אַחָיוֹתָא.

were twin **sisters,** and became the matriarchs of families of distinguished Torah scholars.

וְלָא מִיפַּקְּדִי? וְהָאָמַר רַב אַחָא בַּר רַב קְטִינָא אָמַר רַבִּי יִצְחָק: מַעֲשֶׂה בְּאִשָּׁה אַחַת שֶׁחֶצְיָהּ שִׁפְחָה וְחֶצְיָהּ בַּת חוֹרִין, וְכָפוּ אֶת רַבָּהּ וַעֲשָׂאָהּ בַּת חוֹרִין! אָמַר רַב נַחְמָן בַּר יִצְחָק: מְנַהֲגוּ הֶפְקֵר נָהֲגוּ בָּהּ.

The Gemara asks: **Are** women **not commanded** to be fruitful and multiply? **Didn't Rav Aḥa bar Rav Ketina say** that **Rabbi Yitzḥak said:** There was **an incident with a certain woman who** was **half-slave**[N] **and half-free woman** and therefore could marry neither a Canaanite slave nor a Jew, **and they forced her master**[N] **and he made her a free** woman. Presumably, the reason the court forced her master to free her was so that she could fulfill the mitzva to be fruitful and multiply. **Rav Naḥman bar Yitzḥak said:** The reason they forced her master to free her was because others **treated her in a loose manner.**[H] Since she knew that she could not marry she engaged in promiscuous activity, and the court forced her master to free her in order to save her and others from sin.

הדרן עלך הבא על יבמתו

NOTES

Who was half-slave, etc. – שֶׁחֶצְיָהּ שִׁפְחָה וכו': This case can occur when a Canaanite maidservant is jointly owned by two people and one them releaser her from bondage. With regard to the case discussed here, some commentaries hold that the master is forced to free only a half-slave who acts in a promiscuous fashion, because her actions are due to the fact that she cannot marry (see *Tur*; *Shakh*). Others hold that the same would be true with regard to a full maidservant who acts promiscuously. They argue that the fact that the incident cited in the Gemara involved a half-slave does not indicate that the *halakha* is limited to this case (Rabbeinu Yeruḥam; Rambam).

A similar *halakha* applies in a case of a man who is half-Canaanite slave and half-free, and therefore cannot marry. His master is therefore forced to free him. However, in this case the reason given is so that he can fulfill the mitzva expressed in the verse: "He did not create it a waste; He formed it to be inhabited" (Isaiah 45:18).

And they forced her master – וְכָפוּ אֶת רַבָּהּ: The novelty here is twofold: First, the Sages required the master to forfeit his slave, who is considered his property. Additionally, it is generally prohibited to free a Canaanite slave unless one is doing so for the sake of a mitzva. Therefore, the Gemara assumed that they must have forced her master to release her so that she could fulfill a mitzva by marrying and having children. The Gemara answers that the mitzva involved was preventing people from sinning, not the mitzva to be fruitful and multiply.

HALAKHA

They treated her in a loose manner – מְנַהֲגוּ הֶפְקֵר נָהֲגוּ בָּהּ: If a maidservant is involved in widespread promiscuous activity, her master is forced to release her so that she can marry, thereby removing the stumbling block from the community (Rambam *Sefer Kinyan*, *Hilkhot Avadim* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 267:79).

מתני׳ אַלְמָנָה לְכֹהֵן גָּדוֹל, גְּרוּשָׁה וַחֲלוּצָה לְכֹהֵן הֶדְיוֹט, הִכְנִיסָה לוֹ עַבְדֵי מְלוֹג וְעַבְדֵי צֹאן בָּרְזֶל, עַבְדֵי מְלוֹג – לֹא יֹאכְלוּ בִּתְרוּמָה, עַבְדֵי צֹאן בָּרְזֶל – יֹאכְלוּ.

MISHNA

A widow married **to a High Priest,** and **a divorcée or a *yevama* who performed *ḥalitza*** [***ḥalutza***] married **to a common priest** are all unions prohibited by Torah law. If one of these women **brought** with her **into** the marriage **slaves of usufruct** [***melog***][L] property **or slaves of guaranteed investment,**[N] then the **slaves of usufruct** property **do not partake of *teruma*** but the **slaves of guaranteed investment do partake** of *teruma*.[H]

וְאֵלּוּ הֵן עַבְדֵי מְלוֹג: אִם מֵתוּ – מֵתוּ לָהּ, וְאִם הוֹתִירוּ – הוֹתִירוּ לָהּ, אַף עַל פִּי שֶׁהוּא חַיָּיב בִּמְזוֹנוֹתָן הֲרֵי אֵלּוּ לֹא יֹאכְלוּ בִּתְרוּמָה. וְאֵלּוּ הֵן עַבְדֵי צֹאן בָּרְזֶל: אִם מֵתוּ – מֵתוּ לוֹ, וְאִם הוֹתִירוּ – הוֹתִירוּ לוֹ, הוֹאִיל וְהוּא חַיָּיב בְּאַחֲרָיוּתָן הֲרֵי אֵלּוּ יֹאכְלוּ בִּתְרוּמָה.

And these are slaves of usufruct property: They are those with regard to whom the couple stipulated that **if** the slaves **die, their death** is **her** loss, **and if they increase** in value, **their increase** is **her** gain. **Although** the husband **is obligated in their sustenance,**[H] **they do not partake of *teruma***, as they belong to her, not to him. He owns only the right of their use while he is married to her. **And these are slaves of guaranteed investment:**[H] They are those with regard to whom the couple stipulated that **if they die, their death** is **his** loss,[N] **and if they increase** in value, **their increase** is **his** gain. **Since he bears** financial **responsibility** for compensating her in the event of **their** loss, **they partake of *teruma*,** as they are considered his property.

