בַּת כֹּהֵן שֶׁנִּיסֵּת לְיִשְׂרְאֵל לֹא תֹּאכַל בִּתְרוּמָה. מֵת, וְלָהּ הֵימֶנּוּ בֵּן, לֹא תֹּאכַל בִּתְרוּמָה. נִיסֵּת לְלֵוִי, תֹּאכַל בְּמַעֲשֵׂר. מֵת, וְלָהּ הֵימֶנּוּ בֵּן, תֹּאכַל בְּמַעֲשֵׂר. נִיסֵּת לְכֹהֵן, תֹּאכַל בִּתְרוּמָה. מֵת, וְלָהּ הֵימֶנּוּ בֵּן, תֹּאכַל בִּתְרוּמָה.

The **daughter of a priest married to an Israelite**[H] **may not partake of *teruma*.** If the Israelite **died and she** has **a son from him,**[H] **she may not partake of *teruma*** as long as that son is alive. If she subsequently **married a Levite she may partake of tithe.** If he **died, and she** had **a son from him, she may** still **partake of tithe.** If she subsequently **married a priest, she may partake of *teruma*.**[H] If the priest **died and she** had **a son from him, she may partake of *teruma*.**

מֵת בְּנָהּ מִכֹּהֵן, לֹא תֹּאכַל בִּתְרוּמָה. מֵת בְּנָהּ מִלֵּוִי, לֹא תֹּאכַל בְּמַעֲשֵׂר. מֵת בְּנָהּ מִיִּשְׂרְאֵל, חוֹזֶרֶת לְבֵית אָבִיהָ, וְעַל זוֹ נֶאֱמַר ״וְשָׁבָה אֶל בֵּית אָבִיהָ כִּנְעוּרֶיהָ מִלֶּחֶם אָבִיהָ תֹּאכֵל״.

If **her son from the priest** also **died, she may not partake of *teruma*,** but she may partake of tithe, as she has a son from a Levite. If **her son from the Levite died, she may no** longer **partake of tithe.** If **her son from the Israelite died, she returns to her father's house** and may once again partake of *teruma*. **And with regard to this** woman, it **is stated: "And she is returned unto her father's house, as in her youth; she may eat of her father's bread"** (Leviticus 22:13).

גמ׳ ״מֵת בְּנָהּ מִלֵּוִי תֹּאכַל בִּתְרוּמָה״, דְּהָדְרָא אָכְלָה מִשּׁוּם בְּנָהּ מָנָלַן? אֲמַר רַבִּי אַבָּא אֲמַר רַב: ״בַּת״ ״וּבַת״.

GEMARA We learned in the mishna: If **her son from the Levite died she may partake of *teruma*.** The Gemara asks: This *halakha* with regard to a woman previously married to a priest, who had a child from the priest and was then married to a Levite and separated from him, **that she once again may partake due to her son**[N] from the priest, **from where do we** derive it? **Rabbi Abba said** that **Rav said:** It states: "But if a priest's daughter be a widow, or divorced, and have no child, and is returned unto her father's house, as in her youth" (Leviticus 22:13). The verse could have stated: If a priest's **daughter.** Instead, it states: "**But** if a priest's **daughter,**"[N] with an extra word, represented by the single Hebrew letter *vav*, to include this case.

כְּמַאן – כְּרַבִּי עֲקִיבָא דְּדָרֵישׁ וָוֵי? אֲפִילּוּ תֵּימָא רַבָּנַן, כּוּלָּא ״וּבַת״ קְרָא יְתֵירָא הוּא.

The Gemara asks: **In accordance with** the opinion of **which** Sage is this exposition? Is it only **in accordance with Rabbi Akiva, who expounds** the additional letter *vav*, representing the word "and," as an inclusive term? The Gemara refutes this suggestion: It can be understood **even** if **you say** it is in accordance with **the Rabbis,** who do not usually derive *halakhot* from an additional *vav*, as in this case the **entire** phrase: "**But** if a priest's **daughter," is superfluous,** as the previous verse had already specified that we are dealing with "the daughter of a priest." Therefore, everyone agrees that in this context the additional letter in the text comes to include the additional case.

HALAKHA

The daughter of a priest married to an Israelite – בַּת כֹּהֵן שֶׁנִּיסֵּת לְיִשְׂרְאֵל: A non-priest is prohibited from partaking of *teruma*. The daughter of a priest who married a non-priest is considered like him and may not partake of *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 6:5).

If he died and she has a son from him – מֵת וְלָהּ הֵימֶנּוּ בֵּן: If the non-priest husband of a priest's daughter died, leaving her a son, she may not partake of *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 6:8, 13).

If she subsequently married a priest, she may partake of *teruma* – נִיסֵּת לְכֹהֵן, תֹּאכַל בִּתְרוּמָה: If the daughter of a priest was married to an Israelite, had a son from him, was widowed, and then subsequently married a priest, she may partake of *teruma*. If the priest died leaving her a son, she may still partake of *teruma*. If the priest's son subsequently dies, she is once again prohibited from partaking of *teruma* due to her son from the Israelite. If that son also dies, she goes back to partaking of *teruma* as the daughter of a priest, but she may not partake of the breast and the right hind leg (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 6:18).

NOTES

That she once again may partake due to her son – דְּהָדְרָא אָכְלָה מִשּׁוּם בְּנָהּ: The Ra'avad asks: Before getting into the details of a woman's ability to return to eating *teruma* on account of her son, after the death of her second husband, there should be an inquiry as to the source for the basic *halakha* that a woman can partake of *teruma* if she has a son who is a priest. It is derived from the verse: "Those who are born in his house, they may eat [*yokhlu*] of his bread" (Leviticus 22:11), which is expounded to mean both *yokhlu*, they may eat, and *ya'akhilu*, they may feed. This means that the son of the priest enables his mother to eat of the bread as well.

It is, however, not obvious that this verse comes to teach the above *halakha*, as other *halakhot* have already been derived from that verse. The Ramban explains that the primary exposition is from the phrase: "They may eat of his bread." That clause is in fact entirely superfluous, as this is clearly the topic of the entire verse. Therefore, these redundant words teach that not only may such people themselves eat, but they may also feed others.

A priest's daughter, but a priest's daughter – בַּת, וּבַת: The Jerusalem Talmud offers an alternative derivation. The phrase "a priest's daughter" does not have to mean an actual daughter of a priest. Rather, it can be understood in a manner similar to the expression: "Daughter of Babylonia" (Psalms 137:8), which means a native of Babylonia or someone accustomed to its ways. Here too, "a priest's daughter" can refer to one who observes the practices of the priesthood, which includes the wife of a priest.

HALAKHA

She does not return to partake of the breast and right hind leg – אֵינָהּ חוֹזֶרֶת לְחָזֶה וְשׁוֹק: The daughter of a priest who married an Israelite is permanently barred from eating the breast and the right hind leg, even if he divorced her or died without leaving her sons (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 6:7).

