

NOTES

What about the fact that a widow is different as she herself is disqualified – מה לא למנה שהיא עצמה מתחללת! The Meiri explains that even according to the opinion, which he himself accepts, that every woman who engages in sexual intercourse in violation of a prohibition is disqualified from marrying a priest, including a woman obligated in levirate marriage who marries without *halitza*, she is nevertheless not rendered unfit to eat *teruma* if she is the daughter of a priest. This explains why the Gemara said that she becomes disqualified from marrying a priest, not that she is unfit for eating *teruma* (see *Keren Ora*).

Perek I

Daf 16 Amud a

NOTES

With regard to the children of rival wives, I testify to you – בני צרות אני מעיד לכם: The early commentaries discuss the meaning of this testimony from different perspectives. One interpretation is that as Rabbi Yehoshua testified that the children of rival wives are undoubtedly qualified, he thereby indicated that the *halakha* is entirely in accordance with the opinion of Beit Hillel, including the status of the rival wives themselves (*Tosefot HaRosh*).

LANGUAGE

Harkinas – הרקינס: The form of this name is Greek, perhaps from the name Ἀρχίνος, Archinos, which means great or head. In the Jerusalem Talmud the name appears as Arginas, perhaps from ἀργεννός, *argennos*, meaning white.

או דלמא איבא למיפריך: מה לא למנה – שהיא עצמה מתחללת! ואמר להו: צרות – מתירא אני

Or perhaps this comparison can be refuted: What about the fact that a widow is different, as she herself is disqualified^N from marrying a priest, i.e., if a High Priest has intercourse with her she is disqualified from marrying any member of the entire priesthood, including common priests, whereas a remarried divorcée herself is not disqualified from marrying into the priesthood? And Rabbi Yehoshua said to them: I fear that if I issue a decisive ruling concerning rival wives this might lead to a conflict,

בני צרות אני מעיד לכם.

whereas with regard to the children of rival wives, I testify to you^N that they are not disqualified, since, as stated, their descendants served as High Priests.

תא שמע: בימי רבי דוסא בן הרקינס הותרה צרת הבת לאחיו. שמע מינה: עשו, שמע מינה.

§ The Gemara states: Come and hear another source that indicates Beit Shammai did act upon their opinions: In the time of Rabbi Dosa ben Harkinas,^{LP} the rival wife of a daughter was permitted to the brothers. Conclude from this that Beit Shammai did act in accordance with their opinions. The Gemara summarizes these proofs: Indeed, conclude from these sources that Beit Shammai did put their rulings into practice.

גופא, בימי רבי דוסא בן הרקינס התירו צרת הבת לאחיו והיה הדבר קשה לחכמים, מפני שחכם גדול היה ועינו קמו מלבא לבית המדרש.

§ Since the last source is only part of a larger incident, the Gemara cites the matter itself. In the time of Rabbi Dosa ben Harkinas the Sages permitted the rival wife of a daughter to the brothers. In other words, it became known that Rabbi Dosa ben Harkinas rendered permitted a daughter's rival wife. And this matter was difficult in the eyes of the Rabbis because he was a great Sage and his decision in favor of Beit Shammai carried great weight. They could not approach him immediately, as he was very old and his eyes had dimmed so much that he was incapable of coming to the study hall.

(אמר: ומי ילך) ויודיעו? אמר להן רבי יהושע: אני אלך. ואחריו מי? רבי אלעזר בן עזריה, ואחריו מי? רבי עקיבא. הלכו ועמדו על פתח ביתו, נכנסה שפחתו, אמרה לו: רבי, חכמי ישראל באין אצלך. אמר לה: יכנסו, ונכנסו.

They said: And who will go and notify him that this matter requires clarification? Rabbi Yehoshua said to them: I will go. They asked: And who shall go after him? They selected Rabbi Elazar ben Azarya, who was one of the great Sages of the generation, notwithstanding his youth. They further inquired: And who after him? Rabbi Akiva.^P They went and stood at the entrance of Rabbi Dosa ben Harkinas's house. His maidservant entered and said to him: Rabbi, the Sages of Israel have come to you. He said to her: Let them enter, and they entered.

PERSONALITIES

Rabbi Dosa ben Harkinas – רבי דוסא בן הרקינס: Rabbi Dosa ben Harkinas was one of the earliest *tanna'im*. He was already considered a Sage of great stature in the period of the Second Temple. He engaged in disputes with Akavya ben Mahalalel and Hananya the deputy High Priest, and he was apparently from the same generation as Rabbi Yohanan ben Zakkai, whom he outlived. As a result of his longevity, he is described as participating in various deliberations during the time of Rabban Gamliel in Yavne, although he would not come to the study hall due to his old age. If this is the case, he lived well over a hundred years. See the Rambam's introduction to the order of *Zera'im*, where his wondrously long life span is recounted. Rabbi Dosa ben Harkinas was universally respected due to his old age and wisdom, and Rabbi Yehoshua asked his advice on several issues. He was apparently an expert in the history of the

Jewish people, and he could recall even small details of events. He possibly preserved for himself relics from earlier eras, such as the mortar of the prophet Haggai. The story recounted here indicates that he was also extremely wealthy, but there are no records of his profession or family, besides the younger brother he himself mentions. His statements, which are also cited in the Mishna, deal with both *aggada* and *halakha*. When the name Rabbi Dosa is mentioned without any qualifiers in the Mishna, the reference is to Rabbi Dosa ben Harkinas.

