

A woman following childbirth who is a convert or an emancipated maidservant – יולדת שהיא גיורת או שפחה – If one had intercourse with a woman who gave birth to a male child within the last seven days or to a female child within the last fourteen days, whether she was an ordinary Jew, a convert, or an emancipated maidservant, he is liable to receive *karet* (Rambam *Sefer Kedusha, Hilkhhot Issurei Bia* 4:2).

רבא אמר: בלא הנך נפישן לא מצית אמרת, אמר קרא וזכפר עליה הבהן וטהרה מכלל שהיא טמאה. ואי סלקא דעתך בקדשים – איקרי באן ויהבשר אשר יגע בכל טמא לא יאכל. אלא שמע מינה בתרומה.

Rava said: Even without the rationale that those stringencies that apply to sacrificial food are more numerous, you still could not say that the verse that renders a woman pure at sunset refers to sacrificial food, as the verse states: “And the priest shall make atonement for her, and she shall be pure,” which indicates by inference that she remains ritually impure to some degree until she has sacrificed her offerings. And if it enters your mind that she may eat sacrificial food immediately after sunset, you should apply here what is stated in a different verse: “And the flesh that touches anything impure shall not be eaten” (Leviticus 7:19), which indicates that one who is impure with any type of ritual impurity is prohibited from eating sacrificial food. Rather, learn from this that the verse is referring to *teruma*.

מתקיף לה רב שישא בריה דרב אידי: ומי מצית אמרת תרומה כתיבא הקא? והתניא: דבר אל בני ישראל, אין לי אלא בני ישראל, גיורת ושפחה משוחררת מנזן – תלמוד לומר “אשה”. ואי סלקא דעתך בתרומה – גיורת ושפחה בנות מיכל תרומה מנהו?!

Rav Sheisha, son of Rav Idi, strongly objects to this argument: And how can you say that a *halakha* governing *teruma* is written here, in the verse: “Until the days of her purification are completed” (Leviticus 12:4)? Isn’t it taught in a *baraita*: The section dealing with a woman following childbirth opens with the verse: “Speak to the children of Israel, saying: If a woman delivers and bears a male, then she shall be unclean seven days; as in the days of the impurity of her menstrual affliction shall she be unclean” (Leviticus 12:2). From this verse I have derived only that the children of Israel are included in this *halakha*; from where do I derive that a convert and an emancipated maidservant are also included? Therefore, the verse states: “A woman,” which includes other women.^h And if it enters your mind that the verse is speaking of *teruma*, are a convert and a maidservant eligible to eat *teruma*? It is prohibited for them to marry priests, so there can be no possibility of their eating *teruma*.

אמר רבא: ולא?!

Rava said: And is the verse not referring to *teruma* as well?

Perek VIII
Daf 75 Amud a

No hallowed thing, to include *teruma* – בבל קדש... לרבות התרומה: During her period of purity, it is permitted for a woman after childbirth to eat second tithe. However, it is prohibited for her to eat *teruma*, which she disqualifies, as does one who was ritually impure who immersed on that day (Rambam *Sefer Tahara, Hilkhhot Metamei Mishkav UMoshav* 5:4).

והכתיב “בבל קדש לא תגע” לרבות התרומה! אלא: קרא מילי מילי קא חשיב.

But isn’t it written in that same section dealing with a woman after childbirth: “She shall touch no hallowed thing, nor come into the Sanctuary, until the days of her purification are completed” (Leviticus 12:4), which comes to include *teruma*?^h Rather, the Torah considers several distinct matters separately, and not all the verses refer to *teruma*.

ותלתא קראי בתרומה למה לי? צריכי, דאי מ’עד אשר יטהר” לא הוה ידענא במאי, כתב רחמנא “ויבא השמש וטהר”.

The Gemara asks: And why do I need three verses with regard to *teruma*? The Gemara answers: They are all necessary, as, had *teruma* been derived solely from the verse: “He shall not eat of the holy things until he be pure” (Leviticus 22:4), I would not have known by what means ritual purity is achieved, whether by immersion alone or in some other way. Therefore, the Merciful One writes: “And when the sun has set he shall be pure, and afterward he may eat from the holy things” (Leviticus 22:7), to teach that he must also wait for sunset.

ואי כתב רחמנא “ויבא השמש” – הני מילי דלאו בר כפרה, אבל דבר כפרה – אימא עד דמיייתי כפרה, כתב רחמנא “עד מלאת”.

And had the Merciful One written only: “And when the sun has set,” I might have said that this applies only to one who does not require an atonement offering, but as for one who requires an atonement offering, one might say that he may not eat *teruma* until he brings his atonement offering. Therefore, the Merciful One writes: “She shall touch no hallowed thing, nor come into the Sanctuary, until the days of her purification are completed” (Leviticus 12:4), which indicates that she may eat *teruma* as soon as her days of purification are completed, and she need not wait until after she has brought her atonement offering.

וְאִי כָּתַב רַחֲמָנָא עַד מְלֵאת הָיָה אֲמִינָא:
אֲפִילוּ בְּלֹא טְבִילָה, כָּתַב רַחֲמָנָא עַד
אֲשֶׁר יִטְהַר.”

וְלֵהָךְ תִּנָּא דְּפְלִיג עֲלֵיהּ דְּתִנָּא דְּבִי רַבִּי
יִשְׁמַעֵאל, דְּאָמַר: בְּזִבּ בַּעַל שְׁלֵשׁ רְאִיִּת
וּבְמִצְוֵרַע מוּחֶלֶט הַכְּתוּב מְדַבֵּר, וְהָאִי עַד
אֲשֶׁר יִטְהַר עַד דְּמִיִּתִּי כְּפָרָה – תְּרִי קְרָאִי
בְּקֻדְשִׁים לְמָה לִּי?

