

NOTES

With his daughter due to uncertainty – לְבֵתוֹ מִסְפֵּק: 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 LaNer*, it is answered that a father may waive his honor, as opposed to a king, and he may therefore perform *halitza*.

And a *mamzer* – יַמְמוֹר: 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.

תָּנוּ רַבֵּנּוּ: יֵשׁ חוֹלֵץ לְאִמּוֹ מִסְפֵּק, לְאִחֹתוֹ מִסְפֵּק, לְבֵתוֹ מִסְפֵּק.

בֵּיצֵד? אִמּוֹ וְאִשָּׁה אַחֶרֶת וְלָהֶן שְׁנֵי זָכָרִים, וְחֹזְרוּ וְיִלְדוּ שְׁנֵי זָכָרִים בְּמַחְבָּא, וּבָא בְּנָה שֶׁל זֶה וְנִשְׂאָ אִמּוֹ שֶׁל זֶה, וּבְנָה שֶׁל זֶה וְנִשְׂאָ אִמּוֹ שֶׁל זֶה, וּמָתוּ בְּלֵא בָּנִים. זֶה חוֹלֵץ לְשִׁתְיָהֶן וְזֶה חוֹלֵץ לְשִׁתְיָהּ, נִמְצָא כָּל אֶחָד וְאֶחָד חוֹלֵץ לְאִמּוֹ מִסְפֵּק.

לְאִחֹתוֹ מִסְפֵּק בֵּיצֵד? אִמּוֹ וְאִשָּׁה אַחֶרֶת שִׁילְדוּ שְׁתֵּי נְקֻבוֹת בְּמַחְבָּא, וּבָאוּ אַחֵיהֶן שְׁלֹא מֵאוֹתָהּ הָאֵם וְנִשְׂאוּ, וּמָתוּ בְּלֵא בָּנִים – חוֹלֵץ לְשִׁתְיָהֶן, נִמְצָא חוֹלֵץ לְאִחֹתוֹ מִסְפֵּק.

לְבֵתוֹ מִסְפֵּק בֵּיצֵד? אִשְׁתּוֹ וְאִשָּׁה אַחֶרֶת שִׁילְדוּ שְׁתֵּי נְקֻבוֹת בְּמַחְבָּא, וּבָאוּ אַחֵיהֶן וְנִשְׂאוּ, וּמָתוּ בְּלֵא בָּנִים. זֶה חוֹלֵץ לְבֵתוֹ מִסְפֵּק, וְזֶה חוֹלֵץ לְבֵתוֹ מִסְפֵּק.

תֵּנָא, הִיא רַבִּי מֵאִיר אֹמֵר: אִישׁ וְאִשָּׁה, פְּעָמִים שְׁמוֹלֵיִין חֲמֵשׁ אוֹמוֹת,

בֵּיצֵד? וְיִשְׂרָאֵל שֶׁלְקַח עֶבֶד וְשִׁפְחָה מִן הַשּׁוּק, וְלָהֶן שְׁנֵי בָּנִים, וְנִתְגַּיֵּר אֶחָד מֵהֶן – נִמְצָא אֶחָד גֵּר וְאֶחָד גּוֹי. הַטְּבִילִין לְשֵׁם עֲבָדוֹת, וְנִקְקוּ זֶה לְזֶה – הֲרִי כְּאֵן גֵּר וְגוֹי וְעֶבֶד. שִׁחַר אֶת הַשִּׁפְחָה וּבָא עֲלֶיהָ הָעֶבֶד – הֲרִי כְּאֵן גֵּר וְגוֹי וְעֶבֶד וּמְמוֹר. שִׁחַר שְׁנֵיהֶם וְהִשְׂאֵן זֶה לְזֶה – הֲרִי כְּאֵן גֵּר וְגוֹי וְעֶבֶד וּמְמוֹר וְיִשְׂרָאֵל.

§ 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.^N 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,^B 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*.^N 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.

BACKGROUND

And they gave birth to two sons in hiding – וְיִלְדוּ שְׁנֵי זָכָרִים: Archaeological evidence suggests that this is not merely a theoretical construct, but situations like these were not uncommon in mishnaic times. Caves have been found in the Judean Desert that were clearly used as dwelling places where entire

families lived during the bar Kokheva rebellion. It is not surprising that under these conditions newborn babies may have been difficult to identify with certainty. This eventually led to questions about personal status, as described in the Gemara here.