בַּת יִשְׂרָאֵל שֶׁנִּיסֵּת לְכֹהֵן וְהִכְנִיסָה לוֹ עֲבָדִים, בֵּין עַבְדֵי מְלוֹג בֵּין עַבְדֵי צֹאן בָּרְזֶל, הֲרֵי אֵלּוּ יֹאכְלוּ בִּתְרוּמָה. וּבַת כֹּהֵן שֶׁנִּיסֵּת לְיִשְׂרָאֵל וְהִכְנִיסָה לוֹ עֲבָדִים, בֵּין עַבְדֵי מְלוֹג בֵּין עַבְדֵי צֹאן בָּרְזֶל, הֲרֵי אֵלּוּ לֹא יֹאכְלוּ בִּתְרוּמָה.

In the case of **an Israelite woman who married a priest** in a halakhic marriage **and** who **brought slaves** with her **into** the marriage, **whether** they are **slaves of usufruct** property **or slaves of guaranteed investment, they partake of *teruma*.**[H] **And** in the case of **the daughter of a priest who married an Israelite**[H] **and** who **brought slaves** with her **into** the marriage, **whether** they are **slaves of usufruct** property **or slaves of guaranteed investment, they do not partake of *teruma*,** although, as she is the daughter of a priest, it is permitted for her and her slaves to partake of *teruma* beforehand.

גמ׳ וְעַבְדֵי מְלוֹג לֹא יֹאכְלוּ בִּתְרוּמָה, אַמַּאי? לֵיהֱוֵי בְּקִנְיָנוֹ שְׁקָנָה קִנְיָן! דְּתַנְיָא: מִנַּיִן לְכֹהֵן שֶׁנָּשָׂא אִשָּׁה וְקָנָה עֲבָדִים שֶׁיֹּאכְלוּ בִּתְרוּמָה – שֶׁנֶּאֱמַר ״וְכֹהֵן כִּי יִקְנֶה נֶפֶשׁ קִנְיַן כַּסְפּוֹ הוּא יֹאכַל בּוֹ״.

GEMARA

The mishna states that if a priest married a woman forbidden to him, his wife's **slaves of usufruct** property **do not partake of *teruma*.** The Gemara asks: **Why** is this so? **Let** this case **be like** that of **his acquisition who acquired an acquisition, as it is taught** in a *baraita*: **From where** is it derived with regard **to a priest who married a woman**[H] **and acquired slaves**[H] **that they partake of *teruma*? As it is stated: "But if a priest buys any soul, the purchase of his money, he may eat of it"** (Leviticus 22:11).

LANGUAGE

Usufruct [*melog*] – **מְלוֹג:** The search after the origin of this word dates back to the early commentaries. Some claim that it stems from the root *m-l-g*, which means to scald the skin of an animal in order to remove its hair. Here too, the husband removes, so to speak, the profits from his wife's assets. Others suggest that it is derived from the Greek **λόγος**, *logos*, which means word or speech, indicating that the husband receives rights to these properties as the result of verbal stipulation. However, it is apparently an original Akkadian term that means assets that a woman brings with her into the marriage.

NOTES

Guaranteed investment [*tzon barzel*] – **צֹאן בָּרְזֶל:** This idiom existed in Roman law as well. It literally means iron sheep. The proprietorship of guaranteed property is like that of something that never dies or gets damaged, as another individual has taken upon himself responsibility for its value. This metaphor is also appropriate in the sense that these assets bring no profit to their owners; rather, they remain at a fixed value.

If they die their death is his loss – אִם מֵתוּ, מֵתוּ לוֹ: The question was raised: What is the husband's responsibility for guaranteed property in a case where a slave does not die but merely decreases in value? Most early commentaries rule that the husband does not need to reimburse his wife unless the slave dies or is incapacitated. As long as the slaves are able to work, the husband returns them to his wife without compensation for their loss in value. This *halakha* is inferred from the use of the expression: If they die, their death is his loss, i.e., he must compensate her only in cases where the guaranteed property no longer exists in its original form. This *halakha* applies not only to slaves but to any sort of guaranteed property (Rabbeinu Ḥananel; Rif).

HALAKHA

The slaves of usufruct property do not partake of *teruma* but the slaves of guaranteed investment do partake of *teruma* – עַבְדֵי מְלוֹג לֹא יֹאכְלוּ בִּתְרוּמָה, עַבְדֵי צֹאן בָּרְזֶל יֹאכְלוּ: If a widow married to a High Priest or a *ḥalutza* married to a common priest brought slaves with her into the marriage, her slaves of usufruct property do not partake of *teruma*. However, her slaves of guaranteed investment partake of *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 7:20).

The husband is obligated in their sustenance – חַיָּיב בִּמְזוֹנוֹתָן: The husband is obligated to sustain his slaves of usufruct property, and he must fulfill all of their needs. They must work for him, and the profits earned through their work are his (Rambam *Sefer Nashim*, *Hilkhot Ishut* 22:25; *Shulḥan Arukh*, *Even HaEzer* 85:16).

And these are slaves of usufruct property…And these are slaves of guaranteed investment – וְאֵלּוּ הֵן עַבְדֵי מְלוֹג…וְאֵלּוּ הֵן עַבְדֵי צֹאן בָּרְזֶל: If a husband does not accept financial responsibility for property a woman brings with her into a marriage, that property remains hers. As a result, if its value has increased or decreased at the conclusion of the marriage, the loss or gain is hers. On the other hand, if the husband accepts financial responsibility for this dowry, it is entirely in his possession. He must pay her the original value of the property upon the dissolution of the marriage (Rambam *Sefer Nashim*, *Hilkhot Ishut* 16:1; *Shulḥan Arukh*, *Even HaEzer* 85:2).

The slaves of a priest's wife – עַבְדֵי אֵשֶׁת כֹּהֵן: If an Israelite or Levite woman is halakhically married to a priest and brought slaves with her into the marriage, whether they are usufruct or guaranteed property they partake of *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 7:18).