צְרִיכִי, דְּאִי כָּתַב רַחֲמָנָא בְּיֹלְדֵת – מְשׁוּם
דְּמְרוּבָה טוּמְאָתָהּ, אֲבָל בְּזִבּ – אִימָא לָא.
וְאִי כָּתַב רַחֲמָנָא בְּזִבּ – דְּלֹא הוּתַר מְבַלְלוּ,
אֲבָל יֹלְדֵת אִימָא לָא – צְרִיכָא.

”בְּיָמִים יִבָּא וְטָמֵא עַד הָעֶרֶב” לְמָה לִּי?
אָמַר רַבִּי זֵירָא: לְנִגְעָה.

דְּתִנָּא: ”וְטָמֵא”, יָכוֹל לְכַל – תְּלַמּוּד לֹמֵר
”וְטָהַר”, אִי ”וְטָהַר” יָכוֹל לְכַל – תְּלַמּוּד
לֹמֵר ”וְטָמֵא”. הָא כִּי צִיד? כָּאן – לְמַעַשׂוּ,
כָּאן – לְתַרוּמָה.

וְאִיפּוּךְ אֲנָא! מִסְתַּבְּרָא, כִּי הִיכִי דְּחִמְרָא
אֲכִילָה דְּתַרוּמָה מֵאֲכִילָה דְּמַעַשׂוּר הֲכִי נִמְי
חִמְרָא נְגִיעָה דְּתַרוּמָה מְנִיגָה דְּמַעַשׂוּר.

And had the Merciful One written only: “Until the days of her purification are completed,”^N I would say that upon the completion of the purification period she is immediately purified **even without immersion**. Therefore, the Merciful One writes: “Until he be pure.”

The Gemara asks: **And according to that *tanna* who disagrees with the *tanna* of the school of Rabbi Yishmael and says that the verse “Any man 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) is speaking of a *zav* who already experienced three sightings of an emission, and of a confirmed leper, both of whom must bring an offering as part of their purification process; and, this being the case, that phrase “until he be pure” must mean until he brings his atonement offering; then why do I need two verses with regard to sacrificial food, this verse and the verse with regard to a woman after childbirth: “And the priest shall make atonement for her, and she shall be pure” (Leviticus 12:8), to teach us that sacrificial food may not be eaten until after the atonement offering has been brought?**

The Gemara answers: **They are both necessary, as had the Merciful One written this *halakha* only with regard to a woman after childbirth, one might have said that it applies only to her because her period of ritual impurity is so long, as she may not return to eating *teruma* or sacrificial food for either forty days, in the case of a male child, or eighty days, in the case of a female. But with regard to a *zav*, say that this is not the case. And had the Merciful One written this *halakha* only with regard to a *zav*, one might have said that it applies only to him, as no exemption is ever made from its general prohibition and he is always impure. But as for a woman after childbirth, who is permitted to her husband for thirty-three or sixty-six days of that period, say that this is not the case.^N Both verses are therefore necessary.**

The Gemara asks: As for the verse stated with regard to a vessel that contracted ritual impurity through contact with a creeping animal: “It must be put into water, and it shall be impure until the evening; then shall it be pure” (Leviticus 11:32), **why do I need it? Rabbi Zeira said:** It is necessary in order to teach about touching. An impure vessel, even after it has been immersed, still imparts ritual impurity to the *teruma* that it touches until nightfall. The same applies to an impure individual who has already undergone immersion; not only is it prohibited for him to eat *teruma*, but also he renders it impure if he touches it.

As it is taught in a *baraita*: Had the verse stated only: “It must be put into water, and it shall be impure until the evening,” one might have thought that it remains ritually impure until the evening in all regards. **Therefore, the verse states: “Then shall it be pure,”** indicating that it is pure following immersion, even before sunset. And had it stated only: “Then shall it be pure,” one might have thought that it is pure following immersion in all regards. **Therefore, the verse states: “And it shall be impure until the evening.”** How so; how can the apparent contradiction between the two parts of the verse be resolved? **Here, the verse is referring to second tithe, for which immersion alone suffices; and there it is referring to *teruma*, for which sunset is required.**

The Gemara asks: **But I can reverse^N this construct and say that the greater stringency should be applied to second tithe.** The Gemara answers: **It is reasonable to say that *teruma* is subject to the greater stringency; just as the eating of *teruma* is subject to greater stringency than the eating of second tithe, so too, the touching of *teruma* should be subject to greater stringency than the touching of second tithe.**

And had the Merciful One written: Until the days of her purification are completed – וְאִי כָּתַב רַחֲמָנָא עַד מְלֵאת הָיָה אֲמִינָא: The early authorities ask: The Torah could have written only “Until the days of her purification are completed” (Leviticus 12:4), and the verse “And when the sun has set” (Leviticus 22:7) would not have been necessary. The Ramban and the Rashba answer that the *halakhot* governing a woman after childbirth are stringent in certain aspects, e.g., concerning the duration of her impurity, as stated by the Gemara here, and lenient in other ways, as she is permitted to her husband for an extended period of time. Consequently, nothing can be derived from her case with regard to others who lack atonement.

But for a woman after childbirth, say that this is not the case – אֲבָל יֹלְדֵת אִימָא לָא: The early authorities point out that this opinion, that a special allowance is made with regard to a woman after childbirth, is that of Rav, who maintains that the blood of childbirth during the woman’s days of purity is related to menstrual blood, and so a special allowance is necessary. However, according to the opinion that there is no link between the two types of blood, the reason that she is permitted to her husband during her days of purity is because the blood she sees during that period comes from a source of purity, whereas her own status renders her prohibited from partaking of sacrificial food. The *Arukh LaNer* asserts that it can be said that a special allowance is made here without recourse to this dispute, as it is a simple fact that during her first days of impurity a woman after childbirth is prohibited both from partaking of sacrificial food and from engaging in relations with her husband, but later she is permitted to him. Therefore, an allowance is made with regard to her general prohibition.

