׁנָה ד

If a bondman[1] were taken captive and they[2] ransomed him, if as[3] a bondman[4] he remains a bondman,[5] if as[3] a freeman[6] he must not be enslaved.[7] Rabban Simon ben Gamaliel says, In either case he must remain a bondman.[8] In the case of a bondman whom his master pledged as security to others and he[9] then set him free, according to law the bondman is in no way whatever liable;[10] but for the

[1]עֶבֶד שֶׁנִּשְׁבָּה [2]וּפְדָאוּהוּ, אִם [3]לְשׁוּם [4]עֶבֶד [5]יִשְׁתַּעְבֵּד, אִם [3]לְשׁוּם [6]בֶּן חוֹרִין לֹא [7]יִשְׁתַּעְבֵּד. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, בֵּין כָּךְ וּבֵין כָּךְ [8]יִשְׁתַּעְבֵּד. עֶבֶד שֶׁעֲשָׂאוֹ רַבּוֹ אַפּוֹתִיקִי לַאֲחֵרִים [9]וְשִׁחְרְרוֹ, שׁוּרַת הַדִּין אֵין הָעֶבֶד [10]חַיָּיב כְּלוּם; אֶלָּא [11]מִפְּנֵי תִּקּוּן הָעוֹלָם כּוֹפִין אֶת־

[12]רַבּוֹ וְעוֹשֶׂה אוֹתוֹ בֶּן חוֹרִין [13]וְכוֹתֵב
[14]שְׁטָר עַל [15]דָּמָיו. רַבָּן [16]שִׁמְעוֹן בֶּן
גַּמְלִיאֵל אוֹמֵר, [17]אֵינוֹ כוֹתֵב, אֶלָּא
[18]מְשַׁחְרְרוֹ.

public weal[11] they oblige his master[12] to set him at liberty, and he writes him[13] a note of indebtedness[14] for his value.[15] Rabban Simon[16] ben Gamaliel says, He[17] writes nothing, but his liberator does so.[18]

1 The property of a Jew or Jews. **2** Others—not his owner or owners. **3** לְשֵׁם in some editions. **4** *i.e.*, if he were ransomed to return to bondage. **5** To his redeemer (the second owner).* **6** *i.e.*, if he were redeemed to recover his freedom. **7** Neither to his ransomer nor to his former master. **8** To his first owner. **9** This first owner. **10** To the second owner. **11** That they should not lay claim to the slave. **12** The new one. **13** The freed slave to the second master. **14** Or *bond*. **15** If sold in the market and not the value of the bond. **16** His opinion is accepted. **17** The freed bondman. **18** *i.e.*, the first owner gives the bond of indebtedness (in payment for the debt). The גְּמָרָה gives מְשַׁחְרֵר, *sets free*. * Since his original owner had abandoned hope of recovering him.

Mishnah 5

מִשְׁנָה ה

[1]מִי שֶׁחֲצִיוֹ עֶבֶד וְחֲצִיוֹ [2]בֶּן חוֹרִין
עוֹבֵד אֶת־רַבּוֹ יוֹם אֶחָד וְאֶת־
עַצְמוֹ יוֹם אֶחָד. דִּבְרֵי בֵּית הִלֵּל.
אָמְרוּ [3]לוֹ בֵּית שַׁמַּאי, תִּקַּנְתֶּם אֶת־
רַבּוֹ, וְאֶת־עַצְמוֹ לֹא תִּקַּנְתֶּם, לִישָׂא
שִׁפְחָה [4]אִי אֶפְשָׁר שֶׁכְּבַר חֲצִיוֹ בֶּן
חוֹרִין, בַּת חוֹרִין [4]אִי אֶפְשָׁר שֶׁכְּבַר
חֲצִיוֹ עֶבֶד. [5](יִבָּטֵל?) וַהֲלֹא לֹא
נִבְרָא הָעוֹלָם אֶלָּא [6]לְפִרְיָה וְרִבְיָה
שֶׁנֶּאֱמַר, [7]לֹא [8]תֹהוּ בְרָאָהּ לָשֶׁבֶת
יְצָרָהּ? אֶלָּא מִפְּנֵי תִּקּוּן הָעוֹלָם
כּוֹפִין אֶת־רַבּוֹ וְעוֹשֶׂה אוֹתוֹ בֶּן

One[1] who is half bondman and half freeman[2] labours for his master one day and for himself one day. This is the opinion of the School of Hillel. The School of Shammai said to them,[3] You benefited his master, but him himself you have not advantaged—it is impossible for him[4] to wed a bondwoman since he is already half freeman, it is impossible for him to marry a freewoman because he is still half bondman. (Must he remain single?)[5] And was not the world created only for reproduction and increase,[6] as it is said, *He*[7] *created it not a waste,*[8] *He formed it to be inhabited*? But for the public weal they should compel his master and he grants him freedom, and he[9] writes him a bond for the half of

חוֹרִין, [9]וְכוֹתֵב שְׁטָר עַל חֲצִי דָמָיו. וְחָזְרוּ בֵּית הִלֵּל לְהוֹרוֹת כְּדִבְרֵי [10]בֵּית שַׁמַּאי.

his worth. And the School of Hillel retracted and taught in accordance with the view of the School of Shammai.[10]

1 עֲדוּיוֹת 1[13]. **2** He had belonged to two jointholders one of whom had given him his liberty. **3** Literally לוֹ *to him.* **4** אֵינוֹ יָכוֹל, *he can not,* in the גְּמָרָא instead of אִי אֶפְשָׁר. **5** *i.e., Is he never to marry?* יִבָּטֵל is omitted in some texts. **6** פְּרִיָה וְרִבְיָה, marital duty, the duty of marrying, the duty of procreation, the duty of propagating the human race. **7** *Isaiah* **45**, 18. **8** The Scriptural reading is תְּהוּ. **9** The freed עֶבֶד. **10** And the accepted ruling is that if an עֶבֶד is the property of any number of jointholders, and one of them gave him his freedom, the others are obliged also to set him free.

Mishnah 6

מִשְׁנָה ו

הַמּוֹכֵר עַבְדּוֹ לְעוֹבֵד כּוֹכָבִים [1]אוֹ לְחוּצָה [2]לָאָרֶץ, יֵצֵא [3]בֶּן חוֹרִין. אֵין פּוֹדִין אֶת־הַשְּׁבוּיִים יוֹתֵר עַל כְּדֵי דְּמֵיהֶן מִפְּנֵי [4]תִּקּוּן הָעוֹלָם, וְאֵין מַבְרִיחִין אֶת־הַשְּׁבוּיִין מִפְּנֵי [5]תִּקּוּן הָעוֹלָם. רַבָּן [6]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, מִפְּנֵי תַּקָּנַת הַשְּׁבוּיִין. וְאֵין [7]לוֹקְחִים [8]סְפָרִים, תְּפִילִּין, וּמְזוּזוֹת מִן־הָעוֹבְדֵי כּוֹכָבִים יוֹתֵר עַל כְּדֵי דְּמֵיהֶן מִפְּנֵי [9]תִּקּוּן הָעוֹלָם.

If one sell his bondman to a non-Jew or[1] outside the Land,[2] he goes forth a freeman.[3] They must not ransom captives for more than their value for the sake of the public weal,[4] and they must not help in the escape of captives for the sake of the social order.[5] Rabban Simon[6] ben Gamaliel says, For the benefit of the captives. And they must not buy[7] Scrolls,[8] or phylacteries, or *mezzuzahs* from non-Jews for more than their worth out of regard for the public good.[9]

1 *i.e., or to anyone* even a Jew. **2** *i.e.,* the Land of Israel. **3** His former master (who had sold him) must ransom him and set him free. **4** As a precaution against encouraging kidnapping. **5** To prevent ill-treatment and fettering of those remaining or of new captives. **6** His opinion is accepted: to prevent maltreatment of those still in captivity. **7** לוֹקְחִין in some editions. **8** סִפְרֵי תּוֹרָה. **9** As a precaution against encouraging stealing.

Mishnah 7

מִשְׁנָה ז

הַמּוֹצִיא אֶת־אִשְׁתּוֹ מִשּׁוּם [1]שֵׁם רַע לֹא יַחֲזִיר; מִשּׁוּם [2]נֶדֶר, [3]לֹא יַחֲזִיר.

If one divorce his wife because of her evil repute,[1] he may not take her back; or if because of a vow,[2]

רַבִּי יְהוּדָה אוֹמֵר, כָּל־נֶדֶר שֶׁיָּדְעוּ בוֹ רַבִּים לֹא יַחֲזִיר, וְשֶׁלֹּא יָדְעוּ בוֹ רַבִּים יַחֲזִיר. רַבִּי מֵאִיר אוֹמֵר, כָּל־[4]נֶדֶר שֶׁצָּרִיךְ חֲקִירַת חָכָם לֹא יַחֲזִיר, וְשֶׁאֵינוֹ צָרִיךְ חֲקִירַת חָכָם יַחֲזִיר. אָמַר רַבִּי אֱלִיעֶזֶר, לֹא אָסְרוּ [5]זֶה אֶלָּא מִפְּנֵי [6]זֶה. אָמַר רַבִּי [7]יוֹסֵי בְּרַבִּי יְהוּדָה, מַעֲשֶׂה [8]בְּצִידוֹן בְּאֶחָד שֶׁאָמַר לְאִשְׁתּוֹ, [9]קוֹנָם אִם אֵינִי מְגָרְשֵׁךְ, וְגֵרְשָׁהּ, וְהִתִּירוּ לוֹ חֲכָמִים שֶׁיַּחֲזִירֶנָּה מִפְּנֵי [10]תִּקּוּן הָעוֹלָם.

he may not take her back.[3] R. Judah says, If because of any vow of which many were aware, he may not take her back, but if many had no knowledge of it, he may take her back. R. Meir says, For any vow[4] that needed examination by a Sage he may not take her back, but one that did not need enquiry by a Sage he may take her back. R. Eliezer said, They did not prohibit the former[5] save by reason of the latter.[6] R. Jose[7] ben R. Judah said, It once happened in Zidon[8] that one said to his wife, 'קוֹנָם![9] if I do not divorce thee!'—and he divorced her, but the Sages allowed him to take her back because of the public weal.[10]

1 *i.e.*, adultery. **2** He divorced her because he objected to a woman who made vows. **3** Not even if both charges were subsequently found groundless. **4** Which a husband had no power to cancel. See נְדָרִים 11[1] ff. **5** Which needed inquiry. **6** Which did not need examining. Because here he cannot plead that he would not have divorced her had he known that a Sage could have disannulled the vow. (If he himself had vowed to divorce her and did so he may remarry her.) **7** His view is accepted. *בְּרַבִּי יְהוּדָה is omitted in some editions. **8** Or *Sidon* in Phoenicia. **9** Compare נְדָרִים 1[1] ff. **10** A man in anger might form such a rash vow which he subsequently regrets and so the Sages allowed him to retract. * See ADDENDA.

מִשְׁנָה ח

Mishnah 8

הַמּוֹצִיא אֶת־אִשְׁתּוֹ מִשּׁוּם [1]אֵילוֹנִית, רַבִּי יְהוּדָה אוֹמֵר, לֹא יַחֲזִיר. וַחֲכָמִים אוֹמְרִים, יַחֲזִיר. נִישֵׂאת לְאַחֵר וְהָיוּ לָהּ בָּנִים [2]הֵימֶנּוּ וְהִיא תּוֹבַעַת [3]כְּתוּבָּתָהּ, אָמַר רַבִּי יְהוּדָה, [4]אוֹמֵר לָהּ, שְׁתִיקוּתֵךְ יָפָה לִיךְ [5]מִדִּבּוּרֵךְ[6].

If one divorce his wife because she is sterile,[1] R. Judah says, He may not take her back. But the Sages say, He may take her back. If she were then wed to another and she had children by him[4] and she claimed her *marriage settlement*,[3] R. Judah said, Let him[2] say to her, 'Thy silence is of greater advantage to thee than thy speech[5]!'[6]

1 Or *barren, wombless, impotent, unproductive.* **2** Or הֵימֶנּוּ. **3** From the man who had divorced her. A barren woman cannot claim her כְּתוּבָּה (see *Appendix,* **Note 8**; כְּתוּבּוֹת INTRODUCTION), but now having been proved prolific she can do so. **4** The divorced husband. **5** Or מִדִּבּוּרֶיךָ. **6** Intimating that by raising her claim she may endanger her legal status. *i.e.,* he could plead that had he known what would have happened he would not have divorced her, and so the divorce is null, rendering the second union illegal and making the children illegitimate.

Mishnah 9

מִשְׁנָה ט

If one sold himself and his children to a non-Jew,[1] they must not redeem him, but they may ransom the children after the death of their father.[2] If one sell his field to a non-Jew,[1] and he[3] bought it back from him, the purchaser should bring from it the *first-fruits*[4] because of the social order.[5]

הַמּוֹכֵר אֶת־עַצְמוֹ וְאֶת בָּנָיו [1]לְעוֹבֵד כּוֹכָבִים, אֵין פּוֹדִין אוֹתוֹ, אֲבָל פּוֹדִין אֶת־הַבָּנִים לְאַחַר מִיתַת [2]אֲבִיהֶן. הַמּוֹכֵר שָׂדֵהוּ לְעוֹבֵד כּוֹכָבִים, [3]וְחָזַר וּלְקָחָהּ מִמֶּנּוּ (יִשְׂרָאֵל), הַלּוֹקֵחַ מֵבִיא מִמֶּנּוּ [4]בְּכּוּרִים מִפְּנֵי [5]תִּקּוּן הָעוֹלָם.

1 Literally *to an idolater.* לְעוֹבֵד אֱלִילִים in some editions. **2** But not during the father's lifetime lest he sells his children again into bondage. **3** Some editions add יִשְׂרָאֵל thus giving the meaning *and a Jew bought it back from him.* Some texts omit this sentence altogether. **4** *Deuteronomy* **26**, 2 ff; בְּכּוּרִים INTRODUCTION. Some take this to mean that the seller must buy up from the non-Jew every year the *first-fruits* and bring them to the Temple. **5** To discourage Jews from selling their fields to non-Jews.

CHAPTER 5

פֶּרֶק ה

Mishnah 1

מִשְׁנָה א

Claimants for damage[1] are compensated[2] out of [the] choice land,[3] and a creditor out of average land,[4] and the *marriage-settlement*[5] of a wife out of the poorest land.[6] R. Meir[7] says, A wife's *marriage-settlement* also out of medium-quality land.

[1]הַנִּזָּקִין [2]שָׁמִין לָהֶם [3]בְּעִידִית, וּבְעַל חוֹב [4]בְּבֵינוֹנִית, [5]וּכְתוּבַּת אִשָּׁה [6]בְּזִיבּוּרִית. רַבִּי [7]מֵאִיר אוֹמֵר, אַף כְּתוּבַּת אִשָּׁה בְּבֵינוֹנִית.

1 Or *Cases of damage.* הַנִּזָּקִין in some editions. **2** If not paid in money. **3** Or *In cases of damage compensation is made by assessment and collection from the choice land.* Compare *Exodus* **22**, 5.* **4** Compare *Deuteronomy* **24**, 11.* **5** *Appendix,* **Note 8.** **6** Or זִבּוּרִית, *the worst land of an estate.** **7** His opinion is rejected. * See ADDENDA at the end of this *Tractate.*

מִשְׁנָה ב

Mishnah 2

They may not exact compensation[1] from pledged[2] property[3] if there be available unpledged property, (and) even[4] if this be land of the poorest quality. Payment may not be levied upon the property of orphans except only from the inferior-quality land.

אֵין [1]נִפְרָעִין [2]מִנְּכָסִים [2]מְשׁוּעְבָּדִים בְּמָקוֹם שֶׁיֵּשׁ־נְכָסִים בְּנֵי חוֹרִין, [4]וַאֲפִילוּ הֵן זִיבּוּרִית. אֵין נִפְרָעִין מִנְּכְסֵי יְתוֹמִים אֶלָּא מִן־הַזִּיבּוּרִית.

1 Or *payment, indemnity.* **2** Or *mortgaged.* **3** For example, X, in debt to Y, sold medium land to Z; Y may not take the land from Z as payment so long as X has unmortgaged land left. **4** אֲפִלּוּ in some editions.

מִשְׁנָה ג

Mishnah 3

They may not take payment from pledged[1] property for produce consumed,[2] nor for improvement of land,[3] nor for the support[4] of a widow and her daughters, for the sake of the public weal. And one who finds[5] lost property[6] does not have to take an oath[7] for the good of the social order.*

אֵין מוֹצִיאִין [2]לַאֲכִילַת פֵּירוֹת, [3]וְלִשְׁבַח קַרְקָעוֹת, [4]וְלִמְזוֹן הָאִשָּׁה וְהַבָּנוֹת, מִנְּכָסִים [1]מְשׁוּעְבָּדִים, מִפְּנֵי תִּקּוּן הָעוֹלָם. [5]וְהַמּוֹצֵא [6]מְצִיאָה [7]לֹא יִשָּׁבַע *מִפְּנֵי תִּקּוּן הָעוֹלָם.

1 Or *mortgaged.* **2** During wrongful tenure. **3** For instance, X stole Y's field and sold it to Z who cultivated it; Y takes away the field from Z indemnifying him with payment for the produce and improvements; Y demands the return of this money from X; the ruling is that Y can recover his money from X from any land which X had sold to others *after* his sale to Y; but Y cannot recover from X for the value of the produce taken from him nor for his outlays on improvements, but he can exact such repayment from X's unmortgaged property. **4** From the property of the husband. **5** מוֹצֵא, *The finder of,* in some editions. **6** And returns it to its owner who complains that it has been impaired.§ **7** To encourage honesty—the return of lost property. * See ADDENDA at the end of this *Tractate.* § Or restored in its entirety.

Mishnah 4

מִשְׁנָה ד

יְתוֹמִים שֶׁסָּמְכוּ אֶצֶל [1]בַּעַל הַבַּיִת, אוֹ שֶׁמִּינָּה לָהֶן אֲבִיהֶן [2]אַפֹּטְרוֹפּוֹס, [3]חַיָּיב לְעַשֵּׂר פֵּירוֹתֵיהֶן. אַפֹּטְרוֹפּוֹס שֶׁמִּינָּהוּ אֲבִי יְתוֹמִים [4]יִשָּׁבַע; [5]מִינּוּהוּ בֵּית דִּין לֹא יִשָּׁבַע. אַבָּא שָׁאוּל אוֹמֵר, [6]חִלּוּף הַדְּבָרִים. [7]הַמְטַמֵּא, [8]וְהַמְדַמֵּעַ, [9]וְהַמְנַסֵּךְ, בְּשׁוֹגֵג [10]פָּטוּר, [12]בְּמֵזִיד [11]חַיָּיב. הַכֹּהֲנִים [13]שֶׁפִּגְּלוּ בַּמִּקְדָּשׁ מְזִידִין [14]חַיָּיבִין.

If orphans were maintained by a householder,[1] or if their father appointed a guardian[2] for them, he[3] must tithe their produce. A guardian whom the orphans' father had appointed must be sworn;[4] if the Court appointed him,[5] he does not have to be sworn. Abba Saul says, It is the other way round.[6] If one cause uncleanness,[7] or if one mixed *priest's-due,*[8] or if one mingled *libation wine,*[9] if he did so in error he is exempt,[10] but he is liable[11] if he did it wantonly.[12] The priests who rendered any sacrifice in the Temple unfit through wrongful mental disposal[13] are culpable[14] if they acted so wantonly.[14]

1 Who guides them in their moral conduct even though he is not their legal guardian. **2** Or *administrator, trustee.* **3** The guardian or householder must separate מַעֲשֵׂר רִאשׁוֹן, מַעֲשֵׂר שֵׁנִי and מַעֲשֵׂר עָנִי (see *Appendix,* **Note 1**). **4** That the property had not been impaired. **5** מִינָּהוּ (*singular*) in some texts. **6** *i.e.,* the guardian whom the Court appointed must take the oath. This is the accepted ruling. **7** To his fellow's תְּרוּמָה, *priest's-due.* **8** With his fellow's חוּלִין, *non-holy produce.* **9** With his fellow's wine (see *Appendix,* **Note 13**). **10** From having to pay damages. **11** He must make good the loss that he has caused. **12** Out of consideration for the public weal he should not have acted thus to another's hurt. **13** *Leviticus* **19**, *7.* **14** And must compensate the owners to bring other sacrifices.

Mishnah 5

מִשְׁנָה ה

הֵעִיד רַבִּי יוֹחָנָן בֶּן [1]גּוּדְגָּדָה עַל [2]הַחֵרֶשֶׁת שֶׁהִשִּׂיאָהּ אָבִיהָ שֶׁהִיא [3]יוֹצְאָה בְגֵט; וְעַל קְטַנָּה, בַּת [4]יִשְׂרָאֵל, שֶׁנִּשֵּׂאת לְכֹהֵן, שֶׁאוֹכֶלֶת [5]בִּתְרוּמָה, וְאִם מֵתָה בַּעֲלָהּ [6]יוֹרְשָׁהּ; וְעַל [7]הַמָּרִיש הַגָּזוּל שֶׁבְּנָאוֹ [13]בְּבֵירָה,

R. Jochanan ben Gudgada[1] testified of a deaf-mute woman[2] whom her father had given in marriage that she could be separated[3] by a *letter of divorce;* and of a minor, the daughter of an Israelite,[4] that was wedded to a priest, that she could eat of *priest's-due,*[5] and if she died, her husband could inherit from her;[6] and of one who built a stolen rafter[7] into his building,[13] he

שְׁיטוֹל אֶת־[8]דָּמָיו מִפְּנֵי תַּקָּנַת
[9]הַשָּׁבִים; וְעַל חַטָּאת הַגְּזוּלָה, שֶׁלֹּא
[10]נוֹדְעָה [11]לָרַבִּים, שֶׁהִיא מְכַפֶּרֶת,
מִפְּנֵי [12]תִּקּוּן הַמִּזְבֵּחַ.

repays merely its worth,[8] for the good of penitents;[9] and of a *sin-offering* which was stolen, if it[10] were not known to many,[11] that it could still effect atonement, for the benefit of the Altar.[12]

1 Or גּוּדְגְּדָא. יְבָמוֹת 14[2]; עֵדוּיוֹת 7[9]. **2** A minor (a girl under thirteen years of age).* **3** יוֹצֵאת in some editions. **4** A non-priest or non-Levite. **5** Or *heave-offering*. *Appendix*, **Note 1**.* **6** The husband has priority over the father. **7** Or *joist, beam*. **8** Literally *he* [the owner] *recovers its money value*. The structure is not to be disturbed to restore the stolen beam. **9** הַשָּׁבִין in some texts. To encourage repentance the penalty is not to be increased. **10** The theft. **11** Three or more persons. **12** So that the priests do not refrain from offering the sacrifices upon the Altar. **13** Or בְּבִירָה, *in a building*. * See ADDENDA at the end of this *Tractate*.

מִשְׁנָה ו

Mishnah 6

לֹא הָיָה [1]סִיקָרִיקוֹן בִּיהוּדָה [2]בַּהֲרוּגֵי
מִלְחָמָה, מֵהֲרוּגֵי [3]מִלְחָמָה וְאֵילֵךְ
יֵשׁ בָּהּ [4]סִיקָרִיקוֹן. כֵּיצַד? לָקַח
מִסִּיקָרִיקוֹן וְחָזַר וְלָקַח מִבַּעַל
הַבַּיִת, מִקָּחוֹ [5]בָּטֵל; מִבַּעַל הַבַּיִת
וְחָזַר וְלָקַח מִסִּיקָרִיקוֹן, מִקָּחוֹ
[6]קַיָּם. [7]לָקַח מִן־הָאִישׁ וְחָזַר וְלָקַח
מִן־הָאִשָּׁה, מִקָּחוֹ [8]בָּטֵל; מִן־הָאִשָּׁה
וְחָזַר וְלָקַח מִן־הָאִישׁ, מִקָּחוֹ קַיָּם.
זוּ [9]מִשְׁנָה רִאשׁוֹנָה; בֵּית דִּין שֶׁל
אַחֲרֵיהֶם אָמְרוּ, הַלּוֹקֵחַ מִסִּיקָרִיקוֹן
נוֹתֵן [10]לַבְּעָלִים [11]רְבִיעַ. אֵימָתַי
בַּזְּמַן שֶׁאֵין [10]בְּיָדָן לִיקַּח, אֲבָל יֵשׁ
[12]בְּיָדָן לִיקַּח [12]הֵן קוֹדְמִין לְכָל
אָדָם. רַבִּי הוֹשִׁיב בֵּית דִּין וְנִמְנוּ
שֶׁאִם שָׁהַתָּה בִּפְנֵי סִיקָרִיקוֹן שְׁנֵים
עָשָׂר חֹדֶשׁ כָּל־הַקּוֹדֵם לִיקַּח
[13]זוֹכֶה, אֲבָל נוֹתֵן [10]לַבְּעָלִים רְבִיעַ.

In Judaea the law regarding the purchase of confiscated property[1] was not applied to the estate of those slain in battle,[2] but after the period when such were killed in (the) war[3] the law concerning the purchase of confiscated property was applicable[4] to estates. How is this the case? If one purchased from the usurping holder of confiscated property, and then purchased it from the original owner, the sale is invalid;[5] but if [he bought it] from the original owner, and then bought it from the usurping owner of the confiscated property, the sale stands.[6] If he bought it[7] from the husband, and then purchased it from the wife, his sale is null;[8] but if [he purchased it] from the wife, and then bought it from the husband, his sale is licit. This is in accordance with an earlier *Mishnah*;[9] but a later Court decided, One who buys from a

usurping occupant of confiscated property must give to the original owner[10] a quarter.[11] This is the case when the original owner[10] has not the means wherewith to repurchase it, but if he[12] have the means to repurchase, he[12] has priority to purchase. Rabbi set up a Court, and they decided by vote that if it had been in the usurping holder's hands for twelve months, whoever was the first to purchase secured the title,[13] but he must give one fourth to the original owner.[10]

1 סִיקָרִיקוֹן, סִיקָרִיקוֹן. (a) *property forfeited to the Roman government;* (b) *the law dealing with the purchase of confiscated property;* (c) *the holder or possessor of confiscated property.* If a slayer or assassin A appropriated the field of B a Jew during the war against Jews and sold it to a Jew C, then B cannot sue C for restoration of the property because B had probably given it away to A [a non-Jew] to save his own life, and thus A is the legal possessor; but when the threat against Jews was past and A misappropriated any land from B and sold it to C, then the law of סִיקָרִיקוֹן applies, and B can claim possession from C. Compare בִּכּוּרִים 1[2], 2[3]. **2** Probably during the period following the Bar Kochba rebellion and at the time of the Hadrianic persecutions. Some take it to refer to the period following the destruction of the Second Temple. **3** הַמִּלְחָמָה in some editions. **4** בּוֹ instead of בָּהּ in some editions. **5** As being obtained under duresse. **6** *i.e.*, legal.* **7** Land belonging to the wife, or the security for her *marriage-settlement.* **8** Since she may have sold it under duress. **9** Compare נָזִיר 6[1]; כְּתוּבּוֹת 5[3]; סַנְהֶדְרִין 3[4]; עֵדוּיוֹת 7[2]. **10** Literally *owners.* **11** Of the land or of the sale price. **12** Literally *they.*§ **13** יִקַּח וְנוֹתֵן, *buys and gives,* instead of זוֹכֶה, in the תַּלְמוּד יְרוּשַׁלְמִי. * There being no reason to suggest duresse. § And compensate the purchaser.

Mishnah 7 — מִשְׁנָה ז

חֵרֵשׁ [1]רוֹמֵז וְנִרְמָז. [2]בֶּן בְּתֵירָא אוֹמֵר, קוֹפֵץ וְנִקְפַּץ [3]בִּמְטַלְטְלִין. [4]הַפְּעוֹטוֹת מִקְחָן [4]מִקָּח [5]וּמִמְכָּרָן מִמְכָּר בִּמְטַלְטְלִין.

A deaf-mute may transact business by signs[1] and be communicated with by signs. Ben Bathyra[2] says, He may transact business and be communicated with by lip movements in matters concerning movable property.[3] The purchases[4] or sales[5] of movable property effected by children[6] are valid.

1 Gesticulations made by hand or head. **2** His view is rejected. **3** But* with a גֵּט communication must be made by רְמִיזָה, *signs,* as mentioned above. **4** Traditional pronunciation מֶקַח. **5** מָכְרָן instead of וּמִמְכָּרָן in some editions. **6** Of six or seven years of age if they understand the idea of purchase

and sale, otherwise of eight or nine years of age. * Even according to Ben Bathyra.

Mishnah 8

מִשְׁנָה ח

And these things did they prescribe in the interests of peace. A priest was to read[1] first, and after him a Levite, and following him an Israelite[2]—in the interests of peace. They put the *Erub*[3] in the old house[4]—for the sake of peace. The pit[5] which is nearest to a water-course[6] is filled up first—in the interests of peace. Traps[7] for wild animals, or birds, or fishes come partly under the law of theft[8]—in the interests of peace. R. Jose[9] says, This is definite theft.[10] Aught found by a deaf-mute, a mentally defective person, or a minor comes[11] under the law of theft partly—for the sake of peace. R. Jose[9] says, This is an undoubted theft.[10] If a poor person beat the top of an olive-tree,[12] whatever is beneath him[13] comes under the law of theft—in the interests of peace. R. Jose[9] says, This is complete theft.[10] They must not prevent the poor among the non-Jews[14] from gathering *gleanings*, the *forgotten sheaf*, and the *field-corner*—for the sake of peace.

וְאֵלּוּ דְבָרִים אָמְרוּ מִפְּנֵי דַרְכֵי שָׁלוֹם. כֹּהֵן [1]קוֹרֵא רִאשׁוֹן, וְאַחֲרָיו לֵוִי, וְאַחֲרָיו [2]יִשְׂרָאֵל, מִפְּנֵי דַרְכֵי שָׁלוֹם. [3]מְעָרְבִין [4]בַּבַּיִת יָשָׁן, מִפְּנֵי דַרְכֵי שָׁלוֹם. [5]בּוֹר שֶׁהוּא קָרוֹב [6]לְאַמָּה מִתְמַלֵּא רִאשׁוֹן, מִפְּנֵי דַרְכֵי שָׁלוֹם. [7]מְצוּדוֹת חַיָּה, וְעוֹפוֹת, וְדָגִים יֵשׁ בָּהֶם מִשּׁוּם [8]גֵּזֶל, מִפְּנֵי דַרְכֵי שָׁלוֹם. רַבִּי [9]יוֹסֵי אוֹמֵר, [10]גֵּזֶל גָּמוּר. מְצִיאַת חֵרֵשׁ, שׁוֹטֶה, וְקָטָן יֵשׁ־[11]בָּהֶן מִשּׁוּם גֵּזֶל, מִפְּנֵי דַרְכֵי שָׁלוֹם. רַבִּי [9]יוֹסֵי אוֹמֵר, [10]גֵּזֶל גָּמוּר. עָנִי הַמְנַקֵּף בְּרֹאשׁ [12]הַזַּיִת, מַה־[13]שֶּׁתַּחְתָּיו גֵּזֶל, מִפְּנֵי דַרְכֵי שָׁלוֹם. רַבִּי [9]יוֹסֵי אוֹמֵר, [10]גֵּזֶל גָּמוּר. אֵין מַמְחִין בְּיַד עֲנִיֵּי [14]עוֹבְדֵי כּוֹכָבִים בְּלֶקֶט, שִׁכְחָה, וּפֵאָה, מִפְּנֵי דַרְכֵי שָׁלוֹם.

1 Literally *A priest reads* (as was actually the procedure originally, for anyone 'called up' to the Reading of the Law read the 'portion' himself; this method was abandoned in favour of all the 'portions' being read by a competent Reader because most people 'called up' were not capable of reading from the Law). 2 Non-priest, non-Levite. מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה) a priest could give his turn to anyone he pleases, but nowadays a כֹּהֵן (if present) is called up first (and if there is no לֵוִי present then the same כֹּהֵן is also called up again for the reading of the second 'portion'; but if there is no כֹּהֵן present then a יִשְׂרָאֵל—or a לֵוִי—is called up for the first 'portion'*). 3 *Appendix*, **Note 4.** 4 Literally; *i.e.*, in the house generally used for the עֲרוּבֵי חֲצֵרוֹת.

5 *i.e.*, water cistern. Literally *A pit*. **6** Ditch, dyke, canal, channel, etc. **7** Or *nets*. *i.e.*, what is caught in them. **8** As in the case of property under legal ownership. But nevertheless the Court cannot compel anyone to restore what he had taken out of them. **9** His opinion is not accepted. **10** And so, in his view—which is rejected—the law of theft should apply in its entirety. **11** Literally *come* [בָּהֶן is *plural*]. **12** See *Appendix*, **Note 1**; פֵּאָה INTRODUCTION. **13** That has fallen down from the tree. **14** עוֹבְדֵי אֵלִילִים in some editions. * But a לוּי is not then called up after a יִשְׂרָאֵל.

Mishnah 9

מִשְׁנָה ט

מִשְׁאֶלֶת אִשָּׁה לַחֲבֵרְתָּהּ הַחֲשׁוּדָה
עַל [1]הַשְּׁבִיעִית נָפָה, וּכְבָרָה,
[2]וְרֵחַיִם, וְתַנּוּר, אֲבָל לֹא [3]תָּבוֹר
וְלֹא [4]תִּטְחַן עִמָּהּ. אֵשֶׁת [5]חָבֵר
מִשְׁאֶלֶת לְאֵשֶׁת [6]עַם הָאָרֶץ נָפָה,
וּכְבָרָה, וּבוֹרֶרֶת, וְטוֹחֶנֶת, וּמְרַקֶּדֶת
עִמָּהּ; אֲבָל [7]מִשְּׁתַּטֵּל [8]הַמַּיִם לֹא
[9]תִגַּע [10]עִמָּהּ, לְפִי שֶׁאֵין מַחֲזִיקִין יְדֵי
עוֹבְרֵי עֲבֵירָה. [11]וְכוּלָּן לֹא
אָמְרוּ אֶלָּא מִפְּנֵי דַרְכֵי שָׁלוֹם.
וּמַחֲזִיקִין יְדֵי [13]עוֹבְדֵי כּוֹכָבִים
בַּשְּׁבִיעִית, אֲבָל לֹא יְדֵי [14]יִשְׂרָאֵל,
[15]וְשׁוֹאֲלִין בִּשְׁלוֹמָן מִפְּנֵי דַרְכֵי
שָׁלוֹם.

A woman may lend to her neighbour suspected of transgressing the *Sabbatical Year* law[1] a fine sieve, or a coarse sieve, or a handmill,[2] or an oven, but she must not sift[3] nor grind[4] with her. The wife of a *fellow*[5] may loan to the wife of an *illiterate man*[6] a fine sieve, or a coarse sieve, and she may winnow, or grind, or sift with her; but when she[7] pours out the water[8] she must not touch it[9] with her,[10] because they must not assist such as commit transgression. And all[11] these[12] have they enjoined for the sake of peace. And they may encourage non-Jews[13] in the *Sabbatical Year*, but not Jews;[14] and they may offer them[15] greetings for the sake of peace.