Rabbi Akiva – רבי עקיבא: Rabbi Akiva, who lived just after the destruction of the Second Temple, was one of the greatest of the *tanna'im*. Unlettered until the age of forty, Akiva was encouraged by his wife, Rachel, to devote himself to the study of Torah. After years of study under the tutelage of Rabbi Eliezer ben Hyrcanus, Yehoshua ben Hananya, and others, he acquired

thousands of students and established his own academy in Benei Berak. Rabbi Akiva systematized and arranged many oral traditions, and it was the tradition of Rabbi Akiva as received by his disciple, Rabbi Meir, that ultimately became the basis of the six orders of the Mishna. Rabbi Akiva was the spiritual leader of the bar Kokheva revolt. He even proclaimed bar Kokheva the Messiah early in the struggle, but he later retracted this opinion. Despite Roman decrees against disseminating Torah, the aged Rabbi Akiva continued to teach. Rabbi Akiva was arrested by the Romans, imprisoned, tried, and sentenced to death. He suffered a martyr's death at the hands of the Romans, and is listed as one of the ten martyrs executed by the Romans. As the Romans were torturing him to death, he explained to his students that he now had the opportunity to fulfill the true meaning of loving God with all of one's soul (*Berakhot* 61b).

NOTES

On this mortar Haggai the prophet sat – על מדוכה זו ישב – חגי הנביא: All of the sources indicate that Rabbi Dosa ben Harkinas was exceedingly old, and this is especially clear from the account in the Jerusalem Talmud. Nevertheless, it would be implausible to claim that he was alive at the beginning of the Second Temple period during the prophet Haggai's lifetime. Some explain that precise traditions that referred even to the slightest of details were often passed down in the academies, and therefore specifics of events dating back even hundreds of years were sometimes well-known (Rav Sherira Gaon). This might explain how Rabbi Dosa held such an ancient tradition.

He said three matters – אָמַר שְׁלֹשָׁה דְבָרִים: The commentaries explain that although it was necessary to mention only the pertinent issue of a daughter's rival wife, and the three matters are not in fact connected to each other, Rabbi Dosa transmitted all three together. The reason is that the Gemara states elsewhere (98a) that if a scholar seeks to strengthen his opinion by citing a tradition, he might be viewed as having a personal stake in the testimony. Consequently, the testimony is better founded if, in addition to the specific *halakha* in question, he relates other rulings that were issued at the same time (*Beit Shlomo*).

He raised against him objections, and he withstood him – אָקְשִׁי לִיָּהּ וְאִקְמִיָּהּ: This entire story is also related in the Jerusalem Talmud, but in a very different form. There, all three Sages met Rabbi Dosa's brother, who lectured them on matters so complex that they were unable to follow his reasoning, until they all eventually fell asleep.

You have not yet reached the level of cattle herders, etc. – עַדֵּינָן לֹא הִגַּעְתָּ לְרֹעֵי בְקָר וְכוּ': See the Maharsha, who interprets this talmudic discussion homiletically. The *Arukh LaNer* writes that Yonatan ben Harkinas was alluding to the fact that Rabbi Akiva was once a mere cattle herder for Kalba Savua.

HALAKHA

Ammon and Moab... in the Sabbatical Year – עֲמֹן וּמוֹאָב: The Sages decreed that *terumot* and tithes must be separated in the Sabbatical Year in the territories adjacent to Eretz Yisrael. Consequently, in the lands of Egypt, Ammon, and Moab, the first tithe and poor man's tithe are set aside, in accordance with the testimony of Rabbi Dosa ben Harkinas (Rambam *Sefer Zera'im, Hilkhot Mattenot Aniyyim* 6:5; *Shulhan Arukh, Yoreh De'a* 331:1).

וְהִזְהִירוּ שְׁלֹא יִקְפַח אֶתְכֶם בְּהִלְכוֹת. לְפִי שֵׁישׁ עֲמוֹ שְׁלֹשׁ מֵאוֹת תְּשׁוּבוֹת בְּצֵרַת הַבַּת שֶׁהִיא מוֹתֶרֶת. אֲבָל מֵעִד אֲנִי עָלֵי שָׁמַיִם וָאָרֶץ שֶׁעַל מְדוּכָה זוֹ יָשָׁב חָגִי הַנְּבִיא וְאָמַר שְׁלֹשָׁה דְבָרִים: צֵרַת הַבַּת אֲסוּרָה,

עֲמוֹן וּמוֹאָב מֵעֲשָׂרִין מַעֲשָׂר עֲנִי בְּשָׁבִיעִית, וּמִקְבָּלִים גֵּרִים מִן הַקְּרָדוּיִין וּמִן הַתְּרַמּוּדִים.

תֵּנָא: בְּשִׁנְכִנְסוּ נְכַנְסוּ בְּפִתְחָא אַחַד, בְּשִׁנְיָצְאוּ – יָצְאוּ בְּשִׁלְשָׁה פְּתָחִים. פָּגַע בּוֹ בְּרַבִּי עֲקִיבָא, אָקְשִׁי לִיָּהּ וְאִקְמִיָּהּ.

