

PEDOPHILIA: THE TALMUD'S DIRTY SECRET

By Rev. Ted Pike

Editor's Note:

Hardly a week now passes without indictment of another Orthodox rabbi on a sex-with-minors charge. Such arrests are well-reported in media meant primarily for Jews. Yet, while Jewish-dominated and evangelical media are quick to dramatize pedophilia among Catholic priests, Jewish pedophilia remains entirely censored. Such censorship compels me to reprint the following article yearly—a reminder that present Jewish pedophilia has deep and ancient Talmudic roots.

For nearly a century, the Jewish-dominated Hollywood film industry and big media have conspicuously influenced Christian America away from Biblical morals and values.

Yet, with the hippie rebellion of the early sixties, the Jewish media found exponential opportunities to hasten America's moral decline. Encouraging drugs and pornography it persuaded America that "free love" and living together outside of marriage were socially acceptable. With astonishing rapidity the movie, TV, and print media helped produce a generation of sexual libertines. By the end of the sixties, it hastened the sexual revolution to its next stage, homosexuality.

Now, more than 40 years later, even homosexuality has lost its attraction to many children and grandchildren of the hippie generation. Pedophilia (sex with little boys and girls along with child pornography) is the latest underground obsession sweeping America and the world.

Last fall, I alerted the nation to the power of the pedophile lobby in Congress; Sen. Edward Kennedy, long backed by homosexuals in support of the federal anti-hate bill, betrayed them to favor the evidently more powerful and rewarding pedophiles.

Rotten Roots

What kind of moral foundations do Jews of the media rest upon, that they could consciously ignite and fan the flames of a sexual inferno that continues to ravage our once Christian society?

Virtually all the media moguls who founded Hollywood and the big three TV networks were immigrants, or their children, from predominantly orthodox Jewish communities in Eastern Europe.

In the late 19th century, most European Jews were a people of the book. But their book wasn't the Bible. It was the Babylonian Talmud. To this day, the Talmud remains Judaism's highest moral, ethical and legal authority.

Does the Talmud share Christianity's foundation of wholesome moral values? Hardly. Instead, the Talmud is the sleazy substrata of a religious system gone terribly astray; it is that code of Pharisaic unbelief Christ described as "full of all uncleanness" (Matt. 23:27). Shockingly, Judaism's most revered authority actually endorses such sins as lying, oath-breaking, and indirect murder. And it even sanctions one of the greatest sins of all: child molestation.

Three Year Old Brides

When Christ accused the Pharisees of His day of being Satan's spiritual children, He fully realized what they were capable of. Second century Rabbi Simeon ben Yohai, one of Judaism's very greatest rabbis and a creator of Kabbalah, *sanctioned* pedophilia—permitting molestation of baby girls even younger than three! He proclaimed, "A proselyte who is under the age of three years and a day is permitted to marry a priest."¹ Subsequent rabbis refer to ben Yohai's endorsement of pedophilia as "halakah," or binding Jewish law.² Has ben Yohai, child rape advocate, been disowned by modern Jews? Hardly. Today, in ben Yohai's hometown of Meron, Israel, tens of thousands of orthodox and ultra-orthodox Jews gather annually for days and nights of singing and dancing in his memory.

References to pedophilia abound in the Talmud. They occupy considerable sections of Treatises Kethuboth and Yebamoth and are enthusiastically endorsed by the Talmud's definitive legal work, Treatise Sanhedrin.

The Pharisees Endorsed Child Sex

The rabbis of the Talmud are notorious for their legal hairsplitting, and quibbling debates. But they share rare agreement about their right to molest three year old girls. In contrast to many hotly debated issues, hardly a hint of dissent rises against the prevailing opinion (expressed in many clear passages) that pedophilia is not only normal but scriptural as well! It's as if the rabbis have found an exalted truth whose majesty silences debate.