Where the father's agents transferred her to the husband's agents – שְׁמָסַר הָאָב לִשְׁלוּחֵי הַבַּעַל: If a young daughter of a priest married, or if her father or his agents transferred her to the husband's agents for the purpose of marriage, and her husband died while she was still a young woman, she does not return to her father's jurisdiction and he may no longer nullify her vows (*Shulḥan Arukh*, *Yoreh De'a* 234:12).

תָּנוּ רַבָּנַן: כְּשֶׁהִיא חוֹזֶרֶת – חוֹזֶרֶת לִתְרוּמָה, וְאֵינָהּ חוֹזֶרֶת לְחָזֶה וְשׁוֹק. אָמַר רַב חִסְדָּא אָמַר רָבִינָא בַּר שְׁיִלָא: מַאי קְרָא – ״הִיא בִּתְרוּמַת הַקֳּדָשִׁים לֹא תֹאכַל״ – בַּמּוּרָם מִן הַקֳּדָשִׁים לֹא תֹאכַל. רַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהּ: ״מִלֶּחֶם״ – וְלֹא כָּל לֶחֶם, פְּרָט לְחָזֶה וְשׁוֹק.

§ **The Sages taught:** With regard to the daughter of a priest, **when she returns** to her father's house after having been married to a non-priest and then separated from her husband, **she returns to** partaking of ***teruma* but she does not return to** partake of **the breast and** right **hind leg**[H] of peace-offerings. **Rav Ḥisda said** that **Ravina bar Sheila said: What is the verse** that teaches us this *halakha*? **"She may not eat of that which is set apart from the sacred things"** (Leviticus 22:12). This verse indicates: **From that which is separated from the sacred things,** i.e., offerings, and given to a priest, **she may not eat. Rav Naḥman** said that **Rabba bar Avuh said** that this *halakha* comes from a different source: We infer from the words "she may eat **of** her father's **bread"** (Leviticus 22:13), that she may **not** eat **all bread;** this comes to **exclude the breast and** right **hind leg.**

מַתְקִיף לָהּ רָמִי בַּר חָמָא: אֵימָא פְּרָט לַהֲפָרַת נְדָרִים! אָמַר רָבָא: כְּבָר פְּסָקָהּ תַּנָּא דְּבֵי רַבִּי יִשְׁמָעֵאל. דְּתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: ״וְנֶדֶר אַלְמָנָה וּגְרוּשָׁה...יָקוּם עָלֶיהָ״ מַה תַּלְמוּד לוֹמַר? וַהֲלֹא מוּצָאָה מִכְּלַל אָב וּמוּצָאָה מִכְּלַל בַּעַל!

Rami bar Ḥama objects to this: But we can **say** that the verse comes to **exclude nullification of vows.**[N] The Torah would consequently be teaching us that even after she "is returned unto her father's house, as in her youth" (Leviticus 22:13), she does not return to her youth in all ways, as her father may not nullify her vows. **Rava said:** The connection between her and her father's house with regard to vows has **already been severed,** as taught by **the school of Rabbi Yishmael, as the school of Rabbi Yishmael taught: "But the vow of a widow, or of a divorcée... shall stand against her"** (Numbers 30:10). **What** is the meaning when **the verse states** this? **She was removed from the category** of one who is under the authority of her **father** when she married, **and she has** likewise **been removed from the category** of one who is under the authority of her **husband,** as she is no longer married to him.

אֶלָּא, הֲרֵי שֶׁמָּסַר הָאָב לִשְׁלוּחֵי הַבַּעַל, אוֹ שֶׁמָּסְרוּ שְׁלוּחֵי הָאָב לִשְׁלוּחֵי הַבַּעַל, וְנִתְאַרְמְלָה אוֹ נִתְגָּרְשָׁה בְּדַרְכָּהּ – הֵיאָךְ אֲנִי קוֹרֵא בָּהּ, בֵּית אָבִיהָ שֶׁל זוֹ אוֹ בֵּית בַּעֲלָהּ שֶׁל זוֹ? אֶלָּא לוֹמַר לְךָ: כֵּיוָן שֶׁיָּצְאָה שָׁעָה אַחַת מֵרְשׁוּת הָאָב שׁוּב אֵינוֹ יָכוֹל לְהָפֵר.

Rather, the verse is referring to a case **where the father transferred** his daughter **to the husband's agents** for the purpose of marriage, and she consequently left her father's house. **Or,** it is referring to a case **where the father's agents transferred** her **to the husband's agents**[H] **and she was widowed or divorced on the way,** before she arrived at her husband's house. **How shall I consider her?** Is she in the **house of this one, her father, or** is she in the **house of that one, her husband? Rather,** this comes **to tell you: Since she has** entirely **left her father's jurisdiction** when she was transferred to the husband's agents, even if for just **one moment,** her father **is no longer able to nullify** her vows. We learn from here that a father cannot annul his daughter's vows after she has been married, and there is no need for an additional verse to teach this *halakha*.

רַב סָפְרָא אָמַר: ״מִלֶּחֶם אָבִיהָ תֹּאכַל״ – לֶחֶם וְלֹא בָּשָׂר. רַב פַּפָּא אָמַר: ״מִלֶּחֶם אָבִיהָ תֹּאכַל״ – לֶחֶם הַקָּנוּי לְאָבִיהָ, פְּרָט לְחָזֶה וְשׁוֹק דְּמִשְׁלְחַן גָּבוֹהַּ קָא זָכוּ.

Rav Safra said: The *halakha* that she does not return to her father's house with regard to the breast and the right hind leg is derived from the verse: **"From her father's bread she may eat,"** which indicates that she partakes of the **"bread"** of *teruma* **but not** of the **meat** of the breast and hind leg. **Rav Pappa said** a different interpretation: **"From her father's bread she may eat"** is referring to **bread owned by her father,** such as *teruma*, which is the property of the priest, which **excludes the breast and** right **hind leg, as** the priests **receive** their portion **from the table of** the **Most High.**[N] Unlike *teruma*, the breast and right hind leg do not belong to the priests. Rather, after the offering is sacrificed to God, they eat these portions but are not considered to own them.

NOTES

To exclude nullification of vows – פְּרָט לַהֲפָרַת נְדָרִים: The connection between this issue and the nullification of vows is not immediately apparent. The Ritva explains that the phrase "she may eat of her father's bread" indicates that she eats against her will. In other words, even if she vowed not to eat something, her father can nullify her vow. Some later authorities suggest that the resemblance between the verse referring to *teruma*: "And she is returned unto her father's house, as in her youth" (Leviticus 22:13) and the verse about vows: "Being in her youth, in her father's house" (Numbers 30:17) indicates a connection between the two cases.

