With his daughter due to uncertainty.

Later commentaries ask how a father is allowed to perform halitza with his daughter, in light of the statement of the Gemara that a king may not perform halitza because having someone spit in front of him is demeaning (Sanhedrin 19b). How may a daughter spit in front of her father? In Arukh Latzer, it is answered that a father may waive his honor, as opposed to a king, and he may therefore perform halitza.

And a mamzer—married. The opinion that the child of a male gentile or slave and a Jewess is a mamzer is not the accepted ruling. However, it is noted in Yam shel Shlomo that it is possible for the couple to have five types of children according to the accepted ruling as well. If the couple under discussion bore a son while the male was a slave and the master subsequently freed the son, he belongs to the category of freed slaves.

The Sages taught: There is a case in which one performs halitza with his mother due to uncertainty, or with his sister due to uncertainty, or with his daughter due to uncertainty. This is the halakha despite the fact that a levirate bond cannot be created between these relatives.

How so? If his mother and another woman had two sons, one each, and they then gave birth to two other sons in hiding, whose identities were confused, such that their lineage was consequently indeterminate, and the known son of this woman came and married the mother of that other known son, and the known son of that woman married this son’s mother, and they died without children, the halakha is that this one of the mixed sons performs halitza with both women, as it is unknown which is his mother and which his yevama, and that one likewise performs halitza with both women. It is therefore found that each one of them performs halitza with his mother, due to the uncertainty.

There is a case where a man performs halitza with his sister due to uncertainty. How so? If his mother and another woman gave birth to two females in hiding, and they were mixed, and the paternal, but not maternal, half brothers of this man and of the son of the other woman came and married them, and those half brothers died without children, the halakha is that the living half brothers perform halitza with both wives, each with his half sister-in-law. It is therefore found that one performs halitza with his half sister due to uncertainty.

There is a case where one performs halitza with his daughter due to uncertainty. How so? If his wife and another woman gave birth to two females in hiding, and they were mixed, and his brothers and the brothers of the other woman’s husband came and married them, and they died without children, then this one performs halitza with his daughter due to uncertainty, and that one also performs halitza with his daughter due to uncertainty.

Following the previous baraita, the Gemara cites two additional baraitot that discuss unusual family situations. It is taught in a baraita that Rabbi Meir would say: A man and a woman can sometimes bear children of five nations, i.e., of five separate categories of lineage.

How so? If a Jew bought a slave and a maidservant from the market, and the slave and maidservant had two children at the time, and one of these children converted, it is found that one child is a convert and the other one is a gentile. If the master immersed the slave and maidservant for the sake of giving them the status of slaves, and they engaged in intercourse with each other and had a child, here there are three children in the family who are a convert, and a gentile, and a slave. If he freed the maidservant, which renders her a Jewess, and her husband the slave engaged in intercourse with her, and they had another child, here there are a convert, a gentile, a slave, and a mamzer. The offspring of a slave and a Jewess, according to Rabbi Meir, have the same status as a son born from an incestuous or adulterous relationship. If the master subsequently freed both the maidservant and the slave and married them to each other and they had another child, here there are a convert, a gentile, a slave, a mamzer, and a regular Jew.
The Gemara asks: What is the baraita teaching us? The Gemara answers: It is teaching us that if a gentle or a slave engaged in intercourse with a Jewish woman, their offspring is a mamzer.

The Sages taught: There is a case in which a man sells his father in order to collect his mother's marriage contract for her. How so? A Jew bought a slave and a maidservant from the market, and they had a son, and the master freed the maidservant and married her, and he arose and wrote that all his property should go to her son, including her son's father, the slave. It is found that this son, after receiving the master's property, might sell his father to collect for his mother her marriage contract.

The Gemara asks: What is the baraita teaching us? The Gemara answers: The entire baraita is the statement of Rabbi Meir, and it is teaching us that although the legal status of a slave is like that of movable property, and there are those who hold that movable property cannot be mortgaged, Rabbi Meir holds that movable property is mortgaged for a marriage contract.

This is also Rabbi Meir's ruling elsewhere. Therefore, one might be obligated to sell his slave to pay a marriage contract. And if you wish, say that it is teaching us this: The legal status of a slave is like that of real estate, and therefore, according to all opinions one is obligated to sell his slave to pay a marriage contract.

**MISHNA**

With regard to a woman whose offspring was mixed with the offspring of her daughter-in-law, and their lineage was consequently indeterminate, and the mixed sons matured and married women, and subsequently they died, the certain sons of the daughter-in-law perform halitza with the wives, but not levirate marriage, as with regard to each wife it is uncertain whether she is his brother's wife, and therefore his yirea, and uncertain whether she is his father's brother's wife, who is forbidden to him.

