

אמר ליה אביי: לעולם אימא לך: כל
 איכא דדיימא מיניה אף על גב דלא
 דיימא מעלמא – אמר רב הולד ממזר,
 מאי טעמא? דאמרין: מדאפקרא
 נפשה לגבי ארום – אפקרא נפשה
 לעלמא. ומתניתין – שהיו שניהם
 חבושים בבית האסורין.

Abaye said to him in rejection of his proof: **Actually, I could say to you that anywhere that she is rumored to have engaged in intercourse with him, her betrothed, even if she is not rumored to have engaged in intercourse with others, Rav said that the offspring is a mamzer. What is the reason? It is that we say that since she exposed herself to her betrothed,^N although they were not married yet, she apparently exposed herself to others as well. And the mishna that you cited as support for your assertion is referring to a situation where they were both incarcerated alone together in prison.** Therefore, there is no concern that she engaged in intercourse with another man. This is one version of the dispute between Rav and Shmuel.

איכא דאמרי: בבא עליה – כולי
 עלמא לא פליגי דבתריה דידיה שדינן
 ליה, והכי איתמר: ארוסה שעניברה,
 רב אמר: הולד ממזר, ושמואל אמר:
 הולד שתוקי. אמר רבא: מסתברא
 מילתיה דרב – דלא דיימא מיניה
 ודיימא מעלמא.

Some say that when the betrothed admits that he engaged in intercourse with her, everyone agrees that we cast the child after him. Rather, their dispute was stated as follows: In the case of a betrothed woman who became pregnant,^H if her betrothed denies that he engaged in intercourse with her, Rav said that the offspring is a mamzer, and Shmuel said that the offspring is a child whose father's identity is not known. Rava said: Rav's statement stands to reason in a case where the woman is not rumored to have engaged in intercourse with him and she is rumored to have engaged in intercourse with others. Therefore, it is assumed that the child is a mamzer.

NOTES

Since she exposed herself to her betrothed – מדאפקרא – נפשה לגבי ארום: Sexual intercourse between a betrothed couple is prohibited only by rabbinic law. Accordingly, the blessing over betrothal: Blessed are You... Who prohibited us from incest, and forbade the betrothed to us, and permitted those married to us through a canopy and betrothal, is referring both to Torah and rabbinic prohibitions.

Early commentaries question Abaye's rationale, as intercourse between a betrothed couple is prohibited but the lineage of the child conceived through this act is completely untainted. This leads some commentaries to accept Rava's distinction and others to accept Shmuel's opinion.

HALAKHA

A betrothed woman who became pregnant – ארוסה ששעניברה: If a betrothed woman became pregnant while still living with her parents, and her betrothed denies having engaged in intercourse with her, the child is rendered a definite mamzer. If she is unavailable for questioning, or if she says that she does not know the father's identity, the child is rendered a mamzer of uncertain status.

If there are rumors that a betrothed woman engaged in licentious intercourse with her betrothed and with others, the child is rendered a mamzer of uncertain status, even if her betrothed admits that he engaged in intercourse with her. If she is questioned and says that she engaged in intercourse only with her betrothed, the child is rendered unflawed. It goes without saying that the child is unflawed if it is known that she engaged in intercourse with her betrothed and there are no rumors with regard to others. This ruling follows Shmuel's opinion as cited in the second version of the dispute. Some commentaries (Rosh; Rashba; Beit Shmuel) add that even if there were rumors that she engaged in intercourse with others, if it is known that she engaged in intercourse with her betrothed, or if he acknowledges the same, the child is unflawed, as stated by Rava (Rambam Sefer Kedusha, Hilkhoh Issurei Bia 15:17–18; Shulhan Arukh, Even HaEzer 4:27–28).

Perek VII
 Daf 70 Amud a

אבל דיימא מיניה, אף על גב דדיימא
 מעלמא, בתריה דידיה שדינן ליה,

However, if she is rumored to have engaged in intercourse with him,^N even if she is also rumored to have engaged in intercourse with others, we cast the child after him.

אמר רבא: מנא אמינא לה, דקתני:
 ילדה – תאכל. היכי דמי? אי לימא
 דיימא מיניה ולא דיימא מעלמא –
 צריכא למימר דתיכול? אלא לאו –
 דיימא נמי מעלמא.

Rava said: From where do I say that? My source is the mishna that teaches that if a priest engaged in extramarital intercourse with an Israelite woman and she gave birth, she may partake of teruma due to her child. What are the circumstances? If we say that she is rumored to have engaged in intercourse with him and she is not rumored to have engaged in intercourse with others, need it be said that she may partake of teruma? It can easily be assumed that the priest is the father. Rather, is it not a case where she is rumored to have engaged in intercourse with others as well?

ומה קתם, דלהאי איסורא ולהאי
 איסורא, בתריה דידיה שדינן ליה,
 הכא דלהאי איסורא ולהאי היתירא –
 לא כל שכן?