Because the Talmudic authorities who sanction pedophilia are so renowned, and because pedophilia as “halakah” is so explicitly emphasized, not even the translators of the Soncino edition of the Talmud (1936) dared insert a footnote suggesting the slightest criticism. They only comment: “Marriage, of course, was then at a far earlier age than now.”³

In fact, footnote 5 to Sanhedrin 60b rejects the right of a Talmudic rabbi to disagree with ben Yohai's endorsement of pedophilia: "How could they [the rabbis], contrary to the opinion of R. Simeon ben Yohai, which has scriptural support, forbid the marriage of the young proselyte?"⁴

Out of Babylon

It was in Babylon after the exile under Nebuchadnezzar in 597 BC that Judaism's leading sages probably began to indulge in pedophilia. Babylon was the staggeringly immoral capitol of the ancient world. For 1600 years, the world's largest population of Jews flourished within it.

As an example of their evil, Babylonian priests said a man's religious duty included regular sex with temple prostitutes. Bestiality was widely tolerated. So Babylonians hardly cared whether a rabbi married a three year old girl.

But with expulsion of the Jews in the 11th century AD, mostly to western Christian lands, Gentile tolerance of Jewish pedophilia abruptly ended.

Still, a shocking contradiction lingers: If Jews want to revere the transcendent wisdom and moral guidance of the Pharisees and their Talmud, they must accept the right of their greatest ancient sages to violate children. To this hour, no synod of Judaism has repudiated their vile practice.

Sex with a “Minor” Permitted

What exactly did these sages say?

The Pharisees justified child rape by explaining that a boy of nine years was not a “man” thus they exempted him from God's Mosaic Law: “You shall not lie with a male as one lies with a female; it is an abomination” (Lev. 18:22) One passage in the Talmud gives permission for a woman who molested her young son to marry a high priest. It concludes, “All agree that the connection of a boy aged nine years and a day is a real connection; whilst that of one less than eight years is not.”⁵ Because a boy under 9 is sexually immature, he can't "throw guilt" on the active offender, morally or legally.⁶

A woman could molest a young boy without questions of morality even being raised: "...the intercourse of a small boy is not regarded as a sexual act."⁷ The Talmud also says, "A male aged nine years and a day who cohabits with his deceased brother's wife acquires her (as wife)." ⁸ Clearly, the Talmud teaches that a woman is permitted to marry and have sex with a nine year old boy.

Sex at Three Years and One Day

In contrast to Simeon ben Yohai's dictum that sex with a little girl is permitted under the age of three years, the general teaching of the Talmud is that the rabbi must wait until a day after her third birthday. She could be taken in marriage simply by the act of rape.

R. Joseph said: Come and hear! A maiden aged three years and a day may be acquired in marriage by coition and if her deceased husband's brother cohabits with her, she becomes his. (Sanh. 55b)

A girl who is three years of age and one day may be betrothed by cohabitation. . . .(Yeb. 57b)

A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabited with her she becomes his. (Sanh. 69a, 69b, also discussed in Yeb. 60b)

It was taught: R. Simeon b. Yohai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest, for it is said, But all the women children that have not known man by lying with him, keep alive for yourselves, and Phineas (who was priest, the footnote says) surely was with them. (Yeb. 60b)

[The Talmud says such three year and a day old girls are] . . . fit for cohabitation. . . . But all women children, that have not known man by lying with him, it must be concluded that Scripture speaks of one who is fit for cohabitation. (Footnote to Yeb. 60b)

The example of Phineas, a priest, himself marrying an underage virgin of three years is considered by the Talmud as proof that such infants are "fit for cohabitation."

The Talmud teaches that an adult woman's molestation of a nine year old boy is "not a sexual act" and cannot "throw guilt" upon her because the little boy is not truly a "man."⁹ But they use opposite logic to sanction rape of little girls aged three years and one day: Such infants they count as "women," sexually mature and fully responsible to comply with the requirements of marriage.

The Talmud footnotes 3 and 4 to Sanhedrin 55a clearly tell us when the rabbis considered a boy and girl sexually mature and thus ready for marriage. "At nine years a male attains sexual matureness... The sexual matureness of woman is reached at the age of three."