And wrote that all his property should go to her son – וְכָתַב כָּל נִכְסָיו לְבָנָהּ: The commentaries counter that the recipient of a gift is not obligated to pay the marriage contract of the giver. It is explained in *Tosefot HaRosh* that the case is referring to the gift of one who is on his deathbed, which is mortgaged for payment of the marriage contract, just like inheritance. The Ritva answers that apparently the master stipulated that the son is obliged to pay his mother's marriage contract from the property.

מאי קא משמע לן? גוי ועבד הבא על בת ישראל הולד ממזר.

The Gemara asks: **What is the *baraita* teaching us?** The Gemara answers: It is teaching us that if a gentile or a slave engaged in intercourse with a Jewish woman,^h their offspring is a *mamzer*.

תנו רבנן: יש מוכר את אביו להגבות אמו בתובתה. ביצד? ישראל לקח עבד ושפחה מן השוק ולהם בן, ושחרר את השפחה ונשא אה, ועמד וכתב כל נכסיו לבנה. נמצא זה מוכר את אביו להגבות לאמו בתובתה.

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,ⁿ 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.

מאי קא משמע לן? פולה רבי מאיר היא, ועבדא מטלטלי, ומטלטלי משתעבדי לכתובה, ואיבעית אימא. הא קמשמע לן: עבדא כמקרקע דמי.

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,^h and there are those who hold that movable property cannot be mortgaged, Rabbi Meir holds that movable property is mortgaged for a marriage contract.^h** 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.

מתני' האשה שנתערב ולדה בולד בלתי, הגדילו התערובות ונשאו נשים, ומתו בני הכלה – חולצין ולא מיבמין, שהיא ספק אשת אחיו ספק אשת אביו.

MISHNA With regard to a woman whose offspring was mixed with the offspring of her daughter-in-law,^h 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 *yevama*, and uncertain whether she is his father's brother's wife, who is forbidden to him.

HALAKHA

If a gentile or a slave engaged in intercourse with a Jewish woman – גוי ועבד הבא על בת ישראל: If a gentile or a slave engage in intercourse with a *mamzeret*, the child is a *mamzer*. If she is has unflawed lineage, the child is also unflawed, whether or not she was married at the time that he was conceived. However, he is unfit for the priesthood (*Yevamot* 48a–b; *Shulhan Arukh, Even HaEzer* 4:19).

The legal status of a slave is like that of movable property – עבדא מטלטלי: If one states: All of my movable property is hereby given to so-and-so, his slaves are included in the gift (*Shulhan Arukh, Hoshen Mishpat* 248:10). Although the Gemara's dilemma concerning the legal status of a slave is left unresolved, the *Ba'al Halakhot Gedolot* rules that it is like that of movable property with regard to the laws of mortgage.

Movable property is mortgaged for a marriage contract –

מטלטלי משתעבדי לכתובה: 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 – האשה שנתערב ולדה בולד בלתי: 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).

NOTES

It is uncertain whether she is...his brother's son's wife – ספק אשת אחיו...אשת בן אחיו: In the Jerusalem Talmud, it is concluded from here that one may marry the widow of his brother's son. The commentaries ask how this possibly could have been prohibited. In *Korban HaEda*, 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 the wife would be exempt from levirate marriage, as the potential *yavam* is her father.

HALAKHA

The sons of certain, unflawed lineage were the ones who died, etc. – מתו הקשרים וכו': 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 HaEzer* 176:6).

בני הזקנה – או חולצין או מייבמין, שספק אשת אחיו ואשת בן אחיו.

מתו הקשרים, התערבות לבני הזקנה – חולצין ולא מייבמין, שהוא ספק אשת אחיו ואשת אחי אביו. לבני הפלה – אחד חולץ ואחד מייבם.

בהנתן שנתערב ולדה בולד שפחתה – הרי אלו אוכלים בתרומה, וחולקין חלק אחד בגורן.