**HALAKHA**

If a gentle or a slave engaged in intercourse with a Jewish woman — even if a gentle or a slave engage in intercourse with a mamzer or the child is an alitza, the child is a mamzer. The Gemara concludes in other tractates that movable property is not mortgaged for a marriage contract, contrary to Rabbi Meir's opinion. However, the geonim instituted that all of the husband's possessions, including his movable property, are mortgaged for his wife's marriage contract (Shulhan Arukh, Even HaEzer 100:1).

A woman whose offspring was mixed with the offspring of her daughter-in-law — even if a gentle or a slave engage in intercourse with the child — the child is a mamzer. If a woman and her daughter-in-law who both had sons then gave birth to two sons in hiding, and the sons were mixed, and when they matured, they married and died childless, then the certain sons of the daughter-in-law first perform halitza with the two wives, and afterward the sons of the elder woman may perform either halitza or levirate marriage (Rambam Sefer Nashim, Hilkhot Yibbum 8:4; Shulhan Arukh, Even HaEzer 176:5).
It is uncertain whether she is...his brother's son's wife – ספֵק אֵשֶׁת אָבִיו: In the Jerusalem Talmud, it is concluded from here that one may marry the widow of his brother's son. The commentators ask how this possibly could have been prohibited. In Korban HaEzer, it is suggested that perhaps one would have thought that she should be considered a secondary forbidden relative. Others explain that the potential problem with this marriage is that the mitzva of levirate marriage cannot be performed here. If the husband dies childless she would be exempt from levirate marriage, as the potential yavam is her father.

The sons of certain, unflawed lineage were the ones who died; etc. – הם חכמים רבים: If the certain sons of the elder woman and her daughter-in-law died, creating a levirate bond between their wives and the mixed sons, the wives of the older woman’s sons perform halitza but not levirate marriage. However, one mixed son performs halitza with the wives of the daughter-in-law’s sons, and afterward the other may perform levirate marriage if he wishes (Rambam Sefer Nashim, Hilkhot Yibbum 8:5, Shulhan Arukh, Even HaZer 176:6). In the Jerusalem Talmud, it is concluded from here that one may marry the widow of her father.

However, the certain sons of the elder woman, i.e., the mother-in-law, perform either halitza or levirate marriage, as with regard to each wife it is uncertain whether she is his brother’s wife, in which case levirate marriage is valid, or his brother’s son’s wife, in which case she is permitted to him, after having performed halitza with a son of the daughter-in-law.

If the sons of certain, unflawed lineage were the ones who died, then the mixed sons perform halitza with the widows of the elder woman’s sons but not levirate marriage, as it is uncertain whether she is his brother’s wife or his father’s brother’s wife. With the widows of the certain sons of the daughter-in-law, one of the mixed sons performs halitza, in case she is his brother’s wife. And the other one performs levirate marriage, as even if she is his brother’s son’s wife, she is permitted to him.

In the case of a priestess whose offspring was mixed with her maidservant’s offspring, they may partake of teruma, as both a priest and the slave of a priest partake of teruma. And they receive one share of teruma in the granary.
And they may not become ritually impure with impurity imparted by a corpse, as each of them might be a priest. And they may not marry women, whether unflawed women, who may not marry a slave, or women unfit to marry into the priesthood, as with regard to each of them it is uncertain whether he is a priest or a slave. If the mixed sons matured and freed each other, they may marry women fit to marry into the priesthood, as a freed slave may marry such women. However, neither may marry a woman unfit for the priesthood, in case he is a priest.

And they may not receive a share of the consecrated offerings of the Temple, as each of them might not be a priest. And one may not give them consecrated offerings to sacrifice for the same reason. However, the hides of their own offerings may not be proven with regard to either of them that he is not a priest.

And they are exempt from giving a priest the foreleg, and from giving him the jaw, and from giving him the maw of their non-consecrated kosher animals. And with regard to either of them, the firstling of his kosher animal should graze until it becomes unfit to be sacrificed, i.e., until it gets a blemish. It is against his interest to sacrifice the animal before it gets a blemish, thereby letting it be eaten by the priests. Once it gets a blemish, it cannot be appropriated from him. Since he is possibly a priest, he may claim that the animal is the property of a priest. The animal then becomes his private property, and he may eat it if he wishes. And in general, we place upon him both the stringencies of priests and the stringencies of Israelites.