But I can reverse – וְאִיפּוּךְ אֲנָא: This is puzzling: How could it be prohibited to touch something but permitted to eat it, as one must come into contact with the tithe when he eats it? The Ra’avad and others suggest a case where one can eat something without coming into contact with it, e.g., where he shoves the food down deep into his throat by means of a utensil that is not susceptible to impurity.

טבול יום – One who has immersed himself during that day – **בְּתוֹמָה**: If a ritually impure person who immersed on that day touches *teruma* food or drink, he has disqualified it, as he is considered impure with second-degree ritual impurity. He thereby renders the *teruma* impure with third-degree ritual impurity, so that it is impure but does not further transmit ritual impurity (Rambam *Sefer Tahara, Hilkhot Avot HaTuma* 10:3).

NOTES

As she had already eaten – **שֶׁכָּבַר אָכְלָה**: This dispute is also mentioned in the Jerusalem Talmud, where Rabbi Yoḥanan states that the woman retains her presumptive status as one for whom it is permitted to eat *teruma* because her husband did not perform a subsequent act of acquisition, i.e., betrothal, that would disqualify her.

וְאִיבְעִית אִימָא: נְגִיעָה דְתְרוּמָה מִהָכָא נִפְקָא: “בְּכָל קֹדֶשׁ לֹא תִגַּע” – אִזְהָרָה לְאוֹכֵל, אוֹ אֵינוֹ אֶלָּא לְנוֹגַע?

And if you wish, say that the prohibition with regard to the touching of *teruma* is derived from here: “She shall touch no hallowed thing, nor come into the Sanctuary, until the days of her purification are completed” (Leviticus 12:4); this is a warning with respect to one who eats *teruma* after having immersed but before sunset.^h Or, perhaps, it is nothing other than a warning with respect to one who touches *teruma* before sunset, as is implied by the plain reading of the verse?

תְּלִמוּד לומר “בְּכָל קֹדֶשׁ לֹא תִגַּע וְאֶל הַמִּקְדָּשׁ לֹא תִבֵּא” – מִקִּישׁ קֹדֶשׁ לְמִקְדָּשׁ, מִה מִקְדָּשׁ – דְּבַר שֵׁשׁ בּו נְטִילַת נְשָׂמָה, אֶף קֹדֶשׁ – דְּבַר שֵׁשׁ בּו נְטִילַת נְשָׂמָה, וּבְנִגְיָעָה נְטִילַת נְשָׂמָה לִיבָא,

Therefore, the verse states: “She shall touch no hallowed thing, nor come into the Sanctuary, until the days of her purification are completed” (Leviticus 12:4), thereby juxtaposing consecrated food to the Sanctuary. Just as the prohibition against entering the Sanctuary is a matter that involves the taking of life, as one who enters the Sanctuary while impure is liable to receive *karet*, so too, the prohibition against touching consecrated food must be a matter that involves the taking of life, e.g., eating *teruma* in a state of ritual impurity; but the prohibition against touching *teruma* in a state of impurity does not involve the taking of life, as there is no punishment of *karet* for mere touching.

וְהָאֵי דְאִפְקִיָּה בְּלִשׁוֹן נְגִיעָה – הָכִי קָאָמַר: נְגִיעָה כְּאִכְלָהָ.

And as for the fact that the verse expressed this *halakha* in terms of touching, this is what it is saying: The *halakha* governing touching is like that of eating, as they are both prohibited to an impure person, even after immersion, until sunset. But the verse is actually speaking of the prohibition against eating *teruma* in a state of impurity.

“פְּצוּעַ דְּכָא” וכו'. מֵאֵן תִּנְאֵי מִשְׁתַּמְרַת לְבִיָּאָה פְּסוּלָה דְּאוֹרְיִיתָא אָכְלָה? אָמַר רַבִּי אֶלְעָזָר: בְּמַחְלוּקַת שְׁנֵייהוּ, וְרַבִּי אֶלְעָזָר וְרַבִּי שְׁמַעוֹן הֵיא.

It is taught in the mishna that the wife of a priest with crushed testicles or a severed penis may eat *teruma* on his account, provided that they have not engaged in sexual relations since his injury. The Gemara asks: Who is the *tanna* who taught with regard to a woman awaiting intercourse that would disqualify her from marrying into the priesthood by Torah law, as in this case, where the woman would become disqualified from marrying into the priesthood if she had relations with her injured husband, that such a woman may eat *teruma*? Rabbi Elazar said: This *halakha* is subject to dispute, and it is taught in the mishna in accordance with the opinion of Rabbi Elazar and Rabbi Shimon, who similarly stated that a widow betrothed to a High Priest may eat *teruma* on his account, provided that he has not engaged in sexual relations with her.

רַבִּי יוֹחָנָן אָמַר: אֶפְיֻלוּ תִימָא רַבִּי מֵאִיר, שְׂאֵי הָכָא שֶׁכָּבַר אָכְלָה.

Rabbi Yoḥanan said: The mishna can be understood even if you say that it is in accordance with the opinion of Rabbi Meir, who maintains that a widow betrothed to a High Priest may not eat *teruma* on his account, as it is different here, as she had already eatenⁿ *teruma* on her husband’s account before his injury. Since she has done nothing to disqualify herself, she retains her presumptive status as one for whom it is permitted to eat *teruma*.

וְרַבִּי אֶלְעָזָר: שֶׁכָּבַר אָכְלָה לָא אָמַרְיִנָן, דְּאֵי לָא תִימָא הָכִי, בֵּת יִשְׂרָאֵל שְׁנֵשְׂאֵת לְכַהֵן וּמַת בְּעַלָּה – תֹּאכֵל, שֶׁכָּבַר אָכְלָה.