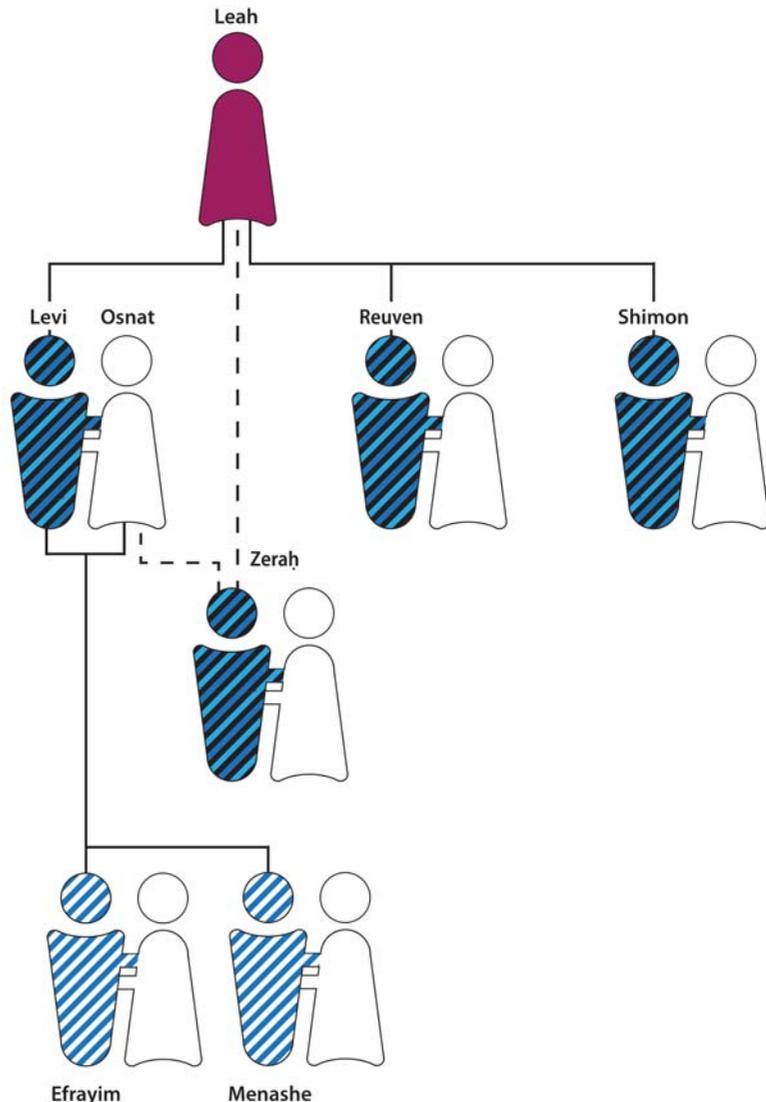
However, the certain sons of the elder woman, i.e., the mother-in-law, perform either *halitza* or levirate marriage, as with regard to each wife it is uncertain whether she is his brother's wife, in which case levirate marriage is valid, or his brother's son's wife,^{NB} in which case she is permitted 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,^H 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.

BACKGROUND

Uncertain whether she is his brother's wife or his brother's son's wife – ספק אשת אחיו ספק אשת אחי אביו: Leah has three sons: Levi, Reuven, and Shimon. Levi and his wife, Osnat, have two sons, Efrayim and Menashe. Leah and Osnat gave birth when they were in hiding, and because of the confusion they could not identify whether Zerah is Leah's or Osnat's son. If Zerah later dies childless, his wife is a *yevama*, but the identity of her *yavam* is unclear. Efrayim and Menashe may perform only *halitza*, as Zerah might be their uncle, whose wife would be forbidden to them as their aunt. However, after they perform *halitza*, Reuven and Shimon can choose whether to perform *halitza* or levirate marriage; if Zerah is their brother, levirate marriage would be valid; if not, she is permitted to marry them as the widow of their brother's son.



ואינן מטמאין למתים, ואינן נושאין נשים
בין כשרות בין פסולות. הגדילו התערבות
ושחררו זה את זה – נושאין נשים ראיות
לכהונה.

ואינן מטמאין למתים, ואם נטמאו – אינן
סופגין הארבעים, ואינן אוכלין בתרומה,
ואם אכלו – אינן משלמין קרן וחומש.
ואינן חולקין על הגורן, ומוכרין את התרומה
והדמים שלהן.

ואינן חולקין בקדשי המקדש, ואין נותנים
להם קדשים, ואין מוציאין שלהם מידיהם.

ופטורין מן הזרוע, ומן הלחיים, ומן הקיבה,
ובכורו יהא רועה עד שישתאב, ונותנין עליו
חומרי כהנים וחומרי ישראלים.

גמ' 'מתו הכשרים' וכו'. אלא הנך, משום
דאיירוב להו להו פסולין! אמר רב פפא:
אימא ומתו הודאין.

'לבני הכלה אחד חולץ' וכו' – דוקא
מיחלץ והדר יבומי, אבל יבומי ברישא –
לא, דקפגע ביבומה לשוק.