אָמַר לוֹ: אֵתָהּ הוּא עֲקִיבָא שְׂטֵמָךְ הוֹלֵךְ מִסּוּף הָעוֹלָם וְעַד סוּפוֹ? אֲשֶׁרִינָן שׁוֹבֵיטָ לְשָׁם, וְעַדֵּינָן לֹא הִגַּעְתָּ לְרֹעֵי בְקָר. אָמַר לוֹ רַבִּי עֲקִיבָא: וְאִפְּלוּ לְרֹעֵי צֹאן.

Rabbi Dosa ben Harkinas added: **And beware that he not batter you with *halakhot* in this matter, as he has with him three hundred proofs with regard to the rival wife of a daughter that she is permitted. However, you need not worry about the issue itself, as I call as witnesses before me the heavens and the earth that on this very mortar, which was preserved in my house due to its historical importance, Haggai the prophet sat,^N and I have a tradition that he said three matters^N of *halakha*:** First, that the rival wife of a daughter is forbidden.

Second, that the halakhic rulings for the territories of **Ammon and Moab** in Transjordan, although similar to those of Eretz Yisrael, are not exactly the same, as their residents **tithe the poor man's tithe^B in the Sabbatical Year.**^{HB} The total abandonment of fields in the seventh year does not apply in Ammon and Moab, as they are not part of Eretz Yisrael. Instead, in those areas one must bring the poor man's tithe to the paupers of Eretz Yisrael, as there are no tithes in Eretz Yisrael in the Sabbatical Year. Lastly, Haggai testified: **And one accepts converts from the Karduyin and the Tarmodim**, without concern that there might be Jews mingled among them, which could render them *mamzerim* and prohibited from entering the community.

The Sage taught: **When they entered, they all entered through one entrance. When they left, they left through three entrances**, in an effort to try to find Rabbi Dosa's brother. **Rabbi Akiva encountered him.** Yonatan ben Harkinas raised against him all of his objections to the opinion of Beit Hillel, and he withstood him,^N i.e., Rabbi Akiva was able to respond to all of them.

Yonatan ben Harkinas grew angry and said to him: **You are Akiva ben Yosef, whose name has spread from one end of the world to the other? Be happy that you have merited a great name, and yet you have not yet reached the level of cattle herders.**^N Cattle herders were generally simple individuals who were not familiar even with ordinary matters, and certainly not with *halakha*. **Rabbi Akiva said to him with characteristic modesty: And I have not even reached the level of shepherds, who are considered even worse than cattle herders, as they are unfit for giving testimony.**

BACKGROUND

The poor man's tithe – מַעֲשָׂר עֲנִי: This is a special tithe set aside from agricultural produce and distributed to the poor. During the third and sixth years of the Sabbatical cycle, after the priests' share of the produce and the first tithe have been set aside, one-tenth of the remaining produce is distributed to the poor. This tithe is called the poor man's tithe. During the other years of the Sabbatical cycle, the second tithe is set aside instead of poor man's tithe. The poor man's tithe is not sacred, but until it has been set aside the produce is deemed untithed produce [*tevel*] and may not be eaten. The poor man's tithe is separated from doubtfully tithed produce [*demai*] but it is not given to the poor, due to the principle that the burden of proof rests upon the claimant. In other words, a pauper who laid claim to the poor man's tithe in this case had to prove that the tithe had not already been separated from this produce.

Sabbatical Year – שְׁבִיעִית: The Sabbatical Year is the last year of the seven-year Sabbatical cycle. The first of these cycles began after the conquest of Canaan by Joshua. It is also known as *Shemitta*, which literally means abandonment, release. The

halakhot of the Sabbatical Year are based on Torah law (Leviticus 25:1–7; Deuteronomy 15:1–6). However, most authorities maintain that the conditions for the mitzva of the Sabbatical Year by Torah law have lapsed, and its present-day observance is based on rabbinic decree. During the Sabbatical Year all agricultural land in Eretz Yisrael must lie fallow. It is prohibited to work the land except for what is necessary to maintain existing crops. All produce that does grow is ownerless and must be left unguarded in the fields so that any creature, including wild animals and birds, can have ready access to it. As long as produce can still be found in the fields, that type of produce may be eaten, although it may not be bought and sold in the normal manner or used for purposes other than food. After the last remnants of a crop have been removed from the field, that crop may no longer be eaten, unless a removal ceremony is promptly performed. It is prohibited by rabbinic decree to consume produce that grew from seeds during the Sabbatical Year, even if it grew by itself; according to some authorities, it is prohibited by Torah law.

קדושה ראשונה – The initial consecration of Eretz Yisrael came into effect upon the conquest of Joshua. It lapsed after the destruction of the First Temple. In contrast, the second consecration, by those who returned from Babylonia, was permanent (Rambam *Sefer Zera'im, Hilkhot Terumot* 1:5).

מקבלים גרים וכו' – Nowadays converts are accepted from all places without concern that Jews may have intermingled with them or that they might be unfit by Torah law, as all the nations have mixed with each other (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 12:25; *Shulhan Arukh, Even HaEzer* 4:10).

כתמים הנמצאים – Garments stained with blood that come from Jews are presumed to be ritually impure, whereas those of gentiles are considered pure, as the blood of gentiles does not have the status of ritual impurity. Those garments found in a public location are ritually pure, as Jews would hide away their stained garments and not discard them (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMos-hav* 4:10).

BACKGROUND

קרדוים – This apparently refers to the inhabitants of areas of northern Iraq, near the source of the Tigris River, the region known primarily as Kurdistan today. It is probable that the Kartuyim are from the same region, albeit from a different area.