The daughter of a priest who married an Israelite – בַּת כֹּהֵן שֶׁנִּיסֵּת לְיִשְׂרָאֵל: If the daughter of a priest married an Israelite and brought slaves with her into the marriage, they may no longer partake of *teruma*, whether they are slaves of usufruct property or slaves of guaranteed investment (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 7:19).

The wife of a priest partakes of *teruma* – אֵשֶׁת כֹּהֵן אוֹכֶלֶת בִּתְרוּמָה: An Israelite woman who married a priest partakes of *teruma* as well as the breast and right hind leg of animal offerings that belong to the priests. By Torah law, she partakes of these from the time of betrothal, but the Sages decreed that she not partake of them until her marriage (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 6:3).

The slaves of a priest partake of *teruma* – עַבְדֵי כֹּהֵן אוֹכְלִים בִּתְרוּמָה: The slaves and animals of a priest partake of *teruma* and the *teruma* of the tithe (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 6:1).

וּמִנַּיִן לְאִשָּׁה שֶׁקָּנְתָה עֲבָדִים, וַעֲבָדָיו שֶׁקָּנוּ עֲבָדִים, שֶׁיֹּאכְלוּ בִּתְרוּמָה – שֶׁנֶּאֱמַר "וְכֹהֵן כִּי יִקְנֶה נֶפֶשׁ קִנְיַן כַּסְפּוֹ הוּא יֹאכַל בּוֹ". קִנְיָנוֹ שֶׁקָּנָה קִנְיָן – אוֹכֵל!

And from where is it derived with regard **to** both the **wife** of a priest **who acquired slaves and** a priest's **slaves who acquired slaves,**[N] **that** the acquired slaves **may** also **partake of *teruma*?**[H] **As it is stated: "But if a priest buys any soul, the purchase of his money, he may eat of it,"** which is interpreted to mean: If **his acquisition acquired an acquisition,** the latter **partakes** of *teruma*. Here too, since the **slaves of usufruct** property belong to his wife, it should be permitted for them to partake of *teruma*.

כָּל הָאוֹכֵל – מַאֲכִיל, כָּל שֶׁאֵין אוֹכֵל – אֵינוֹ מַאֲכִיל.

The Gemara answers: The principle is that **anyone who** is fit to **partake** of *teruma* can **enable** others **to partake** of *teruma*, and **anyone who does not partake** of *teruma* **cannot enable** others **to partake.** Since the priest's wife in this case does not partake of *teruma*, as her marriage is forbidden, her slaves do not partake of *teruma* either.

וְלֹא? וְהָרֵי עֲרֵל וְכָל הַטְּמֵאִים, שֶׁאֵינָן אוֹכְלִין וּמַאֲכִילִין! הָתָם פּוּמַיְיהוּ כָּאֵיב לְהוּ.

The Gemara asks: **And** is it so that one who does not partake of *teruma* **cannot enable** others **to partake? But aren't** there the cases of a priest who is **uncircumcised** because it was considered too dangerous for him **and all impure** priests, **who do not partake** of *teruma*, **and** yet **they enable** their wives and slaves **to partake** of *teruma*? The Gemara answers: The difference is that **there,** in those cases, there is no inherent disqualification rendering them unfit to partake of *teruma*. The hindrance to their partaking of *teruma* is tantamount to a situation where **their mouths hurt,**[N] and that is why they refrain from eating *teruma*. They retain, however, the fundamental right to partake of *teruma*, and therefore they can enable others to partake as well.

וַהֲרֵי מַמְזֵר, שֶׁאֵין אוֹכֵל – וּמַאֲכִיל!

The Gemara asks: **But isn't** there the case of **a son born from an incestuous or adulterous relationship** [***mamzer***],[N] **who does not partake** of *teruma* yet **enables** others to partake? If an Israelite woman was married to a priest and was subsequently widowed or divorced, and a child from that union married a *mamzer* and then had a child, in that case, even if the woman's child is dead, she partakes of *teruma* due to her grandchild, as she has a living descendant from a priest, although that descendant is a *mamzer*. Although this child does not partake of *teruma*, he enables his grandmother to partake of it.

אָמַר רָבִינָא: קִנְיַן אוֹכֵל קָאָמַר, קִנְיַן אוֹכֵל – מַאֲכִיל, שֶׁאֵינוֹ אוֹכֵל – אֵינוֹ מַאֲכִיל.

Ravina said that the above principle **is referring** to the case of **an acquisition who partakes** of *teruma*.[N] If the **acquisition** of a priest **partakes** of *teruma*, he **enables** others **to partake,**[H] whereas an acquisition **who does not partake,** e.g., his forbidden wife, **cannot enable** others **to partake.**

וְרָבָא אָמַר: מִדְּאוֹרַיְיתָא מֵיכַל אָכְלֵי, וְרַבָּנַן הוּא דְּגָזְרִי בְּהוּ, כְּדֵי שֶׁתֹּאמַר: אֲנִי אֵינִי אוֹכֶלֶת, עֲבָדַי אֵינָן אוֹכְלִין, זוֹנָה הִיא אֶצְלוֹ! הִלְכָךְ אָתֵי לְאַפּוּקֵהּ.

And Rava said a different solution. **By Torah** law, the forbidden wife's slaves indeed **partake** of *teruma*, as they are included in the category of: His acquisition who acquired an acquisition. **And it was the Sages who issued a decree**[N] prohibiting **them** from partaking of *teruma*, **so that** the woman unlawfully married to a priest **would say: I do not partake** of his *teruma* and **my slaves do not partake** of it either, so that she will realize that she is not a valid wife, but rather **she is** like **a prostitute to him.** Her husband will **therefore come to divorce her,**[N] which is the desired outcome.

רַב אַשִׁי אָמַר: גְּזֵירָה שְׁמָא תַּאֲכִיל לְאַחַר מִיתָה.