And if there, where for her to engage in intercourse with this priest is in violation of a prohibition and to engage in intercourse with that non-priest is in violation of a prohibition of the same degree, and she is rumored to have engaged in intercourse with both, nevertheless, we cast the child after the priest, then here, where for her to engage in intercourse with that man who is not her betrothed is in violation of a Torah prohibition and to engage in intercourse with this man, her betrothed, is permitted by Torah law, is it not all the more so that he should be considered the father?

NOTES

Rumored to have engaged in intercourse with him – דיימא מיניה: Tosafot explain that she is known to have engaged in intercourse with him. Otherwise, Rava's proof from the mishna, which discusses a case of definite sexual intercourse with an Israelite, is problematic. However, the wording of Rava's statement is difficult according to this opinion. Rabbi Avraham min HaHar explains that she is rumored to have had an extensive affair with him, which raises the probability that the child is his in the mishna's case.

HALAKHA

Her child and her child's child – זרעה וזרע זרעה – If an Israelite woman has a child from a priest she may partake of teruma, whether the child is male or female, or even if the child is a tumtum, one whose sexual organs are concealed, or a hermaphrodite. She may likewise partake of teruma due to her child's child, even if he is not a priest, or even if he is unfit to marry into the assembly of Israel (Rambam Sefer Zera'im, Hilkhot Terumot 6:12–13).

NOTES

From where do I derive that an unfit child disqualifies her – זרע פסול מנין – The commentaries ask how the mother of one who is unfit to marry into the assembly of Israel could possibly be allowed to partake of teruma as the daughter of a priest; the intercourse through which she conceived of him was prohibited, and it therefore rendered her a zona. In Tosefot HaRosh, it is answered that the baraita is referring to a grandchild. In Tosafot Yeshanim, it is suggested that the reference is to a woman who engaged in intercourse with an Egyptian or Edomite convert, which does not render her a zona.

I am hereby atonement, etc. – הריני כפרתי וכו' – The ge'onim explain that this is an expression of affection. Rabbi Avraham min HaHar associates it with the expression one uses in relation to the deceased that he is mourning: I am hereby atonement for his resting-place. He therefore interprets the woman's statement to mean that she will mourn only her grandson the mamzer after his death and not the High Priest.

In Arukh LaNer, it is explained how a woman can partake of teruma due to one grandson and then be disqualified from partaking of teruma due to another grandson: She marries a priest and they have a son, and the son engages in forbidden intercourse, rendering his son a mamzer. After the woman is widowed, she marries an Israelite, and they have a daughter who marries a priest, and the couple's son is appointed as the High Priest. Before her daughter is born, she partakes of teruma due to her mamzer grandson. Afterward, even if her daughter dies, she does not partake of teruma due to her grandson the High Priest.

LANGUAGE

Small jug [kuza] – כוזא: Apparently from the Middle Persian kūz, jug. In Hebrew and Arabic, it is called a كوز, kūz.

The sources that mention this term indicate that it is referring to a small jug, as opposed to a kada, which is a barrel, used mainly for storing drinks. A kuza was occasionally made out of metal but was usually ceramic, and it was used for drinking wine or water.

אמר ליה אביי: לעולם אימא לך, כל היכא דדיימא מעלמא, אף על גב דדיימא מניה אמר רב הולד ממזר, ומתניתין בדלא דיימא בלל.

Abaye said to him: Actually, I could say to you that anywhere that she is rumored to have engaged in intercourse with others, even if she is also rumored to have engaged in intercourse with him, Rav said that the offspring is a mamzer. And the mishna, which you cited as support for your claim, is referring to a situation where she is not rumored to have engaged in intercourse with anyone at all. Therefore, if they both concur that he is the father, the child is considered his.

העבד פוסל משום ביאה" כו'. מאי טעמא? אמר קרא "האשה וילדיה תהיה" וגו'.

It is stated in the mishna that a slave disqualifies a woman from partaking of teruma due to his engaging in intercourse with her, but not due to his being her offspring. The Gemara asks: What is the reason that he does not disqualify a woman whose offspring he is? The verse states with regard to a maidservant married to a Hebrew slave, that when he is released, "the wife and her children shall be her master's" (Exodus 21:4). This indicates that the maidservant's children are considered her own and are not considered their father's offspring at all. Therefore, a maidservant's child does not disqualify his paternal grandmother from partaking of teruma.

"ממזר פוסל ומאכיל". תנו רבנן: "זרע אין לה", אין לי אלא זרעה, זרע זרעה מנין? תלמוד לומר "זרע אין לה". מפל מקום.

It is stated in the mishna that a mamzer disqualifies a woman from partaking of teruma, and he also enables a woman to partake of teruma. The Sages taught: The Torah states, "But if a priest's daughter be a widow, or divorced, and have no child ... she may eat of her father's bread" (Leviticus 22:13). I have derived only that her own child disqualifies her from partaking of teruma; from where do I derive that her child's child disqualifies her as well? The verse states: "And she has no child [zera]" at all, indicating that even her grandchild disqualifies her, as zera means offspring.^h

אין לי אלא זרע כשר, זרע פסול מנין? תלמוד לומר "זרע אין לה" – עיני עליה.