No Rights for Child Victims

The Pharisees were hardly ignorant of the trauma felt by molested children. To complicate redress, the Talmud says a rape victim must wait until she was of age before there would be any possibility of restitution. She must prove that she lived and would live as a devoted Jewess, and she must protest the loss of her virginity on the *very hour* she comes of age. "As soon as she was of age one hour and did not protest she cannot protest any more."¹⁰

The Talmud defends these strict measures as necessary to forestall the possibility of a Gentile child bride rebelling against Judaism and spending the damages awarded to her as a heathen - an unthinkable blasphemy! But the rights of the little girl were really of no great consequence, for, "When a grown-up man has intercourse with a little girl it is nothing, for when the girl is less than this (three years and a day) it is as if one put the finger into the eye." The footnote says that as "tears come to the eye again and again, so does virginity come back to the little girl under three years."¹¹

In most cases, the Talmud affirms the innocence of male and female victims of pedophilia. Defenders of the Talmud claim this proves the Talmud's amazing moral advancement and benevolence toward children; they say it contrasts favorably with "primitive" societies where the child would have been stoned along with the adult perpetrator.

Actually, the rabbis, from self-protection, were intent on proving the innocence of both parties involved in pedophilia: the child, but more importantly, the pedophile. They stripped a little boy of his right to "throw guilt" on his assailant and demanded complicity in sex from a little girl. By thus providing no significant moral or legal recourse for the child, the Talmud clearly reveals whose side it is on: the raping rabbi.

Pedophilia Widespread

Child rape was practiced in the highest circles of Judaism. This is illustrated from Yeb. 60b:

There was a certain town in the land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an inquiry and found in it the

daughter of a proselyte who was under the age of three years and one day, and Rabbi declared her eligible to live with a priest.

The footnote says that she was “married to a priest” and the rabbi simply permitted her to live with her husband, thus upholding “halakah” as well as the dictum of Simeon ben Yohai, “A proselyte who is under the age of three years and one day is permitted to marry a priest.”¹²

These child brides were expected to submit willingly to sex. Yeb. 12b confirms that under eleven years and one day a little girl is not permitted to use a contraceptive but “must carry on her marital intercourse in the usual manner.”

In Sanhedrin 76b a blessing is given to the man who marries off his children before they reach the age of puberty, with a contrasting curse on anyone who waits longer. In fact, failure to have married off one’s daughter by the time she is 12-1/2, the Talmud says, is as bad as one who “returns a lost article to a Cuthean” (Gentile) - a deed for which “the Lord will not spare him.”¹³ This passage says: “... it is meritorious to marry off one’s children whilst minors.”

The mind reels at the damage to the untold numbers of girls who were sexually abused within Judaism during the heyday of pedophilia. Such child abuse, definitely practiced in the second century, continued, at least in Babylon, for another 900 years.

A Fascination with Sex

Perusing the Talmud, one is overwhelmed with the recurrent preoccupation with sex, especially by the most eminent rabbis. Dozens of illustrations could be presented to illustrate the delight of the Pharisees to discuss sex and quibble over its minutest details.

The rabbis endorsing child sex undoubtedly practiced what they preached. Yet to this hour, their words are revered. Simeon ben Yohai is honored by Orthodox Jews as one of the very greatest sages and spiritual lights the world has ever known. A member of the earliest "Tannaim," rabbis most influential in creating the Talmud, he carries more authority to observant Jews than Moses.

Today, the Talmud’s outspoken pedophiles and child-rape advocates would doubtlessly spend hard time in prison for child molestation. Yet here is what the eminent Jewish scholar, Dagobert Runes (who is fully aware of all these passages), says about such “dirty old men” and their perverted teachings:

*There is no truth whatever in Christian and other strictures against the Pharisees, who represented the finest traditions of their people and of human morals.*¹⁴

Aren't Christ's words more appropriate?

Woe unto you, scribes and Pharisees, hypocrites! for ye are like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones, and of all uncleanness. Even so ye also outwardly appear righteous unto men, but within ye are full of hypocrisy and iniquity. (Matthew 23:27, 28.)

(Adapted from Ted Pike's book, *Israel: Our Duty, Our Dilemma*)

Endnotes:

¹ Yebamoth 60b, p. 402.

² Yebamoth 60b, p. 403.

³ Sanhedrin 76a.