Rav Ashi said a different reason for the prohibition: It is a rabbinic **decree lest she have** those slaves **partake** of *teruma* even **after** the **death** of her husband the priest. As long as he is alive, they are permitted to partake of *teruma*, as she is considered his acquisition and they belong to her. Once he dies, she is no longer his acquisition.

NOTES

And a priest's slaves who acquired slaves – וַעֲבָדָיו שֶׁקָּנוּ עֲבָדִים: If whatever a slave acquires is acquired by his owner, how can a slave buy a slave for himself? This question was raised by Rashi and many other early commentaries, and it is also addressed in the Jerusalem Talmud. Rashi explains that a slave may acquire a slave when he buys him with money that was given to him under the stipulation that his master will have no access to it. *Tosefot HaRosh* adds that according to the opinion that such a stipulation is ineffective, and whatever a slave acquires always belongs to his owner, the verse from which this *halakha* is derived must be understood as referring only to wives who buy slaves. The *halakha* that whatever a wife acquires is acquired by her husband is a rabbinic ordinance, and by Torah law it is possible for a wife to acquire slaves independently. The verse teaches that such slaves would be permitted to partake of *teruma*.

Their mouths hurt – פּוּמַיְיהוּ כָּאֵיב לְהוּ: Rashi offers an explanation different from the commentary here: Although in those cases the priests are disqualified, their disqualifications are only temporary, as they can potentially be rectified, whereas the woman is disqualified permanently.

But isn't there the case of a son born from an incestuous or adulterous relationship [*mamzer*] – וַהֲרֵי מַמְזֵר: The *halakha* is that the widow of a priest with any living descendant from the priest is permitted to partake of *teruma*. The Gemara's question is therefore not related to the fact that the descendant is specifically a *mamzer* but uses the *mamzer* as an example of a descendant who is not a priest. Rabbi Avraham min HaHar adds that the Gemara uses *mamzer* to allude to the mishna later on (69b) that elaborates on this *halakha* using the example of a *mamzer*.

Is referring to the case of an acquisition who partakes of *teruma* – קִנְיַן אוֹכֵל קָאָמַר: It appears that Ravina derived his interpretation of the principle directly from the verse that is its source: "The purchase of his money, he may eat of it." The verse is referring to an acquisition who may himself partake of *teruma*, and only if that is so does he enable his own acquisition to do so.

And it was the Sages who issued a decree – וְרַבָּנַן הוּא דְּגָזְרִי בְּהוּ: The Rambam rules in accordance with Ravina's assertion that it is Torah law that slaves of usufruct property belonging to a priest's forbidden wife do not partake of *teruma*. Other commentaries follow the other opinions in the Gemara and maintain that it is a rabbinic decree.

In the Jerusalem Talmud, both possibilities are cited, and then it is pointed out that whether or not it is a Torah law has a practical difference: If by Torah law, one who cannot partake of *teruma* cannot enable his property to do so, then slaves belonging to the uncircumcised slave of a priest will not be allowed to partake of *teruma*. If the property of property that traces back to a priest may partake of *teruma*, and the Sages restricted the slaves of an unlawful wife from doing so as a penalty, then the slaves of this slave should be allowed to partake of *teruma*. Their master did nothing wrong.

Her husband will therefore come to divorce her – הִלְכָךְ אָתֵי לְאַפּוּקֵהּ: The woman's realization will lead to a quarrel between her and her husband, which will presumably result in divorce (Meiri).

HALAKHA

The slaves of a priest's acquisition – עַבְדֵי קִנְיַן כֹּהֵן: The slaves of a priest and the slaves of the wife of a priest who themselves acquired slaves partake of *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 7:18).

Anyone who is fit to partake of *teruma* can enable others to partake of *teruma* – כָּל הָאוֹכֵל מַאֲכִיל: A priest's acquisition can enable others to partake of *teruma* only if he partakes of *teruma* himself (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 7:18).

אֶלָּא מֵעַתָּה, בַּת יִשְׂרָאֵל שֶׁנִּשֵּׂאת לְכֹהֵן לֹא תַּאֲכִיל גְּזֵירָה שָׁמָּא תַּאֲכִיל לְאַחַר מִיתָה!

The Gemara asks: **However, if** that is **so,** that the decree is lest she have those slaves partake of *teruma* after her husband's death, any **Israelite woman who marries a priest should not enable** her slaves of usufruct property **to partake**[N] of *teruma* either, due to the same rabbinic **decree, lest she have them partake** of *teruma* **after** her husband's **death.**

אֶלָּא אָמַר רַב אַשִׁי: בְּאַלְמָנָה כֹּהֶנֶת, דְּאָתְיָא לְאוֹרוּיֵי: מַעִיקָּרָא אֲכָלַי בִּתְרוּמָה דְּבֵי נָשָׂא, אֵינְסְבֵי לֵיהּ לְהַאי – אֲכָלַי בִּתְרוּמָה דְּגַבְרַאי, וְהָשְׁתָּא הַדְרִי לִי לְמִילְּתֵיהּ קָמַיְיתָא, וְלָא יָדְעָה דְּמֵעִיקָּרָא לָא שָׁוְיתָה לְנַפְשָׁהּ חֲלָלָה, הָשְׁתָּא שָׁוְיתָה לְנַפְשָׁהּ חֲלָלָה.

Rather, Rav Ashi said that the decree is dealing **with a widowed priestess,** the daughter of a priest, who then married the High Priest, **as she is likely to rationalize** enabling her slaves to partake of *teruma* after the death of the High Priest as follows: **Initially,** my slaves **partook of the *teruma* of my father's house. I** then **married this** man, **and they partook of the *teruma* of my husband. And now** that my husband died, **I have returned to the original circumstance,** and therefore they may once again partake of my father's *teruma*. **And she does not realize that** this is not so, as **initially she did not render herself a woman disqualified from marrying a priest** [*ḥalala*], but **now,** by marrying a High Priest unlawfully, **she rendered herself a *ḥalala,*** and both she and her slaves do not partake of *teruma* even upon returning to her father's house.