And how does Rabbi Elazar counter this argument? He maintains that we do not say that since she had already eaten *teruma* on her husband’s account she continues to do so, as, if you do not say that this argument must be rejected, then it should be permitted for an Israelite woman who married a priest and her husband died without children to continue eating *teruma* on his account, as she had already eaten *teruma* because of him during his lifetime. However, such a conclusion is clearly incorrect. This *halakha* indicates that the fact that she had already eaten *teruma* is irrelevant.

וְרַבִּי יוֹחָנָן: הֵתֵם – פְּקַע קַנְיִינְיָה, הָכָא – לָא פְּקַע קַנְיִינְיָה.

And Rabbi Yoḥanan holds that the two cases are not comparable, as there, where the husband died, his acquisition of his wife has lapsed, i.e., they are no longer married, and therefore she cannot continue to eat *teruma* on his account, whereas here, where his genitals were injured, his acquisition has not lapsed. While sexual relations between them are forbidden, their marriage remains intact.

The vineyard in Yavne – **כְּרֵם בְּיָבְנָה**: The great yeshiva in Yavne, which served as a meeting place of the Sages and the seat of the *Nasi* after the destruction of the Second Temple, is commonly referred to as *kerem beYavne* or the vineyard in Yavne. According to the Jerusalem Talmud (*Berakhot* 4:1) the place was called a vineyard because the students would sit in rows, evoking the rows of grapevines in a vineyard. Since the majority of that generation's leading Sages were gathered there, their decisions were decisive in safeguarding the continued existence of the Jewish people. The place is held in high esteem, and the *halakhot* taught in this vineyard [*matnita dekarma*] have special authority.

Anyone who has only one testicle – **כָּל שְׂאִין לוֹ אֶלְאָ בְּיָצָה** – **אָחַת**: From a medical standpoint, a man who has only one testicle, whether from birth or due to the removal of or damage to the second testicle, can still be fertile and father children, provided that his condition is not the result of general underdevelopment.

“אִיזְהוּ פְּצוּעַ” תָּנוּ רַבָּנַן: אִיזְהוּ פְּצוּעַ דְּכָא – כָּל שְׁנַפְצָעוּ בְּיָצִים שְׂלוֹ, וְאִפִּילוּ אַחַת מֵהֶן. וְאִפִּילוּ נִקְבּוּ, וְאִפִּילוּ נִמוּקוּ, וְאִפִּילוּ חָסְרוּ. אָמַר רַבִּי יִשְׁמַעֵאל בְּנוֹ שְׁלֵ רַבִּי יוֹחָנָן בֶּן בְּרוּקָה, שְׂמַעְתִּי מִפִּי חֲכָמִים בְּכֶרֶם בְּיָבְנָה: כָּל שְׂאִין לוֹ אֶלְאָ בְּיָצָה אַחַת – אִינוּ אֶלְאָ סְרִיס חֲמָה, וְכָשֵׁר.

It is taught in the mishna: **Who is deemed a man with crushed testicles? The Sages taught in a *baraita*: Who is deemed a man with crushed testicles?**^H It is **anyone whose testicles have been wounded, even if only one of them**. Furthermore, a man is considered to have crushed testicles not only if they have been wounded, but **even if they have been punctured, or have decayed** as the result of an injury, or **are partly deficient** for some other reason. **Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka,^N said: I heard from the Sages in the vineyard in Yavne^B that anyone who has only one testicle^B is nothing other than a eunuch by natural causes, and he is fit.**

סְרִיס חֲמָה סְלֵקָא דְעֵתְךָ? אֶלְאָ: הֲרִי הוּא בְּסְרִיס חֲמָה, וְכָשֵׁר.

The Gemara is puzzled by the wording of this last teaching: **Can it enter your mind that he is a eunuch by natural causes,^N i.e., from birth?** That designation refers to one who was born without testicles, whereas the reference here is to one who lost a testicle as the result of an injury. **Rather, say that he resembles a eunuch by natural causes, and he is fit.**

וְנִקְבָּ לֹא מוֹלִיד? וְהָא הֵדוּם גְּבֵרָא דְסֵלִיק לְדִיקְלָא

The Gemara asks: **As for one whose testicles were punctured, is he incapable of having children, so that he should have the status of one whose testicles were crushed? Wasn't there an incident where a certain man was climbing up a palm tree,**

HALAKHA

Who is a man with crushed testicles – אִיזְהוּ פְּצוּעַ דְּכָא: If even one of a man's testicles has been removed, damaged, or crushed, or is deficient or punctured, he is defined as a man with crushed testicles. Some authorities are lenient in accordance with the opinion of Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, and rule that if only the left testicle was removed in a whole state, the man is fit. Although this ruling is in accordance with many authorities (*Tosafot*), according to the Rema this opinion should not be followed (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 16:3; *Shulḥan Arukh, Even HaEzer* 5:7).

NOTES

The opinion of Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka – שִׁישֵׁת רַבִּי יִשְׁמַעֵאל בְּרַבִּי יוֹחָנָן בֶּן בְּרוּקָה: The early authorities discuss the opinion of Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, and arrive at different conclusions. According to the Rid, Rabbi Yishmael disagrees with the first *tanna* entirely, as he maintains that a man is disqualified only if both of his testicles are crushed, but the injury or deficiency of a single testicle does not impair his status. The Ra'avad and Rabbeinu Tam claim that even Rabbi Yishmael agrees that one who is injured in one testicle is disqualified, but he contends that the ruling with regard to one whose testicle has been entirely removed is more lenient. They cite a proof for this opinion from the *halakha* of a defective spleen: The *halakha* is that a perforated spleen renders an animal a *tereifa*, but if the organ is missing entirely, it is kosher. According to this opinion, Rabbi Yishmael maintains that a man with a single testicle is fit. By contrast, the Rif and Rambam maintain that Rabbi Yishmael does not in fact disagree with the first *tanna* at all, as his statement refers to one whose testicle was removed not by way of an injury but at the hand of Heaven, i.e., by natural causes. A man of this kind is not disqualified.