⁴ In Yebamoth 60b, p. 404, Rabbi Zera disagrees that sex with girls under three years and one day should be endorsed as halakah.

⁵ Sanhedrin 69b.

⁶ Sanhedrin 55a.

⁷ Footnote 1 to Kethuboth 11b.

⁸ Sanhedrin 55b.

⁹ Sanhedrin 55a.

¹⁰ Kethuboth 11a.

¹¹ Kethuboth 11b.

¹² Yebamoth 60b.

¹³ Sanhedrin 76b.

¹⁴ Dagobert Runes, *A Concise Dictionary of Judaism*, New York, 1959.

has intercourse with a grown-up woman makes her [as though she were] injured by a piece of wood.¹ When I said it before Samuel he said: 'Injured by a piece of wood' does not apply to² flesh. Some teach this teaching by itself:³ [As to] a small boy who has intercourse with a grown-up woman, Rab said, he makes her [as though she were] injured by a piece of wood; whereas Samuel said: 'Injured by a piece of wood' does not apply to flesh. R. Oshaia objected: WHEN A GROWN-UP MAN HAS HAD INTERCOURSE WITH A LITTLE GIRL, OR WHEN A SMALL BOY HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR WHEN A GIRL WAS ACCIDENTALLY INJURED BY A PIECE OF WOOD—[IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ]; SO ACCORDING TO R. MEIR, BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD—HER KETHUBAH IS A MANEH!⁴ Raba said. It means⁵ this: When a grown-up man has intercourse with a little girl it is nothing, for when the girl is less than this,⁶ it is as if one puts the finger into the eye;⁷ but when a small boy has intercourse with a grown-up woman he makes her as 'a girl who is injured by a piece of wood,' and [with regard to the case of] 'a girl injured by a piece of wood,' itself, there is the difference of opinion between R. Meir and the Sages.

Rami b. Hama said: The difference of opinion⁸ is [only] when he⁹ knew her,¹⁰ for R. Meir compares her¹¹ to a mature girl,¹² and

(1) Although the intercourse of a small boy is not regarded as a sexual act, nevertheless the woman is injured by it as by a piece of wood. (2) Lit., 'is not in'. (3) I.e., the difference of opinion between Rab and Samuel with regard to that question was recorded without any reference to R. Judah. (4) The Sages differ only with regard to a girl injured by a piece of wood, but not with regard to a small boy who has intercourse with a grown-up woman. This shows that the latter case cannot be compared with the former case. The Mishnah would consequently be against Rab and for Samuel. (5) Lit., 'says'. (6) Lit., 'here', that is, less than three years old. (7) I.e., tears come to the eye again and again, so does virginity come back to the little girl under three years. Cf. Nid. 45a. (8) Between R. Meir and the Sages. (9) The husband. (10) I.e., he knew, when he married her, that the bride was thus injured. (11) The one who was thus injured. (12) *A boqereth* (v. Gos.), a girl of full maturity, may

defect,¹ and even the rival of one's own daughter who was incapable of procreation [is permitted].² But what about the expression WERE FOUND³ in our Mishnah?—Read, 'were'.

When Rabin came⁴ he stated in the name of R. Johanan: The rival of a *mema'eneth*,⁵ the rival of a woman incapable of procreation, as well as the rival of a divorced woman who had been remarried to her former husband,⁶ are all permitted.

R. Bebai recited before R. Nahman: Three [categories of] women may⁷ use an absorbent⁸ in their marital intercourse:⁹ A minor, a pregnant woman and a nursing woman. The minor,¹⁰ because [otherwise] she might¹¹ become pregnant, and as a result¹¹ might die. A pregnant woman,¹⁰ because [otherwise], she might¹¹ cause her foetus to degenerate into a *sandal*.¹² A nursing woman,¹⁰ because [otherwise] she might¹¹ have to wean her child prematurely¹³ and this would result in his death. And what is the age of such a minor?¹⁴ From the age of eleven years and one day until the age of twelve years and one day. One who is under,¹⁵ or over this age¹⁶ must carry on her marital intercourse in the usual manner. This is the opinion of R. Meir. The Sages, however, say: The one as well as the other carries on her marital intercourse in the usual manner, and mercy will be vouchsafed from