I have derived only that an unflawed child disqualifies her; from where do I derive that an unfit child disqualifies herⁿ as well? The verse states: "And she has no [ein la] child," which can be homiletically interpreted as examine her [ayyein ala] to check if she has any offspring, fit or unfit.

והא אפיקתיה לזרע זרעה! זרע זרעה לא איצטריך קרא, בני בנים הרי הן כבנים, כי איצטריך קרא – לזרע פסול.

The Gemara asks: But didn't you already derive from that phrase that her child's child disqualifies her? The Gemara answers: To derive the halakha with regard to her child's child, no verse was necessary, as the children of children are considered like children. The verse was therefore necessary for deriving the halakha of an unfit child.

אמר ליה ריש לקיש לרבי יוחנן: כמאן, כרבי עקיבא, דאמר: יש ממזר מחייבי לאוין? אפילו תימא רבנן, בעובד בוכבים ועבד מודו. דכי אתא רב דימי אמר רבי יצחק בר אבדימי משום רבינו: גוי ועבד הבא על בת ישראל – הולד ממזר.

Reish Lakish said to Rabbi Yohanan: In accordance with whose opinion is the assumption of the mishna that the child of a Jewess and a slave or a gentile is a mamzer? Is it in accordance only with the opinion of Rabbi Akiva, who said that the offspring of relations for which one is liable for violating a prohibition is a mamzer? The Gemara answers: You can even say that it is in accordance with the Rabbis, who hold that the offspring is a mamzer only if the parents are liable to receive karet. This is because they concede with regard to a slave and a gentile, as when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yitzhak bar Avdimi said in the name of Rabbi Yehuda HaNasi: With regard to a gentile or a slave who engaged in intercourse with a Jewish woman, the offspring is a mamzer.

"כהן גדול פעמים שפוסל". תנו רבנן: הריני כפרת בן בתי כוזא – שמיאכילני בתרומה, ואיני כפרת בן בתי כדא – שפוסלני מן התרומה.

It was taught in the mishna that even a High Priest sometimes disqualifies his grandmother from partaking of teruma. The Sages taught that she can say in disapproval: I am hereby atonementⁿ for my daughter's son, the small jug [kuza],^l i.e., the mamzer. He is dear to me and I am willing to suffer to atone for him, as he is my offspring from a priest and therefore enables me to partake of teruma. However, I am not willing to be atonement for my daughter's son, the large jug [kada], the High Priest, as he is my offspring from an Israelite and therefore disqualifies me from partaking of teruma.

הדרן עלך אלמנה

מתני' הערל וכל הטמאים לא יאכלו בתרומה, נשיהן ועבדיהן יאכלו בתרומה.

פצוע דבא וברות שפכה, הן ועבדיהן – לא יאכלו, ונשיהן – לא יאכלו, ואם לא ידעה משנעשה פצוע דבא וברות שפכה – הרי אלו יאכלו.

ואי זהו פצוע דבא – כל שנפצעו הביצים שלו, ואפילו אחת מהן, וברות שפכה – כל שנברת הגיד, ואם נשתייר מעטרה אפילו בחוט השערה – כשר.

גמ' תניא, אמר רבי אלעזר: מנין לערל שאין אוכל בתרומה – נאמר "תושב ושכיר" בפסח, ונאמר "תושב ושכיר" בתרומה, מה "תושב ושכיר" האמור בפסח ערל אסור בו, אף "תושב ושכיר" האמור בתרומה ערל אסור בו.

רבי עקיבא אומר: אינו צריך, הרי הוא אומר "איש איש" לרבות הערל.

MISHNA An uncircumcised priest,^N e.g., one for whom circumcision was considered too dangerous, and all those who are ritually impure with any type of impurity, may not partake of *teruma*,^H the portion of produce that must be set aside for the priests. However, their wives and their slaves may partake of *teruma*.^H

With regard to both a man with crushed testicles or with other wounds to his genitals [*petzua dakka*] and one whose penis has been severed [*kerut shofkha*], it is prohibited for them to marry a woman who was born Jewish. If they are priests they and their slaves may partake of *teruma*, as this condition does not disqualify them or their property. However, their wives may not partake^N of *teruma*, because if a priest has relations with his wife after suffering his injury, he renders her a *halala*, a woman who is disqualified from marrying a priest, as he has engaged in forbidden sexual relations with her. If such a priest did not know his wife, i.e., did not engage in sexual relations with her, after his testicles were crushed or his penis was severed, she may partake of *teruma*, as she had married the priest in a permitted manner.^H

And who is deemed a man with crushed testicles?^H It is anyone whose testicles have been wounded, even one of them. And one whose penis has been severed is anyone whose sexual member has been cut off. As for the measure that renders him unfit, if there remains a portion of the corona, even as much as a hairsbreadth, he is still fit. However, if nothing at all is left of the corona, he is considered as one with a severed penis, for whom it is prohibited by Torah law to marry a Jewish woman.