1 See שְׁבִיעִית INTRODUCTION; 5[9]. **2** Literally *millstone*. **3** Or *winnow*. **4** Corn, grain. **5** Or *associate*. See *Appendix*, **Note 12**. **6** The wife is suspected regarding tithes and Sabbatical Year produce. **7** The wife of an עַם הָאָרֶץ. **8** Over the flour. **9** The dough. This becomes טָמֵא, *unclean*, from the vessel of the עַם הָאָרֶץ, and חַלָּה (see חַלָּה INTRODUCTION, and *Appendix*, **Note 3**) then separated acquires טוּמְאָה, *uncleanness*, and no help may be given in any process where חַלָּה becomes defiled. **10** Or אֶצְלָהּ according to some authorities. **11** Or וְכֻלָּן. **12** Referring to the lending. **13** עוֹבְדֵי אֵלִילִים in some editions. **14** Who transgress if they labour in the fields in the Sabbatical Year. **15** Because the term used, שָׁלוֹם, is one of the epithets of God.

CHAPTER 6

פֶּרֶק ו

Mishnah 1

מִשְׁנָה א

If one say,[1] 'Accept this *letter of divorce* on behalf of my wife,' or, 'Take this *letter of divorce* to my wife,' if he wish to retract,[2] he may retract. If the woman said, 'Accept my *letter of divorce* on my behalf,'[3] if he desire to retract, he may not retract.[4] Hence, if the husband said to him,[5] 'I do not want thee to accept it on her behalf,[6] but take it and give it to her,'[7] if he want to retract,[8] let him retract. Rabban Simon[9] ben Gamaliel says, Even if she say, 'Take my *letter of divorce* on my behalf,' if he wish to withdraw, he may not withdraw.[10]

[1]הָאוֹמֵר, הִתְקַבֵּל גֵּט זֶה לְאִשְׁתִּי, אוֹ, הוֹלֵךְ גֵּט זֶה לְאִשְׁתִּי, אִם רָצָה [2]לַחֲזוֹר יַחֲזוֹר. הָאִשָּׁה שֶׁאָמְרָה, הִתְקַבֵּל [3]לִי גִּטִּי, אִם רָצָה לַחֲזוֹר [4]לֹא יַחֲזוֹר. לְפִיכָךְ, אִם אָמַר [5]לוֹ הַבַּעַל, אִי אֶפְשִׁי שֶׁתְּקַבֵּל [6]לָהּ, אֶלָּא הוֹלֵךְ וְתֵן [7]לָהּ, אִם רָצָה [8]לַחֲזוֹר יַחֲזוֹר. רַבָּן [9]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, אַף הָאוֹמֶרֶת, טול לי גִּטִּי, אִם רָצָה לַחֲזוֹר [10]לֹא יַחֲזוֹר.

1 To a שָׁלִיחַ, messenger.* **2** Before she received it. Compare 1[6]. **3** *i.e.*, she instructed a שָׁלִיחַ to bring her the גֵּט from her husband. **4** The שָׁלִיחַ having accepted the גֵּט on her behalf she is thereby divorced automatically at once. **5** The שָׁלִיחַ. **6** *viz.*, at her bidding, as just stated. **7** By this means the intermediary ceases to be her שָׁלִיחַ and becomes his שָׁלִיחַ instead. **8** *Before* the גֵּט is delivered into her hand. **9** His opinion is accepted. **10** He can not retract once the שָׁלִיחַ took up the גֵּט. * See ADDENDA at the end of this *Tractate*.

Mishnah 2

מִשְׁנָה ב

If the woman said,[1] 'Accept[2] my *letter of divorce* on my behalf,' she requires two sets[3] of witnesses, two that say, 'In our presence did she say so,' and two that say, 'In our presence did he[4] receive and tear it up,'[5] even though[6] the former were the same as the latter,[7] or if there be one from the first and one from the latter and another one[8] combines with them.[9] If a girl[10] be betrothed, she or her

הָאִשָּׁה [1]שֶׁאָמְרָה, [2]הִתְקַבֵּל לִי גִּטִּי, צְרִיכָה שְׁתֵּי [3]כִתֵּי עֵדִים, שְׁנַיִם שֶׁאוֹמְרִים, בְּפָנֵינוּ אָמְרָה, וּשְׁנַיִם שֶׁאוֹמְרִים, בְּפָנֵינוּ [4]קִבֵּל [5]וְקָרַע, [6]אֲפִילוּ הֵן הָרִאשׁוֹנִים וְהֵן [7]הָאַחֲרוֹנִים, אוֹ אֶחָד מִן־הָרִאשׁוֹנִים וְאֶחָד מִן־הָאַחֲרוֹנִים [8]וְאֶחָד מִצְטָרֵף [9]עִמָּהֶן. [10]נַעֲרָה הַמְאוֹרָסָה, הִיא

וְאָבִיהָ מְקַבְּלִין אֶת־[11]גִּיטָהּ. [12]אָמַר רַבִּי יְהוּדָה, אֵין שְׁתֵּי יָדַיִם זוֹכוֹת כְּאַחַת, אֶלָּא אָבִיהָ מְקַבֵּל אֶת־גִּטָּהּ בִּלְבָד. [13]וְכָל שֶׁאֵינָהּ יְכוֹלָה לִשְׁמוֹר אֶת־גִּטָּהּ אֵינָהּ יְכוֹלָה [14]לְהִתְגָּרֵשׁ.

father receives the *letter of divorce*.[11] R. Judah said,[12] Two hands may not take possession jointly, but only her father receives her *letter of divorce*. And any woman[13] who is incapable of looking after her *letter of divorce* may not be divorced.[14]

1 To a שָׁלִיחַ, messenger. **2** And he replied, *'I have accepted.'* **3** *i.e.*, pairs. **4** The שָׁלִיחַ. **5** This precautionary double procedure refers to a period when Jewish rites were proscribed by their persecutors, and it was necessary to destroy any documentary evidence as soon as it had served its purpose. **6** Or אֲפִלּוּ. **7** *i.e., one* pair of witnesses suffices for both statements. **8** A third one. **9** For instance, A and B were the first pair of witnesses and B and C the second pair. **10** נַעֲרָה in law is a girl between twelve years and one day and twelve years and a half of age. **11** Or גִּטָּהּ. **12** רַבִּי יְהוּדָה אוֹמֵר, *R. Judah says*, in some editions. **13** Some maintain this refers to one who is six or seven years of age. **14** Even her father cannot accept גֵּט on her behalf.

Mishnah 3

מִשְׁנָה ג

[1]קְטַנָּה שֶׁאָמְרָה, הִתְקַבֵּל לִי גִּטִּי, אֵינוֹ [2]גֵּט עַד שֶׁיַּגִּיעַ גֵּט [3]לְיָדָהּ; לְפִיכָךְ, אִם רָצָה הַבַּעַל לַחֲזוֹר, יַחֲזוֹר, שֶׁאֵין קָטָן עוֹשֶׂה [4]שְׁלִיחַ. אֲבָל אִם אָמַר [5]לוֹ אָבִיהָ, צֵא וְהִתְקַבֵּל לְבִתִּי גִּטָּהּ, אִם [6]רָצָה לְהַחֲזִיר לֹא יַחֲזִיר. הָאוֹמֵר, תֵּן גֵּט זֶה לְאִשְׁתִּי בַּמָּקוֹם פְּלוֹנִי, [8]וּנְתָנוֹ לָהּ [9]בְּמָקוֹם אַחֵר, פָּסוּל. [10]הֲרֵי הִיא בַּמָּקוֹם פְּלוֹנִי, [11]וְנָתְנוּ לָהּ בְּמָקוֹם אַחֵר, [12]כָּשֵׁר. הָאִשָּׁה שֶׁאָמְרָה, הִתְקַבֵּל לִי גִּטִּי בַּמָּקוֹם פְּלוֹנִי, וְקִבְּלוּ לָהּ בְּמָקוֹם אַחֵר, פָּסוּל. רַבִּי [13]אֱלִיעֶזֶר מַכְשִׁיר. [14]הֵבִיא לִי

If a minor[1] said, 'Accept on my behalf my *letter of divorce*,' it is not a *letter of divorce*[2] until it shall reach her hand;[3] hence, if the husband wish to retract, he may retract, because a minor can not appoint a messenger.[4] But if her father said to him,[5] 'Go forth and accept on behalf of my daughter her *letter of divorce*,' if he[6] desire to recall it, he may not recall it.[7] If one say, 'Give this *letter of divorce* to my wife in such-and-such a place,' and he gave it[8] to her in another place,[9] it is invalid. 'Behold,[10] she is in such-and-such a place,' and they gave it[11] to her in some other place, it is licit.[12] If the woman said, 'Accept on my behalf my *letter of divorce* in such-

גִּטִּי מִמָּקוֹם פְּלוֹנִי, [5]וְהֵבִיא לָהּ מִמָּקוֹם אַחֵר, כָּשֵׁר.

and-such a place,' and they accepted it on her behalf elsewhere, it is illegal. R. Eliezer[13] declares it valid. 'Bring[14] me my *letter of divorce* from such-and-such a place, and he brought (it)[15] to her from somewhere else, it is legal.

1 A minor, a girl under twelve years of age, said to a שָׁלִיחַ, messenger ..... **2** *i.e.,* the גֵּט is not valid ..... **3** When she is an orphan, otherwise the father accepts the גֵּט. **4** Or *deputy, agent.* **5** The שָׁלִיחַ. But this holds good after *betrothal* but not after *wedlock.* **6** The husband. **7** אִם רָצָה לַחֲזוֹר לֹא יַחֲזוֹר, *if he desire to withdraw he may not withdraw,* in some editions. **8** Or וְנָתְנוּ, *and they gave.* **9** To spare him ignominy. **10** *i.e., If one say, 'Behold, ...'* **11** Or וּנְתָנוֹ, *and he gave it.* **12** Compare קִדּוּשִׁין 2[4]. **13** His opinion is rejected. **14** *i.e., If she said, 'Bring .....'* **15** וְהֵבִיאוֹ, *and he brought it,* or וְהֵבִיאוּ, *and they brought it,* in some editions.

Mishnah 4

מִשְׁנָה ד

[1]הָבֵא לִי גִּטִּי, [2]אוֹכֶלֶת [3]בִּתְרוּמָה עַד שֶׁיַּגִּיעַ גֵּט לְיָדָהּ. [4]הִתְקַבֵּל לִי גִּטִּי, [2]אֲסוּרָה לֶאֱכוֹל בִּתְרוּמָה מִיָּד. [4]הִתְקַבֵּל לִי גִּטִּי בַּמָּקוֹם פְּלוֹנִי, [2]אוֹכֶלֶת בִּתְרוּמָה עַד שֶׁיַּגִּיעַ גֵּט לְאוֹתוֹ מָקוֹם. רַבִּי [5]אֱלִיעֶזֶר [6]אוֹסֵר מִיָּד.

'Bring[1] on my behalf my *letter of divorce,'* she[2] may eat of *priest's-due*[3] until the *letter of divorce* reaches her hand. 'Accept[4] on my behalf my *letter of divorce,'* she[2] is immediately prohibited from eating of *priest's-due.* 'Accept[4] on my behalf my *letter of divorce* in such-and-such a place,' she[2] may eat of *priest's-due* until the *letter of divorce* shall arrive at that place. R. Eliezer[5] forbids her[6] straightway.

1 *i.e., If a woman said, 'Bring .....'* **2** If she is the wife of a כֹּהֵן, priest. **3** *Appendix,* **Note 1.** **4** *i.e., If she said, 'Accept .....'* **5** His view is not accepted. **6** To eat of תְּרוּמָה.

Mishnah 5

מִשְׁנָה ה

הָאוֹמֵר, כִּתְבוּ גֵט וּתְנוּ לְאִשְׁתִּי, [1]גָּרְשׁוּהָ, [1]כִּתְבוּ אִגֶּרֶת וּתְנוּ לָהּ, הֲרֵי אֵלּוּ יִכְתְּבוּ [2]וְיִתְּנוּ. [3]פַּטְּרוּהָ, פַּרְנְסוּהָ, עֲשׂוּ לָהּ [4]כְּנִימּוּס, עֲשׂוּ לָהּ כָּרָאוּי, לֹא אָמַר כְּלוּם. בָּרִאשׁוֹנָה

If one say, 'Write out a *letter of divorce* and give it to my wife,' or,[1] 'Divorce her,' or,[1] 'Write out a letter and give it to her,' then these may write it out and deliver it.[2] 'Divorce[3] her,' or, 'Arrange for her maintenance,' or, 'Deal with her in accordance with the law,'[4] or, 'Do

הָיוּ אוֹמְרִים, הַיּוֹצֵא [5]בְּקוֹלָר
[6]וְאָמַר, כְּתֻבוּ גֵט לְאִשְׁתִּי, הֲרֵי אֵלּוּ
יִכְתְּבוּ וְיִתְּנוּ. חָזְרוּ לוֹמַר, אַף
[7]הַמְּפָרֵשׁ וְהַיּוֹצֵא בְשַׁיָּרָא רַבִּי
[8]שִׁמְעוֹן†[9]שְׁזוּרִי אוֹמֵר, אַף [10]הַמְּסוּכָּן.

for her as it proper,' it is as if he had said naught. Aforetime they used to say, If one be led out in chains,[5] and he says,[6] 'Write out a *letter of divorce* for my wife,' then these write it out and deliver it. Then they said further, Also if one set out on a voyage[7] or go forth with a caravan. R. Simon[8] of Shezor § says, Even one who is dangerously ill.[10] † Popular reading שְׁזוּרִי.

1 *i.e., or if he said, '.....'* **2** For all these expressions are formulas of גֵּט. **3** Literally *dismiss. i.e.,* if he used any one of these expressions. **4** Or *as is fitting, as is customary.** **5** To be executed. Compare סַנְהֶדְרִין 7b. **6** Literally *said.*§ **7** At sea. **8** His opinion is accepted. **9** Perhaps *Shighor* in Galilee. **10** And likely to die. Or הַמְּסֻכָּן. * Not being expressions of divorce. § Even though he omitted to say 'and give it.'

Mishnah 6

מִשְׁנָה ו

מִי שֶׁהָיָה [1]מוּשְׁלָךְ לְבוֹר וְאָמַר כָּל־
הַשּׁוֹמֵעַ אֶת־[2]קוֹלוֹ יִכְתּוֹב גֵּט
לְאִשְׁתּוֹ, הֲרֵי אֵלּוּ יִכְתְּבוּ וְיִתְּנוּ.
הַבָּרִיא שֶׁאָמַר, כְּתֻבוּ גֵט לְאִשְׁתִּי,
רָצָה לְשַׂחֵק [3]בָּהּ. מַעֲשֶׂה בְּבָרִיא
אֶחָד שֶׁאָמַר, כְּתֻבוּ גֵט לְאִשְׁתִּי,
וְעָלָה לְרֹאשׁ [4]הַגַּג וְנָפַל וּמֵת. אָמַר
רַבָּן [5]שִׁמְעוֹן בֶּן גַּמְלִיאֵל, [6]אָמְרוּ
חֲכָמִים אִם מֵעַצְמוֹ נָפַל הֲרֵי זֶה
[7]גֵּט, אִם הָרוּחַ דְּחָאַתּוּ אֵינוֹ גֵט.

If one who was cast[1] into a pit said that anyone who heard his voice[2] should write out a *letter of divorce* for his wife,[2] then these should write it out and deliver it. If one in good health said, 'Write out a *letter of divorce* for my wife,' he only wished to make sport of her.[3] It once happened that a certain man in sound health who said, 'Write out a *letter of divorce* for my wife,' went up to the top of the roof[4] and fell off and died. Rabban Simon[5] ben Gamaliel said, The Sages said[6] that if he fell down of himself, then the *letter of divorce* is valid,[7] but if the wind forced him down it is not a valid *letter of divorce.*

1 Or מְשֻׁלָּךְ. **2** He also had evidently to state his name and his home town and her name. Some editions have וְאָמַר כָּל־הַשּׁוֹמֵעַ אֶת־קוֹלִי יִכְתּוֹב גֵּט לְאִשְׁתִּי, *and said, 'Let anyone who hears my voice write out a letter of divorce to my wife.'* **3** And he had not said תְּנוּ, *deliver it.* **4** After the גֵּט had been delivered to his wife. **5** His view is accepted. **6** And this is the ruling. **7** Because it may be taken for granted that he had intended to add *and deliver it to her.*

Mishnah 7

מִשְׁנָה ז

If one said to two others,* 'Deliver *a letter of divorce* to my wife,' or to three, 'Write out a *letter of divorce* and give it to my wife,' then these should write it out and deliver it. If one said to three persons, 'Give a *bill of divorce* to my wife,' then these instruct others to write it out, since he has set them up as a Court. This is the view of R. Meir. And this legal ruling did R. Chaninah[1] of Ono[2] bring from prison,[3] 'I have a tradition[4] that if one say to three others, "Deliver a *letter of divorce* to my wife," that they should tell others to write it out since he has constituted them into a Court.' R. Jose said, 'We said to the messenger,[5] "We also have received the tradition[6] that even if[7] one said to the Great Court in Jerusalem,[8] Deliver a *letter of divorce* to my wife," that they should learn[9] and write it out and deliver it."[10] If one said to ten others, 'Write out a *letter of divorce* for my wife,'[11] one writes it out and two sign it. 'All of you[12] write it out,'[13] one writes it out and all of them[14] sign it. Hence if one of them[15] died, this *letter of divorce* is void.

אָמַר *לִשְׁנַיִם, תְּנוּ גֵט לְאִשְׁתִּי, אוֹ לִשְׁלֹשָׁה, כִּתְבוּ גֵט וּתְנוּ לְאִשְׁתִּי, הֲרֵי אֵלּוּ יִכְתְּבוּ וְיִתְּנוּ. אָמַר לִשְׁלֹשָׁה, תְּנוּ גֵט לְאִשְׁתִּי, הֲרֵי אֵלּוּ יֹאמְרוּ לַאֲחֵרִים וְיִכְתְּבוּ, מִפְּנֵי שֶׁעֲשָׂאָן בֵּית דִּין. דִּבְרֵי רַבִּי מֵאִיר. וְזוּ הַלָּכָה הֶעֱלָה רַבִּי [1]חֲנִינָה אִישׁ [2]אוֹנוֹ [3]מִבֵּית הָאֲסוּרִין, [4]מְקוּבָּל אֲנִי בְּאוֹמֵר לִשְׁלֹשָׁה, תְּנוּ גֵט לְאִשְׁתִּי, שֶׁיֹּאמְרוּ לַאֲחֵרִים וְיִכְתְּבוּ מִפְּנֵי שֶׁעֲשָׂאָן בֵּית דִּין. אָמַר רַבִּי יוֹסֵי, נוֹמִינוּ [5]לַשָּׁלִיחַ, אַף אָנוּ [6]מְקוּבָּלִין שֶׁאֲפִילוּ אָמַר לְבֵית דִּין הַגָּדוֹל שֶׁבִּירוּשָׁלַיִם, תְּנוּ גֵט לְאִשְׁתִּי, [9]שֶׁיִּלְמְדוּ וְיִכְתְּבוּ [10]וְיִתְּנוּ. אָמַר לָעֲשָׂרָה, כִּתְבוּ גֵט [11]לְאִשְׁתִּי, אֶחָד כּוֹתֵב וּשְׁנַיִם חוֹתְמִין. [12]כּוּלְּכֶם [13]כִּתְבוּהוּ, אֶחָד כּוֹתֵב [14]וְכוּלָּם חוֹתְמִין. לְפִיכָךְ, אִם מֵת אֶחָד [15]מֵהֶן, הֲרֵי זֶה גֵּט בָּטֵל.

1 Some texts give חֲנִינָא and others חֲנַנְיָה, *Chananiah.* 2 אוֹנוֹ, *Ono;* or perhaps אֲוָנָה, *Avana,* a place on the River Tigris. 3 *i.e.,* from *R. Akiba* who was in prison. 4 Or מְקַבָּל. 5 To R. Chanina to repeat the הֲלָכָה in the בֵּית הַמִּדְרָשׁ. 6 Or מְקַבָּלִין. 7 סַנְהֶדְרִין 11². 8 Or שֶׁאֲפִילוּ. 9 To draw up and write out a גֵּט. 10 Some editions add לָהּ, *to her.* 11 וּתְנוּ גֵט לְאִשְׁתִּי, *and give a bill of divorce to my wife,* in the גְּמָרָא. 12 Or כֻּלְּכֶם. 13 *i.e., But if he said, 'All .....'* 14 Or וְכֻלָּם. 15 The ten.

* See ADDENDA at the end of this *Tractate.*

CHAPTER 7

פֶּרֶק ז

Mishnah 1

מִשְׁנָה א

מִי שֶׁאֲחָזוֹ [1]קוּרְדְּיָקוֹס וְאָמַר, כִּתְבוּ גֵט לְאִשְׁתִּי, לֹא אָמַר [2]כְּלוּם. אָמַר, כִּתְבוּ גֵט לְאִשְׁתִּי, וַאֲחָזוֹ קוּרְדְּיָקוֹס וְחָזַר וְאָמַר, אַל תִּכְתְּבוּ, אֵין דְּבָרָיו הָאַחֲרוֹנִים [3]כְּלוּם. נִשְׁתַּתֵּק וְאָמְרוּ לוֹ, נִכְתּוֹב גֵּט לְאִשְׁתֶּךָ? [4]וְהִרְכִּין בְּרֹאשׁוֹ, בּוֹדְקִין אוֹתוֹ [5]שְׁלֹשָׁה פְּעָמִים אִם [6]אָמַר עַל לָאו לָאו וְעַל הֵן הֵן, הֲרֵי אֵלּוּ [7]יִכְתְּבוּ וְיִתְּנוּ.

If one were attacked by hallucinations[1] and said, 'Write out a *letter of divorce* for my wife,' he has said naught.[2] If one said, 'Write out a *letter of divorce* for my wife,' and was then siezed with hallucinations and retracted and said, 'Do not write,' then his last statement is of no account.[3] If one lost his speech and they said to him, 'Shall we write out a *letter of divorce* for thy wife?'—and he nodded approval,[4] they must test him three times[5] whether for *no* he meant[6] *no* and for *yes* he meant *yes*—they may then write it out[7] and deliver it.

1 Or *delirium, epilepsy.* גִּיטִּין 67b. Some include here the drunkard after the effects from imbibing new wine. **2** *i.e.,* his statement is to be disregarded. **3** The גֵּט is valid. **4** Literally *and he inclined his head.* **5** By suitable questions **6** Literally *said.* **7** If the test proved he wanted the גֵּט to be proceeded with.

Mishnah 2

מִשְׁנָה ב

אָמְרוּ [1]לוֹ, נִכְתּוֹב גֵּט [2]לְאִשְׁתֶּךָ? וְאָמַר לָהֶם, כְּתוֹבוּ; אָמַר לְסוֹפֵר וְכָתַב, וּלְעֵדִים וְחָתְמוּ, אַף עַל פִּי שֶׁכְּתָבוּהוּ וַחֲתָמוּהוּ וּנְתָנוּהוּ לוֹ וְחָזַר וּנְתָנוֹ לָהּ, הֲרֵי גֵט בָּטֵל עַד שֶׁיֹּאמַר לַסּוֹפֵר, כְּתוֹב, וְלָעֵדִים, חֲתוּמוּ.

If they said to him,[1] 'Shall we write out a *letter of divorce* for thy wife?'[2] and he said to them, 'Write'; and he spoke to a scribe and he wrote it out, and to witnesses and they signed, then even though they had written it out and had signed it and had given it to him and he in turn had delivered it to her, the *letter of divorce* is null notwithstanding until he himself shall say to the scribe, 'Write,' and to the witnesses, 'Sign.'

1 To a man in sound health, or to a Sage on the point of death. **2** To save her from *levirate marriage* (יִבּוּם INTRODUCTION).

Mishnah 3

מִשְׁנָה ג

[1]זֶה גִטֵּךְ אִם מֵתִי, [1]זֶה גִטֵּךְ אִם מֵתִי מֵחוֹלִי זֶה, [1]זֶה גִטֵּךְ לְאַחַר [2]מִיתָה, לֹא אָמַר [3]כְּלוּם. [4]מֵהַיּוֹם אִם מֵתִי, [4]מֵעַכְשָׁיו אִם מֵתִי, הֲרֵי זֶה גֵט. [4]מֵהַיּוֹם [5]וּלְאַחַר מִיתָה, גֵּט וְאֵינוֹ [6]גֵּט, וְאִם מֵת [7]חוֹלְצֶת וְלֹא מִתְיַבֶּמֶת. זֶה [8]גִטֵּךְ מֵהַיּוֹם אִם מֵתִי מֵחוֹלִי זֶה, [9]וְעָמַד וְהָלַךְ בַּשּׁוּק, וְחָלָה וּמֵת, אוֹמְדִין אוֹתוֹ, אִם [10]מֵחֲמַת חוֹלִי הָרִאשׁוֹן מֵת הֲרֵי זֶה גֵט, וְאִם לָאו אֵינוֹ [11]גֵּט.

'This[1] is thy *letter of divorce* if I die,' or, 'This is thy *letter of divorce* if I die of this illness,' or, 'This is thy *letter of divorce* after death,'[2] he has said naught.[3] 'From[4] to-day if I die,' or, 'From[4] now if I die,' then this is a legal *letter of divorce.* 'From[4] to-day and after death,'[5] it it a valid *letter of divorce* and it is not a valid *letter of divorce,*[6] therefore if he died she has to perform *chalitzah,*[7] but she must not contract *leviratic union.* 'This is thy *letter of divorce*[8] from to-day if I die of this complaint,' and he rose up[9] and went out into the street, and he fell ill again and died, they must obtain expert opinion about him: if he died because of[10] his first sickness the *letter of divorce* is licit, but if not it is not a valid *letter of divorce.*[11]

1 *i.e., If a man said to his wife, 'This .....,'* a statement made by a man if sound of health (compare 7[2], **Note 1**). **2** *i.e., '..... after my death.'* **3** A גֵּט can not be effected after death. **4** *i.e., If a man said to his wife, 'This is thy letter of divorce from .....'* **5** לְאַחַר מִיתָה, *till after death,* in some editions. **6** Because his meaning was not clear; for if he meant that *the bill of divorce is to be valid from to-day if I die,* then if he dies she has been already divorced in advance; but לְאַחַר מִיתָה might be taken as a retraction, as perhaps he meant *from to-day she is divorced,* and then withdrew and meant *after my death shall she be divorced* and a *bill of divorce* cannot be drawn up after a man's death. **7** See יְבָמוֹת INTRODUCTION. **8** *i.e., If a man said to his wife, 'This .....'* **9** *i.e.,* recovered. **10** Or *from the effect of, in consequence of.* **11** In actual practice conditional divorce is deprecated—and every effort should be made to reconcile the parties—and if such divorce be carried through no condition may be entered in the document which must be a simple גֵּט פָּשֵׁר (*a straightforward legal bill of divorce*).

Mishnah 4

מִשְׁנָה ד

לֹא תִתְיַחֵד [1]עִמּוֹ אֶלָּא בִּפְנֵי [2]עֵדִים, [3]אֲפִילוּ [3]עֶבֶד, [3]אֲפִילוּ [4]שִׁפְחָה, חוּץ

She must not be in his company[1] save in the presence of witnesses,[2] even[3] a bondman,[4] even[3] a bond-

מִשִּׁפְחָתָהּ מִפְּנֵי שֶׁלִּבָּהּ גַּס
[5]בְּשִׁפְחָתָהּ. מָה הִיא בְּאוֹתָן [6]הַיָּמִים?
רַבִּי יְהוּדָה אוֹמֵר, כְּאֵשֶׁת אִישׁ
[7]לְכָל דְּבָרֶיהָ. רַבִּי יוֹסֵי אוֹמֵר,
מְגוֹרֶשֶׁת וְאֵינָהּ [8]מְגוֹרֶשֶׁת.

woman,[4] except her own bondwoman because she feels no shame with her own bondwoman.[5] What is her status in those days?[6] R. Judah says, She is as a married woman in every way.[7] R. Jose says, She is as one divorced and as one not divorced.[8]

1 After he had delivered to her the גֵּט with the statement 'From this day if I die .....' lest they copulate and thus disannul the גֵּט.* **2** Even one suffices. **3** Or אֲפִלּוּ. **4** Suffices as a witness. **5** בָּהּ, *with her,* in some texts. Compare סוֹטָה 1[6]. **6** *i.e.,* if a man delivered the גֵּט to his wife saying, *'Let this be thy* גֵּט *but thou shalt be divorced therewith from the time I am still alive if I die.'* The *Mishnah* here enquires into her standing during the period from the moment of his statement to the time of his death. **7** *viz.,* she is his wife until he dies. **8** Her husband is nevertheless liable for her maintenance. * And another גֵּט would be needed.

מִשְׁנָה ה

Mishnah 5

[1]הֲרֵי זֶה גִּטֵּךְ עַל מְנָת שֶׁתִּתְּנִי לִי
מָאתַיִם [2]זוּז, הֲרֵי זוּ [3]מְגוֹרֶשֶׁת [4]וְתִתֵּן.
עַל [5]מְנָת שֶׁתִּתְּנִי לִי מִכָּאן וְעַד
שְׁלֹשִׁים יוֹם, אִם נָתְנָה לוֹ בְּתוֹךְ
שְׁלֹשִׁים יוֹם מְגוֹרֶשֶׁת, וְאִם לָאו
אֵינָהּ מְגוֹרֶשֶׁת. אָמַר רַבָּן [6]שִׁמְעוֹן
בֶּן גַּמְלִיאֵל, מַעֲשֶׂה [7]בְּצִידוֹן בְּאֶחָד
שֶׁאָמַר לְאִשְׁתּוֹ, הֲרֵי זֶה גִּטֵּךְ עַל
מְנָת שֶׁתִּתְּנִי לִי [8]אִיצְטַלִּיתִי, וְאָבְדָה
אִצְטַלִּיתוֹ. וְאָמְרוּ חֲכָמִים, תִּתֵּן לוֹ
אֶת־דָּמֶיהָ.

'Let[1] this be thy *letter of divorce* on condition that thou shalt give me two hundred *zuz,*[2] then she is divorced[3] and must deliver it.[4] 'On condition[5] that thou deliver it to me between now and thirty days,' if she gave it to him within thirty days she is divorced, and if not she is not divorced. Rabban Simon[6] ben Gamaliel said, It once happened in Zidon[7] that a certain man said to his wife, 'This is thy *letter of divorce* on condition that thou give me my festive-cloak,'[8] and his cloak was lost. And the Sages said, She should give him its worth.[9]

1 *i.e., If a man said to his wife, 'Let .....'* **2** זוּז = *silver* דִּינָר or *half* שֶׁקֶל. **3** Forthwith, even if the גֵּט was lost before the fulfilment of the condition. **4** She must give up whatever he had stipulated with her. **5** *i.e., If a man said to his wife, 'On .....'* **6** His opinion that she is not therefore divorced is rejected. **7** Or *Sidon, Zaidan,* in Phoenicia. **8** Or אִסְטַלִּיתִי, אִצְטַלִּיתִי. **9** In money, and then she becomes divorced. Their view is the accepted ruling.

Mishnah 6

מִשְׁנָה ו

'Behold,[1] this is thy *letter of divorce* on condition that thou serve my father', or, '..... on condition that thou give suck to my son'—how long need she suckle him? Two years; R. Judah says, Eighteen months—and if the son died or the father died,[2] the *letter of divorce* is valid. 'Lo[3] this is thy *letter of divorce* on condition that thou wait upon my father for two years,' or, '..... on condition that thou suckle my son for two years,' if the son died, (or the father died,)[4] or the father said, 'It is not my desire that thou serve me,' without outbreak of temper[5] — the *letter of divorce* is invalid. Rabban Simon[6] ben Gamaliel says, In such case it is a licit *letter of divorce.* Rabban Simon ben Gamaliel stated a general rule, If any hindrance do not arise through her, then the *letter of divorce* is legal.[7]

[1]הֲרֵי זֶה גִּטֵּךְ עַל מְנָת שֶׁתְּשַׁמְּשִׁי אֶת־אַבָּא, עַל מְנָת שֶׁתֵּנִיקִי אֶת־בְּנִי, כַּמָּה הִיא מְנִיקָתוֹ? שְׁתֵּי שָׁנִים; רַבִּי יְהוּדָה אוֹמֵר, שְׁמֹנֶה עָשָׂר חֹדֶשׁ; מֵת הַבֵּן אוֹ [2]שֶׁמֵּת הָאָב הֲרֵי זֶה גֵּט. [3]הֲרֵי זֶה גִּטֵּךְ עַל מְנָת שֶׁתְּשַׁמְּשִׁי אֶת־אַבָּא שְׁתֵּי שָׁנִים, עַל מְנָת שֶׁתֵּנִיקִי אֶת־בְּנִי שְׁתֵּי שָׁנִים, מֵת הַבֵּן, [4](אוֹ שֶׁמֵּת הָאָב) אוֹ שֶׁאָמַר הָאָב, אִי אֶפְשִׁי שֶׁתְּשַׁמְּשֵׁנִי, שֶׁלֹּא [5]בְּהַקְפָּדָה, אֵינוֹ גֵט. רַבָּן [6]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, כָּזֶה גֵּט. כְּלָל אָמַר רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל, כָּל־עֵכָּבָה שֶׁאֵינָהּ הַיְּמָנָה, הֲרֵי זֶה [7]גֵּט.

1 *i.e., If one said to his wife, 'Behold, ...'* **2** Before the condition was fulfilled. שֶׁמֵּת is omitted in the גְּמָרָא and in the תַּלְמוּד יְרוּשַׁלְמִי. **3** *i.e., If one said to his wife, ', ...'* **4** This bracketed phrase is omitted in some texts. **5** *i.e.*, even if there was no provocation from her towards him. **6** This view is rejected. **7** In this case, if there is any doubt, the strict ruling is followed.