(1) And nevertheless consented to the marriage, which is consequently valid, and the woman is his lawful wife. (2) The rival of a forbidden relative is forbidden only where the latter would have been subject to the precept of the levirate marriage if she had been no relative. In the case of a wife incapable of procreation, however, since she is not subject to the levirate marriage even where she is no relative at all, her rival even where she (the wife) is a forbidden relative, is regarded as the rival of one in relation to whom the precept of levirate marriage is not applicable at all. Cf. הלכות גרויות quoted by Rashi. (3) V. p. 61, n. 14. (4) From Palestine to Babylon. (5) V. Glos. s.v. *mi'um*. In this case it refers to one who refused the levir (V. Rashi a.l.). (6) After she had been married by a second husband who divorced her or died. (7) [So Rashi. R. Tam: Should use, v. Tosaf s.v. שש.] (8) צוף, hackled wool or flax. (9) To prevent conception. (10) May use the absorbent. (11) Lit., 'perhaps'. (12) סנדל lit., 'a flat fish', i.e., a flat, fish-shaped abortion due to superfetation. (13) Owing to her second conception. (14) Who is capable of conception but exposed thereby to the danger of death. (15) When no conception is possible. (16) When pregnancy involves no fatal consequences.

Said Samuel: Abba¹ agrees with me in the case of a girl who is under three years of age and one day; since cohabitation with her constitutes no *ḵinyan*,² the bridal chamber³ also constitutes no *ḵinyan*.²

Raba said, We also learned a similar Baraitha:⁴ A girl who is three years of age and one day may be betrothed by cohabitation; if a levir cohabited with her, he has thereby acquired her;⁵ one incurs through her the guilt of intercourse with a married woman; she⁶ defiles her cohabitor in respect of his imparting defilement to the lower, as well as to the upper couch;⁷ if she was married to a priest she may eat *terumah*, and anyone ineligible⁸ who cohabited with her causes her ineligibility.⁹ Thus only a girl of the age of three years and one day, who is rendered ineligible by cohabitation, is also rendered ineligible through the bridal chamber; but a girl younger than three years and one day, who is not rendered ineligible by cohabitation, is not rendered ineligible through the bridal chamber either.¹⁰ This proves it.

Rami b. Ḥama stated: [In regard to the question whether] the bridal chamber¹¹ constitutes *ḵinyan*¹² with ineligible women,¹³ we arrive at a difference of opinion between R. Meir and R. Eleazar and R. Simeon. [58a] According to R. Meir who holds that the betrothal causes ineligibility, the bridal chamber¹⁴ also causes ineligibility, while according to R. Eleazar and R. Simeon who

(1) I.e., Rab, whose proper name was Abba. The former name (*Rab* = Master) was a title of honour conferred upon him as the Master *par excellence* of his time. According to Rashi, a.l., 'Abba' was a term of respect synonymous with 'prince' and 'master' by which Samuel, his younger contemporary, referred to Rab. (2) V. *supra* p. 385, n. 12. (3) Which constitutes *ḵinyan* only where cohabitation is possible, but which is not the case with a child under the age mentioned. (4) From which the ruling on which Rab and Samuel are in agreement may be inferred. (5) She is deemed to be his legal wife. (6) During her period of menstruation. (7) If he lies on a number of couches (coverlets, bed-spreads, and the like) resting one upon the other, he imparts levitical defilement to all, though he comes in direct contact with the uppermost one only. (8) A bastard, for instance. (9) V. *supra* p. 385, n. 12. Cf. *Ḳid.* 10af, v. *Sanh.* Sonc. ed. p. 376, n. 2. (10) Cf. *supra* note 3. (11) V. p. 385, n. 11. (12) V. *loc. cit.*, n. 12.

"*Unto him*", includes one who is adolescent'. But surely R. Simeon stated that '*virgin*' implied a perfect virgin!¹—His reason there is also derived from here, because he makes the following exposition: since [the Scriptural text], '*unto him*', was required to include one who is adolescent, it is to be inferred that '*virgin*' implies a perfect virgin.