”עמון ומואב מעשרין מעשר עני בשביעית, דאמר מר: הרבה פרבים כבשו עולי מצרים ולא כבשו עולי בבל, וקרדושה ראשונה קדושה לשעיתה ולא קדושה לעתיד לבא.

Since the *halakhot* of the prophet Haggai were mentioned, the Gemara discusses them here. Haggai said that **Ammon and Moab tithe the poor man's tithe in the Sabbatical Year, as the Master said: Many cities were conquered by those who returned from Egypt, and were not conquered by those who returned from Babylonia after the destruction of the First Temple. And the initial consecration^h of Eretz Yisrael, by those who returned from Egypt, sanctified it for its time and did not sanctify it forever, as the future sanctification of Eretz Yisrael depended on the renewed conquest of the land by the Jewish people.**

והניחום כדי שישמכו עליהן עניים בשביעית.

And those who returned from Babylonia **left those places aside and did not consider them part of Eretz Yisrael even after Jewish settlement was renewed there. They would plow and harvest in these places in the Sabbatical Year and tithe the poor man's tithe so that the poor of Eretz Yisrael who did not have sufficient income from the previous years could rely upon them.** Consequently, in the Sabbatical Year the poor received help from this tithe.

ומקבלים גרים מן הקרדוים והתרמודים. אימי והא תני רמי בר יחזקאל: אין מקבלים גרים מן הקרדוים! אמר רב אשי: קרתוים אתמר. כדאמרי אינשי: קרתוים פסולים.

Haggai also declared: **And one accepts converts^{hN} from the Karduyim⁸ and the Tarmodim.** The Gemara asks: **Is that so? But didn't Rami bar Yehezkel teach in a baraita: One does not accept converts from the Karduyim? Rav Ashi said: Kartuyim, not Karduyim, was stated by Rami bar Yehezkel. As people say in common discourse: The Kartuyim are unfit.**

ואיכא דאמרי, תני רמי בר יחזקאל: אין מקבלים גרים מן הקרתוים. מאי לאו – היינו קרתוים היינו קרדוים? אמר רב אשי: לא, קרתוים לחוד וקרדוים לחוד. כדאמרי אינשי: קרתוים פסולי.

And there are those who say a slightly different version of this discussion. **Rami bar Yehezkel taught: One does not accept converts from the Kartuyim. What, is it not the case that Kartuyim is the same as Karduyim? If so there is a contradiction between the baraita of Rami bar Yehezkel and the statement of Rabbi Dosa ben Harkinas. Rav Ashi said: No; the Kartuyim are one discrete category and the Karduyim are another discrete category, as people say: Kartuyim are unfit.^N**

רבי יוחנן וסביא דאמרי תרווייהו: אין מקבלים גרים מן התרמודים. ומי אמר רבי יוחנן הכי? והתנן: כל הבתמים הבאים מן הרקם טהורים.

Rabbi Yoḥanan and the Elders both say: **One does not accept converts from the Tarmodim.^N** The Gemara asks: **And did Rabbi Yoḥanan actually say this, that one does not accept converts from the Tarmodim due to a concern that Jews may have intermingled with them? But didn't we learn in a mishna: All clothing with stains^h of blood that might be from a menstruating woman and that come from the city on the border of Eretz Yisrael called Rekem are ritually pure, as it can be assumed that they belong to gentiles, and the blood of a menstruating gentile woman is not ritually impure.**

ורבי יהודה מטמא, מפני שהם גרים וטועים, מבין הגוים טהורים. והוינן בה:

And Rabbi Yehuda deems it ritually impure because those residents of that place **are converts and are in error.** In other words, some of the inhabitants of Rekem assimilated and no longer observe the *halakhot* of the Torah, and therefore one must be wary lest the stains are in fact from a Jewish menstruating woman. Stains that came from among the gentiles, however, are ritually pure. And we discussed the following problem:

NOTES

מקבלים גרים וכו' – In the Jerusalem Talmud it is related that two Sages disputed this matter. One Sage rendered children born to a Jewish woman and a slave or a gentile entirely fit, and therefore he would accept converts from Tarmod. Another Sage would also accept converts from Tarmod, not because he rendered them fit as a general halakhic ruling, but because he held that there were in fact no mixed lineages in Tarmod at all.

קרתוים פסולי – Some commentaries maintain that this quote was habitually cited as an example of those who are rendered unfit on account of their lineage. Others say that Kartuyim is a kind of unclean fowl, and this name was

applied to those who came from places that can be described in terms of this kind (Rivan).

רבי יוחנן... אין מקבלים גרים מן התרמודים – Some commentaries ask how Rabbi Yoḥanan could dispute a testimony cited by Rabbi Dosa in the name of Haggai the prophet (*Tosafot*). Some answer that Rabbi Yoḥanan doubted the validity of this tradition. The same applies to Yonatan ben Harkinas, and there are in fact other examples of this kind of objection (*Yosef Lekah*). Others explain that Rabbi Yoḥanan maintained that the statement of Haggai the prophet has the status of a prophecy and is not a binding halakhic ruling (*Arza DeVei Rav*).