תֵּינַח אַלְמָנָה כֹּהֶנֶת, אַלְמָנָה בַּת יִשְׂרָאֵל מַאי אִיכָּא לְמֵימַר – בְּאַלְמְנוּתָהּ לָא פְּלִיגִי רַבָּנַן.

The Gemara asks: This **works out well** as an explanation of the mishna, with regard to **a widowed priestess.** However, if that **widow** who married a High Priest was **an Israelite woman, what can be said?** There is no reason for the decree in that case. The Gemara answers: **With regard to widowhood, the Sages did not distinguish** between one type of widow and another. Once they issued a decree due to one widow, they applied it to all widows.

אִיתְּמַר: הַמַּכְנֶסֶת שׁוֹם לְבַעֲלָהּ, הִיא אוֹמֶרֶת: כְּלֵי אֲנִי נוֹטֶלֶת, וְהוּא אוֹמֵר: דָּמִים אֲנִי נוֹתֵן, הַדִּין עִם מִי? רַב יְהוּדָה אָמַר:

It was stated: With regard to a woman **who brings appraised,** guaranteed **property into her** marital contract with her **husband,** he is obligated to return it at the conclusion of the marriage. Upon collection of her marriage contract, e.g., following divorce, if **she says: I am taking my belongings,**[H] **and he says: I am** willing to **give you** only their **monetary** value, **the *halakha*** favors **whom?**[N] **Rav Yehuda said:**

NOTES

Any Israelite woman who marries a priest should not enable her slaves of usufruct property to partake [*ta'akhil*] – בַּת יִשְׂרָאֵל שֶׁנִּשֵּׂאת לְכֹהֵן לֹא תַּאֲכִיל: A textual variant mentioned by the early commentaries reads: Should also not partake [*tokhal*], lest she partake after her husband's death. While Rashi reads *ta'akhil*, and *Tosafot* defend Rashi's reading, the Ramban and the Rashba contend that the alternative reading is preferable, as it renders the difficulty raised by the Gemara more sensible and more pronounced.

The *halakha* favors whom – הַדִּין עִם מִי: The early commentaries addressed the opposite case: What if the husband wants to return the guaranteed assets while the wife demands their value in money? Some say that the property is in his possession and therefore she can refuse to accept it; it is her right to have the property returned to her but not her obligation (*Tosefot Ḥad MiKamma'ei*). Rivash claims that the husband may return the assets against her will, as they are not entirely in his possession, but are like a deposit. The Meiri maintains that he can compel her to accept them only if he lacks the funds to pay his debt.

HALAKHA

A wife who wants to receive her belongings – אִשָּׁה הָרוֹצָה לְקַבֵּל כֵּלֶיהָ: If a wife brought guaranteed property with her into the marriage, and upon divorce she demands to receive the actual assets she brought with her, her demand is accepted, as they are the assets of her paternal family (*Shulḥan Arukh*, *Even HaEzer* 88:3).

Perek **VII**
Daf **66** Amud **b**

הַדִּין עִמָּהּ, וְרַב אַמִּי אָמַר: הַדִּין עִמּוֹ.

The *halakha* favors **her;** she may take the belongings. **And Rav Ami said: The *halakha*** favors **him;** he may retain the items and return their value.

רַב יְהוּדָה אָמַר: הַדִּין עִמָּהּ, מִשּׁוּם שֶׁבַח בֵּית אָבִיהָ – דִּידָהּ הָוֵי. רַבִּי אַמִּי אָמַר: הַדִּין עִמּוֹ, כֵּיוָן דַּאֲמַר מָר: אִם מֵתוּ – מֵתוּ לוֹ, וְאִם הוֹתִירוּ – הוֹתִירוּ לוֹ, הוֹאִיל וְחַיָּיב בְּאַחֲרָיוּתָן – יֹאכְלוּ. אֲמַר רַב סָפְרָא: מִי קָתָנֵי "וְהֵן שֶׁלּוֹ"? "הוֹאִיל וְחַיָּיב בְּאַחֲרָיוּתָן" קָתָנֵי, וּלְעוֹלָם לָאו דִּידֵיהּ נִינְהוּ.

The Gemara explains that **Rav Yehuda said** that **the *halakha*** favors **her because** they are **the assets of her paternal family,**[N] whose prestige will suffer if they aren't returned. Therefore, **they are hers. Rabbi Ami said that the *halakha*** favors **him, since the Master said** in the mishna, with regard to guaranteed property: **If they die, their death** is **his** loss, **and if they increase** in value, **their increase** is **his** gain. **Since he bears** financial **responsibility for their** loss, **they partake** of *teruma*. Apparently, the slaves belong to the husband. Therefore, he is obligated to return only their monetary value. **Rav Safra said** in rejection of Rabbi Ami's reasoning: **Does** the mishna **teach** that **they are his?** It **teaches** only that **he bears** financial **responsibility for their** loss, **but actually they are not his.**

NOTES

The assets of her paternal family – שֶׁבַח בֵּית אָבִיהָ: The Rid explains that her family gave her these belongings for her own use, not for the use of others after her divorce.

וְכָל הֵיכָא דְּחַיָּיב בְּאַחֲרָיוּתָן אָכְלֵי בִּתְרוּמָה? וְהָתְנַן: יִשְׂרָאֵל שֶׁשָּׂכַר פָּרָה מִכֹּהֵן – הֲרֵי זֶה יַאֲכִילֶנָּה כַּרְשִׁינֵי תְרוּמָה. כֹּהֵן שֶׁשָּׂכַר פָּרָה מִיִּשְׂרָאֵל, אַף עַל פִּי שֶׁמְּזוֹנוֹתֶיהָ עָלָיו – לֹא יַאֲכִילֶנָּה כַּרְשִׁינֵי תְרוּמָה!