As they receive their portion from the table of the Most High – דְּמִשְׁלְחַן גָּבוֹהַּ קָא זָכוּ: The later authorities point out that there are various opinions on this matter, as concerning other issues some Sages maintain that *teruma* is also viewed as something received from the table of the Most High. Nevertheless, it is clear that there is a difference between the two, as *teruma* is the priest's possession in all regards to use as he sees fits, whereas the breast and right hind leg are given to priests only for the purpose of eating, as their consumption of the offering is part of the service necessary for atonement.

וְרָבָא אָמַר: ״וְאֵת חֲזֵה הַתְּנוּפָה וְאֶת שׁוֹק הַתְּרוּמָה תֹּאכֵלוּ... אַתָּה וּבָנֶיךָ וּבְנוֹתֶיךָ אִתָּךְ״ – בִּזְמַן שֶׁאַתָּךְ.

And Rava said: It states: **"And the breast of waving and the hind leg of heaving you shall eat… you, and your sons and your daughters with you"** (Leviticus 10:14). This indicates that daughters of priests may eat **at a time when** they are **"with you,"** but once they have left the priest's domain, e.g., by marrying an ordinary Israelite, they may no longer partake of these gifts even if they subsequently return to his household.

אָמַר רַב אַדָּא בַּר אַהֲבָה: תָּנָא, כְּשֶׁהִיא חוֹזֶרֶת לְבֵית אָבִיהָ – חוֹזֶרֶת לִתְרוּמָה, וְאֵינָהּ חוֹזֶרֶת לְחָזֶה וְשׁוֹק. בִּשְׁבִיל בְּנָהּ – חוֹזֶרֶת אַף לְחָזֶה וְשׁוֹק.

Rav Adda bar Ahava said: It was **taught:** With regard to the daughter of a priest, **when she returns to her father's house,** after marrying and separating from her husband without a child, **she returns for** the purposes of eating ***teruma*, but she does not return for** the purposes of eating **the breast and** right **hind leg.** By contrast, if an Israelite woman ate **on account of her son** from a priest, if she later married an Israelite and he died, **she returns** to partake **even of the breast and** right **hind leg.**[H]

אֲזַל רַב מָרְדְּכַי אֲמָרָהּ לְשִׁמְעָתָא קַמֵּיהּ דְּרַב אַשִׁי. אֲמַר: מֵהֵיכָא קָא מִתְרַבְיָא, מִ״וּבַת״ – מִי עֲדִיפָא לָהּ מִינָּהּ? הָתָם כְּתִיבִי מִיעוּטֵי, הָכָא לָא כְּתִיבִי מִיעוּטֵי.

Rav Mordekhai went and **stated** this ***halakha* before Rav Ashi,** who **said** to him: **From where does** he **include** the case of a woman who partakes of *teruma* on account of her son? **From** the verse **"but** if a priest's **daughter"** (Leviticus 22:13). **Is** the Israelite woman **preferable to her,** the daughter of a priest herself, who does not return to eating the breast and hind leg? The Gemara answers: **There,** the Torah **writes exclusions,** as we learned above, which teach us that she does not return in all regards, whereas **here it does not write exclusions.** Consequently, although the *halakha* of a woman who has a son from a priest is itself derived from the case of the daughter of a priest returning to her father's house, she has more abilities than the latter.

״בַּת כֹּהֵן שֶׁנִּפְסֶלֶת לְיִשְׂרָאֵל״ וכו׳. תָּנוּ רַבָּנַן: ״וְשָׁבָה אֶל בֵּית אָבִיהָ״ – פָּרַט לִשְׁוֹמֶרֶת יָבָם, ״כִּנְעוּרֶיהָ״ – פָּרַט לִמְעוּבֶּרֶת.

§ The Gemara returns to the mishna. The mishna taught: The **daughter of a priest married to an Israelite** may not partake of *teruma*. **The Sages taught: "And she is returned unto her father's house"** (Leviticus 22:13); this **excludes a widow awaiting her *yavam*,**[H] for she cannot go back to her father's house as long as she is still waiting for the *yavam* to perform levirate marriage. **"As in her youth"; this excludes a pregnant woman,**[H] as her pregnancy has changed her, and she is no longer as she was in her youth.

וְהָלְאָ דִּין הוּא: וּמַה בְּמָקוֹם שֶׁלֹּא עָשָׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי לְפוֹטְרָהּ מִן הַיִּיבּוּם – עָשָׂה עוּבָּר כְּיִלּוּד,

But could this **not** be derived through an *a fortiori* **inference,** without the need for a special exposition of a verse? **If in a place,** i.e., a case, **where** the Torah **did not make** the *halakha* pertaining to **a child from the first** husband **like** the *halakha* pertaining to **a child from the second** husband **to exempt her from levirate marriage;** this is the case of a woman who married a man, had a son with him, was widowed, remarried, and her second husband died childless. She requires levirate marriage despite the fact that she has a child, as the first husband's child is irrelevant with regard to her need for levirate marriage for the second husband. Despite this limitation, the Torah **made** the status of **a fetus like** that of a child who was **born,** as a pregnant woman does not perform levirate marriage.

HALAKHA

On account of her son from a priest, she returns to partake even of the breast and right hind leg – בִּשְׁבִיל בְּנָהּ חוֹזֶרֶת אַף לְחָזֶה וְשׁוֹק: If an Israelite woman married a priest, had a son with him, was widowed, remarried an Israelite, had a son with him, and was then widowed again, she may not partake of *teruma*. If her son from the Israelite died, she may once again partake of *teruma* on account of her son from the priest. She may also partake of the breast and right hind leg (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 6:18, and *Kesef Mishne* there).

This excludes a widow awaiting her *yavam* – פָּרַט לִשְׁוֹמֶרֶת יָבָם: The daughter of a priest who is waiting for an Israelite *yavam* may not partake of *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 8:5).

This excludes a pregnant woman – פָּרַט לִמְעוּבֶּרֶת: If the daughter of a priest was pregnant from an Israelite, she is prohibited from partaking of *teruma* on account of the fetus (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 8:2).

מָקוֹם שֶׁעָשָׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי לְפוֹסְלָהּ מִן הַתְּרוּמָה – אֵינוֹ דִּין שֶׁנַּעֲשֶׂה עוּבָּר כְּיָלוּד?!

If this is so, then in **a place where** the Torah **did make** the *halakha* pertaining to **a child from the first** husband **like** the *halakha* pertaining to **a child from the second** husband **to disqualify her from *teruma*;** this is the case of a daughter of a priest who married an Israelite, had a son with him, was widowed, and afterward married another Israelite, who died childless. She may not partake of *teruma* on account of her son from the first husband. **Is it not,** therefore, **right that we should make a fetus like** a child who was **born** with regard to *teruma*, that would prevent her from returning to partake of *teruma* if she is pregnant? If this reasoning is correct, there is no need for the biblical exposition.