**GEMARA**

It is stated in the mishna that if the sons of certain, unflawed women, who may not marry a slave, or women unfit to marry into the priesthood, as with regard to each of them it is uncertain whether he is a priest or a slave. The Gemara asks: Does this indicate that because these sons were mixed up they are rendered unfit? The fact that their lineage is unclear should not render them unfit. Rava Pappa said: Say that the correct wording is: And if the certain sons were the ones who died.

It is stated in the mishna that with the widows of the certain sons of the daughter-in-law, one of the mixed sons performs halitza and the other one performs levirate marriage. The Gemara comments that halitza is specifically performed first, and afterward levirate marriage. However, levirate marriage is not performed first, because if she is not his own yevama but rather his brother’s daughter-in-law, doing so breaches the prohibition against a yevama engaging in intercourse with a member of the public.
Isn’t it obvious that they receive one share – קַמָּה? Rashi has a different version of the text: Can it enter your mind that they receive one share? He explains that according to the initial understanding of the mishna, they receive everyone’s shares. The Rida interprets Rashi’s version differently: How can they force the owner of the granary to give them a share? Doesn’t he have the right to choose whether or not to give them a share of his teruma?

Now consider... the animals of the righteous, etc. – נַפְרָת וּלְבָתֵּיהֶם. The Gemara is referring to Rabbi Pinehas ben Yair’s donkey, which refused to eat fodder that had not been tithed, as recounted in tractate Hullin (3a). The Gemara reasons that if God prevents the animals of the righteous from sinning, He certainly does the same for righteous people themselves. Based on that source, Tosafot assert that this protection applies only to the consumption of forbidden food. Therefore, they omit the Gemara’s question here. However, in Sefer Halachot, Rabbeinu Tam maintains that the Gemara’s question does not contradict the assertion of Tosafot, as Rabbi Elazar bar Tzadok’s testimony might have led to a slave consuming food permitted only to a priest.

Not competent – לא הביא מכות: Rabbeinu Hananel explains that due to their incompetence, these people might lose the teruma or not preserve it in a proper state of purity. The Rashba questions this explanation, as the baraita allows sending them teruma to their homes. The Ritva answers that presumably there is a competent adult at their home who will ensure that they take proper care of the teruma.

The Gemara explains the background behind this dispute: In Rabbi Yehuda’s place, they would elevate a person to the presumptive status of priesthood for the purpose of lineage on the basis of his having received teruma. If they saw a person receive teruma, they would assume that he is a priest and testify to that effect. Therefore, teruma was not distributed to someone who might be a slave, unless he was accompanied by his master, lest the slave be assumed to be a priest himself. Conversely, in Rabbi Yosei’s place they would not elevate a person to the presumptive status of priestly lineage on the basis of his having received teruma. Therefore, he was allowed to receive teruma independently.

It is taught in a baraita that Rabbi Elazar bar Tzadok said: In all my days I never had the opportunity to testify in court, besides one testimony, and they promoted a slave to the presumptive status of priesthood on the basis of my word. Although they presumably examined the matter carefully, an error occurred.

The Gemara asks: Can it enter your mind that they actually promoted him? Now consider: If, even through the animals of the righteous, the Holy One, Blessed be He, does not bring about a stumbling block, then through the righteous themselves, all the more so is it not so that He does not bring about stumbling blocks?

Rather, say that this is what Rabbi Elazar bar Tzadok meant: They sought to promote a slave to the presumptive status of priesthood on the basis of my word. How did this happen? Rabbi Elazar bar Tzadok saw a man receiving teruma in Rabbi Yosei’s locale and went and testified in Rabbi Yehuda’s locale about what he saw, not realizing that this testimony would be sufficient grounds to assume that the man is a priest. Since teruma is distributed there only to priests, the slave was almost promoted to the presumptive status of priesthood erroneously.

The Sages taught: There are ten types of priests to whom one may not distribute teruma in the granary, and they are: A deaf-mute, an imbecile, and a minor, a person whose sexual organs are concealed [tumtum], and a hermaphrodite, a slave, and a woman, an uncircumcised man, a ritually impure man, and one who marries a woman who is unfit for him, namely, who is unfit to marry a priest. And with regard to all of them, one may send teruma to them, to their homes, with the exception of a ritually impure man and one who marries a woman who is unfit for him.

It is stated in the mishna that in the case of a priestess whose offspring was mixed with her maidservant’s offspring, they receive one share of teruma in the granary. The Gemara asks: Isn’t it obvious that they receive one share and no more? Rather, say that they receive a share as one, i.e., they receive a share at the granary only if they come together.