Mishnah 7

מִשְׁנָה ז

'Lo,[1] this is thy *letter of divorce* if I do not come from this moment within thirty days,' and he was going from Judaea to Galilee, and he reached Antipatris[2] and returned,[3] his condition is null.[4] 'Behold, here is thy *letter of divorce* if I do not come from now within thirty days, and he was going from Gali-

[1]הֲרֵי זֶה גִּטֵּךְ אִם לֹא בָאתִי מִכָּאן וְעַד שְׁלֹשִׁים יוֹם, וְהָיָה הוֹלֵךְ מִיהוּדָה לְגָלִיל, [2]הִגִּיעַ לְאַנְטִיפַּטְרֹס [3]וְחָזַר, [4]בָּטֵל תְּנָאוֹ. הֲרֵי זֶה גִּטֵּךְ אִם לֹא בָאתִי מִכָּאן עַד שְׁלֹשִׁים יוֹם, וְהָיָה הוֹלֵךְ מִגָּלִיל לִיהוּדָה,

וְהִגִּיעַ לְכֻפַּר [5]עַוְתָּנַאי, [6]וְחָזַר, בָּטֵל תְּנָאוֹ. [7]הֲרֵי זֶה גִּטֵּךְ אִם לֹא בָאתִי מִכָּאן עַד שְׁלֹשִׁים יוֹם, וְהָיָה הוֹלֵךְ לִמְדִינַת הַיָּם, וְהִגִּיעַ [9]לְעַכּוֹ וְחָזַר, [10]בָּטֵל תְּנָאוֹ. הֲרֵי זֶה גִּטֵּךְ כָּל־זְמַן שֶׁאֶעֱבוֹר מִכְּנֶגֶד פָּנַיִךְ שְׁלֹשִׁים יוֹם, [11]הָיָה הוֹלֵךְ וּבָא הוֹלֵךְ וּבָא, הוֹאִיל וְלֹא [12]נִתְיַחֵד עִמָּהּ הֲרֵי זֶה [13]גִּט.

lee to Judaea, and he arrived at Kefar Avthanai,[5] and then came back,[6] his condition is void. 'Lo,[7] this is thy *letter of divorce* if I do not come from now within thirty days,' and he was going to a land beyond the sea,[8] and he reached Acco[9] and then returned, his condition is nullified.[10] 'Behold, here is thy *letter of divorce* so long as I shall be out of thy sight for thirty days,' and he kept on going and coming,[11] as he did not associate[12] with her the *letter of divorce* is licit.[13]

1 *i.e., If a man said to his wife, 'Lo, ...'* **2** Or אַנְטִיפַּטְרִיס, on the border of Judaea and Galilee, N.W. of Jerusalem. **3** Straightway. **4** The גֵּט is void. The גְּמָרָא explains this thus: he made two stipulations, if he arrives in Galilee the גֵּט is immediately effective, and otherwise (if he does not reach Galilee) if he came back in thirty days the גֵּט should be of no effect. **5** Or *Othonai,* on the border of Samaria and Galilee but not in Judah. **6** Forthwith. **7** *i.e., If one said to his wife, 'Lo, ...'* **8** *i.e.,* outside אֶרֶץ יִשְׂרָאֵל. **9** Or *Accho,* a Phoenician sea-port. **10** Because he had not been abroad nor had he been gone for the stipulated period. In all the three cases just mentioned, if the גֵּט becomes invalid, his repetition of the journey does not restore its validity and he requires a fresh גֵּט. **11** During the period. **12** *i.e.,* stay alone (when they might have had sexual intercourse and thus disannulled the גֵּט). **13** And this is the ruling.

Mishnah 8 — מִשְׁנָה ח

[1]הֲרֵי זֶה גִּטֵּךְ אִם לֹא בָאתִי מִכָּאן וְעַד שְׁנֵים עָשָׂר חֹדֶשׁ, וּמֵת בְּתוֹךְ שְׁנֵים עָשָׂר חֹדֶשׁ, אֵינוֹ גֵט. [2]הֲרֵי זֶה גִּטֵּךְ מֵעַכְשָׁיו אִם לֹא בָאתִי מִכָּאן וְעַד שְׁנֵים עָשָׂר חֹדֶשׁ וּמֵת בְּתוֹךְ שְׁנֵים עָשָׂר חֹדֶשׁ הֲרֵי זֶה גֵּט.

'Lo,[1] here is thy *letter of divorce* if I do not come from this moment to twelve months,' and he died in the twelve months, it is not a valid *letter of divorce.* 'Behold,[2] this is thy *letter of divorce* from this moment if I do not come from now onward within twelve months, and he died within the twelve months', it is a valid *letter of divorce.*

1 *i.e., If a man said to his wife, 'Lo, ...'* **2** *i.e., If one said to his wife, 'Behold, ...'* and declared מֵעַכְשָׁיו.

Mishnah 9

מִשְׁנָה ט

[1]אִם לֹא בָּאתִי מִכָּאן עַד שְׁנֵים עָשָׂר חֹדֶשׁ כִּתְבוּ וּתְנוּ גֵט לְאִשְׁתִּי, כָּתְבוּ גֵט בְּתוֹךְ שְׁנֵים עָשָׂר חֹדֶשׁ וְנָתְנוּ לְאַחַר שְׁנֵים עָשָׂר חֹדֶשׁ, אֵינוֹ [2]גֵט. [3]כִּתְבוּ וּתְנוּ גֵט לְאִשְׁתִּי אִם לֹא בָּאתִי מִכָּאן וְעַד שְׁנֵים עָשָׂר חֹדֶשׁ, כָּתְבוּ בְּתוֹךְ שְׁנֵים עָשָׂר חֹדֶשׁ וְנָתְנוּ לְאַחַר שְׁנֵים עָשָׂר חֹדֶשׁ, אֵינוֹ גֵט. רַבִּי יוֹסֵי אוֹמֵר, כָּזֶה גֵט. כָּתְבוּ לְאַחַר שְׁנֵים עָשָׂר חֹדֶשׁ וְנָתְנוּ לְאַחַר שְׁנֵים עָשָׂר חֹדֶשׁ, [4]וּמֵת, אִם הַגֵּט [5]קָדַם לְמִיתָה, הֲרֵי זֶה גֵט, וְאִם מִיתָה [6]קָדְמָה לַגֵּט, אֵינוֹ גֵט; וְאִם אֵין [7]יָדוּעַ, זוּ הִיא שֶׁאָמְרוּ, [8]מְגוּרֶשֶׁת וְאֵינָהּ מְגוּרֶשֶׁת.

'If[1] I have not come from now within twelve months write out and deliver a *letter of divorce* to my wife,' and they wrote out a *letter of divorce* within the twelve months but delivered it after the twelve months, it is not a valid *letter of divorce*.[2] 'Write out[3] and deliver a *letter of divorce* to my wife if I have not come from now before twelve months,' and they wrote it out within the twelve months but delivered it after the twelve months, the *letter of divorce* is not valid. R. Jose says, In such a case it is a licit *letter of divorce*. If they wrote it out after the twelve months and delivered it after the twelve months, and he[4] died, if the *letter of divorce* preceded[5] the death, then it is a legal *letter of divorce*, but if the death preceded the[6] *letter of divorce*, then the *letter of divorce* is not valid; and if it be not known,[7] this is a plight of which they said, She is as one divorced[8] and as one not divorced.

1 *i.e., If a man said, 'If .....'* **2** Because of the absence of the vitally important term מֵעַכְשָׁיו, *from this moment*, in the condition after בָּאתִי.* **3** *i.e., If one said, 'Write .....'* **4** The husband. **5** *i.e.*, was delivered. **6** *i.e.*, the delivery of. **7** Which preceded the other. **8** Compare 7[4], **Note 8.** * Further, because he had written the גֵט within the twelve months and had stipulated after twelve months.

CHAPTER 8

פֶּרֶק ח

Mishnah 1

מִשְׁנָה א

הַזּוֹרֵק גֵּט לְאִשְׁתּוֹ וְהִיא בְּתוֹךְ [1]בֵּיתָהּ אוֹ בְתוֹךְ [2]חֲצֵרָהּ, הֲרֵי זוֹ מְגוּרֶשֶׁת. זְרָקוֹ לָהּ בְּתוֹךְ בֵּיתוֹ אוֹ

If one threw a *letter of divorce* to his wife while she was within her house[1] or within her courtyard,[2] then she is divorced. If he threw it

בְּתוֹךְ חֲצֵרוֹ, [3]אֲפִילוּ [4]הוּא עִמָּהּ [5]בְּמִטָּה, אֵינָהּ מְגוּרֶשֶׁת, לְתוֹךְ [6]חֵיקָהּ אוֹ לְתוֹךְ [7]קַלְתָּהּ הֲרֵי זוֹ מְגוּרֶשֶׁת.

when she was inside his house or in his courtyard, even if[3] he[4] were with her in bed,[5] she is not divorced, but if into her lap[6] or into her work-basket[7] then she is divorced.

1 נִכְסֵי מְלוֹג, *usufruct property* (יְבָמוֹת 4[3]);* or if the house is lent to her or hired to her. **2** Or *within her own domain.* **3** Or אֲפִלּוּ. **4** The husband. **5** Or בַּמִּטָּה. Not her own bed, otherwise (if the bed was hers) and she was sitting on it, and the bed was ten handbreadths high, she is divorced. **6** Or *bosom.* **7** קַלְתָּה, קַלָּת, vase-shaped basket for spinning and sewing materials and needles, etc. * See ADDENDA at the end of this *Tractate.*

Mishnah 2 — מִשְׁנָה ב

אָמַר לָהּ, [1]כַּנְסִי [2]שְׁטַר חוֹב זֶה, אוֹ שֶׁמְּצָאַתּוּ [3]מֵאַחוֹרָיו קוֹרְאָה, וַהֲרֵי הוּא גִּטָּהּ, אֵינוֹ גֵט עַד שֶׁיֹּאמַר לָהּ, הָא גִּטֵּךְ. נָתַן בְּיָדָהּ וְהִיא יְשֵׁנָה, נֵעוֹרָה [4]קוֹרְאָה, וַהֲרֵי הוּא גִּטָּהּ, אֵינוֹ גֵט עַד שֶׁיֹּאמַר [5]לָהּ, [6]הֲרֵי זֶה גִּטֵּךְ. הָיְתָה עוֹמֶדֶת [7]בִּרְשׁוּת הָרַבִּים וּזְרָקוֹ לָהּ, קָרוֹב [8]לָהּ מְגוּרֶשֶׁת, קָרוֹב לוֹ אֵינָהּ מְגוּרֶשֶׁת; מֻחֱצָה עַל מֻחֱצָה, [9]מְגוּרֶשֶׁת וְאֵינָהּ מְגוּרֶשֶׁת.

If he said to her, 'Take[1] this bond,'[2] or if she found it behind him[3] and she read it, and, behold, it was her *letter of divorce,* it is not a licit *letter of divorce* until he shall say to her, 'Here is thy *letter of divorce.*' If he placed it in her hand while she was asleep, and she awoke and read it,[4] and, behold, it was her *letter of divorce,* it is not a valid *letter of divorce* until he will say to her,[5] 'Lo, this is thy *letter of divorce.*[6] If she were standing in the public domain[7] and he threw it to her, if it were closer to her[8] she is divorced, but if nearer to him she is not divorced; and if midway, she is as one divorced and as one not divorced.[9]

1 כַּנְסִי [*Piel*] or כִּנְסִי [*Kal*]. Literally *collect.* **2** Bond of indebtedness. **3** Hanging from or lying upon his back. **4** Or קוֹרֵאת. **5** She must be awake when he makes the statement. **6** הָא גִּטֵּךְ in some editions. **7** Or in any place not belonging to either of them. **8** So that she could get it. The ruling is that the גֵּט becomes valid only when it comes into her hand or into her possession. **9** Compare 7[9], **Note 8.**

Mishnah 3

מִשְׁנָה ג

And thus, likewise, in a matter of betrothal, and similarly, also, in a matter of debt—if one's creditor said to him, 'Throw to me my debt,' and he threw it to him, if[1] closer to the lender then the borrower has benefited,[2] but if nearer to the borrower then the borrower is still liable,[3] and if half-way then the two of them must share.[4] If she were standing on top of the roof,[5] and he threw it[6] to her, once it reaches roof level[7] she is divorced; if he were above[8] and she were below, and he threw it to her, as soon as it has left the domain of the roof, even if it[9] were blotted out or if it were burned,[10] she is divorced.

וְכֵן לְעִנְיַן קִדּוּשִׁין, וְכֵן לְעִנְיַן הַחוֹב, אָמַר לוֹ בַּעַל חוֹבוֹ, זְרוֹק לִי חוֹבִי, וּזְרָקוֹ לוֹ, [1]קָרוֹב לַמַּלְוֶה [2]זָכָה הַלְוֶה, קָרוֹב לַלְוֶה הַלְוֶה [3]חַיָּיב, מֻחֲצָה עַל מֻחֲצָה שְׁנֵיהֶם [4]יַחֲלוֹקוּ. הָיְתָה עוֹמֶדֶת עַל רֹאשׁ [5]הַגַּג [6]וּזְרָקוֹ לָהּ, כֵּיוָן שֶׁהִגִּיעַ [7]לַאֲוִיר הַגַּג הֲרֵי זוֹ מְגוּרֶשֶׁת; הוּא [8]מִלְּמַעְלָה וְהִיא מִלְּמַטָּה, וּזְרָקוֹ לָהּ, כֵּיוָן שֶׁיָּצָא מֵרְשׁוּת הַגַּג, [9]נִמְחַק [10]אוֹ נִשְׂרַף, הֲרֵי זוֹ מְגוּרֶשֶׁת.

1 *i.e.*, if the [debt] money fell. **2** He is clear of the debt, if the money was lost. **3** He must pay again if the money was lost.* **4** The borrower repays only half if the money was lost. But if the lender said, 'Throw me the amount and you are clear,' then whatever happens the borrower is clear of the debt. **5** Her own roof. **6** The גֵּט. **7** Within three handbreadths below the level of the roof. **8** In her own courtyard. **9** The lettering or writing on the גֵּט. **10** In the flame of a fire that burned up after he threw the גֵּט. * See ADDENDA at the end of this *Tractate*.

Mishnah 4

מִשְׁנָה ד

The School of Shammai[1] say,[2] A man may release his wife with an old *letter of divorce*,[3] but the School of Hillel prohibit it.[4] And what is an old *letter of divorce*?—Any such if he had been alone[5] with her after he had written it for her.

[1]בֵּית שַׁמַּאי [2]אוֹמְרִים, פּוֹטֵר אָדָם אִשְׁתּוֹ [3]בְּגֵט יָשָׁן, וּבֵית הִלֵּל [4]אוֹסְרִין. וְאֵיזֶהוּ גֵּט יָשָׁן? כָּל־[5]שֶׁנִּתְיַיחֵד עִמָּהּ אַחַר שֶׁכְּתָבוֹ לָהּ.

1 Their opinion is rejected. **2** עֵדוּיוֹת 4[7]. **3** Which he had prepared but had then gone back to his wife. **4** To prevent ignominy attaching to any children born. And this is the accepted ruling. **5** And it may be assumed that they had cohabited.

Mishnah 5

מִשְׁנָה ה

[1]כָּתַב [2]לְשׁוּם מַלְכוּת [3]אַחֶרֶת, [2]לְשׁוּם מַלְכוּת מָדַי, וּמַלְכוּת [4]עוֹבְדֵי כּוֹכָבִים, לִבְנִין הַבַּיִת לְחוּרְבַּן הַבַּיִת, הָיָה [5]בְּמִזְרָח וְכָתַב [6]בְּמַעֲרָב, [6]בְּמַעֲרָב וְכָתַב [5]בְּמִזְרָח, [8,7]תֵּצֵא מִזֶּה וּמִזֶּה, וּצְרִיכָה גֵט מִזֶּה וּמִזֶּה, [9]וְאֵין לָהּ לֹא [10]כְּתוּבָּה, וְלֹא [11]פֵּירוֹת, וְלֹא מְזוֹנוֹת, וְלֹא [12]בְּלָאוֹת, לֹא עַל זֶה וְלֹא עַל זֶה. אִם נָטְלָה מִזֶּה וּמִזֶּה תַּחֲזִיר; וְהַוֹּלֵד [13]מַמְזֵר מִזֶּה וּמִזֶּה; וְלֹא [14]זֶה [14]וְזֶה מְיַטַּמְּאִין לָהּ; וְלֹא זֶה וְזֶה זַכָּאִין לֹא בִּמְצִיאָתָהּ וְלֹא בְּמַעֲשֵׂה יָדֶיהָ, וְלֹא בַהֲפָרַת נְדָרֶיהָ. הָיְתָה בַת [15]יִשְׂרָאֵל נִפְסֶלֶת מִן־[16]הַכְּהוּנָּה, בַּת לֵוִי מִן־[17]הַמַּעֲשֵׂר, בַּת כֹּהֵן מִן־[18]הַתְּרוּמָה. וְאֵין [19]יוֹרְשָׁיו שֶׁל זֶה [19]וְיוֹרְשָׁיו שֶׁל זֶה יוֹרְשִׁין כְּתוּבָּתָהּ; וְאִם [20]מֵתוּ, אָחִיו שֶׁל זֶה וְאָחִיו שֶׁל זֶה [21]חוֹלְצִין וְלֹא [21]מְיַבְּמִין. [22]שִׁנָּה שְׁמוֹ וּשְׁמָהּ, שֵׁם עִירוֹ וְשֵׁם עִירָהּ, תֵּצֵא מִזֶּה וּמִזֶּה, וְכָל הַדְּרָכִים הָאֵלּוּ בָּהּ.

If one wrote[1] according to[2] another country's date-system,[3] according to[2] the date system of the Medes, or according to the date-system of non-Jews,[4] or dating with the building of the Temple or with the destruction of the Temple, or if he were in the east[5] and he wrote, In the west,[6] or if he were in the west[6] and he inscribed, In the east,[5] then[7] she must go forth[8] from this man and from the next one, and she needs a *letter of divorce* from this one and from the other one, and she is not entitled[9] to the *marriage-settlement,*[10] nor to property-increase,[11] nor to alimony, nor to compensation,[12] whether against the one or the next husband. If she had taken from him or from the next husband she must restore it; and any child born by him or by the next husband is a bastard;[13] and neither he[14] nor the next husband[14] may contract uncleanness for her; and neither he nor the other has any power over what she may find or over the work of her hands or [any right] to nullify her vows. The daughter of an Israelite,[15] she is ineligible for priestly status,[16] if the daughter of a Levite—from *tithe,*[17] if the daughter of a priest—from *priest's-due.*[18] And neither the heirs of the one nor the heirs[19] of the next husband can inherit her *marriage-settlement;* and if they[20] die, the brother of the one and the brother of the other must accept *chalitzah*[21] brother of the one and the brother of the other must accept *chalitzah*[2] and may not contract *levirate marriage.*[21] If one altered[22] his name or her name, or the name of his town or the name of her town, she must be divorced from him and from the other one, and all these preceding conditions apply to her.

1 Any document. **2** לְשֵׁם in some editions. **3** Dating used to vary in different countries. The גְּמָרָא has שֶׁאֵינָהּ הוֹגֶנֶת instead of אַחֶרֶת. **4** In some editions, לְשֵׁם מַלְכוּת מָדַי לְשֵׁם מַלְכוּת יָוָן, *according to the date system of the Medes or according to the date system of Greece.* **5** Or בַּמִּזְרָח. **6** Or בַּמַּעֲרָב. **7** If she married again. **8** *i.e.,* be divorced. **9** Compare יְבָמוֹת 4[3], 9[3]. **10** כְּתוּבּוֹת 11[6]. *Appendix,* **Note 8.** **11** Usufruct, מְלוֹג. **12** Indemnity for wear and tear, or נִכְסֵי צֹאן בַּרְזֶל, *mortgage* or *mortmain* property. **13** This is an opinion of R. Meir and is not accepted. See יְבָמוֹת 10[1-9]. **14** If a כֹּהֵן. *Leviticus* **21**, 1 ff. **15** A non-priest or non-Levite. **16** *i.e.,* to marry a כֹּהֵן. **17** *i.e.,* to eat of *tithe.* *Appendix,* **Note 1.** **18** Or *heave-offering.* *viz.,* to eat of it. **19** יוֹרְשָׁיו in some editions. **20** The husbands. **21** See יְבָמוֹת INTRODUCTION. **22** Or *changed* in the גֵּט.

Mishnah 6 — מִשְׁנָה ו

Regarding all the prohibited degrees of marriage of whom it is enacted that their *fellow-wives* are permitted,[1] if these[2] *fellow-wives* went and were taken in marriage but they themselves were found to be sterile,[3] she[4] must go forth from this one and from that one,[5] and all these foregoing conditions[6] apply to her.

כָּל־הָעֲרָיוֹת שֶׁאָמְרוּ צָרוֹתֵיהֶן [1]מוּתָּרוֹת, הָלְכוּ הַצָּרוֹת [2]אֵלּוּ וְנִישֵׂאוּ וְנִמְצְאוּ אֵלּוּ [3]אֲיֵלוֹנִית, [4]תֵּצֵא מִזֶּה [5]וּמִזֶּה וְכָל־[6]הַדְּרָכִים הָאֵלּוּ בָּהּ.

1 Or מֻתָּרוֹת. *viz.,* to be taken in marriage without their having first to perform *chalitzah.* יְבָמוֹת INTRODUCTION and 1[1]. **2** הָאֵלּוּ in some editions. **3** אֲיֵלוֹנִיּוֹת [*plural*] in some editions, *barren, impotent, unfruitful, unproductive.* **4** In every case among these enumerated. **5** She is not married to the one who took her nor is she permitted to the יָבָם for *leviratic union.* **6** As given in 8[5].

Mishnah 7 — מִשְׁנָה ז

If one married his levirate sister-in-law,[1] and her fellow-wife went and was wedded to another, and this former was found[2] to be barren, the latter must go forth from the first husband and from the second,[3] and all these preceding conditions[4] apply to her.

הַכּוֹנֵס אֶת־[1]יְבִמְתּוֹ, וְהָלְכָה צָרָתָהּ וְנִשֵּׂאת לְאַחֵר, [2]וְנִמְצֵאת זֹאת שֶׁהִיא אֲיֵלוֹנִית, תֵּצֵא מִזֶּה [3]וּמִזֶּה, וְכָל [4]הַדְּרָכִים הָאֵלּוּ בָּהּ.

1 Or יְבֻמָּתוֹ. יְבָמוֹת INTRODUCTION. Thus freeing her co-wife for universal wedlock. **2** Or וְנִמְצְאָה. **3** The *leviratical marriage* with a sterile woman is void; and the fellow-wife should have performed *chalitzah* or have contracted the *leviratic union,* but having been married to someone else instead of to the יָבָם without *chalitzah,* she must be set free from the man who had taken her and from the יָבָם to whom she must not now be married to. **4** As set out in 8[5].

Mishnah 8

מִשְׁנָה ח

כָּתַב סוֹפֵר גֵּט לְאִישׁ [1]וְשׁוֹבֵר לָאִשָּׁה, וְטָעָה וְנָתַן גֵּט לָאִשָּׁה וְשׁוֹבֵר לָאִישׁ, וְנָתְנוּ זֶה [2]לָזֶה, [3]וּלְאַחַר זְמַן הֲרֵי הַגֵּט [4]יוֹצֵא מִיַּד הָאִישׁ וְשׁוֹבֵר מִיַּד הָאִשָּׁה, תֵּצֵא [5]מִזֶּה וּמִזֶּה, וְכָל [6]הַדְּרָכִים הָאֵלּוּ בָּהּ. רַבִּי [7]אֱלִיעֶזֶר אוֹמֵר, אִם לְאַלְתַּר [8]יָצָא, [9]אֵין זֶה גֵּט, אִם [10]לְאַחַן זְמַן יָצָא הֲרֵי זֶה גֵּט, לֹא כָל־[12]הֵימֶנּוּ מִן־[11]הָרִאשׁוֹן לְאַבֵּד זְכוּתוֹ שֶׁל [13]שֵׁנִי. [14]כָּתַב לְגָרֵשׁ אֶת־אִשְׁתּוֹ [15]וְנִמְלַךְ, בֵּית שַׁמַּאי אוֹמְרִים, [16]פְּסֻלָה מִן־[17]הַכְּהוּנָה; וּבֵית הִלֵּל אוֹמְרִים, אַף עַל פִּי שֶׁנְּתָנוּ לָהּ עַל תְּנַאי וְלֹא נַעֲשָׂה הַתְּנָאי, לֹא [16]פְּסֻלָה מִן־[17]הַכְּהוּנָה.

If a scribe wrote out a *letter of divorce* for a husband and a receipt, for the wife, and he made a mistake and gave the *letter of divorce* to the wife and the receipt to the husband, and they gave them one to the other,[2] and after some time,[3] lo, the *letter of divorce* was[4] in possession of the man and the receipt in the wife's possession!—she must go forth from[5] her former husband and from the next man, and all these foregoing conditions apply.[6] R. Eliezer[7] says, If it came to light[8] forthwith, the *letter of divorce* is not valid,[9] but if it came to light later on,[10] it is a licit *letter of divorce,* since the first one[11] is not trusted[12] to nullify the right of the second one.[13] If one wrote[14] to divorce his wife and he changed his mind,[15] the School of Shammai say, She is rendered ineligible[16] for the priestly status;[17] but the School of Hillel say, Although he had given it to her on a condition but the condition was not fulfilled, she is not made ineligible[16] for the priestly status.[17]

1 Which she has to give him on receiving her כְּתוּבָּה. **2** The man and his wife had not noticed the error. **3** When the woman had been married again. **4** *i.e., was found to be.* **5** *viz.,* she is no longer married to ..... **6** As stated in 8[5]. **7** His view is accepted. **8** The error was discovered before she remarried. **9** And she needs another גֵּט. **10** After her second

marriage. **11** The husband involved in the error. **12** From הֵימֵן, הֵימִין, *believe, confide, credit, trust.* **13** Because it is possible that the scribe had made no error, but that the man and his wife had conspired to exchange the documents so that later on she might in consequence be able to return to him on leaving the next husband. **14** A גֵּט. **15** And he died. **16** Or פָּסְלָה, *it* [the גֵּט] *did not disqualify her.* **17** *i.e.,* to be wed to a כֹּהֵן. A divorced woman may not be married to a priest.

Mishnah 9

מִשְׁנָה ט

If one divorced his wife and she then lodged[1] with him in an inn,[2] the School of Shammai say, She does not have to get from him[3] another *letter of divorce,* but the School of Hillel say, She does need from him[3] a second *letter of divorce.* When is this the case?—When she was divorced after marriage;[4] but they[5] concur that when she was divorced after betrothal she does not require another *letter of divorce* from him[3] for he has not yet become intimate with her.[6] If one wedded her[7] with a deficient *letter of divorce,*[8] she must go forth from the former and from the latter, and all these foregoing conditions apply to her.[9]

הַמְגָרֵשׁ אֶת־אִשְׁתּוֹ [1]וְלָנָה עִמּוֹ
[2]בְּפוּנְדָּקִי, בֵּית שַׁמַּאי אוֹמְרִים,
אֵינָהּ צְרִיכָה [3]הֵימֶנּוּ גֵּט שֵׁנִי, וּבֵית
הִלֵּל אוֹמְרִים, צְרִיכָה [3]הֵימֶנּוּ גֵּט
שֵׁנִי. אֵימָתַי? בַּזְּמַן שֶׁנִּתְגָּרְשָׁה מִן־
[4]הַנִּשּׂוּאִין; [5]וּמוֹדִים בְּנִתְגָּרְשָׁה מִן־
הָאֵרוּסִין שֶׁאֵינָהּ צְרִיכָה [3]הֵימֶנּוּ גֵּט
שֵׁנִי מִפְּנֵי שֶׁאֵין לִבּוֹ גַּס [6]בָּהּ.
[7]כְּנָסָהּ בְּגֵט [8]קֻרְחַ תֵּצֵא מִזֶּה וּמִזֶּה,
וְכָל [9]הַדְּרָכִים הָאֵלּוּ בָהּ.

1 *i.e.,* stayed the night. But there were none to testify that they had copulated. עֵדוּיוֹת 4[7]. **2** Literally *with an innkeeper, i.e.,* in an innkeeper's premises. **3** Or הֵימֶנּוּ. **4** Since they might have cohabited after the divorce. **5** The School of Hillel. **6** To have sexual intercourse so soon. **7** *i.e.,* took a wife who had been divorced. **8** *viz.,* one which had been defectively witnessed. There are two kinds of גֵּט: (a) גֵּט פָּשׁוּט, an *ordinary* גֵּט; and (b) גֵּט מְקוּשָׁר, a *tied* גֵּט. In the latter, a part of the גֵּט is written out, this is folded down, and a witness signs on the back; this is repeated and again folded over and signed on the reverse side; this may be repeated several times; if a folded part is omitted by the signature of a witness this part is termed קֻרְחָ, *bald, bare,* hence the expression גֵּט קֻרְחָ. The חֲכָמִים, Sages, instituted this גֵּט מְקֻשָּׁר which took time to draw up to give a man an opportunity to retract before it was too late. **9** See 8[5].

Mishnah 10

מִשְׁנָה י

A *deficient*[1] *letter of divorce*—anyone[2] may complete it.[3] This is the view of ben Nanos.[4] R. Akiba says, Only such may complete it, even of near kin, if eligible to bear witness in other respects.[5] And what is considered a *deficient letter of divorce*?—Any such whose folds outnumber[6] its witnesses.

גֵּט [1]קְרֻחַ, [2]הַכֹּל [3]מַשְׁלִימִין עָלָיו. דִּבְרֵי [4]בֶּן נַנָּס. רַבִּי עֲקִיבָא אוֹמֵר, אֵין מַשְׁלִימִין עָלָיו אֶלָּא קְרוֹבִים הָרְאוּיִין לְהָעִיד [5]בְּמָקוֹם אַחֵר. וְאֵיזֶהוּ גֵּט קְרֻחַ? כָּל שֶׁקְּשָׁרָיו [6]מְרוּבִּין מֵעֵידָיו.

1 See 8[9], **Note 8.** **2** Even if ineligible as a witness for other purposes, as a bondman or a transgressor. **3** *i.e.*, sign it as witnesses. **4** His opinion is the accepted ruling, with the proviso that not more than one ineligible witness's signature appears on the גֵּט. **5** *i.e.*, such as are ineligible to bear testimony in general must not bear witness to the גֵּט, but relatives may do so if there is a lack of witnesses because they are qualified to act as witnesses on behalf of others not related to themselves. **6** Or מְרֻבִּין.

CHAPTER 9

פֶּרֶק ט

Mishnah 1

מִשְׁנָה א

If one divorced his wife and said to her,[1] 'Thou art permitted[2] to any man,[3] save to so-and-so,' R. Eliezer[4] allows it, but the Sages prohibit it.[5] What is he to do?[6]—He takes it from her and then gives it back to her and says to her, 'Thou art permitted[2] to any man'; but if he had thus written therein,[7] then even though he erased it, it is still invalid.

הַמְגָרֵשׁ אֶת־אִשְׁתּוֹ וְאָמַר [1]לָהּ, הֲרֵי אַתְּ [2]מוּתֶּרֶת [3]לְכָל אָדָם, אֶלָּא לַפְּלוֹנִי, רַבִּי [4]אֱלִיעֶזֶר מַתִּיר, [5]וַחֲכָמִים אוֹסְרִין. כֵּיצַד [6]יַעֲשֶׂה? יִטְּלֶנּוּ הֵימֶנָּה וְיַחֲזוֹר וְיִתְּנֶנּוּ לָהּ וְיֹאמַר לָהּ, הֲרֵי אַתְּ [2]מוּתֶּרֶת לְכָל אָדָם; וְאִם כְּתָבוֹ [7]בְּתוֹכוֹ, אַף עַל פִּי שֶׁחָזַר וּמְחָקוֹ, פָּסוּל.

1 As he delivered the גֵּט into her hand. **2** Or מְתֻּרֶת. **3** *i.e.*, free to be married to any man. **4** His view is rejected. **5** And their ruling is accepted. Nevertheless they agree that if he said, *This is thy letter of divorce on condition that thou art not wed to so-and-so*, the letter of divorce is valid. **6** To make it licit. **7** He had stated in writing in the גֵּט ..... *save so-and-so.*

Mishnah 2

מִשְׁנָה ב

הֲרֵי אַתְּ [1]מוּתֶּרֶת לְכָל אָדָם אֶלָּא לְאַבָּא וּלְאָבִיךָ, לְאָחִי וּלְאָחִיךָ, לְעֶבֶד וּלְעוֹבֵד כּוֹכָבִים, וּלְכָל מִי שֶׁאֵין לָהּ עָלָיו קִדּוּשִׁין, [2]כָּשֵׁר. הֲרֵי אַתְּ [1]מוּתֶּרֶת לְכָל אָדָם, אֶלָּא אַלְמָנָה לְכֹהֵן גָּדוֹל, גְּרוּשָׁה [3]וַחֲלוּצָה לְכֹהֵן הֶדְיוֹט, מַמְזֶרֶת וּנְתִינָה [4]לְיִשְׂרָאֵל, בַּת יִשְׂרָאֵל לְמַמְזֵר וּלְנָתִין וּלְכָל מִי שֶׁיֵּשׁ לָהּ עָלָיו קִדּוּשִׁין, [5]אֲפִילוּ בַּעֲבֵירָה, [6]פָּסוּל.

'Thou are permitted[1] to any man except to my father and to thy father, and to my brother and to thy brother, to a bondman or to a non-Jew, or to anyone with whom she must not contract betrothal'—it is valid.[2] 'Thou are permitted[1] to any man, but being a widow not to a High Priest, or being a divorced woman or having performed *chalitzah*[3] not to a common priest, or being a bastard or a Gibeonite descendant not to an Israelite,[4] or being the daughter of an Israelite not to a bastard or to one of Gibeonite descent nor to anyone with whom she may contract betrothal, even[5] though by transgression'—it is invalid.[6]

1 Or מְקֻדֶּשֶׁת. *i.e., If a man said to his wife, 'Thou art permitted to be wed to .....'* **2** *i.e.,* a valid גֵּט. **3** יְבָמוֹת INTRODUCTION. **4** A non-priest or non-Levite. **5** Or אֲפִילוּ. **6** *i.e.,* the גֵּט is invalid.

Mishnah 3

מִשְׁנָה ג

[1]גּוּפוֹ שֶׁל גֵּט, הֲרֵי אַתְּ [2]מוּתֶּרֶת לְכָל אָדָם. רַבִּי [3]יְהוּדָה אוֹמֵר, וְדֵין דִּיהֲוֵי לֵיכִי מִינָּאי סֵפֶר [4]תִּירוּכִין [5]וְאִגֶּרֶת שִׁבּוּקִין וְגֵט פִּטּוּרִין לְמֶהֱוֵי לְהִתְנַסְּבָא לְכָל גְּבַר דְּתִצְבַּיִן. גּוּפוֹ שֶׁל גֵּט [6]שִׁחְרוּר, הֲרֵי אַתְּ [7]בַּת חוֹרִין, הֲרֵי אַתְּ לְעַצְמֵךְ.

The essential formula[1] of a *letter of divorce* is, *Behold, thou art permitted*[2] *to any man.* R. Judah[3] says, *Let this be from me thy letter of expulsion*[4] *and writ*[5] *of release and deed of dismissal that thou mayest be wedded to whatever man thou desirest.* The integral formula in a deed of liberation[6] is, *Behold, thou art a freewoman,*[7] *lo, thou belongest to thyself.*

1 Without which the גֵּט is invalid. **2** Or מְקֻדֶּשֶׁת. To be married. **3** His opinion is accepted that the Aramaic formula should be inscribed. **4** Or *dismissal, divorce.* **5** Or *deed.* **6** The document of manumission granted to a bondman or bondwoman. **7** Or *freeman* in the case of עֶבֶד, a bondman.