GEMARA It is taught in a *baraita* that Rabbi Elazar said: From where is it derived that an uncircumcised priest may not partake of *teruma*? It is stated: "A sojourner and a hired servant shall not eat thereof" (Exodus 12:45) with regard to the Paschal lamb, and it is stated: "A sojourner of a priest and a hired servant shall not eat of the holy thing" (Leviticus 22:10) with regard to *teruma*. Just as "a sojourner and a hired servant" stated with regard to the Paschal lamb indicates that an uncircumcised man is prohibited from eating it, so too, "a sojourner and a hired servant" stated with regard to *teruma* teaches that an uncircumcised man is prohibited from eating it.

Rabbi Akiva says: This proof is not necessary, as the verse states: "Any man [*ish ish*] from the seed of Aaron who is a leper or a *zav* shall not eat of the holy things until he be pure" (Leviticus 22:4). The repetition of the word *ish*, meaning man, comes to include an uncircumcised man, indicating that he is like one who is ritually impure and therefore may not partake of consecrated food.

NOTES

An uncircumcised priest – הערל: According to Rashi, this refers to one whose brothers died as a result of circumcision and therefore it was considered too dangerous to circumcise him. Rabbeinu Tam, however, maintains that since in such a case he is not obligated to circumcise himself, he does not fall into the category of the uncircumcised, and he may therefore eat *teruma*. Instead, the mishna is dealing with one who is afraid of being circumcised (see Ramban and Rashba).

Their wives may not partake – נשיהן לא יאכלו: The early authorities inquire as to why in fact the wife of a man with crushed testicles or a severed penis may not eat *teruma*. Rashi explains that these women are considered *halalot*, women who are disqualified from marrying a priest, but his opinion

is questioned by several commentaries, as the conclusion of the Gemara is that a woman is made a *halala* only by one who was prohibited to her from the outset, and a man with crushed testicles does not fall into this category. Rashba and others explain that this limitation applies only to those disqualified from the priesthood, whereas a man with crushed testicles is forbidden to the entire congregation. Others suggest that since he suffered his injury in the meantime, it is as though his body had changed, and therefore he is considered as prohibited to her from the outset (*Tosafot Yeshanim*); a similar idea is mentioned by the Rashash. According to the Rambam, it is prohibited for this woman to eat *teruma*, not because she is a *halala*, but because she is deemed a *zona*, as she has engaged in relations with a man forbidden to her.

HALAKHA

An uncircumcised priest may not partake of *teruma* – ערל אסור בתרומה: It is prohibited for an uncircumcised priest to partake of *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:10).

The wife of an uncircumcised priest – אשת בנהן ערל: It is permitted for the wife and slaves of an uncircumcised or ritually impure priest to eat *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:12).

A priest with crushed testicles – כהן פצוע דבא: A priest with crushed testicles or a severed penis may eat *teruma*, and the same applies to his slaves. It is also permitted for his wife to eat *teruma*, provided that she has not had relations with him since he suffered his injury (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:13).

Who is deemed a man with crushed testicles – אי זהו פצוע דבא: A man with crushed testicles is one whose testicles have been wounded. A man with a severed penis is one whose sexual member has been cut off. If part of his member has been removed but a portion of the corona remains, even as little as a hairsbreadth around the member, he is deemed fit (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 16:3–4; *Shulhan Arukh, Even HaEzer* 5:2).

NOTES

Rabbi Eliezer – רבי אליעזר: The reference here is clearly to Rabbi Elazar, who is mentioned in the *baraita* from which this is a quote. The names Eliezer and Elazar differ in only one letter in Hebrew and are often confused, both in manuscripts and in printed editions of the Talmud.

What is unique to the Paschal lamb? It is that one is liable to receive *karet* for eating it due to...being ritually impure – טמא...משום...מה לפסח שכן חייבין עליו משום...*Tosafot* note that some authorities omit from this list one who is impure, as the prohibition with regard to impurity applies to *teruma* as well. Some point out that there is still a difference between the two cases: If one who is ritually impure partakes of the Paschal lamb, he is liable to receive *karet*, whereas if he eats *teruma* he is liable only to receive death at the hand of Heaven. It is also cited in the name of Rashi, and explained in further detail by the Meiri, that one who inadvertently eats of the Paschal lamb in a state of impurity must bring a sin-offering, which is not the case with regard to *teruma*. The Meiri adds that in the case of the Paschal lamb one is liable even if it is the offering that is impure and he himself is ritually pure, whereas with regard to *teruma* a ritually pure individual who eats impure *teruma* is not liable.

LANGUAGE

Not so [*la'ei*] – לאיי: The source and precise meaning of this word are unclear. Rashi explains that it means: In truth (*Shabbat* 64a). The *Arukh* proposes that it is a combination of the Aramaic word *la*, meaning no, and *ei*, from the Greek υἱός, *huios*, meaning son. The meaning of the expression is therefore roughly parallel to: No, my son. Alternatively, *la* may be understood as a prefix meaning certainly or indeed, while *ei* means yes. In any event, the expression introduces an inescapable conclusion that the statement that follows must be accepted as true.

HALAKHA

It is prohibited for a sojourner and a hired servant to partake of *teruma* – תושב ושכיר אסורים בתרומה: It is prohibited for all non-priests to eat *teruma*, even a sojourner or the hired servant of a priest (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 6:5).