The Gemara asks: **And do they partake of *teruma* wherever he bears** financial **responsibility for their** loss, even if they are not his actual possession? **But didn't we learn** in a mishna (*Terumot* 11:9): **An Israelite who rented a cow from a priest may feed it vetches** [***karshinin***][B] **of *teruma*,** since the animal belongs to a priest? With regard to **a priest who rented a cow from an Israelite, although** its feed **is** incumbent **upon him, he may not feed it vetches of *teruma*,** as it does not belong to him.[H] This indicates that the requirement for enabling an acquisition to eat *teruma* is possession, not responsibility.

וְתִסְבְּרָא? נְהִי נַמִּי דְּמִחַיַּיב בְּגְנֵבָה וַאֲבֵדָה – בְּאוֹנְסֵיהּ, בְּכַחֲשָׁה, וּבְנִפְחֶת דָּמֶיהָ מִי מִיחַיַּיב? הָא לָא דָּמֵיא אֶלָּא לְסֵיפָא: יִשְׂרָאֵל שֶׁשָּׂכַר פָּרָה מִכֹּהֵן – לֹא יַאֲכִילֶנָּה כַּרְשִׁינֵי תְרוּמָה, אֲבָל כֹּהֵן שֶׁשָּׂכַר פָּרָה מִיִּשְׂרָאֵל – יַאֲכִילֶנָּה כַּרְשִׁינֵי תְרוּמָה.

The Gemara rejects this proof: **And** how can **you understand** that the case of the rented cow is parallel to the case of guaranteed property? **Though** the renter **is indeed liable for theft and loss, is he liable for unavoidable accidents, for emaciation,** i.e., the cow became thinner or weaker for any reason, **or for** any other **decrease in its value?** Certainly he is not. In fact, the case of guaranteed property **is similar only to the latter clause** of that mishna: In the case of **an Israelite who appraised a cow** upon renting it **from a priest**[N] under an arrangement where he guaranteed its value to the owner, he **may not feed it vetches of *teruma*,** as it is considered his own. **However, a priest who appraised a cow** upon renting it **from an Israelite may feed it vetches of *teruma*.**[H] This indicates that guaranteed property is considered the acquisition of its recipient with regard to enabling it to eat *teruma*.

יָתֵיב רַבָּה וְרַב יוֹסֵף בְּשִׁילְהֵי פִּרְקֵיהּ דְּרַב נַחְמָן, וְיָתְבֵי וְקָאָמְרִי: תַּנְיָא כְּוָתֵיהּ דְּרַב יְהוּדָה, וְתַנְיָא כְּוָתֵיהּ דְּרַבִּי אַמִּי. תַּנְיָא כְּוָתֵיהּ דְּרַבִּי אַמִּי: עַבְדֵי צֹאן בְּרָזֶל יוֹצְאִין בְּשֵׁן וָעַיִן לְאִישׁ, אֲבָל לֹא לְאִשָּׁה.

Rabba and Rav Yosef sat at the conclusion of Rav Naḥman's sermon, and they sat and said: It is taught in a *baraita* **in accordance with** the opinion of **Rav Yehuda, and it is taught** in another *baraita* **in accordance with** the opinion of **Rabbi Ami. It is taught in accordance with** the opinion of **Rabbi Ami** in the following *baraita*: If a slave's owner strikes him and knocks out his tooth or blinds him in an eye, he is set free. **Slaves of guaranteed investment go** free **at** the loss of **a tooth or an eye**[NH] caused **by the husband, but not** at such loss caused **by the wife.** This indicates that they belong to the husband.

תַּנְיָא כְּוָתֵיהּ דְּרַב יְהוּדָה: הַמַּכְנֶסֶת שׁוֹם לְבַעֲלָהּ, אִם רָצָה הַבַּעַל לִמְכּוֹר – לֹא יִמְכּוֹר, וְלֹא עוֹד אֶלָּא אֲפִילּוּ הִכְנִיס לָהּ שׁוֹם מִשָּׁלּוֹ, אִם רָצָה הַבַּעַל לִמְכּוֹר – לֹא יִמְכּוֹר. מָכְרוּ שְׁנֵיהֶם לְפַרְנָסָה, זֶה הָיָה מַעֲשֶׂה לִפְנֵי רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל, וְאָמַר: הַבַּעַל מוֹצִיא מִיַּד הַלָּקוֹחוֹת.

Conversely, **it is taught** in a *baraita* **in accordance with** the opinion of **Rav Yehuda:** When a woman **brings appraised,** guaranteed **property** into her marriage **to her husband, if the husband wishes to sell** it, **he may not sell** it, as it belongs to her. **And not only** that, but **even** when her husband **brought** property **into** the marriage and added it to **her** dowry as **an appraised,** guaranteed gift **of his own,**[H] even **if the husband wishes to sell** that gift **he may not sell** it. With regard to a case in which **either** the husband or wife unlawfully **sold** this property **for subsistence,** there **was an incident** like **this** that came **before Rabban Shimon ben Gamliel, and he said:** Although **the husband** executed the sale, **he may repossess** the property **from the purchasers,** as the sale is void.[H]

BACKGROUND

Vetches [*karshinin*] – כַּרְשִׁינִין: The vetch, *Vicia*, is an annual of the legume family. It grows to 10–50 cm in height. Its seeds are brown, round, or oblong, and 0.25–0.5 cm in diameter. Like other legumes, vetches are high in nutritional value and are easily digested by animals.

Vetches are a winter crop in the spring fields of Mediterranean lands and are still grown nowadays in Arab villages.

The plant and its seeds are usually used as animal fodder. In order to soften the seeds, they are sometimes soaked overnight in water. Although the vetch is consumed mostly by animals, its seeds are edible for humans as well. They were eaten during years of famine and other times of need. As it is edible for humans, the vetch must be tithed, although its *teruma* was usually fed to the animals of priests.