Mishnah 4

מִשְׁנָה ד

שְׁלֹשָׁה גִטִּין פְּסוּלִין, וְאִם [1]נִשֵּׂאת הַוְלַד [2]כָּשֵׁר, כָּתַב בִּכְתַב יָדוֹ וְאֵין עָלָיו [3]עֵדִים, יֵשׁ עָלָיו [3]עֵדִים וְאֵין בּוֹ זְמַן, יֵשׁ בּוֹ זְמַן וְאֵין בּוֹ אֶלָּא [3]עֵד אֶחָד. הֲרֵי אֵלּוּ שְׁלֹשָׁה גִטִּין פְּסוּלִין, וְאִם נִשֵּׂאת הַוְלַד [2]כָּשֵׁר. רַבִּי [4]אֱלִיעֶזֶר אוֹמֵר, אַף עַל פִּי שֶׁאֵין עָלָיו [3]עֵדִים אֶלָּא שֶׁנִּתְּנוּ לָהּ בְּפְנֵי עֵדִים, כָּשֵׁר; [5]וְגוֹבָה מִנְּכָסִים מְשׁוּעְבָּדִים שֶׁאֵין הָעֵדִים חוֹתְמִין עַל [6]הַגֵּט אֶלָּא מִפְּנֵי [7]תִּקּוּן הָעוֹלָם.

Three kinds of *letters of divorce* are invalid, but if she remarried[1] the child is legitimate:[2] if one wrote it in his own handwriting but there were no witnesses[3] to it, one that had witnesses[3] to it but had no date thereon, one which bore a date in it but whereon was only one witness.[3] These are the three kinds of *letters of divorce* that are invalid, nevertheless if she were rewedded the offspring is legitimate.[2] R. Eliezer[4] says, Even though there be no witnesses[3] thereon but he had delivered it to her in the presence of witnesses, it is licit; and she may claim[5] from mortgaged property since witnesses sign a document[6] solely for the public weal.[7]

1 On the strength of such a גֵּט. **2** *i.e.*, not a bastard. **3** *i.e.*, witness's signatures. **4** אֱלְעָזָר, Elazar, in some editions. His opinion is accepted.* **5** Her כְּתוּבָּה. (*Appendix*, **Note 8**; כְּתוּבּוֹת INTRODUCTION). If a borrower gives an I.O.U. without the signatures of witnesses to a lender, the latter can nevertheless distrain on the real estate of the former if the property had been sold after the loan. **6** A bill of divorce or any other document. **7** So that if the witnesses die their signatures prevent disputes. This is the accepted ruling. * See ADDENDA at the end of this *Tractate*.

Mishnah 5

מִשְׁנָה ה

שְׁנַיִם [1]שֶׁשָּׁלְחוּ שְׁנֵי גִטִּין [2]שָׁוִין, וְנִתְעָרְבוּ, [3]נוֹתֵן שְׁנֵיהֶם לְזוּ וּשְׁנֵיהֶם [1]לְזוּ. [5]לְפִיכָךְ, אָבַד אֶחָד מֵהֶן הֲרֵי הַשֵּׁנִי [6]בָּטֵל. חֲמִשָּׁה שֶׁכָּתְבוּ כְלָל בְּתוֹךְ הַגֵּט, אִישׁ פְּלוֹנִי מְגָרֵשׁ פְּלוֹנִית, [7]וּפְלוֹנִי [8]פְּלוֹנִית, [9]וְהָעֵדִים

If two men sent out[1] two *letters of divorce* with like names,[2] and they were confused, he must give[3] both of them to one woman and again both of them to the other woman.[4] Hence,[5] if one of them be lost, then the other is of no effect.[6] If five wrote together in the same *letter of divorce*, 'So-and-so divorces the woman so-and-so, and so-and-so[7] so-and-so,[8] .....'—and at the end

מִלְּמַטָּה, [10]כּוּלָּן כְּשֵׁרִין, וְיִנָּתֵן לְכָל אַחַת וְאֶחָת. הָיָה כָתוּב טוֹפֵס לְכָל [11]אַחַת וְאַחַת, [9]וְהָעֵדִים מִלְּמַטָּה, אֶת־שֶׁהָעֵדִים נִקְרִין עִמּוֹ כָּשֵׁר.

are the witnesses,[9] all of them[10] are valid, and it must be given to each woman. If the whole formula were written out for each one separately,[11] and the witnesses[9] were at the end, only that one with which the witnesses' names can be read is valid.

1 By an agent or messenger, שָׁלִיחַ. **2** The names of the husbands seeking divorce were the same. **3** The שָׁלִיחַ. **4** Thus assuring that each gets her document. **5** גֵּט. לְפִיכָךְ אִם אָבַד in some editions. **6** For it is impossible to determine whose it is. **7** Divorces. **8** And so on, naming the other parties concerned in the divorce cases. **9** *i.e.*, the signatures of the witnesses. **10** Or כֻּלָּן. **11** *i.e.*, the complete formula is repeated for each party seeking divorce.

Mishnah 6

מִשְׁנָה ו

שְׁנֵי גִטִּין שֶׁכְּתָבָן יֵזֶה בְּצַד זֶה, וּשְׁנֵי [2]עֵדִים עִבְרִים בָּאִים מִתַּחַת זֶה לְתַחַת זֶה, וּשְׁנֵי [3]עֵדִים יְוָנִים בָּאִים מִתַּחַת זֶה [4]לְתַחַת זֶה, אֶת־שֶׁהָעֵדִים הָרִאשׁוֹנִים נִקְרָאִין עִמּוֹ [5]כָּשֵׁר; עֵד אֶחָד עִבְרִי וְעֵד אֶחָד יְוָנִי, וְעֵד אֶחָד עִבְרִי וְעֵד אֶחָד יְוָנִי בָּאִין מִתַּחַת לְתַחַת זֶה, [6]שְׁנֵיהֶן [7]פְּסוּלִין.

If two *letters of divorce* were written out one alongside the other,[1] and there were two Hebrew signatures[2] coming from beneath the one and under the other, and two Greek signatures[3] coming from under the one and below the other,[4] the one with the first signatories' names read therewith will be valid only;[5] but if there were a Hebrew signature and then a Greek signature, and another Hebrew signature and again a Greek signature coming underneath the one and beneath the other, the two of them[6] are illegal.[7]

1 *i.e.*, on one sheet side by side. **2** Literally *Hebrew witnesses*. **3** Literally *Greek witnesses* but actually Jews signing their names in Greek characters. **4** The Hebrew names, reading right to left, would be under the right-hand statements and the Hebrew surnames below the left-hand statements, and in the case of the Greek signatures, reading left to right, the reverse would be the case. **5** *viz.*, the two first names written immediately beneath the right-hand document render it legal; the left-hand text is invalid as it is not licitly signed since the Greek first names are not immediately under it. **6** שְׁנֵיהֶם

in some editions. **7** Because three signatories' names might appear under one and one signature under the other גֵּט; or, no two first names are appended immediately below either גֵּט.

Mishnah 7

מִשְׁנָה ז

If a small part of a *letter of divorce* remained over[1] and they wrote it[2] on the second column and the signatures[3] were below it,[4] it is licit. If witnesses signed at the top of the column, at[5] one side,[6] or on the back[7] of an *ordinary letter of divorce,*[8] it is not licit. If the top of one adjoined the top of the other,[9] and the witnesses' signatures were between, both of them are invalid.[10] (If the end of one adjoined the bottom of the other, and the signatories' names were between, that one wherewith the signatures can be read togther[11] is legal).[12] If the beginning of one were joined to the end of the other, and the witnesses' names were between,[13] that one at the end of which the signatures are read is licit.[14]

[1]שִׁיֵּר מִקְצַת הַגֵּט [2]וְכָתְבוּ בַּדַּף הַשֵּׁנִי [3]וְהָעֵדִים [4]מִלְּמַטָּה, כָּשֵׁר. חָתְמוּ עֵדִים בְּרֹאשׁ הַדַּף, [5]מִן־[6]הַצַּד, אוֹ [7]מֵאַחוֹרָיו [8]בְּגֵט פָּשׁוּט, פָּסוּל. הִקִּיף רֹאשׁוֹ שֶׁל זֶה בְּצַד רֹאשׁוֹ שֶׁל [9]זֶה, וְהָעֵדִים בָּאֶמְצָע, שְׁנֵיהֶם [10]פְּסוּלִין. (סוֹפוֹ שֶׁל זֶה בְּצַד סוֹפוֹ שֶׁל זֶה, וְהָעֵדִים בָּאֶמְצָע, אֶת־שֶׁהָעֵדִים נִקְרִין [11]עִמּוֹ כָּשֵׁר [12]). רֹאשׁוֹ שֶׁל זֶה בְּצַד סוֹפוֹ שֶׁל זֶה, וְהָעֵדִים [13]בָּאֶמְצָע, אֶת־שֶׁהָעֵדִים נִקְרִין בְּסוֹפוֹ [14]כָּשֵׁר.

1 Literally *If he left over a small part of a letter of divorce.* **2** Or וּכְתָבוּ, *and he wrote it.* **3** Literally *witnesses.* **4** At the end of the text in the second column. **5** Or *or at.* **6** Right or left. **7** מֵאַחֲרָיו in some editions. **8** *i.e.*, not folded. Compare 8[9], **Note 8**. **9** They were upside-down to one another. **10** Since the signatures are beneath neither of them. **11** Without having to invert the text. **12** The part in parenthesis is omitted in some editions. **13** מִלְּמַטָּה, *at the bottom*, in the תַּלְמוּד יְרוּשַׁלְמִי. **14** And the other גֵּט where the signatures are read *before* the text is invalid.

Mishnah 8

מִשְׁנָה ח

If a *letter of divorce* were written[1] in Hebrew and its witnesses[2] in Greek,[3] or in Greek[3] and its witnesses[2] in Hebrew, or if one witness[2] were a Hebrew and another

גֵּט [1]שֶׁכָּתְבוּ עִבְרִית [2]וְעֵדָיו [3]יְוָנִית, [3]יְוָנִית [2]וְעֵדָיו עִבְרִית, [2]עֵד אֶחָד עִבְרִי [2]וְעֵד אֶחָד [3]יְוָנִי, [1]כָּתַב סוֹפֵר

[2]וְעֵד, כָּשֵׁר. [5]אִישׁ פְּלוֹנִי עֵד, כָּשֵׁר.
[6](בֶּן אִישׁ פְּלוֹנִי עֵד, כָּשֵׁר. אִישׁ
פְּלוֹנִי בֶּן אִישׁ פְּלוֹנִי,) וְלֹא כָתַב,
[7]עֵד, כָּשֵׁר; וְכָךְ הָיוּ [8]נִקְיֵי הַדַּעַת
שֶׁבִּירוּשָׁלַיִם [9]עוֹשִׂין. כָּתַב [10]חֲנִיכָתוֹ
[10]וַחֲנִיכָתָהּ, כָּשֵׁר. גֵּט מְעוּשֶׁה
[11]בְּיִשְׂרָאֵל כָּשֵׁר, וּבְעוֹבְדֵי כּוֹכָבִים
פָּסוּל; וּבְעוֹבְדֵי כּוֹכָבִים [12]חוֹבְטִין
אוֹתוֹ וְאוֹמְרִים לוֹ, עֲשֵׂה מַה־
שֶּׁיִּשְׂרָאֵל אוֹמְרִים לְךָ, וְכָשֵׁר.

witness[2] a Greek,[3] or if the scribe subscribed[4] together with one witness, it is legal. 'So-and-so is a witness,'[5] it is valid. ('The[6] son of so-and-so is a witness,' it is licit. 'So-and-so the son of so-and-so')—but one did not write 'He is a witness,'[7] it is valid; and thus did the decent-minded people[8] in Jerusalem do.[9] If one wrote his surname[10] and her surname,[10] it is legal. A *letter of divorce* under duresse is licit if in Israel,[11] but invalid if in a non-Jewish court; but if the non-Jewish court persecute[12] him and say to him, 'Do whatsoever the Jewish Court bids thee,' then it is legal.

1 Literally שֶׁכָּתְבוּ, *which they had written*, or שֶׁכָּתַבוֹ, *which he had written.* **2** *i.e.,* the name(s) of the witness(es). **3** *i.e.,* if the name of one witness was (or the names of witnesses were) signed in Hebrew and the other signature was (or signatures were) in Greek. It is to be noted in this connection that the Hebrew reads right to left and the Greek left to right (compare 9[6], **Note 4**). **4** *i.e.,* signed as a witness. **5** *i.e.,* if such a statement were written on the document. **6** The bracketed part is redundant in the opinion of some authorities. **7** *viz.,* the word עֵד, *witness,* was not added at the end of the statement. **8** Or, *those who were guarded in their speech.* **9** *viz.,* they omitted the term עֵד. **10** *i.e.,* only the family name or other well-known personal, descriptive, distinctive appellation. **11** Enforced by the Jewish Court. And the divorced man loses priestly status. **12** Or *beat*—a method of duress. And the divorced man forfeits priestly status. If the Jewish Court has no jurisdiction to compel a man to grant his wife a divorce, they may seek of the non-Jewish court to empower them to do so.

Mishnah 9 — מִשְׁנָה ט

יָצָא [1]שְׁמָהּ בָּעִיר [2]מְקוּדֶּשֶׁת, הֲרֵי זוּ
[2]מְקוּדֶּשֶׁת; [3]מְגוּרֶשֶׁת, הֲרֵי זוּ
[4]מְגוּרֶשֶׁת, וּבְלְבַד שֶׁלֹּא יְהֵא שָׁם
[5]אֲמַתְלָא. אֵיזוֹ הִיא [5]אֲמַתְלָא?
גֵּרֵשׁ אִישׁ פְּלוֹנִי אֶת־אִשְׁתּוֹ עַל

If the report[1] concerning a woman go forth in the city that she is betrothed,[2] then she is considered to be betrothed;[2] if that she[3] be divorced, she is then accounted to be divorced,[4] only provided that there be no plausible reason to contradict it.[5] What is meant by a reasonable

[6]תְּנָאִי, זָרַק לָהּ קִדּוּשֶׁיהָ סָפֵק קָרוֹב לָהּ סָפֵק קָרוֹב לוֹ, זוּ הִיא אֲמַתְּלָא.

cause to controvert it?[5]—So-and-so had divorced his wife subject to some proviso,[6] or if he had cast to her her betrothal token and there was an uncertainty whether it fell closer to her or a doubt if it fell nearer to him—that is what is meant by a tangible reason for retraction.

1 Even if this is based on appearances or circumstantial evidence—for instance, her house was lit up and decorated and folk were seen going in and out when this report was spread. **2** Or מְקֻדֶּשֶׁת. **3** The same woman just referred to. **4** And she may not marry a כֹּהֵן after her husband's death. **5** The קִדּוּשִׁין, *betrothal,* or גֵּרוּשִׁין, *divorce.* **6** In which case if the condition had not been carried out the divorce would be void.

Mishnah 10

מִשְׁנָה י

בֵּית שַׁמַּאי אוֹמְרִים, לֹא יְגָרֵשׁ אָדָם אֶת־אִשְׁתּוֹ אֶלָּא אִם כֵּן מָצָא בָהּ [1]דְּבַר עֶרְוָה, [2]שֶׁנֶּאֱמַר, כִּי מָצָא בָהּ עֶרְוַת דָּבָר. וּבֵית הִלֵּל [3]אוֹמְרִים, [4]אֲפִילוּ הִקְדִּיחָה [5]תַּבְשִׁילוֹ, שֶׁנֶּאֱמַר, [2]כִּי מָצָא בָהּ עֶרְוַת דָּבָר. רַבִּי עֲקִיבָא [6]אוֹמֵר, [4]אֲפִילוּ מָצָא אַחֶרֶת נָאָה הֵימֶנָּה, [2]שֶׁנֶּאֱמַר, וְהָיָה אִם לֹא תִמְצָא חֵן בְּעֵינָיו.

The School of Shammai say, A man may not divorce his wife unless he has found in her aught improper,[1] as it is said,[2] *because he hath found some unseemly thing in her.* But the School of Hillel say,[3] Even if[4] she spoiled a dish for him,[5] as it is said, *because*[2] *he hath found some unseemly thing in her.* R. Akiba says,[6] Even if[4] he found another more beautiful than she is, as it is said,[2] *Then it cometh to pass if she find no favour in his eyes.*

1 Lewdness, unchastity. **2** *Deuteronomy* **24**, 1. **3** They read עֶרְוַת דָּבָר as אוֹ עֶרְוָה אוֹ דָּבָר, *either unchastity or reprehensibility.* Their view is accepted. **4** Or אֲפִילוּ. **5** To annoy him. **6** In amplification of the view of בֵּית הִלֵּל, repeating that he must give her a bill of divorcement (if he discovered in her any unseemly matter) before she regains favour in his eyes and he condones her misconduct. *Even if he found another more beautiful than her*—in which case it would ordinarily be highly immoral to divorce his wife for a prettier woman, therefore it is stressed [אֲפִילוּ] that this is no deterrent to the divorce of the unfaithful wife. **7** In some editions, נִשְׁלְמָה מַסֶּכֶת גִּיטִּין, TRACTATE GITTIN CONCLUDED.

[7]סְלִיק מַסֶּכֶת גִּטִּין

CONCLUSION OF TRACTATE GITTIN.

ADDENDA.

[Additional **Notes** to this *Tractate*]

2^4, **Note 5.** Even the טוֹפֵס—the formula without the name, date, etc.—must be written on detached material.

3^1, **Note 4.** The גֵּט was drawn up according to the correct procedure and was written expressly for a certain woman, but he changed his mind, the גֵּט may not be used by anyone else.

3^2, **Note 17.** So that the documents should conform with the procedure that is involved in writing גִּיטִּין.

3^2, **Note 18.** *viz.*, that the whole גֵּט must be written explicitly for the particular woman.

4^3, **Note 7.** Although the witnesses who hand the גֵּט to the woman are the essential witnesses.

4^7, **Note 7.** בְּרַבִּי, בְּרִבִּי (an abridged compound noun of בֵּי—for בֵּית—and רַבִּי, *the school or academy of an eminent teacher*), is rendered by some as if it were an abridgment of בֶּן רַבִּי. בְּרַבִּי is generally applied to disciples of רַבִּי יְהוּדָה הַנָּשִׂיא and his contemporaries, to a few of his predecessors, and to some of the first אֲמוֹרָאִים and מְתוּרְגְּמָנִים. See אָהֳלוֹת 3^5.

5^1, **Note 3.** The choice land belonging to the malefactor.

5^1, **Note 4.** Although the worst land would meet with the law as prescribed, yet this might discourage creditors to lend money and the poor would remain unassisted.

5^3, מִפְּנֵי תִּקּוּן הָעוֹלָם, *for the sake of the public weal*: the actual liability could not have been determined at the outset.

5^5, **Note 2.** Whom her father has given in marriage in complete conformity with the Law.

5^5, **Note 5.** The minor being an orphan and consequently her קִדּוּשִׁין דְּרַבָּנָן may only entitle her to eat of תְּרוּמָה דְּרַבָּנָן.

6^1, **Note 1.** Or *If one say, 'Accept my letter of divorce on behalf .....'*

6^7, לִשְׁנַיִם, *to two others*: being both witnesses and messengers, even though he omitted to say "write"; one should write the גֵּט and both should sign.

8[1], **Note 1.** Although any acquisition of the wife belongs to the husband, the nature of the letter of divorce gives her power to acquire it alone (technically expressed by גִּטָּהּ וְיָדָהּ בָּאִין כְּאֶחָד).

8[3], **Note 3.** Ownership not having passed as the creditor cannot technically guard it.

9[4], **Note 4.** Holding that the vital witnesses are those who are present at the time of handing the גֵּט to the woman.

מַסֶּכֶת

קִדּוּשִׁין

TRACTATE

KIDDUSHIN

[BEING THE SEVENTH TRACTATE OF THE THIRD ORDER NASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

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MS. of this Tractate revised by

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INTRODUCTION

קִדּוּשִׁין is the *Seventh* (and last) מַסֶּכֶת, *Tractate* or *Treatise,* of סֵדֶר נָשִׁים, the *Third Order Nashim* of the מִשְׁנָה, *Mishnah.*

קִידּוּשִׁין or קִדּוּשִׁין, *sanctifications,* has a variety of related meanings and in this *Tractate* refers in particular to (1) *betrothal, making a woman the sacrosanct possession—the inviolable property—of the husband,* (2) *betrothal token, betrothal gift,* and (3) *act of betrothal, legal and legitimate wedlock.* It is a Rabbinical term, the *plural* of the *substantive* קִידּוּשׁ (קִדּוּשׁ), derived from the *Piel verb-form* קִדֵּשׁ, one of whose derived meanings is *hallow, consecrate or sanctify a woman to one man,* i.e., *betroth.*

אֵירוּסִין or אֲרוּסִין, *betrothal,* is a *Talmudic* term, derived from the *Piel verb-form* אֵרֵס, *betroth oneself in marriage, give in marriage.*

This *Tractate* deals with the formalities of betrothals and marriages, of the status of the issue of marriage—whether legal or illegal—of intermarriage, and of proof of marriage contracted outside Palestine. It also treats of some ethical principles concerning the relationship between the sexes.

Betothals were arranged by members of the families of the bride and bridegroom, and once settled the betrothal was in all respects—save cohabitation and some modifications of civil or pecuniary characters—as legally binding as marriage.

After betrothal at the conclusion of an interval of twelve months (or thirty days if the bride was a widow or the groom a widower: כְּתוּבּוֹת 5²) the formal marriage נִשּׂוּאִין, *nuptials, wedlock,* or לְקוּחִין, *home-taking, legal marriage* [literally *purchasings*], or כְּנִיסָה, *home-taking,* was completed.

According to Talmudical practice the אֵירוּסִין was preceded by a Benediction and then the bridegroom (or his deputy) delivered into the hands of the bride (or her representative or agent, or, if she was a minor, her father) a token worth not less than a פְּרוּטָה (the smallest coin—see *Tables,* זְרָעִים, INTRODUCTION).

After the Dispersal, and particularly since the 16th century, it became almost universally customary to combine both אֵרוּסִין and נִשּׂוּאִין in one ceremony, with a preliminary *engagement* or *affiancing,* as was

the usage among non-Jews, but which in reality was a revival of the age-old pre-Talmudic custom of שִׁדּוּכִין, *negociations preliminary to betrothal,* instituted to safeguard the interests of the woman and to obtain her free consent before entering the final legal marriage contract.

This מַסֶּכֶת, *Tractate,* has גְּמָרָא to it in both the תַּלְמוּד בַּבְלִי, *Babylonian Talmud,* and תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud,* and consists of four Chapters whose titles are:

CHAPTER 1	הָאִשָּׁה נִקְנֵית	א	פֶּרֶק
CHAPTER 2	הָאִישׁ מְקַדֵּשׁ	ב	פֶּרֶק
CHAPTER 3	הָאוֹמֵר	ג	פֶּרֶק
CHAPTER 4	עֲשָׂרָה יוּחֲסִין	ד	פֶּרֶק

The chief contents of the four Chapters are: 1. How a man acquires his wife; acquisition and manumission of slaves; acquiring cattle and real estate; laws with 'time clause' not binding on women; real estate in Palestine. 2. Marriage by proxy; marriage is effected by gift or object of value whose use must not be prohibited. 3. Further regulations regarding marriage by proxy; father betrothing daughter; denial of marriage ceremony; custody of a child, illegitimacy of a child. 4. Particulars of some certain families who may intermarry; tests for purity of lineage; attesting marriages outside the Holy Land; some ethical and moral precepts and injunctions affecting the general social intercourse between the sexes.

מַסֶּכֶת

קִדּוּשִׁין

TRACTATE

KIDDUSHIN

CHAPTER 1

Mishnah 1

The woman is acquired[1] by three means and she regains her freedom[2] by two methods. She is acquired by money,[3] or by document,[4] or by sexual connection.[5] By money—the School of Shammai say, By a *denar*[6] or by a *denar's* worth;[7] but the School of Hillel say, By a *perutah*[8] or by a *perutah's* worth.[7] And how much is a *perutah?*—One eighth part of an *Italian issar.*[9] And she recovers her freedom by a *letter of divorce*[10] or on the death of the husband. The widowed sister-in-law[11] is acquired by sexual intercourse[12] and she obtains her release by *chalitzah* or on the death of the brother-in-law.[13]

פֶּרֶק א

מִשְׁנָה א

הָאִשָּׁה [1]נִקְנֵית בְּשָׁלֹשׁ דְּרָכִים [2]וְקוֹנָה אֶת־עַצְמָהּ בִּשְׁתֵּי דְרָכִים. נִקְנֵית [3]בְּכֶסֶף, [4]בִּשְׁטָר, [5]וּבְבִיאָה. בְּכֶסֶף, בֵּית שַׁמַּאי אוֹמְרִים [6]בְּדִינָר, [7]וּבְשָׁוֵה דִינָר; וּבֵית הִלֵּל אוֹמְרִים, [8]בְּפְרוּטָה [7]וּבְשָׁוֵה פְרוּטָה. וְכַמָּה הִיא פְרוּטָה? אֶחָד מִשְּׁמֹנֶה [9]בָּאִיסָר הָאִטַּלְקִי. וְקוֹנָה אֶת־עַצְמָהּ [10]בְּגֵט וּבְמִיתַת הַבַּעַל. [11]הַיְבָמָה נִקְנֵית [12]בְּבִיאָה, וְקוֹנָה אֶת־עַצְמָהּ בַּחֲלִיצָה וּבְמִיתַת [13]הַיָּבָם.

1 The expression *the man acquires the woman* is not used, to show that she cannot be betrothed without her full consent. **2** Literally *and she buys herself out.* **3** The man hands her the money (or coin or equivalent), saying, *Be thou betrothed to me by virtue of this money.* **4** He delivers to her a writ whereon is stated *Be thou betrothed to me.* **5** Compare כְּתוּבּוֹת 4[4]. There must be witnesses that they had been alone together and that he had said to her *Thou art betrothed to me because of this sexual connexion.* But this means is severely discouraged by the Sages for an obvious reason (visual evidence of copulation would lead to moral deterioration). **6** דִּינָר = זוּז = ½ שֶׁקֶל. See זְרָעִים, INTRODUCTION, *Tables.* **7** Traditional reading

וּבְשָׂוֶה. **8** 192 פְּרוּטוֹת = דִּינָר. The opinion of the School of Hillel is accepted. **9** 8 פְּרוּטוֹת = אִיסָר. **10** See גִּיטִּין INTRODUCTION. **11** See יְבָמוֹת INTRODUCTION. **12** She cohabits with the brother of her deceased husband. **13** The brother of her dead husband.

Mishnah 2

מִשְׁנָה ב

A Hebrew bondman[1] is acquired by money[2] or by document;[3] and he regains his freedom by years[4] or on the advent of the Jubilee[5] or by his outstanding worth.[6] The Hebrew handmaid[7] has the advantage of him in that she recovers her release also through the tokens.[8]* He that has his ear bored through[9] is acquired by the act of boring, and he regains his freedom at the year of Jubilee or on the death of his master.[10]

[1]עֶבֶד עִבְרִי נִקְנֶה [2]בְּכֶסֶף [3]וּבִשְׁטָר;
וְקוֹנֶה אֶת־עַצְמוֹ [4]בְּשָׁנִים [5]וּבְיוֹבֵל
[6]וּבְגֵרְעוֹן כֶּסֶף. יְתֵרָה עָלָיו [7]אָמָה
הָעִבְרִיָּה שֶׁקּוֹנָה אֶת־עַצְמָהּ
[8]*בְּסִימָנִין. [9]הַנִּרְצָע נִקְנֶה בִּרְצִיעָה,
וְקוֹנֶה אֶת־עַצְמוֹ בְּיוֹבֵל [10]וּבְמִיתַת
הָאָדוֹן.

1 *Exodus* **21**, 2; *Leviticus* **25**, 39. **2** He becomes a bondman on the receipt of the money from his future master. **3** He becomes a bondman when he hands his coming owner a writ stating *Lo, I am sold to thee.* **4** After six years' service. *Exodus* **21**, 2. (The שְׁמִיטָה year, if in the six years' period, is of no advantage in this case). **5** *Leviticus* **15**, 40. The יוֹבֵל cuts the six years short. **6** *i.e.*, he redeems himself or buys his freedom with a sum in proportion to the number of years he had still to serve. **7** Or *maidservant, female slave, bondwoman.* **8** By manifesting her tokens of puberty on attaining the age of twelve years and one day (*Exodus* **21**, 8-11). **9** *Exodus* **21**, 6. **10** This applies to the נִרְצָע. But in the case of a נִמְכָּר, *one who sold himself* for six years, he becomes free if the master left no son, but if a son survived the deceased then the נִמְכָּר must complete the six years.
* Signs of puberty.

Mishnah 3

מִשְׁנָה ג

A Canaanite bondman[1] is acquired[2] by money or by a document or by usucaption,[3] and he regains his freedom by money supplied by others, or by a document presented by himself.[4] This is the opinion of R.

[1]עֶבֶד כְּנַעֲנִי [2]נִקְנֶה בְּכֶסֶף וּבִשְׁטָר
[3]וּבַחֲזָקָה, וְקוֹנֶה אֶת־עַצְמוֹ בְּכֶסֶף
עַל יְדֵי אֲחֵרִים, וּבִשְׁטָר עַל יְדֵי
[4]עַצְמוֹ. דִּבְרֵי רַבִּי מֵאִיר. וַחֲכָמִים

אוֹמְרִים, בְּכֶסֶף עַל יְדֵי [5]עַצְמוֹ וּבִשְׁטָר עַל יְדֵי [6]אֲחֵרִים, וּבִלְבַד שֶׁיְּהֵא הַכֶּסֶף מִשֶּׁל [7]אֲחֵרִים.

Meir. But the Sages say, By means of money paid by himself[5] or by a document uttered by others,[6] but provided that the money be that of others.[7]

1 *Leviticus* **25**, 45. **2** Compare 1[1], **Note 2**. **3** *Usucaption*, acquisition of the ownership of property by undisputed uninterrupted possession of it for a prescribed specified period of time. Compare בָּבָא בַּתְרָא 3[1]. **4** If his master writes out a deed of liberation the bondman becomes free if he receives it. Compare גִּיטִּין 4[5]. **5** To his master, he thereupon becomes a freeman. **6** The bondman becomes free even if others receive the writ of manumission from the owner. **7** The money must be given to him on condtion that it does not belong to his master.

Mishnah 4 — מִשְׁנָה ד

[1]בְּהֵמָה גַסָּה נִקְנֵית [2]בִּמְסִירָה [3]וְהַדַּקָּה [4]בְּהַגְבָּהָה. דִּבְרֵי רַבִּי מֵאִיר וְרַבִּי [5]אֶלְעָזָר. וַחֲכָמִים אוֹמְרִים, [3]בְּהֵמָה דַקָּה נִקְנֵית [6]בִּמְשִׁיכָה.

A big beast[1] is acquired by the act of delivery[2] and a small animal[3] by lifting up.[4] This is the opinion of R. Meir and R. Elazar.[5] But the Sages say, A small beast[3] is taken possession of by the act of drawing.[6]

1 *e.g.*, a horse, or of the bovine race (cow, etc.). **2** The purchaser lays hold of the hair or bit. **3** *e.g.*, calf, sheep, goat, etc. **4** To a height of three handbreadths or more. **5** אֱלִיעֶזֶר in some texts. **6** See שְׁבִיעִית 10[9]; בָּבָא מְצִיעָא 4[2]; בָּבָא בַּתְרָא 5[7]; *Appendix*, **Note 7**. The final ruling is that all cattle —large and small—are acquired by the act of drawing. The act of raising confers the rights of acquisition in all cases and in all places. (Objects that require to be delivered cannot be acquired by the act of drawing; and any object that requires to be drawn cannot be acquired by the act of delivery.)

Mishnah 5 — מִשְׁנָה ה

נְכָסִים §שֶׁיֵּשׁ לָהֶם [1]אַחֲרָיוּת נִקְנִין בְּכֶסֶף, וּבִשְׁטָר, [2]וּבַחֲזָקָה; וְשֶׁאֵין לָהֶם [3]אַחֲרָיוּת אֵין נִקְנִין אֶלָּא בִּמְשִׁיכָה. נְכָסִים שֶׁאֵין [4]לָהֶם אַחֲרָיוּת נִקְנִין עִם [5]נְכָסִים שֶׁיֵּשׁ לָהֶם

Property that carries§ security[1] can be acquired by money, or by document, or by usucaption;[2] and such as do not possess security[3] can not be acquired save by the act of drawing.[4] Property for which there is no security when bought together with property[5] for which

אַחֲרָיוּת בְּכֶסֶף, [6]וּבִשְׁטָר, [7]וּבַחֲזָקָה,
וְזוֹקְקִין [8](נְכָסִים שֶׁאֵין לָהֶם אַחֲרָיוּת)
אֶת־הַנְּכָסִים שֶׁיֵּשׁ לָהֶם [9]אַחֲרָיוּת
*לִשְׁבַע עֲלֵיהֶן. § Or שֶׁיֵּשׁ־לָהֶם.

there is security can be acquired by *money*, or by document,[6] or by usucaption,[7] and (this[8] property for which there is no security) imposes the necessity for an oath on property which possesses security.[9]

1 Mortgaged property (real estate) or such as may be distrained upon—even if sold—in case of non-payment. בָּבָא בַּתְרָא 9[7]. **2** Compare 1[3], **Note 3**. **3** Movables which cannot be resorted to for non-payment of a debt. **4** The removal must be effected completely from its position. This applies when the removal is effected in an alley or joint-property; but if the object is in the public domain acquisition is effected by drawing it into an alley or into the buyer's private domain (*Appendix*, **Note 7**). **5** See פֵּאָה 3[6]; שְׁבוּעוֹת 6[3]. **6** A writ is valid when the property is given away; a sale requires the actual handing over of money generally. **7** Indicated by some such act on the part of the purchaser, as digging into the soil, or fencing in or breaking down a fence. **8** This bracketed part is omitted in the גְּמָרָא. **9** *If one* lays claim to movable property together with immovable property, and בֵּית דִּין imposes on him to take an oath regarding the former, then thereby the former imposes the need on him to swear also concerning the latter. * Or לִשְׁבַע.

Mishnah 6 — מִשְׁנָה ו

כָּל־הַנַּעֲשֶׂה דָּמִים בְּאַחֵר, כִּיוָּן
שֶׁזָּכָה [1]זֶה *נִתְחַיֵּב זֶה [2]בַּחֲלִיפָיו.
כֵּיצַד? הֶחֱלִיף שׁוֹר בְּפָרָה, אוֹ
חֲמוֹר בְּשׁוֹר, כִּיוָּן שֶׁזָּכָה זֶה *נִתְחַיֵּב
זֶה [3]בַּחֲלִיפָיו. [4]רְשׁוּת הַגָּבוֹהַּ
[5]בְּכֶסֶף, [6]רְשׁוּת [7]הַהֶדְיוֹט [8]בַּחֲזָקָה.
אֲמִירָתוֹ [9]לַגָּבוֹהַּ כִּמְסִירָתוֹ
[10]לְהֶדְיוֹט.