לֹא, מַה לִּי עָשָׂה עוּבָּר כְּיָלוּד, לְעִנְיַן יִבּוּם, שֶׁהֲרֵי עָשָׂה מֵתִים כְּחַיִּים, נַעֲשֶׂה עוּבָּר כְּיָלוּד, לְעִנְיַן תְּרוּמָה, שֶׁלֹּא עָשָׂה מֵתִים כְּחַיִּים?! תַּלְמוּד לוֹמַר: ״כִּנְעוּרֶיהָ״ – פָּרַט לִמְעוּבֶּרֶת.

However, this proof can be refuted: **No, what I** should say is that the Torah **made a fetus like** a child who was **born with regard to levirate marriage, because** with regard to levirate marriage the Torah **made the dead like the living:** If the woman had a child at the time of her husband's death she is entirely exempt from levirate marriage, even if her son subsequently died. The deceased child is like a living one in the sense that he continues to exempt his mother from the requirement of levirate marriage. **Shall we** then **make a fetus like** a child who was **born with regard to *teruma*, where** the Torah **did not make the dead like the living?** In the case of *teruma*, as long as the daughter of a priest has a living son from her Israelite husband, she is disqualified from *teruma*, but if he dies she may partake of *teruma* again, as we do not consider him like a living son. Consequently, we cannot learn the *halakha* of *teruma* from levirate marriage with regard to the status of a fetus. Therefore, **the verse states "as in her youth" to exclude a pregnant woman.**

וְאִיצְטְרִיךְ לְמִכְתַּב מְעוּבֶּרֶת וְאִיצְטְרִיךְ לְמִכְתַּב ״וְזֶרַע אֵין לָהּ״, דְּאִי כָּתַב רַחֲמָנָא ״וְזֶרַע אֵין לָהּ״ – מֵעִיקָּרָא חַד גּוּפָא וְהָשְׁתָּא תְּרֵי גּוּפֵי, אֲבָל מְעוּבֶּרֶת, דְּמֵעִיקָּרָא חַד גּוּפָא וְהָשְׁתָּא חַד גּוּפָא – אֵימָא תֵּיכּוֹל, צְרִיכָא. וְאִי כָּתַב רַחֲמָנָא מְעוּבֶּרֶת, דְּמֵעִיקָּרָא גּוּפָא

The Gemara comments: **And it was necessary to write** this verse that teaches the *halakha* of **a pregnant woman, and it was necessary** also **to write "and she have no child"** (Leviticus 22:13) **because had the Merciful One written** only: **"And she have no child,"** I would have said that **at the outset** she was only **one body** when she ate *teruma*, **and now,** upon her return, there are **two bodies,** and that is why she is no longer "as in her youth." **But a pregnant woman, who at the outset** was **one body and now** is still **one body,** one might **say** that **she may partake of** *teruma* until the birth of her son. Consequently, it is **necessary** for a verse to teach the *halakha*. **And** vice-versa, **had the Merciful One written** the *halakha* with regard to **a pregnant woman,** I might have said that this is true only of a pregnant woman **because at the outset** her **body**

Perek **IX**
Daf **87** Amud **b**

סְרִיקָא וְהָשְׁתָּא גּוּפָא מַלְיָא. אֲבָל ״וֶזֶרַע אֵין לָהּ״, דְּמֵעִיקָּרָא גּוּפָא סְרִיקָא, וְהָשְׁתָּא גּוּפָא סְרִיקָא – אֵימָא לָא, צְרִיכָא.

was **empty, and now** her **body** is **full** with the child, and therefore she is no longer "as in her youth." **But** in a situation where "**she has no child," when at the outset** her **body** was **empty and now** her **body** is also **empty,** as she has given birth, you might **say** that she should **not** be disqualified. Therefore, it is **necessary** to write both verses.

(סימ״ן: אמר ליה לא נעש״ה מעשי״ה במית״ה נעש״ה ול״א נעש״ה בול״ד יב״ם ותרומ״ה יבו״ם ותרומ״ה. סימ״ן).

Parenthetically, the Gemara lists terms signifying the following discussions, to serve as **a mnemonic** device: **Said to him, we should not make, by death, we should make and not make, by a child, *yavam* and *teruma*, levirate marriage and *teruma*.** This list of terms, taken from the introductions or key phrases in each of the ensuing discussions, is the **mnemonic.**

אָמַר לֵיהּ רַב יְהוּדָה מִדְּאִסְקַרְתָּא לְרָבָא: לֹא נַעֲשֶׂה מֵתִים כְּחַיִּים לְעִנְיַן יִבּוּם מִקַּל וָחוֹמֶר: וּמַה בְּמָקוֹם שֶׁעָשָׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי לְפוֹסְלָהּ מִן הַתְּרוּמָה – לֹא עָשָׂה מֵתִים כְּחַיִּים, מָקוֹם שֶׁלֹּא עָשָׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי לְפוֹטְרָהּ מִן הַיִּבּוּם – אֵינוֹ דִּין שֶׁלֹּא נַעֲשֶׂה מֵתִים כְּחַיִּים?!

Rav Yehuda from De'iskarta[L] **said to Rava,** in continuation of the discussion of the *baraita*: Should **we not make the** *halakha* concerning **dead** children[N] **like the** *halakha* concerning **living** children **with regard to levirate marriage by an *a fortiori*** inference, and say: **And if in a place where** the Torah **made** the *halakha* with regard to **a child from the first** husband **like** the *halakha* with regard to **a child from the second** husband, **to disqualify her from *teruma*,** for as long as she has a child who is not a priest she is prohibited from partaking of *teruma*, the Torah nevertheless **did not make dead** children **like living** ones; therefore, in a **place where** the Torah **did not make a child from the first** husband **like a child from the second to exempt her from levirate marriage, is it not right that we should not make the dead like the living?** Why, then, is a *yevama* exempt from levirate marriage if her late husband's only child dies?

תַּלְמוּד לוֹמַר ״דְּרָכֶיהָ דַרְכֵי נוֹעַם וְכָל נְתִיבוֹתֶיהָ שָׁלוֹם״.

The verse states: "Her ways are the ways of pleasantness,[N] **and all her paths are peace"** (Proverbs 3:17). In other words, since the ways of Torah are those of pleasantness, the Torah would not obligate a woman who has married in the meantime to subsequently perform *ḥalitza*, as this might demean her in her husband's eyes.

וְנַעֲשֶׂה מֵתִים כְּחַיִּים לְעִנְיַן תְּרוּמָה מִקַּל וָחוֹמֶר: וּמַה בְּמָקוֹם שֶׁלֹּא עָשָׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי לְפוֹטְרָהּ מִן הַיִּבּוּם – עָשָׂה מֵתִים כְּחַיִּים, מָקוֹם שֶׁעָשָׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי לְפוֹסְלָהּ מִן הַתְּרוּמָה – אֵינוֹ דִּין שֶׁנַּעֲשֶׂה מֵתִים כְּחַיִּים?! תַּלְמוּד לוֹמַר ״וְזֶרַע אֵין לָהּ״ – וְהָא אֵין לָהּ.