NOTES

They are amora'im – אַמוראי מִנְהוּ: The Gemara could have answered that Rabbi Yoḥanan's opinion is based on a different unattributed mishna, as on 69b an unattributed mishna that is not accepted as *halakha* states that the child of a gentile or slave and a Jewish woman is a *mamzer*. However, since this would raise the question of why Rabbi Yoḥanan chose to base his opinion on one unattributed mishna rather than the other, this would in any case lead to the conclusion that there is a dispute with regard to his opinion (*Tosafot Yeshanim; Tosefot HaRoshi*).

The servants of Solomon – עֲבָדֵי שְׁלֹמֹה: The servants of Solomon are mentioned in the Bible: "All the people that were left of the Amorites, the Hittites, the Perizzites...even their children who were left after them in the land...from them Solomon raised a levy of bondservants, until this day" (I Kings 9:20–21). There is some evidence that these servants enjoyed a privileged status, as generations later, during the time of Ezra, they are listed as a special group unto themselves, separate from the other descendants of the Gibeonites (see Ezra 2:55–58). Since it is explicitly related that Solomon built the city of Tadmor in the desert, it stands to reason that he used primarily these servants for its construction.

One said...and the other one said – חֵד אָמַר...וְחֵד אָמַר: What is the difference between the two reasons? After all, both are based on the same idea that the offspring of a gentile or a slave and a Jewish woman is a *mamzer*. One answer is that they disagree about when the general disqualification came into effect. If the reason is because of the slaves of Solomon, this dates back to the beginning of the First Temple period, whereas if the cause is the daughters of Jerusalem, this occurred during the destruction of the Second Temple (*Iyyun Ya'akov*).

קָפְסִיק וְתַנֵּי: מִבֵּין הַגּוֹיִם – וְאִפְּלוּ מִן תַּרְמוּד. וְאָמַר רַבִּי יוֹחָנָן: זֹאת אוֹמְרֵת: מִקְבָּלִין גֵּרִים מִתַּרְמוּד.

– וְכִי תֵימָא: זֹאת, וְלֹא סְבִירָא לֵיהּ – וְהָא אָמַר רַבִּי יוֹחָנָן: הֲלָכָה בְּסֵתָם מִשְׁנָה! אַמוראי מִנְהוּ, וְאִלְיָבָא דְרַבִּי יוֹחָנָן.

מִתַּרְמוּד מֵאֵי טַעְמָא לֹא? פְּלִיגֵי בַּהּ רַבִּי יוֹחָנָן וְסְבִיָא: חֵד אָמַר: מִשּׁוּם עֲבָדֵי שְׁלֹמֹה, וְחֵד אָמַר: מִשּׁוּם בְּנוֹת יְרוּשָׁלַיִם.

The *tanna* concluded and taught: All stains from among the gentiles are pure, from which it may be inferred: **And even from Tarmod.**⁸ This indicates that in all places inhabited by gentiles there is no need to be concerned about stains. **And Rabbi Yoḥanan said: That is to say, one accept converts from Tarmod** without concern that they might be Jewish, albeit *mamzerim*. This contradicts the previous opinion attributed to Rabbi Yoḥanan that converts from the Tarmodim are not accepted.

And if you would say that Rabbi Yoḥanan specifically emphasized: That is to say, i.e., he meant that this conclusion may be logically inferred from the mishna, and yet he himself does not hold by this opinion, but didn't Rabbi Yoḥanan state a principle that the halakha is in accordance with the ruling of an unattributed mishna, as is the case here? The Gemara answers: **They are amora'im,**^N and they disagree in accordance with the opinion of Rabbi Yoḥanan. Some Sages said in Rabbi Yoḥanan's name that the Tarmodim are unfit, while others maintain that they are fit.

§ The Gemara asks: **And what is the reason that the Sages do not accept converts from Tarmod? Rabbi Yoḥanan and the Elders disagree about this matter.** Although they concur that converts from Tarmod are not accepted, they disagree with regard to the reason. **One of them said that it is due to the servants of King Solomon.**^N Solomon built a city in Tarmod (see I Kings 9:18), and his gentile servants, taking advantage of their status and power, married Jewish women unlawfully. Therefore, it is possible that the inhabitants of Tarmod and their descendants are *mamzerim*. **And the other one said^N that it is due to the daughters of Jerusalem, who were taken captive and raped and gave birth to children among the gentiles.**

BACKGROUND

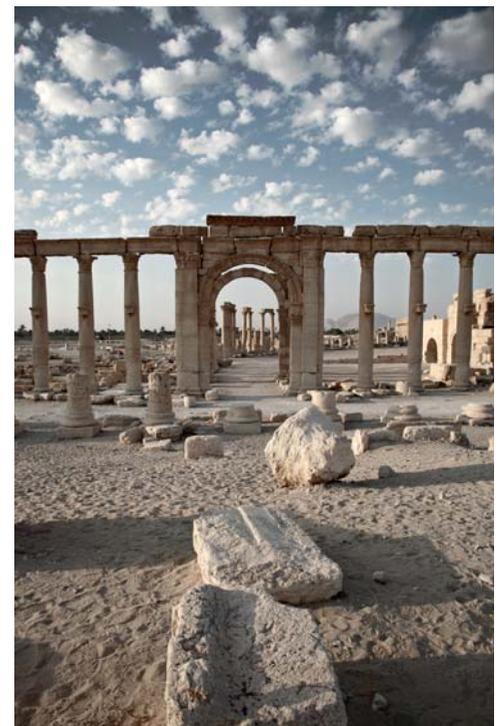
Tarmod – תַּרְמוּד: The city of Tarmod, more commonly referred to as Tadmor, is located in an oasis in the Syrian desert. Tadmor is an ancient city and was called by this name beginning thousands of years ago. In the Bible, the city is also called Tamar, meaning palm. In other languages it is known as Palmyra, which is derived from the name for palm trees.