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 become ritually impure with impurity imparted by a corpse, since they are uncertain priests. However, if they became impure, they do not receive the forty lashes,^b as each of them might not be priest. And they may not partake of *teruma*, as one of them is not a priest. However, if they ate *teruma* unwittingly they do not payⁿ the principal and the additional fifth,^b as each of them might be a priest. And they do not receive a share of *teruma* in the granary, as neither can prove that he is a priest. However, they may sell the *teruma* that they remove from their own produce, and although they may not eat it, the money is theirs. Since it cannot be proven with regard to either of them that he is not a priest, *teruma* cannot be appropriated from them.

And they do 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 appropriated from their possession, as it cannot 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^b of their non-consecrated kosher animals. And with regard to either of them, the firstling of his kosher animal should grazeⁿ 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.ⁿ

GEMARA It is stated in the mishna that if the sons of certain, unflawed lineage were the ones who died, the mixed sons perform *halitza* with the widows of the elder woman's sons, but not levirate marriage. 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.

BACKGROUND

Receive the forty lashes – סופגין הארבעים – These forty lashes are a form of punishment. The victim is tied to a post in a leaning position and whipped on his back and his chest. The Sages interpreted the verse "Forty stripes he may give him, he may not exceed" (Deuteronomy 25:3) to mean that the number of lashes administered per transgression is thirty-nine. However, if the victim cannot survive that number of lashes, he receives the number he can bear. Prohibitions are, as a rule, punishable by lashes, although there are several exceptions. Lashes are not administered unless the sinner was forewarned immediately prior to his transgression and there are two witnesses to the transgression. According to *halakha*, a court of three is required in order to administer lashes.

Additional fifth – חומש: The additional fifth of the value of an article is added to its price as a fine or to emphasize its importance. For example, when one redeems his own second tithe, he must add an extra fifth of its value (see Leviticus 27:31).

The foreleg, the jaw, the maw – הקיבה, הלחיים, הזרוע: The Torah commands that these portions be given to a priest when non-consecrated animals, i.e., cattle, sheep, and goats, are slaughtered for consumption (see Deuteronomy 18:3). No sanctity is attached to these gifts, and once they have been given to a priest he may give or sell them to a non-priest.

NOTES

ואם אכלו אינן – ואם אכלו אינן: Although they are not liable to pay for the *teruma*, in order to atone for their possible transgression they must separate as *teruma* an amount of produce that is equivalent to the value of the principal and the additional fifth of the *teruma* that they ate. They may sell this produce to priests and keep the money, as it cannot be proved that either of them is not a priest (*Tosafot; Tosefot HaRosh*).

The firstling of his should graze – ובכורו יהא רועה: Rashi maintains that this *halakha* is referring to when the Temple is standing. From the time of the destruction of the Temple, all firstlings were left to graze, and therefore this teaching is irrelevant nowadays. However, other commentaries question this opinion, since if this person of uncertain lineage is not a priest, it is prohibited for him to delay the offering of the firstling, although he stands to gain when it gets injured. One answer is that this case does not involve a firstling of the uncertain priest's own flock. Rather, it pertains to an animal that the mixed sons inherited from the father, who was a priest. Since the prohibition against delaying one's offerings does not apply to an inheritor, they may wait for the animal to get injured.

And we place upon him both the stringencies of priests and the stringencies of Israelites – ונותנין עליו חומרי ישראלים: Some ask why the mishna does not add that they cannot recite the priestly blessings. They answer that an uncertain priest may recite the blessings (*Mei Neftoah*).

Isn't it obvious that they receive one share – חֵלֶק – אֶחָד פְּשִׁיטָא: 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 Rid 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. – הַשְּׂתֵא בְהֵמְתָן שֶׁל צְדִיקִים וְכוּ: The Gemara is referring to Rabbi Pinehas ben Ya'ir's donkey, which refused to eat fodder that had not been tithed, as recounted in tractate *Hullin* (7a). 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 HaYashar*, 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 – לָאוּ בְנֵי דַעָה: 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*.

HALAKHA

To whom one may not distribute *teruma* – אֵין חוֹלְקִין: There are ten types of priests to whom *teruma* is not distributed: A deaf-mute, an imbecile, a minor who is not yet capable of reciting the priestly blessing, a *tumtum*, a hermaphrodite, a slave, a woman, an uncircumcised man, a ritually impure man, and a priest who married a woman who is unfit for him. In all these cases, *teruma* may be sent to their homes, with the exception of an uncircumcised man, a ritually impure man, and one who married an unfit woman (Rambam *Sefer Zera'im*, *Hilkhot Terumat* 12:22).