The Gemara inquires: **And let us make** the *halakha* with regard to **dead** children **like** the *halakha* with regard to **living** ones **with regard to *teruma*, from an *a fortiori*** inference: **And if in a place where** the Torah **did not make a child from the first** husband **like a child from the second to exempt her from levirate marriage,** it nevertheless **made the living like the dead,** as a woman whose husband died and left a child is exempt from levirate marriage even if that child subsequently dies; then, in **a place where** the Torah **made a child from the first like a child from the second to disqualify her from *teruma*, is it not right that we should make the living like the dead?** The Gemara responds: Therefore, **the verse states "and she have no child,** she is returned unto her father's house, as in her youth" (Leviticus 22:13), **and** here **she does not** currently **have** children.

וְנַעֲשֶׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי לְעִנְיַן יִבּוּם מִקַּל וָחוֹמֶר: וּמַה בְּמָקוֹם שֶׁלֹּא עָשָׂה מֵתִים כְּחַיִּים לְעִנְיַן תְּרוּמָה – עָשָׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי – מָקוֹם שֶׁעָשָׂה מֵתִים כְּחַיִּים לְעִנְיַן יִבּוּם אֵינוֹ דִּין שֶׁנַּעֲשֶׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי?! תַּלְמוּד לוֹמַר ״וּבֵן אֵין לוֹ״ – וְהָא אֵין לוֹ.

The Gemara further suggests: **And let us make** her **child from the first** husband **like** her **child from the second** one **with regard to levirate marriage,** again **from an *a fortiori*** inference: **And if in a place where** the Torah **did not make the living like the dead with regard to *teruma*,** it still **made a child from the first** husband **like a child from the second,** then in **a place where it made the living like the dead, with regard to levirate marriage, is it not right that we should make a child from the first** husband **like a child from the second,** and thereby exempt her from levirate marriage? The Gemara answers: **The verse states** about levirate marriage: **"And he has no child"** (Deuteronomy 25:5), **and** in fact **he had none** at the time of his death.

וְלֹא נַעֲשֶׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי לִתְרוּמָה מִקַּל וָחוֹמֶר: מַה בְּמָקוֹם שֶׁעָשָׂה מֵתִים כְּחַיִּים לְפוֹטְרָהּ מִן הַיִּבּוּם לֹא עָשָׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי – מָקוֹם שֶׁלֹּא עָשָׂה מֵתִים כְּחַיִּים לְעִנְיַן תְּרוּמָה אֵינוֹ דִּין שֶׁלֹּא נַעֲשֶׂה וָלָד מִן הָרִאשׁוֹן כְּוָלָד מִן הַשֵּׁנִי?! תַּלְמוּד לוֹמַר ״אֵין לָהּ״ – וְהָא יֵשׁ לָהּ.

The Gemara offers another possibility: **And should we make a child from the first** husband **not like a child from the second** one **with regard to *teruma*, from an *a fortiori*** inference: **If in a place where** the Torah **made the living like the dead to exempt her from levirate marriage,** it still **did not make a child from the first** husband **like a child from the second,** then in **a place where** the Torah **did not make the living like the dead, with regard to *teruma*, is it not right that we should not make** the **child from the first** husband **like** the **child from the second?** The Gemara responds: Therefore, **the verse states:** "And **she have no** child," **but** in fact this woman **has** children.

הדרן עלך יש מותרות

LANGUAGE

De'iskarta – דְּאִסְקַרְתָּא: The name of this place is related to the Middle Persian word dastagird, meaning an inherited plot of land.

NOTES

Should we not make the *halakha* concerning dead children – לֹא נַעֲשֶׂה מֵתִים: *Arukh LaNer* points out that this line of inquiry is somewhat misleading, as there is an essential difference in the case of a child from the first husband with regard to *teruma* as opposed to levirate marriage. In the case of levirate marriage, there is no connection between the obligation itself and the woman's children, as everything depends on whether or not the deceased husband had children. By contrast, as far as *teruma* is concerned, the question is whether the woman herself has a non-priest child. To explain this, he argues that the comparison is suggested only as part of a comprehensive discussion of the question at hand that presents all possible permutations of the analysis.

Her ways are the ways of pleasantness – דְּרָכֶיהָ דַרְכֵי נוֹעַם: If the *halakha* were that whenever a deceased husband's children pass away, his surviving wife is obligated in levirate marriage, this would degrade her. Performing *ḥalitza* after she has remarried would seem to indicate retroactively that she was forbidden to her second husband until that point. Having every widow perform *ḥalitza* as a precautionary measure, in case her children pass away, is not a solution, as *ḥalitza* is entirely meaningless if no obligation of levirate marriage exists (Ritva).

With regard to the idea that "her ways are the ways of pleasantness," this does not mean that the *halakhot* of the Torah are always comfortable and pleasant, as there are aspects to levirate marriage that make life very difficult for the *yevama*. Rather, as explained by *Tosafot* on 2a, the Torah did not distinguish between different women who are exempt from levirate marriage by allowing one to remain completely exempt while requiring the other to perform *ḥalitza* later. Consequently, "ways of pleasantness" is to be understood as equal and fair, without discrimination between different women.

מתני׳ הָאִשָּׁה שֶׁהָלַךְ בַּעְלָהּ לִמְדִינַת הַיָּם, וּבָאוּ וְאָמְרוּ לָהּ ״מֵת בַּעְלֵיךְ״ וְנִיסֵּת, וְאַחַר כָּךְ בָּא בַּעְלָהּ – תֵּצֵא מִזֶּה וּמִזֶּה, וּצְרִיכָה גֵּט מִזֶּה וּמִזֶּה,

MISHNA With regard to **a woman**[N] **whose husband went**[H] **overseas, and** witnesses **came and** they **said to her: Your husband is dead, and she married** another man on the basis of this testimony, **and afterward her husband came** back from out of the country, **she must leave** both **this** man **and that** one,[N] as they are both forbidden to her. **And she requires a bill of divorce from this** one **and that** one.

וְאֵין לָהּ כְּתוּבָּה, וְלֹא פֵּירוֹת, וְלֹא מְזוֹנוֹת, וְלֹא בְּלָאוֹת לֹא עַל זֶה וְלֹא עַל זֶה. וְאִם נָטְלָה מִזֶּה וּמִזֶּה – תַּחֲזִיר.

And furthermore, **she has** a claim to **neither** payment of her **marriage contract,**[N] **nor** the **profits** of her property used by either of them, **nor sustenance, nor** the **worn clothes** she brought to the marriage. She has rights to these claims **neither against this** man **nor against that** one, i.e., she cannot collect these payments from either her first or second husband. **And if she took** any of these items **from this** man **or from that** one, she must **return** them to him.