Jerusalem Talmud proves that this case is that of the removal of a testicle, as the Gemara there differentiates between the right and left testicle (see HALAKHA and *Yam shel Shlomo*). Those who disagree argue that the Jerusalem Talmud demonstrates that this case is that of one who was injured at the hand of Heaven. They claim additional proof from the fact that the Gemara later joins Rabbi Yishmael's opinion to that of Shmuel, who states that all of these blemishes render one disqualified only if inflicted by man. Another point of discussion is the contention stated in the Jerusalem Talmud that according to Rabbi Yishmael, son of Rabbi Yoḥanan, a man with only one testicle cannot father children, and yet he is still fit to enter into the congregation. On this point it has been noted that generally, a man with a single testicle can father children; see the early and later authorities in this regard, in particular the Ritva.

This dispute among the early authorities is further complicated by the Jerusalem Talmud. The Ra'avad maintains that the

Can it enter your mind that he is a eunuch by natural causes [seris hamma] – סְרִיס חֲמָה סְלֵקָא דְעֵתְךָ: The Rid and the Meiri explain this as follows: A *seris hamma* is a man with a physical abnormality that prevents him from having children, whereas this individual merely suffers from a blemish in his testicles.

LANGUAGE

Thorn [*silva*] – סִילְוָא: The meaning of this word is like the Arabic *sullā*, *sullā*, the thorn of a palm tree. These are the small leaves found on palm fronds that become hard and thorny over time and whose stabs can be very painful. The term seems to parallel the word *sol* found in the Mishna, and it may also be related to the word *silon* appearing in the Bible (Ezekiel 2:6, 28:24), which also refers to a prickly thorn.

BACKGROUND

A thorn punctured him in the testicles – חֲרוּיָהּ סִילְוָא: The mere fact that a testicle was pierced does not necessarily lead to infertility, but only if the wound did not cause an infection. An infected wound would likely cause irreversible damage. The emission of what the Gemara terms a thread of pus might have served as proof of an infected wound. Furthermore, palm fronds are coated with a substance that by itself can cause an allergic reaction.

Spermatic cords of the testicles – חוּטֵי בִיצִים: While it is possible to explain this as referring to the thin vessels in the testicles themselves, the context indicates that it refers to the vas deferens, the spermatic artery, as well as other nerves and blood vessels that connect the testicles to the penis.

HALAKHA

A man wounded with crushed testicles at the hand of Heaven – פְּצוּעַ דְּכַא בְּיַדֵּי שָׁמַיִם: The categories of a man with crushed testicles and a man with a severed penis refer to disabilities caused by man, whether by intentional injury or by accident. However, if the disability was caused at the hand of Heaven, e.g., it is congenital or the result of illness, one is fit (Rambam). Rashi and the Rosh maintain that if the disability was caused by illness, it is regarded as caused by man, and only one who is born with this condition is considered impaired at the hand of Heaven (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 16:9; *Shulhan Arukh*, *Even HaEzer* 5:10).

Wounded applies to all of them – פְּצוּעַ בְּכוּלָן: These blemishes of wounding, crushing, severing, and perforation disqualify the injured party whether they involve the penis, the testicles, or the spermatic cords, in accordance with the opinion of Rava (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 16:3; *Shulhan Arukh*, *Even HaEzer* 5:2).

וְחֲרוּיָהּ סִילְוָא בְּבִיצִים, וְנִפְקַּ מִיַּנְיָהּ כְּחוּט דְּמוּגְלָא, וְאוּלֵיד. הָא שְׁלַח שְׂמוּאֵל לְקַמְיָה דְרַב, וְאָמַר לֵיהּ: צֵא וְחִזֵּר עַל בְּנֵי מֵאִין הֵם.

אָמַר רַב יְהוּדָה אָמַר שְׂמוּאֵל: פְּצוּעַ דְּכַא בְּיַדֵּי שָׁמַיִם כְּשֶׁר. אָמַר רַבָּא: הֵינֵינוּ דְקָרִינָן "פְּצוּעַ" וְלֹא קָרִינָן "הַפְּצוּעַ".

בְּמַתְנֵתָא תֵּנָא: נֶאֱמַר "לֹא יָבֵא פְּצוּעַ" וְנֶאֱמַר "לֹא יָבֵא מִמּוֹר" מֵהַ לְהֵלֵן בְּיַדֵּי אָדָם – אִף כִּאֵן בְּיַדֵּי אָדָם.

אָמַר רַבָּא: פְּצוּעַ בְּכוּלָן, דִּךְ בְּכוּלָן, כְּרוֹת בְּכוּלָן. פְּצוּעַ בְּכוּלָן – בֵּין שְׁנַפְצָעוּ הַגִּיד, בֵּין שְׁנַפְצָעוּ בִיצִים, בֵּין שְׁנַפְצָעוּ חוּטֵי בִיצִים. דִּךְ בְּכוּלָן – בֵּין שְׁנִידְךְ הַגִּיד, בֵּין שְׁנִידְכוּ בִיצִים, בֵּין שְׁנִידְכוּ חוּטֵי בִיצִים. כְּרוֹת [בְּכוּלָן] – בֵּין שְׁנַכְרַתוּ הַגִּיד, בֵּין שְׁנַכְרַתוּ בִיצִים, בֵּין שְׁנַכְרַתוּ חוּטֵי בִיצִים.

and a thorn [*silva*]¹ from the tree punctured him in the testicles,² and semen resembling a thread of pus issued from him, as the thorn had perforated his testicle, and yet he later had children. The Gemara answers: Didn't Shmuel send this case before Rav, who said to him: Go out and inquire about his children where they come from, as he doubted that this man could father children, and therefore his wife must have committed adultery.