It was taught: R. Simeon b. Yoḥai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest,² for it is said, But all the women children that have not known man by lying with him, keep alive for yourselves,³ and Phinehas⁴ surely was with them. And the Rabbis?⁵—[These were kept alive] as bondmen and bondwomen.⁶ If so,⁷ a proselyte whose age is three years and one day⁸ should also be permitted!—[The prohibition is to be explained] in accordance with R. Huna. For R. Huna pointed out a contradiction: It is written, *Kill every woman that hath known man by lying with him,*⁹ but if she hath not known, save her alive; from this it may be inferred that children are to be kept alive whether they have known or have not known [a man]; and, on the other hand, it is also written, *But all the women children, that have not known man by lying with him, keep alive for yourselves,*³ but do not spare them if they have known. Consequently¹⁰ it must be said that Scripture speaks of one who is fit¹¹ for cohabitation.¹²

It was also taught likewise: *And every woman that hath known man;*⁹ Scripture speaks of one who is fit¹² for cohabitation. You say, 'Of one who is fit for cohabitation'; perhaps it is not so but of one who had actual intercourse?—As Scripture stated, *But all women children, that have not known man by lying with him,*¹³ it must be concluded that Scripture speaks of one who is fit for cohabitation.¹²

(1) *Supra* 59a. One who is adolescent is no more a perfect virgin. (2) She is not regarded as a harlot. (3) Num. XXXI, 18. (4) Who was a priest. (5) How could they, contrary to the opinion of R. Simeon b. Yoḥai, which has Scriptural support, forbid the marriage of the young proselyte? (6) Not for matrimony. (7) That, according to R. Simeon, Num. XXXI, 18 refers to matrimony. (8) So long as she has '*not known man*'. (9) Num. XXXI, 17. (10) To reconcile the contradiction. (11) I.e., one who had attained the age of three years and one day. (12) Not one who had actually experienced it. (13) Implying that any grown-up woman is not to be spared, even if she hath not known man.

Whence did they know?¹—R. Hana² b. Bizna replied in the name of R. Simeon the Pious: They were made to pass before the front-plate.³ If the face of anyone turned pale⁴ it was known that she was fit for cohabitation; if it did not turn pale⁴ it was known that she was unfit for cohabitation.

R. Nahman said: Dropsy is a manifestation of lewdness.

Similarly, it is said, *And they found among the inhabitants of Jabesh-gilead four hundred young virgins, that had not known man by lying with him;*⁵ whence did they know it?⁶ R. Kahana replied: They made them sit upon the mouth of a wine-cask. [Through anyone who had] had previous intercourse, the odour penetrated; through a virgin, its odour did not penetrate. They should have been made to pass before the front-plate!⁷—R. Kahana son of R. Nathan replied: It is written, *for acceptance*,⁸ for acceptance but not for punishment. If so, the same should have applied at Midian also!⁹ R. Ashi replied: It is written, 'unto them', implying *unto them*¹⁰ for acceptance but not for punishment; unto idolaters,¹¹ however, even for punishment.¹²

R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The *halachah* is in agreement with R. Simeon b. Yoḥai.¹³ Said R. Zera to R. Jacob b. Idi: Did you hear this¹³ explicitly or did you learn it by a deduction? What [could be the] deduction?—As R. Joshua b. Levi related: There was a certain town in the Land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an enquiry and found in it the daughter of a proselyte who was under the age of three years and one day,¹⁴ and Rabbi declared her eligible to live with a priest.¹⁵

(1) Which of the Midianite women, referred to in the texts quoted, was, or was not fit for cohabitation. (2) Cur. edd., 'Huna'. (3) י"ף, the gold plate which was worn by the High Priest on his forehead. V. Ex. XXVIII, 36ff. (4) Lit., '(sickly) green'. (5) Judges XXI, 12. (6) Cf. *supra* n. 1 *mutatis mutandis*. (7) As was done in the case of the Midianites (v. *supra*). (8) Ex. XXVIII, 38, referring to the front-plate. (9) Why then was the test there performed before the plate? (10) Israelites, as were the inhabitants of Jabesh-gilead. (11) As were the Midianites. (12) By the front-plate. (13) That a proselyte under the age of three years and one day may be married by a priest. (14) And was married