וְהַוָּלָד מַמְזֵר מִזֶּה וּמִזֶּה. וְלֹא זֶה וְזֶה מְטַמֵּא לָהּ. וְלֹא זֶה וְזֶה זַכָּאִים לֹא בִּמְצִיאָתָהּ, וְלֹא בְּמַעֲשֵׂה יָדֶיהָ, וְלֹא בַּהֲפָרַת נְדָרֶיהָ.

And the offspring is a *mamzer* from this one **and from that** one.[N] Her child from the second husband is a definite *mamzer*, as she was never divorced from her first husband, and the Sages decreed that if she returned to her first husband, a child born later from him is also a *mamzer*. **And neither this** man **nor that** man **may become impure for her** upon her death, if they are priests. **And neither this** one **nor that one is entitled**[N] to the rights that stem from the marriage bond: **Neither to her found** articles, **nor to her earnings, nor to the nullification of her vows.**

הָיְתָה בַּת יִשְׂרָאֵל – נִפְסְלָה מִן הַכְּהוּנָּה, וּבַת לֵוִי – מִן הַמַּעֲשֵׂר, וּבַת כֹּהֵן – מִן הַתְּרוּמָה. וְאֵין יוֹרְשִׁין שֶׁל זֶה וְיוֹרְשִׁין שֶׁל זֶה יוֹרְשִׁין אֶת כְּתוּבָּתָהּ. וְאִם מֵתוּ – אֲחֵיהֶן שֶׁל זֶה וְאֲחֵיהֶן שֶׁל זֶה חוֹלְצִין וְלֹא מְיַבְּמִין.

If she **was** a regular **Israelite woman, she is disqualified from** marrying into **the priesthood,** as her intercourse with the second husband is considered an act of illicit sexual relations, **and** the **daughter of a Levite** is disqualified **from** partaking of the first **tithe, and** the **daughter of a priest** is disqualified **from** partaking of ***teruma*. And neither** the **heirs of this** man nor the **heirs of that** one **inherit her marriage contract,** as she is not considered married to either of them. This clause will be explained in the Gemara. **And if they** both **died** childless, **the brothers of this** one **and the brothers of this** one must **perform *ḥalitza* and they do not enter into levirate marriage.**

רַבִּי יוֹסֵי אוֹמֵר: כְּתוּבָּתָהּ עַל נִכְסֵי בַּעְלָהּ הָרִאשׁוֹן. רַבִּי אֶלְעָזָר אוֹמֵר: הָרִאשׁוֹן זַכַּאי בִּמְצִיאָתָהּ וּבְמַעֲשֵׂה יָדֶיהָ וּבַהֲפָרַת נְדָרֶיהָ. רַבִּי שִׁמְעוֹן אוֹמֵר: בִּיאָתָהּ אוֹ חֲלִיצָתָהּ מֵאֲחִיו שֶׁל רִאשׁוֹן פּוֹטֶרֶת צָרָתָהּ, וְאֵין הַוָּלָד מִמֶּנּוּ מַמְזֵר.

Rabbi Yosei disagrees with the first *tanna* and **says** that she does receive payment of her marriage contract, and the obligation of **her marriage contract is upon the property of her first husband. Rabbi Elazar says: The first** husband **is entitled to her found** articles, **to her earnings, and to the nullification of her vows.** Since her second marriage was an error, the first husband does not forfeit his rights. **Rabbi Shimon says** an even more far-reaching ruling: **Her sexual relations or her *ḥalitza* with the brothers of the first** husband **exempts her rival wife,** as it is considered a proper levirate marriage or *ḥalitza*, and certainly she does not require *ḥalitza* from the brother of the second husband. **And** if she returns to her first husband, **the child from him is not a *mamzer*.**

NOTES

The Great Woman – הָאִשָּׁה רַבָּה: This chapter is entitled: The Great Woman, because there are several chapters in this tractate that begin with the words: A woman. To differentiate between them, special names were given to each one. Since this chapter is the longest of them, it is called: The Great Woman. See *Tosafot* for an explanation of the connection between this chapter and the previous ones. Some commentaries claim that this mishna starts an entirely new topic (Meiri).

She must leave this man and that one, etc. – תֵּצֵא מִזֶּה וּמִזֶּה וכו׳: In the Jerusalem Talmud an inquiry is made into the difference between this case and the ruling (33b) that if two wives are switched at the time of their wedding the court merely separates them for a period of time before restoring them to their husbands. They answer that this case is different, both because the woman is penalized for failing to examine the matter thoroughly, as explained in the Gemara, as well as due to the concern that her husband might have sent her a bill of divorce from overseas, which would render her second marriage a valid relationship.

And she has neither her marriage contract – וְאֵין לָהּ כְּתוּבָּה: The early authorities disagree over the extent of the penalty suffered by the woman, whether it applies even to the additional part of her marriage contract, i.e., the sum promised by her husband over and above the minimum required by the Sages, and to the property she brought to the marriage as part of her dowry. Some state that as the Sages compelled the husband to divorce her, they exempted him from all obligations of the marriage contract (Rambam's Commentary on the Mishna).

And the offspring is a *mamzer* from this one and from that one – וְהַוָּלָד מַמְזֵר מִזֶּה וּמִזֶּה: The early authorities dispute whether the child of the second husband is still considered a *mamzer* if she subsequently was divorced from her first husband and returned to the second one (see *Tosafot*), or whether the child is not a *mamzer*, despite the fact that it was prohibited for this husband to marry her (*Tosefot Ḥad MiKamma'ei*; see Meiri).

And neither this one nor that one is entitled, etc. – וְלֹא זֶה וְזֶה זַכָּאִים וכו׳: The mishna does not say what happens to her inheritance. Many early authorities claim that although she is unfit to remain married to her first husband, and if he is a priest he may not become ritually impure for her, he nevertheless inherits from her. The reason is that he is certainly not at fault, and therefore the Sages did not penalize him (*Tosafot*; Rashba).

HALAKHA

A woman whose husband went, etc. – הָאִשָּׁה שֶׁהָלַךְ בַּעְלָהּ וכו׳: If a woman's husband left for overseas and she was informed that he was dead and she married another man, after which her husband returned, she must leave both of them. She requires a bill of divorce from them both, and she does not receive from either of them the payment for her marriage contract, the profits from her property, or what is left of the worn-out clothes she brought to the marriage. If they were priests they may not become ritually impure for her if she dies. Furthermore, they are not entitled to her earnings or the lost articles she finds, and they may not nullify her vows. She is also disqualified from marrying into the priesthood, and from partaking of *teruma* and tithes if she is the daughter of a priest. If both of her husbands died, the brothers of each must perform *ḥalitza* with her, but they may not enter into levirate marriage with her (*Shulḥan Arukh*, *Even HaEzer* 17:56).