For many generations Tadmor was an important center of commerce and served as a crossroads for different trading routes across Syria, Arabia, and Babylonia. The Bible relates that King Solomon built and fortified this city (see I Kings 9:18–19 and II Chronicles 8:4). This is the source for the claim that Solomon's bondservants lived there, as well as the reason for the Jewish influence on the religion and culture of this city.

The kingdom of Tadmor grew powerful in the middle of the third century CE, as its ruler, Odaenathus, called Papa bar Nasser in the Gemara, established Tadmor as a great power under Roman patronage, along with his wife, Zenobia. Papa bar Nasser destroyed the city of Neharde'a, and his wife even reigned over Eretz Yisrael. Apparently, the Jews opposed these rulers and treated them with hostility and contempt. In the year 273 CE the Roman emperor Aurelian conquered Tadmor, and from that point onward its influence waned considerably. However, although it was conquered and partially destroyed several times, the city remains standing to this day.



Location of Tadmor



Ruins of Tadmor

A gentile or slave who had intercourse with a Jewish woman – גוי ועבד הבא על בת ישראל – If a gentile or slave had relations with a Jewish woman, whether she is married or single, their offspring is fit. If she gives birth to a girl, it is prohibited for this daughter to marry a priest, in accordance with the conclusion of the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 15:3; *Shulḥan Arukh*, *Even HaEzer* 4:19).

A gentile who betrothed a Jewish woman nowadays – גוי שקידש בזמן הזה: If a gentile performs betrothal with a Jewish woman nowadays, his action is meaningless. If, however, a Samaritan performs betrothal with a Jewish woman, she requires a bill of divorce from him (Rambam *Sefer Nashim*, *Hilkhot Ishut* 4:15; *Shulḥan Arukh*, *Even HaEzer* 44:8, 10).

NOTES

Was stated by the ministering angel appointed over the world – שר העולם אמרו: Although this chapter of Psalms was written by David, as stated in its opening verse, the Sages explained that in the writing of his book David adapted the hymns of ten Elders of previous generations. The Gemara here likewise teaches that this particular verse did not originate with David himself (*Iyyun Ya'akov*; see *Yosef Lekah*).

BACKGROUND

Homanya – הוּמַנְיָא: This Babylonian city with a gentile population was located near Pum Nahara. According to an ancient tradition, the population of the city was of Ammonite origin (see *Kiddushin* 72a). It is mentioned among those cities situated adjacent to Jewish settlements that were known for their hostile relationship with the Jews.

בשילמא למאן דאמר משום עבדי שלמה – קסבר: גוי ועבד הבא על בת ישראל הולד ממזר. אלא למאן דאמר משום בנות ירושלים – מאי היא? פליגי בה רב יוסף ורבנן, ותרוייהו משמיה דרבה בר בר חנה.

The Gemara comments: **Granted, according to the one who said that it is due to the servants of Solomon, this is logical, as he holds that in the case of a gentile or a slave who had intercourse with a Jewish woman,^h the offspring is a mamzer.** Accordingly, as the servants of Solomon were slaves and they engaged in intercourse with Jewish women, their children are considered *mamzerim*. **However, according to the one who said that it is due to the daughters of Jerusalem, what is the reason that the concern applied specifically to Tarmod and no other cities? Rav Yosef and the Rabbis disagree with regard to this question, and both stated their opinions in the name of Rabba bar bar Ḥana.**

חד אמר: תריסר אלפי גברי ושיטא אלפי קשתוני, וחד אמר תריסר אלפי גברי ומנייהו שיטא אלפי קשתוני. בשעה שנכנסו גוים להיכל, הכל נפנו על כסף וזהב, והם נפנו על בנות ירושלים, שנאמר "נשים בציון ענו בתולות בערי יהודה".

The Gemara elaborates: **One of them said that twelve thousand men and six thousand archers came from Tarmod, and the other one said that there were twelve thousand men, of whom six thousand were archers. When the gentiles entered the Sanctuary during the conquest of Jerusalem, they all turned to plunder the silver and the gold they saw there, but the warriors of Tarmod turned to the daughters of Jerusalem, as it is stated: "They have ravished the women in Zion, the maidens in the cities of Judah"** (Lamentations 5:11). According to the opinion that children born of relations between gentiles and Jewish women are *mamzerim*, all the children born to these women are *mamzerim*.

אמר רבי שמואל בר נחמני אמר רבי יונתן, פסוק זה שר העולם אמרו: "נער הייתי גם זקנתי", מאן אמריה? אילימא קודשא בריך הוא – מי איבא זקנה קמיה? ואלא דוד אמריה – מי קשיש בולי האי? אלא שמע מינה – שר העולם אמרו.