Vetch

NOTES

Who appraised a cow upon renting it from a priest – שְׁשָׁם פָּרָה מִכֹּהֵן: Rashi explains that the Israelite rented a cow from the priest and appraised it due to his guarantee to return the full value of the cow. *Tosafot*, however, contend that a rental agreement of this sort is prohibited as a form of interest. Since the renter has obligated himself to give the owner its present value no matter what, his receiving the cow is viewed as a loan, and the rental fee is considered interest (see *Bava Metzia* 70a). *Tosafot* therefore contend that the case of appraisal is one where the cow is merely borrowed from the owner, and there is no rental fee.

Go free at the loss of a tooth or an eye – יוֹצְאִין בְּשֵׁן וָעַיִן: A gentile slave is set free if his owner strikes him causing his tooth to fall out; his eye to be blinded; or other extremities, e.g., his fingers and toes, to be destroyed (Exodus 21:26–27).

HALAKHA

Feeding *teruma* to a rented cow – הַאֲכָלַת תְּרוּמָה לְפָרָה שְׂכוּרָה: An Israelite who rented a cow from a priest may feed it *teruma*. On the other hand, a priest who rented a cow from an Israelite may not because it does not belong to him, even though he is responsible for its sustenance (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 9:7).

Feeding *teruma* to an appraised cow – הַאֲכָלַת תְּרוּמָה לְפָרָה שְׁנִשְׁוּמָה: If an Israelite received a cow from a priest and appraised it, guaranteeing its value to the original owner, in order to fatten it and share the profits, he may not feed it *teruma*, although the priest has a share in the profits. If a priest received a cow from an Israelite under the same stipulation, he may feed it *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 9:8).

Slaves of guaranteed investment go free at the loss of a tooth or an eye – עַבְדֵי צֹאן בְּרָזֶל יוֹצְאִין בְּשֵׁן וָעַיִן: Slaves of guaranteed investment brought into a marriage by the wife are set free at the loss of a tooth or an eye, if the injury was caused by the husband, not by the wife (Rambam *Sefer Kinyan*, *Hilkhot Avadim* 5:16).

Even brought property into the marriage…as an appraised, guaranteed gift of his own – אֲפִילּוּ הִכְנִיס לָהּ שׁוֹם מִשָּׁלּוֹ: In addition to her own possessions, a wife's guaranteed property includes the gifts she received from her husband (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 30:5; *Shulḥan Arukh*, *Even HaEzer* 90:15).

Selling guaranteed property – מְכִירַת נִכְסֵי צֹאן בַּרְזֶל: If a woman brought movable property into her marriage as guaranteed property, the husband does not have the right to sell it. However, if he violates this *halakha* and sells it, the sale is valid (Rav Hai Gaon). Some commentaries disagree, maintaining that the sale is void (Ramban; Rashba; Rosh; Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 30:5 and *Sefer Nashim*, *Hilkhot Ishut* 22:15; *Shulḥan Arukh*, *Even HaEzer* 90:14).

אָמַר רָבָא אָמַר רַב נַחְמָן: הֲלָכָה כְּרַב יְהוּדָה. אָמַר לֵיהּ רָבָא לְרַב נַחְמָן: וְהָתַנְיָא כְּוָותֵיהּ דְּרַבִּי אַמִּי? אַף עַל גַּב דְּתַנְיָא כְּוָותֵיהּ דְּרַבִּי אַמִּי, מִסְתַּבְּרָא טַעֲמָא דְּרַב יְהוּדָה, מִשּׁוּם שָׁבַח בֵּית אֲבִיהָ.

Rava said that **Rav Naḥman said: The *halakha* is in accordance with** the opinion of **Rav Yehuda. Rava said to Rav Naḥman: But isn't it taught** in a *baraita* **in accordance with** the opinion of **Rabbi Ami?** He replied: **Although it is taught in accordance with** the opinion of **Rabbi Ami, Rav Yehuda's rationale,** that the wife may take the objects in question **because** they are **assets of her paternal family** and their complete removal from her domain would hurt the family's prestige, **is** more **reasonable.**

הַהִיא אִיתְּתָא דְּעַיְּילָה לֵיהּ לְגַבְרָא אִיצְטְלָא דְּמֵילְתָא בִּכְתוּבָּתָהּ, שְׁקַלְתֵּיהּ יַתְמֵי וּפְרָסוּהָ אַמִּיתְנָא.

The Gemara relates an incident: **A certain woman brought into** her marriage to her **husband a robe** [*itztela*][L] **of fine wool** [*meileta*],[L] which was deemed guaranteed property **by her marriage contract.** Her husband subsequently **died,** and **the orphans took** that robe **and spread it over the corpse** as a shroud.[N] The woman demanded that the robe be returned to her.

אֲמַר רָבָא: קַנְיֵיהּ מִיתְנָא. אֲמַר לֵיהּ נַאנַאי, בְּרֵיהּ דְּרַב יוֹסֵף, בְּרֵיהּ דְּרָבָא, לְרַב כָּהֲנָא: וְהָאֲמַר רָבָא אֲמַר רַב נַחְמָן: הֲלָכָה כְּרַב יְהוּדָה! אֲמַר לֵיהּ: מִי לָא מוֹדֶה רַב יְהוּדָה דִּמְחוּסַּר גּוּבְיֵינָא? וְכֵיוָן דִּמְחוּסַּר גּוּבְיֵינָא – בִּרְשׁוּתֵיהּ קָאֵי.