וְאִם נִיסֵּת שֶׁלֹּא בִּרְשׁוּת מוּתֶּרֶת לַחֲזוֹר לוֹ. נִיסֵּת עַל פִּי בֵּית דִּין – תֵּצֵא, וּפְטוּרָה מִן הַקָּרְבָּן.

All these *halakhot* refer to a situation when she married with the permission of the court, after hearing that her husband had died. **But if she married without** the **consent** of the court, basing herself entirely on the testimony she heard, and her husband returned, it is **permitted** for her **to return to** her first husband. The mishna adds another difference between these two scenarios: If **she married by** permission of **the court, she must leave** both of them **and she is exempt from** bringing **the offering,** i.e., the sin-offering for her unwitting adultery, as she had the authorization of the court and is therefore considered to have acted under duress.

לֹא נִיסֵּת עַל פִּי בֵּית דִּין – תֵּצֵא, וְחַיֶּבֶת בְּקָרְבָּן. יָפָה כֹּחַ בֵּית דִּין, שֶׁפּוֹטְרָה מִן הַקָּרְבָּן. הוֹרוּהָ בֵּית דִּין לִינָּשֵׂא, וְהָלְכָה וְקִלְקְלָה – חַיֶּבֶת בְּקָרְבָּן, שֶׁלֹּא הִתִּירוּהָ אֶלָּא לִינָּשֵׂא.

If, however, **she did not marry by** permission of **the court, she must leave** her second husband **and is liable to** bring **an offering** for mistakenly having relations with a man forbidden to her. In this regard, the **power of the court is greater, as she is exempt from** bringing **an offering.** If the **court instructed her to marry** on the basis of inaccurate testimony, **and she went and ruined** herself by engaging in licentious relations outside matrimony, **she is liable to** bring **an offering, as they permitted her only to marry,** and not to engage in licentious relations.

גמ׳ מִדְּקָתָנֵי סֵיפָא ״נִישֵּׂאת שֶׁלֹּא בִּרְשׁוּת מוּתֶּרֶת לַחֲזוֹר לוֹ״ – שֶׁלֹּא בִּרְשׁוּת בֵּית דִּין, אֶלָּא בְּעֵדִים. מִכְּלָל דִּרֵישָׁא – בִּרְשׁוּת בֵּית דִּין, וּבְעֵד אֶחָד, אַלְמָא: עֵד אֶחָד נֶאֱמָן.

GEMARA **From** the fact **that the latter clause** of the mishna **teaches:** If **she married without** the **consent** of the court she is **permitted to return to him,** this indicates that she did so **not by** the **consent** of the **court, but** rather **by witnesses,** i.e., as there are two witnesses, she does not require special permission from the court. With this in mind, **it may be inferred that the first clause** of the mishna, which speaks of one who acted **with the consent of** the **court,** is referring to a situation **when** there was **one witness.**[N] **Apparently, one witness is deemed credible**[N] when he testifies about a husband's death, i.e., the court will permit a wife to marry on the basis of the testimony of a lone witness.

וְתָנֵן נָמִי: הוּחֲזְקוּ לִהְיוֹת מַשִּׂיאִין עֵד מִפִּי עֵד, וְאִשָּׁה מִפִּי אִשָּׁה, וְאִשָּׁה מִפִּי עֶבֶד וּמִפִּי שִׁפְחָה. אַלְמָא: עֵד אֶחָד מְהֵימָן.

And we also learned in a mishna (122a): **They established** that **they would** allow a woman to **marry** if her husband was reported dead by one **witness,** based solely on what he learned **from the mouth of** another **witness,** i.e., hearsay testimony, **and** also the testimony of **a woman** who heard **from** another **woman, and** even the testimony of **a woman** who heard **from a slave or from a maidservant.**[H] **Apparently, one witness is deemed credible** in this regard, as whenever hearsay testimony is accepted, the testimony of one witness is also valid.

וְתָנֵן נָמִי: עֵד אֶחָד אוֹמֵר ״אָכַלְתָּ חֵלֶב,״ וְהוּא אוֹמֵר ״לֹא אָכַלְתִּי״ – פָּטוּר. טַעֲמָא דַּאֲמַר ״לֹא אָכַלְתִּי״, הָא אִישְׁתִּיק – מְהֵימָן, אַלְמָא: עֵד אֶחָד מְהֵימָן מִדְּאוֹרַיְיתָא.

And we also learned in a mishna (*Karetot* 46b) that if **one witness says** to someone: **You ate forbidden fat, and** the accused **says: I did not eat** it, the accused is **exempt** from bringing an offering. The Gemara infers: **The reason** he is exempt **is that** the individual in question **said: I did not eat** it, which indicates that if **he** had been **silent** and failed to deny the accusation, the lone witness is **deemed credible.**[H] **Apparently, one witness is deemed credible by Torah** law with regard to certain issues.

NOTES

It may be inferred that the first clause…is referring to when there was one witness – מִכְּלָל דִּרֵישָׁא...בְּעֵד אֶחָד: Although the mishna states: They said to her, which indicates that there is more than one witness, in tractate *Karetot* there is similar use of the plural form to refer to speech and notification in general, not necessarily that of two witnesses (Rashba).

Apparently, one witness is deemed credible – אַלְמָא עֵד אֶחָד נֶאֱמָן: Rashi and many other commentaries maintain that the starting point of the Gemara's discussion is that by Torah law one witness is deemed credible for testimony with regard to a missing husband, and cite proofs for this from similar *halakhot*. Conversely, others claim that the Gemara never assumed that by Torah law one witness is valid for this testimony, as two witnesses are required for any situation that involves women with whom relations are forbidden. Rather, the Sages instituted that one witness is accepted, as will be explained, and they formulated this *halakha* in a manner similar to other cases in which one witness is deemed credible by Torah law (Rashba; Ritva). Some commentaries explain the entire discussion at length in accordance with both interpretations (Ritva; Meiri).

HALAKHA

One witness by the testimony of a woman – עֵד אֶחָד בְּעֵדוּת אִשָּׁה: If a woman's husband went overseas and she received testimony that he died, even if it was from only one witness; and even if the witness was a woman, a relative, a slave, or a maidservant; or even if it was hearsay evidence from a string of invalid witnesses, the witness is deemed credible (Rambam *Sefer Nashim, Hilkhot Geirushin* 12:15; *Shulḥan Arukh, Even HaEzer* 17:3).

If he had been silent, the witness is deemed credible – הָא אִישְׁתִּיק מְהֵימָן: If testimony was received that someone had performed a transgression for which he is liable to bring a sin-offering, and the accused remained silent and did not contradict the claim, he is obligated to bring an offering even if the testimony was delivered by a single witness or a woman (Rambam *Sefer Korbanot, Hilkhot Shegagot* 3:2).