אמר מר: רבי אליעזר אומר נאמר "תושב ושכיר" בפסח ונאמר "תושב ושכיר" בתרומה, מה "תושב ושכיר" האמור בפסח ערל אסור בו, אף "תושב ושכיר" האמור בתרומה ערל אסור בו.

מופנה, דאי לאו מופנה – איבא למיפרך: מה לפסח – שכן חייבין עליו משום פגול ונותר וטמא. לאיי, אפנויי מופנה.

הי מופנה? אי דתרומה – מצרך צריכי, דתניא: "תושב" זה קני עולם, קני עולם, "שכיר" זה קני קני שנים.

ואמר "תושב" ואל יאמר "שכיר", ואני אומר: קני קני עולם אינו אוכל, קני קני שנים – לא כל שכן!

אילו כן, הייתי אומר: "תושב" זה קני קני שנים, אבל קני עולם אוכל – בא "שכיר" ולימד על תושב, שאף על פי שקני קני עולם – אין אוכל.

אלא דפסח מופני. האי "תושב ושכיר" דכתב רחמנא בפסח מאי ניהו? אי נמא תושב ושכיר ממש – משום דהיה ליה תושב ושכיר איפטר ליה מפסח? והא קיימא לן גבי תרומה דלא אכיל,

The Gemara analyzes this *baraita* in detail. The Master said: Rabbi Eliezerⁿ says that it is stated: "A sojourner and a hired servant" with regard to the Paschal lamb, and it is stated: "A sojourner and a hired servant" with regard to *teruma*. Just as "a sojourner and a hired servant" stated with regard to the Paschal lamb indicates that an uncircumcised man is prohibited from eating it, so too, "a sojourner and a hired servant" stated with regard to *teruma* teaches that an uncircumcised man is prohibited from eating it.

With regard to this verbal analogy the Gemara comments: The phrase "a sojourner and a hired servant" must be available, i.e., superfluous in its context and therefore available for the purpose of establishing a verbal analogy. As, if it is not available, the verbal analogy can be refuted logically, as it is possible to say: What is unique to the Paschal lamb? It is that one is liable to receive *karet* for eating it due to its being *piggul*, an offering that was sacrificed with the intent to consume it after its appointed time, or due to its being *notar*, the flesh of an offering that is left over beyond its allotted time, or due to the one consuming it being ritually impure.ⁿ Therefore, it could be argued that it is owing to the Paschal lamb's special sanctity and severity that an uncircumcised man may not partake of it. But from where is it derived that an uncircumcised priest may not eat *teruma*? The Gemara concludes: This is not so [*la'ei*],^l as the phrase is in fact available for establishing the verbal analogy.

The Gemara asks: Which of the instances of the phrase "a sojourner and a hired servant" is not needed in its own context and is therefore available for establishing a verbal analogy? If one would claim that it is that which is stated with regard to *teruma*, certainly those words are necessary, as it is taught in a *baraita*: "A sojourner"; this is referring to a Hebrew slave who was acquired as a permanent acquisition until the Jubilee Year, i.e., a slave who did not wish to terminate his servitude and underwent a ceremony in which his ear was pierced with an awl. "A hired servant"; this is referring to a Hebrew slave who was acquired as an acquisition for a period of six years.

The *baraita* asks: And let the verse state only that "a sojourner" may not eat *teruma*, and not state anything about "a hired servant," and I would say by way of an *a fortiori* inference: If a slave who was acquired as a permanent acquisition may not partake of *teruma*, then with regard to one who was acquired as an acquisition for only six years, all the more so is it not clear that he should be prohibited from eating it?

The *baraita* answers: If it was written so, I would have said with regard to "a sojourner" that this is referring to a slave who was acquired as an acquisition for a period of six years, as he may not eat *teruma*; but one who was acquired as a permanent acquisition may in fact partake of *teruma*. Therefore, the term "a hired servant" comes and teaches that "a sojourner" is referring to a slave who had his ear pierced and must now remain with his master until the Jubilee Year, and that although he was acquired as a permanent acquisition, he may not partake of *teruma*.

The Gemara proposes: Rather, it is the phrase with regard to the Paschal lamb that is available for establishing a verbal analogy. This phrase: "A sojourner and a hired servant," that the Merciful One writes with regard to the Paschal lamb, to what is it referring? If we say that the verse is referring to an actual sojourner and to a hired servant, i.e., a Hebrew slave who was acquired permanently or for a fixed number of years, can it possibly be that because he is a sojourner or a hired servant he is exempt from the mitzva of the Paschal lamb? If one answers in the affirmative and argues that a Hebrew slave, like his Canaanite counterpart, is considered his master's property and is therefore no longer obligated in all the mitzvot like a freeman, this conclusion is difficult, as we maintain with regard to *teruma* that a Hebrew slave may not partake of it on account of his priestly master.^h

אֶלְמָא – לָא קָנִי לִיה רַבִּיה, הֵבֵא נָמִי
לָא קָנִי לִיה רַבִּיה. אֶלְא לְאַפְנוּי.