treated as an old one.¹ What is meant by this?—Rab said: Pederasty with a child below nine years of age is not deemed as pederasty with a child above that. Samuel said: Pederasty with a child below three years is not treated as with a child above that.² What is the basis of their dispute?—Rab maintains that only he who is able to engage in sexual intercourse, may, as the passive subject of pederasty throw guilt [upon the active offender]; whilst he who is unable to engage in sexual intercourse cannot be a passive subject of pederasty [in that respect].³ But Samuel maintains: Scripture writes, [*And thou shalt not lie with mankind*] *as with the lyings of a woman*.⁴

It has been taught in accordance with Rab: Pederasty at the age of nine years and a day; [55a] [he] who commits bestiality, whether naturally or unnaturally; or a woman who causes herself to be bestially abused, whether naturally or unnaturally, is liable to punishment.⁵

R. Nahman, son of R. Hisda stated in an exposition: In the case of a woman, there are two modes of intimacy, but in the case of a

(1) The reference is to the passive subject of sodomy. As stated *supra* 54a, guilt is incurred by the active participant even if the former be a minor, i.e., less than thirteen years old. Now, however, it is stated that *within* this age a distinction is drawn. (2) I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum. (3) At nine years a male attains sexual matureness. (4) Lev. XVIII, 22. Thus the point of comparison is the sexual matureness of woman, which is reached at the age of three. (5) [Rashi reads ״ב״ instead of the ״ג״ in our printed texts. A male, aged nine years and a day who commits etc.] There are thus three distinct clauses in this Baraita. The first—a male aged nine years and a day—refers to the *passive* subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning: because firstly, the *active* offender is never explicitly designated as a male, it being understood, just as the Bible states, *Thou shalt not lie with mankind*, where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the *active* party, the guilt being incurred by the *passive adult* party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraita supports Rab's contention that nine years (and a day) is the minimum age of the passive

Even as R. Hammuna propounded: What if a Jew committed bestiality in ignorance; must there have been both a stumbling block and degradation [for the animal to be stoned] and in this case there is only degradation, but no sin; or perhaps for degradation alone without there having been a stumbling block [the animal is stoned]?¹—R. Joseph said: Come and hear! A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabits with her, she becomes his. The penalty of adultery may be incurred through her; [if a *niddah*] she defiles him who has connection with her, so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea].² If she married a priest, she may eat of *terumah*;³ if any unfit person⁴ has a connection with her, he disqualifies her from the priesthood.⁵ If any of the forbidden degrees had intercourse with her, they are executed on her account,⁶ but she is exempt.⁷ Now, 'any of the forbidden degrees' implies even a beast: in this case, there is degradation but no stumbling-block, yet it is taught that they [including a beast] are slain on her

(1) According to the latter explanation of the Mishnah, this problem is solved, whilst the first remains unanswered; but according to the first explanation, the first problem is solved, but not the second. As we cannot be certain which is correct, both so far are unsolved. (2) A man who had sexual connection with a *niddah*, defiles that upon which he lies, even if he does not actually touch it. But the degree of uncleanness it thereby acquires is not the same as that of bedding upon which a *niddah* herself, or a person afflicted with gonorrhoea, lies. For in the latter case, the defilement is so great that the bedding in turn renders any person or utensil with which it comes into contact unclean; whilst in the former, it can only defile foodstuffs and liquids. This is the same degree of uncleanness possessed by a garment which has lain upon, or been borne by a *zab* (i.e., one afflicted with issue). (3) As the law of an Israelite's (adult) daughter who married a priest. But if she was less than three years old, although the *Kiddushin* accepted on her behalf by her father is valid, yet since she is sexually immature, the marriage cannot be consummated, and hence she is not thereby enabled to eat of *terumah*. On *terumah*, the priest's portion of an Israelite's produce, v. Glos. (4) E.g., a heathen, *hullal*, *nathin*, or bastard. (5) I.e., if a priest's daughter, or if the daughter of a Levite or Israelite married to a priest, she may not eat of *terumah*. (6) If they are of those forbidden on pain of death; v. *supra* 53a. (7) As she is a minor.

account.¹ [No, this is not conclusive, as it can be argued that] since she deliberately offended there is a stumbling-block] [though she is a minor] but the All-Merciful One had mercy upon her; now, He shewed mercy to her, but not to the animal.