If anything were assessed at a price in barter for another thing, then as soon as the first party[1] to the transaction has acquired [the article] the second party is responsible for the other [object to be delivered] in exchange.[2] How so?—If one exchanged an ox for a cow, or an ass for an ox, then immediately the first party to the exchange has acquired one object the second party is answerable for the thing to be given *in* barter.[3] The Temple treasury[4] acquires property by money,[5] but[6] an ordinary person[7] acquires by taking possession.[8] An uttered dedication to the Temple[9] is as an act of delivery to an ordinary person.[10]

1 The buyer or receiver. **2** If one party takes possession by מְשִׁיכָה, the act of drawing, the other party becomes answerable without the need for מְשִׁיכָה (*Appendix*, **Note 7**). **3** But if one desires to barter an ox and an ass to-

gether for a cow he must move both ox and ass to acquire the cow. **4** Literally *The authority of the Most High* [*Almighty*]. **5** As soon as the money is paid over to the owner of the animals needed for offerings, these become Temple property even if still under the owner's roof (and not in accordance with the ruling in בָּבָא מְצִיעָא 4[1]). **6** וּרְשׁוּת in some editions. **7** Literally *but the power of an ordinary person is by taking possession.* **8** *i.e.,* there must be actual possession for legal acquisition of property in the case of ordinary people. **9** Literally *One's dedication to the Most High* [*God*] *by the spoken word.* **10** *viz.,* in private transactions; for instance, if one vows an animal as an offering in the Temple it at once becomes Temple property, just as property is acquired by one on delivery to him into his possession. * נִתְחַיֵּב.

Mishnah 7

מִשְׁנָה ז

All obligations[1] which devolve upon a father concerning his son must be observed by men but women[2] are exempt, and all obligations[3] which devolve upon a son regarding his father[4] are incumbent on both men and women.[5] And all *positive ordinances* that are bound up with a stated time[6] are incumbent[7] upon men but women are exempted, but all positive ordinances which are not bound up with a stated time are incumbent upon both men and women; and all *negative commandments,* whether they are bound up with a stated time or whether they are not bound up with a stated time,[8] must be observed by men and women alike, save the commandments *neither shalt thou mar*[9] and *ye shall not round*[10] and *there shall none defile himself for the dead.*[11]

כָּל־[1]מִצְוֹת הַבֵּן עַל הָאָב אֲנָשִׁים *חַיָּבִין [2]וְנָשִׁים פְּטוּרוֹת, וְכָל [3]מִצְוֹת [4]הָאָב עַל הַבֵּן אֶחָד [5]אֲנָשִׁים וְאֶחָד נָשִׁים *חַיָּבִין. וְכָל מִצְוֹת עֲשֵׂה [6]שֶׁהַזְּמַן גְּרָמָא אֲנָשִׁים *חַיָּבִין [7]וְנָשִׁים פְּטוּרוֹת, וְכָל מִצְוֹת עֲשֵׂה שֶׁלֹּא הַזְּמַן גְּרָמָא אֶחָד אֲנָשִׁים וְאֶחָד נָשִׁים *חַיָּבִין; וְכָל מִצְוֹת לֹא תַעֲשֶׂה, בֵּין שֶׁהַזְּמַן גְּרָמָא בֵּין שֶׁלֹּא [8]הַזְּמַן גְּרָמָא, אֶחָד אֲנָשִׁים וְאֶחָד נָשִׁים; *חַיָּבִין, חוּץ [9]מִבַּל תַּשְׁחִית [10]וּבַל תַּקִּיף וּבַל תִּטַּמֵּא [11]לַמֵּתִים.

1 *viz.,* circumcision, redemption (in the case of a firstborn son), teaching Torah, teaching an occupation, marriage, swimming. **2** *i.e.,* mothers. **3** *viz.,* awe, respect, avoiding sitting in the parent's seat, confuting a parent's statement, honour, sustenance, clothing, covering, bringing in and carrying out. **4** And mother also. **5** Both sons and daughters must observe these filial obligations. **6** *i.e.,* their observance depends on a specified time of the

day or on a certain season of the year, such as שׁוֹפָר, לוּלָב, סוּכָּה, צִיצִית, תְּפִלִּין. **7** חַיָּבִים in some editions. **8** Such as מְזוּזָה, safety parapet, loss, setting the young birds free with the mother bird. **9** *The corners of thy beard. Leviticus* **19**, 27, וְלֹא תַשְׁחִית פְּאַת זְקָנֶךָ. **10** *The corners of your head. Leviticus* **19**, 27, לֹא תַקִּיפוּ פְּאַת רֹאשְׁכֶם. **11** Or לְמֵתִים, *for dead persons. Leviticus* **21**, 1, לְנֶפֶשׁ לֹא יִטַּמָּא בְּעַמָּיו, *none shall defile himself for the dead among his people.* In these three cases a woman may shave off any beard-like hair, cut away the hair around her head, and contract uncleanness because of the dead even if she is a priest's daughter. * חַיָּבִין, חַיָּבִים.

Mishnah 8 — מִשְׁנָה ח

Placing the hands on the head of a sacrifice,[1] and *wavings,*[2] and the *bringing near,*[3] and the *taking up of the handful,*[4] and the *burnings,*[5] and the *wringing of the necks,*[6] and the *sprinklings,*[7] *and the receptions*[8]—they are performed by men and not by women, save the *meal-offering* of the wife suspected of adultery[9] and of the female *nazirite*[10] which they[11] themselves have to wave.[12]

[1]הַסְּמִיכוֹת, [2]וְהַתְּנוּפוֹת, [3]וְהַהַגָּשׁוֹת,
[4]וְהַקְּמִיצוֹת, [5]וְהַקְּטָרוֹת,
[6]וְהַמְּלִיקוֹת, [7]וְהַזָּאוֹת, [8]וְהַקַּבָּלוֹת,
נוֹהֲגִין בַּאֲנָשִׁים וְלֹא בְנָשִׁים, חוּץ
מִמִּנְחַת [9]סוֹטָה [10]וּנְזִירָה [11]שֶׁהֵן
[12]מְנִיפוֹת.

1 Before being slaughtered, those who make the offering have to lay their hands upon its head. *Leviticus* 1[4]; מְגִלָּה 2[5]. **2** Swinging a sacrifice. מִנְחוֹת 5[6]. **3** The מִנְחוֹת, *meal-offerings,* to the Altar on the south-west corner. **4** Of the מִנְחָה, *meal-offering,* and burning it. *Leviticus* 2[2]. **5** Of *offerings, meal-offerings* and *incense* on the *Altar.* **6** Of *pigeon-offerings. Leviticus* **1**, 15; **5**, 8. **7** Of the blood of offerings on the Altar. **8** Receiving in basons the blood of the slaughtered *offerings* and its carriage to the Altar. פְּסָחִים 5[6]. **9** See סוֹטָה INTRODUCTION. **10** See נָזִיר INTRODUCTION. *Numbers* **6**, 2. **11** The women in question. **12** Or מַנִּיפוֹת.

Mishnah 9 — מִשְׁנָה ט

Any[1] religious act that depends on the Land[2] must be carried out in the Land only; and any[3] that does not depend on the Land must be observed whether[4] in the Land or[4] outside the Land; with the excep-

[1]כָּל־מִצְוָה שֶׁהִיא תְלוּיָה [2]בָּאָרֶץ
אֵינָהּ נוֹהֶגֶת אֶלָּא בָאָרֶץ; [3]וְשֶׁאֵינָהּ
תְּלוּיָה בָאָרֶץ נוֹהֶגֶת [4]בֵּין בָּאָרֶץ

[4]בֵּין בְּחוּצָה לָאָרֶץ; חוּץ מִן־
[5]הָעֲרָלָה [6]וְכִלְאַיִם. רַבִּי אֱלִיעֶזֶר
אוֹמֵר, אַף מִן־[7]הַחָדָשׁ.

tion of the ordinances of *the fruit of trees of the first three years*[5] and of *forbidden junction.*[6] R. Eliezer says, Also *the law of new produce.*[7]

1 In some editions the order of the first part of the text is reversed, *viz.*, כָּל־מִצְוָה שֶׁאֵינָהּ תְּלוּיָה בָּאָרֶץ וּבְחוּצָה לָאָרֶץ; וְכָל־מִצְוָה שֶׁהִיא תְלוּיָה בָּאָרֶץ אֵינָהּ נוֹהֶגֶת אֶלָּא בָּאָרֶץ, and then the next part to the end follows on better. **2** *i.e.*, the Land of Israel, אֶרֶץ יִשְׂרָאֵל. Such duties as *tithes, Sabbatical Year.* **3** Such as the observance of the *Sabbath, Festivals, circumcision, moral duties,* תְּפִילִין, מְזוּזָה, צִיצִית, כִּשְׁרוּת. **4** In some editions where the second statement comes first and the first statement comes second the terms בֵּין and בֵּין are omitted. **5** See *Appendix,* **Note 10**; עָרְלָה INTRODUCTION. **6** וְהַכִּלְאַיִם in some editions. See *Appendix,* **Note 14**; כִּלְאַיִם INTRODUCTION. The law relating to these two injunctions must be observed outside the Land also. **7** אַף הֶחָדָשׁ in some editions. *Leviticus* **23**, 14. His view (that corn sown outside the Land in summer may not be eaten when ready before the following second day of Passover) is accepted, nevertheless its non-observance is not deprecated. Compare הֲלָכָה 1[7].

Mishnah 10 — מִשְׁנָה י

כָּל־הָעוֹשֶׂה [1]מִצְוָה אַחַת *מֵטִיבִין
לוֹ, [2]וּמַאֲרִיכִין לוֹ יָמָיו, וְנוֹחֵל אֶת־
[3]הָאָרֶץ; וְכָל־שֶׁאֵינוֹ עוֹשֶׂה [4]מִצְוָה
אַחַת אֵין *מֵטִיבִין לוֹ, וְאֵין מַאֲרִיכִין
לוֹ יָמָיו, וְאֵינוֹ נוֹחֵל אֶת־הָאָרֶץ.
כָּל־[5]שֶׁשִּׁנּוֹ בַמִּקְרָא וּבַמִּשְׁנָה
וּבְדֶרֶךְ אֶרֶץ לֹא בְמְהֵרָה הוּא
חוֹטֵא, [6]שֶׁנֶּאֱמַר, וְהַחוּט [7]הַמְשֻׁלָּשׁ
לֹא בִמְהֵרָה יִנָּתֵק; וְכָל שֶׁאֵינוֹ לֹא
בַמִּקְרָא וְלֹא בַמִּשְׁנָה וְלֹא בְדֶרֶךְ
אֶרֶץ אֵינוֹ מִן־[8]הַיִּשּׁוּב.

Whosoever performs even a single commandment[1] it shall go well with him, and his days shall be prolonged,[2] and he shall inherit the Land;[3] and whosoever does not perform a single commandment[4] it shall not be well with him, and he shall not enjoy length of days, and he shall not inherit the Land. He who is conversant with[5] *Scripture* and *Mishnah* and correct conduct will not speedily sin, as it is said,[6] *And a threefold*[7] *cord is not quickly broken;* but he who is not versed in Scripture and in *Mishnah* and in good conduct is of no benefit to the public weal.[8]

1 *i.e.*, the number of his good deeds is one more than that of his transgressions. **2** *i.e.*, he receives Divine beneficent consideration. Compare *Deuter-*

onomy **11**, 21. **3** Some authorities consider this to refer to הָעוֹלָם הַבָּא, *the World to Come, viz.*, Heaven and Paradise. **4** Whose good deeds do not outnumber by even one his bad deeds. **5** שֶׁיֶּשְׁנוֹ = אֲשֶׁר יֶשְׁנוֹ (inflexion of יֵשׁ), *he who is* [engaged in or occupied with the study of]. **6** קֹהֶלֶת **4**, 12. Some editions have שֶׁנֶּאֱמַר, *as it is said*, and others עָלָיו הַכָּתוּב אוֹמֵר, *regarding him the* [Scriptural] *verse says*. **7** The Scriptural text gives הַמְשֻׁלָּשׁ. **8** And is even a source of positive danger because of his ignorance. *מִיטִיבִין. §הַמְשֻׁלָּשׁ.

CHAPTER 2

פֶּרֶק ב

Mishnah 1

מִשְׁנָה א

A man may betroth[1] by himself or by his agent.[2] A woman may become betrothed by herself[3] or through her representative.[4] A man may give his daughter in betrothal while she is still a maid[5] either by himself or by his deputy. If one said to a woman, 'Be thou betrothed to me with this date, and[6] be thou betrothed to me by this one,' if one of them be worth* a *perutah*,[7] she becomes betrothed,[8] but if not,[9] she is not betrothed.[8] 'With this and with this and with this,'[10] if they were all together[11] worth a *perutah*, she becomes betrothed,[8] but if not she is not betrothed.[8] If she were eating them one by one, she does not become betrothed[8] unless one of them[12] be worth a *perutah*. †Or זוֹ, בְּזוֹ.

הָאִישׁ [1]מְקַדֵּשׁ בּוֹ [2]וּבִשְׁלוּחוֹ. הָאִשָּׁה מִתְקַדֶּשֶׁת [3]בָּהּ [4]וּבִשְׁלוּחָהּ. הָאִישׁ מְקַדֵּשׁ אֶת־בִּתּוֹ כְּשֶׁהִיא [5]נַעֲרָה בּוֹ וּבִשְׁלוּחוֹ. הָאוֹמֵר לְאִשָּׁה, הִתְקַדְּשִׁי לִי בְּתֻמָּרָה †זוּ, [6]הִתְקַדְּשִׁי לִי †בְּזוּ, אִם יֵשׁ בְּאַחַת מֵהֶן *שְׁוֵה [7]פְּרוּטָה [8]מְקוּדֶּשֶׁת, [9]וְאִם לָאו אֵינָהּ [8]מְקוּדֶּשֶׁת [10]בְּזוּ וּבְזוּ וּבְזוּ, אִם יֵשׁ שְׁוֵה פְּרוּטָה [11]בְּכוּלָּן [8]מְקוּדֶּשֶׁת וְאִם §לַאו אֵינָהּ [8]מְקוּדֶּשֶׁת. הָיְתָה אוֹכֶלֶת רִאשׁוֹנָה רִאשׁוֹנָה, אֵינָהּ [8]מְקוּדֶּשֶׁת עַד שֶׁיְּהֵא [12]בְּאַחַת מֵהֶן שְׁוֵה פְּרוּטָה.

1 His future wife. **2** Who must say to her, *'Lo, be thou betrothed to so-and-so.'* **3** She herself accepts the קִדּוּשִׁין. **4** Whom she authorises to accept the קִדּוּשִׁין on her behalf. **5** A girl between the ages of twelve years and one day and twelve years and a half (after which she becomes בּוֹגֶרֶת, an *adult*). **6** *i.e.*, he shows her another date and repeats the proposal. **7** The traditional pronunciation is שָׁוֶה. דִּינָר = 192 פְּרוּטוֹת. See זְרָעִים, INTRO-

DUCTION, *Tables*. **8** Or מְקֻדֶּשֶׁת. **9** Even if the two dates together are worth a *perutah*. Because each expression הִתְקַדְּשִׁי is a proposal by itself and its repetition does not add to it. **10** *i.e., If he said to her, 'Be thou betrothed with this date and with this date and with this date'*—using three dates. **11** Or בְּכֻלָּן. **12** *viz.*, the *last* one. * שְׁנַה (*construct*), or שָׁנָה (*absolute*). § Or לָאו.

Mishnah 2 — מִשְׁנָה ב

'Be thou betrothed[1] to me with this cup of wine,' and it was found to be of honey;[2] or,[3] '..... of honey,' and it was found to be of wine; or, '..... with this silver *denar*,'[4] and it was found to be of gold; or, '..... of gold,'[5] and it was found to be of silver; or, '..... on condition that I am rich,'[6] and he was found to be poor; or, '..... poor,'[6] and he was found to be wealthy—she does not become betrothed.[7] R. Simon[8] says, If he deceived her to her benefit,[9] she becomes betrothed.[7]

[1]הִתְקַדְּשִׁי לִי בְּכוֹס זֶה שֶׁל יַיִן, וְנִמְצָא שֶׁל [2]דְּבָשׁ; [3]שֶׁל דְּבַשׁ, וְנִמְצָא שֶׁל יַיִן; [4]בְּדִינָר זֶה שֶׁל כֶּסֶף, וְנִמְצָא שֶׁל זָהָב; [5]שֶׁל זָהָב וְנִמְצָא שֶׁל כֶּסֶף; [6]עַל מְנָת שֶׁאֲנִי עָשִׁיר, וְנִמְצָא עָנִי; [6]עָנִי, וְנִמְצָא עָשִׁיר; אֵינָהּ [7]מְקוּדֶּשֶׁת. רַבִּי [8]שִׁמְעוֹן אוֹמֵר, אִם הִטְעָהּ [9]לְשֶׁבַח [7]מְקוּדֶּשֶׁת.

1 *i.e., If a man said to a woman, 'Be .....'* **2** Or, perhaps, *mead made from honey*. **3** *i.e., If a man said, Be thou betrothed to me with this cup of honey.'* **4** *i.e., If a man said, 'Be thou betrothed to me with this silver denar.'* See זֻרְעִים, INTRODUCTION, *Tables*. 25 דִּינָר כֶּסֶף = 1 דִּינָר זָהָב. **5** *i.e., If a man said, 'Be thou betrothed to me with this gold denar.'* **6** *i.e., If a man said, 'Be thou betrothed to me on the condition .....'* **7** Or מְקֻדֶּשֶׁת. **8** His opinion is rejected. **9** Referring to monetary advantage.

Mishnah 3 — מִשְׁנָה ג

'On[1] the condition that I am a priest,' and he was found to be a Levite; or, '..... a[2] Levite,' and he was found to be a priest; or, '..... a[2] descendant of the Gibeonites,' and he was found to be a bastard; or, '..... a[2] bastard,' and he was found to be a Gibeonite descendant; or, '..... of[2] a town,' and he was found to be of a city;[3] or, '.....

[1]עַל מְנָת שֶׁאֲנִי כֹהֵן, וְנִמְצָא לֵוִי; [2]לֵוִי, וְנִמְצָא כֹהֵן; [2]נָתִין, וְנִמְצָא מַמְזֵר; [2]מַמְזֵר, וְנִמְצָא נָתִין; [2]בֶּן עִיר, וְנִמְצָא בֶן [3]כְּרָךְ; [2]בֶּן כְּרַךְ, וְנִמְצָא בֶן עִיר; [2]עַל מְנָת שֶׁבֵּיתִי קָרוֹב לְמֵרְחָץ, וְנִמְצָא רָחוֹק; [2]רָחוֹק, וְנִמְצָא קָרוֹב; [6]עַל מְנָת

שֶׁיֵּשׁ לִי בַּת אוֹ שִׁפְחָה [6]גַּדֶּלֶת, וְאֵין לוֹ; אוֹ, [5]עַל מְנָת שֶׁאֵין [7]לִי, [7]וְיֵשׁ לוֹ; [5]עַל מְנָת שֶׁאֵין לִי בָּנִים, וְיֵשׁ לוֹ; אוֹ, [5]עַל מְנָת שֶׁיֵּשׁ [8]לִי, וְאֵין לוֹ, [9]וּבְכוּלָּם, אַף עַל פִּי שֶׁאָמְרָה, בְּלִבִּי הָיָה לְהִתְקַדֵּשׁ לוֹ, אַף עַל פִּי כֵן אֵינָהּ [10]מְקוּדֶּשֶׁת. [11]וְכֵן הִיא שֶׁהִטְעָתוֹ.

of[2] a city,' and he was found to be of a town; or, '..... on[2] the condition that my house is close to a bath-house,' and it was found to be far away; or, '..... far[4] off .....,' and it was found to be near by; or, '..... on[5] condition that I have a daughter or a bondwoman who is a hairdresser,'[6] and he had none; or, '..... on[5] condition that I have not .....,'[7] and he did have;[7] or, '..... on[5] the condition that I have no children,' and he did have; or, '..... on[5] condition that I have .....,'[8] and he had none: and in all such cases[9] even though she said, 'It was in my heart to become betrothed to him,' she has distinctly not become betrothed.[10] And likewise, also,[11] if she had deceived him.

1 *i.e., If a man said to a woman, 'Be thou betrothed to me on .....'* **2** *i.e., If he said, 'Be thou betrothed to me on condition that I am .....'* **3** כְּרַךְ is a bigger place than עִיר. **4** *i.e., If he said, 'Be thou betrothed to me on condition that my house is far from a bath-house.'* **5** *i.e., If he said, 'Be thou betrothed to me on .....'* **6** Or גּוֹדֶלֶת, גּוֹדֶלֶת. Some translate it as *tattler*. The גְּמָרָא gives מְגַדֶּלֶת, *child's nurse, maidservant.* **7** ..... *a daughter or a bondwoman who is a hairdresser.* **8** *Children.* **9** צַל כֻּלָּם in some editions. Or וּבְכֻלָּם. **10** Or מְקֻדֶּשֶׁת. **11** She is not betrothed.

Mishnah 4

מִשְׁנָה ד

הָאוֹמֵר לִשְׁלוּחוֹ, צֵא וְקַדֵּשׁ לִי אִשָּׁה פְּלוֹנִית בְּמָקוֹם פְּלוֹנִי, וְהָלַךְ וְקִדְּשָׁהּ בְּמָקוֹם אַחֵר, אֵינָהּ [1]מְקוּדֶּשֶׁת. [2]הֲרֵי הִיא [3]בַּמָּקוֹם פְּלוֹנִי, וְקִדְּשָׁהּ בְּמָקוֹם אַחֵר, הֲרֵי זוֹ [4,1]מְקוּדֶּשֶׁת.

If one said to his deputy, 'Go forth and betroth to me the woman so-and-so in such-and-such a place,' and he went and betrothed her in another place, she has not become betrothed.[1] 'Behold,[2] she is in such-and-such a place,'[3] and he betrothed her at another place, then she is betrothed.[1,4]

1 Or מְקֻדֶּשֶׁת. **2** *i.e., If he said* [הָאוֹמֵר, literally *If one say*] *to his agent, 'Behold, ...'* **3** This is not a condition in the form thus stated, because he was not stressing where he wanted her to be betrothed, but was only suggesting where the representative might meet her. **4** Compare גִּיטִּין 6[3].

Mishnah 5

If one betrothed[1] a woman on the condition that she was under no vow,[2,3] and she was found to be under a vow,[3] she is not betrothed.[4,5] If he wed her unconditionally,[6] and she[7] was found to be under a vow,[3] she must be divorced[8] without her *marriage-settlement.*[9] If[10] on condition that she had no defects,[11] and defects were found in her, she has not become betrothed.[4] If he wedded her without conditions and defects were found in her, she is to be divorced without her *marriage-settlement.* All blemishes that disqualify priests[12] also disqualify women.

מִשְׁנָה ה

[1]הַמְּקַדֵּשׁ אֶת־הָאִשָּׁה עַל מְנָת שֶׁאֵין
עָלֶיהָ [3]נְדָרִים, וְנִמְצְאוּ עָלֶיהָ
[3]נְדָרִים, אֵינָהּ [4,5]מְקוּדֶּשֶׁת. כְּנָסָהּ
[6]סְתָם, [7]וְנִמְצְאוּ עָלֶיהָ [3]נְדָרִים,
[8]תֵּצֵא שֶׁלֹּא [9]בִּכְתוּבָּה. [10]עַל מְנָת
שֶׁאֵין עָלֶיהָ [11]מוּמִין, וְנִמְצְאוּ בָהּ
מוּמִין, אֵינָהּ [4]מְקוּדֶּשֶׁת. כְּנָסָהּ
[6]סְתָם וְנִמְצְאוּ בָהּ מוּמִין, תֵּצֵא שֶׁלֹּא
בִּכְתוּבָּה. כָּל־הַמּוּמִין הַפּוֹסְלִים
[12]בְּכֹהֲנִים פּוֹסְלִים בְּנָשִׁים.

1 Literally *betroth.* This *Mishnah* is very similar to כְּתוּבּוֹת 7[7]. **2** To abstain from meat or wine or fine clothes. **3** Literally *vows.* **4** Or מְקֻדֶּשֶׁת. **5** The betrothal is invalid and she needs no divorce. **6** Traditional reading, סְתָם. **7** See כְּתוּבּוֹת 7[7]. Some editions have בָּהּ instead of עָלֶיהָ. **8** Literally *she must go forth.* Because he had not made the condition at betrothal. **9** *Appendix,* **Note 8**. No man cares for a wife given to making vows. **10** *i.e., If he betrothed her* ..... **11** *i.e.,* physical complaints. **12** From officiating at the עֲבוֹדָה, Temple Service. *Leviticus* **21**, 17 ff.; בְּכוֹרוֹת 7[1] ff. To these are added, in the case of women, disgusting perspiration, malodorous breath, unbearable odour, ugly wretched hair, repulsive voice, unsightly scar, misshapen breasts.

Mishnah 6

If one betrothed[1] two women with aught worth[2] a *perutah,*[3] or one woman with aught valued[4] at less§ than a *perutah,* then even if after that[5] he sent her gifts,[6] she is not betrothed[7] since he sent them because of[8] the first betrothal.[9] And similarly, also, if a minor performed the act of betrothal.[10]

מִשְׁנָה ו

[1]הַמְּקַדֵּשׁ שְׁתֵּי נָשִׁים [2]בְּשָׁוֶה [3]פְּרוּטָה,
אוֹ אִשָּׁה אַחַת §בְּפָחוֹת [4]מִשָּׁוֶה
פְּרוּטָה, אַף עַל פִּי שֶׁשָּׁלַח
[6]סִבְלוֹנוֹת [5]לְאַחַר מִכָּאן, אֵינָהּ
[7]מְקוּדֶּשֶׁת [8]שֶׁמֵּחֲמַת [9]קִדּוּשִׁין
הָרִאשׁוֹנִים שָׁלַח. וְכֵן קָטָן [10]שֶׁקִּידֵּשׁ.

1 Literally *betroth.* **2** Traditional pronunciation בְּשָׁוָה.* **3** See 1[1], **Notes 6, 8.** **4** Traditional reading מִשָּׁוָה. **5** The invalid betrothal. **6** *i.e.,* betrothal gifts. **7** Or מְקֻדֶּשֶׁת. **8** Popular reading שֶׁמַּחֲמֵת. **9** *i.e.,* he did not send the presents with the intention that they should be the form of the קִידּוּשִׁין, as he thought the קִידּוּשִׁין was already valid which was not the case. **10** *i.e.,* if a boy under thirteen years of age betrothed a woman, and subsequently when he became adult he sent gifts to her, she is nevertheless not betrothed. * Compare 2[1]. § Or בְּפָחוּת.

Mishnah 7

מִשְׁנָה ז

If one betroth a woman and her daughter, or a woman and her sister, together, they are not betrothed.[1,2] And it once happened in the case of five women, among whom were two sisters, that a certain man took a basket of figs, which belonged to them[3] and which contained *Sabbatical Year produce,*[4] and he said, 'Behold, you are all[5] betrothed[1] to me with this basketful,' and one of them accepted[6] on the behalf of all of them.[7] And the Sages said, The sisters have not become betrothed.[1,7]

הַמְקַדֵּשׁ אִשָּׁה וּבִתָּהּ, אוֹ אִשָּׁה
וַאֲחוֹתָהּ, כְּאַחַת, אֵינָן [1,2]מְקוּדָּשׁוֹת.
וּמַעֲשֶׂה בְּחָמֵשׁ נָשִׁים, וּבָהֶן שְׁתֵּי
אֲחָיוֹת, וְלָקַח אֶחָד כַּלְכָּלָה שֶׁל
תְּאֵנִים, [3]וְשֶׁלָּהֶן הָיְתָה וְשֶׁל [4]שְׁבִיעִית
הָיְתָה, וְאָמַר, הֲרֵי [5]כּוּלְּכֶם
[1]מְקוּדָּשׁוֹת לִי בְּכַלְכָּלָה זוֹ, [6]וְקִבְּלָה
אַחַת מֵהֶן עַל יְדֵי [7]כּוּלָּן. וְאָמְרוּ
חֲכָמִים, אֵין הָאַחְיוֹת [1,8]מְקוּדָּשׁוֹת.

1 Or מְקֻדָּשׁוֹת. **2** *Leviticus* **18,** 17 ff. This is the ruling in all such cases among the *forbidden degrees of marriage* where the penalty for transgression is כָּרֵת, *extirpation* (*Appendix,* **Note 2**). **3** שֶׁלָּהֶם in some editions, which is incorrect grammatically. **4** See שְׁבִיעִית INTRODUCTION; *Leviticus* **25,** 6 ff. Since this was שְׁבִיעִית produce it was הֶפְקֵר, *ownerless,* and so did not belong to the women (he could also not have betrothed them with aught that was validly theirs). **5** Or כֻּלְּכֶם (כּוּלָּכֶן or כֻּלָּכֶן would be the correct grammatical forms). **6** In some editions, וְקִבְּלָתָהּ, *and* [one of them] *accepted it.* **7** כֻּלָּן in some editions. **8** But the three other women are validly betrothed if his statement were to the effect, *'Lo, those of you who are eligible to me are hereby betrothed';* but if he said, *'Lo, you are all hereby betrothed to me,'* then none of them is validly betrothed.

Mishnah 8

מִשְׁנָה ח

If one betroth[1] with his portion,[2] whether of the most holy sacrifices or whether of those only in a minor

[1]הַמְקַדֵּשׁ [2]בְּחֶלְקוֹ, בֵּין קָדְשֵׁי
קָדָשִׁים בֵּין [3]קָדָשִׁים קַלִּים, אֵינָהּ

[4]מְקוּדֶּשֶׁת. [6,5]בְּמַעֲשֵׂר שֵׁנִי, בֵּין שׁוֹגֵג בֵּין מֵזִיד, [7]לֹא קִדֵּשׁ. דִּבְרֵי רַבִּי [8]מֵאִיר. רַבִּי [9]יְהוּדָה אוֹמֵר, בְּשׁוֹגֵג לֹא קִדֵּשׁ, בְּמֵזִיד קִדֵּשׁ. [10]וּבְהֶקְדֵּשׁ, בְּמֵזִיד קִדֵּשׁ, וּבְשׁוֹגֵג לֹא קִדֵּשׁ. דִּבְרֵי רַבִּי [11]מֵאִיר. רַבִּי [12]יְהוּדָה אוֹמֵר, בְּשׁוֹגֵג [13]קִדֵּשׁ, בְּמֵזִיד [14]לֹא קִדֵּשׁ.

degree,[3] she is not betrothed.[4] If[5] with *second tithe,*[6] whether in error or whether wantonly, he has not betrothed.[7] This is the opinion of R. Meir.[8] R. Judah[9] says, If in error, he has not betrothed, if wantonly, he has betrothed. And if with dedicated produce,[10] if performed wittingly, he has betrothed, but if in error, he has not betrothed. This is the view of R. Meir.[11] R. Judah[12] says, If erroneously, he has betrothed,[13] but if wantonly, he has not betrothed.[14]

1 *i.e.,* if a *priest,* כֹּהֵן, betroth a woman. **2** From the shares apportioned to the priests. **3** See זְבָחִים 51[-8]. **4** Or מְקֻדֶּשֶׁת. Because such is not actually to give away. **5** *i.e., If one betrothed a woman .....* **6** *Appendix,* **Note 1.** **7** Since it was actually Temple property even though he was allowed to consume it. **8** His opinion is accepted. **9** His view is rejected, because, if in error, he had intended to take it to Jerusalem and so it could not have become חוּלִּין, non-holy produce, and if wantonly, he did render it חוּלִּין. **10** *i.e.,* if the betrothal was made with dedicated produce. **11** This view is rejected here. **12** His opinion here is accepted. **13** Yet he can make restitution even though he had rendered something hallowed unfit, and had thus committed sacrilege (*Leviticus* **5**, 15 ff.). **14** Because the hallowed thing still remains Temple property, and he cannot make restitution for his sacrilegeous act.

Mishnah 9 — מִשְׁנָה ט

הַמְקַדֵּשׁ [1]בְּעָרְלָה, [2]בְּכִלְאֵי [3]הַכֶּרֶם, [4]בְּשׁוֹר הַנִּסְקָל, [5]וּבְעֶגְלָה עֲרוּפָה, [6]בְּצִפּוֹרֵי מְצוֹרָע, [7]וּבְשְׂעַר נָזִיר, [8]וּפֶטֶר [9]חֲמוֹר, [10]וּבָשָׂר [11]בְּחָלָב, [12]וְחוּלִּין שֶׁנִּשְׁחֲטוּ [13]בָּעֲזָרָה, אֵינָהּ [14,15]מְקוּדֶּשֶׁת. [16]§ מְכָרָן וְקִידֵּשׁ בִּדְמֵיהֶן, [14]מְקוּדֶּשֶׁת.

If one betroth with the *fruit of trees of the first three years,*[1] or with the *forbidden junction fruit*[2] of the vineyard,[3] or with an *ox condemned to be stoned,*[4] or with a *heifer whose neck had to be broken,*[5] or with the *pigeon-offerings* of a leper,[6] or with the hair-offering of a *nazirite,*[7] or with the *firstborn*[8] *of an ass,*[9] or with flesh[10] seethed in milk,[11] or with unconsecrated animals[12] that were slaughtered in the Temple forecourt,[13] she has not become betrothed.[14,15] If he sold

them[16] and betrothed her§ with their money thus realised, she is betrothed.[14]

1 *Appendix,* **Note 10.** עָרְלָה INTRODUCTION. **2** וּבְכִלְאֵי in some editions. **3** כִּלְאֵיִם INTRODUCTION. **4** *Exodus* **21**, 28. קִידּוּשִׁין 50b. **5** *Deuteronomy* **21**, 1 ff. כְּרִיתוֹת 24b. **6** *Leviticus* **14**, 4.* **7** מַיִם INTRODUCTION. **8** וּבְפֶטֶר in some texts. **9** *Exodus* **34**, 20. **10** וּבְבָשָׂר in some editions. **11** *Exodus* **23**, 19; **34**, 26. *Deuteronomy* **14**, 21. It is inferred that this treble repetition shows (a) prohibition to eating, (b) prohibition to enjoyment, and (c) prohibition to cooking. **12** וּבְחוּלִין in some texts. **13** *Appendix,* **Note 20.** **14** Or מְקֻדֶּשֶׁת. **15** Since all these things enumerated are prohibited to be used in any way directly. **16** Informing the purchasers the nature of the objects sold, otherwise the betrothal is not valid.§
* Or בְּצִפֳּרֵי מְצֹרָע. § Or וְקִדֵּשׁ.

Mishnah 10 — מִשְׁנָה י

If one betroth with *priest's-due,*[1] or with *tithes,* or with *priests'-sacrificial-dues,*[2] or with the water of a *sin-offering,*[3] or with the ashes of a *sin-offering,*[4] then she has become betrothed,[5] and even if[6] he were an Israelite.[7]

הַמְּקַדֵּשׁ [1]בִּתְרוּמוֹת, וּבְמַעַשְׂרוֹת, [2]וּבְמַתָּנוֹת, [3]וּבְמֵי חַטָּאת, [4]וּבְאֵפֶר חַטָּאת, הֲרֵי זוֹ [5]מְקוּדֶּשֶׁת, [6]וַאֲפִילוּ יִשְׂרְאֵל.