S In relation to a verse cited earlier, **Rabbi Shmuel bar Nahmani said that Rabbi Yonatan said: This verse was stated by the ministering angel appointed over the world:ⁿ "I have been young, and now am old; yet I have not seen the righteous forsaken, nor his seed begging bread"** (Psalms 37:25). **Who said this? If we say that it was the Holy One, Blessed be He, is there old age before Him? Could God possibly say: "I have been young, and now am old"? And rather, one could say that David himself said it, from his own experience; but was he indeed so old? After all, David died at the age of seventy. Rather, conclude from this that the ministering angel appointed over the world said it, as he can speak both of youth and old age, and it is he who reported his observations from around the world.**

ואמר רבי שמואל בר נחמני אמר רבי יונתן: מאי דכתיב: "ידו פרש צר על כל מחמדיה" – זה עמון ומואב. בשעה שנכנסו גוים להיכל הכל נפנו על כסף וזהב, והם נפנו על ספרי תורה. אמרו: זה שכתוב בו "לא יבא עמוני ומואבי בקהל ה'"! ישרף באש.

And **Rabbi Shmuel bar Nahmani further said that Rabbi Yonatan said: What is the meaning of that which is written: "The adversary has spread out his hand upon all her treasures; for she has seen that the heathens have entered into her Temple, concerning which You commanded that they should not enter into Your congregation"** (Lamentations 1:10)? **This is referring to Ammon and Moab. How so? When the gentiles entered the Sanctuary, all turned to plunder the silver and the gold, and the soldiers from Ammon and Moab turned to the scrolls of Torah to destroy them. They said: Is this the scroll in which it is written: "An Ammonite and a Moabite shall not enter into the assembly of the Lord"** (Deuteronomy 23:4)? **Let it be burnt by fire.**

"צוה ה' ליעקב סביביו צריו", אמר רב: כגון הוּמַנְיָא לפנים נהרא.

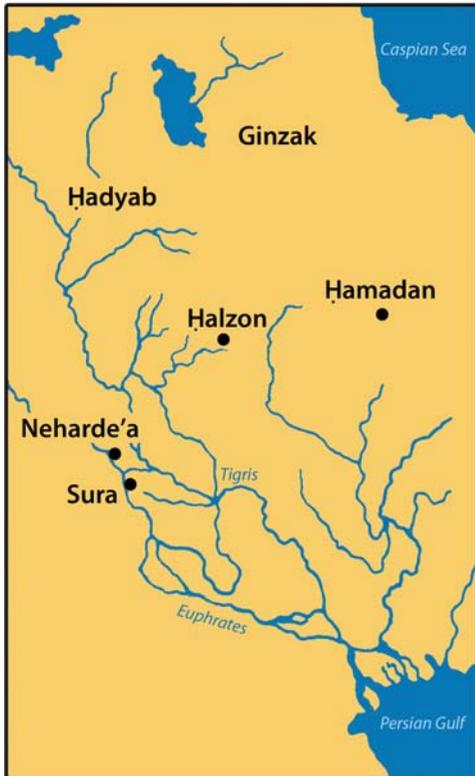
With regard to the Ammonites, the Gemara cites another verse: **"The Lord has commanded against Jacob that they who are round about him should be his adversaries"** (Lamentations 1:17). **Rav said: For an example of this, there is the city Homanya^b in relation to the city Pum Nahara, as the descendants of the Ammonites live in Homanya, and they harass the Jews of Pum Nahara.**

אמר רב יהודה אמר רב אסי: גוי שקידש בזמן הזה – חוששין לקדושתו, שפא מעשרת השבטים הוא. והא כל דפריש מרובא פריש!

S Rav Yehuda said that Rav Asi said: With regard to a gentile who betrothed a Jewish woman nowadays,^h we are concerned that the betrothal might be valid, despite the fact that a betrothal of a gentile is meaningless, lest he be from the ten tribes of Israel who intermingled with the gentiles. The Gemara raises an objection: **But there is an important principle in halakha that any item separated, i.e., not fixed in its place, is presumed to have been separated from the majority. In this case, it can be assumed that any individual singled out from the gentiles belongs to the majority of gentiles and has no Jewish roots at all.**

BACKGROUND

The exile of the ten tribes – גלות עשרת השבטים – The Sages identified the places to which the ten tribes were exiled, all of which were close to the sources of the Tigris and Euphrates Rivers, or in the land of Medes, northeast of the Jewish settlement in Babylonia. Some of the places listed have been identified with near certainty, while the exact names and locations of others remain doubtful.



Places of exile of the ten tribes, relative to cities of Jewish settlement

HALAKHA

A son from a gentile woman – בן מן הנכרית: The son of a Jew from a gentile woman or slave woman is not considered his son (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 12:7).

The son of your daughter from a gentile – בן בתך הבא מן הגוי: The offspring of a gentile man and a Jewish woman is a fit Jew, as he is called: Your son. However, he is disqualified from the priesthood (*Shulhan Arukh, Even HaEzer* 4:7).