Rav Yehuda said that Shmuel said: A man wounded with crushed testicles at the hand of Heaven,³ e.g., from birth or as the result of an illness, is fit to marry a woman who was born Jewish. Rava said: This is the reason that we read in the Torah: "A man wounded with crushed testicles,"⁴ and we do not read: "The man wounded with crushed testicles. In the Hebrew text, the latter phrase: The man wounded, can be understood to include one whose testicles have always been crushed, whereas "a man wounded" indicates that he was wounded, i.e., his disability is the result of injury.

A similar idea was taught in a *baraita*. It is stated: "A man wounded [*petzua*] with crushed testicles [*dakka*] or a severed [*kerut*] penis shall not enter into the congregation of the Lord" (Deuteronomy 23:2), and it is stated in the very next verse: "A mamzer shall not enter⁵ into the congregation of the Lord" (Deuteronomy 23:3). Just as there, with regard to a *mamzer*, his blemish was created at the hands of man, i.e., by his parents who sinned, so too, here, with regard to one with crushed testicles, the verse must be speaking about one whose mutilation was at the hands of man.

Rava said: The verse dealing with injured genitals speaks of three types of injury: Wounded [*petzua*], crushed [*dakka*], and severed [*kerut*]. Wounded applies to all of them;⁶ crushed applies to all of them; and severed applies to all of them, as will immediately be explained. Wounded applies to all of them, whether the member was wounded, or the testicles were wounded, or the spermatic cords⁷ were wounded. Similarly, crushed applies to all of them, whether the member was crushed, or the testicles were crushed, or the spermatic cords were crushed. And severed also applies to all of them, whether the member was severed, or the testicles were severed, or the spermatic cords were severed.

NOTES

This is the reason that we read: A man wounded with crushed testicles [*petzua*] – הֵינֵינוּ דְקָרִינָן פְּצוּעַ: Rashi indicates that the difference here is between: The man with crushed testicles [*hapatzua*], a formulation that would include any man suffering from that blemish, no matter its source, and: A man with crushed testicles [*petzua*], which refers specifically to the victim of an injury. The *Yam shel Shlomo* and others wonder why the Rosh asserts that Rashi disagrees with the Rambam with regard to one whose blemish was caused by an illness. Rabbeinu Hananel has a different version of the text in which the distinction is between the words *petzua* and *petzia*. He understands that *petzua* is a passive form referring to one who was injured by others, whereas *petzia* is an adjective that can be applied to anyone suffering from this blemish.

And it is stated: A mamzer shall not enter – וְנֶאֱמַר לֹא יָבֵא מִמּוֹר: In the Babylonian Talmud the only opinion cited is that one who

was wounded at the hand of Heaven is not disqualified, but in the Jerusalem Talmud a dispute in this regard is mentioned, as there is an opinion that even one injured at the hand of Heaven is unfit. There, too, the Gemara derives a proof from the case of a *mamzer* that this disqualification must be the result of human action. Some, however, see this as a proof supporting the contrary opinion: Since the actual creation of a *mamzer* is in the hand of Heaven, here too the case must be that of a congenital defect.

Wounded applies to all of them – פְּצוּעַ בְּכוּלָן: If the same *halakha* applies to both testicles and penis, whether they were crushed or severed, why does the Torah choose the particular formulation: "A man wounded with crushed testicles or a severed penis" (Deuteronomy 23:2)? It may be suggested that this formulation is used because it is more likely for the penis to be severed and for the testicles to be crushed.

From where is it derived that this... is referring to an injury in that place – **ממאי דהאי... באותו מקום**: This question is also raised in the Jerusalem Talmud, where it is inferred from the juxtaposition of the two injuries that these blemishes are located in close proximity on the body. The Gemara there suggests that the verse might be referring to a wound in the eye, as it is near the nostril, which also emits liquid, and thus a wound in that area can be called *kerut shofkha*, literally meaning severed emission. The Gemara rejects this suggestion with the argument that the word *dakka* also means low, and no part of a sitting male is lower than the testicles.

HALAKHA

Punctured opposite the corona – ניקב כנגד עטרה: If a man's penis is punctured from one side at the corona, and the puncture ended on the other side above the corona, he is unfit to enter the congregation, as the entire corona must be intact. This is in accordance with the opinion of Rabbi Yehoshua ben Levi (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 16:5; *Shulhan Arukh, Even HaEzer* 5:5).

The hairsbreadth of which they spoke – מלוא החוט – **שאמרו**: If one suffered an injury such that the head of penis was severed, leaving only a hairsbreadth of the corona all the way round the member, he is fit. This is the Rambam's ruling, in accordance with his reading of the Gemara, which omits the words: Toward its head. The Rosh and Rabbeinu Yeruham had a version that reads: A hairsbreadth over all of it, and toward its head. According to this opinion, he is fit to enter into the congregation only if the entire circumference of the corona is covered by skin on the side closer to the body. The *Tur* accepts the version of the text cited here and therefore rules that if most of the corona is covered on the side toward the body, he is fit. The Rosh's opinion is accepted as *halakha* (Bah; Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 16:4; *Shulhan Arukh, Even HaEzer* 5:2).

אמר ליה ההוא מרבנן לרבא: ממאי דהאי פצוע דכא באותו מקום? אימא מראשו! אמר ליה: מדללא מנה ביה דורות, שמע מינה – באותו מקום.

§ One of the Sages said to Rava: From where is it derived that this phrase “*petzua dakka*,” literally meaning wounded by crushing, is referring to a man who suffered an injury in that place,ⁿ i.e., his genitals? Say that perhaps it is referring to one who was injured on his head. Rava said to him: From the fact that the verse does not mention the number of generations of his descendants that may not enter into the congregation, as do the verses with regard to a *mamzer* or an Ammonite or Moabite, learn from this that it is referring to a man who suffered an injury in that place. The blemish is evidently one that prevents him from having children, and therefore he has no generations of descendants.

ודלמא האי דלא מנה בו דורות – דאיהו הוא דאסור, בריה ובר בריה – כשר?