1 Literally *priest's-dues, i.e.,* either תְּרוּמָה גְדוֹלָה or תְּרוּמַת מַעֲשֵׂר. *Appendix,* **Note 1.** **2** The shoulder and the two cheeks and the maw. An Israelite had to give these to the priest from the beasts slaughtered. *Deuteronomy* **18**, 3. **3** The water into which was poured the ashes of the פָּרָה אֲדֻמָּה, *red heifer.* Or the water drawn for this purpose. **4** *Numbers* **19**, 9 ff. The ashes of the פָּרָה אֲדֻמָּה. **5** Or מְקֻדֶּשֶׁת. **6** Or וַאֲפִילוּ. **7** *i.e.,* a non-priest who had inherited these from his mother's father a priest may sell them to priests if he had betrothed a woman with them. But if an Israelite betrothed with any *priest's-due separated* from his produce the betrothal is not valid.

CHAPTER 3 — פֶּרֶק ג

Mishnah 1 — מִשְׁנָה א

If one said[1] to his fellow,[2] 'Go forth and betroth to me the woman so-and-so,' but he went and be-

[1]הָאוֹמֵר [2]לַחֲבֵרוֹ, צֵא וְקַדֵּשׁ לִי אִשָּׁה פְּלוֹנִית, וְהָלַךְ וְקִדְּשָׁהּ לְעַצְמוֹ,

trothed her to himself, she is betrothed.[3,4] And similarly, also, if one said[1] to a woman, 'Lo, be thou betrothed[3] to me after thirty days,' and another man came and betrothed her during the thirty days, she has become betrothed[3] to this second man.[5] The daughter of an Israelite to a priest[6] may eat of *priest's-due.*[7] 'From[8] now and after thirty days' time,' and another came and betrothed her within these thirty days, she has become betrothed[3] and she has not become betrothed,[2,9] and if she be the daughter of an Israelite to a priest,[10] or the daughter of a priest to an Israelite,[11] she may not eat of *priest's-due.*[12]

[3,4]מְקוּדֶּשֶׁת. וְכֵן [1]הָאוֹמֵר לְאִשָּׁה, הֲרֵי אַתְּ [3]מְקוּדֶּשֶׁת לִי לְאַחַר שְׁלֹשִׁים יוֹם, וּבָא אַחֵר וְקִדְּשָׁהּ בְּתוֹךְ שְׁלֹשִׁים יוֹם, [3]מְקוּדֶּשֶׁת [5]לַשֵּׁנִי. בַּת יִשְׂרָאֵל [6]לְכֹהֵן תֹּאכַל [7]בִּתְרוּמָה. [8]מֵעַכְשָׁיו וּלְאַחַר שְׁלֹשִׁים יוֹם, וּבָא אַחֵר וְקִדְּשָׁהּ בְּתוֹךְ שְׁלֹשִׁים יוֹם, [3]מְקוּדֶּשֶׁת וְאֵינָהּ [2,9]מְקוּדֶּשֶׁת, בַּת יִשְׂרָאֵל [10]לְכֹהֵן, אוֹ בַת כֹּהֵן [11]לְיִשְׂרָאֵל, לֹא תֹאכַל [12]בִּתְרוּמָה.

1 Literally *say.* **2** To act as representative. **3** Or מְקֻדֶּשֶׁת. **4** The betrothal to the agent is valid. Some authorities add לַשֵּׁנִי, *to the latter, to the other.* **5** The betrothal is licit. **6** *i.e.,* betrothed to a priest. Some editions have בַּת כֹּהֵן לְיִשְׂרָאֵל, *the daughter of a priest* [betrothed] *to an Israelite* and others have בַּת יִשְׂרָאֵל לְכֹהֵן, *the daughter of an Israelite* [betrothed] *to a priest.* **7** Or *heave-offering. Appendix,* **Note 1.** **8** *i.e., If one said to a woman, 'Be betrothed to me from .....'* **9** And she must be divorced by both men. **10** *i.e.,* betrothed to a priest. **11** *i.e.,* betrothed to an Israelite. **12** In the former case there is a doubt whether the קידושין is valid, and in the latter whether it is invalid.

Mishnah 2

If one said[1] to a woman, 'Lo, be thou betrothed[2] to me[3] on the condition that I give thee two hundred *zuz,*[4] then she* is betrothed[2,5] but he must give it.[6] '..... On[7] condition that I give it thee between now and thirty days,' if he gave it to her within these thirty days she is betrothed,[2] but if not then she is not betrothed.[2] '..... On[7] condition

מִשְׁנָה ב

[1]הָאוֹמֵר לְאִשָּׁה, הֲרֵי אַתְּ [2]מְקוּדֶּשֶׁת [3]לִי עַל מְנָת שֶׁאֶתֵּן לָךְ מָאתַיִם [4]זוּז, הֲרֵי *זוּ [2,6]מְקוּדֶּשֶׁת וְהוּא [6]יִתֵּן. [7]עַל מְנָת שֶׁאֶתֵּן לָךְ מִכָּאן וְעַד שְׁלֹשִׁים יוֹם, נָתַן לָהּ בְּתוֹךְ שְׁלֹשִׁים יוֹם [2]מְקוּדֶּשֶׁת וְאִם לָאו אֵינָהּ [2]מְקוּדֶּשֶׁת.

[7]עַל מְנָת שֶׁיֵּשׁ לִי מָאתַיִם זוּז, הֲרֵי זוּ [2]מְקוּדֶּשֶׁת וְיֵשׁ [8]לוֹ. [7]עַל מְנָת שֶׁאַרְאֶךָּ מָאתַיִם זוּז, הֲרֵי זוּ [2]מְקוּדֶּשֶׁת, [9]וְיַרְאֶה לָהּ, וְאִם הֶרְאָה עַל [10]הַשּׁוּלְחָן אֵינָהּ [2,11]מְקוּדֶּשֶׁת.

that I have two hundred *zuz*,' then she becomes betrothed[2] if he possess them.[8] '..... On[7] the condition that I show thee two hundred *zuz*,' then she becomes betrothed,[2] and he must show it[9] to her, but if he showed them on the table[10] she has not become betrothed.[2,11]

1 Literally *say*. **2** Or מְקֻדֶּשֶׁת. **3** Adding *with this perutah* [פְּרוּטָה]. **4** See זְרָעִים, INTRODUCTION, *Tables*. זוּז = דִּינָר כֶּסֶף = ¼ שֶׁקֶל. **5** Retrospectively. **6** The money mentioned. **7** *i.e., If one said to a woman, 'Behold, be thou betrothed to me on .....'* **8** Compare גִּיטִּין 7[5]. **9** From his own money. **10** *i.e.,* he pointed to some money on a counter or money-exchange table—money that did not belong to him at all. **11** And this is the accepted ruling. * Or זוֹ; see Volume II, Page 12.

Mishnah 3 — מִשְׁנָה ג

[1]עַל מְנָת שֶׁיֵּשׁ לִי [2]בֵּית כּוֹר עָפָר, הֲרֵי §זוּ [3]מְקוּדֶּשֶׁת וְיֵשׁ לוֹ. [1]עַל מְנָת שֶׁיֵּשׁ לִי בְּמָקוֹם פְּלוֹנִי, אִם יֵשׁ לוֹ בְּאוֹתוֹ מָקוֹם [3]מְקוּדֶּשֶׁת, וְאִם לָאו אֵינָהּ [3]מְקוּדֶּשֶׁת. [1]עַל מְנָת שֶׁאַרְאֶךָּ בֵּית כּוֹר עָפָר, הֲרֵי זוּ [3]מְקוּדֶּשֶׁת [5]וְיַרְאֶנָּה; וְאִם הֶרְאָה [6]בְּבִקְעָה אֵינָהּ [3]מְקוּדֶּשֶׁת.

'..... On[1] condition that I possess a *kor*[2] of land,' she§ is betrothed[3] if he have it. '..... On[1] condition that I have,[4] in such-and-such a place,' if he have in that place, she is betrothed,[3] but otherwise she is not betrothed.[3] '..... On[1] condition that I show thee a *kor* of land,' then she is betrothed[3] but he must show it[5] to her; but if he showed it in a valley,[6] she is not betrothed.[3]

1 *i.e., If one said to a woman, 'Lo, be thou betrothed to me on .....'* **2** בֵּית כּוֹר = 30 בֵּית סְאָה = 75000 square cubits (see זְרָעִים, INTRODUCTION, *Tables*). **3** Or מְקֻדֶּשֶׁת. **4** *i.e., 'I have land .....'* **5** It must be his. **6** *i.e.,* which was not his, not even if he had hired it. § Or זוֹ.

Mishnah 4 — מִשְׁנָה ד

רַבִּי מֵאִיר אוֹמֵר, כָּל־תְּנַאי שֶׁאֵינוֹ כְּתְנַאי בְּנֵי גָד וּבְנֵי רְאוּבֵן אֵינוֹ [1]תְּנַאי, [2]שֶׁנֶּאֱמַר, וַיֹּאמֶר מֹשֶׁה

R. Meir says, Any condition that is not according to the condition of the children of Gad and the children of Reuben is not a licit condition,[1] as it is said,[2] *And*

אֲלֵיהֶם, אִם יַעַבְרוּ בְנֵי גָד וּבְנֵי רְאוּבֵן, [3]וּכְתִיב, וְאִם לֹא יַעַבְרוּ [4]חֲלוּצִים. רַבִּי חֲנִינָא בֶן גַּמְלִיאֵל אוֹמֵר, צָרִיךְ הָיָה הַדָּבָר לְאָמְרוֹ, [5]שֶׁאִלְמָלֵא כֵן יֵשׁ בְּמַשְׁמָע [6]שֶׁאֲפִילוּ בְּאֶרֶץ כְּנַעַן לֹא יִנְחָלוּ.

Moses said unto them: If the children of Gad and the children of Reuben will pass over, and it is also written,[3] *But if they will not pass over armed.*[4] R. Chanina ben Gamaliel says, It was necessary to state the matter, because otherwise[5] it might be inferred that even[6] in the Land of Canaan they should not inherit aught.

1 If the consequences of non-fulfilment are not clearly and distinctly indicated. **2** *Numbers* **32**, 29. **3** *Numbers* **32**, 30. **4** Thus quoting Scripture in illustration of a condition followed by a statement showing what would be the consequences of its non-fulfilment. (Here there were actually two stipulations, אִם יַעַבְרוּ and וְאִם לֹא יַעַבְרוּ). **5** *i.e.*, if if were not stated that if they would not pass over armed they would not inherit on the east of the Jordan, and by deduction in Canaan neither. Hence the need for the proviso by Moses that even if they did not go over armed they were still to inherit in the Land. But in any other case it is sufficient to state that a condition will be established if the term(s) be fulfilled, and the consequences of non-fulfilment are thereby self-evident without the need for further statement. **6** Or אֲפִילוּ.

Mishnah 5 — מִשְׁנָה ה

[1]הַמְקַדֵּשׁ אֶת־הָאִשָּׁה וְאָמַר, כְּסָבוּר הָיִיתִי שֶׁהִיא [2]כֹּהֶנֶת וַהֲרֵי הִיא [3]לְוִיָּה, [4]לְוִיָּה וַהֲרֵי הִיא כֹּהֶנֶת, [4]עֲנִיָּה וַהֲרֵי הִיא עֲשִׁירָה, [4]עֲשִׁירָה וַהֲרֵי הִיא עֲנִיָּה, הֲרֵי זוּ [5]מְקוּדֶּשֶׁת, מִפְּנֵי שֶׁלֹּא [6]הִטְעָתוּ. [7]הָאוֹמֵר לְאִשָּׁה, הֲרֵי אַתְּ [5]מְקוּדֶּשֶׁת לִי לְאַחַר שֶׁאֶתְגַּיֵּר, אוֹ [8]לְאַחַר שֶׁתִּתְגַּיְּרִי, [8]לְאַחַר שֶׁאֶשְׁתַּחְרֵר, אוֹ [8]לְאַחַר שֶׁתִּשְׁתַּחְרְרִי, [8]לְאַחַר שֶׁיָּמוּת בַּעְלֵךְ, אוֹ [8]לְאַחַר שֶׁתָּמוּת [9]אֲחוֹתֵךְ, לְאַחַר[8] [1]שֶׁיַּחֲלוֹץ לָךְ [10]יְבָמֵךְ, אֵינָהּ

If one betrothed[1] a woman and said, 'I thought she was a priestess,'[2] but, behold, she is a Levitess,'[3] or, '.....[4] a Levitess, and lo, she is a priestess,' or, '.....[4] a poor, and, behold, she is wealthy,' or, '.....,[4] rich, and, lo, she is needy,' then she is betrothed,[5] because *she* did not mislead him.[6] If one said[7] to a woman, 'Lo, be thou betrothed[5] to me after I shall have become proselytised,' or, '.....[8] after thou shalt be proselytized,' or, '.....[8] after I shall be freed,' or, '.....[8] after thou shalt have been set free,' or, '.....[8] after that thy husband dies,' or, '.....[8] after that thy sister[9] shall

[5]מְקוּדֶּשֶׁת. וְכֵן [7]הָאוֹמֵר לַחֲבֵירוֹ, אִם יָלְדָה אִשְׁתְּךָ נְקֵבָה הֲרֵי הִיא [5]מְקוּדֶּשֶׁת לִי, אֵינָהּ מְקוּדֶּשֶׁת. אִם הָיָה אֵשֶׁת חֲבֵירוֹ [11]מְעוּבֶּרֶת [12]וְהוּכַּר עוּבְּרָהּ, [13]דְּבָרָיו [14]קַיָּמִין, וְאִם יָלְדָה נְקֵבָה [15,5]מְקוּדֶּשֶׁת.

die,' or, '.....[8] after thy brother-in-law[10] shall have received *chalitzah*[10] from thee,' she is not betrothed.[5] And likewise, too, if one said[7] to his fellow, 'If thy wife have given birth to a girl, then let it be betrothed[5] to me,' then she is not betrothed.[5] If the wife of his fellow were pregnant,[11] and her pregnancy were evident,[12] his words[13] hold good,[14] and if she gave birth to a girl, she is betrothed.[5,15]

1 Literally *betroth.* **2** *i.e.,* the daughter of a priest. **3** *i.e.,* the daughter of a Levite. **4** *viz., If one betrothed a woman and said, 'I thought she was .....'* **5** Or מְקֻדֶּשֶׁת. **6*** *i.e.,* he had not made any such stipulation at the time of betrothal. But if he had stated any such condition at the time of making the betrothal and she had not pointed out his error, then she had deceived him, and the betrothal is invalid. **7** Literally *say.* **8** *viz., If one said to a woman, 'Behold, be thou betrothed to me .....'* **9** Who was then his wife. **10** יָבָם, חֲלִיצָה, see יְבָמוֹת INTRODUCTION. **11** Or מְעֻבֶּרֶת. **12** Or וְהֻכַּר עֻבְּרָהּ. **13** *i.e., If he said, 'If thy wife bear a girl let her be betrothed to me.'* **14** קַיָּמִים in some texts. **15** But a second קִדּוּשִׁין is nevertheless required before נִשּׂוּאִין. * Or הִטְעָתוּ.

Mishnah 6

מִשְׁנָה ו

If one said[1] to a woman, 'Lo, be thou betrothed[2] to me[3] on condition that I speak[4] on behalf of thee to the governor,'[5] or, '..... that[6] I work for[7] thee as a labourer,' and he spoke on her behalf to the governor, or he worked for her as a labourer,[8] she has become betrothed,[2,9] but otherwise she is not betrothed.[2] '..... on[10] condition that my father gives his consent,' if his father consented she is betrothed,[2] but if not she is not betrothed;[2,11] if his father died,[12] then she has become betrothed;[2] if the son died,[13] they instruct his father to say he did not give[14] his consent.[15]

[1]הָאוֹמֵר לְאִשָּׁה הֲרֵי אַתְּ [2]מְקוּדֶּשֶׁת [3]לִי עַל מְנָת [4]שֶׁאֲדַבֵּר עָלַיִךְ [5]לַשִּׁלְטוֹן, [6]וְאֶעֱשֶׂה [7]עִמָּךְ כְּפוֹעֵל, דִּבֵּר עָלֶיהָ לַשִּׁלְטוֹן, וְעָשָׂה עִמָּהּ [8]כְּפוֹעֵל, [9,2]מְקוּדֶּשֶׁת, וְאִם לָאו אֵינָהּ [2]מְקוּדֶּשֶׁת. [10]עַל מְנָת שֶׁיִּרְצֶה אַבָּא, רָצָה הָאָב [2]מְקוּדֶּשֶׁת, וְאִם לָאו אֵינָהּ [11,2]מְקוּדֶּשֶׁת; [12]מֵת הָאָב, הֲרֵי זוֹ [2]מְקוּדֶּשֶׁת; [13]מֵת הַבֵּן, מְלַמְּדִין הָאָב לוֹמַר [14]שֶׁאֵינוֹ [15]רוֹצֶה.

1 Literally *say*. **2** Or מְקֻדֶּשֶׁת. **3** Adding *'with this* פְּרוּטָה.' **4** For her benefit. **5** Or *ruler*, to do her a favour. **6** *i.e., Behold, be thou betrothed to me on the condition that* ..... **7** Literally *with thee*. For wages. **8** There must be witnesses that this was so or else she herself must confirm this. **9** Compare קִידּוּשִׁין 65a. **10** *i.e., If a man said to a woman, 'Behold, be thou betrothed to me on* .....' **11** But if the son fixed a time limit for the father's decision and the latter did not object within the period he cannot withhold his consent. **12** And it is not known if he would have given his consent or would have refused. **13** Within the thirty days' period. **14** Better, literally, *he does not give*. **15** So that the obligation of יִבּוּם or חֲלִיצָה does not arise (see יְבָמוֹת INTRODUCTION).

Mishnah 7

מִשְׁנָה ז

[1]קִדַּשְׁתִּי אֶת־בִּתִּי וְאֵינִי יוֹדֵעַ לְמִי קִדַּשְׁתִּיהָ; וּבָא אֶחָד וְאָמַר, אֲנִי קִדַּשְׁתִּיהָ, [2]נֶאֱמָן. זֶה [3]אָמַר, אֲנִי קִדַּשְׁתִּיהָ, וְזֶה [3]אָמַר, אֲנִי קִדַּשְׁתִּיהָ, שְׁנֵיהֶם נוֹתְנִים [4]גֵּט; וְאִם *רָצוּ, אֶחָד נוֹתֵן גֵּט וְאֶחָד כּוֹנֵס.

'I[1] gave my daughter in betrothal but I do not know to whom I betrothed her;' and a certain man came and said, 'I betrothed her,' he is to be believed.[2] If one said,[3] 'I betrothed her,' and another said,[3] 'I betrothed her,' the two of them must grant *letters of divorce*;[4] but if they so wish* it, one grants a *letter of divorce* and the other may wed her.

1 *i.e., If a man said, 'I* .....' **2** If none other disputes his claim. Compare יְבָמוֹת 2[9]. **3** אוֹמֵר, *say*, in some editions. **4** And she is free to be wedded to any man. * Literally *they wished*.

Mishnah 8

מִשְׁנָה ח

[1]קִדַּשְׁתִּי אֶת־[2]בִּתִּי, קִדַּשְׁתִּיהָ וְגֵרַשְׁתִּיהָ כְּשֶׁהִיא [3]קְטַנָּה, וַהֲרֵי הִיא קְטַנָּה, [4]נֶאֱמָן. [1]קִדַּשְׁתִּיהָ וְגֵרַשְׁתִּיהָ כְּשֶׁהִיא [5]קְטַנָּה, וַהֲרֵי הִיא [6]גְּדוֹלָה, אֵינוֹ נֶאֱמָן. [7]נִשְׁבֵּית וּפְדִיתִיהָ, בֵּין שֶׁהִיא קְטַנָּה בֵּין שֶׁהִיא גְדוֹלָה, אֵינוֹ [8]נֶאֱמָן. מִי שֶׁאָמַר *בִּשְׁעַת מִיתָתוֹ, יֵשׁ

'I[1] gave my daughter[2] in betrothal,' or, 'I[1] gave her in betrothal and I accepted her *letter of divorce* while she was still a minor,'[3] and she is yet a minor, he may be believed.[4] 'I[1] gave her in betrothal and accepted her *letter of divorce* while she was still a minor,'[5] and she is now grown up,[6] he is not to be believed. 'She[7] was in captivity and I ransomed her,' whether she was still a

לי [9]בָּנִים, נֶאֱמָן; [10]יֵשׁ לִי אַחִים, אֵינוֹ נֶאֱמָן. הַמְקַדֵּשׁ אֶת־בִּתּוֹ [11]סְתָם, אֵין [12]הַבּוֹגֶרֶת [13]בִּכְלָל.

minor or whether she has become of age, he is not to be believed.[8] Whoever said at the hour* of his death, 'I have children,'[9] he may be believed; '..... I[10] have brothers,' he is not to be believed. If one gave one of his daughters unspecified[11] in betrothal, then any one of age[12] is not included.[13] * Popular pronunciation בְּשַׁעַת.

1 *i.e., If a man said, 'I .....'* **2** Some editions add כְּשֶׁהִיא קְטַנָּה, *while she was still a minor.* **3** A girl under twelve years of age. **4** To disqualify her for marriage with a כֹּהֵן. **5** He made this statement *after* she became of age. **6** *i.e.,* of age, of beginning maturity. **7** *i.e., If he said, 'She .....'* **8** To disqualify from marriage to a priest or to eat of תְּרוּמָה, *priest's-due* (*Appendix,* **Note 1**). **9** Thereby freeing his wife from the consequences of יִבּוּם or חֲלִיצָה (יְבָמוֹת INTRODUCTION). **10** *i.e., If a man before death say, 'I .....'* **11** Popular pronunciation, סְתַם. *i.e., without stipulating* which one. **12** A girl twelve and a half years of age, of beginning maturity. **13** Because the father can accept קִדּוּשִׁין for a קְטַנָּה but not for a בּוֹגֶרֶת. All the קְטַנּוֹת in this case require גֵּט because of the uncertainty.

Mishnah 9 — מִשְׁנָה ט

מִי שֶׁיֵּשׁ לוֹ שְׁתֵּי כִתֵּי בָנוֹת, מִשְׁתֵּי [1]נָשִׁים, וְאָמַר, קִדַּשְׁתִּי אֶת־בִּתִּי הַגְּדוֹלָה, וְאֵינִי יוֹדֵעַ אִם גְּדוֹלָה [2]שֶׁבַּגְּדוֹלוֹת אוֹ גְדוֹלָה [3]שֶׁבַּקְּטַנּוֹת, אוֹ קְטַנָּה שֶׁבַּגְּדוֹלוֹת שֶׁהִיא גְדוֹלָה מִן־הַגְּדוֹלָה שֶׁבַּקְּטַנּוֹת, [4]כּוּלָּן [5]אֲסוּרוֹת חוּץ מִן־[6]הַקְּטַנָּה. שֶׁבַּקְּטַנּוֹת. דִּבְרֵי רַבִּי [7]מֵאִיר. רַבִּי [8]יוֹסֵי אוֹמֵר, [9]כּוּלָּן מוּתָּרוֹת חוּץ מִן־הַגְּדוֹלָה שֶׁבַּגְּדוֹלוֹת. [10]קִדַּשְׁתִּי אֶת־בִּתִּי הַקְּטַנָּה, וְאֵינִי יוֹדֵעַ אִם קְטַנָּה שֶׁבַּקְּטַנּוֹת אוֹ קְטַנָּה שֶׁבַּגְּדוֹלוֹת, אוֹ גְדוֹלָה שֶׁבַּקְּטַנּוֹת שֶׁהִיא קְטַנָּה מִן־הַקְּטַנָּה שֶׁבַּגְּדוֹלוֹת, [4]כּוּלָּן [11]אֲסוּרוֹת

If one had two lots of daughters, by two wives,[1] and he said, 'I have given my elder daughter in betrothal, but I do not know whether it was the older of the eldest[2] or the older of the younger group,[3] or the youngest of the older lot who is older than the oldest of the younger group,' they are all[4] prohibited[5] save the youngest[6] in the younger lot. This is the opinion of R. Meir.[7] R. Jose[8] says, They are all permitted[9] with the exception of the oldest of the older group. 'I[10] gave my youngest daughter in betrothal, but I do not know whether the youngest of the younger lot or the youngest of the older group, or the eldest of the younger lot who is younger than the youngest of the

חוץ מִן־[12]הַגְּדוֹלָה שֶׁבַּגְּדוֹלוֹת. דִּבְרֵי רַבִּי [13]מֵאִיר. רַבִּי [14]יוֹסֵי אוֹמֵר, [15,9]כּוּלָּן מוּתָּרוֹת חוּץ מִן־ [16]הַקְּטַנָּה שֶׁבַּקְּטַנּוֹת.

elder group,' they are all[4] prohibited[11] save the eldest[12] of the older lot. This is the view of R. Meir.[13] R. Jose[14] says, All of them are permitted,[9,15] excepting the youngest[16] of the younger lot.

1 The first wife bore daughters and after her death the widower married the second woman who also begot daughters. **2** *i.e.,* the oldest one of the first group. **3** *i.e.,* the second group. **4** Or כֻּלָּן. **5** Until they shall all have first received גֵּט. **6** She should be allowed to be wed without first being granted גֵּט as she was excluded here. **7** His opinion is rejected. **8** His view is accepted. **9** Or כֻּלָּן מֻתָּרוֹת. **10** *i.e., If a father said, 'I .....'* **11** To be taken in marriage until they receive גֵּט first. **12** She should be given in marriage without first receiving גֵּט because she was certainly not included. **13** His view is not accepted. **14** His ruling is accepted. **15** To be wedded. **16** Who must first receive גֵּט.

Mishnah 10

מִשְׁנָה י

[1]הָאוֹמֵר [2]לְאִשָּׁה, קִדַּשְׁתִּיךְ, וְהִיא אוֹמֶרֶת, לֹא קִדַּשְׁתָּנִי, הוּא [3]אָסוּר בְּקְרוֹבוֹתֶיהָ, וְהִיא [4,5]מוּתֶּרֶת בְּקְרוֹבָיו. הִיא אוֹמֶרֶת, קִדַּשְׁתָּנִי, וְהוּא אוֹמֵר, לֹא קִדַּשְׁתִּיךְ, הוּא [6,7]מוּתָּר בְּקְרוֹבוֹתֶיהָ, וְהִיא אֲסוּרָה בְּקְרוֹבָיו. [8]קִדַּשְׁתִּיךְ, וְהִיא אוֹמֶרֶת, לֹא קִדַּשְׁתָּ אֶלָּא בִּתִּי, הוּא אָסוּר בְּקְרוֹבוֹת [9]גְּדוֹלָה, וּגְדוֹלָה [4]מוּתֶּרֶת בְּקְרוֹבָיו; הוּא [7,10]מוּתָּר בְּקְרוֹבוֹת [11]קְטַנָּה, וּקְטַנָּה [4]מוּתֶּרֶת [12]בְּקְרוֹבָיו.

If one said[1] to a woman,[2] 'I betrothed thee,' but she says, 'Thou hast not betrothed me,' he is prohibited[3] with her near of kin, but she is permitted[4,5] with his near of kin. If she say, 'Thou hast betrothed me,' but he says, 'I did not betroth thee,' he is allowed[6,7] with her near of kin, but she is forbidden with his near kin. 'I[8] did betroth thee,' but she says, 'Thou didst not betroth except my daughter,' he is prohibited with the near kin of the mother,[9] but the mother is permitted[4] to his near kin; and he is allowed[7,10] with the near of kin of the daughter,[11] and the daughter is permitted[4] to his near kin.[12]

1 Literally *say.* **2** Before two witnesses who then left the country. **3** From marrying. **4** Or מֻתֶּרֶת. **5** To be wedded. Because she refuted the betrothal tie. **6** Or מֻתָּר. **7** Since he denied the tie of betrothal. **8** *i.e., If he said, 'I .....'* **9** Literally *the greater, the elder woman.* **10** The

mother is not to be relied on concerning her daughter. **11** Literally *the smaller, the younger woman.* Since she has not herself confirmed the tie of betrothal. **12** Because the mother is not believed regarding her daughter.

Mishnah 11

מִשְׁנָה יא

'I[1] betrothed thy daughter,' but she says, 'Thou hast not betrothed excepting me,'[2] he is prohibited with the near of kin of the daughter,[3] but the daughter is permitted[4] to his near kin; he is allowed[5] with the near kin of the mother,[6] but the mother is forbidden to his near of kin.

[1]קִדַּשְׁתִּי אֶת־בִּתֵּךָ, וְהִיא אוֹמֶרֶת,
לֹא קִדַּשְׁתָּ אֶלָּא [2]אוֹתִי, הוּא אָסוּר
בִּקְרוֹבוֹת [3]קְטַנָּה, וּקְטַנָּה [4]מוּתֶּרֶת
בִּקְרוֹבָיו; הוּא [5]מוּתָּר בִּקְרוֹבוֹת
[6]גְּדוֹלָה, וּגְדוֹלָה אֲסוּרָה בִּקְרוֹבָיו.

1 *i.e., If a man said to a woman, 'I .....'* **2** Whenever a woman maintains that she had been betrothed she must have גֵּט from the man, and if he gives גֵּט voluntarily (thus tacitly admitting betrothal) he must also then grant כְּתוּבָּה, *marriage-settlement.* **3** Literally *the smaller, the younger woman.* **4** Or מִתֶּרֶת. **5** Or מֻתָּר. **6** Literally *the greater, the older woman.*

Mishnah 12

מִשְׁנָה יב

In every case where there is licit betrothal and there befell no transgression,[1] the status of the offspring follows that of the male.[2] And which[3] is such?* This refers to a priestess,[4] a Levitess or an Israelitess that is wed[5] to a priest, or to an Israelite.[6] But[7] in any case where there is valid betrothal, but transgression occurred, the standing of the offspring follows that of the inferior[8] party. And which is such?[9] This refers to a widow wedded to a High Priest, or a divorced woman or one who had performed *chalitzah*[10] wed to a common priest,[11] or a bastard woman or a

כָּל־מָקוֹם שֶׁיֵּשׁ קִדּוּשִׁין וְאֵין
[1]עֲבֵירָה, הַוָּלָד הוֹלֵךְ אַחַר [2]הַזָּכָר.
*[3]וְאֵיזֶהוּ? זוֹ [4]כֹּהֶנֶת, לְוִיָּה וְיִשְׂרְאֵלִית
[5]שֶׁנִּשֵּׂאת לְכֹהֵן, וּלְלֵוִי [6]וְיִשְׂרְאֵל.
[7]וְכָל מָקוֹם שֶׁיֵּשׁ קִדּוּשִׁין, וְיֵשׁ
עֲבֵירָה, הַוָּלָד הוֹלֵךְ אַחַר [8]הַפָּגוּם.
[9]וְאֵיזוּ? זוֹ אַלְמָנָה לְכֹהֵן גָּדוֹל,
גְּרוּשָׁה [10]וַחֲלוּצָה [11]לְכֹהֵן הֶדְיוֹט,
מַמְזֶרֶת וּנְתִינָה לְיִשְׂרְאֵל, בַּת
יִשְׂרְאֵל לְמַמְזֵר [12]וּלְנָתִין. וְכָל־מִי
שֶׁאֵין לָהּ עָלָיו קִדּוּשִׁין, אֲבָל יֵשׁ לָהּ
עַל אֲחֵרִים קִדּוּשִׁין, הַוָּלָד מַמְזֵר.

וְאֵיזֶהוּ? זֶה הַבָּא עַל אַחַת מִכָּל הָעֲרָיוֹת [13]שֶׁבַּתּוֹרָה. וְכָל מִי שֶׁאֵין לָהּ לֹא עָלָיו וְלֹא עַל אֲחֵרִים [14]קִדּוּשִׁין, הַוָּלָד כְּמוֹתָהּ. [15]וְאֵיזֶהוּ? זֶה וְלַד [16]שִׁפְחָה [17]וְנָכְרִית.

Gibeonite woman descendant married to an Israelite, or the daughter of an Israelite wedded to a bastard or to one of Gibeonite descent.[12] And in the case of any woman whose betrothal with such is not valid, but whose betrothal with others would be licit, the offspring is a bastard. And which is such? In the case of a man who has sexual intercourse with one of the *prohibited degrees of marriage* set out in the Law.[13] And in the case of any woman whose betrothal with such is not licit,[14] and whose betrothal with others would also not be valid,[14] the offspring is of her own status. And which is such?[15] In the case of the offspring of a bondwoman[16] or a non-Jewess.[17] * Most correct form וְאֵיזוֹ (*feminine*).

1 By reason of the marriage. **2** The father. If a bastard married a proselytess the issue as stated here is a bastard, but if a proselyte married a bastard woman the offspring is also a bastard. **3** וְאֵיזוֹ in some texts. *i.e.*, קִדּוּשִׁין. **4** *i.e.*, the daughter of a כֹּהֵן, priest. **5** Or שֶׁנִּשְׂאוּ in some editions. **6** יִשְׂרָאֵל in some texts. **7** *i.e.*, whenever a betrothal is regarded as legal, but a sin is involved therewith, the issue follows the status of the inferior party. **8** Or *defective, blemished.* Some editions have הַוָּלָד הוֹלֵךְ אַחַר הַפָּגוּם שֶׁבִּשְׁנֵיהֶם, *the status of the issue follows that of the inferior of the two parents* [when assigning the legal standing of the offspring]. **9** Compare יְבָמוֹת 2[4]. **10** יְבָמוֹת INTRODUCTION. **11** Whose offspring is a חָלָל. **12** The offspring is פָּסוּל, *disqualified,* being of Gibeonite descent or a bastard. **13** *Leviticus* **18**, 6-18. Compare יְבָמוֹת 1[1]. The punishment for the transgression is כָּרֵת (*Appendix,* **Note 2**). **14** *viz.*, she has no קִדּוּשִׁין from one who had betrothed her nor from any other man. **15** *i.e., What woman comes under this category?* **16** A Canaanite bondwoman. **17** Some texts have וְנָכְרִית, *a non-Jewess,* and others וְעוֹבֶדֶת כּוֹכָבִים, *an idolatress.* Such issue is עֶבֶד כְּנַעֲנִי, *a Canaanitish bondman* (or שִׁפְחָה כְּנַעֲנִית, *a Canaanite bondwoman*) or נָכְרִי, *a non-Jew* (or נָכְרִיָּה or נָכְרִית, *a non-Jewess*) respectively.

Mishnah 13

מִשְׁנָה יג

רַבִּי [1]טַרְפוֹן אוֹמֵר, יְכוֹלִין מַמְזֵרִים [2]לִיטָּהֵר. כֵּיצַד? מַמְזֵר שֶׁנָּשָׂא [3]שִׁפְחָה הַוָּלָד [4]עֶבֶד; [5]שְׁחֻרְרוֹ, נִמְצָא הַבֵּן [6]בֶּן חוֹרִין. רַבִּי [7]אֱלִיעֶזֶר אוֹמֵר, הֲרֵי [8]זֶה עֶבֶד מַמְזֵר.

R. Tarfon[1] says, Bastards may be legitimized.[2] How so? If a bastard wed a bondwoman[3] the offspring is a bondman;[4] and if he[5] be freed, the son[5] in consequence becomes a freeman.[6] R. Eliezer[7] says, In such case this one[8] is a bastard bondman.