וְאַפְתֵי, מוֹפְנָה מִצַּד אֶחָד הוּא, וְשָׁמַעֲנִין
לִיה לְרַבִּי אֶלְעָזָר דְּאָמַר: מוֹפְנָה מִצַּד
אֶחָד לְמַדְיָן – וּמְשִׁיבִין!

בֵּין דְּלְגוֹפִיָּה לָא אֶרִיךְ, שְׂדֵי חַד אֶלְמָד
וְשְׂדֵי חַד אֶמְלִמָּד וְהוּה לִיה גְּזִירָה שְׂוָה
מוֹפְנָה מְשִׁנֵּי צַדִּיָן.

אֵי מַה פְּסַח אֲוִינ אָסוּר בּוּ אִף תְּרוּמָה
אֲוִינ אָסוּר בְּהָ!

אָמַר רַבִּי יוֹסִי בַר חֲנִינָא: אָמַר קְרָא
("ר") "וְכָל זָר" וְרוּת אֶמְרָתִי לְךָ, וְלֹא
אֶמְנִוֶת. אֵימָא: וְלֹא עֵרְלוּת! הָא כְּתִיב
"תּוֹשָׁב וְשָׂכִיר",

וּמַה רְאִיתָ? מִסְתַּבְרָא, עֵרְלוּת הוּה לִיה
לְרַבִּי שִׁבְנִי (מְעֻשִׂים כְּרוּתִים בְּדַבְרֵי
הַעֲבָד) מְחוּסָר מַעֲשָׂה, וּמְעֻשָׂה בְּגוֹפּוֹ,
וְעֻנֵשׁ כְּרוּת, וְיִשְׁנֵנוּ לְפָנֵי הַדְּבָר, וּמִילַת
זְכָרִי וְעֵבְדִי מְעַבְבָּת.

Apparently his master does not acquire his body^N and thereby effect a change in his personal status; rather, he remains a Jew in every sense. Here too, then, with regard to the Paschal lamb, his master does not acquire his body as a slave, and so he is obviously obligated in the mitzva of the Paschal lamb. Rather, the phrase is superfluous and was written only to be available to teach a different matter.

The Gemara poses a question: **And yet there is still a difficulty:** The verbal analogy is available from only one side, as only the phrase with regard to the Paschal lamb is superfluous in its context, **and we heard Rabbi Elazar, who said with regard to a verbal analogy available from only one side that one can derive from it, and one can also refute it logically if there is reason to distinguish between the two cases.** Since there are grounds here for differentiating between the two *halakhot* in this case, why is the verbal analogy upheld?

The Gemara answers: **Since** the phrase “a sojourner and a hired servant” is **not needed for its own matter**, there are two superfluous terms, and one may cast one superfluous term on the *halakha* with regard to which it is learned that *teruma* may not be eaten by one who is uncircumcised, and one may cast the other one on the *halakha* with regard to the Paschal lamb that teaches this, and in this manner it is like a verbal analogy that is available from both sides,^B which cannot be refuted.

The Gemara raises a question: There is a principle that there cannot be half a verbal analogy. Consequently, if this verbal analogy is accepted, the following *halakha* that can be derived by way of the same analogy should be accepted as well: **Just as with regard to the Paschal lamb, one who is an acute mourner, i.e., whose relative died that same day and has not yet been buried, is prohibited from eating it, so too, with regard to *teruma*, an acute mourner should be prohibited from eating it, but in fact this is not the case.**

Rabbi Yosei bar Hanina said: **The verse states:** “No foreigner may eat of the holy thing” (Leviticus 22:10), which indicates: A disqualification stemming from **foreignness I told you** prevents one from eating *teruma*, **but not** a disqualification based on **acute mourning**.^H The Gemara asks: **Say** that the verse comes to teach that a disqualification stemming from foreignness prevents one from eating *teruma*, **but not** a disqualification based on a priest’s **lack of circumcision**, and so it should be permitted for an uncircumcised priest to partake of *teruma*. The Gemara answers: **Isn’t it written** with regard to both *teruma* and the Paschal lamb: **“A sojourner and a hired servant”?** From this it is derived by way of a verbal analogy that it is prohibited for an uncircumcised priest to eat *teruma*.

The Gemara asks: **And what did you see** that led you to include an uncircumcised priest in the prohibition against eating *teruma* and exclude an acute mourner? Perhaps just the opposite is true. The Gemara answers: **It stands to reason that lack of circumcision should be included** and should prevent a priest from eating *teruma*, as the *halakhot* governing an uncircumcised man are stringent in several respects, as alluded to by the following mnemonic of key words: **Acts; *karetim*; the divine word; the slave.** The Gemara spells out these stringencies: An uncircumcised man **lacks the act of circumcision, and this act is performed on his body;** the failure to perform circumcision is **punishable by *karet*;**^H **circumcision existed before the divine word** was spoken at Mount Sinai, as the mitzva of circumcision had already been given to Abraham; **and the lack of circumcision of one’s male children and slaves precludes one’s eating the Paschal lamb, as is explicitly stated in the Torah** (Exodus 12:48).