The Gemara asks: But perhaps the fact that the Torah does not mention the number of generations of his descendants that may not enter into the congregation is due to a halakhic reason rather than a biological one, i.e. that only he is prohibited from entering into the congregation, whereas his son and his son's son are fit to do so?

דומיא דכרות שפכה, מה פרות שפכה באותו מקום – אף האי נמי באותו מקום.

The Gemara explains that the identity of a *petzua dakka* is derived in a different way: The case of a *petzua dakka* is similar to that of one whose penis has been severed, mentioned immediately afterward: Just as one whose penis has been severed suffered an injury in that place, so too, this man was injured in that place.

וכרות שפכה גופיה, ממאי דבאותו מקום הוא? אימא משפתיה! “שפכה” כתיב, במקום ששופך.

The Gemara asks: As for the one whose penis has been severed [*kerut shofkha*] himself, from where is it derived that the phrase *kerut shofkha*, literally meaning severed emission, is referring to a man who suffered an injury in that place, i.e., his genitals? Say that perhaps it is referring to one who was injured to his lips, from where spittle is discharged. The Gemara answers: It is written “*shofkha*,” which indicates that the injury was in a place that pours out [*shofekh*], whereas spittle is spat out.

ואימא מחוטמו! מי כתיב “בשפוך” “כרות שפכה” כתיב, מי שעל ידי כריתה שופך, שלא על ידי כריתה אינו שופך, אלא מקלחו, לאפוקי האי דאידי ואידי שופך הוא.

The Gemara asks further: But say that perhaps it is referring to one who suffered an injury to his nose. The Gemara answers: Is it written *bishpokh*, which would indicate a place from which there is a discharge even if nothing was severed? Rather, it is written “*kerut shofkha*,” implying something that pours out as a result of an organ having been severed. But in the absence of an organ having been severed, the semen does not pour out; rather, it is ejected out. This comes to exclude this possibility of the nose, as whether it is in this state or that state, i.e., severed or not, the mucus pours out.

במתניתא תנא: נאמר “לא יבא פצוע דכא” ונאמר “לא יבא ממזר” מה להלן באותו מקום – אף כאן באותו מקום.

With regard to this issue, it was taught in a *baraita* as follows: It is stated: “A man wounded with crushed testicles shall not enter into the congregation,” and it is stated: “A *mamzer* shall not enter into the congregation.” Just as there, the blemish of a *mamzer* comes from that place, through sexual misconduct, so too, here, a man with crushed testicles is one who suffered an injury in that place that is connected to cohabitation.

ניקב למטה מעטרה, שנגדו למעלה מעטרה, סבר רבי חייא בר אבא לאכשורי. אמר ליה רבי אסי: הכי אמר רבי יהושע בן לוי: עטרה כל שהיא מעבדת.

§ The Gemara considers the following case: If a man's member was punctured from one side below the corona, i.e., at the corona itself, and the puncture ended on the opposite side above the corona which is nearer the body,ⁿ Rabbi Hiyya bar Abba thought to render him fit for marriage on the grounds that on one side the puncture was below the corona. Rabbi Asi said to him: This is what Rabbi Yehoshua ben Levi said: A puncture in the corona of any size impedes the man's fitness, even if one end of the puncture is below the corona, as any puncture in the corona affects his fertility.

“ואם נשתתיר מעטרה” כו'. יתיב רבינא וקמביעינא ליה: מלא החוט שאמרו – על פני כולה או על פני רובה? אמר ליה רבא תוספאה לרבינא: מלא החוט על פני רובה, וכלפי רישא.

It is taught in the mishna that if there remains a portion of the corona, even as much as a hairsbreadth, he is still fit. Ravina sat and raised the following dilemma: This hairsbreadth of which they spoke,ⁿ must it surround the entire member or only a majority of it? Rava Tosfa'a said to Ravina: A hairsbreadth of the corona must surround a majority of the member, and toward its head, that is, in the portion closer to the body.

NOTES

Like a quill – כְּקוֹלְמוֹס: In the Jerusalem Talmud a distinction is drawn between a cut from below, like an actual quill, where the man remains fit, and an incision from above, like an upside-down quill, which disqualifies him. The Yam shel Shlomo rules accordingly.

To mislead Mareimar – לְשִׁבוּשֵׁי לְמַרְיָמָר: The word mislead is rather surprising in this context, and there are several different versions of the text. The Ritva explains that after stating his novel halakha that a man is fit no matter how he was cut, Ravina did not want Mareimar to raise any difficulties, and he therefore distracted him with a different question.

LANGUAGE

Quill [kulmus] – קוֹלְמוֹס: This word derives from the Greek κάλαμος, kalamos, meaning a reed, especially one that is fashioned into a writing utensil.

אָמַר רַב הוּנָא: כְּקוֹלְמוֹס כְּשֶׁרָחַ, כְּמַרְוֹב – פְּסוּלָהּ. הָאִי – שְׁלִיט בְּהָ אַוּרָא, וְהָאִי – לֹא שְׁלִיט בְּהָ אַוּרָא. וְרַב חֲסִידָא אָמַר: כְּמַרְוֹב – כְּשֶׁרָחַ, כְּקוֹלְמוֹס – פְּסוּלָהּ, הָאִי – גְּרִיד, וְהָאִי – לֹא גְּרִיד.

אָמַר רַבָּא: כְּוֹתִיגָה דְּרַב הוּנָא מְסַתְּבָרָא, הָאִי – לֹא שְׁלִיט בְּהָ אַוּרָא, וְהָאִי – שְׁלִיט בְּהָ אַוּרָא. אִי מְשוּם גְּרִידוּתָא – מִיַּד דְּהוּה אַבְרָוָא דְּחֻבִיתָא.