1 His view is accepted. **2** Or *legitimatized, legitimated, i.e.,* their children be not abstards.* **3** A Canaanite bondwoman. **4** A Canaanitish bondman. But if a bondman married a bastard the offspring is a bastard. **5** The son. **6** A free Jew, and may marry a Jewess. **7** His opinion is rejected. **8** *i.e.,* the issue. * לְטַהֵר.

CHAPTER 4

פֶּרֶק ד

Mishnah 1

מִשְׁנָה א

Ten classes[1] of definite genealogy[2] came up from Babylon:[3] the priestly class,[4] the proselyte class, (and) the emancipated class, the bastard class,[5] the Gibeonite descendant class, the class of illegitimates of unknown fatherhood,[6] and the class of foundlings.[6] The priestly class, the Levitic class and the Israelitish class may[7] intermarry; the Levitic class, the Israelite class, the impaired priestly class, the proselyte class, and the freedmen class are permitted[8] to intermarry; the proselyte class, (and) the freedmen class, the bastard class,[5] (and) the Gibeonite descendant class, the class of illegitimates of obscure fatherhood, and the class of foundlings are all permitted to[9] intermarry.

[1]עֲשָׂרָה [2]יוּחֲסִין עָלוּ [3]מִבָּבֶל, כֹּהֲנֵי, לְוִיֵּי, יִשְׂרְאֵלִי, [4]חֲלָלִי, [5]גֵּרֵי, וַחֲרוּרֵי, [5]מַמְזֵרֵי, נְתִינֵי, [6]שְׁתוּקֵי, [6]וַאֲסוּפֵי. כֹּהֲנֵי, לְוִיֵּי וְיִשְׂרְאֵלִי [7]מוּתָּרִים לָבֹא זֶה בָּזֶה; לְוִיֵּי, יִשְׂרְאֵלִי, חֲלָלִי, גֵּרֵי, וַחֲרוּרֵי [8]מוּתָּרִים לָבֹא זֶה בָּזֶה; גֵּרֵי, וַחֲרוּרֵי, [5]מַמְזֵרֵי, וּנְתִינֵי, שְׁתוּקֵי, וַאֲסוּפֵי [9]כּוּלָּם מוּתָּרִין לָבֹא זֶה בָּזֶה.

1 Or *castes.* **2** *i.e.,* their paternal parentage and manner of birth were known. **3** They came with Ezra from the Babylonian captivity to Palestine (450 B.C.E.). **4** חָלָל one unfit for priesthood because of his father's (a כֹּהֵן) illegitimate connexion (*Leviticus* **21**, 1, 7, 14; קִידּוּשִׁין 4[6]; סַנְהֶדְרִין 51a)—a High Priest and widow, a common priest and a divorced woman or harlot or חֲלָלָה (a woman of such birth—חֲלָלָה is the *feminine* form corresponding to חָלָל). **5** מַמְזִירֵי in some texts. **6** See next *Mishnah.* **7** Or מְתָּרִים. **8** מוּתָּרִין in some editions. Or מְתָּרִים. **9** Or כֻּלָּם מְתָּרִים.

Mishnah 2

מִשְׁנָה ב

And these[1] are they: a שְׁתוּקִי is *one that knows his mother but does not know his father,*[2] and an אֲסוּפִי[3]

[1]וְאֵלּוּ הֵם, שְׁתוּקִי כָּל־שֶׁהוּא מַכִּיר אֶת־אִמּוֹ וְאֵינוֹ מַכִּיר אֶת־[2]אָבִיו,

[3]וַאֲסוּפִי כָּל־שֶׁנֶּאֱסַף מִן־הַשּׁוּק וְאֵינוֹ מַכִּיר לֹא אָבִיו וְלֹא אִמּוֹ. אַבָּא [4]שָׁאוּל הָיָה קוֹרֵא לְשְׁתוּקִי [5]בְּדוּקִי.

is *one picked up from the street and knows neither his father nor his mother.* Abba Saul[4] used to call a שְׁתוּקִי *an illegitimate offspring of unknown fatherhood* a בְּדוּקִי *one needing examination.*[5]

1 *i.e.,* here are the meanings of שְׁתוּקִי and אֲסוּפִי quoted in the preceding *Mishnah.* **2** *i.e.,* he does not know who was his father. **3** אָסוּפִי in some texts. **4** His rendering is accepted. **5** שְׁתוּקִי is a derivative from the *Kal passive participle* שָׁתוּק, *silent when questioned* (here regarding legitimate descent) from the *verb* שָׁתַק. אֲסוּפִי is a derived form from אָסוּף, *being gathered,* the *Kal passive participial* form of the *verb* אָסַף. בְּדוּקִי is a derivative from בָּדוּק, *requiring examination,* the *Kal passive participle* of the *verb* בָּדַק.

Mishnah 3 — מִשְׁנָה ג

[1]כָּל־הָאֲסוּרִים לָבֹא בַּקָּהָל [2]מוּתָּרִים לָבֹא זֶה בָּזֶה. רַבִּי יְהוּדָה [3]אוֹסֵר. רַבִּי [4]אֱלִיעֶזֶר אוֹמֵר, [5]וַדָּאָן [7]בְּוַדָּאָן [6]מוּתָּר, וַדָּאָן [8]בִּסְפֵיקָן, וּסְפֵיקָן ([10,9]בְּוַדָּאָן, וּסְפֵיקָן) [11]בִּסְפֵיקָן אָסוּר. וְאֵלּוּ הֵן הַסְּפֵקוֹת, [12]שְׁתוּקִי, [13]אֲסוּפִי, [14]וְכוּתִי.

All who are prohibited from entering into the congregation[1] are allowed[2] to intermarry. But R. Judah prohibits it.[3] R. Eliezer[4] says, One of decided descent[5] may[6] intermarry with another of assured origin,[7] but one of definite stock may not intermarry with another of doubtful birth,[8] and one of uncertain origin may not intermarry with (one[9] of undoubted descent,[10] and one of doubtful issue may not intermarry with) another of indefinite stock.[11] And these are they of uncertain origin: he who knows who his mother was but not his father,[12] the foundling,[13] and the Samarian.[14]

1 *Deuteronomy* **23,** 1-3. **2** Or מְתָּרִים, to intermarry among themselves. **3** R. Judah admits that a proselyte or an Ammonite or a Moabite may marry a bastard woman. **4** His view is accepted. **5** וַדָּאָן, *the sure, undoubted cases among them.* **6** Or מֻתָּר. **7** *i.e.,* in such cases, if their origin of birth is known without any doubt, such as an assured bastard with an undoubted Gibeonite descendant. **8** סְפֵיקָן, *the uncertain, doubtful case among them.* For instance, an assured מַמְזֵר or נָתִין may not wed a שְׁתוּקִית or אֲסוּפִית. **9** Some consider this bracketed part redundant. **10** As for example, a שְׁתוּקִי or אֲסוּפִי with a definite מַמְזֵרִית*or אֲסוּפִית. **11** Thus, for instance, a שְׁתוּקִי or אֲסוּפִי may not marry a שְׁתוּקִית or אֲסוּפִית. **12** וַאֲסוּפִי in some editions. **13** See the preceding *Mishnah.* **14** Or *Samaritan.* These three classes may not

intermarry. The Samaritans were not considered well versed in the laws of the תּוֹרָה concerning betrothals and divorces and ultimately they were declared as established idolaters in all respects. * Or מַמְזֶרֶת.

Mishnah 4

מִשְׁנָה ד

If one[1] would wed a woman of priestly parentage,[2] he needs to investigate[3] her family records through four mothers, which are actually eight:[4] her mother, and her mother's mother, and the mother of her father's mother, and *her* mother,[5] and her father's mother, and *her* mother,[6] and the mother of her father's father, and *her* mother.[7] A Levitess or an Israelitess:[8] they must add to the foregoing one more.[9]

[1]הַנּוֹשֵׂא אִשָּׁה [2]כֹּהֶנֶת, צָרִיךְ [3]לִבְדּוֹק אַחֲרֶיהָ אַרְבַּע אִמָּהוֹת, שֶׁהֵן [4]שְׁמֹנֶה, אִמָּהּ, וְאֵם אִמָּהּ, וְאֵם אֲבִי אִמָּהּ, [5]וְאִמָּהּ, וְאֵם אָבִיהָ, [6]וְאִמָּהּ וְאֵם אֲבִי אָבִיהָ, [7]וְאִמָּהּ. לְוִיָּה [8]וְיִשְׂרְאֵלִית, מוֹסִיפִין עֲלֵיהֶן עוֹד [9]אֶחָת.

1 A כֹּהֵן, priest. **2** *i.e.*, the daughter of a כֹּהֵן. **3** To make certain that there is no taint of bastardy or other disqualification. **4** Four paternal and four maternal. No such research among the *male* progenitors is necessary because men when they fall out and censure one another disclose genealogical blemishes and disqualifications, whereas women are wont generally when quarrelsome to cast immoral aspersions and indecent abuse against one another. Examination is demanded only when any evidence of illegitimacy or suspicion of disqualification is raised. The daughter of a כֹּהֵן does not have to enquire into the family history of any Jew she desires to be married to, and further she (and this applies to a Levitess and Israelitess) may be married by a proselyte or by a חָלָל (see 4[1], **Note 4**). **5** *viz.*, of the latter just mentioned, *i.e.*, her mother's father's mother's mother. **6** *viz.*, of the one just referred to, *i.e.*, her father's mother's mother. **7** *viz.*, of her just stated, *i.e.*, the mother of her father's father's mother. **8** *i.e.*, if a כֹּהֵן would marry a Levitic or Israelitish woman. **9** *i.e.*, *one* more mother. The descent must be traced back to her father's mother's mother's mother and her mother's mother's mother.

Mishnah 5

מִשְׁנָה ה

They do not have to investigate further than the Altar[1] or beyond the Platform[2] or farther than the

אֵין בּוֹדְקִין לֹא מִן־[1]הַמִּזְבֵּחַ וּלְמַעְלָה וְלֹא מִן־[2]הַדּוּכָן וּלְמַעְלָה

וְלֹא מִן־[3]סַנְהֶדְרִין וּלְמֶעֱלָה; וְכָל שֶׁהוּחְזְקוּ אֲבוֹתָיו [4]מִשּׁוֹטְרֵי הָרַבִּים [5]וְגַבָּאֵי צְדָקָה מַשִּׂיאִין לִכְהוּנָּה, וְאֵין צָרִיךְ לִבְדּוֹק אַחֲרֵיהֶן. רַבִּי יוֹסֵי אוֹמֵר, אַף מִי שֶׁהָיָה חָתוּם עֵד [6]בְּעַרְכֵי הַיְשָׁנָה שֶׁל צִפּוֹרִי. רַבִּי חֲנִינָא בֶן [7]אַנְטִיגְנוֹס אוֹמֵר, אַף מִי שֶׁהָיָה מוּכְתָּב [8]בָּאִסְטְרַטְיָא שֶׁל מֶלֶךְ.

Sanhedrim;[3] and anyone whose ancestors were known as public officials[4] or as official almoners[5] may marry into the priestly stock, and there is no need to examine into their descent. R. Jose says, Even one who was signed up as a witness in the registry office of pedigrees in Yoshanah near Sepphoris.[6] R. Chaninah ben Antigonus[7] says, Also anyone whose name was enrolled in the king's army.[8]

1 There is no need to trace her descent farther back than her father's father if he was a ministering priest in the Temple as he must have been of unquestionably good stock. **2** The *priests' stage* (near the *Altar*) from which they pronounced the Benediction and whereon the Levites used to sing. If the father sang as a Levite it was sufficient evidence of correct origin. **3** Membership of which was sufficient proof of unimpaired descent. **4** Justices to give decisions in money matters. צְרָכִין 2[6]; מִדּוֹת 2[6]. **5** Or *collectors of charity*. **6** Such a person should also be exempt from search being made into his ancestral origin. Some render this בְּעַרְכֵי הַיְשָׁנָה שֶׁל צִפּוֹרִי, *in the old records* (or *archives*) *at Sepphoris* (*Seffurieh*) in Galilee. מְגִלָּה 6a; בָּבָא בַּתְרָא 75b; שַׁבָּת 121a; צְרָכִין 9[6]. The reference is to such whose names were inscribed there as eligible to be witnesses and to act as judges, and such record was to be taken as sufficient evidence of good stock. **7** Or אַנְטִיגֶנֶס. **8** It was taken for granted that anyone enrolled in King David's army (*I Chronicles* **7**, 40) was of unimpeachable stock.

Mishnah 6 — מִשְׁנָה ו

בַּת [1]חָלָל זָכָר [2]פְּסוּלָה מִן־[3]הַכְּהוּנָּה לְעוֹלָם. יִשְׂרָאֵל שֶׁנָּשָׂא [1]חֲלָלָה, בִּתּוֹ כְּשֵׁרָה [3]לַכְּהוּנָּה. חָלָל שֶׁנָּשָׂא בַּת יִשְׂרָאֵל, בִּתּוֹ פְּסוּלָה [3]לַכְּהוּנָּה. רַבִּי יְהוּדָה אוֹמֵר, [4]בַּת גֵּר זָכָר כְּבַת חָלָל זָכָר.

The daughter of a male, the impaired son of a priest,[1] is disqualified[2] for ever to be wed to a priest.[3] If an Israelite wedded the impaired daughter of a priest,[1] his daughter is qualified to be wedded to a priest.[3] If the impaired son of a priest married the daughter of an Israelite, his daughter is ineligible to be married to a priest.[3] R. Judah says, The daughter[4] of a male proselyte is as the daughter of a male the impaired son of a priest.

1 And likewise the daughter of his son's son is thus disqualified. See 4[1], **Note 4**. **2** This applies similarly to his son's daughter and also to his grandson's daughter; but the daughter of his daughter married to an Israelite (non-priest or non-Levite) may be wed by a priest. **3** Literally *to the priesthood, to the priestly privileges, to the priestly prerogatives, to the priestly community.** **4** *i.e.,* if a proselyte wed a Jewess their daughter may not be married to a priest. * הַכְּהֻנָּה, לְכְהֻנָּה.

Mishnah 7

מִשְׁנָה ז

R. Eliezer ben Jacob says, If an Israelite[1] wedded a proselyte, his daughter is eligible to be married to a priest;[2] and if a proselyte wed the daughter of an Israelite,[1] his daughter is qualified to be married to a priest;[2] but if a proselyte married a proselytess, his daughter is ineligible for marriage with a priest.[2] This applies both to a proselyte[3] and to freed slaves, even[4] to ten generations, until such time as his mother[5] shall be of Israelite origin. R. Jose[6] says, Even if a proselyte wedded a proselytess, his daughter is eligible to be married to a priest.[2,7]

רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר, [1]יִשְׂרָאֵל שֶׁנָּשָׂא גִּיּוֹרֶת, בִּתּוֹ כְּשֵׁרָה [2]לַכְּהוּנָּה; וְגֵר שֶׁנָּשָׂא בַּת [1]יִשְׂרָאֵל, בִּתּוֹ כְּשֵׁרָה [2]לַכְּהוּנָּה; אֲבָל גֵּר שֶׁנָּשָׂא גִּיּוֹרֶת, בִּתּוֹ פְּסוּלָה [2]לַכְּהוּנָּה. אֶחָד [3]גֵּר וְאֶחָד עֲבָדִים *מְשׁוּחְרָרִים, [4]אֲפִילוּ עַד עֲשָׂרָה דּוֹרוֹת, עַד שֶׁתְּהֵא [5]אִמּוֹ מִיִּשְׂרָאֵל. רַבִּי [6]יוֹסֵי אוֹמֵר, אַף גֵּר שֶׁנָּשָׂא גִּיּוֹרֶת, בִּתּוֹ כְּשֵׁרָה [2,7]לַכְּהוּנָּה.

1 Non-priest, non-Levite. **2** See 4[6], **Note 3**. **3** Or גֵּרִים, *proselytes* in some editions. **4** Or אֲפִלּוּ. **5** אִמָּן, *their mother,* in some texts. **6** His opinion is accepted. But a כֹּהֵן is advised nevertheless not to wed the girl whose parents are proselytes. **7** And their offspring is כָּשֵׁר, eligible.
* מְשֻׁחְרָרִים.

Mishnah 8

מִשְׁנָה ח

If a man say, 'This son of mine is a bastard,' he is not to be believed.[1] And even if[2] they both[3] say[4] concerning the embryo[5] within her womb, 'It is a bastard,' they are not to be believed. R. Judah[6] says, They are to be believed.

הָאוֹמֵר, בְּנִי זֶה מַמְזֵר, [1]אֵינוֹ נֶאֱמָן. [2]וַאֲפִילוּ [3]שְׁנֵיהֶם [4]אוֹמְרִים עַל [5]עוּבָּר שֶׁבְּמֵעֶיהָ, מַמְזֵר הוּא, אֵינָם נֶאֱמָנִים. רַבִּי [6]יְהוּדָה אוֹמֵר, נֶאֱמָנִים.

1 Because he is his own near relative, and one of near kin is disqualified to testify. **2** Or וְאַסְלוּ. **3** The man and his wife. **4** The גְּמָרָא has מוֹדִים *admit, confess.* **5** Literally *an embryo.* הָעוּבָּר, הָעֻבָּר, *the embryo,* in some editions. **6** His view is accepted.

Mishnah 9

מִשְׁנָה ט

מִי שֶׁנָּתַן רְשׁוּת [1]לִשְׁלוּחוֹ [2]לְקַדֵּשׁ אֶת־בִּתּוֹ וְהָלַךְ [3]הוּא [4]וְקִדְּשָׁהּ, אִם שֶׁלּוֹ קָדְמוּ קִדּוּשָׁיו קִדּוּשִׁין, וְאִם שֶׁל שְׁלוּחוֹ קָדְמוּ קִדּוּשָׁיו קִדּוּשִׁין; וְאִם [5]אֵינוֹ יָדוּעַ, שְׁנֵיהֶם נוֹתְנִים גֵּט, וְאִם רָצוּ, אֶחָד נוֹתֵן גֵּט וְאֶחָד כּוֹנֵס. וְכֵן הָאִשָּׁה שֶׁנָּתְנָה רְשׁוּת לִשְׁלוּחָהּ [6]לְקַדֵּשָׁהּ וְהָלְכָה וְקִדְּשָׁה אֶת־[7]עַצְמָהּ, אִם שֶׁלָּהּ קָדְמוּ קִדּוּשֶׁיהָ קִדּוּשִׁין, וְאִם שֶׁל שְׁלוּחָהּ קָדְמוּ קִדּוּשָׁיו קִדּוּשִׁין; וְאִם אֵינוֹ יָדוּעַ, [8]שְׁנֵיהֶם נוֹתְנִים לָהּ גֵּט; וְאִם רָצוּ, אֶחָד נוֹתֵן [9]לָהּ גֵּט וְאֶחָד כּוֹנֵס.

If one authorised his representative[1] to give his daughter in betrothal,[2] but he himself[3] went and gave her in betrothal,[4] if the betrothal by him preceded this betrothal, his is licit betrothal, but if that by his representative came first, then this betrothal is legal; and if it be not known,[5] both of them must give her *letters of divorce,* but if they so wish it, one may give her a *letter of divorce* and the other may wed her. And, likewise, if a woman gave her deputy authorization to give her in betrothal,[6] and she went and betrothed herself,[7] if hers came first her betrothal is valid betrothal, but if that of her deputy preceded, then the betrothal by him is licit betrothal; but if it be not known, both of them[8] must give her *letters of divorce;* but if they so desire it, one may grant her[9] a *letter of divorce* and the other may take her in marriage.

1 Or *agent, deputy.* **2** To a certain man. **3** הוּא is omitted in some texts. **4** To some other man. **5** Which man's betrothal was first delivered. **6** *i.e.,* to accept on her behalf betrothal from a certain man. **7** *i.e.,* she herself accepted betrothal from another man. **8** שְׁנֵיהֶן in some editions. **9** לָהּ is omitted in some editions.

Mishnah 10

מִשְׁנָה י

מִי שֶׁיָּצָא הוּא [1]וְאִשְׁתּוֹ [2]לִמְדִינַת הַיָּם, וּבָא הוּא [3]וְאִשְׁתּוֹ וּבָנָיו וְאָמַר, אִשָּׁה שֶׁיָּצְאַת עִמִּי לִמְדִינַת הַיָּם הֲרֵי

If a man and his wife[1] went to a country beyond the sea,[2] and he and his wife[3] and his children came back and he said, 'Behold, the woman that went forth with me to

הֵיא זוּ, וְאֵלּוּ בָנֶיהָ, אֵין צָרִיךְ
*לְהָבִיא רְאָיָה לֹא עַל [4]הָאִשָּׁה
וְלֹא עַל [5]הַבָּנִים. [6]מֵתָה, וְאֵלּוּ
בָנֶיהָ, מֵבִיא רְאָיָה עַל [7]הַבָּנִים וְאֵינוֹ
מֵבִיא רְאָיָה עַל [8]הָאִשָּׁה.

the land beyond the sea, this is she, and these are her children,' he does not need to bring* proof regarding the wife[4] nor about the children.'[5] 'She[6] died, and these are her children,' he must bring proof regarding the children[7] but he does not have to bring proof about the woman.[8] *See ADDENDUM, Page 484.

1 Who came of good stock. **2** Or *outside Palestine, a foreign land.* **3** And there is none who remembers her after a long absence. **4** Because she had had a good reputation before her departure. **5** Their attachment to her is evidence enough of her maternity. **6** *i.e., If he said, 'She .....'* **7** That they are of the dead wife. **8** *i.e.,* no evidence is required that after his wife's death he had these children with another wife who died also.

Mishnah 11 — מִשְׁנָה יא

[1]אִשָּׁה נָשָׂאתִי בִּמְדִינַת הַיָּם, הֲרֵי
הֵיא זוּ וְאֵלּוּ בָנֶיהָ, מֵבִיא רְאָיָה עַל
הָאִשָּׁה, וְאֵין צָרִיךְ לְהָבִיא רְאָיָה
עַל [2]הַבָּנִים. [3]מֵתָה, וְאֵלּוּ בָנֶיהָ,
צָרִיךְ לְהָבִיא רְאָיָה עַל [4]הָאִשָּׁה
וְעַל [5]הַבָּנִים.

'I[1] wed a woman in a land beyond the sea, behold, this is she and these are her children,' he must bring evidence concerning the woman, but he does not have to produce evidence concerning the children.[2] 'She[3] died, and these are her children,' he needs to furnish evidence regarding the woman[4] and also regarding the children.[5]

1 *i.e., If a man said, 'I .....'* (See 4[10], **Note 2**). **2** If the children's attachment to her is evident. **3** *i.e., If a man said, 'She .....'* **4** Regarding her descent from unimpeachable stock. **5** That this woman was their mother.

Mishnah 12 — מִשְׁנָה יב

לֹא יִתְיַחֵד [1]אָדָם עִם [2]שְׁתֵּי נָשִׁים,
אִשָּׁה אַחַת מִתְיַחֶדֶת עִם [3]שְׁנֵי
אֲנָשִׁים. רַבִּי שִׁמְעוֹן אוֹמֵר, אַף אִישׁ
אֶחָד מִתְיַחֵד עִם שְׁתֵּי נָשִׁים [4]בַּזְּמַן
שֶׁאִשְׁתּוֹ [5]עִמּוֹ, וְיָשֵׁן [6]עִמָּהֶן בְּפוּנְדְּקִי

A man[1] must not be alone with two women,[2] but one woman may be alone with two men.[3] R. Simon says, Even one man may be alone with two women so long as[4] his wife is with him,[5] and he may sleep with them[6] in an inn since his

מִפְּנֵי שֶׁאִשְׁתּוֹ מְשַׁמֶּרְתּוֹ. מִתְיַחֵד אָדָם עִם אִמּוֹ וְעִם בִּתּוֹ וְיָשֵׁן עִמָּהֶם בְּקֵרוּב בָּשָׂר, וְאִם [7]הִגְדִּילוּ, זוּ יְשֵׁנָה בִּכְסוּתָהּ וְזֶה יָשֵׁן בִּכְסוּתוֹ.

wife watches over him. A man may be alone with his mother and with his daughter and he may sleep with them with their bodies in contact, but if they are of adult age,[7] she must sleep in her clothes and he must sleep in his clothes.

1 אִישׁ אֶחָד, *a man by himself,* in some editions. **2** Whether old or young, because he can easily seduce them. This also applies to more than two women. **3** She is safe against being seduced. Nevertheless this is also forbdden, especially if away from habitations or during the night—but three men are considered safe against immorality. **4** Or בִּזְמַן. **5** עִמָּהּ, *with her,* in some texts. **6** But if the man and wife are non-Jews a Jewess may not sleep in their room. **7** A male over thirteen years and one day of age and a female above twelve years and one day are deemed adults.

Mishnah 13

מִשְׁנָה יג

לֹא יְלַמֵּד [1]אָדָם רָוָק [2]סוֹפְרִים, וְלֹא תְּלַמֵּד אִשָּׁה סוֹפְרִים. רַבִּי [3]אֱלִיעֶזֶר אוֹמֵר, אַף מִי [4]שֶׁאֵין לוֹ אִשָּׁה לֹא יְלַמֵּד סוֹפְרִים.

A bachelor[1] may not teach young children,[2] and a woman may not be a teacher of young children. R. Eliezer[3] says, Even one whose wife is not with him[4] may not teach young children.

1 Or *an unmarried man.* אָדָם is omitted in some editions. Or רָוָק. **2** Because of the mothers who bring their children to him—to avoid any form of intimacy. **3** His view is accepted by some and rejected by others. **4** *i.e.,* who lives away from him.

Mishnah 14

מִשְׁנָה יד

רַבִּי [1]יְהוּדָה אוֹמֵר, לֹא [3]יִרְעֶה [2]רָוָק בְּהֵמָה, וְלֹא יִישְׁנוּ שְׁנֵי רָוָקִים בְּטַלִּית [4]אֶחָת. [5]וַחֲכָמִים מַתִּירִין. כָּל־[6]שֶׁעֲסָקָיו עִם הַנָּשִׁים לֹא יִתְיַחֵד עִם [7]הַנָּשִׁים; וְלֹא יְלַמֵּד אָדָם אֶת־בְּנוֹ [8]אוּמָנוּת בֵּין הַנָּשִׁים. רַבִּי מֵאִיר אוֹמֵר, לְעוֹלָם יְלַמֵּד אָדָם אֶת־בְּנוֹ אוּמָנוּת [9]נְקִיָּה [10](וְקַלָּה) וְיִתְפַּלֵּל

R. Judah[1] says, A bachelor[2] may not herd[3] cattle, and two bachelors may not sleep together under the same[4] cloak. But the Sages permit it.[5] Anyone whose business[6] is with women may not be alone with women;[7] and a man should not teach his son a craft[8] practised among women. R. Meir says, A man should always teach his son a clean[9] (and easy[10]) craft, and

should pray to Him to Whom riches and possessions belong, since there is no craft wherein there is no poverty and riches, for poverty does not come from any craft nor does wealth come from any craft, but all is according to one's merit.[11] R. Simon ben Elazar[12] says, 'Hast thou ever beheld a wild beast or bird that possesses a craft? And none the less they sustain themselves without care, and were they not created but to serve me? But I was created to serve my Maker. Does it not follow that I should receive my maintenance without care? But I have performed my actions in evil and have foregone my support.'[13] Abba Gorion of Zaidan[14] says in the name of Abba Guria,[15] A man should not teach his son to be an ass-driver,[16,17] or a camel-driver,[17] or a hairdresser,[18] or a sailor,[19] or a shepherd,[20] or a shopkeeper,[21] for their craft is the craft of robbers. R. Judah says in his name,[22] Ass-drivers[23] are most of them wicked men,[24] but most camel-drivers are straightforward,[25] sailors are mostly pious men,[26] the best among doctors[27] is for Gehenna,[28] and the most worthy among butchers[29] is a partner of Amalek. R. Nehorai says, I would put on one side[30] all the crafts in the world and would teach my son only the Law, for a man enjoys[31] the interest thereof in this world and the principal still remains for the world to come. But with all other crafts[32] this is not so, for

לְמִי שֶׁהָעוֹשֶׁר וְהַנְּכָסִים שֶׁלּוֹ, שֶׁאֵין אוּמָּנוּת שֶׁאֵין בָּהּ עֲנִיּוּת וַעֲשִׁירוּת, שֶׁלֹּא עֲנִיּוּת מִן־הָאוּמָּנוּת וְלֹא עֲשִׁירוּת מִן־הָאוּמָּנוּת, אֶלָּא הַכֹּל לְפִי [11]זְכוּתוֹ. רַבִּי שִׁמְעוֹן בֶּן [12]אֶלְעָזָר אוֹמֵר, רָאִיתָ מִיָּמֶיךָ חַיָּה וְעוֹף שֶׁיֵּשׁ לָהֶם אוּמָּנוּת? וְהֵן מִתְפַּרְנְסִין שֶׁלֹּא בְצַעַר, וַהֲלֹא לֹא נִבְרְאוּ אֶלָּא לְשַׁמְּשֵׁנִי? וַאֲנִי נִבְרֵאתִי לְשַׁמֵּשׁ אֶת־קוֹנִי. אֵינוֹ דִין שֶׁאֶתְפַּרְנֵס שֶׁלֹּא בְצַעַר? אֶלָּא שֶׁהוֹרַעְתִּי מַעֲשַׂי וְקִפַּחְתִּי אֶת־[13]פַּרְנָסָתִי. אַבָּא גוֹרְיָן אִישׁ [14]צַדָּיִן אוֹמֵר מִשּׁוּם אַבָּא [15]גוּרְיָא, לֹא יְלַמֵּד אָדָם אֶת־בְּנוֹ [16,17]חַמָּר, [17]גַּמָּל, [18]סַפָּר, [19]סַפָּן, [20]רוֹעֶה, [21]וְחֶנְוָנִי, שֶׁאוּמָּנוּתָן אוּמָּנוּת לִסְטִים. רַבִּי יְהוּדָה אוֹמֵר [22]מִשְּׁמוֹ, [23]הַחַמָּרִים רוּבָן [24]רְשָׁעִים, וְהַגַּמָּלִין רוּבָן [25]כְּשֵׁרִים, הַסַּפָּנִין רוּבָן [26]חֲסִידִים, טוֹב [27]שֶׁבְּרוֹפְאֵין [28]לְגֵיהִנֹּם, וְהַכָּשֵׁר [29]שֶׁבַּטַּבָּחִים שׁוּתָּפוֹ שֶׁל עֲמָלֵק. רַבִּי נְהוֹרָאִי אוֹמֵר, [30]מַנִּיחַ אֲנִי כָּל־אוּמָּנוּת שֶׁבָּעוֹלָם וְאֵינִי מְלַמֵּד אֶת־בְּנִי אֶלָּא תּוֹרָה, שֶׁאָדָם [31]אוֹכֵל מִשְּׂכָרָהּ בָּעוֹלָם הַזֶּה וְהַקֶּרֶן קַיֶּמֶת לָעוֹלָם הַבָּא. [32]וּשְׁאָר כָּל־אוּמָּנוּת אֵינָן כֵּן, כְּשֶׁאָדָם בָּא לִידֵי חוֹלִי אוֹ לִידֵי זִקְנָה אוֹ לִידֵי [33]יִסּוּרִין, וְאֵינוֹ יָכוֹל לַעֲסוֹק בִּמְלַאכְתּוֹ, הֲרֵי הוּא מֵת בְּרָעָב; אֲבָל הַתּוֹרָה אֵינָהּ כֵּן, אֶלָּא

מִשֶּׁמַּרְתּוֹ מִכָּל רָע בְּנַעֲרוּתוֹ, וְנוֹתֶנֶת לוֹ אַחֲרִית וְתִקְוָה בְּזִקְנוּתוֹ. בְּנַעֲרוּתוֹ, מָה הוּא אוֹמֵר? [34]וְקַוֵּי ה׳ יַחֲלִיפוּ כֹחַ. בְּזִקְנוּתוֹ, מַהוּ אוֹמֵר? [35]עוֹד יְנוּבוּן בְּשֵׂיבָה. וְכֵן הוּא אוֹמֵר בְּאַבְרָהָם אָבִינוּ, עָלָיו הַשָּׁלוֹם, [36]וְאַבְרָהָם זָקֵן, וַה׳ בֵּרַךְ אֶת־אַבְרָהָם בַּכֹּל, מָצִינוּ [37]שֶׁעָשָׂה אַבְרָהָם אָבִינוּ אֶת־כָּל־הַתּוֹרָה [38]כּוּלָּהּ עַד שֶׁלֹּא נִתְּנָה, שֶׁנֶּאֱמַר, [39]עֵקֶב אֲשֶׁר שָׁמַע אַבְרָהָם [40]בְּקוֹלִי, וַיִּשְׁמֹר מִשְׁמַרְתִּי, מִצְוֹתַי, חֻקּוֹתַי, [41]וְתוֹרוֹתָי.

when a man comes to sickness or to old age or to troubles,[33] and he is not able to engage in his occupation, then behold he dies of hunger; but in the case of the Law it is not so, for it protects him from all evil in his youth, and it presents him with a future and hope in his old age. Regarding his youth, what does it say?—*But*[34] *they that wait for the Eternal shall renew their strength.* Concerning his old age, what does it say?—*They*[35] *shall still bring forth fruit in old age.* And likewise, it says of Abraham our father, peace be unto him, *And*[36] *Abraham was old ..... and the Eternal had blessed Abraham in all things.* We find that Abraham our father had fulfilled[37] the whole[38] Law before it was given, as it is said, *Because*[39] *that Abraham hearkened to My voice,*[40] *and kept My charge, My commandments, My statutes, and My laws.*[41]

1 His view is rejected. **2** יִרְעֶה [*Kal*]; or יַרְעֶה [*Hiphil*], *leads to pasture, graze.* **3** He might be tempted to unnatural atrocious practice. **4** אֶחָד in some editions. They might be tempted to commit the heinous offence of buggery or sodomy. **5** מַתִּירִים in some editions. The opinion of the Sages is accepted. Jewish men are not suspected of immoral relationship with animals. **6** שֶׁאוּמָנָתוֹ, *whose occupation,* in some texts, and שֶׁעִסְקוֹ [*singular*] instead of שֶׁעֲסָקָיו [*plural*] in other texts. Referring particularly to women's apparel and adornments. **7** Unless his wife is present. **8** Or *trade, occupation, profession.* **9** Away from women. **10** In some editions וְקַלָּה is omitted. **11** Stress is here laid on the desirability for everyone to learn a craft and not to despise manual labour. **12** Or אֱלִיעֶזֶר. **13** *i.e., 'and I have forfeited my right to support.'* **14** Or צִידוֹן, צִידָן, *Zidon, Sidon* in Phoenicia. **15** Some texts have שָׁאוּל instead of גּוּרְיָא. **16** In general *an attendant of beasts of burden.* **17** They are wont to let their beasts eat without permission from people's fields. **18** Or *barber, haircutter.* **19** Sailors are wont to make use of other people's property. **20** Shepherds often let the sheep graze in other people's fields. **21** Or *salesman, taverner.* Shopkeepers are not always honest in their dealings, *e.g.,* giving false weights and measures. **22** In the name of Abba Guria. **23** הַמַּרִין in some editions.