NOTES

Apparently his master does not acquire his body – אֶלְמָא לָא קָנִי לִיה רַבִּיה: The early authorities are puzzled as to the validity of this argument: Even if a Hebrew slave belongs to his master, why should he not eat of the Paschal lamb? After all, a Canaanite slave may also partake of this offering. The Ra’avad explains that this passage is in accordance with the opinion that women and slaves are not obligated in the mitzva of the Paschal lamb (see *Tosafot*). The Ritva proposes that the Gemara was not suggesting that it should be prohibited for a Hebrew slave to eat the Paschal lamb, but rather that he is not obligated to do so. However, the Ramban and others maintain that the formulation of the Gemara’s difficulty is imprecise, and that it merely wishes to emphasize that there is no possibility of deriving, by way of an *a fortiori* inference, that a Hebrew slave is not obligated to partake of the Paschal lamb.

BACKGROUND

A verbal analogy available from both sides – גְּזִירָה שְׂוָה: A verbal analogy is a fundamental rabbinic principle of biblical interpretation appearing in all standard lists of exegetical principles. If the same word or phrase appears in two places in the Torah and a certain *halakha* is stated explicitly in one of these places, the Sages may infer on the basis of verbal analogy that the same *halakha* must apply in the other case as well. In its simplest form, the verbal analogy is a type of linguistic interpretation by means of which the meaning of an obscure word or phrase is inferred on the basis of another occurrence of the same word or phrase in a clearer context. However, it is often used not only to determine the meaning of obscure words and phrases, but to transfer entire *halakhot* from one context to another.

Verbal analogies are unique among the exegetical principles in that they are based on verbal, rather than conceptual, similarity. For this reason there are a number of limitations placed on their use. One of the limitations imposed is the principle that one cannot expound a verbal analogy on his own; rather, he must have received a tradition to this effect from his teachers, who in turn learned it from their teachers, all the way back to Moses at Sinai. Furthermore, according to many, the analogy can be drawn only if the key words are available, meaning that they are superfluous, i.e., not needed as a source for some other *halakha*. If the key words are not superfluous, the verbal analogy may be refuted logically.

HALAKHA

Acute mourning with regard to *teruma* – אֶמְנִוֶת בְּתְרוּמָה: The state of acute mourning does not render the mourner disqualified from eating *teruma* (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 3:5).

The punishment of *karet* for failure to perform circumcision – עוֹנֵשׁ כְּרוּת עַל מִילָה: Circumcision is a positive mitzva whose lack of fulfillment is punishable by *karet* (Rambam *Sefer Ahava, Hilkhot Mila* 1:1).

Is there anything that his...lack of circumcision, etc. – **מי איכא מדי דערלות וכו'**: This point is so obvious that some commentaries are puzzled as to the Gemara's initial line of thought: How could it have been considered possible that the lack of circumcision of others is more problematic than one's own? The Ritva suggests that one could claim that this is a kind of penalty, as, if the *halakha* is not stringent with regard to such an individual, he will be lax and never circumcise those under his authority. *Tosefot HaRosh* and the Meiri explain that since a man who remains uncircumcised usually does so due to circumstances beyond his control, one might have thought that he should not be prohibited from eating *teruma*, whereas no such excuse applies to his failure to circumcise others.

הַנֶּךְ נִפְשֵׁן וְאִיבְעִית אִימָא: בְּלֹא [הַנֶּךְ] נִפְשֵׁן נִמְי לָא מְצִית אֲמַרְתָּ, מִי אִיכָא מִיְדֵי דְעֵרְלוֹת דְּגוֹפִיָּה לָא מְעַבְבָּא בֵּיהּ, עֵרְלוֹת דְּאַחֲרֵינִי מְעַבְבָּא בֵּיהּ?!

The Gemara answers: **These arguments for including one's own circumcision in the prohibition are more numerous. And if you wish, say:** Even without the rationale that these arguments are more numerous, you still could not say that the verbal analogy comes to include in the prohibition against eating *teruma* one whose male children or slaves have not been circumcised. As, is there anything that his own lack of circumcision^N does not preclude him from doing but the lack of circumcision of others does preclude him from doing? Rather, it must be that the verbal analogy comes to teach that the priest's own lack of circumcision precludes his eating *teruma*, while that of his male children and slaves does not.

הַשְּׂתָא דְאֲמַרְתָּ "בּו" לְדַרְשָׁה הוּא דְאֲתָא, "כָּל בֶּן נֶכֶר לֹא יֹאכַל בּו" לְמָה לִי? "בּו"

The Gemara poses a question: **Now that you have said that the phrase "from it" used in this context comes for an exposition and serves to exclude other cases, with regard to the phrase "from it" in the verse "No stranger shall eat from it" (Exodus 12:43), why do I need it?** The Gemara answers: This, too, teaches that it is only from it, eating the Paschal lamb,

Perek VIII

Daf 71 Amud a

מְשׁוּמָדוֹת פּוֹסְלוֹת, וְאִין מְשׁוּמָדוֹת פּוֹסְלוֹת בְּמַעֲשֵׂר.

that apostasy [*meshumadut*]¹ disqualifies,^H as the term "stranger" in this context is understood to refer to a Jew whose conduct makes him estranged from God, and he is disqualified from eating the Paschal lamb, but apostasy does not disqualify one from eating tithe.^N

"כָּל עֵרֵל לֹא יֹאכַל בּו" לְמָה לִי? "בּו" אִינוּ אוֹכְלִים, אֲבָל אוֹכְלֵי הוּא בְּמַעֲשֵׂה וּמְרוֹר.