כְּהֵנָּה שְׁנֵתֵעָרַב וְכוּ: חֵלֶק אֶחָד פְּשִׁיטָא! אֵימָא: חֵלֶק בְּאֶחָד.

תֵּנּוּ כְּמֵאן דְּאָמַר: אֵין חוֹלְקִין תְּרוּמָה לְעֶבֶד אֶלָּא אִם בֶּן רַבּוֹ עִמּוֹ. דְּתֵנְיָא: אֵין חוֹלְקִין תְּרוּמָה לְעֶבֶד אֶלָּא אִם בֶּן רַבּוֹ עִמּוֹ, דְּבִרְי רַבִּי יְהוּדָה. רַבִּי יוֹסֵי אוֹמֵר: יְכוּל שְׂאִמְרָא: אִם בְּהֵן אֵינִי – תֵּנּוּ לִי בְּשִׁבְלֵי עֲצָמֵי, וְאִם עֶבֶד בְּהֵן אֵינִי – תֵּנּוּ לִי בְּשִׁבְלֵי רַבִּי.

בְּמִקְוָמוֹ שֶׁל רַבִּי יְהוּדָה הָיוּ מַעֲלִין מִתְּרוּמָה לְיוֹחֲסִין. בְּמִקְוָמוֹ שֶׁל רַבִּי יוֹסֵי לֹא הָיוּ מַעֲלִין מִתְּרוּמָה לְיוֹחֲסִין.

תֵּנְיָא, אָמַר רַבִּי אֶלְעָזָר בַּר צְדוּק: מִיָּמֵי לֹא הָעֵדְתִי אֶלָּא עֵדוּת אֶחָד, וְהָעֵלּוּ עֶבֶד לְכַהֲנָה עַל פִּי.

הָעֵלּוּ סִלְקָא דְעֵתְךָ? הַשְּׂתֵא בְהֵמְתָן שֶׁל צְדִיקִים אֵין הַקְדוּשׁ בְּרוּךְ הוּא מְבִיא תַקְלָה עַל יְדֵי, צְדִיקִים עֲצָמָן לֹא כָּל שָׂכָן!

אֶלָּא אֵימָא: בְּקִשׁוֹ לְהַעֲלוֹת עֶבֶד לְכַהֲנָה עַל פִּי. חוּזָא בְּאַתְרֵיהּ דְּרַבִּי יוֹסֵי, וְאִזְל וְאִסְהִיד בְּאַתְרֵיהּ דְּרַבִּי יְהוּדָה.

תֵּנּוּ רַבְנָן: עֲשֵׂרָה אֵין חוֹלְקִין לָהֶם תְּרוּמָה בְּבֵית הַגְּרָנוֹת, וְאִלוּ הֵן: חֵרֶשׁ, שׁוֹטֵה, וְקֵטָן, טוּמְטוּם, וְאַנְדְּרוּגִינוֹס, וְהָעֶבֶד, וְהָאִשָּׁה, וְהָעֶרְלָה, וְהַטְּמֵא, וְנוֹשֵׂא אִשָּׁה שְׂאִינָה הוֹגְנָת לֹו. וְכוּלָּן מְשַׁגְּרִין לָהֶם לְבַתְיָהֶם – חוּץ מִטְּמֵא וְנוֹשֵׂא אִשָּׁה שְׂאִינָה הוֹגְנָת לֹו.

בְּשִׁלְמָא חֵרֶשׁ שׁוֹטֵה וְקֵטָן – לָאוּ בְנֵי דַעָה יִנְהוּ, טוּמְטוּם וְאַנְדְּרוּגִינוֹס נְמִי

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^N 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.

The Gemara comments: According to this modification, we have learned in the mishna a ruling that is in accordance with the one who said that one may distribute *teruma* to a slave only if his master is with him, as it is taught in a *baraita*: One may distribute *teruma* to the slave of a priest who is possibly a priest himself only if his master is with him; this is the statement of Rabbi Yehuda. Rabbi Yosei says that *teruma* is distributed to him alone, even without the accompaniment of his master, as he can say: If I am a priest, give me *teruma* due to my own priesthood, and if I am the slave of a priest, give me due to my master.

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,^N 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*^H 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, and a slave, and a woman, and an uncircumcised man, and a ritually impure man, and one who marries a woman who is unfit for him, i.e., 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.

The Gemara asks: Granted, *teruma* may not be distributed to a deaf-mute, an imbecile, and a minor, as they are not competent,^N and it is unbecoming to give them *teruma* in public. It is also inappropriate to distribute *teruma* to a *tumtum* and a hermaphrodite,