Rava said: The dead has acquired it,[NH] as deriving benefit from anything consecrated for the dead is prohibited. **Nanai, son of Rav Yosef, son of Rava, said to Rav Kahana: But didn't Rava say** that **Rav Naḥman said** that **the *halakha* is in accordance with** the opinion of **Rav Yehuda?** Accordingly, the woman's robe must be returned. **He said to him: Doesn't Rav Yehuda admit that** the robe **has not yet been collected? And since it has not yet been collected, it remains in his possession,** and his inheritors can render its use as a burial shroud prohibited.

רָבָא לְטַעֲמֵיהּ, דְּאָמַר רָבָא: הֶקְדֵּשׁ, חָמֵץ,

The Gemara adds that in this regard **Rava** conforms **to his** standard line of **reasoning, as Rava said: Consecration** of property, the prohibition against benefiting from **leavened bread** on Passover,[N]

HALAKHA

Guaranteed property that was consecrated to the Temple or used for the dead – נִכְסֵי צֹאן בַּרְזֶל שֶׁהוּקְדְּשׁוּ אוֹ נִתְּנוּ לְמֵת: If a dead man's inheritors consecrate his widow's guaranteed property or place an object of that property on the corpse, rendering it prohibited to derive benefit from the property or item, the woman's lien is released and she receives only its value (*Shulḥan Arukh*, *Even HaEzer* 88:5).

LANGUAGE

Robe [*itztela*] – אִיצְטְלָא: From the Greek στολή, *stolè*, meaning garment or robe.

Fine wool [*meileta*] – מֵילְתָא: Some assert that this means fine wool, named after the city Μίλητος, Milètos, where it was manufactured (Rabbi Ovadya MiBartenura). Others explain that the source of the word is the Greek μηλωτή, *mēlotē*, meaning wool.

NOTES

And spread it over the corpse as a shroud – וּפְרָסוּהָ אַמִּיתְנָא: The Gemara relates that at first taking the dead out for burial was more difficult for the relatives than the actual death, because it was customary to bury the dead in expensive shrouds, which the poor could not afford (*Moed Katan* 27b). The problem grew to the point that relatives would sometimes abandon the corpse. This lasted until Rabban Gamliel left instructions that he be taken out for burial in simple linen garments, waiving his honor. Afterward, the entire Jewish people adopted this practice and had themselves taken out for burial in linen garments.

The dead has acquired it – קַנְיֵיהּ מִיתְנָא: It is prohibited to derive benefit from a human corpse or from any object that serves its burial. Therefore, it is prohibited to use any object designated for a corpse or its burial that has been used to that end, e.g., a robe spread over the corpse as a shroud. However, one cannot render prohibited an object that belongs to someone else, even by using it for a human corpse.

Consecration of property, the prohibition against benefiting from leavened bread on Passover, etc. – הֶקְדֵּשׁ, חָמֵץ וכו': The Meiri explains that the *halakha* that these cannot release the property from a lien applies not only to items consecrated for the Temple, but to items consecrated for a corpse as well. The Ritva maintains that this *halakha* is a principle that applies to all items from which it is prohibited to derive benefit. In his opinion, consecrated property, leavened bread, and manumission (see 67a) are merely examples.

Perek **VII**
Daf **67** Amud **a**

וְשִׁחְרוּר – מַפְקִיעִין מִידֵי שִׁעְבּוּד.

and the **manumission** of a slave[N] **release** the property **from a lien.** If someone placed an asset under a lien for his debt and subsequently consecrated it; or if the asset under lien is leavened bread and the festival of Passover arrived; or if the asset is a slave and he freed him, the lien is released, and the creditor must claim his debt from the debtor's other property. In the case of the robe as well, because it was placed over the corpse, it was consecrated for the dead. Consequently, it is prohibited to derive benefit from it. Therefore, it is released to the woman from under the lien.

אָמַר רַב יְהוּדָה: הִכְנִיסָה לוֹ שְׁנֵי כֵלִים בְּאֶלֶף זוּז, וְשָׁבְחוּ וְעָמְדוּ עַל שְׁנֵי אֲלָפִים – אֶחָד נוֹטֵלְתּוֹ בִּכְתוּבָּתָהּ, וְאֶחָד נוֹתֶנֶת דָּמִים וְנוֹטֵלְתּוֹ, מִפְּנֵי שָׁבַח בֵּית אֲבִיהָ.

Rav Yehuda said: If the wife **brought** with her **into** the marriage **two belongings**[NH] of guaranteed investment worth **one thousand dinars, and they appreciated** until **they stood at two thousand, one** of them **she collects as** payment of **her marriage contract,** as it is now worth her dowry of one thousand dinars. **And** as for the other **one, she pays its monetary** value **and takes it** from her husband **because** it is **an asset of her paternal family.**

HALAKHA

If the wife brought with her into the marriage two belongings, etc. – הִכְנִיסָה לוֹ שְׁנֵי כֵלִים וכו': If the wife brought with her into her marriage two belongings or two maidservants of guaranteed investment, and they were appraised at one thousand dinars, and over the course of the marriage their value increased to two thousand dinars, upon her divorce she takes one of them for her one thousand dinars. If she wishes, she has the right to receive the other at its price at the time of her divorce, in accordance with Rav Yehuda's ruling (Rambam *Sefer Nashim*, *Hilkhot Ishut* 22:26; *Shulḥan Arukh*, *Even HaEzer* 88:3).

NOTES

And the manumission of a slave – וְשִׁחְרוּר: The Ramban points out that according to this ruling, the *baraita* cited by the Gemara in support of Rabbi Ami's opinion does not in fact lend his opinion any support. The *halakha* that slaves of guaranteed investment go free at the loss of a tooth or an eye by the husband can be explained by the fact that the wife's possession of them is nullified through their manumission, and therefore it cannot prove that the slaves belong to the husband.

If the wife brought with her into the marriage two belongings, etc. – הִכְנִיסָה לוֹ שְׁנֵי כֵלִים וכו': A controversy between Babylonian *amora'im* is cited in the Jerusalem Talmud with regard to this issue. However, the conclusion is the same as in this Gemara.