בְּדוֹכְתָא דְקַבְיֵעִי, דְאָמַר רַבִּי אַבְבָּא
בַּר כַּהֲנָנָא: "וַיִּנְחֵם בְּחֶלֶח וּבְחַבּוֹר
נְהַר גּוֹזָן וְעָרֵי מְדִי." חֶלֶח – זֶה חֶלְזוֹן,
וְחַבּוֹר

The Gemara responds: Rav Yehuda means that there is a concern only with regard to those who came from the permanent dwelling places of the ten tribes. As Rabbi Abba bar Kahana said that the verse states about those exiled from Samaria: "And he put them in Halah, and in Habor, on the river of Gozan, and in the cities of the Medes" (1 Kings 18:11). Rabbi Abba bar Kahana proceeded to identify these places. Halah; this is the place called Halzon. And Habor;

זו תְּדִיב, נְהַר גּוֹזָן – זו גִּינְזַק, וְעָרֵי
מְדִי – זו חַמְדָּן וְחַבְרוֹתַיָּה, וְאָמְרֵי לָהּ:
זו נִיְהַר וְחַבְרוֹתַיָּה. חַבְרוֹתַיָּה מֵאָן?
אָמַר שְׁמוּאֵל: בְּרַךְ, מוֹשְׁבֵי חֵידְקֵי
וְדוֹמְקֵיָא. אָמַר רַבִּי יוֹחָנָן: וְכוּלָּן
לְפָסוּל,

this is Hadyab. The river of Gozan; this is Ginzak. And the cities of the Medes; this is Hamadan and its surroundings.^B And some say: This is Nihar and its surroundings. The Gemara asks: Which are its surroundings? Shmuel said: Kerakh, Mushkhei, Hidkei, and Domakya are the surroundings of Hamadan. Rabbi Yohanan said: And all of them are for disqualification.^N In other words, if someone from one of these places wishes to convert, there is concern that he might be a descendant of a Jew and therefore a mamzer. Consequently, they all are disqualified.

כִּי אָמַרְתִּיהָ קַמִּיהָ דְשְׁמוּאֵל: אָמַר
לִי: בְּנֵךְ הַבָּא מִן יִשְׂרָאֵלִית קְרוּי בְּנֵךְ,
וְאִין בְּנֵךְ הַבָּא מִן הַגּוֹיָה קְרוּי בְּנֵךְ –
אֵלָּא בְּנֵה.

Rav Yehuda continued his recounting: When I said this halakha, that there is a concern about the betrothal of gentiles nowadays, before Shmuel, he said to me: One need not worry about this, as your son from a Jewish woman^N is called your son, i.e., he inherits his lineage from you, and your son from a gentile woman is not called your son, but rather her son.^H Consequently, all children born to Jews from gentile women are not considered Jews, as their lineage is determined by their gentile mothers.

וְהֵאִיכָא בְנוֹת, וְאָמַר רַבִּינָא: שְׁמַע
מִינָהּ בְּנֵי בִתְךָ הַבָּא מִן הַגּוֹי קְרוּי בְּנֵךְ!
גְּמִירֵי דְבִנְתָּא דְהָהוּא דְרָא אִיצְטְרוּי
אֵצְטְרוּ.

The Gemara asks: Aren't there Jewish girls who were captured by gentiles, whose children are considered to be Jews? And Ravina said: Learn from this that the son of your daughter from a gentile^H is called your son. If so, the descendants of Jewish women captured by gentiles would indeed be Jews. The Gemara answers: This is no concern, as it is learned as a tradition that the girls from the ten tribes of that generation became barren^N and did not give birth to any offspring, whereas some of the exiled men of the ten tribes married gentile women. Consequently, all of the children born there were gentiles.

NOTES

And all of them are for disqualification – וְכוּלָּן לְפָסוּל: Rashi explains that those born in these places were not careful about forbidden unions, and their offspring are therefore mamzerim. The other commentaries ask why Rashi interpreted the Gemara in this manner. After all, the offspring of a Jewish man and a gentile woman is himself a mamzer, as Rashi himself wrote, in accordance with the opinion of Rav Asi (Maharsha). If so, it is enough to state that these tribes intermingled, without having to stipulate that they engaged in sexual intercourse with forbidden relations. Some explain that Rabbi Yohanan issued his statement even in accordance with the opinion that the offspring of a Jewish man and a gentile woman is not a mamzer. Rabbi Yohanan is saying that even so, they would all be disqualified as mamzerim, due to marriage with women with whom relations are forbidden (*Yosef Lekah*; see Maharsha and Arza DeVei Rav).

verse states: "For he will turn away your son," and not: She will turn away, it is evidently referring to the offspring of a gentile man and a Jewish woman. Since the verse does not deal with the fate of the son of a gentile woman, this indicates that he is not considered to be a Jew at all. Others add that it stands to reason that a son raised as a Jew would not turn astray to idol worship, and therefore the verse is certainly referring to the son of one's daughter who was raised among the gentiles (*Tosafot Yeshanim*). Others maintain that the phrase "He will turn away your son" is referring to the father of the gentile wife, who is in fact the subject of the verse. According to this interpretation, the turning away mentioned in the verse actually means that the son of this union will be removed from the continuation of Judaism, as his children will not be considered Jews. The Rambam explains likewise.

Your son from a Jewish woman, etc. – בְּנֵךְ הַבָּא מִן יִשְׂרָאֵלִית – וְכוּ: The statements of Shmuel and Ravina refer to a homiletical interpretation of the following verses: "Neither shall you make marriages with them: Your daughter you shall not give to his son, nor his daughter shall you take for your son. For he will turn away your son from following Me, that they may serve other gods" (Deuteronomy 7:3-4). Rashi explains that as the

Became barren – אִיצְטְרוּי אֵצְטְרוּ: Some commentaries explain that they purposely drank a tonic to make themselves barren (Rivan), or that they made themselves repulsive to those who wished to have intercourse with them (Meiri), or that their wombs were damaged from consecutive acts of rape (*Tosefot Rid*). Alternatively, some state that the pain from the long journey and slavery caused them to lose the ability to bear children (Meiri; see Rashi and Rif on *Kiddushin*).