מְנָא לָן? דְּתַנְיָא: ״אוֹ הוֹדַע אֵלָיו חַטָּאתוֹ״ – וְלֹא שֶׁיּוֹדִיעוּהוּ אֲחֵרִים. יָכוֹל אַף עַל פִּי שֶׁאֵינוֹ מַכְחִישׁוֹ יְהֵא פָּטוּר – תַּלְמוּד לוֹמַר ״אוֹ הוֹדַע אֵלָיו״ – מִכֹּל מָקוֹם.

§ The Gemara asks: **From where do we** derive this? The Gemara answers: **As it is taught** in a *baraita* that the verse states: **"Or if his sin be known to him"** (Leviticus 4:23, 28). This indicates that he himself must be aware of his sin, **and not if it was made known to him by others.** In other words, one is not obligated to bring an offering due to the testimony of others, even if they testify that he had transgressed. I **might** have thought **he should be exempt even though he does not contradict** the witness's claim. Therefore, **the verse states: If his sin be known to him,** which indicates that **in any case,** however he comes by this knowledge, he is liable.[N]

הֵיכִי דָּמֵי? אִילֵימָא דַּאֲתוּ תְּרֵי וְלָא קָא מַכְחִישׁ לְהוּ – קְרָא לָמָּה לִי? אֶלָּא לָאו – חַד, וְכִי לָא קָא מַכְחִישׁ לֵיהּ – מְהֵימָן, שְׁמַע מִינָּהּ: עֵד אֶחָד נֶאֱמָן. וּמַאי דְּמִשּׁוּם דְּמְהֵימָן? דִּלְמָא מִשּׁוּם דְּקָא שָׁתֵיק, וּשְׁתִיקָה כְּהוֹדָאָה דָּמְיָא!

The Gemara clarifies this *halakha*. **What are the circumstances? If we say that two** witnesses **came** and informed him **and** he **does not contradict them, why do I** need a **verse** to teach this ruling? After all, the testimony of two witnesses is always accepted. **Rather, is it not** referring to **one** witness, **and** yet **if he does not contradict** the sole witness, that witness is **deemed credible?** One can **learn from this** that **one witness is deemed credible** with regard to prohibitions. The Gemara refutes this claim: **And from where** do you infer **that** the reason is **due to** the fact that the one witness **is deemed credible? Perhaps** the accused must bring an offering **because** he remains **silent, as** there is a principle that **silence is considered like an admission.**

תֵּדַע, דְּקָתָנֵי סֵיפָא: אָמְרוּ שְׁנַיִם ״אָכַלְתָּ חֵלֶב״ וְהוּא אוֹמֵר: ״לֹא אָכַלְתִּי״ – פָּטוּר. רַבִּי מֵאִיר מְחַיֵּיב. אָמַר רַבִּי מֵאִיר: קַל וָחוֹמֶר, אִם הֵבִיאוּהוּ שְׁנַיִם לִידֵי מִיתָה חֲמוּרָה – לֹא יְבִיאוּהוּ לִידֵי קָרְבָּן הַקַּל?

And you should **know** that this is the reason, **as the latter clause** of **that** same *baraita* **teaches** that if **two** witnesses **said** to him: **You ate forbidden fat,**[H] **and he says: I did not eat** it, he is **exempt,** and **Rabbi Meir obligates** him to bring an offering. **Rabbi Meir said** that this is **an *a fortiori*** inference: **If two** witnesses **can bring him to** the **severe** penalty of **death** by testifying that he had committed a transgression for which one is liable to receive the death penalty, should they **not bring him to** the **more lenient** obligation of **an offering?**

אָמְרוּ לוֹ: מָה אִם יִרְצֶה לוֹמַר ״מֵזִיד הָיִיתִי״! רֵישָׁא

The Rabbis **said to him:** There is a difference between the two cases, as with regard to an offering, **what** is the *halakha* **if he would choose to say:**[N] **I was an intentional** sinner? One who sins intentionally is not liable to bring an offering. Since the accused in the latter clause of the *baraita* can negate the testimony that would have rendered him liable to bring an offering, he can likewise deny the act itself, whereas if witnesses testify that he performed an action that incurs the death penalty, his denial has no bearing on the case. The Gemara clarifies: In **the first clause**

Perek **X**
Daf **88** Amud **a**

מַאי טַעְמָא קָא מְחַיְּיבֵי רַבָּנַן? אִילֵימָא מִשּׁוּם דְּמְהֵימָן – וְהָא תְּרֵי בְּעָלְמָא, דְּאַף עַל גַּב דְּקָא מַכְחִישׁ לְהוּ – אֵינְהוּ מְהֵימְנֵי, וְקָא פָּטְרִי רַבָּנַן. אֶלָּא לָאו – מִשּׁוּם דְּאִישְׁתִּיק, וּשְׁתִיקָה כְּהוֹדָאָה דָּמְיָא.

of the mishna, **what is the reason that** when he remains silent, **the Rabbis obligate** him to bring to an offering based on the testimony of one witness? **If we say** it is **because** the witness **is deemed credible, but** there is the case of **an ordinary pair** of witnesses, **where even though he contradicts their** claim **they are deemed credible, and** yet **the Rabbis exempt** him from bringing an offering. If so, they would certainly not obligate him to bring an offering due to the testimony of a lone witness. **Rather, is it not because he** remained **silent, and silence is considered like an admission?** If this is the reason why he brings an offering, there is no proof from here that the testimony of one witness is accepted.

NOTES

Or if it was made known…in any case – אוֹ הוֹדַע…מִכֹּל מָקוֹם: The fact that the verse stated: Or if it was made known, rather than: He knew, indicates both that the information provided by others is not enough in and of itself, and also that if one found out about his own sin, even through someone else, and he believes it to be true, this is considered awareness that renders him liable to bring an offering.

What if he would choose to say – מָה אִם יִרְצֶה לוֹמַר: The Gemara in tractate *Karetot* provides two explanations of this claim of the Rabbis. According to one opinion, it is considered that his statement was amended as though he meant to say he acted on purpose, not by mistake, and he simply failed to clarify his intention properly. According to the other interpretation, it is impossible for the testimony of others to render one liable to bring an offering, as he always has a way of avoiding the obligation. As a result, whenever he denies the witness's claim he is not compelled to bring an offering, and the matter is left between him and God. Some commentaries maintain that the discussion here must be explained in accordance with the second interpretation of the Gemara in tractate *Karetot* (Ramban).

HALAKHA

If two witnesses said to him, you ate forbidden fat – אָמְרוּ שְׁנַיִם אָכַלְתָּ חֵלֶב לוֹ: If two witnesses testified that someone had committed a transgression for which he is liable to bring a sin-offering and he denies their claim, he is not obligated to bring a sin-offering, in accordance with the opinion of the Rabbis (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 3:1).