אָמַר לִיה רַבִּינָא לְמַרְיָמָר, הֲכִי אָמַר מָר זוּטְרָא מְשַׁמֵּיָה דְּרַב פֶּפְאָ: הֲלִבְתָּא, בֵּין כְּקוֹלְמוֹס בֵּין כְּמַרְוֹב – כְּשֶׁרָחַ. מִיהוּ, מִיבְעִינָא לִיה: לְמַטָּה מַעֲטָרָה אוֹ לְמַעְלָה? פְּשִׁיטָא דְּלְמַעְלָה מַעֲטָרָה, דְּאִי סְלֻקָּא דְּעַתְדָּן לְמַטָּה מַעֲטָרָה – אֶפְּלִינָן נִבְרַת הַגִּיד נִמְוִי! וְרַבִּינָא: לְשִׁבוּשֵׁי לְמַרְיָמָר הוּא דְּבַעֵי.

הָהוּא עוֹבֵדָא דְּהוּה בְּמַתָּא מוֹחֲסָא, שְׁפִייה מָר בַּר רַב אֲשִׁי כְּקוֹלְמוֹס וְאֶכְשָׁרִיה. הָהוּא עוֹבֵדָא דְּהוּה בְּפּוּמְבִדִּיתָא אִיסְתִּיתִים גּוֹבְתָא דְּשִׁכְבַּת יוֹרַע וְאֶפִּיק בְּמִקּוּם קְטֻנִים, סָבַר רַב בֵּיבֵי בַר אַבְיִי לְאֶכְשָׁרוּי, אָמַר רַב פֶּפְאִי: מְשוּם דְּאָתוּ

Rav Huna said: If a man's member was cut like a quill [kulmus],^{NL} which is sharp on all sides, he is fit; but if it was cut like a gutter,^B which is partly open, he is unfit. He explains: In this case, where it was cut like a gutter, he is unfit because the air penetrates and this interferes with the proper flow of his semen; whereas in that case, where it was cut like a quill, he remains fit because the air does not penetrate and the semen is unaffected. And Rav Huna said the reverse: If a man's member was cut like a gutter, he is fit; but if it was cut like a quill, he is unfit. This is because in this case, where it was cut like a gutter, the member rubs against the woman's sexual organ and becomes aroused, whereas in that case, where it was cut like a quill, it does not rub against it, as it is too thin and insubstantial.

Rava said: It stands to reason in accordance with the opinion of Rav Huna, that in this case the air penetrates, whereas in that case the air does not penetrate. With respect to the rubbing, this is just as it is in the case of a stopper of a barrel.^B Although one end of the stopper tapers to a sharp point, the stopper nevertheless closes the hole when it is jammed inside and its other end makes contact with the sides of the hole. Here, too, sufficient contact and friction can be created by the upper end of the man's member.

Ravina said to Mareimar that Mar Zutra said in the name of Rav Pappa as follows: The halakha is that whether the man's member was cut like a quill or like a gutter,^H he is fit. However, he raised a dilemma as to whether this is referring to a cut below the corona, i.e., on the corona itself, or above it, on that part of the penis that is closer to the body. The Gemara answers: It is obvious that this is referring to a cut above the corona, as, if it enters your mind that it is referring to below the corona, i.e., on the corona itself, this would be difficult because even if the end of the member was completely severed, he would also be fit, provided that a hairsbreadth of the corona remained. The Gemara adds: And Ravina asked this question only because he wanted to mislead Mareimar^N and test his understanding of the issue.

The Gemara relates: A certain incident actually occurred in the town of Mata Mehasya, where a man's member was cut like a gutter. Mar bar Rav Ashi cut back the flesh on all sides until it was like a quill and thereby rendered him fit to enter into the congregation. A certain incident occurred in Pumbedita, where the seminal duct of a certain man became blocked,^B and he emitted semen through the urinary duct. Rav Beivai bar Abaye thought to render him fit, as his genitals were neither crushed nor severed. Rav Pappi said: Because you come

BACKGROUND

Like a quill...like a gutter – כְּמַרְוֹב: Running along both sides of the penis are blood vessels that enable an erection, and on the inside is the urethra. As long as at least one of the blood vessels is whole and there is no damage to the urethra, a man is capable of fathering children. Damage to the penis, e.g., being cut like a quill or a gutter, might make sexual contact difficult but does not necessarily cause infertility.

Stopper of a barrel – בְּרֹא דְחֻבִיתָא: Ceramic wine barrels had openings at their tops that were closed up by means of a stopper. In order to pour a large quantity of wine at once, the stopper was removed and the wine poured out. However, if one's intention was to pour only small amounts of wine from time to time, espe-

cially in the case of large barrels, a special craftsman would bore a hole near the bottom of the barrel that would be plugged with a conical-shaped piece of wood wrapped in rags.

The seminal duct became blocked, etc. – אִיסְתִּיתִים גּוֹבְתָא וכו' – Both semen and urine exit the body through the urethra, but there is a special mechanism of nerves and muscles that closes the urethra to urine during ejaculation. It is possible for this mechanism to malfunction due to injury or disease. In that case, the sperm might not exit normally but instead enter the bladder through the urethra and later exit the body in the urine. A man suffering from this problem would be incapable of having children through normal intercourse.

HALAKHA

Like a quill or like a gutter – כְּקוֹלְמוֹס וְכְמַרְוֹב: If a man's member was cut above the corona, sloping downward like a quill, he is fit. If it was cut like a gutter, the inner portion having been removed and only the outer layer remaining intact, Rashi and the Rosh disqualify him in accordance with the opinion of Rav Huna, following the practical ruling of Mar bar Rav Ashi. According to the

Rambam one is fit even if his member was cut like a gutter, as he rules in accordance with the opinion of Mar Zutra and understands that the incident of Mar bar Rav Ashi involved a different type of injury, not similar to a gutter (Rambam Sefer Kedusha, Hilkhhot Issurei Bia 16:4 and Kesef Mishne there; Shulhan Arukh, Even HaEzer 5:3).