24 They are dishonest. They generally travel singly and this gives them opportunity to waylay their passengers. **25** קִשְׁרִין in some texts. They travel usually in numbers, and also the dangers that surround them in the desert turn their hearts to God [illegible]

מִשְׁמַרְתּוֹ מִכָּל רָע בְּנַעֲרוּתוֹ, וְנוֹתֶנֶת לוֹ אַחֲרִית וְתִקְוָה בְּזִקְנוּתוֹ. בְּנַעֲרוּתוֹ, מָה הוּא אוֹמֵר? [34]וְקַוֵּי ה׳ יַחֲלִיפוּ כֹחַ. בְּזִקְנוּתוֹ, מַהוּ אוֹמֵר? [35]עוֹד יְנוּבוּן בְּשֵׂיבָה. וְכֵן הוּא אוֹמֵר בְּאַבְרָהָם אָבִינוּ, עָלָיו הַשָּׁלוֹם, [36]וְאַבְרָהָם זָקֵן, וַה׳ בֵּרַךְ אֶת־אַבְרָהָם בַּכֹּל, מָצִינוּ [37]שֶׁעָשָׂה אַבְרָהָם אָבִינוּ אֶת־כָּל־הַתּוֹרָה [38]כּוּלָּהּ עַד שֶׁלֹּא נִתְּנָה, שֶׁנֶּאֱמַר, [39]עֵקֶב אֲשֶׁר שָׁמַע אַבְרָהָם [40]בְּקוֹלִי, וַיִּשְׁמוֹר מִשְׁמַרְתִּי, מִצְוֹתַי, חֻקּוֹתַי, [41]וְתוֹרוֹתָי.

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24 They are dishonest. They generally travel singly and this gives them opportunity to waylay their passengers. **25** כְּשָׁרִין in some texts. They travel usually in numbers, and also the dangers that surround them in the desert turn their hearts to God for protection. **26** The constant fear of disaster and danger turns their thoughts to the Almighty. **27** § *i.e.*, one who pretends to be a specialist and in consequence brings disaster to his patients. **28** Or *Gihinnom, hell.* Actually a glen south of Jerusalem where idolatrous Moloch practices were carried out. **29** Because of his crude and uncouth handling of flesh and blood. **30** Or מִנְיָן. **31** Literally *eats*. **32** Literally *craft*. Better וּשְׁאָר אוּמְנִיּוֹת,* *But with other crafts,* in some editions. **33** Of soul and mind. **34** *Isaiah* **40**, 31. **35** *Psalm* **92**, 15. **36** *Genesis* **24**, 1. **37** שֶׁקְּיִים in some editions. **38** Or כָּלָה. He was a righteous man and universal benefactor. **39** *Genesis* **26**, 5. **40** Scripture gives בְּקֹלִי. **41** The Scriptural reading is וְתוֹרָתִי. **42** In some editions, סְלִיקָא לָהּ מַסֶּכֶת קִדּוּשִׁין, TRACTATE KIDDUSHIN CONCLUDED, and סְלִיק מַסֶּכֶת קִדּוּשִׁין, CONCLUSION OF TRACTATE KIDDUSHIN, in other editions.

* Popular pronunciation וּשְׁאַר.

§ Perhaps preferable the *indefinite* form שֶׁבְּרוֹפְאִיי.

[42]נִשְׁלְמָה מַסֶּכֶת קִדּוּשִׁין

TRACTATE KIDDUSHIN CONCLUDED.

ADDENDUM

4[10], **Note** * (Page 480). לְהָבִיא [compare *Isaiah* **60**, 9, 11]; some prefer the vocalization לְהֵבִיא

APPENDIX

GENERAL REFERENCE NOTES

By

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GENERAL REFERENCE NOTES

Note 1.

The Jewish agriculturist in Palestine was obliged מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה) *as enjoined by the law* (but also outside Palestine מִדְּרַבָּנָן, *as ordained by the* חֲכָמִים, *Sages*) to give from the produce of his field, garden, oliveyard, vineyard and orchard certain dues or levies called מַתְּנוֹת עֲנִיִּים, *poor-men's dues*, every six years, but not every seventh year called שְׁבִיעִית or שְׁמִטָּה (or שְׁמִיטָּה), *Sabbatical Year*, when all that grew of itself was הֶפְקֵר, *ownerless, common to everyone*, and everybody—whether man, woman, or beast, rich or poor, old or young—had an equal right to it.

These dues were (1) פֵּאָה, *field corner* (minimum $\frac{1}{60}$), (2) שִׁכְחָה, *forgotten in gleaning*, (3) לֶקֶט, *fallen cut corn, gleaning* (including פֶּרֶט, *fallen cut grapes*, and עוֹלְלוֹת, *poor, unripe clusters of grapes*), and (4) מַעֲשַׂר עָנִי, *poor-man's tithe* (see further on).

After all these dues had been allowed for then it was obligatory to separate :

(*a*) $\frac{1}{50}$ of the produce as תְּרוּמָה, *heave-offering, priest's-due*, also called תְּרוּמָה גְּדוֹלָה, *major-heave offering, major-priest's-due*, for the כֹּהֵן, *priest;*

(*b*) $\frac{1}{10}$ of the remainder as מַעֲשֵׂר רִאשׁוֹן, *first tithe*, for the לֵוִי, *Levite* (who had himself to give $\frac{1}{10}$ of this as תְּרוּמַת מַעֲשֵׂר, *priest's-due of the tithe*, or תְּרוּמָה קְטַנָּה, *priest's-minor-due*);

(*c*) $\frac{1}{10}$ of the rest as מַעֲשֵׂר שֵׁנִי, *second tithe*, every 1st, 2nd, 4th and 5th years, which had to be taken by the owner to Jerusalem to be consumed there; but every 3rd and 6th years this was termed מַעֲשַׂר עָנִי, *poor-man's tithe*, and had to be delivered to the poor.

None but a כֹּהֵן was permitted to eat of תְּרוּמָה. If some תְּרוּמָה was mixed with חוּלִין (*non-* תְּרוּמָה *produce*) and the חוּלִין was less than 100 times the intermingled תְּרוּמָה the total mixture became מְדֻמָּע, *subject to the law of* תְּרוּמָה, and was not to be eaten by a non-priest.

Before the separation of תְּרוּמָה and מַעֲשֵׂר רִאשׁוֹן the produce was termed טֶבֶל and was forbidden to be eaten; but after these levies had been separated the produce was termed חוּלִין, *non-holy*. When the other tithes had also been separated the remainder was termed מְתֻקָּן, *adjusted*, or חוּלִין מְתֻקָּנִים, *adjusted non-holy produce* (or וַדַּאי, *definitely tithed*, in contradistinction to דְּמַאי, *uncertain tithed*) and could then be used for all purposes.

See פֵּאָה *Leviticus* **19,** 9,10; *Deuteronomy* **24,** 19, 21. שְׁבִיעִית *Exodus* **23,** 11; *Leviticus* **25,** 2–7; *Deuteronomy* **15,** 1–11. תְּרוּמָה *Numbers* **18,** 12. מַעֲשֵׂר *Leviticus* **27,** 30–33; *Numbers* **18,** 21–24; *Deuteronomy* **14,** 22–26.

Note 2.

כָּרֵת, *excision, extermination, extirpation,* or מִיתָה בִּידֵי שָׁמַיִם, *divine punishment through sudden or premature death;* also according to some opinions *death without issue being left.*

Note 3.

חַלָּה, *priest's share of the dough* (*Numbers* **15,** 20–21), must be separated after the תְּרוּמוֹת, *priest's-dues,* and מַעֲשְׂרוֹת, *tithes* (see **Note 1**), had been separated. For private use the quantity to be separated is, $\frac{1}{24}$; $\frac{1}{48}$ is the amount separated from the dough or bread sold to the public. Since the Dispersal the custom is continued by removing a small piece of dough or bread which is burned in the fire.

Note 4.

עֵרוּב (or עֵירוּב), *mingling, combination, amalgamation,* is a symbolical act by which continuity or community is legally established.

(1) עֵרוּבֵי תְחוּמִין or עֵרוּב תְּחוּמִים, with reference to *Sabbath limits.* Before the Sabbath or Holyday (Festival) one deposits certain food to remain in its place over the next day by which act his abode is extended or transferred to that place and so his movements on the Sabbath or Holyday are measured from that place as centre up to a certain distance.

(2) עֵרוּב חֲצֵרוֹת or עֵרוּבֵי חֲצֵרוֹת, with reference to *buildings or dwellings in a common court.* The inmates or tenants contribute some food to a common dish which is placed in one of the dwellings thus making all the dwellings as common to all, *i.e.*, one רְשׁוּת, domain, and all the participants are allowed to carry objects across the court from one dwelling to another on that Sabbath.

(3) עֵרוּב תַּבְשִׁילִין (or עֵרוּבֵי תַּבְשִׁילִין), with reference to *preparing meals on a Friday for the Sabbath when the Friday is a Holyday.* A dish is prepared on the Thursday (the eve of יוֹם טוֹב) and deposited to the end of the Sabbath, by which symbolic act all the cooking done on the Holyday Friday for the Sabbath is permissible as it is legally now simply a continuation and completion of the cooking begun on the Thursday. The appropriate *Benediction* over the עֵירוּב תַּבְשִׁילִין is

בָּרוּךְ אַתָּה ה׳ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוֹתָיו וְצִוָּנוּ עַל מִצְוַת עֵירוּב,

Blessed art Thou, O Eternal, Our God, King of the Universe, Who hath made us holy by His commandments and hath commanded us concerning the commandment of the Erub, and is followed by the formula :

בְּהֵדֵין עֵירוּבָא יְהֵא שָׁרָא לָנָא לְמֵיפָא וּלְבַשָּׁלָא וּלְאַטְמָנָא וּלְאַדְלָקָא שְׁרָגָא וּלְמֶעְבַּד כָּל־צָרְכָּנָא מִיּוֹמָא טָבָא לְשַׁבְּתָא לָנוּ וּלְכָל הַדָּרִים בָּעִיר הַזֹּאת,

By virtue of this Erub may it be permitted to us to bake and to cook and to keep hot and to kindle a light and to perform all our necessary requirements on the Holyday-day for the Sabbath for ourselves and for all who dwell in this city.

[See דְּמַאי 1[4], and עֵרוּבִין, INTRODUCTIONS, for a fuller account of 1) and (2) and for the appropriate *Blessings*, (3) בֵּיצָה 2[1]].

Note 5.

רְשׁוּת הַיָּחִיד, *private domain*, and רְשׁוּת הָרַבִּים, *public domain.*

A רְשׁוּת הַיָּחִיד, *private domain*, is a place surrounded by four partitions, walls, etc., at least ten handbreadths high and four handbreadths minimum square (*i.e.*, at least 4 × 4 handbreadths)—thus a district, town, village, mound, trench, etc., under these correct conditions become *private domains* (in the case of a trench, etc., the *depth* of ten handbreadths being equivalent to an equal *height*)—the air space above a רְשׁוּת הַיָּחִיד up to the skies is as the *private domain;* and the thickness of a wall of a רְשׁוּת הַיָּחִיד is as the *private domain.*

In the case of a רְשׁוּת הָרַבִּים, *public domain*, the air space above it up to a height of ten handbreadths is considered as part of the *public domain.*

A כַּרְמְלִית, *neutral domain*, is a place which cannot be determined or established whether it is a *private domain* or a *public domain.*

Note 6.

פְּרוֹזְבּוּל, *Sabbatical Year Declaration*, is a declaration made before בֵּית דִּין, *Court*, before the execution of a loan to the effect that the *Sabbatical Year* (שְׁבִיעִית or שְׁמִטָּה) *law* shall not apply to and annul the loan (to be) transacted. This was instituted by הִלֵּל הַזָּקֵן so that business should not be held up on account of the advent of שְׁמִיטָּה.

Note 7.

Possession. In the case of מְטַלְטְלִין, *movables*, one acquires possession by the following methods :

(1) קִנְיַן יָד, *by holding the object;*

(2) קִנְיַן חָצֵר, *the object is already on the premises of the purchaser;*

(3) קִנְיַן חֲלִיפִין, *the buyer or receiver gives in exchange a complete finished article of which the other party holds at least three square inches for a while*—these three procedures are מִן־הַתּוֹרָה (or מִדְּאוֹרַיְתָא), *as enjoined by the Law;*

(4) הַגְבָּהָה, *the buyer lifts up the object;*

(5) מְשִׁיכָה, *the purchaser draws away the article or animal from the vendor's place to another spot;*

(6) מְסִירָה, *surrender, transfer, the vendor telling the buyer to take possession by touching;*

(7) קִנְיַן אֲגַב, *when an object is presented or sold together with land;*

(8) מַעֲמָד שְׁלִשִׁתָּן, *a condition made in the presence of a third party*—these five last are מִדְּרַבָּנָן, *instituted by the* חֲכָמִים, *Sages.* (In this connection it is to be noted that *seller* and *donor* are synonymous terms).

Note 8.

כְּתוּבָּה, *marriage contract,* is a document given to the wife on marriage and it contains among other matters the settlement of a stated amount due to her on the husband's death or on being divorced.

Somewhat more precisely it actually consists of :

(1) **Marriage contract,** wherein the obligations of a husband towards his wife are laid down; and

(2) **Marriage settlement,** whereby are laid down the provision for the maintenance of a divorced wife or widow—for the divorced wife support by payment of alimony (called simply כְּתוּבָּה as agreed on and fixed before marriage (the minimum amount was 200 זוּזִים from a first husband and 100 זוּזִים from any subsequent husband), and in addition a man might allocate a *voluntary sum* (known as תּוֹסֶפֶת, *Additional* or *Supplementary* כְּתֻבָּה); and she was also entitled to the return of any נַדָּן* or נְדוּנְיָה, *dowry,* which she had brought on marriage and for this the obligation devolved too on the heirs.

* Or נְדָן; Modern terms.

Note 9.

בִּיעוּר or בַּעוּר, *removal.* This term refers to, in the agricultural and horticultural sense, in the removal or clearing away of the fruits or produce of the 3rd and 6th years of the Sabbatical period (Seven-Years Cycle). All תְּרוּמָה and תְּרוּמַת מַעֲשֵׂר (see **Note 1**) had to be got rid of before פֶּסַח of the 4th and 7th years and surrendered to the כֹּהֲנִים, and also all מַעֲשֵׂר רִאשׁוֹן (see **Note 1**) had to be given up to the לְוִיִּים; and, too, all מַעֲשַׂר עָנִי (see **Note 1**) had to be delivered to the עֲנִיִּים; and, further, all בִּכּוּרִים (see **Note 16**) and מַעֲשַׂר שֵׁנִי (see **Note 1**) had to be cleared out and destroyed.

Note 10.

עָרְלָה *uncircumcised.* When any tree bearing edible fruit is planted, during the first three years its fruit is termed עָרְלָה and may not be consumed by the owner. The years are reckoned from רֹאשׁ הַשָּׁנָה; but if planted not later than the 15th אָב the period from this date to the New Year (during which period the new tree takes root) is reckoned as a complete year (otherwise a period less than these

44 days of grace does not count and the years begin from the 1st תִּשְׁרֵי.) The 4th year fruit called פֵּירוֹת רְבָעִי or נְטַע רְבָעִי had to be taken to Jerusalem to be eaten there, or else they might be eaten on the spot but only after they had been redeemed with current coins *plus* חֹמֶשׁ *one fifth* (in actual practice חֹמֶשׁ מִלְּבַד = *one fourth*) which money had to be taken to Jerusalem and spent on food there. (*Leviticus* **19**, 23–25).

Note 11.

The Palestine rains are :

(1) מַלְקוֹשׁ, *late rain*, light rains that fall in נִיסָן and

(2) יוֹרֶה or מוֹרֶה, *early rain, soaking rain, fructifying rain*—steady heavy rains beginning after סְכוֹת and in חֶשְׁוָן and coming in three periods, each called רְבִיעָה, *fructification*, the רְבִיעָה רִאשׁוֹנָה (or אַפִּילָה) to 17th חֶשְׁוָן, the רְבִיעָה שְׁנִיָּה (or בֵּינוֹנִית) to 23rd חֶשְׁוָן, and רְבִיעָה שְׁלִישִׁית (or בְּכִירָה) to 1st כִּסְלֵיו. If the רְבִיעָה רִאשׁוֹנָה falls unbroken to 23rd חֶשְׁוָן inclusive it is considered as the three רְבִיעוֹת.

Note 12.

עַם הָאָרֶץ. This term frequently occurs in the Mishnah. Literally it means *the people of the land* and is used to cover the following : *countryman, peasant, illiterate or untutored person, coarse uncouth person, unrefined person; one who does not observe certain religions ritual duties* (*tithes, cleanness*, etc.).

נֶאֱמָן, *faithful, trustworthy, trusty, reliable, dependable.* A נֶאֱמָן is one who is trusted regarding the observance of the dues מַעֲשֵׂר and תְּרוּמָה (see **Note 1**). This reputation of being a נֶאֱמָן was acquired by declaration before at least three persons and on the report of trustworthy witnesses that the candidate had carried out the laws of מַעְשְׂרוֹת for the preceding thirty days and that he undertook henceforth to *tithe* all that he ate, sold or bought and not to stay with an עַם הָאָרֶץ.

חָבֵר, *fellow.* A חָבֵר had to be a תַּלְמִיד חָכָם and had to observe all the rules of *tithes* and of ritual *cleanness* and *purity*. A חָבֵר was of far greater standing than a נֶאֱמָן. One who wished to obtain this qualification had to attest before no less than three competent persons, and on the report of reliable witnesses that he had carried out the practices of מַעְשְׂרוֹת and had observed the laws regarding טַהֲרוֹת, *purity*, and טוּמְאָה, *uncleanness*, for at least the past thirty days and undertook not to accept or buy from or to sell or give to an עַם הָאָרֶץ *wet produce* and not to stay with an עַם הָאָרֶץ and not allow an עַם הָאָרֶץ in his own garments (which are ritually טָמֵא, *unclean*) to stay with him.

Note 13.

יַיִן נֶסֶךְ, *wine for libation;* wine which a non-Jew has designated or dedicated or consecrated or uses for any religious purpose is absolutely forbidden to be used by Jews. Non-Jewish produced wines are considered as יַיִן נֶסֶךְ and the prohibition also extends to brandies distilled from such wines (this of course does not apply to Jewish products, e.g., Israeli wines and brandies).

Note 14.

כִּלְאַיִם, *forbidden junction, prohibited proximity or contact* refers broadly to :

(1) כִּלְאֵי זְרָעִים, *forbidden junction of seeds* (and כִּלְאֵי כֶרֶם, *forbidden junction in vineyard*), the forbidden proximity or contact of heterogeneous plants,or grafting such, in the same vineyard, orchard, oliveyard, garden and field;

(2) כִּלְאֵי בְהֵמָה, *forbidden junction of animals,* the prohibited conjunction of hetergeneous animals by hybridization or by harnessing together; and

(3) כִּלְאֵי בְגָדִים, *forbidden junction in garments,* forbidden junction or combination of wool and flax (linen) in the same web. שַׁעַטְנֵז, *wool and linen mixed in web,* is a compound noun from שׁוּעַ טָווּי וְנוּז (from the verbs שׁוּעַ, *card, hackle, full,* טָוָה or טָוִי, *spin,* נוּז, *twine, twist, weave*) *hackled ,spun and twined* (see *Leviticus* **19,** 9; *Deuteronomy* **22,** 9, 11; כִּלְאַיִם INTRODUCTION).

Note 15.

טְרֵפָה, טְרִיפָה refers to :

(*a*) the flesh of a בְּהֵמָה טְהוֹרָה, *clean animal,** mauled or killed by a beast of prey;

(*b*) the flesh of a *clean animal** which has been fatally injured (and could not live for twelve months);

(*c*) the flesh of a *clean animal** that suffered from an organic defect or disease; and

(*d*) the flesh of a *clean animal* that has suffered a violent death or has not been slaughtered in accordance with valid ritual requirements. **Or bird.*

Note 16.

בִּכּוּרִים, בְּכָרִים, *first fruits,* refers to the products mentioned in *Deuteronomy* **8,** 8 : wheat, barley, grape, fig, pomegranate and date-honey (or date), the so-called שֶׁבַע מִינִים, *seven species,* which were typical of and illustrated the fame of the fruitfulness of Palestine (see *Deuteronomy* **26,** 1–11; בִּכּוּרִים INTRODUCTION).

Note 17.

מִשְׁמָר and מַעֲמָד

The people were divided into twenty-four divisions. The כֹּהֲנִים, priests, and לְוִיִּים, Levites, in each formed a מִשְׁמָר, *guard, watch*, to be on Temple duty a full week every half year; and the remaining weeks, which fell on פֶּסַח, Passover, שָׁבוּעוֹת or עֲצֶרֶת, Festival of Weeks or Pentecost, and סֻכּוֹת or חַג, Feast of Tabernacles (the so-called שָׁלֹשׁ רְגָלִים, Pilgrim Festivals), were served by all the divisions as all males had to be subdivided into seven sections, each taking one day's service of the week in turn. Every מִשְׁמָר was accompanied by representative יִשְׂרְאֵלִים, laymen, called אַנְשֵׁי מַעֲמָד, to stand by and recite prayers during the sacrificial ceremonies. Each combined party of the אַנְשֵׁי מִשְׁמָר and אַנְשֵׁי מַעֲמָד was termed אַנְשֵׁי בֵית אָב (these two first terms were frequently interchanged and confused).

Note 18.

נוֹתָר and פִּגּוּל

נוֹתָר, *remainder*, refers to portions of sacrifices which had been left over beyond the legal time (for instance such as had to be eaten before dawn) and had to be destroyed by burning (*Exodus* **34**). The penalty for the transgression of eating נוֹתָר was כָּרֵת (see **Note 2**; compare זְבָחִים 7[1]).

פִּגּוּל, פִּיגּוּל, *abomination, unfitness*, refers to any sacrifice which had become invalid and rejectable because of a wrong intention in the mind of the officiating כֹּהֵן, priest. In certain circumstances כָּרֵת was the penalty for the transgression of eating פִּגּוּל

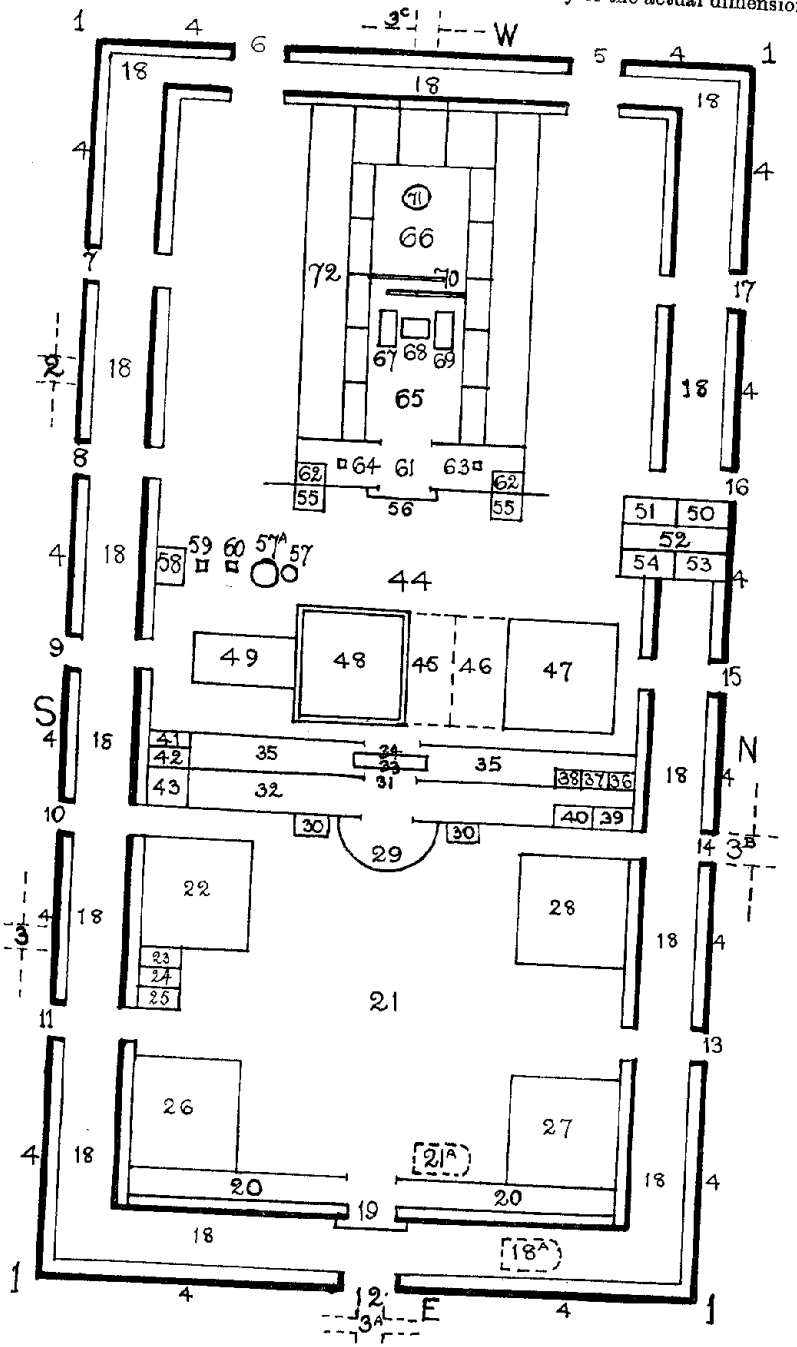
Note 19.

שְׁבוּת, *rest, abstention from secular work or pursuit* forbidden by the רַבָּנָן on שַׁבָּת or יוֹם טוֹב as being out of keeping with the importance, dignity and observance of the holyday. (For a list of such acts of work see בֵּיצָה 5[2].)

Note 20.

PLAN OF THE TEMPLE (II)

(not drawn to scale because of the uncertainty of many of the actual dimensions).



Some of the most important and less uncertain dimensions :

1- 1- 1- 1. הַר הַבַּיִת, The Temple Mount, 500 cubits square.
4. סוֹרֵג, Lattice-Approach Partition, 10 handbreadths high.
18. חֵל or חֵיל, 10 cubits in width in front of the steps No. 19.
20. הָאִיסְטְבָא, Colonnade, Portico, Veranda, 10 cubits broad.
21. עֲזָרַת נָשִׁים, Women's Hall, Outer Court, 135 cubits square.
22, 26, 27, 28, each 40 cubits square.
32. עֲזָרַת יִשְׂרָאֵל, Israelites Hall, 135 cubits (N.—S.), 11 cubits (E.—W.).
35. עֲזָרַת כֹּהֲנִים, Priests Hall, 135 cubits (N.—S.), 11 cubits (E.—W.).
44. הָעֲזָרָה, Inner Court, 135 cubits (N.—S.), 94 cubits (E.—W. between No. 35 and No. 61.)
48. מִזְבַּח הַנְּחֹשֶׁת, Brazen Altar, 32 cubits square, (surround 1 cubit wide).
49. כֶּבֶשׁ, Altar Ramp, 32 cubits (N.—S.), 16 cubits (E.—W.). Ramp to wall, 12½ cubits.
61. הָאוּלָם, Vestibule, 70 cubits (N.—S.), 11 cubits (E.—W.).
65. הֵיכָל, Sanctuary, 40 cubits (E.—W.), 20 cubits (N.—S.).
66. קֹדֶשׁ הַקָּדָשִׁים, Holy of Holies, 20 cubits square.

1. הַר הַבַּיִת, *Temple Mount.*
2. שַׁעַר חוּלְדָה, Rear Chuldah Gate.
3. שַׁעַר חוּלְדָה, Rear Chuldah Gate.
} *viz.*, two Rear Chuldah Gates.
3A. שַׁעַר מִזְרָחִי, East Gate.
3B. שַׁעַר טָדִי, Tadi Gate.
3C. שַׁעַר קִיפּוֹנוֹת, Kifonos Gate.
4. סוֹרֵג, Lattice—Approach Partition.
5. שַׁעַר יְכָנְיָה Jeconiah Gate.
6. שַׁעַר הָעֶלְיוֹן, Upper Gate.
7. שַׁעַר הַדֶּלֶק, Lighting Gate.
8. שַׁעַר הַבְּכוֹרוֹת, Firstlings Gate, or שַׁעַר הַקָּרְבָּן, Sacrifice Gate.
9. שַׁעַר הַמַּיִם, Water Gate.
10. שַׁעַר הַנָּשִׁים, Women's Gate.
11. שַׁעַר כְּנִיסָה, General Entrance Gate.
12. שַׁעַר הַתַּחְתּוֹן, Lower Gate.
13. שַׁעַר הַשִּׁיר, Music Gate.
14. שַׁעַר הַנָּשִׁים, Women's Gate.
15. שַׁעַר בֵּית הַמּוֹקֵד, Hearth Gate.
16. שַׁעַר הַקָּרְבָּן, Sacrifice Gate.

17. שַׁעַר הַנִּיצוֹץ, Flame Gate.
18. חֵל or חֵיל, *Surrounding Space* or *Enclosure*. (*Gentiles Court*).
18A. סַנְהֶדְרִין קְטַנָּה רִאשׁוֹנָה, First Small Sanhedrin.
19. י״ב מַעֲלוֹת, Twelve Steps.
20. הָאִיסְטְבָא, *Colonnade, Portico, Veranda.*
21. עֶזְרַת נָשִׁים, *Outer Court* or *Women's Hall.*
21A. לִשְׁכַּת סַנְהֶדְרִין, Sanhedrin Chamber.
22. לִשְׁכַּת בֵּית שְׁמָנִים, Oils (and Wines) Chamber.
23. לִשְׁכַּת הַמֶּלַח, Salt Chamber.
24. לִשְׁכַּת הַמַּדִּיחִין, Washer's Hall.
25. לִשְׁכַּת הַפַּרְוָה or בֵּית הַפַּרְוָה, Parvah Chamber.
26. לִשְׁכַּת הַנְּזִירִים, Nazirites Chamber.
27. לִשְׁכַּת הָעֵצִים, Wood Chamber.
28. לִשְׁכַּת מְצוֹרָעִים, Lepers Chamber.
29. ט״ו מַעֲלוֹת, Fifteen Steps.
30. לִשְׁכַּת כְּנוֹרוֹת, Stringed-Instruments Chamber.
31. שַׁעַר נִקָּנוֹר, Nicanor Gate.
32. עֶזְרַת יִשְׂרָאֵל, *Israelites Hall.*
33. מַעֲלָה, Platform (for 34).
34. דּוּכָן, Priests Dais.
35. עֶזְרַת כֹּהֲנִים, *Priests Hall.*
36. לִשְׁכַּת פַּרְהֶדְרִין ?, Counsellors Chamber.
37. לִשְׁכַּת הָעֵץ, Wood Chamber.
38. לִשְׁכַּת הַגּוֹלָה, Diaspora Chamber.
39. לִשְׁכַּת הַגָּזִית, Gazith Chamber.
40. לִשְׁכַּת פִּנְחָס הַמַּלְבִּישׁ ?, Chamber of Pinchas Vestments-Keeper.
41. מִקְוֶה, Bath.
42. מַעֲלַת בֵּית אַבְטִינָס, Attic of Abtinas.
43. לִשְׁכַּת עוֹשֵׂי חֲבִיתִין, Chamber of Pancake Makers.
44. עֲזָרָה(הָ), Inner Court.
45. כ״ד טַבָּעוֹת, Twenty-four Rings.
46. שֻׁלְחָנוֹת הַנִּנְסִין, Nanasin Tables.
47. בֵּית הַמִּטְבְּחַיִם, Slaughterhouse.
48. מִזְבַּח הַנְּחֹשֶׁת, Copper Altar.
49. כֶּבֶשׁ, Ramp, Altar Slope-Approach.
50. בֵּית הַטְּבִילָה, Bath Chamber.
51. לִשְׁכַּת טְלָאֵי קָרְבָּן, Chamber of (Sacrificial) Lambs.

52. בֵּית הַמּוֹקֵד, Chamber of the Hearth.
53. לִשְׁכַּת אַבְנֵי מִזְבֵּחַ, Chamber of Stones of Defiled Altar.
54. לִשְׁכַּת לֶחֶם הַפָּנִים, Chamber of Shewbread.
55. לִשְׁכַּת סַכִּינִין, Knives Chamber.
56. י״ב מַעֲלוֹת, Twelve Steps.
57. הַכִּיּוֹר, Laver.
57A. Well to sink the Laver (57) therein nightly.
58. לִשְׁכַּת בֵּית אַבְטִינָס, Beth Abtinas Chamber.
59. שֻׁלְחָן שֶׁל שַׁיִשׁ, Marble Table.
60. שֻׁלְחָן שֶׁל כֶּסֶף, Silver Table.
61. הָאוּלָם, *Vestibule.*
62. בֵּית הַחֲלִיפוֹת, Chamber of Vestments.
63. שֻׁלְחָן שֶׁל כֶּסֶף, Silver Table.
64. שֻׁלְחָן שֶׁלשַׁיִשׁ, Marble Table.
65. הֵיכָל, *Sanctuary.*
66. בֵּית קֹדֶשׁ הַקָּדָשִׁים, Holy of Holies.
67. הַמְּנוֹרָה, The Candlestick.
68. מִזְבַּח הַקְּטֹרֶת or מִזְבַּח הַזָּהָב, Incense Altar or Golden Altar.
69. שֻׁלְחָן לֶחֶם הַפָּנִים, Table of Showbread.
70. אַמָּה טְרַקְלִין, Two Cedar-wood (or Curtains) Partitions.
71. אֶבֶן שְׁתִיָּה, Foundation Stone (which marked the position of the Ark after its disappearance).
72. בֵּית הוֹרֶדֶת הַמַּיִם, Rain-water Descent Enclosure.

N. צָפוֹן, *North.*
S. דָּרוֹם, *South.*
E. מִזְרָח, *East.*
W. מַעֲרָב, *West.*

SUPPLEMENT

GLOSSARY OF THE

FLORA OF NASHIM

By

PHILIP BLACKMAN, F.C.S.

GLOSSARY

of the plants enumerated in Order Nashim.

[N.B.—I=see Volume I (Zeraim). II=see Volume II (Moed)].

apple, I, II.

asparagus, a large genus of perennial convollariaceous plants with much branched stems bearing minute scalelike leaves; the young, tender, succulent, edible, vernal shoots of the **garden asparagus** (*Asparagus officinalis*) is esteemed as a culinary delicacy of the table; the plant yields a nitrogenous crystallisable compound called **asparagin (e)** —a primary *malic diamide*—which has an unpleasant cooling taste.

barley, I, II.

cabbage, I, II.

cress, I.

cucumber, I, II.

date, I, II.

fig, I, II.

garlic, I.

gourd, I, II.

leek, I, II.

lentil, I, II.

mustard, I, II.

olive, I, II.

onion, I, II.

papyrus, II.

pea, I, II.

pulse, I, II.

pumpkin, I, II.

rye, I, II.

scallion, a common term for the **shallot** and **leek** and especially for any **onion** which fails to bulb but has a long, thick, leek-like stem and strong blade; it is used as a culinary vegetable.

sesame, sesamum, I, II.

shallot, I.

spelt, I, II.

vine, I, II.

wheat, I, II.

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