Raba said: Come and hear! A male aged nine years and a day who cohabits with his deceased brother's wife [the former having left no issue] acquires her [as wife]. But he cannot divorce her until he attains his majority.² He is defiled through coition with a *niddah*,³ so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea]. He disqualifies [a woman from the priesthood],⁴ but cannot enable a woman to eat [of *terumah*].⁵ He renders an animal unfit for the altar,⁶ and it is stoned on his account,⁷ and if he had intercourse with one of the degrees forbidden in the Torah, the latter is executed. Now here there is degradation, but no stumbling-block, yet it is taught: 'It is stoned on his account.' Since it was a *deliberate* offence, there is a stumbling-block, but the All-Merciful One had mercy upon him; now, He showed mercy to him, but not to the animal.

Come and hear! ANOTHER REASON IS THAT THE ANIMAL SHOULD NOT PASS THROUGH THE STREETS WHILST PEOPLE SAY, 'THIS IS THE ANIMAL ON ACCOUNT OF WHICH SO AND SO WAS STONED.' Now surely, since the latter reason embraces both stumbling-block and degradation, the former reason refers to degradation only, that is, when a Jew committed bestiality in igno-

(1) This solves R. Hamnuna's problem. (2) For, being a minor, he has no power to release her from a bond laid upon her, in the first place, by an adult (his brother). (3) This rendering follows the more correct text of the Mishnah, Niddah 45a, of which this is a quotation, which has *umittamma beniddah* (through or by a *niddah*), instead of the reading here: *umittamma keniddah*, as a *niddah*. (4) V. p. 343, n. 6. (5) If he is a priest, and has sexual connection with an Israelite's daughter with marital intent, this does not authorise her to eat of *terumah*, because he has no legal powers of acquisition in marriage, excepting over his levirate sister-in-law, who is already bound to him. (6) If he committed bestiality therewith, only one witness attesting the offence, the animal is not killed, nor does it become unfit for secular use, but it may no longer be offered as a sacrifice. (7) If his bestiality was attested by two witnesses.

the majority! This was reported back to Rabina. He replied: Do we then not follow the majority in capital charges? But we learnt: If one witness testified that the crime was committed on the second day of the month, and one on the third, their testimony is valid; for one knew that the past month had been full, and the other did not.¹ But if you maintain that we do not follow the majority, should we not say that these witnesses testify exactly,² and thus contradict each other? Hence it surely must be that we follow the majority who are wont to err with respect to the fulness of the month.

R. Jeremiah of Difti said: We also learnt the following: A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabited with her, she becomes his. The penalty of adultery may be incurred through her; [if a *niddah*,] she defiles him who has connection with her, so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea]. If she married a priest, she may eat of *terumah*; if any unfit person cohabits with her, he disqualifies her from the priesthood. If any of the forbidden degrees had intercourse with her, they are executed on her account, but she is exempt.³ [69b] But why so: may she not prove to be barren, her husband not having married her on such a condition?⁴ Hence it must be that we take into account only the majority, and the majority of women are not constitutionally barren! No. The penalty incurred on her account is a sacrifice, [but not death]. But it is explicitly stated, "They are executed on her account?"—That refers to incest by her father. But the statement is, If *any* of the forbidden degrees had intercourse with her?⁶—Hence this

(1) V. *supra* 40a. (2) Jewish months are of either twenty-nine or thirty days duration. As the sanctification of the new month depended on the direct testimony of witnesses, each new moon being proclaimed by the Sanhedrin, it well might happen that a witness had not known that the preceding month had consisted of thirty days, and hence thought that the day of the crime was the third, instead of the second, of the new month. (3) I.e. that since there is a minority that does not err in respect of the length of the month, why not assume that each knows the length of the preceding month? (4) V. *supra* 55b. (5) In which case the marriage is null. (6) This includes the violation of the