The Gemara asks further: If so, with regard to the phrase "from it" in the verse "No uncircumcised person^N shall eat from it" (Exodus 12:48), which again emphasizes "from it" and not from another item, why do I need it? The Gemara answers: This teaches that only from it, the Paschal lamb, one who is uncircumcised may not eat, but he eats *matza* and bitter herbs.^H One who is uncircumcised is obligated to eat *matza* and bitter herbs on Passover, just like any other Jew.

וְאִי צִטְרִיךְ לְמַכְתֵּב "עֵרֵל", וְאִי צִטְרִיךְ לְמַכְתֵּב "כָּל בֶּן נֶכֶר". דְּאִי קָתֵב רַחֲמֵנָא "עֵרֵל" מְשׁוּם דְּמֵאִיס, אֲבָל בֶּן נֶכֶר דְּלֹא מֵאִיס, אִימָא לֹא. וְאִי קָתֵב רַחֲמֵנָא "כָּל בֶּן נֶכֶר" מְשׁוּם דְּאִין לְבוּ לְשִׁמְיֵם, אֲבָל עֵרֵל, דְּלְבוּ לְשִׁמְיֵם, אִימָא לֹא, צִרִיכָא.

The Gemara continues: **And it was necessary for the Torah to write the prohibition with regard to an uncircumcised man, and it was necessary for the Torah to write a separate prohibition with regard to any stranger. As, if the Merciful One had written only about an uncircumcised man, one might have thought that only for him is it prohibited to eat from the Paschal lamb because the foreskin is repulsive, but with regard to a stranger, who is not repulsive, say that it is not prohibited. And if the Merciful One had written only about any stranger, one might have concluded that only for him is it prohibited to eat from the Paschal lamb because his heart is not directed toward Heaven due to his apostasy, but with regard to an uncircumcised man, whose heart is directed toward Heaven, and it is only on account of unavoidable circumstances that he has not undergone circumcision, say that there is no prohibition against his eating the Paschal lamb. Therefore, it is necessary to teach both cases.**

LANGUAGE

Apostasy [*meshumadut*] – **מְשׁוּמָדוֹת**: There are various opinions as to the etymology of this word. Some understand the original meaning of the word as connected to the root *sh-m-d*, in the sense of a decree enacted against the Jews that they must change their religion. Therefore, the primary sense of the word *meshumad* is: One who was forced to convert to another religion. Rav Hai Gaon argues that the word is derived from the ancient Aramaic *amad*, meaning immersed, and a *meshumad*, the abbreviated form of *meshumad*, is one who has been

baptized. From here the word was taken to mean anyone who converted to another religion. The Ramban, however, suggests that the word is a shortened form of *meshumada*, from the Aramaic *eshtamoda*, meaning alienate. Therefore, a *meshumad* is anyone alienated from his religion. Others are of the opinion that the term is derived from the word *shemad* in the sense of excision, close in meaning to the root *sh-m-t*, meaning: Place under a ban. According to this opinion, *meshumad* means one who is cursed and cut off from the Jewish people.

HALAKHA

Apostasy disqualifies – מְשׁוּמָדוֹת פּוֹסְלוֹת – One who feeds an olive-bulk of the Paschal lamb to an apostate guilty of idolatry has transgressed a negative mitzva (Rambam *Sefer Korbanot, Hilkhot Korban Pesah* 9:7).

He eats matza – אוֹכְלֵי הוּא בְּמַעֲשֵׂה – An uncircumcised man is obligated to eat *matza* and bitter herbs on Passover (Rambam *Sefer Korbanot, Hilkhot Korban Pesah* 9:8).

NOTES

But apostasy does not disqualify one from eating tithe – וְאִין מְשׁוּמָדוֹת פּוֹסְלוֹת בְּמַעֲשֵׂר: *Tosafot* state that apostasy does not disqualify a priest from eating *teruma* either, and they explain how both *halakhot* can be derived from the same exclusion. However, Rashba, who apparently had a different reading of the Gemara in *Pesahim*, maintains that apostasy does disqualify a priest from eating *teruma*. Since there is a verbal analogy between the Paschal lamb and *teruma*, they are equated in every possible manner.

No uncircumcised person – כָּל עֵרֵל: One issue concerning the prohibition against gentiles eating from the Paschal lamb is the question: To whom does the prohibition apply? If one claims that it applies to Jews in that they may not feed gentiles from the offering, there is no need for a special teaching with regard to a circumcised Arab, as this prohibition itself is a novelty. For this reason some commentaries say that the prohibition applies to the gentile himself. *Tosefot HaRosh* points out that it is unusual for the Torah to state a special *halakha* that applies only to gentiles and not to Jews.